UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS
SECOND SESSION

VOLUME 154—PART 9

JUNE 9, 2008 TO JUNE 20, 2008
(PAGES 11803 TO 13305)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2008

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SENATE—*Monday, June 9, 2008*

The Senate met at 3:15 p.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, whose steadfast love never ceases, your mercies are new every morning, and we wait quietly for Your salvation.

Give our Senators, this day, a godly excellence that seeks to serve with humility. Help them to be willing to go the extra mile and to be inconvenienced for the sake of others. May they seek ways to serve instead of waiting to be served, as they follow Your example of humble service. Let Your unconditional, unalterable, and unending love lead them to respect, honor, and unity. You are a great God to meet our needs. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 2008

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, following my remarks and the remarks of Senator MCCONNELL, if he chooses to make any, the Senate will resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act. As previously announced, there will be no rollcall votes today. Senators should be prepared to vote on the motion to invoke cloture on the motion to proceed to S. 3044 tomorrow prior to the caucus luncheons.

MEASURES PLACED ON CALENDAR—S. 3098 and S. 3101

Mr. DURBIN. Mr. President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will state the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3098) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

A bill (S. 3101) to amend Title XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

Mr. DURBIN. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

LAST FRIDAY

Mr. DURBIN. Mr. President, last Friday, five startling things happened to our economy.

The futures price for a barrel of crude oil rose above $139, an alltime record. It increased over $10 in 1 day, and the increase in price on Thursday and Friday was the largest 2-day increase in the 130-year history of the New York Mercantile Exchange.

That morning, a Morgan Stanley analyst had released a report predicting that the price of a barrel of oil could reach $150 by the Fourth of July.

Also that morning, the worst job report and worst unemployment report in 12 years was released. The national unemployment rate has now reached 5.5 percent.

By the end of the day, in reaction to this news, the Dow Jones Industrial Average was down 394 points.

The average price for a gallon of gasoline at the pump on Friday, nationally, hovered around the alltime record of $3.99 a gallon.

Are these five events related? Of course they are. There are many other economic events that took place last week that were also very important and related.

Here is the more difficult question: Did any of these events cause others to occur?

Most importantly, what led to that record increase in the price of oil, which will no doubt lead to crushing increases in the price of gasoline in the days to come?

The honest truth is nobody knows. Not the Commodity Futures Trading Commission, the regulator that is supposed to be monitoring the futures market. The CFTC Commissioners recently argued before the Appropriations Subcommittee that I chair that all the increase in the price of oil can be explained solely by the fundamentals of supply and demand.

Was there an explosion on Friday in an oilfield that disrupted a huge portion of the world's oil supply that we all missed? No. I don't see how a $10 increase in 1 day can be explained solely by increases in demand relative to supply.

Not the Energy Information Administration, the official U.S. Government source for energy statistics. The EIA doesn't receive detailed information on who's trading what and why.

Was there a massive runup in gas on Friday by nervous motorists all across

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

America? Since the EIA doesn't collect demand information from the gas pumps, I don't see how they could judge whether supply and demand explains the current futures prices.

Not the Federal Energy Regulatory Commission, the regulator responsible for the transmission of energy between States. FERC focuses mostly on the physical delivery side of the energy markets and doesn't analyze the futures markets.

Not the Federal Trade Commission, the regulator responsible for looking out for the interests of consumers and assaulting monopolies. The FTC can investigate the effects of consolidation in the oil industry and can help prevent price gouging at the pump, but they don't look at the nuances of futures market trading.

And I admit not this Senator either. I don't pretend to have all the answers as to why gas prices keep rising, but I certainly see a problem that needs to be addressed; it is a problem I see in Illinois and all across this country.

This issue is much too important to the American people to allow this to continue. Enough is enough. It is time for Washington and leaders across America to respond. We need to get to the bottom of this. There are far too many questions to which no one seems to have definitive answers—questions such as:

Are speculators driving up the price of oil far beyond what can be justified by supply and demand?

Are investors simply fleeing the stock markets because of the slowing economy and flooding the futures market with excess cash?

Are new investment vehicles, such as commodity index funds, driving up futures prices?

Are investment bank analysts issuing reports predicting huge increases in oil prices, in part, because those same banks will profit from that event?

Are large institutional investors taking huge positions in over-the-counter trades that are pushing market prices higher?

Are regulatory differences between the CFTC, which oversees American trading, and the Financial Services Authority, which oversees British trading, allowing traders to hide manipulative crude oil positions from the CFTC?

Are the big integrated oil companies using the rising price of oil futures to justify even larger increases in the price of gas at the pump?

If we had the answers to these and many other questions, we would have a better understanding of what is happening. We would better understand the policy steps to take next, and we would understand how to ensure that a crisis such as this doesn't continue or occur in the future.

It is time to give the CFTC the resources it needs to collect and analyze all the relevant data, so it can understand what is causing these huge price spikes.

It is time to give the CFTC—the regulatory agency involved—more workers, analysts, more cops on the beat to investigate every last detail of what is happening.

Look at this chart. By 2009, the CFTC will be asked to oversee around 980 million futures transactions of ever-increasing complexity. From the year 2000, where there were 145 million of these transactions, we now project that by the end of next year, that number will be 980. That is about six to seven times the number of transactions that occurred just a few years ago.

So at this Commission that regulates that industry and makes sure people aren't misusing it, how many cops on the beat have we had? In 2000, we had 546. Today, under the President's budget, it is 475. The number of transactions this agency is following to make sure they are not deceiving the public and that there is pure transparency increased by sevenfold, and the number of inspectors has gone down in that same period of time.

In Friday's Washington Post, the Chairman of CFTC, Walter Lukken, said:

> We can hire an extra 100 people and put them to work tomorrow given the inflow of trading volume. We are doing the best we can in difficult circumstances. . . . This is something that we are obviously concerned with—the potential for manipulation.

It is time to pay attention to Chairman Lukken's comments. More important, it is time to ensure that extra resources are applied.

It is time to require the Commodity Futures Trading Commission to receive data on all trades of all sizes by all participants in the oil futures market that impact deliveries in the United States.

The CFTC then should be required to analyze that entire bed of data and report to Congress on the fundamental reasons behind the oil-price spike.

The American economy is clearly struggling. The cost of a tank of gasoline is an onerous burden to families, businesses, truckers, and farmers. Yet that price continues to rise. Enough is enough. It is time for us to give the resources to this agency so they will have the cops on the beat to make sure they are honest, open transactions, which we can monitor to make certain wild speculation doesn't drive our economy down even further. We have the power within Congress to do it. If the President will not take the leadership on this issue, leadership must begin right here on the floor of the Senate.

As chairman of the subcommittee for the Commodity Futures Trading Commissions appropriation, I can assure you the resources that are needed for this agency will be the highest priority as we determine the appropriations bill that will be debated in the weeks to come.

It is time to figure out what is driving oil prices through the roof and bring them under control so our economy can continue to grow.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3044, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to S. 3044, to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

FILLING THE TREE

Mr. SPECTER. Mr. President, I have sought recognition to comment about a practice that is being employed on a widespread basis, which I believe undercuts the fundamental institutional integrity of the Senate. I am referring now to a procedure known as filling the tree. That is an expression used inside the beltway—inside the Senate Chamber—for action taken by the majority leader to establish a procedural situation where no Senator can offer any other amendment.

The long tradition of the Senate has been it is an institution that encourages, harbors, fosters open debate, the presentation of issues, the discussion of matters, to bring not only in this limited Chamber, or beyond on C-SPAN2, if anybody is watching, but to the entire country.

That is what distinguished the Senate from the House of Representatives, for example. In the House, they have what is called a rule, and Members may offer amendments only in a very limited, circumscribed way and then in a limited period of time. But under Senate rules, any Senator may offer virtually any amendment virtually at almost any time on any subject and speak in an unlimited way, as long as he retains the floor.

Last week, the Senate took up legislation of great importance on global warming. There are many complex issues involved in that subject. We started off with legislation which had been offered by Senator LIEBERMAN and Senator WARNER that had been modified by Senator BOXER, the chairperson of the Environment and Public Works Committee, and there were many other proposals in the wings waiting to be considered. One of those proposals was legislation prepared by Senator BINGAMAN and myself, the Bingaman-Specter bill.

In the consideration of global warming, there were many complex matters. I don't intend to go through all of them now, but illustrative of that is the issue of technology. Is the technology adequate to accommodate the goals and standards of Lieberman-Warner? What would be the economic impact on the provisions of global warming in terms of encouraging foreign countries to ship to the United States on exclusions where they might not have the same limitations?

For example, in the steel industry. On that particular subject, I testified before the Finance Committee last February 14 about the need for the United States to be a leader on global warming, but at the same time not to sacrifice our industry to foreign goods, and noted that the Chinese wanted a 30-year exemption. If they had gotten that, there would not be any steel industry. But there were many issues.

I came to the Senate floor a week ago today to speak on the subject on June 2. And then I returned to speak again on June 3. Then, by Wednesday, June 4, I found out that we were on our way to having the tree filled. Actually, I spoke on June 2, 3, and June 5 and found when there was no opportunity to offer amendments, I filed four amendments.

I bring up that matter because then there was a cloture motion on Friday. A cloture motion requires 60 votes. If we are going to do it on a Friday, it is extremely difficult to find enough Senators to have an adequate showing as to what it means.

In any event, the cloture motion vote was held, and the cloture motion fell far short. The majority leader took the bill down, and now we are no longer considering the question of global warming. That is a matter which, in my judgment, warrants very considerable time by the Senate. I don't know whether it is 2 weeks or 3 weeks or how many weeks it is, but I know it is a lot more than 4 days. And now it is gone.

Regrettably, it is not just global warming which is involved. Not long ago, we have had the issue of the so-called Ledbetter Fair Pay Act, S. 1843, legislation which would change the statute of limitations on enforcing employment rights for equal pay. This bill was introduced because the Supreme Court of the United States, in a 5-to-4 decision, enforced a 6-month statute of limitations on a woman who wanted to claim her Federal rights to equal pay.

It seemed to me the decision of the Supreme Court of the United States was wrong. The plaintiff was being foreclosed an opportunity to go to court to get equal pay when she didn't even know she had the cause of action or the right to do that.

This issue then was the subject of a cloture motion. The motion to proceed failed on cloture 56 to 42. The bill was given no process. There was no committee referral, no debate, no opportunity for amendments, just talking points for Democrats, an illustration where cloture was filed.

The tradition of the Senate has always been to have legislation offered, to have it debated. If there is objection, people oppose it. If people are very determined not to allow it to come to a vote without a supermajority—that is, getting 60 votes for cloture—then they filibuster. But in the course of that process, there is an awakening of the American people about what is going on.

A good illustration would be the historic civil rights debates which went on in this Chamber for very protracted periods of time. But the American people hardly have any idea about what is involved in equal pay for women when the matter is called to the Senate floor and in a virtual nanosecond is dispensed with.

Had the Ledbetter Fair Pay Act received extensive debate, had there been opposition, had there been discussion, had there been some idea by the American people about what was going on, there could have been some public opinion registered on that as a very important matter.

The great difficulty is this is not a machination of the current majority leader. This is a practice which has been building up for a considerable period of time and, as with the case of so many matters, it is a matter of equal blame on both sides of the aisle, both Republicans and Democrats.

In a survey by CRS, going back to 1985, it was used infrequently. Senator Dole used it five times in 1985 and 1986; Senator BYRD, three times in 1987 and 1988. Senator Mitchell did not use it at all in 1989 and 1990. Then in 1991 and 1992, Senator Mitchell used it one time. Then in 1993 and 1994, Senator Mitchell used it nine times. In 1995 and 1996, Senator Dole and Senator Lott used it five times. In 1997 and 1998, Senator Lott used it three times. In 1999 and 2000, Senator Lott used it nine times. Senator Daschle then used it once in the next 2 years. The following 2 years, 2003 and 2004, Senator Frist used it three times. Then in 2005 and 2006, Senator Frist used it nine times. And in the 110th Congress, so far, Senator REID has used it 12 times. Every time that it is used, it totally undercuts the ability of the Senate to function in its traditional way.

Senator REID had this to say about this practice when he was not the majority leader but when he was the leader of the minority, the leader of the Democrats back on February 28, 2006. He was speaking in defense of a fellow Democrat's ability to offer amendments to the PATRIOT Act reauthorization. Senator REID of Nevada said this:

> Of course, even a good bill can be improved. That is why we have an amendment process in the Senate. I am disappointed that he has been denied that opportunity by a procedural maneuver known as "filling the amendment tree."

Senator REID goes on:

> This is a very bad practice. It runs against the basic nature of the Senate. The hallmark of the Senate is free speech and open debate. Rule XXII establishes a process for cutting off debate and amendments, but rule XXII should rarely be invoked before any amendments have been offered . . . I will vote against cloture to register my objection to this flawed process.

Senator REID made similar comments a short time later on March 2, 2006, saying:

> Don't fill the tree . . . That is a bad way, in my opinion, to run this Senate.

Senator DURBIN, speaking on May 11, 2006, on the 2005 tax reconciliation conference report said:

> The Republican majority brings a bill to the Senate, fills the tree so no amendments can be offered, and then files cloture which stops debate. So we cannot have this conversation. We cannot offer other amendments.

I cite Senator REID and Senator DURBIN with particularity because they are the two leaders of the Democrats at the present time.

An eloquent statement on this subject was made by Senator DODD on May 11, 2006. Senator DODD had this to say when he was speaking about health care legislation:

> I want to point out to our colleagues why I am terribly disappointed with the procedures we have been confronted with this evening dealing with this legislation . . . This is the Senate. This Chamber historically is the place where debate occurs. To have a process here this evening . . . to basically lock out any amendments that might be offered to this proposal runs contrary to the very essence of this body . . . if you believe the Senate ought to be heard on a variety of issues relating to the subject matter—when the amendment tree has been entirely filled, then obviously we are dealing with a process that ought not to be . . . the Senate ought to be a place where we can offer amendments, have healthy debate over a reasonable time, and then come to closure on the subject matter.

I could go on at considerable length with other Senators making the same point. But here we have issues of gigantic importance which are not being considered. They are not being debated. They are not being explained. They are not being subject to questioning on the Senate floor, one Senator on another.

The educational process of telling America what the alternatives and prospects are for legislative change is not being explored. Not surprisingly, it is bipartisan. About the only thing that is bipartisan around this place is various mechanisms to gain political advantage.

We have had furious debates over the issue of confirmation of judges, a subject on which I have spoken repeatedly and have noted that in the past 20 years, every time the Senate is controlled by a party opposite the President, there is a slowdown of the confirmation process. It happened during the last 2 years of President Reagan's administration in 1987 and 1988 when Democrats won control of the Senate in the 1986 election. It happened in the last 2 years of the administration of President George H.W. Bush, and during the administration of President Clinton where we Republicans controlled the Senate for the last 6 years, it was exacerbated. It was even worse in blocking President Clinton's nominations.

As I have said on this floor on occasion, I voted with the Democrats. I thought the Republican caucus was wrong and said so. But each time it has been exacerbated and become more intense.

Then this body saw a very sharp debate in 2005 where there was the consideration of the so-called nuclear or constitutional option, which would have changed the filibuster rule from 60 to 51. Now we are, again, in a period of gridlock. There is no doubt that the very low public opinion ratings of us are due to the public realization, the public disgust about all the bickering that goes on here. The public sees it on many items, the partisanship and the effort at a partisan advantage. But I do believe the public does not have an understanding of these arcane rules, like filling the tree. They can hardly have an understanding since most Members of this body don't understand exactly how it works.

Mr. President, this is not a matter that comes to me this afternoon or yesterday or the day before. I have been watching it for a considerable period of time, and 18 months ago, on February 15, 2007, I introduced S. Res. 83, a resolution to amend the Standing Rules of the Senate to prohibit filling the amendment tree. So far there has not been a hearing and not been any action on that, but I intend to press this issue. I intend to try to bring some understanding to the American people beyond the confines of this Chamber.

I don't think I am going to have a whole lot of effect on my colleagues this afternoon because there are none of my colleagues here this afternoon, except for the—no, no, I know the distinguished Senator from Maryland is here—except for the distinguished Presiding Officer. And I compliment my colleague, Senator BEN CARDIN, on his fast start in the Senate. Of course, he had a lot of advanced training having come from the House of Representatives and been a leader in the Maryland Legislature. I work with him on the Judiciary Committee, and he is a first-class Senator. That extract can be used—let's see, you ran in 2006—you can use it in 2012, 2018, 2024, and 2030, Senator CARDIN, but beyond 2030, I am reserving my judgment.

But Senators are busy, and I am not in any way critical of Senators not being here, but I intend to speak on the subject repetitively. I don't know that will do any good, but I intend to do that.

For years, Senator Proxmire used to stand at his seat on the aisle speaking about genocide. Every day he came to the Senate floor, and he was motivated because there was no television at the time he was speaking about genocide. I think television came while he was still speaking on the subject. Senator Proxmire was a remarkable Senator in many ways. My recollection is that he had 17,000 votes, which he didn't miss. I am not sure about the exact statistic, but I am sure he spoke extensively on genocide, and he had an impact. And now we know that genocide has been picked up as a crime against humanity and has been the subject of prosecutions under the War Crimes Tribunal.

So I intend to speak about this subject with some frequency, and I intend to press for a hearing on my resolution. I intend to press to see if we can get some action because if the American people knew what was going on, the American people would not like it. The American people live under the illusion that we have a United States Senate. The facts show that the Senate is realistically dysfunctional. It is on life support, perhaps even moribund. The only facet of Senate bipartisanship is the conspiracy of successive Republican and Democratic leaders to employ this procedural device known as filling the tree. It is known that way to insiders, and it is incomprehensible to outsiders.

Once known as a unique legislative institution, the Senate was referred to as the world's greatest deliberative body because any Senator could introduce almost any amendment on virtually any subject and get a vote on it. That was, as noted, the distinguishing feature from the House of Representatives, which is tightly controlled by the Rules Committee to restrict the parameters on what amendments are in order.

A principal reason, perhaps the main reason for the use of the procedural device of filling the tree, was to save the majority from taking tough votes. That backfired on Republicans in the last Congress, where the filling the tree rule was used in order to avoid bad votes. And, of course, we know the procedure backfired pretty hard for Republicans to lose control of the Senate. In the 2006 election we had to lose seven seats, a virtual impossibility, but we managed to do it.

But more important than the partisanship, more important than the increased use by both Democratic and Republican majority leaders is the impact it has on this institution. And more important than that is the impact it has on the legislative process and the working through legislation, which ought to be considered and, where warranted, enacted for the benefit of the American people.

Mr. President, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the American people are very frustrated with the failure of Congress to act on the great problems facing our country, a lot of problems, but I believe they are especially concerned about surging gasoline and energy prices. They are angry. They do not believe we have done enough in this Congress, and I think when they find out the leadership of this Congress, the Democratic leadership, is proposing legislation that will raise, not lower gas prices, they will not be happy.

Indeed, I received a note today from my staff that an experienced reporter at the Birmingham News, Mr. Tom Gordon, today wrote that my home county in Alabama, Wilcox County, again leads the Nation in the percentage of income that its citizens spend monthly on motor fuel, 16 percent, because the county has low incomes and people drive long distances to work.

It is a big deal. It is absolutely a real matter of importance. I think we need to do something about it. They want us to reduce our dependence on foreign oil, to produce more clean American energy, to show we are taking steps to contain and I think maybe even hopefully reduce the surging prices.

These prices are threatening the family budget. They are threatening American jobs and the American economy. Turn on any news program and read any news magazine. We are on track to spend $500 billion abroad this year to purchase 60 percent of the oil we consume; 60 percent-plus is being imported. This balance-of-trade deficit weakens our dollar, requiring even more dollars to purchase the same amount of oil. With the dollar getting weaker, you need more dollars to buy the same amount of oil. We are creating jobs and wealth in nations around the world with our money when this missing wealth in our country that we send abroad reduces our own jobs.

Families are routinely paying $50, $75, $100 more a month for the same or even less gasoline than they were a few years ago. When this added expense reduces the ability of hard-working middle-class Americans to purchase what they need to get by on, or to take care of their families, and when this reduction in spending on oil reduces spending on things other than oil that the

American people need, is it any wonder the economy is struggling, I ask? Is it any wonder millions of American are struggling to get by? Is it any wonder Americans from the suites in New York to the rural roads of Alabama are worried?

What is it our constituents are asking us to do? I think they want us to get busy doing what we know works. What works does not mean this $6.7 trillion cap-and-trade plan that has been introduced here that will burden the American economy by driving up the cost of gasoline by another 50 cents in the next number of years, 20 years; driving up the cost of electricity by 44 percent; driving up the price of gasoline three times that 50 cents in the years to come in the distant future; and drive business away from America.

It will make our manufacturing industry less competitive than the global marketplace at a time when we are already struggling to compete and stay up. As I have noted, it will drive up unemployment, and we unfortunately saw a very large surge in unemployment last week, to 5.5 percent.

First, it is not a horrible rate of unemployment, but a horrible increase in unemployment of five-tenths of 1 percent. As one economist said, I would not have been surprised to see 6 percent unemployment over the next 12 months. I did not expect to see half of that occur in 1 month.

People know we have a problem and they understand it. I guess the question is, is there anything we can do about it or are we hopeless? Is there something we can do to bring down the price of oil and make more sense in our economy to confront the danger that high energy prices, gasoline prices pose to America's well being?

Yes, there is. There is. Fundamentally we need to do what works, and we know a lot of things work. It is past time to get started in taking the long road back to a sound energy policy that can and will bring down or at least contain the price of crude oil and gasoline.

I propose that we work together on common ground, liberals, conservatives, Republicans, and Democrats. It is within our grasp and the people are ready for our leadership. We have an opportunity to address our Nation's crisis. The challenge is truly bipartisan in every way. After all, high energy prices affect Democrats, Republicans, and Independents all in the same way. While conservation and increasing the production of American oil and gas in an environmentally sound way can help contain the surge in prices, we need to do that. We must seek common ground further to develop and deploy technological breakthroughs necessary to solve our Nation's energy crisis.

We must commit ourselves as a nation to the production of clean and affordable energy sources. We must commit to policies that will move us beyond oil in a financially and prudent way. Only by championing national interests over any special interests will we be able to secure the common interests and lower energy prices and have a cleaner environment, both of which I believe are possible.

But we are far behind. Business-as-usual policies crafted to benefit favored constituents are no way to develop sound energy solutions to our Nation's needs. That is why I am proposing legislation to direct the Department of Energy, which I think can do more and should do more, to evaluate the host of national incentives we have now on the books to create alternative sources of energy, some of which have worked well, and to recommend changes based on what is in the national interest.

The national interest is to utilize those incentives to the maximum amount possible to create the most amount of clean American energy. Frankly, there is too much in some areas and not enough in other areas. We need to utilize incentives to jump-start industries that can help build a source of clean American energy. For example, we did succeed in creating an ethanol industry through a very sizable incentive. That has worked. We have drawn it down some now. The Agriculture bill that passed the Senate reduced some of those incentives. Perhaps they should have been reduced more since it has been such a healthy enterprise. That money could have been applied to other areas and other aspects of alternative energy that could jump-start those sources.

Congress also suffers too often from a short-term focus on the pressing issues of the day. Too often, we fail to adequately plan for the future needs of the country. That is why I propose that the Department of Energy develop a comprehensive, long-term energy strategy to anticipate unforeseen needs and to promote continued development of innovative energy sources. In order to achieve these goals, the Department would have to report its recommendations to Congress frequently.

I am not ashamed to say that I have a lot of issues on my plate. I am on the Armed Services Committee, the Judiciary Committee, and the Energy Committee. The Department of Energy has a huge staff, a large number of personnel. They spend all their time every day working on energy issues. We should have leadership from them. They should tell us what is working and what is not. They should help Congress set good policy. They could do more in that regard. They should not be timid about it. They should help us, step forward, make some proposals, and be more aggressive.

There are many things we can do now to lower the price of gasoline and promote clean American energy. Indeed, progress will be made by a thousand steps, large and small, but they must be smart steps. They don't need to be steps that cost far more than they will ever return in terms of energy per cost. They don't need to be political pork.

In 2005, Congress directed the Department of Interior to study the oil reserves in the Outer Continental Shelf. That is the deep waters off our coast, not right on the beaches. The study found that 8.5 billion barrels of oil are currently known to exist off our Nation's shores. In addition, the study estimated that approximately 86 billion barrels of oil exist in these waters. We spend maybe $5 billion a year on oil. That includes the 60 percent we import. The U.S. Geological Survey and private industry also estimate that approximately 25 billion barrels of oil exist on shore in the lower 48 States and Alaska. This totals approximately 119 billion barrels of oil alone and would be enough to power millions of automobiles for a century—not every automobile in the country for a century, but it would carry us a long way until we continue to work hard to have those breakthroughs that get us off oil maybe completely. The sooner the better for me.

These are not the only reserves known to exist from studies. These are reserves estimated from studies made 30 years ago. Further exploration and modern seismographic work will certainly locate far more reserves.

The question fundamentally is, to the American people and my colleagues, do we import more and more of our oil and gas from places that produce it in the North Sea and the Persian Gulf and the Caspian Sea off the coast of Africa and South America or do we produce it safely off our own shores, where the money stays at home, where we are not sending $500 billion of American citizens' money to people who build palaces in the desert with nothing more than basically money they have taxed us with? The price of oil today is set in large part because OPEC has reduced production, creating a shortage in the whole world. That is the fundamental problem. There are a lot of others, but that is the fundamental problem. We need to fight back. The way we fight back is to keep more of our money at home and send it less to these countries. How simple is that? But the policies we are having here go the opposite direction. They are not allowing us to produce more oil and gas in America, safely and cleanly.

We have and can move forward a lot of other sources of oil. One could be oil from oil shale. Some estimate those reserves to be approximately 1.8 trillion barrels of oil—a lifetime of oil in oil shale. There are a lot of things that have to happen to make that be produced. We have to be sure it is done in an environmental way. But we have major corporations that are willing to spend billions of dollars to see if they can produce it in that fashion. We blocked them from doing that last year. When I say "we," I didn't agree to it, but the Congress slipped that in in conference committee and basically blocked that in the dead of night without any hearings to discuss the merits.

For example, Saudi Arabia, which has the largest amount of oil known in the world, has only approximately 267 billion barrels of oil, whereas we have 1,800 billion barrels of oil in oil shale. It is primarily located in the West in governmental lands.

What about coal? We are the Saudi Arabia of coal. We have 25 percent of the world's coal reserves, which is enough to last approximately 250 years at the current rate. Surely long before then, we will have developed alternatives to carbon fuels. Converting this tremendous resource into liquid transportation fuel using proven technology can bring down the price of gasoline. It really can.

At this very moment, private companies are prepared to convert coal to liquid fuel and sell it to the Air Force for aircraft, sequestering the carbon so it is not emitted into the atmosphere, at approximately $85 a barrel. That is $40 less than the world market price of oil today, which is over $130 a barrel. They are prepared to do that. Somebody slipped in language to block that from occurring, so the Air Force now is in limbo as to whether they can enter into a long-term contract necessary to guarantee domestic sources of clean fuel made from American coal, all the money staying in the United States, helping enhance our national security. We need to repeal that provision. We need to let the Air Force go ahead with this. It would mean tremendous opportunity to affirm the Air Force's initiative and to verify as a practical matter whether this large amount of fuel can be converted from coal. The way they do it, they heat the coal, and off comes the gas, and then you can reconvert that back to a liquid. It comes out cleaner, just spotless clean. It cleans the engine instead of making it dirty. It is a fabulous fuel.

Diesel fuel—let me share this with you. These are some things we can do and get busy now, that we should already have done. Diesel fuel is more efficient than other fuels. According to Popular Mechanics magazine—recently they did a comparison; I can't guarantee everything they said because the numbers are pretty astounding, but in a sense it is good news—the next generation already in existence of clean diesel engines runs approximately 38 percent further on a gallon of fuel than a similar size automobile that is a hybrid automobile. The magazine found that a 2007 Volkswagen Polo Bluemotion diesel automobile travels 38 percent farther on a gallon of fuel than a 2007 Toyota Prius hybrid.

We know for a fact that diesel gets 30, 35, 40 percent better mileage than a gasoline engine. In fact, Europe has 50 percent of its automobiles diesel. Why? Because it gets better gas mileage. We have gone the exact opposite direction. We only have 3 percent of our fleet diesel. Why are we not creating policies that will help Americans move to more fuel-efficient diesel engines and do something about this odd circumstance when diesel fuel is now considerably more expensive? It is about 15 percent more expensive, but it gets at least 30 percent better mileage. It is still a buy, even at the prices at the pump today for diesel. In addition to being fuel efficient, diesel-powered vehicles release fewer CO_2 emissions than similar hybrids or gasoline engines; CO_2, the global warming gas, less of that from a diesel engine. It is so much cleaner today than people's memory of smoky diesels in the past. It is an entirely new engine, an entirely new procedure.

According to the Popular Mechanics field test, the Volkswagen model tested by the magazine emitted 5 percent fewer greenhouse gases per mile than a Toyota Prius. I was able to drive a Prius the week before last around Alabama. It was very impressive. Why are we not thinking about diesel as we seek to clean up our air and reduce our importing of foreign oil? Diesel engines today run on ultra-low sulfur diesel that is 97 percent cleaner than older diesel fuel. It is the cleanest fuel in the world. It is cleaner than the European fuel—the Europeans are environmentally conscious—and our own regulations require that.

New diesel technology, the Mercedes BlueTec engine—I visited their Alabama facility last week—reduces carbon monoxide, nitrogen oxide, and particulates.

According to the EPA, if 33 percent of American drivers switched to diesel vehicles, oil consumption would be reduced by approximately 1.5 million barrels of oil a day, which would cut our imports 10 percent. They say if you drill in ANWR in Alaska, an area the size of the State of South Carolina—and they would like to explore for oil and gas in an area the size of Dulles Airport—if it comes in and it is only a little over a million barrels a day, that is about 10 percent of our import amount. So if we had more diesel and production in Alaska, that would reduce our imports 20 percent.

Already Americans are conserving more. They have reduced consumption at least 5 percent this year. So now we are down 25 percent. That is the kind of thing we can do that will make a difference in the price of oil and help make this a stronger country.

Now, ethanol represents a viable alternative energy source, I am convinced. According to the Congressional Research Service, 6.5 billion gallons of ethanol were produced in the United States last year. This amounts to approximately $19.5 billion—let me be sure I get this correct because my mind is probably like some of my colleagues. That is 6.5 billion gallons as opposed to barrels I was talking about earlier. Mr. President, 6.5 billion gallons of ethanol were produced in the United States last year. It amounts to approximately $19.5 billion that stayed in our country to create American jobs and pay good wages here. It did not go to buy oil from some foreign country so that the wealth goes there.

It is estimated that we are on track to produce 9 billion gallons of ethanol this year. So we go from 6.5 billion to 9 billion gallons this year. We are soon reaching the maximum production, I think, for most ethanol that comes from corn, which most of this does. But that has been helpful to us, I submit to you. So this would result in approximately $36 billion that will be invested in America, paying wages to American citizens, who pay taxes to our cities and counties, for schools, and to the Federal Government. We want them to have good jobs with good wages.

According to Renewable Fuels Association, the price of gasoline would rise approximately 31 percent if ethanol was eliminated. Is that right? That is an advocacy group for renewable fuels, but this week Barron's Magazine had an analysis and quoted figures similar to that and noted that consumers were saving several hundred dollars a year as a result of ethanol. Whether it is a great benefit to us in net reduction of CO_2, we do not know. Originally, the environmentalists certainly believed so and advocated it. Some now question that. Regardless, as an economic matter and as a matter of national security, it has reduced our dependence on foreign oil, kept wealth at home, and helped protect our national security and create jobs.

But there are limits on ethanol, so that is why we need to seek technological breakthroughs that will allow us to produce cellulosic ethanol on a commercial scale. Cellulosic fuel can be produced from sources that do not place strains on other end users.

There is tremendous potential in our country to utilize waste wood from sawmills, paper companies, waste wood that is left in the forest from when the timber is cut and hurricane recovery. I talked to a FEMA hurricane emergency response official today about the potential of utilizing cellulose that is downed and thrown away in landfills after a hurricane, where thousands and millions of trees are blown down, to create energy. I think it is a realistic possibility. Every city and county in the country is constantly hauling out large amounts of wood and trees from their city. It cannot be utilized effectively for lumber or other uses. Instead of going to landfills, this could create energy. I think there is a great potential here.

Auburn University has spent a lot of time on switchgrass, another cellulosic form. They will be bringing up, June 19, to Washington their gasification unit that is portable. It is the size of a tractor-trailer rig. You put wood chips in one end, the wood is heated, a gas comes off, and that gas is converted to a liquid fuel. It is proven it can be done. This is not impossible. What we need to do is accelerate the science to prove whether it can be commercially feasible. I think it can be. I am proud of Auburn. They have won a national award for that. They are No. 1 in the country in that area of research, according to the U.S. Department of Agriculture.

The next is the plug-in hybrid technology, which holds exceedingly great potential. By utilizing and improving current battery technology, plug-in hybrids will be able to travel father using less gasoline—perhaps dramatically less gasoline—than conventional hybrids or any other kind of automobile. In addition to greatly displacing imported oil, plug-in hybrids can reduce the amount of pollutants and greenhouse gases in the air by relying on clean nuclear energy to recharge their batteries.

Let's just talk about this briefly. We will talk a little more about nuclear energy. But if you have a commute each day of 10 or 15 miles and you can create a battery that will run 30 miles without any hybrid engine having to be turned on to charge and recharge the battery, a person could commute back and forth to work every day if that car would only run 30 miles. When they come home at night, they can plug it in and recharge the battery from the power socket. And particularly charging it from 11 p.m. to 5 a.m., it will use base load power, often not even being fully utilized. If the power source is nuclear power, it emits no pollutants into the atmosphere whatsoever, and that will completely eliminate the need to utilize any oil or gasoline in the car. Now, that is close to being reality.

Certainly, we will produce more wind and solar power. We support those energy sources. The Congress has provided incentives for that. Few would dispute that large increases in clean American base load electricity in large amounts is essential, and we cannot get there by conservation only because a number of things happen. No. 1 is that our population is going up. By 2050, we will have a substantial increase in the American population. So even if every American used less, the Nation is projected, by every expert I am aware of, to utilize more energy. Another thing that happens: You may well develop new lightbulbs, which I hope every American will utilize and turn off lightbulbs when they are not using them, but we have other things that come up. For example, how many of our people want to give up plasma TVs? They use a lot more electricity than the old kind. And computers. When we projected the increase in the cost of the utilization of electricity in the 1970s and early 1980s, we did not expect the size of the computer revolution and the amount of energy that would add. So there is always something out there. That is all I am suggesting. It is just not smart for us to project in a way that is contrary to the experts that we are going to utilize less electricity.

So after much study—and I have spent a good bit of study on this—it is clear to me that nuclear-generated electricity is the serious solution for a clean energy future and an alternative to a future filled with ever-increasing regulations and more regulators and more lobbyists and more political fights such as this cap-and-trade bill—all of which produce no energy but drain our American economy. Nuclear power is American based. It is a proven technology. It helps enhance our national security. It is competitive costwise. It is not outrageously expensive like some of the ideas that are being floated. It emits no pollutants into the air, neither NO$_X$ nor SOx nor mercury nor particulates. And it 100 percent meets our global warming goals, which is to reduce CO$_2$, carbon dioxide—zero, zilch.

Twenty percent of our electricity today is nuclear, and we have not built a plant in 30 years. France produces 80 percent of its power from nuclear power, and Japan is over 50 percent. They are heavily committed to nuclear power, and it is paying off for them. Britain just announced five new nuclear plants. So we are running behind.

But the good news is that after the Energy bill Senator DOMENICI worked so hard on and the legislation he offered, 30 new applications for nuclear powerplants have been submitted. That is 30—up from zero just a couple years ago. But we must strive to ensure this nuclear renaissance continues and completes.

There is this tremendous possibility that base load nuclear power, particularly in the night, offpeak time, could be utilized to charge automobile batteries so we could run our automobiles without any fossil fuel being burned. Nuclear power is the one energy source that could create large amounts of hydrogen, the hydrogen necessary if we are to develop effectively fuel cell hydrogen automobiles that also favor a clean concept. Both of these are postoil, postcarbon energy sources that can power our automobiles, which is where our crisis is today.

Renewable energy sources also have an important role to play. According to the Department of Energy, renewable energy provided approximately 9 percent of the total U.S. electricity generation in 2005. While this is not large, there is significant room for growth. Wind energy has led this growth, increasing from approximately 3,500 megawatts in 2001 to almost 17,000 megawatts today. Solar power has also increased, although cost and storage remain serious issues. Geothermal energy has not expanded as rapidly as wind has, but it has potential. According to MIT, the United States has approximately 100,000 megawatts of enhanced geothermal capacity which can be developed by 2050.

A few weeks ago, this Senate voted on a plan that would have taken the first steps to produce many of these untapped energy resources by allowing more energy exploration off our coasts and in Alaska. But we do need to move beyond petroleum-based transportation fuels. We need to do some other steps, such as enhancing the batteries for electric cars, as this bill would have done, which could have allowed us to move to plug-in hybrids. I think that is within our grasp right now, and it would help clean up our environment.

Mr. President, I see the majority leader on the floor. I will just conclude by noting that with prices at record highs, I think the American people can be excused for wondering what their Congress is doing. They expect us to get busy—to get busy now—to produce more clean American energy. That will be the only thing that is going to help reduce our dependence on foreign oil and our ability to be hijacked by prices driven up by OPEC nations that are restricting supply.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I extend my appreciation to my friend from Alabama for giving up the floor.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. President, this is a consent request to have a vote on three district court judges tomorrow.

I ask unanimous consent that on Tuesday, June 10, after the cloture vote or votes with respect to S. 3044 and H.R. 6049, regardless of the outcome, and notwithstanding rule XXII, the Senate then proceed to executive session to consider concurrently Calendar Nos. 539, 540, and 541; that there be a total of 10 minutes equally divided and controlled between Senator LEAHY and Senator SPECTER; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of each nomination in the order listed above; that there be 2 minutes between each vote, and after the first vote, the vote time be limited to 10 minutes each; that upon confirmation, the motions to reconsider be laid upon the table en bloc, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session, without further intervening action or debate, and the Senate then stand in recess until 2:15 p.m. for the respective party conference meetings.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 3036

Mr. REID. Mr. President, I now ask unanimous consent that S. 3036 be returned to the calendar.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. There is objection. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Connecticut.

Mr. DODD. Mr. President, may I inquire, has my colleague from Alabama completed his remarks? You have?

Mr. SESSIONS. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSING CRISIS

Mr. DODD. Mr. President, I rise this afternoon to take a few minutes to share with our colleagues the current condition of the housing situation and the steps being taken by the Senate Banking, Housing, and Urban Affairs Committee—the steps we have taken in recent days and what I hope we can continue to do in the coming days over the next week or so, depending upon the agenda the leadership will set for us: our hope is to bring forth one more proposal that will complete the circle of the steps we can take as public policy setters in the area of dealing with the heart of the economic crisis, which is the housing crisis. The heart of the housing crisis is, of course, the foreclosure crisis. So this report I share with my colleagues is both a positive one—which includes the steps we are taking together to address the problem—as well as, unfortunately, a rather negative one in terms of the actual statistics and numbers that people are living with every day.

When we talk about these numbers and statistics, they actually reflect what is going on in the lives of very real people in our country who are struggling economically to make ends meet. Home ownership and the value of homes is at the heart of not only the American family dream but also at the heart of their economic success in many ways. So as I have done regularly over the past several months, I wish to share with my colleagues some of the problems we are facing in our economy and some of the steps we are taking to address them.

Three weeks ago, with overwhelming bipartisan support, we were able to pass out of the Banking Committee the Hope for Homeowners Act and legislation to reform the Government-sponsored enterprises—the so-called GSEs. These measures will help reduce foreclosures, strengthening the housing market and ultimately helping to restore our economy to healthy growth. We also added as part of that legislation an affordable housing program which will exist in perpetuity; not a short-term, 4- or 5-year program but one that will be around for years to come to assist those who are in desperate need of adequate and decent shelter, including rental housing.

The committee work in these major areas follows the work that the Senate accomplished earlier this spring when we passed the Foreclosure Prevention Act. That legislation contains several very important provisions to help homeowners, neighborhoods, and communities throughout our Nation. The legislation included $4 billion for communities to use through the Community Development Block Grant Program to purchase and rehabilitate foreclosed properties in their communities. The act also included $150 million in additional foreclosure prevention counseling, on top of the dollars we had already appropriated earlier, to assist in that area. Counseling, I would add, is a proven and very effective program that has helped struggling homeowners avoid the devastating effects of losing their homes. Finally, the act includes legislation that would modernize the Federal Housing Administration so the FHA can play an enhanced role in allowing hard-working American families to pursue and achieve the dream of home ownership through a suitable and sustainable mortgage.

I am continuing to work with our colleagues and the ranking member, Senator SHELBY of Alabama, along with other members of the committee—both Democrats and Republicans—and the Senate to enact comprehensive legislation that includes these and other provisions. These Members include Senators BAUCUS and GRASSLEY, the chairman and ranking member respectively of the Senate Finance Committee, who have contributed very important tax provisions to the Foreclosure Prevention Act.

There is no question in my mind that the almost daily information we are receiving on the performance of our economy should continue to spur action on the part of this Congress. Our economy has been limping along for the last 6 months, with growth well under 1 percent. If you take away the growth in Government and the buildup of inventories that occurs when the economy enters a recession, our economy grew by three-tenths of 1 percent in the first quarter of this year. In other words, our economy is at best stagnant, and in the view of many economists and others, we are actually in a recession.

Last week we learned that the unemployment rate in April rose by one-half of a percentage point in 1 month. That is the largest monthly increase at that rate in 22 years. We have lost thousands of jobs each and every month this year so far, according to the Bureau of Labor Statistics. This year, our economy has lost just under 400,000 private sector jobs, and most economists expect they will continue to lose jobs as the economy struggles. That is why I think it is critically important that we ought to provide for extended unemployment insurance benefits for those who have lost their jobs through no fault of their own as part of our response to the economic challenges we are facing. Certainly if we weren't able to do this, it would be the first time in my experience in this body for a quarter of a century that we didn't extend unemployment insurance benefits to people who have lost their jobs during periods of economic hardship. That has never happened before in my tenure here, and it is my serious hope that we will provide those extended benefits to those who deserve them.

The data we are looking at, as sad as it is, also confirms that the housing market continues to be mired in a deep recession as well. Residential construction fell by over 30 percent in the first quarter of this year. Sales of existing homes fell by 13 percent over last year. Now, let me quickly add some new data today for April that indicates sales may have finally picked up slightly, and we welcome that news. Most analysts, however, believe this uptick, if you will, in homes sales occurred only because home prices have continued to fall over the last several months. Regardless of that uptick, the number of new homes that remains unsold continues to rise, reaching the highest number in over a quarter of a century. Joining this growing number of new homes sitting vacant on the market unsold are homes where the previous owner has been foreclosed.

Foreclosures have hit a new all-time record. According to the Mortgage Bankers Association—the MBA—this data shows that almost 1 in every 11 homes with a mortgage in our country is in default or in foreclosure as of March of this year. That is the highest level since the MBA began tracking foreclosures in 1979. Foreclosure rates have been growing at record levels for some time, and last year alone 1.5 million of our fellow families in this country had their homes enter into a foreclosure.

Each and every day, over more than 8,100 families enter foreclosure. Every single day, 8,100 families on average enter foreclosure. The projections are that foreclosure rates will remain at historic highs for the foreseeable future. The investment bank Credit Suisse just released a report in which they predict that 6.5 million homes will fall into foreclosure over the next 5 years. They state:

> The coming flood of new foreclosures could put 8.4 percent of total homeowners, or 12.7 percent of homeowners with mortgages, out of their homes.

The scenario they are describing is one in which one out of eight American families with a mortgage could lose their homes. That is a chilling prediction.

Robert Schiller, the widely respected economist from Yale University who helped invent the so-called Case-Schiller Index that is used throughout the country and the markets to measure the change in home values, gave a speech recently in New Haven, CT where he said there is a good chance that housing prices will fall further, perhaps by as much as 30 percent since their peak in the late part of 2006. If that were to happen, it would mean the decline in home prices would be greater now than it was during the Great Depression back in the 1920s and 1930s of the previous century.

These are indeed historic times with historic challenges. Already we have seen home prices decline nationally for the first time since the Great Depression. For the first time since the Federal Reserve began keeping track of home equity in the 1940s, Americans today own less than half the value in their homes.

The effect this is having on our economy cannot be overstated. Martin Feldstein, who served as President Reagan's chief economist, recently wrote in the Wall Street Journal:

> The 10 percent decline in home prices has cut household wealth by more than $2 trillion, reducing consumer spending and increasing the risk of a deep recession.

That means American families have lost more than $2 trillion of wealth. Losses of that magnitude are staggering. That is almost 20 percent of our Nation's GDP. Put another way, a national loss of wealth of $2 trillion means a typical family of four would have lost over $25,000 of wealth due to the current housing market crisis. This sharp loss in wealth for the average American homeowner comes at a time when they face record high prices for essentials of American life: Food, gasoline prices—as we have heard about today the cost of gas has been increasing every day—health care, and the cost of higher education. So the so-called foreclosure crisis is affecting far more than only those facing foreclosure. It is affecting nearly all of us in every imaginable way. As one home falls into foreclosure, the value of countless other homes in those neighborhoods is falling as well. If Dr. Schiller's predictions come to bear and home prices fall by 30 percent nationally, then the loss to American families will exceed $6 trillion. That is more than half of our Nation's annual GDP. It would mean the typical family of four would have lost approximately $80,000 of wealth. That is more than most American families earn in an entire year.

The nationwide implications of this crisis help explain why consumer sentiment is at historic lows. Americans' expectations for future economic growth are at the lowest level in 35 years since the deep recession of the early 1970s.

These negative views about our economic prospects are based on the real experiences of most Americans. The Pew Center conducted a recent survey of Americans' views not only on the economy as a whole but on their personal well-being. The Washington Post characterized the Pew Center's finding as:

> Offering the gloomiest assessment of economic well-being in close to half a century, a new survey has found that most Americans say they have not made progress over the past 5 years as their incomes have stagnated and they have increasingly borrowed money to finance their lifestyles.

By almost any measure, Americans are struggling more and more than they have at any time in recent memory. Real median family income has fallen this decade as the cost of gasoline, health care, and college tuition, have risen at levels far outstripping any increases in paychecks. To keep pace with these rising costs, Americans have turned to borrowing from credit cards and their homes. But now, as the crisis in our capital markets begins to threaten sources of liquidity for people, such as mortgages, student loans, and other types of lending, the American economy is in a precarious place, to put it mildly. That is why we need new policies and new action to prevent this recession from becoming more severe, and to lay the foundation for our recovery.

The Federal Reserve is engaged in a series of interest rate cuts as they continue to aggressively use monetary policy to try and deal with the recession we are facing. But the Fed is running out of pages in its playbook to address the growing crisis of credit and confidence that has taken hold of our financial markets and threatens to undermine our Nation's economy. Until we more thoroughly address the core issue behind this recession—namely, the problems in the housing market and the foreclosure crisis—we are unlikely, in my opinion, to put our economy back on the right track. Fed Chairman Ben Bernanke understands the seriousness of this problem. In a recent speech on the subject of foreclosures, he said:

> High rates of delinquency in foreclosure can have substantial spillover effects on the housing market, the financial markets and the broader economy. Therefore, doing what we can to avoid preventable foreclosures is not just in the interest of lenders and borrowers. It's in everybody's interest.

I pledge to continue to work every day—as I know my colleagues on the Senate Banking Committee will, as well as those in the House Financial Services Committee under the leadership of Congressman BARNEY FRANK and as I am confident all of us in this Chamber will—to do everything we can to address these issues from the perspective of what we can do as part of the national legislature. That is why I am pleased to say that through these efforts, what we have brought to the floor of the Senate over the last several weeks has enjoyed broad-based bipartisan support. We will now be coming back again in the coming days. The leader of our Chamber, Senator REID, has committed that we will get to this as soon as we possibly can, given the crowded agenda he has to deal with. But we cannot, in my view, allow this Congress to continue to move forward in the coming days without addressing the remainder of these issues.

I cannot promise absolutely that everything we have offered is going to change the world dramatically. But there is one thing I hope it does do and that is restore confidence in the American families, whom the Members of this Congress serve, both Democrats and Republicans, are doing everything in their power to try and prevent foreclosures, restore confidence in the marketplace, and make it possible for the American dream of home ownership not to become the nightmare it has for far too many fellow citizens. It is at the core of everything else we are grappling with. We have seen the problem spill over into credit cards, financial services, commercial lending, student loans, and at the heart of all of this is the foreclosure problem.

That is what every single responsible economist, regardless of political ideology, has concluded. They have said there are steps we can take to make a difference—those steps we have created in a legislative manner to bring to this body. Our hope is we will enjoy the kind of broad-based support we have had in our committee. Anybody who has watched this body knows that when you get a 19-to-2 vote in committee on a matter such of this, you get some indication of the willingness of members to work together to make a difference. Senator SHELBY and I and the other members of the committee will continue to do that. We hope to put on the President's desk by July 4 this comprehensive financial services Banking Committee proposal, dealing with FHA, dealing with the government-sponsored enterprises, dealing with affordable housing, dealing with counseling, dealing with the community development block grant program, as well as tax ideas that we think could help, and the Hope for Homeowners Act, which is critical to try to put the brakes on this foreclosure problem.

I wished to take some time this afternoon to share with my colleagues that this problem grows more serious. It is growing more troublesome, spreading beyond our national borders, in terms of what the subprime market and the purchase of those mortgage-backed securities has done to the markets, not only in this country, but abroad as well.

This is our major responsibility, in my view and I think we have a commitment to address it. Senator SHELBY and I have worked very well together over the past number of weeks to try to fashion this legislative proposal.

I commend BARNEY FRANK, my friend from Massachusetts, who is chairman of the Financial Services Committee in the other body, and other Members for the job they are doing together as well. I hope that in the remaining days, before the July break—hopefully sooner than that—we will be able to present to our colleagues a final proposal bringing together these ideas for their consideration and support as we do our part to try to make a difference in getting this economy and the confidence of the American people back on track.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mrs. MURRAY. Madam President, I rise this evening amid new and very pressing concerns about the future of our economy. Today, millions of Americans are struggling to keep their homes. The price of just about everything, from gas, college, health care, you name it, is on the rise, and families from coast to coast are wondering how they are going to make ends meet.

Just last week, we saw new and shocking statistics illustrating this crisis. With the price of the American Dream going up, working families seem to be facing new challenges every day. Last week, it was a new report from the Department of Labor. They told us the overall unemployment rate rose from 5 percent to 5.5 percent in May, up from 4.5 percent just 1 year ago. That is 861,000 new unemployed people in 1 month, bringing the total to 8½ million people unemployed in America today in May. Today, there is even more bad news. Gas has, for the first time, hit an average of $4 a gallon.

Madam President, the American people are hurting. While job creation and wage levels are dropping, prices are going up. Everything costs more, but families don't have enough money to spend. The bottom line is the American Dream is slipping through the fingers of too many Americans, and we have to do something about it.

Now, this evening I want to talk specifically about oil and gas prices because this week the Senate is going to have an opportunity to take a step in the right direction and put consumers first. Tomorrow morning, we are going to vote on a Democratic bill that seeks to address the root causes of these high gas prices because we are committed to putting consumers first and to fixing the root causes of high gas prices so these solutions have a real lasting effect.

We want to force big oil to pay its fair share and invest in clean and affordable alternative energy sources. We want to protect consumers from price gougers who rip off Americans and greedy oil traders who manipulate this market. We want to stand up to OPEC and countries colluding to set high oil prices. These basic, commonsense steps will attack the root causes of high gas prices, but they are only the beginning.

Step 2 has to include a long-term strategy to decrease our dependence on oil and promote clean renewable energy. That is why later this week we are going to propose billions of dollars in tax breaks to promote those new energy sources. Our plan seeks to address the high price of gas at the pump now, but it will also help to ensure that energy is affordable for years to come.

With gas prices on the rise, there has been a lot of finger-pointing in recent weeks, but you don't have to look very hard to see who is to blame and who is benefiting from these skyrocketing prices. While our working families have been scrimping, the economic downturn hasn't even registered for big oil. The major oil companies reported record increases in profits last quarter. ConocoPhillips recorded first quarter profits of $4.1 billion, beating their previous record by $600 million, with Shell and BP also reporting huge gains.

The reason is that over the last 7½ years, Republicans have backed an energy policy that does little but give oil companies tax breaks and special favors while our middle-class families pay the price. In the first month of the Bush administration, oil prices averaged $29.50 a barrel. Now, almost 8 years later, the price has more than quadrupled. It is over $130 a barrel this week and pushing toward $140 a barrel. When President Bush first took office, Americans were paying $1.46 a gallon to fill their tanks, and this week gas prices are averaging a whopping $4 a gallon. We have gone from $1.46 to over $4 a gallon in this Bush administration.

What is most disturbing to me and to American families all across the country is how fast these gas prices are rising. Six weeks ago, I came on the floor of the Senate and spoke on the same subject, saying a lot of the same things, and at the same time I was saying how shocking it was to see the national average at $3.60 a gallon. But in just a few weeks prices have gone up another 40 cents a gallon. I am a little scared to do the math and see what increase that is going to translate into by the Fourth of July, just a few weeks away or, even worse, Labor Day. Instead, I think it is time we come together for action in the Senate.

I mentioned the national averages already, but in my home State of Washington and the home State of the Presiding Officer, drivers are paying even more. The average cost of a gallon of gas in Washington State is now $4.22. Yesterday, in my State, I paid $4.29 a gallon. Right now, AAA is saying that gas costs $4.22 in my State. That is the average. That is 44 cents higher than just a month ago, 95 cents higher than a year ago, and 20 cents higher than the national average. And our truckers are being hit really hard. AAA found the average price of a gallon of diesel is $4.89 a gallon in my home State. That is 40 cents higher than a month ago and $1.84 higher than just a year ago.

When I travel around Washington State, gas prices are the first thing people talk to me about, and they have written me countless letters asking for help. Everyone asks what we are going to do about this matter. While they are cutting back their budgets in my home State, they do not see any action in Washington, DC. And I have told them time and again that Democrats want to act, but we need help to do that from our Republican colleagues. They will have a chance to help us do that tomorrow.

But I am concerned that Republicans are more interested, from what I am hearing, in just blocking our progress and whatever we want to do here than actually taking any meaningful action for the people who are hurting so badly at home today. In fact, for the past several days, we have already seen, from what I have heard, a parade of Republican Senators out on the floor complaining about high gas prices, and in many cases blaming Democrats for failing to address this crisis over the past 16 months. They are bringing out their charts and showing the price of gas when Democrats took over Congress and what the price is now, and they ask us all to simply forget the real reason for this crisis—the misguided energy policy that this administration has pursued for years.

But I don't think the American people are going to forget that. They are not going to forget it was this administration that asked oil and gas companies to write their energy plan. The American people aren't going to forget the only real idea coming from the other side is to drill our way out of the problem. And they are not going to forget that this is an administration closer to the oil and gas industry than any in our history. We are not going to forget either, and that is why we are fighting for change. We have already won higher fuel economy standards and new investments in renewable energy sources, but we know we need to do more because Americans know that we cannot rely—we cannot rely—on big oil to solve our energy problems.

Madam President, the energy policy isn't the only area where Republicans have put special interests ahead of our American families. For 7½ years, President Bush and the Republicans in Congress have chosen to stand by while our highways are crumbling, hundreds of thousands of our veterans go homeless every night, and millions of our families struggle to keep a roof over their heads. In the last year, our new Democratic majority has had to fight Republicans and the administration for resources to address everything from veterans health care to the foreclosure crisis our families are facing. I think the legacy of this administration is going to be nothing but red ink and broken promises.

People in my home State of Washington are very worried about the future. They want to be sure their children will have economic security. They want a solution to our energy problems that are going to keep us safe and protect our environment for the long run. And the same is true, I know, across the country. Americans are hurting because of these high gas prices. It doesn't matter whether they are Republican or Democrat, they want help.

I know Republicans and oil companies are not going to give up on the status quo easily here. But Democrats on our side have been fighting for policies that will help us cut those prices, create jobs, and keep our air and water clean and, most importantly, our Nation secure.

We are committed to taking strong action that will stop rewarding these oil companies and start looking out for our American families. We are going to keep up that fight. If my Republican colleagues want their constituents to have help, if they want to take action that will stop this pain at the pump, the solution is very simple: Vote yes with us tomorrow morning so we can move to a bill that will begin to solve this problem.

(Mr. SANDERS assumes the Chair.)

RUNNING IT OUT

Mr. SPECTER. Mr. President, a unique event occurred in a Philadelphia Phillies baseball game last week. The Philadelphia Phillies' shortstop, named Jimmy Rollins, who was the most valuable player in the league last year, hit a looping ball into left field—which was an easy ball to catch—and instead of running it out, he ran at a very leisurely pace down the first baseline. The left fielder on the defensive team moved in and, in a very unusual play, dropped the ball. Instead of Rollins getting to second base, he was left at first base.

The Phillies' manager, Charles Manuel, then immediately benched Jimmy Rollins, the most valuable player in the league. He put him right on the bench because he did not run it out. That took a lot of guts, and manager Charles Manuel has been complimented on that, and I renew the compliment here today. But it is a great lesson, in my opinion, about the way baseball players ought to act and Senators ought to act and everybody ought to act. We all ought to so-called run it out, with that kind of intensity.

I am an avid squash player, and one of the maxims I have developed over the years is that I am never too far ahead to lose and never too far behind to win. The game is always in play, if you run it out. I think it has some applicability to all facets of life in things that all people do, in terms of the intensity of their activity. And I think we need a lot more of that attitude in the Senate and a sense of urgency to deal with the people's business.

This relates directly to the presentation I made a few moments ago on going back to the rules of the Senate on open debate, open amendment offering, and not filling the tree. But it is a great lesson to have that rule stamped indelibly of "running it out." So I congratulate Charlie Manuel. He took out a key player, whose absence could have been decisive even in that game because of Rollins' hitting and fielding ability.

But I think it is a great message and a great symbol for all of us to "run it out."

HONORING OUR ARMED FORCES

CORPORAL CHRISTIAN SCOTT COTNER

Mr. DODD. Mr. President, it is with a heavy heart that I rise today to honor the memory of Marine Cpl Christian Scott Cotner of Waterbury, CT, who died last week while serving our Nation in Iraq. He was 20 years old.

On May 30, 2008, Corporal Cotner's life was tragically cut short as he served his first tour of duty with the Marines in Al-Anbar Province, Iraq. His heroic service is remembered today by a grateful nation.

Friends and loved ones remember Corporal Cotner for his positive attitude, his great sense of humor and his pride in serving the country he loved. It was while in high school, where he volunteered to serve in the honor guards and the ROTC, that Corporal Cotner decided to serve his country, and shortly after graduating he joined the Marines.

All of us in the State of Connecticut and across the United States owe a deep and solemn debt of gratitude to Christian Cotner and to his family and friends for his tremendous service to our country. On behalf of the Senate, I offer my deepest condolences to Christian's parents Graham and Karen and to everyone who knew and loved him.

ADDITIONAL STATEMENTS

HONORING HARP COTE

• Mr. BAUCUS. Mr. President, I have had the privilege of calling Mr. John "Harp" Cote of Butte, MT, my friend for nearly 40 years.

In 1973 when I was running for my first congressional seat, not a whole lot of folks knew me from Adam and the only people I was sure would vote for me were my parents. But everywhere I went I heard the same thing: "Go see Harp." So I went.

Harp took his time sizing me up during that first meeting, and I remember vividly the moment when he said those magic words, "I'm with you." I know his support made all the difference. I owe my first political break to Harp Cote, and I don't know if anything I've accomplished since then would have happened if he hadn't been in my corner from the start.

Harp is a pillar in Montana politics and a great American. He's a model citizen and a model father and grandfather. He and his wife, Esther raised 8 children and have 14 grandchildren. From his many successful business ventures to his leadership roles in just about every charitable organization in town—Butte, and indeed Montana, is a better place because of Harp Cote.

Mark Twain once said "I have found out that there ain't no surer way to find out whether you like people or hate them than to travel with them." Well, a couple of years ago, I lead a delegation of Montanans, including Harp, to China and India to see what we could do to create more good-paying jobs and open doors for Montana businesses. After 10 days I can tell you, there is no one I like more than Harp. His familiar smile and easy personality made the trip a great success. And I'm proud of the doors we opened while we were there.

In April, I asked Harp to join me in Washington, DC, to hear Irish Prime Minister Bertie Ahern address a Joint Meeting of Congress. Each Member of Congress was allowed to bring one guest, and I invited Harp because of his unwavering dedication to Montana.

As a Butte native and proud Irish American, Harp's attendance has allowed him to further the Mining city's deep seeded Irish connections and heritage.

Like most folks in Butte, Harp has Irish blood in his veins, but he is a Montanan through and through. He is dedicated, hard working and one heck of a sportsman. His optimism, resilience and pure grit define Montanans and embody the western spirit.

I am lucky to have him by my side as we work to do what is right for Montana, making sure Big Sky country remains the Last Best Place to live, work and raise a family.

In 2006, Harp was on hand to welcome Irish President Mary McAleese to

Butte. McAleese was the first Irish leader to visit the Mining city since 1919. During the visit, McAleese told a crowd: "You can be assured that Butte matters to us as much as Ireland matters to Butte."

I would like to echo President McAleese's sentiment.

Harp Cote can be assured that he means as much to Butte, and to Montana, as Montana and Butte mean to him.

As for myself, I know when it's all said and done and I look back on my career and my friends, one thing will be certain—one of the greatest honors of my life is the privilege of calling Harp Cote my friend.•

TRIBUTE TO ARTHUR J. SCHUT

• Mr. GRASSLEY. Mr. President, I am pleased to recognize the service that Arthur (Art) J. Schut has provided to so many in my home State of Iowa. Art is an Iowan that has dedicated over 30 years of himself to the disenfranchised of our communities. He has worked tirelessly on a local, State, and national level to provide care, counseling, and education for families, the public, and lawmakers to minimize the negative stigma and to secure funding and resources for those with addiction and mental health issues.

Art began his distinguished career nearly 40 years ago as a program director for the Des Moines Metropolitan YMCA working with youth gangs. Since that time, Art has served in a variety of roles working on behalf of those who suffer from the scourge of addiction and other mental illness. Art has served as a member of the University of Iowa faculty and as a clinical and treatment director. During this period in Art's life, he supervised several drug treatment and education programs throughout southeast Iowa, and he provided vital education for future substance abuse professionals through his position with the University of Iowa.

Art will soon be leaving the position that he has dutifully served in for 25 years as President and CEO of the Mid-Eastern Council on Chemical Abuse, MECCA. Throughout his service as the President of MECCA, Art has overseen the administration of operations and programs in three regions throughout Iowa. These operations include outpatient offices in 16 counties, a prevention unit, employee assistance program for regional businesses and industries, a residential treatment program, and a detoxification unit.

Sadly, Art will soon be leaving the great State of Iowa, but he will be continuing the good fight against addiction and abuse. Barbara and I want to extend our gratitude for all the years of service and for the positive impact on all the lives Art has had throughout his remarkable career. We wish Art all the best in his future endeavors.•

125TH ANNIVERSARY OF THE FOUNDING OF TULARE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Tulare, SD. After 125 years, this progressive community will have a chance to reflect on its past and future, and I congratulate the people of Tulare for all they have accomplished.

Tulare is located in northeast South Dakota, within Spink County on Highway 281. Originally plotted by Charles Prior in 1883, the town quickly grew as an important railroad supply station. There is some disagreement about the naming of Tulare, which tends to follow three different stories. The first story tells that when riding the train to Tulare, Mr. Prior encountered two men entertaining the passengers with tall tales. He was so amused by the time he reached his destination, he decided to call the town site "Tulare" after the "two liars." The second story claims the town was named after the "Tulle" weed that grows in the swamps, and the third story names the city after a Native America chief.

Today, Tulare has come a long way from its days as a railroad supply center. The town now boasts a variety of businesses, including those in both the service and manufacturing sectors. Coupling with those parts of the economy are the rich natural resources including the plentiful pheasant population which further aids in the prosperity of this community. The town also continues their long tradition of high standards in education that began here with the first 4-year high school and continues to thrive as the Hitchcock-Tulare School District.

Tulare has become a credit to Spink County and the State of South Dakota. The people of Tulare will celebrate their achievements June 20–22, 2008, with a basketball tournament, parade, car and quilt show, and street dance. I am proud to join with the community members of Tulare in celebrating the last 125 years and look forward to a promising future.•

125TH ANNIVERSARY OF CANOVA, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I recognize the community of Canova, SD, on reaching the 125th anniversary of its founding. Canova is a rural community located in Miner County, and will be celebrating its quasquicentennial the weekend of July 4–6.

The combination of the Homestead Act of 1862, the opening of Government lands, and the influx of railroads through the State all added greatly to the development of Canova in the 19th century. L.W. Aldrich and H.W. Eddy, both from Watertown, NY, bought the land around Canova, while F.D. Woodbury registered Canova as a town in 1883.

The town of Canova was built on the pillars of farming, faith, and baseball, boasting 8 State titles and 11 runner-up finishes. These activities serve to bring this close-knit community even closer together. While the school has since closed, it did bring about the birth of the Canova Alumni and the promotion of community health with the CARE Center.

Most South Dakotans call small towns like Canova home. South Dakota's small communities are the bedrock of our economy and vital to the future of our State. It is especially because of our small communities, and the feelings of loyalty and familiarity that they engender, that I am proud to call South Dakota home. Towns like Canova and its citizens are no different and truly know what it means to be South Dakotan. Even 125 years after its founding, Canova continues to be a vibrant addition to our wonderful State, and I once again congratulate them on this achievement.•

125TH ANNIVERSARY OF THE FOUNDING OF WILLOW LAKE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Willow Lake, SD. After 125 years, this progressive community will have a chance to reflect on its past and future, and I congratulate the people of Willow Lake for all they have accomplished.

Willow Lake, located in Clark County, was originally plotted on the northeast corner of the lake in 1883. When the Manitoba Railroad was surveyed to come about 2 miles south of the city, the decision was made to move the town to its present location. Willow Lake grew with the evolution of the Manitoba Railroad to the Great Northern in 1890. A tornado and several fires swept through the town during the turn of the 20th century, destroying most of the primarily wooden structures. Shortly thereafter, the town fathers mandated that all Main Street buildings were to be made of brick to withstand the elements of eastern South Dakota.

Today, Willow Lake has come a long way from the days of railroad commerce. The town now boasts a variety of businesses in both the service and manufacturing sectors, including a grain elevator, multiple construction companies, and a K–12 public school. The people of Willow Lake will celebrate their achievements July 4–6, 2008, with a rodeo, car show, fireworks display, and parade as well as an all school reunion which, as reported by Paul Harvey, is held each and every year.

Willow Lake is a credit to Clark County and to the State of South Dakota. I am proud to join with the community members of Willow Lake in celebrating the last 125 years, and looking forward to a promising future.●

CONGRATULATING THE SNACKS 4 EDUCATION TEAM

● Mr. LUGAR. Mr. President, I am pleased to join the friends and families of four remarkable young Hoosiers in congratulating their team's success in the eCybermission science, math, and technology competition for sixth through ninth graders sponsored by the U.S. Army.

Having won the ninth grade Northwest Regional Competition, the Fort Wayne-based "Snacks 4 Education" team of Allie Dembar, Andrew Reichle, Amelia Roebuck, and Darcy Whitney will now face three other teams in the National Competition to be held in Washington, DC, on June 24. These four students have shown considerable insight and leadership in the execution of their project promoting proper schooltime nutrition. The team is led by adviser, Larry Lesh.

Each member should be proud of their accomplishments. I am especially grateful for their advocacy and the effort these young leaders have put forth to demonstrate the benefits of proper nutrition and healthy snacks on classroom education.

I hope you will join me in offering congratulations to all the participants in this year's eCybermission competition and best wishes to the many finalists.

I ask to have the following statement further detailing the "Snacks 4 Education" project printed in the RECORD.

The material follows.

(By the members of Snacks 4 Education)

In American schools today, many students arrive ill-prepared to learn at their full potential. There are a multitude of reasons for this, including not getting enough rest, not eating a nourishing breakfast, and not coming from a home that values education. As a result, these students in particular, and probably all students, have a time during the school day when they experience a low energy point. Our team of four students, after noticing the same problem in our own schools, hypothesized that having a healthy snack at or near this low energy time would help students to be more alert, more energetic, and better able to concentrate.

For our project, the team experimented in eleven classrooms in four schools, covering each grade from one through six. The experiments were run during three separate time periods. The team first had to determine the low energy time of the class. This was accomplished by asking the students through a questionnaire, or by allowing the teacher to make the decision, or by a combination of these two methods. In two of the experiments, snacks approved by the Fort Wayne Community Schools' Nutrition Services were given each day at the low energy time. Then for two weeks, snacks were not given. In one case, the experiment ran for eight weeks, having two weeks with snacks, then two weeks without, then two with, and finishing with two weeks without.

In each experimental snack week, dry snacks were given on Monday, Wednesday, and Friday. Fruit snacks were given on Tuesday and Thursday. The dry snacks were packages of teddy grahams, pretzels, and animal crackers. Fruit snacks varied and included small packages of sliced apples, grapes, or oranges. The dry snack servings all contained around 125 calories and were determined to be of healthy content by a registered dietitian.

Questionnaires were given to the students on each Friday of the experimental weeks. On the final week evaluation, two extra questions were asked. The first question asked whether the students did better in their schoolwork during the weeks they had a snack each day. The second question asked how they felt after having a daily snack. In grade 1, 84 percent thought they did better on their schoolwork, and 70 percent said they felt better after having a snack. In grade 2, the results were 60 percent and 70 percent. In grade 3, 84 percent and 70 percent. In grade 4, 88 percent and 78 percent. In grade 5, 84 percent and 86 percent. In grade 6, 86 percent and 91 percent.

For overall results from all eleven classrooms in all six grades, the actual number of answers were used instead of averaging percents, as not the same number of students participated in each grade. Overall, 81 percent of the students said that while they were having snacks they thought they did better on their schoolwork and 82% said they felt better after having a snack.

Following our research, we were involved in discussions with the Indiana Parent Teacher Association, which passed a resolution urging its members to support the concept of healthy snacks in schools. That resolution will be considered at the national PTA convention next year.●

TRIBUTE TO BRYAN JOHNSTON

● Mr. SMITH. Mr. President, former Oregon Governor Tom McCall once said, "Heroes are not giant statues framed against a red sky. They are individuals who say, 'This is my community, and it is my responsibility to make it better.'"

Today I pay tribute to Bryan Johnston, a true Oregon hero, who devoted much of his life and career to making Oregon and our State capital city of Salem a better place in which to live, work, and raise a family.

Like countless others in Oregon, I was shocked and saddened to learn that Bryan passed away last week at the far too early age of 59 years. Bryan's passing deprives my State of one of her most respected, admired and effective public servants; it deprives St. Martin's University in Lacey, WA, of a gifted leader, as Bryan was scheduled to begin his service of president of that university on July 1; it deprives many in Oregon, including myself, of a trusted friend and advisor; and it deprives his wife Anne and their four children of a loving and dedicated husband and father.

During his years in Salem, Bryan served in a remarkable number of roles, including: lawyer; professional mediator; Law professor; director of the Center for Dispute Resolution at Willamette University College of Law; dean of the Willamette University Atkinson Graduate School of Management; interim president of Willamette University; Oregon State Representative; and interim director of the Oregon Department of Human Services Children, Adults and Families Division. As the Salem Statesman-Journal so aptly put it, "Bryan Johnston was Mr. Fix—it for colleges, for state government, and for the Salem-area community."

The tributes that have been pouring in since Bryan's passing speak volumes of the impact this gentle and gifted visionary made in so many ways:

Salem business and community leader Dick Withnell said: "He was so wise. He could grasp a tough situation and see what should be done and then be collaborative with people to accomplish it. That's a real gift."

State Senate President Peter Courtney said: "Bryan was a great mediator and facilitator. He was a very, very versatile individual in the area of education and public service. Those are maybe two of the highest callings you can aspire to, if you're chosen; and he was chosen time and again."

Department of Human Services Director Bruce Goldberg stated: "Bryan was a trusted advisor and friend, who brought wisdom, humor, and kindness into all of our lives."

Perhaps the best tribute to Bryan was paid by my friend John Watt, who served with Bryan in the Oregon State House of Representatives. Said John: "One of the things that has always stuck with me about Bryan is that he truly was doing the work for Oregon. I mean, he wasn't somebody who was after kudos for himself. He didn't necessarily walk lockstep with his caucus. He was always willing to talk and work with people."

Bryan Johnston talked and worked with people, and because of that, he leaves behind a remarkable legacy of accomplishment and service. Indeed, I am reminded of the words of Mother Teresa, who said: "God does not call us to be successful. God calls us to be faithful."

By any account, Bryan Johnston led a successful life. But I know that more important to him was the fact that he led a faithful life. He was a faithful educator, legislator and public official. He was a faithful husband, and friend. He was a faithful servant of God. May God bless Bryan Johnston.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13405 OF JUNE 16, 2006, WITH RESPECT TO BELARUS, AS RECEIVED DURING ADJOURNMENT OF THE SENATE ON JUNE 6, 2008—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2008.

The actions and policies of certain members of the Government of Belarus and other persons pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. These actions include undermining democratic processes or institutions; committing human rights abuses related to political repression, including detentions and disappearances; and engaging in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 6, 2008.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2420. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

Pursuant to the order of June 4, 2008, the enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3098. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 3101. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3102. A bill to establish the Small Business Information Security Task Force, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BIDEN (for himself and Mr. LUGAR) (by request):

S. 3103. A bill to amend the Iran, North Korea, and Syria nonproliferation Act to allow certain extraordinary payments in connection with the International Space Station; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. DURBIN):

S. Con. Res. 87. A concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 411

At the request of Mr. SMITH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit.

S. 507

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 712

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 712, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 911

At the request of Mr. REED, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1465

At the request of Mr. CONRAD, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1465, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain medical mobility devices approved as class III medical devices.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2401

At the request of Ms. CANTWELL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2704

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2704, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2858

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2858, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 2862

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2862, a bill to provide for National Science Foundation and National Aeronautics and Space Administration utilization of the Arecibo Observatory.

S. 2920

At the request of Mr. KERRY, the names of the Senator from Missouri (Mr. BOND), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. COLEMAN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2955

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3092

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3092, a bill to amend the Public Health Service Act to ensure sufficient resources and increase efforts for research at the National Institutes of Health relating to Alzheimer's disease, to authorize an education and outreach program to promote public awareness and risk reduction with respect to Alzheimer's disease (with particular emphasis on education and outreach in Hispanic populations), and for other purposes.

S. 3098

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. MARTINEZ), the Senator from Idaho (Mr. CRAPO), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Mississippi (Mr. WICKER) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 3098, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. CON. RES. 86

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 86, a concurrent resolution expressing the sense of Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms and seek to strengthen measures to conserve whale species.

S. RES. 575

At the request of Mr. STEVENS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 575, a resolution expressing the support of the Senate for veteran entrepreneurs.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. KERRY):

S. 3102. A bill to establish the Small Business Information Security Task Force, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, with Senator JOHN KERRY, to introduce the Small Business Information Security Act of 2008. Not only is this a bipartisan bill in the United States Senate, but it is also a bicameral bill. Congressmen MANZULLO and MICHAUD are also introducing companion legislation in the U.S. House of Representatives. This bill would establish within the Small Business Administration, SBA, a Small Business Information Security Task Force to advise the SBA and help small businesses both understand the unique information security challenges they face, and identify resources to help meet those challenges.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, one of my goals is to ensure small businesses are protected from the mounting information security threats they face every day. This legislation will create a clearinghouse of information, resources, and tools—compiled by a task force consisting of public and private sector experts in the field—that will ease the complexity, confusion, and cost often associated with enhancing information security measures within a small business. The task force will continually update information and resources as new technologies and threats arise.

Currently, small business owners turn to the SBA for resources regarding a number of aspects, but information security resources remain largely unavailable within the agency. This legislation will present an opportunity for the SBA to develop and create a repository of data to help small business owners meet their information security needs. This legislation will enable industry experts to come together and immediately provide meaningful strategies to enable small businesses to safeguard their customer's personal information.

Computer networks are increasingly susceptible to hackers, intruders, and other cyber criminals. In fact, in my home state of Maine, the retail supermarket chain, Hannaford Bros., was recently affected by an intrusion into their computer system which led to the exposure of 4.2 million credit and debit card numbers. What many people do not realize is that a breach like Hannaford's impacts not only the millions of customers whose personal data was compromised, but it also has serious downstream impact on our Nation's small businesses. For example, throughout Maine there are many small banks; these banks are responsible for protecting and alerting their depositors upon fraudulent activity. Following the Hannaford breach, many small banks had to replace their customers' credit and debit cards, clearly a costly enterprise that diverts resources from more productive activities, such as small business lending. The bill we are introducing today will help ameliorate this problem.

Unfortunately, these attacks are becoming more frequent and more severe, and the perpetrators are becoming harder to identify and bring to justice. According to a survey by the Small Business Technology Institute, more than half of all small businesses in the U.S. experienced a security breach in the last year. Furthermore, the study concludes that nearly one-fifth of small businesses do not use virus-scanning for e-mail, over 60 percent do not protect their wireless networks with encryption, and two-thirds of small businesses do not have an information security plan.

As these statistics illustrate, small businesses are increasingly at risk of data breaches and other forms of malicious attacks on their information technology infrastructure. Cyber attacks launched by a small group of people can devastate America financially, it is conceivable that a few individuals working together could disable millions of computers at a cost of hundreds of millions to the U.S. economy. Cyber-criminals can hold hostage not just a few individuals, but millions of small businesses. This legislation provides best practices to help small business owners decrease the risk cyber attacks pose to their customers.

The information security threat posed to our Nation's small businesses is serious, and our efforts to prevent and reduce this risk carry a tremendous sense of urgency. We must continue to focus on ways we can protect small businesses, and their customers, from the serious consequences of cyber crimes. In order to take an important first step, I encourage all of my colleagues to support this critical legislation, and I hope we can see this commonsense legislation enacted into law as expeditiously as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Information Security Act of 2008".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term "task force" means the task force established under section 3(a).

SEC. 3. INFORMATION SECURITY TASK FORCE.

(a) ESTABLISHMENT.—The Administrator shall establish a task force, to be known as the Small Business Information Security Task Force, to address the information technology security needs of small business concerns.

(b) DUTIES.—The task force shall—

(1) identify—

(A) the information technology security needs of small business concerns; and

(B) the programs and services provided by the Federal Government, State Governments, and nongovernment organizations that serve those needs;

(2) assess the extent to which the programs and services identified under paragraph (1)(B) serve the needs identified under paragraph (1)(A);

(3) make recommendations to the Administrator on how to more effectively serve the needs identified under paragraph (1)(A) through—

(A) programs and services identified under paragraph (1)(B); and

(B) new programs and services promoted by the task force;

(4) make recommendations on how the Administrator may promote—

(A) new programs and services that the task force recommends under paragraph (3)(B); and

(B) programs and services identified under paragraph (1)(B);

(5) make recommendations on how the Administrator may inform and educate with respect to—

(A) the needs identified under paragraph (1)(A);

(B) new programs and services that the task force recommends under paragraph (3)(B); and

(C) programs and services identified under paragraph (1)(B);

(6) make recommendations on how the Administrator may more effectively work with public and private interests to address the information technology security needs of small business concerns; and

(7) make recommendations on the creation of a permanent advisory board that would make recommendations to the Administrator on how to address the information technology security needs of small business concerns.

(c) INTERNET WEBSITE RECOMMENDATIONS.—The task force shall make recommendations to the Administrator relating to the establishment of an Internet website to be used by the Administration to receive and dispense information and resources with respect to the needs identified under subsection (b)(1)(A) and the programs and services identified under subsection (b)(1)(B). As part of the recommendations, the task force shall identify the Internet sites of appropriate programs, services, and organizations, both public and private, to which the Internet website should link.

(d) EDUCATION PROGRAMS.—The task force shall make recommendations to the Administrator relating to developing additional education materials and programs with respect to the needs identified under subsection (b)(1)(A).

(e) EXISTING MATERIALS.—The task force shall organize and distribute existing materials that inform and educate with respect to the needs identified under subsection (b)(1)(A) and the programs and services identified under subsection (b)(1)(B).

(f) COORDINATION WITH PUBLIC AND PRIVATE SECTOR.—In carrying out its responsibilities under this section, the task force shall coordinate with, and may accept materials and assistance as it determines appropriate from—

(1) any subordinate officer of the Administrator;

(2) any organization authorized by the Small Business Act to provide assistance and advice to small business concerns;

(3) other Federal agencies, their officers, or employees; and

(4) any other organization, entity, or person not described in paragraph (1), (2), or (3).

(g) CHAIR AND VICE-CHAIR.—The task force shall have—

(1) a Chair, appointed by the Administrator; and

(2) a Vice-Chair, appointed by the Administrator, in consultation with appropriate nongovernmental organizations, entities, or persons.

(h) MEMBERS.—

(1) CHAIR AND VICE-CHAIR.—The Chair and the Vice-Chair shall serve as members of the task force.

(2) ADDITIONAL MEMBERS.—

(A) IN GENERAL.—The task force shall have additional members, each of whom shall be appointed by the Chair, with the approval of the Administrator.

(B) NUMBER OF MEMBERS.—The number of additional members shall be determined by the Chair, in consultation with the Administrator, except that—

(i) the additional members shall include, for each of the groups specified in paragraph (3), at least 1 member appointed from within that group; and

(ii) the number of additional members shall not exceed 13.

(3) GROUPS REPRESENTED.—The groups specified in this paragraph are—

(A) subject matter experts;

(B) users of information technologies within small business concerns;

(C) vendors of information technologies to small business concerns;

(D) academics with expertise in the use of information technologies to support business;

(E) small business trade associations;

(F) Federal, State, or local agencies engaged in securing cyberspace; and

(G) information technology training providers with expertise in the use of information technologies to support business.

(i) MEETINGS.—

(1) FREQUENCY.—The task force shall meet at least 2 times per year, and more frequently if necessary to perform its duties.

(2) QUORUM.—A majority of the members of the task force shall constitute a quorum.

(3) LOCATION.—The Administrator shall designate, and make available to the task force, a location at a facility under the control of the Administrator for use by the task force for its meetings.

(4) MINUTES.—

(A) IN GENERAL.—Not later than 90 days after each meeting, the task force shall publish the minutes of the meeting and shall submit to Administrator any findings or recommendations approved at the meeting.

(B) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the Administrator receives minutes under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives such minutes, together with any comments the Administrator considers appropriate.

(5) FINDINGS.—

(A) IN GENERAL.—Not later than the date that the task force terminates under subsection (m), the task force shall submit to the Administrator a final report on any findings and recommendations of the task force approved at a meeting of the task force.

(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date that the Administrator receives the report under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the full text of the report submitted under subparagraph (A), together with any comments the Administrator considers appropriate.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force shall serve without pay for their service on the task force.

(2) TRAVEL EXPENSES.—Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) DETAIL OF SBA EMPLOYEES.—The Administrator may detail, without reimbursement, any of the personnel of the Administration to the task force to assist it in carrying out its duties. Such a detail shall be without interruption or loss of civil status or privilege.

(4) SBA SUPPORT OF THE TASK FORCE.—Upon the request of the task force, the Administrator shall provide to the task force the administrative support services that the Administrator and the Chair jointly determine to be necessary for the task force to carry out its duties.

(k) NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(l) STARTUP DEADLINES.—The initial appointment of the members of the task force shall be completed not later than 90 days after the date of enactment of this Act, and the first meeting of the task force shall be not later than 180 days after the date of enactment of this Act.

(m) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the task force shall terminate at the end of fiscal year 2012.

(2) EXCEPTION.—If, as of the termination date under paragraph (1), the task force has not complied with subsection (i)(4) with respect to 1 or more meetings, then the task force shall continue after the termination date for the sole purpose of achieving compliance with subsection (i)(4) with respect to those meetings.

(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000 for each of fiscal years 2009 through 2012.

By Mr. BIDEN (for himself and Mr. LUGAR) (by request):

S. 3103. A bill to amend the Iran, North Korea, and Syria nonproliferation Act to allow certain extraordinary payments in connection with the International Space Station; to the Committee on Foreign Relations.

Mr. BIDEN. Today Senator LUGAR and I introduce, by request, the International Space Station Payments Act of 2008. This measure would enable the National Aeronautics and Space Administration to continue payments to Russia related to the International Space Station after 2011.

As with any legislation proposed by request, we introduce this bill for the purpose of placing the Executive branch's proposals before Congress and the public without expressing our own views on the substance of the proposals. As chairman and ranking member of the Committee on Foreign Relations, we intend to give the administration's requested legislation careful review and consideration.

The Administrator of NASA, Michael Griffin, has submitted this legislation to the committee, along with a section-by-section analysis that helps to explain why NASA wants this legislation and what they believe it will achieve. Mr. President, I ask unanimous consent that a letter of support and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, April 11, 2008.
Hon. JOSEPH R. BIDEN,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Aeronautics and Space Administration (NASA) proposes the enclosed amendment to the Iran, North Korea, and Syria Nonproliferation Act (50 USC 1701 note). The purpose of the amendment is to permit NASA to continue to procure Russian support for the International Space Station (ISS) until suitable U.S. capabilities are in place. We urge enactment of this important amendment.

The amendment provides a balanced approach, maintaining both U.S. nonproliferation principles and objectives as well as a U.S. presence on ISS. The justification and purpose for this proposed amendment are stated more fully in the enclosed sectional analysis. As an overview, NASA has procured Soyuz services through the fall of 2011, consistent with existing authority under the Act. However, U.S. obligations to provide crew transportation and emergency services to the ISS continue beyond 2011, and Soyuz will be the only viable option for the United States to meet these obligations until the U.S. Orion Crew Exploration Vehicle or U.S. commercial providers can provide such transportation and rescue services. Fabrication of Soyuz vehicles must begin approximately 36 months prior to launch, according to the responsible Russian entities. Thus, unless contractual arrangements for the provision of crew rescue and rotation services beyond 2011 are concluded in 2008, the production of Soyuz vehicles for U.S. crew transportation requirements will be at risk. This, in turn, means that prompt legislative action is needed to provide further relief beyond 2011 and allow for the negotiation of these arrangements.

The Office of Management and Budget advises that there is no objection to the submission of this legislation from the standpoint of the Administration's program.

Sincerely,

MICHAEL D. GRIFFIN,
Administrator.

AMENDMENT TO THE IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT

SECTIONAL ANALYSIS

The Administration remains committed to the important objective of persuading the Russian Government and Russian entities to improve their nonproliferation efforts regarding Iran, North Korea, and Syria. Accordingly, the proposed amendment to the Iran, North Korea, and Syria Nonproliferation Act (the Act) would maintain key existing U.S. nonproliferation tools while allowing payments to Russian entities that support U.S. obligations to the International Space Station (ISS) beyond December 31, 2011.

The provision would extend the Act's exception to the prohibition on "extraordinary payments" to the Russian government and Russian entities for goods or services relating to the ISS from January 1, 2012 to the end of the life of the ISS. It would exclude from the exception any payments after December 31, 2011 for cargo services provided by a Progress vehicle. The new provision would also exclude from the exception payments for crew transportation or rescue services provided by a Soyuz vehicle once (1) the U.S. Orion Crew Exploration Vehicle reaches Full Operational Capability or (2) a U.S. commercial provider of crew transportation and rescue services demonstrates the capability to meet ISS mission requirements.

An international partnership governed by an Intergovernmental Agreement (IGA) among the United States, Canada, multiple European States, Japan and Russia established the ISS. This partnership is a longstanding and interdependent one, with roles and responsibilities outlined in the IGA and subordinate agreements for design, development and operations of the program. Pursuant to the IGA and subordinate agreements, NASA has an obligation to its non-Russian ISS Partners to provide crew rotation and rescue services during the life of the ISS. Currently, the Russian vehicle Soyuz is the sole provider of rescue services, with the Space Shuttle providing crew transportation. After Shuttle retirement, the partnership will be dependent on Russia to provide both crew transportation and rescue services with Soyuz until the U.S. Orion Crew Exploration Vehicle (CEV) achieves Full Operational Capability (currently projected for 2016) and can provide crew transportation and rescue services, or a U.S. commercial provider can demonstrate the capability to provide crew transportation and rescue services to meet ISS mission needs.

NASA has procured Soyuz services through the fall of 2011, consistent with existing authority under the Act. Fabrication of Soyuz vehicles must begin approximately 36 months prior to launch based upon information provided by the Russian entities responsible for manufacturing these vehicles. Thus, unless contractual arrangements for rescue and crew rotation services after 2011 are concluded in 2008, the production of Soyuz vehicles for U.S. crew transfer and rescue will be at risk. This in turn means that prompt legislative action is needed to provide further relief beyond 2011 and allow for the negotiation of these arrangements.

Absent the proposed relief, the United States will be unable to meet one of its most critical partner obligations: providing crew transportation and rescue services to European, Japanese and Canadian crews. The United States would not have an American "presence" aboard the ISS, either in terms of astronauts or access to research facilities for the U.S. scientific community, if we could not purchase crew transportation and rescue services from Russia, as no non-Russian crew transfer vehicles will be available until the CEV reaches full operational capability or a U.S. commercial provider demonstrates the capability to meet ISS crew transportation and rescue needs. Given NASA's operational, engineering, safety and other responsibilities for the ISS, NASA is concerned whether the ISS could remain fully operational for any significant time period absent an American presence.

Moreover, the authority under the present exception to the Act has been used to obtain ancillary goods and services from Russia in addition to crew transport and rescue. For example, although purchased from Russia, the Zarya module is legally a U.S. element under the Space Station agreements and

NASA must purchase unique tools and engineering support, such as sustaining software, from Russia for the continued operation of the module. NASA will have a continuing requirement to procure certain goods and services where Russia offers unique capabilities, such as those related to Russian space suits, software and hardware engineering support, and Extravehicular Activity tools and training, which are required for effective operations onboard the ISS. This amendment will allow NASA to continue to purchase such goods and services that are necessary to meet U.S. responsibilities under the Space Station Agreements.

In addition, this limited relief being requested (i.e., through the life of the ISS) may be necessary even after a U.S. commercial capability is available, because some potential U.S. commercial providers of cargo services and of crew transportation and rescue services have Russian contractors or other relationships with Russian entities that, without this amendment, could trigger the Act's "extraordinary payment" prohibition.

With respect to furthering the United States' nonproliferation objectives and tools, in addition to the positive incentive provided by prudent, closely monitored space cooperation in areas of great benefit to the United States, the proposed amendment would not affect the current nonproliferation framework. The first five sections of the Act establish a requirement to report to Congress on every foreign person that transfers controlled items to, or acquires controlled items from, Iran, Syria or North Korea and authorizes sanctions against such foreign persons. These key reporting and sanctions provisions would not be affected by the proposed amendment. In addition, the amendment leaves in place the ban on any United States government agency making extraordinary payments in connection with the ISS or other human space flight to any persons (including entities) subject to sanctions under the Act or the Proliferation of Weapons of Mass Destruction Executive Order (E.O. 12938, as amended by E.O. 13094) or if the U.S. government agency (in consultation with other interested U.S. government agencies) anticipates that such payments will be passed on to such persons. Finally, specific proposals for cooperation with Russia would continue to be subject to review under relevant mechanisms such as the State Department's Circular 175 process for interagency review of international agreements. Likewise, export and import licensing regulations would ensure that U.S. nonproliferation objectives are maintained.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 87—CONGRATULATING THE REPUBLIC OF LATVIA ON THE 90TH ANNIVERSARY OF ITS DECLARATION OF INDEPENDENCE

Mr. SMITH (for himself and Mr. DURBIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 87

Whereas, on November 18, 1918, in the City of Riga, the members of the People's Council proclaimed Latvia a free, democratic, and sovereign nation;

Whereas, on July 24, 1922, the United States formally recognized Latvia as an independent and sovereign nation;

Whereas Latvia existed for 21 years as an independent and sovereign nation and a fully recognized member of the League of Nations;

Whereas Latvia maintained friendly and stable relations with its neighbors, including the Soviet Union, during its independence, without any border disputes;

Whereas Latvia concluded several peace treaties and protocols with the Soviet Union, including a peace treaty signed on August 11, 1920, under which the Soviet Union "unreservedly recognize[d] the independence and sovereignty of the Latvian State and forever renounce[d] all sovereign rights ... over the Latvian people and territory";

Whereas, despite friendly and mutually productive relations between Latvia and the Soviet Union, on August 23, 1939, Nazi Germany and the Soviet Union signed the Molotov-Ribbentrop Pact, which contained a secret protocol assigning Latvia, Estonia, and Lithuania to the Soviet sphere of influence;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia, and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas the Soviet Union imposed upon the people of Estonia, Latvia, and Lithuania a communist political system that stifled civil dissent, free political expression, and basic human rights;

Whereas the United States never recognized this illegal and forcible occupation, and successive United States presidents maintained continuous diplomatic relations with these countries throughout the Soviet occupation, never accepting them to be "Soviet Republics";

Whereas, during the 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis supported a United States policy of legal non-recognition;

Whereas, in 1953, the congressionally-established Kersten Commission investigated the incorporation of Latvia, Estonia, and Lithuania into the Soviet Union and determined that the Soviet Union had illegally and forcibly occupied and annexed the Baltic countries;

Whereas, in 1982, and for the next nine years until the Baltic countries regained their independence, Congress annually adopted a Baltic Freedom Day resolution denouncing the Molotov-Ribbentrop Pact and appealing for the freedom of the Baltic countries;

Whereas, in 1991, Latvia, Estonia, and Lithuania regained their de facto independence and were quickly recognized by the United States and by almost every other country in the world, including the Soviet Union;

Whereas, in 1998, the United States and the three Baltic nations signed the U.S.-Baltic Charter of Partnership, an expression of the importance of the Baltic Sea region to United States interests;

Whereas the 109th Congress resolved (S. Con. Res. 35 and H. Res. 28) that "it is the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia and Lithuania, the consequences of which will be a significant increase in good will among the affected people";

Whereas Latvia has successfully developed as a free and democratic country, ensured the rule of law, and developed a free market economy;

Whereas the Government of Latvia has constantly pursued a course of integration of that country into the community of free and democratic nations, becoming a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas the people of Latvia cherish the principles of political freedom, human rights, and independence; and

Whereas Latvia is a strong and loyal ally of the United States, and the people of Latvia share common values with the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the people of Latvia on the occasion of the 90th anniversary of that country's November 18, 1918, declaration of independence;

(2) commends the Government of Latvia for its success in implementing political and economic reforms, for establishing political, religious and economic freedom, and for its strong commitment to human and civil rights;

(3) recognizes the common goals and shared values of the people of Estonia, Latvia, and Lithuania, the close and friendly relations and ties of the three Baltic countries with one other, and their tragic history in the last century under the Nazi and Soviet occupations;

(4) calls on the President to issue a proclamation congratulating the people of Latvia on the 90th anniversary of the declaration of Latvia's independence on November 18, 1918;

(5) respectfully requests the President to congratulate the Government of Latvia for its commitment to democracy, a free market economy, human rights, the rule of law, participation in a wide range of international structures, and security cooperation with the United States Government; and

(6) calls on the President and Secretary of State to urge the Government of the Russian Federation to acknowledge that the Soviet occupation of Latvia, Estonia, and Lithuania under the Molotov-Ribbentrop Pact and for the succeeding 51 years was illegal.

Mr. SMITH. Mr. President, I rise today to introduce a bill with my distinguished colleague, the senior Senator from Illinois, commemorating the 90th anniversary of Latvia's independence.

This past century saw more than its share of tragedy, as the twin evils of fascism and communism seeded mankind with misery unknown to earlier generations. Nazi and Soviet totalitarianism did their best to stamp out the individualistic spirit among their adherents, and forge them instead into a single mailed fist suited only for war, plunder, and oppression. Though the struggle against both was long and often dark, rays of light continually pierced the clouds. One such ray was the establishment of Israel, whose 60th anniversary we are commemorating this year. Another was the independence, sporadic though it began, of independent Baltic republics like Latvia. The modern state of Latvia was born in days of hope after the calamity of the Great War, days when so many of the subjugated peoples of Europe achieved independence. On November 18, 1918, Latvia became free. The U.S. recognized Latvia less than 4 years later.

It is both Latvia's blessing and its curse to sit on a historical crossroads. The Baltic region has been an important trading hub for hundreds of years, stretching back to the days of Vikings and Byzantium. Latvians, surrounded by powerful neighbors and wealthy trading states, have thus led a perilous existence. Tragically, but not fatally, Latvia's post-1918 existence was to be similarly perilous. Through a secret protocol with the Nazis, the U.S.S.R. occupied Latvia in the beginning of World War II, and retained control until the final collapse of the Soviet state in 1991. At that moment, ravished by communism and beset by historical injustice, Latvians made a bold choice to build a free, democratic, and prosperous Western-oriented society. They have since succeeded brilliantly, achieving high levels of economic and political freedom, and enjoying one of the highest living standards among ex-communist countries. Latvia today stands as a model of Western, free-market democracy, and America stands with it.

I am very proud that Latvia is no longer in peril. It is a valuable member of NATO, and leads a new wave of pro-growth nations in the European Union. I am honored to introduce this resolution with Senator DURBIN, and commend Latvia on its 90th anniversary of independence.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public an addition to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on June 17, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

In addition to the other measures previously announced, the subcommittee will also consider S. 3096, a bill to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

SIGNING AUTHORIZATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the majority leader, Senator REID of Nevada, be authorized to sign duly enrolled bills and joint resolutions through June 16, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 10, 2008

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, June 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act; that there be 1 hour for debate prior to the cloture vote, equally divided and controlled between the two leaders or their designees, with the final 20 minutes equally divided between the two leaders or their designees, with the majority leader controlling the final 10 minutes prior to the cloture vote on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. MURRAY. Mr. President, tomorrow Senators should expect that the first rollcall vote will begin shortly after 11 a.m. and that vote will be on the motion to invoke cloture on the motion to proceed to the Consumer-First Energy Act.

ORDER FOR ADJOURNMENT

Mrs. MURRAY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order, following the remarks of Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY PACKAGE WITH EXTENDERS

Mr. BAUCUS. Mr. President, last Friday a cloture motion was filed on H.R. 6049, the Renewable Energy Job Creation Act of 2008. This bill contains a robust energy package, with about $17 billion in incentives for alternative energy, for efficiency, and for clean coal. This package is important for our environment, for energy security, and to facilitate the transition to a carbon-controlled economy.

It extends expiring individual provisions. These include the teacher expense deduction and the qualified tuition deduction. The bill also extends expiring business provisions. These include the research and development tax credit and the active finance expensing provision. These business provisions help keep America competitive in the global economy. These business provisions help maintain and create jobs. If these individual and business provisions are not extended, millions of families and businesses would have a huge tax increase. This is all paid for with two revenue raisers that no one has a problem with, revenue raisers that are sound tax policy.

Some might argue we should not increase taxes to pay for tax cuts, but these revenue raisers are not tax increases. The first provision is an extension of the effective date of the worldwide allocation of interest, delaying application of that provision. This section of the code is scheduled to take effect for tax years beginning after December 31, 2008. Many of the companies that will benefit from this provision have told me they would rather have business extenders, including R&D, active financing, and CFC look through, in exchange for a delayed application of the worldwide allocation of interest. These companies realize that in order to get extenders done now, they, along with the Congress, must pay for these provisions. These companies have made a choice. I believe it is a sound choice.

The second provision is offshore deferred compensation. This provision prevents hedge fund managers from deferring income. This is not an increase in tax on hedge fund managers; rather, it is a change in the timing of when income tax will be applied. This is a timing issue, not a tax increase, and the proposal is sound tax policy. Some argue we should not pay to extend current tax benefits. This is a new one. When the other side was in the majority, several bills passed extending provisions, and they were paid for.

So this week the Senate is faced with a choice, a choice that, in my opinion, is relatively easy. We need to decide whether we will develop new jobs and new medications or we can continue to allow hedge fund managers to defer without limitation their compensation for investing other people's money. I believe the choice is easy. We must pass this package of expiring provisions.

I also believe the substitute I will offer will include fixing the AMT, taxes American taxpayers would otherwise have to pay—a so-called AMT patch. That prevents Americans from having to increase their tax liability in a way which I think would not be fair. As I said earlier, the extenders package will be paid for. The AMT patch will not be paid for. Why, some might ask. That is basically because I think it is important to recognize the reality that at the end of day, it will not be paid for, so I, therefore, believe it is important to include the AMT patch in something that is going to be fixed. It is not going to be paid for at the end; whereas, other provisions will be. That is the reason for including both in this bill. The extenders paid for, the AMT patch not paid for.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:39 p.m., adjourned until Tuesday, June 10, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, June 9, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PERLMUTTER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 9, 2008.

I hereby appoint the Honorable ED PERLMUTTER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, by turning to You with faith, all can find lasting wisdom and clear direction, whether an individual or a nation. When in a cloud of confusion, You can offer a ray of light. When undecided because of many options, You can surface deepest convictions. When distracted or wandering around aimlessly, You can bring any of us back to center.

When bored with routine, You can create a surprise of new life. When smothered with disappointments, You can breathe the fresh breath of hope. When overwhelmed with an agenda, You can bring into focus priorities. When feeling most vulnerable, You are Our Strength now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. LATTA) come forward and lead the House in the Pledge of Allegiance.

Mr. LATTA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IMPORTANT ENERGY POLICIES

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Mr. Speaker, as another week passes and gas prices continue to hit all-time record highs each day, our constituents want answers from Congress. Because there is no one single fix to stabilize the energy prices, we must have a comprehensive, realistic plan.

Last month I introduced House Resolution 1206 which promotes five important energy policies that I believe will assist Congress as we develop our comprehensive energy plan.

The five points within House Resolution 1206 include promotion and expansion of renewable alternative energy sources, increasing domestic refining capacity, promotion of conservation, increasing energy efficiency, expansion of research and development for domestic exploration, and enhancement of consumer education.

House Resolution 1206 is one piece of our energy puzzle, but an important one as Congress seeks to improve our Nation's comprehensive energy policy.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 6, 2008, at 9:10 a.m.:

That the Senate passed without amendment H.R. 3913.

That the Senate passed S. 2482.

That the Senate agreed to without amendment H. Con. Res. 311.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 6, 2008, at 3:27 p.m. and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Belarus first declared in Executive Order 13405 of June 16, 2006.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–121)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2008.

The actions and policies of certain members of the Government of Belarus and other persons pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. These actions include undermining democratic processes or institutions; committing human rights abuses related to political repression, including detentions and disappearances; and engaging in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 6, 2008*.

RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Financial Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 2008.
Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol Building, Washington, DC.

DEAR LEADER PELOSI: I am writing to notify you of my resignation from the Committee on Financial Services, effective today.

Thank you for your attention to this matter.

Respectfully yours,
DAN BOREN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 2008.
Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR LEADER PELOSI: I am writing to notify you of my resignation from the Committee on Agriculture, effective today. I have appreciated the opportunity to serve my district and the U.S. House of Representatives in this capacity.

Thank you for your attention to this matter.

Sincerely,
LINCOLN DAVIS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Financial Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2008.
Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol Building, Washington, DC.

DEAR MADAM SPEAKER: I am writing to notify you of my resignation from the Committee on Financial Services, effective today.

Thank you for your attention to this matter.

With warm regards,
ROBERT WEXLER.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SEQUOIA AND KINGS CANYON NATIONAL PARK WILDERNESS ACT OF 2008

Mr. COSTA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3022) to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sequoia and Kings Canyon National Parks Wilderness Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of California.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 69,500 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014a, titled "John Krebs Wilderness", and dated March 10, 2008.

(B) LIMITATIONS.—The designation of the wilderness under subparagraph (A) does not preclude operation and maintenance of the existing Hockett Meadow Cabin and Quinn Patrol Cabin in the same manner and degree in which the cabins were operated and maintained on the day before the date of enactment of this Act.

(C) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as "Silver City" and "Kaweah Han".

(D) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water inpoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this Act upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled "Sequoia-Kings Canyon Wilderness Addition", numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this Act with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have

the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40.

(d) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this Act creates a protective perimeter or buffer zone around an area designated as wilderness by this Act.

(2) ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this Act precludes authorized activities conducted outside of the areas designated as wilderness by this Act by cabin owners (or their designees) in the Mineral King Valley area, or the property owners (or their designees) or lessees in the Silver City private inholding (as identified on the map titled "John Krebs Wilderness" and dated March 10, 2008).

(e) HORSEBACK RIDING.—Nothing in this Act precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COSTA) and the gentleman from California (Mr. NUNES) each will control 20 minutes.

The Chair recognize the gentleman the California (Mr. COSTA).

GENERAL LEAVE

Mr. COSTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

I rise today to introduce H.R. 3022, the Sequoia and Kings Canyon National Parks Wilderness Act of 2008. This bill adds nearly 115 acres of wilderness in the Sequoia and Kings Canyon National Parks in California, two parks that are among the crown jewels of our Nation's national park system. Coupled with existing wilderness areas in the parks, this bill will expand the wilderness to about 97 percent on the land base that is included within the park area.

About 45,000 acres of the wilderness created by this bill will be incorporated into currently existing Sequoia-Kings Canyon Wilderness Area. The other 70,000 acres will comprise a new wilderness area, which will be named after former Congressman John Krebs.

Congressman John Krebs served in this House from 1974 until 1978. He immigrated to this country when he was 17 years old. Like immigrants before him and immigrants since, he came here to find a better life for himself and his family. And in that effort, he contributed mightily, as all immigrants have, over the history of our Nation's years.

He served in this House with distinction and honor. He was tenacious, and one of the areas that he worked on was this area of wilderness within the Sequoia-Kings Canyon Wilderness Area.

So therefore it is appropriate that we designate this act by including this as a namesake, because within the Sequoia and Kings Canyon National Parks, we have California's and some of our country's most beautiful areas. The Redwood Canyon area contains Redwood Mountain Grove, the largest stand of giant sequoia within the parks. The Redwood Canyon also includes over 75 known caves, include the longest cave in California with over 21 miles of surveyed passage. The Hockett Plateau includes vast rolling forests of lodgepole pine surrounding spectacular subalpine meadows. The area is a favorite designation for equestrians, backpackers and anglers, people who, like all of us, like to enjoy our mountains.

This bill is obviously important not only to me but for my colleague, Congressman NUNES, and all that have been a part of this effort, for preserving our natural areas for future generations is a responsibility that we all share in common. And it gives us an opportunity to honor Congressman John Krebs, whom I first went to work for back in the 1970s when he served in Congress. He was a mentor and still today is a friend and is living well in Fresno, California, at the young, tender age of 82.

So it is fitting and appropriate that we recognize the people who deserve credit for making this bill a reality. Among those, I want to thank Chairman RAHALL, subcommittee Chairman GRIJALVA of the Natural Resources Committee for their support, their staffs, as well as the committee's minority staff that worked so hard on this bill, and the National Park Service.

In addition, there is a companion measure over in the Senate carried by Senator BOXER. I would very much like to thank her and her staff for their hard work, including most notably, the State director, Tom Bohigian, who devoted a great deal of time and energy to make this bill a reality.

□ 1415

Finally, I want to thank my colleague and dear friend, Congressman DEVIN NUNES, and his Deputy Chief of Staff, Damon Nelson, for their work on this bill. This is a sensitive issue. The land we are talking about resides within Congressman NUNES' congressional district. The wilderness created by H.R. 3022 there is important to Congressman NUNES, as well as to all of us, and I want to thank him for his hard work on this bill and for ensuring that he protects the interests of his district and the local communities and the folks that live and work and recreate in the wilderness and surrounding areas.

Mr. Speaker, I request my colleagues to support the passage of H.R. 3022, as amended.

I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this opportunity to express my support for H.R. 3022, the Sequoia-Kings Canyon National Park Wilderness Act. I would also like to thank my good friend Mr. COSTA and Senator BOXER for their willingness to work in a bipartisan manner to secure protections for my constituents.

When the idea of this designation was proposed, my constituents had three main concerns: Specifically, continued access to the hydroelectric facilities in the area; continued access for private and commercial horse stock users; and, finally, the cabin owners in the Mineral King and Silver City area needed assurances that they will continue to have access to their cabins in accordance with their Park Service permits. In each case, Congressman COSTA and Senator BOXER agreed to add language to the bill that would resolve these concerns.

First the cabin owners were provided a half-mile buffer zone around the cabins in order to ensure that management of the wilderness does not impact their access to and their maintenance of the cabins.

Second, operators of the hydroelectric facilities were ensured they will continue to have access to their facilities to conduct maintenance and inspections as necessary. They will continue to be allowed motorized access, including helicopters, if non-motorized access is not reasonably feasible.

Finally, the private and commercial horse stock users were provided strong assurances that nothing in the act precludes access to the areas that are designated wilderness. There have been recurring problems with such access to surrounding wilderness areas, and the language in this bill intends to ensure that those issues will not be repeated in this wilderness.

Again, these were hard-fought protections, and the work of my colleagues during the drafting period was invaluable and much appreciated.

At this time, I would like to yield to my colleague Mr. COSTA and would appreciate any comments he may have about these specific provisions that I mentioned.

Mr. COSTA. First I would like to thank Congressman NUNES for your hard work and efforts on this. Without your support, I don't believe this measure would be a reality. The bipartisan effort I think is a commendation on how we ought to be working on all of our efforts here in the House.

Protecting the local interests was a concern of mine, as it was of yours, and I am glad that we were able to find ways to satisfy the existing uses within the wilderness and the park area, because having been one who has utilized that park and have enjoyed it over the years, I want to be able to continue to use it myself in those ways, as do all of our constituents from the valley, who believe this, as I said, is one of our crown jewels.

It was always a goal of mine that this be a bipartisan effort, and I am glad that Congressman NUNES feels comfortable with supporting the legislation and proud you were able to help make it a reality.

Mr. NUNES. Reclaiming my time, I want to thank the gentleman for his statements. I think this is a fitting tribute to Mr. Krebs, who dedicated his life to public service. He served on the Fresno County Board of Supervisors and also in the United States Congress honorably. Hopefully this wilderness bill ends up being something that is really done in a bipartisan manner, that after it is passed is also enacted in such a way that ensures use by all of our constituents, because really these are America's parks and resources and we want to make sure that access is granted to those that want it.

So, thank you, Mr. COSTA and Senator BOXER for honoring Mr. Krebs in this way, and I strongly urge passage of this bill.

I yield back the balance of my time.

Mr. COSTA. In closing, I just again want to thank Congressman NUNES and thank Senator BOXER. I think it is fitting and appropriate that we name this additional wilderness area on behalf of a gentleman who dedicated a large part of his time to protect and preserve our heritage for future generations to come and was one of my mentors. It is a proud day for me to be here today to in fact make this happen.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and pass the bill, H.R. 3022, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SABINOSO WILDERNESS ACT OF 2008

Mr. COSTA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2632) to establish the Sabinoso Wilderness Area in San Miguel County, NM, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sabinoso Wilderness Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) STATE.—The term "State" means the State of New Mexico.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. DESIGNATION OF THE SABINOSO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, the approximately 15,995 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map titled "Sabinoso Wilderness" and dated May 7, 2008, and which shall be known as the "Sabinoso Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the wilderness area designated by this Act shall—

(1) be filed by the Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate as soon as practicable after the date of the enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the wilderness areas designated by this Act shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that with respect to the wilderness areas designated by this Act, any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(d) INCORPORATION OF ACQUIRED LAND.—Any land or interest in land located inside the boundaries of the wilderness area designated by this Act that is acquired by the United States after the date of enactment of this Act shall become part of the wilderness area designated by this Act and shall be managed in accordance with this Act and other applicable law.

(e) GRAZING.—Grazing of livestock in the wilderness area designated by this Act, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(f) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State, including the regulation of hunting, fishing, and trapping, in the wilderness area designated by this Act.

(g) WITHDRAWAL.—Subject to valid existing rights, the wilderness area designated by this Act, is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(h) ACCESS.—

(1) Consistent with section 5(a) of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(2) For access purposes, private lands within T. 16 N., R. 23 E. Sections 17, 20 and the north half of Section 21, N.M.M. shall be managed as if an inholding in the Sabinoso Wilderness.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COSTA) and the gentleman from California (Mr. NUNES) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. COSTA).

GENERAL LEAVE

Mr. COSTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTA. I yield myself such time as I may consume.

H.R. 2632 would designate land managed by the Bureau of Land Management in San Miguel County in northwestern New Mexico as wilderness. The land has been managed as wilderness study area for more than 20 years. The area involved includes a mix of Ponderosa Pine and riparian vegetation and provides habitat for an array of species including the Red-tailed Hawk, bobcat and fox. The area features opportunities for hunting, hiking and horseback riding, among other activities. The area also includes a 1,000 foot deep canyon, Largo, which connects the Canadian River outside of the area.

I would like to commend my colleague, Representative TOM UDALL, for his fine work on this legislation. He has worked tirelessly to gain broad support for the measure before us today.

I would ask my colleagues to support the passage of H.R. 2622, as amended.

I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, I yield myself such time as I may consume.

I think it is appropriate that the Congress continues to do their work, Mr. Speaker. But one of the problems that the Republicans have on this side of the aisle is that consumers are now paying upwards of $5 per gallon for gas in California and we want to make sure that the Republicans take our time to come to the House floor to make sure that we convey to the American people that the Republicans do have a plan, and part of that plan deals with drilling on Federal lands.

Although a lot of these bills that are coming to the floor deal with wilderness that may or may not have oil and gas exploration possibilities, like, for example, the bill that was just passed before the Congress that was in my district, there is no oil and gas in that area, this wilderness area I am not sure about. So I do have some concerns about this legislation, because I don't know this part of New Mexico, if there is oil and gas available.

I am concerned, because as we put this into a wilderness area, this is another area of America that will then be off-limits for drilling for oil or gas, and, like I said, at a time when Americans are paying $5 per gallon in some parts of the country, this is a big problem for the Republicans.

With that, I will reserve the balance of my time.

Mr. COSTA. I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, at this time I would like to yield such time as he may consume to my good friend from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend from California for yielding.

As he mentioned, it is interesting that we are setting aside land for wilderness area to be managed by the Federal Government. It came out of the Committee on Natural Resources, but we are not using all our natural resources right now. We are not using some of the oil reserves that we have in ANWR. We are not using the oil that is on the Outer Continental Shelf. We are not using the shale coal that we have that we can convert to oil. We are not using the clean-burning coal to the best of our ability. We are not drilling for natural gas.

So we have natural resources in all parts of our country that we are not taking advantage of, and the reason that we are not taking advantage of it is because the new majority in the 110th Congress is being controlled or partly controlled by the radical environmentalists that don't want us to drive a Suburban or an extended cab pickup. They don't really care if gas goes to $10 a gallon.

So I would like for this House to concentrate on the majority of Americans who are tired of paying $4 a gallon for gas. They understood that when the new majority was elected, and you go back to April of 2006 and then minority leader, now Speaker NANCY PELOSI, made the statement, that the Democrats had a commonsense plan for bringing down the skyrocketing price of gas.

Now, I think at the time, Mr. Speaker, gas was about $2.20 a gallon. I never thought we would lament or say, man, can you remember back when gas was $2 a gallon? But that is what it was when the Democrat majority said they had this new commonsense approach for bringing down the skyrocketing gas price.

Since that time, gas has almost doubled. It has almost doubled. So where is that commonsense plan? Where is it that we are using some of our natural resources to increase the supply of production that we have in this country, rather than being so dependent on foreign oil?

Now, the problem is that the majority passed in January of 2007 an energy bill, and that energy bill, which many on our side of the aisle called the "no-energy bill," went into effect. So we thought that that was the secret plan. Mr. Speaker, we thought that was this commonsense approach.

Once we looked at the bill, we saw that gasoline was mentioned about five or six times, that crude oil was mentioned about maybe 12 times, and that nothing was mentioned about domestic drilling, nothing was mentioned about increasing the production or using our natural resources to make us less dependent on foreign oil. But what we saw were words like "swimming pool" was used 47 times, "lamp" or "light bulb" was used 350 times, "renewable energy" was used a number of times, "greenhouse gases" was used a number of times, but nothing was really in that "no-energy bill" that helps us today.

I think we see evidence of that today with gas being over $4 a gallon. There was nothing in there to help us bring down the price of gas, number one, and that was where the commonsense approach was to be, was to bring down the skyrocketing price of gasoline. Not only did we not bring it down, it has doubled.

So where is this commonsense approach? I think the American people are ready to see it. I know my constituents are. When I go home, just like we have been home during the Memorial Day break, I had people ask me, what are we doing about increasing our domestic production? What are we doing about having the ability to become less dependent on foreign oil?

I have to explain to them the "no-energy bill" that was passed by this Congress and the things that it mentioned and the things that were there, and really and truly, Mr. Speaker, they think I am lying to them or kidding them, that that is the commonsense plan that the majority had, because it wasn't a plan at all. It was some type of smoke and mirrors that was sold to the American people. Now that gas is more than twice what it was, what are we to tell them? Because I have not seen anything come out of the Democratic side.

Now we have come up with an energy proposal that makes sense. It allows us to use some of our natural resources. What the other part that my constituents don't believe is that we as a government will not allow drilling off the coast of Florida, and yet China is fixing to start drilling 45 miles off our coast.

□ 1430

They can use the slant drilling technology and probably get deeper into our oil reserves. Now, what are we to tell people? What am I to tell my constituents that this Congress is doing about that? They are doing nothing about it, not one single thing.

We are naming post offices, we are coming up with wilderness areas and many more days of honoring somebody or recognizing a week or recognizing a month, but we are not doing anything on this House floor, nor have we done anything on this House floor, to really bring down the price of gas, crude oil or come up with a commonsense plan for that American worker out there that's going to the pump, costing him $100 to fill up with gas.

Now, I don't know the answer to it, but I would suspect that if we pass some type of legislation that said we were going to start drilling, whether it be in ANWR, Outer Continental Shelf, wherever it is, that the oil speculators, that the bottom would fall out of that because people would say, you know what? They are finally doing something to become less dependent on somebody else's oil production.

So we don't have to hold them hostage anymore, and those prices would come down, just at the fact that we passed the legislation—not that we put the first drill bit in the ground—but just that these oil speculators and the American people saw that their elected officials were wanting to do something to take a positive step that we can meet our own energy needs.

Mr. Speaker, I want to ask, what's wrong with that? I don't think there is anything wrong with that. I think that the people that elect us deserve to know what our plan is. The Republican side has come out with a plan. They say, look, we are going to take advantage of our natural resources. We are going to take advantage of the things that we were God given in this land. We are going to take advantage of our oil reserves, of our natural gas, of our abundance of coal.

We are going to take advantage of those things, and we are going to use the technology that we have been so good about coming up with. We are going to take and convert this shale to oil, which Hitler did in the late 1920s—in the late 1920s—and we don't think that we can do that today?

There is a problem, and we need the courage, the political courage and the political guts to stand up and say we are going to—or at least I hope the majority party will go—we are going to go against those people that we owe so much to for being in the majority, and say we are going to do what's good for the American people. We are going to use our own natural resources. We are going to do what the people that elected us expect us to do, and that's what's the best for them, not the best for special interest groups.

I just hope that during this next conversation that we have on these upcoming bills that we will be on this floor discussing this issue, because we have not really had a debate on it. I wish that the majority party would bring a bill to this floor and have an open rule so we could vote on some of these things that are so important.

The truth of it is that our constituency doesn't really know how we believe on some of these issues, because the majority has never given us the ability to vote on it. Let's vote on drilling on ANWR, just a straight up or down vote, not anything else tied to it. Let's drill on our natural gas. Let's vote on our natural gas drilling, not anything else tied, just an up or down. Let's drill on the converting of coal-to-liquid oil. Let's vote on that, just an up or down, rather than tie so many things that's so confusing to the American people.

That's what I hope we will do.

Mr. NUNES. Mr. Speaker, I reserve the balance of my time.

Mr. COSTA. Mr. Speaker, reclaiming the balance of my time, how much time do I have remaining and the opposition?

The SPEAKER pro tempore. The gentleman from California (Mr. COSTA) has 19 minutes. The gentleman from California (Mr. NUNES) has 10 minutes.

Mr. COSTA. Mr. Speaker, as Sergeant Friday once said, for those of us who remember back to our youth and the old television series, he used to say, "Just the facts, Ma'am."

While we are debating the importance of a 20-year study that puts about an additional set-aside of land in New Mexico for a wilderness study, it seems that we have gotten off track here. But let me for the record, as Sergeant Friday once said, just state the facts.

Between 1999 and 2007, the number of drilling permits issued beginning with the Clinton administration, during the Bush administration to present day issued an increase in development of public lands on application of permits to drill increasing 361 percent. Let me repeat that. In the last 8-plus years we have increased the applications for permits to drill in public lands, both onshore and offshore, 361 percent.

The Bureau of Land Management has now issued over 28,776 permits to drill on public land. Yet at that time, today, only 18,954 wells have been actually drilled. In other words, 10,000 wells have been stockpiled in terms of the permits that have not been drilled.

In addition to that, when we talk about making additional available land, whether it's on the Florida coast or the California coast, we know there is opposition to that among both parties, but the fact of the matter is, again—as Sergeant Friday used to say, "Just the facts, Ma'am"—the area that's available for energy companies to develop is 47.5 million acres onshore on Federal lands that are currently being leased by oil and gas companies.

Today, only about 13 million of those acres are actually in production. Again, there are over 47.5 million acres that are currently available for use to be drilled for oil and gas. Only about 13 million acres are actually being utilized.

Clearly, there are a multitude of solutions that deal with this painful, painful energy dilemma that we find ourselves in today, not just in the United States but in other parts of the world. There are short-term solutions and there are long-term solutions.

Frankly, in my opinion, the sooner we get past this blame game—because if my memory serves me correctly, the loyal opposition was in control for 12 years to develop this comprehensive energy policy. We have been in the majority for less than a year and a half. Yet all of the blame somehow is seemingly being placed on us. The issue on ANWR that was talked about earlier passed this House in previous Republican-controlled houses, only to never see the light of day over in the Senate.

So, we can play the blame game, but what Americans want when I go to my constituencies, my district, is us to fashion bipartisan solutions that are commonsense that involve both the short-term dilemma that we are in and long-term solutions. Frankly, when we come together, in my view, to put together that sort of a bipartisan comprehensive effort is when I think we are going to be addressing the long-term needs for our country.

Now, the bill before us obviously has nothing to do with the discussion we have just had. For 20 years, 20 years, Congressman TOM UDALL and his colleagues in New Mexico have worked diligently to determine whether or not these lands could be put aside. That's what H.R. 2632 does, as amended.

I urge my colleagues to support this measure before us.

Mr. Speaker, I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, I think the issue here is really not about what is available for exploration and the amount of wells that have been able to be drilled on what's been allowed for exploration. The key here, as most people know, is that there is literally hundreds of billions of barrels of oil that is totally off-limits for us to research.

I know that my friend from California is part of the solution, because he is one of the few Members of the Democrat Caucus that actually believes in drilling for oil. I know that he agrees with drilling in Alaska, and he agrees with drilling in the gulf and other places where we have tremendous resources of oil.

So really the key here, like Mr. WESTMORELAND said earlier, is we need to have open time here on the floor with bills that come to the floor with open rules so that we can allow the majority to govern, meaning the majority of Members, not just one party.

The longer that the Democrats continue to take bills up to the Rules Committee and send them down here to the floor to where we have no chance to offer amendments, we never have an opportunity to increase exploration. I believe that the American people, now that gas is soon to be $5 a gallon, that the American people have had enough of us buying all of our oil from the Middle East and South America and Africa. They have had enough. They are fed up with it.

One-third of our trade balance is basically because of the money that we send out of this country for importing oil. What I am hoping to get back to is some reasonable common sense here in the Congress to where Republicans and Democrats can work together and build a majority that will allow drilling in our own country, because I believe that's what the American people are asking for.

Until the Speaker of the House and the rest of the leadership decide that they want to let the majority rule, a majority of Members of Congress and not just one party, we are going to continue to pay high prices at the pump.

Mr. Speaker, I would like to yield to my good friend from Georgia (Mr. WESTMORELAND) for as much time as he may consume.

Mr. WESTMORELAND. Thank you for yielding.

To my other friend from California over there, I know that the gentleman is the chairman of the Subcommittee on Energy and Mineral Resources, and I think that subcommittee has jurisdiction over the drilling in ANWR and the Outer Continental Shelf. Right now only 3 percent of the Outer Continental Shelf is leased for oil and natural gas, and only 6 percent of the Bureau of Land Management public lands are leased.

So I think that it would be a good opportunity for the gentleman, for just my suggestion, that we look at that. I know that it has been looked at many times before.

The gentleman mentioned about the Republicans being in control for 12 years, I was only here for 2 of those years, so I was quite disappointed too that we never passed a comprehensive energy plan. You know, I am very concerned about that, and I hate that.

What I am proud of is that right now that we have come up with an energy plan that would help with our dependence on foreign oil, and maybe it took

12 years for us to wake up. I certainly hope that the majority party that's in control now, that it doesn't take them 12 years to wake up to understand that we need an energy policy.

Now, if it's going to take them 12 years to wake up, we will be paying $12 a gallon like they are paying in the Netherlands or $9 a gallon like they are paying in Germany. I know that would make some of their base awfully happy if we were paying those gas prices, but your average American family, the man and the woman out there trying to make a living and trying to provide for their family, does not like paying $4 a gallon for gasoline when we are not doing anything, anything to reduce our dependence on that foreign oil.

I agree with Mr. NUNES from California in the fact that we need to bring some bills to the floor. We are doing 20 suspension bills on this floor today. The U.S. Congress is addressing 20 bills on this floor today, that most of them will be passed by a voice vote, and most Americans won't even know what we did.

Some of these pieces of legislation should be going through a regular rule, a regular order of process, where we can come in and make some amendments on some of these. There may be in these wilderness areas, there may be some spots where we have the potential for natural gas or oil, where we have potential for solar, where we have potential for wind power. Those are being restricted on just about every one of these pieces of legislation that we are doing today.

So let's have an open, honest—that's another promise that the majority made to the American people, that this was going to be the most open, honest Congress in history. I hate to say this, and I was only here for 2 years when we were in control, but that's not true. That's another falsehood and whether they did it purposefully or not, that this is not the most open, honest Congress that this country has ever seen, and it does not or has not or not yet come up with a commonsense approach to bring down the skyrocketing cost of gasoline when it was $2.20 a gallon, and now it's over $4 a gallon.

Mr. COSTA. Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to encourage my colleagues to support passage of this legislation to designate as wilderness the lands in and near the Sabinoso Wilderness Study Area (WSA), located in my district. The Sabinoso WSA is one of New Mexico's special places and deserves to be protected and accessible to all.

The Sabinoso WSA comprises approximately 20,000 acres and is situated in San Miguel County, 40 miles east of Las Vegas, New Mexico, and 25 miles northwest of Conchas Dam State Park. During a trip I took to the area, I was immediately struck by the ecological, scenic and recreational value of the land. Sabinoso's soil includes a thick section of colorful sedimentary rocks, typical of desert rock formations throughout the West. The area's scenic and densely vegetated landscape is also home to a rich diversity of wildlife, such as red-tailed hawks, western scrub-jays, broad-tailed hummingbirds, mule deer, bobcats, and gray foxes. All of these natural resources will provide outstanding opportunities to hunt, hike, horseback ride, take photographs, and simply experience the unspoiled lands of our ancestors.

During the 2007 session of the New Mexico State Legislature, House Memorial 53, which calls on the New Mexico Congressional delegation to support the establishment of the Sabinoso Wilderness Area, was introduced by State Representative THOMAS GARCIA and passed unanimously by a vote of 66–0.

Unfortunately, this beautiful piece of land is currently inaccessible to the general public. Designating the area will help provide access to the land for everyone. Opening Sabinoso will also create important new economic development opportunities for the surrounding communities.

The bill that comes to the floor today is a result of compromise and open dialogue. It is a bill that addresses the concerns of, and is supported by, all parties involved. It is an example of the positive results that come from Federal agencies, local landowners, and wilderness groups working together towards a common goal. I would like to thank Chairman GRIJALVA and his staff for their tireless efforts to find compromise between these different groups, and to ensure that the rights of local private landowners would not be compromised.

I again encourage my colleagues to support this bill to establish a wilderness area that will help to preserve the natural beauty and cultural heritage of New Mexico.

Mr. NUNES. Mr. Speaker, I have no more speakers on this bill, and I yield back the balance of my time.

Mr. COSTA. Mr. Speaker, I would ask my colleagues to support the passage of H.R. 2632, as amended, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and pass the bill, H.R. 2632, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1445

CALIFORNIA DESERT AND MOUNTAIN HERITAGE ACT OF 2008

Mr. COSTA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3682) to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "California Desert and Mountain Heritage Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DESIGNATION AND EXPANSION OF WILDERNESS AREAS

Sec. 101. Definition of Secretary.
Sec. 102. Designation of wilderness, Cleveland and San Bernardino National Forests, Joshua Tree National Park, and Bureau of Land Management land in Riverside County, California.
Sec. 103. Joshua Tree National Park potential wilderness.
Sec. 104. Administration of wilderness.

TITLE II—WILD AND SCENIC RIVER DESIGNATIONS

Sec. 201. Wild and scenic river designations, Riverside County, California.

TITLE III—ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT

Sec. 301. Boundary adjustment, Santa Rosa and San Jacinto Mountains National Monument.
Sec. 302. Technical amendments to the Santa Rosa and San Jacinto Mountains National Monument Act of 2000.

TITLE I—DESIGNATION AND EXPANSION OF WILDERNESS AREAS

SEC. 101. DEFINITION OF SECRETARY.

In this title, the term "Secretary" means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

SEC. 102. DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.

(a) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled "Proposed Addition to Agua Tibia Wilderness", and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(b) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled "Cahuilla Mountain Proposed Wilderness", and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System,

which shall be known as the "Cahuilla Mountain Wilderness".

(c) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled "South Fork San Jacinto Proposed Wilderness", and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "South Fork San Jacinto Wilderness".

(d) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled "Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition", and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(e) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled "Beauty Mountain Proposed Wilderness", and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "Beauty Mountain Wilderness".

(f) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled "Joshua Tree National Park Proposed Wilderness Additions", and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(g) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled "Orocopia Mountains Proposed Wilderness Addition", and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South are intended to exclude—

(1) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(2) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(3) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(h) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled "Palen-McCoy Proposed Wilderness Additions", and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(i) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled "Pinto Mountains Proposed Wilderness", and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "Pinto Mountains Wilderness".

(j) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled "Chuckwalla Mountains Proposed Wilderness Addition", and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(k) MAPS AND DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(l) UTILITY FACILITIES AND CORRIDORS.—The wilderness areas and wilderness additions designated by this section are intended to exclude rights of way for existing utility facilities, such as power, gas, and telecommunications lines, and associated structures and access roads, and existing designated utility corridors. Nothing in this section or the Wilderness Act shall be construed to prohibit construction, operation, and maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

SEC. 103. JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.

(a) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled "Joshua Tree National Park Proposed Wilderness Additions", and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to subsection (b).

(b) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by subsection (a) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(1) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(2) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(c) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date on which the notice required by subsection (b) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

SEC. 104. ADMINISTRATION OF WILDERNESS.

(a) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this title shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(A) the date of the enactment of this Act; or

(B) in the case of the wilderness addition designated by subsection (b) of section 513, the date on which the notice required by such subsection is published in the Federal Register; and

(2) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(b) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this title that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this title, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(c) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this title is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(d) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this Act as are necessary for the control and prevention of fire, insects, and diseases (including the use of prescribed burning, priority treatments, or fuels reduction) in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(2) FUNDING PRIORITIES.—The designation of wilderness areas and wilderness additions by

this title is not intended to alter the priorities afforded the land so designated in allocating funds for fire and related fuels management.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall amend the local fire management plans that apply to the Santa Rosa Wilderness and Agua Tibia Wilderness, and prepare local fire management plans for the Beauty Mountain Wilderness, Cahuilla Mountain Wilderness, and South Fork San Jacinto Wilderness Area, to identify appropriate local officials to take such actions in the wilderness areas as are necessary for fire prevention and watershed protection consistent with paragraph (1), including best management practices for fire pre-suppression and fire suppression measures and techniques.

(4) STATE OR LOCAL AGENCIES.—Consistent with paragraph (1) and other applicable Federal law, the Secretary may delegate by written agreement primary fire fighting authority and related public safety activities to an appropriate State or local agency.

(e) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this title shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–617 to accompany H.R. 5487 of the 96th Congress.

(f) NATIVE AMERICAN USES AND INTERESTS.—

(1) EFFECT OF DESIGNATION.—Nothing in the designation of the Cahuilla Mountain Wilderness by this title affects the unique cultural artifacts and sacred sites of the Indian tribes that are contained within that wilderness area, as identified by Indian tribes and the Forest Service.

(2) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this subsection, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (11 U.S.C. 1131 et seq.).

(3) INDIAN TRIBE DEFINED.—In this subsection, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

TITLE II—WILD AND SCENIC RIVER DESIGNATIONS

SEC. 201. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraphs:

"(_) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

"(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

"(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

"(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

"(E) The 0.6-mile segment from .25 miles upstream of the 5S09 Road crossing to its confluence with Stone Creek, as a scenic river.

"(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

"(_) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

"(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

"(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

"(_) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

"(_) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.".

TITLE III—ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT

SEC. 301. BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

"(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled 'Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition', and dated March 12, 2008:

"(1) The 'Santa Rosa Peak Area Monument Expansion'.

"(2) The 'Snow Creek Area Monument Expansion'.

"(3) The 'Tahquitz Peak Area Monument Expansion'.

"(4) The 'Southeast Area Monument Expansion', which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.".

SEC. 302. TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.

Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking "eight" and inserting "a majority of the appointed".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COSTA) and the gentleman from California (Mr. NUNES) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. COSTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3682 will designate more than 180,000 acres of new and potential wilderness in Riverside County, California. H.R. 3682 also will add 31 miles of new river segments to the National Wild and Scenic River System and add nearly 8,400 acres to the Santa Rosa-San Jacinto Mountains National Monument.

This legislation is carried by Representative BONO MACK, the author of the bill. We want to commend her on her diligence. She has spent years crafting this legislation. Her hard work has paid off with a conservation achievement that takes careful account of fire concerns, which are oftentimes a part of the natural conditions of that area, recreational interests and all of the magnificent resources that lie within her beautiful district.

This measure, H.R. 3682, will protect dramatic mountain vistas and vast desert landscapes, coastal sage and scrub and chaparral, and ancient Joshua trees. The areas covered by the bill include the largest ironwood ecosystem in the California desert, and one of the most pristine watersheds in southwestern California.

This legislation has broad support from over 400 organizations and businesses including local, State and national wilderness groups, as well as the National Hispanic Environmental Council.

Mr. Speaker, I urge Members to support this measure, H.R. 3682, as amended.

I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, I yield myself such time as I may consume.

I want to commend Congresswoman MARY BONO MACK for including the language in this wilderness legislation that will allow fuels reduction and prescribed burns in wilderness areas, just as the 1964 Wilderness Act allows.

Also commendable is codifying an energy corridor which will allow renewable energy to be created and transferred through this new wilderness area.

I would like to thank Chairman RAHALL and his staff for allowing this language to be included in the bill, and I look forward to seeing this commonsense language included in future wilderness legislation. It will help protect lives and help provide energy which I think is critical as we begin to look at new wilderness areas being created around the country.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTA. I reserve.

Mr. NUNES. Mr. Speaker, I would like to yield such time as he may consume to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend for yielding.

It was mentioned a while ago about all of the different land that was available for oil companies to drill in, that they weren't taking advantage of, and I would like to quote some figures, Mr. Speaker, for you and for the American people to hear because one of the things, I guess, that is part of this secret plan for our energy is to tax oil companies. Somehow the majority has got in their mind by taxing companies, the price of their product is going to come down. I don't understand that, and I know that most of the people in the Third Congressional District of Georgia do not understand that, and I am sure there are probably people all over the world that don't understand that. But that seems to be their answer to everything, is to raise taxes.

When you talk about, Mr. Speaker, domestic oil and gas production, in 2006 the top 27 U.S. energy producing companies paid $81.5 billion in corporate Federal income taxes. That is $81.5 billion in corporate taxes, an 81 percent increase over 2004. In addition, they paid $3.1 billion in State and local government taxes. Those 27 companies paid 21 percent of the total corporate income taxes collected by this Federal Government in 2006. These 27 companies paid 21 percent of all the corporate taxes paid into the Federal Government.

Yet these 27 companies make up one one-thousandth of the domestic corporate filers. And yet they paid 21 percent of all the total corporate Federal taxes paid into our treasury.

Total non-income taxes paid in 2006 by the big 27 was $8.2 billion, and that was a 46 percent increase over 2004. Excise taxes collected by these same 27 companies on behalf of the Federal, State and local governments total $48.1 billion in 2006.

In 2006, these 27 companies were responsible for 44 percent of the total U.S. crude oil and natural gas production, and 81 percent of the domestic refining capacity.

For fiscal year 2006, $10.48 billion was collected in the form of bonus bids, rent and royalties from oil and gas companies operating on Federal lands.

The OCS, the Outer Continental Shelf, covers 1.7 billion acres of which 85 percent is off-limits to drilling. However, the Minerals Management Service broke records for bonus bids in several recent OCS lease sales. Last summer in the western gulf off the shore of Texas they received more than $289.9 million for tracts totaling 18 million acres. In February 2008 they received $2.6 billion for leases covering approximately 2.7 million acres in the Chukchi Sea. And in March, they received $3.7 billion in bonus bids in the central and eastern Gulf of Mexico.

The CRS estimates that ANWR production would deliver $191.1 billion in corporate income tax and royalty to the Federal treasury at today's prices.

So while they may not be drilling, you can see that 85 percent of the Federal land is off-limits. Maybe the land that they have to drill on doesn't have any oil reserves under it, any natural gas under it, any coal under it. That would be something, Mr. Speaker, for the chairman of the subcommittee to tell us, if there are any oil reserves or natural gas reserves or coal reserves under this 85 percent of Federal lands that does not have the ability to be drilled under. And then if it does have reserves for oil or natural gas or coal, maybe he could tell us, Mr. Speaker, why we can't drill there, why it is off-limits, what technology are we missing to be able to drill in an environmentally friendly way.

So yes, some of these companies do have land that they may be able to drill on. But as we see that this is a profitable thing for the Federal Government, to allow those companies to drill domestically, we can see the amount of money that it brings in. And goodness knows, the way the majority party loves to spend money, they passed a thing called PAYGO, the American people pay and we will go spend it. Now this is a great opportunity to get more revenue coming into our treasury by allowing us to take advantage of our own resources that we have in this country.

Mr. COSTA. Mr. Speaker, as the chairman of the Subcommittee on Energy and Minerals on Public Lands, it is my opinion that the oil and gas companies would not be buying the leases to these lands if they did not believe that oil and gas could be produced there. Yet these same companies are producing in other areas. Two months ago I was in the Gulf of Mexico surveying a lot of good work that is being done there, American companies and others that are actively drilling for both oil and gas.

But let me repeat again the current circumstance which we are dealing with. Trends include not only the fact that 13 million acres are actually being used out of the 47 million acres that are on shore, but when you look at offshore, 10 million acres of the gas and oil land that has been leased to these companies are being used out of the 44 million acres that are currently being leased.

If we extrapolate from that, the fact is that today's production rates on Federal land and waters, we can estimate that 68 million acres of leased but currently inactive Federal land and waters could produce 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas each day, if the vast amount of land that is leased on which permits to drill have been allowed but is not currently being utilized were taking place. Are there other opportunities or options out there along with all of the other variables of trying to come together with a comprehensive energy plan, certainly. But I think my parents told me a long time ago that to be prudent, you first ought to use those available resources that have been approved by both the Federal Government in terms of Federal lands, both on shore as well as offshore, and the States that we are also dealing with in the circumstance.

So we are inventorying them and keeping a close eye on it, and we want to encourage that those lands already leased are utilized to the degree they could be utilized. And clearly, obviously, we will continue to look at all of the renewable sources of energy that are in our energy toolbox because there is no one silver bullet.

I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, I would like to inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from California (Mr. NUNES) has 13 minutes. The gentleman from California (Mr. COSTA) has 15½ minutes.

□ 1500

Mr. NUNES. I yield myself as much time as I may consume.

The key here, Mr. Speaker, is that 86 percent of our Federal lands are off-use for drilling. What we have to really recognize in this country is that we have to quit blaming people and have to start, in my opinion, place the blame on ourselves. It's not a Democrat problem; it's not a Republican problem. It's the whole Congress itself that's the problem, because for decades now, we haven't been able to open up the Federal lands for drilling for oil. And there's a lot of us in this body who believe that what we ought to do is open up these areas for drilling, but, instead of using that tax revenue to go to pay for a lot of the things that we waste money here in Washington on, but instead take that tax revenue and invest it into the next generation of energy. That's what we're attempting to do on the Republican side of the aisle.

We actually, I've worked with, including Mr. COSTA and other Democrats, to develop bipartisan legislation that would, in fact, open these areas up for drilling, and then basically make the largest investment in American-made energy in our Nation's history. And that's how we move from fossil fuels to the next generation of clean and renewable energy.

Today a half a percent of our total energy is produced from solar and wind power; and so to think that we're going to go from a half a percent anywhere close to the energy needs that we need, it's not possible at this time, Mr. Speaker, and we need to be honest with the American people about what really is the problem, why don't we have an abundant energy availability in this country? Why are we exporting so many dollars overseas?

And the longer that we sit around and blame oil companies or blame OPEC or blame speculators, quite frankly, the longer it is the American people are going to be paying $5 per gallon per gas, as they are in California, or possibly even higher.

What I'd like to see us do, Mr. Speaker, I said this earlier, bringing bills to the floor that are not only wilderness bills but would actually open up large vast areas for drilling, and not only bringing these bills to the floor, but bringing them up in a way where they don't come to the floor with a closed rule, where the Republicans can't offer any of their alternatives. Because, essentially, what's happening is that a majority of this Congress, I believe, both Republicans and Democrats, would vote to open up for drilling in this country. They would vote for that. We'd probably get 230, 240 votes, I would think. Because a lot of the folks that were elected last year, that helped put the Democrats in the majority, they ran on a pro-drilling platform. The problem is that we have to allow those new people that were elected here, the new Members to this body, to have a chance, under an open rule, to vote on things that will really make substantial impacts for the American people.

And I believe that if we have open rules in this Congress, where we bring bills to the floor that we can actually vote on, the majority will rule, and it would be a majority of Republicans and Democrats working together to open up our energy resources in this country so that we can begin to rely on American-made energy, and not continuing to export so many dollars outside of this country, which is, in my opinion, one of the most irresponsible things that this Congress has done for decades.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COSTA. In closing, Mr. Speaker, I'd urge the Members to support H.R. 3682, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and pass the bill, H.R. 3682, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 100TH ANNIVERSARY OF THE OZARK NATIONAL FOREST

Mr. COSTA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1158) recognizing the 100th anniversary of the establishment of the Ozark National Forest in Arkansas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1158

Whereas on March 6, 1908, President Theodore Roosevelt set aside by proclamation 917,944 acres of land for conservation purposes, which was designated as the Ozark National Forest;

Whereas the Ozark National Forest was the first federally protected stand of hardwoods in the United States;

Whereas the Ozark National Forest is home to Arkansas's tallest mountain, Mount Magazine;

Whereas the Ozark National Forest is home to Blanchard Springs Caverns, which is a magnificent limestone cave system, and the only cave system featuring guided tours administered by the Forest Service;

Whereas in 2006, the Ozark National Forest helped enrich the lives of 2.1 million visitors by sharing the beauty of Arkansas, which is known as "The Natural State";

Whereas diverse flora in the region include more than 500 species of trees and woody plants, and hardwoods occupy 65 percent of the forests; and

Whereas the Ozark National Forest operates outstanding destinations for visitors, including the Lake Wedington Recreation Area, which is on the National Register of Historic Places, White Rock Mountain, 6 National Scenic Byways that offer spectacular views of the Ozark Mountains, over 200 camping and picnic sites, 9 swimming beaches, 11 special interest areas, 5 wilderness areas, hundreds of miles of trails, including the Moccasin Gap Horse Trail, the Huckleberry Mountain Horse Trail, the Mill Creek Trail, and the Ozark Highlands Trail, trails for hiking, mountain biking, and recreational off-highway vehicles, and thousands of acres of lakes and streams: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th Anniversary of the establishment of the Ozark National Forest in Arkansas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COSTA) and the gentleman from California (Mr. NUNES) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. COSTA).

GENERAL LEAVE

Mr. COSTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution that is under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTA. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 1158 recognizes the 100th anniversary of the establishment of the Ozark National Forest in Arkansas.

On March 6, 1908, then President Theodore Roosevelt set aside, by proclamation, the Ozark National Forest which today includes more than 1 million acres in the northwestern part of the State. The Ozark National Forest is one of the true gems of our national forest system, providing extensive recreational opportunities, more than 500 species of trees, habitat for 11 threatened or endangered species, and it's very appropriate therefore today that the House recognize the forest's 100th anniversary.

This resolution is sponsored by the entire Arkansas delegation, and they are to be commended for their work on this measure. Representative JOHN BOOZMAN and the sponsor, Representative MIKE ROSS, have worked particularly hard to get this measure to the floor today.

Mr. Speaker, I would ask that Members of the House support the passage of House Resolution 1158.

I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, I would like to yield myself such time as I may consume.

House Resolution 1158, introduced by Congressman JOHN BOOZMAN and supported by the entire Arkansas delegation, recognizes the 100th anniversary of the establishment of the Ozark National Forest. 100 years ago, President Theodore Roosevelt set aside, by Presidential proclamation, 917,000 acres of hardwood forest land in Arkansas.

I want to commend Congressman BOOZMAN on his hard work and dedication to recognize this unique and wonderful resource area that we have in our country.

At this time I yield to my good friend from Georgia (Mr. WESTMORELAND) as much time as he may consume.

Mr. WESTMORELAND. Mr. Speaker, I just wanted to bring up some more points about the Federal lands since that's one of the main things that we're talking about here today is Federal land. Coming from the Committee on Natural Resources and, Mr. Speaker, being privileged enough to be on the floor today with the subcommittee chairman that has authority over this, we have a problem in the fact that the majority, the Democratic majority keeps making what I think are false arguments about oil companies having the ability to drill on Federal lands right now.

The problem is that, and this is the reality, that 97 percent of the Federal offshore areas and 94 percent of Federal onshore areas are not leased by the government. 97 percent of offshore, 94 percent of onshore. The government is stockpiling these leases, not the oil companies.

And I'm not being a big defender of the oil companies. I just know that the truth is the truth. It's many things to many people. But at the end of the day, it's the truth. And the truth is that they are not stockpiling these leases.

The truth is that raising taxes on them is not going to bring down the price of gas. Oil companies are, indeed, drilling on these leases, which have oil in them, and when there's a pipeline close that they can ship this oil. You know, we haven't built a refinery in this country since the late 1970s. So that would be, Mr. Speaker, a perfect bill to bring to the floor where we can refine more oil.

We keep putting these boutique fuels on the market, and I forget, but I think there's probably 16 or 18 of those boutique fuels now, three different grades. We don't have the ability to refine even the crude that we have. So a novel idea is, why don't we build some refineries where some of these leases are, or where we know there are some oil reserves?

You see, if these leases and this available land that's out there does not have oil on it, why would somebody want to drill in a dry hole?

And so, if the government is only leasing this land that they know is a dry hole, how can they expect the oil companies to get oil out of it?

Well, that's a pretty novel idea. And the fact that we have the leadership in this House, the Democrat leadership, the Speaker of the House sending President Bush a letter demanding that he ask OPEC to do more production, to do more drilling, when we're sitting here in this country, with 97 percent of our Federal offshore areas and 94 percent of our Federal onshore areas with no ability to drill on it. They must have felt that was kind of interesting.

We cannot produce, and I say we, this country cannot produce its own energy dependence by asking the companies that have the leases here to drill on land that does not have the oil.

Now, with more than 2 billion acres of Federal lands not leased, how can these oil companies find the oil?

We know the oil is under there. But if you're not going to lease the land, you've only leased the land that doesn't have the oil, and then you're saying that the oil companies aren't drilling on the land they have, when the land they have does not have the oil. I'd like to hear the answer to that one, Mr. Speaker.

We have got to open up these lands for us to be able to become dependent on our natural resources and not the resources of others. I think it's a great question, Mr. Speaker, that all the American people would ask is, is there oil under this Federal land?

Is there environmentally safe ways to drill it?

Is there natural gas there?

Is there shale coal there?

Is there coal that can be converted to oil there?

If it's there, let's go get it. ANWR, today, I think it was released, 10.4 billion, that's billion with a B, barrels of oil. 10.4 billion.

Mr. Speaker, we could use that natural resource that this country has to bring down the price of gas for the hardworking men and women of this country. And, Mr. Speaker, I hope that the American people will get an answer from the Democratic leadership about this commonsense plan, because surely the bill that was passed in January of 2007 was not that commonsense plan. Surely they are holding this commonsense plan for some reason.

And so I'm asking, the people of the Third District of Georgia are asking, and, Mr. Speaker, I think the American people are asking, where is this commonsense plan?

Mr. COSTA. Mr. Speaker, the gentleman from Georgia indicated earlier in his comments with regards to statistics gained by the Minerals and Management Service, which the last time I've checked has been under the executive branch of our Republican administration, has increased the leases to public lands, both on and offshore, 361 percent.

In addition, the gentleman from Georgia indicated that there is an increase in revenues to the Minerals and Management Service, therefore to our Nation's treasury, because, in fact, more leases are being provided, and there is more oil and gas being derived from those oil leased lands.

□ 1515

It is illogical and it would be unfactual to conclude that if revenues are up and more energy companies are seeking those leases, that they are seeking leases to lands that do not have oil nor gas. It is clearly illogical and unfactual.

These energy companies are smart, competitive companies. They do not lease lands that they have not surveyed and that they do not have a great degree of certainty, based on the seismology, that in fact there is oil and gas there; otherwise, these record bids that the gentleman made reference to that just came back 2 months ago would not be record bids for dry holes.

As a matter of fact, again, the Department of Interior that has been under the stewardship of our Republican leadership for the last 7½ years recently released a report, a report by Secretary Kempthorne, that indicates that only 38 percent of the oil and 16 percent of the natural gas today on public lands, whether they be onshore or offshore, are being excluded from leasing.

The fact of the matter is is that we need the energy. We need to do everything we can to stabilize our gas prices. We need to reduce our dependency from energy offshore. This administration and the previous administration started that effort in 1999, but that alone will not reduce our dependency on foreign sources of energy; therefore, we have to work together in a bipartisan effort to use all of the various energy management tools that are in our energy toolbox if we are going to address this issue in the short term and the long term.

I reserve the balance of my time.

Mr. NUNES. Mr. Speaker, I would like to yield myself such time as I may consume.

Mr. Speaker, I had the opportunity over the weekend to meet with several legislators from Mexico. And a couple of the legislators asked me—they were very confused as to why the United States is asking Mexico to produce more oil because one of the legislators said, Well, don't you have more oil in your country than we do? And why don't you use your own oil in your own country? We will gladly sell it to you, especially at $140 a barrel, but we don't understand why your government doesn't allow for your own companies to drill for oil in your own country.

Now, if the Mexican legislature has figured that out, you would think that our legislature and our Congress could figure that out.

And so if we really want to end our reliance on foreign oil, it's very simple. There's two major ways to do it: You can drill for oil and gas in our own country on the 86 percent of the Federal lands that are off-limits to our use, that's one way; and the second way is to build nuclear power plants.

If we don't get serious about those two options, Mr. Speaker, we're going to continue to pay higher prices for gas and oil, and we're also going to continue to pay higher prices for electricity.

If we continue to make excuses, as people in this body have done for decades, decades this has been happening, we're going to continue to pay higher prices for fuel. I think it's time that we get serious about this in this Congress, we pass meaningful legislation that opens up our own areas for drilling for gas and oil so that we quit buying gas and oil from the likes of the Middle

East, Venezuela, Nigeria, places that are, quite frankly, hostile in most cases towards our country, and we start to buy energy in our own country, drill for oil in our own country, create American-made energy, create American jobs. And then as we begin to put that revenue into solar and wind and future technologies that are going to allow for the next generation of energy to come on line, that, coupled with nuclear power, we can solve our Nation's energy problems.

But if we continue to allow the Democrat majority to place blame on oil companies, place blame on OPEC, place blame on any everyone else but themselves, we're going to pay high prices at the pump.

So I want to thank the gentleman, my good friend from California, for allowing us this opportunity to express our thoughts on this, the current energy situation, and on the wilderness areas that we're creating today in these bills.

Mr. BOOZMAN. Mr. Speaker, today I rise to honor the Ozark National Forest and offer my congratulations for a century of enriching the lives of all Americans.

A proclamation from President Theodore Roosevelt on March 6, 1908, dedicated the Ozark National Forest as the first federally protected stand of hardwoods in the U.S. 917,944 acres of land was set aside by President Roosevelt for the forest that currently covers more than one million acres, most of which is in Northwest Arkansas.

This great landscape is one prime example of why Arkansas is called the Natural State. The Ozark National Forest covers some of the region's most magnificent scenery. The Ozark National Forest is home to Mount Magazine, the tallest mountain in the state, as well as Blanchard Springs Caverns, a magnificent limestone cave system, and the only cave system featuring guided tours administered by the Forest Service.

I'm grateful for the efforts of all Forest Service employees, volunteers and sportsmen who serve as stewards in the preservation and management of this great land.

I thank my colleagues for passing this resolution to honor the 100th Anniversary of this great Arkansas treasure.

Mr. NUNES. I yield back the balance of my time.

Mr. COSTA. Mr. Speaker, I would like to urge the support of the passage of House Resolution 1158.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and agree to the resolution, H. Res. 1158.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

KENDELL FREDERICK CITIZENSHIP ASSISTANCE ACT

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2516) to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kendell Frederick Citizenship Assistance Act".

SEC. 2. FINGERPRINTS AND OTHER BIOMETRIC INFORMATION FOR MEMBERS OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 552a of title 5, United States Code (commonly referred to as the "Privacy Act of 1974"), the Secretary of Homeland Security shall use the fingerprints provided by an individual at the time the individual enlisted in the United States Armed Forces, or at the time the individual filed an application for adjustment of status, to satisfy any requirement for background and security checks in connection with an application for naturalization if—

(1) the individual may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440);

(2) the individual was fingerprinted and provided other biometric information in accordance with the requirements of the Department of Defense at the time the individual enlisted in the United States Armed Forces;

(3) the individual—

(A) submitted an application for naturalization not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; or

(B) provided the required biometric information to the Department of Homeland Security through a United States Citizenship and Immigration Services Application Support Center at the time of the individual's application for adjustment of status if filed not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; and

(4) the Secretary of Homeland Security determines that the biometric information provided, including fingerprints, is sufficient to conduct the required background and security checks needed for the applicant's naturalization application.

(b) MORE TIMELY AND EFFECTIVE ADJUDICATION.—Nothing in this section precludes an individual described in subsection (a) from submitting a new set of biometric information, including fingerprints, to the Secretary of Homeland Security with an application for naturalization. If the Secretary determines that submitting a new set of biometric information, including fingerprints, would result in more timely and effective adjudication of the individual's naturalization application, the Secretary shall—

(1) inform the individual of such determination; and

(2) provide the individual with a description of how to submit such biometric information, including fingerprints.

(c) COOPERATION.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall determine the format of biometric information, including fingerprints, acceptable for usage under subsection (a). The Secretary of Defense, or any other official having custody of the biometric information, including fingerprints, referred to in subsection (a), shall—

(1) make such prints available, without charge, to the Secretary of Homeland Security for the purpose described in subsection (a); and

(2) otherwise cooperate with the Secretary of Homeland Security to facilitate the processing of applications for naturalization under subsection (a).

(d) ELECTRONIC TRANSMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense and the Director of the Federal Bureau of Investigation, implement procedures that will ensure the rapid electronic transmission of biometric information, including fingerprints, from existing repositories of such information needed for military personnel applying for naturalization as described in subsection (a) and that will safeguard privacy and civil liberties.

(e) CENTRALIZATION AND EXPEDITED PROCESSING.—

(1) CENTRALIZATION.—The Secretary of Homeland Security shall centralize the data processing of all applications for naturalization filed by members of the United States Armed Forces on active duty serving abroad.

(2) EXPEDITED PROCESSING.—The Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall take appropriate actions to ensure that applications for naturalization by members of the United States Armed Forces described in paragraph (1), and associated background checks, receive expedited processing and are adjudicated within 180 days of the receipt of responses to all background checks.

SEC. 3. PROVISION OF INFORMATION ON MILITARY NATURALIZATION.

(a) IN GENERAL.—Not later than 30 days after the effective date of any modification to a regulation related to naturalization under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), the Secretary of Homeland Security shall make appropriate updates to the Internet sites maintained by the Secretary to reflect such modification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, not later than 180 days after each effective date described in subsection (a), should make necessary updates to the appropriate application forms of the Department of Homeland Security.

SEC. 4. REPORTS.

(a) ADJUDICATION PROCESS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), including the process that—

(A) begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete; and

(B) ends on the date of the final disposition of such application.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a description of—

(A) the methods used by the Secretary of Homeland Security and the Secretary of Defense to prepare, handle, and adjudicate such applications;

(B) the effectiveness of the chain of authority, supervision, and training of employees of the Federal Government or of other entities, including contract employees, who have any role in such process or adjudication; and

(C) the ability of the Secretary of Homeland Security and the Secretary of Defense to use technology to facilitate or accomplish any aspect of such process or adjudication and to safeguard privacy and civil liberties.

(b) IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States and the Inspector General of the Department of Homeland Security shall conduct a study on the implementation of this Act by the Secretary of Homeland Security and the Secretary of Defense, including an assessment of any technology that may be used to improve the efficiency of the naturalization process for members of the United States Armed Forces and an assessment of the impact of this Act on privacy and civil liberties.

(2) REPORT.—Not later than 180 days after the date on which the Secretary of Homeland Security submits the report required under subsection (a), the Comptroller General and the Inspector General shall submit a report to the appropriate congressional committees on the study required by paragraph (1) that includes recommendations for improving the implementation of this Act.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2516, the Kendell Frederick Citizenship Assistant Act, pays tribute to the memory of 21-year-old Army Reserve Specialist Kendell K. Frederick who was killed in Iraq while attempting to become an American citizen.

Specialist Frederick was born in Trinidad and immigrated to the United States when he was 15 years old to join his mother, stepfather, and two sisters. He attended Randallstown Senior High in Baltimore County, Maryland, where he joined the school's ROTC program. Specialist Frederick enlisted in the Army Reserve in his senior year and was deployed to Iraq in December of 2004.

As he was serving our country, Specialist Frederick sought to apply for U.S. citizenship, yet one bureaucratic hurdle after another delayed his application.

First, the USCIS failed to route his application to the unit that processes naturalization applications for members of the military. The gentleman then rejected his application for failure to pay an application fee even though active military personnel applying for U.S. citizenship are not required to pay that fee.

Next, the agency directed Specialist Frederick to get his fingerprints taken in Maryland despite the obvious fact that he was deployed in Iraq at the time. Besides, he had recently had his fingerprints taken as part of his background check when he enlisted in the Army Reserve.

But when his mother called the agency's help line, she was told that nothing could be done.

Finally, after trying for more than a year to become a U.S. citizen and having his application rejected and delayed as a result of various bureaucratic failings by his own government, Specialist Frederick was forced to travel on a convoy to a base where he could get his fingerprints taken again for his naturalization application.

Tragically, he was killed en route by a roadside bomb. Specialist Frederick was posthumously granted U.S. citizenship a week after his death.

S. 2516 would remove unnecessary procedural hurdles like the ones Specialist Frederick faced for naturalization applications currently or recently serving in the military. Most importantly, it directs Homeland Security to accept fingerprints taken at the time of enlistment as long as they are otherwise acceptable.

The House has already passed legislation similar to S. 2516. It was introduced by Representative ELIJAH CUMMINGS. It was H.R. 2884, the Kendell Frederick Citizenship Act, and passed the House by voice vote on November 6 of last year. There are a few minor differences between the House-passed bill and the Senate bill, but both accomplish the goal of removing these bureaucratic hurdles to our soldiers becoming U.S. citizens.

Therefore, I ask that my colleagues support the passage of this bill so that we can get the bill to the President and signed into law as quickly as possible.

Approximately 45,000 lawful permanent residents are currently serving in our Armed Forces. More than 35,000 noncitizen members of the military have applied for U.S. citizenship since 2002.

This bill is an excellent measure that will help ensure that from now on American soldiers do not face some unnecessary, unreasonable hurdles to American citizenship that cost Specialist Frederick his life. Much more needs to be done to assist America's soldiers with their hassles with our immigration system. But this bill is a good first step, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Specialist Kendall Frederick was a 21-year-old U.S. Army soldier serving in Iraq who dreamed of becoming an American citizen. He was born in Trinidad and came to this country when he was 15 years old. Specialist Frederick joined ROTC while in high school—and I would point out there are increasing numbers of high schools that have denied ROTC presence on their campus. Not the case for Specialist Frederick and we are thankful.

He joined the Army after he graduated. On October 19, 2005, he was tragically killed by a roadside bomb while traveling in a convoy to a base. He was granted U.S. citizenship posthumously, but he never knew he was an American citizen. Tragically, the very reason that he was in that convoy that day was to get fingerprinted in order to achieve his dream.

We know that Kendell Frederick wanted to be an American citizen but bureaucracy stood in his way. He had been trying to become an American citizen for over a year, Mr. Speaker, having started the process while he was in training.

His mother and his sergeant in Iraq tried to help him, but they didn't know the rules. His efforts to become a citizen were thwarted by bureaucratic misinformation and other obstacles.

While he was fighting for our country in Iraq, he was told that he had to have his fingerprints retaken in Maryland. When his mother called 1-800-IMMIGRATION, it's a USCIS unit, United States Citizenship and Immigration Services hotline for immigration assistance, and tried to explain that he was fighting in a war and was, I should say, tied up at the time, as John McCain might say, he could not come home to Baltimore to be fingerprinted so she was told that there was nothing they could do.

This is wrong and this is intolerable that our soldiers are unable to get correct information, Mr. Speaker. They should be given every possible assistance in applying for citizenship.

Last year, the House passed H.R. 2884 which provides that a soldier who submits a naturalization application within 24 months of enlistment can have that application processed using the fingerprints that were taken at the time of his enlistment. I supported that bill then which was designed to and does honor Specialist Frederick and all of our lawful permanent resident servicemembers.

Today we're considering S. 2516 which is a bill the Senate passed that makes a few technical changes to H.R. 2884. I urge my colleagues to support this bill. It has taken us some time to get this resolved. I trust it will be resolved today in this House, Mr. Speaker, and done so with great gratitude from this Congress and the United States people to Specialist Kendell Frederick and to all of those who have given their lives and parts of their lives and some their limbs for the freedom of this great country.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the Senate bill, S. 2516.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

☐ 1530

EB-5 REGIONAL CENTER PILOT PROGRAM EXTENSION

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5569) to extend for 5 years the EB-5 regional center pilot program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EB-5 REGIONAL CENTER PILOT PROGRAM.

Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "shall set aside" and all that follows through "eligible for admission" and inserting "shall set aside 3,000 visas annually for 20 years to include such aliens as are eligible for admission".

SEC. 2. SENSE OF CONGRESS.

It is the sense of the Congress that, to the extent practicable, qualifying investments under section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) should be made in targeted employment areas (as defined in section 203(b)(5)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)(B)(ii))), including rural areas (areas other than an area within a metropolitan statistical area or within the outer boundary of any city or town having a population of 20,000 or more (based on the most recent decennial census of the United States)) and high unemployment areas (areas that have experienced unemployment of at least 150 percent of the national average rate).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Today, we move to extend an immigration program proven to promote investment and to create jobs for American workers. H.R. 5569 would extend the EB-5 regional center pilot program for 5 years. Unless Congress acts, the regional center pilot program will sunset on September 30 of this year.

Congress created the fifth employment-based preference, known as EB-5, immigrant visa category in 1990 for immigrant investors. To qualify for a green card, the investor must prove that the investment is in a commercial enterprise that will benefit the United States economy and create at least 10 full-time jobs.

In general, investors must invest at least $1 million. However, that amount can be reduced to $500,000 if the investment is made in a rural or high unemployment area.

Approximately 10,000 visas have been made available in the EB-5 green card category each year. But the category has been underutilized ever since it came into being.

To help further encourage this program, Congress created a temporary pilot program in 1993. The regional center pilot program allocates 3,000 visas each year, out of the 10,000 available, for EB-5 investors who invest in so-called designated regional centers.

Under the immigrant investor pilot program, an applicant seeking EB-5 status must make the qualifying investment within an approved regional center. The requirement to create at least 10 new jobs, however, can be met by showing that, as a result of the new enterprise, such jobs will be created either directly or indirectly.

The regional center program is vital for our economy. For example, in fiscal year 2007, a total of 806 investors and family members immigrated to the United States in the EB-5 category.

That is not very many people, but even at that level, the EB-5 immigrant investor program is expected this year to generate an annual rate of $1 billion in aggregate immigrant investment, creating more than 20,000 new direct and indirect jobs. Usage of the program is expanding as new regional centers get approved.

The regional center program helps get investment money to some of the Nation's poorest communities, creating jobs and revitalizing communities. In Vermont's poorest county, for example, a regional center investment has put $17.5 million into a ski resort at Jay Peak. This project is expected to create close to 2,000 jobs in the area, according to the New York Times.

It is important that Congress reauthorize the EB-5 regional center program. The pilot program has been renewed several times, and is currently due to expire, as I said earlier, on September 30 of this year. This bill would extend the EB-5 regional center pilot program for 5 years, until September 30, 2013.

When the subcommittee reviewed this bill, we had a discussion about looking at the level of investment and also the possibility of including venture capital-driven investments, where it's really the patents and ideas that are creating the jobs. We hope to be able to work with the minority to further pursue those ideas at a subsequent date. It should not deter us from proceeding today with this program that has proven to be valuable to our Nation by creating jobs for Americans.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, the investor visa program is designed to attract entrepreneurial talent and capital to the United States and to create American jobs. Under this program, permanent resident visas are available each year to aliens who establish a new business in the United States and invest between $500,000 and $1 million in the business and eventually create at least 10 full-time jobs for American workers.

Once the Department of Homeland Security approves an alien business plan, the alien receives conditional permanent residence status. Two years later, the Department of Homeland Security determines whether the above requirements have, in fact, been met. If they have, the alien receives permanent residence.

To further encourage economic development, back in 1993, Congress created a temporary pilot program that set aside 3,000 investor visas each year for aliens who invested at least $500,000 in designated regional centers.

A regional center is any economic unit, public or private, which is involved with the promotion of economic growth, including increased export sales or improved regional productivity or job creation or increased domestic or capital investment.

Further, a regional center shall have jurisdiction over a limited geographical area which shall be described in the proposal and consistent with the purpose of concentrating pooled investment in defined economic zones.

The establishment of a regional center may be based on jobs that will be created, directly or indirectly, as a result of such capital investments and the other positive economic effects such capital investments will have.

I should acknowledge, Mr. Speaker, that one of the operating pilot projects is the Iowa New Farm Family Project, under which host communities are inviting farm families to establish modern dairy farms in Iowa.

And according to Iowa State University, which is our resident authority on the subject matter, "The project has the potential to enrich Iowa communities with young families who establish value-added agricultural businesses . . . and foster healthy economic development . . . The . . . project," which is the Iowa New Farm Family Project, Mr. Speaker, "creates opportunities to increase the population of rural communities, support agriculture, expand value-added agriculture, and maintain Iowa's existing dairy processing industry.." That's as described by Iowa State University, the Iowa New Farm Family Project.

I want to point out that it has been successful, and it's not just agriculture. It can be urban, too, depending on the region and the zone as it's defined. It has been quite helpful to us in Iowa, and I am grateful for the initiatives that have been taken by Members of this House, Members of the Senate who have not just reached out in support of this legislation but reached out to individuals and helped pave the way through the bureaucratic nightmare to get investors to come into the United States and establish themselves here, where often they will find their economic opportunities have been dried up because of, let's say, capital exchange or regulation.

It happens to be the case with our dutch dairy families that come in, that the regulations have gotten so heavy in The Netherlands that they want to continue their skill, their family tradition.

I note that the individual that stood at this particular microphone ahead of me was the gentleman from California who has a dairy tradition in his family, and you look back through generations. This establishes a generational linkage, Mr. Speaker, that I'm very grateful for, and it comes at a particularly good time, especially in the Midwest where we are a center for renewable energy.

Some 6 or 7 years ago, we had almost no industry to produce ethanol, and yet it began back in about 1978 and it began in my neighborhood in my region. And as the first gallon of ethanol was pumped, it became part of an alternative fuel that had been initiated in the late 1970s, came to fruition about 6 or 7 years ago, and since the time I've come to Congress, it has built such an industry in my region that we now, the Fifth District of Iowa, are the number one renewable energy producing congressional district in America out of all 435.

Because we have the ethanol industry in Iowa, it has been very helpful to our dairy farmers because a byproduct of corn ethanol is the dried distiller strain, or the mash if it comes in a wet form. And the dairy farms have been able to utilize this, as well as anyone has, and it's added value to all of our feed. It's added value to our rough feed, and it's provided a high quality feed which makes it more attractive for our dairy producers to move into the region.

So, the pressure that we're under today with $4 gas, and, by the way, I just happened to check a receipt here, and I paid $141 for a tank of gas, $141.52 on Saturday, Mr. Speaker. That's enough money to put into a gas tank, and that was at $3.85. The folks on the west coast that are over $4 a gallon feel this.

But what we've done is created a renewable energy industry in the Midwest to help take on some of that burden of providing energy for America. And when we do that, and as of the 2007 crop it hasn't really brought forward the food versus fuel argument. We have produced more corn than ever before, exported more corn than ever before, and still left more corn for domestic consumption than ever before, and we have produced over 9 billion gallons of ethanol. And the byproduct of that 9 billion, you get about a third of the weight of corn out into ethanol. You get a third of the weight of corn that goes into feed for these dairy cows, for example, and about a third of it goes off in CO_2. That's the simple breakdown, which I'll go into more detail with perhaps a Special Order that I can get into the details, Mr. Speaker.

But I want to point out that we need these dairy farmers in Iowa. The energy situation is actually a plus because $4 gas holds up the price of corn and holds up the price for ethanol and helps make these systems work, and they're feeding the byproduct in a fashion that's producing more milk in the Midwest. We are still today a net importer of milk in a rural State like Iowa. So we can use some more.

But the regional center program expires in September. The bill will extend the program an additional 5 years. I think this is a very valuable program, and I support the passage of this bill.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I'm sure that we will pass this bill. We have broad bipartisan support for it. But one of the values of debating these bills is not just to enact law but to let the public know of opportunities that the law provides to them.

And it might be instructive to citizens who are observing our proceedings to know that these projects that are being investment-driven through this program are in rural, as well as urban, communities. The regional center staff—actually, it seems to me this pilot project has proven—make this thing work.

And so there are areas in the country today that are having economic problems. I would encourage those areas, through their local governments, to look very carefully at whether they may want to utilize this program as one piece of putting their economy on the road to recovery.

I note that our colleague SHEILA JACKSON-LEE expressed her interest in making sure that urban disadvantaged areas be looked at, and I note that Houston, Texas, has actually one of the largest applications of all. It is expected that they will have 7,000 jobs and a $350 million investment.

So this is a great opportunity for America. I would hope that we will pass this expeditiously. It is part of getting our economy on the move again.

I would reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I want to pick up on the point made by the gentlelady from California about this is, of course, not by any means a complete solution to the immigration circumstances, but we agree on some of these points, and on this point of attracting investors to the United States who will invest in businesses that create jobs and create wealth, more importantly create wealth. Without the creation of wealth, there's no money to pay the wages. Companies have to make money. It takes capital of course and it takes labor, it takes ideas, it takes energy, it takes a free market environment and a low regulatory environment. The United States looks better than some of these other countries in the world.

This sends the right message here today that this Congress is interested in opening up and laying out the welcome mat, at least in this specific case, where we ask investors to come into the United States under this EB-5 program.

Then I would add that there are other interests that we at least philosophically agree on, and one of those is highly skilled immigrants coming into the United States and those that are highly educated. When we can do the calculation on what kind of return we get from someone who comes into the United States as a legal immigrant to work here, to invest here, to start and run a business here, and we can see what they will do from a prosperity perspective, what their contribution will be to the economy and to the society, there are many records that help support that.

What we do see, though, Mr. Speaker, is that between 89 and 93 percent of the legal immigration in America isn't based upon merit like this program is.

□ 1545

Most of it is based on familial connections, who are you related to, as opposed to what can you do for the United States of America?

And I have said for years, we need an immigration policy that's designed to enhance the economic, the social, and the cultural well-being of the United States of America. Every Nation has to have an immigration policy that is for them. And we held a hearing a year or two ago about the point system that some of the countries have established. Canada has one established; the United kingdom is implementing a point system; New Zealand has one; and I believe Australia is looking at one. Those countries come to mind, where they give certain points for certain categories that demonstrate how a person can contribute to society.

For example, higher education is one category that offers significant merit. The next one is job skills; so that's earning capacity. Another one is language skills, which says how easily they will be able to assimilate in a society. It's not a barrier not having the language, but it's easier to assimilate, of course, if you are fluent in the language of the host country.

And another component is youth. If we bring people in here that are 65 years old, that qualify right away for Social Security and Medicare, of course they're not going to be contributing to our economy. And so I plugged myself into the Canadian equation and found out—I don't think the welcome mat is open for me in Canada because I'm a little over the hill, Mr. Speaker.

Youth is a big, important thing because, if you come in at age 22 with a college education, you can contribute to the economy for, let's just say, 43 years before you retire. So youth is an important criteria, as is education, as is job skills, as are language skills. These things are all things that a wise country should reach out for and craft an immigration policy that will enhance the economic, the social, and the cultural well-being of the United States of America, where 89–93 percent of our legal immigrants are not measured that way; about seven to 11 percent are measured that way.

This is a measure on merit. It is strictly a capital investment, and then meeting the other criteria about establishing the jobs in the business. But I fully support it. It is a bipartisan effort. And it is something that we agree on the theme and the philosophy. I wanted to point out that I believe that we need to set a hard cap on our overall immigration, and then start to shift within those visa allotments so that we get a higher percentage of merit coming in legally into the United States. And of course control the border, stop the bleeding there; none of this matters unless we can do that, Mr. Speaker.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I appreciate that we will likely have an extended debate next year when we visit again the issue of comprehensive immigration reform. I don't want to get into a debate today, I will just say a core principle of immigration law has always been that the United States Government doesn't tell American citizens who they get to fall in love with and marry. And a second core principle is, when our U.S. citizen marries somebody from another country, the American doesn't have to move to France, his wife gets to move here. So that's something that we will protect as this debate goes forward.

This bill has bipartisan support, and I urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support H.R. 5569. I am proud to join my colleagues in cosponsoring this timely legislation. I would like to thank my colleague, Congresswoman ZOE LOFGREN, Chairwoman of the Immigration Subcommittee, for her leadership on sponsoring this legislation. I would also like to thank Mr. Blake Chisam, counsel on the Immigration Subcommittee, and Mr. Arthur Sidney, of my staff, for their important work in including my amendment in the bill.

By way of background and explanation, H.R. 5569 extends for five years the EB–5 regional center pilot program. Congress created the fifth employment-based preference, EB–5, immigrant visa category in 1990 for immigrants seeking to engage in a commercial enterprise that will benefit the U.S. economy and create at least 10 full-time jobs.

The basic amount required to invest is $1 million, although that amount may be $500,000 if the investment is made in a "targeted employment area." Of the approximately 10,000 numbers available for this preference each year, 3,000 are reserved for entrepreneurs who invest in targeted employment areas. A separate allocation of 3,000 visas is set aside for entrepreneurs who immigrate through a regional center pilot program.

In 2003, Congress asked the U.S. Government Accountability Office, GAO, to study the EB–5 program. The GAO report concluded that the program has been under-used for a variety of reasons, including the rigorous application process and the failure to issue regulations implementing the 2002 law. The report found that even though few people have used the EB–5 category, EB–5 participants have invested an estimated $1 billion in a variety of U.S. businesses.

My amendment expresses the sense of Congress that, to the extent possible, qualifying investments should be made in targeted employment areas, including rural areas and areas of high unemployment. My amendment defines rural areas as an area other than an area within a metropolitan statistical area within the outer boundary of any city or town having a population of 20,000 or more based upon the most recent decennial census of the United States. My amendment also defines an area of high unemployment as an area that has experienced unemployment of at least 150 percent of the national average rate.

The purpose of my amendment is to ensure that all of America will benefit from greater development and investment. The amendment is a bold first step in ensuring that all Americans have a seat at the table and are able to progress and advance as a result of foreign investment as Americans in the wealthy cities and suburbs. I have long championed the rights of Americans in the rural areas and in underserved communities. These Americans are our brothers and sisters. To be sure, no Americans should be left out from investment. My amendment makes sure that these groups that are often forgotten are not left out.

Ms. ZOE, LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5569, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to extend for 5 years the EB-5 regional center pilot program, and for other purposes.".

A motion to reconsider was laid on the table.

FORMER VICE PRESIDENT PROTECTION ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5938) to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Former Vice President Protection Act of 2008".

SEC. 2. SECRET SERVICE PROTECTION FOR FORMER VICE PRESIDENTS AND THEIR FAMILIES.

Section 3056(a) of title 18, United States Code, is amended—

(1) by inserting immediately after paragraph (7) the following:

"(8) Former Vice Presidents, their spouses, and their children who are under 16 years of age, for a period of not more than six months after the date the former Vice President leaves office. The Secretary of Homeland Security shall have the authority to direct the Secret Service to provide temporary protection for any of these individuals at any time thereafter if the Secretary of Homeland Security or designee determines that information or conditions warrant such protection."; and

(2) in the sentence immediately preceding subsection (b) of section 3056, by striking "(7)" and inserting "(8)".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to any Vice President holding office on or after the date of enactment of the Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5938, the Former Vice President Protection Act of 2008, a much-needed permanent solution that would authorize protection for our former Vice Presidents and their families.

As you no doubt know, the President of the United States, along with his or her spouse and children, are provided continued protection by the United States Secret Service after the President leaves office, but the law does not provide such protection for a former Vice President and his or her family. Rather, Congress has, on an intermittent basis, authorized such protection for limited periods of time.

In the near future, Congress will again be faced with this issue. In January, Vice President CHENEY will be leaving office, and we will presumably decide to provide continued Secret Service protection for him and his family, as has been done for every Vice President in recent decades. But this ad hoc process is inefficient, and the legislation before us replaces it with a permanent fix to current law. Specifically, it provides for Secret Service protection to a former Vice President, including his or her spouse and children under 16 years of age, for 6 months, and it permits this period to be extended if information or conditions so warrant.

I would urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleagues in strong support of H.R. 5938, the Former Vice President Protection Act of 2008.

The Secret Service must be authorized by law or the President to provide protection. Federal law provides Secret Service protection to sitting Presidents and Vice Presidents, former Presidents, their spouses and children, visiting heads of state, Presidential candidates, and other dignitaries. However, the statute does not include former Vice Presidents.

For the past 30 years, it has been common practice for former Vice Presidents to receive protection on a temporary basis via a joint resolution of Congress or Presidential memorandum. This temporary protection typically continues for 6 months after the Vice President leaves office. When necessary, Congress or the President has extended this protection for an additional 6 months.

H.R. 5938, the Former Vice President Protection Act, makes this routine practice a permanent authority of the Secret Service. H.R. 5938 amends title 18 to provide statutory protection of former Vice Presidents, their spouses and their children under the age of 16 for the initial 6 months after leaving office. The bill also provides the Secret Service with the authority to reevaluate the need for continued protection in 6-month increments.

The permanent authority granted by H.R. 5938 will improve the Secret Service's ability to prepare for the protection of Vice Presidents after they leave office. Preparation for such security takes time and can often overlap administrations. Permanent authority will allow for the development of long-term protection plans.

The upcoming change of administrations, not to mention the current threat level, makes permanent statutory authority for the Secret Service to provide such protections even more timely.

I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5938, the "Former Vice President Protection Act of 2008." I would like to thank the Chair of the Judiciary Committee, Congressman CONYERS, for introducing this bill and for providing leadership on this important issue.

The former vice presidents of the United States have brought to that office significant public service experience, including as members of Congress or state governors. Some came to their role as president of the Senate already familiar with the body, having served as U.S. Senators. Several vice presidents later returned to serve again in the Senate, among them former President Andrew Johnson. Two vice presidents, George Clinton and John C. Calhoun, held the office under two different presidents.

Of the fourteen vice presidents who fulfilled their ambition by achieving the presidency, eight succeeded to the office on the death of a president, and four of these were later elected president. Two vice presidents, Hannibal Hamlin and Henry Wallace, were dropped from the ticket after their first term, only to see their successors become president months after taking office, when the assassination of Abraham Lincoln made Andrew Johnson president and the death of Franklin D. Roosevelt raised Harry Truman to the presidency. Similarly, when Spiro Agnew resigned, he was replaced under the Twenty-fifth Amendment by Gerald R. Ford, who became president when Richard M. Nixon resigned less than a year later.

The vice-presidency was generally held by men of mature years, with most of them in their fifties or sixties when they took office. The youngest, John C. Breckinridge of Kentucky, was thirty-six at the beginning of his term. At seventy-two, Alben Barkley, another Kentuckian, was the oldest when his term began.

Because I recognize the importance of the vice-presidency and the pivotal role it plays in American politics, I believe that tribute, respect, honor, and protection should be afforded to the person, and the family, that has obtained this position. I am proud to support this legislation.

Specifically, Title 18 U.S.C. provides former Presidents and their spouses protection by the United States Secret Service after leaving office but provides no such protection for former Vice Presidents and their families. H.R. 5938, authorizes the United States Secret Service to protect the former Vice President of the United States, his/her spouse, and his/her children under the age of 17 for not more than six months after the Vice President leaves office. The bill would also allow protection to continue should circumstances warrant extension.

After the assassination of President William McKinley in 1901, Congress informally requested Secret Service presidential protection. A year later, the Secret Service assumed full-time responsibility for protection of the President. Today, the secret service, which is under the Department of Homeland Security, is tasked with protecting the President of the United States and spouse and children under 17 years old for up to ten years after serving in office. The Secret Service also provides protection for widow(er) of the President and it provides protection for foreign heads of state and accompanying spouse when they visit the United States.

To date, four presidents have been assassinated, and there have been approximately twelve other assassination attempts on U.S. presidents. Under current law, because of the prestige of the office of President, current and former Presidents are protected by the secret service. Former Vice Presidents have not received any protection from the secret service after the vice president's term in office had expired. This legislation would ensure that Vice Presidents get protection for as long as necessary. Thus, the legislation ensures the safety and well-being of the Vice-President, spouse, and children under 17 years of age. This bill recognizes the important role of the office of Vice President. It is a powerful role with important responsibilities. This bill makes an important statement regarding our appreciation, commitment, and respect to the second most powerful position in this, our great country.

I think this bill makes sense. It is reasonable in its scope and its terms. I am proud to support this bill and I urge my colleagues to do likewise.

Mr. KING of Iowa. Mr. Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge adoption of H.R. 5938 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5938.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRESSIONAL REVIEW ACT IMPROVEMENT ACT

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5593) to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Review Act Improvement Act".

SEC. 2. TECHNICAL AMENDMENTS TO THE CONGRESSIONAL REVIEW ACT.

(a) GOVERNMENT PAPERWORK REDUCTION.—Section 801 of title 5, United States Code, is amended as follows:

(1) REPEAL OF REQUIREMENT FOR SUBMITTAL TO BOTH HOUSES OF CONGRESS OF RULES OTHERWISE PUBLISHED IN THE FEDERAL REGISTER.—Subsection (a)(1) is amended—

(A) by striking "each House of the Congress and to" in subparagraph (A);

(B) by striking "each House of", and inserting "on request" after "Congress", in subparagraph (B); and

(C) by striking subparagraph (C).

(2) LISTING IN CONGRESSIONAL RECORD OF EACH RULE RECEIVED BY THE COMPTROLLER GENERAL.—Subsection (e) is amended to read as follows:

"(e)(1) The Comptroller General shall submit to each House of Congress a weekly report containing a list of each rule received by the Comptroller General pursuant to subsection (a) since the last such report was submitted. The report shall include a notation for each such rule indicating whether or not the rule is a major rule.

"(2) The Speaker of the House of Representatives shall cause to be published in the Congressional Record, in that portion of the Record relating to the proceedings of the House of Representatives, each report received from the Comptroller General under paragraph (1) since the last such publication in the House portion of the Record and, for each rule listed in such report, a statement of referral by the Speaker to the committee or committees of the House with responsibility for review of that rule.

"(3) There shall be published in the Congressional Record, in that portion of the Record relating to the proceedings of the Senate, each report received from the Comptroller General under paragraph (1) since the last such publication in the Senate portion of the Record and, for each rule listed in such report, a statement of the referral, if any, to the committee or committees of the Senate with responsibility for review of that rule.".

(b) CONFORMING AMENDMENTS.—Chapter 8 of such title is further amended—

(1) in section 801(a)(3)(A)(i), by striking "Congress" and inserting "Comptroller General";

(2) in section 801(a)(4), by striking "Congress" and inserting "the Comptroller General";

(3) in section 801(d)(2)(B), by striking "Congress" and inserting "the Comptroller General";

(4) in section 802(a), by striking "Congress" the first place it appears and inserting "the Comptroller General"; and

(5) in section 802(b)(2)(A), by striking "Congress" and inserting "Comptroller General".

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5593, the Congressional Review Act Improvement Act, would cut government waste by reducing duplicative paperwork and relieving some of the administrative burdens currently mandated by the Congressional Review Act, the congressional mechanism for reviewing agency rules.

The Congressional Review Act requires that all agencies promulgating a rule submit to both Houses of Congress and to the Comptroller General a report that contains a copy of the rule, a concise general statement describing the rule, and the proposed effective date of the rule. Thus, under current law, the same material is submitted to, housed in, and printed by four different governmental entities. This approach creates unnecessary burdens. For example, the House Parliamentarian has testified before the Subcommittee on Administration of the Judiciary Committee in three separate Congresses about the ever-increasing volume of executive branch communications under the Congressional Review Act and its overwhelming impact on the operations of the Parliamentarian's office.

This legislation would eliminate the requirement that agencies submit rules to each House of Congress if they are already printed in the Federal Register. Instead, the House and Senate would receive a weekly list of all rules from the Comptroller General. The House and Senate would then have that list printed in the CONGRESSIONAL RECORD with a statement of referral for each rule.

The bill would still require agencies to submit rules and reports to each House of Congress that were not printed in the Federal Register, and Congress could still employ the procedures in the Congressional Review Act to disapprove agency rules.

H.R. 5593 was introduced by Commercial and Administrative Law Subcommittee Chair LINDA SANCHEZ, along with Judiciary Committee Chairman JOHN CONYERS. They were joined by Ranking Member LAMAR SMITH and Subcommittee Ranking Member CHRIS CANNON as original cosponsors. This bill has bipartisan support, and makes a lot of sense. I would urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Congressional Review Act provides Congress with a vital tool to oversee how agencies exercise their legislative authority Congress delegates to them.

The act has a great deal of promise, but unfortunately is used too little. Republicans on the Judiciary Committee have worked long, hard, and in a bipartisan fashion to help identify ways in which we can prompt its better use. Today, we begin the process of improving the act with one of those measures. H.R. 5593 streamlines the act's processing requirements, lightening the burden on the House Parliamentarian's office.

This is a measure first proposed in the 106th Congress by our much loved, revered, and respected former chairman, the late Henry Hyde. It had bipartisan support then as it does today, Mr. Speaker.

I applaud the House's consideration of this bill, and I hope that its swift enactment is but the first of key improvements we can make so that the act is both more efficient and more effective.

I urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5593, the "Congressional Review Improvement Act." I am proud to join my colleagues in cosponsoring this timely legislation. I would like to thank my colleague, Congresswoman LINDA SÁNCHEZ, for introducing this bill, and for providing leadership on this important issue.

I support this bill. It eliminates waste by minimizing the production of paper that is required to be provided to Congress. It should reduce duplicative paperwork and eliminate waste. These reduction and minimization of waste standards provided by this bill should result in a substantial cost savings to the Federal Government. In times like we are in now, it is important that the Government cut costs. I support this bill. It is a first step in cutting needless and excessive costs.

The congressional review mechanism of agency rules, known as the Congressional Review Act, CRA, requires that all agencies promulgating a rule must submit a report to both Houses of Congress and to the GAO. According to the CRA, the report must contain a copy of the rule, a concise general statement describing the rule, and the proposed effective date of the rule. A rule cannot take effect if the report is not submitted. Each House must then send a copy of the report to the chairman and the ranking member of each jurisdictional committee. The promulgating agency must then submit to the GAO: (1) a complete copy of the cost-benefit analysis; (2) a description of the agency's actions; and (3) other relevant information required under any other act or executive order. This information must also be made available to each House.

H.R. 5593 amends the current law, to reduce paperwork. The primary purpose of the legislation is to ensure that the same material is not submitted, housed, and printed at four different Government entities. H.R. 5593 eliminates the requirement that agencies submit paper copies of their rules that are printed in the Federal Register to each House while continuing a referral of all rules printed in the Federal Register and the periodic indication of those referrals in the CONGRESSIONAL RECORD. Instead, both the House and Senate would receive a weekly list of rules from the GAO and then the House and Senate would put that list in the CONGRESSIONAL RECORD.

This bill eliminates the excessive duplication and printing of rules. No longer are the rules housed at four Government agencies. Under this bill, the House would receive a weekly list of rules that would then be added to the CONGRESSIONAL RECORD. This bill adds a commonsense approach to rulemaking, the printing, publication and dissemination of those rules. It is simple and the reforms that it brings should yield a substantial cost savings to the U.S. Treasury.

I am proud to support this bill because it eliminates duplicative and needless paperwork and should provide a cost savings. I urge my colleagues to support this bill.

Mr. KING of Iowa. Mr. Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, once again, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5593, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SALUTING THE LIFE AND MUSIC OF THE LATE BO DIDDLEY

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1251) saluting the life and music of the late Otha Ellas "Bo Diddley" Bates, guitar virtuoso and rock and roll pioneer, whose music continues to influence generations of musicians.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1251

Whereas Bo Diddley, a founder of the rock and roll genre, helped to reshape the sound of popular music worldwide by melding blues, Southern gospel, rhythm and blues, and African American culture into a new genre that continues to influence popular music to this day;

Whereas Bo Diddley was born as Otha Ellas Bates on December 30, 1928, in McComb, Mississippi, grew up on the South Side of Chicago, studied classical violin from the age of 7 through the age of 15, and, strongly influenced by the music of John Lee Hooker, started playing the guitar at the age of 12;

Whereas Otha Ellas Bates adopted "Bo Diddley" as his stage name while performing on the South Side of Chicago;

Whereas Bo Diddley reshaped the sound of popular music, recording such tracks as "Bo Diddley" and "I'm A Man", both becoming number 1 hits;

Whereas Bo Diddley's career spanned several decades, spawning hits such as "Who Do You Love", "Mona", "Crackin' Up", "Say, Man", and "Road Runner";

Whereas Bo Diddley and his famous "Bo Diddley beat" has influenced, and continues to influence, generations of musicians, from Buddy Holly and Elvis Presley to The Rolling Stones, The Clash, Bruce Springsteen, The Smiths, U2, and The Beatles;

Whereas Bo Diddley was a loving father to his 4 children and is survived by 15 grandchildren, 15 great-grandchildren, and 3 great-great grandchildren;

Whereas Bo Diddley, in his later years, toured with Joe Strummer and The Clash, as well as playing at the inaugurations of Presidents George H.W. Bush and Bill Clinton;

Whereas Bo Diddley was inducted into the Rock and Roll Hall of Fame in 1987, won a Lifetime Achievement Grammy in 1998, and was inducted into the National Academy of Recording Arts and Sciences Hall of Fame as a musician of lasting historical importance; and

Whereas, with the death of Bo Diddley on June 2, 2008, at his home in Archer, Florida, the Nation has lost one of its most influential rock and roll and blues guitarists: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and contributions of Bo Diddley;

(2) recognizes and honors Bo Diddley for his invaluable contributions to American culture;

(3) recommits itself to ensuring that musical artists such as Bo Diddley receive fair protection under the copyright laws for their contributions to American culture; and

(4) extends condolences to his family on the death of this remarkable and talented man.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

☐ 1600

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we honor the life and musical legacy of Bo Diddley, a founding father of rock and roll, a guitarist who has influenced generations of musicians, who no doubt will continue to do so for generations to come.

This resolution was introduced by the chairman of the full Judiciary Committee, Mr. CONYERS, who was unable to be here in time to present it himself.

I am honored to note that Bo Diddley was born Otha Ellas Bates in the small town of McComb, Mississippi. He moved as a young boy to Chicago, where he initially studied classical violin. But at age 12, he heard John Lee Hooker play "Boogie Chillen" and found his true calling, the electric guitar.

He got the nickname, by which he will ever be known, as a teenager from a girl in his neighborhood. He said she meant it as a compliment to his boxing skill.

After years playing music with friends on the South Side of Chicago, first on street corners, later at the 708 Club, Bo Diddley and his band made their first record in 1955.

Vee-Jay Records had turned them down, who said the music was just too strange. But they walked across the street to Chess, who signed them up on the spot. The song, titled "Bo Diddley," became an instant hit, reaching number 2 on the charts.

Later that year, he was invited to perform on TV on the Ed Sullivan Show. For some reason, Ed Sullivan chose to have him play a Tennessee Ernie Ford song, "16 Tons." Bo Diddley didn't know that song. So the show's crew spent 2 hours playing him the record and rehearsing it with him and made cue cards with the lyrics for him.

But what the audience got to hear that night was "Bo Diddley." And when the show's producer asked him what went wrong, he said, "Man, maybe that was '16 Tons' on those cards, but all I saw was 'Bo Diddley.'"

Although Ed Sullivan didn't plan for it to be, that was the first rock and roll performance on TV, a year before Elvis Presley made his appearance on the show.

Bo Diddley had several other songs reach the top of the charts. He became as well known as any recording artist in America. But he contributed so much more than that, and it would be hard to overstate his importance to the music world.

He quite literally played to his own beat, actually called the "Bo Diddley beat." And to this day, that beat is a rock and roll staple. You hear it in the music of Buddy Holly, the Rolling Stones, Bruce Springsteen, and countless others.

But Bo Diddley was no mere one-beat wonder. He introduced a rich complexity of driving rhythms and cross-rhythms, building on African American traditions from the Cuban clave, to the hambone of the Chicago street, to the shout of the church.

He not only laid the cornerstone for rock and roll, he also laid the groundwork for rap music and, by mixing in elements of classical violin technique, also for funk. He was also a pioneer in the use of reverb, tremolo, sustain, distortion and feedback, all essential ingredients in heavy metal and psychedelic rock.

To help round out the Bo Diddley beat with what he called "that freight train sound," he persuaded Jerome Green to set aside the tuba and take up the maracas and added Billy Boy Arnold on the harmonica.

His band may also have been the first to feature a woman on guitar, first Peggy Jones, then known on stage as "Lady Bo," in the late 1950s, and then when she left, Norma Jean Wofford, a.k.a. "the Duchess." He also invented two well-known guitar designs, the square guitar, and the Flying V. And he may have been the first to build his own home recording studio, right here in Washington, DC.

As the preeminent rock historian Robert Palmer observed a few years ago, and I quote, "If the musical copyright laws of the United States more accurately reflected the way American vernacular music is created and disseminated, Bo Diddley would be a wealthy man today."

But Bo Diddley never did become a wealthy man. Despite all his hard work and his invaluable cultural contributions, he had to stay on the road right up until the time a stroke forced him to retire last year at age 78. The fact that he reaped so little from all that he had sowed helped spur him in later years to become a tireless advocate for educating musicians on their rights. As he explained in a 2005 interview in Rolling Stone magazine, "I tell musicians 'Don't trust nobody but your mama.'" Good advice for many of us.

Mick Jagger spoke for many when he said last week that Bo Diddley was "a wonderful, original musician who was very generous to the Rolling Stones in our early years." Although Bo Diddley himself is now gone, he has left an indelible mark on American music. And this resolution is before us today to honor that uniquely American contribution to music, rock and roll.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of this resolution honoring Bo Diddley, the great guitar player and rock and roll musician.

He was born Ellas Otha Bates, but he came to be known by the nickname Bo Diddley. It came to be an ironic nickname indeed, and refers to "nothing at all," as in, "he ain't bo diddly," or in my neighborhood, "you don't know bo diddly."

Well, far from becoming nothing at all, Bo Diddley started playing in Chicago's South Side and rose to become one of the greatest rock and roll musicians of all time. His song "Bo Diddley" became a number one rhythm and blues hit as far back as 1955. Through songs such as "Who Do You Love," he established the now famous Bo Diddley beat, a rumba like sound that mimics the sounds made by street musicians who would pat beats to songs by slapping their arms, legs, chest and cheeks.

Bo Diddley headlined above the Rolling Stones. He appeared with the Clash and the Grateful Dead and wrote many crossover hits that appealed to music lovers everywhere. And he was one of the first major male musicians to include a woman in his band.

He was inducted in the Rock and Roll Hall of Fame in 1987. In 1996, he received a Lifetime Achievement Award from the Rhythm and Blues Foundation, and in 1998 from the Grammy Awards. Rolling Stone magazine listed him at Number 20 on their list of the Greatest Artists of All Time.

When Bo Diddley passed away on June 2 at the age of 79, he was surrounded by his friends and family, who sang the gospel song "Walk Around Heaven."

Mr. Speaker, I never knew Bo Diddley, but I know he touched my life and that of all of us. Walk around heaven, indeed, Bo Diddley.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong supoprt of H. Res. 1251 "A resolution regarding the passing of Bo Diddley." I am proud to join my colleagues in cosponsoring this timely legislation. I would like to thank my colleague, Chairman CONYERS of the Judiciary Committee, for introducing this bill, and for providing leadership on this important issue.

Bo Diddley was a musician par excellence. He was a singer, guitarist, songwriter, music pioneer, and actor.

He was born December 30, 1928, and recently passed on June 2, 2008. He was an American rock and roll singer. In fact, he was the progenitor of the genre. He was a guitarist, songwriter, and more. He was the key figure that transitioned from blues to rock and roll. Bo Diddley gave America hard rhythms, hard guitar, and his characteristic rectangular guitar.

He was born in McComb, Mississippi, as Ellas Otha Bates. He was adopted and raised by his mother's cousin, Gussie McDaniel, whose surname he assumed, becoming Ellas McDaniel.

His family moved to Chicago when he was the tender age of seven. There, he took violin lessons, but was inspired to become a guitarist after seeing John Lee Hooker.

He worked as a carpenter, mechanic, and began his musical career with his friends in the 40s and 50s. In 1955, he released his #1 R&B hit, called "Bo Diddley."

He appeared on The Ed Sullivan Show on November 20, 1955. During that appearance, he sang his hit "Bo Diddley." He continued to have hits through the late 1950s and the 1960s. In 1963, he starred in a U.K. concert tour with the Everly Brothers and Little Richard. The Rolling Stones, still unknown at that time, appeared much lower on the same bill. He would play with the Rolling Stones years later in 1979. He would play with the Grateful Dead, The Clash. His music was covered by countless American musicians ranging from Elvis Presley, Bruce Springsteen, U2, The Who, The Police, David Bowie, George Michael, and the Animals, to name a few. His music is timeless.

Diddley's song "Who Do You Love" can be heard in the intro credits to the movie La Bamba. He appeared on a 2003 episode of the sitcom According to Jim entitled "Bo Diddley," had a small role in the film Trading Places, starring Eddie Murphy and Dan Aykroyd, and appeared in George Thorogood's "Bad to the Bone" video. The song "Bad to the Bone" is a rework of Diddley's "I'm A Man." Eric Clapton's 1992 "Unplugged" included a cover of Diddley's "Before you accuse me."

On his music Bo Diddley once said "I don't like to copy anybody. Everybody tries to do what I do, update it," he is quoted as telling the Associated Press. "I don't have any idols I copied after."

"They copied everything I did, upgraded it, messed it up. It seems to me that nobody can come up with their own thing, they have to put a little bit of Bo Diddley there," he said.

He has left an indelible mark on American music. The founder of rock and roll. He was a tremendous musician and he had over a half-century of experience in the music business. He was a mastermind, a genius, he was Bo Diddley. We honor him and his tremendous contribution to American music. Heaven is a sweeter place now that Bo Diddley is there. And, the angels are surely singing.

Mr. RANGEL. Mr. Speaker, I rise today to draw attention to the life and legacy of a man whose work in Rock 'n' Roll has been called "ground breaking." Bo Diddley was born Ellas Otha Bates in McComb, Mississippi, on December 30, 1928 and passed away on June 2, 2008 at the age of 79.

Diddley was raised by his mother's cousin, Gussie McDaniel, whose surname he legally adopted. The family moved to Chicago when Diddley was seven. Bo broke new ground in rock and roll's formative years with his unique guitar work, indelible African rhythms, inventive songwriting, and larger-than-life persona. He will forever be known for popularizing one of the foundational rhythms of rock and roll: the Bo Diddley beat. He employed it in his namesake song, "Bo Diddley" (which earned him a rightful place in the Grammy Hall Of Fame). This African-based rhythm pattern was picked up from Diddley by other artists and has been a distinctive and recurring element in rock and roll through the decades. His beats have influenced the music of artists such as Buddy Holly, the Rolling Stones, Johnny Otis, the Strangeloves, the Who, and Bruce Springsteen.

Diddley is the author of a body of songs—including "Who Do You Love?" "Road Runner," "Mona," "Before You Accuse Me" and "I'm a Man"—that are among the earliest examples of rock and roll rising out of rhythm and blues. Diddley married into his music two worlds he knew well—the Deep South and the streets of Chicago. He formed a band called the Hipsters while in high school and landed a regular spot at the 708 Club on Chicago's South Side in 1951.

Diddley's earliest records were contemporaneous with those of label mate Chuck Berry. He signed with the Checkers label in 1955 and his debut single was a two-sided classic that paired "Bo Diddley" with "I'm a Man." It was the first in a string of groundbreaking songs that walked the fine line between rhythm & blues and rock & roll. Others included "Diddley Daddy," "Pretty Thing" and "Road Runner," which were all Top Twenty R&B hits. Oddly, Diddley's only crossover success came with "Say Man," a laugh-filled exchange of jive talk between Diddley and his maraca player, Jerome Green. Their verbal sparring derived from the African-American pastime of "signifying' or "doing the dozens" and foreshadowed the battle rapping of the present day.

Diddley was also an inventor, devising his own tremolo effect and playing a unique, rectangular "cigar box" guitar that he designed in 1958. His ever-fertile mind also inspired him to set up one of the first home studios. The prolific singer/guitarist released a string of albums whose titles—including Bo Diddley Is a Gunslinger and Have Guitar, Will Travel—bolstered his self-invented legend.

Diddley also traveled with the rock and roll revues of the day. He retained his iconic status as a rock and roll pioneer, steadily releasing albums on Checkers through the mid-Seventies. Meanwhile, Diddley continued to work the live circuit in tireless fashion.

Bo Diddley was one of rock 'n' roll's true pioneers. He has been righteously outspoken on the subject of underpayment, bad contracts and other rip-offs that denied many early rock and rollers (he among them) what was due them and in 1987 he was inducted into the Rock 'n' Roll Hall of Fame.

A regular at Harlem's Apollo Theatre, Bo Diddley has indelibly stamped his mark on rhythm and blues, rock 'n' roll and popular music. His innovative trademark rhythm, his electric custom built cigar box guitar, and his wild stage shows, predate all others. Diddley leaves a permanent mark on American music and culture, and our deepest sympathies go out to his family, friends and fans. The 'Bo Diddley beat' surely will continue on.

Mr. KING of Iowa. I urge adoption, and I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge adoption of H. Res. 1251 and yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIRES). The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and agree to the resolution, H. Res. 1251.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SAFETY MONTH

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1225) expressing support for designation of June 2008 as "National Safety Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1225

Whereas, after years of decline, the rate of unintentional injuries and deaths in the United States has risen to new and unacceptable levels;

Whereas deaths from motor vehicle collisions, poisonings from unintentional overdoses, and falls remain as the three leading causes of preventable death in the United States;

Whereas the cost of unintentional injuries to Americans exceeds $650,000,000,000 each year and causes great suffering among individuals and their families;

Whereas the cost of unintentional injuries to workers and their employers is $164,700,000,000 each year, including the value of 120,000,000 days of lost productivity;

Whereas preventing unintentional injury and death requires the cooperation of all levels of government, the Nation's employers, and the general public;

Whereas the National Safety Council, founded in 1913, was congressionally chartered in 1953 to lead this Nation in injury prevention through safety and health education, training, and advocacy in the United States;

Whereas the National Safety Council educates the workforce about policies, practices, and procedures leading to increased safety, protection, and health in business and industry, as well as in schools and colleges, on roads and highways, and in homes and communities;

Whereas since the summer season is a time of increased rates of preventable injuries and death, it is an appropriate time to focus the attention of our workforce and community leaders on injury risks and preventions by celebrating June 2008 as "National Safety Month"; and

Whereas the National Safety Council in 2008 as part of its public education about safety and health will provide this Nation a monthlong campaign in June with the theme "Make a Difference": Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the designation of "National Safety Month";

(2) recognizes the contributions of the National Safety Council and its ongoing commitment to raising awareness about the need for the implementation of safe practices in our schools and jobs; and

(3) encourages citizens to observe the "National Safety Month" with appropriate ceremonies and educate themselves about the importance of implementing safe practices in our schools and on our jobs to prevent unintentional injury and death.

The SPEAKER pro tempore. Pursuant to the rule, gentleman from Kentucky (Mr. YARMUTH) and the gentleman from New York (Mr. KUHL) each will control 20 minutes. The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1225 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1225, which recognizes the month of June as National Safety Month and commends the National Safety Council for their ongoing mission to educate and influence the public on the prevention of accidental injury and death.

In 1912 the National Safety Council was established by a small group of midwestern industrial leaders concerned about safety in the workplace. Since then, the council has broadened its scope to include the home, transportation and the community. Its membership has grown to over 18,000 companies spanning more than 33,000 locations. Altogether, the council represents 8.3 million employees across the Nation.

In 1953, a congressional charter was granted to the National Safety Council to lead the country in injury prevention through safety education and training. The council has had a great impact on the local level by providing a variety of community-based programs and services, including workshops, training, conferences, and by providing a local voice for safety and health education.

Through the efforts of the National Safety Council, more than 8.5 million rescuers have been trained and more than 60 million people have taken one of the NSC's defensive driving courses. It is obvious that the National Safety Council's programs have had a profound effect on our Nation, and they deserve to be recognized for their continuing efforts.

The National Safety Council will commemorate this 2008 National Safety Month with their "Make a Difference" campaign. The campaign will work to educate the public on emergency preparedness, safe driving, poisoning and fall prevention.

Each year, accidental injuries cost Americans more than $650 billion. In the workplace alone, 16 workers die every day on the job. Far too many lives are lost and too many suffer because of preventable accidents.

Protecting the citizens of this Nation from these accidents requires the cooperation of Federal, State and local institutions, as well as help from the citizenry itself. Together, we can protect ourselves from accidental injury and death. This June we must encourage all Americans to take time to learn how they can help make this country safer.

Mr. Speaker, once again I express my support for the designation of June as National Safety Month.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to stand in support of this resolution, which will help us commemorate June 2008 as National Safety Month.

The summer season brings with it great fun and excitement, as we all know. From family vacations to time spent at pools and water parks, millions of Americans look forward to enjoying the season. However, with many of these summer activities comes a greater risk of preventable injuries.

Preventable injuries and death can also take place in the home, on the job, while driving, or really almost anywhere as we all know. That is why it is so important that we take the time to support efforts to promote safety in all aspects of life.

The National Safety Council is just such an organization with a vision of making our world safer. The mission of the National Safety Council is to educate and influence people to prevent accidental injury and death.

The council was founded in 1913 and chartered by Congress in 1953. It is the only organization promoting safety in the workplace, in the transportation arena, and in homes and in communities. Members of the council include 18,600 companies of all sizes from a broad spectrum of industries representing 33,300 locations and about 8.5 million employees around the world.

I appreciate the work of the National Safety Council along with that of employers, schools and community leaders, and all Americans who are working to make safe environments.

Later today, in just a couple of minutes, we will consider another bill under suspension that promotes safety, the Josh Miller HEARTS Act, which will help to place automated external defibrillators in schools around this country.

I am proud to stand in support of these and other efforts to promote safety, prevent injury and to protect the lives and the well-being of Americans. However, Mr. Speaker, I'm a little disappointed that we are not taking this opportunity today to promote another type of well-being for our citizens, their economic well-being. Over the weekend, our Nation reached a dubious milestone. The average price of a gallon of regular gasoline has now topped $4. This once-unthinkable figure has become the new norm unfortunately, wreaking havoc on the lives and livelihoods of millions of Americans.

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From filling the tank, to filling the shopping cart, Americans are being crushed by the high price of energy and its ripple effect on our economy. Our constituents are crying out for help. But to date, this Congress has refused to embrace the comprehensive energy solutions needed to wean our Nation from its dependence on foreign oil.

Republicans have proposed an energy plan that incorporates all the critical elements of energy independence and freedom. We are supporting the production of American-made energy, which will create jobs here at home, while being conscious of our environmental impact. We are promoting the development of new sources of fuel and we are promoting conservation. Taken together, the Republican energy plan will help finally ease the pain at the pump.

So while I urge the support of H. Res. 1225, I also urge action on the much-needed energy reforms.

Mr. Speaker, I reserve the balance of my time.

Mr. YARMUTH. Mr. Speaker, if the gentleman has additional speakers, I will reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield such time as he may consume to gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I want to thank my friend Mr. KUHL for yielding me time.

Mr. Speaker, National Safety Month is an important month. We all strive for safety, so it is important that we name a month, a week, a day, an hour for our safety. But right now, it is a shame that we can't have National Independence from Foreign Oil Hour, right now that the price of gasoline and price of crude oil is affecting every hardworking man and woman in this country. So I would hope that the majority, while recognizing these important days and weeks and months, would just have an hour where we could come into this House and discuss our energy policies.

In January of 2007, the majority passed an energy bill. At the time gas was probably $2.25 a gallon. It is now up to over $4 a gallon. So while we are going to pass 20 suspensions on this floor today, where most of them, the majority of them, won't even require a roll call vote, we don't have any time that we can discuss our energy policy, at a time where we are so dependent on foreign oil.

On May 13, Senator SCHUMER in the Senate asked the President, who was heading at the time to Saudi Arabia, to ask for an increase in their oil production, knowing that an increase in their oil production would probably cause a decrease in the price of crude oil. Yet with over 97 percent of our Outer Continental Shelf not being drilled on and about 94 percent of the Federal lands inside this country be not being drilled on, surely he and the rest of the Democratic Party, and especially this House leadership, would understand that drilling domestically would bring down the price of crude oil, which in turn would bring down the price of gasoline.

As I have said before on this floor, if we could have a 1-hour debate, and I would like for it to be longer than that, we could all debate and talk about all the different ways that we could help curb the price of our gas, whether it be converting coal to oil, whether it be exploring for natural gas, talking about nuclear energy, or the many other things that we could do right now ourselves. We can control our own destiny as far as what crude oil prices are and what the price of gasoline is by not being willing to do our own exploration, our own drilling in our own country, where we have many, many, many natural resources we could use for fuel.

So while he is combating or at least trying to combat the President on going to OPEC asking them to do more oil production, they must think it kind of comical that we are not willing to do our own drilling, our own exploration, and depend on our own natural resources to lower our price of gas, while China is fixing to drill 45 miles off the coast of this country for oil exploration, because China is a country that understands the importance of not being dependent on foreign oil. As they have gone across this globe dealing with other countries as far as using their natural resources to provide for their energy needs, we are sitting here on trillions of barrels of oil and coal that we are refusing to use ourselves.

So while I think that this very important designation of National Safety

Month is important, I would hope that the majority here and the leadership in this body would devote at least an hour of our time in this House in front of the American people, Mr. Speaker, to let the American people see what effect this "commonsense plan" that has been touted by the Democratic majority is having to bring down the skyrocketing price of gas, and that was back in April of 2006 when this was being promoted.

I am sure that the American people, Mr. Speaker, would enjoy just a 1-hour conversation on that so we could unveil this plan, because certainly the plan that was passed in January of 2007, of this year, was either not the real plan or it is a failed plan and we need to be talking about a new plan.

Mr. KUHL of New York. Mr. Speaker, I yield back the balance of my time.

Mr. YARMUTH. Mr. Speaker, I would just like to thank the gentleman from Georgia for his compelling and expansive support of this resolution, and I urge its support.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of House Resolution 1225, designating June as National Safety Month. After years of decline, the numbers of unintentional injuries and deaths in the United States have risen to unacceptable new heights. Deaths from motor vehicle collisions, poisoning from unintentional overdoses, and falls remain the three leading causes of preventable death in the United States. For example, in 2005, the Illinois Department of Public Health reported that accidents, both motor vehicle and other types of accidents, were the leading cause of death for persons ages 1 to 44 in Illinois. According to the 2008 edition of the National Safety Council's Injury Facts publication, the annual cost of unintentional injuries to Americans and their employers now exceeds $650 billion.

To reduce the prevalence and severity of these injuries, Congress annually designates June as National Safety Month. By providing a public service campaign around the theme "Make A Difference," the National Safety Council promotes public awareness by highlighting the most significant causes for unintentional injuries and deaths in the workplace, on the road, and in the home and community. Equally important, the public campaign also stresses what Americans can do to prevent much of the needless suffering and expense associated with these accidents.

Each week of the month-long observance will focus on a unique safety issue. During the first week of June, the campaign focused on Emergency Preparedness. As a country we can make a difference by knowing how to perform CPR and acquiring Automated External Defibrillator training, both of which, if applied within minutes of a cardiac arrest, double the chances of survival. This week the campaign highlights the perils of distracted driving. According to a recent report by the National Highway Traffic Safety Administration, nearly 80 percent of crashes and 65 percent of near-crashes involved some form of driver inattention within three seconds before the event. Next week, the campaign spotlights the escalating co-relation between the rise in the consumption of prescription medication and rise in overdose fatalities. During the last week of June, the campaign centers on the importance of fall prevention, highlighting tips for preventing falls in the workplace, as well as fall prevention tips for aging adults. The campaign will conclude on Monday, June 30th, with tips for Independence Day and summer safety. Summer is a time of increased rates of preventable injuries and death. As a country, we can make a difference by becoming more aware about safe practices. We must recognize our responsibility to implement interventions that make our world a safer place to live. I urge you to join me in supporting H. Res. 1225, designating June as National Safety Month and focusing individuals' and business leaders' attention on injury risks and preventions.

Mr. YARMUTH. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 1225.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. YARMUTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECONNECTING HOMELESS YOUTH ACT OF 2008

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5524) to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reconnecting Homeless Youth Act of 2008".

SEC. 2. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and

(2) inserting after paragraph (2) the following:

"(3) services to such young people should be developed and provided using a positive youth development approach that ensures the young person a sense of—

"(A) safety and structure;

"(B) belonging and membership;

"(C) self-worth and social contribution;

"(D) independence and control over one's life; and

"(E) closeness in interpersonal relationships;".

SEC. 3. GRANTS FOR CENTERS AND SERVICES.

Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B)(i) by inserting before the semicolon the following:

"provided for a continuous period not to exceed 15 days, except that such shelter may be provided for a continuous period not to exceed 21 days if the State where the center is located has an applicable State or local law or regulation that permits a length of stay in excess of such 15 days in compliance with licensure requirements for child and youth serving facilities",

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "The" and inserting "(A) Except as provided in subparagraph (B) and to the extent that sufficient funds are available, the",

(ii) by striking "$100,000" and inserting "$150,000",

(iii) by striking "$45,000" and inserting "$70,000", and

(iv) by adding at the end the following:

"(B) For fiscal years 2009 and 2010, the amount allotted under paragraph (1) with respect to a State for a fiscal year shall be not less than the amount alotted with respect to such State for fiscal year 2008.",

(B) by redesignating paragraph (3) as paragraph (4), and

(C) by inserting after paragraph (2) the following:

"(3) Whenever the Secretary determines that any part of the amount allotted under paragraph (1) with respect to a State will not be obligated before the end of the fiscal year, the Secretary shall reallot such part under paragraph (1) with respect to the remaining States for obligation for such fiscal year.".

SEC. 4. BASIC CENTER GRANT PROGRAM ELIGIBILITY.

Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11) by striking "and" at the end,

(2) in paragraph (12) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(13) shall develop an adequate emergency preparedness and management plan.".

SEC. 5. TRANSITIONAL LIVING GRANT PROGRAM ELIGIBILITY.

Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 2714-2(a)) is amended—

(1) in paragraph (1)—

(A) by striking "indirectly" the 1st place it appears and inserting "by contract", and

(B) by striking "and services" and inserting ", and to provide, directly or indirectly, services",

(2) in paragraph (2)—

(A) by striking "except that a youth" and inserting the following:

"except that in the case of—

"(i) a youth",

(B) by inserting "such youth may" after "program,", and

(C) by striking "period;" and inserting the following:

"period; and

"(ii) a program that is located in a State that has an applicable State or local law or regulation that permits a length of stay in excess of such 540-day period in compliance with licensure requirements for child and youth serving facilities, a youth may remain in such program throughout a continuous period not to exceed 635 days;",

(3) in paragraph (14) by striking "and" at the end,

(4) in paragraph (15) by striking the period at the end and inserting "; and", and

(5) by adding at the end the following:

"(16) to develop an adequate emergency preparedness and management plan.".

SEC. 6. RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23)) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by striking "special consideration" and inserting "priority", and

(ii) by striking "relating to" and inserting "focused on",

(B) in paragraph (8)—

(i) by inserting "quality" after "access to",

(ii) by striking "mental" and inserting "behavioral", and

(iii) by striking "and" at the end,

(C) in paragraph (9) by striking the period at the end and inserting the following:

", including educational and workforce programs with outcomes such as decreasing the secondary school drop-out rate, increasing diploma or equivalent attainment rates, or increasing placement and retention in postsecondary education or advanced workforce training; or", and

(D) by adding at the end the following:

"(10) programs, including innovative programs, that assist youth in obtaining and maintaining safe and stable housing, and may include programs with supportive services that continue after program completion.", and

(2) by amending subsection (c) to read as follows:

"(c) In selecting among applicants for grants under subsection (a), the Secretary shall—

"(1) give priority to applicants who have experience working with runaway youth or homeless youth; and

"(2) ensure that the applicants selected—

"(A) are geographically representative of different regions of the United States; and

"(B) carry out projects that serve diverse populations of runaway or homeless youth.".

SEC. 7. ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21–5714-24) is amended by adding at the end the following:

"SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

"(a) PERIODIC ESTIMATE.—Not later than 2 years after the effective date of this section, and at 5-year intervals thereafter, the Secretary, in coordination with the United States Interagency Council on Homelessness, shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Judiciary of the Senate, and make public, a report—

"(1) by using the best quantitative and qualitative social science research method available, containing an estimate of the incidence and prevalence of runaway and homeless individuals who are less than 26 years of age and not less than 13 years of age; and

"(2) that includes with such estimate an assessment of the characteristics of such individuals.

"(b) CONTENT.—The report required by subsection (a) shall include—

"(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are less than 26 years of age and not less than 13 years of age, to determine past and current—

"(A) socioeconomic characteristics of such individuals;

"(B) barriers to such individuals obtaining—

"(i) safe, quality, and affordable housing;

"(ii) comprehensive and affordable health insurance and health services; and

"(iii) incomes, public benefits, supportive services, and connections to caring adults; and

"(C) such other information that the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

"(c) IMPLEMENTATION.—If the Secretary enters into any contract with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.".

SEC. 8. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-41(b)) is amended by inserting "public and" after "priority to".

SEC. 9. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating part F as part G, and

(2) by inserting after part E the following:

"PART F—NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN

"SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

"(a) IN GENERAL.—The Secretary shall, directly or through grants or contracts, conduct a national homeless youth awareness campaign (referred to in this section as the 'national awareness campaign') in accordance with this section for purposes of—

"(1) increasing awareness of individuals of all ages, socioeconomic backgrounds, and geographic locations, of the issues facing runway and homeless youth, the resources available for these youth, and the tools available for the prevention of youth runaway and homeless situations; and

"(2) encouraging parents, guardians, educators, health care professionals, social service professionals, law enforcement officials, and other community members to seek to prevent runaway youth and youth homelessness by assisting youth in averting or resolving runaway and homeless situations.

"(b) USE OF FUNDS.—Funds made available to carry out this section for the national awareness campaign may be used only for the following:

"(1) The dissemination of educational information and materials through various media, including television, radio, the Internet and related technologies, and emerging technologies.

"(2) Partnerships, including outreach activities, with national organizations concerned with youth homelessness, community-based youth service organizations (including faith-based organizations), and government organizations related to the national awareness campaign.

"(3) In accordance with applicable laws and regulations, the development and placement of public service announcements in telecommunications media, including the Internet and related technologies and emerging technologies, that educate the public on the issues facing runaway and homeless youth (or youth considering running away) and on the opportunities that adults have to assist such youth.

"(4) Evaluation of the effectiveness of the national awareness campaign.

"(c) PROHIBITIONS.—None of the funds made available under subsection (b) may be obligated or expended for any of the following:

"(1) To supplant pro bono public service time donated by national or local broadcasting networks, advertising agencies, production companies, or other pro bono work for the national awareness campaign.

"(2) For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

"(3) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal employees employed in positions in schedule C of part 213 of title 5 of the Code of Federal Regulations (January 1, 2008), as amended from time to time.

"(4) To fund advertising that does not contain a primary message intended to educate the public on the issues facing runaway and homeless youth (or youth considering running away) or on the opportunities for adults to help such youth.

"(5) To fund advertising that solicits contributions to support the national awareness campaign.

"(d) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Secretary shall perform—

"(1) audits and reviews of costs of the national awareness campaign pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

"(2) an audit to determine whether the costs of the national awareness campaign are allowable under section 306 of such Act (41 U.S.C. 256).

"(e) REPORT.—The Secretary shall include in each report submitted under section 382 a summary of the national awareness campaign that describes—

"(1) the activities undertaken by the national awareness campaign;

"(2) steps taken to ensure that the national awareness campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national awareness campaign; and

"(3) each grant made to, or contract entered into with, a particular corporation, partnership, or individual working on the national awareness campaign.".

SEC. 10. DEFINITIONS.

Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) in paragraph (3)(A)—

(A) in clause (i)—

(i) by striking "not more than" each place it appears and inserting "less than", and

(ii) by inserting after "age" the last place it appears the following:

", or until attaining a higher maximum age if the State where the center is located has an applicable State or local law or regulation that permits such higher maximum age in compliance with licensure requirements for child and youth serving facilities", and

(B) in clause (ii) by striking "age;" and inserting the following:

"age and either—

"(I) less than 22 years of age; or

"(II) an age exceeding 22 years of age as of the expiration of the maximum period of stay permitted under section 322(a)(2)(ii) if such individual commences such stay before attaining 22 years of age;", and

(2) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this title (other than parts E and F, and section 345) $150,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.",

(2) by amending paragraph (4) to read as follows:

"(4) PART E.—There are authorized to be appropriated to carry out part E $30,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.", and

(3) by adding at the end the following

"(5) PART F.—There is authorized to be appropriated to carry out part F $3,000,000 for each of the fiscal years 2009, 2010, 2011, 2012, and 2013.

"(6) SECTION 345.—There are authorized to be appropriated to carry out section 345 such sums as may be necessary for fiscal years 2009, 2010, 2011, 2012, and 2013.".

SEC. 12. PERFORMANCE STANDARDS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by adding at the end the following:

"SEC. 390. PERFORMANCE STANDARDS.

"(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the effective date of this section, the Secretary shall establish by rule performance standards applicable to public and nonprofit private entities and agencies that receive grants under sections 311, 321, and 351.

"(b) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate performance standards established under subsection (a) into the Secretary's processes for grant-making, monitoring, and evaluation for programs under sections 311, 321, and 351.

"(c) CONSULTATION.—The Secretary shall consult with representatives of public and private entities and agencies that receive grants under this title, statewide and regional nonprofit organizations (and combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness in developing the performance standards required by subsection (a).

"(d) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment concerning the establishment of the performance standards required by subsection (a) before issuing rules to establish such standards, and shall maintain an official record of such public comment.".

SEC. 13. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General shall conduct a study of, and make findings and recommendations relating to, the process for making grants under parts A, B, and E of the Runaway and Homeless Youth Act, with respect to—

(1) the written responses made by the Secretary of Health and Human Services to (and any other methods for communicating with) grant applicants who are do not receive a grant under part A, B, or E of such Act, to determine if the information provided in such responses to such applicants is conveyed clearly,

(2) the structure of the grant application and associated documents (including announcements that grants are available under such parts), to determine if such application is structured so that the applicant has a clear understanding of what is required in each provision to successfully complete the application, including a clear explanation of terminology required to be used by the applicant throughout the document,

(3) the peer review process (if any) used to review grant applications (including the selection of peer reviewers) and the oversight of the peer review process by employees of the Department of Health and Human Services, as well as the extent to which such employees make funding determinations based on the comments and scores of the individuals who perform peer reviews,

(4) the typical time frame and the process used by such employees, including employee responsibilities, for responding to applicants and the efforts taken to communicate with applicants when there is a delay of decisions on applications or when funds to carry out this title are not appropriated before the beginning of the then current fiscal year, and

(5) the plans for and implementation of, where practicable, the new training and technical assistance programs and their effect on the grant application process.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Judiciary of the Senate, containing a summary of the results of the study conducted under subsection (a), together with the findings and recommendations made by the Comptroller General based on such results.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 5524 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Reconnecting Homeless Youth Act, which I introduced earlier this year. This legislation will reauthorize the sole source of Federal funding for at least 1 million young people who find themselves homeless or unaccompanied each year. Some of those children are born homeless, but most run away to escape mental, emotional or physical abuse. More than a third of them are victims of sexual abuse in the home.

Although they escape terrible conditions at home, for most, what is waiting for them on the street is no better. These youths are raped or assaulted at rates two to three times the national average, they are seven more times likely to contract HIV, and a third of them attempt suicide. For these young people, hope is a distant concept and the future is little more than a dead end.

The situation is bleak, but the solutions are within our grasp. My hometown of Louisville, thanks to organizations like Safe Place and Boys Haven, has set the standard for helping homeless youth find a home, get an education and rediscover their futures.

I invited Rusty Booker to testify before the Education and Labor Committee last year. Rusty, a fellow Louisvillian, ran away from an abusive home at the age of 12 and went through five different foster homes before finding his path at Safe Place. Rusty showed us that we have the answers, we have the tools to eliminate childhood homelessness and disconnection, but only if we choose to use them.

That is the opportunity we have before us today, because despite the tremendous work of our service organizations, the funds and personnel to accommodate the basic needs of our Nation's runaway and homeless youth are far short of meeting the demand and the required infrastructure is simply not in place. We need to do more than just contain these children while we have them. We must set them on a path to adulthood, prepared for the workplace and ready for the world, without dragging the dead weight of a history of neglect.

The Reconnecting Homeless Youth Act will refocus our resources and give America a real shot at eradicating youth homelessness forever. Thanks to the groundwork laid in Louisville, the Reconnecting Homeless Youth Act won't simply extend the Runaway and Homeless Youth Act until 2013. It will provide significant improvements and much-needed expansions.

Addressing the critical funding shortfall, this legislation will dramatically increase the reauthorization for Runaway and Homeless Youth Act funding to $150 million per year, ensuring that the resources are in place for community-serving organizations to reach every child in need.

The bill will also increase the basic center program allotments for small States, make public entities eligible for street outreach program funds, establish grantee performance standards, and finally create a process for developing a national runaway and homeless youth research and evaluation agenda.

The progress that we have made in the past year is significant. In fiscal year 2007, 740,000 young people were helped by our HYA programs. But more significant will be the advances down the road. As we work to restore faith in this Nation's future, we must build an America where every child has a chance to learn, succeed, and at the very least have a place to call home.

I urge my colleagues to join me in supporting this legislation, which will offer a chance and a childhood to millions of our most vulnerable citizens.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today as the lead Republican sponsor of H.R. 5524, the Reconnecting Homeless Youth Act of 2008. I am pleased to be here with my good friend the gentleman from Kentucky, Congressman JOHN YARMUTH, as we consider this important bill reauthorizing and strengthening the Runaway and Homeless Youth Program, set to expire this year.

Mr. Speaker, each year, between 1 and 3 million children in the United States find themselves on their own and on the street. Throughout our Nation, local shelters, like NCO Youth & Family Services and Aunt Martha's in my district rely on Federal support to keep these children safe and off the streets.

Congress first enacted the Runaway and Homeless Youth Act in 1974 and has regularly reauthorized it to ensure a basic level of support for unaccompanied youth. To meet the needs of these children, the Runaway and Homeless Youth Act authorizes three major programs: The Basic Center Program, the Transitional Living Program and the Street Outreach Program.

The Basic Center Program, or BCP, provides youth with emergency short-term shelter, food, clothing, counseling and referrals for health care. The BCP seeks to reunite young people with their families whenever possible or to locate appropriate alternative placements. In 2006, BCP grantees served more than 48,000 youth.

The Transitional Living Program, or TLP, assists older homeless youth in developing skills and resources to promote their independence and prevent future dependency on social services. In 2006, TLP grantees provided services to more than 3,600 youth.

The Street Outreach Program provides emergency shelter and related services to young people who have been or are at the risk of being sexually abused or exploited. The goal of these efforts is to inform young people about services that can help them find suitable housing and address the problems that lead them to be on the street.

□ 1630

In 2006, the Street Outreach Program served over 619,000 youth. The bill before us today reauthorizes the Runaway and Homeless Youth Act through fiscal year 2013. Under the bill, the Department of Health and Human Services would establish grantee performance standards and provide a periodic estimate of the incidence of youth homelessness.

H.R. 5524 also creates a National Homeless Youth Awareness Campaign that will focus on increasing awareness about the issues facing runaway and homeless youth and the tools available for preventing runaway and homeless youth situations.

While the prevalence of homelessness is difficult to measure, it is estimated that about 5 to nearly 8 percent of youth experience homelessness each year. More can and must be done. The Reconnecting Homeless Youth Act will strengthen Federal efforts to keep our children safe and off the street.

I would like to take a moment to share the story of one of these kids, Dennis, a constituent of mine, whose life changed as a result of one of these programs strengthened in this bill, the Transitional Living Program. As a senior in high school, Dennis began to isolate himself from family and friends. He was diagnosed with a bipolar disorder, and even though he was prescribed medicine, he didn't take it. According to Dennis, he felt "walled off to a point where it just crushes in on you, it was like someone turned off the switch. It was very, very difficult to see joy."

After months of bitterly fighting with his parents, Dennis packed up his car and ran away. He stayed on the couch of friends and family for the remainder of his senior year in high school and continued to deteriorate.

Fortunately, that year, Dennis learned of the NCO Youth and Family Services Transitional Living Program, and he decided to use it for housing. He needed a place to stay. But the program was not just housing, it taught him to manage his disorder, as well as training and managing, budget, cooking and cleaning, monitoring his credit, applying for a job, securing transportation and locating an apartment.

The program helped Dennis secure a job, giving him the hope and determination to make something of himself. After successful completion of the Transitional Living Program, where is he now? Well, Dennis is an Army private serving honorably in Kuwait.

According to Dennis, without the program, he would be half dead now. He says, "If I hadn't come to NCO, I think I wouldn't have made it."

Because of the stories like this and the success that we have seen, I am really proud to join Mr. YARMUTH, my fellow sponsor, in support of this bill. This bill is about helping homeless children, and I strongly support it and urge its passage.

We need to start thinking about how to help families facing the prospect of homelessness because they are being squeezed by high energy prices, rising prices for gasoline needed to get to and from a job, for the food needed to feed their families and even for natural gas to keep their homes warm in the winter and for electricity needed to keep them cool in the summer, we are putting enormous pressure on the American families that can least afford it.

In addition to helping homeless kids, this Congress must take action to increase the supply of oil, reduce the price of gasoline and support the development of advanced energy technologies and alternatives to oil and gas.

Just this past weekend, the national average price of gasoline hit $4 a gallon for the first time. Well, I can assure you that for my constituents in the Chicago area, $4 for gas would be moving in the right direction. We have been paying well over $4 a gallon for weeks.

While I urge my colleagues to support this bill today, I also urge this House to take action to address the high price of energy generally and gasoline in particular, which, if left unchecked, will certainly increase the ranks of homelessness in the U.S.

With that, I thank my colleague, Mr. YARMUTH, for working with me to produce the bipartisan bill we are considering today.

Mr. Speaker, I reserve the balance of my time.

Mr. YARMUTH. Mr. Speaker, I have the great honor of yielding as much time as he may consume to my colleague on the Education and Labor Committee, Mr. HINOJOSA, from Texas.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 5524, the Reconnecting Homeless Youth Act.

I would like to thank my two good friends, Representative JOHN YARMUTH from Kentucky and Representative JUDY BIGGERT from Illinois, for their strong leadership on this important legislation to my district in south Texas and to the whole Nation.

An estimated 2.8 million youth under the age of 17 experience a homeless situation each year. Many more young adults under the age of 24 find themselves without a place to call home.

Our Nation's homeless youth are exposed to some of the harshest elements imaginable. They are exposed to the harsh elements of hot and cold weather. These homeless youth are exposed to the harsh elements of crime, of abuse and exploitation on the street. They are vulnerable to illness and physical trauma.

These homeless youth are deprived of the protective and nurturing elements that come with a home and a strong supportive family. They are robbed of the supports necessary for a productive adulthood. The Reconnecting Homeless Youth Act will reauthorize the Runaway and Homeless Youth Act, which provides support to youth through basic centers and shelters, transitional living programs and street outreach. This is the only Federal law targeted solely to unaccompanied youth.

I am very proud to be an original cosponsor of this legislation and would like to thank the authors for including many of the provisions to improve the Runaway and Homeless Youth Act from legislation I introduced last summer. H.R. 3409, the Place to Call Home Act, is included in this bill.

Homelessness among our Nation's youth will persist until all sectors of society, including the Congress, declare that a safe place to live and a connection to permanent and loving families and communities are basic needs we will ensure for all young people. This legislation is one significant step in that direction.

I strongly urge all of my colleagues to vote "yes" on H.R. 5524, the Reconnecting Homeless Youth Act.

Mrs. BIGGERT. Mr. Speaker, does the gentleman from Kentucky have any further speakers?

Mr. YARMUTH. We are prepared to close if you are prepared to close.

Mrs. BIGGERT. Mr. Speaker, in closing, let me just thank, again, the gentleman from Kentucky and the gentleman from Texas for their work on this bill and also the staffs on both side of the aisle from the Education and Labor Committee for all of their work.

Mr. Speaker, I yield back the balance of my time.

Mr. YARMUTH. Mr. Speaker, with that, I strongly urge my colleagues to pass this important legislation that for more than 1 million young people each year could mean the difference between continuing to live on the streets without hope and finding a path to independent adulthood that begins with a place to call home.

I want to thank Chairman MILLER, Chairwoman MCCARTHY, and especially Representative BIGGERT for her hard work and dedication to this issue.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in full support of H.R. 5524, The Reconnecting Homeless Youth Act.

This bill reauthorizes the Runaway and Homeless Youth Act, which is under the jurisdiction of the subcommittee which I chair, the Healthy Families and Communities Subcommittee of the Committee on Education and Labor. Mr. YARMUTH, the bill's sponsor, is on my subcommittee and it was a pleasure to work with him on this reauthorization. Each member of my subcommittee is both passionate and committed to improving the lives of our Nation's children. In this case, Mr. YARMUTH is seeking to assist some of our Nation's most vulnerable youth, those who run away from home or who have no home.

It is a travesty that this situation exists in our Nation—that children find themselves in situations where they need to leave their home for any number of reasons—they are thrown out, have been abused, and face other challenges at home. Worse yet, too many of our Nation's foster care youth find themselves released from the system at or around age 18 and are left to fend for themselves without guidance or little to no assistance, and they become part of the over one million runaway or homeless youth in our Nation. These resilient youth seek caring adults, stability, and the ability to see their future as different from their present situation.

This reauthorization improves the basic central programs, street outreach programs, and the transitional living program. As we heard in a hearing in my subcommittee, it is just too easy to look away and dismiss the problem or accept that it is inevitable that there will be homeless youth. We see it, acknowledge it, and do nothing about it. However, if we dismiss or tolerate the problem of runaway and homeless youth, I think that we can easily expect that we will see these youth in other social systems where they may stay for the rest of their lives. Helping these youth in the here and now is both intervention and prevention. We must maintain a long-term vision for our Nation's youth. Investing in all children at an early age is clearly necessary, but we also must attend to our older youth who face challenges that neither you nor I have experienced as teenagers and young people.

Mr. Speaker, Mr. YARMUTH has worked very hard with the community that works with runaway and homeless youth to create a strong reauthorization of these programs. He has included the development and implementation of performance standards to be used in the grant making process, to better allow the Family and Youth Services Bureau of the Department of Health and Human Services to evaluate each program and fund the best of the best. You see, these programs are good, and the competition is strong for any funding that is available.

I urge my colleagues to vote yes on H.R. 5524, the Reconnecting Homeless Youth Act today. It is an investment in our Nation's most vulnerable youth and in all of America's young people. They seek caring adults and opportunities to improve their lives at home and their futures. If we help these youth now, we prevent them from entering into child welfare and juvenile justice systems, each path fraught with challenges. I think that we can all come together to change the lives of children for the better.

Mr. YARMUTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and pass the bill, H.R. 5524, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JOSH MILLER HEARTS ACT

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4926) to amend the Elementary and Secondary Education Act of 1965 to establish a grant program for automated external defibrillators in schools, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Josh Miller Helping Everyone Access Responsive Treatment in Schools Act of 2008" or the "Josh Miller HEARTS Act".

SEC. 2. GRANT PROGRAM FOR AUTOMATED EXTERNAL DEFIBRILLATORS.

(a) PROGRAM REQUIRED.—The Secretary of Education shall carry out a program under which the Secretary makes grants to local educational agencies, to be used by the local educational agencies for one or both of the following:

(1) To purchase automated external defibrillators for use in elementary and secondary schools served by the local educational agency.

(2) To provide training to enable elementary and secondary schools served by the local educational agency to meet the requirements of subsection (d)(1), but only if automated external defibrillators are already in use at such schools or are acquired through this program.

(b) ELIGIBILITY.—

(1) LOCAL EDUCATIONAL AGENCIES.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(2) ELEMENTARY AND SECONDARY SCHOOLS.—To be eligible to receive an automated external defibrillator through a grant under this section, a school may be any public or private school served by the local educational agency, except that an Internet- or computer-based community school is not eligible.

(c) MATCHING FUNDS REQUIRED.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, the local educational agency must provide matching funds from non-Federal sources equal to not less than 25 percent of the amount of the grant.

(2) WAIVER.—The Secretary shall waive the requirement of paragraph (1) for a local educational agency if the number of children counted under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)) is 20 percent or more of the total number of children aged 5 to 17, inclusive, served by the local educational agency.

(d) TRAINING AND COORDINATION REQUIRED.—A local educational agency that receives a grant under this section shall demonstrate that, for each elementary and secondary school at which the automated external defibrillators are to be used—

(1) there are at least 5 individuals at the school who—

(A) are employees or volunteers at the school;

(B) are at least 18 years of age; and

(C) have successfully completed training, with the expectation that the certification shall be maintained, in the use of automated external defibrillators and in cardio pulmonary resuscitation, conducted by the American Heart Association, the American Red Cross, the National Safety Council, or another nationally recognized organization offering training programs of similar caliber;

(2) local paramedics and other emergency services personnel are notified where on school grounds the automated external defibrillators are to be located; and

(3) the automated external defibrillator will be integrated into the school's emergency response plan or procedures.

(e) PRIORITY.—In making grants under this section, the Secretary shall give priority to schools—

(1) that do not already have an automated external defibrillator on school grounds;

(2) at which a significant number of students, staff, and visitors are present on school grounds during a typical day;

(3) with respect to which the average time required for emergency medical services (as defined in section 330J of the Public Health Service Act (42 U.S.C. 254c-15(f))) to reach the

school is greater than the average time for emergency medical services to reach other public facilities in the community; and

(4) that have not received funds under the Rural Access to Emergency Devices Act (42 U.S.C. 254c note).

(f) ESEA DEFINITIONS.—The terms used in this section shall have the meanings given to such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 4926 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 4926, the Josh Miller HEARTS Act. This is a bill that will save countless lives at a relatively low cost to taxpayers.

According to the American Heart Association, more than 200,000 Americans die of sudden cardiac arrest each year. Even more disturbing is the fact that 50,000 of these deaths could have been prevented with the use of an automated external defibrillator, or AED.

AEDs are portable devices used to restart the heart after sudden cardiac arrest. Studies have shown that these devices, which are required in Federal buildings and on airplanes, can be safely used by anyone, including children. Defibrillators talk the user through the lifesaving process and do not deliver a shock unless the heartbeat analyzed through the machine is in need of it.

Prompt response to a person experiencing cardiac arrest is imperative, and waiting for an EMS to arrive can be fatal. Utilizing CPR techniques and administering an AED can more than double the victim's chance of survival. A defibrillator shock is the most effective treatment for sudden cardiac arrest. Heart experts at Johns Hopkins University believe that over 500 lives can be saved annually with the widespread placement of AEDs.

The legislation put forward today will go a long way towards saving lives in our Nation's schools. This bill establishes a grant program to place lifesaving defibrillators in every elementary and secondary school that chooses to participate in the program. Additionally, the law would require recipients of these grants to train school staff in AED and CPR practices, coordinate with local paramedics, and integrate AEDs into existing medical emergency response plan. These provisions will save the lives of students, teachers, parents, staff and community members in U.S. schools.

On any given day, as much as 20 percent of a community's population passes through its schools, and it is our duty to ensure that these are safe places for kids to learn and community members to interact. Since schools are natural meeting places for the public, this bill can save the lives of countless children, teachers, parents and others.

Similar legislation has already passed and is making an important difference in States such as Ohio and New York. As a response to the tragic death of 15 year-old Josh Miller, Ohioans instituted a program to place AEDs in schools. Since the inception of the program in 2005, 13 lives have been saved by defibrillators. Similarly, the New York program, in honor of 14 year-old Louis Acompora, has saved 38 lives since 2002.

I want to thank families like the Millers and the Acomporas, whose hard work has brought national attention to this issue. They have worked through their grief, and fueled by the tragic loss of a child, have toiled tirelessly to keep other parents from experiencing similar losses. With passage of this bill, Congress has the opportunity to join with these families and prevent future tragedies.

Encouraging results and the many lives saved already demonstrate why we must pass this legislation. By putting in place preventive measures like these offered in this bill, we can save more lives.

Once again, I express my support for H.R. 4926, and I urge my colleagues to pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4926, the Josh Miller Helping Everyone Access Responsive Treatment in Schools Act of 2008. Also, fortunately, we refer to it as the Josh Miller HEARTS Act.

This legislation would authorize the United States Secretary of Education to make grants to public and private elementary and secondary public schools to purchase automated external defibrillators, also known as AEDs, for school grounds and to train employees and volunteers on how to use these devices, which have saved thousands of lives all over the country.

An AED is a portable, computerized medical device that can check a person's heart rhythm to determine whether he or she is in cardiac arrest and having a heart attack. It can recognize a rhythm that requires an electronic shock and advise a rescuer when a shock is needed.

□ 1645

The AED uses voice prompts, lights, and text messages to tell the rescuer the precise steps he or she needs to take to operate the device.

Just as hundreds of students have found out, it is an extremely accurate and easy device to use. As such, the device is widely credited for saving hundreds of lives a year.

I firmly believe that expanding the availability of AEDs in schools will save the lives of thousands of students and teachers, and so I want to thank the gentlewoman from Ohio (Ms. SUTTON) for taking a leadership role on this vital issue and for introducing this important bill.

This effort is a deeply personal one to me, as I have been involved in the effort to install AEDs in public and private elementary and secondary schools since before I came to Congress.

When I was in the New York State Senate, I heard about a young man who Mr. YARMUTH mentioned earlier by the name of Louis Acompora from Northport, Long Island. Louis was playing lacrosse at Northport High School. Like many high school students across the country, he played sports every day. He did exactly what he was trained to do, he blocked a shot on goal with his chest. Unfortunately, it was the wrong time, and after receiving the blunt impact to the chest, Louis went into cardiac arrest and died from that particular blow, a syndrome that affects healthy young athletes as a result of low energy, non-penetrating blows to the chest.

If an AED had been available on the field at the time, perhaps Louis's mother and father would not have watched him die on the field.

In response to this tragic event, I worked with my colleague, then State Assemblyman Harvey Weisenberg, to introduce legislation that required all public schools in New York State to have at least one AED on the school grounds. Fortunately, the State legislature adopted this law, and as a result, I am proud to say that 38 lives in New York schools have been saved since its passage back in 2002.

As I said on the floor last week in support of the first annual CPR and AED Awareness Week, communities with comprehensive AED programs have achieved survival rates of over 40 percent where the normal survival rate is roughly 5 percent.

With this in mind, I believe schools are the logical place to put defibrillators since as many as 20 percent of the community population passes through its school's doors on a daily basis.

This bill would require that local educational agencies that receive a grant under the program to provide at least 25 percent match from non-Federal sources. It ensures that local paramedics and other emergency services personnel are notified regarding where the actual AED is located on the school grounds in case they ever have to respond to a situation on the school campus.

H.R. 4926 is an important piece of legislation that will help save lives all across the country. I compliment Ms. SUTTON again on her leadership role on this issue, and I strongly urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. YARMUTH. Mr. Speaker, it gives me great pleasure to introduce the sponsor of this bill and my good friend and a member of the wonderful majority maker's class of 2006, the gentlewoman from Ohio (Ms. SUTTON) and yield as much time as she may consume.

Ms. SUTTON. I thank the gentleman from Kentucky.

Mr. Speaker, I rise today as the proud sponsor of H.R. 4926, the Josh Miller Helping Everyone Access Responsive Treatment in Schools Act, or the Josh Miller HEARTS Act.

This legislation establishes a grant program to ensure that every elementary and secondary school across the country can obtain automated external defibrillators, or AEDs.

I introduced the Josh Miller HEARTS Act last December in memory of a young man from my hometown of Barberton, Ohio.

Josh was the sort of kid who could light up a room, someone who you knew would go on to achieve great things. He was a sophomore at Barberton High School with a 4.0 grade point average, a linebacker who dreamed of playing football some day for Ohio State. But one day, without warning, those dreams were cut short.

During the final game of the 2000 football season, Josh collapsed after leaving the field. By the time his heart was shocked with the defibrillator, it was too late to save him. Josh suffered a sudden cardiac arrest, which according to the American Heart Association, claims the lives of about 330,000 Americans every year. The vast majority of these individuals, like Josh, will never have displayed any signs of heart trouble beforehand.

Yet there is an easy-to-use, relatively inexpensive piece of medical equipment that can more than double the odds of survival for someone experiencing a sudden cardiac arrest.

An automated external defibrillator, or AED, is the single most effective treatment for starting the heart after a sudden cardiac arrest. And because the chances of survival decrease up to 10 percent for every minute that passes, every second is critical.

Schools, as you've heard, are central gathering places in our communities that make them the ideal locations for AEDs. Placed in our schools, AEDs can save not only students but also staff and parents and many other visitors who come through our schools every day.

The Josh Miller HEARTS Act establishes a grant program to ensure that AEDs will be available to every elementary and secondary school, public and private across the country.

AED/CPR training is also an important part of raising awareness in using AEDs correctly. H.R. 4926 makes funds for training available to schools that already have AEDs, as well as to schools that will receive AEDs through this program.

Finally, this legislation also requires coordination with local emergency medical services and integration into the school's emergency response plan, to ensure their effective use within each community.

I would like to take a moment to thank Chairman MILLER and Ranking Member MCKEON for making this legislation a priority and for moving it forward. And I want to thank Representative KUHL and representatives on both sides of the aisle for their support of this very important initiative. I thank Representative YARMUTH for his leadership, and I also would like to recognize Dr. Terry Gordon, a cardiologist who was instrumental in pushing a similar effort successfully in my home State of Ohio and who has put his whole heart into making this life-saving device available across this Nation his vocation.

Finally, I would like to close by thanking the Miller family, especially Josh's parents, Ken and Jerri Miller, for their courage and for transforming their life into this life-saving mission. Losing a young life like Josh's can make us feel helpless, but through these tragedies, many families like the Millers and the Acomporas have found the strength to act. They have found the courage to speak out so that their other children can have the chance that their children never did, and so that other families will not have to feel their pain.

Although H.R. 4926 bears Josh Miller's name, it is truly in memory of all those who might have been saved, and in celebration of those who because of this program will have the opportunity to live their lives to their fullest potential. Let's give these children that chance.

Mr. YARMUTH. We reserve the balance of our time.

Mr. KUHL of New York. Mr. Speaker, in closing let me say that this bill is a bill that makes a difference between life and death. It is one that all of our colleagues should be supporting, and I recommend its support.

Mr. Speaker, I yield back the balance of my time.

Mr. YARMUTH. I thank the gentleman from New York, and I thank Congresswoman SUTTON for her wonderful work on this piece of legislation.

I want to also echo my thanks to Dr. Terry Gordon who happens to be a childhood friend of mine and a native of Louisville, Kentucky. He deserves a great deal of credit for beginning the movement that has resulted hopefully in the passage of this bill today.

I urge my colleagues to support this marvelous piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and pass the bill, H.R. 4926, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to establish a grant program for automated external defibrillators in elementary and secondary schools.".

A motion to reconsider was laid on the table.

FATHER'S DAY RESOLUTION

Mr. YARMUTH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1243) recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1243

Whereas fathers factor significantly in the lives of children;

Whereas fathers play an important role in teaching their children life lessons and preparing them to succeed in school and in life;

Whereas children with involved fathers are more likely to do well in school, have a better sense of well-being, and have fewer behavioral problems;

Whereas supportive fathers promote the positive physical, social, emotional, and mental development of children;

Whereas promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;

Whereas when fathers are actively involved in the upbringing of children, the children demonstrate greater self-control and a greater ability to take initiative;

Whereas responsible fatherhood can help reduce child poverty;

Whereas responsible fatherhood strengthens families and communities; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the millions of fathers who serve as wonderful, caring parents for their children;

(2) calls on fathers across the United States to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children;

(3) urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the moral, academic, and spiritual development of children; and

(4) encourages active involvement of fathers in the rearing and development of their children, including the devotion of time, energy, and resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1243 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1243 which recognizes the contributions of millions of fathers in the lives of their children. This coming Sunday, June 15, is Father's Day, so this is an appropriate time to stop and commend the millions of fathers who serve as wonderful, caring parents for their children.

Fathers can play a special role in the rearing and development of their children, and I commend the millions of fathers across our country for devoting their time, energy, and resources to improving the well-being of their children.

But, Mr. Speaker, I would also like to mention that this is not just a day for children to honor their fathers, or for adults to honor their fathers, it is also a day, I believe, for fathers to recognize the blessing that they have been given to mean so much in the lives of their children.

When I was a columnist years ago, I began writing columns about my son and being my son's father. What was interesting about them is each year that I did that, they were always the most popular columns that I wrote because they were human subjects that many people could relate to.

The first one I wrote, which was June of 1994, I wrote this: "When I was growing up, I figured Father's Day was the day when I was supposed to acknowledge my gratitude for everything my dad did for me. Now that I'm a dad, I know it is really something much different. It's a reminder of how wonderful it is to be an important part of someone else's life, to shoulder responsibility, to love without conditions or expectations."

So I want to make a personal comment that Father's Day is about being a father as much as paying honor to your father.

With that, Mr. Speaker, once again I want to express my support for H. Res. 1243 that acknowledges the importance of fathers in the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1243, recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day.

Pope John Paul XXIII once stated: "It is easier for a father to have children than for children to have a real father." The truism of those words is exceedingly relevant today.

The presence of two committed, involved parents contributes directly to better academic importance, reduced substance abuse, less crime and delinquency, fewer emotional and other behavioral problems, less risk of abuse or neglect, and lower risk of teen suicide.

The research is clear, fathers factor significantly in the lives of their children. There is simply no substitute for the love, involvement, and for the commitment of a responsible father.

Fathers today have a responsibility to set aside quality time with their children, such as attending their children's school events, games and activities. They also involve their children in their lives and the adult world by taking them to work, or taking them along when the car needs to be repaired, or involving them in decisions that affect the family.

As advisors and role models, fathers help their children to understand the difference between right and wrong and to recognize how the decisions they make today can affect the rest of their lives.

□ 1700

Fathers instill important values and prepare their children for challenges and opportunities ahead by demonstrating true leadership. Their love and their devotion inspire the future generation of Americans to achieve their dreams, and demonstrate their true spirit of our country.

A father is one of the most important influences in a child's life. And on Father's Day, and every day, we honor our fathers who celebrate this special bond between a father and a child.

And so as fathers and children all across the country prepare this Sunday to mark that special day in which fathers are honored for all they do, I urge my colleagues to join me in support of this resolution.

Father's Day celebrations are a time of great happiness and family bonding. Many families will try to escape for a day, perhaps taking a trip to a favorite landmark or to the ball park, building precious memories for dad and children alike.

Unfortunately, for many families, these joyous celebrations will not be an option this year. With the price of gasoline reaching $4.02 per gallon just recently, for the first time in history, Americans are struggling to put fuel in their cars. They're struggling to make everyday purchases. And they're sacrificing the types of celebrations that would normally mark the occasion of Father's Day.

Although the majority has thus far refused to unveil its long-promised plan to bring down the price of gasoline, Republicans are not willing to stand by while our families suffer. That's why we've offered a plan of our own to increase production here at home, thereby creating American jobs, while also encouraging the development of energy alternatives and promoting conservation.

We owe it to the American families, including the fathers, who just want to be able to spend quality time with their children, to finally deliver solutions to the current energy crisis. We need to bring down the price of energy sources that fuel our lives.

I would like to reserve the balance of my time at this point, Mr. Speaker.

Mr. YARMUTH. Mr. Speaker, I have the great honor of introducing and yielding as much time as he may consume to the sponsor of the bill, the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all I want to thank the gentleman from Kentucky (Mr. YARMUTH) for yielding, and also for the tremendous addition that he has been to the United States House of Representatives, and how much I enjoy serving with him on the Education Committee.

I also want to commend the sponsors of this resolution because I don't think that there is any other day that perhaps should be more important than the concept of Father's Day.

We all recount and remember our own childhood, growing up. I remember my father always trying to encourage us to do things like go to bed early, get up early, study hard, work hard, go to church. My father had all these little pithy sayings that he used to say to us, and he'd say things like, "Early to bed and early to rise makes a man healthy, wealthy and wise."

Then I remember when my brothers and I got to be teenagers, and he would tell us that; and we'd say, Dad, we really thank you for your wisdom. Of course the fellows have a different saying now. They say, "Early to bed, early to rise and the girls go out with the other guys."

Nevertheless, the things that he taught continued to be the things that I value. Self-sufficiency, always being able to look out not only for yourself, but for others.

Unfortunately, we have seen a tremendous rise in single-parent families, where we experience much too often the absence of fathers. And there are things that we know about the absence of fathers. We know that children who grow up without the presence of a father are more likely to drop out of school, more likely to experience teen pregnancy, more likely to experience juvenile delinquency, more likely to be incarcerated.

And so I simply want to take this moment to thank the Illinois Council on Responsible Fatherhood, and a group that I work with called Fathers Who Care. On Saturday of this past week, as we do every year before Father's Day, we had a full day of activity at the Malcolm X Community College for 400 men who came and talked about fatherhood. And we encouraged those who had been away from their children to know that they can have father relationships even if they aren't employed, that even if they've been incarcerated and away from their families, they can still come back; that nothing takes the place of the positive interaction between father and child. And not only just your individual child.

I had so many fathers growing up until I just can't name them all. I had father uncles, I had father cousins, I had father neighbors, I had friends of the family, all of whom practiced the art of fatherhood. And I don't believe that I would be standing here today as a Member of Congress had I not had the influence of those men in my life.

Again I commend the sponsors of this resolution, urge its passage.

Mr. KUHL of New York. Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. SULLIVAN) as much time as he may consume.

Mr. SULLIVAN. Mr. Speaker, as I look forward to celebrating Father's Day this weekend, I was proud to introduce House Resolution 1243, which honors fathers across the country by recognizing the important role that fathers play in shaping the lives of our Nation's young people, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children.

Being a father is one of the greatest blessings of my life. I love my job, but I look forward to the end of the week when I can head back home to Tulsa to be with my family.

My children, Tommy, Meredith, Sydney and Daniel are my number one priority, and I strive every day to show them they are important. I would like to take this opportunity to remind all fathers to spend extra quality time with their children on Father's Day, and to continue to do so throughout the year.

I introduced this legislation not only to honor fathers but to call attention to the importance of the job. The role that fathers play in the development of our youth cannot be overstated.

The absence of fathers contributes to many social problems that we, as legislators, fight to prevent daily. According to findings by the National Fatherhood Initiative, the closer adolescents feel to their fathers, regardless of the type of family structure in which they live, the less likely it is that they will engage in the use of drugs or delinquent behavior. Involved and proactive fathers help to shape confident and productive future citizens.

So as we honor fathers on Father's Day, we should also encourage men to evaluate their own participation in their children's lives, because you never can be too involved.

As a co-chair of the Congressional Task Force on Responsible Fatherhood, as a father and a concerned citizen, I ask my colleagues to join me in spreading the message of responsible fatherhood to all levels of society, and encouraging more fathers to reconnect with their children by supporting House Resolution 1243.

Mr. KUHL of New York. In closing, Mr. Speaker, I would just thank and compliment the gentleman from Oklahoma for bringing this resolution to the floor, and for bringing awareness to the people who are fathers, and reminding them of the tremendous role that they have in America and the youth development of our children, and to thank them for their participation in that role.

Mr. McINTYRE. Mr. Speaker, I rise in strong support of H. Res. 1243, a resolution that recognizes the immeasurable contributions of fathers in the healthy development of children, supports responsible fatherhood, and encourages greater involvement of fathers in the lives of their children, especially on Father's Day. As cochairman of the Congressional Task Force on Responsible Fatherhood, I thank my colleague, Mr. SULLIVAN, for his work on this important matter.

Six days from now, our Nation will celebrate the special place that fathers have in our country.

From helping with homework to playing ball to reading a book to offering advice, prayers and support, and to just listening, each and every day fathers of all ages contribute to the mental, moral, and spiritual development of children, teenagers, and adults.

According to the National Fatherhood Initiative, children with involved, loving fathers are significantly more likely to do well in school, have a healthy self-esteem, exhibit empathy and good behavior, and avoid high-risk activity such as drug use and criminal activity.

H. Res. 1243 recognizes the commitment of fathers, and the wonderful work that both parents do on behalf of their kids, and I encourage my colleagues to join with us as we all recommit ourselves to being the best father we can to children everywhere.

And in conclusion, I would like to publicly thank my father, Dr. Douglas McIntyre, for the great example he has been to me and for the dedication and support he has shown in my every endeavor. And I am most grateful to God both for my dad and for the absolutely wonderful opportunity I have to be the father of two amazing, accomplished sons, Joshua and Stephen.

Happy Father's Day to fathers everywhere.

Mr. TIAHRT. Mr Speaker, I rise today to offer my strong support to H. Res. 1243, which recognizes the importance of fathers in American society.

In 1965, while reporting to the Johnson administration on the problems of under-class America, Daniel Patrick Moynihan cut to the root of many of the problems we in Congress work so hard to address. His report stated that, ". . . A community that allows a large number of young men to grow up in broken families . . . never acquiring any stable relationship to male authority, never acquiring any rational expectations about the future—that community asks for and gets chaos." Tragically, since the Moynihan Report was issued, the number of fatherless homes has more than tripled. Is it any wonder, then, that our society has the problems that it does?

Several studies conducted in recent years emphasize the importance of fathers in the well-being of their children. Children living without their fathers are 5 times more likely to live in poverty as those who live with both parents. Not living with both parents quadruples the risk of having an affective disorder, such as depression, and are nearly twice as likely to be diagnosed with breathing problems such as asthma. Cigarette, alcohol, and drug use, and violent crime rates are all significantly lower for children that come from two parent households. Children with fathers are half as likely to drop out of school, half as likely to repeat a grade, and much more likely to get A's, enjoy school, and participate in extracurricular activities. And where fathers were present, young men were more likely to grow up to become good fathers themselves.

It would be naïve for me to suggest that the simple presence of a father guarantees the success of their children and a life without problems. But the evidence is overwhelming that fathers do play a vital role in the growth and development of their children. So, Mr. Speaker, as we prepare to celebrate Fathers' Day this weekend, I urge my colleagues to join me in voting for this resolution that expresses our appreciation for the hard work that fathers do in providing for their families, for modeling good relationships, and for raising their children to be responsible citizens of this great country.

Lastly, Mr. Speaker, I would like to take just a moment to honor my own father, Wilbur Tiahrt. Truly a member of the Greatest Generation, he raised me and my siblings to be people of integrity, to value our families, and to appreciate and cherish the freedoms we have in America today. Seven years ago, my father underwent open heart surgery. That experience has served as a very personal reminder to how short life is, and each Fathers'

Day I am especially grateful for the time that I have with my father.

Mr. KUHL of New York. I yield back the balance of my time.

Mr. YARMUTH. Mr. Speaker, I think that all of us agree that this is something that transcends party, transcends geography and transcends economics. We all treasure our fathers, and I urge that this resolution be adopted by the House.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 1243.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. YARMUTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

50TH ANNIVERSARY OF ALASKA AS THE 49TH STATE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 127) recognizing and celebrating the 50th anniversary of the entry of Alaska in the Union as the 49th State.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 127

Whereas July 7, 2008, marks the 50th anniversary of the enactment of the Alaska Statehood Act as approved by the United States Congress and signed by President Dwight D. Eisenhower;

Whereas the Alaska Statehood Act authorized the entry of Alaska into the Union on January 3, 1959;

Whereas the land once known as "Seward's Folly" is now regarded as critical to the strategic defense of the United States and important to our national and economic security;

Whereas the people of Alaska remain committed to the preservation and protection of the Union, with among the highest rates of veterans and residents in active military service of any State in the Nation;

Whereas Alaska is the northernmost, westernmost, and easternmost State of the Union, encompassing an area one-fifth the size of the United States;

Whereas the State of Alaska has an abundance of natural resources vital to the Nation;

Whereas Alaska currently provides over 16 percent of the daily crude oil production in the United States and has 44 percent of the undiscovered oil resources and 36 percent of undiscovered conventional gas in the United States;

Whereas Alaska's 34,000 miles of shoreline form a gateway to one of the world's greatest fisheries, providing over 60 percent of the country's commercial seafood harvest;

Whereas over 230 million acres of Alaska are set aside in national parks, wildlife refuges, national forests, and other conservation units for the benefit of the entire country;

Whereas over 58 million acres are designated wilderness in Alaska, representing 55 percent of the wilderness areas in the United States;

Whereas Alaska Natives, the State's first people, are an integral part of Alaska's history, and preserving the culture and heritage of Alaska's Native people is of primary importance;

Whereas the passage of the Alaska Native Claims Settlement Act in 1971 signaled a new era of economic opportunity for Alaska Natives;

Whereas Alaska's Native people have made major contributions to the vitality and success of Alaska as a State;

Whereas the people of Alaska represent the pioneering spirit that built this great Nation and contribute to our cultural and ethnic diversity; and

Whereas the golden anniversary, on January 3, 2009, provides an occasion to honor Alaska's entry into the Union: Now, therefore, be it

Resolved, That the House of Representatives recognizes and celebrates the 50th anniversary of the entry of Alaska into the Union as the 49th State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in the consideration of H. Res. 127 which recognizes the 50th anniversary of the State of Alaska, and highlights its contributions to America's economy and heritage.

H. Res. 127 was introduced by our colleague, Congressman DON YOUNG of Alaska, on February 5, 2007. On April 16, 2008, H. Res. 127 was considered by and reported from the Oversight Committee by voice vote. This measure has the support and cosponsorship of over 50 Members of Congress, including all of the delegation from the State of Alaska.

On October 18, 1867, the Alaskan peninsula was purchased from Russia and, in 1912, after major development during the Gold Rush era, Alaska was granted territorial status.

Enshrined as the 49th State of the Union on January 3, 1959, Alaska is commonly referred to as the last frontier. And the word Alaska, which is derived from the indigenous Aleut language, means mainland or, literally, the object towards which the action of the sea is directed.

Today, Alaska's economy is strong, with the third highest gross state production out of any State of the Union. And since the issue of gas was such a major point last week for my colleagues, I should also mention that Alaska currently provides over 16 percent of the daily crude oil production in the United States.

And so, Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG) for sponsoring this measure. And given the 50th anniversary of Alaska statehood, and the enormous contributions Alaska has given to our Nation, and to the world, I urge passage of this legislation.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I am very happy to yield such time as he may consume to the sponsor of the bill, my good friend, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I do thank the ranking member, and I do thank my chairman for cosponsoring this legislation and being supportive of it.

On July 7, that marks the 50th anniversary of the enactment of the Alaska Statehood Act, as approved by the United States Congress and signed by President Dwight D. Eisenhower.

□ 1715

Alaska would officially be admitted as a State January 3, 1959.

I introduce H.R. 127 which commemorates this occasion to recognize all of the people of Alaska who represent the pioneering spirit which built this great Nation and contributes to our culture and ethnic diversity.

Alaska is the most northern, most western, and most eastern State in the Union and composing an area one-fifth the size of the United States. And for all those trivia buffs out there, Alaska is roughly 2½ times the size of Texas.

Purchased from Russia in 1867 for $7.2 million, or 2 cents an acre, after Congress had concluded its resources would be vitally important to the Nation's future growth. At the time, the purchase was nicknamed "Seward's folly" because it was believed foolhardy to spend so much money on a remote region. Secretary of State William Seward would have the last laugh, though.

Alaska is the source of 16 percent of the daily crude oil in the United States, has 44 percent of the country's undiscovered resources. Alaska's 34,000 miles of shoreline form a gateway to one of the greatest fisheries in the world, providing for 60 percent of the country's commercial seafood harvest.

Alaska has 230 million acres set aside in national parks, wildlife refuges, and national forests which are visited each year by more than a million tourists. To give you some idea, Mr. Speaker, the State of California has 103 million acres. We put aside 230 million acres for parks and national wildlife refuges. Forests add to Alaska's beauty and provide a renewable economic resource with 28 million acres of commercial forests.

Alaska contains half of the Nation's coal reserves and its largest silver and zinc mines. Glittering gold in Alaska's streams and mountains still lures miners to work private claims. About 50 million acres of soil in Alaska are suitable for farming. About 1 million acres currently are in production.

I know that the people of Alaska will continue their commitment to the preservation and protection of this great State, but they also want to develop the resources. Alaskans are proud, strong, and independent Americans who are not afraid to stand up for what they believe in, and I'm honored and humbled to stand here today on their behalf as we again recognize this great important date in U.S. history.

Mr. Speaker, may I suggest, right above you there is a plaque, placed there in 1949; it says, Let us develop the resources of our land, call forth its powers and build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy of being remembered. Daniel Webster. Let us develop our resources.

Alaska has the key to the solution of many problems of this great Nation, especially the energy crisis, and I ask this body as you recognize the 50th anniversary of the great State of Alaska, recognize what we can and what we have contributed to the Nation as a whole. As the 49th State, we are proud and we are extremely excited with the possibility to contribute more in the future. And I do urge my colleagues to pass this resolution

I thank the gentleman, the chairman, and the ranking member.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. BURTON of Indiana. I yield myself such time as I may consume.

Mr. Speaker, in 1860, at the Wigwam Convention Center in Chicago, Illinois, a man named William Seward marched around with his crowd of supporters, and he got to the convention center too late because the gallery was stacked with supporters for a guy named Abraham Lincoln. As a result of his getting there a little bit too late on the third ballot, Abraham Lincoln was nominated for President of the United States, and Mr. Seward lost, and he was the favorite. He was the odds-on favorite to be the Republican nominee for President and to be the next President of the United States. Well, he lost, and it was a crushing blow for him.

Yet, later on, Abraham Lincoln saw the qualities of William Seward, and he appointed him his Secretary of State, and Secretary of State Seward did an outstanding job in that capacity. The thing he did best, in my opinion, was in making sure that the United States purchased Alaska. He purchased Alaska for $7.2 million, and it was the best buy, by far, of anything that this country has ever done. The resources that are up there are just unbelievable.

A couple of years ago, I had the pleasure to go up to Alaska with Representative DON YOUNG, and I had a chance to see the vastness of it and to realize the resources that are available to us up there. You just couldn't believe it. We had a chance to see ANWR. We had a chance to look at the Alaska Pipeline, and we could see what great potential there is out of Alaska if we would just use our heads and go after those resources.

One of the things that I don't understand and that, I think, the American people don't understand is why the Democrats and the Republicans in this body can't get together to start using our resources to reduce the cost of fuel, gasoline and energy in this country. As the gentleman from Alaska just said a few minutes ago, they have the resources up there. We could get up to 2 million barrels of oil a day out of the ANWR, and there may be more up there, and we could do it in an environmentally safe way. It's two to three times the size of Texas. If there were a spill up there—and of course I don't think that would happen—it still wouldn't hurt the ecology as much as we are suffering now under the energy pressure that the American people are feeling at $4-plus a gallon of gas. We should drill in Alaska. We should drill in the ANWR.

The Alaskan Senators and Congressmen want that done. They want those resources brought to the surface. Yet, the opposition party—my good friends over there like DANNY DAVIS—won't let us drill in the ANWR. I do not understand it, I just simply do not understand it. We are drilling in Texas. We are drilling in Oklahoma. We are drilling in the Gulf of Mexico. Yet, way up north in the ANWR we cannot drill. I just do not understand it.

I wish my colleagues on the other side of the aisle who are influenced so much by the environmental lobby would go out on the street tomorrow morning at the gas stations and say, "Hey, you're paying $4.10 a gallon for gasoline. Would you mind if we drilled in the ANWR?"

The first thing they'd say is probably, "Where is the ANWR?" Secondly, they'd say, "Drill any place in the United States to get my gas prices down."

Now, the Democrats took over this place 2 years ago, and I have an awful lot of friends on the other side of the aisle, and I love all you guys, but since you took power, the price of gasoline has gone up $1.50 per gallon. Now, why don't we do something about that. Why don't we get together, the Democrats and Republicans, and say, "Okay. We are going to drill in the ANWR in an environmentally safe way. We are going to drill offshore on the Outer Continental Shelf in an environmentally safe way. We are going to bring 4 million barrels of oil a day into this country to reduce our dependency on Saudi Arabia and on Venezuela and on Mexico and on other parts of the world so we can do what we should have done 30 years ago, become energy-independent."

Not only do we have the oil resources at our fingertips, but we have about a 400- or 500-year supply of natural gas, and we're not exploring that either. I will submit to you that there is probably a lot of natural gas up in Alaska as well.

So I would just like to say to my colleagues that I'm here to support Representative YOUNG's resolution to congratulate Alaska on its 50th anniversary of its being a State, It's a great acquisition for the United States. It has a great Congressman and two great Senators.

As I close, I would just say to my colleagues: Let's get on with it. The American people are tired of $4.50 and $4.10 a gallon for gasoline. We have it in our country with coal shale, with oil and with natural gas to become energy-independent. Yet, we're blocked every day, every month, every year. I do not understand it.

So I'd like to say to my Democrat colleagues, who are good friends of mine, since you took power, gasoline has gone up $1.50 per gallon. Let's end that. Let's become energy-independent. We can look at the other sources of energy while we're doing that. Other sources are very important, too, and new technologies, but right now, we need oil and we need gas. You guys need to help us.

Mr. Speaker, this resolution seeks to commemorate the 50th anniversary of Alaska becoming a State. Our Nation's relationship with this beautiful and resource rich land began on March 30th 1867.

On that date, Secretary of State, William Seward, entered into a purchase agreement with the Russian Minister to the United States, for $7.2 million dollars. In August of 1868, Secretary Seward said he did not doubt "that the political society to be constituted here, first as a Territory, and ultimately as a State or many States, will prove a worthy constituency of the Republic."

These words could not have been more true. Alaska has indeed contributed and more than proved its worth as part of our Nation; first as a territory in 1912 and ultimately as our Nation's 49th state when the official proclamation was signed by President Eisenhower on January 3rd 1959.

However, the road to statehood for Alaska was not one without challenges.

Originally, a bill for statehood passed the House early in 1950, however the bill died in the Senate. It wasn't until January of 1958, that a statehood bill ultimately passed both chambers and was signed by President Eisenhower.

It is well known that Alaska is home to some of our country's most beautiful landmarks and landscapes including Mount McKinley and almost 34,000 miles of shoreline.

From the beginning, it was a land rich in many commodities useful at those times—including minerals, timber, fur, and fish. Alaska was home to the Klondike Gold Rush of 1897–98. Today, oil and natural gas serve as the major exports of Alaska. The fishery is the second leading source of export, and also serves as a significant source of livelihood for Alaskans.

Today, another source of income that continues to grow is Alaska's tourist industry. Any number of large cruise liners can be seen off the coast of Alaska. And the Klondike Highway outside Skagway has beautiful descents for avid mountain bikers. Visitors are drawn to the beautiful views, wilderness, and the exciting adventures Alaska has to offer.

Of course, we couldn't talk about Alaska without mentioning one of the most unique sporting events in the world—the annual Iditarod race. Each year, individuals with a team of sled dogs cover a grueling 1,161 miles over a week to two week period from Willow to Nome, Alaska.

So to conclude, the State of Alaska is one that is rich in nature, resources and most importantly in people and heritage.

For this reason, I ask my colleagues to support H. Res. 127 recognizing the State of Alaska's 50th Anniversary.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. BURTON of Indiana. If the gentleman is not yielding back, I will reserve the balance of my time as well, Mr. Speaker.

Let me yield, then, to my colleague once again, my good buddy from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, I want to stress the importance of understanding the supply side of energy. And we may not be able to lower the price, ladies and gentleman, at the gas pump, but we can at least stabilize it because if you think this is going to go down if we don't have a supply side, you're badly mistaken.

We just saw something last week which shocked many people. We had a jump of $11 a barrel in one night because of some action in the Middle East. And that could affect us down the road where it's $137 a barrel, $137 a barrel today. We predict it's going to go $200 a barrel if we don't get the supply side moving.

I will tell you if we have one action on the floor of the House to take and address the supply side, the price of a barrel of oil will drop automatically $10 to $15 a barrel. It might go back up later on. But it eliminates the speculation. It would show those that say we're not doing anything as we have not done for 35 years after the pipeline itself was built.

The Saudis, the Middle East, the OPEC countries will not increase production when they can get $137 a barrel. Why would they? Ask yourselves if you own something, why would you produce more to lower the price?

The only way we can do this is to increase our domestic supply, not only just oil, but all forms of fossil fuel and alternate forms of energy. And as the gentleman from Indiana mentioned, if we do not do that, we are not serving our constituents as we should.

It is the future of this Nation to allow the productions. Remember the quote I had right above the seat of the Speaker: Let's develop our resources.

As we celebrate this day, the 50th anniversary of the Alaska Statehood by an action of Congress, that's all we ask. Let us develop our resources. That's all I ask you now. Let us develop our resources for the good of this Nation. That is our responsibility. This is not politics. This is reality.

Again, for Mr. and Mrs. American, the price of oil and gasoline may not drop dramatically, but it will drop and it will stabilize if we address the supply side. If we do not, it will rise more, more, and more. Not good for the nation. Not good for the future generations.

Mr. DAVIS of Illinois. Mr. Speaker, let me ask, did the gentleman from Indiana yield back all of his time?

Mr. BURTON of Indiana. Mr. Speaker, I have no more speakers, and if you would like, I would be happy to yield back.

Mr. DAVIS of Illinois. Mr. Speaker, in closing, let me thank both the gentleman from Alaska and the gentleman from Indiana not only for their support of the resolution to honor the State of Alaska, but I was also pleased to hear them talk about the tremendous gas crisis that we have in the country. I was pleased to note that the State of Illinois played a role in the purchase of Alaska.

In terms of Secretary of State Seward, after he did not get the Presidency, did in fact become Secretary of State and did in fact make sure that we purchased Alaska. And, of course, that's a lesson for all of us to know that you don't necessarily have to win the nomination for President in order to do significant things afterwards. There is certainly much work to be done.

But let me just mention that recently, Congress overwhelmingly passed bipartisan legislation to temporarily suspend the oil purchases for the Strategic Petroleum Reserve. As a result, the President was forced to suspend shipments and sign the deal which he previously opposed. Continuing to fill the SPR would take 70,000 barrels of oil off the market each day even though the reserve is 97 percent full with enough to meet our national security needs. We passed the farm bill that contains in it biofuels, new methods of creating energy, new sources from which energy can come.

And so there is movement, and I'm confident. Yes, we did become the majority in both the House and the Senate in the last 2 years, and when we get the other office, I have no doubt in my mind that we're going to see great relief from the oil crisis.

I urge passage of this resolution.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 127.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1730

GOVERNMENT ACCOUNTABILITY OFFICE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5683) to make certain reforms with respect to the Government Accountability Office, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Accountability Office Act of 2008".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.
Sec. 2. Provisions relating to future annual pay adjustments.
Sec. 3. Pay adjustment relating to certain previous years.
Sec. 4. Lump-sum payment for certain performance-based compensation.
Sec. 5. Inspector General.
Sec. 6. Reimbursement of audit costs.
Sec. 7. Financial disclosure requirements.
Sec. 8. Highest basic pay rate.
Sec. 9. Additional authorities.

SEC. 2. PROVISIONS RELATING TO FUTURE ANNUAL PAY ADJUSTMENTS.

(a) IN GENERAL.—Section 732 is amended by adding at the end the following:

"(j)(1) For purposes of this subsection—

"(A) the term 'pay increase', as used with respect to an officer or employee in connection with a year, means the total increase in the rate of basic pay (expressed as a percentage) of such officer or employee, taking effect under section 731(b) and subsection (c)(3) in such year;

"(B) the term 'required minimum percentage', as used with respect to an officer or employee in connection with a year, means the percentage equal to the total increase in rates of basic pay (expressed as a percentage) taking effect under sections 5303 and 5304–5304a of title 5 in such year with respect to General Schedule positions within the pay locality (as defined by section 5302(5) of title 5) in which the position of such officer or employee is located;

"(C) the term 'covered officer or employee', as used with respect to a pay increase, means any individual—

"(i) who is an officer or employee of the Government Accountability Office, other than an officer or employee described in subparagraph (A), (B), or (C) of section 4(c)(1) of the Government Accountability Office Act of 2008, determined as of the effective date of such pay increase; and

"(ii) whose performance is at least at a satisfactory level, as determined by the Comptroller General under the provisions of subsection (c)(3) for purposes of the adjustment taking effect under such provisions in such year; and

"(D) the term 'nonpermanent merit pay' means any amount payable under section 731(b) which does not constitute basic pay.

"(2)(A) Notwithstanding any other provision of this chapter, if (disregarding this subsection) the pay increase that would otherwise take effect with respect to a covered officer or employee in a year would be less than the required minimum percentage for such officer or employee in such year, the Comptroller General shall provide for a further increase in the rate of basic pay of such officer or employee.

"(B) The further increase under this subsection—

"(i) shall be equal to the amount necessary to make up for the shortfall described in subparagraph (A); and

"(ii) shall take effect as of the same date as the pay increase otherwise taking effect in such year.

"(C) Nothing in this paragraph shall be considered to permit or require that a rate of basic pay be increased to an amount inconsistent with the limitation set forth in subsection (c)(2).

"(D) If (disregarding this subsection) the covered officer or employee would also have received any nonpermanent merit pay in such year, such nonpermanent merit pay shall be decreased by an amount equal to the portion of such officer's or employee's basic pay for such year which is attributable to the further increase described in subparagraph (A) (as determined by the Comptroller General), but to not less than zero.

"(3) Notwithstanding any other provision of this chapter, the effective date of any pay increase (within the meaning of paragraph (1)(A)) taking effect with respect to a covered officer or employee in any year shall be the same as the effective date of any adjustment taking effect under section 5303 of title 5 with respect to statutory pay systems (as defined by section 5302(1) of title 5) in such year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any pay increase (as defined by such amendment) taking effect on or after the date of the enactment of this Act.

SEC. 3. PAY ADJUSTMENT RELATING TO CERTAIN PREVIOUS YEARS.

(a) APPLICABILITY.—This section applies in the case of any individual who, as of the date of the enactment of this Act, is an officer or employee of the Government Accountability Office, excluding—

(1) an officer or employee described in subparagraph (A), (B), or (C) of section 4(c)(1); and

(2) an officer or employee who received both a 2.6 percent pay increase in January 2006 and a 2.4 percent pay increase in February 2007.

(b) PAY INCREASE DEFINED.—For purposes of this section, the term "pay increase", as used with respect to an officer or employee in connection with a year, means the total increase in the rate of basic pay (expressed as a percentage) of such officer or employee, taking effect under sections 731(b) and 732(c)(3) of title 31, United States Code, in such year.

(c) PROSPECTIVE EFFECT.—Effective with respect to pay for service performed in any pay period beginning after the end of the 6-month period beginning on the date of the enactment of this Act (or such earlier date as the Comptroller General may specify), the rate of basic pay for each individual to whom this section applies shall be determined as if such individual had received both a 2.6 percent pay increase for 2006 and a 2.4 percent pay increase for 2007, subject to subsection (e).

(d) LUMP-SUM PAYMENT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall, subject to the availability of appropriations, pay to each individual to whom this section applies a lump-sum payment. Subject to subsection (e), such lump-sum payment shall be equal to—

(1) the total amount of basic pay that would have been paid to the individual, for service performed during the period beginning on the effective date of the pay increase for 2006 and ending on the day before the effective date of the pay adjustment under subsection (c) (or, if earlier, the date on which the individual retires or otherwise ceases to be employed by the Government Accountability Office), if such individual had received both a 2.6 percent pay increase for 2006 and a 2.4 percent pay increase for 2007, minus

(2) the total amount of basic pay that was in fact paid to the individual for service performed during the period described in paragraph (1).

Eligibility for a lump-sum payment under this subsection shall be determined solely on the basis of whether an individual satisfies the requirements of subsection (a) (to be considered an individual to whom this section applies), and without regard to such individual's employment status as of any date following the date of the enactment of this Act or any other factor.

(e) CONDITIONS.—Nothing in subsection (c) or (d) shall be considered to permit or require—

(1) the payment of any rate (or lump-sum amount based on a rate) for any pay period, to the extent that such rate would be (or would have been) inconsistent with the limitation that applies (or that applied) with respect to such pay period under section 732(c)(2) of title 31, United States Code; or

(2) the payment of any rate or amount based on the pay increase for 2006 or 2007 (as the case may be), if—

(A) the performance of the officer or employee involved was not at a satisfactory level, as determined by the Comptroller General under paragraph (3) of section 732(c) of such title 31 for purposes of the adjustment under such paragraph for that year; or

(B) the individual involved was not an officer or employee of the Government Accountability Office on the date as of which that increase took effect.

As used in paragraph (2)(A), the term "satisfactory" includes a rating of "meets expectations" (within the meaning of the performance appraisal system used for purposes of the adjustment under section 732(c)(3) of such title 31 for the year involved).

(f) RETIREMENT.—

(1) IN GENERAL.—The lump-sum payment paid under subsection (d) to an officer or employee shall, for purposes of any determination of the average pay (as defined by section 8331 or 8401 of title 5, United States Code) which is used to compute an annuity under subchapter III of chapter 83 or chapter 84 of such title—

(A) be treated as basic pay (as defined by section 8331 or 8401 of such title); and

(B) be allocated to the biweekly pay periods covered by subsection (d).

(2) CONTRIBUTIONS.—Notwithstanding section 8334, 8422, 8423, or any other provision of title 5, United States Code, no employee or agency contribution shall be required for purposes of this subsection.

(g) EXCLUSIVE REMEDY.—This section constitutes the exclusive remedy that any individuals to whom this section applies (as described in subsection (a)) have for any claim that they are owed any monies denied to them in the form of a pay increase for 2006 or 2007 under section 732(c)(3) of title 31, United States Code, or any other law. Notwithstanding any other provision of law, no court or administrative body, including the Government Accountability Office Personnel Appeals Board, shall have jurisdiction to entertain any civil action or other civil proceeding based on the claim of such individuals that they were due money in the form of a pay increase for 2006 or 2007 pursuant to such section 732(c)(3) or any other law.

SEC. 4. LUMP-SUM PAYMENT FOR CERTAIN PERFORMANCE-BASED COMPENSATION.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall, subject to the availability of appropriations, pay to each qualified individual a lump-sum payment equal to the amount of performance-based compensation such individual was denied for 2006, as determined under subsection (b).

(b) AMOUNT.—The amount payable to a qualified individual under this section shall be equal to—

(1) the total amount of performance-based compensation such individual would have earned for 2006 (determined by applying the Government Accountability Office's performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006) if such individual had not had a salary equal to or greater than the maximum for such individual's band (as further described in subsection (c)(2)), less

(2) the total amount of performance-based compensation such individual was in fact granted, in January 2006, for that year.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term "qualified individual" means an individual who—

(1) as of the date of the enactment of this Act, is an officer or employee of the Government Accountability Office, excluding—

(A) an individual holding a position subject to section 732a or 733 of title 31, United States Code (disregarding section 732a(b) and 733(c) of such title);

(B) a Federal Wage System employee; and

(C) an individual participating in a development program under which such individual receives performance appraisals, and is eligible to receive permanent merit pay increases, more than once a year; and

(2) as of January 22, 2006, was a Band I staff member with a salary above the Band I cap, a Band IIA staff member with a salary above the Band IIA cap, or an administrative professional or support staff member with a salary above the cap for that individual's pay band (determined in accordance with the orders cited in subsection (b)(1)).

(d) EXCLUSIVE REMEDY.—This section constitutes the exclusive remedy that any officers and employees (as described in subsection (c)) have for any claim that they are owed any monies denied to them in the form of merit pay for 2006 under section 731(b) of title 31, United States Code, or any other law. Notwithstanding any other provision of law, no court or administrative body in the United States, including the Government Accountability Office Personnel Appeals Board, shall have jurisdiction to entertain any civil action or other civil proceeding based on the claim of such officers or employees that they were due money in the form of merit pay for 2006 pursuant to such section 731(b) or any other law.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "performance-based compensation" has the meaning given such term under the Government Accountability Office's performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006; and

(2) the term "permanent merit pay increase" means an increase under section 731(b) of title 31, United States Code, in a rate of basic pay.

SEC. 5. INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter I of chapter 7 is amended by adding at the end the following:

"§ 705. Inspector General for the Government Accountability Office

"(a) ESTABLISHMENT OF OFFICE.—There is established an Office of the Inspector General in the Government Accountability Office, to—

"(1) conduct and supervise audits consistent with generally accepted government auditing standards and investigations relating to the Government Accountability Office;

"(2) provide leadership and coordination and recommend policies, to promote economy, efficiency, and effectiveness in the Government Accountability Office; and

"(3) keep the Comptroller General and Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations of the Government Accountability Office.

"(b) APPOINTMENT, SUPERVISION, AND REMOVAL.—

"(1) The Office of the Inspector General shall be headed by an Inspector General, who shall be appointed by the Comptroller General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Comptroller General.

"(2) The Inspector General may be removed from office by the Comptroller General. The Comptroller General shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

"(3) The Inspector General shall be paid at an annual rate of pay equal to $5,000 less than the annual rate of pay of the Comptroller General, and may not receive any cash award or bonus, including any award under chapter 45 of title 5.

"(c) AUTHORITY OF INSPECTOR GENERAL.—In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, may—

"(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that relate to programs and operations of the Government Accountability Office;

"(2) make such investigations and reports relating to the administration of the programs and operations of the Government Accountability Office as are, in the judgment of the Inspector General, necessary or desirable;

"(3) request such documents and information as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal agency;

"(4) in the performance of the functions assigned by this section, obtain all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence from a person not in the United States Government or from a Federal agency, to the same extent and in the same manner as the Comptroller General under the authority and procedures available to the Comptroller General in section 716 of this title;

"(5) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

"(6) have direct and prompt access to the Comptroller General when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

"(7) report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law; and

"(8) provide copies of all reports to the Audit Advisory Committee of the Government Accountability Office and provide such additional information in connection with such reports as is requested by the Committee.

"(d) COMPLAINTS BY EMPLOYEES.—

"(1) The Inspector General—

"(A) subject to subparagraph (B), may receive, review, and investigate, as the Inspector General considers appropriate, complaints or information from an employee of the Government Accountability Office concerning the possible existence of an activity constituting a violation of any law, rule, or regulation, mismanagement, or a gross waste of funds; and

"(B) shall refer complaints or information concerning violations of personnel law, rules, or regulations to established investigative and adjudicative entities of the Government Accountability Office.

"(2) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

"(3) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(e) SEMIANNUAL REPORTS.—(1) The Inspector General shall submit semiannual reports summarizing the activities of the Office of the Inspector General to the Comptroller General. Such reports shall include, but need not be limited to—

"(A) a summary of each significant report made during the reporting period, including a description of significant problems, abuses, and deficiencies disclosed by such report;

"(B) a description of the recommendations for corrective action made with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

"(C) a summary of the progress made in implementing such corrective action described pursuant to subparagraph (B); and

"(D) information concerning any disagreement the Comptroller General has with a recommendation of the Inspector General.

"(2) The Comptroller General shall transmit the semiannual reports of the Inspector General, together with any comments the Comptroller General considers appropriate, to Congress within 30 days after receipt of such reports.

"(f) INDEPENDENCE IN CARRYING OUT DUTIES AND RESPONSIBILITIES.—The Comptroller General may not prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities of the Inspector General under this section.

"(g) AUTHORITY FOR STAFF.—

"(1) IN GENERAL.—The Inspector General shall select, appoint, and employ such personnel as may be necessary to carry out this section consistent with the provisions of this title governing selections, appointments, and employment in the Government Accountability Office. Such personnel shall be appointed, promoted, and assigned only on the basis of merit and fitness, but without regard to those provisions of title 5 governing appointments and other personnel actions in the competitive service, except that no personnel of the Office may be paid at an annual rate greater than $1,000 less than the annual rate of pay of the Inspector General.

"(2) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5315 of such title.

"(3) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office of the Inspector General unless the individual is appointed by the Inspector General, or provides services obtained by the Inspector General, pursuant to this paragraph.

"(4) LIMITATION ON PROGRAM RESPONSIBILITIES.—The Inspector General and any individual carrying out any of the duties or responsibilities of the Office of the Inspector General are prohibited from performing any program responsibilities.

"(h) OFFICE SPACE.—The Comptroller General shall provide the Office of the Inspector General—

"(1) appropriate and adequate office space;

"(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Office of the Inspector General;

"(3) necessary maintenance services for such office space, equipment, office supplies, and communications facilities; and

"(4) equipment and facilities located in such office space.

"(i) DEFINITION.—As used in this section, the term 'Federal agency' means a department, agency, instrumentality, or unit thereof, of the Federal Government.".

(b) INCUMBENT.—The individual who serves in the position of Inspector General of the Government Accountability Office on the date of the enactment of this Act shall continue to serve in such position subject to removal in accordance with the amendments made by this section.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 is amended by inserting after the item relating to section 704 the following:

"705. Inspector General for the Government Accountability Office.".

SEC. 6. REIMBURSEMENT OF AUDIT COSTS.

(a) IN GENERAL.—Section 3521 is amended by adding at the end the following:

"(i)(1) If the Government Accountability Office audits any financial statement or related schedule which is prepared under section 3515 by an executive agency (or component thereof) for a fiscal year beginning on or after October 1, 2009, such executive agency (or component) shall reimburse the Government Accountability Office for the cost of such audit if—

"(A) the statement or schedule audited is that of an executive agency (or component) which submitted a financial statement or related schedule under section 3515 for fiscal year 2007 which was audited by the Government Accountability Office; or

"(B) the reason for the audit (described in the matter before subparagraph (A)) is because of the Comptroller General's determination of materiality to the statements required under section 331(e).

"(2) Any executive agency (or component thereof) that prepares a financial statement under section 3515 for a fiscal year beginning on or after October 1, 2009, and that requests the Government Accountability Office to audit such statement or any related schedule may reimburse the Government Accountability Office for the cost of such audit.

"(3) Any reimbursement under paragraph (1) or (2) shall be deposited to a special account in the Treasury and shall be available to the Government Accountability Office for such purposes and in such amounts as are specified in annual appropriations Acts.".

(b) CONFORMING AMENDMENT.—Section 1401 of title I of Public Law 108–83 (31 U.S.C. 3523 note) is repealed, effective October 1, 2010.

SEC. 7. FINANCIAL DISCLOSURE REQUIREMENTS.

Section 109(13)(B) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), by inserting "(except any officer or employee of the Government Accountability Office)" after "legislative branch", and by striking "and" at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

"(ii) each officer or employee of the Government Accountability Office who, for at least 60 consecutive days, occupies a position for which the rate of basic pay, minus the amount of locality pay that would have been authorized under section 5304 of title 5, United States Code (had the officer or employee been paid under the General Schedule) for the locality within which the position of such officer or employee is located (as determined by the Comptroller General), is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and".

SEC. 8. HIGHEST BASIC PAY RATE.

Section 732(c)(2) is amended by striking "highest basic rate for GS–15;" and inserting "rate for level III of the Executive Level, except that the total amount of cash compensation in any year shall be subject to the limitations provided under section 5307(a)(1) of title 5;".

SEC. 9. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 731 is amended—

(1) by repealing subsection (d);

(2) in subsection (e)—

(A) in the matter before paragraph (1), by striking "maximum daily rate for GS–18 under section 5332 of such title" and inserting "daily rate for level IV of the Executive Schedule"; and

(B) by striking "more than—" and all that follows and inserting the following: "more than 20 experts and consultants may be procured for terms of not more than 3 years, but which shall be renewable."; and

(3) by adding at the end the following:

"(j) Funds appropriated to the Government Accountability Office for salaries and expenses are available for meals and other related reasonable expenses incurred in connection with recruitment.".

(b) CONFORMING AMENDMENTS.—(1) Section 732a(b) is amended by striking "section 731(d), (e)(1), or (e)(2)" and inserting "paragraph (1) or (2) of section 731(e)".

(2) Section 733(c) is amended by striking "(d),".

(3) Section 735(a) is amended by striking "731(c)–(e)," and inserting "731(c) and (e),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Now, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is a triumphant day for the employees of the Government Accountability Office, known as GAO. When enacted, the Government Accountability Office Act of 2008 will allow GAO to regain its footing as an agency that not only touts that its employees are the best and the brightest but treats them as if they are the best and the brightest.

On April 2, after a 2-year investigation and several subcommittee hearings, I introduced H.R. 5683, which would restore the 2006 and 2007 annual across-the-board increase to GAO employees who met expectations but did not receive the adjustment.

The legislation would also set a floor guarantee that would preserve GAO's performance-based compensation system, while ensuring that GAO employees receive an annual increase in their permanent pay, provided they meet expectations, that is at least equal to the congressionally approved across-the-board increase. The floor guarantee will be comprised of the annual adjustment to the GAO pay schedule, plus the permanent merit pay increase received by an employee under GAO's merit pay system.

Other provisions in the bill include creating a statutory Inspector General for GAO, providing GAO with enhanced recruiting tools, and eliminating the statutorily imposed GS–15 pay cap to allow the Comptroller General the authority to pay employees up to the rate for Executive Level III.

At a hearing the subcommittee held on March 23, 2008, on this legislation and GAO's personnel reforms, the subcommittee learned from the Ivy Planning Group, a consulting firm hired by GAO to conduct an African American Performance Assessment Study at GAO, that there are significant differences between the ratings for African American analysts and Caucasian analysts. Therefore, the personnel reform at GAO had a significant negative impact on African American staffers.

Furthermore, a survey that was administered to GAO employees at my request found that 81 percent of respondents thought morale in general at GAO is worse or much worse than before the reforms, and a majority of the respondents felt that not having an across-the-board increase for all staff is very or somewhat unreasonable. While the subcommittee recognizes that more work needs to be done at GAO, H.R. 5683 would help improve the morale and remedy the inequities that resulted from the denial of the 2006 and 2007 across-the-board pay adjustments.

The bill before us, H.R. 5683 as amended, makes some technical changes to the bill as reported by the committee. Unfortunately, it also deletes a provision included at the request of Ranking Member TOM DAVIS due to concerns about the cost as reported by the Congressional Budget Office. The provision would have allowed GAO to include bonuses when calculating an employee's annuity, a position I support in principle and which we will hopefully be able to address as this bill moves forward in the legislative process.

The bill, as amended, also deletes provisions which would have given

GAO the ability to administer oaths, and guaranteed GAO's access to certain Medicare and FDA information. In addition, it modifies a provision which would allow GAO to recover the costs of financial statement audits it conducts for other agencies.

And so, Mr. Speaker, I hope that my colleagues will join the Government Accountability Office and the International Federation of Professional and Technical Engineers and support this legislation.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I think, Mr. Speaker, DANNY DAVIS did a great job in explaining this piece of legislation; so I won't be redundant in going over the same details he just covered.

I will say, last week this bill was scheduled for consideration, but it was pulled because of opposition to a number of contentious provisions added to the legislation such as the explicit authority for GAO to access Medicare part D pricing and rebate information and pharmaceutical trade secret information. Those provisions are not included in the bill today, and so there is no real problem with it.

I congratulate DANNY DAVIS on his presentation.

Mr. Speaker, I rise today to speak on H.R. 5683, the Government Accountability Office Act of 2008.

Last July, the Government Accountability Office submitted to Congress a legislative proposal to make a number of largely non-controversial changes to GAO's authorizing statutes.

That proposal and the bill we are taking up today, for example, would make statutory GAO's inspector general, and it would authorize GAO to be reimbursed for conducting financial statement audits of Federal agencies.

In addition, H.R. 5683 attempts to resolve a longstanding pay dispute between GAO and some of its employees. Hopefully, this bill will allow stakeholders to put the dispute to rest and move forward.

Mr. Speaker, H.R. 5683 was originally scheduled for floor consideration last week but was pulled from the schedule because of opposition to a number of contentious provisions added to the legislation such as the explicit authority for GAO to access Medicare Part D pricing and rebate information and pharmaceutical trade secret information. These provisions are not included in the bill we are taking up today.

In addition, there were a number of objections to the bill raised by the White House. It is my understanding these objections have been addressed in the version of H.R. 5683 before us today.

I appreciate the majority's willingness to remove the contentious provisions so we can move forward with this bill, and I urge my colleagues' support.

I yield back the balance of our time.

Mr. DAVIS of Illinois. Mr. Speaker, to close, let me, first of all, thank the gentleman from Indiana, and also I'm pleased to note the level of sensitivity that exists within our committee, and when the other side came up with some issues and concerns, the committee was able to respond to those, and of course, the bill has, in fact, been altered. We're very pleased to know that we have their support.

We also want to take this opportunity, Mr. Speaker, to express appreciation to staffs on both sides of the aisle who worked extremely hard on this legislation and helped us shape it to the point where we think it is going to do an effective job for the employees of the Government Accountability Office.

Especially do I want to thank my staff director in the Subcommittee on the Federal Workforce and not only do we want to thank her, but we know that she's going to be leaving us for a little bit. And at the end of the week, she is going to spend a little bit of time at home and perhaps in the hospital, not very much, but delivering a new voter for the United States of America. And she tells me that in all likelihood it will be a Democrat, and so we congratulate her and her husband and wish them well, and thank her again for her tremendous work.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5683, the Government Accountability Office Act of 2008, introduced by my distinguished colleague from Illinois, Representative DANNY K. DAVIS. This important legislation will improve the oversight, administration, and pay adjustment mechanisms at the Government Accountability Office.

As highlighted by Mr. DAVIS, the former Comptroller General emphasized that Federal agencies should have "modern, effective, credible, and, as appropriate, validated performance management systems in place with adequate safeguards, including reasonable transparency and appropriate accountability mechanisms, to ensure fairness and prevent politicalization and abuse." I have been an outspoken advocate for improved inner governmental mechanisms that would allow for more fluid movement of information, equity, and the adherence to clear fair processes. H.R. 5683 is imperative to ensure that we as lawmakers are working responsibly to meet the needs of our constituents.

Some of the safeguards recommended by the Government Accountability Office, GAO, include a performance management system that makes meaningful distinctions in individual employee performance; involves employees and stakeholders in designing the system; and achieves consistency, equity and nondiscrimination. Over the last 2 years, the Committee on Oversight and Government Reform has conducted oversight, and has also investigated the implementation of GAO's new personnel system to determine if it meets the aforesaid criteria. This investigation revealed that it did not meet the criteria. In addition, based on its investigation the committee concluded that, contrary to legislative intent, GAO employees who met and exceeded expectations in 2006 and 2007, sadly, did not receive the annual across-the-board increase that other GAO employees received. This important legislation would restore the 2006 and 2007 annual across-the-board increase to GAO employees who met expectations but did not receive the adjustment. It would also put into place a "floor guarantee" that would preserve GAO's performance-based compensation system, while ensuring that GAO employees receive an annual increase in their permanent pay, provided they "meet expectations," that is at least equal to the congressionally approved across-the-board increase.

The floor guarantee will be comprised of the annual adjustment to the GAO pay schedule plus the permanent merit pay increase received by an employee under GAO's merit pay system. This bill also establishes an Office of the Inspector General in GAO, who shall report semiannually to the Comptroller General to ensure that GAO is operating on one accord and is putting forth its best effort in implementing H.R. 5683. While I recognize that there are additional improvements that need to be made, this legislation will help improve the morale at GAO and remedy the inequities that resulted from the denial of the 2006 increase and the across-the-board adjustments.

This legislation is imperative to change certain pay practices, compensate employees for certain past practices, and increase salary payments to some GAO employees. It would also increase the cap on employees pay. This bill will expand the types of pay that are included in retirement benefit calculations. H.R. 5683 contains no inter-governmental or private sector mandated mandates as defined in the Unfunded Mandates Reform Act, UMRA, and would not affect the budgets of States, local or tribunal governments.

I urge my colleagues to join me in supporting this important legislation.

Mr. DAVIS of Illinois. We yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5683, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY INDEPENDENCE PRESERVATION ACT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5778) to preserve the independence of the District of Columbia Water and Sewer Authority, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Water and Sewer Authority Independence Preservation Act".

SEC. 2. ENSURING INDEPENDENCE OF CHIEF FINANCIAL OFFICER OF DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY.

(a) CLARIFICATION OF INAPPLICABILITY OF 2005 OMNIBUS AUTHORIZATION PROVISION.—The District of Columbia Home Rule Act is amended—

(1) by redesignating the section 424 added by section 202(a)(1) of the 2005 District of Columbia Omnibus Authorization Act (Public Law 109-356; 120 Stat. 2036) as section 424a; and

(2) in section 424a, as so redesignated, by adding at the end the following new subsection:

"(e) INAPPLICABILITY TO WATER AND SEWER AUTHORITY.—The authority of the Chief Financial Officer under this section does not apply to personnel of the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the 2005 District of Columbia Omnibus Authorization Act.

SEC. 3. PRESERVING EXISTING INDEPENDENCE OF DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY.

(a) IN GENERAL.—Part F of title IV of the District of Columbia Home Rule Act (sec. 1-204.91 et seq., D.C. Official Code) is amended—

(1) by amending the heading of such part to read as follows: "PART F—INDEPENDENT AGENCIES AND AUTHORITIES"; and

(2) by adding at the end the following new section:

"INDEPENDENT FINANCIAL MANAGEMENT, PERSONNEL, AND PROCUREMENT AUTHORITY OF DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

"SEC. 496. (a) FINANCIAL MANAGEMENT, PERSONNEL, AND PROCUREMENT AUTHORITY.—Notwithstanding any other provision of this Act or any District of Columbia law, the financial management, personnel, and procurement functions and responsibilities of the District of Columbia Water and Sewer Authority shall be established exclusively pursuant to rules and regulations adopted by its Board of Directors. Nothing in the previous sentence may be construed to affect the application to the District of Columbia Water and Sewer Authority of sections 445A, 451(d), 453(c), or 490(g).

"(b) CONSISTENCY WITH EXISTING AUTHORIZING LAW.—The rules and regulations adopted by the Board of Directors of the District of Columbia Water and Sewer Authority to establish the financial management, personnel, and procurement functions and responsibilities of the Authority shall be consistent with the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, as such Act is in effect as of January 1, 2008.".

(b) CLERICAL AMENDMENTS.—(1) The table of contents of such Act is amended by amending the item relating to part F of title IV to read as follows:

"PART F—INDEPENDENT AGENCIES AND AUTHORITIES".

(2) The table of contents of such Act is further amended by adding at the end of the items relating to part F of title IV the following:

"Sec. 496. Independent financial management, personnel, and procurement authority of District of Columbia Water and Sewer Authority.".

SEC. 4. PRESERVING EQUAL ELIGIBILITY OF RESIDENTS OF JURISDICTIONS SERVED BY DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY TO SERVE AS EMPLOYEES OF AUTHORITY.

(a) IN GENERAL.—Section 213 of D.C. Act 17-172 is repealed, and each provision of law amended by such section is restored as if such section had not been enacted into law.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as if included in the enactment of D.C. Act 17-172.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I now yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I'd like to present for consideration H.R. 5778, the District of Columbia Water and Sewer Authority Independence Preservation Act, which clarifies the original intent of previously enacted legislation establishing an independent water and wastewater utility agency for the national capital region.

H.R. 5778 was originally introduced by Representatives CHRIS VAN HOLLEN and TOM DAVIS April 10, 2008, and was discharged from the Oversight Committee on June 6, 2008. As chair of the House Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, I convened a hearing to discuss the merits of this legislation before us on April 15, 2008, where we learned that the bill had the support of the various regional localities that are served by the authority.

The District of Columbia Water and Sewer Authority, also known as D.C. WASA, was created in 1996 through congressional and local government action which was intended to establish an independent regional utility agency that would be responsible for providing drinking water and wastewater treatment services to the District of Columbia and wholesale wastewater treatment services to certain Maryland and Virginia suburban jurisdictions.

Before the enactment of a series of WASA-related statutes, the agency experienced a grave financial and serious operational difficulties. However, I am happy to report that ever since the agency was restructured back in the late 1990s, WASA has made significant progress in carrying out its statutory mandate of providing retail drinking water distribution, wastewater collection, and wastewater treatment services to over 2 million Washington metropolitan regional customers, of which the Federal Government is included.

H.R. 5778 clarifies the original intent of the applicable statutes concerning WASA's Board's responsibilities, including the financial management, personnel, procurement, and all other operations of the authority. A recent amendment to the bill will help to ensure that the residents and employees of the applicable jurisdictions are eligible for employment with WASA under the same terms and conditions.

And so, Mr. Speaker, as a regional partner, it is important that we continue to show our commitment to strengthening and assisting WASA in its efforts to upgrade and improve the agency's operations, equipment, and long-term functionality. H.R. 5778 is an important step in that direction. Therefore, I urge its adoption.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleague just said, the District of Columbia Water and Sewer Authority Independence Preservation Act is very important.

H.R. 5778 would amend the D.C. Home Rule Act to clarify that the chief financial officer of the District of Columbia does not have authority over the District of Columbia Water and Sewer Authority, or WASA. WASA is a regional entity, funded by rate payers living in D.C., Maryland, and Virginia. Under current Federal law, however, WASA's finances are under the jurisdiction of the D.C. chief financial officer.

A memorandum of understanding has been in place between WASA and the District of Columbia CFO for many years stating that the CFO would not exercise its authority over WASA. However, it was recently determined that such a memorandum was not legally enforceable and that Federal law needed to be changed in order to make the previous agreement enforceable.

□ 1745

The purpose of H.R. 5778 is to codify in Federal statute the Water and Sewage Authority's financial independence from the District.

And with that, Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, we have no further requests for time and no further speakers.

I want to thank the gentleman from Indiana for his support and thank the entire committee for its support. I urge passage of this resolution.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 5778, the District of Columbia Water and Sewer Authority Independence Preservation Act. Representative VAN HOLLEN and I introduced this legislation to reaffirm the independence of the District of Columbia Water and Sewer Authority.

H.R. 5778 would amend the D.C. Home Rule Act to clarify that the District of Columbia Water and Sewer Authority, or WASA, is an independent agency with financial authority independent from the District of Columbia. After all, WASA is a regional entity, funded by ratepayers living in D.C., Maryland and Virginia.

In October 2000, Congress approved the conference report for the FY2001 District of Columbia appropriations, which contained language regarding the functions and responsibilities of the District of Columbia Chief Financial Officer.

At that time, I engaged in a colloquy on the floor with then Chairman of the District of Columbia Appropriations Subcommittee Ernest Istook to clarify that the amendments to the CFO's responsibility's did not infringe upon the financial independence of the District of Columbia Water and Sewer Authority. Subsequently, a memorandum of understanding was signed between WASA and the District's CFO at the time Anthony Williams stating that the CFO would not exercise its authority over WASA.

However, it was recently determined that such a memorandum was not legally enforceable and that Federal law needed to be changed in order to make the previous agreement enforceable.

Therefore, the purpose of H.R. 5778 is to codify in Federal statute the Water and Sewer Authority's financial independence from the District.

Mr. Speaker, I urge my colleagues to support passage of this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5778, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REFORM OF MUTUAL AID AGREEMENTS FOR THE NATIONAL CAPITAL REGION

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1245) to reform mutual aid agreements for the National Capital Region.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFORM OF MUTUAL AID AGREEMENTS FOR THE NATIONAL CAPITAL REGION.

Section 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 5196 note) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ", including its agents or authorized volunteers,"; and

(B) in paragraph (5), by striking "or town" and all that follows and inserting "town, or other governmental agency, governmental authority, or governmental institution with the power to sue or be sued in its own name, within the National Capital Region.";

(2) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ", the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority"; and

(3) in subsection (d), by striking "or employees" each place that term appears and inserting ", employees, or agents".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I join my colleagues in the consideration of S. 1245, which will make some minor but much needed changes to the mutual aid agreements authorized by the Intelligence Reform and Terrorism Prevention Act of 2004 for the governments of the National Capital Region.

S. 1249 was received by the House on December 13, 2007 after being passed under unanimous consent by the Senate. The measure is authored by Senator BEN CARDIN of Maryland and is supported by the members of the National Capital Region, which includes the District of Columbia and surrounding local jurisdictions in Maryland and Virginia that are also part of the Metropolitan Washington Council of Governments. The legislative changes enacted by this measure are also backed by the State of Maryland and the Commonwealth of Virginia.

S. 1249 addresses and authorizes changes to two aspects of the original legislation. For starters, the measure adds a special purpose governmental authority category to be included as part of the area's mutual aid agreement. This newly created category will permit such entities as the Metropolitan Washington Airport Authority, the Washington Metropolitan Area Transit Authority and the District of Columbia Water and Sewer Authority to participate in the mutual aid agreement during the event of an emergency.

Secondly, S. 1245 grants the regional members of the mutual aid agreement additional flexibility in developing an exhaustive list of employees and authorized volunteers who will be committed to respond to a disaster on behalf of the various independent authorities and State or local governments.

Instead of having to keep a running tally of each individual employee or person participating in the agreement, S. 1245 will allow each of the overarching authorities to keep track of their own participants. This bill authorizes the former inclusion of volunteer entities, such as incorporated volunteer fire companies, to be covered under the mutual aid agreement.

So Mr. Speaker, since it is vitally important that we in the National Capital Region are prepared and ready to respond in the event of a major emergency or disaster, it is incumbent upon us that we pass S. 1245.

I urge my colleagues to join me in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I rise today to speak on S. 1245, legislation to reform mutual aid agreements for the National Capital Region.

This legislation was introduced by Senators CARDIN, WARNER, MIKULSKI, and WEBB last July and passed by the Senate in December by unanimous consent.

Under current law, the Federal Government is authorized to enter into mutual aid agreements with State and local governments in the National Capital Region in order to allow the various jurisdictions to cooperate in the event of an emergency without risk of liability for the acts or omissions of their employees while rendering aid.

Senate bill 1245 would further state that entities such as the Metropolitan Washington Airport Authority, the Water and Sewer Authority and the Washington Metropolitan Area Transit Authority would be authorized to enter into these mutual aid agreements as well.

The goal here is to ensure that emergency response personnel in the National Capital Region are able to coordinate as closely as possible in the event of an emergency. Hopefully this legislation helps us to move closer in that direction.

And before I yield back my time, since I've covered that subject, I just want to say to my colleagues on the other side, for whom I have the greatest respect, tomorrow morning, when you get up and you get out of bed and you go to the office here on Capitol

Hill, stop by one of the gas stations on the way in and watch some people pumping gas at $4 plus per gallon. And just walk up to them—and you don't need to tell them you're a Congressman or a Senator or anything else, just walk up to them and say, what do you think about the gas prices? And they're going to say, they're horrible; Congress has to do something about it. And then say, would you object if we drilled in the ANWR to get oil to reduce your gasoline prices? Would you object if we drilled off the Continental Shelf to get another couple million barrels of oil a day to reduce your gas prices and your energy costs? Would you object if we drilled in some of the forests that we have, national forests where we could get 400 or 500 years of natural gas out? Would you object to that? Would you object if we considered more nuclear reactors to produce electricity for this country so we can lower the price of energy and, in effect, end up lowering the price of gasoline and other fuel products as well? You know what they're going to say? They're going to say what the national polls have already shown: 80 percent plus are for drilling and getting oil out of our country and our resources out of the ground. That's what the American people want.

I want to point out one more thing, because I respect all my colleagues on the other side of the aisle. When you first took over the Congress 2 years ago, one of the things that was said by you and Speaker PELOSI was that we were going to do something about the energy crisis and we were going to stem the tide to the growth in the cost of fuel, gasoline, and other energy products. Now it's gone up over 50 percent. It's now $4 plus. And it was $2.50 lower than that just 2 years ago.

It's time that we as Republicans and Democrats work together. The American people want that. It's time that we work together to lower the price of gasoline and other energy products. And we can do that by drilling in the ANWR, drilling off the Continental Shelf, drilling in our national forests where we can get natural gas, which is a clean burning fuel. And if we just start doing that, and at the same time look at other energy sources, new sources that are nonpollutants, we would be in great shape. Incidentally, we also have about two trillion barrels of oil in oil shale.

Let me just say to my colleagues that I hope that you will take heed to what I've said today. The American people want lower gas prices. We have it within our power to start drilling where we can get gas out of this country, natural gas, oil, and other things. Just tell the American people what you think and ask them what they think. And they're going to say "Drill in America." You can do it in an environmentally safe way.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank my colleague from Indiana for the opportunity to spend as much time with him as we have spent this afternoon. I also want to commend him for his advocacy, especially the effort to get down the price of gasoline.

I have no lack of confidence in our ability to make that happen, especially when I think of the efforts that have been put forth to produce more energy-efficient automobiles, to make sure that we're not polluting our environment as much. And I think those people that I would come into contact with would say to me, you know, if we start drilling right now all over the place, the prices are going to be the same next week, they're going to be the same next month.

They want some relief that is as immediate—and I don't really have to come to Washington because they stop me in Chicago, where we pay more than anybody else in the country. And so I want to thank the gentleman for his comments and urge passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 1245.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 56 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. HIRONO) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6003, PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–703) on the resolution (H. Res. 1253) providing for consideration of the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1225, by the yeas and nays;

H. Res. 1243, by the yeas and nays;

H. Res. 127, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

NATIONAL SAFETY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1225, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 1225.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 388]

YEAS—379

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foster
Foxx

Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—54

Barrett (SC)
Bishop (GA)
Bishop (UT)
Buyer
Capuano
Carnahan
Costello
Cubin
Davis (AL)
Ehlers
Filner
Fossella
Gilchrest
Gillibrand
Grijalva
Hare
Harman
Hastings (WA)
Herseth Sandlin
Holden
Holt
Hooley
Hulshof
Jefferson
Kaptur
Kennedy
Latham
Lewis (KY)
Lipinski
Lucas
Maloney (NY)
Marchant
McDermott
Meek (FL)
Miller, George
Mollohan
Myrick
Ortiz
Pascrell
Pearce
Regula
Rohrabacher
Rush
Souder
Space
Tancredo
Tanner
Taylor
Terry
Udall (NM)
Waters
Weiner
Weller
Wilson (SC)

□ 1856

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 388, I was unable to vote because I away from the Capitol region in my capacity as Chairman of the Veterans Affairs Committee. Had I been present, I would have voted "yea."

FATHER'S DAY RESOLUTION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1243, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 1243.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 373, nays 0, not voting 60, as follows:

[Roll No. 389]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—60

Alexander
Barrett (SC)
Berman
Bishop (GA)
Bishop (UT)
Brady (TX)

Buyer
Capuano
Carnahan
Costello
Cubin
Davis (AL)
Ehlers
Filner
Fossella
Gilchrest
Gillibrand
Grijalva
Hare
Harman
Hastings (WA)
Herseth Sandlin
Holden
Holt

Hooley
Hulshof
Jefferson
Johnson, E. B.
Kaptur
Kennedy
Latham
Lewis (KY)
Lipinski
Lucas
Maloney (NY)
Marchant
McDermott
McKeon
Meek (FL)
Mollohan
Murtha
Myrick

Ortiz
Pascrell
Pearce
Regula
Reyes
Rohrabacher
Rush
Souder
Space
Tancredo
Tanner
Taylor
Terry
Udall (NM)
Waters
Weiner
Weller
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left on this vote.

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 389, I was unable to vote because I was away from the Capitol region in my capacity as Chairman of the Veterans Affairs Committee. Had I been present, I would have voted "yea."

50TH ANNIVERSARY OF ALASKA AS THE 49TH STATE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 127, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 127.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 0, not voting 58, as follows:

[Roll No. 390]

YEAS—375

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert

Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine

Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler

Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda

Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes

Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)

Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp

Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)

Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—58

Alexander
Barrett (SC)
Bishop (GA)
Bishop (UT)
Buyer
Capuano
Carnahan
Costello
Cubin
Davis (AL)
Ehlers
Filner
Fossella
Gilchrest
Gillibrand
Grijalva
Hare
Harman
Hastings (WA)
Herseth Sandlin

Holden
Holt
Hooley
Hulshof
Jefferson
Kaptur
Kennedy
Latham
Lewis (KY)
Lipinski
Lucas
Maloney (NY)
Marchant
McDermott
Meek (FL)
Mollohan
Murtha
Myrick
Ortiz
Pascrell

Pearce
Regula
Rohrabacher
Rush
Souder
Space
Speier
Tancredo
Tanner
Taylor
Terry
Tiahrt
Udall (NM)
Waters
Weiner
Weldon (FL)
Weller
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1911

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 390, I was unable to vote because I was away from the Capitol region in my capacity as Chairman of the Veterans Affairs Committee. Had I been present, I would have voted "yea."

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Madam Speaker, pursuant to clause 2 of rule IX, I rise to give notice of my intent to raise a question of the privileges of the House.

The form of the resolution is as follows:

Resolved, That President George W. Bush be impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, in maintenance and support of its impeachment against President George W. Bush for high crimes and misdemeanors.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has committed the following abuses of power.

ARTICLE I.—CREATING A SECRET PROPAGANDA CAMPAIGN TO MANUFACTURE A FALSE CASE FOR WAR AGAINST IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, illegally spent public dollars on a secret propaganda program to manufacture a false cause for war against Iraq.

The Department of Defense (DOD) has engaged in a years-long secret domestic propaganda campaign to promote the invasion and occupation of Iraq. This secret program was defended by the White House Press Secretary following its exposure. This program follows the pattern of crimes detailed in Article I, II, IV and VIII.. The mission of this program placed it within the field controlled by the White House Iraq Group (WHIG), a White House task-force formed in August 2002 to market an invasion of Iraq to the American people. The group included Karl Rove, I. Lewis Libby, Condoleezza Rice, Karen Hughes, Mary Matalin, Stephen Hadley, Nicholas E. Calio, and James R. Wilkinson.

The WHIG produced white papers detailing so-called intelligence of Iraq's nuclear threat that later proved to be false. This supposed intelligence included the claim that Iraq had sought uranium from Niger as well as the claim that the high strength aluminum tubes Iraq purchased from China were to be used for the sole purpose of building centrifuges to enrich uranium. Unlike the National Intelligence Estimate of 2002, the WHIG's white papers provided "gripping images and stories" and used "literary license" with intelligence. The WHIG's white papers were written at the same time and by the same people as speeches and talking points prepared for President Bush and some of his top officials.

The WHIG also organized a media blitz in which, between September 7-8, 2002, President Bush and his top advisers appeared on numerous interviews and all provided similarly gripping images about the possibility of nuclear attack by Iraq. The timing was no coincidence, as Andrew Card explained in an interview regarding waiting until after Labor Day to try to sell the American people on military action against Iraq, "From a marketing point of view, you don't introduce new products in August."

September 7-8, 2002:

NBC's "Meet the Press: Vice President Cheney accused Saddam of moving aggressively to develop nuclear weapons over the past 14 months to add to his stockpile of chemical and biological arms.

CNN: Then-National Security Adviser Rice said, regarding the likelihood of Iraq obtaining a nuclear weapon, "We don't want the smoking gun to be a mushroom cloud."

CBS: President Bush declared that Saddam was "six months away from developing a weapon," and cited satellite photos of construction in Iraq where weapons inspectors once visited as evidence that Saddam was trying to develop nuclear arms.

The Pentagon military analyst propaganda program was revealed in an April 20, 2002, New York Times article. The program illegally involved "covert attempts to mold opinion through the undisclosed use of third parties." Secretary of Defense Donald Rumsfeld recruited 75 retired military officers and gave them talking points to deliver on Fox, CNN, ABC, NBC, CBS, and MSNBC, and according to the New York Times report, which has not been disputed by the Pentagon or the White House, "Participants were instructed not to quote their briefers directly or otherwise describe their contacts with the Pentagon."

According to the Pentagon's own internal documents, the military analysts were considered "message force multipliers" or "surrogates" who would deliver administration "themes and messages" to millions of Americans "in the form of their own opinions." In fact, they did deliver the themes and the messages but did not reveal that the Pentagon had provided them with their talking points. Robert S. Bevelacqua, a retired Green Beret and Fox News military analyst described this as follows: "It was them saying, 'We need to stick our hands up your back and move your mouth for you.'"

Congress has restricted annual appropriations bills since 1951 with this language: "No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress."

A March 21, 2005, report by the Congressional Research Service states that "publicity or propaganda" is defined by the U.S. Government Accountability Office (GAO) to mean either (1) self-aggrandizement by public officials, (2) purely partisan activity, or (3) "covert propaganda."

These concerns about "covert propaganda" were also the basis for the GAO's standard for determining when government-funded video news releases are illegal:

"The failure of an agency to identify itself as the source of a prepackaged news story misleads the viewing public by encouraging the viewing audience to believe that the broadcasting news organization developed the information. The prepackaged news stories are purposefully designed to be indistinguishable from news segments broadcast to the public. When the television viewing public does not know that the stories they watched on television news programs about the government were in fact prepared by the government, the stories are, in this sense, no longer purely factual—the essential fact of attribution is missing."

The White House's own Office of Legal Council stated in a memorandum written in 2005 following the controversy over the Armstrong Williams scandal:

"Over the years, GAO has interpreted 'publicity or propaganda' restrictions to preclude use of appropriated funds for, among other things, so-called 'covert propaganda.' . . . Consistent with that view, the OLC determined in 1988 that a statutory prohibition on using appropriated funds for 'publicity or propaganda' precluded undisclosed agency funding of advocacy by third-party groups. We stated that 'covert attempts to mold opinion through the undisclosed use of third parties' would run afoul of restrictions on using appropriated funds for 'propaganda.'"

Asked about the Pentagon's propaganda program at White House press briefing in April 2008, White House Press Secretary Dana Perino defended it, not by arguing that it was legal but by suggesting that it "should" be: "Look, I didn't know look, I think that you guys should take a step back and look at this look, DOD has made a decision, they've decided to stop this program. But I would say that one of the things that we try to do in the administration is get information out to a variety of people so that everybody else can call them and ask their opinion about something. And I don't think that that should be against the law. And I think that it's absolutely appropriate to provide information to people who are seeking it and are going to be providing their opinions on it. It doesn't necessarily mean that all of those military analysts ever agreed with the administration. I think you can go back and look and think that a lot of their analysis was pretty tough on the administration. That doesn't mean that we shouldn't talk to people."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE II.—FALSELY, SYSTEMATICALLY, AND WITH CRIMINAL INTENT CONFLATING THE ATTACKS OF SEPTEMBER 11, 2001 WITH MISREPRESENTATION OF IRAQ AS AN IMMINENT SECURITY THREAT AS PART OF A FRAUDULENT JUSTIFICATION FOR A WAR OF AGGRESSION.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, executed a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that there was and is a connection between Iraq and Saddam Hussein on the one hand, and the attacks of September 11, 2001 and al Qaeda, on the other hand, so as to falsely justify the use of the United States Armed Forces against the nation of Iraq in a manner that is damaging to the national security interests of the United States, as well as to fraudulently obtain and maintain congressional authorization and funding for the use of such military force against Iraq, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be, first, allowing, authorizing and sanctioning the manipulation of intelligence analysis by those under his direction and control, including the Vice President and the Vice President's agents, and second, personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding an alleged connection between Saddam Hussein and Iraq, on the one hand, and the September 11th attacks and al Qaeda, on the other hand, that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) On or about September 12, 2001, former terrorism advisor Richard Clarke personally informed the President that neither Saddam Hussein nor Iraq was responsible for the September 11th attacks. On September 18, Clarke submitted to the President's National Security Adviser Condoleezza Rice a memo he had written in response to George W. Bush's specific request that stated: (1) the case for linking Hussein to the September 11th attacks was weak; (2) only anecdotal evidence linked Hussein to al Qaeda; (3) Osama Bin Laden resented the secularism of Saddam Hussein; and (4) there was no confirmed reporting of Saddam Hussein cooperating with Bin Laden on unconventional weapons.

(B) Ten days after the September 11th attacks the President received a President's Daily Briefing which indicated that the U.S. intelligence community had no evidence linking Saddam Hussein to the September 11th attacks and that there was "scant credible evidence that Iraq had any significant collaborative ties with Al Qaeda."

(C) In Defense Intelligence Terrorism Summary No. 044-02, issued in February 2002, the United States Defense Intelligence Agency cast significant doubt on the possibility of a Saddam Hussein-Al Qaeda conspiracy: "Saddam's regime is intensely secular and is wary of Islamic revolutionary movements. Moreover, Baghdad is unlikely to provide assistance to a group it cannot control."

(D) The October 2002 National Intelligence Estimate gave a "Low Confidence" rating to the notion of whether "in desperation Saddam would share chemical or biological weapons with Al Qaeda." The CIA never informed the President that there was an operational relationship between Al Qaeda and Saddam Hussein; on the contrary, its most "aggressive" analysis contained in Iraq and al-Qaeda-Interpreting a "Murky Relationship" dated June 21, 2002 was that Iraq had had "sporadic, wary contacts with al Qaeda since the mid-1990s rather than a relationship with al Qaeda that has developed over time."

(E) Notwithstanding his knowledge that neither Saddam Hussein nor Iraq was in any way connected to the September 11th attacks, the President allowed and authorized those acting under his direction and control, including Vice President Richard B. Cheney and Lewis Libby, who reported directly to both the President and the Vice President, and Secretary of Defense Donald Rumsfeld, among others, to pressure intelligence analysts to alter their assessments and to create special units outside of, and unknown to, the intelligence community in order to secretly obtain unreliable information, to manufacture intelligence or reinterpret raw data in ways that would further the Bush administration's goal of fraudulently establishing a relationship not only between Iraq and al Qaeda, but between Iraq and the attacks of September 11th.

(F) Further, despite his full awareness that Iraq and Saddam Hussein had no relationship to the September 11th attacks, the President, and those acting under his direction and control have, since at least 2002 and continuing to the present, repeatedly issued public statements deliberately worded to mislead, words calculated in their implication to bring unrelated actors and circumstances into an artificially contrived reality thereby facilitating the systematic deception of Congress and the American people. Thus the public and some members of Congress, came to believe, falsely, that there was a connection between Iraq and the attacks of 9/11. This was accomplished through well-publicized statements by the Bush Administration which contrived to continually tie Iraq and 9/11 in the same statements of grave concern without making an explicit charge:

(1) " [If] Iraq regimes [sic] continues to defy us, and the world, we will move deliberately, yet decisively, to hold Iraq to account . . . It's a new world we're in. We used to think two oceans could separate us from an enemy. On that tragic day, September the 11th, 2001, we found out that's not the case. We found out this great land of liberty and of freedom and of justice is vulnerable. And therefore we must do everything we can—everything we can—to secure the homeland, to make us safe." Speech of President Bush in Iowa on September 16, 2002.

(2) "With every step the Iraqi regime takes toward gaining and deploying the most terrible weapons, our own options to confront that regime will narrow. And if an emboldened regime were to supply these weapons to terrorist allies, then the attacks of September 11th would be a prelude to far greater horrors." March 6, 2003, Statement of President Bush in National Press Conference.

(3) "The battle of Iraq is one victory in a war on terror that began on September the 11, 2001—and still goes on. That terrible morning, 19 evil men—the shock troops of a hateful ideology—gave America and the civilized world a glimpse of their ambitions. They imagined, in the words of one terrorist, that September the 11th would be the 'beginning of the end of America.' By seeking to turn our cities into killing fields, terrorists and their allies believed that they could destroy this nation's resolve, and force our retreat from the world. They have failed." May 1, 2003, Speech of President Bush on U.S.S. Abraham Lincoln.

(4) "Now we're in a new and unprecedented war against violent Islamic extremists. This is an ideological conflict we face against murderers and killers who try to impose their will. These are the people that attacked us on September the 11th and killed nearly 3,000 people. The stakes are high, and once again, we have had to change our strategic thinking. The major battleground in this war is Iraq." June 28, 2007, Speech of President Bush at the Naval War College in Newport, Rhode Island.

(G) Notwithstanding his knowledge that there was no credible evidence of a working relationship between Saddam Hussein and Al Qaeda and that the intelligence community had specifically assessed that there was no such operational relationship, the President, both personally and through his subordinates and agents, has repeatedly falsely represented, both explicitly and implicitly, and through the misleading use of selectively-chosen facts, to the citizens of the United States and to the Congress that there was and is such an ongoing operational relationship, to wit:

(1) "We know that Iraq and al Qaeda have had high-level contacts that go back a decade. Some al Qaeda leaders who fled Afghanistan went to Iraq. These include one very senior al Qaeda leader who received medical treatment in Baghdad this year, and who has been associated with planning for chemical and biological attacks. We've learned that Iraq has trained al Qaeda members in bomb-making and poisons and deadly gases." September 28, 2002, Weekly Radio Address of President Bush to the Nation.

(2) "[W]e we need to think about Saddam Hussein using al Qaeda to do his dirty work, to not leave fingerprints behind." October 14, 2002, Remarks by President Bush in Michigan.

(3) "We know he's got ties with al Qaeda." November 1, 2002, Speech of President Bush in New Hampshire.

(4) "Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own." January 28, 2003, President Bush's State of the Union Address.

(5) "[W]hat I want to bring to your attention today is the potentially much more sinister nexus between Iraq and the al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern methods of murder. Iraq today harbors a deadly terrorist network. . ." February 5, 2003, Speech of Former Secretary of State Colin Powell to the United Nations.

(6) "The battle of Iraq is one victory in a war on terror that began on September the 11, 2001—and still goes on. . . . [T]he liberation of Iraq . . . removed an ally of al Qaeda." May 1, 2003, Speech of President Bush on U.S.S. *Abraham Lincoln*.

(H) The Senate Select Committee on Intelligence Report on Whether, Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) "Statements and implications by the President and Secretary of State suggesting that Iraq and al-Qaeda had a partnership, or that Iraq had provided al-Qaeda with weapons training, were not substantiated by the intelligence."

(2) "The Intelligence Community did not confirm that Muhammad Atta met an Iraqi intelligence officer in Prague in 2001 as the Vice President repeatedly claimed."

Through his participation and instance in the breathtaking scope of this deception, the President has used the highest office of trust to wage of campaign of deception of such sophistication as to deliberately subvert the national security interests of the United States. His dishonesty set the stage for the loss of more than 4000 United States service members; injuries to tens of thousands of soldiers, the loss of more than 1,000,000 innocent Iraqi citizens since the United States invasion; the loss of approximately $527 billion in war costs which has increased our Federal debt and the ultimate expenditure of three to five trillion dollars for all costs covering the war; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE III.—MISLEADING THE AMERICAN PEOPLE AND MEMBERS OF CONGRESS TO BELIEVE IRAQ POSSESSED WEAPONS OF MASS DESTRUCTION, SO AS TO MANUFACTURE A FALSE CASE FOR WAR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, executed instead a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that the nation of Iraq possessed weapons of mass destruction in order to justify the use of the United States Armed Forces against the nation of Iraq in a manner damaging to our national security interests, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding Iraq's alleged possession of biological, chemical and nuclear weapons that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) Long before the March 19, 2003 invasion of Iraq, a wealth of intelligence informed the President and those under his direction and control that Iraq's stockpiles of chemical and biological weapons had been destroyed well before 1998 and that there was little, if any, credible intelligence that showed otherwise. As reported in the Washington Post in March of 2003, in 1995, Saddam Hussein's son-in-law Hussein Kamel had informed U.S. and British intelligence officers that "all weapons—biological, chemical, missile, nuclear were destroyed." In September 2002, the Defense Intelligence Agency issued a report that concluded: "A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and UNSCOM actions . . . [T]here is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has-or will-establish its chemical warfare agent production facilities." Notwithstanding the absence of evidence proving that such stockpiles existed and in direct contradiction to substantial evidence that showed they did not exist, the President and his subordinates and agents made numerous false representations claiming with certainty that Iraq possessed chemical and biological weapons that it was developing to use to attack the United States, to wit:

(1) "[T]he notion of a Saddam Hussein with his great oil wealth, with his inventory that he already has of biological and chemical weapons . . . is, I think, a frightening proposition for anybody who thinks about it." Statement of Vice President Cheney on CBS's Face the Nation, March 24, 2002.

(2) "In defiance of the United Nations, Iraq has stockpiled biological and chemical weapons, and is rebuilding the facilities used to make more of those weapons." Speech of President Bush, October 5, 2002.

(3) "All the world has now seen the footage of an Iraqi Mirage aircraft with a fuel tank modified to spray biological agents over wide areas. Iraq has developed spray devices that could be used on unmanned aerial vehicles with ranges far beyond what is permitted by the Security Council. A UAV launched from a vessel off the American coast could reach hundreds of miles inland." Statement by President Bush from the White House, February 6, 2003.

(B) Despite overwhelming intelligence in the form of statements and reports filed by and on behalf of the CIA, the State Department and the IAEA, among others, which indicated that the claim was untrue, the President, and those under his direction and control, made numerous representations claiming and implying through misleading language that Iraq was attempting to purchase uranium from Niger in order to falsely buttress its argument that Iraq was reconstituting its nuclear weapons program, including:

(1) "The regime has the scientists and facilities to build nuclear weapons, and is seeking the materials needed to do so." Statement of President Bush from White House, October 2, 2002.

(2) "The [Iraqi] report also failed to deal with issues which have arisen since 1998, including: . . . attempts to acquire uranium and the means to enrich it." Letter from President Bush to Vice President Cheney and the Senate, January 20, 2003.

(3) "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." President Bush Delivers State of the Union Address, January 28, 2003.

(C) Despite overwhelming evidence in the form of reports by nuclear weapons experts from the Energy, the Defense and State Departments, as well from outside and international agencies which assessed that aluminum tubes the Iraqis were purchasing were not suitable for nuclear centrifuge use and were, on the contrary, identical to ones used in rockets already being manufactured by the Iraqis, the President, and those under his direction and control, persisted in making numerous false and fraudulent representations implying and stating explicitly that the Iraqis were purchasing the tubes for use in a nuclear weapons program, to wit:

(1) "We do know that there have been shipments going . . . into Iraq . . . of aluminum tubes that really are only suited to—high-quality aluminum tools [sic] that are only really suited for nuclear weapons programs, centrifuge programs." Statement of then National Security Advisor Condoleezza Rice on CNN's Late Edition with Wolf Blitzer, September 8, 2002.

(2) "Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production." President Bush's State of the Union Address, January 28, 2003.

(3) "[H]e has made repeated covert attempts to acquire high-specification aluminum tubes from 11 different countries, even after inspections resumed. . . . By now, just about everyone has heard of these tubes and we all know that there are differences of opinion. There is controversy about what these tubes are for. Most US experts think they are intended to serve as rotors in centrifuges used to enrich uranium." Speech of Former Secretary of State Colin Powell to the United Nations, February 5, 2003.

(D) The President, both personally and acting through those under his direction and control, suppressed material information, selectively declassified information for the improper purposes of retaliating against a whistleblower and presenting a misleading picture of the alleged threat from Iraq, facilitated the exposure of the identity of a covert CIA operative and thereafter not only failed to investigate the improper leaks of classified information from within his administration, but also failed to cooperate with an investigation into possible federal violations resulting from this activity and, finally, entirely undermined the prosecution by commuting the sentence of Lewis Libby citing false and insubstantial grounds, all in an effort to prevent Congress and the citizens of the United States from discovering the fraudulent nature of the President's claimed justifications for the invasion of Iraq.

(E) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) "Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing."

(2) "The Secretary of Defense's statement that the Iraqi government operated underground WMD facilities that were not vulnerable to conventional airstrikes because they were underground and deeply buried was not substantiated by available intelligence information."

(3) Chairman of the Senate Intelligence Committee Jay Rockefeller concluded: "In making the case for war, the Administration repeatedly presented intelligence as fact when in reality it was unsubstantiated, contradicted, or even non-existent. As a result, the American people were led to believe that the threat from Iraq was much greater than actually existed."

The President has subverted the national security interests of the United States by setting the stage for the loss of more than 4000 United States service members and the injury to tens of thousands of US soldiers; the loss of more than 1,000,000 innocent Iraqi citizens since the United States invasion; the loss of approximately $500 billion in war costs which has increased our Federal debt with a long term financial cost of between three and five trillion dollars; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE IV.—MISLEADING THE AMERICAN PEOPLE AND MEMBERS OF CONGRESS TO BELIEVE IRAQ POSED AN IMMINENT THREAT TO THE UNITED STATES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, executed a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that the nation of Iraq posed an imminent threat to the United States in order to justify the use of the United States Armed Forces against the nation of Iraq in a manner damaging to our national security interests, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be, first, allowing, authorizing and sanctioning the manipulation of intelligence analysis by those under his direction and control, including the Vice President and the Vice President's agents, and second, personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding an alleged urgent threat posed by Iraq, statements that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) Notwithstanding the complete absence of intelligence analysis to support a claim that Iraq posed an imminent or urgent threat to the United States and the intelligence community's assessment that Iraq was in fact not likely to attack the United States unless it was itself attacked, President Bush, both personally and through his agents and subordinates, made, allowed and caused to be made repeated false representations to the citizens and Congress of the United States implying and explicitly stating that such a dire threat existed, including the following:

(1) "States such as these [Iraq, Iran and North Korea] and their terrorist allies constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic." President Bush's State of the Union Address, January 29, 2002.

(2) "Simply stated, there is no doubt that Saddam Hussein has weapons of mass destruction. He is amassing them to use against our friends our enemies and against us." Speech of Vice President Cheney at VFW 103rd National Convention, August 26, 2002.

(3) "The history, the logic, and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume this regime's good faith is to bet the lives of millions and the peace of the world in a reckless gamble. And this is a risk we must not take." Address of President Bush to the United Nations General Assembly, September 12, 2002.

(4) "[N]o terrorist state poses a greater or more immediate threat to the security of our people than the regime of Saddam Hussein and Iraq." Statement of Former Defense Secretary Donald Rumsfeld to Congress, September 19, 2002.

(5) "On its present course, the Iraqi regime is a threat of unique urgency . . . it has developed weapons of mass death." Statement of President Bush at White House, October 2, 2002.

(6) "But the President also believes that this problem has to be dealt with, and if the United Nations won't deal with it, then the United States, with other likeminded nations, may have to deal with it. We would prefer not to go that route, but the danger is so great, with respect to Saddam Hussein having weapons of mass destruction, and perhaps even terrorists getting hold of such weapons, that it is time for the international community to act, and if it doesn't act, the President is prepared to act with likeminded nations." Statement of Former Secretary of State Colin Powell in interview with Ellen Ratner of Talk Radio News, October 30, 2002.

(7) "Today the world is also uniting to answer the unique and urgent threat posed by Iraq. A dictator who has used weapons of mass destruction on his own people must not be allowed to produce or possess those weapons. We will not permit Saddam Hussein to blackmail and/or terrorize nations which love freedom." Speech by President Bush to Prague Atlantic Student Summit, November 20, 2002.

(8) "But the risk of doing nothing, the risk of the security of this country being jeopardized at the hands of a madman with weapons of mass destruction far exceeds the risk of any action we may be forced to take." President Bush Meets with National Economic Council at White House, February 25, 2003.

(B) In furtherance of his fraudulent effort to deceive Congress and the citizens of the United States into believing that Iraq and Saddam Hussein posed an imminent threat to the United States, the President allowed and authorized those acting under his direction and control, including Vice President Richard B. Cheney, former Secretary of Defense Donald Rumsfeld, and Lewis Libby, who reported directly to both the President and the Vice President, among others, to pressure intelligence analysts to tailor their assessments and to create special units outside of, and unknown to, the intelligence community in order to secretly obtain unreliable information, to manufacture intelligence, or to reinterpret raw data in ways that would support the Bush administration's plan to invade Iraq based on a false claim of urgency despite the lack of justification for such a preemptive action.

(C) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) "Statements by the President and the Vice President indicating that Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information."

Thus the President willfully and falsely misrepresented Iraq as an urgent threat requiring immediate action thereby subverting the national security interests of the United States by setting the stage for the loss of more than 4,000 United States service members; the injuries to tens of thousands of U.S. soldiers; the deaths of more than 1,000,000 Iraqi citizens since the United States invasion; the loss of approximately $527 billion in war costs which has increased our Federal debt and the ultimate costs of the war between three trillion and five trillion dollars; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE V.—ILLEGALLY MISSPENDING FUNDS TO SECRETLY BEGIN A WAR OF AGGRESSION

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, illegally misspent funds to begin a war in secret prior to any Congressional authorization.

The president used over $2 billion in the summer of 2002 to prepare for the invasion of Iraq. First reported in Bob Woodward's book, Plan of Attack, and later confirmed by the Congressional Research Service, Bush took money appropriated by Congress for Afghanistan and other programs and—with no Congressional notification—used it to build airfields in Qatar and to make other preparations for the invasion of Iraq. This constituted a violation of Article I, Section 9 of the U.S. Constitution, as well as a violation of the War Powers Act of 1973.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VI.—INVADING IRAQ IN VIOLATION OF THE REQUIREMENTS OF H.J. RES. 114.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", exceeded his Constitutional authority to wage war by invading Iraq in 2003 without meeting the requirements of H.J. Res. 114, the "Authorization for Use of Military Force Against Iraq Resolution of 2002" to wit:

(1) H.J. Res. 114 contains several Whereas clauses consistent with statements being made by the White House at the time regarding the threat from Iraq as evidenced by the following:

(A) H.J. Res. 114 states "Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;"; and

(B) H.J. Res. 114 states "Whereas members of Al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;".

(2) H.J. Res. 114 states that the President must provide a determination, the truthfulness of which is implied, that military force is necessary in order to use the authorization, as evidenced by the following:

(A) Section 3 of H.J. Res. 114 states:

"(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this joint resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorist and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001."

(3) On March 18, 2003, President George Bush sent a letter to Congress stating that he had made that determination as evidenced by the following:

(A) March 18th, 2003 Letter to Congress stating:

Consistent with section 3(b) of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), and based on information available to me, including that in the enclosed document, I determine that:

(1) reliance by the United States on further diplomatic and other peaceful means alone will neither (A) adequately protect the national security of the United States against the continuing threat posed by Iraq nor (B) likely lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to the Constitution and Public Law 107-243 is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

(4) President George Bush knew that these statements were false as evidenced by:

(A) INFORMATION PROVIDED WITH ARTICLE I, II, III, IV AND V.

(B) A statement by President George Bush in an interview with Tony Blair on January 31st 2003: [WH]

Reporter: "One question for you both. Do you believe that there is a link between Saddam Hussein, a direct link, and the men who attacked on September the 11th?"

President Bush: "I can't make that claim"

(C) An article on February 19th by Terrorism expert Rohan Gunaratna states "I could find no evidence of links between Iraq and Al Qaeda. The documentation and interviews indicated that Al Qaeda regarded Saddam, a secular leader, as an infidel." [InternationalHeraldTribune]

(D) According to a February 2nd, 2003 article in the New York Times: [NYT]

At the Federal Bureau of Investigation, some investigators said they were baffled by the Bush administration's insistence on a solid link between Iraq and Osama bin Laden's network. "We've been looking at this hard for more than a year and you know what, we just don't think it's there," a government official said.

(5) Section 3C of HJRes 114 states that "Nothing in this joint resolution supersedes any requirement of the War Powers Resolution."

(6) The War Powers Resolution Section 9(d)(1) states:

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provision of existing treaties; or

(7) The United Nations Charter was an existing treaty and, as shown in Article VIII, the invasion of Iraq violated that treaty.

(8) President George Bush knowingly failed to meet the requirements of HJRes 114 and violated the requirement of the War Powers Resolution and, thereby, invaded Iraq without the authority of Congress.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VII.—INVADING IRAQ ABSENT A DECLARATION OF WAR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has launched a war against Iraq absent any congressional declaration of war or equivalent action.

Article I, Section 8, Clause 11 (the War Powers Clause) makes clear that the United States Congress holds the exclusive power to decide whether or not to send the nation into war. "The Congress," the War Powers Clause states, "shall have power . . . To declare war . . ."

The October 2002 congressional resolution on Iraq did not constitute a declaration of war or equivalent action. The resolution stated: "The President is authorized to use the Armed Forces of the United States as he deems necessary and appropriate in order to 1) defend the national security of the United States against the continuing threat posed by Iraq; and 2) enforce all relevant United Nations Security Council resolutions regarding Iraq." The resolution unlawfully sought to delegate to the President the decision of whether or not to initiate a war against Iraq, based on whether he deemed it "necessary and appropriate." The Constitution does not allow Congress to delegate this exclusive power to the President, nor does it allow the President to seize this power.

In March 2003, the President launched a war against Iraq without any constitutional authority.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VIII.—INVADING IRAQ, A SOVEREIGN NATION, IN VIOLATION OF THE UN CHARTER AND INTERNATIONAL CRIMINAL LAW

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", violated United States law by invading the sovereign country of Iraq in violation of the United Nations Charter to wit:

(1) International Laws ratified by Congress are part of United States Law and must be followed as evidenced by the following:

(A) Article VI of the United States Constitution, which states "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;"

(2) The UN Charter, which entered into force following ratification by the United States in 1945, requires Security Council approval for the use of force except for self-defense against an armed attack as evidenced by the following:

(A) Chapter 1, Article 2 of the United Nations Charter states:

"3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

"4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

(B) Chapter 7, Article 51 of the United Nations Charter states:

"51. Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

(3) There was no armed attack upon the United States by Iraq.

(4) The Security Council did not vote to approve the use of force against Iraq as evidenced by:

(A) A United Nation Press release which states that the United States had failed to convince the Security Council to approve the use of military force against Iraq. [UN]

(5) President Bush directed the United States military to invade Iraq on March 19th, 2003 in violation of the UN Charter and, therefore, in violation of United States Law as evidenced by the following:

(A) A letter from President Bush to Congress dated March 21st, 2003 stating "I directed U.S. Armed Forces, operating with other coalition forces, to commence combat operations on March 19, 2003, against Iraq." [WH]

(B) On September 16, 2004 Kofi Annan, the Secretary General of the United Nations, speaking on the invasion, said, "I have indicated it was not in conformity with the UN charter. From our point of view, from the charter point of view, it was illegal." [BBC]

(C) The consequence of the instant and direction of President George W. Bush, in ordering an attack upon Iraq, a sovereign nation is in direct violation of United States Code, Title 18, Part 1, Chapter 118, Section 2441, governing the offense of war crimes.

(6) In the course of invading and occupying Iraq, the President, as Commander in Chief, has taken responsibility for the targeting of civilians, journalists, hospitals, and ambulances, use of antipersonnel weapons including cluster bombs in densely settled urban areas, the use of white phosphorous as a weapon, depleted uranium weapons, and the use of a new version of napalm found in Mark 77 firebombs. Under the direction of President George Bush the United States has engaged in collective punishment of Iraqi civilian populations, including but not limited to blocking roads, cutting electricity and water, destroying fuel stations, planting bombs in farm fields, demolishing houses, and plowing over orchards.

(A) Under the principle of "command responsibility", i.e., that a de jure command can be civilian as well as military, and can apply to the policy command of heads of state, said command brings President George Bush within the reach of international criminal law under the Additional Protocol I of June 8, 1977 to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts, Article 86(2). The United States is a state signatory to Additional Protocol I, on December 12, 1977.

(B) Furthermore, Article 85(3) of said Protocol I defines as a grave breach making a civilian population or individual civilians the object of attacks. This offense, together with the principle of command responsibility, places President George Bush's conduct under the reach of the same law and principles described as the basis for war crimes prosecution at Nuremburg, under Article 6 of the Charter of the Nuremberg Tribunals: including crimes against peace, violations of the laws and customs of war and crimes against humanity, similarly codified in the Rome Statute of the International Criminal Court, Articles 5 through 8.

(C) The Lancet Report has established massive civilian casualties in Iraq as a result of the United States' invasion and occupation of that country.

(D) International laws governing wars of aggression are completely prohibited under the legal principle of jus cogens, whether or not a nation has signed or ratified a particular international agreement.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office

ARTICLE IX.—FAILING TO PROVIDE TROOPS WITH BODY ARMOR AND VEHICLE ARMOR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, together with the Vice President, has been responsible for the deaths of members of the U.S. military and serious injury and trauma to other soldiers, by failing to provide available body armor and vehicle armor.

While engaging in an invasion and occupation of choice, not fought in self-defense, and not launched in accordance with any timetable other than the President's choosing, President Bush sent U.S. troops into danger without providing them with armor. This shortcoming has been known for years, during which time, the President has chosen to allow soldiers and marines to continue to face unnecessary risk to life and limb rather then providing them with armor.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE X.—FALSIFYING ACCOUNTS OF U.S. TROOP DEATHS AND INJURIES FOR POLITICAL PURPOSES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, together with the Vice President, promoted false propaganda stories about members of the United States military, including individuals both dead and injured.

The White House and the Department of Defense (DOD) in 2004 promoted a false account of the death of Specialist Pat Tillman, reporting that he had died in a hostile exchange, delaying release of the information that he had died from friendly fire, shot in the forehead three times in a manner that led investigating doctors to believe he had been shot at close range.

A 2005 report by Brig. Gen. Gary M. Jones reported that in the days immediately following Specialist Tillman's death, U.S. Army investigators were aware that Specialist Tillman was killed by friendly fire, shot three times to the head, and that senior Army commanders, including Gen. John Abizaid, knew of this fact within days of the shooting but nevertheless approved the awarding of the Silver Star, Purple Heart, and a posthumous promotion.

On April 24, 2007, Spc. Bryan O'Neal, the last soldier to see Specialist Pat Tillman alive, testified before the House Oversight and Government Reform Committee that he was warned by superiors not to divulge information that a fellow soldier killed Specialist Tillman, especially to the Tillman family. The White House refused to provide requested documents to the committee, citing "executive branch confidentiality interests."

The White House and DOD in 2003 promoted a false account of the injury of Jessica Dawn Lynch, reporting that she had been captured in a hostile exchange and had been dramatically rescued. On April 2, 2003, the DOD released a video of the rescue and claimed that Lynch had stab and bullet wounds, and that she had been slapped about on her hospital bed and interrogated. Iraqi doctors and nurses later interviewed, including Dr. Harith Al-Houssona, a doctor in the Nasirya hospital, described Lynch's injuries as "a broken arm, a broken thigh, and a dislocated ankle." According to Al-Houssona, there was no sign of gunshot or stab wounds, and Lynch's injuries were consistent with those that would be suffered in a car accident. Al-Houssona's claims were later confirmed in a U.S. Army report leaked on July 10, 2003.

Lynch denied that she fought or was wounded fighting, telling Diane Sawyer that the Pentagon "used me to symbolize all this stuff. It's wrong. I don't know why they filmed [my rescue] or why they say these things. . . . I did not shoot, not a round, nothing. I went down praying to my knees. And that's the last I remember." She reported excellent treatment in Iraq, and that one person in the hospital even sang to her to help her feel at home.

On April 24, 2007 Lynch testified before the House Committee on Oversight and Government Reform:

"[Right after my capture], tales of great heroism were being told. My parent's home in Wirt County was under siege of the media all repeating the story of the little girl Rambo from the hills who went down fighting. It was not true. . . . I am still confused as to why they chose to lie."

The White House had heavily promoted the false story of Lynch's rescue, including in a speech by President Bush on April 28, 2003. After the fiction was exposed, the President awarded Lynch the Bronze Star.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XI.—ESTABLISHMENT OF PERMANENT U.S. MILITARY BASES IN IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has violated an act of Congress that he himself signed into law by using public funds to construct permanent U.S. military bases in Iraq.

On January 28, 2008, President George W. Bush signed into law the National Defense Authorization Act for fiscal year 2008 (H.R. 4986). Noting that the Act "authorizes funding for the defense of the United States and its interests abroad, for military construction, and for national security-related energy programs," the president added the following "signing statement":

"Provisions of the Act, including sections 841, 846, 1079, and 1222, purport to impose requirements that could inhibit the President's ability to carry out his constitutional obligations to take care that the laws be faithfully executed, to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief. The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President."

Section 1222 clearly prohibits the expenditure of money for the purpose of establishing permanent U.S. military bases in Iraq. The construction of over $1 billion in U.S. military bases in Iraq, including runways for aircraft, continues despite congressional intent, as the Administration intends to force upon the Iraqi government such terms which will assure the bases remain in Iraq.

Iraqi officials have informed Members of Congress in May 2008 of the strong opposition within the Iraqi parliament and throughout Iraq to the agreement that the administration is trying to negotiate with Iraqi Prime Minister Nouri al-Maliki. The agreement seeks to assure a long-term U.S. presence in Iraq of which military bases are the most obvious, sufficient and necessary construct, thus clearly defying Congressional intent as to the matter and meaning of "permanency."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XII.—INITIATING A WAR AGAINST IRAQ FOR CONTROL OF THAT NATION'S NATURAL RESOURCES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, together with the Vice President, invaded and occupied a foreign nation for the purpose, among other purposes, of seizing control of that nation's oil.

The White House and its representatives in Iraq have, since the occupation of Baghdad began, attempted to gain control of Iraqi oil. This effort has included pressuring the new Iraqi government to pass a hydrocarbon law. Within weeks of the fall of Saddam Hussein in 2003, the U.S. Agency for International Development (USAid) awarded a $240 million contract to Bearing Point, a private U.S. company. A Bearing Point employee, based in the U.S. embassy in Baghdad, was hired to advise the Iraqi Ministry of Oil on drawing up the new hydrocarbon law. The draft law places executives of foreign oil companies on a council with the task of approving their own contracts with Iraq; it denies the Iraqi National Oil Company exclusive rights for the exploration, development, production, transportation, and marketing of Iraqi oil, and allows foreign companies to control Iraqi oil fields containing 80 percent of Iraqi oil for up to 35 years through contracts that can remain secret for up to 2 months. The draft law itself contains secret appendices.

President Bush provided unrelated reasons for the invasion of Iraq to the public and Congress, but those reasons have been established to have been categorically fraudulent, as evidenced by the herein mentioned Articles of Impeachment I, II, III, IV, VI, and VII.

Parallel to the development of plans for war against Iraq, the U.S. State Department's Future of Iraq project, begun as early as April 2002, involved meetings in Washington and London of 17 working groups, each composed of 10 to 20 Iraqi exiles and international experts selected by the State Department. The Oil and Energy working group met four times between December 2002 and April 2003. Ibrahim Bahr al-Uloum, later the Iraqi Oil Minister, was a member of the group, which concluded that Iraq "should be opened to international oil companies as quickly as possible after the war," and that, "the country should establish a conducive business environment to attract investment of oil and gas resources." The same group recommended production-sharing agreements with foreign oil companies, the same approach found in the draft hydrocarbon law, and control over Iraq's oil resources remains a prime objective of the Bush Administration.

Prior to his election as Vice President, Dick Cheney, then-CEO of Halliburton, in a speech at the Institute of Petroleum in 1999 demonstrated a keen awareness of the sensitive economic and geopolitical role of Middle East oil resources saying: "By 2010, we will need on the order of an additional 50 million barrels a day. So where is the oil going to come from? Governments and national oil companies are obviously controlling about 90 percent of the assets. Oil remains fundamentally a government business. While many regions of the world offer great oil opportunities, the Middle East, with two-thirds of the world's oil and lowest cost, is still where the prize ultimately lies. Even though companies are anxious for greater access there, progress continues to be slow."

The Vice President led the work of a secret energy task force, as described in Article XXXII below, a task force that focused on, among other things, the acquisition of Iraqi oil through developing a controlling private corporate interest in said oil.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIII.—CREATING A SECRET TASK FORCE TO DEVELOP ENERGY AND MILITARY POLICIES WITH RESPECT TO IRAQ AND OTHER COUNTRIES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has both personally and acting through his agents and subordinates, together with the Vice President, created a secret task force to guide our nation's energy policy and military policy, and undermined Congress' ability to legislate by thwarting attempts to investigate the nature of that policy.

A Government Accountability Office (GAO) Report on the Cheney Energy Task Force, in August 2003, described the creation of this task force as follows:

"In a January 29, 2001, memorandum, the President established NEPDG [the National Energy Policy Development Group]—comprised of the Vice President, nine cabinet-level officials, and four other senior administration officials—to gather information, deliberate, and make recommendations to the President by the end of fiscal year 2001. The President called on the Vice President to chair the group, direct its work and, as necessary, establish subordinate working groups to assist NEPDG."

The four "other senior administration officials were the Director of the Office of Management and Budget, the Assistant to the President and Deputy Chief of Staff for Policy, the Assistant to the President for Economic Policy, and the Deputy Assistant to the President for Intergovernmental Affairs.

The GAO report found that: "In developing the National Energy Policy report, the NEPDG Principals, Support Group, and participating agency officials and staff met with, solicited input from, or received information and advice from nonfederal energy stakeholders, principally petroleum, coal, nuclear, natural gas, and electricity industry representatives and lobbyists. The extent to which submissions from any of these stakeholders were solicited, influenced policy deliberations, or were incorporated into the final report cannot be determined based on the limited information made available to GAO. NEPDG met and conducted its work in two distinct phases: the first phase culminated in a March 19, 2001, briefing to the President on challenges relating to energy supply and the resulting economic impact; the second phase ended with the May 16, 2001, presentation of the final report to the President. The Office of the Vice President's (OVP) unwillingness to provide the NEPDG records or other related information precluded GAO from fully achieving its objectives and substantially limited GAO's ability to comprehensively analyze the NEPDG process. associated with that process.

"None of the key federal entities involved in the NEPDG effort provided GAO with a complete accounting of the costs that they incurred during the development of the National Energy Policy report. The two federal entities responsible for funding the NEPDG effort—OVP and the Department of Energy (DOE)—did not provide the comprehensive cost information that GAO requested. OVP provided GAO with 77 pages of information, two-thirds of which contained no cost information while the remaining one-third contained some miscellaneous information of little to no usefulness. OVP stated that it would not provide any additional information. DOE, the Department of the Interior, and the Environmental Protection Agency (EPA) provided GAO with estimates of certain costs and salaries associated with the NEPDG effort, but these estimates, all calculated in different ways, were not comprehensive."

In 2003, the Commerce Department disclosed a partial collection of materials from the NEPDG, including documents, maps, and charts, dated March 2001, of Iraq's, Saudi Arabia's and the United Arab Emirates' oil fields, pipelines, refineries, tanker terminals, and development projects.

On November 16, 2005, the Washington Post reported on a White House document showing that oil company executives had met with the NEPDG, something that some of those same executives had just that week denied in Congressional testimony. The Bush Administration had not corrected the inaccurate testimony.

On July 18, 2007, the Washington Post reported the full list of names of those who had met with the NEPDG.

In 1998 Kenneth Derr, then chief executive of Chevron, told a San Francisco audience, "Iraq possesses huge reserves of oil and gas, reserves I'd love Chevron to have access to." According to the GAO report, Chevron provided detailed advice to the NEPDG.

In March, 2001, the NEPDG recommended that the United States Government support initiatives by Middle Eastern countries "to open up areas of their energy sectors to foreign investment." Following the invasion of Iraq, the United States has pressured the new Iraqi parliament to pass a hydrocarbon law that would do exactly that. The draft law, if passed, would take the majority of Iraq's oil out of the exclusive hands of the Iraqi Government and open it to international oil companies for a generation or more. The Bush administration hired Bearing Point, a U.S. company, to help write the law in 2004. It was submitted to the Iraqi Council of Representatives in May 2007.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIV.—MISPRISION OF A FELONY, MISUSE AND EXPOSURE OF CLASSIFIED INFORMATION AND OBSTRUCTION OF JUSTICE IN THE MATTER OF VALERIE PLAME WILSON, CLANDESTINE AGENT OF THE CENTRAL INTELLIGENCE AGENCY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President,

(1) suppressed material information;

(2) selectively declassified information for the improper purposes of retaliating against a whistleblower and presenting a misleading picture of the alleged threat from Iraq;

(3) facilitated the exposure of the identity of Valerie Plame Wilson who had theretofore been employed as a covert CIA operative;

(4) failed to investigate the improper leaks of classified information from within his administration;

(5) failed to cooperate with an investigation into possible federal violations resulting from this activity; and

(6) finally, entirely undermined the prosecution by commuting the sentence of Lewis Libby citing false and insubstantial grounds, all in an effort to prevent Congress and the citizens of the United States from discovering the deceitful nature of the President's claimed justifications for the invasion of Iraq.

In facilitating this exposure of classified information and the subsequent cover-up, in all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XV.—PROVIDING IMMUNITY FROM PROSECUTION FOR CRIMINAL CONTRACTORS IN IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, established policies granting United States government contractors and their employees in Iraq immunity from Iraqi law, U.S. law, and international law.

Lewis Paul Bremer III, then-Director of Reconstruction and Humanitarian Assistance for post-war Iraq, on June 27, 2004, issued Coalition Provisional Authority Order Number 17, which granted members of the U.S. military, U.S. mercenaries, and other U.S. contractor employees immunity from Iraqi law.

The Bush Administration has chosen not to apply the Uniform Code of Military Justice or United States law to mercenaries and other contractors employed by the United States government in Iraq.

Operating free of Iraqi or U.S. law, mercenaries have killed many Iraqi civilians in a manner that observers have described as aggression and not as self-defense. Many U.S. contractors have also alleged that they have been the victims of aggression (in several cases of rape) by their fellow contract employees in Iraq. These charges have not been brought to trial, and in several cases the contracting companies and the U.S. State Department have worked together in attempting to cover them up.

Under the Fourth Geneva Convention, to which the United States is party, and which under Article VI of the U.S. Constitution is therefore the supreme law of the United States, it is the responsibility of an occupying force to ensure the protection and human rights of the civilian population. The efforts of President Bush and his subordinates to attempt to establish a lawless zone in Iraq are in violation of the law.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVI.—RECKLESS MISSPENDING AND WASTE OF US TAX DOLLARS IN CONNECTION WITH IRAQ CONTRACTORS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, recklessly wasted public funds on contracts awarded to close associates, including companies guilty of defrauding the government in the past, contracts awarded without competitive bidding, "cost-plus" contracts designed to encourage cost overruns, and contracts not requiring satisfactory completion of the work. These failures have been the rule, not the exception, in the awarding of contracts for work in the United States and abroad over the past seven years. Repeated exposure of fraud and waste has not been met by the president with correction of systemic problems, but rather with retribution against whistleblowers.

The House Committee on Oversight and Government Reform reported on Iraq reconstruction contracting:

"From the beginning, the Administration adopted a flawed contracting approach in Iraq. Instead of maximizing competition, the Administration opted to award no-bid, cost-plus contracts to politically connected contractors. Halliburton's secret $7 billion contract to restore Iraq's oil infrastructure is the prime example. Under this no-bid, cost-plus contract, Halliburton was reimbursed for its costs and then received an additional fee, which was a percentage of its costs. This created an incentive for Halliburton to run up its costs in order to increase its potential profit.

"Even after the Administration claimed it was awarding Iraq contracts competitively in early 2004, real price competition was missing. Iraq was divided geographically and by economic sector into a handful of fiefdoms. Individual contractors were then awarded monopoly contracts for all of the work within given fiefdoms. Because these monopoly contracts were awarded before specific projects were identified, there was no actual price competition for more than 2,000 projects.

"In the absence of price competition, rigorous government oversight becomes essential for accountability. Yet the Administration turned much of the contract oversight work over to private companies with blatant conflicts of interest. Oversight contractors oversaw their business partners and, in some cases, were placed in a position to assist their own construction work under separate monopoly construction contracts. . . .

"Under Halliburton's two largest Iraq contracts, Pentagon auditors found $1 billion in 'questioned' costs and over $400 million in 'unsupported' costs. Former Halliburton employees testified that the company charged $45 for cases of soda, billed $100 to clean 15-pound bags of laundry, and insisted on housing its staff at the five-star Kempinski hotel in Kuwait. Halliburton truck drivers testified that the company 'torched' brand new $85,000 trucks rather than perform relatively minor repairs and regular maintenance. Halliburton procurement officials described the company's informal motto in Iraq as 'Don't worry about price. It's cost-plus.' A Halliburton manager was indicted for 'major fraud against the United States' for allegedly billing more than $5.5 billion for work that should have cost only $685,000 in exchange for a $1 million kickback from a Kuwaiti subcontractor. . . .

"The Air Force found that another U.S. government contractor, Custer Battles, set up shell subcontractors to inflate prices. Those overcharges were passed along to the U.S. government under the company's cost-plus contract to provide security for Baghdad International Airport. In one case, the company allegedly took Iraqi-owned forklifts, re-painted them, and leased them to the U.S. government.

"Despite the spending of billions of taxpayer dollars, U.S. reconstruction efforts in keys sectors of the Iraqi economy are failing. Over two years after the U.S.-led invasion of Iraq, oil and electricity production has fallen below pre-war levels. The Administration has failed to even measure how many Iraqis lack access to drinkable water."

"Constitution in Crisis," a book by Congressman John Conyers, details the Bush Administration's response when contract abuse is made public:

"Bunnatine Greenhouse was the chief contracting officer at the Army Corps of Engineers, the agency that has managed much of the reconstruction work in Iraq. In October 2004, Ms. Greenhouse came forward and revealed that top Pentagon officials showed improper favoritism to Halliburton when awarding military contracts to Halliburton subsidiary Kellogg Brown & Root (KBR). Greenhouse stated that when the Pentagon awarded Halliburton a five-year $7- billion contract, it pressured her to withdraw her objections, actions which she claimed were unprecedented in her experience.

"On June 27, 2005, Ms. Greenhouse testified before Congress, detailing that the contract award process was compromised by improper influence by political appointees, participation by Halliburton officials in meetings where bidding requirements were discussed, and a lack of competition. She stated that the Halliburton contracts represented "the most blatant and improper contract abuse I have witnessed during the course of my professional career." Days before the hearing, the acting general counsel of the Army Corps of Engineers paid Ms. Greenhouse a visit and reportedly let it be known that it would not be in her best interest to appear voluntarily.

"On August 27, 2005, the Army demoted Ms. Greenhouse, removing her from the elite Senior Executive Service and transferring her to a lesser job in the corps' civil works division. As Frank Rich of The New York Times described the situation, '[H]er crime was not obstructing justice but pursuing it by vehemently questioning irregularities in the awarding of some $7 billion worth of no-bid contracts in Iraq to the Halliburton subsidiary Kellogg Brown Root.' The demotion was in apparent retaliation for her speaking out against the abuses, even though she previously had stellar reviews and over 20 years of experience in military procurement."

The House Committee on Oversight and Government Reform reports on domestic contracting:

"The Administration's domestic contracting record is no better than its record on Iraq. Waste, fraud, and abuse appear to be the rule rather than the exception. . . .

"A Transportation Security Administration (TSA) cost-plus contract with NCS Pearson, Inc., to hire federal airport screeners was plagued by poor management and egregious waste. Pentagon auditors challenged $303 million (over 40%) of the $741 million spent by Pearson under the contract. The auditors detailed numerous concerns with the charges of Pearson and its subcontractors, such as '$20-an-hour temporary workers billed to the government at $48 per hour, subcontractors who signed out $5,000 in cash at a time with no supporting documents, $377,273.75 in unsubstantiated long distance phone calls, $514,201 to rent tents that flooded in a rainstorm, [and] $4.4 million in "no show" fees for job candidates who did not appear for tests.' A Pearson employee who supervised Pearson's hiring efforts at 43 sites in the U.S. described the contract as 'a waste a taxpayer's money.' The CEO of one Pearson subcontractor paid herself $5.4 million for nine months work and provided herself with a $270,000 pension. . . .

"The Administration is spending $239 million on the Integrated Surveillance and Intelligence System, a no-bid contract to provide thousands of cameras and sensors to monitor activity on the Mexican and Canadian borders. Auditors found that the contractor, International Microwave Corp., billed for work it never did and charged for equipment it never provided, 'creat[ing] a potential for overpayments of almost $13 million.' Moreover, the border monitoring system reportedly does not work. . . .

"After spending more than $4.5 billion on screening equipment for the nation's entry points, the Department of Homeland Security is now 'moving to replace or alter much of' it because 'it is ineffective, unreliable or too expensive to operate.' For example, radiation monitors at ports and borders reportedly could not 'differentiate between radiation emitted by a nuclear bomb and naturally occurring radiation from everyday material like cat litter or ceramic tile.' . . .

"The TSA awarded Boeing a cost-plus contract to install over 1,000 explosive detection systems for airline passenger luggage. After installation, the machines 'began to register false alarms' and '[s]creeners were forced to open and hand-check bags.' To reduce the number of false alarms, the sensitivity of the machines was lowered, which reduced the effectiveness of the detectors. Despite these serious problems, Boeing received an $82 million profit that the Inspector General determined to be 'excessive.' . . .

"The FBI spent $170 million on a 'Virtual Case File' system that does not operate as required. After three years of work under a cost-plus contract failed to produce a functional system, the FBI scrapped the program and began work on the new 'Sentinel' Case File System. . . .

"The Department of Homeland Security Inspector General found that taxpayer dollars were being lavished on perks for agency officials. One IG report found that TSA spent over $400,000 on its first leader's executive office suite. Another found that TSA spent $350,000 on a gold-plated gym. . . .

"According to news reports, Pentagon auditors . . . examined a contract between the Transportation Security Administration (TSA) and Unisys, a technology and consulting company, for the upgrade of airport computer networks. Among other irregularities, government auditors found that Unisys may have overbilled for as much as 171,000 hours of labor and overtime by charging for employees at up to twice their actual rate of compensation. While the cost ceiling for the contract was set at $1 billion, Unisys has reportedly billed the government $940 million with more than half of the seven-year contract remaining and more than half of the TSA-monitored airports still lacking upgraded networks."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVII.—ILLEGAL DETENTION: DETAINING INDEFINITELY AND WITHOUT CHARGE PERSONS BOTH U.S. CITIZENS AND FOREIGN CAPTIVES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the US Constitution by illegally detaining indefinitely and without charge persons both US citizens and foreign captives.

In a statement on Feb. 7, 2002, President Bush declared that in the US fight against Al Qaeda, "none of the provisions of Geneva apply," thus rejecting the Geneva Conventions that protect captives in wars and other conflicts. By that time, the administration was already transporting captives from the war in Afghanistan, both alleged Al Qaeda members and supporters, and also Afghans accused of being fighters in the army of the Taliban government, to US-run prisons in Afghanistan and to the detention facility at Guantanamo Bay, Cuba. The round-up and detention without charge of Muslim noncitizens inside the US began almost immediately after the September 11, 2001 attacks on the World Trade Center and the Pentagon, with some being held as long as nine months. The US, on orders of the president, began capturing and detaining without charge alleged terror suspects in other countries and detaining them abroad and at the US Naval base in Guantanamo.

Many of these detainees have been subjected to systematic abuse, including beatings, which have been subsequently documented by news reports, photographic evidence, testimony in Congress, lawsuits, and in the case of detainees in the US, by an investigation conducted by the Justice Department's Office of the Inspector General.

In violation of US law and the Geneva Conventions, the Bush Administration instructed the Department of Justice and the US Department of Defense to refuse to provide the identities or locations of these detainees, despite requests from Congress and from attorneys for the detainees. The president even declared the right to detain US citizens indefinitely, without charge and without providing them access to counsel or the courts, thus depriving them of their constitutional and basic human rights. Several of those US citizens were held in military brigs in solitary confinement for as long as three years before being either released or transferred to civilian detention.

Detainees in US custody in Iraq and Guantanamo have, in violation of the Geneva Conventions, been hidden from and denied visits by the International Red Cross organization, while thousands of others in Iraq, Guantanamo, Afghanistan, ships in foreign off-shore sites, and an unknown number of so-called "black sites" around the world have been denied any opportunity to challenge their detentions. The president, acting on his own claimed authority, has declared the hundreds of detainees at Guantanamo Bay to be "enemy combatants" not subject to US law and not even subject to military law, but nonetheless potentially liable to the death penalty.

The detention of individuals without due process violates the 5th Amendment. While the Bush administration has been rebuked in several court cases, most recently that of Ali al-Marri, it continues to attempt to exceed constitutional limits.

In all of these actions violating US and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVIII.—TORTURE: SECRETLY AUTHORIZING, AND ENCOURAGING THE USE OF TORTURE AGAINST CAPTIVES IN AFGHANISTAN, IRAQ, AND OTHER PLACES, AS A MATTER OF OFFICIAL POLICY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the US Constitution by secretly authorizing and encouraging the use of torture against captives in Afghanistan, Iraq in connection with the so-called "war" on terror.

In violation of the Constitution, US law, the Geneva Conventions (to which the US is a signatory), and in violation of basic human rights, torture has been authorized by the President and his administration as official policy. Water-boarding, beatings, faked executions, confinement in extreme cold or extreme heat, prolonged enforcement of painful stress positions, sleep deprivation, sexual humiliation, and the defiling of religious articles have been practiced and exposed as routine at Guantanamo, at Abu Ghraib Prison and other US detention sites in Iraq, and at Bagram Air Base in Afghanistan. The president, besides bearing responsibility for authorizing the use of torture, also as Commander in Chief, bears ultimate responsibility for the failure to halt these practices and to punish those responsible once they were exposed.

The administration has sought to claim the abuse of captives is not torture, by redefining torture. An August 1, 2002 memorandum from the Administration's Office of Legal Counsel Jay S. Bybee addressed to White House Counsel Alberto R. Gonzales concluded that to constitute torture, any pain inflicted must be akin to that accompanying "serious physical injury, such as organ failure, impairment of bodily function, or even death." The memorandum went on to state that even should an act constitute torture under that minimal definition, it might still be permissible if applied to "interrogations undertaken pursuant to the President's Commander-in-Chief powers." The memorandum further asserted that "necessity or self-defense could provide justifications that would eliminate any criminal liability."

This effort to redefine torture by calling certain practices simply "enhanced interrogation techniques" flies in the face of the Third Geneva Convention Relating to the Treatment of Prisoners of War, which states that "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind."

Torture is further prohibited by the Universal Declaration of Human Rights, the paramount international human rights statement adopted unanimously by the United Nations General Assembly, including the United States, in 1948. Torture and other cruel, inhuman or degrading treatment or punishment is also prohibited by international treaties ratified by the United States: the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

When the Congress, in the Defense Authorization Act of 2006, overwhelmingly passed a measure banning torture and sent it to the President's desk for signature, the President, who together with his vice president, had fought hard to block passage of the amendment, signed it, but then quietly appended a signing statement in which he pointedly asserted that as Commander-in-Chief, he was not bound to obey its strictures.

The administration's encouragement of and failure to prevent torture of American captives in the wars in Iraq and Afghanistan, and in the battle against terrorism, has undermined the rule of law in the US and in the US military, and has seriously damaged both the effort to combat global terrorism, and more broadly, America's image abroad. In his effort to hide torture by US military forces and the CIA, the president has defied Congress and has lied to the American people, repeatedly claiming that the US "does not torture."

In all of these actions and decisions in violation of US and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIX.—RENDITION: KIDNAPPING PEOPLE AND TAKING THEM AGAINST THEIR WILL TO "BLACK SITES" LOCATED IN OTHER NATIONS, INCLUDING NATIONS KNOWN TO PRACTICE TORTURE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the US Constitution by kidnapping people and renditioning them to "black sites" located in other nations, including nations known to practice torture.

The president has publicly admitted that since the 9-11 attacks in 2001, the US has been kidnapping and transporting against the will of the subject (renditioning) in its so-called "war" on terror—even people captured by US personnel in friendly nations like Sweden, Germany, Macedonia and Italy—and ferrying them to places like Bagram Airbase in Afghanistan, and to prisons operated in Eastern European countries, African Countries and Middle Eastern countries where security forces are known to practice torture.

These people are captured and held indefinitely, without any charges being filed, and are held without being identified to the Red Cross, or to their families. Many are clearly innocent, and several cases, including one in Canada and one in Germany, have demonstrably been shown subsequently to have been in error, because of a similarity of names or because of misinformation provided to US authorities.

Such a policy is in clear violation of US and International Law, and has placed the United States in the position of a pariah state. The CIA has no law enforcement authority, and cannot legally arrest or detain anyone. The program of "extraordinary rendition" authorized by the president is the substantial equivalent of the policies of "disappearing" people, practices widely practiced and universally condemned in the military dictatorships of Latin America during the late 20th Century.

The administration has claimed that prior administrations have practiced extraordinary rendition, but, while this is technically true, earlier renditions were used only to capture people with outstanding arrest warrants or convictions who were outside in order to deliver them to stand trial or serve their sentences in the US. The president has refused to divulge how many people have been subject to extraordinary rendition since September, 2001. It is possible that some have died in captivity. As one US official has stated off the record, regarding the program, Some of those who were renditioned were later delivered to Guantanamo, while others were sent there directly. An example of this is the case of six Algerian Bosnians who, immediately after being cleared by the Supreme Court of Bosnia Herzegovina in January 2002 of allegedly plotting to attack the US and UK embassies, were captured, bound and gagged by US special forces and renditioned to Guantanamo.

In perhaps the most egregious proven case of rendition, Maher Arar, a Canadian citizen born in Syria, was picked up in September 2002 while transiting through New York's JFK airport on his way home to Canada. Immigration and FBI officials detained and interrogated him for nearly two weeks, illegally denying him his rights to access counsel, the Canadian consulate, and the courts. Executive branch officials asked him if he would volunteer to go to Syria, where he hadn't been in 15 years, and Maher refused

Maher was put on a private jet plane operated by the CIA and sent to Jordan, where he was beaten for 8 hours, and then delivered to Syria, where he was beaten and interrogated for 18 hours a day for a couple of weeks. He was whipped on his back and hands with a 2 inch thick electric cable and asked questions similar to those he had been asked in the United States. For over ten months Maher was held in an underground grave-like cell—3 6 7 feet—which was damp and cold, and in which the only light came in through a hole in the ceiling. After a year of this, Maher was released without any charges. He is now back home in Canada with his family. Upon his release, the Syrian Government announced he had no links to Al Qaeda, and the Canadian Government has also said they've found no links to Al Qaeda. The Canadian Government launched a Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, to investigate the role of Canadian officials, but the Bush Administration has refused to cooperate with the Inquiry.

Hundreds of flights of CIA-chartered planes have been documented as having passed through European countries on extraordinary rendition missions like that involving Maher Arar, but the administration refuses to state how many people have been subjects of this illegal program.

The same U.S. laws prohibiting aiding and abetting torture also prohibit sending someone to a country where there is a substantial likelihood they may be tortured. Article 3 of CAT prohibits forced return where there is a "substantial likelihood" that an individual "may be in danger of" torture, and has been implemented by federal statute. Article 7 of the ICCPR prohibits return to country of origin where individuals may be "at risk" of either torture or cruel, inhuman or degrading treatment.

Under international Human Rights law, transferring a POW to any nation where he or she is likely to be tortured or inhumanely treated violates Article 12 of the Third Geneva Convention, and transferring any civilian who is a protected person under the Fourth Geneva Convention is a grave breach and a criminal act.

In situations of armed conflict, both international human rights law and humanitarian law apply. A person captured in the zone of military hostilities "must have some status under international law; he is either a prisoner of war and, as such, covered by the Third Convention, [or] a civilian covered by the Fourth Convention. . . . There is no intermediate status; nobody in enemy hands can be outside the law." Although the state is obligated to repatriate Prisoners of War as soon as hostilities cease, the ICRC's commentary on the 1949 Conventions states that prisoners should not be repatriated where there are serious reasons for fearing that repatriating the individual would be contrary to general principles of established international law for the protection of human beings Thus, all of the Guantanamo detainees as well as renditioned captives are protected by international human rights protections and humanitarian law.

By his actions as outlined above, the President has abused his power, broken the law, deceived the American people, and placed American military personnel, and indeed all Americans—especially those who may travel or live abroad—at risk of similar treatment. Furthermore, in the eyes of the rest of the world, the President has made the US, once a model of respect for Human Rights and respect for the rule of law, into a state where international law is neither respected nor upheld.

In all of these actions and decisions in violation of United States and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XX.—IMPRISONING CHILDREN

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, authorized or permitted the arrest and detention of at least 2500 children under the age of 18 as "enemy combatants" in Iraq, Afghanistan, and at Guantanamo Bay Naval Station in violation of the Fourth Geneva Convention relating to the treatment of "protected persons" and the Optional Protocol to the Geneva Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, signed by the US in 2002 . To wit:

In May 2008, the US government reported to the United Nations that it has been holding upwards of 2,500 children under the age of 18 as "enemy combatants" at detention centers in Iraq, Afghanistan and at Guantanamo Bay (where there was a special center, Camp Iguana, established just for holding children). The length of these detentions has frequently exceeded a year, and in some cases has stretched to five years. Some of these detainees have reached adulthood in detention and are now not being reported as child detainees because they are no longer children.

In addition to detaining children as "enemy combatants," it has been widely reported in media reports that the US military in Iraq has, based upon Pentagon rules of engagement, been treating boys as young as 14 years of age as "potential combatants," subject to arrest and even to being killed. In Fallujah, in the days ahead of the November 2004 all-out assault, Marines ringing the city were reported to be turning back into the city men and boys "of combat age" who were trying to flee the impending scene of battle—an act which in itself is a violation of the Geneva Conventions, which require combatants to permit anyone, combatants as well as civilians, to surrender, and to leave the scene of battle.

Under the Fourth Geneva Convention, to which the United States has been a signatory since 1949, children under the age of 15 captured in conflicts, even if they have been fighting, are to be considered victims, not prisoners. In 2002, the United States signed the Optional Protocol to the Geneva Convention on the Rights of the Child on the Involvement of children in Armed Conflict, which raised this age for this category of "protected person" to under 18.

The continued detention of such children, some as young as 10, by the US military is a violation of both convention and protocol, and as such constitutes a war crime for which the president, as commander in chief, bears full responsibility.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXI.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE ABOUT THREATS FROM IRAN, AND SUPPORTING TERRORIST ORGANIZATIONS WITHIN IRAN, WITH THE GOAL OF OVERTHROWING THE IRANIAN GOVERNMENT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has both personally and acting through his agents and subordinates misled the Congress and the citizens of the United States about a threat of nuclear attack from the nation of Iran.

The National Intelligence Estimate released to Congress and the public on December 4, 2007, which confirmed that the government of the nation of Iran had ceased any efforts to develop nuclear weapons, was completed in 2006. Yet, the president and his aides continued to suggest during 2007 that such a nuclear threat was developing and might already exist. National Security Adviser Stephen Hadley stated at the time the National Intelligence Estimate regarding Iran was released that the president had been briefed on its findings "in the last few months." Hadley's statement establishes a timeline that shows the president knowingly sought to deceive Congress and the American people about a nuclear threat that did not exist.

Hadley has stated that the president "was basically told: stand down" and, yet, the president and his aides continued to make false claims about the prospect that Iran was trying to "build a nuclear weapon" that could lead to "World War III."

This evidence establishes that the president actively engaged in and had full knowledge of a campaign by his administration to make a false "case" for an attack on Iran, thus warping the national security debate at a critical juncture and creating the prospect of an illegal and unnecessary attack on a sovereign nation.

Even after the National Intelligence Estimate was released to Congress and the American people, the president stated that he did not believe anything had changed and suggested that he and members of his administration would continue to argue that Iran should be seen as posing a threat to the United States. He did this despite the fact that United States intelligence agencies had clearly and officially stated that this was not the case.

Evidence suggests that the Bush Administration's attempts to portray Iran as a threat are part of a broader U.S. policy toward Iran. On September 30, 2001, then-Secretary of Defense Donald Rumsfeld established an official military objective of overturning the regime in Iran, as well as those in Iraq, Syria, and four other countries in the Middle East, according to a document quoted in then-Undersecretary of Defense for Policy Douglas Feith's book, "War and Decision."

General Wesley Clark, reports in his book "Winning Modern Wars" being told by a friend in the Pentagon in November 2001 that the list of governments that Rumsfeld and Deputy Secretary of Defense Paul Wolfowitz planned to overthrow included Iraq, Iran, Syria, Libya, Sudan, and Somalia. Clark writes that the list also included Lebanon.

Journalist Gareth Porter reported in May 2008 asking Feith at a public event which of the six regimes on the Clark list were included in the Rumsfeld paper, to which Feith replied "All of them."

Rumsfeld's aides also drafted a second version of the paper, as instructions to all military commanders in the development of "campaign plans against terrorism". The paper called for military commanders to assist other government agencies "as directed" to "encourage populations dominated by terrorist organizations or their supporters to overthrow that domination."

In January 2005, Seymour Hersh reported in the New Yorker Magazine that the Bush Administration had been conducting secret reconnaissance missions inside Iran at least since the summer of 2004.

In June 2005 former United Nations weapons inspector Scott Ritter reported that

United States security forces had been sending members of the Mujahedeen-e Khalq (MEK) into Iranian territory. The MEK has been designated a terrorist organization by the United States, the European Union, Canada, Iraq, and Iran. Ritter reported that the United States Central Intelligence Agency (CIA) had used the MEK to carry out remote bombings in Iran.

In April 2006, Hersh reported in the New Yorker Magazine that U.S. combat troops had entered and were operating in Iran, where they were working with minority groups including the Azeris, Baluchis, and Kurds.

Also in April 2006, Larisa Alexandrovna reported on Raw Story that the U.S. Department of Defense (DOD) was working with and training the MEK, or former members of the MEK, sending them to commit acts of violence in southern Iran in areas where recent attacks had left many dead. Raw Story reported that the Pentagon had adopted the policy of supporting MEK shortly after the 2003 invasion of Iraq, and in response to the influence of Vice President Richard B. Cheney's office. Raw Story subsequently reported that no Presidential finding, and no Congressional oversight, existed on MEK operations.

In March 2007, Hersh reported in the New Yorker Magazine that the Bush administration was attempting to stem the growth of Shiite influence in the Middle East (specifically the Iranian government and Hezbollah in Lebanon) by funding violent Sunni organizations, without any Congressional authorization or oversight. Hersh said funds had been given to "three Sunni jihadist groups . . . connected to al Qaeda" that "want to take on Hezbollah."

In April 2008, the Los Angeles Times reported that conflicts with insurgent groups along Iran's borders were understood by the Iranian government as a proxy war with the United States and were leading Iran to support its allies against the United States' occupation force in Iraq. Among the groups the U.S. DOD is supporting, according to this report, is the Party for Free Life in Kurdistan, known by its Kurdish acronym, PEJAK. The United States has provided "foodstuffs, economic assistance, medical supplies and Russian military equipment, some of it funneled through nonprofit groups."

In May 2008, Andrew Cockburn reported on Counter Punch that President Bush, six weeks earlier had signed a secret finding authorizing a covert offensive against the Iranian regime. President Bush's secret directive covers actions across an area stretching from Lebanon to Afghanistan, and purports to sanction actions up to and including the funding of organizations like the MEK and the assassination of public officials.

All of these actions by the president and his agents and subordinates exhibit a disregard for the truth and a recklessness with regard to national security, nuclear proliferation and the global role of the United States military that is not merely unacceptable but dangerous in a commander-in-chief.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXII—CREATING SECRET LAWS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, established a body of secret laws through the issuance of legal opinions by the Department of Justice's Office of Legal Counsel (OLC).

The OLC's March 14, 2003, interrogation memorandum ("Yoo Memorandum") was declassified years after it served as law for the executive branch. On April 29, 2008, House Judiciary Committee Chairman John Conyers and Subcommittee on the Constitution, Civil Rights and Civil Liberties Chairman Jerrold Nadler wrote in a letter to Attorney General Michael Mukasey:

"It appears to us that there was never any legitimate basis for the purely legal analysis contained in this document to be classified in the first place. The Yoo Memorandum does not describe sources and methods of intelligence gathering, or any specific facts regarding any interrogation activities. Instead, it consists almost entirely of the Department's legal views, which are not properly kept secret from Congress and the American people. J. William Leonard, the Director of the National Archive's Office of Information Security Oversight Office, and a top expert in this field concurs, commenting that '[t]he document in question is purely a legal analysis' that contains 'nothing which would justify classification.' In addition, the Yoo Memorandum suggests an extraordinary breadth and aggressiveness of OLC's secret legal opinion-making. Much attention has rightly been given to the statement in footnote 10 in the March 14, 2003, memorandum that, in an October 23, 2001, opinion, OLC concluded 'that the Fourth Amendment had no application to domestic military operations.' As you know, we have requested a copy of that memorandum on no less than four prior occasions and we continue to demand access to this important document.

"In addition to this opinion, however, the Yoo Memorandum references at least 10 other OLC opinions on weighty matters of great interest to the American people that also do not appear to have been released. These appear to cover matters such as the power of Congress to regulate the conduct of military commissions, legal constraints on the 'military detention of United States citizens,' legal rules applicable to the boarding and searching foreign ships, the President's authority to render U.S. detainees to the custody of foreign governments, and the President's authority to breach or suspend U.S. treaty obligations. Furthermore, it has been more than five years since the Yoo Memorandum was authored, raising the question how many other such memoranda and letters have been secretly authored and utilized by the Administration.

"Indeed, a recent court filing by the Department in FOIA litigation involving the Central Intelligence Agency identifies 8 additional secret OLC opinions, dating from August 6, 2004, to February 18, 2007. Given that these reflect only OLC memoranda identified in the files of the CIA, and based on the sampling procedures under which that listing was generated, it appears that these represent only a small portion of the secret OLC memoranda generated during this time, with the true number almost certainly much higher."

Senator Russ Feingold, in a statement during an April 30, 2008, senate hearing stated:

"It is a basic tenet of democracy that the people have a right to know the law. In keeping with this principle, the laws passed by Congress and the case law of our courts have historically been matters of public record. And when it became apparent in the middle of the 20th century that federal agencies were increasingly creating a body of non-public administrative law, Congress passed several statutes requiring this law to be made public, for the express purpose of preventing a regime of 'secret law.' That purpose today is being thwarted. Congressional enactments and agency regulations are for the most part still public. But the law that applies in this country is determined not only by statutes and regulations, but also by the controlling interpretations of courts and, in some cases, the executive branch. More and more, this body of executive and judicial law is being kept secret from the public, and too often from Congress as well. . . .

"A legal interpretation by the Justice Department's Office of Legal Counsel . . . binds the entire executive branch, just like a regulation or the ruling of a court. In the words of former OLC head Jack Goldsmith, 'These executive branch precedents are "law" for the executive branch.' The Yoo memorandum was, for a nine-month period in 2003 until it was withdrawn by Mr. Goldsmith, the law that this Administration followed when it came to matters of torture. And of course, that law was essentially a declaration that few if any laws applied . . .

"Another body of secret law is the controlling interpretations of the Foreign Intelligence Surveillance Act that are issued by the Foreign Intelligence Surveillance Court. FISA, of course, is the law that governs the government's ability in intelligence investigations to conduct wiretaps and search the homes of people in the United States. Under that statute, the FISA Court is directed to evaluate wiretap and search warrant applications and decide whether the standard for issuing a warrant has been met—a largely factual evaluation that is properly done behind closed doors. But with the evolution of technology and with this Administration's efforts to get the Court's blessing for its illegal wiretapping activities, we now know that the Court's role is broader, and that it is very much engaged in substantive interpretations of the governing statute. These interpretations are as much a part of this country's surveillance law as the statute itself. Without access to them, it is impossible for Congress or the public to have an informed debate on matters that deeply affect the privacy and civil liberties of all Americans . . .

"The Administration's shroud of secrecy extends to agency rules and executive pronouncements, such as Executive Orders, that carry the force of law. Through the diligent efforts of my colleague Senator Whitehouse, we have learned that OLC has taken the position that a President can 'waive' or 'modify' a published Executive Order without any notice to the public or Congress simply by not following it."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIII—VIOLATION OF THE POSSE COMITATUS ACT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, repeatedly and illegally established programs to appropriate the power of the military for use in law enforcement. Specifically, he has contravened U.S.C. Title 18, Section 1385, originally enacted in 1878, subsequently amended as "Use of Army and Air Force as Posse Comitatus" and commonly known as the Posse Comitatus Act.

The Act states:

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both."

The Posse Comitatus Act is designed to prevent the military from becoming a national police force.

The Declaration of Independence states as a specific grievance against the British that the King had "kept among us, in times of peace, Standing Armies without the consent of our legislatures," had "affected to render the Military independent of and superior to the civil power," and had "quarter[ed] large bodies of armed troops among us . . . protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States"

Despite the Posse Comitatus Act's intent, and in contravention of the law, President Bush:

(a) has used military forces for law enforcement purposes on U.S. border patrol;

(b) has established a program to use military personnel for surveillance and information on criminal activities;

(c) is using military espionage equipment to collect intelligence information for law enforcement use on civilians within the United States; and

(d) employs active duty military personnel in surveillance agencies, including the Central Intelligence Agency (CIA).

In June 2006, President Bush ordered National Guard troops deployed to the border shared by Mexico with Arizona, Texas, and California. This deployment, which by 2007 reached a maximum of 6,000 troops, had orders to "conduct surveillance and operate detection equipment, work with border entry identification teams, analyze information, assist with communications and give administrative support to the Border Patrol" and concerned ". . . providing intelligence, inspecting cargo, and conducting surveillance."

The Air Force's "Eagle Eyes" program encourages Air Force military staff to gather evidence on American citizens. Eagle Eyes instructs Air Force personnel to engage in surveillance and then advises them to "alert local authorities," asking military staff to surveil and gather evidence on public citizens. This contravenes DoD Directive 5525.5 "SUBJECT: DoD Cooperation with Civilian Law Enforcement" which limits such activities.

President Bush has implemented a program to use imagery from military satellites for domestic law enforcement through the National Applications Office.

President Bush has assigned numerous active duty military personnel to civilian institutions such as the CIA and the Department of Homeland Security, both of which have responsibilities for law enforcement and intelligence.

In addition, on May 9, 2007, President Bush released "National Security Presidential Directive/NSPD 51," which effectively gives the president unchecked power to control the entire government and to define that government in time of an emergency, as well as the power to determine whether there is an emergency. The document also contains "classified Continuity Annexes." In July 2007 and again in August 2007 Rep. Peter DeFazio, a senior member of the House Homeland Security Committee, sought access to the classified annexes. DeFazio and other leaders of the Homeland Security Committee, including Chairman Bennie Thompson, have been denied a review of the Continuity of Government classified annexes.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIV.—SPYING ON AMERICAN CITIZENS, WITHOUT A COURT-ORDERED WARRANT, IN VIOLATION OF THE LAW AND THE FOURTH AMENDMENT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, knowingly violated the fourth Amendment to the Constitution and the Foreign Intelligence Service Act of 1978 (FISA) by authorizing warrantless electronic surveillance of American citizens to wit:

(1) The President was aware of the FISA Law requiring a court order for any wiretap as evidenced by the following:

(A) "Now, by the way, any time you hear the United States government talking about wiretap, it requires—a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so." White House Press conference on April 20, 2004. [White House Transcript]

(B) "Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, or to track his calls, or to search his property. Officers must meet strict standards to use any of the tools we're talking about." President Bush's speech in Baltimore Maryland on July 20th 2005. [White House Transcript]

(2) The President repeatedly ordered the NSA to place wiretaps on American citizens without requesting a warrant from FISA as evidenced by the following:

(A) "Months after the Sept. 11 attacks, President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying, according to government officials." New York Times article by James Risen and Eric Lichtblau on December 12, 2005. [NYTimes]

(B) The President admits to authorizing the program by stating "I have reauthorized this program more than 30 times since the September the 11th attacks, and I intend to do so for as long as our nation faces a continuing threat from al Qaeda and related groups. The NSA's activities under this authorization are thoroughly reviewed by the Justice Department and NSA's top legal officials, including NSA's general counsel and inspector general. Leaders in Congress have been briefed more than a dozen times on this authorization and the activities conducted under it." Radio Address from the White House on December 17, 2005. [White House Transcript]

(C) In a December 19th 2005 press conference the President publicly admitted to using a combination of surveillance techniques including some with permission from the FISA courts and some without permission from FISA.

Reporter: It was, why did you skip the basic safeguards of asking courts for permission for the intercepts?

The President: . . . We use FISA still—you're referring to the FISA court in your question—of course, we use FISAs. But FISA is for long-term monitoring. What is needed in order to protect the American people is the ability to move quickly to detect. Now, having suggested this idea, I then, obviously, went to the question, is it legal to do so? I am—I swore to uphold the laws. Do I have the legal authority to do this? And the answer is, absolutely. As I mentioned in my remarks, the legal authority is derived from the Constitution, as well as the authorization of force by the United States Congress." [White House Transcript]

(D) Mike McConnel, the Director of National Intelligence, in a letter to to Senator Arlen Specter, acknowledged that Bush's Executive Order in 2001 authorized a series of secret surveillance activities and included undisclosed activities beyond the warrantless surveillance of e-mails and phone calls that Bush confirmed in December 2005. "NSA Spying Part of Broader Effort" by Dan Eggen, Washington Post, 8/1/07.

(3) The President ordered the surveillance to be conducted in a way that would spy upon private communications between American citizens located within the United States borders as evidenced by the following:

(A) Mark Klein, a retired AT&T communications technician, submitted an affidavit in support of the Electronic Frontier Foundation's FF's lawsuit against AT&T. He testified that in 2003 he connected a "splitter" that sent a copy of Internet traffic and phone calls to a secure room that was operated by the NSA in the San Francisco office of AT&T. He heard from a co-worker that similar rooms were being constructed in other cities, including Seattle, San Jose, Los Angeles and San Diego. From "Whistle-Blower Outs NSA Spy Room," Wired News, 4/7/06 [Wired] [EFF Case]

(4) The President asserted an inherent authority to conduct electronic surveillance

based on the Constitution and the "Authorization to use Military Force in Iraq" (AUMF) that was not legally valid as evidenced by the following:

(A) In a December 19th, 2005 Press Briefing General Alberto Gonzales admitted that the surveillance authorized by the President was not only done without FISA warrants, but that the nature of the surveillance was so far removed from what FISA can approve that FISA could not even be amended to allow it. Gonzales stated "We have had discussions with Congress in the past—certain members of Congress—as to whether or not FISA could be amended to allow us to adequately deal with this kind of threat, and we were advised that that would be difficult, if not impossible.".

(B) The fourth amendment to the United States Constitution states "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

(C) "The Foreign Intelligence Surveillance Act of 1978 unambiguously limits warrantless domestic electronic surveillance, even in a congressionally declared war, to the first 15 days of that war; criminalizes any such electronic surveillance not authorized by statute; and expressly establishes FISA and two chapters of the federal criminal code, governing wiretaps for intelligence purposes and for criminal investigation, respectively, as the "exclusive means by which electronic surveillance . . . and the interception of domestic wire, oral, and electronic communications may be conducted." 50 U.S.C. 1811, 1809, 18 U.S.C. 2511(2)(f)." Letter from Harvard Law Professor Lawrence Tribe to John Conyers on 1/6/06.

(D) In a December 19th, 2005 Press Briefing Attorney General Alberto Gonzales stated "Our position is, is that the authorization to use force, which was passed by the Congress in the days following September 11th, constitutes that other authorization, that other statute by Congress, to engage in this kind of signals intelligence."

(E) The "Authorization to use Military Force in Iraq" does not give any explicit authorization related to electronic surveillance. [HJRes114]

(F) "From the foregoing analysis, it appears unlikely that a court would hold that Congress has expressly or impliedly authorized the NSA electronic surveillance operations here under discussion, and it would likewise appear that, to the extent that those surveillances fall within the definition of "electronic surveillance" within the meaning of FISA or any activity regulated under Title III, Congress intended to cover the entire field with these statutes." From the "Presidential Authority to Conduct Warrantless Electronic Surveillance to Gather Foreign Intelligence Information" by the Congressional Research Service on January 5, 2006.

(G) "The inescapable conclusion is that the AUMF did not implicitly authorize what the FISA expressly prohibited. It follows that the presidential program of surveillance at issue here is a violation of the separation of powers—as grave an abuse of executive authority as I can recall ever having studied." Letter from Harvard Law Professor Lawrence Tribe to John Conyers on 1/6/06.

(H) On August 17, 2006 Judge Anna Diggs Taylor of the United States District Court in Detroit, in ACLU v. NSA, ruled that the "NSA program to wiretap the international communications of some Americans without a court warrant violated the Constitution. . . . Judge Taylor ruled that the program violated both the Fourth Amendment and a 1978 law that requires warrants from a secret court for intelligence wiretaps involving people in the United States. She rejected the administration's repeated assertions that a 2001 Congressional authorization and the president's constitutional authority allowed the program." From a New York Times article "Judge Finds Wiretap Actions Violate the Law" 8/18/06 and the Memorandum Opinion.

(I) In July 2007, the Sixth Circuit Court of Appeals dismissed the case, ruling the plaintiffs had no standing to sue because, given the secretive nature of the surveillance, they could not state with certainty that they have been wiretapped by the NSA. This ruling did not address the legality of the surveillance so Judge Taylor's decision is the only ruling on that issue. [ACLU Legal Documents]

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXV.—DIRECTING TELECOMMUNICATIONS COMPANIES TO CREATE AN ILLEGAL AND UNCONSTITUTIONAL DATABASE OF THE PRIVATE TELEPHONE NUMBERS AND EMAILS OF AMERICAN CITIZENS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, violated the Stored Communications Act of 1986 and the Telecommunications Act of 1996 by creating of a very large database containing information related to the private telephone calls and emails of American citizens, to wit:

The President requested that telecommunication companies release customer phone records to the government illegally as evidenced by the following:

"The Stored Communications Act of 1986 (SCA) prohibits the knowing disclosure of customer telephone records to the government unless pursuant to subpoena, warrant or a National Security Letter (or other Administrative subpoena); with the customers lawful consent; or there is a business necessity; or an emergency involving the danger of death or serious physical injury. None of these exceptions apply to the circumstance described in the USA Today story." From page 169, "George W Bush versus the US Constitution." Compiled at the direction of Representative John Conyers.

According to a May 11, 2006 article in USA Today by Lesley Cauley "The National Security Agency has been secretly collecting the phone call records of tens of millions of Americans, using data provided by AT&T, Verizon and BellSouth." An unidentified source said 'The agency's goal is to create a database of every call ever made within the nation's borders."

In early 2001, Qwest CEO Joseph Nacchio rejected a request from the NSA to turn over customers records of phone calls, emails and other Internet activity. Nacchio believed that complying with the request would violate the Telecommunications Act of 1996. From National Journal, November 2, 2007.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVI.—ANNOUNCING THE INTENT TO VIOLATE LAWS WITH SIGNING STATEMENTS, AND VIOLATING THOSE LAWS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has used signing statements to claim the right to violate acts of Congress even as he signs them into law.

In June 2007, the Government Accountability Office reported that in a sample of Bush signing statements the office had studied, for 30 percent of them the Bush administration had already proceeded to violate the laws the statements claimed the right to violate.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVII.—FAILING TO COMPLY WITH CONGRESSIONAL SUBPOENAS AND INSTRUCTING FORMER EMPLOYEES NOT TO COMPLY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, refused to comply with Congressional subpoenas, and instructed former employees not to comply with subpoenas.

Subpoenas not complied with include:

A House Judiciary Committee subpoena for Justice Department papers and Emails, issued April 10, 2007;

A House Oversight and Government Reform Committee subpoena for the testimony of the Secretary of State, issued April 25, 2007;

A House Judiciary Committee subpoena for the testimony of former White House Counsel Harriet Miers and documents, issued June 13, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Chief of Staff Joshua Bolten, issued June 13, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Political Director Sara Taylor, issued June 13, 2007 (Taylor appeared but refused to answer questions);

A Senate Judiciary Committee subpoena for documents and testimony of White House Deputy Chief of Staff Karl Rove, issued June 26, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Deputy Political Director J. Scott Jennings, issued June 26, 2007 (Jennings appeared but refused to answer questions);

A Senate Judiciary Committee subpoena for legal analysis and other documents concerning the NSA warrantless wiretapping program from the White House, Vice President Richard Cheney, The Department of Justice, and the National Security Council. If the documents are not produced, the subpoena requires the testimony of White House chief of staff Josh Bolten, Attorney General Alberto Gonzales, Cheney chief of staff David Addington, National Security Council executive director V. Philip Lago, issued June 27, 2007;

A House Oversight and Government Reform Committee subpoena for Lt. General Kensinger.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVIII.—TAMPERING WITH FREE AND FAIR ELECTIONS, CORRUPTION OF THE ADMINISTRATION OF JUSTICE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, conspired to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice by United States Attorneys and other employees of the Department of Justice, through abuse of the appointment power.

Toward this end, the President and Vice President, both personally and through their agents, did:

Engage in a program of manufacturing false allegations of voting fraud in targeted jurisdictions where the Democratic Party enjoyed an advantage in electoral performance or otherwise was problematic for the President's Republican Party, in order that public confidence in election results favorable to the Democratic Party be undermined;

Direct United States Attorneys to launch and announce investigations of certain leaders, candidates and elected officials affiliated with the Democratic Party at times calculated to cause the most political damage and confusion, most often in the weeks immediately preceding an election, in order that public confidence in the suitability for office of Democratic Party leaders, candidates and elected officials be undermined;

Direct United States Attorneys to terminate or scale back existing investigations of certain Republican Party leaders, candidates and elected officials allied with the George W. Bush administration, and to refuse to pursue new or proposed investigations of certain Republican Party leaders, candidates and elected officials allied with the George W. Bush administration, in order that public confidence in the suitability of such Republican Party leaders, candidates and elected officials be bolstered or restored;

Threaten to terminate the employment of the following United States Attorneys who refused to comply with such directives and purposes;

David C. Iglesias as U.S. Attorney for the District of New Mexico;

Kevin V. Ryan as U.S. Attorney for the Northern District of California;

John L. McKay as U.S. Attorney for the Western District of Washington;

Paul K. Charlton as U.S. Attorney for the District of Arizona;

Carol C. Lam as U.S. Attorney for the Southern District of California;

Daniel G. Bogden as U.S. Attorney for the District of Nevada;

Margaret M. Chiara as U.S. Attorney for the Western District of Michigan;

Todd Graves as U.S. Attorney for the Western District of Missouri;

Harry E. "Bud" Cummins, III as U.S. Attorney for the Eastern District of Arkansas;

Thomas M. DiBiagio as U.S. Attorney for the District of Maryland, and;

Kasey Warner as U.S. Attorney for the Southern District of West Virginia.

Further, George W. Bush has both personally and acting through his agents and subordinates, together with the Vice President conspired to obstruct the lawful Congressional investigation of these dismissals of United States Attorneys and the related scheme to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice.

Contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, George W. Bush has without lawful cause or excuse directed not to appear before the Committee on the Judiciary of the House of Representatives certain witnesses summoned by duly authorized subpoenas issued by that Committee on June 13, 2007.

In refusing to permit the testimony of these witnesses George W. Bush, substituting his judgment as to what testimony was necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the checking and balancing power of oversight vested in the House of Representatives.

Further, the President has both personally and acting through his agents and subordinates, together with the Vice President directed the United States Attorney for the District of Columbia to decline to prosecute for contempt of Congress the aforementioned witnesses, Joshua B. Bolten and Harriet E. Miers, despite the obligation to do so as established by statute (2 USC § 194) and pursuant to the direction of the United States House of Representatives as embodied in its resolution (H. Res. 982) of February 14, 2008.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIX.—CONSPIRACY TO VIOLATE THE VOTING RIGHTS ACT OF 1965

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, has willfully corrupted and manipulated the electoral process of the United States for his personal gain and the personal gain of his co-conspirators and allies; has violated the United States Constitution and law by failing to protect the civil rights of African-American voters and others in the 2004 Election, and has impeded the right of the people to vote and have their vote properly and accurately counted, in that:

A. On November 5, 2002, and prior thereto, James Tobin, while serving as the regional director of the National Republican Senatorial Campaign Committee and as the New England Chairman of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts by aiding and abetting a scheme to use computerized hang-up calls to jam phone lines set up by the New Hampshire Democratic Party and the Manchester firefighters' union on Election Day;

B. An investigation by the Democratic staff of the House Judiciary Committee into the voting procedures in Ohio during the 2004 election found "widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote;"

C. The 14th Amendment Equal Protection Clause guarantees that no minority group will suffer disparate treatment in a federal, state, or local election in stating that: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." However, during and at various times of the year 2004, John Kenneth Blackwell, then serving as the Secretary of State for the State of Ohio and also serving simultaneously as Co-Chairman of the Committee to Re-Elect George W. Bush in the State of Ohio, did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts in violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution by failing to protect the voting rights of African-American citizens in Ohio and further, John Kenneth Blackwell did disenfranchise African-American voters under color of law, by

(1) Willfully denying certain neighborhoods in the cities of Cleveland, Ohio and Columbus, Ohio, along with other urban areas in the State of Ohio, an adequate number of electronic voting machines and provisional paper ballots, thereby unlawfully impeding

duly registered voters from the act of voting and thus violating the civil rights of an unknown number of United States citizens.

a. In Franklin County, George W. Bush and his agent, Ohio Secretary of State John Kenneth Blackwell, Co-Chair of the Bush-Cheney Re-election Campaign, failed to protect the rights of African-American voters by not properly investigating the withholding of 125 electronic voting machines assigned to the city of Columbus.

b. Forty-two African-American precincts in Columbus were each missing one voting machine that had been present in the 2004 primary.

c. African-American voters in the city of Columbus were forced to wait three to seven hours to vote in the 2004 presidential election.

(ii) Willfully issuing unclear and conflicting rules regarding the methods and manner of becoming a legally registered voter in the State of Ohio, and willfully issuing unclear and unnecessary edicts regarding the weight of paper registration forms legally acceptable to the State of Ohio, thereby creating confusion for both voters and voting officials and thus impeding the right of an unknown number of United States citizens to register and vote.

a. Ohio Secretary of State John Kenneth Blackwell directed through Advisory 2004-31 that voter registration forms, which were greatest in urban minority areas, should not be accepted and should be returned unless submitted on 80 bond paper weight. Blackwell's own office was found to be using 60 bond paper weight.

(iii) Willfully permitted and encouraged election officials in Cleveland, Cincinnati and Toledo to conduct a massive partisan purge of registered voter rolls, eventually expunging more than 300,000 voters, many of whom were duly registered voters, and who were thus deprived of their constitutional right to vote;

a. Between the 2000 and 2004 Ohio presidential elections, 24.93% of the voters in the city of Cleveland, a city with a majority of African American citizens, were purged from the voting rolls.

b. In that same period, the Ohio county of Miami, with census data indicating a 98% Caucasian population, refused to purge any voters from its rolls. Miami County "merged" voters from other surrounding counties into its voting rolls and even allowed voters from other states to vote.

c. In Toledo, Ohio, an urban city with a high African-American concentration, 28,000 voters were purged from the voting rolls in August of 2004, just prior to the presidential election. This purge was conducted under the control and direction of George W. Bush's agent, Ohio Secretary of State John Kenneth Blackwell outside of the regularly established cycle of purging voters in odd-numbered years.

(iv) Willfully allowing Ohio Secretary of State John Kenneth Blackwell, acting under color of law and as an agent of George W. Bush, to issue a directive that no votes would be counted unless cast in the right precinct, reversing Ohio's long-standing practice of counting votes for president if cast in the right county.

(v) Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush-Cheney Re-election Campaign, to do nothing to assure the voting rights of 10,000 people in the city of Cleveland when a computer error by the private vendor Diebold Election Systems, Inc. incorrectly disenfranchised 10,000 voters

(vi) Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush-Cheney Re-election Campaign, to ensure that uncounted and provisional ballots in Ohio's 2004 presidential election would be disproportionately concentrated in urban African-American districts.

a. In Ohio's Lucas County, which includes Toledo, 3,122 or 41.13% of the provisional ballots went uncounted under the direction of George W. Bush's agent, the Secretary of State of Ohio, John Kenneth Blackwell, Co-Chair of the Committee to Re-Elect Bush/Cheney in Ohio.

b. In Ohio's Cuyahoga County, which includes Cleveland, 8,559 or 32.82% of the provisional ballots went uncounted.

c. In Ohio's Hamilton County, which includes Cincinnati, 3,529 or 24.23% of the provisional ballots went uncounted.

d. Statewide, the provisional ballot rejection rate was 9% as compared to the greater figures in the urban areas.

D. The Department of Justice, charged with enforcing the Voting Rights Act of 1965, the 14th Amendment's Equal Protection Clause, and other voting rights laws in the United States of America, under the direction and Administration of George W. Bush did willfully and purposely obstruct and stonewall legitimate criminal investigations into myriad cases of reported electoral fraud and suppression in the state of Ohio. Such activities, carried out by the department on behalf of George W. Bush in counties such as Franklin and Knox by persons such as John K. Tanner and others, were meant to confound and whitewash legitimate legal criminal investigations into the suppression of massive numbers of legally registered voters and the removal of their right to cast a ballot fairly and freely in the state of Ohio, which was crucial to the certified electoral victory of George W. Bush in 2004.

E. On or about November 1, 2006, members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, brought indictments for voter registration fraud within days of an election, in order to directly effect the outcome of that election for partisan purposes, and in doing so, thereby violated the Justice Department's own rules against filing election-related indictments close to an election;

F. Emails have been obtained showing that the Republican National Committee and members of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, engage in voter suppression in five states by a method know as "vote caging," an illegal voter suppression technique;

G. Agents of George W. Bush, including Mark F. "Thor" Hearne, the national general counsel of Bush/Cheney '04, Inc., did, at the behest of George W. Bush, as members of a criminal front group, distribute known false information and propaganda in the hopes of forwarding legislation and other actions that would result in the disenfranchisement of Democratic voters for partisan purposes. The scheme, run under the auspices of an organization known as "The American Center for Voting Rights" (ACVR), was funded by agents of George W. Bush in violation of laws governing tax exempt 501(c)3 organizations and in violation of federal laws forbidding the distribution of such propaganda by the federal government and agents working on its behalf.

H. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did, for partisan reasons, illegally and with malice aforethought block career attorneys and other officials in the Department of Justice from filing three lawsuits charging local and county governments with violating the voting rights of African-Americans and other minorities, according to seven former senior United States Justice Department employees.

I. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did illegally and with malice aforethought derail at least two investigations into possible voter discrimination, according to a letter sent to the Senate Rules and Administration Committee and written by former employees of the United States Department of Justice, Voting Rights Section.

J. Members of the United States Election Assistance Commission (EAC), under the control and direction of the Administration of George W. Bush, have purposefully and willfully misled the public, in violation of several laws, by;

(i) Withholding from the public and then altering a legally mandated report on the true measure and threat of Voter Fraud, as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, because the results of the statutorily required and tax-payer funded report did not conform with the illegal, partisan propaganda efforts and politicized agenda of the Bush Administration;

(ii) Withholding from the public a legally mandated report on the disenfranchising effect of Photo Identification laws at the polling place, shown to disproportionately disenfranchise voters not of George W. Bush's political party. The report was commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country

(iii) Withholding from the public a legally mandated report on the effectiveness of Provisional Voting as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, and keeping that report unreleased for more than a year until it was revealed by independent media outlets.

For directly harming the rights and manner of suffrage, for suffering to make them secret and unknowable, for overseeing and participating in the disenfranchisement of legal voters, for instituting debates and doubts about the true nature of elections, all against the will and consent of local voters affected, and forced through threats of litigation by agents and agencies overseen by George W. Bush, the actions of Mr. Bush to do the opposite of securing and guaranteeing the right of the people to alter or abolish their government via the electoral process, being a violation of an inalienable right, and an immediate threat to Liberty.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXX.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE IN AN ATTEMPT TO DESTROY MEDICARE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, pursued policies which deliberately drained the fiscal resources of Medicare by forcing it to compete with subsidized private insurance plans which are allowed to arbitrarily select or not select those they will cover; failing to provide reasonable levels of reimbursements to Medicare providers, thereby discouraging providers from participating in the program, and designing a Medicare Part D benefit without cost controls which allowed pharmaceutical companies to gouge the American taxpayers for the price of prescription drugs.

The President created, manipulated, and disseminated information given to the citizens and Congress of the United States in support of his prescription drug plan for Medicare that enriched drug companies while failing to save beneficiaries sufficient money on their prescription drugs. He misled Congress and the American people into thinking the cost of the benefit was $400 billion. It was widely understood that if the cost exceeded that amount, the bill would not pass due to concerns about fiscal irresponsibility.

A Medicare Actuary who possessed information regarding the true cost of the plan, $539 billion, was instructed by the Medicare Administrator to deny Congressional requests for it. The Actuary was threatened with sanctions if the information was disclosed to Congress, which, unaware of the information, approved the bill. Despite the fact that official cost estimates far exceeded $400 billion, President Bush offered assurances to Congress that the cost was $400 billion, when his office had information to the contrary. In the House of Representatives, the bill passed by a single vote and the Conference Report passed by only 5 votes. The White House knew the actual cost of the drug benefit was high enough to prevent its passage. Yet the White House concealed the truth and impeded an investigation into its culpability.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXI.—KATRINA: FAILURE TO PLAN FOR THE PREDICTED DISASTER OF HURRICANE KATRINA, FAILURE TO RESPOND TO A CIVIL EMERGENCY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, failed to take sufficient action to protect life and property prior to and in the face of Hurricane Katrina in 2005, given decades of foreknowledge of the dangers of storms to New Orleans and specific forewarning in the days prior to the storm. The President failed to prepare for predictable and predicted disasters, failed to respond to an immediate need of which he was informed, and has subsequently failed to rebuild the section of our nation that was destroyed.

Hurricane Katrina killed at least 1,282 people, with 2 million more displaced. 302,000 housing units were destroyed or damaged by the hurricane, 71% of these were low-income units. More than 500 sewage plants were destroyed, more than 170 point-source leakages of gasoline, oil, or natural gas, more than 2000 gas stations submerged, several chemical plants, 8 oil refineries, and a superfund site was submerged. 8 million gallons of oil were spilled. Toxic materials seeped into floodwaters and spread through much of the city and surrounding areas.

The predictable increased strength of hurricanes such as Katrina has been identified by scientists for years, and yet the Bush Administration has denied this science and restricted such information from official reports, publications, and the National Oceanic and Atmospheric Agency's website. Donald Kennedy, editor-in-chief of Science, wrote in 2006 that "hurricane intensity has increased with oceanic surface temperatures over the past 30 years. The physics of hurricane intensity growth . . . has clarified and explained the thermodynamic basis for these observations. [Kerry] Emanuel has tested this relationship and presented convincing evidence."

FEMA's 2001 list of the top three most likely and most devastating disasters were a San Francisco earthquake, a terrorist attack on New York, and a Category 4 hurricane hitting New Orleans, with New Orleans being the number one item on that list. FEMA conducted a five-day hurricane simulation exercise in 2004, "Hurricane Pam," mimicking a Katrina-like event. This exercise combined the National Weather Service, the U.S. Army Corps of Engineers, the LSU Hurricane Center and other state and federal agencies, resulting in the development of emergency response plans. The exercise demonstrated, among other things, that thousands of mainly indigent New Orleans residents would be unable to evacuate on their own. They would need substantial government assistance. These plans, however, were not implemented in part due to the President's slashing of funds for protection. In the year before Hurricane Katrina hit, the President continued to cut budgets and deny grants to the Gulf Coast. In June of 2004 the Army Corps of Engineers levee budget for New Orleans was cut, and it was cut again in June of 2005, this time by $71.2 million or a whopping 44% of the budget. As a result, ACE was forced to suspend any repair work on the levees. In 2004 FEMA denied a Louisiana disaster mitigation grant request.

The President was given multiple warnings that Hurricane Katrina had a high likelihood of causing serious damage to New Orleans and the Gulf Coast. At 10 AM on Sunday 28 August 2005, the day before the storm hit, the National Weather Service published an alert titled "DEVASTATING DAMAGE EXPECTED." Printed in all capital letters, the alert stated that "MOST OF THE AREA WILL BE UNINHABITABLE FOR WEEKS . . . PERHAPS LONGER. AT LEAST ONE HALF OF WELL CONSTRUCTED HOMES WILL HAVE ROOF AND WALL FAILURE. . . . POWER OUTAGES WILL LAST FOR WEEKS. . . . WATER SHORTAGES WILL MAKE HUMAN SUFFERING INCREDIBLE BY MODERN STANDARDS."

The Homeland Security Department also briefed the President on the scenario, warning of levee breaches and severe flooding. According to the New York Times, "a Homeland Security Department report submitted to the White House at 1:47 a.m. on Aug. 29, hours before the storm hit, said, 'Any storm rated Category 4 or greater will likely lead to severe flooding and/or levee breaching.'" These warnings clearly contradict the statements made by President Bush immediately after the storm that such devastation could not have been predicted. On 1 September 2005 the President said "I don't think anyone anticipated the breach of the levees."

The President's response to Katrina via FEMA and DHS was criminally delayed, indifferent, and inept. The only FEMA employee posted in New Orleans in the immediate aftermath of Hurricane Katrina, Marty Bahamonde, emailed head of FEMA Michael Brown from his Blackberry device on August 31, 2005 regarding the conditions. The email was urgent and detailed and indicated that "The situation is past critical . . . Estimates are many will die within hours." Brown's reply was emblematic of the administration's entire response to the catastrophe: "Thanks for the update. Anything specific I need to do or tweak?" The Secretary of Homeland Security, Michael Chertoff, did not declare an emergency, did not mobilize the federal resources, and seemed to not even know what was happening on the ground until reporters told him.

On Friday August 26, 2005, Governor Kathleen Blanco declared a State of Emergency in Louisiana and Governor Haley Barbour of Mississippi followed suit the next day. Also on that Saturday, Governor Blanco asked the President to declare a Federal State of Emergency, and on 28 August 2005, the Sunday before the storm hit, Mayor Nagin declared a State of Emergency in New Orleans. This shows that the local authorities, responding to federal warnings, knew how bad the destruction was going to be and anticipated being overwhelmed. Failure to act under these circumstances demonstrates gross negligence.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXII.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE, SYSTEMATICALLY UNDERMINING EFFORTS TO ADDRESS GLOBAL CLIMATE CHANGE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, ignored the peril to life and property posed by global climate change, manipulated scientific information and mishandled protective policy, constituting nonfeasance and malfeasance in office, abuse of power, dereliction of duty, and deception of Congress and the American people.

President Bush knew the expected effects of climate change and the role of human activities in driving climate change. This knowledge preceded his first Presidential term.

1. During his 2000 Presidential campaign, he promised to regulate carbon dioxide emissions.

2. In 2001, the Intergovernmental Panel on Climate Change, a global body of hundreds of the world's foremost experts on climate change, concluded that "most of observed warming over last 50 years (is) likely due to increases in greenhouse gas concentrations due to human activities." The Third Assessment Report projected several effects of climate change such as continued "widespread retreat" of glaciers, an "increase threats to human health, particularly in lower income populations, predominantly within tropical/subtropical countries," and "water shortages."

3. The grave danger to national security posed by global climate change was recognized by the Pentagon's Defense Advanced Planning Research Projects Agency in October of 2003. An agency-commissioned report "explores how such an abrupt climate change scenario could potentially de-stabilize the geo-political environment, leading to skirmishes, battles, and even war due to resource constraints such as: 1) Food shortages due to decreases in net global agricultural production 2) Decreased availability and quality of fresh water in key regions due to shifted precipitation patters, causing more frequent floods and droughts 3) Disrupted access to energy supplies due to extensive sea ice and storminess."

4. A December 2004 paper in Science reviewed 928 studies published in peer reviewed journals to determine the number providing evidence against the existence of a link between anthropogenic emissions of carbon dioxide and climate change. "Remarkably, none of the papers disagreed with the consensus position."

5. The November 2007 Inter-Governmental Panel on Climate Change (IPCC) Fourth Assessment Report showed that global anthropogenic emissions of greenhouse gasses have increased 70% between 1970 and 2004, and anthropogenic emissions are very likely the cause of global climate change. The report concluded that global climate change could cause the extinction of 20 to 30 percent of species in unique ecosystems such as the polar areas and biodiversity hotspots, increase extreme weather events especially in the developing world, and have adverse effects on food production and fresh water availability.

The President has done little to address this most serious of problems, thus constituting an abuse of power and criminal neglect. He has also actively endeavored to undermine efforts by the federal government, states, and other nations to take action on their own.

1. In March 2001, President Bush announced the U.S. would not be pursuing ratification of the Kyoto Protocol, an international effort to reduce greenhouse gasses. The United States is the only industrialized nation that has failed to ratify the accord.

2. In March of 2008, Representative Henry Waxman wrote to EPA Administrator Stephen Johnson: "In August 2003, the Bush Administration denied a petition to regulate CO2 emissions from motor vehicles by deciding that CO2 was not a pollutant under the Clean Air Act. In April 2007, the U.S. Supreme Court overruled that determination in Massachusetts v. EPA. The Supreme Court wrote that 'If EPA makes a finding of endangerment, the Clean Air Act requires the agency to regulate emissions of the deleterious pollutant from new motor vehicles.' The EPA then conducted an extensive investigation involving 60–70 staff who concluded that 'CO2 emissions endanger both human health and welfare.' These findings were submitted to the White House, after which work on the findings and the required regulations was halted."

3. A Memo to Members of the Committee on Oversight and Government Reform on May 19, 2008 stated "The record before the Committee shows: (1) the career staff at EPA unanimously supported granting California's petition (to be allowed to regulate greenhouse gas emissions from cars and trucks, consistent with California state law); (2) Stephen Johnson, the Administrator of EPA, also supported granting California's petition at least in part; and (3) Administrator Johnson reversed his position after communications with officials in the White House."

The President has suppressed the release of scientific information related to global climate change, an action which undermines Congress' ability to legislate and provide oversight, and which has thwarted efforts to prevent global climate change despite the serious threat that it poses.

1. In February, 2001, ExxonMobil wrote a memo to the White House outlining ways to influence the outcome of the Third Assessment report by the Intergovernmental Panel on Climate Change. The memo opposed the reelection of Dr. Robert Watson as the IPCC Chair. The White House then supported an opposition candidate, who was subsequently elected to replace Dr. Watson.

2. The New York Times on January 29, 2006, reported that James Hansen, NASA's senior climate scientist was warned of "dire consequences" if he continued to speak out about global climate change and the need for reducing emissions of associated gasses. The Times also reported that: "At climate laboratories of the National Oceanic and Atmospheric Administration, for example, many scientists who routinely took calls from reporters five years ago can now do so only if the interview is approved by administration officials in Washington, and then only if a public affairs officer is present or on the phone."

3. In December of 2007, the House Committee on Oversight and Government Reform issued a report based on 16 months of investigation and 27,000 pages of documentation. According to the summary: "The evidence before the Committee leads to one inescapable conclusion: the Bush Administration has engaged in a systematic effort to manipulate climate change science and mislead policy makers and the public about the dangers of global warming." The report described how the White House appointed former petroleum industry lobbyist Phil Cooney as head of the Council on Environmental Quality. The report states "There was a systematic White House effort to minimize the significance of climate change by editing climate change reports. CEQ Chief of Staff Phil Cooney and other CEQ officials made at least 294 edits to the Administration's Strategic Plan of the Climate Change Science Program to exaggerate or emphasize scientific uncertainties or to de-emphasize or diminish the importance of the human role in global warming."

4. On April 23, 2008, Representative Henry Waxman wrote a letter to EPA Administrator Stephen L Johnson. In it he reported: "Almost 1,600 EPA scientists completed the Union of Concerned Scientists survey questionnaire. Over 22 percent of these scientists reported that 'selective or incomplete use of data to justify a specific regulatory outcome' occurred 'frequently' or 'occasionally' at EPA. Ninety-four EPA scientists reported being frequently or occasionally directed to inappropriately exclude or alter technical information from an EPA scientific document. Nearly 200 EPA scientists said that they have frequently or occasionally been in situations in which scientists have actively objected to, resigned from or removed themselves from a project because of pressure to change scientific findings."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXIII.—REPEATEDLY IGNORED AND FAILED. TO RESPOND TO HIGH LEVEL INTELLIGENCE WARNINGS OF PLANNED TERRORIST ATTACKS IN THE US, PRIOR TO 911

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, failed in his Constitutional duties to take proper steps to protect the nation prior to September 11, 2001.

The White House's top counter-terrorism adviser, Richard A. Clarke, has testified that from the beginning of George W. Bush's presidency until September 11, 2001, Clarke attempted unsuccessfully to persuade President Bush to take steps to protect the nation against terrorism. Clarke sent a memorandum to then-National Security Advisor Condoleezza Rice on January 24, 2001, "urgently" but unsuccessfully requesting "a Cabinet-level meeting to deal with the impending al Qaeda attack."

In April 2001, Clarke was finally granted a meeting, but only with second-in-command department representatives, including Deputy Secretary of Defense Paul Wolfowitz, who made light of Clarke's concerns.

Clarke confirms that in June, July, and August 2001, the Central Intelligence Agency (CIA) warned the president in daily briefings of unprecedented indications that a major al Qaeda attack was going to happen against the United States somewhere in the world in the weeks and months ahead. Yet, Clarke was still unable to convene a cabinet-level meeting to address the issue.

Condoleezza Rice has testified that George Tenet met with the president 40 times to warn him that a major al-Qaeda attack was going to take place, and that in response the president did not convene any meetings of top officials. At such meetings, the FBI could have shared information on possible terrorists enrolled at flight schools. Among the many preventive steps that could have been taken, the Federal Aviation Administration, airlines, and airports might have been put on full alert.

According to Condoleezza Rice, the first and only cabinet-level meeting prior to 9/11 to discuss the threat of terrorist attacks took place on September 4, 2001, one week before the attacks in New York and Washington.

On August 6, 2001, President Bush was presented a President's Daily Brief (PDB) article titled "Bin Laden Determined to Strike in U.S." The lead sentence of that PDB article indicated that Bin Laden and his followers wanted to "follow the example of World Trade Center bomber Ramzi Yousef and 'bring the fighting to America.'" The article warned: "Al-Qa'ida members—including some who are US citizens—have resided in or traveled to the US for years, and the group apparently maintains a support structure that could aid attacks."

The article cited a "more sensational threat reporting that Bin Laden wanted to hijack a US aircraft," but indicated that the CIA had not been able to corroborate such reporting. The PDB item included information from the FBI indicating "patterns of suspicious activity in this country consistent with preparations for hijackings or other types of attacks, including recent surveillance of federal buildings in New York." The article also noted that the CIA and FBI were investigating "a call to our embassy in the UAE in May saying that a group of Bin Laden supporters was in the US planning attacks with explosives."

The president spent the rest of August 6, and almost all the rest of August 2001 on vacation. There is no evidence that he called any meetings of his advisers to discuss this alarming report. When the title and substance of this PDB article were later reported in the press, then-National Security Adviser Condoleezza Rice began a sustained campaign to play down its significance, until the actual text was eventually released by the White House.

New York Times writer Douglas Jehl, put it this way: "In a single 17-sentence document, the intelligence briefing delivered to President Bush in August 2001 spells out the who, hints at the what and points towards the where of the terrorist attacks on New York and Washington that followed 36 days later."

Eleanor Hill, Executive Director of the joint congressional committee investigating the performance of the US intelligence community before September 11, 2001, reported in mid-September 2002 that intelligence reports a year earlier "reiterated a consistent and constant theme: Osama bin Laden's intent to launch terrorist attacks inside the United States."

That joint inquiry revealed that just two months before September 11, an intelligence briefing for "senior government officials" predicted a terrorist attack with these words: "The attack will be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. Attack will occur with little or no warning."

Given the White House's insistence on secrecy with regard to what intelligence was given to President Bush, the joint-inquiry report does not divulge whether he took part in that briefing. Even if he did not, it strains credulity to suppose that those "senior government officials" would have kept its alarming substance from the president.

Again, there is no evidence that the president held any meetings or took any action to deal with the threats of such attacks.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXIV.—OBSTRUCTION OF INVESTIGATION INTO THE ATTACKS OF SEPTEMBER 11, 2001

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, obstructed investigations into the attacks on the World Trade Center and Pentagon on September 11, 2001.

Following September 11, 2001, President Bush and Vice President Cheney took strong steps to thwart any and all proposals that the circumstances of the attack be addressed. Then-Secretary of State Colin Powell was forced to renege on his public promise on September 23 that a "White Paper" would be issued to explain the circumstances. Less than two weeks after that promise, Powell apologized for his "unfortunate choice of words," and explained that Americans would have to rely on "information coming out in the press and in other ways."

On Sept. 26, 2001, President Bush drove to Central Intelligence Agency (CIA) headquarters in Langley, Virginia, stood with Director of Central Intelligence George Tenet and said: "My report to the nation is, we've got the best intelligence we can possibly have thanks to the men and women of the C.I.A." George Tenet subsequently and falsely claimed not to have visited the president personally between the start of Bush's long Crawford vacation and September 11, 2001.

Testifying before the 9/11 Commission on April 14, 2004, Tenet answered a question from Commission member Timothy Roemer by referring to the president's vacation (July 29–August 30) in Crawford and insisting that he did not see the president at all in August 2001. "You never talked with him?" Roemer asked. "No," Tenet replied, explaining that for much of August he too was "on leave." An Agency spokesman called reporters that same evening to say Tenet had misspoken, and that Tenet had briefed Bush on August 17 and 31. The spokesman explained that the second briefing took place after the president had returned to Washington, and played down the first one, in Crawford, as uneventful.

In his book, At the Center of the Storm, (2007) Tenet refers to what is almost certainly his August 17 visit to Crawford as a follow-up to the "Bin Laden Determined to Strike in the US" article in the CIA-prepared President's Daily Brief of August 6. That briefing was immortalized in a Time Magazine photo capturing Harriet Myers holding the PDB open for the president, as two CIA officers sit by. It is the same briefing to which the president reportedly reacted by telling the CIA briefer, "All right, you've covered your ass now." (Ron Suskind, The One-Percent Doctrine, p. 2, 2006). In At the Center of the Storm, Tenet writes: "A few weeks after the August 6 PDB was delivered, I followed it to Crawford to make sure that the president stayed current on events."

A White House press release suggests Tenet was also there a week later, on August 24. According to the August 25, 2001, release, President Bush, addressing a group of visitors to Crawford on August 25, told them: "George Tenet and I, yesterday, we piled in the new nominees for the Chairman of the Joint Chiefs, the Vice Chairman and their wives and went right up the canyon."

In early February 2002, Vice President Dick Cheney warned then-Senate Majority Leader Tom Daschle that if Congress went ahead with an investigation, administration officials might not show up to testify. As pressure grew for an investigation, the president and vice president agreed to the establishment of a congressional joint committee to conduct a "Joint Inquiry." Eleanor Hill, Executive Director of the Inquiry, opened the Joint Inquiry's final public hearing in mid-September 2002 with the following disclaimer: "I need to report that, according to the White House and the Director of Central Intelligence, the president's knowledge of intelligence information relevant to this inquiry remains classified, even when the substance of the intelligence information has been declassified."

The National Commission on Terrorist Attacks, also known as the 9/11 Commission, was created on November 27, 2002, following the passage of congressional legislation signed into law by President Bush. The President was asked to testify before the Commission. He refused to testify except for one hour in private with only two Commission members, with no oath administered, with no recording or note taking, and with the Vice President at his side. Commission Co-Chair Lee Hamilton has written that he believes the commission was set up to fail, was underfunded, was rushed, and did not receive proper cooperation and access to information.

A December 2007 review of classified documents by former members of the Commission found that the commission had made repeated and detailed requests to the CIA in 2003 and 2004 for documents and other information about the interrogation of operatives of Al Qaeda, and had been told falsely by a top C.I.A. official that the agency had "produced or made available for review" everything that had been requested.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXV.—ENDANGERING THE HEALTH OF 9/11 FIRST RESPONDERS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, recklessly endangered the health of first responders, residents, and workers at and near the former location of the World Trade Center in New York City.

The Inspector General of the Environmental Protection Agency (EPA) August 21, 2003, report numbered 2003–P–00012 and entitled "EPA's Response to the World Trade Center Collapse: Challenges, Successes, and Areas for Improvement," includes the following findings:

"[W]hen EPA made a September 18 announcement that the air was 'safe' to breathe, it did not have sufficient data and analyses to make such a blanket statement. At that time, air monitoring data was lacking for several pollutants of concern, including particulate matter and polychlorinated biphenyls (PCBs). Furthermore, The White House Council on Environmental Quality (CEQ) influenced, through the collaboration process, the information that EPA communicated to the public through its early press releases when it convinced EPA to add reassuring statements and delete cautionary ones.

"As a result of the White House CEQ's influence, guidance for cleaning indoor spaces and information about the potential health effects from WTC debris were not included in EPA-issued press releases. In addition, based on CEQ's influence, reassuring information was added to at least one press release and cautionary information was deleted from EPA's draft version of that press release . . . The White House's role in EPA's public communications about WTC environmental conditions was described in a September 12, 2001, e-mail from the EPA Deputy Administrator's Chief of Staff to senior EPA officials:

"'All statements to the media should be cleared through the NSC [National Security Council] before they are released.'

"According to the EPA Chief of Staff, one particular CEQ official was designated to work with EPA to ensure that clearance was obtained through NSC. The Associate Administrator for the EPA Office of Communications, Education, and Media Relations (OCEMR) said that no press release could be issued for a 3- to 4-week period after September 11 without approval from the CEQ contact."

Acting EPA Administrator Marianne Horinko, who sat in on EPA meetings with the White House, has said in an interview that the White House played a coordinating role. The National Security Council played the key role, filtering incoming data on ground zero air and water, Horinko said: "I think that the thinking was, these are experts in WMD (weapons of mass destruction), so they should have the coordinating role."

In the cleanup of the Pentagon following September 11, 2001, Occupational Safety and Health Administration laws were enforced, and no workers became ill. At the World Trade Center site, the same laws were not enforced.

In the years since the release of the EPA Inspector General's above-cited report, the Bush Administration has still not effected a clean-up of the indoor air in apartments and workspaces near the site.

Screenings conducted at the Mount Sinai Medical Center and released in the September 10, 2004, Morbidity and Mortality Weekly Report (MMWR) of the federal Centers For Disease Control and Prevention (CDC), produced the following results:

"Both upper and lower respiratory problems and mental health difficulties are widespread among rescue and recovery workers who dug through the ruins of the World Trade Center in the days following its destruction in the attack of September 11, 2001.

"An analysis of the screenings of 1,138 workers and volunteers who responded to the World Trade Center disaster found that nearly three-quarters of them experienced new or worsened upper respiratory problems at some point while working at Ground Zero. And half of those examined had upper and/or lower respiratory symptoms that persisted up to the time of their examinations, an average of eight months after their WTC efforts ended."

A larger study released in 2006 found that roughly 70 percent of nearly 10,000 workers tested at Mount Sinai from 2002 to 2004 reported that they had new or substantially worsened respiratory problems while or after working at ground zero. This study showed that many of the respiratory ailments, including sinusitis and asthma, and gastrointestinal problems related to them, initially reported by ground zero workers persisted or grew worse over time. Most of the ground zero workers in the study who reported trouble breathing while working there were still having those problems two and a half years later, an indication of chronic illness unlikely to improve over time.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

The SPEAKER pro tempore (Mr. ELLISON). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio will appear in the RECORD at this point.

The Chair will not, at this point, determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for the consideration of the resolution.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. HOYER) for today on account of official business.

Mr. MCDERMOTT (at the request of Mr. HOYER) for today.

Mr. MEEK of Florida (at the request of Mr. HOYER) for today.

Mr. ORTIZ (at the request of Mr. HOYER) for today and the balance of the week on account of business in district.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of weather conditions.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of traveling on business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KUCINICH) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2482. An act to repeal the provision of title 346, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida; to the Committee on Transportation and Infrastructure.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2420. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 6, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 6081. To amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

ADJOURNMENT

Mr. KUCINICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 10, 2008, at 9 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6996. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's Annual Developing Countries Combined Exercise Program Report of Expenditures, pursuant to 10 U.S.C. 2010; to the Committee on Armed Services.

6997. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-06 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Spain for defense articles and services; to the Committee on Armed Services.

6998. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Michael B. Hayden, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6999. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; to the Committee on Armed Services.

7000. A letter from the Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting a report pursuant to Section 813 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-360; to the Committee on Armed Services.

7001. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's notification of its intention to close the Defense commissary stores at Idar-Oberstein and Dexheim, Germany; to the Committee on Armed Services.

7002. A letter from the Deputy Chief of Legislative Affairs, Department of the Navy, Department of Defense, transmitting the Department's Contract Awarded for Seaport Enhanced (Seaport-E) Acquisition Program for Services Procurements; to the Committee on Armed Services.

7003. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003, August 6, 2004, August 2, 2005, August 6, 2006, and August 15, 2007 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7004. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 09-08 informing of an intent to sign a cooperative test and evaluation project arrangement between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

7005. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7006. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Governments of the United Kingdom and Greece (Transmittal No. DDTC 116-07); to the Committee on Foreign Affairs.

7007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles to the Government of Thailand (Transmittal No. DDTC 039-08); to the Committee on Foreign Affairs.

7008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 005-08); to the Committee on Foreign Affairs.

7009. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on United States contributions to the United Nations and United Nations affiliated agencies and related bodies for fiscal years 2006 and 2007, pursuant to Public Law 109-364, section 1225; to the Committee on Foreign Affairs.

7010. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting the Department's report on the Use of Generic Drugs in the President's Emergency Plan for AIDS Relief, pursuant to Public Law 110-197; to the Committee on Foreign Affairs.

7011. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting the Department's report on Food Security in the President's Emergency Plan for AIDS Relief, pursuant to Public Law 110-197; to the Committee on Foreign Affairs.

7012. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting the Department's report on Health Care Worker Training in the President's Emergency Plan for AIDS Relief, pursuant to Public Law 110-197; to the Committee on Foreign Affairs.

7013. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Results of Auditor's Review of Quality Assurance Practices Related to Certain Congregate Care Providers," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7014. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Auditor's Examination of Contract Cost and Administration for the Integrated Tax System," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7015. A letter from the Chairperson, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting a copy of a proposed bill to amend the Javits-Wagner-O'Day Act; to the Committee on Oversight and Government Reform.

7016. A letter from the EEO and Diversity Programs, National Archives and Records Administration, transmitting the Administration's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

7017. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2007, pursuant to Public Law 108-447, section 522; to the Committee on Oversight and Government Reform.

7018. A letter from the Director, Pension Benefit Guaranty Corporation, transmitting Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Corporation's Annual Report for FY 2007; to the Committee on Oversight and Government Reform.

7019. A letter from the Senior Vice President, Tennessee Valley Authority, transmitting the Authority's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

7020. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Marine Mammals; Incidental Take During Specified Activities [FWS-R7-FHC-2008-0040] [71490-1351-0000-L5] (RIN: 1018-AU41) received June 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7021. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AU61) received May 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7022. A letter from the Chief, Branch of Listing, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Polar Bear (Ursus maritimus) Throughout Its Range [FWS-R7-ES-2008-0038] [111 FY07 MO-B2] (RIN: 1018-AV19) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7023. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Final Rule: Special Local Regulations Concerning Fireworks Displays in Norwich and Middletown, Connecticut [Docket No. USCG-2007-0111] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7024. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL, Quad Cities Heart Walk [USCG-2008-0036] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7025. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chelsea River, Chelsea and East Boston, MA [Docket No. USCG-2008-0001] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7026. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Firework Events; Great Lake annual Firework Events. [Docket No. USCG-2008-0219] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7027. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Arkansas Waterway, Little Rock, AR, Operation Change [Docket No. USCG-2007-0043] (RIN: 1625-AA09) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7028. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Colorado River, Parker, AZ [Docket No. USCG-2007-0145] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7029. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [Docket No. USCG-2007-0140] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7030. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Implementation of Vessel Security Officer Training and Certification Requirements — International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended. [Docket No. USCG-2008-0028] (RIN: 1625-AB26) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7031. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA [Docket No. USCG-2008-0074] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7032. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Recurring Marine Events in the Fifth Coast Guard District [Docket No. USCG-2007-0147] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7033. A letter from the Senior Counsel, Office of Chief Counsel for Import Administration, Department of Commerce, transmitting the Department's final rule — Import Administration, Withdrawal of Regulations Governing the Treatment of Subcontractors ("Tolling" Operations) [Docket No. 080225304-8463-01] (RIN: 0625-AA77) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7034. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Immediate Deposit and Withdrawal Standards — Intercept of Refunds of Erroneous Employer Contributions — received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7035. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — COORDINATED ISSUE PAPER ALL INDUSTRIES STATE AND LOCAL TAX INCENTIVES UIL: 118.01-02 [LMSB-04-0408-023] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7036. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treatment of Property Used to Acquire Parent Stock in Certain Triangular Reorganizations Involving Foreign Corporations [TD 9400] (RIN: 1545-BG97) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7037. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper Blue Cross Blue Shield/Health Insurance; Life Insurance Conversion of Nonprofit Organizations UILs: 162.02-00, 162.05-03, 265,.00-00 [LMSB-04-0408-024] received June 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7038. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activities IRC 41 [LMSB-04-0508-030] received June 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7039. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 446.-General Rule for Methods of Accounting 26 CFR 1.446-1: General rule for methods of accounting. (Also 118) (Rev. Rul. 2008-30) received June 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7040. A letter from the Social Security Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Parent-to-Child Deeming From Stepparents [Docket No. SSA 2007-0070] (RIN: 0960-AF96) received May 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7041. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Hospice Conditions of Participation [CMS-3844-F] (RIN: 0938-AH27) received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted on June 9, 2008]

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 6063. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; with an amendment (Rept. 110-702). Referred to the Committee of the Whole House on the State of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 1253. Resolution providing for the consideration of the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes (Rept. 110-703). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following actions occurred on June 6, 2008]

Pursuant to clause 2 of rule XII the Committees on Energy and Commerce and Ways and Means discharged from further consideration. H.R. 1328 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 6028 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 5618. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes, with an amendment; referred to the Committee on Science and Technology for a period ending not later than July 11, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X (Rept. 110-701, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

(The following action occurred on June 6, 2008)

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than July 11, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself and Mr. MICHAUD):

H.R. 6206. A bill to establish the Small Business Information Security Task Force, and for other purposes; to the Committee on Small Business.

By Mr. AKIN:

H.R. 6207. A bill to develop American energy independence, lower gas prices, and open reliable national sources of energy; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Rules, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN:

H.R. 6208. A bill to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. ESHOO:

H.R. 6209. A bill to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany; to the Committee on Energy and Commerce.

By Mr. KIND (for himself, Mr. ENGLISH of Pennsylvania, Mr. BARROW, Mr. YOUNG of Florida, Mr. CARNAHAN, Mrs. EMERSON, Mr. ALLEN, Mr. GERLACH, Mr. ALTMIRE, Mr. SHAYS, Mr. COURTNEY, and Mr. RAMSTAD):

H.R. 6210. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. CULBERSON, Mr. DREIER, Mr. HERGER, Mr. PETERSON of Pennsylvania, and Mr. BROWN of South Carolina):

H.R. 6211. A bill to allow Americans the opportunity to see their vast oil shale and tar sands resources on Federal lands developed by providing the President with the ability to determine the quickest and most responsible way to access oil shale resources; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. TOWNS, Mr. DAVIS of Illinois, and Mr. RODRIGUEZ):

H.R. 6212. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENEY:

H.R. 6213. A bill to establish the Reinsurance International Solvency Standards Evaluation Board; to the Committee on Financial Services.

By Mr. McHUGH (for himself, Mr. KUHL of New York, and Mr. SMITH of Nebraska):

H.R. 6214. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Ways and Means.

By Mr. PALLONE (for himself and Mr. RAMSTAD):

H.R. 6215. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES (for himself, Mr. FRANK of Massachusetts, and Mr. MEEK of Florida):

H.R. 6216. A bill to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. SIRES (for himself, Mr. PAYNE, and Mr. ROTHMAN):

H.R. 6217. A bill to amend title 39, United States Code, to modify the procedures governing the closure or consolidation of post offices; to the Committee on Oversight and Government Reform.

By Mr. WEINER:

H.R. 6218. A bill to provide for loan guarantees for retrofitting high-performance green buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. BERMAN, Mrs. BONO MACK, Mr. COBLE, Mr. COHEN, Mr. COOPER, Mr. COSTA, Mr. CROWLEY, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Mr. NADLER, Ms. LINDA T. SÁNCHEZ of California, and Mr. SMITH of Texas):

H. Res. 1251. A resolution saluting the life and music of the late Otha Ellas "Bo Diddley" Bates, guitar virtuoso and rock and roll pioneer, whose music continues to influence generations of musicians; to the Committee on the Judiciary. Considered and agreed to.

By Mr. HENSARLING:

H. Res. 1252. A resolution providing for consideration of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Rules.

By Mr. ENGEL (for himself, Mr. BURTON of Indiana, Mr. PAYNE, Mr. BERMAN, Mr. KUHL of New York, Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. SIRES, Mr. HONDA, Mr. DELAHUNT, Mr. CROWLEY, and Mr. JEFFERSON):

H. Res. 1254. A resolution supporting the values and goals of the "Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality", signed by Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos on March 13, 2008; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. HIRONO.

H.R. 42: Mr. CARSON.

H.R. 82: Mr. MARIO DIAZ-BALART of Florida and Mr. SCALISE.

H.R. 211: Mr. RODRIGUEZ.

H.R. 552: Mr. MORAN of Virginia, Ms. HARMAN, and Mr. REGULA.

H.R. 659: Mr. BRADY of Pennsylvania.

H.R. 661: Mr. CARSON.

H.R. 971: Mr. SMITH of New Jersey.

H.R. 983: Mr. CARSON.

H.R. 1032: Mr. WATT, Ms. DEGETTE, and Mr. WEXLER.

H.R. 1076: Mr. SESTAK and Mr. GONZALEZ.

H.R. 1108: Mr. FOSTER and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1193: Mr. TIERNEY.

H.R. 1295: Mr. AKIN.

H.R. 1359: Mr. BURGESS.

H.R. 1390: Mr. BUTTERFIELD.

H.R. 1518: Mr. JEFFERSON.

H.R. 1553: Mr. SMITH of New Jersey.

H.R. 1606: Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. THOMPSON of Mississippi.

H.R. 1619: Ms. SCHAKOWSKY.

H.R. 1707: Mr. JOHNSON of Georgia.

H.R. 1932: Mr. WELCH of Vermont.

H.R. 2049: Mr. VISCLOSKY.

H.R. 2138: Mr. WITTMAN of Virginia.

H.R. 2188: Mrs. LOWEY and Mr. MANZULLO.

H.R. 2192: Mr. TIM MURPHY of Pennsylvania.

H.R. 2279: Mr. GALLEGLY, Mrs. MYRICK, and Mr. EVERETT.

H.R. 2343: Mr. RUSH, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. EMANUEL, and Mr. BERRY.

H.R. 2370: Mr. WELCH of Vermont and Mr. REICHERT.

H.R. 2493: Mr. BUYER, Mr. BROUN of Georgia, Ms. PRYCE of Ohio, and Mr. EVERETT.

H.R. 2606: Mr. KUHL of New York.

H.R. 2676: Mrs. LOWEY and Mr. JEFFERSON.

H.R. 2694: Mr. CARSON.

H.R. 2712: Mr. WOLF.

H.R. 2851: Mr. VAN HOLLEN.

H.R. 2933: Mr. SHULER and Mr. UDALL of Colorado.

H.R. 2941: Ms. CORRINE BROWN of Florida.

H.R. 3051: Mr. CARSON.

H.R. 3089: Mrs. MYRICK, Mr. GALLEGLY, and Mr. EVERETT.

H.R. 3202: Mr. SHAYS.

H.R. 3257: Mr. WALSH of New York.

H.R. 3267: Ms. DEGETTE and Mr. MCDERMOTT.

H.R. 3281: Mr. CARSON.

H.R. 3289: Ms. LEE, Ms. HARMAN, Mr. ELLISON, and Mr. MARKEY.

H.R. 3453: Mr. WALSH of New York.

H.R. 3457: Mr. WEXLER and Mr. GERLACH.

H.R. 3559: Mr. STUPAK.

H.R. 3622: Mrs. MUSGRAVE and Mr. DENT.

H.R. 3834: Mr. RUSH.

H.R. 3882: Mr. CARSON.

H.R. 3961: Mr. TIM MURPHY of Pennsylvania.

H.R. 3979: Ms. JACKSON-LEE of Texas and Mr. CASTLE.

H.R. 4010: Mr. CHILDERS.

H.R. 4048: Ms. LEE.

H.R. 4099: Mr. JONES of North Carolina.

H.R. 4105: Mr. SAXTON, Mr. MANZULLO, Mr. SCOTT of Virginia, Mr. BERRY, Mr. LOBIONDO, and Mr. BISHOP of Georgia.

H.R. 4150: Ms. PRYCE of Ohio.

H.R. 4199: Ms. SUTTON and Mr. WILSON of Ohio.

H.R. 4900: Mr. STUPAK.

H.R. 4959: Mr. JOHNSON of Georgia.

H.R. 4990: Mr. TOWNS.

H.R. 5106: Mr. YOUNG of Florida.

H.R. 5110: Mr. MORAN of Virginia.

H.R. 5128: Mr. KUCINICH.

H.R. 5138: Mr. WEXLER.

H.R. 5155: Mr. MURPHY of Connecticut and Mr. CARSON.

H.R. 5267: Mr. HASTINGS of Florida.

H.R. 5293: Ms. BERKLEY.

H.R. 5454: Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. ANDREWS, and Ms. SPEIER.

H.R. 5573: Ms. ROS-LEHTINEN, Mr. BRALEY of Iowa, and Ms. SUTTON.

H.R. 5575: Ms. SCHAKOWSKY.

H.R. 5611: Mr. PENCE and Mr. MCHENRY.

H.R. 5646: Mr. STUPAK.

H.R. 5656: Ms. GRANGER and Mr. HERGER.

H.R. 5660: Mr. RUSH.

H.R. 5673: Mr. THORNBERRY.

H.R. 5674: Mr. LUCAS, Mr. ROTHMAN, and Mr. COLE of Oklahoma.

H.R. 5677: Mr. SMITH of New Jersey.

H.R. 5704: Mr. PRICE of North Carolina.

H.R. 5713: Mr. SALI.

H.R. 5737: Mr. EHLERS.

H.R. 5748: Mr. BRALEY of Iowa.

H.R. 5752: Mr. CALVERT.

H.R. 5760: Mr. MARIO DIAZ-BALART of Florida.

H.R. 5785: Ms. SUTTON.

H.R. 5788: Mr. HINOJOSA and Mr. HILL.

H.R. 5793: Mr. GUTIERREZ.

H.R. 5798: Ms. SUTTON.

H.R. 5814: Mr. BROUN of Georgia.

H.R. 5821: Mr. PICKERING.

H.R. 5825: Ms. ESHOO.

H.R. 5846: Mr. CARSON.

H.R. 5864: Mr. MCCOTTER.

H.R. 5868: Mr. WOLF, Mrs. MYRICK, and Mr. SOUDER.

H.R. 5874: Mr. SPRATT, Ms. SCHAKOWSKY, Mr. ALLEN, Mr. BOREN, Mr. TURNER, Mr. MARKEY, and Mr. WELCH of Vermont.

H.R. 5912: Ms. DEGETTE.

H.R. 5954: Ms. CORRINE BROWN of Florida, Ms. HERSETH SANDLIN, Mr. SPACE, Mr. ABERCROMBIE, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. DEGETTE, Ms. ESHOO, Mr. INSLEE Mr. MATHESON, Mr. MURTHA, Mr. TANNER, and Mr. WU.

H.R. 5960: Mr. ADERHOLT, Mr. WILSON of Ohio, and Ms. SLAUGHTER.

H.R. 5971: Mr. DAVID DAVIS of Tennessee, Mr. CALVERT, Mr. BURGESS, Mr. SALI, Mr. WALBERG, and Mrs. MUSGRAVE.

H.R. 5977: Mr. JONES of North Carolina and Mrs. BOYDA of Kansas.

H.R. 5979: Mr. WALBERG.

H.R. 5996: Mr. KIRK.

H.R. 6052: Mr. LIPINSKI, Mr. NADLER, Mr. SIRES, Ms. NORTON, Mr. CUMMINGS, Mrs. NAPOLITANO, Mrs. TAUSCHER, Mr. FILNER, Mr. RYAN of Ohio, Mr. BLUMENAUER, Mr. YOUNG of Alaska, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Mr. DINGELL, and Mr. CARNAHAN.

H.R. 6063: Mr. MCCAUL of Texas, Mr. KLEIN of Florida, Mr. SMITH of Texas, Mr. PERLMUTTER, and Mr. MILLER of North Carolina.

H.R. 6064: Mr. SNYDER, Mr. LANGEVIN, Ms. DEGETTE, Mr. ORTIZ, Mr. TIERNEY, Mr. FARR, and Mr. ALTMIRE.

H.R. 6073: Mr. WELCH of Vermont and Mrs. DRAKE.

H.R. 6076: Mrs. CHRISTENSEN and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 6083: Mr. WALZ of Minnesota.

H.R. 6092: Mr. JONES of North Carolina.

H.R. 6093: Mr. GRIJALVA.

H.R. 6104: Mr. ANDREWS, Ms. HIRONO, Mr. REYES, Mr. BUTTERFIELD, and Mr. BRALEY of Iowa.

H.R. 6105: Mr. TIAHRT.

H.R. 6108: Mr. DREIER, Mr. HAYES, Mr. BONNER, Ms. FOXX, Mr. MCHENRY, and Mr. EVERETT.

H.R. 6146: Mrs. BLACKBURN and Mr. DAVIS of Alabama.

H.R. 6168: Mr. HULSHOF.

H.R. 6169: Mr. HULSHOF.

H.R. 6180: Mr. ROTHMAN, Ms. LEE, and Mr. STUPAK.

H.J. Res. 79: Mr. GEORGE MILLER of California.

H.J. Res. 89: Mr. ROSS, Mr. CONAWAY, Mrs. BLACKBURN, Mr. BARTON of Texas, Mr. FORBES, Mr. WHITFIELD of Kentucky, and Mr. SAM JOHNSON of Texas.

H.J. Res. 93: Ms. BORDALLO, Mr. COHEN, and Mr. FRANK of Massachusetts.

H. Con. Res. 244: Mr. ETHERIDGE and Mr. CHANDLER.

H. Con. Res. 296: Mr. FEENEY.

H. Con. Res. 299: Mr. MCCAUL of Texas, Mr. HARE, Mr. YOUNG of Florida, Mr. PRICE of Georgia, Mr. RAMSTAD, Ms. GRANGER, and Mr. GERLACH.

H. Con. Res. 336: Mr. HODES, Mr. WEXLER, Mr. MCINTYRE, Mr. FORTENBERRY, Ms. EDDIE BERNICE JOHNSON of Texas and Mr. SCALISE.

H. Con. Res. 338: Mr. RUSH and Mr. HINOJOSA.

H. Con. Res. 341: Mr. HAYES, Ms. ZOE LOFGREN of California, and Mr. MILLER of North Carolina.

H. Con. Res. 350: Mr. SERRANO, Mr. MORAN of Virginia, Mr. KIRK, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. ENGEL, Ms. BERKLEY, Mrs. MALONEY of New York, Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mr. MOORE of Kansas.

H. Con. Res. 358: Mr. LATTA, Mr. WALBERG, Mr. JORDAN, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. MCCARTHY of California, Mr. BISHOP of Utah, Mr. ROSKAM, Mr. MCKEON, Mr. COLE of Oklahoma, Mr. WITTMAN of Virginia, Mr. GINGREY, Mrs. BONO Mack, Mr. TOM DAVIS of Virginia, Ms. FOXX, Mr. BILIRAKIS, Mrs. DRAKE, and Mr. HAYES.

H. Con. Res. 364: Mr. CONYERS, Ms. NORTON, Mr. CROWLEY, and Mr. MEEK of Florida.

H. Res. 389: Ms. SLAUGHTER.

H. Res. 543: Ms. NORTON.

H. Res. 617: Mr. MCCOTTER.

H. Res. 672: Mr. SPRATT, Ms. KILPATRICK, and Mr. HINOJOSA.

H. Res. 977: Mr. DINGELL.

H. Res. 1010: Mr. SALI.

H. Res. 1051: Mr. CONAWAY, Mr. HAYES, Mrs. MUSGRAVE, Mr. ROGERS of Alabama, and Mr. RYAN of Ohio.

H. Res. 1143: Mr. GERLACH, Mr. CANTOR, Mr. GILCHREST, Mr. ALLEN, Mr. EHLERS, Mr. NEAL of Massachusetts, Mr. SKELTON, Mr. SALI, and Ms. KAPTUR.

H. Res. 1164: Mr. STUPAK.

H. Res. 1219: Mr. SKELTON, Mr. BURTON of Indiana, and Mr. JONES of North Carolina.

H. Res. 1227: Ms. JACKSON-LEE of Texas and Ms. WOOLSEY.

H. Res. 1230: Mr. DELAHUNT, Ms. WOOLSEY, Mr. ENGEL, and Mr. BERMAN.

H. Res. 1235: Mr. BOUSTANY, Mr. ALEXANDER, Mr. MCCRERY, Mr. BUYER, Mr. BROWN of South Carolina, Mr. BOOZMAN, Mr. BUCHANAN, Mr. LAMBORN, Mr. LATTA, Mr. SHIMKUS, Mr. BONNER, Mr. MILLER of Florida, Mr. MARCHANT, Mrs. DRAKE, and Mr. STEARNS.

H. Res. 1237: Mr. COOPER and Ms. WASSERMAN SCHULTZ.

H. Res. 1243: Mr. JONES of North Carolina, Mr. HALL of Texas, and Mr. MCCOTTER.

H. Res. 1245: Mr. CHABOT, Mr. FORTUÑO, and Mr. ELLISON.

H. Res. 1249: Mr. BERMAN, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. MEEK of Florida, Mr. COHEN, and Ms. SCHWARTZ.

EXTENSIONS OF REMARKS

TRIBUTE TO COLONEL KENNETH O. McCREEDY

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Colonel Kenneth O. McCreedy, Installation Commander at Fort Meade in Maryland. Colonel McCreedy holds a bachelor's degree in history from Washington and Lee University, master's and doctorate degrees from University of California, Berkeley, a Master of Military Arts and Sciences degree from the U.S. Army Command and Staff College, and a Master of Strategic Studies from the Army War College. He is also a graduate of both the Army's School of Advanced Military Studies and the Advanced Strategic Art Program.

After over twenty years in the service, Colonel McCreedy took command of Fort Meade in June 2005. Since then, Colonel McCreedy has worked closely with business leaders and elected officials, to consider how his decisions would affect the communities both inside and outside of the Fort Meade gates.

Fort Meade, located halfway between Baltimore and Washington, DC, is the fourth largest army installation base in the continental United States with approximately 40,000 military, civilian, and contractor personnel. The base thrives not only as a military installation, but also as a leading contributor to Maryland's economy.

Colonel McCreedy has played a large role in planning and preparing for the Base Realignment and Closure (BRAC) process, which will cause a projected 25 percent population increase and 5,700 jobs at Fort Meade alone. He also has worked closely with the Fort Meade Alliance, an advocacy membership organization created to promote and support Fort Meade as an economic asset and resource to the region.

Among his countless awards and decorations, Colonel McCreedy has earned the Defense Meritorious Service Medal, Meritorious Service Medal, Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal, National Defense Service Medal, and the NATO Medal.

Madam Speaker, I ask that you join with me today to honor Colonel Kenneth O. McCreedy in his retirement from the position of Fort Meade Installation Commander. His legacy as a brilliant military commander will be forever remembered in his service to one of our nation's largest military installations. It is with great pride that I congratulate Colonel McCreedy on his exemplary military career and his outstanding leadership at Fort Meade.

CELEBRATING FRANKLIN COUNTY, NEW YORK'S BICENTENNIAL

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. McHUGH. Madam Speaker, I rise today to extend my sincere congratulations to the fine people of Franklin County, New York, as they celebrate the county's bicentennial. I am proud to represent them and to have the opportunity to take a moment to reflect upon the county's characteristics and rich history, which includes the War of 1812 and the Underground Railroad.

Franklin County was formed on March 11, 1808, from Clinton County, when it became apparent that travel to Plattsburgh to conduct legal business was too burdensome. Franklin County, which encompasses 1,631.49 square miles, was named after Benjamin Franklin. Its neighbors are Quebec, Canada to the north, Clinton County to the east, Essex and Hamilton Counties to the south, and St. Lawrence County to the west. Franklin County's nearly 51,000 residents live in 19 townships: Bangor, Bellmont, Bombay, Brandon, Brighton, Burke, Chateaugay, Constable, Dickinson, Duane, Fort Covington, Franklin, Harrietstown, Malone, Moira, Santa Clara, Tupper Lake, Waverly, and Westville. In addition to the County seat, Malone, Franklin County is home to five other villages: Brushton, Burke, Chateaugay, Saranac Lake, and Tupper Lake.

Potash production was the earliest industry in the county; other early industries included agriculture, iron ore mining, logging, mills, sanitariums, and tourism. Today, agriculture continues to play a vital part in the county's economy; in 2002, Franklin County's 530 farms produced agricultural products with a market value of about $48 million including dairy, cattle and calves, vegetables, aquaculture, and nursery and greenhouse. Likewise, the world class Trudeau Institute, which was originally founded in 1884 as a tuberculosis sanitarium, is still making breakthrough discoveries to improve human health as the incredible Adirondack Mountains continue to draw tourists who enjoy bird-watching, camping, canoeing, fishing, hiking, hunting, and other outdoor activities.

Franklin County's residents are known to be generous, independent, proud, resourceful, and resilient. Perhaps its most notable native son is William Almon Wheeler, who was born in Malone on June 30, 1819, and was elected as our nation's Vice President in 1876 after serving as District Attorney, State Assemblyman, State Senator, and U.S. Representative. Other noteworthy former residents include Tom Browning, who pitched a perfect game and won a World Series game for the Cincinnati Reds, and Almanzo Wilder, whose boyhood on a Burke farm later became known to the world through Farmer Boy, which was written by his wife, Laura Ingalls Wilder. Again, it is a great honor to have the opportunity to join with the residents of Franklin County, New York, as they celebrate their bicentennial.

HONORING ANTHONY BORBA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Anthony Borba upon his retirement as the superintendent of Salida Unified School District. Superintendent Borba will be honored at a reception on May 31, 2008.

Superintendent Anthony Borba graduated from California State University, Stanislaus, in 1975 with a bachelor's of arts degree in Spanish, a minor in political science and a California elementary teaching credential. Immediately after completing college, he taught at Tuolumne School for 3 years. It was during this time he spent a summer at the University of California, Santa Barbara, completing an intensive Portuguese study program. This program allowed Superintendent Borba to become a language program facilitator for the Office of Merced County Superintendent of Schools. As he completed additional educational programs he was able to advance through the ranks of the school districts. In 1980, Superintendent Borba earned a masters of arts degree in school administration from California State University, Stanislaus. In 2003 he earned an educational doctorate in education administration from University of the Pacific.

Superintendent Borba worked for the Office of Merced County Superintendent of Schools as a language program facilitator for 4 years. He then taught and became the assistant principal at Selima Herndon School. After just 2 years, he became principal of the school. He served as principal for 4 years. In 1988 he became the director of instructional services and staff development for the Merced City School District. Two years later, he was a superintendent. He served as a superintendent for two districts, Chatom Union Elementary School District and Salida Union School District. In addition to his employment with the schools, Superintendent Borba was also a part-time English-as-a-second language teacher at Modesto Junior College, he worked with the California State Department of Education as a facilitator for Portuguese and Asian minority languages group. He was the principal at a migrant summer school and has been an adjunct faculty member at California State University, Stanislaus, in the Department of Advanced Studies. Superintendent Borba is retiring to become an associate professor for advanced studies at the university.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Superintendent Borba has been, and continues to be, involved in numerous organizations. A few of the organizations include: community advisory board for the doctoral program in instructional leadership at California State University, Stanislaus; he is a member of three doctoral dissertation committees for University of the Pacific; Central Regions Schools Insurance Group; Superintendents' Council of Stanislaus County; Association of Low Wealth Schools; and Stanislaus County Superintendents of Schools. Superintendent Borba has been awarded with the Educator of the Year Award in 1998 by the Portuguese Chamber of Commerce in San Jose, Outstanding Alumnus Award in 1999 by the Professional Administrative Services Credential Program at California State University, Stanislaus, the Outstanding Vocational Award for 2000–2001 by the Rotary Club of Salida; the Ethics in Public Service Award in 2007 by the Modesto Bee and California State University, Stanislaus; and the Educator of the Year Award in 2007 by the Portuguese Education Foundation for central California.

Madam Speaker, I rise today to commend and congratulate Superintendent Anthony Borba upon his achievements and retirement from Salida Unified School District. I invite my colleagues to join me in wishing Superintendent Borba many years of continued success.

CONGRATULATING MICHAEL J. MOCEK ON HIS RETIREMENT

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Ms. GRANGER. Madam Speaker, I want to congratulate Mr. Michael J. Mocek on his upcoming retirement and thank him for his 37 years of Federal service to the U.S. Army Corps of Engineers, the State of Texas, and our Nation.

Mike has a long and distinguished history with the Corps of Engineers. Most of his Corps service has been with the Fort Worth Engineer District, where he served the last 12 years as the senior civilian and as the deputy district engineer and the chief of the Programs and Project Management Division.

Among his many significant accomplishments in Texas was the successful completion of Jim Chapman and Ray Roberts Lakes in the 1980s. Mike's technical expertise and planning efforts on those projects provided those communities with vital flood protection and water supply. He also played an invaluable role in the successful approval of the Dallas Floodway Extension project, currently under construction, which will greatly improve the flood protection for that city.

In recent years, Mike has been instrumental in getting Corps approval for one of my top priorities, the Central City Project in Fort Worth. This project will revitalize a portion of the downtown area and provide much needed recreation and park lands, ecosystem restoration, and future flood protection for our citizens. In addition, Mike has provided exceptional leadership for the Corps of Engineers in developing a partnership with the Texas Water Development Board to improve cooperation between the State and Federal government for water resource projects to meet the State's future water needs.

Mike has also guided and overseen the management of one of the largest and most challenging military programs in the Corps, supporting flag ship installations such as Fort Hood, Fort Bliss, and Fort Sam Houston, as well as Lackland and Dyess Air Force Bases. His extraordinary leadership, dedication, and commitment led to the successful completion of many projects that have greatly improved the readiness of our forces and the quality of life for our soldiers, airmen and their families. He did all of this while concurrently serving in the Army Reserves, and retired at the rank of lieutenant colonel.

In 2005, Mike was selected as the top civilian for the Corps of Engineers for achieving the highest overall standards of excellence and for his many significant contributions to the missions, prestige and reputation of the entire Corps. He was very deserving of this honor.

He has mentored many senior military officers and continues to be sought out for his expertise, wise counsel, and advice. Though he received many offers for senior executive promotions throughout the years that would have taken him from Texas, Mike elected to remain in his home State where he felt his efforts would best serve his fellow Texans.

In the Fort Worth community, Mike has been a well-known and trusted leader and public servant. Both he and his wife, Betty, have served their community well. As an ordained deacon at Holy Family Catholic Church, he provides counsel and spiritual guidance to those who seek it. Betty has taught elementary school students for many years and is currently teaching 4th grade at Tanglewood Elementary School in Fort Worth

I am indeed honored to have worked with Mike over the last several years as a Member of Congress, and before that as mayor of Fort Worth. I appreciate Mike's long, dedicated, and faithful service to the Fort Worth community, the State of Texas and our Nation. I wish him all the best in his retirement.

HONORING THE 10TH ANNIVERSARY OF THE BROOKSVILLE, FLORIDA ART GALLERY

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise to honor the 10th anniversary of the Brooksville Art Gallery. Conceived of by two community stalwarts, Mary Alice Queiros and Karen Phillips, 10 years ago this month, the gallery has been an artistic pillar of the community for its entire existence.

Following the completion of Brooksville City Hall in 1996, Clerk of the Court Karen Phillips and longtime champion of the arts Mary Alice Queiros looked for ways to brighten the hallways and fill much of the empty space. Starting in 1998, they reached out to the Hernando County community to find examples of outstanding art from local residents. One painting at a time, they slowly but surely covered the hallways and walls with fine examples of Florida artistry.

Once the bare walls of city hall were filled with bright and beautiful artwork, the duo worked to make the area friendly to other forms of art, including poetry readings and sculpture. Today, Brooksville City Hall hosts an annual fall art show to showcase the work of area artisans. I also sponsor the annual congressional art competition, a contest for Fifth District high school artists to display their finest artwork and compete to have their piece hung in the United States Capitol. With hundreds of students exhibiting in city hall, Hernando County residents have truly been exposed to some of the finest artwork in our State.

In addition to their love of art, both Mary Alice and Karen have been involved in the Brooksville community for many years. Karen Phillips has given back through her long service as Brooksville City Clerk, and Mary Alice has been honored as the 2005 Great Brooksvillian for her work on behalf of the greater community. Both these women have done so much to promote art in Hernando County, and deserve to be recognized for their dedication and commitment. I would like to congratulate them both on making the Brooksville City Hall Art Galley a haven for artists and a beautiful addition to our city government building.

IN HONOR OF FRANK THOMPSON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. UDALL of New Mexico. Madam Speaker, I rise today in honor of Frank Thompson, who passed away last week. Thompson served as a code talker in World War II. He and other Navajo soldiers used their native language to craft a nearly unbreakable code. We don't know how many American soldiers survived that war because of Thompson's gift, nor do we know how many civilians were liberated because Thompson and his fellow code talkers helped America achieve success. What we do know is that Thompson and others like him are owed a debt of gratitude we will never fully pay back.

With all of the injustice that Native Americans have experienced at the hands of the U.S. Government, they have always given their all to defend this country. When Thompson joined the Marine Corps, the U.S. Government had only recognized Indians as American citizens for 18 years. Yet 45,000 of the 350,000 Native Americans in this country joined Thompson in America's Armed Forces during that conflict. Native Americans have the highest rate of service of any ethnic group, and today there are more than 181,000 Native American veterans.

The code talkers brought unique skills and a unique cultural heritage to the Allied cause in World War II. As Americans who faced bigotry and injustice, they eagerly signed up to free Europe from oppression. As individuals who had lived with the legacy of aggression against their people, they felt keenly the need to prevent other acts of aggression, even if these acts were being perpetrated on the other side of the world. In a sense, the Allied fight against tyranny was as much a Navajo struggle as a European one. The values of the Navajo soldiers played a crucial role in liberating Europe and Asia.

Code talkers like Frank Thompson showed that courage has no color. Our respect for their service is increased by our recognition that they risked everything for a nation that too often failed to show them the same loyalty. Their actions should remind us that when we treat any group of Americans as second class citizens we dishonor the memory of all those brave soldiers who died to defend American values, including that sacred creed that "all men are created equal."

By recognizing those who have bravely served this country, we encourage ourselves to be just a little bit better. We remind ourselves to celebrate the values that make America a beacon of hope to men and women around the world. Today, I recognize Frank Thompson. His heroism has won him immortality. For his service and his sacrifice, he will live forever in our hearts.

RECOGNIZING THE HEALTHY LAKES, HEALTHY LIVES CAMPAIGN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. HIGGINS. Madam Speaker, I rise today to recognize the Healthy Lakes, Healthy Lives tour. The Healthy Lakes, Healthy Lives tour, organized by the Healing our Waters-Great Lakes Coalition, is designed to raise awareness and call for action on the problems facing our lakes. Healing Our Waters is lead by the National Wildlife Federation and the National Parks Conservation Association and includes over 100 fishing, boating hunting, birding, conservation and environmental organizations. I would like to congratulate them for their continuing work to improve the health of the Great Lakes.

To start the historic tour, the *Earth Voyager*, one of the fastest sailing vessels on the Great Lakes, made its first stop in Buffalo, New York at the newly developed site along the historic Erie Canal. As a main water route to the mid-West the Great Lakes shaped the demographics of our nation. When the Erie Canal first opened in 1825 it connected the East to the Great Lakes and brought a surge in population and commerce which lead Buffalo to incorporate as a city in 1832. Buffalo's strategic position on the Great Lakes contributed significantly to its early rise to prominence; at the turn of the last century Buffalo was America's largest inland port and the leader in the transshipment of grain and several other commodities. The Western New York Division of Citizens Campaign for the Environment helped lead coordination of events during the Earth Voyager's 5 day stop in Buffalo, NY.

Containing over twenty percent of the world's fresh water, the Great Lakes are an enormous natural asset to this nation. Nearly two centuries ago the Lakes shaped this nation by providing for the early movement of settlers and commerce in America. Now we are at a critical point in history where we must take action today to protect and preserve the Great Lakes as a means to shape this nation's environmental and economic future.

The ship departs Buffalo, NY for stops in Erie, PA, Toledo, OH, Detroit MI, Port Huron MI, Sarnia, Ontario, Chicago, IL, Traverse City, MI, Grand Haven, MI, Milwaukee, WI, Bay City MI, Cleveland, OH and Rochester, NY. On its tour, the *Earth Voyager* will help carry our message and emphasize the importance of revitalizing the Great Lakes.

TRIBUTE TO MAJOR GENERAL BRUCE F. TUXILL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Major General Bruce F. Tuxill, Adjutant General for the State of Maryland. After graduating in 1967 from Salem College in West Virginia with a bachelor's degree in business administration, General Tuxill underwent undergraduate pilot training at Williams Air Force Base in Arizona. For the next fourteen years, General Tuxill rose through the ranks at the Martin State Airport in Maryland. From 1994 until 2000, he served as the assistant adjutant general for air, Headquarters, Maryland Air National Guard in Baltimore. He then served as the Air National Guard assistant to the Commander of the United States Air Forces Europe in Germany until he was appointed Adjutant General for the State of Maryland in 2003.

In his role as Adjutant General, General Tuxill was responsible for formulating, developing and coordinating all policies, programs, and plans affecting more than nine thousand men and women in Maryland's military department. The military department includes the Maryland Army National Guard, Maryland Air National Guard, Maryland Emergency Management Agency and the Maryland Defense Force. In the event of mobilization, if the state were to receive a presidential call to duty in times of war, national emergency, or operational contingency, General Tuxill would exercise command responsibilities and provide a force in readiness. As the Adjutant General, he served as the official liaison between the governor and the National Guard Bureau, and served as a member of the governor's cabinet.

Among his countless awards and decorations, General Tuxill has earned the Air Force Distinguished Service Medal, the Legion of Merit Medal, the Meritorious Service Medal, the Combat Readiness Medal, the National Defense Service Medal, the Armed Forces Reserve Medal, State of Maryland Distinguished Service Cross, Meritorious Service Cross, and Commendation Medal.

Madam Speaker, I ask that you join with me today to honor Major General Bruce Tuxill in his retirement from the position of Adjutant General for the State of Maryland. His legacy as an experienced and capable military leader and his service to the State of Maryland will be forever remembered. It is with great pride that I congratulate General Tuxill on his exemplary military career and his outstanding leadership of Maryland's military department.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. RUSH. Madam Speaker, unfortunately I have been out on medical leave. I have been unable to cast votes; however, I would like the record to reflect my intentions had I been present to vote.

Had I been present for rollcall No. 387, I would have voted "aye." Had I been present for rollcall No. 386, I would have voted "aye." Had I been present for rollcall No. 385, I would have voted "nay." Had I been present for rollcall No. 384, I would have voted "nay." Had I been present for rollcall No. 383, I would have voted "aye." Had I been present for rollcall No. 382, I would have voted "aye." Had I been present for rollcall No. 381, I would have voted "aye." Had I been present for rollcall No. 380, I would have voted "aye." Had I been present for rollcall No. 379, I would have voted "aye." Had I been present for rollcall No. 378, I would have voted "nay." Had I been present for rollcall No. 377, I would have voted "aye." Had I been present for rollcall No. 376, I would have voted "aye." Had I been present for rollcall No. 375, I would have voted "nay." Had I been present for rollcall No. 374, I would have voted "aye." Had I been present for rollcall No. 373, I would have voted "aye." Had I been present for rollcall No. 372, I would have voted "aye." Had I been present for rollcall No. 371, I would have voted "aye." Had I been present for rollcall No. 370, I would have voted "aye." Had I been present for rollcall No. 369, I would have voted "aye." Had I been present for rollcall No. 368, I would have voted "aye." Had I been present for rollcall No. 367, I would have voted "aye."

INTRODUCTION OF THE HOME OFFICE DEDUCTION SIMPLIFICATION ACT OF 2008

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. McHUGH. Madam Speaker, I rise today to introduce legislation, the Home Office Deduction Simplification Act of 2008, which is designed to reduce the complexity of the tax code and provide Americans with the ability to take a standard deduction for home office expenses.

The tax code currently allows a deduction for home office expenses for self-employed taxpayers and employees who must use their home for business purposes at their employer's request. However, according to the Internal Revenue Service's Office of the Taxpayer Advocate, only 2.7 million of the nearly 20 million Schedule C filers in tax year 2003 took a deduction for home office expenses, despite the fact that some 8.4 million Americans indicated they had one or more rooms used only for business.

The Office of Taxpayer Advocate reports that the data raises the question as to whether or not eligible taxpayers are taking the deduction to which they are entitled. In addition, the Taxpayer Advocate notes that private industry has indicated that the rules and related forms regarding the home office deduction are too complex.

As is often noted, our Nation's nearly 27 million small businesses are the backbone of our Nation's economy. They provide 51 percent of our Nation's private sector employment and 45 percent of its payroll and produce approximately 50 percent of the Nation's private, nonfarm GDP. Without question, they certainly are vital to the economy of New York's 23rd Congressional District, which I have the privilege of representing.

To ensure that my constituents and those other Americans who are eligible to deduct home office expenses but have been deterred by the complexity of the current tax code actually take a deduction, I now introduce the Home Office Deduction Simplification Act. This bill would provide a standard deduction of $1,500, indexed to inflation, for home office expenses. Accordingly, I ask my colleagues to join with me to enact this important measure.

HONORING ROSTEEN STRASSNER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Rosteen Strassner upon her 106 birthday. Mrs. Strassner's birthday will be celebrated on Friday, June 6, 2008.

Mrs. Strassner was born March 20, 1902 in Newark, Arkansas. In her long life she has witnessed many historical events that not only shaped the United States, but the world as well. She has been able to achieve amazing things in her lifetime. In 1940 she moved to Fresno, California. She became a member of the Fresno Temple COGIC, and remains a member of the church. In 1974 Mrs. Strassner opened her heart and her home to mentally challenged adults when the Central Valley Regional Center was recruiting foster parents. She was one of the first African-Americans to engage in this type of work. She remained a foster parent until 2005, when her physical health began to decline. Mrs. Strassner also has an extensive background as a healthcare professional and businesswoman. She is a retired dietitian from St. Agnes Hospital. She also owned and operated two cafés in the Fresno area.

Madam Speaker, I rise today to commend and congratulate Rosteen Strassner on 106 years of life. I invite my colleagues to join me in wishing Mrs. Strassner health and happiness.

HONORING THE USS PONCHATOULA SHIPMATES ASSOCIATION

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. SESTAK. Madam Speaker, I rise today to recognize the 2008 gathering of the USS Ponchatoula Shipmates Association. As these remarkable Sailors, their families and friends spend time together this week, they represent over sixty years of dedication to the Navy's core values of Honor, Courage and Commitment.

These patriotic Americans keep alive the memory of their courageous predecessors who sailed into harms way aboard namesakes of USS *Ponchatoula* from 1944 until 1992. In that timeframe Sailors of that proud ship fought in WWII, the Vietnam War, the Cold War and other crises around the world. It is important that we all pause to imagine the courage and stamina it took to sail AOG–38 almost immediately from shakedown cruise into the battle of Okinawa. Carrying over a thousand tons of highly flammable fuel and limited to a maximum speed of ten (10) knots, the crew of only 62 brave souls spent days defending their precious cargo, and one another so that innumerable ships and small craft could support the invasion of Okinawa. All the while they knew that a torpedo, Kamikaze attack, or a simple electrical or propulsion fire could cause their ship and all onboard to be quickly lost in a conflagration of the most devastating form. With her mission complete AOG–38 got underway 14 December 1945 to transit home to the United States for deactivation.

Thankfully, it is a custom of our great Navy to reward the courageous performance of a ship and crew in combat by renaming a successor to that ship. And so it was, when USS *Ponchatoula* (AOG–38 and later T–AO–148) was built by proud craftsmen, some no doubt from the 7th Congressional District of Pennsylvania, in Camden, NJ and commissioned in January 1956. From 1956 until 1992 new generations of U.S. Navy Sailors and Military Sealift Command Mariners served proudly over most of the globe in supporting the ever expanding striking power of our naval forces.

In my thirty-one years of naval service, I was often reminded that "tactics are for amateurs and logistics are for experts." It has been ships and crews like the USS *Ponchatoula* who have been the foundation of our nation's sea power by affording naval commanders and planners the logistics, mobility, flexibility and persistence necessary to win every engagement and deter many more.

Madam Speaker it gives me great pleasure to acknowledge the efforts of my constituent and Navy Veteran, Mr. John J. Bury of Media, PA and the officers of the USS Ponchatoula Shipmates Association for their commitment to their ship, one another and the future Sailors who will answer our nation's call to go down to the sea in defense of our precious freedoms.

To the USS Ponchatoula Shipmates Association our nation says "Bravo Zulu" and God Speed.

RECOGNIZING VICTORIA MANFREDI ON HER RETIREMENT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. LIPINSKI. Madam Speaker, I rise today to honor Mrs. Victoria Manfredi on the occasion of her retirement from St. Louis de Montfort School in Oak Lawn, Illinois. An outstanding educator and a resident of Oak Lawn, Illinois, Vicky now celebrates over 35 years of involvement in her school and community.

Today, with the support of family: Frank, Lisa, John, and Anna Victoria, we honor Vicky for her outstanding contribution to the field of Catholic education. Over the past 35 years, Mrs. Manfredi has proven a trusted colleague, an active volunteer, a Christian role model, and a teacher who has opened hearts, touched lives, and enlightened the young minds of countless students.

Vicky Manfredi began her work while her daughter attended St. Louis de Montfort over 30 years ago. Vicky served as a volunteer coach, instructional aide, and Eucharistic minister. Seven years ago, Vicky accepted a new challenge: working as a kindergarten teacher. In her new role she earned the praise of the administration, colleagues, parents and students alike. Her classroom was a happy place, a safe haven for children and an environment where students excelled academically.

Madam Speaker, it is my honor to recognize Mrs. Victoria Manfredi, an exceptional teacher and pillar in my community. I am honored to have such an exceptional educator in my district. We offer heartfelt congratulations to Vicky for a job well done as we wish Vicky and her family a joyous celebration of this milestone as she begins a new chapter in her life.

RECOGNIZING THE 2008 EXPLORAVISION AWARD WINNERS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to congratulate Timothy Zako, Enzo Fantin-Yusta, and Ahsan Mahmood for their outstanding performance in the 2008 ExploraVision Award. These seventh graders from West Hills Middle School in West Bloomfield, Michigan, along with their coaches Paul Sanchez and Amy Burke embody the innovative spirit of America. Together this team succeeded in capturing second place in this prestigious regional competition.

The ExploraVision Awards, which are sponsored by Toshiba and the National Science Teachers Association, are awarded to students of all ages for combining their imaginations with the tools of science to create and explore a vision of tomorrow's technology. Students of different interest, ability, and skill levels develop new technologies utilizing their creative thinking and problem solving skills.

The students from West Hills Middle School sought out to find a new method for treating lazy eye and strabismus, a condition where ones' eyes are misaligned. These conditions, which affect roughly four percent of children in America, are often treated with eye-patches or in some instances surgery. These treatments limit the activities that children can participate in, can lower the child's self esteem, and in the most severe cases require extremely invasive surgery.

Utilizing existing technologies, the students were able to develop a prototype that could be worn like eyeglasses, and could be turned on and off as needed so that the child could use both eyes together and see in three dimensions at least some of the time. The Strabismus Glasses, as they named them, would help a child's self-esteem by allowing them to treat their condition without having to use an eye-patch.

Madam Speaker, I wish to congratulate these students for their amazing and creative work. I am proud of the initiative these young people have shown. Theirs is a shining example of what we are all capable of achieving with just a little imagination and some hard work.

ONE WORLD NOW

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. McDERMOTT. Madam Speaker, I submit the following:

WHAT I CAN DO

(By Philmon Haile)

First of all I would like to thank Kirstin Hayden and all of the One World Now folks for inviting me to speak here today; and for bringing me home from our nation's capitol.

When I was a younger man I dreamt I could change the world. However, as I grew older and wiser I realized that the world was too big and immovable and would not change. Consequently, I decided to take on a narrower target and change my country. However, as I grew older and wiser, I realized my country was too big, too fixed in its way of doing things, immovable and would not change. I therefore decided to address my city and community. However, once again as I grew older and wiser I realized that my city and community were too large and immovable and would not change. So, I decided that one last time I would try and change those nearest to me: my friends and family. But, as I had learned so many times before, those nearest to me—my friends and family—would not change. The problems I saw in the world included violence, intolerance, and racism. Broken and divided schools and cities, racial slurs, being spoken and glorified through the media. Growing up I heard phrases like "you're not black enough", to any African-American who stepped outside the circle and made white friends and listened to any other music other than Rap, or played any other sports besides basketball. I think "you're not black enough" is just another way to say you don't have sufficient hate for others. If being black means to hate, then I would rather be green. Of course this isn't what it means to be black. I've heard of genocide and gang violence. When I was born, my home country Eritrea had just finished a thirty-year war for independence from Ethiopia. A war is still going on today between the two countries, with a tense border conflict plaguing the people. I am close to this war because both parents were involved in it, a facet of my personal and family history. These problems are so real to me I pray every night for the safety of grandparents, who—as I speak—continue to live in a war torn country run by a dictator. Because these issues are so real, I spend a lot of time thinking about why this happens.

I found the problem. People hurt each other because they had no idea what it felt to be the other party. I knew the answer too, and I thought the best way to end all of this was through education; uniting people through education; giving them a chance to learn about each other so they can coexist peacefully.

Now, as I stand here, old and tired at the ripe old age of 17, I finally get it. Perhaps if I abolished my own stereotypes, I could have impacted my friends and family. Their change in turn may have influenced more people and could have changed my city and community and—who knows—maybe even my country and the world: a ripple effect like a pebble in the pond.

Let's be honest with ourselves—anyone who grows in this world has certain established mind sets and we all need to tear them down before we can progress and accept people for who they are.

In order to be a successful leader, one must be willing to give up certain ideas, decisions and a degree of popularity in order to negotiate, mediate and decide what is in the best interest of the whole. The persona you create around you is how people perceive you. Without a positive attitude I've learned the ability to lead others confidently and work together is greatly diminished. Qualities of tolerance, openness, and optimism are what One World Now represents and instills in all their students, qualities that will reside and resonate forever.

When I came to Garfield High School, I never thought that I could take Chinese especially for free, or much less use those skills and afford to study abroad. You know, my brother studied abroad just as I hope to. I know my family couldn't afford to send both my brother and me abroad. I know this is the case for many other people traveling on a One World Now! Scholarship. After my older brother, Robel discovered One World Now! I wanted to do it. We have a "typical" older-younger brother relationship, so he tells me that only upper classmen can be involved, so being the gullible freshman I was, I believed him, only to learn my sophomore year that freshmen were enrolled in One World Now! classes. It is amazing what One World Now! is doing, offering high school students classes in the two most critical world languages: Arabic and Chinese. Believe me, in my position as a Congressional Page, I hear about the Middle East and China in debates almost every day. If our leaders knew Chinese and Arabic and understood their cultures, this world would be a much different place. If they could have been involved in One World Now, they would have a better understanding. One World Now is more than just Chinese and Arabic classes and the free food at Friday leadership meetings: it is a melting pot—a place where I was exposed to many different cultures, races, and religions; a place where I made many good friends. Every week that I went to One World Now classes, I grew a little bit. I sometimes got tired of them saying "get out of your comfort zone" and "be passionate", but that was what really happened, at every meeting I felt I was stripped of all the walls I put up and just showed the bare and true Philmon. That's how you really gain social skills and grow as a person. There are so many different types of people you don't know how to act, so just act like yourself. That's how you really build character. The change that has occurred in me is something I can't describe, something deep within has changed. I am now able to communicate my ideas better, more powerfully. The only thing I can't communicate is the change that has occurred because it so deep within me, but resonates and I can always feel it. This is all because of One World Now and the opportunities offered me from their influence. Through One World Now, I've really walked a thousand miles. I am a different person than when I was a sophomore.

When I was invited to be a U.S. House of Representatives Page and I accepted, I felt both sad and happy. The sadness came when I realized I would not be able to take One World Now classes every other day. Before I accepted, I went to the One World Now office and asked how this would affect my membership at One World Now. They told me that I will always be a part of the One World Now family, and that I could even apply to go to China with them this summer. I came to DC sad that I wouldn't be able to take Chinese in a formal Chinese class setting provided by One World Now, but I was determined I would not give up. I found the Chinese Cultural Center, and learned I could take Chinese there. So I went over there and they asked questions like "how long have you been taking Chinese?" and I told them one year, so they gave their second year test because they only offered up to Chinese level the level I should have been at. I took the test and they told me that I was too advanced to take their classes, so Teacher Sun (find her in the audience) if you're in the room, you taught me well. So I decided to become a volunteer and asked if they could only speak to me in Chinese. While in DC I still called my old Chinese classmates and teacher, to make sure I was caught up to where I needed to be. I was now ready to reap the benefits of the Congressional Page program.

In this program I am able watch the debates of our country's architects. I think it is a blessing to watch the people who serve our country pass legislation. I have a newfound respect for the Congress of this nation. This program is perfect for me. Young people are asked what they want to be when they grow up, and I always had no idea, so I would fabricate one of the many formulated answers and say something like a doctor or a lawyer, not really knowing exactly what I was saying. Now I think I know. Just like Members of Congress, I want to devote my life to service and make a difference in the world. I would to be an Ambassador and work with different institutions around the world to make a change. Change to bring my home country of Eritrea, and bring its people, my people out of the straggling chokehold of poverty, to bring peace to the border conflict between Eritrea and Ethiopia. People of these countries are the same: they share the same religion, culture, and values, divided only by politics.

A quote from George Bernard Shaw describes exactly how I feel:

"This is the true joy in life, the being used for a purpose recognized by yourself as a mighty one: the being a force of nature instead of a feverish selfish little clod of ailments and grievances complaining that the world will not devote itself to making you happy. I am of the opinion that my life belongs to the whole community and as long as I can live it is my privilege to do for it whatever I can. I want to be thoroughly used up when I die, for harder I work the more I live, I rejoice in life for its sake".

All this would not be possible without One World Now. Ms. Kristin Hayden nominated me to Congressman Jim McDermott, Democrat from the Seventh Congressional District of Washington State. When I was lucky enough to get into the program, I was then one of ten Pages selected to stay for a second semester to be a role model for the new Pages who were coming in for the Spring Session.

While in DC, I have thought about my summer a great deal. I would like to travel to China on a One World Now scholarship. I know this will be a fantastic. I am truly excited about traveling this summer. I will never forget what One World Now scholarships have offered me. Opportunities like these don't come every day, and One World Now isn't just an every day occurrence. I can guarantee you that Kirstin Hayden is talented and passionate; able to speak Russian and being a great entrepreneur that started this extraordinary program from scratch.

This program started five years ago at Ingram High School, with one language, Chinese, and twelve students. Now this program has extended itself to Garfield, Cleveland, Roosevelt, Rainier Beach, and Franklin High Schools—six different schools! I hope that it can continue to spread and impact many other high school students and make the difference in their lives as it has made in my life.

This reminds me of an anecdote. It is about a young man who tries to make a difference in the world:

It was high tide and there were thousands of Starfishes washed up ashore, and a man saw a young man throwing star fish back into the sea, and asked

"What are you doing?"

The young man paused, looked up and replied, "Throwing Starfish back into the ocean."

"I guess I should have asked; why are you are throwing Starfish into the ocean?" said the bystander.

"The sun is up and the tide is going out and if I don't throw them in they'll die."

The young man said.

"But don't you realize that there are miles and miles of beach and Starfish all along it, you can't possibly make a difference!"

The young man listened politely, then bent down, picked up another Starfish and threw it into the sea, past the breaking waves. "It made a difference for that one."

One World Now is the young man making a difference in students' lives. I am an example of that difference being made. And guess what? I am going to make a difference in others lives also. One World Now makes its difference in a very unique way, I think this is why One World Now is so great! It empowers those, like me, who have found their commitment in life. One World Now is worth supporting. One World Now is worth attending. It's lasting legacy, it's gifts to Seattle and to the Nation, are the gifts of students like me. As I grow older and wiser, I realize that the more I serve my community, I change myself for the better, and I am also changing the world.

INTRODUCTION OF H.J. RES. 90, COMMENDING THE BARTER THEATRE ON THE OCCASION OF ITS 75TH ANNIVERSARY

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. BOUCHER. Madam Speaker, I rise today to introduce a resolution commending the Barter Theatre on the occasion of its 75th anniversary. It is the longest continuously functioning live stage theater in the U.S.

The Barter Theatre is located in my hometown of Abingdon, Virginia. It was founded in 1933. In the midst of the Great Depression, money was difficult to obtain, and families were reluctant to use it on such a luxury as a theater performance. Yet founder Robert Porterfield offered a novel solution: Patrons could view live theater performances in exchange for fresh produce or livestock. This successful "ham for Hamlet" arrangement inspired the name, "Barter Theatre."

In its 75 years of existence, the Barter Theatre has established itself as a favorite destination for regional, national, and international visitors. Its popularity prompted the Virginia General Assembly in 1946 to designate the Barter Theatre as the State Theater of Virginia.

As a premiere tourist attraction in southwest Virginia, the theatre makes a significant economic and cultural contribution to the region. The town of Abingdon and its surrounding localities benefit from the theatre's ability to attract more than 145,000 guests annually to its productions.

The Barter Theatre is also a valuable educational resource, reaching thousands of children each season through its productions at Barter and Barter Stage II. Additionally, the Barter Players, the touring company of the theatre, travels to eight States each year performing at schools and community venues. Recently, Barter has created and implemented an innovative internet educational program which teaches students about artistic and technical theatrical elements using a Web-based interactive program available to classrooms across the region. This program exposes students to a side of a theatrical production that they might not have experienced otherwise.

I commend and congratulate the Barter Theatre for its contributions to our region and for its many successes over the past 75 years. Passage of the resolution I have introduced commending the theater will be a fitting tribute to its many years of cultural contribution.

INTRODUCTION OF THE COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Ms. ESHOO. Madam Speaker, most Americans are not overjoyed to watch television commercials, but they are willing to tolerate them to sustain free over-the-air television. What annoys all of us is the sudden increase of volume when commercials are aired.

While the FCC does not specifically regulate the volume of TV programs or TV commercials, broadcasters are required to have equipment that limits the peak power they can use to send out their audio and video signals. This means the loudest TV commercial can never be louder than the loudest part of any TV program.

A TV program has a mix of audio levels. There are loud parts and soft parts. Nuance is used to build the dramatic effect. Most advertisers don't want nuance. They want to grab our attention, and to do this, they record every part of it as loud as possible. The peak levels of commercials are no higher than the peak levels of program content, but those peaks are sustained for longer periods in commercials.

I've introduced the Commercial Advertisement Loudness Mitigation Act, CALM Act, to address the volume of commercials. The bill would mandate that the FCC within one year enact rules requiring that advertisements not be excessively noisy and that they must be at the same volume as the television programming they accompany.

I urge my colleagues to cosponsor this sensible bill.

RECOGNIZING THE RETIREMENT OF POLICE LIEUTENANT MONTY A. SHIPP FROM THE FAIRFIELD POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Police Lieutenant Monty A. Shipp who faithfully served the residents of the cities of Fairfield and Concord since 1981.

Prior to becoming a police officer, Lieutenant Shipp served 4 years in the United States Air Force from December 1977 to December 1981. Upon receiving an honorable discharge with an Air Force Commendation Medal and a Good Conduct Medal, Lieutenant Shipp continued his service to his country and community by joining the Concord Police Department.

Lieutenant Shipp served with the Concord Police Department for 4 years before being hired by the Fairfield Police Department. He showed considerable talent and promise and was promoted to Police Sergeant on March 23, 1990. His contributions to the police department could be seen in a variety of ways as he performed supervisor duties in patrol, training, and investigations.

Lieutenant Shipp continued to distinguish himself showing superb moral character and a commitment to helping his community through his role with SAFE Team from 1987 to 1999. His hard work with such a worthy cause is just one of many admirable and laudable accomplishments of Lieutenant Shipp's career.

Lieutenant Shipp's decades of service and endless hard work culminated in his being granted the prestigious Distinguished Service Medal in December of 2001.

His well deserved promotion to lieutenant occurred on July 9, 2004. As a lieutenant, he became a well known role model for the patrol officers and investigation detectives with whom he worked. Lieutenant Shipp's strong character and positive influence were evident every day he was on the force.

Lieutenant Shipp embodies so many of the qualities that make for the best police officers. He is a loyal representative of the law enforcement community and will always be remembered and admired for work ethic, dedication, and impact on our cities.

A TRIBUTE TO STUART G. MOLDAW

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor the life and legacy of my good friend Stuart G. Moldaw who passed away at the age of 81 on Saturday, May 24, 2008. Stuart is survived by his beloved wife, Phyllis, daughters Carol and Susan Moldaw, and four grandchildren.

A native of Boston and the son of a Russian immigrant, Stuart enlisted in the Navy in 1944 before using the G.I. Rill to attend Syracuse University where he met his future wife, Phyllis Israelson of Portland, Maine. After graduating in 1949 with a Bachelor's Degree in Marketing and Economics, Stuart began his retail career at Le Bon Marche, a department store in Lowell, Massachusetts, and married Phyllis in 1950.

He then moved to California to work for another retailer, Lerner Shops, where he became a district manager and oversaw the opening of more than 20 Lerner stores, including ones in Oakland and the Stanford Shopping Center. In 1958, Stuart opened his first retail business, Country Casuals, in Palo Alto.

He also started Pic-a-Dilly, one of the country's earliest off-price apparel chains in 1973, and co-founded Athletic Shoe Factory in 1979, which featured national brands at discounted prices. Both chains were later sold. He also co-founded V.S. Venture Partners, a Mendo Park-based venture capital firm.

Stuart was a longtime Bay Area resident, pioneer entrepreneur and philanthropist who helped transform a small chain of local department stores into the Pleasanton-based retail giant Ross Dress for Less. Ross Stores Inc., acquired by Stuart in 1982, is a Fortune 500 company with $6.1 billion in sales over the last 12 months, more than 900 stores in 27 states and more than 40,000 employees. The original investors in the Ross venture included another Bay Area retail pioneer, Mervin G. Morris, the founder of Mervyns, who had recently retired before becoming one of the Ross investors.

In a career that spanned more than a half-century, Stuart, a resident of Atherton, also helped launch several other retail ventures, including Sail Francisco-based Gymboree, a children's clothing retail chain launched in 1986. At the time of his death, Stuart was chairman emeritus of both Ross Stores and San Francisco-based Gymboree Corp.

Stuart Moldaw cared deeply about people and directed himself to make the world a better place. He was well-respected for his passion and commitment to improving the lives of those around him and was appointed by President Bill Clinton as a Public Delegate to the U.S. Mission at the United Nations in 1993 and as Chairman of the White House Commission on Presidential Scholars in 1996. In 2000, Governor Gray Davis appointed him to chair California's World Trade Commission, and 2 years later he was appointed to California's Little Hoover Commission. He also served on the boards of many Bay Area nonprofits, including the Boys and Girls Club of the Peninsula, the Palo Alto Medical Foundation, the Jewish Community Endowment Fund and the San Francisco Museum of Modern Art. He gave tirelessly of himself to his family, friends, colleagues and community and set the highest standard for others to follow.

Madam Speaker, I ask the entire House of Representatives to join me in honoring the life and accomplishments of Stuart G. Moldaw. His decades of contributions to his community and his country stand as lasting legacies of a life lived well. How privileged I am to have known him, represented him and to have had him as my friend. America is better because of him.

HONORING THE LIFE AND SERVICE OF BRIAN EMERICK

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Ms. FOXX. Madam Speaker, one of my constituents Brian Emerick, paid me a visit last year to relate the story of his fight against ALS, or Lou Gehrig's disease. He left me with these words, "Future generations must not face this disease with no known cause or cure. For the Emerick family, the challenge to strike out Lou Gehrig's disease comes with the highest imaginable significance—to honor the lives of past generations who died of the disease like my father, to improve the well-being of individuals currently living with the disease like myself, and to protect the health of future generations, like my children."

On Easter Sunday of this year, Brian finished his courageous battle with ALS with the same dignity with which he lived his entire life. It is his life that we are here to honor and his commitment to finding a cure for this disease that we are here to remember and pursue. Brian's story represents great hope that helps move us toward action to defeat ALS.

Brian's life was not and can not be defined solely by his courageous fight against ALS, because he lived a full life that touched many before and after his diagnoses. Brian worked his way through school and college and later flew helicopters in the U.S. Army. He then went on to become a respected worker and leader at Rock-Tenn Paper Corporation. Brian had a well-known work ethic and never missed a day of work because of sickness. He continued working after his diagnosis and even when he visited the ALS clinic at Baptist Hospital he would tell doctors, "I really don't get sick, I'm actually as healthy as anyone could be if it weren't for this disease that keeps slowing me down."

The man who was a loving husband was also an amazing father. The man who was a tireless worker was also loved and honored in his work, his community and his church. And finally, that man who did all of those wonderful things, was also the man who fought ALS with courage for the past 3 years.

Brian, who never liked to take so much as a Tylenol, eventually took 27 pills a day and participated in five different clinical drug studies to help fight that deadly disease. Brian, who tried never to ask people for help unless he absolutely needed it, raised more than $25,000 in the last 2 years on ALS walks with his family and friends. Brian, who had never before been in a congressional meeting, tirelessly walked the halls of Congress to advocate on behalf of those suffering with this deadly disease.

Brian ended his remarkable life journey and began a final journey when he finished his battle with ALS on Easter Sunday of this year. But Brian would have reminded us today that the battle to defeat ALS is still ongoing. Brian's life story reminds us what it means to live each day with love and in pursuit of ideals that truly matter. We honor Brian's life by facing the challenge to defeat ALS, with honesty and commitment to action that improves the lives of others.

MARY BAUMANN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mary Baumann, of Savannah, Missouri. Mary recently retired as Andrew County Youth Program Assistant.

Mary Baumann began her dedicated service to the 4–H Program in 1976, after serving 15 years as secretary to the Andrew County Extension Council. Mary's leadership and teaching has helped many youths as they learned through programs sponsored by the 4–H program. Mrs. Baumann is well respected and recognized as a leader throughout the Northwest Missouri University Extension region.

Madam Speaker, I proudly ask you to join me in recognizing Mary Baumann, whose dedication and service to the community has been truly outstanding. I commend Mary on an exceptional career, and I am honored to serve her in the United States Congress.

RECOGNIZING THE RETIREMENT OF POLICE OFFICER ROBERT LOWN FROM THE FAIRFIELD POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Police Officer Robert Lown, who faithfully served the city of Fairfield for over 35 years.

Officer Lown began his distinguished career with the Fairfield Police Department on August 1, 1969. During that time, he worked a variety of assignments including patrol and investigation. His work as a committed robbery and burglary investigator from 1988 to 2005 led to the solving of many cases, to the benefit of the entire community. The skills Officer Lown possessed in this field were second to none in the department.

Officer Lown's experience and dedication as an investigator earned him a Distinguished Service Award in June 1999.

His commitment to law enforcement and investigation will always be remembered and admired by the Fairfield community for his work ethic, dedication, and impact on our cities.

RECOGNIZING THE ACHIEVEMENTS OF CAPTAIN CHARLES L. STUPPARD FOR HIS OUTSTANDING TOUR OF DUTY IN THE WAR IN THE MIDDLE EAST

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. DAVIS of Illinois. Madam Speaker, I rise today to congratulate Captain Charles L. Stuppard, United States Navy for his outstanding tour of duty in the war in the Middle East. As of today, he is completing one full year of military service as the Commander of Task Group 56.6 based in Kuwait. Over the past 12 months, Captain Stuppard supported over 10,000 individual sailors during their deployment in Kuwait, Iraq, or Afghanistan. He supervised in-processing for over 17,000 Navy, Air Force, and Department of Defense civilian personnel as they are deployed to the Middle East. Captain Stuppard visited many forward deployed forces throughout Iraq, Afghanistan and Africa.

Captain Stuppard Task Group coordinated the training of over 3,000 sailors in High Mobility Multi-Purpose Wheeled Vehicles Egress, Tactical Movement, Counter and Close Quarters Marksmanship in order to meet current requirements. Such training ensured that deploying sailors have the most up-to-date information on the current situation, particularly in a desert environment. Captain Stuppard fought tirelessly to acquire up-to-date armored vehicles for use by sailors traveling outside of the protected areas. Such action had a direct and positive impact on the level of protection given to the sailors from improved explosive devices, rocket propelled grenade, mines, and small arms fire. Consequently, he enhanced the sailors' war fighting capabilities and survivability as forward deployed units.

Captain Stuppard graduated from Cornell University in 1982 with a bachelor of science degree in mechanical and aerospace engineering. In 1998, Captain Stuppard obtained his master's degree in national security and strategic studies at the Naval War College in Newport, RI. He is currently a doctoral student at Salve Regina University in Newport, RI.

Captain Stuppard's accomplishments and achievements are truly outstanding and serve as an example to all citizens throughout our country, the United States of America. Captain Stuppard is a true gentleman and an outstanding American. I congratulate Captain Charles L. Stuppard for a job well done while serving in the Middle East.

HONORING THE RETIREMENT OF CLYDE SMYTH

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. MCKEON. Madam Speaker, it is a great privilege for me to rise today to recognize the contributions of Clyde Smyth, a member of my staff since 1994. Clyde has generously served the United States and the Santa Clarita community over the years by identifying worthy students in the 25th Congressional District of California for appointment to the military academies. After years of offering his leadership and expertise and effecting change throughout the district, it is a great pleasure to recognize Mr. Smyth on the occasion of his retirement.

Clyde's story is one of absolute service at every turn. He is a man of honor and integrity who has given of himself for the betterment of those around him. Clyde first came to the Santa Clarita Valley in 1969 to serve as principal of Placerita Junior High and later served the William S. Hart High School district as superintendent from 1974 until 1992. He is a true American hero who also served in the United States Army during the Korean war. After our community of Santa Clarita incorporated, Clyde was elected to the city council in 1994 where he served with honor for 4 years and as mayor for a year.

Clyde Smyth has instilled strong core values and the desire to give back in his family as well as in his community. He is an example for his sons and also for all those who meet him. To know Clyde is to be inspired to be a better person. While Clyde is retiring from his current position on my staff, I am certain that he is not done working. I know Clyde as a man who, through his words and deeds, has demonstrated his desire to lend a helping hand, and I can't imagine that retirement would change that.

On behalf of myself and the many young men and women who have been helped directly by his work, I offer sincere gratitude to Mr. Clyde Smyth and wish him and his wife Sue all the best in his retirement years.

TRIBUTE TO SHEILA MARY SULLIVAN PETERSON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor the life and legacy of Sheila Mary Sullivan Peterson who passed away on May 22, 2008 in her home in Menlo Park, California. She leaves behind her beloved husband Ronald C. Peterson and her children, Molly, Kathleen, and Michael.

The eldest daughter of justice Raymond L. Sullivan and Winifred Carreras Sullivan of San Francisco, Shelia dedicated her life to education and the improvement of the lives of others. A former trustee of Sacred Heart Schools in Atherton and a recipient of the St. Madeleine Sophie Award for service to the schools, she was a blue-ribbon graduate of the Convent of the Sacred Heart in Atherton and a graduate of Lone Mountain, the San Francisco College for Women. She taught at Winfield Scott and Alamo schools in San Francisco and was a member of the Catholic Community at Stanford.

In addition to all those who loved her in the community and in the classrooms, she was the beloved sister of R. Lawrence Sullivan, Jr., Philip Sullivan, Mary Ward, and Mother Agnes of the Cross O.C.D. (Patricia Sullivan), a wonderful sister-in-law and aunt to numerous Peters, Sullivans, and Wards; a close cousin to members of the Wade, Carreras, and Sullivan families.

Madam Speaker, I ask the entire House of Representatives to join me in honoring the life of Sheila Mary Sullivan Peterson and extend our sympathy to her family. Through her many contributions to her family, friends, students, and community she has left a lasting legacy of love, faith, and mentorship which will never be forgotten and which will live forever in all of us blessed to have known her. She graced our lives and our community, made our country better and now enhances the heavens with her presence.

DR. JIM SCANLON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Dr. Jim Scanlon, of St. Joseph, Missouri. Dr. Scanlon, who has served as President of Missouri Western State University since 2001, will be retiring at the end of June following a distinguished 30-year career devoted to students in higher education. Dr. Scanlon has been a great visionary for Missouri Western State University and a fine leader in building the University's vision for the future.

Dr. Scanlon leaves behind a number of accomplishments. Under his leadership, Missouri Western attained University status and added new master's programs in applied sciences and applied arts. During his tenure three new buildings were added to the campus, one building currently under construction, one building renovation and addition in the planning stages, a new university plaza and several remodeled campus spaces for students. Dr. Scanlon has also championed a regional university plan, focusing Western's resources for both the good of the student as well as the community and region.

Dr. Scanlon came to St. Joseph and Missouri Western around the time I was first elected to Congress. I have had the wonderful opportunity to work with Dr. Scanlon on a number of occasions, and I can attest to his honesty, integrity, and vision. I know Dr. Scanlon's leadership will truly be missed, but I am very thankful for the time we were able to share together, and wish him the best in his future endeavors.

Madam Speaker, I proudly ask you to join me in recognizing Dr. Jim Scanlon, a true visionary and tremendous leader who dedicated his career to higher education. I commend Dr. Scanlon on an exceptional career, and I am honored to serve him in the United States Congress.

RECOGNIZING THE RETIREMENT OF POLICE CAPTAIN THOMAS G. GIUGNI FROM THE FAIRFIELD POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Police Captain Thomas G. Giugni, who faithfully served the residents of the cities of Walnut Creek and Fairfield since 1978.

Prior to becoming a police officer, Captain Giugni served as a civilian communications dispatcher and clerk for the City of Fairfield. Captain Giugni went on to work for the Walnut Creek Police Department in 1978.

Captain Giugni served with the Walnut Creek Police Department for 9 years before returning to work with the Fairfield Police Department. His work and dedication in patrol and investigations allowed Captain Giugni to become a field training officer in 1993. His contributions, as well as his promise, led to his promotion to police sergeant on January 20, 1995.

Captain Giugni continued to serve as a positive role model for his fellow officers in patrol and investigations leading to his promotion to police lieutenant on June 30, 2000. His leadership success in this position led to Giugni's promotion to police captain on May 3, 2002.

Captain Guigni's 31 years of law enforcement service exemplify the many qualities of great police officers. He is a loyal representative of the law enforcement community and leader for both sworn and civilian employees and he will always be remembered and admired for his hard work, dedication and impact on our cities.

RECOGNIZING THE ACHIEVEMENTS AND ACCOMPLISHMENTS OF STEPHEN BARR DURING HIS TENURE AS AN EDITOR AND REPORTER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. DAVIS of Illinois. Madam Speaker, I would like to take this opportunity to recognize the significant contributions of Stephen Barr, noted columnist and journalist that paved the way for today's journalistic generation.

Throughout his career at the Washington Post Stephen Barr has served as an anchor to both the columnist writing community and the avid readers of the newspaper. During his 20 years at the Washington Post he has worked as an editor and reporter serving in the Metro News, Style, National News, and the Column departments of the newspaper.

In May 2000, he was selected as the Federal Diary Columnist after serving 7 years as a national staff writer covering Federal management and personnel issues, "reinventing government," the U.S. Postal Service, veterans" affairs, the congressional appropriations process, and government technology challenges, including the widely known Year 2000 computer glitch.

Steve Barr was born and raised in Nocona, Texas, a 1967 graduate of Nocona High School and a 1971 graduate of the University of Texas at Austin where he received his bachelor's degree in journalism. He also served 2 years in the U.S. Army, including one year with the 1st Infantry Division in Vietnam.

With deep appreciation and admiration for his continued service, I thank Mr. Stephen Barr and wish him the very best in his future endeavors.

A TRIBUTE TO HONOR "GOLDEN CIRCLE DAY"

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Bethany Baptist Church of Brooklyn, its Pastor Dr. David A. Hampton, first lady Hope Hampton and its congregants in honor of "Golden Circle Day."

Dr. David A. Hampton is the tenth Pastor-elect of Bethany Baptist Church. Hailing from Indianapolis, Indiana, he is a former scholar from Christian Theological Seminary in Indianapolis, where he graduated Summa Cum laude. As described by his congregants, Pastor Hampton is a dynamic speaker who can reach and encourage persons of all ages. As indicated by his receipt of numerous awards, including the Martin Luther King Human Rights Award, Pastor Hampton demonstrates immense dedication and service to his congregants and the Brooklyn community. He has also been acknowledged by the Center of Leadership Development for his outstanding leadership skills.

Pastor Hampton is fortunate to have a warm-hearted congregation composed of avid Baptists. With his congregants' strong faith and his infallible ability to deliver inspiring messages, Pastor Hampton has encouraged members of Bethany Baptist to continue in their faith and service to their community, which establishes Bethany Baptist as an invaluable community resource. As such, the commitments of Bethany Baptist Church and its congregants transcend their faith and is deserving of due recognition.

Further, the members of Bethany Baptist Church demonstrate devotion to their faith, which is visible in their undying commitment to remaining active members of the church for over 50 years. In an effort to commemorate their contributions, the church has planned "Golden Circle Day," which is dedicated to honoring those who are a part of the esteemed "Golden Circle." This is a tradition that many look forward to because it offers a chance to pay homage to members of the Bethany Baptist Church family. In keeping with the traditions, there will be a host of special services slated for June 8, 2008 at Bethany Baptist Church, located at 460 Marcus Garvey Boulevard in Brooklyn, New York.

The following members are duly recognized as members of Bethany Baptist Church's "Golden Circle."

Marian Alexander; Annie Anderson; Charles Allen; Margaret Allen; Norma Applewhite; Virgie Baldwin; Bettie Barbour; Louise Barton; Linda Bascombe; and Patricia Belk.

Gaither Bellamy; Josephine Blaizes; Daisy L. Bryant; Essie M. Brooks; Helen Brown; Mabel Burroughs; Phyllis M. Bynum; Mary Carpenter; and Edith L. Carson.

Pearl Clarke; Wilbert Clarke; Adeline Clinton; Darnley Crichlow; Barbara D. Crosby; Lynda F. Dandridge; Louise Daniels; Gladys C. Drake; Willie Edmond; and Ozie Edmond.

Gloria Ellis; Tommy Felton; Helen Fierce; Ethel M. Folk; Frances Ford; Frances Frayer; Maurice L. Fredericks; Winifred Fredericks; Jusselyn James Gittens; Hyacinth Golden; and Fredrick Gordon.

Katie Graham; Bernice Graves; Iris Hall; Elizabeth Halyard; Malcolm Halyard; Richard Harris, Sr.; Shirley Harris; Miriam C. Hassell; Helen Hill; and Marcia Hill.

Alberta Holt; Willie Holt; Annie Hubbard; Inez B. Hunt; J. Frank Hunt; Thomas O. Irby; Amanda M. Jackson; Daniel Jackson; Donza James-Frasier; and Jusselyn James-Gittens.

Mabel Jenkins; Joyce E. Jiggetts; Eddie Johnson; Girlene Johnson; Alberta Jones; Delores C. Jones; Evelyn P. Jones; Margaret Jones-Chaplin; Kay B. Jordan; and Betty Keith.

Rosa M. Key; Mabel Kellogg; Florence O. King; Ronald King; Harriet H. Kinebrew; Wade N. Lassiter; Lillie B. Lawrence; Jaynette Lawson-Jordan; Juanita Lewis; and Lauriano Green.

Priscilla Lucas; Evelyn J. Lymus; Fannie Marcus; Joseph F. Mariner; Willie Belle Mariner; Norva T. S. Matthews; Clarence McDonald; Joseph H. McDowere; Frances McDuffie; and Eleanor McIntosh.

Ruth McKie; Mona McLaughlin; Emma Miller; Arnold Neckles; Molly Neckles; Netty Brown-Nembhard; Oswald Nembhard; Jacqueline Norris; Dorothy Odle; Herbert Oestricher; and Sidney Oestricher.

Jeff Palmer; Bertha Patton; Mildred Peoples; Jasper E. Peyton; Mildred D. Pittman; Alfred Porter; Fannie Porter; Benjamin Pugh; and Earnest Randolph.

Evelyn Randolph; Juanita Randolph; Leona Rhodes; Mary Alice Ridley; Dorothy Rudisel; Rosa Sawyer; Helen Seaberry; Alberta Scott; Janet Small; and Kittie Sneed.

Esther Smith; Dorothy Spain; Hazel R. Speer; Sadie Stewart; Marie Sullivan; Gertrude Sumter; Mamie R. Thomas; Lula Turner; Eleanor Warren; and Josephine Washington.

Frances Watkins; Virgie Whitaker; Doris Williams; Julia Williams; Teesdale P. Wilson; Jacqueline Winstead; Patricia Wynn; and Ernest Wynn.

HONORING REVEREND DR. REGINALD FLYNN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. KILDEE. Madam Speaker, I rise to day to honor Reverend Dr. Reginald Flynn as he is installed as the new pastor of Foss Avenue Baptist Church. The Installation Service will take place on Sunday, June 22nd, in my hometown of Flint, Michigan.

Reverend Dr. Flynn was raised in the Flint area, graduating from Beecher High School in 1984. He attended Kalamazoo Valley Community College and served in the United States Navy. After receiving his honorable discharge he relocated to Columbia SC. He received his bachelor of arts degree in political science from the University of South Carolina. He was the executive assistant at the United Way of South Carolina. He was picked by the South Carolina Department of Social Services and the W.K. Kellogg Foundation to coordinate a statewide faith-based foster care and adoption program called South Carolina Families for Kids and he went on to become the recruitment director of the adoption advocacy program, One Church, One Child of South Carolina. He went on to work for IAP Worldwide Services, an international emergency management firm, and for Merck and Company. He is the founder and president of CourTay Properties, LLC, a real estate investment company.

Pastor Flynn received his license to preach the gospel from Reverend Dr. Charles B. Jackson, Sr., at Brookland Baptist Church in Columbia and earned his master of divinity degree from Erskine Theological Seminary. He was ordained by the Gethsemane Baptist Association and has completed pastoral assignments at Beulah Baptist Church, and Temple Zion Baptist Church. He was elected by his colleagues to serve as vice president and principal training instructor for the Mt. Hebron Progressive Association's Congress of Christian Education. He has also served as the adjunct professor of religious studies at Benedict College. In December 2008 he will receive his doctor of ministry degree in pastoral leadership and Urban Studies from Columbia International University, graduating with honors. Married to First Lady Deloris Flynn, the couple has two children, Courtney and Taylor.

Madam Speaker, please join me in congratulating Reverend Dr. Reginald Flynn as he is installed as pastor of Foss Avenue Baptist Church. The sacred and solemn Installation Service is the joining of a pastor and congregation to fulfill God's holy will. May Pastor Flynn and Foss Avenue Baptist Church serve Our Lord, Jesus Christ, for many, many years to come.

RECOGNIZING THE RETIREMENT OF POLICE LIEUTENANT MICHAEL L. HILL FROM THE FAIRFIELD POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Police Lieutenant Michael L. Hill who faithfully served the residents of the cities of Los Angeles and Fairfield for 36 years.

Prior to becoming a police officer, Lieutenant Hill served as a sleeper fireman with the City of Fairfield beginning in 1974. He worked in various civilian positions for the city before becoming a sworn police officer on September 10, 1979. Lieutenant Hill began his work with the Los Angeles Police Department in April 1982, before returning to the Fairfield Police Department in May 1985.

Lieutenant Hill continued to demonstrate loyalty and dedication to the department earning his promotion to Police Sergeant on August 26, 1988. He served as an inspirational leader for the personnel in Patrol, Investigations, Training and the Professional Standers Unit. His commitment to this position resulted in his being named Manager of the Year for 1996.

His years of service and leadership led to his promotion to Acting Police Lieutenant on May 3, 2002 and then to his formal appointment as Police Lieutenant on October 18, 2002.

Lieutenant Hill will always be remembered and admired for his commitment to the community as well as his dedication as a leader. He is a loyal representative of the law and has made a lasting, positive impact on our cities.

THE ABILITYONE PROGRAM

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. BROUN of Georgia. Madam Speaker, unemployment among people with disabilities is a serious matter and one that is all too often overlooked. Many Americans do not know the depth of this crisis—only 35 percent of people with disabilities are able to find jobs. Those people with disabilities who are not as fortunate are left to grapple with numerous obstacles to work and are often not provided the opportunity to become independent, self-sufficient wage earners.

For almost all Americans, employment focuses on ability. But for people with disabilities, it is often the disability that takes precedence. We all have abilities and as responsible citizens, it is our imperative to apply them for the greater good. When all Americans work, communities will benefit as people with disabilities become self-sufficient, tax-paying citizens. I commend people with disabilities for their tireless efforts to share their abilities in the American workplace despite barriers, and hope that someday the high unemployment rate will be a thing of the past.

I am proud to support a program that helps us reach the goal of employment for all: the AbilityOne Program. The AbilityOne Program provides much-needed employment opportunities by using the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. In this program, people who are blind or who have other severe disabilities have the opportunity to acquire job skills and training, receive good wages and benefits and gain greater independence and quality of life.

In the United States, the program serves nearly 38,000 people with disabilities and generated approximately $369 million in wages earned and $1.6 billion in products sold. In Georgia alone, over 900 people with disabilities earned $8.7 million in wages last year as a result of AbilityOne. I am proud that Georgia's 10th congressional district is home to brand-new AbilityOne contract at the Charlie Norwood VA Medical Center. The Honorable Charlie was an AbilityOne Congressional Champion during his years in office and I am proud to carry on his tradition of supporting people with disabilities and the fine work they do.

It is with great pleasure that I extend my support to the AbilityOne Program, its supporters, and its workers for making a difference in unemployment among people with disabilities in this country.

REGARDING THE LAND USE RESTRICTION PROVISION OF H.R. 2963, THE PECHANGA LAND TRANSFER BILL

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. ISSA. Madam Speaker, I rise today to speak on an important piece of legislation that I have authored, H.R. 2963, The Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2007. This legislation will place 1,178 acres of land currently maintained by the Bureau of Land Management, BLM, into trust for the Pechanga Band of Luiseno Mission Indians to manage and maintain. These lands are part of the Pechanga tribe's ancestral lands and contain numerous cultural, historical, and religious elements of importance to them.

Specifically, I want to discuss Section 2(h) of the bill, which is entitled "Restricted Use of Transferred Lands."

> (h) RESTRICTED USE OF TRANSFERRED LANDS.—
>
> (1) IN GENERAL.—The lands transferred under subsection (a) may be used only for the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources thereon.
>
> (2) NO ROADS.—There shall be no roads other than for maintenance purposes constructed on the lands transferred under subsection (a).

When the restrictive language in this section was initially added to H.R. 4908, the original version of the bill I introduced in the 108th

Congress, it was at the request of former House Resources Committee Chairman Richard Pombo. It was added during the markup of the bill on September 22, 2004, with the purpose of ensuring that no commercial, casino or gaming related development would take place on the lands designated for transfer within the bill, and that those lands would be maintained as open space for the preservation, protection, and maintenance of the archaeological, cultural and wildlife resources thereon. The development restrictions were added with the assent of representatives of the Pechanga tribal government and myself as author of the legislation

Since I reintroduced this bill in the 110th Congress, my intent for this section has not changed. In fact, development restrictions within the bill were strengthened further with the addition of a prohibition of the construction of any roads upon the transferred land other than for the purpose of maintenance of archaeological, cultural and wildlife resources.

It is my intention as the author of H.R. 2963 that the legislation prohibit commercial, casino or gaming related construction or development on the lands designated in this bill, and that they be preserved as open space. I believe that the restrictions on the use of transferred lands included in this bill are a clear expression of this intent. Additionally, I have conferred with the Solicitor General's Office of the Department of the Interior who state that the wording of Section 2(h) implements this intent and the land use restrictions are enforceable by the Department of the Interior.

RECOGNIZING THE RETIREMENT OF POLICE OFFICER ANDREW CROSS FROM THE FAIRFIELD POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Police Officer Andrew Cross who faithfully served in the California police force since 1980.

Officer Cross's service to our community began when he joined the Seaside Police Department in January 1980. From there, he transitioned to the Monterey Police Department. After 18 years of service to Monterey, Officer Cross came to the Fairfield Police Department in December 2000.

During his time with the Fairfield Police Department, Officer Cross served as a highly regarded active patrol officer.

Officer Cross's commitment to his community was evident on a daily basis. He was a loyal representative of the law enforcement community, admired for his hard work and dedication, and his presence will be missed.

HONORING MR. AUSTIN SIMON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life of Mr. Austin Simon. A pioneer and man of great distinction, Mr. Simon was the first African-American Postmaster in the 9th Congressional District. We lost our beloved Austin Simon on May 5, 2008. Known as "Si" to his loved ones, Mr. Simon lived a full and vibrant 81 years, and although his presence will be sorely missed among his family and friends, his legacy will continue far into the future.

Austin Simon was born in 1926 in Lake Charles, Louisiana, to Seymour and Mary Simon. Mr. Simon was a retired M.S.C. Postmaster in the Bay Area and was the first African-American to head both the Richmond and Oakland, California offices. The sheer substance of such an incredible life accomplishment attests to Mr. Austin's vitality and energy. He experienced firsthand some of the most important and dynamic moments in the struggles of African-Americans in our country throughout the last century. Mr. Austin was indeed on the frontlines of history, breaking the glass ceiling for generations of African-Americans pursuing careers in the United States Post Office.

In addition to a distinguished career in the postal service, Mr. Simon served his country in the United States Army during World War II. In his community, Mr. Simon participated as an active and committed Mason for more than 50 years and served as the Honorary Grand Master of the Hiram of Tyree Grand Lodge of California. He was also a member of the Stars of Love No. 22 Order of the Eastern Star for 50 years.

Even in his retirement, Mr. Simon was incredibly energetic and proved to be an inspiring role-model throughout his life. Mr. Simon knew the importance of community stewardship and creating lasting relationships with his fellow man. After moving to Las Vegas in 1996, Mr. Simon was quick to become engaged in his new community and search out new ways to contribute to society. In Las Vegas, Mr. Simon became a member of the Alpha Lodge No. 75, which he helped establish into a reputable and impressive organization. He led his fellow Alpha Lodge No. 75 members, dedicating his time and efforts as District Deputy Grand Master.

It is obvious that Mr. Simon's lifelong profession was to help others achieve their dreams and accomplish their goals. A dedicated family man, Mr. Simon balanced his personal, professional, and political dedications so that all who were fortunate enough to know this great man could benefit from his compassion and warmth.

A pillar of strength and historic figure in our community, Mr. Simon will be sorely missed. However, we are thankful for the opportunities he gave us to come together and celebrate the hope and love in our lives. As we say goodbye to him, we have been given yet another opportunity to reflect on the rich past of the African-American community and the tumultuous American century which defined our heritage, diligence, and hopes for the future.

Austin Simon's legacy will surely live on through all who knew him, and all who know of his great accomplishments. Today, California's 9th Congressional District salutes and honors Mr. Austin Simon. We extend our deepest condolences to his family, especially his wife of 39 years, Mrs. Bertha L Simon, his daughter Linda Duhon, and his sons Austin Jr., Ricky, Anthony, Aaron, Christopher, Marcus, Gregory, Cedric, and Kevin. His legacy will live on through his siblings, grandchildren, great-grandchildren, nephews, nieces, godchildren, in-laws, and loving friends. May his soul rest in peace.

IN MEMORY OF WILLIAM "BILL" EDWARDS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend William "Bill" Edwards of Hot Springs, Arkansas, who passed away June 1, 2008, at the age of 79.

I will forever remember Bill Edwards as a good friend, a devoted public servant and someone who cared deeply about improving the quality of life in Hot Springs and Garland County Arkansas. As a natural born leader, he excelled at every task he took on and was an inspiration to all of us who knew him.

Bill Edwards served the people of Hot Springs as Alderman and City Director for more than 35 years, however, most people just knew him as a caring friend. He was one of those rare individuals who never forgot the importance of maintaining a high degree of customer service to ensure that all those he worked with over the years were in good hands. From his very first day on the job working for the people of Hot Springs and Garland County, his number one priority was always the person he was talking with, and he would not stop working until he had exhausted every possibility to help out that individual.

Bill Edwards's leadership in Hot Springs was guided by his dedication to the city and to all of those who work and reside in our beloved state. I truly believe the Hot Springs Sentinel Record, the local paper which covered him over the years, said it best in their editorial on June 3, 2008, by stating, "It is not an exaggeration to say that this director had a 'heart for Hot Springs.'" Whether it was helping a constituent, promoting tourism in the city, or simply putting a big smile on a friend's face, he knew only one way to do it—with a big heart.

Bill Edwards will always be known for his outstanding service to Hot Springs and the surrounding communities. I extend my deepest condolences to his two daughters, Brenda Deaton of Texarkana, Texas, and Laura Rivera of Leander, Texas; his two sisters, Margaret Bennett of Hot Springs, Arkansas, and Martha Young of Hot Springs, Arkansas; his three brothers Jimmy Edwards, Charles Edwards and Mike Edwards, all of Hot Springs, Arkansas; and to his nieces, nephews, and numerous friends. Bill Edwards will be greatly missed in Hot Springs, and I am truly saddened by this loss.

THE SPARTANS ARE SOFTBALL CHAMPIONS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to congratulate the girls' softball team of Central Davidson High School for winning the North Carolina 2–A championship. The Spartans won the title on Saturday, May 31. The team was led by seniors Allison Barnak, Lindsay Thore, Hannah Buie, Alison Lohr, and Gina Antonucci, who were an integral part of back-to-back championships along with a 54-game winning streak.

This year's title, which was won at the Walnut Creek Softball Complex in Raleigh, culminated an outstanding season for the Spartans, who were led by Head Coach Gene Poindexter. Not only did they win a State championship, the Spartans finished the year ranked 8th in a national poll of high school softball teams.

The championship contest began and ended quickly. Chelsea Leonard led the way, pitching a one-hit shutout to lead the Spartans to a 7–0 win against formidable South Lenior. The team was led with 2 hits each from Kara Lohr, Whitney Lohr, Hannah Buie, and Nicole Perry.

While there were many strong efforts, the championship win was a team effort including juniors Carrie Jernigan, and Chelsea Leonard, sophomores Leanna Hildebrand, Whitney Lohr, Haley Hanes, Nicole Perry, Laura Fritts, Emily Mills, Mindi Morris, and Haley Thore, along with freshmen Kara Lohr and Emma Comer. And just as important as the players on the field were the leaders off the field. We would like to recognize, head coach Gene Poindexter and his able assistants Jim Welborn, Bryan Starnes, Greg Leonard, Sterling Charles, Steve Hayes, Mike Pickett, Jordan Stogner, Brittney Taylor, and Richard Cid.

Also assisting the team during this incredible season were scorekeeper Ernie Antonucci, public announcer Stewart Koonts, as well as team managers Chris Keel and Brandon Gilchrist.

Again, on behalf of the Sixth District, we would like to congratulate Principal Emily Lipe, Athletic Director and Head Coach Gene Poindexter and everyone affiliated with the Central Davidson Spartans on having another great season and for winning the North Carolina 2–A softball championship for the second year in a row.

TRIBUTE TO ANNE LOMEDICO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mr. ENGEL. Madam Speaker, Anne LoMedico has reached the ranks of the growing number of centenarians in the United States. As she reaches 100 years, on July 26, 2008, she can look back with pride. Anne has lived through the most prolific era in world history.

Anne was born in our very own Bronx, New York. She is a mother of two, grandmother of 7, great-grandmother of 16, and great-great grandmother of 9.

She is a hard worker who isn't afraid to say what's on her mind. From the age of 18 to 67 Anne worked at a bookbinder company. She entered the field as a machine operator and in no time worked her way to a supervisory position. Anne was never one to sit and wait for things to happen. She took initiative and in by doing so, as a union delegate she was once honored with a gold pin from the Bookbinder Union.

Anne is a very active member of her Senior Club at the Nyack Senior Center; she raised the most money out of anyone in the 2007 Walkathon fundraiser. She can also be accredited for helping women in her community who have recently been widowed, get out of the house and into the center of life.

Anne attributes her long life to her strong faith in God, the fact that she believes in eating right, exercising, and not smoking. Before she started driving, Anne would walk from the West Side of Manhattan to the East Side twice a day to go to work. She has watched her children grown and has seen the world change. We thank God for allowing Ms. LoMedico to remain with us and share her years of experience with us all.

I offer her my sincere wishes for the happiest of birthdays and congratulate her for a long and successful life.

RECOGNIZING THE RETIREMENT OF POLICE SERGEANT TIMOTHY P. GRACE FROM THE FAIRFIELD POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 2008

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Police Sergeant Timothy P. Grace who faithfully served the residents of the city of Fairfield for 31 years.

Sergeant Grace began his service with the Fairfield Police Department on September 27, 1975, where he worked in several capacities including drunk driving enforcement grants, the traffic unit, patrol, investigations and the training and communications unit. Sergeant Grace continued to serve as a defensive tactics instructor as well as a field training officer.

Sergeant Grace earned his well-deserved promotion to the position of police sergeant in 2000. He worked as a valiant leader in both the patrol and the professional standards unit, where his dedication to these units made a valuable impact on the operations of the overall department.

Sergeant Grace evidenced a commitment to his community on a daily basis. He served as a loyal representative of the law and is admired by his community for his hard work, dedication and positive influence on the entire department.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 10, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 11

9:30 a.m.

Foreign Relations

To hold hearings to examine sovereign wealth funds, focusing on foreign policy consequences in an era of new money.

SD–419

10 a.m.

Judiciary

To hold hearings to examine short-change for consumers and short-shrift for Congress, focusing on the Supreme Court's treatment of laws that protect Americans health, safety, jobs, and retirement.

SD–226

2 p.m.

Judiciary

To hold hearings to examine the nominations of Paul G. Gardephe, and Cathy Seibel, both to be a United States District Judge for the Southern District of New York, Kiyo A. Matsumoto, to be United States District Judge for the Eastern District of New York, and Glenn T. Suddaby, to be United States District Judge for the Northern District of New York.

SD–226

3 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the impact and policy implications of spyware on consumers and businesses.

SR–253

JUNE 12

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the condition of our nation's infrastructure, focusing on perspectives from our nation's mayors.

SD–538

Finance

To hold an oversight hearing to examine the United States Trade Preference programs.

SD–215

Judiciary

Business meeting to consider S. 2979, to exempt the African National Congress from treatment as a terrorist organization, H.R. 5690, to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, S. 2892, to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force, H.R. 3480, to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, S. 1211, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, S. Res. 576, designating August 2008 as "Digital Television Transition Awareness Month", and the nominations of Helene N. White, of Michigan, and Raymond M. Kethledge, of Michigan, each to be United States Circuit Judge for the Sixth Circuit, and Stephen Joseph Murphy III, of Michigan, to be United States District Judge for the Eastern District of Michigan.

SD–226

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine supply chain security, focusing on the secure freight initiative and the implementation of 100 percent scanning.

SR–253

Joint Economic Committee

To hold hearings to examine the future costs of funding the war in Iraq.

SD–106

2:15 p.m.

Energy and Natural Resources

To hold an oversight hearing to examine the relationship between United States fuels policy and food prices.

SD–366

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine addressing the United States-Pakistan strategic relationship.

SD–342

Foreign Relations

To hold hearings to examine energy from Central Asia to Europe, focusing on oil, oligarchs, and opportunity.

SD–419

JUNE 17

9:30 a.m.

Armed Services

To hold hearings to examine the origins of aggressive interrogation techniques, focusing on Part I of the Committee's inquiry into the treatment of detainees in U.S. custody.

SD–106

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1774, to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, S. 2255, to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, S. 2359, to establish the St. Augustine 450th Commemoration Commission, S. 2943, to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail, S. 3017, to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan, S. 3010, to reauthorize the Route 66 Corridor Preservation Program, S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, H.R. 1143, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and S. 3096, to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute.

SD–366

JUNE 18

10 a.m.

Rules and Administration

To hold hearings to examine improving energy efficiency, focusing on increasing the use of renewable sources of energy, and reducing the carbon footprint of the Capitol complex.

SR–301

2 p.m.

Energy and Natural Resources

To hold hearings to examine the preparedness of federal land management agencies for the 2008 wildfire season.

SD–366

JUNE 19

10 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine cruise ship safety, focusing on potential steps for keeping Americans safe at sea.

SR–253

JUNE 24

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine climate change impacts on the transportation sector.

SR–253

JUNE 26

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending calendar business.

SR–418

POSTPONEMENTS

JUNE 11

9:30 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine imbalance in the United States-Korea automobile trade.

SR–253

SENATE—*Tuesday, June 10, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

"God of our fathers, whose almighty hand leads forth in beauty, all the starry band of shining worlds and splendor through the skies, our grateful songs before Your throne arise."

Lord, give the Members of this body Your special grace. The responsibility they face is difficult and daunting. Let Your light and truth infuse this place today, and may our lawmakers depend completely upon Your transcendent wisdom. Use them as children of light and heirs of Your everlasting inheritance. May their lives ever praise Your wonderful and Holy Name. In the Name of Him who is perfect justice and unlimited compassion. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if he chooses to make some, the Senate will resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act. There will then be 1 hour for debate prior to a series of 5 rollcall votes. The first vote in the series will be a cloture vote on the motion to proceed to the Consumer-First Energy Act. If cloture is not invoked on the motion to proceed, the Senate will proceed to a cloture vote on the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act. Following that vote, or votes, there will be up to 10 minutes for debate under the control of Senators LEAHY and SPECTER prior to a series of up to three rollcall votes on the confirmation of three district court judges.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the time Senator MCCONNELL and I use not be charged against the 1 hour precloture time so that there will be a full hour of debate on the issue relating to gas prices.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSUMER-FIRST ENERGY ACT

Mr. REID. Mr. President, last Friday, I spoke of the high energy prices—I have done that on a number of occasions recently—and the need for the Senate to pass the Consumer-First Energy Act. That will be the first vote we will have.

When I came to the Senate floor Friday, we had already had a very difficult day. We got up and saw in the newspaper that day that the market had crashed and gas prices were spiraling up to $132 a barrel. There were other things that were not good from an economic perspective. I did not have any idea that the price of oil would go up to almost $140 a barrel. Actually, it did that during the remarks I was making.

The massive spike in oil prices we saw on Friday and the corresponding 400-point drop in the Dow only compounded the crisis that has been growing for months and even years. When President Bush took office, a barrel of oil cost $32 and a gallon of gasoline cost less than $1.50. Of course, now, the average price in our country is more than $4 a gallon, for the first time in the history of our country.

The President took us to war—a war of choice—and Vice President CHENEY invited oil executives to the White House to secretly write our national energy legislation. It was secret, so people went to court—it went all the way to the Supreme Court—to try to find out whom he met with, what he talked about, and what arrangements he made with the big oil companies. He was able to keep it secret. It is still secret. All we know is that the oil companies made $250 billion in net profit last year. So we have a pretty good idea what went on in the White House. They never asked the oil executives, obviously, to build new refineries or to invest in clean, renewable alternative fuels. They apparently failed to consider the national security implications of our addiction to oil and never asked the oil companies to invest in clean energy.

You can take all the oil in the world—100 percent of it—and you can add in ANWR and all of the offshore we have in America today, and we have less than 3 percent of the oil in the world. We cannot produce our way out of the problems we have. Can we do more with production? Of course. That is the reason Democrats led the charge last year to bring into fruition more drilling off the coast of Louisiana and Mississippi.

We know we have to do something to wean ourselves from the 21 million barrels of oil we use every day—and 65 percent of that we import. But the Bush administration has failed to address these concerns. Sadly, the Republican Members of Congress stood by his side cheering him on and cheering on the oil companies to make more money.

The American people are suffering the consequences of the Bush administration's recklessness. As we speak, our airlines are on the verge of bankruptcy. What they have made a decision on last week—even though the airplanes were filled with passengers—is they have cut 20 percent of the flights around the country. Why? Because with every airplane load of passengers they haul, they lose money. They want to have airplanes that use less fuel, so even though the airlines are filled with passengers, they are saying they are losing more money at that airline that is going to Missoula, MT, or Kansas City, and therefore they are going to stop the flight—even though it is full—because that airline used more fuel than one taking somebody the same distance to someplace else. That sounds pretty crazy, but the airline industry is on the verge of not being able to continue. We cannot compete at this stage with the European airline industry. Here, we pay $1.40 for a gallon of aviation fuel; they pay 75 to 80 cents there. We cannot compete. The cost of fuel is exceeding half of the cost of an airline, and they simply cannot make it.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It wasn't until Democrats won the majority that we finally were able to pass an energy bill last year that did some things. For the first time in 30 years, we increased the fuel economy standards and did a little bit to promote clean, American-made alternative fuels. We continued offering responsible solutions to reverse the energy crisis—and there is an energy crisis.

All this time, out there every day, we have the Sun shining, the wind blowing, and steam coming from the Earth, and we are doing nothing to capture that—virtually nothing. Why? Because we cannot get our Republican colleagues to join us in passing tax incentives to allow the great entrepreneurial spirit of America to invest in renewable fuels. We want to reverse the energy crisis. Yet our Republican colleagues inexplicably are refusing to work with us and prefer to simply continue to feed our addiction to oil. Some Republicans propose drilling in ANWR, but experts agree that we cannot drill our way out of this crisis. The ANWR thing won't pass. It has been decided that is not something we need to do.

Last week, Republicans took to the floor and talked about high gas prices. We got their memo saying they want this global warming thing to be "global warming and gas prices." When they had the chance to vote on that, they walked away from it. Mr. President, they have the opportunity today to vote to bring us to the point where we can start legislating on gas prices. I hope their rhetoric last week is an indication that they are going to allow us to proceed.

This morning, we will vote to invoke cloture so we can move to pass the Consumer-First Energy Act. They have blocked this responsible legislation, or something similar to it, in the past. Maybe this time it will be different.

Observers have said that now that gas is over $4 per gallon, it might be a tipping point for the American people. I hope it will be a tipping point for the Republicans in the Senate. We have SUVs that are now not being bought, which are manufactured by our manufacturers. We have hybrids coming into being, and that is good. Some people are abandoning their SUVs and cars—because they have no alternative—for public transportation. In States such as Montana or Nevada, where you have large areas of rural roads, people have to drive. There is no public transportation available. So public transportation is not an option for everybody, especially Americans living in rural areas and commuting long distances—areas not served by public transportation. No matter where we live or what our transportation options are, we all deserve a cleaner, safer, more affordable future.

Following the lead of the American people, perhaps Republican Senators have reached their own tipping point and are now ready to embrace change with us. We hope so. The choice today is simple: They can continue to stand with the Bush-Cheney administration and the modern-day oil barons or they can join us on the side of the struggling American families who deserve better.

I urge all of my colleagues—Democrats and Republicans—to support allowing us to proceed on this legislation. This is responsible legislation. We will end billions of dollars of tax breaks for these huge oil companies and executives who have been hauling in record salaries while the profits of the companies are skyrocketing. Second, we force the oil companies in this legislation to do their part by investing some of their profits in clean, affordable alternative energy. We protect the American people from price gouging. We stand up to OPEC and countries that are colluding together to keep oil prices high. We look at these margins. Many people believe the high cost of oil is sheer speculation.

This legislation, I acknowledge, is not a silver bullet that will solve the energy crisis, but it will take a nip out of it. After 7½ years of the Bush-Cheney energy policy, there are no quick fixes. The road ahead won't be easy. This is a start to help lower prices and to help working families make ends meet. It is one small step on a long and uphill road to a cleaner, more affordable energy future and to restoring the affordability of the American dream to families all over our country.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WINDFALL PROFITS TAX

Mr. McCONNELL. Mr. President, over the weekend, as we all know, the average U.S. gas prices hit an alltime high of more than $4 a gallon. I only point this out because it seems our friends on the other side aren't aware of it. In the middle of what some are calling the biggest energy shock in a generation, they seem baffled. Faced with a national outrage over gas prices, they propose as a solution, of all things, a windfall profits tax. If the idea had any merit at all, Republicans would consider it. But, of course, it doesn't.

We know from experience that Jimmy Carter tried a tax hike in 1980, and it was a miserable failure.

The Congressional Research Service says its only effect—its only effect—was to depress domestic production, thus significantly increasing our reliance on foreign oil and, in the end, less domestic production led to significantly less revenue from the tax that was expected. The same thing, of course, would happen again.

The biggest hit would not be to the energy companies, it would be to the American consumer who now dreads pulling his or her car into the gas station. Hitting the gas companies might make for good campaign literature or evening news clips, but it will not address the problem. This bill is not a serious response to high gas prices. It is just a gimmick. Don't take my word for it. The Democrats themselves said as much when their leadership proposed this sham solution last month.

Americans have lost patience with Democratic inaction on gas prices. Americans understand supply and demand. They know the only way to drive prices down is to drive production up at home by reducing demand through the kind of sensible action we took last year on fuel efficiency and renewable fuels. With gas now at $4 a gallon, recent polls show that an increasing number of Americans are calling on us to exercise the option of exploring for energy at home.

What is the Democratic response to all this? Last week, the majority proposed a climate change tax that would have raised gas prices $1.40 a gallon higher than they already are. They are hoping the idea of going after energy companies will create the illusion of action, after a week in which they themselves fought for a bill that would make the problem worse. What a political charade.

This bill is not a serious approach to lowering gas prices. Our friends proposed the same one last month. It went nowhere. They didn't even bring it up because their own committee chairman opposed it. The Democratic chairman of the Energy and Natural Resources Committee, the junior Senator from New Mexico, called the windfall profits tax "arbitrary." The senior Senator from New York cautioned that another key provision of the bill would drive jobs overseas.

If the Democrats themselves don't like the bill and oppose its provisions, why are they reviving it?

Democrats will claim this bill will bring gas prices down, but in doing so they are counting on Americans to forget a basic law of economics: raising taxes on those who produce something leads to an increase in the price of products they sell. This was true in Adam Smith's pin factory. It is true for energy companies today. More taxes mean higher prices.

The rational response to high gas prices is to propose a policy that would actually lower them, and that is what Republicans have done. Last month, we proposed a bill that would allow us to access the 14 billion barrels of known recoverable oil on the Outer Continental Shelf in an environmentally sensitive way. We have also tried to open the Arctic National Wildlife Refuge for very limited and safe exploration. We have been blocked by our friends on the other side at every turn.

When Bill Clinton first vetoed the idea in 1995, the price at the pump was

$1.06 a gallon. Gas costs nearly four times as much as it did then. How high does it have to go before our friends on the other side allow limited and environmentally sensitive exploration of these giant U.S. reserves? Evidently, $4 a gallon isn't high enough for them.

So, Mr. President, we have a better plan for addressing gas prices, one that respects the laws of supply and demand. In addition to the two provisions I already mentioned, our bill mandates that billions of coal-derived fuels be produced through clean coal technologies as a way of further reducing our dependence on foreign sources of oil.

Our bill repeals the 1-year moratorium on oil shale production in Colorado, Wyoming, and Utah; and it would accelerate the construction of refineries in the United States, as well as development of advanced batteries for plug-in hybrid vehicles.

Republicans are determined to lower gas prices the only way we can and strengthen our energy security for the long term—by increasing supply. We have tried to do so repeatedly, and every time we have tried we have been blocked by our friends on the other side.

Just last month, 48 Democrats blocked consideration of our energy supply bill. Last week, they blocked consideration of an amendment I sponsored that would have prevented the increase in gas taxes that the Boxer climate tax bill would have caused. Now, 2 days after we have seen the highest recorded gas price in history, they are proposing an idea that has already failed once and which will do nothing to ease the pain Americans are feeling at the pump.

Our friends on the other side have no serious plan to address gas prices. They have demonstrated this in the past, and they are demonstrating it today.

Yesterday's Wall Street Journal highlighted the kind of situation that has become typical over the past several months. In a story about high gas prices, the Journal quoted a self-employed handy man in Dallas who is paying twice as much money to fill his tank than he did a few years ago. This is what he had to say:

> I feel like I am being held at knifepoint. If they charge $10 a gallon, I'm going to pay it.

It is time we got serious about helping guys such as this. It is time we did something about supply to go along with our previous efforts to affect demand. But as long as our friends on the other side refuse, we will get nowhere in this debate, and that is why gas prices have gone up $1.71 since the Democrats took over Congress.

I will vote against proceeding to this totally irresponsible bill and advise my colleagues to do the same.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the motion to proceed to S. 3044, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to S. 3044, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, as I understand it, there is 1 hour divided equally.

The ACTING PRESIDENT pro tempore. There is 40 minutes divided equally.

Mr. SCHUMER. And the addition of leader time. I ask that I be given 7½ minutes of our time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. SCHUMER. I will be happy to yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator HUTCHISON be the leadoff speaker and she be allowed 7 minutes, and that I follow her with 15 minutes, and then we will see where it goes from there.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we all know that gas prices and the high price of oil and all oil products is the No. 1 issue in America. Everywhere we go—Legion halls, parades, weddings—this is all people bring up, and they demand action.

Today, we in the Democratic majority are stepping to the plate with two comprehensive bills—one dealing immediately with the issue of gas prices and the oil companies and the speculation in the market and the second dealing with changing our tax policies so that we encourage alternative fuels. We are stepping to the plate because we know the problem America faces: $4-a-gallon gasoline. That is 267 percent higher than it was when President Bush took office in 2001. And we cannot pass any legislation?

We want to debate this legislation now. We have our ideas. The other side has its ideas. But we wish to move forward and debate the issue and finally get something done, and the other side, the minority leader said vote no. He is telling the American people that he and his party want to do nothing. They don't even want to debate it. That is an incredible statement at a time when America is crying out for action.

The bottom line is, we have had a White House, we have had a Republican minority that has taken zero proactive steps to reduce our dependence on foreign oil for 7 years. If it wasn't for this new Democratic Congress to pass along an overdue small increase in fuel efficiency standards, President Bush would leave the White House with a record he would consider spotless, committing no sins against big oil or against OPEC.

We on this side are not afraid to go after big oil when they are not doing the right thing, and we are not afraid to go after OPEC because they are a cartel that squeezes us. We are not afraid to do some strong, tough things that will, some in the short run and some in the longer run, bring down the price, the all-too-high price of gasoline.

We are hurting as a country. We are hurting individually as Americans. We are hurting as an economy, as people do not have the ability to spend on other things. We are hurting in our foreign policy as every day we send over $1 billion to people we do not like, such as leaders of Iran, Venezuela, and other places. And we are hurting as a globe as we continue to send carbon dioxide into the air. And the other side says: Do nothing. Don't even debate the issue.

I have heard some people talk about some things on that side. What about ANWR, Alaskan oil, which was defeated in a bipartisan way a while ago? We will debate ANWR. Nobody thinks it is going to do anything for 7 years. I, for one, and many of us on this side supported drilling in the east gulf. It is beginning to happen because it would produce more oil and gas more quickly and do something about the price.

So we are not against any domestic oil production or exploration or gas production or exploration if it is going to make some sense. But we cannot drill our way out of the problem. If we do not do conservation, if we do not do alternative energy, and if we do not tell the big oil companies they can no longer run energy policy in America, we will not succeed; plain and simple. We are finally telling them.

There are many provisions in this bill, but there are four major provisions. One goes after OPEC, one goes after speculation, but the one that I helped write, along with the chairman of the Finance Committee, goes after the windfall profits of oil companies. They are making record profits, and we say take some of those record profits and require them to be placed into alternative energy.

When the head of ExxonMobil came before the Judiciary Committee a couple of years ago, he said he didn't believe in alternative energy. Well, most

Americans do. And unlike my colleagues on the other side of the aisle, we don't believe ExxonMobil should dictate our energy policy. They are doing great, but we, the American people, are not.

If you want to get immediate production, do something about Saudi Arabia. They could in a minute increase supply by 1 million, 2 million barrels a day. This is not Alaska. A lot of people on the far right are saying: How can Schumer say increase Saudi production when he is not for Alaska production? Hello. One would pump oil into the system immediately and do something immediately if we could force the Saudis to do it. Some of us advocate not giving them arms until they do. One would take 7 years and, by many estimates, not do much to change the price because it is so long into the future.

It is appalling. I am profoundly surprised by the other side seeking to block this bill. I ask my colleagues to support it.

Might I ask the Chair how much time I have?

The ACTING PRESIDENT pro tempore. The Senator has 10 seconds.

Mr. SCHUMER. I ask unanimous consent for 30 additional seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. The windfall profits tax part of this bill, which I helped write, is a different windfall profits tax. It says when the level of profitability is very high, take that money and require that it be used for alternative energy. That is not too much to ask of ExxonMobil or of Chevron, Texaco, or any of these newly merged oil firms. It will not do all the things my colleague from Kentucky said but instead will force the oil companies that are not sacrosanct to start doing something to help get us out of this mess instead of just profiting from it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the bill before us is, pure and simple, a pathetic attempt to even call itself an energy plan. The American people are looking for leadership from the Congress. They are looking for something that will help small businesses not be eaten up with energy costs, the American family not be eaten up with the cost of gasoline at the pump, and what do they get in response? They get a bill that does not produce one ounce of energy. Not one ounce.

This bill does three things: It enacts a windfall profits tax, it suggests that we sue OPEC, and it forms a commission to investigate price gouging. What the American people are looking for is lower gasoline prices at the pump and lower electricity costs in their small businesses.

The Republican plan that was put forward so well by Senator DOMENICI, the ranking member of the Energy Committee, is a balanced plan that will produce results. What it does is what we have done in America for the last 200 years when we had a problem and that is use our ingenuity, use our natural resources, use our creativity, and come together to meet and beat our problems. That is what the Domenici plan does.

We have passed legislation that gives incentives for renewable energy—wind energy and solar power—and those are great things. They are small, but they are great things. We wish to continue that. We wish to promote conservation, which we have done in past Energy bills. We wish to also expand nuclear power. We haven't had a nuclear powerplant open in this country in 25 years. So the Energy bill we passed under Senator DOMENICI's leadership does have incentives for investment in nuclear power because we know it can be done clean, it can be done efficiently, and it will bring down the cost of electricity.

We have expansion of refineries in the bill that was passed 2 years ago, again under the leadership of Senator DOMENICI. We have to have expanded refineries because the problem in this country today is we don't have enough supply. Our refineries are running at full capacity, but we have not had expansion of our refineries because the regulatory environment has kept any sound management and business plan from being operative for an expanded facility. But we did pass legislation to expand facilities, again with environmental safeguards to do it right and expand the amount of energy we would have in our country.

Our plan also creates a State option, so States will have the ability to explore off their Outer Continental Shelf and get a reward for it, get a royalty. That could produce as much as we import from Venezuela, and that is a modest suggestion of what we might be able to get. It could be much more.

ANWR. Senator REID said: Forget ANWR, we are not going to do that. It is not going to pass here. Well, no, it is not going to pass. As long as we have no leadership from the majority in the Senate, it would not pass. But it did pass. It did pass in 1995. If President Clinton hadn't vetoed it, we would be pumping almost the same amount of oil that we import from Saudi Arabia every day, and we would not have $4-a-gallon gasoline at the pump for hard-working Americans. So it can pass with leadership.

We are talking about ANWR. In an area the size of the State of South Carolina, the area that would be drilled is 2,000 acres, the size of Washington National Airport. It is a grassy plain. It gets to 70 degrees below zero in the wintertime. It is not part of the beautiful, pristine wilderness of ANWR. Yet it could bring gasoline prices down at the pump. Oil shale in Colorado and Wyoming. We have a balanced approach that will produce energy.

What does the bill before us do today? Well, let us talk about the windfall profits tax. In 1980, Congress passed one. What happened? It increased imports, it increased our reliance on foreign oil for our energy needs, and it made America more reliant on foreign sources of energy for our country. That is wrong for our national security, and it is wrong for our economy. It exported jobs overseas. It was such an abject failure that Congress repealed it. Why would we be going backward to something that has been proven to take jobs from America and increase our dependence on foreign sources?

OPEC. They say OPEC should be increasing its output. This is ludicrous. First, it ignores that OPEC could retaliate; that they are not going to abide by American law. At the same time the Democrats are saying we should sue OPEC for not producing more, they do not pass anything that would produce more of our own energy in our own country. Does anyone think OPEC is going to think that is a credible position for the Congress to take? Yet that is the position that is in the bill before us today.

It is almost laughable that every proposal we put forward that would increase our output is defeated by Congress. Yet they want to sue OPEC for not increasing their supply. You cannot have it both ways. We don't want to drill here, but we want to drill there. It is the old "you do it, we will talk about it" mentality that will not work.

What about forming another commission to investigate price gouging? We have had commissions on price gouging, and they have turned up nothing. This is a bad bill. We should reject it, and we should look for leadership, bipartisan leadership, to solve this problem with our ingenuity.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent for 5 minutes from the Democratic side.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. SANDERS. Mr. President, do we need a windfall profits tax? You bet we do. The American people are sick and tired of paying $4 for a gallon of gas. In the Northeast, we are worried about how people are going to stay warm in the winter, while at the same time ExxonMobil has made more profits than any company in the history of the world for the past 2 consecutive years, making $42 billion last year alone.

But ExxonMobil is not alone. In the first quarter of this year, BP announced a 63-percent increase in their profits. Shell's first-quarter profits jumped by 25 percent, to over $9 billion, and ConocoPhillips' profits increased by over 16 percent in the first quarter, to over $4 billion. As a matter of fact, the five largest oil companies in this country have made over $600 billion in profits since George W. Bush has been President. Do we need a windfall profits tax? You bet we do.

Let me say a word about what some of these oil companies are doing with these outrageous profits. In 2005, Lee Raymond, the former CEO of ExxonMobil, received a total retirement package of at least $398 million. Yes, you heard that right, $398 million in a retirement package for the former CEO of ExxonMobil. But he is not alone. Let us not just pick on ExxonMobil. In 2006, Ray Irani, the CEO of Occidental Petroleum, received over $400 million in total compensation. Oh, yes, we don't need to do a windfall profits tax. These guys are just investing their money ever so significantly.

The situation is so absurd and the greed is so outrageous that oil company executives are not only giving themselves huge compensation packages in their lifetimes, but they have created a situation, if you can believe it, where they have carved out huge corporate payouts to their heirs if they die in office. I am not making this up. According to the Wall Street Journal, the family of Ray Irani, the CEO of Occidental Petroleum, will get over $115 million if he dies while he is the CEO. The family of the CEO of Neighbors Industries, another oil company, will receive $288 million if he dies while he is the CEO.

If this were not so pathetic, if so many people all over our country were not hurting, it would be funny. But it is not funny, it is tragic, and we have to deal with this reality. Let me be clear, however. I believe oil companies should be allowed to make a reasonable profit, but they should not be allowed to rip off the American people at the gas pump, and that is why we need to pass a windfall profits tax, which is included in this legislation.

We should understand that a windfall profits tax alone is not going to solve all our problems. Since 1988, the oil and gas industry has spent over $616 million on lobbying, and since 1990, they have made over $213 million in campaign contributions. In other words, if this Congress is going to stand up to the oil companies, it is going to take a lot of courage. These people have enormous power, and they have spent an enormous amount of money on lobbying and campaign contributions. But I think we owe it to the American people to represent their interests rather than just the interests of big money.

Imposing a windfall profits tax is not the only thing we should be doing. We must address the growing reality that Wall Street investment banks, such as Goldman Sachs, Morgan Stanley, and JPMorgan Chase, and many hedge fund companies as well, are driving up the price of oil in the unregulated energy futures market. There are estimates that 25 to 50 percent of the $134-a-barrel cost of oil is attributable not to supply and demand, not to the cost of production, not to the decline in the dollar but to the unregulated speculation which is currently taking place on oil futures. That is an issue we must address as well, and this legislation begins to do that.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI. Mr. President, Parliamentary inquiry: How much time remains and who has time before the vote?

The ACTING PRESIDENT pro tempore. The Senator has secured 15 minutes for his own use, which would consume all the minority's time at this point, except for the leader's balance of that time.

Mr. DOMENICI. So that means I would use the remaining time, and there would be no time for anyone else before the first vote?

The ACTING PRESIDENT pro tempore. The majority still has 7 minutes.

Mr. DOMENICI. That was my question. I didn't pose it right.

The ACTING PRESIDENT pro tempore. Plus, the majority leader or his designee's time.

Mr. DOMENICI. Mr. President, I yield myself 10 minutes and see how it works out. The Senator from Pennsylvania wanted some of my time. I don't know if I have enough to give him, but I will try, and I thank him for coming down so early in the morning.

First of all, let me say to my fellow Senators but most of all to the American people that the Senate has a bill before us today we will call the Reid bill, named after the majority leader, and I think it deserves a simple little nickname. It should be the Democratic Party's "No Energy Energy bill." It doesn't produce one ounce of energy. Clearly, the American people are looking to us to see how we can suggest that the price of oil might be stabilized or brought down.

We are told by most experts we are going to be using crude oil for 30 or 40 years to come, and we call that the bridge, the bridge between now and the future, where we are going to have to use crude oil. If we are going to have to use crude oil, then America should look to itself and see where and how can we produce oil that belongs to us so this bridge, this 30 or 40 years when we are going to have to use crude oil to get by, that we will have as much of ours as possible.

It is a shame the majority party in the Senate is not looking to American resources, does not have a bill, will not let us vote on a bill, will not let us amend a bill that would produce more energy from the coastal waters off the shores of the United States, upon which we have put a moratorium. That moratorium says we cannot drill. Everybody knows there are literally billions of barrels of oil that belong to us. We could do whatever we would like. We could say 50 miles out is where we start, so it will harm no one, but let's open it and explore for American oil where there is an abundance.

In addition, let's go ahead and convert coal to crude oil, coal to diesel. We know how to do that. Let's get on with it so we can send the right signal to the world.

Let's take the moratorium off oil shale and get on with a 5- or 10-year program to produce oil from those properties that belong to Americans that are laden with oil and are in the States of Colorado, Utah, and Wyoming.

That is what we are looking for, not a bill that attempts to levy a windfall profits tax which everybody associated with that tax—including those who helped put it on during the regime of President Carter—now comes over and joins us, saying: Don't do that. It will do nothing but raise the price of crude oil.

Why do we want to pass a tax increasing the cost of crude oil when the American people are asking us to do the opposite? The majority here in the Senate believes the major oil companies—there are not very many left that are American oil companies. There are just a few of them left, and all the rest of the oil is owned by countries—not companies, by countries. They own it. We have five or six American companies. We ought to be grateful we have them. They are the only ones out there capable of competing with these countries to get oil and produce more. Yet the Democrats would like to make life onerous for those companies, would like to make it harder for them to produce oil, and try to let the American people think that if we tax them enough, somehow or another that will produce more oil.

From my standpoint, this is a very simple debate. The Democrats have no energy bill before us, in terms of producing energy. So they have a "no energy" bill. We ought to say we don't want to debate that because it doesn't amount to anything. Then the House sent us a bill that imposes taxes. That is all it is. They impose taxes in order to put on a kind of energy stimulus for wind and the like. They want to tax in order to pay for it. We have never paid for it before. We have imposed those various incentives. They are good. We passed them 88 to 8 one time. We are for doing that again, but we are not for doing that in the manner suggested by the legislation from the House which came over here. It is our second vote. We ought to just say no to that and say we are ready to extend those tax credits and we are ready to do that in exactly the way we have done it before, with no taxes added to the American people or to anyone—just go ahead and do those tax extenders, which we desperately need.

Let me repeat. One of the most important things we need is an extension of those tax extenders. We do not need a tax bill that will pay for those extenders because we have already done it without taxes. We ought to do that again, nice and clean and quick. That would be a very good start toward an alternative energy policy or a continuation of one.

Mr. President, I wish to yield 3 minutes to the distinguished Senator from Pennsylvania at this point.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from New Mexico.

I have sought recognition to state my reasons for opposing the motion to proceed to cloture because this bill has too many facets. It was my hope that the majority leader would have separated this bill into the component parts. I cannot support legislation which would impede exploration for oil, which is what part of this bill is. But there are parts of this bill which are very important, and they ought to be taken up separately—for example, the legislation that defines and establishes penalties for price gouging by the oil and gas industry. It increases regulation of oil futures markets, and it includes the provision to eliminate the antitrust exemption for OPEC countries.

It does not have to be said on the floor of the Senate that enormously serious problems exist today with the price of oil and with the price of gasoline at the pump. The newspapers are full of it. It is an atrocious situation that is happening, and we desperately need relief.

There are very substantial indicators that a good bit of this problem is caused by price gouging. The legislation ought to be separated out so that we act on that. There are significant indicators that the oil futures market is causing speculators to jack up the price of oil. There ought to be regulation on that. We ought to take it up separately. When it comes to the antitrust exemption for the OPEC countries, it is atrocious. A few of these countries get together in a room, they lower production, and that increases prices. That bill was passed by the Senate with 70 votes. It has been passed by the House of Representatives. We ought to be taking that up separately. If we took up these measures separately, we would have an opportunity to give some relief to the American people.

Candidly, it is incomprehensible to me why we are not taking up the cost of oil and the cost of gas at the pump, to try to alleviate the pressure on the American people—and for that matter, worldwide. If we were to eliminate the OPEC antitrust exemption—to which they are not entitled; it is not a sovereign immunity issue, it is a commercial transaction—we have the authority to do that. One Federal judge has already upheld that approach. If we worked on the approach, if we worked on what the traders are doing on speculation, we would have some real effect. We are not too busy to take up this issue, aside from a few minutes on the Senate floor. There is no reason it has to be joined with what is obviously a poison pill, where you talk about acting against the oil and gas industry to discourage exploration. We know exploration is vitally necessary, so I cannot support this legislation in its present form, but it ought to be divided. We ought to take up the antitrust exemption separately.

We ought to move ahead on a matter of pressing importance. There is nothing more important for the American people, for the people of the world. I urge the majority leader, who sets the schedule, to reconsider and separate these bill so we can act in a meaningful and important way.

Mr. DOMENICI. Mr. President, I yield the floor at this time.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, every day Americans are watching the price of oil and gas shoot up higher and higher, and are watching as it gets harder and harder to make ends meet.

This week, the national average price of gasoline broke the $4 per gallon mark. When George Bush took office, gas cost just $1.46 a gallon. This dramatic increase in oil prices has brought prices for food up along with it, and American families are faced with a painful financial choice when it comes time to fill-up—do they fill up their gas tank or do they forgo a gallon of gas to buy a gallon of milk?

Businesses are cutting jobs. Families have already eliminated nonessentials and are now cutting back on meals. Some Americans are even contemplating quitting their jobs because they can't afford the gas to get there. It has become painfully clear: We are in an oil crisis. And we had better start taking action to get out of this mess.

Fuel efficiency, alternative fuels, and mass transit are the long-term answers that I will soon discuss, but consumers need immediate help, and the Consumer-First Energy Act will provide that relief.

The first thing the Democratic bill will do is make sure that our commodities markets are functioning fairly. The supply and demand equation is roughly the same as it was 2 years ago and yet we have seen prices go through the roof.

We all remember the damage Enron did to our Nation's economy by manipulating unregulated electricity markets. The Consumer-First Energy Act will make sure that oil is traded on well-regulated, transparent markets which are free from manipulation. It requires Commodities Futures Trading Commission oversight, sensible margin requirements, and standard participant disclosures.

By making the oil futures market conform to usual standards and practices, we can combat excessive speculation and insure that the markets are free from manipulation.

The Consumer-First Energy Act also makes sure that oil companies are not taking advantage of American consumers. The Bush energy policy was written by energy companies for energy companies. And while it has worked well for energy companies, it has completely failed the American public. The major oil companies made $124 billion in profits last year and will earn even higher profits this year.

Are the oil companies using these enormous profits to give consumers a break at the pump? No. Are they using those profits to invest in new refineries or develop alternative fuels? No. Despite what my friends on the other side of the aisle might claim, big oil is not looking out for the American driver. Big oil is looking out for itself. Our colleagues on the other side offer more of the same.

Yet, despite the fact that big oil is doing all it can to reap record profits at the expense of our economy, big oil is in line to receive over $17 billion in tax breaks.

The Consumer-First Energy Act will fix this problem and make sure that big oil is paying its fair share of taxes, and isn't profiteering at the expense of American consumers. It includes a windfall profits tax which would raise revenue to invest in sustainable, domestic sources of energy and to provide relief to consumers suffering under high energy prices.

We must act now to provide immediate relief to American families. But in addition to relief and protections included in the Consumer-First Energy Act, we also need to think about what we can do to reduce consumption and rein in costs in the long term.

My friends on the other side of the aisle do not want to address this oil crisis. Indeed, they want to exploit it to try to provide even more Government help for their big oil supporters. They tell their constituents that the answer to our oil addiction is to drill, drill, drill. But feeding the addiction by tapping another vein just drills us into a deeper hole.

The fact is that the world's largest remaining oil reserves are in the hands of foreign governments. That means it is difficult if not impossible for us to control our supply of oil. But the one thing we can control is our demand. In the long term, we need to invest in alternative energy, mass transit, and increasing fuel efficiency.

While we work to make alternative fuel technologies more affordable we need to drastically improve fuel economy. If we had increased fuel economy a modest 2 percent per year since 1981, our fleet would now average 34 miles per gallon. This alone would have cut our demand for oil by 30 percent while saving over 30 billion barrels of oil. 30 billion barrels of oil. According to the Energy Information Agency that is more than the proven oil reserves remaining in the United States. It is commendable that we finally raised CAFE standards this year, but we are going to have to make our vehicles a lot more efficient to make up for lost time.

We also need tax incentives for hybrids and plug-in hybrids, and need to support advanced battery research. Once our transportation infrastructure can run on alternative fuels like electricity or cellulosic ethanol, consumers will finally have a choice. We will be able to choose not to buy oil, and that will force gas prices back to Earth.

The last, but perhaps most important, long-term solution to our current oil crisis is an immediate and substantial investment in mass transit. More people are taking commuter trains, buses, and even ferries now than in the past 50 years.

For millions, having the option to use alternative transportation modes has been essential to getting to work affordably. It is time we finally fully funded mass transit at the level it deserves.

It is time for a real cure, not the tired old policies of the past. This bill gives the American people what they need right now, to get through the immediate problem and start us down the path to real, sustainable, long-term solutions to our energy crisis.

I hope our colleagues seize the moment, vote for the motion, and move us to the type of relief Americans are looking for.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, am I correct in assuming that I have 2 minutes, plus the leader's time?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I yield myself 5 minutes and will reserve the remainder.

Mr. President, the American people are clamoring for relief at the pump. In 1 year we have seen a 16-point increase in the percentage of Americans who seek more exploration and production of oil and gas in this country.

Today, according to a recent Gallup poll, 57 percent of Americans are seeking more exploration and production of oil and gas here at home. I do not know what percentage of Americans would like to see higher taxes, increased prices, and greater imports, but I suspect it would be very low. But according to the independent Congressional Research Service, that is what the people will get if the Reid tax increase is enacted into law. They will get exactly what they do not want, because the bill will raise taxes, increase imports, and contribute to a pattern of sending more than half a trillion dollars overseas to hostile regions.

I will oppose the motion to proceed this morning. I wish to start by looking at the windfall profits tax contained in this bill. The nonpartisan Congressional Research Service found a windfall profits tax could have several adverse effects and could be expected to reduce domestic oil production and increase the level of imports. This group is not alone in their estimate. The Wall Street Journal predicts a windfall profit tax is a sure formula "to keep the future price of gas higher."

It is not simply these two views that warn against a windfall profits tax. Former officials from both the Carter and Clinton administrations have spoken. The Under Secretary of Commerce in the Clinton administration recently said:

> A new windfall profits tax, however emotionally satisfying it may seem, also harms most people saving for their retirement or living on retirement savings. More than 40 percent of that cost would fall on tens of millions of seniors and retirees who own oil stock directly or indirectly through their pension plans and retirement accounts.

An individual named Phil Verleger, the individual responsible for implementing the tax during the Carter years, recently called a windfall profits tax "a terrible idea today."

There seems to be a consensus everywhere that the windfall profits tax is a bad idea, except in the halls of Congress and within the Chavez administration in Venezuela. It is not only conjecture that leads us to the conclusion that this is a bad idea but, rather, an understanding of history. Between 1980 and 1986 when the last windfall profits tax was in place, domestic oil production was reduced by as much as 8 percent and our imports rose from 32 percent to 38 percent. Revenues for the tax came in well below what was originally estimated, and the tax came to be called an administrative nightmare that stunted economic growth. It was a bad idea then and it is a bad idea now, and it should be rejected. About that I am certain.

How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 10 seconds remaining.

Mr. DOMENICI. On the time I yielded to myself?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I want to try to raise a concept and see if we can get this where more people would begin to discuss this idea. In a hearing about 8 days ago, a crude oil expert made the statement that we would be using oil as a bridge to the future for more than 30 years. Let me repeat. We will be using crude oil as a bridge to the future for more than 30 years, this expert said, perhaps 40 years or more.

That is kind of common sense. Crude oil is used to make gasoline and things such as gasoline, and those are used in the importation industry. We cannot get rid of that quickly.

The PRESIDING OFFICER. The Senator is now using leadership time.

Mr. DOMENICI. I will use 1 minute and then I will sit down. Let me repeat so everybody will get this. For something like 40 years, we will be using crude oil, our own or others, because we cannot get rid of the current mode of transportation any quicker. Cars will be cars, and we will be using them because we cannot wean them off the scene. As we move to a better era of a better life where we do not have to use crude oil in our daily lives so much, we will have to use the bridge which will be crude oil.

Now, why do I talk about this? I do because it is important we understand that if we have any cards, playing poker, if we have any aces in our hands, we better go ahead and play them, and the aces are crude oil we might produce some way that is ours. We ought to go ahead and play the card. I submit that we do have a lot of aces. We have got a huge amount of crude oil that is in the Outer Continental Shelf that we ought to be exploring for forthwith. We ought to take the moratoria off and start at 50 miles out across this land. If we did that and sent that message for starters, it would be received in a terrific way. Take the moratoria that were put in the bill that has been referred to as the Domenici bill for production, and believe it or not, we would send a signal that America is coming back to life, and during that bridge time we are going to produce more oil on our own.

Nothing will help us more in reducing the price and cost to our consumers than that idea we implemented. We must try to do it even if the Democrats do not want us to. We have got to try to force a vote so that people understand what we are trying to do.

I reserve the remainder of my time and I yield the floor.

The PRESIDING OFFICER. Is the Senator seeking to preserve the leader's time?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. Is there objection?

Mrs. McCASKILL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Mr. President, I assume the Chair is telling me that I cannot reserve any of the leader's time, so

I can sit down and take it at a later time?

The PRESIDING OFFICER. That requires consent. Consent was not granted. The Senator has 4 minutes remaining.

Mr. DOMENICI. All right. I will use it now.

Now, Senators today should have been—under anyone's understanding of the dilemma we are in with the price of oil scaring the American people to death, the amount of money we are sending out of our country to meet our energy needs, it is going to reach $600 billion a year. With the escalating price of crude oil, that is what it looks like next year. It will be what a full year will cost us, $600 billion. I would think with that in mind, there would be on the floor of the Senate some real proposals by the Democratic leadership and the majority party.

Instead, what do we get? We get what I call a "no-energy energy bill." It is a no-energy energy bill because it does not produce an ounce of energy; it raises the cost instead of lowering the cost of crude oil; it produces less rather than more crude oil. That is why there is nothing going on on the floor, because there is nothing exciting. The Democrats have offered nothing.

We are begging them to try something. We are begging them to try something that would produce more American oil or oil substitutes. We know what they are. The distinguished Senator from Colorado knows what they are. We know that offshore, deepwater exploration around the shores of America could be put in effect by raising the moratorium, and we would have literally billions of reserves of oil and trillions of cubic feet of natural gas readily made available.

We need to take off the moratorium that we put on ourselves, take it off and say to the people: Let's produce it. It would take a few years. But the signal would be positive. We would have the oil shale in your State and Utah, your sister State, if we said we are ready to set the final guidelines so the oil companies can invest. Someone down here prior to my speech said the oil companies will not do anything to help. Yes, indeed they will. One of them is investing $8.5 billion in oil shale and tar sands up in our neighboring country of Canada. Some people think that is terrible, because they did not want them to produce that kind of oil. But I do not think it is terrible, because it eliminates the potential for gouging, for prices being too high. Because if you have these great inventories of resources and they are yours and you can use them, you ameliorate the increasing price of oil, and we ought to be doing that.

Instead of that, we are down here talking about a second bill. The second bill is a bill passed by the House, sent over here to us that is full of tax increases to pay for a series of tax incentives that we should pass without the tax increases. We have done it before, we ought to do it.

That bill ought to be defeated, no question about it, because we ought to pass it. We need the incentives, but we do not need the tax increases. We have done it without tax increases twice before, and somehow or other the House keeps getting it put in their head if they send it over here with other tax increases, different ones, we will go for it. I think it is pretty clear we will not.

So it is an interesting day. Instead of being here with some positive things we are going to do, we will be here defending some old ideas that are not going to help one bit, and we are saying, let's try them anyway.

I yield the floor.

Mr. LEVIN. Mr. President, day after day record-high oil and gasoline prices are causing immense harm to millions of American consumers and businesses. Unless something is done to make energy more affordable, these record-high prices will continue to damage our economy, increasing the prices of transportation, food, manufacturing, and everything in between. Skyrocketing energy prices are a threat to our economic and national security, and the time is long past for action.

My Senate Permanent Subcommittee on Investigations has conducted four separate investigations into how our energy markets can be made to work better. Most recently, last December, we had a joint hearing with the Senate Energy Subcommittee on the role of speculation in rising energy prices. As a result of these investigations and hearings, I have been advocating a variety of measures to address the rampant speculation and lack of regulation of energy markets which have contributed to sky high energy prices:

First, put a cop—a regulatory agency—back on the beat in the energy markets to prevent excessive speculation and manipulation. That includes closing the Enron loophole and the London loophole and taking other steps to strengthen market oversight.

Second, develop alternatives to fossil fuels to reduce our dependence on oil.

Third, impose a windfall profits tax on oil companies that have profited from the massive price runup and use the money to help consumers, boost domestic energy supplies, improve energy technologies, and strengthen our energy markets.

One of the major causes of our energy crisis is the failed policies of the current administration. The chickens have come home to roost on 7 years of a business-as-usual energy policy, paired with fiscal and foreign policies that have pushed our growing energy problem close to a breaking point. Because the administration has proved itself unable and unwilling to take the necessary steps to provide affordable energy supplies to the American people, it is up to the Congress to try to jump-start a comprehensive solution to skyrocketing energy prices. Congress already has taken two important steps this year—we have closed the Enron loophole and we have stopped the administration's misguided program to keep on filling the SPR despite record-high prices—but more can and should be done. That is why I support enactment of the Consumer-First Energy Act now before us and will be voting for cloture on this bill.

Last week the price of crude oil reached a record high price of about $139 per barrel. Sky-high crude oil prices have led to record highs in the price of other fuels produced from crude oil, including gasoline, heating oil, diesel fuel, and jet fuel. The national average price of gasoline is at a record high of just over $4 per gallon. The price of diesel fuel, which is normally less expensive than gasoline, has soared to a record high of nearly $4.60 per gallon.

Rising energy prices increase the cost of getting to work and taking our children to school, traveling by car, truck, air and rail, and growing the food we eat and transporting it to market. Rising energy prices increase the cost of producing the medicines we need for our health, heating our homes and offices, generating electricity, and manufacturing countless industrial and consumer products. The relentless increase in jet fuel prices, which have added nearly $75 billion to our airlines' annual fuel costs, has contributed to airline bankruptcies, mergers, fare increases, and service cuts. "If fuel continues to go up, this industry cannot survive in current form," the president of the Air Transport Association said recently. Rising diesel prices have placed a crushing burden upon our Nation's truckers, farmers, manufacturers, and other industries. To make matters worse, our energy costs are rising much more quickly than energy costs in other countries, directly threatening our global competitiveness.

In January 2001, when President Bush took office, the price of oil was about $30 per barrel. The average price for a gallon of gasoline was about $1.50. Since President Bush took office, crude oil prices have more than quadrupled, natural gas prices to heat our homes have almost doubled, gasoline prices have nearly tripled, and diesel fuel prices have more than tripled.

It doesn't have to be this way. Just 7 years ago, at the end of the Clinton Administration, energy supplies were plentiful, and gasoline and other forms of energy were affordable. Once the Bush administration took office, however, it didn't take them long to eliminate the budget surplus by cutting taxes mainly for the wealthiest among us, creating a huge annual budget deficit, and driving up the national debt.

This fiscal mismanagement has contributed significantly to a steep decline in the value of the dollar and soaring commodity prices. Because American currency is worth less, it takes more of them to buy the same barrel of oil. American consumers and businesses are forced to spend more and more of their hard-earned dollars to buy the same amount of energy.

During the last years of the Clinton administration, the United States ran a budget surplus, totaling nearly $560 billion. But over the past 6 years of the Bush administration the annual deficits have totaled nearly $1.7 trillion, not counting the amount by which the Bush administration has been draining the Social Security and Medicare trust funds. When this is counted, under this administration the total outstanding debt has increased by a whopping $3.2 trillion.

When President Clinton left office, the dollar was worth more than the Euro. In January 2001, it took only about 90 cents to buy one Euro. Today, it takes about $1.60 to buy one Euro—a record low for the dollar. The fall in the value of the dollar is a result of a weakened U.S. economy, a high trade deficit and a worldwide lack of confidence in the Bush administration's ability to manage our Nation's economy and foreign policy.

As long as this administration continues to insist on irresponsible fiscal practices—including tax cuts for people with the highest income and an open-ended conflict in Iraq that is costing $12 billion a month—the dollar will likely continue to decline in value. The marketplace has rendered a clear "no confidence" in this administration's fiscal competence.

Besides the weak dollar, there are other factors at work that account for soaring energy prices. Some are beyond our control; others we can do something about. In global markets, for example, the combination of increasing demand from developing countries, coupled with a variety of political problems in supplier countries, has contributed to price increases. Growing demand for oil and gas in China, India, and other developing countries is contributing to an overall increase in global demand for crude oil. On the supply side, many oil producing countries are politically unstable and have not been fully reliable suppliers. For example, in Nigeria, which is a major oil-producing country, for several years tribal gangs have been sabotaging production and pipelines.

While we can't do much about growing demand in China and India, other causes of high prices can be addressed. For example, one key factor in energy price spikes is rampant speculation in the energy markets. Traders are trading contracts for future delivery of oil in record amounts, creating a paper demand that is driving up prices and increasing price volatility solely to take a profit. Overall, the amount of trading of futures and options in oil on the New York Mercantile Exchange has risen sixfold in recent years, from 500,000 outstanding contracts in 2001, to about 3 million contracts now.

Much of this increase in trading of futures has been due to speculation. Speculators in the oil market do not intend to use crude oil; instead they buy and sell contracts for crude oil just to make a profit from the changing prices. The number of futures and options contracts held by speculators has gone from around 100,000 contracts in 2001, which was 20 percent of the total number of outstanding contracts, to 1.2 million contracts currently held by speculators, which represents almost 40 percent of the outstanding futures and options contracts in oil on NYMEX.

There are now 12 times as many speculative holdings as there was in 2001, while holdings of nonspeculative futures and options are up but 3 times.

Not surprisingly, this massive speculation that the price of oil will increase has, in fact, helped fuel the actual increase in the price of oil to a level far above the price that is justified by the traditional forces of supply and demand.

The president and CEO of Marathon Oil recently said, "$100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this." Mr. Fadel Gheit, oil analyst for Oppenheimer and Company, describes the oil market as "a farce." "The speculators have seized control and it's basically a free-for-all, a global gambling hall, and it won't shut down unless and until responsible governments step in." In January of this year, as oil hit $100 barrel, Mr. Tim Evans, oil analyst for Citigroup, wrote "the larger supply and demand fundamentals do not support a further rise and are, in fact, more consistent with lower price levels." At the joint hearing on the effects of speculation held by my subcommittee last December, Dr. Edward Krapels, a financial market analyst, testified, "Of course financial trading, speculation affects the price of oil because it affects the price of everything we trade. . . . It would be amazing if oil somehow escaped this effect." Dr. Krapels added that as a result of this speculation, "There is a bubble in oil prices."

A fair price for a commodity is a price that accurately reflects the forces of supply and demand for the commodity, not the trading strategies of speculators who only are in the market to make a profit by the buying and selling of paper contracts with no intent to actually purchase, deliver, or transfer the commodity. As we have all too often seen in recent years, when speculation grows so large that it has a major impact on the market, prices get distorted and stop reflecting true supply and demand.

Last month, Senator JACK REED and I wrote a letter asking President Bush to appoint a high-level task force to evaluate how speculators are driving up prices through manipulative or deceptive devices. The task force should also evaluate whether there are adequate regulatory tools to control market speculation and prevent manipulation. Hopefully the President will act quickly to convene this task force.

Excessive market speculation is a factor that we can and should do a better job of controlling. There are other long overdue actions as well that, if taken as part of a comprehensive plan, can combat rising energy prices.

As to reining in speculation, the first step to take is to put a cop back on the beat in all our energy markets to prevent excessive speculation, price manipulation, and trading abuses. In 2001, my Senate Permanent Subcommittee on Investigations began investigating our energy markets. At the time, the price of a gallon of gasoline had spiked upwards by about 25 cents over the course of the Memorial Day holiday. We subpoenaed records from major oil companies and interviewed oil industry experts, gas station dealers, antitrust experts, gasoline wholesalers and distributors, and oil company executives. We examined thousands of prices at gas stations in Michigan, Ohio, California, and other States. In the spring of 2002, I released a 400-page report and held 2 days of hearings on the results of the investigation.

The investigation found that increasing concentration in the gasoline refining industry, due to a large number of recent mergers and acquisitions, was one of the causes of the increasing number of gasoline price spikes. Another factor causing price spikes was the increasing tendency of refiners to keep lower inventories of gasoline. We also found a number of instances in which the increasing concentration in the refining industry was also leading to higher prices in general. Limitations on the pipeline that brings gasoline into my home State of Michigan were another cause of price increases and spikes in Michigan. The report recommended that the Federal Trade Commission carefully investigate proposed mergers, particularly with respect to the effect of mergers on inventories of gasoline.

The investigation discovered one instance in which a major oil company was considering ways to prevent other refiners from supplying gasoline to the Midwest so that supply would be constricted and prices would increase.

In March 2003, my subcommittee released a second report detailing how the operation of crude oil markets affects the price of not only gasoline but also key commodities like home heating oil, jet fuel, and diesel fuel. The report warned that U.S. energy markets were vulnerable to price manipulation due to a lack of comprehensive regulation and market oversight.

Following this report, I worked with Senator FEINSTEIN on legislation to put the cop back on the beat in those energy markets that had been exempted from regulation pursuant to an "Enron loophole" that was snuck into other legislation in December 2000. For 2 years we attempted to close the Enron loophole, but efforts to put the cop back on the beat in these markets were unsuccessful, due to opposition from the Bush administration, large energy companies, and large financial institutions that trade energy commodities.

In June 2006, I released another Subcommittee report, "The Role of Market Speculation in Rising Oil and Gas Prices: A Need to Put a Cop on the Beat." This report found that the traditional forces of supply and demand no longer accounted for sustained price increases and price volatility in the oil and gasoline markets. The report determined that, in 2006, that a growing number of energy trades occurred without regulatory oversight and that market speculation had contributed to rising oil and gasoline prices, perhaps accounting for $20 out of a then-priced $70 barrel of oil.

The subcommittee report I released in June 2006 again recommended new laws to increase market oversight and stop market manipulation and excessive speculation. I again coauthored legislation with Senator FEINSTEIN to improve oversight of the unregulated energy markets. Once again, opposition from the Bush administration, large energy traders, and the financial industry prevented the full Senate from considering this legislation.

In 2007, my Permanent Subcommittee on Investigations addressed the sharp rise in natural gas prices over the previous year and released a fourth report, entitled "Excessive Speculation in the Natural Gas Market." Our investigation showed that speculation by a single hedge fund named Amaranth had distorted natural gas prices during the summer of 2006 and drove up prices for average consumers. The report also demonstrated how Amaranth had traded in unregulated markets to avoid the restrictions and oversight in the regulated markets and how the price increases caused by Amaranth could have been prevented if there had been the same type of oversight in the unregulated markets as in the regulated markets.

Following this investigation, I introduced a new bill, S. 2058, to close the Enron loophole and regulate the unregulated electronic energy markets. Working again with Senators FEINSTEIN and SNOWE and with the members of the Agriculture Committee in a bipartisan effort, we finally managed to include an amendment to close the Enron loophole in the farm bill that was then being considered by the Senate. The Senate unanimously passed this amendment to close the Enron loophole last December. The final farm bill that was passed by the House and Senate last month included language nearly identical to what the Senate had passed. Although President Bush vetoed the entire farm bill, both the House and Senate have overridden his veto. Our 5-year quest to close the Enron Loophole has finally been successful.

The CFTC is now in the process of implementing the close-the-Enron-loophole law. Among other steps, it is charged with reviewing the contracts on previously unregulated energy markets, like the Intercontinental Exchange or ICE, to determine which contracts have a significant effect on energy prices and must undergo daily oversight. Once that process is complete, the cop will be back on the beat in those markets for the first time since 2000.

Closing the Enron loophole is vitally important for energy market oversight as a whole, and for our natural gas markets in particular, but it is not enough. Because over the last 2 years, energy traders have moved a significant amount of U.S. crude oil and gasoline trading to the United Kingdom, beyond the direct reach of U.S. regulators, we have to address that second loophole too. I call it closing the London loophole.

There are currently two key energy commodity markets for U.S. crude oil and gasoline trading. The first is the New York Mercantile Exchange or NYMEX, located in New York City. The second is the ICE Futures Europe exchange, located in London and regulated by the British agency called the Financial Services Authority.

The British regulators, however, do not oversee their energy markets the same way we do; they don't place limits on speculation like we do, and they don't make public the same type of trading data that we do. That means that traders can avoid the limits on speculation in crude oil imposed on the New York exchange by trading on the London exchange. It also makes the London exchange less transparent than the New York exchange. My original legislation to close the Enron loophole would have required U.S. traders on the London exchange to provide U.S. regulators with the same type of trading information that they are already required to provide when they trade on the New York Mercantile Exchange. Unfortunately, this provision was dropped from the close-the-Enron-loophole legislation in the farm bill.

The Consumer-First Energy Act, S. 3044, which the majority leader and others introduced recently to address high prices and reduce speculation, includes at my request a provision to curb rampant speculation, increase our access to foreign exchange trading data, and strengthen oversight of the trading of U.S. energy commodities no matter where that trading occurs. This provision would require the Commodity Futures Trading Commission, CFTC, prior to allowing a foreign exchange to establish direct trading terminals located in this country, to obtain an agreement from the that foreign exchange, such as the London exchange, to impose speculative limits and reporting requirements on traders of U.S. energy commodities that are comparable to the requirements imposed by the CFTC on U.S. exchanges. I believe this issue is so important that I have introduced this section of the package as a separate bill, which is numbered S. 2995. Senator FEINSTEIN is a cosponsor of that bill.

Following the introduction of our legislation, the CFTC finally moved to address some of the gaps in its ability to oversee foreign exchanges operating in the United States. Specifically, the CFTC, working with the United Kingdom Financial Services Authority and the ICE Futures Europe exchange, announced that it will now obtain the following information about the trading of U.S. crude oil contracts on the London exchange:

> Daily large trader reports on positions in West Texas Intermediate or WTI contracts traded on the London exchange; information on those large trader positions for all futures contracts, not just a limited set of contracts due to expire in the near future; enhanced trader information to permit more detailed identification of end users; improved data formatting to facilitate integration of the data with other CFTC data systems; and notification to the CFTC of when a trader on ICE Futures Europe exceeds the position accountability levels established by NYMEX for the trading of WTI crude oil contracts.

These new steps will strengthen the CFTC's ability to detect and prevent manipulation and excessive speculation in the oil and gasoline markets. It will ensure that the CFTC has the same type of information it receives from U.S. exchanges in order to detect and prevent manipulation and excessive speculation.

However, in order to fully close the London loophole, better information is not enough. The CFTC must also have clear authority to act upon this information to stop manipulation and excessive speculation.

That is why I have been working with the sponsors of the Consumer-First Energy Act to include additional language to ensure that the CFTC has the authority to act upon the information it will obtain from the London exchange, in order to prevent price manipulation and excessive speculation. This new provision, which I helped author, would make it clear that the CFTC has the authority to prosecute and punish manipulation of the price of a commodity, regardless of whether the trader within the United States is trading on a U.S. or on a foreign exchange.

It would also make it clear that the CFTC has the authority to require traders in the United States to reduce their positions, no matter where the trading occurs—on a U.S. or foreign exchange—to prevent price manipulation or excessive speculation. Finally, it would clarify that the CFTC has the authority to require all U.S. traders to keep records of their trades, regardless of which exchange the trader is using.

It is my understanding that this new provision will be included in a substitute amendment that will be offered today or in a future debate on this bill, if cloture is not invoked today. I thank the bill sponsors for accepting this language to ensure that the CFTC has full enforcement authority over traders within the United States who are trading on a foreign exchange, just as the CFTC has over traders who are trading on a U.S. exchange. This clarification of the CFTC's enforcement authority over traders in the United States, together with the earlier provision setting standards for foreign boards of trade wishing to place trading terminals in the United States, will fully close the London loophole.

There is another problem with our energy markets that Congress has finally acted on. In 2003, a report issued by my Subcommittee staff found that the Bush administration's large deposits of oil into the Strategic Petroleum Reserve, SPR, were increasing crude oil prices without improving overall U.S. energy security. We found that in 2002, the Bush administration, over the repeated objections of its own experts in the Department of Energy, had changed its policy and decided to put oil into the SPR regardless of the price of oil or market conditions. By placing oil into the SPR while oil prices were high and oil supplies were tight, the administration's deposits into the SPR were reducing market supplies and boosting prices, with almost no benefit to national security, given the fact that the SPR is more than 95 percent filled. The DOE experts believed that in a tight market, we are better off with keeping the oil on the market rather than putting it into the ground where it cannot be used.

Following the issuance of this report, in early 2003, I asked the Department of Energy to suspend its filling of the SPR until prices had abated and supplies were more plentiful. DOE refused to change course and continued the SPR fill without regard to market supplies or prices.

After DOE denied my request, I offered a bipartisan amendment with Senator COLLINS to the Interior appropriations bill, which provides funding for the Strategic Petroleum Reserve program, to require DOE to minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Senate unanimously adopted our amendment, but it was dropped from the conference report due to the Bush Administration's continued opposition.

The next spring, I offered another amendment, also with Senator COLLINS, to the budget resolution, expressing the sense of the Senate that the administration should postpone deliveries into the SPR and use the savings from the postponement to increase funding for national security programs. The amendment passed the Senate by a vote of 52 to 43. That fall, we attempted to attach a similar amendment to the homeland security appropriations bill that would have postponed the SPR fill and used the savings for homeland security programs, but the amendment was defeated by a procedural vote, even though the majority of Senators voted in favor of the amendment, 48 to 47.

The next year, the Senate passed the Levin-Collins amendment to the Energy Policy Act of 2005 to require the DOE to consider price impacts and minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Levin-Collins amendment was agreed to by the conferees and is now law.

Unfortunately, passage of this provision has had no effect upon DOE's actions. DOE continued to fill the SPR regardless of the market effects of buying oil, thereby taking oil off the market and reducing supply by placing it into the SPR. In the past year, no matter what the price of oil or market conditions, DOE consistently found that the market effects are negligible and no reason to delay filling the SPR.

Most recently, at the same time the President was urging OPEC to put more oil on the market to reduce supplies, the administration was continuing to take oil off the market and place it into the SPR. Until recently, the DOE was depositing about 70,000 barrels of crude oil per day into the SPR, much of it high-quality crude oil ideal for refining into gasoline. It defies common sense for the U.S. Government to be acquiring oil at $120 or $130 per barrel, in a time of tight supply, taking that oil off the market, and putting it in the SPR. That is why I cosponsored Senator DORGAN's bill to suspend the SPR fill, as well as a similar provision in the Consumer-First Energy Act.

Finally, Congress had had enough of this senseless policy. The provision to stop the continuous filing of the SPR was pulled from the Consumer-First Energy Act and offered in the House and Senate as a stand alone bill. Congress enacted into law by an overwhelming vote. In response, the President finally called a halt to his policy and stopped filling the SPR. It is about time.

The SPR fill policy, by the way, exacerbated yet another problem in our oil markets—the fact that the standard NYMEX futures contract that sets the benchmark price for U.S. crude oil requires a particular type of high quality crude oil known as West Texas Intermediate, WTI, to be delivered at a particular location, Cushing, OK. The standard NYMEX contract price, in turn, has a major influence on the price of fuels refined from crude oil such as gasoline, heating oil, and diesel.

Because the price of the standard contract depends upon the supply of WTI at Cushing, OK, the supply and demand conditions in Oklahoma have a disproportionate influence on the price of NYMEX futures contracts. That means when the WTI price is no longer representative of the price of U.S. crude oil in general, the prices of other energy commodities are also thrown out of whack. In other words, we have an oil futures market that reflects the supply and demand conditions in Cushing, OK, but not necessarily the overall supply and demand situation in the United States as a whole.

I have long called for reform of this outdated feature of the standard NYMEX crude oil contract. In 2003, the PSI report recommended the CFTC and NYMEX to work together to revise the standard NYMEX crude oil futures contract to reduce its susceptibility to local imbalances in the market for WTI crude oil. The subcommittee report suggested that allowing for delivery at other locations could reduce the volatility of the contract. It is truly disappointing that since our report was issued no progress has been made for allowing for delivery at other places than Cushing, OK. As the price of oil has increased, the distortions and imbalances caused by the atypical nature of the standard contract have gotten worse. It is essential NYMEX repair its crude oil contract.

Putting the cop on the beat in our energy markets, strengthening oversight of U.S. energy commodities traded on foreign exchanges, stopping the SPR fill, and fixing the NYMEX crude oil contract all focus on problems caused by rising energy prices. These consistently rising gas prices also underscore the need to develop advanced vehicle technologies and alternative energy sources that will significantly reduce our dependence on foreign oil.

I have long advocated advanced automotive technologies such as hybrid electric, advanced batteries, hydrogen and fuel cells and promoted development of these technologies through Federal research and development and through joint government-industry partnerships. We need a significant infusion of Federal dollars into these efforts to make revolutionary breakthroughs in automotive technologies. Such an investment will make technologies such as plug-in hybrid vehicles affordable to the American public and reduce our dependence on oil and reduce prices at the pump.

We need an equally strong investment in development of alternative fuels that can replace gasoline. I have strongly supported efforts to increase our production of renewable fuels and to do that in a way that will also reduce our greenhouse gas emissions. We need a strong push toward biofuels produced from cellulosic materials, which requires a significantly greater Federal investment in biofuels technologies. Cellulosic ethanol has enormous potential for significant reductions in greenhouse gas emissions, but additional Federal support is required to make this technology financially viable. We need expanded Federal research and development grants as well as increased tax incentives and Federal loan guarantees to make cellulosic ethanol a viable replacement for gasoline. The Federal Government must do its part first to develop these technologies so that they will then in turn be within reach of the American public.

One more point. The burden of higher energy prices is not being shared equally. To the contrary, it is falling hardest upon those who can least afford it. Large oil companies are reaping record profits at the expense of the average American who ultimately bears the full burden of these price increases. At the same time that average Americans are having to devote a greater and greater portion of their income to pay for basic necessities, such as gasoline, household utilities, and food, the major oil companies are reporting record profits and their executives are taking home annual paychecks of hundreds of millions of dollars. Many of these profits have been generated without any additional investments into energy production. Rather, these companies have seen their profits rise with the flood of speculation. What is a high tide of profits for the oil companies, though, is a tsunami that is overwhelming millions of Americans.

And what are these oil companies doing with these record profits? Are they investing in new technologies? The answer is that the oil companies are not increasing their exploration and development investments by nearly as much as their profits are increasing. Instead, they are devoting large amounts of their profits to acquiring other companies and buying back their own shares. On May 1 of this year, the Wall Street Journal reported that in the first quarter of 2008 ExxonMobil spent $8 billion to buy back company shares, which "boosted per-share earnings to stratospheric levels," whereas it spent less on exploration and actually reduced oil production.

For these reasons, we need to institute a windfall profits tax on the oil companies. We should incentivize big oil companies to invest their windfall profits into things that will increase our own domestic energy production by reducing the amount of the tax for such investments. If they don't make these investments, a portion of that profit should be recouped by the public to help offset the outrageous prices they are facing at the pump.

I have supported a windfall profits tax numerous times when we have voted on it in the Senate. The Consumer-First Energy Act, imposes a 25 percent tax on windfall profits of the major oil companies. Windfall profits invested to boost domestic energy supplies would be exempt from the tax, which would encourage investments in renewable facilities and the production of renewable fuels such as ethanol and biodiesel. It would also encourage oil companies to increase their domestic refinery capacity. Proceeds from the tax would be put toward measures to reduce the burdens of rising energy costs and increase our energy independence and security.

Sky-high energy prices are causing immense financial pain to working families and businesses throughout this country and tying our already weak economy in knots. Congress cannot just stand by; we must act now to stop the pain. Immediate steps include putting the cop on the beat in all of our energy markets to prevent price manipulation and excessive speculation, strengthening oversight of U.S. energy commodities traded in London, fixing the key NYMEX crude oil contract, investing in advanced vehicle technologies and alternative energy sources, and imposing a windfall profits tax on the oil companies. Longer range steps include fixing the fiscal policies undermining the strength of the U.S. dollar, including by eliminating tax cuts for the wealthiest among us, reducing the $12 billion a month spending bill in Iraq, and closing outrageous tax loopholes than enable tax dodgers to use offshore tax havens to avoid payment of taxes in the range of $100 billion each year.

We can fight back against exorbitantly high energy prices. But it will take all our energy—and determination—to do it.

Mr. FEINGOLD. Mr. President, I am very disappointed that a minority of Senators blocked the Consumer-First Energy Act of 2008, which puts American consumers ahead of big oil companies and other corporate interests.

This bill would prevent price gouging and market manipulation from driving up the price of gas. The anti-price gouging language, based on Senator CANTWELL's bill that I cosponsored, would protect consumers from price gouging by sellers and distributors of oil, gasoline, or petroleum distillates during natural disasters and abnormal market disruptions. As a cosponsor of the Oil and Gas Traders Oversight Act, I also strongly support closing loopholes that allow traders using overseas markets to secretively bid up the price of oil and saddle Americans with the price at the gas pump.

Today's vote on the Consumer-First Energy Act of 2008 was an opportunity to stand up to the OPEC cartel and force big oil to pay their fair share. I have long supported the efforts of the senior Senator from Wisconsin to make oil-producing and exporting cartels illegal and make colluding oil-producing nations liable in U.S. court for violations of antitrust law. Our oil companies can also be part of the solution. This bill would have encouraged them to invest in clean, affordable, and domestically produced renewable alternative fuels, expanded refinery capacity and utilization, and renewable electricity production.

Last year's Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 put our Nation's energy policy on a new path: one that encourages renewable energy, conservation of the resources we have, and American innovation. But we have more work to do, and today's vote is a step back in those efforts.

I will continue to support both short- and long-term solutions to our Nation's energy needs that protect American consumers while working to invest in renewable and alternative energies and break our addiction to oil.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mrs. MCCASKILL. I will speak for 5 minutes. I would appreciate it if you would let me know when I have 1 minute.

Mr. President, you know this is not complicated. You would have to not be walking around in the United States of America to not feel incredible pressure at this moment. I feel so lucky to be in the Senate, and I feel such a responsibility to communicate the pressure we are all feeling from people who are hurting.

Let me run through a few facts.

Since 2002, profits for the five largest oil companies have quadrupled. Let me say that again. Since 2002, profits have quadrupled. Last year, ExxonMobil made $83,000 a minute in profit—$83,000 a minute.

Now, are they using all this profit to invest in alternative fuels? How about increasing refinery capacity? Oh, no, no. They have their hand out to us. This is the nerve. Insanity is doing the same thing over and over and thinking you are going to get a different result.

We are paying oil companies right now. This is the largest package of corporate welfare this country has ever delivered. What nerve does it take for us to give oil companies $17 billion in taxpayer money with those kinds of profits?

This is like the "twilight zone." This cannot be real. We cannot honestly be standing here and saying to the American people: It is a great idea for us to keep giving them your money when they are making $83,000 a minute.

I was reading the paper this morning, and nothing is more expensive than ads in the New York Times. I ask unanimous consent to show an ad in the New York Times this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. McCASKILL. OK. This is it: a two-page spread. Do you know what this costs you? A half a million dollars. A half a million dollars Exxon spent this morning. And guess what. They spent it yesterday morning, and they are going to spend it tomorrow morning. It is a series—all about what a great job they are doing for the American people.

They are spending $2.5 million in the New York Times this week, while Missourians in rural Missouri are scared they cannot go to work anymore. They have no bus they can take. They have no metro they can take. They are trying to figure out how they can drive to and from work, how they can put food on the table, and these guys are spending $2.5 million on PR. It is unbelievable.

We have given big oil, in 2004 and 2005, tax breaks worth over $17 billion over the next decade. What does the other side say? We need to give them more. We have to pay them to increase refinery capacity. Excuse me? We have to pay them—the taxpayers of this country? I do not know how out of touch we could be. We are not asking for a lot. Just take away the taxpayer money. We do not begrudge people profit.

Now, here is what is unbelievable. I do not know how this bill would turn out if we debated it——

The PRESIDING OFFICER. That Senator has used 4 minutes.

Mrs. McCASKILL. Thank you, Mr. President.

I do not know how this bill would turn out if we debated it honestly, but I do know one thing. We have a choice in about 5 minutes. We can do nothing or we can work as hard as we know how to do something. If the choice—if the choice—is to do nothing, then I hope the people of this country rise up and scream like they have never screamed before. How dare us do nothing.

That is what they are about getting ready to vote on. They are going to say: We are not going to even let you proceed to try to do something about this problem. It takes a lot of nerve. It takes a lot of nerve.

Mr. President, I yield the remainder of the time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank you.

I thank the Senator from Missouri for her comments. They were right on.

I rise today to call for action by the Senate on an urgent problem facing this country, facing the State of Montana: gas prices.

The national average now, we just found out last weekend, is $4 a gallon. I remember when gas was $1.46. It was not that long ago. It was before the Bush administration took over. That was before the war in Iraq, before speculators and market manipulators spiraled out of control, before that $17 billion Bush tax cut for our Nation's biggest oil companies.

These gas prices hurt. They especially hurt hard-working people in Montana and across rural America. In my State, nearly everybody has to drive to work. There are not other options. We do not have a subway system. We do not have other means of mass transit. Whether it is on a tractor or behind the wheel of a truck, a lot of folks rely on horsepower and the fuel to supply that horsepower to get their work done.

Of course, high gas prices means high prices for consumer goods. It means fewer jobs. Middle-class families are getting pinched hard by these high gas prices. For low-income folks, high gas prices are unbearable. They do not need to see headlines like in Newsweek this week to know our economy is in trouble. People are already feeling it. Yet we have seen no solutions from this administration.

I am not even convinced this administration considers rising gas prices a problem. Earlier this year, a reporter asked President Bush what advice he had to consumers facing $4 a gallon gas. He was visibly surprised and asked the reporter where he had heard that.

Well, working folks and small businesses have felt the pain for some time now. Our farmers all over rural America have known it for quite a while. Our trucking and transportation industry has felt it hard for a long time. The cost of diesel fuel that powers our tractors, our combines, and our trucks that take food to the grocery stores hit $4 back in April. It is closing in on $5. Every working family and small business and farmer and trucker is taking a hit—a big hit—on these fuel prices.

That is why I am supporting these two packages today that go to the root of the problems of high gas costs. They offer some solutions.

The Consumer-First Energy Act will go after commodity speculators who are manipulating the market. It needs to be done. It will let the Justice Department go after the illegal OPEC oil cartel in court. It needs to be done. It will put a stop to the big tax giveaways the last Congress gave to big oil, which needs to be done. It will protect consumers from price colluders and price gougers. This needs to be done.

This bill will immediately put a stop to the financial gimmicks that have driven up the cost of oil past the laws of supply and demand. If you do not think speculators are playing with the markets, and they are having a big impact, let me remind you of the Enron collapse, the dot-com bust, and the demise of the housing market. It is all happening in oil right now.

When Wall Street investment banks faced trouble a couple months ago, the Bush administration swiftly took action. But when American consumers have to tap into their savings or run up their credit card debt just to pay the price at the pump, the administration is nowhere to be seen.

The Consumer-First Energy Act is about solutions. They are solutions we need to invest in right now. We have the opportunity in the United States to drill for oil in places that make sense—eastern Montana, the western Dakotas, the Bakken field. And wouldn't you know, it is the smaller companies—not the big companies—that are going after those reserves. It is the smaller companies innovating, investing in the future, boosting domestic oil production right now, working with the folks in those regions, boosting rural economies.

My colleague, Senator BAUCUS, has again brought forward an energy tax package that will help extend some of the most successful and effective tax credits that are driving alternative energy development. He brought a similar package forward last year, only to have it narrowly defeated.

I hope we have a different outcome this time because our future energy system depends on new solutions, not old solutions. We have the ideas and the ambition, but we need to get on with new innovations in the marketplace.

It is time to resolve these energy costs and take a step toward solving our energy problems. We have to work together, and I am confident we can work together to find solutions to bring the costs back down.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. All time is yielded back.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3044, the Consumer-First Energy Act of 2008.

Harry Reid, Barbara Boxer, Charles E. Schumer, Sheldon Whitehouse, Robert P. Casey, Jr., Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Daniel K. Akaka, Jack Reed, Claire McCaskill, Christopher J. Dodd, Amy Klobuchar, Patrick J. Leahy, Barbara A. Mikulski, Frank R. Lautenberg, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3044, the Consumer-First Energy Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—43

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lugar
Martinez
McConnell
Murkowski
Reid
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Wicker

NOT VOTING—6

Byrd
Clinton
Graham
Kennedy
McCain
Obama

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 51, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3044.

The ACTING PRESIDENT pro tempore. The motion is pending.

Mr. REID. Mr. President, because the subway was broken, it made it difficult for some Senators to make it here in time. We had to extend the vote for quite a long period of time.

I have spoken to the Republican leader. I think we would be well served by having the vote on the next cloture motion. We will vote only on one of the judges now. We will come back after lunch and do the others. I will work the time out with the Republican leader. Hopefully, the first business we will conduct will be the votes on the other two district court judges. We won't have time to do them this morning. I will work with the Republican leader and we will come up with a time and give everybody ample notice about when the next vote will occur.

I ask unanimous consent that we have the vote on the first judge, the judge from Virginia, now, and that we then have the vote on the two subsequent judges at a time to be determined by the majority leader in consultation with the Republican leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 1 minute to explain the next vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, this vote is about jobs, energy, and paying our Nation's bills. There may be times when delay does not have a significant adverse impact. Today is not one of those days.

The bill before us is a good bill. It extends tax cuts that expired last December.

Companies across America are deciding whether to renew research contracts. Energy companies are deciding whether to buy and build wind turbines. These decisions support jobs.

This bill encourages the search for new and clean energy sources. Harnessing power from ocean waves. Capturing carbon emissions.

This bill also extends expiring individual provisions, including the teacher expense deduction and the tuition deduction.

And the bill pays for itself with provisions that are not tax increases. With gasoline topping $4 per gallon, the American people do not want us to delay.

Is the bill perfect? No.

Will the Senate change it? Yes.

Let's get on with making those changes. I urge my colleagues to support the motion to begin debate on this bill.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask my colleagues not to give consent to cloture at this time because there are a lot of matters in this bill that ought not be in here. We have matters in here for trial attorneys, and we have matters in here for Davis-Bacon.

We are talking about solving a housing crisis. This is not the way to do it. We ought to give more consideration to it, and not granting cloture is one way of giving greater consideration to what we are going to do.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Barbara Boxer, Sherrod Brown, Robert Menendez, Kent Conrad, Daniel K. Inouye, Byron L. Dorgan, Jon Tester, Richard Durbin, Patty Murray, Max Baucus, John D. Rockefeller, IV, Maria Cantwell, Frank R. Lautenberg, John F. Kerry, Blanche L. Lincoln, E. Benjamin Nelson.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin

Carper
Casey
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—44

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—6

Byrd
Clinton
Graham
Kennedy
McCain
Obama

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 50, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. SNOWE. Mr. President, I rise to urge my colleagues to join me in voting to proceed to the tax extenders legislation on the floor. This legislation represents a fiscally responsible and balanced approach to ensure that necessary tax provisions for hardworking American families and indispensable small businesses do not expire.

At a time when our economy teeters on the brink of recession—when unemployment increased 5.5 percent last month—the biggest monthly jump in 12 years—when gasoline at the pump is more than $4 a gallon and climbing, when the cost of a dozen eggs has risen 38 percent in the last year alone, when oil costs are set to reach $140 per barrel and analysts are predicting a rise to $150 by July 4th, and when foreclosures have hit historic levels—is there any question that the American people expect—even demand, not just action but action leading to results. We must forge together the results that address these central issues facing the U.S. economy and the millions of Americans who are anxiously awaiting action from leaders. And while Congress will be forced to make difficult choices on some of these issues in the coming months, this issue—whether to extend critical tax incentives right now should be, frankly, a straightforward decision.

And now before us is legislation that would extend critical energy tax credits—including the catalyst that caused a 45-percent growth in wind energy last year and energy efficiency tax credits that creates an incentive to reduce energy demand. And we are really debating this question when we saw oil rise by $11 per barrel in a single day to $139? To be blunt, this country must wake up and recognize the ramifications of an energy crisis that we have not addressed for 30 years—and counting. Dr. Cooper of the Consumer Federation of America has estimated that from 2002 to 2008 annual household expenditures on energy increased from about $2,600 to an astonishing $5,300. The impact in Maine, where 80 percent of households use heating oil to get through a winter, is even worse. Last year at this time, prices were at a challenging $2.70 a gallon—for the average Mainer who goes through 1,000 gallons of oil that is $2,700. The price now is $4.70 meaning that it will cost a Mainer $4,700 just to stay warm not even considering gasoline costs. That is the difference between a burden and a crisis.

Indeed, the energy efficiency tax incentives and the renewable production tax credit—critical vehicles for moving our country to self sufficiency—are set to expire at the end of this year and some have already expired at the beginning of this year. This is the antithesis of the energy policy that our nation must be employing to address rising energy costs.

Energy efficiency is singlehandedly the most effective investment that our country can make to address the calamity of our energy policy. It is derelict that we would allow energy efficiency tax credits to expire. In fact, some tax credits have already expired, and as a result, there are currently no incentives to purchase efficient furnaces. At a time when Americans are worried about heating bills in June, we must provide the assistance to allow Americans to invest in energy efficient products that will reduce our collective demand for energy, and save Americans money.

For example, included in this package is a $300 tax credit to purchase a high efficiency oil furnace, which would save over $180 in annual savings for an average home—according to calculations based on Department of Energy data and recent home heating prices. In addition, this includes an extension of a tax credit for highly efficient natural gas furnaces that saves an individual $100 per year. However, this tax credit ended at the beginning of this year—right when oil prices began their historic climb.

For businesses that are competing against countries that subsidize oil the situation is simply untenable. Two weeks ago, Katahdin Paper Company announced that the cost of oil used to run its boilers has caused the company to consider closing the mill's doors. Now, talks are under way to find alternative solutions to preserve the mill's operations and its accompanying jobs, but make no mistake; we are at the tipping point where our economy could well be in ruins directly as a result of high energy costs.

With jobs being lost because of high energy costs, it is crucial that we invest in renewable energy jobs—that will put our economy back to work and invest in secure energy future. Indeed over one hundred thousand Americans could be put to work in 2008 if clean energy production tax credits were extended. However, because the incentives are set to expire this year, renewable energy companies are already reporting a precipitous decrease in investment due to uncertainty. Projects currently underway may soon be mothballed. Clean energy incentives for energy efficient buildings, appliances and other technologies, as well as additional funding for weatherizing homes, would similarly serve to stimulate 2008 economic consumption, lower residential energy costs, and generate new manufacturing and construction jobs. It is irresponsible to allow a bright spot in our economy, the renewable energy industry and energy efficiency industries, to falter, when the product of these industries are so essential to the future of this country.

Failing to act on these crucial incentives could choke off promising business investment in 2008 and miss an opportunity to address high energy costs, a critical contributor to sinking consumer confidence and our Nation's long-term economic challenges. Extending these expiring clean energy tax credits will help ensure a stronger, more stable environment for new investments and ensure continued robust growth in a bright spot in an otherwise slowing economy. This bill presents another opportunity to raise the bar for our future domestic energy systems and energy efficiencies, benefitting our economy, our health, our environment, and our national security.

Not only does the legislation address these critical energy tax provisions, but also extends relief for lower and middle-income Americans, as well as small businesses. In particular, there are a number of provisions that I have championed that have been included by the House legislation and Chairman BAUCUS' amendment.

Fed Chairman Bernanke testified before the House Budget Committee earlier this year that, "a fiscal stimulus package should be implemented quickly and structured so that its effects on aggregate spending are felt as much as possible within the next twelve months or so." Without a doubt, one way to affect spending and help working Americans meet the challenges ahead of us and provide for the families is providing a tax rebate. Another measure that Senator LINCOLN and I have long championed would enable more hard-working, low-income families to receive the refundable child credit by reducing the income threshold for the refundable credit to $10,000 and deindexing it from inflation just as it originally passed the Senate in 2001.

The consequences of inaction are serious for low-income Americans living paycheck-to-paycheck, and our proposal will ensure that those low-income, hard-working families that benefit from this credit the most receive it. And, I am very pleased that the House included a version of our proposal, one in which, I might add, would already be putting money in people's pockets had it already been enacted into law providing further economic stimulus during these challenging times.

To ensure that much needed capital investment reaches all corners of the country, the extenders package rightly includes an extension of the new markets tax credit. This program has proven extremely successful in encouraging investment and spurring growth in impoverished areas all across the country, both rural and urban. Senator ROCKEFELLER and I have championed extending this vital incentive with the New Markets Tax Credit Extension Act, S. 1239, a bill that enjoys the bipartisan support of 27 cosponsors.

To provide relief and equity to our Nation's 1.5 million retail establishments, most of which have less than five employees, I have introduced with Senators LINCOLN, KERRY, and HUTCHISON. This provision would reduce from 39 to 15 years the depreciable life of improvements that are made to retail stores that are owned by the retailer. If the motion to proceed passes, I believe that we will have an opportunity to address this inequity given the support for this provision expressed by the chairman of the Finance Committee.

In 2004, I fought for the inclusion of incentives to stop the flow of film productions offshore into the FSC–ETI bill. Consequently, I was very pleased to see the House include an extension of this vital incentive for film production companies planning whether and where to film. The House also included a critical modification to the incentive. Specifically, it would remove the $15 million cap on film productions eligible for the incentive and instead limiting the deduction to the first $15 million as the provision was originally passed in the Senate before being amended in conference. This is an issue that I have also worked on with my good friend, the senior Senator from Arkansas, and am so pleased with this provisions inclusion.

So as we can see, this bill provides the Senate an opportunity to consider a number of provisions that are vital in helping our economy weather the recent downturn it is experiencing. The provisions that I have just outlined will unleash renewable energy projects creating jobs, provided targeted tax relief to low-income working families struggling to pay for the high cost of food and fuel, encourage an infusion of capital into rural and urban communities, provide tax incentives for retail businesses looking to grow their business, and help keep the jobs associated with film production within our borders. Not to mention, the tax extenders bill also includes provisions such as the R&D tax credit, the tuition deduction and the teachers classroom expenses deduction that are widely supported on both sides of the aisle.

Clearly, this tax extenders package is critical to Congress's ongoing efforts to reverse the economic slowdown that our Nation is facing. For the fifth month this year, U.S. employers have cut jobs including 49,000 in the month of May alone. The number of Americans filing first-time claims for unemployment benefits is at its highest level since October of 2004 and the increase in the rate was the largest since 1986.

The Senate should move forward on extending expiring tax relief. There are some aspects of the House bill that I believe should be improved upon, such as providing an AMT patch to stop the expansion of this mass tax. Some on the other side of the aisle believe we should at least attempt to pay for tax relief, a position I happen to agree with. Others on my side of the aisle believe that shouldn't continue to be a maintenance Congress, continually passing short-term temporary tax relief, a position that I also happen to agree with.

There are differences of opinion, but what is the Senate afraid of? What are we afraid of? To debate and to vote on various positions? Some of those issues and positions I would disagree with. But does that mean to say the Senate cannot withstand the conflicting views of various Members of the Senate? It is not unheard of, that both sides of the political aisle will have differing views. So, I would urge my colleagues to join me in supporting the motion to proceed. If the motion succeeds, I am hopeful that we can do what the Senate ought to do—that is find some common ground on an amendment process and a way forward to finally dispose of the legislation and enact this legislation sooner rather than later.

I came to this discussion to work on this issue, to debate, which is consistent with the traditions and principles of this institution, which has been its hallmark. That is why it has been considered the greatest deliberative body in the world. Unfortunately, it is not living up to that expectation or characterization, regrettably.

Let's have an open and unfettered debate, which is consistent with this institution that is predicated on our Founding Fathers' vision of an institution based on accommodation and consensus. You have to get 60 votes. So let's work it out. Let's clear this first hurdle and proceed to the bill. My side of the aisle will still have another 60 vote threshold to ensure that their concerns are heard.

The Senate is based on consensus. It is based on compromise. It is based on conciliation. It is based on the fact that you have to develop cooperation in order to get anything done. It is not unusual. If historically we took the position: You missed your chance because there are disparate views, so that there would be no opportunity to further discuss or negotiate—we missed our chance? Are we talking about scoring political points? Are we talking about what is the best tax policy for this country?

I am concerned we are taking a political U-turn away from the message in the last election. I was in that last election. I heard loudly and clearly. I don't blame the people of Maine or across this country for their deep-seated frustration. They are right. There was too much partisanship and too much polarization.

What's required now is leadership. We need leadership for this country. They are thirsting for a strong leadership, an honorable leadership that leads us to a common goal. No one expected unanimity in the Senate but we would give integrity to this process to allow it to work and not cynically say who is winning and who is losing today politically. We are not shedding the political past. We have made a political U-turn. We are returning to it.

This isn't about party labels. This isn't whether it is good for Republicans or good for Democrats. It is what is good for America. It is not about red States and blue States. It is about the red, white, and blue. Fact is that with every day that we delay, there are millions of taxpayers in all 50 States who literally will pay the price for our inaction.

I hope we can find a way. What could be of higher priority than to be able to debate and to vote on our respective positions, to give a vote on AMT relief and expiring tax provisions that is so important that a majority of Senators support? Is there anyone in this Chamber who does not think we should extend expiring tax relief?? I know we can build the threshold for the 60. It is imperative we do it. It is inexcusable, frankly, that on the process for debating, we cannot reach an agreement. We are failing the American people on a colossal scale. We are held up by arcane procedural measures that could be worked out, if only we reached across the political aisle.

If my remarks sound familiar, then well they should because regrettably I said much the same thing in February of last year at the start of this Congress on another pressing issue of our time. Sadly as we now approach the end of the first session of the 110th Congress, things seemed to have not changed very much. I would hope when we finally adjourn after hopefully extending this critical tax relief that each and every one of us will return to our homes and when the clock strikes midnight on December 31, that we all make a New Years resolution to make the next Congress a more productive session with Members reaching across the aisle looking for consensus. If we do not, there is one thing that is for certain; the American public is watching.

EXECUTIVE SESSION

NOMINATION OF MARK STEVEN DAVIS TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Mark Steven Davis, of Virginia, to be United States district judge for the Eastern District of Virginia.

The ACTING PRESIDENT pro tempore. We now have 10 minutes of debate equally divided between the chairman and the ranking member. Who yields time?

If no one yields time, time will be charged equally to both sides.

The Senator from Missouri.

Mr. BOND. Mr. President, may I ask for 1 minute from the ranking member.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, my thanks to the committee leaders for bringing forward the nominations to the Senate of Judge Greg Kays and Stephen Limbaugh to be Federal district court judges for the Western and Eastern District Courts of Missouri. Both Judge Kays and Judge Limbaugh are outstanding nominees for the Federal bench. They share bipartisan support, have fine legal minds, long records of public service, and represent the values and character of my Missouri constituents.

Both men's modesty matches the modest size of their Midwestern hometowns. But as we have seen so many times in our history, great men, men of learning, men of intellect and excellence, come from modest places.

One should not doubt this to be the case. Values of fairness, service, kindness, community, learning, self-reliance, and personal responsibility are those that we value in our constituents, in our small-town communities, and we should value in our judges. I think this confirmation process has succeeded in producing two such men.

I thank the Chair, I thank my ranking member, and I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I have spoken to the chairman of the Judiciary Committee and to the Republican leader. We will enter a formal unanimous consent for the RECORD at a subsequent time, but it appears at this time we will have a vote on one of the remaining two judges at 3:30, and the Judiciary Committee chair, Senator LEAHY, has agreed we will not have to vote on the second one. So there will be one vote on or about 3:30 this afternoon.

Mr. LEAHY. Mr. President, will the Senator yield on the leader's time?

I wanted to have a rollcall on this one, and do the other two at whatever time the leader prefers by voice vote.

Mr. REID. I thank the Senator very much. That is wonderful. We can do those before lunch, then.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to have printed in the RECORD the resumes of these three candidates. They were voted out unanimously by voice vote of the committee, and I think their confirmation is assured.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARK STEVEN DAVIS

UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

Birth: 1962, Portsmouth, Virginia.

Legal Residence: Portsmouth, Virginia.

Education: Longwood University, 1980–1982; no degree; University of Virginia, 1982–1984; B.A., May 1984; Washington and Lee University School of Law; J.D., May 1988.

Primary Employment:

Staff Assistant, U.S. Senator John W. Warner, 1984–1985.

Law Clerk to Hon. John A. MacKenzie, U.S. District Court, Eastern District of Virginia, 1988–1989.

Law Firm of McGuire Woods LLP: Associate, 1989–1996; Partner, 1996–1998.

Partner, Law Firm of Carr & Porter LLC (no longer in existence), 1998–2003.

Judge, Third Judicial Circuit of Virginia (Portsmouth Circuit Court), 2003–Present; Chief Judge, July 2006–Present.

Selected Activities:

Virginia State Bar, 1988–Present: Litigation Section Young Lawyers Committee, 1992–1996.

Board of Visitors, Regent University School of Law, 2004–Present.

American Bar Association, 1989–1993.

Federal Bar Association, 1990–1998.

Virginia Bar Association, 1989–Present.

James Kent American Inn of Court, 2005–Present: Pupilage Team Leader, 2007.

Chesapeake Bay Bridge and Tunnel Commission: Commissioner, 1999–2003; Secretary/Treasurer, 2000–2003.

Virginia International Terminals, Inc.: Board of Directors, 2000–2003; Secretary and Executive Committee, 2002–2003; Audit Committee, 2000–2003.

Recipient, Top 40 Under 40, Dolan's Virginia Business Observer Newspaper, 2001.

Recipient, Legal Elite Listing, Virginia Business Magazine, 2002.

ABA Rating: Unanimous "Well Qualified."

DAVID GREGORY KAYS

UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

Birth: 1962, Kansas City, Missouri.

Legal Residence: Missouri.

Education: No degree, Drury University, 1981–1982; B.S., Southwest Missouri State University, 1985; J.D., University of Arkansas School of Law, 1988.

Primary Employment: Attorney, Miller and Hutson Law Firm, 1988–1989. Assistant Public Defender, Office of the Special Public Defender, 8/1989–12/1989. Prosecutor, Laclede County Prosecuting Attorney's Office: Assistant Prosecuting Attorney, 1988–1989; Chief Assistant Prosecuting Attorney, 1989–1991; Prosecuting Attorney, 1991–1995. City Attorney, Lebanon, Missouri, 1992–1994. Judge, State of Missouri: Associate Circuit Judge, Laclede County Circuit Court, 1995–2004; Presiding Circuit Court Judge, 26th Judicial District, 2005–present.

Selected Activities: Board Chairman, First Christian Church, 2007–present; Member, Missouri Task Force on Alternative Sentencing, 2006–2007; Certificate Recipient, National Judicial College, 2007; Recipient, Supreme Court of Missouri Permancy Awards, 2006 and 2007; Adjunct Instructor, Drury University, 1992–2004; Member, Laclede County Bar Association: President, 1992; Member, Missouri Bar Association.

ABA Rating: Substantial majority "Qualified"/ Minority "Not Qualified."

STEPHEN NATHANIEL LIMBAUGH, JR.

UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

Birth: 1952; Cape Girardeau, Missouri.

Legal Residence: Cape Girardeau, Missouri.

Education: B.A., Southern Methodist University, December 1973; J.D., Southern Methodist University School of Law, December 1976; Masters of Law in the Judicial Process, University of Virginia School of Law, May 1998.

Primary Employment: Associate, Limbaugh, Limbaugh & Russell, 1977–1978; Assistant Prosecuting Attorney, Office of Prosecuting Attorney, Jackson, Missouri, 1978; Prosecuting Attorney, Office of Prosecuting Attorney, Jackson, Missouri, 1979–1982; Shareholder/Partner, Limbaugh, Limbaugh, Russell & Syler, P.C., 1983–1987; Circuit Judge, 32nd Judicial Circuit of Missouri, 1987–1992; Supreme Court Judge, Supreme Court of Missouri, 1992–Present: Chief Justice, 2001–2003.

Selected Activities: Missouri Bar, 1977–Present: Fellow, Missouri Bar Foundation, 1997–Present (Board member, 2001–2003). American Bar Association, 1977–Present: Life Fellow, American Bar Foundation; Litigation Section, 1985–Present; Judicial Administration Division, 1987–Present. The Federalist Society, 1993–Present. Judicial Conference of Missouri, 1987–Present: Legislative Steering Committee, 1989–1991; Executive Council, 1999–2003; Presiding Officer, 2001–2003. Supreme Court of Missouri Committees: Chair, Commission on Judicial Dept. Education, 1999–2001, 2005–Present. Appellate Judicial Commission for the Missouri Nonpartisan Court Plan: Chair, 2001–2003. State Historical Society of Missouri: Board of Trustees, 2005–Present; First Vice President, 2007–Present. Life Regent, National Eagle Scout Association. Political Advocacy and Legislative Achievement Award, Adoption and Foster Care Coalition of Missouri, 2001. Distinguished Alumnus Award for Judicial Service, SMU Dedman School of Law, 2007.

ABA Rating: Unanimous "Well Qualified."

Mr. WARNER. Mr. President, I rise today in support of an outstanding Virginian, the Honorable Mark S. Davis, who has been nominated by the President to serve as an article III judge on the U.S. District Court for the Eastern District of Virginia. I am pleased to note that Judge Davis also enjoys the strong support of my colleague, Senator WEBB.

Judge Davis has been nominated to fill the seat that was vacated by Judge T. S. Ellis, III, who has served as an active judge in the Eastern District of Virginia for more than 19 years.

I have had the privilege of knowing Mark Davis for more than two decades. He worked as an intern in my office while attending the University of Virginia, and then later, in 1984, he began his professional career as a staff assistant in my office before he went to law school. After earning his J. D. from the Washington & Lee University School of Law in 1988, he served as a law clerk for the Honorable John MacKenzie on the U.S. District Court for the Eastern District of Virginia.

Subsequent to his clerkship, he entered private legal practice, as a litigation attorney on cases before both Federal and State courts in several areas, including tort, maritime, and municipal and employment law. In 2003, the Virginia General Assembly unanimously confirmed him to serve as a judge on the Third Judicial Circuit of Virginia in Portsmouth, VA; today, he serves as chief judge of this five-judge circuit.

In my view, Judge Davis is eminently qualified to serve on the U.S. District Court for the Eastern District of Virginia. In addition to having the support of his home state Senators, he also received the highest recommendation of the Virginia State bar and the American Bar Association.

I thank the Judiciary Committee for favorably reporting this exemplary nominee to the full Senate, and I urge my colleagues to vote to confirm him.

Mr. WEBB. Mr. President, today it is my distinct pleasure to offer my support along with my colleague Senator WARNER for the nomination of Judge Mark Davis to be a judge on the U.S. District Court for the Eastern District of Virginia.

The career of this nominee is impressive. Judge Davis is regarded as a patient, thoughtful individual who exhibits the highest degree of ethical conduct and professionalism. After graduating law school, Judge Davis began his legal career as a law clerk to Judge John A. MacKenzie who served as judge on the U.S. District Court for the Eastern District of Virginia, 1988–1989. In 1989, Judge Davis joined McGuire Woods, LLP, where he worked as a partner from 1996 until 1998. Judge Davis has also worked as partner at Carr & Porter LLC, 1998–2003. Since 2003, Judge Davis has served on the Third Judicial Circuit of Virginia, and has been the chief judge since 2006.

The Virginia Bar Association rated Judge Davis as "highly qualified." Judge Davis's written opinions reflect his keen intellect, and the extent to which he values communicating his reasoning to counsel and litigants. Further, Judge Davis is active in myriad community and civic organizations. Judge Davis received his B.A. in government from the University of Virginia in 1984, and his J.D. from Washington and Lee University School of Law in 1988.

The Constitution assigns a critically important role to the Senate in the advice and consent process related to nominations for the Federal judiciary. These judgeships are lifetime appointments, and Virginians expect me and Senator WARNER to take very seriously our constitutional duties. It is essential that the nominee be respectful of the Constitution, impartial, and balanced toward those appearing before him or her.

In light of these criteria, Senator WARNER and I undertook a careful and deliberative process to find the most qualified judicial nominees. Our collaboration involved a thorough records review and rigorous interviews. We are of the opinion that Judge Davis meets these high standards. He was on the joint list of recommended judicial nominees submitted to President Bush last year. We are pleased that President Bush has chosen to respect our diligent bipartisan work.

I want to thank you, Mr. President, for the opportunity to make these remarks about this outstanding Virginian. In particular, I want to express my gratitude for the expeditious way the Senate has moved the nomination of Judge Davis through the process during the 110th Congress. Again, it is with pride that I join Senator WARNER in commending Judge Mark Davis to each of my colleagues in the Senate; and I ask my fellow Senators to vote to confirm his nomination to the U.S. District Court for the Eastern District of Virginia.

Mr. SPECTER. Mr. President, I wish to use the balance of my time to talk about the procedures on the Energy bill.

I spoke yesterday about the problem created by the so-called procedure of filling the tree. It is my hope that we will return to the Energy bill and we will have an opportunity to offer amendments on the bill—the global warming bill, I should specify. Last week, I filed a series of amendments, and I hope we will return to the bill and will not have the procedure of filling the tree thwart the opportunity for Senators to offer amendments.

As I spoke at some length yesterday, we have devolved in this body into a procedure where the trademark of the Senate—that is, where a Senator is able to offer virtually any amendment on any matter at any time—has been undercut. This has been a practice which has been growing but was used not at all in bygone years. Senator Mitchell then used it 9 times, Senator Lott matched him with 9, Senator Frist matched him with 9, and Senator REID has now used it 12 times.

Regrettably, when the tree is filled—an arcane practice not understood very broadly—and then cloture is not invoked, people think that Republicans are opposed to considering global warming. The fact is that some 32 Republicans voted for cloture on the motion to proceed. So it is my hope we will have an opportunity to debate this very important subject and that there will be procedural steps taken so amendments can be offered. The tradition of the Senate in the past has been to have legislation offered, to debate, and if people are opposed, to filibuster, and to have the issues considered. But we have found in modern days that bills involving very important matters, such as the Ledbetter Fair Pay Act, Senate bill 1843, got very short shrift indeed. So it is my hope we will change the procedures.

I filed a resolution with the Rules Committee in February of 2007 to have a change in the rules, but in the interim I hope we can alter our procedures to take up these very important amendments.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The yeas and nays are ordered.

Mr. LEAHY. Mr. President, today the Senate will confirm three more nominations for lifetime appointments to the Federal bench.

The first nomination we consider is that of MARK DAVIS of Virginia to fill a vacancy in the Eastern District of Virginia, and I commend the Virginia Senators on this nomination. After years of controversial nominations, Senators WARNER and WEBB have worked successfully with the White House on a series of recent nominations for district and circuit court seats, including that of Judge G. Steven Agee of Virginia, who was confirmed to a seat on the Fourth Circuit last month.

I was pleased to accommodate Senator BOND's request that we proceed promptly in committee to consider the nominations of David Kays and Stephen Limbaugh to vacancies in the Western and Eastern Districts of Missouri. Both nominees have the support of Senator MCCASKILL. I wish Justice Ronnie White, who went on to become Missouri's first African-American chief justice, had received similar consideration when President Clinton nominated him to the Eastern District of Missouri. Instead, more than 2 years after he was nominated, and 2½ months after he was reported out of the Judiciary Committee for a second time, his nomination was voted down on a party line vote, not a single Republican Senator voting to confirm him. I also recall many of President Clinton's judicial nominees who were stalled because of anonymous Republican objections to their politics or their practice area. One of the two nominees from Missouri that we consider today is Rush Limbaugh's cousin. A similar lineage would have resulted in a pocket filibuster when the Senate was controlled by a Republican majority during the Clinton administration. So today, in contrast to the treatment of President Clinton's nominees, we proceed to consider these two nominations.

I noted last week the sudden concern of the minority leader for district court nominations. Perhaps he did not have a chance to see my statement from earlier in the week in which I noted that with Republican cooperation, we have the opportunity this work period confirm five nominees already reported favorably by the Judiciary Committee? Of course, today we would have more than those five nominations on the Senate's Executive Calendar had Republicans not stalled this President's nominations of Judge Helene White and Ray Kethledge to the Sixth Circuit, and the nomination of Stephen Murphy to the Eastern District of Michigan. As I said last week, with cooperation from across the aisle, the Senate is poised to have confirmed four circuit court judges and 11 district court judges before the Fourth of July recess, confirming a total of 15 lifetime appointments.

I recall Senator SPECTER's frustration when he was chairman with a Republican majority at the end of the last Congress, and Republican holds prevented the confirmation of 14 district court nominations. Democrats on the Judiciary Committee had worked hard to expedite the nominations at the end of the last Congress. Many of them were for vacancies deemed judicial emergencies, including three in one Federal district in Michigan where several judges of senior status—one over 90 years old—continued to carry heavy caseloads to ensure that justice was administered in that district. Now, after the successful efforts of the Senators from Michigan in conjunction with the White House, I hope Republicans will not object to filling three more judicial emergency vacancies in Michigan.

The complaints by the minority leader and his party about district court nominations ring as hollow as their complaints that Senate Democrats did not make best efforts to meet the goal he and the majority leader set of moving three circuit court nominations by Memorial Day. As at the end of the last Congress with those 14 district court nominations, Republicans resisted expediting the committee's consideration of the Michigan nominations before Memorial Day. They badgered the nominees, and sent scores of written follow up questions. At the May 7 hearing, the Republicans chose to complain that the committee was moving too fast, before the committee had received updated ABA ratings on the nominations. They pressed Judge White with scores of questions, failing to pose those same questions to Mr. Kethledge, a candidate for the same circuit. They demanded an extremely rare closed hearing to further question Judge White. Given their actions and their resistance to the White House's package of nominations—nominations made by this President—they made it impossible for the Committee to consider and report the Michigan nominations before the Memorial Day recess.

We have now received the updated ABA rating for Judge White's nomination. She received a well qualified rating. That did not come as any surprise. She has served ably on the Michigan state appellate courts and acquired additional experience in the decade since she was nominated by President Clinton and the Republican Senate majority refused to consider her nomination.

Ultimately, the Republican-led Senate left open five vacancies on the Fourth Circuit and four on the Sixth Circuit. With the Agee confirmation last month, we have already reduced vacancies on the Fourth Circuit to less than there were at the end of the Clinton administration, when a Republican-controlled Senate had refused to consider any nominees to that circuit during the last 2 years of the Clinton Presidency. If Republicans cooperate in considering the Michigan nominees, we will have filled every vacancy in the Sixth Circuit. Overall, when Republicans ran the Senate and were stalling consideration of President Clinton's nominees, circuit vacancies rose from 11 to 26, and it reached 32 during the transition to President Bush. We are in position to reduce circuit vacancies by three-quarters, to an historic low.

In contrast to the Republican Senate majority that used the Clinton years to more than double circuit court vacancies around the country, the Senate has already reduced circuit court vacancies by almost two-thirds, We are poised to complete Senate consideration of the two Sixth Circuit nominations. If the Republican minority allows that progress, yet another circuit will be without any vacancies. In fact, we would reduce the total number of circuit court vacancies across the Nation to single digits for the first time in decades.

If instead we focus on the controversial nominations as the Republicans want, we run the risk of embroiling the committee and the Senate in months of debate, foreclosing the opportunity to make progress where we can. We saw what happened with our last contentious nomination—that of Leslie Southwick. It took 5½ months from the time of the hearing to his confirmation.

The minority leader and the Wall Street Journal continue to point to the confirmation of 15 circuit judges in 1999 and 2000. Sometimes, the number is 17. Of course, their mythical "statistical average" of selected years ignores the crises the Republicans had created by not considering circuit nominees in 1996, 1997 and 1998, the fact that they refused to confirm a single circuit nominee during the entire 1996 session, the fact that they returned 17 circuit court nominees without action to the White House in 2000, the public criticism of Chief Justice Rehnquist that helped moderate their stalling and the fact that they more than doubled circuit court vacancies while pocket filibustering Clinton nominees.

The minority leader only reaches this mythical statistical by taking advantage of the high confirmation numbers of Democratic-led Senates confirming the nominees of President Reagan and the first President Bush. They ignore their own record of doubling vacancies during the Clinton administration. They do not like to recall that during the 1996 session, when a Republican majority controlled the Senate during a Presidential election year, they refused to confirm any circuit court judges at all—not one. Their practice of pocket filibustering President Clinton's judicial nominees led Chief Justice Rehnquist, hardly a Democratic partisan, to criticize them publicly. Even he was appalled by the actions of the Republican Senate majority. In his 1996 Year-End Report on the Federal Judiciary, he wrote:

> Because the number of judges confirmed in 1996 was low in comparison to the number confirmed in preceding years, the vacancy rate is beginning to climb. When the 104th Congress adjourned in 1996, 17 new judges had been appointed and 28 nominations had not been acted upon. Fortunately, a dependable corps of senior judges contributes significantly to easing the impact of unfilled judgeships. It is hoped that the Administration and Congress will continue to recognize that filling judicial vacancies is crucial to the fair and effective administration of justice.

When that shot across the bow did not lead the Republican Senate majority to reverse course, Chief Justice Rehnquist spoke up, again, in his 1997 Year-End Report on the Federal Judiciary. It was a salvo from a Republican Chief Justice critical of the Republican Senate leadership:

> Currently, 82 of the 846 Article III judicial offices in the Federal Judiciary—almost one out of every ten—are vacant. Twenty-six of the vacancies have been in existence for 18 months or longer and on that basis constitute what are called "judicial emergencies." In the Court of Appeals for the

> Ninth Circuit, the percentage of vacancies is particularly troubling, with over one-third of its seats empty.
>
> Judicial vacancies can contribute to a backlog of cases, undue delays in civil cases, and stopgap measures to shift judicial personnel where they are most needed. Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the Federal Judiciary. Fortunately for the Judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships.

It was only after the scorching criticism by a Republican Chief Justice that the Republican Senate majority modified its approach in order to allow some of the nominations that had been held back for years to finally proceed. Having built up scores of vacancies, some were allowed to be filled while the Republican Senate majority carefully kept vacant circuit court positions to be filled by President Clinton's successor. It is in that context that Republican claims of magnanimity must be seen for what it was. It is in that context that the eight circuit confirmations in 2000 must be evaluated while the Republican Senate majority returned 17 circuit nominations to President Clinton at the end of that session without action.

In stark contrast, the Democratic Senate majority has worked steadily and steadfastly to lower vacancies and make progress, and we have.

I have placed the two Michigan Sixth Circuit nominations on the agenda for the committee's business meeting this week. With cooperation from the Republicans, we can consider and vote on these nominations at that time. That should provide the Senate with the opportunity to consider them before the Fourth of July recess, bringing to four the number of circuit court nominees confirmed this year. Four would meet the Republican average for 1996 and 2000, and beat their total in the 1996 session by four.

The history is clear. On June 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a Presidential election year, there were 66 judicial vacancies. Twenty were circuit court vacancies, and 46 were district court vacancies. Those vacancies were the result of years of Republican pocket filibusters of judicial nominations. This year, by comparison there are just 47 total vacancies with only 11 circuit vacancies and 36 district court vacancies. After today, there will be just 44 total vacancies. If we can continue to make progress this month, the current vacancies could be reduced to fewer than 40, with only 9 circuit court vacancies and 30 district court vacancies.

When Republicans were busy pocket filibustering Clinton nominees, Federal judicial vacancies grew to more than 100, with more than 30 circuit vacancies.

When I became Chairman in the summer of 2001, we quickly—and dramatically—lowered vacancies. The 100 nominations we confirmed in only 17 months, while working with a most uncooperative White House, reduced vacancies by 45 percent.

After the four intervening years of a Republican Senate majority, vacancies remained about level.

It is the Democratic Senate majority that has again worked hard to lower them in this Congress. We have gone from more than 110 vacancies to less than 50 and are heading to less than 40. With respect to Federal circuit court vacancies, we have reversed course from the days during which the Republican Senate majority more than doubled circuit vacancies. It bears repeating—circuit vacancies have been reduced by almost two-thirds and have not been this low since 1996, when the Republican tactics to slow judicial confirmations began in earnest.

Consider for a moment the numbers: After another productive month, just 9 of the 178 authorized circuit court judgeships will remain vacant—just 9—a vacancy rate down from 18 percent to just 5 percent. With 168 active appellate judges and 104 senior status judges serving on the Federal Courts of Appeals, there are 272 circuit court judges. I expect that is the most in our history.

The President has not nominated anyone to 16 of the current judicial vacancies. He has refused since 2004 to work with the California Senators on a successor to Judge Trott on the Ninth Circuit. The district court vacancies without nominees span from those that arose in Mississippi and Michigan in 2006, to several from 2007 in Pennsylvania, Michigan, Indiana and the District of Columbia, to others that arose earlier this year in Kansas, Virginia, Washington, and several in Colorado and Pennsylvania.

Disputes over a handful of controversial judicial nominations have wasted valuable time that could be spent on the real priorities of every American. I have sought, instead, to make progress where we can. The result is the significant reduction in judicial vacancies.

In fact, our work has led to a reduction in vacancies in nearly ever circuit. Both the Second and Fifth Circuits had circuit-wide emergencies due to the multiple simultaneous vacancies during the Clinton years with Republicans in control of the Senate. Both the Second Circuit and the Fifth Circuit now are without a single vacancy. We have already succeeded in lowering vacancies in the Second Circuit, the Fourth Circuit, the Fifth Circuit, the Sixth Circuit, the Eighth Circuit, the Ninth Circuit, the Tenth Circuit, the Eleventh Circuit, the DC Circuit, and the Federal Circuit. Circuits with no current vacancies include the Seventh Circuit, the Eighth Circuit, the Tenth Circuit, the Eleventh Circuit and the Federal Circuit. When we are allowed to proceed with President Bush's nominations of Judge White and Ray Kethledge to the Sixth Circuit, it will join that list of Federal circuits without a single vacancy.

My approach has been consistent throughout my chairmanships during the Bush Presidency. The results have been positive. Last year, the Judiciary Committee favorably reported 40 judicial nominations to the Senate and all 40 were confirmed. That was more than had been confirmed in any of the three preceding years when a Republican chairman and Republican Senate majority managed the process.

Despite this progress, of course, some partisans seem determined to provoke an election year fight over nominations. The press accounts are filled with threats of Republican reprisals. The May 14 issue of Roll Call boasted the following headline: "GOP Itching for Fight Over Judges; Reid's Pledge to Move Three Before Recess Fails to Appease Minority." Then in a recent article in The Washington Times, we read that the Republican fixation on judges is part of an effort to bolster Senator MCCAIN's standing among conservatives. There seem to be no steps we could take to satisfy Senate Republicans on nominations, because they are using it as a partisan issue to rev up their partisan political base.

The Republican effort to create an issue over judicial confirmations is sorely misplaced. Last month we experienced the greatest rise in unemployment in a single month in over two decades, bringing the total job losses for the first 5 consecutive months of this year to over 325,000. Americans are now facing increasing burdens from the soaring price of gas, high food prices, rising unemployment and a home mortgage foreclosure and credit crisis.

This year we have seen the worst plunge in new homes sales in two decades. The press reported that new home sales fell 8.5 percent in March, the slowest sales pace since October 1991, and the median price of a home sold dropped 13.3 percent compared to the previous year. That was the biggest year-over-year price decline in four decades. You would have to go back to July 1970 to find a larger decline.

Unfortunately, this bad economic news for hard-working Americans is nothing new under the Bush administration. During the Bush administration, unemployment is up more than 20 percent and trillions of dollars in budget surplus have been turned into trillions of dollars of debt, with an annual budget deficit of hundreds of millions of dollars. Last week, the price of oil soared to nearly $139 a barrel, nearly twice what it was at this time last year. When President Bush took office, the price of gas was $1.42 a gallon. Today, it is at an all-time high of over $4.00 a gallon.

According to a recent poll, 81 percent of Americans today believe that our country is headed in the wrong direction. It costs more than $1 billion a day—$1 billion a day—just to pay down the interest on the national debt and the massive costs generated by the disastrous war in Iraq. That's $365 billion this year that would be better spent on priorities like health care for all Americans, better schools, fighting crime, and treating diseases at home and abroad.

In contrast, one of the few numbers actually going down as the President winds down his tenure is that of judicial vacancies. Senate Democrats have worked hard to make progress on judicial nominations, lowering circuit court vacancies by almost two-thirds from the level to which the Republican Senate majority had built them. Any effort to turn attention from the real issues facing Americans to win political points with judicial nominations is neither prudent, nor productive.

Today we confirm three nominations for lifetime appointments. The first, Mark S. Davis, currently serves as Chief Judge of the Portsmouth Circuit Court, Third Judicial Circuit of Virginia. Prior to his appointment to the bench in 2003, Judge Davis worked in private practice at several Virginia law firms.

David Gregory Kays currently serves as the presiding circuit court judge for the Twenty-Sixth Judicial Circuit for the State of Missouri, where he has served since his first election in 2005. Previously, Judge Kays served as an associate circuit judge for Laclede County Circuit Court in Missouri and as chief assistant prosecuting attorney in Laclede County.

Stephen N. Limbaugh is a supreme court judge and former chief justice on the Supreme Court of Missouri. Previously, Judge Limbaugh was appointed and then elected Circuit Judge for the 32nd Judicial Circuit of Missouri. Before his career on the State bench, Judge Limbaugh was an elected prosecuting attorney and also worked in private practice.

So today we make progress, and the Senate is likely to confirm three additional lifetime appointments to the Federal bench. I congratulate the nominees and their families on their confirmation today.

Mr. President, how much time remains on either side?

The ACTING PRESIDENT pro tempore. Two minutes twenty seconds for the Senator from Virginia, and 33 seconds to the Senator from Pennsylvania.

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to yield 1 minute to the Senator from Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I was very privileged to submit the name of Mr. DAVIS to the President of the United States, and I am greatly appreciative to the Senate to now come to the question of his confirmation. But I think it would be interesting if I were to point out to all those following it that this individual was a former member of my staff.

I think it shows the incentive of those many staff persons all throughout our system who contribute so much to the work of our individual Senators that they too can, through their service, lay the foundation to someday achieve this recognition by the Senate in which they worked.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. LEAHY. I yield to Senator WEBB on my time, Mr. President.

Mr. WEBB. Mr. President, I very quickly wish to associate myself with the remarks of the senior Senator from Virginia and to emphasize that we jointly examined a whole array of nominees for this position. This individual, perhaps because of and perhaps in spite of the fact he worked for the senior Senator from Virginia, is considered highly qualified by Members on this side of the aisle.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would commend one more time the two Senators from Virginia, both dear friends of mine, for the fact we worked as one Democrat, one Republican with the White House to get us past this impasse. And I commend President Bush for withdrawing controversial nominees and working toward consensus nominees. That is why this nominee will go through, I suspect unanimously, in this body.

I also commend the two Senators from Missouri, Senators BOND and McCASKILL, for working together.

Has all time been yielded back?

The ACTING PRESIDENT pro tempore. Yes, it has.

The question is, Will the Senate advise and consent to the nomination of Mark Steven Davis, of Virginia, to be a United States district judge for the Eastern District of Virginia?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Arizona (Mr. McCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—94

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—6

Byrd
Clinton
Graham
Kennedy
McCain
Obama

The nomination was confirmed.

NOMINATION OF DAVID GREGORY KAYS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

NOMINATION OF STEPHEN N. LIMBAUGH, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

The ACTING PRESIDENT pro tempore. The clerk will report the remaining nominations en bloc.

The legislative clerk read the nominations of David Gregory Kays, of Missouri, to be United States District Judge for the Western District of Missouri; Stephen N. Limbaugh, of Missouri, to be United States District Judge for the Eastern District of Missouri.

VOTE ON NOMINATION OF DAVID GREGORY KAYS

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of David Gregory Kays, of Missouri, to be U.S. district judge for the Western District of Missouri?

The nomination was confirmed.

VOTE ON NOMINATION OF STEPHEN N. LIMBAUGH, JR.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Stephen N. Limbaugh, Jr., to be U.S. district judge for the Eastern District of Missouri?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now resume legislative session.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED—Continued

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—AUTHORITY FOR COMMITTEE TO MEET

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during this session of the Senate.

Mr. COCHRAN. Mr. President, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand the objection of my good friend from Mississippi. He was not objecting on his own but for someone else.

The hearing we were going to conduct was a hearing entitled "Coercive Interrogation Techniques: Do They Work, Are They Reliable, and What Did the FBI Know About Them?"

This morning, Senator FEINSTEIN, as chair of the subcommittee, began chairing a very important hearing on interrogation tactics. The hearing featured a report by the Department of Justice inspector general on tactics at Guantanamo that amounted to torture. The hearing was interrupted by three floor votes, and the chair recessed the hearing until 2 p.m.

As you know, we have our weekly caucuses starting at 12:30. But now the minority is objecting to the committee meeting by invoking the 2-hour rule. What this means is that 2 hours after we come into session, there has to be consent to conduct hearings; otherwise, you have to do them during the first 2 hours we are in session. It is very rare there is an objection, but there is today. So I have no alternative but to recess the Senate this afternoon to allow the hearing to continue.

The Republicans may not want these abuses to come to light, but I think the American people have a right to know. This is part of a pattern of obstructionism by my friends on the Republican side.

I want the Senate to debate a bill to reduce gas prices and I want the Senate to debate a bill to extend tax credits for renewable energy, and now they do not want the Judiciary Committee to hold a hearing about coercive interrogation tactics. They can try to use Senate rules to silence these debates, but I will use the rules at this time to allow the Judiciary Committee to continue the hearing. As soon as the hearing is over, we are going to be out here to talk about gas prices.

I would hope this is framed with a picture that there is a Presidential election going on. We have one Presidential candidate who wants to do something about these high gas prices, wants to do something about the bill to extend tax credits for renewable energy, and we have another candidate who is opposed to this. We know who that candidate is: it is the Senator from the State of Arizona. And I would think that my friend, the Senator from Arizona, who is the Republican nominee, would be concerned about this delaying tactic not to allow the Judiciary Committee to hold a hearing on torture. That is what it amounts to.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. So, Mr. President, I ask unanimous consent that the Senate be in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:19 p.m., recessed subject to the call of the Chair and reassembled at 3:33 p.m. when called to order by the Presiding Officer (Mr. SANDERS).

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED—Continued

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the debate time on the motion to proceed to S. 3044 be divided in blocks of 30 minutes for the next 2 hours, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes, and so on; that at the expiration of the 2 hours debate time be limited to 10 minutes each.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

RENEWABLE ENERGY AND JOBS CREATION ACT

Mrs. LINCOLN. Mr. President, I rise today to lend my strong support to the Renewable Energy and Jobs Creation Act. I wish to applaud the incredibly hard work that was put into this package by the Finance Committee and particularly Chairman BAUCUS. I also wish to congratulate our counterparts in the House Ways and Means Committee for their efforts in putting together this important piece of legislation.

I am so very disappointed—as we tried early this morning—that our friends on the other side of the aisle chose to block progress on this bill. It would have provided much needed tax relief to individual taxpayers and to businesses alike. I don't know about other Senators, but when I travel home people look to me and say: What are you doing to help us with this economy? We are paying $4 a gallon for gasoline to get to our jobs, to get to school, to get to all of the things we need to tend to. We are concerned about the jobs we have lost in our State. We are concerned about the increase in unemployment. We have to do something about this economy. We have to do something about stimulating the economy of our country to grow on behalf of all of the millions of Americans out there who need us to help them.

This bill on which we were trying to proceed this morning could have done just that. It could have provided just the stimulus we needed to jump-start our economy. It would have been a good start. I think it is particularly frustrating not to be able to move on it in light of all of our current economic downturns. Taxpayers need this relief and they need it right now. We need to provide them every opportunity to keep this economy turning.

One of the things I think that comes from our businesses and individuals across my State—and certainly across this country—is the concern of the unknown. We try to create in our Tax Code the types of incentives that will incentivize different cultural activities, such as the purchasing of a home and home ownership, but we also want to incentivize businesses to be able to grow and be competitive. If they don't know they are going to have that same tax treatment for more than 6 months, or in 6 months it is going to expire, how are they going to be able to make the reasonable business decisions to take the capital, which right now is very hard to come by, and invest in certain areas of their industry, to grow those jobs, and to grow those businesses that are out there in this great country?

This package would have done just that. It provides businesses that make investments in research and development with a tax credit. We are falling behind every year. Other countries across the globe are working hard to provide the kind of research and development they need to move into new industries for multiple reasons: job creation, obviously, as well as our environment. Look at nations, such as Brazil, which have lessened their dependence on foreign oil from 80 percent to 11 percent. They have invested in research. They have invested in developing renewable fuels. We have to do that too. This is the bill that would have started us moving on that pathway to investing in companies that cannot only provide us the good types of industries that would help us clean our environment but would have created the jobs that would have made the difference.

It also encourages infrastructure investment. One of the ways it does that is through the extension of the short-line rail credit which provides an incentive for the maintenance and expansion of our short line rail systems. When you come from a rural State as I do—we are very fortunate to have the major lines that come through our State to reach out to all of those small communities where we desperately need to create jobs—we need those short line rails that can connect to the major main line rails to take our goods and our services all across this great country into the ports that will take it to other countries with which we can compete. We need to give them the incentive to invest in themselves.

In talking to one of my short line rails, they said to me: You wouldn't believe the number of jobs we could create, the investment we could make, if we just simply knew that Congress was supporting us, that they are going to help us with that incentive we have had in the past and we want to continue.

The unknown is very frightening to businesses in this world we live in and in the economic times in which we are living. The margins right now are so slim, limiting their ability to compete with other modes of transportation, but without a doubt they can provide a service to industries that are competing with industries across the globe.

This bill would have kept jobs at home through incentives to encourage domestic production of films, as one particular example. We are seeing our films being sent overseas and offshore because other countries are offering greater incentives. When you look at rural America, one of the strongest ways—and the quickest ways too—to see the investment and the revitalization of these small communities and their little downtown Main Streets is when somebody comes in to produce a film. They come in to produce a film, and they put a good picture on redoing that Main Street area. They bring in jobs; not only jobs with filmmaking, but they also come and eat in our cafes, and they use the shops and the other amenities that are there, keeping businesses at home.

But we can't do that if those film companies don't know that they are going to get good treatment, at least as good as they get in other countries. They have a bottom line to meet too. They take their film crews and all the dollars they are spending in making those films, and they go into other countries. We need to keep them at home. Those are good jobs for electricians and contractors, plumbers, and a whole host of other people.

I have a retired man at home, and they did a film—a made-for-TV movie—in my former Congressional District on the eastern side of my State, and he had two antique cars. You wouldn't have believed the difference it made in his life to be able to rent those two cars, those two antique cars to be featured in a vintage film and what it meant to his pocketbook as well.

The bill we have been trying to bring forward and were prevented this morning from bringing forward allows our financial services businesses to remain competitive globally through the extension of the subpart F exceptions for the active financing income. It provides access to capital to our communities that need it the most—our rural and low-income communities—through an extension of the new market tax credit, enabling our businesses to be viable overseas, and also making sure that the new and innovative businesses we want to see in our small and rural communities can actually happen, that they can be a part of this global community, and that they will have the same kind of advantages that other industries and other businesses in bigger parts of our Nation may have. All of these provisions provide a huge benefit to our American businesses and would most definitely help to stimulate our slowing economy.

In addition, the bill we were trying to bring up this morning provides very important relief for individual taxpayers. It includes tax cuts for college students, their families, and our teachers. With twin boys who are finishing the sixth grade and starting the seventh grade, right now in my mind I have a tremendous appreciation for our teachers and what they give day in and day out, being able to offer them the opportunity of a Tax Code that is going to reward them for this incredible job they do.

I ask my colleagues—just as was my experience in the public schools of Arkansas—to look back and think of those wonderful teachers who have affected their lives. There are great teachers out there right now, and they need us because it is an institution and a business that, unfortunately, we are not seeing enough. We are hitting a brick wall. We are seeing more teachers who are retiring than we are seeing new teachers. What a great way for us in this country to show how much we believe in those teachers.

It includes an incentive for our senior citizens who want to take part in charitable giving. That is the IRA rollover. Every week I get a call in my office from the same gentleman. He took advantage of the IRA rollover to be able to give to his church. Every Sunday morning he goes to his Sunday school and talks to the people in his Sunday school class about this great opportunity of being able to give through these IRA rollovers. Well, all of his friends in his Sunday school class want to know if this is going to be the law. Can we do this? Should we do this? Is this something that is going to continue?

We can't even tell them that. We are being held back from doing so many productive things that would encourage not only individual involvement in being able to generate our economy and put the emphasis back on our economy from individuals, but also our businesses who need our help.

The bill also includes an AMT patch to ensure more middle-income taxpayers aren't going to be hit by the AMT this year.

It also has tremendous incentives for green jobs that we can grow in this country and looking at renewable fuels and all the many things we can do with those renewable fuels but also things such as wind—and we have had tremendous tornadoes in Arkansas—and wind mills, and energy from wind is not something we are really noted for doing. Our topography is not necessarily meant for that, like some other States. But we produce the blades for the windmills. That is hundreds of jobs in my State. Let me tell you, do you think those industries are going to want to continue to make the capital investment in the manufacturing of something that may or may not be used, because those other industries that are building and making that energy from wind don't know if they can depend on the tax credit—a tax incentive in the code that encourages the behavior of moving to a renewable energy source?

Mr. President, we have to move forward. We cannot keep standing here fighting and bickering over whether we are going to proceed to talk about these things. We have to move forward and talk about them.

Most important is an issue I have worked on for years which includes a provision very near and dear to my heart, and that is a patch to the refundable child tax credit, to ensure that thousands of hard-working low-income families aren't locked out of this credit. I wish to take a few minutes to explain the child tax credit provision, which I have worked on with my good friend and colleague, OLYMPIA SNOWE.

As some colleagues may be aware, to be eligible for the refundable child tax credit, working families must meet an income threshold. If they don't earn enough, they don't qualify for the credit. The problem is, some of our working parents are working full time, but they still don't earn enough to meet the current income threshold to qualify for this tax credit, much less to receive a meaningful refund from it.

When first enacted, the income threshold for the refundable child tax credit was set at $10,000. The threshold is indexed for inflation and thus has increased every year. For 2008, it is going to be $12,050. Unfortunately, as many of us are aware, wages are not increasing at that same pace. For example, a single mother who earns the current minimum wage and works a 35-hour-a-week job, 50 weeks out of the year, fails to qualify for the refundable portion of the child tax credit. Even after the minimum wage increases next month, that mother still will not meet the income threshold.

That is what we want to encourage. We want to encourage people to work, to be able to change the cycle of poverty that exists for welfare today. We want to make sure individuals are encouraged to go to work, so that they can still take care of their children. Our children are our greatest resource. Why would parents who want to care for their kids not want to incentivize that.

It is absolutely wrong to provide this credit to some hard-working Americans while leaving others behind. The single working parent who is stocking shelves in a local grocery score is every bit as deserving as the teacher, accountant, or insurance salesman who qualifies for the credit in its current form. It is imperative that we address this inequity, and we must ensure our Tax Code works for all Americans, especially those working parents who are forced to get by on minimum wage.

I am extremely frustrated that our friends across the aisle chose to block action on this bill. I hope that we will reconsider this position, that we will look at the important value in all of these pieces of this legislation, and that we will come back again and go back to the drawing board and figure out how we can make this bill a reality.

Again, I applaud our committee chairman for putting this package together and trying to move it through the Senate in a timely fashion. There is absolutely no reason we should not see this package. It is a commonsense package. It makes sense for everybody concerned. We owe it to our American businesses that are trying to remain competitive. We owe it to our teachers, students, and the families paying college tuition. We owe it to our communities that are desperately in need of infrastructure and jobs. We owe it to our working families with children. No one should stand in the way of this package that truly will bring relief to so many Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I wish to speak today—as many of us have been doing—not just about the high price of gasoline but all of the pressures on American families that come with that. When I say "families," I mean in the broadest sense of the word. The Presiding Officer has advocated on behalf of people who are suffering under the weight of high gasoline prices. He has been an articulate and forceful advocate for action. We are finally at the point where we are at least debating the action we should be taking.

I wanted to talk about prices. When the average American family goes to the grocery store or they go to fill up their tank or they try to pay for college or health care—just fill in the blank—it seems as if everything in their lives is going up when their wages are flattening out or sometimes actually going down. The price of everything is going through the roof, and at the same time we have record job losses. I don't know the exact number to date, but we have had tens of thousands every month, month after month after month. Some believe the most recent monthly job loss number is a record. But even if it is not a record or if we are off by a couple thousand, it is still far too high.

In Pennsylvania, this is not just a problem in inner cities where a lot of people's incomes are low; this is a problem across a State such as Pennsylvania. We have a State that has some large cities and bigger communities population-wise, but we have a very rural State. We have millions of people in Pennsylvania who live in so-called rural areas by the demographics. They have to travel great distances to get to the grocery store or to make transactions for business or to get their families to where they have to go. So gas prices, in some ways, disproportionately adversely affect those who live in rural areas or in small towns.

In Pennsylvania, we have—more than maybe any other State and sometimes as many States as you can talk about combined—a lot of two-lane roads. So the distance between one place and another isn't just the mileage but it is the roads you take. On a two-lane road, you cannot go as fast, and that adds to the difficulty and the reality of gas prices.

We also have a State that has a tremendous agricultural economy. All of those costs—the cost of energy and the cost of transportation and distribution—are going up for our farm families.

While all this is happening—and we know there are no easy solutions—we also see that, lo and behold, the big oil companies—in the last 5 years, the profits of the five largest oil companies—in 2002, the profits of the five largest oil companies was a measly $29 billion. Last year, 2007, big oil had profits of $124 billion. So it went from $29 billion to $124 billion in just 5 years. I think there are very few, if any, American families—especially middle and lower income families—who are under the weight of these costs I just talked about who have had their incomes go up three, four, or five times.

The reality is that big oil has gotten too much. Over and over again, their profits are going through the roof. This Government gave them tax breaks a couple of years ago to the tune of $17 billion. So just at the time when their profits were taking off in a record way, this Government gave them, back in 2004 and 2005, $17 billion in breaks. We have talked about taking away those breaks and allowing us as a government, as a family, to be able to say there is another part of the family over here that is hurting and we want to help them. I will do it very briefly in terms of our approach.

Basically, what Democrats have tried to do is to say: Look, we don't have to pretend we are helpless and sit back and say there is nothing we can do. We don't have a magic wand and there is no easy solution, but the idea of doing nothing and saying it is OK for oil companies to get these profits at a time when we could use that revenue for something else is ridiculous. Everybody out there knows it. They know, for example, that we can say we should have an excess profits tax. That makes sense. Now, if a big oil company comes in the door and says: You know what, we are going to do our best to reduce our country's dependence on foreign oil, we are going to be more efficient and put more into research and development and do the right thing for the American consumers, we are going to say: OK, then maybe your excess profits tax—the hit against an oil company—is not going to be as high. That is reasonable.

At the same time, a lot of people know that a high percentage of the increase in the price of a barrel of oil is from speculation by people on Wall Street who have money, power, influence, and the ability to get information like that and make a huge financial profit. We should crack down on speculation. We can do that. The Federal Government can do that. We should give the Federal Government the authority to do that. We should give the President—any President—the authority to crack down on price gouging.

So there is much we can do. Listening to the other side of the aisle, their solution is that we can drill our way out of that situation. Nobody believes that. There is no evidence that we can drill our way out of this. If anything, that keeps us dependent on oil—not just foreign oil.

I think this idea that we sit back and do nothing is really not worthy of a long argument. We have to end our addiction to oil. We have to take specific, targeted steps to not just reduce our dependence on foreign oil but to provide equity here for the American families.

I believe a lot of the solutions Democrats have talked about have been very practical—an excess profits tax, taking away those tremendous billions in breaks oil companies have had, and also getting tough on the speculators, the people making a lot of money in the market, is another very practical way. Democrats have offered a practical set of solutions. We are waiting for the other side to come up with their solution to the pressure felt by the American family.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 6½ minutes.

Mr. BINGAMAN. Mr. President, I am glad to come to the Senate floor and join my colleagues in talking about the unfortunate votes that were cast this morning—one to go ahead and consider legislation to try to deal with the price of gasoline. That was the first vote where, unfortunately, we rejected the effort to proceed to that bill. The majority of Republican Members chose not to proceed to that bill, which was unfortunate. The second vote was to proceed to a bill that has the effect of extending the provisions that are currently in the Tax Code and particularly to extend tax provisions that are intended to encourage clean energy development. I wish to talk about that second bill in particular because it is one I have been involved in and have followed and supported for some time now.

The incentives we have in current law to encourage alternative energy development—wind energy, wind energy farms, wind turbine farms, solar energy developments in this country—most of those incentives were put into place in the current form in 2005 when we passed the Energy bill. There was great fanfare and rejoicing when we passed that. The President signed that bill in my home State of New Mexico, in Albuquerque. He rightfully took credit for the fact that this was being enacted, and he talked about the importance of these energy tax provisions.

I did not realize when we did that in 2005 that it was the administration's intent to allow those tax provisions to expire at the end of 2008. I thought the idea was that we would keep those in place long enough that we would provide incentives for people to pursue these alternative options.

We have now tried three times in this Congress to extend those energy tax provisions, and we have failed three times. So I rise to express deep disappointment and frustration with that vote. The implications of the vote are profound if we cannot persuade our colleagues to change their position. Clearly, if it is going to be our national policy that we are not extending these tax provisions, then we are going to suffer environmental consequences from continued reliance on power generated from fossil fuels; our efforts to reduce America's dependence on foreign oil will be cut short; our ability to create high-paying green jobs in these new energy sectors will come to nought; and our effort to promote research and development in these new industries will certainly not materialize. It is a sad day for us in the Senate; we are not able to move ahead and do this.

The first time this issue came up, the first time we tried to extend these tax provisions, the argument was that the offsets are the problem; you folks are trying to reduce the tax benefits enjoyed by the oil and gas industry in order to provide revenue to pay for these alternative energy tax provisions, and that is the objectionable part.

I did not agree with that argument. I voted to extend the alternative energy tax provisions and pay for it in that way, but I think the House of Representatives has heard that message and the House of Representatives has now sent us a bill, which is the bill we were trying to proceed to today, which does not try to pay for these extensions of alternative energy tax provisions by reducing tax benefits for the oil and gas industry. It leaves the oil and gas industry alone, and it finds some alternative ways to make up that lost revenue. The alternatives are ones which, to my mind, are very meritorious.

Of course, under our rules in the Senate that we have adopted in the Congress, we have to find a way to make up the revenue being lost. That is why we are pushing to do so, and it is the responsible thing to do. The alternative, of course, is to borrow more money from our friends overseas, to run up the deficit and let our grandchildren worry about it at some point down the road. That is not a responsible course.

One of the bill's offsets that we were trying to proceed to today would delay a tax benefit known as the worldwide interest allocation. That is a tax benefit that has not gone into effect. We would delay the effective date of it, again, for some period. There are a lot of corporations that have indicated to us they would support going ahead and delaying that benefit. This is not a tax increase from current law; this is keeping current law where it is.

The other offset would be to close a loophole that enables hedge fund managers to defer compensation by investing wages in offshore investment funds. This proposal would end that deferral, would require the hedge fund managers recognize the compensation that they receive as income when it is paid. This proposal does not increase taxes; it simply changes the timing of tax liabilities.

Describing this loophole, the New York Times says:

> Many hedge fund managers are enjoying not only extraordinary profits, but the extra benefit of a system almost encouraging them to set up offshore accounts.

What we were trying to do in this legislation is to say let's not encourage them to set up offshore accounts by giving them tax incentives to do so. That is a reasonable position, and it is one that we should definitely be enacting into law. I know 44 Members of this Chamber voted "no" in our effort to proceed to consider this bill.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator's time has expired.

Mr. BINGAMAN. Madam President, I do not see additional colleagues here. I ask for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I appreciate it. As I said, 44 Members of the Senate voted not to proceed to consider this bill and instead, I gather, to protect a handful of hedge fund managers from having to pay the normal tax that ought to be levied on each American when they get compensated.

Clearly, I think we have lost sight of our priorities. I know this is an election year. I know there are powerful special interests that are always saying just vote no, always resist whatever is proposed. The simple fact is, if we are going to turn the page, if we are going to turn the corner on our future energy needs, we are going to have to move ahead and put in place some policies that will encourage alternative energy development. We have fallen short in doing that now three times in this Congress. I hope we do not continue to fall short. I urge my colleagues to reconsider this, and I hope the majority leader will find a way to bring this issue back to the full Senate, even this week, if possible, so we can get a positive vote to proceed with this legislation.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Madam President, I rise today to warn the American people.

There is a Trojan horse riding across our country and onto the Senate floor. Its creators want everyone to believe that their climate tax proposal will clean the planet while causing minimum impact on our lives. They want us to believe that everyone will live happily ever after. However, this is not a legend or a fairy tale. Hiding inside this Trojan horse is a monster of a tax increase to pay for the largest expansion of the Federal Government since FDR's New Deal.

The nonpartisan Congressional Budget Office estimates that this proposal will cost the American taxpayer $1.2 trillion dollars in taxes over just the first 10 years of this bill. And that tax bill is only expected to rise with time. With the hefty price tag and a huge expansion of bureaucracy, the legislation actually does very little, if anything, to improve the environment. The American people cannot afford to pay for this reckless attempt at energy policy. Instead, we should let American ingenuity lead the way toward exploration of American energy, expansion of renewable energy, and increased conservation.

This Climate Tax bill imposes a cap on greenhouse gas emissions that can be released into the environment by certain businesses, and this cap will gradually reduce every year until 2050. The bill creates allowances that gives companies the right to emit specific amounts of these greenhouse gases.

Some of the allowances will be distributed for free to various entities. The rest of the allowances will be auctioned to the highest bidder. These allowances can then be sold, traded, or transferred. The cost incurred by businesses to obtain these allowances will be passed on to consumers, hitting low-income households the hardest. But before we talk about the revenue windfall for the Government and about the people celebrating this legislation, let's discuss the victims.

First and foremost, this Climate Tax bill will cost our economy and our working families greatly. Restricting carbon dioxide emissions drives our energy supply down. Just as the bill hopes to do, the price of energy would increase. With gasoline prices already over 4 dollars a gallon and predicted to continue rising, we will all be hurting.

According to the EPA, this bill will increase the price of gas by at least 53 cents a gallon. 53 cents. In my home State of Nevada, this would translate currently into about $4.68 a gallon at today's average price for regular gasoline. And gas prices aren't the only thing that will go up. Electricity bills will increase by 44 percent or more.

And the cost to our overall economy would be devastating. By 2030, the annual loss to the United States' gross domestic product could reach nearly a trillion dollars. The proposal is called America's Climate Security Act, but with millions of jobs being destroyed because of this bill, not many Americans are going to be feeling secure. Many of the jobs lost are going to be in the manufacturing and mining industries that support so many of our smaller and rural communities. These valuable jobs will be forced to move overseas to countries like China and India, where companies will continue to emit greenhouse gases freely and without constraint. In case you haven't noticed, we all occupy the same big greenhouse—the planet Earth. So Americans lose their jobs, but our air on our planet is still polluted.

In fact, this bill makes such a minor impact on the worldwide greenhouse gas emissions that any reduction in the United States is swallowed up by the uncontrolled and rapidly growing emissions of China, India, and other developing nations.

If emissions continue to increase in these countries, the problems resulting from the global warming predicted by many scientists may still occur.

It just does not make sense for us to dramatically restrict our greenhouse gas emissions if China and India do not do the same.

If this bill isn't good for our families, our economy, our workers or our environment, who is it good for? The special interests and Washington lobbyists. By auctioning off carbon emission allowances and giving away even more for free, there will be more than $6 trillion dollars worth of allowances and offsets and funds to dole out to a hungry and a fierce pack of special interests. It's being called "environmental pork," and the wolves are going to be ready to pounce. Hundreds of billions of dollars of that pork won't even stay here in America. Instead, it will be given away to foreign governments and companies.

So do we stand by as the proponents trot around this plan that means new taxes, higher gas prices, higher electricity bills, and more bureaucracy? In fact, the only thing this proposal reduces are the jobs of hard-working Americans and our standard of living.

Now, don't get me wrong, we absolutely need comprehensive energy reform. Americans are hurting at the pump and their budgets are being busted by rising cooling and heating bills. As a Nation, we are too dependent on Middle Eastern oil—a resource that is too often in the hands of brutal dictatorships.

But as is often the case in our Nation's history, we must look forward to a policy that unleashes the innovative spirit of Americans, takes a commonsense approach to our challenges, and rallies everyone to the cause.

We do this by encouraging conservation, efficiency, and renewable energy expansion through incentives, not by imposing unworkable mandates and impossible timelines.

As we spend time debating this legislation today, crucial tax credits that encourage innovation in solar, geothermal, wind, hydropower, and other alternative energy technologies are scheduled to expire. America's energy security needs those tax credits, and Congress should act to extend them immediately without offsets. The Senate took an important step toward that objective by voting 88 to 8—to include the bipartisan Clean Energy Tax Stimulus Act, which I sponsored as part of the Senate-passed housing bill. Now the House must act so we can send a bill to the President that can be signed into law as soon as possible.

With exciting energy technology on the horizon, we can't afford to let these tax credits expire. In Nevada, some innovative projects have already begun harnessing the power of the Sun and to provide energy to our residents.

Nevada Solar One in Boulder City is one of the largest capacity solar plants built in the world and generates enough electricity to power at least 14,000 households a year.

Nellis Air Force Base in Las Vegas has the Nation's biggest photovoltaic solar power system, which supplies 30 percent of the energy needs at that base.

Henderson has Nevada's first solar home community, where each home has a rooftop solar electric system that generates 4,400 kilowatts hours per year. And late last year, Ausra, Inc., selected Las Vegas as the site of the first U.S. manufacturing plant for solar thermal power systems.

The world's largest geothermal power producer is headquartered in Reno.

And Nevada is home to the only associate degree program in the Nation in energy efficiency.

This is the innovative spirit that has powered American progress for centuries and will continue to drive us toward energy security for the 21st century and beyond. Renewable energy is a large part of that security, and my renewable energy bill encourages further investment in all these technological advances.

I believe that energy efficiency is the key to increasing conservation of our nation's energy resources. For this reason, my bipartisan Clean Energy Tax Stimulus Act contains a number of meaningful incentives to put us on the path to greater energy efficiency and independence. My bill encourages Americans to make energy efficiency improvements to their homes and businesses. This bill also encourages appliance manufacturers to produce more energy-efficient appliances.

But we also need to grow America's energy supply so that our economy and our wallets are not in the hands of unpredictable and unyielding hostile nations. What can we do? We can open a new frontier in American energy. I'm talking about responsible exploration in the Arctic National Wildlife Refuge, or ANWR, recoverable oil in deep-sea resources, opportunities with oil shale, a new era of nuclear energy, and a push toward clean coal.

I know these projects are controversial. When I first started considering exploration of ANWR, I had serious concerns. Proponents and opponents have been very vocal on this issue. I sought out neutral information so that I could make an informed decision. When you really get to the bottom of the debate over ANWR, you learn a few things.

Exploration of ANWR, which would not impact habitat and wildlife, would be limited to a tiny area, roughly the size of a postage stamp on a football field. With such a limited environmental impact, the benefit would be great. ANWR could generate more than 10 billion barrels of oil, enough to replace decades' worth of oil imports from Saudi Arabia. ANWR alone could save the United States $40 billion dollars annually in money now spent buying oil from overseas. It would also create hundreds of thousands of jobs. Thirteen years ago, President Clinton vetoed legislation that would have opened ANWR for exploration. If he had signed it into law instead, 1 million barrels of domestic oil would be flowing into the United States every single day.

This is American oil that would create American jobs. I'd say that is a much better investment than filling the coffers of countries that despise America and use our money to further that hate.

And we can access more American energy through deep-sea exploration in the Pacific and Atlantic oceans. This doesn't mean we set up oil rigs on our beaches and our shores. Development would take place at least 50 miles offshore, well beyond the visibility from land and at the discretion of coastal State Governors. Again, with very limited environmental impact, the benefit would be great.

There are about 8½ billion barrels of recoverable oil and 29.3 trillion cubic feet of natural gas available through such deep-sea exploration.

Oil shale is another promising supply of American energy that could make us more self-reliant and less dependent on Middle Eastern oil. Oil shale can be mined and processed to generate oil. By far the largest deposits of oil shale in the world are found in the United States in the Green River Formation, which includes portions of Colorado, Utah, and Wyoming. If we estimate there are about 1.8 trillion barrels of oil from oil shale in the Green River Formation, it is three times greater than the proven oil reserves of Saudi Arabia. It is also important to note that more than 70 percent of oil shale acreage in the Green River Formation is under federally owned land. Another positive attribute of oil shale resources.

America has more than a 230-year supply also of coal. Making us the Saudi Arabia of coal. It would be irresponsible for us to ignore this valuable resource that is abundant and affordable. With the progress being made in clean coal technology, we need coal to balance our energy portfolio and make us less dependent on Middle Eastern oil.

Another energy supply that we can take advantage of right here on American soil is nuclear energy. America was once the leader in this technology, but we are so far behind today that if we don't make drastic changes in our policy, we may never catch up.

Nuclear energy is clean and safe. It causes no air pollution, no water pollution, and no ground pollution. Nuclear energy in the United States has never caused a single injury or death. Unfortunately, only 20 percent of our electricity is coming from nuclear reactors. Doesn't make a whole lot of sense, does it?

We have several challenges when it comes to nuclear energy. President Carter outlawed nuclear recycling back in 1977. Another terrible blow came with the requirement that all radioactive byproducts be disposed of in a nuclear waste repository. Today, Britain, France, and Russia are recycling their nuclear waste, negating the need for a controversial repository, like Yucca Mountain. France has actually used nuclear power to produce 80 percent of its electricity for the last 25 years. France also manages to store all its high-level nuclear waste in a single room.

On the other hand, lawmakers in the United States have been throwing billions of dollars at a mountain in Nevada that is unsafe and unfit for nuclear waste storage. And why on Earth would we bury material that could be recycled into more energy? I also believe we must create incentives for the private sector to tackle the challenge of spent fuel storage. We know that Yucca mountain is not an option. For this reason, I plan to introduce a bill to establish monetary prizes for achievements in the research, development, demonstration, and commercial application of spent fuel storage alternatives. In the past, prized competitions have been very effective ways of encouraging creative solutions to address difficult technological challenges.

Technology has led to tremendous progress when it comes to nuclear energy, coal, and many other energy fronts. As ranking member of the Commerce Committee's Subcommittee on Science, Technology, and Innovation, I have had the opportunity to delve into the latest advances, and they are exciting. I can tell you technology and innovation will be keys to overcoming our energy challenges into the future. No other single road—renewable energy, conservation, domestic supply—can get us there. But technology, together with these American energy resources, will help lift us from the control of unconscionable nations.

These are the answers to our energy challenges, not some ill-conceived fantasy legislation called America's Climate Security Act, that will only drive us into greater energy insecurity. We can, however, learn from history and if we open this Trojan horse, we shouldn't be surprised to be engulfed by hidden tax hikes, $5 dollar-a-gallon gasoline, and an army of new Washington bureaucrats.

Instead, let us put our resources into American ingenuity. The innovation that has always come out of our inventors, scientists, and entrepreneurs will fuel our quest for energy security in the 21st century.

Ronald Reagan once said:

> Preservation of our environment is not liberal or conservative challenge, it's common sense.

We need to come together to address this issue because it impacts every facet of our lives. I know that we can be champions of a commonsense energy policy that is environmentally responsible as well as economically responsible. Let's not look back on another 13 years and wish we had acted today. The price for inaction is clearly too steep.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, it is my understanding we have the floor until 4:36, if I am correct, which means I would not have time to make a presentation I wish to make on the bill that was pending, the one that we, fortunately, voted against cloture on earlier today. But let me make a couple comments, since I would not have time to do that.

First of all, I believe strongly that something wonderful happened last Friday. We have been fighting this battle for so long. People have been saying manmade gases—anthropogenic gases, CO_2, and methane—were the major causes of climate change. I have to say, I believed that back 7 years ago, when I became chairman of the Environment and Public Works Committee. At that time we found out how much it would cost if we were to ratify the Kyoto treaty and live by its requirements. Fortunately, that amount we did not ratify.

As time went by, I noticed in 2005 we had the McCain-Lieberman bill, also a cap-and-trade bill, which also tried to pin the problem on manmade gases—CO_2. I remember standing down here on the floor and some of the proponents of the bill were down here. In 5 days, only two Republicans from the Senate came down and joined me in this fight. It was lonely for 5 days. We explained to people, No. 1, the science wasn't there; and, No. 2, the cost to the average American would be comparable to a $330 billion tax increase.

Then I went back and looked at the tax increase of 1993. It was called the Clinton-Gore tax increase that was, at that time, the largest tax increase in the last 20 years. That was only $32 billion, so this would have been 10 times greater than that tax increase.

Then of course we came up with the bill in 2005. After 5 days we defeated it, but only two Republicans came down and joined me. I am so gratified that last week when we defeated the Lieberman-Warner bill, 25 Members came down and showed that they were not afraid to stand and tell the truth about the causes of global warming—the accusation of global warming, because global warming has not been taking place now since 2001. It never took place in the southern hemisphere. Last time I checked, that was part of the globe.

The problem was that no one would come down, but last week they came down, 25, and we defeated it. That would not have been comparable to an annual tax increase or cost to the public of $330 billion, as the Kyoto treaty would have, it would have been some $471 billion—a huge tax increase. But we did in our wisdom reject that. I feel very good about that.

There is something that has not been said that I think is necessary to talk about and that is we knew this was coming. The Senator from Nevada, Senator ENSIGN, talked about President Clinton's veto of the ANWR opening, the bill that was in December of 1995. What he didn't say was that we had voted in both October and November of 1995. The Senate voted to implement a competitive leasing program for oil and gas exploration and the development and production within the coastal plain of ANWR. That was actually passed. It was passed again on November 17, 1995. I will always remember that date because that is my birthday. It was voted on. Then of course a month later the President vetoed it.

Right down on party lines, in both November and in October of 1995, the Democrats voted against it, the Republicans all voted for it. Republicans want to increase the supply of energy in America. Those were three votes that show it. Again, in 2005—fast forward 10 more years: on March 16, 2005, the Senate voted on an amendment to the budget to strike expanding exploration on ANWR. The amendment to strike failed, 49 to 51. All the Republicans voted for the exploration, all Democrats voted against it.

Again, on November 3, 2005, 7 or 8 months later, the Senate voted on an amendment to prohibit oil and gas leasing on the coastal plain. The amendment failed 48 to 51; 48 Republicans voted against it and 40 Democrats voted for it.

June 2007—2 years later—the Senate voted on the Gas Price Act as an amendment. That was mine. You could have all the exploration you want, all the oil and gas you want, but if you cannot refine it, you are not going to be able to use it, so the Gas Price Act, I thought, was pretty ingenious. What we did was take those ailing communities that were adjacent to military communities, military bases that had been shut down by the BRAC process, the Base Realignment and Closing process, and would allow them to change that vacated area into refineries. It would save a lot of money because the Federal Government wouldn't have to clean them up to the standards of playgrounds; they could just be to the standards of refineries. It also provided that the Economic Development Administration would provide grants so people would be able to start up refineries. It was killed right down party lines. Again that was 2007.

Then in 2008, May 13 of 2008, the Senate voted on an amendment to expand exploration in ANWR and to authorize drilling in offshore coastal waters. Again, it failed down party lines. I could go on.

The next one I had was 2 days after that the Senate voted on a motion to instruct the budget conferees concerning increased exploration on the Outer Continental Shelf.

What I am saying is this: The first thing we learn when we go to school is that at least American symbols are very strong. They help us to understand that supply and demand is still alive and well in this country. It still means something. If we do not expand the supply of energy in America, then the price is not going to go down, it is going to go up. That is exactly what the Democrats have done by refusing to let us explore for oil and gas as well as nuclear, clean coal technology, and the other forms we need to use.

When it gets down to it, we know the cause of it. We know also we do not want to use the Energy bill. I am very glad the Democrats' energy bill—which didn't have any energy in it, zero, none—went down. Now we want an opportunity to introduce an amendment we have that does allow us to increase the availability and the amount of energy in America—either oil and gas, nuclear, or clean coal technology, and all the rest, wind, and all the renewables also. We need to do that. It is a simple thing. We need to quit blaming each other. We know how we got to this position. Now we need to change our behavioral pattern.

Americans right now realize—gas is $4 a gallon. I can assure you—I am not sure how it is in California and other States—in Oklahoma that is the No. 1 issue. In Oklahoma they understand supply and demand. We need to understand it in this Chamber too.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Is it my understanding the Democrats now have 30 minutes reserved? Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Madam President, I was interested to hear my friend from Oklahoma, the ranking member on my Environment and Public Works Committee, talk about how much the Republicans care about gas prices after they just tanked our effort to deal with them. It is extraordinary what we are seeing here, right before the eyes of the American people.

Last week they said "no" to global warming legislation. Global warming is real. The Senator from Oklahoma reminds me of the people who kept saying: No, the Earth is flat. No, cigarettes don't cause cancer. He is lining up with those people.

The vast majority of scientists tell us global warming is real. He bragged about how he beat us last week. Let me take a look at that. He said it was a wonderful thing that happened on Friday, when the Senate didn't get 60 votes to continue the debate on global warming and address it. He said it was a wonderful thing. I want to say to the 89 percent of the American people, who believe global warming must be addressed, because it is a moral issue that is facing us, because we have to protect this planet for our grandkids, because we need to get off foreign oil, have alternatives to foreign gas—and yes, in my State it is well over $4—we have to address it. He is celebrating the fact that we fell short.

Let me tell you we fell short by only six votes. We fell short by six votes. We had 46 Democrats for dealing with global warming now, plus 8 Republicans—54. We needed 60. He is celebrating.

We are going to be celebrating come November because we are going to have a President who is going to work with us on global warming legislation and we are going to have six more votes here in the Senate, I can predict. Because my friends on the other side of the aisle—with a few exceptions, very few—are fierce defenders of the status quo.

Let me repeat that. The leadership in the Republican Party and the vast majority of Republicans, save a handful, are fierce defenders of the status quo. They say no to global warming legislation which will get us off foreign oil, which will get us off big oil. They say no, today, to going after the speculators, going after big oil, making them disgorge some of that money so we can invest it in alternatives; going after OPEC and saying: If you are colluding, you are going to be held accountable.

They said: No, no, no. Yes, to the status quo; no to positive change for the American people.

They come down to the floor and they are happy about it. It is unbelievable to me.

The wonderful thing that did happen on Friday is we reached a high water mark. We reached 54 votes. The last vote on the global warming bill, it was 38.

The even more wonderful part is out of the people who were absent, who sent in letters who said they were with us, were the two Presidential candidates. So all that talk about celebrating the fact that we stopped global warming legislation is kind of a death rattle, in my opinion, for those people who do not believe they have to address this challenge of our generation.

I am looking at the young people here today, their beautiful faces. They deserve to have a good life in the future. I want to say to them today: You are here in an historic time because the window is closing for action. With global warming, if you don't act, you lose valuable time, because the carbon stays in the atmosphere for so long it becomes more difficult to get it out of the atmosphere.

Last week we came up six votes short even though we reached a high water mark on the bill. At the end of the day we now have a roadmap for change—46 Democrats voted yes to tackle global warming, 8 Republicans voted yes. What does that tell you about the two parties?

When I took the gavel in January after the Democrats took back this majority by only the slimmest of margins, I said I wanted to put global warming on the map because under the leadership of my colleagues on the other side of the aisle we did nothing to address it. The President has basically—and we know this for sure—interfered with the scientists in his own administration and not allowed the facts to be told. So we had 25 hearings.

The second thing I wanted to do is make it bipartisan. JOHN WARNER said, "I am with you. I care about my grandkids. I care about national security." The Naval Academy did a very important study that this is going to be the No. 1 cause of wars in the future as we have desperate refugees running away from droughts and famine and flooding and all the rest, and rising sea levels. When JOHN WARNER came across, I knew I had accomplished that. He did it for me. He made it bipartisan.

Then we got the strong bill out of the committee, we improved it, we got it to the floor, and we knew it had a lot of work. We got a letter from 10 people who voted for it who said: Look, Senator, and HARRY REID, we need to work on it. We understand that is what we have to do when our next President says let's go, let's get a bill through. So I think it is appalling that my ranking member of the Environment Committee would come down here and celebrate the fact that we were not able to move forward on global warming legislation, and furthermore said it is not real. He brought that out again.

I do thank those who engaged in the debate, both pro and con. It was a landmark debate. I only regret that the Republicans filibustered and we had to take the bill off the floor because we could have gotten a very good bill. It was a very good bill to start with and we could have worked on it and made it even better.

But, come November, we will see whether I am right or wrong. I think I will be right. One of the reasons I am right, and I believe we will have Senators here who are going to be hospitable to global warming legislation, is because we also need Senators who are hospitable to doing something about gas prices.

This is an amazing chart. Since George Bush got into office—do we remember this? He and DICK CHENEY were oil men. One of the reasons they urged for getting elected is: We know how to deal with the oil companies; leave it to us. We know how to deal with the Saudi Arabian princes; leave it to us. We will deal with it.

They dealt with it. There was a 250-percent increase in the price of gas—$3.94. This is old. It is now $4. This I used last week. It is already old; today it is $4. In my State it is about $4.40. You can't keep up with the increases in the price of gas. This is what we are facing.

So in the Senate today we said: All right, they said no to global warming legislation—which was a long-term answer to big oil.

What we would have done is we would have had a cap-and-trade system that would have put a price on carbon, gone between the free marketplace, and that would have led to trillions of dollars, I say to my friend, trillions of dollars in investments by the private sector, cellulosic fuel, automobiles that get 150 miles per gallon, electric cars, all the rest. That is the long-term solution pushing down demand. We all know that. Pushing down demand.

Now, the other side will say if you drill in a wildlife refuge it will solve your problems. No, it is false. Put aside that Dwight Eisenhower, a Republican President, set aside the Alaskan Wildlife Refuge and said this is a precious gift from God; set it aside. What are you going to do to God's creatures by drilling over there? Forget it.

Put it aside for the moment and talk about what you get. You get 6 months' worth of oil. You cannot drill your way out of this. Someone said—I think it was Senator MENENDEZ who made a great analogy. He said: Everybody says we are addicted to oil. Even our own President says we are addicted to oil. Let's say someone was addicted to drugs. Is the way to get them off drugs to give them 6 months' more worth of drugs? Does that help? No. No. No.

We need to figure out a way to get off of foreign oil, get away from big oil, because we know the developing nations are gobbling it up. And we also know we have done so little, so little to address the issue of energy efficiency, fuel technology. It is a sad thing. We have lost so much time.

Today at gas stations across the Nation, the American people are suffering. They are facing sticker shock. They are having to choose, choose between something they might buy at the store for dinner and filling up the tank. That is a fact. That is a fact.

I will never forget when Vice President CHENEY first sat down for his closed-door meetings with oil executives and energy industry lobbyists, and we said: We want to know what you are talking about, Mr. Vice President. What is going on behind those closed doors?

And he said: Oh, I am working to make energy affordable.

You know what gas was? It was $1.50. That is when he sat down with his friends in oil companies. We cannot find out what they talked about, but I can tell you this: Whatever they talked about was good for them, was good for the oil companies, was good for big oil. Gas is $4.40 a gallon in many California locations. I have seen gas prices as high as $5 in my State. So we have secret meetings with DICK CHENEY with the energy people, and gas went up 250 percent.

Again, these are old numbers. It is even worse. Gas went up 82 cents since January—82 cents since January. Again, it is even more than that now. It is way more than that, close to 90 cents.

In every case, you see the Bush administration saying they are going to do something. They never did anything. A lot of talk, a lot of yack, a lot of visits with Saudi Arabia, a lot of kissing on the cheek with the princes, holding hands. We saw the picture. What happened? This. Straight up. Two oil men in the White House. Is it any wonder?

Many of us said at the time, other people said: It is terrific, two oil men at the White House. They will know how to deal with the oil companies. Well, they sure knew how to deal with the oil companies. The oil companies never had it so good. And my Republican friends right here, with few exceptions, have fallen all over themselves to give those very same companies huge tax breaks, even as they are making record profits.

Listen to this: Last year the oil companies pocketed $124 billion in profits, up from $29 billion in 2002. That means they have quadrupled their profits since 2002, four times. Let's think about it, America. What happened to your salary? Did your salary quadruple? I think we know the answer to that.

We know Americans are losing ground. The average family is losing ground, thousands of dollars in lost revenue. Their salaries are not keeping up with inflation. The price of gas is out of sight. It is hard for them to get health care. Health care costs are out of sight. Food prices are going up. Everything is going up—tuition.

But what do my friends on the other side say? They want to give oil companies these great big tax breaks. They did in 2004 and 2005. Believe it or not, they gave them tax breaks worth over $17 billion over the next decade. And these tax breaks are free and clear. We did not even say—they did not say in the legislation oil companies have to invest in renewables, improving infrastructure, increasing capacity. No. You know what they did with the money? They spent $185 billion on stock buybacks instead of investing in clean, alternative fuels or new refinery utilization.

And as my friend in the chair said today, they are spending more on public relations than the average family spends in a lifetime because they know, when the American people really understand this, what the American people will think. Have you seen those beautiful commercials by the oil companies? We really care. We are doing so much.

Do you think they are doing all of these wonderful things? No, most of the money is spent on buying back their stock.

Unchecked speculation. I have heard some experts say that about one-third of the price of oil a barrel is due to speculation. We tried to pass a bill today that, first of all, said to the oil companies: That is the end of your break. You need to either invest your profits in the future, in other technologies, or give it back to us, and we will do it on behalf of the American people.

They said no. They will protect big oil until they have to pay the political price. Protect big oil, protect foreign oil. They protect foreign oil, OPEC. We said the Attorney General should be able to sue a foreign company or foreign country if they colluded on the price of oil. Oh, no, they could not do that to big oil either. They are in love with big oil over there. They are in love with foreign oil.

My people are saying: Enough is enough is enough is enough. It is no wonder that the American people want change, and they are going to get change. They are going to get it in November. They are going to bring it to us. They are going to bring us change.

The former oil men in the Bush administration have been uninterested in taking on the unchecked speculation. This vote reflects the administration. That is it. They all marched together.

Well, I think they are marching off a plank. The American people are smart and getting smarter every day. They know the pain they are feeling at the pump has a cost. They understand the speculation on futures. We address that. We address that in the legislation on which they voted no.

We said: You cannot take money and speculate on futures in an out-of-town market, an out-of-country market. You have to have transparency. Oh, no, they do not want transparency. That would be bad for the oil companies.

If anyone ever says to you: There is no difference between Democrats and Republicans, look at the debate we had on global warming, look at the vote on global warming, and look at the vote we had today. There is an enormous difference. And it has to do with whose side you are on. In the case today, it was are you on the side of big oil and foreign oil or are you on the side of the American people? It is pretty clear.

You have to look at Iraq. We have been in Iraq more than 5 long years. Do you remember what President Bush said when he went in? He said Iraqi oil would pay for the reconstruction of Iraq. He did. And look at what we have spent on this war. We are going broke on this war. We are into it longer than we were in World War II.

We are looking at trillions of dollars at the end of the day in the actual cost of the war, the cost of the reconstruction, the cost of taking care of our beautiful, brave, courageous, and incomparable men and women who are coming home in desperate shape.

What happened to George Bush's promise? They stand up, we stand down. Well, I think they are standing up. Why are we not standing down? And why did the oil not work out? Why were we not able to pay for reconstruction from the price of the oil?

It is very simple: We have had a destabilization in the region because of the war, and that contributed to these high oil prices. What a disaster—a disaster, a disaster, a disaster.

We would have today, had we had the opportunity to move forward on our legislation, not only sent a signal which could have done something, we could have investigated these companies for the kinds of illegal actions I believe some of them are taking. We could have gone after companies and countries for collusion. We could have gone after these excess profits and said: Look, we want everyone to do well, but let's have some fairness. I will tell you, the American people are not going to stand for it.

So we have had a very interesting few days. And my friend, the ranking member from Oklahoma, says how he is so excited. Friday was his best day—his best day—his best day—when a majority of the Senate said, yes, let's take up global warming legislation, and he opposed it.

His days are numbered on this point. All we need is six more Senators who are different than the many on the other side, and we are going to get that. People want this. We know 89 percent of the people want us to address global warming.

When we do it in the right way, we will send a signal that America is ready to lead. America is ready to work with the world so that we get off of foreign oil. We are not dependent on countries we do not want to be dependent on; we are not dependent on big companies that can care less about our families. They do not care one whit about our families. The executives are making millions and millions and millions of dollars every year on salaries, on bonuses, on expense accounts.

Well, the average family in America is struggling. So I hope the American people are watching. Last week we had a monumental vote, the high water mark. But they stopped us. Today, we had a good vote also, but they stopped us. They stopped us from doing anything about gas prices, and their answer is drill in a wildlife reserve which, at most, gives us 6 months of oil, and, by the way, destroys a gift from God that a Republican President said is not an answer.

That is feeding the addiction. Are there places in America we could drill? Yes, there are. But what we need is a whole different long-term strategy. And that long-term strategy and fighting global warming will throw us off this dependance. That will make us a leader in the world. That will create green jobs, technologies we can export, and we will have an economic renaissance in the Nation.

We will be the leader the world again when it comes to the environment and the good-paying jobs. In the short term, we need to go after the speculators like we wanted to do today. We need to go after companies and countries who are colluding. These are the things we need to do.

We were ready, willing, and able to do it today. In closing I will say this: Whose side are you on? That is a question that every one of us has to ask ourselves. It ought to be: I am on the side of the American people, of America's families, of America's middle class, who is getting squeezed.

It ought not be: I am on the side of big oil. And my Republican friends on the other side again, on the vote last week and this vote, have chosen sides. And the American people will decide who they want to have leading the country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have had some unusual developments in the Senate in recent days. No sooner had the majority in the Senate moved to the cap-and-trade bill, for which they were demanding the debate be limited and utilizing a procedure by the Democratic majority leader to basically fill the tree, which eliminates free debate of amendments on the bill—this was a piece of legislation that was claimed to be one of the most important to be offered in the Senate.

In the early 1990s, when the clean air act amendments were passed, 131 amendments were disposed of during that debate, and it took 5 weeks on the floor. This bill has more far-reaching and pernicious ramifications than the Clean Air Act Amendments. Yet they were going to end the debate and begun to spin the issue as if the Republicans were filibustering the bill. That is what they said repeatedly: Republicans were filibustering the bill. But in truth we wished to talk about the bill. We asked to be able to do so and use the 30 hours which Senate rules allow to discuss the legislation, and our request was treated with great horror, as if this were somehow a plan to reject a discussion of the legislation.

Well, no sooner had we done that and gotten through that, and the majority leader filled the tree to limit real amendments on the bill—amendments he did not approve—then, the majority leader came forward and moved to move off the bill, to move away from cap and trade—the centerpiece of their philosophy about what is happening in energy in America today—and he wanted to move to their Energy bill, which I think can legitimately be referred to, in utilizing senatorial license, as a no-energy bill. I will talk about that in a minute.

It is not an energy bill. It is not going to produce any energy. It is weak to a degree that is breathtaking. It is not what the American people are upset about. It would not come close to helping us deal with the serious problems we face.

So I would say, this is a weird kind of event here. The no-energy bill I understand they would like to move to—and wanted to move to—would authorize the U.S. Government to sue OPEC nations that are withholding and reducing supplies of oil on the world market in the way we would sue an American company that was manipulating the market by withholding products or otherwise colluding to fix prices. Now, that is exactly what OPEC is doing. What they are doing is unacceptable, and it needs sustained, relentless leadership by this administration and this Congress to stand up to OPEC and confront that because they are effectively raising the price of oil by restricting supply. I understand other nations are seeing declines in production as well, including Mexico and Russia. So we are creating shortages in the marketplace, allowing people to make large amounts of money—corporations and others—but the people who are primarily making the money are oil-producing nations. Go look at the skyscrapers they are building in the desert, the billions and billions of dollars they are receiving from us as a result of these high prices, as a result of tripling the price of oil on the world marketplace from the forties just a couple years ago to now over $130 a barrel. So you were getting $40 for each barrel of oil one year, and a couple years later you are now getting $130 for each barrel in your small country. The bigger countries, of course, make more money because they produce and sell more oil.

We are sending overseas each year from our Nation $500 billion a year to purchase the oil that comes into our country. It is half the trade deficit we have—half of it—just to purchase this oil. It is not getting better, and we have no policy before us to legitimately do something about this other than the one Senator DOMENICI and Senator MCCONNELL and the Republican leadership offered a few weeks ago, which was rejected.

Let me explain what this no-energy bill and its NOPEC provision would do. We would sue OPEC nations for refusing to increase their production. Now, how you get jurisdiction over a sovereign nation—the Presiding Officer, a former attorney general, as I have been in a previous life, knows jurisdiction may sound like a little thing. It is not such a little thing to get jurisdiction over a sovereign nation to order them to produce more oil out of their ground.

But I would submit to you, the idea is so weak and so implausible and so unenforceable that it would be a laughable thing if it were not so serious because we do have a problem with OPEC nations and others who are fixing the price of oil.

See,, oil production is an essential part, I would suggest—and I think most any court would conclude—of sovereignty. A sovereign nation can produce as much of its oil as it wants to produce. You cannot make them produce more oil because you would like them to. They are not like an American corporation, subject to the jurisdiction of the court. Part of the protections of the laws of America, they become subject to lawsuits—but not a foreign nation.

We do not want them suing us to say: You ought to open ANWR—or perhaps we might. Open Alaska. Open offshore. Now, that has, perhaps, a lawsuit that might have some merit. Or maybe sue the Congress for voting not to produce more oil and gas off our shores over the years. At least you could get jurisdiction over Congress.

So this is not a serious response, I will say to you. It is not.

Now, in addition, they propose in this Energy bill to tax the oil companies, but taxing the oil companies will not produce more energy. You can take this to the bank. It is a concept of universal acceptance. When you tax something, you get less of it. What we need in this country is more energy, not less. We need more cleanly produced, clean American energy. That is what we need more of. That is what people are complaining to me about.

When I go back home and talk to my constituents, they are upset. They are outraged. According to the national reports that came out yesterday, the people in my home county in Alabama—the citizens there—pay a larger percentage of their income to buy gasoline than any other county in America. It is because they are rural, they have low wages. They do not compete with the big-city wages, and they have to travel so far to work.

That is a very painful thing. It brings it home to me personally. I filled up our smaller car this weekend, and it cost $61. People have larger cars. They bought them years ago. They cannot just go out and sell their SUV today—what price would they get?—sell it so they could buy some Prius. Where are they going to get the money to do that? We would like them to. We would like them to move to those kinds of vehicles in the future, but it is not possible today.

So the "masters of the universe" who think we can pass a bill and allow the price of energy to be exceedingly high and that the people will adjust their habits so they can reduce the price of oil, are not in the real world. Let's get with it.

I tell you, my constituents are unhappy, and they want us to do something to confront, in a realistic way, the surge of prices that are impacting their budgets very seriously. They also understand these rising prices that are taking money out of their budget are also impacting the businesses they deal with and see and, perhaps, work for and it is making us less competitive in the world marketplace and it places us in a position to see our economy sink in general and it puts at risk their job. It affects how many hours they might work a week and whether they can get overtime or whether they get a bonus. That is what people are worried about.

So what do we have before us? A cap-and-trade bill that is guaranteed, according to the Environmental Protection Agency, to drive up the cost of gasoline $1.40 a gallon to meet Kyoto-type agreements we did not sign and we have not approved. That is not what people are telling me they want us to do. They want us to produce more clean American energy.

Well, I hate to be partisan about this, but I think we need to talk about how we got here, what happened in this country to get us in as bad a shape as we are. The trends have not been good in terms of a rising demand for oil and energy and a not-rising-so-fast supply, but there are things we could and should have done and some things we did 2 years ago that are being reversed.

In 2005, for example, this Congress, when Senator PETE DOMENICI chaired the Energy Committee, recognized the potential of oil shale in the Energy Policy Act that became law. The act identified oil from the shale rock out in the West as a strategically important asset and called for its development. Yet, last year, the Democratic-controlled Congress, led by the House of Representatives, put in language that blocked and reversed the development of this abundant resource despite the surging price of oil and gasoline.

In the recently passed Energy Independence and Security Act, the House-sponsored section 526 prohibits any Federal agency from contracting to procure any alternative or synthetic fuel that produces greater life cycle greenhouse gas emissions than those produced from traditional fuels. This language prohibits the Federal Government from contracting to produce and use oil shale and coal-to-liquids. This provision is misguided and should be repealed immediately.

Now, let me tell my colleagues—I know the Presiding Officer is familiar with a number of these issues—a representative of U.S. Air Force was in my office a few weeks ago discussing a contract they had with a company that would take coal—we have 250 years of coal in America. It is an American energy source. You can heat that coal and off comes a gas which can be converted through a known and proven process to a liquid, and they were going to use it in their airplanes to fly U.S. aircraft with it. But the Air Force representative told me the language in section 526 had blocked them. Coal-to-liquids derived fuel is a fabulously clean fuel. It actually cleans the engine, so when you use this fuel, the pollutants and waste products have been taken out, and it is a very pure fuel they burn, and the Air Force was expecting to be able to bring this fuel into the U.S. Department of Defense for around $85 a barrel. That is well below the more-than-$130 a barrel cost that is on the world marketplace today, and it is a source of energy that does not leave the U.S. Air Force dependent on foreign sources of oil to fuel our Nation's aircraft in the defense of America. But this effort has been blocked by the Democratic majority.

The 2005 Energy Policy Act, which Senator DOMENICI led when he was chairman of the Energy Committee, also directed the Bureau of Land Management to lease Federal lands for oil shale research projects. There are approximately 1.8 trillion barrels of oil in oil shale rock, but it is hard to get out. It is not easy to get out. It takes some effort to produce that, but some major companies are prepared to invest billions of dollars to prove that it can be brought out well below the current world price of oil. I would have thought we would have been delighted to see this go forward—at least in an experimental way—and see how that would work out. But oh, no. This Congress, again with a Democratic majority, acted to block the development and the carrying out of this provision that would promote oil shale. The Senate-sponsored section 433 of the Consolidated Appropriations Act—this was the monumental appropriations bill that was about this thick. They slipped language in, in conference, to take care of that. It would prohibit funds from being used to implement any leasing program directed to the Bureau of Land Management, as had been approved in 2005, effectively stopping this program.

I will just say that is frustrating. We are sort of in a manner of disconnect here to an extraordinary degree. The American people want us to do something. Oil shale: Well, it is not going to be easy, but this is not a dreamland idea. It absolutely can work. One company is using the same technology that was used by the oil sands industry in Canada that has proven to be quite commercially feasible. We need to be testing this because 1.8 trillion barrels of oil in oil shale would be enough for 100 years of oil—actually, 200 years of oil at our current rate. So oil shale, if we could make that breakthrough, would make us completely independent of foreign oil. We have huge reserves offshore, as the Senator from Louisiana knows. He is out there. He is in Louisiana, and he sees the production that survived Hurricane Katrina, and as a result, we were able to get those systems back on line with no oil spills or damage to the environment.

I thank the Chair for letting me share this frustration. I don't know where we are going now, but I know one thing: This Congress does not need to leave this energy debate without creating some policies that allow for more production of clean American energy. We can do that. We are going to continue using oil and gas for many years to come. Why in the world would we want 60-plus percent of it to be foreign oil? Why wouldn't we want to at least produce what we can at home—and really we can produce quite a lot at home. It is very frustrating that attempts to do that have been blocked by persons whose thinking, I believe, on this issue is confused and not in the public interest.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, in the year 64 A.D., there was a tremendous fire in Rome, and legend has it that the Emperor Nero fiddled while Rome burned. Well, I am afraid that if we continue to fiddle in the Congress while gas prices continue to go up and up and hurt all of our constituents in a deep abiding way, Nero will outpace us in terms of his legendary action compared to our inaction.

We are truly fiddling while this enormous crisis of rising gasoline prices hits every family we purport to represent. We are doing nothing significant, nothing important to address this crisis.

Why do I say that? Well, when this new Democratically led Congress took office a couple of Januaries ago, prices at the pump were about $2.33. That new leadership of the Congress—the Democratic leader in the Senate as well as the Democratic leadership in the House—said that this was unacceptable. They vowed that this was a major issue they would address, that they would attack in a focused, meaningful way. Well, a year and a half later, things have changed. The price at the pump is now about $4 a gallon. It has gone up and up, and this Congress has done little to nothing.

To add insult to injury, the Democratic leadership in the Senate proposed legislation today that centered around major measures that can clearly change the price at the pump, such as a windfall profits tax and language to sue OPEC. I find this insulting, and I believe the American people do, because that sort of political demagoguery and posturing is no substitute for real energy policy.

Yesterday, I was in my home State of Louisiana. I had two townhall meetings. About a week before that, I was all around the State; I had nine others. Folks asked again and again: When is Congress going to act? When is Congress going to do something meaningful about these escalating gasoline prices? I laid out my ideas. They were reacted to in a very positive way, particularly the need for us to do more for ourselves right here at home to produce more energy.

Certainly nobody in those audiences had very kind words to say about OPEC. Nobody was standing up and lauding the big oil companies. But by the same token, they know the difference between political rhetoric and posturing and real energy policy. They certainly know that a bill to sue OPEC and try to impose a Carter-era windfall profits tax on big oil companies isn't going to do a darn thing, at least on the positive side of the equation, to stabilize and lower gasoline prices at the pump. It is going to have no meaningful impact, certainly, to produce more energy and bring those prices down.

So I come to the floor to urge all of us—Democrats and Republicans—to come together to get real and to act in the face of what is a true economic crisis for millions upon millions of American families.

As I say, it is easy to agree that OPEC or big oil is a cheap political target. It is easy to agree that it may be popular superficially to kick them around and to politically bash those easy targets. But I truly believe the American people are smarter than that and can distinguish between political posturing, political rhetoric, and a real energy policy. I think it is particularly true with the windfall profits tax proposed by the Democratic leadership today.

Now, why do I say that is not a real energy policy and it won't lead to stabilizing and reducing prices? Well, there are three main reasons:

First, the entire notion of a windfall profits tax is a misnomer. Oil company profits are very big when you look at them in dollar terms. Why is that? Mostly for one simple reason: Oil company activity—exploration and production—is enormously expensive. As a result of that, the major oil companies are enormously big companies—big economic actors—so the dollar terms we bandy about having to do with their activity is enormous. But, of course, when you talk about profit, you can't talk in simple dollar terms; you have to talk in percentages.

So what are those percentages? Are they, in fact, windfall profits? Well, the last year for which we have data is full calendar year 2007, and in that calendar year oil and gas companies' profits were, on average, 8.3 percent. How does that compare to everybody else? Well, for all of the U.S. manufacturing sector—a sector we always decry as in decline, being outsourced, being out-competed by competitors such as China and India coming on line—that entire sector had a profit of about 7.3 percent. If you take out U.S. auto companies, which have historically low profits, unfortunately, then the entire U.S. manufacturing sector made a profit of 8.9 percent. So these outrageous windfall profits folks talk about of the oil companies are, in fact, very much in line with that: the whole manufacturing sector, 7.3 percent compared to 8.3 percent. Take out auto manufacturers, and, in fact, then the profit rate is higher, 8.9 percent compared to 8.3 percent.

The second reason this entire focus and argument is silly and not real energy policy is when you look at whom you are hurting. Now, the proponents of these sorts of measures talk about going after windfall profits as if oil company executives own it all. Well, they own some—1.5 percent of the companies we are talking about. Who owns the rest? Well, over half of oil company shares are owned by mutual fund companies which are widely owned by Americans. That manages to account for nearly 55 million American households. Median income of these households, by the way, is $70,000 or less.

Pension funds, both public and private, hold 27 percent of the shares in the energy industry. That means 129 million pension fund participants, who have accounts worth an average of about $63,000, own the companies we are talking about. Twenty-eight million of those pension funds are for public employees, including teachers, police, fire personnel, soldiers, and government workers. So these are the folks who own these companies that we are supposed to go after.

The final and most important and compelling reason this notion of a windfall profits tax is a red herring is that it won't produce more energy. It won't stabilize or lower prices at the pump. It won't help the situation. It will, in fact, make it worse.

Why do I say this? Because we have historical experience to turn to to see what happened. Under President Carter, we tried this experiment. In terms of boosting energy production, stabilizing or lowering prices, it was a miserable failure. From 1980 to 1988, we had a windfall profits tax. That reduced domestic oil production by up to 8 percent, while dependence on foreign oil grew over that time up to 13 percent.

So instead of this sort of tax approach to the oil companies' tax approach to energy, we need to produce more energy, more supply, to stabilize and lessen prices. As my colleague from Alabama mentioned a few minutes ago, one of the first rules of economics is, if you tax an activity, you are going to drive it down, lessen that activity; you are not going to drive it up.

If somehow this tax plan—windfall profits tax—or the myriad other tax proposals the Democratic leadership has brought to the floor would help solve our energy problems, I would be all for it. But it is going to make us produce less energy, not more. What will that do? That won't stabilize or lower gasoline prices at the pump. It will drive them up.

Let's get serious for once. As the American families we represent face a true crisis, let's put people ahead of politics. Let's put sound policy ahead of political posturing. Let's focus on what can make a positive impact. We need to do much in this regard, on the supply side as well as the demand side—conservation, greater efficiency, more R&D, and new fuel sources. But at the same time we need to focus on the demand side, on what can help us produce more safe, clean energy here at home. We have those resources here at home. We can access them safely and in an environmentally friendly way. But in order to do that, Congress needs to get out of the way and allow States and private industry to do just that.

Offshore is a big piece of that puzzle. That is why I have brought to the Senate floor my proposal that says if these outrageous prices at the pump actually hit $5 a gallon, then we will allow exploration and production in our ocean bottoms off our U.S. coast—but only if two things apply: First, the host State involved would have to want this activity. So the Governor and State legislature in that host State would have to say, yes, we want this activity off of our coast, we want to be part of the solution to help meet the Nation's energy needs. Secondly, that host State would get a fair share of the royalty, or revenue, from that ocean bottom production, 37½ percent, building on the precedent, the policy we set 2 years ago in opening some limited new areas in the Gulf of Mexico. That actually does something about energy. That actually would increase supply right here at home, would lessen our dependence on dangerous foreign sources, would help stabilize and bring down prices at the pump—something the political posturing of suing OPEC or putting in a windfall profits tax, a Carter-era idea, on the big oil companies would not do.

Let's not fiddle while Rome burns. Let's get serious. Let's act respectfully to the situation, the real crisis so many Americans face. Let's come together in a bipartisan way and act, not posture, and debate and talk but act with real energy solutions. We need to do this, as I said, across the board, on the supply side and on the demand side to lessen demand through conservation, increased fuel efficiency, and new energy sources.

We need to come together and act now, rather than simply giving political speeches and endlessly posturing and going after easy political targets.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I rise today to speak about American energy independence, energy self-sufficiency, and specifically to talk about clean coal and clean coal technology.

I have introduced a number of constructive amendments to the Lieberman-Warner climate change legislation. But one of the most important of those was the need to address the future of clean coal technology.

If this body chooses to pursue cap-and-trade legislation, we need to ensure that the Senate includes provisions to bring about the energy security our Nation needs. The so-called cap-and-trade legislation would impose greenhouse gas emissions and mandates that are unrealistic in scope and in timing.

In a time of high energy prices, in a time of housing deflation, in a time of food inflation, taxpayers cannot afford misguided policies that hamstring our economy. Our competitors—India and China—are not constraining their economies with carbon limits. Global issues deserve global responses. Blindly imposing Government regulations will force heavy burdens on utility consumers, on labor, and on American families.

Last week, the record was clearly laid out that this proposal raises consumer prices through Government mandates. I believe most Americans favor policy approaches that balance America's need for energy with environmental protection.

In order to avoid substantial economic fallout, Federal funding is not only warranted to help American commerce meet this challenge, it is essential.

Despite the recent pace in developing clean coal technologies, America cannot afford to simply give up on this challenge. Coal is abundant. Coal is affordable. Coal is reliable. Coal is secure as an energy source. Coal can also become a very clean fuel.

As noted in the May 30 front-page article in the New York Times, America will continue to rely heavily on coal-fired electric generation for decades to come. The New York Times reporters are merely recognizing what is abundantly evident from official Government predictions.

The article also aptly notes that coal-fired generation holds great promise for reduced carbon dioxide emissions. America's energy policy must not simply deliver sustainable energy; America's energy future must incorporate a vision for a safer, cleaner, and healthier environment. Clean, coal-fired electric generation must be an integral part.

The challenge before us is significant. Reduction of greenhouse gas emissions from coal-fired powerplants will be possible through first capturing carbon dioxide emissions and then sequestering them underground. Both will take time and both will take money.

In order to achieve this challenge, the Federal Government and private industry must partner in funding research and technological innovation. Timing is critical. America needs to make a serious and substantial investment in research and developing commercial technology.

In order to achieve energy security and a clean environment, the Federal Government must demonstrate its commitment with targeted, upfront financial support. We must show leadership, not merely dictate flawed policies and hope for the best.

What does this mean? If Congress mandates reduced emissions, it is incumbent upon us to also provide the policies to allow our own economy to succeed.

Proven, commercially available, cost-effective technologies must be developed with respect to carbon capture and sequestration. These technologies must be efficient, effective, and allow America to continue to compete globally.

The amendment I have filed would direct $50 billion in revenue from emission allowances—$40 billion for the demonstration and deployment for carbon capture technologies, and $10 billion for large-scale geologic carbon storage demonstration projects.

This is an enormous investment, but it is also necessary. This amendment is technology neutral. It would not rely on Government to dictate the favored type of carbon capture mechanism. Incentives would be provided by the choice of the recipient as a loan guarantee, through incremental cost sharing, or in the form of electricity production payments for each kilowatt hour produced.

This amendment includes aggressive but achievable technological milestones. It also establishes a timeline for new projects over the next 7, 8, or 10 years. This amendment is reasonable, rational, aggressive, and achievable.

Making this investment comes down to a choice between two things: one, Congress taking responsibility for the mandates proposed; two, regulating the economy and turning its back on ratepayers, on manufacturers, and on American families.

Without investment in coal, it will mean higher heating and higher cooling bills that will continue to ripple through the economy, picking winners and losers.

Last week, some Members of this Chamber insisted upon policies that would raise prices at the pump through regulation. Today, they tried to address the runup in gasoline prices by raising taxes.

I will tell you that the rising prices of gasoline are hurting the people of Wyoming and the people across this country—truckers, ranchers, commuters, and all American families.

I adamantly disagree with the so-called "solutions" proposed by the majority, which were higher taxes and more regulation. I urge my colleagues to allow real solutions to today's energy prices, including American exploration and investment in American technology. It is time to enact a prosperous path for the future of America's energy and America's economy.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Wyoming for his comments. He is well aware of the spirit of community in Wyoming, which relies on jobs, like everywhere else. He makes points about how important all of the energy sources in Wyoming are, and particularly coal, and the opportunities we have for the American people to make coal even better, even the clean coal we have in Wyoming.

TRIBUTE TO DAVID TROWBRIDGE OF LINGLE, WYOMING

Mr. President, I rise today to talk a little bit about some of that spirit of community in Wyoming. It also has to do with the spirit of community in Mississippi.

Shortly after Hurricane Katrina, I went to visit down there and see what had happened. I definitely had to admit that Louisiana had been drowned. Then I got to see Mississippi, and I saw they not only were drowned but they were blown away. I saw one place where there were oak trees that were easily 2 feet in diameter that had been snapped off about 6 feet above the ground from the wind. The devastation down there is almost impossible to imagine. I always say a picture is worth a thousand words, but being on the ground is worth a thousand pictures. We got to see that. It still is an area that is in recovery.

Today, I wish to recognize the actions of one Wyoming man who left his home out West to go help his fellow Americans down South. He has done more than simply lend a hand to a small Mississippi town devastated by Hurricane Katrina. He lent his heart, and he is an example for all of us to follow.

David Trowbridge of Lingle, WY—one of our small towns—is quite a hero. Shortly after Hurricane Katrina ravaged the gulf coast in 2005, he joined a group of volunteers from his church on a trip to Bay Saint Louis, MS, where they provided aid to storm victims. There, David witnessed firsthand the utter destruction of the hurricane—the lost loved ones, the wrecked homes, and the destroyed livelihoods.

Upon returning to Wyoming, Mr. Trowbridge vowed to go back to Mississippi and help as many people as possible. I have learned from members of his small church in Lingle that Mr. Trowbridge is a man of his word. He did go back, and he is still there helping.

In June of 2006, he purchased a motor home, loaded his tools and moved from Wyoming to Bay Saint Louis indefinitely. I have to tell you, we hope he comes back before the census because Wyoming can use the population. Since then, Mr. Trowbridge has spent his time working with First Baptist Church to help others rebuild their homes and their lives.

In all, he has worked on 62 houses in the Bay Saint Louis area. From roofing and laying tile to painting and plumbing, Mr. Trowbridge has provided critical building repair services to many grateful families. He has also played an integral role in training the thousands of volunteer teams that flocked to Bay Saint Louis to assist with the rebuilding process. He teaches the volunteers the skills they need to repair homes. Then he works side by side with them, helping the volunteers to finish their projects and achieve their goals.

Mr. Trowbridge has changed countless lives through the giving of his time and labor, and he has done it all without asking anything in return. His work is completely volunteer. Aside from a few donations here and there, Mr. Trowbridge has funded this journey through personal savings. He has reached into his own pockets to give new hope to people who lost theirs in the storm. That goes to show the depth of his selflessness.

Mr. Trowbridge represents the true spirit of giving that we in Wyoming know so well, and I am proud he is sharing that Wyoming sense of community with those affected by Hurricane Katrina. He is an inspiration of hope and generosity, and his effort serves as a testament to what just one man can accomplish when he sets out to make a positive impact on other people's lives.

Mr. Trowbridge is a man of faith and heart, and we can all learn from the example he set. I ask my Senate colleagues to join me in thanking him for all the work he has done and the hope he has brought to Bay Saint Louis, MS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Wyoming for bringing to the attention of the Senate the good works of a man who embodies compassion, sacrifice, and service.

A few weeks after Hurricane Katrina hit the Mississippi gulf coast, David Trowbridge of Lingle, WY, traveled with a group of his fellow church members to Bay Saint Louis, MS, to help the victims of this terribly destructive disaster. Because of the extent of the destruction he saw and the enormous challenges that confronted the storm victims, David Trowbridge purchased a motor home and moved to Bay Saint Louis so he could devote full time to the recovery effort.

He helped rebuild properties that had been destroyed or seriously damaged, including housing for other volunteers who needed a place to stay and help. His carpentry skills have been a valuable resource, not only to help rebuild homes but which also enabled him to train hundreds of unskilled volunteers to assist in the rebuilding efforts. These volunteer teams have worked on over 1,400 homes in the communities of Bay Saint Louis and Waveland.

People in Bay Saint Louis refer to David as a fixture of the community. They have praised him as a hero. In fact, he is on a first-name basis at homes and businesses all over town.

The Mississippi gulf coast was devastated by Hurricane Katrina and is still struggling to recover. But were it not for the unselfish, hard work and dedication of David Trowbridge, my State would not be as far along as we are in the recovery process.

Thank you, David Trowbridge.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Mississippi for joining me in this tribute today for David Trowbridge. We do this as a reminder that there are still problems that need to be fixed from August 2005. The people down there are very appreciative of the help they get. Of course, we are reminded, as there are tornados hitting all over the United States, that there are people in other parts of the country who need help as well.

It is the American spirit to reach out and help other people. Often it is done without any kind of a call, any kind of notice. People hear about these needs and they show up and they do the work. We need to keep them all in our minds and our prayers and, when we get the opportunity, to give a little bit of special mention of somebody who goes out of their way, takes money out of their own pocket to help out. That is what America is about—people helping people. David Trowbridge is an outstanding example of that.

I thank the Senator from Mississippi, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

(The remarks of Mrs. DOLE pertaining to the introduction of S. 3108 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. DOLE. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak for whatever time I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, to review where too many families are today in our great country, we have 324,000 people—324,000 people—who have lost good-paying American jobs just since this January. Just this January, not last January, not the January before or the January before but just in the last few months, 324,000 more Americans—middle-class Americans, working hard every day and trying to keep up with the gas prices, trying to keep up with the mortgage payment, pay for food, send the kids to college, probably having a bigger health care bill—have lost their job and gone, probably, on unemployment compensation to be able to help their family to be able to continue. And, Mr. President, 72,000 of those individuals and families impacted come from my great State of Michigan, with 49,000 jobs having been lost since May, 17,000 of those lost in Michigan since April.

At the same time, we all know gas prices are now at $4 and going up, foreclosures nationally are over 702,000 homes this year, with over 31,000 of those in Michigan.

All of that is to say that we have a picture now of middle-class Americans, of those who believe in America, who are and who have been working hard every day, who want the American Dream for themselves and their families finding themselves being hit over and over again with one cost after another. Even those who have not lost their jobs are concerned that they may. Will the plant stay open? Will the employers keep the same number of people on when their costs are going up? Too many people have gone from $28 an hour to $14 an hour, or $30 an hour to $10 an hour.

What we are seeing across the country is people who are desperately concerned about their ability to keep their standard of living and to remain in the middle class of this country. In many cases they are desperately concerned about simply being able to put food on the table, being able to get the money to put the gas in the gas tank so they can go look for the next job.

With this backdrop—and with millions of Americans saying: What about me? What about my family? What about some kind of action that will help my family, and understand what we are going through right now? With all of that as a backdrop, what we have seen today, once again, is absolutely outrageous. It is absolutely outrageous. Two very important bills were brought forward where we simply asked to be able to proceed to discuss them, and once again the Republican minority has said no. They blocked everything, stopped everything. No. No.

There is no sense of urgency, no sense of urgency about gas prices, no sense of urgency about getting off of foreign oil and energy independence. There is no sense of urgency about what is happening to families every single day.

It is amazing to me, when we look at the numbers. We have in fact had so many Republican filibusters we have to Velcro the chart. In the interests of conservation, in the interests of not having to print up multiple charts a day and waste good old posterboard, we actually have had to Velcro the numbers because they change so much. Twice today—we have now well exceeded what was a 2-year high in previous Senates in the over 200-year history of our great country. We did that last year.

What does that mean? This all sounds like insider process kinds of things—it is just folks talking about partisan politics. The reality is we are talking about whether the Senate is going to be able to move forward to debate issues and solve problems that people care desperately about. They do not care whether this is an election year or not an election year. They don't want excuses. They want us to get something done because they are trying to figure out how in the world they are going to be able to keep things going and make ends meet for their family in this great country we call America.

We have seen 75 different times that there have been filibusters that have been blocking our ability to actually get something done. What was filibustered today? What efforts were made to block us today? First, a very important bill, the Consumer-First Energy Act, to take on what is happening on gas prices. I know, talking with my family, home this weekend—folks were looking at me, saying: What in the world is going on? What can be done?

We have put together legislation multiple times to address it, short term and long term, as it relates to gas prices which are so outrageously high. But over and over again we are blocked. Why? Because the oil companies do not like it. That is what this is about. Unfortunately, the oil companies do not want to see us move in the direction of being able to tackle issues of whether there is, in fact, price gouging; whether there are in fact issues around speculation; whether we are going to have competition with alternatives to oil. They do not want us to do that. They do not want us to tackle the issue of the tax subsidies they receive.

What we see instead of action, as we could have had today, we see this past week oil prices at $140 a barrel, almost twice the price from last year. It is almost twice the price from last year, and OPEC says it could be $200 this year. Think about that when you are trying to get to work, trying to maybe take the kids to camp for that week or maybe trying to go to the grocery store or go looking for work or maybe take mom or dad or the kids to the doctor. We are talking about a huge burden that is building up and up.

Unfortunately, while gas prices now go over $4 a gallon, we are seeing an effort to, one more time, block commonsense efforts to do something about it for the families of America. Unfortunately, on the other side of the aisle, there has been a desire to make sure that we continue big oil tax breaks rather than addressing what our families need. Last year the big oil companies pocketed $124 billion in profits. It is fine to make a profit. We want companies to do well, to make a profit. But we also want to make sure when that is happening they are reinvesting in the economy, reinvesting in creating more supply. We want them to be reinvesting in new energy. Unfortunately, that is not happening.

We also want to have tax policy that makes sense in terms of where we want to invest in new technologies. The oil companies are doing pretty well, I suggest, right now. I do not think my tax money or your tax money or the tax money of any of the folks here or any of the folks around the country needs to be used to incentivize big oil, which is exactly what is happening right now.

They are doing pretty well. We have been trying and we have been blocked through Republican filibusters, to take away subsidies, taxpayer subsidies for oil companies and move them over to subsidize new, growing industries, green options, alternative energy—wind, solar, advanced battery technologies, consumer tax credits to buy the next generation of vehicles, the next generation of appliances. Those are the kinds of tax credits that encourage people to focus on energy efficiency and conservation in their homes, those things that will move us in the right direction. That is what we have been trying to do. And we have been blocked.

The bill that was stopped also creates a permanent tax on windfall profits for the major oil companies. If they are not going to invest in America and invest in our future and buy the next airplane or put it into more big bonuses, then we need to have a windfall profits tax that will redirect those dollars back so we can take them and invest in the future.

I see our distinguished leader on the floor and I am going to suspend for a moment, if I might. I know he has some important business he needs to do.

I yield to our leader and ask that I later be recognized to continue my comments.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I appreciate very much my friend from Michigan allowing me to do a little business here on the floor of the Senate. She is such a tremendous Senator. I had the good fortune to be able to be in Michigan this weekend with her and Senator LEVIN. What a team they are. The people of Michigan realize that. It was a wonderful experience, being there with these two Senators.

The State of Michigan has lots of problems. No one articulates it better than Senator STABENOW, talking about what is happening to our country with the loss of manufacturing jobs. Of course, sadly, Michigan is a poster State for what is happening in the loss of manufacturing jobs. This is something we must stop, stop the hemorrhaging of these manufacturing jobs.

I had the good fortune yesterday of meeting with the National Association of Manufacturers. They recognize, although they have been a Republican organization in years past, that they are going to have to start working with us. That doesn't mean they will not keep working with the Republicans—of course they will—but we have to start working together and realize the bad shape of our manufacturing sector.

MOTION TO PROCEED WITHDRAWN—S. 3044

Mr. REID. Mr. President, I withdraw the motion to proceed to S. 3044.

The PRESIDING OFFICER. The motion is withdrawn.

UNANIMOUS-CONSENT REQUEST—S. 3101

Mr. REID. I ask unanimous consent that S. 3101 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, on behalf of the Republican leadership, I object.

The PRESIDING OFFICER. Objection is heard.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. 3101, the Medicare Improvements for Patients and Providers Act. This is an act of 2008. I ask we proceed to this on Wednesday, June 11, following the period of morning business.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, on behalf of the Republican leadership, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to S. 3101.

I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 772, S. 3101, the Medicare Improvements for Patients and Providers Act of 2008.

Harry Reid, Max Baucus, Jon Tester, Barbara Boxer, Benjamin L. Cardin, Bernard Sanders, John F. Kerry, Patty Murray, Maria Cantwell, Blanche L. Lincoln, Ken Salazar, Charles E. Schumer, Ron Wyden, Patrick J. Leahy, Jeff Bingaman, Debbie Stabenow, John D. Rockefeller IV, Jack Reed.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED—Continued

Mr. REID. I move to proceed to S. 3044.

The PRESIDING OFFICER. The motion is pending.

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, before our leader leaves the floor, I thank him for his patience and tenacity to continue, despite objection after objection, as we try to govern on behalf of the people of this country—whether it be addressing issues of global warming, whether it be gas prices, whether it be what just happened, which is to bring forward a Medicare bill that will stop a large cut to physicians all around the country and affect our ability to have access to health care. It is a bill that includes the ability to focus on rural health care and telehealth and e-prescribing and a number of things that will increase access to health care.

To emphasize what just happened one more time: There was an objection to moving ahead on something that is important to the American people: to expand, under Medicare, health care for communities and our seniors. This goes back to my original point now: 75 Republican filibusters and counting. It is going to continue and continue, unfortunately, because there is not the willingness to work together to get things done.

Let me mention two other issues. I mentioned what is happening in terms of blocking our Consumer-First Energy Act, which focuses on a number of ways to go after price gouging. The bill would stop manipulation by greedy oil traders and give the Attorney General the power to stand up to OPEC nations that are price fixing—a number of different ways for us to immediately address what is happening to gas prices on behalf of the American people. That was blocked.

The second thing that was blocked was the Renewable Energy and Job Creation Act of 2008. This is about jobs. This is about jobs in my great State of Michigan, in New Jersey, all across this country, based on the new green economy—production tax credits to build those wind turbines and solar panels and new vehicles and, again, the consumer tax credits and investing in the ability for businesses that use the R&D tax credit to have that continue, to be able to invest in other economic development tax credits. That is what was blocked—jobs focused on alternative energy.

So we went after the oil companies. No. We want to put forward a proposal that will invest in new jobs. No. That is what we are hearing every day. And every day that is happening, more and more people in my great State are finding themselves without a job, trying to keep the lights on, keep food on the table, trying to be able to put gas in their automobile. And they are looking and saying: What is going on here? Each month, tens of thousands of people across the country, not just in Michigan—I mean, we were hit the hardest first, but this is across the country—are losing their jobs. Hundreds of those are losing unemployment insurance benefits they paid into.

There seems to be a notion that somehow, if someone is required to go on unemployment insurance benefits, they will not look for work. Well, that is about 40 percent of what the average wage is for an individual. You can barely keep things together. In many cases, you cannot keep things together. I would suggest that the unemployment insurance benefit is not a disincentive for folks to work. And obviously people in my State work hard. They work. They work very hard. Too many are working two jobs, three jobs, four jobs, trying to piece it together.

But we have never had an economic situation like we have today under a Republican or Democratic President where there has not been a willingness in a difficult economic situation to extend unemployment benefits. Yet President Bush has threatened to veto an extension of unemployment insurance which we have already passed here in the Senate.

As I indicated before, the numbers are high—324,000 good-paying American jobs have been lost since January of this year. We also know there are 8.5 million unemployed workers in America competing for 3.7 million jobs. That is why the bill that was blocked earlier that invests in new taxation and new technologies, production tax credits to build new plants, to create new processes, is so important, because right now we have more than twice as many people looking for work as there are jobs available. We as a Democratic majority understand that. We understand that so much of what is happening right now for families goes to the basic foundation of this economy, which is the ability to have a good-paying job and to be able to pay those costs that come at families day after day after day.

In May, the number of Americans who have been out of work for at least 27 weeks—right now, unemployment goes to 26 weeks—rose to 1.6 million workers; 1.6 million middle-class workers as of May who saw their benefits exhausted and in most or many cases were not able to find a job. What happened? What happens to those families? In the past year, 2.75 million people who are unemployed have exhausted their benefits.

American families are running out of time. They want us to take action. There needs to be a sense of urgency about what is going on for families in this country. It is not that we do not have the ability to act; there is not the will to act, not the will to join with us in a bipartisan effort to act. We as Democrats come to the floor every day, our leader comes to the floor every day, multiple times a day, making motions to proceed to solve problems through legislation that is critical for our families. Time after time, all we hear is: I object. I object. I object.

People in Michigan know what the pain of inaction is like and the effort to try to hold it together when help is not there. Over the last year, more than 150,000 people have exhausted their unemployment benefits, over 10,000 people a month now looking for work but do not have the support anymore to at least be able to keep things going a little bit.

But you know it is not just Michigan anymore. Unfortunately, other States are now catching up. We heard as of last Friday that the national unemployment rate is now 5.5 percent. When we first started talking about this, it was 4.9. Now it is up to 5.5, and the experts tell us they expect it will reach 6.5 percent by January. Alaska, California, Rhode Island, Mississippi, Nevada, Missouri, Oregon, South Carolina, Kentucky, and Ohio all have unemployment rates at or above 5.5 percent.

We need to act, not only because it is the right thing to do, the moral thing to do for our families, but we know that for every $1 that is spent on unemployment benefits in the economy, the dollars turn over and the economy is stimulated by $1.64. So there is an opportunity to not only do the right thing for Americans, which ought to be enough, but it is also an opportunity to stimulate the economy and one of the top ways we are told it can be stimulated. In other words, for every $1 we invest to help struggling American families, we get a 64-percent return on our investment. I would take that. That is a deal worth making.

So I close by once again calling on the President to join with us at this critical time in American history where families are being hit in so many different ways and to say yes to extending unemployment benefits for those who are out of work but looking very hard to find a job and are counting on us to do the right thing.

I would love it if we did not have to stand up and change this Velcro anymore. I would love it if we could just frame this right here—75 Republican filibusters—and stop. But that is not what is happening. We can do better than that. Certainly, the people in Michigan expect us to do better than that. I am going to do everything in my power—I know the Chair will as well—to be able to make good on what people are asking of us.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, like a lot of Members of the Senate, I also heard from my constituents last weekend about high energy prices. I do not know how any Member of Congress can go back into their congressional district and their State and not be inundated by people who are very concerned about the impact high fuel prices are having on their pocketbooks and on our economy.

In fact, in my State of South Dakota, the studies bear this out. I think it has a disproportionate impact because it is a rural area. In rural areas, we are very energy dependent. We drive long distances. We are very agriculturally dependent in terms of our economy. Tourism is a big thing in our economy in rural areas. We also, in most cases, have lower incomes relative to the incomes of people in other parts of the country. In fact, there are some studies out that suggest that 15 percent, 16 percent on average of a person's income in a rural area is spent just paying the energy bill. Now, that is something that ought to concern everybody across this country because even though it might disproportionally impact rural areas today, it is clearly going to impact all Americans and continue to impact our economic activities in this country as time goes on if we do not get our arms around these escalating and daily increasing energy costs.

I had someone in my office today who said that he has a small refinery. He said if the cap-and-trade bill we debated last week had been enacted or passed, immediately they would have seen a 38-cent increase in the price per gallon of gasoline.

There is a proposal to build a powerplant in my State of South Dakota, a coal-fired powerplant. I was visiting with some folks last week in my State who informed me that if, in fact, that cap-and-trade proposal had passed, it would have tripled the cost to construct that powerplant, something that is necessary to provide base load energy for the energy demands and requirements we have in the upper Midwest.

So here we are talking about high energy prices, high fuel prices, and the only solutions our colleagues are putting on the floor are solutions that would actually increase fuel costs. The cap-and-trade proposal last week, by any estimate—and there were 11 studies that were done of the five cap-and-trade proposals put before or introduced in the Senate, one which was put before the Senate last week. All 11 studies concluded that if enacted, that proposal would increase fuel costs, it would increase electricity costs, and it would lead to negative gross domestic product growth. The question was not if, it was how much would it increase costs. By as much as a dollar a gallon for gasoline. There were a number of studies conducted that suggested that it would cost the economy up to $6 trillion in GDP, negative GDP, as a result of that cap-and-trade proposal.

So here we are on the floor of the Senate. Everyone, I assume, is hearing the same thing I am hearing, when they go back to their respective States, from their constituents: We have high energy prices; we need some action; we need you to do something about that. And everything that has been put before the Senate last week and this week by the Democratic leadership does one thing: increases energy costs.

We had a vote today on an "energy bill." What did it do? It imposed new taxes on energy. That was tried. That was tried back in the 1980s, the windfall profits tax. It led to reduced energy production in this country. The other thing that was talked about today was, well, let's sue OPEC, let's sue OPEC; that will somehow drive down the cost of energy.

There is not anything in any of those proposals that does anything to address the problem because you cannot address this problem, you cannot fix the energy crisis in this country unless you address the issue of supply. There is not anything in any of those bills that have been put forward, that have been put forward by the other side, that addresses the fundamental issue of supply. I believe the American people understand that. They understand full well that you do not raise taxes to get more of something; if you raise taxes, you are going to get less of something. They realize that we cannot just sort of unilaterally decide to sue an oil cartel and expect that is going to lead to additional energy supply in this country.

There is one thing and one thing only that we can do to lower gasoline prices for people in this country; that is, increase homegrown domestic energy supplies so that we do not have to rely upon other nations around the world for our energy.

I wish to share a couple of statistics that I think are important in this debate. One is that 60 percent of our oil comes from outside the United States. That means that on any given day we are getting 60 percent of our energy to fuel our automobiles and to keep our economy going from countries around the world, many of which are run by petro-dictators who have nothing but hostile and ill intentions toward the United States. Sixty percent of our oil supply is coming from outside the United States.

We use 140 billion gallons of gasoline every year in this country. I point that out because I want to use that to get to another point; that is, we are generating about 8 billion gallons of renewable energy or ethanol on an annual basis. At the end of this year, we will be generating 1 billion gallons in my State of South Dakota alone. But the studies that have been done have suggested that that 8 billion gallons of ethanol, out of the 140 billion gallons of fuel we use in this country, of gasoline we use in this country, has reduced energy prices by about 15 percent—price per barrel of oil, price per gallon of gasoline reduced by about 15 percent by the contribution that 8 billion gallons of ethanol is making to our overall fuel supply.

In today's gasoline prices, 15 percent would be about 50 cents, 60 cents on the gallon. So we have lower fuel prices today than we would otherwise have as a result of adding to our supply of energy, homegrown energy, through the hard work and production of our farmers across the country who raise the corn that is converted into ethanol.

I suggest perhaps the way to address this problem, if, in fact, 8 billion gallons of ethanol has helped reduce gasoline prices by 50 cents a gallon, maybe what we ought to be doing is looking at ways we can grow additional energy supply. We don't need less biofuels, we need more. We are going to be moving now from corn-based ethanol into cellulosic ethanol that can be made from other forms of biomass. We hope that technology will be progressing quickly enough that it will enable us to meet the targets we have of 36 billion gallons called for in the renewable fuels standard. That is what we are doing in the area of biofuels.

I say that because if we look at what we have in terms of domestic resources, whether that is biofuels or oil, if we could get some of that oil into the pipeline, we could do a lot to impact prices people are paying for a gallon of gasoline. Back in 1995, President Clinton vetoed a bill passed by Congress that would have allowed for exploration on the North Slope of Alaska. We have somewhere between 6 and 16 billion barrels of oil on the North Slope underneath the ground. With modern technology and in an environmentally friendly way, directional and horizontal drilling, with a minimal imprint on the surface, we can get access to somewhere between 6 and 16 barrels of oil. What does that translate into? That translates into 1 million barrels a day coming into this country—1 million barrels a day. And you figure a barrel translates into 42 gallons, and of that about half can be refined into gasoline, a million barrels a day would translate into about 7 billion gallons of gasoline a year or roughly equivalent to what we are generating in ethanol. And the 8 billion gallons in ethanol is reducing the price of gas by about 50 cents a gallon. So if you do the math, more energy, more supply at the margin is going to lead to lower cost. That is the fundamental economic rule of supply and demand that most people understand.

Any of my constituents in South Dakota, if I went home and told them that the Democratic leadership has put a bill on the floor that is going to allow us to file lawsuits against OPEC or that is going to impose new taxes on oil exploration, a windfall profits tax, they would say: What does that do to affect the law of supply and demand? Get more supply in the marketplace so that we can do something about reducing the price per gallon of gasoline?

This problem gets addressed when America gets serious about domestic energy supplies. We have tried again and again to get a vote on exploration on the North Slope. We have tried again and again to get a vote on deep sea exploration for energy—all of which has been blocked in the Senate.

We have even tried to get legislation moved that would expedite the permitting process for new refineries because we have a shortage of refining capacity. These are all things that we could be doing that would help address the supply problem.

I suggest when we get to what we are focusing on that we can do, there are pieces of legislation on which there is broad agreement. We passed a bill a couple weeks ago that Senators ENSIGN and CANTWELL offered of tax extenders that would help promote more investment in renewable energy. It passed out of the Senate by a vote of 88 to 8, broad bipartisan support. Why are we not focusing on those things we can do rather than spending our time having the Democrats throw out solutions that impose new taxes, new regulations, new bailouts to trial lawyers, which was included in this bill, an earmark for the Senator from New York at $1.2 billion, all of which we know are not going to pass?

We aren't going to get the votes to get that sort of thing through. But there are things we can be doing, such as extending the production tax credit for wind, which was included in the Energy bill to which I just referred. Those are the things we ought to be looking at. What can we do to add to the supply of electricity, to add to the supply of fuels so that we don't have to get 60 percent of our energy from outside the United States, so we are actually doing something that will in a positive way impact the price our constituents pay for a gallon of gasoline?

This impact is going to be felt all across the economy. Look at the statistics on airlines. We are using actually less fuel on airlines today, if we look at this green line, than we were going back even to 2000 and 2001. But look at the fuel costs of the airlines. They are exploding. We have airlines facing bankruptcy, making service cutbacks, not serving smaller communities, laying off employees because of high fuel costs. There is no end in sight.

It is $4 today. What is to stop it from going to $5? If Ahmadinejad and Chavez decide they want to get $200 for a barrel of oil, what is to stop them, if we have no leverage? We need to be taking steps in the United States that will increase our domestic supply of energy so we don't have to rely upon those other countries for our energy supply. We have those resources here. We have oil. We have biofuels. We need new refineries. We can build new nuclear plants. All are being blocked.

Let's focus on what we can do to affect the fundamental rule of supply and demand that will lead to lower energy costs, that will increase the amount of energy we have relative to demand. That is how we can impact in a positive way the price our constituents are paying for a gallon of gasoline. Until we get serious about that, all this other stuff done for optics because it is an election year and to gain some political upper hand to go back to a constituency saying, we did this or we are going to beat up the oil companies, raise taxes, regulations and lawsuits and litigation, those sorts of things don't solve the fundamental problem. We don't have enough domestic supply. Until we address that fundamental problem, we will continue to be held over a barrel and be at the mercy of these foreign countries telling us what the price per barrel of oil and price per gallon of gasoline is going to be.

I hope we can focus on that. We have some great solutions. My State is a good example of what we have done with renewables. The Senator from Iowa has a lot of great examples in his State of what we are doing with renewable energy and wind. We have the resources to get this done. It is high time we did it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I congratulate the Senator from South Dakota. He is expressing a very simple law that everybody learns in economics 101: If you increase supply, it reduces price; if you restrict supply, price goes up. What we want to do is increase the supply of energy.

For myself, I want to explain earlier today my vote to invoke cloture on the motion to proceed to S. 3044, the so-called Consumer-First Energy Act or, another title, the antiprice-gouging bill. I want to explain it because people might think that I am in support of everything in the legislation. I will explain why I wasn't, but why I thought we ought to move forward.

The legislation includes provisions that I have long supported, including the no oil producing and exporting cartels legislation. I am an original cosponsor of the NOPEC bill. This bill would authorize the Department of Justice and the Federal Trade Commission to bring lawsuits against oil cartel members for antitrust violation because it is a fact of American law, if oil companies were doing the price fixing that OPEC countries do, these executives would be in jail. Yet we are faced with the same anticompetitive environment from other countries.

As our gas prices continue to rise, it is time to say enough is enough to OPEC anticompetitive activities. It is past time to let OPEC know that we are committed to stopping illegal pricing, the same illegal pricing that would put CEOs of major oil companies in jail.

This legislation also includes provisions aimed at reducing speculation in oil markets. I support that. I can't say for certain whether the provisions included in the bill will have the desired effect. I can say, however, that something needs to be done to address what seems to be out-of-control speculation in crude oil markets, and speculation of crude oil tends to show up on the business pages of the newspaper as a major cause of the increase in oil and, in turn, gasoline.

I am pleased that recently the Commodity Futures Trading Commission has taken steps in recent days and weeks to increase their access to data and information that will hopefully allow them the proper oversight and transparency of energy markets. Take a little bit of speculation, take a little bit of unknown out of the market, more transparency ought to help our markets work better.

In conjunction with what the Commodity Futures Trading Commission is up to and my wanting to build on what they are doing, I asked Acting Chairman Lukken and Commissioner Chilten very pointed questions during a recent confirmation hearing in the Agriculture Committee on the CFTC's oversight responsibilities. In addition, I sent a letter to the CFTC today seeking more information about the CFTC's action to rein in speculation by investment banks and traders on foreign exchanges.

I voted today as I did in a manner uncustomary of Republicans to proceed to the bill because I think we need to have a debate on the critical issue of energy prices. However, that doesn't mean I support everything in S. 3044. The bill, for instance, included a windfall profits tax on oil companies. I saw firsthand a couple decades ago the result of a windfall profits tax the last time it was enacted. It didn't do anything to produce more energy. Simple economics: You tax something, you get less of it. Why would those on the other side believe if you tax energy production, you would get more energy produced? Of course, it is counterintuitive. Yet this bill doesn't include a single provision to increase the production or supply of traditional energy resources. Why aren't we considering policies to develop the resources that God gave us at home? We have a huge supply of oil and gas in Alaska. We could be opening areas of the Outer Continental Shelf to exploration. We could be looking at Federal lands onshore for energy production. These are things we could do this very day that would increase supply and drive down prices. Yet they have been blocked time after time by people on the other side.

If you think this is a partisan shot by a senior Republican, let me suggest to you that I can show you rollcall after rollcall after rollcall, not just recently but over a long period, of opposition from the other side to increasing the supply of fossil fuels and the use of fossil fuels we know. My constituents need to know why they are paying $4 at the gas pump. Yet we in Washington have done little to increase our own supplies.

Speaking from the grassroots of the State of Iowa, I want to remind my colleagues of what I said last week on the floor of the Senate. Of at least 14 out of the 17 town meetings I have had, the question came up very simply: Why aren't we producing more oil? Why aren't we going where the oil exists, with $4 gas? I can give a simple answer, and I tell the people ahead of time in my town meetings. I try not to make partisan comments, but occasionally I think I can when it is intellectually honest to do it. I suggest to them that there is opposition in the other party to more exploration, where we know there is oil. We just don't have the votes to get the job done.

That could be considered a partisan shot, but I think I can back it up with rollcalls. It is a justification to my constituents when I am asked why we don't drill more where we know there is oil. Most of my constituents expect you to do this in an environmentally sound way as well. That doesn't, to me or my constituents, appear to be incompatible because the United States is dependent upon oil cartels and foreign countries such as Iran and Venezuela, very unstable, yet we have done nothing to help ourselves. That is the way my constituents see it, as evidenced by 14 out of 17 town meetings I held during the week of Memorial Day. In the other three town meetings, it just did not happen to come up.

I believe oil is trading today at around $135 a barrel. Yet there is an overwhelming aversion to environmentally sound resources developed at home. We ought to be developing our domestic resources. There is no rational reason not to, and at $4-a-gallon gas, consumers ought to be outraged they are not exploring for more domestic resources, and Congress making decisions to do that, and to do it so quickly that it is telling people why it is not being done. At the grassroots of America, we ought to be having the same march on the Capitol as when people are outraged about other things, which we do not seem to be having this time.

Maybe we will have this outrage expressed. It is a little bit of a quandary to me why, at the grassroots of America, when gas goes from $3.50 to $4, or from $3 to $4, it does not seem we are having as much outrage as we had when gasoline was going from $1.50 to $1.75 about 4 years ago. Maybe it is because people have lost confidence in Congress. I do not know. I can understand why you can lose confidence in Congress when you have $4 gasoline and we know where there is 13 billion barrels of oil in this part of the country and 7 billion barrels of oil in other areas of the country and we are importing 10 to 15 million barrels of oil a day and paying out to some foreign country money that if we drilled in the United States we would keep in the United States.

The bill I am explaining to you takes billions of dollars of permanent tax provisions and dumps them into a special piggy bank designed to let appropriators dole out special interests checks for their favorite spending projects. I know the rhetoric you have heard today is to make big oil pay to lower the price of gasoline. But I can promise you, there is absolutely nothing in this bill that accomplishes that charge. This bill, flawed as it is, would have to be amended. Any permanent tax provisions on the backs of the energy industry should immediately go back into tax benefits that expand conservation and clean energy tax provisions currently in the Internal Revenue Code.

We cannot put the cart before the horse. It is irresponsible to change taxes for future undisclosed spending. It is even more irresponsible to do this before we make certain the current tax benefits available for wind, solar, alternative fuels, and much needed conservation in buildings and homes.

It was wrong for the Democratic leadership to dump permanent tax provisions into a slush fund for future appropriations. But those types of wrongs cannot be fixed if we never proceed to the bill, hence why this Senator voted as I did today, contrary to what a lot of the members of my party did.

HOUSE EXTENDERS BILL

I turn now to the tax extenders bill. I voted today on the second rollcall along with 43 other Senators against invoking cloture on the motion to proceed to H.R. 6049, the House extenders bill.

Earlier today, the Democrat leadership released a description of a substitute extenders bill that included many provisions that were not extenders.

As you know, I joined Senator McCONNELL in filing an extenders bill last Friday that is not offset by increases in taxes elsewhere because it is our policy that if you extend existing tax policy, you should not have to raise taxes on somebody else for an extension of tax policies that in some instances have been in place for 20 years.

Here are some of the reasons, then, why I opposed the Democratic leadership bill and support the Republican leadership bill.

The Senate Democratic leadership bill contains numerous provisions that do not either extend or make permanent expiring tax provisions. On the other hand, the Republican bill really is an extenders bill, with all the provisions in the Senate bill extending or making permanent expiring tax provisions.

Included in the Senate Democratic leadership bill is a proposal to give $1.2 billion in tax credits to New York City, even though New York City does not pay Federal tax. This proposal is widely reported to fund the building of a train from Manhattan to John F. Kennedy Airport, through the use of New York Liberty Zone tax credits.

According to the Joint Committee on Taxation, the Congress has never—and I want to emphasize "never"—before provided a limited tax benefit such as this to a governmental unit.

In addition, the bill provides a new $1.6 billion tax benefit just for trial lawyers. Now, think about that. We are trying to extend tax policy to bring economic development and create jobs, and it has something in it for trial lawyers. It allows trial lawyers to deduct their upfront expenses in contingency fee cases, even though they expect to recover them when they win or settle the case. And these trial lawyers do expect to win or settle their case; otherwise, they would not take the case on a contingency fee basis.

So why should trial lawyers get a deduction for something they expect to get back? We do not give lenders a current deduction when they make a loan. Some would argue that this is a large chunk of pork that the Democratic leadership bill is trying to feed to trial lawyers.

The Democratic leadership bill, for the first time in history, makes tax benefits directly conditioned on the Davis-Bacon Act. That is the prevailing wage requirement. It is added to a new provision called the New Clean Renewable Energy Bonds.

The Senate Democratic leadership bill only extends provisions that expire at the end of 2007 until the end of 2008, setting up another extenders fire drill early next year. In contrast, our bill on the Republican side generally extends provisions that expired at the end of 2007 until the end of 2009.

The Democratic leadership bill contains permanent tax provisions to offset temporary extensions of current law. Anonymous Democratic lobbyists are misstating the Republican position on offsetting expiring tax relief provisions. The lobbyists have been quoted in the Roll Call newspaper and other publications stating that part of the Republican theology is opposition to offsets.

Republicans will support offsets if they make sense on the policy merits. If the revenue-raising proposals make policy sense and offset the revenue loss for new tax policy—I want to emphasize "new tax policy" as opposed to extending existing tax policy—then it will likely garner majority support among Senate Republicans.

However, one of the revenue raisers in the Democratic leadership bill is a proposal to delay the effective date of the worldwide interest allocation rules. This provision was enacted in the American Jobs Creation Act of 2004, with a delayed effective date for revenue purposes.

The decision to reform the interest allocation rules was bipartisan back then in 2004. The reform came out of the Finance Committee working group set up by Chairman BAUCUS in 2002 and passed the full Senate by a vote of 92 to 5. So after a vote of 92 to 5—bipartisan—why would they try to undo a very important provision in it? The current rules actually penalize domestic manufacturers who compete in global markets by making it more likely they will be double taxed on their foreign income.

The Senate Democratic leadership bill would delay the effective date even further—can you believe it—by 9 years, giving it an effective date of 2018. This provision raises almost $29 billion over 10 years.

The President of the United States, aware of how important this provision is that is going to take effect in 2009—that was actually passed in 2004 to make our manufacturing competitive with international competition—issued a statement of administration policy noting that "the Administration strongly opposes the provision in the bill that would subject U.S. companies to continued double taxation by delaying the effect of new rules for allocating worldwide interest for foreign tax credit purposes."

Let's look at the Senate Republican alternative. I hope people listening know that a minority in the Senate has a responsibility to have alternatives, not just jab at the majority position. So we have this responsible alternative. It contains alternative minimum tax relief and extensions of individual and business tax provisions, but with no offsets, following the philosophy we have that if you have had tax policy in place for decades that tends to sunset from time to time—it has been on the books—you should not have to raise taxes on new people to extend it for a few more years. So there are no offsets for the continuation of existing tax policy.

It also includes the Ensign-Cantwell energy tax incentives, an unoffset provision which was approved by the Senate by a vote of 88 to 8. This means an overwhelming majority of this body were willing to pass energy extenders without requiring offsets.

So why, if we have a vote of 88 to 8 to extend energy tax credits for a few years, and we do not have to offset it—how does the other side get the idea that if you had other tax policies that maybe have been on the books for decades and sunset, you have to have offsets for that? I do not understand the inconsistency.

The bottom line is, we need a package that can garner 60 votes in the Senate and get a signature by the President of the United States. So Senate Republicans will seek to proceed to the Senate Republican leadership bill which contains a package of proposals that have bipartisan agreement.

Mr. President, I yield the floor, and since I do not see other Members ready to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, this morning we had two more opportunities to address rising gas prices and do something immediately as the price of gas per gallon goes over $4 in Steubenville and almost $4 in Dayton and even higher in some places in my State and in the Presiding Officer's State of New Jersey. We had two more opportunities to address rising gas prices immediately and longer term.

We need to start immediately to invest in renewable energy rather than the other choice of continuing to line the pockets of big oil. We could have helped to begin to create tens of thousands of good-paying, green-collar jobs right here at home. Once again, the Bush administration opposed our efforts and Republican Senators joined the Bush administration and refused to put middle-class families first.

The Consumer-First Energy Act is a good first step in providing immediate relief to drivers in Ohio and across the land who are faced with soaring gasoline and diesel prices.

The other night I had a conference call with 20 truckers. Think about what this has done to them. Many of them have had to sell their trucks. They are simply not able to afford the $4.50 and up per gallon price of diesel. Oil prices are setting record highs, it seems, every week, and yesterday closed at over $136 a barrel.

This legislation will help in the short term and allow us to get through and offer some assistance to motorists to get through the summer driving season. The policies that created this gas price crisis didn't happen overnight. Before we attack the long-term problems, Ohioans need help now to get through the summer to keep trucks running, to keep the economy moving, to keep food prices in check as the cost of energy ripples through the whole economy and causes prices to go up generally.

Cities throughout Ohio are struggling to pay gas bills for the police cars, for EMS, for fire department vehicles, school buses, garbage trucks, and mass transit services.

We need to roll back the massive tax breaks for oil companies which would generate more than $17 billion to be used for green energy, for renewable energy, and for energy efficiency. We will impose a 25-percent windfall profits tax on companies that fail to invest in increased capacity and renewable energy sources. We will ensure purchases for the Strategic Petroleum Reserve do not resume, especially when we are paying $120, $130, $140, $150 a barrel to put oil in the reserve. We will provide protection for consumers from price gouging. We call on the Justice Department again to be active and take on the oil companies as they seem to price gouge. We will work to stop market speculation, prevent traders of U.S. crude oil from routing transmissions through offshore markets to evade speculative limits.

Ohioans play by the rules. Americans play by the rules. So should the oil industry. So should the speculator. So should Wall Street.

There is so much we need to do. I call on my friends on that side of the aisle to join with majority Democrats: no more filibusters and let's get to work. Let's do the right thing short term to help American motorists deal with these outrageously high prices, long term to, in fact, after 30 years become energy independent and create the kinds of green jobs a good energy policy can create.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HUNGER AWARENESS DAY

Mr. DURBIN. Mr. President, I rise today in honor of National Hunger Awareness Day. On this day, we focus on the more than 35 million people in the United States without enough to eat and reassert our commitment to assist those in need.

Millions of families live each day not knowing if they will have enough to eat. Rather than thinking about what the next meal will be, these parents worry if there will be a next meal. Rather than concentrate on homework, these children are trying not to think about their hunger pangs. In a nation as economically wealthy and agriculturally abundant as ours, this is inexcusable. If children—or adults—are hungry in America, that is a problem for all of us.

This administration has seen the number of people living in poverty rise from 31.6 million in 2000 to 36.5 million in 2006. The number of people living in households facing food insecurity rose from 31 million in 1999 to 35.5 million in 2006. In Illinois, over 158,000 households experienced hunger in 2005. If we include households that have had to struggle to put food on the table or have had to skip meals to make sure the food would last through the week, it adds up to 500,000 households in Illinois living with food insecurity. These are working families who just aren't able to make ends meet.

At a time when millions of middle class Americans are struggling to keep up with higher gas prices, grocery bills, and health care costs, more and more families are looking to Federal programs for assistance. According to the U.S. Department of Agriculture, applications for food stamps are on the rise at the same time recipients are making more frequent use of food pantries to fill gaps in their grocery needs. Over 26 million people nationwide are dependent on the Federal Food Stamp Program. In April, 594,590 families in Illinois received food stamps, an increase of 5.84 percent from last year and the highest level ever in Illinois, equating to 1.3 million people. And since December, participation in the Women, Infants and Children, or WIC, food assistance program has increased 4 percent to a total of 296,000. But for the millions of people who don't have assistance, everything is different.

We know hunger is a reality in our communities. We see long lines at our food pantries. We have heard from seniors forced to choose between groceries and medication. And children are in our schools who have not had a decent meal since the previous day's school lunch. We see families showing up a day earlier than normal at the food pantry because the monthly pay is not stretching as far it once did. Parents are giving up their own meal to make sure their child has something to eat at night.

In the Nation that prides itself as the land of plenty, we cannot hide the fact that we need to do a better job at making sure everybody has at least enough to eat. The passage of this year's farm bill is a strong first step toward better addressing hunger in our country. The farm bill provides 10 billion additional dollars over 10 years for domestic nutrition programs that help lower income families put food on the table, including $7.8 billion for the Food Stamp Program, $1.25 billion for the Emergency Food Assistance Program, and $1 billion for the fresh fruits and vegetables snack program. In Illinois, over the next 10 years, this bill will provide $373 million in additional funding to help families that haven't been able to outrun hunger.

But with one hungry person in our Nation, hunger will be a problem for all of us. I hope that we will continue to work together to fulfill our duty to end hunger in our Nation and the world.

Mrs. LINCOLN. Mr. President, I rise today to bring to my colleagues' attention the fact that today, June 10, 2008, is National Hunger Awareness Day.

As a founder of the bipartisan Senate Hunger caucus and an original cosponsor of the legislation establishing this commemoration, I believe hunger is an issue that deserves our full attention.

For the past 4 years, my fellow caucus cochairs Senator SMITH, Senator DOLE, as well as Senator DURBIN and I have executed a food drive in our Senate offices with donations helping those in need in the Washington area. The collection began last month and culminates today National Hunger Awareness Day when we donate the collected goods to needy organizations.

I have worked with my Senate colleagues to draw attention to this issue because hunger and poverty are not just global issues they are so pervasive that we all have some experience with them in our local communities.

Worldwide, 3 billion people—nearly half the world's population—live on merely $2 per day. In our Nation alone, almost 35.5 million Americans struggle day in and day out to find adequate nutritious food. More than 13 million children live in households that are food insecure.

According to the Arkansas Hunger Relief Alliance in my home State, approximately 80 percent of supplemental nutrition assistance goes to households with children, many of them in working families, including military families. Older Americans and those with disabilities also depend on these benefits. Every month, nutrition assistance programs enable almost 385,000 Arkansans 13.7 percent of my State's population to purchase groceries for themselves and their families.

As a member of the Senate Agriculture, Nutrition, and Forestry Committee, I worked to address this issue in the recently passed Food, Conservation, and Energy Act of 2008, and I am proud the bill aims to reduce food insecurity among our children and our elderly, and others in need. This bill commits $10.36 billion to continue the fight against hunger. It represents the largest amount of funding for nutrition programs in our Nation's history. One billion dollars is allocated to the Fresh Fruit and Vegetable Program, which provides free fresh fruits and vegetables to low-income children in schools nationwide. It also expands the senior farmers' market program by $50 million to help them purchase fresh food at places like farmers' markets and roadside stands throughout the country.

In the coming weeks and months, I encourage my colleagues to become more aware, more educated, and more informed about the effects of hunger and poverty and to find out what impact you can have in your State and in your community. Government cannot do it alone, though.

It has been said: To those to whom much is given, much is required. We must continue to work together to devote our time and resources to organizations in our communities committed to this cause and develop public/private partnerships to combat food insecurity in this country. Hunger is a disease that has a cure. It is our responsibility to strive hard each and every day to eliminate hunger in our country and around the world.

SOMALIA

Mr. ISAKSON. Mr. President, on May 21, 2008, the Senate passed by unanimous consent S. Res. 541, a resolution on Somalia introduced by Senator FEINGOLD. As the new ranking member of the Senate Foreign Relations Subcommittee on African Affairs, I wholeheartedly support bringing about change in Somalia to allow for a viable government that will benefit the people of Somalia as well as the entire region.

The United States has a critical interest in establishing a secure and stable government and society in Somalia. I support the U.S. strategy in Somalia and believe that the only way to stabilize the country is through political reform, humanitarian assistance, deployment of African Union forces, and to keep terrorists from seeking refuge in Somalia. It is important that the Senate recognize that it is in the interest of the United States, as well as the entire region, that the sustainable peace in Somalia we seek create a government that does not threaten or seek to destabilize its neighbors or provide safe haven to known terrorists that are a threat to the U.S. and the Horn of Africa.

I also wish to emphasize that it is equally important that the Senate take great care in calling for a timeline for the withdrawal of Ethiopia's troops from Somalia. The resolution calls on Ethiopia to develop a timeline for the "responsible" withdrawal of its armed forces from Somalia. I believe Ethiopia to be in full agreement with this language and would like to withdraw its forces as soon as possible; however, a "responsible withdrawal" requires a replacement to maintain peace and stability and to stop terrorism. I would urge the African Union to continue sending peacekeeping forces to Somalia so that the Ethiopian forces can withdraw.

Furthermore, I strongly support all efforts that help convince Eritrea to play a constructive role in helping to bring about a stable Somalia. I urge the African Union, the United Nations and other peacekeeping groups in the region to pressure Eritrea to work with its regional partners to bring about peace and stability in Somalia.

CLIMATE SECURITY ACT

Mr. LIEBERMAN. Mr. President, I rise to respond to a statement that Senator PRYOR made on Friday, June 6. On that day, Senator PRYOR rose to express his support for the basic approach that the Lieberman-Warner Climate Security Act takes to reducing emissions of certain greenhouse gases called hydrofluorocarbons, or HFCs. Senator PRYOR praised our decision, in crafting the Climate Security Act, to subject HFCs to a separate cap-and-trade system rather than including them under the same cap with less potent greenhouse gases such as carbon dioxide. He expressed his hope that the initial level and reduction rate of the HFC cap could be revised before the bill becomes law. I welcome Senator PRYOR's focus on the Climate Security Act's HFC provisions, and I would like to work with him on that portion of the bill as it moves through the legislative process. I remain interested in increasing the specificity of those provisions while simultaneously expanding the area of consensus among manufacturers of HFCs, distributors of HFCs, manufacturers of equipment that uses HFCs, and the environmental community.

REMEMBERING CONGRESSMAN LIONEL VAN DEERLIN

Mrs. BOXER. Mr. President, I am honored to remember former Member of the House of Representatives Lionel Van Deerlin, who passed away on May 18, 2008, at the age of 93.

Lionel Van Deerlin, affectionately known as "Van," served in Congress for over 18 years, representing San Diego. His legislative legacy includes a key role in revising the Federal laws to permit California to set tougher emission standards than the rest of the Nation. As chairman of the House Subcommittee on Communications, he actively worked to update the 1934 Federal Communications Act in order to keep up with changing technologies. A leader in ethics, he was among the first congressional leaders to voluntarily disclose his personal finances.

Lionel was born in Los Angeles, CA, on July 25, 1914, and grew up in north San Diego County. He attended the University of Southern California, where he was editor of the Daily Trojan, and graduated in 1937. After graduation, he worked in journalism until World War II. Lionel honorably served our Nation in the U.S. Army, returning to journalism and San Diego after the war.

A gentleman, a statesman, and a friend to all, Van earned the respect of his colleagues on both sides of the aisle. He tirelessly worked on behalf of the people of San Diego. His legacy is substantial in San Diego—he helped to establish the Naval Medical Center San Diego as well as a Veterans' Administration hospital. Lionel's spirit continues in the generations of leaders he mentored and counseled.

After leaving Congress in 1981, Van returned to journalism as a political columnist, first for the San Diego Tribune and later for the Union-Tribune. His columns, which were eagerly read by San Diegans regardless of political party, were remarkable for the clarity and common sense they brought to the political process. As a writer, his chief targets were hypocrisy and vested interests, while his chief passions were American participatory democracy and the San Diego region he knew and served so well.

Van is survived by three daughters: Mary Susan, Victoria, and Elizabeth Louise; two sons: Jeff and John; and four grandchildren.

Our country has lost a remarkable public servant and tutor with the passing of Lionel Van Deerlin. His contributions to the people of San Diego, the State of California, and our Nation should be remembered.

LITIGATION COST DEDUCTIONS

Mr. SPECTER. Mr. President, on March 8, 2007, I introduced S. 814. The bill has nine cosponsors: Senators GRAHAM, SMITH, CRAPO, MARTINEZ, LANDRIEU, WYDEN, LEAHY, SALAZAR, and STABENOW. It was included in the energy/business tax extenders package, on which a vote on the motion to proceed failed today.

S. 814, would allow attorneys to deduct reimbursable court costs and expenses—expert witness fees, copying and transcription costs, travel expenses—in the same tax period in which they are paid or incurred. For attorneys paid on a contingency fee basis, the Internal Revenue Service treats these expenditures as "loans" that may be repaid from any award or settlement at the end of the case. For this reason, currently most attorneys may take a deduction only in the same period he recognizes the income from the award—which may be years after the attorney has paid the expense/cost. This is a burden on, and often unfair to, solo practitioners and attorneys in small firms who may have to assume costly loans because they do not have the resources to carry these expenses for multiple years.

In addition, the tax treatment of these expenses is not uniform in all jurisdictions—as some courts have disagreed with the IRS on the current treatment. This is another reason the current rule is unfair and should be changed. Finally, I note that the IRS interpretation is based on State legal ethics rules about advances to clients that have since been changed.

I voted against cloture on the motion to proceed even though I obviously support S. 814, and although I also support the tax extenders that expired at the end of 2007—including the R&D tax credit, teacher expenses deduction, tuition deduction, and accelerated depreciation for leasehold and restaurant improvements. I also support some tax extenders that are set to expire at the end of 2008 —including renewable energy tax incentives.

The main sticking point between Democrats and Republicans is whether temporary extensions of tax relief should be offset with permanent tax increases elsewhere. On April 23, 2008, I, along with 40 other Republicans, wrote to Finance Chairman BAUCUS to support "enacting a 2008 AMT patch and extending the various expiring tax provision without offsetting tax increases."

The vote was a demonstration by Republicans that they have numbers and that they need to be included in the process of drafting the bill. Republican leadership had no expectation that any Republican amendments would be allowed because of Leader REID's standard operating procedure of filling the tree and filing cloture.

I am told that the leadership on both sides and the chairman and ranking member of Finance will now sit down to discuss the next steps. I think this is a positive development and I will encourage the inclusion in a bipartisan bill of the proposed amendment to the Internal Revenue Code that is embodied in S. 814.

REQUEST TO BE NOTIFIED

Mr. GRASSLEY. Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement before the Senate proceeds to the consideration of any legislation that amends the Immigration and Nationality Act. I intend to reserve my right to object to any such request unless legislation to reauthorize the E-verify program run by the Department of Homeland Security is included.

Last week, I introduced legislation to permanently extend the employment verification program, which was created in 1996. This program has been a valuable asset for more than 69,000 employers across the country that want to comply with our immigration laws. This program needs to be reauthorized this year. For that reason, I have asked the minority leader to consult me before any unanimous consent agreement on immigration legislation is considered.

COLLAPSE OF THE MIDDLE CLASS

Mr. SANDERS. Mr. President, I ask unanimous consent to have printed in the RECORD "Letters from Vermont and America."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COLLAPSE OF THE MIDDLE CLASS

LETTERS FROM VERMONT AND AMERICA

Dear Friend, As gas and oil prices soared and as the nation slipped into recession, I made a request to Vermonters on my e-mail list. I asked them to tell me what was going on in their lives economically. That was it. Frankly, I expected a few dozen replies. I was amazed, therefore, when my office received over 600 responses from all across the State, as well as some from other states. This small booklet contains a few of those letters.

It is one thing to read dry economic statistics which describe the collapse of the American middle class. It is another thing to understand, in flesh and blood terms, what that means in the lives of ordinary Americans. Yes, since George W. Bush has been in office 5 million Americans have slipped into poverty, 8 million have lost their health insurance and 3 million have lost their pensions. Yes, in the last 7 years median household income for working-age Americans has declined by $2,500. Yes, our country, for the first time since the Great Depression, now has a zero personal savings rate and, all across the Nation, emergency food shelves are being flooded with working families whose inadequate wages prevent them from feeding their families.

Statistics are one thing, however, and real life is another. The responses that I received describe the decline of the American middle class from the perspective of those people who are living that decline. They speak about families who, not long ago, thought they were economically secure, but now find themselves sinking into desperation and hopelessness.

These e-mails tell the stories of working families unable to keep their homes warm in the winter; workers worried about whether they'll be able to fill their gas tank to get to their jobs; and seniors, who spent their entire lives working, now wondering how they'll survive in old age. They describe the pain and disappointments that parents feel as they are unable to save money for their kids' college education, and the dread of people who live without health insurance.

In order to try and break through the complacency and isolation inside the Washington Beltway, I have read some of these stories on the floor of the Senate. It is imperative that Congress and the corporate media understand the painful reality facing the middle class today so that we can develop the appropriate public policy to address this crisis. We must expand low income home heating assistance, stop oil profiteering and price gouging, and support programs that address the growing crisis of hunger in America. The National Priorities Act (S. 818) that I introduced in this session of Congress is one example of legislation that would address the growing crisis.

Let me conclude by thanking all of those people who have so kindly shared their lives with me through these letters. I know that for many of you this was not an easy thing to do.

BERNIE SANDERS,
United States Senator.

Here are letters from two mothers in Vermont. The first is from a woman in rural area; the second is a single mother in a small city.

We have at times had to choose between baby food and heating fuel.

My husband and I have lived in Vermont our whole lives. We have two small children (a baby and a toddler) and felt fortunate to own our own house and land but due to the increasing fuel prices we have at times had to choose between baby food/diapers and heating fuel. We've run out of heating fuel three times so far and the baby has ended up in the hospital with pneumonia two of the times. We try to keep the kids warm with an electric space heater on those nights, but that just doesn't do the trick.

My husband does what he can just to scrape enough money for car fuel each week and we've gone from three vehicles to one just to try and get by without going further into debt. We were going to sell the house and rent, but the rent around here is higher than what we pay for our monthly mortgage and property taxes combined. Please help.

By February we ran out of wood and I burned my mother's dining room furniture.

I am a single mother with a 9 year old boy. We lived this past winter without any heat at all. Fortunately someone gave me an old wood stove. I had to hook it up to an old/unused chimney we had in the kitchen. I couldn't even afford a chimney liner (the price of liners went up with the price of fuel). To stay warm at night my son and I would pull off all the pillows from the couch and pile them on the kitchen floor. I'd hang a blanket from the kitchen doorway and we'd sleep right there on the floor. By February we ran out of wood and I burned my mother's dining room furniture. I have no oil for hot water. We boil our water on the stove and pour it in the tub. I'd like to order one of your flags and hang it upside down at the capital building...we are certainly a country in distress.

These two letters describe the pressures faced by Vermonters on family life.

Not spending those 10 hours at home with my husband and son makes a big difference for all of us . . .

As a couple with one child, earning about $55,000/year, we have been able to eat out a bit, buy groceries and health insurance, contribute to our retirement funds and live a relatively comfortable life financially. We've never accumulated a lot of savings, but our bills were always paid on time and we never had any interest on our credit card.

Over the last year, even though we've tightened our belts (not eating out much, watching purchases at the grocery store, not buying "extras" like a new TV, repairing the washer instead of buying a new one...), and we find ourselves with over $7,000 of credit card debt and trying to figure out how to pay for braces for our son.

I work 50 hours per week to help earn extra money to catch up, but that also takes a toll on the family life—not spending those 10 hours at home with my husband and son makes a big difference for all of us. My husband hasn't had a raise in 3 years, and his employer is looking to cut out any extra benefits they can to lower their expenses, which will increase ours.

I want to drop everything I am doing and go visit him.

My 90-year-old father in Connecticut has recently become ill and asked me to visit him. I want to drop everything I am doing and go visit him, however, I am finding it hard to save enough money to add to the extra gas I'll need to get there. I am self-employed, with my own commercial cleaning service and money is tight, not only with gas prices, but with everything. I make more than I did a year ago and I don't have enough to pay my property taxes this quarter for the first time in many years. They are due tomorrow.

These letters speak of retirement. One is from an older Vermont couple who recently stopped working; the second is from a woman in a small town in Vermont who is thinking about the future she and her husband face.

We also only eat two meals a day to conserve.

My husband and I are retired and 65. We would have liked to have worked longer but because of injuries caused at work and the closing of our factory to go to Canada, we chose to retire earlier.

Now with oil prices the way they are we cannot afford to heat our home unless my husband cuts and splits wood, which is a real hardship as he has had his back fused and should not be working most of the day to keep up with the wood. Not only that he has to get up two or three times each night to keep the fire going.

We also have a 2003 car that we only get to drive to get groceries or go to the doctor or to visit my mother in the nursing home three miles away. It now costs us $80.00 a month to go nowhere. We have 42,000 miles on a 5 year old car.

I have Medicare but I can't afford prescription coverage unless I take my money out of an annuity, which is supposed to cover the house payment when my husband's pension is gone.

We also only eat two meals a day to conserve.

My husband and I are very nervous about what will happen to us when we are old.

Yesterday I paid for our latest home heating fuel delivery: $1,100. I also paid my $2,000+ credit-card balance, much of which bought gas and groceries for the month.

My husband and I are very nervous about what will happen to us when we are old. Although we have three jobs between us and participate in 403B retirement plans, we have not saved enough for a realistic post-work life if we survive to our life expectancy. As we approach the traditional retirement age, we are slowly paying off our daughter's college tuition loan and trying to keep our heads above water.

We have always lived frugally. We buy used cars and store brand groceries, recycle everything, walk or carpool when possible and plastic our windows each fall. Even so, if/when our son decides to attend college, we will be in deep debt at age 65.

P.S. Please don't use my name. I live in a small town, and this is so embarrassing.

These letters speak about the emotional consequences of the current economic situation and are from a man who lives in a small town near the New Hampshire border, and from a woman who lives in central Vermont.

The pennies have all but dried up . . . Today I am sad, broken, and very discouraged.

I, too, have been struggling to overcome the increasing costs of gas, heating oil, food, taxes, etc. I have to say that this is the toughest year, financially, that I have ever experienced in my 41 years on this earth. I have what used to be considered a decent job, I work hard, pinch my pennies, but the pennies have all but dried up. I am thankful that my employer understands that many of us cannot afford to drive to work 5 days a week. Instead, I work three 15-hour days. I have taken odd jobs to try to make ends meet.

This winter, after keeping the heat just high enough to keep my pipes from bursting (the bedrooms are not heated and never got above 30 degrees) I began selling off my woodworking tools, snowblower, (pennies on the dollar) and furniture that had been handed down in my family from the early 1800s, just to keep the heat on.

Today I am sad, broken, and very discouraged. I am thankful that the winter cold is behind us for a while, but now gas prices are rising yet again. I just can't keep up.

I don't go to church many Sundays, because the gasoline is too expensive to drive there.

As a single parent, I am struggling everyday to put food on the table. Our clothes all come from thrift stores. I have a 5-year-old car that needs work. My son is gifted and talented. I tried to sell my house to enroll him in a school that had curriculum available for his special needs. After 2 years on the market, my house never sold. The property taxes have nearly doubled in 10 years and the oil to heat it is prohibitive. To meet the needs of my son, I have left the house sit and moved into an apartment near his high school. I don't go to church many Sundays, because the gasoline is too expensive to drive there. Every thought of an activity is dependent on the cost. I can only purchase food from dented can stores . . . I am stretched to the breaking point with no help in sight.

More descriptions of what it feels like to be caught in the American economy of the early years of the 21st century. These letters are from a man in north central Vermont and from a man in rural Pennsylvania.

At the rate we are going we will be destitute in just a few years.

Due to illness my ability to work has been severely limited. I am making $10 an hour and if I am lucky I get 35 hours a week of work. At this time I am only getting 20 hours as it is "off season" in Stowe. It does not take a mathematician to do the figures. How are my wife and I supposed to live on a monthly take-home income of less than $800? We do it by spending our hard earned retirement savings. I am 50 and my wife is 49. At the rate we are going we will be destitute in just a few years. The situation is so dire that it is all I can think about.

Soon I will have to start walking to work, an 8-mile round trip because the price of energy is so high it is that or go without heat.

As bad as our situation is, I know many in worse shape. We try to donate food when we do our weekly shopping but now we are not able to even afford to help our neighbors eat. What has this country come to?

I am just tired . . . I work 12 to 14 hours daily and it just doesn't help.

I am 55 years old and worse off than my adult children. I have worked since age 16. I don't live from paycheck to paycheck, I live day to day. I can only afford to fill my gas tank on my payday thereafter, I put $5, $10 whatever that I can. I cannot afford to buy the food items that I would. I am riding around daily to and from work with a quarter of a tank of gas. This is very scary as I can see myself working until the day that I die. I do not have a savings, no credit cards and my only resources are thru my employment. I have to drive to work as there are no buses from my residence to work. I don't know how much longer I can do this. . . . I am concerned as gas prices climb daily. I am just tired, the harder that I work the harder it gets, I work 12 to 14 hours daily and it just doesn't help.

Two women, the first from the Northeast Kingdom of Vermont, the second from a small city in Vermont, write about their situation and their fears.

Now we find that instead of a feeling of comfort, we have a feeling of dread.

I live in the beautiful Northeast Kingdom. There are only a handful of decent jobs available, and the wages everywhere else are not very good. My husband and I have done what we had to in order to survive and to make a decent life for our two children, aged 7 and 4. He has worked steadily at a local plant for 15 years, and I have worked part-time in order to pay the bills without having to rely on daycare. We live a modest life and do not live beyond our means. We have no flat-screen TV, no cell phones, no iPods, and have only one vehicle payment. We thought that finally, maybe, we would be able to get ahead.

Now we find that instead of a feeling of comfort, we have a feeling of dread. It seems like every time we do the right thing and try to move ahead for our family, something out of our control happens in order to slap us back down. I have always been a big pusher of "if you can do something to change your situation, do it." Now, even though we are doing everything right, my husband and I find ourselves extremely worried about this winter. I have no answers as to how to make the oil prices lower.

My husband and I have tried, again, to do the right things by limiting our driving and by setting the heat at 68 degrees all winter. We even had our home made as energy efficient as possible, yet we now find ourselves unsure if we will be able to pay for both the mortgage and our oil next winter.

Some nights we eat cereal and toast for dinner because that's all I have.

I am a working mother of two young children. I currently pay on average around $80.00 a week for gas so that I can go to work. I see the effects of the gas increase at the grocery stores and at the department stores. On average I spend around $150.00 per week at the grocery store and trust me when I say I don't buy prime rib—I buy just enough to get us through the week and I can't afford to make sure we have seven wholesome meals to eat every night of the week—some nights we eat cereal and toast for dinner because that's all I have. My family has had to cancel our annual trip to the zoo, and we make less trips to see our families in another town due to the increase of gas. The price of gas has created a hardship for most average Americans. We have less money to pay to living expenses which have also increased. It seems as if it's just a rippling effect. I am really scared of what the future holds for me and my kids because I just simply cannot afford to live from day to day. I am getting further and further in credit card debt just trying to stay afloat.

Some letters are from people who work in health care and report on what is happening in their towns. The first of these is from a small town in north-central Vermont; the second is from a small town in the state of Washington.

Insurance costs continue to rise causing some to forgo insurance to pay for gasoline, heating fuel and groceries.

As the chief of a small ambulance service, I have seen the impact of rising costs.

As a service made up of primarily volunteers, we have seen our numbers decline. When soliciting for volunteers from the community, we have been told that they are unable to put the time in due to the need to work more just to pay their bills.

Our costs associated with running an ambulance have also risen in the last few years. When discussing with our suppliers, fuel prices play a large part in the increase—both to manufacture and to transport.

We are hearing from more and more Vermonters that insurance costs continue to rise causing some to forgo insurance to pay for gasoline, heating fuel and groceries.

In speaking with other ambulance services both volunteer and paid, most including ours, are delaying purchases on major equipment such as ambulance replacements, due to limited funding. This means we have older equipment, and higher maintenance costs.

Dentistry is expensive and people are opting not to come to the dentist.

I live in Washington. I drive about 10 miles to work every day. I drive an eight-year-old car that gets about 25 miles per gallon. My husband is a contractor and drives a small pickup truck that gets very poor mileage. Together I have estimated that we spend about $300 a month on gas. This has a tremendous effect on our budget. We are watching every penny we spend.

I work in a dental clinic that is also seeing a slowdown. Dentistry is expensive and people are opting not to come to the dentist or not getting the optimal dentistry they need. I spoke to the medical doctor across the hall from our office. He was telling us that they too have seen a slowdown in their practice. People are forgoing a trip to the doctor to save money. One of my patients told me a story yesterday about a food bank in town that is finding it difficult to keep its shelves full. They had a realtor who was a regular contributor. Now she was coming to get food for herself. The cost of food is rising at a tremendous rate.

Rising gas prices have an effect on medical care as well, as this letter from an oncology social worker in a Vermont city reveals.

I cannot describe how devastating it has been for these folks who need to travel great distances to get to/from their cancer treatment.

My story involves my capacity as an oncology social worker working with cancer patients in an outpatient clinic. I also run an emergency fund through the Cancer Patient Support Program which provides funds to cancer patients in need during their cancer journey, including initial diagnosis, surgery, and treatment period in which they experience a significant decrease in income during a medical leave.

I cannot describe how devastating it has been for these folks who need to travel great distances to get to/from their cancer treatment and followup care with the way gas prices have been!

Many of these folks need to travel on a daily basis to radiation therapy for several weeks while others come from surrounding counties every one to two weeks for chemotherapy. It [the high price of gas] has had a tremendous impact on our ability to provide the financial assistance through our emergency fund to all those in need.

Someone with cancer who has to get treatment has no choice in how many times they need to travel great distances. They have to have reliable transportation, and thus need access to gas for their cars, or another family member's car, to get to their treatment and followup care.

This is becoming increasingly difficult as gas prices continue to rise and our emergency fund cannot meet all the financial needs of these patients.

This is the story of a woman who lives in a suburban community near Burlington, Vermont. Following it is a short letter from a senior citizen in a very small town in the mountains of central Vermont.

I feel as though I am between a rock and a hard place no matter how hard I try to adjust my budget for the month.

First of all, I am a single mother of a 16 year old daughter. I own a condominium. I have worked at the hospital for 16 years and make a very good salary, in the high $40,000 range.

I own a 2005 Honda Civic. I filled up my gas tank yesterday, April 1, and it cost me almost $43. That was at $3.22 per gallon. If prices stay at that level, it will cost me $160 per month to fill up my gas tank. A year ago it cost me under $20 to fill up my tank. Which would have amounted to approximately $80 per month. I now have to decide what errands I really need to run and what things I can do over the phone or on the Internet. But the other issue is if I use my cell phone too much during the month my bill will increase and that will cost me more money.

I feel as though I am between a rock and a hard place no matter how hard I try to adjust my budget for the month. I am watching my purchases in the grocery store and department stores more closely because of increased prices. I am not sure that I can afford to take a summer vacation this year. I usually take a day off during my daughter's spring vacation so we can go shopping in New Hampshire somewhere. I have already cancelled those plans for this year. I am hoping that I can take a few days off this summer to go to Maine. We will see how the gas prices are this summer but I hear it is going to get worse. Not much hope for someone on a tight budget.

I have been forced to go back to work.

I am a 71 year old man and have been retired since 2000. With the price of fuel oil I have been forced to go back to work just to heat my home and pay my property taxes.

These two women who live in small towns in central Vermont write about their sense that their families are sinking, economically.

We would like to not have to worry about where our next meal will come from.

I am a registered school nurse in Vermont, and my husband is a self-employed bread baker. We are in our mid 30's and have two young children. We always thought that if we went to college, earned 4-year degrees, and worked hard, that we would be able to live a decent life. We have no desire to be wealthy, but would like to not have to worry about where our next meal will come from.

As you know, wheat prices are soaring. Over the last year, he has seen his price per 50-pound bag of flour increase about $10 or more (last week alone, price per bag went up $2.75). We are feeling distraught that we may never "get ahead" but will always be pedaling to just keep up . . . Employed in Vermont since 1997, I will be paying back my nursing loans for a long time—longer now that we just can't keep up with the rising costs of oil and wheat.

My husband and I both work very, very hard to provide needed services to our Vermont communities. Yet we scratch our heads when trying to budget our income. How can it be that two college-educated individuals with respectable careers are in such a financial bind?

My husband and I followed all the rules . . . Slowly, though, we have sunk back to the 'poor' days.

My husband and I followed all the rules. He grew up in urban projects and went into the military with Vietnam service so he could get GI Bill benefits and go to college. I grew up picking strawberries as a migrant worker, but had a mother who so pressed education that I was able to go to college on scholarship and by working full time nights in a mental hospital. My husband and I worked hard to buy a home, maintain good credit, even taking government jobs because we truly wanted to help others. I became disabled and unable to work, but we managed to live a middle-class life on one salary.

Slowly, though, we have sunk back to the 'poor' days. Our heating oil bill, gas prices, food prices—well, you know the story. Even a pizza is a splurge now. The interest on our meager savings doesn't seem worth keeping the money in the bank. We're so much more fortunate than many others, since we can still meet our bills, but we're scared that we'll drop beneath that level soon. It doesn't seem right that after working hard and following all the rules for our lives, now, at 60, we're tumbling down.

These two letters, one from a man in a Chicago suburb, and one from a teacher in Vermont's Connecticut River Valley, also speak of the sense of falling behind in the 21st century American economy.

It costs me so much money in gas that my wife and I live on $6 per day to eat.

My job was transferred to China 8 years ago. No jobs were available in my field. I tried to do everything I possibly could do in finding another job outside of my field but failed. My unemployment ran out. I lost everything: House, cars and the will to live. My wife and I moved into my in-law's basement after this catastrophe. I regained my never-give-up outlook on life. I went back to school. I spent $13,000 on my education to become a residential home inspector. That market is in turmoil, and I can't make any money in it these days. I am still self-employed now performing various inspections on the commercial side within the northern half of Illinois. I drive on average 250 miles per day. It costs me so much money in gas that my wife and I live on $6 per day to eat. I can't afford health insurance for my wife and I because that money is in the gas tank every week. The irony of it is my wife is a nurse. She's expecting the doctor she works with to close his office any day now because he's behind in his malpractice insurance. His premiums are too high and he's 120 days past due on his office lease payments because he's trying to keep the malpractice insurance in effect. He stopped offering health insurance to his employees 2 years ago with his increasing costs. I still live in a basement. Do you need any more evidence that our country and our leaders have failed me?

How much more of a hit can people take? The future looks extremely bleak to me.

Bernie, I am so frightened for next year, as I struggle daily this year. I drive past the gas stations and see the price go up. Those prices are going up even 10 cents a gallon in one day.

What about heating fuel next year? I spent this winter with my heat turned down to 53 degrees, varying it only for a few hours after I returned home from work. I have my master's degree and am a teacher. I am struggling so hard in my new home. It's a double wide and I've waited 50 years to get my own home. Now, I am worried I won't be able to keep it as everything else is going up, except my salary, which next year will only go up slightly more than 1 percent.

The middle class is no longer the middle class . . . I've slipped into the lower class after a winter of double heating costs and now these new economic hits. How much more of a hit can people take? The future looks extremely bleak to me. I worry constantly about how I am going to pay my bills.

The first letter is from a young person in a small, rural, college town in Vermont. The second was written by a woman who lives in a city on the Gulf Coast of Florida.

I am now living out of my car.

As a student and a part time employee working for just above minimum wage I have found it more and more difficult to survive under these conditions. The drive to school and work require me to use roughly 30 percent of my paycheck just to go where I need to, to make it through my day.

When school is in session I am lucky to get about 170 dollars a week and with gas prices at their current all time high I am continually finding myself under hardships because of it. Recently I had to vacate my apartment because I could not afford to pay rent and I am now living out of my car. This too seems like it may not be able to last that much longer because I am encountering difficulties in making my car payment.

I can remember when gas prices were a little over a dollar and I dream about life taking that turn once more. Because of the gas prices I have found nothing but an extremely low budget for food, I was forced out of my home and now I might lose the one thing that is allowing me to continue my schooling and keep going to work—my car.

I am struggling to understand why prices continue to rise and I see no end in sight.

Our life style has drastically changed in the past 12 months.

I travel over 30 miles one way (60 miles roundtrip). My car requires high test which is now $3.95/gal. I have approached my company about doing a survey of its employees to see how many co-workers travel over 20 miles one way, and suggested that we start to work on a commuter policy. I suggested four 10-hour work days, telecommuting, setting up car pools, setting up incentives for car poolers. I was turned down. I was able to find another person who was interested in car pooling & we have started to do that. I take breakfast, coffee, lunch, and snacks to work daily. I do not go to the hair dresser or nail salon as I used to. We stopped taking weekend trips and plan to see our children in NJ only once this year. Between the 30 percent credit card interest rates, fuel cost, and food increases our life style has drastically changed in the past 12 months.

Two women from Vermont write about what the economy is doing to them and their families.

My mortgage is behind, we are at risk for foreclosure, and I can't keep up with my car payments.

I am a 31 year old wife, mother of two. How has this affected me? My husband drives 35 miles to work, that is a one-way trip. He is putting an average of $80 a week into his gas tank. No, he doesn't drive an SUV or a half-ton work truck. It's a small pickup truck that he needs as he builds houses. The kicker is that he never puts more than half a tank in, because we can't afford to fill it. I drive 15 miles one way, and put about $40 a week into my 30-miles-to-the-gallon car. Again, I never fill the tank—ever. We have even contemplated having my husband quit his job because he isn't making much more money weekly than he spends on gas. We could move to an area that is closer to our jobs, but because of the market, we cannot sell our house fast enough, or for a fair price.

Meanwhile, my mortgage is behind, we are at risk for foreclosure, and I can't keep up with my car payments. My parents, both in their 60's, are back to work so that they can make ends meet, and struggle to come up with enough gas money so they can get to doctor's appointments. They are opting to close their house up for the winter, and stay with my uncle so they don't have to put oil in their furnace. I can't tell you how many times we had to fill our little gas tanks with kerosene or diesel because we ran out of oil and couldn't afford the $380 it would cost us to put a mere 100 gallons in. Needless to say, we are way behind on all of our bills, we are still playing catch up with our winter expenses. People that I know that have never struggled with money, are now frequenting our local food shelf so they can feed their families staple foods. Please listen to our pleas and put ethics first.

We are barely staying afloat.

My family has been hit so hard by this economy, we are barely staying afloat. We have remortgaged the house 4 times in the last three years to pay credit card debt. Now we are trying to tap into our annuity to pay more credit card debt. The debts on the credit cards are all for bills. Mostly grocery, oil and the mere cost of living.

My husband is a union carpenter and they just changed our fantastic insurance plan to a terrible one with barely any coverage. I have none of my doctors on it and I suffer from painful nerve damage. I am not eligible for social security disability and I am unable to work.

We had a dream to own our own home, and that dream came true seven years ago. I am afraid our dream is slipping through our fingers and it won't be long before we lose our home, the way things are going.

A young couple in Burlington, Vermont writes of their situation and their concerns.

I wonder some times if we should try to follow our dreams—decide to have children?

Even after we bought our house, there was a time when I could save a little here and there and feel secure and hopeful for the future.

Recently, I have been trying to stretch out time between grocery trips and have chosen to postpone necessary repairs to our house simply because we just don't have the money to do so.

We are frugal people with simple spending habits, mainly food and our house expenses. We ride bicycles, buy bulk foods and used clothing, repair and mend before buying new, and we love this life.

But if we can't fix our roof, or become malnourished from food choices on a family income of $50,000 yr, then what does the future hold for the next generation?

I wonder some times if we should try to follow our dreams—decide to have children? Try to buy a farm? All of these thoughts lead me to another emotion—sadness.

These letters, the first from a single mother in Vermont, the second from a retired couple also in Vermont, ask questions that we as a Nation should listen to.

People say, 'Cut back.'

I am a single mother, owning a home, preparing to send a son to college, and working two jobs most of the time. While I am managing to keep my house (I think I'm upside down given the slump in market value), I am falling behind on my bills and have to use my credit card more often for necessities.

People say, 'Cut back.'

When I look at my bank and credit card statements, I see; gas, groceries, gas, fuel oil, gas, groceries, school-related activities, car maintenance, gas, electricity. Cut back on what? The occasional pizza between jobs and athletic events? The trip to college to seek financial aid? Clothes for work and school?

Does anybody have a solution? Does anybody in Washington care?

Thanks for your invitation to talk with you. We are retired, 70 and 65 and living on Social Security and some savings.

Like most Vermonters we use wood to offset the price of being warm. Our last oil fill up was nearly $700. How can we continue to make ends meet? My gasoline cost $239 last month. Food and everything else we buy is going up every week because of gouging from oil companies. We are worried about the national debt and the trade deficit. What can be done to bring them down? Does anybody have a solution? Does anybody in Washington care?

HONORING RON MASON

Mr. LEVIN. Mr. President, I, along with my Michigan colleague, Senator STABENOW, would like to congratulate Ron Mason on a long and distinguished career at Michigan State University. He has been integral to the success of Michigan State's hockey program for more than 29 years and has positively impacted the lives of many young people throughout his tenure at MSU.

Ron Mason enjoys the distinction of being the winningest coach in college hockey history. That is an impressive feat, one of which he, his family and the MSU community are proud. Ron spent 36 years as a college hockey head coach, 23 of which were behind the bench at Michigan State University. During his stellar career, he amassed 924 total wins and a record of 635–270–69 as head coach of the Spartans. Ron guided the Spartans to 17 CCHA regular season and playoff titles, and 23 appearances in the NCAA tournament, which stands as an all-time record. In 1986, he led the Spartans to their second NCAA Hockey National Championship in the school's history, and in 1972, he won a NAIA Championship as head coach of Lake Superior State University.

After retiring as head coach of the Spartans, Ron accepted the job of athletic director at Michigan State, where he would continue to make important contributions to the success of the 25-sport athletic department. Under his watch, the university won 11 conference championships and one national championship. Fittingly, the national championship was won by the ice hockey team, the program's third NCAA national championship. Ron's legacy as athletic director also includes the many contributions he has made in the lives of student-athletes at MSU off the field. These efforts include the PACT initiative which has enabled more than 300 student-athletes to participate in community outreach efforts, the establishment of the Student-Athlete Multicultural Center which provides leadership training to student-athletes, and his highly successful fundraising efforts for the athletic department.

One of the great privileges of coaching and working on the collegiate level is the impact an individual can have in shaping the lives of young men and women. Ron Mason accepted this responsibility and flourished. In the process, he has become an important figure in MSU's rich athletic tradition.

Ron's retirement will be aptly marked by a celebration on Thursday, June 12 at MSU. We know our Senate colleagues join us in paying tribute to Ron Mason on his many accomplishments over the years and wish him and his family the very best in their future endeavors.

IN REMEMBRANCE OF ALFRED WAGONER LOVELESS

Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to Alfred Wagoner Loveless, a tireless and dedicated community leader. Alfred was committed to serving the needs of his community and served in various positions throughout his adult life in Saginaw. His contributions were many, and he will be missed by those whose lives he touched.

Alfred Wagoner Loveless was born in Detroit, MI, on March 9, 1931, to Claude and Jesse Starr Loveless and moved shortly thereafter to Saginaw. He is a graduate of Saginaw High School. During his years at Saginaw High, he excelled athletically and would ultimately set several school record in track and field. After his high school years, Alfred attended Bay City Junior College and Bishop College.

Alfred Wagoner Loveless was a man of great faith who was devoted to his family and to his community, and he received numerous awards and recognitions throughout his life as a result of his work. His community efforts focused on eradicating poverty, sickle cell prevention, along with promoting self-determination and self-sufficiency. Alfred is mourned by his family, the members of Zion Baptist Church, and many in the greater Saginaw community. Alfred is survived by his wife Gloria Hill Loveless and his son, Wagoner T. Loveless, in addition to a large extended family.

This is, indeed, a great loss to all who knew him or for those who have benefited from his work. I know my colleagues will join me in paying tribute to the life and work of Alfred Wagoner Loveless. I am sure his family takes comfort in knowing that his legacy will be remembered.

ADDITIONAL STATEMENTS

REMEMBERING WILLIAM T. "BILL" McLAUGHLIN

• Mr. BIDEN. Mr. President, I wish today to honor Bill McLaughlin, a man as renowned for his vision and leadership as for his soft touch and utter humanity. Bill passed away on May 30, 2008, but his legacy will live on for generations. Many remember Bill as a man who turned the city of Wilmington into one of the financial capitals of the world—I prefer to honor him as the truly decent, caring, and visionary gentleman whom I have admired for my entire career.

To summarize Bill McLaughlin's life in a few words is beyond my capabilities. It is impossible for me to speak of this brother, father, and grandfather in terms of his well-documented public accomplishments. To me, Bill McLaughlin was a friend, and a man.

As Shakespeare wrote, "His life was gentle, and the elements / So mixed in him that Nature might stand up / And say to all the world, / This was a man!"

Bill McLaughlin was a man. As we Irish say when we want to pay the highest compliment: Bill McLaughlin was a good man.

Bill was, at his core, a family man. He viewed everything through the prism of family. And he was a great city leader because he loved the city of Wilmington. On any given Sunday, you were as likely to see him at an African-American church as you were at Catholic mass.

Of all Bill's wonderful qualities, perhaps the most unique—and most useful—was his style of leadership. He had the insight to know what had to be done and the wisdom to make other people think it was their idea.

He was one of the last men and women of the "greatest generation," recognizing that the values he was raised with—honor, decency, humility and sacrifice—were universal values that defined who we are as a nation. He used those ideals as his guidance, which is why Bill's courageous decisions as an elected official were both profound and simple for him. They were not difficult for him because they were obvious to him; Bill always knew his true north.

Bill McLaughlin was a model for all of us, not just elected officials. He lived his life, from beginning to end, by the same guiding principles upon which our Nation is built. Bill will be sorely missed, but as long as we remember his lessons, the world will be better off. As Yeats wrote in "The Lake Isle of Innisfree:"

I will arise and go now, for always night and day
I hear lake water lapping with low sounds by the shore;
While I stand on the roadway, or on the pavements grey,
I hear it in the deep heart's core.•

HONORING DR. DONALD F. AVERILL

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing Dr. Donald F. Averill as he retires after almost 50 years of service in education.

This month, Dr. Donald Averill will retire as chancellor of the San Bernardino Community College District, SBCCD. Prior to joining SBCCD, Dr. Averill served as the CEO of Palo Verde College. Dr. Averill more than doubled the enrollment of full-time students to provide increased educational opportunities throughout the region. His leadership enabled physical and economic growth of academic infrastructure and enabled Palo Verde College to earn accreditation. During his tenure as the CEO for the San Bernardino Community College District, he greatly improved the economic capacities of the district and increased cooperation between colleges and secondary institutions, increasing enrollment in the region by 45 percent.

Throughout his 47 years of service and commitment to improvements in education, Dr. Donald Averill provided leadership both in California higher education and in the San Bernardino community. He served as chairman of the Economic and Workforce Development Advisory Committee to the California Community College Board of Governors for 2 years and chaired the Human Resources Commission of the Association of California Community College Administrators for 5 years. He served the city of La Habra, CA, as a planning commissioner for 12 years. Dr. Averill has also served as president of the American Heart Association in Glendale, CA.

As he retires from providing leadership and guidance to the faculty, students, and staff of numerous institutions of higher education and to countless communities in California, I am pleased to ask my colleagues to join me in honoring a true leader in education and community development.•

HONORING NELL SOTO

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring California Assembly member Nell Soto on a lifetime of achievement and advocacy for the people of California. Throughout her tenure in both the California Assembly and the California State senate, Nell Soto has worked tirelessly to improve the quality of life for the people of California and our Nation. Despite recent health challenges, this June she will celebrate her 82nd birthday and can look back on a proud career in public service.

A sixth-generation resident of the City of Pomona, Nell Soto has been a lifelong member of the southern California community and has been a strong advocate for its communities throughout her life. Before coming to the California Legislature, Nell Soto served 12 years on the city council in Pomona. Her late husband Philip Soto served two terms in the state legislature from 1962 to 1966. Nell was the first woman from the San Gabriel Valley to serve on the South Coast Air Quality Management Board. She served 10 years as a public affairs representative with the Los Angeles County Metropolitan Transportation Authority. In 1998 she was elected to the California Assembly and in March of 2000 won a special election to secure a seat in the California State senate, a seat that she held until 2006. She now serves once again in the California Assembly.

Throughout her tenure in the California Legislature, Nell has been an impassioned advocate for stronger communities and an improved quality of life and has worked to make improvements throughout the California educational system. She has been a strong advocate of improvements in infrastructure and transportation and worked hard to secure the development of the Alameda Corridor East, an important rail transportation project in inland southern California. She has been an equally impassioned advocate for crime prevention, public safety, and the environment, and recently served as chair of the Assembly Select Committee on Perchlorate Contamination and has worked to secure funding for improvements in drinking water safety from perchlorate contamination.

A lifelong resident of southern California, mother of 6, grandmother of 11, great-grandmother of 3, and spirited supporter of community advocacy and selfless service, Nell Soto is a wonderful public servant. As she looks back on decades of leadership and celebrates her 82nd birthday, I am pleased to ask my colleagues to join me in recognizing her good work.•

TRIBUTE TO ELTON "MICK" RINGSAK

• Mr. CONRAD. Mr. President, today I pay tribute to an outstanding advocate of small and rural business, Elton "Mick" Ringsak, who will be concluding his time as Small Business Administration Region VIII Administrator in July of 2008.

For nearly 8 years he has been a champion for small business in rural America. He has recognized the important role they play in strengthening the local and national economies of our country and I have appreciated the excellent work he has done for the State of North Dakota. Mick has worked hard to provide Federal assistance to small businesses so they can be productive and grow.

Not only is Mick Ringsak an advocate for small and rural businesses in America, he is also an outstanding person. He has never lost the values he gained growing up in Grafton, ND. During my years as Tax Commissioner for the State of ND, I had the opportunity to work closely with his father, a legislator in the State Senate from the Grafton area.

Mick and his wife Claire are parents of three sons, Quint, Justin and Zach. He is trustworthy, honest, and dedicated to making the economic environment friendlier to small and rural businesses. Prior to his appointment appointed as the SBA Region VIII Administrator in 2001, Mick, a Vietnam veteran, owned and managed Miller's Boots and Shoes along with his brother-in-law in Butte, MT.

I appreciate his work as SBA Region VIII Administrator, and I wish Mick well in his future endeavors. I have enjoyed working with him in developing North Dakota's small and rural businesses and he has also been a good friend. I wish him all the best in his upcoming retirement and look forward to his continuing leadership for small business for many years to come.•

125TH ANNIVERSARY OF AYR, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 125th anniversary. On June 21 and 22, the residents of Ayr will come together to celebrate their community and its historic founding.

Ayr is located in Cass County. Although its population is small, Ayr holds an important place in our State's history. Originally founded in October 1883 as Dunlop, the town was officially renamed Ayr by postmaster Frank Dickinson. He chose to name the community Ayr in recognition of Ayrshire, Scotland, the ancestral home of many of Ayr's citizens at the time. Later, some residents tried to change the name of the town again, but the territorial legislature took action to put an end to the renaming effort.

Ayr is a community dedicated to service, with many citizens serving both in the government and military. Many in the community have also played a role in defining the preservation of North Dakotan history, with community members such as Keith Johnson who was responsible for much of the restoration of historic buildings in the Cass County 'Pioneer Village' project.

Mr. President, I ask the United States Senate to join me in congratulating Ayr, ND, and its residents on their 125th anniversary and in wishing them well for the future. By honoring Ayr and all other towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Ayr that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Ayr has a proud past and a bright future.•

100TH ANNIVERSARY OF HAGUE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 100th anniversary. On July 4 and 5, the residents of Hague will gather to celebrate their community's history and founding.

In 1882, a rural post office was established to serve the Grandin Brothers Bonanza Farm. In 1882, the Bonanza farm was 40,000 acres, which made it the largest wheat farm in the world. This Bonanza farm was managed by a man named John A. Hague, and he eventually lent his name to the town of Hague.

Today, Hague is a small but vibrant community in south, central North Dakota. Residents of the community are truly proud of the St. Mary's Catholic Church, a Gothic-style, brick building built in 1929 that is on the National Register of Historic Places. St. Mary's Church possesses an iron cross cemetery that is a German-Russian tradition, which makes it a unique cultural gem.

To celebrate its 100th anniversary, the town of Hague will be having a wide range of events. To start off the festivities, the residents will be participating in a Tractor Trek. The town will also have a rodeo, parade, concerts, a magician, cloggers, and fireworks. Kristi Goblade, a local resident of Hague, will be performing cowgirl yodeling at the opening ceremony. A performance by Mylo Hatzenbuhler, a country humorist, is also expected.

Mr. President, I ask the United States Senate to join me in congratulating Hague, ND, and its residents on their first 100 years and in wishing them well in the future. I believe that by honoring Hague and all the other historic small towns of North Dakota, we keep the frontier spirit alive for future generations. It is places like Hague that have helped to shape this country into what it is today. I believe that Hague is deserving of our recognition.

Hague has a proud past and a bright future.•

100TH ANNIVERSARY OF KIEF, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 21–22, the residents of Kief will gather to celebrate their community's history and founding.

Kief is a small town located in the center of North Dakota with a population of 16. The land upon which Kief was founded was first homesteaded by a Ukrainian immigrant named Anton Bokovoy. In 1908, he sold half of his land to the Tri-State Land Company, which then sold the land to other settlers from Scandinavia, Russia, and Germany, effectively establishing the town of Kief. It was customary to give the first settler the opportunity to name the town. Anton Bokovoy chose to name the settlement after his birthplace of Kiev, Ukraine.

Kief grew throughout the years. In 1910, the town was able to construct a schoolhouse, which served the community's students until it was closed in 1959. Kief officially became a village in 1918. At that time, the town had about 300 inhabitants. The many businesses that opened in Kief made the town a pleasant place to live. Multiple grain elevators and businesses related to agriculture offered a livelihood to many of the town's residents. In their free time, residents of Kief could be found enjoying themselves at the outdoor theater, pool hall, and bowling alley.

Today, Kief supports three businesses. Krueger's Standard Grocery has been in operation since 1982. Recently, a long haul trucking company and a truck freight brokerage have been established.

Current and former residents of Kief will gather to celebrate the 100th anniversary. They will enjoy a parade, an ice cream social, and a street dance. Children and adults will play horseshoes, tug o' war, and other games throughout the weekend. Horse and buggy rides will remind celebrants of the conveyances of yesteryear.

Mr. President, I ask the United States Senate to join me in congratulating Kief, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Kief and all the other historic small towns of North Dakota, we keep the frontier spirit alive for future generations It is places like Kief that have helped to shape this country into what it is today. I believe that the community of Kief is deserving of our recognition.

Kief has a proud past and a bright future.•

125TH ANNIVERSARY OF LAKOTA, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. During this year's July 4th celebration, the residents of Lakota will gather to celebrate their community's history and founding.

In 1882, Lakota, a Great Northern Railroad site, was founded. Lakota was named by Gov. Nehemiah G. Ordway for the Sioux word meaning "allies." Lakota's post office was established in 1883, and it was designated as the county seat in 1883. Lakota officially became a city in 1889.

Today, Lakota remains a small, proud farming community. Lakota residents enjoy many outdoor activities, from hunting to fishing in nearby Devils and Stump Lakes. Many residents take pride in the local golf course, Lakota Rock Creek Golf Course, saying that it is the "best course around." The community is home to the A. M. Tofthagen Library and Museum, which was recognized in 1991 as a North Dakota historical site by the National Register of Historic Places.

To celebrate the 125th anniversary, the residents of Lakota will gather for a wide range of events. An All School Reunion will be held during the same weekend of the anniversary celebration. Lakota will also celebrate with a variety show, banquet, craft show, parade, BBQ, a dance, car and motorcycle show, and lots of activities for the kids.

I ask the Senate to join me in congratulating Lakota, ND, and its residents on their first 125 years and wishing them well in the future. By honoring Lakota and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Lakota that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Lakota has a proud past and a bright future.●

125TH ANNIVERSARY OF NEW ROCKFORD, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in Eddy County, ND, that will be celebrating its 125th anniversary. From July 3–6, the residents of New Rockford will gather to celebrate their community's history and founding.

The Eddy County region was populated mainly by settlers of Scandinavian origin. The first pioneers followed the trail blazed by earlier Red River buffalo hunters. Later, they came by way of the Northern Pacific Railway.

In 1882, Captain Walter G. Dunn established his merchandise store and post office just to the south of present-day New Rockford. As the railroads stretched northward, townsite promoters appeared a year later. These advocates sited the settlement along the James River and initially called it Garrison. Since Garrison was the name of another post office, the settlers decided upon the name New Rockford, derived from the area's river crossing.

Today, New Rockford is a quiet, scenic place of 1,463 people. The township anchors a dynamic farm economy and contains a 117-acre industrial park. New Rockford is renowned for holding the Central North Dakota Steam Thresher's Reunion every third weekend of September, where a unique collection of antique operational steam engines is displayed. In addition, the community's rugged pioneering tradition persists and has been passed on to hometown son James Buchli, an astronaut and American hero.

New Rockford boasts a vibrant natural heritage and offers some of North Dakota's finest wildlife habitats. Blessed to be near the Sheyenne and James Rivers, the town is a prime locale for fishing. New Rockford is also a hub for hunters because of the waterfowl, whitetail deer, and upland game that populate the area.

To celebrate their 125th anniversary, the people of New Rockford have planned a number of events, including pitchfork fondues, dances, children's games, and a fireworks display.

Mr. President, I ask the United States Senate to join me in congratulating New Rockford, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring New Rockford and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as North Rockford that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

New Rockford has a proud past and a bright future.●

100TH ANNIVERSARY OF REEDER, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased today to honor a community in North Dakota that is celebrating its 100th anniversary. On June 20–22, the residents of Reeder will gather to celebrate their community's founding and history.

Reeder is located in the scenic southwestern part of North Dakota with a population of about 181. The town was named after E.O. Reeder, an assistant chief engineer with the Milwaukee Road Railroad, which established a station in Reeder in 1908. By the end of 1908, it was a thriving prairie town with numerous businesses.

In celebration of the community's centennial, there are many activities planned for entertainment and to remember the town's history. Events will include a parade, variety show, bike races, dances, and plenty of food.

The centennial celebration will also serve as a high school reunion for the graduates of Reeder High School. The school closed in 2000, but the town has turned it into the Dakota Prairie Enrichment Center. The community center is now used for receptions, basketball games, dances, and benefits. It also provides lodging for those who travel to the area to hunt, a popular activity in Reeder.

Mr. President, I ask the United States Senate to join me in congratulating Reeder, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Reeder and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. Places such as Reeder shaped this country into what it is today, which is why this fine community deserves our recognition.

Reeder has a proud past and a bright future.●

HONORING FREDERICKSBURG HIGH SCHOOL

● Mr. CORNYN. Mr. President, today I highlight an innovative and incredible education program started by science teacher Brett Williams from Fredericksburg High School in Fredericksburg, TX. The SystemsGo Aeroscience program promotes engineering, strong workforce skills, and improved academic performance by teaching high school students how to design, develop and launch rockets.

The program is a 2-year, junior/senior program in which first-year students design and develop remotely operated vehicles and unmanned aerial vehicles for research or industrial applications. Second-year students design and fabricate rockets for testing at altitudes from 80,000 feet to 100,000 feet. Through successes and failures, students picked up valuable life skills such as problem solving, testing, analysis, documentation, reporting, project management, teamwork, and communication.

We are facing shortages of high-skilled workers in our country. The S&P, Standard & Poor's, top 500 companies alone report over 140,000 vacancies for these positions. By developing workforce skills in tandem with engineering studies, the SystemsGo Aeroscience programs is training the next generation of scientists that will keep our country globally competitive.

More than a decade after Mr. Williams and his students launched their first rocket, Fredericksburg High School has received many accolades including being the first high school to design and develop rockets exceeding Mach 2. However, the statistic I find most impressive is that 80 percent of students in the aeroscience program continue to pursue degrees in engineering in college.

By inspiring the next generation of scientists, we are not only investing in individual students' success but also to the overall wellbeing of our economy. America's most valuable asset is her human capital. It is critical that we continue to encourage exceptional teachers like Mr. Williams, and programs such as the SystemsGo Aeroscience in order to maintain our global leadership in innovation.●

REMEMBERING CARL KULCZYK

● Mr. HARKIN. Mr. President, I was deeply saddened by the death of Carl Kulczyk last week.

I knew Carl the way many other Iowans did—through his passionate commitment to the work of bringing hope and health care to underserved communities in our State. When Carl began his work with the Iowa Department of Public Health 14 years ago, there were just four community health centers in Iowa; today there are three times as many health centers, a migrant program, and yet another community health center well on its way to getting permanent funding. Carl never cut a ribbon or spoke at a groundbreaking, but let me say this: The expansion of affordable, accessible health care services across Iowa would not have happened without Carl's hard work.

But that is not all. Carl worked to support Critical Access Hospitals. He brought physicians from overseas to care for Iowa's sick and elderly. He nurtured the psychiatric physician assistant training program. And, in his final days, he was working to get Iowans better access to dental care.

There is an old expression that we make a living by what we get, but we make a life by what we give. By that measure, Carl lived a very good life, indeed. He gave his time and talents to securing quality health care for tens of thousands of Iowans, most of them children—people who otherwise would have gone without any health care. And though he was dedicated to his work, his first priority was always his family.

In my book, the highest praise for Carl—for any person—is that he was a good and decent man. He dedicated himself to serving others. He had a mighty heart and was beloved by those of us who had the honor of calling him friend, colleague, husband, father, brother, or uncle.

Carl had a very special blend of passion, humor, determination, high intelligence, and a sense of adventure. He worked miracles for people who so desperately needed a miracle. He took care of the least among us, while never neglecting his family. I, for one, will always be in his debt and grateful for his service to the people of Iowa. I extend my deepest condolences to his wife Pam, to his children, Caleb and Ezra, and to his entire family.●

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

● Ms. LANDRIEU. Mr. President, on April 24, 2008, 25 young men and women from Louisiana and the Washington area took part in Take Our Daughters and Sons to Work Day. I am going to submit all of their names for the RECORD to show that they spent a day working the Senate with me and with some of the other Senators and have seen firsthand the work that goes on.

I want to acknowledge the MS Magazine Foundation that started Take our Daughters and Sons to Work Day to thank them for organizing this effort where there are thousands, maybe perhaps millions, of young people who have taken a day out of their school work to go to the various places where Americans are working to contribute to making this country of ours a better country and this world a better place.

I ask to have the names printed in the RECORD for these young men and women and thank them for being a part of this special day and taking their time to come and learn about the workings of the Senate.

The list follows.

From The Bryn Mawr School: Alexandra Argo, Baltimore, MD; from Urusline Academy: Kelly Francis Antrum, New Orleans, LA; from Ursuline Academy: Jennifer Baker, New Orleans, LA; from Lake Castle School: Anna Campbell, Abita Springs, LA; from St. Angela Merici School: Margret Domingo, Metairie, LA; from St. James Episcopal School: Ashton Eymard, Baton Rouge, LA; from St. Margaret Mary: Cameron Gerhold, Slidell, LA; from Georgetown Day School: Cleo Gill, Washington, DC; from Georgetown Day School: Camilla Herrera, Washington, DC; from Grace Episcopal School: Mary Snellings Inabnett, Monroe, LA; from LSU Lab School: Jeremy Jetson, Baton Rouge, LA; from St. Peter's: Marlena Jones, Washington, DC; from St. Dominic School: Ashley Landrieu, New Orleans, LA; from St. Dominic School: Claire Landrieu, New Orleans, LA; from St. Dominic School: Katie Landrieu, New Orleans, LA; from Our Lady of Prompt Succor: Alyse Lemoine, Dryprong, LA; from St. Dominic School: Sarah Mayer, New Orleans, LA; from Academy of the Sacred Heart: Natalie Lindon, St. Martinville, LA; from T S. Cooley Magnate School: Hanaiah Morris, Lake Charles, LA; from LSU Lab School: McKenzie Prudhomme, Baton Rouge, LA; from St. Dominic School: Alexandra Sensenbrenner, New Orleans, LA; from St. Ignatius School: Mary Francis Seiter, Mobile, AL; from Georgetown Day School: Mary Shannon Snellings, Washington DC; from Ursuline Academy: Gabrielle Terrebonne, Gretna, LA; from St. Margaret Catholic School: Brooke Walker, Lake Charles, LA.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2632. An act to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes.

H. R. 3022. An act to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

H. R. 3682. An act to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes.

H. R. 4926. An act to establish a grant program for automated external defibrillators in elementary and secondary schools.

H. R. 5524. An act to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

H. R. 5569. An act to extend for 5 years the EB-5 regional center pilot program, and for other purposes.

H. R. 5593. An act to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act.

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes.

H.R. 5778. An act to preserve the independence of the District of Columbia Water and Sewer Authority.

H.R. 5938. An act to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2632. An act to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3022. An act to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3682. An act to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4926. An act to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5593. An act to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5938. An act to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5524. An act to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 10, 2008, she had presented to the President of the United States the following enrolled bill:

S. 2420. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6540. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California; Changes in Handling Requirements" (Docket No. AMS-FV-07-0082) received on June 4, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6541. A communication from the President, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2007 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC–6542. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Marine Mammal; Incidental Take During Species Activities (Chukchi Sea)" (RIN1018-AU41) received on June 4, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6543. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report entitled, "Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activities" (LMSB-04-0508-030) received on June 4, 2008; to the Committee on Finance.

EC–6544. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period ending March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6545. A communication from the Chief Executive Officer, Millennium Challenge Corporation, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period from October 1, 2007 to March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6546. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of U.S. Attorney for the Western District of Virginia, received on June 3, 2008; to the Committee on the Judiciary.

EC–6547. A communication from the Federal Liaison Officer of the Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals" (RIN0651-AC12) received on June 4, 2008; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–368. A letter from a member of the South Carolina House of Representatives relative to the economy; to the Committee on Finance.

POM–369. A resolution adopted by the House of Representatives of the State of Ohio urging Congress to enact the Community Cancer Care Preservation Act of 2007, and for other purposes; to the Committee on Finance.

HOUSE RESOLUTION NO. 100

Whereas, the National Center for Health Statistics at the Centers for Disease Control and Prevention reports that cancer is the second leading cause of death in the United States, and its prevalence increases with age. Medicare beneficiaries account for half of all cancer patients, and more than 700,000 beneficiaries are newly diagnosed with some form of cancer every year; and

Whereas, community cancer clinics, freestanding outpatient facilities where cancer care is delivered in physician offices, play an important role in winning the war on cancer. According to the American Society of Clinical Oncology, these clinics treat over 80% of Americans with cancer, providing patients with early diagnosis, effective cancer therapies, and innovative supportive care that reduce fatigue, nausea and vomiting, and pain; and

Whereas, while the Medicare Prescription Drug Improvement and Modernization Act of 2003 (Pub. L. No. 108-173) enacted Medicare Part D, a welcomed drug benefit for America's seniors, it created a severe reduction in Medicare's reimbursement for oncology treatment. According to a July 2007 press release issued by Senator Arlen Specter (R-PA), one of the sponsors of the Senate version of the Community Cancer Care Preservation Act of 2007 (S. 1750 of the 110th Congress), the Centers for Medicare and Medicaid Services (CMS) has reduced Medicare payments to community cancer care clinics by approximately three to four hundred million dollars since 2005. A 2007 analysis by the accounting firm, PricewaterhouseCoopers, predicts reimbursement reductions of $13.8 billion over ten years; and

Whereas, the Ohio/West Virginia Hematology Oncology Society asserts that the reduction in Medicare reimbursements for community cancer care clinics has resulted in nearly all cancer treatments being reimbursed below cost, crippling the nation's cancer care delivery system and resulting in a serious access-to-care crisis. Nearly 40% of states have reported a serious impact since January 1, 2006, when the full impact of the reductions became effective, and an attempt to save costs is actually leading to higher costs as care shifts to more expensive inpatient settings because clinics have to reduce staff and close offices; and

Whereas, the Community Cancer Care Preservation Act of 2007 (H.R. 1190 and S. 1750 of the 110th Congress) provides critical assistance to community oncologists that are disadvantaged by CMS reforms brought forth by the Medicare Prescription Drug Improvement and Modernization Act. These bills require CMS to reimburse oncologists for the actual price of drugs (rather than for the discounted price between the pharmaceutical manufacturer and the wholesaler), increase reimbursement for chemotherapy administration and storage and care of oncology drugs, and institute reimbursement for medical oncologists who provide treatment planning; now therefore be it

Resolved, That we, the members of the 127th General Assembly of the State of Ohio, memorialize Congress to enact the Community Cancer Care Preservation Act of 2007 to reform the Medicare reimbursement methodology for cancer drugs and their administration; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2607. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005 (Rept. No. 110-348).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 3104. A bill to require that all individuals convicted of a felony under State law provide a DNA sample; to the Committee on the Judiciary.

By Mr. VITTER:

S. 3105. A bill to authorize funding for the Advancing Justice through DNA Technology initiative; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. KOHL, and Mr. WHITEHOUSE):

S. 3106. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 3107. A bill to require the payment of compensation to members of the Armed Forces and civilian employees of the United States who were forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mrs. DOLE, and Mr. KOHL):

S. 3108. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THUNE (for himself, Mr. CARDIN, and Mr. LAUTENBERG):

S. 3109. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 3110. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself and Ms. SNOWE):

S. Res. 589. A resolution designating the week beginning June 9, 2008, as "National Health Information Technology Week"; considered and agreed to.

By Mr. INHOFE (for himself, Mr. AKAKA, Mrs. HUTCHISON, and Mr. HATCH):

S. Res. 590. A resolution celebrating the 233rd birthday of the Army and commending the men and women of the Army as exceptional individuals who live by the Army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage; considered and agreed to.

By Mr. CORNYN (for himself and Mr. BUNNING):

S. Con. Res. 88. A concurrent resolution expressing the sense of Congress that the Food and Drug Administration's (FDA) new policy restricting women's access to medications containing estriol does not serve the public interest; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 302

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 302, a bill to establish a procedure to safeguard the Social Security Trust Funds.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 388

At the request of Mr. THUNE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 682

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 879

At the request of Mr. KOHL, the name of the Senator from Oklahoma (Mr. COBURN) was withdrawn as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 991

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1462

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1462, a bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs.

S. 1715

At the request of Ms. SNOWE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1715, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1980

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1980, a bill to improve the quality of, and access to, long-term care.

S. 2059

At the request of Mr. TESTER, his name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2479

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2479, a bill to catalyze change in the care and treatment of diabetes in the United States.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2708

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2708, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 2821

At the request of Ms. CANTWELL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2821, a bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2888

At the request of Mr. KOHL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2888, a bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2931

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

S. 2983

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2983, a bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities.

S. 3008

At the request of Mr. BOND, the names of the Senator from Texas (Mr. CORNYN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 3008, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 3070

At the request of Mr. SESSIONS, the names of the Senator from Virginia (Mr. WEBB), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Maryland (Mr. CARDIN), the Senator from Colorado (Mr. SALAZAR), the Senator from Arkansas (Mr. PRYOR), the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nevada (Mr. REID), the Senator from Washington (Mrs. MURRAY), the Senator from Michigan (Ms. STABENOW), the Senator from Oregon (Mr. WYDEN), the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Wisconsin (Mr. KOHL), the Senator from North Dakota (Mr. DORGAN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other proposes.

S. 3073

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3073, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3098

At the request of Mr. CHAMBLISS, his name was added as a cosponsor of S. 3098, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 3098, supra.

S. 3099

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3099, a bill to prohibit the use of funds by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law.

S.J. RES. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.J. Res. 37, a joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unaccapetable harm to civilians.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. CORNYN, Mr. KOHL, and Mr. WHITEHOUSE):

S. 3106. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am happy to join with Senators CORNYN, KOHL, and WHITEHOUSE as we introduce the Vessel Hull Design Protection Act Amendments of 2008. An earlier version of this small but important piece of legislation was passed unanimously by both the Judiciary Committee and the full Senate last year. The updated version of the bill that we offer today reflects conversations we have had recently with the Navy and gives the Department of Defense full assurance that Government and defense designs will not be subject to unwarranted restrictions.

Congress passed the Vessel Hull Design Protection Act in 1998 to recognize the significant time, effort, and innovation involved in ship design. Litigation under the bill, however, has made it clear that in order to be effective, this law needs to be clarified and refined. Our bill does exactly this, and no more, by clarifying the definition of "hull" and "deck." This ensures that the intellectual property rights of vessel hull designers will be protected. I hope the Senate will move quickly to pass this revised, bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL HULL DESIGN PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Vessel Hull Design Protection Amendments of 2008".

(b) DESIGNS PROTECTED.—Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) VESSEL FEATURES.—The design of a vessel hull, deck, or combination of a hull and deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).".

(c) EXCEPTIONS.—Section 1301(a) of title 17, United States Code, is amended by adding at the end the following:

"(3) EXCEPTIONS.—Department of Defense rights in a registered design under this chapter, including the right to build to such registered design, shall be determined solely by operation of section 2320 of title 10, the United States Code, or by the instrument under which the design was developed for the United States Government.".

(d) DEFINITIONS.—Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking "vessel hull, including a plug or mold," and inserting "vessel hull or deck, including a plug or mold,";

(2) by striking paragraph (4) and inserting the following:

"(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments."; and

(3) by adding at the end the following:

"(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.".

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 3107. A bill to require the payment of compensation to members of the Armed Forces and civilian employees of the United States who were forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator HATCH to introduce legislation to acknowledge the heroic contributions of American ex-prisoners of war who were forced into slave labor by the Imperial Government of Japan during the Second World War. The bill would award a one-time compensation of $20,000 to each surviving veteran, government employee, or government contractor who was imprisoned by the Japanese during World War II and forced to perform slave labor to support Japan's war effort. The bill would also extend that compensation to surviving spouses of such veterans or employees. While this compensation is only a small token of our Nation's gratitude, it is my hope that it serves as recognition of the vital military contributions and sacrifices made by these individuals, particularly as those Americans who sacrificed so much approach their final years.

From December 1941 to April 1942, American military forces stationed in the Philippines fought valiantly for almost 6 months against overwhelming Japanese military forces on the Bataan peninsula. As a result of that prolonged conflict, U.S. forces prevented Japan from achieving its strategic objective of capturing Australia and thereby dooming Allied hopes in the Pacific theater from the outset of the war.

Once captured by the Japanese, American prisoners of war in the Philippines endured the infamous "Death March" during which approximately 730 Americans died en route to the notorious Japanese prison camp north of Manila. Of the survivors of the March, more than 5,000 more Americans perished during the first 6 months of captivity. The Japanese forced many of those who survived captivity to embark on "hell ships"—unmarked merchant ships—to be transported to Japan to work as slave laborers in company-owned mines, shipyards, and factories. Tragically, many of our own men perished in those unmarked vessels, victims of attacks by American military aircraft and submarines who were unaware that American POWs were aboard those ships. The stories of other American military and civilian employees captured by the Japanese at Wake Island, Java, Manchuria, Taiwan, and other locations in the Pacific and enslaved to support the war effort are equally compelling.

The heroic performance of our soldiers at Bataan and during incarceration in POW camps earned them well-deserved citations following the war. For example, the 200th and 515th Coastal Artillery units from New Mexico that served to defend the retreating troops at Bataan received three Presidential Unit Citations and the Philippine Presidential Unit Citation for their heroism. New Mexico is particularly proud of these men whose heroism I seek to salute through this legislation today.

Sadly, the Americans who were enslaved by Japan have never been adequately compensated for the excruciating sacrifices they made while in Japanese military and company prisons and labor camps. In the War Claims Acts of 1948 and 1952, our Government paid former U.S. prisoners of war $1.00 per day for "missed meals" during their captivity, and later, $1.50 per day for "forced labor, pain, and suffering." Even those paltry compensations were not widely known about or received by all veterans who qualified for them. In addition, efforts to obtain appropriate compensation from the Government of Japan, or from Japanese companies through litigation, have been unsuccessful and are not likely to succeed in a timely enough manner to compensate surviving veterans or others who would be eligible.

Other Allied nations have already set international precedent to honor their enslaved veterans. Allied governments, including Canada, New Zealand, Australia, Norway, the Netherlands, and the United Kingdom have authorized compensation gratuities. For example, in 1998, the Canadian Government authorized the payment of $15,600, Canadian dollars, to veterans who were captured in Hong Kong and enslaved by the Japanese. And in 2000, Prime Minister Tony Blair announced a multimillion pound compensation fund for former enslaved Japanese prisoners of war in recognition of their heroic experiences. It is long overdue for our own Nation to provide similar compensation to those who gave so much to defend and preserve our freedom.

Approximately 10 years have passed since I began advocating for passage of this type of compensation, and in that time, many of these brave heroes who deserve recognition have already passed away. Fortunately, Congress still has time to honor those individuals who are alive today to share their courageous and heartrending stories. For this reason, I believe the Congress should avoid any further delay and act as soon as possible to enact this important legislation. I thank Senator HATCH for agreeing to cosponsor this legislation, and I urge my fellow Senators to support it.

By Mr. KERRY (for himself, Mrs. DOLE, and Mr. KOHL):

S. 3108. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. DOLE. Mr. President, in 2003, I made my maiden floor speech on hunger issues and how we as a Nation can tackle them. I have continued my strongest efforts to raise awareness that 1 in 10 U.S. households is affected by hunger and to advance legislation and programs that aid the hungry.

Today is Hunger Awareness Day, and as I have in years past, I welcome the opportunity to speak about the food insecurity problems that persist throughout this country and the world. Most importantly, I come to offer ideas and invigorate the discussion about solutions.

With food and energy prices on the rise, we must be particularly cognizant of the hungry. Not only do hard economic times generate a greater need for food assistance, but the very agencies and organizations that provide assistance are trying to meet growing demands while food and gas grow more expensive.

In the past few months, I have read numerous stories in North Carolina newspapers about soup kitchens and food banks struggling to serve all those in need and even schools strapped for cash to pay for their lunch programs.

For example, last weekend, the Asheville Citizen-Times ran a letter to the editor from MANNA FoodBank which said:

> In 2006, we estimated that 115,500 different North Carolinians sought emergency food aid from MANNA partner agencies in a single year—one in six of our neighbors. However, that data has rapidly become outdated by shifting economic tides. Surging energy and food prices combined with stagnant economic growth have dramatically increased the ranks of those seeking help from food banks.

In the May 29, 2008 Raleigh News & Observer, David Reese, the chief operating officer for food recovery and distribution at the Inter-Faith Food Shuttle, is quoted as saying:

> A lot of people don't realize or don't take into account the dramatic effect that high fuel prices have, that trickle-down effect. . . . It doesn't only affect the regular consumer who is driving to the store. It also affects the distributor, also affects the retailer and then the end result, it affects us as a food-rescue organization.

Unfortunately, we know too well high food prices and hunger problems are not unique to North Carolina or even just to the United States. Indeed, as food prices continue to soar, the impacts are felt around the globe, especially among the poor in developing nations. The increase in food costs has led to international shortfalls of food supplies, resulting in food riots and civil unrest in many regions. In fact, the World Bank recently estimated that more than 100 million people are being pushed into poverty as a result of the escalation of food prices.

Congress needs to take action to ensure that policies are helping, not hurting, global food supply. For example, I believe we must reconsider mandating the use of certain biofuels which is, in part, why food prices are escalating. Last month, I joined several of my colleagues in introducing legislation to freeze the corn-based ethanol mandate at this year's level, preventing the Environmental Protection Agency from increasing the corn-based ethanol mandate included in the Energy Act of 2007 to the mandated 15 billion gallons. Instead, my legislation maintains the current level at 9 billion gallons.

During consideration of the 2007 Energy bill, I tried to include a safeguard in the renewable fuel standard which would have helped prevent a situation such as we face today. Mandates have led to more than 25 percent of America's corn crop being diverted to make fuel. In the last 2 years, the price of corn has nearly tripled, thereby resulting in feed price increases that impact the cost of items such as milk, eggs, and meat. According to the Bureau of Labor Statistics, food inflation rose by 4.9 percent last year, and studies suggest the cost of food will continue to escalate over the next few years.

While we continue to push for efforts to address rising food prices, we can celebrate some hard-fought victories in the recently passed farm bill that will support healthy foods in schools and health food banks, community kitchens, and other organizations that feed the hungry. For instance, I am pleased the farm bill's nutrition title expands the Fresh Fruit and Vegetable Program to all 50 States. In North Carolina, nearly 1.4 million children are enrolled in this program, which helps schools purchase locally farmed fruits and vegetables to provide healthy meals and fight childhood obesity. The bill also includes $1.25 billion for commodity purchases for food banks, including $50 million for 2008 to immediately address shortages at these organizations.

The farm bill also implements the Food Employment Empowerment and Development Program, the FEED Program, which I worked on with my colleagues Senators FRANK LAUTENBERG and BLANCHE LINCOLN. This program helps fight hunger by combining food rescue with job training and, thus, teaching unemployed and homeless adults the skills needed to work in the food service industry. It is a wonderful program.

Around the corner from the U.S. Capitol, students are hard at work in the DC Central Kitchen's culinary job-training class. Earlier today, I visited the kitchen which has a model FEED-type program that began in 1990. It is always a privilege to visit the kitchen and meet with individuals who faced adversity but who are now on track for a career in the food service industry. I look forward to the FEED Act supporting numerous similar programs, such as the Community Culinary School in Charlotte, NC, and others around the Nation.

In my ongoing efforts to stamp out hunger, today I am joining my colleague, Senator JOHN KERRY, to introduce legislation requiring a White House Conference on Food, Nutrition, and Health to be held by the end of 2010. It has been nearly 40 years since the first and only White House summit reviewed national nutrition policy. I actually helped organize that conference while working for the White House Office of Consumer Affairs.

Positive developments and effective policies came out of those discussions. With more than 35 million Americans today facing food insecurity issues, it is high time we make ending hunger and improving health and nutrition national priorities. I encourage my colleagues to sign on to my bill.

This week, I also plan to offer an amendment to the tax extenders bill that addresses four tax issues which will encourage food donations and volunteering to help the hungry. This package was included in the Senate-passed farm bill but, unfortunately, was removed in conference. It will extend for 2 years a provision from the Pension Protection Act that allows any taxpayer to claim an enhanced deduction for donations of food. It allows restaurants to qualify for this deduction. It simplifies the rules that allow farmers and ranchers to take advantage of this deduction for donating their products. And it allows volunteers to receive a tax deduction for mileage incurred while transporting food donations.

Along these lines, I also have a bill that will provide a tax credit for the cost of transporting food to assist the hunger relief efforts of charitable organizations. The hunger relief trucking tax credit will benefit groups such as the Society of St. Andrew, which helps recover food for the needy. The society is very active in the area of gleaning, Mr. President, where excess crops that would otherwise be thrown out are taken from farms, packinghouses, and warehouses, and distributed to the needy. Each year in this country, 696 billion pounds of good, nutritious food is left over or thrown away. Gleaning helps eliminate this waste. It helps the farmer because he doesn't have to haul off or plow under crops that don't meet exact specifications of grocery chains, and it helps the hungry by giving them nutritious fresh foods. It has been a joy to glean fields in North Carolina with the society's dedicated volunteers.

In addition to working closely with the Society of St. Andrew, I have been fortunate to meet with a number of organizations that are doing tremendous work to combat hunger in North Carolina—from our food banks to Meals on Wheels and others. These organizations rely on dedicated staff and volunteers who truly live by the ideal of helping others in their time of need.

Before I close, let me share an experience I had as president of the American Red Cross. I visited Somalia during the heart-wrenching famine. In Baidoa, I came across a little boy lying under a gunnysack, and I thought he was dead. His brother pulled back that gunnysack and sat his little brother up, and I could see that he was severely malnourished. There was no way that he could eat the rice and beans that were in a bowl there beside him, and so I asked for camel's milk to feed him. And as I put my arm around that little boy to lift that cup to his mouth, it was incredible, the feeling of the little bones almost piercing through his flesh. It is something I will never forget. That is when the horror of starvation becomes real, when you can touch it.

Since I encountered that little boy in Somalia so many years ago, I have been determined to do everything in my power to fight hunger, not just at home but also internationally. For example, I have been proud to work with Senator DICK DURBIN in promoting the McGovern-Dole International Food for Education and Child Nutrition Program. It has reduced hunger among school-aged children and improved literacy and primary education enrollment in areas where conflict, hunger, poverty, and HIV/AIDS are prevalent.

While tackling hunger beyond our borders is a greater challenge, in the United States, the land of plenty, no American—no American—should wake up wondering whether he or she will have enough to eat today. I firmly believe with dedicated organizations, caring citizens, and a focused government working together, ending hunger in America is certainly a victory within reach.

By Mr. THUNE (for himself, Mr. CARDIN, and Mr. LAUTENBERG):

S. 3109. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

Mr. THUNE. Mr. President, I rise today to introduce a bipartisan bill that seeks to update the way in which the Federal Government tracks the shipment of hazardous waste. I am pleased that Senators CARDIN and LAUTENBERG have joined me in introducing this bill, which builds upon the bipartisan legislation I introduced last Congress with Senator Jeffords and Senator INHOFE when I served as chairman of the Environment and Public Works Subcommittee on Superfund and Waste Management.

Simply put, our legislation would direct the Environmental Protection Agency to begin a much needed transformation of the tracking of hazardous wastes. While the Resource Conservation and Recovery Act, RCRA, that Congress passed in 1976 has done a great deal to protect human health and the environment, the paper manifest process that is used to track federally-regulated hazardous wastes from "cradle to grave" has turned into the single largest continuous paperwork burden imposed on regulated entities under Federal environmental law.

On an annual basis, roughly 139,000 regulated entities track anywhere between 2.5-5 million hazardous waste manifests. This paperwork burden has been estimated to cost states and the regulated community between $200 million and $500 million annually. This is largely due to the fact that each paper manifest is comprised of numerous carbon copies that must be signed, mailed to waste generators and State agencies—and then ultimately stored by each regulated entity. To underscore just how cumbersome this paper manifest is, the Environmental Protection Agency has noted that roughly 22 States don't even keep copies because it represents too large of a paperwork burden.

The benefits of using electronic manifests are numerous and each of the witnesses who testified at the EPW Subcommittee hearing that I chaired on September 26, 2006 spoke to the benefits it would have—both in terms of improving federal oversight of hazardous waste transport and lessening the paperwork burden on regulated entities.

I would like to stress that this legislation builds upon the measure I introduced last Congress and incorporates a handful of changes made at the request of various stakeholders, including Senator BOXER who now chairs the EPW Committee.

Because of the broad support that this measure enjoys, I look forward to the long awaited mark-up of this bill before the EPW Committee. I would like to thank both Senator CARDIN and Senator LAUTENBERG for their support as we work to improve the arcane system currently utilized to track hazardous waste shipments. Transitioning to an electronic system is long overdue and this legislation would be paid for by the users of the system—the generators and waste companies that handle hazardous waste.

In closing I would like to highlight just one of the statements of support I received for the legislation that I began working on over 2 years ago. The following statement of support came from Terrence Gray, President of the Association of State and Territorial Solid Waste Management Officials, who noted:

> It is appropriate, many would say overdue, in the 21st Century economy to have the capability of using electronic reporting for such a tracking system, and we are supportive of your efforts to initiate this process. It is our understanding that [this bill] is the necessary first step in designating the detailed system for electronic manifesting, and for that reason we think it should go forward.

I trust that my colleagues will recognize the benefits of setting up an electronic manifest system as is envisioned under the Thune-Cardin bill we have introduced today.

Mr. CARDIN. Mr. President, I join the Senator from South Dakota, Mr. THUNE, in cosponsoring a bill to modernize the tracking of hazardous waste. The Federal waste law requires the tracking of hazardous waste from "cradle to grave." This tracking system is designed to provide an enforceable chain of custody for hazardous wastes. The law provides a strong incentive for transporters to manage the waste in a responsible fashion. The U.S. Environmental Protection Agency's economic analysis estimates that over 139,000 regulated entities track between 2.4 and 5.1 million shipments a year.

This system provides for appropriate stewardship of the hazardous waste products of our modem world. Unfortunately, the tracking system itself is in serious need of modernization.

Currently, the tracking is handled entirely through a paper manifest system. The paperwork burden is enormous. Each manifest form has 7 or 8 copies, which currently must be manually filled out and signed with pen and ink signatures, physically carried with waste shipments, mailed to generators and state agencies, and finally stored among facility records.

The paperwork burden is so great that 22 States and the EPA do not even collect copies of the forms. Those that do so get their copies months after the waste has been shipped. In the vast majority of cases, the only time regulators look at the manifests is during inspections or after a disaster to identify the responsible parties.

Under the Thune-Cardin bill, the paper manifest will be replaced by an electronic manifest. The bill sets up a funding system for the manifest paid for by the users of the system, the generators, and waste companies that handle hazardous waste.

An e-manifest system would remove a tremendous paperwork burden, assist the States in receiving data more readily in a format they can use, improve the public's access to waste shipment information and save over $100 million every year. First responders could get data in real-time. That is why groups as varied as Dow Chemical, Sierra Club and the Association of State, Territorial, Solid Waste Management Officials support this bill.

EPA does not have the funding to set up this system, so the bill uses a unique way to contract for the work. Companies will "bid" to set up the system at their cost and risk. They will be paid back on a per manifest basis by the users, waste generators, and handlers. This puts the burden on the private company or companies to meet the needs of the users of the system. The legislation is needed so that the funds collected go to the operation of the program rather than go to the general treasury.

A hearing was held on this issue in 2006 on a similar bill, S. 3871 introduced by Senators THUNE, Jeffords, and INHOFE. No serious objections were made at that time and strong support was expressed by all the witnesses including EPA.

This is legislation that is overdue. I ask Members to join us in supporting this legislation which has garnered the backing of industry, States, and environmental groups. It is time for the waste manifest system to move into the 21st Century.

By Mrs. FEINSTEIN:

S. 3110. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Ruben Mkoian, his wife, Asmik Karapetian and their son, Arthur Mkoyan. The Mkoian family are Armenian nationals who have been living and working in Fresno, California for over a decade.

The story of the Mkoian family is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Let me first start with how the Mkoian family arrived in the United States. While in Armenia, Mr. Mkoian worked as a police sergeant at in a division dealing with vehicle licensing. As a result of his position, he was offered a bribe to register 20 stolen vehicles.

He refused the bribe and reported the incident to the police chief. He later learned that his co-worker had registered the vehicles at the request of the chief.

After he reported the offense, Mr. Mkoian's supervisor informed him that the department was to undergo an inspection. Mr. Mkoian was instructed to take a vacation during this time period. Mr. Mkoian believed that the inspection was a result of the complaint that he had filed with the higher authorities.

During the inspection, however, Mr. Mkoian worked at a store that he owned rather than taking a vacation. During that time, individuals kept entering his store and attempted to damage it and break merchandise. When he threatened to call the police, he received threatening phone calls telling him to "shut up" or else he would "regret it." Mr. Mkoian believed that these threats were related to the illegal vehicle registrations occurring in his department because he had nothing else to be silent about.

Later that same month, three men grabbed his wife and attempted to kidnap his child, Arthur, on the street. Mrs. Mkoian was told that her husband should "shut up." No one suffered any injuries from the incident. In October 1991, a bottle of gasoline was thrown into the Mkoian's residence and their house was burned down. The final incident occurred on April 1, 1992, when four or five men assaulted Mr. Mkoian in his store. He was beaten and hospitalized for 22 days.

Following that experience, Mr. Mkoian left Armenia for Russia, and then came to the United States on a visitor's visa in search of a better life. Two years later he brought his wife Asmik and his then 3-year old son Arthur to the United States, also on visitor's visas. The family applied for political asylum, but the 9th Circuit Court of Appeals denied their request in January 2008. Thus, the family has no further legal recourse by which to remain in the country other than this bill.

Since arriving in the United States, the family has thrived. Arthur is now 17 years old and the family has expanded to include Arsen, who is a U.S. citizen.

Both Arthur and Arsen are very special children. What is noteworthy about Arthur, is that out of the 562 students graduating from Bullard High School he is one of three valedictorians for the Class of 2008. Today is his graduation day. He has long dreamed of attending the University of California, Davis. He was accepted this past Spring and plans to complete a degree in chemistry. In addition to maintaining a 4.0 grade point average and taking a rigorous academic course load, Arthur also finds the time to volunteer at the St. Agnes Medical Center emergency room.

Arsen is following in his older brother's footsteps. At age 12, he stands out among his peers at Kratt Elementary School and has been invited to apply to the magnet Computech Middle School next year.

In addition to raising two outstanding children, Mr. and Mrs. Mkoian have maintained steady jobs and have devoted time and energy to the community and their church. Mr. Mkoian has been employed for years at G.A.C. Trucking in Glendale, California. According to his supervisor, he is one of their best employees, having earned a reputation for trustworthiness and skill.

His wife, Asmik, has also been working part-time for 4 years at Gottshalks department store. In addition, she has taken classes at Fresno Community College and has completed their Medical Assistant Program.

The family are active members of the St. Paul Armenian Church, and Mr. Mkoian is a member of the PTA of the St. Paul Armenian Saturday School.

There has been an outpouring of support for this family from their church, the schools their children attend, and the community at large.

To date, we have received over 200 letters of support for the family in addition to numerous telephone calls. I also note that I have letters from both Congressman GEORGE RADANOVICH and JIM COSTA, requesting that I offer this bill for the Mkoian family.

I truly believe that this case warrants our compassion and our extraordinary consideration.

I ask my colleagues to support this private bill.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR RUBEN MKOIAN, ASMIK KARAPETIAN, AND ARTHUR MKOYAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan enters the United States before the filing deadline specified in subsection (c), Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed, with appropriate fees, not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 202(e) of such Act.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 2008.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Senate Hart Building, Washington, DC.

DEAR SENATOR FEINSTEIN: It was a pleasure speaking with you today regarding the pending June 20 deportation of Arthur Mkoyan and his family. I appreciate you taking the time to discuss this issue with me.

From the limited details I have been provided, it appears there is no feasible judicial remedy that would allow Mr. Mkoyan to remain in the United States. Therefore, from what my office has determined, the only immediate solution requires Senate introduced private immigration legislation. As you know, doing so can result in a stay of deportation for the subject of the legislation.

Based on the information my office is currently privy to, Mr. Mkoyan's case appears to be one that would merit introduction of this type of legislation. Although this is very unlikely to be effective in the House, previous legislation of this nature has been successful in the Senate.

I am aware that you have been willing in the past to sponsor bills for this purpose. To that end, I stand ready to lend my support if after a thorough review of Mr. Mkoyan's previous case history, you find such legislation appropriate.

I will continue to review the situation as it progresses and look forward to working with you in our efforts to help Mr. Mkoyan and his family. Thank you for your prompt attention to this matter.

Sincerely,

GEORGE RADANOVICH,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2008.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: As you are well aware, Mr. Arthur Mkoyan and his family are facing pending deportation back to Armenia. From the limited details I have been provided, it appears that there is no existing judicial remedy which would allow Mr. Mkoyan to remain in the United States. Unless any further steps are taken, Mr. Mkoyan and his mother will be deported to Armenia.

Please know as this issue moves forward I am ready to support you where I can, and work with you to assist Mr. Mkoyan and his family.

Thank you for your attention to this important matter.

Sincerely,

JIM COSTA,
Member of Congress.

G.A.C. TRUCKING,
Glendale, CA, June 2, 2008.

I, Ashot Gharibyan, the owner of GAC Trucking do hereby certify that Ruben Mkoian was one of my best employees. After his leave my business slowed down because I could not find any other driver as trustworthy and knowledgeable in his work as Ruben Mkoian. He knows his job and has never given me any problems. I still need him to improve my business without him it will be impossible to put my business back to normal.

Your attention to this matter is greatly appreciated.

ASHOT GHARIBYAN,
President.

DEAR SENATOR FEINSTEIN: On behalf of my son Arthur Mkoyan, 2008 Valedictorian of Fresno's magnet Bullard High School, I write to explain why our family should be allowed to stay in the United States. Time is of the essence as our deportation is imminent, and Arthur has been accepted to begin UC Davis this fall.

My husband Ruben Mkoian came to the United States in 1992 and applied for political asylum. After two years I came with Arthur, and we became part of Ruben's case. After seven years Ruben was granted an interview with an immigration officer, but was denied. As the law allows, we appealed our case in an immigration court. Our case was denied again, but believing in our situation, we appealed to the Ninth Circuit. Unfortunately, this effort failed last March.

We entered this country legally, and worked hard from the first day. None of us have any criminal record. We respect the laws, pay taxes, and admire America deeply. It is in this context of civic respect that our sons were raised, and in which we appeal to you for support. Each of the four of us is valuable to the United States. In addition to his academic achievements, my son Arthur serves as an emergency room volunteer at Saint Agnes Medical Center in Fresno. My younger son Arsen, who was born in America, is a standout performer at Kratt Elementary School, earning an invitation to apply to the magnet Computech Middle School. I am proud to have put myself through Fresno City Community College, completing the Medical Assisting program. And my husband Ruben was so valuable at his place of employment that the owner, suffering a revenue loss due to Ruben's detention, writes in the attached letter that Ruben's return is economically necessary.

I implore you to introduce into the United States Senate a Private Bill that would halt our deportation. Our Immigration and Customs Enforcement case number is A70-783-979. As a mother, wife, and woman, I beg you to enable our sons to fulfill their gift of intellect in the California they love, and to enable our family to meaningfully contribute to the America to which we so sincerely yearn to belong.

Yours most truly,

ASMIK KARAPETIAN,
Mother.
ARTHUR MKOYAN,
age 17.
ARSEN MKOIAN,
age 12.

BULLARD HIGH SCHOOL,
Fresno, CA, May 27, 2008.

SENATOR DIANNE FEINSTEIN,
Tulare,
Fresno, CA.

DEAR SENATOR FEINSTEIN: Artur Mkoyan has asked me to write a letter of reference, related to a problem with his and his family's immigration status.

Artur has been my student at Bullard High School for two years, last year in Honors Chemistry and this year in Advanced Placement Chemistry. He is a fine student, achieving A and B grades in my classes and maintaining a 3.50 GPA overall, including five Advanced Placement classes. I have found him to be a consistent and reliable student, willingly attending the weekly evening lab sessions and conscientious about getting all of his work done. I have complete confidence in his integrity.

I think he found it difficult to ask me for this letter, because he and his family seem very proud and self-sufficient. I know he will be successful at college next year and will be an asset to the community when he finishes his education. If I can supply any further information, please do not hesitate to contact me. I am including both my school and home contact information, as the school year is drawing to a close.

Sincerely,

CHRISTINE LINDLEY,
Science Department.

BULLARD HIGH SCHOOL,
Fresno, CA, May 29, 2008.

Senator DIANNE FEINSTEIN,
Tulare St.,
Tulare, CA.

DEAR SENATOR FEINSTEIN: I am writing this letter for Artur Mkoyan—who has been my student for two years. He is a bright young man with potential for an incredible future.

Artur was in my sophomore GATE English class, performing well and contributing the learning environment. As an Advanced Placement student, he continued to work hard and excel. It was always interesting to read his writing and to watch his literary performances. He continues to visit me during this—his senior year. I know that he has high hopes for a college education—the American Dream—In the United States.

I know that Artie was an immigrant—however, I did not know of his family's troubles until recently. Apparently, they have lived and worked In the San Joaquin valley for fourteen years. He told me that their citizenship application was denied, and that the entire family may be deported.

I was asked to write this letter to see if you could intervene. I have the utmost respect for you as a politician, as I have been an avid Democrat and a liberal and liberated woman for many years. I hope that you can help this family in their time of need. Thank you for your time and for your consideration.

Most sincerely,

MYRL W. JOHNSON,
English.

ARMENIAN-AMERICAN
CITIZENS' LEAGUE,
Fresno, CA, June 6, 2008.

Senator DIANNE FEINSTEIN,
One Post Street,
San Francisco, CA.

DEAR SENATOR FEINSTEIN, Last evening, 5 June, the Fresno Chapter of the Armenian-American Citizens' League held its monthly meeting. During the course of business, the Arthur Mkoyan situation was brought up.

By unanimous decision, the members wished to contact you and to request your attention to this situation.

However, when I returned home and turned on the late news, the report was that you have already intervened in this situation.

I am certain that our members who have also heard this news by now are very grateful and relieved.

The purpose of this letter now is changing from request to intervene to appreciative thanks for your action.

Our League was established in the 1930's to help immigrant Armenians. Even though our goal is still that and we have come a long way, we still remain vigilant.

Thank you for your action. We will be eagerly awaiting the final disposition—hopefully, a positive one.

Please contact us if there is anything else that we can do to help the cause.

Verily,

MS. PENNY MIRIGIAN,
Secretary.

HOLY TRINITY ARMENIAN
APOSTOLIC CHURCH,
Fresno, CA, June 5, 2008.

Senator DIANNE FEINSTEIN,
Hart Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on behalf of Mr. Arthur Mkoyan. As you know Mr. Mkoyan and his family have a deportation judgment which is due end of June 2008. Arthur Mkoyan was two years old when his family came to this great country seeking freedom and justice and they have worked hard to achieve the American Dream.

Arthur will be graduating on Tuesday June 10 from Bullard High as a Valedictorian. He is hard working, honest and we should be proud of him because he is a great asset to our country. Arthur has already been accepted to begin his College education at UC Davis next Fall with Chemistry as his major.

Dear Senator Feinstein I urge you to intervene and introduce the Private Bill this week so that our country doesn't loose a brilliant future scientist.

Thank you for your consideration may God bless you for your services to our Nation. GOD BLESS AMERICA.

Prayerfully,

FR. VAHAN GOSDANIAN,
Pastor.

ST. PAUL ARMENIAN CHURCH,
Fresno, CA, May 29, 2008.

TO WHOM IT MAY CONCERN: I am writing in support of Ruben Gabriel Mkoyan. Mr. Mkoyan was born in Yerevan, Armenia on December 14, 1961 and resettled in Fresno, CA in 1992 with his family: his wife Asmik (nee Karapetian), and children Arthur (b. October 17, 1990 in Yerevan, Armenia) and Arsen (B. March 13, 1996 in Fresno, CA). The Mkoyan Family is very active in the Armenian community of Fresno, and valuable members of the St. Paul parish. They are much loved and respected by everyone in the community.

Mr. Mkoyan has worked very hard to provide for his family and is a model citizen with his work ethic and active participation in the life of the community. He has served on the PTA of St. Paul Armenian Saturday School and has contributed his time and means in the service of others.

I am saddened to hear that after all these years his status in the United States is in jeopardy. As his pastor and as a person who knows the family I stand in support of Mr. Ruben Mkoyan and his family to establish legal permanent residency in the United States.

Sincerely,

(The Rev. Fr.) ARSHEN AIVAZIAN.

FRESNO UNIFIED SCHOOL DISTRICT,
Fresno, CA, May 5, 2008.

DIANNE FEINSTEIN,
U.S. Senator,
One Post Street, San Francisco, CA.

DEAR SENATOR FEINSTEIN, This letter is written on behalf of Arsen Mkoian, a gifted sixth grade student at Kratt elementary School in Fresno, California. Arsen and his family are scheduled to be deported in approximately three weeks from the United States unless a private bill is introduced in the Senate to stop deportation. The Immigration and Customs Enforcement case number is I A70–7S3–979. Arsen is a model student and citizen.

Arsen has consistently been a role model for student behavior since he began attending Kratt in kindergarten. Attendance and parent support have been excellent. Arsen maintains a 3.8 grade point average in his sixth grade class this year, a 4.0 in kindergarten, first, second, third and fifth grades, and a 3.8 in fourth grade. In addition, he will receive Kratt's hightest honor, the "President's Education Award" which is signed by President Bush and accompanied with a commendation letter from President Bush. This rare Kratt honor is based on stringent academic and behavior standards students must meet for three continuous years in fourth, fifth and sixth grades.

Socially, Arsen is well liked and respected. He receives our monthly "Bulldog Award" every year which recognizes him as a model citizen in his classroom. In fact, Arsen was chosen to support a fellow student in need by teaming up with him as a "buddy" this year in his sixth grade classroom.

Kratt's top leaders are chosen to participate in our Traffic Patrol Club. Arsen is not only a member but was also elected as captain of the Traffic Club this year, a tribute to his strong character. Arsen's name also shows up on the Math Club list almost every semester, an honor difficult to achieve. He has been invited to apply to the magnet Computech Middle School in Fresno because he is a standout student,

Arsen and his family have set high standards and worked hard in our educational setting to achieve them. Senator Feinstein, please recognize Arsen's outstanding effort and achievement by your timely intervention of introducing the Private Bill this week so we can keep an intellectually gifted young person and his family in our state. We appreciate your considering this important matter.

Sincerely,

TERRI BRICKER,
Kratt Elementary School Principal.
RANDY BROWN,
Kratt Elementary School Sixth Grade Teacher.

I was acquainted with Asmik Karapetian in 1995. I met her at the Armenian Saint Paul church, where we were teaching children Armenian. We instantly became good friends mainly because we both had similar purposes in life for our children to raise well educated and responsible citizens for this country.

Later I met her husband Ruben Mkoian, also a very noble man. I remember when my husband and I visited them the first time to entertain us Ruben played guitar while singing along beautifully.

I will not forget how one day Asmik called me and gave me the good news of their second son's arrival. She was thrilled and so were we. I know their boys, Arthur and Arsen, both very humble and nice boys. We admired Arthur's achievements in school. He is graduating this year with an excellent GPA.

Recently Asmik called me in tears telling me her family received a letter that they were to be deported. My family and I were in utter shock. Why? Asmik and Ruben are two very hard-working people with two wonderful children whose future is very promising. It's tragic that after residing here for more than ten years this would happen now.

I am humbly asking you to look the circumstances over and allow Asmik and her family to live in this country. I have faith that you will help this family to reach their American dreams.

Sincerely,

ANAHIT BAGDASARIAN.

DEAR DIANE FEINSTEIN, The family of Ruben Mkoian is very dear to me. I have known them for over 10 years and I'd like for you to get to know them a little as well. Their entire family, including each and every member, is very kind and treats all with respect and always keeps their dignity. I am proud to have had a chance to get to know them and I have come to be very fond of how this family coped with what has been thrown to them. My son, who grew up and attended school with their eldest, Arthur, always stated how he admired his qualities and good behavior. Arthur, a very intelligent young boy, had plans preceding his acceptance, to attend the University of California, Davis, his dream school. He worked very hard since grade school and his acceptance alone is proof enough that Arthur meets any standards imposed upon him. Arthur and I would like to say every individual of their family is outgoing, loving, kind, hard-working, and fit amongst the most intelligent. They do not get into the bad habits that most amongst us keep hidden. We need people like the Mkoians in our society. They keep peace and quiet and yet have firmly established themselves into our working field, schools, and have the most positive influence over our friends and family. It would be a shame to lose such people if they were leaving on their own, and nonetheless were kicking them out. I wish you could know them the way I have. They have truly grown into the most admirable U.S. inhabitants.

Thank you for your time and consideration. We hope with all our hearts that you make the right decision.

KARIN ANTIKYAN.

DEAR U.S. SENATOR DIANNE FEINSTEIN, Our family is a great family friend of the Mkoian Family. We have known them since 1993. They are a very friendly family. Our children grew up with their children. Their children are amazing in school by the grades they get Ruben and Hasmik are excellent parents. They have been next to us on our good and bad days. We think that they deserve to stay in the United States of America for their children and the future of their lives. We can't imagine how hard it will be not seeing, them, not only for us but everyone else. In the future we will need this wonderful family for a better community. Please keep all this in mind because they are a great family and we wouldn't like to see them out of our sight. We hope that you will do everything so that they will not be deported and they will stay in the United States of America. Thank you for your time.

Sincerely,

ANI IDZHYAN.
MARGARIT DUMANYAN.
RIMMA MARKARYAN.
OGANES IDZHYAN.
ARSHALUYS IDZHYAN.
AKOP IDZHYAN.
GEVORK IDZHYAN.
HARUT IDJIAN.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 589—DESIGNATING THE WEEK BEGINNING JUNE 9, 2008, AS "NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK"

Ms. STABENOW (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 589

Whereas the Healthcare Information and Management Systems Society has worked collaboratively with more than 60 stakeholder organizations for more than 47 years to transform healthcare with improved uses of information technology and management systems;

Whereas the Center for Information Technology Leadership estimates that the implementation of national standards for interoperability and the exchange of health information would save the United States resources relating to healthcare each year;

Whereas healthcare information technology has been shown to improve the quality and safety of the delivery of healthcare in the United States;

Whereas healthcare information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the healthcare system;

Whereas the President and the Secretary of Health and Human Services have made a commitment to leverage the benefits of the healthcare information technology and management systems by establishing the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of healthcare in the United States; and

Whereas, since 2006, organizations across the United States have come together to support National Health Information Technology Week to improve public awareness relating to the potential benefits of the improved quality and cost efficiency that the healthcare system could achieve by implementing healthcare information technology: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning June 9, 2008, as "National Health Information Technology Week";

(2) recognizes the value of healthcare information technology and management systems in transforming healthcare for the people of the United States; and

(3) calls upon all stakeholders to promote the use of healthcare information technology and management systems to transform the United States healthcare system.

SENATE RESOLUTION 590—CELEBRATING THE 233RD BIRTHDAY OF THE ARMY AND COMMENDING THE MEN AND WOMEN OF THE ARMY AS EXCEPTIONAL INDIVIDUALS WHO LIVE BY THE ARMY VALUES OF LOYALTY, DUTY, RESPECT, SELFLESS SERVICE, HONOR, INTEGRITY, AND PERSONAL COURAGE

Mr. INHOFE (for himself, Mr. AKAKA, Mrs. HUTCHISON, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 590

Whereas, from the first Continental Army under General Washington at Yorktown to the beaches of Normandy, the city streets of Iraq, and the mountains of Afghanistan, the Army has protected and kept the flame of democracy burning brightly;

Whereas the citizens of the United States continue to enjoy the benefits of freedom and democracy because the men and women of the Army have stood through adversity, remained steadfast in the most difficult of circumstances, and bravely fought against the enemies of peace throughout the world;

Whereas the sacrifices of the men and women of the Army inspire and instill great pride in all citizens of the United States;

Whereas the active duty, National Guard, and Reserve components of the Army protect the Nation from our enemies, defend our vital national interests, provide support to civil authorities in response to domestic emergencies, provide ready forces and land force capabilities to the Combatant Commanders in support of the National Security Strategy, and support operations around the world, ranging from peace-time military engagements to major combat operations;

Whereas the Army is successfully performing operations, other than combat operations, including—

(1) supporting the defense of South Korea, Japan, and many other friends, allies, and partners of the United States;

(2) conducting peacekeeping operations in the Sinai Peninsula and the Balkans;

(3) conducting multinational exercises that reflect our longstanding commitments to alliances;

(4) continuing engagements with foreign militaries to build partnerships and preserve coalitions by training and advising their military forces;

(5) participating, most notably by the Army National Guard, in securing the borders of the United States and conducting operations to counter the flow of illegal drugs;

(6) supporting civil authorities in responding to domestic emergencies, including natural disasters and threats at home and abroad;

(7) supporting interagency and multinational partnerships with technical expertise, providing critical support after natural disasters, and promoting regional stability; and

(8) supporting operations to protect against weapons of mass destruction and block their proliferation;

Whereas the accomplishments of the Army are attributable to the men and women of the Army who have demonstrated courage, strength, and versatility and endured countless hardships and made great sacrifices in performing diverse missions worldwide;

Whereas the contributions of Army families should also be recognized, as Army families provide the cornerstone of strength and support for the Nation's Soldiers and display tremendous commitment and sacrifice to the Nation by providing critical support to their loved ones during prolonged absences;

Whereas the Army has been continuously engaged in persistent combat operations for more than 6 years, has constantly and successfully adapted to ever-changing security environments, has displayed courage, resourcefulness, and resilience in the most grueling conditions, and, while focused on preparing forces and building readiness for counterinsurgency operations and providing stability, security, and hope to the peoples of Iraq and Afghanistan, has taken significant steps toward restoring balance to the all-volunteer, battle-hardened force; and

Whereas those and countless other great accomplishments add to the longstanding tradition of the Army and attest to the extraordinary capability of the men and women who serve the United States in the Army: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 233rd birthday of the Army;

(2) salutes the men and women of the Army and their families;

(3) commends the men and women of the Army as exceptional individuals who live by the Army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage; and

(4) recognizes that the great men and women of the Army are the reason it continues to stand as the best army in the world and continues to perform extraordinary tasks while upholding its hallowed traditions.

SENATE CONCURRENT RESOLUTION 88—EXPRESSING THE SENSE OF CONGRESS THAT THE FOOD AND DRUG ADMINISTRATION'S (FDA) NEW POLICY RESTRICTING WOMEN'S ACCESS TO MEDICATIONS CONTAINING ESTRIOL DOES NOT SERVE THE PUBLIC INTEREST

Mr. CORNYN (for himself and Mr. BUNNING) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 88

Whereas menopause is often a challenging transition for millions of women that requires specialized medications and medical treatments;

Whereas physicians prescribe a variety of pharmaceutical treatment options to treat women experiencing the symptoms of menopause;

Whereas individual women respond differently to different treatment options;

Whereas women's physicians determine on a case-by-case basis which treatment option is optimal for each woman;

Whereas many physicians prescribe compounded estrogen and other bioidentical hormone treatments for patients for a variety of reasons;

Whereas many physicians prescribe compounded estrogen treatments that contain estriol to treat menopausal and perimenopausal women;

Whereas estriol is one of three estrogens produced by the human body;

Whereas estriol has been prescribed and used for decades in the United States;

Whereas Congress has long recognized active pharmaceutical ingredients meeting standards set by the United States Pharmacopeia as permissible options for physician prescribing and pharmacy compounding;

Whereas the Food and Drug Administration (FDA) has announced that it will no longer permit compounding pharmacists to prepare medications containing estriol pursuant to a doctor's prescription;

Whereas insurers are now denying women reimbursement for compounded medications containing estriol as a result of the FDA's announcement; and

Whereas the FDA has acknowledged that it is unaware of any adverse events associated with use of compounded medications containing estriol: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) physicians are in the best position to determine which medications are most appropriate for their patients;

(2) the Food and Drug Administration (FDA) should respect the physician-patient relationship; and

(3) the FDA should reverse its policy that aims to eliminate patients' access to compounded medications containing estriol that their physicians prescribe for them, unless the FDA holds a public comment period on the issue and can document evidence of adverse events and other safety issues to justify such policy.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 17, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the challenges and regional solutions to developing transmission for renewable electricity resources.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina_weinstock@energy.senate.gov.

For further information, please contact Leon Lowery at (202) 224-2209 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate, on Tuesday, June 10, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, June 10, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 10, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 10, 2008, at 2:30 p.m. to hold a closed hearing.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Joshua Mayer, an intern in Senator BINGAMAN's office, be granted privileges of the floor for the remainder of today, June 10, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that Sara McElroy from my staff be allowed floor privileges for the rest of the afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN VETERANS DISABLED FOR LIFE COMMEMORATIVE COIN ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 757, H.R. 634.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 634) to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment, as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

H.R. 634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Veterans Disabled for Life Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Armed Forces of the United States have answered the call and served with distinction around the world—from hitting the beaches in World War II in the Pacific and Europe, to the cold and difficult terrain in Korea, the steamy jungles of Vietnam, and the desert sands of the Middle East.

(2) All Americans should commemorate those who come home having survived the ordeal of war, and solemnly honor those who made the ultimate sacrifice in giving their lives for their country.

(3) All Americans should honor the millions of living disabled veterans who carry the scars of war every day, and who have made enormous personal sacrifices defending the principles of our democracy.

(4) In 2000, Congress authorized the construction of the American Veterans Disabled for Life Memorial.

(5) The United States should pay tribute to the Nation's living disabled veterans by minting and issuing a commemorative silver dollar coin.

(6) The surcharge proceeds from the sale of a commemorative coin would raise valuable funding for the construction of the American Veterans Disabled for Life Memorial.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 350,000 $1 coins in commemoration of disabled American veterans, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

[(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the design selected by the Disabled Veterans' LIFE Memorial Foundation for the American Veterans Disabled for Life Memorial.]

(1) DESIGN.—The design of the coins minted under this Act shall be emblematic of the service of our disabled veterans who, having survived the ordeal of war, made enormous personal sacrifices defending the principles of our democracy.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2010"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Disabled Veterans' LIFE Memorial Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2010.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Disabled Veterans' LIFE Memorial Foundation for the purpose of establishing an endowment to support the construction of American Veterans' Disabled for Life Memorial in Washington, DC.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Disabled Veterans' LIFE Memorial Foundation as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Mr. BROWN. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (H.R. 634), as amended, was ordered to be read a third time, was read the third time, and passed.

LOCAL PREPAREDNESS ACQUISITION ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 768, H.R. 3179.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3179) to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3179) was ordered to be read a third time, was read the third time, and passed.

NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 589, which was submitted earlier today by Senator STABENOW of Michigan.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 589) designating the week beginning June 9, 2008, as "National Health Information Technology Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 589) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 589

Whereas the Healthcare Information and Management Systems Society has worked collaboratively with more than 60 stakeholder organizations for more than 47 years to transform healthcare with improved uses of information technology and management systems;

Whereas the Center for Information Technology Leadership estimates that the implementation of national standards for interoperability and the exchange of health information would save the United States resources relating to healthcare each year;

Whereas healthcare information technology has been shown to improve the quality and safety of the delivery of healthcare in the United States;

Whereas healthcare information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the healthcare system;

Whereas the President and the Secretary of Health and Human Services have made a commitment to leverage the benefits of the healthcare information technology and management systems by establishing the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of healthcare in the United States; and

Whereas, since 2006, organizations across the United States have come together to support National Health Information Technology Week to improve public awareness relating to the potential benefits of the improved quality and cost efficiency that the healthcare system could achieve by implementing healthcare information technology: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning June 9, 2008, as "National Health Information Technology Week";

(2) recognizes the value of healthcare information technology and management systems in transforming healthcare for the people of the United States; and

(3) calls upon all stakeholders to promote the use of healthcare information technology and management systems to transform the United States healthcare system.

CELEBRATING THE 233RD BIRTHDAY OF THE ARMY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 590, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 590) celebrating the 233rd birthday of the Army and commending the men and women of the Army as exceptional individuals who live by the Army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr President, today Senator INHOFE and I celebrate the Army's 233rd birthday. For over two centuries, the Army has fought to preserve the principles of democracy not only here in the United States but around the world.

Our Nation's Army soldiers have served this Nation with honesty, courage, and dignity, and it is my privilege to take this opportunity to commemorate its birth. Both in times of peace, and in times of war, the U.S. Army has answered the call of duty and responded to the challenge of defending our Nation. All of our Army units, Active, Guard and Reserve, share the heritage of the first Continental Army which fought so valiantly to ensure the birth of a nation founded on the ideals of justice and freedom.

Mr. INHOFE. Mr. President, the commitment and duty of the Army soldiers who have risked their lives to preserve our freedom have left an indelible mark on this Nation. During the Army's 233-year history, tens of thousands of these brave men and women have sacrificed their lives on distant battlefields to keep our Nation safe. I salute them for their service to this country.

Mr. AKAKA. My colleague Senator INHOFE and I also want to pay tribute to the families of those soldiers who risk their lives for our Nation. Too often the important role that families play goes unacknowledged but their faith and devotion are vital to the Army's success. The families of our soldiers have my deepest appreciation for the sacrifices they make and for the support they give our troops.

Mr. INHOFE. As this Nation continues to fight in the global war on terror, the Army has been key to providing the capabilities it needs to persist in its struggle for liberty and democracy. Through the efforts of the U.S. Armys the world has been made a more secure, prosperous, and better place for all of mankind. The courage and dedication of these soldiers are an inspiration to us all, and may the rest of us endeavor to be "Army strong" in our own lives.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 590) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 590

Whereas, from the first Continental Army under General Washington at Yorktown to the beaches of Normandy, the city streets of Iraq, and the mountains of Afghanistan, the Army has protected and kept the flame of democracy burning brightly;

Whereas the citizens of the United States continue to enjoy the benefits of freedom and democracy because the men and women of the Army have stood through adversity, remained steadfast in the most difficult of circumstances, and bravely fought against the enemies of peace throughout the world;

Whereas the sacrifices of the men and women of the Army inspire and instill great pride in all citizens of the United States;

Whereas the active duty, National Guard, and Reserve components of the Army protect the Nation from our enemies, defend our vital national interests, provide support to civil authorities in response to domestic emergencies, provide ready forces and land force capabilities to the Combatant Commanders in support of the National Security Strategy, and support operations around the world, ranging from peace-time military engagements to major combat operations;

Whereas the Army is successfully performing operations, other than combat operations, including—

(1) supporting the defense of South Korea, Japan, and many other friends, allies, and partners of the United States;

(2) conducting peacekeeping operations in the Sinai Peninsula and the Balkans;

(3) conducting multinational exercises that reflect our longstanding commitments to alliances;

(4) continuing engagements with foreign militaries to build partnerships and preserve coalitions by training and advising their military forces;

(5) participating, most notably by the Army National Guard, in securing the borders of the United States and conducting operations to counter the flow of illegal drugs;

(6) supporting civil authorities in responding to domestic emergencies, including natural disasters and threats at home and abroad;

(7) supporting interagency and multinational partnerships with technical expertise, providing critical support after natural disasters, and promoting regional stability; and

(8) supporting operations to protect against weapons of mass destruction and block their proliferation;

Whereas the accomplishments of the Army are attributable to the men and women of the Army who have demonstrated courage, strength, and versatility and endured countless hardships and made great sacrifices in performing diverse missions worldwide;

Whereas the contributions of Army families should also be recognized, as Army families provide the cornerstone of strength and support for the Nation's Soldiers and display tremendous commitment and sacrifice to the Nation by providing critical support to their loved ones during prolonged absences;

Whereas the Army has been continuously engaged in persistent combat operations for more than 6 years, has constantly and successfully adapted to ever-changing security environments, has displayed courage, resourcefulness, and resilience in the most grueling conditions, and, while focused on preparing forces and building readiness for counterinsurgency operations and providing stability, security, and hope to the peoples of Iraq and Afghanistan, has taken significant steps toward restoring balance to the all-volunteer, battle-hardened force; and

Whereas those and countless other great accomplishments add to the longstanding tradition of the Army and attest to the extraordinary capability of the men and women who serve the United States in the Army: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 233rd birthday of the Army;

(2) salutes the men and women of the Army and their families;

(3) commends the men and women of the Army as exceptional individuals who live by the Army values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage; and

(4) recognizes that the great men and women of the Army are the reason it continues to stand as the best army in the world and continues to perform extraordinary tasks while upholding its hallowed traditions.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 629, the nomination of Michael E. Leiter to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence; that the nomination be confirmed, the motion to reconsider be laid upon the table, with no other motions in order; that the President be immediately notified of the Senate's action; that any statements relating to the nomination be printed in the RECORD, and that the Senate then return to legislative session, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Michael E. Leiter, of the District of Columbia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, JUNE 11, 2008

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, June 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half. I further ask unanimous consent that following morning business, the Senate resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act, and that the first 4 hours be equally divided between the two leaders or their designees and controlled in 30-minute blocks in an alternating fashion, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes; and that following the controlled block of time, Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, June 11, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

FREDERICK S. CELEC, OF VIRGINIA, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE DALE KLEIN, RESIGNED.

DEPARTMENT OF STATE

JOHN MELVIN JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

AFRICAN DEVELOPMENT FOUNDATION

JOHN W. LESLIE, JR., OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2013. (REAPPOINTMENT)

JOHN O. AGWUNOBI, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2014, VICE EPHRAIM BATAMBUZE, TERM EXPIRED.

JULIUS E. COLES, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2011, VICE WILLIE GRACE CAMPBELL, TERM EXPIRED.

MORGAN W. DAVIS, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING NOVEMBER 13, 2013, VICE EDWARD BREHM, TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

MARYLYN ANDREA HOWE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011. (REAPPOINTMENT)

LONNIE C. MOORE, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011. (REAPPOINTMENT)

HEATHER MCCALLUM, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011, VICE CYNTHIA ALLEN WAINSCOTT, TERM EXPIRING.

CHRISTINA ALVARADO SHANAHAN, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011, VICE PATRICIA POUND, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 10, 2008:

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL E. LEITER, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

MARK S. DAVIS, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

DAVID GREGORY KAYS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI.

STEPHEN N. LIMBAUGH, JR., OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI.

HOUSE OF REPRESENTATIVES—*Tuesday, June 10, 2008*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. McNULTY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 10, 2008.

I hereby appoint the Honorable MICHAEL R. McNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

GAS PRICE RELIEF FOR CONSUMERS ACT OF 2008

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. KAGEN) for 5 minutes.

Mr. KAGEN. Mr. Speaker, last month, I had the opportunity and the pleasure to work with the bipartisan majority of 221 Democrats and 103 Republicans, including the entire Wisconsin delegation, to pass the Gas Price Relief for Consumers Act of 2008. This will in time decrease gas prices for everyone and will make certain that no one is able to manipulate oil prices and to control the free markets.

One year ago, crude oil was selling for $65 a barrel, and all of us were paying around $3 per gallon at the pump. We thought things were bad then. The cost per barrel for crude oil has more than doubled since last year while, this week, we are forced to pay in northeast Wisconsin over $4 per gallon. Yet this is taking place during a recession when demand for oil is down. This is not the way of the free marketplace.

Like you, I was more than a little surprised to learn that, during this past January of 2008, we had so much oil right here in the United States that American oil companies were exporting 335,000 barrels of diesel per day to Europe and to Mexico. Enough is enough.

The Gas Price Relief for Consumers Act that we passed would allow us to attack gas price manipulation, something we do not currently have the authority to do. It would authorize as well an antitrust task force within the Department of Justice to begin to root out any anticompetitive activities and price manipulation in the speculative and volatile futures markets. For the first time, it would instruct the Federal Government to evaluate the damaging effects of past oil company mergers and acquisitions and these effects that they have had on our families and on small businesses alike.

This is the first step in beginning to reestablish a free and open marketplace in the world's oil delivery, something that Teddy Roosevelt attempted in the early 1900s.

My friends, we are today no further advanced in establishing a free and open marketplace than we were in 1910, but all of us who live in Wisconsin are struggling to fill our tanks today, and we need relief as fast as possible, and that's why I and an overwhelming number of my colleagues from both sides of the aisle passed this act to begin to cut gas prices immediately, realizing it will require some time to reverse the failed energy policies of the recent past. If studies show we don't have enough oil refineries, then let's ask the question: Is it time that we build refineries on each side of the Rocky Mountains?

Skyrocketing gasoline prices are crippling family budgets and profits for small businesses everywhere in the country. Our long-term energy solutions, however, must include creating a new national energy policy, implementing provisions like those I fought to include in the new farm bill that will promote alternative sources of energy, leaving behind, once and for all, all of the losing ideas that we have had, namely, the drill-and-burn and drill-and-burn philosophy and policy of the Bush and Cheney administration. We cannot drill and burn our way out of this energy crisis.

Although there are many causes for today's record-high gas prices, we should not be afraid to take on specific steps today to ensure that prices for middle class families and small businesses come down. That is why we have given the Department of Justice these new tools to, in effect, put a cop back on the beat, making certain that those who are profiting from our pain at the pump will be held accountable.

With regard to the facts of the situation, let's look at some of the facts here, at the United States' oil facts. We, the people, have leased 42 million acres to oil companies, and of the 42 million acres, they are using 12 million. What else is going on?

Since the year 1980, we have lost over 200 refineries, decreasing our capability to produce more oil and diesel when we require it. What else is going on?

The outer banks. Everyone is talking about leasing the outer banks, the Outer Continental Shelf. Well, 82 percent of that property has already been leased, and they're not drilling. Some people have asked: Why aren't we drilling in ANWR? By drilling in ANWR, what are we going to get?

This is an old idea. If we took all of the oil out of ANWR, it would drop, economists say, the cost at the pump by one to two pennies per gallon, and that would take place 10 or 20 years from now. Furthermore, there is no guarantee whatsoever that the companies bringing the oil out of ANWR would deliver it to the United States citizens. It may go to Japan or to Europe or to the highest bidder. So ANWR and drilling, drilling and burning is not the solution.

What is going on in our marketplace? Recent investigations and testimony here in the House and in the Senate have shown that there is a concentration where pension funds are now beginning to invest more and more since the year 2000 into our commodities futures market. So it is now time to ask the question: Isn't it appropriate that we ask you, if you're buying oil, to take possession of what you buy?

FRANKLIN L. "JAKE" FLAKE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE) for 2 minutes.

Mr. FLAKE. Mr. Speaker, flags at the State Capitol in Arizona are flying at half-staff this week to honor the life of Jake Flake.

Jake leaves behind a legacy of service from school boards to irrigation districts to hospital governing boards to the Boy Scouts of America to the Farm Credit Association to countless other organizations. You name it; Jake Flake ran it; raised money for it; rescued it or improved it.

But it was in Arizona's State legislature that he became best known and loved across the State, particularly

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

during his term as Speaker of the House. One of Arizona's last genuine cowboy legislators, his perspective, his insight and his counsel is simply irreplaceable.

To his wife, Mary Louise, Jake was a loving husband. To his 13 children, he was a devoted father. To his 55 grandchildren, he was an adoring grandfather. To his church, he was a faithful servant. To his community, he was a loyal advocate. To his beloved State of Arizona, he was a statesman.

To this lowly Congressman, he was a caring uncle and mentor, and I will miss him dearly.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 10 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. LORETTA SANCHEZ of California) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your provident love is revealed today as it was revealed in the scriptures and in the early days of this Nation's history. Lord, after Your servant Moses had died, You spoke again to Your people and Joshua, the son of Nun. You said, "Prepare now to cross the Jordan with all the people. Enter the land I stretch out before you. No one can stand against you as long as you live in My presence. I will be with you as I was with Moses. I will not leave you nor will I forsake you."

In this millennium, we as a Nation need to cross over some turbulent waters and enter into a new terrain. Lord, we must face a new environment with a need for resourceful energy as we seek economic security and global peace.

Give us Your confidence as we once again hear Your words of promise: Be firm and steadfast so that you may lead this people to the secure and prosperous land which I promised to your ancestors. I will be with you as I was with Moses. I will not leave you nor will I forsake you, now or forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. HALL) come forward and lead the House in the Pledge of Allegiance.

Mr. HALL of New York led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DOMESTIC OIL DRILLING

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Madam Speaker, over the weekend, gas reached the $4 national average for the first time in our Nation's history. The majority in Congress has worked to combat these prices by advancing new energy solutions and efforts to protect consumers. The standard refrain from the oil companies and their allies is, "We need to drill for more oil here at home." I would ask them, "Who is stopping you?"

The oil company myth is that we need to open up the Arctic refuge and give the oil company a free hand to go wherever and whenever they want to chase oil. The reality, however, is that about 75 percent of the oil in the United States is on land that is already open for production, but less than one-third of that land is actually being used by the oil companies.

They are literally sitting on 10,000 permits and millions of acres of leased land that would let them start pulling more oil out of the ground here at home. So I say to the oil company advocates, start drilling for more domestic supply. Start drilling on the lands that are already open, and stop posturing while American drivers are in pain at the pump.

REDUCE THE PRICE AT THE PUMP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, you know that the price at the pump is what everyone is talking about. And in my district in Tennessee, moms are now spending over $100 more to fill up the tanks than they were when the Democrats took the gavel in both the House and the Senate. It costs over $100 a month more to fill up the tank of an average minivan. We have seen the price of a gallon of gas go from $2.26 to $4 a gallon.

Madam Speaker, there is a reason for this. And we on the Republican side have solutions for this problem. It is time to waive the gas tax. It is time to waive the ethanol mandates. It is time to waive the requirements for boutique fuels. And it is time for Americans to explore for American energy on American soil.

There is a way to address this. There are bills that are filed. There is action that can be taken. I encourage my Democrat colleagues, encourage your leadership to rise to the challenge, reduce the price at the pump.

BIG OIL NEEDS TO DRILL WHERE THEY HOLD LEASES

(Mr. SIRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIRES. Madam Speaker, President Bush and congressional Republicans continue to blame today's record gas prices on our refusal to open more land up for drilling. They claim that if we allowed big oil to drill more, gas prices would fall. What Republicans neglect to say is that the number of drilling permits increased dramatically over the last 5 years from 3,800 permits in 2002 to 7,500 last year.

That's right. Big oil is actually getting access to more land to drill, but is doing nothing to bring down the price of gas. Big oil has access to millions of acres of Federal land. But for some reason, they have yet to do any drilling. According to a new Natural Resources Committee report, oil and gas companies hold leases to nearly 68 million acres of Federal land that they are not currently drilling. If big oil really wants to drill more, why aren't they drilling?

Madam Speaker, Washington Republicans are wrong again to rely on big oil to bring down the prices at the pump. After all, while American consumers battle these record prices, big oil is laughing all the way to the bank.

THE CURE FOR PUMP PANIC

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, with all the gloom, doom and despair about the high gasoline prices, there is a remedy to this pessimistic pump panic. Before we start passing out bicycles to the multitudes or start going to Dr. Phil for therapy, we can and should obtain more crude oil here in America. Crude oil will still be the driving energy of this Nation for the foreseeable future until we find some alternative. And we don't need to line the pockets of OPEC and Third World dictators by begging them for more crude. We already give them $425 million a day!

The U.S. Geological Survey has released a report that says the "sweet crude'' oil find in the Williston-Bakken Basin is larger than first believed. It is enormous. According to the report, it is over 500 billion barrels, and it is located in the Dakotas. It is 15 times larger than the oil in the Alaskan North Slope.

America needs to take care of America. We need to remove the silly restrictions that prohibit drilling. We need to drill in the Badlands of the Dakotas; remove the offshore drilling ban; drill in Alaska; and we can cure this pump panic disease.

And that's just the way it is.

EXPRESSING SYMPATHY FOR THE FLOOD AND TORNADO VICTIMS IN IOWA

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOEBSACK. Madam Speaker, I rise today to express my sincere sympathy for residents in my district and around Iowa who are currently experiencing severe flooding at record setting levels.

Just this weekend I went to two neighborhoods to help sandbag and protect homes. I spoke with a man who pointed to his home and said, "This is the only thing I have." It was a very emotional setting. I was touched by the intensity and good spirits of many of the residents and volunteers despite the circumstances, and I commend them for their perseverance.

The Governor of Iowa has already issued emergency proclamations for many of Iowa's counties, and four counties have been declared Presidential disaster areas. I understand that the National Guard has been activated to assist in the flood control efforts. I am grateful for their assistance. I continue to stand ready to help my fellow Iowans in any way possible.

SOLUTIONS EXIST FOR HIGH GAS PRICES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I feel sympathy for the folks paying these high gas prices. Here is a problem: On average, $3.98, take in climate change 50 cents and we'll be paying $4.48 a gallon.

Here is the solution: Outer Continental Shelf, which is off-limits by appropriation bills; moving coal-to-liquid technology, which has been blocked here on motions to recommit; expanding renewable fuels, which has been helpful, but still is not the panacea.

The New York Times, which is not one of our best supporters, says the counties were motorists spend the highest percentage of their income on gasoline tend to be poor, rural areas, which is what I represent. That is why I am on the floor monthly now talking about gas reaching $4 a gallon, refinery expansion delayed because of environmental attacks, the clean gas, $4 increase in price of natural gas bills.

Our consuming public cannot stand these high prices any more. Our manufacturing base cannot. We have to bring on more supply.

THE PAYCHECK FAIRNESS ACT

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Madam Speaker, 45 years ago today, President Kennedy signed a law to end what he called the "unconscionable practice of paying female workers less wages than male workers for the same job."

When President Kennedy signed the law, women earned 60 cents for every dollar earned by a man. In 2006, the woman's share is 77 cents. While we have made some progress in 45 years, it is scant at best. Since 1963 the ratio has narrowed by less than one-half cent per year. At this rate, my 13-year-old daughter will be close to retirement by the time President Kennedy's order is realized.

That is why I am cosponsoring H.R. 1338, the Paycheck Fairness Act, which adds teeth to previous laws.

Equal pay for equal work is as American as a principle can be. This is not about men versus women, but basic fairness. And its ramifications affect everyone. Paying women less hurts men who aren't hired because hiring a woman is cheaper. It hurts families by devaluing the work of women and mothers who are already paying out of pocket for child care so they can pursue a career. In short, it hurts all of America, and it must end right here, right now.

YOU CAN'T GET OIL FROM A DRY HOLE

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Madam Speaker, more smoke and mirrors that we are hearing this morning from the majority party about, oh, there is plenty of land to drill in, the big oil companies just aren't drilling. Let me just straighten that out just a little bit. Ninety-seven percent of the Federal offshore drilling sites are off-limits. Ninety-four percent of the federally owned onshore areas are off-limits. Fifty-two percent of the area that oil companies drilled in between 2002 and 2007 were dry holes. We need to allow these oil companies to drill in areas where there actually is oil.

I don't know the economics that the majority party has, but if there is no oil, why would you drill there? That does not make sense. If the government would sell companies leases that have oil in them instead of selling them places that turn out to be dry holes, then we would have more oil produced in this country. We imported over 600 million gallons of gasoline last year. We need to add to our refinery capabilities, also.

□ 1015

ANOTHER MONTH OF JOB LOSSES: CONGRESS SHOULD EXTEND UNEMPLOYMENT INSURANCE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, every month this year our economy has shed more jobs than it has produced. Last month was no exception; 49,000 jobs were lost nationwide and unemployment rose from 5 percent in April to 5.5 percent in May. That is the largest 1 month increase in 20 years.

As job losses continue on a monthly basis, it is becoming increasingly difficult for the unemployed to find jobs, and it is expected to get even worse. That is why last month this Congress passed legislation to extend unemployment benefits for an additional 13 weeks.

Today, more than 1 million people have exhausted all of their benefits. Washington should provide these workers some additional relief as they continue to pursue a job through these rough times. Yet President Bush and congressional Republicans oppose the unemployment insurance extension, even though they supported a similar extension in 2002 when economic conditions were not nearly as hard as they are today.

Madam Speaker, the May jobs report should serve as a wake-up call to President Bush and congressional Republicans to support our efforts to extend unemployment insurance.

URGING THE PRESIDENT TO DECLARE AN EXPEDITED MAJOR DISASTER AREA IN THE STATE OF INDIANA

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, across Indiana, Hoosiers are picking up the pieces from a week of extraordinary weather. My own hometown of Columbus is in the midst of a cleanup of the worst flooding since the Great Flood of 1913, and I come to the floor today to urge the President of the United States to take immediate action and declare an expedited major disaster area in the

State of Indiana as a result of these severe storms, tornadoes and torrential downpour.

Following the harsh impact of tornadoes 1 week ago today, on Saturday parts of my district experienced approximately 10 inches of rain in a matter of hours. This is more rainfall than Hoosiers typically see in 2 months during this time of year, and the results have been catastrophic.

I commend the President for his action on Sunday evening speeding relief to community governments, but this government must act and act now to bring relief to Hoosier families, small businesses and family farms. We need additional declarations like those requested by Governor Mitch Daniels of the President, support from FEMA and the Department of Agriculture and we need it now.

Hoosier families and communities are hurting, and they deserve to know that help is on the way. I urge this administration and all of my colleagues to focus their attention on this urgent Midwestern need for emergency relief.

CONGRATULATING SHAWN JOHNSON: 2007 WORLD GYMNASTIC CHAMPION; 2008 NATIONAL CHAMPION

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Madam Speaker, last November I stood here to congratulate a native of Iowa, a young woman from our district who has demonstrated amazing discipline and spirit of American ambition. In September of 2007, Shawn Johnson won the 2007 World Artistic Gymnastic Championship. She is one of four American women to hold this esteemed title.

Today, I congratulate Shawn on her most recent win. On Saturday, June 7, Shawn successfully defended her title as the National Champion in women's gymnastics. Next weekend she will compete in Philadelphia for a spot on the elite six-member U.S. Women's Olympic Gymnastic Team.

Shawn not only exudes the hard work necessary to achieve her dreams, but also the character of a natural role model. Even with all her gold medals and new-found fame, Shawn continues to compete with humble pride and gratitude.

I thank Shawn for all of the wonderful things she has done around the State of Iowa and the Nation. Since winning the world championship, she has used her fame to bring awareness to breast cancer and other cancers that affect women.

Once again, Shawn, congratulations on winning the National Championship again, and good luck in Philadelphia.

REPUBLICANS ARE READY TO ACT ON ENERGY NEEDS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, my constituents and Americans are asking, where is the bill? When will House Democrats bring forward a real plan for families being hammered by record gas prices?

Today, the majority will spend hours considering no less than 10 nonbinding resolutions. Yet this Democrat Congress will do nothing, nothing, about outrageous energy prices. We fill the day with recognitions and commemorations, but there is no urgency for struggling Americans.

It is shameful that with energy prices rising 70 percent on their watch, House Democrats remain stubbornly opposed to offering any ideas to increase supply and lower gas prices. All we see from this majority is brazen neglect.

Republicans, on the other hand, have brought forward an energy action plan. We are ready to act. We are ready to increase American-made energy resources. We are ready to provide a broad mix of energy options. We are ready to streamline regulations allowing for increasing refining capacity. We are ready to help.

Madam Speaker, we are ready. Americans are begging to know, when will this Democrat majority be?

THE TROUBLED STATE OF OUR WORLD'S OCEANS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise today to speak about the troubled state of our world's oceans. Last month, I attended an ocean science summit in Monterey, California. Also there were State and Federal policymakers and scientists concerned about our oceans and the lack of attention our Federal Government has given them.

This year's summit marked the 10-year anniversary of the Year of the Ocean and the oceans conference in Monterey attended by President Clinton and Vice President Gore. In the intervening 10 years, the Federal Government has done little to address the oceans' growing problems, ranging from overfishing to pollution to coastal development and global warming. California and Massachusetts have had to step into the breach, but problems as big as our oceans can't be addressed by a few States.

Fortunately, there is a solution. Oceans 21, introduced by Representative FARR and moving through the Natural Resources Committee now, establishes a national oceans policy and a framework for national and regional management of our shared ocean resources.

I strongly urge my colleagues to sponsor Oceans 21. Join us, and help provide stewardship for this vast resource and protect it for future generations.

REMEMBERING THE HEROES OF WORLD WAR II

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, 64 years ago this week, my father and approximately 2 million of his fellow soldiers from the United States, Great Britain, and Canada were moving into the area of France, which began the liberation of Europe. Sixty-four years ago they sacrificed in ways almost unimaginable for us. Had they not done that, had they not succeeded, we would not enjoy the freedoms we have today.

Yet it was little remarked nor remembered on the pages of our newspapers across our country and on our television sets. And the fact of the matter is these brave, gentle warriors are dying at over 1,000 a day. We soon will not have the opportunity to thank them for the sacrifices they made.

So today as we deal with these problems that face us, let us remember that America has always been a can-do country. We have never shirked from challenges. We have figured out how to do it. And remember in the words of those people in that movie not too long ago, to ask ourselves what our fathers asked themselves; are we worthy? Did we lead a good life? Did we do what we had to do?

DEMOCRATS ARE FIGHTING TO IMPROVE THE LIVES OF VETERANS

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, while the Iraq war has stretched our military thin and our troops continue to struggle with multiple deployments, House Democrats are fighting to improve the lives of soldiers when they return home.

Last month we passed a new and improved GI Bill that restores the promise of a full 4-year college scholarship. The original GI Bill sparked economic growth and expansion in America after World War II. This new bill will be an integral part of rebuilding our failing economy. It will also make military service more attractive and improve the quality of recruits as we work to strengthen our military. The new GI Bill goes further than current law, which only covers a small portion of public and private college education.

Madam Speaker, the education of our Nation's veterans should be considered a cost of the war which they rightfully have earned after completing their military service.

Madam Speaker, the U.S. has never gone wrong when it properly invests in education and rewards our veterans. I would only hope that President Bush would reconsider his opposition to the new GI Bill. It is the right thing to do for both our military and our economy.

DEMOCRATIC MAJORITY NEEDS NEW ENERGY POLICY NOW

(Mr. DAVID DAVIS of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. DAVID DAVIS of Tennessee. Madam Speaker, with high gas prices soaring, moms and dads across East Tennessee and across America are struggling to put a budget together at the kitchen table. They are worried how they are going to pay for their health care, how they are going to buy enough gas to get their kids to school, how they are going to pay for their children's education.

Families and small businesses across America are hurting. Earl Humphreys, for example, in Bristol, Tennessee, owns Lawn Boyz Lawn Care Service. He has told me he may have to go out of business.

It is time for solutions, time for no more excuses. High gas prices are not only an economic security issue, they are a national security issue. We are too dependent on foreign countries, countries that hate us and hate our freedoms and, quite frankly, hate our religion.

We need an energy policy now. I call on the Democrat majority to offer legislation that will provide for lower gas prices, better economic security, better national security, and I ask them to do it now. We need to use American energy. We need solutions.

REPUBLICAN LEADERS OPPOSE EFFORTS TO LOWER RECORD HIGH GAS PRICES AT THE PUMP

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, for 7 years now, Washington Republicans have allowed Big Oil to run our Nation's energy policy. From the very first days of this administration, Vice President CHENEY was meeting in secret with energy executives to develop its energy proposal. Today we see the results of that secret policy that was approved by a rubber-stamp Republican Congress. When President Bush took office, the average price of gas was $1.47. Today, it has more than doubled to an average hovering around $4.

Since taking control of Congress last year, Democrats have rejected the failed Republican policies that are responsible for these record high prices. We are working to lower prices by cracking down on price gouging, holding OPEC accountable for price fixing, repealing subsidies for profit-rich oil companies, and instead investing in renewable energy.

Each of these efforts have received some partisan support, but the Republican leadership of this House and the President continue to oppose our efforts.

RESPONSIBLE ENERGY POLICY NEEDED

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Madam Speaker, today America is drilling for ice on Mars, yet we cannot drill for oil in America. We have billions of gallons of crude oil in America that we can't even tap into because of a failed policy by the majority. We can't drill for oil. Just yesterday, I filled up my car and paid $3.99.9 a gallon.

It is crazy that we can't drill for oil. We have to have responsible energy policy that gives us more supply. It is not about wind or electricity or taxing oil. The Democrats want to put a 50 cents a gallon tax on every gallon of diesel and gasoline in America. That is inane. That is not energy policy.

We have to drill for oil now. We have to streamline the permitting process for refineries. We have to supply more gas to people. It is a national security policy, it is an economic policy that we cannot continue that the majority has given us today. We need a responsible energy policy.

DEMOCRATS TAKE ACTION ON RECORD HIGH GAS PRICES AT THE PUMP

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Madam Speaker, as the price of gas continues to hit record highs almost every day, House Democrats continue to work on passing legislation that creates a cleaner and smarter energy policy that will provide consumers some real relief.

This year, the House has passed nine bills, many of which the President has vetoed, that should help lower prices at the pump.

Last month we passed a final farm bill that makes an historic investment in expanding biofuel production, largely from non-food crops such as cornstalks, wood chips and switchgrass. The bill also provides support to farmers growing energy crops and entrepreneurs building refineries to convert biomass into fuel. Without biofuels, gasoline prices would be about 50 cents higher per gallon than they are right now.

The farm bill should be going to the President's desk any day now, but he plans to veto it. Fortunately, we should have enough bipartisan support to override that veto when the bill comes back to Congress.

Madam Speaker, investing in biofuels is critical to our energy future. The farm bill is just one more example of how this Democratic Congress is working to lower prices at the pump.

□ 1030

INCREASE THE SUPPLY OF OIL AT HOME

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, President Bush recently went to Saudi Arabia to ask the gulf kingdom to increase its oil production to help bring down gas prices. Instead of flying all the way to the Middle East, perhaps he should have made the short trip down Pennsylvania Avenue for a visit with Congress to ask the lawmakers here to increase the supply of oil right here at home.

According to the Department of Interior, 86 billion barrels of oil are available in the Outer Continental Shelf, added to the 53 billion barrels available in land. According to the Bureau of Land Management, we have 139 billion barrels of oil right here at home. That's more than the oil-rich countries like Kuwait, Venezuela and Russia have. Last year we imported over 6 billion gallons of refined gasoline into the United States.

One might ask, considering these numbers, why aren't we attempting to access more of our fuel right here at home? The Democrat leaders have a roadblock to every bill to drill for oil, natural gas, shale oil, right here in the U.S.

How long is it going to take them to learn?

AMERICAN FAMILIES ARE PAYING THE PRICE

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, today American families are paying the price for 7 years of failed economic policies by this administration. This year alone, our economy has lost more than 300,000 jobs. It's important to remember that in order to just keep up with the population growth, our economy must create at least 150,000 jobs per month.

These statistics are devastating to millions of unemployed Americans who are increasingly competing against each other for the very few jobs that have become available. Yet President Bush continues to sit on the sidelines hoping that the economic situation will correct itself without additional governmental intervention.

The Democratic House believes the government must act, and it must act now. That's why we passed legislation last month that would extend unemployment insurance to workers who have exhausted their benefits. We also plan to move a second economic stimulus package that should help create jobs. I hope both President Bush and congressional Republicans would finally realize that this is the right thing to do.

DEMOCRATS HELP REBUILD THE ECONOMY

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, with so many Americans fearing the loss of their jobs and their homes and worrying about the rising cost of basic needs like food and gas, it is clear that Washington must act.

The House had led the way in working to jump-start the economic recovery by putting hundreds of dollars in the hands of more than 130 million American families with the economic stimulus package. That is only the first step. It is going to take time to reverse the 7 years of the Bush failed economic policies that have favored the wealthiest few to the detriment of the middle class.

Congressional Democrats are working to address the record high cost of gasoline with the passage of a renewable energy tax incentive that will lower prices at the pump and create thousands of green jobs. With 325,000 jobs lost over the last 5 months, this Congress extended unemployment benefits last month, so that those having a hard time finding a new job have access to 13 additional weeks.

The Bush economy is hurting middle-class families in my home State of New Jersey, across the Nation, and we must give them relief.

DELIVER FUEL SOURCES TO THE PEOPLE

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Madam Speaker, gas prices have finally hit $4 a gallon. That's $1.71 higher than when we first met as a Congress, and the Speaker said she had a secret plan to lower those costs.

Yet rather than talking about energy issues, we are talking, spending time to find scapegoats to blame for those costs, not realizing that for every dollar that goes up in energy costs, jobs are lost, income is reduced, our social programs are harmed and people simply suffer. We should be fighting for these issues, for the 1,100 people that worked for American Airlines but were fired because they couldn't afford the gas for 100 planes; for the Washington, D.C., cabbie who, for the first time in his life, cannot greet his kids at home when they come home from school because he has to work 2 hours a day longer for the same amount of money; for the Virginia father who can no longer attend his father-and-son outing because he can't afford the gas to go there.

People are suffering, and, instead, we are here on the floor dealing with congressional minutia. We must be dealing with legislation to improve conservation, improve production and improve innovations of how we deliver those fuel sources to the people. Otherwise we will become, as John Adams said, one useless man is disgraced, two are a law firm, and three or more become a Congress.

The people have had this Congress.

DEMOCRATS TAKE ACTION ON RECORD HIGH GAS PRICES AT THE PUMP

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Madam Speaker, I, for one, welcome this opportunity to engage in a debate with my friends across the aisle about who truly stands with the American consumer versus standing with Big Oil.

Over the weekend, the average price for a gallon of gas hit $4 per gallon. It's $4.50 per gallon at the pump closest to this debate. These outrageous prices are taking their toll on all of us, and the average American driver now pays more than $2,200 per year for gasoline, up from about $1,400 a year in 2001 at the beginning of the Bush administration.

Since January 2007, when this Democratic Congress came into the majority, we have been committed to changing the Nation's energy policy so we can lower prices at the pump. Last year, this Democratic Congress passed the landmark law that will make cars and trucks more efficient, which will eventually save American families somewhere between $700 to $1,000 each year. We have followed this up this year by passing bills cracking down on price gouging by Big Oil.

NATURAL GAS IS THE CLEAN, GREEN FUEL

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. PETERSON of Pennsylvania. Madam Speaker, today natural gas opened at $12.65 per 1,000 Btus. That is an almost 100 percent increase from this time a year ago.

Natural gas is the clean, green fuel that powers our manufacturing economy, accounts for 23 percent of the energy consumed in America and heats 52 million of our homes. Yet as prices continue to skyrocket and companies move offshore because America has the highest natural gas prices in the world, this Congress has done absolutely nothing to increase production.

Tomorrow, I will offer an amendment to the Interior appropriations bill that will lift the congressional moratorium on offshore production from 50 to 200 miles, which happens to be the safest and most environmentally friendly place to produce energy. There is no need to beg the Saudis for more oil and Canada for more natural gas.

We have vast reserves here in America. We need to produce American energy with an American labor force and give Americans energy they can afford.

COLLUSION AND PRICE GOUGING

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, you have got to admit it's a great system. The oil companies fill the Republican coffers with campaign contributions, and the Republicans pretend that they care about consumers while the Republicans stonewall steps to rein in price-gouging market speculation.

Remember the Enron loophole? That's 50 cents a gallon at the pump today. Ken Lay is dead, but it lives on.

They are protecting OPEC against World Trade Organization complaints that the President refuses to sign. He goes over and holds hands with the Saudi princes, but he won't file a complaint against market collusion.

Refineries, you are right. We have got a shortage. ExxonMobil says they are doing just fine. They have no plans to build a refinery. They are making obscene profits, 6,492 leases, no development. Eighty percent of the Outer Continental Shelf reserves are available, no plans to drill. Naval Petroleum Reserve, it is 8 years since Clinton leased it, zero percent production. There is a sea of oil under it.

Market forces, 11 bucks in 1 day for a barrel of oil, while consumption is way down in the U.S. It's not market forces, it's collusion and price gouging. The Bush-Cheney Republican caucus and the OPEC cartel are doing just fine the way things are. They pretend they want change, but they don't.

PROVIDING FOR CONSIDERATION OF H.R. 6003, PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

Ms. MATSUI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1253 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1253

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6003 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Madam Speaker, I yield myself such time as I may consume.

H. Res. 1253 provides a structured rule for consideration of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. The resolution provides 1 hour of general debate controlled by the Committee on Transportation and Infrastructure and makes in order 8 of the 10 amendments submitted for consideration.

From coast to coast we are seeing the effects of rising fuel prices. Energy prices have been a regular topic here in Congress, in the newspapers, and at family dinner tables.

The average price of a gallon of gas in Sacramento just climbed to $4.41. My constituents are feeling this burden every single day. Driving to work and school is becoming more difficult and more costly for everyone.

The City of Sacramento also just started a major construction project on I–5, which cuts through the heart of my district. The already congested streets are going to become even more crowded.

□ 1045

That is why I am glad we are here considering such an important bill to reauthorize and invest in Amtrak. Our constituents are in desperate need of alternative modes of travel to combat both increased congestion as well as rising gas prices. Now is the time to capitalize on the renewed interest in passenger rail.

Millions of Americans from Atlanta to Sacramento are getting out of their cars and onto public transit. Many of these riders will be getting on rail for the first time. We must not let the opportunity to invest in our rail system pass us by.

From Greece to Paris to Tokyo, we have seen the economic benefits of intercity rail. Let's now bring these benefits to our Nation, our States, and our hometowns.

The Passenger Rail Investment and Improvement Act takes great strides to improve Amtrak and give our constituents the flexibility they need to travel.

Amtrak was created in 1970 to preserve and reinvigorate intercity passenger rail service throughout the country. Since 1981, it has been the Nation's sole provider of regularly scheduled intercity passenger rail service.

In fiscal year 2007, Amtrak carried more than 25.8 million passengers, the fifth straight fiscal year of record ridership. Increased ridership numbers occurred across all of Amtrak's services in both corridor and long-distance routes. On average, more than 70,000 passengers ride on Amtrak every day.

Amtrak's financial performance has also improved in recent years, posting record gains in ticket sales. My region has seen the positive effects and benefits of having efficient transportation options. The Capitol Corridor line in California is showing that record numbers of Californians are choosing to use passenger rail. Ridership on the Capitol Corridor line is up 14 percent and revenue is up 21 percent from last year. On-time performance was also up from last year.

We can all agree that Amtrak needs to be brought into the 21st century. This legislation provides a comprehensive framework to improve Amtrak across the country. It increases capital and operating grants to Amtrak, helps bring the Northeast Corridor to a state of good repair, and makes various capital improvements.

H.R. 6003 also creates a new grant program for intercity passenger rail capital projects. Our urban centers will see tangible benefits and a commitment to getting cars off the streets by promoting alternative and efficient modes of transportation.

H.R. 6003 takes great strides to relieve rail congestion. It provides important congestion grants and works to resolve disputes between commuter and freight railroads. It also provides significant funding for high-speed rail corridors, including $1.75 billion for construction and equipment.

Simply put, this bill will reduce congestion and facilitate ridership growth.

I want to thank Chairman OBERSTAR and Ranking Member MICA for coming together on this important bipartisan legislation. I am proud that this Congress is taking this important issue and tackling it, and look forward to supporting this legislation.

Madam Speaker, passage of the Passenger Rail Investment and Improvement Act is an important step to demonstrating our commitment to infrastructure investment. This is long overdue, and I encourage everyone to support the rule and the underlying legislation to provide the country with a safe and alternative mode of travel.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

I rise today and want to thank my friend from California, a member of the Rules Committee, for yielding this time to me to discuss the proposed rule for consideration of the Passenger Rail Investment and Improvement Act.

I rise in opposition to this rule, and to the legislation, neither of which will meet the Democrats' campaign promises about how they said they would run the House in a fair and transparent manner, nor the American taxpayers' expectations how the Federal Government should manage tax revenues that it takes from hardworking Americans.

The Passenger Rail Investment and Improvement Act of 2008 would reauthorize Government spending on Amtrak over the next 5 years at a cost of almost $15 billion without requiring any meaningful reforms in Amtrak's governance or operations and without allocating taxpayer dollars based on a demand for the service.

As we know, Amtrak is a private corporation that continues to receive large Federal operating subsidies, despite laws passed by Congress requiring after 2002, over 5 years ago, that they should be able to run their operations without Federal grant funds.

Despite the fact that the Transportation and Infrastructure Committee approved this legislation, I am not alone in believing that Amtrak should conduct its operations without picking the pockets of American families who are already being asked to do this by the do-nothing Democrat Congress to pay for record prices for energy, and can little afford to subsidize the inefficiencies of a transportation system that many of them will never use.

Like me and many of my Republican colleagues, President Bush has urged this Congress to pass legislation that would: (1) create a system driven by sound economics where services are provided based primarily on consumer demand; (2) promote competition; (3) focus Amtrak on core operating competencies; (4) establish funding partnerships with States; and, (5) improve investment in and management of the Northeast Corridor.

I include for the RECORD the Statement of Administration Policy for H.R. 6003.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET
Washington, DC, June 9, 2008.

STATEMENT OF ADMINISTRATION POLICY

H.R. 6003—PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008, (REP. OBERSTAR (D) MINNESOTA AND 41 COSPONSORS)

The Administration believes that a significantly reformed intercity passenger rail system has the potential to play a role of growing importance in providing transportation options in the United States, including helping to reduce congestion along heavily traveled intercity corridors. However, the Administration strongly opposes House passage of H.R. 6003, which would reauthorize the National Railroad Passenger Corporation (Amtrak) for five years, because it would authorize an appropriation of more than $14 billion without requiring any meaningful reforms in Amtrak's governance or operations and without allocating resources based on the demand for passenger rail service. *For this reason, and others set forth below, if the bill were presented to the President in its current form, his senior advisors would recommend he veto it.*

Amtrak is a private corporation that continues to receive large Federal operating subsidies, despite longstanding existing law requiring that, after 2002, "Amtrak shall operate without Federal operating grant funds appropriated for its benefit." H.R. 6003 authorizes an unprecedented level of funding but does not include basic measures to hold Amtrak accountable to taxpayers for its spending decisions. For example, H.R. 6003 provides scant opportunity for competition on existing Amtrak routes and does not include provisions that would condition Amtrak's funding based on progress on reforms. Measures to address these areas are included in S. 294 and should be adopted before Congress completes its work on this measure.

The Administration also would strongly object if bonding authority were added to the bill. Language in the introduced version of H.R. 6004, the Rail Infrastructure Development and Expansion Act for the 21st Century, permits State issuance of $24 billion in bonds, including but not limited to tax credit bonds. In particular, the use of tax credit bonds to finance the construction of high-speed rail capital projects would be expensive and highly inefficient, and costs would be borne by taxpayers, not system users.

To move Amtrak towards a sustainable business model, the Administration urges Congress to pass legislation that reflects the following core reform principles consistently articulated by this Administration: (1) create a system driven by sound economics where services are provided based primarily on consumer demand; (2) promote competition; (3) focus Amtrak on core operating competencies; (4) establish funding partnerships with States; and (5) improve the investment in and management of the Northeast Corridor.

The Administration appreciates that H.R. 6003 includes measures to promote private sector development of the Northeast Corridor and other potential high-speed routes. Making use of the private sector's operational and financial management capabilities could help new rail services to perform at a high level for the traveling public. However, the Administration is concerned that the authorized funding levels for high-speed rail in H.R. 6003 send the wrong message; any expansions of rail service should be based on a sustainable business model.

Titles III and V would establish certain capital grants programs requiring workers employed with funds obtained under these programs be paid pursuant to Davis-Bacon Act requirements. Thus, Titles III and V would expand Davis-Bacon Act coverage, which is contrary to the Administration's long-standing policy of opposing any statutory attempt to expand or contract the applicability of Davis-Bacon Act prevailing wage requirements. This expansion could undermine the effectiveness of the enumerated programs.

This statement, which outlines these goals for the improvement of Amtrak, makes clear that the President's senior advisers would recommend his veto of today's legislation that falls far short of this mark.

During testimony in the Rules Committee last evening, it was represented to the committee that the legislation would allow some minimal privatization of a few routes, and that some additional studies and the rearrangement of some management duties at Amtrak were included in the bill to improve its efficiencies. I appreciate these efforts, and although I do not think that they go nearly far enough, because as we speak Amtrak continues to hemorrhage money due to labor disputes, energy costs, and the requirement that they maintain service on very lightly used, long-haul routes through rural areas of the country.

Unfortunately, through their inaction, the Democrat majority has already demonstrated its lack of interest in doing anything serious to address this issue as well as soaring energy costs. Through its flurry of constant action on behalf of big labor bosses, they have demonstrated that they are equally unwilling to do anything to address that problem for Amtrak, its riders, or the American public.

That means that the only opportunity that Members have to reform Amtrak in this bill is through cutting the fat from these underused, rural long-haul lines that are often subsidized at a cost of multiple hundreds of dollars per ticket by American taxpayers.

To address this problem, I have offered an amendment that is very similar to my efforts in the past on this issue, but is this time even more direct in its approach.

In March 2007, I offered an amendment to the Rail and Public Transportation Security Act that would have prohibited Amtrak from subsidizing its 10 worst revenue losing long-distance routes, as determined by its own September 2006 monthly performance report unless the Secretary of Homeland Security determined that the route was critical to our homeland security needs. Unfortunately, this commonsense and fiscally responsible amendment failed.

So today, I will be offering an amendment that is even more direct in its purpose and even more clear in its intent, an amendment that will simply prohibit taxpayer subsidies from flowing to the absolutely worst, most wasteful, most expensive long-distance route that Amtrak runs, according to its own performance report as of March 2008, unless this route is deemed to be critical to our Nation's homeland security.

My amendment simply seeks to prevent further good taxpayer dollars from being thrown after bad by limiting the cost of Amtrak's number one least profitable route; the number one least profitable route, that's all we are asking in this bill.

Madam Speaker, if Members cannot support this simple, security-conscious amendment on behalf of fiscal discipline, I don't know if there is anything that we can possibly do to help the American taxpayers any more.

I ask all of my colleagues to vote against this rule which does not match the Democrats' rhetoric about running the most honest, open and transparent Congress in history. I also ask them to oppose this underlying legislation which even if my amendment were included does not go far enough to protect the hard-earned money of American taxpayers from wasteful spending at Amtrak.

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. Madam Speaker, before I yield to the next speaker, I just want to remind my colleagues that all of the Nation's major transportation systems receive significant Federal investment, with good reason. Investment in rail infrastructure creates jobs, helps with congestion, decreases our dependence on oil, and offers viable alternatives for many of our citizens, including the elderly and disabled.

Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. ARCURI), a member of the Rules Committee and the Committee on Transportation and Infrastructure.

Mr. ARCURI. Madam Speaker, I would like to thank Chairman OBERSTAR, Chairwoman BROWN, and Ranking Members MICA and SHUSTER for their bipartisan leadership on the Amtrak legislation we will consider today, and as they showed yesterday in the Rules Committee, for their passionate advocacy on behalf of this great bill.

There has been much discussion about the condition of our Nation's transportation system and the growing pressures it faces from all sides: skyrocketing costs of fuel and maintenance; increased congestion from growing demand; and global climate change.

H.R. 6003 will take tremendous strides toward addressing these pressures by continuing our commitment to Amtrak and passenger rail service. Maintenance costs will continue to hinder us, but expanding and improving passenger rail service has the potential to relieve congestion both on our highways and in the skies by offering passengers a viable alternative. A shift toward rail can reduce the harmful CO_2 emissions generated by the transportation system.

For too long Amtrak has been the symbol of partisan politics in Washington. If we are to have a robust and successful system that users can rely on, then we must make a bipartisan commitment to supporting Amtrak. We cannot waiver on this commitment and expect to keep pace with the national rail systems of other developed countries around the world.

Partisan bickering has hurt Amtrak's overall state of repair. In fact, the Department of Transportation's inspector general concluded that, "Despite multiple efforts over the years to change Amtrak's structure and funding, we have a system that limps along, is never in a state of good repair, awash in debt, and perpetually on the edge of collapse." That must change.

Amtrak's maintenance backlog is a major impediment to its success. In recent years, Amtrak's ridership has grown at a modest but continuing rate, and Amtrak's on-time performance has declined down to an on-time arrival rate of 67.8 percent.

The Department of Transportation's inspector general has stated that Amtrak's continued deferral of maintenance increases the risk of a major failure on its system. Currently, Amtrak has an estimated $6 billion in backlogged capital maintenance needs, including $4 billion on the Northeast Corridor, its most profitable line.

I would gladly take the train home to my Upstate New York district, or from my home in Utica to New York City, but currently that is not a viable option because of the minimal Amtrak service. And even when there is service available, it is unreliable. Deferred track maintenance, especially in Upstate New York, has required lowering the speed limits on significant portions of the track. In addition, competition with freight carriers for priority on tracks causes Amtrak trains to become seriously delayed, to the point where train schedules are simply unreliable. The on-time arrival rate between Albany and Buffalo is a mere 42 percent, meaning that less than half of the trains arrive on time.

□ 1100

Unfortunately, for hardworking Americans, passenger rail is the only option for travel because of record high fuel prices, making air and car travel less viable.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Ms. MATSUI. Madam Speaker, I yield an additional minute to the gentleman.

Mr. ARCURI. I thank you for the additional time.

Improving passenger rail service must be part of our long-term transportation strategy if we expect to effectively decrease our Nation's reliance on finite fossil fuels, and allow Americans to get to and from work on time without breaking the bank each month.

The Passenger Rail Investment and Improvement Act will aggressively address these concerns. I encourage my colleagues to vote for this rule and the underlying bill and continue to support the viable passenger rail option in our Nation.

Mr. SESSIONS. Madam Speaker, the gentleman from New York, my friend, really made a great argument on exactly what I've been trying to say. But we've got to get our friends to come around the corner and see that if we would get Amtrak to do the things that are in their mission statement, rather than running all across the United States trying to do things that are not cost effective, are not within their main core mission, then we could find the money that would be available for them to support, as the gentleman said, the Northeast Corridor, to spend the money within the corridor to make them safer.

But, instead, what happens is Amtrak is not held accountable, not by this Congress. We tell them, just go ahead and do whatever you choose to do, rather than focusing on their mission which they have, which is that which is required for traffic on the coasts, the west coast and the east coast.

So, Madam Speaker, once again, we can't expect Amtrak to do the things that would be in the best interest if they won't stick to their mission, if this Congress will not hold them accountable for the taxpayer dollars that they are utilizing.

Madam Speaker, at this time I would like to yield 3 minutes to the gentleman from South Carolina, the distinguished gentleman, Mr. BROWN.

Mr. BROWN of South Carolina. I thank my great friend from Texas (Mr. SESSIONS) for yielding.

Madam Speaker, I come to the floor today in strong support of H.R. 6003, the bipartisan Passenger Rail Investment and Improvement Act of 2008.

I want to applaud Subcommittee Chairwoman BROWN and Ranking Member SHUSTER, along with Full Committee Chairman OBERSTAR and Ranking Member MICA, for crafting a bipartisan reauthorization package that is focused on both improving Amtrak's capital assets, while also providing for development of new corridors in partnerships with States.

I am most pleased to see a major commitment to high speed rail contained in this bill, something that is absent in the Senate's bill. This legislation calls for more than just paper plans for high speed rail projects; it actually calls for dedicated funding and private sector involvement to move these projects forward.

Specifically, I am pleased that this legislation contains a provision that will improve the ability of future high speed rail corridors in the Southeast to best meet the changing population patterns and tourist demands along the cost.

With America facing $4 gas and airlines seeing fuel costs 100 percent higher than last year, we must look to develop in ways that will ensure that new travel options such as high speed rail are directed where they are most needed.

High speed rail can play an important role in reducing congestion in places like the Grand Strand in my State, which sees 14 million tourists a year, and Charleston, which is the most congested small city in the country. And I am glad that this bill takes the next step towards addressing the transportation needs of these communities.

Another important element of this bill moves us towards planning for rail transportation the same way we plan for highways. Again, as we face historically high gasoline and diesel fuel costs, we must ensure that our transportation system is planned out to provide the connectivity that we need for increased passenger rail use and to take advantage of freight rail's ability to move a ton of freight 436 miles on a gallon of fuel. When combined with the investment this bill makes in high speed rail, and by allowing freight and passenger railroads to negotiate access to freight-owned tracks, the Committee's reauthorization proposal will go a long way towards an improved rail system in the future.

But that future may not be possible, Madam Speaker, if America continues to face $4 gasoline at the pump. I urge the majority to bring to the floor one of the many pieces of legislation introduced to open up domestic sources of energy, or else we won't be able to catch even an on-time train.

Ms. MATSUI. Madam Speaker, I'd just like to say that this bill creates a new State Capital Grants program for intercity passenger rail projects. These grants will help fund new facilities and equipment for intercity passenger rail and help move commuters off the roads and pollution out of the air.

The bill also authorizes $1.75 billion to develop 11 high-speed rail corridors. These corridors will help remove cars from the highway and reduce pollution.

With that, I would like to reserve my time.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 5 minutes to the ranking member of the subcommittee, the Republican from Pennsylvania, the gentleman, Mr. SHUSTER.

Mr. SHUSTER. I thank the gentleman for yielding me time, and I want to start today by saying that it's a shame that this Congress and that the majority party, for 18 months, has failed to do anything to alleviate our energy problems in this country. We've had ample opportunity to pass legislation that will deal with this rising cost of energy this country, and as I've said, we've done nothing. The American people are crying out for us to do something.

And what we can do, it's obvious, in the short-term it's supply. It's look for new sources of oil, explore in different parts of this country, offshore. That's the answer in the short-term.

The long term-we have other technologies, clean coal technology, nuclear energy. We have to start doing something here. The American people, as I said; are crying out.

Gas in my district is $4 a gallon. In my 7 years in Congress, I've been approached by people to tell me they disagree with me on this issue or that issue. But I've never had people come up to me and at the gas pump and yell at me publicly about this Congress doing absolutely nothing.

The time is now. We have to act. We've already, 7, 15 years ago we should have been acting. But we have to move today. As I said, it's just a shame that we haven't done anything sooner.

That being said, I think that this bill that we have before us today, The Passenger Rail Investment Improvement Act, does something positive when it comes to energy in this country. It's a small step. It's a positive step, but it's a step I think it's important for us to take today.

The last time that we authorized Amtrak was 1997. Gas was $1.27 a gallon, and today, as I said, in Central Pennsylvania it's hovering around $4 a gallon.

We also have, in this country, in 2005, we passed the 300 million mark in population. It took us 65 years to go from 200 million to 300 million. It's only going to take us 35 years to go from 300 million to 400 million. And that population isn't all going to move out into the West and to the middle of the country. That population will move around some, but those corridors around the country that are densely populated, the Northeast Corridor, Chicago, the west coast, throughout Texas, Florida, up and down the east coast, those corridors are going to become even more, the population is going to become denser.

So it's important that we do things to encourage people to use other forms of transportation, and passenger rail is one of those modes of transportation. It is one of the, if not the most efficient modes of transportation to move people, move large quantities of people. And I think that that's an extremely important reason for us to move forward.

As we watch fuel prices escalate, as we watch the population continue to grow, and as I said, the American people are desperate to escape gas prices, long commutes that define their work days, and I think this is a way for us to move forward.

Now, in the bill there are some important provisions, and one of the reasons that myself and the Ranking Member MICA signed on to it, and there are some private sector initiatives. First, we authorize in this bill for Amtrak, the IG and the Department of Transportation to identify the least of the underperforming, significantly underperforming lines in this country; identify at least two of them. That we then turn to the private sector and allow them to bid to take those lines over, and to allow them to run them and see if we can't turn them into efficient operations.

The second privatization initiative is to take a line in this country that Amtrak has stopped using, has abandoned because of high cost or whatever reason, and allow the private sector to take it over, re-establish it and run it efficiently and profitably, we hope.

And third is the Northeast Corridor. It is the most used corridor in the country. We need to establish high speed rail in this country, and the Northeast Corridor is where we need to do it, from Washington to New York; to get private sector companies to come to the table to give real bids on how much it's going to cost to establish high speed rail in this country. Not pie in the sky, not throwing darts, as we've done over the years, but to have real numbers, if it's $10 billion, $20 billion, $60 billion, how much is it going to cost us to have true high speed which we need in this country, because of the population growth, because of energy costs that we have in this country.

High speed rail is extremely important in this authorization. And for the past 20 years we've had a theoretical debate on this floor about can the private sector run a railroad, can the public, is it the public responsibility, and can the public do it better than the private sector?

Well, I believe that the private sector can run a passenger rail system. And I just have to look back to history. From 1850 to 1950 the private sector ran a profitable passenger rail system.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SESSIONS. I yield the gentleman 1 additional minute.

Mr. SHUSTER. For 100 years the private sector operated passenger rail profitably. But what happened to it wasn't mismanagement, it was aviation, the airplane that came about. It was the interstate highway system that we built in this country. So people got off the trains and got into their cars and into airplanes. That's what happened to passenger rail.

And for the last 30 some years, as the government's tried to run it, it's not done it efficiently. So this is an opportunity for us to have some real successes, some private sector successes, and we can end this debate.

Is the private sector able to run a railroad, a passenger rail system? I believe they are, and I believe that these initiatives are extremely important for us to have some successes to point to as we move down the road and give the American people something they need, a passenger rail system that is profitable, that is successful.

And I want to end as I started. We need to do something on energy. This is one small step in the right direction. We can do more to solve our energy problems in this country. We should do more, and we must do more. The American people deserve that.

Ms. MATSUI. Madam Speaker, I just want to point out that one of the ways we are addressing gas prices is by giving constituents alternative modes of transportation, thereby reducing the number of cars on the road. Passenger rail will reduce our demand on foreign oil and help us become more energy independent.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 minutes to the gentleman from Illinois, the MVP of the Republican baseball championship team, the gentleman, Mr. SHIMKUS.

Mr. SHIMKUS. Madam Speaker, I appreciate Congresswoman MATSUI managing the time. We've worked very hard on clean diesel issues and the like, so this is really appropriate to this debate though, because Amtrak uses big diesel engines. And what's happened in the Amtrak debate that we haven't heard yet, hopefully we'll hear it later on is, like, one of the biggest threats to Amtrak is the high cost of diesel fuel. In fact, the fiscal year 2007 budget for fuel was $125 million for Amtrak. The fiscal year 2008 budget for fuel for Amtrak is $215 million.

Now, how are we going to pay for that? I know how they're going to pay for it. They're going to raise prices on these commuters. And there are some commuters who use Amtrak. But again, I'll quote the New York Times article that says "the counties where motorists spend the highest percentage of their income on gasoline tend to be in poor, rural areas." Amtrak doesn't go there. We don't have commuter rails. We have working trucks. We have big trucks. We haul feed. We haul beef. We haul pork. We need working trucks and they drive a large distance.

That's why this energy debate is critical. And here's the problem. All we're trying to do is bring, what's the problem, what's the solution. What's the problem. What's the solution.

Here's the problem. January 2001. $23 a barrel. January 2006, after the Democrats took control and promised to lower fuel prices, that's right here, where are we today? $123 a barrel.

What does that do for gas prices? From $1.45 to $2.33 to over $4 a gallon for gas hurts rural America, hurts my district.

☐ 1115

Don't come to the floor without a solution. The Outer Continental Shelf, trillions of cubic feet of natural gas, billions of barrels of oil. We have in this Congress and Congresses of the past said "off-limits." We're not going to explore this area. We're not going to recover.

Very similar to our position on ANWR. A position a size of the State of South Carolina. A drilling platform the size of an airport. And we are not going to drill there for billions of barrels of oil. President Clinton vetoed that in 1995. Had he not, that oil would be flowing to our country today. 1995 he vetoed the bill. President Carter put it off-limits for oil and gas exploration. That's why ANWR was originally set aside, but, no, we have that off-limits.

What is another solution? Coal-to-liquid technologies, diesel fuel that could help lower the price for Amtrak can be produced by taking U.S. coal, American energy, and turning it into fuel.

We're going to come to this floor talking about, oh, unemployment compensation.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SESSIONS. Madam Speaker, I yield the gentleman an additional minute.

Mr. SHIMKUS. We're going to come to this floor saying, Oh, we've got to do something because energy heating costs are high; oh, we need to do something because people are losing their jobs.

I will tell you how we can get jobs back into the economy. Let's use American-made emergency. Let's open up the coal fields. Let's get mine workers the jobs. Let's build a coal-to-liquid refinery. Good building trade jobs. Let's have high-paying jobs operating those refineries. Let's build pipelines to get this fuel to the Amtrak station to put in the diesel engines, and let's help our budget airlines not go bankrupt because of the high cost of fuel. Not just our budget airlines. Here is one on Continental: Continental joins cut-back frenzy. Soaring fuel prices.

Why do we have a job problem in this country? Because we have an energy problem. Until we come to this floor to debate on bringing more supply to the American public, our economy is always going to be struggling. We're the only country that looks at energy resources not as an economic advantage but as an environmental disaster.

Ms. MATSUI. Madam Speaker, first of all, at the end of the Clinton administration, oil was $27 a barrel. It is now $134 a barrel. A significant increase. And my friends on other side of the aisle are attempting to blame this newly elected Democratic Congress—I think someone on the other side said we have been here for 18 months—for this increase.

Furthermore, every bill that the Democrats bring before this Congress that attempts in any way, shape, fashion, or form to reduce the use and therefore the price of oil, the other side of the aisle votes "no."

The response to high oil prices was to give the big oil companies tax breaks. Well, that's not the priority of this Democratic Congress.

I want to talk about alternative energy. We want to invest in alternative modes of transportation like passenger rails which would take 8 million cars off the road. We want to reduce the dependence on foreign oil, the dependence on gas and on fossil fuels thereby making our country stronger both domestically and internationally.

The other side wants to talk about tax breaks for oil and gas companies. We're talking about investing in Amtrak and making our streets less congested, our skies cleaner, and our country less reliable on oil and gas.

What that, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, if I could inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Texas has 10 minutes. The gentlewoman from California has 18½ minutes.

Mr. SESSIONS. I reserve my time.

Ms. MATSUI. Madam Speaker, I would like to yield to the gentlewoman from Florida (Ms. CORRINE BROWN) for 3 minutes.

Ms. CORRINE BROWN of Florida. Madam Speaker, 50 years ago President Eisenhower created the national highway system which changed the way we travel in this country. Today, we need to do the same thing with passenger rail and make the level of investment necessary for us to become the most successful in the 21st century. That is why I am so excited about House bill 6003, the Passenger Rail Investment and Improvement Act, which was introduced by Mr. OBERSTAR, Ranking Member MICA, subcommittee Ranking Member SHUSTER, and myself.

Amtrak is extremely valuable to our country. It takes cars off the road that are already congested. It reduces congestion in the sky, and it's better for the environment.

In many areas of the country, Amtrak is the only mode of transportation available. They have shown major increases in ridership, too, as ridership has increased in 8 of the 9 last years and reached a record level of 25.8 million passengers just last year. And with the cost of gas potentially rising to $5 a gallon, there would be even more riders lining up for Amtrak.

Unfortunately, for many years Amtrak had been given just enough money to live alone, never getting the necessary funding to make serious improvement in the system. The hydraulic electric system is 70 years old, 65 percent of the bridges were built in the 1920s, and several tunnels which trains travel through every day were built in the 1800s.

In 2005, Amtrak conducted a comprehensive review of its capital needs. The review determined that Amtrak should invest $4.2 billion to bring their infrastructure to the state of good repair. Today, with the backlog of major bridges and tunnel work, the necessary investment capital has approached an estimated $6 billion.

As other countries continue to invest tens of billions of dollars each year to improve their passenger rail system, we are falling further and further behind by deferring much-needed improvements to our system. We must find a way to speed up Amtrak bylaws of repair work and bring its assets to a good state of repair so that Amtrak can concentrate on increasing capacity, increasing speed, developing new facilities, and planning for the future.

These major infrastructure improvements are also necessary to improve the safety and security of the system and its passengers and workers. Amtrak has and will continue to play a critical role in evacuation and transportation systems during national emergencies. Unfortunately, it is also a prime target for those who wish to harm us, and we must provide resources to make the system less vulnerable.

I'm looking forward to working with my colleagues in the House and the Senate to pass important legislation.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. MATSUI. I yield an additional 30 seconds to the gentlewoman.

Ms. CORRINE BROWN of Florida. The United States used to have a strong passenger rail system. Now we're at the caboose, and they don't even use cabooses anymore.

The American people deserve better, and I believe that the Amtrak reauthorization bill will go a long way to bring the use to its rightful place as the world leader in passenger rail.

In closing, I went from downtown Brussels to downtown Paris, 200 miles, 1¼ hours; downtown Barcelona to downtown Madrid, 2½ hours.

We will move forward with high-speed rail in this country.

Mr. SESSIONS. Madam Speaker, you know, I think we've forgotten it's a private corporation, not a government entity, that we're attempting to help here.

Madam Speaker, at this time I would like to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. McHENRY).

Mr. McHENRY. I thank my colleague from Texas for yielding the time.

We're debating Amtrak. Well, certainly Amtrak's important for a lot of folks in the Northeast, but I will tell you as far as my constituents in western North Carolina, we can't commute to our jobs using Amtrak. This is not a solution for American energy independence that is being offered here on the House floor.

What is outrageous is as gas prices go above $4, all they have is blame rather than action. My Democrat colleagues are simply passing blame rather than trying to act in a constructive way. And there is a way for us to act as a Congress to bring down gas prices. It is not by lawsuits, which is what the Democrat majority wants; it is not by more taxation on those driving cars, those using energy resources, those producing resources.

You know, there is a way that we can act. The American people understand it. This is a question of supply and demand. Seventy percent of the price of fuel comes from the price of crude oil. The American people understand this as gas is over $4 a gallon, as a barrel of oil is over $130 a barrel. And I will tell you, we must act.

In order to lower gas prices, this Congress must act to increase supply. We have to increase refining capacity, and we have to do this in a constructive, reasonable, proper way. One day we will end our dependence on foreign oil. We will end it and we will use our alternative sources of energy. We will use domestic production. We will use refining capacity here in the United States. But let's talk about some important statistics here.

Seven hundred days ago the Speaker of the House, NANCY PELOSI, said, Democrats have a commonsense plan to bring down skyrocketing gas prices. What is the plan? Where's the action? We've seen nothing. The Democrat Whip, JIM CLYBURN, said, Democrats have a plan to help curb rising gas prices. What have we seen? Nothing. STENY HOYER, the Democrat leader, said, Democrats believe that we can do more for the American people who are struggling to deal with high gas prices. Now, all of this was said in an election year. What have we seen in the last 2 years from this Democrat Congress? Nothing.

Now, I will tell you it is not perfect. Not all Republicans support opening up ANWR. Not all Republicans support oil shale. Not all Republicans support increasing refinery capacity, but roughly 91 percent of Republicans support those issues while 86 percent of House Democrats oppose those actions.

I think it's time that we come together for a commonsense solution to reduce our dependence on foreign oil. Conservation is a sign of personal virtue but is not a means to energy independence. We must act together.

Ms. MATSUI. Madam Speaker, I want to remind everybody that investing in Amtrak is an energy-efficient way to decrease our dependence on foreign oil. One rail line can carry the equivalent of 16 highway lanes, and Amtrak uses 50 percent less energy per passenger than air travel.

I will reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, if I could inquire on the time remaining.

The SPEAKER pro tempore. The gentleman from Texas has 7 minutes. The gentlewoman from California has 15 minutes.

Mr. SESSIONS. If I could inquire of my colleague if she has additional requests for time.

Ms. MATSUI. I have no additional speakers, and I will close.

I would yield to the gentleman to use his time.

Mr. SESSIONS. I thank the gentlewoman for saying she has no additional speakers, so I will continue.

Madam Speaker, I would like to yield 5 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank my colleague for yielding.

Madam Speaker, whatever the outcome of this debate on Amtrak today is, it is not going to affect my constituents very much. What does affect them every minute of every day is the price of energy. I would suggest that we should defeat the previous question on the rule so that the gentleman, Mr. SESSIONS, can offer an amendment to this bill that would bring to the floor a bill that has provisions that will do something about energy, that will do something on the issue that affects every American every moment of every day.

That amendment would bring to the floor H.R. 3089, the No More Excuses Energy Act, and at the same time, a discharge petition today is being filed to require the House to vote on that bill.

The philosophy of that bill is that we need to produce more energy of all kinds here at home, and we have run out of time to make excuses on why we can't do that. And you have heard some of those excuses and some of the political blame game already today during the debate. Some people want to blame China and India for using too much oil. Some people want to blame big oil companies. Other people want to blame OPEC for not producing enough. Some people even want to blame suburban moms for using too much energy as they drive their kids to sporting events in their minivans.

□ 1130

They want to say they're using too much oil. But the point is, we've had enough of this blame game. The point is, it's time for this Congress to act and actually do something. And the way to act today is to vote down the previous question so today we can do something about the cost of energy throughout the country.

The No More Excuses Act takes the approach that we need to do more of everything. Yes, it allows drilling in Alaska and off our coasts, but it also encourages companies to take the CO_2 that goes up the smokestacks and put it back in the ground to flush out all of the oil on existing wells so that we can get every drop we can out of the ground.

This bill encourages the building of more refineries. It encourages the building of nuclear power plants. It encourages more wind energy. There is a lot of wind energy activity in my district, but what I hear from all of those involved is, when Congress just extends the tax credit 1 or 2 years at a time, there is no way that we can make the financial decisions we need to make.

So this bill that ought to come to the floor today would extend it by 10 years so that we can have a major investment in wind, as well as all the other forms of energy that we can produce here at home, because every bit of energy we produce here at home is one less barrel of oil we have to buy from overseas. And that makes sense.

What we're trying to do is to force some action that will make things better, not worse. Unfortunately, what the public and what the markets hear from this Congress so far the last 18 months are ideas that make things worse. They want to put a windfall profits tax on "Big Oil" so that they are discouraged from producing more oil. They may not know by the way, Madam Speaker, that 90 percent of the wells drilled in the continental United States are drilled by independent companies, not Big Oil. But what people hear from this Congress is we want to take away the incentives that encourage us to drill the Deepwater in the gulf. So other countries are there drilling, but we want to tie our hands and not produce the energy we have; we'd rather buy the oil from Saudi Arabia or Venezuela or Nigeria. That makes no sense.

There is no one perfect answer, but Madam Speaker, my argument is that rather than pointing the fingers of blame, it's time for no more excuses. It's time for action today, and that action can come by voting down the previous question so that the rule can be amended and we can take action today that produces more energy of all kinds here at home. That will matter to my constituents, and that will matter to all Americans.

Ms. MATSUI. I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, the gentleman from Texas, Mr. THORNBERRY, said it best: no excuses. It's time for us to get our work done, and the bottom line is is that the supply side of the equation is the problem. If we had lots of supply, prices wouldn't be what they are. We need to bring to the table American energy for America's independence, but quite frankly, we're not only tired of paying higher prices, we're also tired of building new Dubais across the world. And that rests at the feet of our Speaker, NANCY PELOSI, who has a policy that restricts Americans from drilling for oil and having energy independence. Today is no excuses.

Madam Speaker, since taking control of Congress in 2007, this Democrat Congress has totally neglected its responsibility to do anything constructive, constructive, to address the domestic supply issues that have created the skyrocketing gas, diesel and energy costs that American families are facing today.

So, today, I urge my colleagues to defeat the previous question so this House can address the real solutions to energy costs. That's the supply side. By defeating the previous question, I will move to amend the rule to allow for consideration of H.R. 3089, the No More Excuses Energy Act of 2007, introduced by my friend MAC THORNBERRY of Texas, that he introduced back 1 year ago in July 2007.

This legislation would reduce the price of gasoline by opening new American oil refineries; investing in clean energy sources such as wind, nuclear and captured carbon dioxide; and making available more homegrown energy through environmentally sensitive exploration of the arctic energy slope and America's deep sea reserves.

Madam Speaker, I ask unanimous consent to have the text of this amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I urge all of my colleagues to take this attempt to spend almost $15 billion of taxpayers' money on subsidized trains and turn it into something positive about energy prices for all of America and for American independence so that we can say we are finally working together and doing something positive about the rising price of fuel. By defeating the previous question, we can do that.

I yield back the balance of my time.

Ms. MATSUI. Madam Speaker, I thank the gentleman from Texas, and I yield myself the balance of my time.

The rule before us today is a fair rule that allows us to highlight transportation challenges and our vision for a better tomorrow. It is Congress' responsibility to provide our constituents with alternative modes of transportation, especially as we see increased congestion and ever rising gas prices.

The Democratic majority is fighting to reduce our dependence on foreign oil and bring down gas prices and launch a cleaner, smarter energy future for America that lowers costs and creates hundreds and thousands of green jobs. This is a marked change from the 7 years of the current administration's energy policies of simply drilling for more fossil fuels and providing even greater taxpayer subsidies to big oil companies already earning record profits.

The underlying bill, H.R. 6033, the Passenger Rail Investment and Improvement Act of 2008, takes huge steps to modernize Amtrak and give it the tools it needs to operate effectively and efficiently.

By giving this Nation viable passenger rail, we will be able to decrease our dependence on foreign oil and give commuters options to get to work and school. In fact, Amtrak takes 8 million cars off the road.

We have a commitment to maintain and improve the backbone of our Nation's transportation infrastructure system. This bill does just that, and I urge its adoption.

Madam Speaker, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1253 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 3089) to secure unrestricted reliable energy for American consumption and transmission. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, the chairman and ranking member of the Committee on Ways and Means, and the chairman and ranking member of the Committee on Energy and Commerce; and (2) an amendment in the nature of a substitute if offered by Representative Rahall of West Virginia, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . .[and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science and Technology:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 2008.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol Building, Washington, DC.

DEAR MADAM SPEAKER: I am writing to notify you of my resignation from the Committee on Science and Technology, effective today.

Thank you for your attention to this matter.

Sincerely,

DARLENE HOOLEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 9, 2008.

Hon. NANCY PELOSI,
Speaker, Capitol, H–232,
Washington, DC.

DEAR MADAM SPEAKER, Thank you for the tremendous opportunity to serve on the Energy and Commerce Committee.

Due to the pending assignment, please accept my resignation from the Transportation and Infrastructure Committee effective Tuesday, June 10.

It was an honor to serve on the Transportation and Infrastructure Committee under the tremendous leadership of Chairman Oberstar. The Transportation and Infrastructure Committee has provided me with a useful forum to help shape our country's investment in our roadways and transportation systems. I look forward to continuing to following the success of the committee and offering my assistance wherever possible.

It is with great enthusiasm and dedication that I look forward to serving on the Energy and Commerce Committee. My strongest desire as a Member of Congress is to improve the lives of the people I represent, and serving on this committee will afford me invaluable opportunities to make a demonstrative and positive difference in their lives.

I appreciate your attention to my resignation, and please do not hesitate to contact me if I can be of any assistance to you.

Sincerely,

DORIS O. MATSUI,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 2008.

Hon. NANCY PELOSI,
Speaker, Capitol Building,
Washington, DC.

DEAR MADAM SPEAKER: I am writing to notify you of my resignation from the Committee on Veterans' Affairs. Please consider this resignation effective today.

Thank you for your attention to this matter.

Sincerely,

MIKE DOYLE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Financial Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 2008.

Hon. NANCY PELOSI,
Speaker, Capitol Building, Washington, DC.

DEAR SPEAKER PELOSI: At the request of the Speaker and to provide a slot for a newly-elected colleague, I resign my membership on the Financial Services Committee.

Very truly yours,

JIM MARSHALL.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

MERIDA INITIATIVE TO COMBAT ILLICIT NARCOTICS AND REDUCE ORGANIZED CRIME AUTHORIZATION ACT OF 2008

Mr. BERMAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6028) to authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—ASSISTANCE FOR MEXICO

Sec. 101. Findings.
Sec. 102. Declarations of policy.

Subtitle A—Law Enforcement and Security Assistance

Sec. 111. Purposes of assistance.
Sec. 112. Authorization of assistance.
Sec. 113. Activities supported.
Sec. 114. Limitation on assistance.
Sec. 115. Authorization of appropriations.

Subtitle B—Assistance to Enhance the Rule of Law and Strengthen Civilian Institutions
Sec. 121. Sense of Congress.
Sec. 122. Authorization of assistance.
Sec. 123. Activities supported.
Sec. 124. Authorization of appropriations.
TITLE II—ASSISTANCE FOR COUNTRIES OF CENTRAL AMERICA
Sec. 201. Findings.
Sec. 202. Declarations of policy.
Subtitle A—Law Enforcement and Security Assistance
Sec. 211. Purposes of assistance.
Sec. 212. Authorization of assistance.
Sec. 213. Activities supported.
Sec. 214. Limitation on assistance.
Sec. 215. Authorization of appropriations.
Subtitle B—Assistance to Enhance the Rule of Law and Strengthen Civilian Institutions
Sec. 221. Authorization of assistance.
Sec. 222. Activities supported.
Sec. 223. Authorization of appropriations.
TITLE III—ADMINISTRATIVE PROVISIONS
Sec. 301. Conditions on provision of assistance.
Sec. 302. Limitations on provision of assistance.
Sec. 303. Limitation on monitoring.
Sec. 304. Exemption from prohibition on assistance for law enforcement forces.
Sec. 305. Relationship to other authority.
Sec. 306. Rule of construction.
TITLE IV—SUPPORT ACTIVITIES IN THE UNITED STATES
Sec. 401. Report on reduction of drug demand in the United States.
Sec. 402. Reduction of southbound flow of illegal weapons.
Sec. 403. Reduction of southbound flow of illegal precursor chemicals and bulk-cash transfers.
Sec. 404. Report.
TITLE V—MISCELLANEOUS PROVISIONS
Sec. 501. Coordinator of United States Government Activities to Implement the Merida Initiative.
Sec. 502. Metrics and oversight mechanisms.
Sec. 503. Report.
Sec. 504. Sense of Congress.
Sec. 505. Sunset.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees"—

(A) means—

(i) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

(ii) the Committee on Appropriations and the Committee on Foreign Relations of the Senate; and

(B) for purposes of titles IV and V, includes the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

(2) COUNTRIES OF CENTRAL AMERICA.—The term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama and includes Haiti and the Dominican Republic.

(3) MERIDA INITIATIVE.—The term "Merida Initiative" means the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

TITLE I—ASSISTANCE FOR MEXICO

SEC. 101. FINDINGS.

Congress finds the following:

(1) The drug crisis facing the United States remains a significant national security threat.

(2) The Government Accountability Office (GAO) estimates that 90 percent of illegal drugs that enter the United States come through the Mexico-Central America corridor.

(3) The same smuggling routes that are used to bring illegal narcotics north are utilized to illegally distribute arms, precursor chemicals, and bulk cash transfers south.

(4) Drug gangs that operate in the United States, Mexico, and Central America have become sophisticated and vertically-integrated operations expert at penetrating the United States-Mexico border.

(5) Narcotics-related activity and expanding cross-border trafficking is dangerously undermining the security environment for our neighbors to the South, as well as in the United States.

(6) Mexico can and has served as a critical ally and partner in stemming the flow of illegal narcotics into the United States. Under the leadership of Mexican President Felipe Calderón, the United States and Mexico have initiated an approach of joint responsibility to confront the threat of illicit narcotics trafficking and organized crime in the Western Hemisphere.

(7) The spread of illicit narcotics through United States borders and the violence that accompanies it cannot be halted without a comprehensive interdiction and security strategy planned and executed jointly with our southern neighbors.

(8) In March 2007, President George W. Bush and Mexican President Calderón held a summit in the Mexican City of Merida and agreed that the United States and Mexico must expand bilateral and regional cooperation to fight violence stemming from narcotrafficking and regional criminal organizations.

(9) On October 22, 2007, the United States and Mexico issued a joint statement announcing the Merida Initiative, a program to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

(10) In the joint statement—

(A) Mexico pledged to "strengthen its operational capabilities to more effectively fight drug-traffickers and organized crime";

(B) the United States pledged "to intensify its efforts to address all aspects of drug trafficking (including demand-related portions) and continue to combat trafficking of weapons and bulk currency to Mexico"; and

(C) both nations pledged to "augment cooperation, coordination, and the exchange of information to fight criminal organizations on both sides of the border".

(11) A long-term strategy to adequately contain the northbound and southbound flows of illicit narcotics along the United States-Mexico border, as well as protect the vast and free flow of trade, will require the United States to partner with its southern neighbors in their efforts to build the capacity of their own law enforcement agencies and enhance the rule of law, as well as to fortify United States illicit narcotics reduction efforts.

SEC. 102. DECLARATIONS OF POLICY.

Congress makes the following declarations:

(1) The Merida Initiative is a critical part of a growing partnership and strategy of cooperation between the United States and its southern neighbors to confront the illegal flow of narcotics as well as violence and organized crime that it has spawned.

(2) The United States needs to ensure the free flow of trade between the United States and its critical neighbor, Mexico, while ensuring that the United States border is protected from illegal smuggling into the United States.

(3) The United States must intensify efforts to stem the flow of precursor chemicals, bulk cash, and the so-called "iron-river" of arms illegally flowing south, as well as demand-related aspects of the illicit narcotics phenomenon.

(4) The United States should provide its expertise to meet immediate security needs along the United States-Mexico border, fight the production and flow of illicit narcotics, and support Mexico in its efforts to do the same.

(5) The United States should support the Government of Mexico's work to expand its own law enforcement to independently conduct successful counternarcotics and organized crime-related operations.

(6) The Merida Initiative reflects the belief that Mexican military involvement is required in the short-term to stabilize the security situation, but that most aspects of this problem fall into the realm of law enforcement.

(7) In implementing the Merida Initiative, the United States should work with its southern neighbors to mitigate the so-called "balloon effect" in which successful counternarcotics efforts shift narcotics-related activities to other areas.

(8) The United States should coordinate with the Congress of the Union of Mexico to ensure full partnership on the programs authorized under this Act.

Subtitle A—Law Enforcement and Security Assistance

SEC. 111. PURPOSES OF ASSISTANCE.

The purposes of assistance under this subtitle are to—

(1) enhance the ability of the Government of Mexico, in cooperation with the United States, to control illicit narcotics production, trafficking, drug trafficking organizations, and organized crime;

(2) help build the capacity of law enforcement forces of Mexico to control illicit narcotics production, trafficking, drug trafficking organizations, and organized crime;

(3) aid the support role that the armed forces of Mexico is providing to law enforcement agencies of Mexico as the security situation in Mexico is initially stabilized;

(4) protect and secure the United States-Mexico border, and control illegal activity going south as well as north;

(5) strengthen the bilateral and regional ties of the United States with Mexico and the countries of Central America by assuming shared responsibility and offering concrete assistance in this area of great mutual concern;

(6) strengthen respect for internationally recognized human rights and the rule of law in efforts to stabilize the security environment relating to illicit narcotics production and trafficking and organized crime; and

(7) support the judicial branches of the Government of Mexico and the countries of Central America, as well as support anti-corruption efforts in those countries; and

(8) respond to the direct requests of the Government of Mexico that the United States reduce the demand for illicit narcotics in the United States, stem the flow of illegal arms into Mexico from the United States, stem the flow of illegal bulk-cash transfers into Mexico from the United States, and stem the flow of illegal precursor

chemicals into Mexico from the United States.

SEC. 112. AUTHORIZATION OF ASSISTANCE.

To carry out the purposes of section 111, the President is authorized to provide assistance for Mexico to support the activities described in section 113.

SEC. 113. ACTIVITIES SUPPORTED.

(a) IN GENERAL.—Activities that may be supported by assistance under section 112 include the following:

(1) COUNTERNARCOTICS AND COUNTERTRAFFICKING.—To assist in building the capacity of law enforcement and security forces of Mexico to eradicate illicit narcotics trafficking and reduce trafficking-fueled violence, including along the United States-Mexico border, including assistance such as—

(A) radar and aerial surveillance equipment;

(B) land and maritime interdiction equipment and training, including—

(i) transport helicopters and night-operating capabilities;

(ii) surveillance platform planes; and

(iii) maintenance and training relating to maintenance of aircraft; and

(C) training of security and law enforcement units to plan and execute counternarcotics operations.

(2) PORT, AIRPORT, AND RELATED SECURITY.—To assist in monitoring and controlling the United States-Mexico border and the border between Mexico and Central America to combat illicit narcotics trafficking, including assistance such as—

(A) computer infrastructure and equipment;

(B) secure communications networks; and

(C) nonintrusive monitoring technology.

(3) OPERATIONAL TECHNOLOGY.—

(A) ASSISTANCE OBJECTIVES.—To assist in investigation and collection of intelligence against illicit drug trafficking organizations, including—

(i) expansion of intelligence databases; and

(ii) hardware, operating systems, and training for updating the communications networks of security agencies.

(B) SENSE OF CONGRESS.—It is the sense of Congress that—

(i) operational technology transferred to the Government of Mexico for intelligence or law enforcement purposes should be used solely for the purposes for which the operational technology was intended; and

(ii) the United States should take all necessary steps to ensure that use of operational technology described in clause (i) is consistent with United States law, including protections of freedom of expression, freedom of movement, and freedom of association.

(4) PUBLIC SECURITY AND LAW ENFORCEMENT.—To assist in the modernization of law enforcement entities and prevent crime, including assistance and activities such as—

(A) law enforcement training and equipment, including—

(i) transport helicopters;

(ii) surveillance aircraft, including Cessna Caravan light utility aircraft;

(iii) nonintrusive inspection equipment; and

(iv) human rights training for law enforcement units;

(B) enhancement of the Government of Mexico's financial intelligence unit;

(C) safety-related equipment for law enforcement officers and prosecutors, including protective vests and helmet sets;

(D) reduction of drug demand in Mexico, including activities such as—

(i) assistance to the National Council Against Addictions (CONADIC) to establish an Internet web-based support network;

(ii) establishment of a national data center to support the CONADIC; and

(iii) training of CONADIC and other agency staff in best practices and outreach and treatment programs, and design of a methodology to implement best practices in conjunction with the National Network for Technological Transfers in Addiction.

(b) PROVISION OF HELICOPTERS.—Funds made available to carry out this subtitle to provide helicopters to the Government of Mexico, shall, to the extent possible, be used to procure or provide helicopters that are of a similar manufacture to those helicopters already in the possession of the Government of Mexico in order to facilitate integration of those assets into Mexico's existing air fleet.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States shall ensure, to the extent possible, that assistance under this subtitle is made available and cross-utilized by the armed forces of Mexico and relevant law enforcement agencies of the Government of Mexico, including the Mexican Office of the Attorney General.

SEC. 114. LIMITATION ON ASSISTANCE.

(a) LIMITATION.—No assistance may be provided under this subtitle to any unit of the armed forces of Mexico or any unit of the law enforcement agencies of Mexico if the Secretary of State determines that, consistent with section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d), there is credible evidence that such unit has committed gross violations of human rights.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply if the Secretary of State determines and reports to the appropriate congressional committees that the Government of Mexico is taking effective measures to bring the responsible members of the unit of the armed forces or law enforcement agencies, as the case may be, to justice.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this subtitle, there are authorized to be appropriated to the President $350,000,000 for fiscal year 2008, $390,000,000 for fiscal year 2009, and $40,000,000 for fiscal year 2010.

(b) LIMITATION.—

(1) IN GENERAL.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(A) not more than $205,000,000 may be provided as assistance for the armed forces of Mexico for 2008;

(B) not more than $120,000,000 may be provided as assistance for the armed forces of Mexico for 2009; and

(C) not more than $9,000,000 may be provided as assistance for the armed forces of Mexico for 2010.

(2) ADDITIONAL LIMITATION.—None of the funds appropriated pursuant to the authorization of appropriations under subsection (a) for fiscal year 2009 may be provided as assistance for the Mexican Secretariat of Public Security until the President determines that the Mexican National Registry of Police Personnel (Registro Nacional de Personal Policial) is operational at the federal, state, and local levels.

(c) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including funds available under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

Subtitle B—Assistance to Enhance the Rule of Law and Strengthen Civilian Institutions

SEC. 121. SENSE OF CONGRESS.

It is the sense of Congress that, as a critical part of a joint, comprehensive security, counternarcotics, and organized crime initiative, the United States should support—

(1) programs of the United States Agency for International Development and other United States agencies focused on strengthening civilian institutions and rule of law programs in Mexico at the federal, state, and local levels; and

(2) anti-corruption, transparency, and human rights programs to ensure due process and expand a culture of lawfulness in Mexico.

SEC. 122. AUTHORIZATION OF ASSISTANCE.

The President is authorized to provide assistance for Mexico to support the activities described in section 123.

SEC. 123. ACTIVITIES SUPPORTED.

Activities that may be supported by assistance under section 122 include the following:

(1) INSTITUTION BUILDING AND RULE OF LAW.—To assist Mexico's efforts to expand the rule of law and build the capacity, transparency, and trust in government institutions, including assistance such as—

(A) rule of law and systemic improvements in judicial and criminal justice sector institutions, including—

(i) courts management and prosecutorial capacity building;

(ii) prison reform activities, including those relating to anti-gang and anti-organized crime efforts;

(iii) anti-money laundering programs;

(iv) victim and witness protection and restitution; and

(v) promotion of transparent oral trials via training for the judicial sector;

(B) police professionalization, including—

(i) training regarding use of force;

(ii) human rights education and training;

(iii) training regarding evidence preservation and chain of custody; and

(iv) enhanced capacity to vet candidates;

(C) support for the Mexican Office of the Attorney General, including—

(i) judicial processes improvement and coordination;

(ii) enhancement of forensics capabilities;

(iii) data collection and analyses;

(iv) case tracking and management;

(v) financial intelligence functions; and

(vi) maintenance of data systems.

(2) ANTI-CORRUPTION, TRANSPARENCY, AND HUMAN RIGHTS.—To assist law enforcement and court institutions in Mexico to develop mechanisms to ensure due process and proper oversight and to respond to citizen complaints, including assistance such as—

(A) enhancement of polygraph capability in the Mexican Police agency (SSP);

(B) support for greater transparency and accountability in the Mexican legal system, including—

(i) establishment of a center in the Mexican Office of the Attorney General for receipt of citizen complaints;

(ii) establishment of clerk of the court system to track cases and pretrial detentions;

(iii) reorganization of human and financial resources systems; and

(iv) equipping and training of criminal investigators; and

(C) promotion of human rights, including—

(i) support for human rights organizations, bar associations, and law schools; and

(ii) training for police, prosecutors, and corrections officers.

(3) PREVENTION.—To assist in the prevention of individuals from participating in illicit narcotics-related violent activities, such as—

(A) establishment of programs that address domestic violence and increase school attendance rates; and

(B) expansion of intervention programs, including after-school programs and programs for at-risk and criminal involved youth.

(4) DEVELOPMENT.—To assist in the development of areas where lack of jobs breeds illicit narcotics-related violence, including—

(A) expansion of alternative livelihood programs, including job creation programs and rural development programs and the provision of microenterprise development assistance under title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.); and

(B) establishment of gang reeducation and training programs.

SEC. 124. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this subtitle, there are authorized to be appropriated to the President $120,000,000 for fiscal year 2008, $100,000,000 for fiscal year 2009, and $110,000,000 for fiscal year 2010.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including funds available under chapter 8 of part I of the Foreign Assistance Act of 1961.

TITLE II—ASSISTANCE FOR COUNTRIES OF CENTRAL AMERICA

SEC. 201. FINDINGS.

Congress finds the following:

(1) A May 2007 report by the United Nations Office on Drugs and Crime (UNODC) argues that countries of Central America are particularly vulnerable to violent crimes fueled by illicit narcotics trafficking and corruption because such countries are geographically located between the world's largest drug producing and drug consuming countries.

(2) According to Assistant Secretary of State for Western Hemisphere Affairs Thomas Shannon, "[T]he nations of Central America have committed to collective action to address these common security concerns. Through the Central American Integration System (SICA), the governments have expressed the political resolve to join forces to strengthen regional security; however they lack sufficient tools and capacity to execute such will.".

(3) Crime and violence in Central America has increased in recent years.

(4) In 2005, the estimated murder rate per 100,000 people was roughly 56 in El Salvador, 41 in Honduras, and 38 in Guatemala.

(5) Youth gang violence has been one of the major factors contributing to increased violence in Central America, with the United States Southern Command estimating that there are 70,000 gang members in Central America.

(6) Many Central American youth gangs are transnational and negatively impact both Central America and the United States.

(7) Youth gang violence cannot be curbed only through enforcement, but must also include a substantial investment in prevention, rehabilitation, and reintegration.

(8) Deportees sent from the United States back to Central America, while not a central cause of crime and violence, can contribute to crime and violence in Central America.

(9) Guatemala has experienced a surge in murders of women in recent years, many of which have been committed by illicit narcotics traffickers and other organized criminals.

(10) Violence between partners, particularly violence by men against their wives or girlfriends, is widespread in Central America, and an international violence against women survey comparing selected countries in Africa, Latin America, Europe, and Asia found that 60 percent of women in Costa Rica—often considered the least violent country in Central America—reported having experienced domestic violence during their lives.

(11) Weak justice systems in the countries of Central America have led to a high level of impunity in Central America.

(12) The United Nations International Commission against Impunity in Guatemala (CICIG) was recently created to begin to address impunity related to illegally armed groups in Guatemala.

(13) The United States and the Central American Integration System (SICA) signed an agreement in July 2007 to improve intelligence sharing and policing and to institutionalize dialogue on regional security.

SEC. 202. DECLARATIONS OF POLICY.

Congress makes the following declarations:

(1) A long-term United States strategy to curb illicit narcotics trafficking must include Central America, which is the corridor for 90 percent of the cocaine that transits from South America to the United States.

(2) It is in the interest of the United States to support a long-term commitment to assisting the countries of Central America to improve security by combating illicit narcotics trafficking, investing in prevention programs, increasing intelligence sharing, improving regional security coordination, improving border and customs capabilities, professionalizing police, justice, and other government officials, and funding programs to reintegrate deportees from the United States.

(3) The countries of Central America are committed to combating illicit narcotics trafficking and its related violence and crime, including gang violence, and the United States must seize the opportunity to work in partnership with Central America.

Subtitle A—Law Enforcement and Security Assistance

SEC. 211. PURPOSES OF ASSISTANCE.

The purposes of assistance authorized by this subtitle are to—

(1) enhance the ability of governments of countries of Central America to control illicit narcotics production, trafficking, illicit drug trafficking organizations, and organized crime;

(2) help build the capacity of law enforcement agencies of the countries of Central America to control illicit narcotics production, trafficking, illicit drug trafficking organizations, and organized crime;

(3) strengthen the bilateral ties of the United States with the countries of Central America by offering concrete assistance in this area of great mutual concern;

(4) strengthen respect for internationally recognized human rights and the rule of law in efforts to stabilize the security environment relating to illicit narcotics production and trafficking and organized crime; and

(5) support the judicial branch of governments of the countries of Central America, as well as to support anti-corruption efforts in such countries.

SEC. 212. AUTHORIZATION OF ASSISTANCE.

To carry out the purposes of section 211, the President is authorized to provide assistance for the countries of Central America to support the activities described in section 213.

SEC. 213. ACTIVITIES SUPPORTED.

Activities that may be supported by assistance under section 212 include the following:

(1) COUNTERNARCOTICS, COUNTERTRAFFICKING, AND RELATED SECURITY.—

(A) ASSISTANCE OBJECTIVES.—To assist in the following:

(i) Investigation and collection of intelligence against illicit narcotics trafficking.

(ii) Combating illegal trafficking in arms.

(iii) Prevention of bulk currency smuggling.

(iv) Collection of information on crime and establishment of a regional database.

(B) ASSISTANCE.—Activities under subparagraph (A) may include—

(i) automated fingerprint identification systems (AFIS);

(ii) vetting sensitive investigative units to collaborate on counternarcotics at the federal, state, and local levels;

(iii) technical assistance to develop strong and effective financial crimes investigation units;

(iv) maritime security support, including refurbishing and procuring patrol boats;

(v) firearms interdiction training; and

(vi) illicit narcotics demand reduction programs.

(2) PUBLIC SECURITY AND LAW ENFORCEMENT.—To assist in building the capacity of the police in countries of Central America, supporting efforts to combat transnational gangs, investing in gang prevention and rehabilitation programs, and programs for the reintegration of deportees, including assistance such as—

(A) funding to continue the United States-Central American Integration System (SICA) Dialogue;

(B) youth gang prevention activities, including targeted education for at-risk youth, vocational training and funding of community centers in areas with high youth gang violence rates and other risk factors;

(C) programs to reintegrate deportees from the United States back into the societies of their home countries to avoid further criminal activity;

(D) transnational anti-gang initiatives;

(E) police professionalization, including—

(i) training regarding use of force;

(ii) human rights education and training;

(iii) training regarding evidence preservation and chain of custody; and

(iv) enhanced capacity to vet candidates;

(F) utilization of the International Law Enforcement Academy (ILEA) in El Salvador consistent with traditional respect for human rights and professional police practices;

(G) police training programs of the Organization of American States (OAS);

(H) police equipment, including communications equipment; and

(I) anti-domestic violence education programs and women's shelters.

SEC. 214. LIMITATION ON ASSISTANCE.

(a) LIMITATION.—No assistance may be provided under this subtitle to any unit of the armed forces of a country of Central America or any unit of the law enforcement agencies of a country of Central America if the Secretary of State determines that, consistent with section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d), there is credible evidence that such unit has committed gross violations of human rights.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply if the Secretary of State determines and reports to the appropriate congressional committees that the government of the relevant country of Central America is taking effective measures to bring the responsible members of the unit of the armed forces or law enforcement agencies, as the case may be, to justice.

SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this subtitle, there are authorized to be appropriated to the President $60,000,000 for fiscal year 2008, $80,000,000 for fiscal year 2009, and $80,000,000 for fiscal year 2010.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including funds under chapters 2 and 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2166 and 2291 et seq.).

(c) LIMITATION.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (a) for any fiscal year, at least $15,000,000 should be made available to carry out section 213(2)(B).

Subtitle B—Assistance to Enhance the Rule of Law and Strengthen Civilian Institutions

SEC. 221. AUTHORIZATION OF ASSISTANCE.

The President is authorized to provide assistance for the countries of Central America to support the activities described in section 222.

SEC. 222. ACTIVITIES SUPPORTED.

Activities that may be supported by assistance under section 221 include assistance in building the capacity, transparency, and trust in the justice system of the countries of Central America and reducing high impunity rates in the countries of Central America, including assistance such as—

(1) improved police academies and entry level training on crime investigations;

(2) courts management and prosecutor capacity building;

(3) witness and victim protection programs, including in Guatemala in coordination with the United Nations International Commission Against Impunity in Guatemala (CICIG);

(4) programs to enhance transparency in the procedures to designate and remove personnel in the recipient country's judicial system;

(5) prosecutor and judge protection programs, including in Guatemala and in coordination with the CICIG;

(6) short-term assignment of United States Government personnel to the CICIG to provide technical assistance for criminal investigations, specifically but not limited to investigations involving money laundering so long as this assignment does not negatively impact United States domestic operations;

(7) regional juvenile justice reform;

(8) prison management;

(9) programs to rehabilitate gang members released from prison, including job training; and

(10) community policing, including human rights and use of force training for community policing projects.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated to the President $40,000,000 for fiscal year 2008, $50,000,000 for fiscal year 2009, and $95,000,000 for fiscal year 2010.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including funds available under chapters 2 and 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2166 and 2291 et seq.).

TITLE III—ADMINISTRATIVE PROVISIONS

SEC. 301. CONDITIONS ON PROVISION OF ASSISTANCE.

(a) IN GENERAL.—The President may not provide assistance under title I or II to a foreign country for a fiscal year until the end of a 15-day period beginning on the date on which the President transmits to the appropriate congressional committees a determination that the requirements described in subsection (b) have been met with respect to the government of such foreign country for such fiscal year.

(b) REQUIRED DETERMINATION.—The requirements referred to in subsection (a) are the following:

(1) The provision of assistance will not adversely affect the human rights situation in the foreign country.

(2) Vetting procedures are in place to ensure that members and units of the armed forces and law enforcement agencies of the foreign country that may receive assistance under title I or II have not been involved in human rights violations.

(3) The civilian authority in the foreign country is investigating and prosecuting any member of any government agency or entity receiving assistance under title I or II who has been credibly alleged to have committed human rights violations on or after the date of the enactment of this Act.

(4) Equipment and material provided as support is being used only by officials and employees of the government of the foreign country who have been approved by such government to perform counternarcotics activities, including on the basis of the background investigations by such government.

(5) The government of the foreign country has cooperated with the Secretary of State to ensure that—

(A) the equipment and material provided as support will be used only by the officials and employees referred to in paragraph (4);

(B) none of the equipment or material will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or material; and

(C) the equipment and material will, to the extent possible, be used for the purposes intended by the United States Government and will be utilized by those agencies for which such assistance is intended.

(6) The government of the foreign country has implemented, in consultation with the Secretary of State, a system that will provide an accounting and inventory of the equipment and material provided as support.

(7) The government of the foreign country will, along with United States personnel, conduct periodic observation and review of the use of the equipment and material provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(8) To the extent the foreign country has received equipment in the past, it has utilized the equipment properly and in a manner that warrants additional provision of equipment or assistance.

SEC. 302. LIMITATIONS ON PROVISION OF ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) activities undertaken under titles I and II of this Act should be performed wherever possible by official employees, personnel, or officers of the federal, state, or local government of the recipient foreign country; and

(2) the United States should limit, to the maximum extent possible, the number of United States civilians and foreign nationals retained as contractors in a recipient country.

(b) LIMITATIONS.—Except as provided in subsection (c)—

(1) none of the funds made available to carry out title I may be available for the employment of any United States individual civilian retained as a contractor in Mexico or any foreign national retained as a contractor if that employment would cause the total number of individual civilian contractors employed in Mexico in support of the Merida Initiative who are funded by United States funds to exceed 50;

(2) none of the funds made available to carry out title II may be available for the employment of any United States individual civilian retained as a contractor in a country of Central America or any foreign national retained as a contractor if that employment would cause the total number of individual civilian contractors employed in all countries of Central America in support of the Merida Initiative who are funded by United States funds to exceed 100; and

(3) none of the funds made available under this Act shall be made available for budget support or cash payments.

(c) EXCEPTION.—The limitations contained in subsection (b) shall not apply if the President determines that it is in the national interest of the United States that such limitations shall not apply and transmits to the appropriate congressional committees a notification thereof.

SEC. 303. LIMITATION ON MONITORING.

Beginning on October 1, 2009, no surveillance-related equipment may be transferred under this Act to any entity of Mexico or a country of Central America unless the President determines that the recipient country has cooperated with the United States to ensure that such equipment will be used principally for the purposes for which it is provided.

SEC. 304. EXEMPTION FROM PROHIBITION ON ASSISTANCE FOR LAW ENFORCEMENT FORCES.

Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to the prohibition on assistance to foreign law enforcement forces), the President may provide assistance under title I or II if, at least 15 days before providing the assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act (22 U.S.C. 2394-1), that (1) it is in the national interest to provide such assistance, and (2) the recipient country is making significant progress to eliminating any human rights violations.

SEC. 305. RELATIONSHIP TO OTHER AUTHORITY.

(a) ASSISTANCE UNDER TITLE I.—The authority to provide assistance under title I is in addition to any other authority to provide assistance for Mexico.

(b) ASSISTANCE UNDER TITLE II.—The authority to provide assistance under title I is in addition to any other authority to provide assistance for the countries of Central America.

SEC. 306. RULE OF CONSTRUCTION.

Nothing in title I or II shall be construed to alter, modify, or otherwise affect the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) unless otherwise specified in this Act.

TITLE IV—SUPPORT ACTIVITIES IN THE UNITED STATES

SEC. 401. REPORT ON REDUCTION OF DRUG DEMAND IN THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) supply-side drug reduction strategies when executed alone are not an effective way to fight the phenomenon of illegal narcotics;

(2) the Government of Mexico has identified reduction of United States drug demand as among the most important contributions the United States can make to a joint strategy to combat illicit narcotics trafficking; and

(3) the United States pledged in the United States-Mexico October 2007 Joint Statement on the Merida Initiative, to "intensify its efforts to address all aspects of drug trafficking (including demand related portions)" here in the United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the measures taken to intensify United States efforts to address United States demand-related aspects of the drug-trafficking phenomenon in accordance with the Joint Statement on the Merida Initiative announced by the United States and Mexico on October 22, 2007.

SEC. 402. REDUCTION OF SOUTHBOUND FLOW OF ILLEGAL WEAPONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) much of the increased violence in Mexico is perpetrated using firearms and ammunition smuggled illegally from the United States into Mexico;

(2) the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has told Congress of an "iron river of guns" with thousands of weapons per week illegally crossing into Mexico from the United States;

(3) more than 90 percent of the guns confiscated yearly in Mexico originate in the United States and approximately 40 percent of the total trafficked weapons are linked to drug trafficking organizations;

(4) along the 2,000 mile border from Brownsville, Texas, to San Diego, California, there are 6,700 licensed gun sellers, but only 100 Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) special agents to investigate allegations of weapons trafficking and only 35 inspectors to ensure compliance with United States laws;

(5) on January 16, 2008, ATF announced that it will add 25 special agents and 15 inspectors to their Project Gunrunner along the Southwest Border. And, the ATF budget request for fiscal year 2009 includes funding for another 12 inspectors; and

(6) an effective strategy to combat these illegal arms flows is a critical part of a United States contribution to a jointly executed anti-narcotics strategy with Mexico.

(b) PROJECT GUNRUNNER INITIATIVE.—

(1) IN GENERAL.—The Attorney General shall, to the extent amounts are made available to carry out this subsection pursuant to paragraph (4), use such amounts for the Project Gunrunner initiative (hereafter in this subsection referred to as the "initiative") of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to expand the resources provided to identify, investigate, and prosecute individuals involved in the trafficking of firearms across the United States-Mexico border.

(2) ACTIVITIES.—In carrying out paragraph (1), the Attorney General shall—

(A) assign additional agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the area of the United States adjacent to the United States-Mexico border to support the expansion of the initiative;

(B) establish not fewer than 1 initiative team in each State along the United States-Mexico border; and

(C) coordinate with the heads of other relevant federal law enforcement agencies and State and local law enforcement agencies to address firearms trafficking in a comprehensive manner.

(3) ADDITIONAL STAFF.—The Attorney General may hire additional persons to be Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and may use such other resources as may be necessary to adequately support, the initiative.

(4) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Attorney General $15,000,000 for each of the fiscal years 2008 through 2010.

(c) ENHANCED INTERNATIONAL COOPERATION.—

(1) IN GENERAL.—In carrying out this subsection, the Attorney General, in cooperation with the Secretary of State, is authorized and encouraged, as appropriate, to—

(A) assign agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the United States mission in Mexico, specifically in areas adjacent to the United States-Mexico border, to work with Mexican law enforcement agencies in conducting investigations relating to firearms trafficking and other criminal enterprises;

(B) provide the equipment and technological resources necessary to support investigations and to trace firearms recovered in Mexico; and

(C) support the training of vetted Mexican law enforcement officers in serial number restoration techniques and canine explosive detection.

(2) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Attorney General $9,500,000 for each of the fiscal years 2008 through 2010.

SEC. 403. REDUCTION OF SOUTHBOUND FLOW OF ILLEGAL PRECURSOR CHEMICALS AND BULK-CASH TRANSFERS.

It is the sense of Congress that—

(1) a significant quantity of precursor chemicals used in the production of illegal narcotics flows south from the United States to Mexico;

(2) the Government of Mexico has identified reduction of southbound flows from the United States of precursor chemicals and bulk-cash transfers as a critical component of its anti-narcotics strategy; and

(3) an effective strategy to combat these illegal flows is a critical part of a United States contribution to a jointly executed anti-narcotics strategy with Mexico.

SEC. 404. REPORT.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the measures taken to combat the southbound flow of illegal precursor chemicals and bulk cash transfers into Mexico.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO IMPLEMENT THE MERIDA INITIATIVE.

(a) DECLARATION OF POLICY.—Congress declares that the Merida Initiative is a Department of State-led initiative which combines programs of numerous United States Government departments and agencies and therefore requires a single individual to coordinate and track all Merida-related efforts government-wide to help avoid duplication and facilitate accountability to Congress.

(b) DESIGNATION OF HIGH-LEVEL COORDINATOR.—

(1) IN GENERAL.—The President shall designate, within the Department of State, a Coordinator of United States Government Activities to Implement the Merida Initiative (hereafter in this section referred to as the "Coordinator") who shall be responsible for—

(A) designing an overall strategy to advance the purposes of this Act;

(B) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies in Mexico and Central America set forth in this Act;

(C) ensuring that efforts of the United States Government under this Act in Mexico and Central America are in full consonance with the efforts of the Government of Mexico and the governments of Central America in implementing the Merida Initiative;

(D) tracking all United States Government assistance which fulfills the goals of the Merida Initiative or is closely related to the goals of the Merida Initiative, including information required under section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) with respect to Mexico and the countries of Central America;

(E) coordinating among agencies of the United States Government on all United States assistance to Mexico and the countries of Central America, including assistance from other relevant government agencies, which fulfills the goals of the Merida Initiative to avoid duplication or conflict among programs; and

(F) consulting with the Attorney General with respect to the activities of Federal, State, and local law enforcement authorities in the United States related to the goals of the Merida Initiative, particularly along the United States-Mexico border.

(2) RANK AND STATUS OF THE COORDINATOR.—The Coordinator shall have the rank and status of ambassador.

SEC. 502. METRICS AND OVERSIGHT MECHANISMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to successfully support building the capacity of recipient countries' civilian security institutions, enhance the rule of law in recipient countries, and ensure the protection of human rights, the President should establish metrics and oversight mechanisms to track the effectiveness of activities undertaken pursuant to this Act;

(2) long-term solutions to Mexico and Central America's security problems depend on strengthening and holding accountable civilian institutions;

(3) it is difficult to assess the impact of United States assistance towards these goals absent specific oversight and monitoring mechanisms; and

(4) the President, in developing metrics, should consult with Congress as well as the Government of Mexico and the Central American Integration System (SICA).

(b) REQUIREMENT.—The President shall develop metrics to identify, track, and manage the progress of activities authorized pursuant to this Act and use these metrics to determine the allocation of resources for such activities.

(c) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that specifies metrics of achievement for each activity to be undertaken under this Act.

(2) CONTENTS OF REPORT.—The report shall be divided into two sections, the first addressing those activities undertaken pursuant to subtitle A of title I and subtitle A of title II, and the second addressing those activities undertaken pursuant to subtitle B of title I and subtitle B of title II. Metrics may include the following:

(A) Indicators on long-term effectiveness of the equipment and training provided to Mexican and Central American security institutions.

(B) Statistics of counter narcotics-related arrests.

(C) Number of interdictions of drug shipments.

(D) Specific progress on police reform.

(E) Counternarcotics-related arrests.

(F) Quantification of reduction of supply of illicit narcotics into the United States.

(G) Cross-utilization, if any, of equipment among the armed forces and law enforcement entities.

(H) Increased school attendance rates.

(I) Attendance in primary prevention programs.

(J) The level of cooperation among United States, Mexican, and Central American law enforcement agencies.

SEC. 503. REPORT.

(a) IN GENERAL.—The President shall transmit to the appropriate congressional committees a report concerning the programs and activities carried out under this Act during the preceding fiscal year. The first report shall be transmitted not later than 180 days after the date of the enactment of this Act and subsequent reports shall be transmitted not later than October 31 of each year thereafter.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) METRICS.—A general description of the progress in stabilizing the security situation in each recipient country as well as combating trafficking and building its capacity based on the metrics developed under section 502.

(2) COORDINATION.—Efforts of the United States Government to coordinate its activities pursuant to section 501, including—

(A) a description of all counternarcotics and organized crime assistance provided to recipient countries in the previous fiscal year;

(B) an assessment of how such assistance was coordinated; and

(C) recommendations for improving coordination.

(3) TRANSFER OF EQUIPMENT.—A description of the transfer of equipment, including—

(A) a description of the progress of each recipient country toward the transfer of equipment, if any, from its armed forces to law enforcement agencies;

(B) a list of organizations that have used the air assets provided to the government of each recipient country, and, to the extent possible, a detailed description of those agencies that have utilized the air assets, including a breakdown of the percentage of use by each agency; and

(C) a description of training of law enforcement agencies to operate equipment, including air assets.

(4) HUMAN RIGHTS.—Consistent with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 504 of the Trade Act of 1974 (19 U.S.C. 2464), an assessment of the human rights impact of the equipment and training provided under this Act, including—

(A) a list of accusations of serious human rights abuses committed by the armed forces and law enforcement agencies of recipient countries from the date of enactment of this Act; and

(B) a description of efforts by the government of recipient countries to investigate and prosecute allegations of abuses of human rights committed by any agency of the recipient countries.

(5) EFFECTIVENESS OF EQUIPMENT.—An assessment on the long-term effectiveness of the equipment and maintenance packages and training provided to each recipient country's security institutions.

(6) MEXICO PUBLIC SECURITY STRATEGY.—A description of Mexico's development of a public security strategy, including—

(A) an update on the effectiveness of the Mexican federal Registry of Police Personnel to vet police recruiting at the National, state, and municipal levels to prevent rehiring from one force to the next after dismissal for corruption and other reasons; and

(B) an assessment of how the Merida Initiative complements and supports the Mexican Government's own public security strategy.

(7) FLOW OF ILLEGAL ARMS.—A description of efforts to reduce the southbound flow of illegal arms.

(8) USE OF CONTRACTORS.—A detailed description of contracts awarded to private companies to carry out provisions of this Act, including—

(A) a description of the number of United States and foreign national civilian contractors awarded contracts;

(B) a list of the total dollar value of the contracts; and

(C) the purposes of the contracts.

(9) CENTRAL AMERICAN REGIONAL SECURITY PLAN.—A description of implementation by the countries of Central America of the Central American Regional Security Plan, including an assessment of how the Merida Initiative complements and supports the Central American Regional Security Plan.

(10) PHASE OUT OF LAW ENFORCEMENT ACTIVITIES.—A description of the progress of phasing out law enforcement activities of the armed forces of each recipient country.

(11) DISPLACEMENT AND DIVERSION OF DRUG TRAFFICKING PATTERNS.—A description of any displacement effect and diversion of drug trafficking patterns from Mexico and the countries of Central America to other routes, including through potentially vulnerable Caribbean countries.

(12) IMPACT ON BORDER VIOLENCE AND SECURITY.—A description of the impact that activities authorized under this Act have had on violence against United States and Mexican border personnel and the extent to which these activities have increased the protection and security of the United States-Mexico border.

SEC. 504. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government requires an effective public diplomacy strategy to explain the purposes of the Merida Initiative; and

(2) to the extent practicable, the Secretary of State, in coordination with other relevant heads of agencies, shall design and implement a public diplomacy campaign regionally regarding the Merida Initiative.

SEC. 505. SUNSET.

The authority of this Act shall expire after September 30, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I rise in strong support of this bill and yield myself as much time as I may consume.

Madam Speaker, the drug crisis facing the United States remains a top national security threat. The GAO states that 90 percent of illegal drugs entering our country transit the Central American-Mexican corridor.

Drug gangs that operate in the United States, Mexico, and Central America are dangerously undermining the security environment for our neighbors to the south, and the spillover effects on our own soil are undeniable.

President Calderon of Mexico made a brave decision early in his presidency to fight illegal narcotics in a way that no Mexican government had done before, and he and his countrymen have paid a high price for it. Drug cartels have been blamed for 6,000 deaths in two-and-a-half years in Mexico alone, 4,000 of them in the year-and-a-half since Mr. Calderon assumed the presidency.

A significant percentage of these deaths are law enforcement personnel, outgunned and outspent from the proceeds of illegal drugs. There seems to be no limit to the brazenness of the drug gangs. A month ago, the chief of Mexico's Federal police was shot dead in his own home.

It is high time for the United States to do more than applaud President Calderon's courage. We must work together to tackle this difficult problem.

President Bush and President Calderon met in the Mexican city of Merida last year to craft a new and innovative proposal to confront this scourge. That proposal is largely reflected in the legislation we have before us today.

The central tenet of this bill is that, while the violence must stop and security must be restored, the ultimate solution to this problem lies in respect for the rule of law and the strength of institutions charged with upholding it.

□ 1145

H.R. 6028 represents the U.S. implementation of a new partnership with Mexico and Central American countries to face the immediate security threat of drug gangs, help these neighbors build the capacity of their law enforcement agencies, and enhance the rule of law in the region.

As many of my colleagues know, the supplemental appropriations bill includes funding for year one of the Merida Initiative, but the legislation before us today authorizes the full 3 years of this plan in an exhaustive and complete manner necessary to undertake this critical partnership with our southern neighbors.

For example, this legislation authorizes $1.6 billion over 3 years in the areas of counter-narcotics, the fight against organized crime, law enforcement modernization, institution building, and rule of law support.

Mexico has requested that the U.S. provide certain high-tech equipment. And in this bill we authorize transport helicopters with night operating capabilities, aerial and radar surveillance equipment, land and maritime interdiction equipment, and secure communication networks.

This legislation supports a variety of programs designed to enhance the transparency and capacity of civilian institutions at the Federal, State and local level. They include assistance in courts management, prison reform, money laundering capabilities, witness protection, and police professionalization. The latter emphasizes human rights and use of force training, as well as forensics and polygraph capabilities.

In the realm of prevention, the bill supports programs to increase school attendance and expansion of intervention programs. It also seeks to promote development in areas where joblessness feeds the narcotics problem, including alternative livelihood and rural development efforts.

It concentrates considerable funding in the fragile Central America region, as well as in Haiti and the Dominican Republic, in programs tailored to that region's specific needs.

The legislation contains significant human rights safeguards as well as end-use monitoring provisions for equipment and training. It provides no cash transfers.

It calls on the President to devise standards up front that will be used to measure the success of the initiative, and to regularly report to Congress on progress made toward meeting these standards.

Significantly, because this was a specific request from our Mexican neighbors, the legislation bolsters by $73.5 million America's efforts to stem the illegal flow of arms going south by significantly expanding ATF's Project Gun Runner.

Finally, the bill establishes a coordinator for the initiative to provide accountability and harmonize its wide-ranging programs.

Perhaps most importantly the legislation recognizes that the spread of illicit drugs through Mexico and Central America and into the United States, as well as the violence that accompanies it, cannot be halted without a comprehensive interdiction and security strategy planned and executed jointly with our southern neighbors. Madam Speaker, with this authorization of the Merida Initiative we demonstrate our Nation's commitment to work closely with our friends and neighbors to the south in a meaningful and long-term fashion to battle illegal narcotics.

I strongly urge all my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise as a proud cosponsor of the Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act of 2008.

Based on co-responsibility and cooperation, the Merida Initiative creates an invaluable partnership between the United States, Mexico, the rest of Central America, Haiti, and the Dominican Republic to work together to fight illicit drugs and organized crime. It is a historic opportunity, an essential collaboration between all of our countries to present a united front against the drug cartels and the gangs who callously threaten the safety and future of our communities every day.

The growing operational and financial capabilities of these groups pose a clear and present threat to the lives and well-being of our citizens. By supporting this authorization, we are supporting the goals of the Merida Initiative to confront these dangers. Furthermore, we are supporting the goals of our friends in Mexico, Central America, Haiti and the Dominican Republic to combat these dangers as well.

The Merida Initiative, as considered under this authorization, is a comprehensive program focused on strengthening democratic institutions, on bolstering law enforcement capabilities, on supporting local communities, and on promoting human rights at all levels of the Initiative's implementation.

For years, drug traffickers and organized crime have used a regional strategy to carry out their illicit activities. Now, under the Merida Initiative, we have a chance for our governments to join forces and match this transnational approach. In Mexico, President Calderon has deployed nearly 30,000 soldiers and federal police to the country's most dangerous drug trafficking hotspots.

In Guatemala, the government has announced plans to send hundreds of troops, elite presidential guards and antidrug police to its northern border to stem the growing violence.

In the United States, our law enforcement agents have been met with increasing hostile actions while working to preserve the security of our borders.

The Merida Initiative enables us to combine all of these efforts to capitalize on all of our strength and confront narcotraffickers and organized crime with the same determination that they so vigorously employ to wreak havoc on our communities.

I was pleased to see that both the House and Senate versions of the supplemental included funding to support the Merida Initiative. I am hopeful that the conferees will look at this bill for direction when determining the final face of the Merida Initiative. I believe that it offers an effective guide for ensuring U.S. interest, while respecting our partners' sovereignty.

For too long, narcotraffickers and organized crime have run free, plaguing the prosperity of our region. By supporting the Merida Initiative, we are making the way for democracy and for development to take hold, and addressing the precursor conditions that help breed instability in the region, and that help create fertile territory even for Islamic extremist recruitment.

Madam Speaker, again I rise in full support of this initiative, and I look forwarding to helping to enhance our Nation's security by fighting and overcoming these daily threats.

Madam Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I greatly appreciate the gentlelady's strong comments on this bill.

I yield 4 minutes to the chairman of the Foreign Affairs Subcommittee on Western Hemisphere Affairs, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I rise today in strong support of H.R. 6028. And I would like to commend Chairman BERMAN for his leadership on this important legislation that authorizes full funding for the Merida Initiative.

In my subcommittee, as Chair, we held three hearings on the Merida Initiative, so we've covered it really quite extensively. And I'm more convinced than ever that this is such an important bill and such an important proposal.

Recent events in Mexico make the Merida Initiative more crucial than ever. Just last month, the chief of the Mexican federal police was brutally murdered at his home. Shortly thereafter, the deputy police chief of Ciudad

Juarez, a city smack on the border with the United States, was shot dead.

The narcoviolence in Mexico is not only undermining the safety and security of our friends to the south, but it is fueling the drug trade and violence here in the United States.

As Western Hemisphere Subcommittee chairman, I worked with Chairman BERMAN in developing this legislation and was pleased to contribute two key parts. First, the Central American piece of this legislation authorizes a much greater amount of assistance for the subregion than the Bush administration proposed. The initial $50 million for Central America was really a drop in the bucket when you look at the whole thing and the needs that are necessary, especially considering that 90 percent of the cocaine shipped from the Andes to the U.S. flows right through Central America.

H.R. 6028 sets aside at least $15 million per year for youth gang prevention programs. That was something that I care very much about as well. With approximately 70,000 gang members in Central America, and the transnational connections linking gang members there to the United States, this is a vast improvement over the administration's proposal. I hope we have learned by now that failing to adequately invest in prevention programs will only hurt us in the future.

I was also pleased to work with the chairman on a provision in H.R. 6028 which establishes a Merida coordinator at the State Department. My staff and I have too often been frustrated by the inability to obtain information on Merida activities or to figure out who was responsible for what, and what would fall under Merida. The Merida coordinator will keep track of all U.S. government assistance, which fulfills the goals of the Merida Initiative.

Madam Speaker, the Merida Initiative is moving on two legislative tracks; this authorization bill, and the supplemental appropriations bill. I understand that the Mexican Government has expressed concerns with certain language in the Senate supplemental proposal. It is my hope that the final product will include important human rights provisions while respecting Mexican sovereignty and the spirit of partnership in which the Merida Initiative was designed. Our relationship with our neighbors to the south is very important, and we need to work with them in a collaborative way and in a partnership.

Mr. Chairman, I thank you again for your leadership on this important legislation and your commitment to the governments and people of Central America and Mexico.

I urge my colleagues to support this crucial legislation. And I want to again say that it's important not only to have funds in there and language in there for Mexico, but for Central America, Haiti and the Dominican Republic as well.

It's also important that we look at the whole situation of guns. Guns that are manufactured in the United States are smuggled over the border, and 90 percent of the guns that are collected come from the United States. And they fuel narcotrafficking, they fuel violence, they fuel the drug trade, and we need to do something about that. So I am pleased that my provision, the Southwest Border Violence Reduction Act, was incorporated into this language to look at this problem, to deal with this problem, and understanding that what we do in the United States goes hand in hand with what happens south of our border as well.

So again, Mr. Chairman, I thank you. I thank the ranking member, with whom I've collaborated on so many things through the years.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Ohio (Mr. CHABOT). He is an esteemed member of our Committee on Foreign Affairs.

Mr. CHABOT. I thank the gentlelady for yielding.

Mr. Speaker, I'll be brief. Let me just start by saying that I appreciate both the chairman's and the ranking member's work on this critical issue. Drugs and cartels and the violence and terror that they bring not only undermine public safety but threaten our security as a Nation. We need to work cooperatively with those nations that are on the front lines of this drug war that we've been involved in for such a long time.

However, I want to mention one fact that I think is very important. Last summer, news reports highlighted the unwillingness of the Mexican Government to work with the U.S. to resolve a mile and a half boundary dispute near Columbus, New Mexico. Because of a mapping error, the fence that we're building was constructed on Mexican land. Although the U.S. government promptly notified the Mexican Government of the error, the Mexican Government demands that the mistake be corrected at a cost of $3 million to the United States; this, despite the fact that the previously existing boundary had never been in dispute prior to notification by the U.S., and the fact that the U.S. has provided more than $270 million in aid to Mexico between 2004 and 2007, including more than $140 million for counter-narcotics and law enforcement.

Today, we are authorizing funding for an additional $1.6 billion over 3 years. Last July, I introduced House Resolution 545, which states that it is the sense of this Congress that if Mexico doesn't work together to resolve this boundary dispute, U.S. assistance to Mexico should be reduced in a corresponding amount; in other words, $3 million. If it is costing the taxpayers of this country $3 million to do this, which was previously an undisputed border area, it seems like it ought to come out of their money and not ours, since we were the ones that brought it to their attention to begin with.

□ 1200

Now, some people up here in Washington may think that $3 million isn't a lot of money. Well I can tell you it is a lot of money to the folks back in my district and districts all over this country, particularly when you figure that we are spending approximately $4 a gallon for gas nowadays. So it is a lot of money and ought to be taken seriously.

If the U.S. and Mexico are truly partners, and we claim to be, and they claim to be, we should be working together in all areas, including the construction of this fence. We ought to be working cooperatively in this matter. And it plays a key role in our international interdiction efforts, not to mention the border security.

So this $3 million, if we are going to have to go back and rebuild this because of this good faith error, I believe that ought to be taken out of the U.S. aid which is going in their direction, and not from the U.S. taxpayer.

Mr. BERMAN. Mr. Speaker, I yield myself 1 minute of time if I may.

The gentleman from Ohio raises an issue of controversy between the United States and Mexico. What I urge the Members of this body to do is to focus on the purpose of this initiative. This is an initiative that is in America's deep national interest. The whole issue of illicit narcotics trade, the role of the corridor between Central America and Mexico in contributing and supplying these illicit narcotics, the war going on in Mexico between the drug cartels, and a president and a leadership that is now taking this head on serves our national interests. Our effort to stem illegal immigration is directly connected, and the effectiveness of it will be greatly dependent on our ability to stop these cartels and to smash this trade in illicit narcotics.

Whatever one's concern is about a particular aspect of the U.S.-Mexican relationship, I would suggest from America's interest point of view that this issue, this initiative, is a compelling one and should be supported.

I am now pleased to yield 3 minutes to chairman of the Homeland Security Subcommittee on Transportation Security and Infrastructure Protection and a member of the Committee on Foreign Affairs, Ms. SHEILA JACKSON-LEE of Texas.

Ms. JACKSON-LEE of Texas. Let me associate myself with the words of our chairman. This is in the interests of the American people. I thank Chairman BERMAN for introducing this legislation and the ranking member, as well, for the collaboration that our committee, the Foreign Affairs Committee, always engages in.

I think it is important to note that this is an initiative that was entered into by the United States and Mexico that announced a multiyear, $1.4 billion plan to use U.S. assistance to combat drug trafficking and other criminal organization activities. This has been labeled the "Merida Initiative," and the administration has requested $500 million.

Some would ask why? Because we are at a crisis. And I come from the State of Texas. There is bloodshed on the border. The violence is enormous. The wars between drug cartels have caused some 1,800 to 1,900 deaths to Mexicans in the first 9 months of 2007. And it is attributable to the cartel-related violence. More than 60 American citizens have been kidnapped in Nuevo Laredo, a Mexican town directly across the border from the city of Laredo, a fine, wonderful city. And the mayors of those cities have come and asked for relief. But unfortunately, it hasn't been listened to in the way that I believe it could be. Recognizing that the violence or the cause is not Laredo or the border towns as much as it is the violence that is now spilling over.

So I hope as we move forward in our initiative it will have a number of elements to it, and certainly one of the elements has to be the war against drugs here in the United States. It is important to note that Mexico is, in fact, the main foreign supply of marijuana and meth, and as well even though there is a small production of heroin, interestingly enough, they are a large producer of the heroin supply here in United States.

And for this reason, there needs to be a number of collaborations. I disagree, for example, with the Secretary of Homeland Security, who says that we can't put the virtual fence at the border because he realizes that we are being conflicted by the questions of a barrier fence, reasonably so, because we are used to the ingress and egress of trade in that area. And so I hope this initiative will have a balance and recognize that we have to look at many options to secure the border.

I want to also make mention of the fact that I am a member of the Homeland Security Committee and will hope, as this legislation moves forward, that we will have a collaboration with the Department of Homeland Security with this effort. You cannot make this work unless DHS is involved.

And I was prepared to offer an amendment that dealt with assessing the role of the relevant United States Government departments and agencies, including the Department of Homeland Security, in supporting the Merida Initiative, providing specific information on what staff, equipment and other resources the relevant United States Government departments and agencies, including the Department of Homeland Security would need to support this initiative, and assessing the impact of the initiative on the border security operations of the relevant United States Government departments and agencies.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BERMAN. I yield the gentlelady 1 additional minute.

Ms. JACKSON-LEE of Texas. I thank the chairman.

Assessing the impact of the Merida Initiative on the border security operations of the relevant United States Government departments and agencies, including the Department of Homeland Security, and identify additional resources, if any, that the relevant United States Government departments and agencies, including the Department of Homeland Security, need to make available to carry out this initiative.

I recall specifically as a member of the Subcommittee on Border Security writing legislation and the ranking member on the Immigration Subcommittee in our past Congresses on providing more resources for our Border Patrol. It was interesting that the administration was always voicing their leadership on the idea of border security, and our Border Patrol agents were suffering. There were not enough. They didn't have the kind of speedboats, night goggles and computers. Now you see it is like night and day because of legislation carried by members of the Democratic Caucus.

And so it is important that as we go forward we find a collaboration of the Department of Homeland Security because human trafficking and drug trafficking are intertwined. The violation of the borders is intertwined with all we are doing here, and we need to have a collaboration with the Department of Homeland Security. I support this initiative, and I know it can be expanded.

I rise today in cautious support of H.R. 6028, the "Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Act of 2008." I would like to thank my colleague Congressman BERMAN for introducing this legislation, as well as for his ongoing leadership as Chairman of the Committee on Foreign Affairs. While I do support this bill, I am extremely disappointed in the manner in which it was brought to the floor today. Like many Members, I have outstanding concerns about this legislation that have not yet been addressed, and I believe Members should have been given the opportunity to offer amendments to this important and far-reaching bill. I remain concerned about human rights in the region and I believe that the United States must do far more to address the demand for drugs in the United States, but I also believe that this legislation represents a positive step toward partnering with our southern neighbors to combat a problem that we share.

Mr. Speaker, I had planned to introduce an amendment to this legislation that will require the President to submit a report

(1) assessing the role of the relevant United States Government departments and agencies, including the Department of Homeland Security, in supporting the Merida Initiative;

(2) providing specific information on what staffing, equipment, and other resources the relevant United States Government departments and agencies, including the Department of Homeland Security, have provided for the Merida Initiative;

(3) assessing the impact of the Merida Initiative on the border security operations of the relevant United States Government departments and agencies, including the Department of Homeland Security; and

(4) identifying additional resources, if any, that the relevant United States Government departments and agencies, including the Department of Homeland Security, need to make available to carry out the Merida Initiative.

As a senior Member of the Committee on Homeland Security, I am cognizant of the fact that the Department of Homeland Security will play a major role in the implementation of the Merida Initiative. Among other things, Customs and Border Patrol will be involved in the procurement and training of non-intrusive inspection equipment (scanners, x-ray vans) and rescue and communications equipment, and Immigration and Customs Enforcement will be involved in modernizing Mexico's immigration database and the training of vetted units focused on anti-gang and anti-money laundering.

In short, Mr. Speaker, the Merida Initiative will not be complete or successful without the cooperation of the Department of Homeland Security and the dedication of its brave men and women. The report required by my Amendment would have made sure Congress knows what resources DHS is contributing to the Merida Initiative and whether more are needed. It would also have let Congress know how the Merida Initiative is affecting DHS's ability to carry out its other missions, including border security. As we continue to fight criminal syndicates and terrorism organizations around the world, we must ensure that there is accountability for our precious resources and that we are not losing focus of the needs at home. I am extremely disappointed that this legislation has been brought up under suspension, as I believe that my amendment would have improved the legislation.

On October 22, the United States and Mexico, in a joint statement, announced a multiyear, $1.4 billion plan to use U.S. assistance to combat drug trafficking and other criminal organizations. As part of this plan, known as the Mérida Initiative, the Administration has requested $500 million for Mexico and $50 million for Central America in the FY 2008 Supplemental Appropriations. Since March 2007, when Presidents George W. Bush and Felipe Calderon met in Mérida, officials of both governments, without the input of the legislative branch of either country, have been working on an initiative to expand bilateral and regional cooperation, in order to combat organized crime and criminal gangs in the region.

Mexico has, in recent years, experienced an increase in drug violence. Much of the recent violence has been attributed to turf wars between drug cartels, with between 1,800 and 1,900 deaths of Mexicans in the first nine months of 2007 alone being attributed to cartel-related violence. More than 60 American citizens have been kidnapped in Nuevo Laredo, a Mexican town directly across the border from the city of Laredo, in my own state of Texas. Some of this violence is reportedly spilling over the border into the United States.

Spill-over violence and attacks on Americans are not the only reasons Mexico's drug trade is of intimate interest to the United States. Mexico is the main foreign supplier of marijuana and a major supplier of methamphetamine to the United States, and, though it produces only a small share of global heroin production, it produces a sizeable proportion of the heroin distributed in the United States. In addition to production of drugs, Mexico is also a major transit country. According to State Department estimates, 90% of the cocaine entering the United States transits through Mexico.

With the demise of powerful cartels in Colombia, Mexican drug cartels have recently become increasingly significant. According to the National Drug Intelligence Center, Mexican cartels now dominate the illicit U.S. drug market, using "well-established overland transportation networks to transport cocaine, marijuana, methamphetamine, and heroin—Mexican and increasingly South American—to drug markets throughout the country." Though Colombian groups retain a significant share of smuggling and distribution operations in the United States, the operations of Mexican groups continue to account for an increasingly large percentage of the market.

Recent years have indicated that much more needs to be done to address issues of drug production and trafficking in Mexico. While I certainly agree that the Mérida Initiative represents an important and much needed effort, I am extremely disappointed that neither members of the U.S. nor the Mexican congress were included in the discussion process. In addition, I have significant concerns about the initiative itself, and I believe there are many outstanding issues that remain to be addressed.

Mr. Speaker, I do not believe we can address the problem of drug trafficking by combating the supply side alone. This legislation does require the President to submit a report on efforts to reduce demand in the United States, and I believe that this language is extremely important, acknowledging that this is not just a foreign issue. I would like to see this Congress take a more active role in reducing the prevalence of drug use and addiction in our own communities, in conjunction with working to eliminate the flow of drugs across our borders.

Mr Speaker, it is essential that this Committee stay engaged with this program after it is implemented, particularly monitoring its effects on human rights. U.S. dollars absolutely should not be going to fund abuses; they should be used to build a culture of respect for fundamental human rights. To this end, I am pleased that this legislation states that one of the purposes of this initiative is to "strengthen respect for internationally recognized human rights and the rule of law in efforts to stabilize the security environment relating to the illicit narcotics production and trafficking and organized crime." Further, this legislation restricts funding to any units known to commit gross violations of human rights, provides assistance for human rights training in relevant law enforcement units, and, perhaps most crucially, requires the President to report to Congress on the human rights impact of the equipment and training provided in this bill. Mr. Speaker, this language is important, but alone it is not enough, and I fully expect that this committee will remain engaged in this important issue following the implementation of this program.

Mr. Speaker, despite my outstanding concerns and my disappointment over the manner in which this legislation was brought before us today, I do believe that this legislation will strengthen the bonds of cooperation with our southern neighbors on an important issue in which we all share a stake. I urge my colleagues to join me in supporting this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. McCAUL) who is also an esteemed member of the Committee on Foreign Affairs.

Mr. McCAUL of Texas. I thank the gentlelady from Florida.

Mr. Speaker, let me say first that I support a military strategy to deal with the drug cartels. Having come from Texas, having worked counterterrorism with the Justice Department at the Mexican border, I know firsthand what a direct threat to the security of this Nation these drug cartels present. They export drugs. They poison our children. They export human trafficking. They bring special interest aliens into this country, some of whom are not caught. And in the post-9/11 world, they present a threat that we can no longer ignore. And they must be dealt with. That is why I have been supportive of this initiative.

However, I believe that we need a strategy on this side of the border, as well. I believe we need a two-pronged approach, if you will, a comprehensive strategy that deals not only with the Mexican side but with the U.S. side. And for too long, our border sheriffs and our Border Patrol agents have been outmanned and outgunned. And if we are going to provide assistance to Mexico, it seems to me we ought to be providing assistance to our men and women on our side fighting this war every day.

I had a unique opportunity to meet with President Calderon. He told me that he is at war with the drug cartels. He is at war with these drug cartels. And we need to fight this war against the drug cartels.

And I believe the best way to do that is provide the military assistance, but also provide the resources necessary on this side of our border, which is why I offered an amendment at the foreign affairs markup of this bill to provide $1.4 billion, an equal amount, if you will, over 3 years for our Federal, State and local law enforcement, including the border sheriffs. And Chairman BERMAN was supportive of this amendment. The chairman sits on the Judiciary Committee. It was my sincere hope that this amendment would have been taken up by the Judiciary Committee when they marked up this bill, as well.

Unfortunately, that didn't happen. And the Judiciary Committee decided not to take up this bill. In addition, instead of having an open rule whereby it could offer this amendment on the floor, we have a closed rule, and this vote is now under suspension. I believe this is a missed opportunity. I believe it is a missed opportunity to have a really comprehensive bill that could have had strong bipartisan support, that had the approach and the strategy that I just outlined, a military strategy on the Mexican side of the border, and a beefed up law enforcement on this side of the border. That is how we are going to achieve true border security in this Nation. So I just wanted to present that objection.

It is my sincere hope we can fix this and add this amendment at some point in the process to give our law enforcement on this side of the border the tools that they need, also, to win this war against the drug cartels.

Mr. BERMAN. Mr. Speaker, I reserve my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. POE), an esteemed member of the Foreign Affairs Committee.

Mr. POE. I thank the gentlelady for yielding.

Mr. Speaker, I appreciate the work that the chairman and the ranking member have done on this initiative. However, I rise in opposition to this legislation before the House. As a former prosecutor and longtime judge in Texas, I am concerned about drugs and violence on the border, but I am also concerned about corruption.

According to the DEA, 500 people were murdered in Nuevo Laredo in 2005. None of those cases was solved. Many of those murdered were police officers. There have been 400 kidnappings in Nuevo Laredo. Forty-one of them were American citizens. None of them have been solved.

I doubt if anyone would be surprised to find out that the drug cartels are to blame for most of the violence on the border. What you might be surprised to learn is that U.S.-trained Mexican forces are behind some of the attacks. The Department of Homeland Security has reported that in the last 10 years, there have been over 250 incursions by suspected Mexican military units into the United States.

In order to gain control of access corridors in the United States, drug cartels are hiring hit men from an elite force in Mexico's military. This group is known as the "Zetas." It has been reported that some of the Zetas are military deserters that may have been trained in the United States at the former School of the Americas in Fort Benning, Georgia. Reports claim that these forces were sent by the Mexican Government to the United States-Mexico border to combat drug trafficking. Instead, some of them deserted and became assassins for the Mexican drug cartels. Officials suspect that there are more than 200 Zetas. Between January and September of last year, nearly 5,000 Mexican soldiers deserted. Many of them went to work for the drug cartels because they pay more money.

The bill before the House today would authorize $1.5 billion in money, training and equipment over the next 5 years to Mexico. Most of that amount, more than $1 billion, would go, as I said, to Mexico. And Mexico in its arrogance objects to any conditions we want to put on this money. The administration can offer us no assurance that our equipment and training won't be used against us and neither can Mexico.

These forces are violent. They kill people and are a danger to the enforcement of our border, especially to our sheriffs. We've tried to work with Mexico in the past to stop drug trafficking. Every new president talks about how they are going to stop the drug trade, but it never has worked. Why should we send $1 billion to Mexico when we have no idea whether the goods we send will end up in the hands of corrupt Mexican officials and be used against us? Rather than sending all this money and equipment to Mexico and the lawless Mexican officials at the border, we ought to be equipping United States border sheriffs who can use this equipment to protect our homeland. We need to keep our money on this side of the border where we need it and where we can keep up with it.

And that's just the way it is.

Mr. BERMAN. Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means. We will miss him greatly when he retires.

Mr. WELLER. Mr. Speaker, I rise in support of this important initiative, the Merida Initiative, to combat illicit narcotics and reduce organized crime authorization legislation. I commend Chairman BERMAN, Chairman ENGEL and Ranking Member ROS-LEHTINEN for their work in putting together bipartisan legislation that implements not only a bipartisan agreement but also an international agreement with our neighbor and our neighbors to the south.

Ladies and gentlemen, think of it in these terms, if in the last few months the director of the FBI had been assassinated by narcotraffickers, think about it if the head of the Drug Enforcement Administration had been assassinated by narcotraffickers, think about it if dozens of police chiefs were shot down in the streets and murdered in their homes in front of their families, how would we as Americans react?

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Would we ask for help and want every resource we could put in place to go after those who committed those horrible crimes?

Ladies and gentlemen, in Mexico, our friend, our ally, our partner in so many ways, that has been occurring, where the head of their counternarcotics program was assassinated, where police chiefs are being shot down, where the narcotraffickers have been so brazen they have publicly posted signs listing police officers and police chiefs that they intend to target for assassination, and at the same time, saying "come join us. We will pay you better if you are in law enforcement today. Switch sides. You will be paid more."

Well, today we have a President in Mexico, President Calderon, who decided to take the fight to the narcotraffickers. He has deployed 30,000 Mexican troops against narcotraffickers throughout Mexico, for the first time, and they have asked for our help. Both our friends in Mexico and our friends in Central America have asked our help with this fight.

That is why this legislation is important, because we have an obligation to help our neighbors; because by stopping the flow of drugs it affects other issues, policy concerns many of us have talked about. Number one is the flow of drugs into our country. And if you care about illegal immigration, if that has been a point you have debated on this floor, you argued we have got to do something about illegal immigration, well, frankly, safe streets and communities in Mexico and Central America are vital to ensuring that families and their children feel safe in their own communities, rather than having to leave for the United States illegally for a safe place to live.

And if you if you care about the arguments that many have made that narcotraffickers are crossing our borders and the Mexicans need to do more, well, they are. Again, 30,000 Mexican troops have been deployed against the narcotraffickers. Unfortunately, in many cases narcotraffickers are equally or better armed than the Mexican military.

That is why this legislation is needed. That is why this legislation needs bipartisan support. I urge bipartisan support.

Mr. BERMAN. Mr. Speaker, I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, FDR made a statement about why he was giving aid to England to fight Nazi Germany, and that statement was, when your neighbor's home is burning, only a fool would not let them borrow your hose to put out the fire.

Well, Mr. Speaker, our border is burning. Mexico is in flames with violence. We are not taking on a war on drugs down at the border; we are taking on the battle against narco-terrorism.

Mr. Speaker, I have taken a lot of positions about the fact that the boarders are out of control, but now is the time the American people have to wake up and this Congress has to wake up and realize that the people in Mexico are fighting desperately for their republic. They are being murdered in the streets. Police chiefs on the day they do a press conference stating that they caught a cartel smuggling drugs into San Diego County through a tunnel, the day that they do that press conference, that night that police chief is murdered by the cartel. The head of their law enforcement, who is comparable to our FBI, was murdered in their capital.

You may say, but is Mexico doing enough? I have a lot of disagreements with Mr. Calderon. The justification for ignoring the cartel when they smuggle aliens is one of them. But the same cartel that is smuggling aliens and drugs into the United States are killing law enforcement and judges and politicians in Mexico.

And do not think that this is a problem far away from us. This problem is in our front yard, in our backyard, in our lap right now. Washington can ignore it, but they are already starting to kidnap and kill people in San Diego County in the south. We have an obligation to make sure that we fight this battle on Mexican soil before it becomes a battle in the main streets of the United States.

I ask us to join now. The fact is if there is anything that we can do, we need to defend our American freedom and our security when and where we find the threat, and the threat today is in Mexico. Calderon has been brave enough to export criminals to the United States. He has judges being killed right and left down there. Mexico is willing to work with us on this and desperately asking for our help, and only a fool would not give them the help to fight the battle on Mexican soil before we are fighting it on U.S. soil.

Mr. BERMAN. Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 30 seconds to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, at a time of record national debt and deficit, at a time when gasoline prices are now well over $4, when oil is over $130 a barrel and Mexico is sitting on one of the largest oil reserves in the world, it is inexcusable, it is intolerable for us to send one dime to the Mexican Government when they can afford to pay for this equipment themselves.

But even more importantly than that, our southern border not secure. We should not send a dime to Mexico until our own American law enforcement officers have the resources they need to secure the border once and for all; not one dime to Mexico until the American border is secure.

I am going to call for a record vote on this bill, because we need to defeat this legislation until our southern border is secure.

Mr. BERMAN. Mr. Speaker, I yield 2 minutes to the gentlemån from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in support of an issue of great importance to both the Nation and my congressional district in south Texas.

As a life-long resident of the southern border region, America's relationship with Mexico is of great importance to me, to my constituents, our chambers of commerce and economic development corporations.

For far too long, our Nation has focused its attention upon far-away lands on the other side of the world while our relationship with our closest of neighbors has languished. While current and past administrations shoulder much of the blame for our history of inattention to Mexico, Congress has been complicit in this failure.

When our Nation has needed to show compassion and understanding for the Mexican people, this Congress has been unable to agree on a comprehensive immigration plan befitting our American heritage. When our Nation should be celebrating our partnership and common interests with a close geographic ally, this Congress has literally built a wall between ourselves and Mexico.

This is no way to treat a friend and neighbor and actually our second largest trading partner. Although not a solution to all of the deficiencies in our relationship with Mexico, the Merida Initiative is a step in the right direction. Border residents are keenly aware of the violence and dangers of the drug trade and the criminal networks that span our continent. While based within Mexico, these criminal cartels are an affliction of the entire continent and must be addressed through national partnerships and cooperation.

We were there in Monterrey yesterday with a large delegation of Members of Congress and the Senate and we heard from and had a great dialogue with the congressmen and senators of that country. They are the ones who are fighting this battle for us.

The SPEAKER pro tempore (Mr. HOLDEN). The time of the gentleman from Texas has expired.

Mr. BERMAN. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. They are the ones who are at the forefront as Colombia and other countries are bringing their drugs through Mexico, and they are the ones who have to fight it. They are the ones who have given up their lives. They are the ones who are helping us fight the drug cartel.

I ask my colleagues to please join me in supporting this important initiative.

Ms. ROS-LEHTINEN. Mr. Speaker, I know we only have 1 minute remaining, so I would like to yield myself that remaining minute to close on our side on the Merida Initiative.

I would like to point to the testimony that was given by an official of the Department of Homeland Security when he testified on the importance for the United States of the Merida Initiative, because this is not a bill for Mexico. This is not a legislative bill for Central America. This is not for Haiti. This is not for the Dominican Republic. This is for the United States citizens. This is to protect our homeland from these vicious gangs and these drug dealers.

As this gentleman said, rather than simply giving money to foreign governments, the Merida Initiative has been tailored to provide our foreign partners with the specific tools they each need to fight transnational organized crime and work cooperatively with us in the United States. This is a bill that will help our communities, our country, our national security and our children.

Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, may I inquire how much time I have left.

The SPEAKER pro tempore. The gentleman has 2½ minutes remaining.

Mr. BERMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN), a member of the committee.

Mr. GENE GREEN of Texas. Mr. Speaker, I want to thank my chairman of the Foreign Affairs Committee. This is my first term on the Foreign Affairs Committee. But I am not here necessarily as a committee member. I am here as a Member of Congress from Texas concerning the relationship Texas has had with Mexico for generations, if not centuries, and the relationship that we need to continue.

There is literally a battle going on in Mexico, our closest neighbor, and there has been an effort to try and support them in their battle with narcotics and narco-terrorism, and that is what this bill is about.

Whatever Mexico has been doing in their country is actually protecting those of us in Texas and California and all over the United States, because if they slow that situation down or win that battle, it makes our citizens and our people a lot safer.

We should help our local police even more. We should do a lot of things. But that is a whole separate piece of legislation. What we are talking about here is stepping up to the plate and helping a neighbor who is our closest neighbor and one who is in the middle of a war and losing police chiefs, law enforcement officers, the military. Whatever they do in their own country to take care of thisi problem will make us safer in our own.

There are some concerns about human rights, and I want to address that, but I would hope we would address it with members of Congress from Mexico. When I met with those members from both the Senate and the Chamber of Deputies in Mexico, they were concerned about some of the human rights violations in our country. We have to share that information and work with each other. Again, we are not moving, Mexico is not moving, and we need to make sure we work as a partnership with Mexico in their efforts to control their own country.

I thank the gentleman for yielding.

The SPEAKER pro tempore. The gentleman from California has 30 seconds remaining.

Mr. BERMAN. Mr. Speaker, I include for the RECORD an exchange of letters between the distinguished chairman of the Committee on the Judiciary and myself.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 6, 2008.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN BERMAN: This is to advise you that, as a result of your working with us to make appropriate revisions to provisions in H.R. 6028, the Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act of 2008, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agreed to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by forgoing further consideration of H.R. 6028 at this time, we do not waive any jurisdiction over subject matter contained in this similar legislation. We also reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 6, 2008.
Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 6028, the Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act of 2008.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Judiciary. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction of the Judiciary Committee over subject matter contained in this bill or similar legislation.

Further, as to any House-Senate conference on the bill, I understand that your committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction.

I will ensure that our exchange of letters is included in the Congressional Record during the consideration of House debate on H.R. 6028, and I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,

HOWARD L. BERMAN,
Chairman.

I urge very strongly, don't make the best the enemy of the better. This is a very important proposal for the American people, for our interests. Yes, more police here, more Border Patrol, better technology, better employer verification. But understand what is going on in Mexico. This is a compelling initiative for our interests.

I urge an "aye" vote.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in support of H.R. 6028, the Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act of 2008. H.R. 6028 creates a foundation for future cooperation in assisting our neighbors to the south in combating the rise of organized crime.

This legislation is a good starting point but much more work will need to be done, including significant transnational and interagency cooperation, in order to ensure the success of the Merida Initiative. I was disappointed that the House Homeland Security Committee was not included in the development of this bill, despite the fact that the Department of Homeland Security will play a large role in the Initiative by coordinating its agencies that are already assisting Mexico and other foreign governments to address smuggling, trafficking and violence on our borders.

Last week the Homeland Security Subcommittee on Border, Maritime, and Global Counterterrorism, which I have the privilege of chairing, had a hearing entitled "The Merida Initiative: Examining U.S. Efforts to Combat Transnational Criminal Organizations." This hearing highlighted the importance of the Merida Initiative in stemming the growing transnational crime in the United States and on our borders. For example, in my home district in Orange County, CA, gang violence is on the rise as a result of the huge presence of the largest transnational gang in the United States, Mara Salvatrucha, in Los Angeles County. It is reported that there are over 900 members of Mara Salvatrucha in Los Angeles County, and many of these gang members are in the United States illegally. The rise of this type of gang in the United States can be linked to a practice by many of the drug cartels of "contracting out" drug, ammunition, and weapon smuggling activities to these gang members. The Homeland Security hearing emphasized that many agencies, including the Department of Homeland Security will need to work together closely to stop these growing transnational crime networks.

H.R. 6028 must ensure interagency cooperation within the United States in order to succeed abroad with the foreign governments we seek to assist. As I stated earlier, much more needs to be done in order to help stem the violence along the U.S. and Mexican border, but this bill helps build the necessary foundation. I urge my colleagues to support this bill and to help ensure further cooperation between the key departments involved in its implementation.

Mr. MCGOVERN. Mr. Speaker, I rise reluctantly in opposition to this bill.

I applaud the Chairman of the House Foreign Affairs Committee, my friend and colleague Congressman BERMAN, for asserting the role of the Congress and making sure that new initiatives such as the Merida Initiative are authorized. It is the right thing to do, and I look forward to working with him over the coming weeks on a number of foreign policy matters pending before the Committee.

There is much to support in H.R. 6028, and there are also several troubling matters.

Regarding the provisions of the bill that deal with Central America—a region of Latin America that is very close to my heart—I believe H.R. 6028 takes several important steps forward, seriously investing in community-based solutions to youth and gang problems. H.R. 6028 provides strong support to non-security programs that address the endemic conditions giving rise to violence related to drugs, arms and human trafficking. It provides support for the U.N. International Commission Against Impunity in Guatemala (CICIG), especially in the areas of witness and victim protection, an initiative that merits the very strongest support by the United States and the international community. The bill also seeks to promote transparency and an end to impunity throughout Central America by strengthening police and judicial systems so that they may more effectively and successfully carry out investigations and prosecutions of those responsible for human rights violations and other criminal acts.

This is all very good news, Mr. Speaker.

I am very concerned that this authorizing bill fails, however, to reflect the thoughtful and critically important human rights conditions contained in the Senate and House versions of the FY 2008 supplemental appropriations on military and security-related aid to Mexico. I understand that those proposed conditions are controversial in Mexico, in large measure because of the history of the very problematic drug certification process that existed in the past. I do not believe that the human rights conditions included in the supplemental appropriations bill bear any resemblance to the flawed drug certification process, and the House and Senate Appropriations Committees took great care not to mirror that flawed certification process.

By failing to include the conditions on aid provided for the Merida Initiative that are included in the Senate and House supplemental appropriations bills, passage of this authorizing measure could be viewed as an effort to weaken or eliminate those provisions from the final conference report on the supplemental that will soon be sent to the President for his signature. It is my sincere (hope that this is not the intention of bringing H.R. 6028 to the House floor at such a delicate moment. There was no reason to rush this bill before the House, since we know it has no counterpart on the Senate side. So its consideration today invites concern that its passage is indeed an attempt to influence conference negotiations on the supplemental and to send a message that human rights conditions are not welcome, and certainly not the stronger, more specific conditionality included in the Senate version of the FY08 supplemental appropriations.

Mr. Speaker, there is no doubt that America wants to be a good partner with Mexico on fighting drugs and ending corruption and human rights violations within Mexico's judicial system and its military and police. Over the past several weeks we have all seen the effects of the bloody rampage carried out by the drug cartels, especially those targeted at assassinating key officers and members of the Mexican National Police. I hope in other legislation that may come before the House this year that we will pay special attention to investing in drug education, prevention and treatment programs, as well as our own law enforcement agencies, so that U.S. demand for illegal drugs will also be forcefully and substantially addressed.

But we cannot simply write blank checks and fail to ensure that our aid is not subject to strong conditions on human rights, transparency, justice reform and promoting and protecting the rights of civil society. These concerns are very much at the forefront of the strong Senate conditions in the FY08 appropriations bill, and are also reflected in the slightly less stringent House conditions. They should have been included in H.R. 6028, the authorizing legislation, which is where human rights conditionality appropriately belongs.

So, Mr. Speaker, these are my concerns and my hopes regarding H.R. 6028, and I will be following closely the consequences of authorizing and appropriating these funds.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in opposition to H.R. 6028.

With our economy facing serious, mounting challenges, and Americans facing unprecedented energy prices, I cannot support sending money to Mexico and Central America to take up the fight on drug trafficking.

As Mexico currently profits from the sale of oil on the world market as gas prices continue to skyrocket, I seriously question why we would send their government any aid to fight this battle. Think about it: gas is so much less expensive in Mexico that border area citizens from this country are going there to fill up.

Our own borders remain porous, illegal immigration strains our economy, and Americans are vulnerable to terrorists slipping into our country: fighting Mexico's war on drugs, and essentially securing Mexico's southern border, should not be at the top of our list of priorities right now.

While sending aid to fight criminal behavior and drug trafficking abroad is laudable in theory, given the current economic hardships Americans face, I simply cannot support this bill.

Ms. WOOLSEY. Mr. Speaker, as Chair of the Workforce Protections Subcommittee, I join U.S. and international labor organizations in their strong concern about this bill.

As introduced, the bill goes a long way to improve upon the President's request. The human rights protections have been strengthened, but must be further improved.

We must ensure that before any agreement is authorized and funded, the most basic human and labor rights have been guaranteed.

I have strong concerns about abuses committed by Mexican and some of the Central American law enforcement agencies.

Labor activists and community leaders have been harassed, arrested, and physically assaulted. Many live in fear for themselves and for their families.

I am concerned that these same law enforcement officials will be receiving military-style training, transportation, and weapons. Do we want to be putting military helicopters and weaponry in their hands?

We must proceed with extreme caution on this proposal. I will have to oppose the legislation in its current form. I hope that we will be able to address the concerns of human and labor rights leaders here at home and in the Merida nations when the bill is in conference with the Senate version.

Mrs. MALONEY of New York. Mr. Speaker, I rise today to discuss HR 6028, "The Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act of 2008." This bill would fund, train and equip Mexican security forces that would help prevent the trafficking of guns and drugs over the U.S.-Mexico border. I will vote for this bill, but I have some concerns about the Merida Initiative.

By supporting the Merida Initiative, the United States demonstrates its commitment to prevent the illegal importation of guns and drugs by partnering with Mexican and Central American governments. This initiative benefits the larger battle against organized crime, prevents drugs from hitting American cities and counties, and stymies gang violence from spilling over the border.

I believe that Congress must ensure our money is being used to prevent illegal materials from coming over the border. We have a responsibility to protect American citizens from drugs and violence. However, we also have a responsibility to make sure the money we appropriate for foreign governments is not directly or indirectly leading to human rights violations. Human rights abuses cannot and should not be perpetrated by personnel trained using American dollars. I applaud Chairman BERMAN and the Foreign Affairs Committee for placing restrictions on the uses of this money and firmly support investigations into reports of human right abuses in countries receiving Merida Initiative funding.

Human rights violations have been reported in Mexico but are insufficiently investigated. A constituent of mine, Brad Will, a journalist for the Downtown Express, was murdered while on assignment in Mexico. The suspected gunmen were local officials. Tragically, his family is still waiting for justice. While we must protect our own citizens from guns and drugs, we must exercise the necessary oversight to ensure that this funding is used appropriately.

Mr. KENNEDY. Mr. Speaker, I rise today in support of the Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act in order to demonstrate my support for a more proactive approach to the problems of drug addiction and trafficking, weapons smuggling, and gang violence. Only through a re-envisioning of drug policy from the ground up can our Nation make new progress in combating illegal narcotics trafficking.

I am pleased to see that the Democratic leadership and Judiciary Committee have added revolutionary and evolutionary measures to fight these crimes. No longer will this Congress fight only the effects of the drug trade. Instead, we will work alongside our Central American and Mexican allies to fight its causes as well.

I strongly feel that with the passage of the Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act, we can begin to work alongside our southern allies to combat all levels of drug addiction and trafficking, from preventing youth involvement in these crimes to punishing those who foster them.

For example, with a new emphasis on evidence preservation, increased polygraph capabilities, and custody reform, our allies can streamline their policing efforts, allowing for a more focused campaign.

However, new enforcement capabilities are not enough. The bill's purpose is possible only with its inclusion of after-school programs and programs for at-risk and criminally-involved youth. Gang reeducation and training for CONADIC and other agency staff in best practices and outreach are essential to reducing demand. These programs are the harbingers of our message and the most potent enforcers of our goals.

We must no longer approach our war against illegal narcotics from a reactive standpoint, but must instead work closely with Mexican and Central American authorities to combat the spawning points of these tribulations. Through a more nuanced set of policies, our allies can begin to employ the same successful strategies in their states that we have been using here at home.

Mr. KUCINICH. Mr. Speaker, I rise today in opposition of H.R. 6028 and the program it would authorize, Merida Initiative. I would like to thank Chairman BERMAN for his efforts to ensure that the Merida Initiative received proper Congressional input, as well as his efforts to include human rights protections. I was disheartened once again, last year, when President Bush developed the Initiative without Congressional input or any regard for the well-documented human rights abuses of the Mexican military and law enforcement. However, to address these problems successfully, it will be necessary to address the problem of drug production in Mexico and South America, to address the problem of drug consumption here in the United States, and to stem drug trafficking between the United States and our neighbors to the south. The Merida Initiative does none of these.

Time and again, research has demonstrated that illicit drug production in developing countries stems from pervasive rural poverty and lack of sustainable sources of income. H.R. 6028 falls woefully short of supporting programs that address these issues. The vast majority of authorized funds will go toward equipment and training for military and law enforcement operations; funding for prevention and development programs will come from a much smaller authorization that competes with certain law enforcement initiatives and judicial reforms.

Similarly, research teaches us that drug use in America stems from poverty, lack of access to basic needs, and other psychosocial stressors. Again, H.R. 6028 will accomplish nothing to reduce drug demand in the United States. H.R. 6028 authorizes no money for demand reduction. In fact, H.R. 6028 only requires the President to submit a report on the measures taken to intensify efforts to address our Nation's demand-related aspects of drug trafficking.

Moreover, interdiction efforts that address exclusively the trafficking aspect of the drug problem have little effect. Most often, the consequence of such intervention is an increase in price and slightly diminished amount of drugs in circulation, which does almost nothing to reduce demand. Enterprising drug dealers will find a way to get their product into the hands of users, and users struggling with addiction will go to extreme ends to get their fix.

More money for guns and other tools of destruction will do nothing to ease the suffering of those struggling with addiction or alleviate the social problems that compel people to produce and/or traffic drugs. For those reasons, I cannot support this bill.

Mr. BERMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 6028, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1230

MARKING THE 225TH ANNIVERSARY OF THE TREATY OF PARIS OF 1783

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1063) marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1063

Whereas the United States will celebrate this year the 225th anniversary of its relationship with the United Kingdom of Great Britain and Northern Ireland since the September 3, 1783 signing of the Treaty of Paris, which formally ended the American Revolutionary War between the Kingdom of Great Britain and the United States of America;

Whereas both the United Kingdom and the United States are free and democratic nations with a common commitment to human rights and the rule of law;

Whereas the United Kingdom is a major ally of the United States and 2008 marks the 50th anniversary of the US-UK Mutual Defense Agreement that was signed in Washington, DC, on July 3, 1958, and renewed in Washington, DC, on June 14, 2004;

Whereas both the United Kingdom and the United States are founding members of the North Atlantic Treaty Organization (NATO), having been party to the North Atlantic Treaty signed in Washington, DC, on April 4, 1949;

Whereas the United Kingdom is a major partner in the worldwide fight against terrorism, supporting the United States in many key armed struggles;

Whereas the United Kingdom is the second largest contributor to the multinational force in Iraq;

Whereas the United Kingdom plays a significant role in the military effort to bring lasting stability to Afghanistan and is the second largest contributor to NATO's International Security Assistance Force;

Whereas the United Kingdom and the United States share a steadfast alliance and a long tradition of opposing extremism, which included fighting the forces of nazism and communism in the 20th century;

Whereas the United Kingdom is the sixth largest trading partner of the United States, and the United States is the largest trading partner of the United Kingdom;

Whereas the United States and the United Kingdom share the world's largest foreign direct investment partnership, with American investment sustaining over a million jobs in the United Kingdom and British investment sustaining over a million jobs in the United States;

Whereas approximately 675,000 British citizens reside in the United States, and 155,000 Americans reside in the United Kingdom, with both communities contributing to the fabric of life in their host countries;

Whereas approximately 8,400 British students are currently studying at universities in the United States, and 32,000 American students are studying at universities in the United Kingdom; and

Whereas the relationship between the United States and the United Kingdom is one of unity and strength, and has been proven to be of mutual benefit: Now, therefore, be it

Resolved, That the House of Representatives—

(1) marks the 225th anniversary of relations between the United States and the Kingdom of Great Britain;

(2) recognizes that the Kingdom of Great Britain's recognition of the United States was an important event in the history of the Nation;

(3) reaffirms the value of the deep friendship that has developed between our two Countries since the signing of the Treaty of Paris; and

(4) looks forward to a continued and strengthened relationship between the British and American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I am pleased to support this resolution that marks 225 years since the Treaty of Paris concluded the Revolutionary War with Great Britain and that acknowledges the close friendship enjoyed by our two countries ever since.

I commend our distinguished colleague, Representative WU of Oregon, and Vice-Chair of the British-American Parliamentary Group, who introduced this measure. It is important that the House marks this anniversary and celebrates such a vital bipartisan partnership, bilateral partnership also.

The Treaty of Paris was signed on September 3, 1783, formally ending the Revolutionary War between the 13 original colonies and the Kingdom of Great Britain. The settlement of the war and the recognition of our young Nation by Great Britain was a moment of great significance in the infancy of our Nation.

Two hundred twenty-five years later, the United Kingdom remains one of our closest allies by virtue of our shared history and values. Both the United States and the UK have proud histories of representative democracy and respect for the rule of law.

They have also encouraged and helped many people around the world secure the freedoms and rights their own citizens enjoy. During World War I, the United States and the United Kingdom fought together as a part of the allied forces against autocratic imperialism.

During World War II, again, against the Axis, our countries stood together against the scourge of Nazism and fascism. Our brave troops helped to liberate European countries from Nazi occupation, and innocent civilians from the horrors of concentration camps. We talked about the greatest generation, our World War II veterans, that we today still admire and respect.

Throughout the 20th century, the United Kingdom has stood side-by-side with the United States on critical issues concerning liberty and human rights. Most recently the United Kingdom has strongly supported the United States' effort in South Asia and the Middle East. British soldiers are the second largest contributors to NATO's International Security Assistance Force in Afghanistan and the multinational force in Iraq.

The United States and the United Kingdom share long histories of industrialization, being among the first nations to develop technologically. Both nations have a culture of intervention and curiosity, as evidenced by the innumerable number of scientific discoveries and inventions. This work has enhanced the frequent collaboration between American and British researchers. We have a tremendous bilateral system going.

Indeed, such links are often developed at an early stage as young people take advantage of educational opportunities in each others' countries. There are currently 8,400 British students attending American universities and 32,000 American youth staying in the UK. These young people know all too well the extensive cultural links between our countries as British and American arts, music, literature, cinema, are enjoyed on both sides of the Atlantic.

In recognition of the close bilateral relations shared by the United States and the United Kingdom, I strongly support this resolution and urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the positive relationship enjoyed by the United States and Great Britain is certainly historic, enduring and merits recognition, and it merits nurturing, we should also be focusing our time and debating policies to address the rising energy costs that are facing our Nation.

Nevertheless, we have this resolution before us marking the 225th anniversary of the Treaty of Paris of 1783 between the United States and the

United Kingdom. The great British Prime Minister Winston Churchill was the first to refer to the alliance between the United States and the United Kingdom as a special relationship. In a speech he delivered in 1946, he was right to use that term.

The American British relationship is, indeed, special, with its foundation lying in the common values of freedom, democracy and human rights. Our mutual commitments to those principles have led the United States and Great Britain to stand side by side on the beaches of Normandy, at the Berlin wall, in the mountains of Afghanistan, and in those the parts of Iraq where the challenges today are greatest.

The murderous terrorist attacks on September 11, 2001, in America, and on July 7, 2005, in Britain, have bound America and Britain even closer together in our determination to defeat extremism.

During his recent visit to the United States, British Prime Minister Gordon Brown reaffirmed our strong relationship saying, "I continue to stand shoulder to shoulder [with the US] in the fight where freedom and justice are at risk."

By adopting the resolution before us, we will again recognize the history of our special relationship with Britain, a relationship that ironically began with the revolution of one against the other, but that came into its full strength because of the values and the ideals that our two people have continued to share.

Now, 225 years after the treaty of peace, in which Britain recognized the independence of the United States of America, that alliance between our two countries takes its guidance from the speech in 1946 in which Mr. Churchill noted our special relationship, and here is what he said then:

> If there is to be a fraternal association . . . with all the extra strength and security which both our countries can derive from it, let us make sure that that great fact is known to the world, and that it plays its part in steadying and stabilizing the foundations of peace. There is the path of wisdom.

I encourage my colleagues to join supporting this resolution which follows Mr. Churchill's advice and lets the world know that the United States and the United Kingdom, indeed, have a strong and continuing relationship. I am not sure what Winston Churchill would say about today's high energy costs, but I bet that he would have a detailed plan to help us bring our costs down.

Mr. Speaker, I reserve the balance of our time.

Mr. PAYNE. Mr. Speaker, I yield as much time as he may consume to the author of this resolution, Mr. DAVID WU of Oregon, chairman of the Subcommittee on Science and Technology.

Mr. WU. Mr. Speaker, I thank the chairman for his many kindnesses.

Thomas Jefferson once said that "no two countries upon Earth have so many points of common interest and friendship" as the United States and the United Kingdom. Indeed, our two nations share values, traditions and a common commitment to democracy, human rights and the rule of law.

I introduced House Resolution 1063 to mark the 225th anniversary of our diplomatic relationship with the United Kingdom, which began with the signing of the Treaty of Paris of 1783. This treaty formalized the peace between the United States and Great Britain following our Revolutionary War.

In September of 1782, Benjamin Franklin, along with fellow peace commissioners John Adams and John Jay, began formal negotiations for an end to hostilities between Great Britain and the de facto independent United States of America.

After 2 months of negotiation, Britain and France and the United States reached a preliminary peace agreement. The following September, the parties met in Paris and signed what would become known as the Treaty of Paris of 1783. Since that time, Britain and the United States have come to be friends, allies and economic partners, a relationship that advances, enriches and inspires both sides of the Atlantic.

As with all old sayings, it is the exception which proves the rule. For the old saying that great powers have only interests, not friends, the relationship between the United States of America and the United Kingdom is the exception which proves the rule.

Recently I joined several of my colleagues in Congress and with members of the British Parliament for extensive discussions. It was a productive and thought-provoking exchange of ideas. I believe we can learn much from the experience of our British counterparts. One example would be dealing with the challenge of global climate change.

I also believe our own knowledge and expertise can be of continued value to our friends in the United Kingdom. One example of that would be their expressed interest in the Death with Dignity Law which we passed in the State of Oregon.

After two centuries, we can still learn from each other, prosper together, and jointly promote a better world.

So it is fitting that we should mark with special approbation the 225th anniversary of the treaty that began our relations with the United Kingdom as independent States. For over two centuries, our two nations have stood together in peace and war, in prosperity and hardship. Together we have faced two world wars, the Great Depression, the Cold War, terrorism, and triumphs and tragedies too numerous to recount.

Please join me in marking the genesis of our diplomatic relationship with the United Kingdom by supporting House Resolution 1063. I thank the Speaker of the House for the House consideration of this resolution today, and I urge swift passage of H. Res. 1063.

Ms. ROS-LEHTINEN. Mr. Speaker, in order to close, I would like to yield myself such time as I may consume.

Mr. Speaker, in conclusion, I would like to note that this 225th anniversary of the signing of the Treaty of Paris, the declaration in that treaty of the intention of both the U.S. and the United Kingdom to forget all past misunderstandings and differences and to secure perpetual peace and harmony, over 200 years later these goals remain a cornerstone to our strong relationship.

I encourage my colleagues to support this resolution and reaffirm our close ties to our dear ally, Great Britain.

Mr. PAYNE. Mr. Speaker, let me, once again, say what a great occasion it is marking the 225th anniversary of the Treaty of Paris of 1783.

As has been indicated, we are close allies. Many of our organizations, as a matter of fact, the YMCA, which was founded in Great Britain in the late 1840s to take people who were coming into London because of the Industrial Revolution in London and England found a place where they could have a wholesome relationship. Twenty-five years later, that organization was brought to the United States of America. Still we have relations between them, just another example of close ties between the United States and the United Kingdom.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1063.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 1253; adopting House Resolution 1253, if ordered; and suspending the rules and passing H.R. 6028.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

□ 1245

PROVIDING FOR CONSIDERATION OF H.R. 6003, PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1253, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 227, nays 185, not voting 21, as follows:

[Roll No. 391]

YEAS—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Cubin
Cummings
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Ferguson
Fossella
Gillibrand
Green, Al
Hall (NY)
Holt
Hulshof
Lamborn
McCrery
Meek (FL)
Miller, George
Ortiz
Pickering
Rush
Tancredo
Wilson (SC)

□ 1310

Mrs. DRAKE and Messrs. FRANKS of Arizona, KINGSTON and DOOLITTLE changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 187, not voting 19, as follows:

[Roll No. 392]

YEAS—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher

Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—19

Cubin
Cummings
Dingell
Ferguson
Fossella
Gillibrand
Green, Al
Hall (NY)
Holt
Hulshof
Marchant
McCrery
Meek (FL)
Melancon
Miller, George
Ortiz
Rush
Tancredo
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1322

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HALL of New York. Mr. Speaker, on rollcall Nos. 391 and 392, I did not receive a page. Had I been present, I would have voted "yea" and "yea."

PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on Ordering the Previous Question (rollcall 391) and H. Res. 1253—Rule providing for consideration of H.R. 6003—Passenger Rail Investment and Improvement Act of 2008 (rollcall 392). Had I been present I would have voted "yea" on rollcall 391 and rollcall 392.

MERIDA INITIATIVE TO COMBAT ILLICIT NARCOTICS AND REDUCE ORGANIZED CRIME AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6028, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 6028, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 311, nays 106, not voting 16, as follows:

[Roll No. 393]

YEAS—311

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Cazayoux
Chandler
Childers
Clay
Cleaver
Clyburn
Cohen
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Wu
Yarmuth
Young (FL)

NAYS—106

Aderholt
Akin
Bachmann
Baldwin
Barrett (SC)
Bilirakis
Bishop (UT)
Blackburn
Bonner
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cantor
Carney
Carson
Carter
Chabot
Clarke
Coble
Cole (OK)
Conyers
Culberson
Davis, David
Deal (GA)
Duncan
Ellison
Ellsworth
Everett
Feeney
Filner
Flake
Forbes
Foxx
Franks (AZ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Heller
Hensarling
Hoekstra
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Latta
Lee
Lewis (GA)
Linder
Manzullo
Marchant
McCaul (TX)
McCotter
McDermott
McGovern

McHenry
McIntyre
Mica
Miller (FL)
Miller, Gary
Moore (WI)
Musgrave
Neugebauer
Paul
Payne
Petri
Platts
Poe
Price (GA)
Putnam
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Sali
Schakowsky
Sensenbrenner
Serrano
Shuster
Smith (TX)
Stark
Stearns
Sullivan
Thornberry
Walberg
Wamp
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wittman (VA)
Woolsey
Young (AK)

NOT VOTING—16

Costello
Cubin
Cummings
Dingell
Ferguson
Fossella
Gillibrand
Holt
Hulshof
McCrery
Meek (FL)
Ortiz
Rush
Speier
Tancredo
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

☐ 1331

Messrs. WITTMAN of Virginia, ADERHOLT, and FORBES changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING CERTAIN MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. EMANUEL. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1256

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Childers.

(2) COMMITTEE ON ENERGY AND COMMERCE.—Ms. Matsui.

(3) COMMITTEE ON FINANCIAL SERVICES.—Ms. Speier, Mr. Cazayoux, Mr. Childers.

(4) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Carson.

(5) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Cazayoux.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 332) recognizing the 60th anniversary of the Universal Declaration of Human Rights, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 332

Whereas the United Nations Charter sought to establish an international forum to "save succeeding generations from the scourge of war ..., reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small . . .";

Whereas, through manifold works of generosity, the people of the United States exemplify a noble conviction that the deepest yearnings of the human heart for respect and dignity transcend political, ethnic, and religious differences;

Whereas the people of the United States continue to inspire their leaders to prioritize endeavors which bring hope and healing to those in need throughout the world;

Whereas the United Nations General Assembly proclaimed the Universal Declaration of Human Rights on December 10, 1948, as a "common standard of achievement for all peoples and nations . . .";

Whereas the preamble of the Universal Declaration of Human Rights states, ". . . recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world . . .";

Whereas the Universal Declaration of Human Rights sets forth a common understanding of universal rights and freedoms and the notion that these cannot be created and are neither conferred by countries nor by governments, but rather are inalienable rights and freedoms with which all human persons are endowed by their very nature;

Whereas, Eleanor Roosevelt, who led the United States delegation to the first Commission on Human Rights, was responsible for drafting the Universal Declaration of Human Rights and in recognition of her unparalleled humanitarian conviction, was elected as Chairwoman of the Commission; Eleanor Roosevelt expressed her vision of a declaration of true universality with enduring principles that would be perpetually recognized by all nations when she stated, as she submitted the Universal Declaration of Human Rights for consideration by the United Nations General Assembly, "We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This declaration may well become the international Magna Carta for all men everywhere."; and

Whereas United Nations Secretary-General Ban Ki-moon noted on Human Rights Day 2007, that "[i]t is our duty to ensure that these rights are a living reality—that they are known, understood and enjoyed by everyone, everywhere": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes on its 60th anniversary year the Universal Declaration of Human Rights as a singular achievement of the community of nations;

(2) recognizes the contribution in the Declaration of Independence and the United States Constitution to the development of the Universal Declaration of Human Rights, and the role of the United States in preserving the legacy of these foundational human rights precepts through its participation in the United Nations;

(3) urges all United Nations Member States to renew their commitment to uphold and promote the transcendent principles of human dignity enshrined in the Universal Declaration of Human Rights, especially on behalf of the world's most vulnerable persons and those who have no power to advocate on their own behalf; and

(4) joins with colleagues inspired by the spirit of goodwill in parliaments throughout the world in seeking to guide the United Nations and its agencies to serve as effective instruments of genuine and lasting justice and peace among nations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I want to congratulate our colleague Mr. FORTENBERRY for putting forth this very important resolution. He's a very valued member of our subcommittee, and he has been a strong supporter of issues of goodwill.

This resolution celebrates the 60th anniversary of the United Nations Universal Declaration of Human Rights, the first international agreement on the rights of humankind. The universal declaration proclaims the inherent dignity and equal and inalienable rights of all members of the human family. It is this universal quality of the declaration that is its strength.

The core freedoms and guarantees are entitlement of all people, not just those from certain groups or cultures. As such, no government or Nation has the power to confer these rights. They are inalienable freedoms with which all people are endowed by their very nature.

The notion of inalienable rights was not invented in 1948. Socrates wrote about ethic laws that were higher than laws of kings over 2,500 years ago.

Even a proclamation of such rights is not new. The Magna Carta, the U.S. Declaration of Independence, the United States Constitution, the Bill of Rights and the French Declaration of the Rights of Men all articulated specific inalienable rights.

The power of the declaration is that it represents the first comprehensive agreement among Nations as to the specific rights and freedoms belonging to all human beings. It has become a cornerstone of customary international law, binding all governments to its principles.

In the 60 years that I have followed the adoption of the universal Declaration, expansion of the circle of human dignity has come in fits and starts. Authoritarian governments still attempt to limit freedoms proclaimed by the declaration, including political and economic pluralism, a free press, freedom of association, freedom of religion, free and fair elections, and the rule of law. Nevertheless, the declaration allows humble citizens, be they monks in Burma, political dissenters in Cuba, journalists in Russia, lawyers in Pakistan or dispossessed in Zimbabwe, a standard by which to measure and challenge any government. As such, we see roots of freedom and democracy growing in even the most repressed societies.

Our duty is to support the efforts of human rights defenders to expand the circle of human freedoms so that the declaration will, in Eleanor Roosevelt's vision, become the Magna Carta for all men everywhere. As she says, it's better to light a candle than to curse the darkness.

I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 332, recognizing the 60th anniversary of the Universal Declaration of Human Rights.

As we reflect on the Universal Declaration of Human Rights and the gross violators such as Iran and Saudi Arabia, we cannot help but think about how these repressive governments manipulate international oil flows to keep us at their mercy.

We must reduce our reliance on these unstable foreign energy sources, and the way to do that, Mr. Speaker, is by finding alternatives to oil dependence. The U.S. should lead the way; yet we're stuck in the past as our global competitors are indeed pursuing 21st century technologies. We must commit ourselves to a comprehensive energy reform policy that will improve energy efficiency and encourage investment in ground-breaking research and advance alternative and renewable energy technologies.

Much like the situation we're facing on human rights at the United Nations, we shouldn't wait 60 years to address the increasing problem of our foreign dependence on oil.

Mr. Speaker, 60 years ago and without a dissenting voice in the United Nations General Assembly, we recognized the fundamental human rights to life, to liberty, to freedom of religion, to freedom of expression, to self-government through free elections, to freedom from slavery and torture and so many other basic rights. The Universal Declaration of Human Rights was the product of remarkable international consensus, and it captured the distilled conscience of the world in one of the United Nations' finest moments.

It was not an international law or covenant, and it did not claim to be creating the rights that it included. Rather, its purpose was to serve as a common standard of achievement for all peoples that is premised on faith in fundamental human rights and the dignity and worth of the human person.

We are fortunate and, indeed, truly blessed to live in a country whose constitutional heritage has served to secure those aspirations for all of America's people. But for so many people in the world, the ideals of the universal Declaration are nothing more than an unkept promise.

In Burma, in Cuba, North Korea and Zimbabwe, and many other Nations, people suffer at the hands of self-seeking tyrants and brutal dictatorships. Millions of others endure the scourges of human trafficking, of religious persecution, and other offenses against human dignity.

For those reasons, the universal declaration remains a valuable touchstone, and the United States remains committed to promoting the values that it espouses.

For this anniversary, however, it is also a sad opportunity to reflect on how far the United Nations and its human rights bodies have fallen from the lofty aspirations of the original declaration.

The United Nations Human Rights Council, formed to replace the discredited United Nations Human Rights Commission, has devolved into an offensive farce even worse than its predecessor.

The Council embraces some of the world's most notorious human rights abusers as its members and has ignored genuine human rights advocacy in favor of a relentless, single-minded attack on the democratic, freedom-loving, multi-party State of Israel. In its session in March, the Council passed more resolutions against Israel than against Burma, North Korea, and Sudan combined, and it failed to comment at all on abuses by Iran, Cuba or Uzbekistan.

The Council recently elected Jean Ziegler, a man who has compared Israel to Nazis, and approved a notorious Israel basher as the new Special Rapporteur on Israel and the Palestinian territories, Mr. Speaker. The Council approved this mandate in the very same session that it discontinued its observation of the Congo where rape is used as a weapon against women and children.

In December 1948, Mr. Speaker, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights 1 year and 2 weeks after it adopted a resolution creating the Jewish State that became Israel. It is both tragic and offensive that extremists have been allowed to hijack the U.N. human rights apparatus and turn the United Nations' noblest intentions into a weapon against a democratic country.

It is my hope that the United Nations can somehow recover its moral foundation and credibly place the ideals of the Universal Declaration of Human Rights back at the center of its operations.

□ 1345

Human dignity and American values demand no less.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentlelady from Texas, chairwoman of the Homeland Security Subcommittee on Transportation, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairperson of the Africa Subcommittee on Foreign Affairs and the full committee chair, Mr. BERMAN, and the ranking member of the full committee, Ms. ILEANA ROS-LEHTINEN, and the ranking member of the subcommittee that Mr. PAYNE chairs.

This is an important reiteration of this Congress' commitment to the premises of the Universal Declaration of Human Rights. And I might read, in part, the language of this declaration that says, "The recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

I believe that there is no better time than the time that we are engaged in today, the era of the world status, to reemphasize the importance of the Universal Declaration of Human Rights.

The United Nations General Assembly proclaimed it on December 10, 1948, and the language stated that it was declared as a "common standard of achievement for all peoples and nations." Sadly, in the 21st century, when we would hope to be celebrating the foundation of freedom, justice and peace to the world, the world is conflicted. It is conflicted in Iraq, where the different, distinctive ethnic groups of Shiites, Sunnis and Kurds are engaged in violations, respectively, of each of them by the other. And so even in a place of disruption in Iraq, in a war that I oppose, we have concerns that are ignoring the Universal Declaration of Human Rights. We must call for the protection of human rights in Iraq. We must call for the protection of human rights in Iran.

Today, I had the chance to speak to a young woman in Iran long distance, international conversation to Miriam, a young woman of 22, who had a wonderful vision in front of us for freedom, and the ability to be the best interior designer the world would know. To do that, she must have freedom, justice and peace in the world. The Universal Declaration of Human Rights must apply to Iran.

And as we look to the tragedy in Burma, now some weeks old, to understand that the junta continues to oppress those who suffer from the terrible and horrific tragedy that occurred, that people sit along roadsides trying to find, if you will, the resources that will come to them through the international aid organizations, and their oppressive regime is denying them that right.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PAYNE. I yield the gentlelady an additional 2 minutes.

Ms. JACKSON-LEE of Texas. Can you imagine that the human rights and dignity of those who are already brutalized through a horrific tragedy of catastrophic proportions are now denied their human dignity because this oppressive regime in Burma refuses to allow the international aid organizations to go forward?

I hope by our reemphasizing this declaration, that we will stand in abhorrence, in outrage over such undignified treatment. And then I would ask, as we move forward, that we can no longer tolerate the genocide in Sudan, and the completely reckless response of the Sudanese Government in Khartoum to the dignity and human rights of those in Darfur.

We have a litany of those. Those Tibetans who continue to fight every day in Tibet simply to be acknowledged, simply to allow the Dalai Lama to return over religion reasons. And to think that he has to be denied the right to come back over religion reasons, Mr. Speaker. They allow him to come on political reasons, on government affirmation, on saluting the government, but just to be able to engage in his religious, if you will, explanation, he is denied his human rights, the foundation of freedom, justice and peace in the world. We could give a roll call along the way of the travesties of justice.

Might I compliment and announce the change-around in Liberia with President Johnson, who recognized a nation that had literally burned the principles of human dignity and human rights; now, with her stellar leadership, she is restoring the dignity to the Liberian people.

It can be done. It can be done in Sudan. It can be done in Bangladesh. It can be done in Burma. It can be done in North Vietnam. It can be done in places where oppression exists. But I rise today to recount the tragedies of denial of human rights, but also to applaud those who have overcome. And I believe it is our responsibility to not only applaud them, but to encourage them.

I ask my colleagues to support this legislation, and let us do it by words and deeds.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. FORTENBERRY), the author of this resolution.

Mr. FORTENBERRY. Mr. Speaker, I am honored to pay tribute today to a pre-eminent achievement of 20th century statesmanship, an example of U.S. leadership in the quest for securing fundamental dignity for all human persons.

I would also like to thank Ranking Member ROS-LEHTINEN and her staff, as well as Chairman BERMAN and Mr. PAYNE, my subcommittee chairman, as well for their work in bringing this important resolution before the House.

Mr. Speaker, it was on December 10, 1948 that the memory of a brutal world war, which took over tens of millions of lives, scarred millions of survivors of an unimaginable holocaust, and unleashed the full fury of atomic power on the guilty as well as the innocent, remained vividly etched in the world's collective consciousness that led to this important moment.

In view of this unprecedented devastation, and in the hope of preventing future conflict, the United Nations General Assembly proclaimed a Universal Declaration of Human Rights as "a common standard of achievement for all peoples and all nations." And it also recognized that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

As the memory of World War II fades and recedes into history, it becomes ever clearer to me that our rapidly changing world appears to be losing sight of the guiding principles that have accompanied the promotion of human dignity, peace and prosperity since the earliest progression of civilization. I also believe we are living in a day when the myriad of distractions of modern life in the United States leave precious little time for philosophical reflection upon the foundations which have guided this Nation through many turbulent times.

To draw attention to these important principles and the pivotal role of the United States in bringing the Universal Declaration to fruition, I was pleased, along with Mr. DELAHUNT, to introduce this resolution to recognize the 60th anniversary of the Declaration of Human Rights. It is my hope that this effort will serve as a vivid reminder of the profound contributions of the United States throughout our short history as a champion of human rights around the world, of the work that is left to be done, and inspire thoughtful reflection on the transcended principles of human dignity.

Mr. PAYNE. Mr. Speaker, I do believe that the Universal Declaration of Human Rights is extremely important. We have to work to have the United Nations. And we certainly celebrate this 60th anniversary.

I urge support for this resolution. I'd like to thank Mr. BERMAN, Ms. ROS-LEHTINEN and, of course, Mr. FORTENBERRY for this very timely resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. I thank the gentleman from New Jersey.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of 332, which commemorates the 60th anniversary of the signing of the Universal Declaration of Human Rights.

On December 10, 1948, only three years after the end of the intolerance, oppression, death and destruction of World War II, the United Nations General Assembly created the first universal statement on the basic principles of inalienable human rights. The Declaration, with its core values of non-discrimination, equality, fairness and freedom, was to reaffirm faith in the dignity and worth of the human person and save succeeding generations from the devastation of war.

Sixty years later, this document has become a standard to measure how nations govern. The Universal Declaration of Human Rights has led to progress in banning torture and rape as weapons of war and protecting Children from economic and sexual exploitation. The Declaration has served as a means of achieving self-determination for millions under colonial rule and has moved nations to guarantee legal justice and racial and gender equality for all their people.

While the last sixty years have brought many advances in human rights, there is still work to be done. Article 25 of the Universal Declaration of Human Rights asserts that 'motherhood and childhood are entitled to special care and assistance'. Such a right cannot be realized, however, when more than half a million women continue to die every year in childbirth having been unable to receive health care. Nor has it been guaranteed when over 28,000 children under the age of five die per day from easily preventable and treatable causes.

The Universal Declaration of Human Rights was created to ensure the human rights of all but, in particular, those with relatively little power in society. While ensuring the rights and prosperity of all peoples and all nations was once an aspiration of the Universal Declaration of Human Rights, it is now a necessary reality. As the world becomes increasingly interdependent and is confronted with the new global challenges of pandemic disease, terrorism, and hunger, injustice anywhere endangers peace, prosperity and security everywhere. If we wish to combat these challenges, the Universal Declaration of Human Rights must be the foundation of our cooperation in this new century.

Mr. Speaker, I urge my colleagues to renew their commitment to ensuring human rights for all people, everywhere and join me in supporting this Resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 332, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL YEAR OF SANITATION

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 318) supporting the goals and ideals of the International Year of Sanitation, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 318

Whereas, in 2000, the United States, along with other world leaders, at the 55th United Nations General Assembly, committed to achieving the Millennium Development Goals which provide a framework for countries and international organizations to combat such global social ills as poverty, hunger, and disease;

Whereas one target of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe drinking water and basic sanitation, the only target to be codified into United States law in the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

Whereas the lack of access to safe water and sanitation is one of the most pressing environmental public health issues in the world;

Whereas over 1,000,000,000 people live without potable water and an estimated 2,600,000,000 people do not have access to basic sanitation facilities, which includes 980,000,000 children;

Whereas every 20 seconds a child dies as a direct result of a lack of access to basic sanitation facilities;

Whereas only 36 percent of sub-Saharan Africa and 37 percent of South Asia have access to safe drinking water and sanitation, the lowest rates in the world;

Whereas at any one time almost half of the developing world's people are suffering from diseases associated with lack of water, sanitation, and hygiene;

Whereas improved sanitation decreases the incidences of debilitating and deadly maladies such as cholera, intestinal worms, diarrhea, pneumonia, dysentery, and skin infections;

Whereas sanitation is the foundation of health, dignity, and development;

Whereas increased sanitation is fundamental for reaching all of the Millennium Development Goals;

Whereas access to basic sanitation helps economic and social development in countries where poor sanitation is a major cause of lost work and school days because of illness;

Whereas sanitation in schools enables children, particularly girls reaching puberty, to remain in the educational system;

Whereas according to the World Health Organization, every dollar spent on proper sanitation by governments generates an average of $7 in economic benefit;

Whereas improved disposal of human waste protects the quality of water sources used for drinking, preparation of food, agriculture, and bathing;

Whereas, in 2006, the United Nations, at the 61st Session of the General Assembly, declared 2008 as the International Year of Sanitation to recognize the progress made in achieving the global sanitation target detailed in the Millennium Development Goals, as well as to call upon all Member States, United Nations agencies, regional and international organizations, civil society organizations, and other relevant stakeholders to renew their commitment to attaining that target;

Whereas the official launching of the International Year of Sanitation at the United Nations was on November 21, 2007; and

Whereas the thrust of the International Year of Sanitation has three parts, including—

(1) raising awareness of the importance of sanitation and its impact on reaching other Millennium Development Goals;

(2) encouraging governments and their partners to promote and implement policies and actions for meeting the sanitation target; and

(3) mobilizing communities, particularly women's groups, towards changing sanitation and hygiene practices through sanitation health education campaigns: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of the International Year of Sanitation;

(2) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment; and

(3) encourages the people of the United States to observe the International Year of Sanitation with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of sanitation and hygiene in achieving the Millennium Development Goals, and to support developing countries in their efforts to achieve the Millennium Development Goal target on basic sanitation among populations at greatest need.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

First of all, I'd like to thank my colleagues on the Foreign Affairs Committee, Ranking Member CHRIS SMITH and Congresswoman SHEILA JACKSON-LEE as well as Representative CHRIS SHAYS for being lead sponsors on H.Con.Res 318, which supports the United Nations Declaration of 2008 as the International Year of Sanitation. Their bipartisan support has helped to bring this resolution to the floor for a vote. I also would like to thank Senator RICHARD DURBIN, who introduced the Senate companion to this concurrent resolution.

In September 2000, the United Nations adopted the eight Millennium Development Goals to challenge the global community to reduce poverty and increase the health and well-being of all peoples. Two years later, in September of 2002, at the World Summit on Sustainable Development in Johannesburg, the United States and the rest of the international community reaffirmed these goals and added access to basic sanitation as a centerpiece of the poverty eradication commitments. The target to halve the proportion of people without access to the basic sanitation by 2015 was defined in the Johannesburg Plan of Action.

In September of 2005, President Bush addressed the United Nations General Assembly, at which time, as I was the U.S. delegate from the House to the United Nations, I was very pleased that President Bush recommitted the United States to achieving the Millennium Development Goals.

Last year, the United Nations declared 2008 as the International Year of Sanitation in order to recognize the great strides that have been made towards increasing access to sanitation for people around the world. However, it is also a time to galvanize member nations, U.N. agencies, regional and international organizations, and other relevant stakeholders to renew their commitment.

Access to basic sanitation is something so simple, yet so fundamental to everyday life. Well, simple, at least, for the majority of people who live in the developed world. An estimated 2.6 billion people live in an environment where they do not have access to proper toilet facilities and human waste cannot be properly disposed. And approximately 1.1 billion people have no access to any type of improved drinking sources of water. As a direct consequence, over 1.6 million people die every year from easily preventable diseases attributable to lack of access to safe drinking water and basic sanitation. Ninety percent of those are children under five, mostly in developing countries.

This lack of access to basic sanitation affects everything from how food is grown and prepared to the ability of girls and young women to attend school. Sanitation is an obvious issue of health, but also one of dignity, physical safety and development.

Halving the proportion of people without access to basic sanitation is a target of the seventh Millennium Development Goal, which is to ensure environmental sustainability. In fact, it is vital to the success of other Millennium Development Goal targets in order for them to reach their goal.

Access to proper sanitation is essential to reducing childhood and maternal mortality. It can help reduce the symptoms associated with HIV and AIDS. It can also improve the living conditions of 100 million-plus people living in slums.

□ 1400

The dividends that increased access to basic sanitation pay are multifold. Depending on the region of the world, economic benefits have been estimated to range from $3 to $34 for each dollar invested in access to basic sanitation and safe water. According to the United Nations, meeting this MDG target will yield nearly $200 billion in annual benefits. If we meet this goal, people and governments will save more than $500 million in direct health treatment costs and get back more than 3 billion working days that are now lost to sanitation-related illnesses. Reducing the incidences to sanitation-related diseases will add nearly 200 million days of school attendance.

As we in Congress work to increase access to lifesaving medication and strengthening health care infrastructures, we must remember that the success of such initiatives is, in part, dependent upon individuals having access to basic sanitation. Let us use this time to also refocus our efforts on strengthening one of the basic pillars upon which global health must stand, proper sanitation.

I strongly support this resolution and ask that my colleagues back H. Con. Res. 318, which supports the ideals and goals of the International Year of Sanitation.

I reserve the balance of my time, Mr. Speaker.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 318, authored by my good friend from New Jersey (Mr. PAYNE).

Lack of access to clean drinking water and sanitation are indeed some of the most pressing environmental public health issues in the world. Today, an estimated 2.6 billion people, including almost 1 billion children, live without access to basic sanitation facilities. Every 20 seconds, a child dies as a direct result.

In fact, it is estimated that nearly half the developing world suffers from preventable diseases associated with the lack of access to clean water, sanitation and hygiene. Without sufficient access to these services, countries, communities and families become susceptible to and are often defenseless against life-threatening diseases and infections which perpetuate this horrible cycle of poverty.

As this resolution notes, sanitation improves health. It saves lives. It protects the environment. It improves economies. And it contributes to human dignity and social development. It is imperative that the United States and the international community work together to achieve the goals of the Millennium Development Account and significantly reduce the number of people suffering from a lack of sanitation and clean water.

Another pressing issue is one that underscores the potentially grave future that we may face if we don't immediately address rising energy costs and find alternative sources of energy to carry out our daily tasks, some critical tasks such as the energy required to filter our water supply. This resolution also reminds us, however, that necessity is the mother of invention, and that human beings have the potential to achieve any task necessary to improve living conditions.

How does it remind us of this? In Africa, for example, where there are areas that lack consistent and dependable sources of oil to produce electricity, they must develop and rely on alternative methods, sometimes primitive ones, such as fire for boiling water to avoid disease. Again, in the most remote region of the world, we are thinking of alternative sources and alternative methods. We here must also think and seek alternative clean energy. Will we wait until circumstances are so dire that American will be forced to boil their water in their backyards to conserve the little energy available because we failed to develop alternative sources today?

Just as we seek to foster ingenuity in the developing world to provide greater access to clean drinking water and basic sanitation in resource-poor settings, we must foster such ingenuity in our own energy sector.

I thank Chairman PAYNE for introducing this timely resolution which highlights the important issues of clean water, sanitation and hygiene. And I urge my colleagues to fully support House Concurrent Resolution 318.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. I yield 3 minutes to the gentlelady from Texas, Representative SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I would like to thank the distinguished gentleman and the ranking member of the subcommittee and the chairman and the ranking member of the full committee. I would like to thank Chairman PAYNE in particular for introducing this important resolution. And I am very proud to cosponsor it because it is clearly a life-and-death matter. When you talk about sanitation and the removal of waste and the removal of sewage, you are talking about the lives of children. And as the cochair of the Congressional Children's Caucus, let me acknowledge that the most vulnerable to unsanitary conditions are children. In the disease that spreads, they are, in fact, the victims.

Global sanitation coverage has increased from 49 to 59 percent between 1990 and 2004. And that is, in essence, allowing over 1 billion people throughout the world to gain improved sanitation in the past 14 years. Pregnant women, nursing mothers and, of course, young children are, in fact, the bigger victims.

I am particularly troubled that 90 percent of these deaths that I have mentioned of those who died because of lack of access to safe drinking water and basic sanitation are children under 5, mostly in developing countries. As I mentioned, children are particularly hard hit by poor sanitation, paying a high price through missed schooling, disease, malnutrition and even death. An estimated 1.5 million children die each year due to poor sanitation, hygiene and unsafe water. UNICEF reports that girls are particularly vulnerable, missing out on schooling once they hit puberty, due to the lack of clean and safe latrines.

As the world's only remaining superpower, I think it is important to avert this humanitarian crisis. Chairman PAYNE, I believe that this is an important, constructive way of avoiding this massive death. Simply put, the Millennium Development Goal on basic sanitation would avert 470,000 deaths. And it would continue to do so. According to economic analysis, depending on the region of the world, economic benefits have been estimated to range from $3 to $34 for each dollar invested in it.

Let me just indicate that this is common sense. It is, again, human dignity. And as I close, let me also add my support for H. Con. Res. 337 honoring the Seeds of Peace. It is a program that I am very much aware of, having participated with the young people who have come from Israel and Palestine who have sat down together as teenagers and said we want peace. It was founded by John Wallach. Seeds of Peace initially brought 46 Israeli and Arab youths together. It has spread now to Greece, Turkey, Cyprus, the Balkans, India, Pakistan and Afghanistan. These summer camps are enormously important. Again, the Congressional Children's Caucus believes that children are not only our tomorrows, they are our yesterdays and todays.

And I want to thank the chairman of the subcommittee for his leadership in these areas. And with that I ask my colleagues to support H. Con. Res. 318 and as well the following bill H. Con. Res. 337. And again, I thank Mr. PAYNE for his leadership.

I rise today in strong support of H. Con. Res. 318, "supporting the goals and ideals of the International Year of Sanitation." I would like to thank my colleague Congressman PAYNE for introducing this important resolution, which I am proud to cosponsor, as well as the Chairman of the Committee on Foreign Affairs, Congressman BERMAN, for his leadership in bringing this resolution to the floor today.

Mr. Speaker, In 2007, the United Nations declared 2008 to be the International Year of Sanitation, to raise awareness of the importance of sanitation and its impact on reaching other Millennium Development Goals and to recognize progress made in achieving the global sanitation target detailed in the Millennium Development Goals. In addition, the International Year of Sanitation is intended to call upon all Member States, United Nations agencies, regional and international organizations, civil society organizations, and other relevant stakeholders to renew their commitment to attaining the target.

As my colleagues are aware, in September 2000, the United Nations adopted the eight Millennium Development Goals (MDGs) that challenged the global community to reduce poverty and increase the health and well-being of all peoples. Two years later, in September 2002, at the World Summit on Sustainable Development in Johannesburg, the United States and the rest of the international community reaffirmed these goals and added access to basic sanitation as a centerpiece of the poverty eradication commitments. The target to halve the proportion of people without access to basic sanitation by 2015 was defined in the Johannesburg Plan of Action.

We have begun to make important progress. Over one billion people, throughout the world, have gained access to improved sanitation in the past 14 years. Global sanitation coverage has increased from 49 percent to 59 percent between 1990 and 2004. These gains represent substantial improvements in the quality of life and basic health for countless people.

Mr. Speaker, despite the establishment of these goals, billions of people still lack access to safe drinking water and sanitation, and we are not on target to meet the Millennium Development Goal to reduce by half the proportion of people without access to basic sanitation by 2015. Today, over 2.4 billion people—half the developing world—lack access to basic sanitation and 1.1 billion people have no access to any type of improved drinking source of water. As a direct consequence, over 1.6 million people die every year from easily preventable diseases attributable to lack of access to safe drinking water and basic sanitation.

As Chair of the Congressional Children's Caucus, I am particularly troubled that 90 percent of these deaths are children under 5, mostly in developing countries. Children are particularly hard hit by poor sanitation, paying a high price through missed schooling, disease, malnutrition, and even death. An estimated 1.5 million children under five die each year due to poor sanitation, hygiene, and unsafe water.

In addition to claiming too many young lives, poor sanitation reduces children's ability to grow and develop, stunting the economic and social development of the entire nation. UNICEF reports that girls are particularly vulnerable, missing out on schooling once they hit puberty due to the lack of clean and safe latrines.

As the world's only remaining superpower, the United States has a moral obligation to take the lead in averting humanitarian catastrophe. Increased access to sanitation would have an enormous impact on the lives of people throughout the world. Simply put, meeting the Millennium Development Goal on basic sanitation would avert 470,000 deaths. In addition, achieving the target would bring enormous economic gains. Meeting the Millennium Development Goal would result in an extra 320 million productive working days every year, and would bring considerable benefits to investment. According to economic analysis, depending on the region of the world, economic benefits have been estimated to range from $3 to $34 for each dollar invested in access to basic sanitation and safe water.

Mr. Speaker, even as our attention is consumed by rising food and fuel prices, it is vital that we do not lose focus of the equally vital goal of basic sanitation. The resolution that we are considering today recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment and encourages all Americans to observe the International Year of Sanitation with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of sanitation, hygiene, and access to safe drinking water in achieving the Millennium Development Goals.

Mr. Speaker, the benefits of meeting the Millennium Development Goal on basic sanitation would be dramatic and global. We have the opportunity to drastically improve the international community's ability to reduce global poverty, and to improve the health of people worldwide. I strongly urge my colleagues to join me in supporting this important resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time, I would like to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the ranking member of the Subcommittee on Africa and Global Health. I hope that he addresses not just this resolution, but the one before us on human rights.

Mr. SMITH of New Jersey. I thank my good friend, the ranking member, for yielding.

Mr. Speaker, I was unavoidably detained and didn't get here in time to speak on the resolution lauding the Universal Declaration of Human Rights.

The Universal Declaration of Human Rights is among the most durable, enduring, inspiring and historic set of fundamental principles ever enunciated by anyone ever in history. It ranks right up there with the Magna Carta. It ranks right up there with the U.S. Bill of Rights, which obviously enumerated a number of our fundamental freedoms that we love and enjoy as Americans.

The Universal Declaration of Human Rights, 60 years after its adoption, continues to serve as a backdrop to judge government policies and behaviors toward its citizens. And that is especially important as to how a government treats the weak, its most vulnerable and those who might otherwise be disenfranchised.

The Universal Declaration of Human Rights is a promissory note. It's a paper promise that must be backed by deeds. It has only, however, been realized in part over the last 60 years. It is a work in progress. The Declaration inspires people to realize that they, as human beings, endowed by God, by our Creator, with certain inalienable rights, ought to fight for those rights. And this gives them a very useful tool in that endeavor, a means to that end.

The Universal Declaration of Human Rights has emphasized a number of important and hallowed rights, including religious freedom, the right to life, freedom from torture, equal protection, due process, labor nights and freedom of assembly. Under it, no one should ever be left behind. And that means that regardless of race, ethnicity, age, disability, or condition of dependency, no one should be left behind.

We know in many countries of the world, sadly that is not the case. In places like the People's Republic of China, human rights are systematically and pervasively violated by Beijing, whether it be religious freedom or the outrages we recently saw in Tibet, where the government crackdown crushed dissent with an iron fist. China persecutes the Uighurs in the autonomous region and families, especally women as part of their draconian one-child-per-couple policy which has made brothers and sisters illegal throughout China. That's right. Brothers and sisters are illegal in the People's Republic of China. A couple is required to get government permission to have a child. And forced abortion and huge fines are imposed on women and men who do not submit to the plan. In Burma and North Korea, human rights are also violated with grave impunity. And the U.N. Human Rights Council and other bodies of the U.N. need to do more to implement the intent of the Universal Declaration of Human Rights. Sadly, they have largely failed.

We have seen a very disturbing rise in anti-Semitism throughout Europe, certainly in the Middle East, and even in the United States and Canada. That too has to be combated. We see a rise in modern-day slavery, human trafficking—sex trafficking or labor trafficking. That needs to be combated and eradicated and victims assisted. Everyone should be free of that kind of terrible and despicable mistreatment. The Sudan, Zimbabwe, the genocide occurring in the Darfur region of Sudan is also a grave violation of human rights, completely antithetical to the Universal Declaration of Human Rights. Like the last, this is a century of victims.

And let me say before the West gets too smug about how well we are doing, we, too, have our problems. We see them every day. We have fallen short of the standard. I respectfully submit to my colleagues that we have failed to treat the defenseless unborn child with compassion and justice. We know now more than we have ever known before about the magnificent world of an unborn child. Ultrasound, 4-D ultrasound, the ability to do intrauterine blood transfusions and microsurgery have shattered the myth that an unborn child is somehow not human or alive. Of course they are. We know that these babies are society's littlest patients, in need of care and love, increasingly surviving at earlier, earlier times if born prematurely.

Abortion needs to be looked at, in my opinion, Mr. Speaker, as a serious violation of human rights. Abortion is violence against children. The dismemberment or chemical poisoning of a baby is antithetical to the Universal Declaration of Human Rights. All abuse is contrary to the Declaration and that holds true no matter how old you are, and that includes unborn children. We also know abortion hurts women psychologically and physically. And that evidence grows by the day.

So I would hope that we would look at human rights as being for everyone, at all times, regardless of age, condition of dependency, regardless of race, no matter where you live. The universal declaration is for you. We need to speak out more boldly with better, more focused appeals employing all the tools at our disposal, linking sanctions and withholding of certain aid if a country doesn't live up to the Universal Declaration of Human Rights.

Again, the Declaration is a backdrop. And I hope that we do even better than we have in the past. The past has been checkered. Certainly we have moved the ball down the court. Much more needs to be done however to respect everyone's fundamental human rights.

I thank my colleagues.

Mr. PAYNE. I yield 4 minutes to the gentleman from Oregon, the member of the Budget Committee and one of the leading environmentalists in the House, Mr. BLUMENAUER.

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Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate his leadership on this, and look forward to watching this legislation pass today.

It was my pleasure to be in Johannesburg in 2002 when sanitation was added to the Millennium Challenge Development Goal to create a comprehensive framework for the needs of the world's poorest. But I am saddened that we are here today, still repeating those horrible statistics about over 1 billion who lack access to safe drinking water, more than 2 billion who lack access to sanitation.

I would only take exception to my good friend from Florida's comments a moment ago, because I have been told that a child dies needlessly every 15 seconds. But whether it is 20 seconds or 15 seconds, it is absolutely scandalous that in this day and age, when we know what to do, when for less than the price of a take-out pizza per year per family, the United States alone could be transformational on that. One reflects on what difference it would make, not just those children that wouldn't die needlessly. It would translate into over one-quarter billion additional days in school. It would save over $7 billion in unnecessary medical costs. It would allow one-third of a trillion working days for young people from age 15 to 39 worldwide. And, make no mistake about it, it makes a difference for those of us in the United States.

First of all, pollution any place in the world finds its way into the water supply and makes a difference for us. Make no mistake, that at a time when virtually no one in the world is more than 24 hours away from anybody else watching disease break forth unnecessarily, it is not just a tragedy in some remote village or some southern hemisphere megacity. It can make a difference for the health of Americans here and abroad. And when the CIA has identified urban instability and decay as one of the seven greatest causes of threats to our security, this compounds our problem with global unrest and terrorism.

I am pleased that we have been able to work together with Mr. PAYNE. In my prior tenure on the Foreign Affairs Committee, we passed the Water for the Poor Act in 2005 and acknowledged the late Mr. Lantos and former colleagues Leach, Hyde and Senator Frist. But we are not even fully implementing that legislation 3 years later. I commend the gentleman for his oversight hearing to help the Department of State to understand what is going to be necessary to fully implement this legislation.

Mr. Speaker, we are halfway through the International Year of Sanitation. It is time for us to reflect on what we are going to do about this problem. This isn't some remote goal that is beyond our capacity. Girl Scout troops, churches, synagogues and Rotary Clubs know what to do and in fact they are acting at a grassroots level to do something about it. We in Congress need to do our job supporting Mr. PAYNE with the accountability of the State Department.

The SPEAKER pro tempore (Mr. SERRANO). The time of the gentleman has expired.

Mr. PAYNE. I yield an additional minute to the gentleman from Oregon.

Mr. BLUMENAUER. One of the most important things we can do is to work to transfer unnecessary military assistance. The United States is lavishing huge sums of money for military aid on countries like Egypt and Pakistan, where it is dubious in terms of the outcome of security for us or anybody else, but they have populations that are desperately in need of clean water and sanitation. We need to reorder our priorities to be able to achieve this goal.

Back in 2002 when we added sanitation, 2015 seemed like a long way away. Well, we are halfway there, in terms of time, but we are not halfway there in terms of accomplishment. I hope that this resolution will be a little nudge to us all to make sure that we do our part. I appreciate the gentleman's courtesy and his leadership.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, so I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I would just like to say that I urge support of this resolution. As the previous speaker indicated, we passed legislation called Water For the Poor, and in our oversight hearing I was looking for places like Burkina Faso in Niger that had no water, but found that the money was allocated to Iraq and Afghanistan. "Water for the Poor" was what it was called, not "Water for the War."

So we need to be sure that when we pass legislation, that it goes to the intended recipients and not for other purposes. If other purposes must be done, put them in another budget. There is plenty of money in other budgets and no one ever opposes them. So put it over there, and leave our Water for the Poor for the countries that are actually and really poor.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 318, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING SEEDS OF PEACE

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 337) honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 337

Whereas Seeds of Peace, founded by the late John Wallach, is a program that brings together young people and educators from regions of conflict to study and learn about coexistence and conflict resolution;

Whereas these young people study and learn primarily at an international conflict resolution summer camp operated by Seeds of Peace in Otisfield, Maine, and also through its regional programs such as the facilitation training course in the Middle East, the homestay programs in South Asia, and international regional conferences;

Whereas the first international conflict resolution camp welcomed Israeli, Palestinian, Jordanian, and Egyptian youths in the summer of 1993, and has since expanded to involve youths from other regions of conflict, including from Greece, Turkey and divided Cyprus, the Balkans, India, Pakistan, and Afghanistan;

Whereas Seeds of Peace utilizes the summer camp to initiate dialogue between the youths of the United States and the youths from various conflict regions to dispel hatred and create religious and cultural understanding;

Whereas Seeds of Peace regional programs have trained hundreds of educators to teach peaceful conflict resolutions techniques in their classrooms, positively influencing thousands of students;

Whereas Seeds of Peace works to dispel fear, mistrust, and prejudice, which among others are root causes of violence and conflict, and to build a new generation of leaders who are committed to achieving peace;

Whereas Seeds of Peace reveals the human face of those whom youth may have been taught to hate, by engaging campers in both guided coexistence sessions and ordinary summer camp activities such as living together in cabins, sharing meals, canoeing, swimming, playing sports, and creative exploration through the arts and computers;

Whereas long-term peace between Arabs and Israelis, Indians and Pakistanis, and Afghans and Pakistanis can only be achieved with the emergence of a new generation of leaders who will choose dialogue, friendship, and openness over violence and hatred;

Whereas Seeds of Peace provides year-round opportunities via regional programming and innovative technology to enable former participants to build on the relationships forged at camp, so that the learning processes begun at camp may continue subsequently in the participants' home countries;

Whereas youth graduates of the camp, known as Seeds, currently number over 4,000, with an additional 567 adult delegation leaders also having completed Seeds of Peace training;

Whereas this graduate network receives continued support from Seeds of Peace in promoting professional cooperation;

Whereas Seeds of Peace is strongly supported by participating governments and many world leaders; and

Whereas continued partial Federal funding for Seeds of Peace demonstrates its recognized importance in promoting peaceful resolution of conflicts as a primary goal of United States policy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) reaffirms that youth should be involved in long-term, visionary solutions to violent conflicts;

(2) honors the accomplishments of Seeds of Peace in its 15 years of promoting understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict around the world; and

(3) views Seeds of Peace as a highly creative and successful effort to achieve reconciliation among peoples from areas of conflict, which inspires great hope that nations in conflict ultimately can learn to live together in peace, cooperation, and security.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 337, a resolution honoring Seeds of Peace for its 15th anniversary as an organization promoting tolerance and peaceful coexistence in the Middle East and around the world.

While the peace process has had its ups and downs over the last 15 years, Seeds of Peace has blossomed into a widely recognized organization that has facilitated interaction among thousands of young people and young leaders and educators from all around the world.

Seeds of Peace lays a foundation for sustainable peace by promoting dialogue among young leaders before their fears, mistrust and inherited prejudices have permanently shaped their vision of their enemy. We get them in time to prevent that from happening.

After a summer program in Maine, which also includes many American participants, these young seeds, as they are known, and their teachers, continue with regional and international programming that furthers the dialogue among and across nationalities and supports the development of future leaders. Seeds of Peace also fulfills an important recommendation of the 9/11 Commission, reaching out to young people, particularly in Arab and other Muslim countries, and offering them hope and a positive vision of the future.

A decade and a half ago, Seeds of Peace, founded by the late John Wallach, envisioned a handful of Israeli, Palestinian, Egyptian and Jordanian teenagers coming together in the woods of Maine and breaking down barriers of mistrust. Since its inaugural camp session 15 years ago, the mission of Seeds of Peace has grown to include not just those from the Middle East, but young people from throughout South Asia and Afghanistan. Governments negotiate agreements, but Seeds of Peace has remained as the only people that can define a quality of peace.

Every new seed, you may recall that is what they are called when they complete the course, whether he or she is in Kabul or Tel Aviv, Ramallah or Islamabad, represents one more person who has the potential and the required skills to see through mistrust and prejudice and thereby to contribute to making and building peace. That is why we seek to honor the terrific organization Seeds of Peace. That is why I urge my colleagues to join me in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 337, which honors Seeds of Peace on its 15th anniversary. We in Congress and all people of goodwill worldwide want to see peace, stability and security prevail in the Middle East, and indeed in all regions of conflict. However, that goal remains illusive when leaders act in ways that distort, perpetuate and aggravate otherwise resolvable disputes between nations and peoples.

Such leaders make peace impossible by programming their citizens into viewing other nations and other people as wicked, inhumane and worthy of hatred and death. The most obvious example of this phenomenon is the unceasing dissemination by Arab countries of anti-Israel and anti-Semitic propaganda. Children in the Arab world and Iran are taught using textbooks and official media to hate Israel, to hate the Jews and to forfeit their own lives in order to kill as many Israelis and Jews as possible.

Fortunately, Seeds of Peace has spent 15 years bringing together youth from the Middle East and other conflict-torn regions and encouraging them to engage their peers as fellow human beings worthy of respect and tolerance. Programs like Seeds of Peace cultivate the young leaders who can oppose violent extremism and hateful propaganda, who can promote a culture of life and seek peaceful, rational and mutually beneficial solutions to seemingly intractable conflicts.

Mr. Speaker, given that Seeds of Peace is devoted to promoting peaceful resolution of the world's most dangerous conflicts, it is important to note that the allocation of vital and scarce resources contributes to conflicts around the globe. In the Middle East, oil and natural gas resources enable many authoritarian governments to resist reform and to finance destabilizing actions, including weapons programs and sponsorship of Islamic jihadists. Therefore, it is especially important for our national security and for the cause of peace worldwide for the United States to stop our dependence on foreign sources of energy.

I thank my good friend and colleague from Maine (Mr. ALLEN) for introducing this Seeds of Peace anniversary resolution. I urge the House to adopt it.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), chairperson of the Transportation and Infrastructure Subcommittee on Water Resources and Environment.

☐ 1430

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the Chair and the subcommittee chairs of these committees.

Mr. Speaker, I rise in support of Representative ALLEN in bringing forth this House Concurrent Resolution 337 honoring the Seeds of Peace for its 15th anniversary as an organization.

The importance of peace in the world today is often overlooked due to the severity of constant conflict. As a mother and a lawmaker, the reality of war concerns me for the future of our Nation and the world.

Seeds of Peace is dedicated to empowering young leaders from regions of conflict with the leadership skills required to advance reconciliation and coexistence. I am proud to say that I worked with them here in Washington and in Dallas, and I have partnered with Congressman BARNEY FRANK at times to host them.

Due to its proven impact and success in the Middle East, Seeds of Peace has earned international recognition as an effective model for resolving conflict worldwide, and these are young people who have not been kept away from communication or a part of irritation of Israel.

I firmly support Seeds of Peace because I believe peace ultimately depends upon breaking down barriers and mistrust among people from these regions of conflict. Governments negotiate agreements, but only people can define the quality of peace. Innovative people-to-people programs like Seeds of Peace successfully accomplish this goal on a rather modest budget.

I am proud to support the passage of this resolution and urge my colleagues to support it. I thank Mr. PAYNE for allowing me to make these statements.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 337, "Honoring the Seeds of Peace for its 15th Anniversary as an Organization." I would like to thank my colleague Congressman ALLEN for introducing this important resolution, which I am proud to cosponsor, as well as the Chairman of the Committee on Foreign Affairs, Congressman BERMAN, for his leadership in bringing this resolution to the floor today.

Mr. Speaker, fifteen years ago, in 1993, Seeds of Peace hosted its first international conflict resolution camp. In that first year, amidst regional conflict and fighting a history of hatred, the organization brought together Israeli, Palestinian, Jordanian, and Egyptian youth. Founded by journalist John Wallach, Seeds of Peace initially brought together 46 Israeli and Arab youth. Since that time, Seeds of Peace has offered summer camps for youths from conflict regions around the world and from the United States, involving young people from the initial countries as well as from Greece, Turkey, Cyprus, the Balkans, India, Pakistan, and Afghanistan. These summer camps have made enormous strides toward fostering cultural and religious understanding.

Seeds of Peace empowers a new generation of leaders with the tools they need to overcome prejudice and to communicate and negotiate effectively. The summer camps help these youth to develop empathy, respect, and confidence, while giving their "enemies" a human face. The young people who attend these summer camps are the same people who will grow up to build a future of peace and stability. There are now nearly 4,000 young Seeds of Peace leaders who are working to make a positive difference in some of our world's most troubled regions.

As Chair of the Congressional Children's Caucus, I strongly believe in investing in our children. By doing so, we are investing in our future. Long-term peace between warring parties, including Arabs and Israelis, Indians and Pakistanis, and Afghans and Pakistanis, is dependent on the emergence of a new generation of leaders able and willing to engage in constructive dialogue.

By bringing young people from different backgrounds together in a recreational environment, Seeds of Peace lays a foundation for sustainable peace by facilitating interaction among young leaders before their fears, mistrust, and inherited prejudices have permanently shaped their vision of their "enemy." After spending a summer at camp in Maine, participants and teachers continue to interact through regional and international programming, furthering the dialogue among and across nationalities. Seeds of Peace supports the development of future leaders.

In addition to these summer camps for children from conflict regions, Seeds of Peace now operates a domestic program called "Maine Seeds," addressing ethnic and racial tensions between diverse communities in Maine. Also, in 2004, Seeds of Peace launched its "Beyond Borders" initiative, bringing teens from additional Middle East countries, such as Iraq, Saudi Arabia, and Kuwait, to participate in a cultural exchange program between American and Arab youth.

Mr. Speaker, while the Arab/Israeli peace process has moved forward haltingly since 1993, Seeds of Peace has grown into a major organization that continues to foster interaction among thousands of young leaders and educators from around the world. It continues to build upon the basic premise the prejudices dispelled during youth will be prejudices dispelled for life.

I strongly urge my colleagues to join me in supporting this resolution, honoring Seeds of Peace for its fifteen years of promoting reconciliation, coexistence, and peace among youth of the Middle East and other conflict areas.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 337.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE SACRIFICES AND CONTRIBUTIONS MADE BY DISABLED AMERICAN VETERANS

Ms. CORRINE BROWN of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Con. Res. 336) honoring the sacrifices and contributions made by disabled American veterans.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 336

Whereas the people of the United States have a sincere appreciation and respect for members of the Armed Forces who suffered disabling wounds while serving in the United States military;

Whereas there are approximately 2,800,000 veterans receiving benefits from the Department of Veterans Affairs for disabilities incurred while defending our Nation;

Whereas the current wars in Iraq and Afghanistan have resulted in 30,000 disabled American veterans as a direct result of combat operations, and even more so from conditions simulating war, instrumentalities of war, and hazardous duty in combat-related training;

Whereas families throughout every State in America have been affected by loved ones returning disabled from their service to their Nation;

Whereas the American public supports the brave men and women who have defended the freedom of all in America;

Whereas America owes its very integrity to her sons and daughters in uniform, who risk the most for the least, and who epitomize the extraordinary meaning of service, sacrifice, and, most importantly, freedom; and

Whereas Americans should remember and honor our men and women in uniform who incurred disabilities while defending our Nation with a Disabled American Veterans Week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the great sacrifices made by disabled veterans and their families;

(2) calls on the people of the United States to honor all disabled American veterans and the freedom for which they sacrificed;

(3) encourages local, State, and national organizations and governmental institutions to participate in the effort to honor the sacrifices of America's disabled veterans; and

(4) supports the goals and ideals of Disabled American Veterans Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

With House Concurrent Resolution 336, we honor the sacrifices and contributions made of our disabled veterans. The current wars in Iraq and Afghanistan have added well over 30,000 of our sons and daughters to the roles of veterans disabled in defense of our Nation, with the number continuing to grow.

Collectively, there are approximately 2.8 million veterans receiving compensation for disability incurred in the line of duty. This resolution calls for the establishment of a single week dedicated annually to each and every one of our Nation's disabled veterans.

What better time would there be for groups large and small, national and local, private and public, to come together and remember in their own way the sacrifices of the Nation's heroes? Those great Americans gave the most for the least. They have earned our lasting remembrance and much more.

It is far too easy for many to forget the true costs of war, to forget the deaths of our servicemen and to ignore the wounds of those who return. It is too easy for too many of us to think that the cost of war ends when the last soldier returns.

Our disabled veterans continue to serve our country in so many ways, bearing their wounds as a reminder to all that freedom and liberty are not free. The men and women who return wounded and disabled from combat, and service to our Nation, remind us of the terrible price we pay, not only in costs measured in dollars, but the costs measured in lives lost and changed.

It is therefore right and proper that we remember the service and sacrifice of our disabled veterans and pay tribute and honor to them during this week of Disabled American Veterans Week.

When called, they answered. When needed, they served. All Americans owe them a debt of gratitude and a heartfelt remembrance for their sacrifice and service. I am reminded of the words of the first President of the United States, George Washington, whose words are worth repeating at this time. "The willingness with which our people are likely to serve in any war, no matter how justified, shall be directly proportioned as to how they perceive the veterans of earlier wars were treated and appreciated by their country."

It is part of my service and duties to visit the veterans' hospitals and clinics in the areas I travel to. I recently visited the medical center in Puerto Rico, dedicated a new clinic in Orange City, Florida, and, before that, the Medical Center in New Orleans.

We have been funding the VA and veterans health care at record levels, giving the VA the largest increase in funding in the history of the United States. It is our duty to oversee the VA to make sure that they are spending the money properly in the best interests of our brave men and women who defend the rights and freedom of our great Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in strong support of House Concurrent Resolution 336, a measure to honor the sacrifices and contributions made by America's disabled veterans. Throughout our Nation's history, the men and women of our Armed Forces have gone bravely into battle, risking their lives and livelihoods, sacrificing their safety to defend our freedom.

When their duty is done, many return home to life as it was.

Sadly, for veterans seriously injured in the line of duty, leaving the battlefield does not mark the end of conflict. These permanently disabled soldiers often carry home life-changing disabilities, harsh reminders of the price of freedom.

By supporting H. Con. Res. 336, we will recognize the great sacrifices made by disabled veterans and their families. We will call upon the people of the United States to honor disabled American veterans and the freedoms for which they sacrificed. We will encourage local, State and national organizations and governmental institutions to participate in the effort to honor the sacrifices of America's disabled veterans, and we will support the goals and ideals of Disabled American Veterans Week.

Mr. Speaker, I urge my colleagues to support this bill and reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentlewoman.

Mr. Speaker, I rise today in strong support of this resolution establishing Disabled American Veterans Week.

I introduced this resolution to express my gratitude and to allow the entire Nation to express our gratitude to those brave men and women who have given so much in the name of freedom.

I would especially like to thank Congressmen BILIRAKIS, BOOZMAN, LYNCH and the over 100 other original cosponsors who joined me in support of this resolution.

Over 2.8 million men and women who fought for our country have sustained injuries that have forever changed their lives. It is my hope that by establishing Disabled American Veterans Week we will increase awareness of the struggles that America's heroes face every day and encourage more support for our brave wounded warriors.

I ask my colleagues to join me today in recognizing the great sacrifices made by disabled American veterans and their families. These heroes epitomize the meaning of service and sacrifice, and this is the very least we can do to honor our Nation's disabled veterans.

Mr. SCALISE. Mr. Speaker, I yield 3 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE), the ranking member of the Subcommittee on Oversight and Investigations.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today on behalf of H. Con. Res. 336, a commonsense resolution that expresses support for one of the greatest segments of the American population, the disabled American veteran.

Back home in Florida, I represent nearly 110,000 veterans, the second highest number of any Member of Congress. As you might guess, many of these brave men and women are disabled, either injured in battle or in the course of their service in the United States military.

Disabled veterans are cared for by military professionals at the VA. They also band together in veterans organizations like the Disabled American Veterans, Paralyzed Veterans of America, or Blinded Veterans Association.

However, there was no Federal recognition in place for Americans specifically to remember the deeds and heroism of disabled veterans.

The concurrent resolution before us today calls for the establishment of a Disabled American Veterans Week and shows all disabled veterans that Congress does not forget their bravery and actions in service to our great Nation.

You know, every weekend I returned home to Florida to meet with my constituents and hear their needs and concerns and what I can do to serve the men and women who live in the Fifth Congressional District.

I often hear words of thanks for voting in support of drilling in ANWR and in the Outer Continental Shelf, or get asked what Congress is going to do to stop the outrageous increase in the cost of gasoline that we have seen since our colleagues across the aisle took over the House and Senate.

However, the most poignant and heart-wrenching stories I hear are oftentimes from veterans. As you might expect, I attend dozens of veterans events throughout the eight counties in my district. It is, indeed, at these events that I hear stories of courageous deeds, heroic actions and lives forever changed by the ravages of war.

Disabled veterans have given so much to this Nation with their blood, sweat and tears, lying on the battlefields from Germany, to Korea, to Vietnam, to Iraq and Afghanistan.

This resolution calling for a Disabled American Veterans Week shows the thousands of men and women who served with honor and distinction that Congress will see that their memories and deeds are never forgotten.

I thank my colleague, Mr. ALTMIRE, for introducing this resolution. I would hope that all Members of this body can support such a worthy passage for disabled veterans.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Firstly, I would like to thank Representative BROWN for graciously yielding me time for speaking on this important resolution.

Mr. Speaker, I rise today in support of House Concurrent Resolution 336 a resolution which honors the sacrifice and contributions made by America's disabled veterans. The brave men and women currently serving in our Armed Forces, and the veterans who have put on the uniform before them, deserve our utmost appreciation for their continued commitment to the protection of this Nation.

Regrettably, millions of these veterans have been wounded and disabled while defending the rights and freedoms that uniquely define our country. According to the latest statistics provided by the Department of Veterans Affairs, there are approximately 2.9 million disabled veterans now receiving services from the VA. Of the 2.9 million disabled veterans, a total of 30,000 have served in either Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan.

The great sacrifice that these men and women have made on behalf of the American people cannot go unnoticed. American veterans have earned our undying gratitude and our continued support. During last year's appropriation process, we began to head in the right direction, in my opinion, when Congress allocated $87.59 billion to the Department of Veterans Affairs, an $8 billion increase from the previous year.

□ 1445

Of this total, $37.2 billion was provided the Veterans Health Administration, with $3.6 billion allocated to post-traumatic stress disorder funding, and $189.25 million for traumatic brain injury funding, and $500 million for medical and prosthetic research. Our commitment to America's disabled veterans is exemplified by honoring these men and women in the present and continuing to invest in their future.

I thank Mr. ALTMIRE for introducing this thoughtful resolution and urge my colleagues to join me in supporting House Concurrent Resolution 336.

Mr. SCALISE. I yield 3 minutes to the ranking member of the Subcommittee on Economic Opportunity, the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, as a Nation we are blessed with many things. We have a Constitution that sets the standard for freedom around the world. We have a land that provides us with bountiful food and superb scenery. But most importantly, America is blessed to have sons and daughters willing to put themselves in harm's way to protect the 99 percent of Americans who do not serve.

Unfortunately, that feeling of patriotism and sacrifice way too often results in disability that affects the veteran for the rest of their life. Often, the disability is small. But sometimes the injury, whether physical or mental, has a significant impact on the veteran's quality of life and their ability to support their families. In such situations, the disability has affected more than just the veteran. As a part of our debt to these men and women, taxpayers compensate them for their injuries and provide a range of benefits unmatched in any other country. But we can and should do something more symbolic of disabled veterans' service to the Nation, and that is to designate a week that will remind Americans that disabled veterans are with them every day.

By giving disabled American veterans the recognition of a week named in their honor, we demonstrate to the American people the importance of the sacrifices made by disabled veterans and their families. This is a way to honor our disabled veterans, and I certainly urge all of my colleagues to support this resolution.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. SCALISE. I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER), the ranking member of the committee.

Mr. BUYER. I thank the gentleman for yielding.

As the ranking member of the House Committee on Veterans' Affairs, I have an obligation to help ensure that veterans and their families have access to the benefits and services they so richly deserve. More importantly, I have been an advocate for military members and veterans almost my entire life. I have been in uniform for 28 years while I served the last 16 years in Congress. It is a great part of who I am.

We have before us this House resolution to create a disabled veterans week. Now we should pause for a moment and say why is Congress bringing this bill to the floor at this time? You see, I view this bill on the floor at this time as an inoculation. It is an inoculation because the Democrats who control this Congress want to bring a bill to the floor where it will cut a monthly pension to wartime elderly disabled and indigent veterans in the amount of a billion dollars. So before the Democrats take a billion dollars away from disabled veterans, they want to stand and say I put my arms around disabled veterans, and we are going to create a week for America to celebrate them.

I am going to blow the whistle on you. I believe that it is a matter of principle that the Nation should not be taking money from one group of deserving veterans to fund benefits for others. However, you should also know that last month the Senate approved a bill that would cut $912 million in pension benefits for wartime elderly indigent severely disabled or housebound American veterans. A portion of the funding saved by this unprecedented cut in veterans' benefits would be used to fund oversized pensions for noncitizen, non-resident World War II Filipino veterans and for other veterans' programs.

Mr. Speaker, I believe the country is probably shocked hearing me say something like this. But, Mr. Speaker, we are here on the floor to ask for a designation that the country support the ideals for which men and women fought for and are now disabled, while in the same stroke this very Congress wants to cut veterans' benefits from those very same people when they are asking the country to celebrate their ideals.

The bill that was in the Senate is Senate 1315. There was a bill here in the House, H.R. 760. That bill was voted out of the House Veterans' Affairs Committee on a party-line vote. That hardly ever happens. A party-line vote hardly ever happens in the Veterans' Affairs Committee.

They voted to eliminate a special monthly pension for severely disabled veterans over 65 who are receiving pensions for wartime services. The special monthly pension provides an additional payment of up to $2,200 per year to the most severely disabled veterans. In 2006, the United States Court of Appeals for Veterans Claims overturned the Department of Veterans Affairs decision that denied the special monthly pension to an 86-year-old legally blind World War II veteran, Robert A. Hartness, who was also receiving a VA pension granted to low-income, disabled veterans.

The court reversed the VA's denial of benefits to Mr. Hartness and required them to begin paying this special monthly pension. The court held that the United States law requires an award of a special monthly pension to a veteran eligible for VA nonservice-connected disability pension if, in addition to being at least 65 years old, the veteran has a disability rating of at least 60 percent or is permanently housebound.

The Senate bill, S. 1315, would override the court decision legislatively, and it is also what H.R. 760 sought to do. According to the VA, more than 20,200 veterans could be affected by this unprecedented cut in veterans' benefits.

This cut in veterans' benefits that goes to the disabled is opposed by the American Legion, AMVETS, the National Association of Uniformed Services, and other veterans' service organizations. The following excerpt is from an April 25, 2008, letter to all Members of Congress from the American Legion: "The American Legion believes the sacrifice of these heroes warrants relief. Balancing the books on the backs of the very patriots that protected and defended this Nation is unconscionable. Don't make a grave mistake in the name of fairness, equality, or even fiscal responsibility. Do what is right."

I wholeheartedly agree. Congress has an obligation to protect those veterans who are the most vulnerable. They have no voice; and, indeed, many of them are so severely disabled they are housebound and require aid and attendants. I personally find appalling the notion of taking benefits from these disabled veterans to create a new benefit for other veterans, especially those of a foreign nation.

There are better ways to fund new entitlements than to cut benefits from aging veterans who need us most, violating the principle of honor that defined their service and our obligation to both them and the Nation they served.

I believe that our veterans are our country's most precious asset. I also believe that those are the ideals for which you seek to recognize in the bill that is before us. I would remind every Member who votes in support of this bill, please recognize that when you come to the floor and there is presented to you a Senate amended bill that would repeal the special monthly pension for the Nation's most vulnerable veterans, those of whom are wartime elderly, indigent, disabled and homebound, that you remember the vote you cast this day. Because if you embrace to defend these disabled veterans who sacrificed for the ideals and the heritage of this country, do not cut their veterans' benefits.

It was done in committee. It was done in the Senate. We have to defend the most vulnerable and those who do not have a voice.

I support what is in front of us, but I do not support the rationale of inoculation before you bring a bill to this floor that will cut a billion dollars from these wartime elderly, disabled indigent veterans.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, for thousands of our Nation's soldiers, sailors, airmen and marines, the sacrifices of war far outlast the war itself. There are more than 2 million veterans with service-connected injuries or illnesses, including thousands who have returned from the wars in Iraq and Afghanistan. Thanks to advances in medical science, the vast majority of American servicemembers wounded in combat survive traumatic events that would have proven deadly in previous wars.

Previous generations of veterans have come home wounded from battlefields in Europe, the Korean peninsula, and the jungles of Vietnam. They have returned to America with permanent damage to limb or spirit.

Today's veterans of Operation Enduring Freedom and Operation Iraqi Freedom are suffering tragic injuries from IED attacks and other hazards that are filling our military hospitals with victims who have lost limbs, with severe burns, and with head injuries.

We owe a debt of gratitude to all of these veterans whose physical or psychological well-being was permanently damaged in service to their country.

In my own district, disabled veterans have also had to endure the closing of the Southeast Louisiana VA Hospital due to damage from Hurricane Katrina. As a result, approximately 212,000 veterans in a 23-parish area in southeast Louisiana have to travel up to 4 hours to go to other VA hospitals just to receive basic care. And as we all know, gas prices are now topping $4 a gallon, which further adds to the cost our disabled veterans are facing when they travel to and from VA facilities for their health care.

I want to express as well how gravely concerned I am at the high cost of fuel and how it is affecting their ability to stretch their limited pension and compensation dollars. I call on the Democratic leadership in Congress to step forward and join us to help these disabled veterans by addressing this problem and enacting a strong national energy policy that increases supply to lower gas prices.

I want to thank my colleagues in the House for passing the VA Medical Facility Authorization and Lease Act authorizing $625 million for Southeast Louisiana VA Hospital that was closed down due to damage caused by Hurricane Katrina. And I want to specifically recognize the leadership of Chairman BOB FILNER and Ranking Member STEVE BUYER in passing this critical legislation.

Mr. Speaker, I want to thank our disabled veterans for their sacrifice and contributions to the cause of freedom. The intent of this bill is to express America's eternal gratitude to these courageous heroes, and I urge all of my colleagues to support it. America's disabled veterans have honored us with their service and selfless duty. We should honor them by passing this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. I want to be clear, Mr. Speaker and Members of the House, House Concurrent Resolution 336 honors the sacrifices of the disabled veterans, and I urge all Members to support it.

I am very proud of the fact that we have just passed the largest VA budget in the history of the United States of America. Now a lot of times people talk the talk, but we as Members of this body need to walk the walk for the veterans. And when I said that I have visited the facilities in Puerto Rico and St. Thomas, I have also visited the facilities in Louisiana, and I made sure that we put the money into the budget so we could rebuild that facility for veterans in that area.

I urge my colleagues to unanimously support H. Con. Res. 336.

Mr. WOLF. Mr. Speaker, I rise today in strong support of H. Con. Res. 332, which recognizes the 60th anniversary of the Universal Declaration of Human Rights. On December 10, 1948, the United Nations General Assembly came together to pass the Universal Declaration of Human Rights, which serves as a set of standards for all people and all nations of the world to strive toward.

Drawing upon principles from both the U.S. Constitution and the Declaration of Independence, the Universal Declaration of Human Rights recognizes the fundamental human rights bestowed to each person on this Earth regardless of race, religion, or ethnicity. Ronald Reagan once described the U.S. Constitution as "a kind of covenant. It is a covenant we've made not only with ourselves but with all of mankind." The Universal Declaration of Human Rights shines light in the darkest corners of the world and reminds those in the most desperate of situations that every person is entitled to respect and dignity.

It has been my distinct privilege to serve as co-chair of the Congressional Human Rights Caucus for the past 7 years. The Caucus was founded in 1983 by the late Congressman Tom Lantos and former Congressman John Porter for Members of Congress to work to defend the rights of individuals worldwide as defined in the Universal Declaration of Human Rights.

With the passage of this important resolution, I reaffirm my commitment to serve as a voice for the voiceless and continue to ensure that human rights remains a priority in the U.S. Congress.

Mr. FOSTER. Mr. Speaker, I am submitting this statement to record my strong and enthusiastic support of the House Resolution honoring the sacrifices and contributions made by disabled American veterans.

Today I wish to recognize these men and women for their patriotic contribution in our armed services; who have given so much to defend our Nation.

The brave men and women who defend this country under threat of that ultimate sacrifice truly are our guardian angels. They fight with passion and dedication for an ideal that we all cherish, the notion that this is the land of opportunity, the land of the free. Unfortunately, that freedom comes at a price and too often our guardian angels come home wounded and disabled. They defend us and are willing to throw themselves in harms way before us, and we must not forget that.

These wounded warriors are an inspiration to all of us, and we owe them so very much. It is our duty to them that we always remember what they have fought and sacrificed for. We must always remember the sacred agreement we made with these servicemen, if they go off and fight for us we will forever be in their debt and we must provide for them and their loved ones.

My praise and thanks fall well short of equaling the gift of freedom our veterans bestowed on all of us. They bare the scars that remind us all how costly freedom can be, and all I have to offer in return is my eternal gratitude.

Mrs. BACHMANN. Mr. Speaker, I rise in support of H. Con. Res. 336. There is no greater American hero than the military veteran, and I am proud to join my fellow colleagues today in honoring the sacrifices and contributions of our disabled American veterans.

The American soldier is the embodiment of hard work, patriotism, and service, and the soldier who has sacrificed his body for the freedom and liberty of others around the world deserves our utmost respect. The blood spilled on our own soil and abroad is a lasting reminder of the commitment that our soldiers have sacrificed for us all, and every citizen owes a deep and lasting gratitude to these brave warriors.

Mr. Speaker, our departed soldiers must never be forgotten, and those injured veterans from wars past and those just returning from the battlefields of Iraq and Afghanistan should receive our Nation's and this Congress's unwavering support and reverence. It is an honor to rise today and praise the bravest of all Americans—the disabled military veteran. America will never forget your valor during our most trying times, and we are forever grateful for your dedicated service and selfless sacrifice to our Nation.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 336.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 336.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CORRINE BROWN of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

NATIONAL D-DAY REMEMBRANCE DAY

Ms. CORRINE BROWN of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1235) expressing support for the designation of National D-Day Remembrance Day, and recognizing the spirit, courage, and sacrifice of the men and women who fought and won World War II.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1235

Whereas June 6, 2008, marks the 64th anniversary of D-Day, the day of the beginning of the Allied assault against the Axis forces at Normandy, France, during World War II;

Whereas the D-Day assault, codenamed Operation Overlord, was the most extensive amphibious invasion ever to occur, and involved 5,000 ships, over 11,000 sorties of Allied aircraft, and 150,000 American, British, and Canadian troops on the first day of the operation;

Whereas the D-Day assault was among the most important events of World War II, as the success of the Allied landings in Normandy provided the foothold for the liberation of France and the eventual Allied advancement into Germany, leading ultimately to the Allied victory in Europe;

Whereas the brave men and women of our armed services who participated in the D-Day assault forever changed the course of history by starting the liberation of occupied Europe from Nazi Germany;

Whereas 5 separate beaches were assaulted, with American forces under the command of Lieutenant General Omar Bradley attacking Omaha and Utah beaches, and British and Canadian forces under the command of General Miles Dempsey attacking Gold, Juno, and Sword beaches;

Whereas according to General Dwight D. Eisenhower, American troops would "accept nothing less than full victory";

Whereas American troops displayed tremendous heroism, dedication, and strength in storming the beaches of Normandy against a heavily fortified enemy;

Whereas American troops suffered significant losses during the assault, including over 6,500 casualties;

Whereas June 6, 1944, is one of the most significant dates in the history of the United States;

Whereas the National D-Day Museum was dedicated on June 6, 2000, in New Orleans, Louisiana;

Whereas Congress designated the museum as "America's National World War II Museum" in 2003;

Whereas the museum has welcomed 1,800,000 visitors since its opening, and currently sees an average of 17,000 visitors a month;

Whereas the National World War II Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during World War II on both the homefront and battlefront and, in doing so, covers all the branches of the Armed Forces and the Merchant Marines;

Whereas the museum interprets the American experience during World War II, celebrates the American spirit, recognizes the teamwork, optimism, courage, and sacrifice of the men and women who won World War II, and promotes the exploration and expression of these values by future generations; and

Whereas it would be appropriate to designate June 6, 2008, as National D-Day Remembrance Day: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of National D-Day Remembrance Day, recognizes and honors the veterans who served on D-Day, and thanks them for their spirit, courage, and sacrifice.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair now recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week, on June 6, we celebrated the anniversary of one of our greatest military accomplishments and an historic event that changed the face of our Nation and the world.

On June 6, 1944, the largest seaboard invasion in history began the 2-month Battle of Normandy. The D-day invasion began during the night, and continued with air and naval attacks and an amphibious attack in the early morning hours.

The D-day operation of June 6, 1944 brought together the land, air and sea forces of the Allied armies in what become known as the largest invading force in human history. Operation Overlord landed five naval assault divisions to the beaches of Normandy, code-named Utah, Omaha, Gold, Juno and Sword.

The invasion force included 7,000 ships and landing craft manned by 195,000 Navy personnel from eight Allied countries. Almost 133,000 troops from England, Canada and the United States landed on D-day. Casualties during the landing was over 10,000.

New Orleans is the home of a wonderful museum, the National World War II Museum. This museum opened its doors on June 6, 2000, and paid tribute not only to the D-day but all of the efforts in World War II. One of the reasons it is located in New Orleans is it was the home of Andrew Jackson Higgins.

The historian, Steven Ambrose, reported that General Eisenhower once told them that Higgins was the man who won the war for us. Eisenhower explained to him that if Higgins had not designated and built the LCVPs, we never could have landed over the open beach. The whole strategy of the war would have been different.

According to the National World War II Museum, the Higgins work force was the first in New Orleans to be racially integrated. This work force shattered production records, turning out more than 200,000 boats, including 12,500 LCVPs, or Landing Craft, Vehicle, Personnel, by the end of the war.

General Eisenhower's D-day message read: You are about to embark upon the greatest crusade, toward which we have strived these many months. The eyes of the world are upon you, and hopes and praise of liberty-loving people everywhere march with you.

The world still recalls D-day, and the efforts of the United States and our Allies to end fascism in Europe and across the globe. It is fitting that we recall these accomplishments, and this day, and the service and sacrifice that hastened the end of World War II.

The world still looks to us for leadership for leadership and to be a beacon to illustrate the path ahead. Let us always strive to provide this light, this leadership and this wisdom to do what is right.

Last August I had the honor and privilege to visit the Normandy American Cemetery and Memorial in France. While there I laid a wreath of flowers in honor of the soldiers that fought and died at Normandy and visited the graves of Floridians who gave their life fighting the Nazis.

Tori Robinson, an American gospel singer based in Paris, also a constituent of mine, sung at the ceremony. Her version of God bless America brought people from all over the memorial. There this honor was shared by all visitors in this holy place.

I want to take a special note to honor Chairman OBEY and Chairman MURTHA for their hard work in getting funds for this new Normandy Visitors Center appropriated. My visit to this center followed theirs, which was just dedicated on June 6, 2007, the 63rd anniversary of D-day.

This visitors center truly paid tribute to the soldiers who stormed those beaches and gave visitors a true sense of what these men and their loved ones was going through during the war that led up to the D-day invasion.

I encourage all Americans to visit this hallowed site. Most of the visitors are from Europe and come to honor the sacrifice of the young Americans made for their freedom.

Many brave men and women died on this day, 64 years ago, to restore the freedom we enjoy today. Here rests in honored glory a comrade in arms only God knows, reads just one of the 9,387 grave markers at the American cemetery in Normandy, France. We honor them by remembering and this resolution calls us to remember.

Mr. Speaker, I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in support of House Resolution 1235, a measure expressing support for the designation of National D-Day Remembrance Day, and recognizing the spirit, courage and sacrifice of the men and women who fought and won World War II. D-day is one of the most significant days in our Nation's history, and we should never forget the bravery and determination displayed on the beaches of Northern France.

This resolution also recognizes the National World War II Museum in New Orleans. The museum was dedicated in 2000 as the National D-Day Museum, and later in 2003, Congress designated the museum as America's National World War II Museum. The museum has welcomed 1.8 million visitors since its opening, and currently sees an average of 17,000 visitors a month.

The National World War II Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during World War II. It celebrates the American spirit, recognizes the teamwork, optimism, courage and sacrifices of the men and women who won World War II, and promotes the exploration and expression of these values by future generations.

Mr. Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, no one can visit the American cemetery at Normandy without gaining a profound appreciation for the courage and the sense of self-sacrifice demonstrated by every one of our soldiers who fought to take that beach and begin the liberation of Europe.

For years, families who went to that cemetery to think about their loved ones, think about their loss and, at the same time, think about their pride, had a totally inadequate place in which to sit and think or perhaps retreat from the rest of the people around them for a few precious moments. And I am so pleased that I was able to work with Congressman MURTHA, with Congressman WALSH, with Congressman HOBSON, in order to provide the funding for the new visitors center which is now at that location. It is a spectacularly beautiful, and yet subtle tribute to each and every American who fought there.

For years, that visitors center did not tell an adequate story of the sense of self-sacrifice that was exhibited in those days. Now it finally does, and I think it will serve as an inspiration, not just to every American who visits that site, but also to every person from any part of the world who values freedom and values sacrifice.

I know of no monument that is more eloquent in paying tribute to both than that monument, and I think it's fitting that we pass a resolution, again, praising the courage and the dedication of the Americans who fought to make the entire world free.

Mr. SCALISE. Mr. Speaker, I am going to yield 3 minutes to the ranking member of the Subcommittee on Economic Opportunity, Mr. BOOZMAN from Arkansas.

Mr. BOOZMAN. Mr. Speaker, I want to thank Mr. SCALISE for bringing this forward. It's important for us periodically to pause and think about the tremendous sacrifice, especially while the men and women that made all of this possible are still with us, that we can pause and just think of the sacrifice that they did on this day.

I also want to welcome Mr. SCALISE to the Veterans' Affairs Committee again, that he has volunteered to become a part of that committee and to work in a very bipartisan way so that we can do our best for veterans.

On June 6, 1944, the United States participated in the largest seaboard invasion in history. Countless men and women served their country that day, and I stand before you to ask for your support for the designation of National D-Day Remembrance Day.

Preparations for D-day began long before June 6, 1944. In fact, discussions about an allied invasion began in 1942. The Germans expected an invasion along the north coast of France and built up forces along the narrowest portion of the channel. However, the Allies planned to land just south of the German build-up. In order to execute a successful campaign, our men and women, along with Allied forces in other countries, not only had to plan an attack, but also to contend with many of the same issues we ourselves are faced with today.

War planners projected 5,000 tons of gasoline would be needed daily for the first 20 days after the initial invasion. 3,489 tons of soap would be needed in the first four months after the invasion. Approximately 300 planes would drop bombs along the coast of Normandy. Six parachute regiments, including 13,000 men, needed to be transported. 5,000 vessels would transport men and 30,000 vehicles across the English channel.

It's clear that the efforts that led to D-day and the many days afterward were that of dedicated men and women who sacrificed their jobs, their families and in many cases their own lives to ensure that the United States of America and the Allied forces would be successful.

Words cannot express our gratitude for their courage and spirit. However, by designating a National D-Day Remembrance Day, we can continue to remember the sacrifice unwavering commitment to our country, and determination of the men and women who fought and won World War II. I urge my colleagues to remember and honor these men and women by supporting this resolution.

I also want to comment on Mr. OBEY, what he said in regard to the actual monument. And I've had the opportunity to be there. My daughter, while she was vacationing in Europe, in her early twenties, she and her friends enjoyed it so much that they actually were just going and planning on spending an afternoon, wound up spending the night, and were so impressed with the way that everything's portrayed that, again they did a good job.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. CAZAYOUX).

Mr. CAZAYOUX. Mr. Speaker, I rise in support of House Resolution 1235, by my fellow delegation member, Congressman SCALISE. This resolution thoughtfully commemorates the sacrifices of our armed services on that fateful day, 64 years ago on the beach of Normandy.

I was reminded of that sacrifice when I visited veterans over Memorial Day at a ceremony at the USS *Kidd* in Baton Rouge. I also attended an event for the Louisiana Honor Air Program, which helps our World War II veterans, many themselves D-day survivors, visit the World War II memorial for the first time.

The D-day assault was the most extensive amphibious invasion in history. Its success was a shining example of the strength and professionalism of our armed services.

As our thoughts and prayers go out to our young men and women who fight for us in Iraq and Afghanistan, we pay tribute to their predecessors by supporting this resolution to designate a National D-Day Remembrance Day.

Louisiana played a huge part in the Allies' success at D-day. Indeed the amphibious Higgins boat itself was developed in Louisiana and based on boats built to navigate our swamps and marshes. For this reason, New Orleans is home to the National D-Day Museum and is designated by Congress as America's National World War II museum.

I support the resolution, and strongly encourage this House to designate June 6, 2008, as National D-Day Remembrance Day.

□ 1515

Mr. SCALISE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, about 6 months ago I got an unexpected call in my office from a fellow named Carlo DiVirgilio from Upstate New York. I had never met the man, and when I got on the phone, he said, I just learned that you were in Congress. I just wanted to ask you a question. Was your father Dr. Lungren? And I said, Yes, he was. And he said, I served with him in Normandy 60 years ago.

And he recounted to me some of the battles they went through: the Battle of Senlo, the Battle of Mortain. And he talked about the fear that young men had at that time as they got up to the front lines how they feared death. One of the great things he said to me was, When we were around your father, we felt safe. We felt that we were not going to die.

These were young men who were sent into battle not knowing whether they were going to win but knowing that they had to fight. Had the outcome been different, history would have changed. We would not have liberated Europe. D-day is such an important date that we need to commemorate it as this resolution does.

It is a date that gives us pause because we understand that when Dwight D. Eisenhower made the decision to go, it was not certain that it would succeed. As a matter of fact, those who come here to our Nation's Capitol and go into the Rotunda, they see a statue of Dwight Eisenhower, President of the United States. But he is not there depicted as President of the United States. Rather, he is depicted as the Supreme Allied Commander, the first leader of combined forces in the history of warfare. And he's standing there with a gesture that commemorates a photograph that was taken at the time that he went to go see the paratroopers he was sending off to war.

You have to understand. He realized that maybe as many as six or eight out of every ten that he looked at were going to die, and they were going to die because he was sending them into battle. But he had the courage as a leader to look them in the face, to talk to them before they went off to war and to give them the best that he could.

And then, remarkably, after he had addressed them, he got back into his military automobile and turned to his aide and gave him a piece of paper. And on that piece of paper, General Eisenhower had written out a statement; and he said, If this fails, I want this statement to be read. And what was the statement? It gave all support and all honor to the men who served under him, and he took all blame and responsibility for its failure. What a remarkable example of leadership at that time.

Today, when we hear the first response from many people, I don't care whether they're in professional sports or whether they're in politics or whether they're in business, when something goes wrong, almost the first instinct is to point the finger at somebody else to say, It wasn't my job. It wasn't my responsibility.

But Dwight Eisenhower was not that kind of person. He is the definition of a leader. He is one who made the tough decision to go on June 6, 64 years ago, not being guaranteed a success but knowing that the risk was worth it. There was nothing else he could do. And then saying, If this fails, it is all on me.

Ladies and gentlemen, as we remember today that great day, the great sacrifice of all, including my father, let us remember the example of a great leader, Dwight Eisenhower, who told us what it is to lead: Not for vain glory, but rather for great purpose.

Thank you very much.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, last Friday, June 6, 2008, marked the 64th anniversary of D-day, one of the most significant days in our Nation's history. June 6, 1944, marked the beginning of the Allied assault against the Axis forces in Normandy, France, and the beginning of the end of World War II; and it started the liberation of occupied Europe from Nazi Germany.

The D-day invasion was the largest amphibious assault the world had ever seen with more than 5,000 ships and over 150,000 American, British, and Canadian troops involved on that single day.

Mr. Speaker, as a Member who is honored to represent the people of Southeast Louisiana, I am proud of the role that my State played on D-day. In New Orleans, Andrew Jackson Higgins designed the LCVPs, or the Higgins boats, that were used extensively in World War II for amphibious landings. Higgins and the 30,000 Louisiana workers of Higgins Industries built and tested the Higgins boats in Southeast Louisiana during the war.

The Higgins boat was crucial to the success of D-day. According to General Eisenhower, the Allies would not have been able to land on an open beach without the Higgins boat. General Eisenhower claimed that Higgins was the man who won the war for us.

Louisiana is also home to many of the brave men and women who fought and won in World War II. J.J. Witmeyer, who lives in the New Orleans suburb of Hanrahan, participated in the D-day invasion. Mr. Witmeyer served as an infantry soldier and landed on Utah Beach. Mr. Witmeyer describes his experience of landing at Normandy on Higgins boats like this: "When the ramp went down, you were going through the gates of hell . . . you didn't know how deep the water was, where the beach was and they were firing at you."

Mr. Witmeyer escaped injury that day but was later wounded twice. He won a battlefield commission as a captain, served as an acting military governor in Dortmund, Germany, and as a commandant of two camps for displaced war victims in Czechoslovakia.

It is because of the courage and sacrifice of soldiers like J.J. Witmeyer and the ingenuity and dedication of individuals like Andrew Higgins that we were successful on June 6, 1944, and went on to win the war.

The brave men and women of our Nation's Greatest Generation displayed tremendous heroism, dedication, and strength and forever changed the course of history. General Dwight D. Eisenhower said we would "accept nothing less than full victory," and our troops did just that.

Our success did not come without significant losses, however. American forces suffered over 3,300 soldiers killed in action and an additional 3,000 soldiers suffered injury.

Mr. Speaker, the courage and sacrifice displayed by the Allied forces on June 6, 1944, should never be forgotten, and we should always remember D-day and honor the men and women who fought and persevered for the price of freedom. D-day will forever be an important part of U.S. history, and the day deserves to be recognized. The Members of the Armed Forces who participated in the invasion are true American heroes. That is why I introduced House Resolution 1235 calling on Congress to support the designation of a national D-day Remembrance Day.

Mr. Speaker, I urge my colleagues to recognize and honor the veterans who served on D-day and join me in thanking them for their spirit, courage, and sacrifice. I also urge my colleagues to join me in paying tribute to the National World War II Museum in New Orleans for sharing their stories with future generations. For so many years, the Greatest Generation was reluctant to share their stories, and fortunately for all of us, as time went on, more and more have been willing to open up and give that testimony; and we are so honored to have much of that testimony collected at the National World War II Museum for future generations to share.

By passing House Resolution 1235, we honor D-day. More importantly, we honor the men and women of the Greatest Generation who made June 6, 1944, one of the most important days in our Nation's history, a day that all men can be proud of, a day that all Americans should never forget.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous material on House Resolution 1235.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. GOODE. Mr. Speaker, I rise today in support of H. Res. 1235, a resolution to designate National D-Day Remembrance Day and recognize the spirit, courage, and sacrifice of the men and women who fought and won World War II. One of modern history's defining events, D-day was the climactic engagement of the Second World War. On June 6, 1944, an Allied Expeditionary Force representing twelve nations launched more than 5,000 boats and ships, 11,000 aircraft, 28,000 aerial sorties, and landed 150,000 ground troops. Among those troops were more than 30 soldiers from Bedford, Virginia, a small, rural community which experienced the highest per capita loss rate of any community in the United States on D-day. For this reason, Bedford is the home to the National D-Day Memorial, which was dedicated by President Bush on June 6, 2001. The National D-Day Memorial exists in tribute to the valor, fidelity, and sacrifice of the Allied Forces on D-day. The Memorial preserves the lessons and legacy of that fateful day and reminds all who enter it of the heavy price that heartland communities have paid, and still pay, for freedom.

I urge all members to support H. Res. 1235 and honor the great sacrifice of our veterans who served on D-day and in all the other conflicts that preserved American freedom throughout our history.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 1235, a measure expressing support for the designation of National D-Day Remembrance Day, and recognizing the spirit, courage, and sacrifice of the men and women who fought and won World War II.

On June 6, 1944, the largest sea-borne invasion in military history led to the defeat of Hitler and the Nazis' stranglehold on Europe. Nearly 7,000 ships and landing craft, loaded with American, British and other troops, crossed the English Channel to destroy tyranny and restore freedom to Europe. Nearly 3,500 lives were lost in this immense display of courage and sacrifice.

The heroism displayed by the Allied forces on D-day should never be forgotten and we should always honor the men and women who saved democracy from the shadow of oppression. That is why we should approve H.R. 1235 calling on Congress to support the designation of a National D-Day Remembrance Day.

Mr. Speaker, I urge my colleagues to recognize and honor the veterans who served on D-day, and join me in supporting this bill thanking them for their courage and sacrifice.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I urge my colleagues to unanimously support House Resolution 1235.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1235.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CORRINE BROWN of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROCEDURE FOR CONSIDERATION OF RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE IF OFFERED TODAY

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent that if the gentleman from Ohio (Mr. KUCINICH) offers a resolution as a question of the privileges of the House at any time on the legislative day of June 10, 2008—

(1) the previous question shall be considered as ordered thereon without intervening motion except one motion to refer; and

(2) the Speaker may postpone further proceedings on such a vote on a motion to refer as though under clause 8(a)(1)(A) of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

TO AWARD POSTHUMOUSLY A CONGRESSIONAL GOLD MEDAL TO CONSTANTINO BRUMIDI

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 254) to award posthumously a Congressional gold medal to Constantino Brumidi.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) On July 26, 1805, Constantino Brumidi was born in Rome, Italy of an Italian mother and a Greek father who inspired him with a love of liberty.

(2) While Constantino Brumidi's Greek ancestry stirred his passion for liberty and citizenship, his Italian heritage provided the art styles of the Renaissance and the Baroque which influenced the artwork of the United States Capitol.

(3) Constantino Brumidi became a citizen of the United States as soon as he was able, embracing its history, values, and ideals.

(4) Beginning in 1855, Constantino Brumidi designed and decorated 1 House and 5 Senate committee rooms in the Capitol, as well as the Senate Reception Room, the Office of the Vice President, and, most notably, the President's Room, which represents Brumidi's supreme effort "to make beautiful the Capitol" of the United States.

(5) In 1865, Constantino Brumidi completed in just 11 months his masterpiece, "The

Apotheosis of Washington", in the eye of the Capitol dome.

(6) In 1871, Constantino Brumidi created the first tribute to an African American in the Capitol when he placed the figure of Crispus Attucks at the center of his fresco of the Boston Massacre.

(7) In 1878, Constantino Brumidi, at the age of 72 and in poor health, began work on the Rotunda frieze, which chronicles the history of America.

(8) On February 19, 1880, Constantino Brumidi died at the age of 74, four and a half months after slipping and nearly falling from a scaffold while working on the Rotunda frieze.

(9) Constantino Brumidi, proud of his artistic accomplishments and devoted to his adopted country, said, "My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty.".

(10) Constantino Brumidi's life and work exemplify the lives of millions of immigrants who came to pursue the American dream.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the posthumous presentation, on behalf of Congress, of a gold medal of appropriate design to Constantino Brumidi, in recognition of his contributions to the Nation.

(2) DISPLAY OF MEDAL IN CAPITOL VISITOR CENTER.—The Architect of the Capitol shall arrange for the gold medal presented under this subsection to be displayed in the Capitol Visitor Center, as part of an exhibit honoring Constantino Brumidi.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 254 which would posthumously award the Congressional Gold Medal to Constantino Brumidi and would authorize the striking of duplicate medals for sale to the public.

Mr. Speaker, for those of us who work here in the Capitol, we are very fortunate to be surrounded by Constantino Brumidi's genius every day. Brumidi's awesome, inspiring murals and frescos are remarkable as they are ubiquitous. Constantino Brumidi's works can be found in three Senate Appropriations Committee rooms, the House Appropriations Committee room, the Senate Democratic Policy Committee room, the Brumidi corridors, the Senate reception area, the Office of the Vice President and, of course, the Rotunda. Like his masterful works throughout the Capitol, Constantino Brumidi's story is uniquely American.

Brumidi was born in Rome in 1805 to an Italian mother and a Greek father. His artistic ability was cultivated at an early age. In his early years, he was commissioned to paint frescos and murals in various Roman palaces. And then in 1849, as did so many of our ancestors, Brumidi, who was already an established artist in Italy and who spent 3 years working for Pope Gregory XVI in the Vatican, migrated to the United States and began a new life in New York City. There he proudly became a naturalized American citizen in 1852.

It was on a return trip from Mexico that Constantino Brumidi first saw the U.S. Capitol. It was a fortuitous twist of fate: at a time when Congress and President Franklin Pierce were preparing to expand the Capitol, a wordclass Italian American artist, who just happened to be passing through Washington, inspired by both the freedoms and liberties represented by the seat of Congress and the vast open spaces in the Capitol that seemed to invite frescos and murals, offered his services to Quartermaster General Montgomery C. Meigs. Wisely, Meigs commissioned Brumidi to become the artist of the Capitol.

Brumidi's first work was in the Agricultural Committee room. This masterpiece received such favorable attention that he was given a raise and tasked with painting other larger works culminating with the works in the Capitol Rotunda.

□ 1530

There is no work in the Capitol more impressive or more renowned than "The Apotheosis of Washington." Brumidi completed the fresco in 11 months at the end of the Civil War, soon after the new dome was completed. This absolutely stunning work soars 180 feet above the Rotunda floor. To compensate for the distance from the floor to the ceiling, Brumidi, who spent years mastering depth and scale, painted 15-foot tall figures so that the work could be appreciated from the Rotunda floor.

Another Brumidi masterpiece, "The Frieze of American History," appears just underneath the dome and spans the entire 360 degrees of the Capitol Rotunda. The frieze, which initially looks to be carved or sculpted, as all who view it believe it to be three dimensional, was, in actuality, meticulously painted with the use of scaffolding. While Brumidi first sketched a design of the frieze in 1859, Congress did not authorize work to begin on this piece until 18 years later, in 1877.

The work masterfully displays America's history, beginning with the landing of Christopher Columbus and continuing to the discovery of gold in California. While many visitors to the Capitol have seen Brumidi's genius in the frieze over the years, they may not realize that he nearly lost his life while painting it. While working on a figure of William Penn, 76-year-old Brumidi fell from the scaffolding, but saved himself by clinging to the rung of a ladder for 15 long minutes before he was rescued. While he subsequently ascended the scaffolding once more to continue his work, he died a few months later in 1880. It took two additional artists and 73 years to finish the masterpiece that Constantino Brumidi first began.

Mr. Speaker, Constantino Brumidi's service to the Capitol, and our country, span the administration of six, six Presidents: Franklin Pierce, James Buchanan, Abraham Lincoln, Andrew Johnson, Ulysses S. Grant, Rutherford B. Hayes. On and on, Brumidi worked. All of us here in the Capitol that have the privilege of working in this living museum, as well as the millions of visitors that tour our building each year, who admire and relish Brumidi's works, but precious few know the story of the artist of the Capitol.

In addition to awarding Constantino Brumidi with the Congressional Gold Medal, S. 254 directs the Architect of the Capitol to display the gold medal as an exhibition in the new visitor's center dedicated to Brumidi's life and work. I believe such an exhibit is long past due and would be to the benefit of future generations of Americans who come to see the Capitol and admire the brilliant works of Constantino Brumidi, reminding us yet again that we are a Nation built by immigrants.

Mr. Speaker, Constantino Brumidi was a great son of Italy and a great American. His achievements are a great source of pride for Italian Americans, and S. 254 would bestow Brumidi, and the Italian American community, with the recognition the artist's great contributions so rightly deserve.

Special thanks are due to Representative BILL PASCRELL from New Jersey, the main sponsor of this bill that we have before us in the House today.

And I'd like to acknowledge the hard work and dedication of somebody who visits us here in the gallery today, Mr. Speaker, Joseph Grano, who's the president of the Constantino Brumidi Society, for his long and tireless efforts on this behalf.

Mr. Speaker, this is a great day for those who love fine art, creativity, American history, and who appreciate the contributions of Italian American immigrants and all immigrants for the culture and history of our country.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise in support of S. 254, a bill to award a Congressional Gold Medal honoring the great artistic work of Constantino Brumidi on this great Capitol building. The bill was introduced by Senator ENZI and has 99 cosponsors in the Senate, and in the House, a companion bill was introduced by our colleague, Mr. PASCRELL, which has 307 cosponsors.

As we've heard much of Mr. Brumidi's history, he created artworks in the House of Representatives Chamber, many committee rooms, the President's Room, the Senate Chamber, and throughout the corridors of the Capitol. His most famous work within these halls is "The Apotheosis of George Washington," which appears on the Capitol dome in the Rotunda. Mr. Brumidi painted these hallowed halls, and in so doing, he depicted the narrative that is the vivid history of these United States.

Born in Italy in 1805, Constantino Brumidi studied at the Italian Academy of the Arts. In 1852, at the age of 47, he emigrated to America and devoted the rest of his years completing frescoes, sculptures, and paintings in the Capitol Building.

The story of Constantino Brumidi is important not only because he was the artist who gave life to these walls, but because his story is the American story. He was an immigrant to this country, and he used the skill that he had to contribute what he could. In the process, he, like millions of others, built this country into what it is today. Immigrants built this Nation's building, constructed its factories, fed its people, and when called upon, defended its sovereignty. Men and women from this great Nation's inception contributed whatever they could to make this Nation better.

Constantino Brumidi contributed his talents as an artist. And now, because of his efforts, we and all who walk through the Capitol may see not only his talent but this country's history and be filled with the same sense of awe and hope that filled those who walked these halls before us. That, ladies and gentlemen, is a wonderful gift.

On February 19, 1880, at the age of 74, Constantino Brumidi died four-and-a-half months after falling from a scaffolding while working on the Rotunda frieze that chronicles the history of America. He spent his entire time in this country contributing and attempting to fulfill his life's goal. He said, "My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on Earth in which there is liberty."

As we stand here today and walk these halls, it is clear to all that Constantino Brumidi accomplished his goal.

This bill awards Constantino Brumidi the Congressional Gold Medal for his contribution. The medal will be displayed in the Capitol Visitor's Center as part of a display honoring his work.

Mr. Speaker, I urge the bill's immediate passage.

I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I yield 6 minutes to the sponsor of the bill, Bill Pascrell of New Jersey.

Mr. PASCRELL. Mr. Speaker, I am very proud to stand in strong support of S. 254, or H.R. 1609 in the House, to award this posthumous Congressional Gold Medal to Constantino Brumidi which would be displayed in the Capitol Visitor's Center. This American immigrant was the creator of some of the most beautiful works of art in the United States Capitol Building.

As the sponsor of the House version of this bill and as cochair of the Congressional Italian American delegation, this is an issue very close to me, Mr. Speaker.

Now, these things don't happen in a vacuum. I want to express my sincere gratitude to Senator ENZI and Senator CLINTON, to Congresswoman CAROLYN MALONEY, to Congressman JOHN MICA, to Congressman ZACK SPACE and GUS BILIRAKIS, and my very close friend GARY ACKERMAN, JOHN SARBANES, MICHAEL BURGESS, and RICK RENZI for their tireless work in garnering support for this worthy initiative.

If it were not for the diligent advocacy efforts of the Constantino Brumidi Society, the American Hellenic Educational Progressive Association, and the National Italian American Foundation, we would not be standing here today. It's as simple as that.

Born in Rome of Italian and Greek heritage in 1805, Constantino Brumidi trained in drawing, painting and sculpture at Rome's prestigious Accademia di San Luca.

In 1840, this rigorous artistic training was put on display when Brumidi and several other artists were commissioned to restore the richly decorated frescos in the Vatican Palace.

He immigrated to the United States in 1852, with nothing in his pocket, and when he died, he had nothing in his pocket. His only objective was to come here and become an American citizen, and he did that in 5 years. He gave it all, as you walk through this beautiful edifice of freedom that everyone knows all over the world.

In 25 years, from 1854 to 1879, he decorated the Capitol with murals and frescos. His frescos in this Capitol were probably the first true frescos to be painted in the United States of America.

Brumidi believed that the classical architecture of the Capitol Building required real fresco, like the palaces of Augustus and Nero, and the baths of Titus and Livia at Rome, and the admired relics of the painting at Herculaneium and Pompei.

His art drew heavily on his training and experience in Rome, incorporating the history and symbols of the United States into his classical repertoire. His most significant influences included ancient Greek and Roman wall paintings and Raphael's classical decoration in the Vatican.

Although he's often called the Michelangelo of the Capitol, this immigrant who came here and gave everything to this country, Brumidi perhaps should be called the Raphael of the Capitol, since it was Raphael who was his greatest inspiration.

Brumidi's creations in the Capitol Building include his masterpiece, the allegorical fresco, "The Apotheosis of Washington," in the 4,664-square foot canopy over the eye of the dome, 180 feet above the floor of the Rotunda. He also painted the extensive frescos in the Brumidi corridors throughout this Capitol.

His last years were spent painting the historic scenes in the Rotunda frieze, even carrying out his own historic research for his work.

Outside of his work in this Capitol, he also was well-connected in the Catholic church. His commissions included altar pieces and murals in important cathedrals in Mexico City, New York City, Washington, Baltimore, and Philadelphia.

The consummate American, Brumidi is reported to have remarked: "My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on Earth which there is liberty."

Sadly, at the time of his death in 1880, as I said, he was penniless. Following his death, his work was roundly criticized by the artistic establishment of his day. However, the 1970s, not that far long ago, brought a renewed appreciation for Victorian architecture and decoration and the growth of the historic preservation, and work was done to restore Brumidi's art to its former glory. Today's scholars are able to fully comprehend the full extent of his talent.

Even though he is long gone, it is imperative that we fully recognize the transcendental beauty, the intricate grace he brought to the building that we stand in and that we work in every day.

There is widespread bipartisan support for this initiative. You heard how many cosponsors in the Senate, as my good friend from West Virginia pointed out how many, 307, right here in the House of Representatives. What great testimony.

I urge my colleagues, Mr. Speaker, to support this legislation and to remember the background of this individual, his Italian and his Greek heritage, and think of all the immigrants when we think of Brumidi and his contributions.

Mrs. CAPITO. Mr. Speaker, I yield as much time as he would consume to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Thank you very much.

Mr. Speaker, I rise today with great pride in support of Senate bill 254 to posthumously award Constantino Brumidi the Congressional Gold Medal. We have just heard from the previous speakers the life and times of this inspired artist with whom I'm very proud to share the same Greek heritage.

Many walk through the halls of Congress, but do not know much about the man who dedicated most of his professional life to beautifying it.

Constantino Brumidi, a Greek and Italian immigrant, came to America in search of freedom and opportunity. What he accomplished rivals most any immigrant success story. Constantino Brumidi's life and work exemplify the lives of millions of immigrants who came to pursue the American dream.

☐ 1545

Soon after becoming an American citizen, Brumidi was commissioned to decorate the structure which houses the greatest democratic institution in world history. This feat is a testament both to Brumidi's resolve, and our great Nation's willingness to embrace those who want to share in the American dream.

I would also love this award to be accompanied with a statue that would adorn the Capitol Visitors Center. That's why I have introduced H.R. 1313. A statue of Brumidi, along with a Congressional Gold Medal, will serve as a shining example of American ideals and inspire people everywhere who wish to embrace freedom.

While it has taken over 130 years, it is never too late for the installment of this Gold Medal in recognition of the contributions of Constantino Brumidi to the Nation. Congratulations, and I urge all my colleagues to support this bill.

Mr. ACKERMAN. Mr. Speaker, at this time, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank my good friend and colleague from the great State of New York for his hard work on this and so many endeavors. And I rise today, as the cochair and cofounder on the Congressional Caucus on Hellenic Issues, in strong support of S. 254, to award posthumously a Congressional Gold Medal to Constantino Brumidi.

I'm so pleased to join 307 of my colleagues here in this legislative body. We were led so well by our colleague and good friend, Representative PASCRELL. And we acknowledge the hard work of Congressman PASCRELL and also the Hellenic Caucus and the Italian-American Caucus in getting the necessary cosponsors.

Brumidi was the son of a Greek father and an Italian mother. He fled Rome and immigrated to the United States in 1852. From 1868 to 1879, he was a resident in my congressional district of New York City. And while he was there, he painted 43 murals at St. Stephen's Church, which is in my district, and scholars come from around the world to study his work there, and here in the Capitol.

He is most famous, however, for his artistic achievement here in our great Capitol. "The Apotheosis of George Washington" on the dome in the Rotunda is one of the highlights of his brilliant work. He was called the Michelangelo of the Capitol.

He worked flat on his back on wooden scaffolding through the intense summer temperatures, and he created masterpieces throughout our Capitol. His artwork can be found in the Chamber, the House of Representatives Chamber, several committee rooms, the President's Room, the Senate Reception Room, and truly throughout the corridors of our Capitol. I am thrilled that we are recognizing such an outstanding artist and an important contributor to the history of art and the history of our Nation.

The Capitol building is special because of its beautiful architecture and priceless artistic treasures. Without Brumidi's influence, tours of the Capitol simply would not be certainly as beautiful or interesting to Americans. He is truly deserving of the honor we are bestowing upon him. Like many immigrants, he has brought many treasures to our country.

I thank all my colleagues on both sides of the aisle for their important work in bringing this legislation to the floor.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the Senate bill, S. 254.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF MANUFACTURED HOUSING IN THE UNITED STATES

Mr. DONNELLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1010) recognizing the importance of manufactured housing in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1010

Whereas manufactured housing plays a vital role in meeting the housing needs of the people of the United States and is an important source of quality, affordable housing, including both homeownership and rental housing;

Whereas the manufactured housing industry in the United States has approximately $6,000,000,000 annually in sales and employs approximately 70,000 people in factories and retail centers alone;

Whereas 18,000,000 people in the United States, representing all segments of the population, including emerging demographics, live in manufactured homes;

Whereas because it is an important source of affordable housing, manufactured housing is a critical part of the solution to the ongoing crisis in the housing market in this Nation;

Whereas the factory production process provides manufactured housing with technological advantages, value, and customization options for consumers seeking quality housing and sustainable homeownership;

Whereas manufactured homes are built to a national standard under the National Manufactured Housing Construction and Safety Standards Act of 1974, which governs construction, engineering, quality, safety, and systems performance;

Whereas that Act supports innovation, consumer safety, efficiency, and quality while preserving the affordability and customization of manufactured housing;

Whereas creating affordable homeownership opportunities helps build communities and requires the cooperation of the private and public sectors, including the Federal Government and State and local governments;

Whereas the laws of the United States, such as the Manufactured Housing Improvement Act of 2000, encourage manufactured housing homeownership and should continue to do so in the future;

Whereas June is designated as National Homeownership Month; and

Whereas the third week of June is recognized as Manufactured Housing Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of manufactured housing in providing decent, sustainable, and affordable housing;

(2) recognizes the importance of manufactured housing in contributing to homeownership in the United States;

(3) recognizes the importance of homeownership, including homeownership of manufactured homes, in building strong communities and families; and

(4) recognizes and fully supports the goals and ideals of Manufactured Housing Week and National Homeownership Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DONNELLY. Mr. Speaker, I yield myself as much time as I may consume.

Today, I rise in strong support of House Resolution 1010, a resolution honoring the importance of manufactured housing to our country.

As we celebrate homeownership during the month of June, we also honor the third week of this month as Manufactured Housing Month, recognizing that manufactured homes offer hardworking American families the option to purchase quality homes at an affordable price.

This $8 billion a year industry provides jobs for people not only in the Second District of Indiana, but throughout our country. More than 18 million people live in over 10.5 million homes. I have seen firsthand in my district how these homes have continued a tradition of quality and safe construction over the years. They present a high-quality, affordable housing option for all families.

Mr. Speaker, manufactured housing has come a long way over the years, and often people cannot tell the difference between a modular home and a site-built home. Manufactured homes have a factory production process which provides technological advantages, value, and customization options for consumers seeking quality housing and sustainable homeownership.

Additionally, manufactured homes are built to a national standard under the HUD Code, which governs the construction, the engineering, the quality, safety, and systems performance. The HUD Code supports innovation, consumer safety, efficiency, and quality while preserving manufactured housing's affordability and its customization.

We have all witnessed the ongoing turmoil in the housing market, and I believe it is essential that we look to affordable manufactured housing as a viable solution to this problem.

Creating affordable homeownership is one of the fundamental building blocks of our society, and it plays a fundamental role in achieving the American Dream. It helps to provide families with economic security and build strong communities.

I urge my colleagues to support this resolution today and pass House Resolution 1010.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of H. Res. 1010, which recognizes the importance of manufactured housing in the United States.

Manufactured housing plays an important role in meeting this country's housing needs and is an important source of quality, affordable housing, including both homeownership and rental housing. In recent years, manufactured housing placements accounted for more than one-quarter of all new housing starts.

Despite the country's overall drop in home prices, the need for quality, affordable housing has never been greater. Because it is an important source of affordable housing, manufactured housing should be viewed as a critical part of the solution to the ongoing troubles in our housing market.

Today's manufactured homes can deliver quality dwellings and at prices ranging from 10 to 35 percent less per square foot than conventional site-built homes. These savings allow more and more Americans to own their own home or access affordable rental housing units.

The manufactured housing industry has evolved in the last decade to deliver a better quality, more affordable product. The affordability of manufactured housing is mainly attributable to the efficiency of the factory process. The controlled environment and assembly-line techniques remove many of the problems of the site-built sector, such as poor weather, theft, vandalism, and damage to building products and materials stored onsite. Also, factory employees are trained, scheduled, and managed by one employer as opposed to the system of contracted labor on a site-built sector.

As a Congress, we must do all we can do encourage affordable rental and homeownership opportunities for all Americans. Today's manufactured housing industry helps build communities and supports innovation, consumer safety, efficiency, and quality while preserving the affordability and customization of its housing units.

The legislation before us recognizes and fully supports the goals and ideals of Manufactured Housing Week, and I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DONNELLY. Mr. Speaker, I yield as much time as he may need to the cochair of the Manufactured Housing Caucus, Mr. ETHERIDGE of North Carolina.

Mr. ETHERIDGE. I thank my friend, Congressman DONNELLY, for yielding to me.

Mr. Speaker, I am pleased to support H. Res. 1010, recognizing the importance of manufactured housing in the United States.

Unfortunately, far too many homeowners are facing difficulties during this current National Homeownership Month. Housing prices are dropping, home sales are stagnating, and thousands of families are facing the prospect of foreclosure.

Manufactured housing can provide a sustainable and affordable housing alternative. Instead of being trapped in exotic mortgages with high interest rates, many Americans can choose cost-effective manufactured housing. This sector of the housing market has also experienced an evolution in the types and quality of homes that they build, offering a wide array of designs that can fit the needs of more families.

In addition, Congress has passed legislation that provides tax credits for the builders of these homes to meet energy efficiency standards. These Energy Star labeled homes are more energy efficient and can provide savings in the face of rising energy costs.

Manufactured housing can be a critical component in achieving two of HUD's most important priorities, providing increased affordable housing, and reducing dependencies on subsidized housing.

In addition, as a member of the Homeland Security Committee, I also recognize the importance that manufactured housing can play in the wake of a natural disaster. Manufactured housing can provide a quick, safe, and efficient way to house these victims and provide families with shelters as they put their lives back together.

Owning a home is a large part of the American Dream. I support this resolution as well as the goals and ideals of Manufactured Housing Week. I urge my colleagues to vote for the passage of H.R. 1010.

Mrs. CAPITO. Mr. Speaker, I would like to yield such time as he may consume to my colleague from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentlelady.

I rise in support of H. Res. 1010. As a cosponsor of my neighbor and colleague Mr. DONNELLY's resolution, I appreciate his leadership.

I very much appreciate Chairman FRANK's backing this and Congressman CAPITO, and others, because this is an important resolution to recognize the importance of manufactured housing, particularly in the third week of June as the Manufactured Housing Week.

As you've already heard, manufactured housing is a largely underappreciated segment of our Nation's housing industry, even though it uniquely provides both high-quality and affordable housing for millions of Americans.

Companies in my district are numerous across northern—and particularly north central—Indiana—the center of the recreational vehicles industry, as well as manufactured housing. Fairmont in Nappanee, Four Seasons in Middlebury, Patriot in Elkhart, as well as Liberty in Goshen. Forest River has the Hart Homes. We have Coachman. Fleetwood has a huge facility just south of Fort Wayne in Decatur, Schulte Homes. And I could go on with a list. Up to 4,000 jobs in the Third Congressional District in Indiana are related to manufactured housing directly.

Most Americans do not understand how far this housing industry has developed, and the industry suffers from many unfair stereotypes. No longer is manufactured housing the domain of so-called trailer parks on the outskirts of town. In fact, many Americans, even in the typical leafy subdivisions, share a fence with a manufactured home and they don't even know it. For example, this one from Liberty Homes shows the island kitchen. You see them with vaulted ceilings, four- and five-bedroom homes only for 20, 30, $40,000 less than a site-built home.

☐ 1600

For example, a beautiful two-story deluxe 2,000-square-foot multisectional home in my district can sell for just over $100,000, as I said, 10 to 35 percent less than a site-built home. They also gain in energy efficiency. The quality of manufactured homes was shown by the fact that on the gulf coast, among those that best withstood the high winds of Hurricanes Katrina and Rita were manufactured homes. Indeed, in some neighborhoods, manufactured homes were the only ones left standing after the storms blew through.

Given manufactured housing's dual strength in both superior price and quality, we need to recognize and salute this industry. It is a frustrating time in housing as we look at the those who took advantage in the financing end of people's ability to repay or overvalued the homes. But we need to make sure that low- and middle-income people who are striving for better housing can still have access to affordable housing, and manufactured housing is a critical part of that.

We have also seen much alarm in nonscientific facts relating to formaldehyde. Formaldehyde is in the wood. It is not in any particular kind of housing. It's on this House floor. It's in these seats. It's in the Speaker's podium. The question is the size and scale of the unit because formaldehyde is a repellant and an adhesive. And we need to have scientific facts. The fact is that all homes contain wood. It has nothing to do with any particular category. And many thousands of people can have their jobs endangered because of nonscientific political bashing of particular categories. Manufactured housing, in fact, has the same characteristics in this regard as traditional site-built housing.

We also need to make sure that as we look at down payment requirements, and how we deal with very difficult subjects as we go into the housing market, that we understand that manufactured homes, in fact, have the same appreciation as site-built homes. It is just often because they are more affordable, the individuals may not have the same income mix. And we need to figure out a way to make sure that people have access to good quality housing, and that is the American Dream.

I thank the thousands of workers in my district, Mr. DONNELLY's district and across this entire Nation who are providing affordable housing so people can live the American Dream.

Mr. DONNELLY. I want to thank my good friend, Mr. SOUDER, from the district right next to me. We work together on so many issues. I also thank Mrs. CAPITO.

I continue to reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I would like to yield as much time as he may consume to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank the gentlelady. I thank my good friend, Mr. DONNELLY, and Chairman FRANK.

Manufactured housing, as has been said, plays a vital role in meeting the needs of families to get affordable, attractive and safe housing throughout our country. There are some 18 million Americans that live in manufactured housing in America. And as the gentleman from Indiana just said, the quality and the attractions just get better every day. It is an important source of quality affordable housing, and it helps new entry-level buyers as well as retirees trying to downsize on both ends of the housing spectrum, whether getting in for the first time or they're living perhaps in the last home that they will own.

It is a responsible means of homeownership that can play a major role in the solution to America's affordable housing problem. The average price of today's manufactured housing hovers somewhere around $48,000, and in a challenging mortgage market where fewer and fewer people have access to credit, this is one way to solve the problem that many homeowners have.

There are lots of homeowners today throughout America that are losing their homes in foreclosure. And yet because of the affordable nature of manufactured housing, they have not seen a dramatic rise in most places as we have in some communities in the rate of foreclosure throughout the country. Manufactured housing is an important component of the solution for affordability and access to the American Dream for every American.

June is designated as the National Home Ownership Month. One of the great choices Americans have is for quality manufactured housing. Again, I thank the sponsor of the bill.

Mr. DONNELLY. Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. I yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and agree to the resolution, H. Res. 1010.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EDWARD WILLIAM BROOKE III CONGRESSIONAL GOLD MEDAL ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 682) to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Edward William Brooke III Congressional Gold Medal Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979.

(2) In 1960, Senator Brooke began his public career when Governor John Volpe appointed him chairman of the Boston Finance Commission, where the young lawyer established an outstanding record of confronting and eliminating graft and corruption and proposed groundbreaking legislation for consumer protection and against housing discrimination and air pollution.

(3) At a time when few African Americans held State or Federal office, Senator Brooke became an exceptional pioneer, beginning in 1962, when he made national and State history by being elected Attorney General of Massachusetts, the first African American in the Nation to serve as a State Attorney General, the second highest office in the State, and the only Republican to win statewide in

the election that year, at a time when there were fewer than 1,000 African American officials in our nation.

(4) He won office as a Republican in a state that was strongly Democratic.

(5) As Massachusetts Attorney General, Senator Brooke became known for his fearless and honest execution of the laws of his State and for his vigorous prosecution of organized crime.

(6) The pioneering accomplishments of Edward William Brooke III in public service were achieved although he was raised in Washington, DC at a time when the Nation's capital was a city where schools, public accommodations, and other institutions were segregated, and when the District of Columbia did not have its own self-governing institutions or elected officials.

(7) Senator Brooke graduated from Paul Laurence Dunbar High School and went on to graduate from Howard University in 1941.

(8) Senator Brooke's enduring advocacy for self-government and congressional voting rights for the citizens of Washington, DC has roots in his life and personal experience as a native Washingtonian.

(9) Senator Brooke served for 5 years in the United States Army in the segregated 366th Infantry Regiment during World War II in the European theater of operations, attaining the rank of captain and receiving a Bronze Star Medal for "heroic or meritorious achievement or service" and the Distinguished Service Award.

(10) After the war, Senator Brooke attended Boston University School of Law, where he served as editor of the school's Law Review, graduating with an LL.B. in 1948 and an LL.M. in 1949, and made Massachusetts his home.

(11) During his career in Congress, Senator Brooke was a leader on some of the most critical issues of his time, including the war in Vietnam, the struggle for civil rights, the shameful system of apartheid in South Africa, the Cold War, and United States' relations with the People's Republic of China.

(12) President Lyndon B. Johnson appointed Senator Brooke to the President's Commission on Civil Disorders in 1967, where his work on discrimination in housing would serve as the basis for the 1968 Civil Rights Act.

(13) Senator Brooke continued to champion open housing when he left the Senate and became the head of the National Low-Income Housing Coalition.

(14) Senator Brooke has been recognized with many high honors, among them the Presidential Medal of Freedom in 2004, an honor that recognizes "an especially meritorious contribution to the security or national interests of the United States, world peace, cultural or other significant public or private endeavors"; the Grand Cross of the Order of Merit from the Government of Italy; a State courthouse dedicated in his honor by the Commonwealth of Massachusetts, making him the first African American to have a State courthouse named in his honor; the NAACP Spingarn Medal; and the Charles Evans Hughes award from the National Conference of Christians and Jews.

(15) Senator Brooke's biography, Bridging The Divide: My Life, was published in 2006, and he is the author of The Challenge of Change: Crisis in Our Two-Party System, published in 1966.

(16) Senator Brooke became a racial pioneer, but race was never at the center of his political campaigns.

(17) He demonstrated to all that with commitment, determination, and strength of character, even the barriers once thought insurmountable can be overcome.

(18) He has devoted his life to the service of others, and made enormous contributions to our society today.

(19) The life and accomplishments of Senator Brooke is inspiring proof, as he says, that "people can be elected on the basis of their qualifications and not their race".

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule the, gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this bill was sponsored in the Senate by our very cherished colleague, Senator KENNEDY, who served with former Senator Brooke for many years. It has been carried in the House with great vigor and care by our colleague from the District of Columbia (Ms. NORTON) and I yield her such time as she may consume.

Ms. NORTON. Mr. Speaker, I thank my good friend, the dean of the Massachusetts delegation, not only for his assistance but for his generosity in yielding to me first on this bill that I sponsored along with him and the entire Massachusetts delegation.

I have to begin by thanking the many, many Republicans and Democrats who are part of the two-thirds that are necessary to award the Congressional Gold Medal. As you are aware, it is a pretty arduous process. In this case, it was not because of the underlying substance of the bill, but because when Members sign on to a bill they obviously have to know something about it. And you have to go from Member to Member.

I am pleased to say that many, indeed most, remembered Senator Brooke, who is alive, and I would say alive and well, if you could talk with him. He has had some illness. I will speak of it in a moment. Of course, it was necessary to remind others of Senator Edward Brooke who became the first African American elected to the United States Senate in 1967 presciently ahead of his time. He was the first popularly elected Black Senator.

I thank Members because I never encountered a Member who didn't see Senator Brooke as a historic figure worthy of the highest award the Congress can give, the Congressional Gold Medal.

Senator EDWARD KENNEDY, of whom the gentleman from Massachusetts spoke, quickly gathered his two-thirds. Our thoughts and prayers are with him. The thoughts and prayers of the American people have been with him since his illness was discovered. He quickly gathered his two-thirds and passed this bill in the Senate. His colleagues understood Senator Brooke's accomplishments in that "club," after all. He was able to get not only his colleagues to sign on quickly but to get the bipartisan leadership. The majority leader, Mr. REID, the assistant leader, Mr. DURBIN were cosponsors. The minority leader, Mr. MCCONNELL, was a cosponsor. Senators TED STEVENS, JOHN WARNER and JOHN KERRY were cosponsors. That gives you the flavor of the degree of respect former Senator Brooke enjoys.

Now, I must say for the RECORD that Senator Brooke is a man who is known for his modesty. He never expected the Congressional Gold Medal. When I approached him to tell him I thought he deserved it, he warned me away from this effort. But he should have expected it. President Bush, 4 years ago, awarded Senator Brooke the Nation's highest medal, the Presidential Medal of Freedom Award. But after all, Senator Brooke was a Member of the United States Congress.

We noted last week the first African American was nominated for the presidency by a major party. The country deserves the self-congratulations it took for the distance it has come and that Senator Obama's nomination signaled.

We must remember, however, that Senator Brooke was elected to the Senate from the State of Massachusetts as a Republican. In 1967 our country was just starting down the road we are traveling and towards the landmark we saw last week. After all, the 1964 Civil Rights Act had just been passed. The 1965 Voting Rights Act had just been passed. We are talking 1967, when Senator Brooks was first elected.

1967 was the beginning of the urban disturbances known as "the riots," which swept the country even before Martin Luther King's assassination, and even before Senator Robert Kennedy's assassination. There was an openly hostile climate to issues affecting race. And racial attitudes were often retrograde.

Mr. Speaker, I began this effort and began to think about Senator Brooke during the struggle for the D.C. Voting Rights Act because the analogies to our struggle and to his seem to me inescapable. Senator Brooke is a native Washingtonian. He spent his entire life in this city. He never left the city until he went to the Armed Forces of the United States of America. The Senator grew up in this city when there was no example of democracy, much less a public official to emulate. There was no vote for President when he grew up in the District of Columbia. There was no self-government at all. The city was run by three commissioners from the Congress of the United States. It had been kept a segregated city by the Congress of the United States. So the medal for Senator has a double symbolic quality for those of us who live in the District of Columbia.

What is most amazing about Senator Brooke is he seemed undaunted by any of the so-called barriers he encountered. The city was as segregated as any southern city in the United States. He went to public schools that will be familiar to D.C. residents—Shaw Junior High School and Dunbar High School were still segregated when I was graduating. He went to Howard University for his college education and then stayed right here to go to Howard Law School. How could Senator Brooke have thought of himself as a Senator?

He probably, at the time he was at Dunbar and at Howard, did not think about the fact that he would be the first African American attorney general in the United States and the first African American popularly elected to the Senate. He could hardly have thought as a Republican who attained these offices in a heavily Democratic State then and now—that that would be his fate. But he had no fate. He obviously had only his own sense of aspiration of who he was.

During his time in the Senate from 1967 to 1979, Senator Brooke was a strong advocate for the rights of D.C. residents who had nobody, had got home rule only during his time, strong advocate for home rule, got a delegate during his term, pressed hard for that. And he has been a major advocate for the pending D.C. Voting Rights Act, which again I thank this House for passing in 2007. He made calls to Senators urging passage. And during his book tour last year he spoke of the importance of passage of the D.C. Voting Rights Act. His book tour concerned the publication of his autobiography, "Bridging The Divide: My Life."

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Senator Brooke has breast cancer. Speaking of obstacles, he has regarded his recovery from this disease as an important obligation to educate men about the disease. He obviously has had some of the illnesses associated with being 88 years old, but I must say his robust mind leads me to believe that he will attend the ceremony in the Capitol Rotunda if we award him this medal. It is an amazing accomplishment that with all these strikes against him, he didn't even seem to notice.

So 208 years since the framers of our Constitution expected Congress to grant DC voting rights once it became the capital under its jurisdiction, in this very year when we expect in fact to get that right, I ask this House to do what it has already done for voting rights and to award the Congressional Gold Medal to our native son. We are close to voting rights. It was filibustered, but we believe we can break that now.

I want to leave you with the Senator's own words when we told him that we were seeking the medal for him. He wrote this letter, which I ask to be entered into the RECORD, to his Republican colleagues, and he wrote a similar letter to his Democratic colleagues or former colleagues here, and I am quoting the Senator: "As much as I would appreciate such a high honor from my peers, I would place even greater priority on a full House vote for the American citizens who live in my hometown. The right for citizens of the city where I was born and raised was not achieved when I was a Member of Congress. Witnessing the District of Columbia obtain the right to be represented in the House with votes cast by Republicans would mean more to me than any honor that I could achieve as an individual."

I said he was modest. He means it. I think he means that sentiment. I ask that Senator Brooke be awarded the Congressional Gold Medal.

MARCH 21, 2007.

DEAR DEMOCRATIC MEMBERS: I have written to Republican Members of the House as a life-long Republican and a native Washingtonian, who was privileged to serve as the first African American elected by popular vote to the U.S. Senate (Massachusetts from 1967–1979). I am writing to Democrats as well to thank you for your long support of voting rights and home rule for my hometown, and to ask you to cast your vote for H.R. 1433, the District of Columbia House Voting Rights Act of 2007. I grew up in the District when it was as segregated as other Southern cities, including the city's public schools, and I was educated at Howard University. We had no local or federal rights, even to govern ourselves or to vote for President, and no one to represent our concerns in the Congress. A Democratic Congress changed all of that when Democrats and a Republican president granted the citizens of the nation's capital home rule and a delegate to the House. Now you have another historic opportunity to grant these tax-paying citizens the full representation in the "People's House" that they deserve.

At 87 years of age, I have had rare privileges and honors as an American citizen that few Americans, particularly residents of the District have never enjoyed. At a recent press conference at the Capitol held by senators to celebrate my recently published autobiography, I learned that members of my congressional delegation and others were seeking for me the highest congressional honor, the Congressional Gold Medal. I could not help but be overwhelmed, but I had to say that as much as I would appreciate such a high honor from my peers, I would place even greater priority on a full House seat for the citizens of my hometown.

I was elected as the nation's first Black attorney general and then as the first African American elected by popular vote to the United States Senate when Black Americans running for state wide office seemed the stuff of fantasy. However, I had to leave my hometown to become a Member of Congress or be represented at all. Nothing would mean more to me, particularly at this stage in my life, than witnessing Democrats and Republicans voting together to afford voting rights to the citizens of the District of Columbia.

I believe that Voting Rights Reauthorization in 2006 and the D.C. House Voting Rights Act of 2007 are equivalent in their historic purposes and deep meaning. Both bills are the same in extending long-denied congressional voting rights, and in the District's case, to an African American city as well. I lived in the District until I joined the Army and was proud to serve as a combat infantry officer in [captain during] WWII. The experience of living in a segregated city and of serving in our segregated Armed forces helps explain why the pending D.C. House Voting Rights Act is so important to me personally.

I have been heartened by the strong support of the Democratic leadership and committee chairs and members who are swiftly bringing this bill to the floor early in the session. The bill has passed twice by overwhelming majorities in the Oversight and Government Reform Committee and this year by a two-to-one vote by the Judiciary Committee. I ask that you join the large majorities in those committees and vote for H.R. 1433.

I am grateful for your work and attention to voting rights for all Americans.

Sincerely yours,

EDWARD W. BROOKE,
U.S. Senator, Retired.

MARCH 21, 2007.

DEAR FELLOW REPUBLICAN: As a proud life-long Republican, an African American, and a native Washingtonian, I was not destined to become a United States Senator when I was elected in 1966. Yet, I served with some of you as a senator from Massachusetts (1967–1979). It is the Republican Party that gave me the opportunity not only to run, but also to serve statewide in offices that even now are still rare for African Americans to achieve. The Republican Party allowed me not only to represent others. The Republican Party allowed me to be represented in the

Congress of the United States. I am asking you to do the same for the tax paying citizens of my home town and to vote for passage of the District of Columbia Voting Rights Act of 2007.

Last year, I was especially proud to watch my party lead the passage of the reauthorization of the historic 1965 Voting Rights Act and to see a member of my party, Representative Tom Davis of Virginia, initiate a similar bill for the District of Columbia. Now you have before you another historic voting rights bill. At 87 years of age, I have had rare privileges and honors as an American, including the nation's highest honor generously given to me two years ago by President George Bush. At a recent press conference at the Capitol held by senators to celebrate my recently published autobiography, I learned that members of my congressional delegation and others were seeking for me the highest congressional honor, the Congressional Gold Medal. I could not help but be overwhelmed, but I had to say that as much as I would appreciate such a high honor from my peers, I would place even greater priority on a full House seat for the American citizens who live in my home town. This right for citizens of the city where I was born and raised was not achieved when I was a member of Congress. Witnessing the District of Columbia obtain the right to be represented in the House with votes cast by many Republicans would mean more to me than any honor I could achieve as an individual.

I will always be grateful to the Republican party that pressed and strongly supported my candidacies, as the nation's first Black attorney general and then as the first African American elected by popular vote to the United States Senate. Republicans were first in their willingness to break ancient barriers, in the 1960's, when Black Americans running for statewide office seemed the stuff of fantasy. I was able to run and win because the Republican Party never wavered because of my race in a state where only two percent of the residents were Black. I hope you will not hesitate now in granting my hometown a vote in the House of Representatives for the first time in the two centuries of the city's existence as our nation's capital.

The Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 and the DC House Voting Rights Act of 2007 are equivalent in their purposes and their deep meaning. Both bills are the same in extending long-denied congressional voting rights, and in the District's case, to a majority Black city as well. I grew up in the District when it was as segregated as other Southern cities, including the city's public schools, and was educated at Howard University. We had no local or federal rights, even to govern ourselves or to vote for President, and no one to represent our concerns in the Congress. I did not live elsewhere until I joined the Army and was proud to serve as a combat infantry officer during WWII. The experience of living in a segregated city and of serving in our segregated Armed forces perhaps helps explain why my party's work on the Voting Rights Act reauthorization last year and on the pending D.C. House Voting Rights Act has been so important to me personally. The irony, of course, is that I had to leave my hometown to get representation in Congress and to become a Member. Nothing would mean more to me, particularly at this stage in my life, than witnessing Republicans and Democrats voting together to afford voting rights to the citizens of the District of Columbia.

H.R. 1433 has been passed twice by overwhelming majorities by the Oversight and Government Reform Committee and once by a two-to-one vote by the Judiciary Committee. I ask that you join those Republicans and Democrats in voting for H.R. 1433 on the House floor.

I am deeply grateful to you for your work and attention to voting rights for all Americans.

Sincerely yours,
EDWARD W. BROOKE,
U.S. Senator, Retired.

Senator EDWARD KENNEDY, the Massachusetts delegation, Congressional Black Caucus Chair CAROLYN C. KILPATRICK, and I are proud to introduce the Edward William Brooke III Congressional Gold Medal Act. Senator Edward Brooke has been much honored as an outstanding two-term senator (1967–1979) who is still remembered for his courage and independence on the difficult issues of his time—from the Vietnam War to his leading work in the passage of the Fair Housing Act of 1968. President Bush awarded Senator Brooke the Presidential Medal of Freedom in 2004. At 87, his autobiography, Bridging the Divide: My Life tells the Senator's remarkable story. That story began here in the District of Columbia, where Senator Brooke was born and raised, and graduated from Dunbar High School and Howard University. Senator Brooke rose to the rank of captain in the segregated 366th Infantry Regiment in the U.S. Army, and won a Bronze Star Medal and the Distinguished Service Award. His autobiography reads like a personal and political adventure of a man born in the segregated capital, a city with no local elected officials or Members of Congress, who went on to become the first African American official elected statewide, when he won election as Attorney General, the second highest office in the state, and the only Republican to win statewide election that year. In 1966, Senator Brooke became the first African American elected by popular vote to the Senate of the United States. "Trailblazer" does not aptly describe the courage it took for an African American to run, much less win state-wide office as a Republican in a predominately Democratic state, where 2 percent of the population was African American.

I take special pride and pleasure in introducing this bill in the House, along with the Massachusetts delegation and the chair of the Congressional Black Caucus. My Massachusetts colleagues justifiably claim Senator Brooke as a son of Massachusetts. We in the District concede that Massachusetts voters also deserve credit in refusing to allow racial barriers, that still remain formidable in most States, overwhelm Senator Brooke's qualifications for high office. However, I hope that Massachusetts citizens will forgive the residents of the Senator's hometown if we insist that Edward William Brooke III be counted the adopted son of Massachusetts. Senator Brooke's family, the District of Columbia Public Schools, Howard University, and the proud African American community both sheltered and prepared him for his remarkable life and service to the people of Massachusetts and the Nation.

We are especially grateful for the Senator's devotion to H.R. 328, the District of Columbia Fair and Equal House Voting Rights Act of 2007. Senator Brooke has worked devotedly for passage of the pending legislation. While in the Senate, he never forgot that his hometown had no Senator and needed him, too. Speaking on the Senate floor for passage of the Voting Rights Amendment in 1978, Senator Brooke made it clear, as he does today, that this matter also was personal for him. He said, in part, "[M]y enthusiastic endorsement of House Joint Resolution 554 is based primarily on fundamental concepts of liberty and justice, but my support and interest are also intensely personal, for my roots are in Washington, DC. I was born and raised here. I attended and graduated from Shaw Junior High School, Dunbar High School, and Howard University. For as long as I can remember, I have fought, along with family and friends and colleagues, to attain the goal of providing for the citizens of the District of Columbia the same rights and privileges that other citizens throughout the Nation have enjoyed." Because the Congressional Gold Medal is the highest honor that Congress can bestow, it is necessary that at least 290 Representatives and 67 Senators sign on as cosponsors. I urge every Member of the House and Senate to become cosponsors before the end of Black History Month on February 28th.

Mrs. CAPITO. Mr. Speaker, rarely, and rightly it is rare, do we honor one of our own with the highest civilian honor we can bestow, the Congressional Gold Medal. But rules are made to be broken, and just as Ed Brooke broke an unwritten rule and became the first African American popularly elected to the Senate since Reconstruction, we should break another and honor his courage and achievements.

Just as it may be hard for college students of today to imagine segregated bathrooms and drinking fountains, it is hard for all of us to imagine a Congress without African Americans and others of color. So it is especially important to think back to the historic day when this humble man took the oath of office in the Senate 41 years ago on January 3, 1967. The America of that time, as my colleague has noted, was not far past the struggles that led to the passage of the Civil Rights Act, which this Chamber voted a couple of months ago to honor with a commemorative coin.

Mr. Speaker, many of us know the general outline of Ed Brooke's life: a soldier in the Second World War, a lawyer whose 1966 book "The Challenge of Change" focused on African Americans in the United States and on politics. I doubt that many Members know though that he was actually a native of the District of Columbia, as the gentlewoman noted.

Born here October 26, 1919, he was a graduate of both Harvard and Boston University and followed in his father's footsteps as a lawyer before being elected Massachusetts Attorney General and then on to the United States Senate, where he served two terms.

Mr. Speaker, this bill was sponsored by our colleague in the Senate, Senator

TED KENNEDY, also of Massachusetts, with 67 cosponsors, and he assured its passage before his unfortunate illness. We hope for him and his family the very best. Our prayers are with them. Here in the House a companion bill, H.R. 1000, was sponsored by our colleague Ms. ELEANOR HOLMES NORTON, and she has collected 290 cosponsors.

Mr. Speaker, this bill honors a man, Senator Ed Brooke, but it also honors an idea and an achievement, that we are all equal, and that election to the United States Senate is open to any American who can prove to the voters that his or her ideas and character are appropriate and best represent their State, regardless of race, creed or religion. We should take this opportunity to celebrate that notion.

I urge immediate passage.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. How much time remains, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 8 minutes left.

Mr. FRANK of Massachusetts. I yield myself 4 minutes.

I consider it a great honor to be able to stand on the floor of this House and as the Chair of the committee bring out the bill that would honor Ed Brooke. As a citizen of Massachusetts in 1972 and again in 1978, and as a fairly partisan Democrat, I was proud publicly to endorse him for reelection both times to the Senate.

The gentlewoman from the District of Columbia made the point he was the first African American elected attorney general and then to the Senate only shortly after this country officially said segregation was morally and legally wrong. 1954 was the Brown v. Board of Education decision, not made final until 1955 in its decree. Seven years later Ed Brooke is elected attorney general. And as we look back now, it is probably difficult for some people to understand what an important accomplishment that was. But he is not a man who should be honored simply for having broken those barriers, because having gotten the opportunity, he used it.

The committee I chair has jurisdiction over housing. As I work in the housing area, I find myself frequently trying to preserve some of the pioneering efforts on behalf of affordable housing that Ed Brooke created. I was very proud about a month or so ago when he called to say that he liked what we were doing.

I was just reminded, Mr. Speaker, when I was up in our State of Massachusetts over the weekend, that it was in 1978, in his last year in the Senate, that Ed Brooke began the policy of saying that when housing had been built with Federal help with a certain restriction that set it aside for lower income people and those restrictions expire, it shouldn't be simply sold to the highest bidder, but that public policy ought to make some efforts to preserve it for people who were in need of housing. We are still fighting that fight today.

We have something known as the Brooke amendment, one of the greatest acts of compassion ever to pass this body. It said originally that the poorest of the poor who get housing through various public programs shouldn't be expected to pay more than 25 percent of their income for housing, precisely because they have so little. That was changed, regrettably, in the eighties. I voted against it, but it was changed to 30 percent. But it is still there. It is still the Brooke amendment. It is still a major barrier to a degradation in the quality of life of lower income people, because there are those who would make them pay 40 and 50 and 60 percent of their income, depriving them and their children of the necessities of life. So it is with great pride that we fight and have fought to continue the Brooke amendment.

Senator Brooke was a leader in a number of areas. Yes, he broke the barrier of racism and became the first African American to win statewide office in Massachusetts and then to come to the Senate at a time when racism was even more virulent than it is today. We have made strides in diminishing it.

But, as I said, he didn't just do that. He was a leader in a number of areas, and particularly in the housing area. I don't believe anybody who has ever served in the Congress of the United States has a record that exceeds his.

So I am delighted to join under the leadership of our colleague Senator KENNEDY and the gentlewoman from the District of Columbia (Ms. NORTON) in voting for this medal, the second medal, the third medal that Brooke will have gotten, because he got the Presidential Medal of Freedom and he earned the Bronze Medal in World War II, fighting in a segregated outfit, putting patriotism ahead of the indignities to which he submitted in the fight against that terrible tyranny.

This is a medal well earned by a man who exemplified the commitment to the public welfare that we could well remember today.

Mr. Speaker, I am pleased that because of the energy of a number of people, we are going to be awarding this gold medal to a man who so richly deserves it.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I have no further speakers, so I will continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield my remaining time to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my good friend, the chairman of our Financial Services Committee, for the words that he said about Ed Brooke. He would be one to know, another great leader in the area of opening up housing for all. And I thank my good friend from the District of Columbia.

Ed Brooke, as Ms. NORTON has made clear, grew up in D.C., graduated from Dunbar, Harvard University, and then, of course, went on to be the editor of the Law Review at Boston University and got a Bronze Medal for his service in the military.

But I got to know Ed Brooke from a different perspective. In fact, Terry Lierman, who is now the chief of staff to our majority leader, and I were on the Appropriations staff when Ed Brooke was the ranking Republican. And what he did is incalculable in terms of school busing, in terms of women's reproductive rights, in the area of opening up federally-subsidized housing particularly, but housing throughout the Nation to all.

Ed Brooke was a temple of justice. His intellect was unparalleled. But what he exuded was a certain class, a dignity that just transcended partisanship. He was able to work with some of the, frankly, most narrow-minded Members of the Senate to get them to take votes that were the right thing to do. And he took very little credit for it. That is why this is so appropriate, to give him credit now, because he made a profound difference in the course our country took 30 years ago.

He would sit there in his calm, measured tone. He would explain why it is right to open up all of society and all of our economy to everyone who was willing to work hard and obey the law.

Ed Brooke was a model that all of us should look to for leadership. He was an extraordinary person. This is an extraordinary action we are taking today, but it is for someone who fully deserves it.

Again, I thank my colleagues here, and I thank the Congress for making this happen today.

I will yield the remainder of my time to Mr. FRANK.

Mrs. CAPITO. I continue to reserve.

Mr. FRANK of Massachusetts. Mr. Speaker, I am about to yield back.

Ed Brooke, in addition to being a superb United States Senator who fought very hard and very effectively for economic fairness and obviously against racial prejudice, but he also was the chief law enforcement officer of the Commonwealth of Massachusetts for 4 years.

Just to give people a flavor of that, I will mention one accomplishment. It was under his attorney generalship that the Boston Strangler was prosecuted and imprisoned. So people who may not otherwise be able to relate should know. And if you saw him in the movie, I think he was played by Raymond St. Jacques, but if you go see again the movie of the Boston Strangler, you will see a part of that book. We are here to talk about a number of other parts, including a superb legislative record on behalf of social fairness.

I am prepared to yield back if the gentlewoman is.

Mrs. CAPITO. Yes.

Mr. Speaker, I yield back the balance of my time.

Ms. TSONGAS. Mr. Speaker, I rise to express my strong support for S. 682, the "Edward William Brooke III Congressional Gold Medal Act." It is my privilege to honor this most distinguished gentleman who broke barriers and tirelessly served his community and country with great conviction.

Edward Brooke was the first African American elected to the United States Senate by popular vote. I am proud that he accomplished this feat in my home state of Massachusetts, which he represented from January 1967 until January 1979. He has been Captain Brooke, Professor Brooke, and Attorney General Brooke. He has fought for civil rights in our country and against apartheid in South Africa. For his many accomplishments, he has received numerous medals and awards, most notably the Bronze Star and the Presidential Medal of Freedom.

Senator Brooke paved the way—his election to the United States Senate was a milestone in the march toward racial equality—and his impact continues today, as we watch the first African American nominee run for President, carrying Senator Brooke's legacy forward.

In a political world growing increasingly divisive and polarized, Senator Brooke has always had the distinct ability to separate the political from the personal. My husband, Paul, ran for the Senate against Senator Brooke in 1978. Although the race was tightly contested, Senator Brooke was always respectful, always warm, and Paul, in turn, greatly admired him.

It is appropriate that we express our gratitude with this legislation. Senator Brooke, in his life and through his service, broke barriers and created new opportunities for so many, and in so doing, moved our country further down the path towards the America that we all hope will someday be a reality.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

First I ask that all Members have 5 legislative days in which to submit their comments and material on this matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 682.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE 100 YEAR ANNIVERSARY OF THE ESTABLISHMENT OF ST. MARY'S COOPERATIVE CREDIT ASSOCIATION

Mr. HODES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1145) recognizing the 100 year anniversary of the establishment of St. Mary's Cooperative Credit Association, the "Bank of the People," and the birth of the American credit union.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1145

Whereas America's first credit union was established in 1908, in Manchester, New Hampshire, in order to afford hard-working American textile workers access to credit and savings;

Whereas the St. Mary's Cooperative Credit Association, later to be named the "Bank of the People", would lay the foundation for the creation of over 8,500 credit unions in America today, which serve over 90,000,000 members;

Whereas on June 26, 1934, President Franklin D. Roosevelt signed into law the Federal Credit Union Act, thus enabling credit unions to be organized throughout the United States under the charters approved by the Federal Government;

Whereas St. Mary's Cooperative Credit Association and other credit unions created as a result of the passage of the Federal Credit Union Act played an instrumental role in helping hard-working Americans recover after the Great Depression;

Whereas credit unions have consistently carried on the traditions set by St. Mary's and exemplified the American values of thrift, self-help, and volunteers, carving out a special place for themselves among the Nation's financial institutions;

Whereas America's Credit Union Museum, located on the site of America's first credit union, maintains a mission of "educating present and future generations on the benefits of cooperative self-help efforts to promote thrift and sensible use of credit" and preserves the history and tradition of America's credit unions;

Whereas credit unions operate with the credo, "Not for profit, not for charity-but for service" and have consistently reflected this philosophical tradition and the cooperative spirit of "people helping people" that gave birth to the Federal Credit Union Act; and

Whereas 2008 will mark the 100th anniversary of the establishment of St. Mary's Cooperative Credit Association in Manchester, New Hampshire, America's first credit union: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of the founding of St. Mary's Cooperative Credit Association, the "Bank of the People", and the birth of the American credit union.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. HODES) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

☐ 1630

GENERAL LEAVE

Mr. HODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. HODES. Mr. Speaker, I yield to myself so much time as I may consume.

House Resolution 1145 recognizes the 100-year anniversary of the establishment of St. Mary's Cooperative Credit Association, the Bank of the People, and the birth of the American credit union.

I want to thank Financial Services Chairman BARNEY FRANK for his support in bringing this legislation to the House floor.

St. Mary's Bank Credit Union is the oldest credit union in the United States. It was founded in 1908. Its mission was and continues to be to help New Hampshire residents with a wide range of affordable products and services, including checking accounts, personal loans, real estate loans, business banking and savvy financial planning.

In 1917, the New Hampshire State legislature approved a bill changing the name from St. Mary's Cooperative Credit Association to La Caisse Populaire, Ste-Marie, The People's Bank. In 1925, an amended charter allowed the institution to be called either La Caisse Populaire, Ste-Marie, or St. Mary's Bank.

There are 24 credit unions in the State of New Hampshire with 403,000 members statewide. That's almost one-third of New Hampshire's population. New Hampshire credit unions alone have more than $3.7 billion in assets. Credit unions provide an avenue for families struggling during the credit crunch in these tough financial times to get critical services and low-interest loans. In these tough times we must do everything we can to help working families drowning in debt, and credit unions are important to easing the financial hardships on New Hampshire's working families.

Today's resolution honors our Nation's first credit union from New Hampshire, but the excellent work and important contributions to New Hampshire of St. Mary's stand as a fine example of the work of credit unions all across this Nation, which provide working families access to financial services they must have to prosper.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise to recognize the 100-year anniversary of the birth of the American credit union, the important role that credit unions have come to play in this country, and I urge support of H. Res. 1145.

Today more than 90 million Americans are members of a credit union. These millions of Americans are the beneficiaries of an experiment that began a century ago with the establishment of St. Mary's Cooperative Credit Association. From these humble beginnings in Manchester, New Hampshire, more than 8,000 credit unions have sprouted up that provide financial services to credit union members all across this Nation.

I would like to recognize credit unions for the important role they play in many distressed urban and rural areas. Many constituents have told me that they would not have been able to afford their own homes, start new business or even attend college without the help of their credit unions. I am also impressed by credit unions' commitment to financial literacy, which has helped credit union members become better educated consumers of financial services.

For these reasons, I support H. Res. 1145, celebrating the 100th anniversary of the American credit union.

Mr. Speaker, I reserve the balance of my time.

Mr. HODES. I thank Mrs. CAPITO for her support of this bill, and I also thank my colleague, Ms. SHEA-PORTER, for introducing the resolution.

Mr. Speaker, at this time I yield as much time as she may consume to the distinguished Congresswoman from New Hampshire, CAROL SHEA-PORTER.

Ms. SHEA-PORTER. Mr. Speaker, I want to thank my friend and colleague for his support on this resolution.

Mr. Speaker, I am pleased today to rise today to recognize the 100th anniversary of our Nation's first credit union. In 1908, St. Mary's Cooperative Credit Association, later to be renamed the Bank of the People, was established in Manchester, New Hampshire. Manchester had textile mills then. The mill workers' resources were pooled to create credit and savings opportunities for workers, many of whom were immigrants.

In 1934, 26 years after the establishment of St. Mary's, President Franklin D. Roosevelt signed the Federal Credit Union Act into law, allowing for the organization of credit unions under charters approved by the Federal Government. Today there are over 8,500 credit unions nationwide, and I think it's fair to say that St. Mary's truly laid the foundation for the success of credit unions nationwide.

This credit union model has withstood the test of time. From the Great Depression to modern-day globalization, the emphasis on local communities that is embodied in the concept of the credit union has earned these institutions a special place among our Nation's financial institutions.

St. Mary's even stayed open during the bank holiday of 1933, providing reassurance and help to its worried community. This commitment to community and access to credit and savings services is easy to see.

For example, in 1908, the cost of becoming a member of the St. Mary's Cooperative Credit Association was $5. Today, after 100 years, the cost of signing up for anyone who lives or works in New Hampshire is $5.

That is pretty remarkable.

So, Mr. Chairman, I am proud to honor St. Mary's 100th anniversary, and I urge my colleagues to join me in support of H. Res. 1145.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time.

Mr. PAUL. Mr. Speaker, I am pleased to support H. Con. Res. 1145, which recognizes the 100-year anniversary of the establishment of St. Mary's Cooperative Credit Association. Created to service the financial needs of textile workers, St. Mary's Cooperative Credit Association, or the People's Bank, as it was appropriately renamed, was the Nation's first credit union.

Since the creation of St. Mary's Cooperative Credit Association, credit unions have grown to become a major part of the American financial services system. Today there are over 8,500 credit unions in the United States, serving over 90 million members.

During my years of service on the House Committee on Financial Services, I have had the opportunity to get to know many credit union employees. I have always been impressed with their commitment to serving their credit union members and their communities. In many ways, credit unions exemplify the best of the free market system. Since credit unions are formed specifically to serve their members, credit unions put the interests of their depositors first.

I hope that Congress will follow-up today's legislation by soon considering H.R. 5519, the Credit Union Regulatory Relief Act of 2008, which repeals Federal regulations that hinder credit unions from improving their services.

In conclusion, Mr. Speaker, I am pleased to support H. Con. Res. 1145, and I encourage all my colleagues to join me in supporting this resolution and saluting all credit unions for their vital role in strengthening America's financial services industry.

Mr. HODES. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Hampshire (Mr. HODES) that the House suspend the rules and agree to the resolution, H. Res. 1145.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL INFANTRY MUSEUM AND SOLDIER CENTER COMMEMORATIVE COIN ACT

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3229) to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Infantry Museum and Soldier Center Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 350,000 $1 coins in commemoration of the legacy of the United State Army Infantry and the establishment of the National Infantry Museum and Soldier Center, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the courage, pride, sacrifice, sense of duty, and history of the United States Infantry.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2012"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the National Infantry Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 4. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

SEC. 5. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 6 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 6. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the National Infantry Foundation for the purpose of establishing an endowment to support the maintenance of the National Infantry Museum and Soldier Center following its completion.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the National Infantry Foundation as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. LINCOLN DAVIS) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to advise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

The oldest and largest branch of the U.S. Army, the U.S. Army infantry, was established on June 14, 1775, when the Continental Congress ordered the formation of 10 companies of riflemen. The riflemen comprised the first armed force of a new Nation, a Nation destined to become the greatest democracy the world has ever known. Since that time, the infantry has gone where other forces could not go and accomplished missions others could not attempt.

The story of the Queen of Battle has been written by individual infantrymen who have done their duty with pride, courage and honor. Their suffering and sacrifices won our freedom, preserved that freedom for over two centuries and will guarantee it in the future. Some were called heroes, some were not, but they were all members of a band of brothers who fought for their country in the cause of freedom.

For more than two centuries the United States infantry has fought alongside other armed forces to protect their freedom. Their missions have sent them around the world and literally brought them face-to-face with the enemy.

From the Siege of Boston of 1775 to San Juan Hill, to the Battle of New Orleans, to the Argonne Forest, where Sergeant York distinguished himself, to the beaches of Normandy, they hunted the enemy in the Shau Valley, parachuted into Panama, and currently subdue our enemies on cold mountainside and hot desert sands in both Iraq and Afghanistan. When policymakers finished talking, when debate has ceased, when negotiations have failed and orders are given, it becomes the mission of the United States infantry to execute our national policy.

Their courage, pride and sense of beauty to country and each other stood tall above any fear they faced. But the battle for our freedom has been costly. As many as 80 percent of all the servicemen and women who have died serving their country were part of the infantry.

To honor the infantry's decorated history, the National Infantry Foundation, in coordination with the United States Army, have broken ground on a new world-class museum honoring them. Located on a 200-acre site of Fort Benning, Georgia, the National Infantry Museum will serve as a tribute to the infantry's legacy of valor and sacrifice. This museum will honor these soldiers for their selfless service to our country, while also preserving for all time the artifacts so poignantly telling their stories.

It will tell the story of our ground soldiers, from the colonial period to Operation Iraqi Freedom. Lessons of the past will be retold to help lead us in the future.

Our children must learn and know that there are values and beliefs worth living for and worth dying for, that the freedom and liberty we enjoy today has come at a high price, and that the American values of patriotism, duty, courage and leadership are the hallmarks of the infantry and must be preserved.

With 290 cosponsors, this bipartisan legislation honors the legacy of the United States infantry with the minting of the infantry coin. Money raised from the sale of the coins will go towards maintaining the National Infantry Museum.

I applaud the efforts of the National Infantry Foundation, its rich history deserves to be kept alive for all who follow. These heroes are perhaps too humble to tell their own story, so we will have to do it for them.

I thank the gentleman from Georgia for authoring this legislation, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I rise today in support of H.R. 3229, the National Infantry Museum and Soldier Center Commemorative Coin Act sponsored by our colleague from Georgia, Representative WESTMORELAND, and urge its immediate passage.

This legislation, as we have heard, authorizes the minting and sale of up to 350,000 silver $1 coins in the year 2012, with surcharges on the sale of the coin going to fund work on the National Infantry Museum and Soldier Center being built in Patriot Park at Fort Benning near Columbus, Georgia.

The new National Infantry Museum will honor the legacy of the United States infantry on a 200-acre site that links Columbus, Georgia, with Fort Benning, the home of the infantry. The museum's galleries will trace infantry history from colonial times to the present and be designed to attract and educate all segments of the population with interactive learning, opportunities, high-tech classrooms, theatres and dramatic venues for sacred ceremonies.

An active education program will make the venue a must-see attraction for school groups and students of all ages. The focus of the educational effort will be to teach history, as the history of the United States Army Infantry parallels the history and growth of our country. Additional instruction will focus on leadership skills and the Army values of loyalty, duty, selfless service, respect, honor, integrity and personal courage. Research done by an internationally known museum planning firm estimates annual visitation of up to 400,000, which will make it one of Georgia's top tourist attractions.

In addition to the museum, there will be a 7-acre parade field for infantry and basic training graduations and change-of-command ceremonies. A Walk of Honor flanked by gardens and memorials will lead visitors to the museum and a recreated World War II-era Company Street, featuring the headquarters and sleeping quarters used by General George S. Patton in 1941 will take visitors back to the scenes of our country's largest wartime buildup. The facility will include a 3-D IMAX theater restaurant and museum store.

Visitors to this museum that is scheduled to open in just over a year will meet the infantryman face-to-face and join him on his journey. They will come to understand why an infantryman does what he does, why he puts himself in harm's way in defense of an idea. Surcharges on the sale of these coins will raise funds for a long-term endowment to ensure the maintenance of this important facility.

The infantryman is historic, and it is a heroic idea to build this museum to the infantry. I urge passage of this legislation, commend my colleague for offering it, and reserve the balance of my time.

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I yield to the gentleman from Georgia (Mr. BISHOP) such time as he may consume.

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to join my colleague from Georgia (Mr. WESTMORELAND) and 288 other bipartisan cosponsors in support of H.R. 3229, the National Infantry Museum and Soldier Center Commemorative Coin Act.

In the history of organized military operations, the infantry occupies a unique place of honor. Life as an infantryman is a constant barrage of exercise and training often in brutal situations that simulate combat zone operations.

Due to the very nature of an infantry position of work with arms, bombs, and physical stress, casualties occur in both war and peacetime situations. The infantry is the main combatant in war. It fights the battle at the root and cuts off the enemy at the knee. It is at once the most fearless, courageous, noble, intelligent and selfless branch of the military.

☐ 1645

From crossing the ice-filled Delaware River to walking the streets of Baghdad, it is the infantryman who is willing to pay the ultimate price to protect American freedoms.

I am proud to represent "The Home of the Infantry," Fort Benning, here in Congress, and I am humbled and honored to be a cosponsor of this legislation. A great nation is measured in part by how it remembers those who defended, preserved, and contributed to its heritage. The United States Army Infantry has contributed greatly over the years at a tremendous human cost, and it is incumbent upon those of us serving in Congress to pay tribute to their sacrifices.

The minting of the infantry coin will not cost the taxpayers any money and the sale of the coins will completely cover the cost of the minting. The mint will actually receive a small profit from every coin that is sold. Money raised from the sale of the coins will help make sure that the National Infantry Museum located at Fort Benning will always be the keeper of the history, artifacts, and memories of our brave Army Infantry.

The National Infantry Museum sits on a 200-acre site that will serve as a tribute to the infantry's legacy of valor and sacrifice, and will also serve as a functional area for basic training graduations and other special and community events. The museum will honor infantry soldiers for their selfless service to our country while also preserving for all time the history that so poignantly tells their stories.

I want to thank Major General (Retired) Jerry White and Colonel (Retired) Greg Camp for their years of hard work and dedication in making the National Infantry Museum a reality. In addition, I would like to thank Congressman LYNN WESTMORELAND as well as Edward Jones from Congressman WESTMORELAND's office, and Jonathan Halpern and Ed Larkin from my staff for their steadfast efforts on this project.

I urge my colleagues to please join me in supporting this legislation and in supporting our proud Army Infantry.

I urge the adoption of this legislation.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the sponsor of this resolution, the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. It is my honor to be here today, and I do want to thank my colleague, SANFORD BISHOP, for his hard work and helping me get the required number of signatures to get this commemorative coin, and anybody who has ever done that knows what a challenge it is to get the number of signatures required. I want to thank him and his staff; and also Edward Jones from my staff for all of their hard work and dedication that we have had over the months trying to get the requisite number of signatures.

For more than 200 years the United States Infantry has sought to protect our freedom. H.R. 3229 will honor the legacy of the United States Infantry with the minting of a commemorative coin. Eighty percent, as has been mentioned before here today, of American casualties are young men and women who have lost their life in battle were members of the infantry.

The Infantry Museum Foundation, in coordination with the United States Army, have already broken ground on this new National Infantry Museum. It has been my honor to visit it, and with General White walk through the street, the World War II street, to see the buildings that will afford our young men and women an opportunity to see what Army life was like during World War II. It also has the parade field which is now under construction, and will be a place where many ceremonies in the future will be held. Also, this building is going to be a green building. It is high tech. There is geothermal heating and cooling in the building. And as Mrs. CAPITO mentioned, a professional museum planner has worked very hard on this.

I would like to tell one story General White told me. In doing some of the exhibits, they have one exhibit where paratroopers are flying on a plane to jump out, and the architect of this one ride told General White, "I don't know how we are doing on this. A lot of the people who are testing it are getting motion sickness, almost to a point of losing their lunch."

And General White said, "Then you're almost there."

This museum is going to be a place where people can go in and feel the sense of battle that these young men and women feel.

And as you know, Fort Benning is the place where about 80 percent of our young men and women go that are going into harm's way in Iraq and Afghanistan and other places that we may send them, and it will give a great opportunity for them to go and see some of the legacy that has come before them and also give their families a chance to visit this great facility.

So it is with great honor that I introduce this bill, and I want to thank all of the cosponsors of this bill. It was amazing the number of people that I would go up to and ask to sign this legislation that said, you know, I spent 3 months of my life at Fort Benning going through my military boot camp; and so I hope that when this thing is open next year, that these Members that have gone through there and experienced that type of military life will come down and join us in a grand opening.

Mr. Speaker, I ask all of my colleagues to please support this resolution.

Mr. GINGREY. Mr. Speaker, I rise today in strong support of H.R. 3229, and would like to commend my good friend from Georgia, Congressman LYNN WESTMORELAND, for offering it.

The bill before us today will allow coins to be issued in support of the National Infantry Museum and Soldier Center during the year 2012. The coins will be emblematic of the courage, pride, sacrifice, sense of duty, and history of the infantry, and the proceeds received from issuance of the coin will be used to establish an endowment to support the maintenance of the National Infantry Museum and Soldier Center.

Mr. Speaker, as a Member of the House Armed Services Committee who previously had Ft. Benning—the Home of the Infantry—in my district, I have long supported the efforts of the National Infantry Foundation to establish the new National Infantry Museum and wholeheartedly support the issuance of this coin in support of the museum.

The National Infantry Museum and Soldier Center at Patriot Park will honor the 233-year heritage of the Army's largest branch, the infantry. This museum will be instrumental in helping to educate future generations about the vital role of the infantry in the history of our Nation. Furthermore, this building will honor the men and women who serve in and support the infantry, and preserve the infantry's legacy of service.

This legacy of service is indeed quite remarkable, Mr. Speaker. The first successful and systematic training of the U.S. infantry can be tracked back to Valley Forge, Pennsylvania, in 1778. It was not until 1826 that a formal post for infantry training was established, and over the course of history, the Infantry School has existed at the Jefferson Barracks in Missouri, Ft. Leavenworth in Kansas, in Monterrey, California, at Ft. Sill in Oklahoma, and at Fort Benning—the "Home of the Infantry"—since 1918. Through the years the Infantry School at Ft. Benning has gradually emerged as the most influential infantry center in the modern world. The school has either trained in its officer courses or honed in its command structure some of the Nation's most prominent military figures, including five-star generals Omar Bradley, Dwight Eisenhower, and George Marshall, as well as George Patton and Colin Powell. And, Mr. Speaker, over the course of American history, nearly 80 percent of all servicemen and women who have died serving our Nation were part of the infantry.

This museum has one mission, Mr. Speaker: to honor the infantryman and his more than two centuries of proud service to our great Nation. This coin will support this mission.

I ask all of my colleagues to join me in support of this bill.

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I submit the following correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 22, 2008.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing regarding H.R. 3229, the "National Infantry Museum and Soldier Center Commemorative Coin Act."

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 3229 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of Conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3229, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 21, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter regarding H.R. 3229, the "National Infantry Museum and Soldier Center Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on July 30, 2007. It is my understanding that this bill will be scheduled for Floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your Committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego Committee action on H.R. 3229 in order to allow the bill to come to the Floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Mrs. CAPITO. Mr. Speaker, I have no further speakers. I urge passage of the resolution, and I yield back the balance of my time.

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I encourage passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. LINCOLN DAVIS) that the House suspend the rules and pass the bill, H.R. 3229, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MOTHER'S DAY CENTENNIAL COMMEMORATIVE COIN ACT

Mrs. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2268) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mother's Day Centennial Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress hereby finds as follows:

(1) Anna Jarvis, who is considered to be the founder of the modern Mother's Day, was born in Webster, West Virginia on May 1, 1864.

(2) A resident of Grafton, West Virginia, Anna Jarvis dedicated much of her adult life to honoring her mother, Anna Reeves Jarvis, who passed on May 9, 1905.

(3) In 1908, the Andrews Methodist Episcopal Church of Grafton, West Virginia, officially proclaimed the third anniversary of Anna Reeves Jarvis' death to be Mother's Day.

(4) In 1910, West Virginia Governor, William Glasscock, issued the first Mother's Day Proclamation encouraging all West Virginians to attend church and wear white carnations.

(5) On May 8, 1914, the Sixty-Third Congress approved H. J. Res. 263 designating the second Sunday in May to be observed as Mother's Day and encouraging all Americans to display the American flag at their homes as a public expression of the love and reverence for the mothers of our Nation.

(6) On May 9, 1914, President Woodrow Wilson issued a Presidential Proclamation directing government officials to display the American flag on all government buildings and inviting the American people to display the flag at their homes on the second Sunday of May as a public expression of the love and reverence for the mothers of our nation.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue not more than 400,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—The design of the coins minted under this Act shall be emblematic of the 100th anniversary of President Wilson's proclamation designating the second Sunday in May as Mother's Day.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year "2014"; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2014, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2014.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted

under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) ½ to the Susan G. Komen for the Cure for the purpose of furthering research funded by the organization.

(2) ½ to the National Osteoporosis Foundation for the purpose of furthering research funded by the Foundation.

(c) AUDITS.—The Susan G. Komen for the Cure and the National Osteoporosis Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the respective organizations under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials therein.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2268, a bill introduced by the gentlewoman from West Virginia (Mrs. CAPITO) to create a commemorative coin honoring the 100th anniversary of Mother's Day. The 297 bipartisan cosponsors of this bill made clear that the Congress strongly supports recognizing the importance of Mother's Day in this way, and I am delighted to add my voice to this chorus.

Mother's Day was first proclaimed in 1908 by the Matthews Methodist Episcopal Church of Grafton, West Virginia, in honor of one mother, Anna Reeves Jarvis.

Congress designated the second Sunday in May to be observed as Mother's Day, and it was recognized as a national day to honor all mothers by President Woodrow Wilson on May 9, 1914.

The bill calls for a silver dollar to be minted in 2014 with a design commemorating President Wilson's proclamation. The $10 surcharge proceeds from their sale is to go to the Susan G. Komen Foundation, a household word and organization in combating breast cancer, and to the National Osteoporosis Foundation for research purposes.

I urge my colleagues to support this bill honoring Mother's Day and our Nation's mothers, and I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I want to thank my colleague from New York (Mrs. MALONEY) for her support of this bill, and I am very excited it is before the House today.

There is a very special bond that exists between mothers and their children that words cannot describe. For the lucky ones among us, a mother—our, someone else's, or a mother figure such as a grandmother—has made all of the difference in our lives. The tender care, unending support, and the unconditional love of a mother truly are life's greatest blessing for a child.

Every year on the second Sunday in May this Nation honors its mothers. We seek to acknowledge their tireless support and their enduring love. My colleague has spoken about how this tradition began, but I would like to go over it because it is a proud history of tradition for our State of West Virginia.

In 1868, Anna Reeves Jarvis organized a committee in her home town of Grafton, West Virginia, to sponsor a mother's friendship day. The purpose was to reunite families that had been divided during the Civil War. However, Anna Reeves Jarvis' dream of an annual memorial Mother's Day commemorating each mother for the service she renders to humanity had not gained widespread support during her lifetime.

However, her daughter, Anna M. Jarvis, took on her mother's cause. On May 9, 1907, the second anniversary of her mother's death, Anna invited friends to her home and outlined her plan to make her mother's dream of a nationwide day in honor of mothers a reality.

Within a year, working with Andrews Methodist Episcopal Church, progress was made and on Sunday, May 10, 1908, church services were held in which mothers were honored. They were held in Grafton, West Virginia, and in Philadelphia.

This initial celebration was only the beginning. Jarvis worked for years to popularize her idea. She wrote letters to churches and business leaders, to newspaper editors and to Members of Congress. She was even able to bring the drive for a Mother's Day observance to the attention of the President of the United States.

Her efforts were rewarded. In 1910, the governor of West Virginia, William Glassock, issued a Mother's Day proclamation. By the next year, Mother's Day services were held in all States of the Union. In 1914, President Woodrow Wilson, responding to a joint resolution in Congress, issued a proclamation setting aside the second Sunday every May for "displaying the American flag as a public expression of our love and reverence for the mothers of our country."

Today, Mother's Day is celebrated throughout the world. In the United States, the President and governors issue proclamations recognizing mothers, churches perform services in honor of mothers everywhere, and the hearts of all are filled with all of our love for our mothers.

This bill would authorize the minting of silver $1 coins in honor of the women who have sacrificed so much for their children. It is a small token of our love and admiration, but one that will hopefully express the love we hold for our mothers. Surcharges of the sale of the coins, as my colleague mentioned, will go to the Susan G. Komen Foundation and the National Osteoporosis Foundation for research.

I chose both of these foundations because I have great admiration for the work they do for men and women, but particularly for women as we battle the difficult tragedies of breast cancer and the growing difficulties associated with osteoporosis which over 80 percent of the people it strikes are women.

Mr. Speaker, I urge passage of this resolution, but I would like to take this opportunity to thank my mother. She has made a difference in my life. I appreciate her unconditional love and support, her willingness to help me when I fell, and to push me forward when I could not find the strength myself.

I love you, Mom, and thanks.

With that, being from West Virginia, I would like to say, too, that our sense of community and family is very strong. We are so very proud of Anna Jarvis' vision, her idea and her dedication to celebrate her own mother, and we are proud to be known as the birthplace of Mother's Day.

Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I have no further requests for time, but would also like to recognize my own mother, as I am sure all of us in this body appreciate our mothers. This is an important resolution, and I am proud to be the Democratic sponsor with my good friend from West Virginia, and I urge a "yes" vote.

Mr. GINGREY. Mr. Speaker, I rise today in strong support of H.R. 2268, the Mother's Day Centennial Commemorative Coin Act. First, I would like to thank Representative CAPITO for authoring this legislation before us today.

H.R. 2268 would instruct the Secretary of the Treasury to mint and issue $1 coins in recognition of the 100th anniversary of President Wilson's proclamation designating the second Sunday in May as Mother's Day.

As an original cosponsor of this bill, I would like to take this opportunity to thank mothers across this nation for what they have done, do, and will do to keep our families and our country, strong.

Mr. Speaker, I also want to take the personal privilege of recognizing my mother, Mrs. Helen Gingrey. Ninety years young, my mother instilled in me the very values and work ethic that prepared me to serve in these hallowed halls.

Her example testifies to the fact that we owe so very much to our mothers, to our fathers, to all those who cleared the way and smoothed the paths for us to succeed and realize our potential. We should honor their work not just in word but in deed—by ensuring a smoother, clearer path for the next generation—for our children and our grandchildren.

And so, I call upon my colleagues to demonstrate their appreciation for mothers everywhere by supporting this legislation.

Mrs. MALONEY of New York. Mr. Speaker, I submit the following correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 22, 2008.
Hon. BARNEY FRANK,
Chairman, Financial Services Committee, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing regarding H.R. 2268, the "Mother's Day Centennial Commemorative Coin Act."

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 2268 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of Conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2268, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,
CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 21, 2008.
Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter regarding H.R. 2268, the "Mother's Day Centennial Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on May 10, 2007. It is my understanding that this bill will be scheduled for Floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your Committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 2268 in order to allow the bill to come to the Floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 2268, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1700

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1063, by the yeas and nays;

H. Con. Res. 318, by the yeas and nays;

H. Con. Res. 336, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining votes in this series will be conducted as 5-minute votes.

MARKING THE 225TH ANNIVERSARY OF THE TREATY OF PARIS OF 1783

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1063, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1063.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 394]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim

Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—19

Braley (IA)
Burgess
Ferguson
Gillibrand
Hinchey
Holt
Hulshof
McCrery
Meek (FL)
Ortiz
Payne
Pence
Pickering
Platts
Rush
Tancredo
Wamp
Wilson (SC)
Young (AK)

☐ 1724

Messrs. GOHMERT and DELAHUNT changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL YEAR OF SANITATION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 318, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 318, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, answered "present" 1, not voting 21, as follows:

[Roll No. 395]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Culberson

NOT VOTING—21

Baca
Braley (IA)
Butterfield
Donnelly
Ellison
Ferguson
Foster
Gillibrand
Holt
Hulshof
McCrery
Meek (FL)
Ortiz
Payne
Pence
Pickering
Rush
Ryan (OH)
Tancredo
Wamp
Wilson (SC)

☐ 1731

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE SACRIFICES AND CONTRIBUTIONS MADE BY DISABLED AMERICAN VETERANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 336, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 336.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 396]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Baird
Braley (IA)
Cooper
Ferguson
Gillibrand
Holt
Hulshof
McCrery
Meek (FL)
Ortiz
Payne
Pence
Rush
Tancredo
Wamp
Wilson (SC)

☐ 1739

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC

DEAR MADAM SPEAKER: Pursuant to §20702(b) of H.J. Res. 20, P.L. 110–5, I am notifying the House that I am designating Ali Qureshi, Deputy Chief Administrative Officer for Operations and Walter Edwards, Deputy CAO for Customer Solutions to act in my stead in the event of my death, resignation, separation from office or disability until a Chief Administrative Officer is appointed pursuant to 2 U.S.C. §75a–1.

Sincerely,

DANIEL P. BEARD.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6063, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–707) on the resolution (H. Res. 1257) providing for consideration of the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 1745

ENERGY PRICES

(Mr. SCALISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCALISE. Madam Speaker, this weekend, the national average of a gallon of gasoline broke the $4 mark. This is an all-time high, and our citizens deserve action from Congress.

The Democratic leadership needs to pull their heads out of the sand and join us in developing a strong national energy policy. The Republican plan proposed will develop and increase our domestic supply of oil, which will drive down the cost of gasoline at the pump. In Louisiana, we take great pride in our offshore drilling, and we drill in an environmentally safe way. Everyone in Louisiana knows that the best place to fish is right next to an oil rig in the Gulf.

I call on Speaker PELOSI and the Democrats in Congress to stop locking relief at the pump and finally join us in passing legislation that will remove the obstacles that limit our refining capacity, explore alternative sources of energy, and increase the supply of domestic oil and gas to reduce our dependence on foreign oil.

These are all policies which will lower gas prices. This energy crisis is real. The time for Congress to act is now.

WE'VE GOT TO WAKE UP AND DRILL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, I was privileged enough to go with a number of Congressmen two weeks ago to the Middle East and went to Saudi Arabia. We had some great meetings over there. We met with the Minister of Petroleum and many of the other people who are directly involved with the oil situation, and here is their response to us as we complained to them about the high price of gasoline. Now, keep in mind America imports 60 percent of its oil. This is what these guys said to us: "You have the nerve and the audacity to come here, all the way to Saudi Arabia, to complain about your oil prices when you won't even drill yourself, when you won't even build refineries."

President Bush was there a month earlier, and they increased the capacity to 300 million barrels a day. And we can't even buy it because we don't have the refineries. We've got to get our head out of the sand.

China right now, with Cuba, is drilling 45 miles off the coast of Florida. We've got to wake up and drill and use our own resources.

HONORING THE PEOPLE OF HUGO, MINNESOTA

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Madam Speaker, I rise today to honor the people of Hugo, Minnesota.

It was just several weeks ago that the people of Hugo encountered a terrible tragedy; it occurred at 5 o'clock on a quiet Sunday afternoon. A tornado touched down in Hugo, and within 30 seconds over 50 to 60 homes were completely flattened, between 150 and 200 homes were uninhabitable. But the wonderful spirit, Madam Speaker, among the people of Hugo, the fire department, the police department, the State Patrol, almost instantaneously had a wonderful textbook outpouring of rebuilding.

Within one week, the community of Hugo had so many volunteers they had to turn them away. They completely removed all the debris from the city within one week, and now they're on the road to rebuilding.

I congratulate Mayor Fran Miron. I congratulate City Administrator Mike Ericsson. And I congratulate all the people of Hugo who have exuded the spirit of Minnesota, the loving experience of loving a neighbor. And that's what people in Hugo do best, they love each other.

So congratulations to the people of Hugo. You will rebuild. You will be back. And I'm so honored to represent you here in this great House.

THE DRILL-NOTHING CONGRESS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, I rise today to speak about the drill-nothing Congress. I wish I had thought of that phrase, but it's the headline in Investor's Business Daily, Monday, June 9.

The average price for regular gas at $4 a gallon over the weekend. Gas prices have risen 75 percent since NANCY PELOSI took over. Where is the energy independence Democrats promised 2 years ago? That's the subheadline.

Now I am going to quote from the article. In November, 2006, House Speaker-Elect NANCY PELOSI issued a press release touting the Democrats "common-sense plan to help bring down skyrocketing gas prices." She accused the oil companies of price gouging. The price of gasoline, when the Democrats took control of Congress, was around $2.25 per gallon. The average price of regular gas crept over the $4 per gallon barrier over the weekend, as measured by AAA and the Oil Price Information Service.

This represents a more than 75 percent increase in the retail price of a gallon of gasoline on Pelosi's watch. Call it the Pelosi premium we are all now paying.

Madam Speaker, I submit for the RECORD the rest of the June 9, 2008, article of Investor's Business Daily.

A Gallup poll released in May showed that 57% of the American people wanted the U.S. to drill in coastal and wilderness areas. The percentage of Americans who bought Pelosi's line about price gouging fell from 34% in May 2007 to 20% in May 2008. It could be a winning issue for the Republicans and John McCain.

More than 15 billion barrels of oil have been sent down the Alaskan pipeline from Prudhoe Bay, some 60 miles to the west of ANWR, over the past three decades, much more than the six months' supply expected in the beginning by those who predicted a similar environmental disaster there.

The local caribou and other critters have thrived. Yet, Pelosi and the Democrats want to keep ANWR's estimated 10.6 billion barrels of oil off the market and out of our gas tanks.

Buried in a Department of Interior Appropriations bill passed in December 2007 was an amendment proposed by Rep. Mark Udall, D-Colo., passed by a 219–215 vote in June, that prevented the establishment of regulations for leasing lands to drill for oil shale.

The Western U.S. is estimated to have reserves of a trillion barrels (yes, that's the real number) trapped in porous shale rock, an amount three times the oil reserves of Saudi Arabia. On May 15, 2008, the Senate Appropriations Committee in a 15–14 party line vote rejected an amendment by Sen. Wayne Allard, R-Colo., to allow oil shale drilling and overturn the Udall moratorium.

The U.S. Congress has voted consistently to keep 85% of America's offshore oil and gas off-limits, while China and Cuba drill 60 miles from Key West, Fla. The U.S. Minerals Management Service says that the restricted areas contain 86 billion barrels of oil and 420 trillion cubic feet of natural gas.

There are 3,200 oil rigs off the coast of Louisiana. During Katrina, not a single drop was spilled. More than 7 billion barrels have been pumped from these wells over the past quarter-century, yet only one thousandth of one percent has been spilled.

A study by Louisiana's Sea Grant college shows that there's 50 times more marine life around oil platforms that act as artificial reefs than in the surrounding mud bottoms. Some 85% of Louisiana fishing trips involve fishing around these offshore rigs.

The Flower Garden coral reefs lie off the Louisiana-Texas border. They are surrounded by oil platforms that have been pumping for 50 years.

According to federal biologist G.P. Schmahl, "The Flower Gardens are much healthier, more pristine than anything in the Florida Keys. It was a surprise to me. And I think it's a surprise to most people."

We would suggest that John McCain revisit his reservations about ANWR and run against the drill-nothing Congress. Energy development and the environment are not mutually exclusive.

In fact, we would suggest that the first joint town hall meeting with Barack Obama proposed by McCain be held on one of those offshore Louisiana rigs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. BERKLEY). The Chair will recognize Members for Special Order speeches without prejudice to the resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RETURN SOVEREIGNTY TO IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I have believed for a long time now that the best way to bring peace to Iraq is to launch a diplomatic surge to encourage regional and international partners to get involved in addressing Iraq's problems.

The first step in this process would be to withdraw all of our troops and military contracts, which would create a positive climate, a climate that would allow diplomatic efforts to actually begin. But today, the administration is taking our country in quite the opposite direction. It is negotiating long-term security arrangements with the Iraqi Government, arrangements that could actually keep us bogged down in Iraq for decades and destroy Iraq's sovereignty.

It is hard to know exactly what the administration is demanding in the negotiations because it has refused to share the information with Congress. Reports, however, and whatever we can find out, indicates that the administration is asking for unilateral authority over all U.S. military operations in Iraq, the right to arrest and detain Iraqi citizens, legal immunity for American military contractors, control over Iraqi borders and air space, and perhaps permanent bases, making Iraq a virtual American colony.

All this has brought a wave of protest from Iraqis of all political and religious stripes. It seems that we have finally succeeded in uniting the Iraqis against us. An Iraqi Government spokesman actually has said, "The Iraqi Government's vision differs from that of the Americans, who think the agreements will give them almost totally a free hand in Iraq, and that, as a military force, they must have absolute powers."

In addition, members of the Iraqi Parliament representing the majority of parties in that body wrote a letter to the Congress which was released just last week by my colleague on the Foreign Relations Committee, Representative DELAHUNT, the chairman on the Subcommittee on International Organizations, Human Rights and Oversight. This letter includes a demand for the withdrawal of American troops. It said, in part, that "the majority of Iraqi representatives strongly reject any military security, economic, commercial, agricultural investment or political agreement with the United States that is not linked to clear mechanisms that obligate the occupying American military forces to fully withdraw from Iraq in accordance with the declared timetable, and without leaving any military bases, soldiers, or hired fighters."

Madam Speaker, by moving for a permanent military presence in Iraq, the administration is sending the wrong message to the Iraqi people. The American people are also getting that message, along with the rest of the world. It says to the Iraqi people that they will continue to live under foreign military occupation with no end in sight. It tells the American people that the occupation will continue to drain our resources at a time when our citizens are facing dire economic problems at home. And it proves to the world that the administration is determined to tie the next President to the failed policies of the past.

The best course for America is to begin the immediate, responsible redeployment of our troops and military contractors out of Iraq, as this House has mandated. But since the administration is clearly unwilling to do that, the next best thing is for Congress to demand full knowledge of the negotiations, with the right to approve any agreements.

Madam Speaker, the United States must give full national sovereignty back to Iraq, and we must stop acting like an arrogant occupying power. After more than 5 years of bloody occupation, this is no time to talk about staying in Iraq forever. Instead, it is time to give the Iraq people back their independence. And it is time to bring our brave troops home.

□ 1800

MAGINOT LINE OF INDIFFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, the United States has gone to war numerous times to protect the sovereignty of nations. Sixty-four years ago on June 6, thousands of GIs went ashore in France because its borders were invaded by the Nazis. In fact, most of the European countries and north Africa had their sovereign borders overrun by the Nazis.

In the Pacific, the United States fought the Japanese because they had invaded the borders of our territories and the borders of China and Indochina. Americans died. Over 400,000 died protecting all of those borders during World War II.

After World War II, the United States defended the borders of Western Europe nations against that "evil empire" of the Soviet Union and Soviet Communism. In fact, we still have troops in Western Europe. Sixty years later, we still defend those borders. And that is a long time. Then there was the Korean War. In its aftermath with 50,000 Americans killed, we fulfilled our commitment to defend South Korea, and we still have 30,000 troops on that border with North Korea, 50 years plus defending someone else's border. We defend the borders of Iraq and part of the Balkans even to this day.

But Madam Speaker, I wonder why we don't have the same commitment to America's borders? Doesn't that bother anyone? Having been to the southern border of the United States numerous times and seeing the "Maginot Line of Indifference," I am puzzled why we seem to ignore the thousands of trespassers, or invaders, if I can use that term, that come from all nations and cross our border without permission.

When Mexico invaded the United States at Brownsville, Texas, in 1846, we went to war to defend the southern border. When the outlaw, now folk hero, General Pancho Villa and his bandits came into the United States from Mexico to commit crimes in New Mexico, the United States sent General Blackjack Pershing to go after him, even if it meant going to Mexico.

That was during a time when our sovereignty was important to the Nation and to the Federal Government. But the invasion now is much worse. Some estimates put the number of illegals in the United States between 15 and 35 million people. Why don't we have the same moral resolve we had in World War II and Korea to defend our borders from this stealth invasion? It is the duty of government to protect the citizens of this Nation and the States.

I will read from the Constitution, something we probably ought to do more of in this Congress. Article IV section 4 of the United States Constitution says, "The United States shall guarantee to every State in this union a Republican Form of Government and shall protect each of them against invasion." Invasion means intrusion or encroachment. Why doesn't the Government just simply follow the Constitution and prevent invasion into the United States?

Now some Chamberlain appeasers want to just tell the illegals they can stay. After all, we can use the cheap plantation labor, the appeasers say. Never mind the crimes some of them commit, never mind how they take some social services without paying for them, never mind how some live off Americans and lawful immigrants. Never mind it is illegal to be in the United States without permission.

So why, Madam Speaker, do we defend the borders of other nations but not our own? The Feds say they are trying. But the proof, or the lack of it, is in the results. The border with Mexico is violent. The border is porous, and the border is being invaded. The most powerful nation in the history of the world can stop the secret invasion if it first had the moral resolve to do so, and second, the courage to do whatever is necessary to stop the onslaught of invaders.

Maybe we should even use the National Guard or returning troops from Iraq on our southern border. But doing so would take leadership that is committed in word and deed to protecting the sovereignty of this Nation.

The United States is worth it, Madam Speaker, even if the amnesty crowd and Mexican President Calderon doesn't like it.

And that's just the way it is.

CELEBRATING THE 75TH ANNIVERSARY OF THE ROBERT J. DOLE VA MEDICAL CENTER IN WICHITA, KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, I rise this evening to congratulate and to pay tribute to the Robert J. Dole Department of Veterans Affairs Medical Center in my home

State in Wichita, Kansas, for 75 years providing outstanding services and care to our Nation's heroes, our veterans.

Caring for those who have borne the battle is our Nation's utmost responsibility. And for 75 years, the Dole VA Hospital has helped our Nation honor this commitment. Let us take time today to pay tribute to the work of the Dole VA leadership staff and volunteers and the Kansas veterans they serve each day. Veterans are the people I hold in highest regard only to be exceeded by those individuals who serve those veterans.

Under the skillful leadership of the VA Network 15 Director Dr. Peter Almenoff and hospital director Tom Sanders, the Dole VA Hospital has worked to fulfill its mission: "To improve the health and wellbeing of veterans we are honored to serve." In fact, the Dole VA has received national acclaim in its service to veterans. On a recent rating of VA hospitals for quality of veterans' care, the Dole VA hospital ranked third in the Nation. Our country is fortunate to have these individuals who made the commitment to serve these veterans. What we do in Washington, D.C., pales in comparison to what these individuals do each and every day for our veterans.

On November 16, 1933, the first patient, a veteran of the Spanish-American War, was admitted to the hospital. At that time, there were 150 beds. By the end of 1933, all beds had been filled. In 2008 over 2,000 admissions were recorded at the hospital. The Center now provides a full range of primary, acute and extended care services to veterans from 59 counties in Kansas. Many of these counties make up the First Congressional District that I represent. And despite covering more than 57,000 square miles, the First District is without a VA hospital of its own. Veterans in central and western Kansas rely on the care and services provided by the Dole VA. We are blessed to have such an outstanding facility in Kansas available to those who have given so much on our behalf.

Last month, I had the opportunity to participate in the 75th anniversary jubilee in Wichita attended by the hospital's namesake, former United States Senator Bob Dole, a member of the country's greatest generation and an unending advocate for veterans. Also attending the celebration was the Veterans Department Secretary James Peake, Kansas Senators PAT ROBERTS and SAM BROWNBACK, Kansas Congressman TODD TIAHRT, and Wichita Mayor Carl Brewer.

We listened to Dole speak of his own military service and recovery from wounds he received in World War II in a VA hospital, as well as his leadership in building the World War II Memorial, as co-chair of the President's Commission on Care for America's Returning Wounded Warriors. With his legacy of service and sacrifice to our country and its veterans, Senator DOLE is an appropriate namesake and inspiration for the hard work and dedication of the leadership, staff and volunteers at the Dole VA.

Again, I wish to congratulate the Dole VA Medical Center for 75 years of care to our country's veterans. On behalf of veterans in Kansas, I thank them for their service.

A RED HERRING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, the New York Times CBS spring poll has reported that 68 percent of Americans favor putting restrictions on what is called free trade to protect our domestic industries. That is the highest level of concern since the poll began asking the question in the 1980s, and a 12 percent rise just since 2000.

Only 14 percent of Americans surveyed last year by the Pew Global Attitudes Project said increase in trade was very good for our country. And the American people, by a healthy majority, view NAFTA and NAFTA-like trade agreements as flawed and costing our people more job washout every day. In other words, a majority of people in our country not only believe something is wrong with current U.S. trade policy, enough of them have now been hurt directly by unfair trade that they now know personally what a bad trade deal can yield. When you are almost $1 trillion in trade deficit, something is fundamentally wrong.

So what does one of America's premier newspapers place on its editorial page this week in response? Do they look inside the gaping job loss and trade deficits our Nation is experiencing and attempt to reshape the policy to again produce a better yield in jobs for our people and Nation? No. They put their head in the sand. And they do so in the form of an editorial that is nothing more than a red herring. Actually, this looks like a herring to me. A red herring. You've heard that old expression which means someone distracts attention from the real issue. They state a half-truth and then wage a fierce argument against that falsehood as if the falsehood were true. It is an old trick.

The New York Times article written by Eduardo Porter, is a complete red herring. He said that people who worry about job loss in America related to trade want to stop trade. He said that those people are isolationists. Nothing could be more untrue.

I say to Mr. Porter the vast majority of the American people want to fix what is wrong with these trade deals. And there is plenty wrong. If he fails to grasp that, he might, as the old expression goes, "fail to see the wall in front of his face and run right into it." Mr. Porter alleges that the majority of Americans who favor putting restrictions on free trade to protect domestic industries will push the new President to be undiplomatic and unreasonable when it comes to what Porter calls economic protectionism.

Mr. Porter, reciprocity is not protectionism. With nearly $1 trillion net trade deficit sucking more and more jobs out of this country, he should be championing balancing our trade agreement and creating jobs here in America again. But he opines that other countries, like Canada, Sweden and Germany, in which fewer people favor such measures, are scared that a new trade model would bring about what he calls a trade war. Yeah, you scare them, right? Try to scare the American people.

What Mr. Porter does not understand is that America's hostility is not to international trade, but to trade agreements and deficits that cause job outsourcing, job losses and cuts to middle-class benefits and health coverage. Americans support trade that wins for them and that brings prosperity to America again. They want trade that builds a middle class here at home and abroad. They are tired of being jerked around by the multinational companies that trade them for $1 an hour worker in China who has no hope of a better life. They want that worker to get a fair deal too. They support trade that creates jobs, America used to do that before we fell into deficit, and exports American products again to customers around the world. They broadly oppose the failed NAFTA model that has sucked jobs and money away from America to corrupt and closed markets that keep their boot on the necks of workers around the world who have no rights. Porter claims trade hawks want to disengage from the world. Wrong again. Nothing could be further from the truth. Americans wants to engage. They want reciprocal trade, balanced trade and free trade that builds a middle class, not shatters it.

That is why a number of us introduced a bill he mentions offhand, the trade act, H.R. 6180 which currently has over 50 sponsors and sets guidelines for responsible trade that encourages free trade among free people. Porter says that Europe and Germany don't share our point of view and we should be more like them. I will agree with him on one account. We should be more like them because they have trade balances, not trade deficits. They are sitting pretty compared to ours. We have a $711.6 trade deficit in 2007, and they, in fact, have surpluses. So Mr. Porter ought to be fighting for a strong America. And that means free trade among free people.

Indeed, the latest monthly trade figures from April show our nation has just gone further in the hole at $60.9 billion deficit. More red ink equals more lost jobs and more workers falling out of the middle class. Yet Canada and Sweden both managed surpluses of about $30 billion in U.S. dollars. Their trade numbers are moving in the right direction. Germany commanded a trade surplus of more than $185 billion. I ask Mr. Porter, why shouldn't America move its accounts to balance and surplus? Why does he favor more job washout? More loss of income for our people? More red ink? Furthermore, workers in those countries need not worry about losing their healthcare since the government provides assistance. Those countries trade in order to make money, but our trade policies have resulted in a hemorrhage of our resources.

The New York Times and Mr. Porter ought to be fighting for a strong America—and that means a strong economy evidenced by balanced trade accounts, not deficits. A strong America means keeping and creating good jobs, with living wages and benefits like healthcare. And a strong America means trade relationships that bring strength to our economy and our trading partners', not a race to the bottom or human rights violations.

America ought to be fighting for opening the closed markets of the world, like Japan's and China's, not putting our heads in the sand while our competitors levy non-tariff barriers against America's goods and services. If we are not trading with a free country with a free market and free people, we are not trading freely at all. We are paying these countries to continue unfair economic and political practices at the cost of our own prosperity and standard of living.

We ought to be fighting for America's middle class, not outsourcing their jobs to China, India, and Mexico. We should not oppose free trade; we should support free trade among free people.

[From the New York Times, June 7, 2008]

EUROPE FEARS A POST-BUSH UNILATERALISM, THIS TIME ON TRADE

(By Eduardo Porter)

The Democrats' vocal hostility to trade is starting to scare many of America's best friends. As Barack Obama and Hillary Clinton have bashed China and a variety of free trade agreements, allies who have been yearning for an end to President Bush's in-your-face unilateralism are worried that a Democratic president may be just as undiplomatic, and unreasonable, when it comes to economic protectionism.

"It is very irresponsible, in my view, to pretend to people that we can disengage from international trade," Peter Mandelstam, the European trade commissioner, warned in a May interview with the BBC.

It would be a mistake to brush all this off as mere campaign posturing. The United States remains as open to trade as its European allies, and in some areas it has even fewer restrictions. But the question is, for how long?

Despite economists' assurances about trade's many benefits, American workers increasingly view globalization as a losing battle against China's cheap labor and a very personal threat to their wages and jobs. According to a poll this spring by The New York Times and CBS News, 68 percent of Americans favor putting restrictions on free trade to protect domestic industries. That is the highest share since they began asking the question in the 1980s, and 12 percentage points more than in 2000.

Workers in other rich nations feel less threatened. Only 14 percent of Americans surveyed last year by the Pew Global Attitudes Project said increasing trade was "very good" for the country. That's less than half the share in Canada, Germany or Sweden. Even among the French, who tend to see capitalism as gauche and occasionally drive tractors into their local McDonalds, 22 percent said more trade was very good.

The issue isn't the amount of trade. European countries actually trade much more than the United States. But their citizens appear to be more comfortable with the idea because their governments provide a stronger safety net to catch workers undercut by foreign competition and redistribute the gains from trade more equitably.

In the United States, public spending on social programs, from unemployment insurance to health care, amounts to about 17 percent of the overall economy. This is about half the level in Germany and less than almost every other rich nation. America's meager social safety net and its winner-take-all distribution of riches means workers have less to gain from trade's benefits and more to lose from any disruption.

Most economists agree that trade plays a small role in the deteriorating fortunes of less educated American workers. But as their wages have sagged, their pensions have shrunk and their health insurance has disappeared, trade has become the scapegoat. Politicians, especially but not solely from the Democratic Party, have been eager to capitalize on those anxieties.

Just this week, Democrats in the House and Senate proposed a bill that would require the president to submit plans to renegotiate all current trade agreements—before Congress considered any pending agreements and before the president negotiated any new ones. In April, House Speaker Nancy Pelosi decided to change the rules guiding approval of free trade agreements to stall the approval of one with Colombia.

The United States has an enormous stake in maintaining an open global economy. Trade means export markets for American products, as well as cheap imports for American companies and consumers. Foreign competition helps spur productivity, which has driven the spectacular increase in American living standards since World War II.

Before this country stumbles into a trade war, all political leaders would benefit from a careful examination of how other wealthy democracies have found ways to cushion economic blows on the most vulnerable and make trade more palatable to their workers.

More generous social policies are a far better choice than protectionism.

THE PRICE OF GASOLINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, if you went out to a gas station this morning or tomorrow morning and you asked anybody pumping gasoline what the number one issue is, they would tell you without a doubt it is the price of gasoline because it is having an impact on their food and on every other commodity that they deal with.

The American people want gasoline prices and energy prices to come down. And the thing that really amazes me about my colleagues on the other side of the aisle, Madam Speaker, is they won't listen to the American people. Eighty percent of the American people, according to recent polls say that if we have the resources here in America, we should drill for them right here. Obviously, everybody is concerned about the environment, but we can drill for oil in the ANWR and off the continental shelf and use coal shale to create a tremendous amount of gasoline and energy in this country without even relying on the foreign sources. The problem is that my colleagues on the other side of the aisle will not listen to the American people.

Now I was watching Sean Hannity on Hannity and Colmes the other night, and Mr. Hannity said he couldn't figure out why the Republicans weren't talking about this and making this a big issue.

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And if he were here tonight, I would say, "Sean, we are doing it. We are screaming from the top of this Capitol that we ought to drill in the ANWR, we ought to drill off the Continental Shelf. We have a 500 year supply of natural gas. But the Democrats on the other side will not listen to the American people, and the price of gasoline goes up and up and up and the price of energy goes up and up and up."

I understand that my colleagues on the other side of the aisle want to go to new forms of energy that are environmentally safe, and I think everybody in this body wants that.

But while we are transitioning to the new technologies, we still have to live. We still have to have heating oil. We still have to have gasoline. We still have to have energy. And the way we can get it and not depend on foreign resources is by drilling in the ANWR, drilling off the Continental Shelf, using coal shale and using natural gas. But the environmentalist lobby, and my colleagues will never admit to this on the other side of the aisle, but the environmentalist lobby has them by throat, and as a result they will not yield to the America people's will that we drill here in this country to reduce the price of energy.

Now, I believe this will be an issue in the fall campaign. I know everybody is talking about OBAMA and MCCAIN and the presidential race. But the people who are in this country are really concerned about getting to and from work and paying their bills. I would just like to say to my colleagues on the other side of the aisle, go to any gas station tonight, go to any gas station tomorrow, and ask anybody pumping gas this question: Do you think we ought to drill for our own oil? Do you think we should depend less on foreign resources like Saudi Arabia or Venezuela? And 80 percent of them will look you right in the eye and say, you bet. I want the price of gasoline to go down.

My Democrat colleagues, I want you to listen to them, because they are going to get more and more angry with you because you will not listen. We could bring the price of gasoline down immediately if we say we are going to drill in ANWR, drill off the Continental Shelf, because our competitors around the world are going to say, "oh, my gosh, there is going to be competition," and you will see the price of gasoline and oil per barrel go down.

So, tonight, once again I will just say to my colleagues on the other side of the aisle, please, please listen to the American people. They want to drill in the ANWR. They want an environmentally safe way to drill in the ANWR, and we have it. They want to drill off the Continental Shelf. They want us to drill for our own oil and our own natural resources, and they don't want to depend on Saudi Arabia, Venezuela, Mexico or anyplace else. And we should listen to them. We should listen to them.

So if Sean Hannity were here tonight, I would say, "Sean, we are listening to you. We have heard you. We are screaming from the top this Capitol, but our colleagues on the other side of the aisle aren't listening right now."

But if we keep this up and the American people listen, and I think they will, they are going to hold my colleagues on the other side of the aisle, the Democrats, they are going to hold them responsible for the cost of energy.

So I would just like to say to you, the election is coming up and everything looks pretty good for your side of the aisle, but you better do something about energy, because the American people want something done and they want it done quickly.

DON'T ALLOW PERMANENT BASES IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished Speaker, and I thank her for her leadership.

We will in just a few minutes begin to talk about a very serious issue on universal access to health care, so I rise today to remind my colleagues that we are still in a very troubling conflict in Iraq. We are still spending billions and billions and billions of dollars. Even in the last few days I have seen the loss of young sons, young brothers, young men in my own community. We have buried a number of our fallen soldiers in the Houston, Harris County and South Texas metroplex.

We recognize that we are a nation that is willing to send her very best, her very brightest, to the front lines of Iraq and Afghanistan and places around the world to defend the honor, but yet the need for freedom and democracy. But this is a war that the American people over and over again, 60 to 70 percent have said we must bring our troops home. The American people have said enough is enough.

We honor those who have fallen. We honored them in this memorial week. I was in Aviano, Italy, and celebrated there at the Air Force base with the young men and women, the fallen, who fell on foreign soil. It was my honor and my privilege to be there, and I will do so wherever there is the opportunity to say thank you to those that live injured, for those who gave the ultimate sacrifice. We will never dishonor their service.

So I claim that today we can call the actions in Iraq, albeit my opposition to the offense or the invasion of Iraq by this country, we can call it a military success. We can call it a military success and bring our soldiers home.

What disturbs me, Madam Speaker, is that this Nation, this administration, is negotiating for foreign bases on Iraq soil, U.S. bases on the soil of Iraq, when over and over again this Congress has voted against maintaining long-term bases, U.S. bases, in Iraq. We have said it clearly. We have said it over and over again.

So I raise the question as to why is the administration engaging in negotiations for permanent military bases without the engagement and the affirmation of this Congress that has said to the administration that we do not want permanent military bases and neither do the people of the United States?

Now, I recognize that we have the responsibility of transition as the new administration comes in. I am believing that the new administration that will come in to be President of the United States will be the administration that will oppose this war and that will begin to bring our troops home.

But if, for example, we were concerned about transition, let me simply say, we are aware that we have a Central Command in the region. It is an active Central Command. It will be headed by General Petraeus for the next couple of months.

There is no reason why when that region is in need that under the Central Command the appropriate military operation can be dispatched, if necessary, to the region, to Iraq and to other places around. It seems to be a smack in the face of Congress that has over and over again said that it is time to bring our troops home, that we cannot spend millions and millions and billions more of dollars in Iraq.

It is time for Iraq to secure its own security, to defend itself, to build its own military bases. And, yes, we are quite happy to continue to train those Iraqi soldiers, which I visited with in the last couple of months. I was there. I saw them. They are committed and dedicated, the Iraqi soldiers. Their generals are committed and dedicated. Give them the opportunity to finance their own bases, to finance the military. But enough is enough. I believe the American people have spoken.

So I say to the administration, we will not tolerate permanent bases on the soil. And I want to thank the Progressive Caucus with the leadership of Congresswoman WOOLSEY and Congresswoman LEE, the Out of Iraq Caucus with Congresswoman WATERS, both of which I am a member of. We have worked on this. We have heard from the American people. We have heard testimony.

Frankly, this is an insult to the Members of the United States Congress, when we know that there are alternatives to ensuring the safety and security of the region, and we also know that the American people have spoken.

I stand with the American people. The needs are great. We must use this money for other reasons, bringing our soldiers home, training them, creating a green economy, making sure that we have the education we should and the health care that we should. It is time now to bring our troops home, and certainly it is time now to end this frivolous debate about permanent bases in Iraq.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, as many times before, I stand before this House with yet another Sunset Memorial.

Madam Speaker, it is now June 10, 2008, in the land of the free and the home of the brave, but before the sun set today in America, almost 4,000 more children, defenseless unborn, were killed by abortion on demand. And that is just today, Madam Speaker. That is more than the number of innocent lives that this Nation lost on September 11, only it happens every day.

It has now been exactly 12,923 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid going over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common, Madam Speaker. First, they were each just little babies who had done nothing wrong to anyone; and each one of them died a nameless and lonely death; and each one of their mothers, whether she realized it immediately or not, will never quite be the same; and all the gifts that these children might have brought to humanity are now lost forever.

And yet even in the glare of such tragedy, this generation still clings to a blind, invisible ignorance, while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it is time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only objective of good government."

The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law."

Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the inalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our core commitment to this self-evident truth. It has made us the beacon of hope for the entire world, Madam Speaker. It is truly who we are.

And yet today another day has passed, and we in this body have failed again to honor that commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who hears this Sunset Memorial will finally tonight embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,923 days spent killing nearly 50 million children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this Chamber and in this sunshine of life are also numbered, and all too soon each one of us will walk from these doors for the very last time. And if it should be that Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn in our Nation. May that be the day when we find the humanity, the courage and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny little brothers and sisters in America from this murderous scourge upon our Nation called abortion on demand.

Madam Speaker, it is June 10, 2008, 12,923 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children. This in the land of the free and the home of the brave.

SOLVING THE CHALLENGE WITH REGARD TO GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, I go home, as most Members of Congress do, every weekend and talk with constituents and try to get a sense of what their concerns are and make certain that we are representing them responsibly here, and upon my last visits home on the weekends over the past 3 or 4 months, their concerns are the concerns of Americans all across this country, and that is the concern of energy prices, of gas prices. They aren't just concerned, Madam Speaker; they are mad. They are mad because they see absolute and utter inaction here in the United States Congress. American values and American vision dictates that we do all we can to solve the challenge that we have before us as it relates to gas prices.

☐ 1830

Four dollars a gallon, we hit that mark over this past weekend.

I wonder what price per gallon it will take to get this Democrat majority to act, to work to increase supply. Is it $5 a gallon, $6 a gallon, is it $10 a gallon? Will it happen then that this Democrat majority will then allow this Congress to vote on increasing supply?

Now, there are all sorts of things that ought to be done. The kinds of things that have been described by my friend on the other side of the aisle are appropriate, and we ought to do them. I support, strongly, conservation. We can do a lot more in the area of conservation and should incentivize conservation.

I support, strongly, finding that alternative fuel and incentivizing genius of the American people to identify what that is so that future generations won't be reliant on fossil fuel. But right now, it's imperative that we work to increase supply.

This problem isn't new. This distinction between folks on the Democrat side of the aisle and the Republican party on this side of the aisle isn't new. We have had vote after vote after vote over the past 10 or 15 years on increasing the supply of oil in this Nation, and time after time after time our friends on the other side of the aisle have not risen to the occasion. You talk about Alaska exploration, ANWR exploration, House Republicans have supported that 91 percent of the time, 91 percent of House Republicans have supported Alaska exploration; Democrats, 86 percent have opposed it.

Jay Leno, I don't know if you heard, Jay Leno said Democrats right now say that it will take 10 years if we explore in Alaska to realize any new gasoline, and then he said, that's exactly what they said 10 years ago.

It goes on and on. Coal-to-liquid technology, 97 percent of Republicans have supported coal-to-liquid technology, 78 percent of Democrats have opposed coal-to-liquid technology. Oil-shale exploration, every time it has come up 97 percent of Republicans have supported it; House Democrats, 86 percent have opposed it. Deep-sea exploration, House Republican support, 81 percent; House Democrats, 83 percent opposed.

What about increasing refining capacity? House Republicans, 97 percent support; House Democrats, 96 percent opposed. So 91 percent, in summary, of House Republicans, have historically voted to increase the production of American-made oil and gas and 86 percent of House Democrats have historically voted against increasing the production of American-made oil and gas.

It has been said that every other Nation on Earth views their natural resources as an economic asset. House Democrats, this majority, believes that natural resources in this land are an environmental hazard.

What do we do? Well, I want to commend Representative TIM WALBERG of Michigan, who is leading the fight to decrease gas prices. He has filed a discharge petition on House Resolution 3089, which will increase refining construction and capacity, boost alternative energy development, provide incentives to increase nuclear energy and allow for environmentally friendly domestic oil production.

I call on the Speaker, and I call on the leadership of this House to bring this commonsense bill to the floor. These are real solutions for the American people, American energy for Americans. It's the American vision, it's the American values that are across this land.

The American people understand and appreciate the challenges we face. They just can't understand and appreciate why this majority won't act to increase supply.

UNIVERSAL HEALTH CARE

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from California (Ms. WATSON) is recognized for 60 minutes as the designee of the majority leader.

Ms. WATSON. Mr. Speaker, this will be the first of a special order pinpointing and focusing on the need for universal health care insurance.

There will be speakers today that will point up various areas of need. But in opening this hour, I would like to say that over the past 15 years there has been incremental reforms that have expanded health care coverage to limited populations and have crowded out an increasing number of Americans from the private insurance market.

Preventable and mismanaged chronic disease, such as asthma, cancer, diabetes and heart disease, are the leading causes of death and disability in the United States and account for the vast majority of health care spending. They have affected the quality of life for 133 million Americans and are responsible for 7 out of every 10 deaths in the United States, killing more than 1.7 million Americans every year. Chronic diseases are also the primary driver of health care costs, accounting for more than 75 cents of every dollar we spend on health care in this country.

As reported by the Centers for Disease Control, in 2005, this amounted to $1.5 trillion of the trillions spent on health. Despite worldwide problems, the issue of chronic disease does not register with large segments of the public. As policymakers, we must raise the awareness of the health care crisis on this issue of the uninsured and underinsured as a primary concern in Congress.

Now, there is legislation to ensure that all Americans will have access guaranteed by law through the highest quality and most cost-effective health care services, regardless of their employment, income or health status.

The following Members will be speaking on this issue, and I call up as the first speaker the young lady from Texas, Representative Sheila Jackson-Lee.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentlelady from California for yielding, and let me add my appreciation for the vast knowledge that she brings, particularly as it relates to the comparisons of our health care, to the international system of health care, having been an ambassador and knowing, really, some of the stark contrasts between nations that are developing and have a better health care system than we have here in the United States.

I want to add my appreciation as well to Chairman JOHN CONYERS, who has single-handedly led the cause and the fight for universal access to health care, particularly as it relates to the legislation that all of us are looking forward to seeing passed, because this is legislation that clearly is enormously important.

So I want to speak today on some issues and share some stories of individuals who are suffering in the State of Texas. Maybe those who are within the sound of our voices will understand that we do not take your plight lightly. We have heard Members come on the floor of the House and talk about the spiraling gasoline prices, we have heard them talk about the crisis in the housing market.

I was in my district, and we had an hour-long program, and we really couldn't end the program. It was a television program, and all of the questions were on the foreclosure market. The producer came out and said, they don't want to ask any other questions. They just want to ask about the foreclosures.

People are hurting, and if you juxtapose the high food gasoline prices high food prices and your mortgage being foreclosed on, or no place to live, can you imagine what it is like? You can imagine, with no health insurance, catastrophic conditions, with the backdrop of the spiraling unemployment, then I would say that we have a human crisis, an American crisis where people are falling on the spear.

Yesterday, I introduced the Medicare Efficiency and Development of Improvement of Care and Services Act, MEDICS Act, of 2008. It is a complement to universal access to healthcare. But if we had universal access to health care, many of these issues would not have to be, if you will, remedied piece by piece.

Just to give you a very brief overview, the bill that I introduced has an elimination of discriminatory copayment rates of Medicare outpatient mental health services. It also prohibits and limits certain sales and marketing activities under Medicare Advantage, and it has exemptions from income and resources for determination of eligibility for low-income subsidy.

One of the key elements is if you are on Medicaid and you die, this eliminates the ability of States to collect from your estate, you don't have anything. It may be that you are leaving minimal resources to your children, and lo and behold, they want to grab that up to pay for the long-term care that you needed while you were in the hospital under Medicaid, more insult to your dignity.

So very quickly let me say that I rise to support H.R. 676, the United States National Health Insurance Act, that is sponsored and introduced by my colleague, Chairman CONYERS, of which I am an original cosponsor. I would just simply say in the State of Texas when you look at HIV and STDs, for example, there are 22,948 total AIDS cases in Harris County, this was in 2005. These are people who may have health issues we have to address.

According to the Texas Department of State Health Services, 72.9 percent of African Americans in Texas are overweight, while 60.3 percent of the Anglo white population are overweight. That bodes for an unfortunate health situation.

H.R. 676 would cover health care costs and would decrease for both families and for businesses. Currently the average family of four covered under an employee plan spends $4,225 on health care, $2,713 on premiums and $1,522 on medical services.

I would say to you that under H.R. 676 a family of four making the medium income of $56,200 would pay about $2,700 for all health care costs, including the current Medicare.

Is that not a reformation of this system? Is that not a light at the end of the tunnel? Businesses would benefit as well. They would pay a 4.75 percent payroll tax for all health care costs, including the current Medicare tax. For an employee making a median annual family income of $56,000, the employee would pay about $2,700 per year. That is the answer that we are giving tonight and why we are here on floor of the House.

We want you to know, our colleague, that there is relief. We can move H.R. 676, which is based on the traditional Medicare model and provide health care coverage for a family of four that is drastically different from the crisis that they are facing today, because today they are facing a crisis such that if they are in any catastrophic illness you can be assured that they will have no relief.

Let me close by sharing with you two very painful stories, and you can understand why, might I say to you, there are pages and pages of stories of those who are suffering in this dilemma of having to pay for all of these expenses and short-changing their families on health care.

The lack of health care leads to death. Impossibly high gas prices can lead you to public transportation, it may lead you to walking. It may lead you not to going to places where you have not often gone, but you are still alive and might even be healthy. The lack of food may mean that you have a little less on the table, and it may mean your health, but it actually will not kill you directly.

Certainly we know that we want better education and our troops home. But if you do not have good health care, it can lead to your death. Whether it's preventive health care, whether it's mental health services, it can actually lead to the death of your loved one. Poor health care can lead to the death of your loved one.

We are speaking of life and death. This story is from Mike. "I lost my job as an RN for advocating for better staffing ratios and patient safety." That means here is a registered nurse who is trying to fight for better quality of health care, got fired. "With that job loss, I lost my medical insurance. On New Year's Day I had an ocular stroke.

I was having symptoms for a couple of days prior, but without medical insurance, decisions are made in a different manner."

□ 1845

"I put off the treatment because I didn't have money to pay. In the process I delayed treatment, and now I am blind in that eye. If I had insurance, I would have sought treatment sooner. I am a health care professional who delayed treatment decisions because of the cost and lack of insurance."

This person could have died. Now they are blind which limits I imagine some of their occupational opportunities. They are blind because America allowed them to live without health insurance.

This is my final testament to the crisis we are in. This is from Robin: "My daughter has a developmental disorder, something in the autism spectrum, her pediatrician has guessed. I am not certain of the extent of the diagnosis of her disorder due to the lack of my funds, being a single mother, and lack of quality health insurance. I can scrape together money to take her to the doctor if she has any routine sickness, and I push my budget the best I can to pay for 30 minutes of private speech therapy a week to complement what the school system provides. But there is so much more she needs. She could do so much better with medication that could possibly help her lead a decent life. If I could afford to get the extensive tests and evaluations, and even then, who knows if I could afford the medicine. She cannot qualify for SSI or Medicaid; they say I make too much money. That is an outrage. She cannot qualify for CHIPs; again, they say I make too much money. But I don't. Once I pay for day care, speech therapy, clothing, car insurance, food and shelter, transportation, the rising cost of gasoline, $38,000 gross without child support is not enough money. Can you imagine that they say $38,000 kicks her out of Medicaid and the CHIP program, especially when all your daughter can qualify for is a super-expensive health insurance risk pool. What can I do? I want the American dream, but I cannot have it. I am stuck in this old, falling-apart apartment with an old car and inadequate health coverage with my sweet, 7-year-old daughter. God help us, she deserves better."

God help America. America deserves better. This universal access to health care is what we all should believe is the American dream.

I close by simply saying what our Founding Fathers said: We all are created equal with certain inalienable rights of life, liberty and the pursuit of happiness. I will just simply say that God has to help us come to our senses and pass this legislation, H.R. 676, authored by my dear friend, John Conyers, and cosponsored by so many of us, otherwise God help us.

I thank the gentlelady for her great leadership on this issue.

I regard health care as one of the most pressing issues facing this country and the world. I have been a staunch supporter of legislation that aims to eliminate health disparities in this country, fight the HIV/AIDS pandemic, combat the childhood obesity crisis facing this Nation, and provide health insurance coverage for all Americans. Most of all, I strongly believe that quality healthcare should be affordable and accessible to all.

Yesterday, I introduced the Medicare Efficiency and Development of Improvement of Care and Services Act (MEDICS Act) of 2008. For decades, Democrats have been fighting to fix the broken America's healthcare system and this initiative is an important tool to make sure that our most vulnerable get the healthcare they need.

As a long supporter of Universal Health Care, I happy to announce that this legislation puts our healthcare system on the correct path of providing access to health care for our Nation's low income, minority and elderly populations. On Friday June 6, 2008, my colleague Senator MAX BAUCUS introduced a health care reform bill that addresses these key problematic issues continuing to plague our health care system. I am happy to announce that The MEDICS Act is the companion bill to Senator BAUCUS' legislation, uniting Congress on one accord to push for crucial healthcare reform. In 2007, there was an estimated 47 million people uninsured in our Nation. This is un-American and unacceptable. Now is the time to ensure that every citizen has access to the proper health care benefits they need.

In my house companion I have added a section requiring that within one year of enactment the Secretary, in coordination with the Association of American Medical Colleges, shall submit to Congress an effective plan to increase the number of primary care physicians particularly those practicing in counties, cities, or towns "underserved" or with a disproportionate number of Medicare-eligible and/or Medicare recipients. Without our primary care physicians, which act as the gateway to care we can never move towards an effective universal healthcare plan.

According to the Texas Department of State Health Services, Texas HIV/STD Surveillance Report, there were 22,948 total AIDS cases in Harris County in 2005; a figure which almost doubled the next closest county in Texas.

According to the Texas Department of State Health Services, 72.9 percent of African Americans in Texas are overweight or obese while 60.3 percent of White residents are obese.

The need for a high-quality, accessible and affordable health care system has never been more urgent. There are currently 47 million uninsured Americans, 8 million of whom are children. Another 50 million are underinsured. Although the U.S. spends twice as much on health care per capita as countries with universal coverage, the World Health Organization ranks us 37th in overall health system performance.

This Congress, I am an original cosponsor of H.R. 676, "The United States National Health Insurance Act," introduced by my colleague Congressman CONYERS. This act would allow for every American to receive heath Insurance.

H.R. 676 would create a publicly financed, privately delivered health care system that improves and expands the already existing Medicare program to all U.S. residents, and all residents living in U.S. territories. The goal of the legislation is to ensure that all Americans will have access, guaranteed by law, to the highest quality and most cost effective health care services regardless of their employment, income or health care status. You, the American people called for universal health care, as it was one of the most prominent issues for Americans in the 2006 elections.

The need for a high-quality, accessible and affordable health care system has never been more urgent. There are currently 47 million uninsured Americans, 8 million of whom are children. Another 50 million are underinsured. Although the U.S. spends twice as much on health care per capita as countries with universal coverage, the World Health Organization, ranks us 37th in overall health system performance. Major American corporations such as General Motors bear the brunt of an outdated health care system because they are at a competitive disadvantage relative to their international counterparts who pay less for health care. A Harvard study found that almost half of all bankruptcies are partially or fully related to health care bills.

Universal health care would not cause a financial burden on American families. According to the Government Accountability Office (GAO), "If the U.S. were to shift to a system of universal coverage and a single payer, as in Canada, the savings in administrative costs [10 percent of health spending] would be more than enough to offset the expense of universal coverage."

Under H.R. 676, health care costs would decrease for both families and for businesses. Currently, the average family of four covered under an employee health plan spends a total of $4,225 on health care annually—$2,713 on premiums and another $1,522 on medical services, drugs and supplies. This figure does not include the additional 1.45 percent Medicare payroll tax levied on employees. Under H.R. 676, a family of four making the median family income of $56,200 per year would pay about $2,700 for all health care costs, including the current Medicare tax.

Businesses will also save money under universal health care, as set forth by H.R. 676. In 2006, health insurers charged employers an average of $11,500 for a health plan for a family of four. On average, the employer paid 74 percent of this premium, or $8,510 per year. This figure does not include the additional 1.45 percent payroll tax levied on employers for Medicare. Under H.R. 676, employers would pay a 4.75 percent payroll tax for all health care costs, including the current Medicare tax. For an employee making the median annual family income of $56,200, the employer would pay about $2,700 per year.

Our plan, H.R. 676, "The United States National Health Insurance Act," guarantees every resident of the United States access to a full range of medically necessary services, including primary care, prescription drugs, mental health care and long term care. There are no co-pays or deductibles under this program. The role of the government would be limited to collecting revenues and disbursing payments;

care would continue to be delivered privately. Patients could continue to use the same hospital, physician or health clinic from which they currently receive services. H.R. 676 is supported by over 210 labor unions and more than 100 grassroots groups across the country. The former editor of the New England Journal of Medicine, two former Surgeons General and 14,000 physicians support national health insurance.

H.R. 676 is based on the traditional Medicare model, in which the government negotiates and pays service fees for private and public providers and mails its enrollees a card that gives them access to the doctors and hospitals of their choice. This system does not divert profits to insurance companies. This legislation is focused, first and foremost, on serving the American people, not on generating profits for big companies.

Lack of health-care is no longer just a concern of those living in poverty. According to recent reports, more than one-third of the nearly 47 million uninsured Americans coming from households with family incomes of $40,000 or more, lack of health insurance has become a worry of the middle class.

There is no reason why this country should continue down a dreadfully deleterious road of denying healthcare to any citizen of this country who needs it. Many of the health conditions, such as diabetes, obesity, kidney failure, cancer, hypertension and HIV/AIDS, the prevalence of which plagues our community the most, could be curtailed or even prevented if everyone had access to health insurance. I will continue to fight hard for the most effective policy measures that aim to narrow the racial health disparity gap.

Ms. WATSON. I thank you, and call on the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Thank you, Congresswoman WATSON. And I want to thank Chairman CONYERS for organizing this special order and for his leadership on universal health care.

I am glad to join with my colleague, DIANE WATSON, and JAN SCHAKOWSKY is here, and we just heard from SHEILA JACKSON-LEE, to highlight the need for health care for not just some Americans but all Americans.

Mr. Speaker, more than 47 million Americans are uninsured, an increase of 6 million since this administration took office. Nearly 10 million of those uninsured are children, children under the age of 18. It is unforgivable that a country as wealthy as the United States of America cannot find a way to provide health insurance to its entire population.

Actually, when there is a will, there is said to be a way. So the United States must not have the will to provide health coverage to every single American.

Medicaid and the Children's Health Insurance Program, CHIP, are important safety nets for children whose families cannot afford to purchase health insurance. However, even with these programs, 10 million children still lack health insurance. Currently, Healthy Families, which is what CHIP is called in the State of California, Healthy Families serves 1.2 million children, more than 10,000 children in my district. And last year we, the Congress, had the opportunity to expand CHIP to provide services to nearly 4 million more children. This legislation would have provided health care to an additional 607,000 children in California, and would have provided CHIP coverage to many of the 5,000 children without health insurance in my district.

Unfortunately, however, the administration recklessly vetoed this expansion. Imagine when the United States is spending over $338 million a day in Iraq, we can't find $35 million over 5 years. So divide that, 5 into 35 is 7, so that would be $7 million a year to provide an additional 4 million children with health insurance.

What are these priorities?

No child should be denied quality care because his or her parent cannot afford to purchase health insurance. No parent should have to choose between medicine for his or her child and food on the table.

Mr. Speaker, even if we are able to insure every child, that still leaves nearly 40 million Americans without health insurance. We hear stories every day about people who lack medical care and whose only option is to go to our already overcrowded emergency rooms to seek care. Our Nation's health centers, hospitals and emergency rooms are doing everything they can to provide medical care to the uninsured and underinsured, but they cannot fill the need.

Actually, when an emergency room is the care center, the underinsured and uninsured do not get access to important preventive care and they do not get access to screenings to prevent disease or catch and treat them early. The shame is that we can detect and treat diseases when caught and treated early. So many uninsured, for example, who are surviving cancer and other serious diseases could have been treated with access to screenings and treatment.

No one should have to put off important medical screenings like a mammogram because she cannot afford the cost and doesn't have the time for a wait list for free screenings. If a woman is diagnosed with breast cancer, she should not have to choose between food on the table or rent. What an awful choice to be asked to make, particularly if you have a family to support. No one should be denied necessary medical care because they cannot afford it. We must refocus our priorities. We must use the money that we are spending on Iraq to invest in our Nation's health care system. The 47 million Americans without health insurance deserve no less.

I look forward to working with my colleagues to find the best possible solution to address this crisis, and I thank you again, Congresswoman WATSON, for holding this special order.

Ms. WATSON. We thank you for your depth of understanding of the issue.

Now I yield to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Thank you, Congresswoman WATSON, for organizing this and allowing me to participate tonight. I also want to thank our colleague, Representative CONYERS, for his long-time passionate leadership on universal health care. I don't know if he is going to get here tonight, but he certainly has been a steady and consistent voice for health care and health care reform. Thanks to his efforts and that of so many others, I believe we are on the brink of accomplishing this long-awaited goal, and that this time we will be successful in providing affordable, guaranteed health coverage for all Americans.

When I first ran for office in 1990 for the State legislature, I proclaimed that as my goal in public service, that one day to be able to contribute to the victory of allowing all Americans to receive health coverage. I have always felt that this richest nation in the world, that it is a shame and really an embarrassment that Americans, unlike citizens and residents of every other industrialized nation in the world, that we don't make health care accessible to all of our citizens. It is unacceptable and in many ways un-American. It is not in the tradition of our country, which is to take care of each other.

There are lots of people across the country who are ready to make this fight. Another one of the heroes I wanted to highlight tonight is my friend and until recently when he retired from active practice my physician, my personal physician, Dr. Quentin Young of Chicago. Quentin Young was the chairman of medicine at Cook County Hospital. He was the president of the American Public Health Association. He is a founder of Health and Medicine Policy Research Group in Chicago, and a co-founder of the Physicians For a National Health Program. And in each of his roles, expanding access to quality health care has been his top priority. He is one of the most articulate and passionate and consistent long-term spokespeople for single payer health care in our country, for providing affordable, comprehensive and quality health care for all.

And as Dr. Young frequently says, "We feel universal health care is no longer the best answer, it is the only answer. There was a time when there were alternatives that might have worked, but that day is passed."

He goes on to say, "I certainly think it is attainable. It has been attained in certain countries that aren't very different from us. I totally come down on the side of health care being a human right. It is very hard for me to see a coherent let alone a moral or decent argument against it because illness doesn't distribute itself according to the ability to care for yourself and be cared for. It strikes children. It strikes the poor. It strikes the most needy, and the most ill-protected disproportionately. That is the correlation."

Cardinal Bernardin, also from Chicago, a hero on health care, said it best. He said, "Health care is so important to human life and dignity that it is the responsibility of society to offer access to decent health care to every person."

And I was pleased that he didn't say every citizen. He said every person. So the answer is that it should be considered a right guaranteed by society, which means it must be a responsibility of government.

And as we enter this new round of discussions, more and more people and organizations have come to agree with Dr. Young and JOHN CONYERS' conclusions. New coalitions have formed, including small and big businesses, consumer and labor groups, providers and the faith community, and organizations representing people with disabilities and living with chronic diseases. The time has come for action.

In 2002, the Institutes of Medicine estimated that 18,000 people a year died because they were uninsured. They were unable to afford preventive services, screenings that would have provided early warnings, prescription drugs or medical care. Today the Urban Institute estimates that annual death from uninsurance are up to 22,000 people every year. That is 432 people each week, 60 people each and every day who die because the United States of America alone in the industrialized world does not guarantee affordable health care to our people. It is a horrendous statistic.

But it is only a partial description of the catastrophes we face. Our health care system is becoming completely dysfunctional for patients and for those who care for them.

Even being covered by insurance is no guarantee. The Commonwealth Fund has just released a new study that concludes between 2003 and 1997, the number of uninsured Americans grew by 60 percent. There are now 25 million insured people who could face financial catastrophe if they become sick or injured.

Consider this: One in five Americans under the age of 65, many of them insured, live with medical debt. I say under 65 because many people are waiting for that birthday, can't wait to get there because then finally Medicare, a national health insurance for people over 65 and those with disabilities who qualify, do get health care.

☐ 1900

Medical bills are the leading cause of about half of all personal bankruptcies. High deductibles and co-pays, limits on payments, denials of needed care, all of these shift burdens to individuals and families who are already struggling. These numbers are staggering, and it's a national shame that while spending 50 percent more than any other country in the world on health care, we fall so dismally short in providing a health care guarantee.

But it's also important to remember that behind each number is a person, our friends, our neighbors, our family, our colleagues, ourselves; people like the Wells family from Illinois, who accumulated over $175,000 in medical expenses while waiting for their employer's 6-month waiting period for coverage to expire.

Or Susan, who can't afford the tests her doctor wants her to have to deal with her high blood pressure; or Constance, who moved back to Illinois to care for a family member and can't find a job that provides affordable benefits.

I want to close by saying that winning the fight for guaranteed health care for all is not just the right thing to do, it's the smart thing to do. Too many potential entrepreneurs are locked into jobs that provide health care, unable to leave and create new businesses that keep our economy strong and provide new jobs.

Too many businesses that are providing coverage for their workers are competitively disadvantaged because their foreign competitors operate in countries with national health care. They too want us to get it together and adopt universal health care.

So, again, I want to thank Congresswoman WATSON and again, I want to thank Congressman CONYERS for his leadership.

Ms. WATSON. We would like to thank you, the Honorable JAN SCHAKOWSKY, for a thorough analysis of what the problem in access to health care really is. Thank you.

The Representative from Kansas, NANCY BOYDA, Dr. Representative CHRISTIAN CHRISTENSEN, Mr. Speaker, you were on our list to make a presentation in this hour. Would you like to do it? And I don't know what's protocol. Mr. Speaker, Representative SCHAKOWSKY will take your place temporarily so you can make your presentation if you choose.

The SPEAKER pro tempore. I couldn't have a better substitute.

Ms. WATSON. I just want to say that Members in this first hour have struck a chord with the American people and the needs. And when we talk about homeland security, it is not the land, it's the people on the land. And I am very disturbed that we're losing too many of our people who help defend this land to all kinds of diseases and health problems that need not be. With the proper kind of access to health care, we wouldn't be seeing so many of our viable citizens perish. We could do something about it.

So we intend, Mr. Speaker, to have a series of these discussions with America. And we do hope that maybe we can pull in CNN, Nightline, that's ABC, Channel 7, to hold a periodic series of these discussions about access to health care.

We do hope that you're able to make your presentation at this time, Mr. Speaker.

All right. I understand that you won't be speaking at this time, so let me—how much time do we have left on this hour?

The SPEAKER pro tempore. Thirty minutes.

Ms. WATSON. I would just like to read some of the 51 stories of Americans with cancer who suddenly find themselves overburdened with medical bills, and they have gaps in their coverage. These are real people, Mr. Speaker. These are real Americans who are calling out to us.

As you know, we've had two very fine proposals coming from Senator HILLARY CLINTON and Senator BARACK OBAMA that would address access to health care.

Over on our side, in our House, we have the valiant efforts over the years of Congressman JOHN CONYERS, JR. He would have been here today, but there was a conflict. But he will continue the drum beat and the call for us to get down to business so we can have accessible health care.

I'd like to take some time to read you the plight of real Americans. This one is Susan M. She said, "My husband, Tom, was diagnosed with lymphoma in 1996, just 4 months after our daughter was born. He underwent three series of chemotherapy before dying of encephalitis in 2001. At that time the entire family was insured through his employer.

"The monthly premiums went to $900 per month, and since I had left my job to care for him, I didn't have many options. I was able to get the kids covered by Medicaid, and I signed up for Ingram Health, which only covers doctors visits and prescriptions, not hospitalization or long-term treatment. This carried us along until a mammogram showed I had breast cancer in 2006, then I was put in to the breast and cervical cancer program. I received excellent care and am currently cancer-free.

"Earlier this year I took a contract position for 6 months at 20 to 30 hours per week. Working again helped my attitude tremendously. The depression I had struggled with for 10 years started to lift, and I was feeling positive about my future prospects.

"But, of course, the extra income meant that my kids were no longer eligible for Medicaid. So I had the added stress of finding insurance for them. I was afraid that my eligibility in the breast and cervical cancer program was also in jeopardy, so I never told my case manager about working.

"Now, the contract has run out and I'm looking for work again. I'm afraid that my coverage under the breast and cancer program will end before I can get a job with benefits. And the bill for the children's insurance will be due in a few weeks. And I worry about what impact a pre-existing condition will have on my job prospects.

"It doesn't seem fair that my health should be tied so punitively to a job. It just adds to the emotional stress, which is already too high.

"Thank you for reading and thank you for caring."

That was from Susan M.

Jennifer G says, "My mother suffered and died with ovarian cancer. It was terrible. And as with many ovarian cancers, hers was not detected until it was way too late for successful treatment.

I am 36 years old now. My husband and I are finished having children. My doctor recommended that I have a hysterectomy because my risk of getting ovarian cancer is much higher now.

I am lucky enough to have health insurance. Unfortunately, an accountant working for the insurance company is able to override what my doctor recommends because they don't want to pay for it. They would rather take the gamble that I may or may not get the cancer. I, of course, would rather not gamble with my life.

"I am all for everyone having health insurance and having access to whatever health care they need. However, being covered by health insurance does not guarantee that you will get the treatment you need or any treatment that your doctor might recommend.

"It is not enough to demand coverage for all people. Insurance companies would still have the power to say no any time they want to save some money.

"And I don't have the solutions. I can just recommend that this is a problem on two levels. Getting some kind of universal health care coverage will just be the first step. Getting insurance companies to cooperate with doctors decisions will be the next step. This is where much of the reform will need to happen.

"Plus, I know several people who are fighting cancer and recovering from cancer. All of them have health insurance. Most of them are being denied coverage for medicine to fight their cancer. It is pathetic to have health insurance and not be able to count on it to help you when you need it the most."

And Mr. Speaker, just this morning, I was called to be told that one of our dear friends and PR persons died of cancer at 2 a.m. this morning. Her name was Pat Tobin. She came from Philadelphia, Pennsylvania, to Los Angeles a couple of decades ago. She has a daughter, a sister.

And we went to her bedside on Friday, and I could see at that point that she possibly would not make it through the night. But she did. She made it until 2:00 a.m. this morning.

And I tell about that particular account because if we could set priorities in this country to cover the health needs of all Americans, rather than pour billions of dollars into a conflict 10,000 miles away, that I see never ending, and I see us involving ourselves in sectorial problems that we don't even understand. We don't even understand the language the people speak. How in the world could we understand their customs and their conflicts with each other?

If we could take that money out of the gopher hole it's in and put it into research in this country to stop this deadly epidemic of cancer throughout our land, wouldn't this make our country stronger?

We're losing 4,000, we have lost 4,090 people, and countless innocent Iraqis and others. I hear it could be as much as 300,000.

But no, we stupidly, stupidly and incorrectly continue to dump monies, and we don't even take care of our own domestic priorities.

We argued over health care for children? Every child in this country, whether that child is here with legal papers or not, not only deserves an education, but deserves health care. What kind of country are we that let its own people die because insurance companies are saying oh, no, that's too much?

And we never see their actuarial data, by the way, Mr. Speaker. That actuarial data could go into investments that fail. We don't know it. They just up the premium.

And when you have a catastrophic illness or a long-term illness, it could bankrupt you. Look at Ed McMahon, Tonight Show host, along with Johnny Carson, for decades. And now he's on CNN on the Larry King Show, talking about his broken neck and his injuries, and now his Malibu home is in foreclosure.

☐ 1915

That's an American of prominence who was worth at one time $100 million. But a catastrophic illness could run you into bankruptcy. And that story is told many, many times.

I will not take the time now, Mr. Speaker, but these are actual people with actual stories. And we are the policymakers, and we're going to continue to tell their stories night after night until we, as a body, until we, as the Congress, can come together and set our priorities on what is really necessary to keep America strong. And it might take a new administration.

So we're going to lay the groundwork for the next President and Commander in Chief of these United States to choose prosperity, to choose health care, to choose education, to choose social services over profiteering by your best buddies in the oil industry. You can read between those lines. And we hope that the next President of the United States will set, as its higher goal, to keep America healthy and be sure that every single American and persons here can get that kind of health care. So together we can conquer.

We should not lose another person to cancer. We should not in this country because we should have done the kind of in-depth research and tests so that we could come up with various prescriptions and remedies to save the lives of so many worthy people.

Thank you so much, Mr. Speaker, for this time. We will be back again another night.

Mr. COHEN. Thank you, Madam Speaker.

It is indeed an honor to join with the previous speakers and you, Madam Speaker, to speak on this subject that you and Chairman CONYERS and others have brought to this fight.

It has been a long fight. Chairman CONYERS and Mr. DINGELL and Mr. DINGELL's father I think have had sponsorship of issues such as this since the 1940s, 60-some-odd years of efforts and introduction of legislation and debate and discussion, but no bill yet. But we've come a long way. We've come a long way since the 1940s.

Madam Speaker talked about the individuals who suffer from cancer and should not have lost their lives because we didn't have adequate research. I have penned a letter to the Speaker and to Chairman OBEY, who I know are concerned about this issue, asking that we increase NIH funding in the President's 2009 budget for research on cancer, diabetes, heart disease, AIDS, Parkinson's, and Alzheimer's disease so that we double the amount that we had in the budget as requested by Congress.

In the President's fiscal year 2009 budget, the request for research at the National Institute of Health for cancer, diabetes, heart disease, HIV/AIDS, Alzheimer's, and Parkinson's, this could be doubled, and only a day or so's worth of money that we use for our war efforts would have to be transferred to make this available.

You know, I think about what the Speaker was talking about, the loss of lives, and I had to think about Senator KENNEDY. Not that one life is greater than another life. But Senator KENNEDY is a colleague who has been in this hall and is fighting cancer. We hope he will have a successful fight. But when we see him struck with cancer, and others—and we know there are people dying every day of cancer—it just seems to me that it's a shame that we don't put more and more money into saving lives and we don't use the great wealth of this Nation, the intelligence of this Nation, the great scientific powers of this country to invest in medical research in saving lives rather than weapons of mass destruction often brought to us by people who benefit from them and have brought the military industrial complex that President Eisenhower warned us about, even President Nixon had concerns about; and that helped take us from 9/11 into an escalating budget expense of military weapons that caused this country's budget to be spent so much and its great talent and abilities in a scientific way to be used on weapons of mass destruction and other arms of the military industrial complex rather than science and research to save lives and save humanity.

Who knows which person, which young person or older person, could do something to save other people's lives let alone give love and hope to families?

And so with national health care insurance, we could cover people, we could save lives because if we had insurance for the people, you could scope out illnesses earlier whether you're wealthy or poor. You would have the same opportunity to have preventative care, early treatment, and diagnosis of illnesses that can cause loss of life. And that early detection can save lives.

Right now if you're poor, you don't have the opportunity to have that early detection and your life is taken. And that's an inequity that this country should not allow to continue and shouldn't have permitted for all of these years.

There are so many accomplishments that we have seen in this country, particularly in this year. We've seen our Nation become a more perfect union in so many ways. But the fundamental right to health care is one that we have not recognized yet and we must.

We're all here because of the grace of God, and it seems like we should all have the—at our access and at our disposal what God's creatures have been able to discover, refine, produce, in the way of medical care to keep people alive. That just seems like a minimum thing.

And this country is the only great industrialized country on the face of the earth without some national health care policy. It seems like in this area, we are not the first in the Nation, in the world, but we're last in the world. And that's terrible.

There are doctors that serve in this body, and they're to be admired for giving their time. And I'm sure—I have many friends who are doctors who give a lot of charity care. But it shouldn't have to be doctors providing charity care to treat people that otherwise wouldn't be treated. It should be something that we all give. And I think that that's the real social need in this country. And when people talk about values and social consciousness and really religious thought and caring about others, it really begins with caring about people's health and sacrificing maybe some of our own resources to have a government system that can help others with their health care.

So I'm pleased, Madam Speaker, to speak as I have. You have inspired me with your remarks, the letters you read; and I'm just pleased that Chairman CONYERS has this issue before us.

Madam Speaker, I enter the following for the RECORD.

Speaker NANCY PELOSI,
H-232, U.S. Capitol,
Washington, DC.
Chairman DAVID OBEY,
Committee on Appropriations, H-218, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND CHAIRMAN OBEY: I am writing to request that NIH funding in the President's FY09 budget for the research of cancer, diabetes, heart disease, AIDS, Parkinson's disease and Alzheimer's disease be doubled in the final FY09 budget set forth by Congress.

The following are the estimates included in the President's FY09 Budget request at the National Institutes of Health (NIH): Cancer: $5.654B; Diabetes: $1.033B; Heart Disease: $2.111B; Global Fund to fight HIV/AIDS, Malaria, and Tuberculosis under National Institute of Allergy and Infectious Diseases: $300M; Alzheimer's Disease: $644M; Parkinson's Disease: $186M.

These debilitating diseases affect millions of people each year across the globe. Families are torn apart, emotionally and financially, by the effects of their contraction. Congress has a serious responsibility to provide adequate funding for research that could not only find promising treatments, but permanent cures.

I cannot imagine a more pressing issue than ensuring the healthy future of those we are here to represent. The disparity between the amounts of funding requested for the war in Iraq and that requested to treat deadly diseases is incomprehensible. The successful findings of research programs made possible through increased funding will not only aid people in the United States, but the rest of the world, as well. It is my hope that, by taking full advantage of the scientific resources we have here at home, we can better our relationships with research teams across the globe to reach our common goals: finding a cure and establishing peace.

As always, I remain,
Most Sincerely,
STEVE COHEN,
Member of Congress.

Ms. WATSON. Mr. Speaker, I would just like to close out this hour by saying all those who came forward this evening we appreciate so much because you represent different areas of the country, and we hope this word can get out across the country that we're ready to move forward.

And I do hope that we can follow through on our plans to go over the media to present the case. So I'm going to request that all Members who have stories such as the ones I read, submit them to Congressman CONYER's office so we can compile these and be sure that we've referenced them as we move closer to accessible health care for all Americans.

And with that, I would like to close out this hour, reserve the balance of our time for another evening.

Thank you so much, Mr. Speaker, for the time.

ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. WALBERG) is recognized for 60 minutes as the designee of the minority leader.

Mr. WALBERG. Thank you, Mr. Speaker.

And just to make sure that my constituents know that I have not changed States, it's Michigan. It starts with an "M," it's up north, it's cold, generally. I can understand that. But I'm sure proud to represent Michigan, and more importantly, the Seventh District of Michigan in this great House of Representatives.

Tonight I am committed to talking about an issue that is of extreme importance to my constituents, and in fact from what we read, constituents of all of our districts all over this great United States because we are in a time and place and setting right now that, frankly, we aren't used to.

And may I submit tonight to all who would listen that, frankly, I don't think we should ever get used to it for America is too great of a Nation and has been the ambassador of great blessing to the rest of the world in many cases. It has set the course, has charted the way toward greater economic achievement, standard of living, advances in technology, business, industry, education, medicine, and transportation.

I happen to come from the district where Henry Ford had his home, made homes and schools for his employees in a great part of my district, used the resources from that district, including during some wartimes some Sassafras trees just three miles from my house that were used to make a light but strong frame for his motor cars with the absence of steel at that point in time because of the war effort.

I come from the State that has been known as the Motor Capital of the World, Michigan. Detroit has set the standard that the rest of the world has followed, emulated, copied, and sometimes even expanded upon, and yet still America, Michigan, the Motor Capital, charts the way.

Just the other day—I tell this story for a purpose, but just the other day I had something of an experience happen to me that has never happened before, nor did I expect it to happen. I filled the tank of my Harley Davidson motorcycle, which has a 5-gallon tank, and it cost me over $20. Now, for those of you that have ridden motorcycles, it is almost unbelievable to think that a vehicle that gets great gas mileage, that has a small tank like that would ever cost double digits, let alone over $20 to fill. But that's the place we're in right now with gas today on average across the United States at $4.04 a gallon. My Harley happens to take premium. So I paid $4.27 a gallon for that 5-gallon tank fill.

□ 1930

Less than 2 years ago, very seldom, if ever, would I double-digit fill my tank, even if it were on empty. Now, I don't ride my Harley Davidson for transportation anymore.

It's primarily for recreation, but 38 years ago when I started riding my first motorcycle it was for transportation, to get to and from my work. Over the course of successive years, I would use my motorcycle in the better seasons of the year, the warmer time, to ride to work and enjoy that experience but also as commuting. I don't do that anymore, but we're paying gas prices now that should not be part and parcel of what America is.

We talk a lot about energy independence and being willing to compete and make sure that the rest of the world has to compete with us, as opposed to the other way around. And yet, up to this very day, in the outcome of what has gone on in Congress, it has been just talk and no action.

Last week, I heard the governor of our great State of Michigan announce on a major radio talk show that she was now riding a bicycle to the Capitol from her governor's residence each day, and when the host expressed concern about her safety, she said, oh, no problem, my security detail are following me on their bicycles as well.

Now, that's a nice story. I don't give any negatives toward our governor for being efficient in her use of energy resources, but you've got to understand that, when I heard that, it shocked me. And in fact, if not angered, it frustrated me to think that the governor of the motor capital of the world was riding a bicycle to work, even though she has an energy efficient, flex-fuel vehicle that I've seen her use and seen her actually fill the gas tank with fuel.

Right now, more importantly, getting to the real world of real people, people who pay those gas prices each day, people who pay their taxes, that includes supporting this Congress in what we do, right now most Michigan families that I know of, as I go back to my district each weekend, are giving up things like nights out eating at restaurants or family vacations or traveling to family events in order to cover the rising cost of gasoline. If Congress does not take action soon, families will be giving up much more than that. They will be giving up very specific needs, necessities in their life. And in fact, what I've heard in many town hall meetings, some are already giving up even necessities of their life in order to pay for the gasoline to get to their workplace the next day in order to sometime hopefully pay for some of these necessities.

Just this past weekend, AAA announced that the nationwide average gas price finally reached over $4 per gallon. It's been much higher in Michigan for several weeks. High gas prices are affecting families, truckers, farmers, small business owners. I met a small business owner in my office today who said the cost of transporting copy machines, office equipment to and from her client is getting almost prohibitive. Emergency services, public safety, and numerous other entities in Michigan's Seventh District and all over this U.S. are being negatively affected by the high cost, and I say the unnecessarily high cost, of fuel.

Despite fuel costs at levels previously only seen in Europe, leadership in this Congress refuses to increase American energy production. Instead, Speaker PELOSI and leading House Democrats would rather increase taxes on domestic energy production and increase our reliance on OPEC or, as suggested last week, sue OPEC for what all that's worth.

On a related note, the United States Department of Commerce recently announced the U.S. trade deficit reached its highest level in 13 months in April. Our trade deficit also increased by $4.1 billion between February 2007 and February 2008.

This is why our country is facing a rising trade deficit, even though American-made exports grew by 12 percent in 2007. The issue related to energy and the cost of energy has a direct influence on this. This is why we need to provide incentives to increase America's investment in alternative energy and overall production of energy.

The United States imports around 12 million barrels of oil a day, and a barrel of oil has gone from $70 to $140 over the last year, dramatically increasing our trade deficit. Our reliance on imported oil and increased oil prices means we are sending even more money to foreign countries and some that don't like us very much at all and certainly don't share our interests.

For both economic and national security purposes, and again, I want to reiterate that, national security purposes, Congress needs to finally get serious about an energy plan that truly lowers prices at the pump, reduces our dependence on foreign oil, and makes real progress towards energy independence. Instead of increasing our dependence on OPEC, America needs to return energy production to the United States. Doing so will create American jobs and provide needed economic stability and transportation that's efficient and usable to our American taxpayer.

The answer to our current energy crisis must be multi-pronged, and I have cosponsored legislation to provide incentives along those lines for solar, wind, cellulosic ethanol, biodiesel and other green alternatives. We must increase domestic energy production through carbon-free nuclear power and clean coal technology as well. I'm also cosponsoring legislation that would encourage conservation with tax credits for green buildings and legislation that would spark a revolution in clean hydrogen technology.

There are many sources where we can move toward if we're willing to dig down deep and do what's necessary and walk away from those unnecessarily strong, critical, excessive environmental forces that don't speak to the welfare of this great country.

Today, I introduced a discharge petition, something that isn't done regularly in Congress, something that isn't successful regularly but has been. I trust that this discharge motion will be. As of this point in time, with just a few hours with that discharge motion being on the floor, 93 of my colleagues have signed on, moving toward the 218 that are necessary.

This petition, if effective with 218 signatures, will force a vote on Congressman Mac Thornberry's No More Excuses Energy Act, an Act suitably entitled, legislation to increase U.S. energy production and invest in alternative sources of energy as well.

This appropriately named legislation would impact the price at the pump and lower electric bills. It would encourage the construction of new refineries, boost alternative energy, supplemental energy development by extending the wind production tax credit for 10 years, giving some certainty that if I were to invest in wind energy production, I would have a reasonable amount of time to see a return on my investment.

It would increase American oil production by allowing environmentally sound drilling in Alaska, the Outer Continental Shelf and the Gulf of Mexico, and it would help increase our supply of electricity by encouraging the construction of new nuclear power plants. Even leaders, in fact, one of the founders of Greenpeace, have come out strongly encouraging the use of nuclear power as being clean, green energy, not given over to continuing production of greenhouse gases.

Rather than increase taxes on domestic energy production, as some in Congress have proposed, I'm working to pass sound legislation that will bring down the price of gas and reduce our dependence on Middle East oil. Legislation like the No More Excuses Energy Act of MAC THORNBERRY would increase the supply of American energy and increase the number of good paying jobs in this country and in my district, the Seventh District of Michigan.

Policies such as a 23-year moratorium on exploring and developing offshore production of clean and green natural gas need to be lifted in order to lower prices and reduce our dependence on foreign gas. Natural gas provides 23 percent of our Nation's energy. It should be more. And America is the only developed Nation that prohibits offshore production and exploration of this clean, green, clean burning resource, and Americans are paying higher electricity and heating bills as a result of this.

Like all of you, I'm tired of paying these high prices. Whether it's for my motorcycle, whether it's for my car or whether it's for my pick-up truck, I'm tired of paying this because it's unnecessary, as we've done nothing to change that except talk, and it's time to put action into place.

I know high prices are affecting all of us. This is unacceptable. It is unacceptable for America to put up with this. The good people of south central Michigan, the good people of Michigan, the good people of the rest of the States in this wonderful country who depend on gasoline or diesel to get to work, drive their kids to baseball practice and visit family members deserve better.

The volunteers who offer to drive veterans to VA hospitals in my district and other districts in other States deserve better.

The volunteers who offer to drive Meals on Wheels to needy senior citizens deserve better than this.

Our churches and synagogues, our places of worship all across this great country that will be looking at looming fuel bills that many will be unable to pay this coming heating season deserve better than this because America doesn't need to be in this situation.

So I'm delighted that tonight I'm joined by a number of my colleagues who will add to what has been stated already, probably more eloquently, with points of experience that come from all over this country. I appreciate their commitment to doing something more than talking about energy independence, doing something more than talking about resuming America's position of leading the world in all areas, including the area of energy production and usage.

We have blessed the world with our standard of living, with our technology and with our energy, and it is time to get about that project again.

So at this time, I would like to ask my good friend and colleague from Georgia, Dr. PAUL BROUN, to add to what has been said. I appreciate you taking the time to be with us this evening.

Mr. BROUN of Georgia. I thank my colleague.

According to AAA, the average American is paying over $4.04 per gallon of gasoline today. Meanwhile, Communist China and Fidel Castro's Communist Cuba are moving forward with drilling for oil and gas just 45 miles off of the coast of Florida and Key West.

We cannot even drill for oil or gas 200 miles off our own shores; yet congressional Democrats continue to refuse to allow access to American gas and oil supplies. The average price of gasoline has gone up $1.71 per gallon since Speaker PELOSI's promise, promise, to lower energy prices at the beginning of the 110th Congress, this Congress.

What have the Democrats done to try to help hardworking Americans? They're simply seeking political gain from America's pain. Democratic Presidential candidate Barack Obama said he wants to impose more taxes on U.S. oil companies. Is that really a smart solution? This will only drive up prices on Americans, not just for gasoline but for every product or service purchased. Even worse is that foreign oil companies will not be subject to this joke of a solution.

The liberals propose raising the Federal tax on gasoline and diesel by 50 cents per gallon. This is on top of the already existing Federal tax of 18.4 cents per gallon for gasoline and 24.4 cents per gallon for diesel. Under this proposal, you will be paying at today's prices $4.54 a gallon for gas.

Liberals also suggest mandating ethanol and renewable fuel production and selling it as the answer to America's energy needs. The 2007 lack of energy bill has already proven that the Democratic solution is wrong. Mandating the production of renewable fuels has only led to an increase in world food prices.

□ 1945

It is, at best, disingenuous, and at worst, an outright lie to say that renewable fuels can meet America's needs in the near future. As a good southerner, I love my corn bread and grits. It makes no sense to put corn in the tank of my truck.

The Department of the Interior estimates that there are 112 billion particles of recoverable oil beneath U.S. Federal lands and coastal waters, enough oil to fuel 60 million cars for 60 years. The United States is the only nation in the world that forbids any production on its Outer Continental Shelf. Despite a decades-long record of environmentally responsible offshore production, over 80 percent of America's oil and natural gas resources on the Outer Continental Shelf are completely off limits to exploration and production.

The OCS, Outer Continental Shelf, is estimated to hold at least 419 trillion cubic feet of recoverable natural gas resources and 86 billion barrels of oil. To put it in simple terms, this is enough natural gas to heat 100 million homes for 60 years, and enough oil to drive 85 million cars for 35 years, and enough oil to completely replace current Middle Eastern oil imports for 59 years.

We've heard time and time again about how drilling off the OCS will harm the environment. This is hogwash. Hurricanes Katrina and Rita destroyed or damaged hundreds of drilling rigs without causing a single drop to be spilled, yet congressional Democrats continue to pander to far left environmentalists instead of mending the pains of hardworking Americans.

Liberals also prevent any access to billions of barrels of oil located in ANWR. The entire area of ANWR is larger than the combined areas of five States—Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware—yet the proposed drilling area is equal to one-sixth the size of Dulles Airport here in Washington, D.C.

Energy prices are soaring. And the financial pain that families are feeling at the pump is forcing them to decide what they can and cannot spend. Congressional Democrats act as if they have been living under a rock by continuing to ignore the demands of the American people and refusing to do anything to lower these burdensome prices.

Skyrocketing gas prices and a risky dependence on fuel supply by volatile foreign nations highlight our need for an American energy policy that emphasizes production and decreases our reliance on Middle Eastern oil.

The United States is the only nation on Earth that forbids development of its own natural resources. Right now, America is drilling for ice on Mars, but we cannot drill for oil in America. This makes no sense. It's crazy. It's idiotic. We must drill on our own lands, and we must drill now. We must streamline the permitting process and the refinery processes to get new refineries online, and we must end our dependence on Middle Eastern oil.

Mr. WALBERG, I greatly appreciate your doing this tonight; it is absolutely critical. I'm a medical doctor, as you know. I have patients who have to decide whether they can go to the doctor or not because gasoline prices are so high. I have patients who have to decide whether they can put a tank of gas in their car or they can go buy medications. This has to end. And we can do something about it. We can do something about it now if we have a responsible energy policy.

Our conference, as you know, has put forth a plan, a reasonable plan, an economically viable plan, an environmentally sensitive plan, a plan that will end this dependence upon Middle Eastern oil. It's a plan where we can provide the energy sources, not only our oil resources, but provide electric resources by permitting nuclear energy.

We have not built a new refinery in America for 30 years. We have not built a new nuclear reactor in 25 years. This is nuts, it's absolutely crazy. And we've got to end this idiocy of this current policy.

I applaud what you're doing here tonight. I look forward to further discussion from our other colleagues. I know that we have colleagues that want to ask questions and want to engage in a colloquy, if that's agreeable with you.

Mr. WALBERG. Well, Congressman BROUN, I think we want to do that. And I think you've brought up some points that are interesting to think about. Not only do we have a governor riding a bicycle to the Capitol, we are exploring for ice on Mars, but not doing exploration for oil—that we know is there——

Mr. BROUN of Georgia. That's right, it's just nuts.

Mr. WALBERG. In Alaska, in ANWR.

Mr. BROUN of Georgia. Anywhere. We've got oil under South Dakota, North Dakota and Montana. Those three States evidently are just floating on a sea of oil. There is supposed to be more oil, from what I understand, than is in the Middle East.

We can end our dependence on these foreign nations that want to destroy us, that want to destroy America. They hate us. And we're fueling the insurgency in Iraq. We're fueling these people who hate us. They hate our freedom, they hate America, they hate everything that we stand for.

Mr. WALBERG. And for those nations that love America and appreciate America, we're not standing in a strengthened position that we can afford to them the assurance that America will be there when necessary because we can take care of ourselves, we're independent. And I think those are issues you bring up.

I'm delighted that we have the Dean of the Michigan delegation here, Congressman FRED UPTON, who has been here through a lot and I'm sure has taken a lot of grief on this issue.

And Congressman UPTON, before I turn to you, let me just, for the record, state, as you and some of my longer serving Republican colleagues are chastised for not getting this done in the House, you have attempted to get it done on numerous occasions. If we look back at the last decade, by the numbers, votes on ANWR exploration: House Republicans, 91 percent support it; House Democrats, 86 percent opposed.

Coal-to-liquid: House Republicans, 97 percent support it; House Democrats, 78 percent opposed. Oil shale exploration: House Republicans, 90 percent supported every vote on that in the House; House Democrats, 86 percent opposed.

Moving to the Outer Continental Shelf exploration, where right now foreign countries like Japan, China and Mexico are within 44–50 miles of our shores, and they are drilling and taking out natural gas and oil. On these votes, House Republicans, 81 percent support it; House Democrats, 83 percent opposed.

And then finally, refinery increased capacity, and now that we're offering the "no-more-excuses" Energy Act, the opportunity to put them on abandoned military facilities, government lands, House Republicans, 97 percent support it; House Democrats, 96 percent opposed.

Who is willing to take action? Who has evidenced that by their votes in this great body, this House of Representatives? Republicans, 91 percent, when you put it all together, of House Republicans have historically voted to increase the production of American-made oil and gas while 86 percent of House Democrats have historically voted against increasing the production of American-made oil and gas.

And so why do we see an "energy-less" energy bill that you talked about that gives incentives for bicycle riding and not energy? I think we have to say it's a leadership problem. So I thank you for bringing up those points.

Congressman UPTON, from my home State of Michigan, I want to turn it over to you as well for a little perspective.

Mr. UPTON. Well, I thank my good friend from my neighboring district. And I am pleased to join you tonight and my colleagues from Georgia here and Texas now as well. I'd like to just make a couple of points.

First of all, I'm not on your list of 93 that signed that discharge petition, but that's because the line was too long. I hope that I can be there tomorrow when we're on the floor for votes, because you have to do that, of course—as any student knows of this Chamber—you have to sign the discharge petition in the well of the House. And when I was available to do that, the line was way too long. So hopefully tomorrow I will put you over 100 and get closer to the 218.

I want to say just a couple of things that perhaps haven't been said yet and enter into a dialogue with my good friend, Dr. GINGREY.

First of all, when we talk about Alaska, I did support drilling in Alaska multiple times over the last couple of years. It was adopted, actually, in the House and in the Senate with some bipartisan votes, and sadly, President Clinton vetoed that bill 10 years ago saying it's 10 years away. Well, here we are today.

We had a couple of very good provisions in that bill that were important; that all of the oil drilled in Alaska had to stay in the United States. It couldn't go to China, couldn't go to Korea or Japan, it had to come here. Of course that meant we would have to have the refining capability to do it as well. We also made it so that we limited it to no more than a couple thousand acres. And as the gentleman from Georgia indicated, that's about the size—for me, it's the size of Western Michigan University, not Dulles Airport—in an area that's the size of the State of South Carolina. So that's pretty small.

And of course what we know, too, is that if that oil can be drilled successfully, we can just build that tangent a little bit to the spine—you know, those of us from Michigan, you put your hand up like this. I can't quite do that with Alaska. But if this was Alaska, you only have to drill that pipeline to the spine, and then it comes down, and it's economical to do that. So that's number one.

Number two, you know, right now President Bush and other world leaders are talking to a number of the nations in Arab lands talking about what they can do to increase production. Because we all believe in supply and demand. And as the demand continues to rise, because the supply has stayed relatively stable, the price has only gone up over $4 in my district and yours, and now across the country.

Well, how can we ask the Arabs to increase their production and we won't do it ourselves? We've said no to Alaska. We've said no to the offshore drilling off our west and east coasts and even parts of the Gulf of Mexico. Eighty-five percent of our coastline is off limits, and yet we know oil is there.

Let's look at different alternatives. One of the alternatives, of course, is the development of oil shale out west, where it's anticipated that there could be as much as 1.5 trillion barrels; don't quite have the procedures down right, it's a couple years away, but you've got to begin that process, to begin the permit process. Much of it is on Federal land. No, I'm not talking about Yellowstone Park and our national parks, but in BLM land. And yet, on a vote that we had in this House last summer, by six votes we failed to allow the Department of the Interior to allow the first permits to be approved to allow the private sector to go out and explore for this oil shale—which we could develop, I would like to think, within a couple years, four to six, something along that line. But, in fact, a trillion and a half barrels are available.

We have to do more on conservation. I was one, coming from Michigan, a tough vote was increasing CAFE. You know that. We have to have the R&D, the research and development to help our auto companies develop the technologies that we, the consumers, want. And JOE KNOLLENBERG from our State has a great bill that does that that he unveiled just a couple weeks ago.

We have to do more on conservation, and a number of different steps that I know can be taken along that front.

But the bottom line is this: If we want the price to come down, we have to increase the supply. That means we have to get away from where we're drilling today. We have to look at new sites, new techniques, and in fact we can do something, I think, about that $4 plus gasoline that all of us are pained to pay.

And if I could, I would like to yield to the gentleman from Georgia to talk a little bit about an issue that I know a little something about as well, and that is Section 526 up in Canada.

Mr. GINGREY. And I appreciate my colleague from Michigan—both of my colleagues from Michigan—and my colleague from Georgia. We've got a number of other Members here as well tonight.

But this issue that Mr. UPTON is talking about is Section 526, Section 526 of the Energy Independence and Security Act of 2007. Now, this is the bill, Mr. Speaker, that the Democratic majority passed back in February of 2007 that had in it this Section 526. It basically said this, my colleagues—and I hope that you all will listen very carefully to this because it's so crucial. Section 526 will not allow, it prohibits any agency of the Federal Government, our Federal Government, including our Department of Defense and including NASA, from utilizing any fuel source other than conventional fuel if it results in one nanogram increase in carbon footprint.

□ 2000

I am not talking about tonnage of CO_2. I am talking about any increase. So what my good friend from Michigan was talking about in regard to shale, s-h-a-l-e, shale is a solid product. It is a granular product. And we have, as FRED UPTON pointed out, Mr. Speaker, an abundance of that product out in the West. There are about five States. And I think Mr. UPTON said that it is estimated that you can get something like one and a half trillion, with a T, one and a half trillion barrels of petroleum from that source.

But this section 526 that the Democratic majority put in their "no energy bill" back in February of 2007 means that we can't utilize that. We can't get that source increase of supply so that the prices will go down. And the reason I am so outraged about that, Mr. Speaker, is that tomorrow, on the floor, we will be doing the rule on the NASA reauthorization bill of 2008, the National Aeronautics and Space Administration. Well their price of fuel in the last 5 years, my colleagues, has gone up 400 percent from something like $4.5 million to $18.3 million. That is what NASA is having to pay on an annual basis for jet fuel.

And yet they are the very agency of the Federal Government that is doing research. A lot of the research that NASA has done, we all know, we have utilized in the private sector. There are many things. I can name several. But they are doing research on shale. They are doing research on tar sands. They are doing research on coal to liquid and carbon sequestration and sharing that information with the Department of Defense and the Department of the Air Force, which could save us a tremendous amount of money.

So I yield back to my colleague for a colloquy on this issue because it is so important and so timely.

Mr. UPTON. Well the gentleman is exactly correct. And let me just say one quick thing. When you look at oil shale and you look at tar sands, it takes a little bit of energy to then derive that oil from those bodies, the shale, the tar or the sand. Basically you have to heat it up. And for tar sands, the Canadians are producing literally one million barrels a day up in Alberta. And they are going to make that whether we are the buyer or not. To use the analogy of the Clampetts, and maybe they still have that technique back in Oklahoma and Texas, I see some of my colleagues, and I'll be careful, but the Clampetts, they put that pipe down and the oil came up. And it didn't take any energy to get it out of the ground.

Well it is different today. That easy energy is gone for the most part. So we have to do a lot of things. We have to inject carbon to bring it up. But in essence in Canada they have to have the heat to separate the oil from the sand, and then you have to refine it. And that takes a little bit more energy than the Clampetts, just to use that analogy.

Mr. GINGREY. This is just the kind of research, and the colleague is absolutely right, we all remember the movie, most of us have seen the movie.

Mr. UPTON. I am looking at the pages. I don't know if they know about the Clampetts or not. Do you know about the Clampetts? Have you heard?

Mr. WALBERG. As long as my colleagues don't yield and sing them the theme song.

Mr. UPTON. I am glad I didn't date myself.

Mr. GINGREY. Reclaiming your time. I am sure the pages don't remember the movie "Giant," but we all do, and how that oil just came bubbling up out of the ground. I believe that was in Texas. It may have been Oklahoma.

In any regard, what the gentleman from Michigan (Mr. UPTON) is saying is that these tar sands and shale, shale has to be mined. And then you have to go through a process, as he is saying, and you have to extract. And it is a little bit more difficult.

Again, we're about to reauthorize NASA in the next day or two. They are doing research on that very process now where they can get that petroleum, and I said to you 1.5 trillion barrels probably from the shale in our West, western part of the United States, and Mr. UPTON pointed out that these tar sands in Canada, it is estimated that it is probably another 1.5 trillion barrels of petroleum that we can get from that. And they are producing it in Canada. And they are selling it to somebody. And yet we can't utilize it. It absolutely makes no sense. As my colleague from Georgia said earlier, I think he used the word "idiotic," "insanity" or "crazy." He is right on all three points. But I will yield back to my colleague.

Mr. UPTON. If the gentleman would yield just briefly. The Canadians have said that they are going to increase production up in Alberta. They want to go to four to five million barrels a day. And they have the buyers. Let's face it. Wouldn't we rather have that pipeline come down to the Midwest and have us refine it here and be able to sell a cheaper product to Americans than have it come from overseas some place else? And if we're not going to buy it from them, and the Canadians told me this, they are going to build a pipeline out to the Pacific. They are going to put it on one of those big freighters. They're going to spend a lot of carbon going up into the air shipping it to someplace else, China, Korea, Japan or some place else. Let's have it come here. We'll actually save energy. We will help pollution wise in terms of reducing greenhouse gases from where it otherwise would have gone. And our consumers will be a lot better off.

And with that, I yield now to the gentleman from Georgia.

Mr. WALBERG. If my colleague could yield just a moment here on one point that ties into that. We heard yesterday from one of our Senate colleagues from a northern State, a northeastern State, say that what we ought to do is buy one million barrels a day from Saudi Arabia. That would reduce the cost at the pump by about 50 cents. Well 50 cents right now would be great. But why not take that from ANWR? We can get one million barrels per day from ANWR right now, we are told, at least that, if we are to take it from there, and not have to buy it from any other foreign country, have it shipped to us from any other foreign country, and use it exactly like you said down here to make this great country run on its own fuel as opposed to buying from someplace else.

Mr. GINGREY. If my colleague from Michigan will yield, the whole issue here is when the Democrats passed this Energy Independence and Security Act some 17 months ago, the price of regular gasoline, as all my colleagues know, was about $2.60 a gallon. Now, if Speaker PELOSI, at that particular time, or Leader HOYER felt that the price of gasoline at the pump was going to drop $1.50, then maybe I could understand their emphasis on protecting the environment from any iota increase in carbon dioxide footprint or greenhouse gases.

But what has happened with their "no energy plan," unfortunately the price of gasoline has gone up about $1.55 a gallon, and here we are looking at $4, $4 and a nickel now, and so we have to ask ourselves, what is the crisis? Is the crisis global warming? Or is the crisis bankruptcy of our country because of the price of energy? And people can't afford to buy gasoline. They can't afford to buy food. We are losing jobs to other countries. I think it is time to say to our majority party, for goodness' sakes, at least make in order the Gingrey amendment which would allow the administrator of NASA to have a waiver of section 526 and utilize some of these sources that Mr. UPTON and Mr. BROUN and others are talking about, getting that shale oil product from Canada. It just flows right down the pipeline. It is an easy flow, easy obtaining it. There is not a lot of hard work. It is the same thing with tar sands. And let NASA continue to do their research. Share it with the Department of Defense.

And I will make this one point to the gentleman from Michigan who is controlling the time, and then I will yield back so that others can weigh in, but do you know that in the year 2008 the Department of Defense is going to spend an additional, a delta, of $9 billion on fuel because of price of gasoline right now? And I yield back.

Mr. WALBERG. I thank you for that and the points you make so clear.

I would like to yield back for a moment to my good friend from Georgia, since we have two Michiganders here and two Georgians now speaking, Dr. PAUL Broun, for some additional comments, I know you have a point to make, before I go on to my good friend from Oklahoma.

Mr. BROUN of Georgia. Thank you, my friend, Mr. WALBERG. I just wanted to ask Mr. UPTON something before he left. You were mentioning that it takes some energy to produce this energy. And the people on the other side, the leadership on the other side has been promoting these alternative sources of fuel. Ethanol has been one. And you are on the Energy Committee I think, isn't that correct?

Mr. UPTON. Yes. The gentleman is correct.

Mr. BROUN of Georgia. Well tell me if it is true. I understand that to produce ethanol today, particularly corn-based ethanol, it actually takes more energy to produce that corn-based ethanol than the ethanol itself produces. Is that correct?

Mr. UPTON. Well, there have been different studies showing different things in terms of what to count. One of the bills that I have cosponsored, it is actually a bipartisan bill, is to look at increasing ethanol from nonfood source, or noncorn, and there are a couple of bills to do that using switch grass and a number of different things. We are not quite there in the technology, but we are not too far away, within a couple of years. And I think we ought to be investing more on that type of technology so that we can take some of the pressure off these rising food prices. I represent Kellogg's as well, as does the gentleman in the well, Mr. WALBERG.

Mr. BROUN of Georgia. I am talking about corn-based ethanol because I am excited about switch grass and other sources of potential, and I believe we need to investigate any source of energy anywhere.

Mr. UPTON. Now that the price of oil has gotten up to $135 a barrel, there is a lot of things that 1 month ago weren't economical to do. And that is why by putting more alternative fuels in the mix, we can have some downward pressure on the overall price of gasoline. And obviously ethanol is part of that mix, whether it be corn-based or nonfood items, and we need to explore those and see what we can do to put downward pressure on the overall price of gasoline.

Mr. BROUN of Georgia. I agree with that totally. The other thing is propane is a byproduct of the refinery process of gasoline as well as natural gas. And we already know that propane is an environmentally protective agent. And we have had, in the past, fleets of cars fueled by propane. I know at my hunting camp down in rural southwest Georgia, I have fueled my house down there in my hunting camp with propane. And I know a lot of people heat their homes with it. And most propane, from what I understand, is produced here in America and sold here in America.

So tapping into our oil sources would give us an additional source of energy that we are not getting today if my understanding is correct, and so we can further protect the environment by having more propane utilized in our own energy, as well as stop the production of carbon in the atmosphere that the environmentalists are so bent that it is causing global warming. And I am not so certain about that. I don't really think that is so.

Mr. UPTON. The gentleman makes a very good point. And I know there are other Members waiting patiently to speak. So I am going yield whatever time I have left to the gentleman from the great State of Michigan.

Mr. WALBERG. Congressman BROUN, you point out the fact that we have all sorts of energy sources. And we ought to be using them and developing them.

I want to move to a good friend, colleague and leader in our conference from Oklahoma. Congressman COLE, I appreciate your joining us tonight. I know you have taken some ribbing already about Oklahoma. I know you can handle it, but certainly I know our people would like to hear what you have to say about this issue.

Mr. COLE of Oklahoma. I thank my good friend from Michigan for yielding. And I thank him even more for conducting what is an important and enlightening educational experience for the people of our country about the reality of high fuel prices and what is behind it. You do take a little ribbing occasionally if you're from Oklahoma. But we think that is generally jealousy, except from our friends from Texas, who have a very similar view of the world to us.

But let me talk a little if I can about what the current state of play is in energy prices. Today as you have had up on your sign, the national average price for a gallon of gasoline is $4.04. That is something I never thought I would live to see, and frankly, no American should have ever lived to see. You can now buy a barrel of light sweet crude for July delivery at $131.31, a nice round number, nice even alliterative number. Currently in my State, Oklahoma's price at the pump, and we are producers, in some ways we will we feel it even worse because we have been producing for over 100 years much more than we consume and exporting it to the rest of the country. And we are delighted to do that. But it is pretty tough when people in Oklahoma, a producing State that sacrificed, that frankly are delighted to have exploration and production, but they are paying $3.83 a gallon.

In January of 2007 when this majority, this Democrat majority took office, the price per gallon was $2.08 a gallon. That is a rise of $1.75, an increase of over 80 percent.

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The country as a whole has experienced very much the same thing. The average price since the Democratic majority has come into power has gone up $1.67, an increase of 71 percent.

Now, that is not what our friends on the other side of the aisle expected to happen at all. As a matter of fact, let me read you a few quotes of what they told America as they came into the majority our energy future would be.

Our distinguished Speaker, Speaker PELOSI, said on April 18, 2006, "Democrats have a commonsense plan to help bring down the skyrocketing gas prices." She said a few days later, "The Democrats have a plan to lower gas prices."

Our distinguished Majority Leader STENY HOYER said on the 4th of April, 2005, "Democrats believe that we can do more for the American people who are struggling to deal with high gas prices." I would love to "struggle" to pay $2.08 a gallon. It would be a nice fight to have.

Our good friend and distinguished whip of the majority party, JIM CLYBURN, said, "House Democrats have a plan to help curb rising prices." That is on the 26th of July, 2006. If this is the plan, we want them to go back to the drawing board and reconsider where they are at.

Four times since they have taken the majority they have voted to increase energy taxes; to increase energy taxes. Now, even people that don't like the energy industry can usually say, well, gosh, if you increase the tax, won't they pass that along to us in the price? It is an incredible record.

Now, every single energy bill the majority wants to reach the floor has reached the floor. Most of them have passed this body. Some of them have gone all the way to the President and been signed. As I recall, I don't remember anybody who actually vetoed any energy legislation that has actually reached the President's desk. So what we are seeing really is the product of the majority's legislative agenda.

What haven't they let come to the floor? What commonsense solutions that most Americans support haven't come to the floor? I am just going to list a few of them, because, as my colleague knows, there are many of them.

Our colleague from Texas, MAC THORNBERRY, has a wonderful bill, the No More Excuses Energy Act, H.R. 3089, that literally covers the gambit of things we ought to be doing. Not just oil and gas, but nuclear, solar and wind. It incentivizes production. That is the lesson that our friends on the other side have forgotten, that supply is really important to cost. They simply seem to have no conception of that.

There is a wonderful bill by Mr. PITTS of Pennsylvania, H.R. 2279, that will expedite the construction of new refining capacity on closed military installations in the United States. These are installations that have been set aside. They are safe. They are secure. Why in the world wouldn't we want to refine the product? If we have to import it, we at least ought to get the value-added portion of refining it. It is a crime that we should ever import a refined product.

Our good friend Mr. BLUNT, H.R. 2493, has legislation that removes the fuel blend requirements and government mandates that contribute to unaffordable gas prices. We shouldn't have dozens and dozens of blends of gasoline. A few is enough.

Our good friend Mrs. MYRICK has H.R. 6108, Outer Continental Shelf Exploration, which grants coastal states the authority to grant exploration up to 100 miles from their coastlines and allows States to share in that revenue. A commonsense solution.

None of this legislation, and dozens more, have been allowed to come to the floor. My friends on the other side love to blame Republicans, President Bush and the energy industry for these kinds of problems.

I just want to conclude quickly with a story. I do represent a district that is one of the top 20 energy producers in the United States, so we are more than doing our part. I convened about a year ago, actually before this extraordinary rise in prices, a group of independent energy people that have spent a lifetime trying to provide energy to this country.

I asked them, "Give me your suggestions. What can we do to increase the supply and stabilize and hopefully lower the price of a gallon of gasoline or heating fuel or electricity?" They thought, and they had a lot of great solutions.

They said, "Let's go drill in ANWR, in Alaska. That would be a wonderful thing." By the way, my good friend Mr. YOUNG has a superb piece of legislation on that, H.R. 6107, that would actually allow us to drill there and invest some of the severance revenue in alternative energy supplies so we could both meet an immediate need and start looking for alternatives.

But they suggested that. I said, "Well, you know, I am for that. I voted for that. The Republican majority passed it four times in the House and couldn't get it through the Senate because of Democratic obstruction, so we probably can't get it done."

Then they said, "Let's do more exploration and production offshore. We have seen Katrina. That has worked well in terms of no spillage. We know we had 25 percent of our supply in the Gulf of Mexico. We could do more." I said, "Well, I am for that, but we can't do that either."

Then they asked about additional refining capacity, and they asked about expedited permitting on non-park Federal lands. They just went through a litany of things. Alternative energy. Each one I would say yes, I am for that, but we can't get that through, particularly a Democratic Congress.

Finally at the end of this in frustration, one of my good friends said, "Well, why don't you go back and ask those other Members of Congress who are opposing these measures just how rich they want foreign countries to be? Just how much they want to pay the people overseas that we are importing this petroleum from, or this gas, when we could actually do the production here? Because they are exporting thousands of jobs, billions of dollars, and they are jeopardizing our security."

Then the guy added in fairness, he said, "By the way, we are all here giving you suggestions about how to lower the price of the product that we produce."

We have had a shameful exercise, in my opinion, in the last several days, particularly on the Senate side, where people that work to solve America's energy problems are brought in and interrogated as if they are the source of the problems, and the only frankly justification for that is the high prices. But when those people respond, they say, "If you would just do the things we have asked you to do year after year after year, we could solve this problem."

So I am sorry I went on. You have been very generous with your time, and I appreciate that very much. But it is a frustrating problem when the solutions are sitting here waiting to be acted upon by this House and none of them are being dealt with at all.

Mr. WALBERG. I thank you for sharing that history. It is a good point to know what has been attempted and what hasn't been accomplished. But it would also give the opportunity for our constituents to voice their concerns now with factual information to say there are things you can do. Now get it done.

In the time remaining, I would like to turn a portion of that over to my good friend and colleague from Texas, bringing the southern States in now, Congressman RANDY NEUGEBAUER.

Mr. NEUGEBAUER. Well, I thank the gentleman from Michigan. I also want to thank the gentleman from Oklahoma, because he makes a very good point. And when he says we are importing thousands of dollars, actually it is billions of dollars. Every day America gets up and writes a check for $1 billion-plus to buy enough energy to run this country for 1 day.

What does that mean? That means that it takes $365 billion currently for America to buy enough energy just to run our country on an annual basis, $1 billion every day. And do you know what? Unfortunately, some of that money is going to some folks that aren't all that friendly to the American people. One of those people is Hugo Chavez.

I want to read you what Hugo Chavez thinks about America. He said, "What we do regarding the imperialist power of the United States, we have no choice but to unite. We use oil in our war against neo-liberalism." He also said, "We have invaded the United States, but with our oil."

So every day as the American people go to the pumps all across America, what I want them to visualize is that every day we write Hugo Chavez, who calls us imperialists, a $170 million check. That is $62 billion a year. What would happen if we could invest $1 billion a day in America developing America's energy resources, creating jobs for Americans? Think about it. Instead of writing Hugo Chavez a check for $172 million, that we write America a check for $172 million?

I think of the people I know in the 19th Congressional District of Texas, which is a big district, 29,000 square miles, 27 counties, teachers having to drive 60, 70 miles a day to go and teach our young people, that now are looking at doubling the cost of making that commute across the district.

I think about the man last night that I was talking to in my district. He said, "Congressman," he said, "I have to drive three times a week 30 miles each way to get dialysis so that I can be treated for diabetes." He said, "Congressman, I am down to the point now of having to choose whether I can afford dialysis, afford gasoline, or afford food."

Madam Speaker, it is time to say yes. We have heard you say no; no to new drilling, no to building additional power plants in this country; no to new refineries. America is wanting you to say yes, because America is tired of writing checks to Hugo Chavez for $160 million every day.

I thank my friend from Michigan tonight for hosting this hour. I hope that somehow the American people realize that there is a willingness on behalf of many Members of Congress to say yes and to move forward and to do something proactive, instead of doing something that is called nothing.

Mr. WALBERG. I thank my good friend and colleague from Texas for ending it on a point that is poignant, that reminds us what this really costs. I wish we could go on and on tonight to bring out more points like this. This is critical. It is a security issue, as well as a point of life, and you made it very clear. I don't want to write a check for $170 million to Hugo Chavez. Let's get it done.

RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Madam Speaker, I rise to a question of the privileges of the House and offer the impeachment resolution noticed last evening.

The SPEAKER pro tempore (Ms. RICHARDSON). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1258

Resolved, That President George W. Bush be impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, in maintenance and support of its impeachment against President George W. Bush for high crimes and misdemeanors.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has committed the following abuses of power.

ARTICLE I.—CREATING A SECRET PROPAGANDA CAMPAIGN TO MANUFACTURE A FALSE CASE FOR WAR AGAINST IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, illegally spent public dollars on a secret propaganda program to manufacture a false cause for war against Iraq.

The Department of Defense (DOD) has engaged in a years-long secret domestic propaganda campaign to promote the invasion and occupation of Iraq. This secret program was defended by the White House Press Secretary following its exposure. This program follows the pattern of crimes detailed in Article I, II, IV and VIII.. The mission of this program placed it within the field controlled by the White House Iraq Group (WHIG), a White House task-force formed in August 2002 to market an invasion of Iraq to the American people. The group included Karl Rove, I. Lewis Libby, Condoleezza Rice, Karen Hughes, Mary Matalin, Stephen Hadley, Nicholas E. Calio, and James R. Wilkinson.

The WHIG produced white papers detailing so-called intelligence of Iraq's nuclear threat that later proved to be false. This supposed intelligence included the claim that Iraq had sought uranium from Niger as well as the claim that the high strength aluminum tubes Iraq purchased from China were to be used for the sole purpose of building centrifuges to enrich uranium. Unlike the National Intelligence Estimate of 2002, the WHIG's white papers provided "gripping images and stories" and used "literary license" with intelligence. The WHIG's white papers were written at the same time and by the same people as speeches and talking points prepared for President Bush and some of his top officials.

The WHIG also organized a media blitz in which, between September 7–8, 2002, President Bush and his top advisers appeared on numerous interviews and all provided similarly gripping images about the possibility of nuclear attack by Iraq. The timing was no coincidence, as Andrew Card explained in an interview regarding waiting until after Labor Day to try to sell the American people on military action against Iraq, "From a marketing point of view, you don't introduce new products in August."

September 7–8, 2002:

NBC's "Meet the Press: Vice President Cheney accused Saddam of moving aggressively to develop nuclear weapons over the past 14 months to add to his stockpile of chemical and biological arms.

CNN: Then-National Security Adviser Rice said, regarding the likelihood of Iraq obtaining a nuclear weapon, "We don't want the smoking gun to be a mushroom cloud."

CBS: President Bush declared that Saddam was "six months away from developing a weapon," and cited satellite photos of construction in Iraq where weapons inspectors once visited as evidence that Saddam was trying to develop nuclear arms.

The Pentagon military analyst propaganda program was revealed in an April 20, 2002, New York Times article. The program illegally involved "covert attempts to mold opinion through the undisclosed use of third parties." Secretary of Defense Donald Rumsfeld recruited 75 retired military officers and gave them talking points to deliver on Fox, CNN, ABC, NBC, CBS, and MSNBC, and according to the New York Times report, which has not been disputed by the Pentagon or the White House, "Participants were instructed not to quote their briefers directly or otherwise describe their contacts with the Pentagon."

According to the Pentagon's own internal documents, the military analysts were considered "message force multipliers" or "surrogates" who would deliver administration "themes and messages" to millions of Americans "in the form of their own opinions." In fact, they did deliver the themes and the messages but did not reveal that the Pentagon had provided them with their talking points. Robert S. Bevelacqua, a retired Green Beret and Fox News military analyst described this as follows: "It was them saying, 'We need to stick our hands up your back and move your mouth for you.'"

Congress has restricted annual appropriations bills since 1951 with this language: "No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress."

A March 21, 2005, report by the Congressional Research Service states that "publicity or propaganda" is defined by the U.S. Government Accountability Office (GAO) to mean either (1) self-aggrandizement by public officials, (2) purely partisan activity, or (3) "covert propaganda."

These concerns about "covert propaganda" were also the basis for the GAO's standard for determining when government-funded video news releases are illegal:

"The failure of an agency to identify itself as the source of a prepackaged news story misleads the viewing public by encouraging the viewing audience to believe that the broadcasting news organization developed the information. The prepackaged news stories are purposefully designed to be indistinguishable from news segments broadcast to the public. When the television viewing public does not know that the stories they watched on television news programs about the government were in fact prepared by the government, the stories are, in this sense, no longer purely factual—the essential fact of attribution is missing."

The White House's own Office of Legal Council stated in a memorandum written in 2005 following the controversy over the Armstrong Williams scandal:

"Over the years, GAO has interpreted 'publicity or propaganda' restrictions to preclude use of appropriated funds for, among other things, so-called 'covert propaganda.' . . . Consistent with that view, the OLC determined in 1988 that a statutory prohibition on using appropriated funds for 'publicity or propaganda' precluded undisclosed agency funding of advocacy by third-party groups. We stated that 'covert attempts to mold opinion through the undisclosed use of third parties' would run afoul of restrictions on using appropriated funds for 'propaganda.'"

Asked about the Pentagon's propaganda program at White House press briefing in April 2008, White House Press Secretary Dana Perino defended it, not by arguing that it was legal but by suggesting that it "should" be: "Look, I didn't know look, I think that you guys should take a step back and look at this look, DOD has made a decision, they've decided to stop this program. But I would say that one of the things that we try to do in the administration is get information out to a variety of people so that everybody else can call them and ask their opinion about something. And I don't think that that should be against the law. And I think that it's absolutely appropriate to provide information to people who are seeking it and are going to be providing their opinions on it. It doesn't necessarily mean that all of those military analysts ever agreed with the administration. I think you can go back and look and think that a lot of their analysis was pretty tough on the administration. That doesn't mean that we shouldn't talk to people."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE II.—FALSELY, SYSTEMATICALLY, AND WITH CRIMINAL INTENT CONFLATING THE ATTACKS OF SEPTEMBER 11, 2001 WITH MISREPRESENTATION OF IRAQ AS AN IMMINENT SECURITY THREAT AS PART OF A FRAUDULENT JUSTIFICATION FOR A WAR OF AGGRESSION.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, executed a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that there was and is a connection between Iraq and Saddam Hussein on the one hand, and the attacks of September 11, 2001 and al Qaeda, on the other hand, so as to falsely justify the use of the United States Armed Forces against the nation of Iraq in a manner that is damaging to the national security interests of the United States, as well as to fraudulently obtain and maintain congressional authorization and funding for the use of such military force against Iraq, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be, first, allowing, authorizing and sanctioning the manipulation of intelligence analysis by those under his direction and control, including the Vice President and the Vice President's agents, and second, personally making, or causing, authorizing and allowing to be made through highly- placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding an alleged connection between Saddam Hussein and Iraq, on the one hand, and the September 11th attacks and al Qaeda, on the other hand, that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) On or about September 12, 2001, former terrorism advisor Richard Clarke personally informed the President that neither Saddam Hussein nor Iraq was responsible for the September 11th attacks. On September 18, Clarke submitted to the President's National Security Adviser Condoleezza Rice a memo he had written in response to George W. Bush's specific request that stated: (1) the case for linking Hussein to the September 11th attacks was weak; (2) only anecdotal evidence linked Hussein to al Qaeda; (3) Osama Bin Laden resented the secularism of Saddam Hussein; and (4) there was no confirmed reporting of Saddam Hussein cooperating with Bin Laden on unconventional weapons.

(B) Ten days after the September 11th attacks the President received a President's Daily Briefing which indicated that the U.S. intelligence community had no evidence linking Saddam Hussein to the September 11th attacks and that there was "scant credible evidence that Iraq had any significant collaborative ties with Al Qaeda."

(C) In Defense Intelligence Terrorism Summary No. 044-02, issued in February 2002, the United States Defense Intelligence Agency cast significant doubt on the possibility of a Saddam Hussein-Al Qaeda conspiracy: "Saddam's regime is intensely secular and is wary of Islamic revolutionary movements. Moreover, Baghdad is unlikely to provide assistance to a group it cannot control."

(D) The October 2002 National Intelligence Estimate gave a "Low Confidence" rating to the notion of whether "in desperation Saddam would share chemical or biological weapons with Al Qaeda." The CIA never informed the President that there was an operational relationship between Al Qaeda and Saddam Hussein; on the contrary, its most "aggressive" analysis contained in Iraq and al-Qaeda-Interpreting a "Murky Relationship" dated June 21, 2002 was that Iraq had had "sporadic, wary contacts with al Qaeda since the mid-1990s rather than a relationship with al Qaeda that has developed over time."

(E) Notwithstanding his knowledge that neither Saddam Hussein nor Iraq was in any way connected to the September 11th attacks, the President allowed and authorized those acting under his direction and control, including Vice President Richard B. Cheney and Lewis Libby, who reported directly to both the President and the Vice President, and Secretary of Defense Donald Rumsfeld, among others, to pressure intelligence analysts to alter their assessments and to create special units outside of, and unknown to, the intelligence community in order to secretly obtain unreliable information, to manufacture intelligence or reinterpret raw data in ways that would further the Bush administration's goal of fraudulently establishing a relationship not only between Iraq and al Qaeda, but between Iraq and the attacks of September 11th.

(F) Further, despite his full awareness that Iraq and Saddam Hussein had no relationship to the September 11th attacks, the President, and those acting under his direction and control have, since at least 2002 and continuing to the present, repeatedly issued public statements deliberately worded to mislead, words calculated in their implication to bring unrelated actors and circumstances into an artificially contrived reality thereby facilitating the systematic deception of Congress and the American people. Thus the public and some members of Congress, came to believe, falsely, that there was a connection between Iraq and the attacks of 9/11. This was accomplished through well-publicized statements by the Bush Administration which contrived to continually tie Iraq and 9/11 in the same statements of grave concern without making an explicit charge:

(1) "[If] Iraq regimes [sic] continues to defy us, and the world, we will move deliberately, yet decisively, to hold Iraq to account . . . It's a new world we're in. We used to think two oceans could separate us from an enemy. On that tragic day, September the 11th, 2001, we found out that's not the case. We found out this great land of liberty and of freedom and of justice is vulnerable. And therefore we must do everything we can—everything we can—to secure the homeland, to make us safe." Speech of President Bush in Iowa on September 16, 2002.

(2) "With every step the Iraqi regime takes toward gaining and deploying the most terrible weapons, our own options to confront that regime will narrow. And if an emboldened regime were to supply these weapons to terrorist allies, then the attacks of September 11th would be a prelude to far greater horrors." March 6, 2003, Statement of President Bush in National Press Conference.

(3) "The battle of Iraq is one victory in a war on terror that began on September the 11, 2001—and still goes on. That terrible morning, 19 evil men—the shock troops of a hateful ideology—gave America and the civilized world a glimpse of their ambitions. They imagined, in the words of one terrorist, that September the 11th would be the 'beginning of the end of America.' By seeking to turn our cities into killing fields, terrorists and their allies believed that they could destroy this nation's resolve, and force our retreat from the world. They have failed." May 1, 2003, Speech of President Bush on U.S.S. *Abraham Lincoln*.

(4) "Now we're in a new and unprecedented war against violent Islamic extremists. This is an ideological conflict we face against murderers and killers who try to impose their will. These are the people that attacked us on September the 11th and killed nearly 3,000 people. The stakes are high, and once again, we have had to change our strategic thinking. The major battleground in this war is Iraq." June 28, 2007, Speech of President Bush at the Naval War College in Newport, Rhode Island.

(G) Notwithstanding his knowledge that there was no credible evidence of a working relationship between Saddam Hussein and Al Qaeda and that the intelligence community had specifically assessed that there was no such operational relationship, the President, both personally and through his subordinates and agents, has repeatedly falsely represented, both explicitly and implicitly, and through the misleading use of selectively-chosen facts, to the citizens of the United States and to the Congress that there was and is such an ongoing operational relationship, to wit:

(1) "We know that Iraq and al Qaeda have had high-level contacts that go back a decade. Some al Qaeda leaders who fled Afghanistan went to Iraq. These include one very senior al Qaeda leader who received medical treatment in Baghdad this year, and who has been associated with planning for chemical and biological attacks. We've learned that Iraq has trained al Qaeda members in bombmaking and poisons and deadly gases." September 28, 2002, Weekly Radio Address of President Bush to the Nation.

(2) "[W]e need to think about Saddam Hussein using al Qaeda to do his dirty work, to not leave fingerprints behind." October 14, 2002, Remarks by President Bush in Michigan.

(3) "We know he's got ties with al Qaeda." November 1, 2002, Speech of President Bush in New Hampshire.

(4) "Evidence from intelligence sources, secret communications, and statements by

people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own." January 28, 2003, President Bush's State of the Union Address.

(5) "[W]hat I want to bring to your attention today is the potentially much more sinister nexus between Iraq and the al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern methods of murder. Iraq today harbors a deadly terrorist network . . ." February 5, 2003, Speech of Former Secretary of State Colin Powell to the United Nations.

(6) "The battle of Iraq is one victory in a war on terror that began on September the 11, 2001—and still goes on. . . . [T]he liberation of Iraq . . . removed an ally of al Qaeda." May 1, 2003, Speech of President Bush on U.S.S. *Abraham Lincoln*.

(H) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) "Statements and implications by the President and Secretary of State suggesting that Iraq and al-Qaeda had a partnership, or that Iraq had provided al-Qaeda with weapons training, were not substantiated by the intelligence."

(2) "The Intelligence Community did not confirm that Muhammad Atta met an Iraqi intelligence officer in Prague in 2001 as the Vice President repeatedly claimed."

Through his participation and instance in the breathtaking scope of this deception, the President has used the highest office of trust to wage of campaign of deception of such sophistication as to deliberately subvert the national security interests of the United States. His dishonesty set the stage for the loss of more than 4000 United States service members; injuries to tens of thousands of soldiers, the loss of more than 1,000,000 innocent Iraqi citizens since the United States invasion; the loss of approximately $527 billion in war costs which has increased our Federal debt and the ultimate expenditure of three to five trillion dollars for all costs covering the war; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE III.—MISLEADING THE AMERICAN PEOPLE AND MEMBERS OF CONGRESS TO BELIEVE IRAQ POSSESSED WEAPONS OF MASS DESTRUCTION, SO AS TO MANUFACTURE A FALSE CASE FOR WAR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, executed instead a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that the nation of Iraq possessed weapons of mass destruction in order to justify the use of the United States Armed Forces against the nation of Iraq in a manner damaging to our national security interests, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding Iraq's alleged possession of biological, chemical and nuclear weapons that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) Long before the March 19, 2003 invasion of Iraq, a wealth of intelligence informed the President and those under his direction and control that Iraq's stockpiles of chemical and biological weapons had been destroyed well before 1998 and that there was little, if any, credible intelligence that showed otherwise. As reported in the Washington Post in March of 2003, in 1995, Saddam Hussein's son-in-law Hussein Kamel had informed U.S. and British intelligence officers that "all weapons—biological, chemical, missile, nuclear were destroyed." In September 2002, the Defense Intelligence Agency issued a report that concluded: "A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and UNSCOM actions . . . [T]here is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has—or will—establish its chemical warfare agent production facilities." Notwithstanding the absence of evidence proving that such stockpiles existed and in direct contradiction to substantial evidence that showed they did not exist, the President and his subordinates and agents made numerous false representations claiming with certainty that Iraq possessed chemical and biological weapons that it was developing to use to attack the United States, to wit:

(1) "[T]he notion of a Saddam Hussein with his great oil wealth, with his inventory that he already has of biological and chemical weapons . . . is, I think, a frightening proposition for anybody who thinks about it." Statement of Vice President Cheney on CBS's Face the Nation, March 24, 2002.

(2) "In defiance of the United Nations, Iraq has stockpiled biological and chemical weapons, and is rebuilding the facilities used to make more of those weapons." Speech of President Bush, October 5, 2002.

(3) "All the world has now seen the footage of an Iraqi Mirage aircraft with a fuel tank modified to spray biological agents over wide areas. Iraq has developed spray devices that could be used on unmanned aerial vehicles with ranges far beyond what is permitted by the Security Council. A UAV launched from a vessel off the American coast could reach hundreds of miles inland." Statement by President Bush from the White House, February 6, 2003.

(B) Despite overwhelming intelligence in the form of statements and reports filed by and on behalf of the CIA, the State Department and the IAEA, among others, which indicated that the claim was untrue, the President, and those under his direction and control, made numerous representations claiming and implying through misleading language that Iraq was attempting to purchase uranium from Niger in order to falsely buttress its argument that Iraq was reconstituting its nuclear weapons program, including:

(1) "The regime has the scientists and facilities to build nuclear weapons, and is seeking the materials needed to do so." Statement of President Bush from White House, October 2, 2002.

(2) "The [Iraqi] report also failed to deal with issues which have arisen since 1998, including: . . . attempts to acquire uranium and the means to enrich it." Letter from President Bush to Vice President Cheney and the Senate, January 20, 2003.

(3) "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." President Bush Delivers State of the Union Address, January 28, 2003.

(C) Despite overwhelming evidence in the form of reports by nuclear weapons experts from the Energy, the Defense and State Departments, as well from outside and international agencies which assessed that aluminum tubes the Iraqis were purchasing were not suitable for nuclear centrifuge use and were, on the contrary, identical to ones used in rockets already being manufactured by the Iraqis, the President, and those under his direction and control, persisted in making numerous false and fraudulent representations implying and stating explicitly that the Iraqis were purchasing the tubes for use in a nuclear weapons program, to wit:

(1) "We do know that there have been shipments going . . . into Iraq . . . of aluminum tubes that really are only suited to—high-quality aluminum tools [sic] that are only really suited for nuclear weapons programs, centrifuge programs." Statement of then National Security Advisor Condoleezza Rice on CNN's Late Edition with Wolf Blitzer, September 8, 2002.

(2) "Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production." President Bush's State of the Union Address, January 28, 2003.

(3) "[H]e has made repeated covert attempts to acquire high-specification aluminum tubes from 11 different countries, even after inspections resumed. . . . By now, just about everyone has heard of these tubes and we all know that there are differences of opinion. There is controversy about what these tubes are for. Most U.S. experts think they are intended to serve as rotors in centrifuges used to enrich uranium." Speech of Former Secretary of State Colin Powell to the United Nations, February 5, 2003.

(D) The President, both personally and acting through those under his direction and control, suppressed material information, selectively declassified information for the improper purposes of retaliating against a whistleblower and presenting a misleading picture of the alleged threat from Iraq, facilitated the exposure of the identity of a covert CIA operative and thereafter not only failed to investigate the improper leaks of classified information from within his administration, but also failed to cooperate with an investigation into possible federal violations resulting from this activity and, finally, entirely undermined the prosecution by commuting the sentence of Lewis Libby citing false and insubstantial grounds, all in an effort to prevent Congress and the citizens of the United States from discovering the fraudulent nature of the President's claimed justifications for the invasion of Iraq.

(E) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) "Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing."

(2) "The Secretary of Defense's statement that the Iraqi government operated underground WMD facilities that were not vulnerable to conventional airstrikes because they were underground and deeply buried was not substantiated by available intelligence information."

(3) Chairman of the Senate Intelligence Committee Jay Rockefeller concluded: "In making the case for war, the Administration repeatedly presented intelligence as fact when in reality it was unsubstantiated, contradicted, or even non-existent. As a result, the American people were led to believe that the threat from Iraq was much greater than actually existed."

The President has subverted the national security interests of the United States by setting the stage for the loss of more than 4000 United States service members and the injury to tens of thousands of U.S. soldiers; the loss of more than 1,000,000 innocent Iraqi citizens since the United States invasion; the loss of approximately $500 billion in war costs which has increased our Federal debt with a long term financial cost of between three and five trillion dollars; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE IV.—MISLEADING THE AMERICAN PEOPLE AND MEMBERS OF CONGRESS TO BELIEVE IRAQ POSED AN IMMINENT THREAT TO THE UNITED STATES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, executed a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that the nation of Iraq posed an imminent threat to the United States in order to justify the use of the United States Armed Forces against the nation of Iraq in a manner damaging to our national security interests, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be, first, allowing, authorizing and sanctioning the manipulation of intelligence analysis by those under his direction and control, including the Vice President and the Vice President's agents, and second, personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding an alleged urgent threat posed by Iraq, statements that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) Notwithstanding the complete absence of intelligence analysis to support a claim that Iraq posed an imminent or urgent threat to the United States and the intelligence community's assessment that Iraq was in fact not likely to attack the United States unless it was itself attacked, President Bush, both personally and through his agents and subordinates, made, allowed and caused to be made repeated false representations to the citizens and Congress of the United States implying and explicitly stating that such a dire threat existed, including the following:

(1) "States such as these [Iraq, Iran and North Korea] and their terrorist allies constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic." President Bush's State of the Union Address, January 29, 2002.

(2) "Simply stated, there is no doubt that Saddam Hussein has weapons of mass destruction. He is amassing them to use against our friends, our enemies and against us." Speech of Vice President Cheney at VFW 103rd National Convention, August 26, 2002.

(3) "The history, the logic, and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume this regime's good faith is to bet the lives of millions and the peace of the world in a reckless gamble. And this is a risk we must not take." Address of President Bush to the United Nations General Assembly, September 12, 2002.

(4) "[N]o terrorist state poses a greater or more immediate threat to the security of our people than the regime of Saddam Hussein and Iraq." Statement of Former Defense Secretary Donald Rumsfeld to Congress, September 19, 2002.

(5) "On its present course, the Iraqi regime is a threat of unique urgency . . . it has developed weapons of mass death." Statement of President Bush at White House, October 2, 2002.

(6) "But the President also believes that this problem has to be dealt with, and if the United Nations won't deal with it, then the United States, with other likeminded nations, may have to deal with it. We would prefer not to go that route, but the danger is so great, with respect to Saddam Hussein having weapons of mass destruction, and perhaps even terrorists getting hold of such weapons, that it is time for the international community to act, and if it doesn't act, the President is prepared to act with likeminded nations." Statement of Former Secretary of State Colin Powell in interview with Ellen Ratner of Talk Radio News, October 30, 2002.

(7) "Today the world is also uniting to answer the unique and urgent threat posed by Iraq. A dictator who has used weapons of mass destruction on his own people must not be allowed to produce or possess those weapons. We will not permit Saddam Hussein to blackmail and/or terrorize nations which love freedom." Speech by President Bush to Prague Atlantic Student Summit, November 20, 2002.

(8) "But the risk of doing nothing, the risk of the security of this country being jeopardized at the hands of a madman with weapons of mass destruction far exceeds the risk of any action we may be forced to take." President Bush Meets with National Economic Council at White House, February 25, 2003.

(B) In furtherance of his fraudulent effort to deceive Congress and the citizens of the United States into believing that Iraq and Saddam Hussein posed an imminent threat to the United States, the President allowed and authorized those acting under his direction and control, including Vice President Richard B. Cheney, former Secretary of Defense Donald Rumsfeld, and Lewis Libby, who reported directly to both the President and the Vice President, among others, to pressure intelligence analysts to tailor their assessments and to create special units outside of, and unknown to, the intelligence community in order to secretly obtain unreliable information, to manufacture intelligence, or to reinterpret raw data in ways that would support the Bush administration's plan to invade Iraq based on a false claim of urgency despite the lack of justification for such a preemptive action.

(C) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) "Statements by the President and the Vice President indicating that Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information."

Thus the President willfully and falsely misrepresented Iraq as an urgent threat requiring immediate action thereby subverting the national security interests of the United States by setting the stage for the loss of more than 4,000 United States service members; the injuries to tens of thousands of U.S. soldiers; the deaths of more than 1,000,000 Iraqi citizens since the United States invasion; the loss of approximately $527 billion in war costs which has increased our Federal debt and the ultimate costs of the war between three trillion and five trillion dollars; the loss of military readiness within the

United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE V.—ILLEGALLY MISSPENDING FUNDS TO SECRETLY BEGIN A WAR OF AGGRESSION

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, illegally misspent funds to begin a war in secret prior to any Congressional authorization.

The president used over $2 billion in the summer of 2002 to prepare for the invasion of Iraq. First reported in Bob Woodward's book, Plan of Attack, and later confirmed by the Congressional Research Service, Bush took money appropriated by Congress for Afghanistan and other programs and—with no Congressional notification—used it to build airfields in Qatar and to make other preparations for the invasion of Iraq. This constituted a violation of Article I, Section 9 of the U.S. Constitution, as well as a violation of the War Powers Act of 1973.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VI.—INVADING IRAQ IN VIOLATION OF THE REQUIREMENTS OF H.J. RES. 114.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", exceeded his Constitutional authority to wage war by invading Iraq in 2003 without meeting the requirements of H.J. Res. 114, the "Authorization for Use of Military Force Against Iraq Resolution of 2002" to wit:

(1) H.J. Res. 114 contains several Whereas clauses consistent with statements being made by the White House at the time regarding the threat from Iraq as evidenced by the following:

(A) H.J. Res. 114 states "Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;"; and

(B) H.J. Res. 114 states "Whereas members of Al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;".

(2) H.J. Res. 114 states that the President must provide a determination, the truthfulness of which is implied, that military force is necessary in order to use the authorization, as evidenced by the following:

(A) Section 3 of H.J. Res. 114 states:

"(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq nor (B) likely lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to the Constitution and Public Law 107–243 is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

(4) President George Bush knew that these statements were false as evidenced by:

(A) INFORMATION PROVIDED WITH ARTICLE I, II, III, IV AND V.

(B) A statement by President George Bush in an interview with Tony Blair on January 31st 2003: [WH]

Reporter: "One question for you both. Do you believe that there is a link between Saddam Hussein, a direct link, and the men who attacked on September the 11th?"

President Bush: "I can't make that claim"

(C) An article on February 19th by Terrorism expert Rohan Gunaratna states "I could find no evidence of links between Iraq and Al Qaeda. The documentation and interviews indicated that Al Qaeda regarded Saddam, a secular leader, as an infidel." [International Herald Tribune]

(D) According to a February 2nd, 2003 article in the New York Times: [NYT]

At the Federal Bureau of Investigation, some investigators said they were baffled by the Bush administration's insistence on a solid link between Iraq and Osama bin Laden's network. "We've been looking at this hard for more than a year and you know what, we just don't think it's there," a government official said.

(5) Section 3C of HJRes 114 states that "Nothing in this joint resolution supersedes any requirement of the War Powers Resolution."

(6) The War Powers Resolution Section 9(d)(1) states:

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provision of existing treaties; or

(7) The United Nations Charter was an existing treaty and, as shown in Article VIII, the invasion of Iraq violated that treaty.

(8) President George Bush knowingly failed to meet the requirements of HJRes 114 and violated the requirement of the War Powers Resolution and, thereby, invaded Iraq without the authority of Congress.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VII.—INVADING IRAQ ABSENT A DECLARATION OF WAR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has launched a war against Iraq absent any congressional declaration of war or equivalent action.

Article I, Section 8, Clause 11 (the War Powers Clause) makes clear that the United States Congress holds the exclusive power to decide whether or not to send the nation into war. "The Congress," the War Powers Clause states, "shall have power . . . To declare war . . ."

The October 2002 congressional resolution on Iraq did not constitute a declaration of war or equivalent action. The resolution stated: "The President is authorized to use the Armed Forces of the United States as he deems necessary and appropriate in order to 1) defend the national security of the United States against the continuing threat posed by Iraq; and 2) enforce all relevant United Nations Security Council resolutions regarding Iraq." The resolution unlawfully sought to delegate to the President the decision of whether or not to initiate a war against Iraq, based on whether he deemed it "necessary and appropriate." The Constitution does not allow Congress to delegate this exclusive power to the President, nor does it allow the President to seize this power.

In March 2003, the President launched a war against Iraq without any constitutional authority.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VIII.—INVADING IRAQ, A SOVEREIGN NATION, IN VIOLATION OF THE UN CHARTER AND INTERNATIONAL CRIMINAL LAW

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", violated United

States law by invading the sovereign country of Iraq in violation of the United Nations Charter to wit:

(1) International Laws ratified by Congress are part of United States Law and must be followed as evidenced by the following:

(A) Article VI of the United States Constitution, which states "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;"

(2) The UN Charter, which entered into force following ratification by the United States in 1945, requires Security Council approval for the use of force except for self-defense against an armed attack as evidenced by the following:

(A) Chapter 1, Article 2 of the United Nations Charter states:

"3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

"4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

(B) Chapter 7, Article 51 of the United Nations Charter states:

"51. Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

(3) There was no armed attack upon the United States by Iraq.

(4) The Security Council did not vote to approve the use of force against Iraq as evidenced by:

(A) A United Nation Press release which states that the United States had failed to convince the Security Council to approve the use of military force against Iraq. [UN]

(5) President Bush directed the United States military to invade Iraq on March 19th, 2003 in violation of the UN Charter and, therefore, in violation of United States Law as evidenced by the following:

(A) A letter from President Bush to Congress dated March 21st, 2003 stating "I directed U.S. Armed Forces, operating with other coalition forces, to commence combat operations on March 19, 2003, against Iraq." [WH]

(B) On September 16, 2004 Kofi Annan, the Secretary General of the United Nations, speaking on the invasion, said, "I have indicated it was not in conformity with the UN charter. From our point of view, from the charter point of view, it was illegal." [BBC]

(C) The consequence of the instant and direction of President George W. Bush, in ordering an attack upon Iraq, a sovereign nation is in direct violation of United States Code, Title 18, Part 1, Chapter 118, Section 2441, governing the offense of war crimes.

(6) In the course of invading and occupying Iraq, the President, as Commander in Chief, has taken responsibility for the targeting of civilians, journalists, hospitals, and ambulances, use of antipersonnel weapons including cluster bombs in densely settled urban areas, the use of white phosphorous as a weapon, depleted uranium weapons, and the use of a new version of napalm found in Mark 77 firebombs. Under the direction of President George Bush the United States has engaged in collective punishment of Iraqi civilian populations, including but not limited to blocking roads, cutting electricity and water, destroying fuel stations, planting bombs in farm fields, demolishing houses, and plowing over orchards.

(A) Under the principle of "command responsibility", i.e., that a de jure command can be civilian as well as military, and can apply to the policy command of heads of state, said command brings President George Bush within the reach of international criminal law under the Additional Protocol I of June 8, 1977 to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts, Article 86(2). The United States is a state signatory to Additional Protocol I, on December 12, 1977.

(B) Furthermore, Article 85(3) of said Protocol I defines as a grave breach making a civilian population or individual civilians the object of attacks. This offense, together with the principle of command responsibility, places President George Bush's conduct under the reach of the same law and principles described as the basis for war crimes prosecution at Nuremburg, under Article 6 of the Charter of the Nuremberg Tribunals: including crimes against peace, violations of the laws and customs of war and crimes against humanity, similarly codified in the Rome Statute of the International Criminal Court, Articles 5 through 8.

(C) The Lancet Report has established massive civilian casualties in Iraq as a result of the United States' invasion and occupation of that country.

(D) International laws governing wars of aggression are completely prohibited under the legal principle of jus cogens, whether or not a nation has signed or ratified a particular international agreement.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office

ARTICLE IX.—FAILING TO PROVIDE TROOPS WITH BODY ARMOR AND VEHICLE ARMOR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, together with the Vice President, has been responsible for the deaths of members of the U.S. military and serious injury and trauma to other soldiers, by failing to provide available body armor and vehicle armor.

While engaging in an invasion and occupation of choice, not fought in self-defense, and not launched in accordance with any timetable other than the President's choosing, President Bush sent U.S. troops into danger without providing them with armor. This shortcoming has been known for years, during which time, the President has chosen to allow soldiers and marines to continue to face unnecessary risk to life and limb rather then providing them with armor.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE X.—FALSIFYING ACCOUNTS OF U.S. TROOP DEATHS AND INJURIES FOR POLITICAL PURPOSES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, together with the Vice President, promoted false propaganda stories about members of the United States military, including individuals both dead and injured.

The White House and the Department of Defense (DOD) in 2004 promoted a false account of the death of Specialist Pat Tillman, reporting that he had died in a hostile exchange, delaying release of the information that he had died from friendly fire, shot in the forehead three times in a manner that led investigating doctors to believe he had been shot at close range.

A 2005 report by Brig. Gen. Gary M. Jones reported that in the days immediately following Specialist Tillman's death, U.S. Army investigators were aware that Specialist Tillman was killed by friendly fire, shot three times to the head, and that senior Army commanders, including Gen. John Abizaid, knew of this fact within days of the shooting but nevertheless approved the awarding of the Silver Star, Purple Heart, and a posthumous promotion.

On April 24, 2007, Spc. Bryan O'Neal, the last soldier to see Specialist Pat Tillman alive, testified before the House Oversight and Government Reform Committee that he was warned by superiors not to divulge information that a fellow soldier killed Specialist Tillman, especially to the Tillman family. The White House refused to provide requested documents to the committee, citing "executive branch confidentiality interests."

The White House and DOD in 2003 promoted a false account of the injury of Jessica Dawn Lynch, reporting that she had been captured in a hostile exchange and had been dramatically rescued. On April 2, 2003, the DOD released a video of the rescue and claimed that Lynch had stab and bullet wounds, and that she had been slapped about on her hospital bed and interrogated. Iraqi doctors and nurses later interviewed, including Dr. Harith Al-Houssona, a doctor in the Nasirya hospital, described Lynch's injuries as "a broken arm, a broken thigh, and a dislocated ankle." According to Al-Houssona, there was no sign of gunshot or stab wounds, and Lynch's injuries were consistent with those that would be suffered in a car accident. Al-Houssona's claims were later confirmed in a U.S. Army report leaked on July 10, 2003.

Lynch denied that she fought or was wounded fighting, telling Diane Sawyer that the Pentagon "used me to symbolize all this stuff. It's wrong. I don't know why they filmed [my rescue] or why they say these things. . . . I did not shoot, not a round, nothing. I went down praying to my knees.

And that's the last I remember." She reported excellent treatment in Iraq, and that one person in the hospital even sang to her to help her feel at home.

On April 24, 2007 Lynch testified before the House Committee on Oversight and Government Reform:

"[Right after my capture], tales of great heroism were being told. My parent's home in Wirt County was under siege of the media all repeating the story of the little girl Rambo from the hills who went down fighting. It was not true. . . . I am still confused as to why they chose to lie."

The White House had heavily promoted the false story of Lynch's rescue, including in a speech by President Bush on April 28, 2003. After the fiction was exposed, the President awarded Lynch the Bronze Star.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XI.—ESTABLISHMENT OF PERMANENT U.S. MILITARY BASES IN IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has violated an act of Congress that he himself signed into law by using public funds to construct permanent U.S. military bases in Iraq.

On January 28, 2008, President George W. Bush signed into law the National Defense Authorization Act for fiscal year 2008 (H.R. 4986). Noting that the Act "authorizes funding for the defense of the United States and its interests abroad, for military construction, and for national security-related energy programs," the president added the following "signing statement":

"Provisions of the Act, including sections 841, 846, 1079, and 1222, purport to impose requirements that could inhibit the President's ability to carry out his constitutional obligations to take care that the laws be faithfully executed, to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief. The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President."

Section 1222 clearly prohibits the expenditure of money for the purpose of establishing permanent U.S. military bases in Iraq. The construction of over $1 billion in U.S. military bases in Iraq, including runways for aircraft, continues despite congressional intent, as the Administration intends to force upon the Iraqi government such terms which will assure the bases remain in Iraq.

Iraqi officials have informed Members of Congress in May 2008 of the strong opposition within the Iraqi parliament and throughout Iraq to the agreement that the administration is trying to negotiate with Iraqi Prime Minister Nouri al-Maliki. The agreement seeks to assure a long-term U.S. presence in Iraq of which military bases are the most obvious, sufficient and necessary construct, thus clearly defying Congressional intent as to the matter and meaning of "permanency."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XII.—INITIATING A WAR AGAINST IRAQ FOR CONTROL OF THAT NATION'S NATURAL RESOURCES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, together with the Vice President, invaded and occupied a foreign nation for the purpose, among other purposes, of seizing control of that nation's oil.

The White House and its representatives in Iraq have, since the occupation of Baghdad began, attempted to gain control of Iraqi oil. This effort has included pressuring the new Iraqi government to pass a hydrocarbon law. Within weeks of the fall of Saddam Hussein in 2003, the U.S. Agency for International Development (USAid) awarded a $240 million contract to Bearing Point, a private U.S. company. A Bearing Point employee, based in the U.S. embassy in Baghdad, was hired to advise the Iraqi Ministry of Oil on drawing up the new hydrocarbon law. The draft law places executives of foreign oil companies on a council with the task of approving their own contracts with Iraq; it denies the Iraqi National Oil Company exclusive rights for the exploration, development, production, transportation, and marketing of Iraqi oil, and allows foreign companies to control Iraqi oil fields containing 80 percent of Iraqi oil for up to 35 years through contracts that can remain secret for up to 2 months. The draft law itself contains secret appendices.

President Bush provided unrelated reasons for the invasion of Iraq to the public and Congress, but those reasons have been established to have been categorically fraudulent, as evidenced by the herein mentioned Articles of Impeachment I, II, III, IV, VI, and VII.

Parallel to the development of plans for war against Iraq, the U.S. State Department's Future of Iraq project, begun as early as April 2002, involved meetings in Washington and London of 17 working groups, each composed of 10 to 20 Iraqi exiles and international experts selected by the State Department. The Oil and Energy working group met four times between December 2002 and April 2003. Ibrahim Bahr al-Uloum, later the Iraqi Oil Minister, was a member of the group, which concluded that Iraq "should be opened to international oil companies as quickly as possible after the war," and that, "the country should establish a conducive business environment to attract investment of oil and gas resources." The same group recommended production-sharing agreements with foreign oil companies, the same approach found in the draft hydrocarbon law, and control over Iraq's oil resources remains a prime objective of the Bush Administration.

Prior to his election as Vice President, Dick Cheney, then-CEO of Halliburton, in a speech at the Institute of Petroleum in 1999 demonstrated a keen awareness of the sensitive economic and geopolitical role of Middle East oil resources saying: "By 2010, we will need on the order of an additional 50 million barrels a day. So where is the oil going to come from? Governments and national oil companies are obviously controlling about 90 percent of the assets. Oil remains fundamentally a government business. While many regions of the world offer great oil opportunities, the Middle East, with two-thirds of the world's oil and lowest cost, is still where the prize ultimately lies. Even though companies are anxious for greater access there, progress continues to be slow."

The Vice President led the work of a secret energy task force, as described in Article XXXII below, a task force that focused on, among other things, the acquisition of Iraqi oil through developing a controlling private corporate interest in said oil.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIII.—CREATING A SECRET TASK FORCE TO DEVELOP ENERGY AND MILITARY POLICIES WITH RESPECT TO IRAQ AND OTHER COUNTRIES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has both personally and acting through his agents and subordinates, together with the Vice President, created a secret task force to guide our nation's energy policy and military policy, and undermined Congress' ability to legislate by thwarting attempts to investigate the nature of that policy.

A Government Accountability Office (GAO) Report on the Cheney Energy Task Force, in August 2003, described the creation of this task force as follows:

"In a January 29, 2001, memorandum, the President established NEPDG [the National Energy Policy Development Group]—comprised of the Vice President, nine cabinet-level officials, and four other senior administration officials—to gather information, deliberate, and make recommendations to the President by the end of fiscal year 2001. The President called on the Vice President to chair the group, direct its work and, as necessary, establish subordinate working groups to assist NEPDG."

The four "other senior administration officials were the Director of the Office of Management and Budget, the Assistant to the President and Deputy Chief of Staff for Policy, the Assistant to the President for Economic Policy, and the Deputy Assistant to the President for Intergovernmental Affairs.

The GAO report found that: "In developing the National Energy Policy report, the NEPDG Principals, Support Group, and participating agency officials and staff met with, solicited input from, or received information and advice from nonfederal energy stakeholders, principally petroleum, coal, nuclear, natural gas, and electricity industry representatives and lobbyists. The extent to which submissions from any of these stakeholders were solicited, influenced policy deliberations, or were incorporated into the final report cannot be determined based on the limited information made available to GAO. NEPDG met and conducted its work in two distinct phases: the first phase culminated in a March 19, 2001, briefing to the President on challenges relating to energy supply and the resulting economic impact; the second phase ended with the May 16, 2001, presentation of the final report to the President. The Office of the Vice President's (OVP) unwillingness to provide the NEPDG records or other related information precluded GAO from fully achieving its objectives and substantially limited GAO's ability to comprehensively analyze the NEPDG process. associated with that process.

"None of the key federal entities involved in the NEPDG effort provided GAO with a complete accounting of the costs that they incurred during the development of the National Energy Policy report. The two federal entities responsible for funding the NEPDG effort—OVP and the Department of Energy (DOE)—did not provide the comprehensive cost information that GAO requested. OVP provided GAO with 77 pages of information, two-thirds of which contained no cost information while the remaining one-third contained some miscellaneous information of little to no usefulness. OVP stated that it would not provide any additional information. DOE, the Department of the Interior, and the Environmental Protection Agency (EPA) provided GAO with estimates of certain costs and salaries associated with the NEPDG effort, but these estimates, all calculated in different ways, were not comprehensive."

In 2003, the Commerce Department disclosed a partial collection of materials from the NEPDG, including documents, maps, and charts, dated March 2001, of Iraq's, Saudi Arabia's and the United Arab Emirates' oil fields, pipelines, refineries, tanker terminals, and development projects.

On November 16, 2005, the Washington Post reported on a White House document showing that oil company executives had met with the NEPDG, something that some of those same executives had just that week denied in Congressional testimony. The Bush Administration had not corrected the inaccurate testimony.

On July 18, 2007, the Washington Post reported the full list of names of those who had met with the NEPDG.

In 1998 Kenneth Derr, then chief executive of Chevron, told a San Francisco audience, "Iraq possesses huge reserves of oil and gas, reserves I'd love Chevron to have access to." According to the GAO report, Chevron provided detailed advice to the NEPDG.

In March, 2001, the NEPDG recommended that the United States Government support initiatives by Middle Eastern countries "to open up areas of their energy sectors to foreign investment." Following the invasion of Iraq, the United States has pressured the new Iraqi parliament to pass a hydrocarbon law that would do exactly that. The draft law, if passed, would take the majority of Iraq's oil out of the exclusive hands of the Iraqi Government and open it to international oil companies for a generation or more. The Bush administration hired Bearing Point, a U.S. company, to help write the law in 2004. It was submitted to the Iraqi Council of Representatives in May 2007.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIV.—MISPRISION OF A FELONY, MISUSE AND EXPOSURE OF CLASSIFIED INFORMATION AND OBSTRUCTION OF JUSTICE IN THE MATTER OF. VALERIE PLAME WILSON, CLANDESTINE AGENT OF THE CENTRAL INTELLIGENCE AGENCY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President,

(1) suppressed material information;

(2) selectively declassified information for the improper purposes of retaliating against a whistleblower and presenting a misleading picture of the alleged threat from Iraq;

(3) facilitated the exposure of the identity of Valerie Plame Wilson who had theretofore been employed as a covert CIA operative;

(4) failed to investigate the improper leaks of classified information from within his administration;

(5) failed to cooperate with an investigation into possible federal violations resulting from this activity; and

(6) finally, entirely undermined the prosecution by commuting the sentence of Lewis Libby citing false and insubstantial grounds, all in an effort to prevent Congress and the citizens of the United States from discovering the deceitful nature of the President's claimed justifications for the invasion of Iraq.

In facilitating this exposure of classified information and the subsequent cover-up, in all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XV.—PROVIDING IMMUNITY FROM PROSECUTION FOR CRIMINAL CONTRACTORS IN IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, established policies granting United States government contractors and their employees in Iraq immunity from Iraqi law, U.S. law, and international law.

Lewis Paul Bremer III, then-Director of Reconstruction and Humanitarian Assistance for post-war Iraq, on June 27, 2004, issued Coalition Provisional Authority Order Number 17, which granted members of the U.S. military, U.S. mercenaries, and other U.S. contractor employees immunity from Iraqi law.

The Bush Administration has chosen not to apply the Uniform Code of Military Justice or United States law to mercenaries and other contractors employed by the United States government in Iraq.

Operating free of Iraqi or U.S. law, mercenaries have killed many Iraqi civilians in a manner that observers have described as aggression and not as self-defense. Many U.S. contractors have also alleged that they have been the victims of aggression (in several cases of rape) by their fellow contract employees in Iraq. These charges have not been brought to trial, and in several cases the contracting companies and the U.S. State Department have worked together in attempting to cover them up.

Under the Fourth Geneva Convention, to which the United States is party, and which under Article VI of the U.S. Constitution is therefore the supreme law of the United States, it is the responsibility of an occupying force to ensure the protection and human rights of the civilian population. The efforts of President Bush and his subordinates to attempt to establish a lawless zone in Iraq are in violation of the law.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVI.—RECKLESS MISSPENDING AND WASTE OF U.S. TAX DOLLARS IN CONNECTION WITH IRAQ CONTRACTORS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, recklessly wasted public funds on contracts awarded to close associates, including companies guilty of defrauding the government in the past, contracts awarded without competitive bidding, "cost-plus" contracts designed to encourage cost overruns, and contracts not requiring satisfactory completion of the work. These failures have been the rule, not the exception, in the awarding of contracts for work in the United States and abroad over the past seven years. Repeated exposure of fraud and waste has not been met by the president with correction of systemic problems, but rather with retribution against whistleblowers.

The House Committee on Oversight and Government Reform reported on Iraq reconstruction contracting:

"From the beginning, the Administration adopted a flawed contracting approach in Iraq. Instead of maximizing competition, the Administration opted to award no-bid, cost-plus contracts to politically connected contractors. Halliburton's secret $7 billion contract to restore Iraq's oil infrastructure is the prime example. Under this no-bid, cost-plus contract, Halliburton was reimbursed for its costs and then received an additional fee, which was a percentage of its costs. This created an incentive for Halliburton to run up its costs in order to increase its potential profit.

"Even after the Administration claimed it was awarding Iraq contracts competitively in early 2004, real price competition was missing. Iraq was divided geographically and by economic sector into a handful of fiefdoms. Individual contractors were then awarded monopoly contracts for all of the work within given fiefdoms. Because these monopoly contracts were awarded before specific projects were identified, there was no actual price competition for more than 2,000 projects.

"In the absence of price competition, rigorous government oversight becomes essential for accountability. Yet the Administration turned much of the contract oversight work over to private companies with blatant conflicts of interest. Oversight contractors oversaw their business partners and, in some cases, were placed in a position to assist their own construction work under separate monopoly construction contracts. . . .

"Under Halliburton's two largest Iraq contracts, Pentagon auditors found $1 billion in 'questioned' costs and over $400 million in 'unsupported' costs. Former Halliburton employees testified that the company charged $45 for cases of soda, billed $100 to clean 15-pound bags of laundry, and insisted on housing its staff at the five-star Kempinski hotel in Kuwait. Halliburton truck drivers testified that the company 'torched' brand new $85,000 trucks rather than perform relatively minor repairs and regular maintenance. Halliburton procurement officials described the company's informal motto in Iraq as 'Don't worry about price. It's cost-plus.' A Halliburton manager was indicted for 'major fraud against the United States' for allegedly billing more than $5.5 billion for work that should have cost only $685,000 in exchange for a $1 million kickback from a Kuwaiti subcontractor. . . .

"The Air Force found that another U.S. government contractor, Custer Battles, set up shell subcontractors to inflate prices. Those overcharges were passed along to the U.S. government under the company's cost-plus contract to provide security for Baghdad International Airport. In one case, the company allegedly took Iraqi-owned forklifts, re-painted them, and leased them to the U.S. government.

"Despite the spending of billions of taxpayer dollars, U.S. reconstruction efforts in keys sectors of the Iraqi economy are failing. Over two years after the U.S.-led invasion of Iraq, oil and electricity production has fallen below pre-war levels. The Administration has failed to even measure how many Iraqis lack access to drinkable water."

"Constitution in Crisis," a book by Congressman John Conyers, details the Bush Administration's response when contract abuse is made public:

"Bunnatine Greenhouse was the chief contracting officer at the Army Corps of Engineers, the agency that has managed much of the reconstruction work in Iraq. In October 2004, Ms. Greenhouse came forward and revealed that top Pentagon officials showed improper favoritism to Halliburton when awarding military contracts to Halliburton subsidiary Kellogg Brown & Root (KBR). Greenhouse stated that when the Pentagon awarded Halliburton a five-year $7 billion contract, it pressured her to withdraw her objections, actions which she claimed were unprecedented in her experience.

"On June 27, 2005, Ms. Greenhouse testified before Congress, detailing that the contract award process was compromised by improper influence by political appointees, participation by Halliburton officials in meetings where bidding requirements were discussed, and a lack of competition. She stated that the Halliburton contracts represented "the most blatant and improper contract abuse I have witnessed during the course of my professional career." Days before the hearing, the acting general counsel of the Army Corps of Engineers paid Ms. Greenhouse a visit and reportedly let it be known that it would not be in her best interest to appear voluntarily.

"On August 27, 2005, the Army demoted Ms. Greenhouse, removing her from the elite Senior Executive Service and transferring her to a lesser job in the corps' civil works division. As Frank Rich of The New York Times described the situation, '[H]er crime was not obstructing justice but pursuing it by vehemently questioning irregularities in the awarding of some $7 billion worth of no-bid contracts in Iraq to the Halliburton subsidiary Kellogg Brown Root.' The demotion was in apparent retaliation for her speaking out against the abuses, even though she previously had stellar reviews and over 20 years of experience in military procurement."

The House Committee on Oversight and Government Reform reports on domestic contracting:

"The Administration's domestic contracting record is no better than its record on Iraq. Waste, fraud, and abuse appear to be the rule rather than the exception. . . .

"A Transportation Security Administration (TSA) cost-plus contract with NCS Pearson, Inc., to hire federal airport screeners was plagued by poor management and egregious waste. Pentagon auditors challenged $303 million (over 40%) of the $741 million spent by Pearson under the contract. The auditors detailed numerous concerns with the charges of Pearson and its subcontractors, such as '$20-an-hour temporary workers billed to the government at $48 per hour, subcontractors who signed out $5,000 in cash at a time with no supporting documents, $377,273.75 in unsubstantiated long distance phone calls, $514,201 to rent tents that flooded in a rainstorm, [and] $4.4 million in "no show" fees for job candidates who did not appear for tests.' A Pearson employee who supervised Pearson's hiring efforts at 43 sites in the U.S. described the contract as 'a waste a taxpayer's money.' The CEO of one Pearson subcontractor paid herself $5.4 million for nine months work and provided herself with a $270,000 pension. . . .

"The Administration is spending $239 million on the Integrated Surveillance and Intelligence System, a no-bid contract to provide thousands of cameras and sensors to monitor activity on the Mexican and Canadian borders. Auditors found that the contractor, International Microwave Corp., billed for work it never did and charged for equipment it never provided, 'creat[ing] a potential for overpayments of almost $13 million.' Moreover, the border monitoring system reportedly does not work. . . .

"After spending more than $4.5 billion on screening equipment for the nation's entry points, the Department of Homeland Security is now 'moving to replace or alter much of' it because 'it is ineffective, unreliable or too expensive to operate.' For example, radiation monitors at ports and borders reportedly could not 'differentiate between radiation emitted by a nuclear bomb and naturally occurring radiation from everyday material like cat litter or ceramic tile.' . . .

"The TSA awarded Boeing a cost-plus contract to install over 1,000 explosive detection systems for airline passenger luggage. After installation, the machines 'began to register false alarms' and '[s]creeners were forced to open and hand-check bags.' To reduce the number of false alarms, the sensitivity of the machines was lowered, which reduced the effectiveness of the detectors. Despite these serious problems, Boeing received an $82 million profit that the Inspector General determined to be 'excessive.' . . .

"The FBI spent $170 million on a 'Virtual Case File' system that does not operate as required. After three years of work under a cost-plus contract failed to produce a functional system, the FBI scrapped the program and began work on the new 'Sentinel' Case File System. . . .

"The Department of Homeland Security Inspector General found that taxpayer dollars were being lavished on perks for agency officials. One IG report found that TSA spent over $400,000 on its first leader's executive office suite. Another found that TSA spent $350,000 on a gold-plated gym. . . .

"According to news reports, Pentagon auditors . . . examined a contract between the Transportation Security Administration (TSA) and Unisys, a technology and consulting company, for the upgrade of airport computer networks. Among other irregularities, government auditors found that Unisys may have overbilled for as much as 171,000 hours of labor and overtime by charging for employees at up to twice their actual rate of compensation. While the cost ceiling for the contract was set at $1 billion, Unisys has reportedly billed the government $940 million with more than half of the seven-year contract remaining and more than half of the TSA-monitored airports still lacking upgraded networks."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVII.—ILLEGAL DETENTION: DETAINING INDEFINITELY AND WITHOUT CHARGE PERSONS BOTH U.S. CITIZENS AND FOREIGN CAPTIVES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the U.S. Constitution by illegally detaining indefinitely and without charge persons both U.S. citizens and foreign captives.

In a statement on Feb. 7, 2002, President Bush declared that in the U.S. fight against Al Qaeda, "none of the provisions of Geneva apply," thus rejecting the Geneva Conventions that protect captives in wars and other conflicts. By that time, the administration was already transporting captives from the war in Afghanistan, both alleged Al Qaeda members and supporters, and also Afghans accused of being fighters in the army of the Taliban government, to U.S.-run prisons in Afghanistan and to the detention facility at Guantanamo Bay, Cuba. The round-up and detention without charge of Muslim non-citizens inside the U.S. began almost immediately after the September 11, 2001 attacks on the World Trade Center and the Pentagon, with some being held as long as nine months. The U.S., on orders of the president, began capturing and detaining without charge alleged terror suspects in other countries and detaining them abroad and at the U.S. Naval base in Guantanamo.

Many of these detainees have been subjected to systematic abuse, including beatings, which have been subsequently documented by news reports, photographic evidence, testimony in Congress, lawsuits, and in the case of detainees in the U.S., by an investigation conducted by the Justice Department's Office of the Inspector General.

In violation of U.S. law and the Geneva Conventions, the Bush Administration instructed the Department of Justice and the U.S. Department of Defense to refuse to provide the identities or locations of these detainees, despite requests from Congress and from attorneys for the detainees. The president even declared the right to detain U.S. citizens indefinitely, without charge and without providing them access to counsel or the courts, thus depriving them of their constitutional and basic human rights. Several of those U.S. citizens were held in military brigs in solitary confinement for as long as three years before being either released or transferred to civilian detention.

Detainees in U.S. custody in Iraq and Guantanamo have, in violation of the Geneva Conventions, been hidden from and denied visits by the International Red Cross organization, while thousands of others in Iraq, Guantanamo, Afghanistan, ships in foreign off-shore sites, and an unknown number of so-called "black sites" around the world have been denied any opportunity to challenge their detentions. The president, acting on his own claimed authority, has declared the hundreds of detainees at Guantanamo Bay to be "enemy combatants" not subject to U.S. law and not even subject to military law, but nonetheless potentially liable to the death penalty.

The detention of individuals without due process violates the 5th Amendment. While the Bush administration has been rebuked in several court cases, most recently that of Ali al-Marri, it continues to attempt to exceed constitutional limits.

In all of these actions violating U.S. and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVIII.—TORTURE: SECRETLY AUTHORIZING, AND ENCOURAGING THE USE OF TORTURE AGAINST CAPTIVES IN AFGHANISTAN, IRAQ, AND OTHER PLACES, AS A MATTER OF OFFICIAL POLICY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the U.S. Constitution by secretly authorizing and encouraging the use of torture against captives in Afghanistan, Iraq in connection with the so-called "war" on terror.

In violation of the Constitution, U.S. law, the Geneva Conventions (to which the U.S. is a signatory), and in violation of basic human rights, torture has been authorized by the President and his administration as official policy. Water-boarding, beatings, faked executions, confinement in extreme cold or extreme heat, prolonged enforcement of painful stress positions, sleep deprivation, sexual humiliation, and the defiling of religious articles have been practiced and exposed as routine at Guantanamo, at Abu Ghraib Prison and other U.S. detention sites in Iraq, and at Bagram Air Base in Afghanistan. The president, besides bearing responsibility for authorizing the use of torture, also as Commander in Chief, bears ultimate responsibility for the failure to halt these practices and to punish those responsible once they were exposed.

The administration has sought to claim the abuse of captives is not torture, by redefining torture. An August 1, 2002 memorandum from the Administration's Office of Legal Counsel Jay S. Bybee addressed to White House Counsel Alberto R. Gonzales concluded that to constitute torture, any pain inflicted must be akin to that accompanying "serious physical injury, such as organ failure, impairment of bodily function, or even death." The memorandum went on to state that even should an act constitute torture under that minimal definition, it might still be permissible if applied to "interrogations undertaken pursuant to the President's Commander-in-Chief powers." The memorandum further asserted that "necessity or self-defense could provide justifications that would eliminate any criminal liability."

This effort to redefine torture by calling certain practices simply "enhanced interrogation techniques" flies in the face of the Third Geneva Convention Relating to the Treatment of Prisoners of War, which states that "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind."

Torture is further prohibited by the Universal Declaration of Human Rights, the paramount international human rights statement adopted unanimously by the United Nations General Assembly, including the United States, in 1948. Torture and other cruel, inhuman or degrading treatment or punishment is also prohibited by international treaties ratified by the United States: the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

When the Congress, in the Defense Authorization Act of 2006, overwhelmingly passed a measure banning torture and sent it to the President's desk for signature, the President, who together with his vice president, had fought hard to block passage of the amendment, signed it, but then quietly appended a signing statement in which he pointedly asserted that as Commander-in-Chief, he was not bound to obey its strictures.

The administration's encouragement of and failure to prevent torture of American captives in the wars in Iraq and Afghanistan, and in the battle against terrorism, has undermined the rule of law in the U.S. and in the US military, and has seriously damaged both the effort to combat global terrorism, and more broadly, America's image abroad. In his effort to hide torture by U.S. military forces and the CIA, the president has defied Congress and has lied to the American people, repeatedly claiming that the U.S. "does not torture."

In all of these actions and decisions in violation of U.S. and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIX.—RENDITION: KIDNAPPING PEOPLE AND TAKING THEM AGAINST THEIR WILL TO "BLACK SITES" LOCATED IN OTHER NATIONS, INCLUDING NATIONS KNOWN TO PRACTICE TORTURE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the U.S. Constitution by kidnapping people and renditioning them to "black sites" located in other nations, including nations known to practice torture.

The president has publicly admitted that since the 9-11 attacks in 2001, the U.S. has been kidnapping and transporting against the will of the subject (renditioning) in its so-called "war" on terror—even people captured by U.S. personnel in friendly nations like Sweden, Germany, Macedonia and Italy—and ferrying them to places like Bagram Airbase in Afghanistan, and to prisons operated in Eastern European countries, African Countries and Middle Eastern countries where security forces are known to practice torture.

These people are captured and held indefinitely, without any charges being filed, and are held without being identified to the Red Cross, or to their families. Many are clearly innocent, and several cases, including one in Canada and one in Germany, have demonstrably been shown subsequently to have been in error, because of a similarity of names or because of misinformation provided to U.S. authorities.

Such a policy is in clear violation of U.S. and International Law, and has placed the United States in the position of a pariah state. The CIA has no law enforcement authority, and cannot legally arrest or detain anyone. The program of "extraordinary rendition" authorized by the president is the substantial equivalent of the policies of "disappearing" people, practices widely practiced and universally condemned in the military dictatorships of Latin America during the late 20th Century.

The administration has claimed that prior administrations have practiced extraordinary rendition, but, while this is technically true, earlier renditions were used only to capture people with outstanding arrest warrants or convictions who were outside in order to deliver them to stand trial or serve their sentences in the U.S. The president has refused to divulge how many people have been subject to extraordinary rendition since September, 2001. It is possible that some have died in captivity. As one U.S. official has stated off the record, regarding the program, Some of those who were renditioned were later delivered to Guantanamo, while others were sent there directly. An example of this is the case of six Algerian Bosnians who, immediately after being cleared by the Supreme Court of Bosnia Herzegovina in January 2002 of allegedly plotting to attack the U.S. and UK embassies, were captured, bound and gagged by U.S. special forces and renditioned to Guantanamo.

In perhaps the most egregious proven case of rendition, Maher Arar, a Canadian citizen born in Syria, was picked up in September 2002 while transiting through New York's JFK airport on his way home to Canada. Immigration and FBI officials detained and interrogated him for nearly two weeks, illegally denying him his rights to access counsel, the Canadian consulate, and the courts. Executive branch officials asked him if he would volunteer to go to Syria, where he hadn't been in 15 years, and Maher refused

Maher was put on a private jet plane operated by the CIA and sent to Jordan, where he was beaten for 8 hours, and then delivered to Syria, where he was beaten and interrogated for 18 hours a day for a couple of weeks. He was whipped on his back and hands with a 2 inch thick electric cable and asked questions similar to those he had been asked in the United States. For over ten months Maher was held in an underground grave-like cell—3x6x7 feet—which was damp and cold, and in which the only light came in through a hole in the ceiling. After a year of this, Maher was released without any charges. He is now back home in Canada with his family. Upon his release, the Syrian Government announced he had no links to Al Qaeda, and the Canadian Government has also said they've found no links to Al Qaeda. The Canadian Government launched a Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, to investigate the role of Canadian officials, but the Bush Administration has refused to cooperate with the Inquiry.

Hundreds of flights of CIA-chartered planes have been documented as having passed through European countries on extraordinary rendition missions like that involving Maher Arar, but the administration refuses to state how many people have been subjects of this illegal program.

The same U.S. laws prohibiting aiding and abetting torture also prohibit sending someone to a country where there is a substantial likelihood they may be tortured. Article 3 of CAT prohibits forced return where there is a "substantial likelihood" that an individual "may be in danger of" torture, and has been implemented by federal statute. Article 7 of the ICCPR prohibits return to country of origin where individuals may be "at risk" of either torture or cruel, inhuman or degrading treatment.

Under international Human Rights law, transferring a POW to any nation where he or she is likely to be tortured or inhumanely treated violates Article 12 of the Third Geneva Convention, and transferring any civilian who is a protected person under the Fourth Geneva Convention is a grave breach and a criminal act.

In situations of armed conflict, both international human rights law and humanitarian law apply. A person captured in the zone of military hostilities "must have some status under international law; he is either a prisoner of war and, as such, covered by the Third Convention, [or] a civilian covered by the Fourth Convention. . . . There is no intermediate status; nobody in enemy hands can be outside the law." Although the state is obligated to repatriate Prisoners of War as soon as hostilities cease, the ICRC's commentary on the 1949 Conventions states that prisoners should not be repatriated where there are serious reasons for fearing that repatriating the individual would be contrary to general principles of established international law for the protection of human beings Thus, all of the Guantanamo detainees as well as renditioned captives are protected by international human rights protections and humanitarian law.

By his actions as outlined above, the President has abused his power, broken the law, deceived the American people, and placed American military personnel, and indeed all Americans—especially those who may travel or live abroad—at risk of similar treatment. Furthermore, in the eyes of the rest of the world, the President has made the U.S., once a model of respect for Human Rights and respect for the rule of law, into a state where international law is neither respected nor upheld.

In all of these actions and decisions in violation of United States and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XX.—IMPRISONING CHILDREN

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, authorized or permitted the arrest and detention of at least 2500 children under the age of 18 as "enemy combatants" in Iraq, Afghanistan, and at Guantanamo Bay Naval Station in violation of the Fourth Geneva Convention relating to the treatment of "protected persons" and the Optional Protocol to the Geneva Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, signed by the U.S. in 2002. To wit:

In May 2008, the U.S. government reported to the United Nations that it has been holding upwards of 2,500 children under the age of 18 as "enemy combatants" at detention centers in Iraq, Afghanistan and at Guantanamo Bay (where there was a special center, Camp Iguana, established just for holding children). The length of these detentions has frequently exceeded a year, and in some cases has stretched to five years. Some of these detainees have reached adulthood in detention and are now not being reported as child detainees because they are no longer children.

In addition to detaining children as "enemy combatants," it has been widely reported in media reports that the U.S. military in Iraq has, based upon Pentagon rules of engagement, been treating boys as young as 14 years of age as "potential combatants," subject to arrest and even to being killed. In Fallujah, in the days ahead of the November 2004 all-out assault, Marines ringing the city were reported to be turning back into the city men and boys "of combat age" who were trying to flee the impending scene of battle—an act which in itself is a violation of the Geneva Conventions, which require combatants to permit anyone, combatants as well as civilians, to surrender, and to leave the scene of battle.

Under the Fourth Geneva Convention, to which the United States has been a signatory since 1949, children under the age of 15 captured in conflicts, even if they have been fighting, are to be considered victims, not prisoners. In 2002, the United States signed the Optional Protocol to the Geneva Convention on the Rights of the Child on the Involvement of children in Armed Conflict, which raised this age for this category of "protected person" to under 18.

The continued detention of such children, some as young as 10, by the U.S. military is a violation of both convention and protocol, and as such constitutes a war crime for which the president, as commander in chief, bears full responsibility.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXI.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE ABOUT THREATS FROM IRAN, AND SUPPORTING TERRORIST ORGANIZATIONS WITHIN IRAN, WITH THE GOAL OF OVERTHROWING THE IRANIAN GOVERNMENT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has both personally and acting through his agents and subordinates misled the Congress and the citizens of the United States about a threat of nuclear attack from the nation of Iran.

The National Intelligence Estimate released to Congress and the public on December 4, 2007, which confirmed that the government of the nation of Iran had ceased any efforts to develop nuclear weapons, was completed in 2006. Yet, the president and his aides continued to suggest during 2007 that such a nuclear threat was developing and might already exist. National Security Adviser Stephen Hadley stated at the time the National Intelligence Estimate regarding Iran was released that the president had been briefed on its findings "in the last few months." Hadley's statement establishes a timeline that shows the president knowingly sought to deceive Congress and the American people about a nuclear threat that did not exist.

Hadley has stated that the president "was basically told: stand down" and, yet, the president and his aides continued to make false claims about the prospect that Iran was trying to "build a nuclear weapon" that could lead to "World War III."

This evidence establishes that the president actively engaged in and had full knowledge of a campaign by his administration to make a false "case" for an attack on Iran, thus warping the national security debate at a critical juncture and creating the prospect of an illegal and unnecessary attack on a sovereign nation.

Even after the National Intelligence Estimate was released to Congress and the American people, the president stated that he did not believe anything had changed and suggested that he and members of his administration would continue to argue that Iran should be seen as posing a threat to the United States. He did this despite the fact that United States intelligence agencies had clearly and officially stated that this was not the case.

Evidence suggests that the Bush Administration's attempts to portray Iran as a threat are part of a broader U.S. policy toward Iran. On September 30, 2001, then-Secretary of Defense Donald Rumsfeld established an official military ,objective of overturning the regime in Iran, as well as those in Iraq, Syria, and four other countries in the Middle East, according to a document quoted in then- Undersecretary of Defense for Policy Douglas Feith's book, "War and Decision."

General Wesley Clark, reports in his book "Winning Modern Wars" being told by a friend in the Pentagon in November 2001 that the list of governments that Rumsfeld and Deputy Secretary of Defense Paul Wolfowitz planned to overthrow included Iraq, Iran, Syria, Libya, Sudan, and Somalia. Clark writes that the list also included Lebanon.

Journalist Gareth Porter reported in May 2008 asking Feith at a public event which of the six regimes on the Clark list were included in the Rumsfeld paper, to which Feith replied "All of them."

Rumsfeld's aides also drafted a second version of the paper, as instructions to all military commanders in the development of "campaign plans against terrorism". The paper called for military commanders to assist other government agencies "as directed" to "encourage populations dominated by terrorist organizations or their supporters to overthrow that domination."

In January 2005, Seymour Hersh reported in the New Yorker Magazine that the Bush Administration had been conducting secret reconnaissance missions inside Iran at least since the summer of 2004.

In June 2005 former United Nations weapons inspector Scott Ritter reported that United States security forces had been sending members of the Mujahedeen-e Khalq (MEK) into Iranian territory. The MEK has been designated a terrorist organization by the United States, the European Union, Canada, Iraq, and Iran. Ritter reported that the United States Central Intelligence Agency (CIA) had used the MEK to carry out remote bombings in Iran.

In April 2006, Hersh reported in the New Yorker Magazine that U.S. combat troops had entered and were operating in Iran, where they were working with minority groups including the Azeris, Baluchis, and Kurds.

Also in April 2006, Larisa Alexandrovna reported on Raw Story that the U.S. Department of Defense (DOD) was working with and training the MEK, or former members of the MEK, sending them to commit acts of violence in southern Iran in areas where recent attacks had left many dead. Raw Story reported that the Pentagon had adopted the policy of supporting MEK shortly after the 2003 invasion of Iraq, and in response to the influence of Vice President Richard B. Cheney's office. Raw Story subsequently reported that no Presidential finding, and no Congressional oversight, existed on MEK operations.

In March 2007, Hersh reported in the New Yorker Magazine that the Bush administration was attempting to stem the growth of Shiite influence in the Middle East (specifically the Iranian government and Hezbollah in Lebanon) by funding violent Sunni organizations, without any Congressional authorization or oversight. Hersh said funds had been given to "three Sunni jihadist groups . . . connected to al Qaeda" that "want to take on Hezbollah."

In April 2008, the Los Angeles Times reported that conflicts with insurgent groups along Iran's borders were understood by the Iranian government as a proxy war with the United States and were leading Iran to support its allies against the United States' occupation force in Iraq. Among the groups the U.S. DOD is supporting, according to this report, is the Party for Free Life in Kurdistan, known by its Kurdish acronym, PEJAK. The United States has provided "foodstuffs, economic assistance, medical supplies and Russian military equipment, some of it funneled through nonprofit groups."

In May 2008, Andrew Cockburn reported on Counter Punch that President Bush, six weeks earlier had signed a secret finding authorizing a covert offensive against the Iranian regime. President Bush's secret directive covers actions across an area stretching from Lebanon to Afghanistan, and purports to sanction actions up to and including the funding of organizations like the MEK and the assassination of public officials.

All of these actions by the President and his agents and subordinates exhibit a disregard for the truth and a recklessness with regard to national security, nuclear proliferation and the global role of the United States military that is not merely unacceptable but dangerous in a commander-in- chief.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXII—CREATING SECRET LAWS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, established a body of secret laws through the issuance of legal opinions by the Department of Justice's Office of Legal Counsel (OLC).

The OLC's March 14, 2003, interrogation memorandum ("Yoo Memorandum") was declassified years after it served as law for the executive branch. On April 29, 2008, House Judiciary Committee Chairman John Conyers and Subcommittee on the Constitution, Civil Rights and Civil Liberties Chairman Jerrold Nadler wrote in a letter to Attorney General Michael Mukasey:

"It appears to us that there was never any legitimate basis for the purely legal analysis contained in this document to be classified in the first place. The Yoo Memorandum does not describe sources and methods of intelligence gathering, or any specific facts regarding any interrogation activities. Instead, it consists almost entirely of the Department's legal views, which are not properly kept secret from Congress and the American people. J. William Leonard, the Director of the National Archive's Office of Information Security Oversight Office, and a top expert in this field concurs, commenting that '[t]he document in question is purely a legal analysis' that contains 'nothing which would justify classification.' In addition, the Yoo Memorandum suggests an extraordinary breadth and aggressiveness of OLC's secret legal opinion-making. Much attention has rightly been given to the statement in footnote 10 in the March 14, 2003, memorandum that, in an October 23, 2001, opinion, OLC concluded 'that the Fourth Amendment had no application to domestic military operations.' As you know, we have requested a copy of that memorandum on no less than four prior occasions and we continue to demand access to this important document.

"In addition to this opinion, however, the Yoo Memorandum references at least 10 other OLC opinions on weighty matters of great interest to the American people that also do not appear to have been released. These appear to cover matters such as the power of Congress to regulate the conduct of military commissions, legal constraints on the 'military detention of United States citizens,' legal rules applicable to the boarding and searching foreign ships, the President's authority to render U.S. detainees to the custody of foreign governments, and the President's authority to breach or suspend U.S. treaty obligations. Furthermore, it has been more than five years since the Yoo Memorandum was authored, raising the question how many other such memoranda and letters have been secretly authored and utilized by the Administration.

"Indeed, a recent court filing by the Department in FOIA litigation involving the Central Intelligence Agency identifies 8 additional secret OLC opinions, dating from August 6, 2004, to February 18, 2007. Given that these reflect only OLC memoranda identified in the files of the CIA, and based on the sampling procedures under which that listing was generated, it appears that these represent only a small portion of the secret OLC memoranda generated during this time, with the true number almost certainly much higher."

Senator Russ Feingold, in a statement during an April 30, 2008, senate hearing stated:

"It is a basic tenet of democracy that the people have a right to know the law. In keeping with this principle, the laws passed by Congress and the case law of our courts have historically been matters of public record. And when it became apparent in the middle of the 20th century that federal agencies were increasingly creating a body of nonpublic administrative law, Congress passed several statutes requiring this law to be made public, for the express purpose of preventing a regime of 'secret law.' That purpose today is being thwarted. Congressional enactments and agency regulations are for the most part still public. But the law that applies in this country is determined not only by statutes and regulations, but also by the controlling interpretations of courts and, in some cases, the executive branch. More and more, this body of executive and judicial law is being kept secret from the public, and too often from Congress as well. . . .

"A legal interpretation by the Justice Department's Office of Legal Counsel . . . binds the entire executive branch, just like a regulation or the ruling of a court. In the words of former OLC head Jack Goldsmith, 'These executive branch precedents are "law" for the executive branch.' The Yoo memorandum was, for a nine-month period in 2003 until it was withdrawn by Mr. Goldsmith, the law that this Administration followed when it came to matters of torture. And of course, that law was essentially a declaration that few if any laws applied . . .

"Another body of secret law is the controlling interpretations of the Fo reign Intelligence Surveillance Act that are issued by the Foreign Intelligence Surveillance Court. FISA, of course, is the law that governs the government's ability in intelligence investigations to conduct wiretaps and search the homes of people in the United States. Under that statute, the FISA Court is directed to evaluate wiretap and search warrant applications and decide whether the standard for issuing a warrant has been met—a largely factual evaluation that is properly done behind closed doors. But with the evolution of technology and with this Administration's efforts to get the Court's blessing for its illegal wiretapping activities, we now know that the Court's role is broader, and that it is very much engaged in substantive interpretations of the governing statute. These interpretations are as much a part of this country's surveillance law as the statute itself. Without access to them, it is impossible for Congress or the public to have an informed debate on matters that deeply affect the privacy and civil liberties of all Americans . . .

"The Administration's shroud of secrecy extends to agency rules and executive pronouncements, such as Executive Orders, that carry the force of law. Through the diligent efforts of my colleague Senator Whitehouse, we have learned that OLC has taken the position that a President can 'waive' or 'modify' a published Executive Order without any notice to the public or Congress simply by not following it."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIII—VIOLATION OF THE POSSE COMITATUS ACT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, repeatedly and illegally established programs to appropriate the power of the military for use in law enforcement. Specifically, he has contravened U.S.C. Title 18, Section 1385, originally enacted in 1878, subsequently amended as "Use of Army and Air Force as Posse Comitatus" and commonly known as the Posse Comitatus Act.

The Act states:

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both."

The Posse Comitatus Act is designed to prevent the military from becoming a national police force.

The Declaration of Independence states as a specific grievance against the British that the King had "kept among us, in times of peace, Standing Armies without the consent of our legislatures," had "affected to render the Military independent of and superior to the civil power," and had "quarter[ed] large bodies of armed troops among us . . . protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States"

Despite the Posse Comitatus Act's intent, and in contravention of the law, President Bush:

(a) has used military forces for law enforcement purposes on U.S. border patrol;

(b) has established a program to use military personnel for surveillance and information on criminal activities;

(c) is using military espionage equipment to collect intelligence information for law enforcement use on civilians within the United States; and

(d) employs active duty military personnel in surveillance agencies, including the Central Intelligence Agency (CIA).

In June 2006, President Bush ordered National Guard troops deployed to the border shared by Mexico with Arizona, Texas, and California. This deployment, which by 2007 reached a maximum of 6,000 troops, had orders to "conduct surveillance and operate detection equipment, work with border entry identification teams, analyze information, assist with communications and give administrative support to the Border Patrol" and concerned ". . . providing intelligence, inspecting cargo, and conducting surveillance."

The Air Force's "Eagle Eyes" program encourages Air Force military staff to gather evidence on American citizens. Eagle Eyes instructs Air Force personnel to engage in surveillance and then advises them to "alert local authorities," asking military staff to surveil and gather evidence on public citizens. This contravenes DoD Directive 5525.5 "SUBJECT: DoD Cooperation with Civilian Law Enforcement" which limits such activities.

President Bush has implemented a program to use imagery from military satellites for domestic law enforcement through the National Applications Office.

President Bush has assigned numerous active duty military personnel to civilian institutions such as the CIA and the Department of Homeland Security, both of which have responsibilities for law enforcement and intelligence.

In addition, on May 9, 2007, President Bush released "National Security Presidential Directive/NSPD 51," which effectively gives the president unchecked power to control the entire government and to define that government in time of an emergency, as well as the power to determine whether there is an emergency. The document also contains "classified Continuity Annexes." In July 2007 and again in August 2007 Rep. Peter DeFazio, a senior member of the House Homeland Security Committee, sought access to the classified annexes. DeFazio and other leaders of the Homeland Security Committee, including Chairman Bennie Thompson, have been denied a review of the Continuity of Government classified annexes.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIV.—SPYING ON AMERICAN CITIZENS, WITHOUT A COURT-ORDERED WARRANT, IN VIOLATION OF THE LAW AND THE FOURTH AMENDMENT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, knowingly violated the fourth Amendment to the Constitution and the Foreign Intelligence Service Act of 1978 (FISA) by authorizing warrantless electronic surveillance of American citizens to wit:

(1) The President was aware of the FISA Law requiring a court order for any wiretap as evidenced by the following:

(A) "Now, by the way, any time you hear the United States government talking about wiretap, it requires—a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so." White House Press conference on April 20, 2004. [White House Transcript]

(B) "Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, or to track his calls, or to search his property. Officers must meet strict standards to use any of the tools we're talking about." President Bush's speech in Baltimore Maryland on July 20th 2005. [White House Transcript]

(2) The President repeatedly ordered the NSA to place wiretaps on American citizens without requesting a warrant from FISA as evidenced by the following:

(A) "Months after the Sept. 11 attacks, President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying, according to government officials." New York Times article by James Risen and Eric Lichtblau on December 12, 2005. [NYTimes]

(B) The President admits to authorizing the program by stating "I have reauthorized this program more than 30 times since the September the 11th attacks, and I intend to do so for as long as our nation faces a continuing threat from al Qaeda and related groups. The NSA's activities under this authorization are thoroughly reviewed by the Justice Department and NSA's top legal officials, including NSA's general counsel and inspector general. Leaders in Congress have been briefed more than a dozen times on this authorization and the activities conducted under it." Radio Address from the White House on December 17, 2005. [White House Transcript]

(C) In a December 19th 2005 press conference the President publicly admitted to using a combination of surveillance techniques including some with permission from the FISA courts and some without permission from FISA.

Reporter: It was, why did you skip the basic safeguards of asking courts for permission for the intercepts?

The President: . . . We use FISA still—you're referring to the FISA court in your question—of course, we use FISAs. But FISA is for long-term monitoring. What is needed in order to protect the American people is the ability to move quickly to detect. Now, having suggested this idea, I then. obviously, went to the question, is it legal to do so? I am—I swore to uphold the laws. Do I have the legal authority to do this? And the answer is, absolutely. As I mentioned in my remarks, the legal authority is derived from the Constitution, as well as the authorization of force by the United States Congress." [White House Transcript]

(D) Mike McConnel, the Director of National Intelligence, in a letter to to Senator Arlen Specter, acknowledged that Bush's Executive Order in 2001 authorized a series of secret surveillance activities and included undisclosed activities beyond the warrantless surveillance of e-mails and phone calls that Bush confirmed in December 2005. "NSA Spying Part of Broader Effort" by Dan Eggen, Washington Post, 8/1/07.

(3) The President ordered the surveillance to be conducted in a way that would spy upon private communications between American citizens located within the United States borders as evidenced by the following:

(A) Mark Klein, a retired AT&T communications technician, submitted an affidavit in support of the Electronic Frontier Foundation's FF's lawsuit against AT&T. He testified that in 2003 he connected a "splitter" that sent a copy of Internet traffic and phone calls to a secure room that was operated by the NSA in the San Francisco office of AT&T. He heard from a co-worker that similar rooms were being constructed in other cities, including Seattle, San Jose, Los Angeles and San Diego. From "Whistle-Blower Outs NSA Spy Room," Wired News, 4/7/06 [Wired] [EFF Case]

(4) The President asserted an inherent authority to conduct electronic surveillance based on the Constitution and the "Authorization to use Military Force in Iraq" (AUMF) that was not legally valid as evidenced by the following:

(A) In a December 19th, 2005 Press Briefing General Alberto Gonzales admitted that the surveillance authorized by the President was not only done without FISA warrants, but that the nature of the surveillance was so far removed from what FISA can approve that FISA could not even be amended to allow it. Gonzales stated "We have had discussions with Congress in the past—certain members of Congress—as to whether or not FISA could be amended to allow us to adequately deal with this kind of threat, and we were advised that that would be difficult, if not impossible.".

(B) The fourth amendment to the United States Constitution states "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

(C) "The Foreign Intelligence Surveillance Act of 1978 unambiguously limits warrantless domestic electronic surveillance, even in a congressionally declared war, to the first 15 days of that war; criminalizes any such electronic surveillance not authorized by statute; and expressly establishes FISA and two chapters of the federal criminal code, governing wiretaps for intelligence purposes and for criminal investigation, respectively, as the "exclusive means by which electronic surveillance . . . and the interception of domestic wire, oral, and electronic communications may be conducted." 50 U.S.C. 1811, 1809, 18 U.S.C. 2511(2)(f)." Letter from Harvard Law Professor Lawrence Tribe to John Conyers on 1/6/06.

(D) In a December 19th, 2005 Press Briefing Attorney General Alberto Gonzales stated "Our position is, is that the authorization to use force, which was passed by the Congress in the days following September 11th, constitutes that other authorization, that other statute by Congress, to engage in this kind of signals intelligence."

(E) The "Authorization to use Military Force in Iraq" does not give any explicit authorization related to electronic surveillance. [HJRes114]

(F) "From the foregoing analysis, it appears unlikely that a court would hold that Congress has expressly or impliedly authorized the NSA electronic surveillance operations here under discussion, and it would likewise appear that, to the extent that those surveillances fall within the definition of "electronic surveillance" within the meaning of FISA or any activity regulated under Title III, Congress intended to cover the entire field with these statutes." From the "Presidential Authority to Conduct Warrantless Electronic Surveillance to Gather Foreign Intelligence Information" by the Congressional Research Service on January 5, 2006.

(G) "The inescapable conclusion is that the AUMF did not implicitly authorize what the FISA expressly prohibited. It follows that the presidential program of surveillance at issue here is a violation of the separation of powers—as grave an abuse of executive authority as I can recall ever having studied." Letter from Harvard Law Professor Lawrence Tribe to John Conyers on 1/6/06.

(H) On August 17, 2006 Judge Anna Diggs Taylor of the United States District Court in Detroit, in ACLU v. NSA, ruled that the "NSA program to wiretap the international communications of some Americans without a court warrant violated the Constitution. . . . Judge Taylor ruled that the program violated both the Fourth Amendment and a 1978 law that requires warrants from a secret court for intelligence wiretaps involving people in the United States. She rejected the administration's repeated assertions that a 2001 Congressional authorization and the president's constitutional authority allowed the program." From a New York Times article "Judge Finds Wiretap Actions Violate the Law" 8/18/06 and the Memorandum Opinion.

(I) In July 2007, the Sixth Circuit Court of Appeals dismissed the case, ruling the plaintiffs had no standing to sue because, given the secretive nature of the surveillance, they could not state with certainty that they have been wiretapped by the NSA. This ruling did not address the legality of the surveillance so Judge Taylor's decision is the only ruling on that issue. [ACLU Legal Documents]

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXV.—DIRECTING TELECOMMUNICATIONS COMPANIES TO CREATE AN ILLEGAL AND UNCONSTITUTIONAL DATABASE OF THE PRIVATE TELEPHONE NUMBERS AND EMAILS OF AMERICAN CITIZENS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, violated the Stored Communications Act of 1986 and the Telecommunications Act of 1996 by creating of a very large database containing information related to the private telephone calls and emails of American citizens, to wit:

The President requested that telecommunication companies release customer phone records to the government illegally as evidenced by the following:

"The Stored Communications Act of 1986 (SCA) prohibits the knowing disclosure of customer telephone records to the government unless pursuant to subpoena, warrant or a National Security Letter (or other Administrative subpoena); with the customers lawful consent; or there is a business necessity; or an emergency involving the danger of death or serious physical injury. None of these exceptions apply to the circumstance described in the USA Today story." From page 169, "George W Bush versus the U.S. Constitution." Compiled at the direction of Representative John Conyers.

According to a May 11, 2006 article in USA Today by Lesley Cauley "The National Security Agency has been secretly collecting the phone call records of tens of millions of Americans, using data provided by AT&T, Verizon and BellSouth." An unidentified source said 'The agency's goal is to create a database of every call ever made within the nation's borders."

In early 2001, Qwest CEO Joseph Nacchio rejected a request from the NSA to turn over customers records of phone calls, emails and other Internet activity. Nacchio believed that complying with the request would violate the Telecommunications Act of 1996. From National Journal, November 2, 2007.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVI.—ANNOUNCING THE INTENT TO VIOLATE LAWS WITH SIGNING STATEMENTS, AND VIOLATING THOSE LAWS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has used signing statements to claim the right to violate acts of Congress even as he signs them into law.

In June 2007, the Government Accountability Office reported that in a sample of Bush signing statements the office had studied, for 30 percent of them the Bush administration had already proceeded to violate the laws the statements claimed the right to violate.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVII.—FAILING TO COMPLY WITH CONGRESSIONAL SUBPOENAS AND INSTRUCTING FORMER EMPLOYEES NOT TO COMPLY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, refused to comply with Congressional subpoenas, and instructed former employees not to comply with subpoenas.

Subpoenas not complied with include:

A House Judiciary Committee subpoena for Justice Department papers and Emails, issued April 10, 2007;

A House Oversight and Government Reform Committee subpoena for the testimony of the Secretary of State, issued April 25, 2007;

A House Judiciary Committee subpoena for the testimony of former White House Counsel Harriet Miers and documents, issued June 13, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Chief of Staff Joshua Bolten, issued June 13, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Political Director Sara Taylor, issued June 13, 2007 (Taylor appeared but refused to answer questions);

A Senate Judiciary Committee subpoena for documents and testimony of White House Deputy Chief of Staff Karl Rove, issued June 26, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Deputy Political Director J. Scott Jennings, issued June 26, 2007 (Jennings appeared but refused to answer questions);

A Senate Judiciary Committee subpoena for legal analysis and other documents concerning the NSA warrantless wiretapping program from the White House, Vice President Richard Cheney, The Department of Justice, and the National Security Council. If the documents are not produced, the subpoena requires the testimony of White House chief of staff Josh Bolten, Attorney General Alberto Gonzales, Cheney chief of staff David Addington, National Security Council executive director V. Philip Lago, issued June 27, 2007;

A House Oversight and Government Reform Committee subpoena for Lt. General Kensinger.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVIII.—TAMPERING WITH FREE AND FAIR ELECTIONS, CORRUPTION OF THE ADMINISTRATION OF JUSTICE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, conspired to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice by United States Attorneys and other employees of the Department of Justice, through abuse of the appointment power.

Toward this end, the President and Vice President, both personally and through their agents, did:

Engage in a program of manufacturing false allegations of voting fraud in targeted jurisdictions where the Democratic Party enjoyed an advantage in electoral performance or otherwise was problematic for the President's Republican Party, in order that public confidence in election results favorable to the Democratic Party be undermined;

Direct United States Attorneys to launch and announce investigations of certain leaders, candidates and elected officials affiliated with the Democratic' Party at times calculated to cause the most political damage and confusion, most often in the weeks immediately preceding an election, in order that public confidence in the suitability for office of Democratic Party leaders, candidates and elected officials be undermined;

Direct United States Attorneys to terminate or scale back existing investigations of certain Republican Party leaders, candidates and elected officials allied with the George W. Bush administration, and to refuse to pursue new or proposed investigations of certain Republican Party leaders, candidates and elected officials allied with the George W. Bush administration, in order that public confidence in the suitability of such Republican Party leaders, candidates and elected officials be bolstered or restored;

Threaten to terminate the employment of the following United States Attorneys who refused to comply with such directives and purposes;

David C. Iglesias as U.S. Attorney for the District of New Mexico;

Kevin V. Ryan as U.S. Attorney for the Northern District of California;

John L. McKay as U.S. Attorney for the Western District of Washington;

Paul K. Charlton as U.S. Attorney for the District of Arizona;

Carol C. Lam as U.S. Attorney for the Southern District of California;

Daniel G. Bogden as U.S. Attorney for the District of Nevada;

Margaret M. Chiara as U.S. Attorney for the Western District of Michigan;

Todd Graves as U.S. Attorney for the Western District of Missouri;

Harry E. "Bud" Cummins, III as U.S. Attorney for the Eastern District of Arkansas;

Thomas M. DiBiagio as U.S. Attorney for the District of Maryland, and;

Kasey Warner as U.S. Attorney for the Southern District of West Virginia.

Further, George W. Bush has both personally and acting through his agents and subordinates, together with the Vice President conspired to obstruct the lawful Congressional investigation of these dismissals of United States Attorneys and the related scheme to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice.

Contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, George W. Bush has without lawful cause or excuse directed not to appear before the Committee on the Judiciary of the House of Representatives certain witnesses summoned by duly authorized subpoenas issued by that Committee on June 13, 2007.

In refusing to permit the testimony of these witnesses George W. Bush, substituting his judgment as to what testimony was necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the checking and balancing power of oversight vested in the House of Representatives.

Further, the President has both personally and acting through his agents and subordinates, together with the Vice President directed the United States Attorney for the District of Columbia to decline to prosecute for contempt of Congress the aforementioned witnesses, Joshua B. Bolten and Harriet E. Miers, despite the obligation to do so as established by statute (2 U.S.C. §194) and pursuant to the direction of the United States House of Representatives as embodied in its resolution (H. Res. 982) of February 14, 2008.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIX.—CONSPIRACY TO VIOLATE THE VOTING RIGHTS ACT OF 1965

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed," has both personally and acting through his agents and subordinates, has willfully corrupted and manipulated the electoral process of the United States for his personal gain and the personal gain of his co-conspirators and allies; has violated the United States Constitution and law by failing to protect the civil rights of African-American voters and others in the 2004 Election, and has impeded the right of the people to vote and have their vote properly and accurately counted, in that:

A. On November 5, 2002, and prior thereto, James Tobin, while serving as the regional director of the National Republican Senatorial Campaign Committee and as the New England Chairman of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts by aiding and abetting a scheme to use computerized hang-up calls to jam phone lines set up by the New Hampshire Democratic Party and the Manchester firefighters' union on Election Day;

B. An investigation by the Democratic staff of the House Judiciary Committee into the voting procedures in Ohio during the 2004 election found "widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote;"

C. The 14th Amendment Equal Protection Clause guarantees that no minority group will suffer disparate treatment in a federal, state, or local election in stating that: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." However, during and at various times of the year 2004, John Kenneth Blackwell, then serving as the Secretary of State for the State of Ohio and also serving simultaneously as Co-Chairman of the Committee to Re-Elect George W. Bush in the State of Ohio, did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts in violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution by failing to protect the voting rights of African-American citizens in Ohio and further, John Kenneth Blackwell did disenfranchise African-American voters under color of law, by

(i) Willfully denying certain neighborhoods in the cities of Cleveland, Ohio and Columbus, Ohio, along with other urban areas in the State of Ohio, an adequate number of electronic voting machines and provisional paper ballots, thereby unlawfully impeding duly registered voters from the act of voting and thus violating the civil rights of an unknown number of United States citizens.

a. In Franklin County, George W. Bush and his agent, Ohio Secretary of State John Kenneth Blackwell, Co-Chair of the Bush-Cheney Re-election Campaign, failed to protect the rights of African-American voters by not properly investigating the withholding of 125 electronic voting machines assigned to the city of Columbus.

b. Forty-two African-American precincts in Columbus were each missing one voting machine that had been present in the 2004 primary.

c. African-American voters in the city of Columbus were forced to wait three to seven hours to vote in the 2004 presidential election.

(ii) Willfully issuing unclear and conflicting rules regarding the methods and manner of becoming a legally registered voter in the State of Ohio, and willfully issuing unclear and unnecessary edicts regarding the weight of paper registration forms legally acceptable to the State of Ohio, thereby creating confusion for both voters and voting officials and thus impeding the right of an unknown number of United States citizens to register and vote.

a. Ohio Secretary of State John Kenneth Blackwell directed through Advisory 2004-31 that voter registration forms, which were greatest in urban minority areas, should not be accepted and should be returned unless submitted on 80 bond paper weight. Blackwell's own office was found to be using 60 bond paper weight.

(iii) Willfully permitted and encouraged election officials in Cleveland, Cincinnati and Toledo to conduct a massive partisan purge of registered voter rolls, eventually expunging more than 300,000 voters, many of whom were duly registered voters, and who were thus deprived of their constitutional right to vote;

a. Between the 2000 and 2004 Ohio presidential elections, 24.93% of the voters in the city of Cleveland, a city with a majority of African American citizens, were purged from the voting rolls.

b. In that same period, the Ohio county of Miami, with census data indicating a 98% Caucasian population, refused to purge any voters from its rolls. Miami County "merged" voters from other surrounding counties into its voting rolls and even allowed voters from other states to vote.

c. In Toledo, Ohio, an urban city with a high African-American concentration, 28,000 voters were purged from the voting rolls in August of 2004, just prior to the presidential election. This purge was conducted under the control and direction of George W. Bush's agent, Ohio Secretary of State John Kenneth Blackwell outside of the regularly established cycle of purging voters in odd-numbered years.

(iv) Willfully allowing Ohio Secretary of State John Kenneth Blackwell, acting under color of law and as an agent of George W. Bush, to issue a directive that no votes would be counted unless cast in the right precinct, reversing Ohio's long-standing practice of counting votes for president if cast in the right county.

(v) Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush-Cheney Re-election Campaign, to do nothing to assure the voting rights of 10,000 people in the city of Cleveland when a computer error by the private vendor Diebold Election Systems, Inc. incorrectly disenfranchised 10,000 voters

(vi) Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush-Cheney Re-election Campaign, to ensure that uncounted and provisional ballots in Ohio's 2004 presidential election would be disproportionately concentrated in urban African-American districts.

a. In Ohio's Luca's County, which includes Toledo, 3,122 or 41.13% of the provisional ballots went uncounted under the direction of George W. Bush's agent, the Secretary of State of Ohio, John Kenneth Blackwell, Co-Chair of the Committee to Re-Elect Bush/Cheney in Ohio.

b. In Ohio's Cuyahoga County, which includes Cleveland, 8,559 or 32.82% of the provisional ballots went uncounted.

c. In Ohio's Hamilton County, which includes Cincinnati, 3,529 or 24.23% of the provisional ballots went uncounted.

d. Statewide, the provisional ballot rejection rate was 9% as compared to the greater figures in the urban areas.

D. The Department of Justice, charged with enforcing the Voting Rights Act of 1965, the 14th Amendment's Equal Protection Clause, and other voting rights laws in the United States of America, under the direction and Administration of George W. Bush did willfully and purposely obstruct and stonewall legitimate criminal investigations into myriad cases of reported electoral fraud and suppression in the state of Ohio. Such activities, carried out by the department on behalf of George W. Bush in counties such as Franklin and Knox by persons such as John K. Tanner and others, were meant to confound and whitewash legitimate legal criminal investigations into the suppression of massive numbers of legally registered voters and the removal of their right to cast a ballot fairly and freely in the state of Ohio, which was crucial to the certified electoral victory of George W. Bush in 2004.

E. On or about November 1, 2006, members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, brought indictments for voter registration fraud within days of an election, in order to directly effect the outcome of that election for partisan purposes, and in doing so, thereby violated the Justice Department's own rules against filing election-related indictments close to an election;

F. Emails have been obtained showing that the Republican National Committee and members of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, engage in voter suppression in five states by a method know as "vote caging," an illegal voter suppression technique;

G. Agents of George W. Bush, including Mark F. "Thor" Hearne, the national general counsel of Bush/Cheney '04, Inc., did, at the behest of George W. Bush, as members of a criminal front group, distribute known false information and propaganda in the hopes of forwarding legislation and other actions that would result in the disenfranchisement of Democratic voters for partisan purposes. The scheme, run under the auspices of an organization known as "The American Center for Voting Rights" (ACVR), was funded by agents of George W. Bush in violation of laws governing tax exempt 501(c)3 organizations and in violation of federal laws forbidding the distribution of such propaganda by the federal government and agents working on its behalf.

H. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did, for partisan reasons, illegally and with malice aforethought block career attorneys and other officials in the Department of Justice from filing three lawsuits charging local and county governments with violating the voting rights of African-Americans and other minorities, according to seven former senior United States Justice Department employees.

I. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did illegally and with malice aforethought derail at least two investigations into possible voter discrimination, according to a letter sent to the Senate Rules and Administration Committee and written by former employees of the United States Department of Justice, Voting Rights Section.

J. Members of the United States Election Assistance Commission (EAC), under the control and direction of the Administration of George W. Bush, have purposefully and willfully misled the public, in violation of several laws, by;

(i) Withholding from the public and then altering a legally mandated report on the true measure and threat of Voter Fraud, as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, because the results of the statutorily required and tax-payer funded report did not conform with the illegal, partisan propaganda efforts and politicized agenda of the Bush Administration;

(ii) Withholding from the public a legally mandated report on the disenfranchising effect of Photo Identification laws at the polling place, shown to disproportionately disenfranchise voters not of George W. Bush's political party. The report was commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country

(iii) Withholding from the public a legally mandated report on the effectiveness of Provisional Voting as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, and keeping that report unreleased for more than a year until it was revealed by independent media outlets.

For directly harming the rights and manner of suffrage, for suffering to make them secret and unknowable, for overseeing and participating in the disenfranchisement of legal voters, for instituting debates and doubts about the true nature of elections, all against the will and consent of local voters affected, and forced through threats of litigation by agents and agencies overseen by George W. Bush, the actions of Mr. Bush to do the opposite of securing and guaranteeing the right of the people to alter or abolish their government via the electoral process, being a violation of an inalienable right, and an immediate threat to Liberty.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXX.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE IN AN ATTEMPT TO DESTROY MEDICARE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, pursued policies which deliberately drained the fiscal resources of Medicare by forcing it to compete with subsidized private insurance plans which are allowed to arbitrarily select or not select those they will cover; failing to provide reasonable levels of reimbursements to Medicare providers, thereby discouraging providers from participating in the program, and designing a Medicare Part D benefit without cost controls which allowed pharmaceutical companies to gouge the American taxpayers for the price of prescription drugs.

The President created, manipulated, and disseminated information given to the citizens and Congress of the United States in support of his prescription drug plan for Medicare that enriched drug companies while failing to save beneficiaries sufficient money on their prescription drugs. He misled Congress and the American people into thinking the cost of the benefit was $400 billion. It was widely understood that if the cost exceeded that amount, the bill would not pass due to concerns about fiscal irresponsibility.

A Medicare Actuary who possessed information regarding the true cost of the plan, $539 billion, was instructed by the Medicare Administrator to deny Congressional requests for it. The Actuary was threatened with sanctions if the information was disclosed to Congress, which, unaware of the information, approved the bill. Despite the fact that official cost estimates far exceeded $400 billion, President Bush offered assurances to Congress that the cost was $400 billion, when his office had information to the contrary. In the House of Representatives, the bill passed by a single vote and the Conference Report passed by only 5 votes. The White House knew the actual cost of the drug benefit was high enough to prevent its passage. Yet the White House concealed the truth and impeded an investigation into its culpability.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXI.—KATRINA: FAILURE TO PLAN FOR THE PREDICTED DISASTER OF HURRICANE KATRINA, FAILURE TO RESPOND TO A CIVIL EMERGENCY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, failed to take sufficient action to protect life and property prior to and in the face of Hurricane Katrina in 2005, given decades of foreknowledge of the dangers of storms to New Orleans and specific forewarning in the days prior to the storm. The President failed to prepare for predictable and predicted disasters, failed to respond to an immediate need of which he was informed, and has subsequently failed to rebuild the section of our nation that was destroyed.

Hurricane Katrina killed at least 1,282 people, with 2 million more displaced. 302,000 housing units were destroyed or damaged by the hurricane, 71% of these were low-income units. More than 500 sewage plants were destroyed, more than 170 point-source leakages of gasoline, oil, or natural gas, more than 2000 gas stations submerged, several chemical plants, 8 oil refineries, and a superfund site was submerged. 8 million gallons of oil were spilled. Toxic materials seeped into floodwaters and spread through much of the city and surrounding areas.

The predictable increased strength of hurricanes such as Katrina has been identified by scientists for years, and yet the Bush Administration has denied this science and restricted such information from official reports, publications, and the National Oceanic and Atmospheric Agency's website. Donald Kennedy, editor-in-chief of Science, wrote in 2006 that "hurricane intensity has increased with oceanic surface temperatures over the past 30 years. The physics of hurricane intensity growth . . . has clarified and explained the thermodynamic basis for these observations. [Kerry] Emanuel has tested this relationship and presented convincing evidence."

FEMA's 2001 list of the top three most likely and most devastating disasters were a San Francisco earthquake, a terrorist attack on New York, and a Category 4 hurricane hitting New Orleans, with New Orleans being the number one item on that list. FEMA conducted a five-day hurricane simulation exercise in 2004, "Hurricane Pam," mimicking a Katrina-like event. This exercise combined the National Weather Service, the U.S. Army Corps of Engineers, the LSU Hurricane Center and other state and federal agencies, resulting in the development of emergency response plans. The exercise demonstrated, among other things, that thousands of mainly indigent New Orleans residents would be unable to evacuate on their own. They would need substantial government assistance. These plans, however, were not implemented in part due to the President's slashing of funds for protection. In the year before Hurricane Katrina hit, the President continued to cut budgets and deny grants to the Gulf Coast. In June of 2004 the Army Corps of Engineers levee budget for New Orleans was cut, and it was cut again in June of 2005, this time by $71.2 million or a whopping 44% of the budget. As a result, ACE was forced to suspend any repair work on the levees. In 2004 FEMA denied a Louisiana disaster mitigation grant request.

The President was given multiple warnings that Hurricane Katrina had a high likelihood of causing serious damage to New Orleans and the Gulf Coast. At 10 AM on Sunday 28 August 2005, the day before the storm hit, the National Weather Service published an alert titled "DEVASTATING DAMAGE EXPECTED." Printed in all capital letters, the alert stated that "MOST OF THE AREA WILL BE UNINHABITABLE FOR WEEKS . . . PERHAPS LONGER. AT LEAST ONE HALF OF WELL CONSTRUCTED HOMES WILL HAVE ROOF AND WALL FAILURE. . . . POWER OUTAGES WILL LAST FOR WEEKS. . . . WATER SHORTAGES WILL MAKE HUMAN SUFFERING INCREDIBLE BY MODERN STANDARDS."

The Homeland Security Department also briefed the President on the scenario, warning of levee breaches and severe flooding. According to the New York Times, "a Homeland Security Department report submitted to the White House at 1:47 a.m. on Aug. 29, hours before the storm hit, said, 'Any storm rated Category 4 or greater will likely lead to severe flooding and/or levee breaching.'" These warnings clearly contradict the statements made by President Bush immediately after the storm that such devastation could not have been predicted. On 1 September 2005 the President said "I don't think anyone anticipated the breach of the levees."

The President's response to Katrina via FEMA and DHS was criminally delayed, indifferent, and inept. The only FEMA employee posted in New Orleans in the immediate aftermath of Hurricane Katrina, Marty

Bahamonde, emailed head of FEMA Michael Brown from his Blackberry device on August 31, 2005 regarding the conditions. The email was urgent and detailed and indicated that "The situation is past critical . . . Estimates are many will die within hours." Brown's reply was emblematic of the administration's entire response to the catastrophe: "Thanks for the update. Anything specific I need to do or tweak?" The Secretary of Homeland Security, Michael Chertoff, did not declare an emergency, did not mobilize the federal resources, and seemed to not even know what was happening on the ground until reporters told him.

On Friday August 26, 2005, Governor Kathleen Blanco declared a State of Emergency in Louisiana and Governor Haley Barbour of Mississippi followed suit the next day. Also on that Saturday, Governor Blanco asked the President to declare a Federal State of Emergency; and on 28 August 2005, the Sunday before the storm hit, Mayor Nagin declared a State of Emergency in New Orleans. This shows that the local authorities, responding to federal warnings, knew how bad the destruction was going to be and anticipated being overwhelmed. Failure to act under these circumstances demonstrates gross negligence.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXII.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE, SYSTEMATICALLY UNDERMINING EFFORTS TO ADDRESS GLOBAL CLIMATE CHANGE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, ignored the peril to life and property posed by global climate change, manipulated scientific information and mishandled protective policy, constituting nonfeasance and malfeasance in office, abuse of power, dereliction of duty, and deception of Congress and the American people.

President Bush knew the expected effects of climate change and the role of human activities in driving climate change. This knowledge preceded his first Presidential term.

1. During his 2000 Presidential campaign, he promised to regulate carbon dioxide emissions.

2. In 2001, the Intergovernmental Panel on Climate Change, a global body of hundreds of the world's foremost experts on climate change, concluded that "most of observed warming over last 50 years (is) likely due to increases in greenhouse gas concentrations due to human activities." The Third Assessment Report projected several effects of climate change such as continued "widespread retreat" of glaciers, an "increase threats to human health, particularly in lower income populations, predominantly within tropical/subtropical countries," and "water shortages."

3. The grave danger to national security posed by global climate change was recognized by the Pentagon's Defense Advanced Planning Research Projects Agency in October of 2003. An agency-commissioned report "explores how such an abrupt climate change scenario could potentially de-stabilize the geo-political environment, leading to skirmishes, battles, and even war due to resource constraints such as: 1) Food shortages due to decreases in net global agricultural production 2) Decreased availability and quality of fresh water in key regions due to shifted precipitation patters, causing more frequent floods and droughts 3) Disrupted access to energy supplies due to extensive sea ice and storminess."

4. A December 2004 paper in Science reviewed 928 studies published in peer reviewed journals to determine the number providing evidence against the existence of a link between anthropogenic emissions of carbon dioxide and climate change. "Remarkably, none of the papers disagreed with the consensus position."

5. The November 2007 Inter-Governmental Panel on Climate Change (IPCC) Fourth Assessment Report showed that global anthropogenic emissions of greenhouse gasses have increased 70% between 1970 and 2004, and anthropogenic emissions are very likely the cause of global climate change. The report concluded that global climate change could cause the extinction of 20 to 30 percent of species in unique ecosystems such as the polar areas and biodiversity hotspots, increase extreme weather events especially in the developing world, and have adverse effects on food production and fresh water availability.

The President has done little to address this most serious of problems, thus constituting an abuse of power and criminal neglect. He has also actively endeavored to undermine efforts by the federal government, states, and other nations to take action on their own.

1. In March 2001, President Bush announced the U.S. would not be pursuing ratification of the Kyoto Protocol, an international effort to reduce greenhouse gasses. The United States is the only industrialized nation that has failed to ratify the accord.

2. In March of 2008, Representative Henry Waxman wrote to EPA Administrator Stephen Johnson: "In August 2003, the Bush Administration denied a petition to regulate CO_2 emissions from motor vehicles by deciding that CO_2 was not a pollutant under the Clean Air Act. In April 2007, the U.S. Supreme Court overruled that determination in Massachusetts v. EPA. The Supreme Court wrote that 'If EPA makes a finding of endangerment, the Clean Air Act requires the agency to regulate emissions of the deleterious pollutant from new motor vehicles.' The EPA then conducted an extensive investigation involving 60–70 staff who concluded that 'CO_2 emissions endanger both human health and welfare.' These findings were submitted to the White House, after which work on the findings and the required regulations was halted."

3. A Memo to Members of the Committee on Oversight and Government Reform on May 19, 2008 stated "The record before the Committee shows: (1) the career staff at EPA unanimously supported granting California's petition (to be allowed to regulate greenhouse gas emissions from cars and trucks, consistent with California state law); (2) Stephen Johnson, the Administrator of EPA, also supported granting California's petition at least in part; and (3) Administrator Johnson reversed his position after communications with officials in the White House."

The President has suppressed the release of scientific information related to global climate change, an action which undermines Congress' ability to legislate and provide oversight, and which has thwarted efforts to prevent global climate change despite the serious threat that it poses.

1. In February, 2001, ExxonMobil wrote a memo to the White House outlining ways to influence the outcome of the Third Assessment report by the Intergovernmental Panel on Climate Change. The memo opposed the reelection of Dr. Robert Watson as the IPCC Chair. The White House then supported an opposition candidate, who was subsequently elected to replace Dr. Watson.

2. The New York Times on January 29, 2006, reported that James Hansen, NASA's senior climate scientist was warned of "dire consequences" if he continued to speak out about global climate change and the need for reducing emissions of associated gasses. The Times also reported that: "At climate laboratories of the National Oceanic and Atmospheric Administration, for example, many scientists who routinely took calls from reporters five years ago can now do so only if the interview is approved by administration officials in Washington, and then only if a public affairs officer is present or on the phone."

3. In December of 2007, the House Committee on Oversight and Government Reform issued a report based on 16 months of investigation and 27,000 pages of documentation. According to the summary: "The evidence before the Committee leads to one inescapable conclusion: the Bush Administration has engaged in a systematic effort to manipulate climate change science and mislead policy makers and the public about the dangers of global warming." The report described how the White House appointed former petroleum industry lobbyist Phil Cooney as head of the Council on Environmental Quality. The report states "There was a systematic White House effort to minimize the significance of climate change by editing climate change reports. CEQ Chief of Staff Phil Cooney and other CEQ officials made at least 294 edits to the Administration's Strategic Plan of the Climate Change Science Program to exaggerate or emphasize scientific uncertainties or to de-emphasize or diminish the importance of the human role in global warming."

4. On April 23, 2008, Representative Henry Waxman wrote a letter to EPA Administrator Stephen L Johnson. In it he reported: "Almost 1,600 EPA scientists completed the Union of Concerned Scientists survey questionnaire. Over 22 percent of these scientists reported that 'selective or incomplete use of data to justify a specific regulatory outcome' occurred 'frequently' or 'occasionally' at EPA. Ninety-four EPA scientists reported being frequently or occasionally directed to inappropriately exclude or alter technical information from an EPA scientific document. Nearly 200 EPA scientists said that they have frequently or occasionally been in situations in which scientists have actively objected to, resigned from or removed themselves from a project because of pressure to change scientific findings."

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George

W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXIII.—REPEATEDLY IGNORED AND FAILED TO RESPOND TO HIGH LEVEL INTELLIGENCE WARNINGS OF PLANNED TERRORIST ATTACKS IN THE US, PRIOR TO 9/11

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, failed in his Constitutional duties to take proper steps to protect the nation prior to September 11, 2001.

The White House's top counter-terrorism adviser, Richard A. Clarke, has testified that from the beginning of George W. Bush's presidency until September 11, 2001, Clarke attempted unsuccessfully to persuade President Bush to take steps to protect the nation against terrorism. Clarke sent a memorandum to then-National Security Advisor Condoleezza Rice on January 24, 2001, "urgently" but unsuccessfully requesting "a Cabinet-level meeting to deal with the impending al Qaeda attack."

In April 2001, Clarke was finally granted a meeting, but only with second-in-command department representatives, including Deputy Secretary of Defense Paul Wolfowitz, who made light of Clarke's concerns.

Clarke confirms that in June, July, and August 2001, the Central Intelligence Agency (CIA) warned the president in daily briefings of unprecedented indications that a major al Qaeda attack was going to happen against the United States somewhere in the world in the weeks and months ahead. Yet, Clarke was still unable to convene a cabinet-level meeting to address the issue.

Condoleezza Rice has testified that George Tenet met with the president 40 times to warn him that a major al-Qaeda attack was going to take place, and that in response the president did not convene any meetings of top officials. At such meetings, the FBI could have shared information on possible terrorists enrolled at flight schools. Among the many preventive steps that could have been taken, the Federal Aviation Administration, airlines, and airports might have been put on full alert.

According to Condoleezza Rice, the first and only cabinet-level meeting prior to 9/11 to discuss the threat of terrorist attacks took place on September 4, 2001, one week before the attacks in New York and Washington.

On August 6, 2001, President Bush was presented a President's Daily Brief (PDB) article titled "Bin Laden Determined to Strike in U.S." The lead sentence of that PDB article indicated that Bin Laden and his followers wanted to "follow the example of World Trade Center bomber Ramzi Yousef and 'bring the fighting to America.'" The article warned: "Al-Qa'ida members—including some who are U.S. citizens—have resided in or traveled to the US for years, and the group apparently maintains a support structure that could aid attacks."

The article cited a "more sensational threat reporting that Bin Laden wanted to hijack a US aircraft," but indicated that the CIA had not been able to corroborate such reporting. The PDB item included information from the FBI indicating "patterns of suspicious activity in this country consistent with preparations for hijackings or other types of attacks, including recent surveillance of federal buildings in New York." The article also noted that the CIA and FBI were investigating "a call to our embassy in the UAE in May saying that a group of Bin Laden supporters was in the US planning attacks with explosives."

The president spent the rest of August 6, and almost all the rest of August 2001 on vacation. There is no evidence that he called any meetings of his advisers to discuss this alarming report. When the title and substance of this PDB article were later reported in the press, then-National Security Adviser Condoleezza Rice began a sustained campaign to play down its significance, until the actual text was eventually released by the White House.

New York Times writer Douglas Jehl, put it this way: "In a single 17-sentence document, the intelligence briefing delivered to President Bush in August 2001 spells out the who, hints at the what and points towards the where of the terrorist attacks on New York and Washington that followed 36 days later."

Eleanor Hill, Executive Director of the joint congressional committee investigating the performance of the U.S. intelligence community before September 11, 2001, reported in mid-September 2002 that intelligence reports a year earlier "reiterated a consistent and constant theme: Osama bin Laden's intent to launch terrorist attacks inside the United States."

That joint inquiry revealed that just two months before September 11, an intelligence briefing for "senior government officials" predicted a terrorist attack with these words: "The attack will be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. Attack will occur with little or no warning."

Given the White House's insistence on secrecy with regard to what intelligence was given to President Bush, the joint-inquiry report does not divulge whether he took part in that briefing. Even if he did not, it strains credulity to suppose that those "senior government officials" would have kept its alarming substance from the president.

Again, there is no evidence that the president held any meetings or took any action to deal with the threats of such attacks.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXIV.—OBSTRUCTION OF INVESTIGATION INTO THE ATTACKS OF SEPTEMBER 11, 2001

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, obstructed investigations into the attacks on the World Trade Center and Pentagon on September 11, 2001.

Following September 11, 2001, President Bush and Vice President Cheney took strong steps to thwart any and all proposals that the circumstances of the attack be addressed. Then-Secretary of State Colin Powell was forced to renege on his public promise on September 23 that a "White Paper" would be issued to explain the circumstances. Less than two weeks after that promise, Powell apologized for his "unfortunate choice of words," and explained that Americans would have to rely on "information coming out in the press and in other ways."

On Sept. 26, 2001, President Bush drove to Central Intelligence Agency (CIA) headquarters in Langley, Virginia, stood with Director of Central Intelligence George Tenet and said: "My report to the nation is, we've got the best intelligence we can possibly have thanks to the men and women of the C.I.A." George Tenet subsequently and falsely claimed not to have visited the president personally between the start of Bush's long Crawford vacation and September 11, 2001.

Testifying before the 9/11 Commission on April 14, 2004, Tenet answered a question from Commission member Timothy Roemer by referring to the president's vacation (July 29–August 30) in Crawford and insisting that he did not see the president at all in August 2001. "You never talked with him?" Roemer asked. "No," Tenet replied, explaining that for much of August he too was "on leave." An Agency spokesman called reporters that same evening to say Tenet had misspoken, and that Tenet had briefed Bush on August 17 and 31. The spokesman explained that the second briefing took place after the president had returned to Washington, and played down the first one, in Crawford, as uneventful.

In his book, At the Center of the Storm, (2007) Tenet refers to what is almost certainly his August 17 visit to Crawford as a follow-up to the "Bin Laden Determined to Strike in the U.S." article in the CIA-prepared President's Daily Brief of August 6. That briefing was immortalized in a Time Magazine photo capturing Harriet Myers holding the PDB open for the president, as two CIA officers sit by. It is the same briefing to which the president reportedly reacted by telling the CIA briefer, "All right, you've covered your ass now." (Ron Suskind, The One-Percent Doctrine, p. 2, 2006). In At the Center of the Storm, Tenet writes: "A few weeks after the August 6 PDB was delivered, I followed it to Crawford to make sure that the president stayed current on events."

A White House press release suggests Tenet was also there a week later, on August 24. According to the August 25, 2001, release, President Bush, addressing a group of visitors to Crawford on August 25, told them: "George Tenet and I, yesterday, we piled in the new nominees for the Chairman of the Joint Chiefs, the Vice Chairman and their wives and went right up the canyon."

In early February 2002, Vice President Dick Cheney warned then-Senate Majority Leader Tom Daschle that if Congress went ahead with an investigation, administration officials might not show up to testify. As pressure grew for an investigation, the president and vice president agreed to the establishment of a congressional joint committee to conduct a "Joint Inquiry." Eleanor Hill, Executive Director of the Inquiry, opened the Joint Inquiry's final public hearing in mid-September 2002 with the following disclaimer: "I need to report that, according to the White House and the Director of Central intelligence, the president's knowledge of intelligence information relevant to this inquiry remains classified, even when the substance of the intelligence information has been declassified."

The National Commission on Terrorist Attacks, also known as the 9/11 Commission, was created on November 27, 2002, following the passage of congressional legislation signed into law by President Bush. The President was asked to testify before the Commission. He refused to testify except for one hour in private with only two Commission members, with no oath administered, with no recording or note taking, and with the Vice President at his side. Commission Co-Chair Lee Hamilton has written that he believes the commission was set up to fail, was underfunded, was rushed, and did not receive proper cooperation and access to information.

A December 2007 review of classified documents by former members of the Commission found that the commission had made repeated and detailed requests to the CIA in 2003 and 2004 for documents and other information about the interrogation of operatives of Al Qaeda, and had been told falsely by a top C.I.A. official that the agency had "produced or made available for review" everything that had been requested.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXV.—ENDANGERING THE HEALTH OF 9/11 FIRST RESPONDERS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution "to take care that the laws be faithfully executed", has both personally and acting through his agents and subordinates, together with the Vice President, recklessly endangered the health of first responders, residents, and workers at and near the former location of the World Trade Center in New York City.

The Inspector General of the Environmental Protection Agency (EPA) August 21, 2003, report numbered 2003–P–00012 and entitled "EPA's Response to the World Trade Center Collapse: Challenges, Successes, and Areas for Improvement," includes the following findings:

"[W]hen EPA made a September 18 announcement that the air was 'safe' to breathe, it did not have sufficient data and analyses to make such a blanket statement. At that time, air monitoring data was lacking for several pollutants of concern, including particulate matter and polychlorinated biphenyls (PCBs). Furthermore, The White House Council on Environmental Quality (CEQ) influenced, through the collaboration process, the information that EPA communicated to the public through its early press releases when it convinced EPA to add reassuring statements and delete cautionary ones.

"As a result of the White House CEQ's influence, guidance for cleaning indoor spaces and information about the potential health effects from WTC debris were not included in EPA-issued press releases. In addition, based on CEQ's influence, reassuring information was added to at least one press release and cautionary information was deleted from EPA's draft version of that press release . . . The White House's role in EPA's public communications about WTC environmental conditions was described in a September 12, 2001, e-mail from the EPA Deputy Administrator's Chief of Staff to senior EPA officials:

"'All statements to the media should be cleared through the NSC [National Security Council] before they are released.'

"According to the EPA Chief of Staff, one particular CEQ official was designated to work with EPA to ensure that clearance was obtained through NSC. The Associate Administrator for the EPA Office of Communications, Education, and Media Relations (OCEMR) said that no press release could be issued for a 3- to 4-week period after September 11 without approval from the CEQ contact."

Acting EPA Administrator Marianne Horinko, who sat in on EPA meetings with the White House, has said in an interview that the White House played a coordinating role. The National Security Council played the key role, filtering incoming data on ground zero air and water, Horinko said: "I think that the thinking was, these are experts in WMD (weapons of mass destruction), so they should have the coordinating role."

In the cleanup of the Pentagon following September 11, 2001, Occupational Safety and Health Administration laws were enforced, and no workers became ill. At the World Trade Center site, the same laws were not enforced.

In the years since the release of the EPA Inspector General's above-cited report, the Bush Administration has still not effected a clean-up of the indoor air in apartments and workspaces near the site.

Screenings conducted at the Mount Sinai Medical Center and released in the September 10, 2004, Morbidity and Mortality Weekly Report (MMWR) of the federal Centers For Disease Control and Prevention (CDC), produced the following results:

"Both upper and lower respiratory problems and mental health difficulties are widespread among rescue and recovery workers who dug through the ruins of the World Trade Center in the days following its destruction in the attack of September 11, 2001.

"An analysis of the screenings of 1,138 workers and volunteers who responded to the World Trade Center disaster found that nearly three-quarters of them experienced new or worsened upper respiratory problems at some point while working at Ground Zero. And half of those examined had upper and/or lower respiratory symptoms that persisted up to the time of their examinations, an average of eight months after their WTC efforts ended."

A larger study released in 2006 found that roughly 70 percent of nearly 10,000 workers tested at Mount Sinai from 2002 to 2004 reported that they had new or substantially worsened respiratory problems while or after working at ground zero. This study showed that many of the respiratory ailments, including sinusitis and asthma, and gastrointestinal problems related to them, initially reported by ground zero workers persisted or grew worse over time. Most of the ground zero workers in the study who reported trouble breathing while working there were still having those problems two and a half years later, an indication of chronic illness unlikely to improve over time.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

The SPEAKER pro tempore (Ms. SUTTON). The resolution qualifies.

Under the previous order of the House of June 10, the previous question is ordered without intervening motion except one motion to refer.

MOTION TO REFER OFFERED BY MR. KUCINICH

Mr. KUCINICH. Madam Speaker, I move that the House refer the impeachment resolution to the Committee on the Judiciary.

The SPEAKER pro tempore. The question is on the motion to refer.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, the noes have it.

Mr. KUCINICH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Under the previous order of the House of June 10, further proceedings on this question will be postponed as though under clause 8(a)(1)(A) of rule XX.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRALEY of Iowa (at the request of Mr. HOYER) for today after 2 p.m. on account of flooding in district.

Mr. CUMMINGS (at the request of Mr. HOYER) for today until 2 p.m.

Mr. MEEK of Florida (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. POE, for 5 minutes, June 17.

Mr. JONES of North Carolina, for 5 minutes, June 17.

Mr. BURTON of Indiana, for 5 minutes, today, June 11 and 12.

Ms. FOXX, for 5 minutes, today and June 11.

Mr. MCCOTTER, for 5 minutes, June 11.

Mr. BURGESS, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today, June 11 and 12.

Mr. PRICE of Georgia, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. KUCINICH. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes a.m.), the House adjourned until today, Wednesday, June 11, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7042. A letter from the Chairman, Farm Credit Administration, transmitting the Administration's final rule — Eligibility and Scope of Financing; Processing and Marketing (RIN: 3052-AC33) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7043. A letter from the OSD Federal Liaison Officer, DoD, Department of Defense, transmitting the Department's final rule — TRICARE; Certain Survivors of Deceased Active Duty Members; and Adoption Intermediaries [DOD-2006-HA-0194] (RIN: 0720-AB07) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7044. A letter from the OSD Federal Register Liaison Officer, DoD, Department of Defense, transmitting the Department's final rule — User Fees [DoD-2006-OS-0005] (RIN: 0790-AH93) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7045. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7046. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Project Design and Cost Standards for the Section 202 and Section 811 Programs [Docket No. FR-5097-F-02] (RIN: 2502-AI48) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7047. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Luxembourg pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7048. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Brazil pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7049. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7050. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7051. A letter from the President, Federal Reserve Bank of Dallas, transmitting the Bank's 2007 Annual Report; to the Committee on Financial Services.

7052. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Demands for Testimony or Records in Legal Proceedings [Docket ID ED-2007-OS-0138] received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7053. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7054. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Annual Update of Filing Fees [Docket No. RM08-9-000] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7055. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Definition of Eligible Portfolio Company under the Investment Company Act of 1940 [Release No. IC-28266; File No. S7-37-04] (RIN: 3235-AJ31) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7056. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Rough Diamonds Control Regulations — received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7057. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-040, Electronic Subcontracting Reporting System (eSRS) [FAC 2005-25; FAR Case 2005-040; Item II; Docket 2008-0001, Sequence 01] (RIN: 9000-AK95) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7058. A letter from the Acting Chief Acquisition Officer and Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-040, Electronic Subcontracting Reporting System (eSRS) [FAC 2005-25; FAR Case 2005-040; Item II; Docket 2008-0001, Sequence 01] (RIN: 9000-AK95) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7059. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — REPRESENTATIVE RATE; ORDER OF RELEASE FROM COMPETITIVE LEVEL; ASSIGNMENT RIGHTS (RIN: 3206-AL19) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7060. A letter from the Chief, Branch of Listing, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Special Rule for the Polar Bear [[FWS-R7-ES-2008-0027] [1111 FY07 MO-B2] (RIN: 1018-AV79) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7061. A letter from the Director, Office of Congressional & Legal Affairs — Indian Affairs, Department of the Interior, transmitting the Department's final rule — Gaming on Trust Lands Acquired After October 17, 1988 (RIN: 1076-AE81) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7062. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "Duck Stamp Improvement Act of 2008"; to the Committee on Natural Resources.

7063. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Coastal Fisheries Cooperative Management Act Provisions; Weakfish Fishery [Docket No. 070717344-8150-01; I.D. 041907A] (RIN: 0648-AV44) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7064. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea/Aleutian Islands Fishery Resources; American Fisheries Act Sideboards [Docket No. 0612242903-7445-03 and 0612242886-7464-03] (RINs 0648-AU48 and 0648-AU68) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7065. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH84) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7066. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH78) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7067. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions;

Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No. 080408542-8615-01] (RIN: 0648-AW63) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7068. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Nuclear Materials and Equipment Corporation (NUMEC) facility in Parks Township, Pennsylvania, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7069. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Hanford Nuclear Reservation in Richland, Washington, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7070. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Horizons, Inc. facility in Cleveland, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7071. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the SAM Laboratories to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7072. A letter from the Acting Chief, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule — Establishment of a Genealogy Program [CIS No. 2074-00; DHS Docket No. USCIS-2005-0013] (RIN: 1615-AB19) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7073. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's comments on H.R. 4080, a bill to amend the Immigration and Nationality Act to establish a separate nonimmigrant classification for fashion models; to the Committee on the Judiciary.

7074. A letter from the Secretary, Department of Homeland Security, transmitting the Department's determination on a petition on behalf of a class of workers from the Kellex/Pierpont facility in Jersey City, New Jersey, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7075. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's comments on S. 2829, a bill to make technical corrections to Section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (NDAA 2008); to the Committee on the Judiciary.

7076. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the report of the Director of the Executive Office for United States Trustees on the evaluation of instructional classes in personal financial management for consumer bankruptcy debtors, pursuant to Public Law 109-8, section 105; to the Committee on the Judiciary.

7077. A letter from the Director, National Legislative Commission, American Legion, transmitting a copy of the Legion's financial statements as of December 31, 2007, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

7078. A letter from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting the Office's Revised Research Plan for the U.S. Climate Change Science Program and the Scientific Assessment of the Effects of Global Change on the United States; to the Committee on Science and Technology.

7079. A letter from the Associate Administrator for Aeronautics, National Aeronautics and Space Administration, transmitting the Administration's final rule — Development Work for Industry in NASA Wind Tunnels [Notice: (08-045)] (RIN: 2700-AC81) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

7080. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; USCG-2006-24196] (RIN: 1652-AA41) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

7081. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Armed Services and Oversight and Government Reform.

7082. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, "the George Washington Memorial Parkway Boundary Revision Act"; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

7083. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Armed Services, Foreign Affairs, and the Budget.

7084. A letter from the General Counsel, Department of Defense, transmitting the Department's requested legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Armed Services, Energy and Commerce, Transportation and Infrastructure, Oversight and Government Reform, the Judiciary, Veterans' Affairs, Ways and Means, Small Business, Intelligence (Permanent Select), Foreign Affairs, and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 5541. A bill to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; with an amendment (Rept. 110–704 Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3754. A bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes (Rept. 110–705). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1553. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; with an amendment (Rept. 110–706). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1257. Resolution providing for consideration of the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes (Rept. 110–707). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5541. Referred to the Committees on Agriculture and the Budget extended for a period ending not later than June 27, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SULLIVAN (for himself, Mr. BARTON of Texas, Mr. BROUN of Georgia, Mr. MACK, Mr. LUCAS, Mrs. MUSGRAVE, Mr. BURGESS, Mr. ROGERS of Michigan, Mr. HALL of Texas, Mr. MCCOTTER, Mr. UPTON, Mr. SESSIONS, Mr. MCHENRY, Mr. PITTS, Mr. GINGREY, Ms. FALLIN, Mrs. EMERSON, Mr. PEARCE, Mr. SHIMKUS, Mrs. MYRICK, Mrs. DRAKE, Mr. TERRY, Mr. CONAWAY, Mr. BUYER, and Mr. BURTON of Indiana):

H.R. 6219. A bill to authorize appropriations for the Department of Commerce and to prohibit Federal economic development funds to States that carry out public takings for private purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE of Minnesota (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. WALBERG, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Mr. HENSARLING, Mrs. DRAKE, Mr. CAMPBELL of California, Mr. PENCE, Mrs. MYRICK, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. PITTS, Mr. MARCHANT, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. FORTUÑO, Mr. DAVID DAVIS of Tennessee, Mrs. BACHMANN, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Mr. DANIEL E. LUNGREN of California, Mr. SOUDER, Mr. CHABOT, Mr. FEENEY, and Mr. SHADEGG):

H.R. 6220. A bill to amend the Workforce Investment Act of 1998 to make non-union training programs eligible for Federal funding under the "Green Jobs" program; to the Committee on Education and Labor.

By Mr. BOOZMAN (for himself and Ms. HERSETH SANDLIN):

H.R. 6221. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself and Mr. HINCHEY):

H.R. 6222. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable credit against income tax liability for gasoline and diesel fuel used in highway vehicles for nonbusiness purposes; to the Committee on Ways and Means.

By Mr. HELLER:

H.R. 6223. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Natural Resources.

By Ms. HERSETH SANDLIN:

H.R. 6224. A bill to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code; to the Committee on Veterans' Affairs.

By Ms. HERSETH SANDLIN:

H.R. 6225. A bill to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer; to the Committee on Veterans' Affairs.

By Mr. HIGGINS (for himself, Mr. HINCHEY, Mr. ISRAEL, Mrs. MALONEY of New York, Mr. TOWNS, Mr. WALSH of New York, Mr. REYNOLDS, Mr. ENGEL, Ms. CLARKE, Mr. SERRANO, Mr. KING of New York, Mr. MCHUGH, Mr. ARCURI, Mr. HALL of New York, Mrs. GILLIBRAND, Mr. CROWLEY, Mr. ACKERMAN, Mrs. LOWEY, Ms. VELÁZQUEZ, Mrs. MCCARTHY of New York, Mr. WEINER, Ms. SLAUGHTER, Mr. MCNULTY, Mr. FOSSELLA, Mr. BISHOP of New York, Mr. MEEKS of New York, Mr. NADLER, Mr. RANGEL, Mr. ORTIZ, Mr. COBLE, Mr. FRANK of Massachusetts, Mr. YOUNG of Alaska, Mr. WOLF, Mr. STARK, Mr. PETRI, and Mr. DINGELL):

H.R. 6226. A bill to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. RAMSTAD, and Mr. THOMPSON of California):

H.R. 6227. A bill to exempt longstanding nonfunctionally-integrated supporting organizations from certain provisions of the Pension Protection Act of 2006; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. GRIJALVA):

H.R. 6228. A bill to ban the use of bisphenol A in food and beverage containers; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. WALZ of Minnesota, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. ELLISON, Mr. RAMSTAD, Mrs. BACHMANN, and Mr. KLINE of Minnesota):

H.R. 6229. A bill to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the "Mayor William 'Bill' Sandberg Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MCHENRY:

H.R. 6230. A bill to amend the Securities Exchange Act of 1934 to require nationally registered statistical rating organizations to provide additional disclosures with respect to the rating of certain structured securities, and for other purposes; to the Committee on Financial Services.

By Mr. TANCREDO:

H.R. 6231. A bill to amend title 49, United States Code, to require that any automobile manufactured by a manufacturer after model year 2018 be an alternative fueled automobile; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself and Mr. RUPPERSBERGER):

H. Con. Res. 369. Concurrent resolution honoring the men and women of the Drug Enforcement Administration on the occasion of its 35th anniversary; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Mrs. BONO MACK, Mr. CLYBURN, Mr. HOYER, Mr. CONYERS, Mr. LEWIS of Georgia, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. SCOTT of Georgia, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. CLARKE, Mr. AL GREEN of Texas, Mr. BRADY of Texas, Mrs. CHRISTENSEN, Mr. CLAY, Mr. DAVIS of Illinois, Ms. ESHOO, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. JEFFERSON, Mr. JONES of North Carolina, Ms. LEE, Mr. MCGOVERN, Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. CARSON, Mr. CLEAVER, Mr. COHEN, Mr. CUMMINGS, Mr. EVERETT, Mr. HINCHEY, Mr. MEEKS of New York, Mr. PAYNE, Mr. WATT, Mr. JOHNSON of Georgia, Mrs. MALONEY of New York, Mr. CRAMER, Mr. COOPER, Mr. BERRY, Ms. SLAUGHTER, Ms. MATSUI, Mr. MOLLOHAN, Ms. WATSON, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, and Mr. JACKSON of Illinois):

H. Con. Res. 370. Concurrent resolution expressing support for designation of September 2008 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; to the Committee on Oversight and Government Reform.

By Mr. COLE of Oklahoma:

H. Res. 1255. A resolution honoring Toby Keith's commitment to members of the Armed Forces; to the Committee on Armed Services.

By Mr. EMANUEL:

H. Res. 1256. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. ARCURI (for himself, Mr. ANDREWS, Mr. WILSON of Ohio, Mr. WELCH of Vermont, Mr. DONNELLY, Mr. LIPINSKI, Mr. SIRES, Mr. PAYNE, Mr. MURPHY of Connecticut, Mr. KLEIN of Florida, Mr. ISRAEL, Mr. ACKERMAN, Mr. CARNAHAN, Mr. MCNULTY, Mr. YARMUTH, Mr. COURTNEY, Mr. SARBANES, Mr. BISHOP of New York, Mr. SPACE, Mr. PERLMUTTER, Mr. KAGEN, Mr. LAMPSON, Mr. MCGOVERN, Mr. PATRICK MURPHY of Pennsylvania, Mr. HALL of New York, Mr. RYAN of Ohio, Mr. MAHONEY of Florida, Mr. COOPER, Mr. ALTMIRE, Mr. MITCHELL, Mr. CARDOZA, and Mr. RUSH):

H. Res. 1259. A resolution congratulating the Hamilton College Continentals on winning the NCAA Division III women's lacrosse championship; to the Committee on Education and Labor.

By Ms. BEAN (for herself, Mr. ALTMIRE, Mr. ARCURI, Mr. BARROW, Ms. BERKLEY, Mrs. BIGGERT, Mr. BISHOP of New York, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CALVERT, Mrs. CAPPS, Mr. CARNAHAN, Mr. CHABOT, Mr. CHANDLER, Ms. CLARKE, Mr. COOPER, Mr. COSTA, Mr. CRAMER, Mr. CROWLEY, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. MARIO DIAZ-BALART of Florida, Mr. DONNELLY, Mr. ELLISON, Mr. ELLSWORTH, Mrs. EMERSON, Mr. FERGUSON, Mr. FRANK of Massachusetts, Mr. GOODLATTE, Ms. HERSETH SANDLIN, Mr. HIGGINS, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. KELLER, Mr. KIRK, Mr. KLEIN of Florida, Mr. KUHL of New York, Mr. LAMPSON, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. MELANCON, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. PERLMUTTER, Mr. POMEROY, Mr. RODRIGUEZ, Mr. ROSKAM, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHIMKUS, Mr. SIRES, Ms. SOLIS, Mr. SPACE, Mr. SPRATT, Ms. SUTTON, Mr. TOWNS, Mr. UPTON, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WELCH of Vermont, and Mr. WOLF):

H. Res. 1260. A resolution supporting the goals and ideals of "National Internet Safety Month"; to the Committee on Energy and Commerce.

By Ms. DEGETTE:

H. Res. 1261. A resolution congratulating East High School in Denver, Colorado, on winning the 2008 "We the People: The Citizen and the Constitution" national competition; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

291. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 85 approving and authorizing the establishment of a state-province affiliation between the State of Hawaii of the United States of America and the Province of Negros Oriental of the Republic of the Philippines; to the Committee on Foreign Affairs.

292. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 53 urging the President of the United States to agree to an economy-wide reduction in its greenhouse gas emissions and to commit the United States to a binding international treaty that would result in a significant and rapid global reduction in atmospheric greenhouse gas concentration; to the Committee on Foreign Affairs.

293. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 16 requesting that the Congress of the United States ratify the United Nations Convention on the elimination of all forms of discrimination against women; to the Committee on Foreign Affairs.

294. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 230 urging the prevention of the sale of oil and gas leases and of drilling in the Chukchi and Beaufort Sea Regions of Alaska; to the Committee on Natural Resources.

295. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 71 urging the President of the United States and the Congress of the United States to enact legislation to confer priority status to children born to Department of Defense personnel and foreign women during and up to to nine months after deployment in order to facilitate and expediate the immigration of these children and women to the United States; to the Committee on the Judiciary.

296. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 86 urging the President of the United States, the Secretary of State and the Secretary of Homeland Security to include the Republic of Korea in the Visa Waiver Program; to the Committee on the Judiciary.

297. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 154 urging the Congress of the United States to amend the definition of "Amerasians" in the Amerasians Immigration Act of 1982; to the Committee on the Judiciary.

298. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 19 urging the Congress of the United States to enact legislation to exempt children of Filipino World War II Veterans from immigrant visa limits; to the Committee on the Judiciary.

299. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 91 requesting that the Congress of the United States and the President of the United States enact the Filipino American Veterans Equity Act of 2007; to the Committee on Veterans' Affairs.

300. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 110 supporting assistance for persons present in the United States under the Compacts of Free Association; jointly to the Committees on Ways and Means, Energy and Commerce, and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. MALONEY of New York introduced a bill (H.R. 6232) for the relief of Richard M. Barlow of Bozeman, Montana; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. CARSON.

H.R. 154: Mr. WEXLER, Mr. WELCH of Vermont, Mr. YARMUTH, Mr. COSTELLO, Mr. ORTIZ, and Mr. REGULA.

H.R. 367: Mr. SOUDER.

H.R. 503: Mr. JOHNSON of Georgia.

H.R. 670: Mr. KIRK.

H.R. 769: Mr. BURGESS.

H.R. 780: Mr. CARSON.

H.R. 821: Mr. WEXLER, Ms. SUTTON, and Mr. DEFAZIO.

H.R. 897: Mr. CARSON.

H.R. 898: Mr. SHAYS.

H.R. 971: Mr. REYNOLDS.

H.R. 997: Mr. GALLEGLY.

H.R. 1014: Mr. RAMSTAD.

H.R. 1190: Mr. SERRANO.

H.R. 1280: Ms. LEE.

H.R. 1283: Ms. SPEIER.

H.R. 1420: Mr. THOMPSON of Mississippi.

H.R. 1532: Ms. DEGETTE.

H.R. 1645: Ms. WATERS.

H.R. 1691: Ms. LEE.

H.R. 1732: Mr. BISHOP of New York.

H.R. 1738: Mr. HOLDEN.

H.R. 1820: Mr WEXLER.

H.R. 1841: Mr. ABERCROMBIE.

H.R. 1845: Mr. SESTAK.

H.R. 1846: Mr. PETERSON of Minnesota.

H.R. 1869: Mrs. MCMORRIS RODGERS.

H.R. 1932: Ms. CORRINE BROWN of Florida.

H.R. 1952: Mr. KUHL of New York.

H.R. 2032: Mr. LIPINSKI.

H.R. 2045: Mr. PETERSON of Minnesota.

H.R. 2122: Mr. MURPHY of Connecticut and Mr. YOUNG of Alaska.

H.R. 2205: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2275: Mr. MANZULLO and Ms. WATSON.

H.R. 2279: Mr. BOEHNER, Mr. KUHL of New York, Mr. BOUSTANY, Mr. BLUNT, Mr. SMITH of Nebraska, Mr. BONNER, Mr. COLE of Oklahoma, Mr. KLINE of Minnesota, Mr. MCHENRY, and Mr. CAMP of Michigan.

H.R. 2289: Mr. VAN HOLLEN and Mr. NEAL of Massachusetts.

H.R. 2343: Mr. INSLEE, Mr. RENZI, Mr. LOEBSACK, and Ms. HIRONO.

H.R. 2353: Mr. BOREN.

H.R. 2357: Mr. LEWIS of Georgia.

H.R. 2493: Mr. JONES of North Carolina, Mr. BOEHNER, Mr. SMITH of Nebraska, Mr. BOUSTANY, Mr. BONNER, and Mr. CAMP of Michigan.

H.R. 2832: Mr. GOODE.

H.R. 2833: Mr. GRIJALVA.

H.R. 2914: Mr. LANGEVIN.

H.R. 2923: Ms. ZOE LOFGREN of California.

H.R. 2926: Mr. STARK, Mr. CARSON, and Mrs. NAPOLITANO.

H.R. 2991: Mr. HINOJOSA.

H.R. 3089: Mrs. BLACKBURN, Mr. LUCAS, Mr. BONNER, Mr. BLUNT, Mr. BOEHNER, Mr. CARTER, Mr. BACHUS, Mr. FORBES, Mr. KLINE of Minnesota, Mr. HALL of Texas, Mr. ROSKAM, Mr. CAMP of Michigan, and Mr. GARY G. MILLER of California.

H.R. 3112: Mr. WELCH of Vermont.

H.R. 3144: Mr. MARIO DIAZ-BALART of Florida and Mr. SOUDER.

H.R. 3157: Mr. FRANKS of Arizona.

H.R. 3232: Ms. NORTON, Mr. JOHNSON of Georgia, and Mr. BURGESS.

H.R. 3234: Mr. THORNBERRY.

H.R. 3267: Mr. WEXLER, Mrs. LOWEY, and Mr. RODRIGUEZ.

H.R. 3289: Mr. GENE GREEN of Texas, Ms. ROS-LEHTINEN, and Mr. MCDERMOTT.

H.R. 3334: Ms. ZOE LOFGREN of California and Mr. GOODLATTE.

H.R. 3404: Mr. DAVIS of Illinois.

H.R. 3423: Mr. CARSON.

H.R. 3457: Mr. WHITFIELD of Kentucky.

H.R. 3544: Ms. ROS-LEHTINEN.

H.R. 3642: Mr. DAVIS of Illinois and Ms. CLARKE.

H.R. 3652: Ms. CORRINE BROWN of Florida.

H.R. 3797: Mr. ROTHMAN.

H.R. 4007: Mr. CONYERS.

H.R. 4014: Mr. HIGGINS.

H.R. 4015: Mr. HIGGINS.

H.R. 4016: Mr. HIGGINS.

H.R. 4026: Mr. HONDA.

H.R. 4065: Mr. CALVERT.

H.R. 4091: Mr. SNYDER.

H.R. 4093: Mrs. NAPOLITANO and Ms. LEE.

H.R. 4113: Mr. MCDERMOTT.

H.R. 4116: Mr. MCCOTTER.

H.R. 4141: Ms. FALLIN and Mr. WITTMAN of Virginia.

H.R. 4229: Mr. CARSON.

H.R. 4231: Mr. CARSON.

H.R. 4264: Ms. WASSERMAN SCHULTZ.

H.R. 4544: Mr. AKIN, Mr. COOPER, and Mr. CULBERSON.

H.R. 4775: Mr. BLUMENAUER, Mrs. LOWEY, Mr. ROTHMAN, Mr. ACKERMAN, Mr. CAPUANO, Mr. TIERNEY, Mr. MOORE of Kansas, and Mr. SESTAK.

H.R. 4934: Mr. GUTIERREZ and Mr. CARSON.

H.R. 4935: Mr. HASTINGS of Florida.

H.R. 4987: Mr. BROWN of South Carolina and Mr. DAVID DAVIS of Tennessee.

H.R. 5057: Mr. MCCOTTER.

H.R. 5229: Mr. GOODLATTE.

H.R. 5466: Ms. HIRONO.

H.R. 5496: Mr. WAXMAN.

H.R. 5575: Mr. HONDA.

H.R. 5580: Mr. AL GREEN of Texas.

H.R. 5590: Mr. MANZULLO and Mr. HONDA.

H.R. 5606: Ms. LORETTA SANCHEZ of California.

H.R. 5646: Mr. DUNCAN.

H.R. 5705: Mr. SESTAK.

H.R. 5723: Mr. HODES.

H.R. 5733: Mr. WALSH of New York.

H.R. 5734: Mr. MCINTYRE, Ms. ZOE LOFGREN of California, and Mr. BERRY.

H.R. 5748: Mr. BURGESS.

H.R. 5774: Ms. MOORE of Wisconsin, Mr. SESTAK, Mr. ALLEN, Mr. GRIJALVA, and Mr. BOUCHER.

H.R. 5782: Mr. JOHNSON of Illinois.

H.R. 5793: Mr. HIGGINS and Mr. FRANKS of Arizona.

H.R. 5797: Mr. WITTMAN of Virginia.

H.R. 5814: Mr. SHADEGG.

H.R. 5821: Ms. FALLIN.

H.R. 5835: Mrs. LOWEY.

H.R. 5873: Mr. BISHOP of New York.

H.R. 5881: Mr. JACKSON of Illinois.

H.R. 5882: Mr. MORAN of Virginia, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, and Mr. PASTOR.

H.R. 5886: Mr. SHADEGG.

H.R. 5892: Mr. GORDON, Mr. MCINTYRE, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, Mr. ELLISON, and Mr. GERLACH.

H.R. 5914: Mr. HODES.

H.R. 5921: Mr. MORAN of Virginia, Mrs. NAPOLITANO, and Mr. PASTOR.

H.R. 5932: Mr. ALEXANDER, Mr. MELANCON, Mr. CAZAYOUX, Mr. BOUSTANY, and Mr. MCCRERY.

H.R. 5933: Mr. ALEXANDER, Mr. MELANCON, Mr. CAZAYOUX, Mr. BOUSTANY, and Mr. MCCRERY.

H.R. 5935: Mr. MURTHA.

H.R. 5954: Mr. COSTELLO.

H.R. 5971: Mr. WITTMAN of Virginia and Mr. GALLEGLY.

H.R. 5976: Mr. SIRES.

H.R. 5984: Mr. BACHUS, Mr. GALLEGLY, and Mr. MANZULLO.

H.R. 6020: Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, and Mr. PASTOR.

H.R. 6039: Mr. MORAN of Virginia, Mrs. NAPOLITANO, and Mr. PASTOR.

H.R. 6045: Ms. DEGETTE.

H.R. 6053: Mr. YOUNG of Alaska.

H.R. 6057: Mr. CARNAHAN and Mr. SESTAK.

H.R. 6076: Mr. RANGEL, Mr. MCGOVERN, and Mr. PASTOR.

H.R. 6088: Ms. WASSERMAN SCHULTZ.

H.R. 6101: Mr. COLE of Oklahoma.

H.R. 6104: Mr. WU, Ms. JACKSON-LEE of Texas, Mr. GERLACH, Ms. SHEA-PORTER, Ms. WOOLSEY, Mr. GENE GREEN of Texas, Mr. BACA, and Mr. RYAN of Ohio.

H.R. 6107: Ms. GINNY BROWN-WAITE of Florida, Mr. WESTMORELAND, Mr. BONNER, Mr. EVERETT, Mr. ROSKAM, Mr. MCHENRY, Mr. CAMP of Michigan, and Mr. FORBES.

H.R. 6108: Mr. GINGREY, Mr. BOEHNER, Mr. BOUSTANY, Mr. KLINE of Minnesota, and Mr. CAMP of Michigan.

H.R. 6120: Mr. SESTAK.

H.R. 6126: Mr. COHEN.

H.R. 6136: Mr. BROUN of Georgia.

H.R. 6140: Mr. GONZALEZ, Ms. KILPATRICK, and Mr. WOLF.

H.R. 6146: Mr. HERGER.

H.R. 6189: Mrs. MUSGRAVE.

H.R. 6207: Mr. BLUNT.

H.R. 6208: Mr. HULSHOF.

H.R. 6214: Mr. WALSH of New York and Mr. REYNOLDS.

H.J. Res. 39: Mr. ROSKAM.

H.J. Res. 89: Mr. WITTMAN of Virginia, Mr. DAVID DAVIS of Tennessee, Mrs. DRAKE, Mr. LUCAS, Mr. JORDAN, Mr. ROGERS of Alabama, Mr. MANZULLO, Mr. DUNCAN, and Mr. LEWIS of Kentucky.

H. Con. Res. 244: Mrs. BACHMANN.

H. Con. Res. 267: Mrs. BIGGERT.

H. Con. Res. 332: Ms. MCCOLLUM of Minnesota and Mr. PRICE of North Carolina.

H. Con. Res. 336: Mr. WITTMAN of Virginia.

H. Con: Res. 360: Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mr. DAVIS of Illinois.

H. Con. Res. 361: Ms. LEE, Mr. KIRK, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, Mr. FORTUÑO, Ms. KILPATRICK, Mr. GENE GREEN of Texas, and Mr. BISHOP of New York.

H. Con. Res. 362: Mrs. MILLER of Michigan, Mr. CANNON, Ms. GINNY BROWN-WAITE of Florida, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. DREIER, Mr. BILIRAKIS, Mr. MCCOTTER, Mr. REICHERT, Mr. MEEK of Florida, Mr. RAMSTAD, Mr. CARNEY, Mr. MILLER of North Carolina, Mr. BOREN, Mr. GONZALEZ, Mr. COHEN, Mr. DAVID DAVIS of Tennessee, Mr. WESTMORELAND, Mr. BONNER, Mr. MICHAUD, Mr. SESTAK, Mr. DICKS, Mr. SMITH of New Jersey, Mr. SAM JOHNSON of Texas, Mr. GARY G. MILLER of California, Mr. SMITH of Nebraska, Mr. WITTMAN of Virginia, Mr. LANGEVIN, Mr. RADANOVICH, Mr. LUCAS, Mr. CONAWAY, Mr. RYAN of Ohio, Mr. REYNOLDS, Mr. AL GREEN of Texas, Mr. LAMPSON, and Mr. MATHESON.

H. Con. Res. 364: Mr. GRIJALVA and Mr. SESTAK.

H. Con. Res. 365: Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. EMANUEL, Mr. CAMP of Michigan, Mr. KIND, Mr. MCDERMOTT, Mr. INSLEE, Ms. HOOLEY, Mrs. NAPOLITANO, Mr. RANGEL, Mr. SCHIFF, Mr. HINCHEY, Mr. PASCRELL, Mr. SPRATT, Mr. TANNER, Mr. CLAY, Mr. BOYD of Florida, Mr. ARCURI, and Ms. ROYBAL-ALLARD.

H. Con. Res. 367: Mr. BURTON of Indiana, Mr. BOUSTANY, Mr. GONZALEZ, Mr. JEFFERSON, Mr. JACKSON of Illinois, Mr. EHLERS, Mr. ROSKAM, Mr. GORDON, Mr. KLEIN of Florida, Ms. MCCOLLUM of Minnesota, Mr. MILLER of North Carolina, Mr. BOUCHER, Mr. BARTLETT of Maryland, and Mr. DICKS.

H. Res. 333: Mr. WEXLER.

H. Res. 758: Mr. SHADEGG.

H. Res. 881: Mr. COHEN, Mr. GOODE, Ms. FALLIN, and Mr. JONES of North Carolina.

H. Res. 937: Mr. MCCOTTER.

H. Res. 1008: Mr. SHAYS and Ms. BORDALLO.

H. Res. 1078: Mrs. Davis of California.

H. Res. 1080: Mr. BACHUS.

H. Res. 1159: Ms. KILPATRICK, Mr. BARROW, Mr. MILLER of North Carolina, and Mr. COURTNEY.

H. Res. 1191: Mr. KENNEDY.

H. Res. 1202: Mr. WU.

H. Res. 1204: Ms. JACKSON-LEE of Texas.

H. Res. 1230: Ms. ZOE LOFGREN of California, Mr. INGLIS of South Carolina, and Mr. ALLEN.

H. Res. 1231: Ms. SUTTON, Mr. TOWNS, Mr. ALTMIRE, and Mr. DONNELLY.

H. Res. 1232: Mr. MEEKS of New York, Mr. RUSH, Mr. SMITH of New Jersey, Mr. JEFFERSON, and Mr. SHAYS.

H. Res. 1235: Mr. WITTMAN of Virginia and Mr. JEFFERSON.

H. Res. 1239: Mr. SAXTON and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 1242: Mr. LEWIS of Georgia, Ms. LEE, and Mr. HINCHEY.

H. Res. 1245: Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, and Ms. WOOLSEY.

H. Res. 1246: Mr. FARR, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, and Mr. PAYNE.

H. Res. 1248: Mr. HERGER.

H. Res. 1249: Mr. NADLER, Ms. ROS-LEHTINEN, Mr. KAGEN, Mr. BOREN, Mr. CARNAHAN, Mr. MORAN of Virginia, Mr. OLVER, Mr. YARMUTH, Mr. PERLMUTTER, Mr. ROTHMAN, Mr. EDWARDS, Mr. MAHONEY of Florida, Mr. WEXLER, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. CLYBURN, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, Mr. SCHIFF, Ms. CASTOR, Mr. CARDOZA, Mr. FARR, Mr. COSTA, Mr. CARSON, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Ms. SLAUGHTER, Mr. LARSON of Connecticut, Mr. PUTNAM, Mr. CHABOT, Mr. BISHOP of New York, Mr. WAXMAN, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. INSLEE, Mr. ISRAEL, Ms. DELAURO, and Ms. WASSERMAN SCHULTZ.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative BART GORDON or a designee to H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

HONORING WILLIAM LOBBINS III

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William Lobbins III of Parkville, Missouri. William is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1395, and earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many scout activities. Over the many years William has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending William Lobbins III for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CLEARWATER FIREFIGHTER PAT CONREY HONORS FALLEN COMRADES

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. YOUNG of Florida. Madam Speaker, I rise today to honor Clearwater firefighter Pat Conrey, who I am proud to represent, for the remarkable tribute he has paid to a fellow firefighter who fell in the line of duty.

In his effort to raise money for the family of Oscar Armstrong III, a Cincinnati firefighter who died fighting a fire in March 2003, leaving behind a pregnant fiancée and two young children, Mr. Conrey did an extraordinary thing. He donned 45 pounds of firefighting gear and ran the entire 26.2 miles of the Flying Pig Marathon held in Cincinnati last May 4th.

Pat's caring and compassion for others were on full display that day. After stopping along the route to pay respect to the Armstrong family, Pat and a fellow firefighter resumed running and soon came upon another runner who collapsed on the pavement from an apparent heart attack. Pat and his partner in the race, Joe Arnold, performed emergency CPR on the fallen runner until an ambulance could arrive.

Madam Speaker, I am proud to say that Pat once again resumed running and completed the marathon in 5 hours and 26 minutes. During that time, he demonstrated to the people of Cincinnati the compassion, courage and heroism that our Nation's firefighters exhibit every day in our communities. Following my remarks, I will include for my colleagues the full story of Pat Conrey's run as reported by Terry Tomalin in The St. Petersburg Times.

In closing, please join me in saying thank you to Pat for his moving tribute to a fallen firefighter and for his inspiring story of selfless service to the people of Clearwater, Florida.

[From the St. Petersburg Times, May 29, 2008]

FIREFIGHTER GEARS UP TO HONOR THE FALLEN

(By Terry Tomalin)

Clearwater firefighter Pat Conrey started out wanting to honor a fallen comrade. By the time it was over, his quest encompassed 26.2 miles, flying pigs, and ultimately, life and death.

Conrey had heard the story of Cincinnati firefighter Oscar Armstrong III, who died battling a blaze in March 2003, leaving behind a pregnant fiancée and two children.

He decided to run Cincinnati's Flying Pig Marathon on May 4 in full firefighting gear to raise money for Armstrong's family.

"Firefighters have this special bond," Conrey said. "When one of us dies, we all feel it."

Conrey, who has completed 10 marathons, ran the Times Turkey Trot in Clearwater in 45 pounds of gear last year to raise money for families of fallen firefighters.

"When you run in firefighter equipment, you get people's attention," he said.

But running in full gear isn't that glamorous.

"It was hot—real hot," Conrey said. "You have to drink a lot of water."

The 40-year-old Conrey, Clearwater's firefighter of the year in 2007, trained for months, logging several 13-mile runs in his bunker coat, bunker pants, air pack and helmet.

"That is pretty out there," said local running coach Joe Burgasser. "You don't want to carry any extra weight. I would not recommend that for any sane person."

Conrey, who earlier this year finished a 50-mile run through Withlacoochee State Forest in 10 hours and 23 minutes, is used to people thinking he's crazy.

"I love it," he said.

A month before the marathon, Conrey learned two other Cincinnati-area firefighters also had died in the line of duty.

"That made me want to make sure that I finished even more," Conrey said. "I would run for all of them."

Word spread through the Cincinnati firefighting community that a crazy man from Clearwater was running for the families of the fallen.

"It really touched everyone," said Joe Arnold, a Cincinnati firefighter who ran part of the race, minus the gear, with Conrey. "To think this guy would come all this way and run a marathon in his turnout gear for people he had never met . . . that is what it is all about."

About eight miles into the marathon, Conrey and a dozen other firefighters stopped at a fire station to pay their respects to Armstrong's family.

"We didn't know they would be there," Conrey said. "There were lots of hugs, some tears. It was very emotional."

The unexpected stop put the firefighters behind schedule. While they were talking, a man named Bobby Edwards, a 10-year Flying Pig veteran, ran by.

Once they resumed running, the firefighters hadn't gotten a mile down the road when they came across Edwards collapsed on the pavement, a victim of an apparent heart attack.

"When I got there I said, 'It is time to go to work boys," Conrey said.

Arnold performed chest compressions on the 55-year-old runner as the rest of the group assisted.

"If we hadn't stopped to talk, we would have been in front of him," Arnold said. "It is little things like that make being a firefighter so special."

Conrey, who despite the gear and stops covered the course in 5 hours, 26 minutes, said he is still amazed at the difference a few minutes can make.

"When you do what we do for a living, you realize how precious time really is," he said. "I am glad I was there to help make a difference."

TRIBUTE TO COLONEL LEAH WALLER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Leah Waller, recently awarded the title of 2007–2008 Baltimore City Teacher of the Year. Mrs. Waller has been a teacher with the Baltimore City Public School System for eight years, teaching Kindergarten and first grade at Maree G. Farring Elementary School.

When she's not teaching at Farring Elementary, Mrs. Waller has taught Summer School and tutored at the Jemicy School for Dyslexic Children. She has served as a mentor teacher for student teachers and new teachers. In addition, she has worked closely with the Children's Literacy Initiative and was selected to be a Model Classroom for Baltimore City.

Always well prepared for daily instruction, Mrs. Waller utilizes the curriculum and Baltimore City Public School System mandated programs in an effective and engaging way. In Mrs. Waller's classroom, lessons are thoroughly developed with the visual, auditory, and kinesthetic learner in mind. Skills and concepts are successfully mastered through a variety of strategies and techniques to ensure full comprehension from the students.

The individual needs of all students are met in Mrs. Waller's classroom. Assessment data is consistently analyzed to diagnose student strengths and areas for concern. This data is analyzed to help drive instruction in the most beneficial way. Because of the active participation in the learning process, the environment in Mrs. Waller's classroom is very conducive to learning. She holds her students to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the highest expectations and creates an atmosphere of mutual respect between the teacher and students.

Mrs. Waller's professional responsibilities are fulfilled with great care. She maintains an organized recordkeeping system that monitors individual student achievement and progress. Constantly interacting with students, parents, colleagues, and administrators, Mrs. Waller works collaboratively to ensure the academic success and social development of her students.

Madam Speaker, I ask that you join with me today to honor Leah Waller in her acceptance of the 2007–2008 Baltimore City Teacher of the Year Award. Her legacy as a dedicated, enthusiastic educator will be forever remembered by the grateful students who walk through her classroom doors. It is with great pride that I congratulate Leah Waller on her exemplary career in education and her outstanding performance at Maree G. Farring Elementary School in Baltimore City.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 361 through 369. I was absent on part of the day Thursday, May 22, and Tuesday, June 3, due to personal reasons.

If I were present I would have voted "nay" on rollcall vote 361, "nay" on rollcall vote 362, "nay" on rollcall vote 363, "yea" on rollcall vote 364, "yea" on rollcall vote 365, "yea" on rollcall vote 366, "yea" on rollcall vote 367, "yea" on rollcall vote 368, and "yea" on rollcall vote 369.

GUYANA'S 42ND BIRTHDAY: MUCH TO CELEBRATE, QUITE A LOT TO HOPE FOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. RANGEL. Madam Speaker, I rise today in recognition of Guyana's 42nd anniversary of independence.

Guyana achieved independence on May 26, 1966, and became the Co-operative Republic of Guyana on February 23, 1970, with a new constitution. Guyana is a located on the northern coast of South America between Venezuela, Brazil, and Suriname. It is the lone English-speaking nation on the South American mainland, a country of 83,000 square miles, dense tropical forests, and 800,000 people.

This former British colony is rich in human resources, bauxite, gold and arable land. The young country had promising expectations but success was not immediately attained. In fact, Guyana, at times, is described as one of the poorest countries in the Western Hemisphere and qualifies for debt concessions through the global initiative to reduce burden on the world's highly indebted poor countries.

After years of economic decline, failure to maintain its infrastructure, political conflict between Afro and Indo Guyanese, Guyana's largest ethnic groups, and factors that fueled an exodus of its brightest, the country needed reform. Today, it is rebuilding both its economy and infrastructure and with prospects of finding large deposits of oil, Guyana now has the potential for growth and prosperity expected of it since the 1960s.

Guyana still faces many obstacles today. Earlier this year, two massacres took the lives of more than 20 men, women and children but a period of relative calm has followed. Yes, crime and violence remain a serious problem as they do elsewhere in the Caribbean.

The latter is the dichotomous image that Guyana presents to the world as it celebrates its 42nd anniversary of independence.

As a member of the international community, Guyana has made important contributions to the resolutions of major conflicts around the world through its participation in the United Nations Security Council, in the Organization of American States, on the World Court and in other global bodies.

This anniversary offers us an occasion to thank the people of Guyana for their strength, their courage, and their contributions to our global community. So, on this anniversary of independence, I stand in camaraderie with the Guyanese people to celebrate and appreciate the growth and change of Guyana.

CONGRATULATING TEXAS' EXEMPLARY CHILDREN'S HOSPITALS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the outstanding accomplishments of our leading Texas hospitals. Texas Children's Hospital in Houston, Children's Medical Center in Dallas, Children's Cancer Hospital at M.D. Anderson in Houston, and Cook Children's Medical Center in Fort Worth were recently recognized as among our nation's top hospitals by U.S. News and World Report.

Texas Children's Hospital in Houston was ranked sixth in the country in general pediatrics, third in heart surgery, and in the top five of several other specialties. Cook Children's Medical Center in Fort Worth was ranked 29th nationwide for its respiratory disorders specialty. Children's Medical Center in Dallas was ranked 15th among cancer specialties, and ranked in the Top 30 on four other categories as well, including General Pediatrics and Digestive Disorders. Children's Cancer Hospital at M.D. Anderson in Houston was ranked 21st among cancer specialties.

The U.S. News rankings were based on surveys of pediatricians, outcome of patient care including surgeries, and care-related measures including nurse staffing, availability of important technologies, and patient volume.

As a physician, it is inspiring to see that the medical profession, and specifically the hospitals and doctors serving Texas, are so adamantly dedicated to their service and are able to provide such exceptional care to our nation's children. Health care affects every facet of our lives, and America's devotion to innovation and advancements in medicine is vital in maintaining our position as having the best health care system in the world.

Madam Speaker, it is with honor today that I rise and extend my sincerest congratulations to these outstanding children's hospitals in Texas. It is my hope that they will continue to lead the way in pediatric care, maintaining the discipline, focus, and compassion that has earned them their reputations for excellence.

TRIBUTE TO MR. CORNELIUS ALLEN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute Mr. Cornelius Allen who passed away on May 28, 2008; and an individual whom I learned was my cousin a few years ago.

Madam Speaker, Cornelius Allen was one of the friendiest and most delightful persons I have known. Cornelius was born on October 13, 1928, in Gary, Indiana to the parentage of Mr. Diston and Mrs. Addie P. Allen. Mr. Allen attended high school at Oakwood Academy in Huntsville, Alabama; graduating with the class of 1947. He was then drafted into the United States Army and served as a private first class until honorable discharged in 1952, and remained in the reserve until 1957.

In 1955, Cornelius joined the Chicago Transit Authority and quickly became an Ambassador of Goodwill as he often spoke with passengers and exhibited friendship to school children. After thirty years of loyal service to the Chicago Transit Authority, Mr. Allen retired and spent the rest of his life doing good deeds.

Cornelius Allen was a real proponent of education and encouraged young people to take advantage of every educational opportunity available to them. He was family centered and exhibited great pride in family history, tradition and unity.

To Cornelius's closest relatives, Dell Allen and wife Debbie, his daughters Addie Allen, grandchildren, Marcus Allen, Dell 'Rome' Allen, Justus Cornelius Allen Pugh, great grandchildren Cameron Allen, Lyndon Allen and Lucas Allen; his brother Ray Shepherd and Rosenwald (Eunice) Allen Sr. and his sister, Mary Ann Guyton, I say you have been blessed to have such a great soul to be an intimate part of your life.

Cornelius was a good man whose footsteps were ordered by the Lord and just as he brought joy to your lives, he brought joy to countless others.

May he rest in peace.

IN HONOR OF DR. DAVID HALE, A 2008 HEALTH CARE HERO OF MINNESOTA

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to recognize Dr. David Hale, Chief of Staff and ER Medical Director at Woodwinds Health Campus, for being named a 2008 Health Care Hero by the Twin Cities Business Magazine. A modem day hero not only in his community, but as far away as Iraq, Dr. Hale's selfless service and dedication to his work have earned him the respect and admiration of his patients and colleagues spread throughout the world.

Dr. David Hale has earned the reputation as a giant in his field. In fact, one distinguished colleague has even said, "The world is a better place because of Dr. Hale." After hearing his long record of accomplishment, you will surely agree.

As an emergency medicine physician, Dr. Hale is known for his caring and compassionate demeanor towards patients and for his leadership in hospital patient services. Some suggest he is the reason Woodwinds receives some of the highest patient satisfaction scores not only in Minnesota, but across the country.

If that was not enough, Dr. Hale is a Major in the Minnesota National Guard and has completed two tours of duty in Iraq. Among his military honors, Dr. Hale earned a Bronze Medal Star in March 2007, an Army Commendation Medal in March 2005, an Army Achievement Medal in August 2003, a National Defense Service Medal, a Global War on Terror Expeditionary Medal and many other awards for his outstanding military service.

Even more amazing are the contributions he has made on the humanitarian front during his time in Iraq. During his first tour of duty, Dr. Hale started an international humanitarian effort to teach basic medical care to Iraqis, a program that still exists today. During his second tour in Iraq, he expanded his efforts to provide 400 first aid kits and midwife kits to Iraqi women and children, a gesture well received by Iraqi villagers and soldiers alike.

Now back in Minnesota, Dr. Hale is focused on helping veterans returning home from war, many of whom suffered traumatic injuries on the battlefield.

Madam Speaker, it is my honor to rise today to celebrate Dr. David Hale's extraordinary and selfless career of service. His contributions to his community, the state of Minnesota, and the country of Iraq make him a distinguished patriot, and make us all proud to be Americans. I stand today and join his family, friends, and colleagues in wishing him a long and successful career.

IN RECOGNITION OF HIGHLAND PARK TOWN ADMINISTRATOR GEORGE PATTERSON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. SESSIONS. Madam Speaker, I rise today to honor Highland Park Town Administrator George Patterson.

After graduating from Texas Tech University, he began his public service career as an Administrative Aide with the City of Lubbock. He then moved on to become the City Manager for Pecos City and Snyder before accepting the position of Town Administrator with Highland Park in 1979. George will be retiring on June 24, 2008 with twenty-nine years of dedicated service to Highland Park.

During his tenure, he has carefully managed and led his staff by example. With his vision and leadership skills, Highland Park is a better and safer community. His commitment to public service extended beyond the workplace. He is actively involved in numerous professional and community organizations such as the Texas City Managers Association and the Rotary Club. George leaves a legacy of civic duty that will be greatly missed.

Madam Speaker, I ask my esteemed colleagues to join me in expressing our best wishes to him and his family on this special day.

IN RECOGNITION OF RYAN STEWART

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. SALI. Madam Speaker, I rise today in recognition of Ryan Stewart of Boise, ID.

Ryan is representing Idaho as youth governor during the annual YMCA National Youth Governors' Conference here in Washington, DC.

I am proud of Ryan's commitment and involvement in this program. Ryan was elected youth governor after campaigning in Idaho's youth and government program. This is a hands-on program dedicated to educating high school students on how state government operates. Ryan participated in a Regional Convention giving speeches and ultimately being elected to his current position.

I am honored to take the opportunity to recognize Ryan. His involvement in the YMCA program is a great way for him to learn how our government functions. Ryan is an example to his peers and I wish him all the best for a successful year as youth governor in Idaho.

PLATTE COUNTY ECONOMIC DEVELOPMENT COUNCIL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize the outstanding achievements of the Platte County Economic Development Council (PCEDC) of Platte County, Missouri. Burdette "Pete" Fullerton, Executive Director, has successfully guided the EDC, and I am honored to help celebrate their 20th Anniversary on June 20, 2008. This prestigious recognition is the culmination of twenty years of dedicated work to continuously improve and enhance our community.

The Platte County EDC serves as an authoritative voice in the community on economic development and related issues through an effective program of professional development, public policy, marketing, and communications. The EDC has assisted in several local projects over the past 20 years, including ADT Security Services, Citi Cards, Harley-Davidson Motor Company, KCI Expo Center, Lifetouch Publishing, Argosy Casino Hotel and Spa, Multivac, The National Golf Club, Tiffany Greens Golf Club, and Zona Rosa.

Pete Fullerton is responsible for the growth of this non-profit organization that promotes economic development in Platte County, Missouri. Pete has worked diligently on behalf of EDC to build a partnership between public and private sectors and has assisted in the successful completion of 127 projects. The PCEDC has helped to create over 11,000 new jobs for Platte County.

Madam Speaker, I ask that you join me in applauding the Platte County Economic Development Council of Platte County, Missouri for its hard work and dedication. Since the EDC began, it has served as a resource to its investors and the community. I want to thank Pete Fullerton for all of his work and applaud him for his accomplishments with the Platte County EDC.

DUNEDIN HIGH SCHOOL BASEBALL TEAM WINS THE FLORIDA STATE CLASS 5A CHAMPIONSHIP

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. YOUNG of Florida. Madam Speaker, it is with much pride that I rise today to congratulate the Dunedin High School Baseball team for winning the Florida State Class 5A Championship. The Falcons of Dunedin, who I have the privilege to represent, won the championship in an extra innings showdown against the South Fork Bulldogs.

The Falcons won the championship in a ten inning marathon, the longest Florida State baseball championship game since 1997. The defense and pitching were excellent, keeping the score tied at two runs apiece until Max Priest scored the winning run for Dunedin on a Max Kreuter single.

It was only through a season of hard work—both on and off of the field—that the Falcons finished with a 26–6 record on their way to the school's first state baseball title in 44 years. It is a testament to the character of these young men, and they deserve to be congratulated. But let us not forget to send our congratulations to Coach Tom Hilbert who worked tirelessly as a coach and as a mentor to the team. I would also like to congratulate the parents of the players, as well as the teachers, administrators and the staff of Dunedin High School for doing a fantastic job of raising and encouraging these exceptional student—athletes. Following my remarks, I will include for my colleagues the full story of Dunedin's Baseball Championship as reported by The St. Petersburg Times.

Madam Speaker, in closing, please join me in congratulating the Dunedin High School Falcons for their outstanding achievement in winning the Florida State Baseball Championship.

[From the St. Petersburg Times, May 15, 2008]

LONG WAIT IS OVER: DUNEDIN WINS TITLE

SARASOTA—It began the moment the ball disappeared into Cammeron Fisher's glove. Seconds later, a swarm of triumphant Dunedin players rushed toward the mound to celebrate a 3-2 victory and the school's first state baseball title in 44 years.

"This is something you dream about;" Fisher said. "To make the final out is unbelievable, especially going through so many ups and downs in a game like this."

There already were lingering memories—of the heart-wrenching moments in the seventh inning, of the nail-biting rally in extra innings, of a game snatched from defeat—that the players swore they never doubted.

The winning run scored in the top of the 10th inning when Max Kreuter singled in Max Priest against Stuart South Fork. The two played the longest championship game since 1997.

"It was a little nerve-racking, but we have so many bats in this lineup that we knew we had a chance," Kreuter said.

But this game was won with defense and pitching.

The Falcons had a two-run lead then watched it disappear when the Bulldogs scored a run each in the third and fifth innings to tie it.

In the seventh, South Fork (27-6) had runners on first and third with no outs. The Falcons walked the next runner to load the bases.

At that point, Dunedin was desperate to win—and keep its state title hopes from vanishing.

"We were on the edge of our seats at that point," Dunedin coach Tom Hilbert said. "Our backs were against the wall. But we were able to maintain our composure."

Slowly, the Falcons (26-6) found a way to wiggle out of the jam.

Alex Norris, who came on in relief of Clay Kollenbaum, got the first and only batter he faced to ground out.

Jake Rogers came in next and got the next two batters to strike out and fly out.

"It was just incredible to come out of that the way we did," Rogers said. "I had so much adrenaline going."

Beneath the noise, tension and pressure, Rogers emerged more as a survivor than a closer.

With so much at stake, Rogers knew he couldn't afford to make mistakes. He escaped unharmed, throwing 3⅓ innings after pitching just three before Thursday's appearance.

"Jake was just phenomenal," Hilbert said. "It was a real gutsy performance."

It remained scoreless through the next three innings.

Then the Falcons, after squandering so many chances, made something happen in the 10th. Priest led off the inning by drawing a walk, then moved to second on a sacrifice bunt by Mike Kumbat and advanced to third on a wild pitch. Priest scored on Kreuter's single.

Rogers then finished things off. The moment Fisher caught the ball, Rogers sprung off the mound, shook his fist, twirled in a crazy leap and came down to earth knowing he would be able to sleep.

"I think all of us are going to pass out on the bus on the ride home," Rogers said. "It was such a draining game, so full of emotions.

"But it was so worth it to win like this."

TRIBUTE TO COLONEL CHRISTINE ROLAND

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Christine Roland, recently awarded the title of 2007–2008 Harford County Teacher of the Year. Mrs. Roland has been a teacher with Harford County Public Schools for five years, teaching Biology and Forensic Science at Edgewood High School.

Born and raised in Switzerland, Mrs. Roland earned a degree in advertising and public relations and became fluent in three languages before she moved to the United States. She has since earned a bachelor's degree in Biology from Towson University, a Certification in Education, and is currently working on her master's degree in Biology.

Thanks to her unique background and teaching style, her bright, inviting classroom and original lessons keep her students active and engaged in the classroom. Using her background in advertising, Mrs. Roland packages her lessons and activities in an appealing and creative way. Her enthusiastic teachings inspire and motivate her students to put effort into their work and truly absorb the class material.

Mrs. Roland goes the extra mile when it comes to helping her students succeed. Appreciating that biology can be a difficult subject, Mrs. Roland acknowledges all student achievement. She evaluates student understanding and provides immediate feedback. Her students know that she will not move on until there is a basic understanding of every concept. The projects and activities she assigns are challenging and diverse so every student can feel a sense of accomplishment. Mrs. Roland makes herself available to students and parents before and after school, as well as through e-mail in the evenings should a student need assistance with an assignment.

Mrs. Roland is eager to attend relevant conferences and meetings to enhance her professional development. She plays a major role on the Technology Steering Committee and is actively involved in the curriculum writing for many subjects. She initiated a new course in forensic science for Harford County, received approval and wrote the entire curriculum. The course is now part of the county curriculum and she is working on staff development for the teachers.

Madam Speaker, I ask that you join with me today to honor Christine Roland in her acceptance of the 2007–2008 Harford County Teacher of the Year Award. Her legacy as a dedicated, enthusiastic teacher will be forever remembered by the appreciative students who walk through her classroom doors. It is with great pride that I congratulate Christine Roland on her exemplary career in education and her outstanding performance at Edgewood High School in Harford County.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 388 through 390. I was absent on Monday, June 9th, due to flight delays caused by severe weather.

If I were present I would have voted, "yea" on rollcall vote 388, "yea" on rollcall vote 389, and "yea" on rollcall vote 390.

CELEBRATING HOW STANLEY MICHELS GAVE NORTHERN MANHATTAN A POWERFUL VOICE IN CITY POLITICS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. RANGEL. Madam Speaker, I rise today to celebrate a champion of environmental health and a stellar legislator, Stanley Michels, a 24-year New York City Council member whose birthday we honor today. Three decades ago, he set for himself an ambitious task: to render visible the invisible, to—as he put it—"convince City Hall that there is life in Manhattan above 96th Street." A lifelong resident of northern Manhattan, he felt it imperative that he and his neighbors in West Harlem, in Washington Heights, in Inwood, in Morningside Heights, in Central Harlem, be given a voice. After an illustrious career on the Council, it's safe to say he has succeeded, and then some. The litany of legislative achievement attached to his name speaks to his political and personal philosophies: Prioritize the quality of life of everyday people. Hold steadfast to the guiding principles of fairness and pragmatism. And always, always stand by those who need most defending.

An environmentalist at heart whose driving motivation was consistently the health and well-being of his constituency, Michels led the charge for cleaner air and the protection of the area's water supply. He advanced a precedent-setting law aiming to protect children from lead poisoning in apartments. He spearheaded an expansion of the city's recycling and waste-reduction programs, requiring the weekly collection of recyclables and granting the Council the power to approve the city's Solid Waste Management Plan. He railed against smoking and excessive noise in public places, limiting both in his time on the Council.

Two short months after the attacks of Sept. 11, he held the first public hearings on air quality and the environmental impact of the World Trade Center collapse. For nearly a decade, he chaired the Committee on Environmental Protection, early in his tenure bringing together at-odds parties in the battle over the city's watershed and succeeded in creating the dialogue that led to the Watershed Memorandum of Agreement, still effectively safeguarding the city's water-supply system today. A master of both policy and relationships, he is as good at legislating as he is at bringing people together.

He fought then—and continues to fight—for the little guy. He required that there be public hearings before annual increases to rent-stabilized apartments. He was the motivating force behind a provision that exempted seniors from certain rent increases. He closed loopholes in the deregulation of apartments, allowed the city to foreclose on individual properties in tax arrears, and eliminated the parking garage surtax for Manhattan residents.

For a quarter of a century, he served tirelessly for the public. His home—too often forgotten, overlooked, disregarded—had finally a voice in city government. And what a powerful and distinct voice he gave them. He optimistically noted that his tenure sent the city a clear message: that "no city agency can ignore us" ever again.

A TRIBUTE TO THE CHILDREN'S HOSPITAL OF PHILADELPHIA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to honor a great Philadelphia institution and a staple in our community, The Children's Hospital of Philadelphia. The Children's Hospital of Philadelphia has always held itself to the highest standard of care. This month, they have been recognized for their excellence as they were rated as the best over all children's hospital in America in a U.S. News & World Report exclusive annual ranking, receiving this honor for the sixth year in a row.

The Children's Hospital of Philadelphia was founded in 1855 and was the first hospital devoted solely to the care of children. Today it houses 430 beds and treats more than one million patients a year. Children's Hospital of Philadelphia specializes in cancer, digestive disorders, heart and heart surgery, neonatal care, neurology and neurosurgery and respiratory disorders. While coming in first for overall general practices, the hospital also ranked in the top three in the country in each of these individual categories.

Since it was established the Children's Hospital of Philadelphia has been concentrated on caring for the families of patients as well as the patients themselves. Now they have programs where parents teach the physicians what it is like to care for a child with a specific disease, because they have the best knowledge of this. The Children's Hospital also encourages families to stay with their children at all times, making the treatment more bearable for the children and their families.

Madam Speaker, The Children's Hospital of Philadelphia is a key institution in Philadelphia and I congratulate them on this honor and thank them for their dedication to excellence and their service to our community.

THE DAILY 45: MIGUEL CELIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States. Young lives are being cut short because of gun violence and families on both sides of the gun are dramatically affected.

Last week, authorities charged Edgar Ceasar Diaz, 15, of Waukegan, Illinois with six counts of first-degree murder that, if convicted, could land him in jail for the remainder of his life. His family is in pain over what their son is charged with.

Diaz is accused of the April 25 shooting death of 18-year-old Miguel Celis also of Waukegan. Celis died of a gunshot wound to the chest fired from a .38-caliber handgun that was recovered from Diaz, according to reports. His family is in mourning.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

RECOGNITION OF RICHARD M. KNAPP, PH.D.

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. WAXMAN. Madam Speaker, I rise to recognize the contributions of Richard M. Knapp, Ph.D., who is retiring as Executive Vice President of the Association of American Medical Colleges, AAMC, after 40 years of service to the Nation on behalf of medical schools and teaching hospitals.

As the senior policy advisor to the AAMC, Dr. Knapp has provided leadership on a wide range of health policy matters, particularly regarding the delivery of hospital and medical services where medical education simultaneously occurs and research brings advances.

Dr. Knapp joined the AAMC in 1968 after earning a bachelor of arts degree from Marietta College, in Marietta, Ohio, and a Ph.D. in hospital and health administration from the University of Iowa.

He has consistently been a fair and thoughtful advocate for the Nation's teaching hospitals and medical schools, and his knowledge and integrity are widely recognized and appreciated.

Dr. Knapp's service to the health community includes his tenure on the Board of Trustees of the Inova Health System in Fairfax County, Virginia, from 1983–2005, where he served as chair from 1999–2003. He is a past chairman of the National Association for Biomedical Research and has held the offices of secretary and treasurer in the Federation of Associations of Schools of the Health Professions. He also served on the Advisory Board for the Robert Wood Johnson Foundation Health Policy Fellowships.

Before becoming executive vice president of the AAMC, Dr. Knapp served the organization as senior vice president, director of the Department of Teaching Hospitals, director of the Division of Teaching Hospitals, and director of a teaching hospital project.

His contributions to health care policy have been recognized by his election to the Institute of Medicine.

I ask my colleagues to join me in wishing Dr. Knapp and his family every success and happiness in the next phase of his life.

THE PRIVATE PROPERTY RIGHTS PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. SULLIVAN. Madam Speaker, I rise today to introduce H.R. 6219, the Private Property Rights Protection and Government Accountability Act of 2008.

Previously, the U.S. Constitution specifically limited government taking of private property through a relatively narrow exception for "public use." Public use has historically referred to roads, schools, firehouses, etc. You may remember the infamous 2005 Supreme Court decision, Kelo v. City of New London, where the court broadened the government's ability to take your home, farm, business or place of worship. The negative affects of this far reaching Supreme Court decision places millions of private property owners nationwide at risk.

Some States are trying to correct this injustice and have enacted restrictions on the use of eminent domain (in this case, is when the government seizes private property), with varied effectiveness. However, Congress has not taken action to restore private property rights and the abusive use of eminent domain has continued.

That is why I am introducing the Private Property Rights Protection and Government Accountability Act of 2008, along with the House Energy and Commerce Committee Ranking Member JOE BARTON. This legislation will restrict certain federal economic development funds for 10 years to any state or locality in which eminent domain is used to take private property for a private purpose. It will also allow private property owners the legal recourse they deserve to fight baseless private property takings by State and local governments.

Examples of eminent domain abuse can be seen across Oklahoma, from Oklahoma City to Muskogee, and across this country.

No family, business operator or place of worship is safe if the government decides that their property does not measure up, and that "public purpose" would be better served if it were torn down and replaced by something bigger, glitzier and more taxable. I encourage all my colleagues to support this important legislation.

IN HONOR OF KATHERINE KELLY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the life and work of Katherine Kelly. Ms. Kelly is a lifelong Democrat who has always fought for the values and ideals that our party and our country hold dear.

As a member of the Democratic Executive Committee (D.E.C.) of Palm Beach County for more than 30 years, Katherine and her late husband, Edward Kelly, helped to build the D.E.C. and bring it to the position of prominence it holds today. Recognizing her status as one of the most respected Democrats in Palm Beach County, her fellow Committee members elected her State Committeewoman, a title she still holds.

Katherine Kelly was a founding member of Palm Beach County's first chapter of the National Organization for Women and has spent her entire life fighting to advance the rights of women. She has also been a leader in countless endeavors to ensure the rights of minorities and underprivileged citizens. And she is an ardent supporter of organized labor and the rights of working men and women in South Florida and throughout our Nation.

Katherine Kelly's relentless efforts have resulted in the election of many Democratic officials at all levels of government. More importantly, however, they have resulted in better lives for the people for whom she has fought.

Katherine is loved and respected by all who have benefited from her compassion, concern, and determination, and she has earned the gratitude of the countless individuals who have benefited from her work. I am extremely proud to call Katherine Kelly my friend and ally. She is truly an admirable individual and a great American.

TRIBUTE TO CONGRESSMAN RICHARD A. GEPHARDT OF MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. SKELTON. Madam Speaker, let me take this time to recognize my good friend and our former colleague, Congressman Richard A. Gephardt of Missouri, who recently received the Harry S. Truman Award for Public Service from the City of Independence, Missouri. This award is given annually to honor a distinguished public servant who best exemplifies the characteristics of President Harry S. Truman.

Congressman Richard Gephardt grew up in St. Louis, Missouri, and in 1958 graduated from Southwest High School. He is an Eagle Scout and is a recipient of the Distinguished Eagle Scout Award. In 1962, he earned a bachelor of science degree at Northwestern University in Evanston, Illinois, and earned a law degree from the University of Michigan in 1965. After law school, Congressman Gephardt practiced law and set forth on a distinguished public service career that included serving the American people in military uniform and in elected office. From 1965 to 1971, Congressman Gephardt served in the Missouri Air National Guard. From 1968 to 1971, he served as a Democratic committeeman in St. Louis, and from 1971 to 1976, he served as a St. Louis alderman.

In 1976, Gephardt ran for and was elected to the U.S. House of Representatives. From 1977 to 2005, Congressman Gephardt served the people of Missouri and our country with distinction and quickly became a leader within the Democratic Caucus. In 1984, he was elected chairman of the House Democratic Caucus and was elected House majority leader in 1989. He subsequently served as House minority leader from 1994 to 2005. Gephardt also twice ran for the Democratic Presidential nomination, in 1988 and in 2004. After retiring from Congress in 2005, Gephardt formed a consulting and public policy development firm.

Madam Speaker, Congressman Richard A. Gephardt exemplifies the best of American public service. He is so very deserving of the Harry S. Truman Award, and I know my colleagues in the House will join me in congratulating him, his wife, Jane, and their lovely family for their years of dedication to the American people.

TRIBUTE TO GENERAL WILLIAM E. ODOM

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to pay tribute to General William E. Odom, a man of unquestionable character and undeniable devotion to our Nation. He served with distinction, provided experienced insight about our Nation's foreign policy decisions, and expressed a rare candor that made him an invaluable resource to everyone that worked with him, including the United States Congress.

On Friday, May 30, 2008, General Odom passed away at the age of 75. The course of his career traces the evolution of our military and intelligence communities over the past 25 years. He served as a senior military intelligence official for President Jimmy Carter, and then joined President Ronald Reagan as the director of the National Security Agency during the administration's second term. Following his retirement from the Army in 1988, after 34 years of active duty, General Odom continued his service by teaching at Yale University, working for the Hudson Institute, and writing scholarly works.

Chief among his laudable qualities, it was General Odom's candor that proved most refreshing and invaluable. A self-described military hawk, he was among the first military persons to speak out against the invasion of Iraq and he openly advocated a withdrawal. General Odom warned that military action in Iraq would be foolhardy and futile well before the U.S.-led invasion in 2003. In hindsight, his concerns were well founded and have since been validated, but before the invasion he was among the few willing to speak out loudly in opposition to the drumbeat to war. His background and depth gave intellectual credence to the growing opposition to the war, and he demonstrated that there were differences of opinion within our military and intelligence communities on the merits of the invasion.

To me and other members of the Defense Appropriations Committee, General Odom was a great source of experience and a wealth of knowledge. I came to rely upon his judgment and took counsel with him privately on issues related to our national defense. He was a thoughtful, steady guide on the most complex matters that face us today, and we are at a loss without him. More importantly, the Nation has lost a true and valued patriot.

Madam Speaker, we are saddened by General Odom's passing, and we extend our heartfelt condolences to his family. May others learn from his example and may his memory stay with us forever.

TRIBUTE TO ROBIN AUGUST

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Robin August, recently awarded the title of 2007–2008 Baltimore County Teacher of the Year. Ms. August has been a teacher with Baltimore County Public Schools for 8 years, teaching mathematics at Deep Creek Elementary School and now Deep Creek Magnet Middle School.

Ms. August began her career in education in 1990, working for the Baltimore City Public School System. In 2000, she accepted a position at Deep Creek Elementary School in Baltimore County and is currently a mathematics teacher and team leader at Deep Creek Magnet Middle School.

As the team leader for the 6th grade at Deep Creek, Ms. August has been instrumental in developing and maintaining parental involvement that is necessary for the school to be successful. She consistently monitors the academic performance of her students in all of their classes in order to provide mentorship to the students and provide strategies to help them succeed. Throughout the year, Ms. August opens her classroom doors to teachers who are in need of professional development, modeling lessons that demonstrate excellence in teaching.

She has dedicated her career to improving achievement for her students, serving on many school improvement teams and holding positions as diverse as Student Council Advisor, curriculum writer, and mentor. As a member of the leadership team at Deep Creek Middle, Ms. August continues to bring new ideas to the school plan, helping to design better and more efficient ways of meeting the various needs of the students. Through the Teaching American History in Maryland program, she has published work with the University of Maryland, Baltimore County Center for History Education and presented at the Maryland Conference for the Social Studies.

Madam Speaker, I ask that you join with me today to honor Robin August in her acceptance of the 2007–2008 Baltimore County Teacher of the Year Award. Her legacy as a dedicated, enthusiastic educator will be forever remembered by the grateful students who walk through her classroom doors. It is with great pride that I congratulate Robin August on her exemplary career in education and her outstanding performance at Deep Creek Magnet Middle School in Baltimore County.

CONGRATULATORY REMARKS FOR THE HIGH SCHOOL VALEDICTORIANS OF 2008

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. RANGEL. Madam Speaker, I rise today to commend tens of thousands of youngsters who, this year, earned their high school diplomas as first in their respective graduating classes. The diploma in itself has come to symbolize promise and opportunity, the first step in a series of steps towards achieving the American dream, and I am proud of each and every student who earned one this year. But that honor is ever the more remarkable when awarded with a valedictorian title, an acknowledgement that its receiver is academically top-notch in his or her class.

These bright, young minds—freshly out of school, having ostensibly left adolescence behind and come into their own as educated, young adults—will inherit this world, as much our successes as our failures. It will be up to them to improve upon our legacy, to wield their ingenuity and knowledge to the benefit of their country and their world. It pleases me to know that there are steady, capable young hands out there prepared to mold, shape, and supply form to a better future.

These men and women are an exemplary class, many of whom will go on to earn college degrees, serve America in some form of public service, travel abroad, raise families, or join the workforce. Regardless of the path, their unique strengths and talents will sustain America and her standing on the global stage. Although the task may sound great and daunting, these achievers have shown both grit and giftedness over the past 4 years and will surely rise to the challenge with poise and a sense of purpose.

But for today, we celebrate and congratulate, keeping an eye on the greatness that lies in store for them and this Nation.

HONORING MR. JAMES ARNOLD

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. BLUMENAUER. Madam Speaker, I would like to offer my thanks and congratulations to Mr. James Arnold, environmental restoration manager for the Oregon National Guard. He was recently awarded the Secretary of the Army's FY07 Environmental Restoration Award for contributions made by an individual. This is the Army's highest honor in the field of environmental science, and Mr. Arnold is the year's only individual to be recognized.

As the Federal Government's largest property holder, the Department of Defense has a significant responsibility to ensure its lands are sustainably managed. Mr. Arnold's success proves that government can be a good partner to communities and the environment. His innovative approaches to resource management and remediation are a credit to Oregonian ingenuity and environmental stewardship.

I am particularly impressed by the large-scale range remediation at Camp Withycombe, located in my district. For years, I have advocated for increased awareness and funding for the cleanup of our ranges and legacy sites. This work in immensely challenging and I am impressed with Mr. Arnold's creative, cost-effective, and above all, successful approach to this problem.

I am proud that the Oregon Army National Guard is at the forefront of the Army's efforts to transform its environmental and business practices.

Mr. Arnold, thank you for your outstanding service to Oregon and our country. I wish you the best of luck in your future work.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. UDALL of Colorado. Madam Speaker, I was unable to be present for votes during the late afternoon and evening of May 22, 2008. For the information of our colleagues and my constituents, I want the RECORD to reflect how I would have voted on the following votes I missed that day.

On rollcall 355, on the Akin amendment to H.R. 5658, I would have voted "no."

On rollcall 356, on the Franks amendment to H.R. 5658, I would have voted "no."

On rollcall 357, on the Tierney amendment to H.R. 5658, I would have voted "no."

On rollcall 358, on the Pearce amendment to H.R. 5658, I would have voted "no."

On rollcall 359, on the Lee amendment to H.R. 5658, I would have voted "yes."

On rollcall 360, on the Braley amendment to H.R. 5658, I would have voted "yes."

On rollcall 361, on the Price amendment to H.R. 5658, I would have voted "yes."

On rollcall 362, on the Holt amendment to H.R. 5658, I would have voted "yes."

On rollcall 363, on the McGovern amendment to H.R. 5658, I would have voted "yes."

On rollcall 364, on the Motion to Recommit with instructions the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (H.R. 5658), I would have voted "no."

I would have done so because the Motion to Recommit—as written—would have effectively killed the bill by sending it back to Committee. I also objected to what the Motion attempted to do. It would have repealed Section 526 of the Energy Independence and Security Act, which ensures that federal agencies do not procure or promote alternative fuels that emit, on a lifecycle basis, more greenhouse gas emissions than equivalent conventional fuels produced from conventional petroleum sources. This provision relates primarily to efforts of the Department of Defense to obtain half of its domestically used fuel from domestic synthetic sources by 2016. Specifically, the Air Force is pursuing "coal-to-liquid" fuel (CTL). According to both the EPA and DOE, liquid coal produces double the global warming emissions compared to conventional gasoline.

An amendment adopted on the floor clarified Section 526 to ensure that federal agencies could procure conventional fuels that contain incidental amounts of unconventional fuels. With the passage of this amendment, it is my belief that there is no reason to repeal Section 526, since the Department of Defense has said that it intends to pursue CTL with carbon capture and sequestration. In addition, the Defense Science Board Task Force on Energy recommended that if DOD decides to provide financial backing to synthetic fuel production plants, it should avoid investing in processes that exceed the carbon footprint of petroleum.

On rollcall 365, on Passage of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (H.R. 5658), I would have voted "yes."

On rollcall 366, on the Motion to Suspend the Rules and Agree, as Amended, to H. Res. 986, a resolution recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict, I would have voted "yes."

The resolution recognizes the 35th anniversary of "Operation Homecoming," when the first wave of the longest-held POWs from Vietnam left that country to return to the United States. We honor those POWs, but we also honor those brave heroes who fought and died for our country but never returned home.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mrs. MYRICK. Madam Speaker, due to a flight cancellation, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

June 9, 2008:

Rollcall vote 388, on motion to suspend the rules and agree—H. Res. 1225, expressing support for designation of June 2008 as "National Safety Month"—I would have voted "aye."

Rollcall vote 389, on motion to suspend the rules and agree—H. Res. 1243, recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day—I would have voted "aye."

Rollcall vote 390, on motion to suspend the rules and agree—H. Res. 127, recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State—I would have voted "aye."

BIPARTISAN CONGRESSIONAL DELEGATION TO NATO PARLIAMENTARY ASSEMBLY MEETINGS IN BERLIN, AND A SUBSEQUENT TRIP TO TURKEY AND AFGHANISTAN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. TANNER. Madam Speaker, during the recent district work period I led a bipartisan House delegation to NATO Parliamentary Assembly (NPA) meetings in Berlin, from May 23–27. The co-chair of my delegation was the Hon. JOHN SHIMKUS. Participating in the delegation were Representatives MARION BERRY, JOHN BOOZMAN, BEN CHANDLER, JO ANN EMERSON, CAROLYN MCCARTHY, RALPH REGULA, DENNIS MOORE, DAVID SCOTT, and MIKE ROSS, and staff worked to make this a successful trip in the examination of a number of key NATO issues.

The NATO Parliamentary Assembly brings together members of parliaments of the NATO allies, as well as observer participants from NATO partner states such as Russia and Ukraine, for discussions of current issues of interest to the alliance. Members attend committee meetings where reports are read and debated. The meetings afford an opportunity to sound parliamentarians from allied states on public opinion, defense and foreign policy, and trends in thinking on issues of mutual interest. The meetings also provide the opportunity to come to know members of parliaments on a long-term basis, an invaluable asset in developing insights into policy development in allied governments.

After the Assembly meetings in Berlin, the delegation traveled on to Turkey and Afghanistan, where we explored issues that I will address in a moment.

Recurrent themes on key NATO issues were evident in the Berlin committee meetings. Above all, NATO's International Security Assistance Force (ISAF) in Afghanistan was a constant topic of discussion. It is clear that ISAF needs more combat personnel, and that caveats—restrictions that allies place on the use of their forces—are adversely affecting efforts to stabilize Afghanistan. Energy security, Russia's foreign policy objectives, defense capabilities, and Iran were also important areas of discussion.

I am chairman of the NPA's Committee on Economics and Security. I would like to take this opportunity to mention that our friend and colleague, RALPH REGULA, continued his long and distinguished service on that committee during the Berlin meetings. His contributions over many years have been invaluable.

Representative BOOZMAN and a Lithuanian colleague presented a well-received report in the Economics Committee on India's economy. India plays an important role in south Asia, and U.S.-Indian relations have strengthened over the past decade. India's proximity to Afghanistan and its often tense relations with Pakistan play a role in the stabilization of that volatile area. The Indian economy has opened up in recent years, and there is clear evidence of a growing middle class in the world's largest democracy. There was also a report on the Afghan economy, which must grow and diversify more rapidly if Afghanistan is to stabilize. The report emphasized the negative effects of Afghanistan's extensive poppy culture and poor governance on ISAF's stabilization efforts.

Our friend and former colleague, Doug Bereuter, who was once president of the NATO Parliamentary Assembly, gave an interesting presentation on the efforts of the Asia Foundation, which he now heads, to assist schools and women in Afghanistan and other parts of Asia. His report, a version of which he also presented in the Political Committee, was enlightening and extremely well-received.

The Political Committee is normally the most contentious of the Assembly's committees, and that was once again true. As I mentioned, Russia sends observers to the Assembly who may participate in debates, but who may not vote. Vladimir Zhirinovsky, a former Russian general and candidate for the Russian presidency, is now a member of parliament, and he made his presence frequently felt. He repeatedly denounced NATO and its efforts to stabilize the Balkans and Afghanistan as "terrorist" incursions in Russia's supposedly legitimate sphere of influence. The Russian delegates have chosen during the past several years to play a disruptive role in Assembly proceedings.

Representative ROSS delivered a well-received report in the Political Committee on "NATO and Iran," which looked forward prospectively to ways that the alliance might work with the EU and the U.N. to induce Tehran to terminate its nuclear enrichment program that is in violation of the Nuclear Nonproliferation Treaty. His ideas ranged from political pressure to greater economic sanctions to carrots in the form of limited military confidence-building measures in return for a cessation of Iran's illegitimate nuclear activities. I should mention that Representative CHANDLER is a vice-chairman of the Political Committee, and he played an active role in a number of sessions.

The Committee on Defense and Security also engaged in some interesting debates. ISAF's prospects in Afghanistan were sharply debated. The representatives of several allies, such as Britain, Canada, and the Netherlands that have combat forces in Afghanistan, urged other allies to contribute more troops and to lift their caveats. The debate was sharp at times. ISAF now has 52,000 troops, of which approximately 22,000 are from the United States. The Russians continued their erratic behavior in the Defense Committee, denouncing the allies' stabilization efforts in Afghanistan. Rep. SHIMKUS is the vice-chair of the Subcommittee on Transatlantic Defense and Security Cooperation, and he made several valuable interventions on such issues as the need for allies to spend more on defense, and on NATO's efforts to stabilize the Caucasus.

Two of our colleagues play key roles in the Assembly's Committee on the Civil Dimension of Security. Representative MOORE is vice-chairperson of the Committee on Civil Dimension, and Representative EMERSON is vice-chairperson of the Subcommittee on Democratic Governance. Each made important contributions to the debates in the Civil Dimension Committee. An interesting discussion took place in response to a report on NATO and energy security. Representative SCOTT made a valuable contribution in detailing ways that NATO could play a constructive role in building energy security and thereby enhancing global security.

The Committee on Science and Technology also heard a report on energy security. The German rapporteur contended that Russia is a reliable supplier of oil and natural gas for Europe, a controversial point of view that some believe is contradicted by Moscow's occasional cut-offs of energy to Ukraine, Georgia, and Lithuania. Increasingly, our European allies are dependent on Russian energy resources, a development that could open the door to Russian pressure and influence in NATO in the event of a crisis. Representative SCOTT chided the Russians for not having ratified the Energy Charter Treaty, which obligates signatories to follow market practices and disavow the use of energy as a political tool. Representative SHIMKUS raised the point that diversification of supply and types of fuels is key to enhancing energy security. This was a forceful debate on an issue that is likely to engage NATO's interest in the decades to come.

The last day of the Assembly's meetings was spent in a plenary session. There were a number of interesting speakers, including the German foreign minister and the NATO Secretary General Jaap de Hoop Scheffer. De Hoop Scheffer urged the parliamentarians to go back to their publics and make the case for the importance of developing reliable, deployable combat forces, and for making a meaningful contribution to ISAF's efforts in Afghanistan. A German general also spoke. The Russian Zhirinovsky again made his presence felt when he claimed, to the amazement and amusement of the delegates, that Russia had generously brought down the Berlin wall and made democracy possible in East Germany. He contended that NATO would fail in Afghanistan, just as Russia had. The German general—General Ramm—calmly replied that Russia failed in Afghanistan because it had sought a military solution, and that NATO would succeed because it is seeking a political solution.

Our delegation had an interesting private meeting with Secretary General de Hoop Scheffer, during which we had a highly informative discussion of such issues as Afghanistan, energy security, and Iran's relations with its neighbors. The delegation also met with the U.S. ambassador to NATO, Victoria Nuland, who gave us her valuable perspective on the issues that she considers to be most important on the NATO agenda. We also visited the new U.S. embassy, near the line of the old Berlin wall, and met with our ambassador, William Timken. During a dinner the final night of our meetings, German Chancellor Angela Merkel sat at my table, and we had a lively discussion about a range of issues of mutual interest.

After the meetings in Berlin, we flew to Turkey for meetings with a range of senior Turkish officials. Turkey remains a key ally, perhaps even more important than it was during the Cold War. Turkey's strategic location—on the Bosphorus and the Black Sea, facing the Mediterranean, at the crossroads of Europe and Asia, and on the route of critical energy supplies—is vital to NATO security. In addition, Turkey is a Muslim country and a democracy. An important issue confronting Turkey is its application to join the European Union, a step that some EU governments strongly oppose. Today, there is a vigorous discussion in Turkey about the role of Islam in society. An Islamic Party, the Justice and Development Party (AKP), led by prime minister Tayyip Erdogan, is in a protracted but restrained contest for power with other parties and the Turkish military. On May 28 the delegation met with specialists in Istanbul who represent a range of views in Turkey's academic and journalistic world on the country's future, and on the debate over the role of Islam and secularism in Turkish society.

Our meetings in Istanbul prepared us for our visit the next day to Ankara, where we held a succession of meetings with senior government officials. We met with prime minister Erdogan, with whom we had a direct but constructive discussion over U.S.-Turkish relations and on Turkey's future. We then met with our former NATO Parliamentary Assembly colleague, Abdullah Gul, now the president of Turkey and also a member of the AKP. We had a very cordial discussion on a range of issues. It is clear that U.S.-Turkish relations have improved since November 2007, when the United States began to assist Turkey in its effort to subdue the Kurdish terrorist movement known as the PKK, which is seeking to carve away Turkish territory and unite it with part of northern Iraq, where Kurds also live. Finally, we had a meeting with the defense minister Vecdi Gonul, a civilian who is an important link for the AKP to the Turkish military. We are hoping that our Turkish friends in the political parties and the military will resolve their differences peacefully, and that Turkish democracy will be strengthened.

While in Ankara, the delegation went to the tomb of Kemal Ataturk, the founder of modern Turkey. I laid a wreath and signed a memorial book in honor of the man who established the secular Turkish state. It was a solemn occasion on a brilliantly bright, sunny day.

After our meetings in Ankara, that night the delegation proceeded to Adana, where the Turkish military base Incirlik is located. U.S. forces, with Turkish permission, fly supply missions to Iraq and Afghanistan from Incirlik. Adana and the base are located near the Syrian border. The following morning we met with the governor of Adana, who gave us a briefing on PKK activity and on political developments in the Adana region. He was a strong advocate of Turkish membership in the EU, which he believes would strengthen Turkish democracy.

At Incirlik, we also had the opportunity to meet with some of our troops who are from our constituencies. These are the young men and women that make the United States safe and secure, whether serving here or in distant places. We should keep them in our thoughts as we appreciate the stability and security that we enjoy here in the United States.

By chance, we crossed paths at Incirlik with Gen. David Petraeus, who was at the base for a brief stay. He offered to meet with the delegation, and there was an interesting exchange of views on a range of strategic issues.

On May 31 we left Incirlik at an early hour for the flight to Kabul, where we spent the entire day. The stabilization of Afghanistan is NATO's principal mission. Many believe that NATO's credibility is on the line in Afghanistan because the allies have pledged to commit the resources to stabilize the country to prevent the reappearance of a failed state, a failed state that caused the tragedy of 9/11. There are clearly differences in the alliance over how to accomplish this objective. Some governments prefer to employ economic reconstruction assistance and avoid sending their troops into combat; these tend to be the governments that have the most restrictive caveats on their forces.

We met with the most senior U.S. officials in Kabul to discuss Afghanistan's path to stabilization. Our meetings were highly substantive, and we all gained valuable information on ISAF's effort and on U.S. perspectives and initiatives. We also met with Afghan President Hamid Karzai, and had an extensive discussion of Afghanistan's problems and prospects.

In Afghanistan, there can be no reconstruction without security. The Taliban is not a strong force, but the Afghan state lacks strong, enduring institutions. There must be security therefore for the rebuilding effort to succeed. ISAF may need more forces in the coming year in order to secure territory cleared of the Taliban. A positive development is that approximately 25% of the combat missions are now led by the Afghan National Army (ANA), with strong backing from the U.S. and some other NATO militaries. During our meetings in Kabul, U.S. officials were upbeat on the progress of the ANA, but the task of securing Afghanistan is far from finished. The poppy crop continues to thrive in the south, some warlords maintain a sway over territory that has never been under the control of an Afghan government, and there are enduring tribal rivalries and distrust of Kabul.

Closely associated with the issue of engagement of the Taliban in combat is the need to establish a viable economy and justice system. The Soviet and Taliban eras decimated the educated elite. The number of persons trained as lawyers and judges is minimal. At the base of the justice system is the police. The EU has struggled to develop a program to train the police, so the U.S. military has stepped in. Gen. Cone is developing more professional police cohorts one region at a time, and backing them with the U.S. military until they establish their authority. This will be a long-term effort, and it is going to require patience on the part of NATO publics.

Members and staff also met with U.S. participants in ISAF's Provincial Reconstruction Teams (PRTs), the leading edge of bringing reconstruction to Afghanistan through such efforts as road building, school and hospital construction, and the development of local markets. A basic economy has begun to appear around some of the PRTs, but there remains much to accomplish.

There are three key needs for the PRTs. The first is the placement of agricultural specialists in each of the 26 ISAF PRTs. The United States only recently placed one agricultural specialist at each of its 13 PRTs; the need is great for agricultural specialists at other NATO PRTs, and in the local agricultural schools. Afghanistan is and will remain for the foreseeable future an agrarian economy, now dependent largely on poppies. This poppy culture must diminish over time, perhaps to be replaced by orchard crops and wheat. This effort will take time.

A second need for the PRTs is the hiring of local Afghans who can assist our own officials in understanding local practices and political authority, and who can serve as guides as we plan efforts to rebuild the country.

A third need for the PRTs is the availability of transport. Today, our civilians in the PRTs must rely heavily on the military to move them around the region where they live. But because security comes first, the civilian specialists must often wait lengthy periods of time to obtain the transport and accompanying security to accomplish their tasks.

Our trip to Afghanistan was highly informative and there remains much to digest about what we learned. This was a difficult, but valuable trip that provided insights into one of the United States' most difficult foreign policy problems.

As always we were extremely well-served by our accompanying military personnel. The 932nd Airlift Wing, Air Force Reserve now at Scott Air Force Base, Ill., provided exceptional professionalism in assisting us throughout our trip and ensuring our safety in moving throughout Europe and to Afghanistan. All worked long hours to ensure that our trip went smoothly. I thank them for their hard work and their dedication to duty.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. BARRETT of South Carolina. Madam Speaker, due to unforeseen circumstances, I unfortunately missed recorded votes on the House floor on Monday, June 9, 2008.

Had I been present, I would have voted "yea" on rollcall vote No. 388 (Motion to suspend the rules and agree to H. Res. 1225), "yea" on rollcall vote No. 389 (Motion to suspend the rules and agree to H. Res. 1243), and "yea" on rollcall vote No. 390 (Motion to suspend the rules and agree to H. Res. 127).

HONORING DR. I.C. TURNLEY, JR., FOR 50 YEARS OF SERVICE TO LASALLE PARISH

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to honor Dr. I.C. Turnley, Jr., who for the last 50 years has faithfully served the people of Jena, LA, and LaSalle Parish through his medical practice, which he first opened on July 1, 1958.

While enrolled as a pre-med student at Louisiana Tech University in Ruston, LA, Dr. Turnley answered the call a great many in his generation answered. He put his education on hold and enrolled in the U.S. military to serve his country in World War II and was awarded commendation for his work at the U.S. Navy Hospital in San Diego. After his service, he returned home to Louisiana to complete his undergrad studies at Louisiana Tech and later earn his medical degree from Louisiana State University in 1956.

In addition to his private practice in Jena, Dr. Turnley served on staff at the Jena Hospital and later the LaSalle General Hospital when it was opened in the early 1970s. He also bears a unique distinction in the State of Louisiana as the longest serving elected official, having served as the parish coroner for the past 48 years.

Beyond his work as a physician, Dr. Turnley has been active in Masonic work in Jena and was elected as Grand Master of the Freemasons for the State of Louisiana in 1996.

The "Dr. Turnleys of the world" are the very ones who built up our Nation following World War II; they are the ones who are respected and admired in their communities, the ones who have dedicated not only their talents and abilities but their time and their compassion in an effort to help their fellow citizens. Yet, while many small communities may boast men and women like Dr. Turnley, to Jena, there is no other quite like him.

To honor him, Murphy McMillin, mayor of Jena, has declared Friday, June 20, 2008, as "Dr. I.C. Turnley, Jr. Day."

Madam Speaker, Americans such as Dr. I.C. Turnley, Jr., deserve recognition from the United States Congress as well. I ask my colleagues to join me in thanking Dr. Turnley for all he has done for his community and his country.

CELEBRATING SYLVANIA, OHIO'S 150TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Ms. KAPTUR. Madam Speaker, I rise today to recognize a milestone anniversary for the City of Sylvania in my district. This month, Sylvania celebrates the 150th anniversary of its founding.

Founded in 1833 by General David White and Judge William Wilson at the junction of Ten Mile and Ottawa Creeks near the present day border of Ohio and Michigan, the area was originally the campgrounds of Erie, Chippewa and Wyandot tribes. First settlers' names continue through generations, including Lathrop, Pease, Printup, Rice, Green and Cosgrove. They established the first Sylvania school and church early on: both the Stone Academy and First Presbyterian Church were established in 1834.

In 1876, the town was formally incorporated. Truly a sylvan glade with more than one thousand trees, Sylvania took its name from the Latin "sylvan" meaning "the woods." It remains a city of trees today, including 27 varieties of maple, with the maple leaf as the city's symbol.

In the decades which followed through the nineteenth, twentieth, and now the twenty-first century, Sylvania has prospered. It is a caring community with fine schools and first rate services for young and old and families. Sylvania remains a bucolic community reminiscent of its wooded early history, yet offers a bustling suburban economy of thriving businesses. Its Main Street retains charm from its past, but Sylvania at 150 years is a city moving forward. I am pleased to offer the congratulations of our entire region during this sesquicentennial celebration.

REMARKS IN RECOGNITION OF THE 30TH ANNIVERSARY OF CORA

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Ms. SPEIER. Madam Speaker, this week, CORA—Community Overcoming Relationship Abuse—celebrates the thirtieth anniversary of comprehensive domestic violence support in San Mateo County.

Three decades ago, a victim of domestic violence on the San Francisco peninsula had no resources outside of hospitals and the police. Then in 1978, La Casa de San Mateo opened its doors to become the county's first and only emergency shelter for domestic violence survivors and their children. La Casa later changed its name to the Center for Domestic Violence Prevention and in 2003, partnered with Sor Juana Ines, the first toll-free domestic violence hotline in the county, to become CORA.

CORA's mission is to end domestic violence and abuse through intervention and prevention. The dedicated staff and volunteers respond to thousands of calls on the CORA hotline, and answer an equal number of requests for legal assistance each year. They serve more than 6,000 clients annually, providing legal, medical and mental health services, as well as counseling and safety in the county's only shelter for abuse victims and their children. This operation is overseen by the CORA governing board and a diverse staff of 35 who represent the vibrant cross-section of the county and region. Besides English and Spanish, CORA staff-members speak Tagalog, French, Mandarin, Italian, Korean, Hindi, and Farsi.

Madam Speaker, domestic violence is a silent epidemic. Every nine seconds, a woman in our country is abused by someone she knows. Millions of children witness acts of violence involving one or more parents every year. And one in five female high school students reports being physically or sexually abused by a dating partner.

Domestic violence impacts all of us. It is a significant drain on police and emergency resources and costs the national economy eight to ten billion dollars annually in medical bills, community support and lost wages and productivity. It is also a leading cause of homelessness and often leads to depression, substance abuse and—most troubling—an increased likelihood that victims and young witnesses will go on to become abusers themselves.

Madam Speaker, thanks to increased public awareness, domestic abuse is emerging from the shadows of shame and ignorance. Still, there are far too many instances of cruel and dehumanizing behavior within what should be the security of the family home. Because of this, society will always need an organization like CORA. My sincere hope is that, someday, we will need them less.

SUPPORTING OUR MEN AND WOMEN SERVING IN THE MILITARY AND URGING CONGRESS TO CONTINUE FUNDING FOR THE AMYOTROPHIC LATERAL SCLEROSIS RESEARCH PROGRAM (ALSRP) AT THE DEPARTMENT OF DEFENSE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to express my support for our men and women serving in the military and to urge Congress to continue funding for the Amyotrophic Lateral Sclerosis Research Program (ALSRP) at the Department of Defense.

Studies conducted by the DOD and Veterans Administration have found that those who served in the 1991 Gulf War are approximately twice as likely to die from ALS, the deadly disease that took the life of baseball legend Lou Gehrig, as those who did not serve in the Gulf. In addition, current research suggests that ALS is occurring at greater rates in those who are serving in the current conflict in Iraq. Tragically, there is no effective treatment for ALS and it is fatal in just two to five years after diagnosis.

The ALSRP is an innovative program that has the potential not only to develop new treatments for ALS that benefit our soldiers and veterans but also to determine why they are at greater risk and enable us to take action to protect them. I therefore urge the Appropriations Committee to include $5 million for the ALSRP in the FY 2009 DOD Appropriations bill.

A TRIBUTE TO SENATOR KENNEDY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. MEEK of Florida. Madam Speaker, I would like to submit the following passage on Senator TED KENNEDY written by Albert Carey Caswell.

A LION IN WINTER

A Lion in Winter . . .
Facing The Storm, with The Heart of A Champion . . . so very warm . . .

Where courage lives, to help you move on!
An American Tale, as a nation so stands behind you Ted . . . with all of our prayers, so now!
Take this to your heart Ted, take this to your soul . . . as you move out so to behold!

In this your battle to be won . . .
In this your war to be waged, in this but another chapter Ted . . . in your life's most heroic page . . . of all ones!
As you face this new morning, as you face this dark sun!

Standing Tall, to do what must so be done!
To Fight That Good Fight, To Wage That Great War, our Lion In Winter . . . Our Precious American Son sure!
From deep down inside, that great Irish Heart . . . win this Great Battle, This Great War begun . . .

For A Lion In Winter . . . .
With the Heart of A Champ, against all odds . . . we can hear your roar, can victory so command!
For no man known's more, what a heart can so endure . . . and can so stand!

Ted it's the bottom of the 9th, with two outs!
Like the Teddy before you of The Sox's, we know you too can pull this one out!
Go with God My Son, as you have always done . . . we know you will be rounding the bases, no doubt!

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in three votes on the floor of the House of Representatives on June 9, 2008. I was absent due to illness.

As noted, I was not present for three votes:

The first vote was H. Res. 1225, Expressing support for designation of June 2008 as "National Safety Month." Had I been present, I would have voted "yea" on that question.

The second vote was H. Res. 1243, Recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day. Had I been present, I would have voted "yea" on that question.

The third vote was H. Res. 127, Recognizing and celebrating the 50th anniversary of the entry of Alaska in the Union as the 49th State. Had I been present, I would have voted "yea" on that question.

IN HONOR OF THE GRAND OPENING OF GREENHUNTER ENERGY'S RENEWABLE FUELS CAMPUS IN HOUSTON, TEXAS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I am proud to honor the grand opening of GreenHunter Energy's Renewable Fuels Campus located in my congressional district in Houston, Texas.

GreenHunter Energy's renewable fuels campus—a converted waste oil refinery—is the largest and most versatile biodiesel refinery in the U.S. to date. The campus includes a 105 million gallon per year biodiesel refinery, a 700,000 barrel bulk liquid terminal operation, a 200 million pound-per-year glycerin distillation system, and a 45,000 barrel-per-month methanol distillation tower.

GreenHunter Energy's biodiesel refinery is "feedstock agnostic", meaning that it can use 100 percent animal fats, 100 percent vegetable oils, or any blend of the two interchangeably. By producing biodiesel from multiple feedstocks, including non-edible sources such as tallow and jatropha, GreenHunter offers practical solutions to the ongoing "food versus fuels" debate.

Located along Houston's Ship Channel, GreenHunter's campus has deepwater access and the ability to transport products via barge, rail, and truck. Biodiesel generators at the site will provide enough electricity for GreenHunter to power the campus and sell unneeded renewable power back to the area's power grid.

The addition of GreenHunter Energy's zero emission facility has created many new long-term jobs for Texans and will help move our nation closer to its goal of reducing dependence on foreign crude oil supplies.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mrs. MALONEY of New York. Madam Speaker, on June 9, 2008, I missed rollcall votes No. 388, Expressing support for designation of June 2008 as "National Safety Month," 389, Recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; and 390, Recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State.

Had I been present, I would have voted "yea" on rollcall votes No. 388, 389, and 390.

INTRODUCTION OF THE WORKING FAMILIES GAS TAX CREDIT ACT OF 2008

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. HASTINGS of Florida. Madam Speaker, I am honored to rise today to introduce the Working Families Gas Tax Credit Act of 2008. Similar to legislation that I introduced in the 109th Congress, this bill will provide greatly needed tax credits to individuals and families so that they can cope with soaring gas prices.

The Working Families Gas Tax Credit Act will provide a $500 tax credit to individuals and a $1,000 tax credit to families who make up to $75,000 or $150,000 or less, respectively.

This legislation will act as a secondary economic stimulus by providing credits to all individuals and families who were eligible for the economic stimulus rebate recently passed into law by the Democratic Congress. Similar to the 2008 economic stimulus package, the amount of the credit will phase out for individuals making over $75,000 and families making over $150,000.

Madam Speaker, working families are paying twice as much as they were paying for a gallon of gas last year while oil companies are reporting record profits. It's literally highway robbery, especially when you consider that beyond housing costs, low- and middle-income households in the United States spend more of their earnings on transportation than anything else. Americans are looking to Congress to help them respond to unwarranted gas price increases. The Working Families Gas Tax Credit Act will give working families the temporary relief that they need during this difficult time.

While it is true that there have been a number of proposals offered by our colleagues to confront current fuel price challenges, this proposal is unique in that it will put necessary resources directly in the hands of consumers. This will be an important stop gap measure as we reprioritize our international fuel prices and confront the corruption and failed policies that have led to our Nation's unsustainable oil addiction.

I encourage my colleagues to support this necessary legislation and look forward to its expedient passage.

150 YEARS OF SPIRITUAL LEADERSHIP IN THE COMMUNITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. FRANK of Massachusetts. Madam Speaker, this year marks the 150th Anniversary of an extraordinarily important religious congregation in the city of Newton, which I am proud to represent in this body, and where I have lived for 28 years. Congregation Mishkan Tefila has been an important part of the city of Newton since 1858. At that point, of course, Jewish citizens of the city were a very small number of a much smaller city. Over time, both the city and the Jewish population have grown significantly, and Temple Mishkan Tefila has been an important element in the growth of both. Temple Mishkan Tefila has of course been primarily a place of worship for large numbers of Jewish men, women and young people, and through a series of outstanding rabbis and other leaders, it has performed that essential function superbly. It has also been a forum for community leadership in a number of other ways. Its doors have always been open to the community, both its own members and the community at large, and I have personally benefited from that openness on a number of occasions by being able to participate in forums that the temple has run, which have helped me and others fulfill our duties to relate to our constituents.

Madam Speaker, I am very pleased to be able to salute the members of the Mishkan Tefila Congregation on this 150th Anniversary, and congratulate them on their opportunity both to look back on a very proud history, and to look forward to the promise of continued great service in the years ahead.

HONORING THE LEGACY OF CONSTANTINO BRUMIDI

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. MICA. Madam Speaker, I rise today to honor the life and legacy of Constantino Brumidi, who has been referred to as the Michelangelo of the United States Capitol Building. It is appropriate that Congress honor his incredible contributions to our Nation by awarding him the Congressional Gold Medal.

On July 26, 1805, Constantino Brumidi was born in Rome, Italy of an Italian mother and a Greek father who inspired him with a love of liberty. While Constantino Brumidi's Greek ancestry stirred his passion for liberty and citizenship, his Italian heritage provided the art styles of the Renaissance and the Baroque which influenced the artwork of the U.S. Capitol.

Constantino Brumidi became a citizen of the United States as soon as he was able, embracing its history, values and ideals. Beginning in 1855, Constantino Brumidi designed and decorated one House and five Senate committee rooms in the Capitol, as well as the Senate Reception Room, the Office of the Vice President and most notably, the President's Room, which represents Brumidi's supreme effort "to make beautiful the Capitol" of the United States.

In 1865, Constantino Brumidi completed, in just 11 months, his masterpiece, "The Apotheosis of Washington," in the eye of the Capitol dome. In 1871, Constantino Brumidi created the first tribute to an African American in the Capitol when he placed the figure of Crispus Attucks at the center of his fresco of the Boston Massacre. In 1878, Constantino Brumidi, at the age of 72, and in poor health, began work on the Rotunda frieze, which chronicles the history of America. On February 19, 1880, Constantino Brumidi died at the age of 74, four and a half months after slipping and nearly falling from a scaffold while working on the Rotunda frieze.

Constantino Brumidi, proud of his artistic accomplishments and devoted to his adopted country, said: "My one ambition and my daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty."

Madam Speaker, Constantino Brumidi's life and work exemplifies the lives of millions of immigrants who came to pursue the American dream.

CELEBRATING THE 10TH ANNIVERSARY OF NORTEX MODULAR SPACE IN LEWISVILLE, TX

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the outstanding accomplishments of Nortex Modular Space of Lewisville, Texas, an exemplary organization in North Texas that is celebrating its 10th Anniversary.

Nortex Modular Space is a small business manufacturer with 95 employees based in Lewisville, and it is the leading manufacturer of durable and energy efficient mobile and modular office and classroom buildings. Jim and Sherry Stewart started Nortex Modular Space in Highland Village in 1998 and have a lease fleet of over 700 mobile office and mobile classroom units

The company specializes in the sale, lease, rental, repair and renovation of modular and portable buildings, mobile office trailers, portable classroom buildings, re-locatable buildings, modular church buildings, GSA modular buildings, temporary offices, classrooms, as well as medical and special use buildings to government and private industry.

Nortex Modular Space has clients all around the country and even overseas. Customers include the U.S. Department of the Interior, the U.S. Secret Service, the City of Dallas, the U.S. Army, the Texas Department of Transportation, the University of Texas at Arlington and the University of North Texas.

In 2005, Nortex Modular Space was recognized by DiversityBusiness.com, the nation's leading multicultural internet site, as one of the Top 100 Small Businesses in Texas. Small businesses form the backbone of the American economy, which is the strongest in the world. They account for half of gross domestic product, more than half of American jobs, and three-fourths of new jobs created each year.

Madam Speaker, it is with great honor that I rise today to recognize Nortex Modular Space and celebrate its 10-year anniversary. This excellent company has served North Texans for 10 good years, and I am certain they will continue their good work for many more years to come.

HONORING THE RETIREMENT OF MASTER CHIEF JOHN E. DOWNEY, UNITED STATES COAST GUARD

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2008

Mr. OBERSTAR. Madam Speaker, it gives me great pleasure to rise today to honor a truly great member of the U.S. Coast Guard—Master Chief John E. "Jack" Downey—who was throughout his 41 years of service "always ready for the call."

Master Chief Downey enlisted in the Coast Guard at age 19 from his hometown of Narragansett, Rhode Island, in 1966 and will retire at Station Point Judith in Narragansett on the 20th of this month, having served continuously in the Coast Guard in reserve and active duty status for almost 42 years. Master Chief Downey is retiring as Command Master Chief of Coast Guard District One (Boston, Massachusetts)—one of the nine Command Master Chiefs in the Coast Guard. He has served in this position since September of 2006.

Seaman Recruit Jack Downey reported to the Coast Guard Training Center, Cape May, New Jersey, on November 11, 1966, and completed basic training in February 1967. Seaman Apprentice Downey reported to Coast Guard Cutter *Casco* (WHEC 370) on March 8, 1967, and was promoted to Seaman on November 1, 1967.

On December 15, 1967, Seaman Downey reported to Coast Guard Air Station Salem, Massachusetts where he was a rescue boat crewman for water take-offs and landings—in the days of amphibious fix-wing aircraft.

Seaman Downey transferred to Station Point Judith, Rhode Island, in March 1968, where he served on active duty until 1970, then 8½ years in reserve status, returning to active duty in 1979 and continuing his service at Pt. Judith until 1982. While stationed at Pt. Judith, Downey was promoted to Boatswain's Mate Third Class on January 16, 1969, to Boatswain's Mate Second Class on December 16, 1969, to Boatswain's Mate First Class on April 1, 1972, to Chief Boatswain's Mate on September 1, 1975 and to Senior Chief Boatswain's Mate April 1, 1980.

Senior Chief Downey returned to sea duty on the Coast Guard Cutter *Chase* (WHEC 718) on January 10, 1982.

In addition to service on the CGC *Casco* and CGC *Chase*, Boatswain's Mate Downey had many temporary assignments afloat on CGC *Seneca* (WMEC 906), CGC Reliance (WMEC 615), CGC *Neah Bay* (WTGB 105), CGC *Cape George* (WPB 95306) and CGC *Point Hannon* (WPB 82355). Many of these Temporary Assigned Duty assignments were necessitated by the Coast Guard's need to "fix" a leadership issue—a position Jack Downey found himself in on more than one occasion.

On February 21, 1984, Senior Chief Downey returned to shore duty at Group/Station Woods Hole, Massachusetts where he was Officer-In-Charge of the Station.

Senior Chief Downey took command, as Officer-In-Charge, of Coast Guard Cutter *Towline* (WYTL 65605), a 65-foot harbor tug/icebreaker, on June 15, 1987.

On November 1, 1988, Senior Chief Downey transferred to Coast Guard Station Chatham at the elbow of Cape Cod, Massachusetts, where he faced one of his most challenging assignments—dealing with an unforgiving and ever changing environment, and a community whose faith in the Coast Guard was at a low-ebb because of a failure of leadership. Senior Chief Downey, whose skills as a Boatswain's Mate are only exceeded by his skills in dealing with people, not only mastered the treacherous Chatham Bar, he won the loving respect of the community.

Senior Chief Downey's time in Chatham had both harrowing and amusing moments. In 1991 Station Chatham acquired a much-needed new surf capable rescue boat—the 28-foot

LeCompte (CG 280502). In October—shortly after the boat arrived, Cape Cod and New England were slammed by the "No Name" or "Halloween" Storm—later known as the "Perfect Storm." Downey and his crew secured the boat in the north "jog" of the Chatham Fish Pier in preparation for the onslaught of the storm. Little did they know just how ferocious the gale would be—as the storm intensified and the tide rose to record levels, boats broke loose from their moorings and debris piled up in the jog. One fishing vessel landed up against the *LeCompte*, prompting Downey to comment, "Well that's a $120,000 fender you've got there."

In May of 1993, at the Change-of-Command, hundreds came from all over Cape Cod to honor Jack Downey for his dedication and service to the maritime community, and to wish him well in his next assignment across Nantucket Sound at Coast Guard Station Brant Point on Nantucket Island, Massachusetts, where he took command, as Officer-In-Charge, on May 17, 1993.

On June 26, 1998, Senior Chief Downey returned "home" to as Officer-In-Charge of Coast Guard Station Point Judith, Rhode Island, and was promoted to Master Chief on September 1, 1998.

While Officer-In-Charge of Station Point Judith Master Chief Downey was called upon by the Group Commander to fill temporary commands concurrent with his responsibilities for his Station. On one occasion, when the Officer-In-Charge of CGC *Hammerhead* (WPB 87302) was not-fit-for-duty due to a leg fracture, Master Chief Downey assumed command of a brand new class of patrol boat with which he was completely unfamiliar, and on another he returned to Station Brant Point on Nantucket to lead the Station while the Officer-In-Charge was assigned to a joint service academy. On both the occasions answered the call—all the while ensuring that Station Point Judith ran smoothly and fulfilled all its responsibilities.

Master Chief Downey left Point Judith and in 2000, and on August 10th became the lead instructor for the Command and Operations School at the Leadership and Development Center located at the Coast Guard Academy in New London, Connecticut.

Master Chief Downey returned to sea duty on July 2, 2005 to take command, for a second time, as Officer-In-Charge, of Coast Guard Cutter *Hammerhead* (WPB 87302) an 87-foot Patrol Boat operating out of Group Woods Hole with responsibility for law enforcement, fisheries patrols, search and rescue, environmental protection and port, waterways and coastal security.

On August 28, 2006, Master Chief Downey became the Command Master Chief, First Coast Guard District, Boston, Massachusetts—the senior enlisted advisor to Rear Admiral Timothy S. Sullivan, Commander, First Coast Guard District, on issues and initiatives pertaining to all Coast Guard members and their families within District One.

On June 20, 2008—after 41-years of continuous service in the United States Coast Guard—Master Chief John E. "Jack" Downey returns to Station Point Judith, Rhode Island where he will—with regret—retire.

Master Chief Downey has received many awards during his distinguished career. Having held the position of Officer-In-Charge of boat force units for more than 17 years of the more than 20 years he served in the boat forces community, he was the first recipient of the Joshua James Keeper Award—the "Ancient Keeper" award—that recognizes longevity in the Coast Guard boat force operations. This award is named in honor of Captain Joshua James—the most celebrated life-saver in U.S. history—who served in the Massachusetts Humane Society and the U.S. Life-Saving Service. James died at the age of 75 after drilling his crew during a northeast gale in March of 1902 shortly after the tragic loss of a life-saving crew off Monomoy Point in Chatham, Massachusetts.

Master Chief Downey's other Coast Guard awards include the Meritorious Service Award with a gold star and operational distinguishing device, the Coast Guard Commendation Medal with three gold stars and an operational distinguishing device, the Coast Guard Achievement Medal with operational distinguishing device, the Coast Guard Good Conduct Medal with silver star, and the Letter of Commendation with an operational distinguishing device. In addition to his Coast Guard awards, Master Chief Downey is the recipient of the prestigious NAVY League Douglas A. Monro Award that is "awarded for inspirational leadership . . . to the Coast Guard enlisted member who has demonstrated outstanding leadership and professional competence."

Madam Speaker, you may have noticed that Master Chief Downey has managed to spend most of his career in Coast Guard District One, and much of that in Group Woods Hole (now Sector Southeast New England). His tremendous local knowledge of the treacherous waters in this region added value to every one of his Coast Guard assignments—and he often called on this local knowledge to keep Group Commanders "out of trouble." Master Chief is a leadership "fixer"—the person you go to when there is a unit in trouble.

The communities where Master Chief Downey has served have recognized him with awards and proclamations too numerous to mention—they would cover several walls were he to display them—because Jack understands well the important roll the Coast Guard plays in the lives of New England towns. Local officials, townspeople and fellow mariners have recognized his great contribution and will miss his steadying hand.

In fact, a Group Commander once said that after Jack Downey retires, "the Coast Guard should hire him back, not to train Officers-In-Charge of small-boat stations, but rather to train Group Commanders."

Throughout the Coast Guard—and particularly in Southeast New England—there are Coast Guard men and women, Officers-In-Charge, who were mentored by Master Chief Downey. Many of them—along with many retired officers, including former District and Group Commanders, fellow boat-drivers and shipmates—will join the Vice-Commandant and the Atlantic Area Commander of the Coast Guard on June 20th to honor his long service and dedication to the Coast Guard.

John E. "Jack" Downey's service to the country, the United States Coast Guard and New England are best expressed in the words used by Superintendent Sumner Increase Kimball when he spoke of Joshua James—

> Here and there may be found men in all walks of life who neither wonder or care how much or how little the world thinks of them. They pursue life's pathway, doing their appointed tasks without ostentation, loving their work for the work's sake, content to live and do in the present rather than look for the uncertain rewards of the future. To them notoriety, distinction, or even fame, acts neither as a spur not a check to endeavor, yet they are really among the foremost of those who do the world's work.

Master Chief John E. "Jack" Downey is one of those men.

SENATE—*Wednesday, June 11, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, we thank You for the beautiful differences in the human family, for its varied shapes and sizes, its features and colors, its abilities and talents. Deliver us from the forces that would destroy our unity by eliminating our diversity.

Bless the Members of this body. Help them in their debates to distinguish between substance and semantics, between rhetoric and reality. Free them from personal and partisan preoccupations that would defeat their aspirations and deprive Americans of just and equitable solutions. May our lawmakers avoid the works of darkness and put on Your armor of light.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, there will be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each. The majority will control the first 30 minutes; the Republicans will control the second 30 minutes.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act. The first 4 hours of debate will be equally divided and controlled in 30-minute alternating blocks of time, with the majority controlling the first 30 minutes and Republicans controlling the next 30 minutes.

Upon conclusion of the controlled time, Senators will be permitted to speak for up to 10 minutes each.

As a reminder, yesterday, I filed cloture on the motion to proceed to S. 3101, the Medicare Improvements for Patients and Providers Act. That cloture vote will occur tomorrow morning.

HIGH COST OF ENERGY

Mr. REID. Mr. President, when President Bush took office, one of the airplanes flying us to the west coast, or to the Midwest, or to the southern part of the States from Washington, DC, the cost of a tank of fuel for that airplane was 15 percent of the overall cost of the airline. Today, after 7 years and 6 months of President Bush, it now costs those airline companies almost 50 percent of the total costs. So it has gone from 15 percent to almost 50 percent.

All over America, airlines are eliminating flights that are full. Why? Because those airplanes cost too much to run. Every airplane flying across America today is losing money—every commercial airline—because the cost of fuel is so high. Think about that. Eighty-five percent of the cost of an airline could be other things when President Bush took office; now it is 50 percent. Airlines are in deep trouble.

I repeat, airplanes taking off from Washington, DC, or other places in America, and are full, with every seat taken, those flights are being eliminated because that type of airplane uses too much fuel. They are doing everything they can to eliminate the need for extra fuel. They are hosing down airplanes to save a quart of fuel here and there.

Mr. President, it is a desperate situation that the American airline industry has. In addition, our airlines are having difficulty competing with the European airlines. They pay in euros; we pay in dollars. We pay approximately, let's say, $1.40 per gallon—we know that is wrong, but the mathematical calculation is the same—and Europe pays about 80 cents. We cannot compete.

Mr. President, when President Bush took office, a gallon of gasoline in a motor vehicle was less than $1.50. Now, this morning, it is announced that the average cost in America is over $4.05 a gallon. That is what has happened during the Bush administration.

The day before yesterday, I met with the National Association of Manufacturers. The biggest concern they have is the cost of energy. One relatively small American manufacturer who has been quite successful—totally American—said this year, so far he has to borrow or come up with another $6 million—he doesn't know where he is going to get it—just to take care of the problems attributed to rising energy cost.

In spite of all this, in spite of the problems we face in America today with gasoline, people are trying to take public transportation when they can, but in rural America there is very little public transportation. Vacations are being stopped. In spite of all this, yesterday, the Republicans stopped us from going forward on legislation that would ease some of the problems.

For example, in the matter we are talking about when morning business closes, we think it is time to look at the subsidies the oil companies get. During the past year, they made about $250 billion in profits—net profits. Yet we subsidize these oil companies. We believe that should be looked at closely.

We also believe we should look at a windfall profits tax. We also believe—and there is bipartisan support for this; Senator SPECTER talked about this, and Senator KOHL is our major mover on this issue on this side—OPEC scholars believe, and members of our Judiciary Committee believe they are violating the Sherman Antitrust Act. But there is a question as to whether they are subject to that. What these Senators and others want to do—and that is part of our legislation—is make them subject to the antitrust laws in this country. They make most of their money in America. Why shouldn't our laws apply? We were stopped from going forward to debate that issue.

There is a school of thought today that believes the problems with the cost of oil are based on speculation—pure speculation. If the Presiding Officer wanted to leave and buy a share of General Motors or Ford stock—and Kirk Kerkorian is buying about 1 billion dollars' worth of Ford stock today—if you want to buy stock in Ford or General Motors today, you would have to put up 50 cents, which is your margin, for every dollar you buy. But not with oil. Some margins with oil are 3 to 5 percent. There is a lot of speculation going on.

We wanted to take a look at that but, no, the Republicans said: We are not even going to let you legislate on that matter. It seems to me that is what we should do. If they don't like our proposal, let's do something they think would be appropriate. Let's legislate.

Mr. President, I think it is pretty clear we cannot produce our way out of the problems we have with energy. Take ANWR and all of the offshore, and we in America have about 3 percent of the oil in the world. So it is obvious we cannot do that. Can we do a better job in production? Of course we can. We do certain things, and we have done certain things, such as allowing more offshore drilling off the coast of Louisiana.

The answer to all of this is not drill, drill, drill. The answer is to do something to help save our world. Global warming is here because we have taken, for well more than a century, carbon out of the Earth and put it into the sky. It has caused our Earth to be sick. We have a fever. Global warming is here. So we not only have to face this issue and recognize we don't need more fossil fuel, we need alternative renewable energy. That is what we tried to move to yesterday. The Republicans would not let us.

We have entrepreneurs in America who want to invest money in renewable energy—the Sun, the wind, geothermal. They want to invest, and we want to be able to give them tax credits as incentives. But, no, not with this Republican minority, not with this Republican President. The answer is no, no, no to directly affecting energy costs and doing something to allow us to move to renewable energy.

If that weren't enough, yesterday, to show what is going on with the Republicans and to indicate to the American people why they keep losing these special elections—one in Illinois, one in Louisiana, and one in Mississippi—look what they are doing. Yesterday, the Judiciary Committee had a hearing on torture to find out why America—the United States of America—why we were torturing people who were being picked up for being suspected terrorists. All we wanted to do is hold a hearing. No. In the Senate, if you don't want a hearing to go forward, and we have been in session for more than 2 hours, you can stop it. So we had to recess the Senate to go ahead with the hearing anyway.

They do not even want us to do oversight. So we are going to come today and talk about the calamity facing America with the oil prices. The Presiding Officer and I just left a meeting of people concerned about food—food. Senator DORGAN from North Dakota indicated that the cost of fertilizer in the small, sparsely populated State of North Dakota, in 1 year, has gone from $400 million to $800 million. Those farmers are trying to figure out a way to pay for that. People all around that table were people concerned about food. The problem is energy costs.

Yet in the Senate, we are not allowed to debate that because Republicans want to maintain the status quo. The status quo will not be maintained much longer. We may have to put up with President Bush and his policies for 7 months, if he is not willing to work with us. We may have to put up with the obstructionism of the Republicans for another 7 months, but the day is going to change come November when the elections are held because we will no longer have the slim majority we have now, and we will be able to legislate for the American people.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

INCREASED ENERGY PRODUCTION

Mr. McCONNELL. Mr. President, yesterday, we heard, believe it or not, the Democratic nominee for President of the United States suggesting that rising gas prices aren't the problem. I will say that again. Yesterday, the Democratic nominee for President of the United States said rising gas prices are not the problem. The problem, he suggested, is that they have gone up too fast. He said he would prefer a gradual adjustment. The Democratic nominee for President said the problem is not that gas prices are too high, it is that they have gone up too fast. He would have preferred a gradual adjustment.

Now, the position outlined by the Democratic nominee should not be a surprise to most Americans, given that Washington Democrats have repeatedly refused to allow increased energy production at home even though, as we all know, increased supply leads to lower prices. It is as if they are doing everything in their power to keep gas prices from going down. In fact, the Republicans in the Senate offered a proposal a few weeks ago, which would have dealt with the inadequate amount of domestic supply, and we were blocked by the majority. They simply refused to have a debate on the possibility of opening domestic supplies.

Whether it is shutting down domestic exploration in large areas, both onshore and offshore, or instituting a moratorium on oil shale development, which this new Washington Democratic majority in Congress did, increasing the gas tax or refusing to pursue coal to liquid, Democrats long ago implemented a gradual adjustment, as the Democratic nominee for President suggested yesterday, a gradual adjustment on gas prices that is reflected today in the $4.05 Americans are paying for a gallon of gas. Kentucky families do not need a gradual adjustment to their pocketbooks. They need a solution for their pain at the pump.

We have seen a lot of recent converts over the last few months suddenly advocating for lower gas prices, but their long-time advocacy for limiting domestic supply and increasing the gas tax has brought us to where we are today. Recycling the same failed ideas from the 1970s and increasing our reliance on Middle Eastern oil only makes the problem worse. I wish to be perfectly clear, at a time of record gas prices, we do not need to tax them even higher or make American consumers be even more reliant on Middle Eastern oil.

The American people want us to address high gas prices, and we should do so the only way that will have a lasting impact: by increasing domestic supply in an environmentally responsible way and increasing American jobs in the process.

When our friends on the other side agree to do the same, we will believe they are serious about lowering gas prices. Until then, we will be left to conclude that all they support is a gradual adjustment advocated yesterday by their nominee.

What we have had is a situation where one side does not want to do anything to address the supply problem and suggest things that will only make gas prices higher. The other side has said: We are willing to do a balanced energy approach. Last year, we joined with the majority to increase the corporate average fuel economy for automobiles. That is an important step in the right direction on the conservation side. We are anxious to see us move as rapidly as possible to the kinds of automobiles that are more efficient and less reliant on gasoline.

But it is absurd, it is nonsense to suggest that you can rule out of bounds, for example, roughly 85 percent of the Outer Continental Shelf, even when we have States that want to go offshore. Take Virginia. Last year, Virginia, represented by one Democratic Senator and one Republican Senator, wanted to open their Outer Continental Shelf. The Senate would not give them permission to do it. Why in the world would we want to deny a State which is willing to explore offshore the opportunity to do it, particularly in a time when gasoline prices are so high?

We welcome this debate. It is a most important issue in the country today. Republicans are comforted by the fact that a growing number of opinion polls in the country indicate that a greater percentage of Americans get it. One of the most interesting surveys is the one by the respected independent polling organization Gallup a little over a week ago that indicated, on the issue of going into wilderness areas in a limited way and the Outer Continental Shelf where States are willing to do it, the American public now favored that 57 to 41. That is a total change from a year ago when the numbers were roughly equal.

The American people understand this is a problem we can do something about ourselves. We are the No. 3 oil producer in the world. The Saudis are No. 1. The Russians are No. 2. They do not think it makes sense for us to continue to beg foreigners, particularly those with unstable regimes, to solve this problem for us when we could take it in our own hands and, in an environmentally sensitive way, dramatically increase our production at home.

So this is a great debate about the most important issue in the country, and Republicans are certainly anxious to engage in this debate. We will be discussing this issue all day today and, in all likelihood, every day for the foreseeable future.

UNANIMOUS-CONSENT REQUEST—S. 3098

Mr. President, on another matter—and I have alerted my friend, the majority leader, because I think he may well wish to object—I wish to shortly propound a consent request. Let me say the consent request I will be asking for will basically, if agreed to, allow the callup of the bill S. 3098, which is the McConnell-Kyl-Grassley bill, which includes a 1-year AMT patch which was omitted in the House bill that the Senate did not agree to go forward with yesterday and extends the provisions that expired in 2007 for 2 years. This is a 1-year longer extension than was in the House bill we voted on yesterday.

S. 3098 does not include any tax hikes, reflecting the position of 41 Senators taken in a letter to Senator BAUCUS on April 23 of this year. However, the Republican alternative also includes the Ensign-Cantwell energy tax incentives which was approved by the Senate by a vote of 88 to 8.

In addition, S. 3098 does not contain the New York City earmark which was in the bill yesterday, the tax break for trial lawyers which was in the bill yesterday or the Davis-Bacon expansion which was in the bill yesterday. Any or all of those, of course, would draw a veto from the President and would make it impossible for us to get this extender package into law.

On balance, this is a bill that could pass the Senate and be signed by the President. I would hope we would pass it as soon as possible.

Having explained what is in the measure, I now ask unanimous consent that the pending motion be temporarily set aside and that I be recognized in order to move to proceed to S. 3098, the Alternative Minimum Tax and Extenders Tax Relief Act, and to file cloture on that motion. I further ask that if the motion to proceed to S. 3098 is adopted, no other pending business be displaced, with the vote occurring today after morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader.

Mr. REID. Mr. President, people who are listening to and watching this discussion must go back and understand George Orwell set forth a principle in his book "1984" that has become known as Orwellian. What that means is what the person is saying, they mean the direct opposite.

This is so hard to respond to in a calm, deliberative manner. We want to legislate. The proposal the distinguished Republican leader suggested is an amendment we might find a way to approach, but shouldn't we get on the bill? I don't understand this. I don't understand this. They talk about the way to solve the problems of energy in America is to keep drilling, and now they are talking about drilling in wilderness areas—pristine areas in which they want to start drilling.

We have 3 percent of the oil in the world, counting everything—ANWR, all those other things. We cannot produce our way out of the problems we have. Sixty-five percent of the oil we use we import. So it seems logical to everyone the thing we should do is stop importing oil. We can produce a little more, and we should do that, but the way to get out of this problem is to move to alternative energy.

In this debate, with these gas prices as high as they have ever been in the history of America, more than $4.05 a gallon, where is George Bush, the President? Why isn't he talking about this? Why isn't he talking about this? He hasn't talked about it for the last 2 months. Where is JOHN MCCAIN? Does he favor, as obviously he does, the obstructionism of the Republicans in the Senate to allow us to go forward and debate gas prices? That is what we want to do.

I made very clear what is in our bill. There is nothing so difficult to understand. We believe the cost of oil is driven up by these margins that are out of whack. We want to legislate and say let's take a look at that. We believe the OPEC nations are being unfair to America. Shouldn't we be able to take a look at that? We believe there are windfall profits that should be directed back to the American people. We believe the subsidies to major oil companies should be taken away, and we believe we should be able to do something about alternative energy.

Each step of the way, the Republicans have blocked us from doing that. I don't understand why we can't go forward and legislate such as this body has done for more than 230 years. Senator STABENOW was here yesterday—now we put Velcro on the numbers because they change. Everything we do we have to go around the obstructions put up by the Republicans. Now the chart has 75 filibusters. We have Velcro, and we can add numbers to it. But remember, these acts of obstructionism by the Republicans are significant, and they are stopping us from doing the American people's business.

I hope we can move into a time where we can legislate. We are going to talk about gas prices today, and the American people, while we are talking about gas prices, are filling their tanks at these outrageous prices, with the Republicans not letting us move to this legislation. In the meantime, George Bush, the President, and JOHN MCCAIN, the nominee, are being silent as to what should happen.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, the problem, I say to my good friend, the majority leader, is he wants to dictate the terms of the debate in the Senate, as if we were in the House. What he has done repeatedly, of course, is filed needless cloture motions and then filled the tree. All this parliamentary gobbledygook, I guess, is confusing to the American public. But the Senate has historically been a freewheeling place, where both sides had to cast difficult votes.

I remember when my party was in the majority. Senator Lott and Senator Frist used to say to all of us: The price of being in the majority is you have to cast a significant number of bad votes in order to get a bill through. My good friend, the Democratic leader, has decided he wants to protect his Members from having to cast votes they don't like. So what he does, through a parliamentary procedure that is permissible in the Senate, is make it impossible for the minority to offer amendments that they want and, of course, the minority's reaction to that is to not let a bill without any of their imprint succeed.

With regard to the substantive issue that is before us, the Los Angeles Times, certainly not anywhere near a conservative newspaper, in criticizing both sides on the gas price issue, this morning had this to say about the proposals my good friend and most in his party are advocating—windfall profits tax and the effort to sue OPEC. This is what the L.A. Times had to say this morning:

> Exhibit A in the case against congressional Democrats as wise stewards of the energy economy is which failed to advance Tuesday after it got too few votes to head off a filibuster. It would have imposed a windfall-profits tax on oil companies and allowed the U.S. attorney general to sue OPEC on antitrust grounds, among other things.

They are describing the central provisions of the bill we decided not to go forward with yesterday. And this is what they had to say about those two proposals:

> Trying to find an economist who thinks a windfall profits tax is a good idea is like searching for a climatologist who thinks global warming is caused by trees.

This is one of the most liberal editorial pages in America. Let me say it again. This is what they said about the windfall profits tax:

> Trying to find an economist who thinks a windfall profits tax is a good idea is like searching for a climatologist who thinks global warming is caused by trees. Such a tax unfairly targets the oil industry, which is already amply taxed and whose profits aren't far out of line with other U.S. industries when considered as a percentage of sales. It also would discourage oil companies from investing in new supply, which is precisely what happened when Congress imposed a similar tax in 1980. The result might be even higher oil prices.

We have been there and we have done this. We know what happens.

> That's nothing compared with the lunacy of taking the Organization of the Petroleum Exporting Countries to court, though. That would invite retaliation by OPEC members, which could seize the assets of U.S. companies doing business overseas. More likely, there would be a subtler response, such as production slowdowns that would cause oil prices to skyrocket.

One of the most liberal editorial pages in America about what my good friend the majority leader is suggesting is somehow, some way, the solution to higher oil prices at the pump.

This is a debate we welcome. We intend to participate vigorously today. There is no way—I repeat, no way—to get a handle on this issue without taking greater advantage of the oil production we have within our shores that we can explore for and develop in environmentally sensitive ways. I think it is noteworthy, for example, that there was not a single reported example of spillage in the gulf during the Katrina hurricane. I mean, that had to be, quite possibly, the most devastating hurricane to ever hit the United States of America. I am unaware of a single reported example of any spillage in the offshore drilling that is going on in the gulf.

We know how to do this, Mr. President. We know how to exploit our resources in an environmentally sensitive way. So I welcome the debate. We are happy to be on the subject, and many of my Members, of course, will be looking forward to discussing it during the course of the day.

I yield the floor.

Mr. REID. Mr. President, first of all, my friend's statement about the L.A. Times is as Orwellian as his statement about wanting to cast votes. Understand, everybody, that he means just the opposite. They do not want to cast any votes, so that is why they are preventing us from debating this legislation. He said we are making it impossible. That is Orwellian. They are the ones stopping us from debating.

I would suggest to my friend that the L.A. Times is not some liberal newspaper. It has been purchased by one of the most conservative men in America today. He owns a chain of newspapers. He announced yesterday he is going to cut the news of the L.A. Times by 50 percent because the newspaper is going broke. So it is not a liberal editorial page.

But assuming that we understand the Orwellian-speak from the Republican side, let me read a little more from the same editorial he talked about.

> Republicans are just as short of good ideas. Their big strategy on oil is to open up the Arctic National Wildlife Refuge to drilling. A recent report by the Energy Information Agency showed that there is anywhere between 5.7 billion and 16 billion barrels of "recoverable" oil in the refuge. Depending on where the actual number falls in that range, it could eventually reduce the price of oil by between 41 cents and $1.44 a barrel. Given that oil is trading at about $135 a barrel, that's not much—and the price reduction wouldn't occur until 2026. In fact, it would take at least a decade to extract a drop from the refuge even if drilling were approved tomorrow. The land is more valuable as a pristine home for threatened species.

So, Mr. President, again, everything we have heard this morning, as I have indicated, everything we have heard from the minority is just the opposite factually.

Mr. McCONNELL. Mr. President, of course the editorial was critical of both sides, which illustrates the point. In order to function in the Senate, the majority leader is not going to be allowed to say: Oh, I will allow you amendments, but I get to pick them. Every time we have had a serious issue come before the Senate, the best offer we have had in recent months has been: Oh, sure, we will have amendments, but I want to see them first and there are going to be a limited number. I can't think of much major legislation that has been able to go forward that way unless it enjoys overwhelming support on both sides of the aisle—for example, the supplemental to provide funding for our troops in Iraq and Afghanistan, where we have such broad support that there is widespread cooperation going forward. Normally, the way the Senate legislates is to let the Senate legislate.

I mean, my goodness, I mentioned this last week, and I will mention it again. The last sort of major, huge piece of legislation related to the environment was the Clean Air Act Amendments of 1990. We had 180 amendments in the Senate, and it was a 5-week debate. It was a big, major, significant proposal in which both sides participated. It was a time in which Senator Mitchell was the Democratic leader and there was a Republican named Bush in the White House. That is the way we used to do business around here on major environmental legislation.

And I would say to my good friend that I understand the demands he has within his conference to protect his members from bad votes and the great desire to try to shut down the minority, but it just doesn't work that way in the Senate. And I think we ought to, on these big issues where there is a broad difference of opinion, go to these bills in a freewheeling and open way and explain to Members on both sides—I will explain to mine and he can explain to his—that the price for moving legislation in the Senate is that once in a while you have to cast a vote on something you wish you didn't. That is the price for doing major important legislation. I wish we could get back to that. It is obviously not going to happen today.

I yield the floor.

Mr. REID. Mr. President, remember the Orwellian-speak from the other side. Everything that my friend has said, just the opposite is factual. We would love to take votes. They won't let us take votes. As with global warming, we offered two amendments, three amendments, six amendments, germane, relevant. We tried every possible procedure, and they said: No, you can't do that.

Mr. President, that is how we feel about this legislation. We believe and we have acknowledged that our legislation is not perfect, but it is good legislation. If we could get to it, we believe it would allow for debate on how to lower gas prices in the short term and, with the alternative renewable energy, that it would allow us to look down the road and do something that is very significant for the long term. But they won't let us legislate on anything. For them to come and say: We don't want to take tough votes, well, we will take tough votes, easy votes, medium votes, anything. They won't let us. That is why we have 75 filibusters, and the number keeps going up

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

AWARDING OF DEFENSE CONTRACTS

Mrs. MURRAY. Mr. President, last week the Defense Secretary took historic action by forcing out both the Air

Force Secretary, Michael Wynne, and its Chief of Staff, Michael Moseley. It was the first time ever that a Defense Secretary has simultaneously dismissed a service secretary and a service chief, and he did so after finding systemic problems in the Air Force that led him to have a serious lack of confidence in their leadership and oversight.

I have come to the floor today because Secretary Gates's move raises red flags about many of the Air Force's recent actions, including the decision to award a $35 billion contract to build the next generation of aerial refueling tankers to the European company Airbus instead of Boeing. This is one of the largest contracts in history, and it is critically important. Our tankers refuel planes and aircraft from every single branch of our military. As long as we control the technology to build them, we control our skies and we control our own security. So I was astounded when the Air Force announced in February that it would award this contract to Airbus, and here is why.

Airbus and its parent company, European Aeronautic Defense and Space, or EADS, have made no secret of their desire to dismantle the U.S. aerospace industry, and we have seen time and again that Europe is willing to try anything in order to do that. EADS is so flooded with subsidies from the European Union that we, the United States, have accused the EU of illegal business practices before the World Trade Organization. EADS has lied repeatedly about its contribution to the U.S. economy, and EADS has given us more than one reason to question how hard it will work to protect our security interests.

Given this history, I have asked repeatedly over the last 3 months that Air Force leaders explain how they came to their decision. After all, the Air Force is well aware of these concerns, and I believe the American taxpayers deserve answers. But I have been stonewalled again and again. As the Pentagon moves to restore its leadership in the Air Force, I hope we will finally get some answers.

Let me begin today by talking about the unfair trade practices that led the United States to challenge Europe at the World Trade Organization.

Back in 1970, several European governments created Airbus to challenge our country's aerospace dominance. But unlike Boeing, which is a private business operating in a free-market system, Airbus followed the corporate welfare model. Europe views Airbus as a jobs program, and it is willing to provide subsidies no matter what, even if they lose money and even if their products fail. That means Airbus can grow without having to assume the same kind of risk American companies do.

The U.S. Trade Representative is so concerned that this has created an uneven playing field that we have demanded that Europe stop the subsidies and play by the rules. As I said earlier, because of Europe's illegal tactics, our Government now has a WTO case pending against the EU. So I think it would make absolutely no sense that we would on the one hand haul Airbus before an international dispute settlement organization while on the other hand award it one of the largest defense contracts in history, a contract that will make it a major U.S. defense supplier for decades and further erode the American aerospace industry. It is as if you caught a thief in the act of stealing your car, but instead of turning him in, you hand him the keys and you give him your wallet too.

It is not just a matter of one government branch contradicting another. It was that illegal system that allowed Airbus to develop the A330. Airbus's tanker received millions of dollars in launch aid, which significantly reduced its production costs. Europe is now unfairly using that break to get into our defense industry. The result could be significant permanent harm to our aerospace industry.

Boeing spent decades developing the technology and training the workforce to supply our military tankers. Boeing has made American refueling tankers now for more than 50 years. Our workers have made them with pride because they know they help to fortify our military strength. But with this Air Force decision, we are letting all of that slip away. Once our workers move on to something else, we just can't recreate this industry overnight. So I think we, as a Congress and as a nation, need to think long and hard about whether that is the best decision for our national security.

But it isn't just Europe's record of subsidizing EADS that I am concerned about. EADS and Airbus also have a long history of creating slick marketing campaigns that distort their contribution to our economy. So I want to turn to that next because I fear EADS is being less than honest about its plans to create jobs with this tanker contract.

Five years ago, when Airbus was first working to unravel Boeing's tanker contract, Airbus and EADS hired a small army of PR specialists to assert to us that their business was good for America.

As you can imagine, I was skeptical so I asked the Commerce Department to investigate their claims, and guess what they found. They found that Airbus's numbers were hugely inflated. Airbus claimed it had created 100,000 American jobs, but after looking into it the Commerce Department found the real number was 500. Airbus said it contracted with 800 U.S. firms. The Commerce Department found it was 250.

Then Airbus did something funny—it decreased the number of contracts it said it made from 800 down to 300, and then it increased the alleged value of those contracts from $5 billion to $6 billion a year.

As I said at the time, you cannot trust Airbus's funny numbers. The same is true today. When you scrutinize the facts, Airbus's numbers do not hold up. This time, Airbus says it will finish these tankers here in the United States at a factory in Alabama. But there is no plant in Alabama. It has not been built and there are no workers yet hired.

Economists are now saying we are actually going to lose jobs if Airbus supplies our tankers. A study last week by the nonpartisan Economic Policy Institute shows that Boeing would create at least twice as many American jobs as Airbus. In other words, we stand to lose as many as 14,000 jobs here in the United States with this Air Force contract to Airbus. I cannot think of a worse time for our Nation to have this decision. Last month our country saw the biggest increase in unemployment in more than two decades, and that was on top of the mortgage and credit crisis and the skyrocketing gas prices we have been hearing about this morning.

The Air Force said it did not have to consider jobs when it considered Airbus's bid, so it has not even tried to justify that decision. But I believe that as Members of Congress who represent the American people, we have a responsibility to look long and hard at whether this contract is in the best interests of America, its workers, and its economy—especially at a time when our families are struggling to get by.

Finally, I have some very serious concerns about giving a company owned by foreign governments control over our military technology. Airbus and EADS have given us plenty of reason to worry about how hard they might work to protect our security interests. Let me give a couple of examples. In 2005, EADS was caught trying to sell military helicopters to Iran. Despite our concern about Iran's support of terrorists in Iraq and despite their efforts to develop nuclear weapons, they were caught trying to sell military helicopters to Iran. In 2006, EADS tried to sell C–295 and CN–235 transport and patrol planes to Venezuela. That is a circumvention of United States law.

As with the other questions I have raised today, I have repeatedly asked the Air Force whether we, the United States, can trust a foreign company to keep our military's best interests in mind, particularly one that has a history of trying to sell weapons of military technology to unfriendly countries.

Mr. President, I ask for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mrs. MURRAY. Mr. President, I have not received answers to those questions either. This is a critically important matter. What happens if France or Russia—which, by the way, is pushing to increase its stake in EADS—want to slow down our military capacity because they do not like our policies? Do we want another country to have that kind of control for decades to come—especially given the concerns the Defense Secretary has now raised about decisionmaking and leadership at the Air Force? I think we have to push for an explanation before we move forward on this contract.

I have detailed this morning three very serious concerns about Airbus and EADS. The facts are clear. When it comes to international trade, EADS doesn't play fair. It has repeatedly lied about its impact on our economy and it has more than once given us reason to worry about how hard it will work to protect our security interests.

The bidding process for the tanker contract was so flawed that Boeing filed its first ever protest of a defense contract decision with the GAO, and we are waiting for that decision. But we need to remember the GAO can only look at whether the Air Force followed the procurement laws and regulations. It cannot answer whether the Air Force should have awarded that contract in the first place. We, Congress, have to ask those questions.

I have raised those questions in hearings, in letters to Pentagon officials, and in face-to-face meetings, yet no one at the Air Force or the Pentagon or the White House has begun to justify why we should award a $35 billion contract to supply the linchpin of our military strength to a company that another branch of our Government has accused of illegal business practices, one that distorts its records, and does not have our national security interests at heart.

As I said at the beginning of my remarks, the Defense Secretary has raised serious questions about the leadership and oversight at the Air Force. Given those concerns, we here in the Senate and the Congress must examine this contract carefully, demand the Air Force explain its decision, and consider whether it is in our Nation's best interests to move forward on this contract. We owe it to our taxpayers. We owe it to our servicemembers. I hope with new leadership and oversight at Air Force, we will get those answers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

GAS PRICES

Mr. PRYOR. Mr. President, I wish to follow up on something the two leaders were talking about a few minutes ago, and that is gas prices are a very serious issue in this country, certainly in my State. Everywhere I go in Arkansas, people ask me about it. I encourage all of our colleagues, Democrats and Republicans, House and Senate, let's all work together and try to do something. Certainly it is going to take a Herculean effort to get President Bush to change his policy on gas prices, but I hope we could all work together, find some consensus, and move forward on some meaningful legislation to try to bring relief to people today on gas prices.

HONORING COACH JOHN McDONNELL

Mr. PRYOR. Mr. President, I come to the floor today to talk about a great Arkansan, a fellow—I am holding his picture up here—whom most Americans do not recognize. Pretty much everybody in Arkansas knows him. He is a household name in our State.

It is with great pleasure I rise today to honor the career of a great Arkansan, a track and field icon, known not just in Arkansas but around the world. Following the NCAA Outdoor Track and Field Championships this week, Coach John McDonnell will retire after 36 years at The University of Arkansas.

Walking past the trophy cases lining Bud Walton Arena at the University of Arkansas, you will note the Razorback track team has been a winner over and over again under the leadership of Coach John McDonnell. He has accumulated more National Championships than any other coach in the history of college athletics. But his commitment to track and the UofA goes beyond the finish line. His athletes will tell you that Coach McDonnell motivated them and set high standards on and off the track. He taught them about integrity, character and teamwork—traits they continue to apply in their career and lives today.

Dr. B. Alan Sugg, president of the University of Arkansas system, said it best when he described Coach McDonnell as "a world-class coach because he is a world-class leader."

He started his track career at Southwestern Louisiana, now Louisiana-Lafayette, where he was a six-time All-American in cross country and track. He also was the 1966–67 AAU 3,000-meter champion, and he won the mile at the 1966 British Selection Games.

He began helping other athletes achieve their own success as a coach for 2 years at New Providence, NJ and at Lafayette, LA before embarking on a dedicated and determined career coaching the Razorbacks. He accepted the job at Arkansas over a similar offer from Oklahoma, he says, because the terrain of northwest Arkansas reminded him of his home in Ireland.

I am going to hold up a sign here. When you drive into Fayetteville, you see this sign. It says, "Welcome to Fayetteville, Track Capital of the World; 42 NCAA Track and Field Championships." You will notice this "42" is like a little flip chart because we won so many times. I think after maybe 25 or so, the highway department said we can't keep replacing this sign every time he wins a title, so now all they do is change that number out. Let me tell you, it changes frequently.

His record of wins as a coach is remarkable. He has won 42 NCAA National Championships since 1984: 11 in cross country, 19 indoor track championships, and 12 outdoor track championships. This includes 12 consecutive NCAA indoor track championships from 1984–1995. During this streak he won the triple crown five times including three in a row from 1991–1994.

He has been relentless in his pursuit of conference championships as well, winning 84 conference championships since 1974 including 38 in the old Southwest Conference and 46 in the Southeastern Conference. Did I mention 20 conference triple crowns since 1982, including 8 straight between 1987–1995?

Alberto Salazar, a Nike executive and world-class marathoner said "John McDonnell has been the most successful and the best coach in the United States from the 1980s on." He goes on to say, "his teams have continued to get better and better . . . he has set the standard for all other coaches to follow."

While being a winning coach he also focused on development of his student-athletes, coaching 185 track All-Americans who combined have earned 652 All-America honors. He has coached 23 Olympians, spanning three decades and six different Olympic Games. Mike Conley won a gold medal in Barcelona and a silver medal in Los Angeles, Matt Hemingway earned silver in Athens, and Calvin Davis a bronze in Atlanta.

Seven-time NCAA champion and Olympian Alistair Cragg said:

> I am his creation . . . I came in here out of shape and had quit running. He's got that hand on your shoulder that you know you can't mess up, but if you do that you're not going to mess up on your own. You can go into any race or competition with a lot of confidence. When he says you're ready, you're ready. It's a reassurance.

Moreover, Coach McDonnell produced 55 individual national champions. His athletes hold 22 records, including Daniel Lincoln who holds the Outdoor American record for the 3,000M Steeplechase and Tyson Gay who holds the 200M record at the Outdoor World Championships.

Coach McDonnell will continue to inspire student-athletes and coaches alike. A physical legacy has been established by the new state of the art "John McDonnell Field"—a new 10,000 seat outdoor venue which opened in 2006 at the University of Arkansas. Accompanying that is the Randal Tyson Track Center, a world-class indoor facility that opened in 2001.

"John built this program," says Mike Conley, a five-time NCAA champion at Arkansas and the 1992 gold medal winner in the Olympic triple jump.

> When he recruited me and the others who eventually won the school's first national Triple Crown, there weren't any facilities to speak of. We came because we believed in him and what he thought he could do at Arkansas. The facilities came later because of his success.

With much humility and a sense of humor, Coach McDonnell has been named National Coach of the Year 12 times in indoor track, 11 times in outdoor track and 7 times in cross country.

That is a total of 30 National Coach of the Year honors. I do not want to forget about the 50 times he has been named Conference Coach of the Year, and the 62 times he was awarded Region Coach. The most recent award was winning the 2008 SEC Coach of the Year for outdoor track.

It goes without saying Coach McDonnell has been inducted into the U.S. Track & Field and Cross Country Coaches Hall of Fame, the University of Arkansas Sports Hall of Honor, the Arkansas Sports Hall of Fame, the University of Southwestern Louisiana Sports Hall of Fame, and the Mayo Hall of Fame.

Coaches and teachers live within our hearts and our minds for years. We remember their drills, their training and their sayings and only later realize the full impact they have had on our lives. Coach McDonnell is one of those coaches.

I ask my colleagues to join me today in thanking and recognizing Coach John McDonnell on his outstanding career and his positive influence for so many Razorback athletes.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Montana.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT

Mr. BAUCUS. Mr. President, today I rise to urge passage of S. 3101, the Medicare Improvements for Patients and Providers Act.

This is the right bill for America's seniors and the health care providers who treat them. It is a balanced bill, and it enjoys strong bipartisan support.

It hasn't been easy to get to this point. I have engaged in earnest negotiations with Senator GRASSLEY, Minority Leader MCCONNELL, and the administration to reach a compromise on this bill.

After several weeks of talks, it became clear that we would not be able to reach agreement on a bill that is fair to both rural and urban areas, and that balances the need to help America's seniors with the need to address the pending payment cut for Medicare providers.

So I have worked with Democrats and willing Republicans to craft this legislation, the right legislation, and I urge all Senators to enthusiastically support it.

There is urgency in this call for support. We must act now to block the cuts that Medicare's doctors will face on July 1.

This legislation gives doctors a decent, measured increase in reimbursement that doesn't explode costs or excessively raise premiums.

It includes provisions to improve the quality of care that is provided and, as is so urgently needed, increases access to primary care.

It will also save lives and reduce costs by requiring doctors to use e-prescribing by 2011 whenever they give Medicare patients prescriptions.

But the legislation goes further. It also takes care of America's seniors.

First, it expands access to preventive services. Preventive care can identify health problems before they become health catastrophes.

To help beneficiaries identify medical conditions and risk factors early, this bill allows new preventive services to be added to the program, so long as they are recommended by the U.S. Preventive Services Task Force and are approved through regular regulatory channels.

Second, the bill finally gets rid of the discriminatory copayment rates for seniors with mental illnesses.

Many older Americans experience depression and other mental health problems, but Medicare currently requires a much higher copayment for mental health services.

That copayment is 50 percent, compared to the 20 percent required for physical health care services.

This legislation lowers copayments for seniors' mental health services until they match other copays, making sure that seniors can afford the screening and treatment they need.

The bill also expands the drug benefit's coverage to include benzodiazepines and barbiturates used for epilepsy and mental health treatment.

Third, for low-income seniors this act expands programs that help with their out-of-pocket costs. Medicare pays many health costs for seniors, but some low-income beneficiaries need extra help to afford even basic care.

And although subsidies are available through the Medicare Savings Programs, or MSPs, beneficiaries must prove their assets are low enough to qualify.

The assets test for these programs has not been raised since 1989—even though the cost of living, and certainly the cost of medical care, have increased astronomically since then.

The bill takes an important step to improve access for these beneficiaries by increasing the level of savings that MSP applicants may have and still qualify for help.

We also discount the value of life insurance policies and financial help from churches or family members from counting against a senior's eligibility for assistance.

Fourth, this bill protects seniors from unscrupulous marketing practices by private health plans.

Countless reports have surfaced about aggressive, fraudulent and even abusive sales and marketing practices used by Medicare Advantage plans, the private plan option in Medicare.

This legislation builds on the CMS-proposed rule to ban abusive marketing of Medicare Advantage and other plans once and for all. Marketing abuses are extensive. This legislation stops that.

The Medicare Improvements for Patients and Providers Act takes important steps to shore up our health care system in rural areas.

It ensures that hospitals in these areas get the resources they need to keep their doors open, and expands access to tele-health services.

It also includes important relief for ambulance providers and physicians serving rural areas.

Pharmacy payments are another area where the legislation makes important improvements.

Pharmacies are an integral part of the health care infrastructure in America.

Prescription drugs play a huge role in medical treatment, and many people see their pharmacists more regularly than their physicians.

Pharmacists are also vital to the ongoing success of the Part D prescription drug benefit.

Changes in this bill, including fairer and more timely payments to those who dispense drugs to our nation's senior citizens, can make the benefit work better for pharmacists, and thereby for seniors.

Furthermore, this act would save valuable Medicare dollars by providing one, fully bundled payment for all end-stage renal disease-related services.

This will improve the quality of care these vulnerable beneficiaries receive by balancing incentives and instituting a rigorous quality improvement program.

And, for the first time, dialysis facilities will receive a permanent, market-based update to their payments each year, to make sure that Medicare payments keep up with their costs.

One of the questions I am asked most about is how this bill would address Medicare Advantage payments.

Federal spending for private Medicare Advantage, MA, benefit plans, including health maintenance organizations, preferred provider organizations, and private fee-for-service plans, has grown rapidly since Congress increased payments for MA in the Medicare Modernization Act of 2003.

CBO tells us that the Federal Government will pay these private plans $74 billion in 2008, at a rate 13 percent higher than traditional Medicare fee-for-service providers receive.

In sum, every Medicare beneficiary in the country, regardless of whether they are enrolled in an MA plan or remain in traditional fee for service, will pay $2 extra per month to subsidize these extra payment rates.

Private fee-for-service plans, in particular, get a special deal that costs taxpayers and beneficiaries alike.

The law doesn't require these plans to sign contracts with hospitals or doctors, rather, providers are "deemed" part of the network. And plans can pay these providers 100 percent of traditional fee-for-service rates even as they receive 117 percent of that rate in reimbursement from Medicare.

They are also exempt from reporting quality measures that all other plans must report. In other words, they have a good deal. Too good of a deal.

Another, and just as obvious, example of how Medicare pays these plans too much is the double payment for indirect medical education, IME. So-called IME payments are intended to defray the higher patient care costs at facilities with graduate medical education programs.

But these payments are made twice: once to the facility itself, and again to Medicare Advantage plans, with no requirement that plans pass the IME funding along to teaching hospitals.

This bill will save taxpayers $13 billion over 5 years by requiring private-fee-for-service plans to form provider networks and eliminating the double payment for IME to MA plans.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. I ask unanimous consent to speak for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. It will also require private fee-for-service plans to report on quality measures like other plans are required to do.

Some in the Senate, and many in the Bush administration, oppose any reforms to private fee-for-service plans.

They oppose protecting beneficiaries from private plans' unscrupulous marketing practices.

Just as regretfully, they oppose expanding access that poor seniors have to assistance with their out-of-pocket costs, and to evidence-based preventive services.

So now we in the Congress have a choice. We can protect private health insurance plans. We can leave low-income beneficiaries behind.

We can neglect our obligations to ensure that the Medicare program works for all seniors or we can do the right thing.

We can pass meaningful, bipartisan Medicare legislation that, yes, blocks the cuts to physician payments, which is absolutely crucial, but which does so much more, that brings much-needed relief to rural areas, improves quality, and cuts costs in the appropriate places.

That is what we ought to do. That is what America's seniors deserve.

I urge my colleagues to support passage of this balanced legislation.

Mr. BAUCUS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Missouri is recognized.

ENERGY

Mr. BOND. Mr. President, as I have said before on this floor, I think it is time for us to get real about energy. It is time for us to get real about lowering gas prices.

The American people, as we all know if we have listened to our folks when we go back home, are suffering from record-high prices of gasoline.

Now, in response to the record pain at the pump, the American people deserve something more than legislative gimmicks that raise taxes, increase litigation or provide political favors. It is a startling place many of our Democratic friends now find themselves in. They seem to believe that for every problem there is a tax increase that can help.

If there is someone you do not like or want to take a shot at, raise their taxes. You have a problem that needs fixing, raise the taxes. We saw that with the climate debate last week. To address the issue of climate change, the bill proposed, and the amendment we did not adopt last week proposed, to raise energy prices $6.7 trillion to lower energy demand and pay for new Government programs and spending.

With record-high prices for gasoline, climate sponsors wanted to raise gas prices a further 53 cents by 2030 and $1.40 by 2050. This week brought a new attempt to raise taxes. Well, last week some quibbled about whether the $6.7 trillion in higher energy prices was a hidden tax or a hidden fee. It did not make much difference to the people who would pay it. There was no hiding from the fact that a tax increase is what the Democrats proposed this week.

This week they proposed raising taxes on the exploration and development of new oil supplies. You know, folks back home cannot believe that. Those looking for new sources of oil for the American people would pay higher taxes to find and deliver that oil to us. I have a hard time believing that too.

But we folks from Missouri do not take words at their face value. We call ourselves the Show-Me State for a reason. You need to show us how raising taxes would help this situation. For me, personally, I have not ever seen a time when raising taxes on something lowered its price or produced more of it.

I think our minority leader pointed out the Los Angeles Times said raising taxes to deal with the oil supply was similar to a climatologist saying trees caused global warming.

Well, it is economics 101, folks. Raise taxes, you get less of it. You increase exploration and development and you get more of it and you lower the price. In this case we actually have the experience about what President Carter did. In the mid-1970s, he pushed through higher taxes on domestic oil production.

What a disaster that was. Oil companies reduced their U.S. domestic operations and went overseas. The result was a greater U.S. dependance on oil from the Middle East, which continues today. Why our friends on the other side of the aisle would want to return us to the days of Jimmy Carter, I do not understand.

It may feel good to some people to propose hurting American consumers by putting a tax on the oil industry or on the executives, it may sound good, but it winds up hurting the American people. The Democrat bill failed to get support. It contained other provisions that would hurt consumers as well.

One section would allow the Department of Justice to sue, to sue those countries for their membership and participation in OPEC. Now, that is a feel-good provision as long as you do not think about what would happen. How can anyone doubt that an OPEC country facing the prospects of U.S. lawsuits—if we could have jurisdiction over them, and I question that—would stop selling oil to the United States and take their oil someplace else, such as China.

Again, the Democrat bill would hurt suffering Americans by driving oil supplies away from the United States for fear of litigation.

Speaking of litigation, we sure didn't hear much from supporters of the bill about the $1.6 billion in tax breaks for trial lawyers hidden in the legislation to extend renewable energy tax credits. Section 311 would allow trial lawyers working on contingency $1.6 billion in tax breaks. Apparently, the suffering of trial lawyers is more important to some in the Democratic Party than the suffering of the American people paying record prices at the pump. The tax breaks for trial lawyers is one section before the tax provisions before film and television producers. Section 312 modifies tax deductions for domestic film and television production. It gives special tax treatment for U.S. actors, directors, and producers.

Obviously, I support tax breaks for U.S. workers. But why does the Democratic Party think tax breaks for American actors are more important than price relief for moms and dads suffering record gas prices?

Why does the party on the other side think tax breaks for Hollywood film producers are more important than price relief for American truckers suffering record diesel prices?

At the same time the Democratic bill is giving tax breaks to trial lawyers in Hollywood, they are blocking the American people getting new oil supplies they need to bring gas prices down. I am a cosponsor of a bill entitled "The American Energy Production Act of 2008." If enacted, this legislation would produce up to 24 billion barrels of oil from U.S. domestic sources. The bill would allow environmentally friendly access to roughly 10 billion barrels of recoverable oil in northern Alaska.

I challenge anyone who opposes opening access to Alaskan oil to read the bill and see all of the environmental requirements it contains. I challenge them, if they haven't done so, to go to the North Slope of the Bering Sea and see the drilling going on at Prudhoe Bay 45 miles to the west of ANWR. They have been drilling there. They drill in an environmentally friendly way. They have to put the roads in in midwinter, when it is 200 degrees below zero. They are rock roads. They don't disturb the environment. As a matter of fact, the caribou love them. The caribou herds are flourishing. The wolves are great. The flowers are just as good as they are elsewhere. The mosquitos are just as big as they are in the lower part of Alaska. That drilling is being done without environmental damage.

About 30 miles to the east Canada is drilling. Several hundred miles to the west Russia is drilling. They are producing significant amounts of oil. Oil drilling in Alaska or exploration in the deep sea or recovering oil from shale would take advantage of the latest, most modern, environmentally friendly drilling and development technology. Today we have modern oil rigs that can drill down and then virtually sideways far beneath sensitive surface areas needing protection. Oil rigs at sea are now so safe they can withstand hurricanes without spilling a drop of oil.

There are thousands of oil rigs off the coast of Louisiana. Did anyone hear a report about an oil spill after Hurricane Katrina? No. Because it didn't happen.

This is the kind of environmentally protective technology we would use to open oil reserves in the seabed off America's coasts. Experts know of at least 14 billion barrels of oil off our Atlantic and Pacific coasts so far out to sea they couldn't be seen from shore. There may be many more. There are much higher estimates. This number is probably an understatement because they have not even mapped many of these areas and explored for oil reserves. We also have a massive supply of oil in oil shale in the mountains of Colorado, Utah, and Wyoming. The shale is so thick with oil one can smell and feel it in the rocks. With oil at $10 a barrel, it was too cheap to make oil shale affordable in the 1970s and 1980s, but prices at even half of today's level would be enough to unlock U.S. oil reserves in shale: roughly 2 trillion, it is estimated, barrels of oil, and that is seven times the reserves of Saudi Arabia.

Why should we be begging OPEC or Saudi Arabia for more oil when we have seven times the oil Saudi Arabia has in that one area alone?

Opponents say no. They give us the NIMBY treatment—not in my backyard. Unfortunately, they don't limit themselves to blocking action in their backyards. They limit everybody else's backyard as well.

We had a classic vote in the Appropriations Committee in May—unfortunately, a straight party-line vote—whether to lift the moratorium and allow the preparation for environmentally friendly exploration and development of shale oil. Fifteen of my Democratic colleagues voted no; 14 Republican Senators, including me, voted for opening it. We failed. In Alaska, the people fully support opening northern Alaska to further environmentally safe oil extraction. It is the elected representatives of other States far below to the east of Alaska who want to thwart the will of the people of Alaska.

The people of Virginia fully support opening oil reserves in the deep ocean off their shores, but elected officials from California and other States from the West want to thwart Virginia's desire. The people of Utah support opening the oil reserves under their mountains, but it is the interest groups in Washington, DC, and other States that are thwarting the people of Utah.

The people of my State don't understand why we are blocking access to U.S. oil reserves. They don't understand why we are withholding new supplies needed to get prices down. They don't understand why we are denying ourselves the relief we need and deserve.

In my State we mine lead. Lead has environmental problems. We have to deal with the environmental problems, and we do. There is only one simple reason we mine for lead. We have 90 percent of the lead in the United States, and it is needed for technology. But at the same time on energy, we in Missouri are working hard to develop new, clean sources of fuel and ways to reduce energy demand.

Kansas City, MO, is a national leader in hybrid cars and the advanced vehicle batteries they need. We have a Ford plant where Missouri autoworkers assemble the Escape hybrid SUV. We also have a GM plant where they assemble hybrid SUVs and sedans. In the Kansas City area, we have an advanced battery manufacturer producing the next generation lithium-ion batteries. They use a polymer technology to improve performance and safety. Our military is taking advantage of this technology now, and someday it will go into our automobiles. Trying to stay one step ahead, we are also working on the next generation of hybrid cars. Right after these remarks, I intend to go outside to the area we call the swamp, just northeast of the Capitol, to see a plug-in hybrid Ford Escape brought to town for the Department of Energy.

Plug-in technology would allow us to begin to travel the first 40 miles of every trip on electricity, without burning a drop of gas. Many families and commuters in the city could go the entire week back and forth to work burning no gasoline. Rural folks and farmers could drive their trucks with plug-in hybrid technology into town and around the farm. Then, when they need to haul a load great distances, the traditional engine would automatically kick in.

I introduced an amendment to the climate bill last week which would have helped workers, the environment, and costs for Americans by starting the U.S. domestic manufacturing supply base for hybrid batteries for automobiles. Hybrid cars are more expensive than traditional cars because their hybrid batteries are made in low quantities in Japan, Korea, and China. Not surprisingly, those firms favor their Japanese and Korean auto manufacturers, and whatever is left comes to U.S. carmakers. The answer to this problem is mass U.S. production that will produce hybrid batteries in high volumes and cause prices to fall, putting thousands of U.S. workers in good manufacturing jobs in Missouri and across the Nation. It would be a win/win situation—good for the environment, reducing oil demand; good for consumers who need cheaper cars that burn less gas; and good for workers needing good-paying jobs at home.

I introduced an amendment that would have provided Federal funds. Unfortunately, that amendment, like others, was blocked from consideration by climate bill sponsors. I will continue to fight for a commonsense proposal, and that is what we need. We need to get past gimmicks, charges, and countercharges, taxes, ranting and railing and lawsuits. The American people need fundamental relief for a fundamental problem: prices are high. There is too much demand, not enough supply. It is economics 101, as I said. We need a comprehensive solution that provides the American people with more supply and less demand and also with more environmentally clean solutions.

Last year we addressed demand through higher, newer, aggressive but achievable CAFE auto efficiency standards. Yet, as we have seen, demand strategies have not stopped the record increase in prices. We need to address supply—billions and billions of barrels of oil on our land, under our land, off our shores, in our mountains. That is what the American people need—not gimmicks, not increases in taxes, not more litigation, not tax breaks for trial lawyers or Hollywood.

I urge my colleagues, it is time. Let's get real about our energy strategy so we can provide Americans the real relief they deserve and we ought to be providing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, may I inquire as to how much time remains?

The PRESIDING OFFICER. There is 14 minutes 21 seconds.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Senator BROWNBACK follow my time with 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise to discuss the most important issue on the minds of my constituents in Georgia and, I know, folks all over the country; that is, skyrocketing gas prices. I hear from hundreds of Georgians every day who are struggling to fill their gas tanks to get to work or to take their kids to school or to run their necessary errands. They want to know what Congress is doing about these out-of-control gas prices.

Nobody disputes the fact that the United States is dependent on foreign sources of oil, and nobody disputes that this problem has been in the making for any number of years. We currently import more than 60 percent of our oil and, over the past 30 years, we have reduced our domestic exploration options and left our refining capacity stagnant. But we can do something to provide relief to American families who are really feeling the pain at the pump. If we can do something about it, the obvious question is, Why aren't we?

Let's look, first, at what the Democratic response has been to high gas prices. Yesterday, we voted on a so-called energy bill proposed by the majority. The two highlights of this bill to address skyrocketing gas prices are, first, sue OPEC. The Democrats want to sue the individuals we are doing business with as a means of lowering gas prices. This is hard to understand. Second, the Democrats propose to put a windfall profits tax on big oil companies that are certainly achieving big profits in today's market in the petroleum industry.

I had a group of businessmen from Georgia in my office yesterday. They were small businesspeople, but they were all from the same industry.

I said: OK, let me ask you this. If the Federal Government walked into your office and said, we are going to put a windfall profits tax on you; we are simply going to raise your taxes by an extraordinary amount, what would be your reaction?

They said: It is pretty simple. We would do two things. First, we would try to reduce our profits below a point where we would not be subject to a windfall profits tax, and that means we would decrease production. The second thing we would do is, if we had a tax that we had to live with, we would pass it on to our customers.

Again, to think that a windfall profits tax on oil companies is going to decrease the price of gasoline is somewhat foolish.

What has been the Republican response? Where should we go? There are very clearly four separate issues that need to be addressed with respect to the issue of skyrocketing gas prices. The first one has just been alluded to by Senator BOND from Missouri; that is, we simply need to take advantage of additional resources we have inside the United States. We, as Republicans, have sought to do that.

On May 13, less than a month ago, Senator DOMENICI and Senator MCCONNELL proposed an amendment to expand exploration in the ANWR region of Alaska and to authorize drilling in offshore coastal waters currently subject to a Federal moratorium—in other words, deep-sea exploration. This amendment was defeated. Mr. President, 43 Republicans voted for the amendment; 48 Democrats voted against the amendment.

So once again, as is known throughout the country, Republicans are consistently advocating—and have for all of the 14 years I have been privileged to serve in the Congress—exploration for more domestic oil in this country to alleviate our problem, while the Democrats continue to oppose measures to explore domestically.

Now, of the four things we need to do, certainly exploration for more oil is one of those. We do have a lot of capacity in this country that has simply gone unexplored over the years. There is deep-sea exploration available to us. There is oil in the ANWR region of Alaska, which we have consistently sought to explore, as well as now we know that in the Rocky Mountains of our great country, we have a greater resource of oil than exists in Saudi Arabia. It is simply imperative that we explore more from a domestic standpoint.

Secondly, supply and demand dictates the price of everything in our economy. We simply have to implore our oil companies to provide more gasoline to Americans. We are seeing today more people driving to the gas pump than ever before in the history of our country simply because of the increase in the population. Our economy has done pretty well in the last several years. People are traveling more than ever before. We must have the capability to provide the kind of supply that is demanded by Americans.

Thirdly, we have to continue down the road of researching and developing more alternative fuels. Historically in this country, we have shied away from that. We have seen the development of ethanol primarily in one region of our country, the Midwest. But when you get to the Northeast or the Southeast or even, for the most part, the far West, you simply do not see a supply of ethanol. It is concentrated in one part of our country. But that is changing. It is changing now, and we are seeing more production facilities built in all parts of the country.

But there is an unintended consequence that nobody thought about. We have 101 ethanol-producing facilities online in this country today. We have another 100 ethanol manufacturing facilities that are scheduled to come online in this country in the next 14 to 18 months. All but two of those facilities are producing ethanol from corn. The unintended consequence we have seen due to the high demand of corn for energy production is an increase in food prices. Corn, wheat, soybeans, peanuts, or other commodities have simply increased in price because of the demand for corn; therefore, farmers are planting more corn and less of the other commodities. That is the unintended consequence.

I am very proud of the fact that in the farm bill we just passed we addressed the issue, that we ought not to incentivize the production of additional ethanol from corn. But what we have done in that farm bill is to provide funding for research—grant money as well as loan money—as well as funding for the construction of additional ethanol and biodiesel facilities to be resourced not with corn but with cellulosic-based products.

The Presiding Officer comes from a part of the country where corn can be grown in great quantities and great quality, I might say. But in the southeastern part of the United States, because of our hot weather and our soil is not as rich and our rainfall is not as consistent as the midwest part of the country, we cannot grow corn the way it can be grown in the Midwest.

But there is one thing we can grow like nobody else; that is, a pine tree. What we are seeing in Georgia today is the construction of an ethanol-producing facility that is going to be resourced with pine trees. It is one of two facilities that are under construction in the country today where cellulosic products are, in fact, going to be used. So I am very proud of the fact that in that farm bill we have sought to incentivize additional production of ethanol from cellulosic-based products.

The fourth thing we have to do—Americans have been very spoiled. We are used to getting in our car and going where we want to go when we want to go, and when the time comes when we have finished our business and want to move on, we are used to getting in our vehicle and moving on, by ourselves for the most part. That simply has to change. We have to implement conservation practices from a personal household standpoint like we never imagined we would have to do in this country.

From a political, legislative policymaking standpoint, we have put some measures in place that are going to dictate to the automobile manufacturing industry that they have to develop automobiles that get higher miles per gallon. That is good. But we also have to implement some personal measures to make sure we truly do have conservation practices in place.

I had a constituent say to me just the other day: SAXBY, I don't understand this issue of why we are not exploring for more oil domestically when everywhere I go, people tell me, why aren't we exploring for more oil that we know we have in America? He said: What you ought to do is call for a national referendum on this, and let's see what the American people, by and large, think of this issue.

It is difficult, frankly, to do that, although I think it is a very good idea. I would like to know what the masses in other parts of the country think. I certainly know what they think in my part of the world. But there is one thing very similar that I think should be considered.

I note that just yesterday, the American Solutions for Winning the Future announced that over half a million Americans have signed a petition online urging Congress to immediately start exploring for oil domestically to lower gasoline prices. Now, here is the way the petition reads:

> We, therefore, the undersigned citizens of the United States, petition the U.S. Congress to act immediately to lower gasoline prices (and diesel and other fuel prices) by authorizing the exploration of proven energy reserves to reduce our dependence on foreign energy sources from unstable countries.

According to American Solutions' resource data, 81 percent of the American people support the United States using more of its own domestic energy resources to combat the rising cost of energy. I cannot say that I am surprised by that statistic, but I think it further underscores how Senator DOMENICI's bill is a commonsense plan for lowering gas prices for Americans, and doing it now.

Another commonsense solution Republicans have offered, which I have supported, was proposed by Senator McCAIN. This would provide an immediate Federal gas tax holiday. What does this mean to our American consumers? Well, here we are going into the summer when travel certainly increases. If this bill passed, as soon as tomorrow, if it got to the President's desk and he signed it, each and every American could be paying 18.4 cents per gallon less for gasoline and 24.4 cents per gallon less for diesel fuel.

The Democrats promised leading up to the November 2006 elections that if you send the majority of Democrats to Congress, we are going to address this issue of gasoline prices, we are going to get prices under control. Well, at the time Senator REID became majority leader, at the time Congresswoman PELOSI became the Speaker of the House, the price of a gallon of gasoline in this country was $2.33. Today, average prices have increased by $1.71 cents per gallon over that last year and a half.

We all know summertime is the time when families take an annual vacation. Americans generally drive more during this time of the year. Giving a temporary gas tax holiday until Labor Day is a pure short-term policy and will benefit Americans only in the short term, but I think it is another way we can provide immediate relief to American families.

This is an issue that ought not to be partisan in nature. It is an issue all Americans are feeling every single day. It is an issue we as policymakers should address. It is an issue that cries out for strong leadership in Washington today. We need to see that leadership come forth out of this body. We need to see the American people given some relief and given a long-term solution to this issue of gas prices; otherwise, the next generation is going to be looking at much higher energy costs than what we are looking at today.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time is remaining on the Republican side?

The PRESIDING OFFICER. Five minutes.

Mr. BROWNBACK. Mr. President, I appreciate my colleagues' comments, from both Missouri and Georgia, and I agree on the energy issues. I have been traveling across all of Kansas, going to all 105 counties. I have been in nearly 70 so far, and the dominant issue by far is the price of energy. People want to get these prices down.

The key to supply and demand is to get more supply as fast as we can. Work on demand as far as being conservation-minded but not to increase taxes. Increasing taxes—things such as a windfall profits tax—does not get you another drop of fuel. It only raises the price. I do not know of anything we have increased taxes on where you end up getting it for less price. It just does not work that way.

So I support my colleagues' statements on that, and I hope the American people are looking at that issue and seeing that here is a way of increasing production but not raising taxes. What the Republicans have put forward is an increase-energy-production bill, and what the Democrats have put forward is an increase-energy-tax bill. I hope people can decide which of these will likely get them lower prices. It is production, it is not increasing taxes.

AIR FORCE TANKER CONTRACT

Mr. BROWNBACK. Mr. President, I also wish to inform and talk briefly to my colleagues about a major GAO study that is going to be out next week. It is about the bidding for the tankers for the U.S. Air Force.

The GAO will announce the results of its review of the Air Force tanker contract next week. The GAO does not have authority to sustain or overturn the Air Force contract by itself. The GAO only reviews if and when the Air Force followed its own rules. Congress has the final say on this issue because only Congress can consider all of the relevant issues. Still, it is a major report that is going to be coming out on this issue.

I have been very disappointed in the Air Force granting this tanker award to primarily a foreign builder, primarily to Airbus and EADS, which will build the biggest part of this tanker plane. I am disappointed for three major reasons:

One is that I think the merits themselves of the contracting process were not followed by the Air Force.

Second is the heavy subsidization by European governments of Airbus's plane. The base plane has had heavy subsidies of which the U.S. Government, by another arm—the U.S. Trade Representative's Office—is suing the European governments and Airbus and EADS, its parent corporation, for this. We are likely to see that case report out soon.

Third, I think all the contractors should be subjected to the same rules, including things such as the Foreign Corrupt Practices Act, which U.S. companies are subject to, and I believe all foreign competitors and bidders should be as well.

First, regarding the GAO, we need to look inside the process the Air Force used to award the contract. At the base of this, what is very puzzling to me is why the Air Force put so much stock in getting a bigger Airbus plane in this bidding process when they had been happy and desirous of the size of the plane Boeing had put forward. If they wanted a bigger plane, they should have put that forward in the bidding process.

Plus, I put this forward: At a time when airlines are looking at the cost of running their airplanes and fuel costs, why is it that the Air Force would look at a bigger plane instead of a smaller plane that is more fuel efficient? That is what all the airlines are looking at. Why would we not look at the same thing? Plus, in looking at the bigger plane, I do not believe a realistic assessment of the military construction needs at the bases throughout the United States and the landing needs throughout the world has been looked at because you are going to have to increase landing space, you are going to have to increase hangar space for the larger airplane Airbus is putting forward. That is in the GAO report.

On the foreign trade subsidies, the Air Force says it cannot consider foreign subsidies when it looks at the cost of contract proposals. As a result, the GAO will not review that issue either. But the United States is currently suing the European Union for subsidizing the same company to which the Air Force has awarded this new tanker contract. We expect that ruling on this WTO case very soon. We anticipate getting somewhere—if we win this case—a $4.5 billion judgment against Airbus and EADS for this same frame they are now being rewarded by the Air Force for with a $35 billion contract. So they subsidized the civilian aircraft, militarized it, and put it into the military building field. We sued them on this for an illegal international subsidy. We are giving them a contract here for $35 billion on the same subsidized plane. Only Congress can decide this issue, but I submit this is not the way we want to encourage other governments around the world to operate.

Then a final issue is on foreign corrupt practices. The Air Force considers each bidder's ability to execute a major contract, but it cannot evaluate the business practices used by each company, and neither can the GAO. But all U.S.-based companies are subject to the Foreign Corrupt Practices Act. I submit we must require that same sort of performance. If a company is going to bid on a major U.S. military contract, they should be subjected to the same rules. I think this would be something that EADS, the parent corporation of Airbus, would be willing to be subjected to. We should require that they and other foreign companies compete for Defense contracts and hold themselves to the same standards we require of U.S. companies under this Foreign Corrupt Practices Act. Again, the Air Force has not considered this piece in their overall analysis.

The bottom line is I think this is a highly flawed contract on the basis of the military not following its own design requests of its smaller plane; second, the United States awarding a contract on a subsidized plane that was illegally subsidized; and third, that these companies are operating under different rules. A foreign company operated under a more favorable set of rules. I think the Congress should look at all of these issues and say this is not the way we want to go on these tankers. We want to build them in the United States. We want these jobs in the United States. We want the workers to be in the United States. We want the military industrial complex to be U.S. based and not foreign based.

As a gentleman said to me some time ago: There are two things we shouldn't be dependent upon another country's government for, and that is for your defense and for your food. Here we are being subject to a foreign government's building of a major piece of our military complex. The tankers are something that extend the ability for us to be able to fly missions. They are critical to our air campaigns. We are going to be dependent upon primarily a foreign producer to be able to build these planes. I think that has untold problems—potential problems—for us down the road and it would be something it seems to me this Congress should take a very aggressive look at and say no, we don't want to go that route. The GAO report will come out next week. It is going to be a key issue in this overall decisionmaking process.

Mr. President, I thank you and my colleagues for the time.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONSUMER-FIRST ENERGY ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3044, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to S. 3044, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I take this time on behalf of Marylanders who are worried. They are worried because of the high cost of energy. They are worried about the cost of filling the tanks in their cars with gasoline. They want us to do something about it. They are looking to us. They recall just 7 years ago, when President Bush took office, and the price of gasoline at the pump was less than $1.50 a gallon. Today, it is over $4 a gallon. It is having a direct impact on people in my State and around the Nation being able to afford to operate their automobiles.

I can tell you businesses in Maryland—and I am sure my colleagues have similar stories around the Nation—particularly small businesses that rely upon their car or truck for transportation, don't have the ability to afford the increased cost of energy. They are on the brink of going out of business because of the rising energy cost. They want us to do something about it.

I am particularly disappointed and frustrated that the Republicans decided twice this week to deny us an opportunity to do what we should be doing—legislating on this very important issue.

The Consumer-First Energy Act of 2008 would have made a major difference in the cost of energy in the United States. I am proud to be a cosponsor of that legislation. Yet the Republicans used a procedural roadblock—a filibuster—to prevent us from taking up that legislation, debating it, acting on amendments, and doing what we should be doing. The Republicans said the status quo is acceptable. Well, the status quo is not acceptable.

What would this legislation do? First, it would say taxpayers don't need to subsidize the oil companies. The oil companies are making record profits. In 2002, their profits were $29 billion. Last year, that grew to $124 billion. They don't need public subsidies. Taxpayers should not be subsidizing them. By the way, they are not investing their profits back into this country. They are not looking at ways to make this Nation more energy secure, nor are they investing in renewable energy sources. The President said, on April 14, 2005, that if oil reaches $55 a barrel, there is no need for the Government to subsidize further efforts on behalf of the oil industry. The price now is $140 a barrel. So the subsidies were provided. That $17 billion should be reinvested in America, rather than subsidizing oil companies for even greater profits. Let's use that for making this Nation energy secure, and let's use it for renewable energy sources.

That is exactly what this legislation would do.

There has been a lot of talk about a windfall profits tax. I happen to believe the oil industry is entitled to a profit—just not an obscene profit, taking advantage of the world circumstances in oil. With the windfall profit provision of this legislation, it would tell the oil companies to invest a little bit of that money here in America, in renewable energy sources. That is what it does. It is a clear message about the security of America.

This legislation would take on the speculators. A large part of the cost is not that we are using more oil because actually, we are using less oil today because of the high cost. We have speculators, who are people buying oil futures and driving up the cost of oil, and we are paying more at the pump. This legislation says those types of speculators should be regulated. There should be margin requirements that make sense, and they should not speculate without sound investment principles. That is what this legislation does.

This legislation expresses our concerns that the OPEC countries that are sending oil into America and depend upon U.S. consumers should be subject to our antitrust laws. This legislation would help in the short term, help bring down the cost of gasoline in the short term, but it would also provide us some long-term strategies for energy security.

What did the Republican leadership do? They said, no, let's not talk about it. The status quo is acceptable.

Well, it is not acceptable. Then, on H.R. 6049, the Republican leadership again exercised the filibuster procedural roadblock, and we could not take up that legislation, which would provide $18 billion for tax incentives for renewable energy sources so we can energize the American marketplace to develop our wind, solar and geothermal and we can develop the answers to our energy problems in America by energizing innovative individuals and companies in using our market forces to solve the problems here in America.

The legislation also provided for more energy-efficient buildings, which makes sense, and extended the expiring tax provisions, including research and development, which would also help us in dealing with the problems of our country, and extending the alternative minimum tax relief, which is so important. The Republicans said, no, with procedural roadblocks.

The American people want us to act. I have heard my Republican colleagues say we can produce enough oil to solve this problem. Let me give you the numbers and facts. I hope the public will make its own judgment. America, unfortunately, doesn't have a large reserve of oil. We have 3 percent of the world's reserve, including that in ANWR. If we allowed production in that environmentally sensitive area, ANWR, at full production we would produce about six-tenths of 1 percent of the oil in the world. Does anyone think the OPEC nations would not just reduce their supply to us by that amount, meaning there would be no impact whatsoever as a result of the production of that small amount of oil?

As the majority leader pointed out, when I had the opportunity to sit in the chair earlier today, we have sources of oil, and we are utilizing those sources. We are exploring where we can fulfill the energy needs for our own country. But the truth is, we consume 25 percent of the world's oil and only have 3 percent of the reserves. We cannot produce enough oil to deal with our needs.

We need to develop alterative energy sources. I will give you one other statistic. If we would have passed the CAFE standards 10 years ago, we would be saving more oil than three times the amount that is currently in reserve in ANWR. So we need to become energy secure, and we need to do it for several reasons. We need to do it because of our security, because of our economy, and because of our environment.

If we develop alternative fuel, if we do better in conservation, and if we invest in more efficient transportation, we cannot only become independent of the OPEC countries and the hold they have on us in determining how much oil they will make available to us, but we also can be friendlier to our environment. We can deal with the serious environmental issue we have and America can restore international leadership.

What do the Republicans say? We cannot even talk about these issues with a bill, with amendments before us, because they use procedural roadblocks to prevent us from taking up this issue. Well, we should be taking up these bills.

Marylanders want us to act and vote and make the tough decisions. They want us to do that. They want us to develop an energy policy that will wean us off oil, that makes us energy secure, that allows us to control the economic cost of energy, that puts America in the forefront of the international community on global warming to deal with pollution and to deal with the risks that are involved.

But what Americans want us to do today is to move forward on the legislation that is before us, the Consumer-First Energy Act that could and would have an impact on the price of gasoline in the short term so those Marylanders with whom I have talked, who have told me that they literally cannot afford to operate their cars and are in danger of losing their businesses, that we are taking every reasonable step here to deal with their concerns and to help them. That would be the responsible action for us to take.

I urge my colleagues to put aside this partisan differing and let's act in the best interest of the people of this Nation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the majority reserve the remainder of their time and that I be recognized out of order for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I wanted to come and talk about the Democratic bill called the Consumer-First Energy Act. We go through the same things over and over. We have an energy bill that has no energy in it. I said this on the floor last December. We keep talking about energy, and every time we try to expand energy, try to expand the supply, it dies right down party lines.

The Consumer-First Energy Act does nothing to increase access to America's extensive oil and gas reserves. It does nothing to promote nuclear energy. It does nothing to increase our refining capacity, something I have been trying to do for a long period of time. It does nothing for electricity generation or transmission and does nothing for the utilization of clean coal technology.

Instead this act increases taxes on America's oil and gas producers, which means we are going to be paying more at the pump—we know that—and increases Government bureaucracy.

A cornerstone of the bill establishes criminal penalties of up to $5 million and 5 years in prison if a fuel supplier sells his product at an "unconscionably excessive price." But the agency responsible for its enforcement, the Federal Trade Commission, says this legislation is unnecessary and even counterproductive. FTC Commissioner William Kovacic told Congress recently:

> My intuition is that it would create hesitation in the response to shortages and that that might tend to exacerbate rather than mitigate shortages.

In addition to the FTC's opposition, price-gouging investigations are nothing new. They have been occurring for decades, with each reaching the same conclusion.

The Investors Business Daily last month had an editorial:

> Senators also want to impose steep penalties on "price gouging"—despite the fact that some 17 separate studies have found it doesn't exist. The plan amounts to little more than an attempt to impose price controls—a socialist tool dressed up in a populist garb. Democrats hailed their new measure as an attack on "the root causes of high gas prices." That's one of the more laughable comments to emerge from the Senate in some time.

Recently, in the aftermath of Hurricanes Katrina and Rita, the FTC issued another report after an extensive investigation into price gouging. Once again, it is the same conclusion. The FTC found:

> No evidence to suggest that refiners manipulated prices through any means . . .
>
> No evidence to suggest that oil companies reduced inventory to increase or manipulate prices or exacerbate the effects of a price . . .

Additionally, Bill Richardson, former Secretary of Energy for the Clinton administration, when asked last year in a Democratic Presidential debate if oil companies are price gouging the American consumer, bluntly answered:

> No, they're not.

Price-gouging legislation is a solution in search of a problem. Also, it is more of class warfare. If they want to blame somebody, they want to blame oil companies, the people who are actually plowing back more than 100 percent of profits into exploration at the present time. Federal law already bars companies from colluding to fix prices, and the Federal Government currently has all the legal tools necessary to address price gouging.

According to the Congressional Research Service, "at least 30 states . . . have laws that prohibit gouging, excessive price increases, or unconscionable pricing. Other states may also exercise authority under general deceptive trade practice laws depending on the nature of the state law and the specific circumstances in which price increases occur."

So knowing what we do about price gouging, this provision is repetitive, unnecessary, and potentially counterproductive. This could have the effect of increasing the price at the pump.

The other major component of the Democrats' Energy bill reinstates the windfall profits tax. Democrats want to impose a windfall profits tax despite the fact that we had this same tax almost 30 years ago and the results were predictable and harmful. Again, it is more class warfare.

In 1980, under President Jimmy Carter, Congress imposed an excise levy on domestic oil production called a crude oil windfall profits tax. According to a 1990 report by the nonpartisan Congressional Research Service, the results of the Carter windfall profits tax were very counterproductive. Quoting from that report:

> The windfall profits tax reduced domestic oil production between 3 and 6 percent, and increased oil imports from between 8 and 16 percent . . . This made the United States more dependent upon imported oil.

This is what happened last time. We are supposed to learn from our experiences.

Looking back to 1980, we now know what a windfall profits tax will do. It will decrease domestic production and increase America's oil imports—the exact opposite of what we need to do.

Additionally, a 1984 General Accounting Office report called the windfall profits tax "perhaps the largest and most complex tax ever levied on a U.S. industry."

In May, Investors Business Daily editorialized in response to this new tax proposal:

> As any student who has taken Econ 101 at the local junior college can tell you, higher taxes don't encourage production; they discourage it. But Senate Democrats apparently played hooky the day the taxes were discussed.

American oil and gas companies reinvest their profits into exploration, production, and other energy. This is how we can get on the road to expanding our production in America. America's major oil companies already pay the second highest corporate tax rate in the industrialized world. An additional $17 billion in tax increases will only further harm the international competitiveness of U.S.-based oil companies.

Using the Energy Information Administration's numbers, oil and gas industry profits can be calculated to roughly account for about 8 percent of the price of a gallon of gas. So for a $4 gallon of gasoline, oil and gas companies profit approximately 32 cents.

It is then arguable that if oil company profits were slashed in half, as has been proposed, it would only reduce the cost of a gallon of gas by 16 cents. And people are led to believe it will be $2 or $3. It is not true.

It is arguable that if oil company profits were slashed in half, that would be approximately 16 cents a gallon.

Mr. President, $17 billion in tax hikes will also ship American oil and gas jobs overseas. If indirect and other employment resulting from the direct activities and the earnings of these direct oil and gas employees is included, the total U.S. employment resulting from oil and gas activity is almost 8 million.

For American jobs, for the international competitiveness of American companies, and for the consumers at the pump, Congress has to reject these Democratic attempts to increase taxes and implement backdoor price controls.

What should we be doing? Oil and gas exploration and production is currently prohibited in 85 percent of America's offshore waters. We talked about the huge reserves, but it is prohibited. We are willing to do it, but it is prohibited in 85 percent of the waters.

Other nations don't do this. Canada allows offshore drilling in the Pacific, the Atlantic, and the Great Lakes. Additionally, Cuba is looking to expand drilling which could occur 45 miles from the shores of Florida, and that is with technology that is much less environmentally sound. So we would have the effect of increasing any adverse effect that would come from that type of activity.

Exploration and production activities are currently prohibited in the Pacific and Atlantic regions of the Outer Continental Shelf which hold an estimated 14 billion barrels of oil and 55 trillion cubic feet of gas. This is equivalent to more than 25 years worth of imports from Saudi Arabia. Looking to Alaska, ANWR is estimated to contain 10 billion barrels of oil, about 15 years worth of imports from Saudi Arabia. If President Clinton had not vetoed the bill back in 1995, we passed a bill that was in concert with what they want in Alaska and that is to be able to explore that very small area up there—if that had not happened, we would be in a position today, we would have 1 million additional barrels a day coming from ANWR. We know what that would do to reduce the price of gas at the pump.

The Heritage Foundation describes ANWR's 19 million acres as the same size as South Carolina:

> Of that area, President Bush proposes opening about 1.5 million acres to exploration (roughly 6 percent of ANWR). Of those 1.5 million acres, only 2,000—an area the size of Washington's Dulles International Airport—would be devoted to drilling.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. INHOFE. I believe what we need to do is understand that supply and demand still works. We have to increase the supply domestically, and we can do it by passing the Consumer-First Energy Act that has been proposed by Senator DOMENICI, myself, and others. The price at the pump would directly respond on notice of that type of legislation passing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the blocks of time be extended for another hour, with the majority controlling the first half hour of the extension.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I just got back from my home State of Minnesota. Let me tell you, the price of gas is not just one of the issues people are talking about, it is the issue they are talking about.

In this last week, as we all know, gas prices have risen above $4 a gallon as the national average, and many of the people in the country cannot afford it. If you drive past a Costco store—I am a Costco member—you will see in the Twin Cities cars lining the block trying to get in to save a few pennies, to save a few nickles, to save some money. Those gas lines remind me of the OPEC oil embargo we have not seen since the 1970s. If you talk to people in the rural parts of our State, you will be shocked at their out-of-pocket expenses. They have a longer way to drive to work. With gas at $4 a gallon, some people are spending $20 a day to get to work in the morning and to get home at night.

Mr. President, as you know from your home State of Colorado, in some areas, there is not going to be a lot of mass transit. In some areas, they have to drive longer to get to work. Families cannot afford these prices. A few weeks ago, we saw stories in the paper saying that consumers were not changing their driving patterns, that they were comfortable with their commuting habits, and they were willing to pay a few dollars extra each week. Well, $4 gas has changed all that. One in twelve Americans now have found a new way to go to work because they can't afford week after week of these gas prices. And we need more mass transit. I support that. That is a good thing. But we know for many Americans who have less income and are dealing with the problem of increased health care costs and who are dealing with the issue of an increase in the cost of food, and now these gas prices up to 4 bucks a gallon, when they have less disposable income, less money in their pocket, it is hard to afford things.

We simply cannot continue business as usual. When we have people going to a gas station and can only afford to fill half their tank with gas, we can't afford to keep going. That is why I am so shocked when I have seen what the other side has done. Time and time again, the same old argument. Well, I think these same old ideas are running on empty, just as the people in this country are running on empty.

The other side has blocked consideration of some new ideas and a new way to go forward with energy, both for short-term and long-term relief for the people of this country. I say this to my colleagues who voted against that bill and voted against allowing us to debate and allowing us to move forward with a new energy future: They are running on empty, and the American people know it.

Remember back when President Bush was asked about $4-a-gallon gas on February 28? The President said:

> You are predicting $4 a gallon gasoline? That is interesting. I hadn't heard that.

Well, for the people in my State, $4-a-gallon gasoline isn't interesting, it is a budget buster. The fact is, this administration has failed to provide Americans with a meaningful energy policy that would provide relief from high gas and energy prices. They have been running on empty. This is why I am so frustrated that our colleagues blocked consideration of this important bill.

We are not proposing anything radical. We are simply asking that the Government enforce the laws on the books and make the marketplace work like it is supposed to.

As the Presiding Officer does, I come from a prosecutor's background, and I know we can have all the laws on the books we want, but if we don't enforce them, we are not going to get the relief we need. We are not going to help victims—or in this case consumers—if there are no cops on the beat and no one is enforcing the laws or drawing the line.

As part of this important bill, the other side blocked us from even considering, from even debating having Federal regulators provided the tools to do their job, to crack down on speculation in the futures market and on speculators who trade in offshore exchanges just in order to avoid regulation. We want the Attorney General to have the authority to prosecute collusion by foreign governments.

We heard a witness in recent months come before multiple committees in Congress, the CEO of an oil company, and say: You know what. A barrel of oil shouldn't cost over $100. A barrel of oil should cost somewhere between $55 and $60. That is the true cost. We heard a witness in recent months describe our energy markets as a giant gambling hall without rules, as a superhighway without a traffic cop.

That is what we are dealing with. So we need a cop on the beat. The Consumer-First Energy Act gives us that cop on the beat. It addresses the problem of market speculation by stopping traders from routing transactions through offshore markets in order to get around the limits on speculation put in place by U.S. regulators. Why would they go to these offshore markets? We know why they are going there. They want to avoid any regulation in this country.

In fact, you don't even have to go offshore to find unregulated energy trading. The Commodity Futures Trading Commission is allowing the Dubai Mercantile Exchange in New York and the Ice Electronic Exchange in Atlanta to trade in U.S. oil futures without Federal oversight. I can't tell my constituents to rest easy because the Dubai Financial Services Authority is looking out for their interest.

We need to take action not only by regulating these offshore markets but also by making sure what is going on in this country is right. Now, we closed the Enron loophole, or we tried to do that with the farm bill, Mr. President, but there is clearly a lot more that needs to be done. There is a lot of speculation that is offshore and out of reach of our negotiations and our regulators. This bill will make those foreign trades in American oil and gasoline futures subject to reporting requirements so we can have a paper trail and keep track of what is going on.

The bill would also require the Commodity Futures Trading Commission to increase the margin requirement for oil trades. The margin requirement is currently set by exchanges themselves, kind of like the fox guarding the henhouse, and they have set the requirement so low—5 to 7 percent—that speculators can buy enormous amounts of oil with only a small amount of cash, and this has caused a tremendous amount of volatility in the price of oil and gas.

Remember what the CEO of the oil company said: Oh, no, no, no, this shouldn't be. Oil shouldn't be priced at over $100 a barrel. It should be $55. Well, where is all this money going? It is going to build five-star hotels in the middle of the desert somewhere. We have been investing in the sultans of Saudi Arabia instead of the farmers and workers in this country where we should be developing a long-term energy policy.

A final area where we can take immediate action is in our dealings with the OPEC nations. OPEC is a cartel of oil-producing countries that meet and decide how much oil to produce and thereby control prices. They make no pretense of having a free market system. They do not obey the laws of supply and demand. They gather together and they set production, which determines prices. As a former prosecutor, I call that kind of behavior collusion, and it is illegal in this country. But the members of OPEC are foreign governments, and so far they have gotten away with it.

As oil exporting nations, the members of OPEC could provide us with some relief. They have the spare capacity to increase their production of oil and ease the pain being felt by the people in this country. But OPEC recently met and decided not to increase production, at least until the fall, after the summer driving season when prices always rise. Not only that, Saudi Arabia has actually decreased production since 2005.

Think about it. Our country spends $600,000 every minute on imported oil. That is money leaving the pockets of American consumers, American drivers, going into the coffers of foreign countries. By refusing to step up production, OPEC nations are saying: We don't think prices are high enough yet. Let's let them go higher. Well, I think they are.

This bill that was blocked by the other side was going to put a stop to some of this OPEC price setting by allowing the Attorney General to bring enforcement action against foreign governments that are engaging in collusion and hold them to the same standards of fair dealing we already have in place in this country.

So those are some short-term ideas, in addition to the ones we were able to pass, which was to temporarily halt putting oil into the Strategic Petroleum Reserve when the prices are high. We got that done. But there are other things even more important. To do something about what is called the gambling hall when it comes to oil speculation, to do something about price gouging, to do something about the OPEC nations—these are short-term things that are doable and that the people in my State, who are lining up in those Costco lines, want to see. But, once again, we were blocked by the other side.

Our people are running on empty. They are tired of this, and the other side is running on empty when it comes to ideas. We need a bold new future, a long-term solution. American consumers also expect that their corporations should invest sensibly for the long-term interests of our country and our economy. That is what works. That is how business works.

But here is what is going on. This Congress, in the past few years—before I got here—gave a bunch of giveaways to the oil companies. I don't know, $17 billion, something like that. So we, the people, have a say in what these oil companies do when we are giving them a bunch of tax giveaways.

The Consumer-First Energy Act imposes a windfall profits tax on oil companies. It doesn't just say, no; every oil company gets a windfall profits tax. We could say that given that the big oil companies raked in $36 billion in just the first 3 months of this year. But it says, if they invest in renewables and do what they are supposed to do given they have gotten these subsidies—that they invest in their refining capacity and do things like that—then they would not have this windfall profits tax. But if they don't and they are taking the taxpayers' money and they are raking in the bucks and the prices are getting jacked up, then they are going to get a windfall profits tax.

Why should these big companies be getting $36 billion in the first 3 months, making no progress in terms of a long-term energy policy, and then the consumers are paying over $4 a gallon at the tank? It makes no sense. The oil companies' profits since this administration took office are over $600 billion and counting.

Now, you can make the argument for high profits if this money was being used to develop alternative resources, but it is not. Time and time again we keep going backwards, not forward.

So this provision says if they take their profits they get from American families and businesses and reinvest them in the country's energy future, that is fine. If they don't, we are going to take a portion of their money and invest it in the farmers and the workers of the Midwest instead of the oil cartels of the Mideast.

We know what we need for a long-term energy policy. We need investment in hybrid electric cars. We are not that far away. In 2 years, the Chevy Volt is going to give us 30 to 40 miles by plugging it in and then it converts over to fuels. We have great advancements in biofuels, something the Presiding Officer and I have worked on very hard, going to cellulosic ethanol but going beyond even corn-based ethanol so that we look at getting energy from switchgrass and prairie grass and algae and all kinds of biomass and residue from logging. These are all in our future. But we have to actually put those incentives in place so the investment follows.

We have tried. We have done some things, but we need a bold energy direction in this country, and that is what this bill was about that the other side blocked. They are running on empty with ideas, and the American consumers are running on empty with their tanks. When American families are facing the kind of economic squeeze they are facing today, they expect action from their Government. They expect that their Government will protect their interests to make sure the markets are fair and honest and transparent. They expect their government is going to watch out for them, not for the oil companies.

We have proposed legislation that would do these things. It would give the Government the tools to protect consumers in the short term, and it would begin to set our country on a smart, sustainable course for the long term toward energy independence. You can put your head in the sand and pretend it is not happening, or you can look for a new future. Does that involve, as our friends on the other side have been saying, increased production in our country? Of course it does. We live in Minnesota, next to North Dakota, where we are seeing the discovery of more oil. That is a piece of this; that is a piece of it. But the other piece is looking to the future with renewables and biofuels and new kinds of technologies. And if we keep going the old way, giving that $17 billion to the oil companies and not investing in a new future, we are going to end up even worse than we are now, and that is running on empty.

It shouldn't take $4-a-gallon gasoline to bring us to the brink of action on sensible market reforms and a smart long-term energy policy, but that is where we are. That is where we are. It is time to act. I implore my colleagues on the other side not to filibuster this bill. We must move ahead and we must do something for the American people.

Mr. President, I yield the floor, and I yield back the remainder of the majority's time in this half hour as well.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I want to speak on this issue, the energy problem we find ourselves in, and I want to begin by a moment of reflection upon the problems described by my dear colleague from Minnesota.

The fact is, the more we can find a way to work together and the less we make clever rhetorical points about whether one party is on full or another is on empty, or anything else, the quicker we will get to a solution. The fact is, we are not going to find solution to the energy problem in America by doing it as Democrats or Republicans. We are going to find it by working together as Americans.

We all know when the minority is not permitted the opportunity to impact a bill by amendments there is not a real debate taking place and, therefore, our ideas, the ideas of 49 Members of this Senate, are not worth considering. We all know that is not the way the Senate legislates. That is not the way to do things when you are serious about an outcome and not just looking to make political points.

We are, for sure, in the midst of an energy crisis like nothing we have seen in recent times. A gallon of gas is more than $4 a gallon, with diesel more than $5, and natural gas prices continue to rise. These high prices are putting an unexpected and heavy burden on millions of American families. As I talk with Floridians, it is clear that people are feeling the pain and families are hurting. The rising costs are digging into the family budget.

In addition to high energy costs, we are also in the midst of increasing food costs and putting an even greater strain on families who are growing increasingly anxious. They want and deserve solutions. They don't want and don't deserve partisan bickering.

There are a number of factors impacting the price of gas—including the influence of speculators and the weak dollar.

We are seeing a large and increasing demand for fuel while supplies remain stagnant.

Since the automobile was invented, it took the United States until the early 1980s to reach 100 million cars. In China, the same thing happened in less than 15 years. According to the International Energy Agency, Chinese oil imports are expected to rise 80 percent in the next 4 years.

And by the way, we know the Chinese are looking for ways to increase their own oil production—but despite what is cited as fact here on the Senate floor on frequent occasions, China is not drilling off the coast of Cuba. I have taken the time to research this issue because of my own interest in this area of the world.

According to the Congressional Research Service, China only owns one plot where they could explore. It is this little green spot. Whether it is under production or not is not clear, but it is not offshore—it is on the island itself. According to University of Miami Center for Hemispheric Policy fellow Jorge Pinon, there is no drilling taking place offshore in Cuba by the Chinese or any other country.

Reports to the contrary are false; they are rumor; they are akin to urban legends. China is not drilling for oil 60 miles from the Florida Keys. There is one oil company—Spanish Respol RTF—that has purchased one lease off of Cuba's shore and there is no current drilling or even plans to drill in the forseeable future. There is the possibility that the Canadians may have something happening there, but I am not aware of that either.

So any talk of using some fabricated China/Cuba connection as an argument to change U.S. policy has no merit.

To address the supply side of the equation, one solution I have always favored involves using our existing natural resources to increase domestic production.

Congress has made some progress in this area in recent years, but more needs to be done.

Offshore drilling is one area where we have made progress. In 2006, I helped to negotiate the opening of more than 8 million acres in the Gulf of Mexico as a result of negotiations and conversations on a bipartisan basis here in the Senate.

The area is estimated to contain up to 5.8 trillion cubic feet of natural gas and 1.25 billion barrels of oil. That is a tremendous amount of resources in areas open to drilling right this minute, all as a result of an agreement Senator NELSON and I made, protecting Florida's beaches yet understanding the need to open up this area of the Gulf.

While 8 million acres have been opened in the Gulf, to date no exploration has taken place. I know they are still in the process of leasing, but to date we have had no product out of that area. It makes sense to me that we would go here first, well away from Florida's beaches, before this area, where we also have a military mission area to protect.

I hope that before we talk about opening areas closer to our beaches, that we will first attempt to get to the one billion barrels of oil already available in the Gulf.

Another promising domestic resource is in ANWR in Alaska.

Five different times during my Senate career, I have voted to open this remote area for oil exploration. It is environmentally safe, the people of Alaska favor it, and our country needs it.

I will continue to support efforts to obtain resources from the area.

The size of the land we are talking about for exploration is merely 2,000 acres within 19.6 million acres of wilderness—that is the virtual equivalent of a quarter on a football field.

Estimates indicate this area in Alaska contains approximately 10.4 billion barrels, meaning we could have another one million barrels of oil coming into the U.S. supply every day for decades.

I will continue to support increasing the U.S. domestic production as long as it is supported by those most directly impacted by it.

Along with working to increase the U.S. oil exploration efforts, there is also a tremendous need to build more oil refineries.

Part of the reason why our oil supplies are stretched thin is because despite the rise in demand for gasoline, a new fuel refinery has not been built in three decades.

Once crude oil is shipped from overseas, it still has to be refined.

With so few oil refineries in this country and the demand so high, this results in a bottleneck and further contributes to the domestic demand that is outstripping supply.

We can do a great deal more in the short term to alleviate the burden high gas prices are having on America's families.

An integral part of any energy plan moving forward has to focus a heavy emphasis on conservation. We are not going to drill our way to energy independence.

We have to have a comprehensive approach: more exploration, more conservation, renewables, biofuels, and new technologies.

We are paying high prices at the pump for that demand, and it is also something we are paying for environmentally. I think there is huge promise in answering some of our energy demands and contributing to a cleaner environment by investing in alternative fuels.

Most people are familiar with ethanol—but I think that is just the first step. Florida's research universities have been working on cellulosic ethanol, which is a second generation biofuel.

This process generates fuel from orange peels, grass clippings, corn stalks—not the corn but the waste after the corn is gone. Any sort of organic material that has carbon in it can be turned into fuel.

One thing should be clear—it is that the tension on the world's oil market is not going to lessen anytime soon and the need to lessen the U.S. dependence on foreign oil could not be any greater.

Frankly, this Congress has been absent on the matter. The fact is, although we talk about President Bush and what he has and has not done, we have an obligation to act as well. The fact is, when the Democrats took over the Congress the price of oil was $2 a gallon; today it is over $4 and going up. We have to put down the partisan rhetoric. We have to come back to the fact that we must come together, work together, Republicans and Democrats, to do what serious legislating usually can accomplish when people of good faith come together to get something done.

I invite my dear friend and colleague, the Presiding Officer today, to find ways we might work together so we can help American families. I know there are many things on which we can agree. We ought to try to diminish the points of disagreement and find the common ground and move forward to a better energy future for our country so we might leave the kind of legacy for our children that I know is the reason we came here to the Senate in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I join with my colleague from Florida to talk about an issue that is probably on the minds of nearly every American today, especially if they just pulled their big SUV away from a gas pump and they fed their credit card into that gas pump and it registered $100. That is the reality the American consumer is being subjected to today in an unprecedented way. So my advice to the Senate today goes back to an old country song that was popular a few years ago, by a female country artist, called "A Little Less Talk And A Lot More Action."

That is exactly what ought to be going on in the halls of Congress today: a heck of a lot less talk and a lot more action. What ought that action be for the American consumer who today is paying more money than ever in the history of our country for energy? In the short term, the "more action and less talk" ought to be production, producing oil out of our known oil reserves in this country. That is not the answer for the future. That is the answer for tomorrow, next year, and 8 or 10 years into the future. I call it a bridge solution to the reality of a new generation of energy that is the cellulosics, that is electric, that is the hybrid. But we are always going to need oil or hydrocarbons in our economy to produce the kind of transportation fuels for the big trucks and many of our rail engines and all of those kinds of heavy transportation needs. That is not in part what the consumer is paying for today. The consumer is paying $4-plus at the pump today, depending on where you live, because this Congress over the last 20 years has had an attitude that is quite simple: Put that in wilderness, protect it, deny it, we can conserve our way out of it. The Clean Air Act says it is too expensive to retrofit refineries so we take one, two, three refineries offline. We have taken many of them offline because they simply couldn't comply with the Clean Air Act and they were too expensive to retrofit and our overall capacity to refine, with our overall capacity to explore and develop, went hand and hand down while the American consumer was consuming more.

What does that "a little less talk and a lot more action" mean? It ought to mean this: It ought to mean going where you know you can get it, going where you know you can drill. Where might that be? Here is that reality that American consumers ought to know about, and then I hope they will pick up the phone and call their Senator or e-mail their Senator and say: Why did you do this? Why over the last 30 years did you deny us access to these areas where we have known oil reserves?

In a modern world, for me to quote 20-year-old statistics doesn't make a lot of sense. But for 20 years we have said: No, we are not even going to use new seismographic measuring efforts to determine where the other oil is. We are going to take the old information, 20-year-old information in the red zone represents this.

American consumer, listen, because you ought to be on the phone today, calling your Senator and saying: A little less talk and here is the action. Start drilling. Open these areas. Get the bid process going.

What can it yield? The U.S. Geological Survey says that in these red zones we have a known resource of 29 to 30 billion barrels of oil. In the undiscovered areas where we believe it is, there is 85 billion, or about 115 billion. You do the math.

If we could produce a few more million barrels a day, what would the market do? What would the speculators do? They would run for cover. We would take $30 or $40 a barrel right off the top of the market that is a speculative price today that is betting that America will not do this because they are betting Congress is going to be doing a lot more talk and no action.

If we act, if we do what we ought to do, if we go where we know we should go, where the oil is today, and we find that there are 120, 130, 150 billion barrels of oil, down comes the market.

If the market comes down for America, the market comes down for the world. That is the price in the market, because we are talking about market trends that are world trends—not only us. If you think we are having a bad time here and we are paying $4, what is a European paying? They measure by liters, but they are usually, probably at $9 or $10 now. So they are as angry as consumers as we are as consumers about the reality of the market in which we all live.

I am talking crude oil. I am not talking natural gas. In these areas we believe there could be as much as 633 trillion cubic feet of gas. For the chemical industry of our country, for the world as we know it, that is hugely important. For all of the costs of the goods and services we are buying at the market shelf today that are going up in price, they are reflecting their need to have the ingredients that flow from oil or that flow from gas. Whether it is the transportation that gets them to the shelf or whether it is the ingredients of the product that is on the shelf, this is a world today that is dominated by what we call hydrocarbons—oil and oil derivatives, and gas. We are all going to be paying a great deal more.

The thing that is most visible is the pump, that $4 or $4.20 or $4.50. The Senator from Alaska told me this morning that in areas of rural Alaska where they barge the gas up and offload it during the summer for the locals to use, it is well over $5 a gallon.

And it is going to that consumer at well beyond their inability to pay. They are growing frightened; they are relating to that Senator fear that they can no longer live their lives the way they would like to live them because they simply have to deny themselves access to gas, access to oil.

Well, that is the reality of where we live and what we have done to ourselves. It all started in this Congress 20 years ago in the name of the environment. We began to deny, deny, deny, and deny. Consumers are saying something much different today than they did then. Because they recognize that in a state of denial there is a price to be paid. They are now paying that price.

So what happened and what is happening? Well, on May 19, a Gallup Poll came out. They asked Americans: Shouldn't we allow drilling in the U.S. coastal waters and up here in the ANWR area, the Alaskan National Wildlife Refuge?

A few years ago, a majority of Americans said: Oh, no, no, no. Let us protect those areas. Today, well, this was even before $4 gas, this was May 19, not this week, and 57 percent of Americans said: Drill it.

There is a new Rasmussen Poll out today which is even higher than that. Americans are saying: Drill it. Go where the oil is. Explore it. Develop it. Bring it online. Do it in an environmentally sound way.

And our technology today can take us there. We do not risk the environment when we do this. Anybody who stands on the floor of the Senate today and says: Oh, save the environment, is in a 20-year-old environmental time warp. And it is quite obvious why. They haven't seen the technology. They do not know what we now can do; that we have learned from the 1960s spill in Santa Barbara. Have you heard some Senators quote the facts about Katrina? Over a thousand wells were knocked offline, drilling rigs knocked off point. Not a drop of oil spilled. Why? Technology.

So America, awaken. Pick up the phone. Call your Senator and say: Get with it. A lot more action and a lot less talk. Because right now we are talking. We are jawboning, we are politicking, and the consumer is having their budgets burnt up by the reality of the marketplace that this Congress helped set decades ago.

Hear me. A lot less talk, Senate, and a lot more action. Let's go to work. Let's drill our reserves. Let's produce them in an environmentally sound way and let's give this consumer and our economy and the world a better place to go.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise today to talk about the pain that $4-a-gallon gas is inflicting across the country. For the last 8 years, our energy policy has been stuck in the past. Today, we suffer from that neglect. Our national security is compromised by our alarming overdependence on foreign oil. Our economy is held hostage to other countries that control the oil reserves.

Every day—every day—most Americans, most of the 300 million Americans are feeling the real pain of high gas prices and diesel prices resulting from these failed policies.

Americans know the past all too well. Since 2001, the price of oil has risen more than 400 percent. The cost of a gallon of gas from Colorado is up almost 300 percent. Oh, yes, we all remember those dear old days in 2001, when in Colorado we were paying $1.08 a gallon in the beginning of the Bush administration. Yet today we are at $4 a gallon in Colorado.

U.S. expenditures during that same time period on foreign oil that we are importing into our country have more than tripled; a family's transportation costs have more than doubled. Projections show gas may reach $5 a gallon this summer.

But the numbers do not even begin to tell the real story of how our dependence on foreign oil is hurting the American people. They do not tell the story of the farmer in Kit Carson County, on the Eastern Plains of Colorado, who is worried, worried that he will not be able to afford the diesel needed to harvest the wheat at the end of the summer.

They do not tell the story of the trucker in Elizabeth, CO, whose weekly income has fallen $700 in this economy and can barely afford to fill his truck because fuel costs are higher than they have ever been.

They do not tell the story of how fuel prices have pushed several airlines into bankruptcy and led United Airlines to cut over 1,000 jobs in recent days.

In rural communities, in particular, gas prices are taking a huge bite out of the family budget. This map shows the average proportion of a family's income that is going for filling the tanks in counties across the country.

You can see which parts of the country are the hardest hit. Those are the rural counties, where upward of 16 percent of the entire budget is going for gasoline. So you see in the broad swath of what is rural America, this yellow area. Down here is my San Luis Valley, where 16 percent of the family budget essentially is going to fill the tanks of gasoline for those families.

Across the country we are paying almost $5 billion more every day for oil than we did 5 years ago. These moneys are going to the Middle East, to Russia, and to Venezuela. They are not moneys that are staying in America to make us strong. Revenues for oil-producing states and oil companies, primarily oil companies controlled by foreign governments, will reach $2 trillion this year, $2 trillion.

So while American farmers and ranchers are facing $10,000-a-month fuel bills, Saudi Arabia is using its oil riches to build four new cities in the desert; the Sudanese are building new skyscrapers and five-star luxury hotels; and Russia, Russia is using its oil windfall to increase its Federal budget tenfold.

Over the last 8 years, we have not only become more dependent on foreign oil, today we import an increasing amount of oil from those foreign countries. Thanks to the failed energy policies of the past, we are at the mercy of OPEC and the oil-producing nations of the world.

We need to move forward with a new ethic and new imperative of energy independence. We must succeed in a sustained policy that is not a stop-and-start policy on energy independence but one that will succeed in addressing the cause that I believe most of the Members of this Senate believe in; that is, to end our addiction on the importation of foreign oil.

How are we going to do this? First, we must continue to develop our domestic oil and gas resources. You heard my friends on the other side of the aisle say we are not doing enough, that we have not drilled enough in the United States of America. Yet when you look at the 2005 Energy Policy Act which I helped craft, along with Senator DOMENICI and Senator BINGAMAN, that legislation took sensible steps, in my view, to stimulate new exploration and energy development and opened the door to a whole host of items on a portfolio toward energy independence.

In 2006, we worked together, again, Democrats and Republicans, to open an additional 8 million acres in the Gulf of Mexico for energy development. Those areas contained 5.8 trillion cubic feet of natural gas and 1.26 billion barrels of recoverable oil. We were then asking that we produce more oil from our own resources in America.

Colorado is a proud contributor to our Nation's energy supply, and we are working to do more. So it is false when people say we are not doing things in America to produce for our energy supply. We have more than 34,000 active gas wells in my State right now. We have almost 5 million acres of land under lease. We are producing 1.2 trillion cubic feet of natural gas each year, up sixfold from 14 years ago.

Over the coming years, we will contribute even more to our Nation's energy supply. The BLM estimates that over the next 20 years we could have 17,000 more gas wells in 3 of our western counties alone.

Let me say, are we against energy development in America? You tell me that the construction, the drilling of 17,000 wells in 3 of my counties in the State of Colorado is not contributing to the American supply of oil and natural gas that we need in America? We are doing a lot already here.

But for those on the other side who accuse us of doing nothing, they are wrong. I have also introduced legislation to open additional areas in the State to oil and gas development, including the Roan Plateau in western Colorado. But we want to do it the right way.

Let's not kid ourselves. Expanding domestic oil and gas production will not lower gas prices or kick our addiction to foreign oil. Americans consume 25 percent of the world's produced oil, but we hold less than 1.7 percent of the world's proven oil reserves.

This chart shows us a little slice of the pie that is 1.7 percent. One of my colleagues earlier said it is 3 percent of the world reserves. These are the figures from the Central Intelligence Agency. The CIA tells us we control 1.7 percent of the global proven reserves of oil. Yet we are consuming 25 percent of those reserves.

So what my colleagues on the other side are saying is that we are going to take this little slice of the pie and somehow magically address the huge oil security problems we are facing today. That is not accurate. We need to be honest with ourselves and the American people about our energy future. We simply cannot drill our way to energy independence.

If we threw open the doors of America's most treasured landscapes to drilling, it would still just be a drop in the bucket. According to the Energy Information Administration, drilling the Arctic Wildlife Refuge would, at peak production, which would be somewhere between 2018 and 2030, reduce the cost of gasoline by less than 4 cents per gallon.

We need to be honest with ourselves and the American people about our energy future. We simply cannot drill our way to energy independence.

Some dream that oil shale will save the day.

Oil shale deposits in Colorado, Wyoming, and Utah amount to somewhere between 500 billion and 1.1 trillion barrels of oil. That is more than double the proven reserves of oil in Saudi Arabia.

The trouble is, the oil is locked up in rock and, even after $10 billion of research and development, nobody has figured out an economical way to get it out.

If the technology were ripe, companies like Shell would already be developing oil shale today on their own lands. Shell and other companies already own nearly 200,000 acres of prime oil shale reserves in Utah and Colorado. Nobody, not the Federal Government, not the Congress, not the State, is stopping them from developing these tracts. But they are not ready, and that's what they have all told us in testimony. They are still struggling to overcome technological and economic barriers.

We can help companies such as Shell overcome these barriers through research and development incentives like the ones I helped put in the 2005 Energy Policy Act, but even under the most optimistic estimates, the technology won't be ready for commercialization until 2015.

So let's be honest about oil shale. Let's not pretend there is a magic wand that we can wave that will unlock the mystery of oil shale. Let's be honest about our energy future. Let's be honest with the American people.

Responsibly expanding our domestic production is only one part of the solution. As I have said repeatedly over the last 4 years, we also need to be improving our energy efficiency, investing in technologies, and developing our clean energy economy. We have taken several steps in the right direction.

At the end of 2007, Congress passed legislation to increase fuel efficiency standards in cars and light trucks by over 40 percent by 2020. This will save over 1.1 million barrels of oil a day.

The bill we passed, the Energy Independence and Security Act of 2007, also helps spur the rapid development and deployment of advanced biofuels, such as cellulosic ethanol. The bill quintupled the existing renewable fuels standard to 36 billion gallons by 2022, 21 billion of which must be from advanced biofuels, such as cellulosic ethanol. That is more than enough to offset our oil imports from Saudi Arabia, Iraq, and Libya combined.

I was also proud of the work we did in the farm bill to spur cellulosic biofuel production, which has the potential to dramatically reduce carbon pollution. The farm bill includes a provision I sponsored that provides a $1.01 per gallon tax credit for the production of cellulosic biofuels. It is the first incentive for cellulosic biofuels of its kind.

Why is this so important? Because cellulosic biofuels have the potential to displace 3 billion barrels of oil annually, equivalent to 60 percent of our country's yearly consumption of oil in the transportation sector, without affecting our need for food, feed or fiber, 3 billion barrels of oil a year.

Dramatically increasing our biofuels production can and will help us get control of gas prices and reduce our dependence on foreign oil.

In fact, if it weren't for current ethanol production, gas prices would be even higher than they are today.

Merrill Lynch estimates that gas prices would be 15 percent higher if it weren't for our ethanol production. Do not make biofuels the scapegoat.

In addition, studies are showing that, as a result of our renewable fuels standard enacted in 2005, U.S. oil imports recently declined for the first time in a quarter century.

Unfortunately, there are some who just cannot accept the fact that biofuels can and should be a larger part of our energy future. They're finding any excuse to advocate yesterday's energy policies and step back into the past.

These renewable energy opponents claim, for one, that biofuels production, in particular corn ethanol production, is to blame for high food prices.

This is absurd. There are three factors that are driving food prices up, and ethanol production is not one of them.

First, food prices are rising because global demand for grains, particularly from China and India, is rising.

Second, the global food supply is down because of drought conditions in several areas of critical agricultural production. Still, U.S. producers are doing everything they can to boost supplies. Not counting corn used for ethanol production, we produced 17 percent more corn food product and exported 23 percent more food product overall in 2007 than in 2006.

Third, rising oil prices are making it more expensive to produce food. Petroleum costs are embedded in every part of the global food supply chain. Recent studies by USDA reveal that for every dollar we spend on food, only 20 cents is the cost of the food product itself. The other 80 cents or so are the costs of labor, energy, transportation, and other factors.

The best economic minds agree that ethanol production is having little, if any, effect on food prices. Ed Lazear, chairman of the President's Council of Economic Advisors, recently reported that ethanol production accounts for less than 3 percent of the increase in global food prices.

Those who claim that biofuels production is driving up food costs are flat-out wrong.

Let's not forget where today's high gas prices are hurting most, it is in America's rural communities. Farmers, ranchers, small business owners, families in small towns, they know the true cost of our addiction to foreign oil. They feel it every day.

They also know that the solution is not far away. They know that the solution lies in our farms and fields, in the promise of cellulosic ethanol and in the ingenuity of the American worker.

Our rural communities know we can grow our way to energy independence if we continue to pass and implement policies that stimulate our clean energy economy.

So let's not let them down. Let's not turn the clock back to the failed energy policies of the last 8 years. Let's not pretend that the 1.7 percent of the world's oil reserves that we possess will meet our energy needs. Let's be honest with the American people. Let's build our clean energy economy. Let's pass the tax extenders that Senator BAUCUS, I, and others have developed that will stimulate renewable energy development. Let's give these growing industries the tax certainty that they and their investors need to move forward with projects that are creating good-paying jobs across the country. Let's get after the speculation in the oil market. And let's get to work on breaking our addiction to foreign oil.

I will conclude by making a few additional comments. We have heard from the other side of the aisle that oil shale somehow is magically going to develop as part of the solution for our energy independence and deal with gas prices today. The truth of the matter is, we supported the oil shale provisions in 2005 and have been moving forward in the development of oil shale in Colorado in a responsible way.

Yet we know that even after the investment of billions of dollars, the technology is some 6 to 7, maybe 8 years away before it can be even commercially developed, if it is proven it can be done. Yet there is this accusation that is coming from the other side of the aisle that somehow the development of oil shale is going to deal with the immediate crisis we face today. That is simply a false charge. We need to move forward and attempt to look at the development of oil shale in an environmentally responsible way.

Another point, before I conclude, is we need to continue to grow our way to energy independence. I am a proud sponsor, with Senator GRASSLEY, of the 25-by-25 resolution. I think America's farmers and ranchers can help us move forward so we can produce 25 percent of our energy from renewable energy.

I am hopeful this energy crisis does not create an opportunity for us to take a step back on the investments we are making in biofuels. Biofuels are a significant way in which we will move forward to energy independence.

I believe strongly there are parts of our energy agenda that Republicans and Democrats can come together on, but I am hopeful the stalling tactics that keep us from moving forward to crafting an energy bill will end so we can deliver on solutions to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator from Colorado for his solid, pertinent remarks about the energy situation we face and solutions for the crisis.

The energy crisis we face today is putting a squeeze on our working families. This morning, AAA announced another new record high on the national average for the price of a gallon of gas at $4.05 a gallon. Diesel hit a new record of $4.79 a gallon. The price of oil is at $134 a barrel. Yesterday in the Senate, Republicans blocked some solid measures by which we can lower the cost of energy which would directly impact working families, small businesses, agriculture, and the trucking industry.

Today, I rise to urge my Republican colleagues to allow us to pass legislation that will make a difference to free America from this grip of foreign oil. Although my Democratic colleagues have produced commonsense legislation to deal with this energy crisis, the folks on the other side of the aisle continue to block any reasonable attempt to take effective action. We have sound policy proposals on the table, and it is time for the other side to help lead or follow or get out of the way.

My Montana neighbors are hurting from the high cost of energy. Our manufacturers are at the risk of shutting down because of high energy costs. Truckers struggle to make ends meet, facing the high prices of diesel fuel. Family farmers are suffering from record-high diesel, high fertilizer, and other input costs. This energy crisis is real. We feel it every day. We have been feeling this effect for many months. The phone in my Senate office is ringing off the hook with folks asking for relief. Unfortunately, Republicans yesterday voted to deny any of that relief. They continue to block action even on the commonsense plan of my colleague from Montana, Senator BAUCUS, to extend tax incentives for promising alternative energy.

The facts are clear. We cannot drill our way out of this energy crisis. Drilling is a part of the mix of solutions we need, but we must find innovative and creative solutions to the challenges of this 21st century. Investing in renewable energy at home is the only way we can get on a path toward energy independence.

In short, we must pass the tax bill by Senators BAUCUS and GRASSLEY to support energy innovations such as wind, solar, and biofuels. The bill extends the production tax credit for wind, geothermal, landfill gas, solar, and biomass.

The United States has led the world for 3 years in wind power capacity. Last month, the Department of Energy said the United States can get fully 20 percent of its power from wind. But all of this grinds to a halt if we don't extend the production tax credit that expires at the end of this year.

This bill also includes incentives for homeowners to take the initiative to put renewable energy systems in their homes. It advances carbon capture technology so that we can expand coal power into the future while fighting climate change, and it extends credits for cellulosic ethanol and biodiesel. We have heard a lot of talk about ethanol influencing food prices. If we want to develop biofuels that don't compete with food, we need to extend the tax credits that help get these fuels into the marketplace.

Perhaps most importantly, it continues our focus on conservation in homes and businesses. This is the low-hanging fruit of good energy policy.

If this package has any shortfalls at all, it is that the extensions are not long enough. I know a lot of my colleagues on the other side of the aisle also like the tax provisions. The difference is, they don't want to pay for it. It is not free. We can't just get out the credit card and forget about it. If we don't pay for it, our kids do.

This package by Senator BAUCUS takes a fiscally responsible approach to the tax incentives. That means closing the loophole in the Tax Code that allows wealthy hedge fund managers, many of whom engage in the very speculation that drives up the cost of oil, to defer paying taxes on the money they make outside the United States.

Why anyone would hold up $55 billion in tax cuts for small businesses, working families, and our Nation's renewable energy industry is beyond me. More importantly, families in Montana and rural America wouldn't tolerate it, and they should not.

Unfortunately, the other side of the aisle continues to block this bill. We need to pass this important Federal support and expand it so energy diversification efforts can count on a more steady and reliable backstop.

Montana is already leading the way toward a more sustainable energy future. We need to use the power of the Federal Government to reach the full potential of these homegrown renewable energy projects. Let me give a couple examples.

Across the Great Plains, wind is one of our most reliable and most plentiful natural resources. We are harnessing the power of wind to generate electricity and to power homes and businesses across my State. We need the support of the U.S. Tax Code to build on this progress. On the agricultural front, camelina is a crop that can be used in biofuels without competing with food crops. In fact, the byproduct of camelina fuel production can be fed to cattle as a nutritional feed. This is an example of the innovative approach this Nation needs to free ourselves from the grip of OPEC and corrupt oil regimes of the world.

There is no reason the Senators cannot work together to support innovative solutions to this challenging problem. Unfortunately, the Republicans seem only interested in covering for the President, who has been asleep at the switch. Their own solution is to drill for oil in our most environmentally fragile areas.

We need commonsense solutions to address the cost of energy. The energy provisions in the Baucus bill will take a giant step forward in developing the 21st-century solutions our people deserve. We must start today to put America back on a path toward energy independence.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise to talk about high gas prices and the fact that so many of my colleagues from across the aisle have no interest or seem to have no interest in addressing the problem. Republicans seem not to care about the pain at the pump, but they may well care about the pain at the polls that could come from ignoring this crisis and their constituents.

The bottom line is, we are asking to have a debate on the issue of how to reduce gas prices, and the other side just says no. They may have a different solution than we do. They think ANWR is the answer, the Alaska oilfields. We all know that would take 7 years before a drop of oil would come, and most estimates say it would not reduce the price by very much at all. But let's debate it. We are willing to debate ANWR, an issue they care about. Why are they not willing to debate the windfall profits tax or dealing with speculation or dealing with the cartel of OPEC? We are happy to debate it all.

Make no mistake, we are facing an energy crisis that has led to a painful and unprecedented spike in the price of oil—$140 a barrel, $4 a gallon—and the minority, the Republicans say this is a problem that is not worthy of our attention or action. It is hard to believe. When you go home, whether it is at a parade or a veterans hall, even at weddings and christenings, people are coming over to you and asking: What are you doing about gas prices? The other side says: Let's not debate it.

It is incredible.

Eighty-six percent of Americans are unhappy with the state of our economy. The most tangible symbol of this is $4 a gallon gasoline. I can't understand why my colleagues on the other side of the aisle refuse to address this issue and block us from helping American consumers as our economy continues to falter.

They can filibuster all they want. We are up to 75 filibusters. Seventy-five times, they said: We don't want to move forward. We don't want to debate. But they cannot play the American people for fools. Come November, they will reap what they sow. My colleagues on the other side of the aisle will filibuster themselves right out of their Senate seats. The American public will not take lightly the fact that Senate Republicans have prevented anyone from helping. They will see through the shams and the false ideas. The strategy of playing to a base that is becoming more and more narrow is going to cost them dearly because the American people know which party is blocking action on energy prices and on tax extenders.

For all the talk about how American families have benefited from the Bush tax cuts, for all the emphasis Senator MCCAIN is placing on making them permanent, the simple, undeniable, you-can-look-it-up, no-spin truth is that the average American family is paying far more in higher gas prices this year than they received from the Bush tax cuts. So set aside for a moment higher health care costs, higher tuition costs, higher food prices, and all the other ways American families are feeling the pinch. They are paying more this year in gas prices alone than they received in the Bush tax cuts. Let me repeat that. They are paying more this year in gas prices alone than they received in the Bush tax cuts. Our friends across the aisle have turned the economic stimulus plan into the big-oil stimulus plan. It is unconscionable that the American public is being forced to use their stimulus checks just to pay for gas.

I have asked myself, Why don't they even want to debate the issue? We are willing to debate ANWR. We are willing to debate some of their solutions. Why aren't they willing to debate ours? I will tell you why. There are too many people who don't want to vote yes or no. They are torn between their base, their oil company constituency, and the rest of America. So they want to duck. But that policy is not going to work—not this time, not this place, not this year.

So we are here today to ask that we be allowed to debate the two issues they blocked us on yesterday. This week in the Senate Republicans are blocking lower energy costs. Let me repeat that because clear as a bell, that is what is happening. This week in the Senate Republicans are blocking lower energy costs. We cannot even debate them. Yesterday, they blocked us twice from debating legislation to address rising gas prices.

The Senate majority leader put together a comprehensive energy package, the Consumer-First Energy Act. Senator BAUCUS put together the Renewable Energy and Job Creation Act that extended tax credits to promote renewable energy and break our dependence on foreign oil. What did they say to either of these in terms of not just a lack of support but debate? No, no, no.

So we are stuck with high oil prices, and instead of letting us debate these pieces of legislation, my colleagues on the other side and the Bush administration keep going back to the same old tired idea: Drilling in Alaska. And do not be fooled because presenting this idea is like a poorly performed magic trick. It does not work, and if you look closely enough, you can see through the smoke and mirrors.

Let me ask my colleagues, when would ANWR drilling have an impact on prices? When are we going to get the first bit of oil? In 2018. Do the American people want to wait until 2018, 10 years from now? We Democrats—I was one of the leaders here—agreed last year to drill in the east gulf. That would have increased domestic production over the next few years. So when the other side says: We don't want to drill—we believe we cannot drill our way out of the problem. We need a profound change in energy policy. But to alleviate the short-term pain—not 10 years from now but more immediately—we have said drill in the east gulf. I helped round up Democratic votes to pass that bill.

So we are not saying do not drill, but we are saying we need a profound change in energy policy. ANWR is too far away. We should be changing the policy long before 2018 when the first drop of ANWR oil would come.

Perhaps the only thing we have done that will help reduce the price of oil and gas in the last while is something that had to wait for a Democratic Congress and Senate: Higher mileage standards in the cars. That will be something. But we need to do a lot more. We need to go after the oil companies. We need to go after OPEC. We need to stop rampant speculation.

The Consumer-First Energy Act does those things. We need to change our tax policy so instead of giving breaks and subsidies to the oil companies, we start encouraging alternative energy: Solar, wind, biomass—you name it.

In conclusion, yesterday we heard simply: No, we will not debate oil prices. They are blocking lower energy costs. We hope over the next day or two our Republican colleagues will rethink that position and join us in a fulsome debate because otherwise we will not get gas prices to go down.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, could you let me know when 5 minutes have expired, please.

The PRESIDING OFFICER. Yes.

Mr. ALEXANDER. Mr. President, I will give the Senator from New York an A+ for creative imagination. Here we are wanting to debate the climate change bill—which is a 53-cent-per-gallon gas tax increase proposed primarily by Members of the other side, and which includes a $6.7 trillion slush fund that Members of Congress could spend as they see fit—and members of the majority party were so embarrassed by it they tried to bring it down and pull it from the floor. This is a bill we should be spending all month talking about. If it is really important to deal with gas prices and electricity prices and climate change and clean air and our overdependence on foreign oil, where are the debaters on climate change? That is the bill we are on today. We—the Republicans—said let's continue to discuss this important issue. They said: No, let's bring it down. And for what purpose? To bring up their no-energy bill. Their solution to gas prices—very cleverly disguised by the Senator from New York—is more lawsuits, more taxes, and no exploration. Our solution is more American energy now.

The Senator from New York said: Well, why should we drill in the 2000 acres of Alaska that would produce a million barrels of oil a day? It would be 10 years before we would see that oil. The answer is that it would be 1 million barrels of oil a day, which would add 1 million to the 6 million we produce. Ten years ago, President Clinton vetoed legislation passed by a Republican Congress to permit more oil exploration in Alaska. If he had not, we would have 1 million more barrels of oil a day of American energy.

So that is the reason we should go ahead. We need more American energy now. We are for it; they are not. We are for it; they are not. More American energy now.

We know the future is a different kind of future for energy. I have suggested—with support from many of my colleagues—that we have a new Manhattan Project, in effect, to focus on things we do not know how to do. How do we get solar power down to the cost of fossil fuel? How do we make plug-in electric cars commonplace? How do we safely dispose of nuclear waste by reprocessing it? How do we have more research for advanced biofuels, made from crops we do not eat? We want that kind of future, where America has achieved clean energy independence. We want to start today to move toward it with the same intellectual horsepower and speed and dollars that we moved toward splitting the atom and building a bomb in World War II.

But that is the future. The bridge to the future is to use more American energy now. Gasoline is made from oil. We use 25 percent of the world's oil. Until we get to this future, we are going to need more of it. We can either buy it from the Middle East and from Venezuela, or we can make more of it here. It is that simple.

Today, and in days to follow, I will be reading letters from Tennesseans who have written to me about the effect of gas prices on their families. I received 400 such e-mails in the last few days. Let me read one from Lounita Howard from Lascassas, TN, which is in Rutherford County:

> The high gas prices have hit my husband and myself especially hard. We are both self-employed. Bobby is a full-time farmer (one of few remaining in Wilson County, Tennessee), and I own a small community newspaper, The Watertown Gazette.
>
> I live nearly 20 miles from my office, but working from home is not an option. I'm spending close to $70 a week on gas just commuting to Watertown from our farm in Lascassas. (We live just in Wilson County.) Two years ago, it cost me $30 to $35 a week.
>
> Diesel fuel is another story. Road fuel is running around $4.70 a gallon. Off-road fuel for tractors is around $4.30 or $4.40.

She goes on to tell about her husband Bobby, who is a seventh generation farmer.

I have a letter, also, from Jonathan Henry, a marine for 18 years, who is a Tennessee native who returned from 12 months in Iraq. His family was given a flat rate for moving costs. Gas is so high, they have had to make cuts in about everything else, he says. He had to forego his family vacation. It is too expensive to go on now.

The PRESIDING OFFICER. The Senator will be advised 5 minutes have expired.

Mr. ALEXANDER. Thank you, Mr. President. I will continue for about another 60 seconds, and then I will conclude my remarks.

I have letters from Kathy Crowe from Hendersonville, TN; Joseph Rizzo from Townsend, TN, where I live; and Marti Lewis from Pleasantville, TN.

Mr. President, I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> From: 1st Sgt Jonathan Henry.
> To: Senator Alexander.
> Subject: A Marine's opinion.
>
> DEAR SENATOR ALEXANDER: I am writing as a Marine who returned from Iraq in February from a twelve month tour,. my second in three years. I appreciate your concern to hear from Tennesseans including active duty service members from Tennessee like myself who represent our great state. Shortly after I returned to my home base in North Carolina and executed orders to Camp Pendleton, CA where gas is now in excess of four dollars and thirty-one cents as of 1 June 2008. My family felt the expense of gas prices as we are paid a flat rate for moving that includes fuel cost. The high prices for gas reduced the flexibility we had for use on other moving expenses.
>
> The high prices of gas are having a serious affect on Tennesseans like myself who are assigned outside Tennessee and pay the highest prices in the nation. I have proudly served in the Marine Corps for over eighteen years and will gladly go anywhere assigned but it strains my family during times like this when we travel. This summer we had planned vacation time together we missed during my deployment in 2007. We have had to change our plans considerably because there is no way an enlisted member like myself can afford to travel distances outside the immediate area and have expenditures beyond what we would pay for fuel. My wife is thrifty and she made our home run smoothly while I served in Iraq and assures me that we can still make the most of what we have here at our new duty station.
>
> I appreciate your concern and hope that Congress will see how Americans are sacrificing because of soaring gas prices.
>
> Thank You Sir,
>
> JONATHAN S. HENRY,
> *1st Sgt USMC.*

From: Lounita Howard.
To: Senator Alexander.
Subject: High Gas Price Stories.

DEAR SENATOR ALEXANDER: The high gas prices have hit my husband and myself especially hard. We are both self employed. Bobby is a full-time farmer (one of few renaming in Wilson County, Tennessee), and I own a small community newspaper, The Watertown Gazette.

I live nearly 20 miles from my office, but working from home is not an option. I'm spending close to $70 a week on gas just commuting to Watertown from our farm in Lascassas (We live just in Wilson County). Two years ago, it cost me $30 to $35 a week.

Diesel fuel is another story. Road fuel is running around $4.70 a gallon. Off-road fuel for tractors is around $4.30 or $4.40. It just keeps going up—almost daily. There's no way to budget for this. We row-crop, growing corn and large amounts of hay, and raise cattle. Obviously, Bobby uses thousands of gallons of diesel in his business just to keep the tractors going. He uses a substantial amount of road-fuel as well, as he must have heavy-duty dually diesel trucks to pull trailers loaded with equipment or hay. Diesel fuel used to cost less than gasoline. Now it costs far more. It costs hundreds of dollars just to fill the tanks on one truck.

We're really wondering how we can survive. Bobby is a seventh generation farmer on the same land in Wilson County settled by his ancestors when they came to Tennessee in the early 1800s. My dream was to own my own business—I saw that dream come true five years ago, but with the cost of fuel coupled with the high cost of health insurance as a self-employed couple, I beginning to question the wisdom of continuing to pursue that dream.

Before the gas prices started skyrocketing, we were holding our own—not getting rich, mind you, but we were ok. Now, it's hand-to-mouth. Gas prices are impacting the cost of everything else—groceries, household supplies, you name it I heard today that sales at Goodwill Stores in Tennessee have gone up 12 percent—not surprising. Who can afford to buy "new" when they've got to fill up their fuel tanks to do their job, or get to the office?

Thank you for your time and efforts to address the problem of high fuel prices.

Sincerely,

LOUNITA HOWARD,
Lascassas, TN

To: Senator Alexander.
Subject: Impact on Small Business.

We supply lighting to the residential building community in Sumner and Wilson county. Many of these builders have gone from building 30 homes a year in 2007 to this year just one. Some have even gone out of business completely.

I took a second mortgage out on our home and used retirement funds to purchase this business several years ago. We built a thriving business with a bright future until this year. Today, I can barely make payroll. Our key was always customer service. Part of that service included going to a client or builder's home and personally consulting on the project site. This consultation is at no charge. We have free delivery. We can no longer afford to drive to Wilson County or the far roaches of Davidson County without charging a fee just to pay for Gas! It pains me to charge for what my heart says should be at not charge. It cost $110 to fill my tank 2x per week.

Our sales to the building community are down 47% over previous year(s).

My supplies are charging 25% of the cost of goods as fuel charges.

UPS is charging 25%—55% cost of goods as delivery charges.

Product made in China (90% of inventory) is rising monthly,

Two of my employees are considering leaving us due entirely to fuel costs from Gallatin to Hendersonville everyday.

If this continues, we will close. Several new people will be on the state's unemployment, the $50,000+ local sales tax we contribute to will be eliminated and we will foreclose on our personal home and property.

Please help.

KATHY CROWE,
Hendersonville, TN.

From: Joseph Rizzo.
To: Senator Alexander.
Subject: Gas Prices.

I am a student at UT and live in Townsend. It cost me $100 per week just to travel back and forth to school. I was faced with dropping out of school, because I could not afford the fuel, or dip into my savings and purchase a scooter that will give me the economy of $20 per week in fuel cost. If the cost of the scooter offsets the cost of the fuel, then I made the right choice in the long run. My biggest concern now is the safety of traveling back and forth on a scooter. Had no choice. Education or no education.

JOSEPH RIZZO,
Townsend, TN.

To: Senator Alexander.
Subject: Gas Prices.

I am a disabled veteran who requires a lot of medical treatment and doctor visits. And because I live in a small town I have to drive up to 100 miles for treatment. I have been forced to try and schedule appointments to coincide with my family's appointments so we can share the ride. As a result, I am not getting the treatment I require as often as is needed and am left suffering with symptoms that have caused me to be disabled. I should go to the doctor for treatment every two weeks but have to now wait up to a month because the gas prices are so high. In the meantime I suffer with terrible pain. But, I have little choice since I can't afford the gas it would take to drive such distances. I pray that the prices will go down so that I can seek the treatment I need for a condition that arose while serving my country. I appreciate all that you do to ensure we can have reasonable and affordable gas.

MARTI LEWIS,
Pleasantville, TN.

Mr. ALEXANDER. As we debate high gas prices, and as we hear these stories from Tennesseans and other Americans, let's be clear what we need to do. We all want an energy future where America has achieved clean energy independence, but that is very different than what we have today. But the bridge to that future in a country that uses 25 percent of all the energy in the world is more American energy now. We Republicans support that, and most of the Democrats do not—which is why they propose more lawsuits and taxes, but no exploration.

Just as one example, to conclude: Why not let Virginia do what four other States do and put oil and natural gas rigs 50 miles out where you cannot see them, and take 37.5 percent of the revenues and put it in a trust fund for schools or beach nourishment, give 12.5 percent of the revenues to the Land and Water Conservation Fund, and put some more American oil now into the world marketplace so prices would stabilize and begin to go down? I offered that amendment to the Budget Resolution earlier this year. It was defeated 51 to 47. Most Republicans voted for it. Most Democrats voted no.

We are for more American energy now, and they say no.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to be allowed to speak for up to 10 minutes and the remaining block of our time be reserved for the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I want to also read a letter from one of my constituents, Jerry from Denton, TX. That is just around Dallas. He wrote to me:

> I work full time, have two part time jobs, and go to school full time and with living expenses I am having trouble keeping my head above water. My parents are both retired and drawing social security, my dad is also working as much as he can, but still they are just barely able to get by. My health insurance expires next month and I cannot afford it because of what I'm spending on gas right now.

Jerry adds:

> We need a long term plan that allows for new sources of energy, but that does not involve the complete doing away with gas or making gas prices go so high. Something needed to be done months ago.

Well, I think Jerry is being overly generous. Something needed to be done far earlier than just a few months ago. We needed to do something about this 10 years ago. But, unfortunately, the birds have come home to roost, and now the American people are suffering high gas prices which affect every aspect of their lives.

Two days ago, I was in Houston, TX, at the Houston Food Bank. I heard from a senior citizen—a woman—who is disabled and whose food costs have gone up by 50 percent. Now, you may wonder, what is the connection between food costs and gasoline? Well, the fact is, the diesel or the gasoline the farmers need in order to produce the crop—to bring it in so it can be made available for us to buy and prepare for our tables—has driven food prices even higher.

As to some of the choices we have made in Congress—for example, to use food for fuel, things such as corn for ethanol—about 25 percent of our domestic corn crop now is used for biofuels, and we need to revisit that. But in the short term what we need to do is to bring down the price of gasoline at the pump. There are basically three ways we can do that: One is we can increase supply which, to me, is the most obvious answer.

I heard one of my colleagues this morning cite a new Gallup survey which points to the fact that American attitudes have changed dramatically with the facts; that is, as gas prices have gone higher—from January 4, 2007, when they were $2.33 a gallon to today where they are $4.05 a gallon—attitudes have changed about producing oil from domestic sources. We are talking about in Alaska. We are talking about the Outer Continental Shelf where now China, off of our southern coastline is producing oil in basically an area where we could be producing it, but China is producing it for themselves while we have put a moratorium on producing that for ourselves.

Then there is a vast oil shale out in the Western States. It is estimated that in the Green River formation in Colorado, Utah, and Wyoming, there are as many as 2 trillion barrels of oil potentially available from that one location but approximately 6 trillion barrels of oil from producing oil shale using new technology that has not always been available. So we could bring down the price of gasoline, 70 percent of which is composed of the price of oil, by increasing American supply which will, in turn, reduce our dependency on imported oil from the Middle East.

Our colleague and friend, Senator SCHUMER of New York, acknowledged this recently—that supply can affect price—but he was talking about Saudi Arabia increasing their supply. I am not for increasing our dependence on Saudi Arabia or any other country; I am for greater independence by depending on our own domestic resources. But he said on this argument—on the supply-and-demand issue—on April 30: If they produced a half a million more barrels a day, the price would come down a very significant amount. At the same time, it would stop the speculation that keeps driving the price of oil up.

Well, I say he is half right. More supply—more American supply—would help dampen the speculation and help bring down the price which would help make more oil available to make into gasoline which would help all of our consumers and constituents at the pump. It would help people such as Jerry, who is trying to get by while going to school and trying to hold down two jobs in Denton, TX.

Fifty-seven percent, at last count, of the American people in a Gallup survey said they believe we ought to take advantage of the natural resources that God has given this country. I remember when I was in school; we would look at different countries and try to figure out why one was more successful, more prosperous, than another. Invariably, the teacher would say because the natural resources this country has are so vast, that is one of the reasons for the tremendous prosperity. America is the only country I know of that has this bounteous natural resource known as oil and gas and we have consciously decided—Congress has consciously decided—to put it out of bounds through various appropriations acts dating back to about 1982.

We need to reconsider this. I believe we need to change our ways and help relieve some of this pressure consumers are feeling at the pump, and the woman I was referring to at the Houston Food Bank who sees her food prices driven up, requiring her to be more in need of the good works and the charity of others, to help her with her food costs. This is something that I, frankly, do not understand—why Congress continues to be the impediment and not part of the solution.

Our friend from New York and others say: Well, we have a solution. There was a bill that was introduced and voted on yesterday, and frankly I agree with the Senator from Tennessee that it was not an energy bill because it didn't contain one additional drop of new energy. What it said was: Well, we are going to sue OPEC—the Organization of Petroleum Exporting Countries—including Venezuela and Iran, Saudi Arabia, and others, presumably to get them to open the spigot even wider so we can be more dependent on imported oil while continuing to put America's natural resources out of bounds. That is not a solution. Then they said: OK, we have an even better idea. People are mad at oil companies, so let's raise taxes on oil companies. That would be great, wouldn't it? It would make everybody feel good.

Well, the problem is that happened back in the 1980s, the so-called windfall profits tax, and do you know what happened? The Congressional Research Service has documented the fact that domestic oil production went down by 6 percent. In other words, it made us even more dependent on imported oil from the Middle East and elsewhere, not less dependent. So we want to repeat our mistakes. It is true that those who forget history are condemned to relive it, and I guess our friends on the other side of the aisle want us to relive that bad part of our history as far as our energy independence is concerned.

So as good as it may feel to some people to raise taxes to stick it to the oil companies, it is sticking it to yourself. In the end, everybody understands that when you raise taxes, eventually those taxes—those costs—are going to be passed down to—guess who. You got it: to the consumer. Rather than bringing down the price of gasoline, it is going to continue to drive up the price.

Last week we saw what I think is fair to say a very poorly timed presentation of the Boxer climate tax bill which, rather than bringing down the price of oil and gasoline, would have driven the price up. The National Association of Manufacturers estimated if we had passed that bill, it would have driven up electricity costs and gasoline costs by more than 145 percent.

So there is a better way for us to do this, but it is not by trying to force bad solutions, big Government solutions with $6.7 trillion in costs associated with it—ones which will backfire on us and increase the costs of gasoline and electricity. That is not a good solution. I think most people of good will and common sense would agree. We need to find a solution that will bring down those costs as we work toward that clean energy future that Senator ALEXANDER and others have talked about; as we use more of our own natural resources, as we develop nuclear power to make electricity in a larger percentage as countries such as France do where 80 percent of their electricity is made from nuclear power; so we have electricity to recharge the battery on that hybrid plug-in vehicle that is going to be produced by General Motors and others in 2010 and beyond.

We are going to have to change some of the way we operate such as by conservation, by paying more attention to the environment, but also from a national security and economic perspective by trying to make sure we develop clean sources of energy. But as we are on that bridge to the future to clean energy independence, we are going to have to continue to depend on oil and gas. Doesn't it make sense that we would rely more on ourselves and less on others to help us with this important element of a prosperous economy, not to mention the thousands of additional jobs that would be created right here in the United States, if we would develop more of our own resources rather than depend on our adversaries to sell it to us so they can use the money to buy weapons to perhaps use those weapons against us?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise to discuss further this issue of energy which is, of course, a massive and important priority for us as a nation and for people simply trying to get through the day—driving to work or whatever they have to do that uses energy—with the price of gasoline at over $4 a gallon and, at least in my part of the country, the fear of oil prices next winter—which is the primary source of heating fuel for us in New England—being well into the middle $4 price range and potentially higher. That is something most people find almost inconceivable but, more importantly, it is extremely hard to afford and it puts a tremendous amount of pressure on the family budget.

The question becomes: How do we address this as a culture and how do we address it as a Congress? We have had a proposal brought forward by the other side of the aisle which seems to ignore the concept of supply and demand and turns basically to trial lawyers and to taxes to try to address how you produce more energy. That is unlikely to encourage or to address this issue in a positive way. The simple fact is to set up an American procedure where you are now allowed to sue Saudi Arabia or the Gulf Emirates or Iran over their production of oil is cutting off your nose to spite your face. These are independent nations. The idea that you are going to resolve the issue of production and availability and price by suing these nations, some of which—for example, Venezuela—have great antipathy for us to begin with; at least their leadership does—is absurd on its face. It is plain absurd. It may make a good press release, it might make a good hyperbolic statement, but it certainly does not do anything to produce more energy for us as a nation at a more affordable price. It may make a few trial lawyers happy, but that is about all it is going to do.

In fact, it will have the opposite reaction. If I led a country and the U.S. Congress passed a law that said they could sue my country, I would simply say to the United States: You can go pound sand. We don't have to ship you any oil at all. We certainly don't have to take the revenues that we generate from those oil shipments and reinvest them in the United States, which is critical to us as a society for our own capital formation. So this policy is counterproductive and, as I say, is cutting off your nose to spite your face.

It is followed closely by an equally incoherent policy from a standpoint of substance—maybe not from a standpoint of politics—which is the idea that you are going to tax American corporations at excessive rates over which you tax other corporations because they make profits that are deemed by Members of the other side of the aisle to be excessive. Basically the philosophy of this position is: Well, we in Congress know how to spend your profits better than you, the company that produces those profits knows how to spend them, and that somehow we in Congress are going to produce more oil and, as a result, reduce the price of oil if we simply take control over your profits so you can no longer invest those profits in the exploration for new oil or for new energy sources or for alternative energy sources. The idea that Congress could in any way efficiently handle these dollars has been proven to be a fallacy, of course. Congress would simply take those dollars and spend them on whatever political issue we happen to feel the most appropriate and whatever constituency we want to benefit the most—dollars which could be much more efficiently used. Remember, most of these dollars, these profits, don't end up going to some pie-in-the-sky exercise; they either go back to the exploration to produce more energy or they go to stockholders through dividends. Most Americans are stockholders. Working Americans are invested in pension funds through their place of employment and they are stockholders. In fact, well over 65 percent of senior citizens receive dividend income. Of course, those dividends are a function of profit for the companies that pay the dividends. The money flows back to the employees of those companies and to the people who own pension funds which have invested in those companies, whether it is an auto worker or somebody working in a factory in New Hampshire or a high-tech individual who has a 401(k). So those profits usually get reenergized into the economy to produce more economic activity. They certainly are more efficiently used in that manner and through exploration than they would be for us to basically confiscate those profits through an excessive tax because some Members of the other side think it is good politics and as a result wish to target these companies which they see as good political fodder.

A much more logical approach to production and reducing the cost of energy in this country would be to actually do something about producing more available energy for the American people. Unfortunately, on every attempt to do that, we have been stonewalled by the majority party—stonewalled on the issue, for example, of producing more nuclear power. We have a unique experience of this in New Hampshire. New Hampshire was the last State to bring online a nuclear powerplant. It came online years after it should have come online at a cost which was dramatically more than it should have cost because of the opposition of the left—aggressive and very effective opposition in stalling—in bringing that nuclear powerplant online, Seabrook.

What has happened since it has been brought online? It has produced a lot of good, clean energy, not only for the people of New Hampshire but for the people of New England who have benefited from that nuclear powerplant. Unfortunately, the people of New Hampshire have been stuck with a bill of almost $100 million which is the result of cost overruns driven almost entirely by the left by delaying tactics which were put upon the plant and the production of this energy. That attitude hasn't changed much on the other side of the aisle. There is still genuine opposition to nuclear power. Nuclear power is a clean form of energy and it is something we should be turning to.

France—a country which is not often held up as an example around here for policy, but it should be on this issue—has 80 percent of its energy coming from nuclear power. We as a country should be equally aggressive in that area.

Another area we need to be aggressive in, for those States that feel it is appropriate, they should be allowed to do over-the-horizon exploration for oil and for gas off their shores. It works in Louisiana. Ironically, one of the few things that results from Katrina that you could look at as positive—and Katrina was a horrific disaster—was the fact that there wasn't one barrel of oil spilled as a result of that hurricane—a level 5 hurricane—coming up the gulf and going through New Orleans. It wiped out the city of New Orleans, but all the oil rigs that were functioning—and there were a lot of them in the Gulf of Mexico—survived without a leak, without a spillage of any kind. That shows that drilling in deep water can be done in an environmentally safe way.

Yet the other side of the aisle resists and stops any attempts to allow other States that might wish to pursue this course of over-the-horizon exploration for oil and gas from pursuing that course. Virginia has expressed interest in doing it, and Virginia may have a very large potential energy source right off its coast. It may be fairly far out, and it will be deep water, but it may well be there. There is no reason we should not look at that type of approach and produce energy there.

We need to produce more American energy because we cannot rely—and this is fairly obvious—on energy from nations in the Middle East especially.

Another example is oil shale. The technology for the recovery of oil shale has gotten to the point where it is extremely sophisticated and, again, environmentally safe. All the activity occurs below ground. There is virtually nothing occurring above the ground, other than the actual pumping out of the final product, which is a kerosene-type product that can be used for jet fuel. We have a reserve of oil from oil shale that exceeds the reserve of Saudi Arabia. Think about that. We have, in our Western States, enough oil from shale, which can be recovered by underground methods and have no insignificant environmental impact, to actually produce more oil than Saudi Arabia. Are we able to pursue that? No. Why? Because the other side refuses to allow exploration for participation in oil shale in the West.

Those are a few examples of the type of expansion and approach we should take toward producing more American energy, which is totally resisted, regrettably, by Members of the other side of the aisle who are speaking for aggressive groups on the left.

We are not going to produce more energy or reduce energy costs by setting up a regime to sue Saudi Arabia or Venezuela. We will probably have the exact opposite effect. Certainly, it will affect the willingness of those countries to invest in the United States. We are not going to produce more energy or reduce energy costs by putting a confiscatory tax on companies that produce energy and taking money that can go to individuals through dividends, working Americans, or can go to greater exploration out of the pipeline and giving it to people in Congress to spend on special interest groups.

The only way we are going to get more energy and reduce our reliance on foreign energy is if we produce more in the United States, which we can do; we have the reserves. We are not allowed to use them. We can pursue nuclear, for example, and we can pursue renewables. They can have a positive effect, but they cannot obviously overwhelm the entire need, or carry the entire need. We also, of course, should look at other areas, such as conservation and using a different type of vehicle or engine—something that is either a hybrid or an all-electric engine. But to drive an all-electric car, you have to have electricity produced, which means you have to have more electrical plants, and you have to make sure they are clean and not putting carbon, nitrogen, and sulfates into the air.

We should be using nuclear power and promoting clean coal technology. So you need specific initiatives that will actually produce something in the way of energy, not political statements that produce something in the way of hyperbole. Senator DOMENICI has proposed a bill that would carry a number of those issues—expansion in the effort of nuclear, the opportunity to pursue over-the-horizon exploration, and using shale oil through underground recovery. Yet that bill has been held up and stopped by the other side of the aisle. So the question today becomes, how do we better improve our position and make sure we have less dependence upon foreign oil and begin to bring down these prices of gasoline and home heating oil? The answer is simple: Beyond conservation and the renewable issue, which there is agreement on, the answer is to produce more American energy and make it clean energy, such as nuclear.

I believe if we want to progress in this area, we need to take a hard look at over-the-horizon drilling for offshore oil and gas off the States that are willing to pursue that. Maine, which has the Gulf of Maine, is not going to be willing to do it because of the fisheries and neither will New Hampshire. If Virginia wants to do it, they ought to be able to do it. It can be done safely.

Second, oil shale is a reserve that can be produced, again, underground and without environmental harm. These are substantive, specific approaches, which we need at this time.

I yield the floor, reserve the remainder of our time, and I suggest the absence much a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, our people are hurting. There is something wrong with the price of oil and gas. It is not a normal function of the marketplace of supply and demand that the price of oil hit, last Friday, $139 a barrel.

few months ago, we had an ExxonMobil executive testify before Congress that the normal supply and demand of the marketplace for oil, even in a tight world market, the normal price would be about $55 a barrel. Yet, last Friday, oil sold for $139 a barrel. So what is the problem? Well, it is obviously not a supply-and-demand issue. A normal marketplace sets its price according to the supply, and when the supply is higher, the price is less; if the demand is higher than the supply, then the price is more. As you would expect, in a world where there is an increasing consumption of oil, you would think, even with the emergence of new countries that are demanding oil, the supply would keep going up and up and, in fact, it has. But if the ExxonMobil executive is accurate, and the price ought to be around $55 a barrel, what is the difference that has run the price all the way up to $139? We have to look closer to see. I think the American people are now at the point of hurting so badly we better shake ourselves out of our lethargy and do the congressional investigations that are necessary to pry open this secret box to determine what is causing oil to keep going up and up, so we can give our people some relief.

Now, it is true it is a multifaceted problem, and it is true that in a world in which any kind of news would suggest that there is going to be a part of the world that is disturbed, that it sends jitters throughout the marketplace, particularly on oil—since oil is so much valued as a commodity. That would certainly be one reason that would increase the price. So bad news having to do with this or that—bad news with regard to the war, or Iran suddenly having small boats that would swarm the U.S. Navy fleet in the Persian Gulf at the Strait of Hormuz, that would certainly send jitters. Whatever the world event is, it is going to send jitters, and that will cause people to worry whether they are going to have the oil contracts and supply for the future.

But that still doesn't explain the gap between $55 a barrel and $139 a barrel. So what we have discovered is, lo and behold, back in December of 2000, on an unrelated bill, there was an insertion made in that bill, without any fanfare, that took away energy and metals from being a regulated commodities on the Commodity Futures Trading Commission. Whereas, in the past, that Commission would have had a regulation that says, if you are going to buy futures contracts of oil, you have to be a buyer who is planning to use that oil. You take away that regulatory effort that, if you want to buy it, you have to buy it for the purpose of using it, you take away that regulatory requirement, and then what happens? In an unregulated market, these contracts for future oil start to get bid up and speculators want to speculate and more and more they think it is a valuable commodity and the price keeps going up and up in pure speculation.

It is similar to a potential owner of a house who wants to buy a house because they want to live there, but another potential buyer of a house who doesn't want to live there but merely wants to speculate on the house puts in a contract on the house, knowing the value is going to go up and would not even wait to close to own the house but will take the contract for this price and flip it to a new buyer who will buy it for a higher price. Thus, the speculative fever drives up the price. That is what has happened, in part, with regard to these oil contracts.

There is another reason the price is going up too; that is, so much of the available money in the world to be invested—we call that capital—used to go into real estate, but we know what has happened to the housing market. We know what has happened to the value of real estate. Instead of, as it has over the past decade or so, continuing to go up, it is going down. So a lot of that money that was available for real estate investments is out there to be used and invested someplace else.

Naturally, what looks like a good market is the one that keeps bidding up the price of oil. Now we have more money flowing into the bidding up of the oil contracts, which causes them to be bid up to a higher and higher price. And guess who pays at the end of the day. It is all of us. It is our people who are now paying in excess of $4 per gallon with the enormous consequences they are suffering, in many cases—I have just come back from almost two dozen townhall meetings in which I can tell you that our people are hurting. They are crying. Literally, people are standing up in townhall meetings weeping. Families cannot make financial ends meet; families cannot, with the cost of everything else going up, afford to drive their car; families who happen not to live close to their place of work, who have to depend on their own car for transportation, are getting into a terrible fix.

So what are we going to do about it? Last week, our Commerce Committee heard testimony from a professor, Michael Greenberger. He suggested we close off the loophole by taking energy commodities, such as oil and natural gas, off the list of exempt commodities, making it clear that energy commodities must be traded on regulated markets. We thought we did this on the farm bill which we passed a couple of weeks ago by closing that loophole that was allowed in the law in December of 2000. That loophole, by the way, is called the Enron loophole. It was done at the behest of the Enron company. And then the Enron company, once their commodity—energy—was not regulated, they utilized that—remember, in the early part of this decade?—they utilized that to run up the price of electricity contracts in the State of California. It was this same phenomenon: speculators speculating, bidding higher and higher on contracts for future electricity.

Mr. President, am I under a time limit?

The PRESIDING OFFICER. There is a 10-minute time limit.

Mr. NELSON of Florida. Mr. President, is there another Senator waiting? There is. I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I am just getting cranked up, but I will see if I can crank it up and conclude within 4 minutes.

We saw the devastation of the electricity contracts being bid up by speculators as a result of the Enron loophole in the law. We thought we closed that Enron loophole a few weeks ago on the farm bill so that there will be new regulation, but there is disagreement on this floor among Senators as to whether we have closed it. This Professor Greenberger has opined to us in the Commerce Committee that we did not sufficiently close it off. I think we ought to examine how ironclad our closing of that loophole is and ask ourselves some important questions.

Question No. 1: Should we consider the outright barring of trading energy except for a legitimate business purpose? In other words, if you want to buy a future oil contract, you have to plan to be able to use it.

No. 2: Should we stop large investors and hedge funds from gambling in energy contracts? If it is for the purpose of just running up the investment cost, I think we should.

No. 3: Should we regulate or shut down international exchanges that do business in the United States and whose trades and actions impact the lives of our people in this country? In other words, if they are not trading just on that commodities futures trading exchange but are trading on another exchange that they say is overseas, such as London or Dubai, but, in fact, are trading on electronic machines in this country, should we regulate that or shut it down?

No. 4: Should we close the over-the-counter markets until the Commodity Futures Trading Commission can get its act together with this new law that says they should regulate these energy contracts?

Energy is too precious and it impacts the economy too greatly. This endless game of speculation must stop. While the traders are making billions of dollars, our people are having difficulty in being able to afford to drive to work.

There are a bunch of Senators who have been involved in this issue—Senator LEVIN, Senator FEINSTEIN, Senator CANTWELL, Senator DORGAN, and a host of others I am joining. I support these efforts to find some answers quickly to help our people. At an appropriate time, it is this Senator's intention, if we have not gotten our act together and offered amendments, to do exactly what I have been talking about. This Senator intends to do it. I look forward to the debate on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I spent close to half an hour around lunchtime today with a number of governors. There were some 30, 40 governors gathered in one of the Senate office buildings not far from where we are standing today. They were not governors in their thirties, forties, fifties, or sixties; they were, for the most part, teenagers, and these governors are about to become seniors in high school. They are part of the YMCA Youth in Government. They are here from all over the country. It was great to be with them and see young leaders coming up through the ranks and hoping to push old guys like us out of the way and take our places, whether it is New Jersey, Florida, Georgia, or Delaware.

One of the issues we talked about was how difficult it is to get things done around here anymore. If you read the Constitution and you read the rules of the Senate, there is the opportunity for one person in the Senate to slow things down quite a bit, for a handful of people to really bollix things up and bring business to a halt.

I have never seen a time when we have had so many filibusters in the Senate. This is my eighth year, about as long as the Presiding Officer. So far in this Congress, we are up to 75 filibusters.

The issue we were dealing with yesterday was whether we were going to bring up a bill to fund the development of renewable fuels, such as solar, wind, and geothermal, and pay for that by rescinding some of the tax cuts oil and gas companies enjoy. The legislation would also crackdown on speculators and price gouging. Unfortunately, we were not able to get the votes we needed—60 votes, if you will, not 51 but 60 votes—to be able to move to debate the bill.

For everybody keeping score, this chart is not showing anybody's age, but that is how many filibusters we have had to go through during the course of the year.

I believe sometimes a picture can be worth a thousand words. Let's look at a couple pictures on these charts and see what we have.

This is a picture of what has gone on with oil prices over the last 7½ years, starting in 2001 when the price of oil was little more than $20 a barrel, and by 2004, it was up to close to $40 a barrel. In 2007, we were up to close to $70 a barrel. Today, gosh, it is approaching $140 per barrel.

How does that translate, given that kind of history, into prices at the pump? I just filled up my old Town and Country Chrysler minivan the other day, which I am proud to say has 175,000 miles on it. It is a 2001 model. Delaware is not a big State, but we have gone up and down that State many times in that vehicle, and it is still running. We changed the oil a couple times, but other than that it is doing just fine.

It is getting expensive to fill up the tank. It is a 20-gallon tank. When I filled up my first tank in my Town and Country minivan, it cost me about a buck 30, a buck 40 to fill up. I filled it up this last weekend, and it was $75—a lot of money. It is the most we have ever paid. It was painful.

This is what the runup in prices looks like. There is not too much difference from 2001 to 2003, and then they steadily climb. Recently, we have seen it take off.

That chart was looking at 8 years. Let's look at 1 year. This is another way of—I don't think we will look at this chart. We just looked at something similar to this.

This is 2008. This is just 1 year of gas prices. We saw at the start of the year about $3.11 per gallon; by May 26, $3.93; and in most cases, around the country it is up over $4 a gallon.

To follow up on what Senator NELSON was talking about, why the runup? We had some really smart people come by and testify before the Commerce Committee last week. One was a guy named George Soros, a gentleman, a very wealthy man. The Presiding Officer probably knows him or certainly knows of him, as do many of us. One of the issues he talked about that was very insightful was the value of the asset that the oil-producing nations have, the oil under the ground, how that is an appreciating value, a rising value over time. We just saw the increase from 20 bucks a barrel up to 140 bucks a barrel, an appreciating asset underground. Our asset is a currency, a depreciating asset over the last number of years. We have seen the value of the dollar against most other currencies go down.

If you are an oil-producing nation, why would you surrender an asset appreciating in value to take on an asset—our currency—which is depreciating in value? Why would you be anxious to pump more oil, which is appreciating in value, to take on the dollar, which is depreciating in value? I think it is one of the reasons the oil-producing nations are reluctant to produce more oil. It is a problem we face and other oil-consuming nations around the world face.

It is not just supply and demand causing the runup in prices. That is part of it. It is not just the drop in the value of the dollar causing the runup in prices. As Senator NELSON and others suggest, there is something going on with speculation.

Not everybody who buys a contract on oil to deliver to this country has the intention of taking possession of that oil; rather, they are speculating that the price is going to go up, not unlike the way people would buy houses or condos—as in recent years we appreciated the housing bubble—expecting housing prices would continue to rise, and they did up until now. Speculators are trading on the idea that the value of oil is going to continue to go up. Maybe it will, but my guess is it will not be forever. Part of our challenge in this country is figure how it won't go up forever and provide some relief at the pump.

This chart shows the percentage of oil owned by speculators from January 1996 to April of this year. In 1996 or so, less than 15 percent of the oil was actually owned by speculators. If you look at today, at 2007–2008, we are up to almost 35, 40 percent not owned by those who are anxious to take oil and refine it but those who are speculating the value will continue to go up.

What can we do about it? One of the things we can do about it in this country is to go after the speculators, and we certainly attempted to do that as recently as yesterday with the legislation we could not get 60 votes to move to. But there are some other things we can do, and there are some actions we have already taken as a Congress, working with the administration, to encourage people to be helpful in bringing down the demand for the limited amount of oil that is out in the marketplace. Let me mention a few of them.

I wish to mention the hybrid Dodge Durango and the hybrid Chrysler Aspen. A few years ago, a partnership was formed between our friends at General Motors, DaimlerChrysler, and BMW to develop the next generation of hybrid, and the first fruits of that have gone into the hybrid Dodge Durango and the hybrid Chrysler Aspen. Today, the Durango and the Aspen, in the city, get about 14 miles per gallon and, on the highway, about 18. Starting in August, when they will begin selling the hybrid, in the cities I think they will get close to 22 miles per gallon, and on the highway about 25 miles per gallon. That is not such terrific mileage, but compared to what it was, it is almost a 50-percent improvement over what was the case. For people looking for a larger vehicle and SUV, there is something to look for right here. People don't have to buy a big vehicle to be able to enjoy better gas mileage in our vehicles. I wish to mention, if I can, the Chevrolet Malibu hybrid. The Chevrolet Malibu was selected as the car of the year. Last year, the Saturn Aura was selected as the car of the year. We haven't competed too well for a while in this country for our vehicles, in the midsize sedan segment, but the Malibu is not only the car of the year but also J.D. Power announced last week that, in terms of midsize sedans, the Malibu is selected as a top-quality vehicle. That is against some tough competition in the Toyota Camrys and the Honda Accords and the Nissan Altimas of the world. For a top-quality car, the Chevrolet Malibu looks great and gets good gas mileage but also has a hybrid people might be interested in, for people looking to buy a new vehicle or maybe downsize or resize their vehicle. This is not a bad one to look at. There is the Saturn Aura up there.

Here in the middle is a concept car I saw at the North American Auto Show about a year and a half ago. At the time, it was an idea, and they actually had a full-size mockup of what they called the Chevrolet Volt. I called it eye candy at the time—very good-looking vehicle, very attractive, very easy on the eye, but it turns out it is a plug-in hybrid vehicle. The idea is you plug it in and charge the battery. You plug it into your garage or wherever you have an outlet in your home, and the next day you can drive it for 40 miles without a charge. It has an auxiliary power unit onboard. It could be a low-emission diesel, could be an internal combustion engine, could be a fuel cell. It could be any one of those three alternative power systems that would recharge the battery. They don't run the vehicle, they recharge the battery.

The idea for gas mileage in this vehicle, which is to be on the road in 2010, is about 80 miles per gallon. Now we are talking. One of the things we are doing in the Congress is providing investment monies, about $100 million for investing in lithium ion battery technology. So when 2010 actually rolls around, we will have a battery to do the job.

The other thing we are doing is we are providing tax credits for folks who buy highly energy-efficient hybrids, credits anywhere from about $500 per vehicle up to about $3,500 per vehicle. When plug-in hybrids come along in 2010, I expect to see a credit there of up to about $5,000 per vehicle to incentivize people to buy those vehicles.

We also have a requirement that for the Federal Government in the Postal Service, both on the civilian side of the Government and the military side of the Government, about 75 percent of our vehicles that we purchase have to be advance technology vehicles starting this year, and the same requirement for the Postal Service.

Another thing we can do as Americans, as consumers, to bring down the demand side and try to put some downward pressure on prices, is simply to encourage folks to take transit more. They don't need a whole lot of encouragement because they are taking it. They are certainly taking it in Maryland, where our Presiding Officer is from, and they are taking it in Delaware a whole lot more:

Transit saves nearly 4 million gallons of gasoline per day. At $4 per gallon, that is almost $16 million saved from transit every day. Not every year, not every month, but every day we are going to save $16 million from transit. The typical public transit user consumes about one-half the oil an automobile rider consumes.

What else can we do as consumers? Take the train. Not just MARC trains in Maryland between DC and the Delaware line, but they can take Amtrak. These are the ups and downs of Amtrak ridership since 1991. Ridership on trains peaks usually between Thanksgiving and New Year's Day. Ridership peaks during the summer months as well. Ridership at other times drops off. Right about here, Amtrak's on-time performance was not very good. I was on the Amtrak board at the time as Governor of Delaware. There was very good on-time performance and not very good ridership.

Look at this. Ridership continues to climb. Ridership on Amtrak last year was up about 10 percent. Ridership is up this year, this fiscal year to date, up about 15 percent. I would tell the Presiding Officer that I rode the train on Monday. I went to Philadelphia, to New York, and came back to Delaware. Every train I took, and not peak-time trains, basically SRO—standing room only. A lot of people are taking the train. It is a great way not just to save money but to reduce congestion at the airports and on the roads too.

Here is what is going on in commuter rail ridership from Seattle, WA, to Philadelphia, PA. We have worked with SEPTA, in a partnership there. Seattle, WA, ridership up there the first 3 months of this year is about 28 percent; Harrisburg, PA, of all places, up 17 percent; Oakland, CA, 16 percent; Stockton, CA, 14 percent; and Pompano Beach, not exactly a place you think of for transit, up 13 percent; and Greater Philadelphia, up about 10.

The reason I come to the floor today is to say we in Congress have a responsibility to do a number of things: tax policy that encourages people to buy more efficient vehicles—hybrid and so forth—and we are doing that; investing our dollars to help develop lithium ion batteries and technologies for the

Chevrolet Volt and other vehicles, and we are doing that; we are trying to provide support for transit. The Presiding Officer and I have been very much in favor of doing that and working hard toward that end and providing reasonable support for Amtrak to help expand their capacity.

But you know the old story "You can lead a horse to water but you can't make him drink"? We as consumers have to take advantage. When Amtrak is offered, when transit is offered and it is available and it makes sense for us, and when it is time to trade in for a newer vehicle, keep in mind the kind of vehicles that are out there and produced in this country and from around the world and take advantage of those and buy one.

That can be what we can do as individuals to make a difference on this issue.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, the price of gasoline is the biggest issue in this country, and I appreciate the comments the Senator from Delaware made. However, the one-size-fits-all law is a little tough for this country. He probably doesn't realize we don't have any passenger trains or commuter trains anywhere in Wyoming. We used to, but they showed there wasn't enough use by changing the schedules so it always showed up 12 hours late, and most people weren't willing to wait 12 hours for a train. Then when you don't have the use, you can take the train out.

A lot of people in our State don't just drive their car to be able to get to work. Driving their truck or their car is their work. And we have these huge miles between places. One of my experiences recently is that I was driving between some towns and I, unfortunately, didn't have enough gas to make it to the next town. So I started to fill my tank and the pump stopped at exactly $75. Now, I can't tell you the last time I got a pump to stop right on the numbers. It used to be pretty easy because you could squeeze the handle and get it to an even number. But now you squeeze the handle a little bit and it goes zap and up quite a few cents. But it cut off right at $75. I thought, I don't think that is enough to fill this tank. When I checked, it wasn't. So there are some limits the credit card companies or the pumps are not used to, where they cut off, and that is making it a very important issue in Wyoming and the rest of the Nation. Because it is making it more expensive to take a vacation, it is making it more expensive to cool our houses, and it is making it more expensive to go to the grocery store.

Unfortunately, at a time when the American people are begging us to take constructive action, the Senate refuses to have a serious debate on this important topic. Instead of working together to find sensible solutions we can agree on, the Democratic majority insists on playing "gotcha" politics and bringing up policies that have not been through any committee. So they know they will not pass. They do it to score cheap political points. That is not how we are supposed to operate. That is how we have been operating now for several months. I think the farm bill is the last one that seriously went through a committee and followed the whole process.

Earlier, there was a chart up that showed 75 filibusters. Well, the blame for 75 filibusters shouldn't all be placed on the "other" side of the aisle. That count of filibusters is anytime that a cloture motion is filed. I have noticed it has been very convenient for the Democratic side of the aisle to put in a bill on a Friday and file a cloture motion that we would vote on Monday or Tuesday morning. So far as I can tell, the purpose of that, with the 51-to-49 split and 2 Presidential candidates gone on one side and one Presidential candidate gone on the other side, is they couldn't assure they would win a vote.

So if you file cloture and you happen to win, it is going to be 30 hours before there can be another single vote, which takes us to at least Wednesday night, and that means you don't have to get your candidates to come in until Wednesday night. So it has been very convenient to have this kind of process on the Senate side. That process was designed so the majority would have a say in what was happening and so the minority could put amendments on.

Now, we have this little thing over here, it is a little parliamentary procedure, where you can file a couple amendments at the same time you file the cloture motion, and that prohibits any amendments, so you don't have to worry about the other side having anything difficult to vote on. The minority almost always, I think through the history of the Senate, has stopped debate on that kind of a process. The 40 in the minority stop the debate. That is what we have been going through.

We had a perfect example of that yesterday. The Senate voted on a tax package that included an extension of wind and solar production tax credits. Democrats and Republicans both agree we need to extend those important tax credits. We came together to support the provisions to extend those credits by a vote of 88 to 8 in April. But instead of working together, working with our colleagues in the House to move the provision that had the support of the 88 Senators forward, the majority forced us to vote yesterday on an extension we all knew wouldn't pass.

Now, I am mad about the price of energy, just like everybody else. I don't like going to the gas station and paying $4 for a gallon of gas. I look at the profits the oil industry is making, and I do find them shocking. They are big numbers, until—until—you compare them with the dollars we are shipping to Saudi Arabia and Venezuela and other countries every day. We are shipping money out of this country to get energy in much bigger numbers than we are paying to any American companies.

But I also look at the situation we face, and I wish to do something that will improve it and not harm it. My colleagues on the other side of the aisle obviously don't have the same desire. How can you tell, you might ask? Because their proposal we voted on yesterday imposed a windfall profit tax on energy companies and increased the level of regulation on the energy industry, making it easier to sue them. As usual, their answer to a problem is, let's increase the taxes and let's hand the situation over to the trial lawyers.

Now, we have tried the windfall profit tax before, when Jimmy Carter was the President. While it may have made people feel good for a few days, because they could say they were punishing those big oil companies for making profits, it didn't improve the situation. It made it worse.

Businesses, to stay in business, reinvest profits. Most reinvest in what they know best. I wish to see a monthly report of the oil company investments. We do keep making it harder and harder for them to invest in America.

In Wyoming, I know there was a powerplant that decided to do a little bit of wind energy. We had the proposal out there that all of them would have to get a certain amount of their power from alternative energies, so they planned and started building a wind power field. They were a little surprised at some of the environmental groups saying: You can't do that; you can't own that. You have to buy it from other people.

We have to make up our mind if we want it and how badly we want it and who we will let have it. I don't know why anybody with the dollars to invest in wind power should not be able to invest in wind power. It is an alternative source of energy. It is something we can use, something we need. Hopefully we can get some better battery storage so when they are operating, and when people don't need it, we store it for when people do need it.

There are a lot of inventions we need. I have a lot of faith in American ingenuity to know, whatever problems are out there, we can solve them. We have people with minds who can come up with creative ideas that can solve them. That is happening with energy.

I was talking about the windfall profits tax. I can't sum it up any better than former Democratic Senator John

Breaux from Louisiana did. He said: A windfall profits tax is not going to produce a single barrel of oil. A windfall profits tax will produce less energy and not more.

The Congressional Research Service, the nonpartisan researcher for Congress, agrees. A windfall profits tax doesn't improve our energy situation but it does score a cheap political point, and that is why we voted on it once again yesterday instead of having a serious energy debate. The problem we face is the problem of supply and demand: less American-made energy and more demand for that energy—prices go up. That is the problem Congress should be addressing. That is what those in control of both Houses of Congress do not seem to understand at this stage.

The continued rise of gas prices is going to put an end to this dog-and-pony show eventually. Then maybe the majority will be more open to responsible, limited oil production off our shores in States that want to have the production off their shores, such as the Commonwealth of Virginia, or we could open less than one-tenth of 1 percent of the Arctic National Wildlife Refuge, an area smaller than Dulles Airport, to energy production with the most stringent environmental controls ever imposed. Maybe we could have a serious debate about using our Nation's most abundant energy source, which is coal, to produce diesel fuel or jet fuel that can be moved in our existing transportation infrastructure and can be made here in America.

Wyoming passed some new laws that deal with carbon sequestration, so there would be a goal for people to shoot at. It is the first State to ever do that. The companies are responding. Of course, part of the use of that carbon is to inject into oil fields because the average oil field is able to recover about 20 percent of its product. With it they can get 30 percent of the product.

It appears as though my time has expired. I still have quite a bit more I will say at a later time.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. I wonder if the Senator from Wyoming would answer a question on my time, before he sits down.

Mr. ENZI. Certainly.

Mr. DOMENICI. I listened to the Senator's speech and I was very impressed. I think it would be helpful to those who are listening if you could define one word, because you use it and I use it and everybody uses it around here. What does "cloture" mean?

Mr. ENZI. Cloture means the desire to cut off debate. It can be used, but it is a very lengthy process, very time consuming, and usually results in about 3 weeks of debate even if everybody wants the debate.

Mr. DOMENICI. So cloture is an instrument whereby you stop debate, if you impose cloture?

Mr. ENZI. If you impose cloture, you cut off a lot of amendments and a lot of debate and limit the amount of time that anything can be talked about. It is a parliamentary procedure. That is correct.

Mr. DOMENICI. If anybody was listening, the Senator talked about that. At the time the cloture motion is filed, there are certain requirements, a certain number of Senators have to sign it. It is a request to the Senate that you vote on whether you are going to continue debate. When that vote occurs, you are voting on cloture, on a cloture motion regarding the pending motion or pending legislation.

Last night I spoke to a group of energy experts and gave them the same warning I have been giving since the start of this year in a series of speeches on the Senate floor. That is that the United States faces a grave and growing threat to its well-being. Our economic strength and our energy security is being threatened by our vast dependence on foreign oil. I have said it before and I will say it again: If we do not address this problem in a serious way, America will become poor.

I could have added a whole lot to that, but let me repeat: If we don't do something about this vast dependence upon foreign oil, America will become poor, p-o-o-r. Mr. President, $600 billion a year—it looks like is where we are headed—will be sent from this country to other countries to buy crude oil that we are going to turn into gasoline or diesel fuel to use here in America in our transportation system, essentially.

We have seen the warnings for years now. I remember when President Nixon launched the Project Independence more than three decades ago. The goal of that project was to eliminate our dependence upon foreign oil within a decade. Since then, our dependence on foreign oil has more than doubled and we have literally put trillions of American dollars into the hands of others who often do not share our interests. The problem has gotten worse under both parties for decade upon decade.

Yesterday, another warning was brought up to us in the form of trade numbers, international trade numbers for April. Our deficit in the international trade of goods and services rose by 7.8 percent to nearly $61 billion in the month of April. We were also told that this $4.4 billion increase in trade deficit in April was nearly entirely attributable to imports of crude oil and petroleum products. The average price of imported petroleum and the total amount of fuel bought were both the highest ever. It is obvious it is because the price of crude oil was the highest ever for that particular month versus any other month.

It is time we begin to do something about this. Family budgets are being strained by the price of gasoline. America's small businesses are being hurt by the cost of energy. America's trade deficit is swelling out of control by the importation of foreign crude oil and the money we pay to buy it. It is the time to act, to do something. Over the past 2 months, Republicans have offered a new direction on energy policy. We have recognized we must open additional areas to American exploration and that we must put the decision of locking up our own areas to a test of whether closing the land to development meets a greater national interest than opening the land for exploration and production of oil and gas. In making such an assessment, we must listen carefully to the American people, who are hurting and who are asking us for some relief at the pump. A clear majority of Americans wants us to open more lands for oil and gas production. They want to understand what lands are open from which we could develop our own energy.

We have sought to open ANWR. That would not work. We didn't have enough votes. We have sought new deep sea exploration. We have sought to develop oil shale, or at least to take off the moratorium which was imposed last year that will make it more difficult to develop oil shale, which we own in large quantities and in great abundance.

We also have sought to turn coal into a liquid fuel. We could do that in any number of ways. The technique is available; it just costs a lot of money. But it is costing us a lot of money to pay for this dependence. So we could initiate a major program for coal to liquid and say we are going to contract to sell that to the military. Their needs are enormous. They buy a lot of it from overseas because we do not produce enough of our own. So why not take that huge resource called coal, use one of the existing ways of converting it, and arrive at an agreement where we could use the diesel fuel so produced to fuel our military and we would be using our coal, we would buy less overseas, our military would get the diesel produced here in America, and at the same time the other one we could do is commit ourselves to develop oil shale into oil.

If those who have us by the throat can strangle us with the price of oil only believed we were going to develop ANWR in Alaska, that we were truly going to develop liquid from coal and use it for whatever specialized purpose we wished, know we could do it in large quantities, and then if we would commit to oil shale conversion and get started, even if it were only to produce a small quantity, the world would respond. They would say America is serious about minimizing rather than maximizing her dependence upon foreign oil. No doubt about it. Any of those three—and the offshore I talked about, the exploration of our offshore which is subject to moratoria that have been imposed by Congress. There are a number of States that would do it, that could do it, and we would share the royalties as we are with Louisiana and Texas, that many of us voted for when we produced an energy bill, the second Energy bill the year before last. We did it, we knew how to do it, and we could do it elsewhere.

It appears to me now is the time to move on. Each and every one of these American energy policies has been turned back by our Democratic friends on the other side of the aisle and they have sought to raise taxes, increase regulation, and ask Saudi Arabia for more oil.

I ask unanimous consent I be given an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mr. DOMENICI. Let's look at what we voted on yesterday. The Democrats sought to increase taxes on American business competing with foreign nations for a global commodity. They tell us this tax is the solution because the oil companies are making too much money. These new taxes will not lower prices, and they know it. What raising taxes on American companies would do is to ship the competitive business advantage to foreign oil companies. Raising taxes on American companies and not on their competitors costs American jobs. Raising taxes on American companies increases imports and lowers American energy production. This is not only my analysis, it is the analysis of the independent Congressional Research Service. It is the analysis of the Wall Street Journal and the analysis of officials from the Carter and Clinton administrations, who had experience with the windfall profits tax, which had a pretty-sounding name and a terrible-sounding effect, for it rumbled through the country causing oil companies to pay higher taxes, thus raising costs of oil and lowering the amount that was produced. So we are told by a consensus of our greatest experts that such a time is decades off.

I have spoken with those who know about our needs. They say we need a bridge to secure our energy future—a bridge. On the far side of the bridge is America, where we are no longer dependent on these vast amounts of crude oil. On the far side of the bridge is cellulosic ethanol used widely around the Nation and in our plug-in hybrid cars that will influence the use of oil.

However, we are told by a consensus of our greatest experts that bridge and that such a time when we will not be using oil could be as many as four decades from now. In the meantime, if we do not move to solve it, that bridge will be built of crude oil, if it is imported, and we will just pay more for longer periods of time to countries around the world that may not agree with our idea or our philosophy of life.

We are also told from the IEA that our world oil production estimates for the year 2030 are well below what we previously thought. The question then becomes will this Nation get about the business today of producing our own American energy for tomorrow or will we continue to rely to a greater degree on foreign oil. The question is that simple. I ask my colleagues to seriously reconsider the Domenici American Energy Production Act.

I ask them to reconsider the views that they held when oil was at $19 in an era of $135 oil. I ask them to reconsider their views as many have done on nuclear power since I begin advocating for it more than a decade ago. Since then, we have seen a nuclear renaissance in America and we are seeing a growing number of people come over to our side on that issue. I ask my colleagues to listen to the 57 percent of Americans who are telling us to produce more here at home. And I ask my colleagues to consider whether the foundation of the bridge to our energy future should be built with American energy or foreign energy. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, in light of the comments of the distinguished Senator from New Mexico, I ask unanimous consent to use the remaining Republican time plus an additional 3 minutes.

Mr. DORGAN. What remaining time exists?

The ACTING PRESIDENT pro tempore. There is 6 minutes 15 seconds remaining.

Mr. DORGAN. Mr. President, I will not object if an additional 3 minutes is added to the time on this side following the Senator from Louisiana.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. VITTER are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 33 minutes on the majority side.

Mr. DORGAN. I ask unanimous consent to use 23 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, there has been a lot of helium in this Chamber in recent hours. I have been watching and listening and heard a lot of discussion about why we cannot produce more energy.

Well, in fact, we are producing more energy. I announced about two months ago, with the U.S. Geological Survey, their assessment of the largest assessment of recoverable oil they have ever announced in the lower 48. That is called the Bakken shale, which underlies eastern Montana and western North Dakota.

They say it has up to 3.65 billion barrels of technically recoverable oil in it. The fact is, we are producing more oil and gas. My colleagues who talk about the need to produce more should understand that I and three others, two Democrats and two Republicans, from the Senate who lead the effort to open what is called lease 181 in the Gulf of Mexico in the 109th Congress. Substantial oil and gas reserves exist there, and we have opened a portion of that—not nearly enough by the way.

I notice that, in the Republican offshore proposal offered by my colleagues on the other side, they carve out opening the area in eastern Gulf of Mexico where there is substantial opportunity to achieve new oil and gas reserves.

In fact, companies from India and companies from China are now exploring for oil in Cuban waters. Our companies want to go there, but American companies are not allowed access in that area. They are not allowed to drill in waters off of Cuba because of the embargo against Cuba.

So this administration has decided, well, we do not want to produce oil off of Cuba despite the fact those waters are open. My understanding is some wells drilled by India have now struck oil. The Chinese are there too, but we cannot drill just miles away from Florida in Cuban waters. So next time I hear about people saying, well, people on this side of the aisle do not want to support additional production, we have supported additional production. That is a fact.

The hood ornament on that argument from them is always about ANWR, a pristine area set aside in legislation signed by President Dwight Eisenhower. Well, the fact is, ANWR should never be a first resort; perhaps a last resort in a critical time. But there is much we can and should do. I am going to talk about some of it this afternoon to address these issues. Yes, produce more, and I have described how I and others have supported more production.

We need conservation and greater efficiency. We waste a prodigious amount of oil and energy in this country. We can conserve much more. With everything we do, every switch we touch from the morning until the evening, all of the appliances that we use, dramatic new efficiency is important.

We also need more focus on renewable energy from wind, solar, and geothermal. There are so many different forms of energy that need to be a part of the solution, including the biofuels which are a part of our future.

Having said all of that, I want to go though a couple of charts because what is happening today is almost unbelievable. We have people driving to the gas pumps this afternoon, and we have people who have ordered a load of gas delivered to their farm this afternoon. We have airlines that pull the airline up to the gate and then have to load up with fuel. We have truckers at the truckstop trying to figure out at the next truckstop how they stop and get a load of fuel and afford it.

Look at what has happened. Oil prices have doubled in a year. There is not one justification in the fundamentals of oil supply and demand for a doubling in price in a year. There is no justification for it. In fact, this country has had an economic slowdown, and we are using slightly less energy than we did before. So demand is slightly down in this country. Since January, the oil and gas inventories in this country have been up slightly. Demand is down slightly down, and production is up slightly. Yet, the price of oil doubles.

There is nothing in the fundamentals to justify what has happened to this oil market. Now, I think I understand what has happened to this market, and here is the line that describes it. It is called speculation. We all know what speculators are. We have lived among speculators. Perhaps our neighbors speculate. We all know speculators.

Will Rogers described them about 80 years ago. He said that these are people who buy what they will never get from people who never had it and expect to make money on both sides of the trade.

That is speculation. Speculators in the oil market are not people who want oil. These are not people who ever want to take delivery of oil. They are not people who would know about the viscosity of oil or perhaps how to drill for oil, nor would they care. They are interested in trading in a commodities market for the purpose of making big profits.

They are not ever wanting to take delivery of anything. They are simply speculators for the purpose of making a profit. Now, that is not why the commodities markets were established. They were established for hedging purposes, legitimate reasons to have a market. You should have, and must have, a market for commodities. For hedging purposes you need some liquidity in the market.

But what has happened in this market is a perversion. We have speculators in this market who have driven the price way up. In fact, I have just spent an hour today with the head of an organization called New York Mercantile Exchange, NYMEX, in New York. He came down and we talked for about an hour. We agree on some things and do not agree on others.

This is a pit in which they trade commodities in NYMEX. Well, they trade the crude oil on the NYMEX. One of them is West Texas intermediate crude, for example.

You have people who wear these jackets, they bid. As you see, they throw paper on the floor. At the end of the day, people who have never touched a quart of oil, let alone a barrel of oil, have decided what the price is going to be for the coming days and months.

It is not the only commodities exchange. This is also occurring on the Intercontinental Exchange in London and Dubai. It is a large, global market, but only part of it is regulated. Only part of it is available for us to inspect and see. Much of it is out of our view. Much of it I call dark money. It exists out there, but you cannot see it. It is not transparent or regulated. It has a profound impact on the price of oil, and therefore, it has a tremendous impact on what it is going to cost consumers to fill a car with gas, a farmer to order a load of fuel, airlines to buy jet fuel. We have airlines and trucking companies going bankrupt and many more struggling to make it through this.

Now, I understand we have had 12 airlines in recent months declare bankruptcy. We have a lot of trucking companies, mom-and-pop trucking companies, who are going belly up because they cannot afford to buy fuel for their trucks.

The airlines are barely able to afford to buy the jet fuel for their airplanes. Drivers pulling up to the gas pump are having a difficult time trying to figure out how to pay $60 or $70 for a tank of gas.

I pulled up behind an old car about 30 miles north of Minot, ND, one day some while ago. It was pretty much a wreck. The back bumper was hanging down about halfway. It had a lot of dents and rust. And it had an old, faded sticker on the bumper which said: We fought the gas war and gas won.

Probably not surprising. Gas won. Well, gas is sure winning these days, $4-plus a gallon, diesel well above $4 a gallon, and oil flirting with $140 a barrel. Now, some say, well, that is just the market at work. There is no market at work here. This is a perversion.

Let me talk about the oil market. You have ministers representing nationalized companies under the banner of OPEC. Now, this is a cartel. Cartels are illegal in this country. It is a crime. It is criminal. So you have a cartel of countries that go behind closed doors and have their oil ministers make judgments about how much they are going to produce and what price they want to get for it in the international marketplace. That is No. 1. There is no free market aspect to a cartel. I expect most people would agree.

Second, the major integrated companies are all much bigger and much stronger with much more muscle in the marketplace.

Why? Because they have all merged. They all got romantically entangled, decided they want to pair up. Pretty soon, Exxon is not just Exxon; it is ExxonMobil. Phillips Oil is now ConocoPhillips. They all have two names and a lot more muscle. They are bigger, stronger, and more powerful forces in the marketplace.

Third, you have a futures market that has become an unbelievable amount of speculation, driving up prices. So you have a cartel with OPEC; bigger, stronger oil companies; and a futures market that is rife speculation.

Fadel Gheit, senior energy analyst, who worked 35 years with the Oppenheimer & Co., said:

> There is absolutely no shortage of oil. I am convinced that oil prices shouldn't be a dime above $55 a barrel. I call it the world's largest gambling hall. It's open 24/7. Unfortunately, it's totally unregulated. This is like a highway with no cops, no speed limit, and everybody is going 120 miles an hour.

I have talked to Mr. Gheit by telephone. He was a witness at a hearing in December 2007. I have a sense of what he is about and what he thinks. He believes this market is a complete perversion. It is rife speculation, with people driving up the price of oil, having nothing to do with the fundamentals of supply and demand.

It is not just Mr. Gheit from the Oppenheimer and Co. We see this in the New Jersey Star Ledger:

> Experts, including the former head of ExxonMobil, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

If the former head of ExxonMobil is saying there is so much speculation that it has added 20 to 30 percent to the price of a barrel of oil, the question is whether that is credible?

From the senicr Vice President of ExxonMobil:

> The price of oil should be about $50 or $55 a barrel.

The president of Marathon Oil, Clarence Cazalot, Jr.:

> $100 oil isn't justified by the physical demand in the market.

During a question-and-answer period with reporters, he suggested a more reasonable range for crude oil prices would be between $55 and $60 a barrel.

The Commodity Futures Trading Commission is supposed to be the regulating body. I know regulation is a four-letter word in this Chamber for some. It is not for me. A free market works only when it is open and free. When the arteries get clogged, bad things happen. We have seen a lot of clogging of the arteries in this so-called free market system. But we have a referee for the free market system. It is called the Commodity Futures Trading Commission, the CFTC. The CFTC is supposed to be a regulator, but like a lot of regulators, it seems to be pretty much asleep at the switch. I will describe why and how in a minute.

I have some experience with this because I chaired the hearings in the Senate over in the Commerce Committee on the Enron scandal. I had Ken Lay, now deceased, come to our hearings. He was the CEO of Enron. He raised his hand, took an oath, sat down, and took the fifth amendment. He was subsequently sentenced to prison but died before he went there. Once exposed, several in the Enron Corporation went to prison because we discovered it was a criminal enterprise. Among other things, it soaked billions of dollars of ill-gotten gains, particularly out of consumers on the west coast through wholesale electricity prices. That happened under the nose of what was supposed to have been a Federal regulator, the Federal Energy Regulatory Commission.

During that time, I raised the question about the speculation and the manipulation of the marketplace by Enron and others. Vice President CHENEY scoffed and said: There is nothing going on here. Shame on all of you for suggesting there is something nefarious happening. It turns out DICK CHENEY was dead wrong, supporting the energy interests ahead of the public interest. We found out later it was a criminal enterprise. We found out later that the regulator did nothing other than sat by and watched what was happening.

Now we have a regulator, the Commodity Futures Trading Commission, which is supposed to be wearing the referee's shirt with stripes that calls the fouls with respect to energy trading. The Commodity Futures Trading Commission has actually allowed a lot of this to occur, this speculation, by issuing what are called no-action letters so that a number of commodity trades can move to the dark side so they can't be seen and regulated by the regulator. In fact, the regulator is saying that it is OK for us not to see you or understand what you are doing which is kind of unbelievable. It defies credibility to hear a regulatory body say: We don't want the information with which to regulate you.

Let me describe what Mr. Lukken, the head of the Commodity Futures Trading Commission, the regulatory body, has been saying. I am using the description that he is "parroting" the assertion by those involved in the market. These are the very speculators who make a lot of money in these markets and want us to believe that nothing is really happening. There is not substantial speculation. This is just a lot of good people selling and buying back and forth.

Here is what Mr. Lukken says:

> Based on our surveillance efforts to date, we believe that energy futures markets have been reflecting the underlying fundamentals of those markets.

That was last July. Mr. Lukken says: Gosh, things are fine. Don't worry. Be happy. Everything is OK. The fundamentals justify whatever is going on. That was last July.

The acting Chairman of the Commission, Mr. Lukken, again said in January of this year:

> Based on our surveillance efforts to date, we believe that energy futures markets have been largely reflecting the underlying fundamentals of these markets.

You will note he said in January exactly what he said in July, but he changed one word. It must have been a mistake. He changed one word. He essentially says: Hey, don't worry about the price of oil and gas. This is all about fundamentals. So the Chairman of the regulatory body says things are OK once again.

In February, acting Chairman Lukken says:

> The Commodity Futures Trading Commission is confident that U.S. futures exchanges and clearinghouses are functioning well, especially during these turbulent economic times.

Don't worry. We regulators have our hands on it. We have it all figured out.

On May 7, the acting Chairman of the regulatory body says:

> We can say with a high degree of confidence that people are not manipulating the energy markets.

That is really interesting because just two weeks ago this same person, Mr. Lukken, who has told us now for a year, while the price of oil has doubled, there is really no speculation, this is just supply and demand at work. The fundamentals of the marketplace are working. Don't worry, be happy. Nothing nefarious is going on. There is no manipulation, then all of a sudden, two weeks ago, this man must have had some sort of epiphany. I don't know what he ate for dinner, but suddenly he woke up and made an announcement that the CFTC wants to find out what is going on in this marketplace and for the last 7 months they have been investigating it. Really? That is interesting. What about his statements during the last year they had already concluded nothing was wrong?

I wonder at what point Americans should be relying on the word of Mr. Lukken when he was telling us in January there is nothing going on. It is just the fundamentals at work. Yet, he was reassuring us in early May there was nothing happening. Perhaps a couple weeks ago, he apparently, in some startling 180-degree turn decided to figure out what is happening.

Mr. Lukken, the acting Chairman, and his nomination is before this body, said we are now going to something called the Intercontinental Exchange and others. Incidentally, it is a foreign exchange but an exchange in London, largely founded by American companies, trading on computer terminals in Atlanta, GA, and other places in the U.S. but allowed to do it without oversight or regulation by the CFTC because they exempted them with a letter of no action. It basically is saying we are not going to find out what is going on. Really? I thought you knew what was going on. You have been assuring us all along that you knew what was happening. Turns out now he admits they don't have nearly the information with which to judge whether there was excessive speculation.

By the way, the Administration, to the extent it was doing anything, called for the creation of a task force of several agencies, including the CFTC. They act as if the barn is on fire at the moment. They go from no motion to slow motion to some sort of hyperspeed, I guess. But I have almost no confidence in statements for 6 or 8 months saying that the doubling of the price of oil is just fine, and it is unrelated to either manipulation or speculation.

I had one of the presidents of one of the largest investment banking firms come to my office. I think we spent an hour speaking. At the end of the hour, he answered every question except the one he couldn't answer, the one I kept asking: If you say fundamentals are at the root of why the price of oil has doubled, then tell me what those fundamentals are that justify the doubling of the price of oil. Is it that supply is down and demand is up? If that is not the case, what are the fundamentals? Those who argue that this speculative binge cannot answer the question, what fundamentals justify doubling the price of oil?

The importance of that is this: I used to teach a little economics—not very much—in college. I taught economics briefly. I tell people I was able to overcome that experience and go on to lead, nonetheless, somewhat of a productive life. Economics is psychology pumped up with helium. That is all it is. Everybody says they know this, that, or the other thing. Economics is about human behavior. But I understand enough about the economics of this issue to understand you have binges of excess and speculation, and we have seen them in history. You can find books about them. They will take you back to the days when tulip bulbs were sold for $25,000 for one bulb in a binge of speculation that is still written about today, 400 or 500 years ago. We have bubbles of speculation that occur. In most cases, it is not terribly damaging to a country or an economy. Who cares if you can buy a tulip bulb? Who cares if you can afford it?

Consider this. The price of oil jumps to $135 a barrel. The price of gas goes to $4 a gallon. You have OPEC countries going to the bank depositing our money in their accounts. The major oil companies going to the bank depositing our money in their accounts. Airlines are going broke, and trucking companies not able to afford to run their trucks. The average American family is trying to figure out how they can afford to put gas in the car and get to work. When all of that occurs, it is long past time for this country to say: What on Earth is happening and how do we fix it? When you have a market that doesn't work, there is a responsibility for the regulator and the Government to take a step and fix that market.

This futures market is not the market that was established many decades ago. That market was established for a specific purpose, a laudable purpose. It was to allow orderly trading for delivery of petroleum commodities. It has now become an unbelievable cesspool of speculation that has driven up the price of oil in ways that deeply damage this country. This Congress has a responsibility to deal with it.

I am working on legislation that would mandate the Commodity Futures Trading Commission to take the steps that are necessary to shut that speculation down, to stop the dark money and markets, to put it all on the regulated side and then to increase margin requirements in order to wring the speculators out of this market. I believe that could decrease the price of oil and gas by 20, 30, 40 percent. It is not just me. I have quoted those who run some of America's major oil companies and experts involved in some of the trading at some of the largest institutions who believe speculation now has driven up the price of oil and gas by 20, 30, 40 percent.

There is a lot to say about what is happening in our country and a lot to say about the need for regulators to begin doing what we pay them to do. I will describe the legislation I am working on at greater length. I appreciate the indulgence of my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Rhode Island.

Mr. REED. I believe I have been put in order for 10 minutes.

The PRESIDING OFFICER. The Senator has 9½ minutes at this point.

Mr. REED. I thank the Chair.

Madam President, we have heard a number of interesting opinions on the reasons and potential solutions to the energy crisis in which we currently find ourselves. Unfortunately, yesterday many of my colleagues on the other side of the aisle blocked our ability to have a meaningful debate about the proactive steps we should be taking to address the issues that are contributing to skyrocketing prices Americans are paying at the pump.

All around the country, high gas prices are contributing to already shaky economic times for the American people. In my home State of Rhode Island, gas prices have increased by over 140 percent since 2001. Currently, Rhode Islanders are paying $4.09 a gallon for regular unleaded gasoline and $4.93 a gallon for diesel. Households in Rhode Island are paying $2,000 more per year for gasoline than they paid in 2001. That is $2,000 more than they were paying in 2001.

For the State economy, this means that families, businesses, and farmers in Rhode Island will spend $835 million more on gasoline this year than was spent in 2001 if prices remain at current levels. But these prices seem to be constantly accelerating. Rhode Island residents, farmers, and businesses are on track to pay over $1.44 billion for gasoline this year. That is an extraordinary drain on the economy of my State and on States throughout the Nation.

It is well known that our current energy crisis is due in part to the marriage of two uncontrollable circumstances: a fast-growing worldwide demand for oil and increasingly limited oil supplies. The Renewable Fuels, Consumer Protection, and Energy Efficiency Act, which was signed into law in December of last year, made important improvements to our national energy policy, and I am confident the provisions in that law will help to decrease our long-term dependence on oil and thus lessen our future vulnerability to its availability. However, there is also a number of controllable variables that are contributing to the volatility of energy markets that we must address immediately to ensure the high prices Americans are paying at the pump are not going into the wallets of speculators and oil companies looking to exploit these difficult times.

The Consumer-First Energy Act would take action by incorporating proactive measures to protect against excessive speculation, keep the hedge funds and oil companies honest, and require investments by oil companies toward the development of our Nation's renewable energy infrastructure or face a windfall profits tax.

Experts now estimate that well over 25 percent of the cost of a barrel of oil can be attributed to excessive speculation by the financial traders of energy commodities. Yet yesterday we failed to move forward on a bill that would clamp down on excessive speculation by preventing traders from routing their transactions through offshore markets in order to evade speculation limits and subject energy traders to stronger reporting requirements.

Many of my colleagues on the other side of the aisle say we must open up more land to drilling to solve the current crisis, increase the supply, and lower the demand. The fact of the matter is over recent years we have already opened up significant areas of the land and the Continental Shelf to oil companies and given them tax incentives to subsidize and encourage their exploration and drilling activities.

Over that same span of time, oil companies have reported bigger profits—almost $600 billion. Yet we still find ourselves in a precarious energy situation today. Moreover, the Minerals Management Service has reported that of all the oil and gas reserves believed to exist on the Outer Continental Shelf, 82 percent of the natural gas and 79 percent of the oil are located in areas that are already open to leasing. Onshore, 72 percent of oil and 84 percent of natural gas resources are either accessible already or are pending review.

We also hear very little about the nearly 91 million acres of land currently open to leasing in the Alaskan arctic area outside of ANWR, of which only 11.8 million acres have actually been leased.

The idea that we need to make more areas available to drilling to increase domestic production is not substantiated by the facts. We have broad swaths of land and Continental Shelf that are available for exploration and drilling. They are not being used. Until we have thoroughly reviewed and sited projects there, the idea that we have to open up ANWR is only a subterfuge, an excuse for inaction.

Indeed, in the last 4 years, the Bureau of Land Management has issued 28,776 permits to drill on public land. However, during that time, only 18,954 wells were actually drilled. Thus, oil companies are currently holding onto 10,000 unused permits which could just as easily help to increase domestic production as the lands that are currently protected under law. Clearly, the problem is not that there is a lack of places to drill.

Thus, drilling our way to energy independence is not the answer. Neither is increasing the importation of foreign oil and natural gas. The answer is investing in energy efficiency and renewable energy programs that currently save us more energy each year than the amount we consume from any single energy source, including oil, natural gas, coal, and nuclear power. These investments offer short-term and long-term solutions to strengthen our national security by reducing our energy consumption and making us less reliant on oil from unstable regions of the world. Moreover, they enhance our economic competitiveness by creating American jobs in this new green economy, and they protect our environment by reducing our carbon footprint.

There are actions the Congress can and should be taking, which were laid out in the Consumer-First Energy Act, that could ease the pinch people are feeling at the pump. My colleagues on the other side of the aisle also refused yesterday to debate a package of energy and tax extenders that would also go a long way to help investing in new renewable energy sources and the jobs these new sources would create.

Other economic indicators are equally discouraging, in addition to those concerning the energy sector. There are particular concerns in our economy today about inflation, slow growth in gross domestic product, significantly higher consumer borrowing, a rising Consumer Price Index for food, and other indications of difficult economic times.

But perhaps the most growing statistic and worrisome statistic across the country is unemployment. New monthly job numbers were released last Friday, and they were far worse than economists had predicted. The unemployment rate jumped to 5.5 percent from 5 percent in only 1 month.

In Rhode Island, 6.1 percent are jobless right now—unchanged over the past 2 months. This is the fourth highest unemployment in the United States, behind only the States of Michigan, Alaska, and California. It marks the highest unemployment rate in Rhode Island since August 1995—more than 12 years ago. The number of unemployed Rhode Islanders has risen to approximately 35,000, and it has been trending upward.

The Providence Journal reported today that about 41 percent of Rhode Island's unemployed in January, February, and March have exhausted their benefits. This is the highest of any New England State.

As we all know, the Senate and the House are currently reconciling an emergency appropriations bill. I was especially pleased the Senate version provided domestic spending for LIHEAP and unemployment insurance—two critical issues we are facing today: accelerating energy prices and exploding unemployment numbers. This domestic funding is critical to boosting our economy and helping those who are most in need.

Indeed, many economists have pointed to an extension of unemployment benefits as a quicker way to stimulate the economy than the rebate checks that were being passed out and are being passed out today. An extension of UI benefits provides a very high return on the investment, generating approximately $1.64 in gross domestic product per dollar spent. This is especially helpful at a time when people are saving less, making them ill-prepared to cope with a long-term economic slump.

In Rhode Island, it is estimated that the number of jobless who could immediately benefit from an extension of unemployment benefits ranges from 6,500 to 8,000 or more. Under the Senate-passed provisions, Rhode Island would not only qualify for an additional 13-week extension, but given our consistent 6.1 percent unemployment rate, we would trigger extended benefits of another 13 weeks. This means Rhode Island could receive up to 26 additional weeks of assistance to help amid these difficult times. That is why I will continue to press also for an extension of unemployment benefits.

We had the opportunity yesterday to move forward on progressive, proactive energy legislation, and it was stymied by my colleagues on the other side. We cannot let that happen. And we cannot also let the unemployed go without extended benefits.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I have listened intently for the last 2 weeks to the climate change debate and the energy debate, to Republican ideas and Democratic ideas, to Republican speeches and Democratic speeches—all about what is wrong. While we have talked, the crisis has grown astronomically.

In Georgia today, school systems looking to transport students this fall are wondering how they are going to be able to afford to run their schoolbus fleet because of the cost of diesel.

Back in Georgia, today in Marietta, our sheriff and our police chief are wondering how they are going to be able to patrol the streets with the budget they have for gas with that tremendous cost. They are doubling up officers. They are leaving cars idle in the motor pool.

Today workers are going to the pump, and they are filling up at $4 a gallon—a price that is unsustainable for them based on their wages and based on the cost of energy.

While we may make a lot of speeches, it is time for Republicans and Democrats alike in the Congress of the United States to put aside their partisan bias when it comes to energy.

I was a young man in the 1960s. A great U.S. President, John Kennedy, stood before the American people and the Congress, when America was confronting a great difficulty. We were falling behind in math, science, and technology. The Russians had already launched a satellite. They were on the way to developing a space program, and America was being left in the dust. President Kennedy stood before the Congress, and he declared the United States would launch a man to the Moon, land him, and bring him home safely before the end of the decade.

We did not know how to do that. But the President was bold in declaring it. The Congress put its partisan differences aside and funded NASA, funded reach; and 7½ years later, on July 31, 1969, the United States of America landed two men on the Moon and brought them back safely to Earth.

We are a great country, and we are at our best in a crisis. We have one today. Answers and solutions lie on both sides of the political spectrum. Enough, quite frankly, is enough. Republicans have to begin to embrace those things we said are not enough of a solution, such as renewables and conservation. They can help. They do not solve the problem, but they contribute to solving it. Democrats have to recognize we are sitting on a ham sandwich, starving to death, when we continue to keep our nuclear energy locked up and we do not expand and develop our nuclear program to generate safe, reliable, nonpolluting, carbon-free nuclear energy.

On the issue of exploration, it is possible to explore responsibly, develop the resources of our country, and contribute to our supply locally ourselves. It is important we have tax incentives for all forms of alternative energy—renewable energy such as wind and solar, future energy such as cellulosic-based ethanol, equalizing our incentives, making sure every megawatt hour is incentivized equally so we are putting all our solutions on the table.

This is not just a political problem; this is not just a pocketbook problem; this is an American problem. Have you ever thought about it for a second? Regardless of your opinion on global warming and climate change, it is in our best interest as a country to reduce our dependence on foreign oil and reduce the production of carbon in the atmosphere. It is in our interest environmentally. It is in our interest geopolitically.

Right now, the United States of America is buying oil from three of our biggest competitors/sometimes adversaries—Hugo Chavez in Venezuela, Ahmadinejad in Iran, and Vladimir Putin in Russia—paying prices of up to $139.26 a barrel for oil, the profit from which they turn around and buy our Treasury notes. They are buying equity in the United States of America with the very funds we are paying for their oil.

Yet we sit here and do not develop the resources we should be developing that we know of and we have here today: the shale oil in Colorado and Montana and North Dakota, a reserve that is estimated to be equal to the oil reserves of Saudi Arabia. There are issues in Alaska with ANWR, but we can work them out. We can environmentally and safely explore. We did it 30 years ago with the pipeline in Alaska. We can do it again now. Off the coast of the Gulf of Mexico and my State and States on the Atlantic coast, we can drill safely and securely. We can drill aesthetically pleasing, because if you drill outside of 50 miles, and in most cases 12, you are over the horizon so there is no damage to tourism. Yet you are extracting your own rich natural resource and supplanting those imports you would otherwise have to take from parts of the world you might not want to take from.

It is critical that we develop our resources. We all know that oil will run out one day and we all know we have to develop the technologies to replace it. We all know we need a bridge over the next 40 years as we develop those technologies to keep America running strong and vibrant and have our economy and our people prosperous. We are not going to do it with ever-spiraling prices of gasoline, heating, fuel oil, and petroleum. We can't do it. It is time we put our biases aside. It is time we stood and spoke as Americans. It is time we look toward every possible resource that is available to us and make a declaration just as John Kennedy did. If this President of the United States and this Congress join united to say we Americans are going to reduce our dependence on foreign and imported oil by 33 percent over the next decade and we are going to do it by unlocking those things that we refuse to explore—by developing our renewables, by incentivizing equitably all sources of energy that reduce our dependence on petroleum such as nuclear, wind, solar, synthetic fuels, and biodiesel—the world will immediately take notice and the speculators who were discussed so much two speakers ago will speculate in a hurry that America finally woke up, the Congress finally decided to do something. They will know our insatiable desire for foreign oil is at an end, that we are looking toward an end game where we are energy independent. You know what happens when that happens: The price of oil begins to come down immediately.

The way you have an immediate impact on a spiraling and rapid increase in price is to have an immediate declaratory decision that you are going to do something about it and delineate those solutions you have and you know are doable. Surely a country that faced in the 1960s a challenge without the technology at the time to even know how to do what it said it was going to do can now today in 2008 make a declaration we are going to take our resources we are going to invest in them, we are going to incentivize them, and we are going to reduce our dependence on foreign oil. If we do that, we will have the beginning of the end of the rapid spiral up in prices as well as a beginning of a new solution in the Senate of the United States. That is both sides of the issue coming together, finding the common ground that in the end benefits whom we serve: the people of the United States of America.

When I left Atlanta, GA, on the 4:20 flight to come to Washington on Monday, I came here recognizing that every day it is my responsibility to speak not for myself but for the people I represent. The people I represent are hurting. It is hurting our business. It is hurting education. It is hurting public safety. It is hurting the economy. We have to put aside our partisan differences, make a declaration of war on the spiraling cost of gas, develop the resources that we as America know we have, and say to the American people: This is the most deliberative body in the world, but it also has the potential to be the most decisive body in the world if we will only make up our mind to do it.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Madam President, there has been a great deal of discussion on the floor of the Senate today, certainly, about the price of oil and the impacts the high energy costs are having on our States across the Nation. I rise today to talk a little bit about one solution, one aspect of the solution for our energy woes in this country, and that is increased domestic production. Before I begin my comments, I acknowledge it is only one piece of the puzzle as we deal with the high price of energy in this country. Increased domestic production is one aspect of it, but we also have the other components. Certainly we must do more to focus our technologies to advance the renewables and the alternative energy sources in this country. Then the third leg of my three-legged energy stool is the focus on conservation and efficiency. I think it is fair to say that we in this country simply do not do enough yet, and that is something we must move toward and move toward in a dramatic manner.

We had a situation in the capital of Alaska about 6 weeks or so ago. The community of Juneau was left without their source of hydroelectric power when a series of avalanches took out the transmission lines that connected the source of hydro to the State's capital. Literally overnight, that community was plunged into a situation where they were going to be powering that community off of diesel. They were looking at a fivefold increase in their energy prices. The communities said: What do we do? We can't do this. All of a sudden we had a community—a population—that said: I can't afford to pay utility bills that are five times what I am already paying in terms of energy usage. So that community came together in a time of crisis and in 1 week's time reduced their energy consumption by 30 percent, and moved on then further in the next couple of months to reduce their energy consumption in Juneau, AK, by about 40 percent.

They did it through everything. Juneau, as my colleagues may know, is in a rain forest. It is pretty damp. There is usually not much need for clothespins, but every clothespin in Juneau was snapped up literally as people said: Well, I can't afford to run the dryer. We are going to figure out ways in our households where we learn to conserve. That focus—that very specific focus on conservation now because we are in a time of crisis—produced some pretty dramatic results. I think that community can stand as an example of how we in this country can work together to make a difference to reduce our energy consumption.

I wish to talk a little bit this afternoon about the Arctic National Wildlife Refuge in the State of Alaska and how opening ANWR to oil exploration and development could help lower the price of petroleum for decades into the future. Over the past couple of days, we have heard several colleagues—well, not several; we have all been talking about the high prices of fuel that people are facing. I have heard a lot from some about encouraging foreign nations, whether it is Saudi Arabia or others, to produce more oil so that we can drive down the price of fuel for our benefit. We have heard that imposing perhaps a windfall profits tax on the oil companies would somehow or other lower prices, but the explanation for exactly why that would occur has been a bit sketchy to me. But I have heard almost nothing—almost nothing—from some of the Members of this body on why America should not produce more oil itself, keeping the jobs in America, keeping the wealth in America for our benefit, America's benefit, not the benefit of Saudi Arabia, Venezuela, or Nigeria.

We can pass many laws in Congress, and we can repeal many laws, but we cannot repeal the law of supply and demand. I am not the first person to stand on the Senate floor and say that. If we want to lower our prices, we have to figure out how we can increase our Nation's fuel supplies.

On June 5, in the Washington Post, there was an opinion piece by George Will. He talked about the fact that America does have a national energy policy. According to Will:

> America says to the foreign producers: We prefer not to pump our oil, so please pump more of yours, thereby lowering its value, for our benefit.

That was his statement about our national policy. That is a crazy national energy policy. No wonder it hasn't worked.

I ask unanimous consent that this full column by Mr. Will be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GAS PRICES WE DESERVE

Rising in the Senate on May 13, Chuck Schumer, the New York Democrat, explained: "I rise to discuss rising energy prices." The president was heading to Saudi Arabia to seek an increase in its oil production, and Schumer's gorge was rising.

Saudi Arabia, he said, "holds the key to reducing gasoline prices at home in the short term." Therefore arms sales to that kingdom should be blocked unless it "increases its oil production by one million barrels per day," which would cause the price of gasoline to fall "50 cents a gallon almost immediately."

Can a senator, with so many things on his mind, know so precisely how the price of gasoline would respond to that increase in the oil supply? Schumer does know that if you increase the supply of something, the price of it probably will fall. That is why he and 96 other senators recently voted to increase the supply of oil on the market by stopping the flow of oil into the Strategic Petroleum Reserve, which protects against major physical interruptions. Seventy-one of the 97 senators who voted to stop filling the reserve also oppose drilling in the Arctic National Wildlife Refuge.

One million barrels is what might today be flowing from ANWR if in 1995 President Bill Clinton had not vetoed legislation to permit drilling there. One million barrels produce 27 million gallons of gasoline and diesel fuel. Seventy-two of today's senators—including Schumer, of course, and 38 other Democrats, including Barack Obama, and 33 Republicans, including John McCain—have voted to keep ANWR's estimated 10.4 billion barrels of oil off the market.

So Schumer, according to Schumer, is complicit in taking $10 away from every American who buys 20 gallons of gasoline. "Democracy," said H.L. Mencken, "is the theory that the common people know what they want and deserve to get it good and hard." The common people of New York want Schumer to be their senator, so they should pipe down about gasoline prices, which are a predictable consequence of their political choice.

Also disqualified from complaining are all voters who sent to Washington senators and representatives who have voted to keep ANWR's oil in the ground and who voted to put 85 percent of America's offshore territory off-limits to drilling. The U.S. Minerals Management Service says that restricted area contains perhaps 86 billion barrels of oil and 420 trillion cubic feet of natural gas—10 times as much oil and 20 times as much natural gas as Americans use in a year.

Drilling is underway 60 miles off Florida. The drilling is being done by China, in cooperation with Cuba, which is drilling closer to South Florida than U.S. companies are.

ANWR is larger than the combined areas of five states (Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware), and drilling along its coastal plain would be confined to a space one-sixth the size of Washington's Dulles airport. Offshore? Hurricanes Katrina and Rita destroyed or damaged hundreds of drilling rigs without causing a large spill. There has not been a significant spill from an offshore U.S. well since 1969. Of the more than 7 billion barrels of oil pumped offshore in the past 25 years, 0.001 percent—that is one-thousandth of 1 percent—has been spilled. Louisiana has more than 3,200 rigs offshore—and a thriving commercial fishing industry.

In his book "Gusher of Lies: The Dangerous Delusions of 'Energy Independence,'" Robert Bryce says Brazil's energy success has little to do with its much-discussed ethanol production and much to do with its increased oil production, the vast majority of which comes from off Brazil's shore. Investor's Business Daily reports that Brazil, "which recently made a major oil discovery almost in sight of Rio's beaches," has leased most of the world's deep-sea drilling rigs.

In September 2006, two U.S. companies announced that their Jack No. 2 well, in the Gulf 270 miles southwest of New Orleans, had tapped a field with perhaps 15 billion barrels of oil, which would increase America's proven reserves by 50 percent. Just probing four miles below the Gulf's floor costs $100 million. Congress's response to such expenditures is to propose increasing the oil companies' tax burdens.

America says to foreign producers: We prefer not to pump our oil, so please pump more of yours, thereby lowering its value, for our benefit. Let it not be said that America has no energy policy.

Ms. MURKOWSKI. On the floor this week, some Senators have argued that by opening ANWR and causing physical disturbance to just 2000 acres, which is what we are talking about, of the Arctic coastal plain—and this area is about one-sixth the size of Washington Dulles Airport that would likely result in the production of about 1 million barrels of new oil a day—isn't going to have much of an impact on prices.

I want to quote the senior Senator from New York, who said on May 13:

> If Saudi Arabia were to increase its production by 1 million barrels per day, that translates to a reduction of 20 percent to 25 percent in the world price of crude oil, and crude oil prices could fall by more than $25 a barrel. . . . In turn, that would lower the price of gasoline between 13 and 17 percent, or by more than 62 cents off the expected summer regular-grade price, offering much-needed relief to struggling families.

Now, earlier this afternoon, the same Senator said opening ANWR would "have little impact" on lowering prices. I am not going to suggest that I know what he was thinking there, but I believe what he intended to say was that opening ANWR would have little impact on lowering prices immediately. In fact, if we were to vote in Congress today, this very moment, to open ANWR, we would not actually see the oil down the line into the lower 48 States for between 5 to 7 or 8 years. But I do believe the Senator who made those comments is wrong about both the short-term and the long-term effects of opening ANWR to oil development. He was right when he said last month that adding more oil to the world supply chain would increase supply and help drive down the prices. I think that is just as true in the years ahead as it is today.

We recognize that our actions in this Nation, in terms of the statements that we send and what we are willing to do and what we are willing to commit to—if America were to finally tell the world that we are willing to produce more fuel ourselves, that we are serious about producing more of the energy we consume, I believe it would result in lower prices immediately—not in the 5 years it is going to take to get ANWR oil flowing, but it would bring down prices because it would have a psychological impact.

In 1995, President Clinton vetoed the legislation that would have opened ANWR. If he had not at that point done that, and we had moved ahead, more than likely we would be seeing an additional 1 million barrels of oil flowing to the market right now. I believe and contend that oil would have prevented the prices from reaching today's exorbitant levels.

To go back to George Will's column, he says everyone who has worked to block U.S. oil development over the past several decades is "complicit in taking $10 away from every American who buys 20 gallons of gasoline."

We talk a lot about ANWR and the potential out there and the controversy that, well, you can't open something if it doesn't have the support of the American people. I think we are being deceptive if we are saying the American people do not support the exploration in the 1002 area. According to a May 29 Gallup Poll, 57 percent of Americans support "allowing drilling in U.S. coastal and wilderness areas now off limits" to development.

In Alaska alone, the Alaskans who had expressed their support over the years—it has historically been 75 percent-plus of Alaskans who do support opening ANWR. We are seeing that support grow not only in the State, but we are looking at truly exorbitant prices, and we are seeing it across the country as well.

Just yesterday, there was a nice fellow from Indiana who called my office to say he started a petition campaign on his own—just acting on his own volition—to help win support for opening ANWR. He said in just a few weeks he gathered thousands of signatures from citizens, not just in Indiana but in a number of States, in support of opening ANWR. Just last night, I heard a radio commercial from a group, and I didn't even know they existed. They were gathering signatures in support of opening ANWR to exploration and development.

I think the American people know what some Members in Congress seemingly don't; that is, the need for America to expand its domestic production, expand that in a manner that we can move as quickly as possible and affect the high prices that we are seeing in this country. Again, it is not just increased domestic production. That is one aspect of it.

I spoke a little bit about the Juneau example and how we in this Nation need to be doing more to conserve and achieve greater efficiency. I was home in the State this weekend and folks in Alaska are driving through some pretty rough roads and are driving through tough conditions. People there like SUVs and trucks, but it is not just because they are big and powerful; they are necessary. So driving by some of the lots this weekend, I can tell you just about everything for sale in the lots was the big trucks. People are looking at them and saying: I can't afford to fill up my vehicle anymore.

I was in the fishing community of Dillingham on Saturday. They are preparing to go out for their first fish opener on Monday. Some of those boats are not going out because they cannot afford to fuel up. In Dillingham, the spring barge just came in a couple weeks ago. The price of gas at the pump there jumped up over a dollar in

1 day. They are paying $5.50 for unleaded. Diesel is $6.50-plus. It affects everything in the community, not just what is happening when you fill up your car. They are paying $8 for a gallon of milk. They are paying $10 for a carton of orange juice.

When I went in to get a cup of coffee, a young woman said: I don't know how long we can stay in business. People from the small villages surrounding Dillingham are coming in because they cannot afford to fill up. The communities are suffering terribly. It is not just anger that we are seeing from the people in Alaska over the high prices that happened this winter. People were angry about what they are paying.

Now what is happening is they are scared. They have nowhere to go. When your village cannot keep the lights on and you have to move to the regional hub and you realize there is no place for you to live, it is just as expensive, and there is no way to go, you say: I will go to town, to Anchorage or Fairbanks. But do you know what. The people don't have the money to get the airplane ticket out of town to get to a community where, again, the energy prices are through the roof.

We have challenges in this Nation the likes of which I don't know that we have seen before because it is our energy and our ability to utilize our energy sources that keep this country as great as it is. We cannot have rural Alaska and rural America imploding because we haven't helped address the high cost of energy. The answers are there. It is increased domestic production. It is renewables and alternatives and the technologies we can advance. And it is conservation and efficiency.

We will keep working on it. I think the people are going to be hearing a lot more about what many of us think is the shorter term solution, and that is increased production.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ILLEGAL DETENTIONS

Mr. MENENDEZ. Madam President, our deepest obligation as Senators and Representatives of the American people is to make sure our Nation's founding promises are being kept.

With a few strokes of Thomas Jefferson's pen, we were told that life and liberty would be unalienable rights, that a chance to seek happiness would be something to which we were all entitled.

Our rights grew over time, and over time we grew out of restrictions of who was entitled to those rights. African Americans threw down the chains of slavery. Women marched to the polls. People came from all over the world to become full members of our society because of the promise that our country held and the guarantees that our Government made.

But when agents from Immigration and Customs Enforcement—also known as ICE—conducted raids in Texas not long ago, one 19-year-old U.S. citizen, who was dragged from her home while she was still in her pajamas, wasn't thinking about that history.

An 18-year-old U.S. citizen, who was shackled at his ankles, handcuffed at his wrists, and tied at his waste, wasn't thinking about that history.

They were thinking to themselves: My God, what is happening to me? What is going to happen to my family? What is happening in my country?

When ICE agents banged on the door of a U.S. citizen named Arturo Flores and pushed their way into his house in Clifton, NJ, without showing a warrant, and when agents in North Bergen, NJ, stormed into the house of a legal immigrant, named Maria Argueta, in the middle of the night and held her without cause, taking her away from her family for 36 hours, those loud knocks on the door quickly woke these law-abiding individuals up from their American dreams.

Now, hearing these examples, some people might not hear well. They may say this is what happens when people enter this country without going through the proper channels. I hear that a lot of the time because it is the mantra of people who defend ICE raids.

But these are not undocumented immigrants getting pulled from their homes in the dead of night. They are U.S. citizens who are targeted because of their race, because of their color, and denied every fundamental right guaranteed by the United States Constitution.

Our fellow citizens may not have been surprised that they were yanked from their homes. They might have even known that their immigration status wasn't even necessarily relevant.

They might have heard stories about friends who were U.S. citizens or legal permanent residents but who were seized in immigration raids, detained, and in some cases even deported. I am talking about U.S. citizens and legal permanent residents.

They may have known that their accent, their name, the color of their skin, the place where they lived would have put them at risk. They may have known that regardless of what our politicians and historians say, fundamental constitutional rights still might not apply to them in today's America.

We have been hearing these stories for too long, and it is time they were told on the floor of the Senate because together we need to face a blunt reality: Our legitimate desire to control our borders has too often turned into a witch hunt against Hispanic Americans and other people of color.

Common sense repeatedly loses out to hysteria, and agents of intolerance repeatedly jump over the legal protections to which every single American is entitled.

I am going to tell just a few stories today, but there are plenty of others similar to them.

Last year, a 30-year-old mentally impaired man named Pedro Guzman, who was born and raised in southern California, was detained on misdemeanor charges and scheduled to be released.

He is a U.S. citizen, but somehow his accent, his name, the color of his skin must have convinced immigration authorities otherwise. So instead of returning him to his home, they decided to deport him to Mexico.

Even after immigration authorities realized their horrible mistake, they made no significant effort to correct it. Pedro attempted several times to cross the border home to the United States, of which he is a citizen, and was repeatedly turned away. He was forced to wander the streets of Tijuana, eating out of trash cans to survive—a U.S. citizen.

His mother Maria was worried beyond belief and took off time from her job to search for Pedro. Finally, 3 months after he had been illegally deported, Pedro found his way home. When he came back, his mother said after so much trauma, only half her son had returned.

Each of us in this country has to think: What if that happened to me? Why couldn't that happen to me next? What would happen to my children if I was taken away under those circumstances?

Authorities harass U.S. citizens of Hispanic descent in other ways.

Last fall, under the cover of darkness, a dozen immigration agents stormed into the Long Island home of Peggy Delrosa-Delgado, a U.S. citizen and mother of three. They pushed through her 17-year-old son, herded her children into the living room, and one of them drew a gun on a family friend staying in the house. This was the second time they had done this, supposedly looking for someone named Miguel, who had never lived there.

Another U.S. citizen named Gladis was at her home one day when 18 vehicles drove into her front yard and 20 agents jumped out. Agents banged on the door and threatened to throw gas inside the house if they did not let them in. While the children in the house ran and hid in the bedroom, the agents broke down the door.

One of the agents grabbed Gladis and attempted to handcuff her. She said she could prove her citizenship and gave them her Social Security card. After interrogating Gladis and her family for 20 more minutes, the agents left as fast as they came. They had no warrant, no probable cause, no reason for their actions besides suspicion about someone's name, their accent, and the color of their skin. There is one more detail I should mention. Gladis was 6 months pregnant at the time.

Each of us in this country has to think: What if that happened to me? Why couldn't that happen to me? What would happen to my children under those circumstances?

Very shortly, I will be introducing legislation to prevent the unlawful—unlawful—detention of U.S. citizens and legal permanent residents.

The problem with our detention system is even larger. Beyond the U.S. citizens and permanent residents who are unlawfully detained, there are people who have come to the United States fleeing persecution, people who have committed no crime, who find themselves trapped and squeezed between the gears of the U.S. immigration system.

The Washington Post has recently run a disturbing series on the catastrophic state of our detention system. I encourage all my colleagues to read it. I ask unanimous consent to have printed in the Record the first of the Washington Post articles.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, May 11, 2008]

System of Neglect: As Tighter Immigration Policies Strain Federal Agencies, the Detainees in Their Care Often Pay a Heavy Cost

(By Dana Priest and Amy Goldstein)

Near midnight on a California spring night, armed guards escorted Yusif Osman into an immigration prison ringed by concertina wire at the end of a winding, isolated road. During the intake screening, a part-time nurse began a computerized medical file on Osman, a routine procedure for any person entering the vast prison network the government has built for foreign detainees across the country. But the nurse pushed a button and mistakenly closed file #077-987-986 and marked it "completed"—even though it had no medical information in it. Three months later, at 2 in the morning on June 27, 2006, the native of Ghana collapsed in Cell 206 at the Otay Mesa immigrant detention center outside San Diego. His cellmate hit the intercom button, yelling to guards that Osman was on the floor suffering from chest pains. A guard peered through the window into the dim cell and saw the detainee on the ground, but did not go in. Instead, he called a clinic nurse to find out whether Osman had any medical problems. When the nurse opened the file and found it blank, she decided there was no emergency and said Osman needed to fill out a sick call request. The guard went on a lunch break.

The cellmate yelled again. Another guard came by, looked in and called the nurse. This time she wanted Osman brought to the clinic. Forty minutes passed before guards brought a wheelchair to his cell. By then it was too late: Osman was barely alive when paramedics reached him. He soon died.

His body, clothed only in dark pants and socks, was left on a breezeway for two hours, an airway tube sticking out of his mouth. Osman was 34.

The next day, an autopsy determined that he had died because his heart had suddenly stopped, confidential medical records show. Two physicians who reviewed his case for the Washington Post said he might have lived had he received timely treatment, perhaps as basic as an aspirin. Privately, Otay Mesa's medical staff also knew his care was deficient. On Page 3 of an internal review of his death is this question:

> Did patient receive appropriate and adequate health care consistent with community standards during his/her detention . . .?

Otay Mesa's medical director, Esther Hui, checked "No."

Osman's death is a single tragedy in a larger story of life, death and often shabby medical care within an unseen network of special prisons for foreign detainees across the country. Some 33,000 people are crammed into these overcrowded compounds on a given day, waiting to be deported or for a judge to let them stay here.

The medical neglect they endure is part of the hidden human cost of increasingly strict policies in the post-Sept. 11 United States and a lack of preparation for the impact of those policies. The detainees have less access to lawyers than convicted murderers in maximum-security prisons and some have fewer comforts than al-Qaeda terrorism suspects held at Guantanamo Bay, Cuba. But they are not terrorists. Most are working-class men and women or indigent laborers who made mistakes that seem to pose no threat to national security: a Salvadoran who bought drugs in his 20th year of poverty in Los Angeles; a U.S. legal U.S. resident from Mexico who took $50 for driving two undocumented day laborers into a border city. Or they are waiting for political asylum from danger in their own countries: a Somali without a valid visa trying to prove she would be killed had she remained in her village; a journalist who fled Congo out of fear for his life, worked as a limousine driver and fathered six American children, but never was able to get the asylum he sought.

The most vulnerable detainees, the physically sick and the mentally ill, are sometimes denied the proper treatment to which they are entitled by law and regulation. They are locked in a world of slow care, poor care and no care, with panic and coverups among employees watching it happen, according to a Post investigation.

The investigation found a hidden world of flawed medical judgments, faulty administrative practices, neglectful guards, ill-trained technicians, sloppy record-keeping, lost medical files and dangerous staff shortages. It is also a world increasingly run by high-priced private contractors. There is evidence that infectious diseases, including tuberculosis and chicken pox, are spreading inside the centers.

Federal officials who oversee immigration detention said last week that they are "committed to ensuring the safety and well-being" of everyone in their custody.

Some 83 detainees have died in, or soon after, custody during the past five years. The deaths are the loudest alarms about a system teetering on collapse. Actions taken—or not taken—by medical staff members may have contributed to 30 of those deaths, according to confidential internal reviews and the opinions of medical experts who reviewed some death files for the Post. According to an analysis by the Post, most of the people who died were young. Thirty-two of the detainees were younger than 40, and only six were 70 or older. The deaths took place at dozens of sites across the country. The most at one location was six at the San Pedro compound near Los Angeles.

Immigration officials told congressional staffers in October that the facility at San Pedro was closed to renovate the fire-suppression system and replace the hot-water boiler. But internal documents and interviews reveal unsafe conditions that forced the agency to relocate all 404 detainees that month. An audit found 53 incidents of medication errors. A riot in August pushed federal officials to decrease the dangerously high number of detainees, many of them difficult mental health cases, and caused many health workers to quit. Finally, the facility lost its accreditation.

The full dimensions of the massive crisis in detainee medical care are revealed in thousands of pages of government documents obtained by the Post. They include autopsy and medical records, investigative reports, notes, internal e-mails, and memorandums. These documents, along with interviews with current and former immigration medical officials and staff members, illuminate the underside of the hasty governmental reorganization that took place in response to the attacks of Sept. 11, 2001.

The terrorist strikes catapulted immigration to a national security concern for the first time since World War II, when 120,000 Japanese residents and their American relatives were locked away in desolate internment camps.

After Sept. 11, the Bush Administration transferred responsibility for border security and deportation to the new Department of Homeland Security, which gave it to Immigration and Customs Enforcement (ICE)—a reconfiguration of the decades-old Immigration and Naturalization Service—in 2003, the year the Post used as the starting point for counting detainee deaths. Each year since, the number of detainees picked up for deportation or waiting behind bars for political asylum has skyrocketed, increasing by 65 percent since July 2005.

Government professionals provide health care at 23 facilities, which house roughly half of the 33,000 detainees. Seven of those sites are owned by private prison companies. Last year, the government also housed detainees in 279 local and county jails. To handle the influx of detainees, ICE added 6,300 beds in 2006 and an additional 4,200 since then. They too are nearly full.

These way stations between life in and outside the United States are mostly out of sight: in deserts and industrial warehouse districts, in sequestered valleys next to other prisons, or near noisy airports. Some compounds never allow detainees outdoor recreation; others let them out onto tiny dirt patches once or twice a week.

Detainees are not guaranteed free legal representation, and only about one in 10 has an attorney. When lawyers get involved, they often have difficulty prying medical information out of the bureaucracy—or even finding clients, who are routinely moved without notice.

The burden of health care for this crush of human lives falls on an obscure federal agency that lacks the political clout and bureaucratic rigor to do its job well. The Division of Immigration Health Services (DIHS), housed in a private office building at 13th and L Streets, NW., several blocks from ICE headquarters, had a budget last year of $61 million. ICE spent an additional $28 million last year on outside medical care for detainees.

Medical spending has not kept pace with the growth in population. Since 2001, the number of detainees over the course of each year has more than tripled to 311,000, according to ICE and the Government Accountability Office. Meanwhile, spending for the DIHS and outside care has not quite doubled, ICE figures show. ICE's conflicting population and budget numbers make the trends difficult to determine.

The agency is responsible for managing and monitoring detainee medical care, about half of which is provided by U.S. Public Health Service professionals and the rest by contracted medical staff. When doctors and nurses at the immigration compounds believe that detainees need more than the most basic treatment, they have to fax a request to the Washington office, where four nurses, working 9 to 4, East Coast time, five days a week, make the decisions.

A proud Statue of Liberty replica stands just beyond the glass doors of DIHS headquarters to remind visitors of the Public Health Service's historical role in screening and treating European immigrants arriving at Ellis Island at the turn of the last century. Its new role is to keep detained immigrants healthy enough to be deported.

The mission is accompanied at times by a sense of panic and complicity. Many documents obtained by the Post make clear that the people in charge know that the system is in trouble and that piecemeal fixes are not enough.

"The onus is on us if it hits the fan," one official complained during a high-level headquarters meeting about staff shortages late last summer, according to records of the conversation. "We're going to be responsible if something happens, because it's well documented that we know there's a problem, that the problem is severe."

"We are putting ourselves and our patients at risk," another official said.

Doctors express concerns about violating medical ethics and fear lawsuits. In July, Esther Hui at Otay Mesa sent a memo to DIHS medical director Timothy T. Shack, saying her colleagues were worried that they might be sued because of the substandard care they were giving detainees. The agency's mission of "keeping the detainee medically ready for deportation" often conflicts with the standards of care in the wider medical community, Hui wrote. "I know in my gut that I am exposing myself to the U.S. legal standard of care argument. . . . Do we need to get personal liability insurance?"

Nurses who work on the front lines see the problems up close. "Dogs get better care in the dog pound," said Catherine Rouse, a contract nurse at an Arizona detention center who quit after two months last year because she saw what she regarded as "scary medicine" in the prison: Patients taken off medications they needed and nurses doing tasks they were not qualified to do. "You don't treat people like that. There has to be some kind of moral fiber," Rouse said.

In a statement responding to questions raised by The Post, Immigration and Customs Enforcement officials pointed out that the federal government spent nearly $100 million in fiscal 2007 on medical care for immigration detainees. About one in four immigrants in the detainee population has a chronic health condition, the statement said.

"Among ICE's highest priorities is to ensure safe, humane conditions of confinement for those in our custody," the statement said. "We make every effort to enforce all existing standards and, whenever possible, to improve upon them. When we find standards that are not being met, we take immediate action to correct deficiencies and when we believe that the deficiencies cannot be corrected, we relocate our detainees to other facilities."

By their calculations, officials said, the mortality rate among detainees has declined since 2004 to a level that is lower than that in U.S. jails and prisons. The deaths, the statement said, "highlight the tremendous responsibility and potential liability the government faces in providing medical care to a population that often did not have access to adequate health care before coming into our custody."

To this end, the agency recently increased its inspections of facilities and is creating an inspection group at headquarters to review serious incidents, including deaths or allegations that standards are not being met.

ICE declined to comment on specific cases, citing internal policies on patient privacy or pending litigation.

Neil Sampson, who ran the DIHS as interim director most of last year, left that job with serious questions about the government's commitment. Sampson said in an interview that ICE treated detainee health care "as an afterthought," reflecting what he called a failure of leadership and management at the Homeland Security Department. "They do not have a clear idea or philosophy of their approach to health care [for detainees]," he said. "It's a system failure, not a failure of individuals."

A new director for health services arrived six months ago, following a stretch when the agency was run first by Sampson and then by a second interim director. The new boss is LaMont W. Flanagan, who brought with him the credential of having been fired in 2003 by the state of Maryland for bad management and spending practices supervising detention and pretrial services. An audit found that Flanagan had signed off on payments of $145,000 for employee entertainment and other ill-advised expenditures. His reputation was such that the District of Columbia would not hire him for a juvenile-justice position.

"Another death that needs to be added to the roster," Diane Aker, the DIHS chief health administrator, tapped out in an e-mail to a records clerk at headquarters on Aug. 14, 2007. Juan Guevara-Lorano, 21, was dead.

Guevara, an unemployed legal U.S. resident with a young son, was arrested in El Paso for driving illegal border-crossers farther into the city. He was paid $50.

An entry-level emergency medical technician, with barely any training, had done Guevara's intake screening and physical assessment at the Otero County immigration compound in New Mexico. Under DIHS rules, those tasks are supposed to be done by a nurse.

After two difficult months in detention, Guevara had decided not to appeal his case. He would go back to Mexico with his family. But on Aug. 4, he came down with a splitting headache, what he called a nine on a pain scale of 10, his medical records show. The rookie medical technician prescribed Tylenol and referred Guevara to the compound's physician "due to severity of headache . . . and dizziness," according to medical records.

But Guevara never saw a doctor. Eight days after the first incident, he vomited in his cell. The same junior technician came to help but was unable to insert a nasal airway tube. Guevara was taken to a hospital, where doctors determined an aneurism in his brain had burst.

His wife, pregnant at the time with their second child, recalled that she rushed to the hospital but ICE guards would not let her inside, until the Mexican Consulate interceded. Guevara's mother waited five hours before they let her in. By then he was brain-dead.

"My son is not coming back," sobbed Ana Celia Lozano months later, sitting in Guevara's small mobile home as her grandson played on the floor. "I want to know how he lived and died, nothing more."

What appears to be the most incriminating document in Guevara's case has been partially blacked out. Still, what is left shows that he did not receive adequate care. "The detainee was not seen or evaluated by an RN, midlevel or physician. . . . At the time of the incident on 8/12/2007, the detainee was seen and examined by EMTs."

Each immigration facility is allotted a different number of positions, and a shortage of doctors and nurses is not unusual at centers across the country. Records from February show that about 30 percent of all DIHS positions in the field were unfilled. ICE officials said last week that the current vacancy rate is 21 percent. Concern about the vacancies is voiced repeatedly at clinical directors' meetings. "How do we state our concerns so that we can be heard? . . . this is a CRITICAL condition. . . . We have bitten off more than we can chew," a physician wrote in the minutes of one meeting last summer.

In some prisons, the staffing shortages are acute. The Willacy County detention center in South Texas—the largest compound, with 2,018 detainees—has no clinical director, no pharmacist and only a part-time psychiatrist. Nearly 50 percent of the nursing positions were unfilled at the 1,500-detainee Eloy, AZ, prison in February. At the newly opened 744-bed Jena, LA, compound, nurses run the place. It has no clinical director, no staff physician, no psychiatrist and no professional dental staff.

Last August, Sampson, who was then DIHS interim director, warned his superiors at ICE that critical personnel shortages were making it impossible to staff the Jena facility adequately. In a vociferous e-mail to Gary Mead, the ICE deputy director in charge of detention centers, he wrote:

"With the Jena request we have been re-examining our capabilities to meet health care needs at a new site when we are facing critical staffing shortages at most every other DIHS site. While we developed, executed and achieved major successes in our recruitment efforts we have been unable to meet the demand."

The slow ICE security-clearance process forced many job applicants to go elsewhere, Sampson wrote. Of the 312 people who applied for new positions over the past year, 200 withdrew, he wrote, because they found other jobs during the 250 days it took ICE, on average, to conduct the required background investigations. Last week, ICE officials said the average wait had decreased recently to 37 days.

These shortages have burdened the remaining staff. In July 2007, a year after Osman's death in Otay Mesa, medical director Hui strongly complained to headquarters about workload stress. "The level of burnout . . . is high and rising," she wrote in an e-mail. "I know that I have been averaging approximately 2–6 hrs of overtime daily for the past 2 months. I will no longer be able to sustain this pace and will be decreasing the number of hours that I work overtime. This being said, more will be left undone because we simply do NOT have the staff."

The overcrowding has created a petri dish for the spread of diseases. One mission of the

Public Health Service is to detect infectious diseases and contain them before they spread, but last summer, the gigantic Willacy center was hit by a chicken pox outbreak.

The illness spread because the facility did not have enough available isolation rooms and its large pods share recycled air, but also because security officers "lack education about the disease and keep moving around detainees from different units without taking into consideration if the unit has been isolated due to heavy exposure," noted the DIHS's top specialist on infectious diseases, Carlos Duchesne. The staff was forced to vaccinate the entire population in mid-July. In one 2007 death, memos and confidential notes show how medical staff missed an infectious disease, meningitis, in their midst. Victor Alfonso Arellano, 23, a transgender Mexican detainee with AIDS, died in custody at the San Pedro center. The first three pages of Duchesne's internal review of the death leave the impression that Arellano's care was proper. But the last page, under the heading "Off the record observations and recommendations," takes a decidedly critical tone: "The clinical staff at all levels fails to recognize early signs and symptoms of meningitis. . . . Pt was evaluated multiple times and an effort to rule out those infections was not even mentioned." Arellano was given a "completely useless" antibiotic, Duchesne wrote. Lab work that should have been performed immediately took 22 days because San Pedro's clinical director had ordered staff members to withhold lab work for new detainees until they had been in detention there "for more than 30 days," a violation of agency rules.

"I am sure that there must be a reason why this was mandated but that practice is particularly dangerous with chronic care cases and specially is particularly dangerous with . . . HIV/AIDS patients," Duchesne wrote. "Labs for AIDS patients . . . must be performed ASAP to know their immune status and where you are standing in reference to disease control and meds."

Given the frequency with which ICE moves people within the detention network, keeping track of detainees is critical to stopping the spread of infectious illnesses. The purchase of an electronic records system named CaseTrakker in 2004 was supposed to help. But according to internal documents and interviews, CaseTrakker is so riddled with problems that facilities often revert to handwritten records.

A study at one site found that it took one-third more time to use CaseTrakker than to use paper. Thousands of patient files are missing. Recorded data often cannot be retrieved. Day-long outages are common.

When detainees are transferred from one facility to another, their records, if they follow them, are often misleading. Some show medications with no medical diagnoses, or "lots of diagnoses but no meds," according to Elizabeth Fleming, a former clinical director at one compound in Arizona.

After Yusif Osman's death and the discovery of the problem with his computerized records, the DIHS ordered a review of all charts at the Otay Mesa center. During the review, auditors also found that 260 physical exams were never completed as required. The nurse responsible for the error in Osman's case was reprimanded, but the computer problem was not fixed. The CaseTrakker system "has failed and must be replaced," Sampson, the DIHS interim director, wrote to his ICE supervisors in August.

In January 2008, medical director Shack told colleagues that CaseTrakker "is more of a liability than the use of paper medical record system," according to the minutes of a meeting. It "puts patients at risk."

ICE officials said last week that they are not satisfied with CaseTrakker and are working to replace it.

Along with being at the mercy of computer glitches, detainees suffer from human errors that deny or delay their care. And with few advocates on the outside, they are left alone to plead their cases in the most desperate ways, in hand-scribbled notes to doctors they rarely see.

"I need medicine for pain. All my bones hurt. Thank you," wrote Mexico native Roberto Ledesma Guerrero, 72, three weeks before he died inside the Otay Mesa compound. Delays persist throughout the system. In January, the detention center in Pearsall, Tex., an hour from San Antonio, had a backlog of 2,097 appointments.

Luis Dubegel-Paez, a 60-year-old Cuban, had filled out many sick call requests before he died on March 14. Detained at the Rolling Plains Detention Facility in the West Texas town of Haskell, he wrote on New Year's Day: "need to see doctor for Heart medication; and having chest pains for the past three days. Can't stand pain."

Ten days later he went to the clinic and became upset when he wasn't seen. He slugged the window, yelled, pointed at his wristwatch. He was escorted back to his cell.

Another of his sick call requests said: "Need to see a doctor. I have a lot of symptoms of sickness . . . as soon as possible!" The next was more urgent: "I have a emergency to see the doctor about my heart problems . . . or the last couple days and I been getting dizzy a lot."

The next day, Dubegel-Paez collapsed and died. His medical records do not show that he ever saw a doctor for his chest pains.

Hanna Boutros, 52, who came to the United States 30 years ago, waited seven months for surgery after receiving a diagnosis of "high-grade" prostate cancer, which his urologist urged be treated immediately. ICE officials sent him to Krome Service Processing Center in Miami because, they said, it could best deal with his condition.

But he was seen by nurses, not a doctor, until he found an outside lawyer to threaten a suit. Boutros finally got surgery just before Christmas, before he was deported to Lebanon, leaving two children and a wife in the United States. "I was miserable. I was very, very scared. It was always burning," he said.

Juan Guillermo Guerrero, 37, was denied his seizure medication and given an ineffective substitute. Suffering from one or two painful seizures a week, he told his lawyer to drop his case, saying he preferred to be deported than to die inside an immigration prison. A few days after he returned to Mexico, Guerrero died of asphyxiation during a seizure, according to his lawyers. Sometimes, to save money, the government releases detainees instead of treating them. Martin Hernandez Banderas, a 40-year-old Mexican, was released from custody last year while he was in the hospital following surgery to amputate his leg. An internal review found that the system failed him before the surgery: Nurses and doctors at Otay Mesa did not appreciate the severity of his diabetic foot wounds, did not properly treat them or prescribe the correct course of antibiotics, and did not bring in a qualified surgeon to evaluate the problem.

Simon Reyes-Altimirano, 25, a Honduran, was diagnosed with chicken pox and sent back to his cell with Benadryl, only to be hospitalized a day later and diagnosed with an inoperable brain tumor. He died two weeks later.

Shack, the medical director, found that Reyes-Altimirano's care at the El Paso detention center had been "appropriate and timely." But a nurse at the center poured out her remorse in a typed note placed in Reyes-Altimirano's medical file. "We always have to listen to the patient and the reason I say this is because" when he first reported his problems, "one of the nurses said, "I think he is faking his illness" . . . this is not just a medical learning experience but also an emotional one."

Three weeks after Reyes-Altimirano died, a nurse at the Krome Service Processing Center accused the Rev. Joseph Dantica of faking an illness, too. The 81-year-old Baptist minister had fled Haiti in the fall of 2004, fearing for his life after gangs set fire to the church overlooking Port-au-Prince where he ran a school, let people use computers for free and quietly handed out money to needy families.

As a younger man, Dantica listened to tapes to practice English every day, but he never wanted to live in the United States, said a niece, writer Edwidge Danticat, who was raised by him. He visited once a year, to see his brother in Brooklyn and raise money for his church.

But after U.N. peacekeepers and Haitian riot police seized the church to use as a base against gangs, and after the gangs retaliated by burning the altar, Dantica slipped on a woman's muumuu and wig and headed to the airport. He arrived in Miami with a valid visa but decided to seek asylum because he thought he might have to stay longer than his visa allowed. In an earlier time, Dantica would have been permitted to go on to New York while the government considered his claim. This time, he was detained.

Dantica and an immigration lawyer were sitting before an asylum officer when the minister began to vomit violently. The lawyer, John Pratt, said agents at the detention center had taken away his client's blood-pressure medicine.

Dantica "turned very cold. His eyes wandered around, and he appeared not to be conscious of his surroundings," the asylum officer, Miriam Castro, later told investigators, according to confidential documents. "Applicant assumed a rigid position with his legs stretched out and remained in this position."

Castro called for medical help. No one came for 15 minutes. When the public health nurse and a physician assistant arrived, the nurse said he believed that Dantica "was faking because Applicant kept looking at him randomly," Castro said. The nurse, Tony Palladino, "then went on to demonstrate that when he moved Applicant's head up and down, Applicant maintained his head rigid as opposed to limp, thus not allowing his head to fall back. [The nurse] stated that was another way he determined Applicant was faking symptoms."

Dantica died a day later in Miami's Jackson Memorial Hospital, shackled to a bed. Pratt had called the hospital repeatedly, trying to get information about the minister's condition and permission for his family to see him. "They never said anything but they were doing tests," Pratt said. Security reasons, hospital officials told him, prevented visitors.

The government's internal medical records say Dantica died of pancreatitis. A one-page death certificate in his file has "VOID" stamped across it. Two outside doctors who reviewed his medical records for The Post said he probably died of heart problems.

Yusif Osman had been living in Los Angeles as a legal resident for five years when he was detained crossing back from Tijuana in 2006 with a passenger, also from Ghana, who had a false ID. Osman was arrested on a smuggling charge, which he denied and was fighting while locked up at Otay Mesa. He seemed healthy to his friends and family who visited him or spoke to him by phone.

His girlfriend, Dorothy Weens, was stunned when she picked up the phone in late June and a stranger broke the news. "Yusif Osman passed away," the man said.

When Osman's lawyer called the compound to verify what had happened, he was told only that his client was no longer there. Weens and a cousin of Osman's called immigration officials several times for answers. They were told that the matter was under investigation. Eventually they stopped calling.

Osman's belongings from the prison arrived at his cousin's house one day by mail. Pants. Socks.

Scraps of paper with prayer verses written in Arabic. His birth certificate. A letter from Dorothy: "Hey Babe! Hang in there. I'm trying everything I can do, to get you out of there. I love you and God love you. And that all you needs. I'm sending you $100.00. Love, Dot."

There was also an inventory of the rest of his personal property on the day he died: "4 yellow envelopes. 1 writing pad. I religious beads. I Chap Stick. 14 Ramen soups. 1 grape jelly. 1 jar peanut butter. 1 hot cocoa mix. 1 box Q tips."

The mortuary received a preliminary death certificate from the coroner's office. It noted Osman's cause of death as "pending," enough to release the body. His mosque collected money for a burial in a Muslim cemetery in the Mojave Desert. Male friends dug the grave. They laid his corpse, wrapped in white cloth, into the open earth and covered it with rocky dirt.

The final death certificate arrived in the mail sometime later. Under cause of death, it still read "pending." Osman's passing remains a mystery to his grieving relatives in Ghana and his adopted African community in Los Angeles.

An uneven, blank concrete headstone marks Grave 26. The truth of Osman's death is also buried, thousands of miles away, past the Statue of Liberty replica near the front door, inside a cabinet at the Division of Immigration Health Services, in file #077-987-986.

Mr. MENENDEZ. Madam President, the series is staggering, revealing deficiencies in our detention system that most of us could not dream up in our worst nightmare. The Washington Post has forced us as a nation to look in the mirror, and I, for one, am appalled at what I see.

We, the United States of America, the greatest democracy in the entire world, have been injecting people with heavy dosages of drugs in order to deport them or to move them around the system with more ease.

Immigration officials drug people going through U.S. facilities, and they drug people who are to be deported. They drug some people so heavily that when they get off the plane, they collapse on the tarmac or have to be rolled off the plane in a wheelchair.

They do not only drug people to make it easier to kick them out. One story that stood out in both the Washington Post article and a segment on "60 Minutes" was that of a woman named Amina Mudey.

Last year, Amina fled from Somalia to the United States to seek asylum after she was tortured and her family was killed before her eyes. When she arrived at JFK airport, she was shackled, thrown in a van and driven to a windowless, converted warehouse in New Jersey. Immigration authorities didn't so much as find an interpreter. Instead, they decided to lock her up and decided she was insane, without even talking to her, and decided to inject her full of a drug to treat a disease she didn't even have. The side effects were awful. Her tongue swelled so much she couldn't close her mouth. She drooled and vomited uncontrollably and began to lactate. When she complained, they upped the dose. She thought to herself: Maybe I am going to die here.

Finally, 5 months after she was detained, she won her asylum case in court and was released from the detention center. Without the perseverance of her lawyer, Amina would never have emerged from her drug-induced state. She never would have found the asylum she so desperately needed.

This case sheds light on another grim reality. Medical treatment at our detention facilities is atrocious. Overmedication is far from the only problem. Life-threatening lack of care is also a serious problem. Take the heartbreaking story of Francisco Castaneda. Francisco entered one of our detention facilities battling cancer, although he didn't know it at the time. All he knew is he had significant lesions on his reproductive organs.

Offsite officials who never examined Francisco repeatedly denied him the biopsy he so desperately needed. After 11 long months in custody, Francisco argued for and eventually obtained a temporary release so he could pay for his own biopsy. Life-threatening cancer tumors were found. Despite amputation of the affected area and several rounds of chemotherapy, Francisco died of cancer at the age of 36.

A Federal judge recently noted that this case appears to present "one of the most, if not the most, egregious Eighth Amendment violations [involving cruel and unusual punishment] the Court has ever encountered."

The United States of America essentially killed Francisco Castaneda by denying him the medical care he so desperately needed. Why? Because he had entered this country without the proper documentation at the age of 10, when his mother, fleeing civil war in El Salvador—a war the United States helped to fund, a war that sent thousands of refugees such as him to our country—chose to seek freedom.

He was denied care because he tried to make a better life for himself and his family. These are hardly offenses that warrant death. We cannot in good conscience allow these conditions to continue. That is why I have joined together with Senators KENNEDY, DURBIN, AKAKA, LIEBERMAN, KERRY, and BINGAMAN to introduce the Detainee Basic Medical Care Act.

First, the bill would require the Department of Homeland Security to establish procedures for delivering basic health care to all immigrant detainees in custody. It requires the Department to give people in custody access to any medications they urgently need, both during detention and transfers.

Currently, a bureaucrat in an office can overrule a medical professional who is actually on-site and seeing a detainee. This bill ensures that treatment decisions are made by the professionals who actually see the patient.

Finally, the bill would require the Department to report all detainee deaths to the Office of Inspector General and Congress.

We can never lose sight of the fact that everyone who immigrates to this country, whether they are documented or not, is a human being. A detention should never amount to a death sentence. This kind of action to ensure humane treatment and prevent unnecessary deaths at these facilities is long overdue.

Let us not forget that many in immigration detention are there for minor violations, many because of administrative errors or pending legitimate asylum cases.

At this point, this becomes more than a legal issue; it becomes a human rights issue. It is our job to do all we can to secure our country while also protecting the dignity of all human beings. If we fail to do so, not only do we blemish ourselves, but we lose the moral high ground to be a beacon of democracy and a leader of human rights around the world.

It is astounding to me that human beings could be treated as badly as some are being treated on our soil. When innocent people are drugged, tranquilized, and treated similar to animals, when agents attempt to handcuff a pregnant U.S. citizen, break down the door to her home, terrify her children and her family, when an agency of the Federal Government deports its own citizen, when all this is going on, each of us in America has to think: What is happening in our country? Doesn't my U.S. citizenship, whether by birth or naturalization, protect me from this kind of abuse?

Some officials have claimed these incidents are rare, and some have suggested this is acceptable collateral damage in pursuit of undocumented aliens. Tell that to our fellow citizens who found themselves either detained illegally or deported. Tell that to Pedro, Gladis and Amina and everyone else and all the families who have had to watch this happen. No matter how widespread this pattern of abuse turns out to be, one thing is clear: It isn't rare enough.

There is only one way to prevent that kind of abuse, and it should be a universal policy that before we accuse someone of being undocumented, there is one other document we should inspect first. It is called the Constitution of the United States. It is time for immigration and law enforcement at all levels to rededicate themselves to respecting the rights the Constitution guarantees. That means respecting the need for probable cause and the right to be free from unreasonable search and seizure guaranteed by the fourth amendment, the right to due process guaranteed by the fifth and fourteenth amendments, and the full benefits of citizenship and equal protection for anyone born or naturalized in this country, guaranteed by the 14th amendment, and the entire range of rights and protections under our Constitution.

It is going to take real leadership at every level of our justice system, from the Attorney General to the Secretary of Homeland Security on down. That is the only way that those who by birth or naturalization have a legitimate right to pursue the American dream and to make sure their lives do not turn into an un-American nightmare.

This issue might not be the legislative business of the Chamber at this moment, but it is always our moral business. It is always our moral business to defend the most fundamental principle on which our Nation was founded: that all of us are created equal. Stopping illegal detentions of Americans based on their race is about more than properly enforcing the law. Above all, it is about respecting people who may be different from us but who share the same birthright.

Martin Luther King said:

> We may have come on different ships, but we're all in the same boat now.

If we are worried about what to throw off the boat, it should be our oldest enemy, which is fear. Once that is gone, we can resume our course on the currents of freedom and let our sails be filled with liberty and justice for all.

We can preserve the Constitution, defend our borders, and, at the same time, make sure no American citizen, whether naturalized or born here, ever faces the discrimination that is taking place widespread across the country in ways in which they are illegally detained, illegally put in detention facilities, their houses are broken into, and where even a U.S. citizen could be deported. That is a shameful time in our history, and I hope the Senate will work to stop it.

To the extent I have any time remaining, I yield it to Senator DURBIN for his presentation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Before speaking on the issue of energy, I wish to commend my colleague from New Jersey. I hope those who were following the debate of the Senate were listening closely to what he had to say. I wish I could remember the exact quote—perhaps he can—but someone once said:

> You can really measure the morality of a people by watching how they treat their prisoners and those under detention.

I think what he has brought to our attention today is nothing short of a critically important issue about the conduct of our Government in the treatment of people in detention, many of whom are not guilty of crimes, many of whom may be suspected and are being treated as if they have already been convicted, and treated extremely poorly.

I thank the Senator for bringing up this issue. It is one I hope the entire Senate will reflect on, and again I thank him for bringing it to our attention.

Madam President, if you go back to your home State of Missouri or my home State of Illinois—or you pick a State, pick a town, pick a street—and grab the first person who walks by and say: Is there anything on your mind that Washington is dealing with, do you know what the answer is going to be? Gasoline prices, Senator. Where have you been? Have you noticed what is going on here? Go to fill up the gas tank and pull out the credit card or the cash and you are paying twice as much as you did not that long ago. What are you going to do about it, Senator? A lot of talk about all the issues you are concerned about, but what is happening in Washington? Well, if you follow what happened this week on the floor of the Senate, you will understand that precious little—in fact, nothing—has happened this week in Washington when it comes to the issue of gasoline prices, diesel prices, and home heating oil. And it isn't for lack of effort.

The Democratic majority brought a bill to the floor asking the Senate if we could move forward and start to debate this bill. The bill had specific elements in it to try to address the increased cost of gasoline, to stop what we considered to be an abuse to the American economy. And how bad is it? Well, take a look at this chart, which shows in graphic terms what has happened since President Bush was sworn into office in January 2001 until just a few days ago here in 2008. The average price of gasoline, when the President was sworn in, was $1.47 a gallon. It is now $4.04 a gallon. This dramatic increase has caused hardship to families, to businesses, to farmers, to airlines, and to truckers. You name it, the American economy is suffering because of it.

It isn't just something that happened over a long period of time. We can see just this year what has happened with gas prices. Just since January of 2008, gasoline prices have gone up 93 cents, almost $1 a gallon. People are feeling that. I find it when I get back to Illinois, particularly in my part of the State, in downstate Illinois, where they live in smaller towns, in affordable housing, and commute to their jobs. They now find the price of gasoline to be beyond their budgets week after week and month after month.

So we said: Let's bring a bill to the floor, and let's have a bill that deals with the reality. And here are the harsh realities. Not only has the price of gasoline gone up, but the profit-taking by the American oil companies has gone up dramatically. Since President Bush has taken office, the profit-taking by these companies has increased by over 400 percent, in the same period of time the cost of gasoline has gone up over 250 percent. It is no coincidence. These companies aren't making the biggest profits in the history of the oil industry, they are making the biggest profits in the history of American business. No other company has ever done this.

We also understand what it means to businesses, passing along the expenses of energy costs on products. Whether they are food products or whatever it might be, it raises the cost of living for everybody.

We know what is happening with airlines. Just this last week, the airlines—those that are still in business, because so many have gone bankrupt—those that are still in business announced dramatic cutbacks in their scheduling. Most of the major airlines took out of their fleets the less fuel-efficient planes and cut back on their scheduled aircraft by 20 percent. Well, welcome to our summer vacations as we try to move back and forth across America with fewer airplanes, stuffed to the gills with passengers. That is the reality of this energy crisis.

We know what it means to truckers. They are facing diesel costs near $5 a gallon, and they are trying to fill up those big rigs and keep them on the highway, and it is hard to do. It is difficult to even consider that they can do this without passing along the cost of that added energy cost to those who are buying the products in the back of the truck.

So what we have already done so far in the Senate is to pass fuel economy standards for cars and light trucks that will reach 35 miles a gallon by 2020. That is a good thing. American consumers will have a choice to buy more fuel-efficient vehicles. We have committed to the production of 36 million gallons of renewable transportation fuels, such as ethanol and biodiesel, by the year 2022. We have expanded research for plug-in hybrids. What is needed now, though, is not the long-term fix but something that can bring some relief. So we brought this bill to the floor, and here is what it did:

First, we rolled back the $17 billion Federal subsidy we are currently giving oil companies. How can you justify a subsidy to a company making record-breaking profits? Why would you take taxes away from families, who are hard pressed with their own budget needs, and give them to the wealthiest, most profitable companies in America? That was No. 1 in our bill.

No. 2 was a 25-percent windfall profits tax. We say to these oil companies: Enough is enough. You are entitled to a profit—you are in business for your shareholders—but when you have gone beyond a reasonable profit and it has gone into the area of greed, the Government is going to take it. And maybe the notion of a windfall profits tax would discourage the oil companies from continuing to raise those gasoline prices at the pump.

We also protected consumers from price gouging. The bill gave the President the authority to declare an energy emergency and set a limit on unconscionably excessive prices, if necessary. Are we in an energy emergency at this point? I argue that we are, and I think the President should have this authority.

Next, we would go after speculation in oil—the trading that goes on at the highest levels by some of the biggest investors—to make sure there is transparency and accountability, and that is something which is long overdue.

We would send a clear message to OPEC—that cartel of nations in the Middle East that supplies us with oil—that we will allow enforcement actions against any company or country that is colluding to set the price of oil, natural gas, and other petroleum products.

What was the Republican response to this bill? We needed 60 votes. We called for a vote yesterday. I took a look at it and I see that we had—it looks like 6, maybe 7 Republicans who joined us, 7 out of 49, one of whom was the Senator from Iowa, here on the floor now, who voted with us yesterday on moving forward on this bill. And I salute him. I wish some of his colleagues on the other side would have joined him. We needed 60 votes, and it failed. So the filibuster on the Republican side worked. They stopped the bill. They stopped the debate. We can't move forward on the bill because we couldn't bring over 60 Members. Unlike the Senator from Iowa, the vast majority of Republican Senators voted against even debating this bill, voted against amending it.

That is not the first time that has happened in this Congress. The filibuster, which many people are familiar with, allows any Senator to stand up and object to any amendment, any bill, any nomination, and if anyone wants to say to that Senator that he or she doesn't have the right to do that anymore, we need 60 Senators who will stand up and say it is time to move on, it is time to debate the amendment, it is time to bring it before us. In the history of the Senate, the total number of filibusters in any 2-year period of time, the max, has been 57. So far in this Congress, which still has about 6 or 8 months to go, there have been 75 Republican filibusters.

This most recent filibuster, on the Energy bill, stopped us from debating ways to bring down the price of gasoline in America, to send a message to oil companies that they have gone too far. We couldn't bring over, on a bipartisan basis, enough Republican Senators to reach the 60 votes. So the 74th and the 75th Republican filibusters prevailed. They stopped us from moving forward. That is a sad reality and one that is hard to explain back home.

This week in the Senate—with the exception of the Senator from Iowa, who is on the floor and whom I have saluted twice but I will salute a third time for joining us on this vote—the overwhelming majority of Republicans are blocking a bill to debate lowering energy costs across America. How can that be in the best interest of the American economy? How can it be in the best interest of the Senate? Aren't we elected to come here and address the issues that really count, the ones that families and businesses feel every single day? Well, because of the strategy on the Republican side, we were unable to do it.

Now, I will tell you that the answer by most Republicans to the debate I have just talked about is that we should drill for oil in the Arctic National Wildlife Refuge in Alaska. I am opposed to that. And for years, whenever I would get up and say I am opposed to it, one of the Senators from Alaska would say: You have no business opposing it, you don't know what it looks like, you don't know what you are talking about. So I took it upon myself several years ago to go to the Arctic National Wildlife Refuge and to camp out two straight evenings there, with my son, two overnights, but I use that term loosely because the sun was up 24 hours a day by the time we went there to see what it was like. You understand, once you have flown over, landed, and walked through it, a large part of it, why President Eisenhower set this piece of real estate aside and said: Protect it. There is something special about this. Don't develop it unless it is an absolute emergency in America and there is no place to turn.

From the Republican side, they believe that is the answer: Let's go drill for oil in the Arctic National Wildlife Refuge. But the Department of Energy's own Energy Information Agency has made clear that it wouldn't make any difference if we drilled for oil in the Arctic National Wildlife Refuge because by the time the oil would be in peak production—which wouldn't be until the year 2030—Refuge oil would make up only .6 percent of the world's oil. It would literally be a drop in the oil bucket. That drop in the bucket is hardly a solution to today's high gasoline prices. In fact, the effect at the gas pump wouldn't be felt for two decades.

This Arctic National Wildlife Refuge is one of America's last pristine, untouched wilderness areas. It is home to over 200 wildlife species, including polar bears, musk ox, which I spotted while I was there, and caribou. Can we trust that a rush of oil development will protect this wilderness that we hold stewardship over? Is this really the last answer America can come up with? I think not. I think we are smart enough, we are determined enough, and with the right leadership we can reduce energy costs in America, give consumers an option to buy more fuel-efficient cars and trucks, find more fuel efficiency, more homegrown fuels, such as ethanol and the biofuels and biodiesel, and make certain we hold true to the values that we are not going to compromise the water we drink, the air we breathe, or wildernesses and refuges that have been set aside for decades. That is what is critically important in this national debate.

We know that despite even their best efforts, some of the major oil companies have pipeline problems. Just a couple of years ago, one of the major oil companies was responsible for the largest oil spill in North Slope history. That, unfortunately, is an indication that you can never be too careful.

History is clear: We need to do the right things to meet this energy crisis, and the first thing we need to do is to act as a Senate and debate an issue that really counts in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I wish to speak on taxes, but I would like to comment a little on what I just heard from the Senator from Illinois. And he is absolutely right that I did vote to debate because I think a great deal can be accomplished through debate on this legislation. In regard to the overall bill and the motive behind it, it is good in the areas of antitrust and things of that nature, but taxing oil? The rule of economics 101 is that when you tax something, you get less of it. And the American people understand by now, with $4 gas, another rule of economics 101: If you are going to get prices down, you have to increase supply.

I would not be flippant about 13 billion barrels of oil in Alaska that we have not tapped. Yes, by the year 2030 it might be .6 percent of the world's supply, but when you are using 85 million barrels a day worldwide and when there are only about 86 or 87 million barrels of oil being pumped out of the ground worldwide, then you have to understand that a six-tenths of 1 percent increase in a world supply that is not very flexible is going to make a big difference because it is the nervousness that is in the supply of oil, and when it might be cut back because of natural disaster or terrorism activity or some German worker being kidnapped in Nigeria, which sometimes is an excuse for oil going up, more flexibility in the supply of oil is what is going to help us with steady prices and lower prices as we increase supply.

So even though I voted to bring the bill to debate yesterday, I want it fully understood that I am not a guy who believes taxing is going to increase supply. In fact, I believe more taxes is going to decrease supply.

I wish to have a debate with the Senator from Illinois and other people from the other side that what we need is supply. I could easily agree with the Senator from Illinois—maybe not about drilling in Alaska, but if he were willing to drill on the Outer Continental Shelf, willing to drill more in the Gulf of Mexico, and willing to drill more on public land. These are places we know there is an ample supply of oil we ought to make use of to keep the money in the United States instead of buying from the Arabs to give them American dollars to shoot back at us.

I think there are a lot of national security implications here that are as important as the price of gasoline for our suppliers. I said I would be willing to vote that way if we could get some understanding of drilling other places.

What I hear from the other side is: No, to Alaska; no, to the Outer Continental Shelf; no, to public lands; no, to the Gulf of Mexico. But I don't hear anybody crying—you often hear from people about the Outer Continental Shelf that you are going to ruin tourism if we do it. You are going to ruin the view of the ocean. But I don't hear anybody complaining that 50 miles off of Key West, it is OK for China to drill. But if you want to drill 50 miles off of Florida for the benefit of Americans, you would have an outcry. I don't understand it.

When I had my town meetings in Iowa during the Memorial Day recess, at every one of those meetings was brought up why don't we drill more where there is oil that is needed in the United States? Why don't we explore and make use of what we have? We can't fool the American public.

To some extent the debate we had yesterday was on a bill because if we didn't get to these issues of more exploring and more use of these resources, it would be a figleaf to cover the opinion or position of the other party that, no, we can't drill anymore.

Conserve? Yes, we ought to conserve. There is nothing the Senator from Illinois said about conserving that is not legitimate. But conserving is not the only answer to our problem. You have to have a three-legged stool of answers to our energy problems.

One of them is to drill where we know there are resources. Now, since God only made so much fossil fuel, that is short term. Then renewables is second, and conservation, the third. We need a public policy in all those areas. We have public policies for conservation—tax credit for fuel-cell cars, for refurbished homes to be more energy efficient, for energy-efficient appliances. We have tax incentives for renewable fuels. Of course we have had tax incentives for petroleum for a long period of time. We need those incentives. But to think renewables or conservation is a solution to this problem is very misleading.

Madam President, I want to talk a little bit about energy but also to talk more about taxes. That was an issue we debated yesterday. As I finished up last night, I spoke about the spike in gas prices. These increases in costs are hammering most Americans, including too many Iowans. Iowans have seen it firsthand in the gas stations in New Hartford. I say that because sometimes I get the impression from my own constituents that everybody thinks all 100 Senators have chauffeur-driven limousines to drive around in so we don't know what the cost is to put gas in a gas tank. It is not true here in Washington, DC, except for a few of the elected leaders, and it is not true in Iowa, where I drive a 2003 Taurus. We do take care of ourselves and we do know the price of gas. In fact, I can tell you if I had been smart enough to buy gas when I left the Des Moines airport Friday night, I could have gotten it for $3.69, and I waited to buy it Sunday night and it was $3.89, and I know it is $4 out here. The point is, we feel it.

By the way, I have some advice for some of the leaders who drive SUVs around here and have chauffeur-driven limousines while we are paying $4 in taxpayers' money for gasoline. It aggravates me to high heaven when I see the SUVs idling out here, maybe to keep the car warm in the wintertime or cool in the summertime, and I saw it when the temperature around here was 60 degrees. Shut these cars off and save. There is no reason for the Senate of the United States to set an example that we do not conserve or care about the taxpayers' money by having these SUVs idle when nobody is in them, when they are not going anyplace.

I read reports about the gas issue. I read reports about the stimulus rebate checks being eaten up at the pump with this high gasoline price. In addition to this hit from gas hikes, American families are facing a big hit from planned tax hikes. I wish to take a few minutes then to talk about the additional hit taxes make on the family budget.

You would think no one would increase taxes in times of economic distress. Record tax hikes in an era of higher gas prices would seem to be a recipe for economic disaster. So people who think taxes are not high enough, complaining about the upcoming recession—hopefully avoided but probably not—why would you want to make it worse by increasing taxes?

Some people do not seem to care. People on the other side, including Presidential candidates, proudly and passionately want to raise taxes. You see it in the debate. I am not telling you something you can't see on television. Candidates of the other political party are waiting to raise taxes. How do they want to increase taxes, you might ask? By increasing tax rates and taxing investment income.

If the other side prevails in the November elections, we will be on a path to a tax hike; taxes that will go up, as a percentage of gross domestic product, higher than they have been at any time since World War II. If they stay on that path, yet higher. Taxes should rise by almost 10 percent with virtually every American paying more. If you want to create jobs, you don't tax labor. The rules of economics 101—if you tax something, you get less of it. If you want labor, then don't increase taxes on labor.

I wish to ask folks, particularly in the media, to take a serious look. It is in the Congressional Budget Office reports. It is the effect of letting the bipartisan Tax Relief Act of 2001 expire, and maybe a more partisan tax bill of 2003 expire.

How much more taxes would we have to pay? A lot more, say people on the other side, especially those Americans who are defined by the other side as making a lot of money.

What is a lot of money? The Democrats say if you are a family making at least $250,000 a year, you make a lot of money and don't pay enough taxes. That puts you in the current 33-percent tax bracket.

Can Americans making less than $250,000 a year be sure they will not pay more taxes? What is to say that the other side will not tax Americans making $100,000 a year? Or even $50,000 a year? The bipartisan Tax Relief Act made sure that all Americans are paying less in taxes. In 2001 and 2003, Congress did the right thing and reduced the tax liability for all hard-working Americans.

This tax relief should not be labeled the Bush tax cuts. Yes, President Bush had a great deal of involvement and deserves some credit. But I want to remind people that Congress passed the 2001 and 2003 tax relief. In fact, that year the Finance Committee was divided 50 percent Republican, 50 percent Democrat, because the whole Senate was equal, the number of Republicans and Democrats. We completely, as a body, rewrote the suggestions that President Bush put before the Congress.

MAX BAUCUS, the current chairman, was my partner in the 2001 bill. We overcame the White House's desire to write a "Republican only" bill and skip the committee process. So stop calling this tax relief the Bush tax cuts. This label is politically motivated to confuse the American taxpayers about what was truly a bipartisan tax relief measure.

This label is repeated over and over. The head of the Senate Democratic Campaign Committee beats his partisan drum with this phrase. He relies on polls to drive a partisan message. The label is likewise parroted over and over in the press reports. The Sunday political talk show hosts are even getting into the act. If I had a nickel for every time I heard the words "Bush tax cuts," especially from the political pundits, I would singlehandedly be able to pay off the national debt.

Colleagues and friends in the media, I beg you—I have asked you to consider what I am saying—lay off the false label of Bush tax cuts. Instead, look at the substance. The substance of the 2001 and 2003 tax relief put more money into the pockets of hard-working Americans. This is how it came about, by lowering the tax rates, providing marriage penalty relief and by providing the child tax credit. I do not hear much press discussion about how much money hard-working Americans are going to have to pay if the 2001 and 2003 tax relief expires. I ask the media people: Take a look at the data. It is real. It means dollars and cents to virtually every American taxpayer. That cushion in the family budget will be critical to deal with the burden from the higher gas prices that have been involved in the debate today and yesterday.

Other data: If the 2001 and 2003 tax relief expires, a family of four with household income of $50,000 will pay $2,300 more in taxes. That is a lot of money for a family earning $50,000. Here is a chart that will show you exactly the impact when 2010 comes and these expire, as the candidates on the other side want to do. In 2011 that family of four is hitting a tax wall, the tax wall, or $2,300 a year. These families have hit the wall. If the other side prevails, they are going to have their noses bloodied by the tax brick wall that the middle-income family hits.

Here is more data. A single mother with two children earning $30,000 will pay $1,100 more in taxes, if the tax relief bill is passed. This single mom with two kids will actually be crushed financially by a brick wall of higher taxes.

There is a lot of talk about need for change in economic policy. It seems as if change, no matter what it means, is good on its face. Many in the media and the beltway punditry fawn over the soaring rhetoric of the eloquent Democratic candidate. Indeed, there is almost a cult of personality surrounding the charismatic junior Senator from Illinois. These folks in the media and beltway punditry need to cut through the fog and look at what the Democratic notion of changed economic policy will mean to folks beyond the beltway. Look at this change not from the perspective of high-paid, latte-liberal crowds in the bluest areas of the bluest States. Look at what this means in the offices, factories, and farms of the heartland. That is what I ask many in the media and the punditry to take a good look at.

Gas prices are also squeezing the country's main job creators and that hits small business and farms. Small business has a tax hike to worry about as well. This tax hike piles on top of higher energy costs that are slamming small business.

According to the Treasury Department, about 70 percent of taxpayers who are flowthrough business owners are in the top 5 percent of the taxpayers. So my friends on the other side of the aisle, along with their Presidential candidate, are effectively saying they want small business owners to pay at least 13 percent more in taxes.

Small business owners are not Bill Gates or Warren Buffet. Small business owners are hard-working Americans who live on Main Street. They are vital to our economic well-being. Small business employs a vast majority of America's workers. Yet small business owners have to pay more money to their Government. That is less money they can use to hire somebody.

The old law of economics 101: If you increase taxes, you get less of it; you tax labor more, you get less labor, you get less jobs. If that person is not hired, what happens? The individual is unemployed, has no income, has no health care. Instead, that worker stands in the unemployment line and collects unemployment.

Economics, like I said. All these tax hikes on small business would pile on top of the gas price hikes already crippling small business. Why should they pay more taxes? Is this change good because they can afford it? That is what the other side is saying. But it makes no sense.

What they are saying is, because these taxpayers can "afford it," these taxpayers should be paying even a greater percentage of Federal Government taxes. But what does "afford it" mean? Do we not want all taxpayers, not just those make $250,000 or more, to pump their disposable incomes back into our economy?

Do we wish to steer taxpayers, including upper income taxpayers, toward lower return, tax-favored investments? Do we wish to steer their money away from reinvesting in small businesses or start-ups?

By the way, I wish to compliment one of Senator OBAMA's surrogates. I am referring to Gov. Tim Kaine of Virginia. On FOX News Sunday, Governor Kaine indicated Senator OBAMA would propose a zero-percent capital gains rate for small start-up companies. Under current law, that is a 7.5 percent rate.

Now, we Republicans could look at this proposal. But unfortunately for the American people, Governor Kaine said Senator OBAMA would substitute this rate with a 33-percent increase in capital gains on other investments.

So the substitution would be bad for other investors. So let's focus on the progrowth side of the proposal and consider dropping the rate of start-ups from 7.5 percent to zero.

The political talking point that we hear again and again, raise taxes on the country's top taxpayers to generate "needed" revenue, is communicated to the American public.

It is said enough times and repeated by the press so many times that many Americans believe it.

It is not the fault of that portion of the American public that believes it.

It is refreshing that a vast majority of Americans think the general idea of a tax increase is a bad idea, especially in these economic times.

But the notion that there are no downsides for taxpayers or for economic growth if income taxes go up by 10 percent is a notion that the other side believes. Many in the media seem to accept this notion without further examination.

If middle- and upper-income taxpayers see a bigger tax bill, do they believe that our economy will be better off?

It is clear lower tax rates have generated record tax revenues. I challenge some of the media who are skeptical about tax relief to take a look.

Here is a chart that illustrates that lower taxes have generated record tax revenues.

This chart illustrates that Federal tax revenues have been, and generally continue to be, coming into the Federal Treasury at or above the historical average of 18.2 percent of GDP.

Now what the heck does that mean?

It means that lowering the tax rates has not gutted Federal tax revenues.

So don't believe the Chicken Littles who say the sky will fall if we keep taxes low.

It means that keeping taxes low, even for Americans earning $250,000 a year has brought in record-breaking revenue.

It also means that the Government doesn't need to raise taxes in order to generate revenue.

Now I can't let my colleagues on the other side, and some of the skeptics in the press for that matter, say to the American public that if you earn less than $250,000 a year, you won't see higher taxes.

Why? There are millions of investors earning less than $250,000. They earn dividends and capital gains.

Let's take a closer look.

In 2003, Congress reduced the top tax rate on capital gains from 20 percent to 15 percent.

Congress also tied dividend income to the capital gains tax rate, that is, 15 percent.

For low-income taxpayers, the tax rate on capital gains and dividends is currently zero.

That's zero, with a capital Z.

Millions of low-income taxpayers receive dividends and capital gains.

All of these taxpayers were not making over $250,000.

I will shed light on this fact with a chart. Nationally, over 24 million tax returns reported dividend income.

In Iowa, for instance, over 299,000 families and individuals claimed dividend income on their returns.

Here is another chart dealing with capital gains.

Nationally, 9 million families and individuals claimed capital gains. Over 127,000 of them were folks from Iowa.

I have fought both Democrats and Republicans to ensure that our country is set on the right course.

That course is economic prosperity.

I would like to see a real discussion of the negative implications of changing current economic policy. With high gas prices squeezing taxpayers, it is more compelling than ever.

Let's clear away the fog about the expiring bipartisan tax relief. Broad-based tax increases aren't gauzy "feel good" economic policy changes. Let's examine the benefits of keeping taxes low.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, first of all, I wish to thank the Senator from Iowa for his graciousness in allowing me to speak. He is a tremendous leader for us on issues of tax policy and health care, and I appreciate my relationship with him a lot. He is a wonderful American. He is a wonderful Iowan. He does a great job for the people of Iowa in the Senate.

We all know we are experiencing a time of dramatically increased energy costs. The price of gas sets new highs almost every day, and the price of oil continues to climb. In the face of this, the Democrats in this body think the proper response is to increase taxes and regulations on the energy industry.

It reminds me of a saying from the Reagan era: If it moves, tax it; if it keeps moving, regulate it; and if it stops moving, subsidize it.

Well, the bill the Democrats are trying to force on the American people would do at least two of those things. Increasing taxes and regulations do nothing to bring down the increase in fixed costs that result from high energy prices. It is not the right solution. Conventional wisdom dictates that in times when fixed costs are high, discretionary spending must decrease.

As the last budget showed, we certainly do not follow conventional wisdom in DC. But families all over America have to. In plain and simple language: Spending more on what we need generally means we have less to spend on what we want.

Now, make no mistake, we are spending more on what we need. Americans are feeling the pain at the pump due to high gas prices, but increasingly they are feeling pain at the kitchen table too. As gas prices go up, so do food prices. America's farmers and ranchers produce the safest and most affordable food in the world. But rising energy prices have affected almost every level of agriculture. It has caused the cost of everything from fertilizer to processing to increase.

The high price of diesel and other types of energy are forcing up production costs, which also forces up food prices. My home State of Colorado produces some of the best-tasting produce in the world, including potatoes. It is not putting fuel in the tractor that is hurting our farmers. Last year, in Colorado's San Luis Valley, it cost a farmer about $90 an acre for starter fertilizer for a potato crop. This year, the cost is up almost $300, from $90. You heard that right, in 1 year, starter fertilizer costs have more than tripled.

Weld County, CO, is one of the Nation's top-producing agricultural counties. But even in an area that produces as much food as Weld County, people there are fighting high food costs. Higher food costs hurt all Americans, but they are especially damaging to people dealing with food insecurity.

Food banks are struggling to stretch dollars so they can keep food on their shelves. That is food that goes to our most vulnerable populations, impoverished individuals and their families. In Weld County, 32 percent of the individuals served by the local food bank are children.

The price of food, and indeed all goods that need to be moved any distance, is also increased by the transportation costs. Listen to this. The trucking industry has been especially hard hit by the increases in diesel prices. In January of 2007, when the Democrats took control of Congress, diesel was $2.53 a gallon. Today the national average for diesel is $4.69 a gallon. That is an increase of $2.16 in the 18 months of Democratic control of Congress. In the 6 years preceding Democratic control of the Congress, the price of diesel rose about $1. That is right, $1 dollar for over 6 years, and $2.16 in 18 months.

I think the evidence is clear that the antiproduction Democrats in Congress are ignoring the needs of rural Americans in favor of liberal environmental elitists.

Gasoline prices are also changing families' plans for their leisure time. In times such as these, we see an industry such as tourism both helped and hurt by families having more limited funds. Local tourism in places such as Colorado is helped because people stay closer to home. For example, a family from southeast Colorado might choose to forgo their planned week-long trip to Yellowstone Park and instead spend 3 or 4 days at Rocky Mountain National Park.

This is good for Rocky Mountain National Park because that family might not have visited if they could afford the gas necessary to go to Yellowstone. But it is bad for Yellowstone because they lost visitors. Businesses in the surrounding communities around Yellowstone also lost the opportunity to feed and house that family and to sell them their souvenir T-shirts.

Unfortunately, though, tourism in a State such as Colorado is likely to be hurt by families' needs to visit locally, because although Rocky Mountain National Park will play host to a southeastern Colorado family, they are likely to lose visitation from families who have to travel farther to get there. Now, the Rocky Mountain National Park is a destination tourist area. So that people from all over the country, when they plan their weeks for a week vacation, they plan on making Rocky Mountain National Park their main focal point of that vacation. So families have to travel farther, and when they travel farther, they do not often want to spend more, and so it hurts destination tourist spots such as Rocky Mountain National Park.

But it is not just families who plan to drive who are affected. According to the Air Transportation Association only 8 years ago, 15 percent of the price of an airline ticket went to pay for fuel. Now that number has risen to 40 percent. Fuel prices for airlines are up 84 percent over last year, forcing them to raise fares and add surcharges and fees to recoup costs. Airlines will continue serving their best markets but may be forced to reduce flight frequencies and the number of cities they can serve altogether.

Small cities may keep service with a flight or two a day but only at much higher prices aimed at business travelers, while leisure travelers will have to drive to bigger cities to get more reasonable fears.

U.S. airlines are projected to spend $61 billion on fuel this year; that is $20 billion more than in 2007, an increase equivalent to the compensation and benefits of 267,000 airline workers or the acquisition of 286 new jets.

The rapid increase in jet fuel will add substantially to airline costs at a time when a weakening U.S. economy will make it more difficult to offset those costs with higher fares.

While oil prices are soaring, the airline industry and Denver-based Frontier Airlines has been forced to analyze every facet of their business in an effort to combat the enormous financial strain fuel costs are having on them. Airlines have been resorting to carrying less water per flight, removing bulky, unneeded carts and equipment, while even eliminating hot meal options so they could eliminate ovens and microwaves in the galleys.

While I commend our airline industry for their innovative solutions and creativity during these constrained times, these changes combined with fare increases are having a dreadful impact on our domestic airline industry, which has been vital to national and international commerce and tourism. Denver, CO, is the center of much of that activity.

United Airlines recently announced plans to take 70 more jets out of service and cut domestic capacity by 17 to 18 percent for the remainder of 2008 and 2009. Although Frontier Airlines prides itself on the ability to provide passenger service at relatively low cost, once again the high price of fuel has necessitated an increase to their fuel surcharge which is passed on to the customer.

In addition to raising prices, they have reduced aircraft fuel burns and began using new flight-planning computer software to track fuel and flights to save fuel. Frontier has also had to reduce the number and frequency of its flights into Denver, which will have an adverse impact on the Colorado economy and Colorado tourism, which usually flourishes in the warm summer months.

In closing, I would like to address the claim that Republicans in this body are the problem. Republicans in this body actually have legislation that will increase domestic production of energy, instead of cut it off. We are ready to talk about energy prices. We are ready to talk about gas prices. That is why we are here today doing that. We wish to help Americas alleviate the pain they are feeling at the pump by increasing production. That is the real solution to our problem.

The laws of supply and demand dictate that increasing supply will work to drive down prices. Increased taxation simply suppresses supply, which, in turn, leads to even higher prices. What we should not do is act on a bill that will decrease domestic production by imposing increased taxes.

What we should not do is act on a bill that will decrease domestic production by increasing the regulatory burden. That is what we have on the floor right now. That is what the "no energy bill" before us will do. I simply cannot support that. I am supporting the majority leader's effort to allow Republicans to be able to be a part of this process, to submit their amendments on the floor so we can actually move toward more production, instead of less production.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE

Mr. SALAZAR. Madam President, I come to the Senate floor this afternoon to speak about the Medicare package we will be voting on cloture on, the legislation that Senator REID filed for cloture yesterday. We will be doing that vote sometime tomorrow. Before I make my comments about that particular piece of legislation, I want to make a few comments in general about the importance of the health care agenda and the health care challenge that faces America.

For all of us who are in elected office in all of our States, we hear about the pain the people of America are feeling from a number of different perspectives. We hear loudly and clearly that people in our States are very concerned about what is happening with the runaway prices of oil and the high cost of gas and diesel and the farmers and ranchers and the businesspeople and consumers in general, just concern about that cornerstone of our economy which is causing so much pain to the people of America today.

We also hear about another cornerstone of concern, and that is what is happening with the housing crisis, the housing crisis which, in many ways, has ignited the economic instability we face in America today, where people are losing their homes, record foreclosures are occurring, and people want to know what it is we are doing in Washington to address the dream of home ownership for America.

In my State, it is projected that in the year ahead and in 2009 there will be about 50,000 homes that will go into foreclosure. There will be about a third of the housing stock that will have a decline of anywhere from 12 to 15 percent in value over the next several years. Those two cornerstones of our economy—energy and housing—are trembling a little bit today. It is important for all of us in the Congress to do what we can to try to stabilize our energy policy and energy prices and also to deal with the challenges we face in the housing crisis.

There is another cornerstone in our economy which is something we need to address. We will do small pieces of it here, but it has to do with health care. Health care today is a huge challenge and problem for America.

In the Presidential debates, one of the hot topics will be how will the next leader of the greatest democracy in the world help us address the huge challenges we face in health care. One thinks about the fact that there are 47 million Americans who do not have health insurance today. One thinks about my State of Colorado with a population of under 5 million people. Today there are 850,000 Coloradans who don't have health insurance, and of those 850,000, 180,000 are children, children without health insurance in our State.

As I look at the issue of health care in general, one of the cornerstones that face our country in terms of the economic and real human pain we are facing, I am proud of the fact that there are people in the Senate who are trying to figure out a way forward already.

First, Senator BAUCUS, chairman of the Finance Committee, has decided this is an issue we need to learn a lot more about. So we have a series of hearings on what is happening with health care, what is happening with health care in other places around the world. Next Monday we will be having a health care summit to try to further our understanding on how we can deal with this incredibly difficult issue. Then in the mix of all that dialog, my good friend from Oregon, Senator WYDEN, who just happens to be on the floor—totally by coincidence—has offered for all of us to take a look at the Healthy Americans Act.

The Healthy Americans Act is important because it is the only piece of legislation that has come to the Senate in a manner that is a comprehensive health care reform package, but also, importantly, it has the kind of bipartisan support which, at the end of the day, will be required in order for us to fix the very complex health care problems and challenges we face today.

I applaud him and both my Democratic and Republican colleagues who have joined him in that effort. It is the only significant bipartisan piece of legislation that has been considered in Washington for a long time. But the issue of health care and health care reform is not going to go away this year. It is an issue I expect will loom large on our plates right after the January 2009 inauguration. Many of us will be working to try to find the right solution that fits the American population. I very much look forward to working with my colleagues on that on a bipartisan basis and to working with my good friend, Senator WYDEN, on that agenda as well.

I wanted to speak about a ticking health care emergency that, if unaddressed, will affect millions of doctors and patients across the country before the end of the month. In 19 days from today, Medicare reimbursement rates are scheduled to drop 10 percent, based on an outdated formula that we desperately need to fix. A 10-percent cut to Medicare reimbursement rates will force tens of thousands of doctors into the red, tens of thousands of doctors across America in every one of our States. Millions and millions of Medicare patients will find that their doctor simply cannot afford to treat them. Every single Member of this body has heard loudly and clearly about the devastating effects these cuts will have on patients and on doctors. Here are just a few things I have heard over the last several days.

This is from Dr. Mike Wasserman, a Colorado physician who is in a group practice that focuses solely on Medicare patients. He said:

> A 10 percent cut is untenable. I would have to seriously consider immediately closing our practice if this were to actually stick.

Other comments that I have received in my office from others:

> Many primary care physicians will not only stop taking new Medicare patients but will consider reducing their current Medicare load. That means more patients being cared for by higher cost specialists. Conceivably, this could actually lead to greater Medicare expenditures.

Finally:

> This cut will have a devastating impact on health care across the board as most commercial insurers and TRICARE tie their rates to Medicare.

Let's keep these realities in mind as we try to forge ahead in the next 19 days, and hopefully sooner, to try to fix the Medicare issue which faces us today.

The June 30 Medicare cuts will affect military health care plans through TRICARE. We will have the rug pulled out from under the feet of TRICARE if we don't fix this problem. For me and for the soldiers in Colorado at Fort Carson, for the airmen at Schriever, Peterson, and Buckley Air Force Bases, and for our Guard and Reserves, I know they will find that fewer doctors will see them, their spouses, and children. It will be more difficult for returning servicemembers from Iraq and Afghanistan to get treatment for PTSD and for wounds they have incurred on the battlefield on our behalf.

As the largest purchaser of health services, Medicare rates also serve as a starting point for private insurers. This means the impact of a cut will eventually be felt by middle-class families as well.

We cannot let this happen. We cannot let Medicare reimbursement rates fall on June 30. That is why I am pleased that Senator BAUCUS and a bipartisan group of Senators on the Finance Committee have introduced a bill that would correct this problem. I strongly support this bill, the Medicare Improvements for Patients and Providers Act. I thank the leadership of Majority Leader REID for giving us the time to bring this matter to full debate and conclusion, hopefully, on the Senate floor. We have to get this bill done. We have no choice.

In addition to saving doctors and patients from the June 30 Medicare cuts, the bill makes several fiscally responsible improvements to Medicare and Medicaid, including, first, the bill improves critical programs to ensure seniors and individuals with disabilities on a restricted income can afford the health care prescriptions they need to stay healthy. Second, the bill extends and expands rural health programs. Third, the bill expands coverage of preventive services which are so needed in health care. Fourth, the bill reduces coinsurance for mental health services. Fifth, the bill addresses overpayments and unscrupulous marketing tactics in the Medicare Advantage Program. Finally, the bill will protect the long-term solvency of the Medicare Program.

Curiously, the Medicare bill introduced today by Senator GRASSLEY, my good friend and the ranking member on the Finance Committee, mirrors many of these provisions. While the differences may not be in number, the differences, nonetheless, in my view, require us to move forward with the version of the bill Senator BAUCUS has introduced.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SALAZAR. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. The one thing we have always agreed on is that the goal of the Medicare Program is to provide affordable, high quality health care to our Nation's seniors. The Baucus bill is the only option that does that, with nearly $4 billion in beneficiary improvements. The Baucus bill also addresses one of the biggest concerns of Medicare Advantage, the lack of reliable networks for private fee-for-service plans. By requiring private fee-for-service plans to have a written contract with providers, this bill makes sure patients have access to the providers they are promised, and doctors will get paid for the services they provide.

For nearly 40 years, patients have relied on Medicare, knowing that they would not fall through the cracks. We must continue to protect the integrity of Medicare's good name by swiftly addressing inadequacies. The Baucus bill will do just that.

Too much is at stake to let this bill get stuck in the politics of obstructionism. For Medicare patients, for their doctors, for parents, kids, soldiers, and servicemembers' families, we need to get this done before the June 30 deadline.

I yield the floor.

Mr. WYDEN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, before he leaves the floor, let me thank my good friend from Colorado, Senator SALAZAR, for his kind and gracious comments about the Healthy Americans Act. He has been a wonderful addition to the Senate Finance Committee. I know we are going to be spending a lot of time trying to deal with these important challenges in the days ahead. I thank him for all his thoughtfulness, both today and on a regular basis.

Every day from coast to coast, millions of our seniors look at Medicare as a lifeline. These are the seniors who walk on an economic tightrope, balancing their fuel bills against their food costs and their food costs against their prescription costs. They are just trying not to fall off the economic tightrope. As the distinguished Senator from Missouri has pointed out, when you look at these skyrocketing gas and fuel prices over the last few months, that is enough to send seniors trembling about the prospect of being able to pay for necessities every month.

This legislation is a substantial step in the right direction of major health reform. It is not everything that needs to be done. As Senator SALAZAR has noted, I and others are working with seven Democrats and seven Republicans on what we think is a comprehensive overhaul of American health care system. But, clearly, this legislation moves in the right direction. I want to touch on three areas—the question of physician reimbursement; protections for low-income people; and then, finally, marketing practices—to highlight the fact that this legislation, which I hope the Senate is going to vote to move along tomorrow, clearly makes changes that will be helpful for older people today, but also will pay dividends for the broader course of health reform in the future.

First, with respect to this question of trying to ensure a step forward with respect to physician reimbursement—all over this country, we have physicians in small practices who are literally having trouble keeping the doors open. They can have a couple of people in their office and spend virtually the whole day trying to pry out of insurance companies information from their insurance matrix about what they are going to pay for various services. Literally, these physicians are not going to be able to keep their doors open if Medicare physician payments are cut by more than 10 percent.

So this is not an issue of somehow protecting fat-cat doctors or those who are affluent in our society. This is a question of protecting primary care and primary care for the most vulnerable people in our society. I am of the view that if this cut were allowed to go forward on July 1, it would be a body blow to the older people of this country, those millions who are walking on an economic tightrope.

I commend Chairman BAUCUS and Senator SNOWE and the whole group on the Finance Committee who are trying to move this forward. I hope we will do that tomorrow.

Second, I believe the protections for the low-income older people are another step in the right direction. This legislation increases the amount of resources that Medicare beneficiaries can have and still qualify for the Medicare Savings Program. So what that does is it helps older people fill in the gaps in their coverage. The provision, also with respect to low-income people, adds money to boost the State Health Insurance Assistance Programs and the Area Agencies on Aging that are enrolling low-income older people in assistance programs.

So those are the first two provisions that I think make a real difference for older people: the expansion with respect to services they would get from doctors if the reimbursement goes up, particularly in terms of primary care services for older people; and, second, the additional protections for the low-income Medicare beneficiaries.

But what I wish to highlight this afternoon is the additional protection in the Baucus-Snowe legislation against abusive marketing practices.

I will tell the Presiding Officer and colleagues, when I came to the Congress many years ago, in the days when I had a full head of hair and rugged good looks, it was pretty common for an older person to have a shoe box full of health insurance policies, and a lot of them were not worth the paper they were written on. They would be wasting money on these health insurance policies that they ought to be using on food and fuel and essentials.

So in the early 1990s, we got a law passed; and we changed that. It was a law to reform what was known as the Medigap market—the market for policies sold to supplement Medicare. It has worked. It has standardized the market. It has been good for old people. It has been good for responsible insurance companies. It worked.

But what happened? After the Medicare prescription drug program went in, we saw once again some people in the private insurance sector—certainly not a majority, but some—say: Boy, here is another wonderful opportunity to make some fast money. We have seen some horrendously abusive practices in this area, particularly through a product that is known as Medicare private fee-for-service. That has been the area where, in effect, you do not even have the protections you would have in Arkansas, say, if an older person had an HMO, a health maintenance organization, plan or another.

These programs exist outside the oversight and the scrutiny we ought to have for the protection of older people. And sitting next to the distinguished Senator from Arkansas on the Finance Committee, Mrs. LINCOLN, we have heard in our committee about these abuses on a regular basis.

I also point out that Chairman KOHL, the distinguished chairman of the Aging Committee, had some superb hearings which pointed out exactly the same practices: how you saw older people being victimized by cold calling arrangements and door-to-door sales activities. These agents would be swooping in to apartment buildings and senior living facilities, basically trying to get people into events where there would be a free meal, or calling it an educational program, and all of a sudden they would be selling these products that were not worth a whole lot more than the paper they were written on.

So, in effect, what we saw in the last few years—it is a different product—but Medicare Advantage was going the same way we saw some of those Medigap programs going in the 1980s, which we eventually fixed.

It is important for Senators to note when they vote tomorrow on moving this Medicare legislation ahead that Chairman BAUCUS and Senator SNOWE, with the excellent work done by Chairman KOHL in the Aging Committee, are taking a real step in the right direction to protecting seniors from these marketing abuses.

This bill would require the agents and brokers to set the scope of any sales appointment when they are setting it up. It would require inclusion of the plan type in the particular program. What happens now is it is hard for people to even figure out what type of plan is being discussed because there has not been the kind of openness and disclosure of those particular provisions.

There also would have to be training for those agents and brokers who are selling Medicare Advantage in what has come to be known as Part D so they would be out in the marketplace in a position to answer the questions of older people.

Also—and I thought this was a particularly important benefit in the Baucus-Snowe legislation—agents and brokers would have to be licensed and appointed as required by State law. We saw this in both the Baucus hearings and the Kohl hearings, that the lack of that requirement was a serious deficiency in terms of consumer protection.

I hope tomorrow the Senate will move forward on this Medicare legislation. I think without the additional assistance, particularly for doctors in the primary care field, it will reduce access to older people. We need the protections, the low-income protections I have outlined. And, finally, we need the protections for older people in terms of ensuring we do not have these flagrant, outrageous cases of marketing abuses that take us back to the 1980s, when a lot of us thought we had gotten rid of that kind of fly-by-night flimflam rip-off of older people.

The last point I want to mention—I know the distinguished Presiding Officer has been kind to talk to me about this in the past—is I think we need to pass this legislation as a foundation for the broader health reform effort that is going to take place next year. In other words, it is going to be pretty hard to go on to broader health care reform if we see physicians clobbered this year and that cutback in reimbursement goes into effect.

If you have physicians cut 10 percent, and we lose a lot of physicians in primary care, it is going to be pretty hard next year when we have a new President and bipartisan interest in the Senate to go on to broader health reform.

I think we have an opportunity with respect to comprehensive health reform that we have never had here in the Senate. For the first time in the history of the Senate, we have 14 Senators—7 Democrats and 7 Republicans—willing to work in a bipartisan way. For the first time, the people who keep the budget numbers, the Congressional Budget Office and the Joint Committee on Taxation, say that the numbers add up for comprehensive reform, that we can do it in a budget-neutral fashion. In fact, they say in the third year of an effort it would actually start generating some surpluses for the Federal Government.

So there is a lot to work with, particularly when we get Senator KENNEDY back here, and he is going to be the champion of our effort. I think we can move forward with comprehensive reform, and do it in a bipartisan way. But to move forward next year with comprehensive health reform, we cannot make mistakes in this session of the Senate.

It would be a huge mistake, for example, to let this physician cutback go through that is going to harm primary care. It would be a huge mistake not to have the protections for marketing abuses, not to protect the low-income older people.

We can pass this legislation. I hope we will do it in a resounding fashion in the Senate, starting tomorrow with the important procedural vote.

I close by saying, we ought to do it now. We ought to do it at this time because it will help seniors for the future but also because I think it will lay an important foundation for bipartisan health reform in the next year of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to talk about the squeeze on the family budget that is being imposed by a combination of circumstances that, frankly, cry out for some relief.

As shown on this chart, this is how long it takes the average American family to work each year to pay their taxes: 74 days each year to pay their

Federal taxes. Then you add State and local taxes on top of that. As you can see, that is a good part of the year, about a third of the year, people have to work to pay their taxes, before they can begin to pay any of the rest of their bills.

Then it takes 60 days out of the year to pay for their housing; 50 days out of the year to pay for their health insurance; 35 days out of the year to pay for their food; and 29 days out of the year to pay for transportation.

Now, this chart was prepared from a special report by the Tax Foundation, dated April 2008, having to do with Tax Freedom Day. That was the date they designated when you do not have to pay Uncle Sam or State and local taxes anymore, you are actually working for yourself. That is what we call Tax Freedom Day. But I daresay that this chart would have to be updated when it comes to the cost of food and the cost of transportation. That is what I wish to concentrate on with my remaining few minutes here.

Those related to the rising costs of energy—I have mentioned on the floor before being at the Houston Food Bank 2 days ago, where I learned that the cost of food is being dramatically increased as a result of the cost of energy that it takes to produce it by our farmers. Of course, that is being passed along to consumers, making it harder and harder on the most vulnerable among us, particularly seniors, people on fixed incomes, to pay for their food costs. Then, of course, you add on top of that the rising costs of gasoline and fuel, and it presents a real human crisis in many instances.

Many folks have said: Well, there is not much we can do about it—the cost of gasoline. They had said that when gasoline was at $2.33 a gallon. Actually, Speaker PELOSI, back before she became Speaker of the House, said if elected Speaker, the Democrats would present a commonsense plan to bring down the price of gasoline at the pump. That was the good old days. That was back when gasoline was only $2.33 a gallon. Now it is $4.05 a gallon, and we are still waiting—I would say with bated breath—for that commonsense solution which has yet to come.

But in the absence of a commonsense solution being offered by Speaker PELOSI, we have offered a solution that deals with the simple fact that when you have increasing worldwide demand for the same commodity, that one of the ways you can bring down the price is to increase supply. When you talk about the ways we can increase the supply of gasoline, well, you necessarily have to talk about increasing the supply of oil. Then you get into the issue of how much of the oil we depend on to make into gasoline in our refineries is imported. Well, that figure now is about 60 percent of all of the oil we consume and the various petroleum-related products are produced abroad and shipped into the United States.

But we are in an ironic situation of where our dependency on imported oil is a consequence of our own failed policies here in the Congress because since 1982 Congress has imposed a moratorium on the development of America's natural resources right here at home, whether they be on the western lands, the oil shale, the Outer Continental Shelf surrounding our country, or places such as the Arctic National Wildlife Refuge. Congress has placed those out of bounds. We are the only country in the world that has placed our own natural resources out of bounds and refused to develop those while we have increased our dependence on imported energy from dangerous enemies of the United States—countries such as Iran and Venezuela, which professes to be our enemy in South America.

What is ironic is the fact that years ago, the United States and Cuba agreed to draw an imaginary line between our two countries and said Cuba had control of the submerged lands on the other side of that line leading up to Cuba and the United States had control of the 45 miles or so that represented American territory. But do you know who is developing the oil and gas that is 50 miles off our southern shore of Florida? Well, Cuba has production agreements with Brazil, Venezuela, Spain, China, Vietnam, India, Malaysia, Canada, and Norway. That is right. While we refuse, as a result of a Federal moratorium on development on the Outer Continental Shelf, to allow Americans to produce American energy, the Chinese and others are drilling and producing oil 50 miles off our shore in the area owned by Cuba. It is ironic indeed that we would prohibit Americans from producing American energy on American land so that we could remain increasingly dependent on foreign oil. I think it is a terrible mistake.

Congress, looking around for a scapegoat as to who has caused these high prices, I would suggest needs to look in the mirror. We need to reassess and correct that mistake by making this natural resource available for production.

Some have come up with what I consider to be misguided solutions that do nothing to produce additional supply of oil and gas. As a matter of fact, they try something we tried back in the 1980s, for example; that is, raise taxes on oil producers here in America. We found out in the 1980s, according to the Congressional Research Service, that it actually reduced domestic oil production by 6 percent.

Some may ask: Well, how is that possible? The fact is that 80 percent of the world's oil reserves are owned by national oil companies of foreign governments. Let me say that again. Eighty percent of the oil reserves in the world are owned by oil companies that are owned by foreign governments, and only 6 percent, 6 percent of the world's oil reserves are owned by stockholder-owned companies; in other words, the private sector—the ExxonMobils, the Chevrons, the Conoco-Phillips, and the like. Six percent owned by those privately owned or stockholder-owned companies, 80 percent owned by nations such as Saudi Arabia, Iran, Iraq, Kuwait, and others, just to name a few.

So the irony of ironies again would be not only to not allow us to develop our own natural resources but actually to tax the privately owned or shareholder-owned oil companies that control 6 percent of the world's resources while not touching the 80 percent owned by foreign countries because, of course, we can't impose a tax on their production here in America. We can only impose a tax on our own companies here in the United States. When we did that before, we decreased domestic production. We should have learned from that mistake, but sadly, as a philosopher once said, "Those who refuse to learn from history are condemned to repeat it."

This is almost like Groundhog Day here in the Senate where we continue to encounter the same failed solutions—or I should say "nonsolutions"—to the same problems and refuse to look at the most obvious solution staring us in the face; that is, to open more of America's natural resources.

Now, earlier on the floor, the distinguished Democratic whip, Senator DURBIN, talked about emergency situations and talked about price caps in an emergency and said we are in an emergency, implying that we should somehow—Congress should dictate price controls on gas. But I would suggest to the distinguished Senator that if we have an emergency situation—and I agree, we have something that profoundly affects our national security and our economic security and has a dramatic impact on food prices and on the average American family. We do have an emergency, and we ought to reassess our decision to block exploration and production in the Arctic National Wildlife Refuge, in the Outer Continental Shelf, in the shale oil in the western Federal lands and elsewhere which, by some estimates, could produce as many as 3 million additional barrels of oil each day. Now, that is not a panacea, but it is a lot of help in the near term.

As we develop those natural resources, of course, that means we depend that much less on imported oil. It creates jobs here in America at a time when our economy is softening and unemployment rates are going up, and it would help us be less dependent on some of the folks who wish us harm in this world. To me, it constitutes the kind of emergency Senator DURBIN was talking about earlier, that we ought to—if you won't do it when gasoline is $2.33 a gallon, will you do it when gasoline is $4.05 as it is today? If you won't do it when gasoline is $4.05 a gallon, will you do it when it is $5 a gallon or $8 or how about $10 a gallon? At some point, there has to be a tipping point at which the Congress—and especially the Senate—will wake up and look in the mirror and say: You know what, we need to reassess this. We need to take action on behalf of the hard-working American family to make sure they don't continue to find themselves pinched not only by a rising tax burden, the cost of housing, the cost of health care, but rising food costs and rising transportation costs.

I have to say I was shocked when I saw an interview recently of Senator OBAMA, our colleague from Illinois. He was interviewed by CNBC's John Harwood, who asked him the question: Could these high prices help us? Senator OBAMA said: I think I would have preferred a gradual adjustment.

Well, I am not sure exactly what he means by that. Certainly, we haven't had a gradual adjustment; we have had a radical adjustment upward.

All we have had, frankly, from our friends on the other side of the aisle is a refusal to act in a responsible way to open America's energy resources while they offer what I have to say are misguided nonsolutions which produce no additional energy, things such as raising taxes on oil companies, which we know will only be put on America's privately owned companies and can't be placed on nationally owned oil companies in places such as Venezuela and Iran but also have had the demonstrated experience of actually reducing domestic production rather than increasing it. Hasn't our experience always been that when you increase the cost—especially increase taxes—on the producer, eventually that is going to be passed down to the ultimate consumer? So what it would do is have the effect of decreasing production, increasing dependence on imported oil, and raising the price of gasoline ultimately for the consumer at a time when we ought to be giving the consumer relief from these high prices if we can, and I believe we can by increasing supply.

So I hope our colleagues will reconsider their position because, frankly, I think the only thing standing between lower gasoline prices and the American people is the Congress.

On our side of the aisle, we have offered what we believe to be a commonsense solution that would increase supply, so we can hopefully add to the supply, with rising demand by countries around the world, in a way that will allow us to at least provide some relief to the American consumer as we transition ourselves to new alternative sources of energy that are not going to be immediately able to fill that role currently played by oil.

We know we are going to have to continue to depend on oil and gas for the near term, but as we transition ourselves into a clean energy future by increasing the use of nuclear power to generate electricity; as good, old-fashioned American ingenuity creates things such as plug-in hybrid cars that operate on batteries we can charge overnight and drive in many parts of the country in a way that will provide an alternative to internal combustion engines but which will also help us deal with environmental concerns as well; as we are on this bridge to a clean energy independence, we need to take advantage of the natural resources God has given us.

This is one of the things that has made our country so prosperous—the vast natural resources we have. But only the Congress is so mistaken as to impose a moratorium on the development and production of those natural resources, and it is hurting hard-working American families and the American consumer. We need to do something about it. I hope we do on a bipartisan basis soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I wish to make a few remarks regarding the recent actions by the Democratic leadership in Congress with regard to oil prices.

I have no problem with Democrats calling in the oil company executives to make sure they aren't violating antitrust laws. I am convinced oil speculation contributes too much to the price of oil and we need to take a serious look at that, but focusing on those concerns alone is no substitute for a realistic energy policy.

There are a number of environmental groups who just plain oppose oil production. What is worrisome is that it seems Democrats controlling Congress have adopted the anti-oil agenda of the environmental movement as an outlet of their own energy policy.

So far, I have heard proposals to tax successful energy production, to investigate the oil futures markets, to ban Canadian oil imports in favor of oil from Venezuela, Russia, and the Middle East, and to call for delay after delay in the commercial production of oil shale. At times, it almost appears that the anti-oil agenda is the only element of the Democratic energy policy. Their policies would not produce one drop of oil. This so-called Energy bill they have will not produce one drop of oil. In fact, they would definitely have the opposite effect—their bills.

Is it so hard to see that less oil means higher prices and economic harm and more oil means lower prices and economic benefits? I am not sure the Democratic leadership in Congress really understands this. They seem to be completely immune to the facts when it comes to energy policy.

They especially don't seem to understand that the price of oil is set by a global market. Unlike electricity, which is handled regionally in the United States, oil prices are set globally. About 75 percent of the price of gasoline is set by the global price for crude oil before it is even refined. U.S. taxes make up another 13 percent of the cost of a gallon of gas. So that explains 88 percent of the cost of the gasoline. All the refining, distribution, and marketing of the oil has to be made up in the remaining 12 percent of the cost of gasoline.

Some of my colleagues on the other side of the aisle would be surprised to learn that the Federal Government already makes more on gasoline taxes than the oil companies do in profits. That is fine with me, except I think people would be astounded to find that actually happened. That is right. I hope our taxpayers remember that when we point to oil company profits. The Government is already raking in more money from oil than the oil companies are getting.

Yet our Government does not explore for oil. It does not produce one drop of oil. It does not refine one drop of oil. It does not build 1 foot of oil pipeline. Yet some of my colleagues want even more money from the oil company portfolio and profits.

This is where the taxpayers should be paying very close attention. If our taxpayers are smart—and I believe they are, although they are not getting the facts—their hands will be reaching to protect their wallets because guess who is paying all this money to the Government in the form of taxes on oil companies. That is right; it is our taxpayers. It is our consumers. It is Joe Smith going to the gas station. It is a pretty nasty game to tell our citizens we are taking profits from big, bad rich oil companies and then forget to tell the taxpayers they will be the ones who ultimately will bear just about every cent of any new taxes.

Let's talk about these big, bad American oil companies for a minute. I wonder if the Democratic leadership in Congress is aware that 80 percent of the world's oil reserves are owned and controlled by foreign government-run corporations. If you put all the big, bad American oil companies together, they only control about 6 percent of the world's oil. That is a fact. They cannot rebut that fact.

We send more than $600 billion—now approaching $700 billion—each year to countries that are a lot smarter about energy than we are because they are willing to explore and develop their own resources, and we are not.

We have the Chinese coming within a few miles of our shore and taking our oil because they are willing to explore for it and reap the benefits of it—and right off our shores. We are not permitted to do that. What kind of energy policy is that? Think about it. That is $600 billion to $700 billion each year that we will never get back. But my friends on the other side of the aisle don't seem to have a problem with that.

Here we are, one of the biggest energy consumers on Earth, and we send out our small-fry oil companies—with only 6 percent of the world's oil—into the world to compete with these giant national corporations and conglomerates in other countries in a global market controlled by nations that aren't necessarily our friends.

Then we want to stop U.S. companies from developing all the good oil resources available in this country. We try to take away their profits, drag them in front of congressional hearings, and blame them whenever the global price goes up.

I hate to tell you, but Government is one of the biggest reasons why the price of oil is so high right now—our Government.

So far, we don't have actual oil shortages in the world, but we have a very low level of spare capacity. That has done a lot to raise speculation on the futures market. A lack of spare capacity means any serious disruption in the world can lead to real shortages, and the futures markets reflect that fear. Holding hearings on the futures market isn't going to make those fears go away, and it is not going to produce one drop of oil to help us or bring down the price for our consumers or help Joe Smith or Joe Jones to be able to afford gas for their cars.

Investors need to know we are finding a new barrel of oil for every barrel we sell. But that is not what they are seeing. At the same time, they are seeing that ethanol has major limits as a replacement fuel. Ninety-seven percent of transportation fuel is oil. Ethanol is the only real alternative, and it makes up less than 3 percent, as far as liquid fuel goes. I am opposed to mandates for ethanol, but I have been one of the Senate's leading supporters of incentives for ethanol and other alternative transportation fuels. I am the author of the CLEAR Act, which provides economic stimulation to develop hybrid cars, and the author of the Freedom Act, which also leads to economic incentives for plug-in hybrids and other forms of high-mileage vehicles.

I am one of the Senate's leading supporters for ethanol and other transportation fuels. While other folks are just blowing off about it, we have actually put language in law that increased the ability to do these fuels. But even at that, it is only 3 percent of what we need in this country.

I am also a realist about the fact that there is no way ethanol can put a major dent in our need for fossil fuels. So far, it is the only major alternative fuel on which we can currently count.

That may be a fact that liberals and environmentalists wish to ignore, but it is a fact. They can talk all they want about wind, solar, and geothermal, but last time I checked, planes, trucks, and ships don't run on electricity; they run on fossil fuels and so do our cars.

We should be grateful that Canada has now become our largest supplier of energy. They are a friendly, stable partner on whom we can rely. They are our friends, and they are producing more and more oil from oil sands every day. Canada now holds more oil reserves than every country in the world, except Saudi Arabia. They are pumping 1.3 million barrels a day down to us, and what do the liberals in Congress want to do? They pass a law barring the Federal Government from purchasing from the oil sands in Canada. They say it is because oil sands have a big greenhouse gas footprint, but what they forget to say is, shipping fuel all the way from the Middle East also has a big greenhouse gas footprint—and probably more. But liberals would rather be dependent on the Saudis and the Russians and Venezuela than offend environmental groups.

Here in the States, we have as much oil in oil shale in Utah, Colorado, and Wyoming than the rest of the world combined. We have a Federal law that layers on every available environmental protection but also would allow companies to develop this resource that is 10 times richer in oil than a normal oil well.

So what do the liberals do? They put a 1-year moratorium on the release of commercial leasing regulations. Some on the other side say they don't want it to happen too fast. I do. I sure would like to be able to bring these prices down. This would bring them down.

I congratulate the liberals because the existing law, which I sponsored, makes it abundantly clear that each Governor gets to decide how quickly development should move forward in their respective States, and they know that. The Democrats know that. If a Governor doesn't want to move forward on oil shale, that Governor can say no.

What they are doing is making sure the Governor of Utah or Wyoming never gets a chance to make that decision. So now we have companies that have spent tens of millions of dollars in good faith, and they are just plain getting shut down by what I consider a neanderthal approach to energy in the Senate—and in the House of Representatives; let's not leave them out. They are even worse than we are, in some ways. I am talking about the liberals.

How are they supposed to go out—these companies—and attract investors, when Congress is acting to stop regulations for commercial leases so they can do some of these things?

Environmental elitists tend to point to concerns about water usage, land usage, wildlife habitat, and air quality—all very valid concerns. So let's have a look at them.

Corn needs about 780 barrels of water for a barrel of ethanol, and more than 1,000 barrels for the equivalent of a barrel of oil. Then it needs another three barrels to turn the corn into liquid fuel. That is a crazy amount of water, but it works out all right so far because it is grown in rainy areas. But if we want to increase the amount of ethanol available, we are going to have to move toward irrigation, and then there will be major limits to how much we can afford to grow.

On the other hand, to mine, process, upgrade, and do land restoration, DOE estimates that oil shale will require a total of three barrels of water for every barrel of oil. In terms of water, oil shale is hundreds of times better for the environment.

Let's talk about land use and wildlife habitat.

One acre of corn produces 7 to 10 barrels of ethanol, or the equivalent of 5 to 7 barrels of oil.

One acre of oil shale produces 100,000 barrels to 1 million barrels of oil. Nobody disputes that, that I know. I will repeat that. I hope those concerned about land use and wildlife habitat are listening carefully. One acre of corn produces 7 to 10 barrels of ethanol, or the equivalent of 5 to 7 barrels of oil. One acre of oil shale produces 100,000 barrels to 1 million barrels of oil. In terms of land use, oil shale is at least 20,000 times better for the environment than ethanol. I am for ethanol, don't get me wrong, but think of those facts.

A couple months ago, an article came out how the city of Aspen in Colorado has been besieged with building applications, equating to about $2 million worth of development a day. If we could stem the growth a little in Aspen and save, let's say, a hundred acres of those beautiful forests from all that development, and instead allow development of 100 acres of much less desirable land where the oil shale in Colorado is, we could produce up to 100 million barrels of oil with no net loss of habitat. Ironically, the local governments in Colorado's oil shale areas support oil shale development, but the liberals in the State are stopping the regulations that would allow it.

Some critics of oil shale and tar sands production have raised air quality concerns. Let's be clear; there is no aspect of oil shale development that would exempt industry from any Federal or State air quality laws or regulations. In fact, these industry members plan to comply and even exceed air quality requirements. These companies also express a readiness to address climate change questions on the same schedule that other industries may be required to control carbon emissions.

One Utah company is now building a pilot plant to demonstrate their ability to produce upgraded syncrude from oil shale with little or no carbon emissions.

The poorest Americans spend about 50 percent of their income on energy, and not enough is being said about that. The sad thing is that the poor look to the liberals to make national policies for them, but in this case, they are being sold out.

It is clear the environmentalists have an anti-oil agenda. The question for this Congress is whether we can afford to adopt that agenda as part of a national energy policy. We should be promoting all forms of alternative fuels, and I am for that. But the fact is that when it comes to transportation fuel, which is where our crisis is, we are dependent on oil, and there is no combination of alternatives that can change that right now. It would be nice to pretend we are not dependent on oil, that we can skip immediately to some yet-to-be identified alternative, 30 years down the line. But we can't. Truckers and farmers need diesel today. Moms need to get to soccer and ballet practice tonight. Americans want to visit national parks this summer. The sooner we understand this, the sooner we can address the energy crisis we are facing today.

This is pathetic. We have it within our means to develop our own oil to solve our own problems, to bring these prices down, to be independent, to do the things that keep America strong, to keep our environment and economy strong, and to do it in an environmentally friendly way that is already on the books. Yet when you look at the energy program the Democrats brought up on the floor, it doesn't produce one drop of this oil that is so critical to all these needs. Yet we have it within our power to solve these problems. I hope we wake up around here and get rid of the doggone partisanship and do what we have to do to provide for the energy needs of this country. We can no longer afford to let the whacko, extreme environmentalists—who are in the game for politics, rather than to help the American people—control this country the way they do. I think it is time for our friends on both sides of the aisle to stand and say enough is enough. Let's become energy independent and energy secure.

I thank my colleague from Rhode Island for allowing me this extra time. I did not have anything to do with what happened this morning, nor did I know it was going to happen. Let me say that my colleague has always been gracious and kind to me. I have a great admiration for him. I am sorry I took the extra 2 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I have no objection whatsoever to standing on the Senate floor listening to the Senator from Utah speak. He is an enormously distinguished attorney and has been a great leader of his State and the Senate for a long time.

I understand very well the unfortunate circumstance this morning was not expected by him, was not participated in by him. I think it has put him in an embarrassing position. I regret that, but I know he had nothing to do with it. I have highest regard for him.

I think it also put the very distinguished Senator from Pennsylvania, the ranking member of the Judiciary Committee, in an even more difficult and embarrassing situation because the individual witnesses who were before us when our hearing was interrupted and cut off were Pennsylvanians, people from the ranking member's home State. I am sure if Ranking Member SPECTER had any idea this was going to happen, he would have taken energetic measures to make sure individual witnesses who suffered grievous injury and had come a long way to Washington to testify would not have had their hearing cut off by parliamentary maneuvers by his leadership.

I have the highest regard for both those Senators.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. WHITEHOUSE. Of course.

Mr. HATCH. Mr. President, I am grateful to the Senator for his remarks. I felt particularly bad because I went 4 or 5 minutes over on my questioning, with his agreement, and then he got cut off on his questions. I wanted the Senator to know that. I appreciate his remarks.

Mr. WHITEHOUSE. Mr. President, the goodwill of the Senator from Utah is appreciated.

MEDICARE

Mr. WHITEHOUSE. Mr. President, I wish to speak about the Medicare bill before us. One of the strongest obligations we have in this body is to uphold America's promise to care for those who have worked hard throughout their lives, who have raised their families, and who have helped make this Nation great: our seniors.

President Johnson created Medicare as part of that promise to give seniors all across this country the peace of mind they would have the health care they need as they grow older. Today, we take up legislation that would make this critically important program stronger by ensuring doctors in Rhode Island and across this country are compensated, as they should be, for the care they provide.

The approaching June 30 deadline for resolving this issue certainly makes this legislation particularly urgent. But we all know that there is a far more ominous deadline looming over us in health care, and that is when the Medicare trust fund will become insolvent in 2019. As Chairman CONRAD of the Budget Committee so often says, there is a tsunami of costs bearing down on us. We are now facing a 75-year shortfall in Medicare of $33.9 trillion. It is my belief that we as Senators have a fundamental obligation to begin to take steps now that will lower these looming overwhelming costs. If we fail to act now, we will be left with only the cold, harmful, and, frankly, cruel fiscal options of raising taxes, reducing benefits and eligibility, or cutting further provider payments. What a sad day that would be, especially since it is completely avoidable.

This afternoon, I commend Senators BAUCUS, ROCKEFELLER, SNOWE, and SMITH for offering a bill that not only addresses the looming cut in Medicare reimbursements to physicians, but takes a broader look at the problems in our Medicare system and in the health care system generally.

This bill includes a number of reforms that begin to address the flaws in our broken health care system and lead us down a path of more efficient, effective care for seniors today and into the future.

As my colleagues know, I am an enthusiastic supporter of the limitless potential of health information technology to support a transformation of our health care system. For many providers, e-prescribing, electronic prescribing of pharmaceuticals, is the gateway technology to larger health information technology adoption because the startup investment is relatively low and the benefits are quite high. E-prescribing is expected to eliminate over 2 million adverse drug events on Americans per year, to avoid 190,000 hospital admissions, and 1.3 million outpatient visits annually, and to produce an estimated yearly savings of $44 billion.

To quote Department of Health and Human Services Secretary Leavitt:

> The benefits [of electronic prescribing] are unchallengeable. E-prescribing is not only more efficient and convenient for consumers, but widespread use would eliminate thousands of medication errors every year. . . . E-prescribing needs faster implementation. We have been through all the public processes necessary to develop standards. The technology is readily available and widely distributed. Electronic prescribing will enhance the safety and convenience for patients.

This bill provides important incentives for practitioners who choose to e-prescribe, and it eventually requires all doctors to e-prescribe. This is a vital step forward for health care in this country and a farsighted component of this legislation. I thank Senator KERRY for crafting this important language, but also all the Senators on the other side of the aisle who have supported e-prescribing in Medicare, including Senators ALEXANDER, COLEMAN, CORKER, CORNYN, ENSIGN, GRASSLEY, MARTINEZ, SNOWE, and SUNUNU. The need to promote health information technology is a truly bipartisan issue, and I am delighted to see it included in this important bill.

The measure before us also makes important reforms for private fee-for-service Medicare. In light of this fiscal health care tsunami coming down on us, I am deeply concerned that private fee-for-service Medicare Advantage plans cost roughly 119 percent of the cost of covering the same individual in traditional fee-for-service Medicare. This is a program that was sold to Congress as more efficient, a cost-cutting alternative to traditional Medicare.

History has proven those assertions to have been false, and now we should learn from that mistake. It has added about $1,000 in costs for each beneficiary in a private plan. Medicare Advantage will cost the Federal Government $54 billion over the next 5 years and $149 billion over the next 10 years, according to the Congressional Budget Office. These excess costs have caused a rise in Part B premiums for those seniors enrolled in traditional Medicare of $2 per month. These excess costs will cause the Medicare hospital insurance trust fund to become insolvent 2 years earlier than otherwise expected.

I understand some Medicare Advantage plans offer benefits that are not covered in fee-for-service Medicare. Unlike traditional Medicare, Medicare Advantage plans can strategically attract healthier seniors by offering better coverage for low-cost care and worse coverage for intensive services. Groups, including the Medicare Rights Center, the Commonwealth Fund, the Kaiser Family Foundation, and MedPAC, have determined that private plan beneficiaries either pay more or receive fewer services for hospital and home care than do seniors in traditional Medicare.

Medicare Advantage, and particularly fee-for-service Medicare Advantage, costs this system money it simply does not have. Seniors deserve better, and this bill does better for them.

Seniors also deserve better when it comes to their Medicare Part D plans. Some of the very saddest stories that Rhode Islanders share with me as I host community dinners around my State concern their experiences with the Part D prescription drug program.

An example is a young man named Travis who came to one of my community dinners in Woonsocket, RI. Travis told me of his 90-year-old great-grandmother who is living independently in a walkup apartment building in Woonsocket. She signed up for her Part D plan and was taking a number of prescription medications. One day she arrived at her pharmacy, went to the pharmacy window, only to be told that she had no coverage. She had fallen in what we preposterously call the doughnut hole, a massive gap in the coverage, a trap for seniors. She was turned away from the window because she had not brought the money to pay for her prescriptions. She didn't have it. She went home and called her great-grandson Travis in tears. She would no longer be able to afford her apartment or the independence she had maintained for 90 years.

No American should be forced to choose between their dignity and their health, and it is a tragedy when this is an unnecessary choice.

The Congressional Budget Office concludes that privatizing that drug benefit instead of simply adding the drug program to the established Medicare benefit costs almost $5 billion a year. The Center for Economic and Policy Research reveals that the combined cost of privatization and failure to negotiate prices is more than $30 million a year.

Mr. President, I cannot look Travis in the eye and tell him the reason his great-grandmother cannot afford her independence any longer is because the Government needed to take the side of the pharmaceutical industry in this contest. In 2004, the pharmaceutical industry was three times more profitable than the median for all Fortune 500 companies, and from 1995 to 2002, it was the most profitable industry in the entire country.

Since the passage of the Medicare Modernization Act, companies have engaged in outrageous, egregious marketing practices. This legislation prohibits door-to-door sales, cold calling, and free meals. It puts limits on cobranding, gifts and commissions and other hard-sell practices of both Part D and Medicare Advantage plans.

Our Nation's elderly have given much to this country as parents, as grandparents, as teachers, as soldiers, as mentors, and as patriotic American citizens. They deserve respect, they deserve protection, and this bill affords them both.

I close by saying the bill also recognizes that mental health coverage should be on par with any other illness seniors face, reducing the copayment from the current staggering rate of 50 percent to a 20-percent copay by 2014. Senior citizens commit suicide at a higher rate than any other age group. Mental health services are critically important for our elderly population. I am proud to support changes to mental health coverage in Medicare. I particularly wish to acknowledge the leadership of my colleague in the Rhode Island delegation, Representative PATRICK KENNEDY, who has been such a leader on mental health parity. He is the chief sponsor of that legislation in the House, and I look forward to larger reforms in the area of mental health parity with Congressman KENNEDY at the helm.

In closing, I thank Senator BAUCUS and particularly his staff for their tireless work in putting this measure together. I look forward to working with him and this entire body to pass this bill and then to work to enact future health care reforms to bring our system under control.

I appreciate the courtesy of Senator ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today to speak about energy prices, as have many of my colleagues, and their impact on my constituents and, for that matter, the constituents of all of us nationwide.

Over the last 2 weeks, the leadership of this body has decided to bring two bills to the floor that would have tremendous effects on the pocketbooks of the American people. Unfortunately, after you take a hard look at these bills, you find out that neither bill would really reduce the price of energy. In fact, both would increase prices. But I want to take time to highlight the impacts of the climate change legislation, albeit somewhat late in the debate, and to make a few commonsense points or observations.

At a time when Americans are suffering from high fuel prices and high energy costs, and when fertilizer prices have increased by their largest amount in the history of fertilizer prices, it is not in America's best interest for the Senate to compound the problem. But that is precisely what the climate change bill would do. By capping the amounts of carbon emitted by coal-fired plants and natural gas processing facilities and energy-intensive manufacturing facilities, this legislation is flawed. It passes the costs of meeting these requirements down to the consumer.

Kansans will be particularly hard hit. Experts at the American Council for Capital Formation—again, the American Council for Capital Formation, and I urge all of my colleagues to pay attention to this organization—State by State they can tell you what will happen. They predict that Kansas will lose 36,900 jobs over about a decade or two, and that is equal to 2.5 percent of the total workforce, if we enact this bill.

Kansans would also lose $7,283 in disposable income each year because of this legislation. You say how? Certainly higher utility rates, higher gas prices, and all manufacturing and farm equipment costs due to the increase of the cost of inputs. A combine now out in western Kansas, if you go to the dealer, will cost you, if you have the top rate combine, $350,000. Goodness knows what it would cost after this bill was passed and on down the road.

Anyone filling up with gasoline in the State of Kansas can expect to pay 140 percent more for each gallon of gas. Yesterday the lowest rate in the State was Emporia, KS, home of William Allen White and the Emporia Gazette, very famous in Kansas history. In Emporia it was $3.70 per gallon. This bill would raise that to $5.18. This doesn't make any sense. Let me repeat that. It would raise the cost of gas for Kansans by 140 percent.

We have had a $1.71 increase in the average price of gas since the majority took over in the Congress. My goodness, we don't need to be going over $5. I know there was a lot of rhetoric at that time that we were going to fix that, hopefully in a bipartisan way, but obviously that has not occurred.

Heating and cooling an apartment, a home, or an office building will cost 153 percent more in Kansas. Lawrence, KS, has some of the lowest electricity rates in America. However, the average household spending $200 on electric bills for the month will now pay $306—$306.

This proposed legislation will have a particularly unfair impact on America's heartland. Under this legislation, the Great Plains, the Midwest, and southern States pay more compared to those living on the west coast or in the Northeast. I am sure that is true in Arkansas, the State the distinguished Presiding Officer represents so well in this body.

It should also be noted that the Great Plains, the Midwest, and the South are home to some of the most fertile and highest producing areas of cash crops in the world.

Now, why would I mention that? This is the land that grows the crops necessary to feed not only the United States and the American consumer but a troubled and hungry world. As a matter of fact, our producers back in Kansas are servicing their combines now, as I speak, and getting ready to begin wheat harvest, to fertilize their corn crop and meet with their bankers to discuss how on Earth they can pay for it, and how much money is needed to purchase fertilizer and seed for next year's crop.

Our Nation enjoys but unfortunately does not appreciate—if you pay much attention to the national media—the modern-day miracle known as U.S. agriculture, or maybe we should call it production agriculture. This modern miracle provides the cheapest and the highest quality food supply in the world, and the most inexpensive, even with the rise in food prices and farm prices we have seen. This miracle is possible because of better breeding techniques combined with the availability of manmade fertilizers. These fertilizers increase the yields per acre and help keep the world from going hungry.

Rather than thanking our producers, this bill tells them basically they are not important. Rather than increasing domestic natural gas production, which is roughly 90 percent of the cost to produce synthetic nitrogen, this bill forces natural gas facilities to regulate the amount of emissions they emit.

A recent Doane agriculture study shows this legislation will add $6 billion to $12 billion to total crop production costs. If it is enacted, it is likely to cost a Kansas wheat farmer an additional $31.87 per acre. That same producer would see his sorghum cost increase $43.56 per acre, corn $78.80 per acre, and soybeans $20.41 per acre.

(Ms. CANTWELL assumed the Chair.)

I want to be clear. Throughout the climate change debate, I have supported the role agriculture can play in a voluntary system or, for that matter, any manufacturer that does business in Kansas wishes to play to certainly decrease the amount of CO_2 emissions we emit into the atmosphere.

In fact, I introduced legislation some years ago and was able to secure funding for a carbon sequestration research program at Kansas State University. What is that? That is carbon in the ground, good; carbon in the air, bad. If you can sequester carbon in your normal cropping practices, you are being very helpful in regard to CO_2 emissions and carbon in the air. This legislation was reauthorized in the 2008 farm bill, which is now the law, or will be the law when we finally finish voting on it.

Unfortunately, the legislation before us now, the climate change bill, provides little incentive for agriculture to play a role in any climate change debate. This legislation leaves the decision as to which agricultural practices are eligible for the offset market to the Environmental Protection Agency. The EPA is also designated to prepare the operation and qualification methodology for agricultural offsets. All right, that is fine. But the USDA already has the expertise, the background, and the ability to assist our producers, our farmers, and ranchers with best management practices. That should reside with the USDA, but it is not. In this bill, it is with the EPA.

I might add that the partnership between the USDA and the farmers and ranchers measures quite a bit higher in regard to acceptability in farm country than the EPA, which sometimes—sometimes—and they have a role to play—tends to think of regulations as their fondest responsibility.

The legislation requires agricultural projects to be completed and reduction verified before the EPA decides whether to approve the offset allowance. This gives no assurance to which, if any, agricultural projects will be accepted. So you have a climate change bill that basically rules out agriculture, and that makes no sense at all.

The Wall Street Journal calls this legislation, the climate change legislation, the largest income redistribution scheme since the income tax. That is quite a statement. This bill will hit Kansans where it matters most, in their pocketbooks. I cannot support legislation that will exponentially increase the cost of their food, their electric, and their fuel bills, so I urge my colleagues to oppose this ill-conceived idea.

I want to indicate to the Presiding Officer that I received letters of concern in opposition from the following: the Kansas Farm Bureau, the Frontier Farm Credit folks, the National Sorghum Producers, the Kansas Soybean Association, the Kansas Independent Oil and Gas Association, the Air Transport Association, the National Business Aviation Association, the Kansas City Power and Light, Weststar Energy, and Kansas Electric Cooperatives.

I commend the Fertilizer Institute and the Doane Advisory Services for the analysis they completed on the relationship between energy prices and crop reduction costs.

I also thank Troy Dumler, an agricultural economist at Kansas State University, for analysis on Kansas crop production costs.

I yield back the remainder of my time.

UNANIMOUS-CONSENT AGREEMENT—S. 3101

Mr. REID. Madam President, I ask unanimous consent that the cloture vote on the motion to proceed to S. 3101 occur at 3 p.m. tomorrow, Thursday, June 12; that following the opening of the Senate on Thursday, the Senate resume the motion to proceed to S. 3101, with the time until 3 p.m. equally divided and controlled between the leaders or their designees, with the final 40 minutes prior to the vote controlled as follows: 10 minutes each, Senators GRASSLEY, BAUCUS, MCCONNELL, and REID of Nevada, or their designees, in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

MEDICARE PHYSICIAN PAYMENTS

Ms. STABENOW. Madam President, I rise today in support of S. 3101, the bipartisan effort introduced by our Senate Finance chairman, Senator BAUCUS, and the distinguished Senator from Maine, Senator SNOWE, that will strengthen Medicare. This is a critically important bill that I hope we will have the support of the Senate on tomorrow to be able to proceed to and to pass.

This important legislation not only prevents harmful cuts from jeopardizing patient care, but it also sets the stage for modernizing our health care system through information technology. This is a very exciting part of this bill for me, with Senator SNOWE having worked on this issue, with many other colleagues now for some time, and it is a very important step forward.

First and foremost, though, this legislation protects patients' access to their trusted physicians. If Congress does not act soon, Medicare payments to physicians and health care professionals will be cut by 10 percent—10 percent—as a result of the fatally flawed sustainable growth rate formula or, as we call it, the SGR. It is sad that we are once again going through this exercise. If I could, I would reform the flawed SGR formula once and for all. Personally, I wish to stop this process and create a new one that makes much more sense for physicians and for patients and the Medicare system. It makes no sense for us to go through this ordeal every 6 months or so and risk jeopardizing seniors' access to care when we know the kind of cuts facing physicians under Medicare would be devastating and would, in fact, directly impact access to care for those who rely on Medicare.

Physicians are the foundation of the Medicare system and our Nation's health care system, and patients of all ages depend upon our physicians for their health care services, which they provide in an outstanding way every single day. Every aspect of our health care system, from hospitals to rural health clinics, relies upon the skills and services of physicians.

When I introduced my bill, S. 2785, earlier this year on stopping the SGR cuts, I heard from countless seniors and physicians, medical group practices, and hospitals in my State, all expressing support for the effort to stop these cuts. For example, one orthopedic practice in southwest Michigan wrote me and said:

> Every year we have to wait until the last minute to see if the rates will be cut or fixed. It makes it impossible to budget and project for the next year. Especially for a practice like ours, with nearly 50 percent of our patients receiving Medicare. With the uncertainty and the increases that we do get not keeping up with the cost of living, we have to err on the side of caution, which leads to job cuts.

That is certainly an ongoing issue all across my State. We certainly don't want to be seeing cuts as they relate to jobs or access under health care, compounding what is already happening in the health care system.

A radiologist in southwest Michigan reported having to close three outpatient x-ray offices over the past 5 years, and they are looking to close another one this year. A surgery center told me it had to put off investing in an EMR and was forced to freeze any wage increases and possibly lay off staff. A medical group in mid-Michigan that staffs two emergency room departments determined that the scheduled reduction would reduce its Medicare payments by nearly $175,000 a year—$175,000 a year.

If the reduction were to go into effect and this legislation is not passed, or similar legislation is not passed, the group wrote me it would be forced to reduce the workforce by either one full-time physician or two full-time physician assistants—cutting back on the availability of health care services for seniors and the disabled in my community. That is truly frightening when our emergency rooms are losing staff.

I have, for too many years, heard from hospitals and others across Michigan about the difficulty in finding physicians who are able to take Medicaid patients because the rates are so low. This is the first year I have been hearing such great concern from hospitals, from hospital emergency rooms, about Medicare, the Medicare rates being so low—without these cuts—and the inability to find physicians who are able to take those patients.

I am hopeful we can add language to S. 3101 similar to a bill I have introduced with Senator SPECTER to begin to address the crises facing our emergency rooms because we have a much broader issue we need to address there as well.

I am very proud of the work that over 20,000 MDs and DOs do in Michigan every single day, providing more than 1.4 million seniors and people with disabilities, and over 90,000 TRICARE beneficiaries in Michigan with high quality medical services under the Medicare Program.

If Senator BAUCUS's bipartisan legislation does not pass, physicians in Michigan will lose some $540 million for the care of seniors and people with disabilities over the next 18 months due to the 10-percent cut in payments for 2008 and the additional 5-percent cut for 2009. Madam President, $540 million of services, Medicare services, health care services that will not be rendered to the people in Michigan is not acceptable.

Michigan physicians are looking at cuts of more than $10 billion by 2016; $10 billion in the next 8 years as a result of this flawed formula, and 9 years of cuts. We certainly can't expect that physicians can continue to provide the same level of care if their payments are cut $540 million over the next 18 months alone. These cuts will be devastating to our seniors and access to care.

Second, the lack of a predictable and equitable Medicare payment system hinders our investment in information technology, which we all know we need to be investing in. We need physicians in hospitals and other providers to be investing in technology that not only allows people to communicate with one another—electronic medical records and e-prescribing—but allows the very latest technology so that we have the very highest quality, the ability to provide the most efficient processes of providing health care that is possibly available.

Health IT is very important to that. This bipartisan legislation recognizes the need for investing in information technology, something, as I indicated before, that I am pleased to have worked on for the last several years with Senator SNOWE. This bipartisan legislation would increase the list of those sites under telehealth that would include skilled nursing facilities and dialysis centers and community mental health centers that would be able to receive reimbursement for telehealth, which is so important. I thank Senator CONRAD for his leadership. I am pleased to be joining with him and others on the whole question of expanding this part of the technology of telemedicine, telehealth. In addition to improving access to care and facilities, we will see significant cost savings achieved by avoiding transporting medically fragile patients from one place to another. I am so proud, among many other advances in Michigan around health IT, telehealth is something that we have been using in rural parts of northern Michigan and the upper peninsula now for years. We have great leadership that has been developed. I am pleased to have had an opportunity to participate and see what is done that allows people in remote parts of Michigan to be able to communicate directly with physicians, with nursing staff, and so on, to receive care they need without traveling long distances. There are wonderful ways this can happen. This legislation expands the ability for people to receive telehealth services. This is important.

Additionally, this bipartisan bill moves us toward e-prescribing, a basic building block for greater adoption of health information technology. There are incentives for doctors who write prescriptions electronically, that improve both quality and efficiency. I thank Senator JOHN KERRY and Senator JOHN ENSIGN for working with me on the whole question of e-prescribing and being in a position to put this forward, and I thank Senator BAUCUS again for his leadership in strong support of this effort.

Again, we in Michigan have been recognized as one of the top five States in e-prescribing. We have had huge success in a regional collaborative in southeastern Michigan called SEMI, the Southeastern Michigan ePrescribing Initiative that has brought together General Motors, Ford, Chrysler, the UAW, insurers, and providers to work with consumers to be able to electronically create e-prescribing so the physician can in fact communicate directly with the pharmacy in the most accurate way with the most accurate information. We have some 2,500 physicians in southeastern Michigan who are engaged in this.

Last October, a patient safety analysis found that SEMI alerted doctors of potentially incorrect drug prescriptions that resulted in nearly 423,000 prescriptions being changed or canceled because of the information the doctor was able to receive. Possibly the physician was looking at a particular medication that had an adverse drug relationship with something else the patient was on, or maybe there were concerns about allergic reactions or other information that was helpful and gained through this process in the program through e-prescribing. SEMI also sent out more than 100,000 medication allergy alerts. When a formulary alert was presented, so physicians were alerted as to a problem with a particular drug they were thinking of prescribing, 39 percent of the time the physician changed the prescription.

Madam President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, 39 percent of the time when the physician had more information they changed the prescription and therefore addressed safety concerns or saving the patient or the employer dollars.

In February, a physician satisfaction survey found that 9 out of 10 physicians believed that e-prescribing met or exceeded expectations. This is only one region of Michigan where it has been extremely successful. We have incentives in this bill to be able to support physicians using e-prescribing and being able to have some assistance to be able to purchase the equipment they need. I believe there are a thousand reasons why that is a great idea and one of the reasons I enthusiastically support this bill.

Third, this bill reauthorizes important rural provisions to ensure that all Americans, regardless of where they live, have access to health care. We have, in Michigan, again, many small- and mid-sized providers serving vast rural areas around our State. This is very important, to approve the payments for community health centers and ambulances and other providers who are hit by declining Medicare reimbursement—as well as high gas prices, I might add.

Finally, let me say I am very pleased that an area of the bill addresses gathering more information on health disparities regarding gender or regarding race. It is taken from language in my HEART for Women Act, to be able to gather more information for providers as to gaps where we need to be focusing more on particular kinds of services.

Many organizations such as the American Medical Association and the AARP have endorsed this bill and endorsed it strongly. I again thank Senator BAUCUS, as Finance chairman, for his leadership. I support fully his goal of providing this 18-month fix for physician payments as well as providing other very important incentives for the future.

This bill is very much about the future with e-prescribing and with telehealth and other information gathering. I very much hope that we, on behalf of the 44 million people who rely on Medicare, will have a very strong vote to proceed to this bill and have a strong bipartisan vote to adopt it. I am very hopeful that with a strong vote the President will decide to support this bill and sign this initiative.

It is critically important that we get this done. The physician cut is going to take place very shortly if we do not act. This bill does the right thing and moves us in the right direction as it relates to health care reform.

Mr. LEAHY. Madam President, I am disappointed that those across the aisle would not join with us to move to consider and debate the Consumer-First Energy Act of 2008.

This legislation is designed to protect consumers from artificially high fuel prices, to curtail the massive giveaway of taxpayer resources through the continuing tax breaks to oil companies, and to recapture a portion of the windfall profits they are making at the expense of hard-working Americans. While the presumptive Republican Presidential nominee today recognized that gas prices can be expected to continue to climb, I continue to wonder why so many Republican Senators voted along party lines to ignore one of the biggest problems facing families across the country.

Did they not want to debate why oil and gas companies should not continue to benefit from tax breaks while raking in record profits? Did they not want to debate why members of the OPEC cartel, such as Iran and Saudi Arabia, when acting anticompetitively and fixing output so as to artificially raise oil prices, should be held accountable through laws intended to protect competition, market forces, and consumers? The NOPEC provisions of the bill are drawn from the bill I cosponsored and the Judiciary Committee has reported repeatedly over the last several years, including in May 2007. Or did Republicans not want to debate why the administration has failed to crack down on excessive speculation and manipulation of the oil commodities markets?

I guess none of us should be surprised that so many Senate Republicans voted to prevent debate over these concerns and this legislation. The Bush-Cheney administration opposes it and has already threatened a veto. Senate Republicans are simply doing what they have been doing for the last 7 years—falling in line.

We need a President who will stand with the American people, not with the oil companies and market speculators. I know that both President Bush and Vice President CHENEY have longstanding ties to the oil industry, but over the last 7½ years, American consumers have suffered enough. This administration has stood by and watched as the price of a gallon of gasoline has gone from $1.45 to over $4.00. I would have thought that an oil man who claims to be from West Texas would recognize that when top executives of the oil industry come before the Senate Judiciary Committee and testify under oath that they would make profits if oil were sold anywhere from $55 to $65 a barrel but that it is, in fact, selling for over $130 a barrel, action needs to be taken. I would have hoped that the President who promised the American people when he ran for office that his family's close ties with the Saudi ruling family would help him successfully persuade them to increase oil production and cooperation would recognize that his two recent, unsuccessful trips to the Middle East to beg the Saudis to increase oil production should lead to effective government action by the United States, not a threat to veto legislation. Most of all, I would have hoped that Senators would join together to debate this matter and take action to help the American people.

President Bush's ballyhooed statement in his State of the Union a couple of years ago that we must end the oil addiction was nothing more than empty words. They rank with his space travel initiative that went nowhere and more tragically with his hollow promise to rebuild New Orleans.

Their votes against debating the Consumer-First Energy Act ranks with their votes against debating the bill to correct the Supreme Court's Ledbetter decision that locked American workers out of the courts, their votes against debating the restoration of habeas corpus, their votes against debating comprehensive bipartisan legislation to begin to confront global climate change, their vote against debating congressional voting rights for the District of Columbia, and their votes on so many matters that Republican Senators have acted to block. I hope that when the majority leader moves for reconsideration of the vote on the Consumer-First Energy Act, Senators will search their consciences and do the right thing by voting to allow Senate consideration of that legislation in the best interest of the American people.

Mrs. FEINSTEIN. Madam President, I rise to speak in support of the Consumer-First Energy Act, and in particular title V, which would increase oil market transparency and accountability.

Oil prices continue to set records. Last week the price of oil hit $138 per barrel. Not too long ago $38 seemed like an unheard of price, not $138.

Gasoline prices now average above $4 per gallon nationwide. Some gas stations have to charge by the half gallon. Their pumps cannot calculate in prices this high.

And there seems to be no relief in sight for consumers as we enter the summer travel season.

Energy markets are not working—and speculation is adding an extra $20-$25 per barrel to the price of oil. We must protect these markets from manipulation, excessive speculation and fraud.

In the farm bill Congress finally closed the "Enron loophole," and placed all major electronic trades that could drive energy prices under the watchful eye of the CFTC.

However, I remain concerned that there are no comparable protections in place when U.S. energy futures are traded on international markets—presenting yet another regulatory loophole for energy traders to exploit. So title V of this bill would close that loophole and ensure that the trading of all U.S. energy futures—whether on foreign or domestic markets—is done with transparency and with an audit trail.

Title V is based upon the Oil Trading Transparency Act, which I introduced recently with Senator CARL LEVIN.

The Oil Trading Transparency Act would close the London loophole, whereby traders of West Texas Intermediate Crude Oil execute trades on an electronic exchange "located in" London, England, outside the jurisdiction of American regulators.

Specifically: the bill directs the Commodity Futures Trading Commission, CFTC, to ensure that any foreign exchange operating a trading terminal in the United States for the trading of a U.S. energy commodity meets two regulatory requirements that currently apply to U.S. exchanges: (1) It must impose speculative trading limits to prevent price manipulation and excessive speculation, and (2) It must publish daily trading information to ensure market transparency.

The bill would also require the CFTC to obtain information from the foreign exchange to enable it to establish an audit trail and determine how much trading in U.S. energy commodities is due to speculation.

Today the CFTC's weekly publication of speculation data for U.S. markets lacks any information about the oil trading conducted in London which makes up approximately 30 percent of the trading volume in West Texas Intermediate Crude Oil.

Let me explain why this provision is necessary. The United States places limits on speculative energy trades that contribute to high prices.

But traders of U.S. crude oil know that they can avoid U.S. limits and transparency requirements by trading crude oil futures on the London's ICE Futures Europe instead of the NYMEX exchange in New York.

CFTC acknowledged in a June 2 letter to me that traders can even use London as a refuge from U.S. speculation limits. CFTC's acting chairman wrote:

> If CFTC instructed an oil trader to reduce the size of his NYMEX West Texas Intermediate crude oil position, the trader would not be prohibited, under either the [Commodity Exchange Act] or the Commission's regulations, from establishing a similar position in the ICE Futures Europe WTI crude oil contract.

That regulatory disparity means U.S. traders trading U.S. oil on the London exchange can engage in excessive speculation that affects U.S. prices and not report their trades.

The traders can do it by using computer terminals in the United States with direct access to the London exchange. The contracts in London settle on the price in New York, so they are functionally equivalent "look alike" contracts.

According to CFTC, every single week since 2006 at least one trader has held positions in London above the NYMEX spot month speculative limit of 3 million barrels of oil.

Most weeks, five to eight traders have been above these limits, and at one point 22 traders were above the NYMEX limit.

And its not only contracts in the spot month. Sixty-four percent of the time since 2006, at least one trader in London has exceeded out month position accountability levels that are set at 20 million barrels of oil in New York. CFTC reports that 48 different traders have been above these limits at one time or another since 2006.

This legislation is necessary in order to close this loophole and require that foreign boards of trade that operate trading terminals in our country comply with the same speculation trading limits and reporting requirements that apply to U.S. trades.

What is Traded in London? Trading in London is regulated by the British, so some might wonder why we would ask our friends in London to impose American regulatory standards.

I believe some of London's contracts matter more to America than England, and we need to make sure they are subject to our position limit system.

For example, ICE Futures Europe lists U.S. crude oil—West Texas Intermediate—New England heating oil, and U.S. gasoline contracts.

West Texas Intermediate crude oil is produced here, used here, and never leaves the United States.

Heating oil and gasoline are refined and used within our borders.

ICE Futures Europe is a wholly owned subsidiary of an American company, Atlanta based Intercontinental Exchange, or ICE.

Since buying ICE Futures Europe, ICE has shut down the trading floor in London and replaced it with a virtual, electronic floor.

Their American and British systems are so integrated that trading "in London" recently shut down because an ICE data center in Chicago, IL, lost power.

And most importantly, British regulators are accountable to the British people who would naturally prefer that their government use its resources to prevent manipulation in markets that affect British people, not Americans.

The British only have 80 people monitoring market abuses, investigating, and enforcing rules in all of their financial markets—including stocks, bonds, futures, swaps, and currency. Not one of these 80 people is specifically assigned to monitor trading of West Texas Intermediate, American Gasoline, or New England heating oil.

This may explain why the CFTC tells me that British regulators are yet to bring a single manipulation case against traders in any of the contracts for U.S. delivery.

That is why the audit trail established by this legislation is so important.

If CFTC gets trading data from London, it can pursue manipulation and fraud cases under their existing authority. But CFTC needs the records. It needs the data to monitor markets that impact the price of energy in the United States.

Bottom Line: CFTC needs this legislation in order to protect American oil markets from manipulation and excessive speculation.

In the farm bill we took a major step in closing the Enron loophole. It took us 7 years to close it, and millions of consumers paid the price.

This legislation is needed to close a new loophole that opened in 2006 when ICE Futures Europe began listing a U.S. based energy commodity on its exchange in London. If we vote to pass the Oil Trading Transparency Act, we will close the London loophole in only 2 years.

Today's markets evolve quickly, and we need to make sure our market oversight responds just as quickly. Let us not wait 6 years to close a loophole so large you could drive an oil tanker through it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Ms. STABENOW. Excuse me, Madam President, if I might ask my friend, who has already been patient, to suspend for a moment. I have been asked to read a unanimous consent request.

Mr. COBURN. I am happy to yield to the Senator.

Ms. STABENOW. Thank you ever so much. I am here talking about physicians and "the physician" is on the floor. Certainly I would not presume to know more about medicine than my colleague from Oklahoma. I appreciate very much his allowing me to do this.

MORNING BUSINESS

Ms. STABENOW. Madam President, I ask unanimous consent the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, I plan on speaking longer than that, so I will ask for unanimous consent after the fact.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT ERIC MOSER

Mr. VITTER. Madam President, today I stand to recognize Army SGT Eric Moser, the son of Ken and Karen Moser of Lake Charles, LA, and to commend his courage and service to our Nation and his brothers in arms.

On May 22, 2008, Sergeant Moser was awarded the Distinguished Service Cross, the U.S. Army's second highest military decoration, making him one of only nine soldiers to have received this decoration since September 11, 2001.

Sergeant Moser, I know how proud your parents are of you, and all of Louisiana shares in their pride. Your actions truly exemplify patriotism, service to country, and spirit of the Army's famous 82nd Airborne Division, a unit that has distinguished itself on countless occasions from the beaches of Normandy, the jungles of Vietnam, to the sands of Iraq and the mountains of Afghanistan.

On August 26, 2007, while serving with the 82nd's Charlie Company, Sergeant Moser was attached to a sniper team that also included SGT Josh Morley of North Carolina, SP Tracy Willis of Texas, and SP Chris Corriveau from Maine.

The team was tasked with securing a defensive perimeter around a block in Samarra, Iraq, while members of Charlie Company's 3rd Platoon conducted search operations on a location that was suspected of being used to manufacture improvised explosive devices.

Soon after their arrival on their positions, Sergeant Moser and his team found themselves under attack, their presence having been alerted to by an al-Qaida informant. Pinned down from fire from multiple terrorists, Sergeants Moser and Morley held their positions and returned fire until Sergeant Morley was killed while crossing a building rooftop in search of the team's radio.

Sergeant Moser and the remaining team members fought off the insurgents who were attempting to make off with Sergeant Morley's body. Despite struggling with a weapon that repeatedly jammed, Sergeant Moser was able to return fire and protect Sergeant Morley's body during a firefight that ultimately claimed the life of a second team member, SP Tracy Willis.

The two remaining members of the sniper team, Sergeant Moser and Specialist Corriveau, continued to fight off the terrorists and were able to protect the bodies of their fallen comrades. As they established contact with another Airborne outpost, the insurgents fell back and began to retrieve their dead.

Sergeant Moser and Specialist Corriveau then directed a GPS-guided bomb to the position where the surviving insurgents were hiding. It was later confirmed that more than 15 of an established 40 al-Qaida terrorists were killed during the fight.

We honor Sergeant Morley and Specialist Willis for their ultimate sacrifice, and we pay tribute to their families. SGT Josh Morley is survived by his wife, his family, and a daughter whom he never had the chance to meet. And SP Tracy Willis leaves behind a loving family of his own.

We also honor SP Chris Corriveau for his heroism. He was also awarded the Distinguished Service Cross for his gallantry on August 26, 2007. His actions also exemplify that of a hero and a paratrooper.

In the face of death and without regard to his personal safety, Sergeant Moser brought great distinction on himself, the U.S. Army, and the 82nd Airborne Division. I am sure he would be hesitant to acknowledge himself as a hero, and he does not need to do so. His actions distinguished him as such when on a rooftop in Iraq, he risked his own life to ensure that no man was left behind.

Sergeant Moser, thank you for your service and heroism and God bless you and your entire family.

TRIBUTE TO BETSY REIFSNYDER

Mr. REID. Madam President, I rise today to recognize Betsy Reifsnyder, a dedicated public servant who is retiring in July after nearly 25 years of service to the U.S. Congress.

Ms. Reifsnyder came to the Library of Congress in 1984 as part of an intern program and then moved on to the Congressional Research Service in 1985 as a reference librarian. She has worked in a number of challenging roles, and will retire as the data architect of the Congressional Research Service.

Throughout her years at CRS, Ms. Reifsnyder has performed complex and institution-supporting duties. Her leadership, sound judgment, and creative work, coupled with her technical expertise and her positive approach to any project or problem were keys to the early and continued success of the Legislative Information System, LIS. Her dedication and ability to find solutions have earned her a trust, and confidence, that echoes throughout the legislative branch.

An expert in the legislative process, data structures, and online search systems, she was instrumental in moving legislative data into the Internet age. Ms. Reifsnyder has played an active role in the development of improvements and advanced features for LIS retrieval and display to meet the needs of congressional staff.

Both Congress and the general public have benefited greatly from her work on the THOMAS and LIS, systems which have allowed access to reliable and timely legislative information. Congressional Members and staff will continue to benefit from her work, due to her major contributions to the plans for LIS 2.0. Her vision and leadership have shaped the data-entry system for legislative summaries and other resources that have made it easier for all of us to have access to reliable legislative information.

Although, Betsy Reifsnyder will be retiring, her many accomplishments will stand as a fitting tribute to her career and her person. Ms. Reifsnyder's presence will be greatly missed, and I wish her and her family all the best as she enters the next phase of her life.

PSORIASIS AND PSORIATIC ARTHRITIS RESEARCH, CURE, AND CARE ACT OF 2007

Mr. DODD. Madam President, I rise today in support of S. 1459, the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act of 2007, and to encourage my colleagues to lend their support to this important legislation. Psoriasis is a chronic, inflammatory, painful, and debilitating disease that affects as many as seven and a half million Americans. Ten to 30 percent of people with psoriasis also suffer from psoriatic arthritis, which causes pain, stiffness and swelling in and around the joints. The National Psoriasis Foundation estimates that in the state of Connecticut as many as 89,000 adults live with psoriasis, psoriatic arthritis, or both.

No one knows exactly what causes psoriasis. With very few effective treatments and no cure, this disabling disease often strikes between age 15-25, marking the beginning of a lifelong struggle for psoriasis sufferers. Psoriasis is often minimized and undertreated because treatments are considered "not medically necessary" or "cosmetic". If a patient is accurately diagnosed, the search for an appropriate treatment can prove exasperating because treatments vary widely in effectiveness, can have serious adverse side effects, and can stop working without warning.

Often misunderstood to be contagious or due to poor hygiene, psoriasis causes many patients to experience social discrimination and stigma. Studies have shown that psoriasis causes as much disability as other major medical diseases. In fact, lost productivity and forgone future earnings create an estimated burden of $114 million annually for Americans with psoriasis.

Unfortunately, research on psoriasis and psoriatic arthritis has not been made the priority it should be. S. 1459 would direct the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand biomedical research on psoriasis and psoriatic arthritis and to coordinate research efforts across the NIH. The bill would also direct the Centers for Disease Control and Prevention to develop a national patient registry for collection and analysis of longitudinal data on psoriasis and psoriatic arthritis. Without such a resource, we will remain limited in our ability to evaluate the usefulness—and side effects—of the therapies that patients must endure throughout their lifetimes.

Those suffering with psoriasis are also at an increased risk for numerous other serious, chronic and life-threatening conditions such as heart disease, diabetes and mental health conditions. These co-morbidities inflict a significant economic and social burden on society in addition to the individuals with psoriasis. This legislation would direct the Secretary of Health and Human Services to convene a summit of researchers, public health professionals, patient advocacy organizations, academic institutions, and Federal and State policymakers on the current research, treatment, education, and quality-of-life activities conducted or supported by the Federal Government with respect to psoriasis and psoriatic arthritis, including psoriasis and psoriatic arthritis related comorbidities. A comprehensive report from this summit would provide a roadmap for future activities necessary to address current gaps and better our chances of finding a cure. Lastly, the bill would require a study and report by the Institute of Medicine to address health insurance and prescription drug coverage as they relate to medications and treatments for psoriasis and psoriatic arthritis. We must ensure that these patients receive the best regimen and most appropriate care for their disease.

In closing, I would like to commend the National Psoriasis Foundation for their more than four decades of leadership and work to improve quality of life for people with psoriasis and psoriatic arthritis. I would also like to extend great thanks to my constituents, John and Vivian Latella, who have shared their personal stories of the difficulties of living with psoriasis. For them, and for the millions of Americans suffering from this disease, I urge my colleagues to join me in cosponsoring the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act.

PAXIL

Mr. GRASSLEY. Madam President, for the last few years, I have been looking at how drug companies try and influence medical care in America. Companies can do this by, for example, creating studies favorable to their drugs, by hiring doctors to promote their products, and in some cases even intimidating critics of their drugs.

Today, I would like to talk about a different tactic by drug companies hiding data. I don't mean that they actually hide the data. But they make these numbers so difficult to find that they might as well be invisible.

Last February, I asked GlaxoSmithKline to turn over a couple of reports on Paxil, a drug used to treat depression. These reports were written by Dr. Joseph Glenmullen, a professor of psychiatry at Harvard.

Based on the review of documents uncovered in litigation, Dr. Glenmullen concluded that GlaxoSmithKline knew for almost two decades that Paxil is associated with an increased risk of suicide. He submitted these reports as an expert witness in several lawsuits now pending around the country.

So what did GlaxoSmithKline do with these reports? Well, the company tried to hide them. They went to the judge and asked to have Dr. Glenmullen's report and all the confirming documents placed under seal—that means that no member of the public could see them. In fact, Glaxo has been doing everything possible to ensure that this information remains under court seal.

It seems to me that GlaxoSmithKline tried to hide these reports because they seem to demonstrate what the company knew—that Paxil was associated with an increased risk of suicide based on the company's own studies. In fact, Dr. Glenmullen argues that GlaxoSmithKline knew this when they submitted the New Drug Application to the Food and Drug Administration back in 1989.

Essentially, it looks like GlaxoSmithKline bamboozled the FDA.

How did GlaxoSmithKline get away with this? Easy, they just moved around numbers in their studies to make it look like Paxil was safe. Here is how Dr. Glenmullen says they did it. GlaxoSmithKline ran several studies comparing people on Paxil against people on a placebo, in other words, a sugar pill.

If a patient attempted suicide before a study began—let me emphasize this: Before the study began—that person was automatically put into the placebo group. That means the company was comparing Paxil users against patients who were already prone to suicide. So when you compared the placebo numbers to the Paxil numbers, it looked like Paxil was the same as the placebo.

But, when Dr. Glenmullen re-analyzed the data, he found that Paxil WAS associated with a risk for suicide. And it looks like this is what GlaxoSmithKline was trying to hide from the American public.

Thankfully, a judge in Kansas made one of Dr. Glenmullen's reports public.

Finally, I would like to address GlaxoSmithKline's responses to my questions about whether it hid data on Paxil. I am unhappy to say that Glaxo's answers were a little more than word games. I don't wish to use the word "lie" but let me say this: their answers were less than candid.

Let me give you one example. In a letter to GlaxoSmithKline, I asked them when they learned that Paxil was associated with suicide risk. They wrote back that they "detected no signal of any possible association between Paxil and suicidality in adult patients until late February 2006 . . ."

So GSK claims to a U.S. Senator they knew nothing about suicidality in adults until February 2006. But in the United Kingdom, government investigators found that the company had the data back in 1998.

Two weeks after I received the letter from GSK, England's Medicines and Healthcare products Regulatory Agency released a report on Paxil.

The report concluded that data from GlaxoSmithKline's own clinical trials confirmed that patients under 18 had a higher risk of suicidal behavior. This report involved 4 years of investigation by this agency which is England's counterpart to our FDA. It was the largest most thorough report in the history of that agency.

According to the Medicines and Healthcare products Regulatory Agency, the only reason that criminal charges were not filed in the UK is because "the legislation in force at the time was not sufficiently strong enough . . ." So the company didn't get off because it didn't do anything wrong. It got off because the laws in UK did not address such situations.

Today, I am asking the FDA to take a look at the same information that was examined in the UK. And I am asking the FDA if we need to change any laws here in the United States.

We cannot live in a nation where drug companies are less than candid, hide information and attempt to mislead the FDA and the public. These companies are selling drugs that we put in our bodies, not sneakers. When they manipulate or withhold data to hide or minimize findings about safety and/or efficacy, they put patient safety at risk. And with drugs like Paxil, the risks are too great.

The CEO of GlaxoSmithKline, Jean-Pierre Garnier, is resigning. I hope that the company's new leadership will do right by the public and be more open about side effects of their products.

What happened with Paxil, as well as, in my investigations involving the painkiller Vioxx and the antibiotic Ketek are only a few examples of why it is important that bad actors be held accountable when they withhold data, submit questionable or fraudulent data, or attempt to mislead the FDA, the medical community, and the public.

That is why I am also working on legislation that would require that companies certify to the FDA that they gave the FDA complete and accurate data related to the safety and efficacy of their products and that the information is not false or misleading. If a company knowingly violates those certifications, it could be subject to civil and possibly criminal penalties.

NEUROFIBROMATOSIS AWARENESS

Mr. COBURN. Madam President, I rise today to highlight the difficulties caused by neurofibromatosis, NF, the work currently being done by the Federal Government to address this difficult disease, and the importance of awareness about NF.

NF is a genetic disorder of the nervous system, which causes tumors to form on the nerves anywhere in the body at any time. NF is a progressive disorder and is one of the most common genetic disorders in the United States. An estimated 100,000 Americans have a neurofibromatosis disorder. About half of those affected with NF have a prior family history of the disease.

NF has two distinct forms, NF1 and NF2. NF1 is the more common version, occurring in 1 of nearly every 4,000 individuals in the U.S. It has varying manifestations and degrees of severity resulting from a mutation of the NFI gene. Symptoms include common skin abnormalities and are often evident at birth or shortly afterwards. NF1 can cause learning disorders, bone deformities, and may even be associated with cancer. NF2 is a much more rare condition, resulting from a mutation of the NF2 gene, that is most frequently associated with hearing loss and visual impairment.

The National Institutes of Health, NIH, supports critical research to fight NF, investing approximately $13 million a year. At NIH, the $1.5 billion National Institute of Neurological Disorders and Stroke, NINDS, supports research and clinical trials to understand normal and abnormal development of the brain and nervous system to improve our understanding of the disease and our ability to prevent, treat, and ultimately cure the NF disorders. Researchers have been able to locate the exact NF1 gene, which they found normally works as a "molecular brake" to keep cells from overmultiplying, and the NF2 gene, which they found normally helps suppress tumors. It is the mutations of these genes that cause the difficulties associated with NF. According to NINDS:

> Understanding the molecular pathways and mechanisms that govern these key proteins and their activities will offer scientists exciting opportunities to design drugs that could replace the missing proteins in people who have neurofibromatosis and return their cell production to normal.

NINDS is currently researching how NF1 can also cause abnormal fetal development that can cause learning disabilities and cognitive deficits for children. NINDS also supports research aimed at developing improved methods of diagnosing NF and identifying factors that cause the wide variations of symptoms and severity of the disorders.

As a practicing physician, I am encouraged that NINDS is performing research to help doctors equip parents for their child's education by pinpointing associations between brain abnormalities and specific cognitive disabilities. This will help parents to develop and implement early intervention programs.

Having treated patients with NF, I know firsthand the pain and suffering associated with the disease and the difficulties it can cause for parents. The ongoing Federal research activities though NIH are critical toward fighting NF. I also applaud the tremendous efforts of private foundations and the thousands of NF volunteers and advocates across the country. It is my sincere hope that public-private partnerships will continue to provide medical breakthroughs that can prevent, treat, and cure NF and other painful diseases.

ADDITIONAL STATEMENTS

HONORING JACKLYN H. LUCAS

● Mr. BURR. Madam President, I wish to honor the life of Jacklyn Harrell Lucas. Mr. Lucas was born in Plymouth, NC, to Louis Harold and Margaret Lucas on February 24, 1928. He was in the eighth grade at Edwards Military Institute when the Japanese bombed Pearl Harbor. Lucas felt an obligation to serve the country and refused to let age get in his way.

Ten months after Pearl Harbor, Jack Lucas joined the Marine Corps Reserve at the age of 14. He listed his age as 17 and joined without his mother's consent. Lucas soon reported to Parris Island for basic training, where he qualified as a sharpshooter.

He was assigned to a machine gun crew and moved to Pearl Harbor at the end of 1943 where he was promoted to PVT first class. A year later, Lucas and his unit had not been deployed, so Lucas decided to deploy himself. He stowed away on the USS *Duel*, which was carrying the 5th Marine Division to battle in the Pacific.

A month into the journey he came out of hiding. Despite being reported as AWOL a month earlier and having been reduced in rank, PVT Jack Lucas was assigned to the 5th Marine Division. He was assigned to a rifle team and longed to get into the fight.

On February 19, 1945, Lucas finally got his wish as he and 30,000 other marines stormed the beaches of Iwo Jima. On the second day of the invasion, Lucas was pinned down with three members of his rifle team when two grenades landed in their foxhole.

His Medal of Honor citation describes best what happened next. Private Lucas "unhesitatingly hurled himself over his comrades upon one grenade and pulled the other one under him, absorbing the whole blasting force of the explosions in his own body in order to shield his companions from the concussion and murderous flying fragments." He saved the lives of his fellow marines by an act that would almost surely result in death, but Lucas survived.

Seven months and twenty-one surgeries later, Lucas was medically discharged from the Marine Corps. He left the service with over 200 pieces of shrapnel in his body. A month later he was awarded the Medal of Honor. Private Lucas was only 17 years old. He was one of 27 marines given the medal for their heroic actions at Iwo Jima. Eight-two marines were awarded the Medal of Honor during World War II, and almost a third received the medal for their heroism during this historic battle. Lucas is the youngest person ever to receive this Nation's highest military honor.

This Nation lost one of its best on June 5, when Jacklyn Harrell Lucas succumbed to cancer. He is survived by his wife Ruby C. Clark Lucas; 4 sons—William, Jimmy, Louis, and Kelly; a daughter, Peggy; 3 stepdaughters, Joan, Debbie, and Melinda; a brother, Louis; 15 grandchildren; and 16 great-grandchildren.

Madam President, the determination, patriotism, and selflessness of Jack Lucas should be admired by all. He was a fine North Carolinian and a great American.●

HONORING HORACE P. AXTELL

● Mr. CRAPO. Madam President, I am pleased to recognize an extraordinary honor bestowed upon Horace P. Axtell, elder of the Nimiipu, more commonly known as the Nez Perce Tribe. Horace is a 2008 recipient of the National Endowment for the Arts, NEA, National Heritage Fellowship, an annual fellowship that honors American folk artists for contributions to American culture. The highest federal honor in the folk and traditional arts, only 10 NEA National Heritage Fellowships are awarded every year.

Horace is a Nez Perce tribal historian, storyteller, singer and drum maker. In fact, he is a spiritual leader of the Seven-Drum religion, a traditional religion of the tribes of the plateau region that requires practitioners to memorize songs and accompany them on handmade drums. He still builds these drums in the traditional way, curing hides and stretching them over wooden frames. Spending his youth listening to stories of the tribal elders, some of whom survived the 1877 war against the Nez Perce by the United States, Horace is now a respected elder himself and a pipe carrier for his tribe, a position of great honor. He is the author of a memoir, the first one printed in over half a century by a

Nez Perce elder. He has received numerous awards including the President's Medallion from the University of Idaho, an honorary doctorate from Lewis-Clark State College and the Washington State Historical Society Peace and Friendship Award.

It is an honor for me to publicly recognize the remarkable achievements of Horace P. Axtell.•

300TH ANNIVERSARY OF RIDGEFIELD, CONNECTICUT

• Mr. DODD. Madam President, today I recognize a significant milestone for one of the towns in my home State of Connecticut. This year, the town of Ridgefield is celebrating the 300th anniversary of its founding.

Ridgefield's heritage dates back to the founding of this country and the American Revolution. A small militia force led by Generals David Wooster and Benedict Arnold faced off here against a larger British force at the Battle of Ridgefield on April 27, 1777. Whether it's the graves of the soldiers on both sides of the conflict who were killed and are now buried together in a cemetery on Main Street, or the cannon ball that remains lodged into the side of the Keeler Tavern, landmarks of this battle can still be found throughout Ridgefield.

This beautiful colonial town of approximately 24,000 people has historically been known as a farming community. Today it is regularly recognized not only for the high quality of its schools and tranquility but for its world class restaurants and inns. Considered right after World War II as a potential location for the United Nations secretariat building, Ridgefield has managed to retain its small town, New England charm to this day.

The residents of Ridgefield are rightfully proud of the town's rich cultural and agricultural heritage and have organized a number of activities to celebrate this momentous occasion. I ask my colleagues to join with me in congratulating my many friends among the good people of Ridgefield as they gather this year to celebrate their town's three centuries of history.•

TRIBUTE TO ARTHUR SCHUT

• Mr. HARKIN. Madam President, I would like to take this time to recognize Arthur J. Schut, a fellow Iowan who has dedicated more than 30 years of his life to serving the disfranchised in Iowa communities with his care, counsel and work to help individuals struggling with substance abuse. Arthur Schut, or Art as many people know him, has gone above and beyond the call of duty, devoting his life to substance abuse treatment in Iowa. And I would like to wish him all the best in his future endeavors as he moves on from Iowa to continue his efforts in other parts of the country.

Art has worked tirelessly to provide substance abuse care and council throughout the State of Iowa. He has fought to minimize the negative stigma surrounding those struggling to overcome their substance abuse by educating families, lawmakers, and the public. He has worked with great effort towards securing funding and resources for those with addiction and mental health issues. His deep passion for his vocation has led him to travel all across our great State and Nation for his cause, fighting on a local, State, and national level.

Art earned his psychology degree from Central College in Pella, IA, and obtained his master's in clinical psychology from the State University of New York at Albany. After obtaining his degrees, he devoted all his time to administering substance abuse care throughout Iowa. He has held positions as treatment director, clinical director, child psychologist, and community programming director in substance abuse agencies. He served as adjunct faculty at the University of Iowa, where he gave guest lectures and taught substance abuse courses. He administers agency operations and programs in three regions of Iowa including outpatient offices in 16 Iowa counties, a prevention unit, an employee assistance program, residential treatment programs and a detoxification unit. In addition, Art has been the president and chief executive officer of the Mid-Eastern Council on Chemical Abuse, MECCA, in Iowa City and Des Moines for the past 16 years.

It is clear that Art Schut has a deep passion for treating and supporting those who struggle with substance abuse and deserves our recognition. His dedication and perseverance to his cause deserve immense respect and honor. Art will be deeply missed. He is an amazing role model, not only for his humanitarian efforts, but for his passion and zeal that can be seen in his devotion to his work.

Iowa is losing a great leader, but we can rest assured that Art's commitment to his cause will never waver and he will continue to make leaps and bounds to provide substance abuse care and treatment no matter what obstacles may stand in his way.•

HONORING HONOR GROUNDS LLC

• Ms. SNOWE. Madam President, today I celebrate an inventive Maine small business that is helping to support our country's National Guard and Reservist families. Honor Grounds LLC distributes its own brand of high-quality coffee to convenience stores and supermarkets, and a portion of the sales go to helping some of our country's most deserving citizens.

Honor Grounds LLC is an enormously innovative project of Dan Boudreau, who is a longtime coffee distributor, as well as Catherine and John Salterio, principals at Consolidated Services, a beverage distribution consulting firm in Minot. Several years ago, Mr. Boudreau, who is a Maine Army National Guard veteran himself, sought a unique avenue to give back to the Guard. Mr. Boudreau, together with the Salterios, developed a program to sell specially packaged Honor Grounds coffee and to donate some of the profits to assist military families.

They launched the company earlier this year and report that retailers have demonstrated immense support for the initiative. In fact, Hannaford Brothers, one of the supermarket chains participating in the program, generously waived its usual stocking fee for Honor Grounds in recognition of the program's significance. They offer three military-themed flavors of coffee—Reveille Dark, Five Star Joe, and D-Day Decaf.

All donated proceeds from Honor Grounds go specifically to The Patriot Fund, which was designed to concentrate money in the hands of groups that aid America's military personnel and their families. Already, Honor Grounds has succeeded in funding several organizations nationwide, including the Maine Department of Veterans Affairs, as well as Tee It Up For The Troops, a golf fundraising nonprofit that supports the families of disabled and fallen servicemembers.

Honor Grounds coffee consists of choice 100 percent roasted Arabica beans, which translates to an exceptional cup of coffee. But more notably, each bag of Honor Grounds coffee includes the story of a member of the National Guard or Reserves. Each biography details the life of one of our Nation's defenders, the heroes among us. More than just a nice touch, these narratives provide a link between soldier and civilian, which makes the purchase of Honor Grounds coffee all the more meaningful.

To expand the scope of its reach, supplement its retail sales, and ultimately generate more funds for the Nation's military families, Honor Grounds recently implemented a fundraising partnership program. Schools, veterans and civic organizations, as well as other groups sell Honor Grounds coffee with their association's logo on the box, thereby promoting both the group and Honor Grounds. Notably, Honor Grounds donates an extra $1.50 to that club's home State military families for each box sold.

Honor Grounds is not only a patriotic small business, but it also represents a truly creative approach to bolstering our Nation's support of those who serve. With the motto of "Helping Military Members and Their Families, One Cup at a Time," Honor Grounds is seeking to reinvigorate the gratitude our country's finest citizens have earned. I thank Mr. Boudreau and the

Salterios for their selfless efforts, and wish them continued success in their magnificent achievement.●

TRIBUTE TO LELAND ROBICHAUX

● Mr. VITTER. Madam President, I wish to acknowledge Councilman Leland Robichaux of Houma for his dedicated service to Louisiana and the United States of America. I would like to take some time to make a few remarks on his accomplishments.

Mr. Robichaux started his career in oilfield services in 1964, traveling the world with his family as a result. He helped found the South Central Industrial Association 10 years ago, serving as the business organization's president from 2003 to 2004. Also active from the beginning in membership initiatives and infrastructure issues, he earned the SCIA's Tillman Esteve Award last year for his contributions. Outside his job as a salesman for Oil States, an offshore oil-and-gas manufacturer, he traveled annually with the Houma-Terrebonne Chamber of Commerce to Washington, DC, to lobby for hurricane protection for the past 8 years.

Mr. Robichaux was elected to the Terrebonne Parish Council District 6 seat last fall. He represented the parishes of southwest Terrebonne, Donner, Gibson, parts of Bayou Black and neighborhoods between La. 311 and Bayou Black Drive. The week before he was sworn into office, Mr. Robichaux learned he had two tumors on his brain, caused by cancer that started in his lungs. Despite his illness, he continued to serve his constituents and was open about his cancer diagnosis, and when asked about his progress, he shared information about his treatments and his determination to press on.

Leland Robichaux passed away Sunday, June 1. In his roughly 4 months on the council, he helped work on coastal-restoration and levee projects. He is survived by not only family members but also the grateful city of Houma and council who have lost a great man and great leader.

Thus, today, I rise to honor a fellow Louisianan, Leland Robichaux, and thank him and his family for his dedicated service to our State and Nation.●

MESSAGE FROM THE HOUSE

At 4:52 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 254. An act to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 682. An act to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2268. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

H.R. 3229. An act to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

H.R. 6028. An act to authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian, institutions, for Mexico and the countries of Central America, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 318. Concurrent resolution supporting the goals and ideals of the International Year of Sanitation.

H. Con. Res. 332. Concurrent resolution recognizing the 60th anniversary of the Universal Declaration of Human Rights.

H. Con. Res. 336. Concurrent resolution honoring the sacrifices and contributions made by disabled American veterans.

H. Con. Res. 337. Concurrent resolution honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2268. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3229. An act to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6028. An act to authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 332. Concurrent resolution recognizing the 60th anniversary of the Universal Declaration of Human Rights; to the Committee on Foreign Relations.

H. Con. Res. 336. Concurrent resolution honoring the sacrifices and contributions made by disabled American veterans; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 318. Concurrent resolution supporting the goals and ideals of the International Year of Sanitation.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3118. A bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6548. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Consolidation of the Fruit Fly Regulations" (Docket No: APHIS-2007-0084) received on June 9, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6549. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of violations of the Antideficiency Act within the Department of the Army which have been assigned case number 06-08; to the Committee on Appropriations.

EC-6550. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (11) officers authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6551. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Michael B. Hayden, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6552. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Richard A. Cody, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6553. A communication from the Federal Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; Certain Survivors of Deceased Active Duty Members; and Adoption Intermediaries" ((RIN0720-AB07)(DoD-2006-HA-0194)) received on June 9, 2008; to the Committee on Armed Services.

EC-6554. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the department's decision to convert to contract the bulk fuel storage and distribution functions at Marine Corps Air Station Miramar; to the Committee on Armed Services.

EC-6555. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the performance decision to convert to the Most Efficient Organization (MEO) information technology services currently performed at the Fleet Numerical Meteorology Oceanography Center; to the Committee on Armed Services.

EC-6556. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled, "Federally Funded Research and Development Center's Estimated FY 2009 Staff-years of Technical Effort (STEs) and Estimated Funding"; to the Committee on Armed Services.

EC-6557. A communication from the Secretary of Defense, transmitting, pursuant to law, a certification that the retirement of a U-2 aircraft located at Palmdale, California, will not adversely impact intelligence, surveillance, and reconnaissance capabilities; to the Committee on Armed Services.

EC-6558. A communication from the Secretary of Commerce, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-6559. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, a report entitled, "2007 Annual Report of the National Credit Union Administration (NCUA)"; to the Committee on Banking, Housing, and Urban Affairs.

EC-6560. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-6561. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correcting Amendment to Correct Metric Conversion Errors in Guideline Harvest Levels for the Guided Recreational Halibut Fishery" (RIN0648–AW82) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6562. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Area 2C Charter Halibut Fishery GHL Management Measures" (RIN0648–AW23) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6563. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correcting Amendment of the 50 CFR 680.40 (J)(3)(i) and (J)(3)(ii)" (RIN0648–AS47) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6564. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Amend the Crab Rationalization Program to Implement the Magnuson-Stevens Fishery Conservation and Management Act of 2006 and the Coast Guard and Maritime Transportation Act of 2006" (RIN0648–AV19) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6565. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Annual Specifications for the 2008 Pacific Sardine Fishing Season" (RIN0648–XG22) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6566. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648–XI13) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6567. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Participating in the Amendment 80 Limited Access Fishery in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area" (RIN0648–XI14) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6568. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Trip Limit Reduction for the Commercial Fishery for Golden Tilefish for the 2008 Fishing Year" (RIN0648–XI05) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6569. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Rescind Longline Pot Gear Closure in Bering Sea During June; Allow Temporary Military Transfers of Individual Fishing Quota" (RIN0648–AV64) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6570. A communication from the Associate Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Improving Public Safety Communications in the 800 MHz Band: New 800 MHz Band Plan for U.S.-Canada Border Regions" (WT Docket No. 02–55) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6571. A communication from the Legal Advisor, Wireless Telecommunication Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Sections 309 (j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies" (WT Docket No. 99–87) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6572. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "47 C.F.R. Section 73.622(i)—DTV Table of Allotments" (DA 08–1185) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6573. A communication from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Improvements to the Nuclear Materials Management Safety and Safeguards System" (RIN3150–AH85) received on June 9, 2008; to the Committee on Environment and Public Works.

EC-6574. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Articles Assembled Abroad: Operations Incidental to the Assembly Process" (RIN1505–AB90) received on June 9, 2008; to the Committee on Finance.

EC-6575. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Dominican Republic—Central America—United States Free Trade Agreement" (RIN1505–AB84) received on June 9, 2008; to the Committee on Finance.

EC-6576. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the presidential determination required to suspend the limitation on the obligation of State Department Appropriations contained in the Jerusalem Embassy Act of 1995, along with an accompanying report; to the Committee on Foreign Relations.

EC-6577. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–84—2008–93); to the Committee on Foreign Relations.

EC-6578. A communication from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Bylaws of the Pension Benefit Guaranty Corporation" (29 CFR Part 4002) received on June 9, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6579. A communication from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on June 9, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6580. A communication from the Assistant General Counsel for Regulating Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Rehabilitation Training—Rehabilitation Continuing Education Program" (73 FR 5179) received on June 9, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6581. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6582. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6583. A communication from the Secretary of Education, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6584. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6585. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Review of the District's Cash Advance Fund"; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WICKER (for himself, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. DEMINT, Mr. ENZI, Mr. INHOFE, Mr. MARTINEZ, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 3111. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right of life of each born and preborn human person; to the Committee on the Judiciary.

By Mr. ENZI:

S. 3112. A bill to reauthorize the Javits-Wagner-O'Day Act and the Randolph-Sheppard Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. DOLE (for herself and Mr. BURR):

S. 3113. A bill to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mr. KENNEDY, and Mr. HAGEL):

S. 3114. A bill to provide safeguards against faulty asylum procedures, to improve conditions of detention for detainees, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. BROWN):

S. 3115. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions for children in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 3116. A bill to amend title XVIII of the Social Security Act to stabilize and modernize the provision of partial hospitalization services under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 3117. A bill to apply an alternative payment amount under the Medicare program for certain graduate medical education programs established to train residents displaced by natural disasters; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. MCCONNELL, Mr. KYL, Mr. HATCH, Mr. SUNUNU, Mr. BUNNING, Mr. CRAPO, Mr. BURR, Mr. ENSIGN, and Mr. ENZI):

S. 3118. A bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 591. A resolution recognizing the National Aeronautics and Space Administration (NASA) for the historic touchdown of the Phoenix Mars Lander during its 50th anniversary year; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR (for himself, Mr. BYRD, Mr. SPECTER, Mr. CRAIG, Mrs. DOLE, and Mr. ISAKSON):

S. Con. Res. 89. A concurrent resolution authorizing Frank Woodruff Buckles to lie in honor in the rotunda of the Capitol upon his death; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 1418

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1810

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2059

At the request of Mr. CASEY, his name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2319

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2319, a bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 2465

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 2465, a bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program.

S. 2544

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S. 2630

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2630, a bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2708

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2708, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 2838

At the request of Mr. MARTINEZ, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2838, a bill to amend chapter 1 of title 9 of United States Code with respect to arbitration.

S. 2907

At the request of Mr. INOUYE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Mississippi (Mr. WICKER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2907, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2938

At the request of Mr. MCCAIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2955

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 2979

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3070

At the request of Mr. SESSIONS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

S. 3098

At the request of Mrs. DOLE, her name was added as a cosponsor of S. 3098, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 3098, supra.

S. 3101

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3101, a bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

S. 3103

At the request of Mr. BIDEN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3103, a bill to amend the Iran, North Korea, and Syria nonproliferation Act to allow certain extraordinary payments in connection with the International Space Station.

S. 3108

At the request of Mr. KERRY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3108, a bill to require the President to call a White House Conference on Food and Nutrition.

S.J. RES. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S.J. Res. 37, a joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians.

S. CON. RES. 82

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 273

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease.

S. RES. 300

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 300, a resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between FYROM and Greece regarding "hostile activities or propaganda" and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM.

S. RES. 576

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 576, a resolution designating August 2008 as "Digital Television Transition Awareness Month".

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI:

S. 3112. A bill to reauthorize the Javits-Wagner-O'Day Act and the Randolph-Sheppard Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce the Javits-Wagner-O'Day and Randolph-Sheppard Modernization Act of 2008. This legislation was drafted after thousands of hours were spent listening to the concerns of persons with disabilities and other affected parties.

The Randolph-Sheppard Act, enacted in 1936, gives persons who are legally blind training, support and contracting priority to fulfill certain Government food service contracts.

The Wagner-O'Day Act, enacted in 1938, required the Federal Government to make certain commodities purchases from organizations, 75 percent of whose direct laborers were blind. In 1971, Senator Jacob Javits fought to include individuals with other severe disabilities in the law. The amended law—the Javits-Wagner-O'Day Act—now requires the Federal Government to purchase over 11,000 commodities from organizations, 75 percent of whose workers have a severe disability.

Javits-Wagner-O'Day and Randolph-Sheppard are the two main Federal employment and training programs for persons with significant disabilities. Congress has paid them little attention, and has not revised them, since their creation.

Beginning in 2003, Randolph-Sheppard and JWOD stakeholders approached Congress to seek our attention and help. Each group complained the other was getting too big a share of lucrative military dining contracts.

In 2003 and 2004, the offices of Senators GREGG, KENNEDY, ENSIGN and DODD tried to informally mediate. Neither the blind vendors nor the JWOD vendors would budge. The dispute intensified in the courts and in Congress, with each side accusing the other of waste, fraud and abuse.

When I assumed the chairmanship of the HELP Committee in 2005, I decided to honor the stakeholders' longstanding request, and investigate their claims. My staff's initial findings were troubling, so I worked with my good friend Senator KENNEDY to hold a bipartisan oversight hearing.

Our hearing, in October 2005, documented several troubling facts. First and foremost, we discovered that the programs had produced bad quantitative results for persons with disabilities. There are about 15 million unemployed persons with disabilities between the ages of 16 and 64. Javits-Wagner-O'Day and Randolph-Sheppard together had created only about 48,000 jobs. Clearly we can—and must—do much better.

Second, the programs had stayed the same while the law, technology, commercial customs and social norms had changed dramatically over the past decades. Since JWOD was enacted, Congress, through the Americans with Disabilities Act, ADA, Individuals with Disabilities Education Act, IDEA and Rehabilitation Act reauthorizations of 1992 and 1998, had mandated equal access, inclusion, choice, anti-discrimination and control by individuals with disabilities over their own lives. The Supreme Court in its Olmstead decision held that the unnecessary segregation of individuals with disabilities was an impermissible form of discrimination. Corporate good citizens such as Marriott had taken a leadership role in the community to employ persons with severe disabilities in integrated work settings. New technologies made it possible for persons who were legally blind to use the Internet. These and countless other examples highlight how Randolph-Sheppard and JWOD had become ancient statutes. The world had changed dramatically since 1971. Persons with disabilities needed and deserved better treatment than the law was providing.

Third, regulatory neglect had given rise to waste, fraud and abuse. The Randolph-Sheppard program was supposed to create good jobs and increased opportunities for the many persons who are blind. Instead, we found that 38 blind vendors were taking the lion's share of profits from huge military cafeteria contracts with an approximate total dollar value of $1.203 billion. Just as troublesome was the fact that less than 5 percent of the employees hired to fulfill those contracts were actually blind. In addition, we found nonprofit executives were using JWOD to exploit persons with disabilities for improper financial gain. The FBI and other Federal law enforcement officials raided a Texas JWOD nonprofit and discovered some shocking abuses that underscored the need for Congress to act.

In 2006, I worked with Senators KENNEDY, ENSIGN, DODD, BURR, CLINTON, ISAKSON, REED, HATCH, HARKIN, ROBERTS, MIKULSKI, COBURN, BINGAMAN, COLLINS, and OBAMA to develop solutions to these problems. The HELP Committee staff spent thousands of hours meeting with hundreds of stakeholders, and listening to their ideas about how to fix these programs. Then we drafted this legislation.

In 2007, the momentum we had set in motion for a reauthorization bill stalled and other priorities began to take precedence. I continued to talk to and work with all of the stakeholders we could find, including those representing small business.

Recent events put these issues back on the front burner where they belong. On April 15, the Department of Defense and Department of Education Inspectors General collaborated on a report, "Assessment of Contracting With Blind Vendors and Employers of Persons Who Are Blind or Have Other Severe Disabilities." In addition, the Committee for Purchase From People Who Are Blind or Severely Disabled—the principal regulator of the JWOD program—proposed modest tweaks to its authorizing statute. I sincerely applaud the Committee for their hard work in coming up with consensus fixes, but its proposal does not go nearly far enough.

As an alternative, I have updated the bill that the bipartisan HELP Committee produced in collaboration with stakeholder groups in 2006. It fulfills the promise I made to the disability community to try to solve the problems we found. The bill vitalizes and expands both programs. It creates much more flexibility to provide real job training and real skill development so persons with disabilities can develop marketable skills and make meaningful career choices. The bill also empowers a strong regulator to police both programs and make sure workers are no longer exploited.

Finally, I have tried to stay out of the military dining facility debate for years. But it has become a significant distraction to our military. Accordingly, this bill establishes an even playing field in a way that will be clear and easy for the military to administer and participants in the process to understand.

Our main goal here is to create more and better jobs for persons with disabilities. My bill moves us in the direction Congress should take to modify these two important programs. I look forward to continued discussions with my colleagues and the stakeholders on all these issues.

By Mr. GRASSLEY (for himself, Mr. MCCONNELL, Mr. KYL, Mr. HATCH, Mr. SUNUNU, Mr. BUNNING, Mr. CRAPO, Mr. BURR, Mr. ENSIGN, and Mr. ENZI):

S. 3118. A bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes; read the first time.

Mr. GRASSLEY. Mr. President, I am pleased to introduce today the Preserving Access to Medicare Act of 2008.

If we do not act very quickly, the physicians who treat Medicare patients will face a 10.6 percent pay cut, effective July 1.

It is not in the best interest of America's seniors who depend on Medicare for their doctors to take such a significant cut.

Such a dramatic cut will affect access that seniors have to their doctors.

The bill we are introducing today provides a 0.5 percent physician update for the remainder of 2008 and a 1.1 percent update for 2009.

This increase is identical to the one the majority is looking to proceed to tomorrow.

Preserving access to health care for Medicare beneficiaries is a first priority, but it is not the only thing we are accomplishing in this bill.

The bill will also improve the quality of care in Medicare. It increases the physician quality reporting bonus from 1.5 percent to 2 percent for 2009 and 2010.

The bill retains the Physician Assistance and Quality Improvement (PAQI) fund to specifically help avert future physician cuts.

It promotes value-based purchasing, e-prescribing, and electronic health records.

It includes a responsible rural package, including a rural home health add-on payment.

It returns the ownership of oxygen equipment to the supplier, not the beneficiary.

The bill extends section 1011 of the Medicare Modernization Act for two years at a total of $400 million.

It phases out the duplicative Indirect Medical Education payments from Medicare Advantage.

The bill makes reforms to Medicare Advantage marketing practices to curb abusive activities. It requires all MA plans to report on quality.

I also want to devote a moment to what the bill we are introducing today does not do.

Unlike the bill the majority wants to proceed to tomorrow, the bill we are introducing today does not make cuts to payments for power wheelchairs.

Unlike the bill the majority wants to proceed to tomorrow, the bill we are introducing today does not reduce payments for oxygen.

Unlike the bill the majority wants to proceed to tomorrow, the bill we are introducing today does not make large, unwarranted cuts to Medicare Advantage, altering policy decisions designed to maximize patient choice.

Unlike the bill the majority wants to proceed to tomorrow, the bill we are introducing today does not eliminate the PAQI fund, which Congress specifically created to help avert future physician cuts.

Unlike the bill the majority wants to proceed to tomorrow, the bill we are introducing today does not expand eligibility for low-income Medicare programs, which would increase long-term entitlement spending and expand coverage under an already unsustainable program.

While well intentioned, this is not the right time for entitlement expansions like this.

The Medicare program is headed for a fiscal crisis that demands comprehensive reform.

Many would also like to add income-relating Part D subsidies to this bill as well. That change would make high income seniors shoulder a greater share of their Part D premium just like already happens today with premiums under Part B of Medicare.

These kind of changes need to be done. The other side has told us that they cannot support increasing premiums on high income seniors in order to provide greater assistance to lower income seniors.

Many on our side are disappointed by their position.

So it seems we will need to reserve those reforms on premiums until we are working on comprehensive Medicare reform in some future bill.

Finally, let me turn to the most critical difference between the bill we are introducing today and the bill the majority wants to proceed to tomorrow.

The bill we are introducing today can be signed into law. The President will sign our bill.

The bill the majority wants to proceed to tomorrow—if it somehow were to make it to the President's desk—will be vetoed.

Republicans were not the ones that walked away from the negotiations and put a timely outcome of this effort in jeopardy.

I am ready to sit down on a bipartisan basis to find a compromise that protects seniors' access to Medicare and that can be signed into law.

Today we are introducing a bill that accomplishes that.

Tomorrow we are voting to proceed to a bill that does not.

I hope we can move beyond this political exercise soon to accomplish what seniors are counting on us to do.

Mr. President, I ask unanimous consent that a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

PRESERVING ACCESS TO MEDICARE ACT OF 2008

TITLE I—MEDICARE IMPROVEMENTS

Subtitle A—Craig Thomas Rural Hospital and Provider Equity Act of 2008

SEC. 101. TEMPORARY IMPROVEMENTS TO THE MEDICARE INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS

In FY2009 hospitals that are located more than 15 road miles from another comparable hospital and have 2,000 discharges of individuals entitled to or enrolled for Medicare Part A benefits would receive a low-volume payment adjustment for Medicare inpatient hospital services. The Secretary would determine the applicable percentage increase using a linear sliding scale ranging from 25 percent for low-volume hospitals below a certain threshold to no adjustment for hospitals with greater than 2,000 discharges of individuals with Medicare Part A benefits.

SECTION 102. IMPROVEMENT TO THE MEDICARE DEPENDENT HOSPITAL (MDH) PROGRAM

For discharges in FY 2009, MDH payments would not be adjusted for area wages unless it would result in improved payments.

SECTION 103. AMBULANCE SERVICES

Provides for an add-on payment for ground ambulance services of 3 percent in rural areas and 2 percent in urban areas for the period July 1, 2008–December 31, 2009. Provides an 18 month hold harmless for air ambulance areas previously designated as rural and clarifies the medically necessary requirement for air ambulance services.

SECTION 104. EXTENSION AND IMPROVEMENT OF MEDICARE FLEX PROGRAM

The provision would extend the Medicare Rural Hospital Flexibility Grant Program through FY2010, increases authorization for appropriations and provides for grants for quality improvement and performance measurement activities.

SECTION 105. REBASING FOR SOLE COMMUNITY HOSPITALS (SCHS)

Starting for discharges on January 1, 2009, SCHs would be able to elect payment based on their FY2006 hospital-specific payment amount per discharge.

SECTION 106. EXTENSION AND EXPANSION OF THE MEDICARE HOSPITAL OUTPATIENT DEPARTMENT HOLD HARMLESS PROVISION FOR SMALL RURAL HOSPITALS

The provision would establish that in CY 2009, small rural hospitals, including Medicare Dependent Hospitals and Sole Community Hospitals under 100 beds, would receive 85 percent of the difference between payments made under the Medicare Hospital Outpatient Prospective Payment System and those made under the prior reimbursement system.

SECTION 107. CLARIFICATION OF PAYMENT FOR CLINICAL LABORATORY TESTS FURNISHED BY CRITICAL ACCESS HOSPITALS (CAHS)

Under this provision, clinical diagnostic laboratory services furnished by a CAH starting in July 1, 2009 would be reimbursed at 101 percent of costs as outpatient hospital services without regard to whether the specimen was collected from a patient of the CAH so long as the individual from whom the specimen was collected was in the same county as the CAH.

SECTION 108. EXTENSION OF FLOOR ON WORK GPCI

Extends for eighteen months the work geographic index (GPCI) floor of 1.0 through December 31, 2009.

SECTION 109. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES

Extends for eighteen months the provision that allows independent laboratories to continue to bill Medicare directly for the technical component of certain physician pathology services provided to hospitals as authorized by the Balanced Budget Act of 1997 through December 31, 2009.

SECTION 110. ADDING HOSPITAL-BASED RENAL DIALYSIS CENTERS AS ORIGINATING SITES FOR TELEHEALTH SERVICES

The provision would permit a hospital-based or critical access hospital-based renal dialysis center (including satellites) to be an originating site for the provision of telehealth services as of January 1, 2009.

SECTION 111. ADDING SKILLED NURSING FACILITIES AS ORIGINATING SITES FOR TELEHEALTH SERVICES

The provision would permit otherwise qualifying skilled nursing facilities to be an originating site for the provision of telehealth services as of January 1, 2009.

SECTION 112. APPLYING RURAL HOME HEALTH ADD-ON POLICY FOR 2009

Reinstates the five percent home health add-on payment for rural home health agencies in 2009.

Subtitle B—Other Provisions Related to Part A

SECTION 121. EXTENSION OF RECLASSIFICATION OF CERTAIN HOSPITALS UNDER THE MEDICARE PROGRAM

Extends until September 30, 2009, provisions that have allowed certain hospitals to be eligible for wage index reclassification that were otherwise unable to qualify for administrative wage index reclassification.

SECTION 122. INSTITUTE OF MEDICINE STUDY AND REPORT ON POST-ACUTE CARE

Requires the Secretary would enter into a contract with the Institute of Medicine (IOM) of the National Academy of Sciences to conduct a study on short-term and long-term steps to reform Medicare's current post-acute care payment and delivery system.

SECTION 123. REVOCATION OF UNIQUE DEEMING AUTHORITY OF THE JOINT COMMISSION

This provision would revoke the unique statutory authority granted to the Joint

Commission of Healthcare Organizations (JCAHO) to accredit hospitals for participation in Medicare. Hospitals, like other Medicare provider entities, would be accredited by national accrediting organizations approved by the Secretary. The Secretary would have the authority to recognize JCAHO as a national accreditation body.

SECTION 124. MEDPAC STUDY AND REPORT ON HOSPICE CARE

The provision would require the Medicare Payment Advisory Commission (MedPAC) to submit a report to Congress on payments for hospice services. The report should include recommendations for potential changes in payment methodologies, including revisions to the aggregate cap.

SECTION 125. INTRODUCING THE PRINCIPLES OF VALUE-BASED HEALTH CARE INTO THE MEDICARE PROGRAM

The provision would require the Secretary to design and implement a system under which a portion of Medicare provider payments for hospitals would be based on the quality of provider performance.

Subtitle C—Other Provisions Relating to Part B

SECTION 131. PHYSICIAN PAYMENT UPDATE

Replaces the scheduled 10.1 percent cut to the Medicare physician reimbursement rate with an 18-month update. Continues the 0.5 percent increase through December 31, 2008 and provides an additional 1.1 percent update for 2009 as recommended by the Medicare Payment Advisory Commission (MedPAC). Revises the Physician Assistance and Quality Initiative fund in 2013 and deposits excess savings to help fund a physician update in subsequent years.

QUALITY IMPROVEMENTS

Extends and improves the physician quality reporting system through 2010 and increases PQRI incentive payments to 2.0 percent in 2009 and 2010. Requires Secretary to accept aggregate data from group practices on PQRI measures that target high-cost chronic conditions and preventive care. Includes changes enacted in MMSEA to allow reporting on groups of measures for certain conditions, alternative reporting periods, and reporting via registries. Includes audiologists as eligible professionals for PQRI. Requires the Secretary to establish a confidential physician feedback program regarding resource use as of 2009. Requires the Secretary to develop a value-based purchasing plan for physicians and other professionals and submit a report to Congress.

SECTION 132. INCENTIVES FOR ELECTRONIC PRESCRIBING

Provides positive incentive payments for the use of a qualified e-prescribing system by eligible professionals from 2009 through 2013. Requires the use of a qualified e-prescribing system in 2010 and reduces payment for eligible physicians who fail to use e-prescribing beginning in 2011. Incentive payments are based on allowed charges for all covered Medicare services. Allows for significant hardship exceptions, such as professionals in rural areas without sufficient Internet access, and excludes those who write a small number of prescriptions.

SECTION 133. INCREASING THE NUMBER OF SITES FOR ELECTRONIC HEALTH RECORDS DEMONSTRATION

Provides funding for a demonstration project on electronic health records.

SECTION 134. PRIMARY CARE IMPROVEMENTS

Establishes new Physician Scarcity Area incentive payments for primary care services furnished in Physician Scarcity Areas, as of January 1, 2011. Expands the Medicare Medical Home Demonstration Project established in the Tax Relief and Health Care Act of 2006. Authorizes the Secretary to expand the duration and scope of the project if certain quality of care or spending conditions are met and provides additional funding. Reapplies the budget-neutrality adjustment to the conversion factor rather than to work relative value units with respect to the most recent 5-year review of work RVUs, effective January 1, 2009.

SECTION 135. MEDICARE ANESTHESIA TEACHING PROGRAM IMPROVEMENTS

Eliminates the 50 percent teaching rule and requires CMS to provide 100 percent payment for teaching anesthesiologists. Requires payment for teaching certified registered nurse anesthetists to be consistent with adjustments made for teaching anesthesiologists.

SECTION 136. MEDICARE COORDINATED CARE PRACTICE RESEARCH NETWORK DEMONSTRATION

Requires the Secretary to establish a demonstration project to test best practices and innovative coordinated care projects for Medicare beneficiaries with multiple chronic conditions, no later than October 1, 2009. Sites include organizations which were participants in the Medicare Coordinated Care Demonstration project and may include other organizations as determined by the Secretary.

SECTION 137. IMAGING ACCREDITATION, APPROPRIATENESS, AND DISCLOSURE REQUIREMENTS

Requires that facilities and other providers who furnish the technical component of advanced diagnostic imaging services (MRI, CT, and nuclear medicine, including PET) be accredited as of January 1, 2012. Establishes an accreditation process and requires the Secretary to designate accreditation organizations as of January 1, 2010.

Establishes a two-year demonstration project to be implemented by January 1, 2010 to assess the appropriate use of advanced diagnostic imaging services by collecting data regarding physician compliance with clinical appropriateness criteria. Requires referring physician to disclose ownership interest and provide beneficiary with a list of providers.

SECTION 138. ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Makes permanent a provision permitting physicians in the armed services to engage in substitute billing arrangements for longer than 60 days when they are ordered to active duty.

SECTION 139. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS

Ensures Medicare beneficiaries access to therapy services through December 31, 2009.

SECTION 140. SPEECH-LANGUAGE PATHOLOGY SERVICES

Allows speech-language pathologists practicing independently to bill Medicare directly for their services.

SECTION 141. COVERAGE OF ITEMS AND SERVICES UNDER CARDIAC PULMONARY REHABILITATION PROGRAMS

The provision would provide coverage for items and services furnished under a cardiac rehabilitation program or under a pulmonary rehabilitation program within the definition of covered medical and other health services, as of January 1, 2009.

SECTION 142. REPEAL OF TRANSFER OF OWNERSHIP OF OXYGEN EQUIPMENT

Repeals title transfer after 36 months and allows oxygen suppliers to retain ownership of oxygen equipment, effective January 1, 2009.

SECTION 143. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY AND RADIOPHARMACEUTICALS

Extends the current "charges to cost" methodology which provides a separate payment for brachytherapy services and therapeutic radiopharmaceuticals.

SECTION 144. CLINICAL LABORATORY TESTS

Repeals the competitive bidding demonstration program for clinical laboratory services. Reduces payments for clinical laboratory tests by −0.5% for 2009–2013.

SECTION 145. SENSE OF THE SENATE ON DELAYED IMPLEMENTATION OF DMEPOS COMPETITIVE BIDDING PROGRAM

Implementation of competitive bidding for durable medical equipment, prosthetics, orthotics, and supplies should be delayed by 18 months to address concerns and ensure beneficiaries continued access to quality medical equipment and supplies.

Subtitle D—End Stage Renal Disease Program Reforms

SECTION 151. KIDNEY DISEASE EDUCATION AND AWARENESS PROVISIONS

Establishes pilot projects to increase awareness of chronic kidney disease in at least three states. Provides coverage of kidney disease patient education services furnished by qualified providers to those requiring dialysis or a kidney transplant consisting of comprehensive information on managing comorbidities, preventing complications, and explaining options for renal replacement therapy, including home dialysis.

SECTION 152. RENAL DIALYSIS PROVISIONS

Provides a 1.0 percent update to the composite rate for renal dialysis services as of January 1, 2009, and another 1.0 percent update as of January 1, 2010. Creates a site-neutral composite rate for dialysis services furnished on or after January 1,2009 to equalize payments for hospital outpatient departments providing dialysis services and freestanding dialysis facilities.

Establishes a fully bundled payment system for renal dialysis services, effective January 1, 2011, for dialysis and related drugs, laboratory tests, and other items and services furnished to individuals for the treatment of end stage renal disease (ESRD). Establishes an annual update for providers and renal dialysis facilities (of MB minus 1.0 percent) as of 2012. Requires case mix adjusters as well as additional payments for high cost outliers and costs incurred by rural, low volume providers and facilities. Allows other payment adjustments the Secretary determines appropriate, such as pediatric and rural add-on payments. Provides an optional four year phase-in to bundling for providers and facilities, from 2011 to 2014.

Establishes a quality incentive program for providers and renal dialysis facilities, effective January 1, 2012. Requires that providers of ESRD services and renal dialysis facilities meet performance standards with respect to renal dialysis measures endorsed by a consensus-based organization.

Subtitle E—Provisions Relating to Part C

SECTION 161. PHASE-OUT OF INDIRECT MEDICARE EDUCATION PAYMENTS FROM PAYMENTS TO MEDICARE ADVANTAGE PLANS

Phases out inclusion of payments for indirect medical education (IME) in Medicare Advantage payments. The IME payments are phased out by reducing the Medicare Advantage payment rate by .6 percent each year until the amount accounted for by IME is exhausted.

SECTION 162. REVISIONS TO QUALITY IMPROVEMENT PROGRAMS

Requires Medicare Advantage private fee-for-service (PFFS) plans and MSA plans to submit data for quality analysis and reporting, whether the services are provided under contract or not. Specifies that to the extent services are provided by non-contracted providers, the data required for analysis and reporting on quality is limited to administrative data and beneficiary survey data.

SECTION 163. REVISIONS RELATING TO SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS

Extends the authority of specialized plans to target enrollment to certain populations through 2009. Lifts the moratorium on new plans and expanded service areas for special needs plans serving institutionalized populations and beneficiaries who are eligible for both Medicare and Medicaid ("dual-eligibles"). All special needs plans must meet additional requirements; 90 percent of new enrollment for all plans would have to be special needs individuals and special needs plans would have to have models of care targeted to the special needs populations they served. Special needs plans for dual Medicare- and Medicaid-eligibles would have three years to reach agreement with the states in which they operated. SNPs targeting dual-eligibles would have to protect enrollees from cost-sharing the state would have covered had these enrollees remained in fee-for-service Medicare. Retains the moratorium for special needs plans serving those with severe or disabling chronic conditions.

SECTION 164. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND

Removes $1.3 billion from the stabilization fund for regional preferred provider organizations in 2013.

SECTION 165. ACCESS TO MEDICARE REASONABLE COST CONTRACT PLANS

Extends section 1876 authority for cost contracts through December 31, 2009. Requires that there be two unaffiliated Medicare Advantage plans in an area before the obligation for a cost plan to withdraw is triggered; clarifies that the minimum enrollment requirements for the MA plans would have to be met in the overlapping service area, not the MA plans' entire service area; and clarifies that a Medicare cost plan offered to beneficiaries in one MSA would not be forced to withdraw because of enrollment in Medicare Advantage plans in an adjoining MSA.

SECTION 166. MEDPAC STUDY AND REPORT ON MEDICARE ADVANTAGE PAYMENTS

Instructs MedPAC to study and report to Congress on ways to reimburse Medicare Advantage plans that do not rely on county-level Medicare payment area equivalents.

SECTION 167. MARKETING OF MEDICARE ADVANTAGE PLANS AND PRESCRIPTION DRUG PLANS

Prohibits Medicare Advantage and prescription drug plans from: paying cash for enrollment; offering gifts to potential enrollees; door-to-door sales, cold-calling, or other such personal contact; marketing non-health related products to potential enrollees; conducting a marketing appointment without an advance agreement; marketing in healthcare-provider offices; or any marketing activity prohibited by the Secretary. In addition, MA and prescription drug plans must confirm that individuals have enrolled in and understand the plan. MA and prescription drug plans must use state-licensed and appointed marketing representatives. MA and prescription drug plans must comply with state requests for information about licensed agent or brokers. Requires the Secretary to issue rules governing commissions and other compensation. Requires training and testing of marketing representatives. Effective for marketing for plan year 2009 and on.

Subtitle F—Other Provisions

SECTION 171. CONTRACT WITH A CONSENSUS-BASED ENTITY REGARDING PERFORMANCE MEASUREMENT

Requires the Secretary to contract with a consensus-based standards setting organization such as the National Quality Forum for four years to develop priorities for performance measurement, endorsement of measures, and maintenance of measures, and provides funding from 2009 through 2012.

SECTION 172. USE OF PART D DATA

Gives the Secretary authority to use Medicare Part D data for improving public health and conducting congressional oversight.

SECTION 173. INCLUSION OF MEDICARE PROVIDERS AND SUPPLIERS IN FEDERAL PAYMENT LEVY AND ADMINISTRATIVE OFFSET PROGRAM

Allows Treasury Department to levy a proportion of a Medicare provider's reimbursement against outstanding tax debt.

TITLE II—MEDICAID

SECTION 201. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE AND ABSTINENCE EDUCATION PROGRAMS

Extends the Transitional Medical Assistance program (TMA) through September 30, 2009. This program helps low-income individuals transition from welfare to work by maintaining healthcare for their children. Extends the current abstinence-only education program until September 30, 2009.

SECTION 202. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM

Provides assistance through Medicaid for low-income seniors and individuals who need help meeting their Medicare premiums. Extends this program through September 30, 2009 to continue serving current populations.

SECTION 203. MEDICAID DSH EXTENSION

Extends authority for disproportionate share hospital funding under section 1923 of the Social Security Act for Tennessee and Hawaii through December 31, 2009.

SECTION 204. EXTENSION OF SUPPLEMENTAL SECURITY INCOME (SSI) WEB-BASED ASSET DEMONSTRATION PROJECT TO THE MEDICAID PROGRAM

Extends the existing SSI Web-based asset demonstration program to Medicaid to all 50 States.

SECTION 205. APPLICATION OF MEDICARE PAYMENT ADJUSTMENT FOR CERTAIN HOSPITAL-ACQUIRED CONDITIONS TO PAYMENTS FOR INPATIENT HOSPITAL SERVICES UNDER MEDICAID

Requires states to develop Medicaid payment systems that reduce payments for certain hospital-acquired conditions consistent with the payment system used in Medicare.

SECTION 206. ELIMINATION OF DUPLICATIVE ADMINISTRATIVE COSTS

Reduces payments for Administrative costs to prevent duplication of payments under Title IV (the Temporary Assistance for Needy Families)

SECTION 207. CLARIFICATION OF TREATMENT OF REGIONAL MEDICAL CENTER

Clarifies that a regional medical center located on the border of multiple States may receive Medicaid reimbursement from any of those States.

SECTION 208. OUTREACH AND ENROLLMENT IN MEDICAID

Provides $25 million for outreach efforts to enroll eligible but uninsured children into Medicaid

TITLE III—MISCELLANEOUS

SECTION 301 EXTENSION OF TANF SUPPLEMENTAL GRANTS

Extends the Temporary Assistance for Needy Families (TANF) supplemental grants through September 30, 2009

SECTION 302. EXTENSION OF SPECIAL DIABETES PROGRAM

Extends the Special Diabetes Program through September 30, 2011 to fund type 1 diabetes research and type 2 treatment and prevention programs for Native Americans and Alaska Natives

SECTION 303. MEDICARE ENROLLMENT ASSISTANCE

Provides $19 million for grants to states for state health insurance assistance programs and $6 million for grants to states for area agencies on aging and to Aging and Disability Resource Centers. Such funds will be allocated to states based on a combination of the state's low-income beneficiaries and the state's rural beneficiaries. Most of the grant money must be used to provide outreach to beneficiaries who may be eligible for Medicare savings programs or low-income subsidies.

SECTION 304. EXTENSION OF FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS

Extends Federal reimbursement of emergency health services furnished to undocumented aliens under section 1011 of the MMA through FY 2010 for $200 million per year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 591—RECOGNIZING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) FOR THE HISTORIC TOUCHDOWN OF THE PHOENIX MARS LANDER DURING ITS 50TH ANNIVERSARY YEAR

Mr. BROWN submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 591

Whereas the Phoenix Mars Lander (Phoenix) touched down successfully on Mars on May 25, 2008;

Whereas the Phoenix landing was the first successful soft landing on Mars in over 30 years;

Whereas this achievement occurred during the National Aeronautics and Space Administration's (NASA) 50th year of scientific and technological excellence, and 47 years to the day after President Kennedy challenged the Nation to put a man on the moon;

Whereas the successful Phoenix landing is the result of years of planning, analyzing, and testing conducted by the dedicated men and women of NASA;

Whereas less than 50 percent of all previous lander missions have made it safely to the Mars planetary surface;

Whereas Phoenix is the first mission in NASA's Mars Scout program, a series of innovative and lower-cost spacecraft that will complement major missions;

Whereas Phoenix will be the first mission to collect meteorological data in the Martian arctic;

Whereas the mission will study the history of the planet in its water and ice, monitor weather of the polar region, and investigate whether the subsurface environment in the far-northern plains of Mars has ever been favorable for sustaining microbial life;

Whereas this data will allow scientists to accurately model Mars's past climate and predict future weather processes;

Whereas this data will increase our knowledge of the existence and nature of habitable zones on Mars;

While this data is instrumental in achieving the science goals of NASA's long-term Mars Exploration Program;

Whereas NASA Glenn Research Center's support to past Mars missions has enabled the continuing scientific exploration of Mars; and

Whereas the Glenn Research Center's contributions to NASA's Human Research Program play a vital role in providing solutions to critical problems that place human exploration missions and their crews at risk: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the National Aeronautics and Space Administration (NASA) for 50 years of scientific and technological excellence;

(2) recognizes NASA for the historic landing of the Phoenix Mars Lander;

(3) recognizes the importance of the Phoenix mission to NASA's long-term Mars Exploration Program;

(4) recognizes the importance of contributions made by NASA Glenn Research Center to the NASA space program, including to Mars and moon missions; and

(5) recognizes the importance of NASA's Human Research Program, and Glenn Research Center's contributions to such program, to the health and safety of all NASA astronauts.

SENATE CONCURRENT RESOLUTION 89—AUTHORIZING FRANK WOODRUFF BUCKLES TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL UPON HIS DEATH

Mr. BURR (for himself, Mr. BYRD, Mr. SPECTER, Mr. CRAIG, Mrs. DOLE, and Mr. ISAKSON) submitted the following conurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 89

Whereas the veterans of the First World War fought bravely and made heroic sacrifices for the Allied forces; and

Whereas past resolutions have sought authorization for American heroes to lie in honor in the rotunda of the Capitol upon an individual's passing, it is the Nation's collective desire to express its gratitude for the service of all World War I veterans by making it known to that war's last American survivor the honor it wishes to bestow on him before he passes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING FRANK WOODRUFF BUCKLES.

(a) IN GENERAL.—In recognition of the historic contributions of United States veterans who served in the First World War, Frank Woodruff Buckles, the last surviving United States veteran of the First World War, shall be permitted to lie in honor in the rotunda of the Capitol upon his death, so that the citizens of the United States may pay their last respects to this great American.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take the necessary steps to implement subsection (a).

Mr. BURR. Mr. President, I have sought recognition today to introduce a resolution honoring the last surviving member of a heroic group, the American World War I veterans. When the U.S. entered the First World War in 1917, 4.7 million Americans donned a military uniform and fought with the Allies struggling in an imperialistic battle of trench warfare. Now, 90 years after America's entry into the war, only one veteran remains.

Corporal Frank Woodruff Buckles, born in 1901, was sent to England and France during the First World War after exaggerating his age on Army paperwork. Eager to join the action, Buckles trained in the ambulance services and acted as a driver, remaining after the armistice to escort prisoners of war back to Germany.

Mr. Buckles now stands as the last representation of the Americans that served in the Great War. Though now distanced by the following economic depression, subsequent World War and more recent conflicts, World War I still remains a critical part of our history, symbolizing the emergence of our country as a superpower and demonstrating the willingness and selflessness of those who serve in our military. These men, 90 years later, still deserve the recognition and admiration of a grateful nation.

In honor of Frank Buckles and the millions of veterans he stands for, I am introducing a resolution authorizing Mr. Buckles to lie in honor in the rotunda of the Capitol upon his passing so that citizens may pay tribute to the last member of this faithful group of Americans. After a period of repose, Mr. Buckles will receive final burial at the Arlington National Cemetery, a privilege offered earlier this year. I introduce this resolution now, so that Mr. Buckles will be aware of the respect we wish to pay to him and his fellow veterans.

We should not allow this generation to fade from our society without showing our appreciation of their service. As Ranking Member of the Veterans' Affairs Committee, and on behalf of Senator BYRD, I ask my colleagues to join us in extending this honor to Mr. Buckles.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 11, 2008, at 3 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 11, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing on Judicial nominations on Wednesday, June 11, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that for the next 30 minutes, an energy intern from my office, Carolyn Jones, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES INDEFINITELY POSTPONED EN BLOC

Ms. STABENOW. I ask unanimous consent that the following calendar items be indefinitely postponed en bloc: Calendar Nos. 35, 37, 42, 46, 47, 48, 49, 50, 51, 52, 143, 224, 227, 228, 230, 231, 232, 233, 234, 235, 236, 245, 248, 250, 251, 252, 254, 255, 256, 267, 285, 354, 360, 361, 362, 364, 367, 372, 373, 375, 377, 378, 379, 385, 424, 425, 436, 437, 546, 572, 639, 640, 643, 655, 658, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, and 724.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3118

Ms. STABENOW. I understand that S. 3118, introduced earlier today by Senator GRASSLEY, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3118) to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

Ms. STABENOW. I ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, JUNE 12, 2008

Ms. STABENOW. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, June 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the Senate resume the motion to proceed to S. 3101, the Medicare Improvements for Patients and Providers Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. STABENOW. Madam President, also under the previous order, the cloture vote on the motion to proceed to the Medicare bill will occur at approximately 3 p.m. tomorrow afternoon.

ORDER FOR ADJOURNMENT

Ms. STABENOW. I ask unanimous consent that following the remarks of Senator COBURN and Senator INHOFE, if there is no further business to come before the Senate, it stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT

Mr. COBURN. We heard some reasons we should support the Baucus doctor fix. I happen to have been practicing in 2004 when the Senate did exactly what they are doing right now. This bill is going to guarantee the doctor fix is not done by July 1. That is what is going to happen with this bill.

Let me tell you, we are eventually going to fix the problem for the doctors for 18 months. There is no question. Everybody agrees to that. But what we are doing is, we are making sure we are going to add hundreds of thousands if not millions of dollars of cost in every State for every private physician that is practicing.

And the reason is because the bill is not going to get changed by July 1, and they are going to be under the 10.9-percent cut. Then they are going to come back, whenever we finally get it done. They are going to have to refile all of that, and Medicare is going to have to repay all of this.

So this exercise in political gamesmanship, of working only with one side of the aisle, not working with Senator GRASSLEY, to truly get this done in a way that the President will not veto it and accomplish the purposes for which we all say we want, to eliminate the 10.9-percent cut for physicians, that is something we are going to lose grasp of, and we are going to create a hardship on every physician in this country because we are playing a political game with this rather than fixing the problem.

That brings me to my next point. Why is it every 18 months the physicians in this country have to come and beg Congress not to cut their fees when we are not cutting the fees for the rest of the providers throughout the Medicare Program?

What we have decided is that doctors make too much money. We have decided that when they work 80 hours a week, one and a half to two times what everybody else works in this country, they spend their time away from their families making great sacrifices, that we are going to fund increases in the care for our elderly and seniors in this country on the backs of physicians.

Now, I will not dispute the fact that there are some disparities in physician pay in this country, with some physicians making too much and far too many making too little, especially primary care pediatricians, psychiatrists, and the like, those who are on the front lines. But this idea that we are going to fix temporarily, again, for 18 months, a problem that we have to fix, which is the other problem with the Baucus bill, the only thing great about Medicare that will get us out of the long-term costs is this idea of creating markets associated with choice and responsibility to give greater health care, greater choice, and greater benefits to Medicare beneficiaries through competition.

I am the first to say that the Medicare Advantage Program has lots of problems. But to get the Medicare Advantage Program, which is the one thing that tries to go toward market-oriented reform in Medicare, to pay for this is ludicrous.

Senator GRASSLEY has a competing bill—we just heard the second reading objected to by the Senator from Michigan so we cannot have a side-by-side vote on it—does all of the things that the Baucus bill does except it does not gut Medicare Advantage.

Well, why do we want to take the one factor in Medicare that is based on markets, that is based on transparency, that is based on some personal responsibility, and throw it out and have another program that right now every family in this country is on the hook for over $300,000 in unfunded Medicare obligations, and the Baucus bill guts the only thing that helps us solve that?

So the President is right to veto this bill. Even if it passes, this bill will not be overridden. So we are ensuring the fact that doctors will experience, on July 1, a 10.9-percent cut. We do not have to do that. They know we cannot do this and have it go to the President and get it vetoed and come back and get everything else down before July 1.

So by voting for the Baucus bill, what you are actually doing is ensuring that every physician in this country that cares for Medicare patients is going to spend thousands and thousands of extra dollars, and that CMS is going to spend thousands and thousands and millions, perhaps $100 million, to come back and deal with the paperwork once this is finally fixed.

Nobody thinks about that around here. We are playing political games. How can you make Republicans look bad as they vote against a Baucus Medicare doctor fix? Everybody in this body wants to fix this payment system for doctors. There is one real reason we do; we want our seniors to be able to have physicians. And we know if an 11-percent cut goes through, many doctors will no longer be able to afford to care for Medicare patients, they will not be able to afford to. They cannot do it.

So if you cut 11 percent of their fees on Medicare, which are already almost as low as Medicaid everywhere, which is about 40 percent less than they get paid for anything else, you are asking them to serve Medicare at half price. And what they are going to do is they are going to make a choice. They are going to say: I cannot take care of Medicare patients.

So what we are going to ensure with the Baucus bill is that doctors are going to get a pay cut, maybe for a short period of time, but the inconvenience of that, the cost of that for political gamesmanship, we ought to be ashamed of what we are doing. And it is exactly the reason we have a low rating with the American people.

We know Senator GRASSLEY and Senator BAUCUS can work this out. We know it can happen. But the fact is, it was chosen to make it an issue, not work in a bipartisan fashion, not come up with something that the President can sign, but instead to slow down the works. And what they will do is markedly decrease availability of Medicare for seniors in this country because the doctors, when they first see this, if they see a 10.9-percent cut, some of them are going to abandon the Medicare Program, and you are ensuring, if you vote for the Baucus bill, that doctors will get a 10.9-percent cut for a short period of time.

You are ensuring that, in fact, what they are going to do is, they are going to have a whole lot more overhead because they are going to get a bill from the time it starts to the time it ends and finally gets corrected, they are going to bill it twice, once for the primary at a 10.9-percent cost, then they are going to get a bill again because it is going to be retroactively fixed. They are going to have to bill it all again. That is pure waste. That is typical government.

Why would we do that? What are we thinking? What we are thinking is short-term partisanship. And we ought to be ashamed of ourselves.

GLOBAL WARMING

Now I want to spend a few minutes talking about the climate bill I have been listening for 10 days on this issue. And I want to share some observations.

It was said on the Senate floor that nobody has scientifically disputed the underlying facts associated with climate change.

We cannot dispute underlying facts on climate change because climate changes. It always changes. We have a history of knowing it changes. We know that every 1,500 years we have global warming, whether we like it or not. It happens.

What we do not have is common sense and scientific methods looked at. I hear my friends, even on my side of the aisle, talk about anecdotal observations that things are different. Sure they are different.

As a matter of fact, we heard the leading German scientists on climate change saying we are going to have a 10-year break on global warming. So I guess that means for the next 10 years CO_2 input is not going to have any effect on global warming. So we have conveniently changed the terms from global warming to climate change.

Well, I want Americans to ask themselves, what is climate change? The climate changes all the time. Last week, the majority leader, on the Senate floor, said the tornados that were in this area were related to climate change.

Like saying anecdotally we can prove there must be climate change because we saw tornadoes in the Washington, DC, area last week—do you know how many times there have been tornadoes in this month in Washington, DC, throughout the years? Hundreds. But now we are anecdotally, because we see something new to our experience, associating it with some phenomena. That is not science. That is ignorance. That is using science in a way that bastardizes it.

The second point is, if we really want to know how we affect climate, it takes a lot of years to find that out. There are retrospective studies we can do. As a matter of fact, they have been done. We have ice core drilling that goes back about 3,500 years. We know exactly what the temperatures were in the north and in the south based on both ice core drillings and ocean sediment drillings. We know that because we know that isotopes of both oxygen and nitrogen decay at different rates. When those are measured, we can have a pattern of what the Earth's temperatures were and what the cycles of climate were. Nobody wants to embrace that. That is real science. But we ignore that. That doesn't fit with the emotion that allows us to relate a policy that we want to enact in a way that disproves it.

There is so much yet to be known about climate. We can't even predict what the weather is going to be tomorrow. Yet we have this supposed settled science. The science isn't settled. The rhetoric is settled, but the science is far from settled.

What do we know? Here is what we know. The most recent examples of 1,500-year cycles are these: The Roman warming started in 200 B.C. Pared with its other half, the Dark Ages, it ended in 900 A.D. We know that historically. We know there was this warming cycle that came and went. The medieval warming period, the little ice age period cycle, lasted that period of time from A.D. 900 to 1850. The modern warming cycle, which started about 1850 to present, is probably the first half of the change. What happened during the medieval warming period? The Norse populated Greenland. They fished from its coast. They had over 60,000 cattle. They raised hay on what is now majority covered with ice.

So we have been there before. We don't like to look at the historical fact because it doesn't fit either our populace viewpoint or give us a reason to enact a bill which, in my estimation, is the greatest—will be, if we pass it—loss of freedom this country has ever experienced.

Freedom is directly related to the level and the amount of government we have. Under the climate bill Senator BOXER has put out, you can guarantee a loss of your liberty. Anybody with any common sense knows that. We are going to put all sorts of decisionmaking in the hands of bureaucrats. They are going to be deciding for you. So when bureaucrats start deciding for you, that means you don't. If you don't like the results, you have to prove your innocence. The onus becomes on you.

The unique thing about the American experience is that freedom is our basic model. Liberty is ours. When we grow the Government, through $6.4 to $6.9, all the way up to supposedly $10 trillion in a tax structure that is implemented through a great number of Government programs, Government boards, Government regulations, you can bet your freedom is going to be markedly limited.

The last thing I want to talk about is the very fact that we are talking about not using resources we have. Even if you buy everything that the alarmists with climate change and global warming would have you, and let's assume they are all right, everybody agrees it is going to take us 20 to 30 years to get off of hydrocarbons as a method of energy production, as a source of energy. We know that. If we were to start building nuclear plants today, we would have every alternative energy that we had, and it would still take us 15 to 20 years to start to begin to do that. So what is it that we fear about utilizing our own energy resources?

My senior Senator sitting on the floor—and I can tell you that both of us, coming from Oklahoma, love our land. We love our streams. We love our lakes. We love the wildlife that is everywhere you turn in Oklahoma. We drill all over the place. We don't contaminate our environment at all. But we have a level of ignorance about what exploration is for energy in this country. It is done in a fabulous, sophisticated way. We now drill 1 hole and create 8 to 20 wells out of 1 hole because the technology allows you to drill any direction you want at almost any depth you want. So what happens is, we allow people who are not aware of the technology of exploration to create a picture that says exploration can't be done in an environmentally friendly way. That is not true. We do it all the time in Oklahoma. Come visit.

Behind my home is a gas well. It was drilled 25 years ago. When they plugged it, everything about that was remediated. Do you know what is growing there right now is the most fabulous wild blackberries you ever tasted in your life. That is exactly the opposite picture that the alarmists want you to have about energy exploration.

The point I am making is, we have a hundred years, at a minimum, of hydrocarbons available to us that we could utilize in the next 5 to 10 years and not utilize foreign imported oil from people who have vowed to take away our freedoms. The fact is, that gets blocked all the time on the Senate floor on the basis of an irrationality that says you can't do it.

We have two of the largest domestic natural gas producers in the world in Oklahoma. In the Gulf of Mexico, you can't even see the rigs. In 8,500 feet of water, 20,000 feet below the surface of the ocean, they are drilling oil in a platform that is floating that moves less than 8 inches based on gyroscopes. They have not once in all the years had an environmental spill when they were doing that. That is how great the technology is. Yet we have this fear that you can't do something.

At the same time that we have this fear, what we are doing is embracing $4.35 gasoline. We are embracing the funding of terrorists by our purchase of oil moneys that then go to fund terrorists. We have become schizophrenic. We have lost it. When we would deny the ability to use resources in this country that would stop the upward trend on the price of oil, that would utilize oil shale to conversion for jet aviation fuel, that would utilize oil shale for heating oil, that we would not allow that, we will not allow the utilization of our own resources at our own negative benefit, what is the purpose of that?

I get written to all the time by constituents from Oklahoma about gas prices. Do you know what I tell them? I say: You should blame us. You should blame the Congress. It is absolutely our fault we are in the position we are in. We didn't act. From 1995 up through this year, every time we have had a chance to increase exploration in a safe, environmentally friendly way in this country, it has been blocked. So now we sit with the hardest of the hardest hit, the poor and less fortunate, trying to make a choice of whether they can even get to work, let alone buy their groceries, because gas now and their energy needs are such a large component of their family budget.

It is our fault, and we are going to sit around. We are going to dither, and gasoline is going to be $5.50 a gallon. The American public is going to react to that, and they are going to say: Maybe we ought to take another look at these good energy companies that do it environmentally well and supply us power and energy and do not fund the very people who want to take away our freedoms.

It is coming. This is part of the same rumble from the American public that says we do not get it on spending. I was enlightened today on a new bill that is getting ready to be introduced that I am going to try to keep from coming to the floor that is a yearly authorization for the Coast Guard. There is a 25-percent increase in it, but of that 25 percent, 80 percent is earmarks. We almost doubled the Coast Guard when we created the Department of Homeland Security. Yet this year we are going to come close to a trillion-dollar deficit—$3,000 for every man, woman, and child—and we still do not get it.

So the idea that Congress will not act to raise the level of supplies, that Congress will not take off the tariff on imported ethanol, refuses to take off the tariff on imported ethanol to protect a false economy associated with corn ethanol—when, in fact, we have a shortage, as manifested by the price of the fuels that drive our energy and yet we will not act—the American people have a right to be disgusted.

We are the reason gasoline is over $4. It is not the oil companies. It is not the Middle East. It is us. Because we could have done something. We still can do something. But we heard political speeches all today because what we want to do is sue OPEC and create an excess profits tax, and eventually a Btu tax, rather than increase the supply. What we should do is increase supplies. The American people get it. Somehow we do not.

My hope is that America will let us know. I think they are going to. My hope is we will listen.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I came down to the floor for a totally different purpose. But my junior Senator was talking, and I am so impressed with some of the things he has shared with us today. He is being too kind in one area, though.

Sooner or later we have to say who is at fault in terms of the increase. While he is right, it is us, I have and I would invite anyone to go to my Web site or go to the Environment and Public Works Committee Web site—it is epw.senate.gov—in there I have listed all the bills, I say to my good junior Senator from Oklahoma, that have come up since 1995 where we have tried to expand the supply of oil and gas in America, even the bills when we were a majority, when the Republicans were a majority.

In October of 1995, we voted to implement a competitive leasing program for oil and gas exploration. That was within the coastal plain of ANWR, as well as offshore. It passed 52 to 47. Of that vote, 52 were Republicans, 46 were Democrats—right down party lines. Then, the very next month, on November 17—I remember that because that was my birthday—the Senate voted on a motion to adopt a conference report on the same thing—for a competitive leasing program for oil and gas exploration—and again it passed by almost the same margin. All the Republicans voted for it. All the Democrats voted against it.

Now, those two bills were up there. And, of course, what happened? The President at that time, Bill Clinton, vetoed those bills.

I could go from there all the way up to the present day.

In March of 2005, the Senate voted on an amendment to allow us to vote on ANWR—right down party lines: every Democrat opposed it; every Republican supported it. On November 3, 2005, the same thing happened.

In June of 2007, the same thing happened. That was a better one, actually. That was the Gas Price Act. The Gas Price Act I am particularly fond of because that was mine. We could have all the oil and gas production in the world that we need to bring down the price of gas, but if we cannot refine it, we are not going to be able to use it. So as to refineries, right down party lines, the Democrats opposed any new refineries in America.

This one was more difficult to oppose because I think most people who are understanding of what happens during a BRAC process—that means Base Realignment and Closing Commission—when that happens, the communities close by a major military installation that is closed suffer economically, greatly.

What this would do is take those closed, BRACed out, military bases and turn them into refineries. That saves millions of dollars of Government money because otherwise they have to be cleaned up to playground standards. You do not have to do that if there is going to be a refinery on it. So it is something everybody wanted.

We arranged for EDA grants for communities to apply for to attract refineries. We could have had a refinery in every area of America where we closed military bases. But it was killed. On June 13, 2007, it was killed—right down party lines. It was 43 to 52. Of that, 43 Republicans voted for it; 48 Democrats voted against it.

In 2008, we had a similar vote on ANWR. The same thing happened; then again on May 15 of this year.

I am saying this only to correct that one thing my junior Senator said, in that he was right, it is our fault, but this is strictly partisan. I think people are going to have to realize that. Until people realize that, the same thing is going to happen. Until people write in, and the imagination is captured of the American people, and they understand what is causing the high price at the pumps—it is a very simple concept. As many have said, you should learn this concept in econ 101; that is, supply and demand—if you decrease the supply, the price does not go down; it goes up. What they are trying to do with the Energy bill to decrease the supply would cause the same thing.

That is not why I came to the floor. I am glad to join with my junior Senator and talk a few minutes about what he said about the science behind this thing. This whole thing started back when they were trying to pass Kyoto. Like a lot of the cruddy things that happen in this country, it started with the United Nations.

The IPCC, the National Academy of Sciences—these people are policymakers, not scientists—came out and said the science is here, the science is settled, the science is settled, the science is settled; and they kept saying it louder and louder, and they were backed up by a very liberal media. So the people actually believed the science was settled. But the fact is, the science was not settled.

My junior Senator, Mr. COBURN, is right because time and time again, we talked about the medieval warm period. We talked about the cooling periods. Let's keep in mind that the climate has always changed in this country. God is still up there, and we are going to have these changes. They have taken place.

The interesting thing right now is, as scientists will tell you, it has been cooling ever since 2001. Also, another interesting thing is, they talk about global warming, when, in fact, all during the 1990s, supposedly it was getting warmer, the southern hemisphere was getting cooler. The Antarctic was getting cooler. The last time I checked, the southern hemisphere was part of the globe. So we did not have global warming.

Now all these people who were saying that was true—and I think probably the best example I used to use—it has been a while since I have used it—is when Al Gore was the Vice President of the United States and he decided to try to build a case whereby we would be ratifying the Kyoto treaty. So he hired a guy named Tom Wigley, a top scientist in America, to put together a study. This is the charge he gave him. He said: Let's assume that every developed nation—not developing; not China, not Mexico, not India—every developed nation signed on to and ratified the Kyoto treaty and lived by its emission standards, which they would not. Look at western Europe; 15 countries signed on to it, and only 2 of the 15 have met the emission requirements. But let's assume that is true, that they all do. How much, then, I say to you, Dr. Wigley, would this reduce the temperature after 50 years? His result was this: If all developed nations joined in and ratified the Kyoto Treaty and lived by the emission requirements, it would lower the temperatures by seven one-hundredths of 1 degree—not even measurable. So we go through all this economic pain.

I have never been as proud, I don't believe, of the Senate as I was last week because when I compare what happened in 2005 when they had the McCain-Lieberman bill, a very similar bill—not nearly as bad as this bill but a similar bill; it was cap and trade, the concept was the same—I was down here on this floor standing at this podium for 5 consecutive days. I was the only one willing to voice the opposition. We had a total of two Senators to come down in 5 days to give me support. However, last week, in only 3 days, 25 Senators came down.

It shows that this huge financial power base that is over there in the far left environmentalist community—I am talking about the George Soreses and the Michael Moores and the various other groups that are out there in California; I call them the Hollywood elitists—those individuals have all the money that they dump into all of these campaigns. We were willing to take them on, and we won. The most votes Senator BOXER had with this change that took place in 2006—it is supposed to be a much more liberal Senate, and it is—she could only get 44 votes, not a majority of 51, certainly not the 60 votes that were necessary but only 44. I was just really pleased at that, in the fact that people are waking up. People recognize science is mixed. Some people say the science is real, some say it is not, but one thing that is not confused is the amount of money it would cost.

We talked about this bill that we defeated—hopefully we didn't defeat it. I hope it comes up so we can debate it longer. Let me make this message right now to the Senate majority leader, Senator REID: I want you to bring this back to the floor so that we can talk about it more and more and more and talk about the fact that this is a $6.7 trillion tax increase. Senator BOXER would argue that, no, this has a built-in system whereby poor people are getting some money back. When you analyze the bill, that amount comes to $800 billion. In other words, if we raise the taxes on the American people, for every $8 we raise the taxes, we are going to give them back $1. That is not a very good deal, but that is in this bill; to make us less competitive and less able to be reliant upon our own reserves—huge reserves that we have out there, that we could become energy independent overnight, that we were going exactly the wrong way.

I saw a couple of editorials such as the Wall Street Journal which said that with gasoline selling at $4 a gallon, the Democrats picked the worst possible time to bring up cap and trade. The issue is starting to feel like the Hillary health care plan.

Anyway, I would even argue with some of the people who put in an analysis as to how much that bill we defeated last week would have increased the price of gas at the pump. They say 53 cents a gallon. However, that 53 cents a gallon is predicated—

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. INHOFE. Madam President, it is my understanding that we are in a period of morning business; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. All right. I would like to continue my statements, then.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. The fact that it would increase by 53 cents a gallon I think is conservative because that is assuming we would have 268 new nuclear plants. Now, the very people who are promoting this bill and want to stop us from drilling, from exploring for oil and for gas, are the same ones who are opposed to nuclear energy. So they say in that period of time, by 2030, the most nuclear plants we could have would be 64. I think everyone agrees with that, so instead of 268 new plants, there will be 64. So you could say that—if you use the same percentages—it would raise the price of gas by $2, not just 53 cents.

Well, we defeated the largest tax increase ever this last Friday. As I saw the majority leader coming through, he was smiling, and I hope that means he is going to bring it up so we can debate it more. I just get very excited about the fact that there has been a wake-up call in America. After all of those lonely years over the last 7 years, now people realize this is something that is not good for America. It took $4-a-gallon gas to make that wake-up call become a reality. So I am very thankful it happened. I congratulate the Senate on its wisdom.

With that, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. (Mrs. MCCASKILL.) Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:05 p.m., adjourned until Thursday, June 12, 2008, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 11, 2008*

The House met at 10 a.m.

The Reverend John I. Caples, Jr., Jesus Name Apostolic Church, Waukegan, Illinois, offered the following prayer:

Our Father, we thank You for the blessings and the prosperity of our country. You have told us, as parents tell their children, to make wise choices; however, when you don't know what to do, seek guidance. Your Word says that if My people will humble themselves and seek My face and turn from their wicked ways that You would heal their land.

Teach us the value of unity, because "a house divided cannot stand." Teach us the value of oneness, Father, Son and Holy Spirit. These three are one. Teach us that the well-being of the country as a whole is more important than any portion alone.

You have told us that when the righteous are in control, the people rejoice. We invoke You to guide our leaders as You did King Solomon. Give them wisdom to govern so great a people and so great a Nation. These things we ask in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND JOHN I. CAPLES, JR.

The SPEAKER. Without objection, the gentleman from Illinois (Mr. KIRK) is recognized for 1 minute.

There was no objection.

Mr. KIRK. Madam Speaker, I am very honored to have welcomed Pastor John I. Caples of Jesus Name Apostolic Church to open the House today.

I first really got to know Pastor Caples after the murder of Jarreau Patterson and David Mackins, just 16 years old. It was Pastor Caples that brought together the families of the murdered with the families of the murderers that ended a cycle of violence in my community.

He helped restart an athletic program. And with assistance from the wider community, he built a basketball court in just 8 weeks to relieve some of the tensions of the community. He then started the Family First Center, first in a basement, now three stories tall, reaching out to help at-risk youth turn away from violence and gangs, but especially despair, saving one heart at a time.

Pastor Caples tells us that the government can't do it all, but it can change one heart of one child at a time and make the most difference. He is one of the men I admire most whose ministry saves lives. He changes hearts. And most importantly, he returns the soul to a community that is in need of a very big heart with hope.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

CONGRATULATING NATHALIE McCRATE, CONGRESSIONAL ART COMPETITION WINNER

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Madam Speaker, I rise today to congratulate Nathalie McCrate on winning the Congressional Art Competition for Florida's 22nd Congressional District. Nathalie is a tenth grader at Jupiter High School, and her winning art work titled "The Brink" puts viewers on the edge of a forest looking out at urban sprawl. The contrast between the natural and the man-made is sharp in Nathalie's work, and she has a great future ahead as an artist.

Madam Speaker, as you know, the Congressional Art Competition is in its 27th year. This tradition brings together the work of young artists from all over the United States to hang in the United States Capitol. And I'm proud that Nathalie's will be among them.

I congratulate Nathalie, her parents and teachers, and all of our students for all that she has accomplished.

SOARING GAS PRICES

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, this quote from Daniel Webster appears above the Speaker's rostrum right up at the top of the Chamber. And it says this: "Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered."

As families struggle with soaring gas prices, our Nation's energy solutions, I think, lie on Webster's words. House Republicans have offered a plan to lower gas prices by developing the resources of our land in an environmentally safe way. This is an approach that is supported by some 60 percent of the American people in a recent Gallup poll. But the majority won't listen.

Instead, they let gas prices surge even higher by refusing to schedule a plan to break America's dependence on foreign sources of energy. Mr. Speaker, I think American consumers deserve better. It is time to develop the resources of our land and bring down gas prices on behalf of American families and small businesses. And that, as Webster said, would be "worthy to be remembered."

THE SECRET RESOURCES OF INTELLECTUAL CAPITAL, CREATIVITY, AND INNOVATION

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I am so pleased my friend, Mr. BOEHNER, made reference to the idea of "promoting our resources," a quote from Daniel Webster.

What is the single resource that America has, the only resource that America has that can really bring down the price of fuel and break our addiction to Middle Eastern oil? There is one secret resource that we can promote. And that is the resource of intellectual capital, creativity, and innovation. We know that just poking more holes in the ground cannot solve this problem. We have got 25 percent of the world's oil. We have 3 percent of the oil in our land.

What can solve this problem is innovation, innovation like the A123 Battery Company in Boston that is going

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to allow us to drive electric cars, Phoenix Motorcars, Inc., that is going to have an electric car that will get 100 miles just on an electrical charge, the Sapphire Energy Company that has developed a gasoline from algae-based sources. We need to develop the resource of intellectual capital.

The optimists on this side of the aisle are doing that. The pessimists on this side of the aisle want to remain addicted to gasoline. That is a path that is doomed to failure. Let's be optimists and solve this problem.

WHERE IS THE MAJORITY'S ENERGY PLAN?

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, what is the deal? Lately when I've been in South Carolina, I have been talking to a lot of frustrated folks. And they are frustrated because they are watching their hard-earned paychecks burn up in their gas tanks. And I'm frustrated because I know there is no energy plan to help these families.

Two years ago the Democrats said they would introduce a commonsense plan to help the energy crisis. And today, when the Americans need it most, when they're paying $4 a gallon for gas, there is no energy plan. Yet I stand here today week after week, as I am doing, asking my friends on the Democrat side, "Where is the plan?" I have only seen plan 1, and that has been drafted by the Republican party.

Are my Democrat colleagues not hearing the pleas of the American public about high gas prices? Do they not travel to their respective districts and talk to their citizens? Have they not heard the public's frustration? Or do they choose to ignore them?

As Members of Congress, it is our duty to solve the problem. And it is just not good enough to tell them, "We have no plan."

THE NEW GI BILL

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

Mr. CARNEY. Mr. Speaker, in the coming days, the House will once again consider the new GI Bill which restores the promise of a 4-year college scholarship for Iraq and Afghan veterans, similar to the educational benefits available after World War II. The original GI Bill of 1944 allowed millions of families to achieve the American Dream and set the economy on the right course after a draining war.

After World War II, for every dollar spent on the GI Bill, $7 was returned to the economy. The new GI Bill will spark yet another American economic recovery, one that is needed during this time of economic uncertainty with skyrocketing gas prices and food prices and devastating job losses.

But even more importantly, it will fulfill our promise to our military personnel that if they serve their country in war, they will receive a quality education at home. The current benefit simply does not live up to that promise. Mr. Speaker, while President Bush and his Republican allies remain strong advocates for continuing the war in Iraq, it is important that they join us in keeping this important promise to our Nation's troops.

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BRING DOWN GAS PRICES BY INCREASING SUPPLY

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, one day we will end our dependence on foreign oil and empower our economy with alternative sources of energy. But until that day comes, we have to do everything in our power to strengthen our economy by making energy more affordable by increasing domestic American production. Roughly 70 percent of what we pay at the pumps comes from the price of oil in the global market, which is driven by relationships between supply and demand.

To lower gas prices, we have to use American energy resources. Right now, the U.S. produces 41 percent of the petroleum we use. We can do much better than that. Just by opening up a small portion of Alaska for oil production, we can recover 15 years of Saudi Arabian crude oil. By streamlining rules for energy exploration off the Outer Continental Shelf, we can access roughly 115 billion barrels of oil, enough oil to power 60 million cars for 60 years.

With gas prices over $4 a gallon, this Congress must act. We have to increase supply. Doing anything else would be irresponsible.

AIRLINE REORGANIZATION THREATENING MEMPHIS BUSINESS COMMUNITY

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, this morning's Memphis ComercialAppeal had distressing news for our city. Delta Airlines had canceled part of its contract with Pinnacle Airlines, an airline that had 1,000 jobs in our community. The stock price fell 25 percent, and the newspaper reported that stockholders are concerned about the continued existence of the business.

If the merger takes place and Delta and Northwest merge, it is entirely possible that Delta will cancel the remaining portion of Pinnacle's business with Northwest Airlink, where they serve many customers through Northwest Airlines. That would be devastating to the Memphis economy and possibly cost us thousands of jobs.

I am very concerned, and plan to call Delta Airlines to find out why this contract was cancelled, what possibly could happen, how this merger would affect those 1,000 people, and if possibly re-regulation of the airlines is in order to make sure that abrupt changes in contracts that might cause irreparable harm and immediate damage can't take place if they threaten an industry and an employer in my district such as Pinnacle Airlines.

Mr. Speaker, I am concerned about the future of this large business in my community, and plan to look into it for the benefit of the employers and my overall business community.

TAKING NEEDED ACTION ON ENERGY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this Congress has placed a significant burden on American families. Now they are having to decide whether to buy food or gasoline. The price of both has increased significantly in the past 6 months.

Now back in my district they are having to defend themselves from opportunistic, gas-grabbing criminals. Thieves are actually posting Internet videos discussing how to steal gas from cars. The kind of information that used to be shared in the prison yard has made its way into the "broadcast yourself" genre of Web sites. It is shocking, but it is not really surprising, because we have ignored the issue of providing a supply of energy in this country.

Americans may have given up on waiting for the majority party to ease the pain at the pump, so Americans may just file this under "desperate times call for desperate measures."

The Speaker may be able to ignore the Members who have asked for something to be done to address gas prices, primarily on the supply side. Eventually the consequences of the blatant disregard for rising prices is going to come home. Let's hope, let's hope, that this Speaker, this majority party, will take action before our families get robbed by thieves in the middle of the night.

HONORING THE 75TH ANNIVERSARY OF THE ORANGE COUNTY WATER DISTRICT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this Saturday, June 14, the Orange County Water District will celebrate its 75th anniversary. Along with the other members of the Orange County delegation, I introduced House Resolution 1199 to honor this significant occasion.

The Orange County Water District's 75th anniversary is particularly meaningful as it comes just months after we opened up the largest groundwater treatment replenishment system in the Nation on January 10, 2007. The replenishment system is on the cutting edge of water reuse technology. It will purify 70 million gallons of water a day, providing clean water to over 100,000 families in Orange County.

The vision and the initiative by the District in establishing the groundwater replenishment system is the reason it received the 2008 Clair A. Hill Award and was named the Public Water Agency of the Year in 2008.

The District is a leader in identifying and creating new and exciting options to meet the water needs of California, of the Nation and of the world, and I hope that this resolution will make its way to this House quickly.

WE HAVE A PLAN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Americans are puzzled; puzzled why gas prices have topped $4 per gallon and why House Democrats have done nothing. They are puzzled why America sits on an estimated untapped reserve of 175 trillion cubic feet of natural gas and 1.1 trillion barrels of oil, and yet we remain increasingly dependent on foreign oil.

The American people should know that there is a plan in Washington for energy independence. Republicans have a comprehensive strategy of exploration, innovation and conservation that will set America on a positive track. We have the tools and capacity to put our plan into motion. All we need are Democrats to step forward, join us, and tell the American people that Washington is no longer going to stand in the way of energy exploration in this country, that the short-term and long-term strategic and economic value of investing in America is our first priority.

Republicans have a plan. What remains to be seen is what the Democrats will do.

In conclusion, God bless our troops, and we will never forget September the 11th.

FALSE REPUBLICAN RHETORIC ON ENERGY SOLUTIONS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, we have been hearing a lot of talk this week about high energy prices. The Republican talking point for the week is that Democrats are causing high gas prices because we won't allow drilling. That is false rhetoric.

It is the oil companies that are choosing not to drill on 80 percent of the leases already available for drilling in Alaska. It is the oil companies that are choosing not to increase drilling in the Naval Petroleum Reserve, one of the largest petroleum reserves in the Nation and one that President Clinton made available for drilling.

Meanwhile, it is the Democrats who have put 70,000 more barrels of oil per day on to the market by halting shipments to the Strategic Petroleum Reserve. It is the Democrats that have passed legislation that would allow OPEC to be investigated for price fixing, legislation that the President has threatened to veto.

It is time to stop the rhetoric, Mr. Speaker. I challenge the President to demand fair play from OPEC and the Republican Party to stand up for the American people and not Big Oil.

FAILED ENERGY POLICY

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I would just echo what my colleague from South Carolina said. Where is the plan?

If the Democrats do not have a plan to lower energy costs for the American people, please bring some of the Republican proposals that we have already designed and which will begin to bring immediate relief.

The other night I had a teletown hall meeting and I was listening to the people in the 19th Congressional District of Texas. One person said, Congressman, I have to drive 100 miles every day to go to my job. She said, my gasoline has gone up, but my paycheck has not.

The most disturbing news was the gentleman who said, Congressman, I have to get dialysis three times a week. I have to drive 70 miles each way. He said, now I am down to trying to decide whether I am going to be able to buy food, gasoline, or the treatment for my diabetes.

Mr. Speaker, it is time for the Democratic majority, who promised the American people a plan, to bring that plan to this House floor, instead of important legislation like we voted on yesterday, supporting the goals and ideals of the International Year of Sanitation. I know the American people are going to be very comforted that this body took up that legislation, and not energy legislation that would have brought relief for high energy costs.

HISTORIC JUMP IN JOB LOSSES REQUIRES IMMEDIATE ACTION

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, every month this year the Bush administration and the Bush economy has shed more jobs than it has produced, leaving millions of American workers competing against each other for the remaining jobs. We haven't seen this many people enter unemployment so quickly in over three decades.

Today, the House will consider providing up to 13 weeks of extended unemployment benefits to workers who have exhausted the 26 weeks of regular benefits. The bill will provide relief to American families struggling through these tough economic times.

Unemployment benefits are also important to economic recovery, with absolutely every dollar of the benefit checks going right back into the economy. And while the economy continues to weaken and costs for gasoline and food skyrocket every day, the need for government help is clear.

Unfortunately, our Republican colleagues continue to oppose these efforts to assist millions of out-of-work Americans, even though they supported a similar extension in 2002, when job loss numbers were not nearly as bad as they are today.

Mr. Speaker, as our economy continues to face tough times, Washington should explore every possible option to help those struggling. That is exactly what Democrats will do today in Congress, extend those benefits.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MORAN of Virginia). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

SUPPORT THE NO MORE EXCUSES ENERGY ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on Monday the Investor's Business Daily printed an editorial entitled "The Drill Nothing Congress." Here is a short quote from it.

"It is a problem driven by domestic supply restrictions imposed by the

Democratic Congress in the face of growing worldwide demand. The Democrats preach energy independence while they do everything in their power to prevent it." The problem they are speaking of is $4 a gallon gasoline.

The American people are fed up with a Congress that can't seem to respond to one of their most basic concerns. People are tired of Democrat leaders blocking action to bring down skyrocketing gas prices. So we have introduced a discharge petition to force a vote on the No More Excuses Energy Act. We need to increase domestic production of energy in order to bring down the price of gas at the pump.

I urge all my colleagues to sign on to the discharge petition and support the bill when it comes to the floor of the House. There is no excuse not to.

HISTORIC JUMP IN JOB LOSSES DEMANDS IMMEDIATE ACTION

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, today the House will vote to extend unemployment benefits for an additional 13 weeks to help workers out as they continue to look for a job.

Mr. Speaker, the grim numbers of five consecutive months of job losses is yet another sign that President Bush's economic policies have utterly failed the American people. The unemployment rate has surged from 5 percent in April to 5.5 percent in May, representing the biggest one month jump in more than 2 decades, and climbing to the highest level in nearly 4 years.

These statistics are not just numbers to more than 1.5 million Americans who have seen their unemployment benefits expire simply because there are not enough jobs to go around. So today the House will vote to extend unemployment benefits for an additional 13 weeks to help these workers. Democrats have been pushing to extend unemployment benefits since the beginning of the year, but have faced stiff opposition from the President and congressional Republicans.

Mr. Speaker, with job losses so far this year totaling 324,000, American families can wait no longer. Thanks to this Democratic Congress, today we are going to get some relief.

□ 1030

RECOGNIZING THE EXTRAORDINARY CONTRIBUTIONS OF EMERGENCY MANAGEMENT, DISASTER RESPONSE, ELECTED OFFICIALS, COMMUNITY LEADERS AND EVERYDAY HOOSIERS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is said that if a picture is worth 1,000 words, this picture tells the tale of the worst series of storms to strike southern Indiana in 100 years.

I rise today to commend and recognize the extraordinary contributions, though, of emergency management, disaster response, elected officials, community leaders and everyday Hoosiers in my district during this last week of devastating weather. I particularly want to honor EMA directors, sheriffs, mayors and county officials in Rush, Johnson and Bartholomew counties, Indiana.

They suffered greatly from tornados, heavy rains, flooding, creating a catastrophe that awaits additional presidential response, but this catastrophe did not await the response by these public servants. They went above and beyond the call of duty, showing great poise, saving lives and serving the people of their communities.

Hoosier communities and families are hurting and need to know that more help is on the way. As I rise to commend these government officials and everyday Hoosiers for their response, I urge this administration again to declare an expedited major disaster for all 44 counties of Indiana affected by these historic storms.

DC CENTRAL KITCHEN AND THE CAMPUS KITCHENS PROJECT

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Mr. Speaker, yesterday I visited DC Central Kitchen, where I learned about an innovative program, the Campus Kitchens Project. This is a program that uses high school and college dining facilities when the kitchen is normally closed to prepare meals for area soup kitchens and shelters.

College and high school students involved in this program take a large leadership role in starting and maintaining the kitchens. Campus Kitchens helps feed hungry people in our communities today, while building tomorrow's leaders committed to ending hunger.

Hunger is a political condition, and we need government action to end it, but we also need people from all sectors dedicated to doing more to end hunger. There are over 400 high schools and 100 colleges in Massachusetts alone. If each school organized a group to fight hunger in their community, just think of what could be done.

I congratulate DC Central Kitchen and the Campus Kitchens project for their work, and I thank the staff and students for their commitment to ending hunger.

INCREASING AMERICAN JOBS AND ENERGY PRODUCTION RESPONSIBLY

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, people in southwest Louisiana understand that increasing American energy production means more American jobs, good high-paying American jobs.

They also know that a magic bullet will not lower the price at the pump for families, but increasing American energy production in a responsible way will help, and it will create American jobs. The American people want to increase energy production in a responsible, environmentally friendly way.

They want to see unleashing of American entrepreneurship and ingenuity. They don't want any further delays in seeking energy independence, and they know that this is in the interest of national security.

Families in southwest Louisiana and across the country want to see solutions to the high prices at the pump, and Republicans have viable answers to this. We have introduced a number of bills. The American people are now asking the Democratic leadership in Washington if they have solutions, because so far they haven't seen any.

Now, the Democratic Presidential nominee suggests to CNBC's John Harwood yesterday that while the U.S. would be better off without such a shock in gas prices, he sees higher prices as a good thing.

I don't get it. I just don't get it. We can work together to solve this problem. We can decrease America's dependence on foreign sources. It's a sensible thing to do, and I urge my colleagues to join me in this quest.

DEMOCRATS TAKE ACTION ON RECORD HIGH GAS PRICES AT THE PUMP

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, as the prices at the pump continue to hit record highs, House Democrats know that the American people are struggling with these outrageously high prices. Some people are having to choose between buying gasoline and food. Others cannot afford to go to work.

Before the Bush administration conducted the bombing, the war and the occupation of Iraq, the price of gasoline was as low as $1.35 per gallon. Now it's over $4 per gallon. Oil was $23 a barrel. Now it's over $130 a barrel. There is no way, no way you can convince the American people that the price at the pump is not related to this misguided war and occupation of Iraq.

The effects of the Bush-Iraq recession, and that is what it is, are devastating our economy and wreaking havoc on the lives of families and children. It's time our Republican friends in the Bush administration join us in supporting our legislation to bring down the price of gasoline, and it is time to end the war and occupation of Iraq.

Believe me, this will bring down the price of gasoline at the pump.

HURRICANE SEASON

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, June 1 marked the beginning of yet another hurricane season, and experts have predicted a 90 percent probability of either a near-normal or an above-normal hurricane season. They estimate that six to nine hurricanes will form, including two to five major hurricanes.

Approximately 50 percent of all Americans live along our coasts. As a result of that, millions, millions face great risk associated with these storms that we know are going to be out there. Having a hurricane preparedness plan can help lessen and mitigate some of those dangers.

The National Hurricane Center recommends that people in hurricane-prone areas assemble a disaster supply kit that includes a first aid kit, essential medications, canned foods and at least 3 gallons of water per day per person for the minimum of 3 days. Obviously, extra battery-powered radios, extra batteries, and flashlights are also recommended.

As we have learned in south Florida, the forecasters, meteorologists, and the hurricane specialists at the National Hurricane Center are often the best source of the most valuable and reliable information on preparedness. I urge all Americans to prepare for this hurricane season and to listen to what the forecasters have to say.

STRUGGLING TO FIND JOBS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, we are coming to a moment of truth in a few hours for every Member of the House of Representatives. The truth is that every congressional district across the country, individuals and groups of people are struggling to find jobs in an economy cut down by a senseless, wasteful war, overwhelming energy prices, rising food prices and just bad business fundamentals.

People can't find jobs because there aren't enough of them. The truth is 4 million have exhausted their unemployment benefits already and things could get even worse unless we pass the Emergency Extended Unemployment Compensation Act of 2008.

The truth is the American people elected us to serve them, and the Emergency Extended Unemployment Compensation Act will be a test of whether the Members remember who they really work for, the people or Big Oil. We are hours away from a moment of truth.

Vote for this bill, H.R. 5749, because Americans who work every day and lose their job through no fault of their own are entitled to a helping hand from their government.

HAMMERED BY THE HIGH COST OF FUEL AND GASOLINE

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, families and businesses are being hammered by the high cost of fuel and gasoline. This issue is not a Democratic issue or a Republican issue, it's an American issue. It's an issue that our families and our consumers and our businesses want us to address, and that is the rising cost of gasoline.

A CNN poll recently stated that more than half of Americans are being forced to cut back significantly on their household spending. Another news report stated that 10 percent of the American companies are expecting to cut back their workforce.

One other national company stated that it was cutting 15 percent of its white collar jobs over the next 2 months. Families in my district can barely afford to commute to work. I had one family tell me that between the father commuting to his job, and the mother to her job, and the two children back and forth to college and high school, that they are spending $700 a month on gasoline.

Parents are struggling with buying groceries, food costs. Family farms are struggling. They are trying to get their products to the market with the high cost of fuel, which has tripled. Small businesses are struggling with their services and their products and their customers that have decreased.

The question we have to ask ourselves is what kind of future will our children and our grandchildren have if this Congress takes no action to produce more U.S. energy. The lack of production of sufficient U.S. energy is dangerous for our national economy and dangerous for our U.S. national security.

HIGH PRICE OF GASOLINE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, where is a good Samaritan? My friends are talking about the high price of gasoline. Can you imagine the impact on those who have exhausted their unemployment, people who have built this Nation, hard-working Americans.

Do you recognize that just this past week, unfortunately, with embarrassment, the administration had to announce that unemployment rose 5 percent in April, 5.5 percent in May, 49,000 jobs were lost. Where is the good Samaritan?

That is why today Democrats will stand on the floor of the House and stand alongside of working Americans and extend the unemployment benefits for those families who have exhausted all of their resources, this will go into March 2009, helping the bus driver, the nurse, helping those who are working with their hands, who have families to support, who can barely get gasoline.

Can you imagine being unemployed through no fault of your own, and this administration does not want to offer the extension of unemployment benefits? Today the good Samaritan will be on the floor of the House. We will debate this question. We will pass this bill. The President will sign it, and we will give relief to hard-working Americans.

ENERGY PLAN

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I had a constituent come up to me over the weekend and say Congress has no energy plan. I corrected that person. The Democrats' leadership is no energy.

Just in the last few months, Congress has voted under their leadership to take shale from Colorado and Wyoming off limits for extracting the oil. Last week coal-to-liquid for aviation fuel was banned. The Air Force is not allowed to enter into a long-term contract to buy that type of synthetic fuel. We are going backwards.

The reality is if we bring all of our resources together, yes, conservation, yes, alternative fuels, and open up the resources that we have right here in America offshore where there is a moratorium that Congress can lift, a moratorium that was imposed by Congress on shale oil that can be lifted by Congress, and in Alaska where Congress can lift that moratorium, if we combine all of those resources, we can be free of OPEC. It is time for a real energy policy where we free our resources for American-made energy.

REPUBLICAN LEADERS OPPOSE OUR EFFORTS TO LOWER RECORD HIGH GAS PRICES AT THE PUMP

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, yesterday gas prices hit an average of $4.04 a gallon, a new historic high. While Democrats are taking action to lessen our dependence on foreign oil and lower prices, Republicans continue to repeat the same old rhetoric, continue drilling in ANWR, even though the President's own Energy Department has concluded that opening up the Arctic for drilling would not reduce the price of gasoline for another 20 years, and then it would only go down by about 1 penny per gallon. That's not an energy plan to be proud of.

From day one this Democratic Congress has been fighting to reduce our independence on foreign oil, bring down record gas prices and launch a cleaner and smarter energy future. We passed bills holding OPEC and oil companies accountable for price fixing, investing in renewable energy for green jobs and cracking down on price gouging by oil companies.

The only problem is that we are not getting enough support from either House Republicans or from President Bush. How high are prices going to actually have to get before Republicans support these important bills?

AMERICAN-MADE ENERGY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, it's a curious debate that we have in these 1-minutes. Democrats are bringing to the floor unemployment insurance and they will bring to the floor helping people with heating costs and cooling costs.

The real job creation engine would be American-made energy with a couple of provisions. Since 1994 on votes on the floor of this House, on ANWR exploration, Republicans have supported 91 percent of the time, House Democrats have opposed ANWR exploration 86 percent of the time.

On coal-to-liquid technologies, House Republicans have supported that 97 percent of the time. House Democrats have opposed taking American coal, American energy, turning it into liquid fuel. They have opposed it 78 percent of the time.

On oil-shale exploration, House Republicans have supported it 90 percent of the time. Democrats have opposed 86 percent. OCS, Outer Continental Shelf, House Republicans have supported it 81 percent of the time since 1984. House Democrats have opposed it 83 percent of the time. On refineries, building new refineries, House Republicans have supported 97 percent of the time, House Democrats have opposed 96 percent of the time.

□ 1045

AMERICAN-PRODUCED ENERGY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to discuss the importance of using American-produced energy.

A new survey of 1,000 Americans nationwide conducted by American Solutions reveals that 81 percent of Americans support using American-produced energy, including the oil and coal already here, to combat the rising cost of energy and reduce dependence on foreign energy sources.

It also shows that 69 percent of Americans support using domestic energy sources, including the oil located off our coast and in Alaska. With gasoline prices averaging $4 a gallon nationwide, now is the time to increase American-produced energy.

Clear majorities of Americans of every political and ideological stripe advocate that the U.S. tap into its voluminous energy resources.

Despite the commonsense logic of increasing production of American-produced energy and the strong support of the American people for tapping into those resources, 86 percent of House Democrats have historically voted against increasing the production of American-made oil and gas.

It is time for our friends across the aisle to join with us, the 90 percent of House Republicans who have always voted to increase energy, to join with us to do this.

DRILLING IN ANWR

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, Democrats like foreign energy. I don't know why they like foreign energy because if we are dependent on foreign energy, since we import 60 percent of it now, it is a national security risk.

You have to ask what area of land have the Democrats agreed to explore. You have to ask that question. When 62 percent of our domestic onshore energy supplies are locked up because of Democrat regulation, and 85 percent of our offshore energy supplies are locked up because of Democrat regulation, you have to ask yourself what can we do.

You know, if you started drilling in ANWR, and remember, President Clinton vetoed that 10 years ago. That would have reduced your gas prices now probably 10 to 15 cents; nobody actually knows. But what would ANWR be. Put it this way, if ANWR was a basketball court, because it is the size of South Carolina, but just to give a word picture, if it were the size of a basketball court, the drilling area would be a business card. Fanatical extremists have locked that up.

If you announced right now that we are going to start drilling in ANWR, you could get oil out of there within 3 years, according to Don Young, but the announcement alone would send a message to the foreign markets that America wants to wean itself from foreign gasoline. And, therefore, the price of energy would go down because that is how business works. When there is a little competition, your price comes down.

ANWR is the size of a business card on a basketball court.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008.

The SPEAKER pro tempore (Mr. PALLONE). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1253 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 6003.

□ 1049

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes, with Mr. MORAN of Virginia in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we stand on the threshold of a transformational moment in the history of intercity passenger rail service in America.

There was an earlier such moment. That was Amtrak, the creation of the Passenger Rail Corporation in 1970 when the freight rail interests of America gradually had been abandoning passenger service, discontinuing lines, discontinuing less-than-carload service, discontinuing the overnight railway Post Office service aboard intercity passenger rail. And as the RPO was discontinued, the passenger portion of the rail service became unprofitable and the railroads one by one appealed to the Interstate Commerce Commission for discontinuance authority, to discontinue service on that portion of the line. And gradually, passenger rail service disappeared from the landscape until finally the Federal Government was left holding the bag, if you will, and created, through act of Congress, the passenger rail service we know today as Amtrak.

But over the intervening years, Amtrak was never given the funding it needed to improve the track, the rail bed, to improve the rolling stock, and to operate independently from freight rail service on the lines and corridors where passenger service operated. And especially over the last dozen years, we have seen declining investment in Amtrak's operations, and in the last 6 years we have had at least one bankruptcy budget submitted by the administration, candidly stated so by the Secretary of Transportation. But with a combination of Republicans and Democrats looking to the future, we have been able to just keep Amtrak's nose above water during these intervening years. Today, we change that model.

With passage of the Passenger Rail Investment and Improvement Act, we will transform the future of intercity passenger rail in America.

We heard all this morning from the one-minute speeches, the price of a gallon of gas breached $4 a gallon for the first time in history. The American Automobile Association says gas prices have gone up more than 10 percent in the last month and a dollar in the past year. Those prices are reverberating across the Nation, changing people's travel patterns and habits and causing them to look more to transit, and transit across the country has exploded in its growth.

Last year we added more than a million new passengers to transit services a day across this country for 375 million new transit trips last year. Amtrak has similarly experienced enormous growth.

Our airlines are cutting back. Eight airlines since December of last year have shut down. One filed for bankruptcy, largely because of rising fuel costs. Fuel now represents 40 percent of the airline industry's expenses. A small increase in gas prices, and I know that a dollar a barrel increase in the price of oil for Northwest Airlines causes an increase in cost to that airline of $42 million. You can increase that by 50 percent more for Delta, and double that for United and American. That means less competition, less mobility, and higher prices for our fellow citizens.

The Department of Transportation says vehicle miles traveled in March fell 4.3 percent from last year. That is the first time we have seen a drop in miles traveled on public roads in over 30 years.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBERSTAR. I yield myself an additional 2 minutes.

The Center for Housing Policy says that working families in large metropolitan areas spent nearly a third of their income on transportation. That means families are not able to buy homes, they are not saving, they are not investing in their children's education, they are spending it on transportation.

People are beginning to realize, just as they did in the days after September 11, that Amtrak service to move people from one city to another, is vitally important. One full passenger train can take 250 to 350 cars off the road. Intercity passenger rail removes 8 million cars from the highways every year and eliminates the need for 50,000 fully loaded passenger airline trips each year.

Amtrak in the Northeast corridor has 56 percent of the air-rail market between Washington, D.C. and New York City, 43 percent of the market between New York and Boston. And now we come to the American public, perhaps 20 years too late, but just in time with the legislation before us today that will upgrade passenger rail intercity service.

There is $14.9 billion authorized in this bill to rebuild Amtrak, construct high-speed rail corridors across the Nation, and I won't go into the specifics of it.

At this point I simply want to express my deep appreciation to the gentleman from Florida (Mr. MICA) who extended his hand of cooperation, his enthusiasm for rebuilding passenger rail service in this country with some innovative ideas and a willingness to join hands and bring a truly bipartisan bill to the House floor, and to the gentlewoman from Florida (Ms. CORRINE BROWN) the Chair of the Rail Subcommittee who has been Amtrak's most vigorous cheerleader and advocate.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBERSTAR. I yield myself an additional 30 seconds.

She did a Harry Truman-style whistle-stop tour on Amtrak when it was just about to go under and joined forces with a bipartisan initiative to save the funding for Amtrak. And Mr. SHUSTER from Pennsylvania who has been a true partner in shaping this legislation today; his ideas and contributions have been enormously valuable.

We bring to America an opportunity to join the rest of the world in world-class, intercity high-speed passenger rail service. And again, I thank the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must pay tribute to the chairman of our full committee, Mr. OBERSTAR, at this juncture. He began his remarks by saying this is a very historic occasion. And, indeed, for rail passenger service in the United States, this is a watershed moment.

I have been one of the harshest critics of Amtrak. I don't think I have ever voted for an Amtrak appropriation or authorization. In fact, we have not done an Amtrak reauthorization in Congress since 1997. And through the leadership of Mr. OBERSTAR, Ms. BROWN, Mr. SHUSTER from Pennsylvania, today we have for the first time probably one of the most dramatic changes in rail passenger service proposed before the United States Congress in its history. This is really evolutionary because we have taken in a bipartisan fashion some of the desires, some of the ideas from the Democrat side, we have combined it with some of the ideas and initiatives proposed by the Republican side, and melded it into a piece of legislation.

Nothing could be more fitting to bring before the Congress today, on a day when gasoline has reached $4.05 a gallon across the United States on average, nothing that this Congress has considered to date that I know of will have a more dramatic, positive effect on the environment, and helping to change also the patterns of travel and the consumption of fossil fuel than this legislation proposed here today, and it is a bipartisan effort and I thank all of those involved for that.

Let me first address some of the concerns expressed by my administration. My administration has raised some concerns, one about the cost. Yes, the cost is higher; but for the first time we bring forward a program that doesn't just benefit Amtrak and an old Soviet-style train operation, it brings passenger rail service into the 21st century in the United States. It allows free enterprise and the best private sector initiatives to come in and help design, construct and finance high-speed rail service first in the Northeast corridor, but not just to the Northeast corridor, throughout the United States of America.

□ 1100

It takes ideas like Mr. SHUSTER brought forward also, also Ms. BROWN contributed too, in taking some of the money-losing operations. And I've been a critic. We subsidize every ticket on Amtrak right now at $50.60, $50.60 for every ticket.

But what we do is we look at what the best solutions are, the best innovative private sector practices, and taking the money-losing operations and giving them a chance to succeed, to lower the cost to the taxpayers, and to provide service in public/private partnerships, and also partnerships with the State governments. Where we need service, we'll get service, and we have to help pay for service.

Now, people are saying this bill may be too much. That's bunk. $14 billion over 5 years?

I'll give you two projects, let me just give you two transportation projects that, one I visited a week ago in New York, a tunnel from Long Island Railroad down to Grand Central Station. $7.2 billion for one line.

The Federal Transit Administration just approved approximately $5 billion to extend 21 miles of light rail with the Dulles extension, 21 miles, $5 billion. Those two projects are equivalent to what we're talking about spending for a nationwide passenger rail system.

And also launching the first high-speed rail effort in the United States. Right now we don't have that. Amtrak Acela, they do their best, they run 83 miles an hour. But we need a dramatic investment in that route to get high-speed service. It's going to cost money, and Congress doesn't have to provide all the money.

Everybody finally woke up to the fact that, with the private sector involvement, we can create high-speed service, separate the traffic, improve commuter service in one of our most congested corridors. Commuters will do better, improve freight traffic. Freight traffic in the United States for rail moves at an average of 23 miles an hour. That's pitiful in a Nation like this.

So, finally, this proposal takes, I have a little diagram here. This is what we have across the country, from sea to shining sea. Congestion. And what we want to have is not just Acela, which runs at 83 miles an hour, the Japanese bullet train runs at 180 miles an hour. Maglev has gone 350 miles an hour. I've ridden it at 269 miles an hour. In China. That's where they have high-speed magnetic next generation technology. Not United States but in China. That's pitiful today.

What we do is we take an asset. Finally, this is an asset the public all owns. It's part of Amtrak. It's from Washington to Boston through New York City.

It's time that we stopped sitting on our assets. This is one of the most valuable assets that the public owns, that Amtrak owns, develop that to its maximum capability.

And finally, the benefits. We'll relieve northeast corridor congestion. We can take passenger cars and trucks off the highways.

The other thing is 75 percent of our delays in the air system that radiate throughout the entire United States start in the New York City airspace, in that Northeast airspace. So the first time we have a solution to deal with freeing up that airspace. It'll have positive economic development, reduce air pollution and emissions.

No project is more friendly to the environment than what we're proposing here today. We'll have reliable transportation alternatives, enhanced commuter and freight operations in that congested but important corridor.

I reserve the balance of my time.

Mr. OBERSTAR. I yield 5 minutes to the distinguished Chair of our rail subcommittee, Ms. BROWN.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I've got to say that one of the joys of serving in this Congress is serving on this Transportation and Infrastructure Committee with Mr. OBERSTAR, who is the guru of transportation, not just for Amtrak, but every single area of transportation. And for helping to develop this Amtrak bill. Eleven years without a bill. The last authorization was 11 years ago.

And of course I want to thank Mr. MICA for his leadership in this area, and Mr. SHUSTER, and also Mr. LATOURETTE, because I want people to know that we didn't just come up with this bill today. This is a bill we've been working on for years. And this is an exciting day for the American people, a real milestone.

The Passenger Rail Investment and Improvement Act provides over $2 billion per year for capital and operational grants, $500 million per year for developing State passenger corridors, $345 million per year to pay down debt, $345 million per year for high-speed rail programs, and requires a plan for restoring service to the Sunset Limited Line.

Amtrak's improved physical state and recent focus on customers service, along with increased highways and airport congestion and rising gas prices, have made intercity passenger rail more popular and necessary than ever.

In Fiscal Year 2007, Amtrak carried more than 25.8 million passengers, the fifth straight fiscal year of record ridership. Like its ridership gains, Amtrak's financial performance has improved as well, posting approximately $1.5 billion in ticket revenue, a gain of 10.8 percent over 2006 ticket revenue, and the third consecutive year that ticket revenues increased.

More than just a convenient way to travel, Amtrak is also energy efficient. Rail travel is more energy efficient and uses less fuel than cars or airplanes. According to the U.S. Department of Energy data, Amtrak is 17 percent more efficient than domestic airline travel and 21 percent more efficient than automobile travel.

And let me just say that there is no mode of transportation that pays for itself. We all subsidize every form of transportation.

Current initiatives include a more sleek model, more efficient Auto Train fleet, reducing annual fuel usage by 640,000 gallons, and remanufacturing brake systems throughout the Amtrak fleet that will reduce energy consumption by 8 percent.

Passenger rail also reduces global warming. The average passenger rail train produces 60 percent lower carbon emissions than cars and 50 percent less than airplanes.

On May 10, Amtrak celebrated National Train Day by holding events throughout the country, over 60, to be exact, showcasing intercity passenger rail and its importance to this Nation. I celebrated National Train Day by holding events throughout my district, including press conferences and events in Jacksonville, Winter Park and at the Sanford Auto Train station. Every event had great turnout, showing strong support for Amtrak, and I got to hear firsthand accounts of people who use Amtrak every day to go to work, to visit friends and family all over the country.

Congress also showed strong support for Amtrak and passenger rail by passing legislation supporting National Train Day by 415–0.

Fifty years ago President Eisenhower created the national highway system, which really changed the way we travel in this country. Today we need to do the same thing with passenger rail, and make the level of investment necessary for it to become more successful in the future.

The American people deserve the best passenger rail in the world, and I believe that this Amtrak authorization will go a long way to raise the U.S. to its rightful place as a world leader in passenger rail.

Passing of H.R. 6003 will be the first major step in bringing our Nation's intercity passenger rail system to the 21st century. I encourage all of my colleagues to vote for the Passenger Rail Investment Improvement Act.

Mr. MICA. I'm pleased to yield to the ranking member of the Rail Subcommittee, Mr. SHUSTER from Pennsylvania, a total of 6 minutes; 5 minutes for his presentation and 1 minute for a colloquy with the gentlelady from Ohio.

Mr. SHUSTER. Mr. Chairman, today Congress can finally do something positive when it comes to energy, the energy situation in this country, and that is to pass this landmark legislation, The Passenger Rail Investment Improvement Act of 2008.

With gas prices today at $4 a gallon, we, on both sides of the aisle, can join together and move to improve passenger rail in this country. And it is, as I said, something that will be a positive for the energy situation.

When you look at the airlines, they consume 20 percent more energy per passenger mile than Amtrak does to move a passenger. Passenger cars consume over 27 percent more energy per passenger mile than Amtrak. Amtrak is the most efficient way to move large numbers of people in our country today. So this is going to help with the energy situation. It's a positive step in the right direction. We still need to do much more but this is a positive step.

The other situation that we're facing in this country is a growing population. It took, we just recently crossed over the 300 million threshold in population in our country. It took us 65 years to go from 200 million to 300 million. It'll take us just 35 years to go from 300 million to 400 million.

And if you look around the country, and what I have is a chart that shows these corridors throughout the country. This is where the population density is going to get even thicker and more dense throughout this country. And this is where we're talking about down the road expanding high-speed rail across the country to help move passengers, to get people out of their cars, to move them efficiently, to get them into our major urban areas and get them out again and get them between major urban areas.

So, as I said, as the population grows, Amtrak can be there with intercity travel helping us to move people. And people are desperate to get out of their cars, I believe, especially when you're traveling to and from. I know in Pennsylvania we've had a fantastic partnership between the State and Amtrak to establish the Keystone line. It travels over 100 miles an hour, and gets you from Harrisburg, the State Capitol to downtown Philadelphia in about an hour and 35 minutes, an hour and 40 minutes; no messing with traffic, no congestion.

Once again, the American people, I think, will get out of their cars and get on this intercity travel if we establish a system that works, a system that moves people fast and conveniently.

Three provisions in this legislation that I'm very pleased to see we've put in here. First, a private partnership with Amtrak, the Department of Transportation, identifying two of the worst performing lines in the country and putting them out for bid, allowing the private sector to come in and take those lines over and have a hand at trying to make them more efficient, trying their hand at finding ways to improve rail traffic, to decrease costs. So I'm very pleased that that's in here.

Second, a private partnership that we're looking at is, as my colleague from Florida stated, to re-establish a line that has been abandoned by Amtrak, that's no longer in service, to have the private sector come in and around the country see where one of those lines are and to re-establish that.

And third, as the gentleman from Florida talked about the Northeast Corridor, putting a request for a proposal in to have private industry come in in a partnership to look at how much it's going to cost us to take the Northeast Corridor and truly make it a high-speed rail corridor from New York City to Washington, D.C., traveling in 2 hours or less, which is something that, once again, I believe that the American people will embrace.

So for my colleagues that we've debated on this floor, I've watched debates for the last 20 years on this floor. There's always been an argument; can the private sector do it better. No, the government has to do it. Well here we're going to have some tests. We're going to have I believe some positive results in a public/private partnership that we'll be able to look to be able to expand passenger rail in this country. So I'm very pleased with that.

One thing I do want to point out in this that I've heard a lot of talk, that this legislation does not change Davis-Bacon law. There are people running around town here saying that this does change Davis-Bacon law. It does not change Davis-Bacon law. So for any of my colleagues that wish to have a discussion with me on that, I'm happy to do that. But I want to make sure that that's been pointed out here.

And finally, I want to say thank you to the chairman for his goodwill and his allowing me to put some of my ideas in this legislation. Also Chairwoman BROWN and our partnership on the subcommittee. I appreciate her leadership. I thank you both very much.

And also to Mr. MICA for giving me the opportunity to be the ranking member and also including me deeply in all the discussions as we were able to craft this legislation.

So I would encourage all my colleagues to support this today. This is something positive we can do for America, a positive step we can take to help with our energy situation. And I think it's just a win/win for everybody in America today as we move forward to establish some high-speed rail corridors around this country.

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I yield to the gentlewoman from Ohio.

Mrs. SCHMIDT. Mr. Chairman, I rise to engage in a colloquy with Ranking Member SHUSTER.

Ranking Member SHUSTER, I deeply appreciate the opportunity to discuss a very important matter to the future of Amtrak. As you are aware, Amtrak was formed by private shareholders who gave Amtrak their assets in exchange for ownership of the railroad. You were also aware that even though the Congress has previously insisted that these shares be redeemed, Amtrak has failed to act.

I would deeply appreciate it if you would work to address this issue in conference. These shareholders have been held hostage for decades. Our government has hijacked their investment, and they deserve restitution. This is not a new issue but still a major impediment to the future of Amtrak.

I thank you and subcommittee Chairwoman BROWN for your work on these issues. I ask that you work to fix this continuing problem before it becomes even more complicated to solve.

Mr. SHUSTER. I appreciate the gentlewoman from Ohio bringing this issue to the forefront. We had discussed this in committee while putting this legislation together, but it is not addressed in the underlying legislation, and I certainly believe it's an important issue that needs to be resolved; and I will be pleased to work with you and other members of the committee to try to address this situation.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland, the Chair of the Coast Guard Subcommittee (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise today in strong support of the Passenger Improvement Act, and I applaud Chairman OBERSTAR, Chairwoman BROWN, Ranking Member MICA, and Ranking Member SHUSTER for their hard work on this critical and very, very important piece of legislation.

Despite the many challenges it has faced in recent years, Amtrak's ridership has grown for 5 consecutive years and revenue from ticket sales has grown for 3 years. Year after year Amtrak has proven that it is an invaluable asset to the American public and a critical part of our transportation network.

Recognizing the vital service that Amtrak provides, Congress has repeatedly provided a level of annual funding support that has exceeded the President's request. However, this funding has not been sufficient to maintain Amtrak's infrastructure in a state of good repair or to enable Amtrak to become a truly modern national rail service. By passing this legislation, Congress will finally take the necessary steps to enable Amtrak to modernize all aspects of the service, including revitalizing infrastructure on the Northeast Corridor.

As part of that effort, H.R. 6003 supports the redevelopment of tunnel infrastructure in and around my City of Baltimore and the Potomac tunnel. Opened in 1873, the B&P tunnel's outdated design imposes a number of speed and height restrictions on trains and significantly slows travel time between Washington and New York. There are several studies underway to assess possible new rail alignments through Baltimore, and this bill authorizes $60 million to support the determination of the final alignment by 2023.

Modernizing rail alignments in Baltimore is essential to improving service between our Nation's Capitol and all of the States in the Northeast Corridor.

I thank Chairman OBERSTAR and I thank Chairwoman BROWN for working with me to address this very critical issue of national importance. I also applaud them for ensuring that at the same time H.R. 6003 makes significant investments in Amtrak, the bill takes appropriate steps to demand accountability of Amtrak for these investments, including requiring Amtrak to implement a modern financial accounting and reporting system not later than 1 year after the date of H.R. 6003's enactment.

I urge my colleagues to support this long-overdue legislation to provide the investments we need to ensure that America has a safe, effective, and efficient passenger rail system for years to come.

Mr. MICA. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished former Chair of the Rail Subcommittee and current ranking member of the Coast Guard Committee, one of the leaders of the Transportation and Infrastructure Committee, the gentleman from Ohio (Mr. LaTOURETTE).

Mr. LaTOURETTE. I thank the chairman of the committee, and I thank him for yielding.

Mr. Chairman, this is my 14th year in the Congress. This is the first year that we've not had a major dustup over Amtrak, and that is a direct credit to the hard work on our side of Mr. SHUSTER and Mr. MICA, and on the Democratic side to Chairwoman BROWN and the chairman of our full committee, who Ms. BROWN has referred to as the guru of transportation. And I think this bill is one that deserves every Member's support.

I was glad that Chairman OBERSTAR, in his remarks, talked about the high cost of fuel and gasoline, and he talked about airlines. And I just want to throw another one in. Continental Airlines is a big carrier in my part of the world. They just announced they're going to lay off 3,000 people out of a workforce of 54,000. And in talking to them, their jet fuel costs in the last year have gone up $2.3 billion. And if you think about what $2.3 billion means, translated over the workforce, it means that if fuel hadn't gone up by that amount, everybody that works for Continental Airlines could have gotten a raise of $50,000. I mean, we're talking real money.

I just left a presentation by Michael Ward, the CEO, President and CEO of CSX, and his new advertising campaign as he attempts to convince those of us in Ohio and West Virginia and Pennsylvania and Virginia and Maryland to build the national gateway project. They can take a ton, a ton of cargo from Cleveland, Ohio, to Baltimore, Maryland, on a gallon of diesel fuel. Now, that is where we should be making our investments, and if we can do it with freight, we can certainly do it with passenger rail.

I'm excited about this bill not only because we're going to stop the sort of nitpicking that's gone on here about how much Amtrak could get as a Federal subsidy. I've been here when we had the administration send up zero as the Federal contribution; I've been here when they sent up $500 million. I think this year they sent up $800 million when everybody agrees that that's not sufficient.

The chairwoman and I have traveled the world looking at passenger rail systems. There is not a passenger rail system in the country, in the world, that makes money and doesn't rely on their government to make a contribution.

We have a societal choice. We can either have people get in their car and pay $4.05 a gallon for one person listening to the radio, or we can convince them that for trips of 400 miles or less that passenger rail is a viable alternative in this country. And Mr. MICA's vision of high-speed passenger rail is a viable alternative in this country, and they can get from point A to point B in a cheap, clean, environmentally friendly way; and this bill moves us in that direction.

So congratulations, I think, go around to Mr. MICA, Mr. SHUSTER, Ms. BROWN, and Chairman OBERSTAR.

We should be embarrassed, Mr. Chairman, as Americans when you look at what the Asians and the Europeans are doing with passenger rail that we have such a sad state of affairs in the United States of America. It's time to stop it, and I just want to thank all four of the leaders of our committee for including a proposal to make a real commitment for the first time in the history, of recent history of passenger rail to the Midwestern part of this United States.

And I know, I know for a fact that if we put the Federal resources to build a high-speed rail line from Cleveland to Columbus to Cincinnati, people would beg, would beg to be on that train for 120 miles an hour to get their business done.

My congratulations. Good bill. We all need to vote for it.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

I want to express my appreciation both to Mr. SHUSTER for his comments and to Mr. LaTOURETTE for his observations. But it must also be added that in the bleak years of those starvation budgets for Amtrak, the gentleman from Ohio was out front with Ms. BROWN and myself advocating for increased funding for Amtrak.

If you look at the New York Times today, the gentleman referred to the price of fuel. Every increase in the price of fuel, already up 84 percent compared with last year, increases pressures on airlines. We have to pump 7,000 gallons into a 737 and 60,000 into a 747.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBERSTAR. Mr. Chairman, I yield myself another 15 seconds.

So airlines are doing a whole host of new initiatives including washing their engines frequently. They get grime out of the engine which increases efficiency. And they're cutting back on a whole host of things like less water onboard aircraft for the lavatories, and they're trying to cut the paper manuals for the pilot and copilot in half to save weight onboard the aircrafts. It's all reported in today's New York Times and are things we've known on the committee.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBERSTAR. Mr. Chairman, I yield myself another 15 seconds.

Today's bill puts us on course to do the right thing for the American public. Save fuel. Save the impact on the environment. Move people more efficiently.

Now I yield 2 minutes to the distinguished gentleman from the land of high-speed intercity rail passenger service, the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I rise today in strong support of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. With over 21,000 miles that has already been mentioned of track in the United States and 44 routes throughout America, this reauthorization measure is sorely needed, and Chairman OBERSTAR and Chairwoman BROWN deserve a great deal of credit and thanks for their hard work and their efforts on this, along with my minority colleagues that are supporting this effort.

This legislation, as noted, will make improvements to existing lines throughout the country and in California. California provides over $70 million a year for intercity rail. We have the second, the third, and the sixth most frequently used corridors in the Nation. As a matter of fact, when people think about California, they think of the land of cars. But the fact of the matter is is that we have more intercity passenger ridership in California than any other State in the Union.

In my district, the Amtrak San Joaquin lines run from Bakersfield to Oakland to Sacramento. It's the sixth busiest corridor in the country and had nearly 800,000 riders in fiscal year 2006.

California, of course, obviously is not alone. This bill that Chairman OBERSTAR and Chairwoman BROWN have been working on so hard and diligently, the RIDE 21 Act, will promote the development, construction, and the potential for high-speed rail, which is the transportation system that I think is a part of America's 21st century intermodal, interconnected system that will be the state-of-the-art system that we will depend upon.

Our friends in Europe and Japan have had great success with developing over

6,000 miles of high-speed rail in Europe and over 2,000 miles of high-speed rail in Japan, and it is expanding. This is fourth generation state-of-the-art technology that we can have off the shelf. We don't have to reinvent the wheel.

This November in California we will have a $9 billion bond measure that will help us implement the first state-of-the-art high-speed rail system, 790 miles, trains that will go 225 miles an hour connecting 80 percent of California's population. This measure will be a big shot in the arm to help this State.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBERSTAR. Mr. Chairman, I will yield an 30 additional seconds.

Mr. COSTA. This measure will give an added shot in the arm to assist California and other States throughout the country that want to implement, choose 21st-century state-of-the-art high-speed rail within their States. There are 11 corridors there. This notion that, in fact, we are giving a subsidy makes no sense. Every system of transportation in this country, roadways, airlines, freight, rail, and ports and harbors have had a public partnership, and there is a subsidy in them. And to think that we would not do anything less than that for rail in this country, for passenger rail, makes no sense.

I urge all of my colleagues to support these good measures for all of the right reasons.

Mr. MICA. Mr. Chairman, I would like to yield 3 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I appreciate my colleague, Mr. MICA, yielding to me.

I rise in support today of H.R. 6003, the Passenger Rail Investment Improvement Act, because we can't afford our Nation's rail service to fail. Our economy depends on it, and the September 11 terrorist attacks made clear that our country can't rely on one mode of interstate public transportation.

Amtrak hasn't succeeded because it is underfunded, its line serves too many areas which don't need service, its customer service is poor, and it lacks imagination and creativity.

I am pleased this legislation begins to address Amtrak's funding needs by providing more funding for capital improvements in operations and encouraging private sector participation, which I think is huge.

I do, however, have concerns about writing Amtrak a check with no strings attached. Increased financial reports must be linked to the reforms. We must take a hard look at profitable lines across the country, and we must have a clearer sense of Amtrak's business plan.

Mr. Chairman, the inconvenient truth is the transportation infrastructure in our country is broken. We have not maintained our commitment to our roads and highways and public transportation systems, and as a result, our transportation system, particularly rail, is failing. Making passenger rail a viable option for commuters will get cars off our congested highways, reduce the stress on our aging roads, and decrease oil consumption.

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Another inconvenient truth is the rising cost of oil which is driving the cost of gasoline to new highs on a daily basis. Investing in energy efficient rail reduces our reliance on foreign oil and is a step in the direction towards energy independence, a step we should have been taking after the terrorist attacks on September 11, 2001.

It is critical we conserve our fuel and develop the resources and technologies that will make us energy independent.

We are at a crossroads regarding our transportation infrastructure. I believe the time is right for an increased commitment to efficiency, on our highways, in our public transportation systems, and in our consumption of oil and the use of energy.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Thank you, Mr. Chairman, for yielding.

Mr. Chairman, today I rise in strong support of H.R. 6003. I commend Chairman OBERSTAR, Chairwoman BROWN, Ranking Members MICA and SHUSTER for this bill.

This bill provides a vision for the future of passenger rail in the U.S. It provides the necessary investments to modernize our antiquated system.

Of special significance is section 217 which provides significant resources to Amtrak and to the States to address key chokepoints that slow down travel and commerce and cause unnecessary pollution from stalled trains. Illinois has already dedicated more funding to improve Amtrak's service. So I am pleased that the committee report addresses several critical bottlenecks reported by Amtrak that affect Illinois residents, including the Heritage Corridor line, which links Chicago to Joliet, as well other key routes from Chicago to Carbondale, Detroit, Michigan, and Porter, Indiana.

Mr. Speaker, H.R. 6003 puts American passenger rail back on track, and I look forward to continuing to work with my colleagues and Amtrak to improve and expand passenger rail service in our country. I urge passage of this visionary bill.

Mr. MICA. Mr. Chairman, may I inquire as to how much time remains on each side?

The CHAIRMAN. The gentleman from Florida has 12 minutes remaining, and the gentleman from Minnesota has 12 minutes remaining.

Mr. MICA. I have at this time no further speakers. I will reserve the balance of my time for my closing remarks and whatever time that Mr. OBERSTAR chooses to take, or if he needs additional time, I will be glad to assist him.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, the Passenger Rail Investment and Improvement Act of 2008 is a great piece of legislation. I want to commend Chairman OBERSTAR and Chairwoman CORRINE BROWN. I know how hard you worked on this the last several years, both of you, and of course, Ranking Member MICA and Mr. SHUSTER from Pennsylvania.

The need for a strong, national passenger railroad system grows daily. The price of oil has reached $140 per barrel.

On the ground, congestion on our interstates mounts with increases of commuters and the movement of goods. In the air, many of our Nation's airlines are cutting back the number of planes and, therefore, the capacity by 10 to 20 percent. The American people need and deserve an alternative to driving their automobiles and traveling by airplane.

This legislation would bolster the fortunes of our intercity passenger rail system and put Amtrak on the path to success.

In addition to procuring new rolling stock and meeting its labor commitments, under this bill Amtrak would be able to make needed improvements to the heavily trafficked Northeast Corridor, NEC.

My home State of New Jersey and Amtrak have had an interesting, symbiotic relationship. The Northeast Corridor rail operations are important for New Jersey's economic growth and our competitiveness, as the NEC is the spine for New Jersey Transit's commuter rail system. Both Mr. OBERSTAR and Mr. MICA have come, seen. They understand what the situation is in terms of our relationship to economic growth. Eighty percent of all New Jersey Transit riders use the Northeast Corridor, nearly 200,000 daily trips.

New Jersey Transit is the major operator on the NEC, operating 385 trains per day to Newark, New York, and the 30th Street Philadelphia Station, as compared to Amtrak's 110 daily trains.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. OBERSTAR. I yield the gentleman 30 additional seconds.

Mr. PASCRELL. Accordingly, the State of New Jersey has invested more than $1.8 billion in the NEC for Amtrak stations like the Newark Airport Station, as well as for capital investments that benefit both Amtrak and New Jersey.

This is a great relationship. New Jersey's putting up its money, and the Federal Government now is leveraging that money. This is what it is all about, if we could get States to partner in what we're trying to do. That's why I commend the leadership on both sides.

New Jersey has a major interest in the success of the corridor. This stake will increase going forward as we work with Amtrak, the FTA, the FRA to build this critical infrastructure. The new tunnel that we're going to invest in through the Hudson River is just another way.

I want to thank both sides for this great legislation. I wish you both well.

Mr. MICA. I continue to reserve the balance of my time.

Mr. OBERSTAR. I yield 3 minutes to the distinguished gentleman from Colorado (Mr. SALAZAR), and before the gentleman, I yield myself 10 seconds to observe that the gentleman who just spoke representing New Jersey, New Jersey is the only State in America to have achieved a mode shift of 10 percent of all travel by transit. If the rest of America would do that, we would save 550 million barrels of oil a year, the amount we import from Saudi Arabia.

Mr. SALAZAR. I want to thank the gentleman from Minnesota for yielding, and I would like to recognize him as a real leader in our rail transportation system. Chairman OBERSTAR, Chairwoman BROWN and Ranking Member MICA and our Ranking Member SHUSTER, I want to thank you for your exceptional work and leadership on this important bill.

Mr. Chairman, I rise today in support of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008 and urge swift passage on this measure.

H.R. 6003 is long overdue, and it has been nearly 11 years since Congress has authorized funding for Amtrak. And without sufficient funds, Amtrak has been forced to operate with its hands tied. Maintenance and legacy projects have been delayed, and salaries have been frozen, and infrastructure has been deteriorating.

Improving our passenger rail system is critical. It will mean better service reliability, reduced trip times, added capacity, and less congested highways.

I am also pleased that this bill addresses high-speed rail. A number of us had the opportunity to travel with Chairman DEFAZIO and Chairwoman BROWN and Ranking Member MICA to Europe several months ago, where we saw the advancements that have been made in various modes of transportation, notably high-speed rail. I think it is unacceptable that this country is so far behind other countries in this area.

We also saw how public and private partnerships work to be successful. Given the current budget constraints, we need to keep all funding options on the table, including these partnerships.

H.R. 6003 is a good bill that will allow for necessary improvements to be made to our Nation's transportation network. Hopefully, some day, we can have a high-speed rail system that will connect Denver to Grand Junction and all the ski areas in between. It will connect Fort Collins, the Pueblo, along the front range of Colorado.

I carefully support this beautiful piece of bipartisan legislation, and Mr. Chairman, I want to commend you for your strong leadership. I am proud to be a member of this bipartisan committee that works to improve America's transportation problems.

Mr. MICA. I continue to reserve the balance of my time.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Thank you, Mr. Chairman.

I rise in support of this bill to reauthorize Amtrak, create a State grant program for intercity passenger rail, and invest in high-speed rail corridors. I want to thank the chairman, JIM OBERSTAR, and CORRINE BROWN and Ranking Members MICA and SHUSTER for moving this bill, which is long overdue.

For years, Amtrak has been underfunded and threatened with bankruptcy. For the last several years, Amtrak has received just enough money to maintain its system while many critical capital improvements have had to be postponed. As of 2005, Amtrak had a backlog of $4.2 billion in capital investments, which rises to $6 billion if you include the necessary bridge and tunnel improvements. Even with adequate funding, it will probably take 10 years to complete the work to bring the system into a state of good repair.

We cannot afford to play catchup with our rail transportation system, certainly not as gas prices continue to skyrocket. We have to look for ways to reduce greenhouse gas emissions to combat global warming. We should be shifting people from cars and airplanes onto rail.

This bill is also of particular benefit to the Northeast and to New York. In addition to the investments in the Northeast Corridor, the bill authorizes $2.5 billion for a new State capital grant program for intercity passenger rail projects. I am particularly thankful to the committee for structuring this program so that projects such as the Moynihan Station project in New York City are eligible to apply for these grants. Penn Station in my district is the largest station in the passenger rail network and is the hub of the Northeast Corridor. It is basically at capacity. If we are to increase rail traffic, we have to look beyond just the track space between cities to improving the stations at the end of the line. I would like to thank Chairman OBERSTAR for working with us to ensure that the language was written in such a way that projects like Moynihan Station are eligible.

Investing in high-speed rail is an urgent issue. We must accelerate investment in our rail infrastructure. This bill finally starts to authorize rail investments at an adequate level. It makes eminent sense as part of a national energy and transportation policy. I urge all of my colleagues to support it.

I thank again the chairman and the ranking member.

Mr. MICA. I continue to reserve.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank the chairman from Minnesota; the chairwoman, Ms. BROWN; of course, our ranking members, Mr. MICA and Mr. SHUSTER, for the leadership that they provided in moving this bill from committee and bringing it down to the floor.

Mr. Chairman, I rise today in strong support of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008.

I also would like to thank Chairman OBERSTAR for including in the manager's amendment a proposed amendment both RUBÉN HINOJOSA and myself have, and I thank them.

The proposed amendment that is part of the manager's amendment would charge the Department of Transportation with studying the feasibility of extending the South Central High-Speed Rail Corridor from San Antonio into south Texas.

South Texas is home to a large population that is a great distance removed from the City of San Antonio. Laredo, my hometown as an example, has been identified as the fastest growing city in the State of Texas, the second fastest growing city in the United States.

South of San Antonio we have four counties in the Rio Grande Valley that boasts a population that's larger than nine States. The State Data Center projects that the population of the greater Laredo and greater McAllen areas will more than double in the next 2 decades.

With the high price of gas and the large geographic distance that separates many of the towns in south Texas, the presence of high-speed rail will make a significant impact on the mobility of south Texans. The presence of high-speed rail in this rapidly expanding region will provide south Texas with greater access and mobility, and I look forward to working with the Department of Transportation to explore those options.

Again, I want to thank you. I applaud the efforts of Chairman OBERSTAR and his leadership and the ranking members for their leadership.

I thank the Chairman from Minnesota and I thank the Gentleman and Ranking Member

MICA for the leadership in moving this bill through committee and bringing it to the floor.

Ms. Chairman, I rise today in strong support of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008.

This legislation will bring much needed relief and reform to our rail systems by increasing capital and operating grants to Amtrak, developing State Passenger Corridor, and working to Reduce Amtrak's debt.

I would also like to thank the Chairman for including in the manager's amendment the proposed amendment submitted by me.

South Texas is home to a large population that is a great distance removed from the city of San Antonio.

The City of Laredo, the closest major metropolitan area south of San Antonio, is 150 miles away from San Antonio.

Laredo has been identified as the fastest growing city in Texas, and the second fastest growing city in the United States.

The City of Laredo is home to the largest inland port in the nation through which 40 percent of goods trucked into the U.S. are inspected and allowed to pass.

The State of Data Center projects that the population in the greater Laredo area will double in the next couple of decades.

For these reasons, it is my intent that the Secretary consider a south Texas Connection such as the City of Laredo as the location for a potential new connection to the south Central High Speed Rail Corridor.

With the high price of gas and the large geographic distance that separates many towns in South Texas, the presence of high speed rail will make a significant impact on my constituents.

My proposed amendment would charge the Department of Transportation with studying the feasibility of extending the South Central High-Speed Rail Corridor to serve the burgeoning population south of San Antonio.

I believe that the presence of high-speed rail in the rapidly expending area in South Texas will provide my constituents with a new way to travel, and I look forward to working with the Department of Transportation to explore these options.

Mr. MICA. Continuing to reserve, and I would be glad to yield some time to the other side if they do need it.

Mr. OBERSTAR. May I inquire how much time remains on both sides, Mr. Chairman?

The CHAIRMAN. The gentleman from Minnesota has 4 minutes remaining, and the gentleman from Florida continues to have 12 minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentleman from Massachusetts to engage in a discussion about Amtrak.

Mr. LYNCH. Mr. Chairman, I rise in support of the underlying bill, the Passenger Rail Investment and Improvement Act, and I want to congratulate the chairman, Mr. OBERSTAR, and also the ranking member for their great work on this.

Mr. Chairman, I rise to engage in a colloquy with you. As you know, I submitted an amendment on this bill earlier in the week related to security training for Amtrak frontline employees. I have been encouraged to withdraw the amendment in order to expedite consideration of this bill, which is very important and which I support. However, I remain troubled by one underlying issue.

As evidenced by the terrorist attacks against rail systems in Madrid and in London and in Moscow and in Tokyo and Mumbai, and 3 days ago in Algeria, terrorists have demonstrated their intent to continue to target public transit systems as a favored tactic against civilian populations.

In response to this continued threat, Congress in the 9/11 Commission Act of 2007 directed the Secretary of Homeland Security to issue comprehensive rail and transit worker training directives to prepare our rail workers and transit workers to prevent and respond to potential terrorist attacks against our public transit systems.

□ 1145

With respect to railroad employees, the law required the Secretary of Homeland Security to develop and issue security training regulations by last February, 4 months ago, so that each carrier could develop a training program based on this guidance.

Regrettably, however, and this gets to the issue of my amendment, the Secretary has failed to comply with the 9/11 Act's rail worker training directives and has not issued a single mandated regulation. Worse yet, this missed deadline comes on the heels of yet another missed deadline by the Department on issuing interim training regulations for transit workers.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. OBERSTAR. I yield the gentleman 1 additional minute.

Mr. LYNCH. If the locomotive engineers, security personnel, our dispatchers, our conductors, train workers and rail workers don't understand what our plan is in the event of an attack, then we really don't have a plan.

Mr. Chairman, in light of the continued reports from our Nation's front line rail workers, I respectfully ask you to join me in sending a letter to the Amtrak Inspector General asking him to conduct a review of the current state of security training provided to front line Amtrak employees. It is my understanding that the Inspector General would welcome this responsibility.

I yield to the gentleman from Minesota.

Mr. OBERSTAR. I appreciate the gentleman raising this issue. It's a matter of very deep concern to us on the committee. It goes to the heart of safety and security on our domestic passenger rail system. I certainly will join enthusiastically with the gentleman in making this request to the Inspector General of the Department of Homeland Security.

Mr. LYNCH. Mr. Chairman, thank you. I want to congratulate you on the great work on this bill. I do want to encourage my colleagues to support the underlying bill.

Mr. OBERSTAR. I thank the gentleman for his concern.

Mr. MICA. Mr. Chairman, first of all I would like to insert in the RECORD a letter by the American Association of State Highway and Transportation Officials, commonly known as AASHTO, in support of the measure and also a letter from the Association of American Railroads in support of this measure.

AMERICAN ASSOCIATION OF STATE
HIGHWAY AND TRANSPORTATION
OFFICIALS,
Washington, DC, June 10, 2008.

Hon. JOHN L. MICA,
Ranking Republican Member, Transportation and Infrastructure Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MICA: On behalf of the Standing Committee on Rail Transportation and the Intercity Passenger Rail Leadership Group of the American Association of State Highway and Transportation Officials (AASHTO), I am writing to support House passage of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008.

The States have been leading the way in developing rail corridors through investment in capital projects to increase capacity, reduce travel times and improve on-time performance. In addition, 14 states support intercity passenger rail through payment of operating costs on additional frequencies on routes. According to a survey by AASHTO, at least 35 states are developing intercity passenger rail plans for additional future service. I would like to thank you for including funding for the intercity passenger rail capital grant program to assist states in improving infrastructure on intercity passenger rail routes.

As you know, intercity passenger rail ridership across the United States is on the rise in part due to congestion on the highways and at the airports and the rising cost of gasoline. Having another truly viable transportation option in intercity passenger rail will give consumers another choice in both business and leisure travel and a choice that is the most environmentally friendly. Intercity Passenger Rail consumes 17 percent less energy per passenger mile than airlines and 21 percent less per passenger mile than automobiles. The average intercity passenger rail train produces 60 percent lower carbon dioxide emissions per passenger mile than the average auto, and half the carbon dioxide emissions per passenger mile of an airplane.

For too long, intercity passenger rail has been an underutilized mode in our national transportation system. With this historic legislation, you will make intercity passenger rail competitive and marketable to an anxious public. The time for intercity passenger rail investment is now. I commend you for your leadership and for moving this legislation so quickly and pledge my support to the effort.

Sincerely,

ASTRID C. GLYNN,
Chair.

ASSOCIATION OF
AMERICAN RAILROADS,
Washington, DC, June 10, 2008.

DEAR REPRESENTATIVE: The House of Representatives is scheduled to consider H.R. 6003, the "Passenger Rail Investment and Improvement Act of 2008" on the floor today. The Association of American Railroads (AAR) is writing to urge you to support the bill.

H.R. 6003 would authorize capital grants to help Amtrak bring the Northeast Corridor to a state-of-good-repair, procure new rolling stock, rehabilitate existing bridges, and make additional capital improvements and maintenance over its entire network. The bill would also provide congestion grants to Amtrak and the States for high-priority rail corridors in order to reduce congestion and facilitate ridership growth.

AAR commends the bipartisan leadership of the Committee on Transportation and Infrastructure for introducing and reporting this important bill. We urge the full House to approve H.R. 6003.

Sincerely,
EDWARD R. HAMBERGER,
President and Chief Executive Officer.

Mr. Chairman, as we conclude debate today, I do consider this an historic debate. You've heard other Members say they've been here for decades and they've never seen a resolution of some of the problems in the debate about Amtrak. Today, working together in a bipartisan fashion, you are seeing what we can do. This is what we can do and we can make this work because we combine the best of the proposals. And that's what the Founding Fathers really created this institution for.

We heard Mr. COSTA from California come and speak in favor from the Democrat side. We heard from Mr. LATOURETTE from Ohio come and speak in favor. We heard Mr. SALAZAR from Colorado. We heard Mr. SHAYS from Connecticut. We heard Mr. NADLER from New York. So from basically sea to shining sea, you see support for this measure because it takes the best of what this institution can offer.

I must take a moment to pay special tribute to the gentleman from Minnesota. Sometimes the good Lord has a special way of making things happen for people. Now he became the chairman after 32 years. I would have liked to have been the chairman rather than the ranking member, but how fitting for him after 32 years of working as a staffer, then a Member. When I came to Congress, he was chairman of the Aviation Subcommittee. The good Lord would have it in February of 2001 by sheer coincidence that would probably never be re-created, I became the chairman of Aviation through probably one of its most difficult times. We all worked together after 9/11. We kept the country safe, particularly in aviation which the enemy saw as our Achilles' heel. We did that by working together then and we're making a big change in this country today by working together to bring high-speed rail for the first time in the history of this country—the first time, folks—and we took again the best ideas and melded them together through the efforts of everyone on the committee. I want to thank the staff. The staff has done a tremendous job in trying to work on this issue.

Let me say, too, that this proposal for high-speed rail and making it work isn't my idea. I like to borrow other people's good ideas. It's interesting that Richard Branson who created Virgin Air, which many people have heard of, he also bought the two north-south lines in England that go north and south. He instituted private investment in that line. He expanded employment, put in new equipment and expanded passenger service there. He's paid a dividend the last 5 years in that high-speed service and is actually on his way to almost eliminating the Federal subsidy the U.K. subsidy. Even Romania is privatizing its rail. So it's not improper that the United States, the bastion of free enterprise, now takes this important step. And it's not all about privatization because it is a public-private partnership.

Let me say to our friends, our brothers and sisters in labor, that some of them support this, some have questions about it, but all of the workers, whether it's a private system or Amtrak or combination, are guaranteed protections in this. For the first time they can see hope of an expanding rather than a contracting industry. When I came 16 years ago, the employment in Amtrak was 28,000. Today it's 19,000 and going down. The people want this service across the United States and will partner with this service so they have that great opportunity.

The American people aren't interested in us arguing and coming up here and making headlines of charges and countercharges and not getting anything done. The American people are facing $4 gasoline prices. They're not facing options like Europeans and Asians have to get around their country. We should have that here in the United States because we're the most innovative, creative and entrepreneurial people the good Lord ever put on the face of this earth. So, yes, I believe we can make this work. I thank so much the gentleman from Minnesota. John Brennan is not with us, one of our staffers. He left last Friday and took a job in the private sector. I want to pay tribute to John Brennan who left the minority side for the private sector. He worked hard over the years to try to make this happen, too.

To the gentleman from Minnesota (Mr. OBERSTAR), to the gentlewoman from Florida (Ms. BROWN), to the gentleman from Pennsylvania (Mr. SHUSTER), to everyone who made this day possible and staff, I thank you for your hard work and good efforts.

Mr. Chairman, I reserve the balance of my time.

How much time do I have?

The CHAIRMAN. The gentleman has 6½ minutes remaining. The gentleman from Minnesota has 1 minute remaining.

Mr. MICA. Is it possible for me to yield 2 minutes to the gentlewoman from Texas?

The CHAIRMAN. Yes.

Mr. MICA. I want to make sure I do everything by the rules, Mr. Chairman.

Mr. OBERSTAR. The gentleman can yield directly to the gentlewoman.

Mr. MICA. Then I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me express my appreciation to the gentleman from Florida for the time.

At the outset, I would like also to express my congratulations to our chairman, Mr. OBERSTAR, and Rail Subcommittee Chairwoman BROWN of Florida for their good works on the bill and also the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Florida (Mr. MICA). It is a good bill that will have an immediate impact on improving the mobility of Americans all across the country.

I would particularly like to thank Chairman OBERSTAR and Chairwoman BROWN for working with me to include a provision that requests the Secretary to examine the feasibility of expanding the South Central Rail Corridor to Houston, Texas.

Passenger rail lowers American fuel consumption because it's more energy efficient than both cars and airplanes. Intercity passenger rail consumes 21 percent less energy per passenger mile than automobiles and 17 percent less energy per passenger mile than airlines. Passenger rail also reduces global warming because it cuts in half the carbon dioxide impact per passenger over cars and airplanes, meaning that expanding passenger rail will reduce global warming.

The average intercity passenger rail train produces 60 percent lower carbon dioxide emissions per passenger mile than the average automobile and 50 percent lower emissions than the average airplane. This bill is not only good energy policy, it is also good transportation policy. Intercity passenger rail is an increasingly necessary alternative to highway and air travel, as congestion grows in many regions of the country. For example, Amtrak removes 8 million cars from the road each year.

At a time when gas prices continue to skyrocket, the demand by commuters and other travelers for cost-efficient public transportation systems, including passenger rail, is growing rapidly. This critical bill will help meet this growing need.

I urge my colleagues to support this sound bipartisan piece of legislation.

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Mr. MICA. Again how much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman has 4½ minutes remaining.

Mr. MICA. Am I allowed to give Mr. OBERSTAR 2½ minutes or 3 minutes?

The CHAIRMAN. The gentleman may yield his remaining time, but not control thereof.

Mr. MICA. Let me just conclude by again thanking folks. Around this place it is very difficult to bring new ideas forward. I've said in the past that sometimes trying to get a new idea through Congress is like giving birth to a porcupine. I can't say that this has been the easiest task we have undertaken, but we have given birth today to a new idea.

And the answer is not to just say "no," or to zero out a program that is so essential to this country. The answer is to come up with a positive solution, a positive solution for energy. And today, again, when gas is $4.05 a gallon, this gives some little hope, but it is probably the biggest thing that we are going to do. And it will have the greatest positive impact on America's environment and its energy needs of anything we have done this session.

So I am pleased at this time to yield time to Mr. OBERSTAR. How much time do I have remaining?

The CHAIRMAN. The gentleman has 3½ minutes remaining.

Mr. MICA. I would like to yield 3½ minutes to Chairman OBERSTAR.

The CHAIRMAN. The gentleman from Minnesota will be recognized for an additional 3½ minutes.

Mr. OBERSTAR. I thank the gentleman for yielding. And again I express my great appreciation for the many hours of consultation that we have had between the distinguished ranking member, the gentleman from Florida, and myself, and with Mr. SHUSTER and myself, and with Ms. BROWN. Mr. MICA has been a vigorous advocate for high-speed rail passenger service with changes, with changes in the way we conduct the business of passenger rail service in America. And as he said, this wasn't easy. But if it were easy, they wouldn't need us. They wouldn't need Congress if things were all easy.

But the point of the legislative process is to be open, to be receptive, to think constructively, to trust that the ideas advanced by one or the other side are set forth in earnest pursuit of a valid public purpose goal. And that has been a long tradition of this Committee on Transportation and Infrastructure and the principal reason that we have succeeded over so many years in being the building committee of the Congress.

The gentleman from Connecticut said that there weren't reforms or deplored the lack of significant reform in this legislation. I just want to say we have management improvement. It is requiring a financial accounting system for Amtrak operations and a 5-year financial plan monitored by the Department of Transportation's Inspector General, an overall assessment being to be done by the Inspector General, progress made by Amtrak management and by DOT in implementing the provisions of the bill. We direct the Secretary of Treasury, and there has been a consultation with the Secretary of Transportation and Amtrak, to negotiate restructuring of Amtrak's debt. We include a corporate governance provision restructuring Amtrak's board, expanding the board to ten persons serving 5-year terms and requiring that the President consult with Congress to ensure balanced representation of regions served by Amtrak in that board, and to have rail transportation or business background among those members.

In consultation with the Service Transportation Board and Federal Railroad Administration, Amtrak is required to develop standards for measuring performance of quality of intercity train operations, including cost recovery, on time performance, ridership per train mile, on board and station services and interconnectivity of routes and requires the DOT IG to evaluate performance and service quality of intercity passenger rail service and identify the five worst performing Amtrak routes from which then IG will recommend a process for the DOT to consider proposals for competitive service by the private sector to Amtrak on that route.

Those are significant reforms. And I invite the attention of the gentleman from Connecticut, and I will send him the specifics that I just mentioned.

We are ready to move ahead with the balance of this bill. This is an exciting opportunity. This is the beginning of the transformation of passenger rail service in America. It is not going to lead us tomorrow to the Grande Vitesse, the TGV of France, or the Talgo of Spain, or the ICE of Germany, or the Shinkansen of Japan, or the 220-mile-per-hour train service between Beijing and Shanghai in China. But it will put us on a course to get there, to achieve those speeds over those distances.

When I traveled, as a student, to begin graduate studies in 1956 at the College of Europe, from Paris to Brussels, the trip was 6 hours. Today that trip is 80 minutes. There is no air service, no commercial air passenger service between the capital of Europe, Brussels, and the Capital of France, Paris. But there is a train leaving every 3 minutes in each direction with 1,100 passengers on board traveling at 184 miles per hour, all day long from 6 in the morning until midnight.

We should be able to achieve that kind of service on the east coast. We should be able to achieve that kind of service in the Southwest, as was referenced by the gentleman from Texas (Mr. CUELLAR). We should be able to do that in California, as was referenced by the gentleman from California (Mr. COSTA), and in the Pacific Northwest and in the Southeast of the United States. And this bill will put us on a track to do that.

Mrs. JONES of Ohio. Mr. Chairman, restoring passenger rail service to one of the most densely-populated urban corridors in Ohio . . . Cleveland-Columbus Cincinnati . . . is an idea beyond overdue at the station. This corridor is at the heart of a potentially vibrant passenger rail system in Ohio, a fact borne out by a number of studies dating back as far as the 1980's.

Public demand is growing for transportation choices in Ohio. Significant anecdotal evidence around the United States suggests that even basic passenger rail service such as this would draw heavy ridership and grow the demand for more service.

Today, the reality of ever-higher gasoline prices and their impact on the everyday mobility of our fellow Ohioans and on Ohio's economy makes the restoration of rail passenger service in Ohio a critical transportation need.

We are hearing from our constituents increasingly that "pain at the pump" leaves them few or only expensive options to travel on business, and to access everything from education to jobs to medical care.

Since January 2007 alone, the average price of unleaded gas in Cleveland has gone up 72 percent. In some cases, Ohioans are seeing more and more of their incomes going to feed their car and cutting into other life necessities

A recent study by the Ohio Rail Association discussed the economic impact that high-speed rail would have on Ohio and the surrounding region. Here are just a few statistics:

A seven corridor high speed rail systems in Ohio would save $9.4 million in fuel per year. There would be approximately 1.1 million annual riders just out of Cleveland alone by 2025. It would provide 16,700 permanent jobs as well as 6,100 temporary jobs to build the rail system.

I strongly urge my colleagues to vote for the passage of this bill to move Amtrak forward with high speed rail.

Mr. COSTELLO. Mr. Chairman, I rise today in strong support of H.R. 6003, the Passenger Rail investment and Improvement Act of 2008.

Since coming to Congress, I have been a strong supporter of Amtrak because of the benefits it brings, including congestion and environmental emissions relief. It continues to produce almost 20,000 jobs, services more than 25.8 million passengers, and provides a significant transportation link for communities in my congressional district and throughout the Nation.

In H.R. 6003, we authorize more than $14.4 billion for Amtrak capital and operating grants, state intercity passenger grants, and high-speed rail over the next five years. Further, we provide $1.75 billion for grants to states to finance construction and equipment for 11 authorized high-speed rail corridors, including the St. Louis-Chicago corridor.

Finally, I want to thank Chairman OBERSTAR and Chairwoman BROWN for working with me to include a provision that allows previous State investments for capital and operating

Amtrak to be used toward the required 20% local match. The bill allows for States to use half of what they put into Amtrak in operating and capital investments toward their local match. Illinois has made significant investments in recent years into Amtrak and the language will help Illinois and other states continue to provide and expand service.

Mr. Chairman, I support H.R. 6003 and urge my colleagues to do the same.

Mr. BLUMENAUER. Mr. Chairman, I strongly support the reauthorization of Amtrak. This bipartisan bill authorizes $14.4 billion over five years and is Amtrak's first full reauthorization since 1997. The bill includes $4.2 billion for capital grants, $3 billion for operations, and $1.75 billion over five years for grants for high-speed rail corridors. This marks a major step in the right direction at a time when consumers around the country are struggling with high gasoline prices and limited transportation options.

At the same time, I am sobered by Chairman OBERSTAR's remarks highlighting a European initiative to spend $350 billion on their rail system. Over the past decade, the United States, by contrast, has barely doled out enough resources to allow Amtrak to limp along. Our Nation must invest in our infrastructure if we expect to remain competitive. This bill takes the first steps in that direction. I would support further action to expand and improve intercity passenger service in the United States.

In Oregon, the state transportation department partners with Amtrak to provide service along the Eugene-Portland-Seattle-Vancouver, BC corridor, a federally-designated high speed rail corridor, known as the Cascades line. While Oregon and Washington pay for the Cascades service, Amtrak operates the train, and this arrangement has proven to be a very successful partnership.

Ridership on the Oregon segment of the line, which has two daily roundtrip trains, has nearly quadrupled since it was initiated in 1994, rising to over 130,000 passengers in 2006. Total ridership on the Cascades service rose over 7 percent last year, reaching 674,000 passengers, making the Northwest high speed rail corridor the seventh most heavily traveled in the country. With gas prices high, ridership on the corridor for the first quarter of 2008 is up 14.4 percent compared to the first quarter of 2007. This train service is an important part of the region's transportation system on the congested 1–5 corridor.

As successful as the Cascades service is, however, reaching its full potential will require additional investments in the rail line to allow Oregon and Amtrak to increase the frequency and reliability of service. The authorization of capital grants for this purpose will provide needed system upgrades and will strengthen this successful partnership.

I am also supportive of Congressman OBERSTAR'S manager's amendment, which allows for grants to create bike storage on Amtrak trains. Much of the increased ridership in Oregon and around the country is a result of people changing their work commutes to include public transportation. Many commuters, however, still need their bikes to get to and from the train stations, or for transportation at their destination. By equipping our trains with bike storage we offer people more choices and we do so in a way that is efficient, economical, and good for the environment.

Mr. BRALEY of Iowa. Mr. Chairman, today I urge my colleagues to support H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. I am glad to see this bill on the House floor, as it shows a commitment by this Congress to strengthening and improving America's passenger rail system and moving Amtrak forward.

I am proud to be an original cosponsor of this legislation. This bill includes development of new intercity passenger rail services, including $500 million per year to states to cover the capital costs of investing in new intercity passenger rail services. By investing in new rail infrastructure, this legislation creates jobs, increases tourism and spurs economic development in the communities impacted by new rail service.

In Iowa's First District, this bill will help fund two new routes that would both increase rail services and provide economic benefits. The routes between Chicago and the Quad Cities and Chicago to Dubuque, Iowa would encourage economic development in both Iowa and Illinois, while creating local jobs and decreasing traffic and congestion. Both of these routes would provide another piece to a new transportation corridor through the center of the country, which would be beneficial for business and recreation from coast-to-coast.

I am also glad to see Section 220 up for House passage today that includes the 'Study of the Use of Biobased Lubricants.' This language instructs the Federal Railroad Administration to issue a report on the feasibility of using readily biodegradable lubricants by freight and passenger railroads, partly through comparisons of these lubricants with the petroleum-based lubricants traditionally used. The National Ag-Based Lubricants Center (NABL) at the University of Northern Iowa would be a perfect partner for the Federal Railroad Administration in this study, as NABL's expertise and resources in biobased lubricants is unmatched, and it is the only entity whose primary mission is the research and testing of agricultural-based lubricants.

I thank Chairman OBERSTAR, Chairwoman BROWN, and the rest of Transportation & Infrastructure Committee for their work on this legislation, and I look forward to seeing these important changes becoming law.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of H.R. 6003, the Passenger Rail Investment and Improvement Act, authored by my friend and colleague, Chairman JAMES OBERSTAR of Minnesota. As a New Yorker, I strongly support making travel easier, safer, and more affordable for my constituents and for all Americans who choose this method of travel. This bill mandates that preference be given to rail projects that have high levels of projected ridership and punctuality which will include the development of a high speed rail project between Washington and New York City. H.R. 6003 serves to improve not only the quality of service on the most popular rail line in the country, but also will increase the availability and accessibility of mass transit to individuals. In this era of skyrocketing energy costs and global warming, encouraging the development of efficient mass transit options is very important to improve our economy and protect our environment.

As a frequent Amtrak user, I know how important it is for rail service in the Northeast Corridor to be in a constant state of "good repair." I am sure that thousands of my fellow passengers, men and women traveling for business or personal reasons on this popular railway also will appreciate this requirement.

Mr. VAN HOLLEN. Mr. Chairman, I rise today in support of final passage of the Passenger Rail Investment and Improvement Act and to commend Chairman OBERSTAR, Ranking Member MICA, and Subcommittee Chairwoman BROWN and Ranking Member SHUSTER for their leadership in constructing this bipartisan bill.

Mr. Chairman, the Passenger Rail Investment and Improvement Act of 2008—authorizes appropriations for Amtrak for FY2009-FY2013 and makes long overdue improvements and enhancements to the system. Millions of Americans rely on Amtrak and its local lines for everything from commuting to work to going on holiday. In 2007 alone, 28 million passengers rode Amtrak. Amtrak has become a critical part of the Nation's transportation infrastructure and every effort must be made to sustain the system as a safe and reliable source of transportation.

This bill authorizes $14.5 billion for commuter rail transit enhancements, a high-speed rail service route between New York and Washington, DC, and contains important reforms and operational enhancement. The bill also contains needed accountability measures and capital improvement funding.

To increase accountability, the bill requires Amtrak to implement a modern financial accounting and reporting system. Amtrak must also submit an annual budget and business plan.

With the passage of the Davis/Van Hollen/Hoyer amendment regarding WMATA, the bill also provides a more reliable source of funding for maintenance and improvement projects in the Washington, DC Metro area.

We all know that the Federal Government relies heavily on the Metro system to bring thousands of its employees to work each day: employees of our national security agencies, employees of the Department of Health and Human Services, and all the other Federal agencies that help provide services to the American people. But, the Metro system is also a critical link in any evacuation plan of the Nation's capital.

These are just a couple of the reasons the Federal government has invested billions of U.S. taxpayer dollars in WMATA construction and maintenance projects over the years. Since WMATA's creation, keeping the Metro up and running has become a national priority.

The Davis/Van Hollen/Hoyer amendment helps ensure the Metro remains a reliable source of transportation for Federal employees by authorizing $150 million a year in matching funds for ten years to help WMATA pay for critical improvement and maintenance. But, importantly, these matching funds can only be accessed when the local jurisdictions of Maryland, Virginia and the District of Columbia contribute their own funds from a dedicated source.

Currently, the Federal Government is at the whim of local jurisdictions on a year-to-year basis, as to whether they will uphold their part of this long-term Federal-local funding partnership regarding WMATA.

Our amendment specifically states that funds authorized in the legislation cannot be available until WMATA notifies the Department of Transportation that local jurisdictions have established a reliable source of funds to pay their share of Metro operating and maintenance costs.

Over the years, Amtrak has proven it is a critical and growing part of the country's transportation infrastructure. Last May, Amtrak ridership rose 12.3 percent from a year earlier, and ticket sales climbed 15.6 percent. Despite continued growth, Amtrak has not been reauthorized since 1997.

With the passage of this bill, we have an opportunity to end 8 years of starvation budgets that have strained Amtrak resources, frozen salaries and delayed capital improvements.

I encourage my colleagues to support final passage of this bill.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008, legislation that would authorize $14.9 billion in funding for Amtrak over the next 5 years.

Rail service has integrated small communities with large cities across the country providing opportunity for economic expansion, increased mobility, and environmentally sound transit. Since Amtrak was founded in 1971, our country has benefited from organized, reliable and safe service to individuals commuting to and from work and individuals using rail service for extended travel. With the skyrocketing costs of airline flights and gas prices at over $4 a gallon, individuals are relying more and more on rail service.

It is no exaggeration to say that rail service is the lifeline from which New Jersey's state economy draws nourishment. Our region's employers—small, medium, and large—depend upon an integrated rail operation to enable many of their employees to get to and from work. Clients, potential clients, and business partners use the train to come to New Jersey. Our local entrepreneurs use Amtrak to pitch their ideas and sell their products outside of our home state.

For the last 12 years, Amtrak has been suffering from a lack of federal support and for the last 6 years it has been operating without Congressional authorization. In order to keep from going out of business, Amtrak was forced to delay necessary repairs and security improvements, freeze the salaries of its employees, rescind on employee pensions and go billions of dollars into debt. The legislation before us today would authorize the funding necessary to improve Amtrak's operations throughout the country and bring our country's rail service into the 21st Century.

H.R. 6003 authorizes $14.9 billion for Amtrak over the next 5 years. $4.3 billion of which would be used for capital grants to help Amtrak afford to make necessary repairs and upgrades to the Northeast Corridor. It would also allow Amtrak to procure new rolling stock, rehabilitate existing bridges, as well as make additional capital improvements and maintenance over its entire network.

As a regular Amtrak rider, I appreciate the professionalism and service that customers enjoy every day. Amtrak's hard working employees, including the over 1,300 employed in New Jersey, have continued to provide high quality service despite Amtrak's payroll freezes and pension problems. The Passenger Rail Investment and Improvement Act would provide Amtrak with $3 billion in operating grants, which would help Amtrak make good on its promises to these employees. A portion of these funds would be used to pay employees salaries, health costs, and overtime pay. It would also help Amtrak pay for increasing fuel costs, facilities, maintenance and train operations.

This legislation would also create a new State Capital Grant program to provide grants for States for intercity passenger rail capital projects. In New Jersey the demand for public transportation has skyrocketed, with NJ Transit providing 900,000 trips per weekday on its trains, buses and light-rail vehicles. H.R. 6003 would authorize over $2.5 billion in grants to states over the next 5 years to help organizations like NJ Transit pay for the capital costs of facilities and the equipment necessary to provide new or improved intercity passenger rail.

The Passenger Rail Investment Reauthorization Act would provide $1.7 billion annually to help Amtrak pay off the debt it incurred when Congress drastically cut its funding in 2000 and 2001. Amtrak has aggressively targeted this debt, paying down $600 million from 2002 through 2007. This bill would help Amtrak take further steps to reduce its debt, and allow Amtrak to focus its resources on improving existing services and making additional capital and operational improvements.

H.R. 6003 would bring American passenger rail into the 21st century, authorizing $1.7 billion for the construction of eleven high-speed rail network spanning the entire Nation. The first of which would be a high-speed rail corridor between Washington, D.C. and New York City. Countries like France, England and Japan have greatly improved the experience of commuters through the utilization of high speed corridors. This would lead to more efficient public transportation and help the over 1.5 million New Jerseyans who use Amtrak spend less time commuting and more time at home with their families.

Supporting public transportation especially passenger rail, should be a crucial element of our national effort to slow the rate of global climate change and reduce our dependence on foreign fuels. Passenger rail consumes 21 percent less energy per passenger mile than automobiles and 17 percent less than airplanes. It releases half the amount of greenhouse gases per passenger mile as both air and car travel. The continued operation of Amtrak is an essential component of easing traffic congestion, reducing wear and tear on roads, protecting our environment and preserving open space in New Jersey and across the country.

Rail service is a fundamental component of our Nation's continually growing transportation system, and Amtrak has demonstrated the capacity of integrated rail service to expand economic opportunity, commuter options, and make vital contributions to the fabric of our communities. I urge my colleagues to support H.R. 6003.

Mr. POE. Mr. Chairman, I rise in support of H.R. 6003 and commend the bipartisan leadership of our House Transportation & Infrastructure Committee for taking the first steps towards developing true high speed rail service in America. This bill takes a historic step in the right direction towards developing additional transportation options for Americans faced with congested roads and airspace. It will also bring us up to par with European and Asian high speed rail networks.

High speed rail will have ways of connecting people to their place of business, homes, and commercial centers in ways never thought imaginable. I especially support Section 503 of this bill which calls for a study that may consider expanding the existing South Central Corridor that goes through Texas to include the greater Houston region. One day, it could be a reality that 70 percent of Texans, those who live in the greater Houston, Dallas, or San Antonio regions could commute reasonably, perhaps as quick as an hour and a half each way, between those cities to work, visit family, attend entertainment venues, sporting events, fairs, universities, museums, hospitals, and connect to international airports in ways often more timely and efficient than airline travel.

And that's just the way it is.

Mr. CARSON of Indiana. Mr. Chairman, I rise today in strong support of H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. As this country's sole provider of regularly scheduled intercity passenger rail service, Amtrak's importance and necessity to all Americans is clear. In the face of continually rising gas prices, overloaded highways and congested airports, many Americans are being forced to make difficult financial decisions regarding their modes of travel. Amtrak has become an ever more viable transportation option at such a time, and continues to be a practical option for many of those people searching for an efficient and economical travel alternative.

Mr. Chairman, as you know, Amtrak carried almost 25.8 million passengers and posted approximately $1.5 billion in ticket revenue in 2007. This is a gain of 10 percent over FY06 ticket revenues, and is the third consecutive year that ticket revenues have increased. It is through a combination of increased profits and a reauthorization bill that proposes $14.4 billion dollars over the next five years that Amtrak will have an incredible opportunity to thrive and flourish.

H.R. 6003 does much to aid in the continued growth and vitality of Amtrak. The bill authorizes $4.2 billion to Amtrak for capital grants and $3 billion for operating grants. It is no secret that inconsistent Federal support has hampered Amtrak's ability to replace equipment necessary for it to provide service. These capital grants will help Amtrak make additional capital improvements and maintenance over its entire network. In addition, the operating grants authorized under the bill will help Amtrak pay salaries, health costs, overtime pay, fuel costs, facilities, and train maintenance and operations. These operating grants will also ensure that Amtrak can meet its obligations under its recently negotiated labor contract.

The Amtrak reauthorization bill also does much for intercity and high speed passenger rail in this country. The bill creates a new State Capital Grant program for intercity passenger rail and capital projects. It also recommends that the United States establish a high-speed rail network for the entire country. The bill authorizes $1.75 billion for grants to States and Amtrak to finance the construction and equipment for 11 authorized high-speed rail corridors.

However, Amtrak still has many hurdles to overcome, the biggest of which is its $3.17 billion worth of debt. Although Amtrak has taken great steps in reducing its debt by almost $600 million since 2002, it still has a long way to go. As a result, this bill explicitly helps Amtrak manage its debt by authorizing $345 million each year for debt service through FY2013.

Mr. Chairman, I am particularly pleased and grateful to the committee, under the leadership of Chairman OBERSTAR and Chairwoman BROWN, for including a provision that calls for a report on Amtrak's utilization of the Beech Grove repair facility in my congressional district. The report will also include an examination to determine the extent that Amtrak is maximizing the opportunities for each facility, including any attempts to provide maintenance and repair to other rail carriers. As the largest Amtrak maintenance facility in the country, it is my belief that the Beech Grove facility is underutilized and that Amtrak can bring more maintenance work to this facility.

Mr. Chairman, this piece of legislation is long overdue and much needed. It is time for us to give Amtrak all the funding and opportunities it needs to become a more efficient and effective travel alternative for Americans. I am pleased that we are bringing this bill to the floor and I urge all my colleagues to vote in favor of this legislation.

Ms. SHEA-PORTER. Mr. Chairman, I rise today to voice my support for H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008. And I would like to thank Chairman OBERSTAR for his leadership on this issue.

Mr. Chairman, as gas prices continue to rise and our highways become more congested, it becomes even more critical for us to support and encourage mass-transit alternatives. Amtrak will surely continue to play a significant role as one of these alternatives.

My home State of New Hampshire is served by the Amtrak Downeaster, connecting Portland, Maine to Boston. The Downeaster has truly been a success story from the beginning of its service in 2001. Ridership numbers have continued to increase year after year, highlighting the importance of Amtrak service to the region. In fact, so far this fiscal year, ridership of the Downeaster has reached nearly 300,000.

Yet even a rail line as successful and as important to our region as the Downeaster has difficulties turning a profit. While there are improvements to be made at Amtrak overall, passenger rail service in general requires investment and dedication. As we have seen with the Downeaster, this dedication yields significant returns in tourism and business dollars that come as a result of improving access to the communities served.

I look forward to voting in favor of H.R. 6003 and urge my colleagues to do the same.

Mr. OBERSTAR. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 6003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Passenger Rail Investment and Improvement Act of 2008".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Repayment of long-term debt and capital leases.
Sec. 103. Other authorizations.
Sec. 104. Tunnel project.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak Board of Directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Metrics and standards.
Sec. 208. Northeast Corridor state-of-good-repair plan.
Sec. 209. Northeast Corridor infrastructure and operations improvements.
Sec. 210. Restructuring long-term debt and capital leases.
Sec. 211. Study of compliance requirements at existing intercity rail stations.
Sec. 212. Oversight of Amtrak's compliance with accessibility requirements.
Sec. 213. Access to Amtrak equipment and services.
Sec. 214. General Amtrak provisions.
Sec. 215. Amtrak management accountability.
Sec. 216. Passenger rail study.
Sec. 217. Congestion grants.
Sec. 218. Plan for restoration of service.
Sec. 219. Locomotive biofuel study.
Sec. 220. Study of the use of biobased lubricants.
Sec. 221. Applicability of Buy American Act.
Sec. 222. Intercity passenger rail service performance.
Sec. 223. Amtrak Inspector General utilization study.
Sec. 224. Amtrak service preference study.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 301. Capital assistance for intercity passenger rail service; State rail plans.
Sec. 302. State rail plans.
Sec. 303. Next generation corridor train equipment pool.
Sec. 304. Rail cooperative research program.
Sec. 305. Passenger rail system comparison study.

TITLE IV—COMMUTER RAIL TRANSIT ENHANCEMENT

Sec. 401. Commuter rail transit enhancement.

TITLE V—HIGH-SPEED RAIL

Sec. 501. High-speed rail corridor program.
Sec. 502. Additional high-speed projects.
Sec. 503. High-speed rail study.
Sec. 504. Grant conditions.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2009, $525,000,000.
(2) For fiscal year 2010, $600,000,000.
(3) For fiscal year 2011, $614,000,000.
(4) For fiscal year 2012, $638,000,000.
(5) For fiscal year 2013, $654,000,000.

(b) INSPECTOR GENERAL.—Out of the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary of Transportation for the Office of the Inspector General of Amtrak the following amounts:

(1) For fiscal year 2009, $20,368,900.
(2) For fiscal year 2010, $22,586,000.
(3) For fiscal year 2011, $24,337,000.
(4) For fiscal year 2012, $26,236,000.
(5) For fiscal year 2013, $28,287,000.

(c) AMERICANS WITH DISABILITIES ACT COMPLIANCE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for compliance with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) the following amounts:

(1) For fiscal year 2009, $68,500,000.
(2) For fiscal year 2010, $240,000,000.
(3) For fiscal year 2011, $240,000,000.
(4) For fiscal year 2012, $240,000,000.
(5) For fiscal year 2013, $240,000,000.

(d) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national rail passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2009, $1,202,000,000.
(2) For fiscal year 2010, $1,321,000,000.
(3) For fiscal year 2011, $1,321,000,000.
(4) For fiscal year 2012, $1,427,000,000.
(5) For fiscal year 2013, $1,427,000,000.

(e) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (d), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 41.60 percent for fiscal year 2009.
(2) 38 percent for fiscal year 2010.
(3) 38 percent for fiscal year 2011.
(4) 35 percent for fiscal year 2012.
(5) 35 percent for fiscal year 2013.

(f) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (d) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL AND INTEREST ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal and payment of interest on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2009, $345,000,000.
(B) For fiscal year 2010, $345,000,000.
(C) For fiscal year 2011, $345,000,000.
(D) For fiscal year 2012, $345,000,000.
(E) For fiscal year 2013, $345,000,000.

(2) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(3) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 103. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2009 through 2013 to carry out the rail cooperative research program under section 24910 of title 49, United States Code; and

(2) $5,000,000 for fiscal year 2009, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly owned corporation to manage that equipment.

SEC. 104. TUNNEL PROJECT.

(a) NEW TUNNEL ALIGNMENT AND ENVIRONMENTAL REVIEW.—Not later than September 30, 2013, the Federal Railroad Administration, working with Amtrak, the City of Baltimore, State of Maryland, and rail operators described in subsection (b), shall—

(1) approve a new rail tunnel alignment in Baltimore that will permit an increase in train speed and service reliability; and

(2) ensure completion of the related environmental review process.

(b) AFFECTED RAIL OPERATORS.—Rail operators other than Amtrak may participate in activities described in subsection (a) to the extent that they can demonstrate the intention and ability to contribute to the construction of the new tunnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Railroad Administration for carrying out this section $60,000,000 for the period encompassing fiscal years 2009 through 2013.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation system' means—

"(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, DC;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

"(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2008; and

"(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

"(i) Amtrak; or

"(ii) another rail carrier that receives funds under chapter 244.".

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

"§24702. Transportation requested by States, authorities, and other persons

"(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

"(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons.".

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

"(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).".

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

"§24302. Board of Directors

"(a) COMPOSITION AND TERMS.—

"(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

"(A) The Secretary of Transportation.

"(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

"(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

"(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

"(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(5) The Secretary may be represented at board meetings by the Secretary's designee.

"(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

"(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

"(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.".

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices;

(2) shall implement a modern financial accounting and reporting system not later than 1 year after the date of enactment of this Act; and

(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2013—

(A) submit to Congress a comprehensive report that allocates all of Amtrak's revenues and costs to each of its routes, each of its lines of business, and each major activity within each route and line of business activity, including—

(i) train operations;
(ii) equipment maintenance;
(iii) food service;
(iv) sleeping cars;
(v) ticketing; and
(vi) reservations;

(B) include the report described in subparagraph (A) in Amtrak's annual report; and

(C) post such report on Amtrak's website.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General *shall report his findings and conclusions, together with any recommendations, to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.*

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, such as Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in the financial results of Amtrak's operations;

(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis; and

(15) prior fiscal year and projected equipment reliability statistics.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this Act.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this Act, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a), (c), and (d), 102, and 103(c) of this Act.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each relevant State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a single, Nationwide standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, nonprofit employee organizations representing Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 208. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 9 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation

with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the Northeast Corridor to a state of good repair by the end of fiscal year 2024, consistent with the funding levels authorized in this Act and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(d) of this Act for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(f) of this Act, the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 209. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

"§24905. Northeast Corridor Infrastructure and Operations Advisory Commission

"(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

"(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

"(A) members representing the National Railroad Passenger Corporation;

"(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

"(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

"(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

"(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

"(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

"(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(6) The Chairman of the Commission shall be elected by the members.

"(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

"(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

"(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

"(10) The commission shall consult with other entities as appropriate.

"(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

"(1) short-term and long-term capital investment needs beyond the state-of-good-repair under section 208 of the Passenger Rail Investment and Improvement Act of 2008;

"(2) future funding requirements for capital improvements and maintenance;

"(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

"(4) opportunities for additional non-rail uses of the Northeast Corridor;

"(5) scheduling and dispatching;

"(6) safety enhancements;

"(7) equipment design;

"(8) marketing of rail services; and

"(9) future capacity requirements.

"(c) ACCESS COSTS.—

"(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2008, the Commission shall—

"(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

"(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

"(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

"(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

"(C) transmit the proposed timetable to the Surface Transportation Board; and

"(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

"(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

"(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.".

(b) CONFORMING AMENDMENTS.—(1) Section 24904(c)(2) is amended by—

(A) inserting "commuter rail passenger and" after "between"; and

(B) striking "freight" in the second sentence.

(2) The chapter analysis for chapter 249 is amended by striking the item relating to section 24905 and inserting the following:

"24905. Northeast Corridor Infrastructure and Operations Advisory Commission.".

(c) ACELA SERVICE STUDY.—

(1) IN GENERAL.—Amtrak shall conduct a conduct a study to determine the infrastructure and equipment improvements necessary to provide regular Acela service—

(A) between Washington, DC and New York City—

(i) in 2 hours and 30 minutes;

(ii) in 2 hours and 15 minutes; and

(iii) in 2 hours; and

(B) between New York City and Boston—

(i) in 3 hours and 15 minutes;

(ii) in 3 hours; and

(iii) in 2 hours and 45 minutes.

(2) ISSUES.—The study conducted under paragraph (1) shall include—

(A) an estimated time frame for achieving the trip time described in paragraph (1);

(B) an analysis of any significant obstacles that would hinder such an achievement; and

(C) a detailed description and cost estimate of the specific infrastructure and equipment improvements necessary for such an achievement.

(3) REPORT.—Within 1 year after the date of enactment of this Act, Amtrak shall submit a written report containing the results of the study required under this subsection to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on Commerce, Science, and Transportation of the Senate;

(D) the Committee on Appropriations of the Senate; and

(E) the Federal Railroad Administration.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to enable Amtrak to conduct the study under this subsection $5,000,000.

SEC. 210. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires 18 months after the date of enactment of this Act.

(b) DEBT RESTRUCTURING.—The Secretary of the Treasury, in consultation with the Secretary *of Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.*

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary of the Treasury and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of the Treasury may assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of the Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 102(a)(1) of this Act for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of the Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 102(a)(1) of this Act for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 102(a)(1) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Appropriations of the Senate, by November 1, 2009—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 211. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners and other railroads operating service through the existing stations that it serves, shall evaluate the improvements necessary to make these stations readily accessible to and usable by individuals with disabilities, as required by such section 242(e)(2) of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12162(e)(2)). The evaluation shall include, for each applicable station, improvements required to bring it into compliance with the applicable parts of such section 242(e)(2), any potential barriers to achieving compliance, the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. The evaluation shall also include an overall schedule for bringing all applicable stations into compliance with the applicable parts of section 242(e)(2). Amtrak shall submit the evaluation to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; the Department of Transportation; and the National Council on Disability by July 1, 2009, along with recommendations for funding the necessary improvements. Should the Department of Transportation issue the Final Rule to its Notice of Proposed Rulemaking of February 27, 2006, on "Transportation for Individuals with Disabilities," after Amtrak submits its evaluation, Amtrak shall, not later than 120 days after the date the Final Rule is published, submit to the above parties a supplemental evaluation on the impact of those changes on its cost and schedule for achieving full compliance.

SEC. 212. OVERSIGHT OF AMTRAK'S COMPLIANCE WITH ACCESSIBILITY REQUIREMENTS.

Using the funds authorized by section 101(f) of this Act, the Federal Railroad Administration shall monitor and conduct periodic reviews of Amtrak's compliance with applicable sections of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1974 to ensure that Amtrak's services and facilities are accessible to individuals with disabilities to the extent required by law.

SEC. 213. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accordance with the methodology established pursuant to section 206 of this Act.

SEC. 214. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.—

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking "plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002." and inserting "plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2008, including the budgetary goals for fiscal years 2009 through 2013."; and

(B) by striking the last sentence and inserting "Amtrak and its Board of Directors shall adopt a long-term plan that minimizes the need for Federal operating subsidies.".

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2009 through 2013.

(c) TRAVEL FACILITATION.—Using existing authority or agreements, or upon reaching additional agreements with Canada, the Secretary of Transportation and other Federal agencies, as appropriate, are authorized to establish facilities and procedures to conduct preclearance of passengers traveling on Amtrak trains from Canada to the United States. The Secretary shall seek to establish such facilities and procedures in areas determined appropriate by the Secretary.

SEC: 215. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

"§24310. Management accountability

"(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

"(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

"(1) effectiveness in improving annual financial planning;

"(2) effectiveness in implementing improved financial accounting;

"(3) efforts to implement minimum train performance standards;

"(4) progress maximizing revenues and minimizing Federal subsidies and improving financial results; and

"(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

"24310. Management accountability.".

SEC. 216. PASSENGER RAIL STUDY.

(a) IN GENERAL.—The Comptroller General of the General Accountability Office shall conduct a study to determine the potential cost and benefits of expanding passenger rail service options in underserved communities.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 217. CONGESTION GRANTS.

(a) AUTHORITY.—The Secretary of Transportation may make grants to States, or to Amtrak in cooperation with States, for financing the capital costs of facilities, infrastructure, and equipment for high priority rail corridor projects necessary to reduce congestion or facilitate ridership growth in intercity passenger rail transportation.

(b) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include projects—

(1) identified by Amtrak as necessary to reduce congestion or facilitate ridership growth in intercity passenger rail transportation along heavily traveled rail corridors; and

(2) designated by the Secretary as being sufficiently advanced in development to be capable of serving the purposes described in subsection (a) on an expedited schedule.

(c) COMPLIANCE WITH ENVIRONMENTAL LAWS.—The Secretary shall not make a grant under this section for a project without adequate assurances that the project will be completed in full compliance with all applicable Federal and State environmental laws and regulations.

(d) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent.

(e) EMPLOYEE PROTECTION.—The recipient of a grant under this section shall agree to comply with the standards of section 24312 of title 49, United States Code, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of such title.

SEC. 218. PLAN FOR RESTORATION OF SERVICE.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for restoring passenger rail service between New Orleans, Louisiana, and Sanford, Florida. The plan shall include a projected timeline for restoring such service, the costs associated with restoring such service, and any proposals for legislation necessary to support such restoration of service. In developing the plan, Amtrak shall consult with representatives from the States of Louisiana, Alabama, Mississippi, and Florida, railroad carriers whose tracks may be used for such service, rail passengers, rail labor, and other entities as appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to enable Amtrak to conduct the study under this subsection $1,000,000.

SEC. 219. LOCOMOTIVE BIOFUEL STUDY.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which freight and passenger rail operators could use biofuel blends to power its locomotive fleet and other vehicles that operate on rail tracks.

(b) DEFINITION.—For purposes of this section, the term "biofuel" means a fuel that utilizes renewable resources and is composed substantially of a renewable resource blended with ethanol, methanol, or other additive.

(c) FACTORS.—In conducting the study, the Federal Railroad Administration shall consider—

(1) the energy intensity of various biofuel blends compared to diesel fuel;

(2) the emission benefits of using various biofuel blends compared to locomotive diesel fuel;

(3) the cost of purchasing biofuel blends;

(4) the public benefits derived from the use of such fuels; and

(5) the effect of biofuel use on relevant locomotive and other vehicle performance.

(d) LOCOMOTIVE TESTING.—As part of the study, the Federal Railroad Administration shall test locomotive engine performance and emissions using blends of biofuel and diesel fuel in order to recommend a premium locomotive biofuel blend.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Railroad Administration shall issue the results of this study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $1,000,000 to carry out this section, to remain available until expended.

SEC. 220. STUDY OF THE USE OF BIOBASED LUBRICANTS.

Not later than 180 days after the date of enactment of this Act, the Federal Railroad Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of a study of the feasibility of using readily biodegradable lubricants by freight and passenger railroads. The Federal Railroad Administration shall work with an agricultural-based lubricant testing facility or facilities to complete this study. The study shall include—

(1) an analysis of the potential use of soy-based grease and soy-based hydraulic fluids to perform according to railroad industry standards;

(2) an analysis of the potential use of other readily biodegradable lubricants to perform according to railroad industry standards;

(3) a comparison of the health and safety of petroleum-based lubricants with biobased lubricants, which shall include an analysis of fire safety; and

(4) a comparison of the environmental impact of petroleum-based lubricants with biobased lubricants, which shall include rate and effects of biodegradability.

SEC. 221. APPLICABILITY OF BUY AMERICAN ACT.

Section 24305(f) is amended to read as follows:

"(f) APPLICABILITY OF BUY AMERICAN ACT.—Amtrak shall be subject to the Buy American Act (41 U.S.C. 10a–d) and the regulations thereunder, for purchases of $100,000 or more.".

SEC. 222. INTERCITY PASSENGER RAIL SERVICE PERFORMANCE.

(a) DEVELOPMENT OF EVALUATION METRICS.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall, using the financial and performance metrics developed under section 207, develop metrics for the evaluation of the performance and service quality of intercity passenger rail services including cost recovery, on-time performance and minutes of delay, ridership, onboard services, maintenance of facilities and equipment, and other services.

(b) IDENTIFICATION OF WORST PERFORMING ROUTES.—On the basis of these metrics, the Inspector General shall identify the five worst performing Amtrak routes.

(c) ALTERNATIVE ROUTES.—The Inspector General shall also establish criteria for evaluating routes not currently served by Amtrak which might be able to support passenger rail service at a reasonable cost.

(d) REPORT TO CONGRESS.—The Inspector General shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate recommending a process for the Department of Transportation to consider proposals by Amtrak and others to serve underperforming routes, and routes not currently served by Amtrak. The proposals shall require that applicants follow grant requirements of section 504. The Inspector General shall recommend one route not currently served by Amtrak and two routes (from among the five worst routes identified under subsection (b)) currently served by Amtrak, for the Department of Transportation to consider under the selection process.

(e) IMPLEMENTATION.—The Secretary shall not implement the selection process recommended by the Inspector General under subsection (d) until legislation has been enacted authorizing the Secretary to take such action.

SEC. 223. AMTRAK INSPECTOR GENERAL UTILIZATION STUDY.

Not later than 9 months after the date of enactment of this Act, the Amtrak Inspector General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Amtrak's utilization of its facilities, including the Beech Grove Repair facility in Indiana. The report shall include an examination of Amtrak's utilization of its existing facilities to determine the extent Amtrak is maximizing the opportunities for each facility, including any attempts to provide maintenance and repair to other rail carriers. In developing this report, the Amtrak Inspector General shall consult with other railroad carriers as it deems appropriate.

SEC. 224. AMTRAK SERVICE PREFERENCE STUDY.

Not later than 6 months after the date of enactment of this Act, the Surface Transportation Board shall transmit to the Congress a report containing—

(1) the findings of a study of the effectiveness of the implementation of section 24308(c) of title 49, United States Code, in ensuring the preference of Amtrak service over freight transportation service; and

(2) recommendations with respect to any regulatory or legislative actions that would improve such effectiveness.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

"CHAPTER 244—INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

"Sec.
"24401. Definitions.
"24402. Capital investment grants to support intercity passenger rail service.
"24403. Project management oversight.
"24404. Use of capital grants to finance first-dollar liability of grant project.
"24405. Grant conditions.

"§24401. Definitions

"In this chapter:

"(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

"(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State

rail plan developed under chapter 225 of this title for—

"(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

"(C) costs associated with developing State rail plans; and

"(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

"(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of this title.

"§24402. Capital investment grants to support intercity passenger rail service

"(a) GENERAL AUTHORITY.—

"(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities, infrastructure, and equipment necessary to provide or improve intercity passenger rail transportation.

"(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008.

"(b) PROJECT AS PART OF STATE RAIL PLAN.—

"(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 302 of the Passenger Rail Investment and Improvement Act of 2008, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

"(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

"(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

"(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

"(1) require that each proposed project meet all safety requirements that are applicable to the project under law;

"(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008;

"(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

"(4) ensure that each project is compatible with, and is operated in conformance with—

"(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

"(B) the national rail plan (if it is available); and

"(5) favor the following kinds of projects:

"(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

"(B) Projects that improve freight or commuter rail operations.

"(C) Projects that have significant environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment.

"(D) Projects that are—

"(i) at a stage of preparation that all pre-commencement compliance with environmental protection requirements has already been completed; and

"(ii) ready to be commenced.

"(E) Projects with positive economic and employment impacts.

"(F) Projects that encourage the use of positive train control technologies.

"(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

"(H) Projects that involve donated property interests or services.

"(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

"(J) Projects described in section 5302(a)(1)(G) of this title that are designed to support intercity passenger rail service.

"(K) Projects that encourage intermodal connectivity, create significant opportunity for State and private contributions toward station development, are energy and environmentally efficient, and have economic benefits.

"(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

"(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

"(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

"(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(C) An obligation or administrative commitment may be made only when amounts are appropriated.

"(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

"(i) establish the terms of participation by the United States Government in a project under this section;

"(ii) establish the maximum amount of Government financial assistance for the project;

"(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable

diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

“(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(d) of the Passenger Rail Investment and Improvement Act of 2008, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

“(f) FEDERAL SHARE OF NET PROJECT COST.—

“(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

“(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

“(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

“(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

“(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service and operating costs in fiscal years 2002, 2003, 2004, 2005, 2006, 2007, and 2008 shall be credited towards the matching requirements for grants awarded in fiscal years 2009, 2010, and 2011 under this section. The Secretary may require such information as necessary to verify such expenditures.

“(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year, beginning in fiscal year 2007, for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average capital and operating expenditures made for such service in fiscal years 2004, 2005, 2006, 2007, and 2008 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

“(g) UNDERTAKING PROJECTS IN ADVANCE.—

“(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

“(A) the applicant applies for the payment;

“(B) the Secretary approves the payment; and

“(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

“(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

“(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

“(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

“(i) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

“(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

“(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

“(j) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(d) of the Passenger Rail Investment and Improvement Act of 2008 beginning in fiscal year 2009 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

“§24403. Project management oversight

“(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this chapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

“(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

“(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

“(3) a construction schedule for the project;

“(4) a document control procedure and recordkeeping system;

“(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

“(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

“(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

“(8) material testing policies and procedures;

“(9) internal plan implementation and reporting requirements;

“(10) criteria and procedures to be used for testing the operational system or its major components;

“(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

“(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

“(b) SECRETARIAL OVERSIGHT.—

“(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this chapter to enter into contracts to oversee the construction of such projects.

“(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

“(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

“(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this chapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

“§24404. Use of capital grants to finance first-dollar liability of grant project

“Notwithstanding the requirements of section 24402 of this chapter, the Secretary of Transportation may approve the use of capital assistance under this chapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

“§24405. Grant conditions

“(a) DOMESTIC BUYING PREFERENCE.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

“(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

“(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

“(B) DE MINIMIS AMOUNT.—Subparagraph (A) applies only to a purchase in an total amount that is not less than $1,000,000.

“(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

“(A) such requirements are inconsistent with the public interest;

“(B) the cost of imposing the requirements is unreasonable; or

“(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

“(3) UNITED STATES DEFINED.—In this subsection, the term ‘the United States’ means the States, territories, and possessions of the United States and the District of Columbia.

“(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

“(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

"(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

"(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

"(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

"(A) any compensation for such use;

"(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

"(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

"(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

"(2) the applicant agrees to comply with—

"(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

"(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this chapter.

"(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

"(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

"(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

"(B) establishes a procedure for notifying such an employee of such positions;

"(C) establishes a procedure for such an employee to apply for such positions; and

"(D) establishes rates of pay, rules, and working conditions.

"(2) IMMEDIATE REPLACEMENT SERVICE.—

"(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

"(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

"(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

"(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

"(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

"(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

"(2) the Alaska Railroad or its contractors; or

"(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.".

(b) CONFORMING AMENDMENT.—The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

"244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE .... 24401".

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

"CHAPTER 225—STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

"Sec.
"22501. Definitions.
"22502. Authority.
"22503. Purposes.
"22504. Transparency; coordination; review.
"22505. Content.
"22506. Review.

"§ 22501. Definitions

"In this chapter:

"(1) PRIVATE BENEFIT.—

"(A) IN GENERAL.—The term 'private benefit'—

"(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(2) PUBLIC BENEFIT.—

"(A) IN GENERAL.—The term 'public benefit'—

"(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

"(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.

"§ 22502. Authority

"(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this chapter.

"(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

"(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

"(2) establish or designate a State rail plan approval authority to approve the plan;

"(3) submit the State's approved plan to the Secretary of Transportation for review; and

"(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

"§ 22503. Purposes

"(a) PURPOSES.—The purposes of a State rail plan are as follows:

"(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

"(2) To establish the period covered by the State rail plan.

"(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

"(4) To serve as the basis for Federal and State rail investments within the State.

"(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

"§22504. Transparency; coordination; review

"(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

"(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

"§22505. Content

"(a) IN GENERAL.—Each State rail plan shall contain the following:

"(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

"(2) A review of all rail lines within the State, including proposed high-speed rail corridors and significant rail line segments not currently in service.

"(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

"(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

"(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

"(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

"(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

"(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

"(9) A review of publicly funded projects within the State to improve rail transportation safety, including all major projects funded under section 130 of title 23.

"(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

"(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this chapter, and a plan for funding any recommended development of such corridors in the State.

"(12) A statement that the State is in compliance with the requirements of section 22102.

"(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

"(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

"(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

"(B) A detailed funding plan for those projects.

"(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

"(A) a description of the anticipated public and private benefits of each such project; and

"(B) a statement of the correlation between—

"(i) public funding contributions for the projects; and

"(ii) the public benefits.

"(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

"(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

"(B) Rail capacity and congestion effects.

"(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

"(D) Regional balance.

"(E) Environmental impact.

"(F) Economic and employment impacts.

"(G) Projected ridership and other service measures for passenger rail projects.

"§22506. Review

"The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter.".

(b) CONFORMING AMENDMENT.—The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

"225. STATE RAIL PLANS AND HIGH
PRIORITY PROJECTS .... 22501".

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, and other passenger railroad operators as appropriate and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 103(2) of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

"§24910. Rail cooperative research program

"(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

"(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

"(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

"(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

"(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

"(b) CONTENT.—The program to be carried out under this section shall include research designed—

"(1) to identify the unique aspects and attributes of rail passenger and freight service;

"(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

"(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

"(4) to recommend priorities for technology demonstration and development;

"(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

"(6) to explore improvements in management, financing, and institutional structures;

"(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

"(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

"(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

“(10) to review the impact of equipment and operational safety standards on the further development of high-speed passenger rail operations connected to or integrated with non-high-speed freight or passenger rail operations;

“(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high-speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high-speed freight or passenger rail operations; and

“(12) to review rail crossing safety improvements, including improvements using new safety technology.

“(c) ADVISORY BOARD.—

“(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

“(2) MEMBERSHIP.—The advisory board shall include—

“(A) representatives of State transportation agencies;

“(B) transportation and environmental economists, scientists, and engineers; and

“(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

“(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

“24910. Rail cooperative research program.”.

SEC. 305. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, France, China, Spain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high-speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation of the Senate.

TITLE IV—COMMUTER RAIL TRANSIT ENHANCEMENT

SEC. 401. COMMUTER RAIL TRANSIT ENHANCEMENT.

(a) AMENDMENT.—Part E of subtitle V is amended by adding at the end the following:

“CHAPTER 285—COMMUTER RAIL TRANSIT ENHANCEMENT

“Sec.
“28501. Definitions
“28502. Surface Transportation Board mediation of trackage use requests.
“28503. Surface Transportation Board mediation of rights-of-way use requests.
“28504. Applicability of other laws.
“28505. Rules and regulations.

“§ 28501. Definitions

“In this chapter—

“(1) the term ‘Board’ means the Surface Transportation Board;

“(2) the term ‘capital work’ means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

“(3) the term ‘fixed guideway transportation’ means public transportation (as defined in section 5302(a)(10)) provided on, by, or using a fixed guideway (as defined in section 5302(a)(4));

“(4) the term ‘public transportation authority’ means a local governmental authority (as defined in section 5302(a)(6)) established to provide, or make a contract providing for, fixed guideway transportation;

“(5) the term ‘rail carrier’ means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;

“(6) the term ‘segregated fixed guideway facility’ means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, including relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and

“(7) the term ‘trackage’ means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

“§ 28502. Surface Transportation Board mediation of trackage use requests

“If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of fixed guideway transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

“§ 28503. Surface Transportation Board mediation of rights-of-way use requests

“If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

“§ 28504. Applicability of other laws

“Nothing in this chapter shall be construed to limit a rail transportation provider's right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

“§ 28505. Rules and regulations

“Not later than 180 days after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.”.

(b) CLERICAL AMENDMENT.—The table of chapters of such subtitle is amended by adding after the item relating to chapter 283 the following:

“285. COMMUTER RAIL TRANSIT ENHANCEMENT .... 28501”.

TITLE V—HIGH-SPEED RAIL

SEC. 501. HIGH-SPEED RAIL CORRIDOR PROGRAM.

(a) IN GENERAL.—Chapter 261 is amended by adding at the end thereof the following:

“§ 26106. High-speed rail corridor program

“(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a high-speed rail corridor program.

“(b) DEFINITIONS.—In this section, the following definitions apply:

“(1) APPLICANT.—The term ‘applicant’ means a State, a group of States, an Interstate Compact, a public agency established by one or more States and having responsibility for providing high-speed rail service, or Amtrak.

“(2) CORRIDOR.—The term ‘corridor’ means a corridor designated by the Secretary pursuant to section 104(d)(2) of title 23.

“(3) CAPITAL PROJECT.—The term ‘capital project’ means a project or program in a State rail plan developed under chapter 225 of this title for acquiring, constructing, improving, or inspecting equipment, track, and track structures, or a facility of use in or for the primary benefit of high-speed rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to high-speed rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing.

“(4) HIGH-SPEED RAIL.—The term ‘high-speed rail’ means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.

“(5) INTERCITY PASSENGER RAIL SERVICE.—The term ‘intercity passenger rail service’ means transportation services with the primary purpose of passenger transportation between towns, cities, and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of this title.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(7) STATE.—The term ‘State’ means any of the 50 States or the District of Columbia.

“(c) GENERAL AUTHORITY.—The Secretary may make grants under this section to an applicant to finance capital projects in high-speed rail corridors.

“(d) APPLICATIONS.—Each applicant seeking to receive a grant under this section to develop a high-speed rail corridor shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

“(e) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

“(1) IN GENERAL.—The Secretary shall—

“(A) establish criteria for selecting among projects that meet the criteria specified in paragraph (2);

“(B) conduct a national solicitation for applications; and

"(C) award grants on a competitive basis.

"(2) GRANT CRITERIA.—The Secretary may approve a grant under this section for a project only if the Secretary determines that the project—

"(A) is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 302 of the Passenger Rail Investment and Improvement Act of 2008;

"(B) is based on the results of preliminary engineering;

"(C) has the legal, financial, and technical capacity to carry out the project; and

"(D) is justified based on the ability of the project—

"(i) to generate national economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product;

"(ii) to increase mobility of United States citizens and reduce congestion, including impacts in the State, region, and Nation; and

"(iii) to otherwise enhance the national transportation system.

"(3) PROJECT SELECTION CRITERIA.—In selecting a project under this section, the Secretary shall consider the extent to which the project—

"(A) makes a substantial contribution to providing the infrastructure and equipment required to complete a high-speed rail corridor;

"(B) leverages Federal investment by encouraging non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the high-speed rail corridor and service; and

"(C) helps protect the environment.

"(f) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent of the project net capital cost.

"(g) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations for carrying out this section.

"(h) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this section $350,000,000 for each of fiscal years 2009 through 2013.".

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

"26106. High-speed rail corridor program.".

SEC. 502. ADDITIONAL HIGH-SPEED PROJECTS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—

(A) NORTHEAST CORRIDOR.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall issue a request for proposals for projects for the financing, design, construction, and operation of an initial high-speed rail system operating between Washington, DC, and New York City. Such proposals shall be submitted to the Secretary not later than 150 days after the publication of such request for proposals.

(B) OTHER PROJECTS.—After a report is transmitted under subsection (e) with respect to projects described in subparagraph (A), the Secretary of Transportation may issue a request for proposals for additional projects for the financing, design, construction, and operation of a high-speed rail system operating on any other corridor in the United States. Such proposals shall be submitted to the Secretary not later than 150 days after the publication of such request for proposals.

(2) CONTENTS.—A proposal submitted under paragraph (1) shall include—

(A) the names and qualifications of the persons submitting the proposal;

(B) a detailed description of the proposed route and its engineering characteristics and of all infrastructure improvements required to achieve the planned operating speeds and trip times;

(C) how the project would comply with Federal rail safety regulations which govern the track and equipment safety requirements for high-speed rail operations;

(D) the peak and average operating speeds to be attained;

(E) the type of equipment to be used, including any technologies for—

(i) maintaining an operating speed the Secretary determines appropriate; or

(ii) in the case of a proposal submitted under paragraph (1)(A), achieving less than 2-hour express service between Washington, DC, and New York City;

(F) the locations of proposed stations;

(G) a detailed description of any proposed legislation needed to facilitate the project;

(H) a financing plan identifying—

(i) sources of revenue;

(ii) the amount of any proposed public contribution toward capital costs or operations;

(iii) ridership projections;

(iv) the amount of private investment;

(v) projected revenue;

(vi) annual operating and capital costs;

(vii) the amount of projected capital investments required (both initially and in subsequent years to maintain a state of good repair); and

(viii) the sources of the private investment required, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment;

(I) a description of how the project would contribute to the development of a national high-speed rail system, and an intermodal plan describing how the system will connect with other transportation links;

(J) labor protections that would comply with the requirements of section 504;

(K) provisions to ensure that the proposal will be designed to operate in harmony with existing and projected future intercity, commuter, and freight service;

(L) provisions for full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or non-Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity; and

(M) a detailed description of the environmental impacts of the project, and how any adverse impacts would be mitigated.

(3) DOCUMENTS.—Documents submitted or developed pursuant to this subsection shall not be subject to section 552 of title 5, United States Code.

(b) DETERMINATION OF COST EFFECTIVENESS AND ESTABLISHMENT OF COMMISSIONS.—Not later than 60 days after receipt of a proposal under subsection (a), the Secretary of Transportation shall—

(1) make a determination as to whether the proposal is cost effective; and

(2) for each corridor for which one or more cost effective proposals are received, establish a commission under subsection (c).

(c) COMMISSIONS.—

(1) MEMBERS.—The commission referred to in subsection (b)(2) shall consist of—

(A) the governor of the affected State or States, or their respective designees;

(B) a rail labor representative, a representative from a rail freight carrier using the relevant corridor, and a commuter authority using the relevant corridor, appointed by the Secretary of Transportation, in consultation with the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Secretary of Transportation or his designee;

(D) the president of Amtrak or his designee; and

(E) the mayors of the three largest municipalities serviced by the proposed high-speed rail corridor.

(2) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice Chairperson shall be elected from among members of the Commission.

(3) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals with respect to which the commission was established, and not later than 90 days after the establishment of the commission, shall transmit to the Secretary, and to the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report which includes—

(A) a summary of each proposal received;

(B) a ranking of the order of the proposals according to cost effectiveness, advantages over existing services, projected revenue, and cost and benefit to the public and private parties;

(C) an indication of which proposal or proposals are recommended by the commission; and

(D) an identification of any proposed legislative provisions which would facilitate implementation of the recommended project.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(e) SELECTION BY SECRETARY.—Not later than 60 days after receiving a report from a commission under subsection (d)(1), the Secretary of Transportation shall transmit to the Congress a report that ranks all of the recommended proposals according to cost effectiveness, advantages over existing services, projected revenue, and cost and benefit to the public and private parties.

(f) NORTHEAST CORRIDOR ECONOMIC DEVELOPMENT STUDY.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of an economic development study of Amtrak's Northeast Corridor service between Washington, DC, and New York City. Such study shall examine how to achieve maximum utilization of the Northeast Corridor as a transportation asset, including—

(1) maximizing the assets of the Northeast Corridor for potential economic development purposes;

(2) real estate improvement and financial return;

(3) improved intercity, commuter, and freight services;

(4) optimum utility utilization in conjunction with potential separated high-speed rail passenger services; and

(5) any other means of maximizing the economic potential of the Northeast Corridor.

SEC. 503. HIGH-SPEED RAIL STUDY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct—

(1) an alternatives analysis of the Secretary's December 1, 1998, extension of the designation of the Southeast High-Speed Rail Corridor as authorized under section 104(d)(2) of title 23, United States Code; and

(2) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor to the Port of Houston, Texas.

These analyses shall consider changes that have occurred in the region's population, anticipated patterns of population growth, connectivity with other modes of transportation, ability of the designation to reduce regional traffic congestion, and the ability of current and proposed routings to meet the needs of tourists. The Secretary shall submit recommendations to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and conduct a redesignation of one or both corridors if necessary.

SEC. 504. GRANT CONDITIONS.

(a) DOMESTIC BUYING PREFERENCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, or the amendments made by this title, the grant recipient shall purchase only—

(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

(B) DE MINIMIS AMOUNT.—Subparagraph (A) applies only to a purchase in an total amount that is not less than $1,000,000.

(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

(A) such requirements are inconsistent with the public interest;

(B) the cost of imposing the requirements is unreasonable; or

(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

(3) UNITED STATES DEFINED.—In this subsection, the term "the United States" means the States, territories, and possessions of the United States and the District of Columbia.

(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title, or the amendments made by this title, shall be considered a rail carrier as defined in section 10102(5) of title 49, United States Code, for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title, or the amendments made by this title, for a project that uses rights-of-way owned by a railroad that—

(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

(A) any compensation for such use;

(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of title 49, United States Code; and

(2) the applicant agrees to comply with—

(A) the standards of section 24312 of title 49, United States Code, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of title 49, United States Code; and

(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this chapter.

(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title, or the amendments made by this title, and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

(B) establishes a procedure for notifying such an employee of such positions;

(C) establishes a procedure for such an employee to apply for such positions; and

(D) establishes rates of pay, rules, and working conditions.

(2) IMMEDIATE REPLACEMENT SERVICE.—

(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

(1) commuter rail passenger transportation (as defined in section 24102(4) of title 49, United States Code) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of title 49, United States Code) eligible to receive financial assistance under section 5307 of title 49, United States Code, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

(2) the Alaska Railroad or its contractors; or

(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–703. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–703.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In section 101(c)—

(1) strike "AMERICANS WITH DISABILITIES ACT COMPLIANCE" in the subsection heading and insert "ACCESSIBILITY IMPROVEMENTS AND BARRIER REMOVAL FOR PEOPLE WITH DISABILITIES"; and

(2) strike "for compliance with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)" and insert "to improve the accessibility of facilities, including rail platforms, and services".

In title I, add at the end the following new section (and amend the table of contents accordingly):

SEC. 105. COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

In section 205(a), strike "103(c)" and insert "103(2)".

In section 209(a), in the proposed section 24905(b)—

(1) strike "and" at the end of paragraph (8);

(2) strike the period at the end of paragraph (9) and insert "; and"; and

(3) after paragraph (9), insert the following new paragraph:

"(10) potential funding and financing mechanisms for projects of corridor-wide significance.

In section 209(a), in the proposed section 24905(c)(1)(A)—

(1) strike "and" at the end of clause (i);

(2) insert "and" at the end of clause (ii); and

(3) after clause (ii), insert the following new clause:

"(iii) all financial contributions made by an operator of a service, including but not limited to, for any capital infrastructure investments, as well as for any in-kind services, are considered;

In section 209(c)(2)(B), insert ", including but not limited to, any adverse impact on existing and projected intercity, commuter, and freight service" after "such an achievement".

In section 211, insert "including issues related to the raising of passenger rail station platforms," after "to achieving compliance,".

In section 211, strike "an overall schedule" and insert "a detailed plan and schedule".

In section 211, insert "by the 2010 statutory deadline for station accessibility" after "parts of section 242(e)(2)".

In section 211, strike "July 1, 2009" and insert "February 1, 2009".

Strike subsection (c) of section 214.

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 225. HISTORIC PRESERVATION AND RAILROAD SAFETY.

(a) STUDY; OTHER ACTIONS.—The Secretary of Transportation shall—

(1) conduct a study, in consultation with the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, the Department of the Interior, appropriate representatives of the railroad industry, and representative stakeholders, on ways to streamline compliance with the requirements of section 303 of title 49, United States Code, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f) for federally funded railroad infrastructure repair and improvement projects;

(2) take immediate action to cooperate with the Alaska Railroad, the Alaska State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the decisionmaking process for safety-related projects of the railroad involving property and facilities that have disputed historic significance; and

(3) take immediate action to cooperate with the North Carolina Department of Transportation, the North Carolina State Historic Preservation Office, the Virginia State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the decisionmaking process for safety-related projects of the railroad and the Southeast High Speed Rail Corridor involving property and facilities that have disputed historic significance.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the results of the study conducted under subsection (a)(1) and the actions directed under subsection (a)(2) and (3). The report shall include recommendations for any regulatory or legislative amendments that may streamline compliance with the requirements described in subsection (a)(1) in a manner consistent with railroad safety and the policies and purposes of section 106 of the National Historic Preservation Act (16 U.S.C. 470f), section 303 of title 49, United States Code, and section 8(d) of Public Law 90-543 (16 U.S.C. 1247(d)).

In section 301, in the proposed section 24402, add at the end the following new subsection:

"(k) BICYCLE ACCESS.—Grants under this chapter may be used to provide bicycle access into rolling stock, and to provide bicycle racks in trains.".

In section 301, in the proposed section 24405(e), strike paragraph (1) and redesignate paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

In section 502(a)(2), amend subparagraph (F) to read as follows:

(F) the locations of proposed stations, identifying, in the case of a proposal submitted under paragraph (1) (A), a plan allowing for station stops at or in close proximity to the busiest Amtrak stations;

In section 503—

(1) strike "and" at the end of paragraph (1);

(2) strike the period at the end of paragraph (2) and insert a semicolon; and

(3) insert after paragraph (2) the following new paragraphs:

(3) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor to Memphis, Tennessee; and

(4) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor south of San Antonio to a location in far south Texas to be chosen at the discretion of the Secretary.

In section 504(e), strike paragraph (1) and redesignate paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

The CHAIRMAN. Pursuant to House Resolution 1253, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 4 minutes.

The manager's amendment requires the Secretary of Transportation to conduct a study on ways to streamline compliance with the National Historic Preservation Act requirements for Federally funded rail infrastructure projects. This issue was raised in committee by the gentleman from Pennsylvania, the ranking member, Mr. SHUSTER, for himself, for North Carolina and for Alaska. I felt that we needed to explore the matter further, so we scheduled a hearing on the issue because this matter had not been raised previously.

We heard from the Alaska Railroad, the North Carolina Department of Transportation, the Advisory Council on Historic Preservation, the National Trust For Historic Preservation and the Rails-to-Trails Conservancy.

At the conclusion of that meeting, it was obvious we weren't going to be able, in the course of the hearing, to reach agreement. But we saw a path toward agreement. And I directed the parties and the staff to work through the weekend to develop a compromise proposal, which they did, and we have reflected that understanding in the manager's amendment.

I want to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from North Carolina (Mr. COBLE), and the gentleman from Pennsylvania (Mr. SHUSTER) for bringing this matter to our attention, and to Mr. MICA for participating and working out what I think is a reasonable approach.

I also what to thank colleagues who had amendments that were proposed to the bill for agreeing to incorporate those amendments into the manager's amendment to expedite consideration. The gentleman from New York (Mr. ARCURI), the gentleman from Arkansas (Mr. BERRY), and Tennessee (Mr. COHEN), from Delaware (Mr. CASTLE) Mr. CUELLAR and Mr. HINOJOSA from Texas, Mr. WEINER and Mr. BLUMENAUER, from New York and Oregon respectively.

The Arcuri amendments ensure that the financial contributions and in kind services provided by commuter rails are taken into account in developing a standardized formula for Northeast Corridor commuter cost allocation.

The Berry-Cohen amendment requires a feasibility analysis on extending south central high-speed rail service to Memphis, Tennessee. The Castle amendment ensures that all proposals for high-speed rail on the Northeast Corridor plans to allow station stops at or in close proximity to the busiest Amtrak stations. The Cuellar-Hinojosa amendment requires a feasibility analysis on extending South Central high-speed rail to a location in south Texas to be determined by the Secretary.

The Weiner-Blumenauer amendment authorizes intercity passenger rail grants for bicycle access on rolling stock and bicycle racks on trains. And the amendment also provides that none of the funds may be used to employ workers in violation of section 274A of the Immigration and Nationality Act and makes a number of technical corrections in the reported bill.

There are other items of a bipartisan nature included in the manager's amendment, and I think we have worked these matters out satisfactorily.

I urge all Members to support it.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 15 minutes.

There was no objection.

Mr. SHUSTER. I yield myself as much time as I may consume.

I rise in support of this amendment. And I am not going to run down through. The chairman did a good job of going over all the provisions in this manager's amendment. But we have reached a bipartisan agreement between Mr. OBERSTAR and Ms. BROWN, Mr. MICA and myself, so we support the amendment.

I reserve the balance of my time.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I want to thank Chairman OBERSTAR for yielding the time. I am rising in support, in very strong support of the manager's amendment which includes some very important provisions especially the one regarding the Americans with Disabilities Act compliance and the raising of the stations' platforms. The Los Angeles Metrolink and many other commuter railroads have fully complied with ADA rules by putting ramps and lifts in all of their stations so the disabled community can safely and easily board the trains.

DOT has proposed a rule that would require all railroad stations to fully raise their platforms. It would be a very great cost to all the different railroads that service our people and then most passenger rail stations are serviced by multiple railroad companies with different train settings. Raising the platform will create major vertical and horizontal gaps between the trains and the platforms, making it harder for the disabled community to safely and efficiently enter and exit trains.

The manager's amendment requires Amtrak to study how raising station platforms will affect the safe and efficient boarding of trains for all passengers.

I fully support the manager's amendment and thank Mr. OBERSTAR, Ms. BROWN, Ranking Members MICA and SHUSTER for their work on the reauthorization of the bill which helps provide many needed improvements in the sadly lacking rail transportation, and hopefully will provide enticement to people leaving their cars at home, saving gasoline, arrive rested and avoid the traffic jams, creates for us in California a desperately needed program where we have three of the top five busiest rail corridors in the U.S., the Pacific Surfliner, the Capitol Corridor and San Joaquin Corridors, alleviating the choke points and being able to help us look at the San Diego to Los Angeles San Francisco high-speed rail. It will help Metrolink, and I strongly support the passage of the manager's amendment in the bill.

Mr. SHUSTER. At this time I would like to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman from Pennsylvania for yielding.

Mr. Chairman, I rise in support of the legislation's amendment before us today. I never thought I would be involved in a love fest in a discussion for reauthorization of Amtrak. I would like to credit that to Chairman OBERSTAR and everybody on the committee who put this together. On Monday I submitted an important amendment to the Rules Committee which fortunately has been included as part of this manager's amendment.

For anybody who has driven on I–95 recently, it is strikingly clear that highway congestion has become a critical problem threatening business productivity, increasing safety risk and hindering efforts to improve air quality. In fact a recent study found that road congestion in the top four metropolitan areas cost Americans 4.2 billion hours and 2.9 billion gallons of fuel sitting in traffic delays. Try multiplying that by $4.

In contrast, passenger and commuter rail systems have proven to be the most efficient options for travelers in heavily congested areas of the country. Between Boston and Washington, ridership on Amtrak has surged 20 percent with nearly 2,000 trains operating along the corridor every day. Clearly the Northeast's entire transportation system would stagger to a halt if these trains ever stopped running. In fact, a few weeks ago, I was pleased to welcome Ranking Member MICA to my home station in Wilmington, Delaware, to discuss the importance of rail transportation in alleviating congestion in the Northeast.

In this era of high gas prices, congested roadways and overcrowded airports, rail transportation has become imperative for many travelers. For this reason, I strongly support the provisions in the bill to begin developing a high-speed rail corridor between New York and Washington, D.C.

My amendment to this bill will simply ensure that proposals to build a high-speed rail system in the Northeast allow for station stops at the corridor's busiest rail hubs. For example, last year nearly 1 million people boarded or exited a train in Wilmington, Delaware, which is centrally located on the corridor between New York's Penn Station and Union Station here in Washington. As a regular Amtrak commuter myself, I can attest to the fact that thousands of travelers rely on the Wilmington train station when it comes to visiting friends and relatives who are traveling for business, making it the fifth busiest station on the Northeast Corridor. Therefore my amendment makes clear that heavily utilized high-ridership stations like Wilmington should be included in any proposal for building a high-speed rail system in the Northeast.

As co-chairman of the House Passenger Rail Caucus, I commend Chairman OBERSTAR, Congressman MICA, Congresswoman BROWN, Congressman SHUSTER and everyone who has worked hard to expand transportation options and cut delays for travelers in this part of the country.

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Mr. Chairman, I thank the committee for including my amendment as part of the legislation before us today. I believe this bill is vital to exploring the untapped potential of passenger rail, and I look forward to working with my colleagues on these critical transportation issues.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, a distinguished member of our committee, the gentleman from Iowa (Mr. BRALEY), intended to be here and had actually requested time to be heard on general debate. But, unfortunately, he is home in his district, probably handling sandbags to deal with flooding in Waterloo. Late yesterday, the flooding washed away a Union Pacific Railroad bridge over the Cedar River in downtown Waterloo and our committee colleague is back home with his constituents, as he rightly should be.

I also want to express my appreciation to the gentleman from Iowa (Mr. BRALEY), who I know wanted to be here during consideration of the bill.

Regrettably, he is home in his District to help his constituents deal with flooding in Waterloo.

Yesterday, the flooding washed away a Union Pacific railroad bridge over the Cedar River in downtown Waterloo.

I include a report from the local newspaper on the tragedies in Iowa.

UPDATE: RAILROAD BRIDGE IN DOWNTOWN W'LOO COLLAPSES; CF ORDERS MORE EVACUATIONS

(By Jim Offner, Courier Business Editor)

WATERLOO, June 10.—One-third of the Union Pacific railroad bridge parallel to Sixth Street over the Cedar River in downtown Waterloo has washed away in the flood waters.

The third of the bridge adjacent to the east bank of the Cedar River washed away at 2:45 p.m.

Roger Verch saw the bridge section give way.

"We were actually standing on the 18th Street Bridge" downstream when it gave way. It struck the 18th Street Bridge. " We really felt the vibrations," Verch said. A portion of it remained lodged in the 18th Street Bridge and another portion of it washed down river.

The bridge is used by the Iowa Northern Railroad to serve John Deere's East Donald Street Tractor Works, and Deere tractors are transported by rail over that line to Cedar Rapids.

Iowa Northern general manager Mark Sabin said the railroad is assessing the flood's impacts all along its line and had not yet had an opportunity to assess the effects of the bridge washout.

We will provide more details as they become available.

Also, the city of Cedar Falls has now expanded its area of evacuation. The mayor has ordered an immediate evacuation of everyone in the following areas:

–On Franklin Street from Sixth Street to the north; on Sixth Street to the east toward Main Street; on Main Street from Ninth Street to the north; and all downtown areas from those streets toward the river.

Unauthorized vehicles will be removed beginning at 3 p.m.

People who are evacuating are urged to turn off their power, utilities, water and gas. Security will be provided for the area to safeguard property by the Cedar Falls Police Department and the National Guard.

Volunteers may remain in this area if they are assisting with the sandbagging efforts. Volunteers will be needed throughout the night. It cannot be emphasized enough that volunteers are needed and must report to the north parking lot of the UNI-Dome to assist with sandbagging. Volunteers must not travel downtown or go near the levy. Transportation will be provided to volunteers.

EARLIER STORY

Businesses in downtown Waterloo were struggling to hold back the waters—with some success—as the Cedar River was spilling over the flood wall that protects rivers lining the riverbanks Tuesday.

"Right now, we're cleaning up some groundwater," said Vern Nelson, owner of the River Plaza and Black's buildings downtown. "We're doing what we can to prevent any more damage."

The River Plaza building had some water seepage, but it was under control at midday Tuesday, Nelson said.

"We haven't had very much—some groundwater coming up—but it's continuous," Nelson said. "Just carpets are damp and maybe an inch of water."

Donna Nelson, Vernon Nelson's wife and co-owner of the properties, said any problems that existed in either the River Plaza the Black's Building, were manageable.

"We're coping pretty good in our buildings," Donna Nelson said. "But we have relocated some Cedar Falls businesses into our buildings."

The couple also own the Gasser Building and Winter Bottom.

"We're having a little groundwater over at River Plaza," Donna Nelson said. "The city has walls in front of River Plaza, and I believe they're another 10 feet high."

She praised the city officials' response to the deluge.

"The city has been really good," she said. "They've been in constant contact. I've got hundreds of calls from our tenants and, of course, they're nervous. But the city has been very good at keeping us updated. Some people are parking at ground levels. The city has been very kind to let them relocate."

She said three Cedar Falls businesses had moved temporarily into the River Plaza.

Vern Nelson said seepage through the River Plaza's basement floor has been the primary problem there.

"It's not coming through the walls," Nelson said.

A plan of action, should the situation deteriorate, was being devised Tuesday afternoon, Nelson said.

"We're deciding on what we're going to do, whether we're going to stay open," he said. "We have two rooms—a free weight room and a cafe—that have water in them that we've closed down. Half the athletic club is open."

The hope is to reopen as soon as officials give the go-ahead, he said.

"We hope to do that immediately," he said.

Diane Graham, administrative assistant for Main Street Waterloo, said the downtown-based organization was still dry at noon.

"I'm a little nervous, but so far, so good," she said. "Even the basement is dry at this point. It's all dry on Fourth Street."

Gene Leonhart, chief executive officer of Cardinal Construction, said the Waterloo Building, which houses his company, had some seepage.

"We're fortunate that our building hasn't taken on any more water than it has," he said. "Our basement that has the boilers has a deep sump, and we're able to keep ahead of it."

The company's inventory of sump pumps had long since been depleted.

"We had calls for pumps, but those are long since dispersed."

The company was continuing to function, however, Leonhart said.

"We're functioning, and the building is functioning," he said, "Given what the city has to do with the sewers and water, it's a concern here. since we're only one block away from the river."

Traffic downtown was bottled up. Police officers directing snarled traffic around the Five Sullivan Brothers Convention Center, which was hosting the Heartland Conference 2008, a medical supply convention that was expecting an estimated 1,000 attendees, said at noon that getting out of downtown would be a 20-minute ordeal.

"It's a busy day downtown," said Jim Walsh, CEO of VGM Group, who owns several properties downtown and whose company is attending the convention. "In addition to the concerns we have about floodwater both direct and indirect, we also have staff and traffic issues. Many employees have floodwaters in their houses, and we're trying to help them as much as we can I know a number of businesses have sent their people home and moving things out of their homes."

Walsh said the convention was proceeding as scheduled, with a couple of small exceptions.

"We did have to relocate our major social event from the Electric Park Ballroom (near the Cattle Congress) to UNI," he said.

There's only so much downtown merchants can do, Walsh said.

"If the levees are topped, of course, it's game over, as far as anything but life safety," he said. "Right now, the plan is to get things out of lower levels that can be moved and cut losses from any basement flooding.

"There's quite a bit of consternation."

Walsh said his properties were in acceptable shape—for the moment.

"We don't have much more than seepage right now," he said. "We have stopped all the elevators at upper floors, so nobody is using any elevators in the downtown buildings. Of course, we're trying to get our people out of the offices, which is hard. We have some people helping with the work, and it is a business day,"

Leonhart said he had never seen this type of flooding.

"Not even in '93," he said. "I never sew this, not since the dikes were built," he said.

A pickup truck at Fifth and Commercial tried to ply its way through flowing down Fifth with its wheels half-submerged.

"There's quite a bit of consternation," Walsh said.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON), the Chair of the Public Buildings and FEMA Subcommittee.

Ms. NORTON. Mr. Chairman, I thank the chairman for yielding. I have to thank him first for a bill that is the breakthrough of the decades. Not only is this a bill about the beginning of an entirely new train system for the United States, it is a bill about keeping the old system, Amtrak, in check, a bill we have been needing it seems forever.

Everybody who rides Amtrak, I have to say to you and to my good friend the Chair of the subcommittee, Ms. BROWN, is enormously indebted to you both, particularly in this region, and, if I may say so, across the country. At least 43 different districts are affected by what you do here today, and it has been a long time coming.

It is important in every way. It is important for the workers at Amtrak, trained workers who have suffered through a period when we have not brought forward what it takes to keep such trained people on the job, and it is most important for Amtrak, which the Federal Government has today only because the private sector threw it at us because it was unprofitable. We are now making up for years of neglect of this system.

I also want to say a word on the Davis amendment. It makes sense that it is a part of this bill. Both are in my district. The nation's capital is the hub for Amtrak and it is the hub, of course, for Metro. Metro mostly serves Federal workers. It is in this bill. The region has ponied up and said, we will pay for what it takes for capital improvements.

But the fact is that we should watch what we wish for, because we told people to get on the Metro, and we said, especially after 9/11, Federal workers better learn how to get on the Metro. So many have gotten on the Metro that they have broken down the Metro. The obligation falls to the Federal Government to do its share, along with the region.

This amendment would not be on the floor if the District first, then Maryland and then Virginia, hadn't passed local bills, saying all right, we will have dedicated funding every year for our share, for the first time. This is the only major system that does not have dedicated funding. The system has suffered for it.

What the Congress says in this amendment is in return for that, D.C., Maryland and Virginia, particularly because the people who ride back and forth are mostly Federal employees on weekdays, we will do our share for capital improvements as well.

I thank the chairmen, both Chairs, very much.

Mr. SHUSTER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MICA), the ranking member.

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding.

I brought this chart that shows $4.05 a gallon gasoline today. That is the average national cost. In some jurisdictions it is more. This is not an energy policy. This is not acceptable to the American people, $4.05 a gallon gasoline.

First of all, I strongly support the manager's amendment. Contained in it are provisions that we would have high-speed rail service. We heard the gentleman, the former Governor of Delaware, Mr. CASTLE, the distinguished Representative now from Delaware, talk about having stops. I think when I visited Wilmington, when I visited Philadelphia and New York and stops along the way, people were excited about this proposal, because it offered them an option to expensive gasoline.

The proposal that we bring forward is revolutionary. It does allow the Secretary of Transportation to take proposals. The reason we took the Northeast Corridor first is because that is the only real estate and asset that Amtrak wholly owns, almost all of it all the way to Boston. There is a little bit between New York and Boston that they don't own. That is why we took the first leg of this high speed proposal from Washington, D.C., right down the block to downtown Manhattan.

We don't specify technology, but we say it must be there within 2 hours, and we have a provision that assures stops along the way. Revolutionary. Again, what it would do for air travel congestion would be monumental for this Nation.

This isn't limited to the Northeast Corridor, that first segment. Everyone has a possibility of doing that through the provision Mr. SHUSTER, Ms. BROWN and Mr. OBERSTAR worked out.

We also have the possibility of opening for the first time public-private partnerships cutting the cost and the subsidy of some of the money-losing routes and bringing in private sector innovation. This whole attempt today, again, is revolutionary.

So, again, this outlines the high-speed rail proposal, and it shows that it is not just limited to Washington and to New York. It is open to the entire Nation, and it provides a cost-effective alternative to just saying no, to trying to zero out Amtrak, and to not having high-speed rail passenger service either in that corridor or any other corridor of the United States.

So I urge adoption of the manager's amendment and I urge passage of the final bill. I think most of the amendments are acceptable. We have a couple of questions on them. They will be debated here and Members will have to pick and choose between those amendments. But, all in all, this is a good, bipartisan effort to get us away from being dependent on $4.05 gasoline, escalating energy costs and limited choices for the traveling public. This is a very significant step forward, and I thank again Mr. OBERSTAR, Ms. BROWN and Mr. SHUSTER.

Mr. OBERSTAR. Mr. Chairman, I yield myself 5 seconds to express my appreciation to the gentleman from Florida for that statement, for his charts, for the genuinely sincere effort that brought us to this point today.

Mr. Chairman, I yield 3 minutes to the distinguished Chair of the Rail Subcommittee, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, once again I want to thank Mr. OBERSTAR, Ranking Member MICA, Subcommittee Chairman SHUSTER and the staff. On behalf of the American people, I thank you. This is really a great day.

Let me say thank you, Mr. OBERSTAR, for your hard work on this bill and helping to develop this manager's amendment which incorporates provisions in the bill that would improve the overall Amtrak system. We are falling behind other industrialized nations who have prepared their country for the future by investing heavily in high-speed rail.

Mr. OBERSTAR talked about what he did when he was right out of college with his scholarship and how it took him 6 hours to go from downtown Brussels to downtown Paris. Now it takes 1 hour and 15 minutes, over 200 miles. We went less than 6 months ago to visit a new system, downtown Barcelona, Spain, to downtown Madrid, over 300 miles, 2½ hours, and we didn't even know we were moving.

That is our competition. That is who we are competing against as far as when we talk about trade and other issues. They are able to move their people, goods and services, and we are falling behind.

Amtrak reauthorization legislation is one of the few pieces of transportation legislation that has passed the Senate. Let me repeat that. Amtrak reauthorization legislation is one of the only pieces of legislation that has passed the other body. We have a great opportunity to go to conference and send a bill to the President's desk that provides a tremendous benefit for the traveling public, creating economic development and decreased energy consumption.

The American people deserve the best passenger rail system in the world. I have said over and over and over again, we are the caboose, and we don't use cabooses anymore.

This legislation takes a proactive step in addressing the outrageous cost of gas, now over $4 a gallon, and it makes a statement that we are serious about improving our dependence on foreign oil. Rail travel is more efficient and uses less fuel than both cars and airplanes.

I would encourage all of my colleagues to support this amendment and support the bill so we can quickly move this bill through the process and have it on the President's desk for his signature.

Mr. SHUSTER. Mr. Chairman, I have no further speakers. I am prepared to close, if the gentleman is through.

Mr. OBERSTAR. We have no further speakers on our side.

Mr. SHUSTER. I yield myself such time as I may consume.

Mr. Chairman, I just wanted to close by talking directly to my colleagues who have over the years been on the floor arguing against Amtrak, arguing to cut Amtrak. I think that this agreement we have here today, there are two important reasons to support this.

First, because of the energy situation in our country. Amtrak does provide a positive alternative to get people out of their cars and to travel, inter-city travel around this country. So that is the first point.

Energy, it is a positive thing we can do for America for energy, and we haven't done anything positive in the last 18 months. Here is something positive we can do on that front.

Second, my colleagues who argue against Amtrak talk about the private sector and how they can do things. Well, this bill has three provisions in it that allow for pilot projects for the private sector to come in to take over underperforming lines, to reestablish lines that are no longer in operation by Amtrak and reestablish them, and to demonstrate what the private sector can do in passenger rail service.

After these lines are taken over, we will have concrete evidence as to what the private sector can do. I feel confident they will be able to perform very well and we will no longer be on the floor theoretically debating. We will say, look what the private sector has done on this line. Look what they have done on the other line. We will have that evidence and have real world facts before us, and that is a positive thing.

So those are two things that my colleagues that have been down here opposing Amtrak today can come to the floor for. I urge them to support the manager's amendment and I urge them to support the underlying legislation.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CUELLAR). The gentleman from Minnesota has 3½ minutes remaining.

Mr. OBERSTAR. I yield myself the balance of my time.

Mr. Chairman, we have all spoken to one another as colleagues about the work that we have done and the time we have invested to bring this legislation to the floor in the shape that it is in, which is remarkable. But we stand on the shoulders of skilled, dedicated professionals who make our work possible and make it effective.

On the full committee, our Chief of Staff, Dave Heymsfeld, Ward McCarragher, Jen Walsh and Erik Hansen. On the Republican side, Jim Coon and Amy Steinmann.

On the subcommittee, our very dedicated Jennifer Esposito, John Drake, who has filled in for Jennifer while she was raising a new passenger for Amtrak, Rose Hamlin, Niels Knutson and Nick Martinelli of Chairwoman BROWN's staff. On the Republican side, Allison Cullin and Joyce Rose, whose distinguished service and experience contributes enormously, and Mike Meenan and John Brennan, who Ranking Member MICA mentioned has left the committee staff to take an operating position with a railroad.

The Office of Legislative Counsel has been of enormous help, Tim Brown. And at CBO, Sarah Puro.

All of whom have made their unique contribution without whose wise professional guidance we couldn't be at this point. And, believe me, I know. I served on the staff for 12 years in this body, and I know what hard work it is.

□ 1230

I know what hard work it is. All the digging is done there, and I thank them, the staff.

The gentleman from Pennsylvania cited one of the cornerstone breakthrough provisions of this legislation, and that is opening up an opportunity for competition from the private sector to demonstrate whether private sector funding, financing, management, expertise, can operate passenger rail routes successfully, and I welcome that opportunity.

I know that for good friends in the railroad brotherhoods it initially caused a great deal of concern, but I recall the words of President John F. Kennedy, who said we should never fear to negotiate, but we should never negotiate out of fear. There is nothing to fear in this proposition.

There is an opportunity for us to expand the horizons. We are going to have to do this in the surface transportation authorization next year, inviting private sector investments in key elements of our national transportation system.

To open Amtrak to that kind of investment, that challenge of expanding the horizon, is necessary, and I welcome that opportunity. We will monitor it very closely, we will have a very careful evaluation step-by-step of how these provisions will proceed. But I think, net, it will be a benefit to our passenger rail service in America.

Mr. Chairman, I yield back the balance of our time and ask for a favorable vote on the manager's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–703.

Mr. DAVIS of Virginia. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DAVIS of Virginia:

Add at the end of title I the following new section:

SEC. 105. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9—1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term "Transit Authority" means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term "Compact" means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89—774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

(B) For purposes of this paragraph, the term "dedicated funding source" means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

(e) ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.—

(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

(B) Not later than 4 years after such date, throughout the rail system.

(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

(5) DEFINITION.—In this subsection, the term "licensed wireless provider" means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

(g) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

The Acting CHAIRMAN. Pursuant to House Resolution 1253, the gentleman from Virginia (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of the Davis-Van Hollen-Hoyer amendment to the Passenger Rail and Investment Improvement Act of 2008. This amendment would reaffirm the Federal Government's longstanding commitment to the regional transportation system critical to keeping the Government open and operating efficiently.

The precedent for Federal investment in the Washington Metropolitan Area Transit Authority dates back to 1960, when President Eisenhower signed the "National Capital Transportation Act," creating the agency responsible for developing a regional rail system for the Nation's Capital.

Since that time, Congress has infused the system with funding for construction of the original 103-mile system on multiple occasions.

The Federal Government has a vested interest in the long-term sustainability of the Metro system. After all, approximately half of the system's peak ridership is composed of Federal employees and contractors and over 50 Federal agencies in the National Capital Region are located adjacent to Metro stations. These Federal agencies rely on Metro to get their employees to and from the workplace year-round, in all types of weather.

Unlike other transit systems throughout the country, however, the Washington Metropolitan Area Transit Authority cannot generate revenues from the property adjacent to Metro stations because the property is disproportionately occupied by Federal buildings, embassies and non-profit organizations. This amendment would make up for this discrepancy.

In exchange for the reauthorization, the Davis-Van Hollen-Hoyer amendment would require Maryland, D.C. and Virginia—at long last—to develop dedicated funding sources for the Metro system. All three local jurisdictions have already taken steps to fulfill this Federal requirement—although the job is not yet done. Virginia's efforts to establish a dedicated source of funding for Metro was recently struck down by the Virginia Supreme Court, forcing local legislators to go back to the drawing board to develop a new mechanism to fund Metro.

In addition, in order to address some of the significant management challenges facing Metro, the amendment would require the establishment of an independent inspector general for the Washington Metropolitan Area Transit Authority to oversee its spending and finances, and it would add four federal members to WMATA's Board of Directors to help ensure the transportation needs of the federal government are adequately addressed.

The reauthorization of Federal funding, as well as the increased federal oversight of WMATA, must not face further delay. Earlier this year, the Washington Post reported that the Transit Authority is in dire need of additional financing—to the tune of $489 million—to address short-term capital improvement needs such as track replacement, rail car safety improvements, and repairs to deteriorating infrastructure. This needed funding for the agency's capital budget is above and beyond the additional funding generated by Metro's recent fare increase, which goes to the agency's operating budget.

This federal funding will not be going toward expansions to the Metro system—the funding will be dedicated exclusively to overhauling the agency's capital and infrastructure, which has not undergone a comprehensive overhaul since the system was created several decades ago.

The House passed legislation similar to this amendment during the 109th Congress but we were unable to get it through the Senate before time ran out.

I urge my colleagues to support this critical investment in the transportation infrastructure which supports our Federal Government. It is only a matter of time before the reports of potential disasters in the transit system serving the Nation's capital become reports of actual disasters involving collapsed platforms or derailed trains. We must not stand by and wait for that to happen before we take action.

Thank you, Mr. Chairman. I urge my colleagues to support this amendment.

Mr. Chairman, I would yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), who is a cosponsor of this amendment with me and Mr. HOYER.

Mr. VAN HOLLEN. Let me begin by congratulating Chairman OBERSTAR and Ranking Member MICA and the Transportation Committee for all the work they have done in bringing this very important legislation to the floor, and to my colleague, Mr. DAVIS from Virginia, for his leadership on this issue of the WMATA system, the Washington Metro system. I am pleased to join with him and others in a bipartisan basis from the Washington region to offer this amendment.

I think we all know that the Federal Government relies very heavily on the Metro system to bring thousands and thousands of Federal employees to work each day at our national security agencies, at the Department of Health and Human Services, and other Federal agencies throughout this region that help provide essential services to the American people. It's also a critical part of any evacuation plan in the event of a national emergency that would require the evacuation of the Capitol.

That's one of the reasons the Federal Government has made large investments in the WMATA construction in the past and its maintenance, and that is why it's important that we continue to have a Federal role. What the purpose of this amendment is to protect that Federal amendment, because right now the Federal Government is at the whim of local jurisdictions as to whether or not they are going to make their payments into this system as part of a partnership.

What this does is it says, yes, the Federal Government will provide, authorizes up to $150 million a year in matching funds. Those funds may only be released when WMATA certifies and notifies the Department of Transportation that local jurisdictions have established a reliable and dedicated source of funding to do their share of the funds in partnership here.

It also increases accountability to protect that Federal investment by creating an inspector general to oversee WMATA's finances and adds four new federally appointed directors to WMATA. This is to protect the Federal investment that has been made and make sure the interests of the people in this area, consumers as well as the Federal interest, is protected.

This has passed the House. I want to stress this. This Davis provision has passed the House in the past in 2006. We passed it. It's been sitting over in the Senate. I just urge all our colleagues to come together in 2008 to do what we did in 2006 and adopt this important provision.

Ms. FOXX. Mr. Chairman, I seek time to speak in opposition to this amendment.

The Acting CHAIRMAN. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Mr. Chairman, I want to congratulate people on both sides of the aisle who have worked out a way to have Amtrak work. My family and I travel on Amtrak every chance we get, and I believe that we need an efficient, strong, train system in the United States.

I want to especially commend Ranking Member MICA and subcommittee Ranking Member SHUSTER for their work in pushing for private-sector initiatives.

As a member of the Oversight and Government Reform Committee, it's also been my pleasure to work with Ranking Member DAVIS on a variety of issues. I appreciate his passion for this issue, but I have to say that this amendment is eerily similar to a bill that came before that committee, H.R. 401, the National Capital Transportation Amendments Act, which summed up the largest earmark in history and would direct $1.5 billion in new Federal spending towards the Washington Metropolitan Transit Authority, or WMATA.

When that bill came before the committee, I raised a number of concerns, including the fact that it was not referred to or considered by the Transportation Committee. When I raised these concerns, I was concerned that the OGR committee had appropriate jurisdiction to consider the issue, which begs the question why it is now appropriate to consider this amendment on a Transportation Committee bill. The fact that it's here now, it seems, proves to me, that H.R. 401 should not have been in Oversight but in Transportation.

However, there are a variety of other concerns I have with this proposition. It's true that WMATA has been plagued by reports of mismanagement that compromise the fiscal integrity of the system. Management is beholding to employee unions that have run amok with overtime pay and retirement benefits, warping the system's fiscal priorities. Providing another Federal line item for WMATA is the last thing we needed to spur reform of this mismanaged system.

Mr. Chairman, I would like to submit for the RECORD three pieces I believe articulate many of my concerns in this respect.

[From the Examiner, Apr. 13, 2007]

BLOATED PAYROLL BEHIND METRO'S BUDGETARY WOES

WASHINGTON.—Now we know why the Washington Metropolitan Area Transit Authority alsways seems to be out of money.

Examiner reporter Joe Rogalsky examined Metro payroll records (available online at www.examiner.com/wecan) and found that the transit agency paid out a staggering $70 million in overtime last year. More than half of the top 200 hourly employees who racked up the most overtime in 2006 took home six-figure paychecks that equaled or exceeded the already generous salaries of Metro's top managers.

There's something wrong when a bus driver makes more than an assistant general manager, or a Metro police officer is paid more than the director of emergency management. This is especially true when Metro managers themselves are more than amply compensated. According to the Bureau of Economic Analysis, average per-capita income in the Washington region in 2005 was $49,530—the fourth-highest in the U.S. But the total pay for Many metro employees is three times that amount.

General Manager John Catoe Jr. says he won't ask for a fare increase this year. Instead, he plans to cut spending and eliminate 100 positions in an attempt to make up a $116 million budget shortfall. But if Metro is really stretched so thin that it had to spend an extra $70 million in overtime to keep the trains and buses running, Catoe should be hiring people, not downsizing.

The answer to this apparent contradiction is that Metro's bloated payroll has long been padded by politically sensitive management with no interest in keeping down costs for passengers or relieving the taxpayers who have been bailing them out for decades. Metro's latest bailout scheme is the controversial $1.5 billion federal earmark that if adopted will also mean higher taxes for District, Virginia and Maryland residents.

The scandal here is not just overtime abuses, however. Metro pensions are based on the three-highest earning years, so a unionized bus operator with an annual base salary of $50,000 and lots of overtime during those "High Three" years can easily end up with $80,000 in annual pension benefits. This is substantially more generous than even the old federal Civil Service Retirement System.

Sooner or later, Metro will have to address its growing unfunded pension liability. Major management reforms are probably impossible under the present union contract and political leadership, which means that higher taxes, more fare increases, deferred maintenance and diminished service are likely unavoidable. Catoe is paid $360,000—more than any area elected official—and his perks include a company car, so it will be tough for him to demand austerity from the union without practicing it himself. And Metro Board members—political creatures who should be looking out for taxpayers but don't—need to learn some new pitches instead of always begging for more tax dollars.

Metro employees deserve good working conditions and competitive salaries, but they shouldn't be allowed to take the rest of us to the cleaners.

[From The Washington Times, May 5, 2008]

TIME TO END METRO'S GRAVY TRAIN

(By Tom Coburn)

There are a lot of words to describe the D.C. Metrorail system, but "underfunded" is not one. Still, many local politicians are incensed that I oppose a proposal to give the Metro an additional $1.5 billion for infrastructure improvements. Proponents of this plan argue that the answer to Metro's problems is another huge influx of federal dollars.

I respectfully disagree. The biggest problem facing Metro may actually be too much federal funding. Like most rail systems around the country, Metro has grown accustomed to the huge subsidies it gets every year from federal taxpayers. In the last five years alone, Metro was given over $1 billion—hardly a small amount.

The difference between Metro and other municipal transit systems, however, is that other systems are both accountable to and better supported by their local users and governments. Keeping Metro on life support primarily through ever-increasing federal subsidies will only exacerbate the problems the system already faces and insulate Metro from meaningful, customer-centered reform.

Metro riders themselves are all too familiar with the system's problems. When trains are late, riders are left standing on the platform not knowing when, or if, it will ever come. Little effort is made to keep escalators working. In 2005, there were typically more than 50 broken escalators on any given day. According to Metro, it would take several months to fix an escalator, forcing people to walk up huge flights of stairs instead while they were inoperable.

Many efforts to improve the system have been a bust due to poor management. So-called refurbished trains break down more often than those that haven't been updated. Lavish "culture change" management programs have done nothing to improve management while wasting nearly half a million dollars. Meanwhile, management has failed to manage spiraling overtime costs. By 2006, Metro was spending 14 percent of its entire payroll budget on overtime, costing it $91 million that year. Although management must have known about the problem for years, it wasn't addressed until the negative publicity became too much to ignore.

The expectation of more federal dollars that aren't connected to performance has caused the system to overextend itself. Consider the $5 billion Dulles extension being sought by the state of Virginia. To keep the project alive, local politicians are forced to claim on the one hand that there is absolutely no money in the budget to fix the current system. On the other hand, they have billions available to build a 23-mile extension to Dulles Airport that few think will have an impact on traffic congestion. Is it too much to ask local governments to fix the system they already have before asking for money for expansions?

Federal taxpayers—including those from my home state of Oklahoma—have been extremely generous to the D.C. Metro. Most taxpayers will never get to set foot in a Metro car that they helped pay for. This is a helpful reminder considering the fact that the average Oklahoman, who earns $40,000 a year, subsidizes the Metro rides of federal workers in D.C. who earn $90,000 a year. Those federal workers who earn very good money make up nearly half of Metro's riders. Asking them to pay a little more would hardly be unfair or burdensome.

It also is not too much to ask supporters of this plan in Congress to propose spending offsets to pay for this additional $1.5 billion request. My office alone has identified $300 billion in annual waste, fraud and duplication in the federal budget. Any member of Congress who can't find a little fat in the federal budget is out of touch with the real-world budget choices families face every day. In the real world, Americans tighten their belts in tough times and spend less in some areas if they have to spend more in other areas. Dismissing an additional $1.5 billion for the Metro as a blip in the budget is precisely the mentality that has caused Congress to rack up a $600 billion annual deficit this year and a long-term debt of nearly $10 trillion. I make no apologies for opposing this reckless status quo culture of spending that puts the interests of career politicians ahead of the next generation.

The real solution for Metro is to return to local control, even though that means more local funding and less federal funding. If more funding came from local sources, Metro officials would have no choice but to be more accountable to local governments that are elected by local citizens. As long as I'm in the Senate, the policy that says we have to pump more federal money into a system regardless of performance and outcome is a train that will never leave the station.

[From the Heritage Foundation, Oct. 16, 2007]

WASHINGTON METRO NEEDS REFORM, NOT A FEDERAL BAILOUT

(By Ronald D. Utt, Ph.D.)

Both the House and Senate will soon have an opportunity to vote on legislation introduced by Representative Tom Davis (R—VA) to divert $1.5 billion of federal revenues over 10 years to provide additional subsidies to the deeply troubled Washington Metropolitan Area Transit Authority (WMATA), which serves the nation's capital and his congressional district with buses and a metro rail system Titled the "National Capital Transportation Amendments Act of 2007," both the Senate version (S. 1446) and the House version (H.R. 401) have been reported out of committee and now await action on the floor. These proposed subsidies, and the tax increases needed to fund them, would be in addition to the other subsidies and tax increases being sought to extend WMATA's metro rail service to Dulles Airport.

Defined as an earmark because of its location-specific applicability and the distribution of benefits to a small number of people in a limited number of communities, this massive earmark would be one of the largest ever passed—larger than even Alaska's infamous "Bridge to Nowhere," which Congress and the state of Alaska have since canceled. Congress should reject the bailout approach and instead link the continuation of existing federal subsidies to management and labor reforms at WMATA.

Overstepping Federal Bounds. As bad as this legislation may be from a federal budget perspective, the Davis bailout also promotes tax-and-spend policies at the state and local levels. Section 18 (d)(1)(A) requires jurisdictions in Metro's service area to raise local matching funds through a "dedicated funding source" in order to receive the federal funds This, of course, implies the imposition of a dedicated tax. This 10-year, $1.5 billion commitment would be on top of the $671 million the Local communities already provide WMATA each year.

Seduced by the federal largesse, legislators in Virginia recently enacted a controversial transportation law (HB 3202) that empowered a transportation taxing authority for Virginia's Washington suburbs. The authority's unelected board would be allowed to impose theses taxes, and would guarantee that the first $50 million in taxes raised by the authority each year would go to WMATA, despite the fact that only a small number of people in the region use the system. Widely unpopular among voters, the Virginia legislation is now the subject of court challenges based on its constitutionality, and some analysts believe that voters' adverse reaction may lead to a change in party control of the Virginia legislature.

Rewarding Poor Performance. Mr. Davis justifies the earmark on the grounds that "Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional and national emergency."

But Metro provides no such service. Unreliable and poorly run, the system is subject to frequent shutdowns and service interruptions due to equipment failure, bad weather, suicides, driver error, and passenger medical emergencies. During one recent setback, a Metro spokeswoman noted that "Because nearly half of Metro's daily commuters are federal government employees . . . delays could be less severe if large numbers of them take advantage of the unscheduled leave option and stay home." So much for it being "essential for . . . the Federal Government." Perhaps as a result of its low quality service, WMATA ridership has been stagnant over the past few years, declining from 2004 to 2005, but rising to slightly above the 2004 volume in 2006.

Despite decades of lavish subsidies from state, local, and federal authorities, WMATA is plagued by serious problems, chief among them being a legacy of mismanagement and high-cost operations. As a consequence of its many operating inefficiencies, the system is broke and has no funds to add to capacity, replace unreliable rolling stock, or make other necessary repairs and improvements. Although it has raised fares twice in the last few years, the modest increases were well below the cost increases incurred by local motorists due to soaring gasoline prices. A proposal by its director to increase them again was not supported by its board.

WMATA has avoided opportunities to save money and improve service through competitive contracting, due in part to management's unwillingness to confront opposition from its unionized workforce. The communities it serves do not share WMATA's fear of contracting. Private contractors operate virtually all of the newer public transit services in the Washington, D.C., area, the WMATA alternative is simply too expensive and unreliable.

Another troubling aspect of this legislation is the regressive nature of the spending policies it promotes. Notwithstanding the bill's contention that subsidizing the daily commute of civil servants is an essential national need, Washington-area workers are among the best paid in the nation. Whereas the median household income nationwide was $58,526 in 2006, it was $119,812 in Fairfax County, VA—the most populous pan of Mr. Davis' congressional district. Also, the U.S. Bureau of the Census reports that only 9.4 percent of Fairfax County residents and only 4.2 percent of Prince William County residents use WMATA services or another form of transit to get to work.

Conclusion. This bill would do little more than reward poor performance with an unprecedented taxpayer bailout. Congress should force fundamental market-based reforms on Metro by linking the continuation of the system's existing federal subsidies to reductions in operating costs, improvements in service, and an aggressive program of competitive contracting similar to the successful reforms implemented elsewhere in several of the major metropolitan areas of Europe.

The other question I raised during committee consideration of H.R. 401 is why should Washington, D.C. step to the front of the line to receive special subsidies paid for by taxpayers throughout the country, many of whom will never step foot on a Washington Metro train or bus. I have heard that due to the high number of Federal employees in the area, we are somehow obliged to subsidize their commute in this way.

However, this point fails to recognize that the Federal Government already subsidizes Federal employees' commutes through the issuance of Metro checks, which many Capitol Hill staffers receive. These subsidies come on top of those provided through a variety of preexisting, generous Federal grant programs. This system of allocating Federal transit funding is considerably more equitable and fair than creating a special line item for a particular metropolitan area.

I am quite confident that my constituents in Winston-Salem or elsewhere throughout my district would certainly appreciate their own Federal transit line item. We also heard that Washington, D.C. needs this especially targeted Federal line item more than other regions or cities, including New York City, which are not included in this amendment, because of security threats to the city.

However, even if security threats help justify the need for more Federal assistance to Washington, D.C., then the efforts invested in this approach should be focused on establishing an equitable system that allocates funding fairly among cities with varying degrees of security threats.

It is for these reasons and many more that I recommend rejecting this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Chairman, I recognize the distinguished majority leader, the gentleman from Maryland (Mr. HOYER), for 1 minute.

Mr. HOYER. I thank the gentleman from Virginia (Mr. DAVIS) for yielding.

I note that my good friend, FRANK WOLF, is on the floor as well. I don't know that there is any Member of this body with whom I have worked more closely on an objective than FRANK WOLF and I worked, particularly during the 1980s and early 1990s on this America's subway. I am glad that he is on the floor, and I thank Mr. DAVIS for his leadership and Mr. VAN HOLLEN, Mr. MORAN. We have all worked very hard on that. Mr. OBERSTAR, we thank you as well for your assistance.

Bill Lehman was from Florida. Bill Lehman was chairman of the Transportation Subcommittee of the Appropriations Committee, and Bill Lehman used to call this America's subway.

I tell the gentlelady from North Carolina, I don't know whether she has left, and I appreciate her remarks, but it is America's subway. It's in the Nation's Capital, yet 18 million to 22 million Americans from outside this region ride it as they visit their Nation's Capital.

The employees who come into this city work for our Nation, not for the State of Virginia and the State of

Maryland or even for the District of Columbia but for our Nation and all of our taxpayers.

That's why it's America's subway, and that's why we invested significantly in its construction. That's why it is necessary and appropriate for us to invest in its maintenance and continuing quality.

I would urge my colleagues to support this legislation. I have a statement that I will put in the RECORD without going through all of the specifics that have been discussed.

I want to say also to the gentlelady, yes, this is an amendment, but, unlike most amendments, this amendment has already gotten the imprimatur of the overwhelming numbers in this House and passed on suspension when Mr. DAVIS offered it, when the now minority, but the then Republican majority, was in charge of the Congress, with Democrats strongly supporting Mr. DAVIS' bill.

I think Democrats will strongly support Mr. DAVIS' bill. I would hope Republicans would strongly support Mr. DAVIS' bill to accommodate their taxpayers, their workers and their Nation's Capital.

I want to again thank Mr. DAVIS for his leadership on this issue. I want to thank Mr. WOLF for his partnership for me for now into our third decade of working on this issue.

We can be proud of this Metro system. It is one of the best in the world, not just in our country. Every American can be proud of their subway.

I urge very strong support across the aisle. This is not a partisan issue. As I say, Mr. WOLF and I worked in lockstep for over a decade in ensuring that this subway was completed. Mr. MORAN joined us some time later, and that was working at the local level as the mayor of his city. Mr. DAVIS, as county executive of his county, we worked together. I want to also thank the ranking member very much for his leadership and his facilitating this amendment coming forward on the floor.

Mr. Chairman, I rise in strong support of the Davis-Van Hollen-Hoyer amendment to the Amtrak reauthorization. This critical amendment will help ensure that the "Nation's subway" continues to operate in a safe, reliable and effective manner.

The Washington Metro Area Transit Authority—which was established in 1967—has been faced with a severely aging infrastructure. In recent years, it has led to widespread maintenance problems, increased delays, and threats to passenger safety.

In fact, Metro officials recently estimated that the system needs approximately $489 million in urgent and outstanding infrastructure repair work.

This amendment—which is based on legislation which overwhelmingly passed the House of Representatives in the last Congress—would authorize $1.5 billion in Federal funding for capital repairs and maintenance in the Metro System. This funding would be collectively matched by dedicated funds from Maryland, DC, and Virginia.

I have heard some of my colleagues question the appropriateness of a Federal investment in this system. In my view, this perspective is shortsighted and does not take into consideration the Federal Government's long history in the development of and reliance upon the Metro.

In 1960, the Congress passed and President Eisenhower signed into law the legislation to provide for the development of a regional rail system for the Nation's Capital. Congress has since passed Metro authorization bills in 1965, 1969, 1979, and 1990. The Federal Government provided $6.2 billion of the approximately $10 billion needed to construct the original 103-mile system.

Metro is critical to the Federal Government's evacuation plans of the Nation's Capital and we experienced Metro's essential role during the city's evacuation on September 11th, 2001.

Nearly half of Metro's riders during peak ridership are Federal employees and more than 50 Federal agencies are located adjacent to Metro stations.

Millions of tourists from across the country visit our Nation's Capital each year and many of these visitors use the Metro system to traverse the city while visiting our Nation's museums, monuments and historic landmarks.

Clearly, the Federal Government and the American people depend on Metro and there is a clear Federal interest in ensuring that the system is able to operate efficiently and effectively.

Unfortunately, just this week we were reminded of Metro's importance and its deteriorating infrastructure when an orange line train derailed in Northern Virginia. This mishap, where thankfully no one was injured, delayed the evening commute for many Federal employees and reinforced the need for this legislation.

Mr. Chairman, we must act now to preserve this critical national asset and ensure that the Nation's capital continues to have a safe, reliable, and effective transit system for the Federal workforce and its visitors. I urge my colleagues to join with me in voting for this important amendment.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and colleague.

Mr. Chairman, the rail system that this amendment funds serves the capital of the free world. Yet, along with Los Angeles, we have the very worst congestion in the country.

In fact, when you look at lost productivity, it is the most expensive loss of productivity, congestion in the country and those who are wasting so much of their time in traffic are our government workers. The reason for this deficiency is that we are the only public transit system that doesn't have a dedicated source of revenue.

Now, what we are suggesting here, when gas is at $4 a gallon, when it costs over $60 to fill up your tank, we have got to have more public transit throughout the country. But shouldn't we lead the way? Shouldn't we show by example that at least the Washington metropolitan area has a decent transit system?

That's what Mr. DAVIS's amendment does. It does what should have been done years ago. It creates a dedicated source of funding for Washington's transit system.

I very strongly support Mr. DAVIS's amendment, and I thank all of my friends and colleagues who have contributed to it. It belongs on the Amtrak bill. It's all about finding more intelligent, more efficient ways of transportation.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I want to thank the gentleman from Virginia for his leadership. I am going to miss him and everyone is going to miss him as he leaves the body.

I would shudder to think how the Nation's Capital would function without Metro. Visitors from all over the country, as the other Members have said, and all over the world use this system when visiting the Nation's Capital.

Metro's highest ridership days have come when national events were taking place, Presidential inaugurations, holiday celebrations, 4th of July and such as the recent visit of the Pope.

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Lastly, this system is vital to the emergency needs of the Nation. During the terrorist attacks of 9/11, when the Pentagon was hit, this city was immobilized and you could not get in and you could not get out. Metro was the reliable source, the reliable way to ensure that thousands were able to safely and quickly evacuate the city. This is, as the majority leader said, America's system.

I thank Mr. DAVIS again, and God bless him on his service.

Mr. Chairman, I rise in support of the amendment offered by my Virginia colleague and long-time advocate for the transportation needs of the Washington metropolitan area.

This House and this region are going to miss TOM DAVIS. He has worked tirelessly to provide the needed support and oversight of the Washington Metro system to ensure that it serves not only the residents and commuters of Virginia, Maryland, and the District of Columbia, but the millions of visitors to the Capital City.

I have been pleased to work with Congressman DAVIS as well as Congressman HOYER and others in the Washington metropolitan area congressional delegation to spur Congress as Metro's partner, providing the Federal investment to operate the system.

Every Congress and every administration since 1960 when President Eisenhower signed the National Capital Transportation Act creating the agency to develop a rapid rail system in the Nation's capital has recognized the Washington Metro system as America's subway.

I shudder to think how the Nation's capital would function without Metro. Visitors from all over the country and indeed the world use the system daily when visiting our nation's capital. Metro's highest ridership days have come when national events were taking place here, attended by thousands of citizens from across the country—presidential inaugurations, holiday celebrations, and events such as the Pope's recent visit.

The Metro system also supports the Federal workforce. Federal employees rely on Metro to commute back and forth to work and home every day, and also between Federal offices during the day. During peak times, over half of Metro's riders are Federal employees and contractors.

Finally, this system is vital to the emergency needs of the region. During the terrorist attacks of 9/11, Metro was the reliable way to ensure that thousands of people were able to safely and quickly evacuate the city.

Now today, with gas prices soaring, Metro serves as the mass transit option for growing numbers of commuters.

It was a 16-year effort after President Eisenhower signed the planning legislation which culminated in Metrorail's opening day in 1976 with five stations operating 4.2 miles on the Red Line. Some 12 years later in 1988, Metrorail carried its one-billionth rider. In 2001, Metro opened the five-station, 6.5-mile segment to Branch Ave, completing the 103-mile, 83 station Metrorail system.

With Metro's growing use and importance in providing mobility for thousands of riders every day, it is critical that this Congress makes sure that capital improvements and preventive maintenance are provided to ensure the system's continued operation.

With the federal investment, however, comes the expectation that Metro be accountable for the taxpayer funds which it uses. This amendment is important to that effort and I urge adoption of Congressman DAVIS's amendment.

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say this legislation has passed the House freestanding before. This establishes an independent inspector general's office for WMATA and puts Federal representation on the WMATA board for the first time in history, along with local representation, and it requires dedicated local matches, something the current legislation doesn't do.

We have one choice, we can make Metro safer or put it at greater risk, and the choice is ours, and I urge adoption of the amendment.

The Washington Metropolitan Area Transit Authority was created by an act of Congress—Public Law 89–744—in 1966. Since that time, Congress has authorized billions of dollars for WMATA on several occasions, including reauthorizations in 1969, 1979 and 1990.

All of these reauthorizations, including the one we are considering here today, have been based on the congressional finding from the National Capital Transportation Act of 1960, signed into law by President Eisenhower as Public Law 86–669, that an "improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States."

To call into question the ethics of Members who support the reauthorization of Federal funding for an agency created by Congress more than four decades ago illustrates the absurdity of the majority's newly instated rule on congressional earmarks. It also highlights an overzealousness by Members on our side of the aisle who are keen on doing whatever it takes to derail important legislation.

This amendment is not an earmark in violation of clause 9 of House Rule XXI and does not require disclosure under clause 17 of the Code of Official Conduct, just like Chairman OBERSTAR's H.R. 6003, the Passenger Rail Investment and Improvement Act of 2008, which reauthorizes Federal funding for Amtrak, is not an earmark in violation of the rules.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the amendment offered by my metropolitan Washington colleagues, the gentleman from Virginia (Mr. DAVIS), the gentleman from Maryland (Mr. VAN HOLLEN), and the Majority Leader (Mr. HOYER).

This amendment authorizes the Secretary to make grants to the Washington Metropolitan Area Transit Authority ("WMATA") to finance capital and preventive maintenance projects included in the agency's Capital Improvement Program.

The amendment will also require that all local payments for the cost of operating and maintaining the area's regional rail system—known as the "Metro"—be made from dedicated funding sources.

This is especially important in light of the fact that WMATA is currently the only transit system of its size that does not have a fully dedicated source of State or local funding.

The WMATA transit system is one of the busiest in the entire country, providing over 415 million passenger trips each year. Each day, more than 800,000 people ride Metro trains, and over 150,000 ride Metro buses.

Only the New York, Chicago, and Los Angeles transit systems produce more yearly transit passenger trips than WMATA in Washington, DC.

Further, the Federal workforce relies heavily on the reliable and efficient service that the WMATA system provides. More than 165,000 Federal employees, or one-third of Federal employees in the region, are currently enrolled in the transit benefits program with WMATA.

According to a study by the U.S. Department of Transportation, the service that WMATA provides to our Federal employees helps keep an additional 15,500 automobiles off the roads in the National Capital region, and saves those commuters over 8.2 million gallons of gas each year.

The Washington Metropolitan Area Transit Authority is an important part of our Nation's strategy to provide commuters efficient and reliable transit options, thereby allowing them to reduce their transportation-related emissions, energy consumption, and reliance on foreign oil.

Regarding the specific language of this amendment, it is important to note that these new grants will be subject to the same labor, environmental, Buy America procurement, diversity contracting, and other requirements applicable to all transit projects funded under Chapter 53 of Title 49, United States Code. If this amendment is adopted, in conference on H.R. 6003, 1 would like to further clarify the specific terms of Chapter 53 which may be inconsistent with the purposes of the amendment.

Mr. Chairman, I urge my colleagues to join me in supporting the amendment.

Ms. CORRINE BROWN of Florida. Mr. Chairman, the Washington D.C. Metro system is the fourth busiest transit system in the nation. The system provides transportation to the federal employees who work here everyday and the millions of visitors that visit the city each year.

This amendment will require a dedicated funding source provided by the local governments that are served by the Metro. Something for which the Metro has been without for far too long.

It also creates an office of Inspector General to help provide oversight of the system.

This legislation also ensures that rail customers will have access to a broad range of wireless providers in case of an emergency and will provide additional dollars to the Transit Authority.

The Metro system that serves this country's capital is a national asset and I hope that both the local and federal government will continue to show full support for the system.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–703.

Mr. SMITH of Washington. Thank you, Mr. Chairman. I have an approved amendment by the rule to offer.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SMITH of Washington:

In title IV, add at the end the following new section (and amend the table of contents accordingly):

SEC. 402. ROUTING EFFICIENCY DISCUSSIONS WITH AMTRAK.

Amtrak shall engage in good faith discussions, with commuter rail entities and regional and State public transportation authorities operating on the same trackage owned by a rail carrier as Amtrak, with respect to the routing and timing of trains to most efficiently move a maximal number of commuter, intercity, and regional rail passengers, particularly during the peak times of commuter usage at the morning and evening hours marking the start and end of a typical work day, and with respect to the expansion and enhancement of commuter rail and regional rail public transportation service.

The Acting CHAIRMAN. Pursuant to House Resolution 1253, the gentleman from Washington (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple and straightforward. It encourages collaboration between Amtrak and local and regional commuter rail agencies on train schedules and routing in shared corridors. There are competing needs for some of these uses, and cooperation between Amtrak and others is critically important to take most advantage of our rail corridors.

Across the Nation there are multiple commuter rail transit agencies that run on the same rails as Amtrak. Many of these public transportation services have made substantial investments in the tracks and signal capacity on a rail corridor to enhance commuter rail service.

Currently, Amtrak has first right to schedule their services, which can often result in delays to commuter rail passengers and have negative impacts on the on-time performance of the commuter rails. Amtrak must work with commuter rail in a collaborative manner and in coordination with the host railroad to best facilitate an efficient flow of intercity Amtrak commuter rail passengers.

In the Puget Sound region in particular, Sound Transit has worked closely with BNSF and made a tremendous investment in the rail corridor throughout the Puget Sound region, investing more than $1 billion of public funding in the freight corridor between Tacoma and Everett, Washington. These investments represent a high price that has been paid by the region to ensure that commuter rail did not impact the freight rail operations that drive our region's economy. These investments benefit light rail, Amtrak, and of course Sound Transit's commuter rail passengers, as well as our freight rail.

This amendment does not change Amtrak's priority in setting these, it merely asks that they work cooperatively with the other parties that are interested in using these rail systems to maximize their capacity. There are a number of folks who want to make investments in improving those rail systems, and if Amtrak works cooperatively with them, those investments will work out better for all concerned.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. I just want to say that the gentleman from Washington has a commonsense amendment. I think encouraging collaboration between Amtrak and commuter rail systems is a positive thing. I urge all Members to accept and support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield the balance of my time to the chairman of the committee, Mr. OBERSTAR.

Mr. OBERSTAR. I rise in strong support of the amendment offered by the gentleman. Commuter rail certainly is one of the fastest growing modes of transportation in the public sector. We had over 461 million trips by commuter rail last year, and that is a 5.5 percent increase over the previous year.

The amendment offered by gentleman directs Amtrak to engage in good-faith negotiations with commuter rail entities and public transportation authorities to move more efficiently the maximum number of intercity rail passengers, especially during peak commuter hours.

As the gentleman from Pennsylvania said, it is a good, commonsense amendment, and I urge support of the amendment offered by the gentleman from Washington.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington (Mr. SMITH).

Commuter rail is one of the fastest growing modes of public transportation in this country. In 2007, Americans took 461 million trips by commuter rail, a 5.5 percent increase over 2006. As a result, many commuter rail operators are seeking to expand their services while contending with other rail traffic.

In response to these challenges, this amendment directs Amtrak to engage in good-faith discussions with commuter rail entities and public transportation authorities operating on the same track to efficiently move the maximum number of commuter, intercity, and regional rail passengers, especially during peak commuter hours. It also directs Amtrak to work with these parties toward the expansion and enhancement of commuter rail and regional public transportation service.

This amendment helps ensure that Amtrak is doing everything it can to not only maximize the efficiency of its operations but also ensure the maximum growth possible for other rail services.

I urge my colleagues to join me in supporting this amendment.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time just to close.

I thank Chairman OBERSTAR and the ranking member on this committee for their work on this bill and their cooperation in my efforts with this amendment. I call for passage of the amendment.

Ms. CORRINE BROWN of Florida. Mr. Chairman, we would encourage Amtrak to work closely with all the states they operate in to ensure that they are operating in conjunction with local commuter systems.

This is one more example of the need for additional rail capacity and the affect this lack of additional infrastructure can have on a state.

As more and more states turn to commuter rail service to move their citizens, it will be imperative that passenger, commuter, and freight rail work together to best utilize limited rail resources.

Mr. SMITH of Washington. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. SMITH).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–703.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SESSIONS:

In title I, add at the end the following new section (and amend the table of contents accordingly):

SEC. 105. LIMITATION.

None of the operating funds authorized in this Act may be used by Amtrak for the long distance route that has the highest cost per seat/mile ratio according to the March 2008 Amtrak monthly performance report, unless the Secretary has transmitted a waiver for this route or a portion of the route because the Secretary considers it to be critical to homeland security.

The Acting CHAIRMAN. Pursuant to House Resolution 1253, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment is simple, straightforward, and fiscally responsible. It would prevent any taxpayer funds from being wasted on operating Amtrak's worst-performing long-distance route.

Under this amendment, which is supported by Citizens Against Government Waste, Americans for Tax Reform and the National Taxpayers' Union, the determination about what constitutes Amtrak's most wasteful route will not be a political one made by Congress, it will instead be determined by Amtrak's own most recent monthly report, and it will not take effect if the Secretary of Transportation determines that the line is critical to homeland security.

Amtrak's most recent performance report produced in March 2008 lists the Sunset Limited as Amtrak's worst performing long-distance route. And for the few lucky people who actually buy a ticket on this route, this journey constitutes a 48-hour ordeal from New Orleans, Louisiana, to Los Angeles, California.

Amtrak's report indicates that this route had an astonishing loss of 26.3 cents per seat mile, which is unsurprising given the length of the trip coupled with the lowest ridership of all of Amtrak's long-distance lines.

Right before I came to the House floor today, I went to Amtrak's Website and looked up how much a round-trip ticket on this line would be. The answer: an astonishing $522. For the purpose of comparison, a bus ticket for a similar trip leaving on and returning the exact same days, it would cost only $366, and riding the bus would take 19 fewer hours to complete the trip.

Back in 1997, Congress passed the Amtrak Reform and Accountability Act which required that Amtrak operate without any Federal operating assistance after 2002.

Despite this decade-old, commonsense requirement that Amtrak cease their fiscal irresponsibility and mismanagement, without my amendment, today's bill would continue to waste taxpayer money by forcing American families to subsidize Amtrak's worst line.

Amtrak's net loss in 2007 was over $1.12 billion, an increase of 5 percent over last year. In March of 2008 alone, Amtrak's net loss was $96 million. These awful performance figures prove that the time has come to restore commonsense fiscal responsibility at Amtrak, and that the time has come to at least take a small step in helping taxpayers' hard-earned money not to be used on long, expensive routes with low ridership.

This amendment simply seeks to prevent further good taxpayer dollars from being thrown after bad by limiting the cost of Amtrak's number one least-profitable route. And if Members cannot support this simple, security-conscious amendment on behalf of fiscal discipline, I don't know if there is anything else that we can do to help not only this Congress be responsible, but also to be in support of American taxpayers.

I encourage all of my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas.

The Acting CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. We had a thoughtful, constructive discussion about the gentleman's proposal in the Rules Committee on Monday, and the gentleman is very sincere and very genuine in his proposal. However, we have a number of provisions in this bill to improve Amtrak's operations, to reform the way Amtrak conducts its business, to get at the lowest-performing routes.

We specifically direct the Amtrak board of directors to implement a modern financial accounting system to save money, improve operations, and increase revenue.

In section 204, we direct Amtrak to report on projected revenues, expenditures and ridership over a 5-year period to promote improved financial stability and how best to allocate the resources we provide to Amtrak. We direct Amtrak to work with the States to institute a nationwide methodology for allocating, operating and capital costs, to standardize financial support of Amtrak to the States and the Federal Government to ensure each is contributing their appropriate and fair amount, and to address specifically the performance of poorly performing routes, and they may be different from the one that the gentleman has in mind at this particular moment.

We further direct the inspector general of DOT to evaluate performance, service quality of the five worst performing Amtrak routes and recommend a process for DOT to consider proposals by Amtrak and other operators to provide service both on underperforming Amtrak routes and routes not served by Amtrak.

So the gentleman is proposing that Congress make a preemptive strike and direct dropping a route when we have in place with the enactment of this legislation a process by which we are going to improve these processes. It would be better to look and reexamine at the end of that process rather than at the beginning and prejudge the outcome of these sincere efforts that we are making to improve all of Amtrak's operations.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman. This is a preemptive strike to get the correct measure done so we are not arguing 10 years from now what should have been done 10 years before.

I now yield the balance of my time to the gentleman from Virginia (Mr. DAVIS) in support of this amendment.

Mr. DAVIS of Virginia. First of all, let me say to the authors of this legislation, I appreciate the coalition that they put together and I support the underlying bill, but I think this amendment makes a couple of good points.

Number one, on this particular route, you can take a bus and it gets you there faster and cheaper than taking Amtrak. Secondly, you can take a plane and it gets you there faster and cheaper than what you can do with Amtrak. And by the way, they operate without a Federal subsidy, both the bus system and the plane system in this particular case.

The third thing I note, the gentleman has added a provision to his amendment which I think is very important, that the Secretary can transmit a waiver of this route or a portion of this route if the Secretary considers it to be critical to homeland security.

So nobody is trying to take away routes that we may need to use in a critical situation, and we give the Secretary of Homeland Security the ultimate yes or no on this. But what is important about this is this route is the most heavily subsidized in the system. It is not utilized that much.

□ 1300

And if we can't make some statement here and give Members some opportunity, I think, to voice their concerns about oversubsidization on certain routes, I don't know what we're doing here.

There are other provisions, I might add, in this bill that address shorter routes like this that Amtrak will be able to look at and take care of those routes. But I think it allows Members who are concerned to have their vote. I appreciate the gentleman bringing it up. I urge its adoption.

Mr. SESSIONS. Mr. Chairman, we have now heard Chairman DAVIS talk about the articulation. We believe that something should be done immediately; that this is about the worst performing route that has existed for year after year after year.

And while I have great respect and appreciation, not only for the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) to work towards this, we believe it's time for action. We believe that the worst performing route, one which not only underperforms from the number of passengers, but also costs taxpayers a lot of money, that we, as Members of Congress, should have a say about this.

I will ask all Members to support this vote when it comes on the floor in this amendment.

I yield back my time.

Mr. OBERSTAR. I will yield the balance of our time to the gentlewoman from Florida, but I wish I had known about the opposition of the gentleman from Virginia before he offered his amendment. I might have had a different view about his amendment and his seeking special consideration for WMATA.

Ms. CORRINE BROWN of Florida. I encourage my colleagues to reject this sham amendment. Prohibiting funds for one route will have negative effects on the entire system, and it's already addressed in this legislation in a way that won't harm Amtrak and the services it provides.

Opponents of passenger rail have repeatedly tried to siphon off the growth of our Nation's rail system by cutting funds, zeroing out the budget, and now cutting out the only transcontinental passenger route; all while in the same time the opponents have the gall to ask for a better profit model.

Let me tell you, I've got some breaking news for you. There is something more important than profit. Amtrak was the first responder during Hurricane Katrina and used the Sunset Limited line, which is being restored in this legislation, to help evacuate thousands of gulf coast region residents while President Bush and his administration was nowhere to be found. Now, that is a part of every key State future evacuation plan.

This amendment will have a negative effect on major States, eight—California, Arizona, New Mexico, Louisiana, Mississippi, Alabama, Florida and Texas, Texas, Texas.

The Sessions amendment will do the exact opposite of what we're trying to accomplish with this legislation, which is to expand passenger rail service, reduce congestion and improve our energy independence.

Passenger rail's ability to reduce congestion is well known, with ridership numbers increasing steadily each year. One full passenger train can take 250 to 350 cars off the road. Passenger rail also consumes less energy than both automobiles and commercial airlines.

I would encourage any Member who don't want to explain to their constituents why they no longer have access to Amtrak service, to vote "no" on this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–703.

Mrs. McCARTHY of New York. I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. McCARTHY of New York:

In section 304(a), in the proposed section 24910(b)—

(1) strike "and" at the end of paragraph (11);

(2) strike the period at the end of paragraph (12) and insert "; and"; and

(3) after paragraph (12), add the following new paragraph:

"(13) the development and use of train horn technology, including, but not limited to, broadband horns, with an emphasis on reducing train horn noise and its effect on communities.

The Acting CHAIRMAN. Pursuant to House Resolution 1253, the gentlewoman from New York (Mrs. McCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. McCARTHY of New York. I would like to thank Chairman OBERSTAR, Ranking Member MICA, Chairwoman BROWN and Ranking Member SHUSTER for their work on this bill.

My district is located in a densely populated area on Long Island, New York. We are fortunate to have the comfort and convenience of rail transportation to New York City and around Long Island by the Long Island Railroad.

The Long Island Railroad moves safely through the Fourth Congressional District with the use of horns at train crossings. Although train horns are necessary to ensure the safety at railroad crossings, the noise can significantly affect families and communities surrounding these railroad crossings.

While we can still all agree that train horns are necessary to ensure the safety of residents at railroad stations and crossings, the sounding of train horns day and night seriously impacts the quality of life of many in my communities in Long Island.

I support the Federal Railroad Administration and its primary goal of ensuring the safety of railroads and trains across the country and in the Fourth Congressional District in New York. I do not, and will not support any measure that will reduce the safety of railroads and trains moving through our communities.

With that in mind, I also understand the effect that locomotive horn noise has on the quality of life of my constituents. Over the years, I have been contacted by constituents who have complained that the volume of the train noise is so severe that many of them lose their sleep, even with earplugs.

Trains on Long Island can run literally around the clock. Residents complain of several minutes of constant horn noise as the train travels through many of my communities such as Valley Stream, East Rockaway and Cedarhurst, Long Island.

When trains are nearby, the volume is so high that people are forced to stop their conversations, and teachers at nearby schools are forced to stop teaching their students.

Rail traffic through many communities in this country is an unavoidable reality as to the use of train horns. However, we have an obligation to ensure that we do everything possible to maintain the quality of life for communities near railroad tracks.

That is why I've introduced an amendment to ask that the Secretary research the development and use of train horn technology with an emphasis on reducing train horn noise and its effect on a community. This will ensure that, as we move forward and continue to expand our railroad infrastructure in this country, we will also continue to address the concerns of the communities surrounding the infrastructure.

Thank you, Chairman OBERSTAR, for continuing to work with me on this issue that is so important to my constituents.

I urge my colleagues to support the passage of this amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I support the amendment offered by the gentlewoman which directs a study of train horn technology as part of the Rail Cooperative Research Program authorized at section 304 of the bill. And the gentlewoman has worked tirelessly to highlight her concerns with constituents on locomotive horn noise.

I can understand how horn noise is terrible and disturbing. We've heard many iterations of that over the years in hearings in the committee in close urban quarters.

But out on the prairie, the sound of a train horn late at night is a very comforting sound, I can say for those of us who live in those environments.

I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I just wanted to say that we accept the amendment. Anything to do with improving technology on trains we certainly support.

Mr. OBERSTAR. The key issue with train horns, again and again, is safety. Where they are removed in an experimental basis there have been fatalities or incidents or accidents, and where the train horn has been reinstated, lives have been saved. But technology can lead us to better train horns that don't intrude on the daily lives or nightly lives of citizens alongside railroad tracks.

So I reserve the balance of my time, and I appreciate the gentlewoman's amendment.

Mrs. McCARTHY of New York. I just want to thank Chairman OBERSTAR and Ranking Member SHUSTER for their support on this amendment. I too can hear the train whistle in the late of the night, and to me it is a nice sound. But for my constituents who are right along those tracks and near, it is a problem.

I hope that my colleagues will support me on this amendment.

Ms. CORRINE BROWN of Florida. Mr. Chairman, anyone who has railroad tracks in their district has heard from constituents who are upset by repeated train whistles.

Unfortunately, these train whistles are the most effective way of warning people of an oncoming train. And even still we see constant reports of injuries and deaths on the tracks.

Technology holds the key to many improvements throughout our rail system, including improved safety. And hopefully it can help with the age-old problem of train whistles.

We also need to invest in more grade separations at rail crossings to improve safety and cut down on the need to blow warning whistles in the first place.

Mrs. MCCARTHY of New York. I yield back the balance of my time.

Mr. OBERSTAR. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–703.

AMENDMENT NO. 7 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–703.

Mr. MURPHY of Connecticut. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MURPHY of Connecticut:

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 225. COMMUTER RAIL EXPANSION.

(a) FINDINGS.—The Congress find the following:

(1) In 2006, Americans took 10,100,000,000 trips on public transportation for the first time since 1949.

(2) The Northeast region is one of the Nation's largest emerging transportation "megaregions" where infrastructure expansion and improvements are most needed.

(3) New England's road traffic has increased two to three times faster than its population since 1990.

(4) Connecticut has one of the Nation's longest average commute times according to the United States Census Bureau, and 80 percent of Connecticut commuters drive by themselves to work, demonstrating the need for expanded commuter rail access.

(5) The Connecticut Department of Transportation has pledged to modernize, repair, and strengthen the rail line infrastructure to provide for increased safety and security along a crucial transportation corridor in the Northeast.

(6) Expanded New Haven-Springfield rail service would improve access to Bradley International Airport, one the region's busiest airports, as well as to Hartford, Connecticut, and Springfield, Massachusetts, two of the region's commercial, residential, and industrial centers.

(7) Expanded commuter rail service on the New Haven-Springfield line will result in an estimated 630,000 additional trips per year and 2,215,384 passenger miles per year, helping to curb pollution and greenhouse gas production that vehicle traffic would otherwise produce.

(8) The MetroNorth New Haven Line and Shore Line East railways saw respective 3.43 percent and 4.93 percent increases in ridership over the course of 2007, demonstrating the need for expanded commuter rail service in Connecticut.

(9) Expanded New Haven-Springfield commuter rail service will provide transportation nearly 17 times more efficient in terms of average mileage versus road vehicles, alleviating road congestion and providing a significant savings to consumers during a time of high gas prices.

(b) SENSE OF CONGRESS.—It is the Sense of the Congress that expanded commuter rail service on the rail line between New Haven, Connecticut, and Springfield, Massachusetts, is an important transportation priority, and Amtrak should work cooperatively with the States of Connecticut and Massachusetts to enable expanded commuter rail service on such line.

(c) INFRASTRUCTURE MAINTENANCE REPORT.—Amtrak shall submit a report to Congress and the State Departments of Transportation of Connecticut and Massachusetts on the total cost of uncompleted infrastructure maintenance on the rail line between New Haven, Connecticut, and Springfield, Massachusetts.

The Acting CHAIRMAN. Pursuant to House Resolution 1253, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Chairman, I'd like to allow myself such time as I may consume.

I would like to thank Chairman OBERSTAR for his hard work, not only on the underlying bill, but in his gracious work with me and the Massachusetts and Connecticut delegations to allow us to bring this amendment before the House today.

I rise in strong support of the amendment before us. By supporting the implementation of commuter rail service, as this amendment will assist us between New Haven, Connecticut and Springfield, Massachusetts, we can help strengthen and expand one of my State's most vital transportation corridors.

While Metro North and Shoreline East rail lines provide extensive commuter service across Connecticut's southern coastal region, there is little available service to meet the needs throughout the central portion of the State. Connecticut's existing commuter rail lines have already seen over 5 percent increase in ridership just in the first quarter of 2008, and there's a clear need to expand it throughout the other sectors.

Not only would such rail service help alleviate roadway congestion, save consumers money on gas, and help combat global warming, it would contribute to the economic revitalization of this route. In my district, the city of Meriden is prepared to build a state-of-the-art intermodal transportation hub to take advantage of this new rail line.

At a time when gas prices are squeezing American's budgets like never before, we need to invest in this type of commuter rail service that is available right now on the line that runs between New Haven and Springfield.

We need sensible mass transit solutions, and by expressing strong congressional support for this new proposed rail line, taking advantage of an existing Amtrak line, and by directing Amtrak, as this amendment does, to report on the lines' uncompleted infrastructure maintenance, information that is badly needed in order to make plans going forward to add local commuter service to that line, we are sending a clear signal that the time for action is now.

Again, I would like to thank Chairman OBERSTAR and I would urge support for this amendment.

I reserve the balance of my time.

Mr. SHUSTER. I rise to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. I just wanted to say that the situation highlighting the situation is certainly important, and I understand why the gentleman is highlighting it.

It would have been covered, it is covered in the underlying bill I believe. But as I said, I understand why the gentleman wants to highlight the situation. And this report to determine the cost of uncompleted infrastructure maintenance is extremely important, and we need to tend to that. This Northeast Corridor is extremely important and, as I said, I do not oppose the amendment, and would accept it.

I yield back my time.

Mr. MURPHY of Connecticut. I thank the gentleman for his support. At this time I would like to yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I want to thank my dear friend and colleague from Connecticut for proposing thoughtful legislation like this.

I commend the gentleman from Pennsylvania for his comments and once again salute our distinguished chairman, Mr. OBERSTAR, who has such great vision on the importance of utilization of rail.

This is vitally important, not only to Connecticut, but both Connecticut and Massachusetts. The rail line between New Haven and Springfield is a vital cog for commerce. It also impacts the second largest airport in New England; and with the vision of Mr. OBERSTAR, an airport that we hope to have be one of the first green airports in the country.

So again I want to applaud my colleague, thank him for his vision, and continue to support the visionary programs that Mr. OBERSTAR and his committee put forward.

□ 1315

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent to reclaim my time. I yielded back prematurely.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I was hoping to get this train running on time, excuse the pun, so if somebody needs me to yield time to them, I will make it available.

Mr. MURPHY of Connecticut. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Chairman, I want to thank Congressman MURPHY and thank Congressman SHUSTER, as well as JIM OBERSTAR, a long time friend here, for offering the support to this proposal that it deserves.

Establishing a New Haven-Hartford-Springfield commuter line would do much to improve the transportation needs of the Northeast Corridor. In addition to contributing to the national effort to reduce carbon emissions, this commuter line would greatly promote economic development for the cities and towns along the line. Union Station, with the help of Mr. OBERSTAR's committee, is now underway and great work we expect to happen there in Springfield.

Mr. Chairman, Connecticut has already dedicated funding for the commuter line and is in the predevelopment phase. And today, the Massachusetts House is expected to approve a $1.3 billion transportation bill authorizing $90 million for the commuter developing road transportation line from New Haven to Springfield. A New Haven to Springfield line would also allow for more connections to existing Amtrak routes as well as other planned commuter rails, such as a Boston to Springfield line, which would further extend economic benefits to the region.

Due to improved service, Amtrak ridership has increased in the past few years, and commuters want this progress to continue, particularly in light of gas prices. The Murphy amendment will help maintain this progress and promote this much-needed commuter line. The benefits of incorporating new commuter lines with Amtrak is undeniable and worth the investments.

Commuter rail service would help other industrial cities like Springfield to better connect with regional economies and offer a smarter and cleaner transportation option.

Thanks to the individuals who have stood with us today, and I hope the Murphy amendment will be successful.

Mr. SHUSTER. Mr. Chairman, I yield to the chairman.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the gentleman's amendment.

This amendment expresses support for expanded commuter rail service on the rail line between New Haven, Connecticut, and Springfield, Massachusetts, and encourages Amtrak to work cooperatively with the States of Connecticut and Massachusetts to enable expanded commuter rail service on the line. Further, this amendment directs Amtrak to report to Congress and the States on the total cost of uncompleted infrastructure maintenance on the New Haven—Springfield rail line.

Commuter rail is one of the fastest growing modes of public transportation in this country. In 2007, Americans took 461 million trips by commuter rail, a 5.5 percent increase over 2006. Since 1990, New England's highway traffic has increased two to three times faster than its population and commuter rail is a critical transportation link in the Northeast.

According to the 2000 U.S. Census, Connecticut has one of the nation's longer average commute times (24.5 minutes) in the nation, and 80 percent of Connecticut commuters drive themselves to work. The State of Connecticut is seeking to provide additional transportation alternatives to its commuters and is hoping to expand commuter rail service to address its congestion.

This amendment will help Connecticut understand the capital costs needed to better develop its commuter rail infrastructure as it works to develop its passenger transportation systems.

I urge my colleagues to join me in supporting this amendment.

Mr. MURPHY of Connecticut. Mr. Chairman, again, this is a unique opportunity to be able to use an existing rail line. We need—we understand the need in many other parts of the country to build out our infrastructure in Connecticut. We have the unique opportunity to take an existing line, have either a partnership or a transfer of the line to the State Department of Transportation, and with that we believe we will be able to greatly expand our opportunities for mass transit development in the State of Connecticut.

With that, I wonder if the gentleman from Pennsylvania might be willing to yield a few minutes of his time to Ms. DELAURO.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes of our time to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentleman.

Mr. Chairman, I rise in support of this amendment.

Connecticut has seen a 5.5 percent increase in commuter rail usage over the first quarter of 2008 alone. As gas prices continue to skyrocket, more Americans than ever are looking for new ways to get where they are going without filling their gas tank.

While thousands of Connecticut residents who live in the southern portion of the State are well served by Metro North and the Shoreline East commuter rail, there remains hardly any commuter rail options in the central portion of our State through Hartford and up to Springfield, Massachusetts. Yet New England's traffic has increased 2 to 3 times faster than its population since 1990. When 80 percent of Connecticut commuters drive to work by themselves, we must provide a better alternative.

I want to commend Chairman OBERSTAR for his hard work on this bill. I congratulate my colleague, Mr. MURPHY, whose amendment expresses support for current discussions between Amtrak and the Connecticut Department of Transportation to create a cooperative framework by which an Amtrak-owned New Haven-Springfield rail line could serve as the conduit for increased commuter rail run by Connecticut DOT. And his amendment also requires a report to Congress on uncompleted infrastructure maintenance.

Expanded commuter rail service on the New Haven-Springfield line will result in an estimated 630,000 more trips a year and over 2 million passenger miles annually. The demand is there. The benefits are clear.

I urge my colleagues to support this amendment. I thank Chairman OBERSTAR, and I thank you graciously, Mr. SHUSTER, for allowing me to take the time.

Mr. MURPHY of Connecticut. Mr. Chairman, I thank the gentleman from Pennsylvania for his accommodations. We're in support of the amendment.

I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–703.

Mr. PATRICK J. MURPHY of Pennsylvania. I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PATRICK J. MURPHY of Pennsylvania:

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 225. SERVICE EVALUATION.

Not later than 1 year after the date of enactment of this Act, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of an evaluation of passenger rail service between Cornwells Heights, PA, and New York City, NY, and between Princeton Junction, NJ, and New York City, NY, to determine whether to expand passenger rail service by increasing the frequency of stops or reducing commuter ticket prices for this route.

The Acting CHAIRMAN. Pursuant to House Resolution 1253, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Thank you, Mr. Chairman. I yield myself 2 minutes.

Mr. Chairman, families across the country are facing record gas prices and increased congestion on our roadways. We hear it every time we go home. And as Members of Congress, we have a responsibility to do what we can do to make things better. This amendment is about making sure that our public transportation resources are being used as effectively and efficiently as possible.

Through this measure, we require Amtrak to take a hard look at passenger rail service at two important rail stations in our districts. Our hope is that they will find a way to help commuters and rail passengers in our districts by either expanding passenger rail service through increasing the frequency of stops or by reducing prices.

For years, the Cornwells Heights and Princeton Junction stations have been hubs for commuters who work in New York City. Amtrak then cut the number of trains at these stations in half. Then they increased prices for our commuters.

Mr. Chairman, countless families rely on the Cornwells Heights and Princeton Junction stations, and as a result of Amtrak's train cuts and fare hikes, families have been forced to drive longer distances or pay much higher fares. Today, our region is making economic progress, and Amtrak has a chance to keep moving us forward.

Mr. Chairman, in these troubled times, our local economy can't afford to take anymore hits and we can't allow commuters to use more time on crowded highways when they could be home with their families.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. We support it, accept the amendment.

Mr. OBERSTAR. Would the gentleman yield?

Mr. SHUSTER. Mr. Chairman, I will yield to the gentleman.

Mr. OBERSTAR. I rise in support of the Murphy amendment. I feel the amendment is an important contribution to the work of this bill.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY), the gentlewoman from Pennsylvania (Ms. SCHWARTZ), and the gentleman from New Jersey (Mr. HOLT).

This amendment directs Amtrak to evaluate the passenger rail service between Cornwells Heights, Pennsylvania, and New York, New York, and between Princeton Junction, New Jersey, and New York, New York, to determine whether to expand passenger rail service by increasing the frequency of stops or reducing commuter ticket prices for the route.

Until a few years ago, Cornwells Station was the primary SEPTA and Amtrak station for service into New York City from the Bensalem Township. It has direct access to Interstate 95 and Pennsylvania Route 63, with the largest parking lot on the SEPTA network, making it an ideal terminal for commuter service into New York for many people in the surrounding region.

However, Amtrak recently reduced the number of trains serving the station each day by one-half, while greatly increasing the ticket prices for the service. As a result, ridership has plummeted, leading Amtrak to consider dropping service to the station all together.

This study has several potential benefits. For one, the Bensalem region is enjoying an economic revitalization, which could be enhanced by increased Amtrak service to Cornwells Heights. Increased Amtrak service would allow for better mobility in the region as well as help relieve local congestion.

I urge my colleagues to join me in supporting the amendment.

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, at this time I would like to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Pennsylvania for this amendment and for yielding me time. He is very diligent in looking after the concerns of the people of his area in Pennsylvania, and in this amendment, I must say it also benefits—would benefit the people of New Jersey as well.

When you look at the numbers where Amtrak is setting record highs for numbers of users—25 million users last year—and look at how in New Jersey the State rail system is breaking ridership records for the 6th straight year with over 900,000 trips per weekday on its trains, buses, and light rails, and you match that with the increased costs of commuting by internal combustion cars, it should be apparent that Amtrak should do everything it can to attract riders on these underused routes; and that is exactly what the Murphy-Schwartz-Holt amendment seeks to do.

It would require Amtrak to re-examine the service cuts that it's made at two stations to see if it would be feasible to increase services at those stations. They can do this through service and pricing. I hear from my constituents about this. One constituent, John, who commutes from Princeton Junction, summed it up by saying Amtrak seems to be driving customers away. It has negative effects, including increased automobile traffic and consequences on the environment.

I strongly urge my colleagues to support this amendment, and I thank Mr. MURPHY for preparing it.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I don't rise in opposition of the gentleman from Pennsylvania's amendment. In fact, he's looking for solutions in his district, in his area to provide commuter service to get people out of their cars to deal with increased congestion and high-rising fuel costs.

But the gentleman from Pennsylvania is no different from the gentleman from Connecticut, from the gentlewoman from Arizona, the gentleman from California, from the gentleman from Ohio. We're drowning in congestion in this country. This bill provides a first opportunity to look at cost-effective ways of providing that service.

So we've got to support commuter rail across the Nation. We've got to take some of these underutilized urban rail corridors that formally serve freight and convert those to commuter rail systems. We've got to find a host of solutions and incorporate private sector initiatives in these to make it happen because they can bring projects in on time and under budget and at the lowest cost possible.

It is true that we may have to subsidize commuter rail service, long-distance service, and some high-speed service, but we want that at the minimum cost to the taxpayer, the maximum benefit to those that we need to serve.

So we will support the amendment, but again, what you hear from the gentleman from Pennsylvania is what we're hearing from 435 congressional districts.

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, it now costs a Cornwells Heights commuter $972 per month just to get to work and back. More importantly, the cuts in service have put more cars on our clogged highways, more exhaust fumes in the air, and forced our hardworking constituents to spend more time getting to and from work and less time at home. That means more time on a train or in traffic and less time at home with the ones that they love.

Mr. Chairman, our region is experiencing the economic revitalization. Increased rail service and more riders means progress, while more cuts means going backwards. I would like to thank the chairman, Chairman OBERSTAR. I would like to thank my colleague from Pennsylvania, Mr. SHUSTER. I would like to thank my colleague from New Jersey, Mr. HOLT, and also my other colleague from Pennsylvania, Ms.

SCHWARTZ, for their support on this important measure.

I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on amendment No. 4 printed in House Report 110-703.

The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 275, not voting 13, as follows:

[Roll No. 397]

AYES—150

Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—275

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Cannon
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Braley (IA)
Doolittle
Flake
Fortuño
Gillibrand
Hulshof
Loebsack
McCrery
Norton
Ortiz
Rush
Spratt
Tancredo

☐ 1357

Messrs. CLEAVER, RANGEL, JACKSON of Illinois, BOUCHER, PICKERING, BERMAN, CROWLEY, WHITFIELD of Kentucky, BOOZMAN and DENT, and Ms. CLARKE, Ms. MOORE of Wisconsin, Ms. WASSERMAN SCHULTZ and Mrs. BONO MACK changed their vote from "aye" to "no."

Messrs. COOPER, TERRY, McKEON, BILBRAY, FEENEY, PETERSON of Pennsylvania and Mrs. SCHMIDT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. NORTON. Mr. Chairman, on rollcall No. 397, had I been present, I would have voted "no."

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Mr. CUELLAR, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes, pursuant to House Resolution 1253, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

Mr. BROUN of Georgia. Mr. Speaker, I ask for a re-vote on the Davis of Virginia amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the amendment reported from the Committee of the Whole?

The Clerk will designate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 110-703 offered by Mr. DAVIS of Virginia:

Add at the end of title I the following new section:

SEC. 105. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9—1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term "Transit Authority" means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term "Compact" means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89–774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

(B) For purposes of this paragraph, the term "dedicated funding source" means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

(e) ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.—

(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

(B) Not later than 4 years after such date, throughout the rail system.

(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

(5) DEFINITION.—In this subsection, the term "licensed wireless provider" means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

(g) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROUN of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 295, noes 127, not voting 11, as follows:

[Roll No. 398]

AYES—295

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger

Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—127

Akin
Bachmann
Bachus
Barrett (SC)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Boehner
Bonner
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Ehlers
Feeney
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Souder
Stearns
Terry
Thornberry
Tiberi
Walberg
Walden (OR)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (FL)

NOT VOTING—11

Blackburn
Braley (IA)
Flake
Gillibrand
Hulshof
Loebsack
McCrery
McMorris Rodgers
Ortiz
Rush
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Two minutes are remaining to vote.

☐ 1415

Messrs. KELLER of Florida, HAYES and COLE of Oklahoma changed their vote from "aye" to "no."

Messrs. GOODLATTE and SHUSTER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DAVIS OF KENTUCKY

Mr. DAVIS of Kentucky. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DAVIS of Kentucky. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Davis of Kentucky moves to recommit the bill H.R. 6003 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 225. LOCOMOTIVE ALTERNATIVE FUEL STUDY.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which freight and passenger rail operators could use domestically available alternative fuels to power their locomotive fleets and other vehicles that operate on rail tracks.

(b) DEFINITION.—For purposes of this section, the term "domestically available alternative fuels" means fuels that are derived from coal, oil shale, oil sands, natural gas, methane, or butanol and are available within the United States.

(c) FACTORS.—In conducting the study, the Federal Railroad Administration shall consider—

(1) the energy intensity of various alternative fuels compared to diesel fuel;

(2) the cost of purchasing and the domestic availability of alternative fuels;

(3) the public benefits derived from the use of such fuels; and

(4) the effect of alternative fuel use on relevant locomotive and other vehicle performance.

(d) LOCOMOTIVE TESTING.—As part of the study, the Federal Railroad Administration shall test locomotive engine performance and emissions using alternative fuels.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Railroad Administration shall transmit the results of this study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Mr. DAVIS of Kentucky (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. OBERSTAR. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Speaker, the Passenger Rail Investment and Improvement Act of 2008 will expand transportation options for some commuters. It doesn't address the underlying problem affecting all Americans.

The current energy climate has highlighted the critical need for America to develop a national energy strategy that will promote energy independence. We can no longer rely on unstable foreign entities to supply us with the resources we need to keep our country running. We need to use American resources to meet American energy needs.

Although section 219 of H.R. 6003 authorizes $1 million to the Department of Transportation to study the potential for renewable biofuels, the bill makes no mention of utilizing the huge proven resources that we have in this country at our fingertips. We need to address the underlying and immediate issues of increasing our domestic supply of energy to reduce prices. This MTR would expand the scope of the study to include those American resources that are now available, like coal, natural gas and oil shale.

One year ago, Amtrak was buying fuel for $2.19 a gallon. As of May 22, 2008, Amtrak was forced to pay $4.26 a gallon. This dubious milestone was achieved 776 days after the current Speaker of the House stated that Democrats had a commonsense plan to bring down skyrocketing fuel prices. That plan has yet to materialize, and a new CNN poll shows that 86 percent of our citizens believe that gas prices will hit $5 a gallon this summer.

Indeed, the majority has pursued a misguided energy strategy that tightens the vice on American consumers in the form of higher taxes and higher energy prices. Frankly, we need to use American resources for Americans now. While I don't object to public transportation as a sound alternative to commuting by car, expanding Amtrak service still doesn't lessen our dependency on foreign oil.

Skyrocketing fuel prices are affecting every aspect of our daily lives. We all know the impact it is having on our family budgets. But it is also having a dramatic impact on many other budgets, ranging from school districts to local governments to the Armed Forces. Even Amtrak's budget is ballooning with these increasing prices. Their fuel budget for 2008 has increased from $125 million to $215 million.

In the areas where American budgets are being hardest hit by gas prices, consuming 16 percent of gross income, they have very little access to Amtrak. How does this bill help those Americans deal with our energy prices?

My constituents can literally no longer afford the empty promises and failed policies of this Congress. What we need now is an action plan that focuses on real solutions that use real resources to address our short and long-term needs, putting all the options on the table to be considered. It will unleash American innovation, create American jobs and lower prices for American consumers.

We need to focus on increasing our domestic energy supply by exploring the resources that rest at our fingertips on the Outer Continental Shelf and in the Alaskan National Wildlife Reserve. These resources could significantly increase our domestic oil production and supply a considerable amount of our energy needs. Yet the Democratic majority refuses to allow the American people to access resources that are on their own soil. I echo the recent declaration that we need to drill here, we need to drill now, and then we will pay less.

We need to promote the research and development of renewable resources while investigating the potential for alternative fuels developed from coal-to-liquids, hydrogen, and other new technologies to lessen our dependency on foreign oil supply shocks.

Congress has been historically shortsighted about the use of our most abundant fuel, coal, to boost our energy supply. The United States is estimated to have 40 times the amount of energy stored in coal reserves than we have in our domestic oil reserves. American coal resources in Kentucky, Indiana and Illinois exceed the oil resources of Saudi Arabia and is an excellent source for American energy. With oil prices heading towards $150 a barrel, how can we not afford to explore our own domestic resources?

The leaders of this Congress have proven themselves to be out of touch, turning blindly away from any attempt to relieve the American people of their burden with practical solutions. We need to lower prices for the American people. By continually refusing to recognize the problem at hand, the Democratic majority is causing irrevocable harm to our Nation.

I urge all my colleagues to support the motion to recommit the bill to broaden the Locomotive Alternative Fuel Study to include American reserves that will increase domestic oil supply, reduce costs and make us more independent from foreign oil. The best thing that we can do for Amtrak is to lower fuel prices. If we use our resources for Americans, we can ignite a third industrial revolution that will create millions of jobs and provide a future for our children.

Mr. Speaker, I yield back.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, this is only a halfhearted attempt. If it were a wholehearted attempt, the motion would have included soybean oil and ethanol and it would have included the word "forthwith" and we could have accepted it. In fact, if the gentleman had come to the committee, both the Republican and Democratic side of the committee in the course of consideration of the bill, if he were serious about this matter, we would have included it in our section 219, Locomotive Biofuel Study. There is no reason we couldn't include all of what the gentleman is saying, plus additional items. But I think by using the word "promptly," clearly this is just another gesture, a political gesture, to sidetrack the bill. Sending it back to committee simply delays the benefits of Amtrak.

We have worked diligently over the better part of a year-and-a-half, Republicans and Democrats together on the committee, and fashioned a wide-ranging proposition for the future of intercity passenger rail in America, introducing extraordinary reforms that have not been considered or have been rejected in the past. We have included those in this bill.

We include a locomotive biofuel study. We require locomotive testing. We require a report. We require it to be done in a very specific period of time. We also require a study on the use of bio-based lubricants for Amtrak to use.

☐ 1430

In fact, soybean-derived fuel is being used by the freight rail sector in what is known as Green Goat technology, Green Goat locomotives and freight rail makeup switchyards with great success.

The Green Goat technology using soybean-based fuel is reducing particulate emissions in rail makeup yards reducing noise and also reducing cost of maintenance of locomotives because the fuel also provides lubricating quality to a locomotive engine.

Furthermore, to insist that we move on this amendment—I think an earlier version I saw would have required implementation immediately—Amtrak has warranties with General Electric, who produces the P42 locomotives for Amtrak's fleet. That's the backbone of their diesel locomotive fleet.

To force Amtrak to rush into applying some not-yet proven technology would vitiate the warranties, would increase the cost, would subject Amtrak having to absorb all the costs instead of GE, the locomotive engine producer, absorbing the costs.

Again, I say we are very accommodating on this committee. We want good ideas. We would have welcomed the gentleman's ideas in the fashioning of the legislation. In fact, if this had been a forthwith motion, we could have accepted it with an amendment to include biodiesel fuel, soybean-based fuel.

But the way it's fashioned simply sidetracks the very good bill, the extraordinary progress we have made with bringing passenger high-speed rail service to all of America. This is a transformational moment, this Amtrak legislation, a transformational moment in American transportation to bring our country into the first world of intercity high-speed passenger rail service, to make changes in the way Amtrak operates, to invite the private sector in to be a partner in fashioning a future for Amtrak.

Don't sidetrack it with this frivolous motion that comes way late in the process and is not serious at all in its purpose. If it were serious at all in its purpose, it would have come to the committee, we would have done something about it, we would have included this language earlier on in the bill.

Oppose the motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6003; the motion to refer House Resolution 1258; and the motion to suspend the rules on H. Res. 1235.

The vote was taken by electronic device, and there were—yeas 194, nays 230, not voting 9, as follows:

[Roll No. 399]

YEAS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert

Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant

Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings

Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha

Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.

Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)

Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—9

Braley (IA)
Flake
Gillibrand

Hulshof
Loebsack
McCrery

Ortiz
Rush
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

☐ 1453

Messrs. HILL and YOUNG of Alaska changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 311, nays 104, not voting 18, as follows:

[Roll No. 400]

YEAS—311

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono Mack
Boozman
Boren

Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke

Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent

Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood

Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez

Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—104

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boustany

Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Chabot
Coble
Conaway

Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Emerson
Everett
Feeney
Forbes

Foxx
Franks (AZ)
Gallegly
Gingrey
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pitts
Porter
Price (GA)
Radanovich
Ramstad
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Stearns
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Wilson (NM)
Wilson (SC)
Wittman (VA)

NOT VOTING—18

Bartlett (MD)
Braley (IA)
Butterfield
Diaz-Balart, M.
Flake
Gillibrand
Green, Al
Gutierrez
Hulshof
Kaptur
King (IA)
Loebsack
McCrery
Musgrave
Ortiz
Rush
Stark
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members should note there is less than 1 minute to vote.

☐ 1459

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BUTTERFIELD. Mr. Speaker, on rollcall No. 400, I inadvertently failed to vote. Had I been present, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6003, PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 6003, the Clerk be authorized to correct section numbers, punctuation, cross-references, and make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

IMPEACHING GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES, OF HIGH CRIMES AND MISDEMEANORS

MOTION TO REFER OFFERED BY MR. KUCINICH

The SPEAKER pro tempore. Pursuant to the order of the House of June 10, 2008, the unfinished business is the question on the motion to refer House Resolution 1258 offered by the gentleman from Ohio (Mr. KUCINICH) which the Chair will put de novo.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to refer.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KUCINICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 166, not voting 16, as follows:

[Roll No. 401]

AYES—251

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Foster
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOES—166

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Shadegg
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—16

Braley (IA)
Cohen
Flake
Gillibrand
Goodlatte
Hulshof
King (IA)
Latham
Loebsack
McCrery
Neugebauer
Ortiz
Pascrell
Rush
Sessions
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DOYLE) (during the vote). There is 1 minute remaining on this vote.

☐ 1508

Mr. KELLER of Florida changed his vote from "aye" to "no."

So the motion to refer was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. NEUGEBAUER. Mr. Speaker, this afternoon I missed rollcall Vote 401, a vote on referring H. Res. 1258 to committee.

Had I been present, I would have voted "no" on rollcall Vote 401.

Mr. KING of Iowa. Mr. Speaker, I was detained while attempting to reach the House floor to cast my vote on rollcall 401 earlier this afternoon. Had I been able to reach the floor before the vote was closed, I would have voted "no."

NATIONAL D-DAY REMEMBRANCE DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1235, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1235.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 402]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—27

Boucher
Braley (IA)
Cardoza
Cohen
Crowley
Flake
Gillibrand
Hulshof
Israel
Jones (NC)
Kucinich
Linder
Loebsack
Maloney (NY)
Marshall
McCrery
Miller, George
Ortiz
Pearce
Rahall
Ruppersberger
Rush
Shea-Porter
Sutton
Tancredo
Weiner
Whitfield (KY)

☐ 1515

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

The message also announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

Mr. RANGEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5749) to provide for a program of emergency unemployment compensation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Extended Unemployment Compensation Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Emergency unemployment compensation account.
Sec. 4. Payments to States having agreements for the payment of emergency unemployment compensation.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

(f) UNAUTHORIZED ALIENS INELIGIBLE.—A State shall require as a condition of eligibility for emergency unemployment compensation under this Act that each alien who receives such compensation must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

SEC. 3. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 3 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this Act.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 3(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair now recognizes the gentleman from New York.

Mr. RANGEL. I would ask unanimous consent that at the conclusion of my very brief remarks, that my time be yielded to Mr. McDERMOTT who worked so desperately hard with Mr. ENGLISH to prepare this Congress to do what has to be done for a crisis that we hoped we would never have to experience.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. I yield myself such time as I may consume.

Mr. Speaker, I stand before you not as a Democrat speaking to Republicans, but as an American who recognizes that if I had to think of one of the most important assets that our country has had, after we talked about our flag, our military, our democracy, I think that we all would agree it's our middle class. They're different from most people. They're not recognized worldwide. They're not the rich. They're not the poor. They're people who struggle every day. But it's their dreams, I think, that make us different from any other country and any other democracy knowing that in this country there is no glass ceiling.

And no matter what we accomplish, that we could dream for our kids and for our grandkids, today, through no fault of their own, this dream is being shattered. It's being shattered by the deficits. It's being shattered by war. It's being shattered by losing our kids, losing our jobs, losing our hope, increased price of oil; and people are concerned about where do we go from here. I suggest to you that no one can challenge the fact that this country cannot go any further than our middle class.

So it's up to us to find out how do we handle this and how to explain, at a time when they're at most need, not just in terms of dollars and cents but in hopes that this country is going to pull out of this as we have in the past.

So what did Mr. McDERMOTT and Congressman ENGLISH do? They said no matter what happens in this country, whether we win or lose, you can depend on one thing: We will not give up on the American middle class. Now, you could talk about deficits and trust funds, you could talk about PAYGO, you could talk about anything; but you're not going to let this country drown because of technicalities.

The middle class is there when we need them. They're there to consume and to buy if they have to. They're there to fight and die in our wars. And now comes an opportunity where we come here together and we say it's not much, we've got to struggle to repair the economic damage, but in the meantime, those of you who have worked every day, those of you who we've not said "thank you" to, we're saying that we're going to be there because through no fault of your own, our country has let you down.

I yield back for the technical things, but I do hope when we get back home that all of us can say, We didn't do everything that we wanted to, but at the time this bill came up for suspension, we were there for you.

Mr. WELLER of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I begin my remarks, first I want to say on behalf of all of my colleagues our thoughts and prayers are with our good friend and distinguished ranking member of the House Ways and Means Committee, Congressman JIM McCRERY. Mr. McCRERY is not with us today, and he and his family mourn the untimely passing of JIM's sister. Our thoughts are with Congressman McCRERY and his entire family.

Mr. Speaker, I stand here in support of extending unemployment benefits, and I have sponsored legislation to accomplish that goal. All Republican members of the Ways and Means Committee supported extending benefits when our committee considered this legislation in April. But today I rise in opposition to the legislation that's before the House today which includes a radical departure from long-standing Federal policy when it comes to the balance between work and extended benefits. And I am especially opposed to the cynical election-year maneuvering reflected in how the House is considering this important issue today.

Federal law since 1981 has required at least 20 weeks of work before collecting Federal-extended benefits. The temporary program created in 2002 continued this commonsense policy. I believe requiring at least 20 weeks of work to qualify for Federal extended unemployment benefits is perfectly fair, but the majority of Democrats do not. So the legislation before us today makes a radical departure from 27 years of Federal policy by striking the commonsense 20-week work requirement.

Ironically, nearly every Democratic Member in the House supported this same requirement as part of the temporary program Congress created in 2002. Yet today, without a single hearing on this topic, this legislation would strike that sensible long-standing requirement.

So under this legislation, some individuals will receive 12 months of total unemployment benefits after having worked for as little as 2 weeks in some cases before being laid off. Does the majority think that this is fair to taxpayers to pay 12 months of unemployment benefits in exchange for less than 1 month of work?

Since the 1930s, unemployment benefits have been paid to those strongly attached to the workforce. That's the logic behind expecting at least 20 weeks of work before layoff for those who go on to collect Federal-extended benefits. It is not too much to expect someone who has worked for at least 20 weeks to collect up to 12 months of unemployment benefits.

What makes this worse, this legislation is being considered under rules that prevent any opportunities for amendments, that prevent any opportunities for substitutes or other avenues to correct what we believe is a serious error in this radical approach.

The way this bill is being considered is under a process usually reserved for naming post offices and honoring sports teams. In the past 2 years, this House has named 87 post offices using this process, and today by using this same process, House majority leaders trivialize the important issue of extending unemployment benefits to those who are hurting. And it didn't have to be this way.

Every Republican on the Ways and Means Committee supported extending unemployment benefits in some fashion 2 months ago. And I suspect almost every Member of this House shares that view today. The only disagreement involves whether there should be a minimum work requirement, among other important details.

But 2 months, again that's 2 months after this so-called emergency legislation was considered in the Ways and Means Committee, here we are 2 months later with the Majority's flawed take-it-or-leave-it approach.

Mr. Speaker, I recognize many workers are hurting. I continue to support extending help to those who need it most. Unfortunately, the bill before us insists on paying extended unemployment benefits even to those who have worked for only a fraction of the time they will collect benefits.

This radical policy is a departure from current law, a 27-year-old bipartisan policy, and that's simply not right. And the way this legislation is being considered is an affront to all Americans. This bill was brought directly to the floor without as much as a hearing in committee.

Mr. Speaker, I have a letter here from the Executive Office of the President stating the President's position. The administration strongly opposes this legislation, H.R. 5479, and they state that if it were presented to the President, the senior advisers would recommend that he veto the bill.

I place it into the RECORD at this time.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 11, 2008.

STATEMENT OF ADMINISTRATION POLICY—H.R. 5749—EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008—(REP. MCDERMOTT (D) WASHINGTON AND 36 COSPONSORS)

The Administration is deeply committed to continually fostering an environment where every American who wants a job has a job. The Administration believes the best way to help workers is to create an environment that encourages job creation and to promote effective job training. To accomplish these goals, the Administration urges Congress to create more opportunities for American exporters by passing the pending free trade agreements with Colombia, Panama, and South Korea, make permanent the President's tax cuts that will expire over the next two years, and reform and reauthorize the Trade Adjustment Assistance program and the Workforce Investment Act. The Administration looks forward to continuing to work with Congress to enact these important measures. However, the Administration strongly opposes H.R. 5749. If H.R. 5749 were presented to the President, his senior advisors would recommend that he veto the bill.

This legislation raises several concerns. First, although the unemployment rate has recently risen, it remains below the levels historically relied on to justify a federally financed extension of unemployment benefits. The last initiation of temporary extended benefits was in 2002 amidst the unprecedented events surrounding September 11, 2001. Other than that special case, extensions have generally been granted only when the unemployment rate was notably higher than it is today, at or above 7 percent.

Second, this bill would allow the payment of up to 13 extra weeks of benefits in every State, even though some of those States have unemployment rates as low as 2.6 percent. At present, a majority of States have unemployment rates at or below 5 percent, and it is fiscally irresponsible to provide extra benefits in States with low unemployment rates. In States with higher unemployment rates, the Federal-State extended benefits program already can provide up to 13 additional weeks of benefits to workers who have exhausted their regular unemployment insurance benefits. As many economists have noted, the counterproductive result of a broad extension of benefits would be that recipients may remain unemployed for slightly longer than they would have otherwise.

Third, this bill does not contain an important provision found in previous Federal extensions and the permanent Federal-State extended benefits law that assures the benefit extension is paid only to individuals who have demonstrated a serious attachment to the labor force. Since 1981, individuals must have 20 weeks of full-time employment to qualify for extended unemployment benefits. Under this bill, individuals who have worked as little as two weeks could qualify for up to 52 weeks of total unemployment benefits. This violates the longstanding requirement that extended benefits should be for Americans with meaningful work histories.

Fourth, for purposes of determining whether a State is considered a "high unemployment" State in which an extra 13 weeks of benefits is payable (for a total of 26 weeks of additional benefits), this proposal would use a total unemployment rate of 6 percent as the trigger for State eligibility. This is, historically, a relatively low number for justifying a full year or more of unemployment benefits.

As an alternative to these ill-targeted and costly measures, the Administration could support legislation that would offer a 13-week extension of Federally financed unemployment benefits to high-unemployment States alone.

Mr. Speaker, again, I urge my colleagues to vote against this bill so that it can be brought back under a rule that allows the House to work its will and provides an opportunity to include a commonsense work requirement that does not pay a full year of benefits to someone who may have worked for as little as 2 weeks.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Chairman RANGEL for his leadership on behalf of the American people.

Every Member in the House is elected by the people, and today we're going to find out if Members remember who they work for.

Before us is H.R. 5749, legislation I introduced because it's time the government work for the people and extend a helping hand to those who need a break. Contrary to what you have just heard, this bill was heard in the committee, was voted on in the committee, and three members of the Republican Party voted to move it out of the Ways and Means Committee. It was contained in the supplemental bill, and everybody in the House has had an opportunity to vote on it and discuss it. We are repassing it for the second time.

Now, this legislation should pass without a single vote against it. And that's why it was put on the supplemental on the suspension calendar. No Member who's read a newspaper or spent any time in a congressional district talking to constituents lately could possibly miss the fact that the economy is in serious trouble and so are millions of Americans, and it will just keep getting worse until we act.

Last Friday we saw the largest one-month jump in the unemployment rate in 22 years. Now does anyone doubt the gravity of that situation? Across America the unemployment rate is rising. It's over 7 percent in Michigan and above 6 percent in Alaska and a half a dozen other States.

Eighteen percent of the unemployed in this country have not been able to find a job for at least 6 months. They have exhausted all of their benefits. And that is what this bill deals with. Everywhere you look, people are worried about their home and their family and their future. And no one feels safe no matter where they are.

The economy has been claimed by the Iraq war. This wasteful, needless war has undermined our economy and put it on a deep, steep downward slide. Devastating energy and food prices have made the American people be up against the wall when businesses are shedding jobs to cope. It's been this way for months, and it's time for some relief.

☐ 1530

The White House has been fighting, and as Mr. WELLER says, they've sent down from the administration a letter already saying they're going to veto it. Well, that's the administration. What do you expect out of that place?

This bill would provide 13 weeks of extended unemployment benefits to all States where people have exhausted their regular unemployment. It gives another 13 weeks in States where the unemployment rate is above 6 percent.

The usual UI benefit is less than $300 a week. That's poverty level assistance for a family struggling in an economy when gasoline is $4 a gallon.

There is not a congressional district in this country that isn't feeling the effects of this downturn. Every Member in this Chamber has constituents who need help, and they are the workers we are working for, presumably.

This bill is a lifeboat to the American people to stay afloat during increasingly tough economic times. Anybody who votes against this bill is voting against reality. They are denying it.

Now, sometimes the American people watch this session out of interest, but today, they're watching because there's an urgent need to receive some help.

This issue of the 20 weeks is being held up as the reason why I'm going to vote against it. The Labor Department analyzed the fact that that unduly affects low-wage workers and women because they work part-time.

We hear that if you work 2 weeks you can get a year's benefits. Are you saying that the Governor of Illinois or the Governor of Michigan or the Governor of Pennsylvania is stupid and he's just throwing money out the window? These are qualified by the State-level people, and you know you can't give me one example of any place—people say Oregon, if you work 2 weeks in Oregon, you somehow are going to get a year's benefits for 2 weeks. There is no State in the Union where that is true. Give me one example.

I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, I would note that most House Republicans and the administration have stated that we all support an extension of unemployment benefits. In fact, the letter we just placed in the RECORD says the administration would sign into law a 13-week extension that is targeted, providing the extended benefits that we all would like to see.

Mr. Speaker, as I prepare to yield to my good friend from Michigan, I would note that, again, the legislation before us is a radical change which eliminates the 20-week work requirement to qualify for a full 12 months of unemployment benefits, and that's why it's important we debate it, and that's why I urge my colleagues to vote "no."

With that, I yield 1 minute to the distinguished gentlelady from the State of Michigan.

Mrs. MILLER of Michigan. I thank the gentleman for yielding, and, Mr. Speaker, I rise in support of this legislation.

There certainly is no question that the American economy is struggling, and that is certainly true for my home State of Michigan. Michigan working families have been hit very, very hard by the restructuring, the economic transition that's happening in the domestic auto industry which has cost thousands of jobs and closing of factories.

A collapse in the housing market and skyrocketing gas prices have restricted mobility, making it much more difficult for people to find work.

And some would argue against this bill by saying that it's an impediment to urging people to actually find work. I would say that argument is nonsense. People cannot find work if they can't even sell their house. People cannot travel long distances to find a job if they can't afford $4 per gallon for gasoline. People cannot find a job if there are no jobs to be found.

This legislation will provide all unemployed workers 13 extra weeks of benefits as a bridge to better times, and it will give workers in hard-hit areas, like my home State of Michigan, an additional 13 weeks beyond that.

I believe that this is a very appropriate and compassionate action for this Congress to take, and I urge all of my colleagues to join me in supporting this critical legislation.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 5749.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. I would also like to enter into the RECORD a letter from the National Governors Association dated May 1, 2008, asking us to extend unemployment benefits to exhausted unemployment enrollees.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 1, 2008.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Committee on Finance, U.S. Senate, Washington, DC.

Hon. JIM MCCRERY,
Ranking Member, Committee on Ways and Means, House of Representatives, .Washington, DC.

DEAR CHAIRMAN BAUCUS, SENATOR GRASSLEY, CHAIRMAN RANGEL AND REPRESENTATIVE MCCRERY: On behalf of the nation's governors, we write to express our support for an extension of unemployment benefits and to request federal assistance for states to serve a growing number of jobless individuals.

In the last month, 36 states experienced an increase in the unemployment rate. The national unemployment rate increased to 5.1 percent in March 2008. Most notable, however, is the significant number of individuals that are unemployed for 27 weeks or longer, thus exhausting all unemployment benefits. Today, approximately 16.7 percent of jobless individuals are experiencing long-term unemployment compared to approximately 11 percent at the beginning of the last recession.

Beginning in 1935, a federal-state partnership was formed to create an unemployment program that would provide a core stabilizing function during economic downturns through short-term income support for jobless individuals. In prior recessions including the economic downturn that began in 2001, Congress and the Administration utilized the program to extend unemployment benefits to jobless individuals.

At the same time, any proposal to extend unemployment benefits must also address the reality that states need additional resources to administer unemployment claims for a larger number of individuals for a longer period of time. This year alone, states may have to administer an average of nearly 400,000 unemployment insurance claims without federal funding. Federal support is needed by state employment and workforce agencies to administer increased initial unemployment claims, to support ·weekly unemployment benefits, and to provide employment and training services.

Given the current economic indicators and historical precedent, governors believe it is prudent and appropriate for Congress and the Administration to enact a temporary federally funded extension of unemployment insurance benefits and to provide a sufficient increase in funding for states to assist jobless individuals during this period of economic slowdown.

We stand ready to work with you and thank you for your leadership on this issue of national importance.

Sincerely,

GOVERNOR DONALD L. CARCIERI,
Chair, Education, Early Childhood and Workforce Committee.

GOVERNOR BRAD HENRY,
Vice Chair, Education, Early Childhood and

Workforce Committee.

I now yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. It's estimated that 4 million workers, 4 million, would be eligible under this unemployment extension, over 1 million who have already exhausted and 3 million in the future.

You know, in previous downturns when there were unemployment offices giving out checks, we could go there and we could talk to the people. That's no longer true in most States, but we should not let the absence of real faces blur our vision in Washington.

If you had the 4 million people line up, it would extend from Washington, D.C., to Denver, Colorado, and we should not differentiate as to what State they live in. If they've exhausted their benefits, they should be eligible.

Mr. WELLER says targeted, that's over 6 percent. It leaves out a majority of those who have exhausted their benefits. It's not targeted. It's ruthless. It's ruthless. It doesn't take into account the lives of people.

We saw the biggest increase in 20 years last night, from 5 to 5.5 percent. When President Bush signed the extension in 2002, it was 5.7. So you're going to stand up here now and quibble because of a difference of two-tenths of 1 percent, you don't want to extend benefits.

The 20-week thing is a Trojan horse. It's another excuse not to step up to the plate.

This is not a political issue. This is a people's issue. The exhaustion rate is the highest it's been at the beginning of the past five recessions. I urge on a bipartisan basis the passage of this bill.

Mr. WELLER of Illinois. Mr. Speaker, I would note the previous speaker referred to 6 percent as being ruthless. That's actually the formula in the majority Democrats' bill. So it was interesting that he criticized his own bill.

I would also note to my good friend from Washington (Mr. McDERMOTT) that Illinois is actually a State in which someone can work 2 weeks and actually, under the legislation that's before us, obtain 39 weeks of unemployment benefits.

With that, Mr. Speaker, I yield 3 minutes to a distinguished member of the House Ways and Means Committee, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, economically, our Nation is a Nation of thirds. One-third of our States face steep economic challenges, one-third are chugging along with their traditional economies, and one-third are enjoying strong job growth and, in fact, record low unemployment.

This measure is well-intended. There's no question about it. But compassion isn't enough. Jobs are what is needed.

Instead of targeting workers in the struggling States that need both help with their bills and, more importantly, a new job, this measure provides no job training, no hope to laid off workers, workers that I know don't want a handout. They want an opportunity for a job that they can raise their families on. They want an opportunity for new skills. They want opportunities.

And like many one-size-fits-all Washington programs, this bill unnecessarily drains the precious unemployment trust fund an extra $8 billion by not targeting the help to the States and the workers who need it the most.

For hardworking Americans, though, what is most troubling is that this bill abandons the minimum work requirement that has, in the past, prevented the unscrupulous from gaming the system. By throwing out this reasonable requirement, that you actually have a real job before you get job benefits, people in some States can work as little as 2 weeks and receive government paychecks for 1 year.

Most Americans do the opposite. We work for a year, then we receive 2 weeks of vacation. In this bill, it's the opposite, 2 weeks of work and a year of Federal aid. And in fact, while it's been questioned that that isn't the case, according to the Congressional Budget Office, 4 States allow you to work as little as 1 week under some circumstances to receive benefits.

And what's unfortunate, who will pay the benefits that have been gamed? Hardworking American taxpayers who are struggling to make ends meet with record fuel prices because this Congress refuses to act to open up our resources and take more responsibility for America's own energy needs.

In conclusion, helping workers who need it the most, helping them find new jobs and stopping the gaming of our Federal aid is a bipartisan goal. Unfortunately, this bill fails on all counts.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank Mr. McDERMOTT for yielding and for bringing this necessary piece of legislation to us today.

It is basic, it is common sense, it is the right thing to do. People are calling out. They're crying out for help.

They ask, where is the Federal Government? Where is Congress? Which side is the government on? What are you doing to help the unemployed, people who lost their jobs? It's not their fault. What are you doing to help those in need, those who need a helping hand? What are you doing and doing now?

Mr. Speaker, some of us may not remember this, or maybe we never had to do it, but just a few short years ago, many people in this country washed their clothes at night and hung them up to a heater or to the fireplace so they could dry and wear them to work the next morning. I wonder if we're headed back to that reality. People need help and they need it now.

Mr. WELLER of Illinois. Mr. Speaker, it's interesting as we debate this legislation that some have criticized targeted help for those who we would like to provide extended unemployment benefits for, and of course, the bill before us actually targets the final 13 weeks of a year's worth of unemployment benefits with a 6 percent trigger, and it's also interesting that a senior member of the Ways and Means Committee from Michigan, Mr. LEVIN, labels that 6 percent trigger for that targeted approach "ruthless," a description that he uses to describe his own legislation. I would not use that word.

Before further debating the legislation which eliminates the 20-week work requirement for extended unemployment benefits, Mr. Speaker, can you tell us how much time we have remaining on both sides?

The SPEAKER pro tempore. The gentleman from Illinois has 8 minutes. The gentleman from Washington has 9 minutes.

Mr. WELLER of Illinois. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California and a senior Republican in the House Ways and Means Committee, Mr. HERGER.

Mr. HERGER. Mr. Speaker, like everyone else in this Chamber, I'm concerned about rising unemployment, but this legitimate concern does not justify Congress making poor policy.

I'm concerned that H.R. 5749 significantly departs from the long-standing Federal policy that workers should have meaningful employment before collecting extended unemployment benefits. By excluding the minimum 20 weeks of work requirement, this legislation would allow someone with as little as 2 weeks of work to qualify for up to 52 weeks of unemployment benefits. This moves away from the core purpose of unemployment benefits and towards a welfare-like system.

In addition, such expansive benefits may force States to raise payroll taxes, resulting in slower job creation and further squeezing workers' wages. This won't help current workers or unemployed workers in search of new jobs.

I believe expecting at least 20 weeks of work in exchange for 52 weeks of unemployment benefit is fair to U.S. workers and would limit any negative impact on job growth and workers' income.

Unfortunately, today's legislation doesn't include this common-sense requirement, even though Democratic Members were nearly unanimous in supporting this requirement in the legislation creating the 2002–2004 temporary extended benefits program.

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As a result, while I'm concerned for workers in my district and across the

Nation during this period of economic uncertainty, I must oppose this legislation and urge my colleagues to vote "no" so we can bring this bill back to the floor in a form that all Members can support.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H.R. 5749. The CBO, or the Congressional Budget Office, recently found that extending unemployment benefits is one of the most cost-effective, fastest acting forms of economic stimulus. As a matter of fact, it's estimated that every dollar spent on unemployment insurance boasts the economy by $1.64.

My friends, this is a systemic problem. This is not a footnote; this is not an ad lib; this is not something as an addendum. We need to face this problem head on. Forty percent of unemployed workers in 11 States have already exhausted their unemployment insurance. In New Jersey, it's projected that nearly 153,000 workers will deplete their regular unemployment benefits between now and the next several months. There are the unemployed. There are those that are underemployed, who have sought work, have found no work, they find themselves relegated to no States whatsoever. How dare anyone question this legislation while people are unemployed!

Mr. WELLER of Illinois. Mr. Speaker, as we continue to debate this radical change, which eliminates the 20-week work requirement to be eligible for 12 months of unemployment benefits, I'm happy to yield 3 minutes to the distinguished Republican whip of the House, Mr. BLUNT of Missouri.

Mr. BLUNT. I thank my friend for yielding.

I, too, share the concerns that, for all the time that the House has dealt with this whole issue of extended unemployment benefits going back to 1981, we have never before left this up to the States to decide how this Federal money would be spent. By, in the past, saying that you had to meet the 20-week requirement, at least every State had the same situation that they dealt with.

I would also like to point out, Mr. Speaker, that this bill is being considered under a procedure known as suspension of the rules. Of course you know that, Mr. Speaker, but everyone who listens to this debate may not. Usually that procedure is used for noncontroversial matters. By putting it under a suspension of the rules, the so-called PAYGO requirement that the majority has talked about and trumpeted as fiscal discipline doesn't. That's a requirement where you pay for these benefits with a bill you bring to the floor. The roughly $10 billion cost of this bill is just being added to the deficit.

As we're well aware, a group of Democrats known as the "Blue Dogs" has been particularly strong in advocating this PAYGO arrangement, yet apparently they're not going to oppose this bill. And the reason appears to me to be quite revealing. This morning's CQ Today quotes one of the Blue Dog leaders as saying that PAYGO should not apply because it's only a temporary bill. The Member said it's not a bill that's forever, like the GI benefits bill, it's a short-term thing. So that means, I guess, that temporary spending increases don't have to be offset. Yet these same Blue Dogs have forced the House to pass billions of dollars in tax increases to extend current temporary tax provisions, like the research provisions, the development provisions, or the alternative minimum tax patch that we've been able to use to prevent more people from falling into that tax trap for some years, or the continuation of being able to deduct local and State sales taxes.

As I've said many times, the PAYGO provision is a tool that's used to promote tax increases. But every time the majority wants to figure out how to get around it, they seem to be able to figure out how to get around it, and they have with this bill today.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, what I find most intriguing about this discussion is that those who are unemployed, to get this benefit, paid for this insurance policy. This is their money. When times were good, they put money away to unemployment insurance. And when times are bad, they get their insurance premiums back, known as unemployment benefits. It is as simple as that. This is their money, those who are unemployed.

Second, as my colleagues on the other side have forced through and agreed to spend $48 billion of U.S. taxpayer money to rebuild Iraq—their roads, their bridges, their schools, their hospitals—but when it comes to Americans, to give them their unemployment insurance, there isn't any money in the system; you're breaking the bank; you can't afford it.

To those who want to advocate spending 13 years, 10 years, a decade, as long as it takes in Iraq, I find it ironic they find 13 weeks of additional unemployment insurance to help a family get through a bump economically as too much and too long.

Mr. Speaker, 8 years is too long for George Bush's economic policies. It's right to give these people the economic security they've earned and put away.

Mr. WELLER of Illinois. Mr. Speaker, as we continue to debate this legislation which eliminates the 20-week work requirement to qualify for up to 12 months of unemployment benefits, I would ask, Mr. Speaker, how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Illinois has 3½ minutes. The gentleman from Washington has 7 minutes.

Mr. WELLER of Illinois. Mr. Speaker, I will reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, here we are, June 2008. How many people do you know are unemployed? How many people do you know who have been walking, looking for a job, need an opportunity, can't figure out how they're going to pay for gas that costs $4 a gallon, milk that costs $3.50, a loaf of bread that costs $3? How many people do you know like that?

Why not extend unemployment? Why not give these folks an opportunity? They were hardworking people. They were part of the working class of America, and now are locked out and left out of the process.

In my own congressional district, there is a community where the unemployment rate is 11 percent. They want to go back to work. What a boom to the economy. Give some unemployment benefits to some folks, let them go spend some money and take care of their families. If only the Congress would do that today, what a significant opportunity we would have to bring some people out of a morass back into an opportunity to do well.

Pass this legislation, ladies and gentlemen. It's the right thing to do.

Mr. Speaker, I want to first thank Chairman RANGEL and Ranking Member McCRERY for their diligent work to bring this legislation to the Floor. Additionally I would like to thank the Chair of the Subcommittee on Income Security and Family Support, JIM McDERMOTT and Ranking Member WELLER for their leadership on this issue.

In our teetering economy it is often the unemployed who suffer the most, and it is time that Congress take a stand for our Nation's unemployed. The unemployment rate surged to 5.5 percent from 5.0 percent—the biggest one-month jump in more than two decades (since February 1986) and climbing to the highest level in nearly four years (October 2004).

These are American workers in the most vulnerable position—often not able to put food on the table for their families on a consistent basis. And I will state as I did before we completed the first stimulus package, that we must not forgot those who are not able to find work.

My State of Ohio does not meet the test under the current formula for an extension of unemployment benefits. But there are various parts of Ohio, including my hometown of Cleveland which may by definition have over 6 percent unemployment. In Ohio, the unemployment rate has gone from 4.5 percent to 5.3 percent during the Bush Administration. In Cuyahoga County, unemployment is currently at 6.4 percent. Sadly, there are cities within my districts whose numbers are even higher than that. Mere technicalities mean nothing when you cannot pay rent.

This condition is prevalent in many areas around the country. Many of these workers have been displaced by the sweeping tide of globalization and are having a hard time finding new employment, or training to transition to a different type of job in our new economy. Mr. Speaker we must not forget these Americans.

Mr. WELLER of Illinois. Mr. Speaker, I yield 1 minute to the distinguished Republican leader of the House, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague from Illinois for yielding time and make clear that I want to vote for a bill that extends unemployment benefits to those who have been laid off in areas where we have high unemployment. But the bill before us is not targeted at States where we've seen the spike in unemployment. I mean, we've got an unemployment rate in Oklahoma, as an example, of about 2.6 percent, or maybe you could go to, I think it's South Dakota, where the unemployment rate is about 2.4 percent. Yet, under this bill, it's a Federal mandate one-size-fits-all for all 50 States. I just think that if we're going to be serious about spending taxpayer money, we ought to target that money to those areas where we have high unemployment and where people need our help.

The bill also eliminates the requirement that individuals put in at least 20 weeks of work to collect extended unemployment benefits. And when this was put into the law, and when we extended this law in 2002, almost all the Democrat members voted to do this. And what it means is that some people could work as little as 2 weeks and receive up to 52 weeks of unemployment benefits. I don't think that's neither reasonable, nor is it a good use of limited taxpayer resources.

I'm open to extending unemployment benefits, but I think this bill that we have before us falls far short of what we need to do. It's neither fair to unemployed workers who truly need our help, nor to taxpayers who are going to fund it.

I think we can do better. And before we send a final version of this bill to the President, I hope that we do better. And I hope we will work in a bipartisan way to come to an agreement to extend unemployment benefits in a reasonable, responsible way. But in the meantime, this bill is not the answer, and I would urge my colleagues to vote "no."

Mr. McDERMOTT. Mr. Speaker, to correct something that has just been said on the floor, I understand that someone may not have read the bill. There is no mandate in this bill that any State has to do anything. They can enter into an agreement with the Federal Government and take this money. They are not forced to do anything. And I'm sure every smart Governor will figure out what to do.

I yield 1 minute to Ms. BERKLEY from Nevada.

Ms. BERKLEY. Mr. Speaker, Congress has taken several steps to shore up the Nation's economy, including passage of the economic stimulus bill that provided millions of Americans with rebate checks and measures to help homeowners struggling to stay in their homes. This legislation is an important next step.

The once recession-proof economy of my district of Las Vegas has not been spared the effects of this downturn. In fact, Nevada has been hit harder than any other State by the foreclosure crisis, and currently our unemployment rate is above the national average.

With gas prices and the cost of food skyrocketing, fewer visitors are coming to Las Vegas. That means that more workers are going to be laid off. It is, therefore, absolutely critical that Congress step up and pass an extension of unemployment benefits.

I support the bill we are considering today because it will help thousands of hardworking Nevadans get by until the situation improves and they can return to work.

Mr. WELLER of Illinois. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman has 2½ minutes. The gentleman from Washington has 5 minutes.

Mr. WELLER of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and appreciate the committee bringing this bill to the floor.

It is just so fundamental that one of the times when government should step in and lend a family a hand is when that family, through no fault of their own, has lost their job. The difference is whether or not that family will be able to maintain and hold on to their home, to their car, to their kids' education, to provide the wherewithal for their children. And for millions of Americans, that's what's happened. And since they've lost that job, they have also exhausted their unemployment benefits that has enabled them to keep their head barely above water. They're gone looking for jobs, they've gone looking for work. They've tried to retrain. They still haven't been able to secure the employment because this is a terrible market for employment.

What we need to do is to extend those unemployment benefits to those families so that they can hold themselves together. It should not be a policy in this country that when you lose your job through no fault of your own, that you crash to the ground, you lose your home, you lose your kids' education, and you start all over again. It's not good for the economy, it's horrible for these families, and it's wrong for this government not to take every step we can to prevent that.

Mr. WELLER of Illinois. Well, Mr. Speaker, once again, I want to state that I believe the vast majority of Members of this House overwhelmingly support extension of unemployment benefits for those who need help. We're debating the legislation before us that makes a radical change in qualifying for unemployment benefits. In fact, you can work as little as 2 weeks and obtain up to 52 weeks of unemployment benefits in the State of Illinois under their current policy if this legislation were to become law.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, it's hard for me to understand why the gentleman from Illinois keeps bringing up his own State as an example of wasting money and he has never brought any legislation to fix what their stupid legislature has done. He is acting as though the people in his own State don't know what they're doing.

Now, if somebody works, money is paid into the fund. If they work for a week in one quarter and a week in another quarter, it is possible that they might get $20 or some minimal benefit. To imply that working 2 weeks you get $400 a week, as you do in the State of Washington, for 26 weeks or 52 weeks is simply misleading, and he knows it.

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I yield 30 seconds to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Thank you again, Dr. McDERMOTT, Mr. ENGLISH, and all of those that I know everybody in this House is sensitive to the plight that these unfortunate, hardworking people find themselves. All I can suggest, from a very political point of view, is that at some point when we get home, somebody is going to ask us how did we vote? And as they put together their budgets and try to figure out the rent, the mortgages, the tuition, the gas prices, I just hope that you perfect the arguments of those of you that oppose this bill in such a way that you expect they would understand what the heck you are talking about.

Mr. WELLER of Illinois. Mr. Speaker, I note with some humor my good friend from Washington State's comments about whether or not I proposed legislation to right the wrong that I have been raising. Actually, existing law for extending benefits requires 20 weeks' worth. So there is no need for legislation to maintain existing law. What is important to point out is that this legislation eliminates that 20-week work requirement in order to qualify for 52 weeks of unemployment benefits.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, what is the remaining time?

The SPEAKER pro tempore. The gentleman from Washington has 2½ minutes. The gentleman from Illinois has 1½ minutes.

Mr. McDERMOTT. I yield 30 seconds to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I want to read, Mr. WELLER, the metropolitan areas with unemployment above 6 percent that would be left out under your so-called targeting, Danville, Illinois, these are among many, and Kankakee and Rockford. I just picked those three out. And it is unconscionable for you to say——

Mr. WELLER of Illinois. Will the gentleman from Michigan yield?

Mr. LEVIN. I will yield on your time.

Mr. WELLER of Illinois. Do you agree that the 6 percent that you are talking about is the 6 percent trigger that——

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. LEVIN. No, no. The 6 percent is the trigger for the additional 13 weeks, not for the basic 15 weeks. You misstate——

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman's time has expired.

Mr. WELLER of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. To Mr. HOYER from Maryland I yield the remaining time. We have the right to close, however, I think.

The SPEAKER pro tempore. The gentleman from Illinois has 1½ minutes. The gentleman from Washington has 2 minutes.

Mr. WELLER of Illinois. Mr. Speaker, just so we fully understand, it is my understanding that the distinguished majority leader is going to close for the majority and that I have 1 minute remaining?

The SPEAKER pro tempore. The gentleman has 1½ minutes remaining.

Mr. WELLER from Illinois. So I should do my close on our side and then Mr. HOYER will close for the majority.

The SPEAKER pro tempore. The gentleman is correct.

Mr. WELLER of Illinois. Mr. Speaker, sometimes in debate positions are mischaracterized. But I think it is important to point out——

The SPEAKER pro tempore. The gentleman will suspend.

Mr. McDERMOTT. Mr. Speaker, I want to recognize Mr. HOYER first, and then let you come, and then I will close.

We got our wires crossed.

Mr. WELLER of Illinois. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland for 1 minute.

Mr. HOYER. I thank my friend from Washington State for yielding.

Mr. Speaker, for the last 7½ years, the President and members of his administration have claimed that the American economy is doing just fine. And in December, President Bush said, "The economy is pretty good. There are definitely some storm clouds and concerns, but the underpinning is good."

But the reality, of course, that we have seen is far different, particularly for American workers.

Just last Friday, the Labor Department reported that the unemployment rate jumped one-half of 1 percent, from 5 percent to 5.5 percent. Now to some of us, perhaps that is simply a statistic. For some families, it is a crisis. This is the largest 1-month increase in unemployment in 22 years, or said a different way, until the 6th year of the Reagan administration.

Our economy has actually lost jobs each of the last 5 months, a loss of some 325,000 jobs since the first of the year. In fact, this administration has created about 3.6 million jobs over the last 7½ years, as opposed to 20 million plus jobs under the Clinton administration, or under Clinton, an average of 236,000 new jobs per month, and under this administration approximately 40,000 new jobs per month. And you need 100,000 to stay even. That is why this bill is on the floor today.

Over the last 12 months, the number of unemployed Americans has increased by 1.6 million, from nearly 6.9 million in May of 2007 to nearly 8.5 million in May of this year. That is 8.5 million of our fellow citizens who don't have a job, who are not sure how they are going to pay for their housing, their rent, their food, their medicine and the clothing for their children. That is what we are talking about today. We are talking about those 8.5 million people who are our constituents, Americans who need our help. And that is what this vote is today at this point in time.

In fact, Mr. Speaker, 1.5 million of those workers are what we call euphemistically "long-term unemployed," which means they have been jobless for more than 6 months. I don't know how many of you have had the opportunity to see "Pursuit of Happyness," spelled h-a-p-p-y. It is a wonderful movie about a now very successful African American and his little boy who found themselves homeless with no money. And they went to the homeless shelter, and they couldn't get in. Those are the people we are talking about. That is what we are voting on this day, as to whether or not we are going to reach out to those people and try to lift them up and give them a helping hand, not a handout, but a helping hand. These are people who were employed, who were working, and through no fault of their own, they lost their jobs. Because if it is the fault of their own, by the way, they don't get unemployment.

All the while, working Americans have been confronted with decreasing household incomes, exploding gas and food prices and escalating health care costs. Why then, given this squeeze on hardworking middle-class American families, does the President threaten to veto a common-sense, compassionate response, the temporary extension of unemployment benefits?

Here is the kicker. Listen to me. There are 200,000 more long-term jobless Americans today, right now, as we debate this bill, 200,000 more Americans who are on long-term jobless status than when President Bush last signed an extension of unemployment benefits into law. In other words, the status today in America is that there are 200,000 more people who need our help than when President Bush last signed an extension of long-term unemployment.

How can we then say it is not time to act today, to reach out our hand today, to say that the Congress of the United States feels your pain, hears your cry, and responds? There is no justification for the President's threatened veto on this much-needed legislation, Mr. Speaker. This bill is not only a sign of compassion and a demonstration of our values, but it is also a fast-acting form of economic stimulus.

Who says so? Conservative economists say so. It will help lift up our floundering economy. It will simply provide up to 13 weeks of extended unemployment benefits in every State to workers exhausting regular unemployment compensation. And in States with higher levels of unemployment, an additional 13 weeks is available on top.

Mr. Speaker, this legislation is vital. It is vital for workers and their families who are struggling to make ends meet in this poorly performing economy. It is not charity. It is our obligation and responsibility. It is a recognition that under the administration, the American worker has been forced to contend with job loss, decreasing incomes, exploding gas costs, food and health care costs, and unprecedented foreclosure rates.

Mr. Speaker, this legislation is the right thing to do at the right time, at the right place. I urge my colleagues on both sides of the aisle, this is not a Republican or Democratic issue, this is not a liberal or conservative issue. This is an issue of saying, there are people in trouble. We hear their cry. We respond to help.

Ladies and gentlemen of the House of Representatives, we call this the people's House. Help the people this day.

Mr. WELLER of Illinois. Mr. Speaker, I want to echo the majority leader's comments when I agree that this issue, the issue of extending unemployment benefits, should not be a Republican or Democrat issue. And we, of course, on our side of the aisle, want to extend unemployment benefits for those who need help. And we are prepared to work, as we have been, to achieve that goal.

I would note that 8 weeks ago when the Ways and Means Committee took up this legislation, it was deemed emergency legislation. It had to move through the committee quickly. It was an emergency. We had to do it right away. Well 2 months later it finally comes to the floor. And I believe that if we want to be compassionate, if we want to help those who need help, we need to do it in the right way. And that is if it is an emergency, we should have done it 8 weeks ago, number one, but we should also do it in the proper legislative way of ensuring that it is a bipartisan bill and that we construct it in a way that recognizes what has worked in the past. And I would note, as the majority leader said, back in 2002, we passed a bipartisan unemployment extension legislation that was signed into law by the President, and it maintained a 27-year precedent which was that one should have to work for 20 weeks in order to qualify for 52 weeks' worth of unemployment benefits.

And that is the big concern here with this legislation today. There is a radical departure from an established policy of 27 years of requiring 20 weeks of work to qualify for a full year of unemployment benefits. And the legislation before us today repeals that. It eliminates a 27-year precedent.

Now, Mr. Speaker, I urge my colleagues to vote "no." Let's bring this legislation back tomorrow, under a rule, and allow an amendment to be offered to strike this radical change.

Again, Mr. Speaker, I urge a "no" vote.

Mr. McDERMOTT. Mr. Speaker, my colleague from Illinois says that he would go for this bill but for this one provision. If that one provision were there, he would go for it. But the fact is that you have 100 metropolitan areas in this country where people simply have run out of benefits. And it is over 6 percent in those metropolitan areas. The Governors have asked us for this, and the technical thing that my opponent uses is, you know, somewhere out there, there is somebody who paid $40 into the fund, and because of the way it is written, he gets $20 out, and so I can't vote for it.

Well there are 1.6 million who already exhausted their benefits, and there are many more. And the national Governors sent this letter to us. They are not the only ones. State legislator, labor unions, everyone is asking for this. You can vote "no" if you want. You will have to face your constituency in November.

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise in strong support of the Emergency Extended Unemployment Compensation Act and congratulate Speaker PELOSI and Chairman RANGEL for their quick response to the surge in the nation's unemployment rate.

H.R. 5749 will provide immediate relief to families across the country by extending unemployment benefits for an additional 13 weeks in all states. It also allows for a further extension in benefits in states hardest hit by the weakening economy. Passing this legislation will provide much needed help to 3.8 million Americans—including 70,000 Minnesota families.

The latest Labor Department report showed a 5 percent increase in unemployment from April 2008 to May 2008—the biggest one-month increase in unemployment in 22 years. The economic crisis has resulted in five months of job losses and projections unfortunately indicate that the situation is likely to worsen.

An extension of unemployment benefits is critical for families struggling to deal with increased gas and food prices while searching for a new job. It is also one of the most cost-effective ways to stimulate the economy. In fact, every $1 spent on these benefits results in $1.64 in new economic demand.

We need to pass this legislation and provide relief for America's working families today. This Congress has also enacted an economic stimulus plan in the form of tax rebate checks and passed several measures to begin to address gas prices. In addition, the House of Representatives has passed legislation to help homeowners avoid foreclosure and a federal budget that would reinvest in Americans. In the long-term, we need a comprehensive approach to restore the strength of our economy. We need to get serious about addressing health care costs and invest in education and training to prepare for competition in the global economy.

Madam Speaker, H.R. 5749 provides critical, immediate relief for working families and our struggling economy. I urge my colleagues to support this important bill.

Mr. CONYERS. Madam Speaker, I rise today in strong support of H.R. 5749, the Emergency Extended Unemployment Act of 2008. This bill would establish a temporary program providing extended unemployment benefits in every State to individuals exhausting their regular unemployment compensation. The duration of these extended benefits would equal the lesser of 13 weeks or half the duration of regular unemployment compensation.

This bill could not be any timelier. It is no longer debatable as to whether the retraction of the economy is hurting every-day Americans across our nation. Over the first three months of 2008, the U.S. economy lost a total of 232,000 jobs. With the labor market in such a steep decline, more workers face the possibility of layoffs and current unemployment compensation recipients face greater difficulty in becoming reemployed. The total number of unemployed workers has already grown by 1.1 million over the last twelve months. .

The economic forecast is even worse in my home state of Michigan. While economists worry about the overall health of our economy, as the national unemployment average creeps above 5.5 percent, prospective employees in Michigan face a 7.6-percent unemployment rate—one of the highest state rates in the nation.

Luckily, this bill recognizes that the retraction of the economy has hurt some communities more than others. Under this bill, states with high unemployment, like Michigan, would be able to provide an additional 13 weeks of extended benefits. This would give the unemployed a total of 26 weeks of coverage as they transition into new positions.

Madam Speaker, we need to help our workers, especially those in who have been hit the hardest by this economic downturn. At the same time, we need to stimulate our economy in the most effective manner possible to prevent the downturn from spiraling into a recession. This bill accomplishes this goal. The nonpartisan Congressional Budget Office released a study this past January specifically endorsing the use of extended unemployment benefits as a cost-effective way to boost the economy.

We in the Congress need to be both smart and compassionate. Let's help the unemployed while protecting those who currently have employment. Let's stimulate the economy and create new sustainable job opportunities for the American worker. Let's pass H.R. 5749.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of this legislation to temporarily extend unemployment insurance benefits.

Whether we are in a recession or not, the point is clear: current economic growth has been so sluggish that the job market is weak and job prospects are poor. The recent May 2008 jobs report confirms this as the unemployment rate increased by one-half point to 5.5 percent, which was the biggest one-month increase in over 20 years. Since the first of the year, our economy has lost more than 300,000 jobs.

By providing an extra 13 weeks of jobless benefits to workers in every State who exhaust their unemployment benefits and another 13 weeks of benefits to those in States with high unemployment rates, we can help approximately 4 million unemployed workers meet basic needs such as food and rent while they continue to look for work at a time when the economy is languishing. And we can give our economy a much-needed boost. According to the nonpartisan Congressional Budget Office, extending unemployment benefits would be one of the most cost-effective and fastest-acting forms of economic stimulus.

Madam Speaker, many Americans are struggling to make ends meet. With rising gas and food prices and a weakened labor market, we can help those hardest hit by this sluggish economy by providing them relief in passing this much-needed bill.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of H.R. 5749, the Emergency Extended Unemployment Compensation Act of 2008, which will provide 13 weeks of extended unemployment compensation benefits for all workers who have exhausted their current 26 weeks of benefits. This measure also provides 13 additional weeks for workers in States with unemployment rates of 6 percent or higher. In order to receive these benefits, workers must have lost a job through no fault of their own, be actively searching for a job, be able to work, and must have a minimum number of weeks worked and amount of wages earned over a specific timeframe prior to being unemployed.

This bill provides a critical boost to the many Rhode Islanders, and Americans across the Nation, who are struggling to find employment. Our country's unemployment rate jumped from 5 percent in April to 5.5 percent in May, the biggest one-month increase in over 20 years. In my home State of Rhode Island, the unemployment rate reached 6.1 percent in April, and we have lost an estimated 6,300 jobs since the beginning of the year. H.R. 5749 would provide relief through March 2006 and benefit 3.8 million Americans. Most importantly, this measure would immediately help as many as 8,000 Rhode Islanders.

When discussing this matter, we must remember to look beyond the statistics and recognize the serious toll that unemployment is taking on American families. I have received numerous calls from my fellow Rhode Islanders asking when Congress would extend their benefits. They tell me how they are looking for a job, but they just have not been able to find one yet. They have not given up—research has shown that workers who exhaust their unemployment benefits, search for a job at similar or higher levels of intensity as those who find employment before their benefits expire—but they need more time. Compounding the problem, the rising cost of gas poses an additional challenge in searching for a job, and rising food prices have made it even harder to put food on the table. Our constituents are turning to us for help.

As Members of Congress, we have the power to give hard-working Americans another chance to continue their job search and provide for their families. Our country has faced economic hardships and recessions before, and I have no doubt we will weather this current downturn. I encourage my colleagues to pass this bill and give a hand up to those who are most vulnerable during these trying times.

Mrs. DAVIS of California. Madam Speaker, I rise today in support of H.R. 5749 to extend unemployment benefits to millions of American workers, including over 700,000 in my home State of California.

I wanted to take this opportunity to put a human face on the recent economic downturn.

Just yesterday, I spoke with a 51-year-old woman named Karen from my home district of San Diego.

After working for the past 10 years as a customer service specialist, Karen was recently laid off from her job.

She has been actively looking for work but has been unable to find a job because of the poor economy.

Unable to afford health insurance, the stress of being unemployed is beginning to take a toll on Karen's health.

It has also become harder and harder for her to pay her bills. She told me, "Just looking for a job costs money, because you've got to pay for the gas to drive to the interviews."

And to make matters worse, her unemployment benefits have just ended.

By voting for H.R. 5749, we will provide the support millions of Americans need to get back on their feet.

Let us help American workers get their lives back.

Mr. SIRES. Madam Speaker, today I rise in support of H.R. 5749, the Emergency Extended Unemployment Compensation Act that will provide immediate relief to 3.8 million unemployed workers who continue to struggle to find work in the slowing economy.

Recently, the Nation experienced the biggest one-month jump in the unemployment rate in more than two decades, rising from 5.0 percent to 5.5 percent and is now an entire percentage point higher than a year ago. Americans have been losing jobs in each of the past 5 months, with the number of unemployed now at 3.8 million. The airline and automobile industries alone have laid off over 50,000 employees combined.

The current high levels of unemployment have only added to the struggles of the U.S. economy by adding thousands more Americans to those having a hard time making ends meet. This bill will provide the necessary extension of unemployment benefits to those 3.8 million Americans who struggle to find employment within the current timeframe.

Madam Speaker, I urge my colleagues to support this necessary legislation that will give our economy the relief it needs. Extending these benefits is an efficient and quick way to support our country's workers and invigorate the economy. My Democratic colleagues and I are committed to providing the much needed relief to the millions of unemployed workers, who in the face of rising gas and food costs, continue to struggle to support themselves and their families.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 5749, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WELLER of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1615

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING REBATE CHECKS

Mr. BUTTERFIELD. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 977) expressing the sense of the House of Representatives that rebate checks would better stimulate the economy if spent on American-made products and services from American-owned companies.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 977

Whereas many economists believe the economy of the United States is entering a recession;

Whereas the economy lost 17,000 jobs in January 2008 and 191,000 in 2007;

Whereas the manufacturing sector lost 269,000 jobs over the past 12 months and 28,000 jobs in January 2008 alone;

Whereas manufacturing employment now accounts for less than 10 percent of the job market for the first time since data began being collected in the 1930s;

Whereas in January 2008, 18.3 percent of those unemployed had been out of work for 27 weeks or longer, up from 16.2 percent a year earlier;

Whereas manufactured goods imported from developing countries have grown from just 2.5 percent of the gross domestic product in 1990 to 6 percent in 2006;

Whereas annually, total housing starts decreased in 2007 to 1,353,700, which is a 24.8 percent decrease from the 2006 estimate of 1,800,900;

Whereas Congress and the President responded to the potential recession by passing into law a bipartisan stimulus package that provides rebate checks of up to $600 per individual and $1,200 per married couple, plus an additional $300 per child;

Whereas the stimulus legislation will put money back into the hands of low-income and middle-income Americans, those who need it most;

Whereas the stimulus legislation will be most effective if the rebate checks are spent on American-made goods and services from American-owned companies;

Whereas American-made goods are the best in the world;

Whereas every dollar from the stimulus package spent on an American-made good or service, rather than a foreign-made good or service, will result in more than a dollar increase in the short-term gross domestic product;

Whereas if rebate checks are spent on American-made products and services from American-owned companies, an additional $10,000,000,000 will be infused into the economy;

Whereas the annual trade deficit has grown to the $700,000,000,000 range in the past decade, up from the $100,000,000,000 range in the early 1990s;

Whereas buying American-made goods would not add to the size of the growing trade deficit, which many economists contend is unreasonably large;

Whereas there have been concerns about the safety of imported goods, spurred by the fact that 60 percent of product recalls in the past year involved Chinese-made toys, food ingredients, and other products; and

Whereas many countries do not follow the same environmental, labor, and human rights standards of the United States, putting American workers and companies at a competitive disadvantage: Now, therefore, be it

Resolved, That the House of Representatives encourages Americans to use their rebate checks from the stimulus package to purchase American-made goods and services from American-owned companies.

The SPEAKER pro tempore (Ms. DEGETTE). Pursuant to the rule, the gentleman from North Carolina (Mr. BUTTERFIELD) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. BUTTERFIELD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BUTTERFIELD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 977, which is sponsored by my friend and colleague, Representative BRUCE BRALEY of the State of Iowa. This important resolution encourages Americans to spend their rebate checks on goods and services produced by American-owned companies.

I would note that Representative BRALEY cannot speak on behalf of his resolution today because he has returned to his district due to the widespread flooding there in the State of Iowa. I know that my colleagues join me in wishing Representative BRALEY and his constituents a swift recovery from this disaster.

The economic stimulus package signed into law this past February by the President will put money back into the pockets of many hard-working Americans. If they spend their rebates on American-made goods and services, as this resolution would encourage them to do, they will inject an estimated $10 billion back into the U.S. economy at a time when it needs it the most. Moreover, by spending their money on domestic products, Americans will also help reduce our country's skyrocketing trade deficit.

H. Res. 977, which has the support of more than 100 Members of this body, would augment the Federal economic stimulus package by reminding Americans of the importance of purchasing American-produced goods and services to help our flagging national economy. I urge the House to support passage of this noteworthy resolution.

I reserve the balance of my time.

Mr. TERRY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we rise not in any opposition to this at all and in support. We thank Mr. BRALEY for bringing this made-in-America resolution to the floor today. We too on this side of the aisle want to reach out and give our condolences and our best wishes to his constituents in Iowa that are dealing with the flooding.

Now, let's look at this resolution very quickly. It states some of the obvious things about our economy; that since the Democrats took over in 2007 that we have lost 17,000 jobs, and since that same time when the Democrats took over in Congress, we have lost another 269,000 jobs over the past 12 months within manufacturing, making it the lowest time in our modern history, where only 10 percent of the jobs, or first-time jobs being created, are in the manufacturing business. That has always been kind of the backbone of America's economy, and those things have been changing.

Then at the beginning of 2008, probably one of the more remarkable things and frankly what I think people look to Congress to actually do, you have the Republicans, Democrats and White House all working together, and within a couple of weeks had a pretty good stimulus bill. We knew that the economy was slowing down, that unemployment was increasing, and we did what the American public required of us and got a bill passed that stimulated the economy by helping small businesses with some accelerated depreciation. But the heart of it was getting money back out through what we call the stimulus checks to eligible families.

Mr. BRUCE BRALEY suggests in this resolution, that I think we are going to adopt today, certainly we are in support of it, says that it helps our economy more if we buy products that are made in America. Of course, those products are made by people employed in America, and it will have a cyclical turn of the dollar where it goes to not only that company, but those people working there, which then in turn they get to spend within their community and it turns over.

But one of my fears, well, not fears, but let's just say concerns, is that now with the gas prices everywhere over $4, it hit $4 in almost every gas station back in Nebraska in my district yesterday, that the stimulus checks aren't going for what we thought they were going to go to, and that is for consumers to have a nice little chunk of change where they could go out and buy an appliance, something that they need in their home, something that they can reach out and really help with the bigger dollar item that helps to really stimulate the economy. Now it is probably going to go to just filling up the gas tank.

We have got two cars in our family that are smaller cars. My Camry, I put over $70 in filling up in Omaha this weekend. I can't imagine what bigger families are doing to keep up with this. So, frankly, if we want to go even a step further and stimulate our economy more, what we should do in addition to these stimulus checks is adopt an energy plan that will actually increase supply and lower the price of gasoline at the pump.

We can do this by embracing a very comprehensive approach to energy. We have got alternative fuels like coal-to-liquid. And, by the way, last week during the Department of Defense reauthorization, this Congress adopted a policy of banning the Air Force from engaging in contracts to buy coal-to-liquid as a synthetic aviation fuel.

We can use cellulosic energy. We are going to have about 13 small micropilot plants come on within the next couple of years. We can do things to speed that up, by passing a tax credit that is more than 1 year, like we did a couple of years ago, instead of adopting the 5-year plan that this side of the aisle was pushing.

We can also not only use those types of alternatives that have such great promise that we can use in a mix, but we can also do conservation. We want to encourage people to conserve not only the electricity in their home, but we are talking about fuel here to create a supply that will lower the price at the gas pump, which is a not-so-hidden tax on American families. We can do that by incenting, providing a tax credit for more than 1 year, for people to buy in plug-in electric hybrids. Some American manufacturers are going to start rolling those out next year, but they will be more expensive. So we want to incent people to buy those. If we can do a blend and conserve, we can take a large step towards energy independence.

We can get fully independent of all OPEC oil if we add one more prong to this plan, and that is allow offshore drilling. Right now we have China working through Cuba that is getting to within about 60 miles of the Florida shore, but yet we can't have American companies do that.

We can open up oil shale. Last year, about November, we had a vote on this floor that banned the ability to get oil from oil shale in Colorado and Wyoming. We just found another large pocket of oil from oil shale in North Dakota. I wonder when that is going to be banned to use.

So if we bring our own resources together with all of the alternatives, we can bring the price of gas down rather dramatically and be independent. And if we can bring the price down, have a stable supply of energy under this type of a comprehensive plan, the American consumers, the families, can expect stable gas prices for a generation or more as we work towards completely going off of fossil fuels, to like a hydrogen economy.

So while we stand on this side of the aisle in favor of this resolution to buy American, my fear is that the reality is most of this stimulus money is going to be going to the OPEC countries when we fill up our tax tanks.

Madam Speaker, I reserve the balance of my time.

Mr. BUTTERFIELD. Madam Speaker, I yield 3 minutes to my friend and colleague the gentlewoman from Ohio (Ms. KAPTUR), who is the longest-serving female currently in this body.

Ms. KAPTUR. I thank Chairman BUTTERFIELD for yielding and for his kindness in allowing me to rise in support of H. Res. 977, encouraging Americans to expend their rebates to stimulate our economy the most by buying and investing in goods and products made right here in the good old USA.

Congressman BRUCE BRALEY of Iowa is to be commended for bringing such a sensible bill to the floor. The voters of Iowa were smart to send him here. He has obtained over 106 cosponsors on this bipartisan bill. We know as we debate this today, he is out in his district trying to help the families there who have been hurt by the terrible, terrible flooding. We know he is not just working there, but he is working here as well, and has the deep respect of his colleagues.

Rebate checks spent here in America on American goods will better stimulate our economy. Buying American products and American services from American-owned companies, purchasing U.S. farm products produced in this country or processed here, buying U.S. Savings Bonds, if you want to save, all keep jobs and income here. Indeed, buying fuel that contains ethanol or biodiesel from U.S. farmers helps America.

With the U.S. trade deficit soaring towards $1 trillion in red ink, investing in America makes more sense today, and I spell that S-E-N-S-E and C-E-N-T-S, than ever before. Today we were reminded of the softness in our economy with the announcement that the Chrysler Building in New York City, one of America's historic landmarks, will be purchased by a Middle Eastern oil conglomerate from Abu Dubai, just another sign of America's shrinking independence here at home. Spending a stimulus check on foreign-made goods stimulates the Abu Dubai economy or the Chinese economy or the Mexican economy. Expending those precious dollars here at home or saving them in U.S. Savings Bonds strengthens communities across our country.

So I would urge my colleagues and our fellow citizens to buy America, buy made-in-America, invest in jobs here. Use your stimulus check to build a stronger Nation. Now is the hour for all good men and women to use their rebate checks to come to the aid of their country.

I thank the gentleman very much for yielding to me, and urge my colleagues to support H. Res. 977.

Mr. TERRY. Madam Speaker, we have no further speakers, so I will just make a quick statement and close. I just once again thank Mr. BRALEY of Iowa for bringing this resolution to the floor and wish him and his constituents the best.

We on this side of the aisle want these stimulus checks to be spent within America. Hopefully they can spend it on American-made energy.

Madam Speaker, I yield back my time.

Mr. BUTTERFIELD. Madam Speaker, it is true that I have no further speakers at this time. I am going to close and bring this to a vote in just a few minutes. But I want to thank not only Mr. BRALEY for bringing this resolution, but thank Mr. TERRY for his support of the resolution and for his willingness to urge his colleagues to support it as well.

□ 1630

Mr. TERRY is a very capable member of the Energy and Commerce Committee. We have an excellent relationship with Mr. TERRY and thank him for his leadership.

I also want to thank Mr. TERRY for his comments regarding energy independence. There is no question that Democrats are committed to energy independence. We are certainly painfully aware of the price that Americans are paying at the pump. The Democratic majority is working very hard to correct the problem and to find solutions for our people.

Mr. BRALEY of Iowa. Madam Speaker, today I encourage constituents to "Buy American."

Unfortunately, I am unable to speak on the floor today in support of H. Res. 977 because of a developing crisis in Iowa's 1st Congressional District. Massive flooding is leading to evacuations and it is only expected to get worse. Although I realize how important it is to cast votes in Washington, the well-being of my constituents comes first, and I need to be in the district to assist in any way I can.

This January 29th Congress passed a bipartisan economic stimulus bill that provides rebate checks of up to $600 per individual and $1200 per married couple, plus an additional $300 per child. This stimulus package is temporary, timely, and targeted, and it will bring relief to working families. On February 13th President Bush signed this stimulus legislation into law.

Just prior to that, on February 12th, I introduced H. Res. 977, a bipartisan Congressional resolution urging Americans receiving economic stimulus bill tax refund checks to buy American-made goods or services from American-owned companies with these rebates.

Under the economic stimulus package passed by the House and Senate, 1.2 million Iowa households—and 117 million American households—will receive a tax rebate. The average Iowa household will receive a rebate of $917.

The purpose of the economic stimulus package is to provide a jump-start to the American economy. The economic stimulus legislation will put money back into the hands of low-income and middle-income Americans—those who need it most.

In 2007 the U.S. manufacturing sector lost 269,000 jobs. Manufacturing employment now accounts for less than 10 percent of the job market for the first time since data began being collected in the 1930s. Buying American would help keep manufacturing jobs in the United States.

The annual trade deficit has grown to the $700 billion range in the past decade, up from the $100 billion range in the early 1990s. If constituents use their rebate checks to "Buy American," they will not be contributing to the size of the growing trade deficit, which many economists contend is unreasonably large.

If the millions of American families receiving tax rebates from the stimulus spend their checks on American-made goods and services, the effect of the stimulus will be magnified. Buying American will infuse an additional $10 billion into the American economy, creating jobs here in America and helping to narrow our growing trade deficit.

I am proud this bill has been endorsed by a long list of organizations, including the Communications Workers of America; United Automobile, Aerospace and Agricultural Implement Workers of America; United Steelworkers; International Brotherhood of Boilermakers; International Association of Machinists and Aerospace Workers; United American Nurses; United Mineworkers of America; Air Line Pilots Association; American Federation of Teachers; International Federation of Professional and Technical Engineers; National Association of Letter Carriers; Department for Professional Employees, AFL–CIO; and the United Association of Pipefitters and Plumbers.

I want to thank Energy and Commerce Committee Chairman JOHN DINGELL and Ranking Member JOE BARTON, for their support in bringing this important legislation to the Floor.

I'm pleased this bill has such strong bipartisan support, with 106 of my colleagues as cosponsors. I want to thank them for joining me today in letting the American people know we are behind them when it comes to doing everything we can to promote a strong U.S. economy and to ensure access to stable, good-paying jobs.

Mr. DINGELL. Madam Speaker, I rise today in strong support of H. Res. 977. This resolution, introduced by my friend and colleague Representative BRALEY of Iowa, encourages Americans to spend their stimulus payments on American-made goods and services.

Our Nation's recent economic troubles have hit both American consumers and businesses hard. I believe that the bipartisan stimulus package passed by the Congress and signed into law by the President will help alleviate some of these troubles, provided that consumer spending is directed wisely. The Braley resolution is an important and quite necessary reminder of the billions of dollars that could uplift the National economy, provided Americans spend their rebate checks on goods and services produced by American-owned companies. Moreover, with import prices rising and the mammoth trade deficit of our country, it strikes me as eminently prudent to encourage citizens to "buy American."

As one of the more than 100 cosponsors of H. Res. 977, I urge my colleagues in the House to adopt this sensible resolution, which raises the awareness of Americans about the vital role they play in the Nation's economic recovery.

Mr. BUTTERFIELD. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the resolution, H. Res. 977.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUTTERFIELD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5749, by the yeas and nays;

H. Res. 977, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5749, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 5749, as amended.

The vote was taken by electronic device, and there were—yeas 279, nays 144, not voting 11, as follows:

[Roll No. 403]

YEAS—279

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—144

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—11

Braley (IA)
Flake
Gillibrand
Hulshof
Loebsack
McCrery
Ortiz
Paul
Peterson (PA)
Rush
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in the vote.

□ 1656

Messrs. GALLEGLY, WHITFIELD of Kentucky, REHBERG, ALEXANDER, and Mrs. BONO MACK changed their vote from "yea" to "nay."

Mrs. SCHMIDT changed her vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING REBATE CHECKS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 977, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BUTTERFIELD) that the House suspend the rules and agree to the resolution, H. Res. 977.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 6, answered "present" 6, not voting 17, as follows:

[Roll No. 404]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
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Conyers
Cooper
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Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt

DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
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Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
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English (PA)
Eshoo
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Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
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Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
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Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
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Larson (CT)
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Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
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McGovern
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McHugh
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McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
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Pickering
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Platts
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Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
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Rothman
Roybal-Allard
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Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
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Sires
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Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
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Thompson (CA)
Thompson (MS)
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Udall (CO)
Udall (NM)
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Walsh (NY)
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Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—6

Campbell (CA)
Conaway
Herger
King (IA)
Sessions
Young (AK)

ANSWERED "PRESENT"—6

Bishop (UT)
Brady (TX)
Cannon
Davis, Tom
Price (GA)
Weldon (FL)

NOT VOTING—17

Braley (IA)
Burton (IN)
Camp (MI)
Flake
Gillibrand
Gutierrez
Hulshof
Kind
Loebsack
McCrery
Ortiz
Paul
Peterson (PA)
Rogers (MI)
Rush
Sutton
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1703

Mr. CONAWAY changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. WOLF. Madam Speaker, pursuant to rule IX, I rise to notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Directing the Chief Administrative Officer and the Sergeant At Arms of the House of Representatives to take timely action to ensure that all Members, committees, and offices of the House are alerted of the dangers of electronic attacks on the computers and information systems used in carrying out their official duties and are fully briefed on how to protect themselves, their official records, and their communications from electronic security breaches.

Understanding that the Clerk will finish the rest of the resolution, I ask unanimous consent that it be considered as read.

The SPEAKER pro tempore. Without objection, the reading is dispensed with.

There was no objection.

Mr. WOLF. Madam Speaker, I call up the resolution just noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1263

Whereas beginning in August 2006, several of the computers used by Congressman Frank R. Wolf, a Representative from the Commonwealth of Virginia, in carrying out his official and representational duties were compromised by an outside source;

Whereas the Chief Administrative Officer of the House of Representatives, acting through House Information Resources (HIR), alerted Congressman Wolf to this incident and cleaned and returned the compromised computers to the Congressman's office;

Whereas since this attack, it has been discovered that computers in the offices of other Members, as well as in the office of at least one committee of the House, have been similarly compromised;

Whereas in subsequent meetings with HIR and officials from the Federal Bureau of Investigation, the outside source responsible for these incidents was revealed to be located in the People's Republic of China;

Whereas according to HIR, when Members use Blackberry devices or cell phones while traveling overseas, especially in nations in which access to information is tightly controlled by the government, they are at risk of having their conversations or other personal information recorded or collected without authorization;

Whereas HIR, the FBI, and the House Security Office briefed the affected offices on the security breaches that have occurred, and have done a good job in attempting to protect other offices of the House from similar threats; and

Whereas it is nevertheless not clear that all Members, committees, and other offices of the House are aware of the existing threats against the security and confidentiality of the electronic records of their offices or their overseas electronic communications, nor is it clear that Members and other House personnel have been fully briefed on how to protect themselves, their official records, and their communications from electronic security breaches: Now, therefore, be it

Resolved, That the Chief Administrative Officer and the Sergeant at Arms of the House of Representatives, in consultation with the Director of the Federal Bureau of Investigation, should take timely action to ensure that all Members, committees, and offices of the House are alerted of the dangers of electronic attacks on the computers and information systems used in carrying out their official duties and are fully briefed on how to protect themselves, their official records, and their communications from electronic security breaches.

The SPEAKER pro tempore. The resolution qualifies.

Pursuant to the rule, the gentleman from Virginia (Mr. WOLF) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WOLF. I yield myself such time as I may consume.

Madam Speaker, in August 2006, four of the computers in my personal office were compromised by an outside source. This source first hacked into the computer of my Foreign Policy and Human Rights staff person, then the computers of my Chief of Staff, my Legislative Director and my Judiciary Committee staff. On these computers was information about all the case work I've done on behalf of political dissidents and human rights activists around the world. That kind of information, as well, everything else on my computer, e-mails, memos, correspondence and district case work, was open for outside eyes to see.

I'm aware that the computers in the offices of several other Members of the Congress were similarly compromised, as well as a major committee, the Foreign Affairs Committee. That means the computers in the House Foreign Affairs Committee have been compromised. It is logical to assume that critical and sensitive information about U.S. foreign policy and the work of Congress to help people who are suffering around the world, was also open to view from those official computers.

In subsequent meetings with the House Information Resources and the FBI, it was revealed that the outside sources responsible for this attack came from within the People's Republic of China. Just so it's understood, they acknowledged that this attack came from within the People's Republic of China.

The cyber attacks permitted the source to probe our computers to evaluate our systems defenses and to view and copy information. My suspicion is some say that I perhaps was targeted by the Chinese sources because of the history of speaking out about China's abysmal, very abysmal human rights record.

My offices' computers were cleaned and returned to me by House Information Resources, but ever since this happened, I've been deeply concerned that this institution, the institution of the United States Congress, is definitely not adequately aware of or protected from these types of threats.

I've also learned that this threat exists not only here in the Capitol complex, but also when Members travel overseas. I've been told that, particularly in countries in which access to information is tightly controlled by the government, Members are at risk of having their conversations and information recorded or stolen from their cell phones and Blackberry devices. That means, when a Member of the House, the Senate or the administration goes abroad, goes to China, everything, and if they use their cell phone or they use their Blackberry, it's being recorded by the Chinese government. And I don't believe any Member of the Congress has been told of that.

As I've shared my office experience with other Members, it has become clear to me that many Members and committees of other offices in the House do not fully understand the extent of the threat against the security of their offices and how to protect themselves.

I have no information to confirm this, but it would be realistic that the Senate may also be at risk.

The committees in both Chambers on Government Reform, Intelligence, the Judiciary Committee, the Armed Services and the Homeland Security should have hearings on this issue. This is an issue that must have public hearings, as well as closed door and private hearings.

That is why, Madam Speaker, I'm here today on the House floor. I'm speaking out about the threat of cyber attacks from China and other countries on the entire U.S. government, including our military, because of my deep concern about maintaining the security and the integrity of our government.

According to a report from the Congressional Service, and I quote, "U.S. counterintelligence officials reportedly have stated that about 140 different foreign intelligence organizations regularly attempt to hack into the computer systems of U.S. government agencies and U.S. companies."

☐ 1715

This happens with alarming frequency, according to a recent Business Week article entitled "The New Espionage Threat." This article states that U.S. Government agencies reported almost 13,000 cyber security incidents in fiscal year 2007, triple the number from just 2 years earlier.

The May 31 cover story of the National Journal, the respected National Journal, says, "The Chinese Cyber-Invasion," and every Member should read it, titled the "Chinese Cyber-Invasion" reported, "Electronic devices by the U.S. Commerce Secretary Carlos Gutierrez and his party during a December 2007 visit to China were invaded using spyware that could steal information." Gutierrez was in China with a high-level delegation to discuss trade-related issues.

Now, this Congress said it's concerned about trade-related issues with China, and that's why he was there, such as intellectual property rights, consumer product safety, and market access. The Associated Press also reported on the breach. Why did we learn about this in the press instead of from our own government officials? Did our government do anything about this attack? Did they get information from Secretary Gutierrez that could be used against American business in negotiation of trade agreements?

China, in particular, is actively engaged in espionage against the United States. I recently had the opportunity to read, and I hope every Member of the Congress has read, the U.S.-China Economic Security Review Commission's classified report—it is in the House Intel Committee—to the Congress and found the report's conclusions to be very alarming. The report addresses China's activities in the areas of espionage, cyber warfare, and arms proliferation. I strongly urge all Members of the House to read this report as it gives a clear picture of the threat that China poses, the threat, and in their words, that China poses to our national security.

In fact, the Pentagon's 2008 annual report to Congress stated that "in the past year, numerous computer networks around the world, including those owned by the U.S. Government, were subject to intrusions that appear to have originated within the People's Republic of China."

According to the Business Week article in 2007, the U.S. Government launched a classified operation called Byzantine Foothold to combat sophisticated new attacks that were compromising sensitive information at the State Department and a defense contractor, such as Boeing, the source of which U.S. officials allege is China.

The Business Week article states that computer attacks have targeted sensitive information on the Internet works of at least several Federal agencies: the Defense Department, the State Department, the Energy Department, the Commerce Department, the Health and Human Services Department, and the Agriculture Department, and the Treasury Department. Defense contractors Boeing,, Lockheed Martin, General Electric, Raytheon, and General Dynamics have also been targeted.

Despite everything we read in the press, our intelligence and law enforcement, national security, and diplomatic corps remain hesitant to speak out on the problem. Perhaps they are afraid that talking about the problem will reveal our vulnerability. In fact, I have been urged not to speak out about this threat. But our adversaries already know we are vulnerable. Pretending that we are not vulnerable is a mistake.

As a Nation, we must decide when we are going to start considering this type of activity a threat to our national security and the men and women who serve in the Armed Forces, a threat that we must confront and which we must protect ourselves.

Madam Speaker, the apparent lack of national urgency to address this problem only gives those who wish us harm an extra advantage.

The Government Accounting Office reported in 2007 that no comprehensive strategy exists yet to coordinate improvements of computer security across the Federal Government in the private sector.

I strongly believe that the appropriate officials, including those of the Department of Homeland Security and the FBI, should brief all Members of Congress in a closed session regarding threats from China and other countries against security of House technology including our computers, BlackBerry devices, and phones. There must be a session where any Member who is interested has the opportunity to get briefed by the FBI and the Department of Homeland Security and others.

The potential for massive and coordinated cyber attacks against the United States is no longer a futuristic problem. We must prepare ourselves now and develop procedures for responding to this threat. Members need to know how best to protect themselves, their staff, and their official business from these threats. I have experienced this threat firsthand, as have others in the Congress, and are deeply worried that this institution, the United States Congress, is not adequately protected.

Congress should take the lead in protecting our government and indeed our country from the threat posed by cyber espionage activities.

James Lewis, the director of the Technology and Public Policy Program at the Center for Strategic and International Studies remarked last year in testimony before the House committee on Homeland Security that "If gangs of foreigners broke into the State or Commerce Department and carried off dozens of file cabinets, there would be a crisis. When the same thing happens in cyberspace, we shrug it off as another of those annoying computer glitches we must live with."

The apparent complacency in both the private and public sectors toward this threat is astonishing. We must know about the threat. We must speak out about how to protect ourselves and form a comprehensive strategy with which to respond.

Stephen Spoonamore, a CEO of a cyber security firm called Cybrinth, put the matter succinctly in the National Journal article. He said, "By not talking openly about this, they are making truly a dangerous national security problem worse . . . Secrecy in this matter benefits no one. Our Nation's intellectual capital, industrial secrets, economic security are under daily and withering attack. The oceans that surround us are no protection from sophisticated hackers, working at the speed of light on behalf of nation-states and mafias."

We must cease, Madam Speaker, this Congress must cease, the administration must cease denying the scope and scale and risk of the issue. And he goes on to say a growing number of his peers "believe that our Nation is in grave and growing danger."

Mr. Spoonamore is right. We are making this dangerous national security problem worse by not discussing it openly. I believe this institution, as my resolution states, should get the facts, and armed with these facts, should take the necessary action to protect the safety and integrity of the House.

In 1789, Madam Speaker, British Parliament member William Wilberforce, speaking to his colleagues about the slave trade, said, "having heard all of this, you may choose to look the other way, but you can never again say you do not know."

This Congress on both sides of the aisle and people in the administration can never again, can never again say you do not know; and the American people should ask their Members of Congress, Do you know and what are you going to do about it.

We cannot afford to look the other way when foreign sources are threatening to compromise our government institutions, our economy, our very way of life through cyber espionage. We cannot sit by and watch. I urge the adoption of the resolution.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

I will note that I have had a chance to discuss this resolution with Congressman WOLF. At the conclusion of our discussion, we will refer this resolution to the House Administration Committee where we will do the appropriate follow-up, and I personally plan to keep in touch with the author of the resolution so that the concerns that he has are fully addressed.

I will just note that when the new majority was elected to the House and I was then appointed to the House Administration Committee, one of the first things I did was to ask to be briefed on our cyber security situation in the House. And I did receive that report. Certainly some things had been done. But more, in my judgment, needed to be done, and we have followed through on that.

I will say that both the Speaker and Leader BOEHNER have met with the House computer security officials and were told that the sophisticated technology that we do have in place is going to prevent and detect intrusions, but it depends on Members doing what they need to do to work within our security environment.

We have security system programs in place that safeguard against unauthorized system access and disclosure of data, system controls that are in place to identify, verify trace authorized and unauthorized user activity, and to prevent unauthorized modification or destruction of House data.

Chairman BRADY has ordered an immediate implementation of additional protections. He's also directed House personnel to work with the FBI and other security agencies to ensure that necessary steps are taken to safeguard House systems. These improvements will help ensure that House network and data remains protected from harm.

In addition to these efforts, the House has instituted a working-smarter series, and we have had actually briefings for staff in the congressional offices asking those staff in Member offices to come in and become aware of the cyber security steps that they need to take in each Member's office. I don't know that every Member has had full staff participation in that, and in discussing this with Mr. WOLF, it would be my intention, perhaps working with Mr. LANGEVIN who is chairing the Homeland Security Subcommittee on Cyber Security, to ask the Democratic caucus and the Republican conference to meet and to highlight this issue so Members will know.

I mean, some Members know all about it, and apparently some Members didn't know enough about it; and I'll take that admission very seriously.

What more do we need to do? Well, we have sophisticated firewalls in place today that monitor all incoming network traffic. We have an intrusion-detection system, and we have multiple anti-virus and spyware programs. That's important because you want redundancy and overlap. You don't want to rely on just one system. We also have—you may have seen in some of the hallways—teams monitoring wireless systems. It's a kind of antenna they're waving around. They're trying to detect unauthorized wireless setups that are a potential problem for our security.

What further can we do?

Well, we have tried to insist that Members use more vigorous passport protection schemes. And one of the things we're looking at is instead of asking Members, forcing Members to do that. Now we get pushback when Members are told what to do in their individual offices, but I think that's one of the things that we need to talk about.

Another thing we're looking at, and this was an issue in the intrusion mentioned a minute ago, is whether we're updating our virus software and whether the patches to this software have been uploaded. And Members don't do it. A lot of times Members just neglect to do it. If you don't put the patches in, you're just bare. So we're thinking about maybe centralizing that function. Again, some Members may not like that, but you've got it one way or the other. I mean, you can't be concerned about intrusion if we don't take the steps necessary to actually protect ourselves.

We also are looking at additional encryption efforts, enhancing our real-time monitoring by the security office, and potentially implementing a digital rights management scheme.

Now, I just want to talk a little bit about Member responsibility.

If Members are going to access Web sites in China, you're engaging in risky behavior, and it may be necessary for some Members who are monitoring human rights to do that. I accept that. But it is not a good idea to visit a Web site in China with the computer that's networked with all of your sensitive data on board because if you do, you're going to get malware, and you are going to lose your data to whoever has put that malware on the site.

So I would strongly suggest, and this is a teachable moment, that if Members feel a need to monitor Web sites in China and other countries, that they get a laptop, get an air card, don't put any other sensitive data on it and monitor to your heart's content, but don't leave yourself vulnerable to your data being removed.

□ 1730

No doubt there are root kits, there are bot nets that are going to be infecting your computer and potentially even turning them into zombie computers. Additional things that we want to look at is data leakage protection and some security assessments which is actually going underway right now.

Just a word on cyber security generally, which Mr. WOLF has mentioned. In the 108th Congress, I had one of the best experiences in my congressional career of serving with MAC THORNBERRY who chaired the Cyber Security Subcommittee. I was the ranking member, and we worked really hard that Congress together. I think it was the only subcommittee, the end of the Congress, we didn't have majority report and a minority report. We had one report that reflected both of our views, and the view was that the Federal Government was way behind in what we needed to do on cyber security.

I remain a member of the Homeland Security Committee. I serve under Mr. LANGEVIN's chairmanship on the committee with cyber security jurisdiction. We have had many, many public hearings, in addition to classified briefings, on the real deficiencies in our cyber security environment in the Federal Government, and I will tell you, I am frustrated to this very moment that so little has been done to keep us safer. Frankly, the House of Representatives has much more robust cyber security than the Department of Homeland Security. That's kind of a chilling thought, but unfortunately, it is true.

So, at this point, I recognize the gentleman's concern. I certainly plan on working with you, and I also want to make sure that each and every Member of this House understands the environment, what their responsibilities are, what their staffs' responsibilities are, understand what we've done as an institution, and what the tradeoffs are going forward in terms of even more vigorous protection.

With that, I reserve the balance of my time.

Mr. WOLF. Before I yield the gentleman 5 minutes, I would say this is bigger than just the House, though. The computers of the House have been violated and when Members go abroad, but also, it deals with people in the administration.

And so I think there need to be public hearings by the Armed Services Committee and by the Judiciary Committee. This Congress is never reluctant to hold a hearing on different things. This is a major issue so it must be broader than just the House Administration Committee.

I yield 5 minutes to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Madam Speaker, in December of 2006 and then again in March of 2007, my Human Rights Subcommittee's computers were attacked by a virus that, in HIR's words, "intended to take control of the computers." At that time, the IT professionals cleaned the computers and informed my staff that the attacks seemed to come from the People's Republic of China. They said it came through or from a Chinese IP address. The attackers hacked into files related to China. These contained legislative proposals directly related to Beijing, including the Global Online Freedom Act, e-mails with human rights groups regarding strategy, information on hearings on China—I chaired more than 25 hearings on human rights abuses in China—and the names of Chinese dissidents. While this absolutely doesn't prove that Beijing was behind the attack, it raises very serious concern that it was.

Like Mr. WOLF, I too speak out often against the systematic abuse of human rights by the Chinese Communist government, whether it be religious persecution, the systematic use of torture, the total absence of labor rights, press freedom or free speech, and since 1979, the pervasive use of forced abortion to implement the barbaric one-child-per-couple policy, the gravest violation of women's and children's rights ever. So I was deeply concerned that the perpetrators of these crimes searched the China files on my computers.

It is now coming to light, Madam Speaker, that some other Members may as well have been attacked, and more needs to be done to combat this danger. So I thank my friend for offering this very important resolution.

Madam Speaker, cyber attacks on Congress are only a small, but not insignificant, part of a much larger pattern of attacks to which the executive branch, the Pentagon, and American business is the chief target. I want to recommend, as my colleague Mr. WOLF did a moment ago, "The Chinese Cyber-Invasion," an eye-opening feature article that recently appeared in the National Journal. There we learn that some of our top cyber security experts believe that Chinese hackers have already shown that they can hack down our power grid. The experts believe that the Chinese hackers have caused power blackouts in the U.S. One blackout in 2003 was the largest in U.S. history and affected some 50 million people.

Chinese hackers and cyber warriors are mapping U.S. government and commercial networks at a rate that in the last 18 months has increased exponentially. A high-level ODNI official has referred to "a kind of cyber militia . . . coming in volumes that are just staggering," he said. The same official said that what makes the Chinese hackers stand out "is the pervasive and relentless nature of the attacks."

Madam Speaker, with enormous aid, comfort and scads of one-of-a-kind technological assistance from U.S. companies, including Microsoft, Cisco, Google and Yahoo, the Chinese Government has achieved a huge qualitative capability to suppress freedom of speech on the Internet at home and to wage cyber warfare abroad.

Two years ago, I chaired the first congressional hearing on this unseemly, dangerous partnership, an alliance that enables the Chinese secret police to find, arrest, incarcerate, and torture religious believers and pro-democracy activists in China. Google, for its part, has become the de facto center for China's ubiquitous anti-American, anti-Tibetan, anti-religious propaganda machine, while Cisco has made the dreaded Chinese secret police among the most effective in the world.

I have introduced the Global Online Freedom Act, which has cleared all three committees of jurisdiction and is ready for floor action, and I, again, respectfully ask the leadership to bring it to the floor to combat this ever-worsening threat. For the Chinese people, it will make the prospect of freedom and democracy more achievable. For Chinese dissidents, it's a matter of survival, and for us, it may inhibit the transfer of technologies that we must prevent from falling into the hands of the enemies of fundamental human rights.

Mr. WOLF's resolution is a wake-up call, and it alerts us to take more effective action and thwart disruption and the theft of sensitive data. I strongly support the resolution.

Ms. ZOE LOFGREN of California. Madam Speaker, I would like to yield to the chairman of the subcommittee with jurisdiction over cyber security on the House Homeland Security Committee, Mr. LANGEVIN, 5 minutes.

Mr. LANGEVIN. I want to thank the gentlelady for yielding, and I also want to thank the gentleman from Virginia for bringing this serious issue to light.

As chairman of the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I have spent much of the 110th Congress focused on issues of information security. In fact, my subcommittee has held eight hearings and conducted investigations into dozens of cyber security issues. And while I believe we have made some real progress in the last year or so, we still have a lot of work ahead of us.

I fully agree with Director of National Intelligence, Mike McConnell, when he says that cyber security is the most significant national security issue facing the Nation today, and it's easy to understand why.

We rely on computers in every aspect of our lives, from our banking systems and our electric grid, to our military and the functions of our Government. And whether we realize it or not, each of us is dependent on the effective functioning of computers. For many years, these systems were largely closed to the outside world, but in the Internet age, this is no longer true.

In the history of the world, never have so many people had so much access to ideas, knowledge, and skills. Unfortunately, never before have so many people also possessed the capability to cause such catastrophic economic and physical harm to the United States.

Now, this is not a hypothetical threat. In 2007, Vice Chairman of the Joint Chiefs of Staff James Cartwright told Congress that "America is under widespread attack in cyberspace." And though we have not seen the massive denial of service attacks that the Nation of Estonia experienced last year, the Federal Government and the private sector have been the victims over the last decade of an extensive and deliberate espionage campaign that has had a significant impact upon our Nation.

As Major General William Lord stated publicly last year, "China has downloaded 10 to 20 terabytes"—again 10 to 20 terabytes—"of data from the DOD's unclassified network." That's the equivalent of almost half of the Library of Congress.

American businesses, too, have been dramatically affected. One estimate suggests that our companies lose an estimated $70 billion each year due to cyber crime, and individual citizens are far from immune either. Electronic identity theft affects, as you know, millions of us every year.

There are a variety of motives for these attacks, but the result is clear: the weakening security and economic stability of our country. National security is a nonpartisan issue, and we must all work together to commit the resources and the manpower necessary to respond to this threat.

The situation raised by Congressman WOLF today illustrates that while the House of Representatives has strong information protections in place, cyber security threats pose a challenge to computer systems everywhere, and it is an ever-evolving and dynamic threat. And we need to do all we can to stay out in front of it and ahead of it.

Now, I'm pleased that the House leadership takes this issue very seriously and is taking action to ensure that House systems are properly secured, and I especially commend House Administration Chairman BOB BRADY for directing the Chief Administration Officer to immediately adopt additional protections for House computers.

I also want to commend the gentlelady from California (Ms. ZOE LOFGREN) for her due diligence and passion about cyber security as well, and I certainly appreciate the working relationship, good working relationship, that she and I have together.

I am ready to do anything I can to help ensure that our House information systems are as secure as possible. Recognizing that this issue is much larger than the House of Representatives, I am also committed to addressing the broader issues of cyber security across the Federal domain and the national critical infrastructure.

I look forward to working with my colleagues to ensure that our Federal Government is educated and prepared at all levels to thwart cyber attacks and protect the integrity of our networks.

Mr. WOLF. I recognize the gentleman from Illinois (Mr. KIRK), a member of the Appropriations Committee whose computer was also stripped from someone in China, for 1½ minutes.

Mr. KIRK. I want to thank the gentleman from Virginia for this resolution.

In my judgment, most Members of Congress are quite naive about the security of their offices against an expert cyber attack from a foreign intelligence service.

With regards to China, these types of attack are uniquely damaging to the U.S.-China relationship. While the resolution before us concerns breaches in the security of House computers, we can assume that the Senate is also under attack.

The message we would send to China is that such a cyber attack on the Congress poses unique dangers to the long-term relationship of China and the United States. We all know that a Member of Congress will soon be sworn in as a President of the United States in just 7 months. To the senior leaders overseas that may direct such a cyber attack against congressional offices, I would ask, What are you thinking? The intelligence gained would pale in comparison to the damage directly done to U.S.-China relations.

House Information Systems should dramatically upgrade the protection of U.S. computers, especially in the House, and offer Members secure Blackberries to protect against that unique vulnerability. We should also review other security procedures that should lead the Congress especially to increase the protection of the White House, the Defense Department, and the State Department.

I want to commend my colleague Mr. WOLF for bringing this to the attention of the House and especially the attention of the American people.

Ms. ZOE LOFGREN of California. Madam Speaker, just a couple of comments.

In terms of protecting ourselves, I can't emphasize enough, it is important for all of us to take steps to secure ourselves.

I had an opportunity to take a look. We keep track of this, the intrusions. I took April by example. The origin of the intrusion in April, the country that originated the largest number of intrusions into the House, the United States of America.

□ 1745

And China wasn't second. So yes, there are intrusions coming from China, from Russia, from European countries, from our own country, and we'd better take precautions to protect our data.

You can't protect a BlackBerry. If you take your BlackBerry overseas—I just thought everyone knew this—and download something, you are opening yourselves up to a vulnerability. Now, we can take a snapshot of where your BlackBerry is before you go and see if it's been compromised while you're gone, but if you're not secure in your activities, you're not secure in your activities.

And so I take very seriously what you're saying, which is that not every Member understands this. We have to change that, and I'm going to be active in playing my part to change that.

Mr. SMITH of New Jersey. Will the gentlewoman yield?

Ms. ZOE LOFGREN of California. I will yield to the gentleman.

Mr. SMITH of New Jersey. I appreciate my friend for yielding.

One of the concerns is, while they may be terrorists or homegrown, we're talking about and we are very concerned about is that this is the Government of the People's Republic of China and their enablers, people who are part of a network, that is very much focused on trying to wreak havoc and to glean information about dissidents, about legislative strategy, and about what we know about what's going on——

Ms. ZOE LOFGREN of California. Reclaiming my time, let me just note that obviously we don't want sensitive information from the government to be in the hands where it can be compromised. We're not arguing that. I'm just pointing out that if Members use a computer in their office that's networked to visit a Web site in China, you can bet—you're asking for some malware to be put on your computer, and it's going to take everything that is accessible to the other computers in your network. And so you shouldn't do that.

When I travel with my laptop, and I sometimes do, you know, I never hook that laptop into the network of the House. In fact, it's against the rules to do so. And I don't do it because that would compromise the computer network. And so I would just note that the Homeland Security Committee has been very vigorous over the past 5 or 6 years that I'm aware of, I mean, we don't need a wake-up call, we've been yelling "fire" for half a decade and we haven't really been heard by those who have responsibility in the administration to act. However, we are moving forward in terms of systems in the House.

What I'm hearing from you, Mr. WOLF, and others, is that Members' level of information is quite variable on this, and we will take that seriously and do an effort of outreach on that.

Madam Speaker, I reserve the balance of my time.

Mr. WOLF. Madam Speaker, I recognize the gentleman from Virginia (Mr. FORBES) for 2 minutes.

Mr. FORBES. Thank you, Congressman WOLF.

Madam Speaker, I rise in support of the privileged resolution offered by my good friend from Virginia, but I just want to make clear of one thing. This is not just about computers in the House of Representatives. This is about computers and information technologies all across the country.

China is among the most aggressive countries spying on the United States. The FBI has stated that China is and will continue to be America's greatest counterintelligence problem during the next 10 to 15 years.

FBI Director Mueller has testified before House committees that China's intelligence collection in the U.S. is substantial and ongoing. The extent of Chinese espionage operations targeting the United States should worry every single Member that we have here.

And Madam Speaker, the reason it's so important is they don't use the same techniques that a lot of countries do, they use a much wider scope. And we understand that economic and industrial espionage cost American businesses nearly $60 billion in 2005.

Director Mueller has stated that China has established more than 3,000 front companies in the United States whose purpose is to conduct espionage on Americans. And America's national security, intellectual property secrets, trade secrets, and infrastructure secrets are all at considerable risk.

If you look at your own computers, and not just the illegal access, but next to the United States, the largest number of hits that my computer has in my office is from China; 14,000 hits. I guarantee you I don't have many constituents that are residing in Beijing, but it could have something to do with the fact that I serve on the Armed Services Committee and chair the China Caucus.

Let me give you two other examples. Chi Mak was a Chinese spy who worked for a United States defense contractor. In 2005, an FBI wiretap caught him discussing how to smuggle an encrypted computer disk to China that had intelligence information that could potentially jeopardize the U.S. Navy.

Secondly, we had Katrina Leung, which public sources have indicated operated as a double agent for China and the United States and contaminated probably two decades worth of U.S. intelligence relating to China as well as crippling the FBI's Chinese counterintelligence program.

She accessed such sensitive intelligence through entrapment of a senior FBI agent. Both examples illustrate serious threats to America's security, and they're the ones we know about from public sources.

I have introduced H.R. 3806, the SPIES Act, to help strengthen penalties against these serious foreign espionage threats. We cannot continue to fight today's espionage threats with yesterday's laws. Yet while we continue to name post office after post office in this body we can't find the time to consider this legislation.

Mister Speaker, we must be mindful of the dangers of dismissing a known, ongoing security threat. Turning a blind eye will not address this issue, and I appreciate my colleague for calling our attention to this important issue that affects the House of Representatives and the country at large. I fully support the resolution and urge my colleagues to do the same.

Ms. ZOE LOFGREN of California. Madam Speaker, I would just note, the thrust of the gentleman's resolution has to do with the House, which is why I'm addressing the House computers. On the other hand, I've been concerned for a long time about cyber security in the Federal Government, in the DOD, in the Homeland Security Department, and frankly, in the private sector. And it is very spotty.

I just wanted to make a correction. I was briefed on the National Journal story. What happened on the nuclear power plant issue, it was not an attack. It was someone who was uploading some software onto a computer that he did not realize was networked, and it was inconsistent with other software. And actually it didn't work as designed because the control system shut it down.

Having said that, I have said in public—so I don't mind saying it here again today—that we have cyber security vulnerabilities, especially SCADA systems that were installed years ago before we were thinking about security. We have not paid enough attention to that either in the private sector or the public sector.

We have had FERC before the Committee on Homeland Security on several occasions urging them to force utilities to take the steps they need to preserve their networks, and they say two things: One, they don't have enough authority; and two, they don't want any more authority. So we've said this is an emergency situation, and we're not getting an emergency response attitude from the agencies with authority.

That is certainly something that other committees may want to look at. I'm just familiar with the efforts that I've been involved in, and they've been substantial, although, regrettably, not yet successful.

I would just like to stand up a little bit for our IT guys here in the House. It was our IT guys who discovered that your computers had been infected and notified you. And it's bad that they were infected, but it's part of the price you pay when you use a network computer to visit a potentially dangerous Web site. But they cleaned it up and responded promptly, and I think they deserve credit for letting that system work.

And just a final note on hits from China. That's not the same as an attack. And we keep track of the hits we have on our Web site. I mean, I get hits on my Web site from all over the world. I don't know why people in other countries come and visit my Web site, but it's not an attack, it's that they're looking at information that I have made publicly available.

What we are concerned about is attempted intrusions, and there are many of those in an astoundingly small successful effort. This is a constant battle. As the hackers become more sophisticated, our defenses need to become more sophisticated, and it never ends. That's why the effort to improve our patches in our security needs to happen every single day. There needs to be continuous monitoring of our systems. And it has to be all of us. This has to be a team. And every Member needs to take responsibility for this, along with the government itself.

Madam Speaker, I reserve the balance of my time.

Mr. WOLF. Madam Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 9 minutes remaining.

Mr. WOLF. Madam Speaker, I yield 4 minutes to the gentleman from Michigan, the ranking member on the Intelligence Committee, Mr. HOEKSTRA.

Mr. HOEKSTRA. I thank my colleague.

One of the jobs that I have here in the Congress is to serve as the ranking member on the Intelligence Committee, also having served as the chairman on the Intelligence Committee.

Today I rise in support of Congressman WOLF's privileged resolution on cyber security to salute him for his efforts to educate this House and the American public about the growing threat to U.S. commerce, our national security, and the privacy of the American people.

Unfortunately, some on the other side have attempted to scare the American people into thinking that the gravest threat to their privacy comes from our Nation's hardworking intelligence professionals. That's absolutely not true. Mr. WOLF, in this resolution today, reminds us that the real threat to America's privacy and the safety of Americans comes not from within, but from those who would do us harm from overseas.

Mr. WOLF had the misfortune to personally experience this fact when computers in his office were compromised by hackers from China, the Chinese, in 2006. I agree with my friend from Virginia that his office computers probably were targeted because of his long record of speaking out against human rights violations in China.

While I can't discuss the specifics of what we know, I can tell you that the leadership of this Congress, Republicans and Democrats, are well aware of the cyber espionage threat that exists. But what has this Congress done? Instead of working to modernize and strengthen our Nation's surveillance capabilities, the Democratic leadership of this Congress has sought to tie the process down in bureaucracy, in red tape. Some have sought to vilify the intelligence professionals we ask to form the first line of our Nation's defense.

And in some cases, instead of talking about the threat to America's privacy posed by foreign cyber espionage and hackers, they instead point the finger of accusation at our intelligence professionals and innocent patriotic businesses that may at this point be helping to protect the Nation, the very same intelligence professionals and businesses we may turn to to help protect our Nation from the cyber threat.

The threats we face are real. These are not just simple viruses, these are sophisticated attacks on a new electronic battlefield. They jeopardize America's security—politically, economically, and militarily. It's a global problem with multiple threats. Some of my colleagues have talked about earlier, there has been reports about what Russia did in Estonia. We know what countries have done against the United States.

So Congress does need to face this and face this issue very seriously. Congress needs to ask tough questions about trade and technology deals involving Chinese finance and businesses. One of the things that we know, while my colleague brings up China in this instance, and the Chinese, we know that it is a global threat. But specifically about China the message is very, very clear, consistently over and over the Chinese cheat.

We also need to focus on the real threats our Nation faces, not those imagined for partisan gain. And most importantly, and most urgently, again, to make sure that our intelligence professionals on the front lines have the tools that they need to keep us safe and to attack this cyber threat, this Congress needs to pass the Senate FISA bill now. Because this law not only affects how we track the radical jihadists who threaten us, it will also impact how we confront the cyber threat as well.

This is a very sophisticated problem, it is a very serious problem. I congratulate my colleague for bringing it forward. This is an issue that I believe we can work on a bipartisan basis. We need to work on a bipartisan basis. But we need to do first things first, and the first thing we need to do now is get FISA passed, and do it soon.

Mr. WOLF. Madam Speaker, I recognize the gentleman from Michigan (Mr. EHLERS) for 2 minutes.

Mr. EHLERS. I thank the gentleman from Virginia for yielding, and I especially thank him for bringing this issue to the floor.

I also thank my colleague from California, who works with me on the House Administration committee, for her very perceptive comments on this problem.

I would just like to add a little historical insight. I was asked by the new Speaker, Newt Gingrich, some years ago—in 1995 to be exact—to take charge of setting up the new computer system for the House of Representatives. It was a formidable task. And one issue I emphasized over and over was the need for adequate security.

□ 1800

We did the best we could at that time. And I was very proud for a number of years that although the White House got hacked, the Pentagon got hacked, the Senate got hacked, we did not get hacked. Those days are over. And every Member of this House of Representatives has to recognize that.

This is going to involve, first of all, the best possible technology fix. There's no question about it. But there's another aspect that was mentioned by my colleague from California, and that is training Members and staff on how to deal with this threat and this danger. That is not easy.

When I computerized the House, I had to educate my colleagues about computers. It was hopeless. I eventually taught computer classes myself to my colleagues to try to get them interested and to begin using computers. We are going to have to be that direct, that formidable and persistent in ensuring that our colleagues and all our employees understand the threat and that they learn how to deal with the threat and especially learn how to prevent incursions by the actions that they take with their computers and the way they handle their equipment.

This is a major issue. I will pledge, as my colleague from California does, that we will attempt our best to address this on the House Administration Committee, and we will certainly do everything possible to solve it. But it is going to require the vigilance of every employee of the House of Representatives and the Senate for that matter.

Ms. ZOE LOFGREN of California. I will just say that I appreciate Mr. EHLERS' comments. As he has, I have introduced many Members to the concept of the Internet. Luckily that is no longer as necessary today as it was at one time. But some of our colleagues are real white-out-on-the-screen folks, and we need to bring them forward to the modern era.

But you are right. It is not just the Members. As I have mentioned to Mr. WOLF, I have made a commitment that I intend to follow through to ask the Republican Conference and also the Democratic Caucus to appear, not just by myself, but with top-level experts, to explain to Members their responsibilities and vulnerabilities for them when they travel abroad with mobile devices as well as their desktops in their office and how to preserve their network. And it's not just for the staff. I mean how many of us have made clear to the summer interns that if they have their laptop, and they're on a peer-to-peer network for whatever reason at home, and then they plug that laptop into the House network, I might add in violation of our rules, that they have introduced a vulnerability to our system? I don't know how many of us have given that little tutorial to these wonderful young people, but all of us should.

So I think this has been a helpful resolution, Mr. WOLF, because it has opened my eyes to the need to get Members to pay more attention. And I am going to play the most positive role I can to make sure that happens. But it is also going to take the cooperation of the Members themselves, because if this is not taken seriously, it won't happen.

I reserve the balance of my time.

Mr. WOLF. How much time do I have left, Mr. Speaker?

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Virginia has 3 minutes remaining.

Mr. WOLF. I thank the gentlelady for her agreement. I think we have to, one, read the National Journal. This is a very respected magazine. And this is a serious problem. Up until now, it has been neglected by many in the administration and many in Congress.

Secondly, I think the American people are ahead of this Congress. And quite frankly on this issue with China, I think they are ahead of the administration. They are ahead of the administration on human rights, religious freedom, persecution and bad goods coming in from China. This Congress and this administration ought to wake up.

Thirdly, people are not anxious to talk about this in the Congress, nor are they anxious to talk about it in the administration. They are not anxious to talk about it. There was an effort to have me not go ahead with this using different techniques and different ideas. And we complied. We worked with the majority every way we can.

I want to say this. I will not let this issue rest. I may not be the fastest person in this institution. But I am as dogged as anyone. And I expect the leadership, I expect the leadership to deal with this not just by the House Administration Committee, I expect the leadership to deal with this on the Armed Services Committee. I expect the leadership to deal with this with regard to the House Intelligence Committee. I expect the Government Operations, has the Government Operations Committee ever been reluctant to hold a hearing on anything? And the answer is "no." They must deal with this issue. And I tell the gentlelady, who has been very good, and I thank her for that, that if this is not resolved, I will be down here on the floor. I will rework this resolution. It will be a privileged resolution. And the next time there will be a vote on this. And then the American people can see how aggressive this administration and this Congress will be on a major national security issue and the issues of religious freedom and persecution. Keep in mind that 35 Catholic bishops are in jail in China. Two hundred Protestant pastors are in jail in China. They have plundered the Tibetans, and they're persecuting the Uighurs. This is not a government that is very friendly. And also they are the leading supporter of genocide in Darfur.

With that, knowing this will be dealt with, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just want to say that I serve on three committees. I serve on the House Administration Committee. And I am here today in that capacity. I serve on the Homeland Security Committee where I have participated in I would say dozens of hearings on cybersecurity at least over the years. And I serve on the House Judiciary Committee where we have had, we have a little bit of jurisdiction, but we have actually worked pretty hard on our spyware issues and cybersecurity issues. We have paid attention to that.

I know that the Armed Services Committee has also paid attention to the whole issue of cyber warfare and cybersecurity. The Intelligence Committee isn't allowed to tell the rest of us mere mortals who don't serve what they have done, but I certainly hope they are taking this seriously and believe that they are.

I know that the gentleman has the right to close. I would just say that I would like to provide to Mr. WOLF the material from the many, many hearings that we have had. I think that he would value seeing what we have done so far. And also it would be valuable to him to see what remains to be done.

As I said earlier, we have been yelling, actually yelling about this. We have, as a Nation, tremendous vulnerabilities. And you can't always know. You can detect, unless it is spoofed, where an intrusion is coming from. You can't always say who has initiated that intrusion. But I will tell you, these intrusions and hackers are coming from all over the world with all kinds of intentions. And we all ought to take all of this very seriously. And we have failed, I think, to do all of the things that we could have done.

We have worked with the private sector. And at this point, the private sector is so wary of the Department of Homeland Security that there is a reluctance, actually, to work with the department because the information provided to the department will be so insecure. So we have a long ways to go.

I am glad that the gentleman has a strong interest in this. I wish that every Member had a strong interest in it. And maybe after we are through having these presentations to the Republican Conference and the Democratic Caucus, we will have a higher level of Member interest. And maybe instead of just our few voices in the wilderness here in the House, Mr. EHLERS, Mr. LANGEVIN, myself and Mr. THORNBERRY, who have been working on this for so many years, will have more voices, and maybe we will have a better response. I certainly hope so.

I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

MOTION TO REFER OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Ms. ZOE LOFGREN of California. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. Zoe Lofgren of California moves that the House refer the resolution to the Committee on House Administration.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to refer.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to refer.

The motion was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 6063, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1257 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1257

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6063 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague and friend from Florida, Representative DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent, Mr. Speaker, that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1257.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 1257 provides for consideration of H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008, under a structured rule.

The rule provides 1 hour of general debate controlled by the Committee on Science and Technology. It also waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

The rule makes in order the 12 amendments listed in the Rules Committee report accompanying the resolution. Finally, the rule provides one motion to recommit with or without instructions.

☐ 1815

Mr. Speaker, the National Aeronautics and Space Administration Authorization Act is a commonsense and fiscally responsible authorization plan for NASA that will strengthen our ability to improve our Nation's economy, communities and programs, as well as our national security.

The bill authorizes $20.21 billion for NASA for fiscal year 2009. This includes $1 billion in funding to accelerate the development of the Orion Crew Exploration Vehicle and Ares 1 Crew Launch Vehicle. This ensures that we do not lose ground to Russia and China as we work to build the next generation of space flight vehicles.

I would take a point of personal privilege to point out, Mr. Speaker, that the husband of a Member of the House of Representatives, GABRIELLE GIFFORDS, is on the present space vehicle that is in outer space. I learned from, we call her "Gabby," that her husband will be home Saturday, and we wish him and the crew all safety and Godspeed.

Additionally, the underlying bill provides for programs in human space flight and exploration, aeronautics research and development and scientific research, including Earth observations and research.

The bill authorizes an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station.

Lastly, the underlying bill contains important provisions related to education, space traffic management and astronaut health care.

Mr. Speaker, the underlying bill's bipartisan support is a testament to the fact that my colleagues on both sides understand the tremendous importance of supporting NASA. However, in this time of soaring drug and food prices, a plummeting economy and war, some are asking why Congress should invest in our Nation's space program. To put it another way, why are we going in space when I don't have gas to get to the grocery store? While I wholeheartedly disagree, I would be remiss if I did not at least acknowledge their concerns.

It provides us with the opportunity to recount the many lifesaving and life-altering methods and products that were made possible through space technology.

Mr. Speaker, people of all ages know that putting men on the moon in 1969 was one of NASA's pioneering achievements. Missions to space have given us all a sense of national pride and allow us to better understand the universe in which we live. Few know, however, that for 50 years space technology has laid the foundation for consumer products that help businesses run more efficiently and allow everyday people to live safer, longer and better lives.

Think about it. The United States has some of the most cutting-edge medical technology in the world because of NASA. The pacemaker, voice-controlled wheelchairs and the MRI all rely on technology that was first developed for space exploration.

More than 560,000 Americans will die from cancer this year, including over 40,000 in my home State of Florida. Space technology has led to life-saving advanced screening and treatment methods for breast cancer that are more accurate, cost-effective and less invasive.

Do you want more? We have all come to realize the consequences of not protecting our environment and conserving our resources. NASA has made significant contributions to the way that we adopt environmentally-friendly practices in our homes, businesses and everyday lives. It has been at the forefront of documenting climate change.

Further, solar energy, environmental control sensors that monitor emission levels and water purification systems that could save millions in poorer countries from developing deadly and debilitating water-borne diseases were all made possible because of space technology.

Mr. Speaker, I could go on and on. I would be remiss if I didn't mention the microwave oven, food products and drinks that have been developed because of space technology.

The past 7 years have made us acutely aware, Mr. Speaker, of the importance of having the infrastructure and tools to respond to natural and manmade disasters. There too, NASA has played a crucial role in national security by providing the resources and technology to make our communities, borders, waterways and airways safer. We owe wireless technology, storm warning devices and radiation hazard detection in part to space technology that was developed and tested under NASA programs.

Mr. Speaker, for me, the future of the U.S. space program hits close to home. The Kennedy Space Center in Cape Canaveral has a profound impact on Florida's economy and well-being, and my colleague in the minority, Mr. DIAZ-BALART, and I know this all too well.

Again a point of personal privilege. Where Cape Canaveral, Cape Kennedy is, Mr. Speaker, as a child I fished there in the Haulover Canal, and I can't tell you what a tremendous, scintillating experience for me it is to see an area that was and still is pristine, now the place where our national pride is raised every time a space vehicle is launched.

In 2006 alone, the space program contributed nearly $1.7 billion to Florida's economy. It provides thousands of direct and indirect jobs, encourages businesses and recreational travel, and also helps groom the next generation of mathematicians and scientists by providing learning and research opportunities for students of all ages.

Mr. Speaker, by supporting this rule and the underlying bill, we are investing in the welfare of our great country and installing the next chapter in the American book of creativity and innovation.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Florida (Mr. HASTINGS), for the time, and yield myself such time as I may consume.

Mr. Speaker, next month we are set to celebrate the 50th anniversary of the creation of the National Aeronautics and Space Administration, NASA, in the beginning of its mission "to pioneer the future in space exploration, scientific discovery and aeronautics research."

Since then, NASA has sent men to the moon, established a permanent human presence in space aboard the International Space Station, sent robots to explore Mars for signs of life, and launched the Hubble Telescope that revolutionized astronomy by providing unprecedented deep and clear views of the universe. One can only imagine what NASA will accomplish in the next 50 years as we begin working building a permanent base on the moon and eventually sending astronauts to explore Mars and beyond.

Since the creation of the Kennedy Space Center in 1962, as my good friend Mr. HASTINGS has explained, Florida has played an integral role supporting NASA's mission through a partnership between Florida's academic and business sectors. Florida will continue to play an important role as the space flights to the moon and Mars begin their journey of exploration at the Kennedy Space Center in Florida. I am pleased that the underlying legislation, H.R. 6063, will continue this successful partnership.

Three years ago, Congress passed the NASA Authorization Act of 2005 which provided policy and programmatic guidance for NASA that made clear that NASA is and should remain a multi-mission agency, with a balanced portfolio of programs in space, aeronautics and human space flight, including human and robotic exploration beyond low Earth orbit.

Today's legislation reaffirms those basic principles, while emphasizing the importance of NASA leadership and

Earth observations and research, aeronautics research and development to address critical national needs, and an exploration program strengthened by international cooperation under strong United States leadership.

The underlying legislation authorizes $20.21 billion in funding for fiscal year 2009. That is a 2.8 percent increase in investment from fiscal year 2008.

As we all know, NASA intends to retire the shuttle fleet in 2010. The shuttle will be replaced with a 21st century exploration system, the Constellation Program, that will be cost-effective, reliable, versatile, and, most importantly, safe for our brave and brilliant astronauts.

Until the Constellation Program is ready for lift off in 2015, we will be reliant upon Russia to ferry our crews and equipment to the International Space Station. NASA has agreements to pay Russia $760 million, and those costs could rise as high as $2.8 billion during the gap. To reduce our reliance on Russia, the bill authorizes an additional $1 billion to accelerate the development of the replacement Orion and Ares rockets and reduce the 5-year gap. Doing that will help retain thousands of well-paying aerospace, engineering and technician jobs and maintain American expertise in those areas.

The legislation also fully authorizes the administration's request for the International Space Station to ensure its safety and long-term viability and funds additional shuttle missions, including one to deliver the Alpha Magnetic Spectrometer. The spectrometer is designed to search for unusual matter by measuring cosmic rays. Its experiments will help researchers study and unlock the mysteries of the formation of the universe.

This legislation fully authorizes NASA's Education Program, which seeks to inspire and motivate students to pursue careers in science, technology, engineering and mathematics. I believe it is vital to keep the United States competitive in science, math and engineering. Our children are our future, and by seriously funding math and science programs we ensure that our future generations will continue to excel, explore and discover.

I would like to thank Chairman GORDON and Ranking Member HALL and Subcommittee Chairman UDALL and Ranking Member FEENEY for their bipartisan work in the Science Committee on this important reauthorization bill. Unfortunately, Mr. Speaker, that bipartisan spirit didn't make it past the doors of the Rules Committee, where the majority only allowed one Republican amendment, while allowing 10 Democratic amendments. It is a new ratio, 10 to 1. And that one Republican amendment is just a sense of Congress, while many of the Democratic amendments call for substantive changes in policy.

One example of how the majority consistently blocks Republicans but allows Democratic amendments is illustrated with the disparate treatment of the Lampson and Gingrey amendments. The majority on the Rules Committee made in order the Lampson amendment exempting NASA from section 526(a) of the Energy Independence and Security Act, and yet when Representative GINGREY submitted two amendments to the Rules Committee regarding the same issue, they were both rejected.

So far this year, the majority on the Rules Committee has issued a record 54 closed rules, while only allowing one open rule. The majority had an opportunity yesterday to change their ways and provide an open rule for this legislation, thus doubling their amount of open rules, but instead they decided by a party-line vote that they are quite content blocking an open debate.

An open debate on the NASA reauthorization would be particularly helpful in getting this legislation signed into law. Prior to the hearing in the Rules Committee, the administration issued its Statement of Administrative Policy, or SAP, as it is known. The SAP stated that the administration has several areas of concern with the legislation. By allowing an open debate process, we could vet the areas of concern so we can produce a bill that can be signed into law. However, the majority decided against an open and fair debate, and now this important reauthorization may be delayed.

☐ 1830

It didn't have to be like that. One of the central tenets of the Democrats' campaign in 2006 was that they would run Congress in a more open and bipartisan manner. On December 6, 2006, Speaker PELOSI reiterated her campaign promise. She said, and I quote, "We promised the American people that we would have the most honest and open government, and we will."

Yet here we are, three-fourths of the way through the 110th Congress, and the majority has come forth with one open rule. What a shame that their promises were left on the campaign trail.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman, a member of the Rules Committee and my good friend from Florida (Ms. CASTOR).

Ms. CASTOR. I thank my good friend from Florida (Mr. HASTINGS) who is a strong supporter of the space program.

Madam Speaker, I rise today in strong support of H.R. 6063, the National Aeronautics and Space Administration Act of 2008.

NASA is celebrating its 50-year anniversary this year, and I salute and congratulate everyone at NASA for their contributions to American life and science. Space exploration and research comprised the foundation of technological advances in America that have greatly improved all of our lives.

For example, in early NASA missions, large-scale integrated circuits were created that today are the basis for all modern computers, and how would we live without computers today? NASA also helps the United States maintain its competitive edge in the global marketplace. More engineers now come from outside the United States that are produced by our colleges and universities.

America can do better. NASA is one of the keys to doing so. NASA scientists and researchers keep America focused on innovation and better-paying jobs. In addition, fewer and fewer children are interested in entering science fields, even though our world today is dominated by science and technology. We must encourage young people and students to stay interested in science and enter scientific fields of study. The fantastic NASA missions and research also plays a vital role here.

There are currently seven astronauts aboard the Space Shuttle *Discovery* preparing to return to earth after a highly successful mission. I had the privilege of watching the successful launch of the Space Shuttle *Discovery* a week and a half ago at the Kennedy Space Center in Cape Canaveral, Florida. I was thrilled to share that day with our colleague, Congresswoman GABRIELLE GIFFORDS, as her husband, Mark Kelly, is the commander of the Space Shuttle *Discovery*.

Congratulations to the *Discovery* crew, the mission team on the ground as well, as they have successfully delivered the Japanese Kibo scientific lab to the International Space Station and have now completed their mission. The personnel at the Kennedy Space Center and their partners throughout Florida have an unmatched dedication to our country's space program.

They are a highly trained workforce with a record of achievement and tradition that cannot be matched. That's why it troubles me that President Bush has threatened a veto of this important NASA bill.

I urge President Bush to reflect on these facts before he picks up his veto pen, which he threatened to do yesterday in a letter to us. Before President Bush vetoes this outstanding NASA reauthorization bill, I would urge the White House to consider the economic impact of such a bill.

The SPEAKER pro tempore (Ms. CLARKE). The time of the gentlelady has expired.

Mr. HASTINGS of Florida. I yield the gentlelady an additional 30 seconds.

Ms. CASTOR. I thank the gentleman.

Before President Bush picks up his veto pen to veto this outstanding

NASA reauthorization bill, I urge the White House to consider the economic impact of such a veto on the State of Florida, Florida's economy, and aeronautic research and science throughout this country.

I congratulate Chairman UDALL and all in the committee for this fantastic bill. Congratulations to everyone at NASA for their 50-year anniversary.

I urge a "yes" vote on this important bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, at this time I would like to insert into the RECORD the Statement of Administration Policy.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 10, 2008.

STATEMENT OF ADMINISTRATION POLICY

H.R. 6063—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

(Rep. Udall (D) Colorado and 7 cosponsors)

The Administration supports maintaining a strong national civil space science and aeronautics enterprise and is committed to advancing the quest for new knowledge, discovery, and exploration that is embodied in NASA programs and activities. However, the Administration strongly opposes H.R. 6063 because it mandates specific Space Shuttle flights that greatly threaten NASA's ability to retire the Shuttle in 2010, an action that is critical to implementing the President's Vision for Space Exploration. In addition, the Administration has other serious objections to several provisions of H.R. 6063 that must be satisfactorily addressed prior to final congressional action on reauthorization legislation.

The bill contains provisions that mandate two contingency logistics flights and an additional Shuttle flight for the Alpha Magnetic Spectrometer and require that these flights take place before Shuttle retirement, thus effectively superseding the 2010 Shuttle retirement date that is a critical step to enabling successful development of the Crew Exploration Vehicle as called for by the President's Vision for Space Exploration. Consistent with the Vision, the current Space Shuttle flight manifest is a measured and carefully balanced plan to allow the completion of the International Space Station (ISS), a safe and orderly retirement of the Shuttle, and the smooth transition of facilities and personnel to Exploration Systems programs by September 2010. The direction in this section would almost certainly result in several serious impacts and risks to NASA's exploration programs and other activities, including: (1) significantly increasing costs of the Shuttle program, not including potential recertification activities; (2) delaying the operational capability of the Orion CEV well beyond its current projected dates; (3) exacerbating transition challenges, including facilities and workforce; and (4) exposing astronaut crews to increased risks. In addition, statutorily mandating additional flights regardless of safety assessments and costs sets a dangerous and unwise precedent.

The Space Shuttle must be retired by the end of 2010, and the NASA Administrator's authority to make the final determination on Shuttle flights based on safety considerations must be preserved. In addition, any increased cost of an additional Shuttle flight must be satisfactorily accommodated within the President's proposed discretionary spending total.

The FY 2009 budget request of $17.6 billion is sufficient to achieve NASA's goals, and the additional $2.6 billion authorized in the bill above the President's request is inconsistent with the Administration's fiscal policies. Accordingly, the Administration opposes this increased authorization level.

In addition, H.R. 6063 directs several specific activities under the assumption that additional funding will be appropriated, making it likely they will become unfunded mandates. Directing activities in this manner would severely disrupt the budgets for NASA's ongoing, carefully-balanced programs and Centers linked to other high-priority goals and activities. For this reason and in view of associated problematic policy implications, the following requirements should either be removed from the bill or appropriately modified: (1) carrying out an additional procurement for Commercial Orbital Transfer Services (COTS) crew capabilities, and mandating that NASA purchase commercial services regardless of cost; (2) establishing an Exploration-related technology research and development program that would draw funding away from the Orion CEV, delaying its availability; (3) establishing a cross-cutting technology development program within the Science Mission Directorate at a level of five percent of the Directorate's budget; (4) requiring the continued operation and utilization of the ISS by the United States after 2016, without first mitigating significant budget implications in the outyears; and (5) prescribing specific roles and responsibilities regarding NASA's work with various advisory and external review committees and other Federal agencies that the Administration believes would be problematic and duplicative of already well-established roles and responsibilities.

The Administration also is concerned with the proposed wording of certain provisions and strongly urges that these provisions be modified before passage of the bill. For example, the direction in the bill to limit NASA's ability to dispose of Space Shuttle-related hardware is likely to severely disrupt ongoing Shuttle retirement and transition activities. Similarly, the specific wording of other provisions in H.R. 6063, including requiring all space observatories to be serviceable regardless of practicality; overly-prescribed aeronautics research goals; and unproductive astronaut health surveys could lead to serious unintended consequences, including greatly increased costs to carry out these mandates. The Administration calls on Congress to modify these provisions to provide NASA sufficient flexibility to make programmatic and management decisions as necessary.

In addition, the bill directs NASA to initiate discussions with foreign nations on "space traffic management." This provision directly infringes upon the President's authority to conduct foreign affairs. The United States already actively promotes international cooperation to enhance spaceflight safety and supports consideration of voluntary transparency and confidence building measures in appropriate venues under the leadership of the Department of State, with appropriate assistance from the Department of Defense. These provisions accordingly should be removed. A similar objectionable provision is contained in the bill's section governing "exploration crew rescue."

Finally, in addition to the significant concerns highlighted above that must be satisfactorily addressed prior to final congressional action, the Administration has an overarching concern about the highly prescriptive nature of the bill and the significant number of reports and studies that this legislation would require. The Administration understands the need for timely information for Congress to conduct its oversight responsibilities; however, the burden that would be placed on various agencies of the Executive Branch, including NASA, is of concern. The Administration looks forward to working with Congress to modify these aspects of the bill.

The President does not threaten to veto the legislation. He enumerates in this statement a number of concerns with the legislation and finalizes the statement by saying that the administration looks forward to working with Congress to modify these aspects of the bill.

Madam Speaker, at this time I would like to yield 3 minutes to a distinguished colleague from Michigan, whose father was an aeronautical engineer and always has demonstrated great leadership on the issue of NASA and cutting-edge space technology, Mrs. MILLER.

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding time to me.

Madam Speaker, I am opposed to the rule, but I do wholeheartedly support the underlying bill.

As my colleague said, my dad was an aeronautical engineer and actually worked for the Chrysler missile plant that was down at Redstone with Wernher von Braun and was one of the original rocket scientists. So I certainly have always marveled at everything that NASA has done.

I do support this bill, H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. I think a strong and a vital space program is absolutely crucial to ensuring America's place at the forefront of technological advancement. Most people today take for granted so many of the incredible contributions that our space program had made toward improving the quality of our every day lives.

Many of them have been articulated today, but we certainly recognize GPS, global positioning systems, and weather forecasting and advanced medicine, cell phones or BlackBerries, satellite TV and even microwave ovens. They all exist today in large measure due to America's space program.

From Mercury, to Gemini, to Apollo, to the Skylab, to the space shuttle, to the International Space Station, NASA has led the way in sending Americans from the earth to the moon and our technology to heights unimagined, I think, by previous generations.

We currently are on the edge of a very exciting new scientific breakthrough as NASA begins to shift, really, to the technologically advanced Orion Crew Exploration Vehicle and to the new Ares I Crew Launch Vehicle, which could eventually lead to a manned mission to Mars.

And I recognize that while some might debate the cost of the space program, or they might argue that money can be better spent elsewhere, I would also respond with the fact that those same arguments were presented more than a generation ago. Where would we be today if in the 1960s America had not answered President Kennedy's call to reach for the stars?

In fact, I would bet that Columbus may have had some debate with the Queen of Spain that the Spanish Treasury needed to finance his exploration of the New World when everybody was absolutely convinced that the world was, in fact, flat.

So who knows what discoveries or advances to the world that we might miss if we do not continue to challenge the scientific and creative imaginations of the entire world? I absolutely believe that it is in the best interest of this Nation to continue our commitment to space exploration, and I wholeheartedly support this bill.

Again, I do oppose the rule. I am distressed that it has been brought to the floor like this, but I certainly would urge all of my colleagues to support the underlying legislation and to continue to reach for the stars.

Mr. HASTINGS of Florida. Madam Speaker, I am the last speaker for this side. I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my good friend.

Madam Speaker, at this time I would like to yield 3 minutes to a great leader from the State of Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

Madam Speaker, I came down a couple of minutes ago and listened to the opening comments of the distinguished gentleman from Florida as he went through the litany of successes of the space program in the past, and it was a good recitation and a good reflection on those things that we can really be proud of as Americans that the space program has accomplished. I jotted down a couple of notes, the pacemaker, solar energy, environmental control systems, MRIs, microwaves, wireless technology and so forth and so on.

I am here as a supporter of the space program and as someone who wants to see that innovation and that creativity deployed in a way that not only has an impact on these types of things, but also has an impact on the great struggle that we are facing as a country and that my district and many, many other districts around the country are facing, and that is the cost of aviation fuel. I had an amendment that I offered to the Rules Committee that unfortunately was just swatted away in a partisan fashion, and I was very disappointed in that. Not a single Democrat was willing to vote for it, and I was just disappointed.

My sense is let's take the NASA program and develop that talent and tilt that talent that the gentleman from Florida cited so eloquently a few minutes ago, and let's get it working on alternative fuels as it relates to aviation. Because, you see, I represent O'Hare Airport in the Chicago metropolitan area. I represent thousands and thousands of passengers, thousands of airline employees.

The airline industry is now under the crushing weight of excessive costs of aviation fuel. Fuel is up 40 percent to the point of a ticket price, 40 percent now is that of the ticket price, of the ticket on an airplane, up from only 15 percent back in the year 2000. American Airlines spent $61 billion this year in fuel, whereas last year they spent only $41 billion.

My amendment simply said this, to direct NASA, to say, look, don't allocate resources at this time when we can't afford it, to the Deep Space Climate Observatory. Instead, direct those resources to alternative fuels for commercial aviation with a three-prong test, the need to reduce our dependence on foreign sources of energy, the need to develop a fuel that will provide greater stability for the airline industry and also that will reduce the emissions.

I think that's an area where the entire Congress can come together. For the life of me, I don't understand why it was swatted away in such a partisan fashion, and I hope that on future evaluations by the Rules Committee that they will have a little bit of an open mind.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it's my privilege to yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I appreciate the gentleman for yielding and the previous gentleman that spoke, the gentleman from Illinois, talking about those airline prices. There is no question what's causing that is the cost of jet fuel.

Madam Speaker, I rise in strong opposition to this rule where the Democratic majority has once again denied the American people a full debate on the ramifications of our Federal policies on American energy independence. Unfortunately the rule for H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008, made only one Republican amendment in order and has effectively shut down debate once again, breaking the promise, as my distinguished colleague from Florida said, that Speaker PELOSI made that this would be the most open and honest Congress in history.

I, along with several of my Republican colleagues, offered two of the amendments that were not made in order. Our amendments would have worked to correct a misguided provision of the Energy Independence and Security Act of 2007, section 526, that prevents the Federal Government from developing and implementing alternative fuels from domestic sources that could help NASA reduce fuel costs.

Over the past 5 years NASA has seen an increase of almost 400 percent in spending for jet fuel from $4.5 million in fiscal year 2003 to $18.3 million in fiscal year 2007. Put simply, this growth is out of control. NASA has been actively researching alternative fuel sources to help reduce fuel costs, not only for itself, but for other Federal agencies as well. Indeed, listen to this, the Department of Defense uses 380,000 barrels of refined products per day, 380,000 barrels.

☐ 1845

They estimate that its increased cost of fuel in 2008 will be approximately $10 billion. Now this is just the delta. This is just the increase because of ballooning oil prices.

NASA, as my colleagues have pointed out, has historically been on the cutting edge of innovation with contributions that have been mentioned here, technologies this Nation uses on a daily basis. What a lot of people don't know, currently NASA is partnering with the Air Force on aggressive research to convert domestic energy sources—domestic, that means right here in River City—on aggressive research to convert things like coal, natural gas, biomass, oil shale into cleaner, yes, cleaner, and more economic alternatives to traditional jet fuel.

Gas prices continue to rise, and yet the Democratic majority, and I don't blame my colleague from Florida in the majority who I enjoyed thoroughly serving with on the Rules Committee, I blame the Democratic leadership. They have effectively stymied innovation at NASA that could potentially help us reduce our dependence on foreign oil.

We have this great opportunity, and yet the leadership of the Democratic Party has turned their back on the American people.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional minute.

Mr. GINGREY. My amendments, by either repealing section 526 or by providing a full waiver to NASA, just to that one agency as my amendments would have done, we could allow the agency to continue its ongoing work to develop emerging technologies and not be held hostage to baseless policies driven by out-of-control environmental extremists.

Madam Speaker, it is unfortunate that the Democratic majority again chooses to deny an open debate on important energy issues. So I urge my colleagues to defeat the previous question and this rule so we can help the Democratic majority live up to its promise to conduct the most open and honest Congress in history.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, back on April 24, 2006, just over 2 years ago, now-Speaker NANCY PELOSI issued the following statement: "With skyrocketing gas prices, it is clear that the American people can no longer afford the Republican rubber-stamp Congress and its failure to stand up to Republican Big Oil and gas company cronies. Americans this week are paying $2.91 a gallon for regular gasoline, 33 cents higher than last month, and double the price than when President Bush first came into office."

Madam Speaker, most Americans would be happy if they were paying $2.91 a gallon today instead of over $4 a gallon.

Reinforcing the fact that the majority has yet to confront the high price of gasoline, just over a month ago the newspaper Investor's Business Daily in an editorial said that this Congress "is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy."

Madam Speaker, I include for the CONGRESSIONAL RECORD the editorial from the Investor's Business Daily.

[From Investor's Business Daily, Apr. 29, 2008]

CONGRESS VS. YOU

We've said it before, but we'll say it again: This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.

The media won't call either the House or the Senate on its failures, for one very obvious reason: They mostly share an ideology with the Democrats that keeps them from understanding how free markets and supply and demand really work. Sad, but true.

So we were happy to hear the president do the job, calling out Congress for its inaction and ignorance in his wide-ranging press conference Tuesday.

"Many Americans are understandably anxious about issues affecting their pocketbook, from gas and food prices to mortgage and tuition bills," Bush said. "They're looking to their elected leaders in Congress for action. Unfortunately, on many of these issues, all they're getting is delay."

Best of all, Bush didn't let the issue sit with just generalities. He reeled off a bill of particulars of congressional energy inaction, including:

Failing to allow drilling in ANWR. We have, as Bush noted, estimated capacity of a million barrels of oil a day from this source alone—enough for 27 million gallons of gas and diesel. But Congress won't touch it, fearful of the clout of the environmental lobby. As a result, you pay at the pump so your representative can raise campaign cash.

Refusing to build new refineries. The U.S. hasn't built one since 1976, yet sanctions at least 15 unique "boutique" fuel blends around the nation. So even the slightest problem at a refinery causes enormous supply problems and price spikes. Congress has done nothing about this.

Turning its back on nuclear power. It's safe and, with advances in nuclear reprocessing technology, waste problems have been minimized. Still, we have just 104 nuclear plants—the same as a decade ago—producing just 19 percent of our total energy. (Many European nations produce 40 percent or more of their power with nuclear.) Granted, nuclear power plants are expensive—about $3 billion each. But they produce energy at $1.72/kilowatt-hour vs. $2.37 for coal and $6.35 for natural gas.

Raising taxes on energy producers. This is where a basic understanding of economics would help: Higher taxes and needless regulation lead to less production of a commodity. So by proposing "windfall" and other taxes on energy companies plus tough new rules, Congress makes our energy situation worse.

These are just a few of Congress' sins of omission—all while India, China, Eastern Europe and the Middle East add more than a million barrels of new demand each and every year. New Energy Department forecasts see world oil demand growing 40 percent by 2030, including a 28 percent increase in the U.S.

Americans who are worried about the direction of their country, including runaway energy and food prices, should keep in mind the upcoming election isn't just about choosing a new president. We'll also pick a new Congress.

The current Congress, led on the House side by a speaker who promised a "common sense plan" to cut energy prices two years ago, has shown itself to be incompetent and irresponsible. It doesn't deserve re-election.

Today I will be asking each of my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce gas prices for consumers, such as H.R. 5905, the CARS Act introduced by Congressman MARIO DIAZ-BALART, which would give commuters a tax break on their commuting expenses.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, before finishing my remarks, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Madam Speaker, I really appreciate my colleague on the Rules Committee yielding to me, and it is nice to see my buddies on the other side of the aisle looking so bright and cheerful tonight.

You know, if we don't do something about the price of gasoline and fuel, we will be able to go to the moon cheaper than we can drive down to the corner drugstore. I know that may sound like a joke, but the cost of fuel is going up so rapidly that everybody I have met, and I am talking about Democrats, Republicans, people on the street, everybody that I have met when I ask them what do you think about the price of fuel and gasoline, they say we have got to do something about it.

And I ask, What do you think about drilling here in the United States and the territorial possessions of the United States and offshore on the Outer Continental Shelf, and they say drill wherever you have to; drill wherever you have to, but get my gas prices down. And that is about 80-some percent of the American people that are saying that. Everyone I have talked to has said that.

You know, last night I spoke on the floor and as I left the floor, I talked to some of the people who work here. I am not going to tell you who they were because I don't want to get them in trouble, but a couple of them told me that they drive about 35 or 40 miles to work every day, and they can't afford to do it because the price of gasoline has gone up so rapidly. One of them told me he was going to buy a blow-up mattress so he can sleep someplace around here in the Capitol because he can't afford to go home at night. Now this isn't baloney.

People can't survive with gasoline at the prices they are right now. And not only that, the transportation of foodstuffs and other commodities are going up as well because of the cost of transportation.

So when I say, you know, that it may cost more to go to the store than it does to go to the moon, I am being facetious, of course, but it sure sets the point in hard concrete. The cost is unbelievable, and the American people want us to do something about it. And my colleagues on the other side of the aisle, you are not listening. You are not listening to the American people. They want to drill in the United States. They want energy.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BURTON of Indiana. May I have another 30 seconds?

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman another 30 seconds.

Mr. BURTON of Indiana. People in this country want their energy prices to go down, and they want them to go down now. You are not doing anything, and a lot of you guys are my friends, but I am going to tell you right now, this is going to be one of the major issues if not the major issue in this fall's campaign.

I talk about immigration and everything else. This dwarfs immigration and all of the other issues we talk about because it is hitting people right where they live in their pocketbook and we must not be controlled by the lobbyists around here that are concerned about the environment. There has to be some balance between the economy and the environment in this country, and you guys need to do something about the price of gasoline. You're the ones who are holding it up.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, precisely. In order to be able to take up legislation to give a tax break to commuters for the expenses, their expenses, rising expenses, daily rising expenses of getting to and back from work, I am going to ask all of our distinguished colleagues to vote "no" on the previous question so that we can take a stand against these high fuel prices and begin to give commuters a break in this country. I urge a "no" vote on the previous question.

Madam Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself the balance of my time, and I won't use it all.

Madam Speaker, this is a good rule for a great bill. And I was getting very confused as I heard my colleagues talking. The bill is the National Aeronautics and Space Administration Authorization Act of 2008. This measure has received overwhelming support across the political spectrum because it balances fiscal responsibility, oversight and advancement.

My colleagues protest rightly the accelerating price of gasoline for consumers in this country. And heating oil can't be far behind when winter comes.

But to stand and say that the Speaker of the House of Representatives has not done anything about this particular matter ignores the fact that in the other body on just about every measure that has been proposed, some that have passed out of this body, the other body in the minority have stopped them in their tracks. Now I know back in April that the Speaker called on the President to suspend purchases of oil for the Strategic Petroleum Reserve, and I regret that I am buying into the notion that you have accelerated that this good space bill now has become something to do with gas.

As you know, the ranking Republican of the Science and Technology Committee, Representative Mr. HALL, and the ranking Republican on the Subcommittee on Space and Aeronautics, Representative FEENEY, are both original sponsors of this bill. In fact, Representative FEENEY praised the Democratic members and staff for crafting the bill in a bipartisan fashion from the beginning. And I too join with praising the staff on both sides for this measure.

The underlying bill authorizes funds that will maintain NASA's current operations while allowing it to lay down the foundation to achieve future goals in the areas of space exploration and scientific research.

Furthermore, the bill provides our need and desire for a better environment, educational opportunities, and improved national security. When we invest in quality programs like NASA, we are investing in the American people and the future of our country. NASA has undoubtedly contributed to the tremendous successes that America experienced in science and technology in the later part of the 20th century. If properly funded, NASA will ensure that America remains a world leader in science, space travel, and technology in the 21st century and beyond.

Madam Speaker, I want to take just one more moment to respond to my friends who want us to lower gas prices. They are correct, but this body has, through the leadership of NANCY PELOSI, sought to crack down on oil price gouging, hold OPEC accountable for oil price fixing, and repeal subsidies for profit-rich Big Oil so we can invest in a renewable energy future. I want you to know that those measures alone have passed out of this House.

Now let's just be for real here and stop scaring the American public. There is no Member of the House of Representatives or the United States Senate that does not want gas prices in this country to be lower. There is no Member that does not want food prices to be lower. All of us need to understand something, there is no short-term fix for the problem that we have gotten ourselves into, and the majority are the people that got us in most of this fix that we are in, and it is Democrats under NANCY PELOSI that are trying to pull us out of this hole that we got ourselves in.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. HASTINGS of Florida. I will yield to my friend.

Mr. BURTON of Indiana. I just want to ask you one question.

You are right, this is a major problem, energy, and you can blame anybody you want to all of the way back to the Carter administration and Reagan. But what do you think about drilling in the ANWR or off the Continental Shelf to get some of our oil? What do you think about that?

Mr. HASTINGS of Florida. I thank my good friend. Reclaiming my time, I think my good friend knows and doubtless has heard me talk about my opposition to oil drilling in ANWR.

What I would say in response to my friend, if we started drilling in ANWR today, it would be 10 years before a drop of oil would enter into an automobile if that is what we are still using. We need energy conservation. We need renewable energy. We need all of the things that everybody is talking about, and we need to understand that nothing is going to happen in the morning. It is going to take a very long time and an awful lot of sacrifice. And I personally just get tired of people beating up on people here in this body. That is what leads to the partisan rancor. That is not what we are asking for.

I believe that we can get out of this problem. They ought to lock all 535 of us up here in this Capitol and require us to work together and require businesses to stop gouging people as they are doing.

Now this ain't the energy bill. This is the space bill, and this rule is about space.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of the rule for H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. As we mark the 50th anniversary of the establishment of the United States space program, this legislation reaffirms the ever growing and changing role of NASA, providing resources to carry the agency forward with its ambitious agenda of research, exploration, and discovery. I would like to thank Congressman UDALL for introducing this important legislation, as well as Science Committee Chairman GORDON for his leadership in bringing this bill to the floor today.

This structured rule allows for the consideration of 14 amendments, including one that I offered. I would also like to thank Chairman GORDON for his support of my amendment, which modifies section 1108 of the bill, and it states:

(1) in subsection (a), strike "small businesses" and insert "small, minority-owned, and women-owned businesses"; and

(2) in subsection (b)(2), insert ", giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns" after "to small businesses."

My amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection of businesses to participate in the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. I would like to thank my colleague and fellow Texan, Congressman LAMPSON, for his leadership in authoring the important section describing the NASA Outreach and Technology Assistance Program, and for supporting my amendment.

Madam Speaker, today's legislation will allow NASA to continue to push the boundaries of what is possible, keeping our Nation on the forefront of innovation and exploration. After the Columbia disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth. As a nation, we have made tremendous strides forward in the pursuit of space exploration since

President John F. Kennedy set the course for our Nation in 1962, calling it the "greatest adventure on which man has ever embarked." Despite the setbacks of recent years, including the tragedy that befell the Space Shuttle *Columbia,* NASA and the American people have refused to abandon the pursuit of knowledge of our universe. On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA and the Jet Propulsion Laboratory have been involved in many defining events that occurred which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed: "I believe this Nation should commitment itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to Earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish." The success of the United States space exploration program in the 20th century augurs well for its continued leadership in the 21st century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of the Houston area.

Today, NASA is the Nation's primary civil space and aeronautics research and development agency, and its current activities employ over 18,000 Americans. Today's legislation reaffirms the fundamental operating principles of NASA, emphasizes the importance of NASA leadership in a range of endeavors such as Earth observations and research, aeronautics reach and development, and an exploration program. It authorizes $20.21 billion in NASA funding for FY 2009.

Madam Speaker, in addition to this funding, H.R. 6063 begins to address what many of us believe is a serious problem that we will face in the coming years. Between 2010, when the space shuttle will be phased out, and 2015, when the next-generation human spaceflight vehicle is likely to become operational, the United States will have no method of transportation to the International Space Station, which we have already invested a great deal of American resources in. This legislation allows for an additional space shuttle flight to the International Space Station, to deliver important hardware (the Alpha Magnetic Spectrometer). The bill also authorizes $1 billion in augmented funding to accelerate the development of the Orion Crew Exploration Vehicle, the successor to the space shuttle, in hopes of narrowing the gap.

Always on the forefront of technological innovation, NASA has been home to countless "firsts" in the field of space exploration. America has, countless times, proven itself to be a leader in innovation, and many technologies that have become part of our everyday lives were developed by NASA scientists. The benefits of NASA's programming and innovation are felt far beyond scientific and academic spheres. Space technologies provide practical, tangible benefits to society, and NASA provides valuable opportunities to businesses in our community.

I strongly urge my colleagues to join me in support of this legislation, and in support of the future of American innovation and exploration.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1257

OFFERED BY MR. DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

☐ 1900

AUTHORITY TO ACCEPT DIESEL EMISSION REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS

Mr. BOUCHER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2146) to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EPA AUTHORITY TO ACCEPT DIESEL EMISSIONS REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS.

The Administrator of the Environmental Protection Agency (hereinafter, the "Agency") may accept (notwithstanding sections 3302 and 1301 of title 31, United States Code) diesel emissions reduction Supplemental Environmental Projects if the projects, as part of a settlement of any alleged violations of environmental law—

(1) protect human health or the environment;

(2) are related to the underlying alleged violations;

(3) do not constitute activities that the defendant would otherwise be legally required to perform; and

(4) do not provide funds for the staff of the Agency or for contractors to carry out the Agency's internal operations.

SEC. 2. SETTLEMENT AGREEMENT PROVISIONS.

In any settlement agreement regarding alleged violations of environmental law in which a defendant agrees to perform a diesel emissions reduction Supplemental Environmental Project, the Administrator of the Environmental Protection Agency shall require the defendant to include in the settlement documents a certification under penalty of law that the defendant would have agreed to perform a comparably valued, alternative project other than a diesel emissions reduction Supplemental Environmental Project if the Administrator were precluded by law from accepting a diesel emission reduction Supplemental Environmental Project. A failure by the Administrator to include this language in such a settlement agreement shall not create a cause of action against the United States under the Clean Air Act or any other law or create a basis for overturning a settlement agreement entered into by the United States.

SEC. 3. INCLUSION OF THE DISTRICT OF COLUMBIA IN CERTAIN STATE AND LOCAL GRANT PROGRAMS FOR DIESEL EMISSION REDUCTIONS.

(a) IN GENERAL.—Section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131) is amended by adding at the end thereof the following:

"(9) DEFINITION OF STATE.—The term 'State' includes the District of Columbia.".

(b) CONFORMING AMENDMENTS.—(1) Section 793(d)(2) of such Act (42 U.S.C. 16133(d)(2)) is amended by striking "Governor" and inserting "chief executive".

(2) Subparagraphs (A) and (B) of section 793(c)(2) of such Act are each amended by striking "50" and inserting "51" and by striking "2 percent" and inserting "1.96 percent" in each place such terms appear.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Madam Speaker, I yield myself such time as I may consume.

I rise to urge the passage of S. 2146, a measure which was previously approved by the Senate. The House counterpart legislation was sponsored by our California colleague, Mr. COSTA, and has been approved by the House Committee on Energy and Commerce.

The bill allows the Environmental Protection Agency to continue using supplemental environmental projects funds to retrofit existing diesel powered engines with emission reduction controls. Diesel emissions from on and off-road vehicles and engines account for more than one-half of the nitrogen oxide and particulate matter emissions from all mobile sources. The Environmental Protection Agency has issued regulations to limit emissions from new diesel engines and vehicles, but those rules only apply to the new vehicles, not to the heavy duty diesel fleet that is on America's roads today. And given the long life of many diesel vehicles and engines, it's estimated that the existing fleet of vehicles will not be entirely cycled out of existence until about the year 2030.

In order to achieve emission reductions from that very large existing diesel fleet, a number of actions have been taken in order to retrofit those vehicles with emission reduction technologies. For example, the Environmental Protection Agency has administered the Clean School Bus Program for a number of years, providing grants to school districts across the Nation for the purpose of retrofitting diesel powered school buses.

As another example, Congress has provided funding for diesel retrofits under the Congestion Mitigation and Air Quality Program. And in addition, the Diesel Emissions Reduction Act was included as part of the Energy Policy Act of 2005. That Act authorizes the expenditure of $200 million annually over a 5-year period for grant and for loan programs funding diesel project retrofits.

Most recently, $49.2 million was appropriated by the Congress for that program as a part of the fiscal year 2008 appropriations bill.

In addition to these programs administered by EPA, private entities have also often funded clean diesel programs as part of settlement agreements that have been reached with the Environmental Protection Agency in cases in which the agency had alleged that the private entity had committed violations of the environmental laws. These supplemental environmental projects used for diesel emission reductions have totaled $45.5 million from fiscal year 2001 through fiscal year 2006, and they've been a very valuable source of obtaining emission reductions from the existing diesel fleet.

But as matters now stand, this very valuable tool to obtain diesel emission reductions from the older vehicles can no longer be used. The Environmental Protection Agency has concluded that because Congress appropriated funds for the Diesel Emissions Reduction Act, which is targeted toward older vehicle retrofits, supplemental environmental projects for diesel retrofits may no longer be used.

That decision interprets the Miscellaneous Receipts Act, which prohibits agencies from augmenting from other sources their budgets as approved by the Congress. Because of that Act, the EPA has determined that it can no longer use private funding from case settlements to accomplish diesel retrofits since Congress has directly appropriated some funds for that purpose.

In view of the fact that there are 10 million heavy duty diesel vehicles and other engines in use today, the continued use of supplemental environmental projects in case settlements is both cost effective and environmentally beneficial.

Mr. COSTA's bill would assure their continued use. The measure enjoys bipartisan support and has been endorsed by more than 45 interested organizations, including a broad range of health, environmental and industry groups.

The measure would simply grant to EPA specific authority to accept diesel emission reduction supplemental environmental projects as part of settling alleged violations of environmental laws, provided that the projects protect human health or the environment, are related to the underlying violation, do not constitute activities the defendant would otherwise legally be required to perform, and do not provide funds for the staff of the agency or contractors in order to carry out internal EPA operations.

I commend Mr. COSTA for his fine work in bringing this measure to the House, and I urge passage of the Senate bill which incorporates his legislation.

Madam Speaker, I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

Madam Speaker, I rise in support of Senate bill 2146, a very commonsense based solution to dealing with older diesel technology.

Retrofitting simply is a cost-effective way to address the issues. It produces immediate emissions reductions and eliminates these really unnecessary infrastructure requirements.

So with that, I'm going to urge all of my colleagues to support us in this measure.

Before I reserve my time, I yield to the gentleman to answer if he has any other speakers.

Mr. BOUCHER. I thank the gentleman for yielding. Mr. COSTA will be speaking. He is the only other speaker which we have. After he finishes, I will be yielding back our time as well.

Mr. TERRY. Since they have the right to close, anyway, I'm going to yield back our time and let them wrap it up.

Mr. BOUCHER. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. COSTA). He is the author of the legislation we are considering.

Mr. COSTA. Congressman BOUCHER and Congressman TERRY, I want to thank you and your staffs for the hard work that you've done with your colleagues. The Energy and Commerce Committee has made a significant difference in bringing this legislation to the floor.

This measure, along with its companion measure, Senate bill 2146, is, I think, very important to ensuring that we provide improved opportunities for air quality, as well as throughout the country.

I also want to thank my cosponsors in the House bill, which includes the original cosponsors, Congressmen CARDOZA, MCNERNEY, Congressman NUNES, as well as Representative BUTTERFIELD, Representatives HILL, KIND, MATHESON, MATSUI, BONO MACK, SHIMKUS and again Congressman TERRY.

This measure, combined with Senate 2146, will allow the Environmental Protection Agency to continue the prior practice of accepting diesel emission reduction projects as part of an environmental settlement agreement. These settlement agreements are important when you're trying to reach an accord with the private sector and still, at the same time, clean up the air.

For many years the Environmental Protection Agency has funded diesel retrofit projects through the Supplemental Environment Projects, otherwise known as SEPS with the corporations as part of overall settlement agreements. From fiscal year 2001 to fiscal year 2006, the Environmental Protection Agency entered into diesel emission reductions with these settlement environment projects valued at over $45 million. This bill will help maintain this separate private funding source as a part of a private/public partnership for these projects and, at the same time, improve air quality in basins throughout the country that have regional air issues that they are in noncompliance with.

This is particularly of importance in my own district that I share with my colleagues, Congressmen NUNES and MCCARTHY and Congressmen RADANOVICH and CARDOZA, as well as MCNERNEY. The San Joaquin Valley area is a non attainment area, and consequently, we have difficult challenges trying to become an attainment area, especially when we consider that we are one of the fastest growing regions in California.

The air basin is 250 miles long, but it's shaped in a valley where you have mountain ranges on each side. Therefore, we not only have our own stationary and mobile sources of emission that we create, but because we're in the center of the transportation hub between Northern and Southern California, actually, all the way along the west coast, we have interstate transportation on 99 and Highway 5, which is no contribution of ours, but it's part of interstate transportation that contributes to the emissions that we have to deal with. So, therefore, this is an important measure.

We have among the highest rates of childhood asthma in the State. We have other issues that we are continuing to deal with.

Today, 90 percent of the commercial trucks are powered by diesel engines. Two-thirds of all farm and construction equipment run on diesel engines. Therefore, this measure can make a difference.

California does lead the Nation in clean diesel technology, and some of the cleanest types of diesel fuel anywhere in the world. But even retrofit projects have their role and play a significant contribution to improving air quality, not only in our district but throughout the country.

Finally, in addition, retrofitting clean diesel technologies for diesel vehicles and equipment, I think, is one of the most cost effective strategies for achieving tangible and immediate air quality benefits. The Environmental Protection Agency estimates that these retrofit projects have a 13:1 benefit-to-cost ratio, meaning that the $45 million invested between 2001 and 2006 translates to over $600 million of health benefits that also benefit young people, children who have asthma cases, those who have cardiovascular issues and the like.

I want to again thank my colleagues, Congressman TERRY, Congressman BOUCHER and your staffs and all those who are cosponsors of this important measure. This is cost effective. It's meaningful. It will improve air quality throughout the country.

At this time I want to urge all of my colleagues to support the passage of this measure.

Mr. BOUCHER. Madam Speaker, I have no further requests for time, and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the Senate bill, S. 2146, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOUCHER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1915

CAROLINE PRYCE WALKER CONQUER CHILDHOOD CANCER ACT OF 2008

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1553) to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Caroline Pryce Walker Conquer Childhood Cancer Act of 2008".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Cancer kills more children than any other disease.

(2) Each year cancer kills more children between 1 and 20 years of age than asthma, diabetes, cystic fibrosis, and AIDS, combined.

(3) Every year, over 12,500 young people are diagnosed with cancer.

(4) Each year about 2,300 children and teenagers die from cancer.

(5) One in every 330 Americans develops cancer before age 20.

(6) Some forms of childhood cancer have proven to be so resistant that even in spite of the great research strides made, most of those children die. Up to 75 percent of the children with cancer can now be cured.

(7) The causes of most childhood cancers are not yet known.

(8) Childhood cancers are mostly those of the white blood cells (leukemias), brain, bone, the lymphatic system, and tumors of the muscles, kidneys, and nervous system. Each of these behaves differently, but all are characterized by an uncontrolled proliferation of abnormal cells.

(9) Eighty percent of the children who are diagnosed with cancer have disease which has already spread to distant sites in the body.

(10) Ninety percent of children with a form of pediatric cancer are treated at one of the more than 200 Children's Oncology Group member institutions throughout the United States.

SEC. 3. PURPOSES.

It is the purpose of this Act to authorize appropriations to—

(1) encourage the support for pediatric cancer research and other activities related to pediatric cancer;

(2) establish a comprehensive national childhood cancer registry; and

(3) provide informational services to patients and families affected by childhood cancer.

SEC. 4. PEDIATRIC CANCER RESEARCH AND AWARENESS; NATIONAL CHILDHOOD CANCER REGISTRY.

(a) PEDIATRIC CANCER RESEARCH AND AWARENESS.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 417E. PEDIATRIC CANCER RESEARCH AND AWARENESS.

"(a) PEDIATRIC CANCER RESEARCH.—

"(1) PROGRAMS OF RESEARCH EXCELLENCE IN PEDIATRIC CANCER.—The Secretary, in collaboration with the Director of NIH and other Federal agencies with interest in prevention and treatment of pediatric cancer, shall continue to enhance, expand, and intensify pediatric cancer research and other activities related to pediatric cancer, including therapeutically applicable research to generate effective treatments, pediatric preclinical testing, and pediatric clinical trials through National Cancer Institute-supported pediatric cancer clinical trial groups and their member institutions. In enhancing, expanding, and intensifying such research and other activities, the Secretary is encouraged to take into consideration the application of such research and other activities for minority, health disparity, and medically underserved communities. For purposes of this section, the term 'pediatric cancer research' means research on the causes, prevention, diagnosis, recognition, treatment, and long-term effects of pediatric cancer.

"(2) PEER REVIEW REQUIREMENTS.—All grants awarded under this subsection shall be awarded in accordance with section 492.

"(b) PUBLIC AWARENESS OF PEDIATRIC CANCERS AND AVAILABLE TREATMENTS AND RESEARCH.—

"(1) IN GENERAL.—The Secretary may award grants to childhood cancer professional and direct service organizations for the expansion and widespread implementation of—

"(A) activities that provide available information on treatment protocols to ensure early access to the best available therapies and clinical trials for pediatric cancers;

"(B) activities that provide available information on the late effects of pediatric cancer treatment to ensure access to necessary long-term medical and psychological care; and

"(C) direct resource services such as educational outreach for parents, peer-to-peer and parent-to-parent support networks, information on school re-entry and postsecondary education, and resource directories or referral services for financial assistance, psychological counseling, and other support services.

In awarding grants under this paragraph, the Secretary is encouraged to take into consideration the extent to which an entity would use such grant for purposes of making activities and services described in this paragraph available to minority, health disparity, and medically underserved communities.

"(2) PERFORMANCE MEASUREMENT, TRANSPARENCY, AND ACCOUNTABILITY.—For each grant awarded under this subsection, the Secretary shall develop and implement metrics-based performance measures to assess the effectiveness of activities funded under such grant.

"(3) INFORMATIONAL REQUIREMENTS.—Any information made available pursuant to a grant awarded under paragraph (1) shall be—

"(A) culturally and linguistically appropriate as needed by patients and families affected by childhood cancer; and

"(B) approved by the Secretary.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as being inconsistent with the goals and purposes of the Minority Health and Health Disparities Research and Education Act of 2000 (42 U.S.C. 202 note).

"(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section and section 399E–1, there are authorized to be appropriated $30,000,000 for each of fiscal years 2009 through 2013. Such authorization of appropriations is in addition to the authorization of appropriations established in section 402A with respect to such purpose. Funds appropriated under this subsection shall remain available until expended.".

(b) NATIONAL CHILDHOOD CANCER REGISTRY.—Part M of title III of the Public Health Service Act (42 U.S.C. 280e et seq.) is amended—

(1) by inserting after section 399E the following:

"SEC. 399E–1. NATIONAL CHILDHOOD CANCER REGISTRY.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award a grant to enhance and expand infrastructure to track the epidemiology of pediatric cancer into a comprehensive nationwide registry of actual occurrences of pediatric cancer. Such registry shall be updated to include an actual occurrence within weeks of the date of such occurrence.

"(b) INFORMED CONSENT AND PRIVACY REQUIREMENTS AND COORDINATION WITH EXISTING PROGRAMS.—The registry established pursuant to subsection (a) shall be subject to section 552a of title 5, United States Code, the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, applicable Federal and State informed consent regulations, any other applicable Federal and State laws relating to the privacy of patient information, and section 399B(d)(4) of this Act."; and

(2) in section 399F(a), by inserting "(other than section 399E–1)" after "this part".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we're here today to consider H.R. 1553, the Caroline Pryce Walker Cancer Act of 2008.

Between infancy and 15 years of age, cancer is the leading cause of death by disease among children in the United States. In 2007, approximately 10,000 new cases of pediatric cancer were diagnosed in children ages 0 to 14 years.

Although the incidents of invasive cancer has increased slightly over the past 30 years, mortality has declined dramatically for many childhood cancers. Despite these advances, treatments for some childhood cancers are inadequate. Negative effects resulting from current pediatric cancer therapies indicate a need to strengthen Federal support for activities leading to an enhanced understanding of childhood cancers and treatments that are less toxic and more effective.

H.R. 1553 would strengthen the Federal investment in pediatric cancer research and reassert Congress's commitment to conquering childhood cancer. This legislation directs the Secretary of Health and Human Services to continue to enhance, expand, and intensify pediatric cancer research and other activities related to pediatric cancer. Furthermore, this legislation directs HHS and the Centers for Disease Control and Prevention to enhance and expand infrastructure to track the epidemiology of pediatric cancer into a comprehensive nationwide registry of actual occurrences of pediatric cancer.

I want to thank my colleagues on the Energy and Commerce Committee for working together in a bipartisan fashion to get this important legislation to the floor today. I would also like to commend, in particular, Representative CHRIS VAN HOLLEN and also Representative DEBORAH PRYCE, whose diligent work and commitment to this issue are the reason we're here today.

This legislation, Madam Speaker, is named in memory of Representative PRYCE's 9-year-old daughter Caroline who tragically lost her valiant battle against a rare form of cancer, neuroblastoma, on September 4, 1999. I can't think of a more fitting tribute to Caroline Pryce Walker than to see her mother's legislation overwhelmingly pass the House floor today.

I encourage all of my colleagues in the support of this bill.

I reserve the balance of my time.

Mr. TERRY. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise with Ranking Member JOE BARTON and all of our Energy and Commerce colleagues in enthusiastic support of H.R. 1553 which is called appropriately the Caroline Pryce Walker Conquer Childhood Cancer Act of 2008.

I would like to thank my friend from Ohio (Ms. PRYCE) for introducing this important piece of legislation. I want to thank Chairman DINGELL and Subcommittee Chairman Mr. PALLONE for working in such a bipartisan manner as we moved this bill through our Energy and Commerce Committees

Because of the bipartisan efforts of all of those involved in this legislation, I'm proud to say that the legislation before us today will now work in conjunction with the NIH Reform Act of 2006, and I believe that this bill should serve as a model for others that seek to improve a particular field of research at the NIH.

As my colleagues are no doubt aware, I firmly believe that it is our responsibility as Members of Congress to ensure that the NIH has the latitude and flexibility to continue its research in all areas of health care.

Our focus in Congress should be on ensuring that the NIH, along with other relevant Federal agencies, receive the necessary funding to carry out their missions; and I believe that Congress must also strive to avoid micromanaging the NIH unless we want to inadvertently hamper the very scientific discoveries that we all want to see come to fruition.

DEBORAH PRYCE is a committed mother and a dedicated, tireless advocate for ending the dreadful curse of childhood cancer in our great Nation and throughout the world. Through this legislation, she is honoring not only the memory of her daughter but also the memories of all the children and families who have suffered from cancer. As a parent, I can't imagine anything more tragic and devastating to see your child go through that.

So we've worked so hard to help improve the research capacity of the National Institutes of Health. Always keep in mind that it is my sincere desire that these efforts would lead to fewer parents knowing this awful feeling of loss.

We will all greatly miss Representative PRYCE after her retirement from the House at the end of this Congress. Without question, she is leaving both a legacy for her work on behalf of the people of Ohio as well as further leadership of the Republicans in the House of Representatives.

Again, I thank my colleagues for their efforts, Mr. PALLONE, Mr. DINGELL, Mr. BARTON, and encourage all of my colleagues on this side of the aisle to support this legislation.

With that, Madam Speaker, I reserve the balance of our time.

Mr. PALLONE. Madam Speaker, I would yield 4 minutes to the lead Democratic sponsor of the bill, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

Madam Speaker, I rise in strong support of this bill, the Caroline Pryce Walker Conquer Childhood Cancer Act of 2008, and I want to first and foremost thank my colleague, DEBORAH PRYCE, for her leadership and commitment on this very important issue that affects so many children and families around our Nation. We're all very grateful to her for working to prevent other people and other families from facing the same tragic loss that she and her family experienced with the loss of a child, and I'm honored to have worked with her on this bipartisan piece of legislation.

I also want to thank Chairman DINGELL, Chairman PALLONE, Ranking Members BARTON and DEAL and their staffs for working to bring this legislation to the floor today and for their commitment on this very important issue.

I think that the title of this bill is a fitting tribute not only to DEBORAH PRYCE's daughter, Caroline Pryce Walker, but also to the other millions of children who have courageously fought pediatric cancer and those who are bravely fighting pediatric cancer today as we speak on this floor.

I have had the opportunity to meet with many of those children and their families who are struggling with childhood cancer. One of them, Matthew Grossman, was diagnosed at the age of 13 with a very rare brain tumor. Before his diagnosis, he was a soccer player, a swimmer, a talented young musician from Bethesda, Maryland. Matthew underwent 7 months of chemotherapy, brain surgery, 6 weeks of daily radiation to the brain and spine, and two bone marrow transplants.

This brave young man has been in full remission since January 2006. He went back to school and rejoined his class, despite having been out of school for a year and a half. He recently celebrated his 17th birthday and continues to play guitar, perform in a band, and sing in his school's choir.

Matthew is one story out of thousands. Unfortunately, there are many children who are not as fortunate as Matthew. Cancer remains the number one killer of children under the age of 15 who die from disease in this country. Pediatric cancer, including brain tumors, comes in many variations. Each year there are about 12,000 new cases of pediatric cancer. And while the incidents of pediatric cancer has increased, the causes are largely unknown.

Thanks to past funding in childhood cancer research, we know that 78 percent of childhood cancer patients overall are now able to survive the disease. Forty years ago, it was a much different story. Cure rates for children with cancer was lower than 10 percent. This shows that biomedical research and funding that we've been able to do has saved lives, and it's also why we're here today to say we need to finish the job and continue the commitment because currently, the NIH has not received the funds it needs.

We know that the President's proposed budget this year has once again, unfortunately, been flat funded for NIH. Since the doubling of the NIH budget in the year 2003, that funding has not kept pace with biomedical inflation, and that has impeded our ability to delay and do the research we need into the onset of many diseases. If we fail to invest in innovative research at NIH, we will forfeit the opportunities to make ground-breaking, life-saving work to save lives.

The NCI currently spends approximately $170 million a year on pediatric cancer research. Much of this now goes to laboratory and pre-clinical testing. We also need to do the important work to invest in clinical trials. An NCI peer review group of scientists in 2002 recognized this and recommended $54 million in funding for pediatric cancer clinical trials. That level was never funded.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. PALLONE. Madam Speaker, if I could yield the gentleman an additional minute.

Mr. VAN HOLLEN. Madam Speaker, I thank the chairman.

That level was never fully funded, and since then, this funding has been cut.

Because Federal funding for pediatric research continues to drop, many critical trials have been put at risk.. As many as 20 studies has been put on hold and enrollment in new clinical trials has decreased by more than 400 children. This is taking us in the wrong direction.

This act will enhance and expand pediatric cancer research activities at the NIH, establish a pediatric cancer registry, and increase educational informational and support services to patients and families affected by childhood cancer.

Madam Speaker, we can do better in our fight against pediatric cancer. Let's help give our children and their families the future they so deserve by passing this bill. I urge my colleagues, and once again, thank our colleague, DEBORAH PRYCE, for leading by example in this very important area.

Mr. TERRY. Madam Speaker, at this time I yield as much time as she may consume to the author and the grand gentlelady from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. I thank the gentleman for yielding very much.

Madam Speaker, I believe today we stand on the cusp of something very significant, and that is the chance to spare families forevermore from having to hear the words "your child has cancer." Today, after many hard years of work by staff here on Capitol Hill, by people in the administration, by grassroots groups across the country, by concerned citizens everywhere, we will consider a bill that will make a historic difference in the lives of more than 12,000 children a year who are diagnosed with cancer.

I would like to thank my colleagues, especially Chairman DINGELL and Chairman PALLONE, Ranking Members BARTON and DEAL, my cosponsor CHRIS VAN HOLLEN who just spoke, a great supporter on my side of the aisle, MIKE MCCAUL, and for a new friend that I have found here in Congress, JOE SESTAK, who also knows the issue far too well and who also has heard the words "your child has cancer."

Madam Speaker, some of us that I have just named are rivals of the highest degree and the strongest of adversaries when it comes to politics and even some issues. But as for the issue of cancer, we have a unique way of transcending the political and tapping into what is uniquely human among us.

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I would also like to thank my friend DARLENE HOOLEY and my very dear friend LOIS CAPPS, also on the committee, and also Mrs. CAPPS has been one of those sad Members of the club who has heard the words, "Your daughter has cancer." I want to thank them for their thoughtfulness, that they suggested that this bill be renamed in honor of my daughter, Caroline, who as it was mentioned lost her courageous battle with cancer 9 years ago.

In the years that I've been working on this legislation, my friends have been with me every step of the way, as has Caroline, making sure that her little promise to help those other kids that she played with in their fights and so all the kids who come after her won't have to go through what she did. Madam Speaker, Caroline would have graduated from high school last Friday. This is our graduation gift to her.

So, yes, this bill is very personal to me, and it should be very personal to everyone because there is not a single American who hasn't been touched by this dreadful disease called cancer. Unfortunately, there are far, far too many, and we must know that a Nation with our resources or a Nation with our scientists, our committed doctors and oncologists and our fighting spirit, we can and we will do more to defeat this disease that attacks our children and put an end to their suffering.

You know, cancer is no longer the mystery that it once was. The scientific and medical communities continue to crash through barriers every day to unlock cancer's deadly secrets. We will continue to cut this opponent down to size, but we continue to lose one in every five children diagnosed. Each and every school day, 46 children, more than two classrooms, will be diagnosed with cancer; 2,300 of them will die from it. We can and we will do better.

The bill before us today provides the lifeblood necessary to continue our advancements in pediatric cancer research, $30 million annually over 5 years. It is a very small price to pay for the life years that will be saved.

This bill creates a national database on childhood cancers to help researchers detect trends in these diseases, variables like genetics, geography and environmental influences that may be sources that are possibly causing these diseases which we can't figure out.

The bill provides for education and information services to patients and families to ensure that they are aware of and have access to appropriate clinical treatment, as well as the array of needed support services. Madam Speaker, nothing equates to the fear and uncertainty felt when a parent hears a cancer diagnosis for their child. This will give them somewhere to turn.

What this bill will help us learn about pediatric cancer will likely yield breakthroughs in our understanding of other diseases and treatments. And pediatric cancer research is leading the way in clinical advancements.

You see, last year, roughly 1.4 million people were diagnosed with cancer; yet, a measly 3 percent of those patients were enrolled in clinical trials. Now, by contrast, clinical trials are now part of the standard of care for pediatric cancer, and the vast majority of children diagnosed are enrolled in these trials.

And we're learning so much because of these enrollments. We're learning more about the trials than we thought possible. We're learning how to successfully handle survivorship issues. We're helping these kids live longer, and more importantly, we're inching closer to a cure.

For the past few weeks, hundreds of thousands of people filled the streets of our Nation's cities in the National Race for the Cure. It is an emotional, humbling and awe-inspiring experience to bear witness to this sea of pink humanity, women, men, and children from all walks of life, united by the common goal of defeating breast cancer.

Today, with this bill, we have a chance to capture that same spirit and resolve, to reclaim the many hundreds of life years lost, to save countless families the grief and despair of this sickness and death of a little one, and to one day look back upon this moment as a true catalyst that led to the end of childhood cancer.

I urge all my colleagues to support this legislation, and I urge them to urge our Senate colleagues to support this legislation, as we look forward to seeing the end of this plague upon our children.

Mr. PALLONE. Madam Speaker, I would yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague.

Madam Speaker, I rise in very strong support of H.R. 1553, the Conquer Childhood Cancer Act. It is very fitting that we have named this legislation in memory of Caroline Pryce Walker, daughter of this bill's champion, my dear colleague, DEBORAH PRYCE.

This bill is going to take necessary and important steps to address specific needs of pediatric cancer in at least three significant ways. It will ensure that we have enough qualified pediatric oncologists and nurses. It will improve clinical trials for the treatment of cancer in children. Finally, it would also conduct more public awareness about treatment options and support for children with cancer and their families.

As one of the co-chairs of the Cancer Caucus, along with my colleague from Ohio, I am so proud to see this bill, which was one of our priorities, and a personal priority as we all know, moving forward.

I want to share a bit about how the momentum behind this bill has already spurred people across the country into action.

Just this past Saturday, I attended an event in my town of Santa Barbara called "Kids for a Cure." Amazingly, it was organized by Madison Lewandowski, an 8-year-old constituent of mine, who, despite being so young, knows that she can make a difference in the lives of others. I told my young friends who were gathered last Saturday that I was going to share this story as a testimony to this legislation and to what is happening across this country.

Madison organized a wonderful charity event, with proceeds going to the Cancer Center of Santa Barbara's pediatric research fund. We all enjoyed a day of story telling, face painting, a silent auction, and this amazing rummage sale in which children and their families brought used toys to share with other children and their families and raise money in the process, and that money all going to raise awareness for pediatric cancer. I can think of nothing more powerful than the sight of children advocating on behalf of other children.

I know our colleague from Ohio in these past 9 years has spearheaded a number of community events around the country actually and in this city to raise awareness for childhood cancer and to raise the necessary funds to be added to the funds, which our legislation will hopefully make possible for pediatric cancer.

So whether it's through community organizing or comprehensive legislation, we are all working together in this country to fight pediatric cancer.

I am honored and proud to be a part of this effort, particularly on this day, to honor my colleague and friend as well because of the dedication she has provided for this House in leading us to this point.

I thank the leadership of our committee that has brought us to this point as well and the work that we will do with our colleagues to make sure this legislation is passed and signed into law.

Mr. TERRY. Madam Speaker, at this time, I yield 5 minutes to the gentleman from Texas.

Mr. McCAUL of Texas. I thank the gentleman.

Madam Speaker, every now and then, as Members of Congress, we have one of those moments, a moment when we feel like we can truly make a difference. This, in my view, is one of those moments, and I want to thank Congresswoman DEBORAH PRYCE for her leadership, her perseverance in this issue.

It's been a long, hard fight, but we got here. It's going to pass, and this is a great day. It's a great day for those who have suffered. It's a great day for those who have been in pain. It's a great day for the victims.

This bill provides a beacon of light. It provides a voice for the innocents who don't have a voice, for children whose eyes we have looked into who are dying from this dreaded disease, for victims of this disease like my constituents Tim and Donna Culliver who lost their son Adam at the age of 4, to Caroline who lost her life at the age of 9.

I think of my own daughter, Caroline, my five children, the countless other children out there who could be a victim of this dreaded disease. This bill will lead the path towards a cure for cancer.

And this is not a Republican or Democratic issue. This is an American issue. It's an issue for the children, and it's a fitting tribute to you, Congresswoman PRYCE, and your daughter, Caroline, for all the hard work and the efforts you've put into this.

I've been through the pediatric hospital, as many of us have, and there's nothing more painful than to look into the eyes of a child who is dying from this disease, who's afflicted with this disease, whose parents look at you as a Member of Congress and say: Isn't there something you can do? Can you stop this?

I watched my best friend in grade school die from cancer, and we have all been touched, as DEBORAH PRYCE said, by this disease in some way or another. But this is a real monumental moment, a moment where we truly can make a difference. They often say the measure of a man's life or woman's life is the, do I leave this world in a better place than it was before I came in. I can truly say that with the passage of this bill, that this Congress and this brave Congresswoman, through her leadership and her legacy, will leave this world a better place.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Madam Speaker, 12,000 children will be diagnosed with cancer this year; 2,000 will not make it with their cancer to the end of this year. But there's no real face to those numbers until you've had it happen to you. As my new, wonderful friend from Ohio had it with her beautiful daughter, Caroline, or I did with my 4-year-old daughter Alex, nothing in my 31 years in the military, whether it was the ravages of being in war or whether it was the challenges of a cold peace, ever prepared for me for those words "tumor," "cancer," the words that need to be removed from our vocabulary by eradicating it from the lives of our children.

When you live in a cancer ward and oncology ward, you see such hope as a child, your child, holds your hand and puts all that hope in you as a parent, knowing that you're going to make it all right. And at the same time, as you so well know, you see such hopelessness at times in the oncology ward when there's nothing else to be done.

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I came down today to speak of you. You really do take that wonderful dictum of Hubert Humphrey to fruition, that "the moral test of a government is how well it does take care of those in the dawn of life, the children, so that they might see the twilight of life as seniors.

The only sad thing about today is that you won't be here next year. In the Bible, Jonathan and David, as they departed, the two great warriors, for the very last time, Jonathan said to David, "Tomorrow thou shalt be missed because thy seat shall be empty." Your seat won't be empty because you have left such a wonderful legacy behind for my daughter, so she will have a chance in the future, if it does come back. Because you all will, in this legacy, not only for her, but for so many, have given them the opportunity, those in the twilight of life, to know the dawn of life, to see the twilight of life as seniors. So thank you for her that, yes, we, as parents, can make it all right.

I urge all my colleagues to support this bill. And thank you very much.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding.

Madam Speaker, it is a great privilege this evening to rise in support of H.R. 1553, the Caroline Pryce Walker Conquer Childhood Cancer Act of 2008, and to thank my beloved colleague from Ohio, from our Buckeye State, DEBORAH PRYCE, a loving mother and a very, very able Congresswoman, for taking her grief and helping place it here, and in memory of her beautiful daughter, taking that struggle forward for the sake of the future of our country.

I suppose one could say, "for every season there is a purpose," and Caroline's season forever will be spring; and that what you lived together you shared with the country. And the personal became political in the best sense so that we could make it better for those who will come after us. And after all, is that not what we are here to do?

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PALLONE. Madam Speaker, I yield an additional minute to the gentlewoman.

Ms. KAPTUR. I also stand here this evening in memory of a young gentleman by the name of Zachary Hebda from the State of Maryland, who died at the age of seven of a childhood cancer. And at seven, that child had such measure, just like an adult. And he faced, as your daughter did, something that we, as adults, wonder if we could face. And we never forget them because they hold us up in our own work with their strength and their courage. We need answers. We need answers for our children. We need to stem this disease, and we need to prevent and we need to cure.

I want to thank Congresswoman PRYCE for her years of service and doing what is so wrenching, to continue after the loss of someone who is so much a part of yourself and helping us better ourselves as a country. I thank you for this exceptional piece of legislation.

I thank Chairman PALLONE. I thank Congresswoman CAPPS and those who have supported you in this effort. And I thank you for, most of all, sharing Caroline with us as a most beautiful, beautiful memory and tribute to her and to you.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Congresswoman PRYCE and I came to the floor as a mother, and certainly someone who has spent a good deal of time working in the Women's Caucus. And we would be together in a time when Democrats and Republicans would come together around issues of children and women. And I know of your forceful voice. And so I come today to thank you for this legislation and this tribute to Caroline because, coming from Houston, we have the Texas Children's Hospital. And I have visited the McDonald's House, which is a home that families are able to use to be able to see the children who are with their family who are suffering from cancer and obviously are in great need of pediatric research. And you see the smiling faces, and you see the uniqueness of their look, if you will—many of their heads are shaven—but you also see love. And this is what this bill represents to all of us; it is a testament of love, and the fact that children should have a future.

Caroline Pryce Walker, in the words Conquer Child Cancer Act of 2008, is embodied in the love that you have for your daughter.

I just want to recount one or two of the findings, because I think it is very important to note that cancer kills more children than any other disease. Many of us don't know that. You would think of many other elements that might kill. You don't know that cancer is the number one killer of children.

Each year, cancer kills more children between one and 20 years of age than asthma, diabetes, cystic fibrosis and AIDS. So I simply want to close by indicating that I was in a committee hearing and we just finished and I saw you speaking on the floor, and I was compelled to just come and say thank you. Thank you for your leadership. And you have entrusted in us the fact that we will carry on in your name and in your daughter's name.

I ask for support of this bill, and I thank Chairman PALLONE.

Mr. TERRY. Madam Speaker, I yield myself the rest of our time.

I've participated in some very intense debates on this House floor. And these are times that, on a bill like we have before us today, where truly we all come together. It's beyond bipartisanship, as people have heard from the rather dramatic and emotional testimony from all of the Members who have testified here today. Because there is nothing more emotional than a child who has been diagnosed with a cancer. There is just nothing more traumatic to a parent, to a family. And if there is anything that we can do as a congressional body to try and alleviate that type of pain a family could suffer in the future, we should undertake that. And we've done it here today.

I want to thank DEBORAH PRYCE for her strength, not only in her testimony here on the floor today, but for the years that she has continued to work this issue and push it forward to its House conclusion today.

I also want to just thank Mr. PALLONE and Mr. DINGELL, who participated in this bill and made sure that it moved through our committee in a timely way and onto the House floor, as well as Mr. VAN HOLLEN and so many other supporters of this bill. Many thanks go out to them.

So we should be proud, as Mr. McCAUL and many speakers said, of our efforts here today. I encourage every single member of our conference on this side of the aisle to join me in supporting the Caroline Pryce Walker Conquer Childhood Disease Act.

With that, Madam Speaker, I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to urge all my colleagues to support this bill overwhelmingly. And I want to make a commitment to Congresswoman PRYCE, as she had urged, that we get this over to the Senate and get it passed as quickly as possible so we can send it to the President.

I know that this is in memory of her daughter Caroline, and all the different things that have been said here today is certainly a tribute to you and all that you have done here in the House of Representatives.

I just want to say, I've watched you over the years. I know you were the chairwoman of the Republican Conference, and as you said, we were often battling. But in all of that, Congresswoman PRYCE was always a lady and really someone who was able to get along with people on both sides of the aisle and work towards good government goals.

So this bill really is a tribute to her in memory of her daughter. And I just want to thank her again for all that she has done.

Mr. DREIER. Madam Speaker, I would like to thank my colleague Ms. PRYCE for introducing H.R. 1553, the Caroline Pryce Walker Conquer Childhood Cancer Act of 2008. As a co-sponsor of the bill, I am proud to support this measure.

We all know that cancer is a devastating disease that affects untold numbers of Americans each year. While it is often easy to think of cancer as only affecting adults, the measure before us today is a reminder that cancer is in fact the leading cause of disease-related death in children in the United States, claiming the lives some 2,300 children annually. It is therefore fitting that this bill has been named in honor of Caroline Pryce Walker, the late daughter of our colleague DEBORAH PRYCE, who lost her battle against neuroblastoma in 1999 at nine years of age.

As many of us know, there are numerous institutions throughout the country which are dedicated to providing better care and research for childhood cancer patients. I am particularly proud to have several participating institutions located in my home state of California, including Cure Search, which has a research center located in the city of Arcadia, as well as the City of Hope, which is located in the city of Duarte. These institutions work under an unincorporated, nationwide network known as the Children's Oncology Group, which is comprised of over 200 childhood cancer treatment and research centers that collaborate on clinical trials and translational research of pediatric cancer.

The work of Cure Search and the City of Hope, along with hundreds of other institutions across the county, has helped to make significant advances in the treatment of childhood cancer. When the National Cancer Institute founded the first pediatric cooperatives in 1955, the childhood cancer survival rate was a mere ten percent. Thanks to the collaborative work being performed through the Children's Oncology Group, that number has risen to seventy five percent today, and it is because of these joint efforts that new trends and therapies in childhood cancer are discovered each year.

However, in recent years, treating cancer has become just one aspect of addressing the health needs of children afflicted with the disease. The Children's Oncology Group has been at the forefront of raising awareness about the challenges that exist in the post-treatment, cancer survivorship period. For example, few may know that two-thirds of the children who survive cancer will ultimately experience at least one, if not more, long-term health issue as a result of their treatment. These so called "late-effects" pose substantial health challenges for those who are fortunate enough to survive childhood cancer as well as for the doctors who treat them.

To that end, the Children's Oncology Group has taken an important lead in focusing greater attention on long-term complications that arise from radiation and other therapies and has worked to study the long-term care needs of childhood cancer survivors. In fact, one of my constituents, Dr. Smita Bhatia, a resident of Arcadia who works at the City of Hope, served as the Chair of the Late Effects Committee at the Children's Oncology Group for eight years and was instrumental in establishing national guidelines for survivorship care. Today, these guidelines are being used to help equip survivors with the tools they need to identify the side-effects of specific cancer treatments and remain healthy as they mature into adulthood.

The measure before us today will help advance our understanding of childhood cancer by addressing the need to obtain more accurate data to study trends and evaluate the most effective courses of treatment. While approximately 12,500 children in the United States are diagnosed with cancer each year, researchers have experienced great difficulties in pinpointing the exact causes of childhood cancer. Because of its random occurrence in children across the United States, it has been nearly impossible to acquire statistically significant data on the causes of and effective treatments for childhood cancer. The work of Cure Search and the City of Hope will be amplified by the underlying bill, which authorizes the creation of a national childhood cancer research database to provide better statistics on the occurrence of childhood cancer as well as the most effective treatments for patients. Building this database is critical to ensuring that those who are responsible for treating childhood cancer have the very best data available to them.

Additionally, the bill authorizes $30 million to enhance and expand biomedical research programs that allow scientists to study how tumors form and spread as well as the impact that genetics can have on the likelihood of cancer and relapses of the disease. The bill also will provide better educational and informational services for childhood cancer patients and their families to ensure that they have access to appropriate clinical treatments and support services.

H.R. 1553, Caroline Pryce Walker Conquer Childhood Cancer Act, affirms a long-term commitment to providing a cure to childhood cancer and also will ensure that doctors and patients alike are provided with the best information to make important medical decisions in the near-term. As we seek to address the needs of childhood cancer patients, survivors and their families, I urge my colleagues to recognize the importance of the research that will be authorized by H.R. 1553 and support this bill.

Mr. PALLONE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1553, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TERRY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERSONAL EXPLANATION

Ms. KAPTUR. Madam Speaker, I would like to place on the RECORD the following: That this afternoon when the House voted on H.R. 6003, rollcall 400, I would have voted "yes" on the Passenger Rail Investment and Improvement Act as I have fully supported its intent and worked with the distinguished chairman, Mr. OBERSTAR, to include the Cleveland-Toledo-Chicago Corridor in that bill, and as a member of the Transportation Housing Subcommittee of Appropriations with responsibility for funding the effort. However, at the time of the vote, after voting "no" on the prior motion to recommit, when that vote was held open for 15 minutes I left the Chamber to locate 226 high school students from Timber Stone Junior High School in my district, who were nowhere to be found on either the east or west side of the Capitol. When I came back to the floor, the vote had been reduced to 5 minutes and I was not able to record my final vote as "yes" on the final vote. I wanted to place that on the RECORD.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5749, EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

Mr. ARCURI (during consideration of H.R. 1553), from the Committee on Rules, submitted a privileged report (Rept. No. 110–710) on the resolution (H. Res. 1265) providing for consideration of the bill (H.R. 5749) to provide for a program of emergency unemployment compensation, which was referred to the House Calendar and ordered to be printed.

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SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

U.S. OPEN BEGINS PLAY TOMORROW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Madam Speaker, I want to let all of my colleagues know that, as most of them already do, that tomorrow is the United States Open, the great U.S. Open, the great tradition in golf competition. And it is going to be held at Torrey Pines in San Diego.

I thought this might be an appropriate time to pay tribute to those great golfers who have come to the San Diego area, and especially to talk about the dean of golf in San Diego, that great champion who won two U.S. opens, Billy Casper. We have had a number of great champions out of San Diego.

Madam Speaker, there is a line that connects Billy Casper and Phil Mickelson, who is one of the top contenders. He is going to be playing tomorrow. He is a great U.S. Open competitor who has been runner-up four times. He said the other day, I think it was on the Golf Channel, that he loves the U.S. Open. So far the U.S. Open hasn't loved him. But he follows a succession of great golfers out of San Diego.

We had "Gene the Machine," Gene Littler, who won the U.S. Open in 1961; the great Mickey Wright, possibly the greatest woman golfer of all time, who won, I believe, four LPGA championships; Craig Stadler, who while he didn't win the U.S. Open, won the Masters; the great Paul Runyan, "Little Poison," who at one point, even though he was outdriven about 100 yards on every drive by Sam Snead at the PGA Championships back in the thirties beat the Great Snead 8 and 7 by being so good around the greens; and of course the great Scott Simpson who won the U.S. Open in 1987. And that leads me to the guy who won the U.S. Open two times, really the dean of golf in San Diego, California, the great Billy Casper.

Madam Speaker, people don't understand how great Billy Casper was and is. He won 51 professional tournaments. During the heyday of the big three, that was Palmer, Player and Nicklaus, that period between 1964 and 1970 when those three golfers were winning a combined 35 victories, Billy Casper by himself was winning 23 victories, more than Palmer or Player combined and three more than Jack Nicklaus. In fact, I think it was the great Jack Nicklaus who said at one point that it should have been the big four.

Billy Casper is a guy who had the greatest Ryder Cup record in the history of American golfers and the best come-from-behind win in a U.S. Open championship in our history. And let me tell you just a little bit about that. It was 1966 at Olympic Golf Course in San Francisco. Billy Casper walked up to the tee on the last nine, the back nine of the last 18 holes of the last day of the U.S. Open. He walked up to the tee seven shots behind the great Arnold Palmer in his prime. And after he had finished that nine holes, he had shot a 32, he had tied Palmer who was only three over par on the back nine, and with a seven-shot lead, you ought to be able to win the U.S. Olympic with the 37 on the last nine. But he tied him, caught him by seven strokes in the last nine holes. And the next day, the great Billy Casper won the playoff against Arnold Palmer with a 69. That is the great Billy Casper, one of the great Americans of all time, one of the great athletes and golfers of all time, and our dean of golf in San Diego.

I want to recognize my friend, DANNY BURTON who, while he is very modest, is a great athlete. He was the high school champion in Indiana, a guy we have all looked up to and a guy who also has some memories of his own about some of these U.S. Open champions.

I would like to yield to my friend from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for taking the time to do this. I wish everybody that is interested in golf were paying attention tonight because you're mentioning some really great players from San Diego. There must be something in the water out there.

But Scott Simpson is a friend of mine. I have had the opportunity to play with Scott a few times. And he is probably one of the nicest people I have ever met in golf. He is a very good Christian man. He is an outstanding golfer. He doesn't know the meaning of "quit." And he won the U.S. Open as well. And he is one of those guys from San Diego that you as a San Diegoan, I guess that is how you say it, ought to be very proud of.

Billy Casper and Phil Mickelson, Scott Simpson and Gene Littler, a great bunch of guys and a great bunch of golfers; Phil Mickelson, I have had the pleasure of playing with him as well. I will tell you, he is going to win the Open one of these days because he has the ability, and he is the caliber of man to get the job done. I know he has had a few flukes here in the past. He has won the Masters twice. And I predict Phil will win the U.S. Open before too long.

Mr. HUNTER. Let me ask my friend, Dan Burton, a lot of people have criticized Phil Mickelson because he is kind of a go-for-broke player. And they often say, as in some of the shots that he took in some of the closing holes in some of the majors, that Phil Mickelson didn't play the odds, that he didn't hit the safe shot. He went for the go-for-broke shot. And in some cases, it didn't work out. I kind of like that. Because that is really what we go to the golf course to see.

Mr. BURTON of Indiana. The people that criticize Mickelson probably can't even carry his shoes. He has won two Masters. He is the number two golfer in the world right now. He is tough in every tournament. So when people say something bad about Mickelson, they had better take a good look at themselves, especially if they are a golfer.

Mr. HUNTER. I thank the gentleman. And I will just say that it is a great day for Billy Casper, a great day for Phil Mickelson tomorrow, and a great day for the U.S. Open and all of our past champions.

Mr. BURTON of Indiana. Tomorrow is the beginning of the best and greatest golf tournament in the world.

Mr. HUNTER. I thank the gentleman.

STATE OF THE NATIONAL ECONOMY

The SPEAKER pro tempore (Mr. COURTNEY). Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise today to discuss one of the most critical issues facing American families today—the state of the national economy. I want the American people to know that this Congress understands the struggles facing millions of people. And we have been taking steps to provide assistance to those in need. Just last week, we heard the troubling news that our unemployment rate jumped from 5 percent in April to 5.5 percent in May.

Now in Rhode Island, the problem is even worse with an unemployment rate of 6.1 percent. Now I strongly support an extension of unemployment insurance to those who exhausted their benefit. And I am disappointed that Republicans blocked its passage in the House earlier today. Unfortunately, our economic woes are not limited, though, to high unemployment. As health care costs and food prices rise, families find themselves forced to decide between buying groceries and medicine, a choice no person should ever have to make. And compounding problems of skyrocketing energy costs have made it tougher for people to fill their gas tanks while affordable housing has become also increasingly rare.

We know what the American people are facing, and we are taking steps to help. Of the many challenges that we are dealing with right now, one important priority for me is to address the housing crisis. Now home ownership has become an unreachable dream for many Rhode Islanders who face the typical monthly housing payments upwards of $2,200. The situation for renters is not much better. The average two-bedroom apartment right now rents for nearly $1,200 a month. Meanwhile our State's foreclosure rate has risen 20 percent in the last few months. I have worked to help Rhode Islanders facing foreclosure, but we need to do more at the national level.

I have been proud to support Chairman FRANK's efforts to pass comprehensive housing legislation which would significantly increase availability of affordable housing nationwide and help those facing foreclosure to keep their homes. I am certainly hopeful that the Senate will act soon and we will bring swift relief to the American people.

Our constituents also face skyrocketing energy costs which are eating up an ever larger portion of disposable income. The average U.S. household spends approximately $1,000 more per year on gasoline than it did 5 years ago. Meanwhile oil and gas companies are reaping record profits while doing nothing to lower prices for consumers. I think this is an absolute outrage.

I have strongly advocated a comprehensive energy plan to lower costs, create jobs and improve our environment. As a short-term strategy, this Congress has, among other things, suspended shipments to the Strategic Petroleum Reserve to provide more oil to the market. We cracked down on price-fixing among energy companies and passed legislation to repeal massive tax breaks for oil and gas companies.

In the longer term, though, we must invest in conservation and domestic production of clean and renewable fuels. This will reduce our reliance on foreign energy sources while creating new jobs in the green energy sector. Unfortunately, the President's stubborn opposition to commonsense initiatives has blocked any real progress. I'm going to keep fighting to move our Nation forward, toward a more responsible energy policy, and I urge my colleagues to join me in this effort.

Finally, Mr. Speaker, I am concerned about the state of our Nation's health care system. Right now, approximately 47 million Americans lack health insurance while the rest watch their coverage costs continue their steep climb. That is why I've introduced the American Health Benefits Program Act, which will provide every American with access to the same quality, affordable coverage as Members of Congress. My bipartisan proposal offers a practical model to begin reigning in costs, improving quality and delivering the same level of health care that this country deserves.

American prosperity, Mr. Speaker, depends on individual economic security. Only when Americans no longer have to choose between groceries, gas and health care will our economy truly flourish. I am committed to improving the economic outlook for the millions who are struggling, and I will continue working with my colleagues in Congress on this vital and urgent goal.

Mr. Speaker, I yield back the balance of my time.

THE ENERGY CRISIS AND THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, we have been talking about the energy crisis in this country now for some time, and it has captured the imagination and the attention of probably every person in America, all 300 million people, because the price of gasoline is now over $4 a gallon.

It has affected every family as far as their ability to live the kind of life they want to because they have to spend so much money on energy. It has affected the price of our food because the people who transport our commodities across the country—the truckers—are now paying $4.50 to $5 a gallon for diesel fuel. In fact, they've demonstrated here at the United States Capitol with their trucks because it's so expensive for them to do their jobs.

We had a hearing today on how China is being involved in the United States and in Central and South America. They're buying up more and more of the oil because they have an economic expansion program, funded, in large part, by the money that we give to them in trade. India is now taking more and more energy and oil. So the demand around the world is growing at a very rapid rate.

My colleagues on the other side of the aisle are always talking about new energy—new sources of energy, new technologies. I'm for all of that. We all want to clean up the environment, but with the demand for oil growing at such a rapid rate all around the world and with these countries that have more and more ability to buy oil and to use oil because they need more because their populations are growing so rapidly, we need to do something about energy in this country.

We have the ability from coal shale, I understand, to take care of this country for a couple of hundred years, as far as oil is concerned, by converting that shale into a usable energy oil shale. We have the ability to get 1 million to 2 million barrels of oil a day out of the ANWR in Alaska. We're not doing that. We have the ability to get 1 million or 2 million barrels a day off the Outer Continental Shelf. We're not doing that. We have up to a 500-year supply of natural gas in this country. We're not drilling for that. It's all because of what people call environmental concerns.

I would just like to say to my colleagues on the other side of the aisle that we should be concerned about the environment, but we should also be concerned about the economy of this country. We can't survive if the energy costs continue to go up and up and up while we wait on the transition to new technologies. Those new technologies are going to come, but it may take 1 year, 5 years, 10 years from now before they are able to pick up the major part of the energy needs of this country. We can't wait that long. We simply can't. We could become a second-rate economic power if we don't get control of our energy needs and are able to get the energy that is necessary for this country to grow economically.

I just don't understand why my colleagues on the other side of the aisle and in the other chamber on the other side of the aisle continue to say we should not drill for oil in our own country.

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The American people, if you went out on the street and asked anybody at any service station, will tell you they don't care where we drill, because they want their gas prices down.

Now, we can drill in an environmentally safe way, but my colleagues on the other side of the aisle will not allow us to do it. It is just unexplainable, as far as I am concerned. We have the resources in this country, we have the ability in this country, to provide for the oil resources that are necessary to lower the gas prices in this country, and we are not doing it. And we are not going to do it as long as the other side, the Democrats in this Congress, continue to block us, because of "environmental concerns."

There has to be a balance between the economic concerns in this country and the environment concerns, and my colleagues on the other side of the aisle are simply not realizing that. They have the "ostrich syndrome." They have got their heads in the sand.

Gasoline prices have gone up $1.50 in the last 2 years since this body has been taken over by the Democratic Party. This is intolerable. They said they were going to do something about the energy crisis in this country when it was $1.50 less per gallon. We have to do something about it, and we have to start now.

We talked about energy independence during the Carter years back in the seventies, and we haven't done anything about it. We had gas lines real long back in those days and we were going to become energy independent. We have not done it. The Congress of the United States has been controlled by the other party until 1994, and we haven't done anything about the energy shortfalls in this country.

It is time that we become really bipartisan in the search for energy. It is time for us to work together. We need to be able to explore this country for the natural resources we have, the oil that we have in the ground and the natural gas we have in the ground, and we are not doing it.

I would just like to end by saying this, Mr. Speaker, to my colleagues on the other side of the aisle: Let's work together. Let's explore and drill for the oil that we have in this country so we can truly move towards energy independence and at the same time move toward the new technologies that will give us more and more of a clean Earth. That is what we all want. But at the same time, we have got to have energy now. We have to drill for it now. And I hope my colleagues will realize this before it is too late.

This is going to be a major issue in this campaign this fall, and I hope they will realize that and come to the conclusion that we ought to become truly energy independent and move in that direction.

AMERICA NEEDS TO RECAPTURE ITS INDEPENDENCE FROM FOREIGN INTERESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today the New York Post reported that a foreign government in the form of the Abu Dhabi Investment Council plans to buy the Chrysler Building, a New York City landmark, for more than $800 million, continuing a trend of foreign government buyouts of American business, real estate and assets. This is the same sovereign wealth fund that bailed out Citigroup earlier in this year. Recall Citigroup, America's biggest bank and a key player in recycling international petrodollars and a holder of enormous debt from the subprime lending crisis.

Abu Dhabi is jointly owned by the Abu Dhabi Investment Authority and the National Bank of Abu Dhabi. The former chairman is Sheik Khalifa bin Zayed al-Nahyan, who is pictured here on the poster with President Bush. The Sheik is the President of the United Arab Emirates and the ruler of Abu Dhabi. This is not just a foreign executive buying up an American icon building. This is the ruler of a foreign country.

For those who are opposed to the American government owning private property, allowing foreign governments, and I underline that, to own America's priceless assets should be anathema. But the same people who advocate less U.S. Government involvement surely cannot support the meddling of undemocratic governments such as Abu Dhabi in buying up America's assets.

U.S. Treasury Secretary Paulson went to Abu Dhabi earlier this month to put stardust on the state of the U.S. economy, assuring the Sheik that the United States encourages these types of foreign government investments and buyouts, even while the Secretary advocates a smaller role for the U.S. Government in our own country. Does this make any sense?

Abu Dhabi's investments are particularly alarming, because in addition to the Authority and Council being state-run and perhaps the largest such funds in the world, they are among the least transparent sovereign wealth funds. According to the Sovereign Wealth Fund Institute, there is a ranking of the transparency of who really owns these funds and whose money is in there and what is that money doing.

Abu Dhabi and the UAE are at the very bottom, at the very bottom. They are the least transparent of global sovereign wealth funds. The Authority in particular has a reputation for intense secrecy, without even an internal communications department. The fund is state-run and "does not answer to a wide public at home," said David L. Mack, a former United States Ambassador to the United Arab Emirates.

How would this fund stand up to the regulations we have in place here in our own country? Would this fund be legal in the United States? How is this fund supportive of democratic principles? Abu Dhabi and the UAE are not democratic places. Without even asking these questions, this oil-hungry administration courts these investors personally.

Of course, sovereign wealth funds are not just in the UAE. Kuwait, Qatar and Boston Properties purchased the GM Building earlier this week. Do you see the pattern? Nor are these funds limited to the oil-rich Middle Eastern countries. In fact, one of the largest funds is Norway's. But that country, a democracy, has perhaps the most transparent and conventional investment strategy. They are at the top in terms of transparency and normal Western business and law practices.

China, Saudi Arabia and many funds, such as those of the UAE, invest unconventionally, are very secret. They are not transparent, even when countries like Norway set an example of responsible investment.

As our trade deficit swells even more, in April it deepened even more, to $60.9 billion in one month, America cannot afford to sell off any more of our country. We need to reduce our dependency on oil, balance our trade accounts and invest in our own country so that undemocratic and secretive foreign governments do not buy out our heritage. We need to recapture America's independence and stand on our own two feet again. It will require sacrifice and discipline and responsibility.

Freedom's clock is really ticking for this generation. Are we going to hear it? Are we going to hear it?

Mr. Speaker, I include the June 11, 2008, New York Post article entitled "Chrysler Building on the Block" for the RECORD.

[From the New York Post, June 11, 2008]

CHRYSLER BUILDING ON THE BLOCK

(By Lois Weiss)

The latest Big Apple trophy being coveted by oil-rich sovereign wealth funds is the landmark Chrysler Building.

Sources say the super-rich Abu Dhabi Investment Council is negotiating an $800 million deal for a 75 percent stake in the Art Deco treasure that has defined the Midtown skyline since 1930.

The Chrysler assets would be purchased from TMW—the German arm of an Atlanta-based investment fund that's been eager to cash out of its Chrysler stake.

The deal follows last month's sale of the GM Building and three other Macklowe/Equity Portfolio properties for $3.95 billion to a group of investors including the wealth funds of Kuwait and Qatar and Boston Properties.

As part of the Chrysler deal, sources said the Abu Dhabi Investment Council would also get part of the skyscraper's signature Trylons retail prize next door.

Tishman Speyer Properties owns the remaining 25 percent stake in the Chrysler

Building and operates the landmark at 405 Lexington Ave., along with the Trylons and the newer next door neighbor at 666 Third Ave.

The Trylons space also involves retail portion, which includes the Capital Grille steakhouse and a Citibank branch.

The buildings sit on land owned by Cooper Union, which leased it in a long-term arrangement to others and uses the payments to support tuition for its students.

Recently Tishman Speyer obtained a 150-year extension of the ground lease.

Sources say the deal would leave Tishman Speyer in charge of the building, with the Abu Dhabi fund essentially acting as a silent partner.

Abu Dhabi has also partnered with Tishman Speyer in other deals around the world, sources said. Since TMW and Tishman Speyer sold 666 Fifth Ave. to Kushner Companies for $1.8 billion last year, the Atlanta group began informing the real estate community that it was ready to cash out in the landmark Chrysler Center, as well.

None of the principals involved in the deal had any comment.

Boston Properties closed on its purchase of the GM Building on Monday with investment partners Kuwait and Qatar, and will complete the purchase of three other former Macklowe properties over the next few months.

Developer Harry Macklowe was forced to sell the assets after taking a personal loan on the GM Building and other family assets to raise nearly $7 billion to buy a city package of former Equity Office buildings.

TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, our Founding Fathers did not establish Congress to level society or to endlessly take money out of the pockets of people, and they were very clear on that point. According to Thomas Jefferson, "Congress has not unlimited powers to provide for the general welfare, but only those specifically enumerated."

James Madison went even further. He wrote, "I cannot undertake to lay my finger on that article of the Constitution which granted a right to Congress of expending, on objects of benevolence, the money of their constituents."

Heavy taxation is bad representation. As a rule, I use a four-part test for every piece of legislation that crosses my desk. My test asks these four simple questions: Is it moral? Is it constitutional according to the original intent of the Constitution? Is it needed? And can we afford it? Most of the time, the legislation fails at least one of those tests and I stand against it.

Mr. Speaker, the American people have stood against new taxes time and time again because the current tax system is not moral, is not constitutional, is not needed, and we cannot afford it. This government of takers has imposed an immoral death tax, an anti-growth capital gains tax, an unfair dividend tax, and job-killing business taxes, all with supposed social benefits.

We need to stand up for the overburdened taxpayer by taking away the financial yoke of big government. It is absolutely immoral for Congress to allow death taxes to stand. The government has no business inflicting more stress on those in our society that are already mourning the loss of their loved one. I don't believe that a person should be forced to visit the IRS and the undertaker on the same day.

How can the people trust a government so controlled by greed? Congress must understand that every time a new tax is passed, there will be unintended consequences and unfair results. The people do not want these taxes. Truly limited government does not need them. The people want to be treated fairly, and our Constitution requires us to comply.

Not only are some taxes immoral, but many are unconstitutional as well. For example, extra taxes that target successful businesses are harmful, unfair and anti-capitalistic. Harmful because the more the government taxes businesses, the less they produce and the less they compete; unfair, because consumers are denied the benefit of a wide variety of low-cost products produced by a competitive market; and anti-capitalistic because it is not the government's place to redistribute wealth.

As the great Winston Churchill once said, "for a nation to try to tax itself into prosperity is like a man standing in a bucket trying to lift himself up by the handle."

These corporate taxes will always be unwise, and in the American economy there is only one social responsibility of business, and that is to make as much money for their investors as possible, within the rules, of course. As an ardent capitalist, I believe that the marketplace, unencumbered by government regulation and taxes, is the best way to control quality, quantity and the cost of all goods and services, no matter what it might be, whether it is health care, my business, or selling anything that might be available to the public.

Cutting taxes and reining in the Federal Government is fundamental to returning power to the U.S. citizens and promoting economic growth. We should support our free market by eliminating unfair corporate taxes and promoting economic growth. Along with promoting economic growth, we should also promote economic consistency and stability. We can only do that by eliminating, not just reducing, but eliminating capital gains taxes.

Just as businesses should not be penalized for being successful, investors should not be penalized for making good decisions and for supporting good companies. If we continue to try to tax people into making a perfect world, we will create a bureaucratic monster. In fact, Congress has been doing just that.

Congress has always been able to raise new taxes when it can sell a new program to one group of citizens while sending the bill to another. The American people should always remember that whatever the government gives, it first must take it from somebody else. Congress should always remember that the less money it takes from people, the more freedom people have.

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ENERGY DEVELOPMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, today, June 11 of the year 2008, we had an interesting happening in the Capitol. We have had $4 gasoline for some time now, we have had $5 diesel, record high natural gas prices approaching $13 per thousand, the most expensive energy America has ever known.

We had a chance today in committee the deal with this issue. I was stunned. I have been working on this issue for many, many years. We passed a major bill in 2006 with good bipartisan support, a lot of Republicans, but we had probably 40-some Democrats. A lot of people in this Congress realize that we must produce more energy in America if we are going to deal with the prices in America.

Today the Interior subcommittee met. I offered an amendment to open up the Outer Continental Shelf. As you look at the chart to my left, that's the east coast and the west coast and down here in the gulf on both sides of Florida. The red or pinkish areas are locked up. There's 86 billion barrels in those areas, by old standards, by old seismographic tests which was 30-some years ago. Most people feel there is many times that. There is 400 trillion cubic feet of natural gas there.

My amendment today would have removed the moratorium. For 27 years Congress has had legislative language that says we cannot produce here. It's locked up. This Outer Continental Shelf is from 3 miles offshore. The first three miles is controlled by the States. Next 197 miles is owned by us, the taxpayers, citizens of America. Not by any company, not by the President, not by Congress, but owned by the citizens, not by any State. It's our resources.

The interesting and troubling fact is my amendment would have opened it up from 50 miles to 200.

Every country in the world that has energy offshore produces it. It's the most environmentally sensitive place to produce energy.

In most places the fisheries are better, they like the platforms, they like the places to hide. The fishermen love them being there because it's where the best fishing is.

Down here in this little blue area, 40 percent of our energy comes from there that we produce in this country, that little bit of the gulf.

Now there they produce right up to the shoreline. We were given a 50-mile buffer. There has not been an oil spill on a beach from a well except for the one in Santa Barbara in 1969, pretty good record, in my view. There has never been a natural gas well that's ever caused an environmental problem that I know of.

But today we had a vote of nine "noes" for the Democrats and six "yeses" for the Republicans. I don't like to be partisan. I like to have bipartisan support, and I worked very hard on this amendment. I thought I had strong support from both parties, and I was stunned today.

I guess it's another example of Speaker power.

I have been in the legislative business for 31 years, 19 years at the State and 12 years here. I have seen legislative bodies that were good process bodies where you debate the issues from the subcommittee to the full committee to the floor. Then when the House and Senate meet in a conference committee, that really gives you seven shots at a bill. That's not happening here.

This is the most top-down legislative body I have ever been a part of. Today showed that. I would bet the farm there are members on this subcommittee that wanted to vote for this, but for some reason chose not to. I am not going to name them, I am not going to second-guess them, but I was stunned.

I think America would be stunned. I believe this Congress is way behind the folks, approaching 60 percent of Americans at a recent poll, who want us to produce offshore, on shore, wherever we have energy. I find, in talking to town meetings and large groups, when you discuss the issue and explain the facts and explain the alternatives, almost all Americans want energy produced so it's affordable.

Our economy was built on affordable energy. The problem we have, the arguments today were that there are 68 million acres already leased, and that's enough. This is the percentage, and, actually, it's less than 3 percent, of the Outer Continental Shelf where there is a lease that has been offered. So there is a very small part of the continental shelf that actually has a lease on it.

They said, well, there are 68 million acres, we need lease no more. Well, if you have leased property—yes, there are leases, there are leases that are not active—but if you have leased property and spent millions and millions of dollars and you get dry holes, you don't drill anymore. You find out there is not oil in there.

As we look on here a little bit, this is interesting, this is a map. It's not as good as color as I had hoped to see. This is Cuba, this is Key West, this is Florida. These are the leases that have been granted by Cuba, China, Canada and Spain. I am not sure here, but these are the ones that are being negotiated now. Canada is going to be producing energy off our shores, and we absolutely disallow it.

Does that make any sense? No. Our biggest competitor, China, will be possibly producing our oil and our gas, using it to compete against us.

Natural gas is the one that's really in trouble in America. We know the oil prices today closed at $137, natural gas at $12.75. Natural gas is the one that we don't talk enough about. Oil is painful, but every country that competes with us pays that price. America may be the only country paying—now, this is not the price people pay. This is what the price today coming out of the ground is.

Now, what's sneaking up on Americans this year, they already know it costs a lot to travel. Those who are on propane and fuel oil last year know it was pretty expensive to heat their homes.

Natural gas did not rise a lot last year. But here is what happened to natural gas this year. This is the chart of natural gas for this year. This is what's happened this spring.

Never before have I ever seen natural gas prices—this is the time of year when we are not heating and cooling much, it's call the shoulder season for use, and this is when we usually put it in the ground for next winter's storage to heat our homes. We are putting gas in the ground at a price more than we paid for it last year. Now you have to add storage costs, transmission costs and processing costs.

Americans will be getting somewhere between a 60 to 100 percent increase of natural gas prices this winter. So those who are struggling to pay $4 to drive their cars are now going to struggle to heat their homes. The sad story is, with natural gas, our big employers like Dow Chemical in 2002 paid $8 billion for natural gas for a year's use. This year they are paying $8 billion every quarter, that's $32 billion.

Folks, here is what has happened to the jobs and what will continue to happen if we don't deal with energy prices because the rest of the world is. Natural gas will push petrochemicals, polymers, plastic and many other steel and aluminum jobs—I predict, glass will be made offshore, bricks will be made offshore. Bulk commodities will not be made in this country because of natural gas prices, because you use so much.

Here's what the arguments were. This is what people want to use. This is oil. From the middle over is history, this is what the Energy Department predicts for the future.

I don't quite agree with this chart, because we are turning down coal plants all over the country. The natural gas will be much wider, coal will be much shallower. I don't see the growth in coal. We also all had high hopes for coal-to-liquid. That's sort of on hold in this country. Why, I don't know, because of carbon, I guess. The concern of carbon has become a greater concern.

Nuclear, to stay here, we have to have 35 to 40 nuclear plants built in addition to what we have to keep nuclear where it's at as 20 percent of the grid.

Nonhydro, the amount, everybody wants—hydro is not growing because we are not doing dams. Nonrenewables are mostly woody biomass and hydro. That's what most of this is.

If we double wind and solar, and we hope we can, we are less than 1 percent of our energy needs in 5 years or 10 years whenever we do that. That's the scary part.

Now here's the dependence part. When I came to Congress, we were in the 40s. We are now 66.3 percent dependent on imports, and here is where we get it. Canada is our best friend to the north, Mexico is our next best friend, nonOPEC and Ecuador, and then we go down here.

These are the countries that are going to own us. These are the countries where our wealth is going. In fact, I think I heard a speaker a few moments ago on floor talk about the purchase of the Chrysler Building by one of the Mid East countries.

Ladies and gentlemen, if America does not deal with energy, we will not compete in the global economy of the world. We cannot have the highest energy prices known anywhere and compete. We will not have middle-class jobs. The middle class in America will disappear. That's not the America I want.

Now, how we get past this partisanship, how we get past that we can take the minuteness of wind and solar and replace fossil fuels, I wish I knew. I am for hydrogen. I belonged to the hydrogen caucus for years, but it has not grown. Wind and solar has grown a very small amount.

Until we can store electricity, we are going to depend on fossil fuels to make it. If we continue with the chart I just looked at to not produce coal plants, that's going to come on natural gas. If we don't open up the Outer Continental Shelf and much of the Midwest, we are not going to have the natural gas—and natural gas, let's come back to the natural gas chart.

Natural gas, in my view, is the clean, green fuel. We would have been far wiser, in my view, to have used compressed natural gas in automobiles than ethanol. Automobiles, with a couple of thousand dollars addition can burn natural gas. That's a clean fuel.

If we open up the Outer Continental Shelf, if we opened up the Roan Plateau in the west and some of the new areas that we know are potentials in this country—but we have to drill a hole in the ground, and why aren't we doing that? Well, here are the people that I think have been successful.

I was having a debate late week with the Sierra Club on NPR radio in California. When the debate was over she assured the audience that she would be beating me back next week when I offered my amendment. They won today.

The Sierra Club, they are against shale oil development. They are against coal gasification, and they are against offshore energy. Then we have Greenpeace, and they want to phase out all fossil fuels. They want to eliminate all of these and replace them with these.

Now, I wish we could do that. They are opposed. Environmental Defense Fund, no power plants, no smokestacks, League of Conservation Voters, no coal-to-liquid, wrong way to go; Defenders of Wildlife, no offshore, no coastal production; Natural Resource Defense Council, no coal, coal is evil; Center for Biological Diversity, no oil and gas drilling. That's devastating on public lands.

☐ 2045

Friends of the Earth, no liquid coal, that is dirty.

Folks, we have technology in this country today. We can produce energy cleanly. We can burn it cleanly. We have clean coal technology we are refusing to build to replace the old plants.

If we continue, we are the only country I know of in the world that is on a madness mission, I call it, that we are not going to use fossil fuels. Now I want to grow all of these. I would be building hydrodams. The only one that has grown on this chart, and I have another chart that shows it better, woody biomass has doubled in the last decade. That is wood pellet stoves. Almost a million Americans use them now. That is using wood for generators, small plants for electricity using wood waste, and heating small factories. I am from a wood area, the greatest hardwood forests in America are in northern Pennsylvania, and we dry kiln our wood. We used to use propane and natural gas, now we use wood waste. Wood waste has found a marketplace, and it is continuing. But that's the only one that has had measurable growth that you can put on a chart. I don't have that chart here.

But folks, we need to have a comprehensive policy. But until we have the renewables available to use, we have to use clean fossil fuels in the very best manner we can. But if this Congress says no in full committee a week from now, we will be doing our bill in full committee, if they say no again, partisanly, and if they say no on this floor when we do the Interior bill, America will miss its only chance.

My bill, the Outer Continental Shelf bill, has 170-some cosponsors, and can't get a hearing or a discussion. We are not going to talk about fuels in this Congress.

Now we passed a great bill a couple of weeks ago where the Democrats proposed to enable us to sue OPEC. We are going to sue a group of countries, I had the chart here a minute ago, that we don't think have produced enough energy, when we refuse to produce it at all. Now what is the logic of that? What court is going to listen to that, and how do you even have a serious face. Back home, people laughed about that. They thought it was stupid.

We also have proposals to tax oil companies. Who pays the taxes, the energy users. I know there is hatred for the energy companies. They are really a small part of the mix. The vast majority of energy in this country is not produced by Big Oil. It is produced by small producers in my district in Pennsylvania and all down through the south. It is mostly independents. They are the brand names. They own some of the refineries. They own a lot of product lines in their names, but they are a small part of the production of energy. Yet we want to punish energy production.

We passed a bill here once, fortunately the Senate didn't, that was going to tax all energy companies. And I have two refineries in my district, one who was struggling, American Refiners and United Refinery, and we were going to make them pay higher taxes than the businesses right down the road. Did that make any sense? No. That is taxing American energy; not taxing imports but American energy.

I believe this Congress is way behind the American public. When I go back to my office many times after giving one of these speeches, I have phone calls for hours, I have phone calls for days saying I believe in what you said; I believe America should be producing energy; thank you for speaking out.

I believe the American public in the next election, I believe energy availability and affordability will be one of the major issues that they will be looking at because I don't think we are done. I don't think $4.05 gasoline is the end.

We have these high prices today that have scared the American public. I have people in my district who don't know how they are going to get through the winter and how they are going to heat their house. They don't know how they are going to make it. We have these high prices today. We have not had a storm in the gulf, which interrupts a lot of production when it happens, for 2½ years. Everyone is predicting we are going to have major storms in the gulf, hurricanes, and that will eliminate a lot of energy production and prices will skyrocket.

We have not had a successful terrorist attack on our energy supply system. That could happen tomorrow. We have not had a major foreign country, and I had that chart of countries we get our oil from, most of those are dictatorships that could tip over. When there is a little trouble in Nigeria, energy prices skyrocket. When there were problems in Venezuela, prices skyrocketed. When Chavez was arguing with Exxon, oil went up $20 just because they were arguing.

The reason is there is no surplus in the system. Historically we had eight million barrels of oil that another country could produce if some country couldn't produce. Today we are down to where this is about a million barrels of oil. It is 86 million barrels a day countries use. We use 21, and so there is only a one million barrel surplus. So if a country has problems and produces three million less, there is not enough oil.

Now the reason these gas prices that I showed you earlier are going up, we are using more gas than we are producing. One of the big storage companies told me a month ago, they are not sure they can get their storage full this winter and they have always had it full by winter because we cannot produce enough gas, we have to put it in underground caverns and store it for winter.

I believe this Congress is at the root of the high prices of energy, and three Presidents, too, I am not going to hold them countless, because we have not had an adequate, thoughtful energy policy for America. While the rest of the world is building an energy supply for themselves, we are twiddling our thumbs and we are refusing to produce fossil fuels.

I think if this Congress before we recess in July does not deal effectively with energy and open up supply, you are going to see the beginning of the decline of the America we know. It is a national security issue. It is an economic issue. American companies cannot compete, and when they can't compete here, they will diminish their operations here and they will expand them over there. They have had other reasons to do that, but the biggest one has been energy. So I beg my colleagues on both sides of the aisle, let's get by this partisan bickering and let's support an energy policy for America.

The gentleman from Ohio has come to join us, and I yield to Mr. LATTA.

Mr. LATTA. I thank the gentleman for yielding, and he speaks the truth. This country is in a crisis and we are not listening. The folks back home get it. But we are not getting it. It is time we do.

I would like to start off with this. This is kind of sobering. Right now the United States uses 21 percent of the world's energy. If you look across this chart, in 2010 we still have energy supremacy and usage over India and China. When you look at 2015, those two countries together will be consuming more energy than the United States. When we get to 2020, China is going to be consuming more energy than the United States. And just look at the chart as it goes across, the United States is barely moving while China is making leaps and bounds. The question is, what does that all mean. It means this: energy means jobs. Those are American jobs. The folks back home get it. Congress doesn't get it.

I come from the Fifth Congressional District of Ohio which is the ninth largest manufacturing district of the 435 districts in Congress. I also represent the number one agricultural district in the State of Ohio. What does it mean, if we don't have energy, we don't have jobs. Companies out there are looking, we look at this chart, companies are looking at where can they get energy. How are they going to keep their jobs and keep their people employed. Farmers are out there right now in our State planting, and some people say farmers are getting these high prices this year. Let's look at some facts.

When they are buying diesel and buying fertilizer that is also made from oil, when they are buying their chemicals that they are putting on the field made from oil products, they are not making that much money.

What does that mean to the consumer? Very simple, the consumers when they go to the grocery store are finding that prices are going up for milk, bread and cereal. It is all going up.

Looking down the road, when you are paying $4 a gallon for gasoline, you are paying more for food and it is costing you more to get to work. I have talked to a lot of my manufacturers in Ohio in my district, and I asked how far do most people drive to work. It is not unusual to have people say people are driving 50 or 60 miles to get to work. So when we look at people who are driving maybe 100 miles round trip every day, 500 miles a week, and $4 a gallon for gasoline, some folks are saying I'm not sure I can afford this job. We can't have that happen.

As the gentleman from Pennsylvania mentioned about Dow, we have a company in my district, a float glass company, the price of their fuel for natural gas in a 5-year period of time has gone from $10 million to $30 million. What does that mean for America? There are only 37 float glass facilities left in this country. The Chinese are building 40 as we stand here today and bicker, unfortunately, about doing something in this country about oil and our energy usage and needs. They have the energy and they are going to have a cheaper labor supply, I am going to ask you in the future, where are you going to buy a window pane that is made in the United States of America? Or where are you going to buy a windshield that is made in the United States of America? They will not be made in this country at all. And the gentleman from Pennsylvania is absolutely correct, more and more products are being made offshore and those are American jobs. We can't afford that.

What made this country great is very simple. After the Civil War, the Industrial Revolution really kicked into high gear. We had all the natural resources in the country, and we were able to produce for the world, and we produced for the world for years. We had the head start on everybody, of course, after World War II when the rest of the world lay in ruins and the United States' factories were humming. But the rest of the world is catching up, if not surpassing us, and this chart shows it. And we can't afford it.

What is the rest of the world doing? France, 70–80 percent of their power is nuclear. They are exporting power to the rest of Europe.

Japan, 55 nuclear reactors, two under construction.

China, they are building 40 nuclear power stations in the next 25 to 30 years.

India, 30 plants in the next 25 years.

Coal. That was talked about earlier. China and India use 45 percent of the world's coal. China is building coal-powered plants as we speak and putting them online right now. They are investing $24 billion in clean coal technology.

The gentleman mentioned they are also out there building the Three Gorges hydroelectric plant. Again, it is a communist country and they are not worried about displacing millions of people, but they are going to have that power station producing electricity to make sure that they are producing.

It has been mentioned how China is drilling onshore and offshore and right off our shore. But the real question is what is the United States doing on all of this? And this scares people, absolutely nothing. Absolutely nothing.

The last nuclear power plant to be licensed in this country was in 1977; 1977. The last one to go online was in 1996; 1996. We have 24 percent of the coal in the world; 24 percent. But what are we doing, nothing. You mention coal in this Chamber, and it is an absolute no. We have to have it.

In Ohio we have what they call high-sulfur coal so it is very, very expensive to burn because you need to have it clean. But if you burn it in a closed system, you don't have those emissions. What does that mean for Ohio, we will put miners to work and we will have companies that make steel to make the coal gasification plants out there, making those parts, and we will have people building those plants. And we will be able to consume that power in this country because when we have 24 percent of the world's coal reserves right now, we can get a lot done. But what are we doing about it, absolutely nothing.

What about oil. Again, when you have China out there doing everything it possibly can to make sure that they have their oil supplies up, they are putting thousands of cars on the road. A lot of people say we don't understand what is going on out there. Well, there is only so much oil out there in the world right now, and only so much of it has been refined. The whole world is now consuming more and other areas are producing more, but not in this country.

□ 2100

One of the things that we should be doing is, as the gentleman from Pennsylvania mentioned, we've got to be drilling. We've got to be exploring. And one of the places we've been talking about a lot is ANWR in Alaska.

As has already been mentioned, how big are we talking here? We're talking one-half of 1 percent of that area. Of 19.6 million acres, total, we're only talking 2,000 acres.

Anybody who has ever done any title work, you know that a section of land is only 640 acres, which is 1 square mile. We're talking a little over 3 square miles. Three square miles. And we're talking about an area of 19.6 million acres, and we're not allowed to go in there and produce?

And there's estimated that we have 10.4 billion barrels of oil that we can extract up there. What's it all about?

That's twice the proven oil reserves in Texas, almost half of the total U.S. proven reserves of 21 billion barrels. What are we doing? What's this Congress doing? Absolutely nothing.

But we are doing something that this past year we almost imported 65 percent of the oil that we need to use in this country; 65 percent of the oil being imported into this country.

We talked about it a little bit earlier. We're watching our dollars flow overseas. What's that all mean to America?

We have a $9 trillion national debt right now. What scares the devil and daylights out of me is this little fact. $2.4 trillion of that national debt is owned by foreign countries. The Chinese almost now own almost one-half of $1 trillion of American debt. That's what's happening.

You know, the American people out there, again, they get it. This Congress doesn't.

Again, as the gentleman mentioned earlier, right now it's estimated there's 420 trillion cubic feet of natural gas offshore and 86 billion barrels of oil. 85 percent of that's off-limits, and we can't afford that. We can't afford that for the future.

Onshore, it's estimated there's, on Federal lands, 31 billion barrels of oil and 231 trillion cubic feet of natural gas. And again, it's restricted down to access, which does not allow Americans to be getting that. 92 percent on Federal lands for oil and 90 percent for natural gas. We can't get to it. What civilized country in the world allows this to happen? Not very many. But right here in this country it's happening. It's happening here, ladies and gentlemen, and we're doing nothing.

The old saying is, "Rome burned and Nero fiddled." That's what's happening.

We haven't built a new refinery in this country, talk about problems, in two-and-a-half decades. I'm fortunate in my district, just by coincidence, that I have a company that produces solar panels. Over 99 percent of their production goes overseas to Europe. We have another plant that's going to be constructed. Solar is another area out there. It's good supplemental power.

We also have the only four wind turbines located in the State of Ohio. I can see them out my back door in Bowling Green. We only have four. There's a lot of objection now because people say they're unsightly; they don't want them; build them someplace else.

But when you talk about wind-powered turbines, to kind of get an idea how many you have to have to equal something, you have to have between 600 to 800 turbines to equal one coal-fired plant, or anywhere from 1,250 to 1,700 wind turbines to equal one nuclear power plant. If we're having problems around Bowling Green in Ohio, getting turbines built, how are we going to build 1,700 turbines if people are objecting to a few?

Because now in Ohio the Division of Wildlife is going to have to start making assessments what birds might be killed, or a bat. And it's going to be blocking them.

We also have an ethanol plant in my district. We're working on biofuels. It's all out there. But we've got to be acting and we've got to be acting now. We can't wait. The American people can't wait because we've got to be getting this done today.

This country, 10, 20 years ago, had the ability to make mistakes and say, well, in a few years, okay, we can get it corrected. We can't do that today. Why can't we do that today? Because the rest of the world has caught on and they're moving. Every day that we do not act they are, and we're falling farther and farther behind.

That's American oil, energy that we have to be producing, and we're not doing it.

I introduced a House resolution not too long ago, 1206, and it's really pretty basic what we need to be doing. Just a few points. We have to expand the use of our renewables and alternative energy sources. We have to increase the U.S. domestic refining capacity. We have to promote, incentivize an increase in the conservation and energy efficiency, expand and promote additional research and development through new and innovative methods, such as public-private partnerships, and enhancing the consumer awareness and education regarding methods to increase energy efficiency and available alternative fuel sources to reduce our dependence on middle eastern oil.

But the time's getting short. The clock's ticking, and America must act now.

I thank the gentleman from Pennsylvania, and I yield back.

Mr. PETERSON of Pennsylvania. I thank the gentleman from Ohio for his very thoughtful comments.

I now recognize the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman, and I'll try not to be long. But I do want to start by saying that I seek not to blame anyone, because one of the things that I'm the most turned off by in the modern era of American politics is that everybody wants to blame everybody. And Democrats always say Republicans are wrong. Republicans always say Democrats are wrong. The truth is, neither party has a whole lot to brag about, and more and more people are being frustrated or becoming frustrated with the two parties.

But I will say, on this particular issue of energy, it's important to realize that talk is cheap. Words are not worth much. And votes really do matter. And the positions you take really do have consequences, and we have to actually discuss that as we look at solutions, because what I want to talk about is solutions; not blame, but solutions to these major problems.

In my 14 years of service here, this issue now stings and hurts more than any issue that I've seen. And I've served through impeachment, through the Iraq war, through the awful response to Katrina, and I would say that more people are angry and upset and concerned about $4.05 gasoline than anything.

And it's easy to say, I told you so. The gentleman from Pennsylvania can definitely say I told you so because I've served with him for 12 years, and he's been talking about supply of oil and gas and the consequences of us not going after it and becoming more independent ourselves for the whole 12 years; a very powerful and effective voice.

I too have a long history of talking about the problems that are going to be associated with the energy crunch and was very concerned following September the 11th that we would end up here tonight. I do think that the nexus between national security, energy and the environment is the most important challenge of our generation because they're all connected now inseparably.

It's ironic that the left wants to promote legislation and conversation about global warming and climate change because actually that will further restrict our access to energy, and everybody knows that. And it will raise prices. It will increase regulation. It will actually compound this problem. Yet they're promoting that agenda at the same time that they're retreating from energy capacity. And these votes really matter.

Now I come at this with 10 years of service on the Energy and Water Appropriations Subcommittee, 8 years of service as the cochairman of the Renewable Energy Caucus here in the House, which is a bipartisan thing; the Representative that represents the premier energy research facility in this country, the Oak Ridge National Laboratory. And I want to start by saying that conservation is a very important piece of these solutions.

As a matter of fact, conservation is not for wimps, as some people would have you believe. Conservation is for warriors, in my opinion. Not everyone is going to put on the uniform of our Armed Forces. We should be grateful to everyone who does. But not everyone's going to do that.

But every person in this country can contribute to our national security by becoming more energy efficient, by conserving, by trying to be more efficient in their daily life, and there are a lot of ways to do that.

And I rolled out at the National Press Club, with some outside groups, some very effective outside groups, the Drive Smarter Challenge. You can go to drivesmarterchallenge.org, and you can save yourself hundreds of dollars by following simple instructions of how to conserve gasoline without cutting back on your travel. Obviously the speed limit and how much you travel would be a good step. But there a lot of other things you can do with your automobile, depending on how much gas it uses, to save and conserve, because even in small ways, if we reduce the demand, and the supply stays the same, the price will come down. Demand and supply are connected to each other.

I'm also very, very much about new technologies. As I talk about these solutions, understand that I'm here tonight, not because these solutions are all technology-driven or conservation-driven, but I'm here tonight because we have to go forward with an all-of-the-above strategy. We can't afford to leave anything off the table. We can't afford to pick winners and losers.

As a matter of fact, I can give you a good example of picking winners and losers in the energy sector because in California, they said, we're not going to use all of the resources for electricity production. We're going to mandate that a certain amount of our electricity has to be produced by these sources. They picked winners and losers. And guess what happened? The lights went out. They didn't have any electricity.

That's the problem with picking winners and losers. We have to have an all-of-the-above strategy.

I'm here tonight, as the gentleman from Pennsylvania laid out earlier, because we have to increase capacity. We have to go after these resources from the Outer Continental Shelf, from ANWR.

I've been in Congress 14 years. I've cast 24 votes to increase capacity for oil and gas in this country. Twenty-four votes. As has been said ad infinitum now, and I'm not a partisan guy—I don't want to blame anybody—but these votes matter. And almost every time the Republicans vote for new capacity, and almost every time the Democrats vote against it. Even today, it happened again. And 2 weeks ago it happened in the Senate again.

This is one of those issues that I don't want to be too partisan, but you can't deny there is a huge difference between increasing capacity. Frankly, even the wild-eyed environmentalist has to recognize that this is painful to regular people. And you've got to get off of your crusade to save every tree, you know, to save every form of wildlife at the expense of our human beings who can't pay their bills and they can't buy gas.

Be reasonable, people. That's not happening today.

But there's a tremendous amount of new technologies. I would argue that we can literally grow our economy, a manufacturing-driven, export robust U.S. economy, by being aggressive in this energy sector, because we have the innovation.

What does everyone around the world still emulate about our country? We would like to say it's our privilege to vote. That's important. But they don't all emulate that. We'd like to think that they all would freely worship as we do, and I cherish that. But they don't all emulate that. We would like to think we all have freedom of the press.

The one thing they emulate is our private sector, our capitalistic, free enterprise, innovative sector. We have that.

How did we balance the budget in the late nineties? I was here. Four straight years. People think, oh, you cut spending. No we didn't. We slowed the growth of spending, yes we did. We didn't cut spending. But revenues surpassed expenses principally because of one sector of our economy that roared, information technology. We led the world. Microsoft is an example. There are many others. We led the world. Revenues surpassed expenses.

That can happen again in this sector if we will lead and not be in retreat and not regulate, not limit, but expand, go after it, create new technologies, increase capacity. Be competitive.

As the gentleman from Pennsylvania said, it's important.

□ 2115

Now, I have had the editor of Automotive News say that we're going to be driving electric cars. That might be true. Ion lithium batteries have some potential. GM and Toyota say that next summer they're going to have plug-in hybrids. But I will also tell you that Volkswagon, which is a premier automotive interest in the world, can make a three-cylinder diesel engine, lightweight, gets 50 to 60 miles a gallon so biodiesel, biofuels, as long as they're cellulosic in nature and not corn based, are very important developments as well.

I will tell you what I don't think the Congress ought to do is pick winners and losers. I think we ought to have an all-of-the-above strategy. Let the market determine which one gets their best and first. Let consumers choose and promote them all. Let the marketplace decide. Let me say that if we do end up plugging our cars in, though, we don't have the electricity capacity to keep them running. We have to have nuclear energy.

The numbers—81 percent of France's electricity is generated by nuclear power. They have 53 reactors; we have roughly twice that many. They don't bury their waste, which we propose at Yucca Mountain. They reprocess their spent full turning most of the spent waste back into energy. Why don't we do that? Because we're still stuck in a Three Mile Island time warp mindset that it's somehow not safe, and it is. And there is no evidence that it is not. And we've not had any nuclear incidences. We have 53 nuclear reactors. It is emissionless.

You want to reduce the carbon footprint? Promote nuclear. If you want to reduce the carbon footprint in a meaningful way and you're against nuclear, you're disingenuous. I don't care what your name is. You're not living in the real world, or you're playing politics. We need nuclear.

Now, another new technology is the stationary solid oxide fuel cell. What is that? Well, it's developed out of Silicon Valley. Partnerships around the country. We have a 100-kilowatt system now being demonstrated in the Tennessee Valley. It looks like the HVAC system in your home, but here is the special element of a solid oxide fuel cell: It makes electricity, but it's not on a transmission grid. That's pretty cool in the world we live in today because without a transmission grid, you can't shut down the electricity through a terrorist incident because not everyone is connected to the grid.

And in this stationary solid oxide fuel cell, which is also emissionless, reducing the carbon footprint, it does have to be fueled in one feedstock. It's an HVAC system with fuel cells that creates 100 kilowatts of power which is roughly a 30,000 square foot building. Office building, commercial center, several houses. But you have to have a feedstock, but it will run on anything, just about. It will run on natural gas, it will run on solar in some places, ethanol, different feedstocks.

But that's an important development. It has got tremendous electricity potential especially if we start plugging in our cars and we need this new electricity capacity.

I believe we ought to look at a follow-up stimulus bill that directs resources to people that are stuck. And I'll tell you in the south, if you're on the lower income, you probably have a very inefficient vehicle and you probably drive a long way to work and you're stuck; and those are the people that our next economic stimulus ought to help. We ought to figure out a way in a bipartisan way to get them some resources to move to more efficient transportation, one way or another. Because people right now, they can't trade that big car. They can't get for it what it's worth, and then they don't have the money to go to a more efficient car. We should help them.

In closing, let me just say words are cheap and votes really do make a difference, and the votes for energy capacity have been really important in the past, and they're even more important today; and they're going to be even more important tomorrow. And this is where we have to bring this Congress together.

And the Democratic leadership in the House and Senate is way out of touch with reality unless they get serious immediately about increasing capacity because if we made moves that were published around the world that we're going back in the energy-production business, prices would come down overnight, not because the energy is there overnight, but because they know we're going in the right direction because right now we're going in the wrong direction.

We need help.

Mr. PETERSON of Pennsylvania. I thank the gentleman from Tennessee.

The president of DOW Chemical said in a letter I received, he said, We have a debate going on in this country and one side wants production, the other side wants conservation and renewables. He said you're going to need them all. You'll need them both. There's no room for choice.

At this time, I'm glad to be joined by my friend from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I appreciate the gentleman for hosting this special hour tonight and also very much importantly for all of your work all over the years on this very important issue.

And this issue really does strike at the heart of my constituents back in my great State of New Jersey whether it's from my home County of Sussex County, where over 60 percent of them have to commute out of the county every day by car, or Warren County or Bergen County where a host of so many commuters are being hard hit by this hard energy crisis that we're facing right now.

I join with my friend from Tennessee where—I don't come to the floor to blame anyone because the American public simply wants the Congress to come up with answers to the problems that we are all facing back in our district.

And I think really when you get right down to it, it's not that complicated in one sense to take a look at the various policies or ideas out there. It's easy, I think, one way to tell whether a good—whether a policy is a good energy policy or not. All you have to do is look at three things: supplies, cost, and security.

A good energy policy is a policy that will do what? It will give you more energy. More supply. A bad energy policy will give us less supply. A good energy policy is one that will lower costs for Americans. A bad energy policy is one that is going to continue to raise or escalate costs, meaning that American families are going to have to have less money for their food, housing, education, and so on. And thirdly and finally, a good energy policy is one that will make us a stronger, more secure America. A bad energy policy is going to be one that makes us less secure, less independent of foreign, unstable regimes like Venezuela and overseas and Saudi Arabia and places like Russia and the like.

So why don't we take a minute to see what has, quite honestly, the other side of the aisle proposed for us. I have in my hand right here, the Democrat plan to lower gas prices. You may recall that when Democrats were campaigning for the 110th Congress, they said that they had a commonsense solution to lower the price of gasoline and energy for the American public. And we are now 18 months, I think, into the 110th Congress. And, well, there is absolutely nothing in the Democrat's plan.

Their commonsense solution, and that's why we're so eagerly awaiting it, and that's why we, on this side of the aisle, come to the floor every night to hammer home the point that something must be done. But we can look to see what has occurred over the last 17 months, 18 months of the 110th Congress now that the Democrats have been in charge of dealing with energy. On these three points: on supply, on cost, on security.

On supply. As I stand here tonight, as was already indicated from the gentleman from Pennsylvania, 85 percent of the Outer Continental Shelf where our energy supply comes from, natural gas principally, but oil as well, it's basically locked up off limits to us for further exploration even determining what is actually out there. There was legislation to do that just to say what's out there. Let's find out the information. Off limits to us.

Deep sea exploration. Over 100 or 200—200 miles off sea totally off limits right now. Eighty-six billion barrels of oil, 420 trillion cubic feet of natural gas could be at our disposal to give us greater supply, but it's not.

Oil shales In the Midwestern part of this country. Oil shales were reported in the paper just today as it was going through committee and will be coming to the floor later on, proposals to keep that off-limits as far as greater supply for the country.

Let me give you some quick little number here. U.S. has two trillion, that's with a "T," two trillion barrels of oil that effectively are involved here. And to put that in perspective, from 1859 from the first days that oil was pulled out of the ground to today, one trillion barrels of oil has been used. And we have basically two trillion barrels over there that we could basically be getting in economically viable ways.

Supply has not been addressed, unfortunately, during the 110th Congress by the Democrats.

Costs. Well, when they were campaigning for office, I know in my district you could buy gasoline for $1.80. Now, of course, it's up to $4, doubling the price, and that's hurting the American family.

What else has occurred during these last 17 months? Four times legislation has come through this House that would raise taxes on energy costs. And who actually pays those taxes at the end of the day? You and I do at the pump or any other ways where we buy our energy.

And finally, there are still proposals, believe it or not, from the other side of the aisle that want to put more taxes on us like 50 cents-a-gallon gasoline taxes has been proposed by Chairman DINGELL. So the next time you go to the pump and you're paying around $4 bucks per a gallon of oil, just remember the other side wants to add another 50 cents; and there is another proposal for a nickel as well by Chairman OBERSTAR. So 55 cents more if they have their way in taxes.

Finally on security. Well, right now this country imports around 63 percent or is dependent upon foreign oil. Places like Saudi Arabia, places like Venezuela, places like Nigeria where they have so many problems, Down south in South America as well; and that number continues to grow for the reasons I have just stated.

Gasoline. We have not built refineries in this country so now we are like many countries across the globe. We have to import gasoline, 10 percent of our consumption of gasoline is coming into this country, which makes us a less secure Nation because we do not have our own supply of refineries right here at home.

Let me move off of what we're doing here on the floor to an outside source to look at this. And the Investors Business Daily has taken a look at this issue. And what they said is this. They said just going back a couple of years, under the eight Clinton years alone, U.S. oil production declined 1.3 million barrels per day, or 19 percent, while our foreign imports increased 3.5 million barrels a day, or 45 percent.

During President Clinton's time, he vetoed legislation that would have increased legislation that would have increased production of our own vitally needed oil supply, not only for Americans but for our national defense emergencies as well.

The article goes on to say—it poses this question. So were the Democrats and Members of Congress together merely short-sighted, with only a few having any real business experience, or were they just ignorant about economics, the fact that the law of supply and demand determines the price of oil commodities such as oil, steel, copper, and lumber? Or were they utterly irresponsible and incompetent in their actions that led us to become dangerously dependent on increasing oil imports from foreign companies? We think, it says, we think it was all of the above.

The unintended consequences of the Congress Members' poor judgment and meddling micromanagement of U.S. energy policy is that they actually hurt most of the people that they profess to help: the average American consumer, lower-income workers, and those in the inner cities who can't afford an extra $100 a month to drive to and from work.

So that, ladies and gentlemen, is the dilemma we face here in the 110th Congress on a proposal, on plans that do not address supplies, costs, and energy. And that is why I so commend the gentleman from Pennsylvania for the solutions that he's offered over the years as well and his legislation that goes to the issue of supply to increase the amount of energy that the American consumer can attain, to lower the cost of energy for the American family so that they have more disposable income for other needs, and to increase national security to strengthen America to make us more independent of these volatile countries.

And with that, I thank the gentleman.

Mr. PETERSON of Pennsylvania. I thank the gentleman from New Jersey for his fine comments, and we yield back the balance of our time.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank my colleagues for giving us the indulgence of once again allowing the Speaker's 30-Something Working Group to come down to the House floor. We are hopeful tonight that we're going to have a full House here on the House floor, that we will be joined tonight by our master of ceremonies, on most nights Representative MEEK and his original partner in crime, Mr. RYAN, as well as Ms. WASSERMAN SCHULTZ, and Mr. ALTMIRE.

It's appropriate that we're going to have hopefully four or five of us here by the time the hour is up because we have a lot to talk about. Because as our Republican colleagues have noted over the last hour, the one thing that they are probably right on the mark about is that people are hurting out there. People have a level of anger and anxiety over what is happening in this economy that many of us haven't seen in a very, very long time.

I don't know technically whether we're in a recession, whether we're on our way into one. All I know is that people are having to do more with much less; that that salary increase that people thought they were getting isn't happening; that those overtime hours that my constituents in New Britain relied upon aren't there this year. And yet on the other side of their family's ledger, the prices to heat their home are going up, obviously the prices to fuel their car are going up, the college expenses, the health care expenses are going in only one direction and by and large far outpacing the rate of wage inflation that they're seeing as well.

□ 2130

And the New Direction Congress is trying to do something about it. There's no secret as to why we've gotten into this situation that we're in today, why our people are making money at the very upper echelon of the income scale, why do we have GDP continuing to expand, while we have wages remaining relatively stagnant.

It's because for a very long time on the floor of this House of Representatives before the New Direction Congress was installed last January, the voices that really mattered down here were the folks that were doing pretty well off in this economy: the drug industry, the health insurers, and at the top of the list, the oil industry.

The dichotomy right now that exists today between the success of the oil industry and the distress of the people who buy their product is absolutely unconscionable. And it is hard for us to understand, with our slim majority that we hold on the Democratic side, why we can't get more consensus here between Republicans and Democrats to take on those gross and unjustifiable profits that are being made by the oil industry.

Last quarter's profits from American and multinational oil companies set records, not for the history of the American oil industry, but for the history of American capitalism, and it's no secret where they're making those profits. They're making it off of all of us.

Now, we heard a couple of days ago that the average price across this country hit $4 a gallon. Well, that was old news to us in Connecticut. We hit $4 weeks, if not a month, ago. We are well on our way in Connecticut to $5 a gallon, and in Connecticut it hurts us a little bit more because we have more congested highways. We don't have mass transit alternatives like other parts of the country. People are driving.

In my district, we still have some jobs growing in Danbury, Connecticut, but nobody can live there because we don't have enough affordable housing. So people live in Waterbury, Connecticut, and they drive 30 miles to work every day. They'd live in Danbury if they could. They can't afford to do it. They'd live in Stamford if they could, but they can't. They live where they have to. They work where they have to. And it necessitates a commute which puts them out now record amounts, all the while, while the oil industry are making profits, they are setting records in the history of American capitalism.

So, to us, it seems pretty obvious where we should lay the blame, on an oil industry which has continued to take profits out of American consumers and at the feet of an administration run by two oil men. I mean, it doesn't get much more simple than that.

I mean, I understand people's frustrations. I understand the frustrations of the folks on the Republican side and the Democratic side, but it doesn't take too much imagination to figure out why we got where we got. We elected to the White House a President and a Vice President who made their fortunes in the oil industry, and they have created a legacy that they will leave behind in the White House of doing even more favors for that industry, of setting an energy policy that guarantees massive profits for the friends that they left behind in that industry.

And so, to us, the solution seemed pretty simple. The Senate tried just a few days ago to pass a windfall profits tax to suggest that maybe they're making a little bit too much in the oil industry; we should turn a little bit of that back around to hardworking consumers. Couldn't get the votes it needed to without Republican support.

Here in the House, we looked at the $18 billion in tax breaks and giveaways that have been given to the oil industry. We watched a recent report come out from GAO, the nonpartisan Government Accountability Office, about a week ago which told us that we have given away over $50 billion in annual unclaimed royalties that we should be collecting against the oil industry for their drilling across this country and off our shores. And we see an opportunity, we see an opportunity to take those unclaimed royalties that are making the oil industry rich, we see an opportunity to take those tax breaks, $16- and $18-billion, however you want to estimate it that the 2005 energy bill passed before the New Direction Congress got here and gave to the oil industry, and we see a chance to take that money out of the pockets of the oil industry and turn it around to hardworking consumers, hardworking commuters that need a break right now.

It's not like the money isn't out there. It's out there. It's lying in the hands of oil industry and gas industry CEOs and their top executives, their shareholders who are reaping the benefit of the misery that people in this country are witnessing at the pump. Four dollars may be the national number, but in Connecticut that's history. We're on our way to $5.

So, to us on the Democratic side, on the majority side, we don't want this to be a partisan issue. I appreciate the comments of our Republican friends who spoke before the 30 Something Working Group here tonight, but this, to us, isn't about Republicans or Democrats, because you're paying $4.50 at the pump in Connecticut whether you're a registered R or you're a registered D. And those oil company executives are making record profits, whether they are a registered Republican or whether they are a registered Democrat. Affiliation ideology does not mean anything here. The stats are the stats and the numbers are the numbers, and it shows us that there are people making a lot of money who don't deserve to make it, and there are people enduring a lot of misery who don't have to.

And one of the most respected Members of the other side of the aisle sat at the well just a few moments ago and told us that words are one thing, but votes matter. I don't think that there would be a voice of disagreement in this House. Absolutely, you can go out there and say one thing about how you're trying to take on the oil industry, but what you do here matters.

And so I would encourage people out there, my friends in the Fifth District of Connecticut, and all those in other parts of the country that are struggling to understand what's happening with energy prices out there to check the record, to go back and look at what Congress has done and has attempted to do to fix this problem and see where the votes are and where the votes aren't.

You see, we've tried to pass legislation to punish price gougers, to give the Federal Trade Commission the authority to press Federal charges against those individuals, retailers and wholesalers, who have tried to take advantage of this situation to unjustifiably run up the price, and we've been alone over here on the Democratic side of the aisle. We've passed legislation to repeal the antitrust exemption that the big, multinational oil companies have so that we can go after folks that are price colluding against American consumers, and we haven't had much cooperation on this side of the aisle.

And we have put actions behind words when it comes to conservation. I hope that Representative WAMP is right. I hope that we are on the verge of a new era in transportation technology. I hope that we are going to see electric cars be the predominant force in our automotive world. I hope that we are near that moment, and I think he's also right, frankly, that if we are going to get to that moment we're going to have to be honest about the electricity capacity that we do not have in this country.

I hope that we can set, Republicans and Democrats, a strategy to get there, to both encourage the development of electric car technology, of the recharging stations that we will need to make that a robust technology and a commercialized opportunity, an alternative for commuters, and that we will also do the right things in terms of electricity production and grid capacity to make it a realistic option.

But until we get there, until we get to a moment where we can plug in our car and go, we have an opportunity today to stand behind an effort to make the cars that we buy right now more fuel efficient. Thirty years went by until this House of Representatives stood up under a Democratic leadership and passed a new law requiring that every car in this country, the average fuel efficiency of a fleet, be 35 miles a gallon. Thirty years went by, 12 years of Republican rule, and not a single bill passed in this Congress to promote conservation with real policy directives behind it.

Now, we did get a lot of Republican sponsors on that legislation, the energy bill passed at the end of last year, but we needed more. We needed more, and on that case, votes did matter. On that case, votes did matter. We have had bipartisan cooperation, but led by a new Democratic majority, this House stood up and passed legislation requiring cars in this country to hit 35 miles a gallon, which will save the average consumer $1,000 over the course of the year at the pump. That's real dollars. That's real dollars for the average consumer. In fact, that number was from the end of last year. It's probably much more than $1,000 now that the price at the pump has gone up.

And the alternatives that the Republicans offer, as we try to say, listen, the solution here is to make the cars we drive now more fuel efficient, the solution is to go after those that would collude to set prices, those who would take advantage of this moment to price gouge at the pumps, when we sit here and say that we can also look at legislation promoted by Representative STUPAK and Representative LARSON, legislation being worked on now by the Energy and Commerce Committee to start to regulate the energy commodity trading markets that are skimming millions, if not billions, of dollars off of the product that people are paying for at the pump, we can do something to take money out of the hands of speculators who have done far too well off of the rising price of oil and put that money back in the hands of those hardworking, middle class Americans who are paying the bills for those speculators on Wall Street.

We're going to move forward legislation to do that as well. We're going to set a long-term strategy while we're at it because we can do things in the short-term with price colluding, with price gougers. We can take pride in legislation that Mr. WELCH and Mr. COURTNEY and others moved through the House to stop the President from putting more oil into the Strategic Petroleum Reserve and, instead, put that oil on the market. That's another 10, 15, 20 cents on the gallon. We can do all those short-term things necessary to get the price of oil down.

We can take a long-term view to try to get to a moment in 5 or 10 years where we're no longer relying on a foreign-produced and foreign-priced product that oil is. We can have that long-term view to have a renewable domestically produced energy source here.

We can do all those things, and we can do them together. It's not mutually exclusive to try to take some steps right now, going against the speculators, going against the price gougers, stopping putting oil in the Strategic Petroleum Reserve. That's not mutually exclusive from doing the long-term things necessary to wean ourselves off of this product that we do not price, that for the most part we do not produce.

The solution, though, is not to just say that we're going to get a little bit more from here in the United States. We have a chart here that maybe we can take a look at with regard to some of the claims of our friends on the other side of the aisle with regard to the great salvation of the American energy crisis which is going to be the drilling for oil in Alaska.

We are talking about a project that, first of all, is going to take 20 years to get to peak oil production. It's going to take 10 years, Mr. Speaker, just to get to a point where anything is coming out of the ground. Even in a moment right now, where big oil companies have license to drill right here onshore, on about 42 million acres, 42 million acres that they could take oil from onshore. You know how much that they're taking oil off of right now? Twelve million. There's 30 million acres with permitted potential here domestically that isn't being used today.

☐ 2145

So this talk of drilling more, these oil companies have the ability to drill for more oil right now, 30 million acres permitted and not drilled for.

Let's talk about offshore as well. And I want to talk about what happens in ANWR, in the Alaskan Wildlife Refuge, but let's talk about offshore. Thirty-eight million acres ready to go, permitted for drilling by the big domestic and multinational oil companies. You know how much of that 38 million is being used today? Eight million acres. 30.6—let's be exact here—30.6 million acres of offshore territory permitted for use not being drilled upon today.

This effort to take a small parcel of land, admittedly no bigger than Dulles National Airport, and use this crisis moment in American energy history to open up a sensitive wildlife refuge for drilling is nothing more than a power and money grab by an industry that already today, by facts and figures that don't come from me, but come from the industry themselves, suggests that there are 60 million acres of onshore and offshore territory today that are not being drilled upon that could be used right now if they wanted to. Record numbers of new permits being handed out for drilling on available lands and available offshore territory today.

It is not that we don't have the capacity for new drilling. We have it, it's ready to go; the oil industry has decided not to use it. The oil industry has decided, for whatever reason—I can't get into their heads to try to figure out exactly what their motivation is, but you can certainly impute a motivation which would suggest that a holdback on supply isn't such a bad thing, that by keeping supply, by holding back on drilling, by keeping that 60 million acres that they could drill on right now tomorrow from going into production, they're going to make some profit off of that.

Our focus has to be on how on Earth we have allowed for more tax breaks, for more royalty breaks to an oil industry making record profits in the history of capitalism that sits today on 60 million acres that they're not drilling on.

But let's talk about what would happen if we did get beyond that, if we did sort of forgive the fact that they just simply aren't using the territory that's available to them today and we gave them the ability to drill in ANWR. You're not going to be even able to really see this chart. In fact, Mr. Speaker and my colleagues, it looks like a blank chart. It's titled, "How Much Would We Save by Drilling in ANWR?" And the statistics used to make this chart don't come from congressional Democrats or congressional Republicans, they come from the administration, they come from the administration's own energy agency.

And you can't see anything on this chart. It looks blank to you because it is blank. How much would you save by drilling in ANWR? By 2030, Mr. Speaker—I'm going to have my first child this summer, and my child will be on his way to college by the time 2030 rolls around. So by 2030, my child will be driving a car. And in 2030, he's going to have saved 1.8 cents per gallon if we drilled in ANWR.

So even if you got over the fact that there are millions of acres out there permitted today, ready to go for exploration today that the oil industry has not used, even if you get over the very legitimate environmental concerns that confront ANWR, you're getting 1.8 cents in savings per gallon in 2030. Why 2030? Because it takes 20 years to get to peak production. It takes 10 years to get one drop out of the ground.

And while we sit here and argue over whether we drill in ANWR or not, we're wasting valuable time that could go into making changes today, like the success we had just weeks ago in stopping the deposit of new petroleum into the Strategic Reserve. That's not 1.8 cents per gallon, that is potentially 15 or 20 cents per gallon. Stopping putting oil in the Strategic Petroleum Reserve isn't 2030, Mr. Speaker, it's today, it's next week—maybe not next week, maybe it's next month, maybe it's next year. It's not 2030, it's immediate.

And more to the point, by spending our time this year and next year talking about how we take this country back from this oil industry, how we create sources of energy that are produced here in the United States that we control and we price, we're doing something not just for energy prices, but we're doing something for national security. Because every day that we continue to go on, every day that we fight about what little bit more we can get out of the ground, we're empowering a global energy industry that is a threat to this Nation in the end.

Every day that we continue to fill up our gas tanks with a product that sends money overseas to countries that use that money to fuel the educational and recruitment initiatives of those who would do harm to us—because that's what's happening here, we're sending oil overseas, Ms. WASSERMAN SCHULTZ, to countries that maybe aren't directly using that money to send straight to terrorists, but they're using that money to fund the schools that train the kids that eventually turn into those terrorists. They're using that money to create societies that marginalize individuals in Saudi Arabia and other places so that they have no choice but to flee to those extremist movements.

Every day that we sit here and argue over whether we drill in ANWR, whether we drill offshore, whether we give more power to the international oil industry that already is making these record profits in the history of capitalism, we are endangering the safety of this country.

I want to do the right short-term and long-term things because I go home every weekend and I feel the hurt, as you do, Ms. WASSERMAN SCHULTZ, as you do, Mr. Speaker, of all of our constituents that don't deserve to pay $4, $5 at the pump while the oil industry is making record profits. But I also want to make the right decisions now on the future of our energy policy because it's how my future kids and grand kids live in a safe country and in a safe world.

And so I'm proud to be part of a "new direction" Congress that is finally, for the first time in a decade, taking on this oil industry. I'm proud to be part of a Congress that is both doing things in the short run—even if we don't get Republican votes to do it—and trying to set a long-term strategy. It's a lot to ask. It's a lot to ask, but this is a big moment right now. This is a big moment. Four or five dollar prices at the pumps cannot sustain. Families cannot pay that. And the question is, are we going to allow the oil industry to co-opt this moment, to take advantage of it, to get a little bit bigger piece of the pie in order to make even bigger profits? Or are we going to use this money, the $4 and $5 prices at the pump, to finally stand up to these guys, to finally say enough it enough, and to set a long-term plan to get this country off of this product that we can't control, Ms. WASSERMAN SCHULTZ?

I think I know the answer to that. I think I know where this Congress wants to go. I think I know that the American public are ready to follow. But it frustrates me—you just joined us here—it frustrates me to listen to some of our colleagues standing on the floor and basically asking for the same old, same old that we've seen for the late 8 years, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Yes, they seem to believe that the President's drill more and veto policy is the right way to go when it comes to our energy policy. And I'll tell you, as I often call myself, Mr. MURPHY and Mr. RYAN, a minivan mom because I have three young kids, I spend most of my time, when I'm home, driving them from diving practice to baseball games to gymnastics, and it consumes quite a bit of gas. So when I'm home and have to go and fill up that gas tank, which I did just last week before I came back to Washington, it cost me $76, Mr. RYAN.

And we've done 30-something in the last few weeks, and I think the last time I was here it cost me $62 to fill up my gas tank, the last time we talked about this. And we've gone from $62, I'm at $76. The week before last I was at $72. The week before that, I was at $68 to fill up the tank. I mean, so now we're talking about real money. Seventy-six dollars is what a very small amount of groceries cost. And that's money that is the difference between someone being able to buy the groceries in the supermarket or put gasoline in the tank or make sure that they can take their kids to the doctor and make that copayment for the doctor's appointment. I mean, we have record gas prices now that are hurting, cutting people to the quick. And the Republicans, our good friends on the other side of the aisle, what is their solution?

First of all, before we became the majority and began to even put this issue on the front burner, it wasn't an issue for them. The last action that they took, when they were in charge, was to give $14 billion in subsidies to the oil industry, which is the most profitable industry in America. Now, what does that mean? We've heard a lot of us talk about those $14 billion in subsidies. What it means is that the Federal Government gives the oil industry permission, they are allowed to drill for oil on Federal lands and in exchange they are supposed pay royalties to the Federal Government to do that. We forgive those royalties, that's what the $14 billion is. And what we have proposed is, because we want to truly wean ourselves off of our addiction to oil—and not just foreign oil, we need to wean ourselves off of our addiction to oil period because oil is a finite resource. We need to really invest in renewable energy sources, in biofuels.

And what we would like to do is repeal that $14 billion in subsidies, require the oil industry to pay the royalties—because they're pulling oil out of the ground on land that they don't own, on land that is owned by the Federal Government, they're profiting from that and paying nothing for the privilege—we want to take that $14 billion in subsidies and invest it in alternative energy research. Because, you know, growing up, Mr. MURPHY and Mr. RYAN, I remember during the Carter administration, I remember the energy crisis. I remember sitting in the back seat of my parents' car on gas lines. And I remember in elementary school seeing all the conservation efforts that they started doing all the way down to, you know, to the public school and elementary school level. We had signs next to the light switches that suddenly were put on there that said, you know, "turn the lights off." There was a big national energy conservation effort that just fizzled once Ronald Reagan became President. And we never invested in alternative research like we should have. The conservation efforts went by the wayside, and we went back to the same old story, oil, oil, oil.

And look, right now, the Republicans are talking about needing to drill for more oil in ANWR, pulling oil out of shale, this 68 million acres available now that they are not drilling on, 68 million; I mean, it's absolutely ridiculous. They need to be utilizing the turf that they've got now, and they're not.

So we need to make sure that it's clear to the American people—and that's why we come out here every night—who's for solving this energy crisis and who's all talk. And I think the Republicans have clearly proven that through their actions and their lack of stewardship when they were in charge. And I yield to the gentleman.

Mr. RYAN of Ohio. What's funny here, Mr. Speaker, is that this is another pattern, as these issues continue to come up, where the Republicans continue to offer solutions that have absolutely nothing to do with the problem that we're trying to deal with. You know, they lack ideas. They are a party that's void of ideas.

We cannot drill our way out of this problem. That's the issue here. Drilling has increased in the last 7 years by 66 percent, and there has been no decrease in the price of gas, there has been a tremendous increase. And on Friday, there was an increase in the per barrel cost of oil that was larger than a barrel cost 10 years ago. So the increase this year was more than a whole barrel cost 10 years ago. We've been drilling more than we've ever been drilling, 66 percent more in the last 10 years, and it's still not reducing the price.

The key here is we need to move off of our dependency on foreign oil. So if you look at what the policies have been up to this point—and everyone says, you know, they come down to the floor, "if we could only drill in ANWR," if you started drilling in ANWR today, you wouldn't get a drop of oil for 10 years. And in 20 years, you would only reduce the cost of a gallon of gas by one penny. That is the energy plan of the Republican minority in Congress and President George Bush: Go drill, and in 20 years we'll save you one penny per gallon of gas.

□ 2200

What we're trying to do is to make a very mature decision, which is unusual for Washington, that if we take the $15 billion or $18 billion in subsidies that we're giving to the oil companies under the Bush administration, we can move that into alternative energy research and development and have a long-term plan to solve this problem. We do not want to be here. Hopefully, God willing, our constituents will continue to elect us.

Mr. MURPHY of Connecticut. Will the gentleman yield for just 1 minute for a correction?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MURPHY of Connecticut. I just want to point out that it's not actually a penny, Mr. RYAN. We have a chart here. It's 1.8 cents.

Mr. RYAN of Ohio. I'm sorry.

Mr. MURPHY of Connecticut. It's actually 1.8 cents.

Mr. RYAN of Ohio. I reserve the right to revise and extend my remarks. So I'd like to take this opportunity to say 1.8 cents per gallon of gas 20 years from now.

Mr. MURPHY of Connecticut. Right.

Mr. RYAN of Ohio. What we're trying to say is we don't want to be in the same position 20 years from now or 10 years from now that we're in today, so that means that we need to make some long-term decisions. It's easy to come down to the floor: Drill, drill, drill. Drilling will not solve this problem.

If you look at what President Bush's policies have been, if you look at what the Republican Congress' policies have been—drill, increase by 66 percent—gas still goes up through the roof. The war in Iraq has totally destabilized the region that has more oil than anywhere else, and it has totally helped to drive up costs.

What we're trying to do is to have these mature discussions, not drill and veto, drill and veto, drill and veto. Let's stop the manipulation of the commodities market. Let's stop the manipulation of the futures and everything else where it's just continuing to drive up the cost of gasoline for average people. That is basically what is going on.

I think Ms. WASSERMAN SCHULTZ made a great point. There are 68 million acres of land, Federal land, that the oil companies could tap into if they wanted. They have not. As for the refining capacity in the United States, everyone says, "Build more refineries. Build more refineries." The refineries we have now are only working at 85 percent. So there are a lot of smoke and mirrors coming from the other side.

What we are trying to say is we need long-term, responsible policies that are going to stop providing corporate welfare for the oil companies, and we need to invest that money into long-term biodiesel, nuclear, wind, solar, and all of these other issues.

With that, I'd like to yield to our good friend from Pennsylvania.

Mr. ALTMIRE. I appreciate the gentleman from Ohio.

I do hope those who are interested in this topic—and everybody in this country, I think, is interested in the issue of gas prices and is certainly interested in alternative sources of energy—have heard what the gentleman has just said.

There was a poll taken which somebody talked to me about today. Fifty-four percent of the American people think that we should drill for more oil domestically. Well, I don't think there is anybody in this Congress who disagrees with that statement. What does that mean?

As the gentleman said, there are 68 million acres. That is not a typographical error. I'm not misspeaking. The gentleman was not misspeaking. There are 68 million acres of Federal lands that are currently available and permitted to drill for oil. Well, why aren't the oil companies drilling for oil there? There are a variety of reasons.

Some of it is the construction. The permitting, the geological, the surveying work that needs to be done takes a long time. That's the issue with ANWR, the Arctic National Wildlife Refuge. If we said today we were going to allow the oil companies to drill for oil in ANWR, it would be 10 years before the first drop of oil came, and it would be 20 years before ANWR was at peak capacity. I'll return to that momentarily.

Part of that 68 million acres that isn't being utilized is going to be developed at some point, but they're not there yet. Part of it is that the oil companies buy up these leases and stockpile them because that looks good on their assets, and they file their financial reports, and it helps their bottom line because they hold the futures on stockpiled assets that are leased acreage for oil drilling. But we have in the Outer Continental Shelf already identified where 80 percent of the known oil is. It is within the area where the oil companies are already permitted to drill and where 8,000 leases already exist. So 80 percent of the known oil in the Outer Continental Shelf is already within an area in which we're able to drill for more oil.

So those watching tonight might say, "Well, how much of that 80 percent are we drilling on?" Well, we're drilling on about a quarter of it. About 75 percent of the leases that are held in that area where we know that there is oil is not being used for oil drilling right now. It's the same situation. Some of it is being surveyed, and the geological work is being done, and they're going to do some construction, and they'll get there. Some of it is just being held by the oil companies.

Then you have the coast of Florida, where the gentlewoman is from, and you have the coast of California, and you're getting into those issues. It's the same thing. We have identified places in this country where it's already available to drill for oil.

You might say, "All right. What are we talking about? How much oil are we talking about?" How about 4.2 million barrels of oil per day that we could get from those 68 million acres if we were drilling right now where the leases are already held. 4.2 million barrels.

By comparison is ANWR, which we're talking about. The first drop of oil arrives in the pipeline in ANWR 10 years from the time that we say you're allowed to drill there. 40,000 barrels of oil per day that first year from ANWR. 40,000 barrels per day. Currently, the worldwide oil market is about 80 million barrels per day. So we're talking infinitesimal on the worldwide market.

When ANWR is at peak capacity, according to the experts, it's going to be approximately 800,000 barrels a day. It's going to be 800,000 barrels of oil a day in a market that's 80 million barrels a day, a worldwide market. Let's think about that 4.2 million barrels that we could get from the 68 million acres, and I know we're talking about a lot of numbers right now.

Mr. MURPHY of Connecticut. We're standing here, and we're incredibly impressed, Mr. ALTMIRE.

Mr. ALTMIRE. The point is this: We already know where there is oil to drill in this country. The oil companies already own the leases where they could drill for that oil. They're making a conscious decision, for a variety of reasons, not to drill for oil in places where they're already permitted to do so.

Lastly, on refineries, people will say, "Well, let's build more refineries." Well, we have half the number of refineries today that we had 30 years ago because the companies have shut them down, and the refineries that we do still have are operating, as the gentleman said, at 85 percent capacity.

So what is the point of spending the time and the effort to build more refineries, and what is the point of spending the money if the refineries that we have aren't even operating at near full capacity? There are other ways we could spend our time. There are other ways we could spend our resources. There are other ways we could spend our money.

So what, I think, every Member of our side of the aisle agrees on is we have a crisis regarding gas prices in this country right now. I don't think anybody would disagree with that. We're paying over $4 a gallon. It's going to continue to go up in the foreseeable future. We have to make a decision. We've arrived at a crisis point. We have a decision to make. There are no short-term solutions.

Now, we can put a Band-Aid on it and do the Strategic Petroleum Reserve, which we did, which is going to have some impact. It's not a long-term solution. We're going to talk about manipulation in the market and about the speculation that goes on, and that drives the price per barrel up. We can do some short-term things there, but in the long term, we have to make a decision.

There are one of two ways we can go. We could either continue our dependence on oil—and yes, we're talking about domestic sources of oil when we talk about ANWR and the Outer Continental Shelf and the coasts of Florida and California. That's domestic oil. But there is not nearly enough oil there to produce that would bring down the percentage that we get from foreign nations. So, even if we were done and if we were pumping all of the oil from those 68 million acres and from the new land in ANWR and from the other locations, we still would get more oil from foreign nations than we would produce in this country. There's no way to get around that.

So the question is: If it's a 20-year process until we get to peak capacity at ANWR and in the Outer Continental Shelf, isn't there a better way that we could spend the next 20 years if we're going to pour money into it and have a national commitment to say we're going to find an alternative source of energy?

What I advocate and what I'm sure my colleagues would agree with is we need to put our best and brightest on the job and give them all of the resources that they need. We need to take everybody from our eighth grade science students on up to our Nobel Prize winners and say, figuratively, "You go in the same room. We're going to give you all of the money that you need, all of the resources and all of the support this Nation can provide. This is our number 1 priority. Figure out a way to make a car run affordably on something other than gasoline."

We can do that, but we can't do both because every dollar we spend drilling for more oil or that we spend building more refineries is a dollar we could have spent getting us off oil and getting us off our dependence on foreign oil.

Mr. RYAN of Ohio. If the gentleman would yield.

Mr. ALTMIRE. I would.

Mr. RYAN of Ohio. When most of us here are back home, I know that people say, "Just stop the politics. Solve the problem." That entails our making some tough decisions long term, and this is kind of the general theme of what we're talking about here.

It is that we're trying to provide, yes, some short-term relief but also some long-term planning and long-term investments so that we're not here 10 years from now. If you're running a corporation or a business, you have a long-term business plan. This is our long-term business plan for the United States of America.

Do you want billions of dollars going to the oil companies that are, supposedly, supposed to help them increase refining capacity and help make it easier to drill but where they're not doing it for whatever reason? Public tax dollars. So the average taxpayer is getting hit at the pump, and their tax dollars are going to the oil companies, and still the price is not going down.

What we're trying to say is this money can be better spent. We are making a decision here to invest this into the long-term alternative energies which will prevent us, as a country, from being in the same position that we're in today 10 years from now.

I yield to my friend.

Ms. WASSERMAN SCHULTZ. Thank you.

By the way, to the gentleman from Pennsylvania, that was a very impressive top-of-mind overview, and your command of the facts is truly incredible. So thank you very much for that very articulate overview.

We also want to stress that, in addition to laying out the problem and the shock that we have in reaction to the solution of our good friends on the other side of the aisle to drill and veto, we have not stood idly by and just said, "Well, unless we repeal these $14 billion in subsidies, then we're not going to be able to do anything." We have a series of bills that we have passed, and I think it would be helpful for us to go through those and to tell people the efforts that we're making—some short-term, some long-term.

This is a difficult problem to solve in the short term. It is very difficult to dramatically bring down gas prices through legislation in a short-term way, but one of the things that we did was to pass the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act.

What that does is it says to the President that he is not to fill the Strategic Petroleum Reserve, and that was something that the President had previously opposed. He was threatening to veto it until he realized that the increase in gas prices was so politically painful for both his administration and for his Members of Congress that he had no other choice but to finally relent and agree to sign it. There were still 25 Republicans who voted against that bill.

What the Strategic Petroleum Reserve Act is designed to do is to bring gas prices down in the short term. During the rest of this year, we expect that bill to affect gas prices in the short term.

We have the Renewable Energy and Job Creation Act. That is a bill that will extend and expand tax incentives for renewable energy, the type of energy that we would like to go in the direction of, instead of the finite sources that the Republicans always talk about.

What that bill would do is generate hundreds of thousands of green jobs, spur American innovation and business investment, and cut taxes for millions of Americans. What the provisions of that bill will do is preserve hundreds of thousands of good-paying, green-collar American jobs.

A recent study showed that allowing the renewable energy incentives to expire would lead to about 116,000 jobs being lost in the wind and solar industries alone through the end of next year. Yet 159 Republicans voted against that legislation. That's how latched to the oil industry they are.

How about the OPEC and Big Oil companies accountability bill? We passed a bill that would combat record gas prices by authorizing lawsuits against oil cartel members for oil price-fixing as well as created an antitrust task force to crack down on oil companies that are engaged in anticompetitive behavior and market manipulation.

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You still had 84 Republicans vote against that bill.

We also passed legislation, historic legislation, Mr. MURPHY, for the first time in 35 years we have passed legislation that will require the automobile manufacturing industry to increase fuel efficiency standards to 35 miles per gallon by 2020. That is the first congressional increase in more than three decades. Ninety-six Republicans voted against that legislation. It was signed into law on December 19, 2007, so we will over the long term see fuel efficiency standards improve, which, of course the automobile industry could have done years and years ago on their own. But, unfortunately, we had to cajole them along a little bit.

There are two more bills I want to highlight, simply because of the shockingly large number of Republicans that voted against those as well.

You have the Renewable Energy and Conservation Tax Act. That is the bill that included the repeal of this $14 billion in subsidies. It also would invest in clean and renewable energy and energy efficiency and also address a reduction in global warming. It included provisions that would generate, again, hundreds of thousands of green jobs by investing in solar energy and biodiesel jobs and protect an additional 75,000 wind industry jobs. And 174 Republicans voted against that bill.

Lastly, one of the things that we wanted to make sure we protected against when it came to our energy policy was price gouging, so we passed the Energy Price Gouging Prevention Act, because it is a little bit suspect that all of these retail establishments and all of the entire oil industry suddenly and dramatically all increase prices at the same time. What a coincidence.

So we thought it was important in order to provide immediate relief to consumers to give the Federal Trade Commission the authority to investigate and punish people and entities that artificially inflate the price of energy, and we wanted to ensure that the Federal Government had the tools it needed to adequately respond to energy emergencies and prohibit price gouging, particularly like, for example, when you have natural disasters like my State faces which we often struggle with. And 140 Republicans voted against that bill.

So it is just really important that we highlight these stark differences in our policy versus the Republicans, what we support and the actions that we have taken and what the other side supports. The other side is married to the oil industry, and we would like to move, again, in a new direction, so we can invest in renewable energy.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, just to put it in real stark terms here, 2002 to 2008, the oil industry we are talking about here, goes from $6.5 billion in profit, that is pretty good, you are going to take that, that is a good year, to 2008, $36.9 billion in profit.

We still haven't figured out why that is. Why is it that the oil industry and the drug industry are two of the most profitable industries in the world? Because they cornered the market, right? You have got to take that drug. You have got nowhere else to go. If that drug keeps you alive and nobody else makes that drug, you have got to buy that drug. If the only thing that gets you from point A to point B is the product that Exxon and Chevron and BP make, then they can charge whatever they want.

So we can talk about the margins here. We can talk about producing a little more. But, in the end, the reason why they get to just basically decide whatever they want, they can make $6.5 billion one year and $36.9 billion the next year, it is up to them, because they know whatever they charge, we will pay, because we have no alternative. That minivan mom, that soccer mom, guess what? Nothing else fuels that car right now, except for the products that these guys produce.

If I made a really good apple pie and I went out and everybody else that tried to grow some apple trees in their backyard, I whacked them down, I could charge whatever I wanted for that because nobody else could make that pie. That is what the Republicans are basically doing. Everybody else that tries to go out and plant some apple trees in their backyard to give an alternative to the big oil companies, they whack those trees down. Guess what? That apple pie is now about $5 a gallon, Ms. WASSERMAN SCHULTZ.

Mr. RYAN of Ohio. If you look on every issue, right, it is like we get hit on 9/11, the Taliban is housing them in Afghanistan, somehow we end up in Iraq. We have an energy problem. Drilling is up 67 percent. We have all this land and everything else, all these other areas. We got to keep drilling. That is the answer, when we know that it is these other things going on in the commodities market.

We look at trying to reduce the cost of college education. It is like we will put the banks in charge of loaning the money to the kids. Or if we want to provide prescription drugs, I got an idea. We will have the taxpayer pay for it, and we won't do any negotiations with the drug companies at all.

It is like they have a solution that doesn't address the current problem that we have at hand, Mr. Speaker. And what we are trying to say is we have solutions that will last more than a decade or two, and if they are wrong, we will switch them. But to come down and say drill, drill, drill, drill, drill. In ANWR, for example, it will reduce the cost of a gallon of gas by 1.8 cents per gallon of gas 20 years from now if we start drilling today. Totally off the mark.

Mr. ALTMIRE. I think it is instructive, the gentleman talks about mistakes having been made on other issues. It is instructive when you think about the people who are making the arguments for how to solve the problems that we face today, let's take a look at what the track record is and how we got to where we are today. Who made the decisions that have led us to where we are today?

I know I don't want to be partisan about this, but the facts are the facts. There are three reasons that gas prices have gone up, two of which we can control and one we can't. We can't control the increased demand in China and India and other countries in the world. It is a huge driving force. It is going to continue to get worse over time. It is going to continue to drive an increase.

The other two factors, increased speculation in the market and manipulation of the price in the worldwide oil market. The gentlewoman from Florida talks about what this Congress is doing on that issue in regulating that market and moving towards a more fair system that is going to decrease the price per barrel upwards of $30. We are taking action. That is a second cause.

But perhaps the biggest cause is the weak U.S. dollar. So let's take a look at why the dollar is so weak. Oil is traded in the worldwide market based on the dollar. We are paying more in this country. Obviously our currency is the U.S. dollar and we are paying more because of the weakness of the dollar which is at an all-time low, an historic low.

Well, it is because of the economic policies of the past 8 years that have driven our economy and driven the price of the dollar nearly to the ground. And I would invite anyone to compare where the dollar was based on other worldwide currencies 8 years ago versus today.

We have an enormous trade deficit which the gentleman and I deal with every day in our districts with the jobs that have been lost, and the trade deficit is at almost historic proportions.

That has led to a decrease in the dollar.

But mostly the runaway spending of this Congress and the $3.5 trillion in debt that this administration and the previous three Congresses rolled up on the American people have led to the economic conditions that drove the price of the dollar down, that have resulted in sky-high gas prices.

So the exact same people who made the decisions that led to the crisis that we are in today now have their own recommended solutions. And I don't dispute their motives. I think they are in it for the same reason we are. They want to do the right thing. I just think they are wrong. I think that their course of action that they propose is not going to solve the problem, and in fact is going to lead to a worsening of the problem by furthering our dependence on oil, as we talked about.

Ms. WASSERMAN SCHULTZ. Mr. MURPHY, I might need a little help with this so I can be bipartisan. Let's spread this out here. It is always better in the 30-Something Working Group when we give visual examples of what we are talking about.

We walked through the agenda of the New Democratic Congress on our initiatives to try to affect the cost of energy in the short-term and the long-term.

Here is a visible example. Next to here are the names of the entire Republican leadership, and here are the four major pieces of legislation that we have moved through the Congress. Not allowing OPEC to price fix, making sure that our constituents are not gouged by prices, ensuring that we invest in renewable energy and repealing those $14 billion in subsidies, and ensuring that we have energy security going into the future.

There are no yeses on this entire grid, the entire Republican leadership. What is objectionable about making sure that we don't have price gouging when it comes to gasoline? Should we allow OPEC to fix prices? Is that okay? I am just not sure which of these bills was objectionable.

It is one thing for them to say that we should do some other things as well, but if we are going to try work in a bipartisan spirit and approach this problem and find a solution together, voting no on anything that doesn't prop up the oil industry is just insensitive and callous and doesn't recognize that this is a real problem that is affecting Americans in a significant way.

Thank you, Mr. MURPHY. I would be happy to yield back to Mr. MURPHY.

Mr. MURPHY of Connecticut. You know, before I was joined by my illustrious colleagues here this evening, one of actually our more helpful colleagues on the other side was talking about words are one thing and actions are another. Words are one thing and votes are something else.

Ms. WASSERMAN SCHULTZ, you are pointing out when this comes down to it, when we had the chance to gather together and link arms and be one as Republicans and Democrats, our friends on the other side of the aisle didn't join us. There have been plenty of opportunities for that to happen, for us, as Mr. RYAN says, to do what our constituents want and put politics aside.

As I said at the outset, the pumps don't care if you are a Republican or a Democrat. The pumps don't care if you voted for CHRIS MURPHY or not. They are going to charge you the same thing one way or another.

I think Mr. ALTMIRE is right. Maybe they have the best intentions at heart. But it is a pretty simplistic solution to a pretty complex problem: Drill more, drill more. Again, you are just feeding the beast. You are continuing to perpetuate a monopoly on energy that offers no real competition.

What you need is not competition between Exxon and Mobil. You need competition between oil and electric, between biodiesel and gasoline. That is what you need competition among. That is how you are going to solve this thing in the end.

But so long as the solution to high oil prices is just more oil and nothing else, Ms. WASSERMAN SCHULTZ, Mr. RYAN, you are not getting anywhere.

Mr. RYAN of Ohio. I think it is important, the American people are onto this. They have been dealing with this problem now for like 35 years.

Ms. WASSERMAN SCHULTZ. Pretty much our whole lives.

Mr. RYAN of Ohio. Before we were even born. But they have been dealing with this issue of oil and gas and the Middle East and dictators and how do we do this and prop up this one and try to figure it out.

In this whole scheme, I was watching a thing on Darfur last night. The only reason we couldn't get things done in Darfur is because China has oil in Sudan and we couldn't go in there because they were blocking things at the UN. Oil has become a major, major geopolitical and domestic problem in the United States of America. It has come to a head, and it is NANCY PELOSI and HARRY REID and the Democrats who are trying to move us off the dime and say long-term alternative energy is the investment. If we drilled in ANWR today, in 20 years you would save 1.8 pennies per gallon of gas. We can't drill our way out of this thing.

So if we don't start getting innovative and having a NASA-shoot-the-moon project for alternative energy, we are going to be in the same spot a decade from now, two decades from now. Our constituents did not elect us to come down here and play politics with this.

Mr. MURPHY of Connecticut. Mr. RYAN, Ms. WASSERMAN SCHULTZ, Mr. ALTMIRE, I thank the Speaker again for allowing the 30-Something Working Group to come down to the floor again and share with our colleagues the "New Direction" mentality that we continue to preach, talk about, and vote for here on the floor of the House of Representatives.

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DEVELOP ENERGY IN THE UNITED STATES

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for half the time before midnight.

Mr. KING of Iowa. Mr. Speaker, I appreciate greatly the privilege to address you tonight on floor of the United States Congress, and as I listen to my colleagues talk about the energy situation that we have here in America, it's quite interesting to me that my colleagues would say well, we can't drill in ANWR because in 10 years we are going to still have some other energy issue.

Are they looking for the silver bullet, I wonder? Do they insist that we can't do anything with regard to energy? We can sit here and deal with $4 gas? Unless we can fix $4 gas and make it $1 gas, we shouldn't do anything? I wonder what is the problem with the realistic approach to this that seems to be a barrier for my colleagues from the other side of the aisle?

We know this, that there is a little over 10 billion barrels of oil in U.S. reserves, and we know that the United States Department of Energy produced a number about three days ago that showed there is about 10.4 billion barrels of oil in ANWR. If we open up ANWR, we will essentially and virtually double the oil reserve supplies for the United States of America if we tap into ANWR.

Now, what kind of thinking person would say I would rather pay $4 for gas, or $5 for gas, or $6 or more dollars for gas before I would tap into 10.4 billion barrels of oil in a neighborhood up there that I would remind you, and I would remind the body, that in 1970, we were scheduled to go up to Alaska and drill for oil in the North Slope. I remember that very clearly, 1970.

The idea was, we will build a pipeline from the North Slope, Mile Post Zero up there at Dead Horse access on the Arctic Ocean, and that pipeline will run from there all the way down there through the Port of Valdez in Alaska where they will then tanker that oil down to refineries along the coast of California and other points. That was 1970.

The same philosophical environmentalists that are blocking drilling in ANWR today, the ones that took the floor just a few moments ago that said—where we shared—we dare not drill in ANWR because it's not going to solve all our problems are the ones that brought the lawsuit that brought the drilling that blocked the North Slope of Alaska in 1970.

In those days, there was a long and intense court battle that finally got the environmental extremists out of the way. In 1972, they said, all right, there isn't any logical or rational or legal reason why you can't drill the North Slope of Alaska.

So we went up and we started to punch holes in the North Slope of Alaska in 1972. In 1972 we started building a pipeline from the Arctic Ocean all the way down to the Port of Valdez. I don't actually know how far that is, but I know that there was a right-of-way for alongside the pipeline that went from Fairbanks 600 miles north. It's more miles than that from Dead Horse access on the Arctic Ocean on down to the Port of Valdez.

Even though the environmentalists in court blocked drilling in ANWR for that period of time for 2 years, even though we look back on that—well first, at the time, I thought how can the environmentalists be so effective as to shut down access to the American energy supply for two full years without a logical, rational or legal argument?

Well they did so, and now I look back on that, and I think how in the world did we resolve issue in two short years by going to court between 1970 and will 1972 to clear the environmental extremists out of the way and go in and drill in ANWR where all these extremists ideas were that if we punch our drill in the North Slope, if we punch holes in the North Slope, there will be oil flooding all over the permafrost, the tundra will be destroyed. They will be driving bulldozers through the tundra, and you can never put that environment back again.

It's a careful balance that Mother Nature has, and the caribou will all drown in crude oil. There won't be any wolves left, and it will just be a terrible economic or terrible environmental catastrophe. That was what they predicted in 1970.

In 1972 we started building the pipeline and building the right-of-way and drilling the wells on the North Slope of Alaska, identical in the environmental component that's there, to ANWR today. In 3 years we built the pipeline, we built the right-of-way road along the pipeline. We punched the wells in. We got the wells up and got them running. We hooked them in and began to transfer that crude oil down through that long pipeline down to Valdez and into other parts of the United States where it was refined. That got accomplished in 3 years.

And now, Mr. Speaker, the very people that sit over on this side of the aisle tonight that have blocked the drilling on the North Slope back 30-some years ago, and are blocking the drilling in ANWR today say, well, gee in 10 years, we still will have a problem with enough oil for the United States of America, and you will not solve this problem, the whole problem. You will not solve it in perpetuity so, therefore, you ought not do anything in Alaska to fix it.

What kind of a Nation would be foolish enough to set aside half of its crude oil reserves when gas is 4 bucks because of some myopic idea that you should not punch a hole down through the permafrost when you have proven 38 years ago—I should actually say 36 years ago—that we could drill wells through the permafrost, we could drill them on the North Slope of Alaska.

We could transfer that oil out of there into the terminal, start it in at Mile Post Zero in the Alaska pipeline, that 51-inch diameter line that runs from there on down to Valdez and pump all that crude oil, and we have done since 1972, 36 years.

If there was an environmental problem, I guarantee you that people on this side of the aisle lament anything that will lower the price of energy, would have told us that somebody spilled a gallon of crude oil someplace up there near the Arctic Circle. But have we heard them say anything about a single gallon? No, we have not.

I know it does happen. Occasionally, there will be a leak in the pipeline, a little rust hole, leak or something. They will go in and swab up the oil off the ice, weld the hole shut, patch the pipeline in and everything goes on.

But if there was a serious environmental problem, these would be the first people that would let us know. I am telling you, they don't have an argument. If you have one, stand up. I will recognize you. But, of course you won't, because you don't have an argument.

But you say to the American people, it's people like LOUIE GOHMERT that wants to see $4 gas—no—LOUIE wants to punch a hole down there and suck this oil up out of the ground and lower the price of energy.

I would be real proud to recognize Mr. LOUIE GOHMERT for as much time as he would consume.

Mr. GOHMERT. I thank my friend from Iowa for yielding.

Of course, Iowa is going through some tough times right now and our hearts and prayers go out to the folks there.

Energy is a huge problem around the country. My friend from Iowa was talking about the production of oil in Alaska, and it's amazing, but so many people were saying back in the days when there was talk of building a pipeline up to Prudhoe Bay, that if that pipeline is built, it will destroy completely the last 2,700 head of caribou that exist in the area, that they just would not be able to exist in that area any longer.

Well, the pipeline got built, and, as it turns out, those 2,700 head of caribou found that when the oil, warm, comes out of the ground and goes through the pipeline, the pipeline is warm.

We have subsequently found that now, when the caribou want to go on a date with each other, they will invite each other to come to the pipeline. Apparently the pipeline actually makes them a little bit amorous. Now, all these years later, we are up to 30,000 head of caribou.

Now, I grew up in Texas, and we used to hear, a few decades ago, that, my goodness, if they start building these deep-water rigs off the coast of Texas, it will destroy fishing in the Gulf of Mexico from now on. That's what we heard.

Now, if you want to go fishing, deep-water fishing in the gulf, your best bet is to go out to one of those drilling rigs, the platforms, because they have acted as an artificial reef. We have got all this additional fish and aqua particular life around those platforms. It's just further evidence that man and animal, fish, the environment, can work together to each other's good.

Now, I know the rules are you are not allowed to recognize people in the gallery, and I won't do that, but I can tell you that the students in Henderson Middle School know that people and oil and gas drilling rigs can actually survive together.

People in Nacogdoches, people like the Reynolds family, they know. You can survive in areas where there are drilling rigs. Not only that, you can proliferate and do well. So in my district there in east Texas, as someone said here yesterday from east Texas, we kept the military afloat in gasoline in World War II from east Texas, the east Texas oil and gas field.

Many don't realize the Germans potentially could have driven us to the sea if they had not run out of gasoline during the Battle of the Bulge, but they did run out. That is something that we have got to constantly keep a weather eye on, and I am proud to represent a district that understands the seriousness of having the energy we need and that $4 a gallon gasoline headed to $5 a gallon gasoline is a travesty for people.

I have got hardworking union people in east Texas. I have got hardworking folks in all kinds of jobs who are struggling to get by. This Congress, for the last 18 months, has done nothing to help produce more of our own energy.

I am so grateful to have a friend like my friend, Mr. KING, from Iowa, who understands that. I am proud to represent people like the students from Henderson Middle School who understand these concepts and understand we can work together for the greater good of mankind of the United States of America, of aquatic life, plant life, and all be better for it.

I appreciate my friend from Iowa yielding, and I appreciate the effort you are making to educate America on exactly what we can do to help ourselves if the majority party in this Congress will allow us to help ourselves.

With that, I yield back to my friend, Mr. KING.

Mr. KING of Iowa. I thank the gentleman from Texas, and I appreciate his perspective.

I will point out that there are three branches of government, there is the executive, the legislative and the judicial branch of government.

I really only know of one person in the history of this country that has felt a compulsion to legislate, found himself on the bench as a judge, and decided that the constitutionally appropriate thing to do was to walk away from that judgeship and run for the United States Congress and come here to legislate. That's Congressman LOUIE GOHMERT from east Texas.

I am proud to call him a friend and serve on the Judiciary Committee with him. I appreciate something that he brings to the table, a unique personality that's never been matched in the United States Congress and also the judgment of a judge that makes him a good listener and an analyst of the law and one who thinks deeply into the long-term ramifications of the decisions that we make. I look often to the prudence of the gentleman from Texas, and I appreciate him coming to the floor and offering his remarks for the energy situation here in the United States.

I said some year or 2 or 3 years ago that what is the solution for $2 gas? That's $3 gas. What's the solution for $3 gas? That's $4 gas.

Well, we are truly here at $4 gas, and that sounded like an outrageous kind of a number to put out back at that time. The reason I said that was as gas gets higher, we are willing to do more things to provide energy for the people in this country.

But when I sit here, and I think of the votes we have put up here on this floor, and I think of the decisions that have been made—and about 3 years ago, there was a bill on floor of the House of Representatives that said let's drill ANWR. I can remember there was a letter that was produced by Republicans that had 10 or 12 signatures on it that said we will join with all the Democrats, and we are going to block all drilling in ANWR.

We are not going to let that happen because of some idea about when the North Slope was opened up for drilling, there was some kind of an implicit promise that we wouldn't tap into the rest of the oil up there in that part of the world. That doesn't make any sense to me, I cannot rationalize that.

But I remember that letter that had 10 or 12 signatures on it, and the 10 or 12 Republicans that said "no" was enough to join with all the Democrats that said "no." Had we done that, we would have more than a million barrels of oil a day coming down here into the United States to be poured into this marketplace, which would make a significant difference in the cost of energy in the United States of America.

□ 2245

But the 10 or 12 Republicans that were on the wrong side joined with all of the Democrats on the wrong side, and we didn't drill ANWR. And the rationale was pretty weak. I have had people say you want to tap into 2,000 acres in ANWR, what does that mean.

Well, there are 19.6 million acres in ANWR. And 2,000 acres out of that would be the equivalent of a little postage stamp stuck in the corner of a football field. That is 2,000 acres in 19.6 million acres of ANWR.

And so if that is the part that is going to be a footprint to develop half of the oil reserves in the United States of America, and they are asking me this question, how much is an acre, Mr. KING? So I say well, it is 208 feet by 208 feet, that is 43,580 square feet. That is, let me see, oh, about a football field. So it is about 2,000 football fields on 19.6 million acres. That is the equivalent of a postage stamp in the corner of a football field. That is all it is.

On top of that, we get access to these oil fields by ice roads on top of the frozen tundra, and then sinking wells on a work-over pad by which we do directional drilling. We pull a lot of that oil out into one single collection, and collect it in the collection tubes that go into the terminal at milepost zero, Dead Horse Access. That is what it is all about.

Can you imagine, Mr. Speaker, if you flew over that at 5,000 feet, a football field, you are looking for a postage stamp that is the same color as the grass, could you see that from 5,000 feet? Could you see that postage stamp from a thousand feet or 500 feet? Could you see it if you walked around on the football field looking for that postage stamp? I will submit not.

I will submit further that I can take the most extreme environmentalist on this side of the aisle, and I could put him in a Black Hawk helicopter and fly him around the North Slope today where we have developed oil fields, and I could ask them, tell me when we are over the oil field. Tell me what you see that violates your sense of intrusion upon this pristine environment that nobody goes to see. I challenge that not one of you environmentalists could point down out of the window of that Black Hawk and say, There is an oil well, there is a oil rig, there is a oil field. Oh, it violates my sense of what Mother Nature is all about. Not one, Mr. Speaker, because when you look over the oil fields of the North Slope, there is not a single derrick down there. Not one structure sticking up in the air 230 or 240 feet that is set to drill for oil.

There is not, as I could find, not a single pump jack pumping that oil out of the ground looking like an oil field, which doesn't offend my sensibilities, by the way, but maybe offends some of you over there. And let me know why that is the case, and I will yield to you. But no, you don't see any of that. And the reason why is because the wells are underground. The wells are drilled. They don't have pump jacks sitting above the ground, they have submersible pumps way down in the casing at the level of the oil.

The collector tubes don't even show where they are, and I don't know if they lay on the ground or if they are slightly subterranean, but they collect the oil that goes into the tanks at the terminal at Dead Horse Access, milepost zero, on the Alaska pipeline. And there it gathers it together and it sends it down that 51-inch pipeline down to the Port Valdez.

Now I cannot understand why a people that is dependent upon energy, a people whose economy is run by energy, a people who sit on billions of barrels of oil, would somehow draw some kind of a moral position that even though no one goes up to the North Slope, and if they went up there they wouldn't know what they are looking at, and if they saw it they wouldn't be offended by it, and it would be environmentally friendly, all of those things, but somehow we have some kind of a Mother Nature religious aversion into tapping into American energy. Why is that, Mr. Speaker?

When the 110th Congress convened, I did not know, I really thought there was a sense of conscious and goodwill and a way that we could move forward with the American economy and the American people. I could not at that time have believed that the core of the Democrat Caucus in this Congress sincerely believed that energy costs should go up no matter what it takes, shut down the drilling in ANWR, shut down the drilling in the Outer Continental Shelf, don't let any drilling happen in the non-national park public lands in America, don't do any of that because by blocking all of that, we are blocking the delivery of energy to the economy of this dynamic, robust free country that we have. Why? What rationale, can there be.

Well, first of all they hate capitalism. They don't want to see prosperity, and they want to see energy cost more. I am convinced that this regal Pelosi Congress wants to see energy cost more.

What is it that the regal Pelosi Congress likes better than $2 gas, $3 gas. What do they like better than $3 gas, $4 gas. You've got it. You should be happier now, and I know you will happier yet when it is $5 gas. This is the drill-nothing Congress. This is the develop no energy Congress. This is a drive the energy prices up Congress. This is the Congress that is punishing the American economy. They know that an economy requires energy, and the more expensive it is the less economic activity that we will have and the more it will slow down. When it slows down, we will burn less energy. When we burn less energy, there will be less greenhouse gases that go into the atmosphere.

And then, and this requires an article of faith, the leap is if we assume less energy, there will be less greenhouse gases and then there will be less global warming.

Now there are two reasons why that is a bad idea. First of all, 95 percent of the greenhouse gases are created by nature. The other part is the 5 percent of the greenhouse gases that are created by man cannot be 100 percent controlled by man. Reasons for that are the Chinese and the Indian economies are growing. They are going to burn more coal and release more carbon dioxide into the atmosphere and they are going to create more greenhouse gases, and they don't care. They don't care because their people are hungry and they need economic development. They are not dying because the planet is 1 degree too hot, they are dying because the planet is short of calories and protein for them that keeps them alive, and it is short of health care. So they know what their priorities are.

Here we are running this myopic agenda that we are going to make energy more expensive and we are going to see $5 gasoline and $6 gas, and people will park their cars and grandmothers in Iowa are going to ride their bicycles 10 miles to town through a blizzard. I mean, they are not going to do that. We know they are not. But the people in San Francisco and New York and Boston don't know that. But I'm here to tell you all, that's the case. They are not going to park their cars and ride their bicycles to town in January in Iowa. It is not going to save the planet. It will keep grandmother home. She will not be living this life to the fullest that she could. Millions of Americans will not be living this life to the fullest that they could.

And when you bring your myopic, Goddess of Gaia faith-based approach, and I mean this from a nature environmentalist extremist perspective to this economy, you drive up the cost of energy and you slow down the activity of our economy and impoverish the people of America and you think you are going to save the planet and it is all worth it.

Here is what it is. It is not worth it in the first place. And the second place is you are not going to save the planet. And you are not going to do that because the science doesn't support you in that. And if it did support you in the idea that if we shut down America's emissions of greenhouse gases, we don't affect the Indian and the Chinese and the other growing economies' emissions of greenhouse gases, and so we are here in the United States shouting out into a thunderstorm trying to solve a problem.

It won't work, it can't work, it is not rational. There is no scientific base that upholds it. And on top of that, there is not the sociology that says human nature will support the kind of approach that you bring to this. Drive up the cost of energy and slow the emissions of greenhouse gases, and if you do that, the planet will what, is it going to cool? No, it isn't going to cool. It might not increase in its temperature quite so much, but we can't prove it and we don't have a model that says so. In fact, our models say we can only affect 5 percent of the greenhouse gases if all humanity joins together, and we are a small percentage of the emissions of the entire planet. And even if we controlled them all, the Indians and Chinese are going to increase their emissions of CO_2 and greenhouse gases.

So why go through this exercise to unilaterally disarm the economy of the United States so we can't compete around the globe economically with free trade, militarily, culturally, and politically. What is it about America that you don't like over on this side of the aisle? Why is it the blame-America-first crowd is carrying the agenda in this United States Congress?

Why is it that the constituents of Iowa and Nebraska and Kansas and all of the way out to the left coast and all of the way to the right coast, why are they paying $4 for gas with this driven-up price of energy, and why have you blocked the drilling in our non-national park public lands, and why have you blocked the drilling on the Outer Continental Shelf where we know there are 406 trillion cubic feet of natural gas out there, coupled with the oil that naturally goes with it that we can't tap into to drive down the cost of fertilizer, to drive down the cost of energy, to lower the cost of BTUs, to add to the overall supply of energy in the United States of America? Why can't we do that?

It is because you have a religious belief and it is kind of like the laws of your nature and the laws of your God say that we should cut down on greenhouse gases because of this belief that, and say religious belief, and I have strong religious beliefs. But sometimes that religious belief is defined as something that you say you believe in that you have no scientific basis for.

If you believe in this global warming God, and you cannot stand up and defend a scientific basis for a belief in a global warming God, then it is a religious belief. It is a religious belief that is unfounded. It is one that is unfounded on science and one that can't be proven.

We have watched this planet. Yes, it is a little warmer than it was 20 years ago. But if you look at the data, it might be cooler than it was 2 years ago. We had a long winter, we had a late spring. Most of my constituents thought global warming would be a good thing.

And by the way, the beginnings of this global warming debate began here in Washington in August years ago when not many of the office buildings and the ones they had the hearings in were not air conditioned and we had a Ph.D. come out here from Iowa who testified that global warming was an impending disaster, and the Members of Congress were sitting in a hearing room with temperatures approaching 100 degrees and humidity approaching 100 degrees, and as the sweat dripped off them, it was not hard to convince them global warming was a problem. We have one of those scientists who advocated it was an impending ice age in 1970.

He cited his scientific ability to predict to us that we should figure out a way to gird our loins and get ready for the next ice age. That was 1970. So some of us girded our loins, and some of us just went to work, and we went on and realized that God runs this planet, not man. In his time he will let us know and we will do what we need to adapt. And in 1970 the impending ice age didn't come. The idea that it was going to be here went.

And so here we are in 2008. And guess what, Mr. Speaker, that scientist that was a part of the Time magazine prediction that we had an impending ice age is today a scientist that says you can't avoid it, we have an impending global warming period of time, and it is going to happen and here is what you need to do, shut down your economy and greenhouse gas emissions, don't produce energy, and somehow or another we will help avoid, dodge this bullet which is the idea that the Earth could be a couple of degrees warmer. Some of the ice could melt and the sea level could go up a couple of a tenths of a foot or so.

Mr. Speaker, when I asked the USGS people what is sea level, well, they have an elevation that they pegged by satellite, but they couldn't really peg sea level because it goes up and down. It is awful hard to catch. The tides go in and out. Wind stacks water. And if you go to New Orleans, and I asked them what is going up and what is going down here, and what is settling and what is swelling up, they don't know. They don't know what the elevations are in New Orleans, Mr. Speaker, and yet we have scientists telling us that sea level is going to rise by a certain amount and that is going to start to swamp the coast land areas, but we don't know what sea level is.

So we do have an energy situation in America, and the energy situation is this: $4 gas; $4 gas. And the people in my district are buying gas. And they are paying the price, and they are paying 18.4 cents a gallon Federal, and they are paying more than that for State gas tax. They look and they expect that all of that money is going to go to road construction and road maintenance to make sure that they have a good transportation route. That's why they pay that gas tax.

So you are at 42-point-something cents a gallon in my State, but I can tell you for sure 18.4 cents of that is Federal gas tax dollars, my constituents believe, Mr. Speaker, that we are converting all of those dollars in that gas tax into road construction and road maintenance, making sure that they have a good transportation route.

☐ 2300

Users fees, drive on the road, pay the tax. All right. We're good with that. We're user people, and we like user fees, and we know it takes money to run the government. There's nothing more appropriate than a user fee, a per gallon gas tax.

The problem, Mr. Speaker, is that most of the money that my constituents, and, in fact, all constituents in America, the Americans that buy the gas and pay the gas tax, most of the money that they spend does not go towards road construction or road maintenance. No, Mr. Speaker, it gets diverted off on these other things, like, for example, 3 percent of that 18.4 cents goes to trails, to build bike trails. So apparently we don't have bicycles riding down the highway.

Now I kind of like it that the bikes are out there riding doing their thing. But I'm not so sure that's that a good idea to tax the people that drive cars so the folks that ride bikes have a place to ride them.

Second thing is, it takes 28 percent of that 18.4 cents of gas tax, 28 percent to meet the environmental and the archaeological requirements in order to build new roads and maintain the ones we have: 28 percent.

And, Mr. Speaker, it takes another 17 percent to subsidize the mass transit in the United States. And so, right there, Mr. Speaker, is the answer to the question that I've asked many times, and that is, how is it that the constituents of Speaker PELOSI, of the chairman of the Ways and Means Committee, CHARLIE RANGEL, of the chairman of the Finance Committee, Mr. BARNEY FRANK, how is it that their constituents let them off the hook? Aren't they angry that they're driving up the cost of gas? Don't they get mad when they have to pay $4 for gas?

How is it that somebody in San Francisco or New York or Boston or Washington, DC, for that matter, can have the patience to spend $4 for gas and not hold their Congressman or their Congresswoman accountable if they're the ones that are pushing up the price?

Well, now, here's a piece of the answer, Mr. Speaker, and that's this. Of the 18.4 cents of Federal gas tax dollars, 17 percent of that goes into mass transit funding. Seventeen percent. That means that if you pull into the gas station in Iowa, and you squeeze the nozzle and you pump a gallon of gas into your car, and that's all you can afford, you only have 4 bucks. You're going to pay 18.4 cents in tax for Federal, 20 some percent State. Of the 18.4 cents in gas tax that you pay, 17 percent of that money goes to fund the mass transit.

So, if you're riding the cable car in San Francisco, you get a cheap ticket because it's funded by the folks in my district and across America that are buying gas.

And if you jump on the El in Chicago you get a cheap ticket because it's funded by the folks in my district and across America that are buying gas.

If you jump on the subway in CHARLIE RANGEL's district in New York and you ride it, you get a cheap ticket because that's subsidized by the people all across America that are buying gas.

And if you go into BARNEY FRANK's district and you jump on, I don't know what they call it, the subway, the Big Dig, the major multibillion-dollar boondoggle and you buy a ticket to ride along on that thing, you get a cheap ticket because it's subsidized by the folks all across America that are paying 4 bucks for gas.

And, Mr. Speaker, if you go out here outside this Capitol building and you walk a little block over and a block down and you get into the Metro on South Capitol, and you ride over to Falls Church, Virginia, that's going to cost you about a buck and a quarter, and that buck and a quarter is a cheap ticket that's subsidized by all the folks across America that are paying 4 bucks for gas.

The constituents of those Members of Congress that are driving up the cost of energy, the regal Speaker PELOSI, the Chairman of the Ways and Means Committee, Mr. RANGEL, the Chairman of the Finance Committee, Mr. FRANK, all of them, their constituents are riding to work, going into town, riding around on mass transit that is 17 percent of the Federal gas tax dollar, that's subsidized by the people that are buying gas.

Why aren't they angry? They don't care, Mr. Speaker. They don't care because they got a buck and a quarter from South Capitol to Falls Church. They've got a cheap ticket, a cheap ticket that's subsidized by the people that are paying for expensive gas. And that's why they're not feeling the pressure.

But I can tell you, even though my constituents are utterly polite and respectful about all this, I can feel the pressure because I'm one of them. It cost me $41.42 to fill up my tank the other day at $3.85 a gallon.

So here, Mr. Speaker, is the solution. This, Mr. Speaker, is the energy pie chart. Now, this might seem like it's very simple, and actually it is, although, to approach this concept seems to be a little complicated.

Energy production in the United States of America, for 2007, well, I'll take the position, Mr. Speaker, that it's about all the energy. It's all interrelated, whether it's nuclear or hydroelectric, geothermal, biomass, motor gasoline, diesel, other petroleum, natural gas, coal, whatever it might be, if all of the energy in the United States is interrelated, and if you raise the cost of one form of energy, it's going to affect the cost of the other kinds of energy. And consequently, and correspondingly, if you drive the price down of one kind of energy, you'll lower the price of all kinds of energy because it's all interrelated.

So I've taken the trouble to build this chart. And I can't tell you how difficult it actually was. It should have been a simple no-brainer. It's not. But here's the energy pie chart. We produced 72.1 quadrillion Btus of energy in the United States last year. That's 72 followed by, I think, 15 zeros. Three, six, 9, 12, 15. 72 quadrillion Btus. It's more important, I think, to think of it in terms of the proportionality of it.

This is all the energy that we produced in America. Now, the percentages are on here. 27 percent was natural gas, 32½ percent was coal, nuclear was almost 12 percent, hydroelectric 3.4, other versions, geothermal, wind, solar, fuel ethanol is a little smaller, a lot smaller than you would think. It's three-quarters of a percent of the overall production in America. Biodiesel, one one-hundredth of a percent. Biomass, 4 percent. That could be the people burning wood and the methane, et cetera, that comes out of there. Gas was only 8.29 percent of our overall production.

The list goes on. You can see it here, Mr. Speaker. Now, that's energy production.

What I've done is, Mr. Speaker, taken this pie chart of the energy pie, I'll call it, and I cut this out so that I could put it on top of the energy production, or the energy consumption in America, so you can see how this works in just a moment.

All right. This, Mr. Speaker, is the energy consumption chart in America. And the outside circle, and I'll kind of line them up here a little bit; the outside circle is the energy that we consumed. Actually, I think I might be able to do it this way.

This is all, Mr. Speaker, the energy that we consumed in America last year. Energy consumption, United States, 2007, 101.4 quadrillion Btus.

Number down here, 101, comma and the equivalent of 15 zeros out.

Now, we're dealing with 72 quadrillion there, 101 there. So let's just think, Mr. Speaker, in terms of we produced 72 percent of the energy that we consumed in 2007. And this is a picture of the consumption, this round spot here is a picture of the production. This circle is smaller than this circle. That's kind of like Energy 101, probably the first time that that idea has arrived on the floor the Congress, Mr. Speaker.

And so you look at the percentages of the overall consumption, and you see natural gas is 23 percent, and we produce 27½ percent of all the natural gas that we consume, but it's 23 percent of the overall Btu picture here.

Coal, 22 percent, nuclear, 8.29 percent, hydroelectric, 2.4, smaller pieces of energy here, including ethanol, biodiesel, wind, .31 percent. Not very much. We're working on this.

By the way, I do represent the number 1 renewable energy producing congressional district in America, and so we're not without knowledge on this subject matter.

Gas, 17.44 percent of the overall Btu consumption in America. And here in the red we have the diesel fuel and heating oil at 8.84 percent, kerosene jet fuel here, 3.3 percent and other kinds of petroleum, asphalt and that kind of thing, almost 10 percent.

So, what do we need to do, Mr. Speaker?

Well, here's a way to approach this thing from my view. The small circle is energy production. The big circle is energy consumption. And so you don't have to be a Harvard M.B.A. or, let me say, a rocket surgeon, to be able to calculate this, Mr. Speaker. The inside circle, which is energy production, needs to grow to the size of the outside circle, which is energy consumption.

Yes, we could maybe add another piece to this energy production pie called energy conservation that will help us grow the size of this inner circle to get it to be the size of the outer circle. But however we do this, we're producing about a little more than 72 percent of the energy that we're consuming. And so we can stand here on the floor of Congress, until all Hades freezes over and talk about this piece of energy and that piece of energy, and somebody's wrong because they want to drill ANWR and somebody else is wrong because they don't want to drill the Outer Continental Shelf; somebody else is wrong because they think ethanol is a good idea, or biodiesel's a good idea, or they could even make the ridiculous argument that somebody's wrong because they think that we ought to dramatically expand our nuclear.

And, Mr. Speaker, we should dramatically expand our nuclear production of electricity. That is the single most effective thing we can do, cut down on the emissions of greenhouse gases, and replace the consumption of other energies and allow those other energies to be used for other purposes. We can produce a lot of energy with nuclear.

But in the end, it's this. I'll go right around the circle. Natural gas, drill the Outer Continental Shelf, drill the non national park public lands, open up the natural gas production in America, the place where we have enough natural gas to heat every home in America for the next 150 years. Get the slice of the pie in production as big as the slice of the pie in consumption on natural gas.

We go over here to coal. Why in the world can't we produce and burn more coal to add to the overall size of the energy pie? Yes, we can. And we should do that, and we should do that until it's no longer cost effective as competing against these other signs, other components of energy.

Nuclear. I talked about the nuclear. Here's the overall percentage of our energy production in nuclear, which happens to be 11.66 percent. But it needs to be a bigger piece of our energy consumption, and we can broaden that out.

You can see how these pieces of the pie come out to the edge of the circle and they get wider. We do that with ethanol, we do it with biodiesel, we do it with wind, we do it with biomass.

We can produce more gasoline, Mr. Speaker, and we can produce more diesel fuel and more jet fuel and we can produce more natural gas. There is no component in this energy pie that we cannot produce more of. And if we grow the size of the energy production pie to meet or exceed the size of the energy consumption pie, we have then solved the problem of energy dependence on Middle Eastern oil, on foreign energy.

Mr. Speaker, we can do this. We should do this. We must do this. And any idea that says that we should strike off of our list of options any component, and you will hear almost every source of energy vetoed and opposed by Members of the other side of the aisle. Some will stand up and say, no more nuclear. We will not do any more nuclear plants.

Some will say, can't drill in ANWR because 36, 38 years ago, somebody said, well, we're not going to ever drill ANWR. That's our deal.

And somebody else will say we can't drill the Outer Continental Shelf because people sit on the beach in Florida will figure out that there must be a drill rig out there 199 miles away.

Mr. Speaker, I will tell you, I talked to three children in Lineville today. They're down on the border with Missouri and Iowa.

□ 2315

And if they stand with their back to Missouri and they look north, it's 200 miles to the Minnesota border. And for them to say, I can't have a drill rig up there on the Minnesota line because it offends my idea of sightseeing with my back to Missouri 200 miles from there is as ridiculous as the people on the beach in Florida saying you can't have a drill rig 200 miles offshore.

No, Mr. Speaker. There is a reason, and more like an excuse. And my father taught me a little bit about that. He said there's a difference between reasons and excuses. There are all kinds of excuses for not developing energy. I can't find a single reason, Mr. Speaker.

Unless you like $4 gas, unless you like $5 gas, and unless you like expensive energy, expensive energy shuts down our economy. You shut down our economy, it uses less energy; if it uses less energy, it emits less greenhouse gas; if you emits less greenhouse gas, somehow or another in this fantasyland world where you're out there in Pa-la-la-losi land, you're going to save the planet if you shut down the economy is the only rationale that's there. It's weak and it's unfounded, Mr. Speaker; and we've got to open this energy for the American people.

And with that, I thank you for your indulgence.

I yield back the balance of my time.

A NEW ENERGY POLICY FOR THE COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the Chair recognizes the gentleman from Minnesota (Mr. ELLISON) until midnight.

Mr. ELLISON. Mr. Speaker, tonight the freshmen, the Democrats of the Freshman Caucus are going to take the rest of this hour to talk about our economy. And it's an excellent way to move forward, Mr. Speaker, because the prior speaker had some interesting things for us to chew on, and we will help the American people to see that under Republican control, the economy has not fared well, that they're not good at running the economy, and the proof is out there for everybody.

We'll be able to show how, when Democrats are in charge, that we do have job growth, we do have strong economy, we do have an economy where we are reducing poverty. We have an economy where all Americans are doing better than they were doing before.

I think it is obvious to everyone if you reflect only a few years ago in the late 1990s—I think it was a different President in office than the one we have now—that the economy was much better than it is today and that it is these policies that we've seen over the last 8 years where it was a Republican House, a Republican President, that have really led us to the difficult situation that American consumers and workers are seeing today.

So we have a different vision. We have a vision that includes everybody. We have a vision that says that workers should have the right to organize. We have a vision that says we should have a fair trade policy. We have a vision that says that we need investment in our public infrastructure. We have a vision that says that we need universal health care coverage for all people. We have a vision for an economy, Mr. Speaker, that says that everybody counts and everybody matters.

And, you know, I really couldn't be happier tonight because I'm joined by my good friend from Colorado, ED PERLMUTTER, not only a very excellent legislator but a really nice guy.

ED, how you doing?

Mr. PERLMUTTER. Good evening. It's good to be here with my friend from Minnesota, and we just were listening to the gentleman from Iowa, and he was talking about what's the Democrat's plan.

Well, what is the Democrat's plan for energy? Well, it's just obvious what the Republican's plan has been with two oil men in the White House. You can see exactly what has happened to the price of oil under the Bush administration. From $25 a barrel to $134.35.

So when he is making comments or generally people are saying what is going on here, we can see with two oil men in the White House what the energy plan has been for this country, and that's higher and higher and higher gas prices.

Now, what we've got to do is we've got to take ourselves off of oil to a greater extent than we are right now. We have to relieve ourselves of this addiction. And in the short run, we're going to feel some pain, but in the long run, the liberation from being addicted to one commodity the way we are, which is oil, which is really having a ripple effect throughout the economy, will be fantastic.

And so what we are doing as Democrats is to provide other ways to save energy. A gallon saved is a gallon earned. A kilowatt saved is a kilowatt earned. And so what we want to do first is make sure that we're efficient in how we use our energy so that there is a lower demand and we aren't so hooked on petroleum and petroleum by-products.

Second, we've got to find other commodities that compete with petroleum, whether it is cellulosic ethanol or better ways to make electricity through renewable energy sources. As Democrats, those are the kinds of things we're doing. It's time for us to get to the future and not continue to be hooked on oil like we have been for the last 30, 40, 50 years.

Mr. ELLISON. Will the gentleman yield?

Mr. PERLMUTTER. I certainly will yield to my friend from Minnesota.

Mr. ELLISON. Now, let me just ask you this question sir. You have studied this issue. I consider you one of the most learned persons on this issue in the Congress, and I just want to know, isn't this proposal of just drilling in the Continental Shelf, drilling in ANWR, isn't this kind of like trying to cure a disease by simply treating the symptoms of the disease? For example, if I were to have cancer, you could try to find a cure for my cancer, or you could simply try to alleviate the symptoms of the suffering that I am enduring but not really get to the root of the matter.

Is this kind of like—does that analogy work when it comes to just drilling for more oil and continuing to spoil our natural wilderness areas and to risk oil spills? Isn't that sort of an analogous situation?

Mr. PERLMUTTER. Well, if the gentleman will yield.

Mr. ELLISON. Yes, sir.

Mr. PERLMUTTER. It clearly is.

This is the time for us to get healthy, and we can get healthy in many, many different ways. And it is going to be across the spectrum, whether it is making our buildings more efficient, our homes more efficient when it comes to energy consumption, our cars more efficient, come up with different fuels, different ways to power this country, we can do those things; and it's just so obvious because it's good for national security, it's good for climate, and it is good for jobs.

But let us go back to this thing about they want to drill in ANWR, they want to drill offshore, they want to drill a million places.

Well, we know that right now, and I'll put up a chart, that right now oil companies are not drilling 30.6 million acres that they have offshore and 30.5 million acres that they have on shore.

Mr. ELLISON. Well, then, why are they crying about wanting to drill in ANWR and wanting to drill off the Continental Shelf when they have all of these places they can drill now? I mean, I know that there's got to be a million Americans watching this broadcast who want to know that question.

Mr. PERLMUTTER. I think the question is to try to distract from the real answer which is the plan, the energy plan has been to raise gas prices, and the energy plan has not worked. It's hurt Americans. And we have to come up with other ways so that we aren't dependent upon one commodity like that because we're dealing with eight or so countries in OPEC and five, or about five big oil companies. Very few countries and very few companies. And we need to have other ways to power this Nation, and we can do it.

I mean, we have the ability to come up with better and more efficient cars. We have the ability to come up with more efficient homes and not in expensive ways. We're talking about changing out windows, putting in more insulation. There are opportunities to add solar or wind so that we have renewable energy sources, and these are thousands and thousands and thousands of jobs; and certainly in the construction industry, those jobs are needed today. So it is a win-win situation if we're just going to have to do these things.

But even in the short run, we know that oil companies have plenty of places to drill that they aren't drilling today. So it's a phony argument.

Mr. ELLISON. Well, you know, the gentleman from Colorado makes an excellent point, Mr. PERLMUTTER. And what you're describing is a slice of a Democratic vision for our country for a fair economy and a cleaner economy.

I think it's important when you mention construction jobs and retrofits and things like that, what you're talking about is the green economy, an economy that can include everybody, people who can do relatively menial jobs and also the innovators. Up and down the educational scale. But it's going to take training, it's going to take opportunity, and it is going to take courage.

You know, when Jonas Salk, who cured—came up with the polio vaccine, when he was—he could have spent his time making better braces for kids who had polio, right? But what did he do?

What did he do, Mr. PERLMUTTER?

Mr. PERLMUTTER. He came up with a vaccine so that they didn't have the disease in the first place.

Mr. ELLISON. So what we need is a vision for a green economy for now and in the future where we can increase the fuel efficiency of vehicles, where we can invest in transportation and transit, where we can move people and not just cars, where we can take some of our old windy buildings where right out of the roof the heat's just going out, retrofit them for some green roofs.

Are these the kinds of things that you have in mind, Mr. PERLMUTTER?

Mr. PERLMUTTER. And, Mr. ELLISON, you are right on the mark. This is about changing the direction of this Nation and not doing things the same old way that now is forcing us to see $4-a-gallon-priced gasoline. This is about changing the direction of this Nation, moving us into this century where we have many other ways to power this Nation.

Now we just, all of us as a country, as Americans, we have to step forward and do this and knowing in the short run that we're facing $4-a-gallon gasoline. Now, we're going to take a look, as Members of Congress, why we've seen this dramatic spike to $4, whether—hopefully there's not been manipulation, there's not been speculation that's been improper.

But even so, we need to come up with other ways to power this country, and we can do that whether it is through the research being conducted at the National Renewable Energy Lab in Colorado, whether it is the new designs that we're seeing for cars across the globe. There are many, many ways that we can improve our energy situation, and most of them start with really pretty low-hanging fruit; and that's just being more efficient.

Mr. ELLISON. Conservation.

Mr. PERLMUTTER. Conservation but efficiency.

We can, through just engineering, basic engineering, architecture, design work, be more efficient in how we power this country and how much energy we use and consume. And we don't want to be putting a lot of carbon, continue to be putting carbon into the atmosphere. We don't want to continue to be so beholden on oil countries and oil companies.

So we are, as the Democratic Congress, moving us to a new energy future. We are changing the direction of this Nation. We're not going to follow the energy plan of two oil men in the White House. That's just not where we're going to go any more.

Mr. ELLISON. Well, you know, Mr. PERLMUTTER, when you talk about these energy issues, it makes me think that this is where the country, I think, really wants to go. I mean, in these last several months we've heard a lot about change. It seems Americans want change. We don't want to be stuck in oil handcuffs. We want to go towards an energy future that includes everybody and that where we need to invest in our innovation, we need to invest in our brain power, you know, where we can have a into new opportunity in our country to make sure that we're not polluting the air, warming up the globe.

And again, as our friends on the other side of the aisle talk about, well, why don't we just drill off the Continental Shelf off Florida, they kind of imply it's just a matter of sunbathers not wanting to see an unsightly rig out there. Of course it is ugly to see that. But that does minimize the real concerns we're talking about; isn't that right, Mr. PERLMUTTER?

Mr. PERLMUTTER. I think it minimizes it. I think there are plenty of opportunities to drill.

You know, having said we're going to change direction, we're not going to go cold turkey from oil and gas. It will play a role in our energy spectrum for a long time to come. But we certainly can reduce our demand.

There are certainly places to drill now that aren't being drilled by the big oil companies, and there are other ways that we can wean ourselves from the dependence on foreign oil.

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We just have to do that. We can't ignore this any longer, and this particular White House and the Republican Congress before us would just want to drill and drill and stay hooked on one commodity. It is never smart in business to only have one supplier.

Mr. ELLISON. Don't the business people say you've got to diversify?

Mr. PERLMUTTER. You have to diversify, yes.

Mr. ELLISON. I'm all for saying let's not build more leg braces; let's find some vaccines.

Mr. PERLMUTTER. And I'm going to not add to that because that is a very good analogy.

Mr. ELLISON. As we talked about the gas prices and things like this, we'll be talking more about that as we get closer to the end of the hour. But I also want to bring some other things into the conversation which I think are very important.

One of those things is that today the House tried to increase the unemployment insurance, and we tried to put it on the suspension calendar and pass it that way. Unfortunately, we did not meet the marker we were looking for. We needed three more votes to get there on suspension calendar, and we are not going to quit. As you know, the Democrats have a lot of fortitude, and we don't quit, and we are persistent and dogged in our efforts to stand up for the American people.

But the Senate recently did pass a 13-week extension of the unemployment insurance as part of a supplemental appropriation, and I think that it is really indicative of the situation people are finding themselves in.

As we're talking about $4 a gallon gas, we also have to take into consideration, Mr. Speaker, that we've seen 30 years of stagnant wages, except for that period in the late 1990s when we had a Democratic President. We have seen 30 years of stagnant wages except for that 1990s blip, and now that paycheck is being asked to do more, being asked to take on more child care, more health care, more fuel prices, more in terms of food prices.

Americans are in a difficult situation, and I dare say that now we have about 8.5 million unemployed people who need help, and I think that it is a little unfortunate we were not able to pass that mark today with that unemployment insurance, but I'm sure that we're going to keep on trying until we get it.

I just wonder how the people in Colorado are faring. Are they unemployed, having a tough time there, and basically, as we see ourselves having creeping expenses for our food, fuel and things like that?

Mr. PERLMUTTER. In Colorado, we've had kind of a slow economy for several years now. We've faced a lot of foreclosures in the Denver metro area and throughout the State. We keep feeling like we're going to come out of this slump and then kind of get bumped back in. I believe in Colorado we're going to come out of the slump before much of the Nation just because we went into it before much of the Nation.

But even so, with the oil prices the way they are, with the way the economy has been managed by this administration, the people in Colorado need a safety net which is what unemployment insurance is. These are hard-working people who, for one reason or another, may have lost a job. They're looking for work. They want work. They want to get back in employment, and they need to do that. People in Colorado are workers. They like to be employed. They like to earn an income. They like to provide for themselves, and given the slow economy that we've had in Colorado, which I think and I hope is ready to turn, people do need that extra safety net.

Mr. ELLISON. Well, you know, all of us are looking for better days. You know, I can tell you that my constituents in Minnesota let me know that we've been hit with the foreclosure crisis as well as stagnant wages, and I'm sad to report to you that the Nation's job market showed clear signs of recessionary conditions, as the jobless rate leapt up a half a percent in May alone from 5 percent to 5.5 percent. That's a lot of people, and that's according to our Bureau of Labor Statistics. And this monthly increase was the largest since the mid-1980s. It's been a while, pushing unemployment to the highest rate since 2004.

I don't like to rattle the sabers in terms of the partisan divide, but I'm one, speaking only for myself, who's prepared to say that, you know, the Democrats have a better vision for how to run the economy, vision in terms of the energy future, vision in terms of trying to get some unemployment insurance extended so that people can have a little relief as they try to find that next hard-to-find job.

But I think it's important that we see this thing in a broader context.

Mr. PERLMUTTER. Well, and in a broader context, I want to go back to our prior conversation on the green jobs, the green collar jobs.

One of the things that we see in Colorado, and I think this can be nationwide, is that there are thousands and thousands and thousands upon thousands of jobs in the green industry, in the energy industry with renewables and with energy efficiency in housing. There are thousands of jobs, and they are jobs here in America.

Mr. ELLISON. Right.

Mr. PERLMUTTER. Not overseas, but they're here in America.

Mr. ELLISON. I've got to ask you a question. If you are training somebody to retrofit a downtown office building in, say, Denver or Minneapolis, and they're going to retrofit that building to be green and efficient, can you offshore that job?

Mr. PERLMUTTER. Your question answers itself. Of course not. When somebody comes in to change the windows in my house, they're doing it at my house in Golden, Colorado. These are good construction jobs. They're design jobs. There are some manufacturing jobs attached to it.

The new direction for energy also is a place where there are thousands of jobs which will help us stem this unemployment, but for those people who can't find those jobs right now, we need to have a safety net for them.

Mr. ELLISON. We need a safety net. We need to have a caring Nation, and Americans are a caring people and a compassionate people, but we also are a working people and we want to work, and we also need a vision for our future because if you're unemployed right now, this might not be a bad time to think about getting some extra education, as long as you can get some unemployment insurance, and if you get that education, maybe you want to think about a green job for a green energy future.

You know, I want to add, too, while we're on the subject of jobs, the payroll contracted for the fifth month in a row, down 49,000 with most of the net job losses occurring in the construction industry, factories, offices, and retailers. Since the total payroll peaked last December, they've been down by around 324,000 jobs since the government sector tends to be less cyclically affected by downturns.

And looking at just the private sector, job loss can provide a more accurate gauge of the lagging economy's impact on job growth. Private sector employment has fallen over the past 6 months by over 400,000 jobs. I'm not happy to report that to you, Mr. Speaker, but it is the situation that people are facing, and I think it's important that this Congress be willing to respond to the needs of the people, which is why we needed three more votes in order to get that extension of the unemployment insurance passed as we tried to do today.

I think we're going to hit that mark. We're certainly not going to quit. I certainly believe that there are a lot of people out there who really want this policy. They certainly can get on the phone, get on the e-mail, and let folks who represent them know how they feel. But this unemployment extension is a big deal, but I think it's important as we push to extend unemployment insurance benefits that we tell folks that while they know they're dealing with putting the food on the table tomorrow and paying the rent tomorrow and paying the mortgage tomorrow, we want them to look to a better future, and that involves the green job economy that you've so amply described.

I also want to just say, too, as we talk about the economy and the job situation that, you know, we've got to have a real clear understanding about those indicators that tell us which direction the economy is going in. And I'm looking for a time when we can actually set policies in place that really will give Americans the kind of vision that they need, as we talked about just a little while ago.

Mr. PERLMUTTER. If you would yield, I think one of the places where, again, going back to your education and a vision for this country that looks beyond just tomorrow but to next year and 10 years down is the GI Bill that we would like to see passed that the President has threatened to veto.

Mr. ELLISON. Wait a minute, wait a minute, wait a minute. This President, who shakes his finger about supporting the troops, would never, never veto the GI Bill. Certainly you jest.

Mr. PERLMUTTER. I'm sorry to say that he's considering that, and what I find so hard to believe is that the best investment this country ever made was in the GI Bill after World War II. And now we have had our men and women in Afghanistan and in Iraq for more than 5 years, which is longer than we were in World War II, and to provide them with education and educational opportunities simply will be a fantastic investment for this country.

The wealth that was created, the happiness that was created because people could live full lives and educated lives after World War II, those are the kinds of things that we want for America. And my Dad, when we're talking about this, and you can see him well up with pride about the GI Bill and how so many men came back from World War II and then were successful after seeing the horrors of war, but came back and were able to provide for their families in ways that nobody anticipated. He describes that as the greatest investment this country has ever made, and he kids around by then saying, "And a distant second was the Louisiana Purchase."

So this GI Bill that we're proposing now for the 21st century will be a fantastic investment for our men and women who have served us. I believe we owe them a responsibility to provide for education, and we just need to go forward with this. And the White House has objected to this. Senator McCAIN has objected to this, as I understand it. And it just doesn't make sense.

Mr. ELLISON. Well, you know, Mr. Speaker, these are important facts you bring up. I kind of think of that period after World War II, up until about 1973, as the almost, almost golden age of America. I say "almost" because it was marked by Jim Crow and other things like that, very important, serious issues. And we've come a long way. Our country's come a long way.

But you cannot ignore the fact that after World War II, you had the GI Bill. You had FHA. We had already established Social Security to make sure that no seniors had to live out their retirement in an undignified way. And we also had tax rates for the very wealthy that were much, much higher than they are now, and we also had a higher rate of unionization.

I know some folks don't understand how important that is, but the fact is, in 1957, 33 percent of all workers were in a union. Another 33 percent were paid like they were, and folks were living relatively well. We all look back at those old TV shows and kind of chuckle now at how corny they were, but they actually were doing pretty well economically in the 1950s.

And the fact is that some of these kind of policies are things we need today, but we have the advantage today to have greater equality which is so great, you know. It's a great honor of America that we have overcome some of those things of the past, those lack of equality issues. But as we've gotten greater social equality, we've lost in the area of income and economic equality, and we've got to revitalize our economy to make sure that everybody can share in it. And I think that green jobs are the way, but a compassionate response to people who are unemployed now is also part of the picture as well.

And you mentioned your dad. My dad was born in 1928, went to World War II, to the Pacific at a very young age, about 17 years old, but he did go. He was a military person and served in the Pacific, was in Hawaii and was a beneficiary of the GI Bill and was able to go to college, Wayne State University in Detroit, on that program. And it made him into a man who could put five boys through college, me and my brothers, and you know, it's an amazing thing.

You know, I am proud of my brothers. They're all doing well. They're all doing great. And the fact is, none of us would be doing this well if our dad had not been the beneficiary of an enlightened, compassionate, common-sense program like the GI Bill, and I'm glad that we're able to pass it through this House. And I pray that the President sees the light and passes and signs that bill.

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Mr. PERLMUTTER. Mr. ELLISON, while we're on the subject of our service men and women, I think one of the things where there really was a change in the direction of this Nation in the past year was the fact that the Democratic House and the Democratic Senate, the Congress, sent to the President and he signed—and I want to applaud him for doing that—the greatest increase in veterans' benefits in the 77-year history of the Veterans Administration. And again, when we send men and women into harm's way, when we ask them to protect us, serve us, we have a moral contract, a moral responsibility to provide them with as normal a life as possible and to provide the benefits that are promised when they go in.

Mr. ELLISON. Well, you know, soldiers are people, too. They want a future. They want an education. They want something to pass onto their children. They want to live a quality lifestyle. They want to own their home.

Mr. PERLMUTTER. And I feel that we've made great strides in living up to our end of the bargain. Now, it has to have execution, but I know in Colorado, for instance, in terms of veterans' claims, there was this tremendous backlog. Because of what we did last year, we've added 65 people to the benefits section so that claims can be processed in a reasonable and timely fashion so that the benefits are received by our service men and women in a reasonable and timely fashion. So there has been actual progress on the ground.

Mr. ELLISON. There has been actual progress on the ground in Colorado. I'm happy to report that in Minneapolis we have a wonderful VA' hospital there, and we've seen things getting better all the time. But I want to let the veterans know that, as we talk tonight about the economy, we've talked about gas prices, we've talked about unemployment insurance, looking out for our veterans, making sure our veterans have economic opportunity, educational opportunity, health care opportunity is part of the whole dialogue. This is a working class prosperity issue, veterans' benefits. GI Bill benefits is a factor when it comes to trying to make sure that the American middle class, American working class has a real chance at doing well in this economy. So I want to thank you for bringing that out.

And I just want to say, you know, that it's important to understand veterans as an important component in our economy because when you just separate the soldier from the economy, you forget that the soldier is coming back. And they should have a good way to go when they get back.

You know, I also just wanted to mention, as we start walking into our final 15 minutes tonight, that we just had a Memorial Day. And on that day, I am proud to tell you that a number of our veterans are well aware of some of these programs; a number of them are well aware of the work that Congress is trying to do, not always with a cooperative White House, but on some things we have found cooperation, and we're thankful for that.

And I just want to mention to you as well that it's really tough on our veterans to have to deal with foreclosure. I've had a few vets in my district, while they were away, they had only their spouse to try to keep up the mortgage, and they've fallen behind. And I bring that up only because I think that it's important, as we talk about this, that we do mention that a part of what this Democratic Congress and the "difference makers," this freshman class, has been a part of is trying to close the gap when it comes to the foreclosure crisis.

You know, I don't have to tell you, Mr. PERLMUTTER, that we're dealing with about 2,800 foreclosures a day. We're dealing with about 20,000 a week. We're dealing with a very serious problem. And I just want to point out that this foreclosure crisis is something that there have been bills introduced that try to forestall foreclosure for a veteran, for a soldier who's overseas, but it's something that really is affecting our entire economy.

We've passed bills through the House recently that will allow FHA to be put in a position to buy some of these mortgages and restructure them going forward. I think it's important that we point this out because the Congress has been responsive. You and I are both on the Financial Services Committee, and so we both know that we've been working on this housing issue quite a bit. And also, last December, I believe, we also passed a bill through Congress, an anti-predatory lending bill that I think should pay some good dividends if we could get that enacted into law.

But this foreclosure crisis is hitting our veterans and it's hitting all of our people. And maybe you would like to comment on that.

Mr. PERLMUTTER. Well, we've taken steps to stem foreclosures by using the FHA guarantee as a way to slow things. And the way it works is that a bank that has a loan to somebody can write the loan down to whatever the market value is. Then the FHA will guarantee 90 percent of this lower amount for the borrower so long as the borrower can pay that 90 percent back. Now they have to go through a credit check, and they've got to be able to pay the lower amount.

So the Federal Government is coming in to stop a foreclosure which, if it takes place, could result in a vacant home that then ends up decaying, and it starts the decay in a neighborhood. So it assists the neighborhood. It allows the bank to become liquid. And it gives the borrower a chance to make the payments at this lower amount.

Now, if the borrower were to sell in, I believe, within 5 years, the Federal Government would receive a portion of anything above the written down purchase price. But the bottom line is, in a very prudent and fiscally responsible manner, FHA is being used to guarantee lower loans, reduced loans so that we can limit the numbers of foreclosures in our neighborhoods and maintain the strength of our neighborhoods.

Mr. ELLISON. Well, you know, I'm glad you mentioned that it's not just the individual who is getting their mortgage restructured with the FHA assistance who will benefit, actually, it's the neighborhood. Foreclosures really don't hit individuals alone, they hit neighborhoods. Because if you end up with a foreclosed home and an abandoned house, it's an attractive nuisance for people in the neighborhood who have bad intent. We know the price of copper. These houses are being stripped of their copper wiring. And oftentimes the copper strippers are not very careful about how they get it out. They've been known to nick and cut and damage gas lines and cause fires and explosions, not to mention other damage.

And so when you have a concentration of foreclosed and abandoned buildings in a neighborhood, it really does put downward pressure on the homes of everybody in the neighborhood, even the people who have been fortunate enough to pay every single mortgage payment on time every time. And so it really is something to help everybody, not just the individuals who are being directly assisted.

And of course, as you also know, when a house is abandoned, the city cannot receive property taxes on that house anymore. And so really what it's doing is coming up with a practical solution which will allow the bank to keep getting some of that money back, maybe not the originally intended amount, but a portion; of course half a loaf is better than none often. And so it's a practical solution to a serious problem. And it's just one more example of how Democrats and how freshman Democrats like you and I are part of solutions to try to improve our Nation.

And we're trying to bring benefits not only to our citizens, but also, as you mentioned before, our veterans, trying to make sure that our vets and all kinds of people who are going through this foreclosure crisis are able to keep their homes, neighborhoods are able to be stable, cities are able to receive property tax, city police departments aren't having to run out to properties and spend resources kicking people out of abandoned houses, or fire departments putting out fires. It really is a responsible way to sort of operate and try to improve the situation here.

Well, Mr. PERLMUTTER, it looks like we've got about 5 minutes left. Any parting shots?

Mr. PERLMUTTER. Well, I'd like to go back to the gas prices.

You know, I think that the gas prices show the lack of an energy plan by the prior Republican Congress, by this White House, except to the degree that it has caused an increase in oil prices.

You know, we're in Iraq in a substantial way; and a lot of it, in my opinion, has to do with oil. Now, the average price per gallon of fuel paid by U.S. military units in Iraq is at least $3.23. The price per gallon of gasoline for Iraqi residents is $1.36. Why the difference there? Oil revenues for the Iraqi Government is expected to be $70 billion, which should be paid back to this country when we are running a deficit. We're spending $2.5 to $3 billion a week to be in Iraq. And that obviously has had an effect on our economy over the course of these 5 years that we've been in Iraq.

We've got to change the direction of this Nation, Mr. ELLISON. We're trying to do that every day. We need to change the direction when it comes to energy. We've got to change the direction when it comes to Iraq. We've been changing the direction when it comes to our veterans and living up to our contracts and responsibilities in terms of their benefits.

We're making a difference. We have a long way to go to really change the direction of this Nation. This country is in need of big change in a lot of ways. And I'm glad that I've been elected to the Congress by the people of the suburbs of Denver to try and institute some of that change.

And so with that, I would yield back to you, sir.

Mr. ELLISON. Well, Mr. PERLMUTTER, I want to be a witness to what you just said. You have made a great difference. You, together with our freshman class—which I'm also a member of—have been here trying to improve the lives of Americans. And what we've been offering, yes, vision on energy policy, yes, vision on dealing with unemployment insurance and the jobs and the economy, yes, vision on veterans. But what we're really offering is a bigger vision of America, not just a litany of bills, but a bigger vision of our country, a bigger vision, an America that is fairer, that's more prosperous, that's more innovative, that takes care of its own. This is the America that we all know we can have because people like your dad and mine fought for an American that could be that way. And we believe that it is our generation's responsibility to make a better America for our children and our parents and everyone.

So it's been great hanging out with you, Mr. PERLMUTTER. Have a great night.

Mr. PERLMUTTER. Good night.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLAKE (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mr. POE, for 5 minutes, June 18.

Mr. JONES of North Carolina, for 5 minutes, June 18.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

ADJOURNMENT

Mr. ELLISON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Thursday, June 12, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7085. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Temporary Importation of Horses; Noncompetitive Entertainment Horses From Countries Affected With Contagious Equine Metritis [Docket No. APHIS-2006-0164] (RIN: 0579-AC35) received June 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7086. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly; Designation of Portion of Willacy County, TX, as a Quarantined Area [Docket No. APHIS-2008-0057] received June 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7087. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Amendments to Treatments for Plant Pests [Docket No. APHIS-2006-0091] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7088. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Livestock Mandatory Reporting; Reestablishment and Revision of the Reporting Regulation for Swine, Cattle, Lamb, and Boxed Beef [Docket No. AMS-LS-07-0106] (RIN: 0581-AC67) received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7089. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Quarantine Restrictions [Docket No. APHIS-2006-0036] (RIN: 0579-AC42) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7090. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "Study on Increasing the Usage of Recovered Mineral Components in Federally Funded Projects Involving Procurement of Cement or Concrete to Address the Safe, Accountable, Flexible, Efficient Transportation Aquity Act: A Legacy for Users," pursuant to Public Law 109-59, section 6101(a); to the Committee on Energy and Commerce.

7091. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Administrative Changes: NRC Region IV Address Change and Phone Number and E-mail Address Changes [NRC-2008-0270] (RIN: 3150-AI39) received May 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7092. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule—Foreign Trade Regulations: Mandatory Automated Export System Filing for all Shipments Requiring Shipper's Export Declaration Information [Docket Number 031009254-6014-03] (RIN: 0607-AA38) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7093. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a copy of the Semiannual Report of the Inspector General of NASA for the period ending March 31, 2008; to the Committee on Oversight and Government Reform.

7094. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Cost Accounting Standards Board; Accounting for the Costs of Employee Stock Ownership Plans (ESOPs) Sponsored by Government Contractors—received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7095. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Nonforeign Area Cost-of-Living Allowance Rates; Puerto Rico and Hawaii County, HI (RIN: 3206-AL28) received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7096. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Compensatory Time Off for Travel; Prevailing Rate (Wage) Employees (RIN: 3206-AL52) received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7097. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule—Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals [Docket No. PTO-P-2007-0006] (RIN: 0651-AC12) received June 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7098. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Changes to the Visa Waiver Program to Implement the Electronic System for Travel Authorization (ESTA) Program [USCBP-2008-0003 CBP Dec. No. 08-18] (RIN: 1651-AA72) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7099. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—26 CFR 1.1445-2: Situations in which withholding is not required under section 1445(a) (Also: 897; 1445; 1.897-1; 1.897-2; 1.897-5T; 1.897-6T; 1.1445-5.) (Rev. Proc. 2008-27) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2631. A bill to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material; with amendments (Rept. 110–708 Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5811. A bill to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; with an amendment (Rept. 110–709). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 1265. Resolution providing for consideration of the bill (H.R. 5749) to provide for a program of emergency unemployment compensation (Rept. 110–710). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Foreign Affairs discharged from further consideration. H.R. 2631 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina (for himself, Mr. GOODE, Mr. COBLE, Ms. FOXX, Mrs. MYRICK, and Mr. HAYES):

H.R. 6233. A bill to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY:

H.R. 6234. A bill to amend title 23, United States Code, to require corrosion mitigation and prevention plans for bridges receiving Federal funding, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRALEY of Iowa:

H.R. 6235. A bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. CHABOT (for himself, Mr. LAMBORN, Mr. JORDAN, Mr. HOBSON, and Mr. TURNER):

H.R. 6236. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate, consistent, and timely delivery of compensation to veterans and their families and survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COURTNEY:

H.R. 6237. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for long-term care insurance premiums and for taxpayers with long-term care needs; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. BARROW, Mr. HILL, Mr. HOYER, Mr. BOUCHER, Mr. DOYLE, Mr. TOWNS, Ms. BALDWIN, Mr. STUPAK, Ms. ESHOO, Mr. WEINER, Mr. MATHESON, Ms. HOOLEY, Mr. BUTTERFIELD, Mr. ALLEN, Mr. ROSS, Mr. MELANCON, Mr. INSLEE, Mr. MARKEY, Mr. GONZALEZ, Mr. ENGEL, Mrs. CAPPS, Mr. GORDON, Ms. SOLIS, Mr. WAXMAN, Mr. RUSH, Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. HARMAN, Mr. GENE GREEN of Texas, Mr. PALLONE, Mr. BARTON of Texas, Mr. UPTON, and Ms. MATSUI):

H.R. 6238. A bill to provide for the establishment of an interagency working group to conduct a study to identify the factors that affect the pricing of crude oil and refined petroleum products, and to make recommendations on appropriate coordination of oversight and regulation; to the Committee on Energy and Commerce.

By Mr. GRAVES (for himself and Mr. WALZ of Minnesota):

H.R. 6239. A bill to amend the Elementary and Secondary Education Act of 1965 to suspend temporarily the process of identifying schools and local educational agencies as in need of improvement and of imposing sanctions on such schools and local educational agencies; to the Committee on Education and Labor.

By Mr. ISRAEL:

H.R. 6240. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on House Administration.

By Mrs. MCCARTHY of New York (for herself, Mr. PASCRELL, and Ms. CORRINE BROWN of Florida):

H.R. 6241. A bill to amend title XVIII of the Social Security Act to include vision restoration therapy devices and associated software used in the patient's home to treat impaired visual function due to acquired brain injury within the definition of durable medical equipment under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE:

H.R. 6242. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 6243. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from the Federal motor fuels excise tax for ground emergency and non-emergency ambulance services; to the Committee on Ways and Means.

By Mr. THOMPSON of Mississippi:

H.R. 6244. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to issue regulations that require that any award fee under a cost-plus-award-fee contract entered into by the Department of Homeland Security shall be determined and paid based on a successful acquisition outcome that is specified in the contract, and for other purposes; to the Committee on Homeland Security.

By Mr. THOMPSON of Mississippi:

H.R. 6245. A bill to amend the Homeland Security Act of 2002 to require a direct link on the website of the Department of Homeland Security to the website of the Office of the Inspector General of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. THOMPSON of Mississippi:

H.R. 6246. A bill to require the Secretary of the Department of Homeland Security to establish an international registered traveler program that incorporates available technologies to expedite and enhance the security, screening, and processing of international travelers at United States borders, including United States citizens and lawful permanent residents, who enter and exit the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. THOMPSON of Mississippi:

H.R. 6247. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop and acquire new technologies to inspect and screen air cargo on passenger aircraft to ensure transportation security, and for other purposes; to the Committee on Homeland Security.

By Mr. WELCH of Vermont (for himself, Mr. ELLISON, and Mr. BRALEY of Iowa):

H.R. 6248. A bill to amend the Truth in Lending Act to prohibit unfair practices in electronic payment system networks, and for other purposes; to the Committee on Financial Services.

By Mr. WEXLER (for himself, Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. CHABOT, and Mr. HASTINGS of Florida):

H. Con. Res. 371. Concurrent resolution strongly supporting an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself, Mr. TOM DAVIS of Virginia, Mr. TURNER, Mr. BURTON of Indiana, Mr. SOUDER, Mr. SHAYS, Mr. MCHUGH, Mr. CANNON, Mr. WESTMORELAND, Mr. MCHENRY, Ms. FOXX, Mr. BILBRAY, Mr. SALI, Mr. JORDAN, Mr. DREIER, Mr. HERGER, Mr. SENSENBRENNER, Mr. ROHRABACHER, Mr. SHADEGG, Mr. BILIRAKIS, Mr. EHLERS, Mr. BROWN of South Carolina, Mrs. BACHMANN, Mr. KING of Iowa, Mr. MANZULLO, Mr. LATOURETTE, Mr. FORBES, Mr. ROGERS of Alabama, Mr. MILLER of Florida, Mr. ROSKAM, Mrs. BIGGERT, Mr. BACHUS, Mr. PETERSON of Pennsylvania, Mrs. MILLER of Michigan, Mr. HASTINGS of Washington, Mr. GINGREY, Mr. PRICE of Georgia, Mr. PITTS, Mr. BOUSTANY, Mr. TIBERI, Mr. MCKEON, Mr. DANIEL E. LUNGREN of California, Mr. HENSARLING, Mr. LEWIS of California, Mr. TIM MURPHY of Pennsylvania, Mr. CANTOR, Mrs. CAPITO, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. KELLER, and Mr. SMITH of Texas):

H. Res. 1262. A resolution expressing the sense of the House of Representatives that the Secretary of Commerce should use all reasonable measures to ensure that every person is counted in the 2010 decennial census; to the Committee on Oversight and Government Reform.

By Mr. WOLF:

H. Res. 1263. A resolution directing the chief Administrative Officer and the Sergeant at Arms of the House of Representatives to take timely action to ensure that all Members, committees, and offices of the House are alerted of the dangers of electronic attacks on the computers and information systems used in carrying out their official duties and are fully briefed on how to protect themselves, their official records, and their communications from electronic security breaches.

By Mr. GINGREY (for himself, Ms. WATERS, and Mr. SENSENBRENNER):

H. Res. 1264. A resolution expressing support for the private property rights protections guaranteed by the 5th Amendment to the Constitution on the 3rd anniversary of the Supreme Court's decision on Kelo v. City of New London; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H. Res. 1266. A resolution congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina (for himself, Mr. BUTTERFIELD, and Mr. HAYES):

H. Res. 1267. A resolution congratulating the Mount Olive College Trojans for winning the 2008 National Collegiate Athletic Association Division II Men's Baseball National Championship; to the Committee on Education and Labor.

By Ms. McCOLLUM of Minnesota (for herself, Mr. TIERNEY, Mr. SHAYS, Mr. WOLF, Mr. PLATTS, Mr. FARR, Mr. JACKSON of Illinois, Mr. HONDA, Mr. LYNCH, Mr. LAHOOD, and Mr. CARSON):

H. Res. 1268. A resolution expressing the sense of the House of Representatives that United States foreign assistance is a critical instrument for achieving our national security goals and that modernizing United States foreign assistance should become a national priority; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

301. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1062 urging the Congress of the United States and the National Guard Bureau to take all necessary steps to ensure that the Fire Department of the 183rd remains located at the Abraham Lincoln Capital Airport in Springfield, Illinois; to the Committee on Armed Services.

302. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 123 memorializing the Congress of the United States to enact legislation limiting certain increases in health insurance premiums, deductibles, copayments, and other charges of military retirees for their military health benefits being proposed by the Department of Defense; to the Committee on Armed Services.

303. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Resolution No. 109 urging the Congress of the United States to strike Section 108 from the College Opportunity and Affordability Act of 2007; to the Committee on Education and Labor.

304. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 289 calling for immediate action to provide short-term and long-term financial assistance to assure the availability of student loans to students and families of the Commonwealth; to the Committee on Education and Labor.

305. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1686 memorializing the Congress of the United States to enact legislation to ensure health care for all; to the Committee on Energy and Commerce.

306. Also, a memorial of the General Assembly of the State of Vermont, relative to House Joint Resolution No. 66 urging the Congress of the United States to adopt H.R. 5473, "The Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008"; to the Committee on Energy and Commerce.

307. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution No. 326 urging the President of the United States and the Congress of the United States to enact legislation to provide additional funding for ALS research; to the Committee on Energy and Commerce.

308. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 940 urging the Congress of the United States to support a ban on the sale of novelty lighters that resemble toys; to the Committee on Energy and Commerce.

309. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1031 urging the Congress of the United States to reauthorize the Debbie Smith DNA backlog grant program at current or increased levels; to the Committee on the Judiciary.

310. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 113 urging the Congress of the United States to require specific conditions for the continued participation in NAFTA; to the Committee on Ways and Means.

311. Also, a memorial of the Legislature of the State of Mississippi, relative to House Concurrent Resolution No. 51 requesting that the Congress of the United States extend the Gulf Opportunity (GO) Zone Act of 2005; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Ms. ZOE LOFGREN of California.

H.R. 169: Ms. LINDA T. SÁNCHEZ of California.

H.R. 241: Mr. HELLER.

H.R. 278: Mr. BROWN of South Carolina and Mr. GRIJALVA.

H.R. 303: Ms. HIRONO.

H.R. 371: Mr. RENZI.

H.R. 583: Mr. SPACE.

H.R. 736: Mr. GARY G. MILLER of California.

H.R. 760: Ms. JACKSON-LEE of Texas, Mrs. MILLER of Michigan, and Mr. HOLT.

H.R. 821: Mr. LAMPSON and Mr. WELCH of Vermont.

H.R. 1014: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARCHANT, and Mr. TAYLOR.

H.R. 1032: Ms. ZOE LOFGREN of California.

H.R. 1050: Mr. PASTOR.

H.R. 1085: Mr. SOUDER.

H.R. 1086: Mr. SOUDER.

H.R. 1110: Mr. AL GREEN of Texas.

H.R. 1178: Ms. HERSETH SANDLIN.

H.R. 1246: Ms. SPEIER.

H.R. 1275: Mr. CARSON.

H.R. 1298: Mr. CARSON.

H.R. 1646: Mr. FILNER.

H.R. 1665: Ms. ESHOO, Mr. JACKSON of Illinois, and Ms. TSONGAS.

H.R. 1667: Mr. FILNER.

H.R. 1748: Mr. HOEKSTRA.

H.R. 1881: Mr. DOOLITTLE.

H.R. 1974: Mr. HARE.

H.R. 1975: Mr. SESTAK.

H.R. 2032: Ms. KILPATRICK, Mr. WILSON of Ohio, and Mrs. LOWEY.

H.R. 2054: Mr. ELLSWORTH.

H.R. 2073: Mrs. LOWEY.

H.R. 2125: Mr. BUTTERFIELD and Mr. LAMPSON.

H.R. 2169: Mr. CLEAVER and Mr. CARSON.

H.R. 2260: Mr. SESSIONS.

H.R. 2279: Mr. LAMBORN, Mr. DENT, Mr. ROGERS of Kentucky, and Mr. UPTON.

H.R. 2303: Mr. BUYER and Ms. HIRONO.

H.R. 2371: Mr. MURPHY of Connecticut, Ms. DEGETTE, and Mr. YARMUTH.

H.R. 2493: Mr. LAMBORN and Mr. ROGERS of Kentucky.

H.R. 2578: Ms. HERSETH SANDLIN.

H.R. 2611: Mr. SHAYS.

H.R. 2677: Mr. GRIJALVA.

H.R. 2694: Mr. JACKSON of Illinois and Mr. CAPUANO.

H.R. 2792: Mr. SESTAK.

H.R. 2833: Ms. SUTTON.

H.R. 2842: Ms. SUTTON and Mr. GRIJALVA.

H.R. 2880: Mr. SENSENBRENNER and Mr. ALEXANDER.

H.R. 2976: Mr. SHADEGG.

H.R. 3008: Mr. CHILDERS.

H.R. 3036: Ms. MATSUI, Mr. HINOJOSA, Mr. YARMUTH, Ms. LINDA T. SÁNCHEZ of California, Mr. COURTNEY, Mr. BISHOP of New York, Mr. TIERNEY, Mr. ANDREWS, Mr. HOLT, and Mr. KILDEE.

H.R. 3053: Mr. GINGREY.

H.R. 3202: Mr. WELCH of Vermont.

H.R. 3234: Mr. JORDAN.

H.R. 3257: Mrs. CAPPS.

H.R. 3289: Mr. CARNEY and Mr. CAZAYOUX.

H.R. 3457: Mrs. BACHMANN.

H.R. 3654: Mr. WHITFIELD of Kentucky, Mr. HOBSON, Mrs. MUSGRAVE, Mrs. CUBIN, Mr. FRANKS of Arizona, Mrs. SCHMIDT, Mrs. CAPITO, Mr. HALL of Texas, and Mr. BONNER.

H.R. 3715: Mr. THOMPSON of Mississippi and Mr. DONNELLY.

H.R. 3769: Mr. DOGGETT.

H.R. 3990: Mr. HOLT:

H.R. 3995: Ms. JACKSON-LEE of Texas.

H.R. 4026: Mr. MEEKS of New York, Ms. WOOLSEY, and Mr. SERRANO.

H.R. 4053: Mr. CARSON.

H.R. 4107: Mr. MORAN of Kansas.

H.R. 4114: Mr. ROTHMAN.

H.R. 4138: Mr. LAMPSON.

H.R. 4189: Mr. BURGESS.

H.R. 4206: Mr. MANZULLO.

H.R. 4236: Mr. MEEK of Florida and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4255: Mr. HAYES, Mr. BOOZMAN, and Ms. BALDWIN.

H.R. 4264: Mr. MAHONEY of Florida.

H.R. 4273: Mr. CAMP of Michigan.

H.R. 4544: Mr. FOSTER.

H.R. 4883: Ms. WATERS.

H.R. 4884: Mr. HOLT and Ms. WATERS.

H.R. 4900: Mr. McKEON and Mrs. GILLIBRAND.

H.R. 5244: Mr. BOSWELL, Ms. LEE, Ms. KAPTUR, Mr. HIGGINS, Mr. OLVER, Mr. JONES of North Carolina, Ms. MATSUI, and Mr. PASCRELL.

H.R. 5267: Mr. TOM DAVIS of Virginia.

H.R. 5404: Mr. LAMPSON.

H.R. 5445: Mrs. BIGGERT.

H.R. 5496: Ms. SUTTON.

H.R. 5507: Ms. KILPATRICK.

H.R. 5549: Mr. BOREN.

H.R. 5564: Mr. HALL of New York.

H.R. 5632: Mr. BARROW and Mr. FILNER.

H.R. 5636: Mr. BRADY of Pennsylvania.

H.R. 5700: Mr. WEXLER.

H.R. 5731: Mr. BLUNT.

H.R. 5741: Mr. GRIJALVA.

H.R. 5785: Mr. AL GREEN of Texas.

H.R. 5793: Ms. MATSUI.

H.R. 5797: Mr. BUYER.

H.R. 5798: Mr. AL GREEN of Texas.

H.R. 5802: Ms. DEGETTE.

H.R. 5808: Mr. PAYNE.

H.R. 5809: Mr. PAYNE.

H.R. 5821: Mr. MARCHANT.

H.R. 5842: Mr. ROTHMAN.

H.R. 5874: Mr. SMITH of Washington, Mr. COHEN, Mr. COBLE, and Mr. PRICE of North Carolina.

H.R. 5892: Mr. TIM MURPHY of Pennsylvania and Mr. FOSTER.

H.R. 5898: Mr. WITTMAN of Virginia.

H.R. 5932: Mr. SCALISE.

H.R. 5935: Mr. DAVIS of Illinois.

H.R. 5942: Ms. CORRINE BROWN of Florida, Mr. FOSSELLA, Mr. SMITH of New Jersey, and Mr. EDWARDS.

H.R. 5943: Mr. WHITFIELD of Kentucky.

H.R. 5954: Mr. SIMPSON.

H.R. 5971: Mr. SMITH of Texas, Mr. WAMP, Mr. ALEXANDER, and Mr. LATOURETTE.

H.R. 5979: Mr. ROTHMAN.

H.R. 5984: Mrs. WILSON of New Mexico, Mr. SMITH of Texas, Mrs. BIGGERT, Mrs. MILLER of Michigan, Mr. DAVIS of Kentucky, Mr. CAMPBELL of California, Mr. BOEHNER, and Mr. HALL of Texas.

H.R. 6001: Mr. SALI.

H.R. 6032: Mr. WALZ of Minnesota, Mr. ROTHMAN, and Mr. PETERSON of Minnesota.

H.R. 6056: Ms. BALDWIN, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. HILL, Mrs. LOWEY, Mr. WELCH of Vermont, and Mr. WALSH of New York.

H.R. 6057: Mr. PRICE of North Carolina.

H.R. 6076: Ms. WOOLSEY.

H.R. 6083: Mr. LOEBSACK and Mr. GALLEGLY.

H.R. 6085: Mr. UPTON.

H.R. 6107: Mr. MCKEON, Mr. KLINE of Minnesota, Mr. TAYLOR, Mr. REGULA, Mr. CALVERT, Mr. MICA, Mr. REYNOLDS, Mr. HUNTER, Mr. WELLER, Mrs. MILLER of Michigan, Mr. SOUDER, Mr. RYAN of Wisconsin, Mr. CRENSHAW, Mr. BARRETT of South Carolina, Mr. LAHOOD, Mr. REHBERG, Mr. TIAHRT, Mr. ALEXANDER, Mr. HAYES, Mr. CANTOR, Mr. LEWIS of California, Mr. ROHRABACHER, Mr. RENZI, Mr. TURNER, Mr. PUTNAM, Mrs. BIGGERT, Mr. PETERSON of Minnesota, Mr. KING of Iowa, and Mr. FOSSELLA.

H.R. 6108: Mr. LAMBORN, Mr. HENSARLING, and Mr. ROGERS of Kentucky.

H.R.. 6126: Mr. PASTOR.

H.R.. 6133: Mrs. BACHMANN and Mr. BARTLETT of Maryland.

H.R.. 6140: Mr. BUYER.

H.R.. 6168: Mrs. EMERSON and Mr. GRAVES.

H.R.. 6169: Mrs. EMERSON and Mr. GRAVES.

H.R.. 6179: Mr. REYNOLDS.

H.R.. 6180: Mr. HASTINGS of Florida.

H.R.. 6184: Mr. GRIJALVA.

H.R.. 6208: Mrs. EMERSON and Mr. GRAVES.

H.R.. 6210: Mr. FOSTER, Mr. SIRES, Mr. WOLF, and Ms. BERKLEY.

H.R.. 6211: Mr. BISHOP of Utah.

H.J. Res. 22: Mrs. MUSGRAVE, Mr. CANTOR, Mr. BILBRAY, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. AKIN, Mr. CONAWAY, Mr. MARCHANT, Mr. SALI, and Mr. PITTS.

H.J. Res. 89: Mr. MARCHANT, Mr. ROGERS of Kentucky, Mr. MCHENRY, Mr. ALEXANDER, Mr. BARRETT of South Carolina, Mr. PETERSON of Minnesota, Mr. SALI, and Mr. COLE of Oklahoma.

H. Con. Res. 296: Mr. ALEXANDER, Mr. BONNER, Mr. GRIJALVA, Mr. DAVID DAVIS of Tennessee, and Mr. KIRK.

H. Con. Res. 329: Mrs. MUSGRAVE.

H. Con. Res. 341: Mr. SALI, Mr. COLE of Oklahoma, Mr. ROSKAM, Mr. ALEXANDER, and Mr. SCOTT of Georgia.

H. Con. Res. 342: Mr. PASTOR, Ms. ZOE LOFGREN of California, Mr. COOPER, Mr. ALLEN, Mr. BURTON of Indiana, and Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 350: Ms. LEE, Mr. GEORGE MILLER of California, Mr. COSTA, and Mr. SCOTT of Georgia.

H. Con. Res. 360: Mr. CARSON, Mr. BLUMENAUER, Ms. KAPTUR, and Mr. FARR.

H. Con. Res. 362: Ms. HARMAN, Mr. FORTENBERRY, Mr. WALBERG, Mr. HOEKSTRA, Mr. SMITH of Washington, Mr. ALEXANDER, and Mr. ALLEN.

H. Con. Res. 364: Mrs. MCCARTHY of New York, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. JOHNSON of Georgia, Mr. BUTTERFIELD, Ms. RICHARDSON, Mr. CLEAVER, Mr. SCOTT of Georgia, Mr. CLAY, Ms. WATERS, Mr. CUMMINGS, and Ms. CORRINE BROWN of Florida.

H. Con. Res. 365: Mr. MOORE of Kansas, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Ms. RICHARDSON, Mr. BERRY, Mr. GORDON, Mrs. TAUSCHER, Mr. DEFAZIO, and Ms. WATERS.

H. Con. Res. 367: Mr. MCINTYRE, and Mr. GENE GREEN of Texas.

H. Res. 282: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 353: Mr. MORAN of Virginia, Mr. SHULER, Mr. WEXLER, and Mr. RAMSTAD.

H. Res. 373: Mr. JACKSON of Illinois.

H. Res. 795: Ms. TSONGAS.

H. Res. 937: Mr. WHITFIELD of Kentucky, Mr. CULBERSON, Mr. TURNER, and Mr. HOBSON.

H. Res. 970: Mr. KUHL of New York.

H. Res. 985: Mr. BURTON of Indiana.

H. Res. 1012: Mr. LAHOOD.

H. Res. 1019: Ms. HIRONO and Ms. KILPATRICK.

H. Res. 1028: Mr. GRIJALVA, Ms. BALDWIN, Mr. CLAY, Ms. ZOE LOFGREN of California, and Ms. SCHAKOWSKY.

H. Res. 1127: Mr. SMITH of New Jersey.

H. Res. 1143: Mr. SPACE, Mr. REYNOLDS, Mr. LATTA, Mr. UDALL of Colorado, Mr. COSTELLO, Mr. CARSON, and Mr. BARRETT of South Carolina.

H. Res. 1179: Mrs. MYRICK, Ms. WATSON, Mr. DAVID DAVIS of Tennessee, Mr. JONES of North Carolina, and Mr. UPTON.

H. Res. 1187: Mr. BURTON of Indiana.

H. Res. 1192: Ms. MCCOLLUM of Minnesota.

H. Res. 1198: Mr. RADANOVICH.

H. Res. 1202: Mr. WALBERG and Mr. EHLERS.

H. Res. 1230: Ms. TSONGAS, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, and Ms. BERKLEY.

H. Res. 1237: Mr. LAMPSON and Mr. LOEBSACK.

H. Res. 1248: Mrs. LOWEY, Ms. BORDALLO, Mr. HELLER, Mr. MATHESON, Mr. CRAMER, Mr. TANNER, Mr. BOREN, Mr. CHILDERS, Mr. CAZAYOUX, Mr. SMITH of Nebraska, Mr. CARDOZA, Mr. MOORE of Kansas, Mr. ARCURI, and Mr. BOOZMAN.

H. Res. 1249: Mr. GORDON, Mr. ELLSWORTH, Mr. FATTAH, Mr. WESTMORELAND, Mr. WEINER, Mr. KLEIN of Florida, and Mr. GENE GREEN of Texas.

H. Res. 1254: Mr. GENE GREEN of Texas, Mr. RUSH, Ms. WATSON, Mr. HINOJOSA, Mr. FATTAH, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1258: Ms. WOOLSEY and Ms. LEE.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

255. The SPEAKER presented a petition of the North Carolina State Council of the Junior Order United American Mechanics, relative to Resolution No. 5 supporting the brave and dedicated men and women of the Armed Forces of the United States of America; to the Committee on Armed Services.

256. Also, a petition of the Town of Chatham, Massachusetts, relative to a Resolution calling for funding for a safe and rapid withdrawal of all United States troops from Iraq; to the Committee on Armed Services.

257. Also, a petition of the Town of Wellfleet, Massachusetts, relative to a Resolution calling for funding for a safe and rapid withdrawal of all United States troops from Iraq; to the Committee on Armed Services.

258. Also, a petition of the County Commission of Baldwin County, Alabama, relative to Resolution No. 2008-94 urging the Congress of the United States to affirm the selection process of the United States Air Force by moving with deliberate speed to fund and implement the KC-45 Tanker Project; to the Committee on Armed Services.

259. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0861 thanking the Congress of the United States for enacting the Energy Independence Security Act of 2007 and for the creation of the Energy Efficiency and Conservation Block Grant; to the Committee on Energy and Commerce.

260. Also, a petition of American Bar Association, relative to Resolution No. 109 urging the government of the United States to take a leadership role in addressing the issue of climate change through legal, policy, financial, and educational mechanisms; to the Committee on Energy and Commerce.

261. Also, a petition of Conservation Groups, relative to a Resolution requesting a rehearing of the Federal Energy Regulatory Commission's "Order on Ten-Year Summary Report"; to the Committee on Energy and Commerce.

262. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0857 requesting that the Congress of the United States restore and protect funding for proven public safety programs; to the Committee on the Judiciary.

263. Also, a petition of the North Carolina State Council of the Junior Order United American Mechanics, relative to Resolution No. 6 supporting any resolution or joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

264. Also, a petition of the North Carolina State Council of the Junior Order United American Mechanics, relative to Resolution No. 4 demanding that the Congress of the United States find common language that will bring the immigration issues to a resolution; to the Committee on the Judiciary.

265. Also, a petition of the Village of Elida, Ohio, relative to Resolution No. 337-2008 expressing opposition to H.R. 3359, "Mobile Workforce State Income Tax Fairness and Simplification Act of 2007"; to the Committee on the Judiciary.

266. Also, a petition of the State Bar of California, San Francisco, California, relative to a Resolution urging consideration of

legislation to revise the penalty provisions in the Internal Revenue Code, as addressed by H.R. 4318; to the Committee on Ways and Means.

267. Also, a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-07-438 supporting any and all efforts to establish the City of New Orleans as the host location for all DR-CAFTA institutional activity; to the Committee on Ways and Means.

268. Also, a petition of the Korean American Elected Officials Coalition, relative to a Resolution urging the consideration and passing of the Korea-U.S. Free Trade Agreement before the end of the 110th Congress; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

IN RECOGNITION OF AMERISKA DOMOVINA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Ameriska Domovina, one of the oldest Slovenian papers in the world and Northeast Ohio's oldest ethnic newspaper, as it ceases publication this August after one-hundred and ten years in circulation.

Ameriska Domovina was first published in Cleveland, Ohio in 1898, making it the Ohio's oldest ethnic newspaper. James V. Debevec inherited the newspaper from his father, James E. Debevec, who assumed responsibility of the paper in the 1930's with the intention of preparing new immigrants from Slovenia for their citizenship tests. James V. changed the content of the newspaper with the changing needs of the community, using it as a forum to teach and preserve Slovenian culture and traditions to the growing community of Slovenian-Americans. The paper, like all ethnic newspapers, has been vital in connecting the Slovenian community with their roots and as well as with other Slovenian communities in North America. Debevec printed news from Slovenian communities in the United States and Canada in the newspaper.

Ameriska Domovina has over two-thousand subscribers; each newspaper is printed using Debevec's own printing press, at an office located on St. Claire Avenue in Downtown Cleveland. The last issue of Ameriska Domovina will be distributed to its subscribers on August 21, 2008, following the retirement of Debevec, his wife, and their colleague.

Madam Speaker and colleagues, please join me in recognition of Ameriska Domovina, Northeast Ohio's oldest ethnic newspaper, and in recognition of the contributions of the Slovenian-American community in the Greater Cleveland area.

IN HONOR OF NORMAN LONGFELLOW SMITH

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. WOLF. Madam Speaker, I rise today to honor the life of Norman Longfellow Smith, a dedicated and outstanding public servant from the 10th Congressional District of Virginia. Mr. Smith passed away on May 26 at his home in Middleburg.

Mr. Smith, the former deputy chief of operations in the CIA's counterintelligence services, committed 27 tireless years to the Agency as an analyst, missile specialist, and counterintelligence officer. Mr. Smith also served in the United States Army and achieved the rank of colonel in his tenure along with a Bronze Star and a Purple Heart.

I am inserting, for the record, the obituary which appeared in The Washington Post on June 7. Mr. Smith was an exemplary public servant and a fine example of devotion and allegiance to his country and family.

NORMAN LONGFELLOW SMITH, 83; CIA OFFICIAL

(By Patricia Sullivan)

Norman Longfellow Smith, 83, a former deputy chief of operations in the CIA's counterintelligence service, died of congestive heart failure and complications of Guillain-Barre Syndrome on May 26 at his home in Middleburg.

Mr. Smith, who joined the CIA in 1951, analyzed Soviet armaments and, after the Soviets launched Sputnik, specialized in ballistic missiles and space vehicles. In 1960, he chaired an intelligence community task force to monitor missile activity outside the Soviet Union.

Dino Brugioni, an imagery analyst with the CIA's National Photographic Interpretation Center who worked with Mr. Smith, described him as a defensive-missile specialist in the agency's Office of Scientific Intelligence who focused on surface-to-air missiles.

Brugioni, who wrote "Eyeball to Eyeball: The Inside Story of the Cuban Missile Crisis" (1990), said others in the interpretation center spotted surface-to-air missile sites in spy satellite photographs taken over Cuba in fall 1962. The short, pipe-smoking Mr. Smith was called in, and he began writing daily reports, concluding that construction was rushing forward and that some sites would be operational in two weeks, Brugioni said.

A short time later, when a U.S. U-2 spy plane was shot down over Cuba and low-altitude spy flights came under fire, Mr. Smith did the analysis about how and why it happened, Brugioni said in an interview. Intercepted radio traffic was in Russian, so it was clear that the Soviets were involved. The information sparked what came to be known as the Cuban missile crisis.

Mr. Smith was reassigned in 1968 to the CIA's counterintelligence staff. He rose to the top ranks of the division, which handles clandestine operations overseas. He held that job until the CIA was reorganized in 1975 and 1976, in the wake of newspaper and Senate investigations over revelations that the agency had assassinated foreign leaders and conducted surveillance on thousands of American citizens active in the antiwar movement.

Mr. Smith then became executive director of a task force to modernize and reform management procedures in the Directorate of Operations, and he retired in 1978. He worked 10 more years as a consultant for several defense contractors.

Born in Brooklyn, N.Y., he was drafted into the Army during World War II and spent several years at Purdue University in Indiana until he was sent to Europe with an infantry division. He became an officer in the Army Reserve and retired in 1980 as a colonel. Among his military awards were a Bronze Star and a Purple Heart.

He graduated from Colgate University and in the 1950s completed a doctoral degree at the London School of Economics. He also attended the National University of Mexico, Heidelberg University in Germany, New York University and Georgetown University.

He was past president of the International Order of the Knights of the Round Table in Arlington and treasurer of the Arts Club of Washington. He was a member of the Diplomatic and Consular Officers, Retired, the Central Intelligence Retirees' Association, the Association of Former Intelligence Officers, the Fairfax Hunt Club and the Evergreen Country Club.

He was a Republican Party precinct chairman in Fairfax County and a member of the Emmanuel and Trinity Episcopal churches in Middleburg and Upperville.

His marriage to Deana Browne Smith ended in divorce.

Survivors include his wife of 22 years, Carolyn L. Tillotson-Smith of Middleburg.

HONORING WORLD WAR II VETERANS PRIVATE THURMAN McMILLEN, PRIVATE FIRST CLASS J.B. BURKS, CORPORAL LELAND WHITEHORN, AND PRIVATE FIRST CLASS JAMES KNIGHTON

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. CHILDERS. Madam Speaker, I proudly rise to welcome a group of World War II veterans from Mississippi's First District to Washington, DC. I am honored to welcome these members of the greatest generation to Washington to visit the National World War II Memorial. Built to honor the 16 million Soldiers, Sailors, Marines, Airmen, Coast Guardsmen, and Merchant Mariners who served our Nation during World War II, the National World War II Memorial serves as a reminder of their sacrifice and service to millions of visitors.

The members of this special group are some of the few remaining survivors of the Battle of Iwo Jima. This battle was strategic to American success in the Pacific Theater and marked the first attack by U.S. troops on the Japanese home islands. Iwo Jima saw some of the fiercest fighting and lasted more than a month as American service members bravely fought against the heavily fortified positions of the Japanese Imperial Army.

After landing on the third day of pitched battle, Private Thurman McMillen fought courageously for thirty three days.

Private First Class J.B. Burks stayed on Iwo Jima for twenty nine days after his arrival on the first day of battle.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Corporal Leland Whitehorn arrived on the islands on the first day of the fight and was wounded on his third day.

Private First Class James Knighton also served honorably during the Battle of Iwo Jima.

On behalf of Mississippi's First District, I am honored to offer our deepest appreciation to these brave men. During the current time of war it is most appropriate to recognize both today's troops and their forefathers. Our community is proud to be home to veterans who have defended our freedom in the past and to our soldiers who continue to fight for freedom today. I know that my colleagues will join me in welcoming these courageous warriors to our Nation's capital and thanking them, these soldiers of the greatest generation, for their invaluable service to our country.

THE DAILY 45: 2 LITTLE GIRLS KILLED IN A SMALL OKLAHOMA TOWN

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, every day, 45 people, on average, are fatally shot in the United States. I grieve, daily, in solidarity with those I serve in Chicago over the senseless loss of life from guns, especially among our children. There are thousands of other communities across our Nation that, likewise, see their children cut down by perpetrators wielding the merciless barrel of a gun.

Today, it's my sad responsibility to extend my condolences to the family and friends of 13-year-old Taylor Paschal-Placker and her 11-year-old best friend, Skyla Whitaker, who lost their lives on Sunday, June 8. Both were shot while walking not far them their homes in the small, rural town of Weleetka, Oklahoma. As law enforcement officials continue to investigate this crime, these children's families and their close knit community of 1,000 are grieving and frightened while a murderer remains at large.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

RECOGNIZING DR. ROBERT DIXON—SCOTTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HONOREE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Dr. Robert Dixon, Scottsdale Healthcare's "Salute to Military" Honoree for June 2008. Scottsdale Healthcare is recognizing Dr. Dixon and other physicians with a connection to the Armed Services for their dedication to saving lives and securing our freedom.

Since the program's inauguration in 2004, Scottsdale Healthcare has provided over 300 medical personnel with outstanding trauma skill training. The program is offered in partnership with Maricopa Integrated Health System and has focused on the Air National Guard, Luke Air Force Base, and Davis Monthan Air Force Base.

Dr. Robert Dixon is a deserving recipient of Scottsdale Healthcare's tribute. He is a Lieutenant Colonel in the U.S. Air Force, stationed at the 56th Medical Group of Luke Air Force Base in Arizona since 2004. Dr. Dixon will be deployed to Iraq in May of 2008, which will be his fourth deployment to the Middle East and Southwest Asia.

He was the first surgeon to participate in Scottsdale Healthcare's Military Training Program in preparation for deployment to the Gulf. The Military Training Program is designed to maintain trauma skills and integrates trauma surgery, neurosurgery, burn trauma, and other critical skills. He played a prominent role in the development and testing of the pilot project at Scottsdale Healthcare, in conjunction with Dr. Michael Foley and Dr. Ken Ransom.

Madam Speaker, please join me in recognizing Dr. Robert Dixon's tireless service and sacrifice to this country.

TRIBUTE TO CHIEF DEPUTY DENNIS POLLEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the diligent and steadfast service by Chief Deputy Dennis Polley and congratulate him on his retirement from the Marshall County Police department. During Dennis's tenure as Chief Deputy he has consistently demonstrated commitment to his position, his co-workers and his community.

For the last 32 years, Chief Deputy Polley served Marshall County faithfully and honorably. Chief Deputy Polley's daily courage goes above and beyond what we are asked of as citizens of this country. His service in providing safety to his community earns him respect and honor and for this I offer him my utmost respect, congratulations and thanks.

I commend Officer Dennis Polley for his many years of loyal service in protecting Iowans. It is an immense honor to represent Officer Polley in the United States Congress, and I know that my colleagues join me in wishing him a long, happy, and healthy retirement.

SAINT CATHERINE HOSPITAL 80TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity and appreciation that I stand today to recognize the 80th anniversary of Saint Catherine Hospital in East Chicago, Indiana. For the past 80 years, Saint Catherine Hospital has served the city of East Chicago and the citizens of northwest Indiana by offering quality care to those in need.

In the 1920s, recognizing the need for a healthcare facility in the heavily industrialized city of East Chicago, Indiana, community and business leaders began investigating the possibility of building a hospital within city limits. With the guidance of the Manufacturers Association of East Chicago and the Poor Handmaids of Jesus Christ (Ancilla Domini Sisters), a committee was appointed, led by Colonel Walter J. Riley. Due to the tireless efforts of these community and business leaders to formulate plans and raise money, Saint Catherine Hospital opened its doors on May 17, 1928.

Over the years, with the continued support of the Riley family and the Inland Steel Ryerson Foundation, the hospital flourished, increasing not only the number of beds but also the depth of its services. The medical staff at this time became well-known for their innovation and medical advancements, eventually creating the first school of x-ray technology in 1936. In addition, Saint Catherine Hospital became a very important location in the fight against polio, and in 1963, was the venue for the first open-heart operation. Expansion of the hospital continued through the years with new wings and remodeling, a new patient tower in 1987, and the Family Birthing Center in 1997.

In 2001, Donald S. Powers, a true visionary and one of northwest Indiana's finest citizens, brought together Saint Catherine Hospital, Community Hospital in Munster, and the Saint Mary Medical Center in Hobart to create the Community Healthcare System. From this vision emerged a partnership that would allow these outstanding hospitals to work together instead of competing with each other, resulting in one of America's best integrated healthcare delivery systems.

Subsequently, a $2.5 million MRI system was added at Saint Catherine Hospital and in 2002, a $2.2 million renovation of the emergency room was completed. In 2005, the CyberKnife Center opened, which brought the Community Healthcare System its most impressive piece of technology to date. Recently, Saint Catherine Hospital was awarded the 2008 HealthGrades Distinguished Hospital Award for Clinical Excellence, making it the third consecutive year that the hospital has received this award.

In honor of the 80th anniversary celebration, Saint Catherine Hospital will recognize the companies and individuals who have aided in the construction and enhancement of the hospital. These honorees are: Donald S. Powers, ArcelorMittal Steel, ASF Keystone, BP, NIPSCO, the Poor Handmaids of Jesus Christ (Ancilla Domini Sisters), the Block family, and the Riley family.

Madam Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating these honorees, as well as the staff and administration of Saint Catherine Hospital, past and present, who have spent the past 80 years providing quality healthcare services to the people of northwest Indiana.

Through their efforts and their standards of excellence, many in the northwest Indiana community have had the opportunity to enhance their lives. It is the compassion and commitment of facilities like Saint Catherine Hospital that make northwest Indiana such a great community, and they are to be commended for their selflessness and dedication.

HONORING THE MEMORY OF MR. DENNIS MIDDLETON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. BONNER. Madam Speaker, I rise today to honor and pay tribute to the memory of an exceptional leader, longtime Scoutmaster, and dedicated family man, Mr. Dennis Middleton.

Dennis owned and operated E. L. Middleton and Son Garage in Loxley, Alabama, for the past 40 years. Dennis, along with his wife, Jean, took in and raised several foster children. He also served as an assistant minister of the First Christian Church of Robertsdale for 30 years. As a member of the church, he worked with the Outreach Minister Program "Life Connection" which focused on helping ex-offenders. However, the title for which he was most proud was Scoutmaster of Troop 45 in Robertsdale.

For 33 years, Dennis served as a Scoutmaster of Troop 45. He was recently asked what Scouting meant to him, and his answer was "everything." Dennis never expected his life to revolve around Scouting. When asked by the previous Scoutmaster to take charge of Troop 45, he decided to serve until a replacement could be found. Three decades later, he positively influenced countless young lives and was once described as, "the backbone of Scouting" in his area.

Dennis was a selfless individual, always eager to help anyone in need. For example, a few years ago during a Cub Scout campout, Dennis spent an entire day working on a broken water well. The Cub Scouts later found out that it was his birthday, and instead of being home celebrating with friends and family, he was at the campground making sure the Cub Scouts had water. In recognition of his tireless efforts on behalf of the Scouts, a Scout lodge at the Silver Creek Campground was recently dedicated in his honor. Humbly, Dennis requested the new building not be named for him and instead follow the Scout tradition of honoring American Indian cultures. Today, the lodge is named Toknaawa Pahni, meaning "Silver Creek" in Muscogee, the native tribal group.

The great contributions made by Dennis as Scoutmaster did not go unnoticed. He was honored with several Scout awards, such as, the Silver Beaver and the Order of the Arrow Vigil Honor. He also received the Who's Who Gulf Coast Award in 1989. Dennis was a member of the Order of the Arrow WOA Cholena Lodge No. 322. He attended the Wood Badge SR 550 and was a member of the respectable "Bob White" patrol.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Dennis Middleton will be deeply missed by his family—his wife of 43 years, Jean Middleton; his daughters, Sabrina Middleton and Beverly Middleton; his son, Dennis Wayne Middleton; his foster son, Allen Kittrell; his sister, Mary Sue Archer and her husband David; his brother, Charles David Middleton and his wife Lillie; his 13 grandchildren—as well as the countless friends and fellow Scouts he leaves behind.

Our thoughts and prayers are with them all during this difficult time.

HONORING THE 40TH ANNIVERSARY OF THE TEXOMA COUNCIL OF GOVERNMENTS AND THE SERVICE OF VOLUNTEERS IN THE TEXOMA FOSTER GRANDPARENT PROGRAM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. HALL of Texas. Madam Speaker, I rise today to recognize the legacy of leadership within the Texoma Council of Governments, as well as the service of dedicated volunteers in the Texoma Foster Grandparent Program.

The Texoma Council of Governments (TCOG) was formed by the Legislature in 1968, and was designated under the authority of Chapter 391, Local Texas State Government Code, along with 23 other State Planning Regions, to review and comment on Federal and State financial assistance requests. It is a voluntary organization comprised of city and county governments, colleges, school districts, and chambers of commerce, determined to build strength through regional cooperation. TCOG is responsible for evaluating any project that would have an impact on the three-county area of Cooke, Fannin and Grayson Counties, and works to continually improve the economic, social, and educational opportunities for the citizens in these regions.

Due to the large number of senior community servants in the area, TCOG founded the Texoma Foster Grandparent Program. This program is part of a national organization focused on utilizing area seniors, ages 60 or older, to mentor and tutor "at risk" youths. These volunteers serve approximately 40,000 hours per year in public settings such as Texoma schools, day care, and community centers. On April 24th, the Program's Advisory Council recognized its dedicated senior volunteers with a 50s themed recognition, fittingly entitled, "Volunteers Rock," at the Sherman First United Methodist Church. Several area businesses donated food, door prizes, and funds to help make the event a success, as all volunteers received awards for hours served during the year. The Texoma Foster Grandparent Program Advisory Council and the program's volunteers are wonderful role models for the community at large, and I wholeheartedly applaud them for utilizing their experience, talents, and energy to serve as a positive influence for special needs children and "at risk" youths.

But Texoma's celebration doesn't end there because on June 19, 2008, TCOG will celebrate its 40th Anniversary at Austin College with an event entitled "Legacy of Leadership." Funds generated by business partners and vendors for this event will be returned to Texoma's private sector and donated to the Texoma Senior Citizens Foundation. This is a wonderful opportunity to celebrate TCOG's many accomplishments and legacy of service during the past 40 years. I want to commend current and past members who have contributed their time, talent and resources to make TCOG one of the most effective Councils of Government in the State.

I am confident that the Texoma Council of Governments will continue to meet the challenges of the future and continue to provide outstanding services for those it represents, and I ask my colleagues to join me in congratulating TCOG on its 40th Anniversary.

TRIBUTE TO OLD GLORY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. REICHERT. Madam Speaker, I rise today in honor of the journey of remembrance our Nation's flag has made over the past 6 months, which culminated on Memorial Day when it flew over the Capitol and specifically the National Moment of Remembrance at 3 p.m. that day.

The flag's journey started December 7, 2007, in Hawaii to mark the 66th anniversary of the attack on Pearl Harbor. The flag made a stop on Christmas Eve in Washington's Eighth District, at Tahoma National Cemetery in Kent, Washington. During its journey, Old Glory traveled to 28 different locations in 20 States, being flown over a significant memorial site at every stop. The journey of our Nation's flag is a wonderful way for this body and for citizens throughout this country to remember the sacrifices of millions of men and women in service to our great Nation.

Ordinary men and women have done extraordinary things time and again to preserve the values and beliefs that make the United States a wonderful country. Their brave sacrifices will never be forgotten or overlooked. As we speak, men and women are fighting for freedom and justice and helping to preserve peace in foreign lands throughout the world. Their remarkable sacrifices are being made not for personal gain or fame, but because of deep-seeded patriotism. That American spirit is alive and well and will preserve this Nation for years to come.

On behalf of my constituents in the Eighth District of Washington, I want to take this moment to honor the service of our many soldiers, sailors, airmen, Marines and Coast Guardsmen. Their sacrifices allow Old Glory to fly. On Memorial Day, citizens throughout this country united to reflect on the valor and sacrifice we honor, and it is my hope that we carry that spirit every day of the year.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. PASCRELL. Madam Speaker, I rise to offer a personal explanation. I was unavoidably detained last Thursday, June 5, during the rollcall votes for the following bills: H.R. 5540, Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act; H.R. 3058, Public Land Communities Transition Act of 2007.

Had I been present, I would have voted:

"No" on rollcall vote 384, on the Bishop of Utah amendment to H.R. 5540, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act;

"No" on rollcall vote 385, on Motion To Recommit With Instructions, H.R. 5540, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act;

"Yes" on rollcall vote 386, on Passage of H.R. 5540, the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act;

"Yes" on rollcall vote 387, on Motion To Suspend the Rules and Pass, as amended, the Public Land Communities Transition Act of 2007, H.R. 3058.

HONORING THE SERVICE OF CALN TOWNSHIP CHIEF OF POLICE JOHN BENNETT

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant from Chester County, Pennsylvania, who is leaving after a nearly six-year career with the Caln Township Police Department to accept the position of Chief of Police with Paradise Valley, Arizona.

Chief of Police John Bennett joined the Caln Township Police Department as Chief of Police in June 30, 2002, replacing the retiring Chief James Franciscus. Prior to his time as Chief of Police in Caln Township, Chief Bennett served as Deputy Chief of Police of Marple Township in Delaware County, Pennsylvania, and has served in law enforcement for over 36 years in Delaware and Chester Counties.

As Chief of Police, John oversaw a department of 20 officers, with a lieutenant, four sergeants, and two investigators. John's leadership has helped make the Cain Township Police Department a first class law enforcement agency. During his six-year tenure as Chief of Police, Chief Bennett was instrumental in establishing an investigative division, creating a bicycle patrol unit and the Youth Aid Panel. Also during this time, John was responsible for sending two officers to the FBI National Academy.

In addition to his duties as Chief of Police, Chief Bennett also served on several executive boards and committees, notably on the Executive Board of the Chester County Chiefs of Police, the Civil Rights Committee for the International Chiefs of Police, the Legislative Committee for the Pennsylvania Chiefs of Police, and as Committee Chair of the Chester County Major Incident Response Team. Chief Bennett's service and accomplishments will be celebrated on Thursday, June 12, 2008 at the Caln Township Municipal Building.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service of Chief of Police John Bennett, and all those who take an oath to serve and protect their communities.

HONORING DEBORAH A. YOW

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. HOYER. Madam Speaker, I am pleased to congratulate the University of Maryland's Deborah A. Yow on her selection as the next President of the Division 1A Athletic Directors' Association. Ms. Yow is the first woman to fill this national leadership role, responsible for coordinating the efforts of collegiate athletic directors at 1,600 colleges and universities across the United States and Canada.

The Association's Executive Director, Dutch Baughman, praised Ms. Yow as "an extremely capable and effective leader." He added that "She has not only influenced the lives of over 450 athletics administrators over the past seven years, but she has been evaluated by those [fellow administrators] as the best."

After 14 years of success at the University of Maryland, her national role is well-earned. Overseeing 27 sports and more than 700 student-athletes, Debbie Yow has built a reputation as one of America's most accomplished athletic leaders. Under her leadership, Maryland teams have won 17 national championships, while maintaining balanced budgets and a high graduation rate of 85 percent. In fact, last year's graduation rate was the highest in the history of Maryland athletics and the best of any public institution in the Atlantic Coast Conference. Ms. Yow has excelled as an educator, an administrator, and a fundraiser, and has repeatedly been ranked among the 20 most influential people in collegiate athletics. At the same time, she has served in public life as an advocate for women's sports and the protection of Title IX.

Her new position is the capstone on a career dedicated to the highest purposes of college athletics: Debbie Yow's work shows that "student-athlete" is far from an empty expression. I thank her for all that she has done for our State, its flagship university, and its students. And I wish her the best of luck, both in her continuing duties as University of Maryland Athletic Director and as a voice for athletic directors throughout North America.

IN HONOR OF REVEREND DR. OTIS MOSS JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Reverend Dr. Otis Moss Jr. A profoundly respected and influential member of the Greater Cleveland community and a leader of greater Cleveland's civic culture, Dr. Otis Moss Jr. is this year's recipient of Cleveland's NAACP's Freedom Award.

The Freedom Award is the highest form of recognition awarded by Cleveland's NAACP and is awarded to members of the community who have dedicated their lives to fostering social change and building a society based on the ideals of equality and justice. Dr. Otis Moss Jr., a resident of the Cleveland area for over thirty years, carries with him a rich history of public service and advocacy, especially in the African-American community. Born in rural Georgia and a graduate of Morehouse College in Atlanta, he worked along side Dr. Martin Luther King Jr., leading sit-ins and advocating for desegregation during the civil rights era.

He became a pastor in 1954, serving in various Baptist Churches throughout Georgia until 1961, when he moved to Mount Zion Baptist Church in Cincinnati. In this capacity, he continued fighting for equality locally by challenging discrimination in the workplace. Dr. Otis Moss Jr. left his position at Mount Zion Baptist Church to march once again alongside Martin Luther King Jr. in Alabama and Washington and to serve as Co-Pastor with Martin Luther King Sr. at Alabama's Ebenezer Baptist Church. He later returned to Ohio in 1974, to lead one of Cleveland's largest and most prominent churches, Olivet Institutional Baptist Church. He has served as Senior Pastor of Olivet Institutional Baptist Church for over thirty years, working closely with the greater Cleveland community in continuing the fight for civil rights and access to quality medical care. In the late 1990's, he worked with University Hospitals to create the Otis Moss Jr. Medical Center in the Fairfax neighborhood of Cleveland, bringing desperately needed resources and access to quality health care to its residents.

Dr. Otis Moss Jr's ability to mobilize the community and to advocate for the social welfare of others has been manifested in the various leadership roles he has played. His leadership has served as an undeniable source of inspiration to many who want social justice.

Madam Speaker and colleagues, please join me in recognition of Reverend Dr. Otis Moss Jr., who has dedicated his life to serving his Church and the Greater Cleveland community. Let his advocacy on behalf of the welfare of others serve as inspiration for all those in pursuit of social justice.

TRIBUTE TO BILL KIBBY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Mr. Bill Kibby and to congratulate him on being inducted into the Iowa Athletic Directors Hall of Fame

Bill Kibby has been a teacher and coach for 44 years, 40 of which he has been an athletic director. His educational career began as a teacher at Bayard Consolidated School. At Bayard he was involved in coaching football, basketball, cross country, and track. He then began his tenure at Johnston High School where, in 1967, he became the school's athletic director. After his service in Johnston, Mr. Kibby moved to Fort Dodge where he was St. Edmond Catholic High School's football coach and athletic director for 21 years. For 16 of those years he also helped coach track, but resigned when he accepted the position of principal at Sacred Heart Junior High School. During his time at St. Edmond and Sacred Heart he also made time to coach basketball and softball.

In 1988, Mr. Kibby took his final position in his stellar educational career at Jefferson-Scranton. Upon his retirement in 2006, Mr. Kibby continued to coach football at Jefferson-Scranton.

In his long and illustrious career Mr. Kibby can boast of many exemplary achievements. During his time as a coach, his football teams combined have claimed over 200 victories, including more than 100 wins at two different schools, and 11 state football play-off contests.

Mr. Kibby has also been bestowed with many noteworthy individual awards. In 2006 he was named IFCA Coach of the Year and was a finalist in 2004 for Iowa High School Athletic Association Athletic Director of the Year. In 2001 Mr. Kibby received the IHSAA Bernie Saggau Award of Merit.

I would like to express my appreciation to Mr. Kibby for his steadfast dedication to education and congratulate him on the honor of being inducted into the Iowa Athletic Directors Hall of Fame.

HONORING THE MEMORY OF JAMES P. HAYES, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. BONNER. Madam Speaker, the state of Alabama recently lost a dear friend, and I rise today to honor the memory of Mr. James P. Hayes, Jr.

Jim was born in Brewton, Alabama, and graduated from T.R. Miller High School. He then received both his bachelor's and master's degrees in Industrial Engineering from the University of Alabama. While at the university, he was a member of the Tau Beta Pi honor fraternity and the Delta Kappa Epsilon social fraternity.

Jim's many years of public service began when he joined former Alabama Governor Don Siegelman's administration in 1999 and served as revenue commissioner. He later served as director of the Alabama Development Office, executive secretary, land commissioner, and senior advisor to Governor Siegelman. Jim also served as director of planning and acquisitions for the Louisiana Land and Exploration Company, and he was director of First Commercial Bank in Birmingham and BancTrust Financial in Mobile.

Not only was he a dedicated public servant, but Jim was also an active civic leader. He was a past president of the Supporters Board of the UAB Comprehensive Cancer Center. He was a supporter of the Lakeshore Foundation, the Crippled Children's Foundation, the Greater Birmingham Humane Society, and numerous other charitable foundations.

In 2002, Jim became president of the Economic Development Partnership of Alabama and restructured the group. Jim led the EDPA out of debt, while working tirelessly to improve the lives of all Alabama citizens.

The work of Jim Hayes did not go unnoticed. In 1994, the University of Alabama named him its Alumnus of the Year. And, he was recently honored when the University of Alabama's James P. Hayes Moral Forum was endowed in his name. In 2004, the University of Alabama bestowed Jim an honorary doctorate and named him a Distinguished Engineering Fellow. In recognition of all his wonderful work, Jim received the Outstanding Civic Leader Award on National Philanthropy Day in 2007.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated businessman, public servant, husband, and friend to all. Jim Hayes will be deeply missed by his wife, Ann Beauchamp Hayes; his sisters, Margaret Hayes Brunstad and Susan Hayes Curry; his five nieces, and his nephew—as well as the many countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

CLIMATE CHANGE LEGISLATION AND COMMUNITIES OF COLOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. RANGEL. Madam Speaker, I rise today in support of passing meaningful climate change legislation that includes programs to reduce emissions of greenhouse gases. Climate change is one of the most urgent issues of our time and will affect the whole world, but the brunt of the climate burden will undoubtedly be taken by the poorest populations.

Low-lying coastal areas and urban inner cities are particularly vulnerable to the effects of climate change. The construction of interstate highways has concentrated greenhouse gases in urban communities and increased the prevalence of asthma in those areas. 70 percent of African-American people live near environmentally unfriendly industries like coal fired plants. These plants emit greenhouse gases and other pollutants that adversely affect the air quality in the communities around them.

The issue of climate change is not only about African-Americans, but a much broader Black community. The Black Diaspora and Africans are particularly vulnerable to the adverse effects of environmental inaction. It is estimated that 75–250 million Africans can be affected by the stresses that climate change has on water supply and a rapidly changing ecosystem.

The ingenuity of the people of the United States will allow our country to become a leader in curbing global warming by paving the way with well-planned legislation and creating jobs that will boost the economy. Prompt, decisive action is critical, since global warming pollutants can persist in the atmosphere for more than a century.

The most important thing to remember is that the most expensive policy is that of doing nothing. We cannot afford not to take action. The impact that climate change has on our ecosystems, health, and food and energy costs is irreversible. By taking aggressive action on this urgent issue, we are showing our constituents and the world that climate change is highly prioritized by the United States and furthermore, it determines the decisiveness and speed with which we as a country will confront this issue in the future.

IN HONOR OF SAMEER MISHRA, SCRIPPS NATIONAL SPELLING BEE CHAMPION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. BUYER. Madam Speaker, on May 30, 2008, Sameer Mishra, an eighth grader at West Lafayette Junior/Senior High School in West Lafayette, Indiana, made his family, school, city and State proud when he won the 2008 Scripps National Spelling Bee in Washington, D.C. Sameer outlasted 287 other competitors to become this year's champion.

In order to become the National Spelling Bee Champion, Sameer had to spell many complex words. The final word that stood between him and his victory was "guerdon"—meaning a reward. After 3 years of hard work, he finally received his ultimate "guerdon".

Before Sameer's spelling bee days, he watched his big sister, Shruti, compete in the National Spelling Bee, and he told his family that one day he would win the Scripps National Spelling Bee. True to his promise, he won the title on the very last opportunity that he was eligible.

This was Sameer's fourth and last year in the competition. In 2005 he tied for 98th place. He made a huge jump in 2006 when he recieved 14th place, and last year he placed a well respected 16th.

When he is not out-spelling middle school students from across the Nation, Sameer loves to read and participates in his school's book club. He enjoys playing computer and video games, as well as board games. Sameer has played the violin for 4 years in his school orchestra. He also likes to ride his bike and hang out with his friends. His favorite subjects are science and math.

Sameer is a competitive student. He participates in contests such as Spell Bowl, Academic Super Bowl and Indiana State School Music Association. With his spelling bee days behind him, Sameer looks forward to high school and lofty goals that include a career as a neurosurgeon.

Sameer Mishra is a remarkable young man. His competitive spirit and drive will take him far in life. His ability to set goals and work hard to achieve them makes him a shining example that other children can aspire to.

U.S. ARMY RESERVE RETURNS TO LIFE-SAVING AIR AMBULANCE MISSION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. YOUNG of Florida. Madam Speaker, with the delivery of the first two HH–60 Blackhawk helicopters this past Saturday to F Company, 1st Battalion, 159th Aviation Regiment, at the St. Petersburg-Clearwater International Airport in Florida, the U.S. Army Reserve is preparing to resume its life-saving air evacuation mission.

Lieutenant General Jack C. Stultz, the Chief of the Army Reserve, and I joined in ceremonies to accept the delivery of the first of the 12 helicopters that will be assigned to this unit, which officially stands up its operations this September. The Army Reserve stopped flying air evacuation missions in 1993, but General Stultz, realizing the tremendous demand for these operations throughout the world, made it a priority to reestablish this capability.

Given the advancements of armored vehicles, body armor, and medical care administered in the field, we are able to save the lives of servicemembers who in prior conflicts would have died. With the state-of-the-art helicopters like those we received Saturday, we are saving lives and getting those injured men and women to field hospitals quicker than ever so they can receive the care they need and they so richly deserve.

The HH–60 air ambulance helicopters are emergency rooms in the air. They are equipped with the finest possible medical systems to provide critical care for up to six patients. These systems include an electronic patient litter system, on-board oxygen generation system, medical suction system, patient monitors and high intensity night vision goggle compatible lighting.

The aircraft are also equipped with the most advanced avionics and special mission systems to assist the crew in locating and rescuing injured personnel on the battlefield. These include forward looking infrared (FLIR) systems and an external rescue hoist to quickly raise and lower patients and rescue personnel. In addition, the new HH–60s have additional payload and range to allow them to carry more patients and fly longer distances without refueling.

The men and women who fly these missions as pilots, flight engineers, and medics are the best our Nation has to offer. We owe them the finest equipment to perform their mission safely and securely, but the machinery and technology means nothing if we did not have the people willing to fly into harm's way to save a fellow American.

The MEDEVAC crews are defenseless in flying their machines. They have no defensive systems on board and they often fly unaccompanied and must land under hostile fire to pick up their patients. As I said Saturday, it takes a special person to perform this mission and to perform it so well.

They fly with the same spirit as one of the legendary MEDEVAC pilots, Major Charles "Combat" Kelly, who died while flying a mission in Vietnam in 1964. He coined what is now the motto for all MEDEVAC crews: "No compromise. No rationalization. No hesitation. Fly the mission. Now!"

Madam Speaker, let us take time today to honor the MEDEVAC crews that have brought home so many of our heroes to their families and friends. It is my distinct honor to have the privilege to represent the newly formed F Company in Pinellas County, Florida, and I look forward to being with the unit when it officially stands up later this year.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. BRALEY of Iowa. Madam Speaker, unfortunately, I was unable to make the following votes yesterday because of a developing crisis in Iowa's 1st Congressional District. Massive flooding is leading to evacuations and it is only expected to get worse. Although I realize how important it is to cast votes in Washington, the well-being of my constituents comes first, and I need to be in the District to assist in any way I can.

On Rollcall 394, H. Res. 1063, I was not present. If I had been there, I would have voted "yea."

On Rollcall 395, H. Con. Res. 318, I was not present. If I had been there, I would have voted "yea."

On Rollcall 396, H. Con. Res. 336, I was not present. If I had been there, I would have voted "yea."

HONORING GOODWILL INDUSTRIES OF SAN ANTONIO, TEXAS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Goodwill Industries of San Antonio, Texas, in its mission of helping change lives through their participation in the AbilityOne Program. In the city of San Antonio, Goodwill has a strong presence, providing over $15,000,000 of services in document management, administration, and custodial maintenance through the AbilityOne Program. The AbilityOne Program provides employment opportunities to those with disabilities.

The AbilityOne Program got its beginning in 1938 in legislation known as the Wagner-O'Day Act, passed by President Roosevelt, which provided employment opportunities for the blind. In 1971, the program was redesignated as the Javits-Wagner-O'Day, JWOD, Program due to the work of Senator Jacob Javits in expanding the program to include people with disabilities and allowing the program to provide services to the Federal Government. Goodwill Industries of San Antonio was the first agency in the Nation to take on a contract provided by the JWOD Program shortly after its expansion in 1971, and continues to do so through the AbilityOne Program today.

Currently, Goodwill employs over 300 people in 40 diverse commercial, Federal and State contracts. Goodwill is the fourth largest contract services provider in the Nation, amongst 170 other Goodwill locations. Its history of success and development of working relationships has earned Goodwill a 90 percent satisfaction rating for multiple years with their customers. I am proud that the employment of people with disabilities has played a large role in the operation of Goodwill Industries in San Antonio, Texas.

Madam Speaker, I am honored to have had this time to recognize the commitment of Goodwill Industries of San Antonio to ensuring the employment of those with disabilities through the AbilityOne Program.

NEW ERA OF REFORM IN MALAYSIA

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. SMITH of Washington. Madam Speaker, I would like to bring my colleagues' attention to significant political developments in Southeast Asia. Malaysia, which recently held major elections, is embarking on a new set of democratic reforms to deal with some of the serious problems that the country faces. I am pleased to see that Malaysia is moving toward reforms that would support the rule of law and a more open society.

Malaysian Prime Minister Abdullah Badawi has announced a series of initiatives that would help demonstrate Malaysia's commitment to government reform and to moderate and progressive principles of democracy. The actions respond to the call for reform issued by voters in the March 8 elections.

The Malaysian government has proposed a series of judicial reforms to strengthen the independence of judges and improve trust and respect for the Malaysian judicial system, and steps to fight corruption. The government plans to take steps that would provide greater press freedoms as well.

Malaysia is a moderate country of 25 million people in Southeast Asia with a dominant Muslim population. The country is of significant importance to the United States and our interests in the region. Democratic development in Malaysia is important not only to the political stability and economic growth of Southeast Asia but the fight against extremism.

I would like to submit for the RECORD and for the benefit of my colleagues an editorial by the Wall Street Journal Asia that comments on these reforms.

In closing, I encourage my colleagues to take notice of recent developments in Malaysia and to support the government as it works to implement democratic reforms that could benefit Malaysia and help support U.S. interests.

[From The Wall Street Journal, Apr. 24, 2008]

REFORMING MALAYSIA

Malaysia's economy has long been open to competition, but its political system has not. Last month's opposition-party electoral victories changed all that. Now, Prime Minister Abdullah Badawi has started to compete for voters' hearts, based on what the people want.

Mr. Abdullah's announcements over the past two weeks are nothing short of remarkable. Last Thursday, he acknowledged "perceived corruption" in the judiciary and announced an independent committee to vet prospective judges. On Monday, he promised to beef up the nation's Anti-Corruption Agency, implement laws to protect whistleblowers, and make changes to government procurement practices—long a source of patronage for his party, the United Malays National Organization, and the coalition it leads, the National Front.

None of these ideas are new. In fact, Mr. Abdullah himself promised better, cleaner governance when he took office in 2004. Malaysia's voters gave him four years to implement his promises. Last month, voters delivered their verdict: They handed opposition parties control of five out of 13 states, up from one—their biggest parliamentary gains since the country's founding.

With that reprimand, Mr. Abdullah now seems to realize that democracy in Malaysia matters. And he's ripped reform ideas straight from the opposition parties' playbooks. Anwar Ibrahim's National Justice Party, for instance, has long advocated judicial reform and the protection of whistleblowers. The new chief minister of Penang, a member of the Democratic Action Party, called for an open tender system for government procurement last month.

A wise leader will always appropriate good ideas, especially ones recently endorsed at the ballot box. Doing so is also a savvy political move for Mr. Abdullah. His standing as head of UMNO was put in question after his party's electoral losses last month. It still is—on Sunday, a former finance minister, Razaleigh Hamzah, said he'd contest for the party leadership.

If the Prime Minister can reposition himself as a reformer who enjoys public support, it will be harder for his internal challengers to unseat him, come the party congress in December. Showing that UMNO can reform is also a chance for Mr. Abdullah to slow the opposition's political momentum at a time when it is still enjoying the aftermath of last month's election victories.

The Prime Minister may also be thinking about his legacy. The first to hold that office after over two decades of rule under Mahathir Mohamad, Mr. Abdullah was seen as a transitional figure who would bring greater freedoms to his country. At first, he did, loosening controls on the press and cracking down on a few corrupt officials. But largely as last month's vote showed—he has so far failed.

Malaysia needs the reforms now on offer, and fast. Corruption undermines the country's economic competitiveness and its attractiveness as a place to do business. That depresses investment, and employment opportunities for Malaysians. Without a strong judiciary or a free press, the only way citizens feel they can show their discontent is to protest on the streets. Giving Malaysians a justice system they trust would help alleviate some, if not all, of those grievances.

None of these reforms can be implemented overnight, and most will be strongly opposed by UMNO's political machine, which has benefited for years from its opaque patronage system. But the threat of being unseated from office should be a good motivation for the party to take Mr. Abdullah's ideas seriously. Its about time.

IN HONOR OF THE ROCK AND ROLL HALL OF FAME AND MUSEUM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Rock and Roll Hall of Fame and Museum, located in the heart of historic downtown Cleveland, Ohio, and in recognition of the site's significant contributions to preserving American culture.

The Rock and Roll Hall of Fame and Museum opened its doors in 1995 and attracts visitors from all over the country and the world. The Museum provides educational programs and opportunities for visitors to fully experience the history and impact that music has had on our culture. Artists and musicians from all over the world perform at the Rock and Roll Hall of Fame and Museum and teach their audiences about the social significance of making music.

With carefully preserved artifacts from many of our country's favorite artists and the history behind some of the most beloved songs, the Hall of Fame and Museum showcases the significant impact that music has had in so many of our nation's social, cultural and political historical events. Throughout history, musicians have used their music as a vehicle to give voice to the voiceless, to challenge many social, cultural and political norms, and to celebrate that most human of emotions, love. This year, on June 13, 2008, the Rock and Roll Hall of Fame and Museum, along with the Joint Veterans Commission of Cuyahoga County, is commemorating Flag Day, the 233rd Birthday of the U.S. Army, and hosting a naturalization ceremony. I join the Hall of Fame and Museum and the JVCOCC of Cleveland in their celebration of these important events.

Madam Speaker and colleagues, please join me in honor of the Rock and Roll Hall of Fame Museum and in recognition of its unique and significant contributions to preserving American Culture and of its outstanding educational outreach programs.

TRIBUTE TO BONNIE BAKER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Mrs. Bonnie Baker of Clarion, Iowa on her 26-year postal career and congratulate her on the occasion of her retirement. Mrs. Baker has been a shining example of dedicated public service throughout her career.

Mrs. Baker began in 1982 by working as a window clerk in Dows, Iowa. The following year she moved to the Clarion Post Office, again working the front window. During her tenure in Clarion, Mrs. Baker worked periodically at the EDS plant when her services were needed. In October of 1993 she accepted a full-time position working for EDS.

Mrs. Baker was responsible for a variety of duties at her most recent position, including resolving different mailing problems that may arise, managing the transportation system, and instructing new employees on their various assignments.

I commend Bonnie Baker for her service to the State of Iowa throughout her many years in her postal career. It is an immense honor to represent Mrs. Baker in the United States Congress, and I know that my colleagues join me in wishing her a long, happy and healthy retirement.

HONORING THE CHEERLEADERS OF BOOKER T. WASHINGTON SENIOR HIGH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to offer my warmest congratulations to a special group of cheerleaders in my Congressional District. The cheerleading team of Booker T. Washington Senior High recently took first place in their division at the Ameri-Cheer International Competition in Orlando, Florida. This is a wonderful accomplishment and I know that I join with our whole community in honoring their success.

With all their hard work, skill, and commitment to excellence, these young adults managed to bring home to their school a very notable title. These athletes truly deserve to be recognized as models for perseverance. All who know them can readily appreciate the can-do feeling that emanates from the group and their unyielding desire to succeed. They have shown us what it means to be the best.

I also recognize that it was with the support of their parents, teachers, and friends that these cheerleaders were able to win such a demanding competition. Those closest to this team were just as vital in its success as components in the motivation that allowed them to go so far. The devotion that family and friends offer is incredibly important and I am delighted with their involvement in this endeavor.

At this time I would like to submit into the RECORD the names of the cheerleading team from Booker T. Washington Senior High: Luria Davis, Head Coach; Sharon Parker, Assistant Coach; Frankeetha Roberts, Assistant Coach; Bridgette Godfrey, Senior; Samkia Kirkland, Senior; Tamkia Kirkland, Senior; Tania Hall, Senior; Prensata Adams, Senior; Constance Caffey, Senior; Rudellee Lewin, Senior; Tiffany Cruz-Brown, Junior; Sheltonise Clements, Sophomore; Laquanna Farquharson, Freshman; Tatianna Johnson, Freshman; Shamira Abbott, Freshman;

I ask my colleagues to join me in congratulating these wonderful students and teachers for their success at this year's Ameri-Cheer International Competition.

IN RECOGNITION OF DENNIS MANGERS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Ms. MATSUI. Madam Speaker, I rise in tribute to Dennis Mangers as he retires after nearly 27 successful years with the California Cable & Telecommunications Association. As Dennis enters the next phase in his life and his family and friends gather to celebrate his illustrious career, I ask that all my colleagues join me in honoring his many remarkable accomplishments.

For the last 27 years, Dennis has been a tireless pioneer for the cable industry. As a chief lobbyist and then the head of the California Cable & Telecommunications Association, Dennis has garnered many accolades for his efforts. In 1994, he was given the Brad Wojcoski Award, an honor reserved to recognize a cable and telecommunications industry employee whose efforts have made a significant impact in the fight against HIV and AIDS in their local community. In 1998 he received the Vanguard Award, which is the cable industry's highest decoration for outstanding service at the State and regional level. And in 2004, Dennis was inducted into the Cable Center's Cable Pioneer Exhibit, which applauds groundbreaking leaders in the cable industry.

In addition to his invaluable work in the private sector for the cable industry, Dennis has had an impressive career in the public sector. His remarkable journey began as a teacher in the Long Beach Unified School District in 1964. As an educator, Dennis worked diligently to ensure that every child received equal access to quality education. In 1968, he became one of California's youngest school principals, serving first at the Earlimart Elementary School in Tulare and later at the Fountain Valley Elementary School in Orange County.

Dennis's devotion to improving our educational system continued with him as a California State Assemblyman. Elected in 1976, he quickly became the chair of the Subcommittee on Educational Reform. This allowed him to lead the State Legislative Task Force for the Improvement of Pre- and In-Service Training for School Administrators. This program helped recruit teachers and school administrators for California's educational system. Additionally, during his time in the Assembly, Dennis authored the Gifted and Talented Education Act (GATE). The GATE program is now a staple of California's educational system and allows for unique educational opportunities for students who have been identified as high achieving.

From his love for singing, to his enthusiasm for education, to his years giving back to the public as an elected official, Dennis has experienced many great things in his lifetime while also being active with many nonprofits. Throughout his career Dennis has championed tolerance and appreciation of diversity in the Sacramento region and across California. Dennis was a founding member and currently serves as the chairman of the board of directors for the Capitol Unity Council. The council was formed after the murder of a gay couple and the torching of three of Sacramento's synagogues in 1999. The council works to promote tolerance in the community, and Dennis has been leading the effort to build a center for diversity in downtown Sacramento. Thanks to his vision, this project is moving forward and upon completion will serve as an interactive learning experience where youth and visitors will engage in programs and activities that embrace inclusion, honor California's diversity, and motivate people to play an active role in building unity in their communities.

Madam Speaker, I am honored to recognize the numerous contributions made by Dennis during his lifetime of service. During his career he has worked tirelessly to further causes he believes in and has touched many people's lives both directly and indirectly. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in thanking my friend, Dennis Mangers, for his public service as we wish him success in his future endeavors.

A TRIBUTE TO PAUL E. GALLIS OF THE CONGRESSIONAL RESEARCH SERVICE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. TANNER. Madam Speaker, I rise today to honor the accomplishments of Dr. Paul E. Gallis, specialist in European Affairs with the Foreign Affairs, Defense, and Trade Division of the Congressional Research Service. Dr. Gallis is retiring on July 3, 2008, after serving the Nation for approximately 28 years in various positions at CRS, in the Senate, and in the State Department. In particular, Dr. Gallis served the Congress for 24 years as an expert in and objective observer of European security affairs. He has been the institutional memory of Congress on vital transatlantic political and security issues spanning multiple Congresses, several U.S. administrations, and key events in foreign policy. He has been an especially valued resource to Members and committees in Congress on all matters relating to the NATO alliance and relations with our European allies.

Dr. Gallis started working at CRS in June 1984 as an analyst in West European affairs. He came to CRS after working for 3 years in the office of Senator JOSEPH BIDEN as a policy advisor and speech writer. Before that, he served as a special assistant to Ambassador Rozanne Ridgway at the Department of State. Dr. Gallis received an M.A. and Ph.D. in European history at Brown University, and a B.A. in history and French from Davidson College. He studied at the École des Hautes Études in Paris, France.

Dr. Gallis quickly emerged as a leading CRS expert on European security affairs. His early work focused on vital and often controversial cold war-era security issues such as the Strategic Defense Initiative, SDI, and allied responses; the conventional arms balance in Europe; and policy issues surrounding the Intermediate-Range Nuclear Force, INF, Treaty. With the end of the cold war, Dr. Gallis's work incorporated significant changes in the transatlantic relationship, turning to burdensharing issues surrounding the first Persian Gulf war, as well as international diplomacy leading to Germany's unification.

Throughout his career at CRS, Dr. Gallis served as an authority on NATO political affairs and the allied relationship. He produced numerous timely reports on NATO's missions and institutional processes, including alliance partnership programs and enlargement. He led or coordinated important studies on NATO's emerging operational challenges in the Balkans and in Afghanistan. Over the telephone and in person, Dr. Gallis frequently shared his expertise on these difficult issues with tact and judgment. His work informed thousands of Members and staff in congressional offices over the years as they grappled with the complex foreign policy and security issues of the day in hearings, legislative initiatives, and ongoing consultations with U.S. and foreign officials. In all of his work, Dr. Gallis upheld an unswerving commitment to the core CRS mission of supporting an informed national legislature with nonpartisan research and analysis.

In addition to the above, Dr. Gallis spent several years at CRS handling managerial duties as head of the Europe, Middle East, and Africa section of the Foreign Affairs Division. In this capacity he supervised the work of many CRS analysts and instilled in them his high standard of work and professionalism. He represented the Library of Congress at the National War College in 1991–1992.

I got to know Dr. Gallis personally in the context of his many years of intensive work with Congressional delegations to the NATO Parliamentary Assembly. For the past several years, Dr. Gallis has been asked to serve as lead policy staff for delegations to the regular meetings of the NPA. In this capacity he has taken on yeoman's work in coordinating preparatory research analysis for delegation members, directing staff support for the NPA working sessions, and providing essential onsite expertise to Members. Paul has been an invaluable resource to me and the other Members of the NATO Parliamentary Assembly. His knowledge of the issues facing the United States in regards to our relationship with our European allies is immeasurable and he is a truly valued resource to us in our discussions at these meetings. It goes without saying that he will be sorely missed by all the participants in the NATO Parliamentary Assembly meetings both here and abroad.

On behalf of my colleagues in Congress, I want to express my deep appreciation to Paul Gallis for his long service to the Congress and especially for his direct assistance to the United States Group of the NATO Parliamentary Assembly. I will regret his absence in future NPA meetings but wish him well in his retirement.

TRIBUTE TO CHARLES CLAYTON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Charles Clayton on earning the Community Hero Award, given by Safeco Insurance, for his longtime dedication to helping others and inspiring positive change in his community of Fort Dodge, Iowa.

Charles is the founder of "Athletics for Education and Success." By receiving a second chance as a youth, he felt the calling to educate and empower underprivileged youth. Athletics for Education and Success gives selected youth the opportunity to participate in athletic programs they are likely unable to afford. Charles incorporates education with athletics by focusing on tough issues that kids face today including drugs, teen pregnancy, and gangs.

In addition, Charles has also organized a Disproportionate Minority Representation Council in Fort Dodge to create partnerships between citizens, law enforcement authorities, and schools in order to reduce the disproportionate amount of minority youth arrests in the area.

Charles's dedication to his community and his commitment to improving the life of others should be commended. I consider it an honor to represent Charles Clayton in the United States Congress and I know my colleagues join me in wishing him the best in his continued work serving others.

IN HONOR OF THE 233RD ANNIVERSARY OF UNITED STATES ARMY

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise in recognition of an important anniversary—the birthday of the United States Army.

Just shy of 233 years, maybe on a day like today, the people of our Nation came together as volunteers to meet the demands of the American Revolutionary War. It was on that day, June 14th, 1775 that the United States Army was born. I believe that on that same day the spirit of democracy was defended and the birth of our freedom was realized.

Since the birth of our Army, we've waged through 24 major engagements including the War of 1812, the Mexican-American War, the American Civil War, the Korean War, the Vietnam War, the Kosovo War and more recently Operations Enduring and Iraqi Freedom.

Army's Senior Leadership said it best in their birthday message to the force at large. They stated, "Our sacrifices have preserved our way of life, built a better future for others, and led our Nation to victory over our enemies. We are the best in the world at what we do, and because of our values, our ethos, and our people—especially our people. Our Army is hugely resilient, professional, and battle-hardened." I am reassured through the training that I've personally watched in my travels to Iraq and at home that the U.S. Army is without doubt prepared.

I think about the bravery of our men and women that serve. Not a day goes by when I haven't thought about the priceless human investment our Nation bears through America's Sons and Daughters. Though I continually pray for everyone's safe return, I know that each citizen takes an oath that could mean giving the ultimate sacrifice. I am consistently reminded from faces I see almost daily of the special qualities of spirit, patriotism and courage that exude from the men and women in uniform today, just as they did in 1775.

Happy Birthday—U.S. Army!

IN HONOR OF STEPHEN G. SCHUELER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor a dear friend and someone who has served the people of Bradley Beach and my State of New Jersey with distinction—Mayor Stephen G. Schueler.

Steve has served as Mayor of the Borough of Bradley Beach since 1992. Located on the Jersey Shore, Bradley Beach is "New Jersey's Family Resort" with a year round population of 5,000 that swells to 30,000 in the summer months as families come to enjoy the sand, surf, and bustling downtown. Since becoming Mayor, Steve has helped Bradley Beach continue to thrive as a vibrant town with acclaimed restaurants, quaint coffee shops, and a historic movie theater, in addition to its excellent beaches and beautiful boardwalk.

Under Steve's leadership, the many community events that Bradley Beach hosts have continued to provide countless hours of enjoyment for families from all over New Jersey. The Summer Gazebo Concert series on the boardwalk, the annual fireworks display, the Italian-American festival, and the annual Bradley Beach Invitation Lifeguard tournament all provide excellent recreational opportunities for residents and visitors alike. Also, the end-of-summer Mayor's Clambake, which raises funds for local organizations, is one of the nicest events on the Jersey Shore each year.

Madam Speaker, I am proud to call Steve my friend, and I wish him the best as he ends his time as Mayor of Bradley Beach. While he may no longer be mayor, his example will continue to inspire us all and families will continue to enjoy their visits to Bradley Beach because of the path he has set us on.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. ANDREWS. Madam Speaker, I was not present on June 3, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall No. 367, rollcall No. 368, and rollcall No. 369.

INTRODUCTION OF 4 BILLS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, I am introducing these four bills, which were part of the Consolidated Appropriations Act of 2008 and became law as part of Public Law No: 110–161.

The bills address programs focusing on: (1) air cargo screening in passenger airplanes, (2) international registered traveler and border security, (3) accountability in Department of Homeland Security contracts, and (4) increased access to the Office of Inspector General at the Department of Homeland Security to report waste, fraud, and abuse.

These programs were initially funded in the Consolidated Appropriations Act of 2008 and ongoing oversight and review of these programs must continue.

As the Chairman of the Committee of jurisdiction over these programs, it is my intention to work with the Appropriations Committee and other Members of Congress to provide adequate oversight and vigilance over these programs to ensure our Nation is as secure as possible.

HONORING CONNER HALL, UNIVERSITY OF GEORGIA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. KINGSTON. Madam Speaker, I rise today to commemorate Conner Hall, The University of Georgia's College of Agricultural and Environmental Sciences administrative building, on its 100th anniversary. Initially comprised of a single professor and only a few students, the college was a joint venture, cultivated by the University of Georgia and the Georgia legislature. Recognizing the need for agricultural education, the college became reality under UGA Chancellor Walter B. Hill and Legislator James J. Conner. Today the college has over 1,800 students enrolled in 10 departments with campuses located in Athens, Griffin, and Tifton.

This 100tth Anniversary was marked by a Centennial Celebration on April 11, 2008, on the front lawn of Conner Hall in Athens, Georgia. Alumni, friends, and special guests of the University of Georgia's College of Agricultural and Environmental Sciences gathered to rededicate the building which was erected in 1908.

Construction on Conner Hall broke ground in the same year that Henry Ford introduced the Model-T. Soon afterwards, the College of Agricultural and Environmental Sciences released several of its own innovations. Scientists developed new equipment, including the peanut combine and the onion harvester as well as created new crop varieties, many of which have become synonymous with the State of Georgia. The college developed Georgia's green peanuts and new varieties of cotton and Bermuda grass. Indeed, one could hardly pass through the State without seeing the boiled peanut stands that line many of Georgia's two lane roads. However, the college has yielded more than just agricultural innovations. In 1918, the college was the first at the University of Georgia to accept women.

In 1941, World War II called Conner Hall, along with one-half of the college's faculty and staff into service. When the men and women of the college were serving their country, Conner Hall was home to the Navy Pre-Flight School. The building has also served as a creamery, cafeteria, a library, and radio station.

In 2003, the college accomplished a superior achievement, successfully cloning its first calf, named KC. In early 2005, KC gave birth to her second calf, named Moonshine, and the college continues to serve the State in the area of biotechnology innovation as well as food safety. I look forward to the next generation of accomplishments as I continue working with the school as it continues down its innovative path.

Advances in agricultural science have overcome the changing demographics since the early 19th century. Consider that in 1935, 6.8 million farms provided sustenance for America's 127 million citizens. Today, less than 1 million farms produce food for more than 303 million Americans. In other words, 15 percent of farms that existed in 1935 provide food for 238 percent more Americans. Such a feat could only be possible through advances in agricultural science and the many lessons studied at the University of Georgia's College of Agricultural and Environmental Sciences.

HONORING THE PASCO COUNTY LIBRARY SYSTEM

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. BILIRAKIS. Madam Speaker, I rise today to congratulate the Pasco County Library system for receiving the Florida Library Association's 2008 Library of the Year Award.

Each year, an awards committee, composed of members from libraries across the State, reviews nominations for this prestigious award. Although all libraries are eligible, if no library meets the outstanding circumstances, the board can deem it appropriate to withhold the award. However, the Pasco County Library System was selected because of its creative and innovative programming, exemplary service to county residents, and leadership in the community.

Madam Speaker, the Pasco County Library system serves as a model for libraries across my home State of Florida as well as across the Nation. It is with great pleasure that I congratulate the Pasco County Library System for its receipt of the Florida Library Association's 2008 Library of the Year Award.

SALUTING MARTHA AND JOSH MORRISS ELEMENTARY SCHOOL ON COMPLETION OF FIRST YEAR OF OUTSTANDING STEM EDUCATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. HALL of Texas. Madam Speaker, I am pleased to recognize the Martha and Josh Morriss Mathematics and Engineering Elementary School in Texarkana, Texas, upon completion of its first year of science, technology, engineering, and mathematics (STEM) focused curriculum. On June 6 classes concluded for the summer, marking the completion of the first year of this innovative, groundbreaking school in the Fourth Congressional District of Texas.

Morriss Elementary, serving children in grades K–5, is part of a vertically aligned K–16 engineering education collaboration between Texas A&M University—Texarkana and the Texarkana Independent School District (TISD). This collaborative effort provides mathematics and pre-engineering integrated curriculum and pre-engineering electives for students, who are admitted on a competitive basis. Students graduating from the elementary school will be able to continue an advanced math and science program through middle school and high school as they follow a path to a college degree in one of the STEM fields.

On May 12, 2008, the House Science and Technology Committee held a field hearing at Morriss Elementary School to receive testimony on efforts to engage students in math and science at an early age, to keep them interested throughout middle school and high school, and to translate that interest into rewarding careers that will be of benefit to the entire Nation from a federal, school district, university, industry and teacher perspective. At the hearing, witnesses praised the efforts being made at Morriss Elementary. We saw first-hand how a community came together and created, with entirely local funding, what could be a national model for K–16 collaboration in mathematics and engineering. The vision for this school began with Dr. James Sullivan, former TISD Superintendent and current Texarkana City Manager, and his wife, Dr. Rosanne Stripling, Provost and Vice President for Academic Affairs at Texas A&M University—Texarkana. The plan received the support of the Board of TISD and, coupled with the generous land donation from Martha and Josh Morriss, became a reality last year.

The school does not have an attendance zone, and any elementary-age student living in the vicinity is eligible to apply for enrollment on a first-come basis without charge. The school is designed for approximately 400 students, with three sections each in grades K–1, 2–3, and 4–5. Due to a very high demand, a waiting list has been established for most of the primary grades.

Texas A&M University—Texarkana Arts and Sciences and Education faculty assist the TISD curriculum personnel and teachers to design the mathematics and engineering integrated curriculum and electives. University faculty develop content and pedagogy courses to train the elementary teachers to deliver the curriculum using effective teaching strategies that promote mastery of the curriculum by all students. All of the Morriss Elementary teachers are required to obtain a Masters Degree and either the Texas Master Mathematics Teacher Certification or Texas Master Technology Teacher Certification through preparation programs offered at A&M—Texarkana.

I am proud of the success of Morriss Elementary and wish to commend TISD Superintendent James Henry Russell and school Principal Rick Sandlin for the wonderful job they are doing. I also wish to congratulate the students and the teachers on the completion of their first year and look forward to monitoring the progress of these students as well as the continued success of Morriss Elementary. Our Nation's ability to continue to lead the world in innovation and competitiveness will depend in large part on our ability to motivate students to succeed and pursue careers in STEM fields. Morriss Elementary is an example of how that thrust can succeed at the local level with the vision and support of educators, parents, community leaders and students.

RACHEL MEIS OF RENTON, WASHINGTON

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. REICHERT. Madam speaker, I rise today in recognition of Rachel Meis, a young woman from my home district, the Eighth District of Washington, who earned the Congressional Medal. I honored her achievements at my district office during the Memorial Day recess and I do so again today.

Rachel didn't just showcase her selfless and wonderful spirit to earn congressional recognition. She has consistently lived her life in a way that is inspiring and a wonderful example for young people everywhere. Aside from her Congressional Medal, Rachel is a National Merit Finalist, a member of the National Honor Society at Tahoma High School and a member of Phi Theta Kappa, the National Honor Society of Green River Community College—where she participated in Running Start Program courses to supplement her education.

Rachel is also a star on the track. She is a sprinter and qualified for the Washington State championships in four separate events. She finished 11th in the 100 meter, 13th in the 200 meter, 11th in the 4 x 100 meter relay and medaled in the 4 x 200 meter relay.

Most recently, Rachel scored in the top 1 percent of more than 46,000 students in the Department of the Treasury's newly minted National Financial Literacy Challenge—an initiative recommended by the President's Advisory Council on Financial Literacy.

Rachel will attend George Fox University in Oregon starting this fall and plans to major in mechanical engineering. So far in her young life, she has succeeded due to a wonderful attitude and a positive work ethic. I am excited to see what she will accomplish in her future.

TRIBUTE TO JENNIFER JORGENSEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Jennifer Jorgensen on her exemplary basketball career and congratulate her on receiving the honor of being named Iowa's 2008 Miss Basketball.

Jennifer recently graduated from Southeast Webster-Grand High School and will be attending Pacific University to continue her illustrious basketball career. Jennifer has been recognized with a variety of accomplishments including a three-time first team all-state basketball choice as well as the IBCA all-region team.

Jennifer leaves behind a stellar basketball career, finishing as Iowa women's second all-time leading scorer, fourth in rebounds, and fifth in assists.

Jennifer is a shining example of the dedication and determination present in today's youth and their promise as tomorrow's leaders. It is an honor to represent Jennifer and her family in the United States Congress and I know my colleagues join me in wishing her the best of luck in her upcoming journey into higher education and collegiate athletics.

TRIBUTE TO SCOTT HENDERSON

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. MACK. Madam Speaker, I rise today to honor Scott Henderson for years of tireless service in my office and to the people of the Fourteenth Congressional District of Florida.

I've had the pleasure of knowing Scott for over 8 years. Throughout that entire time he has been a dedicated public servant, a strong advocate for the principles we share and cherish, and most importantly, a true friend.

I first met Scott when I was running for the Florida Legislature and Scott was working for the Republican Party of Florida. I soon hired him and he helped me win my first race for State Representative in 2000. After taking office, I hired him to be my assistant, and he quickly proved to be an invaluable friend and colleague as we navigated the challenges and opportunities of serving in Tallahassee.

When I decided to run for Congress in 2003 Scott stayed by my side and helped implement a winning campaign. After I was elected to the House, Scott became my Deputy Chief of Staff. His has been a diverse role—managing special projects, meeting with constituents, and providing critical support for a number of important initiatives.

Among Scott's many accomplishments—and the one I am most proud of—was his critical work to secure the release of two Cuban dentists from Bahamian custody who fled Cuba seeking freedom. Because of Scott's efforts, these dentists were reunited with their loved ones in Florida and today live in freedom.

But after 8 years of working by my side, Scott has been afforded a wonderful professional opportunity that will allow him to continue to grow and flourish in his career.

Scott is moving to New Jersey to become a Manager of State Government Affairs for Covanta Energy, a waste-to-energy company. While we will all miss Scott's presence and good nature in the office, we are excited for him as he begins the next phase of his life and career. I'm certain that he will make significant contributions to his new company and his new community, and know that he will always have a special place in his heart for the State he loves so much.

Madam Speaker, the State of Florida and the people of southwest Florida are better off today because of Scott Henderson's diligent efforts to ensure it remains a great place to live, work and visit.

On behalf of the people of Florida's Fourteenth Congressional District, I want to thank Scott for his years of service to the people of Florida and the Nation. He is my friend, he is a true public servant in every sense of the word, and I wish him all the best as he and his wife Betsy begin this new and exciting chapter of their lives.

TRIBUTE TO DR. FREDERICK GRASSLE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. SAXTON. Madam Speaker, I rise today in recognition of Dr. Frederick Grassle. On June 16, 2008 Dr. Grassle will be celebrated for his years of service as he steps down from his role as the Director of the Rutgers University Institute for Marine and Coastal Sciences after nineteen years.

Dr. Grassle has been instrumental in the tremendous success of the Institute for Marine and Coastal Sciences (IMCS). A well-published and involved member of the science community, Dr. Grassle has worked tirelessly to establish Rutgers University and the IMCS as a premier institution for the study of oceanic and aquatic sciences. He has fought for various causes, including the elimination of deep sea dumping, watershed-scale approaches to coastal management, and ensuring we safeguard of our coastal habitats.

In the past two decades, I have been fortunate enough to work with Dr. Grassle to bring about positive change to our precious coastal habitats. Through our collaboration, the Jacques Cousteau National Estuarine Research Reserve was designated and the Barnegat Bay Estuary began receiving much-needed assistance by developing and implementing various programs designed to restore its ecological integrity. In addition, we worked to bring about funding for the National Undersea Research Program, the Integrated Ocean Observing Program, and a range of fisheries research programs.

No stranger to the community, Dr. Grassle is a member of numerous professional organizations, including the New Jersey Academy of Sciences, the American Society of Naturalists, the Estuarine Research Federation, the National Association of Marine Laboratories and the Oceanography Society, to name a few. He also served as Past President of the International Association of Biological Oceanographers.

Madam Speaker, Dr. Grassle's infectious enthusiasm and abiding loyalty to our coastal regions are only surpassed by his genuine desire to embrace and enhance the community around him. As he celebrates his time with Rutgers University, I would like to extend my sincere gratitude for Dr. Grassle's leadership, commitment, and service.

ON RESOLUTION REGARDING IMPEACHMENT OF PRESIDENT BUSH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. UDALL of Colorado. Madam Speaker, I do not think the House should today take up the question of exercising our Constitutional authority to impeach the President and asking the Senate to try him on charges that, if proved, would result in his removal from office.

That does not mean I have turned or will turn a blind eye to the numerous misjudgments of President Bush or that I think his administration has been above reproach. On the contrary, I think that the Bush Administration has been a distinct failure. I am convinced that this President will not be treated well by historians. His failures of judgment and leadership span domestic and foreign affairs in a way that will likely haunt future generations for years to come—failures which are cited in the resolution proposed by the gentleman from Ohio.

But the question now before the House is not what we think of President Bush's actions and those of his Administration. Instead, we are being asked whether we should now, today, proceed to charge that he has violated his constitutional oath to faithfully execute the duties of his office and to defend the Constitution and thus should be impeached and brought to trial in the Senate.

The resolution sets forth what its author says are the specific statements and actions of the president that constitute violations of his oath. I also find those statements and actions deeply troubling and agree that they draw a picture of an Administration that has been characterized by hubris, bad judgment and arrogance. The picture is an unattractive one; but bad judgment, hubris and arrogance are not the constitutional grounds for impeachment.

The resolution raises serious questions about the way this president has used his position, both in communicating with the American people and in shaping policy. But as of today I am not prepared to say that there are adequate grounds to conclude that the failures of this Administration in fact constitute grounds for impeachment—and I do not think that Members of the House should be called upon to reach that conclusion today.

Before the House is asked to reach such a draconian conclusion, the president should have an opportunity to respond to the resolution's charges and the statements and actions it cites in support of those charges. Before we are asked to vote on the resolution, we should have the benefit of hearing from appropriate legal experts and other qualified witness and the Judiciary Committee should prepare a report that will provide the basis for any debate here on the floor of the House.

Impeachment is not entirely a legal question. It is partly political, which is why the Constitution entrusts it to Congress and not the courts. But I think it is essential that any decision to impeach any federal official should come only through a careful, thorough process that provides adequate due process for the accused and lays the proper foundation for a sound decision.

That was the process followed by the Judiciary Committee, under the able leadership of Chairman Peter Rodino, when it considered and ultimately approved articles of impeachment against President Richard Nixon in July of 1974. In my opinion, that set the example of how the process should work. I think to do otherwise, as the author of this resolution seeks to do, would further weaken the civility toward our colleagues and respect for those with whom we disagree that should be the basis for our service in Congress and would only add to the polarization and rancor that are all too prevalent in the nation's political debates. Therefore, Madam Speaker, I must oppose consideration of this resolution at this time.

HONORING THE AIR FORCE ESSAY CONTEST WINNER—ASHITA GANGULY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. HALL of Texas. Madam Speaker, I am pleased today to place in the CONGRESSIONAL RECORD the following winning essay, which Ashita Ganguly, a Senior at Paris High School in Paris, Texas, submitted to the Air Force Essay Contest.

PART OF THE AIR FORCE MISSION STATEMENT IS "EXCELLENCE IN ALL WE DO"; WHAT DOES THIS MEAN TO YOU?

Excellence is a tradition that beats proudly in the hearts of all Americans. The United States Air Force is a specific example of the furtherance of such a tradition. Since its formation in 1947, the Air Force has relentlessly strived to serve and protect America and her people with unyielding strength, valor, and conviction. Although it has established itself as the largest and most technologically advanced air force in the world, it is the spirited and courageous men and women, selflessly serving their country and fellow citizens, who truly distinguish the United States Air Force from all others.

Webster defines excellence as unusual goodness or worth. Throughout its existence, the Air Force has showcased this unique generosity not only in regards to national affairs, but also in world affairs. During the Cold War, when Soviet leader Joseph Stalin disrupted the supply traffic to Berlin, the United States Air Force undertook Operation Vittles, also known as the Berlin Airlifts. From June of 1948 to May of 1949, the Air Force was able to deliver an astounding 2.3 million tons of cargo on the 277,685 flights, providing vital necessities to all of Berlin's citizens. The excellence in efficiency proved by the Air Force in these missions continues to remain un-matched. In the years following, the Air Force continued to lead in many other humanitarian efforts including Operation Safe Haven, which relocated 20,000 Hungarian refugees following the Hungarian Revolution of 1956, and Operation Provide Hope, which provided medical equipment to former Soviet republics during their transition to democratic and free-market states.

Since its conception, the Air Force has been involved in a number of wars and conflicts including World War I, World War II, the Cold War, the Korean War, the Vietnam War, the Gulf War, the Kosovo War, and, of course, the Iraq War. Its members have valiantly served to preserve democratic values in all parts of the world with great regard to "a proud heritage, a tradition of honor, and a legacy of valor," as stated in The Airman's Creed.

A few years ago, I witnessed this tradition first hand when visiting Andrews Air Force base in Maryland. Watching the air show, I was astonished to see the meticulous craft and precision displayed by the pilots. The intricate and complex formations of the planes in flight still lives in my memory. However, despite being surrounded by the most sophisticated and advanced technology comprehensible to man, it was the infectious spirit of enthusiasm for duty that captivated me. Watching the pilots animatedly discuss their air crafts and missions spurred my interest.

The 351,800 members of the United States Air Force, groomed by tradition, guided by values, and driven by strife towards excellence represent the heart and soul of American culture. Exhibiting superiority of character and performance, both on and off duty, they are the role models in an often misguided period in society. As the United States Air Force continues "To fly and fight in Air, Space, and Cyberspace," ordinary citizens, like me, can only expect excellence in all of their endeavors. Their example inspires us all.

IN HONOR OF MARY LOU NIXON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mary Lou Nixon, a profoundly respected and familiar figure to many in Cleveland, as she retires following a thirty-two year career dedicated to guiding students across the Greater Cleveland Area to college.

For over thirty years, Mary Lou Nixon has served as the Cleveland Scholarship Programs Advisor, where she worked with many low income families and other struggling students with securing financial aid for a college education. With her guidance and outstanding specialized service, she has helped an innumerous amount of students in the Greater Cleveland Area attend college. Her "fact sheets" and inspiring attitude gave students and families the tools and confidence to send themselves or their children to college, despite the many challenges that many face. If a family was unable to fill out student-aid application forms on line, she walked them through it. If a student was unable to come up with the finances to attend college, she helped them secure the resources they needed.

Mrs. Nixon is the local expert and has unlocked countless college opportunities for students in the Greater Cleveland Area. She made attending college accessible to everybody and guided members of the community who would have otherwise been unable to attend college realize their dream of earning a bachelors degree. Recognized for her patience and personal demeanor, Mrs. Nixon served as a mother figure to many in more ways than one; she and her husband opened their house numerous times to children in need of a place to stay. As an active member of the community, Mary Lou Nixon will dedicate her post-retirement time working with the Lakewood Public Library, where she sits on the board of trustees.

Madam Speaker and colleagues, please join me in honor of Mary Lou Nixon, who dedicated her life to helping students across the Greater Cleveland Area attend college and in recognition of the invaluable guidance she provided to so many.

TRIBUTE TO TALIA LEMAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. LATHAM. Madam Speaker, I rise today to honor a great achievement by seventh-grade student Talia Leman of Waukee, Iowa. Talia was named one of America's top ten youth volunteers for 2008 with the National Prudential Spirit of Community Award.

Talia was selected from a field of nearly 20,000 candidates for her outstanding volunteer community service. The Prudential Spirit of Community Awards were created 13 years ago to encourage youth volunteerism and to identify and reward young role models. Talia received a personal award of $5,000, an engraved gold medallion, a crystal trophy for her school, and a $5,000 grant from The Prudential Foundation for a nonprofit charitable organization of her choice.

Talia created "RandomKid" an organization that seeks to educate, motivate and unify young people around the world to work on a broad spectrum of pressing needs. She began the organization 2 years ago by encouraging kids to collect coins instead of candy on Halloween, and donate the money to Hurricane Katrina relief efforts. Her message was widely publicized to kids across the country and reportedly raised millions of dollars for Katrina victims.

Talia established a nonprofit organization and created the website, www.randomkid.org which solicits young people for projects to help rebuild the Gulf Coast, raise money to build a school in Cambodia, find homes for stray pets, and collect DVDs for soldiers overseas. Talia is currently encouraging schools to make and sell their own private-labeled bottled-water products to help fund clean-water technologies. She's also working on setting up a "mini-United Nations" made up of young delegates from around the world who work together to address global children's issues.

Talia is a shining example of the dedication, determination and faith present in today's youth and their promise as tomorrow's leaders. I am proud to represent Talia Leman and her family in the United States Congress. I know that my colleagues join me in commending Talia for her accomplishments and dedication to making a difference in the world.

RECOGNIZING THE MOBILE DIVISION OF THE FBI ON THE 100 YEAR ANNIVERSARY OF THE FBI

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. BONNER. Madam Speaker, today I rise to pay tribute to the Mobile, Alabama, FBI Field Office on the 100 year anniversary of the Federal Bureau of Investigation (FBI).

Organized in 1908, America's best investigators were brought together and organized to form what is now the FBI. Over the past century, many of the world's most dangerous criminals have been apprehended by the FBI.

The FBI started as an agency covering interstate crimes such as robbery and embezzlement. In the mid 1920s, they were responsible for capturing lawbreakers such as Al Capone, Bonnie and Clyde, and Baby Face Nelson. Countless serial killers, kidnappers, and other violent criminals have also been captured as a result of the hard work and diligence of the FBI.

Following the attacks of September 11, 2001, the FBI began a long term transformation from the world's premier law enforcement agency to the world's premier law enforcement, intelligence, and counter terrorism agency. Today, there are over 30,000 employees, including over 12,000 special agents. There are 56 field offices, more than 400 smaller resident agencies in the United States, and 15 sub-offices in cities around the world.

The Mobile FBI Field Office is an active member of the Mobile community, providing training to law enforcement personnel including firearm instructor certification, crime scene investigation, basic sniper training, basic SWAT training, civil rights training, instructor development certification, crimes against children training, and terrorism training. The Field Office has also sponsored police officers and police executives for advanced training schools at the FBI laboratory, the FBI academy, and international locations.

Special Agent in Charge (SAC) Debra K. Mack heads this office of more than 110 agent and professional support personnel. SAC Mack has oversight of all of the FBI's operational, investigative, and administrative matters as well as the technical operations and financial issues for the 36 counties comprising the southern half of the state of Alabama. In 2007, SAC Mack was inducted into the Louisiana Justice Hall of Fame, becoming the first ever FBI Special Agent to receive this honor.

The Mobile FBI Field Office has worked hard to protect the people of southwest Alabama. Its partnerships with municipal, county, and state law enforcement offices have resulted in the apprehension of drug-dealers, online child predators, kidnappers, fraudsters, and the forfeiture of assets in the millions of dollars.

Madam Speaker, I ask my colleagues to join with me in congratulating SAC Mack and all of those at the Mobile FBI Field Office on the FBI's 100th anniversary. For all their accomplishments, I extend my heartfelt thanks for their continued service to the people of Alabama and the First Congressional District.

RECOGNIZING THE CONTRIBUTIONS OF ED SNYDER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. BURGESS. Madam Speaker, I rise today in recognition of Denton City Attorney Ed Snyder and his years of dedication and service to Denton, Texas. Ed has been with the City of Denton for 8 1/2 years and will retire June 30, 2008.

After 31 years of practicing law, Ed has decided to pursue his dream to be a coach and will begin a new career as a teacher and coach. Ed began his career in Denton in October 1999 as Deputy City Attorney. In 2005 the Denton City Council appointed him City Attorney. Under his leadership, Denton was able to accomplish many goals, including the adoption and implementation of a new comprehensive plan and development code.

Prior to working in Denton Ed was in private practice from 1977 to 1982, then Assistant City Attorney for Temple, Texas from 1982 to 1983. From 1983 to 1997 Ed served as First Assistant City Attorney for Plano, and returned to private practice from 1997 to 1999 before joining the City of Denton. Ed holds a Bachelor of Science in Education degree from Central Michigan University, and a Juris Doctor degree from the University of San Diego School of Law.

Ed is a member of the State Bar of Texas and State Bar of Michigan. He has practiced before the United States District Court and is a member of the Denton County Bar Association. In the summer of 1999 Ed was published in The Urban Lawyer for his article: A Condemnation Case from the Condemnor's Perspective. In 2001 Ed was awarded the prestigious Galen Sparks Texas Assistant City Attorney of the Year Award, given by the Texas City Attorneys Association.

Madam Speaker, it is with great honor that I rise today and recognize Ed Snyder for his years of hard work and dedication to the citizens of Denton County and the state of Texas. I am proud to represent him in the United States Congress. His service has set a standard of devotion and true leadership—one that will never be forgotten.

RECOGNIZING THE 50TH ANNIVERSARY OF THE HUNTING HILLS SWIM CLUB

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. CUMMINGS. Madam Speaker, I rise today to recognize the Hunting Hills Swim Club as they mark their 50th anniversary on June 14, 2008. Thanks to the generous donation by the Amos and Gundry families a patch of land that once was the home to pig farming, is now a local institution and home of the Hunting Hills Hammerheads.

In 1958, the pool opened for business as members agreed to foot the cost of the club by purchasing a bond that made them co-owners of the pool. It was one of the first bond-financed pools in Maryland. Today, bond-membership pools are the norm. Hunting Hills Swim Club helped establish that trend.

Recently the pool itself began showing its age. Undaunted by the time and cost needed to set things right, members agreed to take the plunge and rebuild the main pool and the baby pool. The perimeters of each were excavated. New pipes, skimmers and pumps were installed. The interiors were resurfaced and a new diving board was erected. Today, the pool looks better than ever.

More than 300 families are now members of the pool. They come from near and far—from Baltimore City, from Catonsville, from Ellicott City and elsewhere—to cool off and meet their summer- and year-long friends. Many of the current bondholders first arrived at the pool in strollers, learned to walk, learned to swim, went off to school and now bring their own children there. Today, nearly 100 children take swim lessons and compete in the Central Maryland Swim League Division V as members of the Hunting Hills swim team.

Madam Speaker, as the days get longer and warmer, it is nice to know that there are places where families and friends can gather to enjoy the summer as a community. I congratulate the Hunting Hills Swim Club on its 50th anniversary and wish all of its members the best in 2008.

CHILDREN'S HOSPITAL AND REGIONAL MEDICAL CENTER—SEATTLE, WA

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. REICHERT. Madam Speaker, I rise today in recognition of the life-saving and ground-breaking medical care happening at the Seattle Children's Hospital and Regional

Medical Center every day. Continuing a tradition that has held for 16 years, Seattle Children's is once again ranked among the top 30 children's hospitals nationally in US. News & World Report's annual rankings.

Seattle Children's ranked fifth-best in the Nation for pediatric cancer care, eighth-best for general pediatrics, neurolopy and neurosurgery, and ninth-best for respiratory disorders. Children's also ranked 23rd in neonatal care and 30th for heart care and heart surgery.

Year in and year out, Seattle Children's Hospital and Regional Medical Center provides life-saving care to the most vulnerable among us. The Pacific Northwest is fortunate to have such an exceptional institution in our region. I salute the medical professionals and support staffs who work tirelessly to give their extraordinary talents for the health and wellness of our children. Seattle Children's is a deserving recipient of this national recognition.

HONORING RETIRING EDUCATOR LARRY MYHRA

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. KIND. Madam Speaker, I rise today to pay tribute to an outstanding individual, and an excellent public servant: La Crosse educator, Larry Myhra.

The end of every school year brings the retirement of many terrific school leaders, teachers and staff members who provide a quality education for our children and replacing their professionalism and dedication is an annual challenge.

One such individual this year is Larry Myhra, who is retiring as principal of Lincoln Middle School after a distinguished 35-year career as principal, science teacher, and football coach in the La Crosse School District.

In 1973, Larry graduated from the University of Wisconsin-La Crosse and began his teaching career in the science department at old Logan High School. Throughout his 31 years at Logan High School, Larry served as the head football and track coach, assistant basketball coach, athletic director, activities director, dean of students, and associate principal. While serving as athletic director, Larry helped to broaden the program by adding various sports, including hockey and soccer, but later decided to become the activities director in order to better serve the entire student body. Larry was also an advocate for the creation of the La Crossroads charter school, which helps students that are in danger of dropping out of school stay in school and graduate. This program has helped many students improve both their attendance and their grades.

When I was in high school, I had the pleasure of playing for Coach Myhra for 3 years at Logan. He instilled in his players and students a desire for dedication and determination both in and out of the classroom. I owe much of who I became in life to Coach Myhra and the educational system that was provided to me in La Crosse.

In 2004 Larry took up the position of principal at Lincoln Middle School, where he remained until now.

It has been said that great teachers and coaches enjoy a special immortality because their influence never stops radiating. That is certainly true for Larry Myhra. I wish him and our retiring educators a well-deserved and happy retirement.

HONOR FLIGHTS

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. FOSTER. Madam Speaker, I am submitting this statement to record my strong and enthusiastic support for veterans participating in the Honor Flight Chicago visit to the World War II memorial.

Today I recognize these men for their incalculable contributions to our society through their military service to the United States during World War II.

As part of a group brought together by the organization Honor Flight Chicago, I met with these heroes at the World War II Memorial to welcome them on their visit to Washington. Honor Flight Chicago honors World War II veterans by flying them to our Nation's capital so they can visit the World War II memorial for free.

The men who visited today are part of what's been called the greatest generation. They were a group of men who answered the call of duty when summoned, making great sacrifices to preserve the freedoms we all enjoy today. Because of their service and sacrifice, they exemplify what it means to be a hero.

I am proud to submit the names of these men for all to see, hear, and recognize.

Harold Schirmer, Howard Schoen, Gordon Smith, Norman C. Ohlendorf, Sam Polletta, Robert D. Swanson, Bernard J. Kramer, William G. Berry, Frank Loutly, Kenneth D. Loudy.

Michael J. Lasowski, Fernando Yori, Fred L. Alexander, Kenneth Ridgway, Myron Ridgwa, Leonard Tetrault, Wilbert Weigel, Raymond Vogen, Sylvester J. Beaupre, Leonard Feller.

Charles Wagner, Arthur P. Grotto, Daniel Green, William Crosby, Paul Sellers, Willard Swords, Vernon K. Hardt, Joseph Lach, Edward Lancioni, George Dinsmore, John F. Berns.

Theodore Tusinski, James W. Milligan, Robert W. Church, William R. Dreher, Steven A. Krempa, Walter J. Miller, Edward Sulma, Robert G. Terreberry, Lawrence E. Weaver, John P. Weinmeier.

Edward Tanaka, Charlie F. May, Robert W. Anderson, Robert L. Christensen, Robert Persinger, George S. Cassara, Giulio Filippi, Manuel G. Vasquez, Earl Morin, Earl Thayer.

William D. Coons, Robert Cave, William Mansfield, Anton Sikich, Maurice R. Koebele, Vernon H. Keller, Elmer Palmateer, James Sikich, Astor Carlson.

It was my honor to greet these heroes in person, and I thank them for their service.

SUPPORTING EXTENDING UNEMPLOYMENT BENEFITS TO JOBLESS WORKERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. STARK. Madam Speaker, I rise today in strong support of assisting the millions of workers who have exhausted their Unemployment Insurance (UI) benefits and are still struggling to find work in the wreckage of the Bush recession.

While cutting taxes for the very richest, the President has left workers to fend for themselves. Congress has a responsibility to mend our safety net and lessen the impact of unemployment. In my home State of California, over 180,000 workers have run out of UI benefits, with an additional 520,000 expected to join them over the next 10 months. Even our Republican Governor, Arnold Schwarzenegger, has called on Congress to extend benefits.

This legislation is simple. It will provide 13 additional weeks of UI to workers who are still unable to find employment after exhausting benefits. In States with high unemployment, an additional 13 weeks would be made available. All benefits will be paid out of the UI Trust Fund, which has $35 billion in reserves. Extending UI benefits is also commonplace. During the last seven recessions—1958, 1961, 1972, 1975, 1982, 1991, and 2002—Congress has passed similar legislation. The circumstances for unemployed workers are actually more dire today than they were during the past two downturns. Long-term unemployment is twice as high (18.5 percent of those without jobs have been unemployed for six months or more) as it was when Congress extended benefits in 2002 and 1991.

The time to act is now. The economy has lost 324,000 jobs during the last 5 months. Gas and food prices are at or above record highs. Foreclosures continue to ravish communities across the country. Over 28 million Americans are receiving food stamps—an all-time high.

The Congressional Budget Office estimates that this bill will provide benefits to 3.8 million unemployed workers. I urge all of my colleagues to exercise common sense and compassion and provide much needed support to working families by voting "yes."

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. McDERMOTT. Madam Speaker, on June 9, I was unable to vote on House Resolutions 1225, 1243, and 127. Had I been able, I would have voted in support of these resolutions.

RECOGNIZING THE 50TH ANNIVERSARY OF THE VILLAGE OF BEVERLY HILLS, MICHIGAN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the Village of Beverly Hills, in Oakland County, Michigan, which is celebrating its 50th Anniversary on June 14, 2008. The village's tree-lined streets and well-planned community live up to its reputation as a lovely place to live.

The Village of Beverly Hills can be traced back to 1830. A thirty-six square mile area from present day 8 Mile to 14 Mile Roads and from Greenfield to Inkster Roads was organized as Ossewa Township on July 12, 1830. Seventeen days later, Ossewa Township was renamed to Southfield Township. Throughout the 1800's and the early 1900's, the area was primarily farmland, with sawmills, gristmills, and cider mills dotting the landscape.

In the 1920's, a subdivision called Beverly Hills was developed on Birchwood and Kirkshire Streets, and was quickly populated through the 1950's. Beginning in 1953, Southfield Township slowly broke apart with the incorporation of Lathrup Village, Franklin, and Bingham Farms. When the City of Southfield was incorporated in 1957, the residents of what is now Beverly Hills felt the need for more home rule and local control. On September 23, 1957, the Village of Westwood was incorporated, and in March 1958, the village adopted the more popular name Beverly Hills.

Today Beverly Hills is the largest Home Rule Village in Michigan, with a statewide reputation as a leader in municipal management and fiscal stability. The Village also has the distinction of being one of the safest communities in Michigan, due in large part to the efforts of their Department of Public Safety, police and fire departments, and emergency medical services.

Madam Speaker, Beverly Hills is a forward thinking community aimed at improving the already sterling quality of life that their residents expect. I congratulate them on their 50th anniversary and wish the residents many more years of prosperity.

PERSONAL EXPLANATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2008

Mr. LATHAM. Madam Speaker, on June 9, I was touring flood damaged parts of my district in Iowa and was not present for votes. Had I been present for Rollcall votes 388, 389 and 390, I would have voted "yes".

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 12, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 17

9:30 a.m.
Armed Services
To hold hearings to examine the origins of aggressive interrogation techniques, focusing on Part I of the Committee's inquiry into the treatment of detainees in U.S. custody.
SD–106

10 a.m.
Energy and Natural Resources
To hold hearings to examine the challenges and regional solutions to developing transmission for renewable electricity resources.
SD–366

Finance
To hold hearings to examine the future of the United States economy, focusing on long run deficits and debt.
SD–215

Judiciary
To hold hearings to examine protecting consumers by protecting intellectual property.
SD–226

10:30 a.m.
Agriculture, Nutrition, and Forestry
Appropriations
Financial Services and General Government Subcommittee
To hold joint hearings to examine the role, responsibilities, and resource needs of the Commodity Futures Trading Commission on oversight of futures and derivatives markets in energy and agriculture.
SD–192

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine the role, responsibilities, and resource needs of the Commodity Futures Trading Commission, focusing on oversight of energy markets and oil futures contracts.
SD–192

2:15 p.m.
Foreign Relations
International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee
To hold hearings to examine international disaster assistance, focusing on policy options.
SD–419

2:30 p.m.
Judiciary
To hold hearings to examine ways to respond to the growing need for federal judgeships, focusing on "The Federal Judgeship Act of 2008".
SD–226

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1774, to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, S. 2255, to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, S. 2359, to establish the St. Augustine 450th Commemoration Commission, S. 2943, to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail, S. 3017, to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan, S. 3010, to reauthorize the Route 66 Corridor Preservation Program, S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, H.R. 1143, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and S. 3096, to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute.
SD–366

3 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine combating sexual exploitation of children, focusing on strengthening international law enforcement cooperation.
B318, Rayburn Building

JUNE 18

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine privacy implications of online advertising.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine protecting personal information, focusing on steps the federal government has in place.
SD–342

Rules and Administration
To hold hearings to examine improving energy efficiency, focusing on increasing the use of renewable sources of energy, and reducing the carbon footprint of the Capitol complex.
SR–301

10:30 a.m.
Aging
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold joint hearings to examine S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration.
SD–226

2 p.m.
Energy and Natural Resources
To hold hearings to examine the preparedness of federal land management agencies for the 2008 wildfire season.
SD–366

JUNE 19

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine cruise ship safety, focusing on potential steps for keeping Americans safe at sea.
SR–253

2:15 p.m.
Foreign Relations
To hold hearings to examine pending nominations.
SD–419

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JUNE 24

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine climate change impacts on the transportation sector.
SR–253

JUNE 25

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine laptop searches and other violations of privacy faced by Americans returning from overseas travel.
SD–226

JUNE 26

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending calendar business.
SR–418

HOUSE OF REPRESENTATIVES—*Thursday, June 12, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 12, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

It would seem, Lord, that peace can come to both sides of any wall that divides people. Only four conditions are required of the human spirit for peace to be achieved: Truth, justice, love and freedom. So Lord, we pray:

That truth will build peace as every individual sincerely acknowledges not only his or her own rights but also one's duty to protect the rights of others; justice will build peace, Lord, if everyone respects the rights of others and actually fulfills one's duties toward all others; love will build peace if people feel the needs of others as their own and share what they have with others, especially the values of mind and spirit which they possess; freedom will build peace, Lord, if in their choices people act according to sound reason and are willing to accept the consequences of their own actions.

Therefore, Lord, we pray that Your people will speak the truth, act justly, love faithfully, and live freely, and so find peace not just here and now but forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

RECOGNIZING ARVERN MOORE ON HIS RETIREMENT

(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)

Mr. CHILDERS. Madam Speaker, I rise today to honor Mr. Arvern Moore for his 41 years of outstanding service as executive director of the Institute of Community Services Head Start Program in Mississippi's First District.

Arvern Moore began his work in 1967 with the ICS Head Start Program and had the vision to build a successful program to prepare children and families for the future. He served terms as president of the National Head Start Association and is known to many as "Mr. Head Start."

Arvern has established vital Head Start partnerships with businesses and stakeholders but has always remained focused on the families of Mississippi. Today, the ICS Head Start Program, headquartered in Holly Springs, Mississippi, serves more than 3,600 Head Start children.

It is my honor to recognize Arvern Moore for his 41 years of service to Mississippi's children and families. Please join me on the occasion of his retirement in wishing him a rewarding life in the community he has worked so hard to support. We offer heartfelt congratulations to Arvern for a life of service as we wish him and his family a joyous celebration of this milestone.

WHAT ABOUT AMERICAN OIL?

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Oil prices are climbing to record highs, gasoline is over $4 a gallon and climbing towards $5, food prices are up and rising, and family budgets stretch their limits.

And how do we handle this? We beg OPEC to produce more oil. The Saudis say they will call a meeting. Venezuela says they want $200-a-barrel oil. Foreign speculators say let's hope the market will fall.

Americans say, what about America? What about American energy? Why not explore for the trillions of barrels of America's oil off our coast, America's shale oil? Saying "no" to Americans is not an energy policy. Begging other nations is not an energy policy.

Americans get it. Congress needs to get it too. American oil, American jobs, American control of its own destiny and returning America to be the greatest Nation on Earth and not a nation that has its hat in its hand saying please help us.

WHY SHOULD WE OPEN LAND FOR DRILLING WHEN BIG OIL ISN'T EVEN DRILLING WHERE THEY HAVE LEASES

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Madam Speaker, it is no wonder that the only Republican solution to our record high gas prices is more drilling. Who would expect anything less when two former oil executives occupy the White House?

The problem is that this has been the Republican energy plan for the last 7 years. It was created in secret by Vice President CHENEY and oil executives. And it is responsible for the record high oil prices that we all face at the pump today.

Republicans claim that we could lower the price at the pump if we would only approve more and more drilling leases. That is their rhetoric. Here are the facts. Oil companies do not need new areas to drill. They need to focus on areas that are already opened to them. Of the 42 million acres of Federal land currently leased by oil and gas companies, only about 12 million acres are actually being drilled to produce oil and natural gas.

Madam Speaker, if the Republican claims about more drilling are correct, why aren't they demanding Big Oil explore drilling on the 30 million acres of Federal land that are already open to them but that they refuse to explore?

THE LAW OF SUPPLY AND DEMAND

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Madam Speaker, 2 years ago, my colleagues on the other side of the aisle told the American people they had a commonsense plan to

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

bring down gas prices. Unfortunately, we still haven't seen this commonsense plan, so I would like to offer my own.

This is a drill bit. The drill bit goes into the ground. Oil comes out of the ground. Oil goes to a refinery. Gasoline comes out of the refinery. More gas, price comes down.

Let me repeat that for those on the other side who seem not able to understand that.

This is a drill bit. The drill goes down into the ground. Oil comes out of the ground. Oil goes to the refinery. Gasoline comes out of the refinery. More gas, price comes down.

THE HIGH COST OF GASOLINE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, I rise today for the weary Americans who are working harder than they ever have but still find themselves falling behind. I rise today for Americans all across this country and especially those in my home State of Georgia who are hurting. I rise for those whose wallets get thinner each time they go to the gas station.

I rise for those who must decide between $4 a gallon gasoline or food for their family, those who must decide between $4 a gallon gasoline or paying the mortgage. Americans will continue to make these choices until we decide enough is enough. Let's change our energy policy.

RECOGNIZING THE WAUBONSIE VALLEY HIGH SCHOOL GIRLS SOCCER TEAM

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Madam Speaker, it is with great pride that I rise to congratulate the Waubonsie Valley Warriors on winning the Illinois State Girls Soccer Championship. In the final tournament, the Lady Warriors won three consecutive games to capture the State title against an exceptionally competitive field.

Despite the loss of Illinois Gatorade Player of the Year, Bri Rodriguez, who suffered a torn ACL in the quarterfinal match, the team notched a 3–0 victory over Belleville Althoff in the championship. This is the second consecutive State championship for the Waubonsie girls soccer team, which this season recorded an undefeated record of 26 wins, zero losses, and 1 tie.

Kiki McClellan, Vanessa DiBernardo, and Megan Green each succeeded in scoring hard-earned goals during the championship game. And Claire Hanold kept her goal-keeping streak alive by blocking five shots and securing her 22nd shut-out of the season. Indeed, every member of the team stepped up to bring the trophy home through her outstanding play. And guiding them to the championship was Coach Judy Bergstrom.

Madam Speaker, the Warriors' success can be attributed to their determined spirit and strong work ethic. These talented young ladies have made their community and the entire State of Illinois proud. So once again, I congratulate the Waubonsie Valley Warriors on this historic achievement and wish them continued success in the years to come.

H2B VISAS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to raise awareness of an increasing problem with H2B Visa abuse in my hometown of Houston and elsewhere.

Fraudulent recruiters are increasingly bringing in foreign workers for temporary, low skill positions by claming there is a labor shortage for this type of work.

These recruiters frequently advertise positions with wages below what they should be paid, and when there are no responses the employers claim there is a labor shortage and bring in foreign workers to do that work.

The Immigration and Nationality Act requires that the hiring of foreign workers will not adversely affect the wages and working conditions of U.S. workers working in the occupation in the area of intended employment.

However, these regulations are not being strictly enforced.

The Department of Labor has proposed new procedures based on its contention that its workload, and the workload of State workforce agencies, has greatly increased in recent years due to the H2B visa program and that an adequate rise in funding to meet that increased workload has not occurred.

The proposed changes would cover many aspects of the H2B visa application process, including the moving of filing of State workforce agencies to the National Processing Centers. New requirements for employers to report on the status of their H2B employees should be enforced.

I am extremely concerned about these changes, because current regulations are not being strictly enforced at the national level, or at the State workforce agency level and moving filings to the national processing center along with these other changes will not improve enforcement.

This lack of enforcement is driving down wages, and preventing individuals from gaining experience necessary to move into higher paying jobs.

Congress needs to act and should require recruiters to be certified or licensed to prevent temporary workers and their U.S. employers from being misled about the nature of their visas being defrauded or victimized by outrageous fees.

This would allow oversight of the recruiting process which is a much-needed addition to the program.

Madam Speaker, I plan to work to see that this issue is addressed, that these rules are corrected, and I urge my colleague to join me in fixing this problem.

ATROCITIES IN BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today over the comments made by the brutal generals, military dictators in Burma, saying that Aung San Suu Kyi, Nobel Peace Prize winner and rightful leader elected by the people, deserves to be flogged. Come again?

These are the generals who stonewalled for weeks and refused to allow desperately needed humanitarian aid to get to the people after the cyclone, who order their military to attack ethnic groups throughout the country, who in 1988 issued a blood assimilation order to their troops to marry or rape the ethnic women in order to "purify" the ethnic's blood line, who forcibly conscript children to serve as child soldiers in their army, who plant land mines around the villages they attack so that returning villagers get maimed or killed, who pillage or plunder the resources of Burma so they can have huge weddings with millions of dollars of jewels around the necks of their daughters.

It is the SPDC generals, brutal dictators with their crimes against humanity and campaigns of ethnic cleansing who deserve to be stripped of power and placed under arrest for many years to come.

BUSH AND HOOVER PRESIDED OVER FALTERING ECONOMIES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, for 7 years Americans have endured the failed economic policies of President Bush, policies that have favored the wealthiest few and the big corporations at the expense of the middle class and those aspiring to reach the middle class.

Last week for the fifth month in a row, we learned that the Bush economy had lost more jobs than it created. This unimpressive economic record is once again drawing comparisons to that of another Republican President, Herbert Hoover. President Bush has the worst job creation record since Herbert Hoover, who presided over the stock market crash and led our economy into the Great Depression.

And just like Herbert Hoover, President Bush refuses to take the necessary action and begin to turn this economy around and to help those who are suffering the most.

Madam Speaker, history is not going to be too kind to President Bush when it comes to his handling of our Nation's economy. But this week, he has the opportunity to work on that record by supporting our efforts to extend unemployment benefits to millions of our Nation's workers. And it is the right thing to do.

☐ 1015

ANTI-DRILLING CROWD AND ETHICS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the anti-crude oil crowd has an ethical dilemma. You see, they don't want to drill for crude in Alaska, they don't want to drill offshore, especially off that sacred west coast. They don't want any refineries to produce that crude into products. They are just against all this nonsense. After all, they say, crude is the demon of the Earth.

However, they don't have a problem with using everything that comes from crude, like gasoline that comes from crude off the Texas east coast, refined in American refineries. And it seems to me that the irrational non-drillers should lead by example, rather than being hypocritical by preaching damnation to crude oil, but using its byproducts every day. So no more plastic water bottles, no using insecticides, no more fertilizer, medicine, candles, nylon, paint, makeup, perfume, computers or detergents. No more car rides or plane rides, and no more home heating oil come winter. After all, all of these things come from crude oil.

The radical don't-drill folks should literally walk the walk, instead of talking the big talk about how they are going to save us all from that demon crude oil, but sanctimoniously use its products every day.

And that's just the way it is.

PROVIDING FOR CONSIDERATION OF H.R. 5749, EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1265 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1265

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5749) to provide for a program of emergency unemployment compensation. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5749 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Madam Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate purposes only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Madam Speaker, I yield myself such time as I may consume.

House Resolution 1265 provides for consideration of H.R. 5749, the Emergency Extended Unemployment Compensation Act of 2008. The rule provides 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Madam Speaker, our economy is in trouble, and hardworking Americans across the country are bearing the weight of it. Times are especially tough for middle-class families. The labor market continues to deteriorate, the price of gasoline and food continues to rise, the value of real estate continues to decline, and millions of American households are forced up to rack up more and more credit card debt just to make ends meet. And we are not talking about frivolous expenditures. Middle class families are racking up credit card debt to do things likes paying their electric bills or buying school supplies for their children.

Madam Speaker, the American people deserve better. Since the beginning of this year, when the majority first began to push for an extension of the unemployment benefits, the national unemployment rate has surged to 5.5 percent, the largest 1-month increase in 20 years. Yesterday, 144 members of the minority made it clear that they don't think the situation is serious enough to warrant extending unemployment benefits for Americans struggling to make ends meet, so we are here again today.

To me, 8.5 million unemployed Americans is a very serious situation. To me, trying to fill up your car with gas at $4 a gallon when you just lost your job is a very serious situation. And to me, when so-called free trade agreements are moving jobs across the border and no new quality jobs are being created, it is a very serious situation.

Madam Speaker, I believe government should lend a hand when its citizens are struggling, especially hardworking, middle-class families. But whether you agree with that or not, extending unemployment benefit is one of the most cost-effective, fast-acting ways to stimulate the economy.

Putting money directly into the pockets of struggling workers ensures that it will be spent quickly on daily necessities, boosting our economy and making it a little easier for folks to make ends meet. Every dollar spent on unemployment benefits generates $1.64 in new economic demand. In my home State of New York, an extra 13 weeks of unemployment benefits would infuse $600 million into the State economy.

For my constituents in upstate New York, a struggling economy and high unemployment has been a fact of life for a very long time now. My district hasn't reaped the so-called cyclical job growth benefits from trade agreements. Oh, we lost our jobs all right, but we haven't seen the job creation yet. In fact, employees of businesses in my district have applied for trade adjustment assistance over 200 times since the program's inception, and of those applications, the Labor Department certified over half as a result of trade agreements. Unfortunately, as factories close, hard-working families have nowhere to go but to stand in line outside the local unemployment office. The American people deserve better, and that is why we are here today.

This bill would provide up to 13 weeks of extended unemployment benefits in every State to workers exhausting their regular benefits and provide an additional 13 weeks to States with higher unemployment levels.

Federal unemployment trust funds, which were created exactly for this type of situation and have more than enough reserves to cover the costs, will finance these benefits. This costs will not be deferred to our children to pay back, and the trust fund will do so in a structure very similar to the temporary extended unemployment compensation program established in response to the last recession in 2002, an emergency extension, I might add, which was passed by the previous Republican Congress in the same way we are doing today, when there were fewer long-term unemployed workers.

Madam Speaker, extending these benefits for struggling Americans is the right thing to do. I urge my colleagues on both sides of the aisle to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, it is an unfortunate spectacle to see the leaders of this Congress manipulate the extension of unemployment benefits into a partisan weapon and a diversion from their failure to do anything about the skyrocketing price of gasoline and diesel. My colleagues on the other side of the aisle want the American people to believe that Republicans are mean, uncaring and opposed to providing help to unemployed workers as they look for a job.

I am certain, Madam Speaker, that Democrat after Democrat will come to the House floor and attempt to paint this cartoon view of the world. But nothing, Madam Speaker, is further from the truth. It is Republicans who have been trying for weeks, months and years to overcome the near monolithic Democrat opposition to producing more American-made energy, which will increase the oil supply and lower prices at the pump to keep our economy working. The high cost of gasoline is affecting families, workers and businesses in every town in this country, and this Democrat Congress does nothing.

Let me state for the record that Republicans not only believe in the importance and value of unemployment benefits and that we support extension of benefits in times of needs, but that it was a Republican Congress and President that last enacted unemployment benefit extensions in 2003, and I supported and voted for those extensions.

Yet the liberal leaders of this Congress decided to bring an unemployment benefit extension bill to the House floor that purposely undermines the bipartisan, responsible manner in which extensions have been enacted for the past 27 years, going all the way back to 1981. Democrat leaders decided to change the rules and to do it while blocking every single Representative, Republican or Democrat, from being able to come to the floor of the House and offer their suggestions for improving unemployment insurance or better directing benefits to those Americans or those communities in our country that are most in need.

As written in this bill, Madam Speaker, Democrats have mutated the requirements for receiving benefits so that an individual could work for just 2 weeks and then get an entire year's worth of unemployment benefits. Madam Speaker, giving 365 days worth of benefit checks for having worked just 14 days violates most Americans' sense of fairness. There is a big difference between providing a leg up and giving a handout, and I think this bill crosses that line.

This bill also gives an extra 13 weeks of unemployment benefits to States where the unemployment rate is incredibly low, below 3 percent. Instead of focusing benefit extensions to where it is needed, this bill gives it to places where it is not.

As I said, Democrats have chosen to mutate the way unemployment benefit extensions have been done for the past 27 years so that they can try to score political points. But Democrats have also decided it is okay to break the promises they made to the American people in just the last election.

One of the promises that Democrat leaders spoke about the loudest and most often was their commitment to what is known as PAYGO, or pay-as-you-go. Under the promise made by Democrat leaders, a new rule was written in the House at the start of this Congress to prevent any bill from passing that wasn't budget neutral, that didn't offset new spending with spending cuts or tax increases.

Madam Speaker, Democrats are not keeping that promise on this bill. On this bill, they are waiving PAYGO rules. They are now saying that the PAYGO rule they wrote and the promise they made to the American people can be ignored whenever it is convenient or expedient.

Madam Speaker, my purpose in raising the issue of PAYGO rules being violated is not to use it as an argument against the extension of unemployment benefits, but to point out the broken promises and hypocrisy of the liberal leaders of this Congress. They claim it is okay to ignore PAYGO because American people pay unemployment insurance tax out of every paycheck, so it is the American people's own money that is paying for the bill.

Well, when it comes to income tax increases, that is the American people's money too. Yet it was just 2 days ago that the Democrat majority leader flat out declared that Americans will face billions of dollars of tax increases this year if expiring tax rates aren't offset by PAYGO rules.

Madam Speaker, the leaders of this House are using PAYGO to hold hostage tax relief legislation that would prevent 25 million Americans from having their taxes go up by an average of $2,000 next April to pay the AMT tax.

□ 1030

They are holding an extension of the State sales tax deduction hostage under PAYGO rules by requiring taxes to be increased so that the residents of sales tax States, like my State, can be treated as fairly and equally as residents of income tax States. For the leaders of this Congress, PAYGO is an excuse to raise taxes by billions of dollars, but PAYGO can be ignored when they mutate long-standing unemployment benefits to allow someone who works just 2 weeks, just 2 weeks, to get an entire year's worth of benefits checks.

This extension of unemployment benefits is labeled as an emergency, as an emergency, because unemployment rose from 5 to 5.5 percent last month. It's stated that this is the largest 1-month increase in two decades and so Congress must now pass legislation. This 1-month increase of 10 percent is justification for urgent, immediate action that this House and the Senate must clear all other schedules and vote to pass this legislation without delay. That's what has been said.

Where is the same level of urgency and need for immediate action on gas prices? Gas prices have gone up over 10 percent in the last month. Americans aren't just paying the highest gas prices in the past two decades, they are paying the highest prices ever, ever, recorded in the history of this country? Almost every day the price of gasoline sets a new record.

Since Democrats took control of Congress the price of gasoline has gone up over 75 percent. At the pace that prices are climbing, it may only be a matter of time until they have doubled, doubled, while this liberal Congress does nothing.

I absolutely agree that losing one's job is a painful experience and that it deserves the attention of Congress. But the pain of filling up your gas tank is felt by every American, whether they just lost their job or not. The pain of skyrocketing gas prices is hurting all Americans, all Americans, yet this liberal Congress does nothing to help increase the supply of gasoline to lower prices at the pump.

Time after time Democrats have blocked real solutions for more American-made energy by increasing oil and gas production and refining here, right here, in America. America has billions of barrels of oil reserves and trillions of cubic feet of natural gas, but Democrats insist on keeping it off limits. We are not allowed to make our own energy, and so the prices continue to climb.

How long will Speaker PELOSI and this liberal Congress refuse to act to increase supply and lower gas prices? How high do prices have to go before they stop blockading America from tapping its own resources? There were thousands of oil-drilling rigs in the Gulf of Mexico that weathered two back-to-back Category 5 hurricanes, Rita and Katrina, and not one single rig ruptured. America has the resources and safe technology to produce oil for years, but Democrats refuse to allow it.

Eighty-six percent of congressional Democrats have opposed more American-made energy, while 91 percent of Republicans have supported producing more energy right here in our own country. If this Congress is serious about addressing economic pain, then they need to get serious about gas prices and stop blocking real solutions.

For months Republicans have tried to force this House, and for months Democrats have refused to act. Meanwhile, the price of gas and diesel just goes up and up and up.

Madam Speaker, I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I heard my friend from Washington twice refer to this Congress—at least twice, anyway—as a liberal Congress. I guess I would have to respond in that since when does helping people who lost their job have anything to do with being a liberal or conservative?

I think people, the American people, hear people in Congress cite statistics and studies as if the people they are referring to are not real. These people, a person who loses job, who has to support his family, doesn't care if the statistics say that his State has the lowest unemployment in America. He doesn't care. All he wants to know is that he has unemployment benefits so that he can support his family. That is what we are here to do today.

Madam Speaker, I would like to yield 3 minutes to the gentleman from Washington, the chairman of the Family Support Subcommittee of the Ways and Means, Mr. McDERMOTT.

Mr. McDERMOTT. Madam Speaker, the Bible says, "By their deeds, you shall know them." The Republicans do not want to help unemployed workers in this country. It is as simple as that. If you go back to the debate in 1935 and come forward, the Republicans have always resisted the idea of unemployment benefits because the argument is that people will sit at home and wait for a check and that they will then not go out and look for work.

Now, it's clear that's not true and now, today, what they are hanging their hat on is some mythical worker out there who has worked 2 weeks and is going to get full benefits. That simply is misleading in the very plainest form.

Madam Speaker, I have a letter which I ask to enter into the RECORD from the Oregon Unemployment Department, signed by Tom Byerley.

STATE OF OREGON,
EMPLOYMENT DEPARTMENT,
Salem, OR, June 11, 2008.

INDIVAR DUTTA-GUPTA,
Professional Staff, House of Representatives, Committee on Ways and Means Subcommittee on Income Security and Family Support, Washington, DC.

DEAR MR. DUTTA-GUPTA: In the deliberations by Congress relating to a proposal to extend unemployment insurance benefits, it has come to my attention that Oregon has been held up as an example as a state where a worker could work only three weeks during the base period upon which the claim was filed and qualify for 26 weeks of regular state benefits and an additional 13 weeks, or 26 depending on the unemployment rate, of benefits under the bill to extend claims. That is not true.

In Oregon a worker must have a minimum of $1,000 in earnings for the entire base year. In addition, he must have total base year wages in an amount equal to or in excess of one and one half times the wages in the highest quarter. Oregon Revised Statute 657.150(2)(a)(A). With only three weeks of work, the only way this worker could qualify would be to work in two separate quarters. As an example, when an individual worked only three weeks in the base year, we'll place one week of work in one quarter and two in the subsequent quarter.

In this scenario, let's say the second quarter where the claimant worked two weeks would be the highest quarter since he worked two weeks and only one week in the prior quarter. In simplest terms, he earns $333 for one week in the first quarter and $667 for two weeks of work in the second quarter. That gives him the minimum required wage threshold of $ 1,000 total earnings to qualify and gives him wages of one and one half times in the highest quarter in total base year wages.

This worker would qualify for $108 per week for 3.08 weeks. $108 for three weeks and the last payment would be $9. This worker would not receive the full 26 weeks. Our law provides that if total base year wages are between $1,000 and $8,423.99, the maximum award will always be 1/3 of the total base year wages or in this case, $333.

I cannot speculate how our law could be misconstrued to say that someone with the minimum wages to qualify for a claim would be able to claim the maximum award or 26 weeks. The information I have reviewed that I understand has been referenced in the "Highlights of State Unemployment Compensation Laws, January 2007" published by the National Foundation for Unemployment and Worker's Compensation (UWC) on pages 53 through 56 entitled "Qualifying Requirements" (copy attached) is accurate. In fact, we provide that data on an annual basis. To read this to say you only have to work three weeks to qualify for a maximum claim of 26 weeks is simply reading something into our qualifying requirements that isn't there.

I hope this information is helpful. Please don't hesitate to contact me at (503) 947-1707 if you have any additional questions.

Sincerely,

TOM BYERLEY,
UI Director.

This letter says, "In the deliberations by Congress relating to a proposal to extend unemployment insurance benefits, it has come to my attention that Oregon has been held up as an example as a State where a worker could work only 3 weeks during the base period and receive 26 weeks of benefits and an additional 13 weeks. That is not true."

He goes on to say, "I cannot speculate how our law could be misconstrued to say that someone with the minimum wages to qualify for a claim would be able to claim the maximum award" or benefit.

Now, what Members have to understand is the qualification for unemployment is decided by State legislatures. They make the decision. Many of them do not start the quarter that you are in. If you lost your job today, they would not count back to the 1st of April, they will not count to the first of the year, they would start counting last year in 2007.

So he gives an example, suppose somebody worked one week in September and two weeks in October, and they made $1,000. They would be eligible in Oregon for a check of $108 for three weeks and $9 in the fourth week.

Now, if you want to hold up benefits for 1.5 million people in the United States for one lone Oregon duck who got $108 for three weeks and $9 in the fourth week, you go ahead. Your decision will be from the voters in your districts in this election.

This is a red herring. It has been.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ARCURI. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. McDERMOTT. This was put into the law in 1981 when the workforce was entirely different. Women were not such a big part of the workforce, we did not have part-time jobs. When you have this provision in the law you are denying extended benefits to about 10 percent of the people who have exhausted their benefits. Because they did not work full time, they don't get anything, and these objections are simply a reflection of the Republicans, the fact they do not want to give unemployment benefits.

Vote for the rule. Vote for the bill.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the gentlelady from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding. Madam Speaker, I rise to support the rule, but I strongly support the underlying bill.

We are back here again today because this House, in my estimation, must act to give those who are struggling in our challenging economy the help that they need. Too many working families in my district, in my home State of Michigan are having serious difficulties finding work and making ends meet.

Not only have too many workers lost their jobs, but other factors have stymied their efforts to find work. Gas prices of over $4 a gallon are making it increasingly difficult to travel longer differences to find work. The housing crisis, which is particularly acute in my home State of Michigan, has made it nearly impossible for families to sell their homes, which would allow them to move closer to areas where jobs could perhaps be found.

Some have argued that this bill would alter very long-standing Federal policy as a reason to vote against it and perhaps it does, but that is no comfort to those who cannot find work. They are not interested in Federal policy changes, they are interested in keeping their homes or feeding their families or having money to buy gas so that they can go out and find a job. I understand some of the concerns about granting this extension of benefits, but I believe strongly that those concerns are far outweighed by the needs of struggling American families.

I urge all of my colleagues to join together and to take this important step to provide a helping hand to fellow Americans in need.

Again, I oppose this rule, but I strongly support the underlying bill.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Madam Speaker, last Friday the Labor Department in our country reported that in May the unemployment rate rose to 5.5 percent from 5 percent and reported that unemployment continued to fall in construction, manufacturing, retail trade and temporary health services, while health care continued to add jobs. The half percentage point increase is the largest single increase in the unemployment rate in 22 years, with more than 861,000 jobs lost in May.

The unemployment insurance program provides benefits to those who become unemployed through no fault of their own and meet certain conditions. Our economy has also lost jobs for five consecutive months, and it's likely that more than 1.4 million workers have exhausted their unemployment benefits in the first 6 months of this year alone. The Congressional Budget Office estimate that had this legislation would provide additional benefits to 3.8 million unemployed workers, many of whom are at extreme financial risk.

Extending these benefits is one of the most cost-effective and fast-acting ways to stimulate our faltering economy because the money is spent quickly, according to the Congressional Budget Office. Every $1 spent on unemployment benefits generates $1.64 in new economic demand.

Congress has extended unemployment benefits over several occasions over the last 50 years in response to economic weakness. This is another one of those times in which Congress must take immediate action to address this emergency on behalf of the people in our country.

I urge my colleagues to support this temporary, I repeat, temporary extension of unemployment benefits so we can provide much-needed relief to 3.8 million unemployed workers to assist them with rapidly rising food costs while they continue to struggle to find work in this rapidly slowing economy.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 2 minutes to the distinguished Republican Conference chairman, Mr. PUTNAM of Florida.

Mr. PUTNAM. I thank the gentleman for the time, and I appreciate the opportunity to debate this issue.

Madam Speaker, it is an unfortunate situation that we have to debate unemployment compensation because of the underlying economic weaknesses, particularly those that have been caused by high energy prices.

We have seen reports of plant closures because of high energy prices. High natural gas prices have put American manufacturers, American fertilizer makers, American petrochemical industries at a competitive disadvantage because it is not a global commodity, and we have failed as a Congress to put forward an energy policy that actually creates energy, which actually creates American jobs.

In addition to that, this particular rule waives PAYGO, one of the most prominently heralded reforms brought into the 110th Congress, the idea that you would pay-as-you-go. It is now a matter of sometimes paying as you go, every now and then paying when you go, when it's convenient paying as you go.

□ 1045

But be that as it may, it is important that we address not only the necessary relief for those who have lost their jobs, but to prevent people from losing their jobs in the first place. And the best way that this Congress can move forward on that is to put onto the floor of the House a comprehensive energy policy that actually produces energy, that puts American workers back to work, taking advantage of the tremendous potential in conservation and green jobs, but also in domestic production, exploring the resources that we have here and putting them to work for the American people, constructing nuclear power plants. There is a lot of talk from both sides of the aisle about the need to move into more innovative uses of mobile fuels, to move into the plug-in hybrid. Well, what are you going to plug it into?

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. PUTNAM. I thank the gentleman.

So we have to invest not only in the next generation of mobile fuels to eliminate our dependence on foreign oil and gas, but also to construct the type of electrical infrastructure necessary to create a thriving economy, to put people to work so they don't have to rely on unemployment compensation and the whim of the Congress and the whim of the State legislatures about whether it is 13 weeks or 26 weeks. We ought to be focused on putting them back to work. That is what these American workers want, and we have an opportunity to do that.

We have put forward that proposal with the No More Excuses Energy Act, a comprehensive approach that puts people to work and eliminates our dependence on foreign energy from people who don't like us and creates a generational leap forward for energy security for North America.

I urge Members to defeat this rule. Let's start over and do it the right way.

Mr. ARCURI. If what the gentleman from Florida says is true, I guess any pay-as-you-go is better than the no-pay-as-you-go that we had in the last Congress.

Madam Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, we are hearing a lot of concern about PAYGO. I have to tell you that when it comes to having credibility on this issue, as someone who is not a particularly partisan person, I always like to work on both sides of the aisle, I am a little upset that we are hearing this criticism about PAYGO from a group of folks who when they were in charge let the law expire.

It is a law that existed for 12 years. It helped move us from deficits to surpluses. It moved us on the glide path to where we wouldn't be burdening future generations with debt, and that law expired. The bottom line is that law as it was written would have allowed this unemployment compensation legislation to go through under emergency spending.

Now, the way that the law is written in this Congress, quite frankly, I think the law wasn't crafted properly because it should have allowed this to be emergency spending. That is why I, as a Blue Dog, am comfortable with this bill.

But let me assure you, actions speak louder than words. There are so many words that get thrown out on the floor of the House, but actions speak louder than words. And the actions are this: who cares about deficits, who thinks deficits matter? I am not sure that the other side of the aisle does, and their track record demonstrates that.

We've seen debt go up by $3 trillion during the first 6 years of the Bush administration with a Republican Congress. Come on, we shouldn't be criticized about our good-faith efforts to try to encourage PAYGO and live within our means. If we have not been perfect on this side of the aisle, we have made the effort. And I have heard no response from the other side whenever we bring up a bill that is paid for to offer an alternative that is also paid for.

So if you really care about your future generations, which I do, I think of my two young sons, and I think about the debt burden that we are placing on them, I think that we have a moral obligation to do the right thing for future generations.

So please, let's tone down the rhetoric a little and let's acknowledge that if you really care about deficits, instead of just talking about it, do something about it.

This side of the aisle has attempted to do something about it in this Congress. They established a PAYGO rule. I am proud of the fact that the Democratic Caucus has done that, and we should all work together because it shouldn't be a partisan issue. If you care about deficits, whether you're Democrat or Republican, let's work together and let's secure the future for our children.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield such time as he may consume to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. Dreier).

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

I will tell you that this debate is to me rather sad. I listened to my friend, Mr. McDermott, with whom I have been very privileged to work for many years on trying to open up new markets for U.S. workers, to have access into those markets around the world. He represents the Seattle area, and we all know how important trade is. He and I have been privileged to try and pry open markets in Asia and Latin America and other parts of the world.

I just was downstairs and heard him on TV make some statement, and I would be happy to yield to him if I am incorrect in quoting him. He said Republicans don't care about those who are unemployed, those who are suffering and are victimized here. And I would be happy to yield. Is that what my friend said? I would say to my friend from Seattle, I would be happy to yield to him, that Republicans don't care about those who are unemployed?

Mr. McDERMOTT. Thank you for yielding.

If you read the history of the enactment of the 1935 Social Security Act, the last issue argued in the United States Congress was an amendment by the Republicans trying to take out unemployment benefits because they said it weakened the will of people to search for work. It is a long, distinguished record.

Mr. DREIER. Madam Speaker, reclaiming my time, let me just say the 1935 Social Security Act is a debate that took place more than a couple of years ago.

Let's talk about what it is that we as Republicans have believed passionately in doing, and that is to ensure that people who are hurting the most are in fact able to benefit from unemployment benefits.

You know, we had an interesting debate in the Rules Committee last night. We just talked about the need for PAYGO compliance. Of course that was the sine qua non when we were debating the rules at the beginning of this Congress, the fact that we were going to make sure that everything was PAYGO compliant. Obviously this is not PAYGO compliant. Everyone has acknowledged that. The distinguished chair of the Rules Committee in a discussion with Mr. Hastings last night finally acknowledged that this is not PAYGO compliant, so completely contrary to what has been promised here time and time again.

But when it comes to actually ensuring that those who are truly in need are the beneficiaries of unemployment compensation, it seems to me we should go back not to 1935, but to 2002 because we had an extension of unemployment benefits that was put into place in 2002.

Madam Speaker, virtually every Democrat at that time supported the notion of saying there should be a minimum of 20 weeks of work, 20 weeks of work before someone could have the opportunity to see the unemployment benefits accrued to them.

What is it that this measure does? I will tell you, when I talk to my constituents about this, Madam Speaker, they are absolutely horrified. I just was downstairs 5 minutes ago talking to one of my constituents about it, and I explained what I am about to say here to our colleagues, and she could not believe it. Every member of her family with her, they were absolutely horrified when I said the following: under this plan, if someone works for only 2 weeks, they work only 2 weeks in their entire life, they are able to receive 52 weeks, one entire year of unemployment benefits. That's what it says, that's what this measure does.

In 2002 when we dealt with this issue, the Democrats decided there should be at least 20 weeks of work. And now when we have an unemployment rate, which as I acknowledged has gone up a half a percent, and it hasn't gone up to that level in 22 years, it is very unfortunate, it is still significantly lower than the unemployment rate we have seen in the past. And what are they saying, if someone has worked for only 2 weeks, they are able to see 52 weeks of benefits. That is just plain wrong.

I will tell you, whether you are a working American or an American looking for a job, that is not right because perpetuating the welfare state is exactly what that does. It is not providing a cushion of benefits.

We also believe, Madam Speaker, that the opportunity to say, gosh, if someone is out there and they are working to find an employment opportunity and they do, we believe we should reward that by providing them a lump-sum benefit, a lump-sum benefit that has rewarded them for the fact that they have found a job. We know it is difficult. We are not saying that everyone is going to be able to, but that is the kind of thing that we want to do.

And what has happened here? Well, the new majority has said an absolute closed rule, no opportunity for us to offer that kind of amendment.

Let me get back to the issue that we have been talking about time and time again which is on the minds of the American people, Madam Speaker, and that is the issue of high gasoline prices and the energy costs that we face right now.

You think about people who are struggling and are looking to find a job and are out there, looking to improve their situation, I will tell you, one of the cruelest penalties of all on them happens to be high gasoline prices.

Last night I had one of our telephone town hall meetings, and I had the opportunity to have nearly 5,000 households from the area that I am privileged to represent from southern California on the phone, and we talked about the need to increase energy supply: I took a number of questions during the one-hour program and not one person, not one person, Democrat, Republican, Independent, we call people regardless of their political party, not one person opposed our efforts to try to increase supply, recognizing if we can increase the supply by responsibly and in an environmentally sound way, exploring in ANWR, by pursuing the cleanest, safest most cost-effective energy source known to man, that being nuclear energy, by working to increase our refinery capacity, by looking at the shale reserves in this country, and again in an environmentally sound way exploring them, deep water exploration off the coast, those are the things that we believe are necessary. And, Madam Speaker, not one of my participants on our conference call last night indicated opposition to that.

The American people get it. They know that for two decades plus we have unfortunately seen a majority of the new majority in this place stand there and prevent us from pursuing opportunities to increase the supply so that we can bring prices down.

Now I had the chance to talk with a number of experts on this issue, a number of our colleagues who represent States like Texas and Oklahoma, and one of the things that we hear time and time again is we need an immediate response.

I listened to my friend from Utah talk about action. Well, I wondered, how are we going to be able to immediately bring gasoline prices down? Having spoken to a wide range of people, because of the fact that oil prices are based on futures, if we take any of those actions that I outlined, whether it is in an environmentally sound way pursuing ANWR, whether it is deep water exploration, whether it is looking at shale, whether it is nuclear energy, if we were to take any of those actions, we would, Madam Speaker, see an immediate reduction, an immediate reduction. Why, because there would be recognition in the marketplace that we are now vigorously pursuing an effort to increase our supply.

So those people who are unemployed, and that is what this issue is about, those people who are out there responsibly working hard to find a job, are being penalized by high gasoline prices, just as every other American is being penalized by it because of the increased cost of virtually everything.

That is why it is terribly unfair for us not to responsibly look at these creative proposals that are out there. We want to ensure that people who are hurting are able to benefit from the unemployment compensation that we provide.

So everyone on the other side can stand up and say the Republicans don't care about those who are facing difficulty economically; that is absolute baloney. We care. We want to make sure that there are opportunities there. We want to make sure that we open up new markets around the world for job creation and economic growth so that good jobs can be created right here.

Let's defeat this rule and let's come forward with a measure that can get the signature of the President, because we all know that this is going no place. The Statement of Administration Policy, which I will include for the RECORD, has made it very clear that the President wants us to put in job creation policies, and he wants to work to responsibly deal with unemployment compensation, and the attempt to embarrass us is not going to sell with the American people.

STATEMENT OF ADMINISTRATION POLICY

H.R. 5749—EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

The Administration is deeply committed to continually fostering an environment where every American who wants a job has a job. The Administration believes the best way to help workers is to create an environment that encourages job creation and to promote effective job training. To accomplish these goals, the Administration urges Congress to create more opportunities for American exporters by passing the pending free trade agreements with Colombia, Panama, and South Korea, make permanent the President's tax cuts that will expire over the next two years, and reform and reauthorize the Trade Adjustment Assistance program and the Workforce Investment Act. The Administration looks forward to continuing to work with Congress to enact these important measures. However, the Administration strongly opposes H.R. 5749. If H.R. 5749 were presented to the President, his senior advisors would recommend that he veto the bill.

This legislation raises several concerns. First, although the unemployment rate has recently risen, it remains below the levels historically relied on to justify a federally financed extension of unemployment benefits. The last initiation of temporary extended benefits was in 2002 amidst the unprecedented events surrounding September 11, 2001. Other than that special case, extensions have generally been granted only when the unemployment rate was notably higher than it is today, at or above 7 percent.

Second, this bill would allow the payment of up to 13 extra weeks of benefits in every State, even though some of those States have unemployment rates as low as 2.6 percent. At present, a majority of States have unemployment rates at or below 5 percent, and it is fiscally irresponsible to provide extra benefits in States with low unemployment rates. In States with higher unemployment rates, the Federal-State extended benefits program already can provide up to 13 additional weeks of benefits to workers who have exhausted their regular unemployment insurance benefits. As many economists have noted, the counterproductive result of a broad extension of benefits would be that recipients may remain unemployed for slightly longer than they would have otherwise.

Third, this bill does not contain an important provision found in previous Federal extensions and the permanent Federal-State extended benefits law that assures the benefit extension is paid only to individuals who have demonstrated a serious attachment to the labor force. Since 1981, individuals must have 20 weeks of full-time employment to qualify for extended unemployment benefits. Under this bill, individuals who have worked as little as two weeks could qualify for up to 52 weeks of total unemployment benefits. This violates the longstanding requirement that extended benefits should be for Americans with meaningful work histories.

Fourth, for purposes of determining whether a State is considered a "high unemployment" State in which an extra 13 weeks of benefits is payable (for a total of 26 weeks of additional benefits), this proposal would use a total unemployment rate of 6 percent as the trigger for State eligibility. This is, historically, a relatively low number for justifying a full year or more of unemployment benefits.

As an alternative to these ill-targeted and costly measures, the Administration could support legislation that would offer a 13-week extension of Federally financed unemployment benefits to high-unemployment States alone.

Mr. ARCURI. The gentleman from California gives examples of working for 2 weeks and being eligible for 52 weeks. The fact of the matter is there is no record to indicate that is the case.

With that, I yield 2 minutes to a gentleman who can speak firsthand to that, the distinguished chairman of the Ways and Means Committee, Chairman RANGEL.

Mr. RANGEL. Madam Speaker, I think we are all proud that we are able to at least go back home and face the people who are going through this economic crisis. They are sitting around the table. They know America is not going to let them down. They know that they have hope and vision for the future. They know that they, and others, have had economic setbacks. Because as DAVID DREIER, my dear friend has said, they are in trouble now. They are not working and they are losing hope, but they are depending on everybody, Republicans and Democrats, to be there for them. At the end of the day they will look at each other and ask, What does it look like in the Congress?

□ 1100

Are they going to give us a little assistance, a little dignity, a little pride? Can we keep our kids in school? Can we pay the rent? Can we go into the supermarket and have a decent meal over the weekend? They're not going to let us down. No.

I don't know about you. I've been here 38 years. And the one thing that I always hear when I get back home is, "And how did you vote on that?"

I would suggest to you that you staple DAVID DREIER's statement to your newsletter so that they can interpret it with you and say, I didn't vote for you, but I didn't want to let you down. I didn't vote for you, but I did advocate a permanent extension of the President's tax cut. I didn't vote for you, because I really believe that if I give you some money, you're not going to get out there and try to get a job.

So you have to take this very carefully. But I hope that when you get home, you'll be able to say, you know, when they first started this, I didn't like the way the Democrats handled it. I didn't like the way they put it on the suspension calendar. I thought that perhaps we should, even though $35 billion is there, I would have liked to have seen it handled different. And I expressed myself about it.

But at the end of the day, because I know so many people who know so many people that are not the least bit interested in the parliamentary procedure; they're going to ask the question, "How did you vote?" Be able to say I voted the right way.

Mr. HASTINGS of Washington. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 6½ minutes. The gentleman from New York has 15 minutes.

Mr. HASTINGS of Washington. I will reserve my time so that we can equal the time out here.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee, a member of the Ways and Means Committee, Mr. TANNER.

Mr. TANNER. Madam Speaker, I think I speak for a lot of us when we say that we welcome an intellectually honest debate on the issues that we are charged with confronting on behalf of the American people. And a discussion about the pros and cons of the provisions of the bill, I think, is in order. This is the place to do that.

When one talks about, though, ancillary matters, like whether or not this violates PAYGO, that's why I come down here today.

Let me tell you something. Neither party is always right and neither party is always wrong. But we don't need to embarrass ourselves by trying to belittle those of us who are trying to pay the bills.

The fact is, during the first six years of this decade, the people who are criticizing the Blue Dogs and the Democratic Caucus for a PAYGO rule, sat here and helped this President borrow more money from foreign sources than all 42 before him combined. You don't have to believe that. That's not an argument. You can go to the U.S. Treasury Web site and look at it and see for yourself.

So if we want to talk about the relative merits of the legislation, we welcome that, and we want to talk about that. And we won't always vote alike. We won't always vote with the Democratic Caucus, some of us that are Democrats, because neither party's always right or always wrong.

But to come here and criticize us for somehow saying we're violating PAYGO; first of all, there's an unemployment tax that employers pay for this very purpose, and it will fill up the coffers again in time.

But don't come here with that, because I think that is not only demeaning and misleading, but embarrassing to some people.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Michigan, a member of the Committee on Ways and Means, Mr. LEVIN.

Mr. LEVIN. Let me say to the gentleman from California who talked about our trying to embarrass the Republicans, we're not trying to embarrass you. You're embarrassing yourselves.

You come here when we're talking about 8 million unemployed, 1½ million who have exhausted their benefits, and soon it will be an additional 3 million, and you come here and talk about energy policy? You won't provide unemployment comp benefits so people can buy the gas to look for a job?

You talk about trade policy. Look, the jobless numbers came out this morning. Jobless claims jumped to the highest level since last March. Those claims rose to 384,000, an increase of 25,000 from the previous week, a much bigger gain than analysts had been expecting.

And you quote the administration policy. Mr. HASTINGS, under the administration policy, unemployed in Yakima would not be eligible for extended benefits because Washington, as a State, has less than 6 percent. How can you come here?

Go home, if I might be personal for just a minute. Go home and explain your position to people in Yakima, and those from Ohio, those from Pennsylvania, those from other States.

I conclude. Look, I'm from Michigan. I would benefit under the administration's narrow approach. I won't vote for it.

If you're jobless, you deserve the extended benefits, the million plus and the 3 million plus.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. LEVIN. If I have the time.

Will you grant me a little time?

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

Mr. LEVIN. I yield to my distinguished colleague from Washington.

Mr. HASTINGS of Washington. I appreciate the gentleman's yielding.

I want to remind my friend from Michigan that the last time that we passed an unemployment benefit extension in this Congress was in 2003. It passed on a bipartisan basis.

Mr. LEVIN. I understand that.

Mr. HASTINGS of Washington. And the opposition that the constituents in my area are concerned about is this 2-week window. That is where the issue is.

Mr. LEVIN. Taking back my time. The 2-week window, you talk about, 26 additional weeks, 52 weeks. You can't give a single example.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

Mr. LEVIN. And you raise a straw man and woman when we're talking about real men and women who have been laid off, who've been looking for a job, who can't find it. And you come here with these straw arguments.

You go home to Yakima. Others of you go back to Pennsylvania and other States, and talk to the hundreds of thousands of people looking for work and say to them, I voted "no."

That's unconscionable.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. ARCURI. Madam Speaker, I yield 2 minutes to the gentleman from Vermont, a member of the Rules Committee, Mr. WELCH.

Mr. WELCH of Vermont. I thank my friend and fellow member of the Rules Committee for yielding me 2 minutes.

Madam Speaker, this is really a very simple question, and it is whether we're going to extend unemployment benefits to American workers who are suffering the largest 1-month surge in increased unemployment in 22 years.

And we can bring in all kinds of other arguments about what our energy policy should be, what the compensation should be, what the formulation of the benefits should be. But the bottom line is that we have Americans who have worked, and through no fault of their own, but because of economic forces completely and utterly beyond their control, they've lost their jobs.

And when we have discussions about micromanaging how these go out, in lump sums or weekly payments, and we're talking about trying to give an incentive, it is, in my view, Madam Chairman, very patronizing.

What is worse to an American than to lose his or her job?

Most Americans find their sense of satisfaction and self-worth in taking care of their family, in being providers, and by being a good, productive worker. All of us who've had the opportunity to have a good job know that there's nothing better than that. So there is a lot of built-in incentive for any American who's without a job to get a job.

But, in the meantime, $300 a week, that's about what the average benefit is, is barely enough to keep gas in the car, keep your home heated, to put groceries on the table. We know it's not even close to adequate. So there is plenty of incentive.

And the question for us is not behavioral psycho dynamics. The question for us, as a Congress, is whether, when there is this largest spike in unemployment in 22 years, we're going to ignore it or we're going to respond. And we have the tool that was started in 1935 to respond, where workers and others put money into a fund that is to be used at times of stress.

Mr. ARCURI. May I inquire how much time is left.

The SPEAKER pro tempore. The gentleman from New York has 8 minutes remaining. The gentleman from Washington has 6½ minutes remaining.

Mr. ARCURI. I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Speaker, I rise today in support of the rule on H.R. 5749 to extend unemployment benefits to millions of American workers, including over 700,000 in my home State of California. And I'd like to speak about one of those real Americans that I am accountable to.

Just yesterday I spoke with a 51-year-old woman, whose name is Karen, from San Diego. After working for the past 10 years as a Consumer Service Specialist for a large telecom company, Karen was recently laid off from her job. And she's been actively looking for work but has been unable to find one because of the poor economy.

Unable to afford health insurance, the stress of being unemployed is beginning to take a toll on Karen's health. And it's also become harder and harder for her to pay her bills. She told me just looking for a job cost money because you've got to pay for the gas to drive to the interview. She can certainly relate to this discussion this morning.

To make matters worse, her unemployment benefits have just ended. She told me that she has worked hard her whole life and that she is not looking for a hand out, just her life back.

I think we can all agree Karen is one of those hardworking Americans we came to Washington to help.

Mr. HASTINGS of Washington. Madam Speaker, I'm pleased to yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Madam Speaker, I rise to oppose the rule and to note that Republicans support an extension of unemployment benefits for those who are suffering, those who need help.

I've enjoyed the debate of my friends on the other side of the aisle who point out, they try and blame the minority party for the delay in bringing this legislation to the floor. And I would note that the majority party controls the schedule, and the majority party can pass anything they want in the House. So I would note that the House Ways and Means Committee acted on the particular bill that we have before us 8 weeks ago. Eight weeks ago.

Now, some, my good friend from Michigan refers to this debate as being embarrassing. I think it's embarrassing in this legislative process that it's taken 8 weeks, this legislation, to come to the floor of the House to be debated, particularly when people in Michigan and Illinois have exhausted their benefits. And the Republicans in the House Ways and Means Committee voted for a proposal which could become law, which would have provided extended unemployment benefits for those workers in Michigan and Illinois who have exhausted their unemployment benefits. Eight weeks it's taken for this emergency legislation to come to the floor. Eight weeks.

I would note that a major concern many of us have in this legislation that's before us is that it takes a radical approach. It eliminates a 27-year policy that was supported by both Democrats and Republicans. The bill that is before us repeals a requirement that you work 20 weeks to get a full year's benefits.

In Michigan, under this legislation, you would work 1 week and be able to get 52 weeks of benefits. In my State of Illinois, you can work 2 weeks and get 52 weeks of benefits under this legislation.

Now, do taxpayers feel that that is fair?

We, as the minority party, the Republicans, we want to extend benefits, unemployment benefits to those who need help.

□ 1115

My district, my home State, we have unemployed workers who've exhausted their benefits. We want to ensure that their benefits are extended so that they can receive an additional 13- and 26-weeks' worth of benefits.

And we had a proposal in the Ways and Means Committee which would have accomplished that goal. All of the Republicans voted for it, and the President would sign it into law. But instead, we're seeing election year politics today. That's what this is all about. It's 8 weeks. Think about that. For 8 weeks. If you're a Michigan worker and you have been unemployed, you have exhausted your benefits, you have been waiting 8 weeks.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. WELLER of Illinois. You've been waiting 8 weeks because of election-year politics. This legislation could have been brought to the floor immediately, we could have had a bipartisan bill that had become law, but no. Our friends in the majority played election-year politics for 8 weeks.

We're finally bringing a bill to the floor that won't become law. Let's pass legislation that will become law. Let's help those who need help.

Mr. ARCURI. Just to correct the record, this was passed by the House, this bill, weeks ago and it has been blocked in the Senate. Just so it's clear that it has not waited for 8 weeks.

I would yield 15 seconds to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. To the Chair, to the gentleman from Illinois, in Michigan, you have to work two quarters to be eligible. The 1-week example is a straw man and woman example. Let's be faithful to the reality here.

The SPEAKER pro tempore. The gentlemen's time has expired.

Mr. HASTINGS of Washington. Madam Speaker, how much time again remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 3 minutes. The gentleman from New York has 6¾ minutes.

Mr. HASTINGS of Washington. Madam Speaker, I will reserve my time.

Mr. ARCURI. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I want to remind my good friends that yesterday we were on the floor of the House and my good friends on the other side of the aisle, the Republican minority, blocked the passage of this emergency relief to so many Americans. And I rose yesterday and I asked the question, Who will be a Good Samaritan and stand with those who are in need?

Right now, soldiers on the front lines of Iraq and Afghanistan have family members who are unemployed and who have exhausted their benefits. What do we say to them? In Texas, we have a total of 160,000 Texans who have now either exhausted or will exhaust their unemployment benefits. They do so in an economy where they've lost their jobs through no fault of their own.

That's why we put this bill on the floor of the House because you could have gone to a job, worked for a week, and the business closed down because of varying economic crises created by this administration.

We've lost—324,000 jobs have disappeared over this period of time, 5 consecutive months. We've lost 300,000-plus job. And the unemployment rose to the highest in the month of May.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. ARCURI. Madam Speaker, I yield an additional 30 seconds.

Ms. JACKSON-LEE of Texas. The highest number of unemployment in 20 years in the month of May, and over the last 12 months, the number of unemployed workers have grown by 1.6 million, 200,000 more long-term jobless.

Who will be the Good Samaritan for the American people who have helped build this country? Who will tell the Iraqi soldiers and Afghanistan soldiers that the mother and father that is there longing for their return does not have a job and cannot pay for gasoline and rent and food? We have to stand today. Who will be the Good Samaritans?

This legislation is written the way it is to solve the problems of Americans. I will stand with them.

I ask you to support the underlying legislation and the rule.

Mr. HASTINGS of Washington. Madam Speaker, I continue to reserve.

Mr. ARCURI. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Madam Speaker, when you are born into poverty, you enjoy such delicacies as mayonnaise sandwiches without mayonnaise. When you're born into poverty, phrases like "but for the grace of God, there go I" have true meaning because you understand you have been there.

This bill will not fuel rockets to Mars. It will, however, put fuel in gas tanks right here on Earth. It will not put a man on the Moon, but it will put food on the table of somebody's home. But for the grace of God, there go I.

I will support the bill.

Mr. HASTINGS of Washington. Madam Speaker, I continue to reserve.

Mr. ARCURI. Madam Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Washington has 3 minutes. The gentleman from New York has 4¼ minutes.

Mr. ARCURI. I would yield 2 minutes to the distinguished gentleman from Tennessee (Mr. LINCOLN DAVIS).

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, it's a pleasure today to come on the floor and talk about ways that this Congress and those of us who serve here can help those who are unfortunate to have lost a job.

I have watched the opposition on the other side attempt for the last couple of years to make illegal immigration their issue. I have watched with dismay as they continue to bring to this floor and blame Democrats in this Congress for the cost of gasoline at $4 a gallon. Back home we have a saying: that dog ain't gonna hunt in this Congress.

In fact, when you look at what they attempted to do on immigration, their Presidential candidate introduced an amnesty bill, and now their attempts on the floor are to block this Congress from even introducing legislation or passing legislation that would have been an energy package that would even attempt, that would attempt, to tell oil companies you have to pay your fair share of taxes.

So what they're now trying to do is block legislation that gives amnesty to big oil companies. Again, that's not going to work.

And now they come to the floor saying pay-as-you-go principles are not being followed with this bill that's been introduced, and I hope it passes today.

So as we look at this legislation, let's talk about pay-as-you-go. I used to be an employer. Today in Tennessee, if you employ someone, you pay between .15 percent, less than 1 percent, up to 10 percent as an employer of what each employee earns. They're paying as they go. At Forbus General Store, my friend Joe pays every paycheck every week so much percentage of what his employees earned into a Federal trust fund. He's paying as he goes. And when someone has to be laid off because jobs are not available, the economy turned sour, those individuals apply for and receive unemployment benefits.

We're paying as we go constantly. We have close to $40 billion in the trust fund. Currently, this bill today scored with the CBO saves roughly $10 billion cost over 10 years. This Congress has attempted to address the issues of oil prices and unemployment.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. ARCURI. Madam Speaker, I yield the gentleman an additional 15 seconds.

Mr. LINCOLN DAVIS of Tennessee. It seems to me that as we listen to the other side, they're constantly trying to find some way that would be a head shot on issues for an election campaign. I tell you who's getting a head shot right now, folks who work at furniture factories in Tennessee and North Carolina, folks who work at auto industries. Their jobs are being lost. That's a head shot to them.

Mr. HASTINGS of Washington. I would ask my friend from New York how many speakers he has.

Mr. ARCURI. I am prepared to close. We have no further speakers.

Mr. HASTINGS of Washington. Madam Speaker, I have 3 minutes left; is that correct?

The SPEAKER pro tempore. The gentleman has 3 minutes remaining.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself the balance of the time.

Madam Speaker, the idea here is to take care of those that have lost their jobs by extending unemployment benefits. The idea is to get a bill to the President that he will sign. As the gentleman from Illinois said, this bill has been waiting now for 8 weeks before it has been brought to the floor, but the bill, in its present form, will not be signed because it has changed 27 years of bipartisan support on extending unemployment benefits.

So I think that we need to go back to the drawing board, if you will, and get a bill that we know that the President will sign. But more importantly, more importantly, we need to get our economy going again. And so it's time, in my mind, for the House to debate ideas for lowering gas prices to get the economy going again.

I'm going to ask my colleagues to defeat the previous question so that the House can consider H.R. 3089, the No More Excuses energy bill. By defeating the previous question, the House will still be able to act on the unemployment benefit extension bill, but the House will also be able to finally act on legislation that will create more American-made energy and jobs to increase the supply of gas by producing more gas and producing more gas here in our Nation. It will increase the supply and decrease the price at the pump. Skyrocketing prices need the attention of this Congress, and we've got to act.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I urge my colleagues to defeat the previous question so this House can get serious about rising gas prices so we can start producing American-made gasoline.

With that, I yield back the balance of my time.

Mr. ARCURI. Madam Speaker, unemployment insurance can mean the difference between saving a home and failing to make a mortgage payment. It can mean the difference between purchasing needed medications and going without, and it can mean the difference between filling up the car to go out and look for another job and having to stay home. This legislation has the potential to help over 4 million unemployed Americans put food on their tables while quickly stimulating the economy.

The number of long-term unemployed Americans is higher now than when Congress last extended benefits in 2002. I am hopeful we can come together later today, Republicans and Democrats, to do the right thing and pass this rule and the underlying legislation. American workers and families can't wait any longer.

The idea is not getting the President a bill that he can sign. The idea is to do the right thing and for the President to sign that bill.

I urge a "yes" vote on the previous question and the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1265 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 3089) to secure unrestricted reliable energy for American consumption and transmission. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, the chairman and ranking member of the Committee on Ways and Means, and the chairman and ranking member of the Committee on Energy and Commerce; and (2) an amendment in the nature of a substitute if offered by Representative Rahall of West Virginia, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule. is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 1257; adopting House Resolution 1257, if ordered; ordering the previous question on House Resolution 1265; adopting House Resolution 1265, if ordered; and suspending the rules and passing H.R. 1553.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 6063, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1257, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 183, not voting 24, as follows:

[Roll No. 405]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Boyda (KS)
Braley (IA)
Davis (AL)
Flake
Frelinghuysen
Granger
Higgins
Honda
Hulshof
Kind
Lewis (CA)
Loebsack
McCrery
Meek (FL)
Mollohan
Moran (KS)
Obey
Ortiz
Peterson (PA)
Rogers (MI)
Ruppersberger
Rush
Stark
Tancredo

☐ 1150

Messrs. DONNELLY and SHAYS changed their vote from "yea" to "nay."

Messrs. KIRK and JONES of North Carolina and Ms. HARMAN changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 188, not voting 24, as follows:

[Roll No. 406]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—188

Aderholt
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Akin
Berkley
Boyda (KS)
Brady (TX)
Braley (IA)
Flake
Higgins
Hulshof
Kanjorski
Kind
Kirk
Loebsack
McCrery
Meek (FL)
Moran (KS)
Ortiz
Peterson (PA)
Rangel
Rogers (MI)
Rush
Simpson
Stark
Tancredo
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1159

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5749, EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1265, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 186, not voting 22, as follows:

[Roll No. 407]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler

Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton

Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)

Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella

Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim

Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Boyda (KS)
Braley (IA)
Flake
Gutierrez
Higgins
Hulshof
Kind
Loebsack

McCarthy (NY)
McCrery
Miller, George
Moran (KS)
Ortiz
Reynolds
Rogers (MI)
Rush

Stark
Tancredo
Towns
Velázquez
Waters
Wittman (VA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

☐ 1205

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. McCARTHY of New York. Madam Speaker, earlier today I missed one vote. On rollcall No. 407 on ordering the previous question on H. Res. 1265, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 192, not voting 14, as follows:

[Roll No. 408]

YEAS—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison

Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall

Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler

Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher

Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)

Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick

Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Boyda (KS)
Braley (IA)
Flake
Higgins
Hulshof

Kind
Loebsack
McCrery
Moran (KS)
Ortiz

Rogers (MI)
Rush
Stark
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

☐ 1214

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. BOYDA of Kansas. Madam Speaker, on rollcall Nos. 405, 406, 407, and 408, I was at Walter Reed visiting SPC Kody Wilson who was seriously wounded in Iraq in May. Had I been present, I would have voted "yea."

CAROLINE PRYCE WALKER CONQUER CHILDHOOD CANCER ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1553, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1553, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 409]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Braley (IA)
Broun (GA)
Doggett
Flake
Higgins
Hulshof
Kind
Loebsack
McCrery
Meeks (NY)
Moran (KS)
Ortiz
Paul
Rogers (MI)
Rush
Stark
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1224

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer.".

A motion to reconsider was laid on the table.

EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2008

Mr. RANGEL. Madam Speaker, pursuant to House Resolution 1265, I call up the bill (H.R. 5749) to provide for a program of emergency unemployment compensation, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Extended Unemployment Compensation Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Emergency unemployment compensation account.
Sec. 4. Payments to States having agreements for the payment of emergency unemployment compensation.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

SEC. 3. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period if, at the time of exhaustion (as described in paragraph (1))—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before February 1, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 3 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before February 1, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this Act.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 3(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after April 30, 2009.

POINT OF ORDER

Mr. WELLER of Illinois. Madam Speaker, I raise a point of order against consideration of this bill.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WELLER of Illinois. Madam Speaker, I raise a point of order against consideration of this bill because the bill violates clause 10 of rule XXI of the Rules of the House of Representatives which provides in pertinent part that "it shall not be in order to consider any bill if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit" over the 5- or 10-year budget scoring window.

This rule is commonly referred to as the pay-as-you-go rule or PAYGO and was enacted by the majority with great fanfare at the beginning of this Congress.

In reviewing the estimate prepared by the Congressional Budget Office, I note that they have scored this bill as increasing the deficit by $14 billion over the next 5 years, and nearly $10 billion over the coming decade.

Madam Speaker, I ask unanimous consent that the table prepared by the Congressional Budget Office appear at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WELLER of Illinois. Madam Speaker, given this overwhelming evidence that this bill does have the net effect of increasing the deficit over both scoring windows, I must respectfully insist on my point of order that the bill violates the PAYGO rule.

The SPEAKER pro tempore. Does any other Member wish to be heard?

Mr. RANGEL. Madam Speaker, I ask that the gentleman's motion receive the consideration it deserves.

The SPEAKER pro tempore. The gentleman from Illinois makes a point of order against consideration of H.R. 5749 on the ground that the bill includes provisions affecting direct spending or revenues that would have the net effect of increasing the Federal budget deficit. That point of order sounds in clause 10 of rule XXI.

The special order of business prescribed by the adoption of House Resolution 1265 waives any such point of order. The Chair will read the operative sentence of House Resolution 1265: "All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI."

The Chair finds that the point of order raised by the gentleman from Illinois has been waived.

The Chair therefore holds that the point of order is overruled.

Mr. WELLER of Illinois. Madam Speaker, on that I respectfully appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. RANGEL

Mr. RANGEL. I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WELLER of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 185, not voting 31, as follows:

[Roll No. 410]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner

Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—31

Baca
Braley (IA)
Davis (IL)
Dicks
Flake
Gonzalez
Gutierrez
Higgins
Hinojosa
Hulshof
Kagen
Kilpatrick
Kind
Loebsack
Maloney (NY)
McCrery
Miller (FL)
Moran (KS)
Murphy, Tim
Ortiz
Pence
Pryce (OH)
Radanovich
Reyes
Rogers (MI)
Rush
Smith (NJ)
Stark
Tancredo
Walsh (NY)
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1245

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SALAZAR). The Chair would clarify that the insertion by the gentleman from Illinois will appear separately from the point of order in the RECORD.

Pursuant to House Resolution 1265, in lieu of the amendment recommended by the Committee on Ways and Means, printed in the bill, the amendment in the nature of a substitute printed in House Report 110–710 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Extended Unemployment Compensation Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Emergency unemployment compensation account.
Sec. 4. Payments to States having agreements for the payment of emergency unemployment compensation.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

(f) UNAUTHORIZED ALIENS INELIGIBLE.—A State shall require as a condition of eligibility for emergency unemployment compensation under this Act that each alien who receives such compensation must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

SEC. 3. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 3 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this Act.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 3(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) and the gentleman from Illinois (Mr. WELLER) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Thank you, Mr. Speaker.

I ask unanimous consent that I yield to myself such time as I may consume and at that conclusion the balance of the time allotted be given to Dr. MCDERMOTT, a senior member of the Ways and Means Committee, who was the major drafter of the bill that is before the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, here we are again, once again fighting for the dignity of millions of Americans who worked every day of their adult lives, paid into a trust fund, believing if there ever was a need, that their Congress, their Members would respond to it.

The compensation that we are offering in this legislation is so meager that it is almost embarrassing to have to fight to get it, and the whole concept that maybe the President believes that if they are given assistance, they would rather not look for a job but rather have these checks. But I think I want America to know that as long as good people want to work, as long as they don't have money to pay their bills, as long as oil prices are up, education, health care, as long as these good people cannot survive and begin to lose their dignity and their pride, as long as these great Americans, middle Americans find themselves in this position, that we on our side will continue to fight no matter what you do.

So you can attack us on parliamentary grounds, you can talk about PAYGO, you can talk about suspension, you can go get a veto, but the American people should know that we are not going to give up. We are not going to give in, and that we will prevail. So whatever tactics, language, rhetoric you come up with, at the end of the day when the family says I know I can depend on our Congress, they will be asking: And how do your congressmen vote on this issue? And I hope that you will be guided by your conscience and not your party.

So I would like to yield the balance of my time to Dr. MCDERMOTT to get into the specifics, but I hope that we will be able, with our vote today, to get into the heart of the American people and let them know that this Congress and this country will not let them down.

Mr. WELLER of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Yogi Berra once said, this is like déjà vu all over again. Yesterday after an 8-week delay, the House considered and failed to pass the legislation once again before us today. I continue to support providing extended unemployment benefits to workers who need it most. In fact, every Republican on the Ways and Means Committee supported extending unemployment benefits when this legislation was considered in committee 2 months ago; again, 8 weeks ago.

Again, Republicans want to extend unemployment benefits. And we want to help those who are hurting the most. We also recognize that it is time that we pass legislation that can become law.

Ladies and gentlemen, that is why I rise in strong opposition to the legislation before us today which does not satisfy the simple standard of helping those who need it most and who have worked a modest number of weeks to earn these benefits.

Yesterday, the Democratic leadership brought identical legislation to the floor under a process normally reserved for naming post offices and honoring sports teams. This resulted in a take-it-or-leave-it approach to this very important issue of extending unemployment benefits, and the bill failed to gain enough votes, forcing us to return to the floor again today.

Now have our Democratic colleagues budged an inch? Absolutely not. Today we are considering the same legislation which once again fails to include a long-standing and reasonable policy requiring at least 20 weeks of work to qualify for extended unemployment benefits.

As several of us on this side of the aisle have noted, without this sensible requirement under H.R. 5749, workers could qualify for as many as 52 weeks of unemployment benefits, a full year, after having worked as little as one or two weeks. But whether someone worked two or 10 weeks or even 19 weeks, the simple fact is that current Federal law includes a straightforward rule that requires a modest minimum amount of work before someone can qualify for months, 7, 8, 9, 10, 11, and 12 months of unemployment benefits courtesy of our taxpayers.

This 20-weeks rule is not too much to ask. It is fair, and it is inexcusable for the other side not to include such a reasonable, long-standing rule. In fact, to not include it, as the bill before us would do, is a radical, and I say that again, radical change, radical departure from current law.

My friends in the majority have called this issue a straw man. If it is just a straw man, why did they make the change? Why did they make this radical policy change that breaks 27 years of bipartisan policy which requires 20 weeks of work to qualify for a full year of unemployment benefits.

Mr. Speaker, I have a United States Department of Labor document that shows examples of States that would allow 1 year's benefits for only 1 or 2 weeks' work, including a State like Michigan where you would only have to work one week to be able to obtain, under this legislation, 52 weeks worth of benefits.

I would like to insert this Department of Labor document into the RECORD.

STATES IN WHICH INDIVIDUALS COULD QUALIFY FOR UI WITH ONLY 2 WEEKS OF WORK

State	Minimum wages needed to qualify:	
	Wages in 1 week	Total wages in 2 weeks
AL	>$1,157	>$2,214
AK		$1,000
AZ	$1,500	$2,250
AR		$1,971
CA	$900	$1,125
CO	[1]$1,084	$2,500
CT		[1]$780
DE		[1]$920
DC	$1,300	$1,950
FL	$2,267	$3,400
GA	$1,232	[1]$1,848
HI		$130
ID	$1,508	$1,885
IL		$1,600
IN	$1,000	$2,750
IA	$1,190	$1,790
KS	$2,377	$3,030
KY	$1,963	$2,944
LA	$800	$1,200
ME	[2]$1,276	$3,828
MD	>$576	$900
MA		$3,000
MI	$2,757	$4,136
MN	$1,000	$1,250
MS	$780	$1,200
MO	$1,500	$2,250
MT	$1,392	[3]$2,087
NE	$800	$2,651
NV	$400	$600
NH	$1,400	$2,800
NJ		$2,860
NM	$1,604	
NY	$1,600	$2,400
NC	$1,066	$4,291
ND	$1,984	$2,975
OK	$1,000	$1,500
OR	$667	$1,000
PR	$77	$280
RI	$1,480	$2,960
SC	$540	$900
SD	$728	$1,288
TN	>$780	>$1,560
TX	$1,413	$2,091
UT	$1,933	$2,900
VT	$1,981	$2,773
VA		[1]$2,700
VI	$858	$1,287
WV		$2,200
WI	$1,325	$1,590
WY	$2,072	$2,900

[1] In 2 HQs.

[2] In each of 2 Qs

[3] In 2 Qs.

Note: Most states require wages in 2 different calendar quarters in order to meet monetary eligibility requirements.

The source of this information is the 2008 Comparison of State Unemployment Insurance Laws, Chapter 3, Table 3–3.

Yesterday the majority called up this legislation under special rules that barred any amendments. Today we are considering this legislation in much the same way, no amendments to be considered, no substitute to be considered, and every rule of the House except one is waived.

The majority even waived the House Democrat's so-called PAYGO rule. That admits that the cost of this legislation would simply be added to the deficit. The nonpartisan Congressional Budget Office confirms this much. Their estimate of the cost of this legislation shows it will increase the deficit by $14 billion over the next 5 years, and that is probably just a start.

Also, Mr. Speaker, I would like to include in the RECORD a copy of the Congressional Budget Office score of H.R. 5749 as approved by the Ways and Means Committee which provides a fuller discussion of this point.

H.R. 5749—Emergency Extended Unemployment Compensation Act of 2008

Summary: H.R. 5749 would make individuals who exhaust their regular benefits eligible for unemployment compensation for an additional period of time. The Congressional Budget Office estimates that enacting the bill would:

Increase direct spending by $6.2 billion in 2008 and $11.7 billion over the 2008–2018 period; and

Increase revenues by a net amount of $3.2 billion of the 2008–2018 period.

In total, these changes would increase budget deficits (or reduce future surpluses) by $6.2 billion in 2008 and by a net of $8.5 billion over the 2008–2018 period.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 5749 is shown in the following table. The spending effects of this legislation fall within budget function 600 (income security).

	By fiscal year, in billions of dollars—												
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2008–2013	2008–2018
Changes in Direct Spending (Outlays)[1]	6.2	6.7	0	0	0	0	0	-0.2	-0.3	-0.3	-0.4	12.8	11.7
Changes in Revenues	0	*	0.1	0.2	0.2	0.1	0.3	0.4	0.5	0.7	0.8	0.6	3.2
Net Change in Deficits or Surpluses[2]	6.2	6.6	-0.1	-0.2	-0.2	-0.1	-0.3	-0.6	-0.7	-1.0	-1.2	12.2	8.5

[1] For direct spending changes, budget authority equals outlays.

[2] Positive numbers indicate an increase in deficits or decrease in surpluses.

Note: * = gain of less than $50 million; components may not add to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted by June 1, 2008, and that spending will follow historical patterns for similar activities.

Direct Spending

Most states' regular unemployment compensation programs provide up to 26 weeks of benefits to qualified individuals. The bill would authorize a program for emergency extended unemployment compensation (EEUC), which would provide federal funding for additional benefits—up to 13 weeks in all states—to beneficiaries who exhaust their regular benefits. (Certain individuals who exhausted their regular benefits prior to the bill's enactment also would be eligible for EEUC). An additional 13 weeks of benefits would be provided in states that meet certain thresholds or triggers with respect to unemployment. States would be eligible to provide the additional 13 weeks of benefits if unemployment levels reach an insured unemployment rate of 4 percent or higher, or a total unemployment rate of 6 percent or higher. (CBO estimates that around one quarter of beneficiaries would be in states that would qualify to provide that additional 13 weeks.) Benefits would be available from the date of enactment through April 30, 2009, but no new beneficiaries could be added to the program after February 1, 2009.

Based on the number of people who previously exhausted regular benefits, as well as those anticipated to exhaust benefits in the coming months, CBO estimates that over the 2008–2009 period:

About 3.2 million people would collect EEUC and that benefits paid over that time period would total $11.7 billion;

Administrative costs related to the EEUC program would total $0.6 billion; and

Outlays for regular unemployment benefits would increase by $0.9 billion because the availability of the EEUC benefits would affect some recipients' employment decisions. (Most of those costs would be offset by increases in State revenues over fiscal years 2009 through 2013, as discussed below under "Revenues.")

Those costs would be slightly offset by reduced payments from other federal programs that provide extended unemployment benefits—the extended benefits program and trade adjustment assistance for workers. CBO estimates those offsets would amount to $0.3 billion in 2008 and 2009.

Under the financing provisions of the bill, funds in the Extended Unemployment Compensation Account would be transferred to the state accounts for the benefit and administrative expenses incurred for the EEUC program. Because the state unemployment funds are included in the federal budget, those transfers would have no immediate budgetary effect. However, they would interact with provisions of the federal unemployment law known as the "Reed Act." Under those provisions, when funds in the federal accounts of the unemployment trust fund exceed certain statutory limits, excess revenues from the federal unemployment tax are transferred to the state accounts. In CBO's current baseline, we project that the federal government will transfer $8.6 billion to the states over the 2013-2018 period. CBO's baseline includes outlays from the Reed Act transfers totaling $1.1 billion from 2014 to 2018. Under the bill, outlays for EEUC would reduce the federal trust fund balances to levels that would preclude such Reed Act transfers. Thus, relative to CBO's baseline projections, outlays under the bill would be $1.1 billion lower.

CBO estimates that the net effect of unemployment-related provisions on direct spending would total $12.8 billion over the 2008–2013 period and $11.7 billion over the 2008–2018 period.

Revenues

The availability of EEUC benefits may discourage recipients from searching for work and accepting less-desirable jobs as quickly as they would in the absence of this act. Thus, some recipients may remain unemployed for slightly longer than they would have otherwise, and direct spending for regular benefits would increase during 2008 and 2009. CBO expects that some states would respond to the lower balances in their unemployment trust funds by increasing their unemployment taxes, resulting in an increase of $0.6 billion in revenues over the 2009-2013 period.

The interaction between EEUC and Reed Act transfers also would affect revenues. Under the baseline, CBO estimates that, as a result of the estimated $8.6 billion in Reed Act transfers, states would reduce unemployment taxes by about $2.5 billion over the 2014–2018 period, with additional revenue losses occurring after 2018. CBO estimates that transfers to the states under the EEUC program would reduce the federal trust fund balances to levels that would preclude such Reed Act transfers, resulting in revenues that would be $2.5 billion higher than our baseline projections of revenues over the five-year period beginning in 2014.

Intergovernmental and private-sector impact: H.R. 5749 contains no intergovernmental or private-sector mandates as defined in UMRA. CBO estimates that the changes to the unemployment compensation system would result in decreased federal transfers to states and also would lead to increased unemployment taxes in some states. These effects, however, would result from states' participation in the federal unemployment insurance program, which is voluntary, and would not result from intergovernmental mandates as defined in UMRA.

Previous CBO estimate: On February 6, 2008, CBO transmitted an estimate of the budgetary effects of the Economic Stimulus Act of 2008, as ordered reported by the Senate Committee on Finance on January 30, 2008. That bill contained provisions for the extension of unemployment compensation that are similar to provisions in H.R. 5749. Differences between the estimated costs reflect small economic and technical adjustments to CBO's baseline and differences in the legislation.

Estimate prepared by: Federal Spending: Christina Hawley Anthony; Federal Revenues: Barbara Edwards; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; and Impact on the Private Sector: Ralph Smith.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

These facts directly contradict the majority's pledges for a more open and honest operation of the House, as well as their pledges to pay for every piece of legislation that comes to the floor. Now we are seeing the fine print of these pledges, including that new spending deemed temporary does not have to be paid for. This is yet another violation of the majority Democrats' PAYGO rule which is looking more and more like Swiss cheese than effective budget policy. I hope my friends in the fiscally conservative Blue Dog Coalition are watching as their leadership once again waives the rules of the House to increase spending and to increase taxes.

Make no mistake, this legislation will do both, living up to the true spirit of the Democrats' PAYGO rule.

Mr. Speaker, the President has stated his intent to veto this legislation because it does not include the 20 weeks of work requirement and proposes untargeted benefits, among other reasons. Republicans noted these flaws in our debate on the floor yesterday, and we offered to work with the majority to correct them so that we have legislation that could become law quickly to help those who need help, so the path to passage of a truly bipartisan and responsible bill is clear to address these concerns.

Two months ago, that was 8 weeks ago, every Republican on the Ways and Means Committee supported extending unemployment benefits, and I introduced a bill and offered as an amendment legislation that would have paid extended benefits in high unemployment States like Michigan, and many others, and that was in April, 8 weeks ago. Yet for the past 2 months, 8 weeks, the residents of those States where jobs are hardest to come by and these benefits are most needed, have been forced to wait on the majority in Congress. It is election-year politics. Members should have a chance to vote on a targeted proposal that would actually provide extended benefits in high-unemployment States like Michigan and others. And importantly, a vote on legislation the President would sign so these benefits can actually start being paid.

In contrast to such a constructive approach, the majority wants to continue playing politics, election-year politics, with unemployment benefits. So today, Members will once again we forced to vote on legislation the President says he will not sign and includes a radical departure from current policy when it comes to the balance between work and benefits.

Again I ask my colleagues to vote against this legislation so we can work together in a bipartisan way because I truly believe both Republicans and Democrats want to help those who are unemployed. We need to craft an appropriate bipartisan solution quickly to this immediate concern. The legislation before us does not meet that challenge and will not be signed into law. We want to help those who need help. We can extend unemployment benefits for those who have exhausted them. It is time we work together.

Mr. Speaker, I urge a "no" vote, and I reserve the balance of my time.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5749.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I think this is a wonderful debate. I love to hear the Republican talking points said over and over again. I have counted now the phrase "8 weeks" since we passed this bill out of the committee. I have heard it 19 times so far and I expect we will hear it at least nineteen-hundred times before we pass the bill.

But the fact is that the ranking member knows he could have voted "yes" when it came out of committee. He could have voted "yes" when it was on the floor on the 15th of May which is when we voted on this. We already have taken action on it once; and he had a chance yesterday to vote "yes" on it, but he said "no" again. And I suspect today—well, we'll see what he does. Maybe he will change his mind.

Mr. Speaker, I yield myself such time as I may consume because it is a new day and we woke up with some bad news about the U.S. economy. The Washington Post has the story, "A new report from the Federal Reserve paints a portrait of the U.S. economy under pressure from almost every sector. Across the board, the U.S. economy is deteriorating, including jobs." And here we are again today trying to help the American people by passing the Emergency Extended Unemployment Compensation Act of 2008.

Yesterday, 144 Republican Members ignored the will of the people and instead followed the whim of a lame duck President.

□ 1300

If three votes had switched, we would have had enough votes to pass this bill and give the American people the help they need. They didn't, so we're back here today because we're going to make it happen.

The economic data paint a compelling case for immediate action. But my Republican colleague stood at the podium yesterday, and did it again today, waving a veto threat from the White House.

This is the President who's given us this war that's put us in a terrible mess. He's given us bank problems and every other thing that's going on, gas prices. And now he waves a letter and says, we don't want to do anything for the unemployed who've exhausted their benefits.

They hid behind rhetoric that pretends to contend itself with people qualifying for benefits. They served up a real cold red herring for dinner last night for those people that exhausted their benefits, because they simply want to deny American workers unemployment benefits.

Remember, this money didn't come out of the tax base. It came from their employers who paid it into a trust fund for exactly this purpose; when they lose their job, they should have access to it.

Now, let me be clear. This 20-week rule that we hear yelled about here, that many Republicans want included in the bill, would mean that workers could work for over 10 straight months and be denied extended benefits, depending on the vagaries of the various laws in States across this country.

The Department of Labor has estimated that around 10 percent of those who've exhausted their benefits might be excluded from extended benefits if we were to include this 20-week rule. These workers are disproportionately low-wage, part-time, minority and women.

In other words, the Republicans propose to solve a problem by creating one. Instead of helping people, the Republicans' alternative is to penalize workers on the lowest rung of the economic ladder. Very typical. Look at the tax cuts.

The American people need solutions, and that's what H.R. 5749 is about. It would immediately provide 13 weeks of extended benefits for workers in every State who've exhausted their benefits. It provides an additional 13 weeks of benefits in States with an unemployment rate of 6 percent or higher.

This bill is targeted. You hear them say we want a targeted bill. Of course it's targeted. It's targeted to do one thing, to help those people who need it the most.

Here's how it works. Anyone a State qualifies for unemployment benefits, and who has exhausted what the State has provided them, would be eligible for extended benefits of the same amount for half as long as the State provided them. So, if you received 26 weeks in your State from the State, and you run out, you get 13 more weeks of extended benefits. If you get 10 weeks from your State, you will get 5 weeks more of extended benefits.

The Federal Reserve outlook wasn't the only piece of information we received yesterday. A little while ago the Labor Department announced that initial claims for unemployment benefits jumped more than expected last week. The number of people filing for unemployment benefits last week increased 384,000 people, in 1 week. And all the Republicans want to do is wave a veto letter from the White House.

Helping the American people should not be a partisan issue; but the Republicans and the president are trying to make it just that.

Yesterday we had a bipartisan bill. Almost 50 Republicans voted for it. I urge my Republican colleagues to follow their conscience and not their caucus and vote with the Democrats to help the American people. The Emergency Extended Unemployment Compensation Act of 2008 is the least we can do for the American people.

I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, would you share with us how much time remains on each side, please?

The SPEAKER pro tempore. The gentleman from Illinois has 22 minutes. The gentleman from Washington has 21½.

Mr. WELLER of Illinois. Mr. Speaker, as we continue to debate this legislation which makes a radical change, eliminating the Federal work requirement to qualify for federally funded unemployment benefits, I wish to yield 3 minutes to the senior Republican on the House Ways and Means Committee, Mr. HERGER of California.

Mr. HERGER. Mr. Speaker, my colleagues on both sides of the aisle want to help U.S. workers during this period of economic uncertainty. Yet, the question has always been: How do we best provide this assistance?

Under the proposal before us today, workers in States with historically low levels of unemployment would receive

13 weeks of Federal unemployment benefits, on top of their current 26 weeks of regular State unemployment benefits. This means that workers in States like Iowa, that have a documented labor shortage, would receive 39 weeks of unemployment benefits. This makes no sense.

Instead of creating an untargeted expansion of unemployment benefits, we should be focusing on growing the economy. We want to see every State have a job surplus, not a surplus of extended unemployment benefits.

Today's legislation will result in higher taxes on our small businesses, resulting in slower job creation. This won't help U.S. workers.

The best way to help our workers is to foster economic growth that creates jobs. We can do that by passing pro-growth tax policies that keep our businesses competitive globally, and provide them with certainty to make important investments in our economy with our work, without worrying about a massive tax increase.

We can also help our workers by passing our fair trade agreements, which would create tens of thousands of jobs here in the United States.

And if we really want to help workers, we also need to be confronting rising gas prices so people can afford to get to work. We should remove our self-imposed embargo on domestic energy production, which will make energy more affordable and create more jobs.

These are the policies that Congress should be talking about here today. These are the types of policies that are going to create a strong and growing economy that will provide our workers with the jobs they need to support their families.

Mr. Speaker, the legislation before us today is the wrong approach. I urge my colleagues to vote "no."

Mr. McDERMOTT. Mr. LEVIN from Michigan will have 3 minutes. I yield to the gentleman.

Mr. LEVIN. I think the more we discuss this, the clearer the issue becomes, including the last statement that we heard. There's no disagreement about the need for growth policies. But to say that, and use it as an excuse not to provide extended unemployment benefits is really indefensible.

You can't say to people who have been out of work for 26 weeks, who are there through no fault of their own, and who must be looking for work, that because of the absence of growth policies they should, essentially, be out in the cold. That's close to a cold-blooded approach to this issue.

And, if you mention States like Iowa, look, in some States, if there's a surplus, people who are out of work, in most cases, if they're looking for work, and they must, will find other work.

But it makes no sense to take the position of the administration, and that's what the gentleman from California, essentially, was reflecting, where they say that historically, the unemployment rate has had to be at a certain level in order for Unemployment Compensation to be extended.

And there was, they say, an exception after September 11, 2001. It's really hard to fathom who people would use 2001, September 11, as an excuse not to extend benefits.

The unemployment rate when President Bush signed the extension was 5.7. It's now 5.5. And essentially, what you're saying is we're going to deny benefits to well over a million, with 3 million more likely to come, because of a difference of $\frac{2}{10}$ of 1 percent.

And then you say you want it to be targeted. But, as we pointed out, the data vary from month to month. One month it's 100 metropolitan areas with unemployment rates over 6 percent. More recently, it's been 65 or 66. It will probably go up. How do you, in good conscience, stand before people in those areas and say no?

I mentioned to the gentleman from Illinois——

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEVIN. I ask for 2 additional minutes.

Mr. McDERMOTT. I yield the gentleman 2 additional minutes.

Mr. LEVIN. I asked the gentleman from Illinois how he would respond to people in certain areas. I don't know how you do that.

I asked the gentleman, and I didn't mean to get personal really, but just to raise the issue poignantly. If you're from the State of Washington, as he is, and there's higher unemployment than 6 percent in Yakima, how do you say to the people there, you don't get the extension, while people in other States receive it. It is simply not——

Mr. WELLER of Illinois. Is the gentleman yielding time?

Mr. LEVIN. Yes.

Mr. WELLER of Illinois. Well, I would first point out to my friend from Michigan that I represent the State of Illinois. And under the legislation which we offered in committee, my State of Illinois would receive extended unemployment benefits.

I would also state that the Republican minority on the committee supported extension of unemployment benefits.

Mr. LEVIN. Let me just take back my time. Look, the position, that hasn't been the position of the administration. It's used the 6 percent level. That's what they're talking about here. And you have to go home and explain to the areas, I mentioned three in Illinois, because the State isn't above a certain level, but areas are, you don't get it, while people who are in a State like Michigan with over 6 percent, everybody does.

But the trouble is, everybody counts in this country. Everybody who's out of work 26 weeks, through no fault of their own, and looking for work, they have to be looking for work.

I read these letters from people in Michigan, and I just say this: Just read letters from people in your State. No longer can you go to unemployment offices in most States, because they're not there, so people aren't in line. But they're in line in this country.

As I said, if you're counted——

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. LEVIN. I guess 1 more minute if I might.

Mr. McDERMOTT. I yield the gentleman an additional minute.

Mr. LEVIN. If you counted the people who are now exhausting their benefits, or have, and those who are likely, it would reach, the line, from here, this Capitol to Denver.

So don't talk about energy policy. We have to face up to that. Don't talk about trade policy. We have to face up to that. Talk about the lives in the homes of over a million people.

I just hope that, you withheld, or there were withheld the three votes necessary to get to two-thirds yesterday.

□ 1315

I know the maneuvers on this floor.

But essentially, they're obeying the position, if not the orders, from the White House instead of the orders from the people at home.

I urge strong support of this. I urge that we pass it with even more votes than was passed last time and send it to the Senate so we can get this job done.

Mr. WELLER of Illinois. Mr. Speaker, I would note that the Ways and Means Committee passed a bill on unemployment benefits 8 weeks ago. And for 8 weeks, unemployed workers who've exhausted their unemployment benefits in Michigan and Illinois have gone without unemployment benefits during election-year politics.

Mr. Speaker, as we continue debate, this legislation before us, which includes a radical policy change, eliminating the Federal work requirement to qualify for federally funded unemployment benefits, I yield 3 minutes to the distinguished gentleman from the State of Kentucky (Mr. LEWIS), a senior member of the Ways and Means Committee.

Mr. LEWIS of Kentucky. Mr. Speaker, I think the American people, the American workers, they're fed up. They're probably fed up with the fact that we have to be here today debating an extension of unemployment compensation, and if we don't do something about the energy crisis in this country, we're going to be back time and time again to talk about extending compensation to unemployed workers because it's going to lead to more and more unemployment.

You know, it is a shame, and I think the American people are starting to say, What is wrong in Washington when America has 496 billion barrels of oil that can be used, but the Democrat leadership in Congress says, No, not one dime for American oil. But they're willing to spend billions upon trillions of dollars to foreign countries for oil.

What is wrong with that picture? It's okay for gas to be maybe at $5 a gallon by the end of the summer, but no, we can't do anything about building new refineries here. We can't do anything about drilling oil here. We can't do anything about mining coal here, coal gasification.

The energy bill that the Democrats offered was solar, wind, and renewable. Not one dime for oil, not one dime for coal, not one dime for natural gas. You can't put solar in your gas tank. You can't put wind in your gas tank.

Now, I'm wondering how the United Miner Workers feel about the fact that they have a 300-year supply of coal but no help for coal gasification. I wonder how the United Auto Workers feel in Michigan, talking about losing jobs. When GM and Ford are moving as quickly as they can to electric automobiles but the Chinese are buying SUVs as fast as they can get them. There's something wrong with this picture.

And I wonder how the Teamsters feel when their trucks are sitting idly by not being able to move the goods across this country, out of work because the Democrat Congress—where is the leadership? We need in this country leadership to step forward and say by a date certain, we are going to be energy independent from the Middle East, from Venezuela, and we're going to have our own energy, our own opportunities to create jobs.

Can you imagine the millions of jobs that would be created by building pipelines, by going after our resources? Can you imagine the millions of jobs that the United Mine Workers would have, the United Auto Workers would have, the construction union workers would have? I think the rank and file members of our unions in this country have got to say, What is wrong with these people that we've been supporting all of these years? What are they doing for us now?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WELLER of Illinois. Mr. Speaker, I am happy to yield the gentleman an additional 30 seconds.

Mr. LEWIS of Kentucky. I think they're starting to ask.

I talked to a group of citizens this morning, and they're wanting to know what is wrong with the Congress; what is wrong with the Democrat leadership; what is wrong with their presumptive nominee for the presidency who says, Yeah, I think this is good that gas is at this all-time high price. I just wish it had come along a little slower.

You know, I think there is going to have to be some answers, and they're going to have to come up fairly soon because the American people are fed up. They're not wanting worker compensation, unemployment compensation. They're wanting jobs, and energy provides jobs.

Mr. McDERMOTT. Mr. Speaker, I don't know if I walked into the wrong place or not. I thought we were talking about unemployment, but all I hear is a lot of talk about energy. Now, I don't know if the Members on the other side have forgotten what the subject is today or exactly what the problem is, but the fact is that we didn't wait 8 weeks. My ranking member, Mr. WELLER, knows better than that. We voted on May 15 on this issue, and it's sitting over in the Senate. The Senate Republicans have got their foot on it. And the White House hasn't said "boo" to them.

So the Republicans are killing this proposal over there in the Senate. We're going to send it back to them another way. And I think they will have a second chance to think about it. The closer we get to the election, I think the more interested they will get in this issue.

But there's one issue here that I think somehow with the straw man that keeps getting put up here for everybody to look at, this person out there somewhere in Oregon or Illinois that worked for two weeks and is going to get unemployment benefits. We're not talking about somebody on welfare here. We're talking about somebody who worked.

Now, my opponents on the other side keep sounding like we're talking about the dregs of the earth, people who are just stealing or somehow sneaking in and maneuvering and somehow getting something they're not entitled to. When they worked, their employer put money into the unemployment trust for their benefit.

Some people on the other side believe that we ought to have States' rights. States ought to be able to do stuff. Okay. States write the unemployment laws for their State. And in Illinois, it is true that if you work for two weeks, one week in one quarter and one week in another quarter, and your total wages are $1,600, so that means you worked one week and got $800; and then, just lucky, your next week of work was in another quarter, you got $800, you would be eligible in Illinois for $51 a week for 26 weeks for a grand total of $1,326. That comes from a letter from the Department of Employment Security signed by Joseph Mueller, which I will now insert into the RECORD.

ILLINOIS, DEPARTMENT
OF EMPLOYMENT SECURITY,
Chicago, IL, June 12, 2008.

Mr. INDIVAR DUTTA-GUPTA,
House of Representatives, Committee on Ways and Means, Subcommittee on Income Security and Family Support, Washington, DC.

DEAR MR. DUTTA-GUPTA: With regard to the hypothetical you pose, if worker X worked three weeks in IL, he or she might well not be entitled to any unemployment benefits.

To qualify for unemployment benefits in IL, an individual must have been paid at least $1600 during his/her "base period," receiving at least $440 outside the base period quarter in which his/her wages were the highest. Consequently, to qualify, worker X's three weeks of wages would have had to straddle two base period quarters, with at least $440 being paid in the "low quarter."

Assuming he/she did qualify, worker X's benefit amount would depend upon the amount of wages he/she was paid during his/her base period. A claimant's weekly benefit amount in IL can range from $51 to $376.

If worker X just met the $1,600/$440 requirement, he/she would be entitled to $51/wk for up to 26 weeks (a total of $1,326).

To qualify for what is the current average weekly benefit payment in IL, worker X would have had to receive over $4700/wk.

As an aside, three weeks' worth of wages would not qualify an individual receiving IL's current minimum wage of $7.75/hr, even if the payments did straddle two base period quarters.

In conclusion, it would be theoretically possible for an individual with three weeks' worth of base period wages—and 49 weeks with no wages for employment—to qualify for benefits in IL. However, the three weeks would have to fall "just right" and average over $500/wk. IDES's system does not track the number of weeks individuals work. However, based on anecdotal feedback from program staff, it does not seem this theoretical possibility has been a common occurrence, if it has ever occurred.

You also pose a hypothetical in which worker X works just two weeks. It would be theoretically possible to qualify for benefits with just two weeks' worth of wages. Again, however, the wages would have to straddle two base period quarters and, in that scenario, average $800/wk. It seems this has not been a common occurrence either.

Sincerely,

JOSPEH P. MUELLER,
Legal Counsel.

I don't know. Maybe Illinois is a lot easier to live in than Washington State, but getting $1,326 for 6 months is not exactly a living wage. I mean, anybody who sits at home and waits for their $51 check and says, Oh great, I'm going to live on $51 this week. I don't know where they live in Illinois. I don't believe it is in Chicago. Must be way down somewhere in the south end of the State or somewhere. I don't know how you could live on that. To think that that person is a slug who's just sitting there and saying, Well, I have got this $51 check coming, I don't believe I'm going to go look for work, is implying that that person is not a responsible human being who's been trying to get work and has worked in the past and is getting benefits that they earned to which they are entitled.

Now, if that's the reason the Republicans want to hang it up and not vote for this bill and say we're not going to give those extended benefits because there's one person in Illinois somewhere who worked for 2 weeks and made the minimum benefit and gets 26 weeks of $51 a week, if that's what you're going to go home and explain on the campaign trail why you didn't extend unemployment benefits to people who had exhausted their benefits, that's going to be real interesting to watch because I don't think the people of Illinois or any other State are going to buy this kind of an argument.

When we asked this question in Oregon, they said it isn't true. There isn't anybody getting benefits like that.

Now, it seems to me that it just comes back to the point that you really don't want to vote for unemployment benefits. I understand it's been the party's policy since 1935. You have never liked it because you thought it weakened people's resolve. That is the talk of somebody who has never been unemployed. If you have lived in a house where somebody has been unemployed and have seen what it does to the family when the father or the mother can't bring home a paycheck, you don't look at those people and say, Well, they're taking something that isn't theirs, when they paid for this benefit into the unemployment trust. They are entitled to this. It would be the same as saying to old people, Well, you're taking that Social Security that was paid into the trust for you, and somehow you're not entitled to it.

We don't do that.

America looks after the weakest. That's how you judge whether a society is really strong or not.

I recognize the Speaker for 1 minute.

Ms. PELOSI. I thank the gentleman for yielding and for his outstanding leadership on this issue. He has been a relentless and persistent advocate for America's working families, for hard workers in our country who, through no fault of their own, and in large measure because of the poor economic policies of the Bush administration, have lost their job.

Mr. Speaker, it is said, and it's been said directly by George Bernard Shaw, that it is the mark of a truly intelligent person to be moved by statistics. My colleagues have made the case for why we need this unemployment insurance, and I want to address once again, as they have, some of the statistics and see if it is the mark of truly intelligent people to respond to that.

Today we have the opportunity to help 3.8 million Americans who are out of work and their families in large part because of the disastrous economic policies of the White House and the Republicans in Congress.

There are 3.8 million Americans for whom 13 weeks of the unemployment insurance system, a system, as the gentleman indicated, that they have paid for, could mean not losing a home or a job or skipping meals or needed health care. Today we have that opportunity to provide that help.

More statistics.

In the Bush economy, gas prices have skyrocketed to $4 a gallon. One in ten Americans are at risk of losing their homes, and even more families are seeing the value of their greatest financial assets, their homes, plummet.

More statistics.

On Friday, we received the alarming news that since the beginning of the year, our Nation has lost more than 325,000 jobs, including 49,000 in the month of May alone.

The Nation's unemployment rate has risen to 5.5 percent, the biggest monthly increase since 1986. In two decades, last Friday on that day, it jumped 0.5 percent to 5½ percent.

On that same day, by the way, my colleagues, the price per barrel of oil increased by over $11 in that 1 day. In the 1990s, in 1998, the price per barrel was that exact same figure, just over $11. 1998, price per barrel of oil, $11-plus. Last Friday, price per barrel jumped, increased over $11 to over $130 per barrel.

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So this is the economic situation in which these families find themselves. They have been hardworking, played by the rules, paid into the system, paid into the system for occasions like this where there's a downturn in the economy, and they lose their jobs through no fault of their own. And the Republicans want to make them look like charity cases.

These are strong people. They are the backbone of America. We have a responsibility to them. And if they are not moved by statistics, as George Bernard Shaw says any intelligent person should be, perhaps you would be moved by their personal stories.

This extension of unemployment benefits will help people like Kathy Henry. She was laid off her job at an advertising company last August. In February, her unemployment benefits ran out. As she says, "I must have had 100 interviews, and no one wants to hire me." Many times people think the people that are being interviewed for these jobs are overqualified. "An extension of unemployment benefits would give me more time to look for a job," Kathy says.

And Liz Waller of Missouri, she just has 3 weeks of unemployment benefits left. She said, "Absolutely, an extension would make a big difference for me. I'm dying to get back to work." I'm dying to get back to work, "but I've done interview after interview and there are just way too many job candidates out there. I just keep getting told I'm overqualified."

There is a concern on the part of some employers that as people continue to look for work and look for jobs at lower pay, that if they hire them, then they will leave when they can find a job at higher pay with an upturn in the economy.

This isn't about people sitting on their butts back home saying, goody, I'm getting an unemployment check; now I can really look my family in the eye and say I'm providing. These people want to provide for their families. To imply anything else is an insult to these millions of people who have lost their jobs through no fault of their own and, in large measure, because of the Bush administration's failed economic policies.

Let's think about our veterans. This legislation is especially important to our returning military veterans. A recent government report prepared for the Veterans Affairs Department found that young veterans earn less and have a harder time finding work than do civilians in the same age group. The percentage of veterans not in the labor force—because they couldn't find jobs, stopped looking for work because they couldn't find jobs, or went back to school—jumped to 23 percent in 2005 from 10 percent in the year 2000.

Our veterans come home; they can't find work. Some of them need this unemployment insurance, and the Republicans are saying, "Just say no."

Extending unemployment benefits not only helps those who are looking for work, it stimulates the economy. According to the Congressional Budget Office, it is one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly. For every $1 spent on unemployment benefits, $1 spent generates $1.64 in new economic demand. Stimulates the economy.

All Americans who work pay unemployment insurance, pay into a trust fund for a rainy day. The rainy day is here. Today, across the country and for millions of Americans, that rainy day is here. Congress should ensure that those who paid into the system for the benefits now can receive them, and we can do this by passing this legislation today.

Mr. Speaker, the issue and the debate is not a partisan one. All Americans are feeling serious and deep economic pain. The people who will benefit from this are Democrats, Republicans, nonpartisans, Independents, people who aren't even interested in the political system. Yet, President Bush has issued a veto threat against this legislation, despite the fact that it will help—let's get back to our statistics—3.8 million Americans and, in fact, the entire economy.

And so I get back to our friend George Bernard Shaw. "It is the mark of a truly intelligent person to be moved by statistics."

I thank Chairman MCDERMOTT for your important work on this subcommittee, on this legislation. I also want to commend the chairman of the full committee for being a truly intelligent man, moved by statistics, Chairman RANGEL for his relentless work on this important legislation. To Mr. LEVIN as well and to all of the members of the committee, thank you for bringing this important legislation to the floor.

The American people are waiting to see if Congress will act to help them on a matter that is relevant to their economic survival at a difficult time in their lives for money that they paid into the system. I urge my colleagues to vote "aye."

Mr. WELLER of Illinois. Mr. Speaker, I want to state that I share the Speaker's admiration for Mr. RANGEL and Mr. McDERMOTT. I consider Mr. RANGEL very intelligent, and I enjoy working with Mr. McDERMOTT as well, but I do disagree with the distinguished Speaker on a point that she made.

You know, she was talking about 5.5 percent unemployment, which in my view is too high, but I would note that it seems sometimes the definition of a bad economy is who's in the White House.

In 1996, President Clinton stood before us at the State of the Union in January 1996. Unemployment was at 5.6 percent, higher than it is today. President Clinton said the economy was the healthiest it has been in three decades. Well, today unemployment is lower than it was when President Clinton made that statement.

So, we all agree the economy needs to be improved, but President Clinton would say it's the healthiest in decades, if he were standing again before us based on his definition of a healthy economy.

I would also note, as my good friend from Washington has made the point, that why are we talking about energy. When I talk to the folks back home in Illinois at the local grocery store, at the gas station, and people are commenting about food prices and energy prices, they say that when you have over $4 gasoline, that's bad for the economy. There's people losing jobs because energy costs are so high.

As we talk about statistics, and the distinguished Speaker referred to statistics, I would note that the approval rating of the Democrat Congress today is 16 percent. Only 16 percent of the American people think the Democrat majority is doing a good job. Now, historically, that would tell us that today's Congress is the least popular in recorded history.

No Congress has had a lower approval rating than the current Democrat majority. Why? Because since the Democratic majority became the majority in 2007, gasoline prices have gone up $1.73. Think about that. The Democrat majority has refused to expand the supply of gasoline, has refused to expand the supply of oil. Why? Because they are locking away, under their policies, domestic sources of oil and gasoline, and continuing to make us more dependent on foreign sources of oil, people like Hugo Chavez in Venezuela and sources in the Mideast that we're dependent upon because of the Democrat majority's policies.

Again, there's a reason this Congress is the least popular in recorded history, because gasoline prices have gone up $1.73 since our Democratic friends gained the majority.

With that, Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, for 2 days now, this Congress has addressed a bill to provide increased unemployment benefits. The irony is what we are not talking about.

We must talk about why are businesses leaving America, why are we losing these jobs. The answer is overwhelmingly the cost of energy and our refusal as a Congress to capture our natural resources.

Dow Chemical stood beside us when Representative JOHN PETERSON announced the NEED Act, the bill that lifts the moratorium for natural gas in the Outer Continental Shelf. They told us of a $30 billion expansion and 10,000 jobs that they wished were here in America, but they were going to China, Libya and Saudi Arabia. Why? The price of natural gas. You can't pay $8 to $10 in America for an energy source that's 85 cents in those countries. We all know we lost the fertilizer industry a long time ago.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. WELLER of Illinois. I would be happy to yield 1 additional minute to the gentlelady from Virginia.

Mrs. DRAKE. Think of the jobs that could be created, the jobs that we could keep here just by this industry.

And just yesterday, the subcommittee voted on a 9–6 vote, with the Democrat majority all voting not to allow us to lift the moratorium on the Outer Continental Shelf. In the last 25 years, we've captured 7 billion barrels of oil in the Outer Continental Shelf. Do you realize the spillage has been one one-thousandth of 1 percent?

We also need to talk about those American families, those American workers who have purchased homes where they wanted them to be, not worried about a commute to their job, but today, for several of those, their gas cost is the same as their mortgage. That impacts business in America.

Mr. Speaker, America is a great Nation because of her people. It's our responsibility to put the policies in place that allow them to have a quality of life and to create the jobs.

Mr. McDERMOTT. I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, as I had noted earlier, this Congress, the Democrat majority in the House today, has the lowest level of popularity, lowest level approval in recorded history, 16 percent. Why? Because of actions like today.

This legislation that is before us came out of committee 8 weeks ago. Eight weeks, 2 months, that those who are unemployed have exhausted their benefits and been asking for extended unemployment benefits. We in the Republicans on the Ways and Means Committee said we want to work with our Democrat friends in the majority so we can pass a bill that's bipartisan, provides extend unemployment benefits and, frankly, becomes law.

I would note, there's a publication on Capitol Hill called Congress Daily. It shows that today's exercise is frankly just election-year politics, probably one more reason this Democratic majority has the lowest level of approval in recorded history of any Congress. This Democrat leadership today is quoted as saying, It's not what we had hoped. We'll keep trying. But ultimately this is clearly going to only be possible on the supplemental.

So, ladies and gentlemen, what we're doing today is an election-year exercise, and unfortunately, we've lost 8 weeks, which means that for 8 weeks, unemployed workers who have exhausted their unemployment benefits have had to painfully wait for the action of this Congress. We want to work together in a bipartisan way. We want to pass legislation that will become law, and as my friend on the other side of the aisle knows, this bill isn't going to become law.

With that, Mr. Speaker, I yield 2 minutes to one of the newest Members of the House of Representatives, the distinguished Member from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Illinois.

Mr. Speaker, why would we want to extend unemployment benefits when we can instead pass legislation that will create more American jobs and lower gas prices at the same time? We can create American jobs by passing legislation to increase the supply of oil by exploring our own natural resources, in places like ANWR and the Outer Continental Shelf. We can create more American jobs by passing legislation to expedite the permitting process to increase refining capacity here in our own country. We can create more American jobs by passing legislation to explore alternative sources of energy. We can create more American jobs, and not only will these pieces of legislation do that, these pieces of legislation will also reduce unemployment and lead to lower gas prices at the pumps.

Rather than passing a bill that pays unemployment benefits for a year to someone who only worked for 2 weeks, like this legislation does, rather than passing a bill that adds more than $8.5

billion to the Federal deficit. I call on Speaker PELOSI and the Democratic leadership in Congress to set this bill on the side and bring up our legislation that will increase the supply of American oil, reduce our dependence on Middle Eastern oil and, most importantly, create more American jobs and reduce gas prices.

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Mr. WELLER of Illinois. Mr. Speaker, several speakers have suggested that there is plenty of funds in Federal unemployment accounts to support these benefits. Today, those trust funds include $35 billion, and the Congressional Budget Office suggests this legislation will spend about $14 billion over the next 2 years.

But that's just the start. This program will run from July through March of 2009; that's 9 months. But once started, such programs have always been extended. The average duration of these temporary programs is about 30 months. Do the math. That's more than three times as long as the legislation before us suggests. So this program could very well wind up costing at least three times as much as the score of this bill says. Three times 14 billion is 42 billion; 42 billion is more than the 35 billion in the current unemployment trust funds.

The last time Congress created a program like this that drained the Federal unemployment accounts in the 1970s, it had to create a temporary surtax that applies to all workers. That temporary surtax still exists today; it is more than 30 years old.

It's important to note, Mr. Speaker, this legislation not only adds to the deficit, but it's going to force a tax increase.

With that, Mr. Speaker, I yield 1 minute to the distinguished Republican leader of the House, Mr. BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague from Illinois for yielding and make clear once again that Republicans in the House want to pass a responsible extension of unemployment benefits.

We realize that there are people in America who are hurting, who need help. But the bill that we have before us is an irresponsible bill. And it's irresponsible for two reasons; one, it's not targeted to the States that have high unemployment. It says we're going to extend 13 additional weeks of unemployment in all 50 States regardless of what the unemployment rate is. I'll use the example I used yesterday. Oklahoma has a 2.6 percent unemployment rate. Why would we need an additional 13 weeks of unemployment in that State? And so it's not targeted to the States that need the help, and it could be targeted.

The second problem is the fact that we reduce—or basically eliminate—the work requirements. Under the current law, you've got to work 20 weeks in order to be entitled to unemployment benefits. Under this bill, you could work as little as 2 weeks and be entitled to up to a year of unemployment benefits. I just think that that's a poor use of our taxpayer funds.

Why aren't they thinking about the hardworking men and women in America, who go to work every day, they pay taxes, they do tough jobs, they have to give part of their money to us so that we can spend it on behalf of the American people to provide services? We should always remember that it's the hardworking people in America that provide the taxpayer funds that we spend. And our job is to spend those funds in a responsible way, and this is not, in my view, a responsible bill.

Republicans want to work with Democrats to pass a responsible extension of unemployment benefits. And we can do it together if we will just sit down and work it out. But we all know this bill is going nowhere. This bill is dead on arrival, the Senate is not going to take it up, it's going nowhere. And so instead of wasting all of this time having this debate about an irresponsible bill, we actually could have legislation on the floor today that allows us to produce more American energy.

I think the American people want us to achieve energy independence, and the only way we're going to get there is to do what I call, "all of the above." We need to conserve more in America. We need biofuels; we need alternative fuels; we need to get serious about nuclear energy; and we need to produce more oil and gas here in the United States instead of depending on some 70 percent of it coming from foreign sources.

But over the course of the last 18 years that I've been a Member of Congress there have been 46 energy votes on the floor of this House that would allow us to produce more American energy. And guess what? Forty-six times I voted to bring more American energy to the market. The Speaker of the House got to vote over those last 18 years on the same 46 votes. Do you know how many times she voted in favor of American energy? Twice.

When it comes to American energy, it's pretty clear what party is in favor of bringing more American energy to the marketplace. Bringing American energy to the marketplace in an environmentally safe way is possible, and we ought to do it in order to achieve energy independence and bring down the price of energy and gasoline in America. It would be far more productive doing that bill on the floor today than doing the bill that we're doing.

Mr. McDERMOTT. We have no more speakers.

I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, may I inquire as to how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Illinois has 4½ minutes remaining. The gentleman from Washington has 1½ minutes remaining.

Mr. WELLER of Illinois. Mr. Speaker, as I would note, the legislation before us, as was so eloquently described by the Republican leader of the House, makes some radical changes. For 27 years, Republicans and Democrats have had in place a work rule requirement for federally funded unemployment benefits. It said, to qualify for up to a year, 12 months, you should work 20 weeks. That seems a fair trade off between work and benefits. And this legislation before us, Mr. Speaker, removes that requirement.

Now, my friends on the other side of the aisle refer to that concern as just kind of a straw man, it doesn't really matter. Well, why did they do it? Why is there a need to remove a 20-week work requirement to qualify for 12 months or a full year of unemployment benefits? We've had no hearings in committee. No one has explained why they're making this radical change. It just seems to be omitted from the presentations by the majority side of the aisle. So again we ask why. You know, under this policy that they're putting forward, someone would only need to work 2 weeks in a State like Michigan or Illinois and qualify for a full 1 year or 12 months of federally funded unemployment benefits. That's a radical policy change.

And let me just repeat what every Republican has stated: We want to extend unemployment benefits for those workers in hard-hit States who have exhausted their benefits. And we have repeatedly offered to our friends on the other side of the aisle saying we want to get a bill signed into law. Let's set aside election-year politics, let's work together, let's extend benefits for those who have exhausted their benefits another 13, and in some cases, 26 weeks. But we want to work together to get it done, because if we don't, and we just do the usual politics as usual, election-year politics, bring legislation to the floor we know is not going to become law, make speeches, the folks back home are going to be disappointed.

As has been noted by many, this Congress today only enjoys a 16-percent approval rating amongst the people of Illinois, the people of America. That is the lowest approval rating of any Congress in recorded history. Why? Because of the election-year politics that are being practiced today.

So I'm going to again offer to my good friends on the other side of the aisle, people who I am very fond of, people I enjoy working with, we need to work together because people are hurting. We need to work together to help those in our States who are unemployed and who have exhausted their benefits. And because of election-year politics, unemployed workers in States like Michigan and Illinois, who have exhausted their benefits, have gone without. Why? Because Congress has played election-year politics.

So let's work together. I urge a "no" vote on this legislation because it's not going to become law. I urge a "no" vote so that we work together to solve this challenge and quickly place on the President's desk legislation that will become law that extends unemployment benefits because we support extending unemployment benefits.

With that, Mr. Speaker, I urge a "no" vote, and I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I have trouble following the logic that you would vote "no" because it isn't going to become law. Why don't you vote "yes" and put it over there, and maybe the Senate this time will come to their senses and do something with this proposal? It's been over there since May 15. And I think that it really is an issue that we ought to give them one more chance to come to their senses.

Now, when you compare the unemployment rate of today with 1996, I really appreciate that because during the Clinton administration there were 20 million new jobs created, and in 1996, they were creating hundreds of thousands of jobs per month. In this administration, over the last 5 months we've lost a quarter of a million jobs. This is a totally different time.

There are huge problems out there, and they're not getting any better. And they're not going to get solved here today by, "let's open up the Arctic National Wildlife Refuge to drilling." Even if we did that, the oil wouldn't be here for about 4 years, and a lot of people on unemployment would be pretty hungry waiting for that job in the oil industry 4 years from now.

Mr. Speaker, the American people should only have one question in their minds today: How bad does it have to get before the President and the Republican leadership decide to join the Democrats in extending a helping hand for unemployment benefits? The revised data released by the Labor Department today shows things are even worse than we thought. Now the decision is up to us.

I introduced this legislation and invited my friend and colleague, Republican Representative PHIL ENGLISH, to join me because helping the American people to survive during tough economic times should not be a partisan issue. People say it has become a partisan issue here. Well, yeah, the White House has made it a partisan issue. They've said there's no problem, and they will not sign a bill that we craft. They've made their mind up before they even have a chance to look at it.

But too many others on the other side have made it just that. The American people woke up this morning to some bad economic news, and our efforts to help them were derailed by the Republican obstructionists. Those headlines, "Republicans kill extended unemployment benefits," you're going to have another set if you're not careful.

We talked a lot yesterday and today about unemployment rates exceeding 6 or 7 percent in several parts of the country, and the devastating impact of those rates. Now, I confess I'm not an economist—I know that's no surprise—but let me predict that the unemployment rate among House Republican Members will go a whole lot higher than 7 percent if they continue to refuse to help the American people in this growing economic crisis.

It's called the Emergency Extended Unemployment Insurance Act of 2008 because it is an emergency, and the time to act is right now.

A vote for H.R. 5749 is a vote to help the American people and the American economy.

Mr. AL GREEN of Texas. Mr. Speaker, democrats in Congress have pushed to extend unemployment benefits since the beginning of the year, as the economy weakened, but have faced continued resistance from the Bush Administration. Nobody can argue that our economy is struggling. For five consecutive months, the U.S. economy has lost jobs, totaling 324,000. Over the last year, the number of unemployed workers has grown by 1.6 million. The number of people looking for work climbed to 8.5 million in May. Nearly 1 in 5 jobless workers (1.6 million) is long-term unemployed (jobless for more than 26 weeks). There are 200,000 more long-term jobless Americans now than when President Bush signed the last extension of unemployment benefits into law in 2002.

The airline industry has eliminated 22,000 jobs so far this year, more than in all of 2007, most recently at Continental (3,000 jobs) and United (up to 1,600 jobs), and the automobile industry continues to face job cuts, leading industries with announced layoffs in May with over 30,000.

In May, we had the biggest one-month jump in the unemployment rate in two decades. The unemployment rate surged to 5.5 percent from 5.0 percent—the biggest one-month jump in more than two decades (since February 1986) and climbing to the highest level in nearly four years (October 2004). The unemployment rate is now a full percentage point higher than a year ago. Families can wait no longer, and neither will this Congress.

Today, the House will take up H.R. 5749, the Emergency Extended Unemployment Compensation Act:

To immediately provide up to 13 weeks of extended unemployment benefits in every state to workers exhausting the 26 weeks of regular unemployment benefits.

In states with higher levels of unemployment (six percent or higher), an additional 13 weeks would be available, for a total of 26 weeks of extended benefits.

Relief would run through March 2009.

The bill would provide much-needed relief to 3.8 million unemployed workers to assist them with rapidly rising gas and food costs, while they continue to struggle to find work in the slowing economy.

Federal unemployment trust funds, which have more than enough reserves to cover the cost, will finance these benefits.

In Texas, this bill would help 160,239 unemployed workers. Extending these benefits is one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly. According to the Congressional Budget Office, every $1 spent on unemployment benefits generates $1.64 in new economic demand. This bill costs $11 billion over 10 years, or 1.1 billion per year. That is approximately 3 days in Iraq.

I commend my colleagues, Congressman McDERMOTT and Congressman ENGLISH for introducing this bill and I urge my colleagues to support its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5749, Emergency Extended Unemployment Act of 2008, introduced by my distinguished colleague Representative McDERMOTT. This important legislation will provide much-needed relief to 3.8 million unemployed workers who are besieged to cope with rapidly rising gas and food costs, while they continue to struggle to find work in the slowing economy.

Democrats in Congress have pushed to extend unemployment benefits since the beginning of the year, as the economy weakened, but have faced continued resistance from the Bush Administration. Today, the House will take up H.R. 5749, the Emergency Extended Unemployment Compensation Act on the suspension calendar. The legislation would immediately provide up to 13 weeks of extended unemployment benefits in every state to workers who have exhausted the 26 weeks of regular unemployment benefits. For states with especially high unemployment rates, an additional 13 weeks would be offered, bringing the total to 26 weeks of extended benefits.

The need for action is clear. For the fifth straight month, the economy lost jobs and unemployment rose from 5.0 percent in April to 5.5 percent in May, with 49,000 jobs lost in May alone. The economy has lost nearly 325,000 jobs this year and 3.8 million Americans are unemployed. These grim statistics are yet another signal that the Bush Administration's economic policies have failed the American people. Americans are now facing higher costs for basic necessities, unemployment is up, millions of families have lost their homes or value in their homes due to the housing crisis, and 7 million more Americans are uninsured.

Extending unemployment benefits is one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly, according to the Congressional Budget Office. Every $1 spent on unemployment benefits generates $1.64 in new economic demand. Unfortunately, President Bush and some Republicans oppose our effort to help unemployed workers and to get our economy moving again. Instead, they want more of the same.

Middle class families can't afford four more years of the kind of policies that have weakened our economy and left hundreds of thousands of Americans looking for work and struggling to make ends meet. We hope the

President and his Republican allies will change course and work with us to assist unemployed workers. Today, gas prices hit an average of $4.05 per gallon, a new historic high. The price of a barrel of oil increased more on Friday, in one single day, than a barrel cost a decade ago, before George W. Bush became President. Even in the face of these record increases, Senate Republicans blocked consideration of the Renewable Energy and Job Creation Act of 2008. The Renewable Energy and Job Creation Act of 2008 passed the House, and would retain and create hundreds of thousands of green energy jobs. Experts estimate biofuel blends are keeping gas prices about 15 percent lower than they otherwise would be now—and the energy law increases our commitment to these and other American-grown biofuels.

While Democrats are taking action to lessen our dependence on foreign oil and lower prices, Republicans continue to repeat the same old rhetoric: continued calling for drilling in ANWR, even though the Department of Energy has concluded that opening up the Arctic for drilling would not reduce the price of a gallon of gasoline until 20 years from now—and then only by about 1 penny. Since 2000, drilling has increased dramatically—climbing about 66 percent—while gas prices continue to increase. Additionally, the federal government has already opened up leases to 68 million acres of federal land that oil companies aren't even tapping.

From day one, the New Direction Congress has been fighting to reduce our dependence on foreign oil, bring down record gas prices, and launch a cleaner, smarter energy future for America that lowers costs and creates hundreds of thousands of green jobs. Democrats in Congress have already taken action to bring down the price of gas, passing legislation to suspend the filling of the Strategic Petroleum Reserve, SPR, starting June 30th and going through the end of the year. The House also approved the Gas Price Relief for Consumers Act of 2008. The legislation gives U.S. authorities the ability to prosecute anticompetitive conduct committed by international cartels like OPEC that restricts supply and drives up prices. The House also continues to build on the work of the Energy Independence and Security Act which will transition the American economy to more efficient vehicles and reduce our dependence on foreign fuels.

I am proud to support this important legislation that will address the economic needs of the American people, and I urge my colleagues to join in so doing.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this urgently needed legislation.

The latest statistics, show that the national unemployment rate has risen from 5 percent to 5.5 percent, the biggest increase in a single month in over 20 years, and now is at the highest level in nearly four years.

The economy has been slowing and has been losing jobs for at least five months. In May the number of people looking for work reached 8.5 million—and nearly one in five has been unemployed for more than 26 weeks.

Colorado has not been as hard hit as some other States, but we are not immune. For example, Denver will be affected by United Airlines' discontinuing its low-fare "Ted" carrier as well by layoffs by other airlines and companies in other sectors.

And, in the Nation as a whole the number of long-term unemployed Americans is higher now than when Congress last extended unemployment benefits in 2002.

This legislation will respond to that problem by immediately providing up to 13 weeks of extended unemployment benefits in every state to workers exhausting the 26 weeks of regular unemployment benefits. In addition, another 13 weeks of extended benefits will be available in States with unemployment rates of six percent or higher. According to the Congressional Budget Office, this will help some 3.8 million Americans.

And by helping them, we help the country—because extending unemployment compensation benefits is one of the most cost-effective and fast-acting ways to stimulate the economy. In fact, an estimate by an independent expert—the chief economist of Moody's Economy.com—indicates that each dollar of unemployment benefits generates $1.64 in new economic demand, while the existing federal unemployment trust funds have more than enough reserves to cover the cost.

Mr. Speaker, in my opinion this legislation deserves prompt approval. In fact, I think it should have been passed yesterday—and would have been if just 3 more of our Republican colleagues had voted for it then, when we considered it under a procedure that required a two-thirds majority for passage.

But even a day late, we still have an opportunity to do the right thing, so I urge its approval by the House.

Mr. BLUMENAUER. Mr. Speaker, I strongly support today's legislation to extend unemployment benefits at a time of economic hardship for families in Oregon and across the country. There are currently over 106,000 unemployed workers in Oregon and as many as 3.8 million nationally who are struggling with the rising cost of food and fuel.

Today's legislation will immediately provide up to 13 weeks of extended unemployment benefits in every state to workers exhausting their 26 weeks of regular unemployment benefits. In states with levels of unemployment at 6 percent or higher, an additional 13 weeks would be available for a total of 26 weeks of extended benefits.

In my home state of Oregon, our economy has weakened but remained at the relative national average of 5.5 percent. However, that is an unemployment rate 0.5 percent higher than this time last year. Although Oregonians would not qualify at this time for the second extension of benefits, it gives me peace of mind to know that safety nets are in place if the Oregon economy gets bleaker. Many in Oregon well remember the downturn in 2003 when during the summer the unemployment exceeded 8.5 percent, the highest in the country.

During major economic slowdowns, unemployed workers are the hardest hit. Not only do they suffer a loss of wages, but they face a tighter job market in which to return. Extending these workers' benefits is not only morally correct; it is also good for our ailing economy. The Congressional Budget office estimates that every $1 spent on unemployment benefits generates $1.64 in new economic demand.

I am pleased that Democrats have moved quickly to pass this benefits extension for the workers who need it most. I hope that the Senate will move quickly and the President will refrain from vetoing this legislation so that American families can get the help they need.

Mr. RUSH. Mr. Speaker, I rise in favor of H.R. 5749, the Emergency Extended Unemployment Compensation Act of 2008. Mr. Speaker as you know this bill provides up to 13 weeks of extended unemployment benefits to those individuals and families struggling to find work.

The relief this measure brings to the 3.9 million Americans and the 221,000 residents of my State of Illinois is monumental and much needed. When I look at my own congressional district, I am saddened. I am saddened that the plight of this economy is taking such a toll on those who are out of work or just plain down on their luck.

The statistics are staggering and upsetting. While the national unemployment rate stands at 5.1 percent, the State of Illinois is suffering a 6.1 percent unemployment rate, and the Chicagoland area is suffering a 5.8 percent rate of unemployment. Moreover, minorities are disproportionately suffering in this time of rising job loss. Nationally; African Americans account for 8.8 percent of the unemployed; while the rate in the State of Illinois is 10.3 percent, and specifically in Chicago a rate of 10.6 percent.

Hard working families and people struggling to make ends meet are calling on us to make them the priority. With the price of gas and food climbing exponentially, rising home foreclosures, and businesses reducing their employment rolls—we in Congress have a responsibility to ensure the well being of our citizens.

The families of the First Congressional District, the State of Illinois and indeed the Nation, cannot wait on the Bush administration for help any longer. Chicago is suffering, Mr. Speaker, Illinois is hurting, America is in need of drastic relief of the Bush economic policies and we cannot afford to let these continue on our watch.

We Democrats have worked tirelessly this Congress to push issues and effect positive change in the economic lives of not only my constituents but the entire country. We have continually been met with resistance by our friends from the other side of the aisle.

Mr. Speaker, I support the immediate extension of unemployment benefits and strongly urge my colleagues to support passage of H.R. 5749.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong support of including the extension of unemployment benefits in the emergency supplemental bill that the House is considering today.

First, I would like to express my deep gratitude to Chairman MCDERMOTT, Ranking Member WELLER, and the Income Security and Family Support Subcommittee for all their hard work on this important piece of legislation. I am proud to be a Member of the Subcommittee and to have cosponsored the legislation that provided the framework for this compromise. I also thank Chairman RANGEL and Ranking Member MCCRERY for their leadership and support in negotiating a compromise.

It is essential that congressional leaders were finally able to come together and find a way to help hard-working Americans. The need for this legislation is critical. It is a first step of hopefully many to jumpstart our economy. Today there are 200,000 more long-term, jobless Americans than the last emergency unemployment assistance extension in 2002.

My constituents call and email and write the same question over and over again. They want to know what Congress is doing to support them during the current recession. Almost every month, unemployment is on the rise while higher gas and food prices are making it even harder for Americans to make ends meet. Our duty is simple—we must show the American people that we hear them, that we understand them, and that we will act.

We are a great nation, but we cannot continue to be great unless we honor our commitment to everyone in need. In times like these, we must use every tool at our disposal to help those who want and need to work. Unemployed workers cannot wait. They rightfully expect Congress's full support in their fight to become gainfully reemployed.

I urge my colleagues to support extending unemployment benefits now. It's the right thing to do for Americans, and it's the right thing to do for our economy.

Mr. McDERMOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1265, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WELLER OF ILLINOIS

Mr. WELLER of Illinois. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WELLER of Illinois. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Weller of Illinois moves to recommit the bill H.R. 5749 to the Committee on Ways and Means with instructions to report the same back to the House forthwith, with the following amendments:

In section 2(a), strike "Any State which desires to do so" and insert "Any State whose average rate of total unemployment equals or exceeds 5.0 percent or equals or exceeds 120 percent of the average rate of total unemployment in such State for the corresponding period in the preceding calendar year (as determined by the Secretary of Labor in a manner based on clause (i) or (ii) of section 203(f)(1)(A) of the Federal-State Extended Unemployment Compensation Act of 1970, as the case may be)".

Strike paragraph (2) of section 2(d) and insert the following:

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for emergency unemployment compensation under this Act unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

At the end of section 3, add the following:

(d) TRANSPORTATION SUBSIDIES TO ASSIST THOSE RETURNING TO WORK.—

(1) APPLICABILITY.—This subsection applies in the case of any individual who becomes reemployed for at least one full week after an account under this section is established for such individual but before such individual has exhausted such individual's rights under this Act (including the right to have such account augmented under subsection (c), if applicable).

(2) ELIGIBILITY FOR TRANSPORTATION SUBSIDY.—In order to subsidize transportation expenses associated with returning to work, an individual described in paragraph (1) shall, for purposes of any determination of rights under this Act, be entitled to have such individual's first full week of reemployment (as referred to in paragraph (1)) treated in the same manner as if it were a week during which such individual had remained unemployed and had satisfied the work search and other requirements for receiving emergency unemployment compensation (other than filing a claim).

Mr. WELLER of Illinois (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois is recognized for 5 minutes in support of his motion.

☐ 1400

Mr. WELLER of Illinois. Mr. Speaker, this motion to recommit supports extension of unemployment benefits for long-term unemployed, those who have exhausted their unemployment benefits. And this motion to recommit makes three simple changes to the legislation before us. It adds a requirement of 20 weeks of work for workers to qualify for the extended unemployment benefits. It targets benefits to high unemployment States, and it provides additional money to many of the newly hired individuals to help them deal with the high price of gasoline.

I particularly want to thank my colleagues, Mr. KIRK, Mrs. BIGGERT, Mr. BILIRAKIS and others for the help that they have given in crafting this motion to recommit as we work towards extension of unemployment benefits to those who need help.

First, I would note that this motion reinserts the current law requirement that workers who qualify for Federal extended unemployment benefits must have worked at least 20 weeks before being laid off. This requirement was removed by the majority with the underlying legislation.

This commonsense Federal requirement has been in place since 1981 and was included in the temporary extended benefits program Congress created in 2002, our last extended benefit program.

Nearly every Democrat Member voted for that bill then, and as we have discussed on this floor for the last 2 days, there is no good reason, there is no argument that has been made by the other side to impose the reestablishment of this long-standing Federal policy now.

Second, this motion would specify that only individuals in States with unemployment rates above 5 percent or that have seen a sharp rise in unemployment would be eligible for 13 weeks of Federal extended benefits. As under H.R. 5749, individuals in States with unemployment rates above 6 percent would be eligible for up to 26 weeks of Federal extended benefits.

Today, 22 States have unemployment rates above 5 percent or have seen a sharp rise in rates, including six States above 6 percent. So workers in nearly half of the States would be eligible for extended benefits, which could rise, or more would be eligible if States experience a rise in unemployment rates.

In contrast with H.R. 5749, this motion would not extend benefits in States that currently have unemployment rates below 5 percent, and I would note that 5 percent is low by historical standards, and that have not been experiencing rising rates. They will continue to be eligible for their basic 26 weeks of unemployment benefits. So I would note that they will continue to have unemployment benefits available to laid-off workers.

Moreover, by targeting benefits to where they are needed most, this motion actually reduces the cost of the bill, reduces the deficit, and makes it much more fiscally responsible than the untargeted, unpaid-for, "in violation of the House rules" legislation that has been offered by the majority.

And third, we all know that every American family is struggling with record gasoline prices. That struggle is especially pronounced for unemployed workers and in particular the long-term unemployed. Those who return to work, however, may face high commuting costs, starting with the high price of gas they must put in their tanks to get to a new job.

And I would note that this Democratic Congress, which is the least popular Congress in recorded history because of its lack of action on energy, has refused to allow for increases in domestically produced fuels which we need to help our economy.

In fact, it is the Democrat policies in the last year and a half since January 2007 which are responsible for an increase in gasoline prices of $1.73, basically a doubling of gasoline prices since our Democratic friends gained the majority. That's why gasoline prices are over $4.

We want to help American workers. And that is why we are offering help to alleviate the high price of gasoline for unemployed individuals. This motion would provide 1 extra week of extended unemployment benefits for those who return to work without exhausting their extended benefits. On average, this would mean an extra $290 per eligible worker. So for an unemployed mother who goes back to work with two children, that could mean up to four tanks of gasoline at today's $4 gasoline prices, probably enough to get her to and from her first full month on the job. Especially for someone who might not have much money left after a long spell of unemployment, that is real relief where today it is desperately needed, at the pump and in the pocketbook.

Mr. Speaker, this motion provides timely, targeted and temporary assistance, something the Speaker herself called for earlier this year. So we talked about boosting the economy. I urge its adoption so we can send this bill to the Senate and down to the White House as soon as possible. As the President said, he will veto the underlying bill. Passage of this motion to recommit will give us a bill the President will sign, and it will become law, and we can help unemployed workers.

I urge an "aye" vote.

Mr. McDERMOTT. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, sometimes I am kind of appalled. I didn't think they could write a motion to recommit that would be worse than already their public stance is. But this motion to recommit would deny extended unemployment benefits to long-term jobless workers in 31 States. As you know, Mr. Speaker, some Members may be in their offices. They ought to listen to the list.

Alabama gets nothing. Arizona gets nothing. Arkansas, Colorado, Delaware, Florida, Idaho, Indiana, Iowa, Kansas, Louisiana, Maryland. Massachusetts is gone too. Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, New Mexico. Why, it goes on and on. North Dakota, Oklahoma, Pennsylvania, South Dakota, Vermont. The way they have written this, those States get nothing. They don't even get 13 weeks. Washington, West Virginia, Wisconsin, Wyoming. None of them get a single benefit from this bill if that amendment is adopted.

Now let's just talk for a second here about what we are talking about. New Jersey. Atlantic City has an unemployment rate of 6.1 percent right now. But since they are in the State of New Jersey where the unemployment rate is only 4 percent, in Atlantic City, people are tough out of luck. They aren't going to get a single benefit. Or if they live in Ocean City where it is 6.6 percent, or they live in Vineland, Millville or Bridgeton where it is 7.1 percent, not a single penny goes to those people because they live in a State where it is only 4 percent.

Now I would like to see the community meeting that the Members go to when they explain to people that they voted "no" on giving extended benefits to people who have unemployment benefits and have exhausted them in these States. This makes it much worse than the bill we have. It clearly confirms that the Republicans really want to give unemployment benefits to no one.

Now as to the question of whether or not we have given a reason, we took the 20-week provision out for a very simple reason, because it denies benefits to 10 percent of the people who are presently in our workforce. These are benefits they earned by having money taken out of their paycheck. Their employer said, "I am not going to give you this. I am going to put this in the unemployment fund." That is how it works.

So those employees that had that money being put in there and now they lose their benefits because of the fact that they have worked 10 months and they didn't get to the right place in the right time to get their 20 weeks, it is simply a denial of benefits to women, to low-wage workers and to minorities. It is basically people at the bottom of the economic rungs. And the Republicans are pleased to do that. Not only do they take it away from them, but they also take it away from 31 States.

I urge the Members to think about the election when they vote "no" on this amendment.

Ms. GIFFORDS. Mr. Speaker, I do not support the minority's effort to weaken the impact of extended unemployment benefits for Americans. In this economic downturn, our workers should be able to receive the same 13-week extension granted to workers exhausting the regular 26 weeks of unemployment benefits in other states.

According to the Bureau of Labor Statistics, since January 2001, only 5.3 million jobs have been created nationwide. In Arizona, an average of 1,470 jobs have been lost each month for the past 6 months. Only 389,700 new jobs have been created since January 2001—or 4,480 new jobs per month—as compared with a total of 691,700 new jobs during the previous decade—or 7,950 per month.

This year, Arizona's job losses have been concentrated in construction and housing-related industries, including real estate and finance, but they are beginning to appear across a wide range of industries as this economic decline continues. I support the benefits provided by H.R. 5749 because according to the Congressional Budget Office, they are a cost-effective and fast-acting means of stimulating the economy. Every $1 spent on unemployment benefits generates $1.64 in new economic demand.

I will vote "yea" on final passage of H.R. 574 the Emergency Extended Unemployment Compensation Act, and do not support the minority's efforts to undermine effective economic relief for Arizonans.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WELLER of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passage, and the motion to suspend the rules on S. 2146.

The vote was taken by electronic device, and there were—yeas 170, nays 243, not voting 21, as follows:

[Roll No. 411]

YEAS—170

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave

Myrick
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—243

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Gilchrest
Gillibrand
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—21

Braley (IA)
Burgess
Buyer
Davis, Tom
Ferguson
Flake
Gonzalez
Higgins
Hinojosa
Hulshof
Kind
LaHood
Loebsack
McCrery
Moran (KS)
Ortiz
Paul
Pryce (OH)
Rogers (MI)
Rush
Tancredo

□ 1432

Messrs. LARSON of Connecticut, DEFAZIO, CLYBURN, GERLACH, MURPHY of Connecticut, MITCHELL, FILNER, HODES, Ms. McCOLLUM of Minnesota, Messrs. PORTER, PLATTS, JOHNSON of Illinois, KING of Iowa, JOHNSON of Georgia and SHUSTER changed their vote from "yea" to "nay."

Messrs. BOOZMAN, SIMPSON, POE and REYNOLDS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. GIFFORDS. Mr. Speaker, today I intended to vote "no" on the Motion to Recommit H.R. 5749, the Emergency Extended Unemployment Compensation Act, vote No. 411. Despite my efforts to ensure that my vote was recorded as "no," it was recorded as "yea."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WELLER of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 274, nays 137, not voting 23, as follows:

[Roll No. 412]

YEAS—274

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—137

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
Latta

Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—23

Berman
Braley (IA)
Burgess
Buyer
Davis, Tom
Ferguson
Flake
Gonzalez
Higgins
Hinojosa
Hulshof
Kind
LaHood
Loebsack
McCrery
Moran (KS)
Ortiz
Paul
Pryce (OH)
Rogers (MI)
Rush
Speier
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1439

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROGERS of Michigan. Mr. Speaker, I rise to voice my support for H.R. 5749, the Emergency Extended Unemployment Compensation Act of 2008. I am not able to cast my vote today. However, as a co-sponsor of this bill if I had been present, I would have voted "yea" on final passage of H.R. 5749.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 412, H.R. 5749, to provide for a program of emergency unemployment compensation, I was mistakenly recorded as voting "no." I should have been recorded as voting "yea" on final passage. I am a proud cosponsor of H.R. 5749.

Ms. SPEIER. Mr. Speaker, on rollcall No. 412, I was speaking with a constituent right off the floor and by the time I realized a second vote was called, I was too late to cast my vote in favor of this important legislation. Had I been present, I would have voted "yea."

AUTHORITY TO ACCEPT DIESEL EMISSION REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2146, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the Senate bill, S. 2146, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 413]

YEAS—406

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—27

Ackerman
Braley (IA)
Burgess
Buyer
Cubin
Davis, Tom
Edwards
Ferguson
Flake
Gonzalez
Higgins
Hinojosa
Hulshof
Kind
Klein (FL)
LaHood
Loebsack
Mahoney (FL)
McCrery
Moran (KS)
Ortiz
Paul
Pryce (OH)
Rogers (MI)
Rush
Shimkus
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in this vote.

□ 1450

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KLEIN of Florida. Mr. Speaker, on Thursday, June 12, 2008 I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 413.

Mr. MAHONEY of Florida. Mr. Speaker, on Thursday, June 12, 2008 I was unavoidably detained. Had I been able to vote, I would have voted "yea" on rollcall vote No. 413.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, to tell us about next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday, the House is not in session. On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The final list of suspension bills will be announced by the close of business tomorrow.

We will take any pending votes on H.R. 6063, the NASA Authorization Act of 2008, which we will debate later today after this colloquy; and we will consider H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008. We will also consider H.R. 5876, Stop Child Abuse in Residential Programs for Teens Act of 2008; and we hope to consider and I expect to consider the Iraq-Afghanistan supplemental appropriations bill.

I yield back.

Mr. BLUNT. I thank the gentleman for that.

On that last topic, I believe this is the third week straight that we said we hope to have the supplemental on the floor next week. My understanding is that if that supplemental is not completed, that our troops will begin to work without pay in July and civilian employees of the military would be laid off in July. We have next week and the week after that. I really have two questions here. One is do you think there will be a bill next week? And two, are we expecting a bill that will be vetoed or a bill that will be signed?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

He observes that I said we hope to have it on the floor. I want to reiterate that I hoped each one of those weeks that we would have it on the floor, and I hope that we will have it on the floor next week.

I would say to my friend that I hope we have a bill on the floor next week, pass it through the House and pass it through the Senate and that the President will sign that bill. Obviously, one of the reasons that we have not gotten the bill on the floor as quickly as I had hoped is that there have been very, very substantial discussions between the House and the Senate, between the House and the White House, and the Senate and the White House about what their thoughts are with respect to various aspects of the supplemental bill and what they would or would not consider a signable bill.

So I think there have been extensive discussions on that. I am hopeful that when we finally pass something to the President he will sign it and we will have that bill done. As the gentleman indicated, we are aware of the fact that it is timely that we pass this bill certainly within the next 2 weeks. And when I say pass it, not just pass it but have it signed by the President so we have a law in effect that gives the President and the Department of Defense the funds they need to continue the deployment that currently exists. That does not adopt the policy of the appropriateness of that, but it does recognize the reality of the fact that we have men and women in Iraq and Afghanistan.

Mr. BLUNT. I thank the gentleman.

The bill that we talked about, the portion of the bill that would require furlough notices to go out, that portion of the bill has been here in the Congress for over a year now. I do hope we can deal with this before not only any members of the Armed Forces are asked to work without pay, but before civilian employees that run things like day care centers and things that work with families in the military are having to be notified that those efforts will stop because the Congress hasn't appropriated the money to provide those services.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman will recall, we had a bill on this House to make those funds available. It did not pass. It did not pass as you recall because many of your Members voted present. I think they would have supported it, and many of our Members did not support that funding. They want to see the policies changed. I agree with them on the policies.

The fact is that we now have that funding passed from the Senate in the supplemental to us and we are trying to resolve as you know the differences. But there is a desire to get that bill done in a timely fashion so that the problems that you portray, which I believe are accurate, do not occur.

Mr. BLUNT. I thank the gentleman for that.

This week we voted twice, including one vote yesterday and one vote today, on an unemployment insurance bill. I think the unemployment rate nationwide had gone up one-half of 1 percent. As the gentleman knows, a lot of our concern was that it was widely targeted, instead of States that had a significant unemployment problem. The Speaker said last week that "America's families and workers can wait no longer, neither will the Congress. This bill will come to the floor of the House," and it did; and it did again.

With a 75 percent increase in the price of gasoline during this Congress, Republicans have been arguing that we need to have an energy bill that would produce more energy on the House floor. Will the Democrats work with us to schedule that legislation that allows for more energy to be produced in the country.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

As I said last week, with respect to more drilling in various parts of the country, whether it is in Alaska, in the Alaska National Wildlife Refuge or on the Outer Continental Shelf, I would like to reiterate the information I referred to last week, but before I do that let me say that we are very supportive of any legislation that will lead this country towards energy independence within the framework of what we think is necessary and needed. Now I say it in this context. I support and I think we support on this side a diversified clean energy portfolio. We think that is critically important for our country.

In the area of supporting energy supply, I hope the Senate will return the tax extender bill which invests in alternative energy sources which can be put online so we can be more energy independent and not dependent upon the producers of petroleum, many of whom are not friendly to us, and others of whom are not as reliable as we would like.

I have listened for some period of time in the last few weeks that all we need to do to solve this problem is more drilling. We don't believe that is the case. In fact, as I said to the gentleman last week, we have nearly a whole refinery's worth of capacity idle right now.

□ 1500

What I mean by that, Mr. Whip, is that our refineries were operating, at the end of last week, at 89 percent capacity. That is the lowest operational capacity of refineries in our country in the last 10 years at this time of year. So our refineries still have another 8 to 9 percent capacity. 8 to 9 percent is a very significant portion.

Now, we've introduced two bills today to make oil companies use their existing leases. Before we go to new leases, before we go to the Alaska National Wildlife Refuge or the Outer Continental Shelf, which is very controversial on both sides of the aisle, we believe that oil and gas companies should use the present leases they have. They hold nearly 68 million acres of Federal land and waters on which they are not producing oil and gas. These 68 million acres of leased but currently inactive land and waters could produce, I tell my friend, an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas each day. So that when we talk about looking for new spots to drill, we first ought to look at those spots. Vast acreage, millions of acres have already been authorized.

If we took those actions, I tell my friend, the information I have is that it would nearly double total U.S. oil production and increase domestic national gas production by 75 percent. That is on existing leaseholds.

It would also cut U.S. oil imports by more than a third, if all we did was use existing leaseholds. It would be more than six times the estimated peak production from the Arctic National Wildlife Refuge.

In other words, using existing leases that have already been authorized, would produce six times what the projections are, and the most optimistic projections are for the Alaska National Wildlife Refuge.

Let me say that we also introduced two bills today to look at and study the investments in oil futures, in petroleum futures. We're very concerned that that is having an impact on price, not because of supply and demand, but because of speculation. Mr. DINGELL and Mr. BARTON, as you know, have cosponsored legislation, and I've cosponsored it myself with them.

So I'm hopeful that we will move ahead vigorously, as I know the gentleman from Missouri wants to do, to see what can be done to make our country more energy efficient, to utilize the energy sources which are already authorized.

I would say one additional thing in terms of refineries. There's been some discussion about refineries. There's been one application for a new refinery in the last 30 years. One application. It was approved. That refinery has not been built, notwithstanding the fact that the application was approved.

And obviously, with refinery capacity not being at the capacity it's been at in the last 10 years, it would seem that a new refinery was not built because the oil companies made a determination that it was not needed because, at this critical time when demand is so high, they're not operating at peak performance.

So let me just reiterate that we all want to work together to try to have our country be energy independent. We think that's important for our national security, our economic security. And indeed, we think that going to alternative energies is critically important for the health of our global climate.

I yield back.

Mr. BLUNT. I thank my friend for that information. There are really two topics there I want to talk about just briefly. One is the refinery capacity itself. I think there's probably more reason than capacity that there's only been one permit in 30 years for refineries.

But refineries are really a separate issue from whether the oil is available or not. In fact, you could argue, we'd have more refinery use if we had more oil available.

I do know that we imported gas last year. I think importing oil is bad. I think importing gas and paying somebody to take that raw material of oil and turn it into gas is a worse idea. It's hard for me to believe that people that run refineries would be doing that if the refineries were the problem.

In terms of the leases, clearly, in the last 7 years, the amount of leased public lands has almost doubled. Most of that drilling has been for gas. In fact, our natural gas numbers are quite a bit better than they were before that started.

Secondly, I think something like 52 percent of the exploration produces no product. It's a 10-year lease. Most of those leases are now beginning to get into the middle of that 10-year period of time. I certainly hope that we're encouraging, without doing anything that violates what we've already agreed to, that we're encouraging that to be done.

And I think, frankly, I personally think, and have for a long time, that drilling in the ANWR in the area that was set aside for drilling by President Carter and the Congress in 1980, is part of the solution. But it's only part of the solution. And wherever we have those resources, we're the only country in the world where coastal drilling is possible that doesn't allow it to happen. I think we need to revisit that. And I think the American people are at the point that they want to revisit that as well.

But this discussion is exactly the discussion we hope to have, a discussion that leads to more production and looking for the future.

My good friend said that many on our side think that drilling's the only solution. I haven't heard that. What I've heard is many on our side think it's part of an immediate, short-term solution. But in the last Congress and the Republican Congresses before that, there was lots of legislation that encouraged alternatives, renewables. We want to still do that. Most of that requires a lot of transition in the economy and will take a while.

Announcing that we were going to go vigorously after our own resources, I, at least, believe would have impact on that last topic you brought up, the futures market. If we announced we were going after substantial resources that we have, in fact, resources that are now believed to be significantly more substantial than they were 5 or 10 years ago, that would have impact on the futures market. And we should be looking at that market and see what's driving that and what we could do about it, in addition to thinking we're going to just simply regulate a worldwide market from the United States of America.

I would yield.

Mr. HOYER. I thank my friend for yielding.

My friend mentioned the Outer Continental Shelf, and I agree with him. But the facts I have are this. Four times more natural gas is available in areas already open to drilling. Let me reiterate that. In areas already approved and open for drilling, four times more natural gas is available than in OCS waters protected by the moratorium.

In other words, that which is protected has only 25 percent perceived to be available than does the already approved available Outer Continental Shelf areas. So if we started vigorously pursuing exploration and drilling in those areas, we'd get 75 percent more than we get now.

In fact, the figure is that we are using only 18 percent of the 7,740 active leases currently available on the Outer Continental Shelf, only 1,655 are in production; so that when we talk about the problem is that the Democrats are not allowing us to drill and explore and to recover resources that are in our Outer Continental Shelf or on our lower 48, that is not, I think, accurate. I think it's not accurate because of the extraordinarily high percentage of currently approved leaseholds that are not being utilized in this very day.

Now, I'm sure that the oil companies, very frankly, want to increase supply and see prices come down. I say that somewhat with tongue in cheek. If perhaps we were finding more supply, utilizing those leaseholds, perhaps the price would not be quite as high and the profits wouldn't be either.

But I will tell you that Americans are, at $4 a gallon, seeing the companies that are selling them oil receiving extraordinarily high profits. God bless them for getting profits. They have invested, they've worked hard. They put their capital at risk. I'm for that.

But at the same time, when they are failing to use leaseholds that would bring more supply, that would presumably then bring down the price, I think the American public have a right to ask, why are we only using 18 percent of the currently available leaseholds on the Outer Continental Shelf and about one-quarter or a little less than one-quarter of what's available on the mainland?

I yield back to my friend.

Mr. BLUNT. I thank my friend for yielding.

I was actually pleased to hear two things there. One is I heard my good friend use the word "drilling" in a positive sense, and that's good news.

Mr. HOYER. I have an automobile.

Mr. BLUNT. And two is the numbers I see for the deep water drilling of natural gas indicate that there is an 18-year supply in the deep water. If you're right, and there's four times that supply on public lands that could be drilled on, I suppose that means we have almost a 100-year supply of natural gas if we just go after it. We should find out whatever it takes to go after that, and insist that that happen.

My view is both, and wherever the infrastructure is most amenable to getting that natural gas and oil into the energy system the quickest, that's where we should be drilling the quickest. If we've got a leasehold that's 500 miles away from the nearest place you can hook it up to a line, that's probably less appealing than a leasehold somewhere in the deep water or other places that's near a current way to get that gas or that oil into the system.

I do know in the 181 area that we opened in 2006 in the gulf, opened for a brief period of time, that there's one 2-acre platform there, at least I'm told there's a 2-acre platform there that's producing roughly 10 percent of all the natural gas that we're producing in the United States of America.

I do believe that these resources are greater than we thought they were 5 or 10 years ago. I think we ought to be pursuing that on all fronts.

I saw where one of our colleagues in the Senate, the senior Senator from New York, said that if we had a million barrels more of oil every day, that that would reduce pump prices by 50 cents a gallon. I'm not sure how he calculates that, but I'm prepared to accept that.

A million barrels is what we'd be getting from ANWR today if we'd started drilling there 12 years ago, or any of the other times that the Republican House sent a bill to the Senate that would have allowed that. There may be other million-barrel locations, as my friend has just suggested there were, that we should vigorously be pursuing, and we are eager to have that discussion on the House floor, see it had on the Senate floor, see something get on the President's desk that encourages American use of American resources for America's future.

I yield.

Mr. HOYER. My friend, at the beginning of his last comments, said "on public lands." I want to make it very clear that the implication, perhaps that we're not allowing that on public lands, there are, as I said, 80 percent of the already authorized spots on public land not being utilized today; so that this is not a question of where we have not authorized drilling. We're for that. We want to find more product.

What we are saying is that we have now got the majority of authorized spots being unutilized. Now, why that is so, when the product is getting the highest price it's ever gotten, which ought to be incentive, in and of itself, to look for new product and to explore and to drill and to get new product to the market, which would then bring the price down.

I hope that nobody is controlling supply simply to escalate price. We know that when demand goes up and supply is constrained, that prices inevitably rise. The American public is paying the price for that. Great profits are being made. But it is adversely affecting our economy and our families. And we share your view that we want to address this problem.

But I want to say, we talk about today. Unfortunately, for too long, I'm old enough to have experienced the gas lines of the late seventies where you waited hours to get gasoline in your car. Hopefully that won't reoccur.

But had we, Democrats and Republicans, Americans all, focused in a disciplined way on looking for, developing more efficient automobiles, more efficient refrigerators and other electric utilities, focused on conservation, focused on alternative sources of energy, we would be far ahead of the game.

□ 1515

In the final analysis, we cannot get distracted, in my opinion. We need to go down both paths, making sure today we have the most efficient process possible but that tomorrow we're energy independent, because in the final analysis, that will be the only way in which we will continue to keep our economy moving, our national security intact, and our environment clean and healthy.

Mr. BLUNT. I thank my friend.

I believe for those things that look toward better solutions for the future, better conservation now, we all should be focused there. We also should be focused on using American resources, and frankly asking every question why they haven't been used. Again, I will just conclude my remarks by saying I know that these leases have been almost doubled in the last 7 years. And how long it takes to develop, some of them issued only in the last 1 or 2 years for 10 years at a time, I don't know what the planning is on that, but I am absolutely committed to the most efficient and effective use of America's resources for America's future, and I would like to see this Congress work together to get there.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow; and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, June 17, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 6063.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1257 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6063.

□ 1517

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, with Ms. BORDALLO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. I yield myself such time as I may consume.

Madam Chairman, today I am asking my colleagues in the House to ensure this country's leadership in space and aeronautics program by passing H.R. 6063, the NASA Authorization Act of 2008.

First, I want to thank and commend Chairman UDALL of the Subcommittee on Space and Aeronautics on his leadership in introducing this bill and for taking a clear bipartisan approach to the development of H.R. 6063. I was pleased to be original cosponsor, but I was even more pleased that ranking minority member of our Committee on Science and Technology, Mr. HALL of Texas, and ranking minority member of our Subcommittee on Space and Aeronautics, Mr. FEENEY of Florida, were also original cosponsors.

Madam Chairman, their actions show that the importance of NASA's future in space and aeronautics is truly a bipartisan concern. And I want to thank them for their full support.

In that regard, I also would like to thank Ed Feddeman, Ken Monroe, Katy Crooks, and Lee Arnold of the minority staff for their help on this legislation. I also want to thank and acknowledge the hard work of our majority staff involved in the development of the bill, Space and Aeronautics Subcommittee staff director Dick Obermann, Allen Li, Pam Whitney, Devin Bryant, and John Piazza.

This bill passed the subcommittee and the full committee unanimously. And I think that record is in no small part due to the hard work that both sides of the aisle put into this legislation.

Madam Chairman, as we look to the transition to the new administration next year, it's important that Congress send a strong message on the best future course for our Nation's space and aeronautics program. The bipartisan consensus we have reached on H.R. 6063 signals that Congress believes a balanced NASA program of science, aeronautics, and human spaceflight, and exploration is important and worthy of the Nation's support. Yet I want to emphasize that H.R. 6063 takes a fiscally-responsible approach to providing this support.

The baseline authorization represents a 2.8 percent increase, which is inflationary at best, over the level of the authorization of fiscal year 2008. The bill also includes a special funding augmentation to accelerate the development of the crew exploration vehicle and thus minimize the human spaceflight gap that will make us dependent on the Russians to get our astronauts to and from the International Space Station until the CEV is operational.

I don't think any of us wants to or looks forward to the day when we must rely on another Nation to launch U.S. astronauts into space, but that is what we face. I want to minimize that dependency as much as possible.

However, even including that augmentation, the total funding authorization will only get us back to NASA's fiscal year 1992 funding level in terms of purchasing power.

H.R. 6063's baseline authorization also reflects the importance of NASA to the Nation's innovation agenda. NASA science and technology activities contribute much to our national competitiveness initiative, and I think we need to recognize NASA's role in that regard. NASA was included in last year's America COMPETES Act, but we didn't include an authorization then since we knew we would be reauthorizing NASA this year.

H.R. 6063 does that providing by providing a baseline authorization for NASA that includes a rate of increase over the fiscal year 2008 appropriated level that is consistent with the rate of increase proposed for agencies included under the America COMPETES Act.

Madam Chairman, this bill includes many provisions that are critical to ensuring the future strength of our Nation, including both the future health of our aviation system and our ability to better understand and respond to climate change and other challenges facing the earth's system.

It isn't always recognized that NASA counts for some three-fifths of the Nation's climate research funding. And it's a critical part of the Nation's climate research efforts. In addition, H.R. 6063 demonstrates that a properly structured human spaceflight and exploration program can provide benefits of technological, scientific, and geopolitical significance that are worthy of our Nation's investment.

This bill also includes provisions that will ensure a productive return on the Nation's investment in developing and assembling an international space station and encourages the use of the commercial services to transport cargo and eventually crew to the station. We need to ensure that NASA has sufficient resources for all of these and other important tasks that the Nation has asked to carry out, and I believe this bill does that.

Madam Chairman, the United States has been a global leader in technology and innovation for decades. However, an esteemed committee of the National Academies raised a deep concern in its groundbreaking report, Rise Above the Gathering Storm, stating "that the scientific and technical building blocks critical to our economic leadership are eroding at a time when many other nations are gathering strength."

With China, India, and other global players committed to building robust aeronautics and space programs, that it is incumbent upon the United States to rise to the challenge.

This year is the fiftieth anniversary of the dawn of the space age and the fiftieth anniversary of the creation of NASA. NASA has been one of the crown jewels of the Nation's R&D enterprise over the past 50 years. I want to ensure that it remains so for the next 50, and I believe this bill will help turn that into a reality.

Madam Chairman, this bill has been endorsed by a host of organizations ranging from the American Association of Universities to the National Association of Manufacturers. I urge my colleagues to support H.R. 6063 to ensure America's continued leadership and accomplishments in space and aeronautics over the next 50 years.

Madam Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Madam Chairman, I yield myself such time as I may consume and make sure that I can reserve enough for those that will follow me.

Madam Chairman, H.R. 6063, sponsored by my good friend MARK UDALL, authorizes the National Aeronautics and Space Administration for fiscal year 2009. As our chairman has very adequately stated, it's a product of very close bipartisan consultation and cooperation led by Chairman UDALL and by Chairman GORDON.

Representative TOM FEENEY, ranking member of the Space and Aeronautics Subcommittee, and I are original cosponsors of this bill, and it builds a 1-year authorization. The intent of the bill is to keep NASA on its current path towards completing the International Space Station, retiring the Space Shuttle, maintaining a balanced set of science and aeronautics research programs, and developing a new launch system capable of taking humans beyond the low earth orbit, a feat the Shuttle cannot do.

The bill is also meant to reaffirm Congress's unwavering support for NASA so as to remove any doubt the next administration might have about Congress's commitment to NASA's program and to NASA's policies.

By being a 1-year bill, it also is designed, I think, to not tie the hands of the next administration to a long-term strategy. To the contrary, H.R. 6063 is designed to give the next President an opportunity to work with the next Congress to fashion a long-term strategy that is consistent with the administration's desires as well as the wishes of Congress.

H.R. 6063 contains a number of important provisions. It authorizes $19.2 billion for NASA for fiscal year 2009 and provides an additional $1 billion to accelerate development of the new *Constellation* crew vehicle launch system. It emphasizes that NASA should maintain a strong and balanced array of science, aeronautics, and human spaceflight programs and also directs NASA to fly out its full manifest of Shuttle missions, including those dedicated to flying spare parts to the International Space Station, as well as adding a flight to take the Alpha Magnetic Spectrometer to the ISS as we originally committed to do so some years ago. This experiment was stricken from the Shuttle manifest following the *Columbia* tragedy, but I think given the huge sunk investment in AMS, we ought to make good on our original commitments to fly this expensive instrument to the ISS.

H.R. 6063 directs NASA to continue the important task of developing the *Constellation* system which will provide our country with a modern, more robust and safer manned spaceflight capability that will enable our astronauts to fly out of low earth orbit, an ability we haven't had since the retirement of *Apollo* over 30 years ago.

As most of you are aware, once the Shuttle is retired at the end of this decade, our country will have to buy seats from the Russians for as long as maybe 5 years even to assure U.S. presence on the International Space Station. Our payments for rides on Soyuz spacecraft have not yet been negotiated, but it's going to be expensive. NASA estimates it will cost more than $2 billion, and sadly, we're making these purchases at a time when NASA will be laying off thousands of engineers and technicians from the Shuttle program in an effort to minimize our reliance on the Russians.

As I mentioned a moment ago, this bill authorizes an additional $1 billion to speed up the development of the new *Constellation* system. This initial investment is more than justified.

This bill also includes a number of provisions to encourage NASA working with the private sector to foster development of a domestic cargo launch capability primarily designed to take supplies to the space station. In addition, 6063 includes language directing NASA to solicit for commercial crew launch capability.

Turning to other parts of NASA, let me quickly say H.R. 6063 embraces a number of recommendations that were put forth by the witnesses from government, from industry, from academia, and testified, all of them testified in hearings before our committee over the previous 18 months. These are sensible provisions designed to strengthen aeronautic space science and earth science research programs, encourage technology, risk reduction policies and activities, foster efficient technology, transfer from NASA to other Federal agencies under the private sector, detect and mitigate the threat of near-earth objects, and research and monitor the effects of space weather on satellites.

☐ 1530

This list is not exhaustive, but I wanted to mention these few examples to emphasize to all Members the breadth of this bill and how it improves upon many of NASA's activities and programs.

So as we stand here today, the space shuttle is in orbit, wrapping up another assembly mission to the International Space Station. May I add that the spouse of one of our Members, Representative GIFFORDS of Arizona, is currently commanding this mission.

NASA has had two other recent success activities. Just 15 days ago, the Phoenix Mars Lander successfully completed a soft landing on the red planet's surface and is in the early stages of searching for evidence of ice and organic compounds. And yesterday, NASA successfully launched a gamma-ray large area space telescope onboard a Delta II rocket.

These are but three of the most current NASA accomplishments. There are many, many other great achievements in aeronautics, space science, and Earth science research that I could talk about, but time doesn't permit. Suffice it to say that NASA is one of the most exciting and innovative Federal agencies, and it serves as a huge inspiration to our young people to take a serious interest in math and science education.

Before closing, I want to point out that during development of this bill, the subcommittee Democratic staff have been very open and forthright, sharing early ideas and drafts of the bill with our Republican staff. It has been a close and productive partnership, and I want to especially praise the work and hard work of my good, personal friend Dick Obermann. And I certainly want to thank our chairman, Chairman BART GORDON.

Madam Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, first let me say very sincerely say that there is no Member of Congress that has had greater interest than Mr. HALL in NASA. As a Texan and a proud American, he has taken particular interest in the safety of the astronauts, as well as trying to reap the maximum amount of health benefits from the investment that we've made. He has played just an enormously constructive role, and I thank him for that.

We also thank Mr. UDALL, the chairman of the Space and Aeronautics Subcommittee, for working in a bipartisan way. He had a number of really thoughtful hearings. He's put together a bill that came out of his subcommittee unanimously, and because he did such a good job there, it was unanimous out of the full committee. So I thank my friend from Colorado.

I yield to the gentleman from Colorado (Mr. UDALL) 5 minutes.

Mr. UDALL of Colorado. I thank the gentleman for yielding.

Madam Chairman, earlier this year, I introduced the NASA Authorization Act of 2008, a bill to reauthorize the programs of the National Aeronautics and Space Administration for the fiscal year 2009. Today, I rise to urge my colleagues in the House of Representatives to pass this bill and send it on to the Senate.

The bill passed the Committee on Science and Technology and the Subcommittee on Space and Aeronautics with unanimous support, as our chairman pointed out. It represents a strong, bipartisan effort to ensure our continued leadership in space and aeronautics and to ensure that NASA's programs contribute to our science, technology, engineering, and mathematics education efforts, to our Nation's Innovation Agenda, and to practical benefits for our citizens.

I, too, want to thank Science and Technology Committee Chairman BART GORDON, Ranking Member RALPH HALL, and my fellow ranking member on the Space and Aeronautics Subcommittee, TOM FEENEY from Florida, for being original cosponsors, as well as providing thoughtful input into this bill.

I would also like to thank the excellent staff on both the majority and minority side for their outstanding work on this bill. On my staff, my dedicated and tireless staff member, Wendy Adams, Richard Obermann, Pam Whitney, Allen Li, and Devin Bryant, as well as John Piazza have all been instrumental in moving this bill forward.

I want to particularly point out the great contribution—I think the chairman would agree with me—of Dick Obermann. We benefit in the committee, the Nation benefits and this House of Representatives benefits from Dick's insights, his knowledge, and the relationships he's built. Anyone in the NASA orbit knows Dick Obermann's many, many contributions. So I want to particularly point out his great contributions to the committee and to NASA.

On the minority side, I want to thank Ed Feddeman, Ken Monroe, and Lee Arnold as well. They have been very helpful in the work on this piece of legislation.

Madam Chairman, the bill sets fiscally responsible policies and provisions for a balanced set of science, aeronautics, and human spaceflight programs.

The baseline funding level authorized for NASA in fiscal year 2009, $19.21 billion, represents simply an inflation increase of about 2.8 percent over the NASA Authorization Act of 2005, legislation that the President signed into law.

I don't want to go into great detail about the many provisions of the bill but will include my longer statement for the RECORD.

Madam Chairman, 2008 represents the 50th anniversary of the birth of the U.S. space program and the establishment of NASA. NASA has accomplished a great deal in both space and aeronautical R&D over these past five decades, and we can all take pride in what has been accomplished. However, we cannot become complacent.

The testimony and constructive input of countless hearings, witnesses, and outside experts and organizations that led to H.R. 6063 conveyed a consistent message: that NASA has not been given the funding it needs to successfully carry out all of the important tasks that the Nation has asked of it. If we fail to adequately invest in NASA now, it is unlikely that we will see a comparable record of accomplishment over the next five decades, at a great opportunity cost to the Nation.

I am gratified by the support that H.R. 6063 has garnered to date, including the Chamber of Commerce, the National Association of Manufacturers, the Aerospace Industries Association, the Association of American Universities, the University Corporation for Atmospheric Research, the International Federation of Professional and Technical Engineers, and the University Space Research Association.

I urge all my colleagues to support H.R. 6063 to ensure that our Nation remains the leader in space and aeronautics programs.

Madam Chairman, on May 15, 2008 I introduced the "NASA Authorization Act of 2008," H.R. 6063, a bill to reauthorize the programs of the National Aeronautics and Space Administration for Fiscal Year 2009.

Today I rise to urge my colleagues in the House of Representatives to pass this bill and send it on to the Senate.

This bill passed the Committee on Science and Technology and the Subcommittee on Space and Aeronautics with unanimous support.

It represents a strong bipartisan effort to ensure our leadership in space and aeronautics and to ensure that NASA's programs contribute to our science, technology, engineering, and mathematics (STEM) education efforts, to the Nation's innovation agenda, and to practical benefits for our citizens.

I would like to thank Science and Technology Committee Chairman BART GORDON, Ranking Minority Member RALPH HALL, and Space and Aeronautics Subcommittee Ranking Minority Member TOM FEENEY for being original cosponsors of this bill.

Madam Chairman, this bill sets fiscally-responsible policies and provisions for a balanced set of science, aeronautics, and human spaceflight programs.

The baseline funding level authorized for NASA in FY 2009—$19.21 billion— represents simply an inflationary increase of about 2.8 percent over the NASA Authorization Act of 2005, legislation that the President signed into law.

H.R. 6063 also reflects the conviction that NASA is as much a contributor to the nation's innovation agenda as any of the other agencies included in the America COMPETES Act that was enacted into law last year.

Thus, includes provisions and funding directed at supporting opportunities for hands-on training of the next generation of scientists and engineers.

In addition to the baseline authorization, H.R. 6063 contains a directed funding augmentation intended to help accelerate the date when the Orion Crew Exploration Vehicle and Ares Crew Launch Vehicle can attain operational status.

A series of policy failures over a number of years have brought us to the point where we will have an unavoidable gap in the United States' ability to get its astronauts into space independently.

Providing the additional funding in FY 2009 can help narrow the gap while also putting in place the space transportation system that will help us carry out exciting and important exploration missions beyond low Earth orbit in the decades to come.

Madam Chairman, NASA's programs are strongly relevant to addressing the nation's needs.

In short, a properly balanced and focused NASA portfolio can pay large dividends to our society as well as to our standing in the world, and maximizing the value of the NASA portfolio to the nation is one of the main goals of the NASA Authorization Act of 2008.

To that end, H.R. 6063 establishes a role for NASA in leading a cooperative international effort on Earth observations research and applications, especially with respect to climate change-one of the major challenges facing our generation.

In addition, the bill includes a series of provisions to ensure that NASA's aeronautics program gets the resources it needs to remain one of the most relevant activities of the agency—one that impacts our quality of life, public safety, the vitality of the economy, and our national security.

H.R. 6063 also includes provisions to ensure that the International Space Station—a unique orbiting R&D facility that represents a significant investment of resources by both American citizens and those of a host of other nations—will be utilized in as productive a manner as possible.

The ISS is also a compelling example of the value of undertaking a cooperative approach to space exploration. To that end, H.R. 6063 makes clear that any human exploration initiative to return to the Moon and venture to other destinations in the solar system should be undertaken as a cooperative international undertaking under strong U.S. leadership.

Madam Chairman, 2008 marks the 50th anniversary of the birth of the U.S. space program and the establishment of NASA.

NASA has accomplished a great deal in both space and aeronautical R&D over those past five decades, and we can all take pride in what has been accomplished. However, we cannot become complacent.

The testimony and constructive input of countless hearing witnesses, outside experts, and organizations that led to H.R. 6063 conveyed a consistent message: that NASA has not been given the funding it needs to successfully carry out all of the important tasks that the nation has asked of it.

If we fail to invest adequately in NASA now, it is unlikely that we will see a comparable record of accomplishment over the next five decades—at a great opportunity cost to the nation.

I am gratified by the support that H.R. 6063 has garnered to date, including the Chamber of Commerce, the National Association of Manufacturers. the Aerospace Industries Association, the American Astronautical Society the American Institute of Aeronautics and Astronautics, the American Meteorological Society, the American Society of Mechanical Engineers, the Association of American Universities, the General Aviation Manufacturers Association, the Information Technology Association of America, the International Federation of Professional and Technical Engineers, the Institute of Electrical and Electronic Engineers-USA, the National Business Aviation Association, the National Space Society, the Personal Spaceflight Federation, the Planetary Society, the Universities Space Research Association, and the University Corporation for Atmospheric Research.

I urge my colleagues in the House of Representatives support H.R. 6063 to ensure that our Nation remains the leader in space and aeronautics programs.

Mr. HALL of Texas. Madam Chairman, I yield to Mr. FEENEY, the gentleman from Florida, 3 minutes.

Mr. FEENEY. I want to thank Ranking Member HALL and Chairman GORDON and, as they pointed out, all of the staff on both sides that made possible a bipartisan bill that got unanimous support in the committee.

I also want to suggest that terrific staff work on both sides and transparency and openness in the process is sort of a model that this Congress ought to try to emulate more often, and I want to thank, again, Chairman GORDON and Chairman UDALL for doing that.

By the way, this is likely to be, since he's not running for reelection, Chairman UDALL's last reauthorization as a House Member. He has been a champion on space issues. He's been a great friend and a delight to work with, and I know that he will continue to be a champion for space and aeronautics. And so I really appreciated the chance to work with you.

And following me I think at some point will be Congressman WELDON, my neighbor to the south. We share the different assets of Kennedy Space Center, Patrick Air Force Base, and Congressman WELDON will not be running for office again anytime soon, at least not the House. We appreciate DAVE WELDON's leadership. He's been a terrific advocate for space in general and Kennedy Space Center and human spaceflight in specific.

So it's been terrific to work with two great leaders that will not be working with us in all likelihood next year.

NASA was created in response to the Soviet Union's launch of Sputnik in 1957. The space age had begun. Fifty years have now passed. America is still the world's preeminent spacefaring Nation. NASA helped lead us to that status.

Today, we build on that foundation. We have laid out a comprehensive blueprint for sustaining a healthy and vigorous NASA during the next administration, and as Chairman GORDON pointed out, we don't know who the next President will be. We don't know who their next NASA administrator will be, but the starting point for the next administration's space program has been designed right here in the House of Representatives, thanks to the leadership of the people that you are hearing from.

Considerable care has been devoted to all elements of NASA's portfolio, human spaceflight, earth and space sciences, and aeronautics. I look forward to continued success and excellence in all of these endeavors. Each success sustains America's technical prowess and brings enormous prestige to the American people.

Because I represent the Kennedy Space Center, I want to particularly note this bill's unambiguous endorsement of America's human spaceflight program. By the way, all of our human spaceflight program has an international component to it.

Five years ago, America was stunned by the loss of the Shuttle Columbia.

We had to re-examine our objectives for human spaceflight and articulate a more sustainable vision for our future spacefaring. We have done so, and this bill continues that progress by providing much-needed stability, on a bipartisan basis, in our strategy and architecture for human spaceflight.

The shuttle has resumed flight. We are having a successful mission as we speak today. We will complete the International Space Station and then strive to utilize its enormous potential. And we will also set forth to explore beyond lower orbit, starting with the moon and then beyond, for the future of humankind.

These are ambitious goals, but Americans are a strong, optimistic people willing to take up and meet any challenge. And as this bill highlights, America invites others throughout the world to join us in this journey. It is done on behalf of all mankind.

NASA's human space exploration and satellite programs publicly demonstrate America's spacefaring prowess. Other Nations are striving to achieve what America has already accomplished.

In prior generations, mastery of the sea and air brought global power and prestige. Today, such power and respect accrues to those mastering space. This bill sustains America's prowess in space, and I urge its passage.

Mr. GORDON of Tennessee. Madam Chairman, I recognize the gentlelady from Florida (Ms. WASSERMAN SCHULTZ) for 3 minutes.

Ms. WASSERMAN SCHULTZ. Madam Chairman, I rise to support the NASA authorization act and to thank Chairman GORDON and Representative UDALL for their leadership and exceptional work on this bill.

On May 31, I experienced the thrill of attending the most recent shuttle launch in Cape Canaveral, Florida. As I witnessed the intense brightness of the rockets' afterburners and felt the rumble of the Earth as the shuttle lifted off, I could feel the pride and strength of American innovation and technological leadership.

I have to tell you that I was surprised at how emotional I felt watching the shuttle hurtle towards the sky, and my heart really burst with pride in the American spirit and our ability to move forward generation after generation. The continuity of the space program is critical to maintaining this leadership.

The space shuttle is scheduled to retire in just 2 years, yet a lack of funding has delayed its replacement until at least 2015. Without adequate funding, not only would we lose jobs, but we would be forced to rely on Russia to access the International Space Station.

The economic return on our investment in the space program is far greater than many realize. In fact, NASA's budget accounts for less than six-tenths of 1 percent of the Federal budget, and yet the benefits of space exploration are vital to our daily lives.

Our TVs, cell phones and computers, as well as the military and weather forecasters all rely on satellite technology developed through space exploration.

Last year, Speaker PELOSI announced "The Speaker's Innovation Agenda," an action plan to keep America as the leader in global science and technology. This agenda includes educating a new generation of innovators and committing to research and development.

By supporting NASA today, we are committing to innovate, to create new opportunities and markets, to drive discovery, and to push the boundaries and limitations that are before us.

It is vital that we instill this curiosity and drive in the next generation. I know it was instilled in the next generation that I'm raising because my son announced to me after he saw the shuttle launch, he said, "Mom, I want to be an astronaut."

And for me, as the National Chair of the Women's High Tech Coalition and co-chair of the Young Women's Task Force, I want to express particular support for the Hodes amendment, which establishes a scholarship program in honor of Christa McAuliffe, the teacher who died in the *Challenger* Space Shuttle disaster.

The scholarships will go to women pursuing degrees in mathematics, science, and engineering, and would further support women seeking careers in fields related to NASA's mission. We really need to expand the young women's and young girls' interest in the science and mathematical fields.

As leaders and legislators, we must work to harness the talent, intellect, and entrepreneurial spirit of Americans.

I urge my colleagues to support this bill to ensure that NASA has the resources to continue to promote American competitiveness.

Mr. HALL of Texas. Madam Chairman, I yield 3 minutes to Dr. WELDON, the gentleman from Florida.

☐ 1545

Mr. WELDON of Florida. I thank the gentleman for yielding, and I rise in support of the underlying bill. And I commend the gentlelady from Florida for her inspiring words.

This bill is on the right track by extending shuttle operations, giving NASA the option to extend shuttle operations beyond 2010. Taking away the artificial 2010 deadline and allowing NASA to finish all the flights currently on the manifest will give NASA more flexibility and provide needed transportation to the International Space Station and help lessen the severity of the gap.

However, I want to underscore that this bill does not fix the problem established by this administration. And my hope is that the next administration and the next Congress will fix this problem of putting NASA and the United States in a situation where we will be dependent on the Russians to put our astronauts into space for possibly longer than 5 years.

The Government Accountability Office recently testified before a congressional committee indicating that there are a number of technological challenges facing the Constellation program, the program to replace the shuttle, and that delays in the program could occur and could lengthen this gap beyond the 4½ to 5 years that it currently is.

History has shown time and time again that complex technological problems often lead to delays, and that attempts at closing gaps can often be frustrated. Therefore, it is my opinion that the only way to assure that we do not get a lengthening of the gap, and the only way to make sure that we eliminate this gap is to extend shuttle operations.

Now, I was very disappointed in the Statement of Administration Policy on this bill that whoever was responsible for drafting this thing, they chose to dig up the canard that it is unsafe to extend shuttle operations beyond 2010. The truth is that the last shuttle that flies in 2010 will be the same shuttle that flies in 2011 if we extend shuttle operations. And if we are to argue that it is unsafe to fly the shuttle beyond 2010, you could just as easily argue that it's unsafe to fly it today. The truth is, after the improvements that have been made after the Columbia and the Challenger disasters, the shuttle that flies today is the safest shuttle that we have ever flown. And yes, going into outer space has its risks, but we choose to do so because we are a Nation of explorers, and we feel that the risks are justified for the benefits of space exploration.

I just also want to point out that relying on the Soyuz vehicle—supposedly because it's safer, as the administration is implying in their statement—is not exactly correct. We just recently saw a situation where the returning Soyuz vehicle was thrown off course into a dangerous ballistic reentry, exposing the astronauts on board, including a female astronaut, Peggy Whitson, to very dangerous G forces.

The CHAIRMAN. The time of the gentleman has expired

Mr. HALL of Texas. I yield the gentleman an additional minute.

Mr. WELDON of Florida. This bill is a step in the right direction. It gives NASA the ability to extend shuttle operations. And I want to just point out, there is a very important scientific mission, the Alpha Magnetic Spectrometer mission. We spent $1.5 billion building that piece of machinery, and NASA's current plan is to leave it on the ground. This bill correctly calls for launching that mission, and it is the right thing to do. To spend all that money to build that thing and then to never launch it is just wrong.

However, I do want to underscore that the future Congress and the next administration is going to have to wrestle with the issue of getting the funding in the appropriation process. But I just want to say that, based on current economic growth, over the next 5 to 7 years 1 trillion additional dollars is going to come into this U.S. Treasury.

This is a matter of priorities. The American people support our space program. It's the right thing to do to keep the shuttle flying beyond 2010.

Mr. GORDON of Tennessee. Madam Chairman, I yield 3 minutes to another friend and champion of the space program from Texas (Mr. LAMPSON).

Mr. LAMPSON. Madam Chairman, I am honored to join my colleagues from the Science Committee to support H.R. 6063. I particularly want to commend Chairman GORDON and Chairman UDALL, and Ranking Members HALL and FEENEY, the committee staff, for all of their hard work and their effort to make this an inclusive process. This legislation enjoys broad support, and I believe that it provides the stability and direction necessary to sustain NASA through this transition period.

I am proud that we will be able to provide a much needed 11 percent increase in the funding over FY08 that will help NASA get back on track. This inflationary increase will allow NASA to operate the shuttle program, accelerate the development of Constellation, and refocus its efforts on science and research without having to rob Peter to pay Paul.

I'm also pleased that this legislation directs NASA to fly the "contingency flights" and to take all necessary steps to deliver the Alpha Magnetic Spectrometer that we just heard about from our colleague, Mr. WELDON to the International Space Station. This will ensure the space station's viability and use for its intended purpose as a national lab well into the next decade.

In addition to being one of the most valuable foreign policy tools that we have, there is no doubt in my mind that research conducted on the space station will yield great discoveries that will benefit all Americans and all of mankind.

I would especially like to thank the chairmen and ranking members for adopting language on issues that I have particularly championed and believe will also help secure NASA's future. This includes the Small Business Alliance Outreach and Technology Assistance Program (SATOP).

Building on the partnership between NASA centers, institutions of higher learning, and industry partners, this initiative will further the agency's mission of technology transfer in a unique way by providing free technical assistance to small businesses who cannot afford to have an engineer or a rocket scientist on their staff. Solving technical problems will mean these businesses will help grow our economy and create and retain jobs.

I have also worked to make sure that, as we face the space flight gap and the loss of a highly skilled workforce, that we are cognizant of the fact that we risk losing the imagination of the next generation of scientists and engineers and diminishing their desire to serve our Nation's space program.

Well, the fact that we are already falling behind when it comes to awarding advanced degrees in math, science and engineering means that we must focus on K–12 education now more than ever so that we don't lose our technological edge.

This bill provides an 11 percent increase over FY08 funding, including NASA's educational programs. I believe that some of this increase should go toward continuing the EarthKAM program and expanding NASA's participation in robotics competition. Bringing NASA directly into classrooms across the country and encouraging hands-on learning is a great way to spark a hopefully life-long interest in math and science.

So as we continue with this transition from shuttle to Constellation and a new administration in about 6 months, we must be mindful of providing stability and support for our Nation's space program at this critical juncture. I believe this bill provides both, and I urge my colleagues to support it.

Mr. GORDON of Tennessee. Madam Chairman, I yield 4 minutes to the chairman of the Technology Innovation Subcommittee, Mr. WU of Oregon.

Mr. WU. Madam Chairman, I rise as a cosponsor in support of H.R. 6063.

When NASA was born in response to the launch of Sputnik, many Americans were scared of what it meant for Russia to have space capabilities. Congress' passage of the National Aeronautics and Space Act of 1958 created NASA and marked the beginning of the space race between America and Russia.

Just 11 years after NASA was created, and only 9 years after President Kennedy threw a cap over the wall, the United States landed the first humans on the Moon. Since then, NASA has had its share of its successes and challenges, but in the end NASA is an example of what can be accomplished when the President and Congress share a vision, a common vision, and when funds are devoted toward that vision.

As Speaker PELOSI says, "a budget is the tangible embodiment of our values, of what is important to us and what is not." We are considering this bill 50 years after the creation of NASA. We are at a singular point in time, the space shuttle will retire soon. And while we develop the next generation crew exploration vehicle, we will, for the first time, rely on other countries to take Americans to space. In the meantime, more and more countries are developing space capabilities. To keep us in the game, this bill provides an extra $1 billion to accelerate the development of the next crew exploration vehicle and shorten the American space flight gap.

Space has become more competitive. Where we only competed with Russia, we will soon compete with several countries to maintain our leadership in space. This bill includes a provision to ensure that the United States leads an international cooperation initiative with these countries promoting the peaceful exploration of space.

Today, NASA is funded at a much lower percentage of our GDP than when it was first created. At a time when other countries are aggressively investing in their space capabilities, Congress needs to send the message that it continues to support NASA and its mission by providing the appropriate and necessary funds. This bill does just that. And I want to commend Mr. UDALL, Chairman GORDON, and Ranking Member HALL for a very strong bill, and I urge its passage.

Mr. HALL of Texas. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. First and foremost, I would like to congratulate my colleagues for the hard work that's been put into this legislation, MARK UDALL and BART GORDON, of course, on the majority side, and also, of course, TOM FEENEY and RALPH HALL on the minority side of this. This is a bipartisan effort. It always has been.

RALPH HALL will be submitting my amendment for me, which will be the second amendment up today. Let me just note that my amendment simply suggests that NASA should put on its priority list seeking cooperation between the United States and our European and Russian friends to try to have an international effort to detect and deflect near-Earth objects. What that means is, if there are asteroids or comets that might be out there and might threaten the Earth, perhaps threatening millions of lives, that my amendment simply says the United States should not bear the entire burden and cost of identifying them and tracing their trajectory to see if they threaten the Earth, but we should be trying to recruit our friends and make it an international effort.

I just recently came back from Berlin and Moscow, where this idea received a very, very warm response from these other spacefaring nations, and they're really anxious to work with us. This instructs NASA to take advantage of that spirit of cooperation, take the burden off the American taxpayers a little bit, and make sure this job gets done.

I appreciate that Chairman GORDON and Ranking Member HALL have both supported this legislation. And RALPH will be submitting it for me in a few minutes.

Thank you very much, BART. Thank you very much, RALPH. And I want to thank all of you and the staff for doing such a great job in this committee.

Mr. GORDON of Tennessee. Madam Chairman, I yield 3 minutes to the gentlelady from Texas, a great supporter of NASA, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairman of the committee. It's really good to be with him, in spite of holding us over. We are still here fighting the good fight.

Chairman GORDON, thank you for your leadership and the work that you've done, of course, with the chairman of the subcommittee, Mr. UDALL, and my very dear colleague, who has been an advocate, Congressman NICK LAMPSON, who has worked closely on this issue, to the ranking member, Mr. HALL, and of course the ranking members on the respective committees. I rise today to enthusiastically support this legislation dealing with NASA's authorization.

I was reflecting on the history of authorization, and the committee should be commended. This is not a very easy task to get an authorization bill out, and we have done so. And I'm very proud that this Congress, this Democratic Congress has done so.

Today's legislation will allow NASA to continue to push the boundaries of what is possible, keeping our Nation on the forefront of innovation and exploration. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. Our children depend on us to do this.

Space exploration remains part of our national destiny. Knowing the cutting edge of technology, the research on HIV/AIDS, on stroke, on heart disease, on cancer, all of this has occurred through NASA exploration and the International Space Station. It inspires our children to look at the stars and dream of what they, too, one day may achieve.

Space exploration allows us to push the bounds of our scientific knowledge as we carry out research projects not possible within the constraints of the planet Earth. Just an anecdote, when I have an annual Christmas party of 3,000 children, the astronauts that come are more popular than Santa Claus. That should be the test for continuing this wonderful effort to ensure that America always stands at the forefront of innovativeness.

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As a Nation, we have made tremendous strides forward in the pursuit of space exploration since President John F. Kennedy set the course for our Nation in 1962 calling it the "greatest adventure on which man has ever embarked." Despite the setbacks of recent years, including the tragedy that befell the Space Shuttles *Columbia* and *Challenger*, NASA and the American people have refused to abandon the pursuit of knowledge of our universe. On October 1, 1958, NASA began its operation. It consisted of only about 8,000 employees and an annual budget of $100 million, but it is now in its 50th year, and we are going further.

President Kennedy in 1961 said, "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to Earth."

Believe it not, we have now had men going into space, and we have just recently had the fiftieth woman going into space. This is an important challenge. And this legislation today provides us with an opportunity to save the 18,000 employees and to begin to look to a funding system that will continue our journey.

H.R. 6063 is addressing serious concerns. Between 2010, when the space shuttle will be phased out, and 2015 when the next generation human space flight is likely to become operational, the United States will have no method of transportation to the space station that we have already invested in.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. GORDON of Tennessee. I yield the gentlewoman 1 additional minute.

Ms. JACKSON-LEE of Texas. With this legislation, we are going to deliver important hardware, the Alpha Magnetic Spectrometer, through an additional extension. The bill also authorizes $1 billion in augmented funding to accelerate the development of the Orion Crew Exploration Vehicle, the successor to the space shuttle, in hopes of narrowing the gap.

We are also allowing one more shuttle trip for the space shuttle. This is helpful to Johnson. We don't want to lose jobs. We want to support this effort. And we may want to reconsider, as we go forward, the retiring of the space shuttle.

Let me thank the committee for supporting, as well, my small business amendment that addresses the question of giving training, technological training, to veterans-owned businesses, to HUB businesses, to women-owned businesses and minority-owned businesses so they can be part of the cutting edge of science.

I conclude simply by saying that President Kennedy set the mark. I am glad this committee and this Congress is carrying the torch. We must continue space exploration. It is our duty. It is our challenge. It is our obligation as patriots. And it is for the future of our children. On with the space. This legislation gets us there.

Madam Chairman, I rise today in strong support of H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. As we mark the 50th anniversary of the establishment of the United States space program, this legislation reaffirms the ever growing and changing role of NASA, providing resources to carry the agency forward with its ambitious agenda of research, exploration, and discovery. I would like to thank Congressman UDALL for introducing this important legislation, as well as Science Committee Chairman GORDON for his leadership in bringing this bill to the floor today.

I would also like to thank Chairman GORDON for his support of an amendment that I am offering. My amendment modifies section 1108 of the bill, and it states:

(1) in subsection (a), strike "small businesses" and insert "small, minority-owned, and women-owned businesses"; and

(2) In subsection (b)(2), insert ", giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUB Zone small business concerns" after "to small businesses."

My amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection of businesses to participate in the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. I would like to thank my colleague and fellow Texan, Congressman LAMPSON, for his leadership in authoring the important section describing the NASA Outreach and Technology Assistance Program, and for supporting my amendment.

Madam Chairman, today's legislation will allow NASA to continue to push the boundaries of what is possible, keeping our nation on the forefront of innovation and exploration. After the Columbia disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth. As a nation, we have made tremendous strides forward in the pursuit of space exploration since President John F. Kennedy set the course for our nation in 1962, calling it the "greatest adventure on which man has ever embarked." Despite the setbacks of recent years, including the tragedy that befell the Space Shuttle *Columbia*, NASA and the American people have refused to abandon the pursuit of knowledge of our universe. On October 1, 1958, the National Aeronautics and Space Administration began operation. At the time it consisted of only about 8,000 employees and an annual budget of $100 million. Over the next 50 years, NASA and the Jet Propulsion Laboratory have been involved in many defining events occurred which have shaped the course of human history and demonstrated to the world the character of the people of the United States.

Many of us remember how inspired we were when on May 25, 1961, President John F. Kennedy proclaimed: "I believe this Nation should commitment itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important for the long-range exploration of space; and none will be so difficult or expensive to accomplish." The success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century. This success is largely attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers. One of these important research centers is located in my home city of Houston. The Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions, is one of the crown jewels of the Houston area.

Today, NASA is the nations' primary civil space and aeronautics research and development agency, and its current activities employ over 18,000 Americans. Today's legislation reaffirms the fundamental operating principles of NASA, emphasizes the importance of NASA leadership in a range of endeavors such as Earth observations and research, aeronautics reach and development, and an exploration program. It authorizes $20.21 billion in NASA funding for FY 2009.

Madam Chairman, in addition to this funding, H.R. 6063 begins to address what many of us believe is a serious problem that we will face in the coming years. Between 2010, when the space shuttle will be phased out, and 2015, when the next-generation human spaceflight vehicle is likely to become operational, the United States will have no method of transportation to the International Space Station, which we have already invested a great deal of American resources in. This legislation allows for an additional space shuttle flight to the International Space Station, to deliver important hardware (the Alpha Magnetic Spectrometer). The bill also authorizes $1 billion in augmented funding to accelerate the development of the Orion Crew Exploration Vehicle, the successor to the space shuttle, in hopes of narrowing the gap.

Always on the forefront of technological innovation, NASA has been home to countless "firsts" in the field of space exploration. America has, countless times, proven itself to be a leader in innovation, and many technologies that have become part of our everyday lives were developed by NASA scientists. The benefits of NASA's programming and innovation are felt far beyond scientific and academic spheres. Space technologies provide practical, tangible benefits to society, and NASA provides valuable opportunities to businesses in our community. I strongly urge my colleagues to join me in support of this legislation, and in support of the future of American innovation and exploration.

Mr. HALL of Texas. Madam Chairman, I have no further speakers.

I yield back the balance of my time.

Mr. GORDON of Tennessee. In conclusion, Madam Chairman, let me once again thank my partner and friend from Texas (Mr. HALL) for his help and leadership in putting this bill together. RALPH, this is the 36th bill that we have brought to this floor, all of which have been bipartisan. All but one has been unanimous. Thank you for your help.

Mr. WILSON of Ohio. Madam Chairman, I rise today in support of H.R. 6063, the NASA Authorization Act of 2008.

Since the beginning of flight, my home State of Ohio has played a critical role in the aerospace industry. From Wilbur and Orville Wright and the invention of the airplane, to the first American-manned orbital mission by Senator John Glenn, to Neil Armstrong's famous walk on the Moon—Ohioans have been instrumental in maintaining the United States leadership in space.

Fifty years after the creation of NASA, Ohio continues to play an important role in the aerospace industry. Ohio's NASA Glenn facility pioneered the use of liquid hydrogen as a rocket fuel—enabling astronauts to reach the Moon. And today, NASA Glenn is working to build cutting-edge vehicles that will one day send a new generation of explorers to the Moon and Mars.

NASA's economic impact in Ohio is deep and far-reaching. Today, Ohio's aerospace industry includes 600 companies and employs more than 66,000 Ohioans each year.

It is clear that NASA provides significant benefits to the American people. That's why I am proud to support H.R. 6063. It is a fiscally responsible bill that works to ensure that NASA has the resources it needs to successfully conduct a balanced set of missions in human spaceflight, science, and aeronautics.

This bill recognizes that NASA is an important contributor to the Nation's innovation agenda and builds on the provisions included in last year's "America COMPETES Act." H.R. 6063 includes provisions that will provide our Nation's next generation of engineers and scientists with the hands-on training and education they need to advance our space program.

Madam Chairman, on the 50th anniversary of the U.S. space program and the establishment of NASA, I urge my colleagues in joining with me in supporting this important bill.

Mr. CALVERT, Madam Chairman,. I commend Subcommittee Chairman UDALL, Chairman GORDON and Ranking Members HALL and FEENEY and their staff for their work on this bipartisan bill. It is most appropriate that we recommit our Federal support and investment to our Nation's civilian space and aeronautics agency during this 50 anniversary year.

NASA has been the Nation's leading catalyst for innovation and technology based on 50 years of broad public support and strong bipartisan political leadership. The agency's work is linked to larger issues like national security, global warming, and American competitiveness. This valuable research is also the genesis of tens of thousands of high-tech jobs in America and millions of dollars into our economy.

H.R. 6063 largely follows in the tradition of the NASA Authorization Act of 2005, the first authorization bill to endorse the Vision for Space Exploration which chartered the agency to move beyond low-Earth orbit.

I enthusiastically support most measures in this reauthorization including: the reasonable increase in authorization levels which allows the agency to maintain a balanced and robust portfolio of exploration, science and aeronautics activities; the accelerated development of the Orion and Ares launch systems in order to minimize U.S. reliance on Russia for access to the International Space Station; and the full authorization of the Commercial Orbital Transportation Services program, as well as the funding to develop a commercial crew capability under this program.

I am somewhat concerned about language that may inappropriately tie the administrator's hands by requiring three shuttle flights; two contingency and one for the Alpha Magnetic Spectrometer, before the fleet's final retirement. I understand why the committee has included the language but I also encourage the Science Committee leadership to work with the NASA administrator to alleviate the outstanding concerns about NASA's ability to properly manage the shuttle fleet and the remaining flight manifest without the mandated flexibility; especially if under unexpected budget and safety constraints.

Overall, I am happy to lend my strong support to this reauthorization. I believe it does a comprehensive job of providing NASA the rules and tools to succeed in this Second Space Age. There is not a NASA center in the 44th Congressional District of California, but I understand the criticality of the agency's success and its impact on our Nation's prosperity. I encourage all my colleagues to rediscover the many ways our constituents benefit from the agency's important work. We do not consider this legislation in a vacuum. Other nations are actively pursuing human spaceflight and exploration. China and India are out-producing us in engineering graduates each year many times over. NASA, with its excellent reputation in exploration, science and aeronautics is the one national agency which can focus and inspire America's youth to take up the challenging work of math and science careers.

Again, I want to thank the Science Committee leadership and their hard-working staff for their efforts in putting together this bill. I understand it will be important to have a solid civilian space and aeronautics blueprint for the next Administration to follow. I encourage my colleagues to support H.R. 6063.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, the National Aeronautics and Space Administration is a strong economic driver in the State of Texas and an important national resource.

My colleagues and I on the House Committee on Science and Technology have worked on this legislation to reauthorize many of NASA's programs for 1 year. This action will provide a funding bridge until next year, and it will provide important funding for research and programs in the areas of science, aeronautics, exploration, education, space operations, cross-agency support programs and other activities.

NASA celebrates 50 years since its establishment. For 50 years, NASA research has enabled scientists to continue to do groundbreaking research in a zero-gravity environment, with untold benefits. For example, one of the many spinoff technologies from the Hubble telescope is the use of its Charge Coupled Device (CCD) chips for digital imaging breast biopsies.

The resulting device images tissue more clearly and efficiently than other technologies. The CCD chips can detect the small differences between a malignant or benign tumor, without the need for a surgical biopsy. This saves the patient weeks of recovery time, and the cost for this procedure is hundreds of dollars vs. thousands for a surgical biopsy. With over 500,000 women needing biopsies a year, the economic benefits are tremendous, not to mention the reduction in pain, scarring, radiation exposure, time, and money associated with surgical biopsies. Of course, this is just one of so many examples of NASA research that benefits society with broader applications.

H.R. 6063 authorizes $20.21 billion in funding for NASA in fiscal year 2009. I support this legislation and urge NASA to continue its education efforts. A well-educated technical workforce is essential to NASA's success, and it is imperative for the agency to continue to invest in education as well as its other activities.

Again, I want to congratulate NASA for 50 years of stellar work.

Mr. COSTELLO. Madam Chairman, I rise today in support of H.R. 6063, which authorizes the National Aeronautics and Space Administration (NASA) for fiscal year 2009. As a member of the Science and Technology Committee, I am pleased that this bill has reached the floor with the full bipartisan support of the committee. H.R. 6063 reaffirms the basic principles that NASA is and should remain a multimission agency with a balanced portfolio of programs in science, aeronautics, and human space flight, including human and robotic exploration beyond low-Earth orbit.

This year marks the 50th anniversary of the establishment of the National Aeronautics and Space Administration (NASA) and the dawn of the United States space program. H.R. 6063 honors this accomplishment with an affirmation of the administration's goals of transitioning to new space vehicles, sending astronauts to Mars and repairing the Hubble telescope. I believe this bill makes important investments in aeronautic research and development while continuing NASA's important work to carry us into the next half century of space exploration. Madam Chairman, I encourage my colleagues to support this bill.

Ms. ESHOO. Madam Chairman, I rise today in support of the National Aeronautics and Space Administration Authorization Act (H.R. 6063).

This bill authorizes $20.2 billion for NASA for the 2009 fiscal year which represents a 14 percent increase over the President's request of $17.6 billion. The President's vision of new manned space missions without requesting adequate funding for the agency has resulted in cuts to other NASA programs, including important earth sciences research. The bill we're considering today addresses the needs of NASA's entire mission and all four of its directorates which encompass space exploration, aeronautics, and other research and technology development programs.

NASA's Ames Research Center is a key component of the vibrant research and innovation community in my Congressional District. With special expertise in supercomputing, networking and intelligent systems, Ames develops technologies critical to NASA's missions. Ames and the other NASA research facilities around the country rely on the funding within the Science Mission Directorate (SMD). The House of Representatives has consistently exceeded the President's budget request and I'm pleased to see this pattern continue today. We have exceeded the Administration's request for all four of the divisions within SMD to ensure that NASA scientists at Ames and across the country have the resources they need.

While this is a good bill, I hope future reauthorizations will revisit the restrictions imposed on NASA's ability to engage in Enhanced Use Lease (EUL) agreements. Just last week Ames Research Center announced it had signed an EUL with Google in a strategic partnership to develop new ideas, technologies, and applications. I hope we can expand this program in the future to provide further opportunities for NASA to develop these fruitful relationships which leverage private sector expertise to use our tax dollars effectively and efficiently.

NASA is a critical component of our nation's research and development infrastructure and I thank the Committee on Science and Technology for their hard work on this bill. I urge my colleagues on both sides of the aisle to join me in supporting this legislation.

Mr. SCOTT of Virginia. Madam Chairman, I rise today in support of the NASA Authorization Act of 2008. It authorizes $20.2 billion for NASA in FY 09, including $1 billion to speed development of the Crew Exploration Vehicle and Crew Launch Vehicle.

This bill authorizes increased funding for vital aeronautics research after several years of cuts. In fact, it authorizes $853 million for aeronautics research, a $341 million dollar increase over FY 07 levels.

This includes continued funding for the next-generation air transportation system initiative—a collaborative federal effort to design a new air traffic control system that can accommodate increased air traffic, which is expected to double or even triple by 2025. This important work being conducted by engineers and scientists at NASA Langley will lay the groundwork for a more efficient, safer, and environmentally-friendly air traffic system that will reduce delays and allow our Nation to move more people and goods around the United States and around the world.

Madam Chairman, we know that investing in aeronautics research pays off. The aviation industry is the number one positive contributor to the U.S. balance of trade, with a net contribution to this balance of more than $60 billion in 2007. This is directly attributable to our past investment in aeronautics research. EVERY aircraft, worldwide, uses NASA technology. And NASA Langley Research Center located in Hampton, Virginia has been at the forefront of developing many of these cutting edge technologies.

Engineering principles developed from past research at Langley have contributed to overall aircraft safety and efficiency through advances in wing design, noise abatement, structural integrity, and fuel efficiency. And it is important to remember that these principles were developed 5, 10, 20, or even 30 years before they led to improvements in the commercial aircraft we see today. Though we may not see the benefits of today's investments in research for several decades, if we fail to make these investments today, we will regret that decision 20 or 30 years from now. Our Nation's leadership position in aeronautics is made more secure by the commitments we make today.

Madam Chairman, this bill recognizes that aeronautics has been an essential part of NASA's mission since the Agency's founding 50 years ago. NASA's aeronautics research and development efforts, including the work done by the workers at Langley Research Center in Virginia, have made the United States the world leader in the aeronautics industry.

I commend Chairman GORDON and the Members of the Science and Technology Committee for their hard work on this bill and for bringing it to the full House, and I urge my colleagues to support the bill.

Mr. AL GREEN of Texas. Madam Chairman, I am proud to support H.R. 6063, the National Aeronautics and Space Administration (NASA) Authorization Act of 2008. As NASA celebrates its 50th anniversary this year, I would like to express my strong support for a program that has contributed so much to our Nation's educational, scientific, and economic interests.

H.R. 6063 authorizes $20.21 billion in funding for NASA in FY 2009, including $1 billion in augmented funding to reduce the five year gap between the retirement of the current space shuttle in 2010 and the launch of the new Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle in 2015. During this time, the U.S. will lose all human spaceflight capability and will be forced to rely on foreign nations to carry our astronauts to the International Space Station. These outsourced space flights are estimated to cost around $700 million to $1 billion. The gap is also expected to have adverse effects on our national economy. NASA estimates that as many as 2,300 people could lose their jobs at Johnson Space Center in Houston as the shuttle fleet is retired. The funds that are included in this bill will help to accelerate the development of our next generation human spaceflight systems and minimize the undesirable consequences of this transitional period.

H.R. 6063 also includes funding for a wide range of different NASA initiatives such as space weather research and robotics development. The bill allows NASA to maintain a diverse portfolio of projects in science, aeronautics, and space exploration. By creating more quality jobs in this technical sector, we will be able to encourage future generations of students to pursue studies in science, technology, engineering, and mathematics (STEM) related fields. Creating this skilled workforce is an important step towards protecting our economic strength, our global competitiveness, and our national security.

Since its inception in 1958, NASA has been responsible for countless innovations and scientific breakthroughs. For decades, it has symbolized our Nation's position as the global leader in space exploration and research. I am proud to support H.R. 6063 so that NASA will be able to build upon its own prestigious legacy as we move forward into this new millennium.

Mr. MARKEY. Madam Chairman, I rise today in support of the Hodes amendment to H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008, establishing a scholarship program in honor of Christa McAuliffe, the teacher-turned-astronaut whose journey captivated a nation and sparked a renewed interest in space exploration. Chosen out of 11,000 educators to participate in the Teacher in Space program, Christa represented the hopes and dreams of every teacher and every student around the country. Despite the tragic *Challenger* explosion that claimed her life along with the lives of her fellow astronauts, Christa's courage, creativity and curiosity embodied the best values of our educational system and remain an inspiration to students around the world. Christa grew up in my congressional district in Framingham, Massachusetts and later attended Framingham State College, where the Christa McAuliffe Center promotes science education and teacher training. While Christa's inspirational life was tragically cut short, along with her fellow passengers on the Space Shuttle *Challenger*, her legacy lives on inspiring the next generation of space explorers. This scholarship will be established to promote women in space sciences, a fitting goal considering Christa's life work. While women have made significant gains in the last few years, they continue to be underrepresented in space sciences and aeronautics. There is no better way to honor a true pioneer that inspired millions while promoting education and space exploration than a scholarship to advance that very cause.

I urge my colleagues to support the Hodes amendment and I thank my colleague from New Hampshire for this fitting tribute to a true American hero.

Mr. GENE GREEN of Texas. Madam Chairman, I rise today in support of the amendment to H.R. 6063 submitted by my good friend from Texas, Congressman NICK LAMPSON.

The Lampson amendment will enable NASA to meet its energy needs by clarifying language set forth in Section 526 of the Energy Independence and Security Act of 2007.

Section 526 prohibits Federal agencies from purchasing alternative or synthetic fuels for mobility-related use other than for research or testing, unless the purchase contract specifies that the lifecycle greenhouse gas emissions are less than that of conventional petroleum-based fuels.

The Lampson amendment will enable NASA to continue to contract for generally available fuels as long as the fuel is not predominately made from non-conventional sources. Without the certainty of this amendment, NASA may not have been able to procure fuels that may have been mixed with Canadian oil sands, no matter how small the mixture.

North American oil sands are vital to United States oil supplies. Oil sands represent approximately 5 percent of the total U.S. oil supply and are mixed in with fuel derived from other sources.

With the price of energy skyrocketing, our nation needs to diversify our fuel supplies, not restrict them. America should also encourage increased supplies of North American energy and decrease our dependence on oil from hostile countries.

I applaud Congressman LAMPSON's amendment and urge my colleagues from both sides of the aisle to support it. Thank you.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 6063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

Sec. 101. Fiscal year 2009.

TITLE II—EARTH SCIENCE

Sec. 201. Goal.
Sec. 202. Governance of United States Earth observations activities.
Sec. 203. Decadal survey missions.
Sec. 204. Transitioning experimental research into operational services.
Sec. 205. Landsat thermal infrared data continuity.
Sec. 206. Reauthorization of Glory Mission.
Sec. 207. Plan for disposition of Deep Space Climate Observatory.

TITLE III—AERONAUTICS

Sec. 301. Environmentally friendly aircraft research and development initiative.
Sec. 302. Research alignment.
Sec. 303. Research program to determine perceived impact of sonic booms.
Sec. 304. External review of NASA's aviation safety-related research programs.
Sec. 305. Interagency research initiative on the impact of aviation on the climate.
Sec. 306. Research program on design for certification.
Sec. 307. Aviation weather research.
Sec. 308. Joint Aeronautics Research and Development Advisory Committee.
Sec. 309. Funding for research and development activities in support of other mission directorates.
Sec. 310. University-based centers for research on aviation training.

TITLE IV—INTERNATIONAL EXPLORATION INITIATIVE

Sec. 401. Sense of Congress.
Sec. 402. Stepping stone approach to exploration.
Sec. 403. Lunar outpost.
Sec. 404. Exploration technology development.
Sec. 405. Exploration risk mitigation plan.
Sec. 406. Exploration crew rescue.
Sec. 407. Participatory exploration.
Sec. 408. Science and exploration.

TITLE V—SPACE SCIENCE

Sec. 501. Technology development.
Sec. 502. Provision for future servicing of observatory-class scientific spacecraft.
Sec. 503. Mars exploration.
Sec. 504. Importance of a balanced science program.
Sec. 505. Restoration of radioisotope thermoelectric generator material production.
Sec. 506. Assessment of impediments to interagency cooperation on space and Earth science missions.
Sec. 507. Assessment of cost growth.
Sec. 508. Outer planets exploration.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

Sec. 601. Utilization.
Sec. 602. Research management plan.
Sec. 603. Contingency plan for cargo resupply.

Subtitle B—Space Shuttle

Sec. 611. Flight manifest.
Sec. 612. Disposition of shuttle-related assets.
Sec. 613. Space Shuttle transition liaison office.

Subtitle C—Launch Services

Sec. 621. Launch services strategy.

TITLE VII—EDUCATION

Sec. 701. Response to review.
Sec. 702. External review of Explorer Schools program.

TITLE VIII—NEAR-EARTH OBJECTS

Sec. 801. In general.
Sec. 802. Findings.
Sec. 803. Requests for information.
Sec. 804. Establishment of policy.
Sec. 805. Planetary radar capability.
Sec. 806. Arecibo Observatory.

TITLE IX—COMMERCIAL INITIATIVES

Sec. 901. Sense of Congress.
Sec. 902. Commercial crew initiative.

TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

Sec. 1001. Review of information security controls.
Sec. 1002. Maintenance and upgrade of Center facilities.
Sec. 1003. Assessment of NASA laboratory capabilities.

TITLE XI—OTHER PROVISIONS

Sec. 1101. Space weather.
Sec. 1102. Space traffic management.
Sec. 1103. Study of export control policies related to civil and commercial space activities.
Sec. 1104. Astronaut health care.
Sec. 1105. National Academies decadal surveys.
Sec. 1106. Innovation prizes.
Sec. 1107. Commercial space launch range study.
Sec. 1108. NASA outreach and technology assistance program.

SEC. 2. FINDINGS.

The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the following:

(1) NASA is and should remain a multimission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.

(2) Investment in NASA's programs will promote innovation through research and development, and will improve the competitiveness of the United States.

(3) Investment in NASA's programs, like investments in other Federal science and technology activities, is an investment in our future.

(4) Properly structured, NASA's activities can contribute to an improved quality of life, economic vitality, United States leadership in peaceful cooperation with other nations on challenging undertakings in science and technology, national security, and the advancement of knowledge.

(5) NASA should assume a leadership role in a cooperative international Earth observations and research effort to address key research issues associated with climate change and its impacts on the Earth system.

(6) NASA should undertake a program of aeronautical research, development, and where appropriate demonstration activities with the overarching goals of—

(A) ensuring that the Nation's future air transportation system can handle up to 3 times the current travel demand and incorporate new vehicle types with no degradation in safety or adverse environmental impact on local communities;

(B) protecting the environment;

(C) promoting the security of the Nation; and

(D) retaining the leadership of the United States in global aviation.

(7) Human and robotic exploration of the solar system will be a significant long term undertaking of humanity in the 21st century and beyond, and it is in the national interest that the United States should assume a leadership role in a cooperative international exploration initiative.

(8) Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle to full operational capability as soon as practicable.

(9) NASA's scientific research activities have contributed much to the advancement of knowledge, provided societal benefits, and helped train the next generation of scientists and engineers, and those activities should continue to be an important priority.

(10) NASA should make a sustained commitment to a robust long-term technology development activity. Such investments represent the critically important "seed corn" on which NASA's ability to carry out challenging and productive missions in the future will depend.

(11) NASA, through its pursuit of challenging and relevant activities, can provide an important stimulus to the next generation to pursue careers in science, technology, engineering, and mathematics.

(12) Commercial activities have substantially contributed to the strength of both the United States space program and the national economy, and the development of a healthy and robust United States commercial space sector should continue to be encouraged.

(13) It is in the national interest for the United States to have an export control policy that protects the national security while also enabling the United States aerospace industry to compete effectively in the global market place and the United States to undertake cooperative programs in science and human space flight in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act:

(1) Administrator.—The term "Administrator" means the Administrator of NASA.

(2) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

(3) NOAA.—The term "NOAA" means the National Oceanic and Atmospheric Administration.

(4) OSTP.—The term "OSTP" means the Office of Science and Technology Policy.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

SEC. 101. FISCAL YEAR 2009.

(a) Baseline Authorization.—There are authorized to be appropriated to NASA for fiscal year 2009 $19,210,000,000, as follows:

(1) For Science, $4,932,200,000, of which—

(A) $1,518,000,000 shall be for Earth Science, including $29,200,000 for suborbital activities and $2,500,000 for carrying out section 313 of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155);

(B) $1,483,000,000 shall be for Planetary Science, including $486,500,000 for the Mars Exploration program, $2,000,000 to continue planetary radar operations at the Arecibo Observatory in support of the Near-Earth Object program, and $5,000,000 for radioisotope material production, to remain available until expended;

(C) $1,290,400,000 shall be for Astrophysics, including $27,300,000 for suborbital activities;

(D) $640,800,000 shall be for Heliophysics, including $50,000,000 for suborbital activities; and

(E) $75,000,000 shall be for Cross-Science Mission Directorate Technology Development, to be taken on a proportional basis from the funding subtotals under subparagraphs (A), (B), (C), and (D).

(2) For Aeronautics, $853,400,000, of which $406,900,000 shall be for system-level research, development, and demonstration activities related to—

(A) aviation safety;

(B) environmental impact mitigation, including noise, energy efficiency, and emissions;

(C) support of the Next Generation Air Transportation System initiative; and

(D) investigation of new vehicle concepts and flight regimes.

(3) For Exploration, $3,886,000,000, of which $100,000,000 shall be for the activities under sections 902(b) and 902(d); and $737,800,000 shall be for Advanced Capabilities, including $106,300,000 for the Lunar Precursor Robotic Program, $276,500,000 for International Space Station-related research and development activities, and $355,000,000 for research and development activities not related to the International Space Station.

(4) For Education, $128,300,000.

(5) For Space Operations, $6,074,700,000, of which—

(A) $150,000,000 shall be for an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station;

(B) $100,000,000 shall be to augment funding for International Space Station Cargo Services to enhance research utilization of the International Space Station, to remain available until expended; and

(C) $50,000,000 shall be to augment funding for Space Operations Mission Directorate reserves and Shuttle Transition and Retirement activities.

(6) For Cross-Agency Support Programs, $3,299,900,000.

(7) For Inspector General, $35,500,000.

(b) Additional Authorization To Address Human Space Flight Gap.—In addition to the sums authorized by subsection (a), there are authorized to be appropriated for the purposes described in subsection (a)(3) $1,000,000,000 for fiscal year 2009, to be used to accelerate the initial operational capability of the Orion Crew Exploration Vehicle and the Ares I Crew Launch Vehicle and associated ground support systems, to remain available until expended.

TITLE II—EARTH SCIENCE

SEC. 201. GOAL.

The goal for NASA's Earth Science program shall be to pursue a program of Earth observations, research, and applications activities to better understand the Earth, how it supports life, and how human activities affect its ability to do so in the future. In pursuit of this goal, NASA's Earth Science program shall ensure that securing practical benefits for society will be an important measure of its success in addition to securing new knowledge about the Earth system and climate change. In further pursuit of this goal, NASA shall assume a leadership role in developing and carrying out a cooperative international Earth observations-based research and applications program.

SEC. 202. GOVERNANCE OF UNITED STATES EARTH OBSERVATIONS ACTIVITIES.

(a) Study.—The Director of the OSTP shall enter into an arrangement with the National Academies for a study to determine the most appropriate governance structure for United States Earth Observations programs in order to meet evolving United States Earth information needs and facilitate United States participation in global Earth Observations initiatives.

(b) Report.—The Director shall transmit the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act, and shall provide OSTP's plan for implementing the study's recommendations not later than 24 months after the date of enactment of this Act.

SEC. 203. DECADAL SURVEY MISSIONS.

(a) In General.—The missions recommended in the National Academies' decadal survey "Earth Science and Applications from Space" provide the basis for a compelling and relevant program of research and applications, and the Administrator should work to establish an international cooperative effort to pursue those missions.

(b) Plan.—The Administrator shall prepare a plan for submission to Congress not later than 270 days after the date of enactment of this Act that shall describe how NASA intends to implement the missions recommended as described in subsection (a), whether by means of dedicated NASA missions, multi-agency missions, international cooperative missions, data sharing, or commercial data buys, or by means of long-term technology development to determine whether specific missions would be executable at a reasonable cost and within a reasonable schedule.

SEC. 204. TRANSITIONING EXPERIMENTAL RESEARCH INTO OPERATIONAL SERVICES.

(a) Sense of Congress.—It is the sense of the Congress that experimental NASA sensors and missions that have the potential to benefit society if transitioned into operational monitoring systems be transitioned into operational status whenever possible.

(b) Interagency Process.—The Director of OSTP, in consultation with the Administrator, the Administrator of NOAA, and other relevant stakeholders, shall develop a process to transition, when appropriate, NASA Earth science and space weather missions or sensors into operational status. The process shall include coordination of annual agency budget requests as required to execute the transitions.

(c) Responsible Agency Official.—The Administrator and the Administrator of NOAA shall each designate an agency official who shall have the responsibility for and authority to lead NASA's and NOAA's transition activities and interagency coordination.

(d) Plan.—For each mission or sensor that is determined to be appropriate for transition under subsection (b), NASA and NOAA shall transmit to Congress a joint plan for conducting the transition. The plan shall include the strategy, milestones, and budget required to execute the transition. The transition plan shall be

transmitted to Congress not later than 60 days after the successful completion of the mission or sensor critical design review.

SEC. 205. LANDSAT THERMAL INFRARED DATA CONTINUITY.

(a) PLAN.—In view of the importance of Landsat thermal infrared data for both scientific research and water management applications, the Administrator shall prepare a plan for ensuring the continuity of Landsat thermal infrared data or its equivalent, including allocation of costs and responsibility for the collection and distribution of the data, and a budget plan. As part of the plan, the Administrator shall provide an option for developing a thermal infrared sensor at minimum cost to be flown on the Landsat Data Continuity Mission with minimum delay to the schedule of the Landsat Data Continuity Mission.

(b) DEADLINE.—The plan shall be provided to Congress not later than 60 days after the date of enactment of this Act.

SEC. 206. REAUTHORIZATION OF GLORY MISSION.

(a) REAUTHORIZATION.—Congress reauthorizes NASA to continue with development of the Glory Mission, which will examine how aerosols and solar energy affect the Earth's climate.

(b) BASELINE REPORT.—Pursuant to the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155), not later than 90 days after the date of enactment of this Act, the Administrator shall transmit a new baseline report consistent with section 103(b)(2) of such Act. The report shall include an analysis of the factors contributing to cost growth and the steps taken to address them.

SEC. 207. PLAN FOR DISPOSITION OF DEEP SPACE CLIMATE OBSERVATORY.

(a) PLAN.—NASA shall develop a plan for the Deep Space Climate Observatory (DSCOVR), including such options as using the parts of the spacecraft in the development and assembly of other science missions, transferring the spacecraft to another agency, reconfiguring the spacecraft for another Earth science mission, establishing a public-private partnership for the mission, and entering into an international cooperative partnership to use the spacecraft for its primary or other purposes. The plan shall include an estimate of budgetary resources and schedules required to implement each of the options.

(b) CONSULTATION.—NASA shall consult, as necessary, with other Federal agencies, industry, academic institutions, and international space agencies in developing the plan.

(c) REPORT.—The Administrator shall transmit the plan required under subsection (a) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

TITLE III—AERONAUTICS

SEC. 301. ENVIRONMENTALLY FRIENDLY AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator shall establish an initiative involving NASA, universities, industry, and other research organizations as appropriate, of research, development, and demonstration, in a relevant environment, of technologies to enable the following commercial aircraft performance characteristics:

(1) Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate, without increasing energy consumption or nitrogen oxide emissions compared to aircraft in commercial service as of the date of enactment of this Act.

(2) Significant reductions in greenhouse gas emissions compared to aircraft in commercial services as of the date of enactment of this Act.

SEC. 302. RESEARCH ALIGNMENT.

In addition to pursuing the research and development initiative described in section 301, the Administrator shall, to the maximum extent practicable within available funding, align the fundamental aeronautics research program to address high priority technology challenges of the National Academies' Decadal Survey of Civil Aeronautics, and shall work to increase the degree of involvement of external organizations, and especially of universities, in the fundamental aeronautics research program.

SEC. 303. RESEARCH PROGRAM TO DETERMINE PERCEIVED IMPACT OF SONIC BOOMS.

(a) IN GENERAL.—The ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities would open new markets and enable new transportation capabilities. In order to have the basis for establishing an appropriate sonic boom standard for such flight operations, a research program is needed to assess the impact in a relevant environment of commercial supersonic flight operations.

(b) ESTABLISHMENT.—The Administrator shall establish a cooperative research program with industry, including the conduct of flight demonstrations in a relevant environment, to collect data on the perceived impact of sonic booms that would enable the promulgation of a standard that would have to be met for overland commercial supersonic flight operations.

SEC. 304. EXTERNAL REVIEW OF NASA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of NASA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of the Federal Aviation Administration and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) suitable mechanisms exist for transitioning the research results from the programs into operational technologies and procedures and certification activities in a timely manner.

(b) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.

SEC. 305. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator, in coordination with the United States Climate Change Science Program and other appropriate agencies, shall establish a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research initiative that contains objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(c) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for conducting an independent review of the interagency research program plan, and shall provide the results of that review to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 2 years after the date of enactment of this Act.

SEC. 306. RESEARCH PROGRAM ON DESIGN FOR CERTIFICATION.

(a) PROGRAM.—Not later than 6 months after the date of enactment of this Act, NASA, in consultation with other appropriate agencies, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), NASA shall develop a plan for the research program that contains objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(c) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for conducting an independent review of the research program plan, and shall provide the results of that review to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 2 years after the date of enactment of this Act.

SEC. 307. AVIATION WEATHER RESEARCH.

The Administrator shall establish a program of collaborative research with NOAA on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 308. JOINT AERONAUTICS RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—A joint Aeronautics Research and Development Advisory Committee (in this section referred to as the "Advisory Committee") shall be established.

(b) DUTIES.—The Advisory Committee shall—

(1) make recommendations regarding the coordination of research and development activities of NASA and the Federal Aviation Administration;

(2) make recommendations for and monitor development and implementation of processes for transitioning research and development from NASA and the Federal Aviation Administration to external entities for further development as appropriate;

(3) make recommendations regarding the status of the activities of NASA and the Federal Aviation Administration's research and development programs as they relate to the recommendations contained in the National Research Council's 2006 report entitled "Decadal Survey of Civil Aeronautics", and the recommendations contained in subsequent National Research Council reports of a similar nature; and

(4) not later than March 15 of each year, transmit a report to the Administrator, the Administrator of the Federal Aviation Administration, the Committee on Science and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on the Advisory Committee's findings and recommendations under paragraphs (1), (2), and (3).

(c) MEMBERSHIP.—The Advisory Committee shall consist of 10 members, none of whom shall be a Federal employee, including—

(1) 5 members selected by the Administrator; and

(2) 5 members selected by the Chair of the Federal Aviation Administration's Research, Engineering, and Development Advisory Committee (REDAC).

(d) SELECTION PROCESS.—Initial selections under subsection (c) shall be made within 3

months after the date of enactment of this Act. Vacancies shall be filled in the same manner as provided in subsection (c).

(e) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its members.

(f) COORDINATION.—The Advisory Committee shall coordinate with the advisory bodies of other Federal agencies, which may engage in related research activities.

(g) COMPENSATION.—The members of the Advisory Committee shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) MEETINGS.—The Advisory Committee shall convene, in person or by electronic means, at least 4 times per year.

(i) QUORUM.—A majority of the members serving on the Advisory Committee shall constitute a quorum for purposes of conducting the business of the Advisory Committee.

(j) DURATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 309. FUNDING FOR RESEARCH AND DEVELOPMENT ACTIVITIES IN SUPPORT OF OTHER MISSION DIRECTORATES.

Research and development activities performed by the Aeronautics Research Mission Directorate with the primary objective of assisting in the development of a flight project in another Mission Directorate shall be funded by the Mission Directorate seeking assistance.

SEC. 310. UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

Section 427(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) is amended by striking "may" and inserting "shall".

TITLE IV—INTERNATIONAL EXPLORATION INITIATIVE

SEC. 401. SENSE OF CONGRESS.

It is the sense of Congress that the President of the United States should invite America's friends and allies to participate in a long-term international initiative under the leadership of the United States to expand human and robotic presence into the solar system, including the exploration and utilization of the Moon, near Earth asteroids, Lagrangian points, and eventually Mars and its moons, among other exploration and utilization goals.

SEC. 402. STEPPING STONE APPROACH TO EXPLORATION.

In order to maximize the cost-effectiveness of the long-term exploration and utilization activities of the United States, the Administrator shall take all necessary steps to ensure that activities in its lunar exploration program shall be designed and implemented in a manner that gives strong consideration to how those activities might also help meet the requirements of future exploration and utilization activities beyond the Moon. The timetable of the lunar phase of the long-term international exploration initiative shall be determined by the availability of funding and agreement on an international cooperative framework for the conduct of the international exploration initiative. However, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

SEC. 403. LUNAR OUTPOST.

(a) ESTABLISHMENT.—As NASA works toward the establishment of a lunar outpost, NASA shall make no plans that would require a lunar outpost to be occupied to maintain its viability. Any such outpost shall be operable as a human-tended facility capable of remote or autonomous operation for extended periods.

(b) DESIGNATION.—The United States portion of the first human-tended outpost established on the surface of the Moon shall be designated the "Neil A. Armstrong Lunar Outpost".

(c) CONGRESSIONAL INTENT.—It is the intent of Congress that NASA shall make use of commercial services to the maximum extent practicable in support of its lunar outpost activities.

SEC. 404. EXPLORATION TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—A robust program of long-term exploration-related technology research and development will be essential for the success and sustainability of any enduring initiative of human and robotic exploration of the solar system.

(b) ESTABLISHMENT.—The Administrator shall establish and maintain a program of long-term exploration-related technology research and development that is not tied to specific flight projects and that has a funding goal of at least 10 percent of the total budget of the Exploration Systems Mission Directorate.

(c) GOALS.—The long-term technology program shall have the goal of having at least 50 percent of the funding allocated to external grants and contracts with universities, research institutions, and industry.

SEC. 405. EXPLORATION RISK MITIGATION PLAN.

(a) PLAN.—The Administrator shall prepare a plan that identifies and prioritizes the human and technical risks that will need to be addressed in carrying out human exploration beyond low Earth orbit and the research and development activities required to address those risks. The plan shall address the role of the International Space Station in exploration risk mitigation and include a detailed description of the specific steps being taken to utilize the International Space Station for that purpose.

(b) REPORT.—The Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan described in subsection (a) not later than one year after the date of enactment of this Act.

SEC. 406. EXPLORATION CREW RESCUE.

In order to maximize the ability to rescue astronauts whose space vehicles have become disabled, the Administrator shall enter into discussions with the appropriate representatives of spacefaring nations who have or plan to have crew transportation systems capable of orbital flight or flight beyond low Earth orbit for the purpose of agreeing on a common docking system standard.

SEC. 407. PARTICIPATORY EXPLORATION.

(a) IN GENERAL.—The Administrator shall develop a technology plan to enable dissemination of information to the public to allow the public to experience missions to the Moon, Mars, or other bodies within our solar system by leveraging advanced exploration technologies. The plan shall identify opportunities to leverage technologies in NASA's Constellation systems that deliver a rich, multi-media experience to the public, and that facilitate participation by the public, the private sector, nongovernmental organizations, and international partners. Technologies for collecting high-definition video, 3-dimensional images, and scientific data, along with the means to rapidly deliver this content through extended high bandwidth communications networks shall be considered as part of this plan. It shall include a review of high bandwidth radio and laser communications, high-definition video, stereo imagery, 3-dimensional scene cameras, and Internet routers in space, from orbit, and on the lunar surface. The plan shall also consider secondary cargo capability for technology validation and science mission opportunities. In addition, the plan shall identify opportunities to develop and demonstrate these technologies on the International Space Station and robotic missions to the Moon, Mars, and other solar system bodies.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 408. SCIENCE AND EXPLORATION.

It is the sense of Congress that NASA's scientific and human exploration activities are synergistic, i.e. science enables exploration and human exploration enables science. The Congress encourages the Administrator to coordinate, where practical, NASA's science and exploration activities with the goal of maximizing the success of human exploration initiatives and furthering our understanding of the Universe that we explore.

TITLE V—SPACE SCIENCE

SEC. 501. TECHNOLOGY DEVELOPMENT.

The Administrator shall establish a cross-Directorate long-term technology development program for space and Earth science within the Science Mission Directorate for the development of new technology. The program shall be independent of the flight projects under development. NASA shall have a goal of funding the cross-Directorate technology development program at a level of 5 percent of the total Science Mission Directorate annual budget. The program shall be structured to include competitively awarded grants and contracts.

SEC. 502. PROVISION FOR FUTURE SERVICING OF OBSERVATORY-CLASS SCIENTIFIC SPACECRAFT.

The Administrator shall take all necessary steps to ensure that provision is made in the design and construction of all future observatory-class scientific spacecraft intended to be deployed in Earth orbit or at a Lagrangian point in space for robotic or human servicing and repair.

SEC. 503. MARS EXPLORATION.

Congress reaffirms its support for a systematic, integrated program of exploration of the Martian surface to examine the planet whose surface is most like Earth's, to search for evidence of past or present life, and to examine Mars for future habitability and as a long-term goal for future human exploration. To the extent affordable and practical, the program should pursue the goal of launches at every Mars launch opportunity, leading to an eventual robotic sample return.

SEC. 504. IMPORTANCE OF A BALANCED SCIENCE PROGRAM.

It is the sense of Congress that a balanced and adequately funded set of activities, consisting of NASA's research and analysis grants programs, technology development, small, medium-sized, and large space science missions, and suborbital research activities, contributes to a robust and productive science program and serves as a catalyst for innovation. It is further the sense of Congress that suborbital flight activities, including the use of sounding rockets, aircraft, and high-altitude balloons, offer valuable opportunities to advance science, train the next generation of scientists and engineers, and provide opportunities for participants in the programs to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space programs. The Congress believes that it is in the national interest to expand the size of NASA's suborbital research program.

SEC. 505. RESTORATION OF RADIOISOTOPE THERMOELECTRIC GENERATOR MATERIAL PRODUCTION.

(a) PLAN.—The Director of OSTP shall develop a plan for restarting and sustaining the

domestic production of radioisotope thermoelectric generator material for deep space and other space science missions.

(b) REPORT.—The plan developed under subsection (a) shall be transmitted to Congress not later than 270 days after the date of enactment of this Act.

SEC. 506. ASSESSMENT OF IMPEDIMENTS TO INTERAGENCY COOPERATION ON SPACE AND EARTH SCIENCE MISSIONS.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academies to assess impediments to the successful conduct of interagency cooperation on space and Earth science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on space and Earth science missions.

(b) REPORT.—The report of the assessment carried out under subsection (a) shall be transmitted to the Committee on ,Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 15 months after the date of enactment of this Act.

SEC. 507. ASSESSMENT OF COST GROWTH.

(a) STUDY.—The Administrator shall enter into an arrangement for an independent external assessment to identify the primary causes of cost growth in the large, medium-sized, and small space and Earth science spacecraft mission classes, and make recommendations as to what changes, if any, should be made to contain costs and ensure frequent mission opportunities in NASA's science spacecraft mission programs.

(b) REPORT.—The report of the assessment conducted under subsection (a) shall be submitted to Congress not later than 15 months after the date of enactment of this Act.

SEC. 508. OUTER PLANETS EXPLORATION.

It is the sense of Congress that the outer solar system planets and their satellites can offer important knowledge about the formation and evolution of the solar system, the nature and diversity of these solar system bodies, and the potential for conditions conducive to life beyond Earth. NASA should move forward with plans for an Outer Planets flagship mission to the Europa-Jupiter system or the Titan-Saturn system as soon as practicable within a balanced Planetary Science program.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

SEC. 601. UTILIZATION.

The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least 2020 and shall take no steps that would preclude its continued operation and utilization by the United States after 2016.

SEC. 602. RESEARCH MANAGEMENT PLAN.

(a) RESEARCH MANAGEMENT PLAN.—The Administrator shall develop a research management plan for the International Space Station. The plan shall include a process for selecting and prioritizing research activities (including fundamental, applied, commercial, and other research) for flight on the International Space Station. This plan shall be used to prioritize resources such as crew time, racks and equipment, and United States access to international research facilities and equipment. The plan shall also identify the organization to be responsible for managing United States research on the International Space Station, including a description of the relationship of the management institution with NASA (e.g., internal NASA office, contract, cooperative agreement, or grant), the estimated length of time for the arrangement, and the budget required to support the management institution. The plan shall be developed in consultation with other Federal agencies, academia, industry, and other relevant stakeholders. The plan shall be transmitted to Congress not later than 12 months after the date of enactment of this Act.

(b) ACCESS TO NATIONAL LABORATORY.—The Administrator shall—

(1) establish a process by which to support International Space Station National Laboratory users in identifying their requirements for transportation of research supplies to and from the International Space Station, and for communicating those requirements to NASA and International Space Station transportation services providers; and

(2) develop an estimate of the transportation requirements needed to support users of the International Space Station National Laboratory and develop a plan for satisfying those requirements by dedicating a portion of volume on NASA supply missions to the International Space Station and missions returning from the International Space Station to Earth.

(c) ASSESSMENT.—The Administrator shall—

(1) identify existing research equipment and racks and support equipment that are manifested for flight;

(2) provide a detailed description of the status of research equipment and facilities that were completed or in development prior to being cancelled, and provide the budget and milestones for completing and preparing the equipment for flight on the International Space Station; and

(3) provide the results of the assessment to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

(d) ADVISORY COMMITTEE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish an advisory panel under the Federal Advisory Committee Act to monitor the activities and management of the International Space Station National Laboratory.

SEC. 603. CONTINGENCY PLAN FOR CARGO RESUPPLY.

(a) IN GENERAL.—The International Space Station represents a significant investment of national resources, and it is a facility that embodies a cooperative international approach to the exploration and utilization of space. As such, it is important that its continued viability and productivity be ensured, to the maximum extent possible after the Space Shuttle is retired.

(b) CONTINGENCY PLAN.—The Administrator shall develop a contingency plan and arrangements, including use of International Space Station international partner cargo resupply capabilities, to ensure the continued viability and productivity of the International Space Station in the event that United States commercial cargo resupply services are not available during any extended period after the date that the Space Shuttle is retired. The plan shall be delivered to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than one year after the date of enactment of this Act.

Subtitle B—Space Shuttle

SEC. 611. FLIGHT MANIFEST.

(a) BASELINE MANIFEST.—In addition to the Space Shuttle flights listed as part of the baseline flight manifest as of January 1, 2008, the Utilization flights ULF-4 and ULF-5 shall be considered part of the Space Shuttle baseline flight manifest and shall be flown prior to the retirement of the Space Shuttle.

(b) ADDITIONAL FLIGHT TO DELIVER THE ALPHA MAGNETIC SPECTROMETER TO THE INTERNATIONAL SPACE STATION.—In addition to the flying of the baseline manifest as described in subsection (a), the Administrator shall take all necessary steps to fly one additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station prior to the retirement of the Space Shuttle.

(c) SPACE SHUTTLE RETIREMENT DATE.—The Space Shuttle shall be retired following the completion of the baseline flight manifest and the flight of the additional flight specified in subsection (b), events that are anticipated to occur in 2010.

SEC. 612. DISPOSITION OF SHUTTLE-RELATED ASSETS.

Not later than 90 days after the date of enactment of this Act, the Administrator shall provide a plan to Congress for the disposition of the remaining Space Shuttle orbiters and other Space Shuttle program-related hardware and facilities after the retirement of the Space Shuttle fleet. The plan shall include a process by which educational institutions and science museums and other appropriate organizations may acquire, through loan or disposal by the Federal Government, Space Shuttle program-related hardware. The Administrator shall not dispose of any Space Shuttle-related hardware prior to the completion of the plan.

SEC. 613. SPACE SHUTTLE TRANSITION LIAISON OFFICE.

(a) ESTABLISHMENT.—The Administrator shall establish an office within NASA's Office of Human Capital Management that shall assist local communities affected by the termination of the Space Shuttle program. The office shall offer technical assistance and serve as a clearinghouse to assist communities in identifying services available from other Federal agencies.

(b) SUNSET.—The Office established under subsection (a) shall cease operations 24 months after the last Space Shuttle flight.

Subtitle C—Launch Services

SEC. 621. LAUNCH SERVICES STRATEGY.

(a) IN GENERAL.—In preparation for the award of contracts to follow up on the current NASA Launch Services (NLS) contracts, the Administrator shall develop a strategy for providing domestic commercial launch services in support of NASA's small and medium-sized Science, Space Operations, and Exploration missions, consistent with current law and policy.

(b) REPORT.—The Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the strategy developed under subsection (a) not later than 90 days after the date of enactment of this Act. The report shall provide, at a minimum—

(1) the results of the Request for Information on small to medium-sized launch services released on April 22, 2008;

(2) an analysis of possible alternatives to maintain small and medium-sized lift capabilities after June 30, 2010, including the use of the Department of Defense's Evolved Expendable Launch Vehicle (EELV);

(3) the recommended alternatives, and associated 5-year budget plans starting in October 2010 that would enable their implementation; and

(4) a contingency plan in the event the recommended alternatives described in paragraph (3) are not available when needed.

TITLE VII—EDUCATION

SEC. 701. RESPONSE TO REVIEW.

(a) PLAN.—The Administrator shall prepare a plan identifying actions taken or planned in response to the recommendations of the National Academies report, "NASA's Elementary and

Secondary Education Program: Review and Critique". For those actions that have not been implemented, the plan shall include a schedule and budget required to support the actions.

(b) REPORT.—The plan prepared under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 702. EXTERNAL REVIEW OF EXPLORER SCHOOLS PROGRAM.

(a) REVIEW.—The Administrator shall make arrangements for an independent external review of the Explorer Schools program to evaluate its goals, status, plans, and accomplishments.

(b) REPORT.—The report of the independent external review shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

TITLE VIII—NEAR-EARTH OBJECTS

SEC. 801. IN GENERAL.

The Congress reaffirms the policy direction established in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) for NASA to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter. NASA's Near-Earth Object program activities will also provide benefits to NASA's scientific and exploration activities.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(3) Asteroid and comet collisions rank as one of the most costly natural disasters that can occur.

(4) The time needed to eliminate or mitigate the threat of a collision of a potentially hazardous near-Earth object with Earth is measured in decades.

(5) Unlike earthquakes and hurricanes, asteroids and comets can provide adequate collision information, enabling the United States to include both asteroid-collision and comet-collision disaster recovery and disaster avoidance in its public-safety structure.

(6) Basic information is needed for technical and policy decisionmaking for the United States to create a comprehensive program in order to be ready to eliminate and mitigate the serious and credible threats to humankind posed by potentially hazardous near-Earth asteroids and comets.

(7) As a first step to eliminate and to mitigate the risk of such collisions, situation and decision analysis processes, as well as procedures and system resources, must be in place well before a collision threat becomes known.

SEC. 803. REQUESTS FOR INFORMATION.

The Administrator shall issue requests for information on—

(1) a low-cost space mission with the purpose of rendezvousing with, attaching a tracking device, and characterizing the Apophis asteroid, which scientists estimate will in 2029 pass at a distance from Earth that is closer than geostationary satellites; and

(2) a medium-sized space mission with the purpose of detecting near-Earth objects equal to or greater than 140 meters in diameter.

SEC. 804. ESTABLISHMENT OF POLICY.

Not later than 2 years after the date of enactment of this Act, the Director of OSTP shall—

(1) develop a policy for notifying Federal agencies and relevant emergency response institutions of an impending near-Earth object threat, if near term public safety is at stake; and

(2) recommend a Federal agency or agencies to be responsible for protecting the Nation from a near-Earth object that is anticipated to collide with Earth and implementing a deflection campaign, in consultation with international bodies, should one be required.

SEC. 805. PLANETARY RADAR CAPABILITY.

The Administrator shall maintain a planetary radar that is, at minimum, comparable to the capability provided through the NASA Deep Space Network Goldstone facility.

SEC. 806. ARECIBO OBSERVATORY.

Congress reiterates its support for the use of the Arecibo Observatory for NASA-funded near-Earth object-related activities. The Administrator shall ensure the availability of the Arecibo Observatory's planetary radar to support these activities until the National Academies' review of NASA's approach for the survey and deflection of near-Earth objects, including a determination of the role of Arecibo, that was directed to be undertaken by the Fiscal Year 2008 Omnibus Appropriations Act, is completed.

TITLE IX—COMMERCIAL INITIATIVES

SEC. 901. SENSE OF CONGRESS.

It is the sense of Congress that a healthy and robust commercial sector can make significant contributions to the successful conduct of NASA's space exploration program. While some activities are inherently governmental in nature, there are many other activities, such as routine supply of water, fuel, and other consumables to low Earth orbit or to destinations beyond low Earth orbit, and provision of power or communications services to lunar outposts, that potentially could be carried out effectively and efficiently by the commercial sector at some point in the future. Congress encourages NASA to look for such service opportunities and, to the maximum extent practicable, make use of the commercial sector to provide those services.

SEC. 902. COMMERCIAL CREW INITIATIVE.

(a) IN GENERAL.—In order to stimulate commercial use of space, help maximize the utility and productivity of the International Space Station, and enable a commercial means of providing crew transfer and crew rescue services for the International Space Station, NASA shall—

(1) make use of United States commercially provided International Space Station crew transfer and crew rescue services to the maximum extent practicable, if those commercial services have demonstrated the capability to meet NASA-specified ascent, entry, and International Space Station proximity operations safety requirements;

(2) limit, to the maximum extent practicable, the use of the Crew Exploration Vehicle to missions carrying astronauts beyond low Earth orbit once commercial crew transfer and crew rescue services that meet safety requirements become operational;

(3) facilitate, to the maximum extent practicable, the transfer of NASA-developed technologies to potential United States commercial crew transfer and rescue service providers, consistent with United States law; and

(4) issue a notice of intent, not later than 180 days after the date of enactment of this Act, to enter into a funded, competitively awarded Space Act Agreement with two or more commercial entities for a Phase 1 Commercial Orbital Transportation Services (COTS) crewed vehicle demonstration program.

(b) COTS CREWED VEHICLE DEMONSTRATION PROGRAM AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA for the program described in subsection (a)(4) $50,000,000 for fiscal year 2009, to remain available until expended.

(c) CONGRESSIONAL INTENT.—It is the intent of Congress that funding for the program described in subsection (a)(4) shall not come at the expense of full funding of the amounts authorized under section 101(a)(3), and for future fiscal years, for Orion Crew Exploration Vehicle development, Ares I Crew Launch Vehicle development, or International Space Station cargo delivery.

(d) ADDITIONAL TECHNOLOGIES AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA for the provision of International Space Station-compatible docking adaptors and other relevant technologies to be made available to the commercial crew providers selected to service the International Space Station $50,000,000, to remain available until expended.

(e) CREW TRANSFER AND CREW RESCUE SERVICES CONTRACT.—If a commercial provider demonstrates the capability to provide International Space Station crew transfer and crew rescue services and to satisfy NASA ascent, entry, and International Space Station proximity operations safety requirements, NASA shall enter into an International Space Station crew transfer and crew rescue services contract with that commercial provider for a portion of NASA's anticipated International Space Station crew transfer and crew rescue requirements from the time the commercial provider commences operations under contract with NASA through calendar year 2016, with an option to extend the period of performance through calendar year 2020.

TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

SEC. 1001. REVIEW OF INFORMATION SECURITY CONTROLS.

(a) REPORT ON CONTROLS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of information security controls that protect NASA's information technology resources and information from inadvertent or deliberate misuse, fraudulent use, disclosure, modification, or destruction. The review shall focus on networks servicing NASA's mission directorates. In assessing these controls, the review shall evaluate—

(1) the network's ability to limit, detect, and monitor access to resources and information, thereby safeguarding and protecting them from unauthorized access;

(2) the physical access to network resources; and

(3) the extent to which sensitive research and mission data is encrypted.

(b) RESTRICTED REPORT ON INTRUSIONS.—Not later than one year after the date of enactment of this Act, and in conjunction with the report described in subsection (a), the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a restricted report detailing results of vulnerability assessments conducted by the Government Accountability Office on NASA's network resources. Intrusion attempts during such vulnerability assessments shall be divulged to NASA senior management prior to their application. The report shall put vulnerability assessment results in the context of unauthorized accesses or attempts during the prior two years and the corrective actions, recent or ongoing, that NASA has implemented in conjunction with other Federal authorities to prevent such intrusions.

SEC. 1002. MAINTENANCE AND UPGRADE OF CENTER FACILITIES.

(a) IN GENERAL.—In order to sustain healthy Centers that are capable of carrying out NASA's missions, the Administrator shall ensure that adequate maintenance and upgrading of those Center facilities is performed on a regular basis.

(b) REVIEW.—The Administrator shall determine and prioritize the maintenance and upgrade backlog at each of NASA's Centers and associated facilities, and shall develop a strategy and budget plan to reduce that maintenance and upgrade backlog by 50 percent over the next five years.

(c) REPORT.—The Administrator shall deliver a report to Congress on the results of the activities undertaken in subsection (b) concurrently with the delivery of the fiscal year 2011 budget request.

SEC. 1003. ASSESSMENT OF NASA LABORATORY CAPABILITIES.

(a) IN GENERAL.—NASA's laboratories are a critical component of NASA's research capabilities, and the Administrator shall ensure that those laboratories remain productive.

(b) REVIEW.—The Administrator shall enter into an arrangement for an independent external review of NASA's laboratories, including laboratory equipment, facilities, and support services, to determine whether they are equipped and maintained at a level adequate to support NASA's research activities. The assessment shall also include an assessment of the relative quality of NASA's in-house laboratory equipment and facilities compared to comparable laboratories elsewhere. The results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

TITLE XI—OTHER PROVISIONS

SEC. 1101. SPACE WEATHER.

(a) PLAN FOR REPLACEMENT OF ADVANCED COMPOSITION EXPLORER AT L-1 LAGRANGIAN POINT.—

(1) PLAN.—The Director of OSTP shall develop a plan for sustaining space-based measurements of solar wind from the L-1 Lagrangian point in space and for the dissemination of the data for operational purposes. OSTP shall consult with NASA, NOAA, and other Federal agencies, and with industry, in developing the plan.

(2) REPORT.—The Director shall transmit the plan to Congress not later than 1 year after the date of enactment of this Act.

(b) RESEARCH PROGRAM ON SPACE WEATHER AND AVIATION.—

(1) ESTABLISHMENT.—The Administrator shall, in coordination with the National Science Foundation, NOAA, and other relevant agencies, initiate a research program to—

(A) conduct or supervise research projects on impacts of space weather to aviation, including impacts on communication, navigation, avionic systems, and airline passengers and personnel; and

(B) facilitate the transfer of technology from space weather research programs to Federal agencies with operational responsibilities and to the private sector.

(2) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this subsection.

(c) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—

(1) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry, and in particular to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—

(A) examine space weather impacts on at least communications, navigation, avionics, and human health in flight;

(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety;

(C) provide recommendations on how NASA, NOAA, and the National Science Foundation can most effectively carry out research and monitoring activities related to space weather and aviation; and

(D) provide recommendations on how to integrate space weather information into the Next Generation Air Transportation System.

(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 1102. SPACE TRAFFIC MANAGEMENT.

(a) IN GENERAL.—As more nations acquire the capabilities for launching payloads into outer space, there is an increasing need for a framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.

(b) DISCUSSIONS.—The Administrator, in consultation with other appropriate agencies of the Federal Government, shall initiate discussions with the appropriate representatives of other spacefaring nations with the goal of determining an appropriate framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.

SEC. 1103. STUDY OF EXPORT CONTROL POLICIES RELATED TO CIVIL AND COMMERCIAL SPACE ACTIVITIES.

(a) REVIEW.—The Director of OSTP shall carry out a study of the impact of current export control policies and implementation directives on the United States aerospace industry and its competitiveness in global markets, and on the ability of United States Government agencies to carry out cooperative activities in science and technology and human space flight, including the impact on research carried out under the sponsorship of those agencies.

(b) CONSULTATION.—In carrying out the study, the Director shall seek input from industry, academia, representatives of the science community, all affected United States Government agencies, and any other appropriate organizations and individuals.

(c) REPORT.—The Director shall provide a report detailing the findings and recommendations of the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 9 months after the date of enactment of this Act.

SEC. 1104. ASTRONAUT HEALTH CARE.

(a) SURVEY.—The Administrator shall administer an anonymous survey of astronauts and flight surgeons to evaluate communication, relationships, and the effectiveness of policies. The survey questions and the analysis of results shall be evaluated by experts independent of NASA. The survey shall be administered on at least a biennial basis.

(b) REPORT.—The Administrator shall transmit a report of the results of the survey to Congress not later than 90 days following completion of the survey.

SEC. 1105. NATIONAL ACADEMIES DECADAL SURVEYS.

(a) IN GENERAL.—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.

(b) INDEPENDENT COST ESTIMATES.—The agreements described in subsection(a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.

(c) REEXAMINATION.—The Administrator shall request that each National Academies decadal survey committee identify any conditions or events, such as significant cost growth or scientific or technological advances, that would warrant NASA asking the National Academies to reexamine the priorities that the decadal survey had established.

SEC. 1106. INNOVATION PRIZES.

(a) IN GENERAL.—Prizes can play a useful role in encouraging innovation in the development of technologies and products that can assist NASA in its aeronautics and space activities, and the use of such prizes by NASA should be encouraged.

(b) AMENDMENTS.—Section 314 of the National Aeronautics and Space Act of 1958 is amended—

(1) by amending subsection (b) to read as follows:

"(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems."; and

(2) in subsection (i)(4) by striking "$10,000,000" and inserting "$50,000,000".

SEC. 1107. COMMERCIAL SPACE LAUNCH RANGE STUDY.

(a) STUDY BY INTERAGENCY COMMITTEE.—The Director of OSTP shall work with other appropriate Federal agencies to establish an interagency committee to conduct a study to—

(1) identify the issues and challenges associated with establishing a space launch range and facilities that are fully dedicated to commercial space missions in close proximity to Federal launch ranges or other Federal facilities; and

(2) develop a coordinating mechanism such that States seeking to establish such commercial space launch ranges will be able to effectively and efficiently interface with the Federal Government concerning issues related to the establishment of such commercial launch ranges in close proximity to Federal launch ranges or other Federal facilities.

(b) REPORT.—The Director shall, not later than May 31, 2010, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 1108. NASA OUTREACH AND TECHNOLOGY ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—NASA shall contract with an organization that has demonstrated the ability to partner with NASA centers, aerospace contractors, and academic institutions to carry out a program to transfer the knowledge and technology of the space and aeronautics programs to small businesses in communities across the United States. The program shall support the mission of NASA's Innovative Partnerships Program to provide technical assistance through joint partnerships with industry, academia, government agencies, and national laboratories.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the organization shall support the mission of NASA's Innovative Partnerships Program by undertaking the following activities:

(1) Facilitating technology transfer to the private sector to produce viable commercial products.

(2) Creating a network of academic institutions, aerospace contractors, and NASA centers that will commit to donating technical assistance to small businesses.

(3) Creating a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts and accomplishments of the program established under subsection (a) in support of NASA's Innovative Partnerships Program. As part of the report, the Administrator shall provide—

(1) data on the number of small businesses receiving assistance, jobs created and retained, and volunteer hours donated by NASA, contractors, and academic institutions nationwide;

(2) an estimate of the total dollar value of the economic impact made by small businesses that received technical assistance through the program; and

(3) an accounting of the use of funds appropriated for the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA for the program established under subsection (a), $4,000,000 for fiscal year 2009 from the funding available for the Innovative Partnerships Program, to remain available until expended.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-707. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–707.

Mr. GORDON of Tennessee. Madam Chairman, I yield myself such time as I may consume.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. GORDON of Tennessee. Yes, I do, Madam Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

In section 303, add at the end the following new subsection:

(c) COORDINATION.—The Administrator shall ensure that sonic boom research is coordinated as appropriate with the Administrator of the Federal Aviation Administration, and as appropriate make use of the expertise of the Partnership for Air Transportation Noise and Emissions Reduction Center of Excellence sponsored by NASA and the Federal Aviation Administration.

Amend section 305 to read as follows:

SEC. 305. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with NASA and the United States Climate Change Science Program, shall establish a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

Amend section 306 to read as follows (and amend the table of contents accordingly):

SEC. 306. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Federal Aviation Administration, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the Federal Aviation Administration shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator of the Federal Aviation Administration shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

In section 504, strike "and high-altitude balloons," and insert "high-altitude balloons, and suborbital reusable launch vehicles,".

In title VII, add at the end the following new section (and amend the table of contents accordingly):

SEC. 703. SENSE OF CONGRESS.

It is the sense of Congress that NASA's educational programs are important sources of inspiration and hands-on learning for the next generation of engineers and scientists and should be supported. In that regard, programs such as EarthKAM, which brings NASA directly into American classrooms by enabling students to talk directly with Astronauts aboard International Space Station and take photographs of Earth from space, and NASA involvement in robotics competitions for students of all levels, are particularly worthy undertakings and NASA should support them and look for additional opportunities to engage students through NASA's space and aeronautics activities.

In section 901, insert "It is further the sense of Congress that United States entrepreneurial space companies have the potential to develop and deliver innovative technology solutions at affordable costs. NASA is encouraged to use United States entrepreneurial space companies to conduct appropriate research and development activities. NASA is further encouraged to seek ways to ensure that firms that rely on fixed-price proposals are not disadvantaged when NASA seeks to procure technology development." after "provide those services.".

In title XI, add at the end the following new sections (and amend the table of contents accordingly):

SEC. 1109. REDUCTION-IN-FORCE MORATORIUM.

NASA shall not initiate or implement a reduction-in-force, or conduct any other involuntary separations of permanent, non-Senior Executive Service, civil servant employees except for cause on charges of misconduct, delinquency, or inefficiency prior to December 31, 2010.

SEC. 1110. LIMIT ON THE USE OF TERM POSITIONS.

NASA shall limit the percentage of employees in term positions, excluding students and cooperatives, within NASA to less than or equal to ten percent of the total number of non-Senior Executive Service, civil servant employees in fiscal year 2009.

SEC. 1111. TEMPORARY CONTINUATION OF COVERAGE OF HEALTH BENEFITS.

(a) Section 8905a (d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) If the basis for continued coverage under this section is, as a result of the termination of the Space Shuttle Program, an involuntary separation from a position due to a reduction-in-force or declination of a directed reassignment or transfer of function, or a voluntary separation from a surplus position in the National Aeronautics and Space Administration—

"(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

"(ii) the National Aeronautics and Space Administration shall pay the remaining portion of the amount required under paragraph (1) (A).

"(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before December 31, 2010.

"(C) For purposes of this paragraph, "surplus position" means a position which is—

"(i) identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures as a result of the termination of the Space Shuttle Program; or

"(ii) encumbered by an employee who has received official certification from the National Aeronautics and Space Administration consistent with the Administration's career transition assistance program regulations that the position is being abolished as a result of the termination of the Space Shuttle Program.".

(b) Paragraph (1)(A) of such subsection (d) is amended by striking "(4) and (5)" and inserting "(4), (5), and (6)".

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman this is a bipartisan manager's amendment that has been developed in close collaboration with the Science and Technology Committee minority leadership.

It provides several aeronautics-related provisions in the bill to conform them to provisions that were included in last year's House-passed FAA reauthorization bill.

It also includes a provision in section 303 related to coordination with the FAA on sonic boom research, which will help ensure that NASA's research results can help inform any future FAA rulemaking.

The amendment also encourages the potential scientific utility of emerging commercial, reusable launch vehicles by citing them as potential options for suborbital scientific research once they become available.

The amendment also includes language provisions by Mr. LAMPSON on the value of NASA's EarthKAM and robotics competitions for aspiring students.

Both of these activities were great ways to inspire students to learn about math, science and technology by providing exciting learning experiences. And I want to commend Mr. LAMPSON for his initiative in this area.

The amendment also expands section 901 to include a sense of Congress urging NASA's use of entrepreneurial companies to conduct corporate R&D.

Innovative ideas and products have repeatedly come out of these small entrepreneurial companies, and this amendment encourages NASA to seek ways to ensure such firms are not disadvantaged when the agency seeks to procure technology development.

Finally, the manager's amendment includes several important NASA workforce-related provisions, including an extension of the RIF moratorium, a limit on the use of certain positions in fiscal year 2009, and temporary continuation of health care benefits.

We have worked with NASA, the IFPTE union, and Chairman DAVIS' subcommittee on Federal Workforce to come up with a reasonable set of provisions.

The workforce provisions included in the manager's amendment are acceptable to all parties, and I believe they will help strengthen and protect the NASA workforce.

In sum, I believe the manager's amendment will make a good deal even better. And I urge Members to support it.

I reserve the balance of my time.

The CHAIRMAN. The Chair now recognizes Mr. HALL from Texas.

Mr. HALL of Texas. Madam Chairman, I rise to claim the time, and I am going to encourage my colleagues to support this amendment. But first I want to yield 3 minutes to Mr. FEENEY, the gentleman from Florida.

Mr. FEENEY. I thank Ranking Member HALL, and I thank Chairman GORDON for this amendment. I did want to take a moment or two to point out a very important aspect of this manager's amendment. It directs the White House Office of Science and Technology to establish an interagency committee to study issues related to locating a commercial space launch range in close proximity to a Federal launch range.

In order to have viable commercial launch operations in the United States, effective coordination and cooperation must exist between potential commercial ranges and existing Federal ranges. Federal agencies have to endeavor to assist and not choke off commercial space ranges. The interagency committee will focus on these agencies and the importance of this issue.

Let me say that for the last 50 years, space has been really a bipolar world. Either you were a part of the former Soviet orbit and space power, or you were part of the American-led free nations in space power.

Today it is a very different world. I just recently came back from the first ever global space summit in Beijing, China, where over 15 nations were represented, some six or seven major spacefaring powers. It is not just people that have to come ask the United States to get permission to get commercial opportunities in space today. There are some 50 different international agreements, many of which don't even involve the United States of America.

In some ways, our competitors are beating us to the punch in commercial launch opportunities. It is not just bad for business. Let me say, for example, the Chinese have launched over 33 satellites from other countries. They are doing this to help countries we would consider troublesome, for example, Venezuela or Nigeria. They are also using it to buy influence with our friends, like Japan or Brazil. America cannot shoot itself in the foot in developing and maintaining our historic leadership in commercial opportunities any more than we can give up predominance in the civilian side of human space exploration.

And so this manager's amendment contains a very important aspect. I sincerely applaud the chairman and others, including John Culberson, for advocating for this specific piece of the manager's amendment.

Mr. GORDON of Tennessee. I yield 1 minute to the gentleman from Colorado, the chairman of the subcommittee.

Mr. UDALL of Colorado. I thank the gentleman for yielding.

I rise in support of the manager's amendment. We have all worked together to fashion a constructive amendment. And I believe it includes a number of useful provisions that enhance the bill. Chairman GORDON already described them. So I am not going to restate them. But I want to note in particular that the workforce provisions included in the amendment have been under consideration for some time. We wanted to make sure however that we had the concurrence of all the stakeholders before we added any of these provisions. That has been done. The provisions will strengthen and protect the NASA workforce. I would ask the Members to support this amendment. It is a good amendment. It deserves the support of the body.

Mr. FEENEY. I am claiming time, without objection, for the minority side. We have no further speakers and would urge support and adoption of the manager's amendment.

I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield the remainder of my time to my friend from Ohio (Mr. KUCINICH).

The CHAIRMAN. The gentleman from Ohio is recognized for 1 minute.

Mr. KUCINICH. Madam Chairman, I rise in strong support of the manager's amendment and the underlying bill that reauthorizes the National Aeronautics and Space Administration. I want to thank the chairman of the Federal Workforce Subcommittee for working with me on three critical provisions that are included in this amendment. I also want to thank the chairman of the Science and Technology Committee and the Space and Aeronautics Subcommittee for putting together yet another bill that protects NASA and for working with me on this amendment.

The most important provision in this amendment is an extension of the ban on layoffs until at least 2011. Since announcing the ambitious vision for space exploration, the administration underfunded NASA. But Congress has consistently, and I might point out, in a bipartisan way, rejected these destructive cuts and layoffs. I am particularly proud of the way our own Ohio delegation has worked together on this.

Layoffs undermine not only workers' lives and the mission of the agency but also the regional economy. According to the researchers at Cleveland State University, NASA Glenn in Brook Park generated a demand for products and services of $955 million and was responsible for over 6,000 jobs in northeast Ohio in 2006.

Over the last few years, NASA has hired nearly three-quarters of its new science and engineering employees as short-term employees, thereby denying them full Civil Service protections. The 10 percent cap on short-term positions in this amendment will help NASA compete for the best and brightest in the field.

The third provision would temporarily extend health care benefits for employees in transition. The sudden loss of health care coverage is a major factor currently discouraging employees from taking a buy-out. The provision would be helpful in fostering a respectful workforce transition plan during this time of change for NASA.

This amendment and the underlying bill keep NASA healthy by supporting its employees. All across this country, from one end of the country to the other, there are NASA employees who are performing a valuable service, who are helping us to create the jobs of the future and enabling America to fulfill its vision to keep reaching.

Mr. OBERSTAR. Madam Chairman, I rise in support of the Manager's Amendment to the National Aeronautics and Space Administration Authorization Act of 2008 (NASA Reauthorization), offered by the gentleman from Tennessee, Representative BART GORDON, Chairman of the Committee on Science and Technology. I commend Chairman GORDON for his work on this important bill, which provides approximately $20 billion in funding authorization for fiscal year 2009, including approximately $853 million for aeronautical research, which is vital to commercial aviation.

The Manager's Amendment includes two revisions to the base authorization bill to reflect previous agreements between the Transportation and Infrastructure Committee and the Science Committee on provisions that were part of H.R. 2881, The FAA Reauthorization Act of 2007, which passed the House on September 20, 2007. The Manager's Amendment revises Section 305 of the bill, to require the Federal Aviation Administration (FAA) Administrator, in coordination with NASA and the United States Climate Change Science Program to establish a research initiative to assess the impact of aviation on the climate and to evaluate mitigation approaches. In addition, this section, as amended, requires, within one year of the date of enactment, the participating federal agencies to develop a plan for a research program dedicated to aviation's impact on the climate.

The Manager's Amendment also amends Section 306 of the bill to require the FAA, in consultation with other agencies, to establish a research program on ways to improve the confidence in and timeliness of certification of new technologies for introduction into the National Airspace System. In addition, this section, as amended, requires the FAA to develop a research plan, and to contract with the National Research Council to conduct an independent review of the research program plan, with a subsequent report to the committees of jurisdiction, including the Committee on Transportation and Infrastructure.

Madam Chairman, I support H.R. 6063, as amended by the Manager's Amendment, and urge my colleagues to do so as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FEENEY

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–707.

Mr. FEENEY. Madam Chairman, I have an amendment under the name of Mr. ROHRABACHER at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FEENEY:

In title VIII, add at the end the following new section (and amend the table of contents accordingly):

SEC. 807. INTERNATIONAL RESOURCES.

It is the sense of Congress that, since an estimated 25,000 asteroids of concern have yet to be discovered and monitored, the United States should seek to obtain commitments for cooperation from other nations with significant resources for contributing to a thorough and timely search for such objects and an identification of their characteristics.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Florida (Mr. FEENEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

□ 1615

Mr. FEENEY. Madam Chairman, on behalf of this amendment, as Congressman ROHRABACHER explained earlier, this amendment is a sense of the Congress provision stating the U.S. should seek to obtain commitments for cooperation from other nations in the search for near-Earth objects.

Mr. ROHRABACHER has been an ardent advocate in our committee for the potential threat posed by asteroids and comets having orbits that bring them close to Earth and the devastation they could create should one of them impact us.

By the way, I have sat through hearings, along with Congressman UDALL and others, and we have incredibly sophisticated technology and capabilities one day to protect Earth if we know we are going to be targeted by an asteroid or comet, for example. In fact, the testimony was that some 99 percent of the resources today globally to prepare for this eventuality are American tax dollars. It seems seeking cooperation on behalf of all humankind only makes sense.

Our committee held a highly informative set of hearings on near-Earth objects late last fall. It is clear to me that the entire world community needs to be much more vigilant in finding, tracking and characterizing near-Earth objects and developing deflection capabilities and technologies.

I urge support for this amendment.

Mr. GORDON of Tennessee. Will the gentleman yield?

Mr. FEENEY. I will be glad to.

Mr. GORDON of Tennessee. Let me just quickly add that our colleague and friend to both of us, Mr. ROHRABACHER, has long been an advocate for the detection and monitoring of near-Earth objects. I don't know that anybody has done any more on that. I certainly commend this constructive amendment.

Mr. FEENEY. Reclaiming my time just to close on behalf of Mr. ROHRABACHER's amendment, he is a great advocate, but I felt more comfortable after I heard from a bevy of the world's best astrophysicists that this is not only a real threat, but a real potential way to solve a threat to humankind.

With that, I would urge my colleagues to support the Rohrabacher amendment.

Mr. ROHRABACHER. Madam Chairman, my amendment offered by Mr. FEENEY encourages NASA to seek increased international cooperation to find and characterize all natural bodies in outer space over 140 meters in size that pass close to the Earth, referred to as near-Earth objects. Estimates of the total numbers of such objects vary from 25,000 to 100,000. This threat to the Earth is a worldwide matter of potentially catastrophic proportions should a collision with Earth occur, and the responsibility of dealing with it should not fall entirely on the United States or NASA, in particular.

The motivation and timing for this amendment arises from discussions with Russian and German government officials on furthering cooperation with the U.S. in science and technology that occurred during a CODEL that I attended over the Memorial Day recess.

The specific suggestion to cooperate in the effort to find and characterize near-Earth objects was greeted with great enthusiasm by the government officials with whom I met during the CODEL.

The initiative encouraged under my amendment is intended to provide relief for the enormous burden being placed on NASA to find and characterize the vast number of these objects estimated to exist. Many countries around the world have very capable astronomical observatories that can assist (and probably have to some extent).

In addition to telescopes, deep space radars play a critical role in quickly authenticating any impending threats that may be indicated from optical observations. Though the United States has the world's most capable deep space radar, namely the Arecibo Radar, and also the somewhat less capable Goldstone Radar, the Russian RT–70 Radar may be able to provide some contributions as well. Furthermore, certain large radio astronomy facilities around the world may be able to participate by pairing with these powerful U.S. deep space radars.

Mr. FEENEY. I yield back the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Florida (Mr. FEENEY).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. WU

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–707.

Mr. WU. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WU:

In section 401, insert at the end the following: "When appropriate, the United States should lead confidence building measures that advance the long-term initiative for international cooperation.".

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Madam Chairman, I rise in support of my amendment to build international trust and confidence in human space flight.

For decades, the United States and Russia were the only countries that had viable human space programs. In recent years, a number of countries have entered space or have expressed their intent to do so. This amendment recognizes the new playing field in space and includes a sense of Congress that the President of the United States should invite other spacefaring nations and soon-to-be spacefaring nations to participate in a long-term international initiative under our leadership.

My amendment would add a sentence to this sense of Congress that the United States should engage in confidence-building measures that advance this long-term initiative. With more countries in space, we need to ensure that space will not be used for hostile purposes.

I commend Chairman UDALL for proposing a long-term international initiative that will work toward that end. Confidence-building measures will encourage short-term actions that advance the long-term initiative for international cooperation in space. The United States and Russia engaged in confidence-building measures when Apollo 18 and Soyuz 19 connected in space. My amendment encourages similar actions between the United States and other members of the international space community. Actions like these will encourage the peaceful exploration of space.

I urge adoption of the amendment.

I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida.

Mr. FEENEY. Thank you, Madam Chairman.

I do not rise in opposition to the amendment. I should say I have no objection to the amendment. I have read it very carefully, and I appreciate the language "when appropriate." Of course, it would be the United States that determined, in my view, when international confidence-building measures would be appropriate.

I should say there are times when, for example, sharing sensitive technologies with certain countries may be inappropriate, if we don't have confidence what they may use those technologies for or what their long-term intentions are. On the other hand, there are things we ought to clearly explore sharing with every spacefaring Nation; for example, a common docking device with the Shuttle, perhaps, so any nation in the event of emergency may be able to help rescue our astronauts.

I should also suggest, as I talked about earlier, that space is developing. It is no longer a bipolar world. Historically, people have out of habit and out of practicality had to rely on asking the U.S. if they wanted to send a satellite, for example, into orbit, to see whether or not that satellite would safely orbit the Earth without colliding into another country's satellite. That is not true because of any international treaty or convention. Anybody can send anything into space. The truth is, in terms of space law, we have really sort of an international anarchy, just as originally when we with had travel by navy or by commerce through the seas and ultimately international air travel.

There has to be some way to communicate ultimately in terms of maintaining space traffic. Stopping the creation of space junk or debris that would threaten all peacefaring uses of space would be another example of appropriate times the U.S. should lead in confidence-building measures to advance long-term initiatives for international cooperation.

With that, again, I have no objection to the amendment.

I yield back the balance of my time.

Mr. WU. Madam Chairman, I urge adoption of this amendment and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WU

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–707.

Mr. WU. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WU:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. SENSE OF CONGRESS.

It is the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Madam Chairman, I rise in strong support of scientific integrity at NASA and everywhere else in this Federal Government.

Earlier this month, the Inspector General at NASA released a report regarding allegations that NASA suppressed climate change science and denied media access to a NASA scientist. As recent news reports have documented, this report came from the revelation in 2006 that an administration official had intervened in communications between climate change scientists and the press for political purposes.

The report acknowledged that from the fall of 2004 through early 2006, the NASA Public Affairs Office managed the topic of climate science "in a manner that reduced, marginalized, or mischaracterized climate change science made available to the general public through those particular media over which the Office of Public Affairs had control."

The report also found that these actions were inconsistent with NASA's mandate and purpose to allow "the widest practical and appropriate dissemination of information concerning NASA's activities and results."

My amendment expresses the sense of Congress to reiterate the original intent of NASA's responsibilities. We are at a singular moment in time when climate change constitutes the challenge of our generation. Let us not fail. Let us base climate change information on science, not ideology.

This amendment is about far more than climate change. I believe scientific integrity should be held as a value throughout NASA and throughout our government. The safety of astronauts who are sent to space is dependent on sound science. We should not compromise scientific integrity for political gain or private profit. We should not compromise it in any situation. My amendment sends a message that Congress rebuffs the attempts of those who would marginalize science for the sake of ideology or politics.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise in order to address the amendment, to claim the minority time.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. FEENEY. For purposes of debate, I may well be opposed, yes.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FEENEY. Madam Chairman, I have carefully read the amendment, and while I may not press my objection, I will state that the amendment, in my view, is unnecessary, that NASA has a policy in place that goes to the very same points expressed in the amendment, and perhaps unintentionally this amendment implies that NASA cannot be trusted to factually in an unbiased manner publicize research results conducted by agency scientists.

Several years ago, NASA's Public Affairs Office was accused with inappropriately choosing which NASA scientists participated in specific interviews with the press. Once this interference was brought to NASA Administrator Michael Griffin's attention, he quickly and forcefully intervened, assuring Congress, NASA researchers and employees, and the public that NASA will never seek to censor agency scientists.

In a letter dated March 30, 2006, and this issue has been addressed over and over again, addressed to former Science Committee Chairman Sherry Boehlert, Mr. Griffin stated, "I will not tolerate any policy or action where any NASA employee may filter, alter or censor scientific findings and facts, and I want to reaffirm that NASA has always been and will continue to be committed to open scientific and technical inquiry and dialogue with the public."

Mr. Griffin then formed a policy development team comprised of NASA employees with science, legal and public affairs backgrounds to review existing policies, identify ways to improve them, and develop agency practices to maintain NASA's commitment for full and open discourse on scientific, technical and safety issues. The result of their work was a series of revisions to 14 Code of Federal Regulations, section 1213, which guides the agency's public affairs policies, which all Americans can visit.

Mr. Griffin then formed a policy development team comprised of NASA employees with science, legal and public affairs backgrounds to review existing policies, identify ways to improve them, and develop agency practices to maintain NASA's commitment for full and open discourse on scientific, technical and safety issues. The results of their work was a series of revisions to 14 CFR (Code of Federal Regulations), Section 1213, which guides the agency's public affairs policies.

More recently, the NASA Office of Inspector General concluded an investigation in response to a Congressional inquiry dating back to 2006, requesting a formal investigation about "political interference" by NASA public affairs officials.

The IG's investigation found that ". . . during the fall of 2004 through early 2006, the NASA Headquarters Office of Public Affairs managed the topic of climate change in a manner that reduced, marginalized, or mischaracterized climate change science made available to the general public through those particular media over which the Office of Public Affairs had control. We also concluded that the climate change editorial decisions were localized within the NASA Headquarters Office of Public Affairs; we found no credible evidence suggesting that senior NASA or Administration officials directed the NASA Headquarters Office of Public Affairs to minimize information related to climate change. To the contrary, we found that once NASA leadership within the Office of the Administrator were made aware of the scope of the conflict between the Office of Public Affairs and scientists working on climate change, they aggressively implemented new policies with a view toward improved processes in editorial decision-making relating to scientific public affairs matters."

The IG's report also stated: "With respect to NASA's climate change research activities, we found no evidence indicating that NASA blocked or interfered with the actual research activities of its climate change scientists . . . (W)e found that NASA systematically distributed its technical climate change research throughout the scientific community and otherwise made it available through a variety of specialized forums, such as scientific journals, professional conferences, and public appearances by NASA scientists."

Additionally, a May 2007 GAO report found "that NASA policies are generally clear and should help facilitate the dissemination of research results. For example, NASA's recently revised media policy clearly defines the roles and responsibilities for managers, researchers, and public affairs staff; details steps in the process for dissemination via press releases and interviews; and describes a process to resolve disputes about agency decisions regarding press releases."

In closing, while I have no objection to the gentleman's (Mr. WU) amendment, I don't want Members to surmise that NASA science findings are being manipulated by agency management. That is not what the NASA IG, or GAO reports found.

Madam Chairman, I don't specifically object to the language of this amendment, because I think it is consistent with NASA policy and Michael Griffin's great efforts to explain to the public that he will insist and has insisted on this policy. But I will remind all of us that a May 2007 GAO report found "NASA policies are generally clear and should help facilitate the dissemination of research results. For example, NASA's recently revised media policy clearly defines the roles and responsibilities for managers, researchers, and public affairs staff, details steps in the process for dissemination of press releases and interviews, and describes a process to resolve disputes about agency decisions regarding press releases."

In closing, while I do not object to Mr. WU's amendment, I don't want Members to surmise that NASA science findings are being manipulated by current agency management. That is not what NASA, IG, or GAO reports found.

Again, we have no objection to the language that Mr. WU offers.

Madam Chairman, I yield back the balance of my time.

Mr. WU. Madam Chairman, I yield 2 minutes to the chairman of the Space Subcommittee, the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. I thank the gentleman from Oregon for yielding and thank him for his leadership on the committee.

I rise in support of this amendment on scientific integrity and openness at NASA. I want to commend the gentleman from Oregon for his action that we stay vigilant on this matter.

A few years ago, concerns were raised about political interference in the discussion of scientific research and results by NASA scientists. These concerns about scientific openness were and are serious, and we need to ensure that all measures are in place to prevent such interference.

It is true that the NASA Administrator, Dr. Griffin, took swift action in response to the reports of political interference and NASA revised the agency policy on the release of information of news and media, and I want to commend Dr. Griffin on his clear commitment to scientific openness. That said, we need to continue, Madam Chairman, our oversight on scientific integrity to ensure that Americans continue to have confidence in the important scientific research results that NASA provides to all of us and to our Nation.

So I again want to thank the gentleman from Oregon for his initiative, and I urge my colleagues to support it.

☐ 1630

Mr. WU. Madam Chairman, I would like to submit a letter from Francesca T. Grifo, Senior Scientist and Director, Scientific Integrity Program, Union of Concerned Scientists into the CONGRESSIONAL RECORD.

UNION OF CONCERNED SCIENTISTS,
June 11, 2008.

HON. DAVID WU,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE WU: The Scientific Integrity Program of the Union of Concerned Scientists supports your amendment to H.R. 6063, the NASA Authorization Act. This amendment will make clear that Congress intends that scientific research developed at NASA be free of political interference, and that NASA scientists are able to disseminate their findings without fear of retaliation.

We know that the problem of political interference in federal science is a widespread and serious one. Indeed, of the nearly 3,400 federal scientists across nine agencies who have responded to questionnaires by the Union of Concerned Scientists, more than 1,100 scientists report that they fear retaliation for openly expressing concerns about their agency's mission-driven work.

Your amendment will send a signal to this Administration and future Administrations that this state of affairs cannot and should not continue.

Sincerely,

FRANCESCA T. GRIFO,
Senior Scientist and Director,
Scientific Integrity Program.

I think that we need to be concerned about scientific integrity at NASA always, and we also need to be concerned about scientific integrity at other agencies, whether it's the EPA or the FDA, throughout the Federal Government. We intend to work on those agencies across the spectrum to ensure that ideology does not overtake sound science as this government moves forward towards research and the development of sound policy.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. LAMPSON

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–707.

Mr. LAMPSON. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. LAMPSON:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. LAMPSON. Madam Chairman, I yield myself such time as I might consume.

Today I rise in support of my amendment to the National Aeronautics and Space Administration Authorization Act of 2008. This amendment would clarify section 526 of the Energy Independence and Security Act, which addresses the procurement of fuels by a Federal agency. This amendment seeks to provide guidance for implementation of the provision by establishing conditions by which NASA would be allowed to enter into a contract to purchase a generally available fuel, so long as it is not predominantly an alternative or synthetic fuel.

Because section 526 doesn't define alternative or synthetic fuel or nonconventional petroleum sources, many stakeholders, including refiners in southeast Texas, believe that section 526 could have unintended consequences, preventing refiners from mixing fuel received from nonconventional sources such as oil sands with conventionally derived oil.

Oil sands account for about 5 percent of the total U.S. oil supply, and it's common practice to mix it with fuel that is derived from other sources. It's very difficult for an end user and consumer to determine whether a fuel contains petroleum from oil sands or other nonconventional sources.

With half of Canadian crude produced from these sources, this could have an adverse effect on the relationship that we enjoy with our largest supplier of oil. Additionally, most diesel fuel is mixed with some biodiesel, which could also mean that its procurement could be prohibited under this section. While the intention of this language may not have been to prohibit the purchase of fuel, the small amounts from tar sands or oil shale, section 526 is written so broadly, with no definition provided, that it could be interpreted either way. That's why a clarification is needed.

I know that our colleague, Congressman GINGREY, made a proposal the other day in committee. I viewed the proposal that we have come up with here as a compromise to that suggestion.

Adoption of this amendment will allow NASA to contract for generally available fuels, as it always, has as long as the fuel is not predominantly comprised of petroleum from nonconventional sources such as Canadian oil sands with a greenhouse gas footprint that is higher than conventional oils and fuels. This allows some wiggle room and recognizes the complexities of the refining process while supporting the original intent of not extending or exceeding current emission levels.

Finally, I would like to note that when the House passed the FY09 defense authorization act last month, a similar amendment was approved by this committee and accepted by voice vote on the floor. While that amendment had a government-wide application, this seeks to clarify section 526 in order to allow NASA to meet present and future energy needs.

Madam Chairman, I reserve the balance of my time.

Mr. GINGREY. Madam Chairman, I rise to claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. GINGREY. Madam Chairman, I have a number of concerns with the amendment offered by my friend and colleague, the gentleman from Texas, my colleague on the Science Committee.

Unfortunately, I do not believe that this amendment does anything to alleviate the Draconian problems presented to us by section 526 of the Energy Independence and Security Act of 2007.

Even if this amendment passes, Americans will still not be able to increase the supply of fuels from alternative sources derived from resources available in the United States. Oil shale, with its estimated 1.5 trillion barrels of petroleum in rock, would remain trapped there in our southwestern States, I think five States have a lot of this oil shale that's there for the taking. We, furthermore, will not be able to use clean carbon captured coal-to-liquid fuel.

So the amendment intends to create an exception under section 526 for generally available fuel not predominantly produced from a nonconventional petroleum source, and NASA, under the amendment, will still be able to purchase Canadian fuels that do have traces of oil sands, as the gentleman says, that may create more of a carbon footprint than completely conventional fuel. And this is what basically section 526 is. As the gentleman explained, he is trying to allow an exception so that this fuel that we purchase from Canada, a lot of people think most of our foreign sources of fuel are from OPEC or Venezuela, but actually, Madam Chairman, they are from Canada. Some of this fuel does have the tar sands footprint in it.

The gentleman, and I have no objection to that, is saying let us continue to purchase this fuel and not be restricted by 526. Yet my opposition is this, the agency won't be able to utilize any of the sources of fuel that may be totally derived from resources we have readily available in the good-old USA, clean domestic alternatives, coal, natural gas, biomass and, as I mentioned, oil shale that is estimated to have 1.5 trillion barrels of petroleum that can be extracted from that in our own country.

At committee markup, Science Committee and at the Rules Committee, I offered amendments that would have removed the handcuffs placed on the NASA administrator by section 526. I would have been happy to work with my good friend from Texas to protect his amendment so that implementation of it would have, indeed, a positive effect for NASA. Unfortunately, I just don't think the amendment does much of anything.

I fear that the amendment does nothing to rectify, as I said, the underlying problem with 526 that prevents the Federal Government, any agency of the Federal Government, not just NASA, but also the Department of Defense, which utilizes something like 380,000 barrels of refined petroleum products every day, every day, and the increased cost to the Department of Defense is $9 billion. Just the increase in the year 2008, the increased fuel cost to NASA over the last 5 years has been 400 percent. It has gone from $4.5 million a year to $18.3 million a year.

Our efforts should be focused on easing the pain felt by American taxpayers, not codifying this misguided policy, 526, that prevents us from future innovation. Again, the gentleman's amendment, in my opinion, does no harm, but it does very little good.

I felt compelled to stand and express my opposition—not strong opposition to the amendment—but rather to make this point that we need to allow the administrator of NASA to have a waiver, at least have a waiver if, in his knowledge of innovation and what they are doing in trying to develop alternative fuels that are available in this country, he would not be bound by the crazy restrictions put on him and other agencies by section 526 of this so-called Energy Independence and Security Act of 2007 passed 17 months ago. Since that time the price of a gallon of regular gasoline has gone up by $1.70, up to over $4.05 a gallon.

I respectfully oppose the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LAMPSON. I yield myself 1 minute, Madam Chairman.

I agree with much of what Mr. GINGREY has said. I want to point out that the intent of the law, as passed, the Energy Independence and Security Act, specifies that the lifecycle greenhouse gas emissions, which are higher, oftentimes, in these oil sales, is what was intended to be prohibited.

If we were using, or NASA were purchasing all of their fuel for their operation, then it would not fall within the bounds of this act. But NASA can purchase generally available fuels that may include a blend of fuel from oil sands refined in existing commercial processes. The purpose of the contract can't be to obtain fuels from nonconventional petroleum sources or otherwise promote the expansion of nonconventional fuels with high life-cycle carbon emissions. We believe that the refiners within my district that are making many of the fuels that are actually being purchased by NASA will use some of these nonconventional sources of energy.

As it's blended, it can still be used by NASA so that there is some benefit to them.

Mr. FEENEY. Would the gentleman yield for a question?

Mr. LAMPSON. I would yield for a few seconds, yes.

Mr. FEENEY. I don't know whether, candidly, I support or oppose the amendment, because it has some very technical effects in its interplay with other portions of Federal statutes and requirements and regulation.

Just one of the many questions I have would be that it seems, as I read the amendment, that it establishes different conditions on contracting fuel versus those established in section 526. So I guess one of my questions, maybe the most important, since we don't have a lot of time, do the conditions in your amendment supplant the greenhouse gas emission criteria found in 526, or do they remain in effect, and are these conditions in addition to the 526 regulations?

Mr. LAMPSON. They remain in effect, but this just clarifies what the intent of the legislation was and is. It's going to allow blends of those fuels to be used by NASA until we can do the research that shows that emissions are going to be reduced below the amount of emissions from traditional fuels.

Mr. FEENEY. If the gentleman will yield.

Mr. LAMPSON. Am I within my 1 minute, Madam Chairman? Have I used up my minute yet, and how much time do I have left before I say that I will yield?

The CHAIRMAN. The gentleman is recognized for just 1 minute. The gentleman has 1 minute remaining.

Mr. LAMPSON. Would you use your time, please?

Mr. FEENEY. If I have any. I don't know that we have any more time.

Could I ask unanimous consent that each side have an additional 2 minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LAMPSON. I yield to the gentleman.

Mr. FEENEY. Actually if I could suggest, rather than taking up your 2 minutes, I would be grateful if you yielded, but I will yield back to you and claim my own 2 minutes so that you can use yours since you were gracious enough not to object.

Mr. LAMPSON. Then I will reserve my time and let the gentleman proceed.

The CHAIRMAN. The Chair would like to clarify that it is the gentleman from Georgia who has the 2 minutes.

Mr. GINGREY. Madam Chairman, thank you very much.

I very graciously at this time will yield to the subcommittee ranking member of the NASA Subcommittee of Science and Technology, my good friend from Florida (Mr. FEENEY).

□ 1645

Mr. FEENEY. I thank the gentleman.

This amendment may be very positive. The problem is that it conflicts with other statutes and regulations. It is very complicated as we read it.

What my friend says is a clarifying amendment actually creates a lot more ambiguity in our minds about the interplay of these different standards.

I talked about the interplay with 526, and I still don't know which set of rules will govern, the set of rules in the gentleman's amendment or section 526.

We also seem to cite a section of the Energy Independence and Security Act, 42 U.S.C. 17142. There is currently no section 526(a) nor a 42 U.S.C. 17142(a) in the law, and yet I believe the gentleman's amendment cites these sections, as I read it, that do not exist in current law.

I have a concern about the amendment's intention. Do you want to create an exemption under 526 for generally available fuel that is not predominantly produced from a nonconventional petroleum source, or does it create a broader exemption for all alternative or synthetic fuels as referenced in section 526?

So I guess I have a number of very complex questions. I wish this is something we might have dealt with in committee where we have a number of experts, both members and staff. While I don't know that I object, it is because I just don't understand all of the different regulations and statutes and the interplay, and this seems to be one more additional attempt at dealing with whether NASA can or can't do things, and I really have no idea whether this is in addition to, or whether it is consistent with, or whether it may be mutually exclusive with provisions in other portions of the law, and I wish we could spend some time with technical staff to iron out these difficulties.

With that, having expressed concern and not necessarily opposing the amendment because I don't really understand all of the ways it will be enforced given other statutes and regulations.

Mr. GORDON of Tennessee. Would the gentleman yield?

Mr. FEENEY. I would be happy to yield to the chairman.

Mr. GORDON of Tennessee. Let me just suggest that this is one more process in getting a law enacted. The Senate will pass a bill, and we will go to conference. I am sure Mr. LAMPSON can answer very well here, but this can be a continuing dialogue as we move forward.

Mr. FEENEY. We appreciate that. Having said that, on a technical issue like this, it sure would have been great to take a more technical look at this at the subcommittee or committee level. Having said that, I appreciate the chairman's gracious offer to help clarify for those of us who think more ambiguity, not less, is being created by this amendment, and what the ultimate impact will be.

Mr. LAMPSON. Madam Chairman, I yield 1 minute to Chairman UDALL.

Mr. UDALL of Colorado. Madam Chairman, I am pleased to support this amendment.

This amendment is similar to the Boren amendment offered to the defense authorization package recently. That amendment passed with a voice vote on the floor.

This amendment as well seeks to clarify requirements of section 526 of the Energy Independence and Security Act of 2007 to allow NASA to procure conventional fuels that contain incidental amounts of unconventional fuels.

Section 526, Madam Chairman, is important because it establishes a positive benchmark for future alternative fuels, that their lifecycle greenhouse gas emissions be less than or equal to those emissions from conventional fuels.

The amendment clarifies section 526 while retaining the standard it sets for greenhouse gas emissions.

I want to thank the Member from Texas for bringing this important amendment and urge all Members to support the amendment.

Mr. LAMPSON. Madam Chairman, I just recognize in closing that this is not a complicated piece of legislation. It is one that does not stop these fuels from being produced or the research and development on these types of sources of energy. It allows NASA to continue to purchase the kinds of fuels without restrictions and without putting themselves into the jeopardy that is asked for within section 526. So it is a simple amendment that was voice voted in the defense authorization, and we believe it should be here as well as the bill came out of committee.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LAMPSON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. ARCURI

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–707.

Mr. ARCURI. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 6 offered by Mr. ARCURI:
>
> In section 407(a), add at the end the following: "As part of the technology plan, the Administrator shall examine the feasibility of having NASA enter into contracts with appropriate public, private sector, and international partners to broadcast electronically, including via the Internet, images and multimedia records delivered from its missions in space to the public and shall identify issues associated with such contracts. In any such contracts, NASA would be required to adhere to a transparent bidding process to award contracts, pursuant to United States law.".

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Madam Chair, NASA's accomplishments over the years have led to some of the greatest advances in human history. These scientific discoveries have led to everything from prolonging the average life span to improving the overall quality of life. NASA's research and exploration has also helped to unlock some of the greatest mysteries in the universe. The problem, however, is that too often the American public doesn't have an opportunity to fully experience NASA's accomplishments. It is when these accomplishments are transferred from the Federal sector to the private sector and the general public that the true benefits of what has been achieved can be realized.

Clearly, we don't have the ability or the financial means to shuttle every American into space, but we can do a better job of bringing the space experience into televisions, computers, and classrooms around the world.

The House Science and Technology Committee, under the leadership of Chairman GORDON and Ranking Member HALL and Chairman UDALL, recognize that point. The underlying bill includes language directing the NASA administrator to develop a technology plan that will allow the general public to experience missions to the Moon, Mars and other destinations in our solar system.

My amendment aims to take this effort and expand it in a way that leverages existing technology underway at our universities and high-tech businesses.

Specifically, my amendment tasks NASA to examine the feasibility of entering into contracts with appropriate public-private sector and international partners to share images and video of space missions with the public. The amendment promotes good government by requiring NASA to engage in a transparent bidding process when awarding contracts as it sees fit.

This new chapter in scientific discovery presents a valuable opportunity to engage public and private sectors in advancing NASA's mission for the 21st century. My upstate New York district is fast becoming a science and technology hub. We have an opening here to work together with colleges and universities, private research facilities, and small and large high-tech businesses to provide NASA with the tools it needs to better educate the public about space.

I would like to highlight that this amendment is intended to provide NASA with an additional resource to meet its goals. This measure would authorize NASA to conduct its own feasibility study to determine if and how it can best use the talents of our independent innovators to support its new international exploration initiative. This requirement would grant NASA the flexibility it needs to create a plan that best fits the ideas of its new program.

This amendment would also require all NASA contract decisions to be awarded following a fair and transparent bidding process.

This amendment has the backing of the State University of New York, the New York State section of the American Physical Society, the American Association of Geographers and the Information Technology Association of America. I respectfully urge all of my colleagues to support this amendment and support the contributions that our public and private universities and businesses make to scientific and technological progress in this country.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise, at least for purposes of debate, to be recognized in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FEENEY. I appreciate the gentleman's amendment. I think it is very well-intentioned. I do not intend to object to the language. I do believe it is designed to help NASA distribute its space images and multimedia records to the public. I share that goal; but I should say that I think this amendment is superfluous. I think it is already contained in the bill language itself. Now superfluity is not necessarily an awful thing. Sometimes the best thing we do here is just to repeat what we have already done, and it probably does very little harm.

But I would point out that section 407 clearly instructs NASA to develop a plan, to identify opportunities to leverage the very same technologies Mr. ARCURI references in his amendment.

The gentleman's amendment seeks NASA to develop a plan and examine the feasibility to "broadcast electronically, including via the Internet." The language in the bill talks about already "rapidly delivering the content through extended high bandwidth communications networks."

So I think Mr. ARCURI's concerns are already adequately addressed in the bill. I would simply argue that they are unnecessary. Having said that, I would not object to them being included.

I reserve the balance of my time.

Mr. ARCURI. I thank the gentleman for his comments. I would just point out what this amendment does is it attempts to get the private sector more engaged by promoting within NASA the push to transfer not from the public sector, not to just have this go from the public sector to the universities, but from the public sector to the private sector, to get the private sector more engaged and more involved in distributing the information. So that is slightly different than what I think the bill has because we do attempt to get the private sector more engaged. After all, that is probably the best way, by using the market system, to get the information out.

Madam Chairman, I yield back the balance of my time.

Mr. FEENEY. Madam Chairman, I appreciate and I don't dispute the intentions that the gentleman has. I agree with that, and I believe that the current language in the bill requires NASA to rapidly deliver this content that you are talking about through high bandwidth communications networks, and I think that includes universities in the private sector, et cetera.

Having said that, because the intent of the language clearly is not something I object to, I will not oppose the amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. WU

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–707.

Mr. WU. Madam Chairman, I rise on behalf of my friend and colleague, Mr. DEFAZIO of Oregon, who has an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. WU:

In title IV, add at the end the following new section (and amend the table of contents accordingly):

SEC. 409. CONGRESSIONAL BUDGET OFFICE REPORT UPDATE.

Not later than 6 months after the date of enactment of this Act, the Congressional Budget Office shall update its report from 2004 on the budgetary analysis of NASA's Vision for the Nation's Space Exploration Program, including new estimates for Project Constellation, NASA's new generation of spacecraft designed for human spaceflight that will replace the Space Shuttle program.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Again, on behalf of my good friend and colleague, Mr. DEFAZIO, I am presenting this amendment.

When the President announced his new vision for the Nation's space exploration program on January 14, 2004, he proposed a new human exploration vehicle to return to the Moon by 2020 and to leverage these lunar efforts to send a human mission to Mars.

After Mr. Bush unveiled his plan in 2004, a congressional subcommittee requested that the Congressional Budget Office perform a budgetary analysis of NASA's New Vision For Space Exploration, as this program was titled. The report was released in September of 2004 and concluded that NASA's long-term projections only included a 2 percent increase for inflation.

NASA's budget has undergone radical changes since the President's vision was announced in 2004. NASA's budget requests for aeronautics has been reduced by over $200 million. NASA's budget requests for science programs, including climate research, have been reduced by over $300 million. In stark contrast during the same period, overall funding requests for NASA have increased by over $2 billion.

Since the President first proposed his new "vision for space exploration," we have spent more than $600 billion in Iraq, over $120 billion on Hurricane Katrina, and the Federal deficit has grown by over $2.4 trillion.

Mr. DEFAZIO's amendment will direct the Congressional Budget Office to update its 2004 budgetary analysis of the President's plan. This makes fiscal sense. It will give us a more complete picture of the budgetary hurdles the project will face and a more accurate assessment of its long-term costs.

☐ 1700

Congress needs to continue to analyze the project as it moves forward and be mindful of its effect on other important NASA programs. If anyone claims that they believe that the report will be duplicative of previous GAO reports, the fact is that GAO hasn't done a true cost estimate of the program, but, rather, done risk assessments of the program. Budget and cost estimate analysis is something that the Congressional Budget Office usually handles, not the Government Accountability Office.

The GAO has done some high level budget analysis, but CBO will be able to give a much more detailed report. On Mr. DEFAZIO's behalf, I urge adoption of his amendment, and reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I am not necessarily in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. FEENEY. I think all of us want to know the cost of every government project. That certainly includes Constellation.

As Mr. WU pointed out, on behalf of Mr. DEFAZIO, the GAO just gave us a very comprehensive report. We had a full hearing on the matter of the progress of the Constellation program.

I can tell you that there are some 56 annual reports that NASA has to give to Congress, and dozens of others that it has to give to other agencies, regulatory agencies and other governmental agencies. This is not a request that NASA add to their 100 or 150 reports an additional report. It's asking CBO to take an outside look. And I'm never opposed to transparency in government, especially cost.

I should point out that the amendment singles out Project Constellation for particular scrutiny. Project Constellation is our follow up to the Space Shuttle Human Space Flight Program which is clearly a top priority for NASA, and has been established in this Congress as a top priority.

The shuttle will be retired roughly at the end of this decade. Without Constellation, NASA will have no choice but to buy assets from other nations if we intend to maintain access to our own international space station.

We're going to be dependent on the Russians right now under a very bad plan, but the only plan we have for 5 years. Without Constellation, all hopes of accessing, through American capabilities, the international space station or venturing the moon or other planets or asteroids will simply disappear.

Not all of our colleagues pay as much attention as those of us that are on the floor here today to space. I think one of our colleagues recently suggested that the first manned lunar outpost in space be named after Neil Armstrong, the great first American ever on the Moon.

My question, in response, was why would the Chinese, who are going to get back to the Moon before us, give us permission to name their lunar outpost after an American? We've got to remind our colleagues that this is now an internationally competitive environment in more ways than one.

Constellation is a technology-driven program that will achieve its initial operational capability roughly in the Year 2015, hopefully earlier. NASA has worked hard to maintain their schedule. They give us reports every day. We had a GAO report.

Having said that, if the gentleman feels compelled to support the DeFazio amendment, and we have one additional report on the budgetary status, I don't have any objection to transparency in government. But at some point you're doing so many reports that it's hard to send people back to the moon if you're doing 150 or 200 reports for Congress and other agencies and spending all your time filling out paperwork.

These are really bright engineers. I want to get into the business of flying rockets and not doing more paperwork.

With that, I would yield back the balance of my time.

Mr. WU. Well, I certainly hope that Americans return to the Moon before anyone else.

I would point out to my friend and colleague from Florida, that we have named a number of things after Columbus, and well, he wasn't exactly an American. So, you know, you never know how far the generosity of spirit will go.

My good friend and colleague from Oregon (Mr. DEFAZIO) has, with his usual vigor, many reasons why a Congressional Budget Office report is appropriate under these circumstances. I have not delivered some of those more pointed arguments, and join with the gentleman from Florida to urge adoption of this amendment for both purposes of fiscal prudence and in the interest of our space program in which we have such a strong common interest.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. HARMAN

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–707.

Ms. HARMAN. Madam Chairman, I have an amendment at the desk which you have just identified, and I rise in support of the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. HARMAN:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled workforce is critical to the success of NASA's programs;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave NASA without access to the intellectual capital necessary to compete with its global competitors; and

(3) NASA should work cooperatively with other agencies of the United States Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to NASA.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentlewoman from California (Ms. HARMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HARMAN. Madam Chairman, I rise in support of the Harman-Ehlers amendment and the underlying authorizing legislation.

Madam Chairman, I represent the heart of the aerospace industrial base, and have long called my district the "satellite center of the universe."

I have always been mindful of the need for a skilled and diverse industrial base. Simply put, rocket scientists don't grow on trees.

Earlier this year, on a visit to a major aerospace firm in my district there was a stark reminder of the crisis facing that industry. Following a briefing on an important satellite program, I asked if any the employees in attendance had anything else to tell me. A 31-year old engineer raised his hand and said, "all my peers are gone." Engineers his age, he explained, are leaving the aerospace industry for other fields, and very few are interested in taking their place.

The problem is twofold. More than 60 percent of the aerospace industry workers are over 45, and 26 percent of them are eligible for retirement in 2008. And, as a Nation, we have failed to inspire our kids, particularly girls, to go into STEM fields, science, technology, engineering and math.

There just isn't a pool of qualified workers for NASA and others to draw from. The result is a looming demographic cliff that leaves NASA and the industry without the intellectual capital necessary to keep pace with global competitors.

But the problem extends beyond NASA. The United States depends on this industrial base to give us the capabilities on the ground, in the air and in space that are essential to the way we wage war, collect intelligence and protect our homeland. This looming workforce shortfall could cripple not only NASA's ability to reach its goals, it could deal a serious blow to our national and our economic security.

The Harman-Ehlers amendment expresses the sense of Congress that a skilled workforce is essential to NASA's success, and that NASA should work cooperatively with other government agencies to sustain and expand a diverse workforce.

Madam Chairman, almost 50 years ago President Kennedy inspired a whole generation of Americans. American talent and ingenuity put a person on the moon in a decade. We need that kind of ambitious goal to inspire the next generation to be scientists, engineers and astronauts.

If we fail to dream big, to ask our kids to imagine a future beyond our humble planet, they will pursue other fields. There will be no one to invent the technologies and programs on which NASA's success and our national security depend. That future, Madam Chairman, is unacceptable.

I urge an "aye" vote for the Harman-Ehlers amendment, and would like to thank my coauthor, VERN EHLERS, a senior member of the Science Committee, who did seminal work in this field, is a true leader in this field, and a valued partner.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I am not necessarily in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. FEENEY. Madam Chairman, not only am I not in opposition, but I wholeheartedly and enthusiastically endorse the Harman-Ehlers amendment. And I should point out as she mentions the trouble in getting new people into the workforce and an aging and retiring workforce. By the way, one of those young engineers that works in the space field is my wife, and she remains eternally young. But she's the exception.

I've talked extensively about the competition, both civilian and commercial, coming from China. I can tell you that I recently visited CASC, which is the Chinese Civilian and Commercial Space Agency. They have 160,000 employees. About half of those are dedicated to space. And we asked the question, what the average age, because we were startled by the engineering manager that addressed us on their program, what the average age of the managers were in the Engineering Department. The average age of the managers was 40. We were stunned.

We asked, what's the average age of your engineers that are doing space work. And the answer is 30.

Madam Chairman, nothing could be more important to science and technology.

And with that, I want to yield the balance of my time, to, as the gentlelady said, a great advocate for science and space and technology, and for young people getting into these fields, Mr. EHLERS.

Mr. EHLERS. As has been stated, this is a labor of love for me for many years. But a few years ago I began noticing or realizing that we were approaching a major inflection point that we should be worried about.

As you heard from the principal author of this amendment, that it was in the 1960s that John Kennedy asked for us to go to the moon, proposed this advanced and wild notion, and that inspired a whole generation of Americans to become involved in aerospace.

Those individuals are now retiring. And because we hired so many in NASA at one time, they are all retiring at about the same time, which is going to leave us bereft of talent if we don't take action.

Because of this, 2 years I introduced a bill which was passed which established an interagency aerospace revitalization task force within the Federal Government. I would have liked to have it be more broad, but I couldn't persuade my colleagues to make that giant leap at that point.

But since then that task force which involves, I believe, 17 different Government agencies has worked together. The 2008 report of the Interagency Aerospace Revitalization Task Force was released earlier this year. I spoke at the release. And I was astounded at the number of people in the room. It was a local hotel. The room was overflowing with people concerned about aerospace employment and how we keep the aerospace effort going.

This amendment is intended to reinforce what we've talked about for the past 2 years, but it does something very important. As I mentioned, my bill simply addressed the interagency governmental work. But we also have to involve universities. We have to get students excited about aerospace again, and that's what this amendment will do. It will require that NASA reaches out beyond Government agencies, beyond its own boundaries and work with everyone possible to improve STEM education in America, get the young people of today excited about the opportunities in science, particularly in space.

So I thank the gentlewoman from California for initiating this amendment. I believe it's going to be very, very important to the future of NASA and for the future of our country, because if we don't get our kids back into math and science education, we are going to become a second-rate Nation.

Twenty years ago the nation of China and the nation of India both decided that their economic futures lay in developing highly skilled workers who understood mathematics and science. It worked, and they have gone ahead with leaps and bounds, while our students are still mired where they were 20 years ago.

At all levels, from kindergarten on up, we have it take note of that and we have to do a much better job of teaching our children mathematics and science, not just for the sake of NASA, although that's very important, but for the sake of our Nation if we wish to remain competitive with other countries.

I will reserve the balance of my time.

Ms. HARMAN. I am prepared to yield the balance of my time. I'm inquiring whether I'm the last speaker or Mr. EHLERS is the last speaker.

The CHAIRMAN. The gentlewoman has 2½ minutes.

Mr. EHLERS. I will be pleased to yield back the balance of my time.

Ms. HARMAN. Madam Chairman, in closing the debate on this amendment, I would just observe that during my first two terms in Congress, in the last century, I served on the Science Committee. It's a great committee. And I commend the current chairman, Mr. GORDON, for enormous leadership. He is fast and swift, and on his game. And this is probably the most important work we will do for our children and grandchildren. And as a grandmother of three, I want one of those children, like Mr. FEENEY's wife, to want to be an aerospace worker.

□ 1715

I hope that one of them chooses that occupation. I hope it's there for them.

This amendment, the Harman-Ehlers amendment, is our effort to keep this potential alive, to make sure that our best and brightest kids want to do this work, and then that hopefully our dreams remain big and putting a person on the moon is just a first step to surveying the heavens in ways we can't even imagine.

So on behalf of dreamers, on behalf of an extraordinary industrial base, much of it in California's 36th Congressional District, and on behalf of three little grandchildren whom I love dearly, I urge an "aye" vote for the Harman-Ehlers amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. HARMAN).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–707.

Mr. GORDON of Tennessee. Madam Chairman, I rise to offer an amendment on behalf of the gentleman from Iowa (Mr. BRALEY) who was required to return to his district.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. GORDON of Tennessee:

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 208. TORNADOES.

The Administrator shall ensure that NASA gives high priority to those parts of its existing cooperative activities with NOAA that are related to the study of tornadoes, tornado-force winds, and other factors determined to influence the development of tornadoes, with the goal of improving the Nation's ability to predict tornado events. Further, the Administrator shall examine whether there are additional cooperative activities with NOAA that should be undertaken in the area of tornado research.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chairman, I also support this amendment, and I want to thank the gentleman from Iowa for his attention to the important issue of tornado research.

Tornadoes and tornado-force winds present serious hazards to life and property in the United States. We've already had ample and tragic evidence in recent days of the devastation that can be wreaked by these terrible storms. We need to do all that we can to improve our understanding of tornadoes and learn how to better predict them.

The National Oceanic and Atmospheric Administration has the lead responsibilities for addressing tornado-prediction issues. However, NASA has existing cooperative activities with NOAA that may contribute to greater progress in this effort. NASA's existing cooperative activities with NOAA on facilitating research and data sharing are important to improving our understanding of tornadoes. I agree with Mr. BRALEY that the work that NOAA and NASA are doing related to tornadoes needs to be given a high priority.

That is the objective of this amendment. It is just common sense that we ensure that any relevant work that NASA and NOAA are collaborating on is given the attention and priority it needs to improve our Nation's ability to predict tornado events.

I thank the gentleman from Iowa for his initiative for this amendment, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I'm not necessarily opposed.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. FEENEY. This really is an amendment that we're enthusiastic about. NASA currently conducts weather research in cooperation with NOAA, although through the U.S. Weather Research Program, the gentleman's amendment emphasizes the importance of this research as we cope with predicting and dealing with the aftermath of violent weather systems.

It's a terrific amendment, and with that, I would urge its support.

I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield such time as he may consume to the chairman of the Subcommittee on Space and Aeronautics, the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Madam Chairman, I strongly support this amendment.

Tornadoes cause an average of 54 fatalities and 1,500 injuries in the United States each year. Just last month in my home State of Colorado, tornadoes devastated the town of Windsor in Colorado destroying more than 100 homes and causing one death. Predicting tornado intensity and location is critical to protecting lives and property, and we must do all we can to improve our knowledge in this important area.

I'm proud to say that the research at NOAA's Earth System Research Laboratory in my district, the Second District in Colorado, contributes to this better understanding and improved forecasts of tornadoes. This amendment will further involve NASA scientists and data in this important process.

I would urge Members to support this amendment just like the chairman did.

Mr. LATHAM. Madam Chairman, I rise today in support of Congressman BRALEY's amendment and to express my deepest sympathies to all my fellow Iowans affected by the tornados that recently tore through Iowa. It is my hope the intense grief felt by those suffering from the sudden loss of a loved one will be lifted, even for a moment, by the prayers of hope from strangers.

For those of us who have the privilege of living in America's heartland, severe weather is nothing new. Tornados are a seasonal reality we all live with. But, when disaster strikes and takes the lives of our friends and neighbors—we are never prepared to witness the power of Mother Nature and the tragedies she can leave in her wake.

Through the tears and sense of disbelief, Iowans again have pulled together to help friends, family and strangers in need. Over the years, I have had the misfortune of viewing many communities damaged by storms. Earlier this week I toured the flood ravaged parts of my district. The scenes painted by wind and water are heartbreaking, but it never ceases to amaze me how quickly Iowans show their true mettle by bringing hope and strength to their towns.

I know for many Members of Congress, tornados rarely, if ever, affect your communities. When you see the astonishing videos of storms and the aftermath, I ask that you take a moment and think about our first responders and the people who find themselves in need. We must take every step possible to prevent and prepare for disasters like the State of Iowa has experienced in recent weeks. This amendment will go a long way towards that important goal.

Our thoughts and prayers are with Iowa and I urge my colleagues to support this amendment.

Mr. BRALEY of Iowa. Madam Chairman, I am in strong support of my amendment that will help improve our ability to forecast deadly tornadoes. I regret my absence today to speak and vote in favor of this amendment. However, I have had to return to Iowa due to major flooding in my district. I would like to thank Chairman GORDON for offering this amendment today in my absence.

In the last three weeks, 12 people have lost their lives in Iowa due to tornadoes. On May 25, parts of my district in northeastern Iowa were hit by an EF–5 tornado with winds of up to 205 miles per hour. Eight people died, and over 70 people were injured due to this tornado, which was the strongest to hit Iowa in 32 years. Just yesterday, a tornado ripped through a Boy Scout camp in Harrison County killing 4 Boy Scouts and injuring 48 people. My thoughts and prayers go out to the Boy Scouts, their family members, friends and all those affected by this devastating tornado in western Iowa. I hope that all of those injured in the western Iowa tornado make a speedy recovery so that they can continue on with their lives.

It is clear that the destruction caused by this tornado would have resulted in more injuries and lives lost had it not been for the warning sirens that went off before the tornado hit. Those warning sirens gave most people the time needed to evacuate and take shelter. However, this warning was, unfortunately, not enough to ensure the safety of every person in the path of these deadly storms.

I'm offering this amendment today to ensure that NASA is actively pursuing research opportunities to accurately predict and forecast tornadoes. My amendment would require NASA to cooperatively work with the National Oceanic Atmospheric Administration, NOAA, on tornado research. NOAA is actively involved in tornado research at its Storm Prediction Center in Norman, Oklahoma, and coordination between these agencies could prove very beneficial. At the Prediction Center, NOAA is studying ways to improve the prediction and location of tornadoes.

I believe that NASA has a lot of valuable technology and input to offer on the study of tornadoes. However, it seems that NASA has done very little work with NOAA on this important life saving research. My amendment will give NASA and NOAA the opportunity to find ways to work cooperatively on tornado research which will help us accurately predict these deadly storms.

My amendment would also require NASA to make any existing cooperatives with NOAA on tornado research a high priority. In the past, NASA has proven that they have a lot to offer with tornado research. Their past work with NOAA on the Tropical Rainfall Measuring Mission satellite has shown us that sudden increases in lightning in strong super-cell thunderstorms can increase the chances of a tornado touchdown. NASA must commit more resources to this program and other programs dealing with tornado research. Committing more resources to already existing programs will help us accurately forecast tornado touchdown locations.

I urge the House to adopt this amendment to give NASA a better opportunity to offer its technology and expertise in the area of tornado research, and to improve and provide additional resources to its already existing tornado research programs.

Mr. GORDON of Tennessee. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. YARMUTH) assumed the chair.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

The Committee resumed its sitting.

AMENDMENT NO. 10 OFFERED BY MR. HODES

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–707.

Mr. HODES. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HODES:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. CHRISTA MCAULIFFE SCHOLARSHIP PROGRAM FOR FIELDS RELATED TO THE MISSION OF NASA.

The Administrator shall establish a scholarship program in honor of Christa McAuliffe, who died in the 1986 Challenger Space Shuttle Disaster. The scholarship fund would provide scholarships each year of $10,000 each to three women who are going to college to study in fields related to the mission of NASA, with the goal of seeking careers in space science, aeronautics, and other fields related to NASA.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from New Hampshire (Mr. HODES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. HODES. Madam Chairman, I yield myself such time as I might consume.

This amendment will honor a fallen hero from New Hampshire who was beloved by the Nation. Christa McAuliffe was a teacher from Concord, New

Hampshire, who achieved national fame for being the first educator selected to go into space. To those who knew her at home and loved her, she was a social studies teacher who touched the lives of hundreds of New Hampshire's children.

When she was selected by NASA to join the 1986 Challenger Crew, she touched a chord with all of the American people. They saw her dedication to teaching and learning. She believed in helping our children succeed. She often said, I touch the future. I teach.

Even though her life was cut tragically short when the Challenger exploded, her message about shaping our Nation's future through education and exploration is the reason we are here today to consider this important measure.

This amendment will provide three scholarships for women to pursue degrees in science and other fields related to NASA's mission. Christa always dreamed of going into space, and today we can create the opportunity for more women to fulfill their dream of one day being able to journey into space and pursue careers in science, mathematics, and other science-related fields.

These scholarships honor Christa McAuliffe, they honor her dream and are a fitting tribute to her great sacrifice.

Madam Chairman, I urge passage of this amendment.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I'm not necessarily opposed.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

Mr. FEENEY. Again, this is an amendment we enthusiastically support. NASA does a great deal to incentivize education programs for women engineers and scientists, but a lot of us Americans remember exactly where we were the moment that Ms. McAuliffe and her colleagues perished. It reminds all of us that human space flight is an inherently risky venture and especially for teachers throughout America and school children who were contemporaries of the Challenger disaster.

I think the gentleman's amendment makes a really good point and with that, I would support the amendment and urge its adoption.

I yield back the balance of my time.

Mr. HODES. Madam Chairman, I thank the gentleman for his kind and heartfelt remarks.

At this time, Madam Chairman, I yield 1 minute to my colleague from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Madam Chairman, I want to thank the gentleman from New Hampshire for yielding to me.

I'm pleased to support this amendment as co-chair of the STEM Education Caucus along with my colleague, Dr. EHLERS, from Michigan. We've long worked to create emphasis on science and math education programs. These areas of study are critical to our future economic competitiveness as well as to the future of our space program.

It is very appropriate to honor the life of educator and astronaut Christa McAuliffe with this scholarship program.

I'm proud to support this amendment and urge all my colleagues to support it.

Mr. HODES. I thank the gentleman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. HODES).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HODES. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. YARMUTH

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–707.

Mr. YARMUTH. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. YARMUTH:

In title II, add at the end the following new section (and amendment the table of contents accordingly):

SEC. 209. SHARING WEATHER RESEARCH.

The Administrator shall work to ensure that NASA's policies on the sharing of climate related data respond to the recommendations of the Government Accountability Office's report on climate change research and data-sharing policies and to the recommendations on the processing, distribution, and archiving of data by the National Academies Earth Science Decadal Survey, Earth Science and Applications from Space, and other relevant National Academies reports, to enhance and facilitate their availability and widest possible use to ensure public access to accurate and current data on global warming.

The CHAIRMAN. Pursuant to House Resolution 1257, the gentleman from Kentucky (Mr. YARMUTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. YARMUTH. Madam Chairman, I yield myself as much time as I may consume.

Before I begin, I want to thank Chairman GORDON, Chairman UDALL, and Ranking Member HALL for their leadership and their hard work that has gone into the NASA Authorization Act.

The amendment I have offered today to the National Aeronautics and Space Administration Authorization Act of 2008 will make sure that the American public has access to the best and most up-to-date taxpayer-funded Federal research.

In the transparent government we wish to provide to the American people, the suppression of nonsensitive information has no place. Yet last year, I took part in two Oversight and Government Reform Committee hearings where we investigated instances in which critical data on the causes and long-term effects of global warming were withheld from the American public.

The taxpayers are funding government studies every day, and they should fully benefit from the results. To proceed otherwise is a disservice to science and the American people.

In order to protect the integrity of scientific discoveries and to ensure the widespread availability of the research being conducted by government scientists, the Government Accountability Office and the National Academy of Sciences made a series of recommendations. Those recommendations include making available the information that supports published results to other researchers creating an infrastructure in which data can be easily accessed, and releasing research in an affordable and timely fashion.

The amendment I'm proposing would simply require NASA to develop a response to these recommendations. These provisions would further scientific progress by enabling data sharing between government agencies, colleges, universities, and grant recipients. It's also my understanding that NASA agrees with the recommendations of the GAO.

The United States has the advantage of being home to some of the greatest scientific minds of the world, and by providing these scientists with the most up-to-date research information, we can help ensure that American innovation stays on the cutting edge.

At this crucial time when America strives to end its addiction to oil, it could not be more important to ensure that our Nation's scientists have every possible advantage in working towards the next generation of discoveries, inventions, cures, and energy solutions.

I urge my colleagues to join me in supporting this amendment which will ensure that the American people have unfettered access to reliable information that their tax dollars help to undercover while giving American ingenuity another edge in revolutionizing the world.

I reserve the balance of my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition, although I'm not necessarily opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from Florida is recognized for 5 minutes.

There was no objection.

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Mr. FEENEY. Madam Chairman, I will not necessarily oppose this amendment. I will point out that I think the amendment provides some confusing requirements on NASA.

On the one hand, for example, it says, "The administrator shall work to ensure that NASA's policies on the sharing of climate-related data respond to the recommendations of the Government Accountability Office report on climate change research and data-sharing policies."

But then the amendment goes on to direct the administrator to also align the agency's policies to recommendations contained in a National Academy report on Earth Science Applications and "other relevant National Academy reports."

It doesn't seem to provide any discretion at NASA to determine amongst a whole bevy or multitude of academy reports from all over the place as to which ones are meritorious or more meritorious than others. There seems to be some confusion here in terms of what NASA ought to determine.

Most importantly, I think we want NASA to make determinations based on good science. That's what they've been charged with. NASA has long been a leader in promoting both domestically and internationally the full and open access to science data to all.

I would also point out that NASA data and information are accessible to the public, on the Web through the NASA Web site.

And finally, we've already discussed the fact that NASA has a set of policies about data and information sharing that I think are comprehensive and are working today quite well.

With that, I would indicate again that I have no objection to the language; although I do think it creates some ambiguity and confusion.

I yield back the balance of my time.

Mr. YARMUTH. I thank the gentleman, and I appreciate the point made by my colleague.

The intent of the amendment is that, since the Government Accountability Office has set a broad range of actions that they recommend in a very general sense, we wanted to provide the flexibility to NASA and to the other agencies—although this amendment only covers NASA—to develop guidelines for the sharing of data that comply broadly with those guidelines set down by the GAO.

So, with that, I urge my colleagues to support this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. YARMUTH).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–707.

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. JACKSON-LEE of Texas:

In section 1108—

(1) in subsection (a), strike "small businesses" and insert "small, minority-owned, and women-owned businesses"; and

(2) in subsection (b)(2), insert ", giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. This paragraph shall not apply to any contracting actions entered into or taken by the Agency" after "to small businesses".

The CHAIRMAN. Pursuant to House Resolution 1257, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, let me thank the committee, both the ranking member, Mr. HALL, and the chairman of the full committee, as well as the subcommittee chairs and ranking members.

It is a pleasure to have had the honor and privilege of serving on the Science Committee for a number of years and to congratulate them for its very important work. I believe the Science Committee, as I've indicated, creates the work of the 21st century: science and technology and research.

My amendment has a very simple premise, and it is an amendment to the program of which Mr. LAMPSON of Texas has created that is part of the Innovative Partnerships Program that NASA's had for a very long time.

The amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned and women-owned businesses. But as well, it specifically focuses on small business concerns owned and controlled, which is part of the existing law, by service-disabled veterans and HUBZone small business concerns. So this will be added to small businesses. What better way to ensure diversity than to ensure that our returning veterans, service-disabled, have the further opportunity of participating in this program.

And Madam Chairman, let me share with you how vital small businesses are, no matter where they are. First of all, small firms represent 99.7 percent of all employer firms. They employ about half of all private sector employees. They pay more than 45 percent of the total U.S. payroll, and in 2006, we believe there were 26.8 million businesses.

When you speak to veterans, it seems that it's their cup of tea. They're independent, they're resilient, and yes, they've fought a war. And so, there's given emphasis in selection of the businesses to participate in this technology and outreach program to socially and economically disadvantaged small business concerns, and as I indicated, to service-disabled veterans and HUBZone small businesses.

The interesting part of this effort, of course, is the very backbone of our economy will get the opportunity to benefit from the strength of this great NASA program.

And the full committee has been very fair in the dollars that they've put in science and research and the space exploration program, and this, of course, would provide an opportunity for our small businesses to be right in the middle.

I believe that science and technology creates the work of the 21st century, and for that reason, this program and its ability to reach out to these small businesses is a plus for us. They will include the opportunity to hire people who have that technology training. They will reach out to various universities, Hispanic-serving and historically black colleges and other colleges around the Nation, to get the employees that will work in these small firms, and they'll have the technological training that is so important.

I hope my colleagues will support this and continue to support the opportunity for outreach, particularly as it creates jobs and interests and commitment to the NASA mentality and the NASA technology, and it puts America on the cutting edge.

I reserve my time.

Mr. FEENEY. Madam Chairman, I rise to claim the time in opposition; although I'm not certain I oppose the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. FEENEY. I guess at the outset, I'd like, if she would yield, to ask my friend a question because, as I understand the amendment, what it does is to require NASA to contract with a company or companies that have a demonstrated ability to do business and to work with certain companies. Right now, the language gives essentially a requirement that we find small businesses that we can cooperate and work with. I think all of us support that.

I don't understand the language in her amendment. It will substitute for small business, substitute the language in quotes, small, minority-owned and women-owned businesses, end of quote; is that conjunctive or disjunctive? If a company has a great record, for example, in its area of working with minority-owned businesses or women-owned businesses or small businesses or, for example, if a contractor has one subcontractor, do they have to demonstrate that they will be able to have three different contractors, one that's a small business, one that's a minority-owned, and one that's a women-owned business?

If it's a disjunctive, if they can demonstrate ability really to reach out to smaller companies or minority or women, that's terrific, but it may present a real host of problems if it is conjunctive.

I would be happy to yield to my friend to explain whether it's disjunctive or conjunctive.

Ms. JACKSON-LEE of Texas. I'm glad the gentleman asked the question, and the gentleman is right in terms of the positive and not the negative. It is "and," it is including. It is to indicate that if these businesses are around, reach out to them.

And again, this does not impact any contracts of NASA. It only impacts the access to this outreach program, and to have small businesses, if a small business is there, they're there. But to ensure that others are aware of the program and can participate in it.

And of course, it just adds that those who will be part of the outreach will be women-owned, will be HUBZone businesses, and will also be disabled veterans, many of whom are returning back to the country.

Mr. FEENEY. Reclaiming my time, I should point out that the minority happily worked on a manager's amendment, where we enthusiastically endorsed the concept that the administrator ought to contract with external organizations to facilitate new technologies for NASA to new businesses.

And we were sort of provided this at the last moment. We don't really have a chance to examine what the effects are. There may be a contractor out there that only has one subcontractor. There may not be specific types of the businesses.

Though I don't necessarily oppose the amendment, I would suggest that there may be practical problems depending on how this becomes interpreted, and suddenly, we're adding additional requirements.

I think all of us want to help women-owned businesses. We've already done a scholarship today. I think minority-owned businesses are part of Federal contracting law. I think this specific language was designed to help all small businesses, without regard to what specific gender or ethnicity or background they had. We certainly support assistance in helping recently returned or long-standing veterans organizations.

We don't object to the intent of the gentlelady's amendment. I guess we have some real concerns as a practical matter. Small contractors, we're trying to encourage, by the way, NASA not just to pick the Goliaths that then get to divvy out the work. We're trying to encourage NASA to get down and help do business directly with small contractors that are capable.

This may become impossible for small businesses to comply with if they only had one or two contracts and one or two subs.

So, with that, I will not oppose the amendment. I will be happy to yield to my friend to respond.

Ms. JACKSON-LEE of Texas. I want to again reaffirm to the gentleman that this does not impact contracts. This only impacts the ability to participate in getting technical assistance and accessing the wisdom and the expertise of NASA.

In addition, the language is small, comma, and then it goes on. So no one is replaced. It is simply adding a list and saying, don't forget this list as well. It will not replace anyone, and it will not replace anyone or require a small contractor to replace or be replaced, if you will. It is all about technical training and assistance.

Mr. FEENEY. Reclaiming my time, I understand the gentlelady's intent, and actually, I agree with her, given the explanation.

I mean, we've got a NASA Web site. NASA does data sharing. Hopefully, they don't exclude anybody that the gentlelady's talking about. I'm not sure what requirements that contractors that have access to NASA data, that may not be publicly shared, have now got to do that they're not doing. But with that, sometimes we just hope that the details get worked out later in the process, as Chairman GORDON has already reminded me earlier today.

With that, I will not oppose the amendment.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. If I might simply close and thank the distinguished gentleman, Mr. FEENEY, for his inquiries and, as well, his clarification.

And with that, I would indicate that this is a reemphasis of how important small businesses are, accessing technical assistance, and I would ask my colleagues to support the Jackson-Lee amendment dealing with expanding opportunities to socially and disadvantaged businesses and, of course, returning veterans and other HUBZones.

I ask my colleagues to support this amendment for technical assistance.

Madam Chairman, I rise today to offer an amendment to H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. My amendment modifies section 1108, and it states:

(1) in subsection (a), strike "small businesses" and insert "small, minority-owned, and women-owned businesses"; and

(2) in subsection (b)(2), insert ", giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns" after "to small businesses."

My amendment clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection of businesses to participate in the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns.

Madam Chairman, I would like to thank my colleague and fellow Texan, Congressman LAMPSON, for his leadership in authoring the important section describing the NASA Outreach and Technology Assistance Program. As set forth in this legislation, this program is intended to support the mission of NASA's Innovative Partnerships Program to provide technical assistance through joint partnerships with industry, academia, government agencies, and national laboratories. It will facilitate technology transfer to the private sector, create a network of academic institutions, aerospace contractors, and NASA centers that will commit to donating technical assistance to small businesses, and create a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

My amendment would clarify that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in the selection of businesses to participate in this program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Minority businesses are also crucial to our communities and our country. Black entrepreneurs owned 9.7 percent of all such businesses in the United States. Statistics gathered between 1997 and 2002 show substantial increases in the number of black-owned firms with receipts of $1 million or more, as well as the number of black-owned firms with 100 employees or more. Black-owned firms accounted for 5 percent of all non-farm business in the United States in 2002.

In my home city of Houston, small businesses are vital to our economy. In 2002, Harris County ranked 6th in the nation for counties with the largest number of black-owned firms, with 27,770 firms with receipts totaling $1,817 million. I have worked to introduce minority, women, and small business owners to contracting officials at NASA to help promote and develop Houston small businesses.

Madam Chairman, the NASA Office of Small Business Programs sets forth, as its mission, "to promote and integrate all small businesses into the competitive base of contractors that pioneer the future of space exploration, scientific discovery, and aeronautics research."

Today's legislation makes important strides toward working to realize this important goal, and I believe that my amendment would strengthen this objective. The legislation we are considering today reinforces the fundamental fact that the benefits of NASA's programming and innovation are felt far beyond scientific and academic spheres. Space technologies provide practical, tangible benefits to society, and NASA provides valuable opportunities to businesses in our community.

My amendment would help to ensure that the important program authorized by this legislation to develop technical partnerships with private industry will be readily accessible to these vital, but disadvantaged, enterprises. I would like to thank Congressman LAMPSON for his support of my amendment. I ask that my amendment be ruled in order, and that my colleagues join me in working to bring the benefits of this important legislation to all members of our community.

Madam Chairman, I would also like to thank my colleague Congressman UDALL for introducing this important legislation. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. Space exploration remains a part of our national destiny. It inspires our children to look to the stars and dream of what they too, one day, may achieve. Space exploration allows us to push the bounds of our scientific knowledge, as we carry out research projects not possible within the constraints of the planet Earth.

SUPPORT STEM DIVERSITY RELATED AMENDMENTS TO H.R. 6063

DIVERSITY AND INNOVATION CAUCUS,
June 11, 2008.

DEAR COLLEAGUE: We write to bring your attention to several amendments that may be offered during consideration of H.R. 6063, the National Aeronautics and Space Administration Authorization Act of 2008. Amendments presented by Representatives HODES and JACKSON-LEE are aimed at creating greater diversity in the science, technology, engineering, and math (STEM) workforce through opportunity and access. As Co-chairs of the Diversity and Innovation Caucus, we have worked to expand the participation of under-represented groups in the STEM fields to help bolster U.S. competitiveness. The amendments that will help us accomplish this goal in H.R. 6063 include:

Hodes (NH)—VOTE YES: Establishes a scholarship program in honor of Christa McAulliffe, a teacher from Concord, New Hampshire who died in the 1986 Challenger Space Shuttle disaster. The scholarship would go to women pursuing degrees in mathematics, science, and engineering.

Jackson-Lee (TX)—VOTE YES: Clarifies that the NASA Outreach and Technology Assistance Program includes small, minority-owned, and women-owned businesses. It would also give preference, in selection for the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns.

If America is to achieve its strategic objectives in STEM, then the enormous potential of groups that are currently under-represented in the STEM fields must be utilized. STEM policies which encourage diversity help strengthen American innovation and competitiveness by expanding the STEM pipeline. We strongly urge you to support the amendments to HR 6063 listed above.

Thank you for our careful consideration of these important amendments.

I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

Mr. GORDON. Madam Chairman, I want to thank everyone for this constructive and civil debate that we've had today.

I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) having assumed the chair, Ms. BORDALLO, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, had come to no resolution thereon.

□ 1745

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GET YOUR FACTS STRAIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, Special Orders, such as I am now entered into, are a time when Members can fairly freely say things without fear of contradiction because generally no one is here. And as you listen to many of the Special Orders, there is a very good reason why no one is here: No one ought to want to pay any attention to them. And we have a certain amount of tolerance when it comes to Special Orders, but sometimes the stupidity level, it seems to me, is exceeded.

In a Special Order yesterday, the gentleman from Iowa (Mr. KING) said the following. He was denouncing the notion of financing public transportation from the gasoline tax. It does seem to me that having public transportation available is one of the good ways to reduce the use of oil. High prices have driven more people to use public transportation, but that's a legitimate subject for debate. What is not a legitimate subject is to make things up.

The gentleman said yesterday, and I quote from the RECORD, "And if you go to Barney Frank's district and you jump on—I don't know what they call it, the subway, the "Big Dig," the major multibillion dollar boondoggle—and you buy a ticket to ride along on that thing, you get a cheap ticket because it's subsidized by H5321." Well, you can't buy a ticket to ride on the Big Dig, but if you could, it should be cheap because there's nothing to ride on.

In fact, quite contrary to what the gentleman from Iowa made up yesterday, the Big Dig is not a subway, the Big Dig is a highway. Now, it did cost a lot of money, but it was money that was spent on a highway. So when the gentleman says, "I don't know what they call it, the subway, the Big Dig, the major multibillion dollar boondoggle"—and by the way, it's not in my district. But that is such a small error compared to the major errors the gentleman made that I mention it only in passing. But I am baffled by why the gentleman would get up and purport to talk about something in Massachusetts and so mis-describe it.

So let me be very clear: The Big Dig is a highway, it is not a subway. A subway is a mass transit conveyor that goes underground. A highway is something on which cars go. So you can't buy a ticket on the Big Dig, and it is not a subway.

He said further, by the way, that you get a cheap ticket because it's subsidized by H5321. I don't know what H5321 is. There is a bill, H.R. 5321, which has absolutely nothing to do with public transportation, but accuracy does not appear to have been the governing principle in that conversation.

I do note that the gentleman from Iowa singled out three districts to discuss: San Francisco, represented by the Speaker, New York City—and he imputed all New York City to the gentleman from New York, Mr. RANGEL—and myself. Why we three districts were singled out—myself, San Francisco, the gentleman from New York, Mr. RANGEL—I don't know what emotions the gentleman from Iowa was seeking to evoke by, out of all of the public transportation districts, picking the three of us. Again, that's something he is entitled to do, but he is really not entitled to call a highway a subway and denounce us for that.

So, as I said, I understand that when you are here under Special Orders, you can generally get away with a great deal because there is no one to point things out. And I actually felt sufficiently concerned about the accuracy of what's said in the House that I waited around for a while. And I learned many interesting things about NASA, more than I had planned to, but that was an educational experience. But I would hope that Members in the future, when they want to go and attack things, would put a little effort into trying to know what they are talking about. It might elevate the debate.

BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore (Mr. SARBANES). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 512th day since a great injustice took place in this country. On January 17, 2007, two U.S. Border Patrol agents entered Federal prison to begin serving 11 and 12 years, respectively. Agents Compean and Ramos were convicted in March of 2006 for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas.

These agents never should have been prosecuted, yet the U.S. Attorney's Office prosecuted the agents and granted immunity to the drug smuggler. I want to repeat that, Mr. Speaker, yet, the U.S. Attorney's Office prosecuted the agents and granted immunity to the drug smuggler, who claimed he was unarmed. The illegal drug smuggler received full medical care in El Paso, Texas and was permitted to return to Mexico.

Mr. Speaker, today I would especially like to thank House Judiciary Chairman JOHN CONYERS and his staff for their interest in investigating this case. Last week, I spoke to Chairman CONYERS about this case, and I was so grateful to learn that the chairman is seriously considering holding hearings to thoroughly examine the prosecution of these two Border agents. The American people have not forgotten Agents Ramos and Compean, who should have been commended instead of indicted. The hundreds of thousands of Americans who have supported these two heroes will greatly appreciate a decision by Chairman CONYERS to hold hearings on this injustice.

These two agents have given years of their life in service to this Nation, yet they have been unjustly punished for doing their job to protect our homeland. Those of us—and there have been many on both sides of the political aisle—who have spoken out on behalf of these agents for more than a year are waiting on the Fifth U.S. Circuit Court of Appeals in New Orleans to render its decision in this case.

When those who bravely defend our borders are prosecuted, it sends a confusing message to law enforcement, who are trying to protect the American people. Mr. Speaker, it is my hope and prayer that one day soon this injustice will be corrected and these two heroes will be home with their families.

Mr. Speaker, I want to close by saying that we have called on the President of the United States to pardon these two agents, and yet nothing has happened. The last hope for this Congress is in the hands of Chairman CONYERS. And I have great respect for Chairman CONYERS, he is a man of integrity and honor.

So with that, Mr. Speaker, I will ask God to continue to bless these two Border agents and their families. And I will also ask God to continue to bless our men and women in uniform, and ask God to continue to bless America.

NASA REAUTHORIZATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we just finished a historic debate for historic legislation, H.R. 6063, and I look forward to my colleagues enthusiastically supporting the NASA Reauthorization Bill.

Let me highlight what this bill will generate for science in America. Funding for science will be some $4.932 billion. Aeronautics will be $853 million. Space exploration will be $3.886 billion. Education will be $128 million. Space operations will be some $6 billion. Cross-Agency Support Programs, some $3 billion. And Inspector General, which is very important to ensure the integrity of the program, some $35 million. This is an investment not for this Congress, but for America, and that is why this debate is so important.

As we move this bill forward, I am very pleased that this body supported my amendment. And I wanted to ensure that we had record clarity to know that this amendment was worked on by the Science Committee and the Small Business Administration Committee, and was timely submitted to the Rules Committee and, as well, was, if you will, approved by the Rules Committee. And I was very pleased to have this listed as an approved amendment in the structured rule process.

And so all is well now that this amendment has been passed and that this bill now has been passed, if you will, out of this body. And of course there will be votes to finalize the passage of the bill.

Let me move now, just very briefly, to add my deep sympathy to Americans who have experienced the tragedy of untimely and precipitous weather. This, I think, will be the most remarkable weather season that we may have experienced in a couple of years. Tornados are hitting Americans and floods all over the Nation. Many of our colleagues are absent because of the tragedy occurring in their respective districts. This further emphasizes, of course, the work that we do here, but nothing can give solace to those who have lost family members.

As a member of the Board of the Sam Houston Area Council Boy Scouts of America, I offer my deepest sympathy to the Boy Scouts who lost their lives in Iowa, and to their Member of Congress and to the families there. Let me also cite the brave young men who were involved in protecting others and providing first aid. It shows what kind of character and integrity is built for those who are in the Boy Scouts. And we offer to them our deepest sympathy. We know that the national Boy Scouts are mourning, and Boy Scouts across America. But as they mourn, let us also pay tribute to those who rose and showed themselves well as they sought to help those who could not help themselves.

Again, our sympathy to the Boy Scouts of America, to the Boy Scouts of Iowa, and certainly to the families of those who lost their lives in the last 24 to 48 hours, and those Americans who are also in the face of these tragic, terrible natural disasters, and who have suffered personal loss, property loss, and certainly the loss of loved ones.

ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I don't think I'll take the whole 5 minutes tonight because I'm going to join Mr. WESTMORELAND of Georgia in a special 1 hour order on energy in just a few minutes. But I would like to say, during the 5 minutes that I have, that another week has gone by in the Congress of the United States and we have taken no action in dealing with the energy crisis that faces America today.

The price of gasoline is well over $4 in most areas, and in some areas it's up closer to $4.50. Diesel fuel is over $4.50 a gallon, and the truckers across this country are suffering, and they've even demonstrated here in Washington, D.C.

And it's not just the energy problem that we have to deal with, it's the effect that the energy problem has on other commodities, such as food and other equipment that we need to keep this economy moving forward.

The price of food is going to go up. It's going to have tremendous inflationary pressure on every family in this country if we don't address this problem and address it quickly. I know some of my colleagues say, well, you know, if we started drilling for oil in the ANWR today, it would take 10 years before we would get that oil to market. Well, I disagree; I think it would be a lot sooner than that. But the sooner we start, the quicker we will have that oil at our refineries.

We also could drill off the Continental Shelf and get another couple million barrels of oil a day. And that may take a little bit of time, but the sooner we start, the better.

The other thing we have to consider is we need more refineries to refine that oil. We haven't built a refinery, I think, in this country for the past, what, 30 years? And we need that capacity in order to get this oil transitioned into gasoline and diesel fuel for the people to use in this country.

□ 1800

To sit back like we have and not do anything over the past weeks and months, watching the gas prices go up and watching people suffering, in my opinion, is just unconscionable. Yet, my colleagues, we really haven't done a thing.

I reach out to my colleagues on the Democrats' side of the aisle. You're in the majority and we're in the minority, but we all understand we have a crisis facing this country. We need to work together to explore, to get the oil that we have in our country to market as quickly as possible. We also have as much as a 500-year supply of natural gas, a clean-burning fuel that we could get to market if we could get it out of the ground, and we can do it in an environmentally safe way, and we can extract the oil in an environmentally safe way.

If we were talking to Americans all across the country tonight and if we said, "do you think gas prices are too high?" they would all say, "Yes." If we said, "would you mind if we drilled in this country and in an environmentally safe way to get oil out of the ground to lower your gas prices?" you'd get 80–90 percent to say, "Yes." If you asked them "what about the ANWR?" they'd say, "Where's the ANWR?" Most people aren't aware that it's a very small part of Alaska which is three times the size of Texas.

We need to move toward energy independence. We have the ability to be completely energy-independent from Saudi Arabia, from Venezuela, from Mexico, from Canada, from any country in the world. We can be independent if we work together, but we haven't done that.

Many of my colleagues are saying, "Well, we're concerned about the environment." We all want to transition to new technologies, to new ways of getting energy so that people can have clean-burning fuel, but in the meantime, while we're doing that, we must realize that we're having a terrible, devastating impact on our economy by not taking action.

So I would just like to say to my colleagues, before I get together with Mr. WESTMORELAND for this 1-hour special order, let's work together. The American people are begging us. If you don't believe it, go to any gas pump in the morning or tonight and ask them. They're begging us to do something about the exorbitant fuel prices which are not only affecting their getting to and from work but that are also affecting their ability to buy groceries at the supermarket and that are affecting every other commodity. It's going to severely hamper and hurt this economy if we don't work together very quickly to get the job done.

Now, I believe that if we listen to the American people that Democrats and Republicans can work together, and we can come up with a plan to extract these vital, essential minerals so that we can lower our gas prices and can lower the energy prices in this country, but if we don't and if we continue to fight with each other and if we're recalcitrant and if we don't do something, then the problem is going to get worse and worse and worse.

So I would just like to say to my colleagues and to plead with them one more time tonight: Let's not let another week, month or year go by of our not having done anything to explore or to drill for our own natural resources that can give us energy independence. We've been talking about it since the Carter years back in the 1970s. It is time we did something. Americans are suffering, and we're not doing anything. Democrats and Republicans must work together to solve this problem.

With that, Mr. Speaker, I yield back the balance of my time.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another sunset memorial.

It is June 12, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,925 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution; it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this sunset memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,925 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 12, 2008, 12,925 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be on the floor of the House of Representatives here in the United States of America to talk about issues that are pressing, representing the 30-Something Working Group. I will be joined shortly by my friend, Congressman MEEK of Florida, who will join us through this discussion.

I want to talk about a couple of issues that are pertinent to what has been going on in our country. I think the most pressing issue that we've been dealing with in this Congress and that, I think, most of our constituents are dealing with every single day is what is going on with our energy policy here in the United States of America.

We have heard, as Democrats have come into office with Speaker PELOSI's leading this House of Representatives, is that one of the key issues that we're trying to deal with is to make sure that our country is energy-independent and to reduce our dependency not only on oil but especially on foreign oil and to move off of oil in general, into renewable energy, into biodiesel, into solar, into wind, into nuclear, into a lot of these other areas that will allow us to be energy-independent, that will provide for renewable energy and that will provide a stable supply of energy here in the United States.

One of the issues that keeps coming up is: Why don't we keep drilling? Why don't we drill in ANWR? That will solve our problem. I'm sure, in the next special order, the folks who are paying attention to this debate will get the other side of this. But from our perspective and from what the analysts are telling us, if you begin drilling in ANWR and if you start the process today, it will be 10 years from now before you get one drop of oil out of ANWR. If you continue, in 10 years, you will get 40,000 barrels of oil a day in a market that has 80 million barrels of oil. In 20 years, you will get yourself up to about 800,000 barrels of oil a day, and you will reduce the cost of a gallon of gas by 1.8 cents per gallon. Now, that is 20 years from now. So, if we start today, in 20 years, we will have a savings of 1.8 cents per gallon of gas. From our perspective, that is not a long-term strategy.

One of the reasons that it is not a long-term strategy is that we have now currently 68 million acres of land on the continental shelf, onshore, that is eligible to be drilled upon. There are 8,000 leases for drilling on these acres of land, 8,000. Of these 8,000 leases, there are only about a quarter of them that are actually being used or that are being pursued.

What we are saying is, if you have 68 million acres of land and if you have 8,000 leases already to drill on those acres of land, why do we need to go somewhere else up in ANWR—up in Alaska—when we're not even drilling in the areas that we have now in which the oil companies have permission to go and drill? That is the question.

So we have this available to us now, and if we got into the 68 million acres of land, that would produce 4.8 million barrels a day.

Mr. BURTON of Indiana. Would the gentleman yield.

Mr. RYAN of Ohio. I'd be happy to yield.

Mr. BURTON of Indiana. The geologists with whom we've talked say that they know that there is oil in the ANWR and that they know where the oil is off the continental shelf. I don't know about these other 8,000 leases in the spots that we're talking about, but I would be happy to talk to them about exploring those if we could work together to get the oil out of the ground and get it to market.

I'd just like to say to my colleague that I know that you want to move toward energy independence. We have a different view on how it has to be done. You'd like to do it in an environmentally safe way, and so would we, but we aren't starting. So I'd just like to say to my colleague:

When are we going to start? In your opinion, how are we going to start, and how long will it take?

The transition to hybrids and to everything else and to get everybody in this country working on these things is a laudable objective, and I agree with you that we should be doing that, but in the interim, we've been just sitting around, waiting for 30 years. The American people, I don't think, can wait much longer.

So I'm sorry to interrupt you, but I'd just like to ask you: Where do we start? When do we start? How do we start if we don't drill?

Mr. RYAN of Ohio. Reclaiming my time.

I have a great deal of respect for my friend from Indiana. I wanted to give him an opportunity to speak his peace.

It's not up to us, and that is the point I was going to make. This is already available. It's the oil companies that are not pursuing this. They have the leases. They have the space. They have the okay, but they're the ones that aren't doing the drilling, and that's the point.

One of the reasons is that there is a difference between the certifications. When you have to mine for coal and you get one of these permits and you get the ability to lease, there's a 20-year lease for coal companies, but you have to show that you're diligently developing your mining with coal. Under oil and gas, it's only a 10-year lease that is renewable, but you don't have to show that you're diligently developing the leases and that you're diligently developing the mining in trying to get the oil and the gas out.

So the oil companies have the leases—they have the ability to do it—but the law does not require them to show a diligent developing of a particular resource. That is the problem. So they're holding the leases and are, in our minds, driving up the cost. Now, I think there are some other things going on, too, with commodity markets and whatnot, but this is the gist.

There is a bill that is coming out of Mr. RAHALL's office from the Natural Resources Committee, the Responsible Federal Oil and Gas Lease Act of 2008. I will be happy to share with my colleague and have my staff get to your staff the proper information here because there is no reason why they're not developing it, and that's the problem that we have here.

So look at what is going on in the commodities market. We have passed a bill out of this House of Representatives to try to address that problem. If we soon pass Mr. RAHALL's bill that will deal with the lease issue and the oil companies' being able to hold onto these leases, I think then we can force these folks to either get rid of the leases and get them in the hands of somebody who will actually do the drilling or they will have to drill it themselves, but you have to show diligence in developing that particular resource that you're going after.

So that's really the main issue here, and I appreciate the opportunity to bring that up and to further expound on that point because it puts the ball right back in the court of the oil companies'.

So, on all of these prongs, whether it's futures or whether it's the leases or whether it's the $14 billion in subsidies that the taxpayers have given the oil companies, on each of these issues, we're trying to change the policy, and we want to join with the Republicans to help us to do that because a lot of this oil and gas is available to be developed, to be explored, to be used here in the United States of America.

Not only that, there is a bill that we passed, I think, in 2005 that would allow a 50 percent tax credit to build refineries. That is one of the other points that has been made, which is of the refineries. Why aren't there more refineries? Refineries now are only working at 85 percent capacity.

Mr. BURTON of Indiana. Would the gentleman yield.

Mr. RYAN of Ohio. I would be happy to yield. I'm going to yield to you because you're my friend, but I'm going to have to leave, so I'm not going to get a chance to rebut you guys, but go ahead, because Mr. WESTMORELAND and I are going to be on Fox later, so we'll be glad to take that up over there.

Mr. BURTON of Indiana. The reason I wanted to talk to you really briefly before Mr. WESTMORELAND and I take this hour is that we're going to have to work together to solve this problem. On its face, for us to say that the oil companies with these leases really don't want to exercise the ability they have to drill doesn't make sense.

The problem we have with energy right now is that China is buying an awful lot of the oil, and India is buying a lot of the oil. The appetite for energy is growing at a very rapid rate, even here in the United States, and we're not keeping up with the production necessary to keep the prices down. The oil companies want to drill. They want to make this money. They want more refineries.

You and I don't know each other really well, but what I'd like to say to you is that I'd like to sit down with you and with some of the oil companies executives and talk to them about the drilling problem and about the lease problem. Maybe there's something we can do by talking to them to get this thing off dead center. But to sit around and say they're not drilling where they should when the world needs more energy doesn't make any sense. We need more refineries. Everybody knows that.

As you were talking a minute ago, we want to move toward energy independence, but that's going to take time as well. So I would like to work with you and with other Democratic leaders—Mr. RAHALL and others—and see if we can't get some of the oil execs in without beating them over the head about, you know, taxes on them and just say, "What do we need to do to get you to do exploration in a clean way and to get this energy to market as quickly as possible?" I'd like to talk to you about it and see about that.

Mr. RYAN of Ohio. Reclaiming my time.

I'd like to chat with you about it. I think it would be important to have Mr. RAHALL involved in that conversation.

□ 1815

Our argument on this side, and I think it is not a prima facie case here, these are the facts that have been explored. They have the leases, they have the land, there is nothing preventing them from doing it. You have a 50 percent tax cut on refineries. They still haven't done that. And we are giving them $14 billion to help develop this stuff. I mean, how much more do you need? And you are the most profitable industry in the country.

So it leaves folks like us to say, you know, you are obviously not doing things properly, because the price of oil is going up.

And I agree, obviously China and India are a major component of this. No one is saying it will be $20 a barrel if we implement this stuff. But if you talk about it, most people are saying anything between a 10 and 100 percent increase because of the commodity trading, which probably puts it somewhere in the middle at 40 percent, which would be 40 or 50 bucks a barrel. That alone would reduce it to about 90 bucks a barrel.

Now, drilling has increased by 66 percent since 2000, so there is more drilling going on to try to keep pace with that. But the prices have increased. Last Friday a barrel of oil increased more in one day than it cost 10 years ago. That is a significant increase, and you can't say there are some shenanigans going on here.

All we are asking is, I think if we pass something like the Responsible Federal Oil and Gas Relief Act of 2008, if we say that you have to diligently develop those leases that you have, I think that would be a piece of this argument, to say you got the lease, you are not allowed to sit on it. Either develop it or give it to someone else.

No one here is saying we are going to be off oil tomorrow. What we are saying is we don't want to be in the same situation a decade from now or two decades from now because we opened up ANWR and saved 2 cents a gallon. That is not going to get us where we want to be. And the sooner we take the brain power here in the United States of America and put it to work to develop some of these alternative energies, the better off we are going to be.

So, 68 million acres, 4.8 million barrels a day, 44.7 billion cubic feet of natural gas, this is the direction we need to be going in. This is the direction that I think Americans want us to go in, Mr. Speaker. This is the direction that the Speaker and the Democrats want to lead this country in.

Mr. WESTMORELAND. Will the gentleman yield?

Mr. RYAN of Ohio. We are happy to. You guys are going to have more time on my Special Order than I am.

Mr. WESTMORELAND. I just want to ask you one question and give you time to rebut it, and I will leave.

To my friend Mr. RYAN, you mentioned not being able to use our technology. In the energy bill that we passed in January of 2007, section 526 really limits the government agencies' ability to use fuels that could come from our technology. It says we cannot use these fuels, such as oil from shale, fuel made from that, for NASA, our military or other government agencies.

Could you kind of rectify that and how that relates to what you are saying? Because I agree with you, we have some of the smartest people in the world here that can look at some of the technology that has been in place in Europe for years of coal-to-liquid. But how does that translate in your energy policy, compared to what you are saying about the technology? Because I certainly agree with you about the technology, but I don't necessarily agree with the energy policy.

Mr. RYAN of Ohio. Well, regardless of how we develop it, I think this is what we have done. We put billions of dollars into research and development, and we will continue to put more into research and development, maybe even over the protests of some of the folks on your side of the aisle.

But you could talk about oil shale and you could talk about all of these the other issues. We have 68 million acres right now, there are 8,000 leases, and you folks keep talking, Mr. Speaker, the other side keeps talking about going up to ANWR, when we have 68 million acres already to be tapped, 8,000 leases ready to develop this. They are only using a quarter of them. Go ahead and drill. But why do we have to go up to ANWR, when we already have the ability to do it now? That is all we are saying.

So, yeah, we should use technology to figure out other ways to develop oil and the coal-to-liquid. As long as you are sequestering the CO_2, speaking on behalf of myself now, I don't have any problem with it. You have nuclear plants that are going on and permits and leases for moving that process forward.

So this is going to be a comprehensive bill and a comprehensive approach to all this. But when you have the oil companies getting $14 billion, you have the commodities problem that you have, and you have them buying leases and holding them because they don't have to diligently develop, like they have to do for coal, you get skyrocketing gas costs, and that is what we are trying to fix here.

The oil companies have more incentives than they could ever possibly need. They have been getting $14 billion in basically corporate welfare. They get a 50 percent tax credit to develop a refinery, and they still haven't done that. So these issues are hanging around here, and we are trying to change it and the rhetoric from the other side is we got to go to ANWR, when we already have the ability to address these problems here.

So I think we have a comeprehensive approach on how to fix this problem. It is much different. And, again, to just say, you know, Mr. Speaker, it was the other side. They were in charge for 6 years, had the House, had the Senate, had the White House, and we are currently living under their energy policy and the Bush economy.

Mr. BURTON of Indiana. If the gentleman will yield for just one second, I know you have to leave and I just want to say one thing real quickly, if you don't mind.

Mr. RYAN of Ohio. I will be happy to yield.

Mr. BURTON of Indiana. You know, you can blame us, we can blame you. We can go all the way back to the Carter administration when we had lines. You are a fairly young man, you probably don't remember, But there were lines around the block and people coming with five gallon cans to get gas because we didn't have any. There is probably enough blame to go around.

The problem is we are in an economic crisis right now that is not going to get any better until we work together. I have been down here railing against you and the Democrats for the last three or four or five weeks saying you guys are the reason that gas has gone up a buck-and-a-half in the last 2 years. You can blame us if you want to. But the people who are watching on television and the people around this country right now are paying 4 bucks-plus a gallon and they want us to work together. I would like to sit down with you and others like you and try to figure out a way to get this problem solved.

Mr. RYAN of Ohio. Reclaiming my time, you are exactly right. We could sit here, Mr. Speaker, and blame each other about whose fault it is. I say that as a point of clarification, because one is now you have solutions that you didn't implement while you were in, they didn't implement while they were in, Mr. Speaker. So I think that is an important point to make.

But the discussion here today is look at what the Democrats have done. We are trying to repeal the $14 billion in corporate welfare. We are trying to crack down on the commodities futures trading. We are trying to make sure that oil companies can't just hold leases and not develop them, and not develop them and diligently pursue the natural resources that are there. That is what we are saying. The other side is saying, go to ANWR. Now, that is not a solution.

So the discussion that we are having here is that your side is saying, go to ANWR and drill, and we are saying there is 68 million acres, 8,000 leases, and they are only using a quarter of them. The oil companies are holding them. They could get 4.2 billion barrels a day, and they are not doing it. That only leaves one conclusion.

I guess we are kind of blaming each other. But if you put up drilling in ANWR or drill in what we have now and focus billions of dollars on an alternative energy policy and strip the $14 billion from the oil companies and make sure that if they get leases they got to use them and make sure that there is not all kinds of monkey business going on in the commodities market, that is our solution, which your side votes against.

We are going to have an election. You guys are going to say drill in ANWR, we are going to say alternative energy, and the people are going to decide. So we can blame each other all we want, but the people are going to hear our position, they are going to hear your position, and they are going to hear the presidential candidates' positions, and they are going to decide who they want to vote for.

I believe and our caucus believes that when we get the message out that there are already 68 million acres to be developed, there are 8,000 leases being held by the oil companies, that they are only using a quarter of them, that it will look like our friends on the other side are standing shoulder-to-shoulder with the oil companies. And we are going to have a vote at some point on Mr. RAHALL's bill that will allow and force the oil companies that if they have leases to use them, that you may fall on the one side of that and we may fall on the other, and then the people will have that vote to decide on.

I am getting a bit redundant, but we want to make sure our friends who are just kind of passing through the debate catch both sides.

The gentleman from Indiana, I know he is a busy man, but if you have time tonight, me and your partner in crime there will be on Fox TV, on Hannity & Colmes, to further this discussion, and I very much look forward to it.

I think my partner in crime, Mr. MEEK, is not here, will not be here, and I will take your thank-you's later, because you had more of my special order than I had.

Mr. BURTON of Indiana. If the gentleman will yield just real quickly, I would like to say this to you as you leave. I would like to see a number of you—

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentleman yield?

Mr. BURTON of Indiana. Will the gentleman yield just for a second?

Mr. RYAN of Ohio. Well, you are going to get the next hour.

Mr. BURTON of Indiana. I know, but I would like to talk to you before you leave.

The SPEAKER pro tempore. Does the gentleman want to yield, or yield back?

Mr. RYAN of Ohio. I yield back the balance of my time. I will wait and listen to you.

ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Mr. Speaker, I am glad Mr. RYAN was here, and we will continue this discussion, I am sure.

Mr. BURTON of Indiana. Will the gentleman yield just for one second?

Mr. WESTMORELAND. I will.

Mr. BURTON of Indiana. Before you leave, let me say I think what would be very illuminating for the American people is for you and three or four of your colleagues who have some expertise in this area to come down with three or four of our colleagues and sit down and discuss in logical way these issues you are talking about, because we all want the same thing. So I would like to talk to you about that after we are through here, and maybe we can work something out in the next week or two.

Thank you, Mr. WESTMORELAND.

Mr. WESTMORELAND. Thank you.

As we continued listening to my friend and colleague Mr. RYAN talk about the amount of land that is open for drilling, it is only 3 percent of the Outer Continental Shelf. That is only 3 percent of it. There are only 6 percent of the Federal lands on shore that are open to drilling. Now, these oil companies may hold some of these leases, but why would you want to drill on something that did not have oil? I don't think that makes good sense.

He is talking about the $14 billion tax. Well, you know, I am not the smartest guy in the world, but I had an economics teacher, Colonel Walford, in high school, who made it very clear to me that taxing a producer or manufacturer did not lower the price to the consumer. You don't have to be an economist to understand that if you raise taxes on somebody, it is not going to lower the price to the consumer.

Now, the other thing is that the majority has been in control for 17 months. When they took over, the price of a gallon of gas was $2.26. Right now it is up over $4. I believe it was in April of 2006 that then Minority Leader PELOSI, now Speaker PELOSI, made the statement that the Democrats had a commonsense plan to bring down the skyrocketing price of gas. Now, it was probably $2.08 then, right at $2. So I don't know where this plan is.

They passed an energy bill in about January of 2007 that Mr. RYAN referred to, and in that energy bill they had specific language that said our government could not use certain alternative fuels. So they are saying one thing and then doing something else, and it is real confusing to the American people.

But I have something I want to unveil tonight, Mr. Speaker, for the American people. We have got some of it up here. What this is, Mr. Speaker, there have been all kind of petitions on the Internet. I went into a service station in my district and there was a petition there on the counter about the price of gas. There are petitions all over. Our constituents have an opportunity to go on the Internet and sign these petitions or go into their local grocery store or gas station and sign a petition for drilling, against drilling, for any variety of things as far as what the energy costs are that are affecting the average person.

So as I thought about this I said, you know, we need to make this simple. We need to make it so we have a petition for the House of Representatives. We have 435 Members here, and the American people need to know how their Representative would vote.

□ 1830

What would they be voting on? American energy solutions for lower gas prices, the things that we can control, our resources.

You know, China and Cuba are fixing to start drilling 45 miles off the coast of Florida. That's our natural resource, we could be drilling there, but we are not. So we have got 97 percent of the Outer Continental Shelf that we control we are not drilling on, 94 percent of the Federal lands that we have in this country, we are not drilling on. So we have got a real simple thing, bring onshore oil on line, bring deepwater oil on line and bring new refineries on line.

You might realize or might not realize that we haven't built a refinery since the late 1970s. We import, right now—this is probably going to surprise some people—we import 6.9 billion gallons of refined crude oil that's gasoline into this country every year, because we do not have the refining capabilities.

We had a motion to recommit, I believe, on May 22 that Mr. CONAWAY offered that said, within the 90 days, that the government would identify three locations on some of our military bases that have environmental problems, maybe, that the BRAC has closed immediately and in 90 days identify three of those to build new refineries. The majority voted against it. They stand and say one thing, but their actions do something else.

We need to build and expand our refineries, and we need to make this to where our oil companies are willing to invest. But when you import 6.9 billion gallons of gasoline and probably about the same amount of diesel fuel, that we come in.

What we have got is a petition here, and this petition starts out with Alaska at large, it goes out through Alabama and goes all the way through every State in this Union, and we have got everybody a district line.

Now, we just kind of, we had it back here in the corner today and some people came by and said hey, what you got, and I told them it's a petition. What the petition says, "I will vote to increase U.S. oil production to lower gas prices for Americans."

That's pretty simple. It's not convoluted, it doesn't have anything to do with anything other than Americans providing their own resources for our energy. Now, what's wrong with that? We are a country that is known for our resourcefulness.

Mr. RYAN mentioned the technology. Germany, back in the late 1920s, had technology that converted coal to fuel. That was back in the late 1920s. Surely technology has come to where it's better. We have got over a trillion, that is a trillion with a "T", barrels of shale oil out west, a trillion, a trillion, and we are not doing anything with it.

In fact, not only are we not doing anything with it, but Mr. UDALL from Colorado last year passed an amendment that said we couldn't do anything with it, that we couldn't drill, and it passed this House 219 to 215. You might remember, I believe that was the stolen vote. But those are circumstances that we have got, and so we want the American people to know where their Congressman is at.

We have got this petition, we are going to update it, every day we are going to have it back on the floor. I have got two pencils with me today, two markers. If anybody is listening that's still in town, wants to come down, they can certainly come down. I will give them some time to speak and they can tell their constituency why they want us to support us using our natural resources, our resources to provide energy for our people.

I will yield some time to Mr. BURTON of Indiana.

Mr. BURTON of Indiana. First of all, let me compliment my colleague from Georgia, because I really appreciate you taking the initiative to actually lay before the American people those who support energy independence, true energy independence and those who don't. I think this will do it. I hope this is publicized across the country so every single constituent of yours, mine, everybody in this country who is paying $4-plus a gallon for gasoline will know how their representative feels about this issue.

One of the things we were talking about just a few moments ago before our colleague left, which was very troubling, was that he indicated that oil companies were protecting leases, and he didn't want to drill in those places. It's very—it's almost a ludicrous argument.

Because with the demand for oil growing like it has around the world, the need for more oil or energy is apparent. The more oil companies, the more they drill and the more they refine, the more they are going to be able to sell. What my colleagues have said in the other side of the Senate and over here is they want to raise taxes on the oil producers.

That's okay if they want to tax those people, but oil companies don't pay taxes. This is what people need to understand. Those taxes are passed on to the consumer when they buy the gasoline, because they raise the price of the gasoline.

When you buy a car, if you raise the taxes on the production of a car, it's passed on with the prince increase on the car. So companies, corporations aren't paying these taxes, the consumer is. That's what we really need to explain to the American people.

The thing that troubles me the most—and this is why I appreciate you doing this and taking this initiative, Representative WESTMORELAND, is because the American people are confused. Right now they read in the paper, see on television, well, the Republicans killed a bill in the other body that would have really put the hammer to the oil companies.

The fact is that it was raising taxes on the oil companies, which would have passed on to consumers in a price increase that would have made gas prices even higher. What we need to do, as you said, and what you are doing tonight, as my colleague from Georgia, your buddy here is going to talk about in a few minutes, is we need to get more energy out of the ground and we have the ability to be energy independent.

My colleagues say, well, it's going to take 10 years it may take 5 years, it may take 2 years. I don't know. But we have been talking about this since the Carter years in the 1970s, and we haven't done anything.

So I want congratulate you one more time, I am happy to be here with you tonight. I will stay with you for the whole hour if you want me to. But I hope that we will get across to the American people this, we don't want this to be political, we want to work together with them, and they are not willing to do it at this point.

We need to work with the Democrats to get a program, to become energy independent, to get our oil and natural gas and coal shale out of the ground so we don't have to depend on Saudi Arabia or OPEC or Venezuela and Mr. Chavez down there who may pull our string any day.

We need to become energy independent and quit talking about it. We need to work together to get that job done because the American people, if you look at the polling results, I think Congress is worth, what, 18 percent in popularity right now, a pox on all of our houses. We better get together, or they will throw us all out.

I thank the gentleman for yielding.

Mr. WESTMORELAND. Let me say this, the American people sometimes get confused, just as you spoke about, the bill that was in the Senate. They don't hear all of the things that were in that bill. That's one of the reasons I wanted to make this as simple as I could. It is not confusing. This is not confusing.

If anybody calls their Congressman and asks them if they signed this petition—and, by the way, the one petition I found online, I think, was American Solutions had over 500 now people, I think it has been up for less than 2 weeks, have already sent in and said we want to drill. There is a radio station in Tampa, Florida, that has started sending drill bits to Members of Congress and Members of the Senate to show their support for drilling.

This is a radio station in Florida that's doing this, and I imagine it would probably catch on all over the United States, and we will probably have more drill bits. I hope they will send a whole set that we will have to remind these people that we need to rely on our own resources.

That's the reason that we made it as simple as we could. All it says is, "I will vote to increase U.S. oil production." Ninety-plus percent of the Republicans in this House have consistently voted for more domestic oil production. Eighty-six percent of the now majority party have consistently voted against more domestic production. This is going to put everybody on equal footing.

Everybody has an opportunity to sign it. I hope we get 435 Members to sign it and then, Mr. BURTON, we can get on with what you offered to Mr. RYAN that we could come together, because we really don't have an opportunity to come to the floor in front of the American people. We only have a certain time where we can do it.

Maybe we ought to get a 2-hour thing where we could all come down here and talk and see if we can't straighten some of these facts out, because the facts are totally different from what I am getting from land management and evidently what somebody else has gotten from land management.

Right now I am proud to yield as much time as he might take to my good friend from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. I thank you, Congressman WESTMORELAND, for your leadership on this issue and that is really a great idea, and that is a petition that has a spot for every Member of the United States House of Representatives to sign that will say, "I will vote to increase U.S. oil production to lower gas prices for Americans."

As you said, it doesn't get any more simple than that. It's just as straightforward as it could be.

I am sorry I couldn't join you at the beginning. I was listening in my office to our friend from Ohio who had some comments, that I thought it was important to set the record straight a little bit. I know my good friend from Indiana has done so, but I thought I would mention a couple of things.

It's true, we do need to work together. We do need to work together, Democrats and Republicans on behalf of the American people. But as my mama used to say, it takes two to tango, and it's tough to dance by yourselves when the folks who are setting the agenda and setting the bills that come to the floor of the House, that will allow the bills that come to the floor of the House, when they won't tango, when they aren't interested, apparently, in solving this problem when the American people are crying out for a solution.

My good friend, Mr. RYAN from Ohio, talked about the issue of the oil companies, domestic oil companies, American oil companies who are trying to bring as much product out of the ground as possible. At these prices, one would think that they would. He talks about the fact that only a quarter of the lands are being used that are currently being leased to the oil companies.

He says, well, why don't they use the other 75 percent?

Well, that reminds me of the question that Willy Loman got, you know, Willy Loman was a bank robber. And they asked him, Willy, why do you rob banks? He thought a little bit and said, because that's where the money is, the money is there.

These oil companies don't drill on the other 75 percent of that land, not because they don't want to, it's because there are tests, remarkably efficient tests, that allow the domestic oil producers to tell whether or not there is oil down there. If they do those tests and they find that there is not any oil down there, then should we expect them to waste money and drill in those areas?

Mr. WESTMORELAND. I just wanted to say that in relation to that, between 2002 and 2007, 52 percent of all the exploration wells were dry, 52 percent of them, of all of them that they drill. So it's not all there.

Mr. PRICE of Georgia. Will my friend yield?

Mr. WESTMORELAND. Yes.

Mr. PRICE of Georgia. That's an important figure. Over half of the time that the oil companies put a drill down to find oil, they didn't find anything, and this is on that leased land. That's on that leased land.

Mr. BURTON of Indiana. Would the gentleman yield, I would just like to interject something here.

Mr. WESTMORELAND. Sure.

Mr. BURTON of Indiana. Our colleague from Ohio was talking about these leases. And the reason they want to drill in ANWR is because geologists found there is a huge supply of oil there. That makes your point. That's where the oil is.

As Willy said, that's where the money is. So why would you drill, as you said, in leases where there aren't any, when you know, you know that there's oil in the ANWR.

Mr. PRICE of Georgia. I appreciate my friend's comment. I could let them drill in my backyard, but they are not going to find any oil there, so it's a waste of time to drill in my backyard. It's a waste of time for them to drill where there is no oil.

To underscore the point that my friend from Indiana made about Alaska, the proven reserves, the proven reserves that are there are more than twice as much as the oil reserves in all of Texas, more than twice as much as the oil reserves in all of Texas. That's where the oil is, that's why it's important to allow them to go there.

This would represent, the Alaska exploration, would represent a 50-percent increase in the total U.S. proven reserves. I would say that's a remarkable amount, incredible amount. You talk about something that would drive down the cost of gasoline, just the announcement that we would allow it to occur would drive down the price of oil across the world.

But I think it's extremely important.

□ 1845

We have a group called the Truth Squad that gets together to try to shed light on things because facts are stubborn things. Facts are stubborn things. Our motto is everyone is entitled to their own opinion, but they are not entitled to their own facts.

When the American people look at the facts on this issue, they understand that we need to conserve more. Without a doubt. And they understand that we need to have a transition to alternative fuel, that we need to find that non-fossil fuel that will drive our economy and our Nation for centuries to come, hopefully.

But they also understand that it is foolish for a Nation that has incredible resources, like the United States, to let them just sit fallow and not take advantage of them and make it so that we are more reliant on foreign oil than ever before, and that we are buying oil from folks that frankly don't like us very much. They understand what this is about.

I believe that over the coming months as we see gas prices continue to increase, that they will pay more attention to what is going on in this room and in this building. And as they pay more attention, they will appreciate that there are a group of individuals who are interested in increasing supply. And then there are a group that have proven over and over and over that they are not interested in increasing supply. I hope as we work together, we will be able to increase those numbers of people who want to increase supply to more than 218 so we can move forward.

Mr. WESTMORELAND. Absolutely.

Mr. BURTON of Indiana. I just want to say one thing about what you are doing here tonight. I know that we can't talk to the American people, we have to talk to each other. But if I were talking to the American people tonight, I would say, like you are saying, you ought to call your congressman and tell him to sign this thing. I can't say that to the American people because I'm only allowed to talk to you. But if I were talking to the American people, I would say Mr. WESTMORELAND has the right idea, let every Congressman know how you feel, and if you do, then they will change their mind and they will support exploration that will give us energy independence.

So I congratulate you on doing this. This is a great idea.

Mr. WESTMORELAND. Thank you, and it is real simple, too. It can't be confused with anything else. American energy solutions for lower gas prices simply reads, "I will vote to increase U.S. oil production to lower gas prices for Americans." It is real simple.

And what you were talking about, Dr. PRICE, is we are not going to drill in these leases that don't have oil. And when you've got I think it is 1.76 billion acres in the Outer Continental Shelf, and we have only opened up 3 percent of that. We have got 700 million on shore of Federal land that we have only opened up 6 percent to.

And let's look at this. Let's remember back because Mr. RYAN made a statement that it would be 10 or 15 years before we get any oil, and then it would be only 40,000 barrels a day. Let me remind the American people of this. In 1995, this Congress passed drilling in ANWR. Then President Clinton vetoed that bill in 1995, 13 years ago. Today, by conservative estimates, we would be getting 1 million barrels a day out of ANWR. Today.

Now Senator SCHUMER on the other side of the hall made a statement last week that if we could get Saudi Arabia or OPEC to increase production of a million barrels a day, it would reduce the price of gas 50 cents a gallon. Well, isn't that swell. That we are going to go to some people that haven't always been our friends, and we are going to say to the OPEC nations that we want them to drill. We want to use their natural resources, but we don't want to use ours. That doesn't make good sense. So just remember if President Clinton had not vetoed that bill in 1995, we would be getting a million barrels a day.

Mr. PRICE of Georgia. I think it is important that we discuss a little bit about Saudi Arabia and the issue that Senator SCHUMER brought up in the context of our President going to the Middle East. And the way my constituents saw it, why is our President going to the Middle East and begging for the production or for them to sell us more oil. That is just not befitting of what we ought to do for our Nation which has incredible reserves, incredible reserves.

And the facts will bear out what you said, and that is that the increase of oil that could come from Alaska is remarkable and would significantly lower the price. I am reminded of the Jay Leno line. Jay Leno said to his audience a couple of weeks ago, "The Democrats say if we allow for drilling in Alaska, it will take 10 years before we see any gas."

He said, "That's just what they said 10 years ago." So it hasn't changed. It's the same old excuse.

Mr. BURTON of Indiana. I think one of the things that ought to be put into the equation that we don't discuss a lot, and that is that we are depending on the Middle East for what, 40, 50 percent of our energy. Right now we know there is a lot of conflict in that part of the world. When Saddam Hussein invaded Kuwait, he burned a lot of the oil wells. And had he taken over, we would all have been buying or trying to buy oil from Saddam Hussein.

The reason I bring this up is we don't know what is going to happen 5 or 10 years from now. There could be a terrible conflagration over there and we might not be able to get oil out of that area for our country. They might sink a couple of ships in the Persian Gulf and block the tankers from even getting out of there, and we won't be able to get energy. So what do we do then? Do we let the lights go out and let the cars stop on the streets because we don't have energy? That is another reason, for national security purposes, that we have an energy supply here and become independent of the other countries in the world.

As you said, both men from Georgia, we have the ability to do it. Even if it took 10 years, and I don't think it would, but even if it did, we ought to be looking down the road and asking, Do we want to keep depending our security on the Middle East where something could go wrong tomorrow when we could be independent, as far as energy is concerned, right here in America and protect ourselves, as well as getting the energy that we need, from a conflagration that might take place halfway around the world.

Mr. WESTMORELAND. This might be a long-term plan, but you have to start some time. There has been a proposal by Senator McCAIN to give some temporary relief with a gas tax holiday during the summer to allow some people some extra spending money. It is not a great amount, but it is something.

We could also take off-road diesel and let people burn it on road. If you remember after Hurricane Katrina, there was a shortage of diesel. They didn't have any diesel and the EPA and the IRS got together and said all right, let's start burning this off road and let them use it for 30 days, and then I believe we extended it for another 30 days until we got the supply of diesel back.

So there are some commonsense things that we can do immediately. And Dr. PRICE hit on this. The day I believe that we pass some type of bill in this body that said we are going to look after our own solutions for energy from within our own natural resources, this oil speculation would come down. You wouldn't even have to put the first drill bit in the ground. Right now they understand that the majority that is in control of this Congress are being held hostage by the radical environmentalists and that we are not going to do anything such as this with long-term planning about our energy future. And while we all want to conserve, we cannot conserve ourselves out of the dilemma that we are in right now. And so we have got to do something. We have to have some initiative to go forward. And right now, we are laying around in the fetal position talking about a commonsense plan that we had 2 years ago that we have not done anything about. So it is time for action.

You know, I have seen a knee-jerk reaction to everything up here. You let the least little thing happen, and we will have a knee-jerk reaction to it. And that is something. We have had tragedies that we have had. We put $140 billion down after Katrina, $62 billion in 2 weeks that we addressed down there, and it wasn't that we responded fast enough. So we have a habit of throwing money at things but not providing the boots on the ground or the substance to back it up.

Well, this is something that we just can't throw money at. This is something that calls for action. We, as the duly elected people by our constituents, we are the representatives of this country, and they sent us here to do something, not just lay here in a fetal position. And I yield to Dr. PRICE.

Mr. PRICE of Georgia. I thank my friend from Indiana for bringing up the issue of national security because energy security is national security. There is no doubt about it. People at home understand this better than the folks in this room, apparently, as a whole. Energy security is national security.

I would suggest that it is irresponsible of us, it is an abrogation of our duty and our oath not to fulfill the requirements that would allow for us to be self-sufficient in energy. And we can with the resources that we have. There is no doubt about it.

The dirty little secret is 30 years ago when we had the challenge, the oil crisis where we all waited in lines to fill our gas tanks, all of us at the time said, all of us said we will never be this reliant on foreign oil again. The dirty little secret is at that time we were about 25 percent relying on foreign oil. And now we buy over 60 percent of our oil, not from ourselves, not from domestic producers. So the dirty little secret is that we have gone a long way in the wrong direction. We can turn it around. We can move it in the right direction in an environmentally sensitive and sound way, in a technologically sound way that will not have the kind of catastrophes that many on the other side say are a certainty.

I am pleased that you brought up Hurricane Katrina in a little different light. During Katrina, the thousands of rigs in the gulf, not one of them had a leak from Hurricane Katrina. In fact, there is more seepage naturally of oil out of the ground every day into the Gulf of Mexico than occurred during Hurricane Katrina because of a problem with the technology, the equipment.

We have come so far in this Nation over the last 30 years in terms of technology and being able to do energy production, oil production, getting it out of the ground, in an environmentally sensitive and sound way. There is no reason, no reason not to move forward.

In fact, the issue of Alaska and whether or not we ought to explore there, President Carter knew that we ought to. As my friends know, he signed a bill that provided for the 1002 area. That was in 1980. It is not a wildlife or a refuge at all, it is an area that was specifically designated for future exploration for oil. And our friends on the other side of the aisle won't allow that to happen.

Mr. WESTMORELAND. Yes, closed it down.

Going back to Hurricane Katrina and the fact that a large number of our refineries are on that gulf coast which is subject to hurricanes, it seems like we would take some proactive decisions and look at other places where we could put some of these refineries where they would not be as subject to hurricanes.

Once again, the people in New Orleans could not spend as much money as we sent down there as fast as they could. They needed action. They needed boots on the ground. They needed physical people down there helping them.

So we have an opportunity now to do something physical. We can put 435 pairs of boots on the ground right now and let the American people know that we are here to help. And what we are going to do, we are going to be at the forefront for making sure that we give the ability to extract oil and natural gas and clean-burning coal and any type of energy that we can from our own natural resources.

Now the Republican plan that Leader BOEHNER and others have put out talks about the on shore, online and that is estimated, and that is the shale and ANWR, that would save anywhere from 70 to $1.60 a gallon.

□ 1900

And if you look at the deepwater drilling, the OCS, that would be between 90 and $2.50 a gallon. And then the new refineries. And Dr. PRICE, before you got here, I made a statement that we import 6.9 billion gallons of gas every year, plus probably just as much diesel. But if we built a new refinery, it would save us 15 to 45 cents. So taking just a conservative estimate, that's about $2 a gallon that that would save us.

Now, if you look at the Democratic plan that they had, sue OPEC. Well, I don't think that's going to bring us in anything to reduce the price of gas.

They want to launch their seventh investigation into price gouging, their seventh. They've already had six investigations of price gouging.

They want to launch their fourth investigation into speculators, the fourth one. And they want $20 billion in new taxes on oil producers.

Now, here again, I've looked at all those things and I've kind of weighed both sides, and their savings is zero. Nada. Ours would be about $2 a gallon.

Is it going to happen immediately? No. Is it going to start happening immediately? Yes.

And so, what I wanted the American people to do with this, Mr. Speaker, is to allow them to see who's on their team for bringing down the price of gas, and who's on their team for using our own resources, rather than sending our President into foreign lands begging for other people to increase their oil production.

Dr. PRICE.

Mr. PRICE of Georgia. I appreciate that. And this idea, the idea you came up with is so wonderful because what it's going to allow every Member of this House to see is who signs on the petition. You're going to come down here with some frequency, I suspect, and we'll review the individuals that are——

Mr. WESTMORELAND. Well, we got about 20 signatures today just by showing it to people walking out the door.

Mr. PRICE of Georgia. Absolutely. Within 5 or 6 minutes they walked by and said well, I'll sign up on that. But our colleagues here are going to be able to look on that petition and see who's interested in voting to increase U.S. oil production to lower gas prices for Americans. And so that's why your leadership on this is wonderful.

I'm reminded of the individual who said that every other nation on the face of this earth looks at their natural resources and views them as an economic asset. They view them as an economic asset, something that can help their nation.

The problem that we seem to have is that the majority leadership, at least, in this body, looks at our natural resources and views them as an environmental hazard, which doesn't make any sense. It certainly doesn't make any sense to the folks in my district, and I suspect it doesn't make any sense to the folks in your districts.

Mr. BURTON of Indiana. Would the gentleman yield?

Mr. PRICE of Georgia. Sure.

Mr. BURTON of Indiana. One of the things that we haven't really discussed a great deal tonight is if they didn't want to drill for oil, for instance, we have a several hundred-year supply of natural gas, and there could be an entire new industry creating conversion units for automobiles that would be much less than a brand new car, that could convert gas-powered cars to natural gas power, which is a clean burning fuel.

But once again, the opposition will not allow us to drill for natural gas, which is a clean burning fuel which would help the environment. So it's not just the oil issue; it's the entire energy issue that you're talking about.

And that's why I think that the American people, I hope that they're paying attention to this. I know that they're getting their attention because the price of gasoline is so high. But we have the ability to use natural gas. We have the ability to use oil. We have the ability to get it out of the ground, to use shale and we're being blocked again and again and again.

And I appreciate you and the other gentleman from Georgia saying tonight that we'd like to work with the Democrats on the other side of the aisle to solve this problem. But, as you said before, it takes two to dance. Well, I guess I could dance by myself, but that wouldn't be very becoming. But it takes two to tango, and I would just say that if my colleagues on the other side of the aisle are listening to my colleagues from Georgia, let's get together and see if we can come up with a way to get this problem solved.

Mr. PRICE of Georgia. Absolutely. Let's get together. And I appreciate you bringing up some of the other ways to increase our domestic resources or utilization of our resources. Offshore drilling, offshore oil, deep sea exploration, 85 percent of the lower 48 States, Outer Continental Shelf, energy resources remain under lock and key by the Federal Government. You can't go there. 85 percent.

In fact, as I mentioned, the United States is the only nation that has shoreline in the world that doesn't allow for exploration offshore to the degree that would allow for utilizing those resources that are available.

Mr. WESTMORELAND. And keep in mind, we only use 3 percent of those offshore resources. Only 3 percent. Out of 101.76 billion acres, we only use 3 percent of it.

Mr. PRICE of Georgia. That lets you know how much of the shoreline of the United States is in Alaska, because that's what bumps that number way up.

I want to make just one brief comment about the oil shale that we've got available to us in the United States because I was astounded when I learned these figures. And again, these are facts. This isn't my opinion. This is a fact.

The Department of Energy estimates that the United States is endowed with more than 2 trillion, 2 trillion, that's T-R, 2 trillion barrels of oil from oil shale if we were allowed to move forward with that clean technology, environmentally sound way, 2 trillion barrels.

To put this figure in perspective, the world has used 1 trillion barrels of oil since the first oil well was drilled in Pennsylvania in 1859. So twice as much oil as the world has used in the past 150 years is available through environmentally sound technology, through the use of oil shale. To not take advantage of those resources is astounding to me.

Mr. WESTMORELAND. Well, those resources, that shale that you're talking about, Mr. UDALL from Colorado, if you'll remember, had an amendment on the bill that we passed in this House that said that was off, can't use it. Can't get it.

Mr. PRICE of Georgia. That's exactly right. It wasn't well maybe we ought to give it a try in a little area and see how it works.

Mr. WESTMORELAND. 219–215.

Mr. PRICE of Georgia. Yeah. We ought to, you know, at least try a little bit. Maybe we ought to see if it works, see if we can't make certain that the technologically sound and environmentally sensitive way to gain these resources is true. Shouldn't we just try a little bit? At $4 a gallon, doesn't that make sense? Or does it have to get to $5 a gallon, or is it $6?

Mr. WESTMORELAND. And Senator ALLARD, from Colorado I believe, had an amendment in the Senate Appropriations Committee to overturn the Udall amendment, and it was defeated 15–14, along party lines.

Mr. PRICE of Georgia. Isn't that amazing. And it really begs the question, how high does the price of gas have to get before we use American resources? How high does it have to get?

Maybe that's the question we ought to be asking our friends on the other side. We'd love to work with you. At what price will you begin to work? Is it $10 a gallon that you'll begin to work with us?

Mr. WESTMORELAND. But Dr. PRICE, that's the problem that the majority has because a lot of their base is the radical environmentalists don't care if gas goes to $10 a gallon. They don't want us driving SUVs. They really don't want us driving cars. They want us riding bicycles or motor scooters like you would see in China or somewhere in an Asian country. They don't want us driving. And they don't care how high gas gets. That doesn't matter to them.

And so that's a problem that the majority is facing. And I think one of the reasons they have not been quick to act is the fact that that has been a large part of their base.

But hopefully, the American people are going to realize that they can have a voice in this. They can have a voice, and that they can see, on a chart, how their person stands; are they for U.S. energy independence or not?

And so that's what we have given, a plain visual of them to be able to see.

I yield to you.

Mr. PRICE of Georgia. And I thank you. And I know that you mentioned about the certain folks in the environmental community who do not want any exploration and do not want any greater production. But I can't believe that a significant number of folks on the other side don't believe in their heart, and their constituents certainly, that we ought to be able to solve this problem with our own resources and with our own ingenuity and our own spirit and genius and American entrepreneurship and American energy for Americans. I just have to believe that a significant number on the other side of the aisle believe that.

Mr. WESTMORELAND. And I think you're right. And Mr. BURTON's been here a lot longer than you and I have. But we have seen what complete authority is in this body, and really one person controls any legislation that comes on to this floor. So it wouldn't matter.

And we saw an example of that when we had the votes to pass the FISA bill, the national security bill. We had the votes to pass that in a letter that the Blue Dogs had sent to the Speaker. And our side we had enough to pass a good FISA bill that would have protected America, but we couldn't get it to the floor.

And so I think you're right, Dr. PRICE. I think there are many Members on the other side of the aisle that realize that we need to be looking at our own natural resources that would vote with us for a good plan, for a good energy program. But they'll never have the opportunity to do it.

And so that's the reason I felt the need to have this chart, so at least they can tell their constituents, hey, look, if leadership would bring this up, I'd be with you. But they won't bring it up.

Mr. BURTON.

Mr. BURTON of Indiana. I appreciate the gentleman yielding.

You know, the truckers across this country that drive these big diesel rigs that bring food to the market and all these other commodities, they were so upset when diesel fuel got to over $4 a gallon, now it's over $4.50 a gallon, that they came, hundreds of them, maybe even thousands of them, drove here into Washington, DC to protest. And they're very concerned about that. And the people who buy those products are concerned.

You even see now where people are stealing cooking oil from McDonald restaurants in the back so they can augment their fuel so they can get more mileage with their diesel trucks.

And I would say, if I were talking to those truckers across the country, and I know we can't because we're just talking among ourselves, that the truckers, I'm sure, would want their Congressman and the people they serve to contact their Congressman to say sign this petition because we can't afford to bring across the country the food and the commodities necessary to keep your standard of living where it is today. So it's not just the guy driving his car to and from work.

I had a young man, I won't tell you who it is because he might get fired. But he's a young man who works here in the Capitol. And he was talking to one of his friends, and I walked out, and I said, what about this drilling in the ANWR and in the United States to get oil? He says, I don't care where you drill. He says, I live 45 minutes from the Capitol. I can't afford to drive to and from work anymore, and I'm going to buy an air mattress and pump it up someplace so I can spend half of my time here because I can't afford to go home.

So they're upset, the people driving these cars, because they can't afford to live like they did in the past. It's hurting people with home mortgages, their food and everything else, those on limited incomes.

But as I was saying before, the truckers have already demonstrated. And I'll bet you if they knew tonight that these petitions that you've come up with were here on the floor, I'll bet you every one of them would call everybody they know and tell them, call your Congressman. Tell him to sign that petition so we can get the fuel down so we can transport the goods and services you need across this country so you can live again.

Mr. WESTMORELAND. And we can get out of the fetal position and start some action. And that's what we need to be doing.

And you brought up a great point. Cooking oil, the fat, the grease pots that are there that people are actually going and robbing these things and making a biodiesel fuel out of it.

We've got some companies up in northeast Georgia that are making biodiesel out of chicken parts. The ingenuity is out there. We have just got to feed that and make these people have some ideas to come up with it. And we're not doing that. And that is an immediate thing that we could do.

The other thing we could do is propane. You talk about natural gas. You know, propane conversion was going very well in this country. And it's clean burning. It was going great. And then the EPA said no, you've got to do these specific tests on every different type of engine, on every different make of car.

And rather than going to the people that are making these propane conversion engines, these natural gas conversion engines, the hydrogen cell, we need to be putting every dime we've got towards technology and the hydrogen cell, because this is something that is very real that would really solve a whole bunch of our energy problems. But, rather than the government going to them and saying, how can we best help you develop a conversion energy from gasoline to natural gas, or from gasoline to propane, gasoline to a hydrogen cell, what can we do to help you? We don't do that. We put regulations on them and taxes that burden them from doing anything.

□ 1915

Mr. PRICE of Georgia. And all of those activities that burden our own American oil producers, all of them provide greater incentives for foreign oil producers and increase our reliance on foreign oil.

And I appreciate my friend from Indiana talking about the truckers, and if we were able to contact them and say, You ought to contact your Member of Congress because this petition is so simple, American energy solutions for lower gas. What could be more simple? And so you're talking about onshore oil, bringing more onshore oil on line, bringing deepwater oil on line, bringing new refineries on line.

One thing that I learned just recently is that on the north shore of Lake Erie, the north shore of Lake Erie is not the United States. It's Canada. Good friend, neighbor to the north. They've got—they are drilling on land and then under Lake Erie to get oil. Our good friends, the Canadians to the north. And what are they doing with that oil? They're selling it to us.

Mr. WESTMORELAND. The slant drilling.

Mr. PRICE of Georgia. My folks at home, when I tell them these sorts of things, they shake their head. They say, You gotta be kidding me. And we won't allow our oil companies, American oil producers, to do the same sorts of things in environmentally sensitive and technologically sound ways.

Mr. WESTMORELAND. These are top exporters of gasoline into the United States in millions of barrels. Now these are exporters to us in gas, not crude oil, in gas.

United Kingdom, 147 million barrels a year. That's about a billion gallons; the U.S. Virgin Islands import 990 millions of gasoline to us; France, 470 million gallons; Canada, 445 million gallons; the Netherlands, 441 million gallons; Norway, 353 million gallons.

And let me say this, 20 years ago, Norway—it may have been a little bit longer ago than that—Norway was kind of dependent on foreign oil. And Norway, they're basically a tourist, fishing, snow skiing country. They are now the second largest exporter of crude oil in the world because they said we're going to drill and use our own natural resources.

Germany. We import 250 million gallons of gas every year from Germany; 310 from Russia; 410 million from Italy, and 231 million gallons of gasoline we import from OPEC countries.

Mr. BURTON of Indiana. You know, a number of us—I'm on the Foreign Affairs Committee, and I do some traveling to meet with leaders in other countries around the world. And one of the things that I have found is the Pound Sterling and the Euro, their currency has gone from where it was about 70 cents to the dollar to where the Euro is almost one and a half times what the dollar is as far as value's concerned.

And one of the reasons why you have seen the currency of the United States go down is because we're buying more and exporting less, and one of the main reasons for that is what you just mentioned a moment ago: we're importing all of this energy when we could be producing it ourselves keeping more of our money here, which would not only help us energy-wise, but which would strengthen the dollar and help the entire economy of the United States.

There are so many ancillary reasons, so many ancillary reasons why we should be drilling for our own energy that it doesn't make—that it isn't funny. And yet I can't understand why many of our colleagues don't understand that. It's not just energy, it's economic security, it's national security, it's a whole host of things; and we ought to get on with it. We really ought to get on with it.

Mr. WESTMORELAND. Think about this. Think about the number of jobs that would come here, that we would have ourselves bringing new refineries, expanding them, drilling, taking this shale out of the ground. These would create good-paying American jobs. We have a lot of people from this country that are in OPEC countries and in other nations that are working on these rigs, they're making big money. They could be doing the same thing right here in this country.

And we've got about 5 minutes left and so I want to just—I will end my part, and I will let everybody have a little bit of time.

I want to end my part in saying that I have tried to come up with as simple a way of getting information to the people of this country, Mr. Speaker, as I knew how on drilling. Because like I said, I have heard and gotten e-mails from this petition on this site, this petition on that site, and the one most people are doing is the American Solutions site, which I think has over 500,000 signatures now about drilling. You have got radio stations in Florida sending drill bits. And then I listen to all of the talk down here, and it is so confusing for people to understand exactly what we have voted on, what got enacted, what didn't get enacted.

So I wanted to come up with the simplest thing I could, and I came up with this petition: American energy solutions for lower gas prices. Brings onshore oil on line, bring deepwater oil on line, bring new refineries on line. And then it's simply asking 435 Members—we're giving 435 Members an opportunity to sign a petition, this is our energy petition, that says, I will vote to increase U.S. oil production to lower gas prices for Americans. And that's about as simple as we can get.

Dr. PRICE, would you like to close?

Mr. PRICE of Georgia. Let me thank my friend and colleague from Georgia for his leadership on this.

As you say, it's as simple as it gets. American energy solutions for lower gas prices. Either you believe and will vote for allowing an increase in U.S. oil production to lower gas prices or you won't. It's as simple as that.

So I want to commend you for focusing this issue and making it very crystal clear for all of our colleagues who sign, who support increasing U.S. oil production to lower gas prices.

Mr. BURTON of Indiana. And I would just like to say thank you very much, Representative WESTMORELAND, for taking the leadership. Once again, Georgia, my two colleagues from Georgia are leading the way, and I really appreciate it very much.

Mr. WESTMORELAND. I yield back the balance of the time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Mr. HOYER) for today on account of flooding in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Ms. WATSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 19.

Mr. JONES of North Carolina, for 5 minutes, June 19.

Mr. REICHERT, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, June 17, 18 and 19.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ADJOURNMENT

Mr. PRICE of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 13, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2005-0309; FRL-8365-2] received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluopicolide; Pesticide Tolerances [EPA-HQ-OPP-2007-0339; FRL-8363-7] received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7102. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Oxepanone, homopolymer; Tolerance Exemption [EPA-HQ-OPP-2008-0096; FRL-8362-8] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7103. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerance [EPA-HQ-OPP-2005-0145; FRL-8354-4] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7104. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Myclobutanil; Pesticide Tolerance [EPA-HQ-OPP-2007-0107; FRL-8356-2] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7105. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Food and Nutrition Program for Fiscal Years 2004 and 2005; to the Committee on Education and Labor.

7106. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report for Calendar Year 2007 on the country of origin and the sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors, pursuant to 42 U.S.C. 2297g-4; to the Committee on Energy and Commerce.

7107. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Fiscal Year 2007 annual report pursuant to Section 712(e) of the Federal Food, Drug, and Cosmetics Act; to the Committee on Energy and Commerce.

7108. A letter from the Commissioner of Food and Drugs, Department of Health and Human Services, transmitting the Department's Interim Report on Study Commitment Regarding Inclusion of Toll-Free Adverse Event Reporting Number by FDA, pursuant to Public Law 110-85, section 906; to the Committee on Energy and Commerce.

7109. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report for fiscal years 2003-2005 on the effectiveness of programs assisted under the Lead Contamination Control Act of 1988, pursuant to 42 U.S.C. 247b-1(j); to the Committee on Energy and Commerce.

7110. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the use of funds appropriated to carry out the Medicaid Integrity Program for Fiscal Year 2007, pursuant to 42 U.S.C. 1396; to the Committee on Energy and Commerce.

7111. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2007 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

7112. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Method 207 — Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources [EPA-HQ-OAR-2007-0844, FRL-8572-1] (RIN: 2060-A039) received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7113. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures [EPA-HQ-OW-2006-0958; FRL-8573-7] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7114. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina; Prevention of Significant Deterioration and Nonattainment New Source Review Rules [EPA-R04-OAR-2005-SC-0004-200809; FRL-8573-2] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7115. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Maintenance Plan Update for Dakota County Lead Area [EPA-R05-OAR-2007-1097; FRL-8572-6] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7116. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Interstate Transport of Pollution [EPA-R05-OAR-2007-1132; FRL-8573-3] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7117. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Memphis, Tennessee/Crittenden County, Arkansas 8-hour Ozone Nonattainment Area [EPA-R04-OAR-2007-0959-200804; FRL-8547-8] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7118. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Utah; Interstate Transport of Pollution and Other Revisions [EPA-R08-OAR-2007-0647; FRL-8546-3] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7119. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Diesel Anti-Idling Regulation [EPA-R01-OAR-2007-1176; A-1-FRL-8546-9] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7120. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving [EPA-HQ-OAR-2006-0897; FRL-8547-1] (RIN: 2060-AN44) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7121. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment of the Eight-Hour Ozone Standard for Various Ozone Nonattainment Areas in Upstate New York State [EPA-R02-OAR-2008-0078; FRL-8546-2] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7122. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, "Report to Congress on Abnormal Occurrences: Fiscal Year 2007," pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

7123. A letter from the President & CEO, Federal Home Loan Bank Seattle, transmitting the 2007 management report of the Federal Home Loan Bank of Seattle, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7124. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7125. A letter from the Deputy General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7126. A letter from the Commissioner, Social Security Administration, transmitting the 2008 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231; to the Committee on Ways and Means.

7127. A letter from the Commissioner, Social Security Administration, transmitting a copy of draft bill to make amendments to the Old-Age, Survivors, and Disability Insurance (OASDI) program and the Supplemental Security Income (SSI) program; to the Committee on Ways and Means.

7128. A letter from the Commissioner, Social Security Administration, transmitting the Administration's latest version of Social Security and Supplemental Security Income (SSI) Statistics by Congressional District as of December 2007; to the Committee on Ways and Means.

7129. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with Title I of the Trade and Development Act of 2000, the "2008 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act"; to the Committee on Ways and Means.

7130. A letter from the Director, Financial Management and Assurance, General Accounting Office, transmitting a report entitled, "Congressional Award Foundation's Fiscal Years 2006 and 2007 Financial Statements," pursuant to 2 U.S.C. 807(a); jointly to the Committees on Education and Labor and Oversight and Government Reform.

7131. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2005 report on the Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and Labor.

7132. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Final Report to Congress on the Evaluation of Medicare Disease Management Programs," pursuant to Public Law 106-554, section 121; jointly to the Committees on Energy and Commerce and Ways and Means.

7133. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 for Calendar Year 2007"; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1333. A bill to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions: with amendments (Rept. 110–691 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5912. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, and for other purposes; with an amendment (Rept. 110–711). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KUHL of New York:

H.R. 6249. A bill to establish a direct loan program for providing energy efficiency improvements for single family housing, and for other purposes; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 6250. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; to the Committee on the Judiciary.

By Mr. RAHALL (for himself, Mr. MARKEY, Mr. HINCHEY, Mr. EMANUEL, Mrs. CAPPS, Mr. DEFAZIO, Mr. YARMUTH, Mr. GRIJALVA, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, and Mr. HALL of New York):

H.R. 6251. A bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the lands subject to such existing leases or relinquish such leases, and for other purposes; to the Committee on Natural Resources.

By Mr. STARK (for himself, Mr. CAMP of Michigan, Mr. RANGEL, Mr. BOEHNER, Mr. DINGELL, Mr. PALLONE, Mr. ALLEN, Mr. ALTMIRE, Ms. BERKLEY, Mr. BLUMENAUER, Mrs. BOYDA of Kansas, Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KILDEE, Mr. KIND, Mr. KLEIN of Florida, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. MCNULTY, Mrs. MILLER of Michigan, Mr. PORTER, Mr. REYNOLDS, Mr. RYAN of Ohio, Ms. SCHWARTZ, Mr. THOMPSON of California, and Mr. WALBERG):

H.R. 6252. A bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALI (for himself, Mr. KING of Iowa, Mr. GOODE, Mr. DAVID DAVIS of Tennessee, Ms. GINNY BROWN-WAITE of Florida, and Mr. WALBERG):

H.R. 6253. A bill to ban the Bureau of Alcohol, Tobacco, Firearms, and Explosives from purchasing, using, or distributing hand tools or tool kits on which any reminder about forfeiture appears; to the Committee on the Judiciary.

By Mr. GARY G. MILLER of California (for himself, Mr. SHERMAN, and Mr. BACA):

H.R. 6254. A bill to authorize the temporary participation of mortgage brokers and lenders under the FHA single-family housing mortgage insurance program; to the Committee on Financial Services.

By Ms. LEE (for herself, Mr. ENGEL, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. ELLISON, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. WEXLER, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. AL GREEN of Texas, Mr. RUSH, Mr. FATTAH, Mr. RANGEL, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Mr. CROWLEY, Mr. PAYNE, Ms. WOOLSEY, Mr. MEEK of Florida, Ms. WATERS, Mr. HONDA, Mrs. JONES of Ohio, Ms. ROYBAL-ALLARD, Mr. JOHNSON of Georgia, Ms. WATSON, Mr. FORTENBERRY, Mr. FALEOMAVAEGA, Mr. DELAHUNT, and Mr. HINOJOSA):

H.R. 6255. A bill to provide for professional exchanges with Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself, Mr. EMANUEL, Mr. RAHALL, Mr. HINCHEY, Mrs. CAPPS, Ms. CASTOR, Mr. CHANDLER, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. SHEA-PORTER, Mr. WELCH of Vermont, Mr. YARMUTH, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. HODES, Mrs. GILLIBRAND, and Mr. FRANK of Massachusetts):

H.R. 6256. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore lands that are subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of amounts received as such fee for energy efficiency and renewable energy projects, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science and Technology, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. CASTLE, Mr. FERGUSON, and Mr. SHAYS):

H.R. 6257. A bill to reinstate the Public Safety and Recreational Firearms Use Protection Act; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. UPTON, Mr. MURTHA, Mr. BARTON of Texas, Mr. RAHALL, Mr. WHITFIELD of Kentucky, Mr. COSTELLO, Mr. SHIMKUS, Mr. MATHESON, Mr. DOYLE, Mr. HOLDEN, Mr. ELLSWORTH, Mr. HILL, Mr. WILSON of Ohio, and Ms. PRYCE of Ohio):

H.R. 6258. A bill to accelerate the development and early deployment of systems for the capture and storage of carbon dioxide emissions from fossil fuel electric generation facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 6259. A bill to require the Commissioner of Social Security to revise the medical criteria for evaluating disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 6260. A bill to ensure the energy independence of the United States by promoting research, development, demonstration, and commercial application of technologies through a system of grants and prizes on the scale of the original Manhattan Project; to the Committee on Science and Technology.

By Mr. HILL:

H.R. 6261. A bill to increase the maximum amount of financial assistance that an individual or household is eligible to receive under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with recent storm damage and flooding in the Midwest, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 6262. A bill to amend the Workforce Investment Act of 1998 to include workforce investment programs on the Internet; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HONDA, and Ms. BERKLEY):

H.R. 6263. A bill to increase awareness of the existence of and to overcome gender bias in academic science and engineering through research and training, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. LOBIONDO, Mr. COURTNEY, Mr. KAGEN, Mr. WU, Mr. HILL, Mr. HINCHEY, and Mr. WELCH of Vermont):

H.R. 6264. A bill to prevent excessive speculation in over-the-counter derivatives markets for certain energy commodities by limiting participation in those markets to persons who are capable of producing, manufacturing, or taking physical delivery of the commodities; to the Committee on Agriculture.

By Mrs. LOWEY (for herself, Mr. ISRAEL, Mr. CROWLEY, Mrs. MALONEY of New York, Mr. NADLER, Mr. HINCHEY, Mr. FOSSELLA, Mr. ARCURI, Mr. WALSH of New York, Mr. ENGEL, Mr. MCHUGH, Mr. BISHOP of New York, Mr. MCNULTY, Mr. SERRANO, Mr. TOWNS, and Mr. WEINER):

H.R. 6265. A bill to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Kansas (for himself, Mr. DONNELLY, and Mr. PLATTS):

H.R. 6266. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the penalties for failure to disclose reportable transactions, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 6267. A bill to make the Davis-Bacon Act applicable to rural development loan and loan guarantee programs; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 6268. A bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself and Mr. LATTA):

H.R. 6269. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the use of ethanol in tetra ethyl ortho silicate (TEOS) production; to the Committee on Ways and Means.

By Ms. WATSON (for herself, Mr. BURTON of Indiana, Mr. LATHAM, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SOLIS, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, and Mr. CONYERS):

H.R. 6270. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 6271. A bill to provide for a green building certification program as part of the Energy Star program; to the Committee on Energy and Commerce.

By Mr. WELCH of Vermont (for himself and Mr. HALL of New York):

H.R. 6272. A bill to authorize discretionary appropriations to carry out the Service Members Occupational Conversion and Training Act of 1992; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN of Virginia:

H.R. 6273. A bill to amend the Internal Revenue Code of 1986 to restore the obligation of the Secretary of the Treasury to invest the balance of the Highway Trust Fund in interest-bearing obligations of the United States; to the Committee on Ways and Means.

By Ms. KILPATRICK (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. CONYERS, Ms. LEE, Mr. COHEN, Mr. THOMPSON of Mississippi, Mr. GRIJALVA, Mr. SERRANO, Mr. PAYNE, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. ROTHMAN, Mr. WATT, Mr. PASCRELL, Mr. HINOJOSA, Ms. CLARKE, Mr. CLEAVER, Mr. CROWLEY, Ms. VELÁZQUEZ, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. ACKERMAN, Mr. ISRAEL, Ms. SLAUGHTER, Mr. ELLISON, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Ms. RICHARDSON, Mr. JEFFERSON, and Mr. SCOTT of Georgia):

H. Con. Res. 372. Concurrent resolution supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States; to the Committee on Education and Labor.

By Ms. RICHARDSON:

H. Res. 1269. A resolution honoring the 110th anniversary of the Declaration of Independence of the Philippines; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. WOLF, Mr. BURTON of Indiana, Mr. ROYCE, Mr. SHERMAN, Mr. CHABOT, Mr. INGLIS of South Carolina, Mr. CAPUANO, and Mr. FORTUÑO):

H. Res. 1270. A resolution commending the efforts of those who sought to block an international arms transfer destined for Zimbabwe, where the government has unleashed a campaign of violence and intimidation against members of the political opposition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARY G. MILLER of California (for himself, Ms. WATERS, Mr. BACHUS, Mr. ROSKAM, Mrs. BIGGERT, Mr. AL GREEN of Texas, Mr. DAVIS of Kentucky, Mr. WATT, Mr. HINOJOSA, Mr. NEUGEBAUER, and Mrs. MALONEY of New York):

H. Res. 1271. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

By Ms. FALLIN (for herself, Mrs. MCMORRIS RODGERS, Mr. SULLIVAN, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. WALDEN of Oregon, Mrs. MILLER of Michigan, Ms. FOXX, Ms. GRANGER, Ms. ROS-LEHTINEN, Mrs. MUSGRAVE, Mrs. MYRICK, and Mr. BOREN):

H. Res. 1272. A resolution honoring and recognizing Alice Mary Robertson who, while a Member of Congress, became the first woman to preside over the floor of the House of Representatives; to the Committee on House Administration.

By Mr. KENNEDY (for himself, Mr. WOLF, Ms. BALDWIN, and Mr. ROHRABACHER):

H. Res. 1273. A resolution expressing the sense of the House of Representatives regarding the human rights crisis of Laotian and Hmong people in Laos and Thailand; to the Committee on Foreign Affairs.

By Mrs. MCMORRIS RODGERS:

H. Res. 1274. A resolution commending Sonora Smart Dodd for her contribution in recognizing the importance of Father's Day and recognizing the important role fathers play in our families; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

312. The SPEAKER presented a memorial of the House of Representatives of the State of Ohio, relative to House Resolution No. 100 memorializing the Congress of the United States to enact the Community Cancer Care Prevention Act of 2007, H.R. 1190 and S. 1750, to reform the Medicare reimbursement methodology for cancer drugs and their administration; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. ENGEL.
H.R. 154: Mr. SIRES.
H.R. 195: Mrs. BACHMANN.
H.R. 368: Mr. LIPINSKI.
H.R. 551: Mr. GRIJALVA.
H.R. 643: Mr. SHULER.
H.R. 748: Ms. ZOE LOFGREN of California and Mrs. LOWEY.
H.R. 749: Mrs. BACHMANN.
H.R. 821: Mr. PETERSON of Minnesota.
H.R. 854: Mr. CARSON.
H.R. 891: Mr. SESTAK.
H.R. 1014: Mr. KAGEN and Mr. FOSTER.
H.R. 1038: Ms. BORDALLO.
H.R. 1060: Ms. JACKSON-LEE of Texas.
H.R. 1070: Mr. GRIJALVA.
H.R. 1078: Mr. BISHOP of New York.
H.R. 1134: Mr. PAYNE.
H.R. 1142: Mr. STUPAK.
H.R. 1185: Mr. ACKERMAN.
H.R. 1190: Mrs. CHRISTENSEN.
H.R. 1193: Ms. MCCOLLUM of Minnesota and Mr. WU.

H.R. 1264: Mr. ADERHOLT.

H.R. 1268: Mr. CARSON.

H.R. 1279: Mr. JACKSON of Illinois.

H.R. 1307: Mr. CARSON.

H.R. 1322: Mr. JONES of North Carolina.

H.R. 1428: Mr. CARSON.

H.R. 1431: Mr. RENZI.

H.R. 1459: Mr. CARSON.

H.R. 1474: Mr. PASTOR and Mr. SCALISE.

H.R. 1532: Mr. LAMPSON.

H.R. 1589: Mrs. EMERSON.

H.R. 1606: Ms. RICHARDSON.

H.R. 1647: Ms. KILPATRICK and Mrs. LOWEY.

H.R. 1776: Mr. ABERCROMBIE.

H.R. 1783: Mr. CARSON.

H.R. 1845: Mr. TIAHRT.

H.R. 1866: Mr. GORDON and Mr. DAVIS of Alabama.

H.R. 1921: Mr. RUSH.

H.R. 1929: Mr. CHILDERS.

H.R. 1932: Mr. CARSON.

H.R. 1952: Mr. LAMPSON.

H.R. 2032: Mr. CLAY.

H.R. 2053: Mr. BILBRAY, Mr. ROSS, Mr. AKIN, Mr. HELLER, and Mr. ISSA.

H.R. 2092: Ms. HERSETH SANDLIN.

H.R. 2188: Ms. CASTOR and Mr. MORAN of Kansas.

H.R. 2210: Ms. ROS-LEHTINEN and Mr. FILNER.

H.R. 2231: Mr. LOBIONDO, Mr. SMITH of New Jersey, and Mr. THOMPSON of Mississippi.

H.R. 2266: Mr. VAN HOLLEN.

H.R. 2331: Mr. CARSON.

H.R. 2332: Mr. SHIMKUS, Mr. SIMPSON, Mr. ADERHOLT, and Mr. GOODE.

H.R. 2341: Mr. CARSON.

H.R. 2343: Mr. WAMP, Mr. TIERNEY, and Mr. HOLT.

H.R. 2371: Mr. CARSON.

H.R. 2380: Mr. WITTMAN of Virginia.

H.R. 2471: Mr. FORBES.

H.R. 2493: Ms. GINNY BROWN-WAITE of Florida, Mr. MCHUGH, Mr. GOODLATTE, and Mr. HALL of Texas.

H.R. 2495: Mr. CARSON.

H.R. 2606: Mrs. NAPOLITANO, Mrs. MALONEY of New York, and Mr. CARSON.

H.R. 2676: Mr. PICKERING.

H.R. 2762: Mr. ELLSWORTH.

H.R. 2792: Mr. LEWIS of Georgia.

H.R. 2802: Mr. MCNULTY.

H.R. 2805: Ms. WATERS and Mr. PETERSON of Minnesota.

H.R. 2842: Mr. HINOJOSA.

H.R. 2864: Mr. VAN HOLLEN and Mr. ISRAEL.

H.R. 2880: Mr. PETERSON of Minnesota.

H.R. 2891: Mr. CARSON.

H.R. 2926: Mr. BRADY of Pennsylvania and Mr. MEEK of Florida.

H.R. 2941: Mr. BURGESS.

H.R. 2994: Mr. FARR.

H.R. 3014: Ms. RICHARDSON.

H.R. 3024: Mr. DOYLE.

H.R. 3089: Mr. KING of New York, Mrs. MILLER of Michigan, Mrs. BIGGERT, and Mr. UPTON.

H.R. 3119: Mr. ALLEN.

H.R. 3140: Mr. RYAN of Ohio, Mr. YARMUTH, and Mr. CARSON.

H.R. 3187: Mr. LOEBSACK.

H.R. 3202: Mr. FORTUÑO.

H.R. 3267: Mr. DOYLE.

H.R. 3289: Mr. WELCH of Vermont, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Mr. BERRY, Mr. BOSWELL, Mr. CLEAVER, Mr. CROWLEY, Mr. DEFAZIO, Ms. DEGETTE, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HIGGINS, Ms. HOOLEY, Ms. MOORE of Wisconsin, Mr. RAHALL, Mr. REYES, Mr. SERRANO, Mr. SIRES, Ms. SOLIS, Mrs. TAUSCHER, Ms. TSONGAS, and Ms. WATSON.

H.R. 3329: Mr. FILNER.

H.R. 3457: Mr. LUCAS.

H.R. 3543: Mr. COURTNEY.

H.R. 3622: Mr. MARCHANT, Mr. BACHUS, and Mr. BONNER.

H.R. 3679: Mr. SIMPSON.

H.R. 3747: Mr. BRADY of Pennsylvania.

H.R. 3822: Mr. CARSON.

H.R. 3834: Mr. ALEXANDER and Mr. DOOLITTLE.

H.R. 3892: Mr. SMITH of Washington.

H.R. 3929: Mr. BRADY of Pennsylvania.

H.R. 3995: Mr. GRIJALVA.

H.R. 4026: Mr. HINOJOSA.

H.R. 4048: Mr. LEWIS of Georgia.

H.R. 4091: Mr. MATHESON.

H.R. 4141: Mr. BOREN.

H.R. 4248: Mr. EHLERS.

H.R. 4255: Mr. MCNERNEY and Mr. UPTON.

H.R. 4296: Mr. HALL of New York and Mr. ISRAEL.

H.R. 4321: Ms. SPEIER and Ms. ZOE LOFGREN of California.

H.R. 4450: Ms. LEE, Mr. MARKEY, Mr. WAXMAN, and Mr. BERMAN.

H.R. 4833: Mr. VISCLOSKY, Mr. PASCRELL, Mr. ROTHMAN, Mr. ISRAEL, Mr. MOORE of Kansas, Mr. WU, Mr. BUTTERFIELD, Mr. EMANUEL, and Mr. ETHERIDGE.

H.R. 4900: Mr. TANNER, Mr. YOUNG of Florida, and Mr. CHILDERS.

H.R. 4930: Mr. YARMUTH and Mr. TIM MURPHY of Pennsylvania.

H.R. 4987: Mr. DENT.

H.R. 5057: Mr. HELLER.

H.R. 5132: Mr. SESTAK.

H.R. 5244: Mr. PALLONE and Mr. MURTHA.

H.R. 5265: Mr. HIGGINS, Mr. MCHUGH, and Mr. ROSS.

H.R. 5268: Mr. ABERCROMBIE.

H.R. 5315: Mr. HINOJOSA, Mr. ROTHMAN, and Mr. FARR.

H.R. 5404: Mr. ABERCROMBIE.

H.R. 5435: Mrs. NAPOLITANO.

H.R. 5437: Mr. DONNELLY and Mr. MCHUGH.

H.R. 5498: Mr. LOBIONDO.

H.R. 5510: Mr. FARR and Mr. DEFAZIO.

H.R. 5546: Mr. JACKSON of Illinois.

H.R. 5575: Ms. ZOE LOFGREN of California.

H.R. 5606: Mr. LAMPSON.

H.R. 5615: Mr. PAYNE.

H.R. 5629: Mr. SOUDER and Mr. PENCE.

H.R. 5656: Mr. BOEHNER, Mrs. MUSGRAVE, Mr. SMITH of Nebraska, Mr. CAMP of Michigan, and Mr. BONNER.

H.R. 5674: Mr. COHEN and Ms. FALLIN.

H.R. 5713: Mr. MILLER of Florida.

H.R. 5731: Mr. MCCOTTER.

H.R. 5734: Mr. ANDREWS and Mr. WITTMAN of Virginia.

H.R. 5760: Mrs. MCMORRIS RODGERS.

H.R. 5772: Mr. MEEKS of New York.

H.R. 5793: Mr. BACA, Mr. MAHONEY of Florida, and Mr. SCOTT of Georgia.

H.R. 5802: Mr. HINOJOSA.

H.R. 5814: Mr. WOLF.

H.R. 5816: Mrs. CUBIN.

H.R. 5846: Ms. LEE.

H.R. 5852: Mr. BRADY of Pennsylvania.

H.R. 5854: Mr. COURTNEY and Ms. HIRONO.

H.R. 5901: Mrs. JONES of Ohio and Mrs. NAPOLITANO.

H.R. 5914: Mr. LATHAM.

H.R. 5924: Mr. KELLER.

H.R. 5935: Ms. JACKSON-LEE of Texas, Mr. RYAN of Ohio, Mr. ABERCROMBIE, and Mr. BERRY.

H.R. 5936: Ms. ZOE LOFGREN of California.

H.R. 5942: Mr. BOYD of Florida and Mrs. MALONEY of New York.

H.R. 5949: Mr. FARR and Mr. ENGLISH of Pennsylvania.

H.R. 5950: Mr. ABERCROMBIE and Ms. VELÁZQUEZ.

H.R. 5971: Mrs. CUBIN.

H.R. 5974: Mr. WALBERG.

H.R. 5979: Mr. LATHAM.

H.R. 5984: Mr. CONAWAY, Mr. PUTNAM, Ms. GRANGER, and Mr. WALSH of New York.

H.R. 5989: Mr. WOLF and Mr. BISHOP of Georgia.

H.R. 5996: Mr. MILLER of Florida.

H.R. 5998: Mr. KENNEDY, Ms. WOOLSEY, Mr. NADLER, and Ms. SUTTON.

H.R. 6005: Mr. GRIJALVA.

H.R. 6029: Mr. BRADY of Pennsylvania and Mr. WEXLER.

H.R. 6034: Mr. PASTOR and Mr. MEEKS of New York.

H.R. 6057: Mr. GRIJALVA.

H.R. 6062: Mr. AL GREEN of Texas.

H.R. 6076: Ms. ROYBAL-ALLARD and Mr. WEXLER.

H.R. 6091: Mr. JACKSON of Illinois, Mr. MCINTYRE, Mr. SARBANES, and Mr. PLATTS.

H.R. 6100: Ms. LEE.

H.R. 6106: Mr. STEARNS.

H.R. 6107: Mr. LATTA, Mr. JORDAN, Mr. GOHMERT, Ms. PRYCE of Ohio, Mr. SIMPSON, Mr. HELLER, Mr. PRICE of Georgia, Mr. HOBSON, Mr. HOEKSTRA, Mr. KELLER, Mrs. CAPITO, Mr. MCHUGH, Mr. LEWIS of Kentucky, Mr. SHUSTER, Mr. YOUNG of Florida, and Mr. TOM DAVIS of Virginia.

H.R. 6108: Mr. MCHUGH, Mrs. CUBIN, Mr. GOODLATTE, and Mr. THORNBERRY.

H.R. 6122: Mr. MARSHALL.

H.R. 6127: Mr. BISHOP of Georgia, Mr. KILDEE, Mr. MCDERMOTT, Mrs. CAPPS, Ms. MCCOLLUM of Minnesota, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, and Ms. SUTTON.

H.R. 6139: Mr. HENSARLING.

H.R. 6140: Mr. PETERSON of Minnesota and Ms. CORRINE BROWN of Florida.

H.R. 6141: Ms. CLARKE.

H.R. 6168: Mr. CARNAHAN.

H.R. 6169: Mr. CARNAHAN.

H.R. 6171: Mr. COHEN.

H.R. 6192: Mr. ROHRABACHER, Mr. BILBRAY, Mr. CAMPBELL of California, Mr. GOODE, and Mr. DENT.

H.R. 6199: Mrs. LOWEY and Mr. HALL of New York.

H.R. 6207: Mr. PEARCE, Mr. LAMBORN, Mr. MCKEON, Mr. DOOLITTLE, Mr. HUNTER, Mr. PRICE of Georgia, Mr. SOUDER, Mr. YOUNG of Alaska, Mr. GOHMERT, and Mr. COLE of Oklahoma.

H.R. 6208: Mr. CARNAHAN.

H.R. 6209: Ms. ZOE LOFGREN of California.

H.R. 6210: Mr. DENT and Mr. MANZULLO.

H.R. 6211: Mr. GALLEGLY and Mr. ISSA.

H.R. 6220: Mr. CONAWAY, Mrs. MUSGRAVE, Mr. WELDON of Florida, Mr. HERGER, Mr. DAVIS of Kentucky, Ms. FALLIN, Mr. SULLIVAN, and Mr. BURGESS.

H.R. 6233: Mr. BUTTERFIELD.

H.J. Res. 12: Mrs. BIGGERT and Mr. MCINTYRE.

H.J. Res. 40: Mr. CARSON.

H.J. Res. 89: Mr. MCINTYRE, Mr. CANTOR, Mrs. SCHMIDT, and Mr. SULLIVAN.

H.J. Res. 93: Mr. MCCOTTER, Ms. DELAURO, Mr. ROHRABACHER, and Mr. OLVER.

H. Con. Res. 163: Mr. BURGESS and Mr. WEXLER.

H. Con. Res. 223: Mr. KING of New York.

H. Con. Res. 244: Mr. STEARNS, Mr. ISRAEL, Mr. CARSON, and Mr. BURGESS.

H. Con. Res. 276: Mr. BOUSTANY.

H. Con. Res. 321: Mr. ALLEN.

H. Con. Res. 338: Mr. SKELTON.

H. Con. Res. 344: Ms. WOOLSEY and Mr. PAYNE.

H. Con. Res. 350: Ms. JACKSON-LEE of Texas and Mr. GENE GREEN of Texas.

H. Con. Res. 356: Mr. PETERSON of Minnesota.

H. Con. Res. 357: Mr. MACK, Mr. MCCAUL of Texas, Mr. CALVERT, Mr. WITTMAN of Virginia, Mr. HELLER, Mr. INGLIS of South Carolina, Mr. ALEXANDER, Mr. SENSENBRENNER, and Mr. SOUDER.

H. Con. Res. 360: Mr. HINOJOSA.

H. Con. Res. 361: Ms. SCHWARTZ, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. CROWLEY, and Ms. SUTTON.

H. Con. Res. 362: Mr. GORDON, Ms. GRANGER, Mr. CAZAYOUX, Mr. KUHL of New York, Mr. KENNEDY, Mr. COBLE, Mr. SIRES, Mr. ROGERS of Michigan, Mr. KAGEN, Mr. WILSON of Ohio, Mr. CULBERSON, and Mr. LIPINSKI.

H. Con. Res. 371: Mr. ISRAEL, Mr. FORTUÑO, Mr. WAXMAN, Mr. ACKERMAN, Ms. JACKSON-LEE of Texas, and Ms. WATSON.

H. Res. 37: Mr. BRADY of Pennsylvania.

H. Res. 353: Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. INSLEE, Mr. ROSS, Ms. WATSON, and Mr. WATT.

H. Res. 672: Mr. BRADY of Pennsylvania.

H. Res. 679: Mr. MCHUGH.

H. Res. 937: Mr. STEARNS.

H. Res. 939: Mrs. BACHMANN.

H. Res. 959: Mr. ELLSWORTH.

H. Res. 1037: Ms. ESHOO.

H. Res. 1127: Mr. FALEOMAVAEGA.

H. Res. 1143: Mr. WITTMAN of Virginia and Mr. BRADY of Pennsylvania.

H. Res. 1146: Mr. BRADY of Pennsylvania.

H. Res. 1161: Mr. CHANDLER.

H. Res. 1179: Mr. FOSTER.

H. Res. 1182: Mr. BISHOP of Georgia.

H. Res. 1204: Mr. MEEKS of New York.

H. Res. 1217: Mr. CHANDLER and Mrs. NAPOLITANO.

H. Res. 1229: Mr. HASTINGS of Florida, Mr. KIRK, Mr. SPRATT, Mr. BERMAN, Ms. SUTTON, Mr. HOEKSTRA, and Mr. WALDEN of Oregon.

H. Res. 1230: Ms. ROS-LEHTINEN.

H. Res. 1242: Mr. SERRANO.

H. Res. 1245: Mr. GRIJALVA, Mr. HINCHEY, Ms. LEE, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. SMITH of New Jersey, Mr. VAN HOLLEN, and Ms. WATSON.

H. Res. 1246: Mr. BUTTERFIELD and Mr. CLAY.

H. Res. 1249: Mr. MCNULTY and Mr. KIRK.

H. Res. 1254: Mr. WEXLER, Mr. TOWNS, Mr. SCOTT of Georgia, and Mr. MORAN of Virginia.

H. Res. 1266: Mr. FORTUÑO AND MR. TANNER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative DANNY K. DAVIS of Illinois or a designee to H.R. 5781, the Federal Employee Paid Parental Leave Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative GEORGE MILLER of California or a designee to H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

269. The SPEAKER presented a petition of Ms. Josette Lee, a citizen of Rhinebeck, New York, relative to petitioning the Congress of the United States for action regarding proposed cuts in Medicare payments for physicians and other health care professionals; jointly to the Committees on Ways and Means and Energy and Commerce.

SENATE—*Thursday, June 12, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, sustainer of humanity, we thank You for commanding light to shine out of darkness, for stretching out the heavens, and laying the foundation of the Earth. We praise You for calling us to be Your people, for revealing Your purposes and Your sacred word, and for dealing patiently with our pride and disobedience.

Bless the Members of this body and all who support them. Give them such trust in You that, holding onto Your word, they may be strong in this and every time of need. Impart to them, Lord, grace to permit You to order their steps. Give them the gift of Your Holy Spirit that they may be faithful servants and stewards of Your will.

We pray in the Name of our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of myself and Senator MCCONNELL, the Senate will resume consideration of the motion to proceed to S. 3101, the Medicare Improvements for Patients and Providers Act, with the time until 3 p.m. equally divided and controlled between the two leaders or their designees. Senators GRASSLEY, BAUCUS, MCCONNELL, and REID of Nevada will control the final 40 minutes, with 10 minutes each under their control. The order of speakers will be as I have mentioned. At 3 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the bill.

MEASURE PLACED ON CALENDAR—S. 3118

Mr. REID. Mr. President, S. 3118 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will state the bill for the second time.

The legislative clerk read as follows:

> A bill (S. 3118) to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time regarding this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GRADUAL ADJUSTMENT DAY TWO

Mr. MCCONNELL. Mr. President, today the national average for a gallon of regular unleaded gasoline hit another all-time high of $4.06. For truckers it's even worse, with the average cost of diesel now at $4.79 a gallon.

Every American is suffering the effects of high gas prices. But low- and middle-income families are hurting the most. Many now spend a significant portion of their income just getting to and from work. A good number of people in eastern Kentucky are spending 15 percent of their income just on gas.

Some people are taking second jobs just to cover the cost of getting to and from their primary jobs.

Prices are so high Democrats are starting to talk about gas prices being a serious problem. A number of them spoke yesterday about the effect that gas prices have on the wider economy.

The junior Senator from Colorado told us about a farmer in Kit Carson County who is worried he won't be able to afford the diesel fuel he needs to harvest his wheat crop at the end of the summer.

The junior Senator from Montana said manufacturers in his State are at risk of shutting down, that truckers are struggling to make ends meet, and farmers are struggling to pay for fertilizer. The junior Senator from Minnesota said the people of her State are lining up around the block at the Costco in Minneapolis just to save some money.

Even the senior Senator from New York got in on the act, though mostly as an excuse to go after the 2001 and 2003 tax cuts. I am not sure how this was relevant to gas prices. Maybe he thought people would feel better if they realized they'd be even worse off if we hadn't cut their taxes.

But to all our friends on the other side who have spoken about the crushing effects of high gas prices, I would simply add that they are right on target. High gas prices do affect everything. High gas prices do hurt. And I would also add this: Democrats in Congress have no plan to lower them.

In a month when gas prices have hit record highs, Democrats have proposed three things: a massive carbon tax, a tax on energy companies, and allowing trial lawyers to sue our trading partners. This isn't an energy plan. It is a caricature. It is a caricature of a party that seems incapable of conceiving any solution to any problem that doesn't involve taxation or litigation.

With gas prices causing unprecedented pain at the pump for working Americans, Democrats have responded by trying to raise taxes that we know will be passed onto consumers. Ignoring the iron laws of supply and demand, they insist that high gas prices must be the result of some corporate plot instead. But the current crisis is a supply and demand problem—not a supply and demand and litigation problem, not a supply and demand and taxation problem, a supply and demand problem.

It is fairly straightforward: at the moment, there's greater demand than supply. And last year, Republicans joined Democrats in addressing demand by passing the first increase in national fuel efficiency standards in more than 30 years. We have also tried to address the supply problem by increasing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

production of American energy. At every turn, we have been blocked.

Since 1991, the Senate has voted a dozen times on allowing limited exploration in a small portion of the Arctic National Wildlife Refuge. A Democrat President has vetoed it or Democrats have blocked it every single time. When he did it, incidentally, gas at the pump was $1.06 a gallon.

Last year, the Senate voted on proposals to expand refinery capacity, invest in coal-to-liquid technology, and open up more domestic reserves. Democrats blocked each one.

Last year, Republicans proposed allowing Virginia to go forward with deep sea exploration off its coast—something that Virginia, under a Democratic Governor, wants. Democrats in Congress said no.

Republicans have tried to allow the use of oil shale from Western States as an alternative to foreign oil. Democrats imposed an oil-shale ban in last year's Omnibus Appropriations bill.

Last month, Republicans tried to increase production of American energy again, along with an increase in support for clean energy technology and plug-in hybrid vehicles. Democrats said no.

And just last week, I offered an amendment to ensure that if the Boxer climate tax bill caused gas prices to go up, we would suspend its provisions. Democrats blocked that too.

For years, Democrats have blocked every effort to increase the production of American energy and help bring gas prices down. They have said no to States that want to allow for deep sea exploration off their shores. They have blocked the use of oil shale. They have blocked a dozen efforts to open a small portion of ANWR for environmentally sensitive exploration, which—if it had not been vetoed 13 years ago—would be providing a million barrels of oil a day to American consumers right now.

That's twice as much as the senior Senator from New York wants us to beg from the Saudis. And now, they want to raise gas prices even more through higher taxes.

It should be abundantly clear by now to anyone who is paying attention that our friends on the other side have no serious plan for lowering gas prices. As the record suggests, their primary concern is blocking increased production, which has inexorably led to record gas prices.

If people are being forced to change their lifestyles, if the price of goods is skyrocketing, that is apparently all right, according to our friends on the other side. Their Presidential nominee even admits it. He says the high price of gas isn't the problem. The problem, he says, is that prices went up too quickly. If he had his way, he would have raised prices much more slowly.

He would have preferred that gas prices go up more slowly than the $1 increase we have seen under the new Democrat Congress over the last year.

He would have preferred they go up more slowly than the astonishing $1.73 increase per gallon of gasoline we have seen just in the 17 months since Democrats took over Congress in January 2007.

As the Democrat nominee put it in an interview earlier this week, he would have preferred a "gradual readjustment" in gas prices, presumably so Americans wouldn't notice the shock of it.

We used to think $4 a gallon gasoline was unthinkable. Our friends on the other side were apparently thinking about it all along. "I think I would have preferred a gradual readjustment."

Those are the words of their nominee.

While Americans are reeling over high gas prices, increasingly demanding that we increase our production of American energy, Democrats haven't let us turn over a single shovel for exploration here at home. And now they have got what they wanted.

We all agree that the key to our energy future is clean energy technologies and alternative fuels that move us away from oil. What the other side refuses to acknowledge is that it will take some time to get there. We are moving in that direction as quickly as we can. We have worked in a bipartisan fashion in both the 2005 and 2007 energy bills to accelerate the process of moving to clean energy technologies and alternative sources of fuel.

But the facts are clear: in the short term, America will depend on fossil fuels to drive our economy. For the foreseeable future, our choice is the same as it's always been: either import our energy from people like Hugo Chavez and from Saudi Arabia or use more of our own. But our friends on the other side have removed the option of increased American energy created by increasing American jobs. They have made sure we have only one option. They have put domestic energy off limits. And now we're paying the price.

Republicans have been willing to work with Democrats to address both sides of this problem. Republicans enthusiastically support conservation.

Last year, we supported the first increase in automobile efficiency standards in more than three decades. We have supported investments in alternative energy. We know this problem requires action on both the supply and the demand side. And we have shown it. But we're still waiting for our friends on the other side to show the same commitment to actually address the problem.

For the sake of all the American people, who will today make hard choices at the gas pump, we need to work together to lower prices now, and that means that as the third largest oil producer in the world, America needs to increase its own domestic supplies in an environmentally responsible way so we are less reliant on Middle East oil and so our people finally get some relief.

21ST ANNIVERSARY OF "TEAR DOWN THIS WALL"

Mr. **McCONNELL**. Mr. President, today is the anniversary of an important event in recent world history that demonstrates the impact that words—well-chosen words—can have.

June 12, 1987, marks the day that President Ronald Reagan issued a challenge to Soviet Premier Mikhail Gorbachev to make unmistakably clear his commitment to lessening Cold War tensions and increasing freedom in Soviet-dominated Eastern Europe.

Speaking before the Brandenburg Gate in what was then West Berlin, President Reagan stood only 100 yards away from the Berlin Wall, which had divided the free people of West Berlin from the captive Germans in Soviet-controlled East Berlin for decades. An estimated 20,000 people gathered to hear him, including West German Chancellor Helmut Kohl.

"There is one sign the Soviets could make that would be unmistakable, that would advance the cause of freedom and peace," President Reagan said.

Addressing the Soviet Premier directly, he then continued:

> If you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberation: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!

Two years later, Germans East and West did raze that wall, presaging German reunification and the fall of the Soviet Union. A piece of the Berlin Wall is preserved today in the Ronald Reagan Presidential Library in Simi Valley, CA.

At the time, the Soviet state-run press agency called this historic speech "openly provocative" and "warmongering." But Chancellor Kohl, who was there, knew the truth. "Ronald Reagan was a man who achieved great things for his country," Chancellor Kohl said in 2004. "He was a stroke of luck for the world, especially for Europe."

There we have an example of the power to make walls crumble, by the sound of freedom—all because of the right words, well chosen and linked to the right policy.

We cannot say what national security crisis will confront us in the future, but we can say that confront us they will, no question about it. When that happens, the world must know that America will fight on the side of justice and freedom.

One great leader made that clear 21 years ago today when he said four simple words: "Tear down this wall."

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

REPUBLICAN FILIBUSTERS

Mr. REID. Mr. President, the remarks my friend, the distinguished Republican leader, made regarding the energy crisis facing us are, as has been this past week, Orwellian. Everyone listening to what he said understands the direct opposite has happened. Everyone knows we are not doing legislation because the Republicans will not let us.

There are 51 Democrats and 49 Republicans, a closely divided Senate. The Republicans have decided they are going to let us do nothing, and that is what they are doing, letting us do nothing. We want to legislate; they want to obstruct.

Let's take the three bills we dealt with this past week. Global warming: No, they would not let us legislate on that bill. We offered two amendments, three amendments, five amendments, eight amendments, relevant, germane—nothing. They did not want to legislate, and we knew that was the case because as we read into the RECORD several times, there was a piece of work that came on e-mail from the Republicans who are devising the strategy for the Republicans in the Senate, and they said in that memo that there is no legislation going to take place here; we are going to play political games. "Political games" were their words, and that is what they did.

As we have been here—the Senate opened 20 minutes ago—global warming has gotten worse, not better. It is time we decided to take some hard decisions and realize we cannot continue to take all this carbon out of the Earth and put it into the sky. That is what global warming is all about. We have to stop this.

We wanted to do something about gas prices. Of course gas prices have gone up. Since President Bush took office, the price of gas has gone from less than $1.50 a gallon now to $4.06 a gallon. As the Republican leader said, diesel fuel is approaching $5 a gallon. But during this period of time, we have been following the Cheney energy policy. The Cheney energy policy was one devised in the White House in secret. The press, groups around the country have tried to find out what went on, who came, what were the promises made. Obstruct—they would not allow us to find out what went on. The American people to this day do not know what went on. But we do know the Bush-Cheney administration is the most oil-friendly administration in the country. They made their fortunes in oil and they have treated the oil companies accordingly this past 7½ years.

We tried to do something about gas prices. We think it is important that we take a look at OPEC. It is not just Democrats talking about it. Arlen Specter, the ranking member and former chairman of the Judiciary Committee, believes that is an extremely important issue. OPEC is violating the Sherman Antitrust Act. Why shouldn't they be subject to it? That is what we wanted to legislate, and they would not let us.

We wanted to take away the huge amounts of free money the oil companies get. Why should they get all the free money from American taxpayers when they made during the past year $250 billion in profit—not million, billion. We tried to legislate on that issue saying these subsidies to big oil should be terminated.

We thought it was important to do something about these windfall profits these companies are making. We were stopped from doing that.

The Presiding Officer knows about legislating. He understands that legislating is the art of compromise. Is any one of the pieces of legislation we introduced perfect? Of course not. But it is an opportunity for us to try to do something about these gas prices. In the short term—these are short-term fixes for the gas prices I talked about—they would not allow us to legislate. And yesterday we tried to legislate on doing something about alternative energy, renewable energy. The Sun shines, the wind blows, steam comes out of the Earth. Shouldn't we harness that for our own benefit? Shouldn't we use that so we do not have to use 21 million barrels of dirty oil every day that is making our lives miserable with global warming, ruining the health of people all over the world? Shouldn't we do that? The Republicans say no. They would not let us legislate on that issue yesterday.

We want to give the American entrepreneurs the ability to invest in renewables. People are waiting to invest billions of dollars if they have the opportunity for these tax credits, but the Republicans say no.

My friend said that Democrats think this is some kind of a corporate plot. We don't think it is a corporate plot. We do think the oil companies are making far too much money. And the sad part about it—my brother for many years was a service station operator. My brother worked for Standard stations. I worked for Standard stations. He became a manager for Standard stations. The Chevron oil company had Standard stations and Chevron stations. Chevron stations were dealers, individuals such as my brother Dale—may my brother Dale rest in peace. He died at the age of 47. He was a Chevron oil dealer. He worked very hard. He didn't make much money with the gas that was pumped. He made money selling water bags, which was a canvas bag people needed to go across the desert if their car broke down, batteries, fan belts, tires. That is where he made his money; not very much, but that is where he made his money, not at the gas pump. And it is still that way. The modern Dale Reids with stations around America are not making much money. The money is going to these massive oil companies.

I don't think it is a corporate plot. I think it is a Bush-Cheney plot. I think these people have done nothing. These two men have done nothing to address the energy crisis facing America. It took 7 years of this man's Presidency before he could say the words "global warming."

My friend has used the name of the senior Senator from New York, Mr. SCHUMER. I am going to defend Senator SCHUMER. Senator SCHUMER is my friend. He does an outstanding job representing the people of New York, and he has done an outstanding job representing all Democrats as chairman of the Democratic Senatorial Campaign Committee. This is a difficult job, not one people seek. Senator SCHUMER took that job when he could have been Governor of the State of New York. All the editorials said he would be the next Governor of New York. I knew that when I became Democratic leader. I asked Senator SCHUMER, recognizing he could be the next Governor of New York: Will you take the Democratic Senatorial Campaign Committee? It is important for the country. And he gave up literally the governorship of New York, in my opinion, to take this job. He has done a tremendous job: nine new Democratic Senators last year.

He said yesterday in his speech before the Senate, among other things, that the 75 filibusters the Democrats have had to face with this Republican minority, which is so upset that we are in the majority, is creating problems for Republican Senators. It is the truth. Senator SCHUMER said:

> It is unconscionable that the American public is being forced to use their stimulus checks just to pay for gas.

Senator SCHUMER came and spoke for the American people. He spoke for the people of New York, he spoke for the people of America, saying: Why not let us legislate? And the fact that the Republicans are not letting us legislate on anything is going to work in November to the advantage of the Democrats. I think that is clear.

Look around the country. I am not going to predict what is going to happen in November, but the majority is going to be bigger than 51 come November. Why? Because the American people see what is going on with this Republican minority. It is the same in the House. Republicans have the same philosophy: status quo, keep things the way they are, tread water a while.

As a result, when Dennis Hastert—he broke the record for the longest Republican Speaker in the history of the country—retired, a heavily Republican

House district in Illinois goes Democratic. That was only a quirk, they said.

Then we have a race in Louisiana, a heavily Republican district, been Republican for a long time, and it goes Democratic. Why? Because the American people see what is going on.

Illinois, a Republican district, sees what is going on; a Republican district in Louisiana sees what is going on. In Mississippi, they appointed Congressman Wicker to be a Senator after Senator Lott retired. That district—we don't have to worry much about that, that is a Republican district, always has been, always will be, except the people of Mississippi see what is going on and they elected a Democrat. Now we have a Democratic House Member representing that so-called Republican district.

We want to legislate. We want to legislate for the American people. All we want is an opportunity to go forward and not have to face 75 filibusters and legislate as the Senate has been doing for many decades.

These Orwellian speeches given by my friend when he says "It's the Democrats' fault, they have been in power a year and a half; that is why gas prices are so high," think about that, everybody, think about that, how unreasonable that is.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, the speech of my good friend, the majority leader, sounds eerily similar to the one he made yesterday morning at exactly the same time, so I won't prolong this back and forth other than to say it is an interesting campaign speech, but the issue before us is, if we do want to legislate, we know how we have to legislate in the Senate. We had the same discussion yesterday morning. The way you don't legislate in the Senate is refuse to let the minority offer amendments.

I know this is inside baseball to most observers who don't follow every nuance of what we do in the Senate, but the way you legislate in the Senate is you call up a bill and you have a free amendment process and then you pass it. Prematurely filing cloture, filling up the tree, preventing the minority from having any serious impact on legislation doesn't work. You can call that obstructionism if you want, but another way of looking at it would be to say the majority leader would like to turn the Senate into the House, and that is not the way we operate here. The Republican minority is pretty unified over the notion that they do not intend to be irrelevant.

With regard to the issue that is of most importance to the country—global warming—in fact, it is still the pending business. My Members are anxious to offer amendments on that debate. We have been on that measure. We discussed it all day yesterday and have been discussing it in previous days. We actually voted to continue the debate and would like to have a chance to offer amendments to it.

But I think my good friend, the majority leader, would like, rather than giving us a chance to truly amend the bill, to just simply check the box and say: That is another filibuster, and move on.

It is a fact—it is not any kind of Orwellian spin—that gas prices are up $1.70 since the Democratic majority took over. It is also a fact that Republicans, as I indicated in my comments earlier, are open to any of the conservation measures that have been suggested. But the fundamental problem is that our good friends on the other side are not willing to do anything whatsoever on the production side.

Even though I think, for example, that suing OPEC is somewhat ludicrous, I would be open to it if someone on the other side would say: OK, we will sue OPEC and we will add to that a measure allowing the opening of the Outer Continental Shelf, where States want to. I mean, why should the Federal Government prevent a State that actually wants to open the Outer Continental Shelf from doing so?

That is the way you go forward around here, with each side getting something. But, unfortunately, in these debates, they want it their way or not at all, and they do not even want to give us a chance to consider or approve these efforts to increase our production.

So the way to legislate in the Senate is pretty clear. The majority leader and I have been around here a while. We remember when we used to pass legislation, and we also remember how we did it. As I indicated yesterday morning, a good model for big, complicated bills, as the Clean Air Act of 1990 was—it was on the Senate floor for 5 weeks with 180 amendments and everybody participating, everybody offering amendments. We worked our way through the process, and we passed a major piece of legislation. You can't bring up something like a climate bill, fill up the tree and file cloture, and call that a serious effort to legislate.

I am sure it is somewhat confusing to casual observers, all this spin back and forth, but the fact is, the Senate is a place full of serious legislators on both sides of the aisle, and the only way we will actually be able to accomplish anything for the American people is for everybody's rights to be respected, for everybody to have a chance to participate, and at the end of the day to make some kind of bipartisan accommodation that would include some things the other side would like to accomplish, which I might not think is a great idea, but would also include some things that most of my Members believe would make a difference. That is the way to pass major legislation.

So, Mr. President, I enjoy these morning discussions with the majority leader. He is a good friend of mine. I like him a lot, I enjoy working with him, and I hope we can get past making a campaign speech every morning and actually see if there isn't some way to move forward on important legislation for the American people.

I yield the floor.

Mr. REID. Mr. President, my friend would like everyone to be confused. No one is confused. No one is confused as to what is taking place here. All records in the history of this country have been broken on the number of filibusters. No one is confused about what is going on here.

We know we have worked with the Republicans to do something about production. Of course we have. But we want to do something long term; we want to do something short term. The American people are being drowned with the smoke in the air, and too much carbon is coming out of the ground into the sky. We want to do something with the Sun and the wind, the geothermal.

The OPEC measure is ludicrous? Mr. President, tell my friend, the ranking member of the Judiciary Committee, the former chairman of the Judiciary Committee, who is the biggest proponent in Congress of OPEC being subject to antitrust laws, that is ludicrous. I say to the Republican leader, tell ARLEN SPECTER it is ludicrous to go after OPEC. Those are the words of the Republican leader.

Finally, Mr. President, here is what they want to do on global warming. This Orwellian verbiage we have heard this morning, that they want to do something on global warming, well, here is what they want to do about global warming. The e-mail on the Republican strategy that we obtained says this:

> The focus is more on making political points than in amending the bill.

That is what they said. And it continues:

> GOP anticipates a struggle over which amendments are debated and eventually fingerpointing over blame for demise of the bill. The bottom line is that the GOP very much wants to engage in it for a prolonged period, and then make it as difficult as possible to move off the bill.
>
> The focus is much more on making political points than on amending the bill.

The American people aren't confused, Mr. President.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MEDICARE IMPROVEMENT FOR PATIENTS AND PROVIDERS ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of the motion to proceed to S. 3101, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to S. 3101, a bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I have come to speak on the Medicare bill, but I must make a few remarks in relation to the debate between the majority and the minority leaders. The bottom line is very simple, and that is they haven't said let's fight over what amendments nor have they offered amendments. They have said that we will not even proceed to the bill.

So when the majority leader, Senator REID, says it is Orwellian, of course it is. In every instance when the minority has come and said they will do amendments related to the specifics of the issue at hand, the majority leader has been more than accommodating, rankling even some on our side. But they don't want to do that.

Senator REID read the memo. They want to slow the bill down with extraneous amendments that have nothing to do with energy because they do not want to allow a vote, even on ANWR.

Now, my friend from Kentucky talks about ANWR as the answer. Even the most optimistic experts say it will be 7 years before we get a drop of that oil. So the minority leader and the minority are saying wait 7 years and maybe we will get oil prices down. We don't want to wait that long. In 7 years, we could have an energy policy that weans us away in part from fossil fuels in a serious and significant way, like what is being done in Europe and other places. They do not want to do that because big oil dominates. They do not want to do that because their base says drill in ANWR, and the people say no.

This idea that we don't want any production, the minority leader is just patently incorrect. Democrats, including myself, helped lead the charge and voted to increase production in the east gulf. That is the place where there is the most available oil and gas near refineries. And it wouldn't take 7 years the way starting a whole new venture in Alaska would. We voted for it under Republican leadership, when the Republicans led. So we are willing to increase production, but we do believe we are not going to drill our way out of this problem.

The majority leader is exactly right. The actions of the minority leader say: Don't even debate it. Then he says they want to debate it. Well, if you want to debate it, don't block the motion to proceed. And I am certain—though I haven't talked to the majority leader about this, but I will, and I know from his past actions—if they have a series of amendments that are related to energy, they will be entertained. But if they want to debate George Bush's tax cuts or the estate tax, well, the majority leader has a perfect right to say, don't do it.

So, Mr. President, again, this week in the Senate, Republicans are blocking lower energy costs. They are the party of no—no, no, no. They are the party of no on global warming, they are the party of no on lower energy costs, they are the party of no on tax help for solar and wind, and they are the party of no on preventing the oil companies from just doing everything they want. And as the majority leader said, the status quo is not what America wants, but the status quo is exactly what the minority, the Republicans, are standing for.

I said it yesterday, and I will say it again—I said in the DSCC that I care more about the substance. I would much rather we move forward. But as head of the DSCC, the minority is filibustering themselves right out of their seats. When three-quarters of Americans demand dramatic change, and the minority says no change, that is not a formula for political success. You don't have to be a political genius to know it.

So I would say to the rank-and-file members on the other side, I don't understand the logic, I don't understand the thinking, but you are sure not helping yourself or helping your country.

Now, Mr. President, I would like to talk about Medicare for a minute—that is the bill we are on—and I rise to speak in strong support of the Medicare Improvement for Patients and Providers Act of 2008. I want to congratulate our leader on the Finance Committee, Chairman Max Baucus, for introducing this much needed legislation.

When Lyndon Johnson signed Medicare into law in 1965, he promised it would transform the lives of America's senior citizens, and he said this:

> No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings that they have so carefully put away over a lifetime so that they might enjoy dignity in their later years.

No one could have said it better, and yet 40 years later we are at a critical moment. Do we make much needed improvements to the program to allow it to fulfill its promise to America's seniors or do we ignore this challenge?

We have worked hard in the Finance Committee to put together fair and reasonable legislation that is supported by all physicians groups and millions of beneficiaries. We have compromised. I don't believe Medicare Advantage should come out of medical education. It affects my State, the majority of it will, and I am still willing to sort of suck it in and say, OK. But some on the other side are saying no, it has to be all their way. We know that fee for service in Medicare Advantage is far more lucrative and far more spread around the country. Yet we don't have very much of that in here to help pay for the other necessary increases. But it is a compromise bill. It is a bipartisan bill with broad support on the Finance Committee, and I urge all Members to vote for cloture today so we can provide help to millions of America's seniors and the hard-working health care providers who treat them.

We have to pass this bill to avoid catastrophic cuts to doctors. We know these physicians face a 10-percent cut. To those who say, well, they are doctors, they can afford it, the trouble is, if we do this cut, lots of doctors don't take Medicare, and our poor senior citizens are left in the lurch. When we cut resources to doctors, patients lose, in this instance. So we need to put aside politics and do the right thing for our seniors and pass this bill.

Some Members seem to think that doing more for low-income seniors—those Americans who are trying to make ends meet and are deciding between filling their car's tank with $4 gas and paying for a doctor's visit—is wrong. Opponents of this measure say now is not the time to improve Medicare. Well, I say now is exactly the time. We need to cut costs where we can and enhance the program where it is needed.

Our constituents are waiting for action. In my State of New York, the AARP dropped off 20,000 petitions in three wheelbarrows at my office in Albany. These 20,000 petitions were from New Yorkers asking Congress to pass this bill, to pass S. 3101, because it helps seniors on fixed incomes, establishes an e-prescribing requirement, and helps limit premium increases.

We are particularly pleased the bill emphasizes preventive health care and expands coverage for key screenings, which can catch problems before they become more serious, and many other important measures.

In addition, the bill stops the cuts to physicians for 18 months and provides a 1.1-percent update for 2009.

The Medical Society of New York and medical societies throughout America are in favor. I have spoken to the head of the AMA, who is Dr. Nancy Nielsen from Buffalo, NY. She is the incoming President of the AMA. She has been tirelessly working, and I want to give her a shout-out of thanks here on the floor of the Senate.

I am particularly pleased that this bill provides increased payments for our ambulance providers. We put in a bill to do this; it got 25 bipartisan cosponsors. GAO found that ambulance providers are reimbursed on average 6 percent below their costs for providing services to Medicare patients. This is unacceptable. It means they cut back on the lifesaving equipment needed in the ambulance. We all know, for things like stroke and heart attack, having an up-to-date, modern ambulance with the most lifesaving equipment is often the difference between life and death, so this increase will actually save lives.

It also, unlike the other alternative, ensures that pharmacists dispensing prescriptions are receiving payments on time. Two thousand independent pharmacies in New York—and many more thousands around the country—are counting on this important change to keep them in the black. That is in the bill. You cannot ask pharmacies, small businesspeople, to just give a line of credit to the Federal Government. That doesn't make much sense.

This is a good bill. I urge we move forward and get the 60 votes. I hope we will not have another filibuster, No. 76. Let's hope and pray that doesn't happen so we can help America's seniors and continue to modernize Medicare and move this bill forward.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent that during the times when we are in a quorum call, the time be equally divided between the minority and the majority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Now I again suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that following my remarks, the remaining Republican time be allocated to the following list for up to 15 minutes each, with Senator GRASSLEY controlling the remaining time: Senators ENZI, CHAMBLISS, STEVENS, HATCH, CORNYN, and COLEMAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 3119 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

FUEL PRICES

Mr. ENZI. Mr. President, over the past few weeks I have had the opportunity to come to the Senate floor to speak on a No. 1 issue I am hearing about as I travel around Wyoming, and that is the high price of gasoline and diesel fuel. I want to continue to address that issue today. I listened to the debate on S. 3044, the so-called Consumer-First Energy Act. It might as well be called the No Energy Act because the bill does nothing to improve our Nation's energy situation and will actually do damage to it. One of the targets of S. 3044 is energy speculators. Their role in the high price of energy has been brought up time and time again, and my colleagues in the majority have been especially vigilant in their desire to rein in this group as if they were the big bad wolf.

If you listen to their arguments, they are persuasive. Unfortunately, they don't tell the whole truth. An editorial I recently read from the Wall Street Journal pointed out the flaws in their argument.

The article stated:

> The first refuge of a politician panicked by rising prices is always to blame "speculators." So right on time for this election season Congress has decided to do something about rising oil prices by shooting the messenger known as the energy futures market. Apparently this is easier than offending the Sierra Club by voting for more domestic energy supply. Futures markets are not some shadowy, dangerous force but are essentially a price discovery mechanism. They allow commodity producers and consumers to lock in the future price of goods, helping to hedge against future price movements. In the case of oil prices, they are about supply and demand and the future rate of inflation. Democrats now argue that these futures markets are generating the wrong prices for oil and other commodities.
>
> And who are these "speculators" driving up the prices? The futures market operator Intercontinental Exchange says that an increasing share of customers are not financial houses but are commercial firms that need to manage oil-price risks—[that means] the refiners, the airlines, and other major energy consumers. Another term for these [energy] "speculators" would be "American business."

The article continues:

> If Democrats won't believe futures traders, maybe they'll heed their biggest political funder. When . . . hedge fund billionaire George Soros testified before Congress on this issue, he noted, "Regulations may have unintended adverse consequences. For instance, they may push investors further into unregulated markets which are less transparent and offer less protection."

The article concludes:

> Democrats will find that moving jobs to Dubai from New York and Chicago will not end commodity inflation that they themselves have helped to create.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 10, 2008]

DUBAI'S FAVORITE SENATORS

The first refuge of a politician panicked by rising prices is always to blame "speculators." So right on time for this election season, Congress has decided to do something about rising oil prices by shooting the messenger known as the energy futures market. Apparently this is easier than offending the Sierra Club by voting for more domestic energy supply.

Futures markets aren't some shadowy dangerous force, but are essentially a price discovery mechanism. They allow commodity producers and consumers to lock in the future price of goods, helping to hedge against future price movements. In the case of oil prices, they are a bet about supply and demand and the future rate of inflation. Democrats nonetheless now argue that these futures markets are generating the wrong prices for oil and other commodities.

And who are these "speculators" driving up prices? The futures market operator Intercontinental Exchange says that an increasing share of its customers are not financial houses but commercial firms that need to manage oil-price risks—refiners, airlines, and other major energy consumers. Another term for these "speculators" would be "American business."

Not ironically, the leaders of Capitol Hill's shoot-the-messenger caucus are among those most culpable for the lack of domestic oil supplies. Senator Maria Cantwell (D., Wash.) has been threatening to hold up appointments to the Commodity Futures Trading Commission until the CFTC increases regulation of oil trading. In the best tradition of bureaucratic self-protection, the CFTC's acting chief Walter Lukken has agreed to investigate.

Ms. Cantwell's recent press release on "outrageous energy prices" didn't mention her own contributions to the problem. According to the Almanac of American Politics, she "successfully worked the phones" in 2005 to round up enough colleagues to block drilling in the Alaskan wilderness. Ms. Cantwell has also backed a slew of mandates and subsidies that have helped to raise food prices by diverting corn and other crops to a fuel. She even claims to have helped create the biofuels industry in her state.

Her counterpart in the House is Michigan's Bart Stupak, who claims special credit for a permanent ban on drilling in the Great Lakes and has also cast votes against exploration in Alaska and off the California coast. With $4 gasoline, this is a man in need of political cover as Michiganders head into the summer driving season. A spokesman says Mr. Stupak is hoping to roll out a new bill by the end of this week to require "additional reporting and oversight' in the oil futures markets.

Then there's New York Senator Chuck Schumer, another staunch opponent of new domestic oil supplies. Mr. Schumer has egged on the Federal Reserve's rate-cutting binge that has contributed so much to the oil price spike. But, with impeccable political timing, he now suspects "price manipulation by speculators" is the real cause of rising gas prices.

Mr. Schumer's answer is the "Consumer-First Energy Act," due for a cloture vote in the Senate today. Bundled with a windfall profits tax on oil companies, the plan also includes an increase in margin requirements for those who wish to trade oil futures. This would of course make it more expensive to trade in U.S. futures markets, which in a world of computerized, instantaneous trading means that those trades would merely move to markets overseas. As luck would have it, the Dubai Mercantile Exchange celebrated its first birthday last week with the launch of two new oil futures contracts that compete with those offered by American exchanges.

Leave aside the question of whether Mr. Schumer believes that the Dubai exchange, which is majority-owned by Middle Eastern governments, will offer more consumer protection than America's shareholder-owned exchanges. This is the same Chuck Schumer who warned in 2007 that heavy regulation threatens New York's preeminence in global finance. Along with Mayor Michael Bloomberg and former Governor Eliot Spitzer, Mr. Schumer introduced a long report on the threats facing New York with a short note that specifically mentioned Dubai as an increasingly formidable competitor. That of course was not an election year.

If Democrats won't believe futures traders, maybe they'll heed their biggest political funder. When Senator Cantwell invited hedge-fund billionaire George Soros to testify last week, she probably didn't expect the backer of left-wing causes to deviate from her market-manipulation narrative. But among other things, Mr. Soros noted that "Regulations may have unintended, adverse consequences. For instance, they may push investors further into unregulated markets which are less transparent and offer less protection."

Democrats will find that moving jobs to Dubai from New York and Chicago will not end the commodity inflation that they themselves have helped to create.

Mr. ENZI. Do we need an open and transparent market? Yes. Is there more that could be done? Probably. Which is why the Commodity Futures Trading Commission announced, on June 10, that it was forming an interagency task force to evaluate developments in the commodity markets. Rather than sitting here in the Senate Chamber spending our time criticizing commodities traders, we should be working together to pass legislation that we can agree on to improve our Nation's energy situation. The problem we face is a problem of supply and demand, less American-made energy and more demand for that energy. That is the problem that Congress should be addressing. That is what those in control of both Houses of Congress don't seem to understand at this stage, even though 2 years ago they complained about the price of gasoline and promised they would bring the price down.

The continued rise of gas prices is going to put an end to this dog-and-pony show eventually. Unfortunately, we are not at that point yet where the majority will seriously deal with this issue. The bills we are debating will do nothing to improve our Nation's energy situation. The substitute to the Lieberman-Warner Climate Security Act would have cost us money, at a time when we are paying record energy prices. The so-called Consumer-First Energy Act would lead to less investment in energy; therefore, less supply and, therefore, higher prices for consumers. As bad as these bills are, the process by which they get here is even worse. They don't go through committee. They won't be signed by President Bush, and yet we still waste the time of the Senate talking about them, as if they will be made law and they will improve the Nation's energy situation. That is not the case. It is also not how we do things around here.

I have heard complaints that Republicans are stopping progress on important legislation. I have heard complaints that the majority is unable to legislate. "Unwilling" would be a better term. We are paying record prices at the pump. Those record prices are connected to specific actions or inactions by those in control of Congress in the recent past and years ago.

Recently, on May 13, the Democratic majority defeated the American Energy Production Act by a vote of 56 to 42. The measure would have expanded domestic oil production as well as opening the potential of oil shale and coal-to-fuel technology. In 1996, President Clinton vetoed a bill that would have enabled us to get 1 million barrels of American oil a day. That is what we are demanding that Saudi Arabia give us. I remember in 1973, when we made some demands on Saudi Arabia, and they cut us off entirely. Some of us are old enough to remember the gas lines and the shortages we had then. But he vetoed a bill that would have enabled us to get a million barrels of American oil a day from the Arctic National Wildlife Refuge, an area about a sixth the size of Dulles Airport. The entire refuge is considerably bigger, but we are talking about drilling on a very small portion of it.

On May 22, House Democrats voted down a measure sponsored by Congressman MIKE CONAWAY that would have expanded the use of coal to fuel, oil shale, and tar sands, as well as expediting the permitting process for new refineries on three closed military bases. In December, Democratic members of the Senate Environment and Public Works Committee debated a proposal to ensure development of nuclear energy to meet emission goals. That is this year.

The list goes on and on, as does the majority's theatrics of inaction. When they got the majority a year and a half ago, the Speaker promised lower gasoline prices. How have they delivered? Their answer for our need to produce more American energy is to always say no, and their solution is always, let's tax the oil industry, a plan we know won't work because, under President Carter, we tried that, and we drove a lot of business overseas, which is where we have to ship our money unless we can get oil production in the United States. A lot of people don't realize—maybe they do—that Saudi Arabia is the biggest producer and that the Soviet Union is the second largest producer. What they don't realize is that the United States is the third largest producer, and we could solve a lot of our own problems if we were to do some of the things suggested here.

Like most of my colleagues, I support developing more alternative energy. I support the use of wind energy and the development of better solar energy technologies. Wyoming is the perfect place for a lot of that development to happen. We have, most days, the sunshine, and we do get some wind. While we need to develop those technologies for the long term, we need all the energy we can get today. We need more American oil from American soil, we need more domestic natural gas, we need more nuclear energy, and we definitely need more clean coal. More taxes and lawsuits are not going to get us there.

I emphasize again that I have a lot of faith in American ingenuity. For the long term, there is some research that could be done that would work with coal to make it cleaner, greener, and meet the needs, because that is the biggest resource we have. We have more Btus in coal than Saudi Arabia has in oil, and we have that in one county in Wyoming. But for the shorter term, yes, we do need to conserve, and, yes, we need alternative energy sources. We cannot abandon the sources of energy we have right now.

I am going to end with a story. A while ago, I had to go out to California for a meeting. I was supposed to speak in the evening, and my plane got into California at rush hour. I thought: I am probably not going to be able to make this speech. I rented a car. My wife was with me. I found out they have these high-occupancy vehicle lanes. Well, there was one lane for high-occupancy vehicles. I have never seen so many lanes. I am pretty sure there were six more lanes besides the one lane for high-occupancy vehicles. I made that speech on time. I zinged right through that high-occupancy-vehicle lane because it only required two people in the car—only two. Out here, there are a lot that require three, but in California it was only two. Now, what about the other six lanes of traffic? Stalled out. Six lanes—cars stopped dead, idling their motors, putting carbon in the air, one person to a car. Now, that is a State with 34 million people and huge concentrations of people. So I would like to encourage California to carpool a little bit.

Now, I would encourage the people in Wyoming to carpool too, but I spend a lot of time trying to teach the East and the far West about the Midwest, and most of the people we have are driving because they have to and because they are going to a single site where they are the only worker. And we only have half a million people, to begin with. But a lot of trucks come through our State that are delivering produce and other things to the rest of the Nation, and that is important to have happen.

But when people talk about gasoline and trying to reduce its use, they have to remember that a lot of that is to provide services and products that we in the United States have grown very accustomed to. We do not rely on everything coming from our own county; we rely on it coming from not only the rest of the United States but the rest of the word.

The only way we are going to get out of this dilemma is to work on the short term, which is to get people to conserve; work on the medium term, which is to do some things with alternative energy but to put some research into the future so we can handle the kinds of things we need to provide for the energy we need for this country. Increasing the supply is the only thing that is going to bring down the price.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise today to talk about how Congress can take action to provide relief to American families who are really feeling the pain at the pump due to high gas prices.

Obviously, this is a very complex issue and requires a multipronged strategy to respond. But the base price of gasoline reflects the principles of supply and demand. Asian economies continue to boom, creating soaring demand for oil. At the same time, many oil-producing regions are curbing output. These factors can create a perfect storm that leads to historic high prices for the price of crude oil and the resulting prices at the pump we see today.

I believe we must find both short-term and long-term solutions to provide energy security for our Nation and give relief to the unprecedented gas prices we are experiencing today.

Republicans and Democrats recently came together and passed a piece of legislation, with my vote, to suspend the filling of the Strategic Petroleum Reserve until the end of the year. This was an attempt to provide a short-term solution to high gas prices at the pump by dealing with the supply side of the issue. It is a bill that passed with strong bipartisan support.

The Strategic Petroleum Reserve has the capacity of 727 million barrels of oil and currently holds just over 700 million barrels. The United States had been filling this Reserve to the tune of about 70,000 barrels per day.

This was the right thing to do for several reasons: first, because we should not be buying the most expensive oil ever and simply putting it in the ground; secondly, because it will leave a little more oil on the market, which will hopefully alleviate prices somewhat; and third, because it shows that Congress recognizes that increasing the supply of oil in the market can have an impact on the price of oil. Finally, it sends a message to energy markets that Congress can take action and thereby reduce speculation, which certainly has been a participant in the rising price of oil.

Congress also acted in a bipartisan manner to address a component of the long-term solution to energy security by enacting the Energy Independence and Security Act in December of last year. This legislation, again with my support, was an attempt to provide a long-term solution to high gas prices by dealing with the demand side of the issue.

This legislation contains an aggressive new renewable fuels standard that requires fuel producers to include a certain amount of alternative fuel in their product. I am excited about the significant opportunity this provides for Georgia, which has not been a large producer of biofuels in the past, to participate in the development of renewable fuel sources. The renewable fuel standard requires 36 billion gallons of renewable fuels in American motor fuels by 2022. I think it was the right thing to do to require 21 billion of the 36 billion gallons of renewable fuels to come from advanced biofuels. This means instead of corn-based ethanol, we will be making fuels from cellulose such as wood chips, peanut hulls, and switchgrass.

This emphasis on biofuels is consistent with legislation I introduced last year to increase the amount of advanced biofuels and gasoline. This is also very consistent with the farm bill that passed this body. In the energy title in that farm bill, of which I was particularly excited about and remain excited, what we did was to induce the manufacture of additional amounts of ethanol in this country. But the production of ethanol from corn has had unintended consequences—we have seen the price of food products increase. It hasn't just been corn-based food products as a result of the high demand for corn. We have seen more corn planted, which means the demand for wheat, soybeans, peanuts, as well as other commodities, has increased and driven up the price because farmers are simply planting more corn due to the high price. It looks as if the demand is going to be there for a long time to come.

So in this farm bill, what we did was to incentivize the production of ethanol not from corn but from cellulosic-based products, whether it is peanut hulls, switchgrass, pine trees, or who knows. In my part of the world, we have a vine culled kudzu that grows rampant across Georgia, and there is not much use for it. One of these days we may even see a biodegradable product, such as kudzu, become available for the manufacture of ethanol. It is a serious problem, and in the farm bill we sought to address the additional production of ethanol through cellulosic-based products.

I wish to read a couple pieces of correspondence I have received from constituents of mine which further emphasizes the intensity of this problem, the seriousness of this problem, and the fact that all of a sudden families are simply not able to incorporate into their budget this huge increase in gasoline prices in such a short period of time.

Deanna Payne of Winder, GA, writes as follows:

> Senator CHAMBLISS: Due to the high cost of gas, I am having to cut down on groceries and visit local food banks. My husband makes the same amount of money he did in 2007, but we just can't make ends meet. Gas prices have doubled the cost of some of the grocery items I used to purchase. I just can't do it. Please give us some relief! This is ridiculous! Americans are going hungry and losing everything!

Another constituent from Augusta writes:

> I am very concerned about rising gas prices and what if anything Congress plans to do to help Americans. I cannot afford to fill up my vehicle at these rates which today are approaching $4. My husband is a platoon sergeant training troops at Fort Gordon. I work at the Medical College of Georgia. We have a combined income of over $70,000. It is becoming harder and harder to put any money aside. Not only is the cost of gas rising, but the cost to heat and cool our home and the cost of groceries are all making it difficult to make ends meet. My husband re-enlisted in September 2007. We as a family came to the decision that even during this time of war, the Army was the only guarantee of a paycheck and health care coverage for the next few years. I hope that Congress is putting aside its partisan issues and working together to help all Americans, as I feel our Nation will soon fall apart at the rate it is going now.

A constituent from Montrose, GA, writes:

> Please work to help us with the prices of gas and its effects on every household's budget. We should be drilling anywhere and everywhere to alleviate this current situation. The brightest in this country need to be assembled and given the resources to come up with alternative energy sources. We need to have the Nation go to a 4-day work week starting with government agencies leading the way by example. These problems have been gradually getting worse all along with nothing getting done. Steps better be taken soon before this country gets into a position that it can't recover from. Thank you.

From Douglasville, GA:

> I am a single mother of 3. I had to take $20 out of my grocery money to pay for gas just to get to work. That is the only place I drive. The kids and I walk to our local stores if

needed. This is not the American Dream, or the way we are supposed to live in the great United States! I can't afford a new car that is better on gas. I already drive a 4 cylinder. SOMETHING'S GOT TO GIVE!

I am sure the Presiding Officer has dozens and dozens of these same types of letters in his office, and it is a further indication of the fact that Americans truly are hurting at the gas pump. It is imperative we provide the leadership in Washington that reacts from a short-term standpoint but, more importantly, looks to the long-term solution to this problem. It is going to be very difficult to reduce gas prices in this short term, but I think, without question, if we implement today long-term policies, we will see an immediate reaction by oil-producing countries and we will see an immediate effect on gas prices and I think, without question, we will see a lowering of those gas prices, to a certain extent.

But the important matter is we have to address the issue. As I look around this body and see the rhetoric going back and forth on both sides of the aisle, I don't see solutions coming out. I see blame being placed. I see political statements being made. I think it is time we put those political statements aside, we put partisan politics aside, and we, sure enough, try to reach an accord for some commonsense solutions to a problem that is having a direct effect on constituents of Republicans and constituents of Democrats alike. It is time we make sure we address this problem for the long term, incorporate the multifaceted issues that are involved, and that we come together and make sure we are doing the work the people sent us to do. I don't see that happening today, and that is what I am hearing from my constituents back home.

So I hope, as we move forward over the next several days before we adjourn for the Fourth of July week break, when we are all going to be back home and we are going to continue to hear these issues raised, we can say: Here is what we are prepared to do in a bipartisan way to solve this problem and to make sure we don't continue to be dependent on foreign petroleum imports, to the tune of 62 percent of our needs; that we are taking action to address that imbalance, and we are taking action to implement measures to ensure that alternative fuels are developed, that the research is put in place to provide those alternative fuels at the gas pump, which will help drive the price down, and that we are prepared to implement conservation measures and implore the American people to also think about that from the standpoint of the implementation of conservation measures. If we don't do it ourselves, it is difficult for us to ask the American people to do it.

So I do hope the leadership in this body, on both sides of the aisle, is listening to the American people and is cognizant of the fact that people across America simply don't think we are doing anything and that partisan politics is not allowing us to do anything; that we address that issue; that we find long-term solutions which will help in the short term as well as the long term; and that we seek positive legislation coming forward from both sides of the aisle to address this problem immediately.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, what is the situation regarding time?

The PRESIDING OFFICER. The Senator from Alaska has 15 minutes.

DEVELOPMENT IN ANWR

Mr. STEVENS. Mr. President, Americans are forced to pay more for gas every day, every week. The price is going up and up. There have been many ideas presented on the floor of the Senate, but I do think some of the comments made by the Senator from New York, Mr. SCHUMER, need a response. He has made some comments about the developing of the Arctic Plain, known as ANWR. Actually, it is not part of the Arctic Wildlife Refuge. It is 1½ million acres that were set aside in 1980 for oil and gas exploration and development. That land has been waiting for approval of Congress and the President. The 1980 act required that there be an environmental impact statement finding that there would be no irreparable harm to the flora and fauna of the Arctic, and that finding would have to be approved by the President and Congress; namely, it would have to be approved by an act of Congress, signed by the President.

Since 1981, we have tried to proceed as was planned at that time. At the time that President Carter had withdrawn over 100 million acres of Alaska land, the one success we had in that bill—the 1980 bill—was the provision that permitted the exploration and development of the oil and gas resources of this area of the Arctic Plain.

Now, the Senator from New York said opening ANWR's 1 million barrels a day of production would reduce the price of gas at the pump by only a penny. We found that rather strange because he later said he wanted the President to ask the Saudi Arabian people to increase their production of oil from 700,000 to 800,000 barrels a day, and if they did, it would reduce the price of gas at the pump—at first, he said by 35 to 50 cents, and then he said it would reduce it by 62 cents a gallon. I find it strange that 1 million barrels of oil from Alaska would reduce the price at the pump by only one penny but 800,000 barrels a day from Saudi Arabia would reduce the price at the pump by 62 cents. Somehow or other, that kind of calculation is not the way we add up things in Alaska.

Let me repeat that. He said: One million barrels a day from Alaska would reduce the price at the pump by one penny, but 800,000 barrels a day from Saudi Arabia would reduce the price up to 62 cents. It is not really understandable when a Senator presents arguments that contradict each other. I think it is time now for the Senator from New York to come back to the Senate floor and restate his position on ANWR. Is it an economic position or is it just a philosophical position, where he is agreeing with those people who are against exploration and development of the Arctic Slope? If it is, I understand it.

At first, the Senator from New York said he favored drilling in the eastern Gulf of Mexico because the oil could come to market more quickly than Alaskan oil. That, too, is too much to pass up. Congress authorized the eastern gulf development a year and a half ago, in December 2006. The lease sale occurred this past March, and it will be 7 to 10 years before that oil comes to shore. As a matter of fact, it is probably going to take longer to develop the gulf oil than it would take to develop the Alaskan oil on the Arctic Slope because the 3-D seismic has been done in our State. We know where the oil is located. We just have to finish exploration and develop that field. And it would take less time because there is a pipeline already in place.

Perhaps the Senator from New York has forgotten that we have a pipeline. At the time of the Persian Gulf war, that line carried 2.1 million barrels a day to American markets. Now it is carrying about 700,000. It is about two-thirds empty, Mr. President. That is a very difficult thing for Alaskans to understand, when we know there is oil in the Arctic Plain waiting to be developed. As a matter of fact, if President Clinton had not vetoed the ANWR bill in 1995, we would have up to 1½ million barrels a day being delivered today through that pipeline. That argument has been the same every year since 1980.

I have been here every year trying to get approval of the finding that there would be no irreparable harm to the Arctic if developed. It is supported by the people of Alaska and other people of the United States and there is an overwhelming approval now to proceed with development of the Arctic Slope. It has to be done.

We have had development of our Arctic at Prudhoe Bay. At the time we argued on the floor of the Senate for approval of the amendment to permit the oil pipeline to be built back in the 1970s, there were cries on the Senate floor, in the press, and throughout the country that it would harm the caribou, that the caribou would be put into jeopardy.

Mr. President, there are three to four times as many caribou in that area now than before the pipeline was built. As the pipeline was built, in the area where it was restored, we planted grasses there that were even better than the natural grasses. If you want to see caribou in Alaska now, the place to go is by the pipeline. We have not had any spill on shore of any nature. There was some last winter—in terms of a gathering pipeline, that leaked a little. But it was during the wintertime, and it was totally cleaned up and there has been no irreparable harm.

We have literally billions of barrels of oil available to us. At the time we proceeded with the oil pipeline, the estimate was made that Prudhoe Bay would develop 1 billion barrels. Well, we have sent over 14 billion barrels of oil to the south 48, by virtue of the Mondale amendment to the Oil Pipeline Act, that all the oil transmitted in the Alaska pipeline must go to American markets. I voted for that amendment. I think this is American oil, and it should fill American needs. As a matter of fact, we are tired of seeing the increase in the importation of oil from foreign sources.

At the time of the 1970s embargo on oil by the Arab nations, we were importing about 33 percent of our oil. Today we are importing over 60 percent of our oil. In about 5 years we will be importing about 40 percent of our natural gas, LNG. Think about that. This Nation, which has been a leader in the world in industrial development and in technology, is going to be at the place where almost two-thirds of our need for oil or gas is going to be dependent upon foreign sources, when we have known areas in this country that can boost out oil and gas.

It is primarily a situation where this is an opposition that has arisen on a political basis. After President Clinton vetoed the ANWR bill in 1995, many of my friends on the other side of the aisle decided they would not support ANWR anymore, and they have voted that way.

I think it is unfortunate because we should have access to develop American sources of oil to meet American needs. This area of our North Slope meets those conditions fairly well. I do think the concept of the Senator from New York, in demanding that the President go to Saudi Arabia to increase their production when he opposes doing so in this country, is unacceptable.

It is the duty of Congress to keep American dollars in America when we can. By developing a very small portion—less than 2,000 acres of that million and a half acres, which is all we need to develop for the oil and gas resources of the Arctic Plain—we could offset the entire oil imports we bring in from Venezuela or Saudi Arabia. I was surprised at my friend from New York, when he said the idea of developing the ANWR oil is a poorly executed "magic trick." I don't know what is magic about it. It is just a matter of simple engineering. We can and have developed oil and gas in the Arctic, and we have not seen the harm that other people have indicated would come to either our area or to the wildlife of our area.

We need to have Americans realize it is the very fact of starting to develop this oil that will bring down the prices from foreign sources. Once the foreign sources see we are getting ready to increase our own supply, they will start reducing their price in order to take away the incentive we have, based on the current prices, to open these areas in the United States. So if you want an immediate reaction from anything, in terms of this current gas price problem, then have the Congress act and have the President sign a bill to start the development of the Arctic Plain, known as ANWR. If we do that, that signal to the foreign producers of oil will say America is just getting ready to restore its own supply. If it restores its own supply, prices will come down in foreign oil. They don't want our competition; they want our markets. So far they are convinced that we will not provide our own oil, and since we will not, there is no limit to what they will charge us for oil.

We have seen such a dramatic change that I cannot believe it. At the time the oil pipeline was approved, oil was $7 and $8 a barrel. It is now approaching $150 a barrel. Why? Because of the law of supply and demand. We have refused to increase our domestic supply of oil, and having done so the price is set at a world price.

I remember there used to be a posted price in San Diego or Los Angeles or Philadelphia or Seattle or even in Alaska—a posted price by the refineries on how much they paid for oil. That is no longer the case. The case is now that we look to the foreign suppliers to see what they are going to charge. We have to pay whatever they charge. With an increasing demand all over the world from the developing countries, such as China, there is no reason for us not to understand what is happening.

Just a week ago, on the front page of the Wall Street Journal, there was a chart that showed the future situation with oil and gas. It showed the supply almost steady at the same level for coming years. It showed the demand on an ever-increasing curve going up, up, and up. When the price of oil started going up, I predicted on the floor of the Senate, when we debated the ANWR situation in 2006, that the price of oil could reach $100 a barrel. Actually, there was laughter from the other side of the aisle. Some of my Democratic colleagues laughed and said it was another exaggeration by the Senator from Alaska.

Mr. President, it reached not only $100 a barrel, it is over that. It is going to stay over $100 a barrel, until we wake up and start developing our own supply of oil. Once we start developing that supply, the foreigners will know we are going to be able to bring that price down by our supply, and they will start bringing it down so we will not increase it to the point where we present a dangerous challenge to their domination of the world market, as far as oil is concerned.

I think the concept of these imports has just been totally missed. My friends talk about exporting jobs. Nothing has exported more jobs than purchasing our oil abroad. Every 1 million barrels of oil a day coming in has eliminated 20,000 jobs in the United States. That is 20,000 jobs for every million, and we are importing over 12 million barrels of oil a day. Mr. President, 12 million barrels of oil is the same as 240,000 jobs.

When we look at this, I think it is time for the Senate to settle down. I do hope my friend from New York will settle down a little bit because there is no trickery in ANWR, there is no trickery in exploring and developing American sources of oil. The trickery is in terms of the prices we are paying, the exaggerated prices caused by those who are buying futures and speculating futures on our oil. We are no longer buying oil from foreign sources, we are buying them from some of our own people who invested in futures, and they are speculating on that price and driving up the price.

It is time for us to get down to the fact that we must find a way to authorize exploration and development of the Arctic Plain, known as ANWR.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak on Senator CORNYN's time for up to 5 minutes, and I further ask unanimous consent that after I speak, the Senator from Illinois be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I appreciate my colleague from Alaska raising some of these points. I was thinking particularly about the point that the markets react to what actions are taken, and that is a key point on driving prices down.

I used to report on commodity markets a number of years ago when I was a broadcaster. The idea of buy on the rumor and sell on the fact is something to which markets react. So we could help on a near-term basis driving these prices down if we would act. Plus, I like the idea of pegging a price of a gallon of gasoline. When the average prices across the country hit $4.50 a gallon, let's give Governors the option of opening some of these closed-off lands. These are ideas we ought to be talking about on getting energy prices down.

TORNADO DAMAGE IN KANSAS

Mr. President, the reason I have come to the floor is not to talk about energy prices but to talk about what happened in my State last night. We had devastating tornadoes. A series of tornadoes struck parts of our State and caused at least two deaths and a huge amount of damage in a swath 150 miles long. The counties of Ellsworth, Saline, Dickinson, Riley, Clay, Geary, Pottawatomie, and Jackson all suffered severe damage last night.

The town of Chapman in Dickinson County, with a population of 1,400, appears to be the hardest hit. Initial estimates are 85 percent of the homes and businesses have received some damage, and up to 70 percent of the town may be destroyed.

One person is reported dead in Chapman. Also one person is reported dead in Soldier, KS. That is in Jackson County. Certainly, my prayers and the prayers of many go to the victims and their families who are struggling and suffering.

Damage was also reported in Salina, KS, and Manhattan, KS. The northern part of Kansas State University apparently received extensive damage.

I am hopeful my colleague PAT ROBERTS and I will be able to travel with others this afternoon to look at some of that damage.

Evidently, the tornado touched down near the old field house on Kansas State University campus, the Ahearn Field House, and traveled across campus. There was damage sustained on Cardwell Hall, Ward Hall, Burt Hall, and the engineering complex. Ward Hall houses a nuclear reactor, a teaching facility nuclear reactor, and the building received some damage. The reactor is safe.

The Wind Erosion Laboratory, a federal laboratory on the K State campus, apparently was destroyed.

Damage was also reported in several of the parking lots with cars being tossed around. The Sigma Alpha Epsilon house received extensive damage. Thankfully all the residents there are safe.

While it is early, the damage will be well into the millions of dollars. My office and the office of my colleague PAT ROBERTS contacted FEMA and State officials this morning, and we continue to work closely with both State and Federal officials to help the citizens of Kansas rebuild.

This has been a very difficult, extraordinary tornado season. I was in north central Kansas on Monday of this week looking at damage to another of our towns, Jewell, KS, and the extensive damage there by a tornado within the past 2 weeks. We have had these on a periodic basis. We are getting a lot of hail damage and a lot of wind and rain damage throughout the State. It seems as if every other night there is some system developing and passing through the region.

Certainly, as well, everybody's thoughts and prayers are with the scout troop in Iowa that suffered four deaths, apparently perhaps more, due to the tornado that was in much of that same line of thunderstorms and tornadoes that swept throughout much of the Midwest last night.

I say that to this body as a way of recognizing and stating to people what is taking place as far as damage, and also the support and help we are going to need throughout the Midwest for some of the tornado damage that has occurred. It is extensive.

We are in a very difficult tornado season. It does not appear to be abating. We are getting a lot of flood damage, hail damage, and tornado damage. We will be reporting back to the body on some of the work that is going to need to be done to rebuild, whether it is Kansas State University, Chapman, or other places that have been damaged. We can only hope we can last the rest of the season with no more loss of life and hope there is no more damage to communities. But it has been a very difficult season.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

PRICE OF GASOLINE

Mr. DURBIN. Mr. President, in my brief period of time, I wish to address two issues. One relates to a topic that is important across America. Another relates to the pending legislation.

The first topic is the issue of the price of gasoline. I don't need to show this chart to people to remind them what is happening. Beginning with the Bush administration when the President was sworn into office, the average price for a gallon of gasoline was $1.47. As of June 9, the average price across America was $4.04, the most dramatic increase in the price of gasoline in our history. It is a situation which has called for analysis and attention because no matter where we go—in Illinois, Ohio, in any State—people say: Senator, what are you going to do about these gas prices? They are killing us.

They go to the gasoline stations, the service stations, pull out their credit cards and cash, and cannot believe how much it costs. It is not just an inconvenience for many people, it is a hardship. For some, they have had to make family budget decisions because they cannot afford to keep the tank full, and many do not have an option. If they are from my part of the world in downstate Illinois, there are not that many buses outside the cities. There is no mass transit. What are you going to do? You moved out into the country to get a home you can afford. You commute to a job spending an hour each way to work. And now filling that gas tank takes so much of your paycheck, so you have to cut back in other areas or borrow more deeply, finding your credit card balance growing and your ability to reckon with it diminishing. That is the reality of where we are today.

Obviously, people across America say: Well, Senators, what are you going to do about it? You were elected, weren't you, to do something about the issues and challenges facing our country?

So this week we came to the floor and said: Let's debate it. Let's put our best efforts to work. Let's debate a bill that may help and amend it and try to come up with some way to deal with the energy crisis facing America.

On Tuesday, we took this vote. We needed 60 out of 100 Senators to vote to start the debate—60 out of 100. When the final count was in, all the Democrats voted for it, six or seven Republicans joined us, and we were still about nine votes short of what we needed. The motion to proceed failed.

At that point, we couldn't even debate the most serious issue facing families and businesses across America. That is unfortunate. All we needed were nine more Republicans to join us to start the debate. That is all we wanted to do—start the debate. Maybe we would have agreed on something. Wouldn't that be newsworthy.

But as it stands, we had two votes on Tuesday, we tried to proceed to bills, and in both instances, the Republican minority said: No, we don't want to debate anything on the floor of the Senate this week. And that is exactly what we have done. We have debated nothing.

If Members of the Senate were paid for the votes they cast, this Senate this week has not earned a minimum wage. I don't know how we can continue to do this in what is euphemistically called the world's greatest deliberative body. Mr. President, do you know what the problem was? One of the provisions in our bill angered the Republicans. We suggested that the oil companies, if they are going to charge these outrageous amounts for their products, should be subject to a higher tax for windfall profits. I support that. I think it is the right thing to do, to discourage the profit taking that is going on. Many Republicans oppose it, and I don't question their motives on it. Isn't it worth debating? Isn't it worth a vote? At the end of the day somebody wins and somebody loses. That is what happens on the floor of the Senate. But on the

Republican side, they stopped us from even going to that debate over the oil companies.

Surely, they must hear from their voters at home how bad the situation is. I know they hear from the oil company lobbyists who are roaming these hallways that they need to be protected.

Let's take a look and see how the oil companies have been doing. Not bad. Starting in 2001 when President Bush arrived on the scene, this is an indication of the profits of the oil companies. Profits of the oil companies under this administration have gone up 400 percent.

Some of the numbers are startling. In 2006, profits reported by ExxonMobil were $39.5 billion, the largest recorded profit in U.S. history. Listen to that. Not the largest recorded profit by an oil company; the largest reported profit by any business in the history of the United States of America.

Come 2007, ExxonMobil broke its own record. Profits went up to $40.6 billion; the annual salary for their CEO, $21.7 million. A retirement package for ExxonMobil's previous CEO—job well done—no gold watch for this man, a gold mine, $400 million as his farewell gift. What a great party that must have been to say thanks for all the good work you have done for ExxonMobil. Here is $400 million. Have a nice day.

People across America are not having a nice day. When they pull into an Exxon station, when they fill up their gas tank, it is a bad day, it is a tough day for a lot of American families.

The total combined net profits of the big five oil companies under this administration are $556 billion. How much money did they invest back into more oil wells, more production? About an 80-percent increase in their capital investment, a 300-percent increase in the cash they held back to buy back stock and improve their profitability—not improve their productivity, their profitability.

Investments in alternative fuels by these big five oil companies? Negligible. That is the reality.

I think that is worth a debate, don't you? Isn't that what the Senate is supposed to be about? We come in and say it is time for this to end, it is time for Americans to stop being taken to the cleaners by the oil companies, and it is time for them to pay higher taxes to discourage them from profit taking. I support that position. Others oppose it.

On Tuesday, the Republicans said: No, there will be no debate. And that is the end of the story, at least for this week. We will go home and the voters will ask the same question: What did the Senate do about oil prices, gas prices this week? And the honest answer is nothing.

This is not the first time we faced this filibuster. The Republican filibusters so far in this 2-year session, 75 Republican filibusters and still counting—75. To put it in perspective, a filibuster is when you delay or stop debate on an issue, delay or stop a bill, an amendment, a nomination. It is your right in the Senate to do that. But people were careful not to abuse it in the past.

In the history of the Senate, the largest number of filibusters in any 2-year period of time was 57. So far in this session, with another 6 or 7 months to go, the Republicans have initiated 75 filibusters, 75 attempts to stop progress in the Senate, to stop debate in the Senate, to stop us from moving forward on bills related to everything under the Sun. They even went so far as to filibuster a technical corrections bill. These are the bills that go in and take a hard look and see, oh, we forgot the punctuation or there is a reference that needs to be changed slightly. It is the kind of housekeeping you do when you have huge pieces of legislation, where even though staff works hard and the Members work hard, they miss something. So the technical corrections bill came up, we thought this would be easy, so let's get this over with, but it took a week because we faced a filibuster on it. They wanted to filibuster a technical corrections bill. That doesn't take us to where we need to go as a nation.

We at least owe the American people a healthy, spirited, fair, and open debate on the issue when it comes to this energy crisis. We can't get it in this Senate. We have been stopped. A 51-to-49 Senate does not allow us to come up with the 60 votes we need to move the debate forward. Well, the final vote will be in the hands of the voters of America on November 4. They will decide whether they want change in this town and change in this Chamber; whether they want to elect some people who will come, roll up their sleeves, and get down to work.

We have a lot of things to do in this country—an energy crisis, global warming, carbon pollution, a health care crisis, two wars, a looming recession, and the bankruptcy of Medicare and Social Security. We don't need more filibusters. We need more work right here in the Senate. I hope we can return to that after the next election, or maybe, if there is a miracle, even next week, if the minority party decides that is what will happen.

MEDICARE

Mr. President, we are debating a motion to proceed, once again, to a bipartisan bill to help Medicare. It has the support of AARP, the American Medical Association, and lots of others. It picks up where we left off in December, when we passed a bill that was a short-term fix. We bought 6 months then, and we are back again.

The bill we are considering prevents physicians from facing a 10.6-percent cut in Medicare payments on July 1, and gives them a 1.1-percent payment increase for 2009. The physicians who work under Medicare will also receive a 2-percent bonus, if they participate in a program to reduce the number of errors and improve the quality of their service, called the Physician Quality Reporting Initiative. It is a responsible way to avoid a severe cut in payments to physicians and to ensure payments are adequate for the next 18 months.

As important as it is to ensure that our physicians are paid adequately for the good work they do for millions of Americans—some 40 million Americans covered by Medicare—we didn't want this bill to just be a doctor fix. The bill contains a lot of changes in Medicare that will help beneficiaries.

The Medicare Savings Programs provide financial assistance to low-income Medicare beneficiaries who can't afford Medicare's premiums, copayments, and deductibles. Many low-income beneficiaries are excluded from this assistance because they have accumulated modest savings. These are retired people, by and large.

Today, if you have assets of more than $4,000, $6,000 for couples, you can't qualify for Medicare Savings Programs. We haven't changed that number for almost 20 years—$4,000. Under the bill before us, the asset limit will roughly double, providing real assistance to those who don't have much money and still need Medicare.

This bill, which the chairman of the Finance Committee, Chairman BAUCUS, brings to us, also makes an important move toward mental health parity. It is hard to imagine it has been more than 5 years, almost 6 years since Senator Paul Wellstone died in a plane crash. What a great guy. What a great Senator. His heart was there for so many issues but especially when it came to mental health issues because his family was touched by this challenge. Paul Wellstone used to ask: Why don't we treat mental illness like an illness, instead of a curse? Why don't we treat mental illness like a physical illness when it comes to health insurance? He worked on us and worked on the issue and Senator DOMENICI, a Republican from New Mexico, joined him to make it a bipartisan effort.

I am sorry to say that some 6 years later, we haven't passed that Wellstone-Domenici bill. Senator KENNEDY was working on it before he had his problems. I hope we can return to it. This bill takes a modest step forward in that debate.

Over the years, our understanding of mental health and the ways to treat it have grown, but Medicare continues to discriminate against services for those who are mentally ill by imposing a 50-percent cost-sharing requirement compared to 20 percent for most other services. This bill phases out that higher copayment over 6 years. It is a step in the right direction.

We have made some progress in recent years, adding preventive health services to Medicare, such as screenings for heart disease, diabetes, and cancer, but it literally requires an act of Congress to add a new preventive benefit. The Baucus bill will make it easier to add preventive services to Medicare. It would create a process for the Secretary of Health and Human Services to add them, if recommended by the U.S. Preventive Services Task Force.

We also address market abuses in this bill. There is a program called Medicare Advantage. Private health insurance companies love it. You know why. They make a bundle off these programs. They sell them to seniors, and they charge more than 12 percent over basic Medicare premiums. Frankly, I happen to believe they do not show the results for their effort, and they are involved in some marketing practices which we have to try our best to curb.

Seniors are vulnerable. You know as well as I do that many people who reach their elderly years don't have someone at hand to give them good advice, and many times, frankly, they sign up for things they shouldn't. This bill addresses disturbing reports of abusive and fraudulent sales-and-marketing practices by Medicare Advantage plans and Medicare drug plans. Medicare beneficiaries have been enrolling in private plans they didn't understand, and many of them have faced outright fraud and exploitation by these Medicare Advantage companies. This bill will rein that in.

Senator CHUCK GRASSLEY of Iowa, a man I respect and like, is going to offer an alternative to our bill, which I have described, but it doesn't provide assistance to low-income Medicare beneficiaries. It doesn't deal with mental health parity, and it doesn't ease the process of adding preventive services.

There are many other provisions in this bill. It has been long overdue, and a lot of people have asked us to take up this bill because Medicare is so important at a time when people are losing their health insurance coverage. For the seniors and disabled who count on Medicare, this bill is important. But we need 60 votes. I hope we will get 60 votes. I hope we don't face another filibuster on this critically important bill.

This is something that should pass. This bill is balanced, it provides needed improvements to Medicare, but it is responsible. We fully offset any cost to the Treasury, primarily by reducing overpayments in the private Medicare Advantage plans, which are paid 13 percent—I said 12 percent earlier, but it is 13 percent—more than it would cost to cover someone in traditional Medicare.

I think it is responsible. Rather than adding new costs to Medicare and to the deficit, we pay for it. Pay as you go. In the old days, that used to be called being a fiscal conservative. The other side of the aisle used to be very proud to say they were fiscally conservative. Now, ironically, the table is turned. In fact, it is turned upside down. The Democrats are calling for fiscal conservatism—pay as you go, don't add to the deficit, be responsible—and the Republicans—some—are saying no. I hope they do not prevail. I hope we can prevail with a paid-for bill.

It is a bipartisan bill. Senators SNOWE, ROCKEFELLER, and SMITH have joined Senator BAUCUS. I am going to support it, and I hope all my colleagues do when it comes up for a vote later this afternoon.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise to oppose cloture on the motion to proceed to the Baucus Medicare bill, and there is reason to oppose at this time.

I will keep my comments brief, but I wish to make one point perfectly clear. I have said, time and time again, I am willing to work with my colleagues on the other side of the aisle to get a bipartisan Medicare bill through the Senate. I have always prided myself on being someone who is fair, honest, and who wants to get the job done. Unfortunately, others in this body don't seem to want to get the job done, and that disappoints me more than most of you will ever know.

My biggest frustration is we are not that far apart. Both sides wish to restore physician Medicare payments so doctors are not cut by 10 percent on July 1. We also agree we need to implement the provisions on e-prescribing, electronic health records—where my home State of Utah is the leader—and value-based purchasing for Medicare providers and beneficiaries. We both believe a strong, robust rural health care package is necessary and, therefore, should be included in the Medicare package. Both the Democratic and Republican Medicare bills include marketing reforms for Medicare Advantage plans in order to ensure beneficiaries are treated with respect and are given truthful and helpful information so they may choose the Medicare Advantage plan that best suits their personal needs. Medicare Advantage has worked amazingly well. Democrats want to take the "pay for" out of the Medicare Advantage plans, and 90 percent of the people in this country who are on Medicare Advantage want to continue on it because they believe they are better treated. They are, as a matter of fact. It is a system that works. Why change it?

We include provisions that would allow both hospital-based renal dialysis centers and skilled nursing facilities to be sites for telehealth services. As a strong supporter of telehealth services, I am very supportive of this provision, and both bills have it in.

Finally, both bills extend the Special Diabetes Program for 2 more years. This program is very important to me. So as you can see, we agree on a lot. Unfortunately, the two outstanding issues, in my opinion, are Medicare beneficiary protections and offsets.

The Baucus Medicare provisions include provisions that would increase Medicare beneficiary protections in the Medicare Program. It would increase the low-income subsidies for beneficiaries, extend the availability of the "Welcome to Medicare" physical examination from 6 months to 1 year.

I wish to make it clear our side could support these beneficiary changes, but we are very concerned about the impact these changes would have on long-term entitlement spending. The prices are going to continue to ramp up all the time, and our friends on the other side don't ever seem to worry about that. With 76 million baby boomers retiring over the next three decades, the Medicare Program is already headed for serious fiscal disaster. So we need to be thoughtful about these provisions and not just do what our colleagues on the other side want to do.

Therefore, we believe it makes sense to means test the Medicare Part D beneficiary premiums for higher income beneficiaries. Although my friends on the other side are constantly arguing that the rich don't pay their fair share, unfortunately, when we suggested this, colleagues on the other side of the aisle—and, in fairness, some on our side as well—objected to means testing Part D premiums. I do not understand their objections.

We already means test Medicare Part B premiums, and that had bipartisan support. Making that change would not only have wealthier beneficiaries shouldering a greater share of their Part D premiums, it could also pay for some of the beneficiary protections included in the Baucus Medicare bill.

It is greatly disappointing to me that our friends on the other side of the aisle are not willing to accept this offset. In fact, we have been told point-blank that they cannot support increasing Part D premiums for rich Medicare beneficiaries in order to provide more assistance and benefits to lower income seniors. That is despite the fact that they have cut some very serious programs for the poor in order to find offsets for some of the things they want to do. I am going to say it again. I do not understand it. Especially since both sides supported means-tested Medicare Part B premiums.

Hopefully, we will be able to change their minds when we begin our work to improve the Medicare Program so it will be more efficient for both beneficiaries and providers. That is the reason why we should vote against cloture, so our friends on the other side have to come together with us to have a better bill, and I believe we can.

The second major issue concerns the offset used in the Baucus bill to pay for its provisions. The White House has told us, time and time again, the President will only be able to accept very minimal reductions to the Medicare Advantage Program. Time and time again he has said that. Otherwise, he is going to veto the bill.

That is why Senator GRASSLEY and I have insisted the White House be included in the Senate Medicare negotiations. We do not want to send a Medicare bill to the White House that is going to be vetoed and, therefore, put the physicians' Medicare payments in jeopardy. It is another reason to vote against cloture, so we don't go through the charade we will have to go through if we don't.

But that is exactly what is going to happen if the Baucus Medicare gets cloture today. It will probably pass the Senate and then be considered by the House of Representatives. The House will make changes to the bill, too, that will probably not be acceptable to the White House. Then the Senate will have to consider the Medicare bill with the House's changes before it is sent to the White House for a certain veto. It is ridiculous. Why do they have to do a partisan bill? Why not work with us, since we want to work with them?

We will not have the votes to override the President's veto of the Medicare bill, so we will be back to square one and we will have wasted a lot of time and maybe even have done some very bad damage.

I believe the Grassley Medicare legislation, which I strongly support, would not suffer the same fate as the Baucus legislation. That is why I believe this bill should be considered by the Senate instead of the Baucus Medicare bill. We are so close together on almost all these provisions, except for these few I have mentioned. The Grassley bill is a better bill. The President will sign it into law.

I would like to take a moment to highlight the major differences between the Grassley Medicare bill and the Baucus Medicare legislation.

On this chart, first, as you can see the Grassley Medicare bill encourages e-prescribing sooner rather than later. The Grassley bill requires physicians to e-prescribe by 2010, while the Baucus bill delays mandatory e-prescribing until 2011.

In addition, the Grassley Medicare bill repeals the Deficit Reduction Act provision on the transfer of ownership of oxygen equipment to Medicare beneficiaries. The Baucus bill cuts Medicare payments for oxygen and oxygen equipment. It is somewhat shocking to me, but that is what they do.

On durable medical equipment for competitive bidding, the Grassley bill includes a sense of the Senate to delay competitive bidding for durable medical equipment for 18 months. The Baucus Medicare proposal as filed does not even address competitive bidding.

Let's go to chart No. 2.

The Grassley bill also has provisions on hospital value-based purchasing. The Baucus Medicare bill does not include a similar provision. You would think we would want to go to hospital value-based purchasing.

The Baucus Medicare bill reduces the Medicare reimbursement rates for power wheelchairs, of all things. The Grassley Medicare bill does not cut Medicare payments for power wheelchairs. You would think we could get together on that.

The Grassley Medicare bill provides continued relief for hospitals with high numbers of undocumented individuals. The Baucus bill does not include a similar provision. Again, as anybody can plainly see, the Grassley bill is a better option.

I am going to conclude with one very valid and important point. My colleagues need to vote against cloture today so we can begin work on a bipartisan bill that will be signed by the President. We do not need to be wasting our time going back and forth on a bill that does not have a chance of becoming law. In fact, we need to roll up our sleeves and get to work immediately so we can get this legislation to the White House before the July 1 deadline. Otherwise, our Medicare beneficiaries and doctors participating in the Medicare Program will lose. But you know who the biggest loser will be in this process. That is the Senate, because we have failed to do our job, therefore letting down both Medicare beneficiaries and Medicare providers.

I urge my colleagues to vote against cloture to avoid this terrible situation and to take the more appropriate, better designed, and more compassionate bill. Frankly, that is what our bill is. I just hope our colleagues will see this and vote against cloture.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

HABEAS CORPUS

Mr. BINGAMAN. Mr. President, I will speak very briefly here to call to the attention of all Senators the very important decision that was just handed down this morning by the Supreme Court regarding the prisoners who are detained in Guantanamo.

The Supreme Court has once again rejected the administration's approach in disregarding basic due process rights and our Nation's longstanding commitment to the rule of law. The Court, in a decision written by Justice Kennedy, held that individuals detained at Guantanamo have a constitutional right to challenge their prolonged detention in civilian courts.

Furthermore, the Supreme Court found that the Military Commissions Act of 2006 amounted to an unconstitutional suspension of the writ of habeas corpus. The Court today reiterated that the Great Writ, the writ of habeas corpus, remains as a fundamental protector of individual liberty and as a safeguard against arbitrary detention by the Government. This right, which is enshrined in our Constitution, simply allows for an independent and meaningful review of a person's confinement by the Government.

Nothing in today's decision requires that the Government release the prisoners held at Guantanamo. Many of those prisoners have been held there for over 6 years without access to meaningful judicial review. The decision simply allows these individuals to ask a court whether their continued confinement is in accordance with our Constitution.

The President has asserted extraordinary authority to indefinitely imprison anyone he designates as a so-called enemy combatant—that would include U.S. citizens, according to the administration's legal position—and that that detention could continue without any judicial review.

It is time that we change course and recognize that acting in a manner consistent with our Constitution and with our core American values is not a sign of weakness.

It is a sign of our strength and a sign of who we are as a people. I am very pleased that our highest Court has reaffirmed our Nation's respect for the rule of law and sent a clear message that the Constitution remains strong.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I was just visiting with my colleague from New Mexico. I was unaware of the Supreme Court decision this morning. But the decision by which they have overturned some legislation that retracted the right of habeas corpus for those who might be suspected of some sort of illegal activity and so on in this country, that decision by the Supreme Court is a very important decision.

I could not believe when the Senate passed a piece of legislation saying that someone who is apprehended or detained in this country would not have the right of habeas corpus. That is a different kind of country than I know. There are countries in this world where they can pick you up right off the streets and say: Do you have papers? Even if you have papers they can throw you in jail, and you have no right to anything, including filing a writ to say: A government cannot hold me. A government must prove there is reason to hold me.

That is unbelievable that this Congress it—not with my vote. But I commend the Supreme Court. I haven't had much opportunity to do that recently, I must say. But their ruling this morning gives me some hope.

Mr. President, we have a cloture vote at 3 o'clock this afternoon. I wanted to mention the important subject of the cloture vote is dealing with some Medicare changes.

Medicare is an unbelievably important program. Prior to Medicare, not many people look back and remember this because most of us have lived our lives with Medicare in existence. Before Medicare, one-half of the American senior citizens had no health insurance at all. Does anybody think that an insurance company says: You know what. We have a new business plan. Our plan is we want to find people who are old and provide health insurance for them. That is not the way a business plan works. If you are selling insurance, you like to find somebody young and healthy.

As a result, if you go back to the 1950s, early 1960s, you will find that one-half of senior citizens of this country had no health coverage. Now, it is a very small percentage that have no health coverage. The vast majority of American senior citizens are covered by Medicare. It is a good program.

I grew up in a little town of 300 people. We had a guy named Doc Hill, Dr. Simon W. Hill. He came into town and he stayed until he died. He practiced medicine. We did not have a Medicare Program, but he tried to give everybody whatever health care they needed. He tried the best he could. We had no lawyer in our town, so he was never sued. He pulled the tooth of my neighbor. He was not a dentist, but he was a doctor. The neighbor had a terrible toothache, we were 50 miles from the nearest dentist, so Doc Hill pulled his tooth. It turns out he pulled the wrong tooth. But, you know, the fact is, Doc Hill did the best he could. He practiced medicine in my hometown. I think he delivered close to 2,000 babies decade after decade after decade. He ran his own Medicare and Medicaid Program. If you did not have any money, you got health care to the best he could give it. If you had money, he would charge you an arm and a leg. If you had 24 fryer chickens, he would take that; maybe a quarter beef, maybe half of a hog—whatever it was, he ran a program in a little town.

Well, that is all gone. That does not exist anymore. The fact is, we now have a Medicare Program that serves America's senior citizens with health care and says to them: If you get sick, here is a program that is to provide some help to you.

Now, my colleague, Senator BAUCUS, and the Finance Committee have brought a piece of legislation to the Senate floor, and we have to have a cloture vote on it this afternoon because the other side is objecting. My hope is that we will have sufficient votes this afternoon to advance this bill.

It makes some changes in Medicare that need to be made because we are bumping up against a deadline at the end of this month. Among other things, it reauthorizes the special diabetes program. That is something in which Senator DOMENICI from New Mexico and I have been involved. We have introduced some reauthorization legislation here.

The diabetes issue is a scourge in this country. I chair the Indian Affairs Committee in the Senate, and the fact is, we have some areas on Indian reservations in this country where 40 or 50 percent of the adult population are affected by diabetes. Go there and go to their dialysis units and see all of them sitting hooked up to dialysis units. Then see how many have lost their legs through amputation. See how many of them have early heart disease as a result of their diabetes. This piece of legislation by Senator BAUCUS and the Finance Committee begins to address some of those issues.

It also makes reforms to what is called the Medicare Advantage Program. Now, some of my colleagues have come to the floor and said, well, this bill cuts Medicare. That is total rubbish. This does not cut Medicare. It takes one portion of Medicare, called the Medicare Advantage Program, which pays more for healthcare as opposed traditional Medicare.

This is one of those little pilot programs that some in this Chamber wanted, so they seeded it with extra funding. Well, the extra funding has been a waste of money, a tragic waste of money. And this gets some of the waste and abuse out of it. If my colleagues are upset about getting rid of waste and abuse, I am sorry. Maybe they will not sleep very well if we pass this bill. But the fact is, when we see waste and abuse, we ought to go after that. That is what the Finance Committee and Senator BAUCUS have done.

They have used that funding they have achieved by getting rid of some waste and abuse in the Medicare Advantage Program. They have used that funding to address some other urgent issues.

If we do not do anything by the end of this month, we will see a 10-percent cut to physician payments. Well, physicians in my State are already at the bottom of the wage index on physician payments. And the fact is, a 10-percent cut would be devastating to senior citizens in my state who rely on Medicare. It seems to me we should not be doing things that will predict a degradation of health care. We should not be doing those things.

The Finance bill and Senator BAUCUS have brought a piece of legislation to the floor that avoids that 10-percent payment cut and establishes a 1.1-percent increase instead through fiscal year 2009.

It is the right thing to do. Now, if you decide you do not want to vote for cloture, to even allow this to proceed, then you are saying: You know what, just whack these programs. It does not matter what kind of health care exists in our States. It does not matter what happens to the senior citizens.

If that is your view, you know, God bless you. But it is sure a far cry from my view. I think we have responsibilities to make Medicare work, to provide decent funds for the providers so that our senior citizens have health care that all of us can be proud of.

There are many other features in this piece of legislation that are important. It talks about prompt payment to Main Street pharmacies. We have drugstores and pharmacists on the Main Streets across this country that are not getting the kind of prompt payment they should get. And some of them are threatened with the closure of their business because we have a system that is not reimbursing them as it should.

It improves access to telehealth, which is very important. This is a rather new form of delivery of health care, and Medicare is a part of it. It works. I have been in clinics, and I have seen the delivery of very sophisticated CAT scans and the delivery of x rays to a radiologist 150 miles away to get a reading and to be sent back to that rural clinic.

All of that makes a lot of sense. It gives us access to some of the best in the country through telemedicine. Then, in addition, the telemental health part of that is an opportunity for psychologists and psychiatrists to be engaged in telemental health, particularly on Indian reservations and elsewhere, where we have some of the highest rates of suicide any place in the country. Accessing telemental health services can be very important.

On the northern Great Plains—I know the Presiding Officer is from Montana. In Montana, North Dakota, on the northern Great Plains, the rate of suicide among Indian youth—I am talking about Indian teens—is not double, triple, or quadruple the rate across the country, it is 10 times the national rate. That is why telemental health is so important for all elements of our population, but also especially in Medicare for senior citizens. We are doing it in other areas. Extending it to Medicare makes a great deal of sense.

The improvement of the quality of health care in Medicare, the prevention of the 10 percent in payment cuts to physicians, the diabetes prevention program, the elimination of the wasteful payments to Medicare Advantage, are just a few of the examples of why we must expect our colleagues will vote for cloture at 3 o'clock this afternoon. This is the right vote. It is an important vote.

Now, we have been through—yesterday it was energy, with gas at $4 a gallon, and oil at somewhere around $130, $140 a barrel, the minority decided to embrace once again their just-say-no policy on everything. It does not matter what it is, just say no.

It reminds me of an old codger in his eighties who was once asked by a news reporter who said: Well, you have been around a long time. You must have seen a lot of changes in your life.

He said: Yeah, I have been against all of them.

We have people on the floor of the Senate who have decided they are against everything—just say no. My hope is after just saying no yesterday to energy issues at a time when gas is $4 a gallon, it is unbelievable to me they would just say no to begin addressing that, but they did.

My hope is that today, on behalf of health care for senior citizens, they would finally decide to just say yes. If they will do that at 3 o'clock, we will pass this cloture petition and we will take what the Finance Committee and Senator BAUCUS have offered in the spirit of improving Medicare and saying to senior citizens and saying to their health care providers: We are going to do the right thing.

There is a time urgency. By the end of June we have to solve this matter. And I hope my colleagues will be listening and understand that we need this cloture petition to prevail at 3 o'clock this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I so appreciate the Senator from North Dakota and his comments about the just-say-no philosophy around here. I have been in this institution only 15 months. I have seen his leadership on a whole host of issues, and I have also seen the disappointment that it is one filibuster after another—74, 75 filibusters, more than anytime in Senate history—on such commonsense legislation as the Energy bill yesterday and the Medicare bill today.

I am happy to see that Senator BAUCUS and Senator REID have brought the Medicare Improvements for Patients and Providers Act to the Senate floor today. It is crucial not just immediately for physicians and hospitals, not just immediately for patients, most importantly, but it is also crucial to the future of Medicare.

The bill not only prevents a 10.6-percent cut to payments for physicians and other health care professionals, it gives these providers a small payment increase. The cost of providing health care has increased; payments to health care professionals should increase too.

Our history with Medicaid should teach us about the importance of preserving Medicare by keeping payment rates viable for providers. Inadequate Medicaid payment rates have compromised access to dentists and other health professionals. I visited with the dental unit at Children's Hospital in Columbus and talked to dentists all over the State, talked to hygienists and others. It is pretty clear that we do not have enough dental care, we do not have adequate dental care, especially for low-income young patients. The reason is we do not have adequate reimbursement for dentists to provide Medicaid dental care, particularly for those children. We need to fix that Medicaid problem, not recreate that same problem in Medicare.

This bill is about so much more than provider payment, as Senator DORGAN said. It contains important measures to improve Medicare for beneficiaries. It increases subsidies for low-income patients. It invests in preventative health care. It reduces out-of-pocket costs for mental health treatment.

Senator DURBIN spoke of Senator Wellstone's work and Senator DOMENICI's work on mental health treatment; to treat it like a disease not a stigma, and how important that is. This makes some downpayment on that solution.

This bill eliminates late enrollment penalties for Part D and modernizes Medigap policies. It bolsters rural health care, something I have discussed in my roundtables around Ohio. I have done some 90-plus roundtables in 65 counties and seen how inadequate rural health care is in rural areas of my State, as it is in the Presiding officer's State of Montana. The bill authorizes a special diabetes program.

This morning in my every-Thursday-morning coffee, which I have for Ohio residents in Washington, I met with Ohioans from Cincinnati, Columbus, Toledo, and Cleveland. Ohio's children are suffering from type 1 diabetes. They told devastating stories. One man told about his teenage daughter going blind. Another told me that by the time a young child with diabetes turns 18, she will have endured more than 30,000 shots.

Diabetes is one of the most prevalent and pressing health threats we face as a nation. The cost to the health care system is more than any other single disease. Reauthorizing the cost-effective Medicare diabetes program serves patients and taxpayers.

The bill has other crucial provisions. It exempts the value of life insurance from counting against seniors attempting to qualify for the low-income subsidy in Part D. Constituents have written to me telling me they are afraid of saving for the future, of all things, because they might lose their eligibility for subsidized drugs. What kind of system is that? This bill will help fix that.

One of the most common stories I have heard in my 90-plus roundtables, where I convene meetings of 15, 20, 25 people and ask them questions for an hour and a half, 2 hours, and we talk about their hopes, dreams, and problems, and where we, as a Senate, might be able to work with them and make their lives better, one of the most common stories I hear from Defiance and Gallipolis, from Middletown and Ashtabula, whether I am meeting with providers or patients, is about Medicare. My office receives thousands of constituent letters about Medicare. I recently heard from an infectious disease doctor in Lima, who explained how he is squeezed by current Medicare rates. He said:

> As health care costs have escalated and reimbursement has fallen, we have had to make some hard decisions.

He told me he has had to let go of employees, cut office hours, and that the financial stress is at the breaking point. He said:

> Last year, a doctor would call me [about a patient] with an infected abscess. Commonly, I had the patient sent to my office, lance the boil, pack the wound, and give IV antibiotics daily in my office until transitioned to pills. The patient was never admitted to the hospital.

Since his office is less and less able to provide outpatient services—remember, I said he had laid people off—similar patients are now admitted to the hospital. What happens?

"The admission day alone," he says, "costs more than the entire course of therapy in my office."

It is obvious how inefficient and expensive this is. We need to fix the current payment system, and we will. But we should not grossly underpay those professionals while we work on a better system. Until that day, we should pass this bill. Medicare is one of the great accomplishments of our Government and of our country. Senators DORGAN and DURBIN both talked about in 1965, half of America's seniors didn't have any health insurance. Today that number is less than 1 percent. Because Medicare is one of the great accomplishments of our Government and our country, we have to preserve it. This bill takes major strides to do so.

In addition to voting yes at 3 o'clock on cloture, there has been another piece of related legislation I want to speak on for a moment. It is the alternative bill offered by Senator GRASSLEY, who I think is one of the single best legislators in this body. The bill he wrote as an alternative to our bill, to the Baucus legislation, perpetuates a shameful politically motivated subsidy program that overpays private insurance health maintenance organizations to the tune of $10 billion a year.

What this does is it overpays private insurance companies, undercutting fee-for-service traditional Medicare, causing taxpayers—requiring taxpayers—to give huge, frankly, unearned dollars to these insurance companies as they try to privatize Medicare. The Baucus bill redirects these taxpayer-funded windfall payments from HMOs to concrete improvements in the Medicare Program.

In the beginning of my speech, the first 6 or 7 minutes, I talked about improvements we are making in the Medicare Program. We are able to do so by taking money away from the private for-profit Medicare HMOs that have reaped a windfall in the last 10 years as this Congress, particularly the Republican House and Senate for most of the last decade, shoveled more and more public dollars into these private insurance programs, these private HMOs, and private HMO executives have had grossly inflated salaries and benefits and retirements, all of that. Ending those gratuitous overpayments to HMOs should not be an option for this Congress; it should be an imperative that we finally do that.

Taxpayers can't afford to coddle private, for-profit health maintenance organizations, and we can't continue to do it. I encourage my colleagues to vote for the very crucial Baucus Medicare legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, you don't have to be an expert in health care policy to know that our health care system is in need of reform. Today we spend $2 trillion on health care or almost $7,500 per person. In 10 years, national health care spending is expected to reach $4.3 trillion. That is more than double or $13,000 per person, which would comprise almost 20 percent of our gross domestic product. Clearly, this rate of growth is unsustainable. While we should be enacting legislation to address this health care crisis, Congress is once again bogged down in debate over how to prevent physician payment cuts from going into effect. Meanwhile, the sustainable growth rate, the SGR, which is the formula for these Medicare payments to physicians, has only increased costs, decreased beneficiary access and quality of care, and discouraged future generations of physicians, especially in primary care.

If Congress fails to act, Texas physicians will lose $860 million between July 2008 and December 2009. That is $860 million which is a cut of $18,000 per Texas physician. That figure balloons to $16.5 billion by 2016, due to nearly a decade of scheduled cuts. It is great that Members of Congress and outside coalitions are presenting health care reform plans, but they are ignoring the fundamental problem. You can have a great plan. You can have great coverage. But none of that is any good unless you have access to that coverage.

Physicians' reimbursement cuts have been looming over our heads for years; in fact, since 1996 and the passage of the Balanced Budget Act. Yet Congress continually decides to put off for tomorrow what desperately needs to be done today. So every year Congress cuts segments of health care services, either rightly or wrongly, to prevent these cuts. I firmly believe—and physicians in my State firmly believe—that short-term fixes are not the solution. This last one was a 6-month fix which will expire shortly. I don't know anyone else in the private sector, whether they be a physician or a small business, who can continually plan based on the vagaries of a 6-month fix, without knowing whether they will simply be put out of business or what the Congress will come up with as a solution on a 6-month basis. We need a longer term solution, in other words. We can't address greater health care costs until we fix the mess caused by the SGR or the sustainable growth rate formula for Medicare reimbursements.

Over 3 months ago, in anticipation of the looming physician payment cut set for July 1, I introduced legislation that addressed the issue at hand permanently. Even the proposal we will vote on at 3 is only good for 18 months. I think we need a permanent solution. My legislation is entitled Ensuring the Future Physician Workforce Act of 2008. It provides positive reimbursement updates for providers. It eliminates the ineffectual expenditure cap known as SGR, and it increases incentives for physician data reporting. At the same time this bill facilitates the adoption of health information technology by addressing costs and legislative barriers. It educates and empowers physicians and beneficiaries in relation to Medicare spending and benefits usage and studies ways to realign the way Medicare pays for health care.

My bill doesn't mandate whether physician payments should be based on utilization, performance, care, coordination, or any other particular methodology. My bill does start to lay down a new path toward reform, innovation, and restoration of the eroded physician-patient relationship. It does say that providers and beneficiaries should not be the ones to be punished by Congress's inaction.

Why Congress decided in 1996 to try to balance the budget on the backs of health care providers is beyond me. Because beyond the challenges that presents to the health care providers, it has diminished access to health care. More and more physicians refuse to take new Medicare patients, because the reimbursement rates are simply so low. In Travis County, where Austin, TX is located, there was a story published in the Austin American Statesman that said only 18 percent of physicians in Travis County are accepting new Medicare patients. I would like to say that was an isolated incident, but it is not.

This is a huge issue and deserves serious and thoughtful deliberation. The last time the majority party held a hearing on physician payment reform was almost 16 months ago, almost exactly a year before I introduced Ensuring the Future Physician Workforce Act of 2008. Yet there has been zero legislative activity, let alone introduction of language addressing this critical issue from a long-term perspective. Again, we have been stuck in the same old rut of coming up with temporary fixes, including the 6-month fix that will expire on July 1.

I am disappointed in Congress's inaction in this regard. I do believe that Congress needs to do more than simply kick the can down the road for another few months and put off a solution that we ought to be working toward on a bipartisan basis and embracing today.

My colleagues on the other side of the aisle have missed a major opportunity to take positive steps forward. They presented a bill, unfortunately, on which we will vote at 3 o'clock, that bypassed the committee, ignored the importance of bipartisan input and contribution, and they are determined to have a vote on a bill that they know has no chance of becoming law. Because as we all know around here, no bill has a chance of becoming law unless it is truly a bipartisan product. The rules and traditions of the Senate guarantee that. That is one of the things that makes sure that when we vote on things, they have broad support, represent a consensus position, and that they are, in the view of the vast majority of Senators, in the best interest of the American people. But when you try to force a bill that is strictly partisan, that has very little bipartisan support, we know what will happen. That is what is going to happen this afternoon on this vote: It won't become law.

The American people were promised a different way of legislating by the majority when they took power. But we have seen, unfortunately, this sort of gamesmanship occur time and time again. I heard Senator SCHUMER, the Senator from New York, chairman of the Democratic Senatorial Campaign Committee, rail against obstruction of their legislative agenda. But it is almost a sure thing, when all you do is take a partisan position on legislation and you refuse, as the majority leader has done, to allow an amendment process, as he did last week on the climate tax bill, and you deny full and fair debate, it is virtually a guaranteed result of failure when you take that sort of approach to legislation. That is what is going to happen again this afternoon.

Because the chairman of the Finance Committee has chosen to take a partisan approach on this legislation, we have come up with an alternative that offers solutions to physicians, seniors, and taxpayers. This alternative will provide doctors with a positive increase in their reimbursement rates, extend critical programs, and reform payments to Medicare Advantage plans, and also implement many other necessary changes to the Medicare Program. This alternative legislation includes provisions for e-prescribing, closely mirroring legislation I cosponsored earlier this year.

We need to change our ways in the Senate. Rather than trying to check off a box saying, yes, we threw it up, a partisan effort we knew was going to fail, and now we can claim we were the champions of reform, while the ones who would not allow this partisan process to go forward are obstructing it, we need to get together and work in a bipartisan way to ensure that Medicare beneficiaries not only have the coverage they need and deserve but also the access which is guaranteed by a fair rate of compensation for physicians.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

HABEAS CORPUS

Mr. LEAHY. Mr. President, while I was chairing a Judiciary Committee meeting today, I received notice of the Supreme Court's ruling this morning in Boumediene v. Bush. I normally do not come to the floor to talk about Supreme Court rulings, whether I agree or disagree with them, but this one is of fundamental importance to all Americans, and I wish to take just a moment.

We Americans know there is nothing more fundamental than the right of habeas corpus—the right to challenge your detention by the Executive as unlawful. It was part of our reason for fighting a revolution. It is enshrined in our Constitution. We have preserved it through two world wars. We cherish it as something that has set us apart from so many other countries around the world.

This administration has tried repeatedly to push the limits of Executive power, including its effort to extinguish the Great Writ for certain detainees. In three separate decisions, a conservative U.S. Supreme Court in recent years has rejected this administration's erosion of fundamental rights. I applaud the Supreme Court for doing that because these protections set the United States apart from those who wish to harm us.

Today's decision repudiating the administration's efforts to curb judicial review of detainees echoes earlier court decisions that have solidified our constitutional system of checks and balances.

The administration has rolled back essential rights that have long guided our Nation's conscience. The administration has acted as though the President—and the President alone—can decide the rights of Americans.

But the Great Writ has kept us strong as a nation from the time we fought a Revolution. We fought that Revolution to say that we will protect our own rights and we will set up three branches of Government to do so, including an independent Federal judiciary.

Today's Supreme Court decision in Boumediene v. Bush is a stinging rebuke of the Bush administration's flawed detention policies. It is also a vindication for those who have argued from the beginning that it was unwise as well as unconstitutional for Congress, at the administration's request, to try to override a core constitutional protection.

A majority of the Court has ruled that the constitutional right to habeas corpus extends to territories, including Guantanamo Bay, Cuba, where the United States exercises de facto control. The Court further held that the administration's detention procedures used at Guantanamo Bay are a constitutionally inadequate substitute for habeas corpus rights. Therefore, the provisions of the Military Commissions Act that stripped away the habeas rights of detainees held at Guantanamo Bay are unconstitutional.

As a result, those detainees who have been determined to be "unlawful enemy combatants" are entitled to seek habeas relief in Federal courts, just as they had been doing before Congress' ill-advised decision to endorse the administration's detention policies through passage of the Military Commission Act in 2006. No detainee is set free as a result of this decision. Rather, detainees will simply be able to challenge their detention before a neutral, life-tenured judge.

The Court's 5-to-4 decision sustains the long held and bipartisan belief that I and others have always maintained: Congress made a grave error when it voted to strip habeas corpus rights in the run-up to the 2006 mid-term elections, and leave in place hopelessly flawed procedures to determine whether detainees could be held indefinitely with no meaningful court review, merely by the President's decree.

I have said many times on the floor of this Senate that we are the conscience of the Nation. Certainly, part of our job is to uphold our Constitution. It is easy to uphold our Constitution when we see no threats on the horizon. It is more difficult but even more important to uphold it when we do see threats on the horizon. So Congress, as I said, made a grave error in trying to diminish habeas corpus, and I am gratified that today's Supreme Court decision takes a significant step in reversing that action.

Mr. President, the Great Writ—the Great Writ of habeas corpus—protects you and protects me. It protects all 300 million Americans. It protects people who look to the United States to be a beacon of freedom. I am grateful that the Supreme Court believes, as I do, that this fundamental right must be preserved.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. COLEMAN. Mr. President, I rise to speak about the rising cost of energy, at a time when Americans are suffering from gas prices that are seeing $4 a gallon and diesel fuel is higher than that. The price of diesel fuel has gone up 65 percent from where it was a year ago. That impacts farmers, it impacts small businesses. The Medicare bill is a critical issue, but right now we need to address the impact the cost of gas and energy is having. It is having a devastating effect on folks as they sit around the dining room table trying to figure out how to make ends meet. It is getting tougher and tougher to find money for food and fuel. I wish to say up front that the principal culprit right here is our addiction and our dependence on foreign oil.

My folks in Minnesota—families, farmers, and businesses—can't afford these rising costs. They are talking about commodity prices rising. On the other hand, the cost of commodity prices is rising because of the cost of oil. The cost of energy, gas, and diesel on those folks who are producing the food is having a devastating impact.

My State has one of the highest housing foreclosure rates in the Nation. The State of Minnesota is always seen as being somehow outside the economic woes that affect so many. The unemployment rate is going up, not down. Record fuel costs are the final straw for a lot of folks. It should be the final straw for partisan bickering on energy that is getting us nowhere and is letting the American people down.

Mr. President, 232 years ago yesterday, Thomas Jefferson, John Adams, Benjamin Franklin, and other Founders were set to work by the Continental Congress on a document that set America on a new course, just as the American Army was retreating from the British to Lake Champlain.

The invasion we have today is the invasion of hundreds of billions of dollars of foreign oil. This year nearly a half a trillion dollars will be sent overseas for energy we should be capable of producing at home. This is America. We should have the technological ability, the capacity, and the resources to end that addiction. The fact is we are being held hostage by a world oil market where much of the supply is controlled by thugs and tyrants such as Chavez and Ahmadinejad.

Just as the Founders, we have a choice. We can focus on our differences as Republicans and Democrats or we can work together to fight a common foe. Are our differences greater than those of the colonists, most of whom had never been outside their home States? We know that is not true.

Now is the time to write our own declaration of independence. Now is the time to use every resource at our disposal to address this energy crisis.

Now is the time for us to declare that American freedom, liberty, and security are not going to be held hostage over a barrel of oil. That is what it is about. It is about being held hostage. We may in the future always import foreign oil, but we are being held hostage by our dependency.

Our Nation's future depends on the decisions we make right now. The good news is that we possess the resources to take our energy prices head on. If we were, in fact, to make that commitment, we could stand up and say we are not being held hostage anymore. July 4 is just around the corner. If we were to do that, I think it would have a dramatic impact on speculation because they would know America is now committed—Democrats and Republicans—to doing the right thing. It is simple: renewables, increased production, and redoubling of our clean energy technologies efforts.

To make this happen, we not only have to transform how we do energy in this country, we have to transform how we do business in the Senate.

On Tuesday we had a contentious vote on an energy package that wasn't a bipartisan product. I voted to go forward on the debate of that package because I believe we must get going on a new energy bill. However, I think the only thing yesterday's process was set up to deliver was finger pointing. We must sit down together, Democrats and Republicans, and find out what policies we can agree on and then send an energy bill to the President.

The energy bill proposed by the other side of the aisle includes many ideas we have seen before. I am reminded of a quote by H.L. Mencken, who wrote:

> There is always a well-known solution to every human problem—neat, plausible, and wrong.

I believe we need to stop rehashing ideas that don't get to the heart of the problem and begin an energy revolution by dramatically increasing production of every energy resource at our disposal. I still don't support drilling in ANWR. We have the opportunity, though, to do deepwater exploration off the Outer Continental Shelf and tap into substantial resources. That is increased production. We had the worst natural disaster in the history of this country, Hurricane Katrina, and there wasn't a drop of oil spilled, so there shouldn't be an environmental issue there to increase production. We need to dramatically increase investment in renewable fuels. I support that. It is critical to my State. Energy efficiency, boost nuclear energy production, and take advantage of coal to liquids—coal to jet fuel.

This week I have been listening to my colleagues speak about energy. Some say what we need is more efficiency. The others say we need more renewables in nuclear, oil, and gas development. I believe we need all of those sources of energy. I don't think our debate should be about whether to drill or whether to tax those who drill. You are not going to increase production by simply taxing the oil companies. That is not going to solve the problem. It may make a political point somewhere, but it is not going to solve the problem. Instead, I believe the answer to breaking through our energy crisis and our political energy logjam is to couple domestic oil and gas development with responsible environmental protection—you can do both—to fully utilize the clean energy technologies at our disposal, such as nuclear, while we look to emerging technologies, to grow more fuel on the farm and save energy at home. We need to move forward with at least the potential of cellulosic ethanol.

Today I have introduced an energy bill, the Energy Resource Development Act of 2008, that I hope will foster the bipartisan discussion we need to have. It is not about holding my idea of the perfect energy bill in the air, pointing a finger and saying: This is what they won't do. No, this bill is about asking the other side what we might be able to do together.

Here is what I think we can do together: We could open the Outer Continental Shelf to oil and gas development outside of Florida in a way that protects the economy, the environment, and the economy of States in new development areas. There is an estimated 2.8 billion barrels of crude oil and 12 trillion cubic feet of natural gas that could be produced between now and 2025 in areas currently under moratoria. If developed, this could reduce America's trade deficit by $145 billion by offsetting oil imports.

We must open development in a way that recognizes that many States are opposed to opening development in the Federal waters off their coasts, which is why my bill does not allow the Federal Government to allow development unless the State's Governor approves of the plan. And, to get the discussion going between the Secretary of the Interior and the Secretary of Defense and coastal Governors, this proposal will give the Governors an opportunity to make a counterproposal and to propose long-term protection of Federal waters off their shores. The Federal Government can then accept this proposal and begin negotiation with the Governor. The idea is to move past the take-it-or-leave-it approach to Outer Continental Shelf development and provide States the authority and process they need to make a deal that protects their economic and environmental interests.

My bill would require that an oil company holding an OCS lease develop the oil and gas on that tract in a reasonable timeframe or lose the right to develop that area. Existing leases that come up for renewal will face the same limitation.

No. 2, this proposal would create an energy independence trust fund to be funded with the Federal share of additional royalties that would be collected when more of the Outer Continental Shelf is opened for development. This trust fund, which could receive tens of billions of dollars from new royalties, would go to fully fund all renewable energy, energy efficiency, research and development, and technology deployment programs from the Energy Policy Act of 2005 and the Energy Independence Security Act of 2007. We have made a big commitment to new technology in past energy legislation. This is a way to fund it. This would make sure programs we already have on the books to develop technology such as fuel cells, hybrid vehicles, solar, wind, advanced batteries, building efficiency—the list goes on and on—are fully funded. We want to make sure they are fully funded.

Additionally, the fund will provide resources for a new ethanol pipeline loan guarantee program and provide new nuclear energy production incentives.

No. 3, the bill would utilize our 250-year supply of coal by creating a new standard of production of fuel from clean coal, often called coal-to-liquid technology. My bill would take a new approach by tightening the environmental standards required of this fuel.

No. 4, my bill would recognize the fact that nuclear energy is one of America's energy solutions as it provides an affordable, zero-emissions source of energy. The French are not braver than we are. Close to 90 percent of their energy is nuclear. This proposal will improve the loan guarantee for nuclear production, create a nuclear production tax credit, and increased training for the nuclear workforce.

I believe these measures do a great deal to address our current energy crisis. But I promise my colleagues I am open to their ideas and initiatives as well. The only thing I am not open to is more political gamesmanship and bickering.

The American people want and need bipartisan energy legislation that goes to the root causes of our energy problems. I urge my colleagues to consider this proposal. I urge my colleagues and leadership on the other side of the aisle to sit down with a bipartisan coalition. I urge all of us on my side of the aisle to sit down and put together a bipartisan coalition that will produce a bill that truly transforms how we do energy as we, as Senators, work together for the American people.

That is what they are looking for right now. They are frustrated. They are scared. They are facing economic stress. They are looking to us. We have a responsibility to put the gamesmanship aside, put the ideological divide aside, and figure out a way—can't we do renewables? Can't we do conservation? Can't we do production? It doesn't mean drilling in every corner of the universe.

If there ever was a moment for us to come together as a nation to protect and preserve our freedom and our liberty, that moment is now.

Mr. President, I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 7 minutes. I know it is unusual, but I ask unanimous consent that the time be charged to the Democrats.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise today to speak on the issue of Medicare reimbursement for doctors. Doctors are reimbursed through Medicare by a formula known as the sustainable growth rate, SGR. Due to the formula's methodology, it has mandated physician fee cuts in recent years. This has forced Congress to place a band-aid over the possible cuts that doctors and their practices have hanging over their heads.

So every year, or now 6 months, doctors must come to Washington, DC and plead with their Representatives and Senators to pass legislation that will allow them to receive the adequate Medicare reimbursement they need.

Medicare reimbursement is already well below the actual cost of providing patient services, and physicians tell me every year that if these cuts go into effect, they will be faced with the tough decision of either laying off employees or no longer treating Medicare patients, or both.

Oftentimes, we in Congress wait until the last possible moment of each year to pass legislation that will provide these physicians with their much-needed relief. While we all know that there is a need to replace the current SGR formula, this afternoon I want to focus on the relevant legislation pending before the Senate.

The bill before the Senate would alleviate the 10.6 percent physician fee cut and replace it with a 1.1 percent increase over 18 months. I support this element of the legislation and believe that an 18-month fix will not only keep physicians from worrying that their reimbursements will be cut, but will also give Congress time to look at possible alternatives to the SGR.

However, I do not agree with other aspects of this legislation. First and foremost, the President has threatened to veto this legislation. In December of last year, we passed legislation that would remove the SGR cuts until June 30 of this year.

Even if this legislation had overwhelming support, which it does not, the process of this bill passing both Houses, getting vetoed by the President, and returning for a veto override would be quite a feat to accomplish in 18 days, and simply cannot practically happen.

Second, this legislation expands entitlement spending such as the Part D Low-Income Subsidy and Medicare Savings Program. While these are good programs, I do not understand why we would expand these programs when there are already significant numbers of seniors who are eligible for the programs at current levels but are not enrolled.

This is not the time to expand entitlement spending when it is already out of control and unsustainable.

Here we are trying to put a bandaid on reimbursement to our doctors and, at the same time, talking about additional expenditures in Medicare, so that the next year when we come back, it is going to be even harder if we don't have a permanent fix to use this bandaid approach for physicians and hospitals.

Third, this legislation reduces access to Medicare advantage plans.

These plans aren't perfect, but Medicare Advantage has been the one reform in the Medicare system we have seen that works. It needs some modification to it, but the fact is it is working.

These plans, which are approved by medicare, save beneficiaries an average of $86 per month compared to premiums in traditional fee-for-service medicare. They have been especially important in enrolling low-income and rural beneficiaries.

We should have learned from past congresses' mistakes that cutting payments to medicare advantage plans results in them being forced to drop seniors. In my home State of Georgia, more than 138,000 beneficiaries rely on these plans.

Senator GRASSLEY has introduced alternative legislation that would provide physicians with the exact same 1.1 percent fee increase that is included in the pending legislation. And it would do this while eliminating duplicative indirect medical education payments to medicare advantage plans, making reforms to curb controversial and abusive medicare advantage marketing practices, and spending 25 percent less than the pending legislation.

Most importantly, this alternative legislation would not be vetoed by the President and could be signed into law before the July 1 deadline. Unfortunately, the majority will not allow us to bring this legislation to the floor. I hope that decision changes.

Doctors and seniors deserve a serious and responsible effort that addresses the impending fee cut without playing politics, cutting essential services, and creating a major expansion of entitlement spending.

It is my hope that Congress will work toward a bipartisan agreement that will provide doctors with the relief they need before July 1. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I am pleased to join Chairman BAUCUS in sponsoring this bipartisan legislation, which both abrogates severe cuts to provider payments, and also takes steps to reform Medicare spending to address the distressing fiscal trajectory of this critical health entitlement.

The bill before us today represents a product of what has become an annual—and recently a semiannual task—that of extending Medicare financing. It is a sad state of affairs when we see two Medicare bills emerge from the Finance Committee. For months Chairman BAUCUS and Ranking Member GRASSLEY have worked to build consensus on Medicare—just as they did last year. In fact, their reputation for bipartisanship is legendary.

Ranking Member GRASSLEY saw that we achieved the landmark benefit that is in part enhanced in this bill—the coverage of prescription drugs under Medicare. I have long regarded his leadership so highly, and I am confident that—as this debate continues—we will see him forge agreement to address critical Medicare issues because of his bipartisanship.

And in fact—but for intransigence to compromise from the administration last December—we would not need to be here today debating these issues. But instead only a 6-month extender bill could be enacted—and now our providers and beneficiaries face cuts on July 1.

The fact is, that just a few weeks ago, with compromise achieved on so many issues, we appeared to be separated by approximately $3 billion in spending directed to beneficiaries. The fact is, that amount of funding represents less than what should be committed to meet critical needs of our most economically challenged beneficiaries, and it represents less than two-tenths of 1 percent of total Medicare spending. And under this legislation, these funds would be obtained from fiscal savings which Medicare must begin to realize. Not from taxes. Not from deficit spending.

And as we debate this difference between these two Medicare bills, we must enact sound fiscal policy—not ideological dogma. As CBO has told us repeatedly, the factors of an expanding senior population—and more significantly, as this chart illustrates, a rise in per capita health care spending—are working together to make Medicare the number one fiscal concern on the horizon. So it is critical that we take substantial steps to ensure the fiscal health of Medicare for future generations.

It was an attempt to do so which set us on this course. The creation of the sustainable growth rate formula—or "SGR"—was originally intended to serve as a limiter of spending, and it did so effectively for a time. Yet, today, the SGR operates crudely and irrationally to simply restrain payments to physicians. Next month, without intervention, physician payments will be reduced 10.6 percent. Yet it is also essential to recognize that these annual Medicare bills encompass more than just the SGR. A number of other programs are renewed on this same schedule. We call these "extenders" and they represent critical parts of Medicare—including items such as assistance to low income beneficiaries and programs which support rural health delivery—and they face termination without our action.

As we consider this bill today, it must be viewed in the light of how it will address two crucial issues. First, does it fairly assure reasonable payments to those who serve our beneficiaries to preserve access to care? And second, does it take action to change the course of health spending to help assure the fiscal security of Medicare—particularly when you see the growth and trajectory of growth in Medicare spending?

First, as it must, this legislation takes action to prevent a large reduction in payments to physicians. So too it enacts a number of critical extensions to programs critical to assure that beneficiaries will have secure access to health care.

We act to see that health centers receive relief from an artificial cap which prevents them from being fully reimbursed for the services they provide to beneficiaries. This bill grants some relief from that cap and is a step towards the reform which my legislation with Senator BINGAMAN would achieve to prevent health centers from serving Medicare at a loss.

In similar fashion this bill would ensure that pharmacies will be paid promptly for the medications they provide seniors under the Part D drug benefit. And just as critical, we assure that Medicaid payment policy does not discourage the dispensing of generic drugs through inadequate reimbursement.

And as we avert a pending physician payment cut it is unconscionable that we would leave the most vulnerable beneficiaries behind. In passage of the Medicare Modernization Act in 2003, we worked in a bipartisan fashion to assure that our most vulnerable beneficiaries would receive a low income subsidy, LIS, to provide extra assistance with drug costs. Today, a beneficiary qualified for full LIS support must have income below 135 percent of the Federal poverty level and assets not exceeding $7,790 for an individual and $12,440 for a married couple.

Yet, our Medicare Savings Plans—which assist very low income beneficiaries outside of Part D—utilize a very different assets test standard—just $4,000 for an individual and $6,000 for a couple—despite even more stringent income standards. In fact, the Qualified Medicare Beneficiary—Quimby program—enacted in 1988—has not seen an update in the assets test over two decades. Were the amount to have been indexed to a measure of inflation such as the Consumer Price Index, today that amount would nearly equal the assets limit for full Low Income Subsidy under Part D. So it is common sense that we align the assets tests for Medicare savings program with the full LIS limit so that truly needy seniors will realize the help we intended. We act to index these asset tests to inflation, and critically, extend outreach including through the Social Security Administration. These provisions represent long-overdue corrections—not an entitlement expansion.

As I stated earlier, this bill should also help us to change our spending trajectory. Because what we spend is in fact more critical to Medicare's fiscal health than even the aging demographics of our population, this legislation aims to help re-orient our spending to assure that Medicare implements more "best practices," beginning with greater support for preventive services. This follows what we began with the enactment of the Medicare Modernization Act in 2003.

This bill allows the HHS Secretary to add support for services recommended by the U.S. Preventive Services Task Force. This is a key step in payment reform. Because the fact is, we can no longer expend our first dollar on a disease for an individual's hospitalization. We must be more proactive and cost effective.

Similarly, we address the inequity of access to mental health services. Today, beneficiaries pay 50 percent of the cost of outpatient mental health services—compared to 20 percent for other care. So as the Senate acts to ensure mental health parity in the private sector, we must not leave our beneficiaries behind. Tragically, only half of seniors with mental health problems receive treatment, and the toll is seen in the fact that suicide rates among older Americans far exceed those of other age groups.

This legislation includes provisions of legislation that I introduced with Senator KERRY and accomplishes a phased-in elimination of the copayment disparity.

This legislation takes a balanced approach, one which averts unfair cuts to providers, and meets the critical needs of our most vulnerable beneficiaries.

Then one could rightly ask: Why are we here? If there was some agreement on such priorities, what is the obstacle?

The answer to that question, as it is so often, lies in how spending is paid for. Today, as we consider legislation affecting provider payments in particular, the issue of equity is central. When equity is considered, the subsidies of private plans in Medicare constitute an issue which must be addressed.

Today we are subsidizing such private Medicare plans by paying an average of at least 112 percent above the rate of traditional fee-for-service Medicare. Last year, the 5-year subsidy cost was estimated at $50 billion over 5 years. This year, we have already received revisions of cost projections which may indicate the total cost is much higher.

One might ask why, at a time when we are concerned about the fiscal health of Medicare and when we face critical needs, such as those of the lowest income beneficiaries, would we spend this sort of subsidy?

The Chairman of the Medicare Payment Advisory Commission, Glenn Hackbarth, succinctly stated the problem last year when he stated that "right now, Medicare is sending the signal that we want private plans even if they cost substantially more than the traditional Medicare." He added:

> I think what we need, not just in Medicare, but in the country more broadly, is to send the signal that we want plans that more efficiently manage care.

I think we have an agreement that we expect these plans to deliver value for beneficiaries and taxpayers alike—to employ prevention, early screening and detection, and prompt effective care to improve health and reduce costs.

Yet what we have seen in Medicare Advantage is deeply troubling. First, there is the paucity of data regarding outcomes. This chart quotes the CBO Director Orszag, who decried the absence of substantiation of performance, stating he was "continuing to beg" for data from plans demonstrating performance. He noted the subsidies these plans enjoy. He said:

> It's almost as if they're conducting a variety of experiments in disease management and various other things. And they are doing so with public subsidies.

Yet while the average Medicare Advantage plan receives a subsidy at least 12 percent above traditional Medicare, a new plan type receives much more, as much as 121 percent of fee-for-service rates. These private fee-for-service plans primarily involve a redesign of the Medicare benefits package. So a beneficiary might initially see a plan as offering better value, such as offering vision benefits. Yet while private fee-for-service plans must cover the same benefits as fee for service, they can substantially alter a senior's cost sharing so one's out-of-pocket costs can be much higher.

But the enticement of new benefits and aggressive and even abusive marketing practices, as we learned in a number of hearings—I know, Mr. President, you were there at some of those hearings in the Senate Finance Committee—has resulted in explosive growth in these plans.

As we see on this chart, it demonstrates the increased enrollment from less than 26,000 beneficiaries in 2003 to 1.5 million at the beginning of this year. So far this year, another 400,000 beneficiaries have enrolled.

I am pleased we have seen bipartisan agreement to address the grievous marketing abuses which have plagued beneficiaries. Many of our constituents have been confronted in their homes by high-pressure, door-to-door, and telemarketing sales efforts. We have seen seniors enticed to events by free meals and gifts and frequently enrolled unknowingly in new plan coverage they neither needed nor wanted. Much of this has been fueled by high commissions.

Such abuses led me to introduce a bill with Senator ROCKEFELLER in March to ban these practices and protect beneficiaries. In fact, I can say my State of Maine has been in the forefront passing legislation on its own. States are taking unilateral action to foreclose these practices that get people to join plans unnecessarily and adding to their costs and their problems.

The legislation Senator ROCKEFELLER and I introduced has provisions that will include prohibitions on the activities I described earlier.

It is abundantly clear such plans not only cost more and are plagued by marketing abuses, but they lack the mandates which HMO and PPO plans carry to actually act to improve care. In fact, the Congressional Budget Office Director, Peter Orszag, said again, "The type of things we are talking about—disease management, care coordination—is much less salient and much less prevalent in private fee-for-service."

Also, because private fee-for-service plans are not required to establish contracted networks of providers, such plans use deeming, a practice in which, by serving a patient, a provider is deemed to have accepted the plan's terms. That shortchanges providers. Since these plans are also not required to provide care management, they shortchange beneficiaries. So we are paying more through subsidies and they are providing less and are capturing them through the deeming process, which is inherently unfair and extremely costly.

With these deficits, private fee-for-service plans require subsidies to function, and today they are paid far more than the traditional fee for service—which I mentioned earlier—and are a large and growing share of Medicare Advantage costs. They are subsidized, as I said, as much as 121 percent above the rates Medicare was paying local providers before this so-called innovation.

So as we see an escalation in the cost of subsidizing Medicare Advantage, it is wholly appropriate that we examine a reduction in unfair subsidies to these plans, subsidies that are provided by the taxpayers.

We recognize, as does the administration, that built into these higher Medicare Advantage rates is a duplication of the institutional medical education payment which institutions already receive directly today. The cost of that duplication was estimated at $8.7 billion earlier this year. Yet today, with rapid growth in these plans, the Congressional Budget Office tells us the cost of the unnecessary subsidy is now an estimated $12.5 billion. The fact is, that estimate does not reflect a deeper rate of reduction than we discussed 6 months ago. It simply reflects the escalation in costs as a growth of these subsidized, uncompetitive plans continue.

So as we examine areas in which we could save, there can be no doubt that the duplicate payment is a prime candidate. In fact, the Medicare Payment Advisory Commission, MedPAC, recommended we bring all Medicare Advantage plans to parity and specifically recommended eliminating this duplicate payment, as indicated by their comments on this chart.

On the latter recommendation, the President has agreed we must eliminate the duplicate payment. I note the President included a proposal in his budget this year to eliminate it, but he has imposed reductions which would affect the rate of reduction we have now discussed, which would reduce subsidy spending by $12.5 billion. The President also prefers to eliminate payments to the institutions responsible for this Institutional Medical Education Program and instead would rely on plans to funnel payments to teaching institutions. Although we differ with him in terms of how to eliminate the duplicate payment, reducing the plan subsidy for this savings is reasonable, and agreement should be possible.

As I said earlier in my statement, it is a difference of $3 billion, and therein lies the difference in the subsidy. The Congressional Budget Office recalculated the original cost of savings of achieving this reduction in the Institutional Medical Education Program earlier this year at $8.5 billion. They recalculate to $12.5 billion. You say: Why won't the President support that now? It is the same savings, the same plan. It has been recalculated, and we achieve greater savings in order to offset the additional provisions we provided for the lowest income beneficiaries. So it seems to me this is an area in which we should achieve agreement. If we agree we should eliminate the duplicate payment—and it has now been estimated in savings from the Congressional Budget Office at $12.5 billion instead of $8.7 billion—we ought to be able to agree on the pending legislation.

This legislation effects a second savings in Medicare Advantage by eliminating deeming wherever two managed care plans have succeeded in establishing networks. It simply makes sense that if managed care plans can contract providers, these private fee-for-service plans should as well.

By reducing the duplicate IME payment by $8.7 billion and modifying the deeming provisions for plans, this legislation realizes $12.5 billion in savings. Still just less than one-fourth of the current Medicare Advantage subsidy cost.

I note these savings fall far short of the fiscal responsibility which MedPAC, the Congressional Budget Office, and others suggest is absolutely necessary and vital. Yet some still claim these savings jeopardize Medicare Advantage. But the fact is, they are modest in terms of changing an environment which is both fiscally irresponsible and anticompetitive.

For those who suggest subsidies should be maintained, they must answer some critical questions: When will these plans be economically viable? When will savings be realized by the taxpayers who are providing these subsidies to private insurance companies, in fact, far more than the traditional fee for service? When will more effective care be demonstrated? Again, they don't provide for prevention, effective disease management, screening or many of those tests that are so essential today that a provider in traditional fee for service, and yet not under these private plans, who are getting paid more than what we pay under fee for service in Medicare. What costs must the rest of Medicare bear as a result of these anticompetitive subsidies?

The fact is the limited savings we accomplish in this legislation do not even threaten the continued operations of these uncompetitive plans. Even Wall

Street knows that. I note in this final chart that an analyst for Goldman Sachs actually stated that savings exceeding those we make here do not affect the viability of these plans and that the Medicare Advantage Programs actually could "absorb $15 billion in cuts over 5 years without materially undermining the fundamentals."

As I said earlier, we are using $12.5 billion, not even $15 billion, and they are saying it would have no negative impact on those private programs.

Further, we should, in fact, be fostering competition. In fact, that is what it was all about originally, providing those subsidies so there would be some competition. Business will respond, they said, and thereby achieve some of the objectives on which these plans were predicated.

There is always political risk. As Simon Stevens of United Health Care noted, "There is always political risk in government programs," he said, "but we will weather it by evolving as Medicare evolves."

There are urgent Medicare financing needs today which must be met. We must fix the physician payment formula. We must reform Medicare to see that care is improved and beneficiaries and taxpayers receive better value. We have so much more to do. Yet here we are being stymied by a difference of less than two-tenths of 1 percent of Medicare spending, that all is accomplished by reducing the subsidies to private health insurance companies. That is the difference in the pending legislation and those who object to it.

This legislation, in fact, reflects many issues on which we have had bipartisan agreement. It bridges the critical gap between us in considering the vital and essential requirements of beneficiaries, by taking actions to see best practices emphasized and low-income assistance standards are at least updated for inflation. It also acts to see that Medicare policies are not penny-wise and pound-foolish.

I hope we will see this very modest compromise on this legislation that will produce progress for the providers, for current beneficiaries, and for generations to come to achieve the savings we think is essential—and it is offset because we think that is the fiscally responsible approach to take—and also not to skew disproportionately the subsidies we are providing to private health insurance companies for private fee for service, for both to work in a competitive fashion, and what we are seeing are subsidies growing by leaps and bounds.

To reach that compromise, we have to support this legislation. Hopefully, the Senate will express its support for sound fiscal policy. Hopefully, we can override the cloture. If that fails, I hope we can, again, come to together and resolve these differences and demonstrate to the American people that we have the capacity to solve problems at this very crucial juncture in our Nation's history.

Mr. SPECTER. Mr. President, this is a very important bill for reasons which I am discussing in this statement. I believe that it is vital for the Senate to take up this important measure to have open debate to give Senators an opportunity to offer amendments and to have the Senate work its will on these important questions.

As noted in previous floor statements, I have been concerned about the majority leader's practice of employing a procedure known as filling the tree, which precludes Senators from offering amendments. That undercuts the basic tradition of the Senate to allow Senators to offer amendments. Regrettably, this has been a practice developed in the Senate by majority leaders on both sides of the aisle, so both Republicans and Democrats are to blame.

I announced publicly at a Senate Judiciary Committee executive session this morning, June 12, 2208, that I would vote with Senator BAUCUS for cloture if I knew the majority leader would not fill the tree. In a telephone conversation this afternoon, June 12, 2008, Majority Leader HARRY REID advised me that he would not fill the tree.

This will provide an opportunity for a full range of debate and decisions by the Senate on many important issues.

On the Medicare bill specifically, S. 3101 has a number of issues which are important to Medicare beneficiaries in Pennsylvania and across the Nation. Foremost of those issues is the prevention of a 10.6-percent reduction in the Medicare reimbursement for physicians. A decrease of this size could result in doctors limiting the number of Medicare beneficiaries they take on as patients or refusing to take them on as patients at all. To resolve this grave problem, the legislation prevents the scheduled reduction, continues the current .5 percent increase for 2008, and provides an increase of 1.1 percent for 2009. This is a needed increase that will improve access to physicians for seniors.

This legislation also contains an important provision to extend the section 508 wage index reclassification program. This program, established in the Medicare Modernization Act in 2003, provides important funding for hospitals that have been disadvantaged by Medicare's wage index reclassification. This is of particular importance in northeastern Pennsylvania where hospitals struggle to meet the wages needed to keep employees from commuting to other areas which have a higher reimbursement rate. This is an important extension; however, a permanent solution is needed to solve this problem for all hospitals.

I am informed that the bill will include a delay in the Medicare durable medical equipment, DME, competitive bidding program. This is critical to western Pennsylvania, as it is one of the regions selected to begin the program. While competitive bidding can be productive in lowering the cost of medical equipment, the manner in which this program was implemented was unacceptable. During the competition for bids, half of the bids were disqualified, often for clerical problems. Further, the program is set to begin in just over 2 weeks and seniors have not been notified of these changes. This legislation will delay the implementation of this program to allow for the proper implementation of this program and correction of these problems.

I am also informed that the bill will include a provision to increase Medicare payments to oncologists and other physicians for the cost of patient treatment. Physicians are facing shortfalls in their reimbursement, especially pertaining to cancer treatment. This provision will provide an accurate and up-to-date reimbursement for drug costs, ensuring cancer treatment will be accessible to Medicare beneficiaries.

I am concerned about a change that this legislation makes in the ability of beneficiaries to purchase power wheelchairs. S. 3101 requires the rental of standard wheelchairs for 13 months instead of a physician determining if the beneficiary should purchase the equipment immediately. This provision removes the problem of purchasing wheelchairs for short term users but increases the cost 5 percent for the purchase after those 13 months. To insure that beneficiaries get the wheelchairs they need without overspending, a physician should be required to certify that a power wheelchair is needed for at least 13 months. I am confident as we consider this bill we can work out the differences we have and come to an agreement.

Mr. ENZI. Mr. President, today, we will continue to discuss the political exercise surrounding the Medicare "doc fix" bill. I am hopeful that after the vote this afternoon, bipartisan discussions can resume so that we can get a bill to the Senate floor that we can all support. While others have fully outlined all of the problems with the process and content of S. 3101—the Democrats version of the bill—I want to take the time to discuss a small aspect of the Republican version of the bill.

Just last week, I came to the floor to discuss Senator Thomas, acknowledging that just over a year ago the State of Wyoming and our Nation lost one of the great cowboys ever to ride this land. Although a year has passed since Craig left us, his spirit is alive and it is felt by all of us within this body. Work he championed on behalf of Wyoming residents and all Americans is ongoing today. In fact, we continue to acknowledge his great work to improve health care in rural areas within the Grassley Medicare bill—the Preserving Access to Medicare Act.

There is a whole subtitle named after Senator Thomas with provisions to assist providers and patients in rural areas. These provisions will help keep the doors open for rural hospitals so that critical care is available. In addition, they will ensure that individuals in rural areas have the emergency transport services available to get them from the scene of an accident to immediate care, to expand access to laboratory services so one can quickly obtain test results for a potential cancer diagnosis, and to ensure greater access to telehealth capabilities at skilled nursing facilities and dialysis centers. These are just to name a few of the key rural health provisions. Given the work of Senator Thomas, I do hope that these provisions can be maintained in future bipartisan discussions.

Mr. CARDIN. Mr. President, I rise in strong support of S. 3101, the Medicare Improvements for Patients and Providers Act of 2008.

This bill merits the support of every Senator. Action on this legislation is mandatory now because, in 18 days, the temporary fix we passed at the end of last year for providers will expire. If we fail to act, reimbursements to physicians and other providers who are paid under the physician fee schedule will be cut by 10.6 percent.

On Tuesday, I met for over an hour with several physicians from Maryland. They cannot sustain a 10 percent cut in their Medicare payments, and they know that if these cuts are put into effect, many of their colleagues will stop accepting new Medicare patients into their practices.

These pending cuts are the result of a flawed system that pegs reimbursement to the growth of GDP. We all recognize that this system, known as SGR, does not work. Every year since 2001, Congress has had to act to prevent the cuts from going into effect. We know that SGR must be repealed.

I have introduced legislation in past years to eliminate SGR and replace it with a system that reimburses based on the actual reasonable costs of providing care. S. 3101 provides another temporary fix through December 31, 2009. That is sufficient time for Congress, working with a new administration and the provider community, to develop a new system of reimbursement that will contain unnecessary increases in volume while ensuring that reasonable costs are covered.

But this bill is so much more than a "doctor fix bill." Also expiring on June 30 is the exceptions process for outpatient therapy services. Therapy caps for physical, occupational and speech language therapy were added to Medicare law more than 10 years ago for purely budgetary reasons. The authors of that provision had no policy justification for limiting services, and the amount of the caps was purely arbitrary.

Unless the exceptions process is extended, seniors recovering from more complex conditions, such as hip replacement and stroke, will face unreasonable and arbitrary dollar limits on the rehabilitation services available to them.

This urgently needed legislation will help not just providers, but also the millions of seniors that Medicare was created to serve. This Senator is proud that the bill's title reflects the right priorities for Medicare—this is The Medicare Improvements for Patients and Providers Act.

The 43 million seniors and persons with disabilities who rely on Medicare deserve a program that meets their health care needs. Our goal should be to ensure that Medicare provides comprehensive, affordable, quality care. S. 3101 makes important steps toward a better Medicare.

It is significant that Chairman BAUCUS has led with important beneficiary improvements. In 1997, I worked in a bipartisan way to add to the Balanced Budget Act the first-ever package of preventive benefits to the traditional Medicare Program. That was 11 years ago. At that time, the members of the Ways and Means Committee recognized what medical professionals had long known—that prevention saves lives and reduces overall health care costs.

Preventive services such as mammograms and colonoscopies are vital tools in the fight against serious disease. The earlier that breast and colon cancer are detected, the greater the odds of survival. For example, when caught in the first stages, the 5-year survival rate for breast cancer is 98 percent. But if the cancer has spread, the survival rate drops to 26 percent. If colon cancer is detected in its first stage, the survival rate is 90 percent, but only 10 percent if found when it is most advanced.

Seniors are at particular risk for cancer. In fact, the single greatest risk factor for colorectal cancer is being over the age of 50 when more than 90 percent of cases are diagnosed. Sixty percent of all new cancer diagnoses and 70 percent of all cancer-related deaths are in the 65 and older population. Cancer is the leading cause of death among Americans aged 60–79 and the second leading cause of death for those over age 80. So preventing cancer is essential to achieving improved health outcomes for seniors. Screenings are crucial in this fight.

In addition to improving survival rates, early detection can reduce Medicare's costs. Under Chairman CONRAD's leadership on the Budget Committee, we have had fruitful debates about the long-term solvency of Medicare. A more aggressive focus on prevention will help produce a healthier Medicare Program.

Let me give you some examples. Medicare will pay on average $300 for a colonoscopy, but if the patient is diagnosed after the colon cancer has metastasized, the costs of care can exceed $58,000.

Medicare will pay $98 for a mammogram, but if breast cancer is not detected early, treatment can cost tens of thousands of dollars. One drug used to treat late stage breast cancer can cost as much as $40,000 a year. There is no question that these vital screenings can produce better health care and more cost-effective health care.

The 1997 law established place improved coverage for breast cancer screenings, examinations for cervical, prostate, and colorectal cancer, diabetes self-management training services and supplies, and bone mass measurement for osteoporosis. Since then, Congress has added screening for glaucoma, cardiovascular screening blood tests, ultrasound screening for aortic aneurysm, flu shots, and medical nutrition therapy services. In addition, in 2003, a Welcome to Medicare Physical examination was added as a one-time benefit for new Medicare enrollees available during the first 6 months of eligibility.

But we can only save lives and money if seniors actually use these benefits. Unfortunately, the participation rate for the Welcome to Medicare physical and some of the screenings is very low. I have spoken with primary care physicians across my State of Maryland about this. One problem is the requirement to satisfy the annual deductible and copays for these services.

Patients are responsible for 20 percent of the cost of a mammogram, between $15 and $20. Most colonoscopies are done in hospital outpatient departments, where their copay is 25 percent, or approximately $85. Our seniors have the highest out of pocket costs of any age group and they will forgo these services if cost is a barrier.

The other barrier to participation is the limited 6-month eligibility period for the one-time physical examination. By the time most seniors become aware of the benefit, the eligibility period has expired. In many other cases, it can take more than six months to schedule an appointment for the physical exam and by that time, the patients are no longer eligible for coverage.

I have introduced legislation to eliminate the copays and deductibles for preventive services and to extend the eligibility for the Welcome to Medicare physical from 6 months to 1 year. My bill would also eliminate the time consuming and inefficient requirement that Congress pass legislation each time a new screening is determined to be effective in detecting and preventing disease in the Medicare population. It would empower the Secretary of Health and Human Services to add "additional preventive services" to the list of covered services. They must meet a three part test: (1) They must be reasonable and necessary for the prevention or early detection of an illness; (2) they must be recommended by the U.S. Preventive Services Task Force, and (3) they must be appropriate for the Medicare beneficiary population.

S. 3101, the Baucus bill, incorporates several elements of my bill in the very first section, and I want to thank the Finance Committee for including them. It will waive the deductible for the physical examination, extend the eligibility period from 6 months to 1 year, and allow the Secretary to expand the list of covered benefits.

These provisions are supported by the American Cancer Society, AARP, the Alliance for Retired Americans, the Leadership Council of Aging Organizations, SEIU, the National Committee to Preserve Social Security and Medicare, the American College of Preventive Medicine, the National Hispanic Medical Association, the American Academy of Nursing, and many more groups.

This bill will also help low income seniors by raising asset test thresholds in the Medicare Savings Programs and targeting assistance to the seniors who most need it.

As this Congress continues to make progress toward passing a comprehensive mental health parity bill, the Baucus-Snowe bill steps up for our seniors and provides mental health parity for Medicare beneficiaries, moving their copayments from 50 percent to 20 percent gradually over 6 years. Depression, bipolar disorder, and other mental illnesses are prevalent among seniors, and yet fewer than half receive the treatment they need. This provision will help them get needed services.

Section 175 of the Baucus bill will ensure that a category of drugs called benzodiazepines are covered in Medicare Part D. When the Medicare prescription drug benefit took effect on January 1, 2006, millions of beneficiaries found that the prescription medicines they took were not covered by the new law. A little-known provision in the Medicare prescription drug bill actually excluded from coverage an entire class of drugs called benzodiazepines. These are anti-anxiety medicines used to manage several conditions, including acute anxiety, seizures, and muscle spasms. The category includes Xanax, Valium, and Ativan. Most are available as generics.

They constitute the 13th leading class of medications in the U.S., with 71 million prescriptions dispensed in 2002. A study of dual-eligibles in nursing homes found that 12 percent of patients had at least one prescription for a benzodiazepine. This exclusion has led to health complications for beneficiaries, unnecessary complexity for pharmacists, and additional red tape for the states. Beneficiaries who are not eligible for Medicaid have had to shoulder the entire cost of these drugs or substitute other less effective drugs. In 2005, I first introduced legislation that would add benzodiazepines to the categories of prescription drugs covered by Medicare Part D and Medicare advantage plans.

I want to thank Chairman BAUCUS for recognizing the importance of this coverage and adding section 175 to this bill. Without this provision, dual eligibles would have to rely on continued Medicaid coverage for benzodiazepines. Medicare beneficiaries who are not eligible for Medicaid will have to continue to pay out-of-pocket for them. For those who cannot afford the expense, their doctors would have to use alternative medicines that may be less effective, more toxic, and more addictive. This is a significant improvement for our seniors who are enrolled in Part D and for the fiscal health of our States.

The Baucus bill is paid for by slight reductions to the overpayments that the federal government makes to private health plans. The nonpartisan Medicare Payment Advisory Commission, MedPAC, has recommended that we equalize payments between Medicare Advantage and traditional Medicare.

As we discuss the solvency of the Medicare Program, we must take note that private health plans are not saving the Federal Government money. In fact, they are costing us money. I was a member of the Ways and Means Committee when health plans approached us with an offer. If the Federal Government would pay them 95 percent of what we were spending on the traditional Medicare Program, they would create efficiencies through managed care that would save the Federal Government billions of dollars each year. They promised to provide enhanced coverage, meaning extra benefits as well as all the services covered by traditional Medicare, for 95 percent of the cost of fee for service. Congress gave them a chance to do just that.

Instead, what we saw across the country was cherry-picking of younger, healthier seniors. Each time Congress indicated that it would roll back their overpayments to a more reasonable level, they responded by pulling out of markets. In Maryland, the number of plans declined over a 3-year period from eight to one, abandoning thousands of seniors. Since 2003, when payments were substantially increased, the number of plans has steadily increased as well, but at too high a cost to beneficiaries, taxpayers, and the future of the Medicare Program.

Right now, these plans are paid up to 19 percent more than the amount that we would pay if these seniors were in fee-for-service Medicare. Over 10 years, we are overpaying them by more than $150 billion.

That is enough to make significant valuable improvements in the overall Medicare Program, or to permanently repeal the sustainable growth rate formula. It is time, for the health of the Medicare Program, to pay these plans appropriately. This bill would make small reductions to these overpayments as well as prohibit the abusive marketing practices, such as cold calling, door-to-door sales, and offering incentives such as free meals, which have led to many seniors being enrolled in private plans without their knowledge or consent.

This is a balanced and responsible bill that addresses immediate reimbursement concerns while setting the foundation for a higher quality, more cost-effective Medicare Program. I urge my colleagues to support the motion to proceed to S. 3101 and to vote for this well-crafted bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAXES

Mr. GRASSLEY. Mr. President, yesterday afternoon I discussed the burden that high gas prices are having on all Americans, and not just on my constituents in Iowa but all over this great country. I think now that most of my colleagues in the House and Senate know that high gas prices mean less discretionary income for people—less discretionary income to spend at the mall, to spend at the farmers market, less discretionary income to buy ice cream on hot summer days, and less discretionary income to save for a rainy day.

I can assume my Democratic colleagues know that actions that take discretionary income away from the American people are detrimental to those people and detrimental to the overall economy—detrimental to their way of life and detrimental to our country's future. I guess I don't have to assume folks on the other side know this. This body has been debating the issue of escalating oil prices and energy for the better part of this week. I heard countless accounts from my Democratic colleagues about how their constituents are hurting. So I think my friends on the other side get it. They get that taking the hard-earned dollars out of the pockets of their constituents is detrimental to those constituents.

What my Democratic friends don't get is that raising taxes has the same effect. Raising taxes takes hard-earned dollars out of the pockets of their constituents. Don't folks on the other side think this is a problem? It is a problem for their constituents' way of life, and it multiplies into problems for our economy. It is a problem for our country's future. But I don't think the leadership on the other side understands this fundamental fact. So I guess folks on the other side just don't get it.

Is this change Americans can believe in? If they are not being told the entire story, how can they know what to believe? If the leadership on the other side isn't telling the entire story, the folks in the media need to. And I believe folks in the media are well enough educated to know what the truth is and to spread the truth. So I challenge our media friends and beltway pundits—a little like I did yesterday in remarks here—to report that higher taxes means less discretionary income, it means slower economic growth, and it won't mean more revenue for the Government to spend. It is too bad that people are of the frame of mind that if you raise tax rates, you bring in more revenue, and if you reduce tax rates, you lower revenue. I like to disabuse people of those facts.

Yesterday, I also told the beltway punditry and related press people to stop referring to the bipartisan tax relief of 2001 as the Bush tax cuts. These are the talking points of the leadership on the other side of the aisle that the press seems to somehow eat up because it gets repeated. It is just a fact of life: Bush gets all the credit for the tax cuts. Well, it is intellectually dishonest, and it gives Americans the impression that the bipartisan tax relief that was passed back then—7 years ago—is bad.

But then again, what should we expect from the other side of the aisle and their leadership's campaign? Everything coming out of that shop tends to be poll-driven. Take a poll the night before, and whatever the people are telling you the night before, that is what the message is the next day as opposed to being more concerned about good policy being good politics.

The 2001 tax relief put more money into the pockets of hard-working Americans, and they are better off for it. Sure, the leadership on the other side of the aisle wants the voters to believe tax relief is bad. The junior Senator from Illinois wants the voters to believe raising taxes will solve all problems. The distinguished Senator also wants voters to believe taxes will only be raised on people who earn lots of money, where there isn't the money to solve all the problems. His party wants people to believe there are no downsides for taxpayers, no downsides for economic growth if income taxes go up by 10 percent, even if taxes are raised on families making $250,000 or more.

Now, it is too bad, but the media seems to believe this propaganda and ignores the fact that the economics behind it are not responsible and factual, because that is the report they put out there, so that is what the people hear.

The Democratic leadership has also successfully convinced the media that raising taxes will bring in more revenue. I want to remind the media that the bipartisan tax relief brought in more revenue than was projected, much more revenue than what the 1993 Clinton tax increase brought in over a comparable period.

I have a chart here that I would like the media to take a look at, a chart which illustrates that lower taxes have generated record revenues.

See, you have the actual revenues that came in and you have the projected revenues before we lowered taxes. This chart illustrates that Federal tax revenues have been and generally continue to be coming into the Federal Treasury at or above the historical average—and the historical average, the way I say it, is the last four decades—of about 18.2 percent of gross domestic product. Now, what does that 18.2 percent of gross domestic product mean? It means that by lowering the tax rates, as we did in 2001, it does not in any way gut Federal tax revenue.

But how easy is it to explain to people who don't look at economics every day that if you lower tax rates, you are going to bring in less revenue; if you raise tax rates, you are going to bring in more revenue? Because that is kind of what common sense might tell you. But the study of economics and what really happens by the facts are two different things. You can keep tax rates where they historically have been for the last 40 years, about 18 to 19 percent of gross domestic product—and when they were at 20, we reduced them down to that point; in fact, even a little bit less growth has brought them back up—and you can do it without hurting the Federal Treasury. In fact, you can enhance it. Do you know why? Because of the dynamics of our economic system, of our market system. When you let 137 million taxpayers, with more money in their pockets, decide how to spend the money—and probably in 137 million different ways—it does more economic good than when 535 Members of Congress decide how to do it. But you know, some have the attitude around here that the judgment of 535 Members of Congress is much better than the judgment of 137 million taxpayers, so we don't need to raise taxes in order to generate revenue.

So to the media people: Don't believe the Chicken Littles. I have a chart here of Chicken Little, who says that the sky is going to fall if we keep taxes low.

I can't let my colleagues on the other side and some of the skeptics in the press say to the American public that if you earn less than $250,000 a year, you won't see higher taxes, so I have these news flashes:

News flash: You don't have to be earning $250,000 to invest money in the stock market.

News flash: You don't have to be earning $250,000 to have real estate holdings.

News flash: You don't have to be earning $250,000 to have your savings in mutual funds.

All those flashes prove that if you earn less than $250,000 a year and you hold these investments, guess what—you will be paying more taxes. Let me take a closer look so I can demonstrate that is what is going to happen.

In 2003, Congress reduced the top tax rate on capital gains, lowering taxes again from 20 percent to 15 percent. Congress also did the same thing for dividend income, tied it with the capital gains tax rate at 15 percent. For lower income taxpayers, we thought they ought to have an incentive to save, so the tax rate on capital gains and dividends for low-income taxpayers is zero—that is zero with a "z." Millions of low-income taxpayers receive dividends and capital gains. All of these taxpayers are not making more than $250,000.

To help out the media, I will illustrate these points with yet another chart. As you can see from this chart, over 24 million tax returns reported dividend income. In Iowa, for instance—my State—over 299,000 families and individuals claimed dividend income on their returns.

Another chart we have deals with capital gains. The first one dealt with dividends, now this one with capital gains. Nationally, 9 million families and individuals claimed capital gains—9 million families—and in my State of Iowa, over 127,000 of them. Now, that is a lot of taxpayers who are not earning a lot of money. So I want the media to report that. It doesn't seem to get reported. I want to see news reports that say something like this: "Even if the other side's Presidential candidate's plan raises taxes on folks making $250,000, millions of taxpayers make less than $250,000 and will still see a tax increase."

That is end of my proposed quote, but you will never see it in the newspaper.

I also want my friends in the punditry and media to connect the dots. If more people are paying higher taxes, the result is less discretionary income and of course slower economic growth. That is the same thing that is going on with high gas prices. The press doesn't seem to have a problem reporting that fact, but it still ends up with the consumer having less discretionary income.

I fought both Democrats and Republicans. I hope I have a reputation of taking on a cause and not worrying about whether it is a Republican cause or Democrat cause. So I have fought both to ensure that our country is on the right course. That course must be and is economic prosperity. I wish to see a real discussion of the negative implications of changing current economic policy. With high gas prices squeezing taxpayers, it is more compelling than ever.

Let's clear away the fog about what is meant to be negative about the Bush tax cuts, because broad-based tax increases are not gauzy "feel good" economic changes. Let's examine the benefit of keeping taxes low.

While I have the floor, I wish to speak on an issue that is coming up for a vote. This is the Medicare vote in a little while.

The vote we are going to take later today is a very important one—important for our senior citizens and important for all health care practitioners around the country. The outcome of that vote will determine whether we begin working together again on a bill that the President will sign. For the sake of 40 million Medicare beneficiaries, I am here now to urge my colleagues to defeat the cloture motion today. Then we can get to work on a bipartisan basis and write a bill that can be signed into law. That is something Senator BAUCUS and I know how to do.

This afternoon the Senate will be voting to move forward on a bill that will be vetoed and will mean a lot of lost time—not only for the Senate, but we have to get these things done by July 1. With a Presidential veto, I doubt we will. This is a pointless exercise, then, that can be stopped in its tracks by a "no" vote on cloture.

What is worse, the reality is that the bill is not even ready for serious consideration. Members of the Senate, it is very incomplete, obviously incomplete. It was introduced with blanks and brackets. It will not become law.

It cuts oxygen reimbursement. It cuts power wheelchair reimbursement. It threatens future physician updates. The danger is July 1, doctors get cut 10.6 percent if we do not intervene. It is a partisan bill that delays bipartisan consideration of the Medicare bill.

While the Senate wastes time with this bill, millions of taxpayers' dollars in administrative costs are also going to be wasted because the Center for Medicare Services has to program their system to not have the physicians' pay cut go into effect July 1. But they can only do that if Congress can pass a bill that can be signed by the President.

Voting for this bill is the same as asking for the physician pay cut to go into effect. If it does, then CMS has to potentially hold millions of claims, to process them later. That costs millions and millions of dollars a week. If the Senate votes cloture on this bill, we may as well be taking a match to millions of taxpayers' dollars.

We had been working in a bipartisan process that could get us a bill that could be signed into law. For some reason the majority walked away from the table. That was kind of recently, during the end of May. With all due respect to my friends on the other side of the aisle, in the 3 weeks since they have produced a bill that, for all the rhetoric we are hearing about it, is not worth the paper it is printed on. It will not become law. It will be vetoed.

Meanwhile, doctors in this country are looking at the calendar, wondering what their payment will be after June 30, and wondering whether they can still afford to see Medicare patients. They are wondering if they have enough cash reserves if Congress doesn't get its act together.

I want to say something to the doctors back home who are listening to this debate. They tend to be very busy, so I don't expect a lot of them to be listening, but if they are I want to have them hear this. Your insider Washington lobbyists are telling you that supporting cloture is the best way to prevent the physician pay cut from going into effect July 1. I think these high-paid lobbyists here in Washington are giving you, the family practitioners and surgeons and interns back home, bad advice. It is a good thing they are not giving the advice to real patients, as you do, if this is the kind of judgment they would use. The fact is, a vote in support of cloture is the absolute worst thing that could happen if you want the physician payment update addressed by the date it ought to be ready for CMS to carry it out, July 1.

If 60 Senators support cloture we will move to pass a bill out of the Senate. Of course that will be a bill that will be vetoed. Then the Senate will sit down with the House on a partisan basis and produce a compromise that has even more spending yet, and is even more liberal and more certain to be vetoed. Then it will be voted on in the House and come back here for a vote. Then, finally, it will go to the President where it will be vetoed. Then we will have a veto override that will certainly fail.

Then and only then—how many weeks away that is I don't know—we will sit down again on a bipartisan basis to write a bill that will become law. Given how quickly things move around here, that could well be at election time. If cloture fails, I am ready to roll up my sleeves and go to work tonight. So, to all the doctors listening to this wherever you are—in your hospitals, your homes—and to folks who pay dues to groups such as the American Medical Association and to the American College of Physicians, hear me when I say the people telling you that supporting cloture is the way to get the physician payment update done fastest do not deserve the jobs they hold and the hundreds of thousands of dollars you pay them. The answer is a simple one. We need to defeat the cloture motion today and we need to get back to bipartisan work to protect Medicare for America's seniors and the providers who serve them.

Yesterday Senator McCONNELL, the Republican leader, and I introduced a bill, S. 3118, to address the problems we face in Medicare. The Democrats are blocking our bill from getting a vote today. It is too bad, because this is a very good bill. I spoke of some of the provisions of this bill in the last several days. It is a bill that clearly serves Medicare beneficiaries. Our bill reduces medication errors with stronger e-prescribing provisions. This will help ensure that our seniors' health care is not compromised by duplicative, dangerous, and incompatible prescriptions.

Our bill helps patients who have had a heart attack with cardiac and pulmonary rehab. Our bill ensures that seniors who need access to outpatient therapy services will continue to receive the therapy they need.

I am very pleased our bill pays a tribute to our beloved departed colleague, Senator Craig Thomas of Wyoming, by including a number of provisions that protect access for beneficiaries in rural America. Specifically, our bill would accomplish helping rural America by addressing inequitable disparities in the Medicare reimbursement between rural and urban providers, and helps ensure these providers are able to keep their doors open.

By continuing to fund two important and very successful programs to combat diabetes, our bill helps people with that dread health problem.

Finally, our bill includes a number of extensions to help low-income seniors and families.

As we close this debate—and the vote is about 35 minutes away—I think the vote is a very simple one. The President will sign a bill that preserves Medicare for American seniors and the providers who serve them. The President will sign a bill that will provide increases in payments for rural health care in America. The President will sign a bill that reduces payments to Medicare Advantage. The President will also sign a bill promoting value-based purchasing, electronic prescribing, and electronic health records. The President will then sign a bill that does not require cuts in oxygen payments or payments for power wheelchairs.

Unfortunately, regarding the bill we will be voting cloture on, the vote is to move forward on a bill that is not a bill. I have described that. I am not going to go into greater detail.

People back home often don't understand votes on procedural motions such as the one we call cloture, which we will have at 3. But this one ought to be very easy to understand. Voting for this bill is a step backward; it is not a step forward. It will not become law, and we have to get something to the

President that he will sign by July 1 to avoid doctors taking Medicare cuts of 10.6 percent.

I ask my colleagues to vote "no" on the cloture motion so we can get to work on a bill the President will sign. Let's set aside partisan games and get to work protecting Medicare for America's seniors.

I yield the floor.

Mr. President, since I do not see other speakers, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, unless we act, on July 1 the law will cut Medicare payments to doctors by 10 percent. Today, we have an opportunity to vote on proceeding to a bill that will stop that cut. In addition to averting the 10-percent payment cut, the bill on which we will vote today will also make important improvements for beneficiaries.

It will help those with very modest incomes to get the help they need, and it will expand access to preventative benefits in Medicare. We should all agree that prevention is critical to moving our health care system from one that treats disease to one focused on wellness.

The bill includes a provision intended to give a boost to primary care physicians. These represent a downpayment on changes that I would like to consider in the near future to advance the role of our front-line physicians.

The bill will improve access to health care in rural areas. The bill includes many policies from the Craig Thomas Rural Hospital and Provider Equity Act, all supported so strongly by so many Senators.

The bill will lend a hand to pharmacists. Pharmacists face so many challenges right now. And the bill will help ambulance providers. Today, these first responders must contend with record high and rising gas prices.

That is what this bill will do. It is a good bill, it is a balanced bill, and it is a bill that my colleagues should be proud to support. Let me also talk about what this bill would not do. I have heard some claims made about the bill. I would like to set the record straight.

First, the bill would not make drastic cuts to Medicare Advantage payments. This is not the House-passed CHAMP bill. Although I believe there is justification for making significant reductions to Medicare Advantage benchmarks, this bill will not do that. This bill would not affect the benchmarks in Medicare Advantage.

Second, this legislation will not eliminate private fee-for-service plans. What it will do instead is take away the ability of these plans to "deem" doctors and hospitals into their networks. Right now private fee-for-service plans are permitted to circumvent network requirements. They can deem any Medicare provider to be part of the plan network. They can do so without any formal agreement between the provider and the private fee-for-service plan.

What does that mean? That means that doctors and hospitals are automatically considered by the plan to have agreed to all the terms and conditions of the plan automatically. They are automatically considered to have agreed to payment levels, to patient cost-sharing obligations, and to billing procedures, even when they have not made such agreements.

So it is no wonder that we hear from providers that they do not like dealing with these plans. I would go so far as to say that forcing doctors and hospitals to accept the terms that plans lay out, without a chance to negotiate, seems un-American.

How will this legislation address deeming? It will eliminate this deeming authority in 2011—yes, 2011; not right now but 2011; not next year, not 2010 but 2011. The plans would have 2.5 years to develop a network. I believe that is plenty of time.

Moreover, the bill will protect choice in rural areas. The deeming provisions will only affect areas where there are already two or more plan options available that have a network. In those areas where existing plans have contracted with providers to form a network, private fee for service has a competitive advantage. This bill will level the playing field across all plans.

Second, this bill will not cut teaching hospitals. It will not jeopardize access to plans in areas where academic medical centers are most prevalent.

Right now, Medicare pays twice for indirect medical education on behalf of patients in Medicare Advantage plans. Medicare pays once when it reimburses teaching hospitals directly for IME costs, and Medicare pays a second time by inflating payments to Medicare Advantage plans for the same costs. So under this bill, teaching hospitals will continue to receive IME payments directly from Medicare, but the unnecessary double payments will be eliminated.

Third, this bill will not allow wealthy seniors to qualify for low-income subsidies, as has been claimed. The bill will raise the asset test from $4,000 to just under $8,000 for individuals. And it will raise the asset test from $6,000 to $12,000 for couples. The bill will give more seniors with very limited means the ability to qualify for additional subsidies.

The income cut-offs to qualify for the subsidies will remain the same. Beneficiaries will need to have incomes below $10,200 for the Qualified Medicare Beneficiaries Program, and below $12,500 for the Specified Low-Income Medicare Beneficiaries Program. That is under current law, no change.

I think we all would agree that anyone with an annual income below $12,500 and personal assets below $8,000 is someone we should want to help. And if we can get the 60 votes to get to this bill, I will do something else. I will offer an amendment to delay implementation of the competitive bidding program for durable medical equipment. That is a pledge that I made to many of my colleagues, and it is a pledge that I make publicly, a promise I intend to keep.

I will offer as an amendment the language of the bipartisan bill introduced earlier today in the House by Representatives STARK, CAMP, BOEHNER, and PALLONE. Their bill is thoughtful, it is balanced, and it responds to many of the concerns we have all heard from the DME industry. If we get to this Medicare bill, we will include that language in this bill.

Another policy in S. 3101 that I intend to revisit is oxygen cuts. Congress needs to address overpayments to oxygen. In some cases, Medicare pays 1,000 percent above what these supplies cost, and beneficiaries pay the price through inflated copayment rates.

But this is a limited bill. It is not intended to fix all that ails Medicare. We will revisit oxygen payments when the Congress next takes up Medicare. By my estimate, that would be next fall when the 18-month physician fix and other policies will expire.

In sum, time is running out. It is running short. We need to complete a bill by June 30. That is not many days away. The options before us are few and fraught with pitfalls. By far, the best option for getting a Medicare bill done this year is a bill on which we will vote today.

This bill is bipartisan. It is carefully balanced. It does what we need to do. I urge my colleagues to vote for cloture on the motion to proceed.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield myself 5 minutes from time that is reserved for the leader or, alternatively, from time that is available at this point that is open.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask the Chair if there is time presently available?

The PRESIDING OFFICER. There is 10 minutes for the minority leader.

Mr. GREGG. Mr. President, I rise to raise my concerns about the procedure and about the substance. We all know there has to be a fix relative to the doctors. We all know we cannot have this sort of reduction in payments to physicians. That is just a fact.

My own personal preference is that we fix this permanently. It is going to cost a lot of money, but that is the way it should be done. We should not be fixing this every year. And, in fact, it is becoming a geometric progression which is spiraling downward, with every year becoming a much more difficult effort.

We should basically do Medicare reform. But short of that, we should do a permanent doctor fix so that the physicians in this country know they are going to get a reasonable upgrade of their reimbursement every year. We should not have to go through this.

However, this bill does not accomplish that. In fact, this bill aggravates the problem significantly. I genuinely wish the bipartisanship effort which Senator BAUCUS and Senator GRASSLEY had been pursuing had been the effort that had come to floor, but it did not.

What has come to the floor is a partisan effort; regrettably, it is not a very good one. It has a couple of practical problems, and then it has a very substantive problem. The substantive problem is that it spends $2 trillion that we do not have, not to fix the doctor problem but to add new benefits in certain elements for certain recipients under Medicare Part D. Well, Medicare Part D is already $36 trillion in debt, unfunded liabilities. Put $2 trillion more on top of that, it means we are passing a huge cost on to our children. It is not fair. It is not appropriate.

The practical problem this bill has—I find it incredible that we are being asked to vote on it, quite honestly—is that it has blanks. This is the first time I have ever seen this. This bill literally has blanks in it. We are being asked to vote on a bill where the numbers, which are operative relative to how much this bill is going to cost, are left out. There are actually parentheses with nothing in them. There are lines where there is a blank. And we are being asked to vote to close the debate on this and move to final passage on this without even knowing what the numbers are going to be which are to fill in those blanks.

This is so egregious, so egregious, that the CBO, which is the independent scorekeeper around here, which is the fair umpire around here, has written us and said: They cannot score this bill. They cannot give us a cost estimate since the introduced version has blanks.

The Congress should not work this way. The Senate should not work this way. This is totally inappropriate. It is a terrible precedent. It is worse than a terrible precedent. It is an incompetent precedent to set to bring to the floor a bill that does not tell us how much it is going to spend because the other side of the aisle does not want to tell us how much it wants to spend or, alternatively, because they are not competent enough to put numbers into the bill.

It is incredible to me that we would be asked to vote cloture on a bill that the Congressional Budget Office says they cannot estimate the cost of, which is their responsibility, because it has blanks.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 11, 2008.

Hon. JUDD GREGG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: As you requested, enclosed are CBO estimates of the costs of the provisions of S. 3101, the Medicare Improvements for Patients and Providers Act of 2008, as introduced on June 6, 2008.

As you noted in your request letter, some of the provisions of the introduced bill are incomplete: there are some elements that are necessary to producing a cost estimate for the bill that are not included in the current language. In addition, a number of elements in the bill are bracketed and thus could be considered subject to change.

The enclosed table contains estimates for those provisions of the bill for which we can estimate the costs, but does not include a CBO estimate for the total cost of the bill since the introduced version has blanks for some of the values for key provisions. For the purposes of these estimates, CBO assumed that all bracketed language would have full force and effect.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Tom Bradley.

Sincerely,

PETER R. ORSZAG.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, our greatest successes in this Congress have come when both sides have worked together. We saw it last year on the Energy bill when we increased the CAFE standards to historic levels and, more recently, the first thing this year on the economic stimulus package.

We started initially down the path of compromise when we began the Medicare discussions. Both sides wanted to prevent cuts to physicians in the Medicare Program and to preserve access to the quality of medical care our seniors have come to depend upon.

Unfortunately, the majority walked away from these bipartisan discussions. In an effort to preserve some of the progress, protect benefits for seniors, and to produce a bill that can be signed into law, Senator GRASSLEY crafted a Medicare bill which, if it were to be passed today, it would be signed by the President of the United States.

Senator GRASSLEY's alternative, which I will shortly ask consent to go to, includes a 1.1 percent increase in the physician update, protection for patients who need extensive therapies following a stroke, 2 years of funding for the special diabetes program, a new cardiopulmonary rehabilitation benefit—this is, by the way, especially important to Kentucky where far too many of our citizens struggle with pulmonary diseases.

There is a new program to improve care and save money by encouraging doctors to write prescriptions electronically, a very important step in the right direction. And it also preserves patient choice and access to Medicare Advantage, which helps retired Kentucky teachers.

We all know what is going to happen. Once this bill is not proceeded to, we will have bipartisan negotiations, which is the way this process started out in the first place and, frankly, the way it will ultimately end. That is the way the Senate does its best work. Having said that, I have notified my friend, the majority leader, that I did have a consent agreement to propound. I see that he is now on the Senate floor. I will ask that consent at this time.

I ask unanimous consent that the pending motion be temporarily set aside and that it be in order for the Republican leader to move to proceed to S. 3118, a bill introduced by Senator GRASSLEY to extend expiring provisions under the Medicare Program and to file cloture on that motion. I further ask that the cloture vote on the motion to proceed to S. 3118 occur immediately following the cloture vote on the motion to proceed to S. 3101. I further ask that if the motion to proceed to either Medicare bill is adopted, no other pending business be displaced.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, on the floor now is the Presiding Officer and the chairman of the Finance Committee. Two more bipartisan Senators we do not have in the Democratic Caucus, Senators always willing to work with the other side. They both have reputations—BAUCUS in Montana, NELSON of Nebraska—of working with the other side. There is no partisan advantage in the minds of either one of these Senators.

Why can't we move to this bill? If there is a way to improve it, let's improve it. That is all we want.

Mr. McCONNELL. Parliamentary inquiry: Is this an objection?

Mr. REID. Why do we have to go through this routine of stopping—

The PRESIDING OFFICER. Is the leader asking for the regular order?

Mr. REID. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I have time set aside at this time. Why in the world do we want to object again?

Mr. President, downtown this morning one of the Republican Senators whose name I won't mention said, meeting with a number of people downtown—this Republican Senator said: There is a lot of frustration within the

Republican caucus about blocking motions to proceed.

Of course, there is. The Republicans don't like it. Why do they continue to do this? We want to legislate on this important piece of legislation. It is not only a doctors fix, it is a fix to our health care delivery system.

I am disappointed very much that the Nelsons of the world, the Baucuses of the Senate world can't work together in a bipartisan basis. They want to. I received a call before lunch, before I went to our policy luncheon, from a Republican Senator. He said: Are you going to fill the tree? I said: Of course, I am not going to fill the tree. Why would I? He said: OK. I will vote with you. So I know at least we have one Republican vote. He told me he is going to vote with us on cloture. I hope others would follow with that.

In 1965, President Lyndon Baines Johnson traveled from Washington, DC to Independence, MO to join former President Harry Truman in Harry Truman's hometown of Independence, MO. The purpose of the trip and the meeting between the current and former Presidents was to sign into law a bill Harry Truman had conceived and Johnson had championed. The new law created Medicare.

I know a little bit about Medicare. My first elective job was in 1966. I was elected to the Southern Nevada Memorial Hospital board of trustees. It might not sound like much to anybody but to me that was important. I beat an incumbent. At the time I took that job—I was there for 2 years—40 percent of the senior citizens who came into our hospital had no insurance. What did we do? We had them sign a certificate or we would not let them in the hospital, unless a father, a mother, a husband, a wife, a brother, a sister, or a friend agreed to pay their bill. If they didn't pay the bill, we had a collection department, and we went after them big time, as they did every place in the country.

Medicare came into being. When I was there, before I left, Medicare came into being. Now 99-plus percent of older people who go into hospitals in America have Medicare insurance, a pretty good deal. That is why Truman thought of it. That is why Johnson implemented his thought process. The new law they were there to celebrate created the Medicare Program, a program that has ensured quality health care to America's senior citizens for more than four decades. Since Johnson signed the bill and gave Truman the first ceremonial Medicare card, hundreds of millions of senior citizens have also received their Medicare card. With each new Medicare card issued, our country renews its commitment to bedrock values of those who have worked hard and made their contribution to society, and they deserve to know they will be cared for as they reach those golden years.

But even on the day that bill was signed, President Johnson acknowledged the bill was imperfect. Who were the Senators who voted against Medicare when it came into being? Who were the Senators who recognized they would not vote for that bill? All Republicans. Every person who voted against Medicare's implementation was a Republican Senator. They haven't changed. They reluctantly do what they can for Medicare, but they don't support it.

President Johnson acknowledged it was imperfect. For all the good Medicare has done our Nation's seniors through the years, for all the good it has done for them today, it could be better. Our efforts to make Medicare work better continue today with the Medicare Improvements Act. That is what the chairman of the committee was trying to do, make it better. That is what this is all about.

I am grateful for the work of Senator BAUCUS, chairman of our committee. Anyone who knows, I repeat, the Senator from Montana is well aware of his ability to work with both sides of the aisle to forge bipartisan solutions. On this legislation, Senator BAUCUS worked tirelessly with Democrats and Republicans. He reached out to the Bush administration and to the Republican leader. In these efforts, though, he was met with a reluctance to move forward, reluctance that has sadly become the rule, not the exception, among our Republican colleagues. Nevertheless, Senator BAUCUS moved forward. He worked side by side with Democrats and willing Republicans to create a bill that would make Medicare work better for millions of senior citizens.

Senator BAUCUS laid out the many virtues of this legislation yesterday so I will do no more than summarize the key points of this most important legislation. The Medicare Improvements Act provides increased coverage for Medicare. This is so important. There is no better way to treat illness than true preventive care. Not only will this enhanced preventive coverage improve the health of Medicare recipients, but it will also save taxpayers in the long run from the astronomically higher costs associated with treating serious illnesses which could have been avoided with preventive care.

This legislation also makes mental health care more affordable. I have worked throughout my time in Congress to shed light on the tragic but all too often hidden cost of depression and other mental health problems among older Americans. Sometimes depression among seniors leads to suicide. There is no group of Americans that dies more than seniors from suicide. Medicare currently discourages beneficiaries from seeking care for mental illness by requiring a 50-percent copayment for mental health services versus a 20-percent copayment for physical health services. This legislation will eliminate that disparity and expand coverage for medications to treat mental health illnesses.

The Medicare Improvements Act also makes it easier for low-income seniors to access benefits by extending the Qualified Individuals Program, increasing eligibility for the Medicare Savings program and eliminating the drug benefit penalty. And for all seniors, this bill provides funds for State and local programs to help navigate through the program and ensure the greatest benefits possible.

When President Johnson signed Medicare into law in 1965, he acknowledged that for all the good this program would do, I repeat, it wasn't perfect. That has not changed today. For all its virtues, far too many seniors are not accessing the care they earned and to which they are entitled. Far more can be done to prevent and treat physical and mental illness to provide older Americans with the very best quality care we can provide them. Will the Medicare Improvements Act make Medicare perfect? No. But there is no question it will make it better, far better. There is no question it will help millions of Americans access Medicare and get the most of its benefits once they do.

There has been some talk of Republicans refusing to join Democrats to support the motion to proceed to this legislation. That is what the Republican leader said today. He told all of his Republicans: Don't vote for this. We will work out something better. That is the process. The process is not the status quo. If there are improvements they want to make, there is no bigger listener than MAX BAUCUS of the Finance Committee. He will manage this bill. But if they follow the lead of the Republican leader, they are being led off a cliff. Republicans wouldn't just be refusing to support the bill, they would be refusing to let us even move to debate it. They would be stopping this crucial legislation in its tracks and deny any possibility of progress or compromise in the near future.

I hope people on the other side will follow what I read to them from a Republican Senator downtown this morning: There is a lot of frustration within the Republican caucus on blocking motions to proceed.

And well there should be.

I will use leader time, Mr. President.

I can't imagine why all 100 Senators would not flock to quickly pass this legislation, much less why they would not all vote eagerly for the motion to proceed. Denying debate on the Medicare Improvements Act and denying its passage would be a grave disservice to tens of millions of Americans over age 65. It would be a slap in the face to all those who suffer silently through mental illness because they can't afford the treatment that would make them well. Opposing this legislation and clinging to the status quo, as I fear some Republicans may choose to do, would be an abandonment of our decades-old commitment to honoring and caring for senior citizens in the manner they deserve.

In Independence, MO, 43 years ago, President Johnson said this:

> Many men can make many proposals. Many men can draft many laws. But few have the piercing and humane eye which can see beyond the words to the people they touch.
>
> Few can see past the speeches and political battles to the doctor over there that is tending the infirmed, and to the hospital that is receiving those in anguish, or feel in their heart the painful wrath at the injustice which denies the miracle of healing to the old and to the poor.
>
> And fewer still have the courage to stake reputation, and position, and the effort of a lifetime upon such a cause when there are so few that share it.
>
> But it is just such men who illuminate the life and history of [this] nation.

Because times have changed in 43 years, I call upon the men and women of the Senate to do the right thing and let us move to this legislation. It is the right thing to do. President Johnson's words go to the heart of this country. People need to vote their conscience, not the status quo.

Mrs. BOXER. Will my friend yield for a brief question?

Mr. REID. I have time? OK.

Mrs. BOXER. In a minute or less, I am rather stunned to hear that the Republican leader is suggesting that Republican Senators vote no to move to a bill for the purpose of making improvements in Medicare. I ask my friend, because people sometimes lose track of what happens, would this not be the third straight bill in a row where the Republicans have been fierce defenders of the status quo—global warming, gas prices, and now fixing Medicare? Am I correct on that?

Mr. REID. I say to my distinguished friend from California, it has gotten so out of hand that we are having trouble keeping up. We now have on filibusters 75, but we have it on Velcro because we know they will add another one to it in the near future. We also have Velcro as to what they are blocking on a given day. We pull it off because yesterday they were blocking global warming. The day before they were blocking gas prices, today Medicare improvements. It has gotten so difficult around here that we have Velcro as to what they are stopping.

If there is no more time to be used on the Republican side, we could start the vote early. We are going to start the vote early. We were going to consider having it started at 3 o'clock. There are some people who want to leave and we have some coming back. Anyway, I have gotten a nod to yield back all time for both Democrats and Republicans, and I ask that the vote start.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 772, S. 3101, the Medicare Improvements for Patients and Providers Act of 2008.

Harry Reid, Max Baucus, Jon Tester, Barbara Boxer, Benjamin L. Cardin, Bernard Sanders, John F. Kerry, Patty Murray, Maria Cantwell, Blanche L. Lincoln, Ken Salazar, Charles E. Schumer, Ron Wyden, Patrick J. Leahy, Jeff Bingaman, Debbie Stabenow, John D. Rockefeller, IV, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3101, the Medicare Improvements for Patients and Providers Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from New Hampshire (Mr. SUNUNU).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Coleman
Collins
Conrad
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Johnson
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NAYS—39

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Reid
Sessions
Shelby
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—7

Clinton
Inouye
Kennedy
Landrieu
McCain
Obama
Sununu

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3101.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

The majority leader is recognized.

Mr. REID. Madam President, first of all, let me say I really appreciate the nine Republicans who voted to proceed. I appreciate that. We want to legislate. I think there is an indication that maybe things are getting to a point where we are going to be able to do that. I hope that, in fact, is the case.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Madam President, I move to proceed to Calendar No. 767, H.R. 6049, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Max Baucus, Barbara Boxer, Amy Klobuchar, Benjamin L. Cardin, E. Benjamin Nelson, Maria Cantwell, Patty Murray, Bernard Sanders, Daniel K. Akaka, Robert Menendez, Ron Wyden, Debbie Stabenow, Blanche L. Lincoln, Patrick J. Leahy, Richard Durbin, Sheldon Whitehouse.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, parliamentary inquiry: Is it appropriate to speak now as in morning business?

The PRESIDING OFFICER. Yes, by unanimous consent.

Mr. DOMENICI. I ask unanimous consent to speak for 15 minutes, and I ask the Chair to advise me when I have 2 minutes remaining. I also ask unanimous consent that Senator DODD be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSING HIGH GAS PRICES

Mr. DOMENICI. Madam President, over the last several weeks, I have come to the Senate floor to discuss my ideas on how to address the high price of gasoline in this country. I understand the toll these high prices are taking on the American people, and I understand the grave consequences of continuing our cycle of dependence upon foreign oil.

Americans are looking to us for some solutions and leadership. But, so far, all they are getting is gridlock and fighting. However, I think there are some things that we ought to be able to come together on that would truly address the fundamental global supply and demand imbalance. Today, I would like to talk about them with the Senate and anybody who is interested out in the hinterland of America.

This morning, my friend, the senior Senator from New York, said the Republican leader was incorrect in his assertion that the Democrats do not want to increase American oil and gas production. I was glad to hear him say that because given the votes that the other side has taken, I had my doubts. Just in the last month alone, they have opposed exploring in Alaska, opposed deep sea exploration, opposed lifting the moratorium on final regulations for commercial leasing of oil shale, and they have opposed converting coal to liquid fuel. That liquid fuel could be used by the U.S. military, as an example. They will be using it in one way or another. They could use the liquid that comes from conversion from coal.

In fact, in the past, a large majority of the other side of the aisle has opposed taking inventories on our U.S. lands to simply find out how much oil and gas we actually have. Why would that proposition be objectionable? Wouldn't it seem appropriate, with such large resources offshore, that we would inventory them, even if it costs some money? The amount we could find out there may be terrific and tremendous in size. Yet we have had objection to even doing that.

If the United States were to explore in our deep sea and move to develop our vast quantities of oil shale—just those two things—we could completely shift our dependence upon foreign oil in ways I suspect my friends on the other side of the aisle don't even realize. The amount of oil shale potential alone in our Nation is massive. This morning, I met with officials from the Department of the Interior who told me that in the coming decades, American companies are predicting production of up to 3 million barrels per day from our American oil shale. That gives us a good idea of just how much our Nation has at its disposal that we are not taking advantage of.

Nevertheless, my friend from New York pointed out that he supported my effort in 2006 to open a portion of the Gulf of Mexico to exploration. In fact, he even said he "helped lead the charge." Well, if that was the case, then I invite him to help me once again lead the charge to increase domestic production. Everything I have tried so far, his side has said no to. Tell me, what proposal will get them to say "yes"? The Senator knows that I have been here a long time, and I have had a hand in passing many pieces of legislation. I understand it usually takes some bipartisan compromise to get something done. So I say to my friend, on the production side, how can we compromise?

One reason I have been so discouraged about our ability to get something done is because even a limited, reasonable proposal to allow one single State to explore natural gas was rejected by the other side last year. My good friend from Virginia, Senator WARNER—who you all know is respected for his bipartisanship—introduced an amendment a year ago this week, with Senator WEBB's support, that would have allowed his home State to conduct natural gas exploration in the deep sea over 50 miles off the coast. He did this because the Democratic Governor of Virginia, and Republicans in the legislature expressed interest in possibly developing Virginia's coastal resources.

It all sounds pretty reasonable, doesn't it? What is the harm in letting Virginia explore for natural gas if Virginia is interested in it? And yet Senator WARNER's amendment was defeated by the Senate. Six Members from the other side of the aisle voted for it, and 39 voted against it—including my friend from New York.

America has enormous oil and gas resources. Total offshore oil reserves are around 85.9 billion barrels of oil. Over 19 billion of that is completely off-limits for exploration. On shore, we have 30.5 billion barrels of oil, and over 60 percent of it is considered off-limits. We have over 1.6 trillion barrels of oil equivalent in oil shale, which is the equivalent of more than three times the oil reserves of Saudi Arabia.

This policy of taking our own resources off the table simply makes no sense, especially when we face a price of $135 per barrel of oil and $4 per gallon of gasoline. No other nation in the world deliberately prevents itself from using its own resources. Look around the world—Brazil, Norway, Mexico, the United Kingdom, Russia and many others. They are producing their own oil and gas off of their own shorelines. So I sincerely hope that my friends on the other side of the aisle will join with me to try to find a way to allow States that wish to explore 50 miles off their coasts to be able to do so.

The other side of the aisle frequently tells us that we can't drill our way out of this problem. This morning, the majority leader said that the "answer to this is not drill, drill, drill." I agree with him. He is right. The answer to this problem is not just "drill, drill, drill." There is no question that our long term future requires us to find solutions other than drilling. We need to reduce our dependence on oil from all sources. But we need to build a bridge to help get us there. On the far side of the bridge is a world in which cellulosic ethanol and plug-in hybrid vehicles are available and deployed on a wide scale basis. But in the near term our experts tell us we need oil to fuel our economy and our lives. So the question remains: is Congress going to choose to create jobs and revenues in America by exploring for our own oil and gas, or are we going to continue to increase our deficit by purchasing foreign oil in greater quantities?

In order to get across this bridge I just described to secure an energy future, we need to develop our own natural resources. So let's build this bridge to a cleaner, more independent energy future by increasing domestic production here at home. It will take time and investments. Congress has already made great progress developing these resources for the long term and for the future of this country, but we are falling short in the near term. So let's come together in a bipartisan fashion to build a bridge to the future and begin to reduce our reliance on foreign oil.

I truly believe that if we decided we could do this, the independence that would be shown to the world because of the great quantities we could say we would produce for ourselves, for the world inventory, would have an immediate impact on those who are speculating and those who are counting on a future of shortage. When they see the United States is going to do something about it, it can do something rather significant, I am convinced.

We don't need to look at those other countries in awe when we have at home great resources that we are refusing to explore just because we refuse to do it. There should be no higher priority than the exploration of these resources, unless it is some great national interest that takes over and takes place and displaces this enormous interest we have to stop sending

$125 a barrel to a foreign country for every barrel of oil we use.

I repeat what I have said before: We are growing poor—p-o-o-r. Our economy is not flourishing, and we are asking why. We are being given all kinds of reasons. This Senator says one of the big reasons is that we are approaching the time when we will have sent $600 billion a year to foreign countries just for the crude oil we consume at home. If we have some of that locked up offshore of our country, we should say: Where is it, and what damage will it do if we use it? The answer will probably be that we have plenty and there will be no damage to use it. And if we move it out 25 or 50 miles from the shoreline into deep waters, there will be no damage to anyone.

This technology has been perfected. Hurricane Katrina hit a part of the offshore where we had many of these rigs. Some were old and some were brandnew technology. It didn't matter, the technology was strong enough to where there was no leakage, no oil was spilled.

I believe my friend has been waiting; therefore, I will not use my last 2 minutes. I will certainly yield to my good friend from Connecticut. I told the Senator that if he lets me go first, good things would follow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

ENERGY PRODUCTION

Mr. DODD. Madam President, I thank my colleague from New Mexico, who is a wonderful friend. I appreciate his kindness and generosity.

I wish to speak, if I may, about the so-called Merida Initiative. This is a proposal which was made by President Bush, along with President Calderon of Mexico, to deal with the raging drug violence that is occurring along the Mexican border, particularly in Mexico itself. However, I also wish to briefly address, if I may, the issue of energy production.

We had this debate earlier this week on energy issues. I know one of the arguments being raised is, of course, that we are denying the oil and gas industry the opportunity to drill for more of these products off our own shores, and if we did more of that, then we would be reducing our problems and bringing down costs.

Let me announce to my colleagues that I intend to propose legislation directly addressing this issue of oil production and development. I commend the Members of the other body—Congressman MARKEY, Congressman HINCHEY, Congressman RAHALL, and Congressman EMANUEL. They proposed a bill over there, which I will offer here, which addresses this issue.

We hear this argument that if we allow production in the Arctic National Wildlife Refuge and some of the coastal regions, we will be in great shape. But, Mr. President, there are 44 million offshore acres that have been leased by the oil companies, but these companies have put only 10.5 million of those acres into production. Of the 47.5 million onshore acres under lease for oil and gas production, only 13 million are in production. Combined, oil and gas companies hold leases to 68 million acres of Federal land and waters on which they are not producing any oil and gas, despite the fact they have the leases and could be drilling there. Compare that with just 1.5 million acres of ANWR that proponents of drilling say they want us to open. The vast majority of oil and natural gas resources on Federal lands are already open for drilling, and they are not being tapped.

I hear complaints about the 1.5 million acres closed off in ANWR, and yet we are sitting on roughly 68 million acres under lease but not in production—why don't they talk about that?

So our bill is basically a "use it or lose it" lease idea. If you are going to sit on these leases and do nothing with them, then you ought to be paying a higher fee. In our proposal, this fee would be $5 per acre per year for the first three years. We would then raise the fee, if the property remains unused, to $25 per acre in the fourth year and to $50 per acre in the fifth year and beyond. This will be an incentive to companies to put these millions of acres where leases have already been granted for oil and gas production to actually use this land they control. This is our answer to the great complaint: Let us drill in ANWR. Why not use the leases you have already been given?

I will offer that legislation.

By the way, the revenue that would come in from those production incentive fees would be devoted to the development of wind, solar, other alternative energy ideas, weatherization programs, and, of course, low-income energy assistance, to help with what is sure to be a staggering cost for moderate and lower income families come next winter.

This is an idea that I think will debunk this notion that if we can only produce more by drilling in new areas, we will solve our energy problems. Well, why aren't you drilling on the millions of acres you have leases on already instead of complaining about 1.5 million acres or a few more offshore when there are literally millions of acres already under lease that oil companies are doing nothing with? If they are not going to drill on it, they are going to pay more.

MERIDA INITIATIVE

Madam President, I wish to address the Merida Initiative. As all of my colleagues are aware, this bilateral initiative, the Merida Initiative, is a proposal between the United States and Mexico designed to combat the shocking increase in drug-related violence in Mexico over the past year.

Last weekend, I spent the weekend at an interparliamentary meeting in Monterey, Mexico, with our colleague from Tennessee, Senator CORKER, at their annual meeting. This is the 47th gathering of the bilateral Members of Congress of the United States and Mexico to meet and talk about bilateral issues. I am pleased that this was my 20th or 21st year in which I participated in these bilateral meetings with our neighbors to the south. But the issue of the drug cartels and the violence they are causing in that country, not to mention our problems on the border, was the dominant theme of this past weekend's gathering. Much of the discussion, as I say, focused around this initiative, in large part because of the grotesque increase in drug-related violence in Mexico within recent months.

While in Mexico, I expressed my condolences to the Mexican people on behalf of our colleagues here and the American people for what they have gone through. Some 4,000 people, police officers, military personnel, have lost their lives to the drug cartels in recent months, including the assassination of the chief of police of the country, Millan Gomez, who was gunned down inside his home. Cartel members waited inside his house to assassinate him. This would be tantamount to the Director of the FBI being gunned down in his home in the United States. That is how violent these cartels are. That is how unafraid they are of any retribution. So I think the notion of cooperation between our two countries is absolutely critical.

Mexico, as I said, has been under siege, and they need and deserve a combined effort. Though it is the Mexican people who bear the brunt of so many of these problems they are facing, there are, indeed, common security challenges affecting both of our people. So let me say unequivocally that the United States is committed—I believe all of us are—to helping and working with our colleagues, our neighbor to the south, Mexico, to end such violence.

President Calderon of Mexico made a very sincere gesture in reaching out to the United States for cooperation in this battle. Combating drug trafficking and related violence and organized crime through intelligence sharing, law enforcement, and institution building is critically important.

But it was unfortunate that the proposal that was made to the Mexican Government by the Bush administration lacked any input or consultation with the respective two legislative bodies. That was not just a violation of good manners. Rather, if you are going to propose these kinds of initiatives, it is critically important that you invite the Members of Congress who will have to appropriate the money and be responsible for the oversight of these programs. So at the outset you need to involve Democrats and Republicans in both Chambers, not because you fear they are going to object to the proposal, but because you are going to need their ongoing support.

In the case of the Merida Initiative, while all the good intentions are there, when you announce these proposals and do not invite input, you invariably end up with a train wreck that caused the problems that I had to listen to all weekend long in Mexico about whether we are putting conditions on these proposals, in some way limiting them or certifying this kind of financial assistance to Mexico, which was met with incredible hostility by every political party in the country—political parties that rarely agree on anything, by the way, but on the response to the Merida Initiative, there was unanimity among the political parties in Mexico despite what I think is a clear desire to see the kind of cooperation we absolutely need if we are going to have any success at all in taking on these cartels.

There also needs to be more accountability on both sides of the border. My primary concern is that Merida, as presented to both Congresses, focuses too much on the short-term fixes, which are of course needed, and very little on the longer term problems which we must address. I do not and would not object to this program on that basis alone, but I think it is important that we acknowledge this shortcoming.

No one denies that we need well-trained and well-equipped police forces to confront the most violent criminals, and no one doubts that Mexico urgently needs assistance fighting these violent criminals. They are tremendously well financed, and they are incredibly well armed. They have equipment and armaments that would compete with almost any military in the world, let alone a police force.

But what is equally needed is well-trained and well-equipped civilian judicial authorities and institutions to enforce and uphold the rule of law. We must work to combat corruption and do a better job of sharing intelligence.

These are all commonly held goals. We must tackle the larger, systemic problems which only exacerbate the drug trafficking and violence we witnessed over the last number of months.

Only by creating robust economic alternatives to the drug trade can the United States and Mexico together build the kind of future that reduces the number of people who enter into the drug trade either by force or by choice. That is why I am very supportive of an approach that more broadly promotes regional trade and political engagement, an approach that fosters sustainable growth through private investment, increased foreign aid, and supports regional institutions, such as the Inter-American Development Bank. Given our shared border of thousands of miles, the United States and Mexico must also deepen their bilateral partnership in ways that are mutually beneficial, such as more closely coordinating border security to ensure our goods and services can move through more effectively and efficiently. We should promote more business and cultural ties and more direct investment across the border as well. The United States must also support Mexico's integration with its southern neighbors as well and the role they play in both of our economies.

While a bilateral approach will be necessary, given the interrelated nature of our economies, a regional approach will be required to ensure effective and sustainable economic growth over the long term.

In addition to fostering sustainable economic development, we must also cooperate on financial intelligence and counter money-laundering programs and combat the black-market peso exchange which undermines the very economic alternatives we are trying to create on a bilateral basis.

In addition, of course, our own country must take responsibility for our contributions to the growing insecurity and to the violence that occurs in Mexico. Though we often fail to admit it or take action to address it, one of the biggest markets for illegal drugs, and by far the largest supplier of weapons to some of the most violent cartels in Central South America and Mexico, is, of course, our own country. Any sustainable effort to reduce trafficking and violence in Mexico must seriously address problems on both sides of the border, and here, I think, Merida, while it is a very good proposal and idea, falls a little bit short.

Despite all this, Merida is a very good first start, and I support it. Despite the failure of this administration to work with and consult Democrats and Republicans in both Houses, which should happen if we are going to succeed with this initiative, and despite the fact Merida is focused too much, in my view, on short-term fixes, and despite the fact Congress will most likely not be able to fully fund Merida as much as we would like—given problems in other places around the world, including Burma and Darfur, U.N. peacekeeping and food aid—this is a good beginning and it is deserving of our support—identifying the common concerns we share with our neighbor to the south.

While in Monterrey, I heard many concerns voiced by our Mexican counterparts about some of the language in the Merida Initiative, particularly language which many of our friends to the south are calling conditions in the legislation. Let me be clear, at least for my own part. The intent of the Senate language is not to condition our aid but rather to insist—as Mexicans ought to as well—on accountability from both our administration and from the Government of Mexico.

I, for one, am not going to sign off on a blank check that does not demand accountability from this administration. Of all the terrible lessons we learned from Iraq and Afghanistan, surely one is that more accountability can only be a positive thing, not only to guarantee taxpayer money is being well spent but also to sustain these programs over the longer term. That said, I understand Mexico's sensitivity to the idea of conditions, and I agree with those sensitivities.

Many in this Chamber will remember the arduous and contentious certification process we used to use to determine whether Mexico was cooperating in counternarcotics programs. My friend and colleague, Senator PAT LEAHY, has been a hero on these issues, to me and many others, over many years. His concern about human rights and accountability of dollars is longstanding and never focused on any country, or one specific issue. He is concerned, as he should and all of us should be, to make sure we abolish the certification process.

He was not only cooperative but also understood better than most when the debate raged in this Chamber about a certification bill, because rather then ensuring cooperation on counternarcotics operations, all certification ensured was that the United States and Mexico would simply feud day in and day out over what qualified—a development that benefitted no one but the drug traffickers.

So as a joint effort, we were able to change that certification process. And cooperation improved dramatically as a result, I might add. So I support the work Senator LEAHY is engaged in. I explained to our Mexican counterparts what his intentions were in regard to the Merida Initiative, and because of the negotiations we have had over the last number of days, I believe the Merida Initiative, as constructed, is going to work well and be received well.

The people of Mexico, indeed, Latin Americans in general, have no greater friend than PATRICK LEAHY, a Senator who champions human rights and has worked throughout his career to foster closer ties and change in our hemisphere.

The United States—including myself, Senator LEAHY, and others—is committed to addressing many of the concerns voiced by Mexico and to reaching a compromise acceptable to everyone, a compromise that will, in the words of Senator LEAHY, "provide support for the Merida Initiative in a manner that addresses our shared interests and concerns."

So rather than characterize these ongoing talks with our friends in Mexico, as some have in the United States, as "rejecting Merida" or "abandoning

Mexico" or an "infringement on sovereignty," I believe we have an obligation—both countries do—to share responsibilities with our executive branch, to tone down the rhetoric, to lower the temperature, and to work together to craft an effective broad-based strategy that combats drug trafficking, takes on these cartels, and lets them know they are never going to prevail in the efforts they are using today to advance their narcotics trafficking.

It is important that the cartels understand this debate about the Merida Initiative in no way should be construed as a retreat from our common goals to see that the cartels are soundly defeated; that they are wiped out as cartels trying to do what they do every day.

Secondly, the audiences in our respective countries should understand that we will work cooperatively, that we will work together to advance this cause. I believe that is a sentiment that we all share in this Chamber, and that people across this country share too.

So working together, I think we will get Merida right. I am confident that, in the end, we will produce an agreement that will be acceptable to both the Mexicans and Americans so we can join together in building a safer, more productive future and successfully combat those engaged in the violence within Mexico and along our border area. That is our shared goal. That is the kind of lasting change I think we all want. And through this process, this is what I believe we can produce together.

I yield the floor for my colleague from Pennsylvania, who is here and ready to speak.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

U.S. AND IRAQ AGREEMENTS

Mr. CASEY. Madam President, I rise to discuss two agreements under negotiation between the United States and Iraq that have grabbed headlines in recent days as more and more Iraqi politicians announce their strong opposition to these agreements. The two agreements will shape the presence of American military forces in Iraq long beyond the tenure of the current administration. Unfortunately, the administration, in my judgment, is handling these negotiations in the same manner that has characterized its entire approach to Iraq since 2003. Its approach is this: unnecessary secrecy, a disdain for congressional input, and an arrogant insistence that its course of action—the administration's course of action—is the only reasonable option.

Let me talk about each of these agreements. The first agreement to which I am referring is a proposed Status of Forces Agreement, known by the acronym SOFA. The Status of Forces Agreement would define the authorities, privileges, and immunities of American troops on Iraqi soil and allow U.S. forces to remain in Iraq beyond December 31, when a U.N. Security Council mandate, authorizing the presence of coalition troops, is scheduled to expire. Administration officials insist the extension of the U.N. mandate, which has been repeatedly renewed on an annual basis, is no longer possible; the Iraqis seek to return to a normal status in the international system and no longer want to be the subject of a U.N. authorized military operation.

The second agreement involves a more ambiguous "strategic framework," which would lay out the broad political, security, and economic ties between our two nations. While the administration walked back from previous statements indicating the United States is prepared to offer a binding security guarantee to Iraq's Government to come to its defense in the event of foreign aggression or internal turmoil, it is still prepared to agree to "consult"—consult—with the Iraqi Government under such circumstances. While the promise to consult, in the event of aggression, has been extended by the United States to many nations around the world, and is known in diplomatic jargon as a "security arrangement," it still raises concern when the United States maintains a large-scale troop presence in a nation. Any promise to consult with a foreign government takes on much greater weight when more than 100,000 troops are stationed there.

The Congress and the American public first learned of these two proposed agreements when President Bush and Prime Minister Maliki signed a "Declaration of Principles" last November, outlining their shared intention to conclude negotiations by July 31. A week later—a week after July 31—joined by five other Senators, I sent a letter to President Bush expressing deep concern over the proposed security guarantees to the Iraqi Government and the insistence of the administration that it could conclude both these agreements without—without—congressional input or approval. Since then, many Members of Congress, on both sides of the aisle, I might add, have expressed deep unease with the administration's approach. Some of the questions we have raised, including at a Senate Committee on Foreign Relations hearing in April, include the following: Here are a couple pertinent questions we should be asking and the administration should be answering.

First, why the sudden insistence on a termination of the U.N. Security Council mandate for the U.S. and other coalition troops in Iraq at the end of this year? Why not simply extend the mandate for another year and allow the next President to negotiate a bilateral accord with the Iraqis instead of a lameduck President?

Why would we accept a bilateral accord with the Iraqi Government that incorporates greater restrictions—greater restrictions—on U.S. troops, including limitations on the authority to conduct combat operations and detain prisoners of war than the current mandate? Why would we agree to that? I am a strong opponent of an open-ended U.S. combat presence in Iraq, but so long as American troops remain in Iraq, they should retain the discretion to conduct necessary operations to ensure their safety and security. American troops can never answer to a foreign government, especially one as dysfunctional as the Iraqi Government is now.

Why has the Iraqi Government committed to submitting these agreements to the approval of the Iraqi Parliament, acknowledging a national consensus in Iraq must exist to support their implementation. Yet the Bush administration stubbornly insists the Congress of the United States—the Congress—can have no formal role in approval, even refusing to share a draft text with key Members of the Congress.

Finally, why did the administration first characterize the Strategic Framework Agreement as a nonbinding "declaration" but has now changed its tune and has agreed, at the request of the Iraqis, to categorize it as an executive agreement that imposes binding obligations on both sides?

At a news conference yesterday during his overseas trip to Europe, President Bush responded to a question on the ongoing negotiations by asserting:

> There's all kind of noise in their system and our system. I think we'll get the agreement done.

Well, this isn't noise, Mr. President. What you are hearing is bipartisan unease over the course of United States-Iraq negotiations and puzzlement over the supposed urgency of concluding these accords instead of merely extending the U.N. mandate.

For the President of the United States to dismiss these concerns expressed by some of the leading foreign policy and national security voices in the Congress as mere "noise" is offensive and I think represents a fundamental misreading of our constitutional system of government.

As on other issues, I encourage the President to listen closely to his Secretary of Defense. In a television interview yesterday, Secretary Gates responded to a question over congressional input on this issue and on these agreements by acknowledging:

> If it emerges in a way that does make binding commitments that fit the treaty-making powers or treaty ratification powers of the Senate, then it will have to go in that direction.

Let me conclude with this. There is no urgency to concluding long-term agreements that define the future of U.S. military presence in Iraq. There is even less reason to conclude agreements that impose unhelpful restrictions on American military personnel and obligate the United States to an ambiguous commitment to Iraq's future security. I urge the President to acknowledge the importance and essential role the Congress has to play. If the President insists on completing these agreements during the last days of his administration, he should fully involve the relevant congressional committees in the ongoing negotiations and agree to submit any final accords for congressional approval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Madam President, I rise today in strong support of the Preserving Access to Medicare Act. It was introduced by the ranking member of the Senate Finance Committee, Senator GRASSLEY, and I have cosponsored the act.

Having practiced medicine for almost 25 years, I can tell you that our Nation's health professionals and our hospitals face tremendous pressures. If these pressures are not addressed, it can and it will impede access to quality health care services. That is why we must act now to stop the upcoming Medicare physician reimbursement cuts.

But this is not just a physician issue, it is a Medicare access issue and a Medicare quality issue. If Congress does not act, many Wyoming physicians could be forced not only to stop seeing Medicare patients, some could decide to lay off staff, to restrict office hours, or may even leave rural America and move to the big cities.

We, the Senate, must put aside partisan differences and craft a reasonable bill that President Bush can and will sign into law before June 30. But we have to act quickly. Senator GRASSLEY has offered legislation that would allow us to do that. The Preserving Access to Medicare Act provides a ½-percent physician update for the remainder of 2008. It also makes sure doctors will receive a 1.1-percent update in 2009. These payment increases will preserve access to health care for millions of Medicare beneficiaries. But the Grassley bill accomplishes much more. It improves the quality of care and it gives doctors an incentive to report quality measures. Senator GRASSLEY's measure also retains the Physician Assistance and Quality Improvement fund. Congress created that fund specifically to help stop future cuts. The bill that has been defeated eliminates this fund.

The Grassley proposal promotes e-prescribing, it promotes electronic health records, and it returns ownership of oxygen equipment to the supplier, not the beneficiary. The bill curbs abusive Medicare Advantage marketing practices, but it does not make large across-the-board cuts to Medicare Advantage. Doing so would disproportionately affect patients in rural areas and it would alter policies designed to maximize patient choice. Most importantly, the Grassley bill protects access to quality health care for rural patients.

By now it should come as no surprise that rural health care issues are near and dear to my heart. I practiced medicine in Casper, WY, for almost 25 years, so I have some firsthand knowledge of the obstacles families face to obtain medical care in rural America. I also understand the challenges our hospitals and providers must overcome to deliver quality care to families in an environment with limited resources.

In my maiden speech on the floor of the Senate, I made a simple pledge to the people of Wyoming. I promised them I would fight every day, I would fight every day to strengthen our rural hospitals, our rural health clinics, and our community health centers; that I would fight every day to increase access to primary health care services, and I would fight to help successfully recruit and retain health care providers in rural and in frontier America.

Over the past year I have kept my word. Working with the bipartisan Senate Rural Health Caucus, I led and joined in several efforts to preserve and strengthen our Nation's rural health care delivery system. I believe the Federal Government must recognize the important differences between urban and rural health care providers and respond with appropriate policy.

Senator GRASSLEY's Preserving Access to Medicare Act includes a robust but responsible rural health package. Most importantly, the Senator from Iowa pays tribute to the late Senator Craig Thomas. The bill's rural equity title is called the Craig Thomas Rural Hospital and Provider Equity Act. As Members of this body know, Senator Thomas honorably served as cochair of the Senate Rural Health Caucus for over a decade. In that position he worked closely with his caucus colleagues to advance rural and frontier-specific health care legislation. Due in part to Craig's efforts, comprehensive rural health care bills have a long history of collaboration and cooperation on both sides of the aisle and at both ends of this building.

For example, when Congress enacted the Medicare Modernization Act of 2003, it included a broad health care package specifically tailored for rural communities, rural hospitals, and with rural providers in mind. This was the largest rural health care provider payment package ever considered by Congress.

The Medicare Modernization Act finally put rural providers on a level playing field with their neighbors in larger communities. With the passage of the act, Congress put into place commonsense Medicare payment provisions critical to maintaining access to quality health care in isolated and underserved areas. Rural and frontier America achieved a significant victory, and there was much to celebrate.

The mission, however, is not complete. Several of the act's rural health provisions have expired and many are set to expire soon. The Craig Thomas Rural Hospital and Provider Equity Act, which is a title included in S. 3118, reauthorizes expiring health care provisions included in the Medicare Modernization Act. It also takes additional steps, steps to address inequities in the Medicare payment system that continually place rural providers at a disadvantage.

First, the legislation recognizes that low-volume hospitals have considerably more volatility over time in the demand for in-patient services. This makes it very difficult for those hospitals to set budget and recruitment goals. Many small rural facilities are often backed into a financial corner. They are forced to convert to what are called critical access hospitals in order to make ends meet. This provision will help certain rural hospitals cover the higher cost per patient and stay within the prospective payment system.

Second, the bill reinstates the "hold harmless" payments to rural sole community hospitals. This is a temporary fix until analysts can find out why some rural hospitals do not perform as well under the Medicare Program. S. 3118 extends the geographic practice cost index work floor. As we all know, Medicare payments for physician services are based on a fee schedule. There are three components to the fee schedule: liability, practice, and work. Physician work is defined as the amount of time and skill and intensity necessary to provide the medical services. Prior to the Medicare Modernization Act, the physician work component was lower in rural communities than it was in big cities. Rural physicians put in as much or even more time and more skill and greater intensity into their work as doctors in the big cities. Rural physicians should not be paid less for their work. This is a simple fairness issue and it is addressed in the Grassley bill.

Additionally, the bill would allow independent laboratories to continue billing Medicare directly for certain physician pathology services.

Finally, S. 3118 would help rural areas maintain access to lifesaving emergency medical services. Senator GRASSLEY's bill makes sure that rural ambulance providers receive a 3-percent add-on payment. This extra payment is critical and it is critical because rural emergency medical service providers are primarily volunteers. They have difficulty recruiting, difficulty retaining, and difficulty putting the time and effort into educating the personnel. They also have less capital to buy and upgrade essential equipment.

The Grassley legislation clearly preserves the achievements gained in the Medicare Modernization Act. It also gives much needed relief to our rural hospitals and to our rural providers.

The time has come to move beyond this political wrangling. We need to send a bill to the President that the President will sign. Wyoming's seniors and disabled patients are counting on us to get it right. We must enact bipartisan legislation now that protects seniors, that pays doctors fairly, and that strengthens the rural health care delivery system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

ENERGY

Mr. SANDERS. Madam President, a few months ago I asked my constituents in the State of Vermont, and it turns out people around the country, a very simple question. We sent out an e-mail and said: Tell me, what does the decline of the middle class mean to you personally? Not in great esoteric terms, not in academic terms—What is going on in your life? Frankly, in my State we expected to receive a few dozen responses. We ended up receiving over 700 responses.

Then I asked people in Vermont and also around the country: Tell me what these high gas and oil prices mean to you. We received 1,100 e-mails that came in, 90 percent from Vermont but some from around the country.

I want to do two things this afternoon. I want to read, in the words of ordinary people, what these high gas and oil prices are meaning, in terms of how they impact their lives; and what the decline of the middle class means in the words of people who are in the midst of that decline.

For many years I have been very angry about the Bush administration talking about how strong the economy was, how robust the economy was. That is like the operation being a success except that the patient died. The economy has been so great except that the working people in the economy are seeing a decline in their standard of living. What we are seeing, generally speaking, in the economy is poverty increasing, the middle class shrinking, while the people on top have never had it so good since the 1920s.

Let me read some e-mails that came to my office within the last several months, mostly from Vermont but occasionally from other parts of the country. This is what we heard recently:

> I am a single mother with a 9-year-old boy. We lived this past winter without any heat at all. Fortunately, someone gave me an old wood stove. I had to hook it up to an old unused chimney we had in the kitchen. I couldn't even afford a chimney liner—the price of liners went up with the price of fuel. To stay warm at night my son and I would pull off all the pillows from the couch and pile them on the kitchen floor. I would hang a blanket from the kitchen doorway and we would sleep right there on the floor.

State of Vermont, United States of America, 2008.

Another letter:

> My 90-year-old father in Connecticut has recently become ill and asked me to visit him. I want to drop everything I am doing and go visit him, however I am finding it hard to save enough money to add to the extra gas I will need to get there. I am self-employed with my own commercial cleaning service and money is tight, not only with gas prices but with everything.

In other words, here is an instance where a 90-year-old father is ill and a son cannot even visit him because of the high price of gas.

Another story:

> My husband and I are retired and 65. We would have liked to have worked longer but because of injuries caused at work and the closing of our factory to go to Canada, we chose to retire earlier. Now with oil prices the way they are we cannot afford to heat our home unless my husband cuts and splits wood—which is a real hardship as he has had his back fused and should not be working most of the day to keep up with the wood. Not only that, he has to get up two or three times each night to keep the fire going.

Another story:

> I, too, have been struggling to overcome the increasing cost of gas, heating oil, food, taxes, et cetera. I have to say this is the toughest year financially that I have ever experienced in my 41 years on this Earth. I have what used to be considered a decent job. I work hard, pinch my pennies, but the pennies have all but dried up. I am thankful my employer understands that many of us cannot afford to drive to work 5 days a week. Instead, I work 3 15-hour days. I have taken odd jobs to try to make ends meet.

Another story:

> I am 55 years old and worse off than my adult children. I have worked since age 16. I do not live from paycheck to paycheck, I live day to day. I can only afford to fill my gas tank on my payday. Thereafter, I put $5, $10, whatever I can. I cannot afford to pay for the food items that I would. I am riding around daily to and from work with a quarter of a tank of gas. This is very scary as I can see myself working until the day that I die.

Another story:

> I am a working mother of two young children. I currently pay, on average, about $80 a week for gas so that I can go to work; $80 a week just to go to work. I see the effects of the gas increase at the grocery stores and at the department stores. On average I spend about $150 per week at the grocery store. And, trust me, when I say I do not buy prime rib, I buy just enough to get us through the week, and I cannot afford to make sure that we have seven wholesome meals to eat every night of the week. Some nights we eat cereal and toast for dinner because that is all that I have.

Another story. This is an interesting story because I am sure it applies all over the country:

> As the chief of a small ambulance service, I have seen the impact of rising costs. As the service is made up of primarily volunteers, we have seen our numbers decline. When soliciting for volunteers in the community, we have been told that they are unable to put the time in due to the need to work more to pay their bills.
>
> Our costs associated with running an ambulance

—this is a volunteer ambulance service—

> have also risen in the last few years. When discussing with our supplier fuel prices, they play a large part in the increase both to the manufacturer and to transport.

Here is another story. This is just incredible. It reminds us of all of the ways that this increase in gas and oil is impacting our people and our communities. Here is this story:

> My story involves my capacity as an oncology social worker working with cancer patients in an outpatient clinic. I also run an emergency fund through the Cancer Patient Support Program which provides funds to cancer patients in need during their cancer journey, including the initial diagnosis, surgery, and treatment period in which they experience a significant decrease in income during a medical leave.

This is an oncology worker at a hospital.

> I cannot describe how devastating it has been for these folks who need to travel great distances to get to and from their cancer treatment and followup care with the way gas prices have been. Many of these folks need to travel on a daily basis to radiation therapy for several weeks, while others come from surrounding counties every 1 to 2 weeks for chemotherapy. The high price of gas has had a tremendous impact on our ability to provide the financial assistance to our emergency fund to all of those in need.

Imagine someone living in a rural area dealing with cancer, dealing with chemotherapy, dealing with radiation, sick as a dog, worried about the future, and then having to worry about how they can afford to get to the hospital to get the treatment they need.

Another letter:

> First of all, I am a single mother of a 16-year-old daughter. I own a condominium. I have worked at the hospital for 16 years and make a very good salary, in the high $40,000 range. I own a 2005 Honda Civic. I filled up my gas tank yesterday, April 1. It cost me almost $43; that was $3.22 per gallon. That was on April 1. If prices stay at that level it will cost me $160 per month to fill up my gas tank. A year ago it cost me under $20 to fill up my tank.

On and on it goes. I think the message is that high gas and oil prices are having a devastating impact on tens of millions of Americans in every aspect of their lives and on our economy. As bad as it is all over this country, it is especially bad in rural areas where people have to travel long distances to work, and it is especially devastating in cold States where people have to spend a huge amount of money for home heating oil.

It seems to me it is absolutely imperative that we get our act together and that we do everything we can to lower the price of gas and oil. In that regard, let me talk a little bit about some of the events that have taken place on the floor of the Senate in the last couple of days.

I think it is interesting that many Americans have already given up on any belief that the Bush-Cheney administration even understands the problem, let alone is prepared to do anything about it. It is amazing that no one even looks to the White House for leadership on this issue, and for appropriate reasons; that is, because Bush-Cheney, from the day they have been in office, have been much more concerned about the profits of large multinational corporations, including the oil companies, than the needs of ordinary Americans.

There are a few points that I want to focus on at this time. First, it is a national obscenity that at a time when oil prices are off the wall, when people are paying over $4 for a gallon of gas, at exactly this same moment the major oil companies are enjoying record-breaking profits and are giving their CEOs outrageous compensation packages.

It seems to me that while there are multiple causes for why oil and gas are soaring, one of the reasons certainly has to do with the greed of these huge oil companies. And the time is long overdue for the Congress to say enough is enough and stop ripping off the American people.

During the last 2 years, ExxonMobil has made more profits than any company in the history of the world, making over $40 billion in profits last year alone—$40 billion, one company.

But it is not only ExxonMobil; Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. For example, in the first quarter of this year, BP announced a 63-percent increase in their profits—a 63-percent increase in their profits—and people are paying over $4 for a gallon of gas.

As a matter of fact, the five largest oil companies, the five largest companies in this country, have made over $600 billion since George W. Bush has been President; 7 years, $600 billion in profits.

Let me mention what these large oil companies have been doing with some of their profits. In the year 2005, Lee Raymond, who was then the CEO of ExxonMobil, received a retirement package of $398 million. Let me repeat that. Former CEO leaves his position, retirement package of $398 million.

Workers all over this country, as indicated in the letters that I have read, are finding it harder and harder to fill their gas tank and get to work.

In 2006, Ray Irani, who is the CEO of Occidental Petroleum—that is the largest oil producer in the State of Texas—received over $400 million in total compensation, one of the biggest single-year payouts in U.S. corporate history.

People here tell us, often my friends on the other side of the aisle say: Well, we have to trust the oil companies. They really are concerned about the American people.

I do not think so. I think one has to be very naive to believe companies in the midst of this energy crisis, when people are struggling with these very outrageously high prices, when these companies are giving hundreds of millions of dollars in compensation packages to their CEOs, and then they tell us that the oil companies are concerned about the American people. I do not think so. I really do not.

The situation is so absurd that there was an article the other day in the Wall Street Journal. Not only are these companies giving huge compensation packages to their CEOs, they now have a deal that if the CEO dies while he is CEO, their heirs and families will receive huge compensation packages.

According to the Wall Street Journal a couple of days ago, the family of Ray Irani, the CEO of Occidental Petroleum, will get over $115 million if he dies while he holds that job. The family of the CEO of Nabors Industries, another oil company, will receive $288 million.

Meanwhile, in the northeastern part of this country people are saying: How am I going to stay warm this winter? Prices of home heating oil are soaring.

We need a windfall profits tax on the oil industry. We need to tell them: Enough is enough. The windfall profits tax on the oil industry is not the only thing that we should be doing. We need to take a hard look at speculation that is taking place in the industry.

As you well know, as I think the American people increasingly know, there are estimates out there that as a result of the activities of major financial institutions, such as Goldman Sachs, Morgan Stanley, JP Morgan Chase, and others, there are estimates that between 25 and 50 percent of the cost of a barrel of oil today has to do with speculation in oil futures.

Earlier last week, George Soros told the Commerce Committee that rampant speculation in oil and gas futures is "intellectually unsound and distinctly harmful in its economic consequences."

We have had representatives in the oil industry themselves who have told us that speculation is one of the reasons oil prices are so high. Mark Copper with the Consumer Federation of America told the Commerce Committee last week that the speculative bubble in the price of oil has cost the U.S. economy over a half trillion dollars over the past 2 years and has cost U.S. families an average of a $1,500 increase in gasoline and natural gas costs.

So I think those are two areas at which we have to take a hard look. Now, in terms of speculation, people say: Well, this sounds like a conspiracy theory. Well, let's talk about some recent history. In 2000 and 2001, as the American people well know, especially the people on the west coast, Enron successfully manipulated the electricity markets and drove up prices by 300 percent.

Now, what was interesting is during the debate over this terrible tragedy on the west coast, what was Enron saying? They were saying: The reason that prices are going up is supply and demand. It is the natural forces of the market. Do not blame us.

That is what they said. I guess that is what some of the guys who are now in jail, after being convicted for massive fraud, told the public.

It was not supply and demand, it was excessive manipulation. But it was not only Enron in 2000 and 2001, in 2004, energy price manipulators moved to the propane gas markets. That year the Commodity Futures Trading Commission found that BP artificially increased propane prices by purchasing "enormous quantities of propane and withholding the fuel to drive prices higher." That was the Commodities Future Trading Commission.

By the end of February of 2003, BP had almost 90 percent of all propane delivered on a pipeline that stretches from Texas to Pennsylvania and New York. BP's cornering of the propane market caused prices to increase by 40 percent during the month of February 2004. And as a result of their illegal actions, our friends at BP paid a $303 million fine.

So we have Enron, those guys are in jail, having caused severe economic damage on the west coast. We have BP, a major oil company, paying a $303 million fine.

But it goes on. In 2006, 2 years ago, energy manipulators moved to the natural gas market, when Federal regulators described that the Amaranth Hedge Fund was responsible for artificially driving up natural gas prices.

Amaranth cornered the natural gas market by controlling as much as 75 percent of all of the natural gas futures contracts in a single month. The skyrocketing cost of natural gas cost American consumers an estimated $9 billion. I should point out that the Amaranth hedge fund eventually collapsed, as a result of their illegal activity.

When people say, let us take a hard look at speculation, this is not conspiracy theory. This is based on some very real economic realities which have taken place in the last few years.

Today, the price of oil has more than doubled over the past 14 months. We need to find out who is manipulating oil and gas prices. Right now, oil and gas futures are largely traded on unregulated markets and enormous conflicts of interest exist between investment bank analysts, energy traders, and employees involved with oil and gas infrastructure.

The Commodity Futures Trading Commission has the authority and responsibility to prevent fraud, manipulation, and excessive speculation in U.S. commodity markets. Unfortunately, this authority and responsibility has largely been abdicated through the use of over-the-counter energy derivatives that are largely unregulated and by foreign boards of trade that have received no action letters from the CFTC to operate terminals inside the United States, trading U.S. commodities to U.S. investors free from regulatory oversight. It is pretty complicated stuff. But the bottom line is, huge amounts of money in oil futures are being traded in an unregulated, below-the-radar-screen market, and we don't know who is controlling what.

Congress needs to end what some have referred to as the "Wild West" of energy trading by requiring anyone operating a trading terminal in the U.S. trading U.S. commodities to U.S. investors to register with the CFTC and be subject to CFTC oversight. We also need to substantially increase margin requirements for these trades to make it harder for speculators to manipulate oil prices.

In addition, major conflicts of interest exist in the commodities markets. Goldman Sachs and other large financial institutions seem to have a corner on virtually every sector of this market. When Goldman Sachs and Morgan Stanley predict the price of oil will go up, so do their profits in the oil futures market. When ExxonMobil wants to sell or buy oil in the futures market, they go to Goldman Sachs or other large financial institutions. When Sovereign Wealth Funds, pension funds, or smaller dealers want to invest in energy derivatives, Goldman Sachs and other investment banks facilitate those trades. Goldman Sachs, Morgan Stanley, BP and other major institutional investors even co-founded the InterContinental Exchange that now trades West Texas Intermediate crude oil to U.S. investors free of U.S. regulatory oversight.

And when Morgan Stanley and other investment banks need insider knowledge of the heating oil market to benefit their traders, they physically purchase large quantities of heating oil for storage and delivery. This is an issue that I am paying particular attention to. Heating oil prices right now are skyrocketing. Right now, fuel dealers in my State have told me that the residential price for heating oil would cost about $5 a gallon. If heating oil prices keep climbing there are a large number of my constituents who are in danger of freezing to death. We cannot let that happen.

I want to know why heating oil prices are high right now and if Morgan Stanley or others are manipulating these prices through excessive speculation. We have got to get heating oil prices to go down before winter.

We need to end these massive conflicts of interest in the energy markets. There are a number of ideas that I am exploring on this issue, but for starters, I strongly believe that the commodities market should have similar laws prohibiting insider trading that our securities market currently has.

Further, we must once and for all begin to break up OPEC. OPEC is an illegal price-fixing cartel that is clearly in violation of international trade rules. The high price of oil is expected to increase OPEC's crude oil export earnings by more than $300 billion this year to a record of over $1 trillion. That is an astronomical figure.

The time has come for the President to file a complaint with the World Trade Organization and demand the dismantling of OPEC. The ending of collusion with regard to oil production will result in increased production and lower oil prices.

Finally, and perhaps most importantly, over the long term we need a strong program to break our reliance on fossil fuels once and for all. That means transitioning electricity generation away from fossil fuel power and demanding automobiles that get substantially more miles per gallon. Plug-in hybrid prototypes currently get in the range of 150 miles per gallon. We need to get them out of the laboratory and onto the roads. We also have to invest heavily in mass transit, including rail and rural bus transportation. These steps can help break the power of the big energy companies, reduce damage to our environment, and create millions of good-paying, green-technology jobs across the country.

The bottom line is this: Congress and the President can no longer sit idly by while Americans are getting ripped off at the gas pump, and ExxonMobil, greedy speculators, and OPEC are allowed to make out like bandits pushing oil and gas prices higher and higher. The time for action is now. We need to lower gas prices.

That is something we must address, if the Congress is going to gain, perhaps once again—hopefully regain the confidence of the American people that we understand what is going on in their lives, we understand the absolute necessity of addressing this crisis of high gas and oil prices, that we understand the necessity of transforming our energy system away from foreign oil and our dependence on foreign oil, away from fossil fuels which is causing so many problems in terms of global warming, that we understand that the potential for moving toward energy efficiency, toward sustainable energy such as wind, solar, geothermal, biomass is sitting there right in front of us.

Yesterday there was a conference right here in Washington where people were talking about plug-in hybrids that get 150 miles per gallon. These are the kinds of developments we need. There has been a lot of discussion about a so-called Manhattan project. I believe in it. I think if we focus and are aggressive and are prepared to transform our energy system, take on the big, powerful special interests, we can not only create millions of good-paying jobs, we can reverse global warming. We can address environmental concerns. That is what we have to do.

The challenge we face is to understand that the oil industry and the coal industry have put hundreds of millions of dollars into lobbying, campaign contributions, advertising. They are very formidable folks. They want the status quo. We have been represented by the people, presumably not by the special interests. Our job is to represent ordinary people. I hope we can do that. If we do the right thing, I believe not only can we lower gas and oil prices today, we can transform our energy system and create a much better tomorrow for our kids and grandchildren.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, the high cost of gasoline has had a crippling effect on the economy of my State of Mississippi. The people in my State, where earnings are below the national average, are simply not able to keep up with the rising cost of living. High gasoline prices not only increase the cost of going to work, they also result in an increased cost of food and other consumables.

As a constituent who called my office yesterday said: I can stand the high price of gas, but my utility bills have stretched me to the breaking point.

The Daily Journal, a newspaper in northeast Mississippi, quoted another constituent, Jennifer Skinner, of Tupelo, as saying:

> Working class people can barely make it. I'm a single Mom with three kids.

We have been very fortunate that our farmers have been getting record prices for corn, soybeans, and wheat, other commodities as well, over the last 2 years. While the value of these commodities is high, energy costs have caused the inputs for farm operations to rise significantly. This has affected costs of fertilizer, pesticides, electricity, and the diesel fuel farmers use. As a result, some farmers who have worked so hard to produce food at a lower cost to the consumer than in any other country are not able to sustain their farming operations. These high prices and high costs have created a cycle of higher food costs that have been added to the burden of my constituents.

Crude oil prices are, of course, linked to supply and demand. While there are many other compounding factors, such as a weakened dollar, we must remember that at the root of the problem is the increased worldwide demand for energy. According to the Federal Highway Administration, Americans drove 12 billion fewer miles in the first quarter of this year compared with the same period last year. Americans are driving less due to increased costs. However, the decreased demand for energy in America has had little effect on the increased worldwide demand.

We know that demands for oil will continue to escalate as more developing countries use crude oil. According to the International Energy Agency, between now and 2030, China and India will account for 70 percent of all new demand for oil. The Congress and the administration must consider now how much future demands will increase in the coming years. While there are steps I believe the Congress can take to help cope with higher prices in the short term, our future demands for energy independence will require us to move to new sources of fuel. Americans are looking to their leaders for answers. They want to know what the Congress can do to help them through these hard times.

As we consider energy policies that will ease the burdens of higher costs for our constituents and their struggling businesses, we should not impose policies that create higher tax burdens or costs for energy companies. Higher taxes will not lead to lower prices but will only serve to increase the expenses of doing business that will be passed on to the consumers. Our economy relies heavily on transportation. A policy that doesn't provide real long-term reforms to the way our country acquires and uses energy will not provide Americans with a better deal or a stronger economy.

While we search for better energy sources, we must remember that until developing technologies are able to create affordable and efficient fuels, the short-term supply-and-demand problems will still exist. Some Senators have called for increased exploration and drilling. While I am always mindful of protecting our environment, I think we need to be reminded that advancements in drilling technology over the last several years mean we are much better able to protect our valuable natural resources as we explore for new energy.

In addition to acquiring more crude oil within the United States—and offshore drilling provides another opportunity—we should do all we can to promote the exploration and use of oil shale. I know the distinguished Senator from New Mexico talked about his views, which include the use of oil shale. It is already used extensively in many other countries.

According to the Congressional Research Service, there is a potential equivalent of 1.8 trillion barrels of oil to be found in America alone. It is my hope the Congress, the administration, and private industry will come together, work together with those who are concerned about environmental consequences and impacts, deal with those challenges in a thoughtful and effective way, and proceed with exploration and extraction of oil shale. The Energy Policy Act of 2005 identified oil shale as a very important resource that should be developed. While progress in the development of this important resource has occurred, we should do more to make oil shale resources as a motor fuel into a reality.

Peter J. Robinson, vice chairman of Chevron Corporation, recently testified before the House Select Committee on Energy Independence and Global Warming. He said:

> The search for the next source of energy—whether it be oil or next-generation fuels from renewable sources—takes enormous capital, specialized expertise and the organizational capability that characterizes Chevron. Transforming raw materials into usable energy products and delivering them to market some six continents takes substantial financial strength, advanced technology, and human energy.

I think Mr. Robinson is correct when he says we face a huge undertaking in determining the next source of fuel. I also believe the Congress should not be in the business of trying to pick a winner for the next form of energy. Rather, we should be doing what we can to promote all forms of alternative energies that show promise through appropriated research dollars, grants, and public/private partnerships.

In Mississippi, we are prepared to play a major role in the development of new energy. Our farmers have the knowledge and expertise to create renewable feedstocks such as corn, soybeans, timber, grasses, animal fats, and even wastewater. The University of Southern Mississippi, for example, is engaged in research to create more efficient and lower cost fuel cell membranes. The University of Mississippi is using termite research in an innovative approach to cellulosic energy research.

In addition to researching alternative fuels that include waste water, timber, and other feedstocks, Mississippi State University students were winners of the 2008 Challenge X Competition. This competition is a partnership between the Department of Energy and General Motors. It challenges university students to create vehicles that are more fuel efficient and produce lower emissions.

I am proud of my State's commitment and contribution to creating a better energy future, and I hope we can continue to work hard to make the ideas and efforts of these students and university researchers and our entire population in our State who are involved in this challenge a reality.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized with unanimous consent.

HABEAS CORPUS

Mrs. FEINSTEIN. I thank the Chair.

This morning, the Supreme Court struck down as unconstitutional the portion of the Military Commissions Act of 2006 which denied habeas corpus rights to detainees at Guantanamo Bay. In making its decision, the Supreme Court has recognized that detainees at Guantanamo cannot be denied the fundamental legal right to habeas corpus, enshrined in the Constitution.

Writing for the majority, Justice Kennedy wrote:

> The laws and the Constitution are designed to survive, and to remain in force, in extraordinary times. Liberty and security can be reconciled; and in our system they are reconciled within the framework of the law.

I think that is a very important statement. I think it crystallizes a lot of the debates this Senate has been having over the past 5 to 6 years. It recognizes the importance of the rule of law, one of the most fundamental values our country was founded upon.

Detainees at Guantanamo have been in a legal quagmire since 2002. As the Court recognized, some have been held without court review for more than 6 years—6 years—many in isolation for long periods of time. The Court specifically stated it was not ruling on the issue of whether the writ for habeas corpus should be issued or whether detainees should be released. Rather, the decision focused on the fact that the detainees are entitled to the fundamental right of habeas corpus as a means to review whether they are being properly held.

Four times now the Supreme Court has stepped in and struck down the Bush administration's policies at Guantanamo. Four times. In the Hamdi and Rasul decisions, the Court stated that U.S. law applied to Guantanamo and that detainees had to be determined enemy combatants before they could be held.

In the Hamdan decision, the Court struck down the administration's claim that the Geneva Conventions did not apply to the detainees at Guantanamo and repudiated the legal framework the Bush administration tried to construct to handle the trials of detainees.

In today's decision, the Supreme Court has once and for all made it clear that even at Guantanamo our constitutional principles remain sound. It also recognizes that President Bush's repeated assertion that he has essentially unchecked powers in the war on terror is simply wrong.

Guantanamo Bay has been a case study in what not to do in the war on terror. Consider all the early choices this administration has made: to deny the protections of the Geneva Conventions, to establish military tribunals based on the theory of unchecked Presidential power, to deny habeas corpus and, finally, to reverse decades of old precedent and authorize the use of coercive interrogation and torture.

These decisions by the Bush administration and its operation of Guantanamo will go down in history as a black mark on the United States, decisions where this administration and this President simply forgot—or worse ignored—our own values and laws.

Today's decision provides another reason why Guantanamo should be closed. Closing this facility is critical to our Nation's credibility and stature and our ability to conduct foreign policy and counterterrorism operations worldwide. If there is one thing that is very clear, the credibility of the United States as a bastion of law, of constitutional rights, and of human rights has gone downhill all over the world. As I have said on this floor before, I have never seen a time in my lifetime where Americans are thought so poorly of by citizens of countries that are our firm allies as well as our adversaries.

Let me be clear: I have no sympathy for al-Qaida terrorists, Taliban fighters or anyone else around the world who wishes to harm Americans at home or abroad. But I strongly believe that continuing to operate Guantanamo, in the face of repeated reprimands from the Supreme Court, the stated wishes of senior administration officials, and a tidal wave of congressional and international condemnation, weakens the United States in its effort to fight the war on terror.

Last July, I submitted an amendment to the fiscal year 2008 Defense authorization bill to close Guantanamo. I was joined in that amendment by 15 cosponsors: Senators HARKIN, HAGEL, DODD, CLINTON, BROWN, BINGAMAN, KENNEDY, WHITEHOUSE, OBAMA, SALAZAR, DURBIN, BYRD, BIDEN, BOXER, and FEINGOLD. I intend to offer this amendment again this year.

President Bush, Secretary Gates, Secretary Rice, Colin Powell, 9/11 Commission heads Tom Kean and Lee Hamilton, numerous retired four-star generals and admirals, as well as Senator OBAMA and Senator MCCAIN, have all expressed their support for closing Guantanamo.

It kind of boggles my mind. I was sitting in the Defense Appropriations Subcommittee, when I asked the question of Secretary Gates, and he said: Yes, I am for closing Guantanamo. I have heard Colin Powell say: Yes, I am for closing Guantanamo. I would do it right now. I have heard generals and admirals say: Guantanamo does this Nation no good. Yet nothing changes. So the question of closing the facility is when and not if.

Guantanamo, as I have said, is a lightning rod of condemnation around the world, and not just because of a lack of adequate legal rights and remedies. It has also drawn criticism for the treatment of detainees that violates both American and international standards, laws and values. And coercive interrogation techniques undertaken there have failed to yield reliable and usable intelligence.

Both the Presiding Officer and I sit on the Senate Intelligence Committee. We hear the classified data which obviously cannot be discussed here. We know there are bad people in Guantanamo, but we also know there are people who are hapless victims, who may have been picked up just because they were in a certain place at a certain time.

This week I held a hearing on coercive interrogation techniques being used at Guantanamo. Glenn Fine, the inspector general of the Department of Justice, testified about his report that concluded that over 200 FBI agents observed or heard about military interrogators using a variety of harsh interrogation techniques, including but not limited to stress positions and short shackling, in which a detainee's hands are shackled close to his feet to prevent him from standing or sitting; isolation, sometimes for periods of 30 days or more; use of growling military dogs; twisting a detainee's thumbs back; using a female interrogator to touch or provoke a detainee in a sexual manner. Mr. Fine also argued these techniques are not only shocking but they are less effective and they produce less reliable intelligence than noncoercive means.

Experienced FBI interrogators agree. We heard yesterday afternoon—and it was kind of interesting because the minority apparently exercised a rule that would prevent the hearing from continuing. When I asked the question, why, I found it was because of my hearing, which was to elucidate some, I think, valuable facts and timelines of how all this happened. Fortunately, and thanks to the majority leader who came to the floor and recessed the Senate, we were able to conclude our hearing.

One of the people testifying was a former FBI agent by the name of Jack Cloonan. Now, Jack Cloonan has interrogated at least six members of al-Qaida. He testified under oath that he was able to get convictions for three of them and was able to get actionable intelligence for every one of them using noncoercive techniques. As a matter of fact, he said these al-Qaida members were so struck by the process he used, the fairness of the process, they not only gave him information that was valuable, they are now in witness protection programs. I thought that is very relevant information. Why do this if it isn't effective?

The conditions at Guantanamo have led to at least 4 documented detainee suicides and another 41 attempted suicides, according to media reports from 2006 and 2007. More recent press accounts discuss how detainees have gone mad during extensive periods of isolation, sleep deprivation, and degrading treatment.

Finally, I ask unanimous consent to have printed in the RECORD following my statement an article from the New York Times, dated April 26, 2008, entitled, "Detainees' Mental Health is Latest Legal Battle."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, the article describes how Salim Hamdan "has essentially been driven crazy by solitary confinement in an 8-foot-by-12-foot cell, where he spent 22 hours a day, goes to the bathroom, and eats all his meals."

This is not about abuses from 2002 and 2003, like al-Qahtani and the Abu Ghraib scandal. This is 2008, and I fear it is going to continue as long as Guantanamo is able to operate in its isolated setting, in a highly confined environment, with no visitors and nobody able to go in and talk with inmates.

Let me say a little about the status of Guantanamo today. There are approximately 260 detainees being held. They can be divided into roughly three equal groups: those the administration intends on charging with a crime and prosecuting; those the administration says can be transferred to another country, if another country is willing to take custody—and I will admit there are problems there. There are detainees, I know, who are awaiting repatriation to their own country, if they will take them back. In many cases, they will not take them, and that is a problem. We, on the Intelligence Committee, need to pay attention to this and find a solution to it.

Third are those who can't be tried for a crime but who are deemed too dangerous to transfer and who, presumably, will be held indefinitely without charge.

I think we need to provide a legal framework for that kind of administrative detention so that the detainees in administrative detention have certain due process rights to ensure they can know why they are there, that they can have an opportunity to rebut the charges, and that they can have access to counsel.

Since the end of 2001, nearly 500 detainees have been transferred back to the custody of their home nations. A group of seven Chinese Uighers, who had committed no crime, were sent to Albania, where they are now held as refugees in poor conditions.

Exactly one man, in the 6 years Guantanamo has existed as a detention facility, has been convicted of a crime. He, of course, is David Hicks, a kangaroo skinner from Australia, who pled guilty in order to get out of Guantanamo. He has since been released by the Australian Government.

I believe there are 19 more detainees against whom charges have been brought. The military commissions process is in turmoil. It is my hope that with today's ruling these cases will be moved to the district and circuit courts rather than the deeply flawed and separate system of justice set up in the Military Commissions Act, which I voted against, and I am very pleased I did so.

Guantanamo began in the Bush administration, and it should end in the Bush administration. At every turn, the Supreme Court has struck down President Bush's policies with respect to Guantanamo.

John Adams said that "we are a Nation of laws, not men." This administration has turned that concept on its head, with President Bush deciding that he alone should make the legal and policy decisions in the fight against terrorism, and that the rule of law does not apply.

In rejecting this notion, the Supreme Court's decision today once again reiterated that it would be wrong "to hold that the political branches may switch the Constitution on or off at will." I hope the administration hears that. To me, this clearly indicates that the President's article 2 powers are limited, that his powers as Commander in Chief are limited, and that his powers under the war resolution and the authorization for use of military force in Afghanistan are limited, and he must follow the Constitution of the United States. That is what this decision says to me.

So I commend the Court for its decision. I hope the President will recognize this. I suggest that he should. I suggest that after being repeatedly rebuffed by the Supreme Court, the administration come to us and say that the time has come to close Guantanamo. I would expect, now that we have both potential presidential nominees supporting closure of Guantanamo, we will close it. The Secretary of Defense, the former Secretary of State, the present Secretary of State, the co-chairs of the 9/11 Commission, Governor Kean and Representative Hamilton, and dozens of admirals and generals, recommend the closure of Guantanamo.

When I present this amendment on the Defense authorization bill, I hope I will be able to press this toward a successful vote.

SIGNING AUTHORIZATION

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senator from Montana, Mr. TESTER, be authorized to sign the enrollment of H.R. 6124.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Utah is recognized.

HABEAS CORPUS

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator, my friend from California. She is an excellent Senator and a very good person. She certainly tries to bring both sides of the aisle together. Over the years we have had a number of disagreements, but that is part of the legislative process. However, that has never diminished the respect that I have for her.

Yet the fact is, I disagree with her regarding the Supreme Court's decision. This decision, written by Justice Kennedy, gives terrorists one of the most important rights enjoyed by the people of the United States.

We face difficult times ahead. Many have legitimate concerns about the prospect of closing Guantanamo Bay and then housing these alleged terrorists somewhere within the continental United States.

These are not easy questions. However, I do not believe that the Supreme Court has provided the correct answer.

Our government has publicly stated that there have been three instances in which waterboarding has been used. In one of those instances, it was used against a leading terrorist who actually masterminded the terrible incidents that occurred on 9/11.

These are interesting and difficult issues. I certainly appreciate the anguish and the feelings of those who believe, as the distinguished Senator from California does, that we should provide these alleged terrorists every right that the American people have, in spite of the fact that these terrorists do not represent a country, do not wear a uniform, are willing to kill innocent human beings, and are willing to have their own children blow themselves up. We have never before faced these types of events in our society. Yet it is important that we not ignore them. We are dealing with people who do not abide by the norms of the world.

Some concerned people ask, why should the terrorists have the rights that everybody else has? Are we not binding future Presidents who may face even greater terrorist threats? Will the next President be able to get the information we need to protect the American people? We know there are terrorists who would, if they could, not bat an eyelash as they used a nuclear weapon against the innocent.

Sometimes we have to take stern measures to deal with these types of people. It is always nice to be concerned about people's feelings and about people's rights, even those of terrorists, but sometimes we have to be practical and pragmatic and do the things that have to be done to protect the American people, and our citizens overseas.

These are tough issues. We should all work together to try to resolve them. There are many who will believe that the Supreme Court made the right decision and others, such as myself, who believe that the Court made a lousy decision.

However, I uphold the Supreme Court, even though it was a 5-to-4 decision. Nevertheless, it is a decision by one-third of the separated powers of this country, and must be recognized as such.

Having said all that, I admire my friend from California. She knows it. We have worked together on a whole raft of issues through the years. I appreciate her sincere leadership in the Senate and will always appreciate knowing her and having the experience of calling her my friend.

ENERGY

Mr. President, I want to take a few minutes to address arguments by my friends on the other side of the aisle related to energy production. Some Democrats are complaining that oil companies own tens of millions of acres of oil and gas leases on Federal lands that they are just sitting on.

Now, that is an interesting way of formulating an argument because some are obviously trying to paint a picture of oil companies holding back production purposely to raise gas prices. Some Democrats have argued that the oil companies are purposefully holding back production to raise gas prices, and others are arguing that this fact makes it totally fine to close off all our good offshore oil and natural gas and all our oil shale and tar sands because there are undeveloped leases on public lands right now. Here we go again with the anti-oil agenda of the more extreme environmentalists, which the Democratic leadership has adopted as their own energy policy—or should I say anti-energy policy, which is what I believe it to be.

Take oil shale alone. We have an estimated 3 trillion barrels of oil in the tristate area of Colorado, Wyoming, and my home State of Utah. There is anywhere from 800 billion at the low end to 1.6 trillion barrels that are recoverable, and recoverable at a much lower price than the $135 we are paying for oil, but we're being told we can't develop it.

It is true that there are tens of millions of acres of leases held by oil companies. But it is also true that they are being developed as fast as possible. Guess what. You cannot develop a lease on Federal land unless you have a permit to drill, and there is a very large backlog in the permitting process on Federal lands. It is the job of the Bureau of Land Management to issue these permits, and I don't blame them for the backlog because they are working as hard and as fast as they can. All of the environmental work has to be done before one of these permits can be given. Our Nation happens to have very stringent environmental laws on oil and gas drilling.

In the Energy Policy Act of 2005, I supported an effort pushed by the senior Senator from New Mexico, who has been one of the most prescient forces in our Senate on energy and who was chairman of the Senate Energy Committee at the time, to put more funds toward the permitting process, and that has helped to a certain degree.

What proof do we have that our oil companies are trying their hardest to develop their leases? Let's look at the numbers. In the year 2000, the BLM gave out 3,413 permits for oil drilling. In 2007, just this last year, the BLM gave out 7,124 permits for oil drilling. In the year 2000, oil companies drilled 2,341 new oil wells. In 2007, again just this last year, they drilled 4,640 new wells. In other words, in the last 7 years, oil companies have more than doubled their effort to develop their leases on Federal lands. I am not sure how an industry that is literally doubling its efforts to supply our energy needs can be painted as "sitting on their leases." I don't blame the liberals in Congress for not understanding this because it seems as if they get almost everything they know about energy from the most extreme environmentalists in our society who have no problem with seeing our people suffer as long as their anti-oil agenda moves forward. That is the best you can call it, an anti-oil agenda.

In Utah, we have leases, and we have a lawsuit every time somebody tries to develop anything. It is ironic because the extreme environmentalists know perfectly well that oil companies are drilling as fast as they can on these leases. How can they be so sure, one may ask. I know for sure because I have watched these groups do everything in their power through protests, lawsuits, and policy changes to slow the oil companies down. The oil companies could do a much greater job if they did not have all of these lawsuits, slowdowns.

The Federal Government spends a large portion of its public land management budget fighting these lawsuits. I have heard estimates that during certain periods, up to 50 percent of the Bureau of Land Management budget has gone to litigation costs. That is pathetic. Can you imagine what could be done for our habitat, our forest lands, BLM lands, and so many other things if we didn't have all of that money being spent on lawsuits?

It is ridiculous for these radical groups to do everything in their power to stop energy production on our public lands and then sell an argument to liberal Members of Congress that oil companies are not trying hard enough to drill on their own leases. They would drill a lot more if they had the leases and no lawsuits in areas where they actually have leases.

I have said it before and I will say it again: Our country simply cannot afford to promote an anti-oil agenda. It is an agenda that will cause the most harm to our poorest citizens. The poorest among us spend 50 percent of their income on energy prices mainly to get to work or to buy groceries. I hope my well-intentioned but sometimes misguided friends in Congress keep that in mind.

We have it within our power to alleviate a lot of pressure on the price of oil. If we just announced tomorrow that we are going to go forward and do more oil and gas exploration offshore and developing our oil shale in that tristate area, the price of oil could drop simply from the announcement. The problem is that Saudi Arabia and the other countries do not have the ability to flood the world with oil and to bring the prices down anymore. There is such an insatiable demand for the current oil that is being developed.

I heard familiar arguments against oil shale during the Clinton administration in 1995: It will take 10 years to develop oil shale, they said. Here we are 13 years later, and now they are saying: It will take 10 years to develop oil shale. What if we had started to do it then in a realistic fashion and we were able to get that 100,000 to 1 million barrels of oil out of each acre of oil shale in the productive areas of Colorado, Utah, and Wyoming—keep in mind, abiding by very stringent environmental concerns? It is mind-boggling to me.

Yesterday, I was on a radio show in my State, one of the most popular radio shows. The announcer said: Why aren't you for the Democratic Energy bill? I briefly said: Well, it is not an energy bill, it is a regulatory bill that will stifle energy development.

Back in the last years of the Carter administration, they put on a windfall profits tax that cost us 129 million barrels of oil and sent this country into a downward spiral. If you tax something, you get less of it. That is just a simple fact of life. But that is what my colleagues are doing in their "energy" bill.

I am the author, along with some other wonderful colleagues on both sides of the aisle, of the CLEAR Act. It took us 5 years to get the CLEAR Act through, if I recall it correctly, something that should be a no-brainer for anybody.

We now have the Freedom Act, which will give economic incentives for the development of plug-in hybrids and other kinds of battery-operated electric cars. I just saw one today that is all electric, it goes more than 200 miles on a charge and goes from zero to sixty in less than 4 seconds. The problem is it costs around $100,000 to buy. But future models will be cheaper, and plug-in hybrids will be affordable for average citizens.

But today, and tomorrow, and for quite a while, we're going to need oil. I cannot believe we in this body cannot acknowledge that for many years from now, we are going to have to use our oil, our coal, our natural gas, and we are not going to be well off if we do not.

I am proud to tell you that I believe we have some 22 natural gas-providing gas stations in Utah for natural gas-driven vehicles. We could do that all over the country. We have 22 of them, and those people are driving their vehicles—mainly Honda Civics—at a rate of 68 cents per equivalent gallon of gas. If we would move into these types of situations—yes, it would take us years to get there, and it takes oil to fill up those intervening years—if we would move that way and acknowledge that this is what we have to do, within 10 to 15 to 20 years, we would become very energy independent.

If we would develop our offshore oil instead of letting China and Cuba and other countries come offshore and take our oil because we will not allow it to be done—let the States have control over it. The distinguished Presiding Officer comes from Florida. If Florida does not want energy development offshore, that is Florida's concern, as far as I am concerned. But we stop it here. There are a number of other places, such as Virginia, that would love to be able to do this and would help alleviate the dependency we have right now in our country.

I wish we could get around these extremists who seem to control the liberal agenda. I wish we would work together to provide a means whereby we can overcome these problems together and keep our country strong.

We are sending upwards of $700 billion every year to other countries for foreign oil, much of which comes from countries that are not all that friendly to us, and it is ridiculous. It is time that we wake up and do something about it.

Mr. President, I thank my colleagues. I am sorry to have gone on. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, certainly no apology is necessary from my colleague. He comes to the floor very passionately and has worked with great passion, and we appreciate that.

MEDICARE

Mr. President, I come to the floor today to echo so many comments that were made by many of my colleagues on the great policies in the Medicare bill that has been introduced by the Finance Committee chairman, Senator MAX BAUCUS.

I have, along with others, been exhausted, certainly disappointed and dismayed that so many in this body voted against moving forward on this bill today, a bill that I believe is essential to the needs and concerns of so many of the constituency I represent in our great State of Arkansas.

When I first came to the Senate, people said: It is always easy to vote no. But to move things forward, to be progressive, to be willing to start and engage the debate and to move forward in starting to solve the problem, that means voting yes. And sometimes it is a difficult vote, to move forward and to get things going, to come together, to work together and to find the solutions that are necessary for this country.

But as we have seen time and time again in these votes, it is a simple vote that happens on the other side. It is "no." No, we are not going to create jobs and move forward in this tax extenders bill, providing tax cuts to industries for research and development and help in the creation of new jobs in the renewable fuels industry. No, we are not going to move forward in trying to fix the concerns our constituents have in their access to health care, particularly in the Medicare Program. "No" is that simple vote. The tough vote is yes; being able to say yes, it is worth it to the people of this country for us to come to the floor, to work together, and to be able to move forward in the debate. Not that any of us are going to get everything we want, but it is important that we are willing to come together and work on behalf of the people of this country.

Now, I am not sure how many of my Senate colleagues here pump their own gas, but I do. I drive myself, unlike many of my colleagues, and I pump my own gas. I guess it was a couple of days ago, in between a Little League game and purchasing some items for the end-of-school party, that I stopped to buy my gas, and I was astonished, just as I had been the time before. My son commented on the fact that it had gone up so much since the last time we filled up, and I am thinking to myself here I am, with both my husband and me working and bringing home a paycheck, and realizing the crunch we feel. Think of how other hard-working Americans feel across this country.

I know the Presiding Officer has many of the same duties I do, whether it is Little League or school parties or birthday events or all kinds of things, but I think it is so important for our colleagues to stop and think. Because if they do not fill up that tank, if they are not going to the grocery store, as I am, and seeing the rising cost of food, then they need to start. They need to understand what Americans out in our States, the hard-working families of this country, who are the fabric of our Nation, are faced with, the decisions they must make.

Certainly on job creation, on moving forward with the tax cuts, we could have provided those to industries and businesses, extending some where people don't know whether they are going to be there, and certainly providing them the wherewithal, the businesses and industries of this country, to be progressive in addressing and creating the kinds of jobs we need out there in these new and innovative technologies and new and innovative industries.

Here today, we had an opportunity to move forward on improving the Medicare system, the health care available to seniors and others, and we missed it. We missed that opportunity. We are not here to create a work of art. I say this all the time. We are here to create a work in progress. Several years ago, we passed the Medicare Modernization Act. Here we had an opportunity to improve upon and to move forward in making sure that some of these policies in Medicare can continue to happen.

S. 3101, the bill we tried to move forward today, contains a number of provisions that would improve care and access to care for low-income Medicare beneficiaries, and a number of important provisions to support our providers in the Medicare Program. Low-income Medicare beneficiaries, the people more than likely who are on a fixed income, get hit the hardest by increased gasoline prices and increased food prices because they are on a fixed income. So here was an opportunity to say yes, we understand the pain you are feeling, we are working on it. We know there is not a ton of immediate impact that we can make on the price of fuel, but we can do some things, and here is something we can do. We chose not to, because there weren't enough votes to move forward.

Besides fixing the reimbursement for physicians, it bolsters Medicare in rural areas and includes a number of provisions from the Craig Thomas Rural Health Care bill, in honor of our former colleague, Senator Craig Thomas. That is a bill I and so many of my colleagues in the Senate have supported year after year. These are not new things. These are things that are essential.

If you look in rural America today—and I was visited in my office by elected officials from a county that is predominantly Federal lands. They won't be able to meet their county budget this year. They are operating a jail that is over 100 years old and on the National Historic Register, but it doesn't do the job they need it to do.

People who live in rural America, hard-working Americans, those who have worked hard to make this country great, need us to be paying attention. Yet what are we doing? We are not moving forward. We are continually stymied from even getting to the debate on the issues and offering amendments and moving forward on these matters because people want to say no. It doesn't work. We have to come away from that.

The bill we tried to bring up earlier today, S. 3101, would continue to allow exception to when seniors need medical therapy beyond current funding caps. I have seniors who will not get their therapy until August because they are worried they are going to fall and they will need their therapy more desperately in the last several months of the year. If they use it in the first part of the year, they will hit the cap. So what does that do? They do not get the therapy, because they do not want to reach their caps early in the year, so they are not as ambulatory, they are more fragile, and then what happens? Yes, what they anticipate does happen. They do have a fall in August and then they have to go through even more extensive rehabilitation. It is not cost effective and it doesn't make sense. These are such smart things we could do on behalf of Americans who need our help and our rationalization in moving forward.

The bill also extends a provision to pay pathologists for the valuable, technical component of their services. I didn't understand this one, so I took a tour of a pathology lab. I was taken through the different processes of what happens in that pathology lab and I saw what that technical component was. There were several steps in that pathology instrument, or that pathology series of events that didn't catch the eye of the physician—the trained pathologist, because they wouldn't get reimbursed. He looked at me and said: Would you want that to be the sample of your cancer tissue, or the possibility that it is not going to be caught because we are going to leave out three different processes or three different pieces in this process? No. We want to be thorough, and there is no reason why we shouldn't be.

The bill also gives Medicare beneficiaries access to cardiac and pulmonary rehabilitation, which has already shown us to lower costs associated with COPD and other respiratory diseases. These are diseases that oftentimes are predominantly in older people, low-income older people who live in rural areas who are least likely to be able to get the help elsewhere. Why would we not want to save those dollars and create a greater quality of life for these individuals? That is an investment.

The bill also educates kidney disease patients with managing their disease, before they end up on costly dialysis, which can drastically improve their quality of life and greatly reduce medical costs down the road. Again, we are talking about procedures and making sure those procedures are reimbursed that are cost effective. That is how we improve on Medicare.

We are getting ready to see an explosion of baby boomers who are going to be using the Medicare system. Why would we not want to act now to put in cost-saving measures that will create greater savings and greater quality of life?

It also extends for 2 years the critical diabetes research conducted in the CDC and the NIH. I tell my colleagues if they have not met with the families in their State who suffer from diabetes, they should do so. I have never in my life sat with more passionate people, particularly those families who suffer with a child who has juvenile diabetes, who are passionate about the idea of not only how do we find better ways to care for our children but also investing in the research that will one day find the cure.

I looked at a mother who had tears in her eyes and she said: My daughter, who is 12 years old, is going to her first sleepover, and I am going with her because I cannot leave her side. She needs to be so closely monitored, she said. But I refuse—I refuse—not to let my child have a childhood.

These are the things we can change, and we should.

Now, unlike the Republican alternative that was introduced by Senator GRASSLEY, the Baucus bill also ensures that pharmacists receive prompt pay in Medicare. As I mentioned before, I don't work under the auspices that we are here to create a work of art, and when I supported the Medicare Modernization Act, I knew it wasn't perfect, and I knew we would have to watch to see what worked and what didn't work. I went a step further. I went to my State and I traveled county to county and had meetings with seniors, with the AARP, with our area agency on aging, and with Sunday school teachers to try and work through what we needed to know and what they needed to know to help one another about the prescription Part D in Medicare, and we had good results. Arkansas was one of the top States in terms of signing up seniors and getting them into the right plans, figuring out how we could help them, and working through making that a success.

But the fact is that in rural America, oftentimes pharmacists are the last touch for a medical provider. If you are in a community that has a commuting physician, perhaps, or maybe you don't have a hospital and have to use one in a larger MSA somewhere, your pharmacist is probably the only person who is going to be there on the weekend, and it is critical that we keep them in business. Well, if they do not get paid on a timely basis—I had two, three pharmacists, at least, who had to take out loans of $500,000 to be able to carry over the burden of providing the prescription drugs for seniors on Medicare when we transitioned into the Medicare Part D. That is unreasonable to ask of any small business such as that, to have to carry that over.

The bill we tried to move forward today also delays the harmful Medicaid average manufacturers price rule so that we can improve it to reflect the true cost that pharmacists face and to increase patient access to generic drugs; again, a commonsense way to move us into a more practical, more cost-effective delivery of Medicare services—generic drugs. We all talk about them frequently. Here is something that would actually implement moving in that direction, not to mention the true cost these smalltown pharmacists face.

Many of them can't work within cooperatives. They don't have the advantages, lots of times, of the large pharmacies out there, where they can buy in these huge bulk purchases and get greater prices. We need to make sure we are supporting everybody, and those pharmacists in rural America definitely have their needs. That was something in our bill that the Republicans did not address.

S. 3101 makes several much needed reforms to the Medicare Advantage Program, or the Medicare Part C. This is something new we added. When Congress first decided to allow private insurers to participate in the Medicare Program, the health insurance industry maintained that the efficiency and the competitiveness of the private marketplace would enable them to provide Medicare beneficiaries with better coverage at less cost to the Government.

Despite congressional intent, these plans do not save the Government money. As a matter of fact, they cost the Government money. Many of them offer absolutely no data to suggest they provide significant extra benefits or any better quality at all.

Since passage of the Medicare Modernization Act in 2003, more and more private health insurers have entered the private Medicare market and enrollment in Medicare Advantage plans has increased exponentially across the country. I heard someone make the comment the other day that they were multiplying like rabbits, particularly in rural America. The high enrollment growth, especially for Medicare Advantage plan types known as private fee for service, is alarming to me since these private plans are paid 20 percent more by the Government, on average, than it would cost traditional Medicare to cover those same beneficiaries. So if they are multiplying like rabbits out there and we are paying them 20 percent more than what we would pay for traditional Medicare fee for service, we are wasting taxpayers' dollars.

Private fee-for-service plans are not required to create networks with providers or to report any quality measures. So in terms of tracking whether they are providing greater quality, we have had studies done, but we cannot even track the measures to determine whether there is an improved quality.

Many seniors in my State of Arkansas have run into trouble with private fee-for-service plans. Many of them have been duped into signing up for these plans through misleading or even fraudulent marketing practices. Once they do sign up, they often find that when they try to go to their regular doctor, their provider does not accept the plan. People have signed them up for something simply to get a bonus for the number of people they can sign up for a plan.

We had one woman who came into our office. We heard about this case in Arkansas of a sales agent going door to door, wearing medical scrubs and a stethoscope, trying to enroll seniors in this plan, not knowing much about the plan, and certainly not being willing to work with these seniors to figure out what was best for them.

The Baucus Medicare bill includes a number of improvements to the oversight of sales and marketing of Medicare Advantage plans, much needed and certainly a part of our responsibility, including banning certain practices such as door-to-door sales, cold calling, and free meals to seniors as an enticement to sign up.

We saw the invitations sent out to seniors for a free meal if they come and sign up for this package or seniors who simply get cold-called in their homes who get kind of hassled and made to feel insignificant to the point they say: OK, whatever, come see me.

It also asks the HHS Secretary to place limits on free gifts and commissions to sales agents. That is completely reasonable. We have heard of agents getting paid $10,000 for signing up up to 150 beneficiaries. That is not right. That is taking advantage of seniors who may not understand some of these programs and who need more time and assistance to be able to figure out what is right for them if, in fact, they need to change at all.

S. 3101 also requires private fee-for-service plans and Medicare Advantage to develop networks of providers to ensure care for beneficiaries and to measure and report on quality of care. Plans would no longer be allowed to deem a hospital or provider as part of the plan's network without negotiating an actual contract for payment and care.

In Arkansas, we have about 11 percent of our total Medicare-eligible population enrolled in Medicare Advantage. Most of these beneficiaries have the private fee-for-service plan type, and that is why it is especially critical to me that these plans work for our beneficiaries or, if they do not, that we get our seniors back into regular Medicare, where they can have their needs met. Let me tell you, we have worked hard. Some of these seniors have been duped. They called my office, we sat down with them, and we worked hard. Getting them back into traditional Medicare fee for service where they were, and they liked their service, is unbelievably difficult getting through that redtape over at CMS.

We have heard a lot of rhetoric on the Senate floor lately about "choice" and "fiscal responsibility." However, I would like to ask: What kind of choice is it when the plan you chose doesn't meet your needs, and you chose a plan because you have been harassed by people who are either trying to make an extra $10,000 or who are just out there trying to sign up as many people as they possibly can?

As for fiscal responsibility, we already know the Medicare Hospital Insurance Trust Fund is estimated to be insolvent by the year 2019. When American taxpayers are subsidizing private companies' profits rather than the needs of our seniors, we are simply exacerbating that problem. We are adding to the debt of our children and our grandchildren. I, for one, would argue this is not fiscally responsible.

I hope we can move beyond the rhetoric. I hope we can have productive, bipartisan negotiations over the next days and weeks and make these many needed improvements to our Medicare Program a reality. Simply saying no is not good enough. It is hard to say yes sometimes, but the fact is the American people need us to be working right now. They need us to be focused and paying attention to the issues with which they are faced.

Yes, the price of gas is out of control. Yes, their food prices are going up. Yes, their health care costs are going up and their access is dwindling. The number of Medicare patients I know in my State who can no longer find doctors because doctors are no longer taking new Medicare patients—we actually experienced that in my own family. Our lifetime family physician who lived across the street passed away, my dad hit Medicare age, and all of a sudden we didn't have a physician. These are issues people in our States are facing every single day. The least we can do is bring forward measures that will show the people we are working toward figuring out some of these issues and some of these concerns that are hitting them square in the face.

As I said before, I stop and pump my own gas and I do the grocery shopping at my house. I have to say I see what they are up against. I think every one of us needs to take the time to figure out what it is our constituents are facing and redouble our efforts to work together to find the solutions that will make an impact on this great country and, more importantly, on its greatest asset and that is the working families of this great country.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Oklahoma is recognized.

(The remarks of Mr. INHOFE are printed in today's RECORD under "Morning Business.")

Mr. VOINOVICH. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on the motion to proceed.

Mr. VOINOVICH. Mr. President, I ask unanimous consent then that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEBT

Mr. VOINOVICH. Mr. President, I rise today to comment on the need for fiscal responsibility and to call attention to our ever-increasing national debt. Building on a speech I gave in March, I hope to regularly provide my colleagues and the American people with updates on our growing national debt.

I recently voted against the budget bill that would have allowed the national debt to increase to $11.8 trillion over the next couple of years. We need to be reminded of the fiscal realities in which we find ourselves. We cannot continue to live in the United States of Denial.

Behind me is a chart that shows the accumulated national debt today. As of 2007, the national debt stood at almost $9 trillion. Today it is at $9.4 trillion, with each American owing some $31,000; that is, every man, woman, and child in the country owes $31,000. And the deficit for 2008 will be added to that number, including an average $273 billion a year in interest payments on that debt.

If interest rates increase, the interest payments could be much more, eating up revenues that could be used for other purposes. In January, the Congressional Budget Office projected a $219 billion deficit for 2008, but they did not include the $152 billion economic stimulus package that President Bush later signed into law in February.

With the addition of the economic stimulus bill and other recent changes in the baseline, CBO's updated deficit projection for 2008 is $357 billion. The Congressional Budget Office number also does not include borrowing from the Social Security trust fund and other trust funds to the tune of almost $200 billion.

We only talk about the public debt, but we do not talk about the debt, the money that we are borrowing from our own Government. In addition to all of this, soon we are going to be considering a supplemental appropriations bill to the tune of $193 billion which, again, will be added to the national debt.

So if we are really honest with the American people, the projected real debt for 2008 is $746 billion—$746 billion. That is more than three times the $219 billion deficit projected at the start of 2008.

Now, to get an idea of how much that is, $746 billion is more than we spent on the war on terror, including Iraq and Afghanistan and elsewhere, during the last 5 years. And we borrowed every penny of it.

The Treasury Department in April reported that the deficit through the first 6 months of the budget year to date was $311.4 billion, up 20 percent from the same period a year ago. That was the largest deficit for the first half of a budget year on record, surpassing the old 6-month mark of $302 billion that was set back in 2006.

The Federal deficit through the first half of fiscal year 2008 is an all-time high, underscoring the pressure the budget is coming under as, overall, our economy slumps, spending is higher, tax revenues are lower.

But the deficit only describes the annual difference between revenues and outlays. And that is not what is really threatening our future. We do not talk about it. It is the cumulative ongoing increase in our national debt that really matters, with too many people in Washington pretending this debt does not even exist.

When was the last time you heard the President of the United States talk about the national debt? I cannot remember. And he happens to be a Republican. One of the reasons I am a Republican is that I have always believed in balancing budgets and paying down debt. But we do not even talk about it. It is not even there. It is like it has evaporated. When have we heard the Presidential candidates talk about the national debt and what they are going to be doing about it?

Recently, USA Today reported that the Federal Government's accumulated long-term financial obligations grew by $2.5 trillion last year—$2.5 trillion—as a result of the increase in the cost of Medicare and Social Security benefits as more baby boomers retire.

I think $2.5 trillion is about what we spend on everything in the Federal Government each year. Taxpayers are on the hook for a record $57 trillion in Federal liabilities to cover the lifetime benefits of everyone eligible for Medicare, Social Security, and other Government programs.

If you figure it out by households, that is $500,000 per household in this country. When people come to me and ask me to spend money on a special program that they want me to spend money on, I explain our $9.4 trillion national debt and the fact that each of us owes $31,000. Then I ask them if what they want is important enough to borrow the money and put the cost, including interest, on the back of our children and grandchildren.

It is an interesting question that I pose to people. And they think about it. After a moment, the smiles on their faces vanish, and their answer is no. Unfortunately, however, our political leaders in Washington hide the real budget numbers from the public and fail to even mention the rising national debt.

Most Americans are clueless as to how fiscally irresponsible Congress and the administration have been. The U.S. Government is the biggest credit card abuser in the world. We talk to our kids and others: You have to watch credit. We are the worst example of a credit card abuser in the world.

You know what. The rest of the world gets it, which is why they are covering their bets on the U.S. dollar. So why do we refuse to see the warning signs? A decade ago who would ever have imagined that the Canadian dollar would be worth just as much as the U.S. dollar? I remember when it was two to one. Now the dollar's value has fallen by half.

A few years ago, one Euro was worth barely 80 cents; now it is worth more than $1.50. I think the President remembers when we were in Rome together that the dollar that we had bought 60 cents of a Euro. It is hard to believe. Then, to top it off, because of our deficits, we are forced to borrow money from other countries.

As a matter of fact, 51 percent of the privately owned national debt is held by foreign creditors. It is supposed to be held by the United States; that is public debt. But they have come in and they have 51 percent of it. That is up from 37 percent 6 years ago.

Foreign creditors provide more than 70 percent of the funds the United States has borrowed since 2001, according to the Department of Treasury. Think about it. And who are those foreign creditors? According to the Treasury Department, the three largest foreign holders of U.S. debt are China, Japan, and the oil-exporting countries known as OPEC.

As you know, we are sending them a lot of money because of the high cost of gasoline. So we send them the money and then they come back and they are now buying our companies and they are buying more of our debt. If these foreign investors were to lose confidence and pull out of U.S. Treasurys, "Katey, bar the door."

Borrowing hundreds of billions of dollars from China and OPEC puts not only our future economy but also our national economy at risk. It is critical that we ensure that the countries that control our debt, the countries that control our debt, do not control the future of this country.

To try to avert this train wreck, I have introduced the Securing Americas Economic Future—it is a commission—legislation that would create a bipartisan commission to look at our Nation's tax and entitlement systems and recommend reforms to put us back on a fiscally sustainable course and ensure the solvency of entitlement programs for future generations. My colleague, Senator ISAKSON, has cosponsored that.

Over in the House, Democratic Congressman JIM COPPER of Tennessee and a Republican Congressman, FRANK WOLF of Virginia, have introduced a bipartisan version of the same commission. In the House they have 93 cosponsors from both parties. This bicameral group has support from corporate executives, religious leaders, think tanks across the political spectrum from the Heritage Foundation to the Brookings Institution. Brookings is real liberal; Heritage is real conservative. They all agree we have to do something and we have to do it fast.

Building on that legislation, two of my colleagues in the Senate, the Budget Committee chairman from North Dakota and the ranking member from New Hampshire, introduced a bipartisan bill that would create a tax and entitlement reform task force very similar to the same commission. We call it the Bipartisan Task Force for Responsible Fiscal Action. There are 19 cosponsors of the Conrad-Gregg proposal. I have a commitment from Senator GREGG and Senator CONRAD that they were going to bring this bill to the floor so we could get the commission created. It is a 16-member commission: 14 members made up of the House and Senate, and then two of the other members would be the Secretary of Treasury and also the head of the Office of Management and Budget. And the vision is that we would get that legislation passed this year.

By the way, the way it works is that if 75 percent of the people make a suggestion as to tax reform, entitlement reform, it gets an expedited procedure here, and we have an up-or-down vote like the BRAC process. You can't have our colleagues spend a lot of time doing this hard work and not guarantee them that if most agree about it, they are going to get a vote and it is not going to get stalled like so much other stuff that we would like to see and never do.

The thing that disappoints me—and I have greatest respect for the chairman of the Budget Committee, Senator CONRAD. We have worked together over the years on all kinds of things. He said he doesn't think we are going to get it out. He said that the Democratic, at that time, Presidential candidates, the last time I talked to him about it, decided that "People don't want to do something extraordinary unless they are absolutely persuaded." I think we need to persuade our colleagues and the American people that entitlement and tax reform cannot be put off for another day. Wouldn't it be just great if we got this done? The new President comes in, puts in the head of the OPM and the Secretary-Treasurer, and they go to work. It would probably take them almost a year, but they would be able to come back and do something about tax reform.

When I tell people, they are shocked: $240 billion we all pay to someone to do our taxes. It is unbelievable. I am a lawyer. I used to do my own return. I used to do returns for my clients. I wouldn't touch my tax return with a 10-foot pole.

In fact, a couple weeks ago, my wife looked at our return and said: I don't understand it.

I said: I don't understand it either. We have to go see our accountant and have him explain what this is about.

She said: No, you don't. He will charge us $200 an hour.

I have to believe there are many Americans out there who have no idea what this is all about. We have had 15,000 changes in the code. It is overdue that we do this. Tax reform is a no-brainer. We have to do it. Even if we save half the $240 billion, think of the savings to Americans. By the way, that is a real tax reduction, and it doesn't cost the Treasury one nickel. I am hoping we can continue to push this with everything we have.

Recently, David Walker, former Comptroller General, accepted a new challenge by joining Pete Peterson's new foundation to address the undeniable fiscal challenges our country must face. I have known Pete Peterson for a long time. He is head of the Blackstone Group. He stated, in creating the foundation, he "cannot think of anything more important than trying in this way to preserve the possibilities of the American Dream for my children and grandchildren's generations and generations to come."

I would like to say a few words about Pete Peterson and David Walker. Pete is chairman of the Peterson Foundation. He was President Nixon's Secretary of Commerce. He was born in Kearney, NE, to Greek immigrant parents, received an undergraduate degree from Northwestern, and graduated summa cum laude. He then received an MBA from the University of Chicago and is now senior chairman and cofounder of the Blackstone Group. He is also chairman emeritus of the Council on Foreign Relations, chairman of the council's international advisory board, founding chairman of the Peterson Institute for International Economics, and founding president of the Concord Coalition, which I have worked with for the last number of years. Here is the son of an immigrant who has made a pile of money, and he is so worried about his children and grandchildren. I suspect he has a little money over the years, and his grandchildren and children are probably going to be a little better off than mine, most Americans. But here is somebody who is worried about the rest of us and our families.

The other is David Walker. David Walker is the president and CEO of Peterson. He is charged with leading the foundation's effort to enhance public understanding of the sustainability challenge that threatens America's future. If David Walker were here, he would have given a far more eloquent speech than I have to explain to my colleagues and to the American people where we are. The purpose of the foundation is to propose sensible and workable solutions to address these challenges and build public and political will to do something about them. Prior to joining the foundation, he served over 9 years as the seventh Comptroller General of the United States and head of the U.S. Government Accountability Office.

Here is a man who had a job, a good job, a high-paying job, and he is leaving it with 6 years left because he is so concerned about where we are. Everywhere he goes, he talks about this. I have been with him on several occasions. Somehow, we keep banging away, banging away, banging away, trying to get people to pay attention.

I have sent letters off to both the Presidential candidates. They are both Members of the Senate. Why don't they sign on to KENT CONRAD and to JUDD GREGG's legislation, sign on, talk about the debt. Let the American people know we have a problem out there and they are going to do something about it. When people hear both candidates talking about this program and that program and now they are counting up how much money they are going to cost, at the same time they are talking about the programs, they ought to be talking about the debt. What are you going to do about tax reform? We have to ask these questions. We are running out of time.

I wish Pete Peterson and David Walker the best of luck in this endeavor. I look forward to working with them.

The time to act is now. When you look at the numbers, it is self-evident that we must confront our swelling national debt. We must make a concerted bipartisan effort to reform our Tax Code. Nothing works here unless it is bipartisan. That ought to be the flag we fly under the rest of this year. Working together, like the Presiding Officer and I are working on a couple pieces of legislation, is the only way to get something done around here.

It is a moral issue. When I first introduced the legislation that talked about it, I got a call from FRANK WOLF, a terrific guy. He said: You know, George, I want to join you. I haven't paid much attention, but this is a moral obligation. It is a moral obligation to our children and grandchildren.

I think most of us down here are worried about the legacy we are going to leave to the next generation. We have a lot to say about it. These are challenging times. I am confident that with the inspiration of the Holy Spirit, maybe we will get it and get on with some of these things that are long overdue so that we can get back on our feet again financially.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, before my friend from Ohio leaves the floor, I want to tell him, through the Chair, that he has his finger on the right issue. There are so many of us here in this Chamber on both sides of the aisle who recognize that the fiscal house of America is in a disastrous condition, and how we move forward when we get a new President in 2009 is going to be very important in terms of how we address the fiscal reality and fiscal challenges we face.

I think the recklessness we have seen with respect to this mountain of debt, which my good friend from Ohio has pointed out is now nearing the $10 trillion mark, is something we have a moral obligation to address. I know among colleagues on both sides, including Senator CONRAD and Senator GREGG, there have been conversations about how we might be able to develop a process to try to get our fiscal house back in order. And I appreciate the leadership of my friend from Ohio on this issue.

Mr. President, I come to the floor to talk about an issue which has been talked about here quite a bit over the last several days. It has to do with what people think is an easy solution that will deal with the gas price and energy crisis we face here in America.

I have heard several of my colleagues come to the floor saying we have a panacea here—just develop the oil shale of the West, just develop 2 trillion barrels of oil that are locked up in the shale of the United States of America, 80 percent of which is in Colorado, and somehow we are going to wave a magic wand and that magic wand will automatically start creating these billions and trillions of barrels of oil that all of a sudden will bring about this abrupt decline in the price of gasoline and the price of oil.

There is a lot of hot air in those statements that are being made because the reality of it is that oil shale development in Colorado is still a long way away. That is because the research and development program, which we approved in this Congress, in the Senate, in the 2005 Energy Policy Act, contemplated that we would enter into a research and development phase to determine whether oil shale could be commercially developed.

Why is that so important? It is important, first of all, because for 100 years people have been looking at the possibility of developing the oil that is locked up in the shales of mostly Colorado and some in Utah and some in Wyoming, and they haven't been successful. We have had the largest economic bust of the West and in western Colorado in 1980s, as major companies tried to develop oil shale and found out, after investing billions of dollars, that they simply could not under those technologies.

It is easy to understand why. It is because when you look at where the kerogen is, which is the oil substance, it is locked up in the rock. It is shale. There is a reason why they call it oil shale. It is not kerogen. It is shale. It is rock.

So when my friends come to the floor on the other side and say: Hey, here is a panacea to deal with the high gas prices of today, I would ask them all, with all due respect, to simply look at the reality of oil shale and its potential and also to look at its limitations.

Chevron, which is one of the largest oil companies in the world and a company that has been interested in looking at the possibility of oil shale development, in submitting its own comments to the Department of Interior's Bureau of Land Management, as they moved forward with their programmatic environmental impact statement on commercial oil shale development a few months ago, said:

> Chevron believes that a full scale commercial leasing program should not proceed at this time without clear demonstration of commercial technologies.

That was a statement by Chevron on March 20, 2008. Yet there are myths being spread across the country. There are people who are talking to newspaper editorial boards and all around the country saying that all we have to do in America is go to Colorado, go to the western slope, go get the trillion barrels of oil locked up in that rock and, hey, we will solve all of our gas problems in America. That is simply not true.

I want to first go through what I think are some myths with respect to oil shale development, myths that have been propagated by some who, frankly, have the financial interest and concerns of only the oil companies, not the interests of the environment and of developing real solutions to the energy problems we face.

Myth No. 1 is that we on this side, including myself and other Democratic colleagues, are in fact stopping oil shale from being developed. Nothing could be further from the truth.

In 2005, under legislation that we offered out of the Energy Committee in a bipartisan way, with the leadership of Senator DOMENICI and Senator BINGAMAN, we included oil shale provisions which I helped to write. Those oil shale provisions created an orderly process for us to move forward with oil shale development. That legislation, which came out of committee and which came out of this Chamber, included sponsors: Senators HATCH, ALLARD, myself, DOMENICI, and BINGAMAN. What that legislation asked the Secretary of Interior to do—in fact, it did not ask; it directed the Secretary of Interior—was to enter into a research, development, and demonstration program on oil shale.

Since that time, not so long ago, 2005—we can still remember that, just a few years ago—six of these leases have already been issued. Five of them are in Colorado. Three of them have been issued to one company, the Shell Exploration and Production Company.

Under the provisions of the law that we included in that legislation, it is also important to remember that with the 160-acre research and development lease, these companies also have the right to convert those research and development leases to 5,000 acres. That is 5,000 acres of our public lands for R&D lease. That is 5 times 5, 25,000 acres that can convert over into full-scale commercial development, if they should so wish. So we have a program that is already underway.

Now, the Bureau of Land Management has decided to move forward with a commercial oil shale leasing program under provisions that were stuck in, in the dark of night, in the conference committee over in the House of Representatives that seem to direct the Bureau of Land Management to move forward with a commercial oil shale leasing program.

I do not believe, nor do many of the leaders in my State of Colorado, including our Governor of Colorado, that this is the way we ought to move. Governor Freudenthal in Wyoming does not believe this is the way we should move forward on the possibility of oil shale development. They support the legislation I have introduced on how we move forward with oil shale development. It is very simple legislation. I introduced this legislation that would clarify the process for us to look at how we move forward with oil shale development.

Let me simply walk through what the five steps would be.

First, the BLM would have 1 year to complete an environmental review of a commercial oil shale leasing program. That is a good amount of time for the BLM to look at completing the environmental review of something which is going to be so impactful to the Western Slope and to the State of Colorado.

Second of all, because we believe in making sure the States are providing us input on these Federal lands, which is so important to us in the West—it is so important to us in the West in large part because a third of my State is owned by the Federal Government. The Federal Government is the largest landlord we have in our State. So it has always been important for us to make sure the States and local governments are having input into the development of the resources that are on those Federal lands. My legislation would allow the Governors of the affected States to have 90 days—90 days is not a lot of time—to comment on a commercial oil shale leasing program.

Third, the legislation would give the BLM a year to develop a commercial leasing program and to propose the regulations to accompany it—all, I think, very reasonable pieces of the legislation.

Fourth, the Department of the Interior and the National Academy of Sciences would prepare reports to Congress on the technology and the proposed plan for oil shale development.

Finally, oil shale development would have to comply with our already existing environmental laws—a very simple, straightforward process for us to look at how we can develop oil shale.

There are people out there who are saying we in Colorado oppose oil shale development or that Democrats have opposed it. That is simply not the case. We did not oppose it in 2005, and we do not oppose it today. We simply say we want to move forward in a thoughtful and responsible way as we look at the possibility of developing oil shale.

So myth No. 1—that we are opposed to oil shale—is simply false. It is a myth. It is not true.

Secondly, there is another myth out there that says the current moratorium which is in place as a result of legislation which the Congress adopted last year on commercial leasing regulations is somehow preventing energy companies from developing oil shale, that we are somehow preventing the oil companies from developing oil shale today. Again, that is a myth. It is not true.

The reality is, the BLM has clearly stated that the current moratorium on issuing commercial leasing regulations will have no effect—no effect—on U.S. energy supply or on when commercial oil shale production could begin.

I have here a part of a transcript of a hearing we had in the Energy Committee not too long ago, where we had the Assistant Secretary of the Department of the Interior, Secretary Allred, come before our committee and testify about the potential of oil shale. It debunks the myths that somehow we are going to wave this magic wand and all of a sudden, this year or next year or the following year, we are going to have all this oil flowing from oil shale in the West.

I asked Secretary Allred:

> When I look at your chart on oil shale development on public lands, you have at some point on that chart this little brown dot that says "project completion: phase 3—commercial." When do you think that will happen? What year?

Assistant Secretary Allred responded:

> Senator, it's hard to predict that because . . .

I asked him the question:

> 2011?

Secretary Allred's response:

> Oh no, I think, I think . . .

I then asked Secretary Allred:

> 2016?

Secretary Allred responded:

> Probably in the latter half of, say, 2015 and beyond.

"2015 and beyond." So that is what the Assistant Secretary of the Interior, responsible for this program, is actually saying, that we would be ready possibly to move forward with commercial development of oil shale in the year 2015—7 years from now.

Why, therefore, is there such a rush to move forward headlong today and to complete the development of commercial oil shale regulations before the end of the Bush administration? Why is that the case? I do not understand it because it is not going to produce any oil that will help us deal with the energy crisis we face in the Nation today or tomorrow or the next year. So we have to keep asking those questions.

There is another part of the myth with respect to oil shale, and that is that we need to understand that even companies such as Chevron and others do not know what kind of technology ultimately is going to be viable for us in the development of oil shale. Even Jill Davis from Royal Dutch Shell Corporation, in the Rocky Mountain News, is quoted as saying:

> The thing is we have to determine whether it works on a commercial scale.

So there are lots of myths.

Myth No. 3 is that the BLM is prepared—I hear some of my colleagues come to the floor and writing letters and making statements in the media—that the BLM is prepared to issue commercial oil shale leasing regulations because the BLM knows the nature and the needs of the development of oil shale, including water and power requirements.

Nothing could be further from the truth. BLM has clearly stated it does not know how much water would be required to implement and carry out a commercial oil shale leasing program. So how can we move forward with a commercial oil shale leasing program when we do not know how much water would be required to develop this oil shale?

In a hearing, again with Assistant Secretary Allred, I asked the following question:

> Let me ask you about water availability. Under the Colorado River Compact, as described, there is a significant share of water of the Colorado River between all of the seven States—Upper Basin, Lower Basin—we have a share of water within Colorado that we are entitled under the compacts to consume for Colorado water users. Do you know, today, how much of that water consumption under those compacts would be required to be able to implement a commercial oil shale leasing program?

Secretary Allred's response:

> Senator, we do not. And that's part of the . . . that's part of the purpose of the R&D leases—to try to determine that.

So how can we move forward headlong with a commercial oil shale leasing program when we have no idea how much water is going to be consumed in the development of these so-called half a trillion or a trillion barrels of oil? We do not know because we do not know how much water is going to be required based on whatever technology ultimately might be chosen.

Another myth is that the BLM, Department of the Interior, is absolutely ready to move forward with a commercial oil shale leasing program because they know what they are doing with respect to the power requirements.

They do not know what the power requirements are going to be. Producing 100,000 barrels per day of oil shale will require approximately 1.2 gigawatts of dedicated electric generating capacity. The question is, where is that electricity going to come from? Where is that power going to come from? What will its impact be? None of those questions have been answered. Yet the Bureau of Land Management is insistent on completing this commercial oil shale leasing program as fast as they can. I think, again, they are wrong.

There is another myth out there that says without commercial leasing—I hear some of my colleagues say this—without commercial leasing regulations from the Bureau of Land Management, investors may decide to stop risking their capital on oil shale and instead focus on other projects with more certain returns.

That is not true. The reality is the commercial leasing moratorium is giving BLM, investors, energy companies, scientists, Congress, and local communities the time they need to get more information about oil shale development and to allow the technologies to mature before any full-scale operation begins on public land.

Again, as Chevron commented in the Programmatic Environmental Impact Statement:

> Chevron believes that a full scale commercial leasing program should not proceed at this time without clear demonstration of commercial technologies.

So there are a lot of myths with respect to oil shale development.

Mr. President, I have several more minutes to go, and I see the assistant majority leader has come to the floor, so I will yield to him if he would so choose.

Mr. President, I will continue.

Myth No. 5. Somehow or another, those purveyors and artists of wanting to move forward with oil shale development with all speed ahead are saying this is somehow supported by the State and local governments it affects.

Well, more than half—probably 75 percent—of all the oil shale resources are located in my State of Colorado. The Governor of the State of Colorado, Bill Ritter, says let's go slow and be thoughtful about oil shale development because we know the kind of impact it can have on the vast Western Slope of the State of Colorado. But it is not just the Governor of the State of Colorado who says that, it is also the Governor of Wyoming, Governor Freudenthal, as well.

Within my State of Colorado, there is a whole host of local governments that are very concerned about the Department of the Interior and the BLM moving forward, rushing headlong, moving recklessly to develop oil shale on the Western Slope without knowing yet what they are doing. Joining in stating those concerns are the City of Rifle, the town of Silt, the Pitkin County Board of County Commissioners, the Routt County Board of County Commissioners, the San Miguel County Board of Commissioners, the Front Range Water Users Council, the Northern Colorado Water Conservancy District, the Colorado Springs Utilities, Aurora Water, the Board of Water Works of Pueblo—and the list goes on and on.

Even the newspapers in Colorado are saying this. This is an editorial that was written in the Grand Junction Daily Sentinel. The Grand Junction Daily Sentinel is the newspaper that covers the 20 counties of the Western Slope of Colorado. This is what the Grand Junction Daily Sentinel said:

> There is no need to accelerate leasing of federal land for commercial oil shale production. The notion that the one-year moratorium on commercial leasing approved by Congress last year is somehow a barrier to commercial development is nonsense. If anything, that moratorium should be extended.
>
> The real barriers to commercial oil shale production are technological, environmental and financial.

The Denver Post, the State's largest statewide newspaper, said the following:

> Given that oil from shale isn't just around the corner, and given the vital questions of water and energy, shale development deserves the most careful—and lengthy, if necessary—study possible.
>
> Developing oil shale has been a dream since the early 20th century. But careful planning is needed to make sure the dream doesn't turn into a nightmare.

In conclusion, what I want to say is I think Chevron is correct today, that it is a mistake for the Department of the Interior and the Bureau of Land Management to want to push forward to complete the implementation of the Bush-Cheney agenda with respect to oil and gas and oil shale development. They want to rush head long to get this done before the end of the administration when we know that there are so many technological barriers and so much we do not yet know about how we are going to develop oil shale. So Chevron is correct when it says we are not ready to move forward with a full-scale oil shale program.

Let me conclude by simply saying this: For me, as a longtime farmer and rancher and as a person who has spent my life fighting to protect the beauty of Colorado, fighting for the land and water of that State, it is important for me always, as a Senator, to remember that the planet we have and the great State of Colorado I have is something I need to protect for my children and for my grandchildren and great-grandchildren for generations to come. It would be a mistake for us, in my view, for the State of Colorado or the United States of America to move forward with a program that is going to create significant problems to that legacy we are attempting to give to our children and to our grandchildren. I hope we could work together in a bipartisan basis to look at the possibility of the development of the oil shale resource but to do it in a thoughtful and deliberate way so we don't destroy the environment along the way.

Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

REPUBLICAN FILIBUSTERS

Mr. DURBIN. Mr. President, I thank my colleague from Colorado for his statement on oil shale. I wish to tell him a little story that goes back many years. When I first was involved in political life, in 1966 as a college student I worked for a Senator from Illinois named Paul Douglas who used to give speeches about oil shale, saying there is a great untapped natural and national resource of oil shale in the Rockies, in Colorado, and in other areas. Yours is the first comment I can remember on the floor of the Senate in all of those years relating to this issue again. I am glad the Senator from Colorado not only brought it up but put it in perspective in terms of our national energy needs and the impact of oil shale exploration and production in the Senator's State. I think he has every right to be careful in what he does.

I hear many colleagues, particularly from the Republican side of the aisle and from the White House, suggesting the reason we have our gasoline prices today and high crude oil prices is because we are not drilling for oil in ANWR, the Arctic National Wildlife Refuge. I, for instance, personally think that is an oversimplification, that that one potential source of oil could in no way solve our problems in terms of what it could produce.

I might call the attention of my friend and colleague from Colorado to some information that was given to me today. I hope the Senator from Colorado is aware there are 44 million offshore acres, off the shores of the United States of America, that have been leased by oil companies—44 million. Of those, only 10.5 million have been put into production. One-fourth of all of the leased offshore acreage oil companies currently hold—land that the Federal Government has a right to—is being actually explored and utilized. Of the 47.5 million onshore acres under lease for oil and gas production, only 13 million are in production; again, about a fourth. So three-fourths of all of the land offshore and on shore owned by the Federal Government and the taxpayers, leased by oil companies for the potential production of oil and gas, is actually in production. Only one-fourth. Combined, oil and gas companies hold leases to 68 million acres of Federal land in waters they are not producing any oil and gas on—68 million. That is compared to 1.5 million acres in the Arctic National Wildlife Refuge.

So those who come to the floor and say: "You know the problem here? We are just not opening up enough area for oil and gas exploration," ignore the obvious. Oil and gas companies spend money to obtain them and then sit on them and then come back to us when we complain America needs a national energy policy and say the real problem is the Arctic National Wildlife Refuge. "If we could just have a crack at those 1.5 million acres," after they have taken 68 million acres, put them under lease, and are not utilizing them.

I might add that Congressman RAHM EMANUEL from my State of Illinois and Congressman DODD are working on legislation that would say to these oil and gas companies: If you are going to lease this land and not use it, the cost of the annual lease is going to keep going up. Let someone else lease it who might use it. I think that is reasonable. They are suggesting that money from the leases should be dedicated to wind and solar energy—energy-efficient buildings; LIHEAP—which I know would be a good idea for the Senator who is now presiding who is from New England; weatherization assistance, and a number of other areas.

I thank the Senator from Colorado for his thoughtful reflection on what we are facing here.

Mr. SALAZAR. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. SALAZAR. Through the Chair, I ask my friend from Illinois whether it is true that we have already opened huge amounts of offshore resources as well as onshore resources for the potential development of oil and gas and that ultimately, if we are going to get our Nation to have the kind of energy independence and national security that has been talked about now for 30 or 40 years, we need to, yes, develop those potential resources and those 75 percent of those offshore and onshore lands the Senator spoke about, but also to look at a whole new agenda of clean energy that will help us get to our national security, our environmental security, and create an economic opportunity here at home?

Mr. DURBIN. I would respond to the Senator from Colorado and tell him, yes, of course. He has anticipated the reason I came to the floor: to discuss what happened this week in the Senate or, to be more accurate, what didn't happen this week in the Senate. Because on Tuesday, we offered to the Senate, both sides, Democrats and Republicans, an opportunity to debate what the Senator from Colorado suggested, whether we will invest as a nation in energy and job creation. The Senator from Colorado knows what happened as well as I do. The Republicans refused to join us to bring to the floor to debate the bill that would create tax incentives for investments in energy efficiency, renewable, sustainable energy that will not lead to global warming and will not lead to pollution. The frustration that I and other Members on the Democratic side feel comes from the fact that we have tried repeatedly to bring these measures to the floor and we have been stopped time and time again.

I say to my colleague and friend from Colorado, through the Renewable Energy and Job Creation Act, we can create incentives we know will work. In my home State of Illinois, and probably in the State of Colorado, we are finding wind turbines being built in massive numbers to generate clean electric power. Near Bloomington, IL, an area I never would have dreamed of as a wind resource area, 240 wind turbines are being built. They will generate enough electricity there to provide all the needs of the two cities of Bloomington and Normal, IL, without pollution, using nature as a source.

Why did this recently happen? Because we created, over the last couple of years, incentives for businesses to do it. Now when we come this week to the floor of the Senate and say to our Republican colleagues: Let's not stop this now; this is a move in the right direction for green energy sources, what did they say? "We don't want to even debate it." They stopped us again.

This week in the Senate—

Mr. SALAZAR. Mr. President, would the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. SALAZAR. Through the Chair, I ask of my friend from Illinois how important the extension of these energy tax credits is for renewable energy, given the fact that this is not pie-in-the-sky kind of technology we are talking about. As I understand, in my State—and I know there are already three solar powerplants that are functioning—there is a plan in the State of Arizona to put together a 400 or 500-megawatt powerplant that will be powered by the Sun, a 200-megawatt powerplant in the State of California, a whole host of ways in which the Sun can become harnessed for our energy needs.

The same thing is true with respect to wind. As my good friend from Illinois talked about, what is happening in Illinois is happening across America, including in my own home State of Colorado where we have gone from almost no wind production 3 years ago to 1,000 megawatts, and there are three or four coal-fired powerplants in my State.

So how important, I ask my friend from Illinois, would the extension of these tax credits be until 2015, 2016—however we end up finally reaching that number—to continue investing in harnessing the power of the Sun, the power of wind, the power of biofuels?

Mr. DURBIN. I say in response, through the Chair to the Senator from Colorado, if we don't extend these Federal renewable energy tax credits, America could lose 76,000 jobs in the wind industry, 40,000 jobs in the solar industry. The bill the Republicans refuse to allow us to bring to the floor to even debate provides $8.8 billion for research and development investment. This year alone, over 27,000 U.S. businesses would use this tax credit to benefit companies in computers and electronics, chemical manufacturing, information services, and scientific R&D services. The list goes on and on. The Renewable Energy and Job Creation Act, which they would not allow us to bring to the floor to debate this week, includes $18 billion in incentives for clean electricity, alternative transportation fuels, carbon sequestration, and energy efficiency.

I say to my friend from Colorado through the Chair that this is nothing new. So far, during this session of Congress, the Republicans have engaged in 76 filibusters as of today. The record in the Senate for any 2-year period of time was 57 filibusters. A filibuster is every Senator's right to stop any bill, any nomination, for an indefinite period of time, and that filibuster can only be broken if 60 Senators vote to break it. It is called a cloture motion. We tried three times this week to break Republican filibusters, first on a bill dealing with the price of gasoline to try to bring it down and make it more affordable. The Republicans filibustered it. When we had our vote, we couldn't find 60 votes because they wouldn't cross the aisle to join the Democrats in breaking the filibuster and debating specific ways of bringing down the price of gasoline.

We followed that with a measure to deal with, as I have said here, tax incentives for the right energy decisions for our future. The Republicans initiated another filibuster. We called it for a vote. We failed to come up with 60 votes again because we only had nine Republican Senators who would cross—well, I think the number was seven Republican Senators who would cross the aisle and join us. We needed more. Out of 49, we needed about 10 or 15. We didn't get those. So that bill to create incentives for businesses and individuals to make the right energy decisions was defeated by another Republican filibuster.

The last thing we considered was related to another program. It had nothing to do with energy but a lot to do with health care. We wanted to make certain the Medicare Program continued to reimburse the doctors and medical professionals who provide critical care for 40 million elderly and disabled Americans. The Bush administration wants to cut their compensation by 10 percent or more. I think it is unfair. These men and women are not being paid as much as others, and they are providing critical health services to a lot of needy people. The Bush administration, which is no fan of Medicare or Social Security, wanted to cut their reimbursement. Well, they will cut that reimbursement and fewer doctors will participate in the program and seniors will have a more difficult time getting their care.

So we started to bring to the floor a measure that would restore the pay for doctors helping patients under Medicare and we also provided some incentives in there for better practices to reduce overall costs to the Medicare Program. We paid for it by looking at the Medicare Advantage Program. The Medicare Advantage Program allows private insurance companies to offer Medicare benefits. The Republicans have always favored that, saying that creates a competitive atmosphere. Medicare competes against private health insurance when it comes to basic Medicare coverage. As a footnote, it is ironic that they would welcome this kind of competition from Medicare, but fought us tooth and nail when we tried to bring the same competition when it came to prescription drugs. Nevertheless, we said this Medicare Advantage Program costs too much money for the services provided. We have had expert testimony that it is about 13 percent more expensive for private health insurance companies to offer the same benefits as the Medicare Program. We took savings from that program and paid for the increase in pay for doctors under Medicare.

We didn't add to the deficit. I suppose that is why the Republicans, by and large, have turned on us. They don't want to pay for the actions they bring to the floor. They don't want to offset the costs of programs or tax cuts by actually balancing the books. They want to continue to add to our deficit.

The vote came up today, and nine Republicans crossed the aisle to vote for us. Overwhelmingly, they represented Republican Senators who are afraid they are going to lose in the election in November. They came over to join us and vote for our position. The Republican leadership was careful not to let too many come over. So at the end of the day, we were unable to bring this Medicare bill to the floor for debate.

So here we are at the end of a full week of the U.S. Senate, in Washington, DC, in our capital, on Capitol Hill, and we are beset by a world about us in turmoil, with the war in Iraq; we have a nation that is torn by energy prices, gasoline prices, and diesel prices; we have Americans concerned about their health care, and when we try three different times to bring to the floor of the Senate measures that address these challenges, each and every time the Republicans answered with a filibuster and stopped us from acting.

The sad reality is that the GOP, the Grand Old Party, has become a "Graveyard of Progress." I am afraid that is what GOP stands for these days. They cannot face the possibility of change. They are frightened by it, determined to stop it. They have stopped it with 76 filibusters, which is a recordbreaking number of filibusters in the Senate.

Well, we could not come up with 60 votes to turn that around; there are not enough Democratic Senators. The final word will be in the hands of the voters in November, on November 4. They can decide whether they want change in Washington, change in the Senate, or more of the same. They are going to have that opportunity in a series of elections. I hope those who follow this debate and believe this Government, working in a constructive bipartisan way, can achieve good things, will remember that when they go to the polls in November.

Let me say as well, Mr. President, that I have watched this Presidential campaign carefully because my colleague from Illinois, Senator OBAMA, is now, as they say, the "presumptive Democratic nominee" for the Presidential nomination. A long campaign awaits us, almost 5 months. Senator MCCAIN is a substantial and formidable opponent in this election campaign. But make no mistake, the voters are going to have a clear choice in this election about who will represent them in the White House for the next 4 years.

We are also initiating the first national dialog on health care reform in 15 years. For 7½ years, the Bush administration has summarily ignored the major problems facing America. When President Bush gets up in the morning and looks out the window of the White House, all he sees is Iraq. For 7½ years, that has been the focus of his attention and the centerpiece of his energy. I will tell you, there are many other things this President ignored at the peril of our great Nation. His economic policies have brought to us a sorry state.

Last Friday, we had the terrible announcement about a dramatic increase in the price of crude oil, an increase in the price of gasoline, a substantial increase in unemployment, and a 350-point loss in the Dow Jones, in the stock market. It was a sad and gloomy Friday across America from an economic viewpoint. But even those large numbers—the big numbers that come to us at the lead of any newscast and on the front page of the paper don't tell the true and complete story.

The Senator from Vermont invited his constituents to talk about challenges they face as families all across his State. He has told me and our colleagues—and has spoken on the floor about it—that he was overwhelmed by the response. Ordinary people in Vermont—and I am sure those in Illinois are having a tough time—are struggling to pay for gasoline, for the increased cost of food. They understand utility bills are going to be challenging this summer to cool their homes, as we face a brutal summer in most parts of the country. They are scared to death, I know, in New England—because I visited there—of dramatic increases in the cost of home heating oil this winter. Those realities are translating into economic insecurity for some of the hardest working families in America.

If you just could consider what has happened under the Bush administration to the middle of the middle class in America. These are folks who are working hard every day, trying to raise families, are playing by the rules, and they are falling further and further behind. These are the ones, many times, who are losing their homes because of subprime mortgages and deceptions which led them to an indebtedness they could not handle, and now they face the loss of their home, one of their major assets, if not their only asset. They have transferred their debt onto credit cards as often as they can, but they reach a breaking point.

A friend of mine is on the risk committee for a major bank in this country. He told me that the balances on credit cards are going down because people realize they cannot pay any more and they cannot buy things they need. But the default on credit cards is going up, leading to even more bankruptcies. That is the reality.

President Bush doesn't understand that reality. His economic policies, which are supported by John McCain, are really based on one basic principle: cut tax rates for the wealthiest people in America. They continue to believe that if wealthy people have more money, somehow this will translate into a better quality of life for those working families and middle-class families who are struggling to survive. Well, 7½ years of that thinking led us to this point. These people, faced with the Bush economic policies, are struggling to get by.

The President doesn't understand the energy picture. Every 6 months, he makes a trip to Riyadh, Saudi Arabia, and is seen holding hands with the sheiks of Saudi Arabia, begging them to release more oil into the United States and bring prices down. But they give him a pat on the back and send him off with the very curt answer of "no." They tell him time and again that they are not going to release more oil. They have plenty of customers around the world and they don't need the United States. That is the reality and totality of the Bush energy policy.

This President has yet to call in the CEOs of the major oil companies. In this country, these companies are reporting recordbreaking profits at the expense of families, businesses, farmers, and truckers. This President has yet to call them in and hold them accountable for what I consider to be pure greed when it comes to profit-taking. He won't call them in because, apparently, he believes that is the natural course of events, that some who are in a virtual monopoly position, providing energy and oil to this country, ought to have whatever profits they can reap at whatever cost to America's families and our future. I think the President is wrong.

There is another issue, the issue of health care. We know that under this President, more people have lost health insurance than ever in our history. People who had health insurance lost it because they lost a job or they could no longer afford it. Now they are completely vulnerable to any illness or diagnosis that could bring them down tomorrow and virtually destroy all of the savings they have. The status quo in health care in America isn't satisfactory. The American people know that. Despite President Bush's inaction, they want change.

Premiums for health insurance have been rising more than twice as fast as employees' wages, while this administration has been in power. The number of uninsured Americans has been increasing by more than a million people a year under President Bush. Each year, the United States spends about twice as much for health care per person as other developed nations. The closest nation in spending for health care to the United States per person, per capita, annually, is Luxembourg, which spends less than half of what we do. We spend about $7,000 per year on health care per person. The United States, despite all the money being spent, continues to score poorly on measures of the public's health, such as life expectancy and infant mortality.

The challenge for this country and for the American people is making quality health coverage available and affordable for all Americans. We must take steps to improve quality and make our health care system more efficient so that we can get the greatest value for every health care dollar we spend. We have to put our health care ideas on the table and start the real debate about change.

My colleagues on the other side of the aisle have put forward some ideas on health care reform. I applaud them for acknowledging the need to change, but I am concerned with the direction in which they want to take us.

One of their ideas is to create incentives for more people to buy health insurance in the individual insurance market. Those who support this idea talk about it in glowing terms. Think about it. They say you could choose your own health plan and keep your health plan when you change jobs. But they ignore the most important implication of that idea: You are on your own. Remember President Bush's famous ownership society, the ownership society that wants to privatize Social Security? Thank goodness that was rejected on a bipartisan basis. The model of the ownership society of President Bush and the philosophy behind this thinking is very basic: Just remember, we are all in this alone. That is their notion. It doesn't work. It doesn't work in life. It doesn't work in your family, in your community, or when it comes to health insurance. Anybody in a less-than-perfect health care situation doesn't want to be on their own. It is a place you end up when you have no option.

In most States, insurers are free to tell a person they won't cover them for a particular medical condition. To the cancer survivor, they can say: Congratulations for surviving cancer; we will cover you for everything else that might affect you but not for cancer. Or they can deny coverage altogether. Many of us in this Chamber would have trouble finding health insurance in the individual market, if it were available, and it might be too expensive. This would be a health insurance system the Republicans support that is a great idea for the young, healthy, and the wealthy but not for the rest of America. It would move our health insurance system in the wrong direction.

Those on the other side of the aisle are having trouble responding to these criticisms. They appear unwilling to require insurers to cover everybody, regardless of their health condition, or to require greater sharing of health costs between the young and the old and between the healthy and the sick. That would require Government regulation. They don't like to have the Government involved. They want the market to reach the conclusion. The market has already reached a conclusion when it comes to health care, which is that the cost of health care and coverage will increase every year, and it will cover less every year. That is what the market says, and that is what they accept.

They are caught in a dilemma because the free market insurance system, without reasonable regulation, means allowing health insurers to enroll the healthy and exclude the sick. To get out of this ideological quandary, they have proposed an idea: creating high-risk pools for everybody insurers don't want to cover. Insurers would probably like that idea, to take the people for whom it is most expensive and put them in a separate pool.

Today, high-risk pools exist on a small scale in 34 States. These State high-risk pools can serve as a life preserver for people who have nowhere else to turn in the current health insurance system, but they should not serve as a foundation of a reformed health system.

State high-risk pools have many shortcomings. They are not often able to cover everybody who can't find affordable health insurance. Premiums are way too high. In Illinois's high-risk pool, a 50-year-old woman would have to pay more than $800 a month in premiums for a policy with a $500 deductible. Benefits are often limited. With these shortcomings, I cannot understand how these high-risk pools could be the bedrock of the Republican position when it comes to health care reform.

Some of my colleagues on the other side of the aisle also want to allow insurers to choose which State insurance regulations they want to live by. Proponents say this is a way to let all insurers sell insurance nationwide. But if you follow this, you know that doesn't work. Without State regulation and basic State requirements on coverage, there is no guarantee of solvency and no guarantee of coverage when you get sick.

If enacted, these changes would move our system in the wrong direction. Instead of pooling people together, those who are well and those who are sick, to spread the risk, Republicans would have us separate the healthy from those who are not healthy. Instead of helping people with chronic diseases, they are pushed over into high-risk pools with high premiums.

The whole point of expanding health coverage is to make sure you have access to quality, affordable insurance. Changes to our health insurance system that make health insurance cheaper for some but more expensive for others is hardly a solution. We need to create large purchasing pools and offer a wide range of plans. Change the rules for setting premiums so that health costs are shared more broadly between the healthy and the sick. We need to provide a tax credit to businesses that step up and say: We believe the health of our employees is as important as the money we pay them. We are going to make a sacrifice in our profit taking so that our coverage extends to not only the owners of the company but the employees. That kind of good, responsible civic conduct should be rewarded in our Tax Code.

I am glad we are starting to discuss health care reform again. Nothing is going to happen under this President. We are going to have to just count the days until January 20, 2009, when this President leaves office and another President comes to office, and the American people will then have a real chance for real change.

Mr. President, I yield the floor.

OIL PRICES

Mr. AKAKA. Mr. President, within the span of 1 week, the Senate missed three opportunities to engage in productive debate on how we can combat the rising price of oil, and alleviate the dangerous emission of greenhouse gases that contribute to global climate change. It is highly regrettable that we have missed these opportunities, especially when it comes at the expense of improving the Nation's welfare.

Americans are working harder, yet finding that their paychecks are not keeping up with inflation. Many are finding it difficult to pay their mortgages, health care expenses, and other daily needs. While relief, for some, is expected this July from an increase in the national minimum wage, more must be done to improve the lives of working families. Unfortunately, it has been difficult to work with this administration to make any meaningful changes that would assist working families.

On June 10, the Senate was blocked in its attempt to further debate two bills offering legislative solutions to rising oil prices and our reliance on foreign oil. One of them, the Consumer-First Energy Act of 2008, would have put consumers' concerns before those of the oil companies, by holding the companies accountable for price gouging and profit taking.

Families do not need to be reminded that rising oil prices contribute heavily to their rising bills for energy, transportation, shopping and groceries. These families, for the most part, have not had a corresponding increase in their wages. They find themselves in difficult financial positions, and having to make tough choices on what necessities to spend their money on. This strain is even more evident in my home State of Hawaii.

Hawaii depends on imported oil to supply more than 90 percent of our energy needs. The record-high crude oil prices cause higher processing charges for food and other manufactured items. The increase in cost for Hawaii's foods is due in large part to the higher cost of transporting the goods to the islands—80 percent of Hawaii's food products are imported via ship or airplane. Grocery prices have seen their biggest increase in nearly two decades.

Furthermore, the high cost of jet fuel results in higher airfare prices and reduction in flights significantly limit travel for Hawaii residents and tourists. The reduction in visitors traveling to Hawaii could hurt our economy. While the Hawaii Visitors and Convention Bureau is proactively working to aggressively resuscitate the market, the hotel occupancy in April hit a 5-year low. The city of Honolulu is considering raising taxi meter fares in light of record gas prices and the downturn in tourism.

The administration must work with us to help our families and our communities by finding a way to decrease fuel prices. In addition, we must search for ways to reduce our dependence on oil. It is necessary that we continue to debate our energy future and enact appropriate reforms.

Meaningful debates on three significant bills were unfortunately curtailed, despite the agreement of many members that we must do something about increasing oil prices, our reliance on foreign oil, and the need for cleaner energy. The aforementioned Consumer-First Energy Act of 2008, the Renewable Energy and Job Creation Act of 2008, and the Lieberman-Warner Climate Security Act of 2008, would have helped the Nation move forward by continuing to invest in renewable and sustainable energy. Finding a solution should not be a partisan issue. Encouraging the development of renewable energy technologies will play a critical role in reducing greenhouse gas emissions and our Nation's reliance on fossil fuels. In Hawaii, we are mindful of preserving natural and cultural resources. We are also aware of the powerful potential of nature to provide sustainable sources of energy.

I am proud that we had bipartisan support for the Marine and Hydrokinetic Renewable Energy Promotion Act of 2007, which I introduced, and was later enacted into law as part of the Energy Independence and Security Act of 2007. This measure recognized that ocean and wave energy are viable sources of sustainable energy. We need to support marine renewable energy research and development of technologies to produce electric power from ocean waves. However, like many other tax credits for renewable energy, the incentives put in place to ensure robust investments will expire at the end of 2008. The Renewable Energy and Job Creation Act of 2008 would have extended these valuable credits.

By harnessing the Sun, wind, ocean, and geothermal power to generate electricity, Hawaii is trying to reduce our heavy reliance imported fuel and reduce our greenhouse gas emissions. The vast ocean, Sun, wind, and land are natural elements that we, as a nation, share and enjoy. We must do all that we can to encourage the development and production of renewable and sustainable energy technologies from these natural resources. Achieving our goals will only be possible if we approach the problem as responsible stewards of our environment. Together, we will make an impact.

I am committed to finding legislative solutions to ease the burden of increasing oil prices and to reduce greenhouse gases. As responsible stewards, we must do what we can to uphold the welfare of our environment and our Nation for the generations to come. An investment in the development and implementation of renewable energies is a significant part of the solution. I stand ready to work with others to enact legislation to address these concerns.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

MAJOR SCOTT HAGERTY

Mr. INHOFE. Mr. President, I wish to pay tribute to a very 'special person, one of our fallen heroes, MAJ Scott Hagerty. I feel a very personal relationship with this man. As we all do when we hear of a tragic loss, we research and see what he was doing, where he was. It is almost impossible to conceive of the idea that maybe I didn't even meet him personally because, in looking at where he was in Afghanistan and when he was there, where he was in Iraq and when he was there—I was there at the same time. Ironically, even in northern Uganda. Not many people even know where Uganda is, but in a minute I will share a few things that are going on there and what Scott Hagerty was doing.

Scott died on June 3, 2008. He gave his last full measure when an improvised explosive device detonated near his vehicle while he was on patrol in Zormat, Afghanistan. Scott was a member of the Army Reserve and was assigned to the 451st Civil Affairs Battalion, Pasadena, TX.

Born and raised in Oklahoma, Scott graduated from Stillwater High School in 1984. As a senior in high school, he joined the U.S. Army at the rank of a specialist. He earned a bachelor's degree in political science, pre-law, and international relations from Oklahoma State University—OSU—in 1993.

He received his commission through the ROTC program and then completed the Field Artillery Officer Basic Course at Fort Sill. After serving on active duty, he continued his service in the Army Reserve. He spent 11 years with the 291st Regiment in Oklahoma before transferring to the U.S. Army Civil Affairs and Psychological Operations Command, Airborne, in 2004.

Scott married his wife, Daphne, 12 years ago. They have two sons, Jonathan 10 years old and Samuel 21 months. Scott loved his family and enjoyed being a father. He spent his life helping others gain the same freedoms and experience the same joys that he had.

Scott was deployed for a 12 month tour in South Korea and then served in Iraq from October 2004 to August 2005. As a civil affairs officer, he worked with Iraqis and Iraqi civilian authorities in helping them rebuild their government and country.

Prior to his tour in Afghanistan, Scott spent a tour in Djibouti, Africa, to help promote stability and prevent conflict in the region. His mission included repairing wells in northern Uganda, where he and fellow soldiers restored more than 60 wells and provided 250,000 local residents with clean water. In Africa, he was also involved in providing suitable facilities for basic medical care for children.

This is the part I find very interesting and coincidental. Scott was involved in northern Uganda. In northern Uganda, there are some things that are going on that not many are aware of. There is the LRA, the Lord's Resistance Army. One individual—his name is Joseph Coney. Joseph Coney, for 30 years, has mutilated and tortured little kids, recruited them to be in the army as his boy soldiers—12, 13, 14 years old. If they refuse to do it, they make this individual go back and murder his own family, back in the villages. I have been there. I have been in the same villages, the same places where Scott was.

Scott didn't have to do this. This is something that was beyond the call of duty. It is heavy lifting. I saw a picture of him in an orphanage in northern Uganda. I have been to that same orphanage. There are not many of our troops who have done what Scott Hagerty has done. He wrote about his experience there saying:

> I have always dreamed of being a soldier, even as a little boy, so I know I am doing the job that was destined for me.

He deployed to Afghanistan shortly after being assigned to the 451st Civil Affairs Battalion in February. His family said, "Scott was very proud of his career in the Army, and we know he died doing what he loved . . . serving his country."

Scott received numerous military honors, including two Meritorious Service Medals, six Army Achievement Medals, two National Defense Service Medals, Global War on Terrorism Expeditionary and Service Medals and a Korean Defense Service Medal.

I am saddened by the loss of my fellow Oklahoman. I am proud of his service, integrity, and commitment to our country. I read through some of the comments written in Scott's on-line Guest Book from people who knew him at different points in his life and I would like to share a couple with you:

> I had the honor of serving with Maj Hagerty in Gardez, Afghanistan. He was a father figure to me. I have great respect for him. He is truly my hero and will be missed more then he knows. I know he is looking down and watching over us as we continue our mission. We love you Maj Hagerty and will never forget you.
>
> The Highland Park family are mourning the loss of a wonderful parent at our school. Scott was not only a devoted soldier, but a devoted husband and father . . . Scott's presence will be missed at home and abroad. Thank you Scott! We are very proud of you! Highland Park Elementary School.
>
> Another one: Growing up with Scott, I was impressed by his quiet strength. I always knew there would be great things in his future as we stumbled toward adulthood . . . Thank you for the sacrifice you have made for my family.

And lastly a comment left by his team that he worked with in Africa: Sincere condolences to the family of Maj Scott Hagerty from the present and third Civil Affairs team in northern Uganda. We only had e-mail contact with him, giving updates on how things were going here, as he was still interested—he was the first team leader here and broke a lot of ground. I am sure he stands guard over us all now.

Today I pay tribute to Scott, a man who exemplified integrity and courage and gave his life as a sacrifice for his family and our Nation.

I have to say this in the case of Scott: This is not goodbye, Scott. It is job well done. We love you, and we will see you later.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would like to comment on the kindness of the Senator from Oklahoma. I think that so often we forget the sacrifice that our American people have made so we could bring some stability to Afghanistan and to Iraq.

Now, 2 weeks ago I attended a service actually on the front steps of the Ohio Capitol Building where we commemorated the lives of 23 individuals from the Lima Company that was extraordinarily hit in Iraq. Tears rolled out of my eyes and everyone else there as a mother of a man by the name of Hoffman talked about her son and the sacrifice that he made and why he made that sacrifice.

I think that too many Americans are not aware of the fact that we have lost over 4,000 people in Iraq and that 30,000 of them have returned, and half of them are going to be disabled. I think it underscores that we need to be very responsible in our future activity in Iraq so that the parents of those young men and women do not feel that their lives were lost in vain.

I am sure, Mr. President, you have mixed emotions, as I have, about where we should be going there. I heard Jim Dobbins today. Jim was at the State Department for many years. He was talking about our next moves in Iraq and how difficult it is because on one hand, we know that we have to move our troops out of there for the benefit of our volunteer Army. Because of the deployments, they are stretched, and they are not getting the re-ups that they need.

At the same time, we want to make sure we do not move too fast so we end up with a civil war there. So it is a dilemma. But the people who get lost in all of that are the folks who have lost their loved ones. And it grieves me that we have spent almost $650 billion on that war, and we have never asked the American people to participate.

The only ones who have participated are the families whose sons and daughters have come back in body bags, and that loss will be with them for the rest of their lives. So I think all of us ought to think about those families and pray for them and pray that those of us in responsible positions will be enlightened by the Holy Spirit to make the right decisions for them, their families, for our country, and for the world.

TRIBUTE TO SECOND BLUEGRASS CHAPTER HONOR FLIGHT

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the second Bluegrass Chapter Honor Flight. I had the privilege of meeting 38 World War II veterans from the Commonwealth of Kentucky who arrived in our Nation's Capital yesterday morning to see the memorial on the National Mall dedicated to them.

Thanks to the national nonprofit organization, Honor Flight, which transports World War II veterans from anywhere in the country to see their memorial, and a group of dedicated volunteers, veterans from all over the state are able to make this memorable trip, free of charge.

The World War II Memorial was completed in 2004 and is a fitting tribute to the men and women who put on their country's uniform to fight the greatest and most destructive war the world has ever seen. Anyone who has ever visited this special place will agree that its stateliness is nothing short of awe-inspiring much like the men and women for whom it was built and who are so deserving of their title as "the Greatest Generation."

On the memorial's field of gold stars, known as the Freedom Wall, the inscription reads "Here We Mark the Price of Freedom." The veterans from my home State of Kentucky who visited today paid that price with their blood, sweat and tears; their families paid with sleepless nights and constant fear for the safety of their loved ones; and many of their fellow fighters paid with their lives.

We should remember the bravery of the men and women who served, and the World War II Memorial is a fitting tribute for all those who sacrificed in defense of our Nation and our way of life.

Mr. President, it is really a moving experience to be in the company of some of the men and women of the "Greatest Generation," and I ask unanimous consent that the names of the World War II veterans from Kentucky who were here yesterday be printed in the RECORD.

There being no objection the names were ordered to be printed in the RECORD, as follows:

KENTUCKY WORLD WAR II VETERANS

Elmer Morgan, William Coffey, Curtis Lesmeister, Lewis Grahm, Morgan Bradford, Leslie Spillman, Ralph Holman, Richard Thompson, William Richmond, Frank Parks, Vaiden Cox, James Wells, Daniel Rateau, Kenneth Becker, Morris Alford, James Hartman, Richard Doty, Melvin Campbell, Sr., Salvador Miceli, Veachel Lile.

Alexander Fehr, Kenneth Fehr, Charles Nichter, George Johnides, Jarl Harris, J.B. Price, Bernard O'Bryan, Robert Emerson, Harold Mauck, Gordon Mauck, Kelvin Keath, Asa Elam, Harold Staton, Benjamin Rau, Robert Blakeman, Edward Wilson, Jean Pogue, John Pogue.

TRIBUTE TO FREDERICK M. DOWNEY

Mr. LIEBERMAN. Mr. President, I rise today to express my profound gratitude and heartfelt best wishes to Frederick M. Downey, a true friend and dedicated public servant who will be leaving my Senate office after serving 12 years as senior counselor and legislative assistant. Given all that we have been through together, Fred's departure is truly a bittersweet occasion. While I am excited for Fred as he pursues an exciting opportunity with the Aerospace Industry Association, I can't help but think what a great loss his leaving will be for me, my staff, and the people of Connecticut.

Fred came to my office having already amassed a long and distinguished record in public service and national security. A distinguished military graduate of the Virginia Military Institute, Fred served in the U.S. Army for 24 years, rising to the rank of colonel. In the Army, Fred held a variety of infantry, troop, and staff positions in the United States, Europe, the Middle East, and in Vietnam.

Between 1988 and 1991, Fred worked in the Office of the Deputy Chief of Staff for Operations and Plans in the Department of the Army, where he was responsible for advising senior Army leaders on national security policy and military strategy. He played a leading role in examining the post-Cold War strategic environment, formulating options used by Army leaders when developing a national security strategy and force structure to meet the needs of the new international system. Fred also played an integral role in developing the Army's strategy for Operation Desert Storm. Fred then served as assistant to the director of net assessments, before retiring from the Army in 1993 and joining TASC, Inc. At TASC, Fred provided analytical services to the U.S. Government and our allies.

Even with all Fred had already done for our country, his instinct for public service proved strong; and in 1996 he agreed to leave TASC and accept a position as my legislative assistant for defense and foreign affairs. Naturally, I was delighted to have someone with his background and expertise join my team.

Fred's tenure in the Senate has been one of remarkable distinction. For over a decade, while America's role in the world has undergone profound and sometimes tumultuous changes, I have consistently been able to rely on Fred to give me the highest level of counsel on critical military and foreign affairs issues. In addition to his almost encyclopedic knowledge of military matters, Fred quickly demonstrated that he possessed keen legislative and political instincts. As my designated representative to the Senate Armed Services Committee, Fred has been indispensable in my efforts to transform America's military so that is it better suited toward the national security needs of a post-Cold War world. With Fred's invaluable assistance, I was able to develop and pass legislation establishing the Quadrennial Defense Review and the National Defense Panel, which requires the Pentagon to regularly assess what it will require to keep America safe in the future, as well as legislation establishing the U.S. Joint Forces Command. Also, as part of the annual Defense authorization bill, Fred and I crafted a series of provisions to reform the policy, procurement, and research and development process at the Department of Defense.

Fred was just as focused and passionate in helping advance foreign policy legislation that was both tough on America's enemies and representative of our Nation's core values. With his strong guidance, I was able to enact a number of initiatives that promoted human rights and religious freedom abroad, increased American assistance to fight the spread of global HIV/AIDS, encouraged increased international cooperation and the expansion of the North Atlantic Treaty Organization, and authorized efforts to prevent genocide.

After the terrorist attacks of September 11, 2001, when America was awakened to the grave threat posed by radical Islamist terrorism, Fred was steadfast in his efforts to advance legislation giving the Federal Government the tools it needs to protect Americans from further attacks. Working with my talented staff on the Homeland Security and Governmental Affairs Committee, Fred played a vital role in producing legislation that implemented the recommendations of the National Commission on Terrorist Attacks Upon the United States. Fred also teamed up with the committee on the Intelligence Reform and Terrorism Prevention Act of 2004, which enacted the most sweeping reform of our Nation's intelligence community in over half a century, and on legislation creating the Department of Homeland Security.

Fred recognized early on that for the United States to ultimately succeed in the war on terror, it is not enough to just seek out and capture terrorists, but that we must also work to provide the people of the Middle East and the rest of the Islamic world an alternative to radical Islamism by promoting democracy and economic development. With this in mind, Fred toiled relentlessly to advance initiatives designed to expand America's diplomatic outreach to the Muslim world and to promote democracy, human rights, and the rule of law in the Middle East. He also guided to passage the Afghanistan Freedom Support Act, which committed the United States to aiding Afghanistan as it seeks to rebuild for the long term.

In 2005, when the Pentagon recommended that the Naval Submarine Base in Groton, CT, be closed, Fred worked tirelessly as a leader in an effort to keep it open. Once again, his advice was pivotal toward developing a successful strategy that demonstrated to the Base Closure and Realignment Commission that the unique synergy of submarine construction and operating talent in southeast Connecticut is critical to our national security. Connecticut truly owes a debt of gratitude to Fred for his perseverance and commitment to the well-being of our State.

Of course, I couldn't possibly discuss Fred's service in the Senate without mentioning all the times he and I have traveled the world together on official business. Whether it was our annual trip to the North Atlantic Treaty Organization summit in Brussels, or the numerous fact-finding trips taken to Iraq and Afghanistan, Fred was there to provide his thoughtful perspective. Often these trips would keep Fred away from home during the holidays, an enormous sacrifice that I cannot begin to say how much I appreciate. Wherever we traveled, my visits to other parts of the world were always greatly enhanced knowing that Fred was at my side.

Fred is respected throughout the Senate for his outstanding work and breadth of knowledge. He has built a reputation with Senators and staff from both sides of the aisle for always being willing to take into account everyone's views and work together to reach a consensus. He is a true professional in the very best sense of the word.

I am deeply grateful to Fred's wife, Claudia, for her understanding of the marathon hours and taxing travel schedule that was so often demanded of Fred. Having been lucky enough to have gotten to know her and their two daughters, Dawn Harvey and Kelly Emery, I can only surmise that they served as an endless source of strength for him as he grappled with the tough issues facing the world today.

My entire Senate staff has been extremely fortunate to work with Fred, who was always willing to share his broad knowledge and counsel with his coworkers. When things would sometimes get hectic, Fred was a beacon of calm and stability; ready to impart the wisdom he had accumulated from his vast experience to help us all weather the storm. Many new legislative aides and fellows would find that Fred was someone they could approach whenever they needed assistance, and we have all been touched by his graciousness and sense of humor. He will always remain a treasured part of our office family, and the office will never be the same without him.

I am honored to have had Fred as a trusted advisor for all these years, and I am even prouder to call him my friend. While he will be missed immensely, my staff and I wish him happiness and health, knowing that he will be equally successful in his next endeavor. On behalf of myself, my staff, and the country, I sincerely thank Fred Downey for his many years of public service.

233RD BIRTHDAY OF THE UNITED STATES ARMY

Mr. HAGEL. Mr. President, I rise today to wish happy birthday to the oldest branch of our Armed Forces, the U.S. Army. Two hundred and thirty-three years ago, June 14, 1775, the Continental Congress approved the creation of a Continental Army—10 companies of riflemen, to defend American liberty. From the Revolutionary War to Iraq and Afghanistan, our men and women have served with bravery, selflessness and noble purpose.

Love of their country has inspired men and women to serve a cause greater than themselves. Regard for the principles our Nation was founded on motivates them to continue to fight and defend.

To say simply our Armed Forces have shaped history is an understatement. They have not only shaped history, they have defined America, and represented our nation's highest values . . . "Duty, Honor, Country."

Every generation of soldiers since the foundation of our country has protected our democracy and helped make the world more peaceful, secure and prosperous.

The sacrifices our soldiers have made in service to our country, and the price their families have paid are worthy of America's honor and respect. So as we celebrate the Army's 233rd birthday, we really celebrate our men and women in uniform who have given so much. Thank you.

In the Army's grandest tradition and as a proud Army veteran, I proclaim my annual Senate floor . . . "HOOAH!"

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last month, I came to the floor to speak about the death of Sean Kennedy of Greenville, SC. This young man was attacked outside a local bar and sustained fatal injuries. His attacker, Stephen Moller, had punched him in the face and left a message on a friend of the victim's cell phone, calling Sean a faggot and bragging that he had knocked him unconscious. Sean died 20 hours later.

Sean's mother, Elke Parker, watched as Moller pled guilty to manslaughter, for which the judge gave him a 5-year sentence. The sentence was then reduced to 3 years. For the mother of a son killed in a hate crime, this is not justice. Had the Matthew Shepard Act been signed into law before Sean's death, prosecutors would have been able to charge the defendant with a violent hate crime under the law. Additionally, the Federal Government would have been authorized to provide investigatory and prosecutorial assistance, which could have led to a sentence commensurate with the brutality of this attack.

After the trial, Elke told reporters that she would push for Federal hate crime legislation. "It may not help Sean today, but I want it to help future victims that they can be assured that there is justice. If your son or daughter is different, you need to support them for who they really need to be," she said. I was honored to speak with her about this legislation last month and look forward to working with her as we push for its passage.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

150TH ANNIVERSARY OF THE MARAIS DES CYGNES MASSACRE

Mr. BROWNBACK. Mr. President, last month in Kansas, I was able to be present for the commemoration of an important, but little known, event in American history. 150 years ago, May 19, 1858, a little defile in Kansas near Mine Creek was the site of one of the incidents that led up to the Civil War; the massacre of free State settlers by proslavery men.

The Marais des Cygnes Massacre is considered the last significant act of violence in Bleeding Kansas before the final cataclysm of civil war engulfed the Nation. On May 19, 1858, 30 men led by Charles Hamilton, a southern proslavery leader, crossed into Kansas from Missouri. Once there, they captured 11 free State men, none of whom was armed and none of whom had engaged in violence. Many of them knew Hamilton and didn't suspect he meant to harm them. These prisoners were led into a defile, where Hamilton ordered them shot and fired the first bullet himself. Five men were killed.

Hamilton's gang went back to Missouri, and only one man was ever brought to justice. William Griffith of Bates County, MO, was arrested in the spring of 1863 and hanged on October 30 of that year.

The incident horrified the Nation, and inspired John Greenleaf Whittier to write a poem on the murder, "Le Marais du Cygnes," which appeared in the September 1858 Atlantic Monthly. The incident and the poem strengthened the resolve of the antislavery cause around the Nation.

In 1941 the Kansas Legislature authorized acceptance of the massacre site, including Hadsall's house, as a gift to the State from the Pleasanton Post, Veterans of Foreign Wars. In 1961 it provided funds for the restoration of the building, and in 1963 the entire property was turned over to the Kansas State Historical Society for administration. A museum was established in the upper floor of the building in 1964. The Kansas Historical Society has done great work in administering the site since 1963. Just recently Riley Albert Hinds, a young man from Pleasanton, did some work for an Eagle Scout project that was very important for the restoration of this site, and contributed greatly to the existing historical research on Marais des Cygnes.

From 1854 to 1861 Kansas was the scene of a bitter struggle to determine whether the territory should enter the Union as a free or a slave State. We paid greatly as a Nation for the "original sin" of slavery in terms of blood and treasure, and there is still much healing that needs to take place. Part of our greatness as a Nation is our ability to acknowledge both the good parts and the bad parts of our history, and to make amends for injustices of the past.

Keeping alive our historical memory is a key to understanding ourselves as a Nation and as people. Communicating the rich history of our Nation to every generation is of the utmost importance. Knowing and learning from our history is one of the keys to maintaining a healthy, democratic society.

HONORING MY CHILDREN ON FATHER'S DAY

Mr. CRAIG. Mr. President, though the origin of Father's Day is not clear, fathers throughout the United States are made to feel special by their children every year, on the third Sunday in June.

Sunday, June 15, marks my 24th year as Dad to Mike, Jay and Shae. And in recent years, their seven children have made me a doting granddad to boot, doubling the joy of our celebration.

Throughout these years, I have never taken a Father's Day remembrance for granted—perhaps because I adopted my children when I had the wisdom and maturity to appreciate the pure joy of having them in my life. I have treasured the handmade trinkets, the interesting ties and the simple melody of their voices greeting me on that Sunday morning every year, "Happy Father's Day, Dad! We love you."

Father's Day always has been a time of reflection for Suzanne and me—to look back fondly on our kids' achievements and to take pride in how they handled life's disappointments. I remember Shae's first date and her first breakup, Mike's first car and Jay's first soccer game.

But nothing affected me as emotionally as my children's love and loyalty during the dark days of last August.

When I was under siege by the media, by my political opponents and even by some I thought were my friends, it was my three children who surrendered their privacy and risked being tarred by those demanding my head to take on their Dad's critics.

They were relentless in correcting the record—in television interviews and in doggedly responding to newspaper reporters' endless questions. And when I appeared before the media to respond to unspeakable accusations, my kids stood with me, looking my accusers squarely in the eye. In the privacy of our home, when I would despair, they were there to lift up their Dad.

Someone once said, "If there is anything better than to be loved, it is loving."

No father in America is prouder of his children than I. So this Sunday, the luckiest Dad in Idaho won't be just waiting around for his annual Father's Day calls and visits. This Father's Day, Dad is honoring the three who chose me to be their father—Shae, Mike and Jay.

FLAG DAY

Mr. CRAIG. Mr. President, this Saturday, June 14, our Nation celebrates Flag Day. It was on this day 231 years ago that the Second Continental Congress officially adopted the red, white, and blue flag to serve as an icon for our newly formed Nation. Living and working in the United States, one may find it easy to overlook the prevalence of our flag—it stands atop buildings, in school yards, next to libraries, and even in our neighborhoods. President Woodrow Wilson, in recognition of the significance of our flag, set aside June 14 as a day to observe our flag and take pride in our Nation.

The first flag, commonly known as the "Betsy Ross" flag—given the name after the legend that she designed the flag—contained 13 stars and stripes to symbolize the 13 original colonies. As our Nation grew, so did the stars in the constellation, finally leaving us with the 50 stars that we all recognize today.

One of the many beautiful aspects of our flag is that it can mean different things to different folks and is even open to your own personal interpretation. For many, the flag represents freedom; for others, individual rights or justice. For some, it is a reminder of those who fought to protect all Americans' right to life, liberty, and the pursuit of happiness.

Our first President, George Washington, had this to say about the flag's symbolism: "We take the stars from heaven, the red from our mother country, separate it by white in stripes, thus showing that we have separated from her."

This year, we honor our flag the day before Father's Day. In light of this, I would especially like to pay tribute to all the fathers serving in our armed forces who will be unable to celebrate with their families this weekend. I ask that we keep these brave men—whose service ensures the freedom that our flag so gallantly symbolizes—in our hearts and prayers as we celebrate Flag Day.

In closing, let me read an excerpt from a poem that is familiar to many in our country, because it has been read at countless ceremonies where American citizens are gathered. It's entitled "I am the Flag," and it was written by Howard Schnauber:

> I am the flag of the United States of America.
> My name is Old Glory.
> I fly atop the world's tallest buildings.
> I stand watch in America's halls of justice.
> I fly majestically over institutions of learning.
> I stand guard with power in the world.
> Look up . . . and see me.
>
> I stand for peace, honor, truth and justice.
> I stand for freedom.
> I am confident.
> I am arrogant.
> I am proud.

LOSS OF LIFE DURING IOWA TORNADO

Mr. NELSON of Nebraska. Mr. President, I rise today to express my heartfelt sympathies for the families of four young Boy Scouts who lost their lives, and 48 other who were injured, in a terrible storm and tornado which struck last night just across the border from Nebraska in my neighboring state of Iowa.

Josh Fennen, 13; Sam Thomsen, 13; and Ben Petrzilka, 14—all of Omaha, Nebraska—and Aaron Eilerts, 14, of Eagle Grove, IA, were on what should have been a fun-filled camping trip with their Boy Scouts of America troop in a beautiful and rugged area not far from Omaha when this terrible weather hit their campsite.

At this somber time, I would like to recognize the heroism of the Scouts who came to the aid of those injured yesterday. You have the admiration of our entire State; your heroism and courage are in the finest tradition of Scouting. As an Eagle Scout, my thoughts go out to the entire Boy Scouts of America organization—nowhere is the sense of brotherhood so deep as with this wonderful group. While it is a dark hour for the Scouts, the character, strength, and sense of duty of these brave young men will help carry them through this tragedy.

Midwesterners are accustomed to violent weather, but we will never be accustomed to the tragic loss of life it sometimes brings. My thoughts and prayers are with these young victims and their families.

ADDITIONAL STATEMENTS

2007 SLOAN AWARD WINNERS

• Mr. ALEXANDER. Mr. President, I congratulate the 2007 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility, which recognizes companies that successfully have used flexibility to meet both business and employee goals.

As I did last year, I wish to draw attention to the Sloan Awards because I think these companies should be commended for their excellence in providing workplace flexibility practices which benefit both employers and employees. Achieving greater flexibility in the workplace—to maximize productivity while attracting the highest quality employees—is one of the key challenges facing American companies in the 21st century.

For 2007, businesses in the following 24 cities were eligible for recognition: Aurora, CO; Boise, ID; Brockton, MA; Chandler, AZ; Chattanooga, TN; Chicago, IL; Cincinnati, OH; Dallas, TX; Dayton, OH; Detroit, MI; Durham, NC; Houston, TX; Long Beach, CA; Long Island, NY; Melbourne-Palm Bay, FL; Morris County, NJ; Providence, RI; Richmond, VA; Salt Lake City, UT; Savannah, GA; Seattle WA; Spokane, WA; Tampa, FL; Washington, DC; and Winona, MN.

The Chamber of Commerce in each city hosted an interactive business forum to share research on workplace flexibility as an important component of workplace effectiveness. In these same communities, businesses applied for—and the winners that I am about to name were selected for—the Sloan Awards through a process that considered employees' views in addition to employer practices.

In Aurora, CO, the winners are Arapahoe/Douglas Works!, Lee Hecht Harrison, and The Medical Center of Aurora.

In Boise, ID, the winners are American Geotechnics, Big Brothers Big Sisters of Southwest Idaho, Children's Home Society of Idaho, DJM Sales & Marketing Inc, Group One Real Estate, J-U-B Engineers, KPMG, The Leavitt Group of Boise, Prime Equity Mortgage Group, St. Luke's Regional Medical Center, and TitleOne Corporation.

In Brockton, MA, the winner is Old Colony Elderly Services.

In Chandler, AZ, the winners are A&S Realty Specialists, Abalos & Associates PLLC, AHM Mortgage, Arizona Spine and Joint Hospital, Cachet Homes, Chandler Chamber of Commerce, Chandler Connection, Chandler Unified School District, Clifton Gunderson LLP, Hacienda Builders, Henry & Horne LLP, Intel Corporation, Jewish News of Greater Phoenix, Johnson Bank, MDI, Microchip Technology Inc., Omega Legal Systems Inc., RIESTER, Spark, Technology Providers Inc., Today's Women's Health Specialists, US Airways, and Wist Office Products.

In Chattanooga, TN, the winners are Center for Community Career Education at The University of Tennessee at Chattanooga, Management Recruiters of Chattanooga, Reading Education for Adult Development (READ) of Chattanooga, and Unum.

In Chicago, IL, the winners are Ernst & Young, First Midwest Bank, KPMG LLP, Lee Hecht Harrison, and Perspectives ltd.

In Cincinnati, OH, the winners are Barnes Dennig, CSC Consulting Group, Deloitte & Touche, FSCreations, and Physical Therapy Options.

In Dallas, TX, the winners are Accenture, BDO Seidman LLP, The Beck Group, Community Council of Greater Dallas, Deloitte, Direct Energy, Kaye/Bassman International, Lee Hecht Harrison, Nortel Networks, and State Farm Insurance.

In Detroit, MI, the winners are Albert Kahn Associates Inc., Amerisure Mutual Insurance Company, Brogan & Partners Convergence Marketing, Detroit Regional Chamber, Humantech, and Menlo Innovations.

In Durham, NC, the winners are Durham's Partnership for Children, Greenfire Development, Horvath Associates, P.A., and VirtualOfficeAmerica.

In Houston, TX, the winners are Access Sciences Corporation, Binkley & Barfield Inc., Continental Airlines, Deloitte, Direct Energy, El Paso Corporation, Fullbright & Jaworski LLP, Klotz Associates Inc., KPMG LLP, PGAL, PKF Texas, and Simdesk Technologies Inc.

In Long Beach, CA, the winners are KPMG and PeacePartners Inc.

In Long Island, NY, the winners are CMP Technology, Girl Scouts of Nassau County, and KPMG.

In Melbourne-Palm Bay, FL, the winners are Melbourne-Palm Bay Area Chamber of Commerce and Wesche Jewelers.

In Morris County, NJ, the winner is Solix, Inc.

In Providence, RI, the winners are Embolden Design Inc., Family Service of Rhode Island, KPMG, LGC&D P.C., Lighthouse Computer Services, Inc., Rhode Island Housing, and Rhode Island Legal Service, Inc.

In Richmond, VA, the winners are Bon Secours Richmond Health System, Capital One Financial, Chesterfield County Government, and VCU Health System.

In Salt Lake City, UT, the winners are Cooper Roberts, Enterprise Rent-A-Car Company, Intermountain Healthcare, Jones Waldo Holbrook & McDonough P.C., McKinnon-Mulherin Inc., Prince, Perelson & Associates, Redmond Minerals, Inc., and Select Health.

In Savannah, GA, the winners are Lazard Dana LLP and Wachovia.

In Seattle, WA, the winners are Blue Gecko, Cascadia Consulting Group, Child Care Resources, Consejo Counseling and Referral Services, Friends of the Children, Leadership Institute of Seattle, MarketFitz Inc., NRG::Seattle, PACE Staffing, Washington Health Foundation, WithinReach, Worktank, and URS.

In Spokane, WA, the winner is Gonzaga University.

In Tampa, FL, the winners are Argosy University Tampa, CIBERsites, Citigroup, Greenacre Properties Inc., Kerkering, Barberio & Co. P.A., Residential Drywall Inc., Self Reliance, Inc., Success 4 Kids & Families, and TEKsystems.

In Washington, DC, the winners are Capital One Financial, Discovery Communications Inc., and MorganFranklin Corp.

In Winona, MN, the winner is Wells Fargo Bank.

The Sloan Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute, in partnership with the Institute for a Competitive Workforce, an affiliate of the U.S. Chamber of Commerce and the Twiga Foundation. The When Work Works initiative is sponsored by the Alfred P. Sloan Foundation.

Building on the success of the first 3 years, the next phase of the When Work Works initiative will extend the number of participating communities to 30 in 2008 to include: Atlanta, GA; Birmingham, AL; Charleston, SC; Dayton, OH; Lexington, KY; Louisville, KY; and San Francisco, CA. Again, I congratulate the 2007 winners of the Sloan Awards and look forward to the continuing expansion of this worthwhile initiative.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Rules and Administration. (The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5749. An act to provide for a program of emergency unemployment compensation.

H.R. 6003. An act to reauthorize Amtrak, and for other purposes.

ENROLLED BILLS SIGNED

At 5:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

The enrolled bill (H.R. 6124) was subsequently signed by the Acting President pro tempore (Mr. TESTER).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3118. A bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6003. An act to reauthorize Amtrak, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5749. An act to provide for a program of emergency unemployment compensation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 3480. To direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 576. A resolution designating August 2008 as "Digital Television Transition Awareness Month".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Helene N. White, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Raymond M. Kethledge, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Stephen Joseph Murphy III, of Michigan, to be United States District Judge for the Eastern District of Michigan.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 3119. A bill to stimulate the economy by encouraging energy efficiency, infrastructure and workforce investment, and homeownership retention, and by amending the Internal Revenue Code of 1986 to provide certain business tax relief and incentives, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. FEINSTEIN):

S. 3120. A bill to amend the Internal Revenue Code of 1986 to increase the income limitations for qualified performing artists eligible for an above-the-line deduction for performance expenses; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. ROBERTS, Mr. CRAPO, Mr. BAYH, and Mr. LUGAR):

S. 3121. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the penalties for failure to disclose reportable transactions, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Ms. SNOWE):

S. 3122. A bill to amend the Commodity Exchange Act to provide for the regulation of oil commodities markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself, Mrs. MCCASKILL, and Mr. OBAMA):

S. 3123. A bill to require lobbyists who represent foreign politicians or political parties and foreign entities to register under Foreign Agents Registration Act of 1938; to the Committee on Foreign Relations.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3124. A bill to require the Secretary of Labor to establish a program to provide for workforce training and education, at community colleges, in the fields of renewable energy and efficiency, green technology, and sustainable environmental practices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 3125. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN:

S. 3126. A bill to provide for the development of certain traditional and alternative energy resources, and for other purposes; to the Committee on Finance.

By Mr. BURR (for himself and Mr. KENNEDY):

S. 3127. A bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agricultural Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL:

S. 3128. A bill to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project; to the Committee on Indian Affairs.

By Mr. LEVIN (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DORGAN, and Mr. BINGAMAN):

S. 3129. A bill to amend the Commodity Exchange Act to prevent price manipulation and excessive speculation and to increase transparency with respect to energy trading on foreign exchanges conducted within the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. REID, Mr. LEVIN, Mr. BINGAMAN, Mr. DORGAN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. BROWN, Mr. CASEY, Mr. KERRY, Mr. LEAHY, Mrs. MURRAY, Ms. MIKULSKI, Mr. OBAMA, and Mr. REED):

S. 3130. A bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mr. STEVENS):

S. 3131. A bill to amend the Commodity Exchange Act to ensure the application of speculation limits to speculators in energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 3132. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the capture and sequestration of carbon dioxide from an industrial source; to the Committee on Finance.

By Mr. DODD (for himself, Mr. DURBIN, and Mr. MENENDEZ):

S. 3133. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of the fee for energy efficiency and renewable energy projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 3134. A bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida:

S. 3135. A bill to amend the Outer Continental Shelf Lands Act to provide for the establishment of a production incentive fee for nonproducing leases; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BIDEN, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mrs. DOLE, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. ISAKSON, Mr. LEAHY, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. SMITH, Ms. SNOWE, Mr. SUNUNU, Mr. WHITEHOUSE, Mr. WYDEN, Mr. BINGAMAN, and Mr. BROWN):

S.J. Res. 41. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALEXANDER (for himself, Mr. CORKER, Mr. COCHRAN, and Mr. WICKER):

S. Res. 592. A resolution commending the Tennessee Valley Authority on its 75th anniversary; considered and agreed to.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Res. 593. A resolution honoring the Detroit Red Wings on winning the 2008 National

Hockey League Stanley Cup Championship; considered and agreed to.

By Mr. BROWN:

S. Res. 594. A resolution designating September 2008 as "Tay-Sachs Awareness Month"; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. BURR, Mr. WICKER, Mr. INHOFE, Mr. SUNUNU, Mr. NELSON of Florida, Mr. BAYH, and Mr. PRYOR):

S. Con. Res. 90. A concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 335

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 879

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 989

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 989, a bill to amend title XVI of the Social Security Act to clarify that the values of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 1468

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1468, a bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes.

S. 1588

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1743

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1956

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1956, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas, and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2372

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2433

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2506

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2506, a bill to amend the Energy Policy and Conservation Act to modify a provision relating to the Northeast Home Heating Oil Reserve Account.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2652

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2652, a bill to authorize the Secretary of Defense to make a grant to the National World War II Museum Foundation for facilities and programs of America's National World War II Museum.

S. 2666

At the request of Ms. CANTWELL, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2715

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2715, a bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2766

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

At the request of Mr. NELSON of Florida, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2766, supra.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2932

At the request of Mrs. MURRAY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 2942

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 3008

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3008, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 3070

At the request of Mr. SESSIONS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3070, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

S. 3084

At the request of Mrs. BOXER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3084, a bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a master's or higher degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and for other purposes.

S. 3098

At the request of Mr. ENZI, his name was added as a cosponsor of S. 3098, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

S. 3118

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3118, a bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

S. CON. RES. 82

At the request of Mrs. LINCOLN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. Con. Res. 82, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 84

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution honoring the memory of Robert Mondavi.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Idaho (Mr. CRAPO), the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 3119. A bill to stimulate the economy by encouraging energy efficiency, infrastructure and workforce investment, and homeownership retention, and by amending the Internal Revenue Code of 1986 to provide certain business tax relief and incentives, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Economic Recovery Act of 2008. I think it is evident our economy is struggling to overcome the twin effects of record-high energy prices and a steep downturn in the housing market.

Earlier this year, this Congress acted to provide rebates to taxpayers to help them cope with the effects of the downturn in the economy. The hope was also that the impact of these rebate checks would be to stimulate the economy.

It is evident much more needs to be done, so the legislation I am introducing today is aimed at reinvigorating our economy. It is my proposal for a second economic stimulus package.

Over the course of the past several years, we have seen the price of oil climb by more than 400 percent, from about $30 per barrel in 2003, to more than $133 per barrel this morning. This escalation in energy costs threatens to plunge our economy into a recession, and it is imposing a tremendous hardship on middle-income and low-income families, on our truckdrivers, our farmers, our fishermen, our schools, virtually everyone.

Big factories and mills, as well as small businesses, have also been harmed by high energy prices. In fact, a week ago we learned a mill in Millinocket, ME, is going to be forced to shut down because it can no longer afford the oil that is essential to the operations of that paper mill.

We are working with Governor Baldacci to try to find alternatives. But it is a prime example of the tremendously harmful impact high energy prices are having on the economy of our State and indeed States throughout the Nation.

Gasoline is already topping $4 a gallon 2 weeks into the summer driving season. Maine families fear the cost of staying warm next winter because home heating oil prices have reached record highs.

At the same time, the cost of diesel fuel is pushing some of America's independent truckers to the brink of bankruptcy. Consider this astonishing fact. In 1999, a Maine truck driver could go from Augusta, ME, all the way to Albuquerque, NM, on $500 worth of diesel. Today, $500 worth of diesel will not get that truck driver to Altoona, PA. What a difference a few years makes.

Of course, with diesel prices continuing to increase, the problem is only getting worse. Meanwhile, weaknesses in the housing market are making it impossible for millions of Americans to get the financing they need to stay in their homes when their adjustable rate mortgages reset. Many of these families are being forced into foreclosure, leaving behind vacant properties and creating a ripple effect that is pulling down home values even further. This problem hurts communities across the Nation, and it requires an effective Federal response.

The legislation I am introducing today would provide much-needed help to Americans who are struggling with high energy costs and the weak housing market. Let me outline the provisions of the economic stimulus package I am proposing.

First, the Economic Recovery Act proposes a series of initiatives to promote increased energy efficiency that would help consumers save money on their energy bills, and help advance the goal of energy independence for our Nation.

Second, the bill provides relief from truck weight regulations that are injuring truckers in the State of Maine.

Third, it proposes a new program to finance transportation infrastructure that is based on the model of the Build American Bonds Bill.

Fourth, it would increase funding under the Workforce Investment Act so we can help displaced and unemployed or underemployed workers.

Fifth, it proposes tax incentives designed to help America's small businesses.

And, sixth, it would help to restore stability in the housing market by expanding the FHA Secure Program, which would help homeowners refinance mortgages that are in danger of foreclosure.

We have focused a lot on the housing problems and the turmoil in the housing and financial markets. Indeed, that is an important factor in the decline of our economy. As I have indicated, I think more needs to be done. But I am convinced high energy prices are an even greater cause of the economic downturn.

We must act to protect ourselves from rapid increases in oil prices and in the long term achieve energy independence. One way to help achieve both those goals is to encourage greater efficiency. My bill would double the funding for the Department of Energy's Weatherization Program, reaching $1.4 billion by the year 2010.

The bill would also provide $112 million each year for the valuable Energy Star Program, which helps consumers choose energy-efficient appliances, and would extend the renewable electricity tax credit through 2011 and the residential investment tax credit for solar and energy-efficient buildings through 2012.

My bill also includes a $500 credit to consumers who replace their old woodburning stove with a new, cleaner-burning model using wood or wood pellets. This complements a proposal I introduced in February.

We must take action to address the impact rising diesel prices are having on the trucking industry, which is struggling. The rapid increase in the price of diesel is making it more difficult for our Nation's truckers to stay on the road.

It is also increasing the cost of delivering goods that communities throughout our country rely on. We can help trucks to operate more efficiently if we ease Federal trucking regulations that prohibit trucks that carry more than 80,000 pounds from traveling on the Federal interstate system.

My bill includes a provision that would create a 2-year pilot project that would permit trucks carrying up to 100,000 pounds, which is the weight level that is permitted on Maine's highways, to travel on the Interstate Highway system when diesel prices are at or above $3.50 a gallon. The savings on fuel consumption will benefit the trucking industry, the consumer, and our Nation at a time when we are looking for ways to decrease our dependency on foreign oil.

Let me tell you, the current system simply makes no sense at all. In Maine, the trucks that have 100,000 pounds of cargo are forced to leave the Interstate in Augusta, ME, a road that is built to accommodate the heaviest trucks, and instead are forced to go on secondary roads through towns and villages, stopping at railroad crossings. That wastes fuel, and is less safe than keeping them on the Interstate. The trip takes much longer because they are on secondary and slower roads that often are not the most direct routes to the destination. So that simply makes no sense at all.

Any proposal to stimulate the economy should help to fund transportation infrastructure projects. They are a proven means of fostering economic growth and are a lasting investment; an investment we need.

This past winter has been so difficult and so hard on the roads in Maine. I do not think I have ever seen so many frost heaves and so much wear and tear that the very difficult cold and snowy winter has had on our roads and highways as I have seen this spring in Maine. The legislation I have introduced calls for a $50 billion investment through new transportation bonds for roads, bridges, transit, rail, and waterways.

Now, I wish to give credit where credit is due. This proposal which I put into the economic stimulus package was first introduced by Senator WYDEN. I was very pleased to be a cosponsor of his bill. I have included our proposal as part of this broader package. Not only will this funding serve as the catalyst for thousands of good jobs today, we all know construction jobs are good jobs, but it also will improve our transportation infrastructure, which is critical to economic development over the long term.

This is an investment that makes sense. Many of these transportation projects are ready to go. They only need the funding. We must also act to provide assistance to those who have lost their jobs in this economic downturn. Now, that means extending unemployment compensation benefits. I hope we are going to do that soon. But in addition, we need to invest in our workers.

In the last 4 months, we have seen 340,000 jobs lost across the country. Today, we have more than 1.6 million additional unemployed workers, compared to 2001; 800,000 more than a year ago. The national unemployment rate has jumped to 5.5 percent. In my home State, 33,600 Mainers are looking for work.

In view of this increase in unemployment, it makes no sense whatsoever that the President's budget actually proposes another cut in the Workforce Investment Act. In fact, overall, the President's budget would cut $1.5 billion from the Department of Labor's workforce programs.

We must invest in America's workforce. Yet since fiscal year 2001, funding for the Workforce Investment Act programs has been reduced by nearly $1.7 billion in real terms. My bill would provide $1 billion in additional Workforce Investment Act funding that would enable us to train nearly 300,000 additional workers.

The bill would also increase funding for the Dislocated Workers program and for Youth and Adult training programs. Support for job training, investing in our workers is critical, but it is also important that we provide relief to the job creators in our economy, and that is our small businesses. The fact is, small businesses create 80 percent of the net new jobs in America. During economic downturns, however, they struggle with cash flow and they must forgo investments they need to grow and remain competitive. That is why I am proposing some tax incentives to help small businesses.

First, we should make the Section 179 expensing limit for small companies permanent so they can count on it. Second, we should renew a provision of tax law that allows restaurant owners to depreciate their equipment more quickly, over 15 years.

Finally, we must take action to steady the housing market. More than 50 million Americans hold mortgages at present and, fortunately, most of them are current with their payments. But 7 million of these mortgages are so-called subprime loans, and most of them are adjustable rate mortgages that reset to higher, often unaffordable rates after only 2 or 3 years of very low introductory rates. What we are finding is a lot of first-time homeowners simply did not understand the risk they were taking with subprime loans. As a result, approximately 1.3 million of these 7 million subprime mortgages are delinquent and could soon be in foreclosure. This number is expected to rise as more mortgages reach the reset date.

I am not interested in bailing out speculators, people who took a gamble that housing prices were going to increase. What I am talking about are homeowners who were peddled an unsuitable mortgage product. We need to help them. Foreclosures inflict losses all around—on the families who lose their homes; on the neighborhoods where values fall as empty houses proliferate; on borrowers who face tighter requirements and higher costs, as perceptions of lending risk increase; and on those who work in the construction or real estate industry, dependent on a strong housing market.

One source of help—and this is what I am proposing in my bill—would be to bolster the FHASecure program administered by the Federal Housing Administration. This program allows eligible homeowners to avoid foreclosure by assisting them with refinancing so they can afford to make their mortgage payments. My bill would expand this program to make it easier for lenders to accept voluntary write-downs of distressed mortgages and allow borrowers whose incomes are not sufficient to meet the terms of their existing mortgages to refinance their homes on terms they could afford. My bill also grants the FHA expanded authority to adjust insurance premiums, depending on the individual borrower's risk profile, to ensure the solvency of the FHA insurance fund. These provisions could help FHA reach hundreds of thousands of additional homeowners by the end of the year, and to do so without taxpayer subsidies.

The legislation I am introducing today includes comprehensive proposals that, taken together, would go a long way toward addressing the two factors truly harming our economy—high energy prices and a weakening housing market. I urge my colleagues to work together in a bipartisan way, to look at the ideas that I and others have proposed so we can work together on a second stimulus package to address these concerns and to help restore and strengthen our Nation's economy.

By Mr. BAUCUS:

S. 3125. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, George Bernard Shaw once said: "If all economists were laid end to end, they would not reach a conclusion."

Sometimes I feel the same about legislation to extend expiring tax provisions. Sometimes it feels as though that process never reaches a conclusion. Regrettably, Tuesday, the Senate failed to invoke cloture on the motion to proceed to the House-passed renewable energy and tax extenders bill.

Today, we must begin anew the march to a conclusion for the tax extenders package.

Next week, the Senate will face a choice. We'll vote again on getting to the tax extenders bill. We'll vote on allowing the Senate to get to the substitute amendment, the text of which I introduce today. I think that it's a pretty easy choice.

We need to decide whether we will develop new jobs and new medications.

Or, we can continue to allow hedge fund managers to defer, without limitation, their compensation for investing other people's money.

The choice is easy. We must pass this package of expiring provisions. We must reach a conclusion.

Last month, the House passed its renewable energy and tax extenders package, by a vote of 263 to 160. It came over to the Senate last week. My Colleagues on the other side of the aisle objected to moving to the House bill, for which I was prepared to offer a substitute amendment.

Today, I am introducing that substitute amendment as a stand-alone bill. This extender package is fully paid-for. These offsets are fiscally responsible. And these revenue-raising provisions are also sound tax policy.

The first revenue-raising provision is an extension of the effective date of the worldwide allocation of interest. The bill would delay application of the new rule.

This section of the code is scheduled to take effect in 2009.

Many of the companies that will benefit from this provision told me that they would rather have business extenders, including R&D, active financing, and CFC look-through. They prefer those important extenders to a 2009 application of the world wide allocation of interest.

These companies want a conclusion. And, they realize that to get a conclusion, they, along with Congress, must be fiscally responsible and pay for these provisions.

This provision allows Congress to be fiscally responsible and to pay for the priorities of the business community.

The second revenue-raising provision addresses offshore deferred compensation. This provision prevents hedge fund managers from deferring income. This is not an increase in tax on hedge fund managers. Rather, it is a change in the timing of when they have to pay their income tax.

We need to make decisions about our priorities. Is the ability of hedge fund managers to defer taxation of their compensation more important than spurring research and development?

This bill has a solid energy-tax package. It has about $17 billion in incentives for alternative energy, efficiency, and clean coal. This package is important for our environment and energy security. And it's important to facilitate the transition to a carbon-controlled economy.

I have been working to get the Congress to pass a good energy-tax package for the better part of a year. At the beginning of last year, the Finance Committee conducted several hearings. Last June, the Committee marked up a bill to bolster investment in clean energy, efficiency, and clean coal. Our bill—a roughly $30 billion package—passed the Finance Committee with a 15-to-5 vote.

The bill included a 5-year extension of the credit for production of renewable electricity. That credit enjoys strong bipartisan support.

It included 8-year extensions of credits for solar power. Solar power still needs significant subsidies to compete with fossil-based energy.

It included $4 billion in new funds for clean coal tax credits. These credits are needed to demonstrate that coal—which accounts for half of this Nation's electricity—can be burned cleanly.

The bill included a new consumer credit for plug-in hybrids. Already prototypes of plug-in hybrids can go a hundred miles on a gallon of gas.

The bill included a new credit for cellulosic ethanol. Some experts predict that cellulosic ethanol will become the fuel of the future.

Last June's Finance Committee package was largely financed by reducing tax benefits for oil and gas companies. We proposed repealing the manufacturing deduction for oil and gas firms. That raised about $9.4 billion for the package.

We proposed a tax on production in the Gulf of Mexico, with credit for the tax provided to companies paying royalties on that production. This raised more than $10 billion.

We also proposed tightening the rules on tax credits received by oil and gas companies that pay taxes to overseas jurisdictions. This proposal raised about $3.2 billion.

Taken together, these tax changes would have financed about two-thirds of the roughly $30 billion energy-tax package. We argued that the oil and gas offsets were justified, in part because of record-high oil prices. Recall that in 2005, President Bush said, "With $55 (a barrel) oil we don't need incentives to oil and gas companies to explore."

When the Finance Committee passed this energy-tax bill, oil traded at $69 a barrel.

After moving the bill through the Finance Committee, Senator GRASSLEY and I offered that measure on the Senate floor. We offered it as an amendment to the energy policy bill.

But our amendment got 57 votes on the floor, 3 shy of the 60 votes that we needed to break a filibuster.

The objections, almost entirely from the other side, were that the bill would increase energy prices. They argued that our bill unreasonably targeted the oil and gas industry. They argued that the package was simply too big.

So we went back to the drawing board. In negotiations with the House, we cut the size of the energy package by about a third. We dropped the $10 billion tax on Gulf production. We retained repeal of the manufacturing deduction for large oil and gas firms, and the provision to tighten loopholes on foreign tax credits for oil and gas companies. And we also included nearly $7 billion in offsets from President Bush's own budget proposal.

That's right. About one-third of the package that came to the Senate floor in December was offset by items taken directly from proposals offered by President Bush in his 2008 budget.

Even though we cut the package by about a third, the bill still maintained meaningful support for alternative energy and efficiency. It included extension of the renewable energy production credit. It included long-term extensions of credits for solar power. It included $2 billion for clean-coal projects. And it included a new consumer incentive for plug-in hybrid cars.

It was not as ambitious as the June 2007 Finance Committee bill. But the compromise product that came to the Senate floor in December was a very good package.

Nonetheless, the President issued a veto threat on the bill. And 40 Senators followed his lead. On December 12, 2007, the compromise package failed in the Senate by a vote of 59 to 40, just one shy of 60 needed to break yet another filibuster.

Faced with the choice of maintaining tax breaks for oil and gas companies and investing in a fledgling alternative energy industry, the Senate minority chose to protect the oil and gas companies.

Faced with the choice of investing in green-collar jobs or maintaining the status quo on energy, the minority chose the status quo.

Remember the President's assertion that tax breaks were not needed when oil traded at $55 a barrel? Well, when the Senate voted on the energy package on December 13, 2007, oil cost more than $92 a barrel.

So where are we now? Vital new energy-tax provisions—such as incentives for plug-in hybrid vehicles—have not become law. Existing incentives—such as those for energy-efficient appliances—have lapsed. And in less than 7 months, many others will lapse, including the renewable energy production credit, solar credits, incentives for efficient buildings, and credits for biofuels.

So what do we do about it? To paraphrase Thomas Edison, "I have not failed. I've just found two ways that won't work."

I hope that this attempt will work. The bill that I introduce today, and on which I hope the Senate can vote next week, includes a robust energy package. It is very similar to that negotiated with the House last year. It is very similar to the one that got 59 votes in the Senate.

Like last year's bills, this package includes long-term extensions of renewable energy credits. It includes major funding for clean coal projects. It includes a new incentive for plug-in hybrids. And it includes extensions of vital incentives to promote energy efficiency.

This $17 billion energy package is slightly smaller than last December's. But it's still critically important to our Nation's energy future.

There is a key difference between this year's package and last year's: the offsets. In response to criticisms of the oil and gas offsets and the President's veto threat, we have dropped proposals to repeal oil and gas tax breaks.

Instead, we have included two offsets that have nothing to do with oil and gas. In fact, they have nothing to do with energy. They are simply good policy. And they have broad support.

The bill also extends provisions that offer tax benefits to individuals and businesses. One such provision is the teacher expense deduction.

Our schools are in desperate need of repair. Our students don't have the books or supplies they need. Some teachers have taken it upon themselves to use money from their own pockets to provide classroom supplies for their students.

In 2005 alone, more than 3.4 million families took the teacher expense deduction. The average salary for a teacher is about $38,000.

This says a lot about this profession's dedication to educating America's youth. These teachers work diligently to make sure that America stays competitive in this global economy by educating our children. And yet they pay out of their own pockets for supplies. The least we can do is to help share the cost.

Another provision that is important to American families is the qualified tuition deduction. Tuition costs have long been increasing faster than inflation. Parents and students worry about how to cover these escalating costs.

4.4 million families took the qualified tuition deduction in 2005. But the provision expired at the end of 2007.

The bill that I introduce today has other important benefits. Millions of families get tax relief from these expiring provisions and will suffer without this legislation.

Businesses will also suffer if Congress does not act. Many of the business provisions contained in the extenders package are crucial in allowing U.S.-based multinational corporations to compete effectively in a global economy.

America accounts for a third of the world's spending on scientific research and development, ranking first among all countries. This is impressive. But relative to the size of our economy, America is in sixth place. And the trends show that maintaining American leadership in the future depends on increased commitment to research and science.

Asia has recognized this. Spending on research and development has increased by 140 percent in China, Korea, and Taiwan. In America, it has increased by only 34 percent.

Asia's commitment is already paying off. More than a hundred Fortune 500 companies have opened research centers in India and China. I have visited some of them. I was impressed with the level of skill of the workers I met there.

There are workers in other countries who seek coveted research positions. Ireland, Poland, and other European countries would like American corporations to shift their R&D operations to their countries. Some of these countries offer incredible tax and non-tax benefits.

Yet our R&D tax credit expired on December 31. American corporations are at a competitive disadvantage. They are unsure if they will be able to obtain the benefit of the credit this year. And they need to plan for the future.

We need to pass an extenders package that allows American companies to take the credit as soon as possible.

American businesses need the R&D tax credit to compete in a global economy. The R&D tax credit gives companies an incentive to begin or continue research here in America. These jobs pay well and result in the creation of intellectual property.

We want these jobs. And we want the intellectual property to be created in our country.

American financial services companies successfully compete in world financial markets. We need to make sure, however, that the U.S. tax rules do not change that.

This legislation will extend the active financing exception to Subpart F. This provision preserves the international competitiveness of American-based financial services companies. This provision also contains appropriate safeguards to ensure that only truly active businesses benefit.

The active financing exception applies to active financial service income earned abroad by American financial services companies or American manufacturing firms with a financial services operation. The exception makes sure that this income is not subject to U.S. tax until that income is brought home to the U.S.

This provision will put the American financial services industry on an equal footing with foreign-based competitors who are not taxed on active financial services income.

There are several other provisions in this bill that encourage businesses to invest in this country. There are provisions that will help American businesses compete in a global economy. We must extend these provisions as soon as possible.

Finally, my bill will provide an AMT patch for 2008. The provision is not offset, because we recognize the reality of the budget constraints we face. We need to get this done. This is an important provision to the American families.

The patch will hold the number of people subject to the AMT at 4.2 million. As a result, over 20 million taxpayers will avoid the AMT next year.

The choice is easy. We should continue to support teachers, families and schools. We should continue to support the creation of jobs and intellectual property. That is why I urge my Colleagues to support this fully offset package.

Which is more important, Mr. President? 11 million families who take the state and local tax deduction, or a few hundred hedge fund managers?

Which is more important? 3.5 million teachers who pay out of their pocket for school supplies, or a few hundred hedge fund managers?

4.5 million families who struggle to pay for college tuition, or a few hundred hedge fund managers?

It is time to reach a conclusion. You can lay all the extenders bills end to end. But I submit that the best conclusion is the extenders package that I introduce today and that the Senate will try to get to next week. I urge my Colleagues to support the motion to invoke cloture on the motion to proceed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Energy Independence and Tax Relief Act of 2008".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

Sec. 101. Renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. Special rule to implement FERC and State electric restructuring policy.
Sec. 106. New clean renewable energy bonds.

PART II—CARBON MITIGATION PROVISIONS

Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Carbon audit of the tax code.

Subtitle B—Transportation and Domestic Fuel Security Provisions

Sec. 121. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 122. Credits for biodiesel and renewable diesel.
Sec. 123. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 124. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 125. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 126. Restructuring of New York Liberty Zone tax credits.
Sec. 127. Transportation fringe benefit to bicycle commuters.
Sec. 128. Alternative fuel vehicle refueling property credit.

Subtitle C—Energy Conservation and Efficiency Provisions

Sec. 141. Qualified energy conservation bonds.
Sec. 142. Credit for nonbusiness energy property.
Sec. 143. Energy efficient commercial buildings deduction.
Sec. 144. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 145. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 146. Qualified green building and sustainable design projects.

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Alternative Minimum Tax

Sec. 201. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 202. Extension of increased alternative minimum tax exemption amount.
Sec. 203. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.

Subtitle B—Extensions Primarily Affecting Individuals

Sec. 211. Deduction for State and local sales taxes.
Sec. 212. Deduction of qualified tuition and related expenses.
Sec. 213. Treatment of certain dividends of regulated investment companies.
Sec. 214. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 215. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 216. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 217. Qualified investment entities.
Sec. 218. Exclusion of amounts received under qualified group legal services plans.

Subtitle C—Extensions Primarily Affecting Businesses

Sec. 221. Extension and modification of research credit.
Sec. 222. Indian employment credit.
Sec. 223. New markets tax credit.
Sec. 224. Railroad track maintenance.
Sec. 225. Extension of mine rescue team training credit.
Sec. 226. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements; 15-year straight-line cost recovery for certain improvements to retail space.
Sec. 227. Seven-year cost recovery period for motorsports racing track facility.
Sec. 228. Accelerated depreciation for business property on Indian reservation.
Sec. 229. Extension of election to expense advanced mine safety equipment.
Sec. 230. Expensing of environmental remediation costs.
Sec. 231. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 232. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 233. Qualified zone academy bonds.
Sec. 234. Tax incentives for investment in the District of Columbia.
Sec. 235. Economic development credit for American Samoa.
Sec. 236. Enhanced charitable deduction for contributions of food inventory.
Sec. 237. Enhanced charitable deduction for contributions of book inventory to public schools.
Sec. 238. Enhanced deduction for qualified computer contributions.
Sec. 239. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 240. Work opportunity tax credit for Hurricane Katrina employees.
Sec. 241. Subpart F exception for active financing income.
Sec. 242. Look-thru rule for related controlled foreign corporations.
Sec. 243. Expensing for certain qualified film and television productions.
Sec. 244. Extension and modification of duty suspension on wool products; wool research fund; wool duty refunds.

Subtitle D—Other Extensions

Sec. 251. Authority to disclose information related to terrorist activities made permanent.
Sec. 252. Authority for undercover operations made permanent.
Sec. 253. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.

TITLE III—ADDITIONAL RELIEF

Subtitle A—Individual Tax Relief

Sec. 301. Additional standard deduction for real property taxes for nonitemizers.
Sec. 302. $10,000 income threshold used to calculate refundable portion of child tax credit.
Sec. 303. Income averaging for amounts received in connection with the Exxon Valdez litigation.

Subtitle B—Business Related Provisions

Sec. 311. Uniform treatment of attorney-advanced expenses and court costs in contingency fee cases.
Sec. 312. Provisions related to film and television productions.
Sec. 313. Modification of rate of excise tax on certain wooden arrows designed for use by children.

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

Sec. 321. Modification of penalty on understatement of taxpayer's liability by tax return preparer.

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

Sec. 331. Certain GO Zone incentives.

Subtitle E—Other Provisions

Sec. 341. Secure rural schools and community self-determination program.
Sec. 342. Clarification of uniform definition of child.

TITLE IV—REVENUE PROVISIONS

Sec. 401. Nonqualified deferred compensation from certain tax indifferent parties.
Sec. 402. Delay in application of worldwide allocation of interest.
Sec. 403. Time for payment of corporate estimated taxes.

TITLE I—ENERGY TAX INCENTIVES

Subtitle A—Energy Production Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) 1-YEAR EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(2) 3-YEAR EXTENSION FOR CERTAIN OTHER FACILITIES.—Each of the following provisions of section 45(d) is amended by striking "January 1, 2009" and inserting "January 1, 2012":

(A) Clauses (i) and (ii) of paragraph (2)(A).

(B) Clauses (i)(I) and (ii) of paragraph (3)(A).

(C) Paragraph (4).

(D) Paragraph (5).

(E) Paragraph (6).

(F) Paragraph (7).

(G) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking "the 8 cent amount in paragraph (1)," in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

"(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

"(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

"(i) the applicable percentage with respect to such facility, multiplied by

"(ii) the eligible basis of such facility.

"(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

"(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such facility for the succeeding taxable year shall be increased by the amount of such excess.

"(ii) EXCESS CREDIT.—If the prelimitation credit with respect to any facility for any taxable year exceeds the limitation imposed under subparagraph (A) with respect to such facility for such taxable year, the credit determined under subsection (a) with respect to such facility for the succeeding taxable year (determined before the application of subparagraph (A) for such succeeding taxable year) shall be increased by the amount of such excess. With respect to any facility, no amount may be carried forward under this clause to any taxable year beginning after the 10-year period described in subsection (a)(2)(A)(ii) with respect to such facility.

"(iii) PRELIMITATION CREDIT.—The term 'prelimitation credit' with respect to any facility for a taxable year means the credit determined under subsection (a) with respect to such facility for such taxable year, determined without regard to subparagraph (A) and after taking into account any increase for such taxable year under clause (ii).

"(C) APPLICABLE PERCENTAGE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable percentage' means, with respect to any facility, the appropriate percentage prescribed by the Secretary for the month in which such facility is originally placed in service.

"(ii) METHOD OF PRESCRIBING APPLICABLE PERCENTAGES.—The applicable percentages prescribed by the Secretary for any month under clause (i) shall be percentages which yield over a 10-year period amounts of limitation under subparagraph (A) which have a present value equal to 35 percent of the eligible basis of the facility.

"(iii) METHOD OF DISCOUNTING.—The present value under clause (ii) shall be determined—

"(I) as of the last day of the 1st year of the 10-year period referred to in clause (ii),

"(II) by using a discount rate equal to the greater of 110 percent of the Federal long-term rate as in effect under section 1274(d) for the month preceding the month for which the applicable percentage is being prescribed, or 4.5 percent, and

"(III) by taking into account the limitation under subparagraph (A) for any year on the last day of such year.

"(D) ELIGIBLE BASIS.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'eligible basis' means, with respect to any facility, the sum of—

"(I) the basis of such facility determined as of the time that such facility is originally placed in service, and

"(II) the portion of the basis of any shared qualified property which is properly allocable to such facility under clause (ii).

"(ii) RULES FOR ALLOCATION.—For purposes of subclause (II) of clause (i), the basis of shared qualified property shall be allocated among all qualified facilities which are projected to be placed in service and which require utilization of such property in proportion to projected generation from such facilities.

"(iii) SHARED QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'shared qualified property' means, with respect to any facility, any property described in section 168(e)(3)(B)(vi)—

"(I) which a qualified facility will require for utilization of such facility, and

"(II) which is not a qualified facility.

"(iv) SPECIAL RULE RELATING TO GEOTHERMAL FACILITIES.—In the case of any qualified facility using geothermal energy to produce electricity, the basis of such facility for purposes of this paragraph shall be determined as though intangible drilling and development costs described in section 263(c) were capitalized rather than expensed.

"(E) SPECIAL RULE FOR FIRST AND LAST YEAR OF CREDIT PERIOD.—In the case of any taxable year any portion of which is not within the 10-year period described in subsection (a)(2)(A)(ii) with respect to any facility, the amount of the limitation under subparagraph (A) with respect to such facility shall be reduced by an amount which bears the same ratio to the amount of such limitation (determined without regard to this subparagraph) as such portion of the taxable year which is not within such period bears to the entire taxable year.

"(F) ELECTION TO TREAT ALL FACILITIES PLACED IN SERVICE IN A YEAR AS 1 FACILITY.—At the election of the taxpayer, all qualified facilities which are part of the same project and which are placed in service during the same calendar year shall be treated for purposes of this section as 1 facility which is placed in service at the mid-point of such year or the first day of the following calendar year.".

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.".

(e) SALES OF NET ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Paragraph (4) of section 45(e) is amended by adding at the end the following new sentence: "The net amount of electricity sold by any taxpayer to a regulated public utility (as defined in section 7701(a)(33)) shall be treated as sold to an unrelated person.".

(f) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

"(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

"(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

"(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

"(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REPEAL OF CREDIT PHASEOUT.—The amendments made by subsection (b)(1) shall apply to taxable years ending after December 31, 2008.

(3) LIMITATION BASED ON INVESTMENT IN FACILITY.—The amendment made by subsection (b)(2) shall apply to property originally placed in service after December 31, 2009.

(4) TRASH FACILITY CLARIFICATION; SALES TO RELATED REGULATED PUBLIC UTILITIES.—The

amendments made by subsections (c) and (e) shall apply to electricity produced and sold after the date of the enactment of this Act.

(5) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking “and” at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting “, and”, and by adding at the end the following new subparagraph:

“(I) marine and hydrokinetic renewable energy.”.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

“(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

“(A) IN GENERAL.—The term ‘marine and hydrokinetic renewable energy’ means energy derived from—

“(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

“(ii) free flowing water in rivers, lakes, and streams,

“(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

“(iv) differentials in ocean temperature (ocean thermal energy conversion).

“(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.”.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

“(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term ‘qualified facility’ means any facility owned by the taxpayer—

“(A) which has a nameplate capacity rating of at least 150 kilowatts, and

“(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.”.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking “or (9)” and inserting “(9), or (11)”.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking “January 1, 2012” and inserting “the date of the enactment of paragraph (11)”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking “January 1, 2009” and inserting “January 1, 2015”.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking “December 31, 2008” and inserting “December 31, 2014”.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking “December 31, 2008” and inserting “December 31, 2014”.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking “and” at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

“(iv) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48, and”.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) (defining energy property) is amended by striking “or” at the end of clause (iii), by inserting “or” at the end of clause (iv), and by adding at the end the following new clause:

“(v) combined heat and power system property,”.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Section 48 is amended by adding at the end the following new subsection:

“(d) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of subsection (a)(3)(A)(v)—

“(1) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term ‘combined heat and power system property’ means property comprising a system—

“(A) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

“(B) which produces—

“(i) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

“(ii) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

“(C) the energy efficiency percentage of which exceeds 60 percent, and

“(D) which is placed in service before January 1, 2015.

“(2) LIMITATION.—

“(A) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

“(B) APPLICABLE CAPACITY.—For purposes of subparagraph (A), the term ‘applicable capacity’ means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

“(C) MAXIMUM CAPACITY.—The term ‘combined heat and power system property’ shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

“(3) SPECIAL RULES.—

“(A) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this subsection, the energy efficiency percentage of a system is the fraction—

“(i) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

“(ii) the denominator of which is the lower heating value of the fuel sources for the system.

“(B) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under paragraph (1)(B) shall be determined on a Btu basis.

“(C) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term ‘combined heat and power system property’ does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

“(4) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

“(A) paragraph (1)(C) shall not apply, but

“(B) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this paragraph) as the energy efficiency percentage of such system bears to 60 percent.”.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking “$500” and inserting “$1,500”.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a).is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking “December 31, 2008” and inserting “December 31, 2014”.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking “$2,000” and inserting “$4,000”.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking "$6,667" and inserting "$13,333".

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.".

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.".

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: "Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.".

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

"(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.".

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.".

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

"(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

"(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

"(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.".

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.".

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 105. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting "(before January 1, 2010, in the case of a qualified electric utility)" after "January 1, 2008".

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

"(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

"(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).".

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking "December 31, 2007" and inserting "the date which is 4 years after the close of the taxable year in which the transaction occurs".

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.".

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 106. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

"(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

"(2) the bond is issued by a qualified issuer, and

"(3) the issuer designates such bond for purposes of this section.

"(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

"(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

"(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

"(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

"(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

"(3) METHOD OF ALLOCATION.—

"(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

"(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

"(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

"(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

"(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

"(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

"(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a qualified forestry conservation bond, or

"(B) a new clean renewable energy bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

"(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54C. Qualified clean renewable energy bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—CARBON MITIGATION PROVISIONS

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking "$1,300,000,000" and inserting "$2,550,000,000".

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

"(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

"(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

"(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

"(iii) $1,250,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).".

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

"(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

"(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.".

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking "and" at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting "; and", and by adding at the end the following new subparagraph:

"(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.".

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking "and" at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.".

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

"(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).".

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking "and" at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

"(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and".

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking "INTEGRATED GASIFICATION COMBINED CYCLE" in the heading and inserting "CERTAIN".

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

"(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section 48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting "(30 percent in the case of credits allocated under subsection (d)(1)(B))" after "20 percent".

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking "shall not exceed $350,000,000" and all that follows and inserting "shall not exceed—

"(A) $350,000,000, plus

"(B) $250,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.".

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

"(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).".

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

"(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

"(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

"(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX.

Paragraph (2) of section 4121(e) is amended—

(1) by striking "January 1, 2014" in subparagraph (A) and inserting "December 31, 2018", and

(2) by striking "January 1 after 1981" in subparagraph (B) and inserting "December 31 after 2007".

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term "settlement with the Federal Government" shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

(d) DEFINITIONS.—For purposes of this section—

(1) COAL PRODUCER.—The term "coal producer" means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term "exporter" means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term "a party related to such coal producer" means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term "Secretary" means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2008 and 2009.

Subtitle B—Transportation and Domestic Fuel Security Provisions

SEC. 121. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

"(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.".

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking "cellulosic biomass ethanol" each place it appears and inserting "cellulosic biofuel",

(2) by striking "CELLULOSIC BIOMASS ETHANOL" in the heading of such subsection and inserting "CELLULOSIC BIOFUEL", and

(3) by striking "CELLULOSIC BIOMASS ETHANOL" in the heading of paragraph (2) thereof and inserting "CELLULOSIC BIOFUEL".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 122. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking "50 cents" and inserting "$1.00".

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

"(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.".

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

"(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.".

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking "subsection (b)(5)(C)" and inserting "subsection (b)(4)(C)".

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking "subsection (b)(5)(B)" and inserting "subsection (b)(4)(B)".

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking "diesel fuel" and inserting "liquid fuel",

(2) by striking "using a thermal depolymerization process", and

(3) by striking "or D396" in subparagraph (B) and inserting ", D396, or other equivalent standard approved by the Secretary".

(d) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—

(1) IN GENERAL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following new sentence: "Such term does not include any fuel derived from coprocessing biomass with a feedstock which is not biomass. For purposes of this paragraph, the term 'biomass' has the meaning given such term by section 45K(c)(3).".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 40A(f) is amended by striking "(as defined in section 45K(c)(3))".

(e) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Paragraph (3) of section 40A(f) (defining renewable diesel) is amended by adding at the end the following: "The term 'renewable diesel' also means fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (d) shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

SEC. 123. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Paragraph (6) of section 40(d) is amended to read as follows:

"(6) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

"(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.".

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

"(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

"(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

"(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 124. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

"(b) PER VEHICLE DOLLAR LIMITATION.—

"(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

"(2) BASE AMOUNT.—The amount determined under this paragraph is $3,000.

"(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $200, plus $200 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $2,000.

"(c) APPLICATION WITH OTHER CREDITS.—

"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) PERSONAL CREDIT.—

"(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

"(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over "(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

"(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

"(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle (as defined in section 30(c)(2))—

"(A) the original use of which commences with the taxpayer,

"(B) which is acquired for use or lease by the taxpayer and not for resale,

"(C) which is made by a manufacturer,

"(D) which has a gross vehicle weight rating of less than 14,000 pounds,

"(E) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

"(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

"(i) has a capacity of not less than 4 kilowatt hours, and

"(ii) is capable of being recharged from an external source of electricity.

"(2) EXCEPTION.—The term 'new qualified plug-in electric drive motor vehicle' shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

"(3) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

"(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

"(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

"(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section, is at least 60,000.

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 50 percent for the first 2 calendar quarters of the phaseout period,

"(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

"(C) 0 percent for each calendar quarter thereafter.

"(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

"(f) SPECIAL RULES.—

"(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (c)).

"(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

"(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(5) PROPERTY USED BY TAX-EXEMPT ENTITY; INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Rules similar to the rules of paragraphs (6) and (10) of section 30B(h) shall apply for purposes of this section.".

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

"(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (c) thereof) shall not be taken into account under this section.".

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended—

(1) by striking "and" each place it appears at the end of any paragraph,

(2) by striking "plus" each place it appears at the end of any paragraph,

(3) by striking the period at the end of paragraph (32) and inserting ", plus", and

(4) by adding at the end the following new paragraph:

"(33) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(c)(1) applies.".

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking "and 25D" and inserting "25D, and 30D".

(B) Section 25(e)(1)(C)(ii) is amended by inserting "30D," after "25D,".

(C) Section 25B(g)(2), as amended by section 104, is amended by striking "and 25D" and inserting ", 25D, and 30D".

(D) Section 26(a)(1), as amended by section 104, is amended by striking "and 25D" and inserting "25D, and 30D".

(E) Section 1400C(d)(2) is amended by striking "and 25D" and inserting "25D, and 30D".

(2) Section 1016(a) is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 30D(f)(1).".

(3) Section 6501(m) is amended by inserting "30D(f)(4)," after "30C(e)(5),".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30D. New qualified plug-in electric drive motor vehicles.".

(e) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

"(2) PERSONAL CREDIT.—The credit allowed under subsection (a) for any taxable year (after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 30C(d)(2) is amended by striking "sections 27, 30, and 30B" and inserting "sections 27 and 30".

(B) Paragraph (3) of section 55(c) is amended by striking "30B(g)(2),".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS PERSONAL CREDIT.—The amendments made by subsection (e) shall apply to taxable years beginning after December 31, 2007.

(g) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 125. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

"(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

"(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

"(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

"(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or installations after the date of the enactment of this Act.

SEC. 126. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as section 1400K and by adding at the end the following new section:

"SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

"(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

"(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

"(A) the total expenditures paid or incurred during such calendar year by all New

York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

"(B) any such expenditures—

"(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

"(ii) not previously allocated under paragraph (3).

"(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

"(3) GENERAL ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

"(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

"(C) ANNUAL LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

"(i) $115,000,000 ($425,000,000 in the case of the last 2 years in the credit period), plus

"(ii) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

"(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

"(i) the lesser of—

"(I) such excess, or

"(II) the qualifying project expenditure amount for such calendar year, reduced by

"(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

"(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

"(c) CARRYOVER OF UNUSED ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year.

"(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

"(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

"(A) the State of New York,

"(B) the City of New York, New York, and

"(C) any agency or instrumentality of such State or City.

"(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

"(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

"(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

"(1) which certifies—

"(A) the qualifying project expenditure amount for the calendar year, and

"(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

"(2) includes such other information as the Secretary may require to carry out this section.

"(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.".

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Subparagraph (A) of section 1400K(b)(2), as redesignated by subsection (a), is amended by striking the parenthetical therein and inserting "(in the case of nonresidential real property and residential rental property, the date of the enactment of the Energy Independence and Tax Relief Act of 2008 or, if acquired pursuant to a binding contract in effect on such enactment date, December 31, 2009)".

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking "section 1400L(a)" and inserting "section 1400K(a)".

(2) Section 168(k)(2)(D)(ii) is amended by striking "section 1400L(c)(2)" and inserting "section 1400K(c)(2)".

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by redesignating the item relating to section 1400L as an item relating to section 1400K and by inserting after such item the following new item:

"Sec. 1400L. New York Liberty Zone tax credits.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 127. TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) is amended by adding at the end the following:

"(D) Any qualified bicycle commuting reimbursement.".

(b) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) the applicable annual limitation in the case of any qualified bicycle commuting reimbursement.".

(c) DEFINITIONS.—Paragraph (5) of section 132(f) is amended by adding at the end the following:

"(F) DEFINITIONS RELATED TO BICYCLE COMMUTING REIMBURSEMENT.—

"(i) QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—The term 'qualified bicycle commuting reimbursement' means, with respect to any calendar year, any employer reimbursement during the 15-month period beginning with the first day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase of a bicycle and bicycle improvements, repair, and storage, if such bicycle is regularly used for travel between the employee's residence and place of employment.

"(ii) APPLICABLE ANNUAL LIMITATION.—The term 'applicable annual limitation' means, with respect to any employee for any calendar year, the product of $20 multiplied by the number of qualified bicycle commuting months during such year.

"(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee—

"(I) regularly uses the bicycle for a substantial portion of the travel between the employee's residence and place of employment, and

"(II) does not receive any benefit described in subparagraph (A), (B), or (C) of paragraph (1).".

(d) CONSTRUCTIVE RECEIPT OF BENEFIT.—Paragraph (4) of section 132(f) is amended by inserting "(other than a qualified bicycle commuting reimbursement)" after "qualified transportation fringe".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 128. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) INCREASE IN CREDIT AMOUNT.—Section 30C is amended—

(1) by striking "30 percent" in subsection (a) and inserting "50 percent", and

(2) by striking "$30,000" in subsection (b)(1) and inserting "$50,000".

(b) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle C—Energy Conservation and Efficiency Provisions

SEC. 141. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 106, is amended by adding at the end the following new section:

"SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

"(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

"(2) the bond is issued by a State or local government, and

"(3) the issuer designates such bond for purposes of this section.

"(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

"(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

"(e) ALLOCATIONS.—

"(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

"(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

"(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

"(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

"(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

"(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

"(A) Capital expenditures incurred for purposes of—

"(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

"(ii) implementing green community programs,

"(iii) rural development involving the production of electricity from renewable energy resources, or

"(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

"(B) Expenditures with respect to research facilities, and research grants, to support research in—

"(i) development of cellulosic ethanol or other nonfossil fuels,

"(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

"(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

"(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

"(v) technologies to reduce energy use in buildings.

"(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

"(D) Demonstration projects designed to promote the commercialization of—

"(i) green building technology,

"(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

"(iii) advanced battery manufacturing technologies,

"(iv) technologies to reduce peak use of electricity, or

"(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

"(E) Public education campaigns to promote energy efficiency.

"(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

"(g) POPULATION.—

"(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

"(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

"(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

"(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

"(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by section 106, is amended to read as follows:

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

"(A) a qualified forestry conservation bond,

"(B) a new clean renewable energy bond, or

"(C) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).".

(2) Subparagraph (C) of section 54A(d)(2), as amended by section 106, is amended to read as follows:

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

"(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

"(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54D. Qualified energy conservation bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 142. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsection (b), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

"(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

"(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and "(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.".

(d) Modification of Qualified Energy Efficiency Improvements.—

(1) In general.—Paragraph (1) of section 25C(c) is amended by inserting ", or an asphalt roof with appropriate cooling granules," before "which meet the Energy Star program requirements".

(2) Building envelope component.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting "or asphalt roof" after "metal roof", and

(B) by inserting "or cooling granules" after "pigmented coatings".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2007.

(2) Modification of qualified energy efficiency improvements.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 143. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking "December 31, 2008" and inserting "December 31, 2013".

SEC. 144. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) In General.—Subsection (b) of section 45M is amended to read as follows:

"(b) Applicable Amount.—For purposes of subsection (a)—

"(1) Dishwashers.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) Clothes washers.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) Refrigerators.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) Eligible Production.—

(1) Similar treatment for all appliances.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking "(1) In general" and all that follows through "the eligible" and inserting "The eligible",

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) Modification of base period.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) Types of Energy Efficient Appliances.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) Types of Energy Efficient Appliance.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) Aggregate Credit Amount Allowed.—

(1) Increase in limit.—Paragraph (1) of section 45M(e) is amended to read as follows:

"(1) Aggregate credit amount allowed.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) Exception for certain refrigerator and clothes washers.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) Amount allowed for certain refrigerators and clothes washers.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) Qualified Energy Efficient Appliances.—

(1) In general.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) Qualified energy efficient appliance.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) Clothes washer.—Section 45M(f)(3) is amended by inserting "commercial" before "residential" the second place it appears.

(3) Top-loading clothes washer.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) Top-loading clothes washer.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) Replacement of energy factor.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) Modified energy factor.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) Gallons per cycle; water consumption factor.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

"(9) Gallons per cycle.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) Water consumption factor.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) Effective Date.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 145. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) In General.—Section 168(e)(3)(D) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by inserting after clause (ii) the following new clauses:

"(iii) any qualified smart electric meter, and

"(iv) any qualified smart electric grid system.".

(b) Definitions.—Section 168(i) is amended by inserting at the end the following new paragraph:

"(18) Qualified smart electric meters.—

"(A) In general.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) Smart electric meter.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

"(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

"(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

"(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

"(iv) provides net metering.

"(19) Qualified smart electric grid systems.—

"(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

"(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

"(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

"(ii) providing real-time, two-way communications to monitor or manage such grid, and

"(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.".

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 146. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking "September 30, 2009" and inserting "September 30, 2012".

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking "October 1, 2009" and inserting "October 1, 2012".

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking "issuance," and inserting "issuance of the last issue with respect to such project,".

TITLE II—ONE-YEAR EXTENSION OF TEMPORARY PROVISIONS

Subtitle A—Alternative Minimum Tax

SEC. 201. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking "or 2007" and inserting "2007, or 2008", and

(2) by striking "2007" in the heading thereof and inserting "2008".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($66,250 in the case of taxable years beginning in 2007)" in subparagraph (A) and inserting "($69,950 in the case of taxable years beginning in 2008)", and

(2) by striking "($44,350 in the case of taxable years beginning in 2007)" in subparagraph (B) and inserting "($46,200 in the case of taxable years beginning in 2008)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) IN GENERAL.—Paragraph (2) of section 53(e) is amended to read as follows:

"(2) AMT REFUNDABLE CREDIT AMOUNT.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

"(B) the amount (if any) of the AMT refundable credit amount for the taxpayer's preceding taxable year (determined without regard to subsection (f)(2)).".

(b) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—Section 53 is amended by adding at the end the following new subsection:

"(f) TREATMENT OF CERTAIN UNDERPAYMENTS, INTEREST, AND PENALTIES ATTRIBUTABLE TO THE TREATMENT OF INCENTIVE STOCK OPTIONS.—

"(1) ABATEMENT.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2008 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. The amount determined under subsection (b)(1) shall not include any tax abated under the preceding sentence.

"(2) INCREASE IN CREDIT FOR CERTAIN INTEREST AND PENALTIES ALREADY PAID.—The AMT refundable credit amount, and the minimum tax credit determined under subsection (b), for the taxpayer's first 2 taxable years beginning after December 31, 2007, shall each be increased by 50 percent of the aggregate amount of the interest and penalties which were paid by the taxpayer before the date of the enactment of this subsection and which would (but for such payment) have been abated under paragraph (1).".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to taxable years beginning after December 31, 2007.

(2) ABATEMENT.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

Subtitle B—Extensions Primarily Affecting Individuals

SEC. 211. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 212. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 213. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 214. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 215. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking "or 2007" and inserting "2007, or 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 216. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 217. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008, except that such amendment shall not apply to the application of withholding requirements with respect to any payment made on or before the date of the enactment of this Act.

SEC. 218. EXCLUSION OF AMOUNTS RECEIVED UNDER QUALIFIED GROUP LEGAL SERVICES PLANS.

(a) IN GENERAL.—Subsection (e) of section 120 is amended by striking "shall not apply to taxable years beginning after June 30, 1992" and inserting "shall apply to taxable years beginning after December 31, 2007, and before January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle C—Extensions Primarily Affecting Businesses

SEC. 221. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—Section 41(h) (relating to termination) is amended—

(1) by striking "December 31, 2007" and inserting "December 31, 2008" in paragraph (1)(B),

(2) by redesignating paragraph (2) as paragraph (3), and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—No election under subsection (c)(4) shall apply to amounts paid or incurred after December 31, 2007.".

(b) MODIFICATION OF ALTERNATIVE SIMPLIFIED CREDIT.—Paragraph (5)(A) of section

41(c) (relating to election of alternative simplified credit) is amended to read as follows:

"(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 14 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.".

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) TECHNICAL CORRECTION.—Paragraph (3) of section 41(h) is amended to read as follows:

"(2) COMPUTATION FOR TAXABLE YEAR IN WHICH CREDIT TERMINATES.—In the case of any taxable year with respect to which this section applies to a number of days which is less than the total number of days in such taxable year—

"(A) the amount determined under subsection (c)(1)(B) with respect to such taxable year shall be the amount which bears the same ratio to such amount (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year, and

"(B) for purposes of subsection (c)(5), the average qualified research expenses for the preceding 3 taxable years shall be the amount which bears the same ratio to such average qualified research expenses (determined without regard to this paragraph) as the number of days in such taxable year to which this section applies bears to the total number of days in such taxable year.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 222. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 223. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) is amended by striking "and 2008" and inserting "2008, and 2009".

SEC. 224. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits), as amended by section 103, is amended—

(1) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively, and

(2) by inserting after clause (iii) the following new clause:

"(iv) the credit determined under section 45G,".

(c) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

(2) The amendments made by subsection (b) shall apply to credits determined under section 45G in taxable years beginning after December 31, 2007, and to carrybacks of such credits.

SEC. 225. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 226. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2007.

(b) TREATMENT TO INCLUDE NEW CONSTRUCTION.—

(1) IN GENERAL.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before January 1, 2009.".

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

"(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

"(E)(ix).. 39".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SEC. 227. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 228. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 229. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

SEC. 230. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 231. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking "first 2 taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 232. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 233. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by sections 106 and 141, is amended by adding at the end the following new section:

"SEC. 54E. QUALIFIED ZONE ACADEMY BONDS.

"(a) QUALIFIED ZONE ACADEMY BONDS.—For purposes of this subchapter, the term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by an eligible local education agency,

"(2) the bond is issued by a State or local government within the jurisdiction of which such academy is located, and

"(3) the issuer—

"(A) designates such bond for purposes of this section,

"(B) certifies that it has written assurances that the private business contribution requirement of subsection (b) will be met with respect to such academy, and

"(C) certifies that it has the written approval of the eligible local education agency for such bond issuance.

"(b) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—For purposes of subsection (a), the private business contribution requirement of this subsection is met with respect to any issue if the eligible local education agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a national zone academy bond limitation for each calendar year. Such limitation is $400,000,000 for 2008, and, except as provided in paragraph (4), zero thereafter.

"(2) ALLOCATION OF LIMITATION.—The national zone academy bond limitation for a calendar year shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to qualified zone academies within such State.

"(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under paragraph (2) for such calendar year.

"(4) CARRYOVER OF UNUSED LIMITATION.—

"(A) IN GENERAL.—If for any calendar year—

"(i) the limitation amount for any State, exceeds

"(ii) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess.

"(B) LIMITATION ON CARRYOVER.—Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

"(C) COORDINATION WITH SECTION 1397E.—Any carryover determined under section 1397E(e)(4) (relating to carryover of unused limitation) with respect to any State to calendar year 2008 shall be treated for purposes of this section as a carryover with respect to such State for such calendar year under subparagraph (A), and the limitation of subparagraph (B) shall apply to such carryover taking into account the calendar years to which such carryover relates.

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of an eligible local education agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the eligible local education agency,

"(C) the comprehensive education plan of such public school or program is approved by the eligible local education agency, and

"(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

"(2) ELIGIBLE LOCAL EDUCATION AGENCY.—For purposes of this section, the term 'eligible local education agency' means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

"(3) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) rehabilitating or repairing the public school facility in which the academy is established,

"(B) providing equipment for use at such academy,

"(C) developing course materials for education to be provided at such academy, and

"(D) training teachers and other school personnel in such academy.

"(4) QUALIFIED CONTRIBUTIONS.—The term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

"(A) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(B) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(C) services of employees as volunteer mentors,

"(D) internships, field trips, or other educational opportunities outside the academy for students, or

"(E) any other property or service specified by the eligible local education agency.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by sections 106 and 141, is amended by striking "or" at the end of subparagraph (B), by inserting "or" at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) a qualified zone academy bond,".

(2) Subparagraph (C) of section 54A(d)(2), as amended by sections 106 and 141, is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) in the case of a qualified zone academy bond, a purpose specified in section 54E(a)(1).".

(3) Section 1397E is amended by adding at the end the following new subsection:

"(m) TERMINATION.—This section shall not apply to any obligation issued after the date of the enactment of this Act.".

(4) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54E. Qualified zone academy bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 234. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking "2007" both places it appears and inserting "2008".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking "2007" and inserting "2008".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking "2008" each place it appears and inserting "2009".

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2012" and inserting "2013", and

(ii) by striking "2012" in the heading thereof and inserting "2013".

(B) Section 1400B(g)(2) is amended by striking "2012" and inserting "2013".

(C) Section 1400F(d) is amended by striking "2012" and inserting "2013".

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking "2008" and inserting "2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

SEC. 235. ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking "first two taxable years" and inserting "first 3 taxable years", and

(2) by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 236. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 237. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 238. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 239. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 240. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "2-year" and inserting "3-year".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 241. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2010", and

(2) by striking "December 31, 2008" and inserting "December 31, 2009".

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

SEC. 242. LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) (relating to application) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2008, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 243. EXPENSING FOR CERTAIN QUALIFIED FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2008.

SEC. 244. EXTENSION AND MODIFICATION OF DUTY SUSPENSION ON WOOL PRODUCTS; WOOL RESEARCH FUND; WOOL DUTY REFUNDS.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective period column and inserting "12/31/2014":

(1) Heading 9902.51.11 (relating to fabrics of worsted wool).

(2) Heading 9902.51.13 (relating to yarn of combed wool).

(3) Heading 9902.51.14 (relating to wool fiber, waste, garnetted stock, combed wool, or wool top).

(4) Heading 9902.51.15 (relating to fabrics of combed wool).

(5) Heading 9902.51.16 (relating to fabrics of combed wool).

(b) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) IN GENERAL.—Section 4002(c) of the Wool Suit and Textile Trade Extension Act of 2004 (Public Law 108–429; 118 Stat. 2603) is amended—

(A) in paragraph (3)(C), by striking "2010" and inserting "2015"; and

(B) in paragraph (6)(A), by striking "through 2009" and inserting "through 2014".

(2) SUNSET.—Section 506(f) of the Trade and Development Act of 2000 (Public 106–200; 114 Stat. 303 (7 U.S.C. 7101 note)) is amended by striking "2010" and inserting "2015".

Subtitle D—Other Extensions

SEC. 251. AUTHORITY TO DISCLOSE INFORMATION RELATED TO TERRORIST ACTIVITIES MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (C) of section 6103(i)(3) is amended by striking clause (iv).

(b) DISCLOSURE ON REQUEST.—Paragraph (7) of section 6103(i) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

SEC. 252. AUTHORITY FOR UNDERCOVER OPERATIONS MADE PERMANENT.

(a) IN GENERAL.—Subsection (c) of section 7608 is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2008.

SEC. 253. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

TITLE III—ADDITIONAL RELIEF

Subtitle A—Individual Tax Relief

SEC. 301. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

"(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

"(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

"(B) $350 ($700 in the case of a joint return). Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 302. $10,000 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d) (relating to portion of credit refundable) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR 2008.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2008, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $10,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 303. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term "eligible retirement plan" has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term "qualified taxpayer" means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term "qualified settlement income" means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89-095-CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

Subtitle B—Business Related Provisions

SEC. 311. UNIFORM TREATMENT OF ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.

(a) IN GENERAL.—Section 162 is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) ATTORNEY-ADVANCED EXPENSES AND COURT COSTS IN CONTINGENCY FEE CASES.—In the case of any expense or court cost which is paid or incurred in the course of the trade or business of practicing law and the repayment of which is contingent on a recovery by judgment or settlement in the action to which such expense or cost relates, the deduction under subsection (a) shall be determined as if such expense or cost was not subject to repayment.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses and costs paid or incurred in taxable years beginning after December 31, 2008.

SEC. 312. PROVISIONS RELATED TO FILM AND TELEVISION PRODUCTIONS.

(a) MODIFICATION OF LIMITATION ON EXPENSING.—Subparagraph (A) of section 181(a)(2) is amended to read as follows:

"(A) IN GENERAL.—Paragraph (1) shall not apply to so much of the aggregate cost of any qualified film or television production as exceeds $15,000,000.".

(b) MODIFICATIONS TO DEDUCTION FOR DOMESTIC ACTIVITIES.—

(1) DETERMINATION OF W-2 WAGES.—Paragraph (2) of section 199(b) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR QUALIFIED FILM.—In the case of a qualified film, such term shall include compensation for services performed in the United States by actors, production personnel, directors, and producers.".

(2) DEFINITION OF QUALIFIED FILM.—Paragraph (6) of section 199(c) is amended by adding at the end the following: "A qualified film shall include any copyrights, trademarks, or other intangibles with respect to such film. The methods and means of distributing a qualified film shall not affect the availability of the deduction under this section.".

(3) PARTNERSHIPS.—Subparagraph (A) of section 199(d)(1) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) in the case of each partner of a partnership, or shareholder of an S corporation, who owns (directly or indirectly) at least 20 percent of the capital interests in such partnership or of the stock of such S corporation—

"(I) such partner or shareholder shall be treated as having engaged directly in any film produced by such partnership or S corporation, and

"(II) such partnership or S corporation shall be treated as having engaged directly in any film produced by such partner or shareholder.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) EXPENSING.—The amendments made by subsection (a) shall apply to qualified film and television productions commencing after December 31, 2007.

SEC. 313. MODIFICATION OF RATE OF EXCISE TAX ON CERTAIN WOODEN ARROWS DESIGNED FOR USE BY CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 4161(b) (relating to arrows) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) EXEMPTION FOR CERTAIN WOODEN ARROW SHAFTS.—Subparagraph (A) shall not apply to any shaft consisting of all natural wood with no laminations or artificial means of enhancing the spine of such shaft (whether sold separately or incorporated as part of a finished or unfinished product) of a type used in the manufacture of any arrow which after its assembly—

"(i) measures 5⁄16 of an inch or less in diameter, and

"(ii) is not suitable for use with a bow described in paragraph (1)(A).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to shafts first sold after the date of enactment of this Act.

Subtitle C—Modification of Penalty on Understatement of Taxpayer's Liability by Tax Return Preparer

SEC. 321. MODIFICATION OF PENALTY ON UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.

(a) IN GENERAL.—Subsection (a) of section 6694 (relating to understatement due to unreasonable positions) is amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—If a tax return preparer—

"(A) prepares any return or claim of refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2), and

"(B) knew (or reasonably should have known) of the position,

such tax return preparer shall pay a penalty with respect to each such return or claim in an amount equal to the greater of $1,000 or 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) UNREASONABLE POSITION.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a position is described in this paragraph unless there is or was substantial authority for the position.

"(B) DISCLOSED POSITIONS.—If the position was disclosed as provided in section 6662(d)(2)(B)(ii)(I) and is not a position to which subparagraph (C) applies, the position is described in this paragraph unless there is a reasonable basis for the position.

"(C) TAX SHELTERS AND REPORTABLE TRANSACTIONS.—If the position is with respect to a tax shelter (as defined in section 6662(d)(2)(C)(ii)) or a reportable transaction to which section 6662A applies, the position is described in this paragraph unless it is reasonable to believe that the position would more likely than not be sustained on its merits.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply—

(1) in the case of a position other than a position described in subparagraph (C) of section 6694(a)(2) of the Internal Revenue Code of 1986 (as amended by this section), to returns prepared after May 25, 2007, and

(2) in the case of a position described in such subparagraph (C), to returns prepared

for taxable years ending after the date of the enactment of this Act.

Subtitle D—Extension and Expansion of Certain GO Zone Incentives

SEC. 331. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109-148, 109-234, or 110-116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof, and".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

"(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

Subtitle E—Other Provisions

SEC. 341. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended by striking sections 1 through 403 and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

"(2) to make additional investments in, and create additional employment opportunities through, projects that—

"(A)(i) improve the maintenance of existing infrastructure;

"(ii) implement stewardship objectives that enhance forest ecosystems; and

"(iii) restore and improve land health and water quality;

"(B) enjoy broad-based support; and

"(C) have objectives that may include—

"(i) road, trail, and infrastructure maintenance or obliteration;

"(ii) soil productivity improvement;

"(iii) improvements in forest ecosystem health;

"(iv) watershed restoration and maintenance;

"(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

"(vi) the control of noxious and exotic weeds; and

"(vii) the reestablishment of native species; and

"(3) to improve cooperative relationships among—

"(A) the people that use and care for Federal land; and

"(B) the agencies that manage the Federal land.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

"(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

"(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

"(A) contains Federal land (as defined in paragraph (7)); and

"(B) elects to receive a share of the State payment or the county payment under section 102(b).

"(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

"(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

"(7) FEDERAL LAND.—The term 'Federal land' means—

"(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010-1012); and

"(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

"(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the 50-percent base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

"(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

"(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

"(A) $500,000,000 for fiscal year 2008; and

"(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

"(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

"(A) the per capita personal income for each eligible county; by

"(B) the median per capita personal income of all eligible counties.

"(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

"(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

"(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

"(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

"(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

"(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

"(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

"(1) the adjusted share for each eligible county within the eligible State; by

"(2) the full funding amount for the fiscal year.

"(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

"(1) the 50-percent adjusted share for the eligible county; by

"(2) the full funding amount for the fiscal year.

"SEC. 102. PAYMENTS TO STATES AND COUNTIES.

"(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

"(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

"(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

"(B) the share of the State payment of the eligible county; and

"(2) a county an amount equal to the amount elected under subsection (b) by each county for—

"(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

"(B) the county payment for the eligible county.

"(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

"(1) ELECTION; SUBMISSION OF RESULTS.—

"(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

"(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

"(2) DURATION OF ELECTION.—

"(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

"(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

"(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

"(A) any amounts that are appropriated to carry out this Act;

"(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

"(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

"(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

"(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

"(A) the Act of May 23, 1908 (16 U.S.C. 500); and

"(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

"(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

"(1) ALLOCATIONS.—

"(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

"(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

"(i) Reserve any portion of the balance for projects in accordance with title II.

"(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

"(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

"(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

"(i) reserve any portion of the balance for—

"(I) carrying out projects under title II;

"(II) carrying out projects under title III; or

"(III) a combination of the purposes described in subclauses (I) and (II); or

"(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

"(2) DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

"(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

"(i) be available for expenditure by the Secretary concerned, without further appropriation; and

"(ii) remain available until expended in accordance with title II.

"(3) ELECTION.—

"(A) NOTIFICATION.—

"(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

"(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

"(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

"(II) return the balance to the Treasury of the United States.

"(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

"(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

"SEC. 103. TRANSITION PAYMENTS TO STATES.

"(a) DEFINITIONS.—In this section:

"(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

"(A) for fiscal year 2008, 90 percent of—

"(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

"(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

"(B) for fiscal year 2009, 76 percent of—

"(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

"(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

"(C) for fiscal year 2010, 65 percent of—

"(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

"(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

"(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

"(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

"(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

"(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

"(1) Payments to the State of California under subsection (b).

"(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

"(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

"TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

"SEC. 201. DEFINITIONS.

"In this title:

"(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

"(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

"(A) an advisory committee established by the Secretary concerned under section 205; or

"(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

"(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

"(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

"(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 19741 (16 U.S.C. 1604).

"SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

"(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

"(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

"SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

"(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

"(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

"(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

"(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

"(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

"(1) The purpose of the project and a description of how the project will meet the purposes of this title.

"(2) The anticipated duration of the project.

"(3) The anticipated cost of the project.

"(4) The proposed source of funding for the project, whether project funds or other funds.

"(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

"(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

"(6) A detailed monitoring plan, including funding needs and sources, that—

"(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

"(B) includes an assessment of the following:

"(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

"(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

"(7) An assessment that the project is to be in the public interest.

"(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

"SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

"(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

"(1) The project complies with all applicable Federal laws (including regulations).

"(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

"(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

"(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

"(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

"(b) ENVIRONMENTAL REVIEWS.—

"(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

"(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

"(3) EFFECT OF REFUSAL TO PAY.—

"(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

"(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

"(c) DECISIONS OF SECRETARY CONCERNED.—

"(1) REJECTION OF PROJECTS.—

"(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

"(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

"(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

"(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

"(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

"(e) IMPLEMENTATION OF APPROVED PROJECTS.—

"(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

"(2) BEST VALUE CONTRACTING.—

"(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

"(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

"(i) the technical demands and complexity of the work to be done;

"(ii)(I) the ecological objectives of the project; and

"(II) the sensitivity of the resources being treated;

"(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

"(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

"(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

"(i) the harvesting or collection of merchantable timber; and

"(ii) the sale of the timber.

"(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

"(i) For fiscal year 2008, 35 percent.

"(ii) For fiscal year 2009, 45 percent.

"(iii) For each of fiscal years 2010 and 2011, 50 percent.

"(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

"(D) ASSISTANCE.—

"(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

"(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

"(E) REVIEW AND REPORT.—

"(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

"(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

"(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

"(1) to road maintenance, decommissioning, or obliteration; or

"(2) to restoration of streams and watersheds.

"SEC. 205. RESOURCE ADVISORY COMMITTEES.

"(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

"(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

"(2) PURPOSE.—The purpose of a resource advisory committee shall be—

"(A) to improve collaborative relationships; and

"(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

"(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

"(4) EXISTING ADVISORY COMMITTEES.—

"(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

"(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

"(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

"(b) DUTIES.—A resource advisory committee shall—

"(1) review projects proposed under this title by participating counties and other persons;

"(2) propose projects and funding to the Secretary concerned under section 203;

"(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

"(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

"(5)(A) monitor projects that have been approved under section 204; and

"(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

"(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

"(c) APPOINTMENT BY THE SECRETARY.—

"(1) APPOINTMENT AND TERM.—

"(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

"(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

"(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

"(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

"(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

"(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

"(d) COMPOSITION OF ADVISORY COMMITTEE.—

"(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

"(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

"(A) 5 persons that—

"(i) represent organized labor or non-timber forest product harvester groups;

"(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

"(iii) represent—

"(I) energy and mineral development interests; or

"(II) commercial or recreational fishing interests;

"(iv) represent the commercial timber industry; or

"(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

"(B) 5 persons that represent—

"(i) nationally recognized environmental organizations;

"(ii) regionally or locally recognized environmental organizations;

"(iii) dispersed recreational activities;

"(iv) archaeological and historical interests; or

"(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

"(C) 5 persons that—

"(i) hold State elected office (or a designee);

"(ii) hold county or local elected office;

"(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

"(iv) are school officials or teachers; or

"(v) represent the affected public at large.

"(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

"(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

"(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

"(e) APPROVAL PROCEDURES.—

"(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

"(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

"(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

"(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

"(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

"(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

"(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

"SEC. 206. USE OF PROJECT FUNDS.

"(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

"(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

"(A) The schedule for completing the project.

"(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

"(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

"(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

"(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

"(b) TRANSFER OF PROJECT FUNDS.—

"(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

"(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

"(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

"(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

"(3) SUBSEQUENT TRANSFERS FOR MULTI YEAR PROJECTS.—

"(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

"(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

"SEC. 207. AVAILABILITY OF PROJECT FUNDS.

"(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

"(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

"(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

"(d) EFFECT OF COURT ORDERS.—

"(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

"(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

"SEC. 208. TERMINATION OF AUTHORITY.

"(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

"(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE III—COUNTY FUNDS

"SEC. 301. DEFINITIONS.

"In this title:

"(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

"(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"SEC. 302. USE.

"(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

"(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

"(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

"(A) performed on Federal land after the date on which the use was approved under subsection (b);

"(B) paid for by the participating county; and

"(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

"(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

"(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

"(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

"SEC. 303. CERTIFICATION.

"(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

“(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

“SEC. 304. TERMINATION OF AUTHORITY.

“(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

“(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

“TITLE IV—MISCELLANEOUS PROVISIONS

“SEC. 401. REGULATIONS.

“The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

“SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

“SEC. 403. TREATMENT OF FUNDS AND REVENUES.

“(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

“(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.”.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking “twenty-five percentum” and all that follows through “shall be paid” and inserting the following: “an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid”.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 500) is amended in the first sentence by striking “twenty-five percentum” and all that follows through “shall be paid” and inserting the following: “an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid”.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

“§6906. Funding

“For each of fiscal years 2008 through 2012—

“(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

“(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.”.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

“6906. Funding.”.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14-1114-0-1-806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

SEC. 342. CLARIFICATION OF UNIFORM DEFINITION OF CHILD.

(a) CHILD MUST BE YOUNGER THAN CLAIMANT.—Section 152(c)(3)(A) (relating to age requirements) is amended by inserting “is younger than the taxpayer claiming such individual as a qualifying child and” after “such individual”.

(b) CHILD MUST BE UNMARRIED.—Section 152(c)(1) (relating to qualifying child) is amended by striking “and” at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) who has not filed a joint return (other than only for a claim of refund) with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.”.

(c) RESTRICT QUALIFYING CHILD TAX BENEFITS TO CHILD'S PARENT.—

(1) CHILD TAX CREDIT.—Subsection (a) of section 24 (relating to child tax credit) is amended by inserting “for which the taxpayer is allowed a deduction under section 151” after “of the taxpayer”.

(2) PERSONS OTHER THAN PARENTS CLAIMING QUALIFYING CHILD.—

(A) IN GENERAL.—Paragraph (4) of section 152(c) is amended by adding at the end the following new subparagraph:

“(C) NO PARENT CLAIMING QUALIFYING CHILD.—If the parents of an individual may claim such individual as a qualifying child but no parent so claims the individual, such individual may be claimed as the qualifying child of another taxpayer but only if the adjusted gross income of such taxpayer is higher than the highest adjusted gross income of any parent of the individual.”.

(B) CONFORMING AMENDMENTS.—

(i) Subparagraph (A) of section 152(c)(4) is amended by striking “Except” through “2 or more taxpayers” and inserting “Except as provided in subparagraphs (B) and (C), if (but for this paragraph) an individual may be claimed as a qualifying child by 2 or more taxpayers”.

(ii) The heading for paragraph (4) of section 152(c) is amended by striking “CLAIMING” and inserting “WHO CAN CLAIM THE SAME”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

TITLE IV—REVENUE PROVISIONS

SEC. 401. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

“SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

“(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

“(b) NONQUALIFIED ENTITY.—For purposes of this section, the term ‘nonqualified entity’ means—

“(1) any foreign corporation unless substantially all of its income is—

“(A) effectively connected with the conduct of a trade or business in the United States, or

“(B) subject to a comprehensive foreign income tax, and

“(2) any partnership unless substantially all of its income is allocated to persons other than—

“(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

“(B) organizations which are exempt from tax under this title.

“(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

“(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—

“(A) such amount shall be so includible in gross income when determinable, and

“(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

“(i) the amount of interest determined under paragraph (2), and

“(ii) an amount equal to 20 percent of the amount of such compensation.

“(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

“(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) SUBSTANTIAL RISK OF FORFEITURE.—

“(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

“(B) EXCEPTION FOR COMPENSATION BASED ON GAIN RECOGNIZED ON AN INVESTMENT ASSET.—

“(i) IN GENERAL.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

"(ii) INVESTMENT ASSET.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

"(I) acquired directly by an investment fund or similar entity,

"(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

"(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

"(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

"(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

"(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

"(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

"(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

"(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

"(B) EXCEPTION.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

"(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

"(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.".

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking "and" at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting ", and", and by adding at the end the following new subparagraph:

"(W) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).".

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

"Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2009, to the extent such amount is not includible in gross income in a taxable year beginning before 2018, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2018, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) CHARITABLE CONTRIBUTIONS OF EXISTING DEFERRALS PERMITTED.—

(A) IN GENERAL.—Subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to (and subsections (b) and (d) of such section shall be applied without regard to) so much of the taxpayer's qualified contributions made during the taxpayer's last taxable year beginning before 2018 as does not exceed the taxpayer's qualified inclusion amount. For purposes of subsection (b) of section 170 of such Code, the taxpayer's contribution base for such last taxable year shall be reduced by the amount of the taxpayer's qualified contributions to which such subsection does not apply by reason the preceding sentence.

(B) QUALIFIED CONTRIBUTIONS.—For purposes of this paragraph, the term "qualified contributions" means the aggregate charitable contributions (as defined in section 170(c) of such Code) paid in cash by the taxpayer to organizations described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) QUALIFIED INCLUSION AMOUNT.—For purposes of this paragraph, the term "qualified inclusion amount" means the amount includible in the taxpayer's gross income for the last taxable year beginning before 2018 by reason of paragraph (2).

(4) ACCELERATED PAYMENTS.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) CERTAIN BACK-TO-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (4) or (5) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

SEC. 402. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraph (6) of section 864(f) is amended—

(1) by striking "December 31, 2008" and inserting "December 31, 2018",

(2) by striking "An election" and inserting: "(A) IN GENERAL.—Except as provided in subparagraph (B), an election", and

(3) by adding at the end the following new subparagraph:

"(B) EARLIER APPLICATION FOR CERTAIN GROUPS INCLUDING HOLDING COMPANIES.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of an applicable worldwide affiliated group—

"(I) the common parent of the applicable worldwide affiliated group may elect, for its first taxable year beginning after December 31, 2008, to have paragraphs (1), (2), and (3) apply to the applicable worldwide affiliated group as if it were a separate worldwide affiliated group, and

"(H) except as provided in clause (ii), such election shall apply to such applicable worldwide affiliated group for such taxable year and the 2 immediately succeeding taxable years unless revoked with the consent of the Secretary.

Such election shall not preclude an election under subparagraph (A) with respect to the worldwide affiliated group to which such applicable worldwide affiliated group relates.

"(ii) LIMITATION BASED ON FOREIGN ASSETS.—This subsection shall not apply to a taxable year for which the election under clause (i) is otherwise in effect if the ratio (expressed as a percentage) which the foreign assets of the applicable worldwide affiliated group bear to all the assets of the applicable worldwide affiliated group exceeds 3 percent at any time during such taxable year.

"(iii) APPLICABLE WORLDWIDE AFFILIATED GROUP.—For purposes of this subparagraph, the term 'applicable worldwide affiliated group' means, with respect to any worldwide affiliated group (as defined in paragraph (1)(C)) the common parent of which is an entity described in clause (i), (ii), or (iii) of paragraph (4)(C), a separate group consisting of those members of such worldwide affiliated group which—

"(I) are entities described in clause (i), (ii), or (iii) of paragraph (4)(C), or are subsidiaries of such entities substantially all of the activities of which are payroll, asset holding, or other activities which are integrally related to activities described in any such clause, and

"(II) were in existence, and were members of such group, as of October 21, 2004.

"(iv) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary to carry out the application of this subparagraph, including guidance with respect to the proper method for determining the ratio described in clause (ii) and guidance to prevent avoidance of the purposes of this subparagraph.".

(b) CONFORMING AMENDMENT.—Paragraph (5)(D) of section 864(f) is amended by striking "December 31, 2008" and inserting "December 31, 2018".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 403. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting "100 percent".

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 37.75 percentage points.

By Mr. COLEMAN:

S. 3126. A bill to provide for the development of certain tradional and alternative energy resources; and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Resource Development Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—TRADITIONAL RESOURCES

Sec. 101. Revocation of withdrawal of certain areas of the outer Continental Shelf.
Sec. 102. State authority to protect certain coastal areas.
Sec. 103. Production of oil and natural gas in new producing areas.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

Sec. 201. Energy Independence Trust Fund.
Sec. 202. Loan guarantees for renewable fuel pipelines.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

Sec. 211. Definitions.
Sec. 212. Clean coal-derived fuel program.

Subtitle C—Nuclear Energy

Sec. 221. Incentives for innovative technologies.
Sec. 222. Authorization for Nuclear Power 2010 Program.
Sec. 223. Domestic manufacturing base for nuclear components and equipment.
Sec. 224. Nuclear energy workforce.
Sec. 225. Investment tax credit for investments in nuclear power facilities.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.

TITLE I—TRADITIONAL RESOURCES

SEC. 101. REVOCATION OF WITHDRAWAL OF CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

The "Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition", 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, is revoked and no longer in effect regarding any area on the outer Continental Shelf covered by sections 104 and 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118).

SEC. 102. STATE AUTHORITY TO PROTECT CERTAIN COASTAL AREAS.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended by adding at the end the following:

"(f) APPROVAL BY CERTAIN AFFECTED STATES.—

"(1) DEFINITION OF AFFECTED STATE.—In this subsection, the term 'affected State' means a State that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines could be affected negatively by the potential environmental or economic impacts of a proposed lease sale or proposed development and production plan under this Act.

"(2) NOTICE TO AFFECTED STATES.—Not later than 30 days before the date of a proposed lease sale or the publication of a proposed development and production plan, the Secretary shall submit to the Governor of each affected State notice of the proposed sale or plan.

"(3) AUTHORITIES OF AFFECTED STATES.—Not later than 60 days after the date on which the Secretary provides to the Governor of an affected State notice under paragraph (2), the Governor of the affected State shall submit to the Secretary a written response to the proposed sale or plan that—

"(A) specifies whether the Governor—

"(i) accepts the sale or plan as proposed;

"(ii) accepts the sale or plan with modification; or

"(iii) vetoes the proposed sale or plan; and

"(B) in the case of subparagraph (A)(ii), includes a counterproposal that describes—

"(i) any proposed modifications to—

"(I) the proposed plan; or

"(II) the size, time, or location of the proposed sale; and

"(ii) any areas off the coast of the State that the Governor recommends for long-term protection in the form of a moratorium on leasing for a period of not more than 20 years based on—

"(I) any information in existence on the date of the counterproposal concerning the geographical, geological, and ecological characteristics of the areas proposed for protection;

"(II) an equitable sharing of developmental benefits and environmental risks among the areas;

"(III) the location of the areas with respect to—

"(aa) other uses of the sea and seabed in the areas, including fisheries, navigation, existing or proposed sealanes, potential sites of deepwater ports; and

"(bb) other anticipated uses of the resources and space of other areas of the outer Continental Shelf;

"(IV) any relevant laws, goals, and policies of the State; and

"(V) the relative environmental sensitivity and marine productivity of other areas of the outer Continental Shelf.

"(4) SECRETARIAL RESPONSE.—

"(A) IN GENERAL.—As soon as practicable after the Secretary receives a counterproposal under paragraph (3)(B), the Secretary, in consultation with the Secretary of Defense, shall—

"(i) approve the counterproposal without modification;

"(ii) attempt to enter into an agreement with the Governor to modify the counterproposal; or

"(iii) deny the counterproposal.

"(B) APPROVAL OF AGREEMENT.—To be valid, an agreement entered into under subparagraph (A)(ii) requires the approval of the Governor, the Secretary, and the Secretary of the Defense.".

SEC. 103. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

"(a) DEFINITIONS.—In this section:

"(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

"(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

"(B) not more than 200 nautical miles from the geographic center of any leased tract.

"(2) MORATORIUM AREA.—

"(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118).

"(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

"(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area beyond the submerged land of a new producing State.

"(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has received notice of a proposed lease sale for a new producing area under section 19(f)(2).

"(5) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

"(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

"(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

"(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

"(ii) revenues from civil penalties;

"(iii) royalties taken by the Secretary in-kind and not sold;

"(iv) revenues generated from leases subject to section 8(g); or

"(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

"(b) AVAILABILITY FOR LEASING.—On approval by the new producing State of a proposed lease sale for a new producing area under section 19(f), the Secretary shall conduct the proposed lease sale for the new producing area.

"(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

"(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

"(A) 50 percent of qualified outer Continental Shelf revenues—

"(i) in the fund established by section 201 of the Energy Resource Development Act of 2008; or

"(ii) if the Secretary of the Treasury determines that the fund described in clause (i) is fully funded, in the general fund of the Treasury; and

"(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

"(i) 75 percent to new producing States in accordance with paragraph (2); and

"(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601-5).

"(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

"(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

"(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

"(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

"(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

"(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under for the fiscal year under paragraph (1)(B)(i).

"(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

"(5) AUTHORIZED USES.—

"(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

"(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, and hurricane protection.

"(ii) Mitigation of damage to fish, wildlife, or natural resources.

"(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

"(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore projects.

"(v) Planning assistance and the administrative costs of complying with this section.

"(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

"(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

"(A) be made available, without further appropriation, in accordance with this subsection;

"(B) remain available until expended; and

"(C) be in addition to any amounts appropriated under—

"(i) other provisions of this Act;

"(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.); or

"(iii) any other provision of law.

"(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

"(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

"(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.

"(e) DUE DILIGENCE REQUIRED.—

"(1) NEW PRODUCING AREA LEASES.—Each lease entered into under this section shall provide that if a lessee fails to initiate development of the oil or gas resources in the new producing area subject to the lease by the date that is 2 years after the date of the issuance of the lease—

"(A) the lease shall terminate; and

"(B) the Secretary shall conduct a new lease sale for the new producing area that was subject to the terminated lease.

"(2) EXISTING LEASES.—

"(A) IN GENERAL.—Any lease entered into under any other section of this Act that is in effect on the date of enactment of this section shall terminate at the end of the 10-year lease period specified in the lease.

"(B) AVAILABILITY FOR LEASING.—The Secretary shall conduct a new lease sale for any area subject to a lease terminated under subparagraph (A) in accordance with this Act.

"(C) LEASE REQUIREMENTS.—Any lease issued under a lease sale conducted under subparagraph (B) shall provide that if a lessee fails to initiate development of the oil or gas resources in the area subject to the lease by the date that is 2 years after the date of the issuance of the lease—

"(i) the lease shall terminate; and

"(ii) the Secretary shall conduct a new lease sale for the area that was subject to the terminated lease.".

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

SEC. 201. ENERGY INDEPENDENCE TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the "Energy Independence Trust Fund" (referred to in this section as the "Fund"), consisting of such amounts as are deposited in the Fund under section 32(c)(1)(A)(i) of the Outer Continental Shelf Lands Act (as added by section 102).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to carry out the following:

(A) Section 609 of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c).

(B) Title V of the Toxic Substances Control Act (15 U.S.C. 2695 et seq.).

(C) Sections 211(r), 212, and 329 of the Clean Air Act (42 U.S.C. 7545(r), 7546, 7628).

(D) The following provisions of the Energy Policy and Conservation Act:

(i) Section 324A (42 U.S.C. 6294a).

(ii) Section 337(c) (42 U.S.C. 6307(c)).

(iii) Section 365(f) (42 U.S.C. 6325(f)).

(iv) Part E of title III (42 U.S.C. 6341 et seq.).

(v) Section 399A (42 U.S.C. 6371h-1).

(E) The following provisions of the Energy Policy Act of 2005:

(i) Section 107 (42 U.S.C. 15812).

(ii) The amendments made by section 123 (119 Stat. 616).

(iii) Sections 124 through 127 (42 U.S.C. 15821 through 15824).

(iv) The amendments made by section 128 (119 Stat. 619).

(v) Sections 133 and 134 (42 U.S.C. 15831, 15832).

(vi) Section 140 (42 U.S.C. 15833).

(vii) Section 201 (42 U.S.C. 15851).

(viii) The amendments made by section 202 (119 Stat. 651).

(ix) The amendments made by section 206 (119 Stat. 654).

(x) Section 207 (119 Stat. 656).

(xi) Sections 208 and 210 (42 U.S.C. 15854, 15855).

(xii) Sections 242 and 243 (42 U.S.C. 15881, 15882).

(xiii) The amendments made by section 251 (119 Stat. 679).

(xiv) Section 252 (42 U.S.C. 15891).

(xv) Sections 706, 712, 721, and 731 (42 U.S.C. 16051, 16062, 16071, 16081).

(xvi) Subtitle C of title VII (42 U.S.C. 16091 et seq.).

(xvii) Sections 751 and 755 through 758 (42 U.S.C. 16101, 16103 through 16106).

(xviii) Section 771 (119 Stat. 834).

(xix) Sections 782 and 783 (42 U.S.C. 16122, 16123).

(xx) Sections 805, 808, 809, and 812 (42 U.S.C. 16154, 16157, 16158, 16161).

(xxi) Sections 911, 917, 921, and 931 (42 U.S.C. 16191, 16197, 16211, 16231).

(xxii) The amendments made by section 941 (119 Stat. 873).

(xxiii) Sections 942, 944 through 947, and 963 (42 U.S.C. 16251, 16253 through 16256, 16293).

(xxiv) Sections 1510, 1514, and 1516 (42 U.S.C. 16501, 16502, 16503).

(F) The following provisions of the Energy Independence and Security Act of 2007:

(i) Sections 131 and 135 (42 U.S.C. 17011, 17012).

(ii) Sections 207, 223, 229, 230, 234, 244, and 246 (42 U.S.C. 17022, 17032, 17033, 17034, 17035, 17052, 17053).

(iii) Section 243 (121 Stat. 1540).

(iv) Section 411 (42 U.S.C. 6872 note; Public Law 110–140).

(v) Sections 422, 440, 452, 491, and 495 (42 U.S.C. 17082, 17096, 17111, 17121, 17124).

(vi) Section 501 (121 Stat. 1655).

(vii) Section 502 (2 U.S.C. 2169).

(viii) The amendments made by section 505 (121 Stat. 1656).

(ix) Section 517 (42 U.S.C. 17131).

(x) Subtitle E of title V (42 U.S.C. 17151 et seq.).

(xi) Section 602 (42 U.S.C. 17171).

(xii) Sections 604 through 607 (42 U.S.C. 17172 through 17175).

(xiii) Subtitles B through E of title VI (42 U.S.C. 17191 et seq.) (other than section 653).

(xiv) Sections 703, 705, 707, 708, 711, and 712 (42 U.S.C. 17251, 17253, 17255, 17256, 17271, 17272).

(xv) Sections 805 and 807 (42 U.S.C. 17284, 17286).

(xvi) Sections 912, 913, 916, 917, 925, and 927 (42 U.S.C. 17332, 17333, 17336, 17337, 17355, 17357).

(G) Section 202.

(H) Subtitle C.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 5 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(c) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 202. LOAN GUARANTEES FOR RENEWABLE FUEL PIPELINES.

(a) DEFINITIONS.—In this section:

(1) COST.—The term "cost" has the meaning given the term "cost of a loan guarantee" in section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)(C)).

(2) ELIGIBLE PROJECT.—The term eligible project means a project described in subsection (b)(1).

(3) GUARANTEE.—

(A) IN GENERAL.—The term "guarantee" has the meaning given the term "loan guarantee" in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(B) INCLUSION.—The term "guarantee" includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(4) RENEWABLE FUEL.—The term "renewable fuel" has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) (as in effect on January 1, 2009).

(5) RENEWABLE FUEL PIPELINE.—The term "renewable fuel pipeline" means a common carrier pipeline for transporting renewable fuel.

(b) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary shall make guarantees under this section for projects that provide for the construction of new renewable fuel pipelines.

(2) ELIGIBILITY.—In determining the eligibility of a project for a guarantee under this section, the Secretary shall consider—

(A) the volume of renewable fuel to be moved by the renewable fuel pipeline;

(B) the size of the markets to be served by the renewable fuel pipeline;

(C) the existence of sufficient storage to facilitate access to the markets served by the renewable fuel pipeline;

(D) the proximity of the renewable fuel pipeline to ethanol production facilities;

(E) the investment of the entity carrying out the proposed project in terminal infrastructure;

(F) the experience of the entity carrying out the proposed project in working with renewable fuels;

(G) the ability of the entity carrying out the proposed project to maintain the quality of the renewable fuel through—

(i) the terminal system of the entity; and

(ii) the dedicated pipeline system;

(H) the ability of the entity carrying out the proposed project to complete the project in a timely manner; and

(I) the ability of the entity carrying out the proposed project to secure property rights-of-way in order to move the proposed project forward in a timely manner.

(3) AMOUNT.—Unless otherwise provided by law, a guarantee by the Secretary under this section shall not exceed an amount equal to 90 percent of the eligible project cost of the renewable fuel pipeline that is the subject of the guarantee, as estimated at the time at which the guarantee is issued or subsequently modified while the eligible project is under construction.

(4) TERMS AND CONDITIONS.—Guarantees under this section shall be provided in accordance with section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512), except that subsections (b) and (c) of that section shall not apply to guarantees under this section.

(5) EXISTING FUNDING AUTHORITY.—The Secretary shall make a guarantee under this section under an existing funding authority.

(6) FINAL RULE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a final rule directing the Director of the Department of Energy Loan Guarantee Program Office to initiate the loan guarantee program under this section in accordance with this section.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to provide $4,000,000,000 in guarantees under this section.

(2) USE OF OTHER APPROPRIATED FUNDS.—To the extent that the amounts made available under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) have not been disbursed to programs under that title, the Secretary may use the amounts to carry out this section.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

SEC. 211. DEFINITIONS.

In this subtitle:

(1) CLEAN COAL-DERIVED FUEL.—

(A) IN GENERAL.—The term "clean coal-derived fuel" means aviation fuel, motor vehicle fuel, home heating oil, or boiler fuel that is—

(i) substantially derived from the coal resources of the United States; and

(ii) refined or otherwise processed at a facility located in the United States that captures—

(I) at least 50 percent of the carbon dioxide emissions that would otherwise be released at the facility; or

(II) if the Secretary determines that it is commercially feasible to capture a higher percentage of carbon dioxide emissions, a percentage equal to or greater than the percentage of carbon dioxide emissions determined by the Secretary to be commercially feasible of being captured.

(B) INCLUSIONS.—The term "clean coal-derived fuel" may include any other resource that is extracted, grown, produced, or recovered in the United States.

(2) COVERED FUEL.—The term "covered fuel" means—

(A) aviation fuel;

(B) motor vehicle fuel;

(C) home heating oil; and

(D) boiler fuel.

(3) SMALL REFINERY.—The term "small refinery" means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

SEC. 212. CLEAN COAL-DERIVED FUEL PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that covered fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of clean coal-derived fuel determined in accordance with paragraph (4).

(2) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under paragraph (1)—

(A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(i) the requirements of this subsection are met; and

(ii) clean coal-derived fuels produced from facilities for the purpose of compliance with this subtitle result in life cycle greenhouse gas emissions that are not greater than gasoline; and

(B) shall not—

(i) restrict geographic areas in the contiguous United States in which clean coal-derived fuel may be used; or

(ii) impose any per-gallon obligation for the use of clean coal-derived fuel.

(3) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(4) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2015 THROUGH 2022.—For the purpose of this subsection, the applicable volume for any of calendar years 2015 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of clean coal-derived fuel (in billions of gallons)
2015	.075
2016	1.5
2017	2.25
2018	3.00
2019	3.75
2020	4.5
2021	5.25
2022	6.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2015 through 2022, including a review of—

(i) the impact of clean coal-derived fuels on the energy security of the United States;

(ii) the expected annual rate of future production of clean coal-derived fuels; and

(iii) the impact of the use of clean coal-derived fuels on other factors, including job creation, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—For the purpose of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of covered fuel that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 6,000,000,000 gallons of clean coal-derived fuel; bears to

(II) the number of gallons of covered fuel sold or introduced into commerce in calendar year 2022.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF CERTAIN FUEL SALES.—Not later than October 31 of each of calendar years 2015 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of covered fuel projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2015 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of clean coal-derived fuel during the previous calendar year by small refineries that are exempt under subsection (f).

(c) VOLUME CONVERSION FACTORS FOR CLEAN COAL-DERIVED FUELS BASED ON ENERGY CONTENT.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of clean coal-derived fuel for the purpose of satisfying the fuel volume requirements of subsection (a)(4) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO DIESEL FUEL.—For clean coal-derived fuels, 1 gallon of the clean coal-derived fuel shall be considered to be the equivalent of 1 gallon of diesel fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the clean coal-derived fuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of diesel fuel (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the clean coal-derived fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(e) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by 1 or more States by reducing the national quantity of clean coal-derived fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced clean coal-derived fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary and the Administrator of the Environmental Protection Agency.

(f) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2018.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2013, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(g) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(h) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2016.

Subtitle C—Nuclear Energy

SEC. 221. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.

(a) DEFINITION OF PROJECT COST.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

"(6) PROJECT COST.—

"(A) IN GENERAL.—The term 'project cost' means any cost associated with the development, planning, design, engineering, permitting and licensing, construction, commissioning, start-up, shakedown, and financing of a facility.

"(B) INCLUSIONS.—The term 'project cost' includes—

"(i) reasonable escalation and contingencies;

"(ii) the cost of and fees for a guarantee;

"(iii) reasonably required reserve funds;

"(iv) initial working capital; and

"(v) interest accrued during construction.".

(b) TERMS AND CONDITIONS; AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsections (b) and (c) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) the Secretary has received from the borrower and deposited in the Treasury a payment in full for the cost of the obligation;

"(B) an appropriation for the cost has been made in lieu of a payment being made; or

"(C) a combination of actions described in subparagraphs (A) and (B) has been carried out such that, when combined, the actions are sufficient to cover the cost of the obligation.

"(2) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan guarantee made in accordance with paragraph (1)(B).

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee 100 percent of the obligation for a facility that is the subject of the guarantee, or a lesser amount if requested by the borrower.

"(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.".

(c) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY.—Fees collected under this subsection shall—

"(A) be deposited by the Secretary into a special fund in the Treasury, to be known as the 'Incentives For Innovative Technologies Fund'; and

"(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.".

(d) REPORT TO CONGRESS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

"(k) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and annually thereafter, the Secretary shall submit to Congress a report that summarizes the applications for loan guarantees received, loan guarantees approved and rejected, and justifications for rejections of loan guarantees, under this title.

"(2) TERMINATION OF AUTHORITY.—Beginning with fiscal year 2018, the Secretary shall provide, in the annual report submitted for each fiscal year under paragraph (1), a recommendation on whether all or part of the loan guarantee program under this title should be terminated.".

SEC. 222. AUTHORIZATION FOR NUCLEAR POWER 2010 PROGRAM.

Section 952 of the Energy Policy Act of 2005 (42 U.S.C. 16272) is amended by striking subsection (c) and inserting the following:

"(c) NUCLEAR POWER 2010 PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out a Nuclear Power 2010 Program to position the United States to commence construction of new nuclear power plants by not later than—

"(A) calendar year 2010; or

"(B) such first calendar year after calendar year 2010 as is practicable.

"(2) SCOPE OF PROGRAM.—The Nuclear Power 2010 Program shall support the objectives of—

"(A) demonstrating the licensing process for new nuclear power plants, including the Nuclear Regulatory Commission process for obtaining—

"(i) early site permits;

"(ii) combined construction or operating licenses; and

"(iii) design certifications; and

"(B) conducting first-of-a-kind design and engineering work on at least 2 advanced nuclear reactor designs sufficient to bring those designs to a state of design completion sufficient to allow development of firm cost estimates.

"(3) COST-SHARING.—The Nuclear Power 2010 Program shall be carried out through the use of cost-sharing with the private sector.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the Nuclear Power 2010 Program—

"(A) $182,800,000 for fiscal year 2009;

"(B) $159,600,000 for fiscal year 2010;

"(C) $135,600,000 for fiscal year 2011;

"(D) $46,900,000 for fiscal year 2012; and

"(E) $2,200,000 for fiscal year 2013.".

SEC. 223. DOMESTIC MANUFACTURING BASE FOR NUCLEAR COMPONENTS AND EQUIPMENT.

(a) ESTABLISHMENT OF INTERAGENCY WORKING GROUP.—

(1) PURPOSES.—The purposes of this section are—

(A) to increase the competitiveness of the United States nuclear energy products and services industries;

(B) to identify the stimulus or incentives necessary to cause United States manufacturers of nuclear energy products to expand manufacturing capacity;

(C) to facilitate the export of United States nuclear energy products and services;

(D) to reduce the trade deficit of the United States through the export of United States nuclear energy products and services;

(E) to retain and create nuclear energy manufacturing and related service jobs in the United States;

(F) to integrate the objectives described in subparagraphs (A) through (E), in a manner consistent with the interests of the United States, into the foreign policy of the United States; and

(G) to authorize funds for increasing United States capacity to manufacture nuclear energy products and supply nuclear energy services.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—There is established an interagency working group (referred to in this section as the "Working Group") that, in consultation with representative industry organizations and manufacturers of nuclear energy products, shall make recommendations to coordinate the actions and programs of the Federal Government in order to promote increasing domestic manufacturing capacity and export of domestic nuclear energy products and services.

(B) COMPOSITION.—The Working Group shall be composed of—

(i) the Secretary (or a designee), who shall serve as Chairperson of the Working Group; and

(ii) representatives, appointed by the head of each applicable agency or department, of—

(I) the Department of Energy;

(II) the Department of Commerce;

(III) the Department of Defense;

(IV) the Department of Treasury;

(V) the Department of State;

(VI) the Environmental Protection Agency;

(VII) the United States Agency for International Development;

(VIII) the Export-Import Bank of the United States;

(IX) the Trade and Development Agency;

(X) the Small Business Administration;

(XI) the Office of the United States Trade Representative; and

(XII) other Federal agencies, as determined by the President.

(3) DUTIES OF WORKING GROUP.—The Working Group shall—

(A) not later than 180 days after the date of enactment of this Act, identify the actions necessary to promote the safe development and application in foreign countries of nuclear energy products and services—

(i) to increase electricity generation from nuclear energy sources through development of new generation facilities;

(ii) to improve the efficiency, safety, and reliability of existing nuclear generating facilities through modifications; and

(iii) enhance the safe treatment, handling, storage, and disposal of used nuclear fuel;

(B) not later than 180 days after the date of enactment of this Act, identify—

(i) mechanisms (including tax stimuli for investment, loans and loan guarantees, and grants) necessary for United States companies to increase—

(I) the capacity of the companies to produce or provide nuclear energy products and services; and

(II) exports of nuclear energy products and services; and

(ii) administrative or legislative initiatives that are necessary—

(I) to encourage United States companies to increase the manufacturing capacity of the companies for nuclear energy products;

(II) to provide technical and financial assistance and support to small and mid-sized businesses to establish quality assurance programs in accordance with domestic and international nuclear quality assurance code requirements;

(III) to encourage, through financial incentives, private sector capital investment to expand manufacturing capacity; and

(IV) to provide technical assistance and financial incentives to small and mid-sized businesses to develop the workforce necessary to increase manufacturing capacity and meet domestic and international nuclear quality assurance code requirements;

(C) not later than 270 days after the date of enactment of this Act, submit to Congress a report that describes the findings of the Working Group under subparagraphs (A) and (B), including recommendations for new legislative authority, as necessary; and

(D) encourage the agencies represented by membership in the Working Group—

(i) to provide technical training and education for international development personnel and local users in other countries;

(ii) to provide financial and technical assistance to nonprofit institutions that support the marketing and export efforts of domestic companies that provide nuclear energy products and services;

(iii) to develop nuclear energy projects in foreign countries;

(iv) to provide technical assistance and training materials to loan officers of the World Bank, international lending institutions, commercial and energy attaches at embassies of the United States, and other appropriate personnel in order to provide information about nuclear energy products and services to foreign governments or other potential project sponsors;

(v) to support, through financial incentives, private sector efforts to commercialize and export nuclear energy products and services in accordance with the subsidy codes of the World Trade Organization; and

(vi) to augment budgets for trade and development programs in order to support prefeasibility or feasibility studies for projects that use nuclear energy products and services.

(4) PERSONNEL AND SERVICE MATTERS.—The Secretary and the heads of agencies represented by membership in the Working Group shall detail such personnel and furnish such services to the Working Group, with or without reimbursement, as are necessary to carry out the functions of the Working Group.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $20,000,000 for each of fiscal years 2009 and 2010.

(b) CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.—

(1) CREDIT FOR QUALIFYING NUCLEAR POWER MANUFACTURING.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code is amended by inserting after section 48B the following new section:

“SEC. 48C. QUALIFYING NUCLEAR POWER MANUFACTURING CREDIT.

“(a) IN GENERAL.—For purposes of section 46, the qualifying nuclear power manufacturing credit for any taxable year is an amount equal to 20 percent of the qualified investment for such taxable year.

“(b) QUALIFIED INVESTMENT.—

“(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year—

“(A) which is either part of a qualifying nuclear power manufacturing project or is qualifying nuclear power manufacturing equipment;

“(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer; or

“(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer;

“(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable; and

“(D) which is placed in service on or before December 31, 2015.

“(2) SPECIAL RULE FOR CERTAIN SUBSIDIZED PROPERTY.—Rules similar to section 48(a)(4) shall apply for purposes of this section.

“(3) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

“(c) DEFINITIONS.—For purposes of this section:

“(1) QUALIFYING NUCLEAR POWER MANUFACTURING PROJECT.—The term ‘qualifying nuclear power manufacturing project’ means any project which is designed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

“(2) QUALIFYING NUCLEAR POWER MANUFACTURING EQUIPMENT.—The term ‘qualifying nuclear power manufacturing equipment’ means machine tools and other similar equipment, including computers and other peripheral equipment, acquired or constructed primarily to enable the taxpayer to produce or test equipment necessary for the construction or operation of a nuclear power plant.

“(3) PROJECT.—The term ‘project’ includes any building constructed to house qualifying nuclear power manufacturing equipment.”.

(2) CONFORMING AMENDMENTS.—

(A) ADDITIONAL INVESTMENT CREDIT.—Section 46 of such Code is amended by—

(i) striking “and” at the end of paragraph (3);

(ii) striking the period at the end of paragraph (4) and inserting “, and”; and

(iii) inserting after paragraph (4) the following new paragraph:

“(5) the qualifying nuclear power manufacturing credit.”.

(B) APPLICATION OF SECTION 49.—Subparagraph (C) of section 49(a)(1) of such Code is amended by—

(i) striking “and” at the end of clause (iii);

(ii) striking the period at the end of clause (iv) and inserting “, and”; and

(iii) inserting after clause (iv) the following new clause:

“(v) the basis of any property which is part of a qualifying nuclear power equipment manufacturing project under section 48C.”.

(C) TABLE OF SECTIONS.—The table of sections for such subpart E is amended by inserting after the item relating to section 48B the following new item:

“Sec. 48C. Qualifying nuclear power manufacturing credit.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property—

(1) the construction, reconstruction, or erection of which of began after the date of enactment of this Act, or

(2) which was acquired by the taxpayer on or after the date of enactment of this Act and not pursuant to a binding contract which was in effect on the day prior to the date of enactment.

SEC. 224. NUCLEAR ENERGY WORKFORCE.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) WORKFORCE TRAINING.—

“(1) IN GENERAL.—The Secretary of Labor, in cooperation with the Secretary of Energy, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the nuclear utility and nuclear energy products and services industries.

“(2) CONSULTATION.—In carrying out this subsection, the Secretary of Labor shall consult with representatives of the nuclear utility and nuclear energy products and services industries, and organized labor, concerning skills that are needed in those industries.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Energy, to carry out this subsection $20,000,000 for each of fiscal years 2009 through 2012.”.

SEC. 225. INVESTMENT TAX CREDIT FOR INVESTMENTS IN NUCLEAR POWER FACILITIES.

(a) NEW CREDIT FOR NUCLEAR POWER FACILITIES.—Section 46 of the Internal Revenue Code of 1986, as amended by this title, is amended by—

(1) striking “and” at the end of paragraph (4);

(2) striking the period at the end of paragraph (5) and inserting “, and”; and

(3) inserting after paragraph (5) the following new paragraph:

“(5) the nuclear power facility construction credit.”.

(b) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this title, is amended by inserting after section 48C the following new section:

“SEC. 48D. NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.

“(a) IN GENERAL.—For purposes of section 46, the nuclear power facility construction credit for any taxable year is 10 percent of the qualified nuclear power facility expenditures with respect to a qualified nuclear power facility.

“(b) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

“(1) IN GENERAL.—Qualified nuclear power facility expenditures shall be taken into account for the taxable year in which the qualified nuclear power facility is placed in service.

“(2) COORDINATION WITH SUBSECTION (C).—The amount which would (but for this paragraph) be taken into account under paragraph (1) with respect to any qualified nuclear power facility shall be reduced (but not below zero) by any amount of qualified nuclear power facility expenditures taken into account under subsection (c) by the taxpayer or a predecessor of the taxpayer (or, in the case of a sale and leaseback described in section 50(a)(2)(C), by the lessee), to the extent any amount so taken into account has not been required to be recaptured under section 50(a).

“(c) PROGRESS EXPENDITURES.—

“(1) IN GENERAL.—A taxpayer may elect to take into account qualified nuclear power facility expenditures–

“(A) SELF-CONSTRUCTED PROPERTY.—In the case of a qualified nuclear power facility which is a self-constructed facility, in the taxable year for which such expenditures are properly chargeable to capital account with respect to such facility; and

“(B) ACQUIRED FACILITY.—In the case of a qualified nuclear facility which is not self-constructed property, in the taxable year in which such expenditures are paid.

“(2) SPECIAL RULES FOR APPLYING PARAGRAPH (1).—For purposes of paragraph (1)–

“(A) COMPONENT PARTS, ETC.—Property which is not self-constructed property and which is to be a component part of, or is otherwise to be included in, any facility to which this subsection applies shall be taken into account in accordance with paragraph (1)(B);

“(B) CERTAIN BORROWING DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer on a nonrecourse basis from the person constructing the facility for the taxpayer shall not be treated as an amount expended for such facility; and

“(C) LIMITATION FOR FACILITIES OR COMPONENTS WHICH ARE NOT SELF-CONSTRUCTED.—

“(i) IN GENERAL.—In the case of a facility or a component of a facility which is not self-constructed, the amount taken into account under paragraph (1)(B) for any taxable year shall not exceed the amount which represents the portion of the overall cost to the taxpayer of the facility or component of a facility which is properly attributable to the portion of the facility or component which is completed during such taxable year.

“(ii) CARRY-OVER OF CERTAIN AMOUNTS.—In the case of a facility or component of a facility which is not self-constructed, if for the taxable year—

“(I) the amount which (but for clause (i)) would have been taken into account under paragraph (1)(B) exceeds the limitation of clause (i), then the amount of such excess shall be taken into account under paragraph (1)(B) for the succeeding taxable year; or

“(II) the limitation of clause (i) exceeds the amount taken into account under paragraph (1)(B), then the amount of such excess shall increase the limitation of clause (i) for the succeeding taxable year.

"(D) DETERMINATION OF PERCENTAGE OF COMPLETION.—The determination under subparagraph (C)(i) of the portion of the overall cost to the taxpayer of the construction which is properly attributable to construction completed during any taxable year shall be made on the basis of engineering or architectural estimates or on the basis of cost accounting records. Unless the taxpayer establishes otherwise by clear and convincing evidence, the construction shall be deemed to be completed not more rapidly than ratably over the normal construction period.

"(E) NO PROGRESS EXPENDITURES FOR CERTAIN PRIOR PERIODS.—No qualified nuclear facility expenditures shall be taken into account under this subsection for any period before the first day of the first taxable year to which an election under this subsection applies.

"(F) NO PROGRESS EXPENDITURES FOR PROPERTY FOR YEAR IT IS PLACED IN SERVICE, ETC.—In the case of any qualified nuclear facility, no qualified nuclear facility expenditures shall be taken into account under this subsection for the earlier of—

"(i) the taxable year in which the facility is placed in service; or

"(ii) the first taxable year for which recapture is required under section 50(a)(2) with respect to such facility, or for any taxable year thereafter.

"(3) SELF-CONSTRUCTED.—For purposes of this subsection–

"(A) The term 'self-constructed facility' means any facility if it is reasonable to believe that more than half of the qualified nuclear facility expenditures for such facility will be made directly by the taxpayer.

"(B) A component of a facility shall be treated as not self-constructed if the cost of the component is at least 5 percent of the expected cost of the facility and the component is acquired by the taxpayer.

"(4) ELECTION.—An election shall be made under this section for a qualified nuclear power facility by claiming the nuclear power facility construction credit for expenditures described in paragraph (1) on a tax return filed by the due date for such return (taking into account extensions). Such an election shall apply to the taxable year for which made and all subsequent taxable years. Such an election, once made, may be revoked only with the consent of the Secretary.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section–

"(1) QUALIFIED NUCLEAR POWER FACILITY.—The term 'qualified nuclear power facility' means an advanced nuclear power facility, as defined in section 45J, the construction of which was approved by the Nuclear Regulatory Commission on or before December 31, 2013.

"(2) QUALIFIED NUCLEAR POWER FACILITY EXPENDITURES.—

"(A) IN GENERAL.—The term 'qualified nuclear power facility expenditures' means any amount properly chargeable to capital account—

"(i) with respect to a qualified nuclear power facility;

"(ii) for which depreciation is allowable under section 168; and

"(iii) which are incurred before the qualified nuclear power facility is placed in service or in connection with the placement of such facility in service.

"(B) PRE-EFFECTIVE DATE EXPENDITURES.—Qualified nuclear power facility expenditures do not include any expenditures incurred by the taxpayer before January 1, 2007, unless such expenditures constitute less than 20 percent of the total qualified nuclear power facility expenditures (determined without regard to this subparagraph) for the qualified nuclear power facility.

"(3) DELAYS AND SUSPENSION OF CONSTRUCTION.—

"(A) IN GENERAL.—For purposes of applying this section and section 50, a nuclear power facility that is under construction shall cease to be treated as a facility that will be a qualified nuclear power facility as of the earlier of—

"(i) the date on which the taxpayer decides to terminate construction of the facility; or

"(ii) the last day of any 24 month period in which the taxpayer has failed to incur qualified nuclear power facility expenditures totaling at least 20 percent of the expected total cost of the nuclear power facility.

"(B) AUTHORITY TO WAIVE.—The Secretary may waive the application of clause (ii) of subparagraph (A) if the Secretary determines that the taxpayer intended to continue the construction of the qualified nuclear power facility and the expenditures were not incurred for reasons outside the control of the taxpayer.

"(C) RESUMPTION OF CONSTRUCTION.—If a nuclear power facility that is under construction ceases to be a qualified nuclear power facility by reason of paragraph (2) and work is subsequently resumed on the construction of such facility—

"(i) the date work is subsequently resumed shall be treated as the date that construction began for purposes of paragraph (1); and

"(ii) if the facility is a qualified nuclear power facility, the qualified nuclear power facility expenditures shall be determined without regard to any delay or temporary termination of construction of the facility.".

(c) PROVISIONS RELATING TO CREDIT RECAPTURE.—

(1) PROGRESS EXPENDITURE RECAPTURE RULES.—

(A) BASIC RULES.—Subparagraph (A) of section 50(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(A) IN GENERAL.—If during any taxable year any building to which section 47(d) applied or any facility to which section 48D(c) applied ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be a qualified rehabilitated building or a qualified nuclear power facility, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the credit determined under this subpart with respect to such building or facility.".

(B) AMENDMENT TO EXCESS CREDIT RECAPTURE RULE.—Subparagraph (B) of section 50(a)(2) of such Code is amended by—

(i) inserting "or paragraph (2) of section 48D(b)" after "paragraph (2) of section 47(b)";

(ii) inserting "or section 48D(b)(1)" after "section 47(b)(1)"; and

(iii) inserting "or facility" after "building".

(C) AMENDMENT OF SALE AND LEASEBACK RULE.—Subparagraph (C) of section 50(a)(2) of such Code is amended by—

(i) inserting "or section 48D(c)" after "section 47(d)"; and

(ii) inserting "or qualified nuclear power facility expenditures" after "qualified rehabilitation expenditures".

(D) OTHER AMENDMENT.—Subparagraph (D) of section 50(a)(2) of such Code is amended by inserting "or section 48D(c)" after "section 47(d)".

(d) NO BASIS ADJUSTMENT.—Section 50(c) of the Internal Revenue Code of 1986 is amended by inserting at the end thereof the following new paragraph:

"(6) NUCLEAR POWER FACILITY CONSTRUCTION CREDIT.—Paragraphs (1) and (2) shall not apply to the nuclear power facility construction credit.".

(e) TECHNICAL AMENDMENTS.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by this subtitle, is amended by inserting after the item relating to section 48C the following new item:

"Sec. 48D. Nuclear power facility construction credit.".

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective for expenditures incurred and property placed in service in taxable years beginning after the date of enactment of this Act.

By Mr. KYL:

S. 3128. A bill to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project; to the Committee on Indian Affairs.

Mr. KYL. Mr. President, today I am pleased to introduce the White Mountain Apache Tribe Rural Water System Loan Authorization Act. This legislation would authorize a Federal loan to the White Mountain Apache Tribe for the planning, engineering, and design of a dam and reservoir, which will be used to provide drinking water to the tribe.

The White Mountain Apache Tribe, which is located on the Fort Apache Indian Reservation in eastern Arizona, has approximately 15,000 members. The majority of the reservation's residents are currently served by a relative small well field. According to the tribe, well production has significantly decreased over the last few years, leading to summer drinking water shortages.

A small rural development funded diversion project on the North Fork of the White River on the tribe's reservation is planned for construction this year. The tribe indicates that when the project is completed it will replace most of the lost production from the existing well field, but will not produce enough water to meet the demand of the tribe's growing population. Consequently, in order to meet the basic drinking water needs of the tribe, a longer-term solution is needed. The most likely and best solution is a relatively small dam and reservoir located on the tribe's reservation—the Miner Flat Dam.

The legislation I am introducing today would authorize the Secretary of the Interior to provide a Federal loan to the tribe for the planning, engineering, and design of the Miner Flat Dam. A portion of the funds set aside in the Arizona Water Settlements Act for future Arizona Indian water settlements would be used to repay the loan. Although Congress specifically set aside money in the Arizona Water Settlements Act for this purpose, the money will not be available until 2013. If the tribe were to wait until then to access these funds, the cost of Miner Flat Dam would increase $5 million to $7 million a year. Therefore, providing a loan to the tribe to expedite the planning of the dam would ultimately decrease the project's costs.

Any Federal funding for the actual construction of the project would be conditioned on the settlement of the tribe's water rights claims, which would have to be confirmed by Congress. The tribe is in the process of settling its water claims in the State of Arizona, and it is my understanding that the parties involved in negotiating the tribe's water claims will likely reach a settlement with the tribe this summer. Once the parties reach an agreement, I intend to introduce legislation confirming their settlement.

The legislation I am introducing today would bring the tribe one step closer to having a reliable source of drinking water. Consequently, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "White Mountain Apache Tribe Rural Water System Loan Authorization Act".

SEC. 2. DEFINITIONS.

(a) MINER FLAT PROJECT.—The term "Miner Flat Project" means the White Mountain Apache Rural Water System, comprised of the Miner Flat Dam and associated domestic water supply components, as described in the project extension report dated February 2007.

(b) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation (or any other designee of the Secretary).

(c) TRIBE.—The term "Tribe" means the White Mountain Apache Tribe, a federally recognized Indian tribe organized pursuant to section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. 476 et seq.).

SEC. 3. MINER FLAT PROJECT LOAN.

(a) LOAN.—Subject to the condition that the Tribe and the Secretary have executed a cooperative agreement under section 4(a), not later than 90 days after the date of enactment of this Act, the Secretary shall provide to the Tribe a loan in an amount equal to **$9,800,000**, adjusted, as appropriate, based on ordinary fluctuations in engineering cost indices applicable to the Miner Flat Project during the period beginning on October 1, 2007, and ending on the date on which the loan is provided, as determined by the Secretary, to carry out planning, engineering, and design of the Miner Flat Project in accordance with section 4.

(b) TERMS AND CONDITIONS OF LOAN.—

(1) INTEREST; TERM.—The loan provided under subsection (a) shall—

(A) be at a rate of interest of 0 percent; and

(B) be repaid over a term of 10 years, beginning on January 1, 2013.

(2) FUNDS FOR REPAYMENT.—

(A) IN GENERAL.—For each of fiscal years 2013 and 2014, in lieu of direct repayment by the Tribe of the loan provided under subsection (a), the amount described in subparagraph (B) shall be credited toward repayment of the loan.

(B) DESCRIPTION OF AMOUNT.—The amount referred to in subparagraph (A) is a portion of the funds in the Lower Colorado River Development Fund pursuant to section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(2)(D)(vi)) equal to—

(i) for fiscal year 2013, 50 percent of the outstanding balance of the loan under subsection (a) as of October 1, 2012; and

(ii) for fiscal year 2014, the remaining balance of the loan as of October 1, 2013.

(c) ADMINISTRATION.—Subject to section 4, the Secretary shall administer the planning, engineering, and design of the Miner Flat Project.

SEC. 4. PLANNING, ENGINEERING, AND DESIGN.

(a) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall offer to enter into a cooperative agreement with the Tribe for the planning, engineering, and design of the Miner Flat Project in accordance with this Act.

(2) MANDATORY PROVISIONS.—A cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Tribe, the rights, responsibilities, and liabilities of each party to the agreement.

(b) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Each activity for the planning, engineering, or design, of the Miner Flat Project shall be subject to the requirements of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. LEVIN (for himself, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DORGAN, and Mr. BINGAMAN):

S. 3129. A bill to amend the Commodity Exchange Act to prevent price manipulation and excessive speculation and to increase transparency with respect to energy trading on foreign exchanges conducted within the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEVIN. Mr. President, today I am introducing, along with Senators FEINSTEIN, DURBIN, and DORGAN, the Close the London Loophole Act. This legislation would ensure that the Commodity Futures Trading Commission, CFTC, has the same authority to detect, prevent, and punish manipulation and excessive speculation for traders in the United States who trade crude U.S. oil or other energy commodities on foreign commodity exchanges as the CFTC has for traders who trade on U.S. exchanges.

Today, U.S. crude oil and gasoline futures are traded primarily on exchanges in New York and London. While the CFTC—our cop on the beat—has clear authority to go after trading abuses on the New York exchange, its authority is less clear when it comes to U.S. energy commodities traded on the London exchange. The bill we are introducing today would close the London loophole by ensuring the CFTC has all the information and authority it needs to stop price manipulation or excessive speculation involving U.S. energy trades on foreign exchanges.

Under current law, the CFTC obtains the information it needs to detect price manipulation and excessive speculation involving U.S. energy trades on foreign exchanges only through voluntary data-sharing agreements it arranges with the relevant foreign regulators. In many instances, the CFTC can take action against a U.S. trader on a foreign exchange to prevent manipulation or excessive speculation only with the cooperation and consent of the foreign regulator.

Our bill would strengthen CFTC oversight by providing the CFTC with clear legal authority, as well as a clear legal obligation, to obtain trading data from foreign exchanges operating in the United States through direct trading terminals. In addition, the bill would enable the CFTC to act on its own authority and initiative to prevent manipulation or excessive speculation by U.S. traders directing trades through foreign exchanges. This new authority would ensure that our own government has the information and ability to protect American markets from manipulation and excessive speculation, no matter where U.S. energy commodities are traded. U.S. traders will no longer be able to avoid the cop on the beat by routing their trades through a foreign exchange.

This legislation would complement a recent legislative initiative I have long worked on to ensure that U.S. commodity markets are free from manipulation and excessive speculation. Last month the Congress passed, over the President's veto, legislation to close the Enron loophole. This loophole, enacted into law in 2000 at the behest of Enron and other commodity traders, had allowed large traders to buy and sell energy commodities on U.S. electronic markets without CFTC oversight. The legislation passed last month as part of the farm bill gave the CFTC the authority and mandate to police U.S. electronic exchanges to stop price manipulation and excessive speculation. No longer will these electronic commodity exchanges be able to operate in the dark, as they had under the Enron loophole.

Closing the Enron loophole is a major advance in U.S. energy market oversight as a whole, and for our natural gas markets in particular, but it is not enough. Because over the last two years, energy traders have begun trading U.S. crude oil, gasoline, and home heating oil on the London exchange, beyond the direct reach of U.S. regulators, we have to address that second loophole too. I call it closing the London loophole.

There are currently two key energy commodity markets for U.S. crude oil, gasoline, and heating oil trading. The first is the New York Mercantile Exchange or NYMEX, located in New York City. The second is the ICE Futures Europe exchange, located in London and regulated by the British agency called the Financial Services Authority.

British regulators do not oversee their energy markets the same way we do. They don't place limits on speculation like we do, they don't monitor trader positions like we do, and they do not require the same type of data to be reported to regulatory authorities. That means that traders can avoid U.S. crude oil speculation limits on the New York exchange by trading on the London exchange. It also makes the London exchange less transparent than the New York exchange. The legislation I introduced last year to close the Enron loophole would have required U.S. traders on the London exchange to provide U.S. regulators with the same type of trading information that they are already required to provide when they trade on the New York Mercantile Exchange. Unfortunately, this provision was dropped from the close-the-Enron-loophole legislation in the farm bill.

The Consumer-First Energy Act, S. 3044, which the Majority Leader and others introduced recently to address high prices and reduce speculation, included at my request a provision to curb rampant speculation, increase our access to foreign exchange trading data, and strengthen oversight of the trading of U.S. energy commodities no matter where that trading occurs. This provision would require the CFTC, prior to allowing a foreign exchange to establish direct trading terminals located in this country, to obtain an agreement from that foreign exchange to impose speculative limits and reporting requirements on traders of U.S. energy commodities comparable to the requirements imposed by the CFTC on U.S. exchanges. This issue is so important that I introduced this section of the package as a separate bill, S. 2995, along with Senator FEINSTEIN.

Following the introduction of our legislation, the CFTC finally moved to address some of the gaps in its ability to oversee foreign exchanges operating in the United States. Specifically, the CFTC, working with the United Kingdom Financial Services Authority and the ICE Futures Europe exchange, announced that it will now obtain the following information about the trading of U.S. crude oil contracts on the London exchange: daily large trader reports on positions in West Texas Intermediate or WTI contracts traded on the London exchange; information on those large trader positions for all futures contracts, not just a limited set of contracts due to expire in the near future; enhanced trader information to permit more detailed identification of end users; improved data formatting to facilitate integration of the data with other CFTC data systems; and notification to the CFTC of when a trader on ICE Futures Europe exceeds the position accountability levels established by NYMEX for the trading of WTI crude oil contracts.

These new steps will strengthen the CFTC's ability to detect and prevent manipulation and excessive speculation in the oil and gasoline markets. It will ensure that the CFTC has the same type of information it receives from U.S. exchanges in order to detect and prevent manipulation and excessive speculation on the London exchange.

However, in order to fully close the London loophole, better information is not enough. The CFTC must also have clear authority to act upon this information to stop manipulation and excessive speculation.

That is why I have been working with the sponsors of the Consumer-First Energy Act to develop additional language to ensure that the CFTC has the authority to act upon the information obtained from the London exchange to prevent price manipulation and excessive speculation. This new provision would make it clear that the CFTC has the authority to prosecute and punish manipulation of the price of a commodity, regardless of whether the trader within the United States is trading on a U.S. or on a foreign exchange. It would also make it clear that the CFTC has the authority to require traders in the United States to reduce their positions, no matter where the trading occurs—on a U.S. or foreign exchange—to prevent price manipulation or excessive speculation in U.S. commodities. Finally, it would clarify that the CFTC has the authority to require all U.S. traders to keep records of their trades, regardless of which exchange the trader is using.

This new provision is included in the bill we are introducing today. I hope that it will also be included in the Consumer-First Energy Act when Senate debate is allowed to go forward on that bill.

In closing the London loophole, we will ensure there is a cop on the beat for all U.S. energy commodity traders, no matter whether they are trading on an exchange in New York or in London. It will ensure that our regulators have the information and the tools to detect, prevent, and punish manipulation and excessive speculation.

By Mr. DURBIN (for himself, Mr. REID, Mr. LEVIN, Mr. BINGAMAN, Mr. DORGAN, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. BROWN, Mr. CASEY, Mr. KERRY, Mr. LEAHY, Mrs. MURRAY, Ms. MIKULSKI, Mr. OBAMA, and Mr. REED):

S. 3130. A bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I came to the floor at the beginning of this week to make a simple point: as oil prices have reached $139 per barrel in recent days, the truth is that no one—not the oil industry, not the futures exchanges, not the regulators, not even this United States Senator—knows exactly what's going on here.

But with the economy in a tailspin and with the average price for a gallon of gas surpassing $4 and even higher across the country, it is time to find out.

The chairman of the chief regulator of the futures markets, the Commodity Futures Trading Commission, doesn't seem to know either. In a recent appropriations subcommittee hearing I chaired, Chairman Lukken stated that "CFTC staff analysis indicates that the current higher futures prices are generally not a result of manipulative forces."

Yet last Thursday and Friday the futures price of a barrel of oil shot up $16. In 2 days. Unless there was a massive pipeline explosion late last week that I somehow missed, there is simply no supply or demand justification for that kind of price increase.

Something more is going on here.

Is it rampant speculation that is causing the rise in oil prices?

Is it illegal market manipulation?

Is it the fact that the stock markets are not providing investors with decent returns at the moment, and so big investors are now pouring money into the futures markets instead?

Is it the hugely deflated dollar exchange rate that is behind this?

Is it that investors are worried about inflation and are using oil to hedge against that risk like they use to use gold?

Is it really the rising demand of emerging economies like China and India that is causing the price of oil to rise?

Is it the lack of true oversight into these markets that has encouraged institutional traders to take large speculative positions through overseas markets or over-the-counter trades, positions that they can't take in other markets?

Is it the lack of portfolio caps that are in place for some futures contracts but not for oil that has encouraged institutional traders to take large speculative positions?

The questions go on and on. And the answers are scarce. Given the importance of the price of gas to families in

Illinois and across the country, I think that is scandalous.

That's why I'm introducing a bill today entitled the "Increasing Transparency and Accountability in Oil Prices Act." This bill would provide more people and better technology to the CFTC to help them better understand this situation. It also would give the CFTC far greater visibility to the traders and the transactions that are involved here.

Specifically, this bill would:

Authorize the CFTC to hire an additional 100 FTEs, and express the Sense of the Senate for the need for an emergency supplemental request from the President for this funding;

Close the "London loophole" by treating oil traders located in London as if they were trading in the U.S. for regulatory purposes, so that the CFTC has access to oil trades on all exchanges rather than just the trades that take place physically in the U.S.;

Require more detailed reporting to the CFTC for index funds and swap dealers who typically take long positions that might drive up the price of oil;

Move the CFTC Inspector General out of the CFTC Chairman's office, to ensure its objectivity; and

Initiate a GAO study of the existing international regulatory regime that should be preventing excessive speculation and manipulation of oil prices.

Many of these ideas are not new. Senators LEVIN, FEINSTEIN, CANTWELL, and DORGAN have all been very active on these issues as have many others, and of course Chairman BINGAMAN and Chairman HARKIN have been leaders on these regulatory issues for years.

For my part, I intend to use my Chairmanship of the Appropriations Subcommittee on Financial Services and General Government to increase the funding and capacity of the CFTC. We will expect the agency to use these resources to get to the bottom of this.

Quickly.

These ideas—more regulatory resources and more market transparency—are ideas that many of my colleagues might agree with. I encourage my colleagues on both sides of the aisle to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Increasing Transparency and Accountability in Oil Prices Act of 2008".

SEC. 2. SENSE OF SENATE ON ADDITIONAL EMERGENCY FUNDING FOR COMMISSION.

(a) FINDINGS.—The Senate finds that—

(1) excessive speculation may be adding significantly to the price of oil and other energy commodities;

(2) the public and Congress are concerned that private, unregulated transactions and overseas exchange transactions are not being adequately reviewed by any regulatory body;

(3) an important Federal overseer of commodity speculation, the Commodity Futures Trading Commission, has staffing levels that have dropped to the lowest levels in the 33-year history of the Commission; and

(4) the acting Chairman of the Commission has said publicly that an additional 100 employees are needed in light of the inflow of trading volume.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should immediately send to Congress a request for emergency appropriations for fiscal year 2008 for the Commodity Futures Trading Commission in an amount that is sufficient—

(1) to help restore public confidence in energy commodities markets and Federal oversight of those markets;

(2) to potentially impose limits on excessive speculation that is increasing the price of oil, gasoline, diesel, and other energy commodities;

(3) to significantly improve the information technology capabilities of the Commission to help the Commission effectively regulate the energy futures markets; and

(4) to fund at least 100 new full-time positions at the Commission to oversee energy commodity market speculation and to enforce the Commodity Exchange Act (7 U.S.C. 1 et seq.).

SEC. 3. ADDITIONAL COMMISSION EMPLOYEES FOR IMPROVED ENFORCEMENT.

Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

"(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of enactment of this subparagraph, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of enactment of this subparagraph)—

"(i) to increase the public transparency of operations in energy futures markets;

"(ii) to improve the enforcement of this Act in those markets; and

"(iii) to carry out such other duties as are prescribed by the Commission.".

SEC. 4. INSPECTOR GENERAL.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) is amended by adding at the end the following:

"(13) INSPECTOR GENERAL.—

"(A) OFFICE.—There shall be in the Commission, as an independent office, an Office of the Inspector General.

"(B) APPOINTMENT.—The Office shall be headed by an Inspector General, appointed in accordance with the Inspector General Act of 1978 (5 U.S.C. App.).

"(C) COMPENSATION.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(D) ADMINISTRATION.—The Inspector General shall exert independent control of the budget allocations, expenditures, and staffing levels, personnel decisions and processes, procurement, and other administrative and management functions of the Office.".

SEC. 5. STUDY OF INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(b) ANALYSIS.—The study shall include an analysis of, at a minimum—

(1) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement;

(2) agreements and practices for sharing market and trading data;

(3) the use of position limits or thresholds to detect and prevent price manipulation, excessive speculation, or other unfair trading practices;

(4) practices regarding the identification of commercial and noncommercial trading and the extent of market speculation; and

(5) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report that—

(1) describes the results of the study; and

(2) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market in a manner that protects consumers in the United States from the effects of excessive speculation and energy price volatility.

SEC. 6. SPECULATIVE LIMITS AND TRANSPARENCY FOR OFF-SHORE OIL TRADING.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

"(e) FOREIGN BOARDS OF TRADE.—

"(1) IN GENERAL.—In the case of any foreign board of trade for which the Commission has granted or is considering an application to grant a board of trade located outside of the United States relief from the requirement of subsection (a) to become a designated contract market, derivatives transaction execution facility, or other registered entity, with respect to an energy commodity that is physically delivered in the United States, prior to continuing to or initially granting the relief, the Commission shall determine that the foreign board of trade—

"(A) applies comparable principles or requirements regarding the daily publication of trading information and position limits or accountability levels for speculators as apply to a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States; and

"(B) provides such information to the Commission regarding the extent of speculative and nonspeculative trading in the energy commodity that is comparable to the information the Commission determines necessary to publish a Commitment of Traders report for a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States.

"(2) EXISTING FOREIGN BOARDS OF TRADE.—During the period beginning 1 year after the date of enactment of this subsection and ending 18 months after the date of enactment of this subsection, the Commission shall determine whether to continue to grant relief in accordance with paragraph (1) to any foreign board of trade for which the Commission granted relief prior to the date of enactment of this subsection.".

SEC. 7. COMMISSION AUTHORITY OVER TRADERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 6) is amended by adding at the end the following:

"(f) COMMISSION AUTHORITY OVER TRADERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section or any determination made by the Commission to grant relief from the requirements of subsection (a) to become a designated contract market, derivatives transaction execution facility, or other registered entity, in the case of a person located within the United States, or otherwise subject to the jurisdiction of the Commission, trading on a foreign board of trade, exchange, or market located outside the United States (including the territories and or possessions of the United States), the Commission shall have authority under this Act—

"(A) to apply and enforce section 9, including provisions relating to manipulation or attempted manipulation, the making of false statements, and willful violations of this Act;

"(B) to require or direct the person to limit, reduce, or liquidate any position to prevent or reduce the threat of price manipulation, excessive speculation, price distortion, or disruption of delivery or the cash settlement process; and

"(C) to apply such recordkeeping requirements as the Commission determines are necessary.

"(2) CONSULTATION.—Prior to the issuance of any order under paragraph (1) to reduce a position on a foreign board of trade, exchange, or market located outside the United States (including the territories and possessions of the United States), the Commission shall consult with the foreign board of trade, exchange, or market and the appropriate regulatory authority.

"(3) ADMINISTRATION.—Nothing in this subsection limits any of the otherwise applicable authorities of the Commission.".

SEC. 8. INDEX TRADERS AND SWAP DEALERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 7) is amended by adding at the end the following:

"(g) INDEX TRADERS AND SWAP DEALERS.—Not later than 60 days after the date of enactment of this subsection, the Commission shall—

"(1) routinely require detailed reporting from index traders and swap dealers in markets under the jurisdiction of the Commission;

"(2) reclassify the types of traders for regulatory and reporting purposes to distinguish between index traders and swaps dealers; and

"(3) review the trading practices for index traders in markets under the jurisdiction of the Commission—

"(A) to ensure that index trading is not adversely impacting the price discovery process; and

"(B) to determine whether different practices or regulations should be implemented.".

SEC. 9. DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) (as amended by section 8) is amended by adding at the end the following:

"(h) DISAGGREGATION OF INDEX FUNDS AND DATA IN ENERGY MARKETS.—The Commission shall disaggregate and make public monthly—

"(1) the number of positions and total value of index funds and other passive, long-only positions in energy markets; and

"(2) data on speculative positions relative to bona fide physical hedgers in those markets.".

By Mrs. FEINSTEIN (for herself and Mr. STEVENS):

S. 3131. A bill to amend the Commodity Exchange Act to ensure the application of speculation limits to speculators in energy markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise to introduce The Oil Speculation Control Act, a bill to reduce the impact of excessive speculation in the oil markets.

The legislation is cosponsored by Senator TED STEVENS.

Last week the price of oil hit $138 per barrel. A commodity that used to be priced at $11 a barrel is now swinging $11 in a single day. Yesterday it jumped $5—supposedly in response to a single Department of Energy report.

Gasoline prices now average more than $4.50 in California. Some gas stations have to charge by the half gallon. Their pumps cannot calculate in prices this high.

There seems to be no relief in sight for consumers as we enter the summer travel season.

In the Farm Bill Congress finally closed the "Enron Loophole," and placed all major electronic trades that could drive energy prices under the watchful eye of the Commodity Futures Trading commission, CFTC.

Today I and Senator LEVIN introduced the Close the London Loophole Act to close another loophole. This bill would bring oversight to American energy commodities being traded beyond our borders.

I also joined Senator DURBIN in calling for the President to add 100 I enforcement professionals to the ranks of the CFTC.

However, these steps are not enough.

I believe we must do more to reduce the excessive speculation of institutional investors in oil markets.

So today I am introducing the Oil Speculation Control Act.

Let me explain what this bill would do.

First, it requires CFTC to review the trading practices of institutional investors and their dealers within 30 days:

It ensures that their trading is not adversely impacting the market price.

It determines whether different regulations are necessary:

It proposes to Congress regulations and legislation necessary to prevent the dramatic increase of fuel costs in the futures markets.

Second, the bill establishes reporting requirements. It requires institutional investors, such as pension funds or endowments, to report their energy market positions to the CFTC, even when trades are executed by a third party broker.

To further increase transparency, it would force CFTC regulations and reports to begin distinguishing between the institutional investors and the "swaps dealers" or "index traders" who broker their trades.

Third, the bill would force CFTC to limit institutional investor and index trader positions, as CFTC limits the positions of more traditional market speculators.

Fourth, it prevents CFTC from considering the positions of institutional investors or their brokers to be "bone fide hedges" that would be exempt from speculative position limits.

Finally, it requires that the Office of the CFTC's Inspector General be removed from the CFTC Chairman's Office and established as an independent office.

This bill is necessary because I believe that speculation in oil futures by large institutional investors and index funds is inflating the price of oil.

The unconstrained and overwhelming entrance of these new commodity investors, who have bet more than 99 percent of their funds on prices rising, must be controlled.

Recent testimony before numerous Congressional Committees indicates that between 2000 and 2002, major institutional investors began to view commodity futures markets as a new "asset class" suitable to be used in large financial portfolios. Since 2000, investment fund managers have come to believe that investing in commodities balances a stock portfolio.

As Daniel Yergin, one of the Nation's leading energy market experts put it: "Oil has become the 'new gold'—a financial asset in which investors seek refuge as inflation rises and the dollar weakens."

Never before have so many institutional investors made large scale investments in commodity markets, but from 2003 to 2008, investments in commodity index funds rose from $13 billion to $260 billion.

The implications for consumers of this shift are potentially devastating. Unlike gold, energy and agricultural commodities meet essential needs in the everyday lives of average Americans, and the potential risk that investment strategies will push the price of these goods higher during economic downturns presents a threat to the public welfare. I do not believe this is in the best interest of the American public.

Under the Commodity Exchange Act, the CFTC must impose speculation limits on the size of energy trader positions. Crude oil speculative positions are limited to a total of 20 million barrels of oil and 3 million barrels of oil in the last three days of a contract.

However, it is CFTC's practice to exempt institutional investors from such limits when investors execute their trades through brokers or dealers.

This is a mistake.

They are not hedging against the risk of changing oil prices, as airlines or utilities frequently must do.

They never take delivery of the product.

They participate in the oil markets only on paper.

This bill will assure that the existing speculation limit powers will constrain the market distortion resulting from this massive influx of capital. It will ensure a regulatory system that limits the size and influence of institutional investor positions in energy markets.

Even CFTC has realized that its policy may be mistaken.

Last month it announced that it will review the trading practices for index traders in the futures markets to ensure that this type of trading activity is not adversely impacting the price discovery process. They also plan to determine whether different practices should be employed.

Today's markets evolve quickly, and we need to make sure our market oversight responds just as quickly.

We now know that over the last few years a whole new kind of investor has entered oil markets. Institutional investors only bet that the price will go up. No matter how high the price goes, they pour into the market to push it higher.

We have ways to control this. We have speculation limits. But we are not using them. I am introducing this bill to make sure we use the tools we have.

As the markets continue to evolve, so must our regulation. I believe the Oil Speculation Control Act takes this step, and I encourage my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Speculation Control Act of 2008".

SEC. 2. DEFINITION OF INSTITUTIONAL INVESTOR.

(a) Definition.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (22) through (34) as paragraphs (23) through (35), respectively; and

(2) by inserting after paragraph (21) the following:

"(22) Institutional investor.—The term 'institutional investor' means a long-term investor in financial markets (including pension funds, endowments, and foundations) that—

"(A) invests in energy commodities as an asset class in a portfolio of financial investments; and

"(B) does not take or make physical delivery of energy commodities on a frequent basis, as determined by the Commission.".

(b) Conforming Amendments.—

(1) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking "section 1a(32)" and inserting "section 1a".

(2) Section 402(d)(1)(B) of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27(d)(1)(B)) is amended by striking "section 1a(33)" and inserting "section 1a".

SEC. 3. INSPECTOR GENERAL.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) is amended by adding at the end the following:

"(13) Inspector general.—

"(A) Office.—There shall be in the Commission, as an independent office, an Office of the Inspector General.

"(B) Appointment.—The Office shall be headed by an Inspector General, appointed in accordance with the Inspector General Act of 1978 (5 U.S.C. App.).

"(C) Compensation.—The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(D) Administration.—The Inspector General shall exert independent control of the budget allocations, expenditures, and staffing levels, personnel decisions and processes, procurement, and other administrative and management functions of the Office.".

SEC. 4. TRADING PRACTICES REVIEW WITH RESPECT TO INDEX TRADERS, SWAP DEALERS, AND INSTITUTIONAL INVESTORS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

"(e) Trading Practices Review With Respect to Index Traders, Swap Dealers, and Institutional Investors.—

"(1) Review.—

"(A) In general.—Not later than 30 days after the date of enactment of this subsection, the Commission shall carry out a review of the trading practices of index traders, swap dealers, and institutional investors in markets under the jurisdiction of the Commission—

"(i) to ensure that index trading is not adversely impacting the price discovery process;

"(ii) to determine whether different practices or regulations should be implemented; and

"(iii) to gather data for use in proposing regulations to limit the size and influence of institutional investor positions in commodity markets.

"(B) Emergency authority.—For the 60-day period described in subparagraph (A), in accordance with each applicable rule adopted under section 5(d)(6), the Commission shall exercise the emergency authority of the Commission to prevent institutional investors from increasing the positions of the institutional investors in—

"(i) energy commodity futures; and

"(ii) commodity future index funds.

"(2) Report.—Not later than 30 days after the date described in paragraph (1)(A), the Commission shall submit to the appropriate committees of Congress a report that contains recommendations for such legislation as the Commission determines to be necessary to limit the size and influence of institutional investor positions in commodity markets.".

SEC. 5. BONA FIDE HEDGING TRANSACTIONS OR POSITIONS.

Section 4a(c) of the Commodity Exchange Act (7 U.S.C. 6a(c)) is amended by striking "(c) No rule" and inserting the following:

"(c) Bona Fide Hedging Transactions or Positions.—

"(1) Definition of bona fide hedging transaction or position.—The term 'bona fide hedging transaction or position' means a transaction or position that represents a hedge against price risk exposure relating to physical transactions involving an energy commodity.

"(2) Application with respect to bona fide hedging transactions or positions.—No rule".

SEC. 6. SPECULATION LIMITS RELATING TO SPECULATORS IN ENERGY MARKETS.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended by adding at the end the following:

"(f) Speculation Limits Relating to Speculators in Energy Markets.—

"(1) Definition of speculator.—In this subsection, the term 'speculator' includes any institutional investor or investor of an investment fund that holds a position through an intermediary broker or dealer.

"(2) Enforcement of speculation limits.—The Commission shall enforce speculation limits with respect to speculators in energy markets.".

SEC. 7. LARGE TRADER REPORTING WITH RESPECT TO INDEX TRADERS, SWAP DEALERS, AND INSTITUTIONAL INVESTORS.

Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended by adding at the end the following:

"(g) Large Trader Reporting With Respect to Index Traders, Swap Dealers, and Institutional Investors.—

"(1) In general.—Each recordkeeping and reporting requirement under this section relating to large trader transactions and positions shall apply to index traders, swaps dealers, and institutional investors in markets under the jurisdiction of the Commission.

"(2) Promulgation of regulations.—As soon as practicable after the date of enactment of this subsection, the Commission shall promulgate regulations to establish separate classifications for index traders, swaps dealers, and institutional investors—

"(A) to enforce the recordkeeping and reporting requirements described in paragraph (1); and

"(B) to enforce position limits and position accountability levels with respect to energy commodities under section 4a(f).".

SEC. 8. INSTITUTIONAL INVESTOR SPECULATION LIMITS.

(a) Core Principles Applicable to Significant Price Discovery Contracts.—Section 2(h)(7)(C)(ii)(IV) of the Commodity Exchange Act (7 U.S.C. 2(h)(7)(C)(ii)(IV)) is amended by inserting after "speculators" the following: "(including institutional investors that do not take delivery of energy commodities and that hold positions in energy commodities through swaps dealers or other third parties)".

(b) Core Principles for Contract Markets.—Section 5(d)(5) of the Commodity Exchange Act (7 U.S.C. 7(d)(5)) is amended by inserting after "speculators" the following: "(including institutional investors that do not take delivery of energy commodities and that hold positions in energy commodities through swaps dealers or other third parties)".

By Mr. DODD (for himself, Mr. Durbin, and Mr. Menendez):

S. 3133. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of the fee for energy efficiency and renewable energy projects, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, I rise today to introduce the Responsible Ownership of Public Land Act. I thank my friends Congressmen RAHM EMANUEL, ED MARKEY, MAURICE HINCHEY, and NICK RAHALL for their leadership on this issue in the other chamber. With the issue of oil and gas prices at the forefront of our national consciousness, this bill is timely and critically needed.

As gas prices across the Nation soar to shocking, unprecedented levels, we can all agree that the time has come to end our dependence on oil. But that can't happen unless we also commit to something the Bush administration and its allies in Congress have refused to:

End our dependence on the oil companies—on letting them hold the American people and economy hostage to rising prices that have no end in sight.

In my home State of Connecticut, a gallon of regular unleaded gasoline today reached $4.36. That is an increase of 41 cents from just a month ago—and $1.12 from only a year ago. For reasons that economists seem at a loss to explain, my State today has the second-highest gas prices in the Nation. It seems that every single day we turn on the television or open a newspaper, we hear about new records being set for the price of a barrel of oil or how much people are paying at the pump.

The rising price of gas only begins at the pump. It is also causing prices to rise at the grocery store and elsewhere. Wherever they go, families are feeling economic pressure like never before—finding themselves forced to make difficult decisions and cut down on spending in other areas simply so they can afford to commute to work or take their kids to school. Too often they are forced to choose between food, gas, utilities, and lifesaving medications.

In my view there are many things we need to do to address this pressing issue. In the long term we need to develop clean, renewable energy sources that will alleviate our dependence on foreign oil that often comes from unstable, hostile regimes and create new green jobs here at home. But in the short term, we need to take steps to help out families who are hurting and angry and need relief.

One idea we hear time and again from President Bush and his Republican allies is that the answer to our energy problems is to open up environmentally fragile areas of the Arctic National Wildlife Refuge to more drilling. In response, I would point out that there are already 44 million offshore acres that have been leased by oil companies, who have only put 10.5 million of those acres into production. Of the 47.5 million onshore acres under lease for oil and gas production, only 13 million are in production.

Combined, oil and gas companies hold leases to 68 million acres of Federal land and waters that they are not producing any oil and gas on. This is compared to the 1.5 million acres that make up ANWR that proponents of drilling there would like to see opened up. Instead of putting pristine wilderness in grave peril, these companies should first be producing on acres already under lease. The vast majority of oil and natural gas resources on Federal land are already open for drilling and are not being tapped, and the oil and gas resources available in the unused land under lease far outstrips what is available in ANWR and other areas closed to drilling.

Therefore, I am offering this legislation as a solution to this problem—a production incentive fee for acres under lease that are not in production. This fee would rise with the number of years the land has been under lease but not used. The revenue raised by these fees could be used to fund the development of clean, renewable energy, energy efficiency, and programs such as LIHEAP that help families struggling with sky-high energy prices.

Over the last 8 years, President Bush, Vice President CHENEY and their allies in this body have done all they can to block any progress toward energy independence. They have belittled and undermined policies and technologies that, had they been adopted, would have helped consumers avoid the deplorable situation they find themselves in today.

As a result, American families are now at the mercy of foreign dictators, market speculators, and big oil companies reaping enormous profits—the largest profits in corporate history.

As a result, every time the price of a gallon of gas reaches a new record, Americans are the ones paying the price of this administration's inaction.

It is time to end our dependence on the oil companies. This bill would start that process by saying the time has come to put the American people first.

It is my hope that with the introduction of the Responsible Ownership of Public Land Act, we can begin again to work toward delivering the kind of change American families are desperate for. I ask that my colleagues join me in supporting this commonsense effort to responsibly address the Nation's desperate energy needs.

By Mr. NELSON of Florida:

S. 3134. A bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. NELSON of Florida. Mr. President, many experts have concluded that the skyrocketing price of oil reflects not just the realities of supply and demand but also the influence of speculators and futures traders. Many of these speculators work for funds and investment banks with no actual inventory of oil, and thus no business need to hedge against an increase in the price of oil. Put simply, they enter the energy futures market to make a profit by gambling on the price per barrel.

Last month, with passage of the Farm Bill, the Congress finally succeeded in bringing a measure of oversight and transparency to this market, requiring the Commodities Future Trading Commission, CFTC, to review all contracts to determine which ones should be regulated as though traded on a major public exchange.

While this was a step in the right direction, and the result of much thoughtful discussion and debate, it could be improved upon and strengthened. I am basing this on testimony heard by the Commerce Committee on June 3 from Michael Greenberger, former director of CFTC's Division of Trading and Markets. Mr. Greenberger has emerged as a leading expert on the current state of our Nation's energy markets.

In light of these developments and to add to the growing debate about how to protect consumers and our economy from rampant speculation, I'm now introducing a bill to shut down the unregulated oil futures markets created by the now-infamous "Enron loophole." It also removes energy from the list of exempt commodities; requires energy to be traded on a regulated market, and creates a new definition of what constitutes an energy commodity.

As the Senate continues to debate and ultimately consider proposals related to energy market speculation, the influence of large investors, regulated and unregulated exchanges, I would ask that my colleagues also consider the ideas put forward in this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGULATION OF ENERGY COMMODITIES.

(a) DEFINITIONS.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively;

(2) by inserting after paragraph (12) the following:

"(13) ENERGY COMMODITY.—The term 'energy commodity' includes—

"(A) crude oil;

"(B) natural gas;

"(C) heating oil;

"(D) gasoline;

"(E) metals;

"(F) construction materials;

"(G) propane; and

"(H) other fuel oils."; and

(3) by striking paragraph (15) (as redesignated by paragraph (1)) and inserting the following:

"(15) EXEMPT COMMODITY.—The term 'exempt commodity' means a commodity that is not—

"(A) an agricultural commodity;

"(B) an energy commodity; or

"(C) an excluded commodity.".

(b) CURRENT AGRICULTURAL COMMODITIES.—Section 5(e)(1) of the Commodity Exchange Act (7 U.S.C. 7(e)(1)) is amended by striking "agricultural commodity enumerated in section 1a(4)" and inserting "agricultural commodity or an energy commodity".

(c) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking "section 1a(20)" and inserting "section 1a(21)"; and

(B) in subitem (BB), by striking "section 1a(20)" and inserting "section 1a(21)".

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking "section 1a(32)" and inserting "section 1a".

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking "section 1a(20)" and inserting "section 1a"; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking "section 1a(33)" and inserting "section 1a"; and

(ii) in paragraph (2)(D), by striking "section 1a(13)" and inserting "section 1a".

By Mr. NELSON of Florida:

S. 3135. A bill to amend the Outer Continental Shelf Lands Act to provide for the establishment of a production incentive fee for nonproducing leases; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, today I have introduced legislation which will impose a fee of no less than $5 per acre per year for Federal lands leased in the Outer Continental Shelf, specifically within the Gulf of Mexico.

It is my hope this legislation will improve the management of the nation's oil and gas leasing program, a program that has greatly expanded in recent years. Since the 1990s, the federal government has consistently encouraged the development of its oil and gas resources and drilling on federal lands has steadily increased during this time. The number of drilling permits issued for lands on and offshore has exploded in recent years, going from 3,802 five years ago to 7,561 in 2007.

Let me also share some statistics prepared by the House Resources Committee regarding offshore energy resources. On the Outer Continental Shelf, 82 percent of federal natural gas and 79 percent of Federal oil is located in areas that are currently open for leasing. Offshore, only 10.5 million of the 44 million leased acres are currently producing oil or gas.

It is simply, unfair, dishonest, and disingenuous to try to persuade the American people that all we need to do is drill. In fact, I have concerns the oil companies are hoarding a resource that belongs to the United States of America and sitting upon it until the price is right for them to drill. Before we open up more areas for leasing, we must first use what we have. That makes sense to me.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Outer Continental Shelf Production Incentive Fee Act".

SEC. 2. PRODUCTION INCENTIVE FEE.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(q) PRODUCTION INCENTIVE FEE.—

"(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish, by regulation, a fee for any nonproducing oil or gas leases on outer Continental Shelf land in the Gulf of Mexico that are in effect on the date of enactment of this subsection.

"(2) AMOUNT.—The amount of the fee established under paragraph (1) shall be at a rate established by the Secretary by regulation, but shall be not less than $5 per acre per year.

"(3) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect the fee established under paragraph (1) on an annual basis, in accordance with procedures established by the Secretary by regulation.

"(4) DISPOSITION.—Notwithstanding section 9, any amounts collected under paragraph (3) shall be—

"(A) available to the Secretary of the Interior for use in accordance with the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.); and

"(B) treated as offsetting receipts.".

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. BIDEN, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mrs. DOLE, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. ISAKSON, Mr. LEAHY, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. SMITH, Ms. SNOWE, Mr. SUNUNU, Mr. WHITEHOUSE, Mr. WYDEN, Mr. BINGAMAN, and Mr. BROWN):

S.J. Res. 41. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise to introduce the Burmese Freedom and Democracy Act. This legislation continues the sanctions that are already in place against the illegitimate ruling Burmese regime, the State Peace and Development Council, or SPDC.

Last month, the whole world got a close look at the SPDC's contempt for human life when a devastating cyclone hit Burma. No one can say with certainty what the full toll of death and destruction is from the storm—but we do know the junta greatly compounded matters through inaction and its utter disregard for the Burmese people.

The SPDC severely restricted the entry of relief workers into the country. Four U.S. Navy ships carrying much-needed supplies for the Burmese people were turned away time and again by the regime.

Estimates put as many as 135,000 people dead or missing after the cyclone hit on May 3, and many of those deaths must lie at the feet of the SPDC for its outrageous acts of criminal neglect.

These sanctions, if enacted, would make clear to the SPDC that the United States continues to stand squarely with the long-suffering people of Burma and against the morally bankrupt junta.

This bill is the same legislation the Senate has passed in prior years. If enacted, it would extend import sanctions for another year unless the regime takes a number of tangible steps toward democracy and reconciliation.

I and many others believe these sanctions should be tightened even further, but those efforts will be pursued at a later date in separate legislation.

I am joined, as always, by two colleagues who are both steadfast and longtime advocates for the freedom of the Burmese people: Senator DIANNE FEINSTEIN and Senator JOHN MCCAIN. I am proud to stand alongside these two friends in support of this important legislation.

Before I close I want to clarify one important point for my colleagues. This bill would in no way hinder or block America's continuing efforts to provide humanitarian aid to the people in Burma in the wake of the cyclone. This bill imposes sanctions on trade, not humanitarian aid.

America is a friend to the people of Burma. That is why we stand against Burma's tyrannical ruling regime. I hope my colleagues will continue to support this bill and continue to send that message to the SPDC.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 592—COMMENDING THE TENNESSEE VALLEY AUTHORITY ON ITS 75TH ANNIVERSARY

Mr. ALEXANDER (for himself, Mr. CORKER, Mr. COCHRAN, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 592

Whereas May 18, 2008, marks the 75th anniversary of the Tennessee Valley Authority;

Whereas the Tennessee Valley Authority was created by Congress in 1933 to improve navigation along the Tennessee River, reduce the risk of flood damage, provide electric power, and promote agricultural and industrial development in the region;

Whereas the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) was signed into law by President Franklin D. Roosevelt on May 18, 1933;

Whereas the Tennessee Valley Authority continues to serve the Tennessee Valley, providing reliable and affordable electricity, managing the Tennessee River system, and stimulating economic growth;

Whereas the Tennessee Valley Authority provides more electricity than any other public utility in the Nation and has competitive rates and reliable transmission;

Whereas the Tennessee Valley Authority is expanding its environmental policy to increase its renewable energy sources, improve energy efficiency, and provide clean energy in the Tennessee Valley region;

Whereas the Tennessee Valley Authority continues to reduce power plant emissions and is working to further improve air quality for the health of individuals in the Tennessee Valley region;

Whereas the Tennessee Valley Authority is a leader in the nuclear power industry, with multi-site nuclear power operations that provide approximately 30 percent of the Tennessee Valley Authority's power supply;

Whereas, as part of NuStart Energy Consortium, the Tennessee Valley Authority submitted one of the first combined operating license applications for a new nuclear power plant in 30 years;

Whereas the Tennessee Valley Authority's integrated management of the Tennessee River system provides a wide range of benefits that include providing electrical power, reducing floods, facilitating freight transportation, improving water quality and supply, enhancing recreation, and protecting public land;

Whereas the Tennessee Valley Authority builds business and community partnerships that foster economic prosperity, helping companies and communities attract investments that bring good jobs to the Tennessee Valley region and keep them there; and

Whereas the Tennessee Valley Authority no longer receives appropriations to help fund its activities in navigation, flood control, environmental research, and land management, because the Tennessee Valley Authority pays for all its activities through power sales and issuing bonds: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Tennessee Valley Authority on its 75th anniversary;

(2) recognizes the Tennessee Valley Authority for its long and proud history of service in the areas of energy, the environment, and economic development in a service area that includes 7 States;

(3) honors the accomplishments of the Board of Directors, retirees, staff, and supporters of the Tennessee Valley Authority who were instrumental during the Tennessee Valley Authority's first 75 years; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Chairman of the Board of the Tennessee Valley Authority, Bill Sansom, and the Chief Executive Officer of the Tennessee Valley Authority, Tom Kilgore, for appropriate display.

SENATE RESOLUTION 593—HONORING THE DETROIT RED WINGS ON WINNING THE 2008 NATIONAL HOCKEY LEAGUE STANLEY CUP CHAMPIONSHIP

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 593

Whereas, on June 4, 2008, the Detroit Red Wings defeated the Pittsburgh Penguins, 3 to 2 in game 6 of the National Hockey League Stanley Cup Finals;

Whereas that triumph marks the 11th Stanley Cup Championship in the history of the Red Wings, bringing the total number of Stanley Cup Championships won by the Red Wings to more than the number won by any other professional hockey team in the United States;

Whereas that triumph also marks the fourth Stanley Cup Championship for the Red Wings in 11 seasons, building on the team's reputation as one of the greatest dynasties in the history of the National Hockey League;

Whereas the championship win caps a historic season in which the Red Wings set a National Hockey League record for the most victories during the first half of the regular season (30-8-3), captured a seventh consecutive division title, earned a berth in the Stanley Cup playoffs for the 17th consecutive season, and won a sixth Presidents' Cup Trophy for the best regular season record in the National Hockey League;

Whereas, led by Captain Nicklas Lidstrom, the Red Wings, employing a combination of both youth and experience, became National Hockey League champions through pure grit and determination;

Whereas Nicklas Lidstrom, born in Västerås, Sweden, became the first European-born National Hockey League player to captain a Stanley Cup Championship team;

Whereas Henrik Zetterberg, through his hard work and skill on both ends of the ice, won the Conn Smythe Trophy for the most valuable player in the playoffs;

Whereas Nicklas Lidstrom, Kris Draper, Kirk Maltby, Tomas Holmstrom, and Darren McCarty have all been members of the team for the last 4 Stanley Cups won by the Red Wings, and Chris Osgood, Chris Chelios, and Brian Rafalski have each earned their third Stanley Cup Championship;

Whereas Marian and Mike Ilitch, the owners of the Red Wings and community leaders in Michigan, have once again returned Lord Stanley's Cup to the city of Detroit;

Whereas Red Wings head coach Mike Babcock, following in the footsteps of the great Scotty Bowman, has won his first Stanley Cup Championship;

Whereas the Red Wings, who have played in Detroit since 1926, continue to be prized and cherished by all Michiganders and Red Wing fans across the country;

Whereas, since 1952, Red Wings fans have continued the tradition of the "Legend of the Octopus", throwing octopi onto the ice, each of the 8 tentacles symbolizing the original 8 games needed to win the Stanley Cup;

Whereas Detroit, otherwise known as "Hockeytown, U.S.A.", is home to the most loyal fan base in the world;

Whereas the passion and support of all Red Wings fans have assisted the team through this long and difficult season, enabling the players to achieve the greatest prize in all of hockey, the Stanley Cup;

Whereas each Red Wings player made a valuable contribution to the team's success and will be remembered on the most illustrious sports trophy, the Stanley Cup; and

Whereas those Red Wings players are Chris Chelios, Dan Cleary, Pavel Datsyuk, Aaron Downey, Dallas Drake, Kris Draper, Jonathan Ericsson, Valtteri Filppula, Johan Franzen, Mark Hartigan, Dominik Hasek, Tomas Holmstrom, Jimmy Howard, Jiri Hudler, Tomas Kopecky, Niklas Kronwall, Brett Lebda, Nicklas Lidstrom, Andreas Lilja, Justin Abdelkader, Kirk Maltby, Darren McCarty, Derek Meech, Chris Osgood, Kyle Quincey, Brian Rafalski, Mikael Samuelsson, Mattias Ritola, Darren Helm, Jakub Kindl, Brad Stuart, and Henrik Zetterberg: Now, therefore, be it

Resolved, That the Senate congratulates the Detroit Red Wings on winning the 2008 National Hockey League Stanley Cup Championship.

SENATE RESOLUTION 594—DESIGNATING SEPTEMBER 2008 AS "TAY-SACHS AWARENESS MONTH"

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 594

Whereas Tay-Sachs disease is a rare, genetic disorder that causes destruction of nerve cells in the brain and spinal cord due to the poor functioning of an enzyme called beta-hexosaminidase A;

Whereas there is no proven treatment or cure for Tay-Sachs disease and the disease is always fatal in children;

Whereas the disorder was named after Warren Tay, an ophthalmologist from the United Kingdom, and Bernard Sachs, a neurologist from the United States, both of whom contributed to the discovery of the disease in 1881 and 1887, respectively;

Whereas Tay-Sachs disease often affects families with no prior history of the disease;

Whereas approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, 1 in 50 Irish Americans, and 1 in every 250 people are carriers of Tay-Sachs disease, which means approximately 1,200,000 Americans are carriers;

Whereas these unaffected carriers of the disease possess the recessive gene that can trigger the disease in future generations;

Whereas, if both parents of a child are carriers of Tay-Sachs disease, there is a 1 in 4 chance that the child will develop Tay-Sachs disease;

Whereas a simple and inexpensive blood test can determine if an individual is a carrier of Tay-Sachs disease, and all people in the United States, especially those citizens who are members of high-risk populations, should be screened; and

Whereas raising awareness of Tay-Sachs disease is the best way to fight this horrific disease: Now, therefore, be it

Resolved, That the Senate designates September 2008 as "Tay-Sachs Awareness Month".

SENATE CONCURRENT RESOLUTION 90—HONORING THE MEMBERS OF THE UNITED STATES AIR FORCE WHO WERE KILLED IN THE JUNE 25, 1996, TERRORIST BOMBING OF THE KHOBAR TOWERS UNITED STATES MILITARY HOUSING COMPOUND NEAR DHAHRAN, SAUDI ARABIA

Mr. MARTINEZ (for himself, Mr. BURR, Mr. WICKER, Mr. INHOFE, Mr. SUNUNU, Mr. NELSON of Florida, Mr. BAYH, and Mr. PRYOR) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 90

Whereas June 25, 2008, marks the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, on June 25, 1996;

Whereas 19 members of the United States Air Force were killed, more than 500 other citizens of the United States were injured, and 297 innocent citizens of Saudi Arabia or Bangladesh were killed or injured in the terrorist attack;

Whereas the 19 members of the United States Air Force killed while serving the United States were Captain Christopher J. Adams, Staff Sergeant Daniel B. Cafourek, Sergeant Millard D. Campbell, Senior Airman Earl F. Cartrette, Jr., Technical Sergeant Patrick P. Fennig, Captain Leland T. Haun, Master Sergeant Michael G. Heiser, Staff Sergeant Kevin J. Johnson, Staff Sergeant Ronald L. King, Master Sergeant Kendall K. Kitson, Jr., Airman First Class Christopher B. Lester, Airman First Class Brent E. Marthaler, Airman First Class Brian W. McVeigh, Airman First Class Peter J. Morgera, Technical Sergeant Thanh V. Nguyen, Airman First Class Joseph E. Rimkus, Senior Airman Jeremy A. Taylor, Airman First Class Justin R. Wood, and Airman First Class Joshua E. Woody;

Whereas the families of those brave members of the Air Force still mourn their loss;

Whereas 3 months after the terrorist bombing, on September 24, 1996, the House of Representatives agreed to House Concurrent Resolution 200, 104th Congress, honoring the victims of the terrorist bombing;

Whereas, on June 25, 2001, the fifth anniversary of the terrorist bombing, the House of Representatives agreed to House Concurrent Resolution 161, 107th Congress, which was concurred in by the Senate on July 12, 2002, further honoring the victims of the bombing;

Whereas, on December 11, 2001, the Senate agreed to Senate Concurrent Resolution 55, 107th Congress, also marking the fifth anniversary of the terrorist bombing and honoring the victims of the bombing;

Whereas, on June 27, 2005, the House of Representatives agreed to House Concurrent Resolution 188, 109th Congress, further honoring the victims of the terrorist bombing;

Whereas those guilty of carrying out the attack have yet to be brought to justice; and

Whereas terrorism remains a constant and ever-present threat around the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, on the occasion of the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, Congress—

(1) recognizes the service and sacrifice of the 19 members of the United States Air Force who died in the attack;

(2) calls upon the people of the United States to pause and pay tribute to those brave members of the Air Force;

(3) extends its continued sympathies to the families of those who died; and

(4) assures all members of the Armed Forces serving anywhere in the world that their well-being and interests will at all times be given the highest priority.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4980. Mr. NELSON of Florida (for himself, Mr. REID, Mr. JOHNSON, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3101, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; which was ordered to lie on the table.

SA 4981. Mr. REID (for himself, Mr. LEVIN, Mr. BROWN, Ms. STABENOW, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3101, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4980. Mr. NELSON of Florida (for himself, Mr. REID, Mr. JOHNSON, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3101, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCREASING THE MEDICARE CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS FOR STATES WITH A SHORTAGE OF RESIDENTS.

(a) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended—

(1) in clause (i), by inserting "clause (iii) and" after "subject to"; and

(2) by adding at the end the following new clause:

"(iii) INCREASE IN CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS FOR STATES WITH A SHORTAGE OF RESIDENTS.—

"(I) IN GENERAL.—For cost reporting periods beginning on or after the date that is 16 months after the date of the enactment of this clause, the Secretary shall increase the otherwise applicable limit on the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine determined under clause (i) with respect to a qualifying hospital in an eligible State by an amount determined appropriate by the Secretary. Such increase shall be phased-in over a period of 5 cost reporting periods beginning with the first cost reporting period in which the increase is applied under the previous sentence to the hospital. For each eligible State the aggregate number of such increases shall be—

"(aa) not less than 15; and

"(bb) not greater than the State resident cap increase.

"(II) QUALIFYING HOSPITAL.—In this clause, the term 'qualifying hospital' means a hospital located in an eligible State that the Secretary determines should receive an increase under this clause in the otherwise applicable limit on the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine.

"(III) ELIGIBLE STATE.—In this clause, the term 'eligible State' means a State for which the National median medical resident ratio exceeds the State medical resident ratio.

"(IV) STATE RESIDENT CAP INCREASE.—In this clause, the term 'State resident cap increase' means, with respect to a State, ¼ of the product of—

"(aa) the difference between the National median medical resident ratio and the State medical resident ratio; and

"(bb) the State population (as determined for purposes of subclause (VI)).

"(V) NATIONAL MEDIAN MEDICAL RESIDENT RATIO.—In this clause, the term 'National median medical resident ratio' means the median of all State medical resident ratios.

"(VI) STATE MEDICAL RESIDENT RATIO.—In this clause, the term 'State medical resident ratio' means, with respect to any State, the ratio of full-time equivalent residents in the State in approved medical residency training programs as of the date of the enactment of this clause to the population of the State as of such date, as determined by the Secretary.

"(VII) STATE.—In this clause, the term 'State' means a State and the District of Columbia.

"(VIII) CONSIDERATIONS IN DETERMINING RESIDENT CAP INCREASES.—In determining whether a hospital is a qualifying hospital, and how much of an increase in the resident cap a qualifying hospital shall receive under subclause (I), the Secretary shall take into consideration the demonstrated likelihood of the hospital filling resident positions that would be made available as a result of such increase within the first 3 cost reporting periods beginning on or after the date that is 16 months after the date of the enactment of this clause. The Secretary shall also take into consideration whether the new resident positions will be in primary care, preventive medicine, or geriatrics programs.".

(b) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

"(x) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.".

SA 4981. Mr. REID (for himself, Mr. LEVIN, Mr. BROWN, Ms. STABENOW, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3101, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TREATMENT OF CERTAIN CANCER HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(1) of the Social Security Act (42 U.S.C. 1395ww(d)(1)) is amended—

(1) in subparagraph (B)(v)—

(A) by striking "or" at the end of subclause (II); and

(B) by adding at the end the following:

"(IV) a hospital that is a nonprofit corporation, the sole member of which is affiliated with a university that has been the recipient of a cancer center support grant from the National Cancer Institute of the National Institutes of Health, and which sole member (or its predecessors or such university) was recognized as a comprehensive cancer center by the National Cancer Institute of the National Institutes of Health as of April 20, 1983, if the hospital's articles of incorporation specify that at least 50 percent of its total discharges have a principal finding of neoplastic disease (as defined in subparagraph (E)) and if, of December 31, 2005, the hospital was licensed for less than 150 acute care beds, or

"(V) a hospital (aa) that the Secretary has determined to be, at any time on or before December 31, 2011, a hospital involved extensively in treatment for, or research on, cancer, (bb) that is (as of the date of such determination) a free-standing facility, (cc)(aaa) for which the hospital's predecessor provider entity was University Hospitals of Cleveland with medicare provider number 36–0137, or (bbb) received the designation on June 10, 2003, as the official cancer institute of its State;";

(2) in subparagraph (B), by inserting after clause (v) the following new clause:

"(vi) a hospital that—

"(I) is located in a State that as of December 31, 2006, had only one center under section 414 of the Public Health Service Act that has been designated by the National Cancer Institute as a comprehensive center currently serving all 21 counties in the most densely populated State in the nation (U.S. Census estimate for 2005: 8,717,925 persons; 1,134.5 persons per square mile), serving more than 70,000 patient visits annually;

"(II) as of December 31, 2006, served as the teaching and clinical care, research and training hospital for the Center described in subclause (II), providing significant financial and operational support to such Center;

"(III) as of December 31, 2006, served as a core and essential element in such Center which conducts more than 130 clinical trial activities, national cooperative group studies, investigator-initiated and peer review studies and has received as of 2005 at least $93,000,000 in research grant awards;

"(IV) as of December 31, 2006, includes dedicated patient care units organized primarily for the treatment of and research on cancer with approximately 125 beds, 75 percent of which are dedicated to cancer patients, and contains a radiation oncology department as well as specialized emergency services for oncology patients; and

"(V) as of December 31, 2004, is identified as the focus of the Center's inpatient activities in the Center's application as a NCI-designated comprehensive cancer center and shares the NCI comprehensive cancer designation with the Center;"; and

(3) in subparagraph (E)—

(A) by striking "subclauses (II) and (III)" and inserting "subclauses (II), (III), and (IV)"; and

(B) by inserting "and subparagraph (B)(vi)" after "subparagraph (B)(v)".

(b) EFFECTIVE DATES; PAYMENTS.—

(1) APPLICATION TO COST REPORTING PERIODS.—

(A) Any classification by reason of section 1886(d)(1)(B)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(vi)), as inserted by subsection (a), shall apply to cost reporting periods beginning on or after January 1, 2006.

(B) The provisions of section 1886(d)(1)(B)(v)(IV) of the Social Security Act, as added by subsection (a), shall take effect on January 1, 2008.

(2) BASE TARGET AMOUNT.—Notwithstanding subsection (b)(3)(E) of section 1886 of the Social Security Act (42 U.S.C. 1395ww), in the case of a hospital described in subsection (d)(1)(B)(vi) of such section, as inserted by subsection (a)—

(A) the hospital shall be permitted to resubmit the 2006 Medicare 2552 cost report incorporating a cancer hospital sub-provider number and to apply the Medicare ratio-of-cost-to-charge settlement methodology for outpatient cancer services; and

(B) the hospital's target amount under subsection (b)(3)(E)(i) of such section for the first cost reporting period beginning on or after January 1, 2006, shall be the allowable operating costs of inpatient hospital services (referred to in subclause (I) of such subsection) for such first cost reporting period.

(3) DEADLINE FOR PAYMENTS.—Any payments owed to a hospital as a result of this subsection for periods occurring before the date of the enactment of this Act shall be made expeditiously, but in no event later than 1 year after such date of enactment.

(c) APPLICATION TO CERTAIN HOSPITALS.—

(1) INAPPLICABILITY OF CERTAIN REQUIREMENTS.—The provisions of section 412.22(e) of title 42, Code of Federal Regulations, shall not apply to a hospital described in section 1886(d)(1)(B)(v)(V) of the Social Security Act, as added by subsection (a).

(2) APPLICATION TO COST REPORTING PERIODS.—If the Secretary makes a determination that a hospital is described in section 1886(d)(1)(B)(v)(V) of the Social Security Act, as added by subsection (a), such determination shall apply as of the first cost reporting period beginning on or after the date of such determination.

(3) BASE PERIOD.—Notwithstanding the provisions of section 1886(b)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(E)) or any other provision of law, the base cost reporting period for purposes of determining the target amount for any hospital for which a determination described in paragraph (2) has been made shall be the first full 12-month cost reporting period beginning on or after the date of such determination.

(4) RULE.—A hospital described in subclause (V) of section 1886(b)(1)(B)(v) of the Social Security Act, as added by subsection (a), shall not qualify as a hospital described in such subclause for any cost reporting period in which less than 50 percent of its total discharges have a principal finding of neoplastic disease. With respect to the first cost reporting period for which a determination described in paragraph (2) has been made, the Secretary shall accept a self-certification by the hospital, which shall be applicable to such first cost reporting period, that the hospital intends to have total discharges during such first cost reporting period of which 50 percent or more have a principal finding of neoplastic disease.

* * *

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 12, 2008 at 10 a.m. to conduct a hearing entitled "Condition of Our Nation's Infrastructure: Perspectives From Mayors."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, June 12, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized meet during the session of the Senate on Thursday, June 12, 2008, at 2:15 p.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, June 12, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 12, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, June 12, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, June 12, 2008, at 2:30 p.m. to conduct a hearing entitled, "Addressing the U.S.-Pakistan Strategic Relationship."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, on behalf of Senator STEVENS, I ask unanimous consent that the privilege of the floor be granted to Rebecca Gilman, Jessica Kazmierczak, Kate Williams, and Kevin Simpson.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6049

Mr. DURBIN. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to H.R. 6049 occur on Monday, June 16, at 5:30 p.m., and that following morning business on Monday, the Senate resume the motion to proceed with all time until 5:30 p.m. equally divided and controlled between the leaders or their designees, with the 20 minutes immediately prior to the vote controlled between the majority and Republican leaders, with the majority leader controlling the final 10 minutes, and that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

75TH ANNIVERSARY OF THE TENNESSEE VALLEY AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 592, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 592) commending the Tennessee Valley Authority on its 75th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 592) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 592

Whereas May 18, 2008, marks the 75th anniversary of the Tennessee Valley Authority;

Whereas the Tennessee Valley Authority was created by Congress in 1933 to improve navigation along the Tennessee River, reduce the risk of flood damage, provide electric power, and promote agricultural and industrial development in the region;

Whereas the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) was signed into law by President Franklin D. Roosevelt on May 18, 1933;

Whereas the Tennessee Valley Authority continues to serve the Tennessee Valley, providing reliable and affordable electricity, managing the Tennessee River system, and stimulating economic growth;

Whereas the Tennessee Valley Authority provides more electricity than any other public utility in the Nation and has competitive rates and reliable transmission;

Whereas the Tennessee Valley Authority is expanding its environmental policy to increase its renewable energy sources, improve energy efficiency, and provide clean energy in the Tennessee Valley region;

Whereas the Tennessee Valley Authority continues to reduce power plant emissions and is working to further improve air quality for the health of individuals in the Tennessee Valley region;

Whereas the Tennessee Valley Authority is a leader in the nuclear power industry, with multi-site nuclear power operations that provide approximately 30 percent of the Tennessee Valley Authority's power supply;

Whereas, as part of NuStart Energy Consortium, the Tennessee Valley Authority submitted one of the first combined operating license applications for a new nuclear power plant in 30 years;

Whereas the Tennessee Valley Authority's integrated management of the Tennessee River system provides a wide range of benefits that include providing electrical power, reducing floods, facilitating freight transportation, improving water quality and supply, enhancing recreation, and protecting public land;

Whereas the Tennessee Valley Authority builds business and community partnerships that foster economic prosperity, helping companies and communities attract investments that bring good jobs to the Tennessee Valley region and keep them there; and

Whereas the Tennessee Valley Authority no longer receives appropriations to help fund its activities in navigation, flood control, environmental research, and land management, because the Tennessee Valley Authority pays for all its activities through power sales and issuing bonds: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Tennessee Valley Authority on its 75th anniversary;

(2) recognizes the Tennessee Valley Authority for its long and proud history of service in the areas of energy, the environment, and economic development in a service area that includes 7 States;

(3) honors the accomplishments of the Board of Directors, retirees, staff, and supporters of the Tennessee Valley Authority who were instrumental during the Tennessee Valley Authority's first 75 years; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Chairman of the Board of the Tennessee Valley Authority, Bill Sansom, and the Chief Executive Officer of the Tennessee Valley Authority, Tom Kilgore, for appropriate display.

HONORING THE DETROIT RED WINGS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 593, submitted earlier today by Senator LEVIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 593) honoring the Detroit Red Wings on winning the 2008 National Hockey League Stanley Cup Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I am delighted to submit this resolution today, along with my Michigan colleague, Senator STABENOW, congratulating the Detroit Red Wings on a hard-fought victory over the Pittsburgh Penguins in the 2008 Stanley Cup finals. Last Wednesday night, the Red Wings captured Lord Stanley's Cup for the fourth time in 11 years, marking the 11th Stanley Cup Championship in the Red Wings' storied 81-year history.

The 2008 Championship was secured through grit, and the strength of team work. As Kris Draper said after the series clinching win, "Once again, our resolve came through." This resolve, and the winning tradition that spans every level of the Red Wings organization, has been fostered over the years by the Ilitch family, whose commitment to winning championships and to the Detroit community are second to none.

The Red Wings season was defined by a physically dominating team that was able to control play at both ends of the ice. After winning three difficult playoff series on the road, the Red Wings followed up a heart-wrenching, triple-overtime loss at Joe Louis Arena in Detroit, with an equally epic 3–2 heart-stopping cup-clinching victory in Pittsburgh. Moments after cutting Detroit's lead in half with a power-play goal with just 1:27 remaining, Pittsburgh swiftly pushed the puck back deep into the Red Wings' zone. As time seemingly slowed, Red Wings fans tensely watched, hoping their team would be able to withstand this final onslaught. With the final seconds ticking away, a Pittsburgh player launched a backhander toward the goal, goalie Chris Osgood dove to the ice, stretching his pad to the post trying to block any rebound attempt. Another Penguin slapped at it, and almost unimaginably, the puck slithered all the way along the goal line, daring to throw the game into yet another overtime inferno. And with that, the horn sounded, giving Red Wings fans everywhere the sweet taste of victory. I immediately called my daughter Erica to share in her joy as a Red Wing fanatic. Knowing that for her, those last few seemed like an eternity.

This euphoria spilled out into the streets of Detroit last Friday, where over a million fans joined the Red Wings organization in celebration. Unfazed by the 92-degree heat, the Red Wings faithful flaunted their red and white, swelling with pride over victoriously navigating the difficult path to the cup.

Throughout the season, each member of the Red Wings organization worked tirelessly toward their ultimate goal to bring the Cup home to Hockeytown. The members of the 2008 Red Wings include Andrea Lilja, Kyle Quincey, Niklas Lidstrom, Justin Abdelkader, Dan Cleary, Pavel Datsyuk, Derek Meech, Dallas Drake, Kirk Maltby, Aaron Downey, Brett Lebda, Brad Stuart, Chris Chelios, Darren McCarty, Jiri Hudler, Brian Rafalski, Kris Draper, Mikael Samuelsson, Henrik Zetterberg, Mattias Ritola, Darren Helm, Mark Hartigan, Jakub Kindl, Valtteri Flippula, Jonathan Ericsson, Niklas Kronwall, Thomas Kopecky, Johan Franzen, Thomas Holmstrom, Chris Osgood, Jimmy Howard, Dominik Hasek, Head Coach Mike Babcock, and Assistant Coaches Paul McLean and Todd McLellan.

The Red Wings are one of the original six teams of the National Hockey League, and since their inception in 1926, have been a constant source of pride and inspiration for hockey fans throughout Michigan. The Red Wings have won the third most Stanley Cup Championships in the NHL, earning the distinction as one of the NHL's most successful franchises, and the most dominating over the past decade and a half. The Red Wings excellence, along with the undying love and support of the fans in Michigan and the enormous popularity of hockey in Michigan, make it clear why Detroit is widely known as Hockeytown, U.S.A.

Veterans such as Nicklas Lidstrom, Chris Chelios, Darren McCarty, Kris Draper and Kirk Maltby have remained integral figures on the ice and positive role models in the community for many years. Dearborn native Brian Rafalski, and Northern Michigan Alum Dallas Drake further deepen the team's Michigan roots. Drake returned this year to the team that drafted him and can now add a Stanley Cup championship to the one he earned as a member of the 1991 Northern Michigan University NCAA hockey championship team.

While this is first and foremost a team accomplishment, I would be remiss not to highlight a couple of individuals who contributed mightily to the team's overall success. Henrick Zetterberg, the Conn Smythe trophy winner, set a Red Wings playoff record with 27 points, including a remarkable six goal effort in the finals, the last of which proved to be the series clincher. In addition, Captain Nicklas Lidstrom, with his calm demeanor and unshakable nerve, became the first European born player to captain an NHL team to a Stanley Cup championship.

The Red Wings continue to set the standard for championship-caliber hockey and teamwork. From long-time members of the Red Wings organization, to veteran additions to the roster, to new, young talent that helped to energize the team, the 2008 team united and won in classic Red Wings fashion. In doing so, the Red Wings have once again taken hockey fans across the country on a tremendous journey.

Let the record reflect a symbolic gesture as if to throw an octopus onto the floor of the Senate. Go Wings! I know my colleagues join me in congratulating the players, owners, and fans of the Detroit Red Wings on capturing the Stanley Cup once again.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 593) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 593

Whereas, on June 4, 2008, the Detroit Red Wings defeated the Pittsburgh Penguins, 3 to 2 in game 6 of the National Hockey League Stanley Cup Finals;

Whereas that triumph marks the 11th Stanley Cup Championship in the history of the Red Wings, bringing the total number of Stanley Cup Championships won by the Red Wings to more than the number won by any other professional hockey team in the United States;

Whereas that triumph also marks the fourth Stanley Cup Championship for the Red Wings in 11 seasons, building on the team's reputation as one of the greatest dynasties in the history of the National Hockey League;

Whereas the championship win caps a historic season in which the Red Wings set a National Hockey League record for the most victories during the first half of the regular season (30–8–3), captured a seventh consecutive division title, earned a berth in the Stanley Cup playoffs for the 17th consecutive season, and won a sixth Presidents' Cup Trophy for the best regular season record in the National Hockey League;

Whereas, led by Captain Nicklas Lidstrom, the Red Wings, employing a combination of both youth and experience, became National Hockey League champions through pure grit and determination;

Whereas Nicklas Lidstrom, born in Västerås, Sweden, became the first European-born National Hockey League player to captain a Stanley Cup Championship team;

Whereas Henrik Zetterberg, through his hard work and skill on both ends of the ice, won the Conn Smythe Trophy for the most valuable player in the playoffs;

Whereas Nicklas Lidstrom, Kris Draper, Kirk Maltby, Tomas Holmstrom, and Darren McCarty have all been members of the team for the last 4 Stanley Cups won by the Red Wings, and Chris Osgood, Chris Chelios, and Brian Rafalski have each earned their third Stanley Cup Championship;

Whereas Marian and Mike Ilitch, the owners of the Red Wings and community leaders in Michigan, have once again returned Lord Stanley's Cup to the city of Detroit;

Whereas Red Wings head coach Mike Babcock, following in the footsteps of the great Scotty Bowman, has won his first Stanley Cup Championship;

Whereas the Red Wings, who have played in Detroit since 1926, continue to be prized and cherished by all Michiganders and Red Wing fans across the country;

Whereas, since 1952, Red Wings fans have continued the tradition of the "Legend of the Octopus," throwing octopi onto the ice, each of the 8 tentacles symbolizing the original 8 games needed to win the Stanley Cup;

Whereas Detroit, otherwise known as "Hockeytown, U.S.A.," is home to the most loyal fan base in the world;

Whereas the passion and support of all Red Wings fans have assisted the team through this long and difficult season, enabling the players to achieve the greatest prize in all of hockey, the Stanley Cup;

Whereas each Red Wings player made a valuable contribution to the team's success and will be remembered on the most illustrious sports trophy, the Stanley Cup; and

Whereas those Red Wings players are Chris Chelios, Dan Cleary, Pavel Datsyuk, Aaron Downey, Dallas Drake, Kris Draper, Jonathan Ericsson, Valtteri Filppula, Johan Franzen, Mark Hartigan, Dominik Hasek, Tomas Holmstrom, Jimmy Howard, Jiri Hudler, Tomas Kopecky, Niklas Kronwall, Brett Lebda, Nicklas Lidstrom, Andreas Lilja, Justin Abdelkader, Kirk Maltby, Darren McCarty, Derek Meech, Chris Osgood, Kyle Quincey, Brian Rafalski, Mikael Samuelsson, Mattias Ritola, Darren Helm, Jakub Kindl, Brad Stuart, and Henrik Zetterberg: Now, therefore, be it

Resolved, That the Senate congratulates the Detroit Red Wings on winning the 2008 National Hockey League Stanley Cup Championship.

CELEBRATING 50TH ANNIVERSARY OF MACKINAC ISLAND'S HISTORIC PRESERVATION AND MUSEUM PROGRAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 325 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 325) celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEVIN. Mr. President, I am pleased that the Senate is acting on the House Concurrent Resolution, H. Con. Res. 325, which was introduced by Congressman STUPAK and recognizes the celebration of the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program. This anniversary, which will take place on June 15, 2008, honors the work of the Commission to protect, preserve, and communicate the rich history and natural wonders of Mackinac Island.

Located in the heart of the Great Lakes, between Michigan's Upper and Lower Peninsulas, Mackinac Island is an important part of this Nation's history. In colonial years, the island provided strategic fur-trading posts for French, British, and American settlements. During the Civil War, Britain's Fort Mackinac was established on this island and the fort was also used during the War of 1812. In 1817, the village of Mackinac was incorporated and served as the seat for the territorial county of Michilimackinac, which covered much of what is now Michigan. It also functioned as the seat of Mackinac County from 1849 through 1882. The island was considered a sacred place to Native Americans and functioned as a tribal gathering place and burial site. Today, the island is a popular tourism destination where people can relax, enjoy nature, and learn about history.

Since its inception in 1895, the Mackinac Island State Park Commission has been actively engaged in a variety of restoration activities and has worked to interpret and communicate the multiple stories of this important island to millions of visitors. The Commission has participated in a number of initiatives, including archeological excavation, lighthouse restoration, and exhibit installation, to protect and manage the historic resources of the park.

The U.S. Congress recognized the significance of Mackinac when it established the Mackinac Island National Park in 1875, making it the Nation's second National Park after Yellowstone. In 1895, park ownership was transferred to the State of Michigan, creating Michigan's first State park. In 1958, the Mackinac Island State Park Commission established the Historical Preservation and Museum Program. This program has served as the primary caretaker and purveyor of the Island's considerable tale. I am pleased to extend my warmest congratulations to those individuals involved with this program who have painstakingly restored and preserved Mackinac Island for future generations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 325) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 5749

Mr. DURBIN. Mr. President, I understand H.R. 5749 has been received from the House and is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 5749) to provide for a program of emergency unemployment compensation.

Mr. DURBIN. Mr. President, I ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDER FOR MEASURE TO BE PLACED ON THE CALENDAR—H.R. 5749

Mr. DURBIN. Mr. President, notwithstanding an adjournment of the Senate on Friday, June 13, I ask unanimous consent that H.R. 5749 be considered to have received a second reading and objection made to further proceedings and the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 16, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, June 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, under a previous order, following morning business on Monday, the Senate will resume consideration of the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act. At 5:30 p.m., the Senate will proceed to a cloture vote on the motion to proceed to the bill.

ADJOURNMENT UNTIL MONDAY, JUNE 16, 2008, AT 2 P.M.

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Monday, June 16, 2008, at 2 p.m.

NOMINATIONS

Executive nomination received by the Senate:

FEDERAL ELECTION COMMISSION

MATTHEW S. PETERSEN, OF UTAH, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE HANS VON SPAKOVSKY.

EXTENSIONS OF REMARKS

HONORING MONROE BANK & TRUST ON THEIR ONE HUNDRED AND FIFTIETH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. DINGELL. Madam Speaker, I rise today to honor Monroe Bank & Trust as they celebrate their one hundred and fiftieth year serving the people in and around Monroe County, Michigan.

One hundred and fifty years ago, Monroe Bank & Trust derived its humble origins from the courage of two innovative entrepreneurs who recognized the need for a place where community residents could safely keep their savings while also entering into a financial partnership to help them prosper. Beginning in the rear of a dry goods store, the focus of founders Benjamin Dansard and Louis LaFountain never waivered. Through many economic periods of boom and bust, the American Civil War, two World Wars and the Great Depression, MB&T has not only endured, but flourished.

Mr. Dansard and Mr. LaFountain understood the needs of the largely farming area and from a small space in the Dansard General Store, took on a major role in the progress ahead. Sound financial management has led MB&T to become one of the largest community banks in the State of Michigan; however, the legacy of Dansard and LaFountain is more than just numbers. It is a story of courage and hard work and just as in the year 1858, today's team of professionals continues to provide service, convenience and the personal touch.

MB&T's contribution to the community goes far beyond the outstanding financial services they offer. Their charitable financial support of organizations such as the American Red Cross, United Way, Community Foundation of Monroe, the Guidance Center, the River Raisin Center for the Arts and many others exceeds $200,000 annually. Additionally, with over 80 percent employee participation, MB&T's "Employees Now Linked in Service Together" (ENLIST) program boasts over 120,000 man-hours of volunteer support provided over its 20-plus-year history to nonprofit organizations.

With great respect and admiration for this tremendous corporate citizen, I ask that you join me in recognizing the many contributions of Monroe Bank & Trust over the past 150 years.

RECOGNIZING EMERGENCY MANAGERS IN RUSH COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district devastated by the recent severe weather in Indiana.

I wish particularly to honor these outstanding individuals in Rush County: 1. Mike Ooley, Director, Emergency Management Agency; 2. Jeff Sherwood, Sheriff; 3. Brad Smith, CEO, Rush Memorial Hospital; 4. Merv Bostic, Mayor, Rushville.

These areas suffered greatly from tornadoes, heavy rains and flooding, creating a catastrophe that awaits a presidential response. But the catastrophe did not await the efforts of these individuals. And in response, they went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

I also commend Governor Mitch Daniels and the many State government authorities who have been so instrumental in leading the State through this crisis. I strongly support Indiana's three requests for Federal aid and renew my request to the President of the United States, the Federal Emergency Management Agency, and the U.S. Department of Agriculture to act promptly, make assessments, and declare an expedited major disaster for all 44 counties in the State of Indiana affected by the severe weather.

We need to speed the necessary relief to the families who have fallen victim to Mother Nature's fury and extend full Federal assistance to Hoosier families, businesses and farms to include direct assistance to individuals, Small Business Administration Disaster Loans and emergency assistance loans from the Farm Service Agency.

Madam Speaker, Hoosier families and communities are hurting and need to know that help is on the way. I urge this Administration and my colleagues to focus their attention on this urgent Midwestern need for emergency relief.

MAJOR CAESAR CITIVELLA HONORED WITH BULL SIMONS AWARD

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. YOUNG of Florida. Madam Speaker, I rise today to honor Retired Army MAJ Caesar J. Citivella, of St. Petersburg, Florida, for receiving the Bull Simons Award for a lifetime of Special Operations Forces achievements.

The Bull Simons Award is given to those who have made significant contributions and demonstrated steadfast support for Special Operations Forces. Recipients must hold the highest ethical standards and embody the spirit, values, and skills of a special operations warrior. Major Citivella has demonstrated all of these.

Starting in the Army, Major Citivella joined the Office of Strategic Services in 1943, where he parachuted behind enemy lines in France and Italy, earning him a Bronze Star as well as U.S. and foreign unit awards.

Next, Major Citivella served with the 82nd Airborne Division and was one of the first pioneers selected for the Special Forces Department at the Psychological Warfare Center and School, where he wrote doctrine, tactics, techniques, procedure, lesson plans, and taught the first Special Forces classes. He then joined the 77th Special Forces Group, before transferring to the 10th Special Forces Group, where he helped run escape and evasion, and unconventional warfare exercises in Bad Tölz, Germany.

In 1961 and '62 Major Citivella trained and organized irregular indigenous forces in South Vietnam. He retired from military service at Ft. Bragg on the 31st of August, 1964, joining the Central Intelligence Agency the next day.

Major Citivella completed two tours of duty in Vietnam with the CIA and received accolades for the valuable intelligence he provided on enemy intentions. In 1976 Major Citivella became the CIA liaison officer to the Pentagon for Special Operations. He provided key support for Operation Eagle Claw, America's military response to the Iran hostage crisis. Major Citivella retired from the CIA on August 31, 1983, and was awarded the CIA's Intelligence Medal of Merit.

Major Citivella continues to be involved in the Special Operations community as an active member of the OSS Society and the Special Forces Association.

Madam Speaker, Major Citivella represents the best our Nation has to offer. He continues to serve our Nation in and out of uniform to protect our freedom and liberty as he has for the past 65 years. Please join me in saying thank you to him for his actions and his lifetime of services.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. HOLT. Madam Speaker, I was unable to be present for votes on June 9 or 10. For the information of my constituents and my colleagues, I want the RECORD to reflect how I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

would have voted on the following votes I missed.

On rollcall 388, on H. Res. 1255 expressing support for designation of June 2008 as National Safety Month, I would have voted "yes."

On rollcall 389, on H. Res. 1243 expressing the immeasurable contributions of fathers in healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day, I would have voted "yes."

On rollcall 390, on H. Res. 127 recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State, I would have voted "yes."

On rollcall 391, ordering the previous question on H. Res. 1253, I would have voted "yes."

On rollcall 392, on agreeing to H. Res. 1253 the rule providing for consideration of the Passenger Rail Investment and Improvement Act for 2008, H.R. 6003, I would have voted "yes."

On rollcall 393, on H.R. 6028 the Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act, I would have voted "yes."

On rollcall 394, on H. Res. 1063 marking the 225th anniversary of the treaty of Paris of 1783, which ended the Revolutionary War, I would have voted "yes."

On rollcall 395, on H. Con. Res. 318 supporting the goals and ideals of the International Year of Sanitation, I would have voted "yes."

On rollcall 396, on H. Con Res. 336 honoring the sacrifices and contributions made by disabled American veterans, I would have voted "yes."

HONORING THE 50TH ANNIVERSARY OF EDWARDS LIFESCIENCES CORPORATION

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. CAMPBELL of California. Madam Speaker, I rise to congratulate Edwards Lifesciences Corporation on their 50th anniversary. Edwards Lifesciences is a leader in cardiovascular disease treatments and I am proud to recognize them on this occasion.

Edwards Lifesciences Corporation traces its roots back to 1958, when Miles "Lowell" Edwards set out to build the first artificial heart. Throughout its 50-year history, the company has continued its legacy of heart valve innovation. Today, the company's line of tissue heart valves, provided under the Carpentier-Edwards brand name, have become the choice of surgeons worldwide due to their durability, performance and positive quality-of-life benefits for patients, making Edwards Lifesciences the world's number-one heart valve company.

From its success in replacement valve therapies, Edwards Lifesciences applied this experience to developing products for heart valve repair. Today, the company is one of the world's leading manufacturers of products for the surgical repair procedure—called annuloplasty—and its Carpentier-Edwards and Cosgrove-Edwards annuloplasty products are among the most sought-after by surgeons around the globe.

In addition to its heart valve therapies, the Edwards organization is credited with pioneering many other medical innovations, including the Swan-Ganz catheter, the first technology ever used for hemodynamic monitoring of critically ill patients, and the Fogarty line of embolectomy catheters, the first catheter-based technologies used to remove blood clots from the arms and legs.

In 2004, the Edwards Lifesciences Fund was established out of the company's commitment to strengthen its communities and to support advancements in cardiovascular disease awareness and knowledge. The fund has already awarded approximately $5 million in grants to 115 charitable organizations.

I am pleased the original vision of Lowell Edwards continues today. Edwards Lifesciences is a global company with revenues exceeding $1 billion and 5,600 employees strong, all dedicated to furthering Lowell Edwards' original vision to help clinicians, patients and their families work together as a united community fighting cardiovascular disease.

Madam Speaker I would like to congratulate Edwards Lifesciences on their 50 years.

TRIBUTE TO PETER B. RAMOS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BACA. Madam Speaker, I stand here today to honor a dedicated civic leader, loyal friend, loving father and husband, adoring grandfather and doting great-grandfather—Peter B. Ramos.

Born in El Paso, Texas, Pete moved to San Bernardino, California where he grew up to become a longstanding member of the community, including his participation at San Salvador Church in Colton and Sacred Heart Church in Palm Dessert.

After graduating from San Bernardino High School in 1955, Pete proudly served in the U.S. Army and was stationed in Germany until 1958. Returning to San Bernardino, Pete was hired by the San Bernardino Unified School District, remaining a devoted employee for thirty years.

In 1973, Pete was an instrumental founding member of the GENTS Organization, a community-based association whose purpose is directed at helping today's youth become tomorrow's leaders. The leadership of Pete within the GENTS Organization has contributed to it's successful fundraising events, generating thousands of dollars in scholarships, donations to charitable organizations and the sponsorship of sports activities for the youth.

In addition to his service to the San Bernardino Unified School District, Pete was also a part-time employee of the San Bernardino Golf Club. An avid golf player, his fervent passion for both the sport and the community was demonstrated by all of the golf clubs he helped establish. These include the Gents Golf Association, San Bernardino County Twilight Golf League, Golf Buddies, Colton Golf Club, and San Bernardino Golf Club.

Pete was an empowering leader within the San Bernardino community, an excellent role model who set his sights on helping others have a better life. He lived by example, saying to me, "Joe, you can change life and attitudes by believing and giving others a chance."

Having always enjoyed his company on the green, he was also a strong supporter of my political endeavors. More then anything, Pete was a true friend to my family and I, especially in his great support of my sons, City Councilman Joe Baca Jr. and Jeremy Baca.

Pete is survived by his wife of 49 years, Helen Ramos, former City Councilwoman, whom he deeply loved. Pete is also survived by his daughter, Roseanne Reyes; his son, Armando; grandchildren, Raylene Soto, Leandra Soto, Bree Reyes, Michael Reyes; great-grandchild, Noelle Tavie; his sisters, Connie Hernandez, Lucy Zamora; brothers, Louis, Daniel, Joe; and many nieces, nephews and godchildren.

Let us take a moment to remember this great man and his admirable dedication to instilling positive change and leading an exemplary life, one in whose footsteps we all hope to follow. The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

God Bless Pete Ramos for love of country and mankind.

IN RECOGNITION OF SAN MATEO CITY MANAGER ARNE CROCE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. SPEIER. Madam Speaker, I rise to express my deep appreciation and gratitude for the exemplary service to the City of San Mateo by Arne Croce, who is retiring as City Manager after 18 exemplary years.

Arne Croce has consistently impressed all who worked with him in his role as City Manager. During his tenure and through his efforts, San Mateo has continued to evolve and advance. In recent years, the city has added a new train station, state-of-the-art downtown movie theater, a fully-interactive new library, and will soon cut the ribbon on a true 21st century police station. Arne also oversees a program that provides scholarships to students pursuing studies in local government. His unceasing dedication to finding fresh, innovative ideas was a powerful force in keeping San Mateo solvent and thriving during economic hardships.

Madam Speaker, Arne Croce has served not only his city, but all of California as the dean of city managers. In this role he has been a bulldog when fighting for cities and a stellar role model for anyone considering a career in municipal government.

Arne is one of our best and brightest, a graduate of the University of California at Berkeley, where he earned his MBA by attending night school. He worked for the Legislative Analyst in Sacramento, the Sacramento

Area Council of Governments and the City of Visalia, where he held the positions of Solid Waste Manager, Director of Transportation and Deputy City Manager. In 1984, he became City Manager of Los Altos and in 1990, assumed the same job in San Mateo.

All who know Arne regret that he is leaving, especially me, but local government's loss is the world's gain. His passion for service and commitment to helping people is not retiring. Arne wants to help teach developing countries the finer points of local government and developing citizen participation. He also plans to relocate to a village in Tanzania to work on restoring the local ecosystem with a reforestation project.

Madam Speaker, it is this dedication, this drive to act and think both locally and globally, that has earned Arne Croce such widespread respect and admiration. He will be missed in San Mateo and throughout the 12th Congressional District. Even those who've never met Arne are forever in his debt.

HONORING MONSIGNOR JOHN BRENKLE OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Monsignor John Brenkle on the occasion of the 50th anniversary of his ordination. Monsignor Brenkle has been a pillar of the community in my hometown, St. Helena, California, for 25 years.

Monsignor Brenkle has had a long and distinguished career in the church. He attended St. Patrick's Seminary in Menlo Park, California, and was ordained on June 14, 1958 through the Archdiocese of San Francisco. He received his Doctorate in Canon Law from The Catholic University of America in 1962. He served as Chancellor of the Diocese in Santa Rosa until 1971, followed by two years of teaching in Zambia. He came to the Napa Valley in 1979 as Parish Administrator at Our Lady of Perpetual Health in Calistoga before being assigned as Pastor of St. Helena Catholic Church in 1983, where he has been ever since.

Monsignor Brenkle stands out in the larger Napa Valley community as an example of the best aspects of his faith. He serves on numerous local boards, including Catholic Charities, the Board of Directors of Justin-Siena High School, Catholic Community Foundation, Community Foundation of Napa Valley, California Human Development Corporation and the St. Helena Mayor's Multi-cultural Committee.

Monsignor Brenkle never fails to answer the call for the working poor and less fortunate in our community. He is a champion for Napa Valley farm workers and low-income individuals. He was a driving force to create a successful farm worker program for day laborers, and helped establish low income housing at three major sites in the Valley. Father Brenkle also founded a Hispanic Scholarship Program which has raised tens of thousands of dollars over the years. Father Brenkle continues to be a significant advocate for worker's rights and social justice, particularly in hospitals and vineyards throughout the region.

Madam Speaker and colleagues, it is my distinct pleasure to congratulate Monsignor John Brenkle for his 50 years of service to the Catholic Church and the people around him, and to thank him for his innumerable contributions to our community. I join all those whose lives he has touched in wishing him many more years of fulfillment.

IN TRIBUTE TO TENNYSON HIGH SCHOOL'S 50TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to the fiftieth Anniversary of Tennyson High School, located in Hayward, California. On June 7th, students, staff and alumni gathered at the school to celebrate this milestone anniversary.

"Be proud to be a Tennyson Lancer" is the message educators passed along to current students at Tennyson High. "Many former students take pride and have so much respect for their alma mater and we want that to transcend into today's student," activities director Monique Walton said in commemoration of the fiftieth anniversary.

Alumni were on hand for the event, which featured acknowledgements of the ten-, twenty-, thirty-, and forty-year reunions, recognition of sports championships and an alumni-versus-students skills competition.

Staff and former campus educators were also honored during the dedication ceremony for those who have made an impact on the school community. Norm Prince, a former football coach, and Victor Serrano, a former soccer coach who now serves as the school's technology coordinator, had the multi-use athletic field named after them.

Paula Banchero, who began her teaching career at Tennyson before becoming a longtime administrator, was also honored with the school's administrative hall being named Paula Banchero Way. Banchero spent nearly 40 years at Tennyson High School before being transferred to another school.

Teacher Dan Morrison, who helped organize the fiftieth anniversary celebration, hopes this celebratory event will help lay the groundwork for an alumni association. The goal of the alumni association is to assist Tennyson students in fundraising for sports programs, band, and other programs.

I extend my heartiest congratulations to all who have contributed to the success of Tennyson High School since its opening in 1958 and I send my best wishes to all who continue to work for the well being of Tennyson students.

41ST ANNIVERSARY OF LOVING v. VIRGINIA

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. SCOTT of Virginia. Madam Speaker, I rise today to commemorate a milestone in the struggle for equality and civil rights. On this day 41 years ago, the Supreme Court ruled that the United States would no longer allow race-based restrictions on marriage to deprive Americans of their rights. Today, on the anniversary of the Supreme Court's decision in Loving v. Virginia, we are once again reminded that America is a place of equality and freedom.

As an interracial couple, Mildred and Richard Loving challenged laws in effect in Virginia and 15 other states which prohibited interracial marriage. On June 12, 1967 the Supreme Court recognized the merits of Mr. and Mrs. Loving's claims and overturned all race-based restrictions on marriage.

The Court ruled unanimously that Virginia's prohibition against interracial marriage violated both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment. In its decision, the Court held that, "The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discrimination. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State."

On this day, I would like to celebrate the lives and audacity of both Mr. and Mrs. Loving, whose vision paved the way for a freer and more colorblind society in America. Richard Loving died in a car accident in 1975 and we lost Mildred Loving to pneumonia only last month. It is the courage and the spirit of the Lovings and others like them that continue to give us hope that Americans from all walks of life will be free from discrimination.

There have been recent efforts in Congress to strip the courts of jurisdiction by legislative means. This is ill-advisable and I hope the example of Loving v. Virginia serves as a reminder to us all that this is a precarious path. Should the Court have been stripped of jurisdiction to hear this case, as some have proposed for certain controversial issues, this landmark case would have never been possible. What was once highly controversial is now accepted as commonplace thanks to those judges who were, at the time, disparaged for being "activist judges". Today we are a better, stronger and fairer nation thanks to their jurisprudence.

I would also like to pay tribute to a colleague and friend who played an integral part in the Loving v. Virginia case. I had the honor of serving with Attorney Bernard S. Cohen in the Virginia House of Delegates for 3 years. As Mr. and Mrs. Loving's attorney, Mr. Cohen worked tirelessly for the protection of the Fourteenth Amendment, and I think it is appropriate to recognize him for all of his efforts and his commitment to civil rights.

Madam Speaker, I ask my colleagues to join with me in remembering this historic case, and urge our nation to keep in mind the equality and freedom for which the Court's decision stands.

RECOGNIZING LOUISE BOTZEK FOR EXTRAORDINARY SERVICE AT THE ST. CLOUD VA MEDICAL CENTER

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mrs. BACHMANN. Madam Speaker, I rise to honor one of my constituents, a true community servant, Ms. Louise Botzek.

Ms. Botzek has volunteered at the St. Cloud VA Medical Center for over 30 years, totaling more than 5,000 hours of service. As a wife and sister of men who served in our Nation's armed forces, Ms. Botzek has made it a priority to give her time to those who have fought to protect our Nation's freedom.

While at the VA Medical Center, Ms. Botzek plays card games with the patients and transports them to medical appointments and chapel services. Her dedication to service has made a difference in the lives of many treated at the Center. A simple task like taking someone outside to enjoy the weather makes a world of difference to these veterans.

Our Nation's heroes sacrificed their comforts and safety so that Americans can enjoy their continued freedoms. For their great efforts, veterans deserve much from the American people. It's efforts like those of Ms. Botzek that truly show our appreciation for these heroes.

Madam Speaker, it is my honor to recognize and congratulate Ms. Louise Botzek for her exemplary service to our Nation's heroes. The time that she has sacrificed to serve the military men and women of our great state of Minnesota will not be forgotten.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. ANDREWS. Madam Speaker, I was not present on June 4, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall 370, rollcall 371, rollcall 372, rollcall 373, rollcall 374, rollcall 375, rollcall 376, and rollcall 377.

I would have voted "nay" on the following: rollcall 378 and rollcall 379.

HONORING EVAN MILLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate and express my pride in former staffer Evan Miller upon her graduation, magna cum laude, from the T.C. Williams School of Law at the University of Richmond.

Ms. Miller grew up in Sanger, California, and graduated from Sanger High School in 1998. She attended University of California, San Diego, and, upon graduation in 2002, worked closely with constituents in my Fresno district office from July through December 2002. Ms. Miller then moved to Washington, DC, and served as staff assistant, administrative assistant, and legislative assistant, and left to attend law school at the University of Richmond in 2005.

Ms. Miller contributed to the office through her legislative work in the areas of health care, transportation, appropriations, education, and judiciary issues. In addition to legislative responsibilities, Ms. Miller was active in the California State Society and was crowned the Cherry Blossom Princess for the 19th district of California in the annual Cherry Blossom Festival competition.

Ms. Miller was an extremely active member of her law school class and received many accolades and honors due to her diligence, intellect, and enthusiasm. She was the editor-in-chief of the University of Richmond Law Review, and a member of the Honor Council, McNeill Law Society, and Christian Legal Fellowship. In addition, she served as the University of Richmond Federalist Society Vice President. Another significant accomplishment by Ms. Miller included being one of two winners in the 2006 Carrico Moot Court Competition.

At her May 2008 graduation, Ms. Miller received the Charles T. Norman Award, given to the best all-around graduating student. Additionally, she was awarded the T.C. Williams Law School Scholarship Award, which is given to the student who made the most significant contribution to overall legal scholarship.

Ms. Miller received a competitive and prestigious position to clerk for Judge James R. Spencer, Chief Judge of the Eastern District of Virginia in Richmond. She will begin the one-year clerkship beginning in August 2008.

Madam Speaker, I rise today to commend and congratulate Evan Miller on her graduation from the T.C. Williams School of Law at the University of Richmond. I invite my colleagues to join me in wishing Ms. Miller success in her future endeavors. I am certain that her judicial career will allow her to continue the significant achievements she has worked toward for public policy in my office as well as in her own legal work thus far. I truly believe Ms. Miller's character, work ethic, and values will recommend her for positions of influence for the rest of her life.

THE DAILY 45: SAM'S CLUB

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. And while I normally highlight a death related to guns, I thought this next incident was worth mentioning.

In Columbia, South Carolina, a 4-year-old girl, while at a Sam's Club, took a gun from her grandmother's purse and shot herself in the chest. The grandmother has a valid permit to carry a concealed weapon. She was not charged with a crime. The child underwent emergency surgery and apparently, thankfully, will survive.

Americans of conscience must come together to stop the senseless death of "The Daily 45" and the dozens more unnecessary accidents and injuries related to guns. When will we say "enough is enough, stop the killing!"

RECOGNIZING THE TENTH ANNIVERSARY OF THE ADA JOBS FOUNDATION OF ADA, OKLAHOMA

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. COLE of Oklahoma. Madam Speaker, it is my privilege today to rise in recognition of an organization that has done tremendous work in helping bring jobs and prosperity to central Oklahoma. The Ada Jobs Foundation is celebrating ten years of fostering economic and career development in the Ada area. Working closely with local and state and tribal government, the Ada Jobs Foundation has helped make Ada's unemployment rate among the state's lowest.

Focusing on three main goals, the Ada Jobs Foundation strives to assist businesses in retaining their existing jobs, recruiting new firms to relocate to Ada, and encouraging and supporting new start-up firms. It has a very impressive and successful track record of working closely with the Ada Area Chamber of Commerce, the Ada Industrial Development Corporation, the city of Ada, the Ponotoc County Commissioners, East Central University, the Science and Natural Resources Foundation, and the Chickasaw Nation.

Madam Speaker, this non-profit organization seeks to reach out and build lasting connections between hard-working Oklahomans and the communities in which they live. This mutually beneficial relationship is a testament to the positive changes that can occur when business and government work together for the economic wellbeing of their community. With over 19,000 people currently employed in the Ada area, it currently has one of the lowest unemployment rates in the state of Oklahoma. I am proud to represent the city of Ada, and I am especially proud of the initiative taken by Ada's civic leaders to create and continue a program as successful as the Ada Jobs Foundation. Creating a diverse pool of jobs, focusing on developing local infrastructure, and strategic planning sessions to create long-term, sustainable progress in the Ada community is something that generations of citizens will surely benefit from for years to come.

It is my honor to stand here before you and celebrate an organization which has been the source of great pride and progress in central Oklahoma. I congratulate the Ada Jobs Foundation on ten years of bringing economic development to their community, and wish them many more years of success.

IN HONOR OF THE 233RD ANNIVERSARY OF UNITED STATES ARMY

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise in recognition of an important anniversary—the birthday of the United States Army.

Just shy of 233 years ago the people of our nation came together as volunteers to meet the demands of the American Revolutionary War. On June 14, 1775, the United States Army was born. I believe that on that day, the defense of our freedom and the American spirit of democracy was born.

Since the birth of our Army, we've battled through 24 major engagements including the War of 1812, the Mexican-American War, the American Civil War, two World Wars, the Korean War, the Vietnam War, and more recently, Operations Enduring and Iraqi Freedom.

The Army's senior leadership said it best in their birthday message to the force at large. They stated, "Our sacrifices have preserved our way of life, built a better future for others, and led our nation to victory over our enemies. We are the best in the world at what we do, and because of our values, our ethos, and our people—especially our people. Our Army is hugely resilient, professional, and battle-hardened." The men and women I've met in my travels to our bases in Iraq and at home in Kansas reassure me that the United States Army is still made up of the finest people our country has to offer.

On the anniversary of the United States Army, I encourage everyone to take a moment to think about the bravery of our men and women that serve. These sons and daughters of America take an oath that could mean the ultimate sacrifice. Not a day goes by that I don't think about the priceless gift they give our nation, and each day I pray for everyone's safe return. Spirit, patriotism and courage shine through in the faces of today's members of the Army, in just the same way I imagine it did in 1775.

Happy Birthday—U.S. Army!

HONORING THE SERVICE OF MARIE McELLIGOTT TO THE COMMUNITY OF GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. BORDALLO. Madam Speaker, I rise today to honor and recognize Ms. Marie O. McElligott, for her outstanding service to the community of Guam, and her countless contributions to its people. As an active member of our island community, Marie has been a great leader in both her volunteer and public service capacities.

Marie has served our country for 26 years as an officer in the U.S. Navy in various capacities including communications officer, administrative officer, commanding officer for personnel support and director of family service centers and at many different ports, in Long Beach, California; London, England; Pearl Harbor, Hawaii; and Naples, Italy. From 1981 through 1983, Marie led the coordination of a Navy logistics support and mobilization plan, which was used during Operation Desert Storm. During the latter part of her career serving as director of Navy Family Centers in Bangor, Washington and Guam, Marie was instrumental in developing a violence protection program for the submarine community, training programs for the prevention of sexual harassment, and an affirmative action plan. In the Guam Navy Family Center, Marie led military and civilian personnel in providing counseling and other family services for as many as 15,000 military personnel and their dependents. While on Guam Marie became an active member of the community off base, and served the community for many years in various government and private non-profit organizations. Marie was the Navy ex-officio member of the then Territorial Board of Education, the cochairman of the "Just Say No Task Force," a member of the Mental Health Five-Year Planning Committee on Aging, a member of the Guam Chapter of the American Red Cross Board of Directors, and the executive director of the Navy-Marine Corps Relief Society.

After retiring from the Navy in 1991, Marie returned to Guam as a civilian, and making our island her home. Since then, she has dedicated herself to the people of Guam in both government and community organizations. For 13 years she worked as the administrator of client services and family counseling for the Superior Court of Guam. Under her guidance, a law to create policies for diversion and family violence prevention was passed. She also chaired the committee that created guidelines for Guam's only family visitation center. Her efforts have been recognized through numerous awards and accolades, including an induction into the Ancient Order of the Chamorri—the highest honor bestowed upon non-native residents of Guam; resolutions of commendation from the Guam Territorial Board of Education; Legislative Resolutions from the Twentieth, Twenty-Sixth and Twenty-Eighth Guam Legislatures; and a Resolution of Commendation from the Judiciary of Guam.

For the last 3 years, Marie worked as the director of Guam's Lighthouse Recovery Center under the Salvation Army, managing a staff of 10 to provide food and shelter to the homeless and counseling and rehabilitation to those suffering from drug addiction on Guam. Her work has resulted in the implementation of a quarterly "clean and sober" event for Lighthouse Recovery Center residents, members of Alcoholics Anonymous, and supportive Aftercare clients. She has also been instrumental in growing the financial base for the Lighthouse Recovery Center with military chapels and non-profit organizations.

Marie's knowledge and expertise has been a significant contribution to the operations of Guam's community service organizations. Over the years she has served as president and vice chair of the Guam Women's Club, and has also been an active member and chairperson of the Guam American Cancer Society, Guam American Red Cross, and the Guam Humanities Council, amongst many others. To date, Marie has given over 10 years of her personal time and commitment to advancing the issues and objectives of local non-profit organizations.

Marie has been a part of our community for over 20 years and our island will be saddened by her departure, we will remain forever grateful for the service she has given to Guam. On behalf of the people of Guam, I extend our sincere appreciation to Marie O. McElligott for her service to our Nation and to our community. We wish her the best as she embarks on a new journey in life.

HONORING THE UNIVERSITY OF MICHIGAN C.S. MOTT CHILDREN'S HOSPITAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. DINGELL. Madam Speaker, I rise today to congratulate the University of Michigan C.S. Mott Children's Hospital, located in Ann Arbor, Michigan, for being honored as one of the U.S. News and World Report's Top 30 Hospitals in the Nation for pediatric care. This achievement recognizes all of the hard work they have done providing outstanding medical services not only to the children of Michigan's 15th Congressional District, but also across the State.

Some specific honors they achieved deserve mention. The magazine ranked C.S. Mott Children's Hospital 4th nationwide in the area of pediatric heart care and surgery, and 27th for general pediatric care. They were the only hospital in Michigan to be nationally ranked for all seven pediatric specialty areas. I commend them for this fine achievement.

Since C.S. Mott Children's Hospital opened in 1969, it has been at the forefront of providing innovative, high-quality pediatric care. Surgeons at the hospital were among the first in the Nation to perform open heart surgery on children. Specialists at Mott also pioneered an in-house education system that allows patients to keep up with their school work, now a commonplace feature of hospitals across the Nation. Small wonder that Mott has treated over 170,000 patients from across the United States and the world.

Pediatric care is one of the most important aspects of our Nation's health care system. We should always make it a priority to provide treatment for the youngest and most vulnerable in our society. It is clear that the doctors and nurses at Mott have taken this ideal to heart by providing such outstanding care in the community. The University of Michigan should be proud of the achievements it has made. It is an honor to represent this fine institution here in Congress. I look forward to seeing their sterling efforts recognized on the list again next year.

THE FATHERS OF THE GREATEST GENERATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. POE. Madam Speaker, this year the Poe folks welcomed two new Texans to our brood, making me a proud grandfather of seven. With each new addition, I think back to my grandfathers and the influences they had on me growing up. While they came from very different backgrounds, their impressions on me as a child set an example of what a father, grandfather and man should be.

My mom's father was a lanky, fiery redheaded German who was as hard-headed as he was strong. Theodore Otto Herman Hill, or "Thunderhead" as he was more appropriately known, was born in 1899. His Prussian grandparents immigrated to the United States through Galveston in the early 1800's and settled in the growing German community in Texas to begin a new life.

I remember him as being very set in his ways, very militaristic in his daily routines. He was meticulous in everything he did and as a result, he did most everything well. Like the Army, he did more before 6 a.m. than most anyone I knew. He arose early, worked hard with his hands all day and reared three girls, he called "the boys" to work the cotton fields with him.

Papa was a hunter, a taxidermist and a Teddy Roosevelt conservationist. He found hundreds of Apache and Comanche arrowheads on his land that he organized and that were later donated to the Texas Ranger Museum.

He was the frontiersman type. He could tell the type of tree by looking at the bark or observing the leaves and predicted the weather by just looking at the sky and watching the habits of the animals. And as most men of his generation, he was tough. The only thing I think he was ever scared of was my grandmother—an equally fiery German. Theodore is a long time family name that has been passed on to my son and grandson.

My dad's father was of Scots-Irish descent and a man of many hats. He was adopted by a neighboring family at the age of six after his single father decided to move on without him. As a young teenager, he ran away from the only real family he knew and set out to start a life for himself. I loved hearing his stories, some sounded like tall tales. Grandpa, a snake-oil salesman of sorts, rode the rails all over the country, selling anything and everything to earn a buck.

After meeting my grandmother in his late teens, the two married and he settled down to raise a family. He became the local Assistant Postmaster, worked on the railroad and was a barber. He opened his own barber shop next door to the local bank and became so involved in the banking business that he ended up running the place. During the Depression he loaned farmers money on a hand shake. That job took him to Pearland, TX, where he started another local bank and sold real estate on the side. Interesting enough, although he was a banker he always paid cash and thought credit cards were a bad idea for average Americans. The concept of rest and relaxation was not one he could appreciate. He was tinkering with something every day of his life. He was an electrician, plumber, made furniture and had a huge garden. He was a leader in the local Church of Christ and never missed a service until his death.

He never let the fact of his abandonment as a child be an excuse for anything.

Grandpa lived to be 88 years old and he and my grandmothers were a large part of my life and my kids' lives. Papa was tragically killed by a drunk driver in the 1950s while laying asphalt for the Texas Highway Department. Because people married so young back then and their kids married young, I got to spend far more time with my grandparents than most kids do today.

Neither of my grandfathers made it past 7th grade, but were far wiser than most men I know. While both very different, they both embodied the very traits that define men of their generation. They were the fathers of the Greatest Generation. They believed in hard work and providing for their families even in the depression—no excuses. They taught their children and their children's children the value of an earned dollar, pride in hard work, respect for their elders and a love of God and country.

I am so thankful to have known these two men and wish there were more like them today. They were good men, good examples, good fathers and inspiring grandfathers. Happy Father's Day.

And that's just the way it is.

RECOGNIZING EMERGENCY MANAGERS IN SHELBY COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district devastated by the recent severe weather in Indiana.

I wish particularly to honor these outstanding individuals in Shelby County: Mike Schantz, Director, Emergency Management Agency; Mike Bowlby, Sheriff; Tony Lennen, President and CEO, Major Hospital; Scott Furgeson, Mayor, Shelbyville.

These areas suffered greatly from tornadoes, heavy rains and flooding, creating a catastrophe that awaits a presidential response. But the catastrophe did not await the efforts of these individuals. And in response, they went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

I also commend Governor Mitch Daniels and the many State government authorities who have been so instrumental in leading the State through this crisis. I strongly support Indiana's three requests for Federal aid and renew my request to the President of the United States, the Federal Emergency Management Agency, and the U.S. Department of Agriculture to act promptly, make assessments, and declare an expedited major disaster for all 44 counties in the State of Indiana affected by the severe weather.

We need to speed the necessary relief to the families who have fallen victim to Mother Nature's fury and extend full Federal assistance to Hoosier families, businesses and farms to include direct assistance to individuals, Small Business Administration Disaster Loans and emergency assistance loans from the Farm Service Agency.

Madam Speaker, Hoosier families and communities are hurting and need to know that help is on the way. I urge this administration and my colleagues to focus their attention on this urgent Midwestern need for emergency relief.

NATIONAL ASSOCIATION OF LETTER CARRIERS BRANCH 1477 TOPS NATION IN FOOD COLLECTION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. YOUNG of Florida. Madam Speaker, for the second straight year, the men and women of the National Association of Letter Carriers Branch 1477 of St. Petersburg, Florida, led the Nation in food collection as part of the national "Stamp Out Hunger" food drive.

Their chapter alone collected a local record of 1,718,218 pounds of food that has been distributed to Pinellas County food banks. St. Petersburg Branch 1477, combined with two other local branches: Clearwater Branch 2008 and Tampa Branch 599, collected in the Tampa Bay area 4,289,416 pounds, more food than in any other geographic area in the Nation. In fact, these three chapters accounted for three of the top five branch totals nationally.

Having spent Memorial Day with many members of Branch 1477, I know of the great pride they have in serving their community. They acknowledge that the "Stamp Out Hunger" food drive was an outstanding partnership between the National Association of Letter Carriers, the United States Postal Services, the American Postal Workers Union, the National Rural Letter Carrier's Association, and local businesses including Valpak, a major sponsor in my area. Most importantly though, the level of success of this annual drive is due to the compassion and support of the residents of our local communities who place bag after bag of food out at their mail box on this one day of the year to help their neighbors in need.

Madam Speaker, please join me in thanking the National Association of Letter Carriers for taking the initiative to sponsor the "Stamp Out Hunger" program for these past 16 years and in congratulating the letter carriers of Branch 1477 who serve from Dunedin through Largo, Pinellas Park, St. Petersburg and south to Punta Gorda, Florida, for once again topping the Nation in the collection of food. This program is in the finest American tradition of neighbor helping neighbor.

INTODUCTION OF THE RESPONSIBLE OWNERSHIP OF PUBLIC LANDS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. MARKEY. Madam Speaker, today I am introducing the Responsible Ownership of Public Lands Act with Representatives EMANUEL, RAHALL and HINCHEY. At a time when our constituents are paying more than $4 per gallon at the pump, oil companies are sitting on millions of acres of land that they hold the drilling rights to but are not producing on. They need to either use it or lose it.

There's a myth that Republicans and Big Oil are perpetuating: that oil companies don't have access to enough places to drill for oil, that we need to allow drilling off our beaches on the East and West coast and in our most pristine places such as the Arctic National Wildlife Refuge. However, this argument is nothing more than a drilling decoy.

The reality is that roughly 80 percent of offshore oil and gas reserves are located in areas where drilling is already allowed. Moreover, oil and gas companies right now own the drilling rights to 68 million acres offshore and onshore that they are not even using. These oil companies, who are raking in record profits, are not producing oil or gas on the vast majority of public land under their control. Offshore, Big Oil is producing on only about 23 percent of the land they hold, while onshore, companies are producing on roughly 27 percent of the acres to which they hold the drilling rights. Apparently Big Oil is more interested in pumping up prices and pumping up their own profits rather than pumping more oil.

Indeed, while Exxon Mobil has increased spending on exploration and drilling by $3 billion over the last five years, it has increased spending on schemes to prop up the price of its stock by nearly $26 billion per year during that same time period. Meanwhile, Exxon spent only $10 million investing in developing renewable technologies last year.

The Responsible Ownership of Public Lands Act would assess an escalating fee over time on land energy companies have leased but are not using for production. This fee would be a mere $5 per acre per year for the first three years of non-production but then increase to $25 per acre for the fourth year and $50 per acre in the fifth year and any subsequent years, providing a strong incentive for the oil companies to stop hoarding these leases and start using them.

The revenue raised from these fees will go towards developing renewable energy and investing in energy efficiency that will reduce our dependence on oil and reduce energy prices for American Consumers. The revenue will also be used to fund the Low Income Home Energy Assistance Program and the Weatherization Assistance Program, which helps permanently reduce energy bills for low income families by making their homes more energy efficient.

With oil companies continuing to sit on these millions of acres as the price of gas skyrockets, it is time to tell Big Oil to start producing or start paying. Big Oil is trying to play Uncle Sam for Uncle Sucker and we're not going to allow it.

THE PASSING OF PAT TOBIN, FOUNDER OF TOBIN & ASSOCIATES

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. WATSON. Madam Speaker, it was with great sorrow that I learned of the loss of my dear friend, Pat Tobin.

Pat was the Founder and CEO of Tobin and Associates, one of the most prominent minority, female-owned public relations firms whose clientele included celebrities, entertainment companies, non-profit/political organizations and national/international corporations.

Pat was more than an astute business woman, she was a "people person." She always had a big, beautiful smile that graced her face at all times. She was the epitome of "grace under pressure."

Pat was a mover and shaker in the public relations industry. She was a founder of the National Black Public Relations Society and a committed member of the National Association of Black Journalists.

She was a dedicated activist for causes that impacted minorities, women and youth and she secured financial support from corporations and philanthropic organizations for a variety of important initiatives. She was selfless and dedicated in everything she did. She was regarded as a standard bearer for public relations professionals of all races due to her innovative, hard working and compassionate nature.

One of her NABJ colleagues wrote the following poem about Pat:

I will not mourn Pat Tobin.
I will not be sad.
I will not let her passing depress me.
Instead I will continue to use the model she shared for life's personal journey.
I will take the attitude that personal and professional setbacks are an opportunity to make one-self stronger.
I will look at seemingly insurmountable road-blocks as mental, emotional and sometimes physical challenges as opportunities to become a force to be reckoned with.
I will choose to be what she believed all of us are capable of.

I extend my most heartfelt condolences to Pat's family, her colleagues, her many close friends in Los Angeles and around the country. She will be sorely missed.

A TRIBUTE TO ROSEMARIE LANE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. MICHAUD. Madam Speaker, I rise today to recognize and honor the dedication, unwavering service and steadfast commitment of Rosemarie Lane to the veterans of Maine.

Rosemarie was born in Brooklyn, New York. She joined the Army at age 19. She served in France and Germany, and volunteered to serve in Vietnam. She retired in 1986 as a Master Sergeant.

Her service to our country is not limited to the military. She recently retired from the Internal Revenue Service after many years of dedicated public service.

As a Life Member of the Veterans of Foreign Wars, Rosemarie has served as Post Commander and District 9 Commander. She was elected the 2003–2004 State Commander for the VFW Department of Maine, giving her the distinction as the first female VFW State Commander in New England. Since completing her term as State Commander, she has continued to serve the VFW on its National Legislative Committee.

Rosemarie is a staunch advocate for veterans, working tireless hours defending the rights and benefits she and her fellow veterans have earned. She embodies the spirit, commitment, and passion that all veterans' advocates should possess.

I can always trust that Rosemarie will tell me exactly what she believes. I value her guidance, her candor, and her friendship. Through her work, she has brought honor and credit to herself, her family, her community, the VFW and her Nation. I extend my sincere thank you to her for her many years of service on behalf of our veterans.

TRIBUTE TO MAJOR GENERAL RANDAL R. CASTRO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. SKELTON. Madam Speaker, let me recognize the service of Major General Randal R. Castro as his career comes to an end after 33 years of dedicated service in the United States Army.

Major General Castro began his distinguished career upon graduation from the United States Military Academy, West Point, New York in 1975, where he received his bachelor's degree. In addition to a master's degree in civil engineering from Stanford University, his military education includes the Engineer Officer Basic and Advanced Courses, the U.S. Marine Corps Command and Staff College, and the U.S. Naval War College where he earned a master's degree in national security and strategic studies and subsequently served as a Professor.

During his 33 years of service to the nation, Major General Castro held a variety of command and staff assignments. These range from the platoon to the army level, held engineer battalion and brigade command, served as Commanding General, U.S. Army Pacific and South Atlantic Engineer Divisions, and served as Special Assistant to the Commanding General, U.S. Army Training and Doctrine Command. Prior to assuming his current duties, Major General Castro served concurrently as Commandant, U.S. Army Engineer School, Fort Leonard Wood, Missouri, and Commanding General, U.S. Army Maneuver Support Center, also at Fort Leonard

Wood, Missouri, where he oversaw the Army's Engineer, Military Police and Chemical Schools.

Major General Castro's decorations and awards include: the Distinguished Service Medal; Legion of Merit (with three oak leaf clusters); Meritorious Service Medal (with two oak leaf clusters); Army Commendation Medal (with four oak leaf clusters); Navy Commendation Medal; Army Achievement Medal; and the Parachutist Badge.

Major General Castro currently serves as the Deputy Director, Defense Threat Reduction Agency. In this capacity, Major General Castro helps safeguard America and its allies from Weapons of Mass Destruction by providing capabilities to reduce, eliminate, and respond to the threats posed by such weapons. I'm certain that the Members of the House will join me in honoring Major General Randal R. Castro for his outstanding service to our country.

ALEXANDER "SANDY" NININGER

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor the memory of Second Lieutenant Alexander "Sandy" Nininger, a heroic American soldier and the first United States recipient of the Medal of Honor in World War II.

Lieutenant Nininger entered service in Fort Lauderdale, Florida, and bravely served his country during the Second World War as a member of the 57th Infantry Regiment of the Philippine Scouts. He gave his life near Abucay, Bataan, Philippine Islands in January of 1942. He fought valiantly into relentless enemy fire even after sustaining three wounds.

In his hometown of Fort Lauderdale stands a Sandy Nininger statue and WWII memorial where annual Memorial Day services are held in recognition of his service and that of his fellow veterans. Their efforts have provided Americans with security and peace of mind, and I join all Americans in gratitude for their sacrifices.

On June 14th, which has been designated as National Flag Day, Americans honor those who fought to protect this country and the ideals for which the American flag stands. Sandy Nininger fought for America, and I think it is only appropriate to pay respects to him on Flag Day.

Madam Speaker, I believe that America owes its military heroes the utmost appreciation and I am honored to represent thousands that served our country honorably in our nation's military, just as Sandy Nininger did. On this Flag Day, I am proud to remember a distinguished local and national hero, Sandy Nininger.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, today I was unavoidably delayed and missed the vote on Final Passage of H.R. 6003, the Passenger Rail Investment and Improvement Act (rollcall 400). H.R. 6003 passed by a vote of 311–104; Had I been present I would have voted "yea" on rollcall 400.

I would also like to offer my firm support for the Passenger Rail and Improvement Act, H.R. 6003. At a time when gas prices have reached a national average of $4.05 a gallon, this bipartisan legislation is both timely and necessary to provide travelers with alternative transportation. This bill would authorize nearly $15 billion in funding for the national passenger railroad over the next five years. It encourages the development of new and improved intercity passenger rail services by creating a new grant program for intercity passenger rail services. It also paves the way for a high-speed rail system between Washington and New York City.

Today it is increasingly evident that the United States cannot rely solely upon further massive construction of highways and airports to meet its transportation needs. To handle the tremendous tide of travelers, auto, air and bus system must be supplemented by a swift and efficient rail passenger service. It is vital to restore an essential balance to the total transportation complex.

For nearly 40 years, Amtrak has provided intercity passenger railroad service, operating approximately 44 routes and over 22,000 miles of track. A record of 25.8 million passengers took Amtrak in the last fiscal year. With the climbing costs of driving, Amtrak expects ridership to approach 28 million this fiscal year. The passage of this legislation allows Amtrak to meet the increased demand by bringing much needed improvements to its infrastructure. In an effort to address our energy problems, enhanced intercity railway provides a cost-efficient solution. I support this legislation as we seek to offer relief from high fuel costs and alternatives to the American people.

HONORING MR. LI KA-SHING, GLOBAL PHILANTHROPIST, ENTREPRENEUR, CORPORATE LEADER

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to pay special tribute to Mr. Li Kashing of Hong Kong and to celebrate his extraordinary life, service, and achievements on the occasion of his 80th birthday.

The vast accomplishments in business of this global icon place him easily among the most successful and respected entrepreneurs of our day—Gates, Buffett, Branson and others. But his contributions in philanthropy, a new concept Mr. Li is introducing in China, also rank him among those business giants—Carnegie, Rockefeller, and Vanderbilt—who understood the benevolent, ennobling uses of wealth to strengthen and lift others.

No one who examines the life of Mr. Li Ka-shing can help but appreciate the power of purpose not only in shaping one's life but destiny as well. He has shown what a life guided by deep, constant purpose and fueled by optimism, determination, and industry can achieve—despite odds and obstacles that may appear insurmountable. With purpose, he has built companies and changed lives with compassionate giving.

As a child, in 1940, Li Ka-shing fled China with his family to escape the Japanese invasion. The family arrived destitute in Hong Kong, with little prospects for the future. His father was an educator, his mother a loving and noble influence in his life. As a young boy, Mr. Li showed great academic promise. But circumstances and necessity—his father was stricken with tuberculosis and later died—forced him to abandon his dream of receiving an education. At 12, he had to leave school to work in a factory to support his family. Despite his young age, the power of purpose had taken hold of him as he pushed himself to endure grueling 16-hour workdays. By 22, Mr. Li's hard work and perseverance had earned him the ownership of his own plastics factory, Cheung Kong Industries.

He was known for his honesty, his loyalty and customer service. There is a well-known story in Hong Kong how on one occasion, a large contract with a U.S. business was cancelled after Mr. Li had completed the manufacturing. The business had decided to change direction in what it wanted. Mr. Li not only did not charge the U.S. businessman who had changed his mind, but proceeded to complete the second order as directed. This single act later opened the door to Mr. Li and his company becoming one of the key producers of toys and home decorations for American companies. In fact, to this day, some still refer to him as G.I. Joe, as it was Mr. Li and his company that manufactured that popular line of toys in the '60s and '70s.

Building on this foundation, Mr. Li expanded into real estate investment, creating a company that was listed on the Hong Kong Stock Exchange in 1972. Meanwhile, Cheung Kong continued its rapid growth trajectory with acquisitions of Hutchison Whampoa, a British trading company that has been active in Hong Kong since the 1820's, and Hong Kong Electric Holdings Limited in 1979 and 1985, respectively.

Today, Mr. Li leads a vast global business empire as chairman of Cheung Kong Holdings Limited and Hutchison Whampoa Limited. Cheung Kong Holdings Limited is the flagship of the Cheung Kong Group, which has business operations in 57 countries around the world and employs about 260,000 staff. In Hong Kong alone, the Group includes eight listed companies with a combined market capitalization of approximately US$122 billion.

The Cheung Kong Group's businesses encompass such diverse areas as property development and investment, real estate agency and estate management, hotels, telecommunications and e-commerce, finance and investments, retail, ports and related services, energy, infrastructure projects and materials, media, and biotechnology. Hutchison Whampoa Limited is a Fortune Global 500 company.

Mr. Li's personal holdings confer the distinction of being Asia's richest man. But his deep humility and gratitude—coupled with an intrinsic understanding of the true value of money and the good it can do—have never allowed him to flaunt his wealth or his position. True to the lessons of his humble beginnings and hardships and his Horatio Alger story, he has found that wealth, when used to serve others and not self, can be employed with great purpose and power.

Mr. Li believes that an equitable society can only be achieved if individuals are ready to do their part. In 1980, he established a charitable foundation—the Li Ka Shing Foundation. Its mission is to enhance the impact of its philanthropy through two strategic objectives: to nurture a culture of giving and to foster creativity, constructive engagement, and sustainability through supporting capacity empowerment focused projects. To date, the Li Ka Shing Foundation and other private charitable foundations established by Mr. Li have supported numerous charitable activities with grants, sponsorships and commitments in the billions of dollars.

The Hong Kong entrepreneur's giving heart is novel and legendary in a part of the world that has no tradition of philanthropy. Mr. Li has not only given away far in excess of US$1 billion to support a host of worthwhile causes and programs, but his giving continues with hundreds of millions of dollars each year. And his giving transcends country boundaries and nationalities. He has sponsored children's centers, church buildings, cancer research centers, scholarships in the United Kingdom, the School of Medicine at Stanford University, as well as medical research projects at the University of California at Berkeley, among other initiatives. He has created a hospice program throughout China that brings pain relief for patients terminally ill with cancer. He has built hospitals and eye clinics where rural Chinese can receive cataract surgery free of charge. When the tragic tsunami hit Indonesia, Mr. Li was the world's first businessman to provide immediate and personal relief, just as he did more recently with the deadly earthquakes in China.

He has provided millions of dollars in aid to wage a global battle against hepatitis, avian flu, and degenerative diseases. Despite his own thwarted hope of an education, Mr. Li has placed this dream within the reach of thousands of young and aspiring Chinese. In 1981, he endowed and established Shantou University in Guangdong Province. The university has nine colleges, including a medical college with five affiliated hospitals. Enrollment is open to students across China. Today, the university has 6,500 undergraduate and 1,500 graduate students. It is the centerpiece of his philanthropy, the very heart of his giving. Last year, Chairman JOHN CONYERS of the House Committee on the Judiciary, Congresswoman DIANE WATSON, and I spoke at Shantou University, and I cannot adequately explain the spirit that exists on that campus, where students who would otherwise receive no education are given an opportunity that opens to them the doors of world.

Shantou has internships and educational relationships throughout the world—in Europe and Canada, here in the United States with such prestigious institutions as my alma mater, Berkeley, as well as Stanford, the University of Utah, and others. Its curriculum is cutting edge, bringing a whole new and exciting learning paradigm to traditional Chinese education. In addition to Shantou University, Mr. Li supports other major educational projects such as Hong Kong Polytechnic University, the Open University of Hong Kong, Singapore Management University, Foundation Primary Schools, University of Calgary, and the University of Hong Kong, to name a few.

Mr. Li's generosity is not limited to health care and education. He is also a committed patron of culture—art, dance, music, literature, sports, and the preservation of artifacts—as well as community welfare. In fact, Madam Speaker, he is a patron of the John F. Kennedy Center for the Performing Arts. His support even has gone so far as the Dance Theatre of Harlem.

No less of a business authority than Forbes magazine has taken note of Mr. Li's magnanimity and dedication to improving the lives of people around the world. For his past and present philanthropy, it conferred upon him the first-ever Lifetime Achievement Award at a gathering of many of Asia's top business leaders in Singapore.

From his businesses to his service, to his generosity, to his countless acts of compassion toward others—all these flow from a heart stayed upon a single purpose, a guiding ideal for life: to love others by serving and lifting them. For those who have had the privilege of meeting Mr. Li, they feel the bright, generous, benevolent, yet humble spirit of this man through his broad and warm smile. He radiates good will, genuine concern, and humanity for all—regardless of station of life. And he delights in being a servant of no man in particular but of all men in general. This has been his life's purpose.

Mr. Li's example can teach us much about the things of the heart, those invisible powers and energies of the spirit that can be summoned for good. His is and has been a remarkable life and legacy that remind all of us that we can aim a little higher and do a little more to lift lives and strengthen others through service—whatever our own gifts may be, no matter how meager we think them. And the best time to begin is now.

Madam Speaker, in recognition of his achievements as a global philanthropist, entrepreneur, and corporate leader, I am deeply honored to insert into the CONGRESSIONAL RECORD a letter signed by 20 Members of the U.S. House of Representatives commemorating Mr. Li's 80th birthday. By making this letter a part of American history, we salute this great man and honor the occasion of his birth on June 13, 1928.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 13, 2008.

Mr. LI KA-SHING,
Chairman, Cheung Kong Holdings, Ltd.,
Queen's Road Central, Hong Kong.

DEAR MR. LI: On the occasion of your 80th birthday, we are writing to honor and recognize your extraordinary life, distinguished career, humanitarian service, achievements, and legacy as a global philanthropist and entrepreneur who leads a vast business empire as chairman of Cheung Kong Holdings Limited and Hutchison Whampoa Limited (a Fortune Global 500 company) with operations in 57 countries, a workforce of 260,000, and a combined market capitalization of nearly US$122 billion.

We especially commend you for using your wealth to serve others. Believing that an equitable society can only be achieved if individuals are ready to do their part, you established a charitable foundation—the Li Ka Shing Foundation. Backed by your personal initiative and example, and sustained by the Foundation's mission, you introduced a broad-based philanthropy to a part of the world that has no tradition of it. Promoting what you affectionately call your "third son"—the notion of giving beyond the confines of family to others in need—you have established and nurtured a culture of giving in China and throughout Asia to underwrite worthwhile efforts supporting charitable aims.

While donating more than US$1 billion to support a host of worthwhile causes and programs worldwide, including sponsorship of children's centers, church buildings, cancer research centers, scholarships in the United Kingdom, the School of Medicine at Stanford University, as well as medical research projects at the University of California at Berkeley, you have also provided millions of dollars in aid to wage a global battle against hepatitis, avian flu, and degenerative diseases, and, more recently, nearly US$20 million in disaster relief to the victims of the Sichuan earthquake. We are touched by your work to alleviate pain for those suffering from cancer through your remarkable hospice program, as well as your efforts to build hospitals and provide eyes surgeries for those unable to pay.

Despite your own thwarted hope of pursuing an education, you are also fulfilling the dreams of thousands of young and aspiring Chinese through numerous universities, including Shantou University, which you endowed and established in 1981, with nine colleges, including a medical college, serving 6,500 undergraduate and 1,500 graduate students.

As a patron of culture, your generosity extends to art, dance, music, literature, sports, and the preservation of artifacts. We thank you, specifically, for being a significant patron of the John F. Kennedy Center for the Performing Arts in Washington, DC, and for also embracing the Dance Theatre of Harlem.

We join with Forbes magazine, which conferred upon you the first-ever Lifetime Achievement Award at a gathering in Singapore of Asia's top business leaders, in recognizing your past and present philanthropy. Truly, your countless acts of compassion toward others flow from a heart stayed upon a single purpose, a guiding ideal for life—to love others by serving and lifting them.

Yours has been a remarkable life and legacy that reminds all of us that we can aim higher and do more to lift lives and strengthen others through service, and that the best time to begin is now.

We wish you a happy birthday and many more.

Sincerely,

Eni F.H. Faleomavaega, Chairman, Foreign Affairs' Subcommittee on Asia, the Pacific & the Global Environment; Diane E. Watson; Howard P. "Buck" McKeon, Ranking Member, Committee on Education & Labor; Eddie Bernice Johnson, Chairwoman, Transportation Subcommittee on Water Resources & Environment; Jim Moran; William J. Jefferson; Donna M. Christensen, Chairwoman, Natural Resources' Subcommittee on Insular Affairs; Grace F. Napolitano, Chairwoman, Natural Resources' Subcommittee on Water & Power; Albio Sires; Ed Pastor; Mike Honda, Chairman, Congressional Asian Pacific American Caucus (CAPAC); Dan Burton, Ranking Member, Foreign Affairs' Subcommittee on the Western Hemisphere; John Conyers, Jr., Chairman, House Committee on the Judiciary; Madeleine Z. Bordallo, Chairwoman, Natural Resources' Subcommittee on Fisheries, Wildlife & Oceans; Keith Ellison; Bennie G. Thompson, Chairman, Committee on Homeland Security; Joe Baca, Chairman, Agriculture Subcommittee on Departmental Operations, Oversight, Nutrition & Forestry; Raul M. Grijalva, Chairman, Natural Resources' Subcommittee on National Parks, Forests & Public Lands; Silvestre Reyes, Chairman, House Permanent Select Committee on Intelligence; and Luis V. Gutierrez, Chairman, Financial Services' Subcommittee on Domestic and International Monetary Policy, Trade & Technology.

HONORING THE LIFE AND SERVICE OF LT. GENERAL WILLIAM ODOM

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, born in Putnam County and raised in Cumberland County, Lt. General William E. Odom rose to great prominence in the U.S. military intelligence community and was a widely known expert on matters relating to the Soviet Union.

A natural born leader, Odom graduated from the U.S. Military Academy at West Point in 1954. Over the next twenty years Gen. Odom earned a Masters Degree and Ph.D. from Columbia University, was stationed in East Germany for a lengthy period of time, taught at West Point, and served at the U.S. Embassy in Moscow.

In 1977, he was appointed as the military assistant to President Carter's National Security Adviser Zbigniew Brzezinski. General Odom served in that position till 1981. Shortly after leaving the White House and for a little more than 3 years, Odom held the position of Assistant Chief of Staff for Army Intelligence. By 1985 General Odom was named the 11th Director of the National Security Agency, our nation's largest intelligence agency.

Retiring in 1988 from the Army and the National Security Agency, General Odom embarked in a career in academia. Over the next twenty years he taught at Yale University and Georgetown University and was a Senior Fellow at the Hudson Institute.

General Odom is a member of the Military Intelligence Hall of Fame at the United States Army Intelligence Center in Fort Huachuca, Arizona.

On behalf of Tennessee's Fourth Congressional District and a grateful nation, we thank General Odom for his service in defense of our country.

INTRODUCTION OF THE HONORING OUR NATION'S OBLIGATION TO RETURNING WARRIORS ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the Honoring Our Nation's Obligation to Returning Warriors Act (HONOR Warriors Act), along with my colleague and friend Representative JOHN SALAZAR (D–CO). It is a companion bill to S. 3008, bipartisan legislation authored by Senator KIT BOND of Missouri and Senator BARBARA BOXER of California.

This legislation recognizes that our servicemembers returning from Iraq and Afghanistan need and deserve improved mental health care services. The HONOR Warriors Act will provide better mental health care treatment for these military members and veterans, enhance care for military families, and better prepare our troops to cope with stress related to combat.

The Pentagon acknowledged recently that Post-Traumatic Stress Disorder (PTSD) and major depression are affecting an ever greater number of U.S. troops. Nearly 40,000 troops have been diagnosed with PTSD since 2003, up 50 percent just last year. The RAND Corporation found even more disturbing statistics recently: Nearly 20 percent of all military servicemembers who have returned from Iraq and Afghanistan—300,000 total—have reported symptoms of PTSD or severe depression. More than 600,000 returning troops suffer from PTSD or Traumatic Brain Injury (TBI), or both. With many our servicemembers deploying for their third or fourth tours to Iraq, we can expect that these numbers will continue to rise.

Treating these mental health problems is in some ways more difficult than treating wounds we can see. PTSD is the "invisible wound" that some soldiers don't even know they have, and the onset of its symptoms can be delayed, making it even harder to recognize. In addition, because of the stigma attached to PTSD, estimates are that nearly 50 percent of troops don't seek treatment. They are ashamed to seek help or fear that a diagnosis of mental illness will harm their careers.

The recent RAND report also found that of those who do seek help for PTSD, only about half receive treatment that is considered to be "minimally adequate." With its shortage of funds and trained staff, it is clear that our military mental health care system isn't prepared to deal with this growing mental health crisis.

This is unacceptable. If the Pentagon can't act to help these injured servicemembers who have sacrificed so much for our country, then Congress must. That's why I am introducing this legislation—to ensure that the mental health needs of our military members and veterans are addressed now. The legislation will:

Create a scholarship program to educate and train behavioral health care specialists to serve servicemembers and veterans;

Give active-duty servicemembers access to Vet Centers, which currently provide readjustment counseling, outreach, and mental health care services to veterans only;

Extend survivor benefits to families of military personnel who commit suicide and have a history of combat-related mental health conditions, PTSD, or TBI;

Provide grants to non-profit organizations to offer services to survivors of members of the Armed Forces and veterans;

Establish pilot programs to better prepare servicemembers for combat through a focus on improved prevention, early detection, intervention, and treatment of PTSD. The bill sets up two locations for these programs—Fort Carson in Colorado, and Fort Leonard Wood in Missouri.

With Veterans Affairs Secretary James Peake himself suggesting a few weeks ago that concerns about PTSD and TBI are overblown, it's clear that Congress needs to step in to ensure that our servicemembers and veterans suffering from the invisible wounds of PTSD and major depression are getting the support they deserve. They shouldn't have to fight another war to get proper care once they return home. Providing prompt and effective treatment to our returning troops can help prevent many of the negative effects related to PTSD and depression. It's the least we can do to repay them for the sacrifices they have made for our country.

INTRODUCTION OF LEGISLATION TO DELAY MEDICARE'S DME COMPETITIVE BIDDING DEMONSTRATION PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. STARK. Madam Speaker, I rise today to introduce the "Medicare DMEPOS Competitive Acquisition Reform Act of 2008." I am pleased to be introducing this bill with my Ranking Member on the Ways and Means Health Subcommittee, Representative DAVE CAMP (R–MI); Ways and Means Committee Chairman CHARLES B. RANGEL (D–NY); House Minority Leader JOHN BOEHNER (R–OH); Energy and Commerce Chairman JOHN D. DINGELL (D–MI); and Energy and Commerce Committee Health Subcommittee Chairman FRANK PALLONE (D–NJ). In particular, I would like to thank Mr. CAMP for helping to craft this bipartisan legislation.

The Medicare Modernization Act mandated a competitive bidding program for durable medical equipment in Medicare and allowed the program to be nationally implemented after a several year phase-in. Unfortunately, the Administration developed the program with blinders on to the needs of patients and the small companies who make up the durable medical equipment industry.

Our subcommittee held a hearing on implementation of the bidding program on May 6, 2008. We heard testimony from numerous stakeholders about the difficulties they encountered during the bidding process. For example, nearly two-thirds of applicants were disqualified because of improper documentation—when they had initially been promised that such documentation errors would be pointed out to them and they'd have an opportunity to correct any errors. We also heard from beneficiary organizations concerned about a number of issues, including maintaining access to benefits during what is likely to be a very tumultuous transition period.

Without Congressional intervention, the flawed program begins on July 1, 2008. The bill we're introducing today delays implementation of the competitive bidding program for 18 months to provide the Centers on Medicare and Medicaid Services (CMS) with the time to create an improved program based on standards laid out in this legislation. Importantly, this bill comes at no cost to the Federal Government. The cost of delaying the program is fully paid for by the DME industry.

Let me be clear from the outset in saying that I do not think this legislation goes far enough. If it were entirely up to me, I would be introducing legislation to repeal the current competitive bidding program and take far simpler approach to adjusting Medicare's DME payment rates.

The program has already proved useful. It has shown that companies are willing to take Medicare's business for far lower prices than the current fee schedule rates. Overall, the estimate is that Medicare would save 26 percent over the current fee schedule in these communities. That's a significant savings that we can't afford to ignore. However, instead of repeating the bidding process again and again in each and every community, I think Medicare might better be served—and significant administrative costs saved—by taking what we learned in this first round to change the fee schedule rates by which we pay for DME now. Those improvements could be done once and would immediately be in effect nationwide. That seems far simpler and far less disruptive to both suppliers and beneficiaries than the program that CMS is now phasing in.

One aspect of the competitive bidding program that I fully embrace is the requirement that DME suppliers meet quality standards through an accreditation process. Unfortunately, as the Government Accountability Office and Office of Inspector General have told us in numerous reports, the DME industry has a ripe history of waste, fraud and abuse.

The program's accreditation provisions are a good start in tackling these problems, and our bill strengthens those requirements. Specifically, the bill sets a hard deadline of October 2009 for all DME suppliers to be accredited. It also addresses a loophole that currently allows subcontractors to remain unaccredited. It closes that loophole by requiring that every company that supplies DME items to Medicare beneficiaries, whether they are the primary supplier or have a subcontract to supply DME, must be accredited as meeting quality standards. Just recently, additional concerns have been raised about the quality of some of the accreditation organizations. While we did not address that in this bill, I believe the administration has both the authority and the obligation to ensure that accreditation is meaningful.

This bill was developed with strong bipartisan support and with input from patient advocates and industry representatives—many of whom have endorsed the legislation. It is the true definition of a compromise. It doesn't eliminate the program as some of us would have liked, but it lays out the standards for a much more fair and appropriate competitive bidding program for the future.

Again, as the program has shown, Medicare is overpaying for durable medical equipment. Enactment of this legislation reduces such overpayments and simultaneously paves the way for a better competitive bidding program for patients and suppliers. I am proud that we were able to develop this compromise and require the industry themselves to come to the table to help pay for the delay. This bill is in the best interest of our senior citizens and people with disabilities who depend on this equipment to maintain independent lives. I urge my colleagues to join us in acting swiftly to enact this much needed legislation.

Organizations endorsing the bill include: American Academy of Physical Medicine and Rehabilitation, American Association for Homecare, American Podiatric Medical Association, American Society of Transplantation, Consortium for Citizens with Disabilities Health Task Force, Health Industry Distributors of America, Invacare, ITEM Coalition, National Coalition for Assistive and Rehab Technology, National Community Pharmacists Association, Orthotic and Prosthetic Alliance, Pedorthic Footwear Association, Rite Aid, the Endocrine Society, Vision Council of America, Wound Ostomy Continence Nurses Society, 3M Corporation.

A more detailed summary of the bill follows:

MEDICARE DMEPOS COMPETITIVE ACQUISITION REFORM ACT OF 2008

Introduced by Reps. Stark, Camp, Rangel, Boehner, Dingell, Pallone and others,

SUMMARY

The Medicare DMEPOS Competitive Acquisition Reform Act of 2008 delays implementation of the Medicare durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) competitive bidding program. It would also make improvements to the bidding process, establish quality measures for DME suppliers in Medicare, and make additional changes to the program. The cost of the delay would be offset by a reduction in current DMEPOS payment rates.

BACKGROUND

Durable Medical Equipment (DME) has historically been paid using a fee schedule. The Balanced Budget Act of 1997 established a demonstration program to test competitive bidding as a new way to set payment for DMEPOS. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 went further, requiring CMS to implement competitive bidding nationally for the following selected categories of items and services: oxygen supplies and equipment; standard power wheelchairs and scooters; complex rehabilitative wheelchairs; mail-order diabetic supplies; enteral nutrients and equipment; continuous positive airway pressure (CPAP) devices and Respiratory Assist Devices (RADs); hospital beds; negative pressure wound therapy devices; walkers; and support surfaces, including mattresses. Under the program, suppliers bid to provide items for one or more of the categories in a geographic area. Those whose bids are awarded are then permitted to supply the selected items to beneficiaries; organizations that are not awarded bids are precluded from providing Medicare beneficiaries with DMEPOS items targeted for bidding in the bidding area. Unless this or other legislation is enacted to delay the program, Round 1, which affects 10 metropolitan statistical areas is slated to start on July 1. The agency is required to begin implementation of Round 2, which will affect 70 communities, in 2009, although CMS has not released the exact schedule. After Round 2 is completed, competitive bidding may be expanded across the country and prices may be adjusted in non-bid areas using information from the bidding program.

LEGISLATION

Temporary Delay Rounds 1 & 2

Terminate contracts awarded under Round 1 and restart the contracting process in those areas in 2009.

Round 2 contracting process would begin in 2011.

Payment adjustments for DMEPOS in non-competitive bid areas may not take effect until Round 2 is completed.

OFFSET

In January 2009, eliminate the annual inflationary adjustment for all items covered by Round 1 of the competitive bidding program and reduce payment rates for those items by 9.5 percent nationwide. This policy does not affect diabetic supplies furnished by retail suppliers because they were not covered by the bidding program.

Items that had been subject to the reduction would receive a 2 percent payment increase in 2014, except in any area where a competitive bidding contract is in effect or CMS has otherwise adjusted payment rates.

BIDDING PROCESS IMPROVEMENTS

Require CMS to notify bidders about paperwork discrepancies and give suppliers the opportunity to correct within a reasonable time frame.

Provide CMS the authority to subdivide MSAs with more than 8 million people.

Exempt rural areas and MSAs with a population of less than 250,000 from competitive bidding for at least 5 years.

Require that suppliers who bid on diabetic testing supplies offer brands that cover at least 50% of the market by volume (does not apply to Round 1).

Before using its authority to adjust prices in non-bid areas, CMS must issue a regulation and consider how prices set through competitive bidding compare to costs for such items in non-bid areas.

Require HHS's Office of Inspector General to verify calculations used to determine the pivotal bid amount and winning bid amounts.

QUALITY MEASURES

Require all suppliers to be accredited by October 1, 2009. Ensure that all suppliers, whether they are billing Medicare directly or are a subcontractor to another supplier, be subject to accreditation.

Require contracting suppliers to disclose all subcontracting relationships to CMS.

Exclude physicians and other practitioners from DMEPOS accreditation requirements until CMS develops provider-specific standards. Allow CMS to waive physician accreditation if the agency determines they are subject to other mandatory quality requirements.

Establish a separate ombudsman within CMS to handle supplier and beneficiary issues related to the competitive bidding program.

OTHER CHANGES

Exclude complex rehabilitation wheelchairs, and related accessories when furnished with such wheelchairs, from competitive bidding.

Exclude negative pressure wound therapy from Round 1 and require CMS to evaluate how these items are coded and paid.

Exclude Puerto Rico from Round 1 re-bidding (did not receive enough valid bids in original Round 1 for CMS to award any contracts).

Allow physicians and other treating practitioners to supply "off-the-shelf orthotics" to their patients without being awarded competitive bidding contracts.

Allow hospitals in bidding areas to supply the same DMEPOS items that physicians and other practitioners will be able to supply (those that are considered an integral part of professional services) without being awarded contracts for those items.

Ensure that podiatrists and other similar practitioners can prescribe DMEPOS items by using broader definition of physician in Social Security Act. (This relates to a drafting error in MMA that pointed to the wrong definition of physician in the Social Security Act when requiring face-to-face examination in order to prescribe DMEPOS items.)

Delay mandated GAO report to coincide with delay to Round 1 and expand scope of report.

Provides CMS implementation funding of $120 million.

IN REMEMBRANCE OF MARVIN HIRSCHBERG

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Marvin Hirschberg, and in recognition of a life dedicated to his country, community and family.

Marvin Hisrchberg, a resident of Olmsted Falls since 1969, has a multifaceted and rich history of public service. He earned both his B.S. and M.S. degrees in Mechanical Engineering from the City College of New York in 1951 and from Case Institute of Technology in 1958. Marvin worked as a research scientist at NASA for forty-two years until his retirement in 1994. Despite his retirement from full-time work, he continued to be an active volunteer at NASA and in the Greater Cleveland Area. His dedication to the environment and to the Olmsted Falls community earned him recognition as Olmsted Falls Citizen of the Year in 1998. Marvin was imperative in initiating the city's recycling program and served on the Environmental Protection Board. He and his wife, Ann, worked together mentoring students through the American Field Service (AFS), a program which enables resident high school seniors to study abroad and students from around the world to study in Olmsted Falls.

Marvin was also a key member of the Olmsted Falls Airport Committee. He applied his knowledge as a NASA engineer to the civic efforts of Olmsted Falls residents to exercise oversight of the City of Cleveland's airport planning. As a result of his knowledge and research on sound, his dogged pursuit of a better way of planning airport expansions, and his dedication to citizenship as a resident and leader in his community, Marvin helped make Olmsted Falls a quieter place and helped make the City of Cleveland and Hopkins International Airport a better neighbor.

Mr. Hirschberg is survived by his loving wife, Ann, his children, Leslie Vickery, Eric and Lora Hirschberg, and his nine grandchildren; Daniel and Emily Olah, Benjamin and Samuel Vickery, Adam, Claire, and Valerie Hirschberg, and Eva and Alice Nowell.

Madam Speaker and colleagues, please join me in celebrating the life of Marvin Hirschberg, who committed his life to serving his country, community and family.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. COHEN. Madam Speaker, I rise to note that I would have voted in favor of both the Motion to Refer H. Res. 1258 to the Committee on the Judiciary (Roll. No. 401) and H. Res. 1235 (Roll No. 402). I was obligated to leave the House floor before the close of votes in order to speak with several important witnesses and supporters just prior to a committee hearing that was scheduled to commence immediately after that series of votes.

H.R. 6229 MAYOR WILLIAM "BILL" SANDBERG POST OFFICE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I have the pleasure of introducing H.R. 6229, legislation to name the Post Office located at 2523 7th Avenue East in North Saint Paul after Mayor William "Bill" Sandberg, the longtime Mayor of North Saint Paul, Minnesota.

Bill Sandberg was born in 1932 in the Selby-Grand neighborhood of Saint Paul. His family later moved to North Saint Paul, where he lived the remainder of his life. He graduated from North Saint Paul High School in 1950 and the University of Minnesota in 1954. After serving in the Army in the 1950s, Bill joined the family business, Sandberg Funeral Home in North St. Paul as funeral director. He later served as an associate of Johnson-Peterson Funeral Home of St. Paul and White Bear Lake and was active in the Minnesota Funeral Directors Association and a Heritage Club member of the National Funeral Directors Association (NFDA). Throughout his career, Bill was a well respected business owner and a leader in the small business community.

Bill Sandberg was first elected Mayor of North Saint Paul in 1978, reelected for seven more terms, and served with honor and distinction until his passing on April 20, 2008. Throughout his 30 year career as Mayor, he brought people together to solve divisive issues such as the reconstruction of Highway 36 because he always put public service, common sense, and the citizens of North Saint Paul first. As a man of strong religious faith, Bill organized Mayor's Prayer Breakfasts where people of all faiths could come together to celebrate community and support one another.

I want to thank the entire Minnesota Delegation for cosponsoring this legislation that pays tribute to a dedicated public servant, wonderful human being, and dear friend and mentor. Those of us who knew Bill also know well his loving devotion to his wife Dolores, daughter Karen, and grandchildren Carolyn and William.

EXPRESSING CONCERN ABOUT HIV/AIDS EPIDEMICS IN THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my concern about the increasing rate of HIV/AIDS infections in the Caribbean.

Caribbean nations are the areas of the highest occurrence of the HIV/AIDS disease. United Nations reports that Haiti, Belize, Barbados, the Bahamas and other neighboring countries have the prevalence ratio which comes second only after the sub-Sahara region. The developing countries are hit hardest by these epidemics, which are devastating families, labor forces and economies. Undoubtedly, substantial progress has been made in preventing and treating the disease. Many people in the Caribbean are provided with life-prolonging anti-viral medications and therapies. A growing number of pregnant women are receiving drugs that prevent passing the viruses from mother to child during pregnancy and child-labor. Still, many more people are urgently in need of medications to keep them alive. In 2007, nearly 2.5 million people were newly infected, mainly from the Caribbean and sub-Sahara regions. Developing countries work hard on providing the poor with life-saving medications. It is crucial that they continue such important work.

Universal access and reduced cost of disease-fighting drugs remain the main issues in dealing with the HIV/AIDS epidemic. I hope that many more Americans are concerned about the spread of the HIV/AIDS disease and join in the struggle against the deadly virus.

RECOGNIZING EMERGENCY MANAGERS IN BARTHOLOMEW COUNTY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. PENCE. Madam Speaker, I rise today to commend and recognize the extraordinary contributions of emergency management, disaster response, and recovery personnel as well as elected officials and community leaders in my district devastated by the recent severe weather in Indiana.

I wish particularly to honor these outstanding individuals in Bartholomew County: 1. Dennis Moats, Director, Emergency Management Agency; 2. Mark Gorbett, Sheriff; 3. Jim Bickel, CEO, Columbus Regional Hospital; and 4. Fred Armstrong, Mayor, City of Columbus.

These areas suffered greatly from tornadoes, heavy rains and flooding, creating a catastrophe that awaits a presidential response. But the catastrophe did not await the efforts of these individuals. And in response, they went above and beyond the call of duty, showing great poise while saving many lives and serving the people of their communities.

I also commend Governor Mitch Daniels and the many state government authorities who have been so instrumental in leading the state through this crisis. I strongly support Indiana's three requests for federal aid and renew my request to the President of the United States, the Federal Emergency Management Agency, and the U.S. Department of Agriculture to act promptly, make assessments, and declare an expedited major disaster for all 44 counties in the State of Indiana affected by the severe weather.

We need to speed the necessary relief to the families who have fallen victim to Mother Nature's fury and extend full federal assistance to Hoosier families, businesses and farms to include direct assistance to individuals, Small Business Administration Disaster Loans and emergency assistance loans from the Farm Service Agency.

Madam Speaker, Hoosier families and communities are hurting and need to know that help is on the way. I urge this Administration and my colleagues to focus their attention on this urgent Midwestern need for emergency relief.

TRIBUTE TO BUNYAN BRYANT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. DINGELL. Madam Speaker, I rise today to honor Dr. Bunyan Bryant, Ph.D., for winning the 2008 Helen and William G. Milliken Distinguished Service Award, from the Michigan Environmental Council, on May 28, 2008.

Dr. Bryant is a national leader in the field of environmental justice. His work helped not only to identify the pressing need to actively protect our environmental resources, but it also helped to show the glaring disparities in the communities affected by such harm. He is the founder and director of the Environmental Justice Initiative at the University of Michigan's School of Natural Resources and serves as an Arthur F. Thurnau Professor at the school.

Bunyan Bryant is a pioneering figure in the Environmental Justice movement. His work helped to show the correlations between adverse environmental impacts and the disproportionate affect they have on the lives of the poor and minorities. This relationship and the need to actively address such disparities, forms the bedrock of the Environmental Justice movement.

Dr. Bryant has been more than just a strong voice for justice and the environment. He has been and continues to be a teacher, guide and mentor for his students. In his role as a professor he has touched thousands of lives. His work has helped to shape the next generation of environmental leaders. Bunyan possesses a unique ability to connect with students individually and help them understand the difference their efforts will make.

I salute Dr. Bunyan Bryant for winning the 2008 Milliken Award. This honor is given to those who have demonstrated a lifelong commitment to the environmental movement and its goals of improving our world through action. Dr. Bryant is certainly worthy of this recognition and I appreciate any chance to recognize him. I honor Dr. Bryant for his tremendous efforts and a lifetime of sacrifice and dedication to a noble cause. I thank him for all that he has done.

RECOGNIZING THE 100TH ANNIVERSARY OF THE CONGRESSIONAL CLUB

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. REICHERT. Madam Speaker, it gives me great pleasure to recognize the 100th Anniversary of The Congressional Club; the only club in the world established by an act of Congress. Since its founding in 1908, The Congressional Club has provided a nonpartisan setting for the spouses of Members of Congress to form lasting friendships and foster bipartisan collaboration on several projects benefiting our children and communities.

Each year, The Congressional Club hosts the First Lady of the United States for a luncheon and donates the proceeds to a selected charity. The First Lady's Luncheon is the Club's largest and most prestigious event of the year. My wife Julie is currently serving as 3rd Vice President of The Congressional Club and had the privilege of serving as Co-Chair of the luncheon this year, which hosted 1,800 guests including distinguished Members of the House and Senate, the President's Cabinet, and the spouses of the Supreme Court Justices. In honor of First Lady Laura Bush, the Club donated the proceeds from the 2008 luncheon to Ford's Theater; one of the most visited sites in our Nation's capital, celebrating the life and legacy of our 16th President Abraham Lincoln. Past recipients of the Club's charitable giving include mentoring programs, literacy programs, child care centers, and domestic shelters.

Over the past 100 years, The Congressional Club has been a home away from home for many of its members. The friendships made and memories shared will forever be cherished, and the community forever grateful for the kindness and generosity of The Congressional Club.

Congratulations to all members of The Congressional Club on 100 years of outstanding service and friendship to our Nation, and may your next 100 years be as memorable and rewarding as the first.

TRIBUTE TO MONICA BROWN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. PAUL. Madam Speaker, this Saturday the city of Lake Jackson, Texas, will celebrate the accomplishments of United States Army Specialist Monica Brown, who, at the age of 19, has already earned herself a place in the pantheon of Texas military heroes.

Specialist Brown was recently awarded the Silver Star, the nation's third highest medal of valor, because of her heroic actions in Afghanistan. Specialist Brown is only the second woman to receive the Silver Star since World War II.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia when a bomb struck one of the vehicles. Upon seeing that her comrades needed help, Specialist Brown put aside concerns for her own safety and ran through insurgent gunfire and mortars to protect the wounded soldiers. Specialist Brown used her body to shield five injured soldiers as she administered aid and then dragged each of them 100 meters away to safety.

I am pleased to take this opportunity to salute U.S. Army Specialist Monica Brown and let her know how proud I, and all of Lake Jackson, are of her heroism. I urge all my colleagues, and all Americans, to join me in saluting Monica Brown and all the brave men and women serving in Afghanistan and Iraq.

RECOGNIZING STEVE BARR, AUTHOR OF THE WASHINGTON POST'S FEDERAL DIARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. HOYER. Madam Speaker, this Friday an esteemed member of the Washington press corps—our friend, Steve Barr—will conclude his service as the author of the Washington Post's Federal Diary. For 29 years, Steve has served our region as a reporter with the Washington Post, and for the last 8 years he has written the Post's Federal Diary column, covering workplace issues within the three branches of the Federal government.

As someone who represents 58,000 Federal workers, I am especially grateful for Steve's work to make the Federal Diary a highly-valuable resource on the issues of greatest importance to our nation's civil service employees. For those of us monitoring the daily developments affecting our federal workforce, Steve's column has been required reading.

Madam Speaker, as we are well aware, our federal workforce is one of the best in the world, and in Steve, we could not have asked for anyone who recognizes that more. The quality of his work is a mark of the great pride and pleasure he so clearly possesses in his service to our public service workers. So while Steve's departure marks the end of an era at the Post's Federal Diary, I assure you that his contributions will long be remembered. I wish him the best in his future endeavors.

TRIBUTE TO MRS. MARIE HERBST

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. COURTNEY. Madam Speaker, I rise today to recognize Mrs. Marie Herbst on retirement after more than thirty-seven years of service to the citizens of East Windsor Connecticut as a State Senator, Mayor, Town Councilwoman, teacher, mother, wife, and role model.

Marie has been inspiring and leading people from the East Windsor/Vernon area of Connecticut for her entire lifetime. Beginning as one of the most dedicated citizens of Vernon, she stood as an activist for her town's needs in the area of education. This commitment to the Vernon area was not limited to simple activism, as Marie saw the need to serve her constituents locally to ensure that her neighbors' voices were heard.

She was elected to the Board of Education, Town Council, and as Mayor of Vernon, and for over eight years as a State Senator representing her friends and neighbors in Hartford. She demonstrated further dedication to her fellow citizens after she left the Connecticut General Assembly to resume her position on the Town Council. In many ways, her return to local government was similar to former President John Quincy Adams decision to serve in the U.S. House of Representatives after leaving the White House.

As important as her loyalty to the citizens of East Windsor and Vernon were as a public servant, deeper than any other commitment was her passion for education. Offering her skills and dedication outside of her sizable family, Marie served honorably for over 37 years as an educator attesting to her selflessness and passion for the well-being of East Windsor, Connecticut's schoolchildren, both present and future. Countless students over that time have been inspired by Marie's passion and skill as a teacher and gone on to succeed in adult life. Marie was active to the last moment, even taking time to offer words of enduring wisdom to the recent graduates of East Windsor High School as the school's graduation speaker.

I ask that you please join with me in congratulating and commemorating the dedication and career of Mrs. Marie Herbst, a truly concerned, selfless citizen of eastern Connecticut.

AIR FORCE FIRINGS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. MANZULLO. Madam Speaker, with the recent firings at the Air Force, I am greatly concerned about the aerial refueling tanker contract that was awarded to a consortium dominated by Airbus.

In its internal evaluations, the Air Force gave almost identical scores to both sides. Yet, they awarded this contract to a company that has never delivered a tanker with a refueling boom to be assembled in a factory that does not yet exist.

EADS has pledged to incorporate about 60 percent U.S. content in its tanker. Yet, Boeing already has 85 percent U.S. content in its tanker.

EADS has promised to create up to 48,000 jobs to Americans. However, a recent analysis concluded that EADS' job figure is closer to 14,000. The same study found Boeing would create at least twice as many U.S. jobs.

The sad truth is that the bulk of the EADS tanker will be built in Europe. Yet, current policies prohibit the Pentagon from considering the U.S. industrial base during a major defense acquisition. This must change. We must have the ability to build the weapons necessary to defend ourselves to be a great nation. Even Adam Smith agrees.

INTRODUCTION OF THE CARBON CAPTURE AND STORAGE EARLY DEPLOYMENT ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BOUCHER. Madam Speaker, I am pleased to introduce today the Carbon Capture and Storage Early Deployment Act, bipartisan legislation which will establish a non-governmental fund and entity to accelerate the deployment of carbon capture and storage (CCS) technologies. CCS is a method of reducing greenhouse gas emissions by capturing and injecting underground the carbon dioxide emitted from electricity generation plants that use fossil fuels, including petroleum, natural gas and coal.

72 percent of our nation's electricity is generated through fossil fuel combustion. 51 percent is based on coal use; 20 percent is reliant on natural gas and 1.6 percent on petroleum. Given our extensive reliance on fossil fuels and the current unavailability of sufficient alternatives to them, the continued use of fossil fuels is essential to our economic security.

The Carbon Capture and Storage Early Deployment Act addresses this clear need by enabling electric utilities that use coal to have the continued ability to do so when a mandatory program is implemented to control greenhouse gas emissions.

I am preparing to draft a mandatory greenhouse gas control measure which will rely on cap and trade to address rising global temperatures and climate change. Power plants and industrial companies that burn fossil fuels will be required to lessen their emissions of CO_2 in accordance with a schedule set in the statute. As CO_2 constraints become ever more severe, not only coal using facilities will need to use CO_2 capture and storage technologies, but facilities using natural gas and petroleum will as well. The use of CCS technology will enable fossil fuel users to meet the reduction requirements of the measure while continuing to use coal, oil or natural gas.

The legislation I am introducing today represents a necessary first step toward the implementation of such a cap and trade system to address global climate change. If severe emissions reduction requirements in a cap and trade system take effect before the carbon capture and storage technologies are available, the effect on coal fired utilities in particular would be severe. They would rapidly switch from coal to other fuels. Such fuel switching would significantly increase electricity prices to the severe detriment of both residential and industrial electricity consumers. Fuel switching from coal would most likely result in far greater uses of natural gas for electricity generation, severely stressing an already constrained natural gas supply and dramatically increasing natural gas prices.

Today, 58 percent of U.S. homes are heated with natural gas, and numerous industries are heavily reliant on it. If large scale switching by utilities from coal to natural gas occurs, tens of millions of Americans would experience deep economic pain, and many domestic industries, from fertilizer to chemicals, would be dislocated. The early arrival of CCS is essential to prevent this economic disruption in a carbon constrained economy.

While some commercial CCS projects are in operation, they are small in scale and have the purpose of enhancing oil recovery. Further research, development and demonstration are necessary for the permanent storage underground of large quantities of CO_2 in a variety of storage media in widely dispersed locations around the nation.

In order to accelerate the deployment of CCS technologies, the Carbon Capture and Storage Early Deployment Act authorizes the establishment of a Carbon Storage Research Corporation. The nation's fossil fuel-based electricity distribution utilities would be authorized to hold a referendum for the creation of the Corporation. If the referendum results in approval by representatives of two-thirds of the fossil fuel-based electricity delivered to retail consumers, the Corporation is established.

The Corporation will be operated as a division or affiliate of the Electric Power Research Institute (EPRI) and will be managed by a Board of not more than 12 members, which will be appointed by the EPRI and will include representatives of investor owned utilities, utilities owned by a federal or state agency or a municipality, rural electric cooperatives and fossil fuel producers.

The Corporation will assess fees on distribution utilities for all fossil fuel-based electricity delivered to retail consumers. The assessment will be applied to electricity generated from coal, natural gas and oil and will reflect the relative CO_2 emission rates of each fuel. The assessment will total approximately $1 billion annually. The legislation specifies that distribution utilities will be allowed to recover the costs of the fee from retail consumers, resulting in a roughly $10–$12 total annual increase in residential electricity rates.

The $1 billion annual fund will be distributed by the Corporation in the form of grants and contracts to governmental, academic and private entities for projects with the purpose of accelerating the commercial demonstration or availability of CCS technologies.

I would like to thank my colleagues on both sides of the aisle for working with me on and cosponsoring this legislation.

The Carbon Capture and Storage Early Deployment Act enjoys bipartisan and industry support and will enable the continued use of our nation's most inexpensive and abundant resources for fuel generation when a mandatory greenhouse gas emissions reduction program is implemented.

I urge my colleagues to support this measure.

HONORING LINDA DARNELL THORPE ON THE OCCASION OF HER RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the many family, friends, and colleagues in paying tribute to my dear friend, Linda Darnell Thorpe, as she celebrates her retirement after 36 years of dedicated service as an educator with the New Haven Public School System. She has been a teacher that is not only loved by her students, but respected by her colleagues—a reflection of all that we hope and expect our educators to be.

A native of New Haven, Linda was educated locally earning a B.S. in education from Southern Connecticut State University as well as an M.S. from the University of Connecticut. She began her career at the Martin Luther King, Jr. School where she taught second grade. She spent 24 years at MLK, teaching two generations of students—literally having the opportunity to teach some of the children of the young people she first taught at the beginning of her career. She has spent the last 12 years at the Edgewood Magnet School where she has taken on the challenge of educating a more diverse group of fifth and sixth grade students.

I have often spoke of our nation's need for talented, creative educators ready to help our children learn and grow. Throughout her career, Linda has been just that kind of teacher. She is well-known among her colleagues as always being the first to arrive in the morning and one of the last to leave in the evening. Linda would arrive 6 o'clock in the morning and, on more than one occasion, would have to return home when it was announced that school would be closed on a snow day.

Linda's deep commitment to education is best reflected in the success of her students. Her enthusiasm and energy combined with her belief that children learn best when they are active in the learning process created an environment where children not only wanted to learn, they had fun doing so. The myriad of accolades, awards, and commendations that she has received throughout the years are testimony to the positive impact she has had on her students. Her students were excited to be in her classroom and inspired to succeed. That was her gift to them. For an educator, there is no greater legacy one could leave.

In a career that has spanned four decades, Linda has touched the lives of thousands of young people. She has helped to shape their education and their character—preparing them with the tools and skills they need and building a foundation on which they will enjoy future success. She has also served as an inspiration to her colleagues. Today, as she celebrates her retirement and reflects on her career, I am proud to join her longtime companion, Stanley Welch, her grandson Vinston, and all of those gathered today in extending my sincere thanks and appreciation for her outstanding and invaluable contributions. Linda Darnell Thorpe is an extraordinary woman, teacher, and friend and we are all better for having the opportunity to know her.

IN HONOR OF THE MOST VENERABLE THICH HO GIAC

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I wish to celebrate the life and ministry of the Most Venerable Thich Ho Giac, who currently serves at the Phap Luan Buddhist Culture Center in Houston, Texas. He was born on January 14, 1928 and is now 80 years old. He does not have any biological children of his own, but he is still a father figure and mentor to many in the Buddhist faith.

The Most Venerable Thich Ho Giac has committed his life to religion and service. He was admitted to monastery life when he was five years old. He was ordained as a bhikkhu in 1948. He came to the United States in 1982 and became a United States citizen in 1988. He has two leadership titles: Supreme patriarch of Buddhist Sangha and President of the Overseas Office of the Unified Buddhist Church of Vietnam.

Madam Speaker, on this Father's Day, I ask my colleagues and the people of Houston to honor the Most Venerable Thich Ho Giac for his seventy-five years of service and leadership in the Buddhist faith.

COMMEMORATING THE LIFE AND LEGACY OF DARRENT DEMARCUS WILLIAMS OF FORT WORTH, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize the life of Darrent "Dee" Williams and his legacy, the Darrent Williams Foundation.

Darrent Williams, a constituent of TX–D26, was a Fort Worth native and O.D. Wyatt graduate who died tragically January 1, 2007. Though his most important roles were as son, father and role model to many, he was also a star NFL player for the Denver Broncos. With a magnanimous heart, a desire to excel and the fight in him to say to naysayers, "just watch me," Darrent took on the world.

As a senior high school player, he was named 7–4A Defensive Most Valuable Player. During his career at Oklahoma State University, where he received full scholarship, he tied for first place all-time Division I–A in career interception returns for touchdowns. In 2005 he was selected by the Denver Broncos as 2nd Round pick for starting Cornerback and Punt Returner.

At the age of 24, Darrent Williams' life was cut short. But through tragedy, a life-fulfilling purpose emerged. The Darrent Williams Foundation, which carries his namesake, will partner with a host of organizations to provide mentorship, counseling, tutoring, guidance, and athletic training and conditioning to youth ages 6 to 13. These services will be rendered with the overall goal to help ease life challenges and concerns regardless of ethnicity and socioeconomic background. As partners with Fort Worth Independent School District (FWISD), L. Clifford Davis and Morningside Elementary Schools have been chosen as inaugural recipients.

Today, I join with the entire city of Fort Worth community in recognizing Darrent Williams' life and legacy.

IN HONOR OF FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, I wish to honor our Nation's fathers this Father's Day because they are the foundation of the family and heroes in the eyes of our Nation's children. Fathers are a vital part of the strength of the American family and I ask that my colleagues honor the fathers of our Nation on Sunday, June 15, 2008.

Father's Day is celebrated worldwide at different times of the year, but in America, we celebrate it on the third Sunday of June. Father's Day has a long history in the United States, although it was not officially recognized until the presidency of Richard Nixon. After the Civil War, the casualties were immeasurable and many women lost their fathers, husbands and family members. Two notable women, Sonora Smart Dodd of West Virginia and Grace Golden Clayton of Washington, acted upon their loss by encouraging their communities and states to commemorate the lives of their fathers. Sonora Smart Dodd, whose single-parent father raised 6 children before his death, was the first to propose such a celebration of fatherhood in 1909.

Father's Day is a time for Americans nationwide to show reverence and love for the father figures in their lives. It is also a time to pay tribute to those men who are single parents or guardians and still seem to be legends in their children's eyes. On June 15, I urge my colleagues and fellow citizens to celebrate Father's Day.

COMMEMORATING THE OPENING OF ELLA MAE GRATTS SHAMBLEE LIBRARY IN FORT WORTH, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BURGESS. Madam Speaker, I rise today to commemorate the grand opening of the Mrs. Ella Mae Gratts Shamblee Library in the city of Fort Worth, Texas. On Friday, June 13, 2008, elected officials, clergy, historians, stakeholders, residents and visitors will gather to celebrate this opening and the library named in her honor.

At a time when African-Americans were not allowed to sit in libraries or drink from "public" water fountains, Mrs. Shamblee, the city's first African-American librarian, interceded and acted as an agent of change by providing books to those who otherwise may not have been able to visit the city's library. Mrs. Shamblee repeatedly carried boxes of books and rode on streetcars and buses to deliver them to the African-American community of South Fort Worth.

Through continued public service, Mrs. Shamblee became a pillar of the community and provided library services at establishments such as Stevens Grocery Store, a nursery school and the Federations Women's Club. Her enthusiasm in creating an atmosphere of education and knowledge resulted in her pioneering the library's bookmobile which was the forerunner of the city's branch libraries.

The Shamblee Library will serve as an epitome of advancements made in providing access to information to all residents in the city of Fort Worth, and particularly the Evans/Rosedale and Terrell Heights neighborhoods. Incorporated into the design of the historic Tommy Tucker building, the Shamblee Library is the cornerstone of the Eva & Rosedale Business and Cultural District and an edifice to the long-anticipated Southeast Fort Worth renaissance.

Today, I join with the entire city of Fort Worth community in recognizing the significance of this occasion and to pay tribute to the grand opening of the Ella Mae Gratts Shamblee Library.

IN HONOR OF REVEREND DR. JOE E. DANCY, SR.

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I wish to honor and recognize the life, legacy and ministry of the Reverend Dr. Joe E. Dancy, Sr., who currently serves as the pastor of St. James Missionary Baptist Church in Houston, Texas. Dr. Dancy was born on October 3, 1926 and is now 80 years old. Dr. Dancy has ten children, 56 grandchildren and over 100 great grandchildren and has been married for 63 years to Mrs. Vernia L. Dancy. On this Father's Day, I would like to salute him as the patriarch of the Dancy family, public servant to the people of Houston, and the presiding pastor at St. James Missionary Baptist Church.

Dr. Dancy has been preaching for 45 years and he has served the people of St. James for 41 years. In 1945, he began working for the City of Houston as a truck driver and he did not retire until 1978. During his 33 years with the City of Houston, he worked through the Civil Rights Movement, the Jim Crow era and the desegregation period. In addition, he worked as a community leader in Houston's Sunnyside community for over 60 years. Continuing his commitment to service, Dr. Dancy worked on community projects such as the Shutdown of the Sunnyside Incinerator, the community resistance movements against the expansions of numerous landfills that existed in Sunnyside, and most recently the fight against Southern Crushed Concrete. In a leadership capacity, he serves as a Chaplain for the Harris County Precinct 7 Constable Office, a member of the Scottish Rite Masonic Lodge, and a member of the Houston Baptist Minister's Association.

Madam Speaker, on this Father's Day, I ask my colleagues and people of Houston to honor the Reverend Dr. Joe E. Dancy, Sr. for his dedication to his family, the people of Houston, and St. James Missionary Baptist Church.

TRIBUTE TO CHRISTOPHER TROUVÉ, COLONEL, UNITED STATES ARMY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. STUPAK. Madam Speaker, I rise today to pay special tribute to a man who has served our Nation with dignity, pride, and honor. With that in mind, I ask that all of my colleagues join me in celebrating the retirement of Colonel Christopher Trouvé of Sault Ste. Marie, Michigan. Colonel Trouvé will retire on June 25, 2008 after a distinguished 25-year career with the United States Army.

Col. Christopher Trouvé was born in Nürnberg, Germany on February 4, 1961, as one of the three children of Lt. Col. (Retired) Raymond and Clare Trouvé, while his father was serving as a captain in the U.S. Army. Christopher grew up traveling the world until his father retired from the Army and settled the family in Sault Ste. Marie. Christopher attended and subsequently graduated from the Sault Area High School.

Colonel Trouvé began his military career at Michigan State University through an Army Reserve Officer Training Corps scholarship. Following graduation, as a Distinguished Military Graduate, Colonel Trouvé was commissioned a Second Lieutenant in the Field Artillery branch of the Army.

Following in his father's footsteps, Christopher attended the Officer Rotary Wing Aviator Course at Fort Rucker, Alabama. After graduating from flight school, Christopher was assigned to the 159th Aviation Support Helicopter Battalion, 101st Airborne Division. It was during this first unit assignment that he was promoted to captain, developed his skills as a combat aviator and combined arms tactician, and was recognized by the Army's Aviation Resource Management Survey Team for managing a "superior" flight operation.

In August 1987, he volunteered for duty as the Operations Officer for the Aviation Company of the Logistics Support Unit, Sinai, Egypt in support of the Multinational Force and Observers. Shortly thereafter he took command of Headquarters and Headquarters Company, 7th Battalion, 101st Aviation Regiment (Heavy Lift) and deployed the unit to Saudi Arabia in support of Operation Desert Shield.

During Operation Desert Storm, Colonel Trouvé flew as a Night Vision Goggle Combat Crew Pilot-in-Command of a CH–47D heavy lift helicopter. During this tour he flew more than 60 hours in combat missions. For his service and leadership, he was awarded two Air Medals and the Bronze Star.

During his career, Colonel Trouvé also took command of the Charlie Company, 228th Aviation Regiment, the Alpha Company "Predators," 7th Battalion, 101st Aviation Regiment, and the 2d Battalion (Heavy Lift), 52d Aviation Regiment "Nightmare." As a commander, Christopher provided leadership, innovation, and inspiration in operations, training, and maintenance. He helped his crews increase night vision goggle flying time, sustain high operation tempos, and maintain high operational readiness.

Christopher earned a Master of Arts in Management at the Command and General Staff College in 1997 and was promoted to Colonel in October 2005 while attending the Air War College, where he graduated with a Master's Degree in Strategic Studies.

Colonel Trouvé is currently serving in his final assignment as the Deputy Director, Technology Management Office, Office of the Chief of Staff at the Pentagon where he is responsible for oversight of all Secretary of the Army-designated sensitive activities.

Madam Speaker, Colonel Christopher Trouvé has served the U.S. Army with distinction for 25 yeas. During his career as a commissioned officer, Colonel Trouvé has flown almost 2,500 hours and earned the distinction as a Master Army Aviator. In 2002, he was inducted into the Honorable Order of Saint Michael, Bronze Award by the Army Aviation Association of America for "outstanding contributions to the community of Army Aviation."

On June 25, 2008, family, friends, and fellow members of the Army will gather to celebrate a well-deserved retirement for Colonel Christopher Trouvé. As Christopher prepares to enter retirement, I offer him, his wife Nancy, and his two sons all the best for the future. I ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in thanking Colonel Christopher Trouvé for his service to the United States Army and our Nation and in commending him for the many years of his life he has spent in service to others.

IN MEMORY OF HAZEL HARVEY PEACE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. BURGESS. Madam Speaker, I rise today to remember Hazel Harvey Peace and her extraordinary career in educating and enriching the lives of many African-American children and adults in Forth Worth, Texas.

Born August 4, 1907, Ms. Peace served the African-American community for 46 years as teacher, debate team coach, counselor, Dean of Girls and Vice Principal of I.M. Terrell High School. After retiring from this historically recognized institution, she spent an additional 9 years as Coordinator of Financial Aid and was subsequently promoted to Director of Student Affairs at Bishop College in Dallas. She is credited with having increased recruitment efforts for scores of African-American students to colleges and universities around the country.

In addition, Hazel Harvey Peace became the woman for whom the children's section of Fort Worth's main public library is named. Most recently, the University of North Texas honored her with the Hazel Harvey Peace Professorship. This professorship has the distinction as the first such honor to be named for an African-American woman at a 4-year, State-funded institution in Texas.

Ms. Peace passed away Sunday, June 8, 2008, at the age of 100 years and leaves generations of students who will gather to celebrate her life and legacy. She will always be remembered as an educator who had a passion to inspire and a zest to mentor students through her dedication to education. Her lifelong commitment and impact has touched thousands across the State of Texas as well as those across this vast Nation. We are truly indebted to her legacy.

HONORING THE REVEREND JOHNNIE JEFFERSON ROBERSON ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Johnnie Jefferson Roberson, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Earlier this year, Reverend Roberson marked the semi-centennial of the Mt. Hebron Missionary Baptist Church, of which he was a founder and organizer. Reverend Roberson has shown tremendous loyalty to his church, serving as the pastor of Mt. Hebron to this day. Under Reverend Roberson's leadership, Mt. Hebron has expanded and strengthened greatly and now has over 1,000 families as members. Along with his service to Mt. Hebron, Reverend Roberson also has served his country; serving in the United States Army during World War II. In commemoration of Reverend Roberson's great work, he received an NAACP Leadership Award in 2005, and I believe that he deserves recognition from all of us.

Reverend Roberson has long been a valued member of community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Roberson for all of his accomplishments and urge people across America to look to leaders such as Reverend Roberson as role models for their work in inspiring and engaging our youth to live productive, positive lives.

CONGRATULATING MR. RICHARD E. WITTEN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mrs. LOWEY. Madam Speaker, I rise today to recognize the accomplishments of Mr. Richard E. Witten and to congratulate him on receiving the Anne Frank Distinguished Advocate Award. Mr. Witten's deep commitment to education and the Jewish experience is unparalleled.

A graduate of Columbia College and Harvard Law School, Richard began his career practicing corporate securities law in New York City. In 1981, he began working at Goldman Sachs and Co. where he rose to Partner and Managing Director from 1990 to 2002. Currently the Senior Managing Director of The Orienta Group, an investment and advisory firm, Richard also serves on the Board of Directors of Jets.com, a jet charter company with offices in New York City, Boston and Phoenix.

Richard contributes to and advocates on behalf of a number of charitable causes, several of which are educational institutions. He is a Vice Chairman of the Columbia University Board of Trustees and a member of the Board of the Columbia Investment Management Company. He is the Chairman Emeritus of the Board Visitors of Columbia College, a Trustee of the National Museum of Jewish History in Philadelphia, and a member of the Executive Committee of Gilda's Club of Westchester.

Mr. Witten has balanced his distinguished career and philanthropic work with an equally impressive family life. He and his wife, Lisa, live in Mamaroneck, New York. They have three children, Anne, Alex and Jeffrey. A gifted writer, Richard recently published his first novel, Divided Loyalties, a historically accurate depiction of his father-in-law's experience during the Second World War.

Additionally, through their private foundation, Richard and his wife have also provided the primary funding for iTeach, a program developed by Massachusetts General Hospital and Partners Aid Research Centre to improve delivery of HIV and TB care in South Africa.

Madam Speaker, I am proud to recognize my good friend Mr. Richard E. Witten for a successful career in finance and unparalleled devotion to charitable causes. I urge my colleagues to join me in honoring his tremendous accomplishments.

HONORING THE REVEREND ELBERT R. CURVEY ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Elbert R. Curvey, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend Curvey is a veritable fixture of the Sunny Side community of Houston. He has been the pastor of the Sunny Side Missionary Baptist Church since 1960 and has overseen strengthening of the congregation over the years. Reverend Curvey has made a point over his lifetime of improving the lives of our young people. He taught for years at Harper Junion High and Clinton Park Elementary, where he served as a tremendous role model for his students. He continued in the Houston Independent School District for decades, eventually becoming Assistant Superintendent. Reverend Curvey's work in helping our youth through avenues ranging from academic to religious is truly a shining example to behold.

Reverend Curvey has long been a valued member of community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Curvey for all of his accomplishments and urge people across America to look to leaders such as Reverend Curvey as role models for their work in inspiring and engaging our youth to live productive, positive lives.

HONORING OFFICER ERIK D. HITE OF TUCSON, ARIZONA, POLICE DEPARTMENT

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. GIFFORDS. Madam Speaker, I am honored to acknowledge today the exceptional life and public service of Erik D. Hite, an officer with the Tucson Police Department who was tragically killed in the line of duty on June 1st, 2008.

Officer Hite was known as "a cop's cop." He was dedicated, loyal and brave—everything we expect from a law enforcement officer. He took a solemn oath to protect and serve his community. When danger arose on the streets of Tucson early that Sunday morning, Officer Hite wasted no time in responding. "Without hesitation, he ran to that call, ran towards danger," explained Tucson Police Chief Richard Miranda at Officer Hite's funeral. "He gave up his life so that others can live free."

Officer Hite was 43 years old at the time of his death. He is survived by his wife, daughter, son, parents, countless friends and colleagues and a grieving community. For four years, Officer Hite proudly wore the uniform of the Tucson Police Department. For 21 years before joining the department, he served with distinction in the United States Air Force. Officer Hite's entire adult life was spent in the service of his country and his community and for that we all owe him a tremendous debt of gratitude.

Every day, thousands of men and women like Officer Hite put their lives on the line in the name of something bigger than themselves. They risk everything for an ideal—the ideal of protecting American freedoms and rule of law. The death of Officer Hite is evidence of the ultimate sacrifice that can come from that ideal.

On June 10th, more than 3,000 mourners attended a service to pay their respects to Officer Hite. Following the service, thousands more lined the streets to salute him as the funeral cortege passed by. Befitting how he lived his life, Officer Hite's funeral service was attended by law enforcement personnel from every police department in Arizona and was filled with touching military and police ceremonies. His coffin was carried by colleagues in dress uniforms and an honor guard representing every law enforcement agency saluted as he passed. There were many moving eulogies but it was his son Roy who best captured the life and legacy of Officer Hite: "He always knew what was right—what was the right thing to do, the right thing to say and the right way to act."

I ask the House of Representatives to join with me in extending condolences to the family and friends of Officer Hite and in thanking him for his great sacrifice as he courageously carried out his duty to protect and serve. His life is an inspiration to us all and he will never be forgotten.

HONORING THE REVEREND FRED McNACK ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Fred McNack, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend McNack has served as the pastor of Houston's Unity in God Missionary Baptist Church for the last 38 years. He also served his community well as the Associate Pastor of Christian Faith Missionary Baptist Church for 10 years. Not only has Reverend McNack shown admirable dedication to his faith, he also served our country in the United States Navy from 1941 to 1945 during World War II. It is safe to say that Reverend McNack has lived the kind of life that would serve as a good example to our young people of how to serve one's community and country.

Reverend McNack has long been a valued member of community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend McNack for all of his accomplishments and urge people across America to look to leaders such as Reverend McNack as role models for their work in inspiring and engaging our youth to live productive, positive lives.

HONORING THE SERVICE OF THE FIRE AND RESCUE WORKERS OF McDOWELL COUNTY, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. SHULER. Madam Speaker, I rise today to honor the exemplary service of the fire and rescue workers of McDowell County, North Carolina, who work tirelessly to ensure the safety of our families and homes. I specially want to offer tribute to the fire and rescue workers, many of which are volunteers, who have been honored with awards from the McDowell Fire and Rescue Association.

Since colonial times predating the birth of the nation, volunteer groups have banded together to form brigades to protect towns and cities from fire and other types of devastation. Benjamin Franklin, one of this nation's founders, was also responsible for the creation of the first volunteer fire department in Philadelphia in 1735.

Since that date millions of Americans, driven by a deep sense of responsibility and compassion for their neighbors, have risked their lives on a daily basis to ensure the safety of others. Currently, over a million Americans serve their communities as fire fighters.

I would like to specifically honor the following individuals who have been named Firefighters and Rescue Persons of the Year by the McDowell Fire and Rescue Assocation: for the Ashford North Cove Fire Department, Thomas Swofford; for the Crooked Creek Fire Department, Glen Anderson; for the Dysartsville Fire Department, Billy Driggers; for the Glenwood Fire Department, Ryan Spencer and Curtis Grant; for the Hankins North Fork Fire Department, Charles Parker; for the Marion Fire Department, Amy Hudgins; for the Nebo Fire Department, Alan Snypes; for the Old Fort Fire Department, Nick Stafford; for the P.G. Fire Department, Bradley Wyatt; for the Sugar Hill Montford Cove Fire Department, David Patton; for the Woodlawn Fire Department, Lucas Davis; for the McDowell County Rescue Squad, Randy Freeman.

I want to offer tribute to the following First Responders of the Year: for the Ashford North Cove Fire Department, Bradley Washburn; for the Crooked Creek Fire Department, Kirk Lunsford; for the Dysartsville Fire Department, Jeff Walker; for the Glenwood Fire Department, Gene Morgan; for the Hankins North Fork Fire Department, Jimmy Hardin; for the Marion Fire Department, Phillip Finley; for the Nebo Fire Department, Shane Kirkpatrick; for the Old Fort Fire Department, Roy Crisp; for the P.G. Fire Department, Danny Killough; for the Sugar Hill Montford Cove Fire Department, Chris Parker; for the Woodlawn Fire Department, Gary Cook.

I would also like to recognize Brian Lonon, McDowell County Paramedic of the Year, and Derek Carlson, McDowell County Telecommunicator of the Year.

It is with great respect and gratitude that I commend these brave and dedicated fire and rescue workers. I am honored to be able to stand with the McDowell Fire and Rescue Association in recognizing their hard work and service.

HONORING THE REVEREND WILLIAM A. LAWSON ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Dr. William A. Lawson, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend Lawson is a tremendous father figure and fixture in our community. He has been married to his wife Audrey for over fifty years and admirably raised four children. He was the founding pastor of Wheeler Avenue Baptist Church and continues to lead that congregation. Reverend Lawson has also been deeply involved in the community even outside of his church, having conceived and organized the United Way's Houston Homeless Initiative, which raised over $4 million in a four-year period. He also organized the Houston area's largest and most productive scouting program, leading to his receipt of the 1991 Silver Beaver Award in support of scouting. Clearly, Reverend Lawson has demonstrated the very kind of leadership that we need in our communities to help our youth develop into successful adults.

Reverend Lawson has long been a valued member of the community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Lawson for all of his accomplishments and urge people across America to look to leaders such as Reverend Lawson as role models for their work in inspiring and engaging our youth to live productive, positive lives.

REAUTHORIZE THE ASSAULT WEAPONS BAN

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. KIRK. Madam Speaker, today I join Representatives CASTLE, FERGUSON and SHAYS in introducing the Assault Weapons Ban Reauthorization Act of 2008. This September will mark the fourth anniversary of the expiration of the landmark 1994 Assault Weapons Ban. The Bureau of Alcohol, Tobacco, and Firearms reported that crimes involving assault weapons dropped by two-thirds while the Federal ban was in effect. As the Nation witnesses a dramatic spread of violent gang activity, it is imperative that we take action to keep automatic weapons out of the hands of these criminals. It is high time to bring back the ban.

This bill will prohibit the domestic manufacture and sale of military-style semi-automatic assault weapons such as AK–47s and UZIs, as well as high-capacity ammunition clips that hold more than ten rounds. It also includes weapons designed to fit accessories such as flash suppressors, silencers, and bayonets—accessories that serve no legitimate purpose outside the military and law enforcement.

The Mexican government is currently engaged in a violent war against heavily armed, extremely violent drug traffickers. Just recently the cartels assassinated the Mexican equivalent of our FBI Director. They are now threatening President Calderon's life.

These gangs operate in every major metropolitan area in the United States, and are increasingly active in suburban America where the local police are ill-equipped to meet this threat. Restoring the assault weapons ban will help level the playing field for these police as they work to keep our communities safe and gang-free.

I urge my colleagues to join me in sponsoring this commonsense legislation.

HONORING THE REVEREND ROBERT JEFFERSON ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Robert Jefferson has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend Jefferson has long devoted himself to improving our community, especially for our young people. Along with serving as the pastor of the Cullen Missionary Baptist Church, which I attend, he is the Founder/President of the Ministry Advisory Council, Special Projects Director to the Houston Ministers Against Crime, and the Founder/President of A Brand New City. He has played a critical role in creating the Teen Court, a program to be implemented with the Houston Independent School District that would allow students to be punished for infractions without developing a criminal record. I have personally observed Reverend Jefferson's work with children and other at-risk individuals and I can testify that he is an exemplary leader for our young people.

Reverend Jefferson has long been a valued member of community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Jefferson for all of his accomplishments and urge people across America to look to leaders such as Reverend Jefferson as role models for their work in inspiring and engaging our youth to live productive, positive lives.

CELEBRATING 80TH BIRTHDAY OF GERALD (JERRY) KOPEL AND 56TH ANNIVERSARY OF JERRY AND DOLORES KOPEL

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Ms. DEGETTE. Madam Speaker, I rise to recognize a dual celebration for two distinguished members of the First Congressional District. This week the Kopel family of Denver celebrates the 80th Birthday of Gerald (Jerry) Kopel and the 56th Anniversary of the marriage between Jerry and Dolores Kopel.

Jerry and Dolores have led an interesting and engaged life together, balancing careers in journalism, law, politics, and policy. They were the original "power couple" long before dual careers were more outwardly prevalent and socially acceptable. What is truly admirable is the Kopels managed to pursue these accomplishments while raising a family and contributing to the broader well-being of our community.

Dolores and Jerry met at the University of Colorado when Jerry was city editor of the Silver and Gold newspaper and Dolores was a reporter. Jerry graduated from the University and Dolores transferred to the University of Denver College of Law. They married at the end of her first year of law school, while Jerry was working for the Rocky Mountain News.

Dolores graduated from law school cum laude in June 1954. Jerry enrolled in law school in January 1955 but continued to pull night shifts at the Rocky Mountain News as a copy editor. In 1958, Jerry graduated cum laude from the University of Denver. The Kopels had the unique experience of practicing law together until 1979, when Dolores was appointed U.S. Trustee for the District of Colorado and Kansas.

In the Kopels' life-long dedication to giving back to the community and preparing the next generation for careers in law, Jerry directed a review course for law students preparing for the Colorado bar exam from 1958 through 1985.

In 1964, Jerry combined his background in journalism and his law degree to become an influential member of the Democratic Party. He served as state representative for a total of twenty-two years, spanning two decades.

Jerry was known as the consummate legislator, reading every bill and every amendment that came before the House chamber. He carried 110 bills as chief sponsor, including the nation's first sunset law.

Jerry's 22 years in the State Legislature and his extensive involvement in community issues and Colorado politics are encapsulated in "The Gerald Kopel Papers," which are housed in the Denver Public Library's Western History Collection. The papers are perhaps the most extensive archive of the public career of any American state legislator from the 20th century.

After retiring from the Legislature in 1992, Jerry continued to produce a printed newsletter, titled "Jerry Kopel's Report" until 1998. However, for many years, Jerry prepared weekly reports for House Democrats and suggested amendments to bills being debated on the House floor.

Since retirement, Jerry has returned to journalism. He writes a weekly column for the Colorado Statesman and other newspapers and has joined the technological age with an extensive Web site chronicling his columns and exhibiting his extensive knowledge of Colorado politics, law, and history.

Over the years, Jerry has won numerous awards from the Colorado Press Association, most recently in 2006 in the Public Service writing category. All of his 600-some columns were edited by his wife, Dolores. Both Jerry and Dolores have received recognition from the Denver Bar Association for 50 years of practice. Their son, David, is an attorney and author who is a columnist for the Rocky Mountain News.

Jerry is also an accomplished cocktail pianist, and has entertained at many local functions. He has issued several fine CD's which are in my personal collection.

I have personally known Jerry and Dolores for many years, eagerly accepting Jerry's sage advice on politics and I am an ardent reader of his weekly columns. Jerry and Dolores have had a distinctive lifetime at the forefront of Colorado politics, policy, and history and their commitment to public service and the betterment of their fellow Coloradans serves as a sterling example for younger generations and those entering public policy careers.

I ask my colleagues to join me in wishing Mr. Kopel and his wife Dolores a wonderful 56th Anniversary and Jerry a healthy and prosperous 80th birthday and pay tribute to their longstanding service and dedication to the City of Denver and the State of Colorado.

HONORING DISABLED VETERANS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. HENSARLING. Madam Speaker, I come to the floor today to honor those defenders of liberty who do not get the honor, the respect, and the recognition that they are due. Because, Madam Speaker, as hard as we try we can never adequately repay those disabled while fighting for our freedom.

I am often reminded of a quote from President Calvin Coolidge, who was known as "Silent Cal" because he said very little. But when he spoke, people listened. One of the things he said was that "a nation that forgets its defenders will soon itself be forgotten." So, one of the things I try to do as a member of Congress is to ensure that we never forget our defenders of freedom and that I find opportunities to celebrate their achievement and to celebrate their sacrifice. That is why we are here today, to defend disabled veterans for their sacrifice.

One quality unique to disabled veterans is the continuous sacrifice they make each and every day. After the war is finished, their battle is not over. These veterans and their families will forever have a reminder of the price they paid for our freedom.

Madam Speaker, I am humbled and privileged to represent these individuals in the U.S. House of Representatives and as long as I am serving in this body, I am committed to ensuring that this nation never forgets these heroes.

HONORING THE REVEREND HUAN NGOC NGUYEN ON FATHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, this Father's Day, I would like to honor a man who exemplifies what it means to be an excellent father—a man who is a community leader, an upstanding and moral man, and a positive role model for our youth. The Reverend Huan Ngoc Nguyen, who lives in my congressional district, has done great things, and I am proud to express my congratulations to him for all he has done for our community.

Reverend Nguyen, a father of three sons and two daughters, has been married since 1945. He fled to Thailand from danger in Vietnam in 1979 and came here to the United States in 1980, where he quickly became an active and valued member of the community, eventually becoming an American citizen in 1986. Reverend Nguyen, who preaches at Houston's Vietnamese First Alliance Church, has taught Sunday school since 1985 and became a pastor in 2005.

Reverend Nguyen has long been a valued member of the community, and rightly so. On this occasion of Father's Day, I would like to recognize Reverend Nguyen for all of his accomplishments and urge people across America to look to leaders such as Reverend Nguyen as role models for their work in inspiring and engaging our youth to live productive, positive lives.

HOUSE OF REPRESENTATIVES—*Friday, June 13, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPPS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 13, 2008.

I hereby appoint the Honorable LOIS CAPPS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Pastor George Torres, Jr., International Calvary Church, Springfield, Virginia, offered the following prayer:

Lord Father, as we appreciate the splendor of a beautiful day, we give You thanks for the opportunity to cherish the freedom that You provide us as citizens of this country.

We thank You for Your grace and mercy which showers us daily. We thank You for friends, loved ones and for Your eternal sacrifice which has given us hope.

Heavenly Father, I thank You for the men and the women of this House, their families and their staff, who continue to do the work of this country. Grant them the wisdom and strength to make decisions and lead our Nation.

May they learn to depend on You for guidance during our most difficult times as a country.

May Your will always be done in this land, and may Your love abound in our hearts.

I ask all this in Jesus' name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, JUNE 12, 2008, AT PAGE 12364

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

H.R. 6124. An act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, June 17, 2008, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7134. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus firmus isolate 1582; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0159; FRL-8362-7] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7135. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act by the Department of Homeland Security, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7136. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the 2007 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

7137. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Participation by Disadvantaged Business Enterprises in Procurement Under Environmental Protection Agency (EPA) Financial Assistance Agreements [Docket ID NO. EPA-HQ-OA-2002-0001; FRL-8545-9] (RIN: 2090-AA38) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7138. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; States of South Dakota and Wyoming; Interstate Transport of Pollution [EPA-R08-OAR-2007-0648; FRL-8563-6] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7139. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Hazardous Air Pollutants from Mobile Sources: Early Credit Technology Requirement Revision [EPA-HQ-2005-0036; FRL-8564-3] (RIN: 2060-AO89) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7140. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(C) of the Arms Export Control Act, Transmittal No. 08-0A, relating to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 06-51 of 28 September 2006; to the Committee on Foreign Affairs.

7141. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Fifth Quarterly Report on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects, as required in House Conference Report 109-702, Section 3201; jointly to the Committees on Armed Services and Appropriations.

7142. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2007, pursuant to the Naval Petroleum Reserves Production Act of 1976; jointly to the Committees on Armed Services and Energy and Commerce.

7143. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for the enclosed list of countries, pursuant to Public

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Law 110-161, section 634A; jointly to the Committees on Foreign Affairs and Appropriations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

313. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 30 memorializing the Congress of the United States to take such actions as are necessary to create a national catastrophe fund; to the Committee on Financial Services.

314. Also, a memorial of the Senate of the State of Massachusetts, relative to a Resolution memorializing the President of the United States and the Congress of the United States and the United States Department of State to encourage Turkey to respect the religious rights of all people; to the Committee on Foreign Affairs.

315. Also, a memorial of the House of Representatives of the State of Utah, relative to House Resolution No. 1 urging the United States to withdraw from the Security and Prosperity Partnership of North American and any other bilateral or multilateral activity which seeks to create a North American Union; to the Committee on Foreign Affairs.

316. Also, a memorial of the General Assembly of the State of Illinois, relative to House Joint Resolution No. 82 urging the Congress of the United States to enact and the President of the United States to approve, a supplemental appropriation to restore the funding to Fermilab to the level of the President's FY2008 budget request; to the Committee on Science and Technology.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2332: Mr. NUNES, Mr. BISHOP of Utah, and Mr. TOWNS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

270. The SPEAKER presented a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0856 requesting that the Congress of the United States enact legislation to encourage lenders and loan servicers to work out unsound loans as an alternative to foreclosure; to the Committee on Financial Services.

271. Also, a petition of Mr. Wayne T. Gilchrest, Member of Congress, and Mr. Elijah E. Cummings, Member of Congress, relative to a petition urging consideration of the principles outlined in the 2006 Iraq Study Group (ISG) Report; jointly to the Committees on Foreign Affairs and Armed Services.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 8, June 10, 2008, by Mr. TIM WALBERG on H.R. 3089, was signed by the following Members: Tim Walberg, Jo Bonner, Ron Lewis, Mac Thornberry, Rodney Alexander, Steve Chabot, John R. Carter, Todd Russell Platts, Elton Gallegly, Frank D. Lucas, John Linder, Zach Wamp, Thaddeus G. McCotter, Bill Shuster, Michael K. Simpson, Darrell E. Issa, David Davis, Jack Kingston, Harold Rogers, Terry Everett, John Campbell, Charles W. Dent, Robert E. Latta, Kay Granger, John Abney Culberson, Trent Franks, Joseph R. Pitts, Thomas M. Reynolds, Ralph M. Hall, Pete Sessions, Phil Gingrey, Spencer Bachus, Paul C. Broun, Ted Poe, Lynn A. Westmoreland, Bill Sali, Candice S. Miller, Kevin Brady, Jeff Miller, C. W. Bill Young, Sam Johnson, Devin Nunes, John Kline, Howard P. "Buck" McKeon, Sue Wilkins Myrick, Jerry Lewis, Ken Calvert, John L. Mica, Michael R. Turner, K. Michael Conaway, Tom Cole, Thelma D. Drake, Adrian Smith, Dean Heller, Scott Garrett, Ron Paul, Charles W. "Chip" Pickering, Steve King, Wally Herger, Jean Schmidt, Michele Bachmann, Marsha Blackburn, Daniel E. Lungren, Charles W. Boustany, Jr., Doug Lamborn, Rob Bishop, Nathan Deal, J. Gresham Barrett, Lamar Smith, Cathy McMorris Rodgers, Roy Blunt, Bob Goodlatte, Frank R. Wolf, Randy Neugebauer, Dan Burton, John Shimkus, Mary Fallin, Patrick J. Tiberi, Jim Jordan, Eric Cantor, Donald A. Manzullo, Steve Scalise, Paul Ryan, Joe Barton, Peter Hoekstra, Tom Price, Stevan Pearce, W. Todd Akin, Mary Bono Mack, Virginia Foxx, Patrick T. McHenry, Jeb Hensarling, John Boozman, Tom Davis, Dennis R. Rehberg, Ray LaHood, J. Randy Forbes, Mark E. Souder, John A. Boehner, David Dreier, Lee Terry, Gary G. Miller, Robin Hayes, Ander Crenshaw, Mike Pence, Ginny Brown-Waite, Kenny Marchant, Chris Cannon, Jo Ann Emerson, John M. McHugh, Mike Rogers, John B. Shadegg, Robert B. Aderholt, Dave Camp, Peter J. Roskam, Michael T. McCaul, Marilyn N. Musgrave, George Radanovich, Robert J. Wittman, John R. "Randy" Kuhl, Jr., John J. Duncan, Jr., Edward R. Royce, Tom Latham, Michael C. Burgess, Henry E. Brown, Jr., Adam H. Putnam, Peter T. King, Joe Wilson, Phil English, John T. Doolittle, Howard Coble, Fred Upton, Jerry Weller, Jon C. Porter, Geoff Davis, Tom Feeney, and Louie Gohmert.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. PENCE on House Resolution 694: Roberta E. Latta, Robin Hayes, Steve Scalise, John M. McHugh, and Mike Rogers.

Petition 7 by Mr. FOSSELLA on H.R. 5440: Robin Hayes.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 13, 2008

Mr. SHAYS. Madam Speaker, in compliance with Republican Conference earmark disclosure requirements, I would like to submit the following statement for the record.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation, Air Force.

Line 8, 0602102.

Legal Name of Requesting Entity: United Technologies Corporation (UTC).

Address of Requesting Entity: 411 Silver Lane; M/S 129–88, East Hartford, CT 06108.

Description of Request: I received an earmark of $5M to develop and demonstrate high temperature gas turbine airfoils using fiber-reinforced ceramic matrix composite (CMC) technology, for advanced military gas turbine engines for F135 (JSF Growth). With the funding, UTC will accelerate the development of this new class of materials with significant potential DoD benefits. Recent studies have shown that CMC 3rd blades in the F135 growth engine have the potential to save more than 42 pounds of engine weight and lead to consequent cooling air savings of 1.67%, leading to significant performance improvement and fuel savings. As this is a research and development project, which is not yet under contract, a detailed budget breakdown is not yet available. Nearly all of the funding would be dedicated to engineering work.

PREVIEWING THE CARIBBEAN COMMUNITY CONFERENCE—A NEW YORK GATHERING OF CARICOM HEADS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 13, 2008

Mr. RANGEL. Madam Speaker, I rise today to inform my colleagues of the coming of a thoroughly New York and Caribbean affair, a first-of-its-kind Big Apple meeting between the heads of state of the CARICOM nations, the financial movers and shakers in Wall Street, and the city's loyal Caribbean constituency. This two-day Caribbean Community Conference, to be held in New York City June 19 through 20, aims to connect the Caribbean Diaspora with the leaders of their ancestral homes and promote a dialogue regarding the region's economic and social development. The conference arrives at an opportune time, as these nations push forward with their plan for a single, integrated market economy and are faced with the challenges of rising food and energy costs, the contagiousness of a slumping U.S. economy, and the staggering impacts of a skyrocketing inflation. This unprecedented coming together of the minds will emphasize the role of trade and investment as engines of growth.

The idea of inviting CARICOM leaders to New York came to me at last year's CARICOM summit in Barbados. It seemed natural to me that these leaders gather in the city where perhaps the largest concentration of Caribbean descendants outside of the region is found. The well-being and livelihood of the Caribbean nations are of paramount importance to these expatriates, but also to New York, and America, as well. We mean to extend a friendly hand to our neighbors to the south—from the member states of Antigua and Barbuda, Bahamas, Barbados, Belize, the Commonwealth of Dominica, Grenada Carriacou & Petite Martinique, Guyana, Haiti, Jamaica, St. Kitts & Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, and the Republic of Trinidad to the territories of Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, and Turks and Caicos Islands—and communicate to them that they have neighbors in New York and in this country who are friends and supporters who want to contribute to their successful economic development.

These leaders will have the opportunity to interface with the industrial and financial leaders of the city, including meeting with the leaders of the investment banking community in a meeting at Goldman Sachs and being welcomed at a lunch hosted by the New York Stock Exchange, at which a relationship between the Exchange and stock exchanges in the region will be announced. In order to spur their small-market economies, they will need an increased amount foreign direct investment and a disposition to trade that will elevate the living standards of the Caribbean people.

The conference kicks off Thursday with a breakfast in Brooklyn, an education symposium at Medgar Evers College, and a luncheon where Governor David Paterson will give the keynote address. That afternoon will feature state and federal trade meetings, capping off with a dinner at Gracie Mansion, hosted by Mayor Michael Bloomberg. Friday will offer private meetings where investment, small-market economies, tourism, agriculture, and technology will be the topics of discussion. After a tour of Harlem and a visit to the Schomberg Center, the day closes with a Diaspora Forum at York College.

I introduce into the RECORD an article and two editorials from the New York CARIB News that preview the event as a boon for Caribbean and American relations and having great promise in the establishment of new initiatives that will contribute to the economic development of the region.

As partners in the Western Hemisphere, intent on improving the quality of life in their regions, these heads of sovereign nations merit our attentive ear and an outreached hand. May this historic gathering—on New York soil—be that first step.

CARIBBEAN CONFERENCE INITIATIVE, FROM BROOKLYN TO WALL STREET

RANGEL, GREAT FRIEND OF CARICOM SEES OPPORTUNITY FOR DIASPORA TO DISPLAY PRIDE AND FOR LEADERS TO PURSUE PATHS FOR ECONOMIC EXPANSION

It's an initiative with twin-goals, one aimed at the large Caribbean Diaspora in the United States and the other to promote the economic and social development of Caricom nations.

And if they are achieved U.S. Congressman Charles Rangel, one of the most influential elected representatives on Capitol Hill in Washington, would be more than just satisfied.

Actually, he was describing the objectives of the two-day Caribbean Community Conference in New York City on June 19–20. It's a meeting he first suggested to Caricom Heads of Government when he attended their summit in Barbados last year, a few weeks after the region's Presidents and the Prime Minister had completed a highly successful conference in Washington where they met with Congressional leaders as well as U.S. President George Bush and Condi Rice, the U.S. Secretary of State.

"I believe it is important for the heads of government of these sovereign states to come to the City where perhaps the largest Caribbean community can be found outside of the region itself and to meet with their nationals," he told an Editorial Board meeting of Carib News and said later in an interview with the paper.

"I would like everybody of Caribbean ancestry and those that work with and love them, to be able to see in person the Heads of Government of these sovereign countries, the Prime Ministers and the Presidents and to be able to identify beyond the United States to reflect on their culture, their backgrounds with pride and enthusiasm," Rangel, the Dean of the New York Congressional delegation, added. "It's our hope that the heads of state and Heads of Government realize that they have very strong friends politically and culturally in New York and in the country. It's our hope that there would be an explosion of pride and joy in what would be a Caribbean and New York celebration."

But that's not all about the conference. The other plank in its foundation is on the economic side.

"The leaders are very busy people, who come from small market economies and we want to bring them together with the industrial and financial leaders of the City, including the Wall Street executives in order for the Heads of Government to show that their nations are keen to welcome foreign direct investment and boost trade as part of their drive to improve the living standards of their people," he said. "These countries are our allies and friends and their track record of respecting human and property rights and their commitment to the free enterprise system and the rule of law should be recognized for what it is: an outstanding history that shouldn't be ignored by anyone."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And as if to underscore the emphasis on trade, investment and economic development, Congressman Rangel was instrumental in getting Wall Street to give the Caricom leaders red carpet treatment on June 20th with meetings at Goldman Sachs, the large investment bank whose Chairman and Chief Executive officer, Lloyd Blankfein, is to serve as the host of a breakfast and later an investment meeting at which Dr. Ralph Gonsalves, St. Vincent's Prime Minister, is to be the region's key spokesman.

The New York Stock Exchange, perhaps the world's largest and best known, is hosting a lunch for the Prime Ministers and Presidents, the first of its kind ever arranged for the Caricom leadership.

"We see these as important steps forward because they will enable the leaders to exchange ideas about economic growth in the Caribbean and to speak about their aspirations for their own countries and the region as a whole as they push ahead with plans for the Caribbean Single Market and Economy, CSME," said Rangel.

The Ways and Means Committee Chairman also told the Consuls-General and community leaders who attended the Editorial Board meeting that the Congressional Black Caucus was fully behind the Caribbean's efforts to accelerate the pace of their economic and social expansion."The Caucus has been fully on board on this initiative from the inception," was the way he put it. "Congressman Donald Payne, Representatives Gregory Meeks of Queens, Yvette Clarke and Ed Towns of Brooklyn, Bennie Thompson, Chairman of the House Homeland Security Committee and a host of others are very supportive of this undertaking and are confident of its success."

Several top consular officials including the Consuls-General of Antigua, Jamaica, Guyana, Trinidad and Tobago and Haiti attended the Editorial Board Meeting where Rangel explained that he had recently requested the U.S. Trade Commission to "evaluate the resources in the islands" and prepare a report on trade and economic opportunities in the Caribbean.

"I am sure that Caricom and other agencies in the Caribbean have already prepared a similar report but I want to find out where can our (American) investors go and what they would be looking for in terms of mutually beneficial economic opportunities.

"This would be a resource book, not any plan for the Caribbean, but one that would inform us about the thinking of the leaders of these sovereign nations. We want to find out what they believe they can accomplish individually and collectively and in our case to accelerate growth in their countries," he said.

The Chairman is said to have been instrumental in encouraging the U.S. Special Trade Representative, Susan Schwab to come to Brooklyn on June 19th to meet with Caricom leaders behind closed doors to discuss U.S. and Caribbean trade issues.

Rangel considers the Diaspora forums, the sessions on education and other issues designed to give Caribbean immigrants a chance to exchange ideas with their leaders from "back home" as being of "critical importance" to the successful outcome of the conference because "they would boost the pride and interest" of the people who live in New York in the lands from which they came and to which they are inextricably linked. "There is a sense of unbelievable pride among people from the various islands and nothing would please me more than to see them demonstrating it as they meet their Prime Ministers or Presidents," he added.

HISTORIC CARIBBEAN COMMUNITY CONFERENCE IN NY—CARICOM LEADERS DESERVE ENTHUSIASTIC RED CARPET WELCOME

U.S. Congressman Charles Rangel, one of Capitol Hill's most influence lawmakers and McChesney Emanuel, current Chairman of the Caribbean Consul Corps in New York, have a single goal, one which we share.

It is the upcoming New York Conference on the Caribbean Community 2008 must be highly successful. Planned at the urging of Rangel, Chairman of the Ways and Means Committee of the House of Representatives and planned by members of a steering committee headed by Emanuel, Antigua & Barbuda's Consul-General, and the Caricom Secretariat in Guyana, the two day meeting can open some very important financial doors to the entire Caribbean while at the same time drawing the nations and the Diaspora closer together.

"I would like everybody of Caribbean ancestry and those that work with them and love them, to be able to see in person the heads of government of these sovereign countries, the Prime Ministers and Presidents and be able to identify beyond the United States to reflect on their culture, their backgrounds with pride and enthusiasm" was the way Rangel put it.

The Consul-General used different words to express a similar sentiment when he expressed the hope that the two-day conference would "provide access to and an enabling environment for dialogue between the Diaspora and the Leaders of Caricom."

Clearly, Rangel, the Caribbean and its consular representatives are on the same page.

But this historic conference, the first of its kind to be held in New York City isn't simply about the Diaspora. The Prime Ministers and Presidents are also coming to talk trade, investment and economic development with some of the movers and shakers of Wall Street and Washington. It's the kind of access that few groups of developing countries have ever had.

The Congressman has used his considerable clout and that of other members of the Congressional Black Caucus to ensure that investment bankers, financial experts and the New York Stock Exchange give the Caribbean the ear and the welcome the region's leaders deserve.

Medgar Evers College and York College of the City University of New York as well as the University of the West Indies are also doing their part to ensure that a meaningful dialogue about education and the role of Caribbean immigrants in their countries' development takes place between the West Indians and their leaders.

That's why it's so important for the large immigrant community to turn out in droves at the public sessions which have been organized for them to meet their leaders and to articulate their hopes and dreams for the region and their respective birthplaces.

WHEN CARIBBEAN SOVEREIGN NATIONS COME TO TOWN IT'S ABOUT ECONOMIC DEVELOPMENT

"They are leaders of sovereign nations and they have earned our attention."

U.S. Congressman Charles Rangel, Chairman of the most influential panel on Capitol Hill, the Ways and Means Committee of the House of Representatives, was explaining, in a very succinct and straightforward manner, why he really wants the 2008 Caribbean Community Conference in New York City to be a success and why New York must bring out the red carpet "for Our country's friends in the Caribbean."

The Congressman, the moving force behind the decision of Caricom leaders to meet in New York City on June 19-20, has invested a considerable amount of time and effort, not to mention the prestige of his office in order to ensure that key elements of the conference's agenda, for instance the meetings with financiers and others on Wall Street occur at the highest level.

The Caribbean is fortunate to have a highly respected friend in the right and influential place in the U.S. and Congressman Rangel has demonstrated once again his considerable interest in the economic well-being of the Caribbean region. True friendship doesn't come any better than this.

The conference in New York comes on the heels of last year's highly successful series of meetings in Washington last June when the Caribbean's Presidents and Prime Ministers went to Capitol Hill at the invitation of the Congressional Black Caucus and the active support of the Bush Administration, including President George Bush, Secretary of State Condi Rice and other top political decision-makers. On that list too were the World Bank, the International Monetary Fund, the Inter-American Development Bank and the Organization of American States.

In 2007 they discussed such crucial questions as the extension of the Caribbean Basin Initiative, foreign investment in the region, the troublesome issue of the criminal deportees from the United States, as well as U.S. economic and technical assistance to the island nations and coastal states that comprise Caricom. Back then too, the issue of security and how the U.S. and Caricom could work closer together in a heightened atmosphere of terrorism that can be traced directly to 9/11 was high on the agenda.

Although this month's talks will take up from where Washington left off, the New York deliberations are going in a different but equally important direction: an emphasis on trade and investment as engines of economic and social growth. The focus couldn't have been at a more opportune time. With Caribbean economic well-being facing threats from the standstill in the U.S. economy; food prices going through the roof; the cost of energy at record levels; and with skyrocketing inflation digging a deeper hole in people's wallets in the Caribbean, the nations and territories have to find effective ways to boost their economies.

These emerging market economies in the sub-region of the Western Hemisphere are committed to the free enterprise system and intend to continue using it to boost living standards. Objectively, they have done a good job, some much better than others. Trinidad and Tobago, the Bahamas and Barbados have investment grade ratings by both Standard & Poor's and Moody's, perhaps the world's best-known rating firms. Barbados, St. Kitts-Nevis, the Bahamas, Antigua and Trinidad and Tobago are in the top tier of the 180 nations surveyed annually by the United Nations Development Program when it comes to the quality of life.

When the World Health Organization looked at the provision of health services around the world, it gave Dominica one of the highest scores. And when the World Economic Forum, Transparency International, the International Telecommunications Union and Freedom House undertook in-depth analyses of economic and technical conditions in different parts of the globe, many of the countries participating in this month's conference received high ratings. These good reports on investment climates, high-tech availability, and relatively low levels of corruption and red tape are clear evidence of countries with considerable appeal for investors interested in doing business.

That's why Congressman Rangel's efforts to help open Wall Street's doors to Caricom leaders are so important. Right now, few, if any the executives at Goldman Sachs and the New York Stock Exchange, for instance, would give Caribbean islands a second and serious look when considering billion-dollar investment deals. But the conference would help the countries and the executives know more about each other. That's a good beginning.

Of course, the financiers know about Antigua, the Bahamas, Grenada, Jamaica, St. Lucia, St. Vincent, Barbados and their neighbors as playgrounds, destinations where the sea, sand and sun are attractive magnets only in times of relaxation. But a mix of their small economic size and their invisibility in the global financial community ensures they don't register on the economic radar screen.

The sessions on Wall Street and with the U.S. Special Trade Representative, Ambassador Susan Schwab are but an important first step. As New York City's Comptroller, William "Bill" Thompson, recommended at last year's Caribbean Multi-National Business Conference in Antigua, Caricom member-states must mount a vigorous marketing campaign to get their stories told along the hallways of big-finance.

That story is one of economic stability, commitment to law and order, respect for people's property rights and a determination to allow market forces to propel economic and social development. They are all marketable qualities. Singapore, the Cayman Islands and Bermuda are also small countries but they have earned for themselves a loud voice in international financial circles. They have demonstrated that they have a high degree of economic discipline, a factor which has propelled them to levels which few could have imagined 30 years ago.

Another thing. The doors to the world's best known financial market which Congressman Rangel is opening for the countries in the Caribbean would have cost the region several millions of dollars in lobbying and consultancy fees, if Caribbean states had gone on their own to get the job done. The Black elected official from Harlem doesn't want any favor in return for his assistance and he doesn't expect any.

"I simply wish to see the countries move forward and that their people reap the benefits. That's my reward," was the way he put it.

No one could have said it better.

That's the true mark of friendship.

EARMARK DECLARATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 13, 2008

Mr. SHAYS. Madam Speaker, in compliance with Republican Conference earmark disclosure requirements, I would like to submit the following statement for the RECORD.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation, Army Line 179, 0708045A.

Legal Name of Requesting Entity: United Technologies Corporation (UTC).

Address of Requesting Entity: 411 Silver Lane; M/S 129—88, East Hartford, CT 06108.

Description of Request: I received an earmark of $3 million to develop a vehicle wide scaled armor protection system for cargo and troop transport helicopters to reduce their vulnerability to small arms fire. With the funding, UTC will accelerate a statistical design system based on battlefield experience that can be used to guide the placement and scaling of new armor systems. Light weight ballistic material systems, based on novel ceramic materials, can be appropriately and selectively scaled and integrated into the helicopter to significantly decrease the vulnerability while minimizing the impact on payload and mission. The solution needs to include sensitivity to direction, stand off distance, obliquity and type of threat. The armor could then be customized and integrated to provide effective ballistic protection. This solution would limit the weight impact of reduced vulnerability while maintaining the mission capability of the vehicle.

As this is a research and development project, which is not yet under contract, a detailed budget breakdown is not yet available. Nearly all of the funding would be dedicated to engineering work.

SENATE—*Monday, June 16, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, the Rock of Ages, giver of unchanging sources of stability and strength, guide our Senators for today's journey. Infuse them with the hope that will lift them into the light and peace of Your presence. Turn their shadows of doubt into the daybreak of faith. Defend them from the forces that nourish injustice and from indifference that causes hearts to break.

May they strive to please You both in will and deed. Lord, let nothing test them beyond their strength, for Yours is the authority and the power forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today following leader remarks, there will be an hour of morning business, with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act, with the time until 5:30 equally divided and controlled between the two leaders or their designees. Under a previous order, the leaders will control the final 20 minutes, with the majority leader controlling the final 10 minutes.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that Senator GRASSLEY control the time between 4:50 and 5 and Senator BAUCUS control the time between 5 and 5:10.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE MIDDLE CLASS DREAM

Mr. REID. Mr. President, this Saturday, Jeff Alberici from Auburn, NY, delivered the Democratic weekly radio address. Jeff and his wife aren't rich; they aren't poor. They are squarely in the middle. They are middle class.

Jeff is a middle school teacher. He teaches American history. His wife is a teacher's assistant. Jeff said that if they didn't have to transport their three children to school and sports practice, they would probably ride bikes back and forth to work to save gas.

Jeff said when his wife returned to work last year, after staying home with their children, they thought the second income would give them a chance to pay off their debt and start saving for college. But that hasn't happened. Instead of getting ahead, the Alberici family's second income is covering the cost of food, and especially gasoline.

Jeff summed up things by saying that they will be fine. They are not in danger of losing their home, and they both have good steady jobs. They are not at risk. But instead of ordering pizza for an occasional dinner with the kids, now they have to eat grilled cheese on those occasions. And in the long term, they are not sure how they will be able to afford to send their children to college because they have basically not saved anything up to this date.

Families in every State, region, and corner of our country are facing the same challenges as the Albericis. Jeff and others like him were raised to believe that doing important work, such as being a schoolteacher, wouldn't make you rich but it would provide enough to live comfortably and raise a family. The middle-class dream—that American dream—is vanishing before our eyes.

Today, oil is trading near record levels again. It is up around $140 a barrel. Gasoline now averages $4.08 a gallon nationally, and in Nevada it is $4.24 a gallon. This morning, we learned that utility companies across the country are raising rates another 29 percent on top of the 30-percent increases American consumers have already endured over the past 5 years.

On President Bush's watch, American families are earning less today than they did 8 years ago—and that is the truth—yet paying more than ever for everyday necessities, such as gasoline, heat for the home, and of course groceries. And they are paying more than ever for long-term needs, such as the goal of health care, college, and retirement. American families can't survive this squeeze indefinitely.

Right now, many are able to keep their heads above water by saving less, and sometimes not saving, and finding other ways to tighten their belts. Like the Albericis, they are eating more grilled cheese and putting less of their paychecks into savings.

Most Americans are too busy figuring out how to pay the bills and make ends meet to pay close attention to what is going on here in Congress. But if working families see one thing from Congress, it is this: Democrats get it. That is what Jeff said in his radio address. We know what is happening in America, and we are fighting every single day to make things better.

Republicans? They talk about our country's problems, but when the time comes to stand up and take action, they are nowhere to be found. Republicans talk about high gas prices, alternative energy, the housing crisis, and job loss, but each time there has been a proposed solution to those challenges, Republicans have said no.

Our Republican colleagues fill endless pages of the CONGRESSIONAL RECORD with speeches about the affordability crisis in America that a Republican President created and the Republican nominee, JOHN MCCAIN, hopes to continue, but the American people need more than empty words.

Republicans can choose to keep standing on the sidelines, or keep sticking with the status quo, which they have done now for the entire year and a half we have been in the majority. They have that right. But Democrats will keep fighting to make the American dream affordable again for

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the Albericis of Auburn, NY, and the millions of American families like them who deserve better. Today we will give Republicans another opportunity to do the right thing by voting for cloture on the energy tax extenders bill. This legislation would lower taxes for businesses, entrepreneurs, and families. The deduction for State and local sales taxes helps level the playing field and provides tax relief to residents in States with no income tax. The tuition deduction helps families afford the skyrocketing cost of college. The teachers' deduction provides a small but important bit of help and appreciation to educators for out-of-pocket classroom expenses.

This legislation would also extend tax benefits for businesses, particularly those engaged in research and development for clean renewable energy, tax credits, Mr. President, for clean renewable energy. Today we are going to use 21 million barrels of oil. That is not necessary. We could change that. We need to allow the great business minds of America to invest in renewable energy—the Sun, the wind, geothermal. That is what this vote at 5:30 today is all about.

Republicans have opposed this legislation in the past because it is paid for and will not increase the national debt. How do we pay for these tax cuts for businesses and families? By closing a loophole that allows superwealthy hedge fund managers to avoid paying tax on their earnings.

This is unique, that the Republicans would oppose this. The hedge fund operators even know it is unfair and they support us on this. Why anyone opposes legislation on these grounds is beyond the ability of the American people to comprehend. Why Republicans would oppose tax relief for businesses and families in order to protect a tax loophole for multimillionaires seems preposterous. And keep in mind, even the hedge fund operators, I repeat, believe it would be fair to do what we seek.

Republicans have the right to side with hedge fund multimillionaires over small businesses and families. They have already done so by blocking the tax extenders bill twice this year. Now they have a third chance to reverse course and support this legislation. Maybe this week enough Republicans will see the suffering in their States and break with the President and Republican Senate leaders to do the right thing. Maybe this is the time enough Republicans will say enough is enough.

I know our Republican colleagues see the terrible economic burden the American people are carrying. The only question is, will they let it continue or join us in doing something about it? For all the Republicans sitting on the fence, and there are some seeing how bad things have gotten but still not ready to stand up to the Republican Party, I ask: If not now, when? Democrats stand ready to legislate. Join us and we can begin repairing the damage and restoring the American Dream.

I acknowledge that on the Medicare fix we tried to do last week, we got nine Republicans who supported us. Had we had Senator KENNEDY back—and he soon will be back, and a few other Senators—we would have been able to have 60 votes. So I am glad to see that my friends on the other side, even though not enough, are coming forward and voting with us. We hope there will be more of that in the future.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TRIBUTE TO TIM RUSSERT

Mr. McCONNELL. Mr. President, as Washington, and all of America, continue to pay tribute to Tim Russert, I wish to add a few more words about a man who impacted everybody in this body in one way or another over the years.

I have been a fairly regular guest on "Meet the Press" over the years, so I got to know Tim Russert primarily as a tough interviewer, but I also came to appreciate and admire his extraordinary people skills, which were as good as those of any politician here in Washington.

I remember him saying once that his son Luke was a big fan of Tubby Smith, the old UK Wildcats basketball coach. I think Luke even went to Tubby's basketball camp one summer. Well, anytime I or anybody else on the staff got on the phone with Tim, he would also start off with "Go Cats." It is just one example of the great mind he had for small personal details and how he employed that skill in a totally unpretentious way.

He also knew I was a Louisville Cardinal basketball fan, and he invariably would turn the subject to Rick Patino and his considerable skills, and that is a way in which he kind of related to everybody.

Bill Kristol was getting at the same thing in his column this morning, in which he related a story that has been around this town for a while. The story goes that when Pat Moynihan was trying to convince Tim to come down to the Capitol to be his Chief of Staff, Tim didn't want to come because Moynihan's office was all Ph.Ds and intellectuals. He didn't think he would fit in. Moynihan said:

> Tim, the things they know you can learn. But the things you know they can never learn.

So as Tim Russert rose to the height of his profession, it became clear Pat Moynihan was right on target.

I found it particularly moving to see Luke paying tribute to his father on television this morning. As Tim often said, being a good father was the job he put the most stock in, and it appears he has done a superb job in that respect as well.

TAX EXTENDERS BILL

Today the Senate will vote on whether to proceed to the House-passed tax extenders bill. Republicans support the provisions being extended in this legislation. That is why I, along with several of my colleagues, introduced an even stronger version of the House bill, one that contains even longer extensions of the expired provisions, provides AMT relief excluded from the House bill, and does both in a form that would avoid a veto; that is, of course, without raising taxes.

The tax provisions in question are an enormous help to millions of Americans, and a long-term extension would provide the added comfort of predictability into the family budget and the small business balance sheet in the midst of a difficult economic time.

Republicans have been firm on this point, which is why I read with some amusement a letter which was sent to me on Friday by my friend the majority leader, extolling the virtues of the House bill. As I said, Republicans truly agree that the expired provisions certainly merit extension. This is not a State secret. Our point of departure, the principle we have insisted on, is this: Short-term tax extensions should not be the occasion for permanent tax increases. If a new tax policy is being created, that is one thing. But if current taxes are simply being extended, those extensions should not be accompanied by new tax increases. To do so would be to transform the annual ritual of extending current tax law into a stealth exercise in increasing the size of Government.

Unfortunately, the House Democratic leadership seems to have dug in, saying it will not pass an extenders bill without tax hikes. This brings us to an impasse for no good reason. First of all, it strikes me as odd that the House Democratic leadership would single out these particular tax extenders for a fight on offsets. They didn't need offsets on the stimulus bill earlier this year. AMT relief will apparently not require offsets this year. House leaders have signaled that a new GI benefits expansion would not require offsets. And just last week, the House passed an unemployment insurance expansion bill that did not have offsets.

It is entirely possible that the Democratic leadership is open to compromise. Recall that during last year's AMT debate, House leaders also insisted on offsets. On December 18, just last year, House Democrats were saying they would not consider AMT relief unless it included tax hikes elsewhere. Then the following day, September 19, they passed an AMT bill without tax hikes by a vote of 352 to 64. After all the press releases and letters had been issued, our friends on the other side sat down with Republicans and did something we should do a lot more of around here: they negotiated.

So notwithstanding the letter I received on Friday from my good friend, the majority leader, I am hopeful we can do the same thing on this tax extenders bill—sit down together and come up with a solution that is acceptable to both sides and which actually has a chance of being signed into law.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour with Senators permitted to speak for up to 10 minutes each.

The Senator from Minnesota is recognized.

ORDER OF PROCEDURE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when I finish my remarks Senator HARKIN and Senator GRASSLEY follow me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MIDWEST FLOODING

Ms. KLOBUCHAR. Mr. President, I rise to offer my thoughts and prayers to the people and communities throughout the Midwest who were hurt by last week's massive floods.

It appears that the floodwaters have begun to recede. But the long, hard process of cleaning up and rebuilding lies ahead.

In particular, I offer sympathy and support to my colleagues TOM HARKIN and CHARLES GRASSLEY, the Senators from Iowa, whose governor has declared 83 of the State's 99 counties to be disaster areas.

Worst hit was the city of Cedar Rapids, IA.

Over 9 square miles—or 1,300 blocks—were flooded in the city and 25,000 people had to be evacuated from their homes. Preliminary estimates indicate over $700 million in damage. This is in Cedar Rapids alone.

In Cedar Rapids, it is being called not the flood of the century—but the flood of the half-millennium—an event that should occur only once in 500 years.

In fact, rescue workers from Minnesota have been deployed to Iowa to help the victims of the flooding there.

While the residents and businesses of Cedar Rapids were hit the hardest, they were hardly alone. Heavy rainfall last week submerged much of the Midwest—Wisconsin, Illinois, Indiana, Kansas, and my own State of Minnesota.

Throughout the Midwest, corn and soybean fields turned into lakes. City streets turned into canals. It's like Waterworld. There is water nearly everywhere. And where there isn't water, there is mud. Lots of mud.

In terms of physical devastation, some are calling these floods "the Katrina of the Midwest."

Among the areas suffering flood damage was the southeastern corner of my state of Minnesota. Three major rivers in the area—the Root, the Cedar and the Zumbro—all flooded.

Four Minnesota counties were declared State disaster areas—Freeborn, Mower, Fillmore and Houston counties.

This includes areas that have already suffered extensive flood damage in the past year—both with the devastating floods in August last year as well as floods earlier this spring.

As you can see from this aerial photograph of Austin, MN, taken last week, flood, water poured across big sections of the city, flooding not just streets, but highways and freeway ramps.

This weekend, I spoke with the mayors of Austin, Rochester and Lanesboro. Later in the week, I plan to visit the area and meet with local leaders and residents. After the floods last August, I traveled to the area several times to survey the damage and work with local and State leaders to obtain Federal aid and assistance. My family and I even spent a weekend in the area.

I know these communities are strong—just as you will see with the State of Iowa, which State has been hit even harder, and they will make it through this latest disaster.

Last week's flooding resulted in the death of one Minnesota man, Dale Wangen, of rural Albert Lea. He was driving home in the dark, rainy night and suddenly his car plunged into the rushing flood waters because the road was washed away.

Emergency responders found him only because another car came along and also plunged into the water. That driver was able to get out. But he told rescuers that his car had crashed on top of another car.

Austin, MN, is home to Hormel Foods, a Fortune 500 company. They had to close their corporate offices because of the flood.

Here is a second photograph of Austin, also taken last week. You can see that it was not just a few wet basements. Some neighborhoods were flooded practically up to the treetops and had to be evacuated.

Fortunately, Austin was spared even worse damage because—ever since a major flood 30 years ago—they have been implementing a comprehensive flood mitigation plan, including the purchase of more than 250 homes in flood-prone areas.

Nonetheless, the three worst floods in Austin's history have all occurred since the year 2000—with the worst in 2004.

As one resident of Austin put it: "It seems like we're getting a 'hundred-year flood' every 3 or 4 years."

While the most attention is given to cities and towns damaged by the floods, the countryside has not been spared, either.

Houston County, at the far southeastern tip of Minnesota, is a rural area with a total population of just 20,000. Preliminary estimates indicate that Houston County alone has suffered close to $7 million in infrastructure damage and $15 million in crop damage.

Heavy spring rains had already delayed the planting of crops. Now, there are acres and acres of young corn and soybean plants that are under water. The work that Senator HARKIN has done as Chair of the Agriculture Committee is making sure that we give permanent disaster relief is so important. These floods are one example.

We will not know the full extent of the damage until the harvest this fall. But the end result could be billions of dollars in crop losses.

At a time like this, local communities should not be expected to fend for themselves. The Federal Government has an essential role to support communities as they recover and rebuild.

In these circumstances, the Federal Emergency Management Agency—FEMA—must be a lifeline to help these communities both survive and come back.

FEMA is the primary coordinator of all Federal responses to this national tragedy, from first making sure that people are safe and secure, to then making sure that those people are made whole again, to finally making sure that their infrastructure is rebuilt and made stronger, so that such disasters do not happen again. We saw this in flooding last year in Southeastern Minnesota, where whole communities were washed out. We went through these three steps so those communities are beginning to thrive again.

The Small Business Administration plays a key role in recovery activities, providing vital assistance to local businesses that have suffered economic losses.

While we did not need it, the floods provide justification for the first-ever permanent program of disaster assistance for farmers, which we just passed as part of our farm bill.

In my state of Minnesota, it has been a tough 2 years when it comes to disasters.

Last spring, we had the Ham Lake fire that burned 76,000 acres in northern Minnesota.

On August 1 last year, we had the collapse of the Interstate 35W bridge in the heart of our Twin Cities metropolitan area, killing 13 people and injuring over one hundred.

Later in August, we had the devastating floods in southeastern Minnesota that cost six lives and caused tens of millions of dollars in damage.

Less than a month ago, on the Sunday evening before Memorial Day, the small community of Hugo was hit by a fierce tornado. It killed a 2-year-old boy, Nathaniel Prindle, and seriously injured his 4-year-old sister, Annika. Fifty homes were completely destroyed and another 250 were damaged.

But there is one special thing we have seen with each one of these disasters. It is the sight of people joining together to help and care for others in need. Even with all the devastation, disasters like these still bring out the very best in the human spirit. Not just neighbors helping neighbors, but strangers helping strangers.

Disasters can take away lives; they can destroy homes; and they can wipe away roads and bridges. But, in America, we won't let them take away our spirit of community.

With the appropriate State and Federal support, I am confident that the flood-damaged communities of the Midwest will thrive once again. With leaders like Senator HARKIN and Senator GRASSLEY, I am confident Iowa will thrive once again.

I think about the epic flood that occurred 11 years ago on the Red River bordering Minnesota and North Dakota.

The waters inundated downtown Grand Forks in North Dakota and East Grand Forks in Minnesota—60,000 people had to evacuate; 900 lost their homes; and 11 downtown buildings were destroyed.

But with the hard work of Senators DORGAN and CONRAD and officials throughout North Dakota and Minnesota, it is amazing to visit those communities today and see how they have rebuilt and moved forward.

I hear that officials from Grand Forks have already reached out and talked with their counterparts in Cedar Rapids, IA—giving them advice on everything from legal issues to how to rebuild.

That, too, is the spirit of America. We know we will be able get through this disaster because we know we will work together and provide support to one another.

I see Senator HARKIN and Senator GRASSLEY are coming to the Senate floor. Again, we pledge from the State of Minnesota to do everything we can to help them. Their damage was so much more extensive than ours. But we know with fine leaders like these, they will help their State get through this. I know we are sending emergency workers from Minnesota at this very minute.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am proud to be here with Senator HARKIN. But I am not proud to be here because of the situation that we described to you, which is the flooding in our State of Iowa. I am going to show some pictures. Senator HARKIN has some pictures. I am not going to refer specifically to the pictures during my remarks, but I think you can see from the New York Times, downtown Cedar Rapids, IA—City Hall here on an island between the rivers, kind of in the citadel of Cedar Rapids, and water has never been that high before. This is truly a 100-year flood.

Then we have another picture here of Cedar Rapids. It happens to be on the very same street on which Senator HARKIN has his office. My office in Cedar Rapids was in the Federal Building. The Federal Building is just across, right there. So it is shut down, obviously. I just want to make some remarks about the situation in Iowa and then turn the floor over to Senator HARKIN.

We come to the floor to share with our colleagues and the American people the stories of more natural disasters to hit Iowa. In my case, less than 2 weeks ago I came to this very spot to honor the victims and to hail the heroes from a deadly tornado that ripped through my home county, Butler County, IA. In a little more than a week, Mother Nature has ripped open a healing wound.

As many people can see on television, Iowans are seeing record floods throughout the central and eastern part of our State. I can tell you that television hardly does justice to this historic devastation. Iowa braced for a repeat of 1993, but it didn't happen. Instead, Iowans are facing head on a 500-year flood; more than 38,000 people have been evacuated from communities across eastern and central Iowa.

Rivers have overtaken several communities, and I cannot name all of the communities, but I think of Mason City, Waverly, New Hartford, Waterloo, and Cedar Falls. And then Mother Nature took her toll on Cedar Rapids, downstream from Waterloo and Cedar Falls, and hit Coralville and eventually Iowa City. In fact, that is two separate rivers doing this damaging situation. Des Moines and Columbus Junction and Vinton have seen the full power of the raging river as well. Unfortunately, there are more communities that have already seen the force of these waters and many more being hit downstream.

Like 2 weeks ago when tornadoes hit Butler County, Iowa has been the recipient of an outpouring of support from around the country. Homeland Security Secretary Chertoff in western Iowa with Governor Culver and FEMA Administrator Paulison were both in our State to tour the rising waters, and Administrator Paulison did that with Governor Culver, Senator HARKIN, and this Senator. It is my understanding that later on this week, President Bush will come to Iowa. And when it is all said and done, there are no better friends to these communities than their own local emergency management people, the local police and the local fire and the Iowa National Guard members. These people have been on the front line. They are analyzing each movement of water, watching bridges, water treatment plants, and ensuring the safety of every community member.

Most importantly, though, are those who are working together just to help a neighbor or a friend. Citizens by the thousands are filling sandbags, prisoners from local jails are helping with sandbagging efforts, and volunteers for the Salvation Army and the Red Cross and most of the local churches—all of the local churches, I am sure—are seen throughout the flooded areas offering food, water, and shelter.

Senator HARKIN and I toured several communities Friday, as I indicated, with Administrator Paulison, the Small Business Administration, and Governor Culver, who is on the job every minute of the day. We did that on Friday. Of course, Governor Culver is doing it every day. On Saturday, Senator HARKIN and I surveyed other areas. On Friday, we happened to visit Des Moines, Waterloo, Cedar Rapids, Iowa City, back to Des Moines. Looking down, you could hardly see a dry piece of land between any of those cities. Houses, businesses, and crops alike are all underwater. When I say crops are underwater, I have to say that in some areas, whole fields, but there is not a field we flew over that did not have some ponding and some loss of a part of it at least. So crops are definitely hurt. Then on Saturday, Senator HARKIN and I went to Mason City, Charles City, Nashua, and Waverly, and then I had an opportunity to go to my downtown of New Hartford, where all but 2 or 3 homes out of 250 had water in them. It is devastating. There is hurt everywhere. There is devastation that I never dreamt of. I suppose if we could remember 15 years back, Des Moines, yes, maybe. I ought to say that I never dreamt of it. I guess I never dreamt from that time that it would happen again to the extent it did in 1993.

We were encouraged as we traveled by the sandbaggers and their endless amount of resiliency to get the job done. But in the next moment, we felt the hurt of those staying in shelters who had lost everything. As you talked to them, they obviously showed sorrow through their tears and, of course, the effort of maybe a life of work gone down the drain. Yet, through it all, Iowans are coming together and pulling through as only Iowans can as the water begins to recede in part of the area we entered. But do not forget that in the days to come, downstream, as you move toward the Mississippi River, other people are going to go through what we saw. But as the water begins to recede, people are attempting to get back into their homes. It is obviously frustrating. It is obviously discouraging. Besides the home itself, probably meaning a lot more to other people are pictures of loved ones, ruined heirlooms handed down from grandparents that you see floating even on the second floor.

Just as we did in 1993, and more recently, the people of Parkersburg, New Hartford, Hazelton, and Dunkerton have moved forward and begun to rebuild. So will the people of the rest of the State of Iowa go forward to rebuild. It is going to take time. It is going to be weeks in some cases. In some cases, it is going to be years to rebuild and get back to where people were.

I am confident that we will get through this. Senator HARKIN and I are here to help, as well as the Congressmen in the other body. We are meeting regularly to discuss what we can do at the Federal level. Our staffs are meeting and talking several times daily to coordinate work. I am confident that when it is over, we will see the resiliency of Iowans come through, and we will all look to each other and our rebuilt communities and say, as we said: It was sad at the time, but we can do it. I think we will say it has been a job well done.

Mr. President, before I yield the floor, I would be remiss if I did not pay deep respect to the four Boy Scouts who lost their lives and also to those who heroically and bravely helped others hurt during another act of Mother Nature in western Iowa on Thursday.

Funeral services are being held today for 14-year-old Aaron Eilerts of Eagle Grove, who was killed by a tornado at Little Sioux Scout Ranch. The other three were from Nebraska and I believe from Omaha. But whether you are from Omaha or Iowa, being a Boy Scout leader and having this tornado happen and losing the life of a future leader of America is a sadness, whether you are from Nebraska or Iowa. Boy Scouts are often called upon to serve as leaders of our Nation in all walks of life. We lost four promising leaders far too prematurely and painfully, adding to the already existing hurt many in Iowa are feeling.

Before I yield the floor, I thank Senator HARKIN for being able to work closely with him, being able to travel together and see this situation. I wish we did not have to be working together on this project because it is sad but one that makes you proud of Iowans as well. We will continue to work together to see our way through it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, first let me thank my senior colleague Senator GRASSLEY for his many kindnesses and for working and coordinating this as we did the other day. Our staffs are working very closely together to do everything we can to ensure that the recovery we have to do now is swift and thorough and that we do everything we can to assist the many volunteers in Iowa who have come forward to help.

We toured a lot together late last week. I am sure we will be doing more this week to make sure that we are up to speed, that we know what is happening, that we have a firm grip on the different agencies that have to come to Iowa for this tremendous cleanup effort.

I wanted to join with my colleague Senator GRASSLEY in giving a little bit of a report on the events unfolding in my State of Iowa. Senator GRASSLEY has covered them, but I might add of couple of things.

As he said, last week we toured a number of cities: Waterloo and Cedar Falls and Cedar Rapids, Iowa City, Des Moines, Mason City, Charles City, Nashua, Waverly—all places hard hit by this flood. I need not tell Senators—I know you have all watched it unfold on television, on CNN and everything else—as to the devastation in our State. Every newspaper is covering it on the front pages, whether it is the New York Times, the Los Angeles Times, the Chicago Tribune or Atlanta or wherever you are.

Iowa is experiencing flooding of almost Biblical proportions. Nine rivers are at flood stage, 83 of our 99 counties have been declared disaster areas by Governor Culver, and 54 roads and highways have been closed. Interstate 80, the major east-west thoroughfare of our Nation, is closed and has been since—well, I think since Friday, either Thursday or Friday. In Iowa, Interstate 80 is closed. Interstate 380, north-south, is closed, not to mention a lot of our smaller roads and highways in Iowa, making it very difficult for people to even get around.

As Senator GRASSLEY said, last Friday we were accompanied by FEMA Administrator Paulison and Governor Culver, OMB Director Nussle, a former Iowan. Mr. Paulison said the flooding was some of the worst to hit the United States since Hurricane Katrina slammed into the gulf coast. I would simply add that the cresting Cedar River raging through downtown Cedar Rapids is as bad as what Americans saw in Katrina in New Orleans in 2005.

You have to witness it with your own eyes to appreciate the breadth and the intensity of this devastation. It is very humbling when you meet with so many people who have been so affected by this, lost their homes, several lives lost. Thank God we kept it to a minimum—but losing all of their homes, things they have built all their life. Do you know what is really sad? Homes can be repaired. You can rebuild a house, you can do things again. It is so many of the personal effects people lost. Because they had to leave in such a hurry because of the rising waters, they were not able to take a lot of their personal effects: mementos, pictures, albums, birth certificates—all kinds of things like these that are the summation of your life, in many cases, gone, and those are irreplaceable. It is shocking, the devastation. Tens of thousands have been displaced, 25,000 people in Cedar Rapids alone.

This again, as Senator GRASSLEY pointed to one chart, is another view of the Cedar River here, Alliant Energy here. I will show you another picture shortly. The downtown area is over here. This is city hall. As you can see, it is totally inundated. Of course, power is off and everything. This is sort of the downtown area.

Then I think that I have one here—yes. This is a picture I took myself. I took this with a digital camera flying over it on Friday. That was city hall you saw in the previous picture. But you get some idea of the devastation of downtown. For example, the picture Senator GRASSLEY showed is right down here. My Senate office is in this building here; of course, totally inaccessible, everything is shut down. So you can begin to get an idea of the magnitude of it.

Right over here is the Quaker Oats plant. I am sorry, I cut it off. This is the Quaker Oats plant. This is the largest grain milling facility in the world, and it is shut down, underwater.

Now you begin to see some of the other neighborhoods here and how they are impacted also. I wanted to see how many blocks it was. This is a typical part of Cedar Rapids that is flooded. You can see what a block would be like. You know, I cannot even tell the streets here, but I assume this would be a street, this would be a street, and this would be a street, so that would be a block. So you have about—maybe you have six or eight blocks here. There are 400 blocks like this that are underwater in Cedar Rapids—400. I did not have a camera big enough, did not have a lens big enough to cover it all, but 400 city blocks are inundated like that.

In Iowa City, much of the University of Iowa has been inundated. Students, faculty, staff—we were there watching them sandbag. Students were working, moving books from the library, artwork from the university's gallery.

Also, it is not just our largest cities. We talk about Cedar Rapids, Waterloo, Des Moines, and Iowa City, but there are other smaller towns and communities we visited. Senator GRASSLEY and I were in Charles City and Waverly. Each have more than 500 homes inundated with floodwaters. We were told on Saturday one in every four residents of Waverly—one in every four residents—is affected by this situation, and their houses are flooded.

We went through the downtown area of Waverly on Saturday—not a business was open. Now, thankfully, the waters have receded because it is up north and the water is headed south. The waters have receded, but they do not have power yet. They have all the mud and the dirt and the debris to clean up.

Elkader had 60 homes and 30 businesses destroyed when the Turkey River went over the levee. The Anamosa sewage treatment plant failed at two different points because the levee broke. The list goes on and on.

I had to duck out for a minute when my colleague was talking, but Senator GRASSLEY's hometown of New Hartford—you feel so sorry for them. They were hit by this tornado a couple weeks ago, and a couple people lost their lives. It did not hit the town squarely, but it nicked it and took some houses out on the north side of town. But then New Hartford got flooded, and they had to evacuate the town because of the flood.

If you fly over Iowa—and, of course, being chairman of the Agriculture Committee and being associated with agriculture all my life, I wanted to look and see—and you look over the countryside of Iowa, I do not know that I saw one field that was not affected with ponding and water. Because the corn had only come up maybe a couple of inches, the water has covered it and it is dead. It is gone.

So we do not know the extent of this damage, but the Iowa Farm Bureau estimates that as much as 16 percent of Iowa's 25 million acres are currently under water. Now, I have to tell you, just from my own eyeball, looking at it while flying over it over 2 days, I think it is higher than that.

Again I say, we see nature at its worst, but we see people at their best. With the sheer number of volunteers filling sandbags and helping out in other ways, thousands have participated. We were in Iowa City, and they were sandbagging up the library. You had little kids—9-, 10-year-old kids, maybe some younger—holding these plastic funnels so they could get the right amount of sand into the sandbags. Then they had these lines set up with students and everything.

I saw the same thing in Des Moines: sandbaggers sandbagging 24 hours a day. More people showed up than they could actually use to work.

There is no doubt, I am told by the mayor of Cedar Falls, Mayor Crews, that the effort of volunteers at Cedar Falls—that is right across the river from Waterloo—that the thousands of sandbags—tens of thousands—that were filled and reinforced the levee saved the downtown area of Cedar Falls.

So everywhere Senator GRASSLEY and I went last week, we witnessed Iowans giving their all to help their neighbors. I would be remiss if I did not mention the Iowa National Guard. Thank God for the Iowa National Guard. I am glad they are here. They have been deployed a lot in Afghanistan and Iraq, but it is nice to know they are home now. They were there to help. Over 2,500 members were mobilized. General Dardis, the head of our Iowa National Guard, has done a superb job.

Everywhere you go you see these National Guard people out there working. They are working, they are organizing, they are taking leadership positions. They are doing everything from filling sandbags to working the levees, helping people out of their homes, doing a magnificent job.

Again, I see these National Guard kids out there. I don't know when they ever sleep. It is like 24 hours a day they just keep going.

Well, I guess if there is any good news, it is that in Iowa City the water crested yesterday. But, again, when I talk about "over flood stage," usually when you talk about something being over flood stage, you are talking about it being a few inches over. Get this: In Cedar Rapids the old record was 20 feet set in 1929. On Friday, the river crested at 32 feet—almost 12 feet higher than any time ever. We never had this level of flooding. This level of flooding has never happened in Cedar Rapids.

Across eastern Iowa, flooding rivers have washed out railroad lines. Mississippi barge traffic has come to a halt. It closed major roadways. As I said, Interstate 80 is still closed.

Thousands of Iowa businesses, large and small, have been impacted. John Deere had to evacuate two of its plants in Waterloo. I mentioned the Quaker Oats plant, as shown here on the map, in Cedar Rapids. It is the largest grain processing plant in the world. It was flooded and left idle.

In Cedar Rapids, 400 city blocks are submerged, as shown right there on the map. That is valued at close to $750 million. Early estimates of damage to Iowa's agricultural economy, I can tell you right now, will exceed over $1 billion. That is just agriculture.

Well, Iowans are a resilient and resourceful people. But, as with the gulf coast in the wake of Katrina, we are going to need generous Federal assistance to help us get back on our feet. The destruction is so vast that it is simply beyond the capacity of local governments and the Iowa State government to handle it by themselves.

Now, keep in mind, when we talk about the big cities, there are so many small towns and communities out there that have been hit hard that need help and jobs that need to be rebuilt. It is not just Iowa. We have Illinois, Missouri, Wisconsin, Indiana, Ohio, Kansas, and Minnesota. They have all been hard hit by flooding and tornadoes.

I believe the hardest hit States will need to have the local matching funds for FEMA assistance, which is normally 25 percent, they are going to have to be reduced as much as possible. I hope we can work with the administrator and with President Bush to get that down as much as possible.

The Iowa delegation—on a bipartisan, bicameral basis—is preparing a letter right now asking the President for this relief. There is no conceivable way that a State with the devastation on the scale that Senator GRASSLEY and I witnessed this weekend can come up with a 25-percent match in order to trigger the customary FEMA assistance.

Now, beyond that, we are going to need to move quickly in addressing weaknesses in our flood control systems and some other mitigation needs so businesses and homes can be safely repaired.

The full 15 percent in FEMA disaster mitigation assistance, as authorized back in 1993, should be provided. It may very well make more sense for the State to buy homes that have been flooded so we can avoid having them flooded again in the future, with those repairs again paid for with Federal flood insurance and other Federal assistance. Such homes can be purchased and then permanently converted to parkland or other uses that will not need very costly repairs after future floods.

I might add, we had devastating floods in Iowa in 1993. We did some of this mitigation. Because some of those homes were removed—in fact, I think there is one town where basically the whole town was moved to higher ground. And guess what. They did not get flooded this time. A lot of times it makes good sense to do that.

We are going to need flexible community development block grant funding for infrastructure repair and home assistance. Economic Development Administration funds for infrastructure will be needed for businesses and jobs. Corps of Engineers funding will be needed for the repair and improvement of levees. We will also need Department of Agriculture support for a whole variety of agricultural things—from repairing conservation structures to meeting new soil conservation problems and cleaning up debris. Every culvert going under these roads, all over the State of Iowa, has been plugged up with some kind of debris. Bridges—all this stuff—need to be taken out and taken out in a hurry. So we are going to need the help of the Department of Agriculture on that.

So it will be several weeks, at least, before we can have an accurate measure of the total economic losses and physical destruction. Probably more time than that for areas south of the water. The water is all moving south, so I hate to say this, but I think northern Missouri is about to get hit pretty hard. And as to the absolute southeast of Iowa, we have not seen it hit the absolute southeast of Iowa yet.

So, again, we are going to have to get a pretty good handle on this, but this is a national disaster. It requires a national response.

So, Mr. President, I am sure Senator GRASSLEY and I will have more to report in the days ahead. But our thoughts and prayers are with the good people of Iowa and neighboring States who are still struggling with floodwaters or still picking up the pieces from devastating tornadoes.

Again, I want to join with Senator GRASSLEY in thanking so many church groups in Iowa. We saw them. Every place we went, we saw church groups getting together. Protestant, Catholic, evangelical—no matter who—they were all getting together and setting up response teams, doing an outstanding job. It was so wonderful to see these people come together and organize in that fashion.

Then, of course, in Cedar Rapids, some of the churches are underwater. I may not have one here on this map, but I had a picture earlier. I had some pictures of churches that were underwater too. But the church groups, religious groups in Iowa, have been wonderful.

On a really somber and sad note, I would, again, express my condolences to the families of the Boy Scouts who were killed at Little Sioux—a terrible tragedy—and to the families where some of the kids were hurt pretty badly. Some of them are still in critical condition.

So we are praying for their recovery, their full recovery. But you listen to the stories that came out of that Boy Scout camp, and you see what a good thing Boy Scouts is and the leadership they provided and how they pulled together and helped one another. There is a lot of strong leadership in these Boy Scouts.

So we hope their families will take some condolence in the fact that these kids responded in a great leadership fashion. These young kids responded as adults after that tornado hit that Boy Scout camp.

Lastly, Mr. President, I deeply appreciate the many expressions of concern and caring expressed by our Senate colleagues. I have gotten a lot of phone calls and messages, and I thank all my colleagues for their expressions of concern and caring.

We will get through it. Obviously, we will get through it. I think Iowa will be a stronger State. We will have some tough times. I have no doubt about it. A lot of people out there do not have much money. A lot of times it is the lowest income people along the rivers and stuff because, well, the spacing—that is where the cheapest land is, isn't it? That is where the lowest cost houses are, for the most part. I am not saying all, but for the most part. I have seen some pretty beautiful homes inundated by water too, I might add, but a lot of these people are low-income people. They are elderly. They have nowhere to turn. As a caring nation, we have to help them put their lives together again.

So we will be on this every day. I am pleased to hear that President Bush—I just found this out a few minutes ago—will be coming to Iowa on Thursday. That will be good. I hope he can see this firsthand and then help us with getting those FEMA matching funds down as much as possible.

With that, again, I will be reporting more in the days ahead. But we are starting the clean-up process now from the most devastating flood I have ever seen in all my years in the State of Iowa.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MIDWEST FLOODING

Mr. DURBIN. Mr. President, this Father's Day weekend I celebrated by buying a dehumidifier. I live in the Midwest, and we have had a lot of rain, but I am lucky because my problems with a damp basement are minor—very minor—in comparison to what people all across the Midwest are facing. We have seen this before. I was hoping and praying we wouldn't see it again for a long time, but our colleagues from Iowa and Minnesota and others have spoken on the floor about the devastation that is a result of massive flooding in the Midwest and Wisconsin as well.

Tens of thousands of our neighbors in the Midwest have suffered staggering losses and need help and our Government needs to be there, as promised. In my State of Illinois, the same floods that have devastated our northern neighbors are now heading our way. We are in a race against time and nature.

By Wednesday of this week, at least in the Quincy area of the Mississippi River, we expect the Mississippi River to reach its crest. It is the mightiest river in North America. It is a beautiful river and a big part of America's history but, boy, when the rains start falling and all those rivers start feeding into it, the Mississippi can become almost uncontrollable.

There are fears that the flooding along the Mississippi in Illinois could reach historic levels that we experienced during the great flood of 1993. I know all about that one. That was a flood on my watch. I was a Congressman in central Illinois, with a big swath of Illinois and the Mississippi River in my district.

It was one of the most costly and devastating natural disasters ever to hit our country. It didn't come with the intensity and immediacy of a Hurricane Katrina and certainly didn't cause the long-term devastation they felt in Louisiana and Mississippi.

Floods in our part of the world are a gradual, building thing that seem like they will never go away. More than 50 people died in 1993. Thousands were forced to evacuate their homes, as hundreds of levees failed up and down the Mississippi River. The economic damage exceeded $15 billion.

The experts told us after that flood that it was a 500-year flood event. So we thought we would be able to brag about that for the rest of our lives, and generations to come will point back to 1993. Well, here we are 15 years later, and we seem to be on the verge of another similar disaster.

Many times, weather-related disasters, such as Katrina, give us no warning. They strike in a matter of minutes, hours or days if we are lucky. This is different. We have seen this crisis coming for quite a while.

Illinoisans are working hard and fast to try to prepare for the worst and to minimize the damage.

Last Friday, when the Senate adjourned, I went back to my home State and drove over to Quincy on the Central Illinois Expressway and met with Mayor John Spring and then went down to Grafton, IL, and met with Mayor Richard Mosby. Senator OBAMA was in Quincy on Saturday.

In those cities and towns up and down the Mississippi River, people are filling sandbags as fast as they can do it. They are fortifying existing levees and creating levees to protect businesses and homes and valuable infrastructure.

I commend all the residents, volunteers, emergency workers, and the more than 400 members of the Illinois National Guard, who are working to brace our State for these floodwaters. Many people are working around the clock.

That is one of the nice things about this great Nation. I take special pride in the Midwest, which is where my roots are. When an emergency such as this arises, I have watched how people rally around and try to help.

Again, I was with Mayor Spring in Quincy on Friday. People were literally spending their entire day filling sandbags. It is hard work; many times it is back-breaking work, repetitive. But the spirit in that meeting place was as good as anyplace I have ever been. They all felt they were pulling together for their neighbors, their community, their city, and for their State. They felt a special kinship.

It is not unusual, of course, to see the great efforts of the Red Cross. They are always there trying to help people along, providing a sandwich and a bottle of water to the folks who need it when they are working. Also, other volunteers, including folks at a age where they could not pitch in and fill a sandbag, but they were making sandwiches and cookies to bring to the volunteers. It is that kind of a community outpouring that means so much.

The official Government agencies were sure there doing their part, including FEMA and our Illinois counterpart, coordinating the disaster response, along with the Army Corps of Engineers.

Over the weekend, two levees in our State—in the towns of Carman and Keithsburg—failed. Hundreds of residents in those towns have left their homes. Another levee broke last week in the town of Lawrenceville, on the east side of the State, and residents are stranded there without drinkable water.

Floodwaters are starting to seep into other towns along the river. Heavy rains are still falling north of us, pushing the river higher by the day.

Our Governor has already declared 15 counties in Illinois State disaster areas.

At the urging of Senator OBAMA and myself, Governor Blagojevich wrote to President Bush and asked him to declare a number of Mississippi River counties Federal disaster areas. Quincy is preparing for the worst. The river is expected to crest at 32 feet. One of the main concerns there is the water intake plants that provide water for the region. If it goes down, it may take months to restore it. That will be a hardship on a lot of people we hope to avoid.

I was with GEN Bill Enyart, head of the Illinois National Guard, Friday night. I said: Bill, I hope that as a special project the Illinois National Guard will join with Mayor John Spring to try to protect that waterworks. It is important. Bill answered the call immediately and called Mayor John Spring and sent 100 members of the Air Force National Guard there to start sandbagging around the water treatment plant, trying to save it before the river crests on Wednesday. All those volunteers and emergency workers—even State prisoners released from the local prisons and correction camps—are working side by side to fill sandbags.

I also wish to say a word about State Senator John Sullivan in that area. He rolled up his sleeves immediately and went to work. I was with him Friday. He is roaming up and down the river trying to make sure he gives a helping hand where needed. He calls State and Federal agencies to see where they can be of assistance. He is a terrific public servant, and I was glad to be with him at that time.

Senator OBAMA came to Quincy over the weekend and looked at the situation and pitched in as well, filling sandbags, and he was able to see how our State is being affected.

The volunteers worked through Father's Day. The celebration with family was short-lived. They tried to do their best to tame the mighty Mississippi River. These volunteers are demonstrating amazing spirit. A flood is a devastating prospect to face and envision. But these folks have responded with resolve and determination. I am proud of them, and I am so proud to represent them. Their work may save homes, businesses, and lives. Every sandbag that is filled may make it much easier for communities to get back on their feet when the floodwaters recede.

State and local leaders in Illinois are also working around the clock to prepare for the worst. We know, from looking at neighboring States, that the severity of this flood will be more than the people of Illinois alone can absorb.

The magnitude of this disaster will require action from the Federal Government.

I have stood in Congress for over 20 years, and every time some section of our Nation has been victimized by a disaster, I have always felt that is when we come together as an American family, when we draw on our national treasure and the efforts of American workers across the country to come to the rescue of our neighbors in trouble. Well, now it is time for the Midwest to ask for that help.

I know this Congress and President will be forthcoming. They have done a good job so far. We have to make certain we give them all the tools they need to move quickly back home to prepare for the worst, to try to avoid tragedies that can be avoided, and then to clean up afterwards and get on with their lives.

Senator OBAMA and I will work with the Illinois congressional delegation to ensure that the communities and the people affected do not face this disaster alone. America and this Congress and Senate will stand with them.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6049, which the clerk will report.

The bill clerk read as follows:

> Motion to proceed to the Renewable Energy and Job Creation Act of 2008, a bill to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

Mr. DURBIN. Mr. President, for the record, it is my understanding the time between now and 5:30, when we vote on the motion to proceed to the tax extenders, has been evenly divided between the Republican and Democratic sides.

I ask unanimous consent that all time—even time on the quorum calls—be credited to both sides equally during that period.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, in a couple of hours we are going to be voting again on cloture and we will be making a choice between two different points of view. We did this 2 weeks ago, a week ago last Thursday, and the result was that cloture was not invoked on the House-passed so-called tax extenders package, and I think the same result will end up being the case this evening.

It is essentially a choice between the Democratic leadership trying to do this in a partisan way by simply bringing up the House bill and trying to push that through, or getting together, as we have done in the past, in a bipartisan way, to ensure that the tax provisions we all support and we all want extended into law are done in a way that does not require that taxes be increased in some other part of the Tax Code.

Republicans do not believe it makes sense to keep existing tax policy right where it is by having to raise taxes in another part of our economy, sometimes on the very same people who are paying the tax we are extending. Extending current tax policy is not a tax cut. Extending current tax policy is just that, it is maintaining the status quo, and we don't believe we should have some rule, in effect, that says when we continue exactly what we have in tax rates, somehow or other we have to raise other taxes in order to pay for that. That doesn't make any sense.

It is basically the difference between two philosophies. The Republican philosophy starts with the proposition that money belongs to the people—we the people—and we send a certain amount of that back to Washington and to our States to help run a government that we all understand we need to pay for. But originally the money belongs to the people. And the question is, How much can the people afford to give up? In times of economic downturn, such as we are facing today, it is not wise policy to take a lot of money from the private sector. In fact, we made a decision, the President and the Congress, to actually give back some of that money to the taxpayers. It was the tax rebate, the so-called stimulus package. Some people have already received their $300 or $600 checks. The idea is when we have an economic situation such as we do today, you don't take more money from the people. If anything, you try to help them keep what they have.

There are those on the other side, however, the Democratic side, who have a different view. They start with the premise that the Federal Government and how much money it has and how much money presumably it needs—and if the Federal Government needs more money because Congress is spending more money—then where else are we going to get it? Well, we have to take it from the people. If the Federal Government has a tax rate or a tax policy, such as a research and development tax credit that expired last year and we want to continue to provide that for this year, these people believe we need to tax the private sector. We need to tax taxpayers more money in order to, in effect, make up for the extension of that research and development tax credit.

Now, we don't think you have to make up for anything. You are keeping it exactly where it is today. You are not cutting taxes, you are keeping taxes right where they are. The other side says, no, we have a rule called pay-go, and it means even if we keep taxes exactly where they are today, we have to raise taxes to, in effect, pay for that. It is a nonsense policy. It hurts the private sector, it hurts businesses, it hurts American families, and it is the last thing you want to do in a time of economic downturn. That is why we have two different philosophies here. Our philosophy tonight says vote no on this cloture petition, because at the end of the day we all understand we are going to extend the current tax policy, we are going to extend the research and development tax credit and all of the other similar policies, but we don't have to raise taxes to do that. So we are not going to do that. There is an easy way and a hard way, in other words, to get this done.

There are some other things wrong with the House bill. Even if that were the basic debate, there are some other reasons why we wouldn't want to take up the bill that is coming to us from the House in the first place. For one thing, it doesn't do something very important, and that is to extend the relief from the alternative minimum tax, or the so-called AMT. This was a tax originally designed to hit millionaires and it ended up, in effect, hitting everybody else.

In fact, this year there are something like 23 million people—23 million filers—who would be affected by the alternative minimum tax if we did not once again relieve them from that liability. So each year we pass a bill that says you don't have to worry about paying the AMT this year. Actually, last year it was 23 million and this year it is 25 million more taxpayers who will face an unwelcome tax increase, averaging about $2,000 of tax liability. That, again, is absolutely the wrong policy in a time of economic downturn. Frankly, it is the wrong policy anytime.

There is another thing wrong with the House bill. It includes a $45 billion tax increase on certain businesses. We want people to be able to do business overseas as well as here in the United States. It is good for us when we have businesses competing abroad. About $45 billion of new tax increases will be piled on those businesses with two particular provisions of the House bill, in effect amounting to double taxation of the people working for those businesses when they are working abroad.

Without getting into the details of that, we all understand what those two provisions are. They deal with deferred compensation from certain employers who would be treated less favorably than other employers in the United States, and delaying the implementation of some new tax rules that would allow worldwide interest for foreign tax credit purposes.

Again, given the fact that we are in an economic downturn right now, why would we want to raise taxes, particularly on those industries we are encouraging to do business abroad to help bring more revenues into the United States? Again, these two provisions would make the United States less competitive, not more competitive.

Incidentally, the administration has indicated it would veto the bill if these tax increases are in there. Obviously, we want to get these tax extenders done, and therefore don't need the delay of a Presidential veto, Congress sustaining the veto, and having to start all over again.

Another thing wrong with the House tax package is it only extended the expiring provisions, such as the research and experimentation tax credit, for 1 year, notwithstanding that we prefer that be done for 2 years—for the year in which they have already expired and for next year as well.

It also included some new tax earmarks. What are some of these tax earmarks? One is it requires that projects financed with the so-called new clean renewable energy bonds be subject to the prevailing wages requirement of the Davis-Bacon Act. What this, in effect, says is if you have a Federal project here, you are going to have to pay a much higher wage rate to the people doing the work. The net result of the construction project is it is far more expensive than it would be if you could simply bid it out under normal bidding processes.

Many reputable studies have estimated that Davis-Bacon inflates Federal construction costs by anywhere from 5 percent to 39 percent. I have seen that right in my own home State of Arizona. Rather than paying the Davis-Bacon wage rate for a small Federal facility in southern Arizona, they decided to use existing mobile homes—which was totally inadequate, but at least it saved money from having to do the Davis-Bacon construction add-ons. So if we are going to create an incentive to build more renewable energy production, I am not sure why at the very time you would want to intentionally increase the project's costs by subjecting it to Davis-Bacon.

Another problem with the bill—a new tax earmark, in effect—is it creates a new standard deduction for property taxes, but it is essentially an indirect transfer because it does not prohibit local governments from raising their taxes, entirely offsetting any benefit to local taxpayers. In other words, it says you can offset certain State taxes. It doesn't prevent the States from increasing those taxes, so that in effect all of the taxpayers around the country are subsidizing the State that raised its taxes. The CBO suggests that, in general, the deduction for State and local taxes is a subsidy to wealthier communities. It deters States from financing local services with nondeductible things like user fees that are much more efficient.

Another thing the House bill does, another one of its tax earmarks, is to include an unprecedented tax earmark for New York. Tax credits are, by design, intended for individuals and businesses that actually pay taxes, not cities that do not pay taxes. But in this bill, there is an explicit tax credit for the city of New York, which does not pay taxes. How does it work? What they propose to do is give a tax credit of $2 billion to build a new rail line from Lower Manhattan, even though New York has no Federal income tax liability. What they would do in effect is relieve the State from its payroll tax liability. All employers have to pay a payroll tax. What this would do is, when the city of New York pays payroll taxes for people on its payroll, the Federal Government would pay back the city. That is a very bad precedent, and it should not be included in this legislation.

But my favorite of all—we have not done enough for trial lawyers. It seems we need to help the poor, struggling trial lawyers, whose faces we have seen frequently, recently, in publications such as the Wall Street Journal, because they have been indicted and are going off to jail. But we need to help these trial lawyers because it seems it costs them a lot of money when they prosecute these class actions, on which they make hundreds of millions of dollars. They have to hire witnesses. They have to put out other money as expenses. That used to be a violation of ethics. When I went to law school, it was called champerty and maintenance. You couldn't do it. It was unethical for lawyers to pay the upfront expenses of these lawsuits because lawyers were explicitly not deemed to be businesses but, rather, professions. I do not know when the law profession failed to be a profession, but apparently it has because now the trial lawyers want a usual and ordinary business expense deduction for the expenses of these contingent-fee lawsuits. It is $1.6 billion. I don't think the American taxpayers need to be subsidizing trial lawyers to the extent of $1.6 billion, but it is in this bill, and it is another reason we should not agree to take up this bill—that is to say we should deny cloture on this bill.

There is a perfectly good alternative here; that is, bipartisan negotiation that would do similar to what we did last year, to provide the expiring tax relief here another year or two of extension, to extend the alternative minimum tax, to do these things without raising taxes either on the same taxpayers or on other taxpayers. We could provide tax relief for members of the military and veterans, incentives for charitable giving, a deduction for higher education expenditures and teacher classroom expenses, do the subpart F active financing and look-through exceptions. These are provisions that are very important for American businesses to be competitive.

All these things are in the Republican alternative. I believe that because they represent good tax policy, they would be agreed to on a bipartisan basis. Certainly, the chairman of the Finance Committee has been supportive of, I think, all of these provisions as well. It would also extend and improve the expiring energy tax incentives for alternative energy production and solar power that Senators CANTWELL and ENSIGN added to the housing bill. It would do all of these things without raising taxes.

These are provisions that I suggest we could negotiate as soon as cloture is rejected on this bill.

Let me conclude by making the point that delaying further is costly to taxpayers. Enacting the bill solely last year prevented more than 13 million taxpayers from being able to file their returns and delayed their important tax refunds for several weeks into the filing session. We need to get on with this. We need to get to the bipartisan discussions. We can negotiate a bill, and we can get it passed in a matter of days if we do that.

Businesses need to be able to tell those with whom they do business, their stockholders and the people they get money from, whether they can take advantage of these important tax benefits such as the R&D tax credit. The fact that this tax credit has already expired should be enough to convince us that we need to do this as soon as possible. This helps keep American businesses competitive. It is one of the key things we can do. For example, France has a 50-percent R&D tax credit, and China offers a 150-percent deduction for R&D expenditures. Clearly, the United States needs to get back in this game.

As I said before, we need to provide the AMT relief. The bickering between the two Houses on this is doing nothing but hurting American taxpayers. I think we should recognize right now it is not going to be subjected to pay-go. There are not going to be new taxes raised in order to provide relief from the AMT. I think everybody knows that.

We might as well get to the job of negotiating a bill and getting it done. We have already voted three times in support of this policy, once at the end of last year—that vote was 88 to 5. Last month, we extended the energy tax extenders, 88 to 8. And last week in the cloture vote that I indicated, that failed 50 to 46. I think it is clear we can get to the end of this. Everybody agrees we need to do so. It is just a question of how and a question of time. We can do it the easy way. We can do it the hard way. We can either get it done now or we can take a lot of time. I think most of us and most of our taxpaying constituents agree it would be better if we can get it done now, if we can do it the easy way, and they can begin planning for their futures.

I urge all our colleagues at our 5:30 vote to vote no again. We took this vote before. The vote should not be any different. Once that is done, we can get down to the bipartisan negotiations that will actually result in legislation that we can pass and the President can sign and that will be to the advantage of American taxpayers.

Mr. President, I suggest the absence a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

(The remarks of Mr. WEBB pertaining to the introduction of S. 3140 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WEBB. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

ENERGY

Mr. DORGAN. Mr. President, I was on one of the Sunday weekend shows and was joined by one of my colleagues on the Republican side. The discussion on that program was about oil and gas prices and energy development. My colleague on the Republican side quite predictably said: Well, the problem is the Democrats do not want to produce any more oil. They stand in the way of producing oil.

It is such a canard. I wanted to come to the floor to talk about that a bit and also to talk about the fact that we are going to vote at 5:30 today on energy tax credits for renewables. Then we will see who in this Chamber does want to produce some energy, because we have had chances before, and the Republican side of the aisle, the minority side, has blocked our ability to produce.

I want to talk a little bit about that. I know they tend to think that unless you are sinking a hole in the ground someplace and sucking oil out someplace on the planet, you are not producing. Well, I happen to believe there are plenty of places to begin producing additional oil in this country. But drilling alone is not going to solve our problem. There are other things we must do that represent change that my colleagues on the other side of the aisle simply cannot embrace; that is, being aggressive on renewable forms of energy, wind energy, solar energy, biomass, and biofuels. It goes on and on. They do not consider that additional production, I guess.

Let me talk first about this issue of the alternative and renewable forms of energy. In 1916 this country put in place robust, permanent tax incentives to say to people: If you go looking for oil and gas, good for you, we want you to do it. We are going to give you some big tax breaks. That was put in place almost a century ago.

Here is what this country has done for renewable energy. In 1992 they put in place a production tax credit, a short-term, fairly shallow tax incentive if you want to produce renewable energy. It has been extended five times since 1992, short term. It has been allowed to expire three times. So we have had the stutter-stop, stutter-start approach to dealing with the production tax credit for renewable energy.

This chart shows what happens every single time it has not been extended. The investment falls off the shelf. Last year, last June, we had a bill on the floor of the Senate that said, let us extend this for a long period.

I have a bill I introduced that said, I think the Congress and this country should say here is where we are headed. For 10 years we have been so dependent on the Saudis, the Kuwaitis, the Iraqis, the Venezuelans, and others for oil. Sixty percent of our oil comes from off our shores. We need to be less dependent, and one way to do that is to produce renewable energy right here at home.

So last June we put a bill on the floor of the Senate that said, for 5 years you can count on the production tax credit to pursue incentives for wind and solar and all of those kinds of renewable energies that are available to us. Here is the tax incentive for you for the next half of a decade.

Guess what. Thirty-four Republicans voted against it and killed it. They did not want to do that. Now they are talking about how much they want to produce energy. Well, let me talk about this production of energy. I happen to think, one voice here, we ought to produce in the eastern Gulf of Mexico.

If you take a look at where the oil is, the hood ornament for their discussion is always "ANWR," one of the most pristine areas in America, set aside in legislation signed by Dwight D. Eisenhower. The other side always says, well, ANWR, we have got to produce in ANWR.

Even JOHN MCCAIN votes against producing in ANWR. JOHN MCCAIN said, I do not think you ought to produce in the Everglades, in the Grand Canyon, I do not think you ought to drill in ANWR. So enough about that.

If you take a look at where the oil is, on the outer continental shelf in the Gulf of Mexico, off the west coast, off of Alaska, by far the most significant reserves of oil are in the Gulf of Mexico, both the western gulf and the eastern gulf.

The area off of Florida in the eastern gulf ought to be open, in my judgment. But even more interesting are the Cuban waters just south of Florida. Many countries have leases to drill off Cuba's coast, including Spain, Canada, India. China is actually drilling onshore in Cuba, but we expect China to be wanting to drill offshore also. Our oil companies want to drill there. There is estimated to be half a million barrels a day production off Cuba. But we cannot produce there. Our companies cannot go in because we have this embargo with respect to Cuba, and the Bush administration is insistent on tightening the embargo rather than loosening the embargo. So there are half a million barrels a day of production there that our companies cannot go get.

Now, my colleagues introduced a piece of legislation on the Republican side for additional production, but it does not include producing in the eastern Gulf or off of Cuba. They do not want to produce there. So are they for production? Is that what they are talking about, or is this a big sham? We know they do not want to produce sustainable amounts of renewable energy because they have voted against it. They say they are voting against it because the bill increases taxes.

Let me tell you what it increases. It says to big hedge fund managers that they should invest in renewable energy because the government is going to invest in them over the long-term. By the way, the person who runs hedge funds and made the most income last year made $3.7 billion. If you are wondering, that is going home to say: Honey, I had a pretty good month, I made $308 million this month. That is making enough so that 4 minutes of work equals the average working man's salary for an entire year.

By the way, they get to pay a 15-percent income tax rate, which I think is an outrage. But even more than that, they have a game in which they defer a portion of their income tax by moving it offshore.

This legislation shuts that down and thereby raises the money to pay for some of our investment in renewable energy. The other side is upset about that. We are shutting down a tax scam for the wealthiest individuals. It is pretty unbelievable. I don't want to hear any more noise, deep sounds from the chest masquerading as thoughtful symbols from the brain, about production. The fact is, I believe in production. That is one part of addressing the issue. One part of it is producing oil. But a much more important part is renewable energy because we need to change the way we have been doing things.

We are so unbelievably dependent on Saudi oil and oil coming from troubled parts of the world. It makes no sense. We have an enormous appetite for oil. We sink little straws in this planet every single day and suck oil out. We suck out 85 million barrels a day, and we use one-fourth of it in a little place called the United States. Sixty percent of what we use comes from off our shores, much of it from troubled parts of the world, and almost 70 percent of that we use in vehicles.

We need to do a lot of things here, and we need to do a lot of things right to make us less dependent on foreign sources of oil. We need to make our vehicles more efficient, to conserve energy in every single way, to make all of our appliances more efficient. There is so much we have to do right, including produce more renewable energy.

We will have a chance in an hour and 15 minutes to vote once again on funding renewable energy. Most of my colleagues voted against it just days ago. I hope they have had some kind of epiphany recently and will decide that was the wrong vote and today they will cast the right vote.

Let me talk for a moment about what people are doing today as they drive up to the gas pump with their vehicles. They are driving their car up to the pump trying to figure out: How much can I afford? I have to stop at the grocery store on the way home. Or: I just bought medicine. How much can I afford to put in the gas tank?

They put whatever they can in that tank. And by the way, the OPEC nations smile all the way to the bank as they deposit our money. The big oil companies smile all the way to the bank as they deposit the rest of our money. But there is no justification for the current price of gas and oil. None. This market system is broken. It doesn't work.

There are three things that are making oil more expensive: No. 1, we have OPEC which is a cartel. That would be illegal in our country. But a bunch of oil ministers get together in a closed room and make judgments as a cartel. No. 2, we have big oil companies—much bigger because they were all given the green light to merge in recent years. They all now have two names—ExxonMobil, ConocoPhillips. They are bigger and stronger.

Finally, what I want to talk about is the issue of the futures market, which is the third piece that is simply broken. The futures market is an unbelievable carnival of speculation. It is supposed to be an orderly market by which people can hedge who are involved in the oil business. Now we have hedge funds, investment banks. We have all kinds of speculators, who will never be interested in ever taking delivery of oil, engaged in the futures market and driving up the price of oil and gas in a way that makes it at least 20 to 30 percent higher priced than a normal supply-demand market would justify.

In every month but one since January of this year, our crude oil stocks have increased. Let me say that again. In every month but one since January of this year, our inventory of crude oil stocks has increased. So supply is increasing.

On the other hand, people are driving slightly less, and there is a decrease in demand. So since January, you have both an increase in supply and a decrease in demand. What has happened to the price of oil and gas? It has gone up like a Roman candle. That means the market is broken.

Let me talk a little bit about what I think is happening in this market. Let me put up a picture of NYMEX. This is where they trade some of these oil commodity stocks. Some of it is what I call dark money, traded on exchanges that are not regulated or over the counter and can't be seen. This is the way it looks.

Let me quote Clarence Cazalot, CEO of Marathon Oil. He said last year:

> $100 oil is not justified by the physical demand in the market.

Stephen Simon, senior vice president of Exxon said:

> The price of oil should be about $50-$55 a barrel.

Right now oil is flirting with $140 a barrel.

Let me say, when Exxon is going to the bank with our money to make a deposit, they have to be happy. But they are not using that money to invest in new production. In 2007, they used $31 billion of profit to buy back their stock and only $15 billion to invest in new drilling. They used twice as much money to buy back their stock in the stock market as they did to explore for new oil.

From the New Jersey Star Ledger:

> Experts, including the former head of Exxon Mobil, say financial speculation in the energy markets has grown so much over the last 30 years it now adds 20 to 30 percent or more to the price of a barrel of oil.

A man named Fidel Gheit, who testified before the Energy Committee, has worked for 30 years with Oppenheimer Company. He is the senior energy person at Oppenheimer. He says:

> There is absolutely no shortage of oil. I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. I call it the world's largest gambling hall . . . It's open 24/7.

Unfortunately, it's totally unregulated. This is like a highway with no cops and no speed limit and everybody is going 120 miles an hour.

With that backdrop, here is what has happened to the amount of speculation in the commodities market. It has gone up, up, and up just exactly like the price of oil and gas.

The question is, should the Congress do nothing about this or should the Congress do something? If the answer is the Congress should do something, then what? My belief is we have a responsibility to do something. Many of my colleagues believe it as well. There is nothing wrong with speculation. Markets often work with speculators. But when speculation becomes excessive, there is something wrong because the market then doesn't work.

Will Rogers described this sort of thing 80 years ago. He described people buying things they will never get from people who never had it and making money on both sides of the transaction. I guess that is all right if the speculation is not doing something that damages the American economy or injures most American consumers. But these are not free markets. There is no free market. I hear all these folks talking about: You have a free market. What you really need is more production. Sink a few wells here and there.

But they are not even genuine about that, as I just described to you. They are not very interested in sinking wells off the coast of Florida, for example. Let me show that chart again. I know why, when the minority party put up their proposal, they didn't want to sink wells in the Eastern Gulf of Mexico, which offers a significant opportunity. One of their Members, one of their Senators, is concerned about drilling off of Florida, so they leave that off their list. I know why they don't want to suggest that we should be able to drill for oil off of Cuba. Spain has a lease to drill off of Cuba. Canada also has a lease. India has a lease to drill off of Cuba. I know why the minority isn't pushing to allow American companies to drill off of Cuba. President George W. Bush is the one who says we can't do that. So they don't want to talk about subjects that are uncomfortable. They just want to bleat about the issue of "production" from their standpoint.

Production means a number of things. Production means, yes, producing some more oil. The largest assessment in history of the lower 48 States of recoverable oil was made 2 months ago by the U.S. Geological Survey at my request. They studied what is called the Bakken shale in Montana and North Dakota. There is dramatic new drilling and a lot of additional production there right now. They concluded that 3.6 to 4.3 billion barrels of recoverable oil, using today's technology, exists. I support drilling in the Bakken. We are drilling. We have some 70 to 80 drilling rigs active in the Bakken shale right now. But we are going to vote at 5:30 on another question of production. Then I want to see who comes to the floor to talk about production in the future.

Do they really want to produce enough renewable energy to help us reduce our dependence on Saudi Arabia and Kuwait and Iraq and Venezuela? I hope so.

We have to get over this notion that the only kind of production that matters is sinking a well someplace. We could produce, and have been producing, billions of gallons of fuel for vehicles in farm fields. We are now up very close to 9 billion gallons, and we are headed much higher than that. We also can produce substantial electricity from wind, except that when we try to do anything other than increase the production tax credit by 12 months, the other side objects. Again, whether it is a production tax credit for wind or solar energy or other renewable energy sources, this Congress and this country ought to not just talk about 12 months. We ought to say: Here is where America is headed. We understand this is a serious problem. We believe we are going to produce substantial amounts of renewable energy. Other countries have done it.

Brazil is an example. We are going to do this in a way that allows all of us to understand we must be less dependent on foreign sources of oil.

We can do that. We went to the Moon in 9 years. Do you think we can't find a way to be less dependent on foreign oil? I believe we can. But we can't do it, if at 5:30 today the minority still objects to having hedge fund managers who make billions pay their fair share of taxes and objects to what we would use that money to pay for, and that is extending the renewable energy tax credits so that we become less dependent on foreign oil and produce more energy from renewable forms of energy. That is just a fact.

At 5:30 today we will have plenty of opportunity to see who really supports additional production. I hope, on a bipartisan basis, we might be joined by the minority and see if we can't put this country on a track to produce much more energy from renewable sources.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

TRADE POLICY

Mr. BROWN. Mr. President, the goal of trade policy is to lift up workers at home and abroad. Americans support trade, plenty of it, but trade that allows small businesses and manufacturers to thrive. Wrong-headed trade pacts following the failed NAFTA model have too often betrayed middle-class families from Lima to Zaynesville, from New York to California, and destroyed communities in rural and urban areas. In my State, more than 200,000 manufacturing jobs have disappeared since 2001. Many of them, most of them, have gone overseas. Across the country, more than 3 million manufacturing jobs since President Bush took the oath of office have been eliminated. Trade policy hurts communities such as Ashtebula and Middletown, Toledo and Findlay, and Mansfield and Tiffin. That is why voters in Ohio have sent a message loudly and clearly demanding a new direction, a very different direction for our Nation's trade policy.

Over the last 8 years, we have had, at best, a fractured approach to trade. In the last 2 years, since voters elected candidates who support smart, fair trade—not this orthodox free trade which clearly has not worked—Congress has reasserted itself in trade policymaking with some—I underscore "some"—improvements to proposed deals with Peru, Panama, Colombia, and South Korea. We have also chosen on behalf of workers not to grant President Bush a renewal of fast track, of trade promotion authority so the President can continue his failed trade policy.

The American public said no in 2006. This Congress—the Senate and across the building in the House—said no to this continued failed trade policy. Yet these improvements we have made have not rebuilt a consensus on good trade policy. We have opposed bad trade policy. We need to build a consensus on a different direction.

Now more than ever Americans reject the current model. It is time to learn from our mistakes, to make plans to fix them in future agreements. The Trade Reform, Accountability, Development, and Employment Act—the TRADE Act—which Senator DORGAN, Senator FEINGOLD, Senator CASEY, Senator WHITEHOUSE, and I introduced this month—is a step toward that change.

This legislation serves as a template for how to craft a trade agreement that works for workers, for business owners, for our neighborhoods, for our communities, and for our country.

This legislation mandates a Government Accountability Office review of existing trade agreements and will require the President to submit renegotiation plans for those agreements before negotiating any new agreements—basically a timeout before we pass more of these NAFTA-style, NAFTA-modeled trade agreements.

The TRADE Act will create a committee comprised of House and Senate leaders who will review the President's plan for renegotiation. The bill spells out standards for future trade agreements and will protect developing nations from exploitation by drug companies, energy companies, and financial institutions.

The TRADE Act also sets out criteria for a new negotiating process—one that would do away with the fundamentally flawed fast-track trade promotion process and return power to Congress, which is what our Constitution says, when considering our Nation's trade pacts.

No more charging the President, if you will, with negotiating these trade agreements behind closed doors, with lobbyists for financial interests and banks and insurance companies and oil companies and pharmaceutical companies standing outside the door, passing notes to these trade negotiators.

We take for granted our clean air, safe food, and safe drinking water. But these blessings are not by chance. They result from rules and laws about wages, about health, about the environment. Flawed trade policy, as we now know, accelerates the importation of toxic toys, contaminated toothpaste, and poisonous pet food—ingredients that kill people in drugs such as heparin.

It does not have to be this way. We have a choice. We can continue a race to the bottom in wages, worker safety, and environmental and health standards. We know what that race to the bottom means. It means lost manufacturing jobs. It means the stagnation of wages. It means importing toxic toys from China. It means importing the ingredients that come to us in heparin and other drugs that have literally killed Americans. Or we can use trade agreements to lift up standards abroad and in this country—not threaten workers and consumers.

We can continue down the path of the failed NAFTA model or we can negotiate trade agreements that result in the creation of manufacturing jobs, increased wages, and a reduction of the trade deficit by providing fair and transparent market access.

We can use our trade laws as a chit in negotiations or we can preserve the ability of the United States to enforce domestic trade laws to address the negative impacts of currency manipulation, financial instability, and high debt burdens on U.S. trade relationships.

We can continue to use trade deals to lock in—to lock in—protections for Wall Street, the drug companies, and the oil companies or we can create a predictable structure for international trade without providing corporations with overreaching privileges and rights of private enforcement that undermine our laws.

Middle-class families, American manufacturers, farmers, and community leaders across this country know we need a very different direction in trade. The TRADE Act is supported by more than a dozen labor unions, both the AFL–CIO and Change to Win. It is supported by the Sierra Club, the National Farmers Union, and the National Family Farm Coalition.

We know a different direction in trade policy in this country is supported by a coalition of religious leaders, human rights activists, advocates for children and families, environmental groups, family farm groups, and labor groups.

I am going to ask my leadership and my caucus to work with me on this legislation. I look forward to working with my allies on the other side of the aisle to work with me in restoring our trade policy—fair trade, smart trade, a very different direction for our country.

THE ENERGY INDEPENDENCE AND TAX RELIEF ACT OF 2008

Mr. CARDIN. Mr. President. I must say I am puzzled why a Republican minority voted last week to prevent the Senate from even proceeding to the consideration of a bill—H.R. 6049, the Energy Independence and Tax Relief Act of 2008—designed to bring down sky-high oil and gasoline prices, promote clean and renewable energy, create good jobs here in America, and put our Nation on a path to energy security. I am equally puzzled at the opposition to the provisions being paid for by closing a tax loophole on offshore income made by hedge fund managers. The American people need our help and we have a bill that would provide much needed relief to American families and yet we can't even get enough votes to legislate on the bill.

The price of crude oil on the spot market is approaching $140 per barrel, nearly double the price of 1 year ago. When President Bush took office, a gallon of regular gas cost $1.46 and a gallon of diesel fuel cost $1.53. Today, those prices are at all-time highs, with regular gas costing $4.02 per gallon and diesel fuel costing $4.77 per gallon. A new poll indicates that 60 percent of Americans are reducing spending on other priorities because of rising gas prices. One-half of all households with incomes below $20,000 say they face severe hardships because of soaring gas prices. Clearly, the status quo is intolerable, but the minority won't even let the Senate consider bills to address these problems, much less pass them. As I said, I find that puzzling. Generally speaking, the legislative process works best when we are actually legislating.

Last week, the Senate fell 10 votes short of invoking cloture on the motion to proceed to H.R. 6049. I am pleased to see that we are going to try again to invoke cloture; I hope we prevail this time. In addition to promoting our Nation's energy security, this bill provides critical tax relief for families and businesses, which is why I am a cosponsor of substitute amendment Senator BAUCUS hopes to offer to this bill if we can get to it.

The Energy Independence and Tax Relief Act of 2008 provides approximately $18 billion in tax incentives for investment in renewable energy, energy efficiency and conservation, carbon capture and sequestration demonstration projects. One provision of the bill specifically authorizes $2 billion for new clean renewable energy bonds. These bonds are essential in helping finance facilities that generate electricity from alternative resources like: wind, small irrigation, geothermal, hydropower, and landfill gas or trash combustion facilities.

The bill also provides tax credits for renewable energy production, solar energy and fuel cell investment and tax credits for energy-efficient commercial buildings. Buildings account for over one-third of America's consumption, 49 percent of sulfur dioxide emissions, 25 percent of nitrous oxide emissions, and

10 percent of particulate emissions, all of which damage urban air quality. They also produce 38 percent of the country's carbon dioxide emissions—the chief pollutant blamed for climate change. By changing the way buildings operate, we can change our "carbon footprint" on the Earth.

In addition to helping companies explore the use of alternative fuels and energy saving products, we must also act individually. Recognizing this, Senator BAUCUS's legislation also provides incentives for individual taxpayers. The bill incorporates tax credits for energy efficient appliances in homes and energy efficient improvements to existing and new homes. If just 1 in 10 homes used ENERGY STAR-qualified appliances, a joint program between the U.S. Environmental Protection Agency and the U.S. Department of Energy, the effect would be like planting 1.7 million new acres of trees. Additionally, by making homes more energy efficient, we generate less air pollution and reduce high energy bills. Most of the energy used in our homes often comes from the burning of fossil fuels at powerplants, which contributes to acid rain and smog. By improving your home, whether by the appliances you choose or energy efficient remodeling, you take an important step forward in protecting the environment.

The bottom line is that we have to conserve oil by using it more efficiently, and we have to find domestic alternatives to oil. The benefit of doing that, in addition to bolstering national security and our economy, is that using less oil and gas reduces the greenhouse gas emissions that are contributing to global climate change. This is why renewable energy incentives are essential.

In addition to many energy provisions that will help put America on track to energy independence, the bill also incorporates about $27 billion in several vital tax extensions for American families and businesses. In order for our country to remain a leader we must continue to be competitive. This is why the research and development tax credit is essential. As a long time supporter of the R&D tax credit, I am glad to see its inclusion into this legislation. This credit allows for companies to plan long term projects which translate into new technologies and new jobs. In 2005, 856 Maryland firms reported R&D activity to the IRS. My goal is to increase that number. I want more businesses—not only in Maryland, but across the country—participating in research and development for our Nation.

The bill also extends tax provisions for tuition expenses, out-of-pocket expenses for teachers, deductions for State and local sales taxes, and real property tax relief for nonitemizers. It also expands the child tax credit to help more than 13 million children and their families. Specifically, the bill extends the above-the-line deduction up to $250 for education expenses for all elementary and secondary teachers. It also provides aid for the rising costs of tuition. By providing an above-the-line deduction of $2,000 or $4,000, depending on income, for qualified higher education expenses, we help alleviate the burden of rising education costs for American families. The bill also expands the child tax credit to help more than 13 million children and their families. The bill also extends the option for taxpayers to take an itemized deduction for State and local general sales taxes, and provides a 1-year deduction of $350 for property taxes for nonitemizing taxpayers.

Senator BAUCUS has also included a very important provision that places a 1-year "patch" on the alternative minimum tax, AMT. This provision translates into helping millions of Americans across the country and specifically hundreds of thousands of Marylanders. The bill increases the exemption amounts to $46,200 for individuals and $69,950 for married couples. It also allows personal credits to be used against the AMT. This provision is essential, otherwise American families will fall victim to a tax that we never intended them to have to pay.

This bill will provide good jobs here at home, put us on a path toward sustainable energy security, and combat global climate change. I hope we will be allowed to consider this measure. The American people sent us here to do a job: to legislate. If we can't even get to this bill, we are not doing our job.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, as some of us who are not in this building know, there is a raging storm outside. But it is all over the Eastern part of the country. I got a call from one Senator stuck at a small airport in northern New York. We have calls from all over the country that airplanes are messed up. La Guardia is not going to have anything going until 11 o'clock. When things back up there, it affects the whole country. So we would wind up probably with 20 Senators missing the vote at 5:30.

So I have spoken to the Republican leader. We both think for the safety of Members, if nothing else—which there is plenty else—but for the safety of Members, so they can kind of calm down and not try to do things they should not do at this last hour or so—I ask unanimous consent that the previously scheduled vote on cloture, which was scheduled at 5:30 p.m., today, be delayed to occur at 2:15 p.m. Tuesday, June 17.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to vitiate the order for the remaining debate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

MORNING BUSINESS

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FATHER'S DAY

• Mr. BYRD. Madam President, summer will not officially begin until June 21, but already the summer heat and thunderstorms are upon us. Lawns are lush and green, calling for the mower at least every week to maintain their carefully manicured appearance. Gardens are bursting with blooms that hold the promise of juicy red tomatoes, crisp green peppers, and a never-ending supply of zucchini. Along rural roadsides, great rafts of daylilies growing are beginning to bloom in waves of firecracker orange starbursts above the dense green foliage.

Despite the lawn and garden chores that beg for attention, one day this weekend was reserved for pleasure. Sunday, June 15, was Father's Day. Across the Nation, ties disappeared from store shelves, golf paraphernalia was snapped up, funny cards were bought, and restaurant reservations were made. On Sunday, many fathers were encouraged to take a break, to enjoy a brunch buffet, and to open some of the classic father's day gifts—those ties, golf tees, or cologne. This week, men across the Nation will sport brightly hued new ties and exotic scents that wordlessly label them as proud fathers.

Fatherhood is a wonderful experience but also a nerve-wracking one. It is full of high points, from passing on new skills and old interests to a new generation, to witnessing the achievements of our offspring as they achieve success on their own. The sight of large father's hands tenderly cradling a tiny morsel of newborn humanity is enough to melt the hardest heart. But it is also a frightening responsibility, knowing that one's every word and action, for better or for worse, is being absorbed into the creation of a new character. Fathers who praise their child's hard work and perseverance in the face of setbacks, or who demonstrate the high value they place on being a good sport, build strong, resilient children who learn to work well with others throughout their lives. Fathers who lose their tempers at Little League coaches teach their children by example a lesson in rudeness and incivility that likely is very different than the manners that they preach. Clarence Budington Kelland put it best when he said, "He didn't tell my how to live; he lived, and let me watch him do it."

Fathers typically spend fewer hours in the company of their children than do their mothers. Therefore, each hour spent together is precious, a fact that can be difficult to remember when fathers come home from work tired, and that lawn still needs to be mowed or those bills need to be paid. But in the years to come, as children grow, it is the time spent playing catch, or building a doghouse, or even watching a football game together, that both father and child will remember and cherish—not that the lawn was properly edged and raked.

I know that the times spent with my Dad that I remember most fondly were just those few quiet minutes that we spent together most days, when I would meet Dad walking home from work. He would share with me a little cake that he had saved from his lunch, and we would talk and walk together. No matter how tired he was, he was interested in how my day had gone and what I had learned in school. Like many kids, I worked hard at school and at my other activities, from my daily chores to playing my fiddle, to earn the reward of his smile and his words of praise. That ability to inspire a child is the greatest power, and the greatest responsibility, of fatherhood.

The creation of Father's Day is widely credited to Mrs. Sonora Dodd, who, inspired by the idea of Mother's Day, chose to honor the father who raised her and her siblings after their mother died. Her father, William Smart, must have been a great father, to have sparked such a tribute from his daughter. As we honor the contributions to our families made by our fathers, we must also thank Sonora Dodd for her devotion and dedication to her father and all fathers. Mr. Smart did not know the German writer Jean Paul Richter 1762–1825, but he proved the truth behind Richter's observation that "The words that a father speaks to his children in the privacy of home are not heard by the world, but, as in whispering galleries, they are heard clearly at the end and by posterity."

Mr. President, I close with a poem by an anonymous author, titled "A Little Chap Who Follows Me." My Dad knew the truth of this poem, and I learned the truth of it after my own daughters were born, as all fathers do. On Father's Day, as fathers are being honored, it reminds us of the qualities of a father that are most worth honoring.

A LITTLE CHAP WHO FOLLOWS ME

A careful man I want to be;
A little fellow follows me.
I do not dare to go astray
For fear he'll go the selfsame way.

I cannot once escape his eyes,
Whate'er he sees me do, he tries.
Like me he says he's going to be;
The little chap who follows me.

He thinks that I'm so very fine,
Believes in every word of mine.
The base in me he must not see;
The little chap who follows me.

I must remember as I go
Through summer's sun and winter's snow,
I'm building for the years to be;
The little chap who follows me.•

FLAG DAY

• Mr. BYRD. Madam President, in the early history of our Nation, many flags flew over the land that became the United States of America. The British Union Jack, the Spanish flag, the French flag, the Dutch flag, and others identified territory and colonies under the control of those nations. Then, as the colonies and various fighting forces organized themselves to take up the call of the new nation-to-be, many new flags began to fly. Some had pine trees, some had rattlesnakes, and others were simpler designs or slogans, but all sought to establish a separate and many times defiant new identity for the new nation and its people.

In the course of conducting the war, the Continental Congress had many important and pressing decisions to make. Among them was the choice of a flag under which the armies and colonies could unite, a fitting symbol for the new nation. Accordingly, on June 14, 1777, the Continental Congress adopted a resolution establishing a national flag for the United States. Following a still familiar pattern, a special committee had first been appointed to develop the design for the new flag, and the resolution implemented the committee's recommendation.

The resolution itself was quite simple, and stated only that " the flag of the United States shall be of thirteen stripes of alternate red and white, with a union of thirteen stars of white upon a blue field, representing a new constellation." The 13 stripes and stars were symbolic of the 13 colonies that had fought for and won the liberty to establish the new nation, of course, but no formal symbolism was assigned to the color choices, which were the same as those found on the British Union Jack. Since 1777, however, many poets and speakers have embued the colors with symbolism, as did Joseph Rodman Drake, in his poem, "The American Flag":

When Freedom, from her mountain height,
Unfurled her standard to the air,
She tore the azure robe of night,
And set the stars of glory there!
She mingled with its gorgeous dyes
The milky baldric of the skies,
And striped its pure, celestial white
With streakings of the morning light;
Then, from his mansion in the sun,
She called her eagle-bearer down,
And gave into his mighty hand
The symbol of her chosen land!

Over the years, the flag grew and changed as the United States grew, adding stripes as well as stars before it was recognized that the expansion of the States was greater than the flag's pattern could bear. When Francis Scott Key wrote "The Star Spangled Banner" after watching the battle of Fort McHenry during the war of 1812, the flag he wrote about had 15 stars and 15 stripes. By 1816, the United States consisted of 19 States, with more to come. So, once again, Congress established a special committee, this one directed by New York's Peter Wendover, to study the problem of the flag's design.

Early in 1818, the congressional committee presented a report. The report recommended a solution proposed by Chester Reid, a naval captain and hero of the war of 1812. His suggestion was that the 13-stripe flag honored the original 13 colonies, and that new States could be honored by the simple addition of stars, to reflect the growth of the new constellation.

On April 4, 1818, President James Monroe signed into law the Flag Act of 1818. Like the original Flag Resolution of 1777, the Flag Act of 1818 was short, consisting of two sections. The first section noted that, as of July 1819, "the flag of the United States be thirteen horizontal stripes, alternate red and white; that the union have twenty stars, white in blue field." The second section provided the process for adding stars to the flag upon the entry of each new State to the Union. This elegant solution provided the flag that we hold so dear today.

Our flag, the Stars and Stripes, or "Old Glory," still serves to unite our Nation today. It is a symbol of our Nation that is instantly recognizable around the world. It is both commonplace, seen daily in front of post offices, government buildings and schools, and yet hallowed, placed with solemn care over the coffin of a veteran or flying at half mast to mark a tragedy. It can also be a symbol of patriotic pride, carried proudly by Olympic athletes as it will be in Beijing this August, or streaming in the wind behind a mighty warship. And who can forget the sudden, spontaneous, outbreak of U.S. flags that erupted across the Nation in the wake of the 9/11 tragedy? That act captured the essence of our Nation and our flag—a nation defiant, strong, and united in the face of adversity.

On Saturday, many Americans braved the scorching heat and the violent weather and floods that have caused so much misery in recent days, and observed Flag Day by displaying the flag at their home or their workplace.

Mr. President, I close with one of my favorite poems about the flag. It is titled "Hats Off!" by Henry Holcomb Bennett.

HATS OFF!

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and to save the State:
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
To ward her people from foreign wrong:
Pride and glory and honor, all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high:
Hats off!
The flag is passing by!•

ARREST OF BAHÁ'I LEADERS

Mr. BINGAMAN. Madam President, I wish to call attention to the arrest of seven Bahá'i leaders in Iran earlier this month.

On May 14, six Iranian Bahá'i leaders—Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, and Mr. Vahid Tizfahm, all of Tehran—were arrested and reportedly taken to Evin Prison, the same facility where Haleh Esfandiari, director of the Middle East Program at the Woodrow Wilson Center for Scholars here in Washington, spent 105 days last year.

In addition, on March 5, another Bahá'i leader, Mrs. Mahvash Sabet, also of Tehran, was summoned to the city of Mashhad by the Ministry of Intelligence.

I am concerned that these arrests signal an escalation of repression against the Bahá'i community in Iran. These actions do not befit the rich heritage of Iranian civilization, and I call upon the leadership of the Islamic Republic of Iran to release the seven Bahá'i leaders promptly and unconditionally.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL GALE S. POLLOCK

• Mr. INOUYE. Madam President, I would like to recognize a great American and true military heroine who has honorably served our country for 32 years.

Major General Pollock was born in Kearny, NJ, and entered the Army Nurse Corps in 1976 after earning her BSN from the University of Maryland. She also completed a master's of business administration from Boston University, a master's in healthcare administration from Baylor University, and a master's in national security and strategy from the National Defense University. Major General Pollock also attended the U.S. Army Nurse Anesthesia Program and is a certified registered nurse anesthetist, CRNA, and a fellow in The American College of Healthcare Executives.

Major General Pollock's military education includes Senior Service College at the Industrial College of the Armed Forces; the U.S. Air Force War College; the Interagency Institute for Federal Health Care Executives, the Military Health System CAPSTONE Program, the Principles of Advanced Nurse Administrators, and the NATO staff officer course.

Major General Pollock became the Deputy Surgeon General for Force Management December 11, 2007. She also served as Chief, Army Nurse Corps and Commander, U.S. Army Medical Command/Acting Surgeon General.

Major General Pollock's past military assignments include special assistant to the Surgeon General for Information Management and Health Policy; commander, Martin Army Community Hospital, Fort Benning, GA; commander, U.S. Army Medical Activity, Fort Drum, NY; staff officer, Strategic Initiatives Command Group for the Army Surgeon General; Department of Defense health care advisor to the Congressional Commission on Service Members and Veterans Transition Assistance, health fitness advisor at the National Defense University; senior policy analyst in Health Affairs, DOD; and chief anesthesia nursing service at Walter Reed Army Medical Center, Washington, DC.

Throughout her career Major General Pollock has served with valor and profoundly impacted the entire Army Medical Department. Her performance reflects exceptionally on herself, the U.S. Army, the Department of Defense, and the United States of America. I extend my deepest appreciation to Major General Pollock on behalf of a grateful nation for her more than 32 years of dedicated military service.•

125TH ANNIVERSARY OF ETHAN, SOUTH DAKOTA

• Mr. JOHNSON. Madam President, today I pay tribute to the 125th anniversary of the founding of the city of Ethan, South Dakota. After 125 years, this progressive community will have a chance to reflect on its past and future, and I congratulate the people of Ethan for all that they have accomplished.

The city of Ethan was founded in 1883 as a railroad town named after Ethan Allen of historical fame. Jerome Miles was the primary landowner of Ethan Territory. The first school was built in 1885, followed by the first Catholic and Methodist churches which were both built in 1887.

Today, Ethan is a growing and developing small town community located in Davison County. Ethan has a population of 312 and is home to numerous colorful characters, including many descendents of the original founders. Ethan features several local businesses, including grain elevators, hotels, banks, restaurants, doctor's offices, churches, a public school, and a beautiful park. Ethan Coop Lumber just celebrated their 100 year anniversary in 2007, and Ethan Public School has been declared a Blue Ribbon School of Excellence by the U.S. Department of Education.

Ethan will be commemorating its anniversary with a celebration on the weekend of June 13–15. The town plans to hold the Miss Ethan Pageant, a street dance, a parade, and hot air balloon rides. The events of the weekend promise to provide great opportunities to celebrate such a historic milestone.

Even 125 years after its founding, Ethan continues to be a vibrant community. I am proud to honor the accomplishments of the people of Ethan, and congratulate them on this impressive achievement.•

125TH ANNIVERSARY OF CORONA, SOUTH DAKOTA

• Mr. JOHNSON. Madam President, today I recognize the community of Corona, SD, on reaching the 125th anniversary of its founding. Corona is a rural community located in Roberts County, and will be celebrating its quasquicentennial the weekend of June 20–22 with a street dance, a 5k walk/run, hot air balloon rides, a parade, and fireworks.

In 1881, a town site called Prior was plotted approximately 1½ miles north of the future site of Corona, named for its owner, C. H. Prior. Prior was the original stopping point for the postal service until moving to the present location of Corona in 1883, which provided closer access to the railroad.

The early business district of Corona was comprised of a doctor, a newspaper, two banks, four grocery stores, a butcher shop, a post office, four grain elevators, a general store, a hardware store, a creamery, and two lumber yards. Main Street was marked with hitching posts, gasoline lights, and wooden sidewalks that were notorious for their hazardous conditions when wet.

Today, Corona still boasts several businesses including a café, a post office, a grain elevator, and most importantly, the Corona Learning Center. Three industrial enterprises are also based in the area: Mark's Custom Woodworking, Ammann Honey Farm, and Dakota Machine Works. Despite the hardworking nature of Corona's inhabitants, they still manage to celebrate St. Patrick's Day with one of the longest parades in the State, whether rain, snow, or shine.

Most South Dakotans call small towns like Corona home. South Dakota's small communities are the bedrock of our economy and vital to the future of our State. It is especially because of our small communities, and the feelings of loyalty and familiarity that they engender, that I am proud to call South Dakota home. Towns like Corona and its citizens are no different and truly know what it means to be a South Dakotan. Even 125 years after its founding, Corona continues to be a vibrant addition to our wonderful State, and I once again congratulate them on this achievement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are panted at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2146. An act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1553. An act to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer.

MEASURES PLACED ON THE CALENDAR DURING ADJOURNMENT OF SENATE

Under the authority of the order of the Senate of June 12, 2008, the following bill was read the second time, and placed on the calendar:

H.R. 5749. An act to provide for a program of emergency unemployment compensation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6586. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendments to Treatments for Plant Pests" (Docket No. APHIS-2006-0091) received on June 9, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6587. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Designation of Portion of Willacy County, TX, as a Quarantined Area" (Docket No. APHIS-2008-0057) received on June 16, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6588. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Temporary Importation of Horses; Noncompetitive Entertainment Horses From Countries Affected With Contagious Equine Metritis" (Docket No. APHIS-2006-0164) received on June 9, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6589. A communication from the Director of the Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cotton World Price Determination" (RIN0560-AH78) received on June 9, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6590. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flutolanil; Pesticide Tolerances" (FRL No. 8365-6) received on June 9, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6591. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Pesticide Tolerances" (FRL No. 8366-4) received on June 9, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6592. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "(Z)-7,8-epoxy-2-methyloctadecane; Exemption from the Requirement of a Tolerance" (FRL No. 8367-7) received on June 9, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6593. A communication from the Secretary, Department of Homeland Security, transmitting, pursuant to law, the report of a violation of the Antideficiency Act within the Federal Law Enforcement Training Center; to the Committee on Appropriations.

EC-6594. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to the Western Balkans; to the Committee on Banking, Housing, and Urban Affairs.

EC-6595. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area" (RIN0648-XI07) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6596. A communication from the Chairman of the Office of Proceedings, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Rail Interchange Commitments" (OMB Control No. 2140-0016) received on June 9, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6597. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning operations at the Naval Petroleum Reserves for fiscal year 2007; to the Committee on Energy and Natural Resources.

EC-6598. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled, "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board"; to the Committee on Energy and Natural Resources.

EC-6599. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that response and recovery efforts in the State of Texas have exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Environment and Public Works .

EC-6600. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the re-authorization of the Upper Guadalupe River flood damage reduction project; to the Committee on Environment and Public Works.

EC-6601. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of the Stratospheric Ozone: Alternatives for the Motor Vehicle Air Conditioning Sector Under the Significant New Alternatives Policy Program" (FRL No. 8578-1) received on June 9, 2008; to the Committee on Environment and Public Works.

EC-6602. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2008" (FRL No. 8577-9) received on June 9, 2008; to the Committee on Environment and Public Works.

EC-6603. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Identification and Protection of Unclassified Controlled Nuclear Information" (RIN1992-AA35) received on June 9, 2008; to the Committee on Environment and Public Works.

EC-6604. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; Fee Recovery for Fiscal Year 2008" (RIN3159-AI28) received on June 9, 2008; to the Committee on Environment and Public Works.

EC-6605. A communication from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of the Expiration Date for Several Body Systems Listings" (AG81) received on June 9, 2008; to the Committee on Finance.

EC-6606. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Third Report to Congress on the Evaluation of the Medicare Coordinated Care Demonstration"; to the Committee on Finance.

EC-6607. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Conversion of Nonprofit Organizations" (LMSB-04-0408-024) received on June 9, 2008; to the Committee on Finance.

EC-6608. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Change of Accounting Method for Contributions to Capital" (Rev. Rule 2008-30) received on June 9, 2008; to the Committee on Finance.

EC-6609. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Plasmodium Species Antigen Detection Assays" (Docket No. FDA-2008-N-0231); to the Committee on Health, Education, Labor, and Pensions.

EC-6610. A communication from the Deputy Administrator, Small Business Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6611. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6612. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period ending March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6613. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of U.S. Attorney of the Western District of Tennessee, received on June 9, 2008; to the Committee on the Judiciary.

EC-6614. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Attorney General received on June 9, 2008; to the Committee on the Judiciary.

EC-6615. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Attorney General, received on June 9, 2008; to the Committee on the Judiciary.

EC-6616. A communication from the President of the United States, transmitting, pursuant to law, a report relative to operations in support of the war on terror and in Kosovo; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 570. A bill to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes (Rept. No. 110-349).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 617. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans (Rept. No. 110-350).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 662. A bill to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes (Rept. No. 110-351).

S. 783. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes (Rept. No. 110-352).

S. 827. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes (Rept. No. 110-353).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 832. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value (Rept. No. 110-354).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 868. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System (Rept. No. 110-355).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 900. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act (Rept. No. 110-356).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1281. A bill to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System (Rept. No. 110-357).

S. 1380. A bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado (Rept. No. 110-358).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1633. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefield and related sites of the Battle of Shepherdstown in Shepherdstown, West Virginia, as part of Harpers Ferry National Historical Park or Antietam National Battlefield, and for other purposes (Rept. No. 110-359).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1929. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed (Rept. No. 110-360).

S. 2124. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery (Rept. No. 110-361).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2207. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee, as a unit of the National Park System, and for other purposes (Rept. No. 110-362).

S. 2229. A bill to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range (Rept. No. 110-363).

S. 2254. A bill to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes (Rept. No. 110-364).

S. 2262. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes (Rept. No. 110-365).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2370. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes (Rept. No. 110-366).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2379. A bill to authorize the Secretary of the Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of certain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes (Rept. No. 110–367).

S. 2512. A bill to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes (Rept. No. 110–368).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2513. A bill to modify the boundary of the Minute Man National Historical Park, and for other purposes (Rept. No. 110–369).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2593. A bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes (Rept. No. 110–370).

S. 2604. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes (Rept. No. 110–371).

S. 2804. A bill to adjust the boundary of the Everglades National Park, and for other purposes (Rept. No. 110–372).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2814. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes (Rept. No. 110–373).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2833. A bill to provide for the management of certain public land in Owyhee County, Idaho, and for other purposes (Rept. No. 110–374).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 123. A bill to authorize appropriations for the San Gabriel Basin Restoration Fund (Rept. No. 110–375).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 189. A bill to establish the Paterson Great Falls National Historical Park in the State of New Jersey and for other purposes (Rept. No. 110–376).

H.R. 356. A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States (Rept. No. 110–377).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 523. A bill to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district (Rept. No. 110–378).

H.R. 1285. A bill to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes (Rept. No. 110–379).

H.R. 1311. To provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute, and for other purposes (Rept. No. 110–380).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1483. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes (Rept. No. 110–381).

H.R. 1528. A bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes (Rept. No. 110–382).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 1725. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled Non-Potable Distribution Facilities and Demineralization Desalination Recycled Water Treatment and Reclamation Facility Project (Rept. No. 110–383).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1855. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project (Rept. No. 110–384).

H.R. 2085. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes (Rept. No. 110–385).

H.R. 2197. A bill to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes (Rept. No. 110–386).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 2515. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes (Rept. No. 110–387).

H.R. 2627. A bill to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site (Rept. No. 110–388).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3332. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes (Rept. No. 110–389).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 3998. A bill to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures (Rept. No. 110–390).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 5151. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes (Rept. No. 110–391).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 3136. A bill to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 3137. A bill for the relief of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. NELSON of Florida, Mr. PRYOR, and Ms. SNOWE):

S. 3138. A bill to prohibit text message spam; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:

S. 3139. A bill to provide for greater accountability and transparency in the Federal contracting process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself, Mr. WARNER, Mrs. CLINTON, Mr. SCHUMER, Ms. MIKULSKI, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, and Mr. KERRY):

S. 3140. A bill to provide that 4 of the 21 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself, Mrs. HUTCHISON, and Mr. LEAHY):

S. Res. 595. A resolution designating September 2008 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. SPECTER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 186, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 746

At the request of Mr. ALLARD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1232

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1926

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2619

At the request of Mr. COBURN, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 2892

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2892, a bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force.

S. 2920

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 3012

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3012, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012.

S. 3022

At the request of Mr. LEVIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3022, a bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus.

S. 3032

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3032, a bill to increase the standard mileage rate for use of an automobile for business, medical, and moving deduction purposes for 2008 and permanently increase such rate for charitable deduction purposes under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees.

S. 3044

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3044, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. 3061

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3061, a bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 3108

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3108, a bill to require the President to call a White House Conference on Food and Nutrition.

S. 3111

At the request of Mr. WICKER, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 3111, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right of life of each born and preborn human person.

S. CON. RES. 86

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Con. Res. 86, a concurrent resolution expressing the sense of Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms and seek to strengthen measures to conserve whale species.

S. RES. 575

At the request of Mr. STEVENS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 575, a resolution expressing the support of the Senate for veteran entrepreneurs.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from South Carolina (Mr. DEMINT), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN:

S. 3136. A bill to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Fugitive Information Networked Database Act of 2008, or the FIND Act. This bill provides resources to law enforcement to ensure the entry of felony warrants into the national FBI database and to assist in tracking down and extraditing fugitives. It helps ensure that fugitives who flee their States will be located, apprehended, and brought to justice. It protects our communities by taking dangerous criminals off the streets.

According to a recent series of articles in the St. Louis Post-Dispatch, anywhere from 1.9 million to 2.7 million felony fugitives are on the run from law enforcement. When State and local law enforcement issue a warrant for a fugitive's arrest, they are expected to enter it into the FBI's National Crime Information Center database as well as into their own State and local databases. The national database is accessible to all State and local law enforcement agencies, which use the national database to track fugitives around the country.

The national database is only as good as the information that States enter into it, however. Too often, State and local law enforcement agencies enter warrants into the State and local databases, but not into the national database. It is estimated that more than a third of all felony warrants have not been entered into the national database. That means anywhere from 800,000 to 1.6 million wanted felons can escape justice and remain at large in our communities simply by crossing State lines.

Unless a warrant is entered into the national database, a sheriff or police officer who stops a fugitive has no way of knowing that he is wanted in another jurisdiction—sometimes for a violent crime. Many fugitives go on to commit additional crimes in other States. Some know that if they can flee across State lines, there's a good chance they can—in some cases—get away with murder. This is inexcusable.

I have heard a range of reasons why State and local law enforcement have not been entering felony warrants into the national database. Some reasons are valid. For instance, if law enforcement is using a person suspected of a felony as an informant, it's understandable that they would not want to enter the informant's name into the database.

Many jurisdictions don't enter warrants into the national database, however, simply because they don't have the time and resources to update and validate warrant entries, which is a resource- and time-intensive process.

Fortunately, the burden of warrant entry and validation can be alleviated. By developing new databases, or by upgrading existing ones, to ensure compatibility and interoperability with the national database, State and local law enforcement can facilitate information sharing and seamless warrant entry into databases at all levels of government. With additional resources to hire personnel for the validation process, State and local law enforcement can enter felony warrants into the national database without worrying about not having the resources to validate them.

The FIND Act addresses the problem of warrant backlogs by providing State and local law enforcement with the resources necessary to develop and upgrade their systems, and hire additional personnel to perform the validation process. Specifically, it authorizes $25 million for fiscal years 2009 and 2010 for grants to States to develop new systems or upgrade existing systems so that they are interoperable with the NCIC database.

Another reason law enforcement doesn't enter felony warrants into the national database is concern that the State will not have the resources to extradite the fugitive if he is found outside the State's borders. Helping State and local agencies enter their felony warrants into the national database is therefore only half the battle. We also need to ensure that when a dangerous fugitive is caught, the jurisdiction in which he is wanted can work with the U.S. Marshals Service to extradite him to face justice.

While I was drafting this bill, I spoke to one sheriff who apprehended an individual wanted for rape in another State. The sheriff notified that State that he had their criminal in custody, but when the State said they didn't have the resources to extradite him, the sheriff had no choice but to free the rapist into his community.

When we in Congress do not provide law enforcement with the basic resources they need to extradite dangerous criminals like this, we fail in our most basic duty to those we represent—the duty to protect them from violent crime.

The U.S. Marshals Service is on the front lines of fugitive apprehension and extradition. We authorized funds several years ago for the development of Regional Fugitive Task Forces that combine the resources and expertise of State and local law enforcement and the U.S. Marshals Service. These task forces have been very successful and could do much more to track down and extradite fugitives if they had the proper resources.

My bill authorizes an additional $20 million in fiscal year 2009 to fund existing and develop new regional task forces, and it provides $10 million for fiscal years 2010 through 2014. It also authorizes $3 million for each of fiscal years 2009 through 2014 to assist in the extradition of fugitives through the Justice Prisoner and Alien Transport System.

The FIND Act provides essential resources to locate, capture, and bring to justice dangerous fugitives. It takes commonsense steps to protect our communities from rapists, murderers, and other violent criminals who have fled across State lines. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fugitive Information Networked Database Act of 2008" or the "FIND Act".

SEC. 2. DEFINITION.

In this Act, the term "National Crime Information Center database" is the computerized index of criminal justice information operated by the Federal Bureau of Investigation pursuant to section 534 of title 28, United States Code, and available to Federal, State, and local law enforcement and other criminal justice agencies.

SEC. 3. GRANTS TO ENCOURAGE STATES TO ENTER FELONY WARRANTS.

(a) STATE SYSTEM.—A State Attorney General may, in consultation with local law enforcement and any other relevant government agencies, apply for a grant from the United States Attorney General to—

(1) develop and implement secure, electronic warrant management systems that permit the prompt preparation, submission, and validation of warrants and are compatible and interoperable with the National Crime Information Center database; or

(2) upgrade existing electronic warrant management systems to ensure compatibility and interoperability with the National Crime Information Center database;

to facilitate information sharing and to ensure that felony warrants entered into State and local warrant databases can be automatically entered into the National Crime Information Center database. The grant funds may also be used to hire additional personnel, as needed, for the validation of warrants entered into the National Crime Information Center database.

(b) ELIGIBILITY.—In order to be eligible for a grant authorized under subsection (a), a State shall submit to the United States Attorney General—

(1) a plan to develop and implement, or upgrade, systems described in subsection (a);

(2) a report that—

(A) details the number of felony warrants outstanding in the State;

(B) describes any backlog of warrants that have not been entered into the State and local warrant databases or into the National Crime Information Center database, over the preceding 3 years (including the number of such felony warrants);

(C) explains the reasons for the failure of State and local government agencies to enter felony warrants into the National Crime Information Center database; and

(D) demonstrates that State and local government agencies have made good faith efforts to eliminate any such backlog; and

(3) guidelines for warrant entry by State and local government agencies that will ensure that felony warrants entered into State and local warrant databases will also be entered into the National Crime Information Center database and explain the circumstances in which, as a matter of policy, certain felony warrants will not be entered into the National Crime Information Center database.

(c) AUTHORIZATION.—There are authorized to be appropriated to the Attorney General $25,000,000 for each of the fiscal years 2009 and 2010 for grants to State and local government agencies for resources to carry out the requirements of this section.

SEC. 4. FBI COORDINATION.

The Federal Bureau of Investigation shall provide to State and local government agencies the technological standard that ensures compatibility and interoperability of all State and local warrant databases with the National Crime Information Center database.

SEC. 5. REPORT REGARDING FELONY WARRANT ENTRY.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the House and Senate Committees on the Judiciary a report regarding—

(1) the number of felony warrants currently active in each State;

(2) the number of those felony warrants that State and local government agencies have entered into the National Crime Information Center database;

(3) the number of times State and local law enforcement in each State has been contacted regarding a fugitive apprehended in another State over the preceding 3 years; and

(4) the number of fugitives from each State who were apprehended in other States over the preceding 3 years but not extradited.

(b) ASSISTANCE.—To assist in the preparation of the report required by subsection (a), the Attorney General shall provide the Comptroller General of the United States with access to any information collected and reviewed in connection with the grant application process described in section 3.

(c) REPORT TO THE ATTORNEY GENERAL.—States that receive grants under section 3 shall, as a condition of receiving the grant, report to the Attorney General on an annual basis the number of felony warrants entered into the State and local warrant databases, the number of felony warrants entered into the National Crime Information Center database, and, with respect to felony warrants not entered into the National Crime Information Center database, the reasons for not entering such warrants. On an annual basis, the Attorney General shall submit to the House and Senate Committees on the Judiciary a report containing the information received from the States under this subsection.

SEC. 6. ADDITIONAL RESOURCES FOR FUGITIVE TASK FORCES AND EXTRADITION.

(a) PRESIDENTIAL THREAT PROTECTION ACT OF 2000.—Section 6(b) of the Presidential Threat Protection Act of 2000 (28 U.S.C. 566 note) is amended by adding at the end the following: "There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section $20,000,000 for fiscal year 2009 and $10,000,000 for each of the fiscal years 2010 through 2014."

(b) JUSTICE PRISONER AND ALIEN TRANSPORT SYSTEM.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service $3,000,000 for each of fiscal years 2009 through 2014 to assist in extradition of fugitives through the Justice Prisoner and Alien Transport System.

By Mrs. FEINSTEIN:

S. 3137. A bill for the relief of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Jorge Rojas Gutierrez, his wife, Oliva Gonzalez Gonzalez and their son, Jorge Rojas Gonzalez. The Rojas family are Mexican nationals living in the San Jose area of California.

The story of the Rojas family is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Mr. Rojas and his wife Ms. Gonzalez originally came to the United States in 1990 when their son Jorge Rojas, Jr. was just 2 years old. In 1995, they left the country to attend a funeral, and then re-entered on visitor's visas. The family has since expanded to include a son, Alexis Rojas now age 15 and a daughter Tania Rojas now age 14.

Since arriving in the United States, this family has dedicated themselves to community involvement, a strong work ethic and volunteerism. They have been paying taxes since their arrival in 1990. The family has been described by their friends and colleagues as a "model American family." I would like to tell you some more about each member of the Rojas family.

Mr. Rojas is a hard-working individual who has been employed by Valley Crest Landscape Maintenance in San Jose, California, for the past 14 years. Currently, Mr. Rojas works on commercial landscaping projects. He is well-respected by his supervisor and his peers.

In addition to supporting his family, Jorge has volunteered his time and talents to provide modern green landscaping and a recreational jungle gym to Sherman Oaks Community Charter School, where his two youngest children attend school.

Ms. Gonzalez, in addition to raising her three children, has been very active in the local community. She has worked to help other immigrants assimilate to American life by working as a translator and a tutor for immigrant children at Sherman Oaks Community Charter School and the Y.M.C.A. Kids after-school program.

She has also coached soccer teams, and has recently directed a Second Harvest food drive for the school. Ms. Gonzalez also devotes many hours of her time to the organization People Acting in Community Together PACT, where she works to prevent crime, gangs and drug dealing in San Jose neighborhoods and schools.

Perhaps one of the most compelling reasons for permitting the family to remain in the United States is the impact their deportation would have on their three children. Two of the children, Alexis Rojas age 15 and Tania Rojas age 14, are U.S. citizens. Jorge Rojas, Jr. has lived in the United States since he was a toddler. For these children, this country is the only country they really know.

Jorge Rojas, Jr. is currently working at Jamba Juice. He graduated from Del Mar High School in 2007 and has been accepted to San Jose City College. However, his dreams and aspirations have been placed on hold because he remains subject to deportation.

Alexis and Tania Rojas are students at Sherman Oaks Community Charter School. They are described by their teachers as "fantastic, wonderful and gifted" students. In fact, the principal at Sherman Oaks has described all three of the children as "honest, hardworking academic honor students" and has commended all of them for their on-campus leadership.

It seems so clear to me that this family has embraced the American dream and their continued presence in our country would do so much to enhance the values we hold dear. I have received 30 letters from the community in support of this family. Enactment of the legislation I have introduced today will enable the Rojas family to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR JORGE ROJAS GUTIERREZ, OLIVA GONZALEZ GONZALEZ, AND JORGE ROJAS GONZALEZ.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez enters the United States before the filing deadline specified in subsection (c), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 202(e) of such Act.

SAN JOSE, CA,
March 14, 2008.

Hon. DIANE FEINSTEIN,
Post Street,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: We are the Rojas Family: Jorge Rojas, Sr., 43 years old, supervisor, Valley Crest Landscape Co.; Oliva Rojas, 40 years old, tutor, Sherman Oaks Charter School; Jorge Rojas 19 years old, son; Alexis Rojas, 15 years old, son; and Tania Rojas, 14 years old, daughter.

The reason for this letter is to ask for your help on our immigration status.

We came to the U.S.A. in 1990, there were three in the family at that time: my wife Oliva, my son Jorge, he was 1-year and 5 months old, and myself. Years later Alexis and Tania were born in California.

After a long immigration process we were denied to stay in the U.S.A. and now we are facing a voluntary departure schedule on or before April 18, 2008, in the meantime we are asking to extend our departure until the kids finish the school year that ends on June 13, 2008.

Our main goal is to stay in the U.S.A. as legal residents, my kids were born here and grew up here, even my son Jorge was too young to remember were he was born, this is all that they have ever known. What I want the most now is that my kids keep going with their hopes and dreams and be able to stay in school and someday be great citizens in this Great Country.

After several changes in immigration laws, we started a legal process trying to get a legal residence in this country. One day we knew thru other people that someone in the Los Angeles area could help us out to get a legal residence, wrongly we started a political asylum process, that later will be an application for cancellation of removal, we were misled, we were told that its only a way to get a hearing with an immigration judge and because we were in the U.S.A. for more than 10 years and we have 2 citizen kids will be a lot easier, afterwards we found out that this person was not a lawyer and he was a notary, whom only submit political asylum applications and then turn everything to a lawyers that represent us in the hearings. A lot of trips to L.A. but one day received a call telling me that me case was move out to San Francisco and the next hearing will be there.

At the first hearing in San Francisco the Judge instructed me to get a lawyer that represent us in the upcoming process. We hire a lawyer with immigration speciality, a real lawyer, it was on March 2003. He represent us I think the best way that he could, after almost 3 years on April 2006, we were denied to stay and granted with voluntary departure within 60 days, this happen on April 2006.

Still we had another chance; appeal to the Court of Appeals for the Ninth Circuit, so in May 2006, we hired another lawyer with better knowledge in appeals. Our efforts to stay legally here never give up.

On February 24, 2008 we received a decision from the Board of Immigration Appeals saying that we have to leave the country voluntary in the remaining 32 days after the final decision that will be made on March 17, 2008.

Now our last hope is if you can help us.

We are a very close family that always been working and doing voluntary jobs and time to the community where for 14 years we belong participating not only .with our kids, we were among parents and teacher helping.

My wife Oliva has been a soccer coach and she is involved in the community association named "PACT" (Parents Acting in Community Together), helping too in the distribution of food with "The Second Harvest Food Program". Myself I was a soccer coach too and involved in a lot of jobs done to the Sherman Oaks Charter School, were my three kids attended.

My kids now are emotionally affected because they can not understand all that is happening to us and of course to them, for me is really hard to explain them.

Even so we all know the decision that had been made, we· keep on going everything; work, school and time together as a family. We have our hopes and faith in something or somebody that is going to help us to stay in The U.S.A.

I am pretty sure that with your help my whole family will keep this faith, hopes and dreams going and we will be part of this great country.

I want to say ahead that myself and my family are deeply grateful for you time and for whatever you can do for us.

Thank you so much.

JORGE ROJAS.

Update on this letter

MARCH 19, 2008.

On March 17, 2008 we were granted by de I.C.E. Office with 60 days more until my kids can finish the school year, now our voluntary departure is schedule on or before June 18, 2008. That gives us more comfort and time; hoping that you can help us.

Thanks again for your time and help.

JORGE ROJAS.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 13, 2008.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: In late February, staff from my office met with Jorge Rojas and his wife, Oliva Gonzalez Rojas in regards to their immigration case and that of their son, Jorge Rojas Gonzalez. After exhausting all appeals to the decision of the Immigration Judge, the family was scheduled to depart the United States under an order of voluntary departure to Mexico on April 18, 2008.

My office supported their request to get an extension of the voluntary departure order until June 18, 2008 so that the two younger United States citizen children could finish the school year. As of this moment the family is still scheduled to leave the United States on June 18th. At the time of the first meeting, my office also referred the Rojas family to their U.S. Senators offices to inquire about the possibility of a private bill being introduced.

Since February, my office has received many calls from individuals supportive of the Rojas family and concerned about their impending departure. My office was also contacted by People Acting in Community Together (PACT), members of the Santa Clara Interfaith Council, Santa Clara County Office of Human Relations, YMCA, and Sherman Oaks Community Charter School.

In addition, on March 9, 2008, the Rojas family participated in a community forum organized by First Presbyterian Church of Palo Alto. The Rojas family participated on a panel which included a San Francisco Immigration Judge, the Director of the Santa Clara County Office of Human Relations, and one of my staff members. The event was cosponsored by the League of Women Voters of Palo Alto, the Santa Clara Council of Churches, Multifaith Voices for Peace and Justice, and El Buen Pastor, Iglesia Episcopal Church (Redwood City). The organizers have verified that there were a total of 115 attendees at the event, many of whom still inquire about the Rojas family and their situation.

It is apparent that the Rojas family is a hard-working, beloved family that has contributed much to their community through their volunteer work. My office has been as supportive as possible of this family and of their efforts to exhaust all possible avenues to remain legally in the United States.

Thank you for your attention to this important matter.

Sincerely,

ZOE LOFGREN,
Member of Congress.

VALLEYCREST
LANDSCAPE MAINTENANCE,
San Jose, CA, 12 March 2008.

Re Jorge G. Rojas.

Hon. DIANNE FEINSTEIN,
U.S. Senate.

DEAR SENATOR FEINSTEIN: Jorge G. Rojas has been working for our company ValleyCrest Landscape Maintenance since 1994.

Not only is he a valuable member of our team but has been instrumental in energizing the water conservation and sustainability issues as they relate to the LEED efforts in the Bay Area for commercial landscaping.

Jorge Rojas is a technician in Urban Construction. He obtained his degree from Conalet Technical School in Guadalajara.

Jorge's skills in that area will be a great loss not only to the company, but to the state of sustainability and green programs in Silicon Valley.

Commercial clients are seeking LEED certification for their existing buildings and industry talent in this arena is critical.

We at ValleyCrest urge our to consider drafting a private bill to secure permanent residency for him and his direct family.

Jorge is also seeking an extension from the Immigration office to allow his American resident children to complete their graduation.

We would appreciate your thoughtful consideration of this request.

Sincerely,

NADA DUNA,
Regional Manager.

SHERMAN OAKS COMMUNITY
CHARTER SCHOOL,
San Jose, CA, March 13, 2008.

TO WHOM IT MAY CONCERN: I write this letter in support of the Oliva Gonzales Rojas and her family. Many years ago she and her husband, Jorge, left Mexico to come to the United States. At that time their oldest son was two years old. They have lived in the United States in California for the last eight en years.

During that time they have consistently demonstrated their commitment to this country, appreciating the opportunities the United States has afforded them. In addition to their oldest son, they have two other children—a son and daughter, citizens of the United States. These children have demonstrated strong academic skills, and they have shown positive and consistent leadership. They understand the importance of service to community.

Yesterday, Alexis, their son volunteered at Sherman Oaks, organizing our book room and hanging posters on the wall. He has received excellent modeling from his parents who have donated many hours of service to our school. They have demonstrated discipline and excellence in their work. Olivia works at Sherman Oaks as yard duty and as a tutor. Jorge, the father, has developed a highly successful landscaping design business, which caters to large-scale corporations and business parks.

Oliva and Jorge are decent people, who came to America to live the American dream. For eighteen years they have worked hard, rearing their children, teaching them the values of perseverance, diligence, and sacrifice to achieve and to thrive. Pillars of the community, the family is universally loved and respected by all at Sherman Oaks School. It was Jorge, who planted trees and fixed the irrigation system to maintain the lush fields that are a mecca to our children and their families. Oliva serves as the liaison for our school to the neighborhood. She tutors their children, organizes support for families in need, and integrates new immigrants into the school. Oliva and Jorge are good people, model citizens, and contributors to society.

With great respect, I plead with you to consider the merit of this case. Specifically, I request that the family may stay, at least until the end of June, so that their children can complete this school year. Thank you for your consideration.

Sincerely,

NANCY ATKINSON,
Principal.

PEOPLE ACTING IN
COMMUNITY TOGETHER,
San Jose, CA, March 17, 2008.

Senator DIANNE FEINSTEIN,
Post Street,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am writing to express my strong support for Oliva Rojas and her family and to ask for your assistance in postponing—and we hope canceling—their order of removal from the DOHS.

Oliva was an active PACT volunteer leader for several years in the early 2000s and has continued to support our organization since then. PACT is a multi-ethnic, inter-faith grassroots organization that empowers every day people to create a more just community.

For more than 20 years, PACT has helped ordinary people win extraordinary victories for our community, not by speaking for them, but by teaching them how to speak, act, and engage in the public arena for themselves. Thousands of PACT-trained, volunteer community leaders have worked together across ethnic, religious and socio-economic lines to create innovative and effective public policies that have improved the lives of hundreds of thousands of people throughout Santa Clara County. For example, PACT co-founded Santa Clara County's innovative Children's Health Initiative, which provides access to health insurance to all low-income children in the County and has served as a model for similar programs in twenty-three other California counties plus many other states, as well.

Oliva was active with the PACT parent group at her child's charter school. She put in many hours every week to help improve the school for the benefit of all the children. She was also a leader in the effort to fight crime, gangs, and drug dealing in the neighborhood around the school, and helped organize large meetings with this purpose.

I've been working for more than 15 years to involve everyday people in the public life of their communities. While most people feel disconnected and apathetic, Oliva is full of hope and exudes inspiration about her community. Even though she is new to this country, she embodies the values we hold dear, as individuals and as a society: committed to her family, hard working, involved in the community, participant in the democratic process.

Our community needs Oliva and her family. We need so many more people like her. We would be a much weaker community without her.

Thank you for your assistance.

MATT HAMMER,
Executive Director.

SHERMAN OAKS
COMMUNITY CHARTER SCHOOL,
San Jose, CA, March 10, 2008.

DIANE FEINSTEIN,
U.S. Senator,
San Francisco, CA.

HONORABLE SENATOR FEINSTEIN: I am writing in behalf of the Jorge and Oliva Rojas Family and their eminent "removal" from the United States. I have had the good fortune to have known the Rojas family since 1999, when Tania Rojas was in my Kindergarten class. We did home visits that year, and I was immediately impressed with the close family ties and structure within the Rojas household. Tania was a fantastic student and we had a great year. Her mother, Oliva, was a ready volunteer for anything that she could help out with at school, and was always an integral part of our school community. Two years later, I had Alexis in my fourth grade class. Another wonderful, intelligent, GATE (Gifted and Talented) student. That year, he talked about being an astronaut some day. And, of course, Oliva continued to do anything and everything to help out. Always with a positive "can-do" attitude and sense of humor.

Oliva started out volunteering, but because she is so capable, she was soon hired by our school to do almost everything! As a charter school, we have had more flexibility in hiring than some schools. In the past, Oliva has helped out as a substitute, an art teacher, yard duty, tutor, and parent liaison. Students love and respect her. She is someone who is always willing to help out where needed. She has been a lifesaver to me, as a teacher, many times. Whether it's making copies for me at the last minute, or helping out with our 4th grade overnight at Sanborn Park when my partner teacher got sick, or helping me design and build our altar for Day of the Dead—Oliva is always there. Her background design for the 4th grade Opera every year, is always spectacular. She helps students with homework. She helps our Kindergartners in our "mid day block". Our structure is very different from traditional schools, and Oliva is someone who helps make it work. She helps make everything work at our school. I can't even imagine what our school will be like without her here. Her own 3 children, Jorge, Alexis and Tania are no longer students at our school, but truly, all the students at Sherman Oaks are Oliva's kids.

Oliva soon started working in the YMCA's after school and summer school program, where, once again, she was loved by all who worked with her. I believe she has worked with them for over 4 years. I am attaching this year's YMCA brochure, which, ironically, came to my house just this week. On page 7 is a picture of smiling staff members. Center front, is Oliva Rojas.

Every October, the Rojas family participates with my husband with his theater group, Familia Aztlan, in their multicultural event celebrating Day of the Dead in San Jose. Both Jorge Sr, and Jr, along with Tania and Alexis, participate in the parade, wielding large, life sized, skeleton puppets. Oliva puts her creativity to use, painting the faces of children and adults alike.

Oliva's removal from this country in mid April will put an extreme hardship on all the students and teachers at Sherman Oaks Community Charter School in San Jose for this school year. As a teacher at this school for 10 years, I can truthfully say that Oliva Rojas' position at our school touches every single student. I can't imagine how we would explain to our students why she was all of a sudden gone—mid year. What could we say to explain it to them? And they will ask.

I respectfully ask for your intervention, in whatever way you can, to get an extension of at least until June for the removal of the Rojas Family. Ideally, this family merits full time, legal status in this country based on their many civic and artistic contributions, stable family, and work ethic. But, if this is not possible, at least, for the sake of the students, families, and faculty of Sherman Oaks Community Charter School, please intervene for an extension until June, 2008.

It is truly this country's loss if/when the Rojas Family is "removed."

Respectfully and hopefully,

BARBARA LYNN,
4th Grade Teacher.

SAN JOSE, CA, *March 5, 2008.*

SENATOR FEINSTEIN, I am writing to you because of my concern for a co-worker and friend, Oliva Rojas. Although she and her family have been trying to legally stay in the United States for many years, her appeals have run out and she and her family will be leaving on a volunteer departure on April 18th.

I am Oliva's supervisor at Sherman Oaks Elementary School in San Jose in the Campbell Elementary School District, a bilingual, dual-immersion school. Oliva reports to me everyday for 2 hours and works with grades K–6 with a specialty in Kindergarten. (She works other hours for a different supervisor.)

I can't think of a time when I have been so disappointed in our government. This is a family that is a vital part of our community and Oliva is a valued co-worker. Because she is smart, trusted, responsible and nurturing, Oliva has been given many duties that go beyond her job description. (At one time, we were a charter school and Oliva was even able to substitute teach in classrooms and did a fabulous job.) Oliva's family has always been the first to step up and take action if something needed to be done at our school to improve the grounds or atmosphere. They would be the first to volunteer to help at the many gatherings we would have. Oliva and her family are some of the most involved, unselfish people I have ever met.

If Oliva leaves on April 18th, it would be a hardship to not only me and her fellow coworkers, but to each and every child she works with on a daily basis. We depend on her to be there because she handles the children in a very special loving way. Nobody could replace her. I have tried to fill her position with other employees at times when she is sick or at immigration hearings and it has not worked out. We need Oliva to be with us throughout this school year and beyond.

I would like you to take a look at her case and help her and her family out in this matter. Please do whatever you can do to keep the family here in the United States.

Thank you,

LYNDA ZOLEZZI.

SAN JOSE, CA, MARCH 11, 2008.

Senator DIANNE FEINSTEIN,
One Post Street,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: We ask you to please urge ICE to allow Jorge Rojas, Sr., Oliva Rojas (his wife) and Jorge Rojas, Jr. (their 19 year old son) to remain in this country at least till the end of this school year, June 13, so that their U.S. citizen children, Alexis and Tania, may finish school. In fact, I would hope that the whole Rojas family could stay legally for the rest of their lives.

The Rojas family has been a fixture of our community in San Jose for at least 16 years. We raised our sons, their Jorge Jr. and our Sam, together from 2nd grade on (both are now 19 and 20 years old respectively), spending many hours together. We were active together in People Acting Together (PACT) successfully pushing for health insurance for all children in Santa Clara Co. in 2000. Oliva is well-know to all children at Sherman Oaks Community Charter School (Campbell Union School District) due to her early volunteer work at the school, then her paid position as an aide, and then as a YMCA worker running after school programs.

Jorge Rojas, Sr. has been an active parent leader in the Sherman Oaks Community Charter School neighborhood in west center San Jose. It was Jorge, as a trained landscaping professional, who enlisted other parents to reseed and regrade parts of the school playground and to repair the irrigation system when the school district had no funds to do so. It was Jorge who led the work to plant trees from Our City Forest in front of the school to reduce heat and glare. It was Jorge who volunteered his weekend operating the equipment and then doing the hand digging necessary to install a French drainage system (6 feet deep) into holes cut in the concrete to ensure proper drainage.

It was both Jorge and Oliva who for years volunteered to coach soccer teams for neighborhood children after school. As bilingual parents, Jorge and Oliva have been key to bridging the cultural/language gap between neighbors in our multicultural neighborhood and school community. If this family leaves, they will leave a big hole in our community which has come to depend on them for leadership, translation, advice, hard work, and friendship. They will also leave a big hole in the hearts of many of us who count them as close friends.

It is tragic that a whole community would suffer such a loss due to a legal error made by an untrained, irresponsible "notario" years ago. This family has spent thousands and thousands of dollars in an effort to overcome the error of that notario and to legalize their status.

We ask for your assistance on behalf of the Rojas Family and our community.

Sincerely,
SUSAN PRICE-JANG and VICTOR JANG.

By Mr. WEBB. (for himself, Mr. WARNER, Mrs. CLINTON, Mr. SCHUMER, Ms. MIKULSKI, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, and Mr. KERRY):

S. 3140. A bill to provide that 4 of the 21 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. WEBB. Mr. President, today I rise to introduce the bipartisan Federal Employees Paid Parental Leave Act of 2008. I introduce this bill with Senators WARNER, CLINTON, KERRY, SCHUMER, MIKULSKI, SANDERS, and DURBIN.

This bill has a simple and yet important requirement: that Federal employees be granted 4 weeks of paid paternity and maternity leave.

The Federal Government is the country's largest employer, with more than 2.7 million employees. My state of Virginia is home to more than 100,000 Federal employees. As the Nation's largest employer, the Federal Government should be the leader in workplace policy. The Federal Government should provide benefits that are equal to what we call best practices in the private sector.

Furthermore, according to the Office of Personnel Management, more than half of the Federal Government's employees will become eligible for retirement within the next 10 years. The Federal workforce is aging faster than the private workforce. The benefits desired by younger workers are offered by private sector employers, but not by the Federal Government. Although the Federal Government cannot compete with private sector salaries, we should be offering comparable benefits.

The current parental leave law for Federal employees is in need of an update. The Federal Employees Paid Parental Leave Act provides that, of the 12 weeks of unpaid leave guaranteed by the Family and Medical Leave Act, federal employees will be allowed to substitute 4 weeks of paid leave, as well as any accrued annual or sick leave for the birth or adoption of a child.

This requirement mirrors a recent provision put forward by the Senate Armed Services Committee in the National Defense Authorization Act, which would allow 21 days of paid paternity leave for our military personnel.

The legislation we are introducing today is also an issue of fairness for the working family. The U.S. Census Bureau reports that more than 70 percent of women with children over the age of 1 are in the workforce and that both parents work in most families.

Additionally, according to the National Partnership for Women and Families, in today's highly competitive jobs environment, there is little workforce flexibility to help working women and men care for their families and still succeed at their jobs. This is particularly true for those Americans whose economic security is most at risk.

It is important to note the parental leave practices of non-Federal employers. Research by the Joint Economic Committee has found that Fortune 100 firms offer paid leave typically lasting 6 to 8 weeks. Additionally, most of America's economic rivals provide paid parental leave, as do many other nations. The European Union requires that member countries offer 14 weeks of paid leave and most offer more than the required amount.

By contrast, our Nation's current laws force healthy, long-term federal employees to save up their sick days and vacation time so they can use this paid time off to care for their newborn or newly adopted child. Asking employees to cobble together accrued leave makes it difficult for relatively new employees or those who experience health problems to save up enough time for parental leave. We owe our civil servants a more thoughtful, worker-friendly policy.

I note that the House of Representatives recently reported a similar bill out of the appropriate House committee by a strong bipartisan vote. I hope the Senate begins similar action on this bill.

I urge my colleagues to support this pro-family, pro-Federal worker legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 595—DESIGNATING SEPTEMBER 2008 AS "GOSPEL MUSIC HERITAGE MONTH" AND HONORING GOSPEL MUSIC FOR ITS VALUABLE AND LONGSTANDING CONTRIBUTIONS TO THE CULTURE OF THE UNITED STATES

Mrs. LINCOLN (for herself, Mrs. HUTCHISON, and Mr. LEAHY) submitted the following resolution; which was considered and agreed to:

S. RES. 595

Whereas gospel music is a beloved art form unique to the United States, spanning decades, generations, and races;

Whereas gospel music is one of the cornerstones of the musical tradition of the United States and has grown beyond its roots to achieve pop-culture and historical relevance;

Whereas gospel music has spread beyond its geographic origins to touch audiences around the world;

Whereas the history of gospel music can be traced to multiple and diverse influences and foundations, including African-American spirituals that blended diverse elements from African music and melodic influences from Irish folk songs and hymns, and gospel music ultimately borrowed from uniquely American musical styles including ragtime, jazz, and blues;

Whereas that tradition of diversity remains today, as the influence of gospel music can be found infused in all forms of secular music, including rock and roll, country, soul, rhythm and blues, and countless other styles;

Whereas the legacy of gospel music includes some of the most memorable voices and musical pioneers in the history of the United States, such as Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, Virgil Stamps, Diana Washington, Stamps Quartet, The Highway QCs, The Statesmen, The Soul Stirrers, Point of Grace, Smokie Norful, Terry Woods, James Cleveland, Billy Ray Hearns, Rex Humbard, Joe Ligon and The Mighty Clouds of Joy, Kirk Franklin, V. Michael McKay, Theola Booker, Yolanda Adams, Edwin and Walter Hawkins, Sandi Patty, The Winans, Kathy Taylor, and Brenda Waters, Carl Preacher, and Shirley Joiner of B, C & S;

Whereas many of the biggest names in music emerged from the gospel music tradition or have recorded gospel music, including Sam Cooke, Al Green, Elvis Presley, Marvin Gaye, Aretha Franklin, Whitney Houston, Little Richard, Ray Charles, Buddy Holly, Alan Jackson, Dolly Parton, Mariah Carey, Bob Dylan, Randy Travis, and Glenn Campbell;

Whereas, regardless of their musical styles, those artists and so many more have turned to gospel music as the source and inspiration for their music, which has blurred the boundaries between secular and gospel music;

Whereas, beyond its contribution to the musical tradition of the United States, gospel music has provided a cultural and musical backdrop across all of mainstream media, from hit television series to major Hollywood motion pictures, including "American Idol", "Heroes", "Dancing with the Stars", "O Brother, Where Art Thou?", "Sister Act", "The Preacher's Wife", "Evan Almighty", and more; and

Whereas gospel music has a huge audience around the country and around the world, a testament to the universal appeal of a historical American art form that both inspires and entertains across racial, ethnic, religious, and geographic boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2008 as "Gospel Music Heritage Month"; and

(2) recognizes the great contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4982. Mr. WHITEHOUSE (for Mr. INOUYE (for himself, Mr. STEVENS, Mr. NELSON, of Florida, and Ms. SNOWE)) proposed an amendment to the bill H.R. 3403, to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E–911 access to those with disabilities.

TEXT OF AMENDMENTS

SA 4982. Mr. WHITEHOUSE (for Mr. INOUYE (for himself, Mr. STEVENS, Mr. NELSON of Florida, and Ms. SNOWE)) proposed an amendment to the bill H.R. 3403, to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E–911 access to those with disabilities; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "New and Emerging Technologies 911 Improvement Act of 2008" or the "NET 911 Improvement Act of 2008".

TITLE I—911 SERVICES AND IP-ENABLED VOICE SERVICE PROVIDERS

SEC. 101. DUTY TO PROVIDE 911 AND ENHANCED 911 SERVICE.

The Wireless Communications and Public Safety Act of 1999 is amended—

(1) by redesignating section 6 (47 U.S.C. 615b) as section 7;

(2) by inserting after section 5 the following new section:

"SEC. 6. DUTY TO PROVIDE 9–1–1 AND ENHANCED 9–1–1 SERVICE.

"(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 9–1–1 service and enhanced 9–1–1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 and as such requirements may be modified by the Commission from time to time.

"(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities to provide 9–1–1 and enhanced 9–1–1 service from an entity with ownership or control over such capabilities, to comply with its obligations under subsection (a), shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9–1–1 and enhanced 9–1–1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).

"(c) REGULATIONS.—The Commission—

"(1) within 90 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, shall issue regulations implementing such Act, including regulations that—

"(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

"(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

"(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (2) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider;

"(2) shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9–1–1 and enhanced 9–1–1 service and access; and

"(3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

"(d) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

"(e) IMPLEMENTATION.—

"(1) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

"(2) ENFORCEMENT.—The Commission shall enforce this section as if this section was a part of the Communications Act of 1934. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

"(f) STATE AUTHORITY OVER FEES.—

"(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9–1–1 or enhanced 9–1–1 services, provided that the fee or charge is obligated or expended only in support of 9–1–1 and enhanced 9–1–1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

"(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9–1–1 or enhanced 9–1–1 services, the Commission shall submit a report within 1 year after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.

"(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 9–1–1 and enhanced 9–1–1 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

"(h) DEVELOPMENT OF STANDARDS.—The Commission shall work cooperatively with public safety organizations, industry participants, and the E-911 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

"(1) defining geographic coverage areas for public safety answering points;

"(2) defining network diversity requirements for delivery of IP-enabled 9-1-1 and enhanced 9-1-1 calls;

"(3) call-handling in the event of call overflow or network outages;

"(4) public safety answering point certification and testing requirements;

"(5) validation procedures for inputting and updating location information in relevant databases; and

"(6) the format for delivering address information to public safety answering points.

"(i) RULE OF CONSTRUCTION.—Nothing in the New and Emerging Technplogies 911 Improvement Act of 2008 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the Federal actions taken or rules adopted obligating an IP-enabled voice service provider to provide 9-1-1 or enhanced 9-1-1 service as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008."; and

(3) in section 7 (as redesignated by paragraph (1) of this section) by adding at the end the following new paragraph:

"(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given the term 'interconnected VoIP service' by section 9.3 of the Federal Communications Commission's regulations (47 CFR 9.3).".

SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (b)(1), by inserting before the period at the end the following: "and for migration to an IP-enabled emergency network";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

"(d) MIGRATION PLAN REQUIRED.—

"(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improving information sharing among all emergency response entities.

"(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

"(A) outline the potential benefits of such a migration;

"(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

"(C) provide specific mechanisms for ensuring the IP-enabled emergency network is available in every community and is coordinated on a local, regional, and statewide basis;

"(D) identify location technology for nomadic devices and for office buildings and multi-dwelling units;

"(E) include a proposed timetable, an outline of costs, and potential savings;

"(F) provide specific legislative language, if necessary, for achieving the plan;

"(G) provide recommendations on any legislative changes, including updating definitions, that are necessary to facilitate a national IP-enabled emergency network;

"(H) assess, collect, and analyze the experiences of the public safety answering points and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008;

"(I) identify solutions for providing 9-1-1 and enhanced 9-1-1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline; and

"(J) analyze efforts to provide automatic location for enhanced 9-1-1 services and provide recommendations on regulatory or legislative changes that are necessary to achieve automatic location for enhanced 9-1-1 services.

"(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, IP-enabled voice service providers, Telecommunications Relay Service providers, and other emergency communications providers and others it deems appropriate.".

TITLE II—PARITY OF PROTECTION

SEC. 201. LIABILITY.

(a) AMENDMENTS.—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

(1) by striking "**PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.**" in the section heading and inserting "**SERVICE PROVIDER PARITY OF PROTECTION.**";

(2) in subsection (a)—

(A) by striking "wireless carrier," and inserting "wireless carrier, IP-enabled voice service provider, or other emergency communications provider,";

(B) by striking "its officers" the first place it appears and inserting "their officers";

(C) by striking "emergency calls or emergency services" and inserting "emergency calls, emergency services, or other emergency communications services";

(3) in subsection (b)—

(A) by striking "using wireless 9-1-1 service shall" and inserting "using wireless 9-1-1 service, or making 9-1-1 communications via IP-enabled voice service or other emergency communications service, shall"; and

(B) by striking "that is not wireless" and inserting "that is not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service"; and

(4) in subsection (c)—

(A) by striking "wireless 9-1-1 communications, a PSAP" and inserting "9-1-1 communications via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service, a PSAP"; and

(B) by striking "that are not wireless" and inserting "that are not via wireless 9-1-1 service, IP-enabled voice service, or other emergency communications service".

(b) DEFINITION.—Section 7 of the Wireless Communications and Public Safety Act of 1999 (as redesignated by section 101(1) of this Act) is further amended by adding at the end the following new paragraphs:

"(8) OTHER EMERGENCY COMMUNICATIONS SERVICE.—The term 'other emergency communications service' means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9-1-1 and enhanced 9-1-1 service.

"(9) OTHER EMERGENCY COMMUNICATIONS SERVICE PROVIDER.—The term 'other emergency communications service provider' means—

"(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission's authority under the Communications Act of 1934 to provide other emergency communications services; or

"(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 9-1-1 service governing authority to provide other emergency communications services.

"(10) ENHANCED 9-1-1 SERVICE.—The term 'enhanced 9-1-1 service' means the delivery of 9-1-1 calls with automatic number identification and automatic location identification, or successor or equivalent information features over the wireline E911 network (as defined in section 9.3 of the Federal Communications Commission's regulations (47 C.F.R. 9.3) as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008) and equivalent or successor networks and technologies. The term also includes any enhanced 9-1-1 service so designated by the Commission in its Report and Order in WC Docket Nos. 04-36 and 05-196, or any successor proceeding.".

TITLE III—AUTHORITY TO PROVIDE CUSTOMER INFORMATION FOR 911 PURPOSES

SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting "or the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))" after "section 332(d))" each place it appears in subsections (d)(4) and (f)(1);

(2) by striking "WIRELESS" in the heading of subsection (f); and

(3) in subsection (g), by inserting "or a provider of IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))" after "telephone exchange service".

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 18, 2008, at 10 a.m., to hear testimony on Improving Energy Efficiency, Increasing the Use of Renewable Sources of Energy, and Reducing the Carbon Footprint of the Capitol Complex.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Rodney Brown and Caitlin Staebell of my staff be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILDREN'S GASOLINE BURN PREVENTION ACT

Mr. WHITEHOUSE. Madam President, I ask unanimous consent the Commerce Committee be discharged from further consideration of H.R. 814, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 814) to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 814) was ordered to a third reading, was read the third time, and passed.

911 MODERNIZATION AND PUBLIC SAFETY ACT OF 2007

Mr. WHITEHOUSE. Madam President, I ask unanimous consent the Commerce committee be discharged from further consideration of H.R. 3403 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities.

There being no objection, the Senate proceeded to consider the bill.

Mr. INOUYE. Madam President, I rise today in support of the substitute to H.R. 3403, the New and Emerging Technologies 911 Improvement Act of 2008. The Senate companion, S. 428, was passed by unanimous consent on February 26, 2008. This bill would provide 911 service for Voice over Internet Protocol, VoIP, subscribers.

I can think of few government initiatives that have been as successful as 911. Since its creation nearly 30 years ago, 911 has become a lifeline for people in trouble. I think it is safe to say that just about every American today knows that 911 is the easiest and most effective means to contact emergency services.

As technology has advanced, so has 911 service. Today, many places in the Nation have E911. In these areas, when you call for help, your phone number and location are automatically transmitted to emergency personnel. If your call is disconnected, you are disoriented, or do not know your location, this information can make all the difference in securing your safety.

But the E911 system was built for wireline service. So as technology advanced and wireless phones grew in popularity, we worked to apply E911 principles to wireless service. With the advent of VoIP, we are challenged again to ensure that our 911 policies are up to date.

I believe that the New and Emerging Technologies 911 Improvement Act of 2008 does an excellent job of improving 911 service and adapting it to the latest telecommunications technology, and I ask my colleagues to join me in supporting this important legislation.

Senator BILL NELSON, the sponsor of the Senate bill, Senator SNOWE, Senator STEVENS, and I have worked with our colleagues in the House to develop this substitute. Once the Senate passes H.R. 3403, as amended, we expect the House to act expeditiously so that this bill can become law, allowing our 911 system to continue to save lives and ensuring individuals can always call for help regardless of the underlying technology they use.

Mr. WHITEHOUSE. I ask unanimous consent that an Inouye-Stevens substitute amendment, which is at the desk, be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4982), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 3403), as amended, was read the third time and passed.

THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY INDEPENDENCE PRESERVATION ACT

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5778, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5778) to preserve the independence of the District of Columbia Water and Sewer Authority.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I ask unanimous consent the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5778) was ordered to a third reading, was read the third time, and passed.

GOSPEL MUSIC HERITAGE MONTH

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 595 submitted earlier today by Senator LINCOLN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 595) designating September 2008 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 595) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 595

Whereas gospel music is a beloved art form unique to the United States, spanning decades, generations, and races;

Whereas gospel music is one of the cornerstones of the musical tradition of the United States and has grown beyond its roots to achieve pop-culture and historical relevance;

Whereas gospel music has spread beyond its geographic origins to touch audiences around the world;

Whereas the history of gospel music can be traced to multiple and diverse influences and foundations, including African-American spirituals that blended diverse elements from African music and melodic influences from Irish folk songs and hymns, and gospel music ultimately borrowed from uniquely American musical styles including ragtime, jazz, and blues;

Whereas that tradition of diversity remains today, as the influence of gospel music can be found infused in all forms of secular music, including rock and roll, country, soul, rhythm and blues, and countless other styles;

Whereas the legacy of gospel music includes some of the most memorable voices and musical pioneers in the history of the United States, such as Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, Virgil Stamps, Diana Washington, Stamps Quartet, The Highway QCs, The Statesmen, The Soul Stirrers, Point of Grace, Smokie Norful, Terry Woods, James Cleveland, Billy Ray Hearns, Rex Humbard, Joe Ligon and The Mighty Clouds of Joy, Kirk Franklin, V. Michael McKay, Theola Booker, Yolanda Adams, Edwin and Walter Hawkins, Sandi Patty, The Winans, Kathy Taylor, and Brenda Waters, Carl Preacher, and Shirley Joiner of B, C & S;

Whereas many of the biggest names in music emerged from the gospel music tradition or have recorded gospel music, including Sam Cooke, Al Green, Elvis Presley, Marvin Gaye, Aretha Franklin, Whitney Houston, Little Richard, Ray Charles, Buddy Holly, Alan Jackson, Dolly Parton, Mariah Carey, Bob Dylan, Randy Travis, and Glenn Campbell;

Whereas, regardless of their musical styles, those artists and so many more have turned to gospel music as the source and inspiration for their music, which has blurred the boundaries between secular and gospel music;

Whereas, beyond its contribution to the musical tradition of the United States, gospel music has provided a cultural and musical backdrop across all of mainstream media, from hit television series to major Hollywood motion pictures, including "American Idol", "Heroes", "Dancing with the Stars", "O Brother, Where Art Thou?", "Sister Act", "The Preacher's Wife", "Evan Almighty", and more; and

Whereas gospel music has a huge audience around the country and around the world, a testament to the universal appeal of a historical American art form that both inspires and entertains across racial, ethnic, religious, and geographic boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2008 as "Gospel Music Heritage Month"; and

(2) recognizes the great contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

HONORING ROBERT MONDAVI

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 84 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 84) honoring the memory of Robert Mondavi.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 84) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 84

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94;

Whereas Robert Mondavi will be fondly and most famously remembered for his work in producing and promoting California wines on an international scale;

Whereas Robert Gerald Mondavi was born to Italian immigrant parents, Cesare and Rosa, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School;

Whereas, after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother Peter in running the Charles Krug Winery in the Napa Valley of California;

Whereas Robert Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition: the Robert Mondavi Winery;

Whereas, in the late 1960s, the release of the Robert Mondavi Winery's Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region;

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines like his now-legendary Fumé Blanc;

Whereas, as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Paris Wine Tasting, or "Judgment of Paris", wine competition;

Whereas, in the late 1970s, Robert Mondavi created the first French-American wine venture when he joined with Baron Philippe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979;

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for the Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food and the Arts;

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart;

Whereas Robert Mondavi's work as an ambassador for wine will be remembered fondly by all those whose lives he touched; and

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors the life of Robert Mondavi, a true pioneer and a patriarch of the California wine industry.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 83-420, as amended by Public Law 99-371, appoints the Senator from Ohio (Mr. BROWN) to the Board of Trustees of Gallaudet University.

ORDERS FOR TUESDAY, JUNE 17, 2008

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, June 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act, and the time until 12:30 p.m. be equally divided between the two leaders or their designees. I further ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Madam President, under a previous order, at 2:15 tomorrow, the Senate will proceed to a cloture vote on the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:54 p.m., adjourned until Tuesday, June 17, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

JAMES CHRISTOPHER SWAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF

MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL TIMOTHY E. ALBERTSON
BRIGADIER GENERAL NORMAN E. ARFLACK
BRIGADIER GENERAL TOD J. CARMONY
BRIGADIER GENERAL WILLIAM L. ENYART, JR.
BRIGADIER GENERAL DENNIS E. JACOBSON
BRIGADIER GENERAL KEVIN R. MCBRIDE
BRIGADIER GENERAL OLIN O. OEDEKOVEN

To be brigadier general

COLONEL DEAN W. BROWN
COLONEL ANNETTE M. DENNER
COLONEL DAVID B. ENYEART
COLONEL CHARLES H. GAILES, JR.
COLONEL JAMES R. GORHAM
COLONEL JAMES J. GRANT
COLONEL EARNEST L. HARRINGTON, JR.
COLONEL WAYNE M. HAYES
COLONEL REYNOLD N. HOOVER
COLONEL WARD K. JOHNSON III
COLONEL DANIEL R. KERN
COLONEL LOUIS J. LANDRETH
COLONEL MARTIN A. LEPPERT
COLONEL HARRY E. MILLER, JR.
COLONEL RAFAEL O. FERRALL
COLONEL RENWICK L. PAYNE
COLONEL KENDALL W. PENN
COLONEL JOSEPH M. RICHIE
COLONEL WILLIAM F. ROY
COLONEL WILLIAM L. SEEKINS
COLONEL NORMAN E. STEEN
COLONEL LARRY W. TRIPHAHN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. ALLEN

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C, SECTIONS 12203 AND 12212:

To be colonel

JAMES D. BARBER, JR.
AARON W. BARRICK
JULIO R. BARRON
ROBERT L. BELL
MICHAEL T. BIENIEWICZ
IAN P. BIGGINS
DAVID A. BRADLEY
ROBERT DOUGLAS BRAZEL
GREGORY F. BREDEMEIER
JEFFREY D. BUCKLEY
CHRISTINE M. BURCKLE
STEPHEN R. CARR
DARWIN L. CRAIG
ZONNA M. CRAYNE
PERRY S. CUBETA
THOMAS B. CUCCHI
TAMHRA L. CUSUMANO
ADAM J. DABROWSKI
JOHN B. DANIEL
DAVID A. DEAN
DAVID E. DEPUTY
FRANCIS N. DETORIE
JOHN J. DICKINSON
PENNY J. DIERYCK
PRESTON L. EATMAN
CALVIN H. ELAM
DEON A. FORD
KERRY M. GENTRY
RICKY D. GIBNEY
ANDREW E. HALTER
PAUL J. HARGROVE
TIMOTHY J. HARMESON
DENNIS B. HAYWARD
ROBERT M. HICKS
MICHAEL J. HOWARD
MICHAEL A. HUDSON
THEODORE K. INOUYE
SHEILA R. JIMENEZ
DAVID E. JOHNS
JAMES T. JOHNSON
LOREN J. JOHNSON
PATRICK M. JONES
RONALD G. KESSINGER
KEVIN D. KING
MARSHALL L. KJELVIK
THOMAS E. KOERTGE
JAMES R. KRIESEL
THEODORE HAROLD LIMPERT
MARK M. MALMBERG
TIMOTHY D. MARSANO
MICHAEL A. MAYO
GARY A. MCCUE
BRADLEY N. MCREE
LAWRENCE J. MCWHERTER
THOMAS H. MORA
BARBARA C. MORROW
JAMES R. NELSON
KELLY G. NOLER
ERIC D. OSTREM
WILLIAM T. PALLEN
SCOTT E. PATTEN
RONALD E. PAUL
JAY A. PENO
HOWARD P. PURCELL
RICHARD M. ROBICHAUD
CHARLES R. RODKE
JEFFERY S. ROOKS
JOHN P. RUSSO
DANNY M. SAD
SAMI D. SAID
MATTHEW B. SMITH
WILLIAM L. SPARROW
CHRISTINA G. STEVENS
RANDALL E. STRAKA
PETER F. SULLIVAN, JR.
MICHAEL R. TAHERI
PETER TUNISON
STERLING D. UNDERHILL
STEVEN WABROWETZ
CURTIS A. WAITE
GREGORY N. WALTERS
RALPH L. WARREN
MARK H. WHITE
SCOTT R. WIGGINS
ROGER E. WILLIAMS, JR.
MICHAEL WOODARD
MARK JOHN ZECHMAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B) AND 4336(A):

To be colonel

DAISIE D. BOETTNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS C. POWELL

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN M. ANDERSON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ROWELL A. STANLEY, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL E. DUNN
KEVIN J. MURPHY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TODD D. KOSTELECKY
LEESA J. PAPIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CHRISTOPHER C. EVERITT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DENNIS P. COLLINS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHRISTOPHER W. BAKER
ROBERTY P. BEJNAROWICZ
MARK C. GUERDAN
JOSEPH J. HUDAK
MARK Y. LEE
CHRISTINA M. LONG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ERIC J. ALBERTSON
JAMES L. BRISSON, JR.
CLAUDE A. CRISP
JAMES E. DUKE
SAMUEL K. GODFREY
KEITH N. GOODE
WILLIAM GREEN, JR.
SCOTT A. HAMMOND
JUDITH A. HAMRICK
KENNETH J. HANCOCK
JEFFREY D. HAWKINS
ROBERT J. HEARN
JON N. HOLLENBECK
SCOTT F. JONES
STEVEN M. JONES
JOHN L. KALLERSON
MARK R. KNOX
ROBERT P. LASLEY
KEVIN M. LEIDERITZ
TIMOTHY S. MALLARD
HAROLD B. MESSINGER
DAVID P. MIKKELSON
ABDUL R. MUHAMMAD
BRENT A. NELSON
CHARLES R. OWEN III
MATTHEW P. PAWLIKOWSKI
ROBERT E. PHILLIPS
JOHN A. ROUTZAHN, JR.
JOEL L. RUSSELL
JERZY RZASOWSKI
WILLIAM A. SAGER
CLYDE E. SCOTT
WILLIAM E. SHEFFIELD
BLAINE E. SMREKAR
DAVID G. SNYDER
SCOTT A. STERLING
KEVIN P. STROOP
MARK E. THOMPSON
GREGORY O. TYREE
JEFFREY L. VOYLES
GREGORY B. WALKER
KEVIN B. WESTON
JEFFREY L. ZUST

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

JOHN E. BILAS
BRYAN J. BOYLE
CHRISTIAN T. DEVINE
RICHARD H. HARNEY
DAVID A. JOHNSON
KEVIN R. KORPINEN
DAWN A. LOISEL
MATTHEW MESTEMAKER
JOHN I. NINDL II
THOMAS H. PRESECAN
ALAN R. SINGLETON II

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

JOSEPH R. CORNELL
MICHAELA C. COUGHLIN
JOHN F. DASTOLI
MICHAEL L. FITTS
JONATHAN M. HINCKLEY
DEWAN M. KELLEY
WILSON S. LEECH III
TERENCE MORONEY
MICHAEL A. STOLZENBURG
JOHN J. SWINCINSKI

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PAUL E. LEVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ROBERT N. LADD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RAMON J. BERROCAL
BRIAN A. MERRITT

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 17, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 18

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine privacy implications of online advertising.

Business meeting to markup proposed budget estimates for fiscal year 2009 for Commerce, Justice, Science, and related agencies.

SD–192

Commerce, Science, and Transportation

To hold hearings to examine privacy implications of online advertising.

SR–253

Finance

Business meeting to consider S.J. Res. 38, waiving certain provisions of the Trade Act of 1974 relating to the appointment of a Deputy United States Trade Representative, an original bill entitled "the Iran Sanctions of 2008", and the nominations of Richard T. Morrison, David Gustafson, both of Virginia, and Elizabeth Crewson Paris, of the District of Columbia, each to be a Judge of the United States Tax Court, Eric M. Thorson, of Virginia, to be Inspector General, Department of the Treasury, Edwin Eck, of Montana, to be a Member of the Internal Revenue Service Oversight Board, and Deanna Tanner Okun, of Idaho, to be a Deputy United States Trade Representative, with the rank of Ambassador, Executive Office of the President.

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine protecting personal information, focusing on steps the federal government has in place.

SD–342

Rules and Administration

To hold hearings to examine improving energy efficiency, focusing on increasing the use of renewable sources of energy, and reducing the carbon footprint of the Capitol complex.

SR–301

10:30 a.m.

Aging

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold joint hearings to examine S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration.

SD–226

11 a.m.

Appropriations

Homeland Security Subcommittee

Business meeting to markup proposed budget estimates for fiscal year 2009 for the Department of Homeland Security.

S–127, Capitol

12:15 p.m.

Armed Services

To receive a closed briefing on the report titled "Investigation into the Shipment of Sensitive Missile Components to Taiwan," also known as the "Donald Report".

S–407, Capitol

2 p.m.

Energy and Natural Resources

To hold hearings to examine the preparedness of federal land management agencies for the 2008 wildfire season.

SD–366

JUNE 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar legislation; to be immediately followed by a hearing to examine an original bill to address law and order in Indian country.

SD–562

10 a.m.

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine the efficacy of the Mine Improvement and New Emergency Response Act (MINER) (Public Law 109-236), focusing on a two year review.

SD–430

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine cruise ship safety, focusing on potential steps for keeping Americans safe at sea.

SR–253

Joint Economic Committee

To hold hearings to examine the cost of the United States drug policy.

SD–106

2 p.m.

Appropriations

Business meeting to markup approval of fiscal year 2009 302(b) allocations, an original bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and an original bill making appropriations for Commerce, Justice, Science, and related agencies for the fiscal year ending September 30, 2009.

SD–106

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine management challenges facing the Federal Protective Service, focusing on a recent report from the Government Accountability Office.

SD–342

2:15 p.m.

Foreign Relations

To hold hearings to examine pending nominations.

SD–419

2:30 p.m.

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine risk management, focusing on its implications for systemic risk.

SD–538

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JUNE 20

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Elaine C. Duke, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

SD–342

JUNE 24

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine climate change impacts on the transportation sector.

SR–253

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine from Nuremberg to Darfur, focusing on accountability for crimes against humanity.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

JUNE 25

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine laptop searches and other violations of privacy faced by Americans returning from overseas travel.
SD–226

JUNE 26

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending calendar business.
SR–418

SENATE—*Tuesday, June 17, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of hope, who fills us with joy and peace, sustain our Senators and those who support them with the power of Your Holy Spirit. Work in them, enabling them to do infinitely more than they can imagine.

Lord, give them a peace which the world cannot give and a passion to accomplish Your purposes. When they are weary, give them rest, and when they are discouraged, empower them to persevere. Prepare their hearts and minds to serve You and country with humility and integrity, as they work together with mutual forbearance and respect.

Lord, teach them to seek first Your honor and glory. But above all, fill them with Your matchless love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 17, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today following leader remarks, there will be an hour for morning business. Senators will be able to speak for up to 10 minutes each. The Republicans will control the first half, and the majority will control the second half. The Senate will proceed thereafter to the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act. The time until 12:30 is equally divided and controlled between the two leaders or their designees. The Senate will recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus luncheons. Following the recess, the Senate will proceed to a cloture vote on the motion to proceed to H.R. 6049, the Renewable Energy Act.

UNANIMOUS-CONSENT REQUEST—H.R. 5749

Mr. REID. Mr. President, my distinguished friend, the Senator from the State of Arizona, is here. As a result, I am going to propound a unanimous-consent request so as not to cause him to have to spend any time here he would not ordinarily have to do.

The House has passed an unemployment compensation bill. I am going to show the Senate in a little while that we are at 76 filibusters. I am not going to go through another one on unemployment compensation. If we do not agree to pass this bill at this time, there will not be a long floor debate on unemployment compensation. What we will do, it is my understanding this legislation will be in the supplemental we will get from the House. That being the case, we will have ample time to talk about the issue if anybody wants to.

The distinguished majority whip is going to speak on unemployment compensation, as are some others today. But right now I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 780, H.R. 5749, a bill we recently received from the House, the Emergency Extended Unemployment Compensation Act. I ask that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, I do object. I wonder if I may make one brief comment.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. KYL. Mr. President, I wish to make the point that when we do extend unemployment benefits, if we do, the Senate needs to weigh in on its ideas about how it ought to be done, for one thing. The House-passed bill, which I don't think we want to consider, eliminates the 20-week work requirement which has been the law now since 1981. So theoretically someone could work a very short period of time and be entitled to this 13-week extension, something I don't think we want to change. As a result, we would like the Senate to weigh in and get it done the right way. For that reason, I have to object to bringing the House bill up at this time.

Mr. REID. Mr. President, we will be willing now to accept that change in the legislation and pass it.

Mr. KYL. Mr. President, if I might further address the majority leader then, I have several concerns. I highlighted one.

Mr. REID. I say to my friend, this, I believe, will be in the package we get from the House, and we will be happy to work with the minority if they feel some changes should be made. There are a number of people on my side who would agree to this, and maybe there are other points on which we can agree.

Mr. KYL. I appreciate that. I think there are some issues the Senate wishes to modify in the proposal. The offer to work together is a fair one, and that is how we ought to proceed.

TAX EXTENDER LEGISLATION

Mr. REID. Mr. President, yesterday was a remarkably good day. When I got out of law school, I went back to Nevada and thought I would be this great golfer. I golfed for 6 months or so, and then realized I was becoming obsessed with the game. Therefore, I decided I shouldn't do this. I had a family, and it took so much time.

For a number of years, I have listened to my friends talk about how much they enjoy golf, and I am sure they do. But it has only been in recent years that the American public has focused on golf, and that is because of Tiger Woods.

I can remember the first time I watched this little boy play. They showed him on the late night shows. Of course, as we all know, it was taped a lot earlier before his bedtime. This little kid, when he was 3 years old, could do remarkable things with his golf club. That is the way it was through his entire career, including at Stanford University.

Over the weekend, we all watched with attention while Rocco Mediate was going stroke for stroke with the great Tiger Woods. They tied in regulation play. They played an extra 18

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

holes. It was a tie. Finally, yesterday, it was concluded. All of us had mixed emotions as for whom we were pulling. Everyone likes Tiger Woods because he is so good and so nice, but we all also rooted for this underdog.

The one thing we noted yesterday is this golf tournament took place in San Diego. The sun was shining, and it was a beautiful day for golf. That is what the commentators kept saying. We were literally stuck in the rain yesterday. Those of us who were here last night about 4 o'clock saw a violent storm. There was lightning, thunder, driving rain, and lots of wind. As a result, I spoke with Senator McCONNELL, and we thought it was best to delay the vote. We had people calling saying: I am stuck in Richmond. One Senator was supposed to go to Dulles. She had to land in Richmond. Another Senator was stuck in Buffalo. We had people stuck all over the country. So we did this, and it was the right thing to do.

We intended to vote on the motion to proceed to the Renewable Energy and Job Creation Act, known as the tax extender bill. Some on the other side, I am sure, may have welcomed yesterday's delay, but we are where we would have been last night. We need to return to a vote on the motion to proceed to the tax extender bill today, and we will do that, as has been indicated.

The cornerstone of this legislation is an extension of incentives for businesses to invest in clean, renewable energy. Right now; we reward these innovators who are blazing the trail to a greater, cleaner, more affordable energy future, but we don't reward them very much. These people are creating hundreds of thousands of jobs. The potential is out there. If we can pass this legislation, it would mean so much to the American economy and the world ecology, the world environment.

This is not just the Democrats talking. Somebody I have gotten to know over the years is a man by the name of T. Boone Pickens. As I understand, he is from the State of Texas. He has proven one thing: He knows how to make money. He has proven he is willing to take chances, and most always his chances turn out good at the bank for him.

What T. Boone Pickens has now decided to do is make money on renewable energy. He has done so much in the State of Texas alone. He, among others, thinks we should pass the legislation that is so important to give these tax credits to the American entrepreneurs so they will create jobs.

Here is a chart: Republican filibusters and counting, 76. For a long time, we had to keep creating new charts because they kept filibustering so much and it got to be a burden. So what we have done is we put Velcro on this chart. We can peel these babies off. Because the Republicans are so often filibustering, we now have a Velcro chart. We hope we don't have to change this too much more, the "7," or change the "6." Of course, we changed that a couple times last week. The Republicans are filibustering what T. Boone Pickens and others want.

There are hundreds of thousands of jobs, millions of jobs out there we could create if we have this tax incentive. They are doing it other places. In Australia, they are in the process of constructing a solar energy plant. That one plant will be 10,000 megawatts. They can do that all over Australia. It is an Australian company that is heavily involved now in California and other parts of the West.

These tax credit extensions will continue to encourage the renewable energy industry in States all over the West, States that have wind and Sun, and some States, such as California or Nevada, have a lot of geothermal. If the Senate does not act to extend these tax incentives, this research and entrepreneurship will literally be in jeopardy. Thousands of Americans will lose jobs. They are already in the process of losing jobs because the tax credits are about to expire.

We need an opportunity to move away from $140 barrel oil imported from unstable regions and unfriendly governments. There is no problem facing America that American ingenuity cannot handle. Failing to pass this tax incentive legislation will mean stacking the deck against innovation.

The minority is saying we shouldn't pay for these extensions, we should run up the red ink. During the last 7½ years, we have had the master at running up the red ink in the White House. We have now almost a $10 trillion deficit. We are saying we should pay for this legislation. The House has already done that.

The setoffs are very simple. One tax that does not kick in we have extended on a number of occasions in the past. The Republicans did this. We want to do it again. We also believe these offshore shenanigans that are taking place in America where they put these phony companies offshore to get tax breaks should come to an end. And that is what we have done. Most of it would be directed toward billionaires. These hedge funders have recognized they had a good deal going, and they have indicated, with rare exception, that they think it is a good idea. So it is not as if we are trying to ramrod some vicious tax increase to the American middle class. In fact, that is not the case.

We cannot let this legislation fail, and the Republicans are going to let it fail unless we get cloture on this legislation. Not only does this legislation do good things for renewable energy and job creation, but it also expands the child tax credit for families of 13 million children; it provides as many as 30 million homeowners with property tax relief; it helps 4.5 million families afford the cost of college with the tuition deduction; it allows millions of teachers to deduct out-of-pocket classroom expenses; and it levels the playing field by providing tax relief to people living in States with no income tax through the State and local sales tax deduction. Our economy is losing jobs, for 6 months now losing jobs, hundreds of thousands of jobs. In the 8 years President Clinton was President, almost 23 million jobs were created. In this administration, it is quite to the contrary. The disastrous Bush economic policy is the reason we have these job losses, a policy that Republican nominee JOHN McCAIN wants to preserve. We think this is wrong.

With millions of Americans suffering from job loss, home foreclosures, record gas, energy, and grocery prices, there is no reason on Earth to oppose the bill before us now. I spoke with someone in New Mexico yesterday. He said his home has dropped in value by 50 percent. In many places in America, the value of homes has dropped 25 percent. This bill would create hundreds of thousands of good jobs here at home, lower taxes for American businesses and families and lower energy prices.

Yesterday, my friend, the Republican leader, indicated his caucus plans to oppose this legislation. Why? It seems, as I have indicated, Republicans object to paying for these crucial tax cuts by eliminating an existing tax loophole that unfairly allows hedge-fund billionaires to avoid paying taxes. Even the hedge funders themselves realize this loophole is unfair and is destined to be corrected. Yesterday, hundreds of major American corporations sent a letter to Congress urging that we pass the bill.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 16, 2008.

Hon. HARRY REID,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: The undersigned companies, representing a broad cross section of the U.S. business community and hundreds of thousands of U.S. jobs, request that the Senate take action during the current work period to extend tax provisions that expired at the end of 2007 or will expire at the end of 2008.

The House of Representatives last month passed a tax extenders package included in H.R. 6049, the Renewable Energy and Job Creation Act of 2008, which provides a good starting point for Senate consideration. In April, Senate Finance Committee Chairman Baucus and Senator Grassley introduced S. 2886 containing a tax extenders package, including a critical increase in the Alternative Simplified Credit to spur R&D jobs in the United States. Swift action is now needed by the Senate to enact a tax extenders package that will bring significant positive benefits to the U.S. economy.

Important tax provisions, including the R&D tax credit and the deduction for state and local sales taxes, have already expired. Others, including critical renewable energy incentives, the Subpart F active financial services and look-through rules, the New Markets Tax Credit, and the incentive for domestic film production, expire at the end of this year. Large tax increases would fall on American companies and American workers if the expired and expiring provisions are not extended.

Failure by Congress to move quickly to extend these important provisions will bring investment in renewable energy and energy efficiency projects to a standstill, make it more difficult for U.S. companies to invest in critical R&D projects in this country, reduce private sector investment in business and economic development projects in distressed areas, and force many U.S.-based financial institutions to suffer a massive tax increase at a time when they can least afford it.

Failure to act this summer on tax extender legislation will have significant negative consequences for the U.S. economy. The value of the legislation to the U.S. economy and the need to act quickly at this critical time should be the dominant considerations.

We look forward to working with you on this important legislation and urge action during Congress' June legislative session.

Sincerely,

A.O. Smith Corporation; Abbott Laboratories; Abengoa Solar; Acciona Energy; Acclarent, Inc.; Adroit Medical Systems; Advanced Hydro Solutions; Advanced Micro Devices, Inc.; Advantage Capital Partners; AEE Solar, Inc.; AES Wind Generation; Affymetrix, Inc.; Agilent Technologies, Inc.; Agility Design Solutions Inc.; AGP; Agrilectric Power; AIM Computer Solutions, Inc.; Air Products and Chemicals, Inc.; Akeena Solar; Allergan, Inc.; Alliant Energy; Almyra Management Company, Inc.; AltaTerra Ltd.; Alterra Bioenergy; Alticor Inc.; Altria Group, Inc.; AMD; Ameren Corporation; Ameresco; American Electric Power; American Express Company; American International Group, Inc.; American Laboratory Products Company, Ltd.; American Solar Electric, Inc.; and Amgen.

AngioDynamics, Inc.; Apple Inc.; Applied Materials, Inc.; Apricus; Archer Daniels Midland; Art Technologies, Inc.; AstraZeneca Pharmaceuticals LP; AT&T; Ataco Steel Products Corporation; ATAS International, Inc.; ATEECO, Inc.; Atlantic City Electric; Autodesk, Inc.; Avaya Inc.; Avista Corporation; AWR, Inc.; BAE Systems, Inc.; Ballard Power Systems; Bank of America; The Bank of New York Mellon Corporation; Batesville Tool & Die, Inc.; Baxa Corporation; BioEnergy Systems, LLC; Biogen Idec; Biomass One, LP; BioSelect Fuels; Bloom Energy Corporation; Blue Sky Energy, Inc.; BMC Software; Boehringer-Ingelheim; The Boeing Company; Bommer Industries, Inc.; Boralex Inc.; Borel Private Bank & Trust Company; and Boston Scientific.

BP America; Brookfield Renewable Power; Brunswick Corporation; Butler Sun Solutions; CA, Inc.; CAB Incorporated; Cadence Design Systems, Inc.; California Micro Devices; Calpine Corp.; Calypso Medical Technologies, Inc.; Caravelle International LLC; Cardinal Systems Inc.; Case New Holland Inc.; Cassatt Corporation; Caterpillar Inc.; Central Vermont Public Service Corporation; Cepheid Inc.; Certess, Inc.; CH Energy Group, Inc.; Chelan County Public Utility District; the Chubb Corporation; Cisco Systems, Inc.; Citigroup, Inc.; Click Bond, Inc.; CMS Energy Corporation; Coca-Cola Company; Coherent, Inc.; Coherex Medical, Inc.; Colmac Energy, Inc.; ConAgra Foods, Inc.; Conceptus Inc.; Constellation Energy; Construction Navigator, Inc.; and Con-Way.

Coulomb Technologies; Covanta; Cummins Inc.; Cummins-Allison; Cymer, Inc.; Decker Energy International; Deere & Company; Deeya Energy, Inc.; Delmarva Power; Devine Tarbell & Associates, Inc.; DG Fairhaven; DIAB; DNV Global Energy Concepts; Dominion; The Dow Chemical Company; DTE Energy; Duke Energy; DxTech LLC; Dynatronics Corp.; E&E Manufacturing Co., Inc.; Eaton Corporation; EDS; Electronics for Imaging; Eli Lilly and Company; eLynx; Emphasys Medical, Inc.; Empire Broadcasting Corp.; The Empire District Electric Company; Energy Conversion Devices; Energy East Corporation; Energy Innovations; Energy Unlimited, Inc.; EnFocus Engineering Corporation; Engineering DataXpress, Inc.; and Envision Solar International, Inc.

EPV Solar, Inc.; Eskay Metal Fabricating; EV Solar Products, Inc.; eVent Medical, Inc.; Exelon Corporation; Extol International, Inc.; Fairchild Semiconductor Corporation; FatSpaniel, Inc.; FileMaker, Inc.; First Wind; FirstEnergy Corp.; FlowVision, LLC; Ford Motor Company; FPL Group; Fredon Corporation; GE Energy; GE Energy Financial Services; Genentech; General Electric Corporation; General Motors Corporation; Genworth Financial; Gilead Sciences; GMAC, LLC; Goldman Sachs; Goodrich; GR Spring & Stamping, Inc.; Grant County Public Utility District; Great Plains Energy, Inc.; Green Earth Fuels, LLC; Green Mountain Power Corporation; Greylock Partners; Griffin Realty Advisors; groSolar; Harley-Davidson Motor Company; and Harris Stratex Networks.

Hawaiian Electric Company; HCI Publications; Hewlett-Packard Company; Hitachi Global Storage Technologies; Honeywell; Hospira, Inc.; Human Genome Sciences; Hydra-Tech Pumps; Hydro Consulting & Maintenance Services, Inc.; Hydro Green Energy, Inc.; i2 Technologies; iControl Incorporated; Imperium Renewables Inc.; Impulse Dynamics; INDECK Energy Services, Inc.; Independent Energy Systems; Innovalight; Intel Corporation; Inter-Island Solar Supply; International Business Machines Corporation; International Paper; Interstate Power and Light; Intevac, Inc.; Invenergy LLC; ITC Holdings Corp.; Jan Medical; Jasper Design Automation, Inc.; JDS Uniphase Corporation; Johnson & Johnson; Johnson Controls; JPMorgan Chase & Co.; Juniper Networks, Inc.; K&S Tool, Die & Manufacturing, Inc.; KeyBank; and Keystone Insurers Group.

KLA-Tencor Corporation; Kovio, Inc.; KPMG, LLP; Lam Research Corporation; The LeverEdge; LibraryWorld, Inc.; Lincoln Financial; LM Glasfiber; Lockheed Martin; Louis Dreyfus; LSI Corporation; Lynguent, Inc.; Macrovision Solutions Corporation; Mainstream Energy Corporation; Masimo Corporation; Maxim Integrated Products; McCormick & Company, Inc.; Mead and Hunt; MedImmune LLC; MEDRAD; Mega-Watt Consulting, Inc.; Merck; Merit Medical Systems, Inc.; Merrill Lynch; METACURE (USA) Inc.; MetricStream, Inc.; Microsoft Corporation; Minnesota Power; Minnetronix, Inc.; Mitsubishi Electric; Monsanto Company; Morgan Stanley; Mortenson Construction; Motorola; and MSE Power Systems, Inc.

Mystic Pharmaceuticals, Inc.; National City; National Grid; National Semiconductor Corporation; Naturener USA, LLC; Nelson Energy; NetApp; NetLogic Microsystems, Inc.; Neuronetics, Inc.; NeuroPace, Inc.; New Leaf Paper; News Corporation; Northrop Grumman Corporation; NorthWestern Energy; Novellus Systems, Inc.; Novo Nordisk Inc.; NuVasive, Inc.; NVIDIA; NXP Semiconductors USA Inc.; oDesk Corporation; OGE Energy Corporation; Oracle; Organic Fuels; Orthovita, Inc.; Otter Tail Corporation; Ovalis, Inc.; Owens Coming; Pacific Winds, Inc.; Palm, Inc.; Palmer College of Chiropractic; Pepco Holdings, Inc.; Pfizer; PG&E Corporation; P-K Tool & Manufacturing Company; and Plan it Solar.

PNM Resources, Inc.; Polycom, Inc.; Portland General Electric; PPG Industries; PPL Corporation; Precision Machine & Supply, Inc.; Presencia Technology, LLC; Primary Power International; Procter & Gamble; Progress Energy; Proto Services, Inc.; PSEG; Puget Sound Energy; Q-Cells; Rath, Young and Pignatelli, P.C.; Raytheon Company; Real Intent, Inc.; REC Solar, Inc.; ReGrid Power; Renegy, Inc.; Renewable Energy Group (REG); Renewable Power Solutions, Inc.; Rinnai Tankless Water Heater Corporation; RMT—WindConnect; Rockwell Automation; Rockwell Collins; sanofi-aventis U.S. Inc.; Sanyo; SCHOTT Solar, Inc.; Seagate Technology; SEALED AIR Corporation; Seattle Medical Technologies, Inc.; Siemens Corporation; Sierra Pacific Resources; and Simpson Investment Company.

SkyFuel; Skyline Solar, Inc.; SolarCity; SolarWorld California; SOLEC; SolFocus; Solvay Pharmaceuticals; Spansion, Inc.; Specialized Bicycles; Spinal Kinetics, Inc.; SpinalMotion, Inc.; St. Jude Medical; Steel-Fab, Inc.; The Stella Group, Ltd.; Stellar Solutions, Inc.; Stratex Energy, LLC; Sun Edison; SunEarth, Inc.; SunPower Corporation; Suntech; SV Solar; SVB Financial Group; Symantec Corporation; Synopsys, Inc.; Tagent, Inc.; Teradata Corporation; Tessera, Inc.; Texas Instruments; Textron, Inc.; Thermal Designs, Inc.; Thermosurgery Technologies, Inc.; Third Sun Solar and Wind Power, Ltd.; Time Warner; The Timken Company; and Toyota.

TPI Composites; TransCanada Hydro Northeast, Inc.; Transitions Industries; Trimble Navigation Limited; Truseal Technologies, Inc.; Tupperware; U.S. Bank; UniSource Energy Corporation; United Solar Ovonic; United Technologies Corp.; VentureLoop, Inc.; Verari Systems, Inc.; Verizon; Wachovia Corp.; The Walt Disney Company; Watt Stopper/Legrand; Wescor, Inc; Westar Energy, Inc.; Western Renewables Group; Whirlpool Corporation; Wind Capital Group, LLC; Wisconsin Power and Light; Wood's Powr-Grip Co., Inc.; World Energy; Wyeth; Xcel Energy, Inc.; Xerox Corporation; Xilinx, Inc.; Xoft, Inc.; and Zimmer, Inc.

Mr. REID. Mr. President, I think it is glaring to note that of these major companies—hundreds and hundreds of them that have signed this letter—not a single oil company has signed on. Oil companies don't want us to do this legislation. They want us to keep being beholden to them. But look at the companies that signed onto this legislation: Genetech, Cummins Inc., The Chubb Corporation, Merck, Merrill Lynch, Microsoft, Owens Corning, Pfizer, U.S. Bank, Wachovia, Verizon, and Whirlpool Corporation.

Scores and scores of other major companies are telling our Republican colleagues to vote for legislation the way it is written. They know the bill and they list the number of it. The letter was signed by the "Who's Who" of the Fortune 500 companies and many others—titans of American business. Hundreds of small companies in addition to that all agree Congress needs to act now to extend tax incentives for clean energy and innovation to provide the American people with desperately needed tax cuts.

We got nine Republicans when we voted on this last Thursday, and I publicly commended them. I hope we get more today. The record should be very clear that this, the 76th filibuster of the Republican minority, is something that is going to cause the further deterioration of the American economy. We want this legislation passed to help Americans wean themselves from that which is ruining our country economically and environmentally.

So I hope we have some people who will join Boeing, General Electric, Coca Cola, Intel, and other companies I have mentioned and move forward with this legislation. It is vitally important for the American people.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HIGH GAS PRICES

Mr. MCCONNELL. Mr. President, it has been more than a week since the Democratic nominee for President, the junior Senator from Illinois, responded to high gas prices by saying it wasn't high gas prices he minded but the fact that people didn't have time to get used to them. In his words, he would have preferred a "gradual adjustment" to a sudden jolt.

As I said last week, I can't imagine this is a view many other people share, certainly not the people of Kentucky, who I assure you are not at all interested in getting used to $4-a-gallon gas, however gradual the adjustment. Our Democratic colleagues on the other side of the aisle have had a week to demonstrate they do not embrace the "gradual adjustment" philosophy of their nominee. We haven't heard a word from any of them.

Maybe they don't have a problem with $4-a-gallon gasoline either. Maybe the junior Senator from North Dakota was speaking for all of them when he said over the weekend that $4-a-gallon gasoline was finally forcing people to conserve. Telling people whose livelihoods depend on getting to and from work that they should get used to high gas prices is not an energy policy.

Supporting a gradual adjustment to $4-a-gallon gasoline is not an energy policy. Americans need an energy policy befitting America, and that means using the natural resources we have here at home to bring down prices in the short term, while pursuing a long-term strategy for energy independence through clean technologies. We can do both, and we should do both.

We need more American energy now. That is the short-term solution to the current crisis. So, again, I call on our friends to consider this reasonable two-part solution and to drop their absolutist opposition to energy exploration in America.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the 30 minutes allotted to our side of the aisle for morning business be divided equally between myself and the distinguished Senator from Iowa, Mr. GRASSLEY.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GAS PRICES AND NATIONAL SECURITY

Mr. CORNYN. Mr. President, I wish to begin my remarks this morning by quoting the distinguished junior Senator from Illinois, Senator OBAMA, who said recently:

> Our dependence on foreign oil strains family budgets and it zaps our economy. Oil money pays for the bombs that go off from Baghdad to Beirut, and the bombast of dictators from Caracas to Tehran. Our Nation will not be secure unless we take that leverage away, and our planet will not be safe unless we move decisively toward a clean energy future.

I would like to say to those comments from Senator OBAMA: Amen. He is exactly right. And so I would ask him: Why does he and our colleagues on the other side of the aisle continue to oppose domestic energy production that would reduce our dependency on oil from the Middle East?

As this chart shows, restricted domestic production in the United States sends billions of dollars to the Middle East, where we purchase that oil, and to countries such as Venezuela in South America. When one of my constituents back in Texas goes to the gas station and fills their pickup truck, and it costs him $75 to $100, he is wondering perhaps where the money goes. Our colleagues would suggest it just goes to big oil companies. But the fact of the matter is, it is more complicated than that. I think the picture needs to be painted and the story needs to be told of exactly what our refusal to depend more on our own domestic resources, rather than depending, as we do increasingly, on foreign sources of oil, means to our national security.

While taxes, refining, shipping, and marketing add to the cost of retail gasoline, 70 percent of the cost of a gallon of gasoline is related to the cost of oil—crude oil. When the United States imports roughly 60 percent of the oil it consumes, the real profiteers of our dependence are the foreign nations from which we import.

In 2007, the U.S. fuel bill on oil imports was about $330 billion, and some anticipate that figure will go to $400 billion this year. We should be investing more money in America to increase our domestic energy production and creating jobs right here in America as we work to diversify our energy mix and pursue alternative energy sources. Unfortunately, we send American dollars to foreign nations and energy cartels, such as Venezuela and Iran—nations that openly condemn the United States and the principles for which we stand and seek to undermine our national interests at every turn.

Last year, in Venezuela alone, U.S. consumers spent an estimated $30 billion on oil imports. We are all familiar with President Hugo Chavez and his thinly veiled threats and outlandish attacks on our country. But the money that is sent to Venezuela does not just empower the absurd talk of one man, it is helping him assemble a substantial military arsenal.

These pictures show some of the things Hugo Chavez is doing with the money we are sending him as we buy crude oil: fighter aircraft, submarines, Kalashnikov assault rifles, air defense batteries. As a matter of fact, Russia has agreed to actually create a factory in Venezuela for the production of both AK-103 assault rifles, and 7.62-millimeter ammunition at a cost in excess of $500 billion.

In 2006 alone, Venezuela entered into multiple agreements with Russia for the purchase of numerous advanced Russian-made weapon systems. These transactions included, as I have depicted on this chart, these 24 modern fighter-bomber aircraft at a price of more than $1 billion, numerous attack and transport helicopters at the price of $700 million, and an arsenal of these modern Kalashnikov assault rifles, which I showed a moment ago.

Last week, Venezuela conducted a preliminarily agreement for its Navy to buy three Russian-made, improved

Kilo patrol submarines—depicted here. This year, Venezuela accepted delivery of the first of several batteries of Russian-made Tor-M1 air defense systems, depicted on this chart.

In 2005, Venezuela ordered nine Chinese-made mobile air radar systems, valued at $150 million. Earlier this year, the Venezuelan Government ordered six Austrian-made, multipurpose surveillance aircraft.

But we should not delude ourselves into thinking that money only goes to the buildup of the Venezuelan military. Colombia—of course, right next door to Venezuela in South America—our strongest U.S. ally in Latin America, tells us Hugo Chavez has been supporting the FARC, a narcoterrorist organization, and enabling attacks on the people of Colombia. In fact, a laptop recently captured from a terrorist leader demonstrates Hugo Chavez's close ties with the FARC.

The situation has prompted some in Congress to call for Venezuela to be put on our designated "state sponsors of terrorism" list. Clearly, the actions of Hugo Chavez and his accelerated militarization of Venezuela poses a significant threat to the stability of Latin America and to the United States because of its close proximity to our country.

It doesn't just stop there. As we know, President Mahmud Ahmadinejad in Iran is enjoying all the money America is sending to him and other countries when they purchase oil, with a price tag now of $135 a barrel. We can't afford to forget that oil is a global commodity used by every country throughout the world, so money spent on oil imports from the Middle East or anywhere benefits Iran. Iran is continuing its effort to develop nuclear technology, depicted at these compounds in Bushehr and Natanz, depicted on these maps.

It is clear that Iran has nuclear ambitions to build nuclear weapons to dominate the Middle East and, frankly, represents a threat to world peace. So money spent on oil imports from the Middle East or anywhere actually benefits Iran, and they use that money to pursue their nuclear ambitions.

Iran is continuing its efforts to develop nuclear technology with the obvious goal of producing nuclear weapons. The last thing we need to do is to provide a steady stream of money to a man who openly pledges to "wipe Israel off the map" and promises that the United States, along with Israel, "will soon be destroyed."

Aside from Iran's very troubling nuclear ambitions, U.S. military commanders have seen very clear evidence of Iranian involvement of Iraq. We have heard from General Petraeus and Ambassador Crocker about Iran's attempts to destabilize Iraq. What is worse, we have heard reports of the Iranians training militias and "special groups" in Iraq, both of whom have been a major source of violence and instability there.

Even more concerning, we have seen reports that Iran has been providing advanced improvised explosive devices called explosively formed penetrators that have been and continue to be used to kill and injure American soldiers in Iraq. As I have said, Iran has been linked to explosively formed penetrators used to kill American troops, and while these penetrators make up only a small percentage of the overall number of IEDs in Iraq, they generate a disproportionate share of American casualties.

The short side of this story is that our dependence on foreign oil is bankrolling deadly weapons. The money we continue to send to the Middle East and to Venezuela does nothing but enrich or enemies. Why in the world, then, would we deny ourselves access to the very natural resources that would allow us to become less dependent?

While Congress may not get it, it is clear that the American people get it. Rasmussen has just come out of the field with a new poll that says that 67 percent of the respondents support offshore drilling in America and 64 percent expect that it will lower gasoline prices. That is two-thirds of the respondents who believe offshore drilling should be allowed. Congress, of course, is the major impediment, having passed moratoria against production of oil from the Outer Continental Shelf since the early 1980s. Congress is the problem, and Congress needs to get out of the way and allow America to do what it does best, and that is to try to achieve less dependence on imported oil from our enemies.

The short version of this story is that our dependence on foreign oil is bankrolling deadly weapons that are being used against our troops and even more advanced weapons systems that could one day be turned on us or our allies—countries such as Colombia. Soaring gas prices are not just a problem for the American consumer, they are a problem for the American soldier, sailor, airman, and marine. They are a problem for our national security. The longer we sit idle and do nothing to increase our domestic energy production, the more money we ship overseas and the more likely it is to empower the threatening actions of some of America's staunchest enemies.

While Congress agrees about the importance of reducing our Nation's dependence on foreign sources of oil—indeed, that is what Senator OBAMA said in the quotation I read at the start—Congress has not yet acted in a way consistent with those expressed concerns or in a way which would improve not only our economic security but our national security as well. I appreciate the determination of Congress to pursue and encourage alternative energy sources and increased energy efficiency—and these energy policies will serve us well into the future—but what we must realize is that oil and gas is the bridge to that future. It is not economically responsible to bypass solutions that will increase energy supply and help bring down the price of gas at the pump. Americans are spending an additional $1,400 on energy costs just this last year, and the Department of Defense—perhaps the largest consumer of oil and gas in the country—spent $12.6 billion on fuel just last year.

We cannot afford to keep filling the coffers of hostile, oil-rich nations such as Iran and Venezuela while we wait for alternative fuels to become a substantial and reliable source for our energy needs. We need a comprehensive and balanced energy policy that includes increased American energy production. We have raised fuel-efficiency standards, we have implemented a renewable fuels standard, we supported tax incentives for wind, solar, biomass, and energy efficiency appliances. Now we need to grow our domestic energy production by tapping into America's proven oil and gas reserves.

If we can begin to produce more energy here at home, then we can begin to ease our minds about how rogue states, such as Venezuela and Iran, will be using those dollars to threaten us. We have all said on numerous occasions that energy security is national security, but I fear many of us have failed to realize exactly what that means. We need to recognize that our inaction is not only raising the burden on American families, it is growing armies and weapons that may one day be used against us. In the case of Iran, that money is already being used against our troops in Iraq through these explosively formed penetrators that have injured and literally killed American citizens.

This is not an issue we can afford to take lightly. We all need to work together to expand American oil production in order to decrease the profits of sworn enemies of the United States and limit their militarization.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. May I ask how much time is left on this side?

The ACTING PRESIDENT pro tempore. There is 15 minutes 45 seconds.

TAX EXTENDERS

Mr. GRASSLEY. Mr. President, I hope my colleagues had a chance to listen to the distinguished Democratic leader talk about the tax bill vote coming up and about Republican filibusters. I wish to tell the other side of the story.

As there are 76, according to their count, filibusters, presumably Republican, what defines a filibuster around here is when you file a cloture motion. If people have a desire to talk a few hours on a bill, maybe even a few minutes on a bill, and immediately a cloture motion is slapped in, then that defines a filibuster.

That doesn't define a filibuster. If it does, then the Democrats, by not letting the Senate work its will, have in a sense shut off the purpose of the Senate, which is, of course, to thoroughly debate what passed the other body.

Tax bills can only start in the other body, and they go through there in 2 or 3 hours. If they are going to be thoroughly debated, they have to be debated here. I think it is a little disingenuous to talk about a filibuster on a tax bill when the definition of a filibuster is when a cloture motion is filed. It is filed by the majority party, not by the minority party.

Over the past few years, anyone who has observed the workings of Congress has probably discovered that we spend a lot of time every year wrestling over what are called tax extenders—probably tax policy that for the most part has been on the books for decades, one or two decades, and then sunsets, and then if you are going to keep that policy in place—in other words, keep the existing tax policy—they must be extended. We call them tax extenders. Popular provisions in the Internal Revenue Code, then, are set to expire every year or two unless Congress acts. Of course, if Congress doesn't act, then taxes go up.

In the past, I have compared this constant repetition to a film called "Groundhog Day," staring Bill Murray, where Bill Murray's character relives the same day over and over again. I have a chart showing a scene from that classic and very enlightening film. It almost seems ironic that it would be appropriate on so many occasions for me to talk about a movie that itself is about repetition, but the repetitive actions of the Democratic majority and its leadership make it too hard to resist bringing Bill and Phil down here again to show you and remind you what this body, the Senate, goes through periodically.

Less than a week ago, the Senate, by a vote of 50 to 44, rejected a motion to invoke cloture on a motion to proceed to the House bill, H.R. 6049, the Renewable Energy and Job Creation Act. In just a few moments we are going to repeat that exact same vote. Why? There does not seem to be a discernible reason.

Getting back to Bill and Phil driving the truck, I bet the thinking on the other side is that it is the Senate Republicans who are represented by Bill on this chart, in that the Democrats want people like me to be put through the same actions on the same issues until we do what the other side thinks is the right thing. However, that thinking is mistaken. I am not sure how much resemblance there is, but Bill represents the Democratic leadership. Why? Because the majority sets the schedule for the Senate. When Republicans are in the majority, we set the schedule. Despite having slogged through this very same issue several times over the past few years, the Democratic leadership still insists on beating the same dead horse—or maybe in this case the same dead groundhog.

As anyone familiar with this fine film knows—the film called "Groundhog Day"—this chart depicts Bill and Phil driving a truck moments before it goes over the cliff. In a few moments, the Democratic leadership is going to drive this Chamber over the same cliff we went over last Tuesday. The vote, again, is one I predict will fail, and we will be exactly where we were before.

Going back to the "Groundhog Day" example, the Democratic leadership is stuck in the part of the film where Bill Murray relives the same day because he is doing the wrong things and refuses to change behavior.

I would rather not see this body go over the cliff. But what really concerns me is that the Democratic leadership is not alone. In the back of his truck are roughly 140 million families and individuals who file tax returns. The extenders affect millions of taxpayers. Congress should have learned from the experience we had less than 6 months ago, in December. Waiting until the end of the year to solve these problems creates problems instead for agencies like the IRS. It is a problem for taxpayers who are not getting back their refunds soon enough. If the Democratic leadership cares about those millions of taxpayers, they will slow this truck down. They will not drive over the cliff. They will stop the truck, they will work with the Senate—in the bipartisan way that is the only way to get things done in the Senate—to finally get this bill passed, a bill that will be signed into law.

Included in those roughly 140 million families and individuals in the back of the truck are around 24 million taxpayers who are now subject to the crushing alternative minimum tax. We need to extend the AMT exemption for middle-income taxpayers. Right now, around 24 million of those middle-income families are liable for the AMT because Congress has not acted to protect them for the year we are in, 2008.

The House bill that is the subject of the upcoming cloture vote does nothing to protect those taxpayers, nothing on the AMT.

Many of those families who make estimated payments are hopefully familiar with the form 1040–ES for the second quarter of 2008. That was due yesterday. Many taxpayers who were not subject to the AMT last year but are now caught this year should have filed this form but do not know they are supposed to. It is a tax that these 23 million, or maybe a part of that 23 million, do not pay because they never had to pay it before. Under current law those individuals are subject to penalty.

I made this point on several occasions last year when a quarterly estimated tax return was due. I hope I do not get the same reaction now as I did every time I talked about the estimated tax payments last year, because that response was silence.

I know many will say that Congress will act, but that is not good enough. The American people should no more accept an IOU from Congress than the IRS would accept an IOU from the taxpayer. The right thing to do now is to vote "no" on this cloture motion. The sooner we can get the Democratic leadership to stop driving the Bill-and-Phil truck over the cliff, the sooner we can get to work on this extenders bill.

That bill, unlike the bill before us now, will pass both Houses of Congress and will be signed by the President. This law change will protect additional families from being captured by the AMT. Right now the Democratic leadership is in the driver's seat. You see, we have the Democratic leadership in the driver's seat. As I have said of Bill and Phil in the past, I hope eventually they decide to drive responsibly. Do not do what Bill and Phil do, go over the cliff all of the time. Vote "no" on the motion to proceed, put the Senate back on a path to a real AMT fix and also pass the extenders bill so it becomes law.

We have been having a lot of discussion over whether these extensions of the expiring tax relief provisions might be offset with tax increases. We heard the distinguished Democratic leader say they should, because it might make the deficit go up otherwise.

My position is if you extend policy that has been in place for a couple decades continuing existing tax policy, you are not making the deficit bigger. You would only do that if you increased or came up with some new tax policy.

I am not going to rehash all the elements of that debate again. The difference between Republicans and Democrats on this point is important. The Democrats have their view, the Republicans have our view. That is the way democracy works. But here is why this is a different point of view. It is important because the hurdle to a bipartisan bill signed by the President on the AMT patch and extenders will not happen unless we get the differences worked out.

There is a group of so-called conservative Democrats in the House of Representatives who are called Blue Dogs. I want to say that I respect the Blue Dogs' call for fiscal discipline. It is critically important in this era of deficit spending.

Revenues are not the problem. One would think from the Democratic leadership that we do not tax people enough so we tax people more. In fact, we are on a revenue path that is above the historic average in terms of Federal revenue as a share of gross national product.

So when the Blue Dogs in the House of Representatives bark about deficit reduction, we on this side will howl with them. We have Huckleberry Hound here to illustrate what I am talking about. The Blue Dogs continue to bite only on the tax side.

When it comes to spending cuts, we do not hear much more than a whimper out of the Blue Dogs. They do not want spending cuts, they want higher taxes. We agree with them on fiscal responsibility, but higher taxes do not bring fiscal responsibility. Higher taxes bring an excuse for Congress to spend more money.

Spending cuts are the way to get taxes down. In fact, when I hear from my constituents, they do not think the American people are undertaxed, they think the American people or the Congress overspend.

On our side, that tax-hike hungry dog won't hunt. We have seen the story of this Huckleberry Hound chart play out in recent legislation. On the additional GI education benefits, the Blue Dogs held out for a tax increase to offset the new spending. But when the pressure from their political leadership got too hot, that objection is now history.

We have another popular new spending proposal, extension of unemployment benefits. The Blue Dogs said no offset was required because it is "temporary spending."

Now we have an AMT fix and we have the extenders bill before us. Because it is current law tax relief, the Blue Dogs are insisting on tax increases on other taxpayers. Such inconsistency I do not understand. As with GI benefit packages, we will meet the Blue Dogs' challenge. We will put our money where our mouth is.

The budget resolution, written by the Democratic majority and supported by the Blue Dogs, contains $300 billion in nondiscretionary appropriations. This is brand new extra spending not subject to pay-go. The AMT patch in the extender bill is a $110 billion package. After being challenged by the Blue Dog Democrats to stand up for spending cuts, I suggested we take one-fifth of what they are going to increase spending by, and it will pay for these new spending programs.

I would put them to a challenge of not increasing taxes every time to reduce the deficit, but reduce expenditures to be consistent. Instead of raising taxes, I said let's look at the new non-defense discretionary spending built into the budget. We could let that new undefined future spending expire by an amount necessary to make that AMT patch and extenders bill deficit neutral. Many on the other side say it is harmless to let defined current law tax relief expire. If that is true, then it ought to be easier to let undefined future spending expire.

After meeting the dollar amount in the spending cut challenge, some in the Blue Dog coalition still complained. They said we had to define the spending to be cut. That's a bit curious because the spending is future non-defense discretionary spending. Over the next 10 years, appropriators will spend this new extra money in future appropriations laws. Those bills have not been written yet. So, I don't know how I respond with any more specificity. I've provided the amount and the source of the funds.

The last time I checked, a dollar of spending cuts is the same as a dollar of forgone revenue. If we apply that basic math to taxes and spending, then we will achieve fiscal discipline.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

EXTENDING UNEMPLOYMENT BENEFITS

Mr. REED. Mr. President, I rise today to talk about the importance of extending unemployment insurance benefits to workers whose regular benefits ran out before they could get a new job.

As we know, the labor market is weak. The unemployment rate has jumped to 5.5 percent in April from 5 percent in March. That is an extraordinary jump. This is the largest single month spike in 22 years and the highest level in 3.5 years.

In addition, the Labor Department's alternative unemployment rate, a measure that includes people who want to work but who are discouraged from actively seeking employment because they cannot find full-time jobs, reached 9.7 percent in May. This latter statistic might be more accurate with what has actually happened in neighborhoods across America.

For Rhode Islanders, the situation is among the worst in the Nation. The number of unemployed Rhode Islanders has risen to approximately 35,000, which has been trending upward and is the highest since June 1994. Indeed, 6.1 percent are jobless right now, a figure which has remained unchanged over the past 2 months.

This is the fourth highest unemployment rate in the United States, and the highest rate in Rhode Island since August 1995, more than 12 years ago. It is also critical to point out that almost half, 41 percent of Rhode Islanders unemployed in January, February and March, exhausted their benefits, which is more than any other State in New England. Unfortunately, other economic indicators are equally discouraging. Economists think inflation is here to stay, and it is likely to get worse. We have received a very poor inflation number this morning which suggests that the forecasts of economists are sadly becoming true.

Food prices are high. Consumers are able to afford fewer groceries at the supermarket and restaurants are being squeezed by food costs. Food prices across the country spiked by more than 4 percent in 2007, the biggest jump in 17 years, and they are expected to escalate another 6 percent this year, though some items, including eggs and milk, have gone up much more. So we are not talking about luxury items, we are talking about the basics to survive. They are getting more and more expensive as more and more people are not able to find adequate work.

The price of gasoline has risen 35 percent from a year ago, when it averaged approximately $3. In Rhode Island, it now costs $4.11, on average, for a gallon of regular unleaded, making it very difficult for working families simply to get to school, to get to their job, and to get around the State.

The gross domestic product, the Nation's total output of goods and services, the measure of the overall economic activity of the country, increased at a mere .9 percent in the first quarter of 2008, which is nearly the same as the fourth quarter of last year. This stagnant growth obviously is highly correlated with the rising unemployment.

In April, consumer credit borrowing rose $8.9 billion for the month to $2.56 trillion. This is significantly higher than economists forecast. This means increasingly that Americans are going to their credit cards to get by, and this is a timebomb ready to explode in our economy.

More American families are being overwhelmed by debt. More and more families are forced, because they do not have adequate jobs, adequate wages to face the rising cost of gasoline and food, to take out the plastic. That can only last a certain amount of time. This is a looming problem that we have to recognize.

Similarly, there is speculation that the impact of the foreclosure crisis will continue to spread. In my home State of Rhode Island, we have the highest foreclosure rate in New England. And the outlook is just as bleak. A recent Credit Suisse report noted that foreclosures could impact about 6.5 million loans by 2012, meaning that nearly 13 percent of residential borrowers could be put out of their homes; 13 percent of homeowners in America are facing the prospect within the next few years of losing their homes. That is a startling and unacceptable projection.

Given that the economic situation is significantly harsher now than the start of the last recession, the need to extend unemployment benefits is clear. In doing so, we can start to stimulate the economy. We have virtually no growth, we have a foreclosure crisis with escalating gasoline and food prices. If we want to get this country moving again, we have got to stimulate the economy. We tried with the rebates a few months ago; that has not proved effective. Unemployment insurance benefits have a very high return on their investment. It generates approximately $1.64 in gross domestic product for every dollar we put in, and that makes sense.

Individuals receiving these benefits are going to go right to the store, they are going to fuel their cars, they are going to buy food, they are going to try to take care of their children. This money is going right back in the economy. It is going to stimulate 64 cents more than we invest.

I am disappointed that the administration has released a Statement of Administration Policy stating that it strongly opposes the bipartisan measure overwhelmingly passed by the House of Representatives last week.

I am disappointed that the minority is unwilling to enact this meaningful legislation before us today. This would make a positive difference for America. I think it is reckless and irresponsible. Unfortunately, it is characteristic of this administration that they would oppose unemployment benefits for Americans while they continue to exhort us to spend billions of dollars in Iraq and Afghanistan. The contrast could not be more stark and, I think, more condemning of this administration.

I believe we have to pass this legislation. We have to face it. And for my constituents in Rhode Island, it would be extremely useful.

According to the Center for Budget Policy Priorities, we have done this, we have extended benefits seven times over the past half century. They have provided much needed relief to workers. This is not something novel and unique. This is something we have done and we should do. We cannot afford to delay extending these benefits any longer. People are struggling throughout this Nation. It is our responsibility to respond to their needs, to give them a chance, to keep them afloat in a very stormy economic sea.

I urge the immediate passage of these unemployment benefits.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I too rise to support extension in unemployment benefits, and express the profound regret I and so many others, not only in this Chamber but throughout America, are having that our minority colleagues blocked the attempt to move this bill forward this morning.

There are two reasons to do this. One is the individual and the humane, to help the people who need help. Of course, that is first and foremost. But the second is to give a real shot in the arm to the economy. There is no better way when an economy is in recession, going slow, to give it a shot in the arm than unemployment benefits. They are better than tax cuts, better than any long-term spending program. The economists have shown that.

Our colleagues on the other side of the aisle continue to say no to just about everything.

The sad status quo is not very good. Look at the number of jobs this economy has lost this year: 324,000. That is probably 1 million people, given that so many of them are family members and breadwinners; 1 million people who had jobs or had loved ones who had jobs last year and don't have them today. We refuse to give them the barest of lifelines, an extension of unemployment insurance? That is disgraceful.

Let me talk about who these people are because each one is an individual. How about Vincent DiRoma, former senior engineer for Kodak? Not only does he have a wife and three children, he also supports his elderly mother who relies on Social Security to get by. Vincent is currently training for a new career. We all know Kodak has laid off thousands and thousands in the Rochester area, highly qualified people, people with tremendous work ethic who don't want to or can't leave the Rochester area. Vincent is now training for a new career. He is the kind of American we all appreciate. He is not sitting down and cursing the darkness. He is trying to make his situation better. His old job doesn't exist. An extension of his unemployment insurance will allow him time to complete the training and find a new job to support his extended family which, including himself, is six people.

Why are we telling Vincent DiRoma no? Why are we telling the other hundreds of thousands like Vincent no? That is so important. Again, we just block it.

Economists, liberal and conservative, will tell us, when an economy is teetering on the edge of a recession, or, as many of us think, in recession, the best way to get money into that economy is unemployment benefits. The people who get them spend it. A tax cut is often saved. That is not a bad thing, but it doesn't mainline money into the economy the way unemployment benefits do. The money is sent out quickly. There is an existing system so we don't have to set up a whole new program.

In the past, there have been bipartisan moves to extend unemployment insurance when the economy heads south. Only in this new Congress—this "no, no, no" Congress, where Republicans block everything almost instinctively, atavistically—do we not get this kind of extension.

Obviously, there is an attempt to put this in the supplemental bill. We will try to do that, but it should pass like that. There should not be a single opponent to Vincent DiRoma and the other 323,999 people and families who have lost their jobs.

For the sake of humanity, those who are unemployed such as Vincent and need the help, and for the sake of our economy, I urge colleagues on the other side of the aisle to reconsider. Again, there is no better way—none—to get the economy moving than an extension of unemployment benefits. It is something we should move to quickly, without partisan wrangling, without ideological preconception. We should just move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, after 7 long years of the Bush administration, our country's economy is in the worst condition it has been in decades. In my State of Rhode Island this week, a gallon of gas cost $4.11. Grocery bills are up. Utility bills are up. Affordable housing is scarce. Many homes are in foreclosure. Health care costs remain high. As a blistering hot summer approaches, there seems to be no end in sight. These are difficult times for many families. But for millions of Americans who are looking for a job today, the challenges seem almost insurmountable. Today, Senate Republicans showed yet again that they are more loyal to the failed economic policies of President Bush than to Americans who right now need our help. Majority Leader REID and Senate Democrats pushed for quick passage of legislation to extend unemployment benefits. But Senate Republicans said no, even though last month the national unemployment rate saw its biggest 1-month increase in over 20 years, reaching a 4-year high of 5.5 percent.

In Rhode Island, things were a bit worse. Last month the unemployment rate in our ocean State exceeded 6 percent. That is one of the highest in the country. These men and women are being forced to deal with both the deep disappointment of losing their jobs and the challenge of trying to make ends meet for their families in an economy that is in recession.

One of these people is Brian Perry. Brian lives in East Providence, RI. He wrote me earlier this month to ask about the possibility of extending unemployment benefits. Brian had been a law clerk at a firm in downtown Providence, but he has been unemployed since January 11.

Since January 11, he has applied unsuccessfully for more than 65 jobs. One of those positions had more than 300 applicants. Brian is receiving unemployment insurance, but it is not enough. Because he couldn't afford to pay both his mortgage and his monthly

COBRA payments, Brian has been without health insurance since the end of January.

In the United States of America, a working man trying to find a job without health insurance.

He says it has become more and more difficult just to afford groceries, and some nights he goes to bed hungry. He could go to a food pantry, of course, but he has not yet because he thinks there are too many people who are worse off than he is. Brian's unemployment benefits expire at the end of July.

People such as Brian need our help, and they need it now. What are we here for, if not to help our fellow Americans at times such as this? The Emergency Extended Unemployment Compensation Act would help. It would temporarily extend unemployment benefits 13 weeks beyond the ordinary 26-week eligibility period. In States such as Rhode Island, where people have been hardest hit, jobless workers would receive an additional 13 weeks of unemployment compensation. This critical measure was modeled after a bill introduced in January by Senator TED KENNEDY, a true champion of working Americans. It passed the House of Representatives last week with a strong bipartisan vote.

As my colleagues know, unemployment insurance is just that—insurance. Millions of Americans go out pounding the pavement each and every day looking for work to support themselves and their families. They find work, they work hard, and they earn their paychecks. As part of an employee's compensation, employers pay into the unemployment insurance system so that workers will be covered if they lose their jobs through no fault of their own. Unemployment benefits help hard-working men and women in this terrible Bush economy cover bills and living expenses while they search for a new job. The Emergency Extended Unemployment Compensation Act could help over 3 million Americans pay the mortgage or the rent or feed their families, as they continue to navigate a perilous job market. In Rhode Island alone, there are more than 18,000 people in need of a job, and their benefits either already have or will soon run out.

I have heard the argument that people would not be motivated to find work if we extend this benefit; that they need this little spur to get off the couch and out into the workforce. In my experience, this is a ridiculous argument, a demeaning argument, one that is completely disengaged from the day-to-day experience of regular Rhode Islanders, from ordinary Americans, a true beltway special of an argument. This is a hard-working country, and it is in tough economic times. Good people are hurting. We should gather together around this legislation, support them as they try to get back into the workforce, and pass this piece of legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

PRODUCTION TAX CREDITS

Mr. TESTER. Mr. President, I rise to emphasize the importance of extending the production tax credits for renewable energy in the tax package we are voting on today at 2:15. These tax credits have helped create a strong and growing renewable energy industry, not only for wind power but also for geothermal, biomass, and landfill gas. Wind power, especially in a State such as Montana and across the country, is critically important, but we have a long way to go before renewable sources of energy can have the full impact on lowering energy costs and fighting climate change. That is why these tax credits are so very important.

Last year the United States installed more than 52 hundred megawatts of wind power, enough to power a million and a half households for an entire year. Put another way, if the population—every man, woman, and child in Montana and Wyoming—each had their own house, there would be a million and a half homes.

All that wind power was about a $9 billion investment into the economy. Wind now powers over 4.5 million homes in the United States. At this rate, the United States will overtake Germany as the world's leader in wind power next year, but only if we extend this tax credit. Unfortunately, everything grinds to a halt if the tax credits are not extended.

Congress has let these tax credits lapse before. Each time we have seen growth in the renewable energy industry flatline. This chart shows exactly what happens when we refuse to extend the tax credits. Over the last 9 or 10 years, you can see where the high bars are, where wind energy megawatts have gone on. That is with the tax credits. When we failed to extend tax credits, we see virtually no growth in wind energy.

I know a lot of my colleagues will be voting to extend these credits by year's end, but waiting until the last minute is just as bad as letting them expire. Right now wind developers are working out financing for future projects. They cannot move these projects forward without certainty. That means projects that are starting right now will stall if we don't re-up these tax credits today.

We have heard a lot for the last few months about energy costs and climate change. Renewable energy is attractive because it can help us get a handle on both problems. Wind is getting more and more affordable and more efficient each year, especially as fossil fuel costs go up. The wind power capacity added last year accounted for 30 percent of all new energy brought online. Because of the wind, we are keeping 28 million tons of carbon dioxide out of the air. That is 28 million tons. There is no more efficient way to help fight climate change than by supporting the tax credits that drive renewable energy. It is just common sense.

Last month, the Department of Energy reported that the United States can get 20 percent of its power from wind by the year 2030, but we need to quit talking about wind power and get some more turbines off the ground and into the air. Wind power means real dollars and cents and real jobs and economic development, especially for rural America.

The first commercial wind farm in Montana started operating in 2005 in Wheatland County. Wheatland County has a population of about 2,000 people and a median household income of about $24,000 a year. In 2007, the wind farm paid over half a million dollars in property taxes to State and local governments. That included nearly a quarter of a million dollars to the local school district. It brought in jobs and royalty revenue for landowners.

Wheatland County, as you can tell by the name, is a farming, agricultural county. Folks there have spent the last century cursing the wind. Today, the local Chamber of Commerce calls Wheatland County the Wind Energy Capital of the United States. Next weekend, Wheatland County is putting on its first Festival of the Wind. Their slogan is to "honor the wind, celebrate our community, and move forward to a vital future."

With high gas and food prices, wind power is not just a mirage on the horizon. In fact, we have only skimmed the surface of our potential. To put things in perspective, Montana produces about 150 megawatts of wind-generated electricity. Montana is almost exactly the same size as Germany. Germany has about 22,000 megawatts of wind power. The entire United States has only 16,000 megawatts. Montana will double its wind production this year. Next year, we hope to have a new wind energy transmission line between Montana and Alberta, and we will double it again. But we need that production tax credit in place, not only for next year but well into the future.

Already this year, things have started to slow as developers anxiously watch Congress. One wind farm currently under construction is racing the clock to start selling power before year's end. Developers are scrambling to take advantage of the production tax credit. Their plans for several other wind farms are on hold until the production tax credit is passed here.

I cannot overstate the significance of the production tax credit to my State of Montana and throughout rural America for economic development. But our country cannot afford to let it lapse because of climate change and because of high energy costs.

High costs might be an underestimate. I just read yesterday that companies are raising power prices to the tune of 29 percent. That is 29 percent. That means ordinary folks all across this country are going to have to make some very difficult decisions as they sit around their kitchen tables. We cannot afford to sit back and just talk about it. It is time to get to work, and the work starts today by passing this extension, not by waiting until the end of the year.

That is why I appreciate the leadership of Senator BAUCUS on continuing to bring this measure forward. I believe that passing an extension now will send a good signal to business that Congress is serious about wind power. Congress can invest in renewable energy that will help control energy costs and fight climate change. I urge my colleagues once again to support this measure and to vote yes and pass it today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, are we out of the quorum call?

The PRESIDING OFFICER. We are out of the quorum call.

Mr. TESTER. Mr. President, I ask unanimous consent that our remaining time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6049, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to Calendar No. 767, H.R. 6049, an act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. shall be equally divided and controlled by the two leaders or their designees.

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I have townhall meetings all around Louisiana on a very regular basis. At these meetings we discuss a number of crucial issues facing all of us. Lately, of course, it has been dominated by sky-high gasoline prices and the need for a coherent energy policy. But what I hear more than anything else as I reach out to my constituents all around the State, the biggest, most important sentiment I hear is: When are most folks in Congress going to stop playing political games and actually act? When are most folks in Washington going to stop posturing and arguing just toward the next election and take care of the people's business? Unfortunately, I believe this exercise we have going on on the Senate floor is yet another example of the posturing and of the political gamesmanship that feeds that understandable frustration.

We are going to have a vote coming up later today on the Democratic tax extenders bill. This is a pure political exercise and a pure waste of time. Whether you are for it or against it, whether you like most provisions in it or not, one thing is perfectly clear: This Democratic partisan bill is going nowhere. It doesn't have the support in the Senate. In addition to that, there is a veto threat—a very crystal-clear veto threat—from President Bush. That is for substantive reasons. There are significant objections to the bill—I share most of them—with what is included in this package, things such as a huge earmark to build a train in New York, a new tax break for trial lawyers, expansion of the Davis-Bacon Act, and $55 billion of taxes.

The point isn't the substance. Whether you agree with the substance or not, the point is this bill is going nowhere, and therefore to call it up again and again and to posture and to make speeches is just a political exercise and a waste of time. It is perfectly clear from the vote we took last week that this package doesn't have near the 60 votes required in the Senate to pass it through the process.

If that weren't enough, it is perfectly clear that President Bush will veto the bill. Of course, to override a veto doesn't simply take 60 votes, it takes two-thirds of the Senate—67. So it is perfectly clear that it is going nowhere, and here we are again posturing, making political speeches and political points on the floor.

I have a radical idea. Let's come together in a bipartisan way. Let's come around a consensus bill and actually pass it through the process and get it signed by the President. I believe the Grassley bill, which has been introduced in the Senate, is the basis for that sort of bipartisan discussion and real work.

This is particularly important for many of my constituents in Louisiana because many of those Louisianans, as well as folks in Mississippi and elsewhere, have been suffering from a very unfair situation. They are actually paying a tax penalty because of the enormous losses they suffered during Hurricanes Katrina and Rita. What am I talking about? It is this: In 2005, Hurricane Katrina struck the gulf coast with enormous ferocity. A few weeks later, Hurricane Rita struck southwest Louisiana and southeast Texas. Of course, as we all know, many folks suffered enormous and tragic losses. Many folks I know personally lost their entire homes and virtually all of their belongings. Of course, folks in that situation legitimately could take a big loss on their next tax return. As a result, in 2005, people did what you would expect them to do: They filed loss deductions on their tax returns for that year because of these enormous and tragic losses.

Push forward to 2007. The good news is that the American people responded to the enormous tragedy and Congress responded, representing the American people. One of the most important things the American people funded, one of the most important things Congress passed, was help for these folks I am describing who suffered uninsured losses. In Louisiana, it became known as the Road Home Program. In Mississippi, there was a similar program called the Housing Assistance Program—grants, help from the American taxpayers to help cover uninsured losses.

So what is the problem? The problem is that under present Federal law, the IRS says that you have to add that check many of these folks got in 2007 to their income and pay taxes on it because under present Federal law that is taxable income. If it was simply a matter of counteracting, equalizing the tax benefit these same individuals gained by claiming a huge loss deduction in 2005, that would be fair, but it went far beyond that in many cases. It increased many of these individuals to a higher marginal tax rate. Because of the size of the help, it pushed them into a whole other tax bracket. It subjected many taxpayers to the AMT, which they would not have been subjected to otherwise. It phased out certain deductions for them. It even subjected some individuals' Social Security benefits to additional taxation. It made many taxpayers ineligible for Federal student loans. So it didn't simply counteract and equalize the tax benefit some folks got in 2007 by claiming a very large loss deduction; it went beyond that in thousands upon thousands of cases.

So on top of Katrina, on top of Rita, on top of unimaginable—to most of us—personal tragedy, what happened is these folks got a tax penalty. That is ridiculous. We need to fix that. There is a clear sentiment and a clear majority in Congress to fix that. That fix for the Road Home Program in Louisiana and for the Housing Assistance Program in Mississippi is included in this Grassley tax extenders bill, which can be a bipartisan product, which can garner bipartisan support, which can gain far more than 60 votes in the Senate, and which can and would be signed into law by the President.

This is enormously important for tens of thousands of Louisianans. This is enormously important for many folks in Mississippi. These aren't simply run-of-the-mill folks; these are by definition folks who suffered through some of the worst losses due to Hurricanes Katrina and Rita. In that context—as they wait year after year simply for a fix so that they aren't penalized by the tax man on top of everything they suffered through because of the hurricanes—in that context, how dare anyone play political games. How dare anyone posture and make political speeches rather than simply trying to come together and do the people's business. But again, that is what is going on here on the floor.

We have a tax extenders package which has provisions that many folks, including myself, have major objections to: A huge earmark to build a train in New York, a new tax break for trial lawyers, an expansion of the Davis-Bacon Act which would hurt our economy, and $55 billion of tax provisions. I cannot support that Baucus package because of those clearly objectionable items. More importantly, about half of the Senate can't support it for that reason, and therefore the Senate isn't near the 60 votes required to pass that on in the process. Even if it were, as I said before, President Bush has made it crystal-clear that because of these controversial provisions, he would veto the bill. So this package is going nowhere. To revote on this package is to waste time and play political games. I don't know why the majority leader is determined to do that, but he is doing that today. He has even talked about doing it a third time.

I urge the majority leader and all of my colleagues to act for the good of the American people, to come around a consensus package that can be passed and be signed into law, not to simply try to score political points, make more speeches, and waste even more time on the Senate floor.

All of the American people deserve that. But, surely, folks who suffered enormous losses because of Hurricanes Katrina and Rita deserve that even more. Surely, those folks deserve the relief contained in both bills, but also the relief that can actually be passed and signed into law in a bipartisan consensus package.

Let's do the work of the American people. Let's put people before politics, and let's pass this important legislation by moving on to a consensus bill that can gain far more than 60 votes in the Senate and be signed into law by the President.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, before the Senator leaves, I would like to make a simple point. He mentioned various provisions he would like to see enacted. I suppose most of them concern his State of Louisiana, as they appropriately should. Let's ask ourselves, what is the parliamentary position we are in now? It is very clear.

The vote before us, which will be taken soon today, is very simple. It is whether we move to the next step to get on legislation. It is called a motion to proceed. It is true it is a motion to proceed to a House-passed bill. If the Senate lets us proceed—including the Senator from Louisiana—to that bill, then I will offer a substitute and presumably we will be on the substitute. I thought it was not only the prerogative of the Senate, but it is an opportunity for Senators to debate amendments and for Senators to offer amendments—amendments to strike certain provisions or amendments to add certain provisions. That is called legislating. It is debate. Before we can do that, we have to get onto the bill. We cannot pass legislation until we can get on the bill.

So I am asking my good friend from Louisiana if maybe the better alternative—nobody is playing politics. We are trying to get ourselves into a procedural situation so we can debate legislation and pass legislation for the good of the country. I ask my good friend from Louisiana if he might consider voting for the motion to proceed so that we can get on the legislation and so that other Senators can offer amendments to improve the legislation and so the Senate can vote.

Mr. VITTER. If the Senator will yield, I appreciate his comments. I would be open for that path forward if there was assurance from the majority leader that there would be that full opportunity for amendments, particularly on the crucial objectionable items that I outlined. Unfortunately, to date, there has been absolutely no assurance in that regard. In fact, the majority leader, through his actions, has taken the opposite course time after time, as the Senator knows, by filling up the tree. So if we could take that path forward, with the assurance to have votes on amendments regarding those clearly objectionable matters, that might be productive. Unfortunately, that hasn't been the assurance the majority leader has offered to give, and it hasn't been his practice.

Mr. BAUCUS. I will ask another question. If we vote for the motion to proceed, with the assurance and understanding that there would be the full opportunity for amendments, but also, I think, in the spirit of comity and good faith—sometimes amendments are blocked because they are not good-faith amendments, such as on abortion and other issues that have nothing to do with the bill. They are political amendments. The Senate has, unfortunately, come to the point where because they offer political amendments, with nothing to do with the issue at hand, the majority leader is sometimes forced into that situation in order to set up a procedure to minimize the possibility of the occurrence of those political amendments. So it is a two-way street. It is my objective—and I would counsel the majority leader to allow amendments. That is the way the Senate should operate.

There has to be a good-faith understanding on the Senator's side of the aisle on good-faith amendments.

Mr. VITTER. I only say to the distinguished Senator, if the majority leader would come to the floor and guarantee amendments on the substance of the bill, on the train to New York and the Davis-Bacon provision and down the line in terms of all those highly objectionable issues I outlined a minute ago, which go to the substance of the bill, I will be all ears. Unfortunately, that has not been his practice on prior issues or in this situation.

Mr. BAUCUS. Maybe we are making headway because the substitute amendment I will offer would not include Davis-Bacon, or may not consider some provisions the Senator is addressing. Again, to go back, there has to be an understanding on the Senator's side of the aisle that the amendments offered would be good-faith amendments and not obstructive political amendments.

I thank the Senator for the dialog. Maybe we have made a little headway so we can get enough support to proceed to the bill.

Mr. President, Samuel Johnson called a second marriage "the triumph of hope over experience." Actually, that is where we are today. The Senate seeks a similar triumph of hope today because we are here again to consider the vote on a motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act of 2008. This time I hope for a better result. And maybe somewhat, based on the discussion I just had with the Senator from Louisiana, we can find a way so that we can proceed to the bill and pass these very important provisions.

This bill will foster clean, new energy sources. This is a bill to extend some very important tax provisions that benefit American families and businesses. This is a bill on which I hope to offer an amendment to stave off certain tax increases under the alternative minimum tax.

Last Tuesday, we tried to do this same thing—move to this bill—but we fell short of 60 votes. Many of my colleagues on the other side of the aisle were against moving to the bill. That meant we could not even get on the bill; therefore, we could not offer amendments to improve it and pass it to help many Americans and individuals in businesses. Again, that meant we could not even discuss the merits of the bill. That meant we could not consider my substitute amendment, which would have addressed several Senate priorities, including a couple on the other side of the aisle.

This bill contains a robust energy package, with more than $17 billion in incentives for alternative energy, efficiency, and clean coal. This package is important for our environment and our energy security, and it is important to facilitate the transition to a carbon-controlled economy. If we don't get this bill, we cannot do any of that.

This bill would extend expiring individual tax provisions, including the teacher expense deduction and the qualified tuition deduction. The bill would also extend expiring business tax provisions. These include the R&D tax credit and the active finance expensing provisions.

These business provisions help to keep America competitive in a global economy. These business provisions help to maintain and create jobs. If these individual and business provisions are not extended, millions of families and businesses will face tax increases. If we don't pass this bill, many individuals and businesses will find their taxes going up.

The bill is paid for with two revenue raisers that have very broad support. It is also sound tax policy. The arguments against this bill this week may as well be the same as last week's arguments. Last week, we heard that we should not increase taxes to pay for tax cuts.

As I said before, and will say again, these revenue raisers are not tax increases. The first revenue-raising provision in the bill is the delay of the effective date of the worldwide allocation of interest. This provision would delay application of the interest rule, which was not supposed to go into effect until next year.

Many of the companies that will benefit from this provision told me they would rather have the business extenders than early applications of the worldwide application of interest.

Why? These companies realize that because of the firm position of the House of Representatives, we need to offset extending these valuable tax benefits. To make that point more clear, this body knows the House has been insisting that offsets be utilized to pay for some of these tax reductions that will pass with this bill. That is a political reality, something we all face. That is partly why these offsets are in this bill, including delaying application of worldwide allocation of interest.

These companies have weighed the costs and benefits, and they have made the choice in favor of the tax extenders in the bill. The second revenue-raising provision addresses offshore deferred compensation. This provision would prevent hedge fund managers from deferring income.

This is not an increase in tax on hedge fund managers. Rather, it is a change in the timing of when income tax will be applied. This is a timing issue, not a tax increase. Therefore, I believe it is sound tax policy.

Last week, we heard that we should not need to offset extending current tax benefits. This is a curious argument. It is curious because the Senate paid for extending expiring tax provisions in the recent past.

We paid for extenders in the JOBS Act in 2004, we paid for extenders in the Tax Relief Act of 2005, and we paid for extenders in the military tax relief bill that Congress just passed and presented to the President on June 6. We have done that. So this week the Senate is faced with a choice that, in my opinion, is relatively easy. If we can get to H.R. 6049, if the Senate will vote to get to the bill, we could then take up my substitute amendment.

My substitute amendment contains the provisions that I have talked about, plus a 1-year AMT patch—making sure people don't have to pay the AMT in the next taxable year, and that is without any offsets. So by going to the bill and seeing it through, Congress would take care of a lot of families and a lot of businesses.

We need to decide whether we will develop new jobs and new medications. We need to decide whether we will help teachers, families, and schools. We need to decide whether we are going to make energy independence a priority, or we can continue to allow hedge fund managers to defer, without limitation, their compensation for investing other people's money.

Let's show America we can make the right choice. Let's give American families and businesses reason for hope. Let's not give them the same experience they received last Tuesday. Let's proceed to this important tax relief bill for many American families and businesses.

Mr. President, I ask unanimous consent that the quorum calls prior to the recess be charged equally to both sides, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, we have a vote that will occur momentarily. I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Responding to the Growing Need for Federal Judgeships: The Federal Judgeship Act of 2008." It is scheduled for 2:30 this afternoon in the Dirksen Building. The witness list is remarkably good. We have the chairman of the Judiciary Resources Committee, Judicial Conference of the United States; the Director of Homeland Security and Justice from the United States Government Accountability Office, William O. Jenkins. That would be an important hearing to go forward. As of now, we have not had consent from the minority to go forward with this.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, I object. I will use a few moments of leader time to explain why.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, we need to get back to first principles around here. The Democratic majority scheduled the hearing my good friend references in a way that would violate the standing rules of the Senate. Rule 26.5 provides:

> Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first

> two hours after the meeting of the Senate commenced and in no case after two o'clock . . . unless consent therefor has been obtained from the majority leader and the minority leader . . .

Typically, as we all know, the minority provides consent for committees to violate rule 26.5. The minority routinely provides this consent, frankly, in the interest of comity. But comity also requires the majority to treat the minority fairly which means, at a minimum, that the majority needs to keep its commitments to the minority. If commitments in this body are not kept, then comity breaks down. If that occurs, the minority will not routinely grant consent to those matters that we usually do. In this case, we have unfulfilled commitments with respect to treating circuit court judges fairly. It is the middle of June. The Senate has only confirmed eight circuit court nominees. This is less than half the number the majority leader and I agreed to at the beginning of the Congress. It is barely half the number of circuit court nominees that a Republican Senate confirmed in President Clinton's final Congress. More troubling, the chairman has threatened to soon stop confirming circuit court nominees altogether here in June.

The Republican conference does not consider this lack of progress and thinly veiled threat to be, frankly, in good faith. Not surprisingly, it is, therefore, not inclined to freely give its consent to matters that are important to the majority. That is the way things work around here. As I have said before, the Senate works best when there is a spirit of cooperation. Absent that spirit, the minority will be compelled to protect its rights using all protections afforded it under Senate rules.

There is an easy solution to the problem. We have been talking about it both privately and publicly over the last few months. The majority needs to start confirming circuit court nominees, at least those who meet the chairman's own criteria.

And it seems to me that before the committee spends its time creating new vacancies, which is what the hearing today was about, it needs to work on filling the vacancies that already exist. Unfortunately, the Judiciary Committee is moving at a glacial pace toward that end. It has only held two circuit court hearings this year. Before that, it hadn't held a single one since last September. We have no indication that it is going to pick up the pace. There are several outstanding nominees who have been sitting in committee who meet the chairman's criteria. Until they are treated fairly, the majority will find our cooperation increasingly hard to come by.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I understand that my distinguished counterpart has a right to do this, an absolute right. I don't question that right. We will just have to schedule the hearing at a different time, if they don't want to have the hearing. I will, though, briefly comment, quoting Majority Leader Lott from years past. When we go home to our respective States, there are a lot of issues. Every State has the same issues: housing problems, high gas prices, doing something about global warming. When is the last time anyone went home and somebody said to you: Boy, are you guys going to do something about those judges? As Senator Lott said: The question never comes up.

Senator LEAHY, chairman of this committee, and I have said before, this Judiciary Committee has wide-ranging jurisdiction over a lot of issues, most of which are extremely difficult to deal with. He does a remarkably good job. I am very proud that he is the chairman of the Judiciary Committee. But he and I said we would do our utmost by the Memorial Day break to confirm three more circuit court judges. I think it was three; I don't remember the number. We did our utmost. Senator LEAHY did his utmost. But it was slow walked by the Republicans on the Judiciary Committee. So we are at a point now where finally we had two circuit court judges reported out of the committee last week. We are going to vote on those as soon as we can. We have fulfilled our commitment, so no one needs to talk about commitments not being fulfilled.

Again, I didn't invent the Thurmond rule. It was invented by long-time Senator Strom Thurmond, at one time chairman of the Judiciary Committee. He said that after June 1, he felt it was appropriate not to rush into appointing more Federal judges. We have not said that the Thurmond rule is in place. But some said we should have it in place. It is well after June 1, and Senator LEAHY and I are still committed to taking care of more circuit court judges. We are going to do that. I am sure there will be opportunities to take a look at some trial court judges. But we are doing our very best.

I admire and appreciate the work of Senator LEAHY.

Mr. LEAHY. Will the Senator yield for a question?

Mr. REID. Yes, I will.

Mr. LEAHY. Mr. President, I ask through the Chair, did the majority leader not hear the distinguished Republican leader say they don't want to give consent to these hearings that the majority may want? I was wondering if the distinguished majority leader was aware of this discussion on May 15 of this year about this judgeship act. First, I quote Senator SESSIONS, a noted Republican:

> My comments on the judges' bill, as a member and Ranking on the Courts Subcommittee, we did have hearings several years ago but not recently.

Then we heard from Senator KYL, the distinguished deputy minority leader:

> So what I would like to do, Mr. Chairman, is just recommend that you take our colleagues up on the suggestion that we have a hearing to validate the requirements.

At which point Senator COBURN, another Republican, said:

> If we're going to fix it, let's fix it right. Let's have a great hearing. Let's bring the GAO in, let's bring the Conference in, and let's find out [how] to do it right.

And then Senator GRASSLEY, another noted Republican said:

> That is the purpose of a hearing, and that's why it is very important that we give this adequate study. I ask the distinguished leader, was he aware of the fact that this hearing was being held after four senior members of the Republican caucus asked me to have the hearing?

Mr. REID. I say to my friend, in response to his question, yes. And the Senator from Vermont followed the advice of his colleagues and had someone from the General Accounting Office testify. I appreciate that.

I ask that we have the vote now. Members have been waiting.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 767, H.R. 6049, the Renewable Energy and Job Creation Act of 2008.

Harry Reid, Max Baucus, Barbara Boxer, Amy Klobuchar, Benjamin L. Cardin, E. Benjamin Nelson, Maria Cantwell, Patty Murray, Bernard Sanders, Daniel K. Akaka, Robert Menendez, Ron Wyden, Debbie Stabenow, Blanche L. Lincoln, Patrick J. Leahy, Richard Durbin, Sheldon Whitehouse.

Mr. SPECTER. Mr. President, I have sought recognition to discuss my vote against cloture on the motion to proceed to H.R. 6049, the Energy and Job Creation Act of 2008.

H.R. 6049 would revive important tax provisions that expired at the end of 2007 and extend provisions that are set to expire at the end of 2008. I support extension of the R&D tax credit, teacher expenses deduction, tuition deduction, accelerated depreciation for leasehold and restaurant improvements, the renewable energy tax incentives, and many other important provisions in this package.

In addition, the bill includes a provision that I introduced, S. 814, which would allow attorneys to deduct reimbursable court costs and expenses in the same tax period in which they are paid or incurred. I strongly support this provision and have urged Chairman BAUCUS and Ranking Member GRASSLEY to include it in this bill.

While the House bill, H.R. 6049, does not address the alternative minimum tax, AMT, it is my understanding that a Baucus substitute amendment will include a 1-year AMT "patch," without offsets, to prevent millions of additional taxpayers from being hit by the AMT as a result of bracket creep. I support the AMT "patch" so long as it is not used as an excuse to raise taxes elsewhere by adding offsets. The AMT revenues on millions of taxpayers were never intended to be collected.

Despite the positive elements of this legislation, there are still significant issues that must be addressed. The main sticking point between Democrats and Republicans is whether temporary extensions of tax relief should be offset with permanent tax increases elsewhere. Following that process year-in and year-out means that permanent tax increases must be enacted so that taxpayers can maintain the current tax structure. On April 23, 2008, I, along with 40 other Republicans, wrote to Finance Chairman BAUCUS to support "enacting a 2008 AMT patch and extending the various expiring tax provisions without offsetting tax increases." It would be my preference to see the tax extenders package passed without offsets.

As it relates to the renewable energy tax incentives, it is difficult to understand why the House bill and the anticipated Baucus substitute would require offsets when the Senate has already spoken clearly on the issue. On April 10, 2008, the Senate voted 88 to 8 for an Ensign/Cantwell amendment to the Foreclosure Prevention Act to extend the renewable energy tax incentives without offsets. Pennsylvania is among the leading producers of wind energy east of the Mississippi River. The thousands of Pennsylvanians employed in the alternative energy industry and those interested in clean, renewable sources of energy for their homes are looking to Congress to provide clarity and certainty on this issue. Without immediate action, it is widely believed that investments will decline significantly throughout the second half of 2008.

On June 10, 2008, the Senate failed to invoke cloture on the motion to proceed to H.R. 6049 by a vote of 50 to 44. That vote, and the vote which occurred today 52 to 44, demonstrate that Senate Republicans need to be included in the process of drafting the bill. An open amendment process is important for this bill to proceed. Republican amendments must be allowed. However, an open process is threatened by the Majority Leader's standard operating procedure of "filling the tree" and filing cloture to cut off further amendments and debate.

On May 21, 2008, the White House issued a Statement of Administration Policy which states that the President's senior advisers would recommend a Presidential veto of this bill in its current form. It is my hope that in light of today's vote, leadership on both sides will work quickly to bring up this bill in a bipartisan manner that will allow the Senate to work its will and pass legislation that can be quickly signed by the President.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act of 2008, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Coleman
Collins
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—44

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Reid
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—4

Clinton
Kennedy
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 6049.

The PRESIDING OFFICER. The motion is entered.

VISIT TO THE SENATE BY JAPANESE PARLIAMENTARIANS

Mr. REID. Mr. President, I have spoken with the Republican leader about this. We have the opportunity to greet some Japanese parliamentarians. Senators INOUYE and STEVENS have worked for many years to develop a relationship with the Japanese parliamentarians and have been extremely successful. I hope Senators in the Chamber will say hello to our colleagues from Japan.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. I ask unanimous consent that the Senate have a short recess subject to the call of the Chair.

There being no objection, the Senate, at 2:51 p.m., recessed, subject to the call of the Chair, until 2:59 p.m., and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Minnesota is recognized.

BURMA

Ms. KLOBUCHAR. Madam President, yesterday I came to the floor, along with Senators HARKIN, GRASSLEY, and others, to talk about the devastating floods the Midwest has experienced, and no one would know more than the Presiding Officer about the tragedies these types of natural disasters can cause for everyone in those communities and for the infrastructure.

But today I am here to talk about something a little different, about how another country, the country of Burma, has dealt with this. I come to the floor today to call attention to the ongoing humanitarian crisis in Burma more than 6 weeks after the deadly storm that wreaked widespread death and destruction throughout that region.

When Cyclone Nargis struck the Irrawaddy Delta on May 2, the international community's attention was captivated by the catastrophic loss of life and the ensuing dangerous and deplorable conditions faced by 2.4 million Burmese who survived the storm.

In the days immediately following the storm, the United States, the U.N., and other nations and organizations applied strong pressure on Burma's ruling Government to allow all international aid workers to enter disaster areas and provide medical and humanitarian aid to survivors. The 16 women Senators who are united in the Congressional Caucus for Women's Issues on Burma sent a letter to the U.N. Secretary urging him to convince the Burmese Government to allow disaster relief assessment teams into the country and lift restrictions on international humanitarian organizations. When the Burmese Government finally consented and pledged to allow international aid workers to enter the country, I believe many of us hoped the full-scale recovery process had begun and that we could turn our attention elsewhere. Sadly, this was not the case. The situation in Burma remains perilous, and the 2.4 million storm survivors need our attention now more than ever.

I recently met with representatives from the local Burmese community in my State who have been personally impacted by this deadly natural disaster, the most deadly in their country's history. Minnesota is home to thousands of people from Burma, including the largest U.N. concentration of refugees who have been victims of religious and ethnic persecution under Burma's military regime. As with so many immigrant and refugee communities in our Nation, the members of Minnesota's Burmese community maintain extensive ties to their country, and the storm and its aftermath has been a particularly painful period. Too many members of this community are still waiting after 6 weeks to hear from grandparents and cousins and sisters and brothers. They do not know if they are alive.

I met with the leaders of their community in order to listen to the information and reports they were receiving from friends and relatives caught in the middle of an ongoing disaster. The stories I heard were heartbreaking. Over 100,000 people are believed to have lost their lives during and after the storm. Tens of thousands are still missing, and millions are homeless and without adequate food or fresh water. This disaster was nearly of tsunami proportions; however, it affected one small country, which time and time again refused our help.

The local Burmese with whom I met told me how difficult it is to get basic information and stay in contact with their family members in the disaster areas. One woman told me she still has not been able to locate her sisters in Burma. Others expressed their fears that the Burmese regime would never admit the need for outside help or allow the aid that entered the country to reach the areas it was needed the most. They feared that unless the international community remained vigilant and refused to accept the Burmese Government's conditions and control over humanitarian aid, the plight of the people would grow weaker while the regime's grip would grow stronger.

Casualties from the Burma cyclone, as I mentioned, are nearly on the same scale as the Indian Ocean tsunami of 2004. But in that instance, the impacted countries accepted and even asked for international aid. With the military regime in Burma, they have tried to shut the world out. While the outpouring of donations, relief supplies, and aid personnel from around the world has been substantial, only a fraction of available international aid is reaching the storm's 2.4 million survivors. U.N. officials have reported that aid groups are unable to provide 1.1 million survivors with sufficient food, clean water, and shelter, while trying to prevent a second wave of deaths from malnutrition and disease. Of the 1.3 million people who have received some form of help, the U.N. found they only have had access to inconsistent levels of assistance. Yet the Burmese regime continues to raise bureaucratic obstructions to the help waiting helplessly offshore.

Those international recovery workers who have been allowed to enter the country, and even Burma's own aid donors and relief organizations, are facing roadblocks in accessing the disaster regions to provide aid, leaving hundreds of thousands of survivors to fend for themselves. We have seen news reports that survivors have been forced to drink from dirty canals and to go for days without food. Many are turning to Burmese monks for help due to the Government's inaction—the same monks who faced a brutal military crackdown last fall for their peaceful prodemocracy demonstrations.

According to aid officials, in a normal recovery effort, 6 weeks after a disaster—and you think about 6 weeks after Katrina in your home State of Louisiana, Madam President—survivors should be on the road to recovery and thinking about what they need to do to restart their lives. In Burma, 6 weeks after the storm, many survivors still didn't know how they were going to find food, water, or shelter on a daily basis.

We are now receiving reports that the Government is forcibly closing aid camps and forcing homeless survivors to return to devastated villages. They are being told to rebuild their homes, but they haven't been given the assistance to do so.

The representatives of the Burmese community I met with in Minnesota understand that the cyclone, and its aftermath, is more than a natural disaster, it is a political disaster. It is a disaster made far worse, far more deadly, because of the repressive military regime that controls the country. The Burmese people have been repressed and impoverished by their own Government for years. The regime's lack of response to the cyclone disaster just highlights how bad the human rights situation is. Rather than focusing on ways to help the millions of Burmese struggling to survive, the regime instead used the chaos of the storm's aftermath to quietly extend another year the detention of Aung San Suu Kyi, the leader of Burma's democracy movement, who has been detained at home on and off for 12 of the last 18 years.

What would be an appalling and inexcusable action in any other nation facing similar circumstances comes as little surprise to anyone who has been following the events in Burma over the last few years. But it wasn't always that way. In fact, the current political conditions in Burma are ironic and tragic, especially when we consider that this country produced one of the great statesmen of the modern world—U Thant. As Secretary General of the United Nations from 1961 to 1971, he worked so hard to promote international human rights and to bring peace to troubled regions of the world. In an address to the General Assembly commemorating the adoption of the Universal Declaration of Human Rights, U Thant said that in the age of jet plane and satellites circling the globe, "the world is fast becoming a community, a community with common interests and common aspirations. Gone are the days when each nation was an island unto itself. Today, questions of human rights are a matter of international concern."

Unfortunately, the Government in Burma wants to stay an island unto itself and doesn't think the world should concern itself with the human rights of its people. The military regime's neglect and abuse of its own people challenges our traditional notions of national sovereignty and noninterference. The indifference of Burma's military regime has generated an international debate about humanitarian aid and the need for stronger international law to deal with cases where national governments fail or refuse to provide adequate aid.

In recent years, the international community has come to recognize that a government has a fundamental responsibility to protect its own people and that we have a responsibility to take action with humanitarian intervention when a government fails in that responsibility.

Two weeks ago, U.S. Navy ships loaded with aid supplies and equipment withdrew from Burmese waters after repeated unsuccessful attempts to deliver their vital cargo that could save thousands of lives. U.S. officials have said they will return only when Burma's leaders change their minds and allow them to offload their supplies in Burma's ports. But we cannot simply turn away from the Burmese people and allow the Burmese regime to continue to sacrifice thousands of lives in order to protect its own security. We must use all available means to compel the regime to allow full aid supplies and personnel to enter the disaster areas and to stay there until survivors are ready and able to begin rebuilding their lives.

At the end of the meeting with our local Burmese, I pledged to them that I would take their stories to Washington and do what I can to bring attention to the plight of the people in their country as we use our influence to bring about immediate and long-term constructive change. The rebuilding process in Burma will take years, and it is imperative that in the weeks and the months to come, we don't lose our focus or our commitment or our obligation to assist the Burmese people. So I will continue to work with my colleagues to draw attention to this situation and to continue to provide every available opportunity to call attention to it. This is our moral responsibility.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. BROWN. Madam President, in the last 16 months, I have held some 100 roundtables across my State where I invited some 65 Ohio counties of the 88. I invited a cross section of people, 15 to 20 people from a community, to sit down and talk about their hopes, dreams, and ideas for working together, the Federal Government with local government, businesses, labor organizations, schools, and others.

I have met with a number of workers and small business owners, community leaders, and teachers. I heard over and over, as the Presiding Officer has, about the economic anxiety facing families in the State. I have done these roundtables from Bryan to Steubenville, from Ashtabula to Hamilton. Nowhere is this anxiety felt more acutely than among displaced workers and Ohio families struggling to make ends meet.

Fundamentally flawed trade agreements and Bush economic policies have crippled communities in too many cases and devastated far too many families. Since January 2001, Ohio State has lost 200,000 manufacturing jobs. Since that time, the Nation has lost 3 million manufacturing jobs. When one loses a manufacturing job, especially if it is a plant shutdown in a relatively small community—this is not happening only in Cleveland and Dayton and Youngstown and Toledo; it is happening in Tiffin, Defiance, Portsmouth, and Chillicothe—if it has 300 workers, it means fewer police officers because of what happens to taxes. There aren't as many people working and businesses and individuals who are paying city income tax or county tax. It means teacher layoffs, police, and fire layoffs. It means services from the community to support families are not what they were prior to the plant closings.

Clearly, a big reason is our trade policy, the NAFTA–CAFTA model, PNTR with China, which has caused the outsourcing of millions of jobs. It is bad tax policy and Bush economic policy. We obviously need to change direction. That is not going to happen with this President. It is not going to happen with the filibusters going on in the Senate right now. But what we can do something about immediately is to help those Ohio families and Louisiana families with unemployment insurance. It is the only economic lifeline so many families have.

Unemployment compensation is insurance. It is called unemployment insurance. It is not a giveaway. It is not welfare. It is individuals paying in while they are working to an insurance plan. The reason it is called insurance is, if they lose their jobs, it is insurance against the loss of the job. They have earned this money. Yet an awful lot of people, most of my friends on the other side of the aisle as well as the gentleman sitting in the White House, seem to think that unemployment insurance is a giveaway, a welfare program, something that people want to game the system and don't want to work. They want to stay home, watch TV, and collect unemployment insurance.

The fact is, we should reward work. People want to work. But hundreds of thousands of Ohioans and millions all over the country have seen their unemployment expire, and they are asking for an additional 13 weeks to get them through the day. Many of these are single parents. Many people, if they have lost a job, lose their health care, and they need a little bit of help.

Extending unemployment benefits is not only the right thing morally to do for these families, it is also a good economic stimulus package. The Presiding Officer knows that when we were earlier trying to figure out how we could do a stimulus package to get the economy going, the single best way is unemployment insurance extension, because that puts money right into pockets immediately. The mechanism of government is already in place so we extend to them their unemployment which had run out. We already know how to do it. It is people who will spend the money on daily living—on food, clothes, books for their kids, paying the rent, paying heating or cooling bills. That is why it is so important.

I have letters I have received in the last few weeks from people in Ohio, individuals, most of who are unemployed. Sometimes they are writing for a neighbor or family member. Usually they are writing for themselves saying: Please extend unemployment insurance.

It is clear that all of us are getting these letters. Members of Congress in the House and Senate are receiving tens of thousands of letters, so it is crucial. In my State, in the last 7 weeks, we have seen a GM plant, 2,500 workers, is going to close near Dayton. We have seen DHL, a company in southwest Ohio that delivers packages, talking about literally shutting their operation down. That is 7,000 jobs in Wilmington, a community of 13,000 people. Imagine what it does to them. There is a company in Geauga County in the northeast part of the State that announced layoffs of hundreds of workers. Continental Airlines is laying off 3,000 workers, not only in Ohio but mostly in its hubs in Newark, Houston, and Cleveland. That is why this is so very important.

It is not a giveaway. It is unemployment insurance. It will be an effective economic stimulus to get the economy going. It is all about thousands of Ohioans, hundreds of thousands of people across the country, thousands of people in my State saying simply: I am trying to find a job. I am working to find a job. I haven't found a job yet, but I need an extension of my unemployment benefit.

Shawna from Akron wrote to me:

> We are facing losing our house, our car, and much more. I beg you to work for an extension of unemployment benefits.

Patricia and David Troy, a small community north of Dayton, wrote:

> My husband is one of 334,000 unemployed Ohioans.

Brent from West Chester, not far from Cincinnati, wrote:

> We need our benefits to be extended or families won't be able to make it.

Nicole from Huron, a town near Lake Erie in northern Ohio, writes in the most direct terms:

> Please help us.

This is something we can do. It is not going to solve our economic problems, but it will help an awful lot of families. It will, in part, be a stimulus for the economy. There is no reason we should not do it.

I ask my friends on the other side of the aisle to support the extension of unemployment benefits, and I ask the President to change his mind and sign this legislation. It will matter for the country, for States, communities, and especially for families.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, over the last 8 years, American families have watched as the price of everything from gas to groceries has gone up and up while the value of the dollar has gone down and down. Last month, they got more bad news. Employers cut jobs for the fifth straight month, bringing the total number of people looking for work to 8.5 million. It was the worst 1-month jump in unemployment in 22 years. That means that more of our workers are losing paychecks, even as they need money to pay for electricity, fuel, and food. It comes on top of the mortgage and credit crisis in which millions of families have watched their primary source of wealth, their homes, plummet in value.

Americans are looking to us for help, and we have to take action immediately. We have a proposal before us that would offer some relief by extending unemployment insurance for an extra 3 months. That would have two benefits. It would ensure that Americans, while they are looking for work, will still be able to put food on the table and fill up their gas tanks, and it will give our economy an immediate boost because that money will be spent quickly. This same measure passed the House overwhelmingly last week, because Members on both sides of the aisle realize that we have to move quickly. I am concerned that now Republicans are more interested in blocking our progress on anything than actually taking meaningful action for the American people. Instead of working with us, Republicans have filled endless hours on the floor with speeches complaining about problems but not offering any solutions. Instead of focusing on the concerns of working families, President Bush threatened to veto this bill, and then he left on a tour of Europe.

The American people are hurting. They have had enough of political games at their expense. I truly hope the President and his Republican allies will join us in supporting this very important measure to extend unemployment insurance.

AMERICAN AEROSPACE JOBS

Mrs. MURRAY. Madam President, I turn now to another example of how the President's priorities are hurting working families, and that is the administration's decision to send 44,000 American aerospace jobs to Europe. Within the next couple days, the Government Accountability Office is going to issue a ruling on a decision regarding a defense contract. It is Boeing's first protest of a defense contract in three decades. Boeing is challenging the Air Force's choice to award a $35 billion contract to supply the military's next generation of aerial refueling tankers to a European company, Airbus. We are all now awaiting the GAO's ruling because it was clear there were some major flaws in that contract.

Ever since the Air Force announced in February that it had awarded the contract to Airbus, the Air Force has insisted there were no mistakes and the Airbus tanker cost less. Yet we have already learned that is not true.

Last week, the Air Force admitted to making a critical error when it calculated the operating cost of the two tankers. It is now acknowledging that the Airbus plane actually cost tens of millions of dollars more.

That isn't news that surprises us, but it is further evidence that we have to get more answers from the Pentagon before we, Congress, allow this contract to become a reality. That is why I have come to the floor this afternoon. While the GAO decision is important, it won't even come close to addressing all of the questions that have been raised about this contract. That is because the GAO's role in this process is very limited. It can examine whether the Air Force followed the letter of the law in the selection process, but it cannot look at anything beyond that. So even if it is obvious to them that the Airbus tanker costs more, that it is less safe, or it doesn't meet the Air Force's needs, the GAO can't take any action. That is our job. That is Congress's job. We have to get answers to the questions that have been raised about this deal.

This is one of the largest contracts in our history, and it is incredibly important. Our tankers refuel planes and aircraft from every single branch of our military. As long as we control that refueling technology, we control our skies and our security, and that is extremely important to our national security. We have to make sure we are making the best decision for our taxpayers and for our servicemembers. That is Congress's responsibility.

I am especially concerned because when you compare Boeing's 767 with Airbus's A–330, the 767 is clearly a better plane. Compared to the 767, the Airbus tanker is a lot larger, it is less efficient, and it is more expensive to operate. According to the Air Force itself, the A–330—the Airbus tanker—ranked lower than the Boeing 767 in survivability, which is our ability to make sure that our warfighters who are flying those planes are safe. The Airbus tanker ranked much lower than the Boeing plane in keeping our men and women who are flying them safe.

Yet although I have asked the Air Force to explain its decision on this tanker numerous times over the last 3 months, I have been stonewalled again and again on answers. No one has explained why the Air Force would ask for a medium-sized plane and then go out and choose a much larger design which is going to cost billions of dollars more in just fuel and maintenance.

No one has explained why we would buy a plane that is so big that we are going to have to rip out and replace hundreds of runways, ramps, and hangars around the globe in order to land that plane.

No one has explained why we would not buy the safest possible airplane for our servicemembers.

Perhaps most importantly, no one can explain why we are giving a multibillion-dollar contract to a company that has made no secret of its desire to dismantle our U.S. aerospace industry.

For years, the foreign governments that own Airbus have flooded it with illegal subsidies in order to compete with Boeing. In fact, the A–330 is a result of that subsidized system. The U.S. Trade Representative is so concerned that our Government has accused the EU of unfair trade practices before the World Trade Organization. It makes absolutely no sense to me that we would accuse Europe of illegally subsidizing Airbus and then turn around and award it a $35 billion contract of U.S. taxpayer money. It is especially troubling because the consequences to our national security and our economy will be huge.

A report by the nonpartisan Economic Policy Institute shows that Boeing would create at least twice as many American jobs as Airbus. In other words, we stand to lose as many as 14,000 jobs right here in the United States by sending this contract to Airbus. With those jobs that we lose, we lose the knowledge and we lose the expertise that helped us create our global military strength and has made the United States the world leader in aerospace technology. Yet no one has explained why we would let that slip away.

Not only am I very troubled that I haven't been able to get answers to these questions, but this month the Air Force gave us new reason to be concerned. About 2 weeks ago, the Defense Secretary forced out the Air Force Secretary, Michael Wynne, and its Chief of Staff, Michael Moseley, after finding systemic problems in the service that led him to have a serious lack of confidence in their leadership and in their oversight. Mr. Wynne and General Moseley blessed this Airbus contract. Clearly, we in Congress—those who represent the taxpayers of this country—need to look at this deal more closely.

Congress is entrusted by the American people with the responsibility to look out for our taxpayers and to be a check on this administration or any administration. When it is clear that the administration has gone in the wrong direction, we—Congress—have to step in. Now is one of those times. We owe it to our taxpayers and to our service men and women to make sure we buy the right plane. This contract is too important.

So I am here this afternoon on the floor of the Senate to implore my colleagues to stand with me and continue to demand that the Air Force justify this decision.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VERMONT STATE HOUSING AUTHORITY

Mr. LEAHY. Mr. President, I congratulate the Vermont State Housing Authority, VSHA, on 40 years of excellence. This organization, which came into existence with a creative spark as the first statewide housing authority in the country, continues to find new and innovative ways to use Federal housing programs to find affordable homes for Vermonters.

Reaching this milestone should bring great pride to the visionaries that created the system in 1968, including Governor Phil Hoff, and to the 40 years of staff, board members and leaders that have ensured that the statewide mission of VSHA has been carried out on a daily basis.

The VSHA executive director, Richard Williams, has been at the helm of the VSHA for more than half its lifespan, working since 1984 to expand the reach of the organization, develop and maintain properties and move people out of the cold and into their own homes. It takes a man of great conviction to accomplish what he has done, and it takes a great team to deliver on the mission he and the board created. Richard was recently quoted saying, "We are proud of what we've been able to accomplish for Vermonters over the past 40 years, but the challenges have never been greater. We're inspired and motivated by the knowledge that our services are needed more than ever."

One of VSHA's primary responsibilities is administering the Department of Housing and Urban Development's, HUD, Section 8 Voucher Program in Vermont. During the past 40 years, the VSHA has worked to increase the number of vouchers available to Vermonters in all corners of the State. This has been increasingly important as the Federal resources for the programs many of our Nation's most vulnerable populations depend upon have been shrinking and poorly prioritized. The number of low- to moderate-income Vermonters seeking affordable housing, including those with disabilities, the elderly and returning veterans, continues to climb. Fortunately for Vermonters, the VSHA is constantly recognized by HUD as one of the Nation's most well run and effective housing authorities—giving hope to those that might have lost hope in virtually every other government system.

Not only has the VSHA worked to assist people in finding affordable apartments, but they have also helped many Vermonters pursue their dreams of homeownership. It gives me great pride to say that VSHA's Homeownership program has given more than 80 low-income Vermont families the opportunity to become homeowners. This dynamic program works to improve self-sufficiency by converting Section 8 vouchers into Homeownership Vouchers. I am happy to say that the VSHA Homeownership program has enabled low-income Vermonters to build equity and wealth while increasing their civic involvement.

While providing housing for Vermonters, the VSHA has simultaneously preserved and revitalized town centers, historical buildings and a general sense of community across the State. They have done this with commendable collaboration with nonprofit organizations, the private sector and various government agencies. I have seen their work, and most importantly, I have seen the tremendous impact their programs have had on my home State and the people who call the Green Mountains their home.

I congratulate the VSHA on their outstanding achievements over the past 40 years. On behalf of the people of Vermont, I applaud everyone who has worked to make the Vermont State Housing Authority a great success.

EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION ACT

Mrs. BOXER. Mr. President, I rise in support of H.R. 5749, Emergency Extended Unemployment Compensation Act. Earlier this month we were met with troubling news about our economy. We learned that the unemployment rate, one of the strongest indicators of our Nation's economic health, experienced the largest one month increase since 1986, from 5 percent to 5.5 percent.

In real terms, this jump in the unemployment rate means that between April and May, 49,000 more American workers lost their jobs. In 2008, our economy has lost a total of 324,000 jobs.

In my State of California, the unemployment rate is the third highest in the Nation at 6.2 percent. Some areas in California's Central Valley have unemployment rates as high as 10 to 12 percent.

Families in these communities are struggling in this economy, and with Governor Schwarzenegger's recently declared a drought emergency in the Central Valley, farmers there tell me that because of the water shortage, fewer acres will be planted this year, which will mean fewer jobs in this area of the State with already skyrocketing unemployment.

Yet in this time of economic uncertainty, when so many workers can't make ends meet because they have lost their jobs, Senate Republicans today did as they have done so many times this year on issues important to American families and said "no" to passing a stand-alone unemployment benefits extension bill.

This bill, passed with strong bipartisan support by the House, could have been sent to the President immediately so that unemployed workers who have exhausted their unemployment benefits can get additional support while they try and find a new job.

Opponents of this bill wrongly suggest that extending benefits for an additional period of time in high unemployment States creates a disincentive for unemployed workers to seek a job. This flawed logic is not only demeaning to hard-working Americans, it also ignores the reality for job seekers pounding the pavement in today's economy.

Unemployed workers are out looking for new jobs, but because of the economic downturn, there are fewer and fewer opportunities to find work. Today there are only 3.7 million existing job opportunities for 8.5 million unemployed workers.

In addition, the long-term unemployment rate is 62 percent higher than it was in January of 2001, when our country was in a recession. This means that more and more unemployed workers are running out of benefits before finding new jobs.

In California, over 50 percent of newly unemployed workers are exhausting their benefits before finding a new job.

Californians are also struggling to deal with rising fuel and food costs, making it even more difficult for the 324,000 Americans who have lost their jobs this year to provide for their families.

We learned today that the national gas price average increased yet again to $4.08, up $1.07 from last year.

Prices for food staples like bread and eggs are up as high as 20 percent from last year.

Food banks and soup kitchens, like the Alameda County Food Bank in California, are seeing demand for food aid grow as much as 40 percent over last year, with the increase in visits a direct result of the high unemployment rate.

Senate Democrats know that we must act now to provide additional relief to workers who have exhausted their benefits and in areas of the country with high unemployment.

This bill would immediately provide up to 13 weeks of extended unemployment benefits in every state to workers who have exhausted the 26 weeks of regular unemployment benefits.

Workers in States with higher levels of unemployment, like California, would be eligible for 26 weeks of extended benefits.

This bill will also provide an additional stimulus to the Nation's economy. Leading economists tell us that for every dollar the Federal Government spends on unemployment benefits, it adds $1.64 to the national gross domestic product.

We know that people out of work use extended unemployment benefits to meet the essential needs of their families, to buy groceries and to pay bills. With the much-needed resources this bill provides, jobless workers will help inject money into the lagging economy.

This bill is a win for struggling families and a win for the Nation's economy, and it is unfortunate that Senate Republicans refused to work with us to consider this important legislation.

SELECT AGENT PROGRAM AND BIOSAFETY IMPROVEMENT ACT

Mr. BURR. Mr. President, I rise today in support of S. 3127, the Select Agent Program and Biosafety Improvement Act of 2008. Last week, I introduced this important legislation with my friend Senator TED KENNEDY. I thank my colleague from Massachusetts for his partnership. I enjoyed working closely with him in the 109th Congress on the Pandemic and All-Hazards Preparedness Act, which was signed into law in December 2006. He continues to be one of the great leaders in the U.S. Senate and I look forward to continuing to work with him to ensure our laws protect the American people from health threats of all kinds.

S. 3127 will enhance our Nation's biosecurity and improve the biosafety of our most secure laboratories. The bill achieves two overarching goals.

First, it reauthorizes and improves the Select Agent Program. This program was created in the 1990s to control the transfer of certain dangerous biological agents and toxins that could be used for bioterrorism. The program expanded after the anthrax attacks in 2001; however, the authorization expired at the end of September 2007.

Second, the bill evaluates and enhances the safety and oversight of high containment laboratories. These laboratories are used by scientists to study select agents and other infectious materials. Labs are categorized by their safety level. There are four levels, termed Biosafety Level, BSL, 1 through 4, with 4 being the highest level. The number of these labs has grown, both domestically and internationally, in the last several years. Recent incidents in which laboratory workers were exposed to disease agents have highlighted the need to evaluate ways to improve the safety of these labs.

The Select Agent Program is jointly administered by the U.S. Department of Health and Human Services', HHS, Centers for Disease Control and Prevention, CDC, and the U.S. Department of Agriculture's, USDA, Animal and Plant Health Inspection Service, APHIS. The program was intended to prevent terrorism, and protect public and animal health and safety, while not hampering legitimate research. This is an obvious struggle that requires careful consideration, particularly when science is rapidly advancing around the globe.

Under the USA PATRIOT Act, it is illegal to possess "select agents" for reasons other than legitimate research. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 further required laboratories and laboratory personnel to undergo background checks by the FBI prior to approval for possession of select agents. As of April 2008, there are 72 select agents, meaning the agents pose a severe threat to public or animal health and safety. Thirteen of these agents are found naturally in the United States. There are 325 entities and 9,918 individuals registered with the CDC to work with select agents and toxins, and 75 entities and 4,336 individuals registered with APHIS.

We take four key actions in S. 3127 to strengthen the Select Agent Program.

First, our legislation reauthorizes the program through 2013 and calls for a comprehensive evaluation of the program. The review, to be conducted by the National Academy of Sciences, will look at the effects of the program on international scientific collaboration and domestic scientific advances. Historically, the United States has been an international leader in biosecurity. In fact, Canada recently proposed legislation to tighten safety and access to pathogens and toxins of concern for bioterrorism. Canada's new legislation, released in April 2008, would establish a mandatory licensing system to track human pathogens, similar to our Select Agent Program. It also ensures compliance with the country's Laboratory Biosafety Guidelines across the country.

Second, the bill ensures a comprehensive list of select agents. Currently, CDC and APHIS develop a list of agents and toxins to which the program regulations apply. However, we believe some additional factors should be considered in revising the list. For example, scientific developments now make it possible to create agents from scratch or to modify them and make them more deadly. Highly infectious viruses or bacteria that are otherwise difficult to obtain can now be created by scientists using "synthetic genomics". In addition, we now have more information from the Department of Homeland Security, DHS, about the threat posed by certain bioterrorism agents.

In 2002, U.S. researchers assembled the first synthetic virus using the genome sequence for polio. Later, in 2005 scientists reconstructed the 1918 pandemic influenza virus. Then in January 2008, a "safe" form of Ebola was created synthetically. While this "safe" Ebola can be used for legitimate research to develop drugs and vaccines to protect against it, a scientist could also change it back to its lethal form. Also, earlier this year, advancements in technology yielded the first synthetic bacterial genome.

We must consider these scientific advances, including genetically modified organisms and agents created synthetically, if we are to address all agents of concern. In addition, DHS's recent biological risk assessments provide new information for our assessment of biological threats. This information should also be considered when determining which agents and toxins should be regulated.

Next, the bill encourages sharing information with State officials to enable more effective emergency State planning. State health officials are currently not made aware of which agents are being studied within their State. This leaves medical responders, public health personnel, and animal health officials unprepared for a potential release, whether accidental or intentional.

Lastly, S. 3127 clarifies the statutory definition of smallpox. The Intelligence and Terrorism Prevention Act of 2004 criminalized the use of variola virus, the agent that causes smallpox. The statutory definition of the virus includes agents that are 85 percent identical to the causative strain. Researchers are worried this could be interpreted to also include the strain used to develop the smallpox vaccine, as well as less harmful naturally occurring viruses. This sort of ambiguity could be detrimental to necessary medical countermeasure research and development. Our bill requires the Attorney General to issue guidance clarifying the interpretation of this definition.

In addition, in this legislation we take three key actions to evaluate and enhance the safety and oversight of high containment laboratories.

First, our bill evaluates existing oversight of BSL 3 and 4, or high containment, labs. The bill requires an assessment of whether current guidance on infrastructure, commissioning, operation, and maintenance of these labs is adequate. As I mentioned, the number of these labs is increasing around the globe. As these new facilities age, we need to make sure they are appropriately maintained. It is essential that laboratory workers and the public know these facilities are as safe as possible. If the guidance we currently have in place is not adequate, then we need to know how to improve it.

Second, the bill improves training for laboratory workers. As the number of laboratories and personnel increases, we must ensure workers are appropriately trained and lab accidents to not increase. Accidents and injuries in the lab, such as chemical burns and flask explosions, may result from improper use of equipment. Our bill develops a set of minimum standards for training laboratory personnel in biosafety and biosecurity, and encourages HHS and USDA to disseminate these training standards for voluntary use in other countries.

Finally, the bill establishes a voluntary Biological Laboratory Incident Reporting System. This system will encourage personnel to report biosafety and biosecurity incidents of concern and thereby allow us to learn from one another. Similar to the Aviation Safety Reporting System, which gathers information on aviation accidents, this system will help identify trends in biosafety and biosecurity incidents of concern and develop new protocols for safety and security improvements. Lab exposures to pathogens not on the select agent list will also be captured through this type of voluntary reporting system.

In closing, I encourage my Senate colleagues to join Senator KENNEDY and me as we work to improve our Nation's biosecurity and biosafety systems by passing S. 3127, the Select Agent and Biosafety Improvement Act of 2008. I thank the many researchers, scientists, and State health officials from across the country who shared with me and my staff their ideas, experiences, and recommendations. In this time of exciting scientific advances, we must ensure our laws and prevention programs are updated to reflect current conditions. In addition, we must remain vigilant in our efforts to protect the American people from bioterrorism. The Select Agent Program is an important part of ensuring the Nation's safety and security and I look forward to working with my colleagues to reauthorize and improve the program.

HEALTH CARE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated May 15, 2008, to Majority Leader REID, Speaker PELOSI, Minority Leader MCCONNELL and Minority Leader BOEHNER.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 15, 2008.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
House of Representatives,
Washington, DC.
Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.
Hon. JOHN BOEHNER,
House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER REID, SPEAKER PELOSI, MINORITY LEADER MCCONNELL AND MINORITY LEADER BOEHNER: As representatives of non-partisan organizations committed to improving health care for all children, we are writing to share our deep concern regarding the impact of the directive to states that was issued by the HHS Centers for Medicare and Medicaid Services (CMS) on August 17, 2007. In particular, we are concerned that scores of children who are currently enrolled in the State Children's Health Insurance Program (SCHIP) will lose coverage as a result of this policy change. Unfortunately, the letter CMS sent to states on May 7, 2008, which seeks to clarify the directive's requirements, does not change the policy outlined in the August 17 directive and, sadly, does nothing to mitigate its impact. States still must overcome serious hurdles before they can provide SCHIP coverage to uninsured children in working families and children—even those who lose a parent or whose parents become unemployed—will be subject to a one-year waiting period before they will be eligible for coverage under SCHIP. We urge Congress to enact legislation that would impose a moratorium on the implementation of this directive.

As organizations committed to ensuring that all of our nation's children have access to affordable health care coverage, we strongly believe that no child in America who is currently covered under SCHIP or Medicaid should lose their health coverage or access to care as a result of this administrative directive. We share your commitment to ensuring that federal health coverage programs make our nation's lowest income children the foremost priority, however, the CMS directive runs directly contrary to our common goal of covering America's poorest children first. The August 17 directive already is jeopardizing access to health care for low-income children in at least 23 states. Moreover, recent reports by the Government Accountability Office (GAO) and the Congressional Research Service (CRS) affirm that the directive goes beyond what is permissible under current law. Unfortunately, CMS' May 7, 2008 letter to states did not address these serious concerns. In light of the directive's impact on state efforts to provide coverage for uninsured children and the recent GAO and CRS findings, we urge the House and Senate to take immediate action to halt the implementation of the August 17 directive and restore states' ability to determine how best to cover their children.

With more than nine million American children lacking any form of health insurance and nearly two-thirds of that number already eligible for Medicaid or SCHIP, we must do all we can to reduce coverage barriers, not add additional ones. This directive already is having a chilling effect on states, stalling efforts in several states that were poised to enact policy changes to improve coverage of uninsured children. Halting the implementation of this directive is essential if we are to tackle the coverage crisis facing our nation's most vulnerable children. No child in America should lose their health coverage as a result of philosophical differences in Washington, D.C. Our nation must do better for our children.

We know you agree that our children are our nation's most precious resource and that investments in health care for kids reap benefits that last a lifetime. We welcome the opportunity to discuss these issues with you and to work with you to be sure that all of our nation's children have access to the health care services and coverage they need.

Sincerely,

First Focus; American Association of School Administrators; LEAnet; National Association of Community Health Centers; PICO National Network; The 2010 Cover All Kids Initiative; AARP; Action for Children North Carolina; Alliance for Excellent Education; American Academy of HIV Medicine; American Academy of Nursing; American Academy of Pediatrics; American Academy of Pediatrics, Pennsylvania Chapter; American Academy of Pediatrics Utah; and American Association of People with Disabilities.

American College of Obstetricians and Gynecologists; American Dental Education Association; American Humane Association; American Medical Women's Association; American Music Therapy Association; American Network of Community Options and Resources, ANCOR; American Nurses Association; American Psychiatric Association; American Public Health Association; Anchorage School District, AK; Anchorage's Promise, AK; Association for Community Affiliated Plans; Association of Clinicians for the Underserved, ACU; Association of Women's Health, Obstetric & Neonatal Nurses, AWHONN; and Autism Society of America.

Bayonne Jewish Community Center, NJ; Bayonne YMCA, NJ; Bazelon Center for Mental Health Law; Bedford Youth & Family Services, MA; The Black Children's Institute of Tennessee; California State Association of Counties; Catholic Charities of the Archdiocese of Newark; Catholic Charities USA; Catholic Healthcare West; Center for Public Policy Priorities, TX; Center for Medicare Advocacy, Inc.; Child and Adolescent Health Measurement Initiative; Child and Family Policy Center, Des Moines, IA; Children and Adults with Attention Deficit/Hyper Activity Disorder; and Child Welfare League of America.

Children First for Oregon; Children Now, Sacramento/Oakland, CA; Children's Aid Society; Children's Dental Health Project; The Children's Health Fund; The Children's Partnership; Clinical Social Work Association; Colorado Children's Campaign, Denver, CO; Colorado Community Health Network; Colorado Organization on Adolescent Pregnancy, Parenting, and Prevention; Community Action Partnership; Community Health Care Association of New York State; Connecticut Association for Human Services; Connecticut Legal Services, Inc.; and Consumer Health Coalition.

Corona-Norco United Way, CA; County Commissioners' Association of Ohio; County Commissioners Association of Pennsylvania; County Welfare Directors Association of California; Cystic Fibrosis Foundation; DePelchin Children's Center, Houston, TX; Disability Rights Education and Defense Fund; Easter Seals; Educational Arts Team; Families USA; Family Voices; Family Voices-NJ; FAMIS Outreach Project, Radford, VA; FRESC: Good Jobs Strong Communities; and Greater Hartford Legal Aid, Inc., CT.

Healthy York Network, York, PA; Health Care For All Massachusetts; HIV Medicine Association; Hudson Perinatal Consortium, Inc., Jersey City, NJ; Immunization Action Coalition; Indiana Primary Health Care Association; Intermoutain Pediatric Society; Iowa/Nebraska Primary Care Association; Jersey City Library Literacy Program; Legal Assistance Resource Center of CT; Legislative Coalition for People with Disabilities (Utah); Maine Children's Alliance; Maryland Women's Coalition for Health Care Reform; Maternal and Child Health Access, Los Angeles, CA; and Maternity Care Coalition, Philadelphia, PA.

Mental Health America; Medicaid Health Plans of America; Mental Health/Mental Retardation Program Administrators of Pennsylvania; Methodist Healthcare Ministries, San Antonio, TX; Miami-Dade County; Michigan County Social Services Association; Michigan's Children; Montview Boulevard Presbyterian Church Health Care Task Force, Denver, CO; Mountain Youth Resources; National Association for the Education of Young Children; National Association of Children's Hospitals; National Association of Counties; National Association of County Behavioral Health and Developmental Disability Directors; National Association of County Human Services Administrators; and National Association of Pediatric Nurse Practitioners.

National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Special Education; National Council for Community Behavioral Healthcare; National Council of Jewish Women; National Council of Urban Indian Health; National Down Syndrome Congress; National Federation of Families for Children's Mental Health; National Health Law Program, NHeLP; National Hispanic Health Foundation; National Hispanic Medical Association; National Partnership for Women & Families; National Women's Law Center; New Haven Legal Assistance Association; and New Mexico Alliance for School-Based Health Care.

New Mexico Voices for Children; NH Healthy Kids Corp; Organization of Chinese Americans, OCA; Ohio Child Support Enforcement Agency Directors' Association; Ohio Job and Family Services Directors' Association; OPTIONS for Independence; Oregon Action; Pennsylvania Association of County Human Services Administrators; Pennsylvania Partnerships for Children; Prevent Blindness America; Public Children Services Association of Ohio; Public Health-Seattle & King County, WA; Rhode Island KIDS COUNT; Rural Health Association of Tennessee; and Salt Lake County Mayor.

Salt Lake Community Action Program; Sargent Shriver National Center on Poverty Law; SC Appleseed Legal Justice Center, Columbia, SC; Service Employees International Union; Southeastern Network of Youth and Family Services, Bonita Springs, FL; Statewide Parent Advocacy Network of New Jersey; Tennessee Commission on Children and Youth; Tennessee Health Care Campaign; Tennessee Justice Center; Tennessee Primary Care Association; Texas Association of Public and Nonprofit Hospitals; Texas Network of Youth Services; The Arc of the United States; The Arc of Utah; and TII CANN—Title II Community AIDS National Network.

United Cerebral Palsy; United Neighborhood Health Services, Inc.; United Spinal Association; United Way of America; United Ways of California; United Way of Greater High Point; United Way of Hudson County; United Ways of Louisiana; United Way of Pennsylvania; United Ways of Texas; Utah Covering Kids & Families Coalition; Visiting Homemaker Services of Hudson County; Voices for America's Children; Voices for Children, NE; Voices for Ohio's Children; Voices for Utah Children; Washington Health Foundation; and Washington Physicians for Social Responsibility.

TRIBUTE TO JOHN ENGBER

Mrs. MURRAY. Mr. President, I rise today to recognize John Engber for his 11 years of service to the U.S. Senate and the people of Washington State. John served as my State Director during this time, and he was a critical part of my staff. On June 1, he ended his tenure in my office. We were sad to see him go, but we wish him all the best in his next endeavor.

John was a thoughtful and dedicated public servant. As my State Director, he helped ensure that even though Washington State residents are 2,500 miles from DC, their needs are up-front and center. Overseeing my State operations, he was responsible for listening to the people in our communities and for connecting them to the Senate and the Federal Government. And thanks to his hard work, residents of towns from Forks to Clarkston have access to me and my office.

One of John's greatest accomplishments during his time with my office was his help in drafting the recently enacted Wild Sky Wilderness law. John worked closely with local leaders, the environmental community, outdoor enthusiasts, and others to create a wilderness proposal built on community consensus. We faced some tremendous obstacles over the 9 years that we worked on the bill, but John helped us all remain dedicated to the goal of preserving Wild Sky for future generations.

Finally, I would like to thank John for his years of service to me and the people of Washington State. His leadership and his dedication are truly appreciated, and I know that he will always have Washington State's interests at heart. I wish him happiness and success as he moves on to the next phase of his career.

11TH ANNUAL CONGRESSIONAL HEALTH SCREENINGS

Mr. CRAPO. Mr. President, I would like to bring to the Chamber's attention the 11th Annual Congressional Health Screenings and I would like to commend my colleague, Senator SHELBY, for his leadership at this event. The Congressional Health Screenings occur each year during National Men's Health Week the week prior to Father's Day. I encourage all of my colleagues and their staffs to participate in these screenings. As U.S. Senators, we must set an example and not only encourage healthy habits but practice them as well. This year's program offers a number of convenient screenings, including prostate specific antigen, PSA, cholesterol, glucose, blood pressure, and body fat tests, as well as health education materials. The purpose of this event is to increase our awareness of health issues and to help develop comprehensive strategies to improve our health and that of our families.

The state of men's health has become a national crisis. Because of poor health habits, lack of health insurance, failure to seek timely medical attention, and dangerous occupations, men are afflicted with more maladies and die younger than women. Today, men are living approximately 5 fewer years than that of their female counterparts and are dying at higher rates for 9 out of the Nation's top 10 causes of death. This includes death from cancer, diabetes, suicide, accidents, and diseases of the heart, kidney, and liver. When speaking about cancer, it is important to note that one in two men in his lifetime will be diagnosed with cancer and one in six will be diagnosed with prostate cancer.

The Men's Health Network, along with Women Against Prostate Cancer, use National Men's Health Week to emphasize the fact that prostate health issues and prostate cancer is not merely a "man's disease." Each year thousands of wives, daughters, sisters, and friends are impacted—often in devastating ways—by the loss and/or suffering of a man from prostate health issues. Early and regular screenings significantly increase the chance of early detection and successful treatment.

I am pleased to report that we are steadily making progress. Last year during September's Prostate Awareness Month, Men's Health Network and the Washington Redskins held a prostate screening at FedEx Field in Landover, MD. Over 300 people gathered to help their fathers, grandfathers, sons, uncles, and friends move one step closer toward a happier, healthier future. Five of the gentlemen screened had potentially dangerous PSA readings.

There is no better time than now to become more proactive with regard to men's health. Women are 100-percent more likely than men to regularly visit their doctors for annual examinations and to seek out preventative services. Half of the Nation's elderly widows living in poverty did not face economic hardships before the deaths of their husbands. Men between the ages of 45 and 54 are three times more likely to die of heart attacks, 1.5 times more likely to die from heart disease, and 1.5 times more likely to die from cancer than women.

Half of the estimated 54,000 men diagnosed this year with colon cancer will die from it. Over 185,000 men are expected to develop prostate cancer in

2008—almost 15 percent of these cases are expected to be terminal. Preventive measures, such as prostate specific antigen exams, blood pressure and cholesterol screens, and routine self-testing exams for these and other types of cancers that target men can lead to invaluable early detection that will increase the survival rates for such cancers by almost 100 percent.

In addition, I must reiterate the need for an Office of Men's Health in the U.S. Department of Health and Human Services to tackle many of these aforementioned issues. Last year, I introduced S. 640, the Men's Health Act, which would establish such an office. The Office on Women's Health in the department does a fantastic job of saving the lives of thousands of women and improving the lives of many more. Similarly, an Office of Men's Health would provide a support network that would reach out to all men on issues related to men's health.

In closing, I thank the Men's Health Network for hosting the 11th Annual Congressional Health Screenings. I hope that my colleagues and their staffs will take this unique opportunity to not only better their own health, but to encourage the people around them to do the same.

ADDITIONAL STATEMENTS

TRIBUTE TO MONROE ROTARY CLUB

• Mr. VITTER. Mr. President, I wish to honor the Monroe Rotary Club, which is celebrating its 90th anniversary this month, and I would like to take a few moments to publicly recognize their great history.

The Rotary Club of Monroe was founded on April 29, 1918, with a membership of 31; however, they did not receive their charter until June of 1918. The stated purpose of the organization is to bring together business and professional leaders to provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. In order to carry out its service programs, Rotary is structured in club, district, and international levels.

In furtherance of the goals of Rotary, the Rotary Club of Monroe has sponsored many local projects including, scholarships at the University of Louisiana at Monroe, Goodfellows, Boy Scouts, Girl Scouts, Monroe Youth Baseball, The Food Bank of Northeast Louisiana, Camp Quality, The Salvation Army, and Girl's and Boy's State, to name a few. In addition they also sponsor Interact Clubs at Neville High School and River Oaks High School and sponsor two students each year to attend District 6190's Camp RYLA—Rotary Youth Leadership Award, a program for young people intended to develop qualities of leadership, good citizenship, and personal development.

Each year the members of the Rotary Club of Monroe also open their homes to members of the Rotary Foundation's Group Study Exchange program. They have proudly participated in this program for many years hosting teams from India, France, Norway, England, Brazil, Australia, Scotland, Belgium, Japan, Austria and several other countries. Additionally many of their members have traveled abroad as a part of the Friendship Exchange, where Rotarians seek opportunities to visit other districts throughout the world.

Today, I applaud the Rotary Club of Monroe on their 90th anniversary and thank them for their continued service to the state of Louisiana and the rest of the world.•

NOTIFICATION OF THE DESIGNATION OF SHARA L. ARANOFF AS CHAIRMAN AND DANIEL PEARSON AS VICE CHAIRMAN OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION, EFFECTIVE JUNE 17, 2008—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Consistent with the provisions of 19 U.S.C. 1330(c)(1), this is to notify the Congress that I have designated Shara L. Aranoff as Chairman and Daniel Pearson as Vice Chairman of the United States International Trade Commission, effective June 17, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 17, 2008.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that on today, June 17, 2008, he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3913. An act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 17, 2008, she had presented to the President of the United States the following enrolled bills:

S. 1245. An act to reform mutual aid agreements for the National Capital Region.

S. 2516. An act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6617. A communication from the Acting Assistant Director, Directives and Regulations Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Clarifying Prohibitions for Failure to Maintain Control of Fires That Damage National Forest System Lands" (RIN0596-AC30) received on June 17 , 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6618. A communication from the General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Civil Procedures" (RIN0648-AS54) received on June 16, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6619. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the final report for the Illinois River Basin Restoration Comprehensive Plan; to the Committee on Environment and Public Works.

EC-6620. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to new types of information that have been designated to be protected as "Safeguards Information"; to the Committee on Environment and Public Works.

EC-6621. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, a report entitled, "Textiles and Apparel: Effects of Special Rules for Haiti on Trade Markets and Industries"; to the Committee on Finance.

EC-6622. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report by the U.S. Global AIDS Coordinator on the Involvement of Faith-Based Organizations in the Global Fund to Fight AIDS; to the Committee on Foreign Relations.

EC-6623. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a semi-annual report relative to the compliance of several countries with the freedom of emigration provisions of the 1974 Trade Act; to the Committee on Foreign Relations.

EC-6624. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-6625. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6626. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-403 , "Omnibus Domestic Partnership Equality Amendment Act of 2008" received on June 13, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6627. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Wyoming Advisory Committee; to the Committee on the Judiciary.

EC-6628. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Kentucky Advisory Committee; to the Committee on the Judiciary.

EC-6629. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Florida Advisory Committee; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-370. A resolution adopted by the North Carolina State Council of the Junior Order United American Mechanics expressing its support of the men and women of the Armed Forces; to the Committee on Armed Services.

POM-371. A resolution adopted by the Council of the Village of Elida, Ohio, expressing its opposition to H.R. 3359; to the Committee on Finance.

POM-372. A resolution adopted by the Commission of the City of Miami, Florida, urging Congress to grant temporary protective status to Haitians in the United States; to the Committee on the Judiciary.

POM-373. A resolution adopted by the North Carolina State Council of the Junior Order United American Mechanics expressing its support for the establishment of the English language as the official language of the United States; to the Committee on the Judiciary.

POM-374. A resolution adopted by the North Carolina State Council of the Junior Order United American Mechanics urging Congress to resolve the immigration issues; to the Committee on the Judiciary.

POM-375. A concurrent resolution adopted by the House of Representatives of the State of Louisiana urging Congress to enact legislation limiting increases in health insurance premiums and other costs; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 123

Whereas, H.R. 579, the Military Retirees Health Protection Act, and S. 604, the Military Health Care Protection Act, have been pending in the United States Congress since February of 2007; and

Whereas, S. 604 would bar the TRICARE Prime enrollment fee and TRICARE pharmacy copayments from being increased in any year by a percentage that exceeds the percentage increase in military retiree pay; and

Whereas, S. 604 also would bar any enrollment fee or any increase in the TRICARE Standard or any increase in the TRICARE Standard inpatient copayments and would bar TRICARE Reserve Select premiums from being increased by a percentage that exceeds the most recent basic pay increases; and

Whereas, H.R. 579 contains similar provisions to limit certain increases in health insurance premiums, deductibles, copayments, and other charges of military retirees for their military health benefits; and

Whereas, career members in the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of twenty- to thirty-year careers in protecting freedom for all Americans; and

Whereas, the demands and sacrifices are such that few Americans are willing to bear or accept them for a multiyear career; and

Whereas, a primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life for the national interest for so many years; and

Whereas, many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning to health care services from the Department of Defense and its TRICARE program for the health care benefits in retirement that they earned by their service in uniform; and

Whereas, while the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of these efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services; and

Whereas, the cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the thirty-three percent increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services eleven years ago; and

Whereas, proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants of the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform; and

Whereas, some of the nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs and imposes unique administrative requirements for health care services; and

Whereas, the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees; and

Whereas, the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate in the TRICARE program and should pursue any and all such options rather than seek large increases for enrollment fees, deductibles, and copayments for such retirees and their families or survivors who do participate in the program; and

Whereas, any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to enact legislation limiting certain increases in health insurance premiums, deductibles, copayments, and other charges of military retirees for their military health benefits being proposed by the Department of Defense. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-376. A resolution adopted by the House of Representatives of the State of Rhode Island expressing its opposition to federal proposals to authorize increases in the size or weight of commercial motor vehicles; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION 8296

Whereas, The State of Rhode Island is committed to protecting the safety of motorists on its highways and to protecting taxpayers' investment in our highway infrastructure; and

Whereas, The General Assembly of the State of Rhode Island and Providence Plantations resolved jointly to urge the Congress of the United States to oppose proposals to increase truck size or weight limitations in 1997 (Assembly Joint Resolution No. 8) and 2003 (Senate Joint Resolution No. 7) because of the threat that longer combination vehicles and other larger trucks present to highway safety; and

Whereas, There are proposals to include increases in the size or weight of commercial motor vehicles, including triple-trailer trucks, in legislation reauthorizing federal transportation funding, which will be considered in the United States Congress in 2009; and

Whereas, Recent events have focused public concern on the quality of our highway infrastructure, especially bridges; and

Whereas, Federal and state studies have found that increasing the size and weight of commercial motor vehicles may accelerate the deterioration of bridges and highway infrastructure; and

Whereas, The extent of damage to bridges that would be caused by operations of bigger and heavier commercial vehicles is unknown; and

Whereas, The 2007 National Bridge Inventory maintained by the Federal Highway Administration classified 53% of bridges in Rhode Island as having been rated structurally deficient or functionally obsolete; now, therefore be it

Resolved, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby reaffirms its opposition to proposals, at all levels of government, that would authorize increases in the size and weight of commercial motor vehicles because of the impact that these increases would have on highway infrastructure, especially bridges; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate and the Rhode Island Delegation to the Congress of the United States.

POM-377. A concurrent resolution adopted by the General Assembly of the State of Ohio urging Congress to renew the exemption for the sternwheel river steamboat Delta Queen from the 1966 Safety at Sea Act; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 36

Whereas, The sternwheel river steamboat Delta Queen, built in 1926, has been transporting passengers on the Western Rivers system since 1947. It is one of only two sternwheel river passenger boats operating under steam and is the sole remaining Western Rivers system overnight passenger boat; and

Whereas, The Delta Queen serves as a reminder of a time when steamboats transported people and supplies on the rivers of the United States. Life on the steamboat today is much as it was in the 1920s, a relaxing 8- to 10-mile-an-hour pace with no modern electronic distractions such as television and the Internet; and

Whereas, The Delta Queen carries 174 overnight passengers and is currently exempt from the 1966 Safety at Sea Act, which prohibits wooden boats from carrying more than 50 overnight passengers. However, this exemption is set to expire at the end of 2008, and influential members of the Congress of the United States have stated that they are planning on not renewing the exemption, an action that would eliminate this important reminder of Ohio's and America's history; now therefore be it

Resolved, That we, the members of the 127th General Assembly of the State of Ohio, urge the Congress of the United States to renew the exemption for the sternwheel river steamboat Delta Queen from the 1966 Safety at Sea Act so that it can continue to carry overnight passengers on the Western Rivers system; and be it further

Resolved, That the Clerk of the House of Representatives send duly authenticated copies of this resolution to the Speaker and the Clerk of the United States House of Representatives, to the President Pro Tempore and the Secretary of the United States Senate, to the members of the Ohio Congressional delegation, and to the news media of Ohio.

POM-378. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to establish grant programs to mitigate the damages caused by the opening of the Bonnet Carre Spillway; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 51

Whereas, on April 11, 2008, the United States Army Corps of Engineers opened the Bonnet Carre Spillway for the first time in eleven years for the purpose of preventing flooding in the New Orleans area; and

Whereas, the seafood industry in St. Tammany, St. Bernard, Orleans, and Plaquemines parishes have been negatively impacted by the opening of the Bonnet Cane Spillway. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to establish a grant program to assist the seafood industry in St. Tammany, St. Bernard, Orleans, and Plaquemines parishes. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana con ssional delegation.

POM-379. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to oppose the authorization of offshore aquaculture in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 36

Whereas, there is currently pending before Congress the National Offshore Aquaculture Act of 2007, which authorizes the secretary of the United States Department of Commerce to establish and implement a regulatory system for offshore aquaculture in the Exclusive Economic Zone; and

Whereas, despite the absence of statutory authority in the Magnusson-Stevens Fisheries Conservation Act to provide a framework for development of deepwater fish farms, the Gulf of Mexico Fisheries Management Council has nevertheless proposed implementation of a regulatory system for marine aquaculture in federal waters off the coast of Louisiana; and

Whereas, as drafted, the proposed plans envision the use of large containment cages located between two and three hundred miles off the coast of Louisiana; and

Whereas, the cages are proposed to be filled with numerous fish and to be located on or near oil and gas rigs in the Gulf of Mexico, without any restrictions as to the location of such cages; and

Whereas, past experiences with aquaculture operations of this nature have resulted in increased pollution of the surrounding waters due to concentrated amounts of fish food, fish waste, and chemicals and antibiotics used to treat the caged fish, and have resulted in damaged cages floating free, interfering with maritime commerce and endangering others attempting to use the surrounding waters; and

Wheres, additional.concerns about the development of deepwater fish farming include potential genetic damage to both the farmed fish in the cages and the wild fish in the surrounding waters, the spread of disease among the farmed fish and the wild fish, and the stress that the farms would put on forage fish, such as menhaden; and

Wheres, Louisiana is known for its seafood and for its devotion to fishing the Gulf of Mexico for a myriad of fish, all of which may be impacted by the establishment of deepwater aquaculture facilities in the very areas where our commercial and recreational fishermen pursue their passion for fishing; and

Whereas, Louisiana is also known for its oil and gas industry, much of which is now located offshore in the very areas where these fish farms are likely to be located and where the large containment cages may break their moorings during hurricanes, adding to the damage to oil and gas rigs during times of inclement weather; and

Whereas, there has been little in-depth research conducted into the unintended consequences of deepwater fish farming, particularly in the Gulf of Mexico, and it appears that the Gulf of Mexico Fisheries Management Council is acting too quickly to enact rules allowing the establishment of deepwater fish farms in the Gulf of Mexico and, in fact, is acting in advance of congressional direction to begin development and implementation of such a program; and

Whereas, Louisiana has had little input into the development of the regulatory system that would govern deepwater fish farming, an industry that has every potential for dramatic impact on Louisiana's commercial and recreational fishing industries, the largest such industry in the continental United States; and

Whereas, the recreational and commercial fishing industries in this state combine for an annual economic impact well in excess of a billion dollars, and the oil and gas industries have an even greater economic impact in this state, with accompanying tax revenues that fund many of the services provided by the state; and

Whereas, the development of deepwater fish farms off the coast of Louisiana could have a tremendous negative impact on both these industries which could, in turn, have a tremendous negative impact on the tax revenues received by the state from the industries and related transactions, thereby causing a reduction in the funds available for state expenditure. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to oppose the authorization of offshore aquaculture in the Gulf of Mexico. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation, to the National Marine Fisheries Service of the National Oceanographic and Atmospheric Administration, and to the Gulf of Mexico Fisheries Management Council.

POM-380. A resolution adopted by the House of Representatives of the State of Hawaii expressing its support for assistance for persons present in the United States under the Compacts of Free Association; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION

Whereas, in 1986, the United States (U.S.) entered into a Compact of Free Association (COFA or Compact) with the Federated States of Micronesia and the Republic of the Marshall Islands and, in 1994, the U.S. entered into a similar Compact with the Republic of Palau that created a unique relationship between the U.S. and the Freely Associated States; and

Whereas, the terms of the Compacts set out mutually beneficial rights and obligations in several areas, including economic development and defense, and created the right of citizens from the Freely Associated States to freely travel to, and work and reside in, the U.S. without durational limit; and

Whereas, a significant number of COFA citizens travel to and reside in the State of Hawaii; and

Whereas, many COFA migrants arrive in the state with serious medical needs, and many need financial assistance or housing assistance because of the relative lack of resources they have available; and

Whereas, when the Compacts were initially executed, Congress recognized there could be a significant effect on the resources of the places to which the COFA citizens migrated and explicitly stated that, "*it is not the intent of Congress to cause any adverse consequences for an affected jurisdiction*" P.L. 108-188, section 104(e)(1) (emphasis added); and

Whereas, in 1997, Congress passed the Personal Responsibility Work Opportunities

Reconciliation Act (PRWORA), which provided that most non-citizens in the U.S., with limited exceptions, became ineligible for federally-funded welfare programs including Temporary Assistance for Needy Families, Medicaid, Food Stamps, and Supplemental Security Income; and

Whereas, COFA migrants were among the non-citizen groups excluded by PRWORA, and not included as one of the exceptions, despite the fact that they are legal residents in the U.S. and are more like citizens than immigrants or other legally resident non-citizens in terms of their ability to reside, work, and attend school in the U.S.; and

Whereas, despite losing access to federal funds for services to COFA migrants because of PRWORA, the State of Hawaii has continued to make the services available through equivalent state-funded services to address the social, educational, public safety, and medical needs of COFA citizens who legally reside in the state, just as it provides them to other legal residents; and

Whereas, the State has consistently reported increasing costs each year for the services provided to COFA migrants, the majority of which are not reimbursed by the federal government; and

Whereas, in 2006, the cost reported by the state agencies to provide services for COFA migrants was over $91,000,000, while the federal assistance to the State as Compact Impact Assistance was approximately $10,600,000; and

Whereas, the federal government created the relationship with the Freely Associated States that allows their citizens to freely reside in the U.S. with few limitations; and

Whereas, extending eligibility for federal assistance to the COFA migrants would better support the purposes underlying the COFA; and

Whereas, providing federal assistance for COFA migrants additionally would alleviate much of the burden on the State's budget while still maintaining the same level of services for the COFA migrants; and

Whereas, the Governor has repeatedly suggested in reports and letters to the U.S. Department of the Interior that COFA migrants should be made eligible for federal financial assistance, and Hawaii's Congressional Delegation has consistently supported the idea of extending federal assistance to COFA migrants; and

Whereas, in 2007, Senator Akaka and Senator Inouye introduced a bill in the United States Senate, S. 1676, which would extend eligibility for certain federal benefits to COFA migrants legally residing in the U.S.; and

Whereas, in 2007, Representative Abercrombie and Representative Hirono introduced a bill in the United States House of Representatives, H.R. 4000, which would extend eligibility for certain federal benefits to COFA migrants legally residing in the U.S.; now, therefore, be it

Resolved, By the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, that this body supports the bills currently in Congress, S. 1676 and H.R. 4000, and urges that the bills be heard and moved out of Committee, to receive the consideration of the full Senate and the full House of Representatives, and further to encourage Congress and the President to enact the bills into law, which would benefit COFA migrants in the U.S. regardless of the state or territory in which they reside and support the stated intent of Congress that the relationship created by the Compacts not cause adverse consequences to the states; and be it further

Resolved, That the Department of Labor and Industrial Relations Office of Language Access is requested to provide its services to citizens of COFA nations, and that other programs that may be available to individuals whose first language is not English be provided to citizens of COFA nations; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, all members of Congress, the Secretary of the Interior, the Secretary of Health and Human Services, the Secretary of Agriculture, the Governor, the President of the Republic of Palau, the President of the Federated States of Micronesia, and the President of the Republic of the Marshall Islands.

POM–381. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass the Rights-of-way Recognition Act; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, in 1866, the United States Congress passed an open-ended grant of "the right-of-way for the construction of highways over public lands, not reserved for public uses";

Whereas, the statute, commonly referred to as R.S. 2477, remained in effect for 110 years, and most of the transportation routes in the West were established under its authority;

Whereas, although Congress repealed R.S. 2477 in 1976 by passing the Federal Land Policy Management Act, it purposely protected all rights-of-way established prior to October 21, 1976;

Whereas, unlike any other federal land statute the establishment of R.S. 2477 rights-of-way required no entry, application, license patent, or deed on the part of the federal government, and no formal act of public acceptance on the part of the states or localities in whom the rights were vested;

Whereas, because R.S. 2477 rights-of-way were not required by the grant to be formally recorded, they have become one of the more contentious land use issues in the West, resulting in on-the-ground conflicts and expensive litigation;

Whereas, Southern Utah Wilderness Alliance v. Bureau of Land Management (SUWA v. BLM), a 10th Circuit Court of Appeals' order filed January 6, 2006, provides a thoughtful and reasonable way to resolve road disputes between the federal government and counties;

Whereas, the United States Department of the Interior has developed and issued guidelines implementing the well-reasoned principles in SUWA v. BLM, formerly known as the "Norton Implementation";

Whereas, certain members of Congress and certain nongovernmental organizations are attempting to defeat the principles of SUWA v. BLM as adopted by the Department of the Interior, and are trying to redefine R.S. 2477 rights-of-way out of existence in order to create additional wilderness across the West, which by definition is roadless;

Whereas, Representative Steve Pearce of New Mexico has introduced in Congress the "R.S. 2477 Rights-of-Way Recognition Act," a bill that codifies the beneficial principles established in SUWA v. BLM; and

Whereas, rights-of-way, including roads established under R.S. 2477, are essential transportation routes which are critical to the economic stability and vitality of the rural West: Now, Therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to support the fair and equitable resolution of R.S. 2477 rights-of-way by enacting the R.S. 2477, Rights-of-Way Recognition Act. Be it Further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–382. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to designate a new recipient of royalties from Navajo reservation lands in Utah; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, in 1933 Congress added federal lands located in San Juan County to the Navajo reservation and directed Utah to receive 37.5% of oil and gas royalties from those lands for "the tuition of Indian children in white schools and/or the building or maintenance of roads . . . or for the benefit of Indians residing therein";

Whereas, in 1968 Congress amended the purposes for which the 37.5% of oil and gas royalties are to be expended to be "for the health, education, and general welfare of the Navajo Indians residing in San Juan County, Utah";

Whereas, Utah is unique amongst the states in having such an obligation and the San Juan Navajos are unique in having this relationship to the state;

Whereas, by treaty in 1868 the Navajo Nation was recognized as a sovereign and it is now the largest American Indian tribe in the country with significant expertise in its governance of its people;

Whereas, the Navajo Nation receives and expends the other 62.5% of the oil and gas royalties from the San Juan County portion of the Navajo reservation;

Whereas, the San Juan Navajos are valued citizens of the state of Utah whose interests include the need for critical infrastructure such as water and electricity;

Whereas, the state first received monies from the 37.5% of the oil and gas royalties in 1959 and litigation related to those royalties began almost immediately, with a first major decision occurring in 1961;

Whereas, the litigious environment surrounding the state's administration of the oil and gas royalties harms the relationship between the state and the San Juan Navajos and complicates all parties' ability to meet the needs of the San Juan Navajos;

Whereas, Navajos have expressed a desire to have greater input or control over the administration of the 37.5% of oil and gas royalties;

Whereas, there exists several Navajo related entities that are equipped to find a more effective way to administer these royalties where the state is not cast in the role as trustee;

Whereas, removal of the state as a go-between provides an opportunity for Navajos to determine the best use of these royalties;

Whereas, Congress should designate a new recipient of the 37.5% of oil and gas royalties; and

Whereas, the state will continue to assist its citizens in the San Juan County through more traditional state tools such as the Navajo Revitalization Fund: Now, Therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, encourages the United States Congress to expeditiously designate a new recipient of the 37.5% of oil and gas royalties as quickly as possible. Be it further

Resolved, That the Legislature and Governor support congressional action that results in the 37.5% of oil and gas royalties continuing to flow to the benefit of San Juan Navajos. Be it further

Resolved, That the Legislature and Governor request Congress to work with interested parties to ensure the best solution possible regarding the distribution of the 37.5% of oil and gas royalties. Be it further

Resolved, That copies of this concurrent resolution be sent to:

(1) the members of Utah's congressional delegation;
(2) the Navajo Utah Commission;
(3) the President of the Navajo Nation;
(4) the Speaker of the Navajo Nation Council;
(5) the board of trustees of the Navajo Trust Fund; and
(6) the Dineh Committee of the Navajo Trust Fund.

POM-383. A resolution adopted by the House of Representatives of the State of Hawaii urging Congress to agree to an economy-wide reduction in its greenhouse gas emissions; to the Committee on Energy and Natural Resources.

House Resolution No. 53

Whereas, the White House is convening a Major Economies Meeting on Energy Security and Climate Change with seventeen invited countries at the Center for Cultural and Technical Interchange Between East and West, Inc. (East-West Center) on the campus of the University of Hawaii at Manoa on January 30 and 31, 2008, to discuss potential international agreements on global climate change; and

Whereas, for more than half a century, researchers have used atmospheric samples taken at the Mauna Loa Observatory on the island of Hawaii to track a steady annual increase in the concentration of carbon dioxide in the atmosphere and have concluded that concentrations are now higher than they have been in the past eight hundred thousand years; and

Whereas, scientific consensus links the anthropogenic increase in greenhouse gases to global climate change; and

Whereas, the Fourth Assessment Report of the Intergovernmental Panel on Climate Change indicates that global emissions of greenhouse gases need to peak in the next ten to fifteen years and be reduced to levels well below half those in 2000 by the middle of this century in order to stabilize greenhouse gases concentrations in the atmosphere at the lowest levels assessed by the Intergovernmental Panel on Climate Change to date in its scenarios; and

Whereas, achieving the lowest levels assessed by the Intergovernmental Panel on Climate Change to date and its corresponding potential damage limitation would require developed countries as a group to reduce emissions in a range of twenty-five to forty percent below 1990 levels by 2020; and

Whereas, the Intergovernmental Panel on Climate Change and the signatory nations of the United Nations Framework Convention on Climate Change have recognized the special dangers of climate change to island states, territories, and nations; and

Whereas, global climate change is causing rapid melting of ice at both the north and south polar regions, which, in conjunction with thermal expansion due to warmer water temperatures, is leading to a rapid rise in sea level; and

Whereas, University of Hawaii experts have demonstrated that a one meter rise in sea level would inundate much of Hawaii's coastline, including the world renowned Waikiki resort area, the Honolulu International Airport's reef runway, the majority of Hawaii's wastewater treatment facilities, many historic sites, and many populated areas, including lands up to a mile away from the existing shoreline in parts of Honolulu; and

Whereas, global climate change also threatens Hawaii with stronger hurricanes, prolonged drought, shifting weather patterns, warmer temperatures, shifting microclimates, increased spread of invasive species, and saltwater intrusion into its aquifers; and

Whereas, increased atmospheric carbon dioxide concentrations foster greater carbon dioxide uptake by the world's oceans, leading to ocean acidification and the resultant decreases in reef health and decreases in survival of ocean life that rely on calcium carbonate shells; and

Whereas, Hawaii is doing its part to reduce its contribution to global climate change by adopting progressive energy policies that promote the use of clean energy technologies such as wind, solar, wave, and biomass energy; and

Whereas, Act 234, Session Laws of Hawaii 2007, placed a binding statewide cap on Hawaii's greenhouse gas emissions, by requiring Hawaii to reduce its non-aviation greenhouse gas emissions to their 1990 levels before 2020; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, That in recognition of Hawaii's overwhelming vulnerability to global climate change, the President of the United States is urged to use the January 30 and 31, 2008, Major Economies Meeting on Energy Security and Climate Change, which is being hosted in Hawaii, to commit to an economy-wide reduction in greenhouse gas emissions in the United States; and be it further

Resolved, That the President of the United States is urged to consent to binding and quantified commitments for the United States under the United Nations Framework Convention on Climate Change that would result in the rapid stabilization and decrease in atmospheric greenhouse gas concentrations; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, and the Secretariat of the United Nations Framework Convention on Climate Change.

POM-384. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues; to the Committee on Energy and Natural Resources.

Senate Concurrent Resolution No. 38

Whereas, Louisiana's seaward boundary in the Gulf of Mexico has been judicially determined to be three geographical miles and the United States has jurisdiction past the three geographical miles; and

Whereas, Congress has the power to amend the Submerged Lands Act of 1953, to allow for the recognition that Louisiana's seaward boundary extends three marine leagues into the Gulf of Mexico; and

Whereas, Louisiana acts as a significant energy corridor vital to the entire United States and provides intersections of oil and natural gas intrastate and interstate pipeline networks which serve as references for future markets, such as the Henry Hub for natural gas, the St. James Louisiana Light Sweet Crude Oil, and the Mars Sour Crude Oil contracts; and

Whereas, Louisiana provides storage for the nation's Strategic Petroleum Reserve and is the home of the Louisiana Offshore Oil Port, the nation's major import terminal for foreign oil; and

Whereas, Louisiana and its coastal wetlands provide access to nearly thirty-four percent of the U.S. natural gas supply and nearly twenty-nine percent of the U.S. oil supply, upon which the United States' economic growth depends; and

Whereas, Louisiana ranks first in crude oil production, and ranks second in natural gas production, both including the Outer Continental Shelf production; and

Whereas, hurricanes Katrina and Rita have shown that the loss of vital oil and gas infrastructure in Louisiana and the Gulf of Mexico has an immediate and direct impact upon the economy and well-being of the entire country and its citizens; and

Whereas, hurricanes Katrina and Rita turned approximately one hundred square miles of southeast Louisiana coastal wetlands into open water, and destroyed more wetlands east of the Mississippi River in one month than experts estimated to be lost in over forty-five years; and

Whereas, the states of Texas and Florida have seaward boundaries in the Gulf of Mexico to three marine leagues; and

Whereas, Louisiana will receive an increase in Outer Continental Shelf oil and gas revenues, but such revenues will not be of a significant amount until 2017; and

Whereas, the extension of Louisiana's seaward boundary into the Gulf of Mexico for three marine leagues will provide an immediate stream of revenue for use in the state's efforts to clean up, rebuild, and restore southern Louisiana; therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-385. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to take such actions as are necessary to prohibit the importation of nuclear waste generated outside of the United States; to the Committee on Environment and Public Works.

House Concurrent Resolution No. 99

Whereas, EnergySolutions, based in Salt Lake City, is seeking a license from the United States Nuclear Regulatory Commission (NRC) to import up to approximately twenty thousand tons, a total volume of up to approximately one million cubic feet, of various types of materials from decommissioned nuclear facilities in Italy; and

Whereas, EnergySolutions would process and recycle most of the contaminated material at its facilities in Tennessee, in accordance with licenses issued by the state of Tennessee; and

Whereas, the remaining waste would be sent to EnergySolutions' low-level radioactive waste disposal facility in Clive, Utah, and any waste that does not qualify for disposal at the Utah facility would be returned to Italy; and

Whereas, EnergySolutions' license application specifies that the waste is to be transported to the United States by oceangoing vessel to the ports of Charleston or New Orleans, and at the time of the application, the generators of the waste were "not fully known" nor could the waste be evaluated for classification pursuant to federal regulations; and

Whereas, although the NRC seeks the input of the states of Tennessee and Utah as the states where the waste is processed and disposed, the states of Louisiana and South Carolina were not consulted despite the fact that the waste would spend significant time in these states while the cargo is transferred from an oceangoing vessel to either barge, truck, or rail transportation; and

Whereas, the state of Louisiana continues to rebuild in the wakes of Hurricanes Katrina and Rita where substantial federal, state, and private resources are being brought to bear on the New Orleans metro area, and the fact or the perception that New Orleans is a staging area for foreign nuclear waste is counterproductive to that rebuilding effort; and

Whereas, Europe as a whole may see an increase in the need to process and dispose of nuclear waste as many of the countries in Europe rely on an aging inventory of nuclear power plants that will be decommissioned in the coming years, as in the EnergySolutions application, and new facilities are being planned not only as replacements but also to reduce reliance on fossil fuel; and

Whereas, the current application from EnergySolutions may only be the beginning of a trend as the decrease in value of the United States dollar in relation to the Euro will make disposal of Europe's nuclear waste in the United States economically attractive and make New Orleans the gateway to that cheap disposals; therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to prohibit the importation of nuclear waste generated outside of the United States of America; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–386. A resolution adopted by the Legislature of the State of Utah relative to trade with Taiwan; to the Committee on Finance.

Senate Resolution No. 4

Whereas, it is our belief that it is the responsibility of the United States to promote the values of freedom and democracy, a commitment to open markets, and the free exchange of goods and ideas both at home and abroad;

Whereas, the Republic of China on Taiwan shares these values and has struggled throughout the past 50 years to create what is an open and thriving democracy;

Whereas, despite being a member of the World Trade Organization since 2002, Taiwan has no formal trade agreement with the United States;

Whereas, however, Taiwan has emerged as the United States eighth largest trading partner, the 11th largest export market, and the fifth largest farm products market;

Whereas, the United States is Taiwan's largest trading partner, and American businesses have benefitted greatly from this dynamic trade relationship;

Whereas, in terms of labor, environmental, and intellectual property protection standards, Taiwan is a model for advanced economies;

Whereas, a free trade agreement with Taiwan will enable United States firms to leverage Taiwan's role as a gateway to Asia, with Taiwan serving as a secure platform and springboard for innovation and market access;

Whereas, a free trade agreement with Taiwan would provide United States firms with a base of operations from which to export goods and services into the greater China region and Southeast Asia;

Whereas, a free trade agreement with Taiwan would extend the coverage of World Trade Organization agreements to products, sectors, and conditions of trade not adequately covered;

Whereas, over the past two decades, Taiwan has emerged as one of the United States most important allies in Asia and throughout the world;

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom of dissent, and it is in the interest of the United States to encourage the development of both of these institutions;

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market openings, and the destruction of trade barriers as a means of raising living standards; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing these important goals: Now, therefore, be it

Resolved, That the Senate of the State of Utah urges the President of the United States and the United States Congress to support a free trade agreement between the United States and the Republic of China on Taiwan; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the Republic of China on Taiwan, and the members of Utah's congressional delegation.

POM–387. A joint resolution adopted by the Legislature of the State of Utah urging support of Medicaid long-term care funding of home and community-based supports; to the Committee on Finance.

House Joint Resolution No. 5

Whereas, Utah's population is aging and Utahans with disabilities are living longer, healthier lives;

Whereas, thousands of Utahans with disabilities and older Utahans currently need or will need long-term care and support to live productive lives in their communities;

Whereas, facility-based care is a mandatory benefit and community-based supports are an optional benefit of Medicaid;

Whereas, long-term care accounts for over 25 percent of all of Utah Medicaid spending;

Whereas, nearly 60 percent of long-term care expenditures in Utah Medicaid are for facility-based care;

Whereas, facility-based care can be up to five times more expensive than community-based support;

Whereas, Utah Medicaid costs are growing at a rate of approximately 10 percent per year;

Whereas, the Utah Legislature's Medicaid Interim Committee is seeking recommendations for containing costs and increasing accountability; and

Whereas, Medicaid long-term care reform must be a cooperative effort among the Federal and State government, the private sector, and the disability and elderly communities: Now, therefore, be it

Resolved, That the Legislature of the State of Utah urges Utah's congressional delegation to support the continued shift of Medicaid long-term care funding toward home and community-based supports; be it further

Resolved, That the Legislature urges Utah's congressional delegation to support providing States with the flexibility and tools needed to manage Medicaid long-term care costs in a fiscally responsible manner; be it further

Resolved, That the Legislature urges Utah's congressional delegation to support providing Medicaid long-term care and supports in the most appropriate and cost-effective manner while maintaining individual choice; be it further

Resolved, That the Legislature urges Utah's congressional delegation to ensure the active participation of people with disabilities and older Americans in the ongoing design, implementation, and review of Medicaid's long-term care system; and be it further

Resolved, That a copy of this resolution be sent to the members of Utah's congressional delegation, the members of the Utah Legislature's Medicaid Interim Committee, and the Disability Law Center.

POM–388. A resolution adopted by the Legislature of the State of Utah urging U.S. withdrawal from the Security and Prosperity Partnership of North America; to the Committee on Foreign Relations.

House Resolution No. 1

Whereas, President George W. Bush established the Security and Prosperity Partnership (SPP) of North America with the nations of Mexico and Canada on March 23, 2005;

Whereas, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the United States Constitution and the national independence of the United States and would imply an eventual end to national borders within North America;

Whereas, on March 31, 2006, a White House news release confirmed the continuing existence of the SPP and its "ongoing process of cooperation";

Whereas, Congressman Ron Paul has written that a key to the SPP plan is an extensive new North American Free Trade Agreement (NAFTA) superhighway: "[U]nder this new 'partnership,' a massive highway is being planned to stretch from Canada into Mexico, through the state of Texas.";

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

Whereas, state and local governments throughout the United States would be negatively impacted by the SPP and North American Union process, such as the "open borders" vision of the SPP, eminent domain takings of private property along the planned superhighways, and increased law enforcement problems along those same superhighways: Now, therefore, be it

Resolved, That the House of Representatives of the State of Utah urges the United States Congress and Utah's congressional delegation, to use all of their efforts, energies, and diligence to withdraw the United

States from any further participation in the Security and Prosperity Partnership of North America. Be it further

Resolved, That the House of Representatives urges Congress to withdraw the United States from any other bilateral or multilateral activity, however named, which seeks to advance, authorize, fund, or in any way promote the creation of any structure to accomplish any form of North American Union as described in this resolution. Be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, to the members of Utah's congressional delegation, and all members of Congress by electronic means.

POM-389. A resolution adopted by the Senate of the State of Pennsylvania recognizing the month of May 2008 as "Amyotrophic Lateral Sclerosis Awareness Month" to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 326

Whereas, Amyotrophic lateral sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, the initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, because ALS does not affect mental capacity, persons with ALS remain alert and aware of the loss of motor function and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55; and

Whereas, ALS affects men two to three times more often than women; and

Whereas, more than 5,000 new ALS patients are diagnosed annually; and

Whereas, on average, patients diagnosed with ALS survive only two to five years from the time of diagnosis; and

Whereas, research indicates that military veterans are at a 50% or greater risk of developing ALS than other persons; and

Whereas, ALS has no known cause, means of prevention or cure; and

Whereas, "Amyotrophic Lateral Sclerosis Awareness Month" increases public awareness of ALS patients' circumstances, acknowledges the terrible impact of ALS on patients and their families and recognizes ongoing research to eradicate ALS: Now, therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania recognize the month of May 2008 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in the Commonwealth of Pennsylvania; and be it further

Resolved, That the Senate urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM-390. A concurrent resolution adopted by the House of Representatives of the State of Arizona urging Congress to enact legislation to provide adequate school facilities on tribal lands; to the Committee on Indian Affairs.

HOUSE CONCURRENT MEMORIAL 2007

Whereas, to achieve true self-determination, Native American governments, including the Hopi Tribe, must have the resources necessary to provide a quality education to their children living on federally recognized tribal lands so that those children have the same opportunity for learning as nonreservation children; and

Whereas, it is vital to Indian education that the concepts of the No Child Left Behind Act be implemented in a manner consistent with the social, civic, economic, educational and cultural needs of American Indian tribes and communities; and

Whereas, the Hopi Day School and the Hotevilla-Bacavi Community School at Third Mesa, Arizona have been in existence collectively for over one hundred and twenty-five years; and

Whereas, due to the age and poor physical condition of the Hopi Day School and the Hotevilla-Bacavi Community School facilities, neither school can provide an appropriate educational environment for its students. The schools' deficiencies include classrooms that do not meet minimum space requirements and that lack a reliable means of controlling the temperature and air quality, interior walls painted with lead-based paint, numerous cracks in the masonry walls making the structural integrity of the building questionable and a lack of the standard amenities common to most schools. Both school facilities have been described by two different Bureau of Indian Affairs inspections as having exceeded their usefulness and functional life: and

Whereas, the Hopi children living at Third Mesa who attend the Hopi Day School and the Hotevilla-Bacavi Community School are at risk and suffer from a significant educational disadvantage in comparison to their off-reservation peers, and this situation will continue until the federal government replaces the facilities at both schools; and

Whereas, in the face of the deplorable physical conditions of their school facilities, the Hopi children attending these schools have nevertheless excelled at their AIMS test (Arizona Instrument to Measure Standards) and their Adequate Yearly Progress (AYP) assessments for the last five years, despite the fact that only one-third of tribal schools nationwide are attaining the AYP, thereby demonstrating their desire to achieve educational excellence; and

Whereas, at a time when schools across the entire country are diligently engaged in educational reforms to ensure that "no child is left behind", the Hopi children living in the Third Mesa area are being left behind by the very entity responsible for the reform movement, the federal government; and

Whereas, the Hopi Tribe is the only tribe in Arizona that does not have a gaming compact and, therefore, has no other financial resources with which to improve the conditions of its schools; and

Whereas, the Hopi Tribe believes that a single school facility designed and built to serve the combined student populations served by the Hopi Day School and the Hotevilla-Bacavi Community School would be economically advantageous and would allow the addition of specialized staff and programs not available in the current separate school facilities, would reduce or eliminate duplication of staff, services and bus routes required under the two-school structure, would provide a proper learning environment for delivery of the whole educational program for each child from preschool through the eighth grade, would allow local control and would provide a school facility that is designed and constructed to last for many years and that can appropriately accommodate the growth of the local population; and

Whereas, the Bureau of Indian Education has recognized that combining these two schools on the Hopi reservation would be a more meaningful, appropriate and just solution to the problems caused by the current dilapidated buildings; and

Whereas, the governing boards for the two schools formally agreed to the concept of having a single school facility for the entire Third Mesa area providing educational programs that include early childhood education through the eighth grade; and

Whereas, the reservation-wide Hopi Board of Education adopted a resolution supporting the single school concept and took formal action to reserve a landsite for the new school; and

Whereas, the Village of Kykotsmovi Governing Board endorsed the single school concept and took formal action to reserve a landsite for the new school; and

Whereas, the Hopi Tribal Council adopted a resolution approving both the single school concept and the landsite assignment. Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring,

Prays:

1. That the United States Congress recognize that failure to maintain adequate school facilities on Indian lands is a violation of the rights of tribal governments and communities to exercise and assert equitable education in their boundaries.
2. That the United States Congress provide a sufficient set-aside of Bureau of Indian Education monies to ensure that one new school will replace the two extremely old schools on the Third Mesa of the Hopi Reservation in order to promote fair and quality education for the children of the Hopi Indian Nation.
3. That the United States Congress promote and support adequate funding of schools on American Indian Reservations.
4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona

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POM-391. A concurrent resolution adopted by the House of Representatives of the State of Hawaii urging Congress to ratify the UN convention on the elimination of all forms of discrimination against women; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 16

Whereas, the Convention on the Elimination of All Forms of Discrimination Against Women (Convention) was adopted by the United Nations General Assembly in 1979; and

Whereas, the Convention is the most complete international agreement that focuses specifically on basic human rights for women; and

Whereas, the Convention requires ratifying nations to improve the status of women and to work towards eliminating discrimination and violence against women by establishing equality in legal status, political participation, education, employment, healthcare, and the family structure; and

Whereas, the Convention has resulted in reforms for women around the world, including measures against sex slavery, domestic violence, and trafficking of women; increasing primary education previously denied to females; and improved health care that have saved lives during pregnancy and childbirth; and

Whereas, in 1972, Hawaii was the first state to ratify the federal Equal Rights Amendment, which would have amended the United States Constitution by establishing a guarantee of equal rights for women; and

Whereas, although the United States played an important role in drafting the Convention on the Elimination of All Forms of Discrimination Against Women, the United States is one of only eight countries that include Sudan, Somalia, Qatar, Iran, Nauru, Palau, and Tonga, that have not ratified the Convention as of March 1, 2007; and

Whereas, the United States' failure to ratify the Convention undermines the principle that human rights of women are universal and worthy of being guaranteed through international human rights standards; and

Whereas, as women in the Unites States are succeeding in greater leadership roles in business and government and participate in local and national elections in record numbers, it is appropriate that the United States Congress demonstrate its unequivocal support for the rights of women internationally by ratifying the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; Now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, the Senate concurring, That the Legislature urges the United States Senate to demonstrate our national commitment to human rights for all people by ratifying the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and joining the one hundred eighty-five ratifying nations in endorsing the most comprehensive treaty ensuring fundamental human rights and equality for all women; and be it futher

Resolved, that certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and members of Hawaii's congressional delegation.

POM-392. A resolution adopted by the Legislature of the State of Utah reaffirming the words, "Under God," in the pledge of allegiance; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 3

Whereas, the Pledge of Allegiance is a promise or oath of allegiance to the United States as represented by its national flag;

Whereas, the Pledge of Allegiance is commonly recited in unison at public events and especially in public school classrooms;

Whereas, the Pledge of Allegiance was written in 1892 by Francis Bellamy, a Baptist minister;

Whereas, by presidential proclamation, and later at the urging of the National Flag Conference, Reverend Bellamy's original version of the Pledge was altered prior to being officially recognized as the official national pledge in 1945;

Whereas, on Flag Day, 1954, at President Dwight D. Eisenhower's urging, the United States Congress passed a resolution to add the words "under God" to the Pledge of Allegiance;

Whereas, President Eisenhower explained, "These words ["under God'] will remind Americans that despite our great physical strength we must remain humble. They will help us to keep constantly in our minds and hearts the spiritual and moral principles which alone give dignity to man, and upon which our way of life is founded."; and

Whereas, it is fitting that the phrase "under God" in the Pledge of Allegiance be reaffirmed as part of the official Pledge of Allegiance of the United States; Now, therefore, be it

Resolved, That the Legislature of the state of Utah reaffirms the words "under God" as part of the official Pledge of Allegiance of the United States of America; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-393. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to enact bill S. 70 of 2007 relative to Memorial Day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 321

Whereas, Memorial Day is a day of remembrance for those who have died in this nation's service; and

Whereas, the United States observes Memorial Day as a time to honor and reflect on those sacrifices; and

Whereas, Memorial Day was officially proclaimed by General John Logan, national commander of the Grand Army of the Republic, in his General Order No. 11, and it was first observed on May 30, 1868; and

Whereas, Congress established Memorial Day as the last Monday in May when it approved the National Holiday Act of 1971 (P.L. 90-363) to ensure a three-day weekend for the Federal holiday; and

Whereas, traditional observance of Memorial Day has diminished over the years as many Americans have forgotten the meaning and traditions of Memorial Day and instead use that day to celebrate the beginning of summer; and

Whereas, to help re-educate and remind Americans of the true meaning of Memorial Day, President George W. Bush signed the National Moment of Remembrance Act in 2000 (P.L. 106-579), designating 3 p.m. local time on Memorial Day as the National Moment of Remembrance to encourage citizens to pause and remember our fallen soldiers; and

Whereas, to fully return the solemn spirit to Memorial Day, this nation should also return to the traditional day of observance of May 30 each year, regardless of the day of the week on which it falls; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and the Congress of the United States to enact bill S. 70 of 2007, which would designate the legal public holiday of Memorial Day as May 30, call for the flying of the flag at half-staff until noon that day and encourage Americans to observe Memorial Day as a day of ceremonies for showing respect for American veterans of wars and other military conflicts; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-394. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass balanced immigration reform; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 5

Whereas, the economic relationship with Mexico, which shares our border, is vital to the United States because Mexico is the United States' second most important trading partner, the United States is Mexico's most important trading partner, and the U.S. is the largest source of direct foreign investment in Mexico;

Whereas, economic, historic, and cultural ties between the U.S. and Mexico are critical to many U.S. industries, including many in Utah;

Whereas, as a result of their shared borders and proximity to Mexico, western states, including Utah, suffer a disproportionate financial burden on health care, education, the environment, and criminal justice systems because of unauthorized immigration from Mexico, affecting the economy of the entire region;

Whereas, the economic impacts may be offset by allowing more legal and readily available foreign workers to enter the U.S.;

Whereas, seasonal industries, including agriculture and hospitality, historically and currently play a pivotal role in Utah's economy, and are heavily dependent upon a stable and reliable foreign labor pool; and

Whereas, current immigration law addresses neither documented U.S. labor shortages nor marketplace dynamics, and without a lawful avenue to provide seasonal employees, encourages continued unlawful immigration to the U.S. which continues to negatively impact the state's economy; now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express support for the development of a balanced national immigration policy with the overarching purpose of protecting and preserving the safety and interests of the United States and its citizens while recognizing the needs of Utah industries to have a stable and legal supply of workers quickly available where there are no U.S. workers otherwise available; and be it further

Resolved, That the Legislature and the Governor urge Utah's congressional delegation to work with the United States Congress to ensure that any reform efforts focus primarily on enabling Utah's employers to hire a legal workforce sufficient to meet the needs of Utah industries to enhance the economic growth of the state's private sector; and be it further

Resolved, That the Legislature and the Governor urge Congress to reform the current systems for obtaining work visas and reduce the delay for legal immigration; and be it further

Resolved, That the Legislature and the Governor express their opposition to granting blanket amnesty to undocumented persons and urge that appropriate sanctions be a part of any solution; and be it further

Resolved, That the Legislature and the Governor recognize that addressing the status of millions of undocumented persons currently present in the U.S. is a complex issue; and be it further

Resolved, That the Legislature and the Governor urge that in passing immigration reform Congress not inadvertently create unnecessary hurdles and lengthy delays for those who wish to legally hire non-U.S. workers; and be it further

Resolved, That the Legislature and the Governor urge that in passing immigration reform Congress not inadvertently create incentives for additional illegal immigration by creating unnecessary hurdles and lengthy delays for those who wish to immigrate legally for work or citizenship; and be it further

Resolved, That the Legislature and the Governor urge Congress to reform the Foreign Worker Visa system as part of any immigration reform; and be it further

Resolved, That the Legislature and the Governor urge Congress to eliminate current visa backlogs and prevent future backlogs to help meet Utah workforce demands; and be it further

Resolved, That the Legislature and the Governor recommend that these tasks can be accomplished by:

(1) dramatically increasing the annual immigrant visa caps, including the limits on H-1B and H-2B visas, particularly in the industries requiring highly trained and educated workers and seasonal hospitality operations;

(2) streamlining the processing of H-2A visas to create a more workable system to enable agricultural employers to hire needed foreign workers for seasonal jobs;

(3) maintaining the L-1 visa program; and

(4) expediting work authorization for foreign nationals who complete University-level degrees in U.S. institutions to ensure that the benefits of the educational investment the nation has made in these individuals remains in the U.S.; and be it further

Resolved, That the Legislature and the Governor urge Congress to ensure the enforcement of current federal employer sanctions for knowingly hiring undocumented labor, which requires the federal government to adopt a secure, reliable, and fast employment verification system accessible to employers electronically 24 hours a day; and be it further

Resolved, That copies of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Homeland Security, and to the members of Utah's congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself and Mr. DODD):

S. 3141. A bill to provide for nondiscrimination by eligible lenders in the Federal Family Education Loan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. OBAMA):

S. 3142. A bill to amend the Public Health Service Act to enhance public health activities related to stillbirth and sudden unexpected infant death; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mrs. DOLE):

S. 3143. A bill to assist law enforcement agencies in locating, arresting, and prosecuting fugitives from justice; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Ms. STABENOW, Mr. VOINOVICH, Mr. SALAZAR, Mr. ROBERTS, Mr. BROWN, Mr. SMITH, Mr. CASEY, Ms. COLLINS, Mr. LEVIN, Mrs. DOLE, Mr. LIEBERMAN, Mr. ISAKSON, Mr. WYDEN, Mr. BURR, Mr. DODD, Ms. SNOWE, Mr. SANDERS, Mr. HATCH, Ms. CANTWELL, Mr. CARDIN, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, and Mrs. LINCOLN):

S. 3144. A bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 1117

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1232

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1774

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1774, a bill to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes.

S. 1921

At the request of Mr. WEBB, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2059

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 2059, supra.

S. 2396

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2396, a bill to amend title XI of the Social Security Act to modernize the quality improvement organization (QIO) program.

S. 2433

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2550

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2595

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by

State regulators, and for other purposes.

S. 2619

At the request of Mr. COBURN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mrs. MURRAY) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2888

At the request of Mr. KOHL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2888, a bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2931

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

S. 2955

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2955, a bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative.

S. 2979

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 2983

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2983, a bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities.

S. 2990

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2990, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins.

S. 3022

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3022, a bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3086

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3086, a bill to amend the antitrust laws to ensure competitive market-based fees and terms for merchants' access to electronic payment systems.

S. 3118

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3118, a bill to amend titles XVIII and XIX of the Social Security Act to preserve beneficiary access to care by preventing a reduction in the Medicare physician fee schedule, to improve the quality of care by advancing value based purchasing, electronic health records, and electronic prescribing, and to maintain and improve access to care in rural areas, and for other purposes.

S. 3130

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3130, a bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes.

S.J. RES. 2

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S.J. RES. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 37, a joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians.

S. CON. RES. 88

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 88, a concurrent resolution expressing the sense of Congress that the Food and Drug Administration's (FDA) new policy restricting women's access to medications containing estriol does not serve the public interest.

S. RES. 584

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. LEAHY), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. CARDIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 584, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Ms. STABENOW, Mr. VOINOVICH, Mr. SALAZAR, Mr. ROBERTS, Mr. BROWN, Mr. SMITH, Mr. CASEY, Ms. COLLINS, Mr. LEVIN, Mrs. DOLE, Mr. LIEBERMAN, Mr. ISAKSON, Mr. WYDEN, Mr. BURR, Mr. DODD, Ms. SNOWE, Mr. SANDERS, Mr. HATCH, Ms. CANTWELL, Mr. CARDIN, Mr. SCHUMER, Mrs. CLINTON, Ms. MIKULSKI, and Mrs. LINCOLN):

S. 3144. A bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I introduce, with my friend Senator GRASSLEY and twenty-four other Democratic and Republican Senators, the Medicare DMEPOS Competitive Acquisition Reform Act of 2008. In doing so, I would also like to recognize the efforts of Congressman PETE STARK, Congressman DAVE CAMP, and so many others in the House of Representatives who worked very hard on this bipartisan legislation.

This legislation will delay the durable medical equipment, prosthetics, orthotics, and supplies competitive acquisition program. Many Members of Congress and I have received reports about potential inaccuracies in the implementation of the CAP program. These reports range from suppliers who believe they were wrongly disqualified to questions about the clarity and consistency of information that suppliers received during the bidding process. Some providers were awarded contracts to serve areas in which they did not previously have a presence. Other suppliers were awarded contracts for service lines with which they have little or no experience.

While I support the concept of competitive bidding as a way to decrease costs, it is the obligation of Congress to make sure that these savings are not at the expense of beneficiary access to the care that they need in their own communities. I believe that Congress should take a closer look to make sure this program lives up to its potential.

In order to ensure that we are getting the best possible price and quality for beneficiaries, it is critical that the competitive bidding process be accurate and inclusive. I am most concerned about the impact that a poorly designed program will have on Medicare beneficiaries, many of whom are confused about what this new program means for them and are concerned that they won't be able to get care from someone in their own community.

This means we must have as many bidders as possible who offer not only the best price but clearly meet high quality standards. Based upon the numbers we have seen as a result of bidding in phase one, I think we need to look more closely to make sure that we are not missing an opportunity to consider additional suppliers who have experience furnishing these services in the communities at play. Furthermore, we need to examine the bidding process outcomes to make sure that the suppliers being offered contracts to serve patients in a selected area have the team on the ground to help patients in those areas.

I have also heard concerns that some of the products included in the first phase of the competitive acquisition program may not be the best fit for this type of program because they require specialized handling or expertise. At the end of the day, the most important goal of the Medicare program is to make sure patients get the care that is appropriate for them, so we must tread carefully when we move ahead with a program covering these products.

The Centers for Medicare and Medicaid Services put forth an admirable effort to implement a complex competitive bidding program in a short time frame. I think that many of the concerns that people have raised about the program can be resolved, but we cannot afford to ignore them. The beneficiary services at stake are just too important to move hastily; no matter how much money we believe we can save.

I think that it is worth it for us to delay for just a bit and take a closer look to make sure this program lives up to its potential. With a few minor tweaks here and there, I am convinced that the competitive acquisition program will live up to its promise to provide cost effective, high-quality services and products to patients.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 3144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare DMEPOS Competitive Acquisition Reform Act of 2008".

SEC. 2. DELAY IN AND REFORM OF MEDICARE DMEPOS COMPETITIVE ACQUISITION PROGRAM.

(a) TEMPORARY DELAY AND REFORM.—

(1) IN GENERAL.—Section 1847(a)(1) of the Social Security Act (42 U.S.C. 1395w–3(a)(1)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)(i), in the matter before subclause (I), by inserting "consistent with subparagraph (D)" after "in a manner";

(ii) in subparagraph (B)(i)(II), by striking "80" and "in 2009" and inserting "an additional 70" and "in 2011", respectively;

(iii) in subparagraph (B)(i)(III), by striking "after 2009" and inserting "after 2011 (or, in the case of national mail order for items and services, after 2010)"; and

(iv) by adding at the end the following new subparagraphs:

"(D) CHANGES IN COMPETITIVE ACQUISITION PROGRAMS.—

"(i) ROUND 1 OF COMPETITIVE ACQUISITION PROGRAM.—Notwithstanding subparagraph (B)(i)(I) and in implementing the first round of the competitive acquisition programs under this section—

"(I) the contracts awarded under this section before the date of the enactment of this subparagraph are terminated, no payment shall be made under this title on or after the date of the enactment of this subparagraph based on such a contract, and, to the extent that any damages may be applicable as a result of the termination of such contracts, such damages shall be payable from the Federal Supplementary Medical Insurance Trust Fund under section 1841;

"(II) the Secretary shall conduct the competition for such round in a manner so that it occurs in 2009 with respect to the same items and services and the same areas, except as provided in subclauses (III) and (IV);

"(III) the Secretary shall exclude Puerto Rico so that such round of competition covers 9, instead of 10, of the largest metropolitan statistical areas; and

"(IV) there shall be excluded negative pressure wound therapy items and services.

Nothing in subclause (I) shall be construed to provide an independent cause of action or right to administrative or judicial review with regard to the termination provided under such subclause.

"(ii) ROUND 2 OF COMPETITIVE ACQUISITION PROGRAM.—In implementing the second round of the competitive acquisition programs under this section described in subparagraph (B)(i)(II)—

"(I) the metropolitan statistical areas to be included shall be those metropolitan statistical areas selected by the Secretary for such round as of June 1, 2008; and

"(II) the Secretary may subdivide metropolitan statistical areas with populations (based upon the most recent data from the Census Bureau) of at least 8,000,000 into separate areas for competitive acquisition purposes.

"(iii) EXCLUSION OF CERTAIN AREAS IN SUBSEQUENT ROUNDS OF COMPETITIVE ACQUISITION PROGRAMS.—In implementing subsequent rounds of the competitive acquisition programs under this section, including under subparagraph (B)(i)(III), for competitions occurring before 2015, the Secretary shall exempt from the competitive acquisition program (other than national mail order) the following:

"(I) Rural areas.

"(II) Metropolitan statistical areas not selected under round 1 or round 2 with a population of less than 250,000.

"(III) Areas with a low population density within a metropolitan statistical area that is otherwise selected, as determined for purposes of paragraph (3)(A).

"(E) VERIFICATION BY OIG.—The Inspector General of the Department of Health and Human Services shall, through post-award audit, survey, or otherwise, assess the process used by the Centers for Medicare & Medicaid Services to conduct competitive bidding and subsequent pricing determinations under this section that are the basis for pivotal bid amounts and single payment amounts for items and services in competitive bidding areas under rounds 1 and 2 of the competitive acquisition programs under this section and may continue to verify such calculations for subsequent rounds of such programs.

"(F) SUPPLIER FEEDBACK ON MISSING FINANCIAL DOCUMENTATION.—

"(i) IN GENERAL.—In the case of a bid where one or more covered documents in connection with such bid have been submitted not later than the covered document review date specified in clause (ii), the Secretary—

"(I) shall provide, by not later than 45 days (in the case of the first round of the competitive acquisition programs as described in subparagraph (B)(i)(I)) or 90 days (in the case of a subsequent round of such programs) after the covered document review date, for notice to the bidder of all such documents that are missing as of the covered document review date; and

"(II) may not reject the bid on the basis that any covered document is missing or has not been submitted on a timely basis, if all such missing documents identified in the notice provided to the bidder under subclause (I) are submitted to the Secretary not later than 10 business days after the date of such notice.

"(ii) COVERED DOCUMENT REVIEW DATE.—The covered document review date specified in this clause with respect to a competitive acquisition program is the later of—

"(I) the date that is 30 days before the final date specified by the Secretary for submission of bids under such program; or

"(II) the date that is 30 days after the first date specified by the Secretary for submission of bids under such program.

"(iii) LIMITATIONS OF PROCESS.—The process provided under this subparagraph—

"(I) applies only to the timely submission of covered documents;

"(II) does not apply to any determination as to the accuracy or completeness of covered documents submitted or whether such documents meet applicable requirements;

"(III) shall not prevent the Secretary from rejecting a bid based on any basis not described in clause (i)(II); and

"(IV) shall not be construed as permitting a bidder to change bidding amounts or to make other changes in a bid submission.

"(iv) COVERED DOCUMENT DEFINED.—In this subparagraph, the term 'covered document' means a financial, tax, or other document required to be submitted by a bidder as part of an original bid submission under a competitive acquisition program in order to meet required financial standards. Such term does not include other documents, such as the bid itself or accreditation documentation."; and

(B) in paragraph (2)(A), by inserting before the period at the end the following: "and excluding certain complex rehabilitative power wheelchairs recognized by the Secretary as classified within group 3 or higher (and related accessories when furnished in connection with such wheelchairs)".

(2) BUDGET NEUTRAL OFFSET.—

(A) IN GENERAL.—Section 1834(a)(14) of such Act (42 U.S.C. 1395m(a)(14)) is amended—

(i) by striking "and" at the end of subparagraphs (H) and (I);

(ii) by redesignating subparagraph (J) as subparagraph (M); and

(iii) by inserting after subparagraph (I) the following new subparagraphs:

"(J) for 2009—

"(i) in the case of items and services furnished in any geographic area, if such items or services were selected for competitive acquisition in any area under the competitive acquisition program under section 1847(a)(1)(B)(i)(I) before July 1, 2008, including diabetic supplies but only if furnished through mail order, −9.5 percent; or

"(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2008;

"(K) for 2010, 2011, 2012, and 2013, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June of the previous year;

"(L) for 2014—

"(i) in the case of items and services described in subparagraph (J)(i) for which a payment adjustment has not been made under subsection (a)(1)(F)(ii) in any previous year, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013, plus 2.0 percentage points; or

"(ii) in the case of other items and services, the percentage increase in the consumer price index for all urban consumers (U.S. urban average) for the 12-month period ending with June 2013; and".

(B) CONFORMING TREATMENT FOR CERTAIN ITEMS AND SERVICES.—The second sentence of section 1842(s)(1) of such Act (42 U.S.C. 1395u(s)(1)) is amended by striking "except that" and all that follows and inserting the following: "except that for items and services described in paragraph (2)(D)—

"(A) for 2009 section 1834(a)(14)(J)(i) shall apply under this paragraph instead of the percentage increase otherwise applicable; and

"(B) for 2014, if subparagraph (A) applied to the items and services and there has not been a payment adjustment under subsection (h)(1)(H) for the items and services for any previous year, the percentage increase computed under section 1834(a)(14)(L)(i) shall apply instead of the percentage increase otherwise applicable.".

(3) CONFORMING DELAY.—Subsections (a)(1)(F) and (h)(1)(H) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by striking "January 1, 2009" and inserting "January 1, 2011".

(4) CONSIDERATIONS IN APPLICATION.—Section 1834 of such Act (42 U.S.C. 1395m) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (F), by inserting "subject to subparagraph (G)," before "that are included"; and

(ii) by adding at the end the following new subparagraph:

"(G) USE OF INFORMATION ON COMPETITIVE BID RATES.—The Secretary shall specify by regulation the methodology to be used in applying the provisions of subparagraph (F)(ii) and subsection (h)(1)(H)(ii). In promulgating such regulation, the Secretary shall consider the costs of items and services in areas in which such provisions would be applied compared to the payment rates for such items and services in competitive acquisition areas."; and

(B) in subsection (h)(1)(H), by inserting "subject to subsection (a)(1)(G)," before "that are included".

(b) QUALITY STANDARDS.—

(1) APPLICATION OF ACCREDITATION REQUIREMENT.—

(A) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(i) in subparagraph (E), by inserting "including subparagraph (F)," after "under this paragraph,"; and

(ii) by adding at the end the following new subparagraph:

"(F) APPLICATION OF ACCREDITATION REQUIREMENT.—In implementing quality standards under this paragraph—

"(i) subject to clause (ii), the Secretary shall require suppliers furnishing items and services described in subparagraph (D) on or after October 1, 2009, directly or as a subcontractor for another entity, to have submitted to the Secretary evidence of accreditation by an accreditation organization designated under subparagraph (B) as meeting applicable quality standards; and

"(ii) in applying such standards and the accreditation requirement of clause (i) with respect to eligible professionals (as defined in section 1848(k)(3)(B)), and including such other persons, such as orthotists and prosthetists, as specified by the Secretary, furnishing such items and services—

"(I) such standards and accreditation requirement shall not apply to such professionals and persons unless the Secretary determines that the standards being applied are designed specifically to be applied to such professionals and persons; and

"(II) the Secretary may exempt such professionals and persons from such standards and requirement if the Secretary determines that licensing, accreditation, or other mandatory quality requirements apply to such professionals and persons with respect to the furnishing of such items and services.".

(B) CONSTRUCTION.—Section 1834(a)(20)(F)(ii) of the Social Security Act, as added by subparagraph (A), shall not be construed as preventing the Secretary of Health and Human Services from implementing the first round of competition under section 1847 of such Act on a timely basis.

(2) DISCLOSURE OF SUBCONTRACTORS UNDER COMPETITIVE ACQUISITION PROGRAM.—Section 1847(b)(3) of such Act (42 U.S.C. 1395w-3(b)(3)) is amended by adding at the end the following new subparagraph:

"(C) DISCLOSURE OF SUBCONTRACTORS.—

"(i) INITIAL DISCLOSURE.—Not later than 10 days after the date a supplier enters into a contract with the Secretary under this section, such supplier shall disclose to the Secretary, in a form and manner specified by the Secretary, the information on—

"(I) each subcontracting relationship that such supplier has in furnishing items and services under the contract; and

"(II) whether each such subcontractor meets the requirement of section 1834(a)(20)(F)(i), if applicable to such subcontractor.

"(ii) SUBSEQUENT DISCLOSURE.—Not later than 10 days after such a supplier subsequently enters into a subcontracting relationship described in clause (i)(II), such supplier shall disclose to the Secretary, in such form and manner, the information described in subclauses (I) and (II) of clause (i).".

(3) COMPETITIVE ACQUISITION OMBUDSMAN.—Such section is further amended by adding at the end the following new subsection:

"(f) COMPETITIVE ACQUISITION OMBUDSMAN.—The Secretary shall provide for a competitive acquisition ombudsman within the Centers for Medicare & Medicaid Services in order to respond to complaints and inquiries made by suppliers and individuals relating to the application of the competitive acquisition program under this section. The ombudsman may be within the office of the

Medicare Beneficiary Ombudsman appointed under section 1808(c). The ombudsman shall submit to Congress an annual report on the activities under this subsection, which report shall be coordinated with the report provided under section 1808(c)(2)(C).''.

(c) CHANGE IN REPORTS AND DEADLINES.—

(1) GAO REPORT.—Section 302(b)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended—

(A) in subparagraph (A)—

(i) by inserting "and as amended by section 2 of the Medicare DMEPOS Competitive Acquisition Reform Act of 2008'' after "as amended by paragraph (1)''; and

(ii) by inserting before the period at the end the following: "and the topics specified in subparagraph (C)'';

(B) in subparagraph (B), by striking "Not later than January 1, 2009,'' and inserting "Not later than 1 year after the first date that payments are made under section 1847 of the Social Security Act,"; and

(C) by adding at the end the following new subparagraph:

"(C) TOPICS.—The topics specified in this subparagraph, for the study under subparagraph (A) concerning the competitive acquisition program, are the following:

"(i) Beneficiary access to items and services under the program, including the impact on such access of awarding contracts to bidders that—

"(I) did not have a physical presence in an area where they received a contract; or

"(II) had no previous experience providing the product category they were contracted to provide.

"(ii) Beneficiary satisfaction with the program and cost savings to beneficiaries under the program.

"(iii) Costs to suppliers of participating in the program and recommendations about ways to reduce those costs without compromising quality standards or savings to the Medicare program.

"(iv) Impact of the program on small business suppliers.

"(v) Analysis of the impact on utilization of different items and services paid within the same Healthcare Common Procedure Coding System (HCPCS) code.

"(vi) Costs to the Centers for Medicare & Medicaid Services, including payments made to contractors, for administering the program compared with administration of a fee schedule, in comparison with the relative savings of the program.

"(vii) Impact on access, Medicare spending, and beneficiary spending of any difference in treatment for diabetic testing supplies depending on how such supplies are furnished.

"(viii) Such other topics as the Comptroller General determines to be appropriate.''.

(2) DELAY IN OTHER DEADLINES.—

(A) PROGRAM ADVISORY AND OVERSIGHT COMMITTEE.—Section 1847(c)(5) of the Social Security Act (42 U.S.C. 1395w–3(c)(5)) is amended by striking "December 31, 2009'' and inserting "December 31, 2011''.

(B) SECRETARIAL REPORT.—Section 1847(d) of such Act (42 U.S.C. 1395w–3(d)) is amended by striking "July 1, 2009'' and inserting "July 1, 2011''.

(C) IG REPORT.—Section 302(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) is amended by striking "July 1, 2009'' and inserting "July 1, 2011''.

(3) EVALUATION OF CERTAIN CODE.—The Secretary of Health and Human Services shall evaluate the existing Healthcare Common Procedure Coding System (HCPCS) code for negative pressure wound therapy to ensure accurate reporting and billing for items and services under such code. In carrying out such evaluation, the Secretary shall use the existing process for the consideration of coding changes and consider all relevant studies and information furnished pursuant to such process.

(d) OTHER PROVISIONS.—

(1) EXEMPTION FROM COMPETITIVE ACQUISITION FOR CERTAIN OFF-THE-SHELF ORTHOTICS.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended by adding at the end the following new paragraph:

"(7) EXEMPTION FROM COMPETITIVE ACQUISITION.—The programs under this section shall not apply to the following:

"(A) CERTAIN OFF-THE-SHELF ORTHOTICS.—Items and services described in paragraph (2)(C) if furnished—

"(i) by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service; or

"(ii) by a hospital to the hospital's own patients during an admission or on the date of discharge.

"(B) CERTAIN DURABLE MEDICAL EQUIPMENT.—Those items and services described in paragraph (2)(A)—

"(i) that are furnished by a hospital to the hospital's own patients during an admission or on the date of discharge; and

"(ii) to which such programs would not apply, as specified by the Secretary, if furnished by a physician to the physician's own patients as part of the physician's professional service.''.

(2) CORRECTION IN FACE-TO-FACE EXAMINATION REQUIREMENT.—Section 1834(a)(1)(E)(ii) of such Act (42 U.S.C. 1395m(a)(1)(E)(ii)) is amended by striking "1861(r)(1)'' and inserting "1861(r)''.

(3) SPECIAL RULE IN CASE OF NATIONAL MAIL-ORDER COMPETITION FOR DIABETIC TESTING STRIPS.—Section 1847(b) of such Act (42 U.S.C. 1395w–3(b)) is amended—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) SPECIAL RULE IN CASE OF COMPETITION FOR DIABETIC TESTING STRIPS.—

"(A) IN GENERAL.—With respect to the competitive acquisition program for diabetic testing strips conducted after the first round of the competitive acquisition programs, if an entity does not demonstrate to the Secretary that its bid covers types of diabetic testing strip products that, in the aggregate and taking into account volume for the different products, cover 50 percent (or such higher percentage as the Secretary may specify) of all such types of products, the Secretary shall reject such bid. The volume for such types of products may be determined in accordance with such data (which may be market based data) as the Secretary recognizes.

"(B) STUDY OF TYPES OF TESTING STRIP PRODUCTS.—Before 2011, the Inspector General of the Department of Health and Human Services shall conduct a study to determine the types of diabetic testing strip products by volume that could be used to make determinations pursuant to subparagraph (A) for the first competition under the competitive acquisition program described in such subparagraph and submit to the Secretary a report on the results of the study. The Inspector General shall also conduct such a study and submit such a report before the Secretary conducts a subsequent competitive acquisition program described in subparagraph (A).''.

(4) OTHER CONFORMING AMENDMENTS.—Section 1847(b)(11) of such Act, as redesignated by paragraph (3), is amended—

(A) in subparagraph (C), by inserting "and the identification of areas under subsection (a)(1)(D)(iii)'' after "(a)(1)(A)'';

(B) in subparagraph (D), by inserting "and implementation of subsection (a)(1)(D)'' after "(a)(1)(B)'';

(C) in subparagraph (E), by striking "or'' at the end;

(D) in subparagraph (F), by striking the period at the end and inserting "; or"; and

(E) by adding at the end the following new subparagraph:

"(G) the implementation of the special rule described in paragraph (10).''.

(5) FUNDING FOR IMPLEMENTATION.—In addition to funds otherwise available, for purposes of implementing the provisions of, and amendments made by, this section, other than the amendment made by subsection (c)(1) and other than section 1847(a)(1)(E) of the Social Security Act, the Secretary of Health and Human Services shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of $20,000,000 for fiscal year 2008, and $25,000,000 for each of fiscal years 2009 through 2012. Amounts transferred under this paragraph for a fiscal year shall be available until expended.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as of June 30, 2008.

Mr. GRASSLEY. Mr. President, I am pleased to introduce the Medicare DMEPOS Competitive Acquisition Reform Act of 2008 with my colleague, Senator BAUCUS, to delay and reform the competitive bidding program for Medicare durable medical equipment, prosthetics, orthotics, and supplies. We are introducing this legislation to address serious concerns that have arisen over implementation of the competitive bidding program which is set to take effect in certain areas of the country on July 1, 2008. The bill will delay the start of the competitive bidding program for 18 months and require the Centers for Medicare and Medicaid Services to review the program and address significant issues that have been raised regarding implementation of the program.

We must act now before the competitive bidding program takes effect. We must ensure that the frail elderly who depend on diabetic supplies, oxygen, and other medical equipment for life-threatening conditions will continue to have access to essential medical products and supplies which are vital to their daily lives. The continued viability of much of the home medical supply industry is in serious jeopardy as a result of flaws that surfaced in the program during the first round of competitive bidding. Many small home medical equipment suppliers are in danger of going out of business through no fault of their own if the competitive bidding program is implemented as planned. Losing a significant number of small suppliers from the home medical equipment industry would have severe, unintended adverse consequences on thousands of beneficiaries who need home medical equipment and supplies. If that were to occur, it would severely hamper access to essential medical equipment for an untold number of beneficiaries. It was due to these very concerns that I opposed competitive bidding for DME when it was under consideration in 2003. Now, my original concerns, unfortunately, have become a reality, and urgent action by Congress is required.

These concerns are especially problematic right now in states such as Iowa in the Midwest which are already reeling from the disastrous floods and tornadoes we have experienced this past month. The loss of many more small businesses would be disastrous to beneficiaries whose access to needed medical supplies has already been severely limited, let alone the ripple effect this would inflict on local economies which have already been severely impacted by record floods which have harmed scores of businesses and cost hundreds of millions of dollars in damages.

We heard from many medical equipment suppliers that the rules of the competitive bidding program were unclear or were changed at the last minute, and that their bids were not considered. CMS has told us that roughly two-thirds of the bids submitted by suppliers were ultimately rejected for lack of proper documentation or other issues apart from price. This was done even though CMS had assured suppliers when the program began that they would be notified if their bids lacked the required documentation. Two weeks before the bidding closed, CMS abruptly decided they would not provide such notification. Appropriately, this bill terminates the contracts that were awarded under Round One and pays any applicable damages incurred as a result of the terminations, if any. In the future, the bill requires a more transparent process on the part of CMS. When Round One is re-bid, the bill requires CMS to provide feedback to suppliers with documentation issues or other problems and give them an opportunity to remedy the situation before their bids are thrown out and excluded from consideration.

As Ranking Member of the Senate Finance Committee, I am committed to ensuring that Medicare dollars are spent wisely and provide high quality products to seniors at the lowest possible cost. The program improvements required by this legislation will ensure more protections for beneficiaries and lead to lower prices and higher quality medical products while ensuring that beneficiaries will still have access to the medical equipment and supplies that they need. These improvements will also help prevent many small home medical equipment suppliers from going out of business due to a flawed bidding process which unfairly eliminated them from the Medicare program for three years.

In our bill, the cost of delaying the competitive bidding program and adding additional safeguards to the program would be fully paid for by the durable medical equipment industry. According to the Congressional Budget Office, the delay in implementing competitive bidding and the reforms to the program included in this bill will increase Medicare spending by $3.1 billion over 5 years. To offset the cost of the legislation, in 2009 those DME items subject to Round One of the program will not receive a CPI update, and payments for those items will be reduced by 9.5 percent. Items not subject to Round One will receive a CPI update in 2009, and all DME items will receive CPI updates in years 2010 through 2013. In 2014, those DME items which were subject to the 9.5 percent payment reduction in 2009 will receive an additional payment increase of two percent over the CPI unless they are covered by competitive bidding contracts then.

As is true in many sectors, the DME industry is given a bad name by a few bad apples that spoil the barrel. Unfortunately, we hear on a regular basis from the Office of Inspector General and the Justice Department that the DME industry continues to have far too many incidents of waste, fraud and abuse. The multi-agency Medicare Fraud Task Force formed last year has uncovered numerous examples of criminal behavior and successfully prosecuted dozens of fraudulent or nonexistent DME suppliers in South Florida and elsewhere. In just over a year, the task force has brought more than 120 cases against nearly 200 defendants in South Florida alone who have been charged with a total of $638 million in fraud. We must have stronger safeguards to ensure that companies who participate in competitive bidding are actual, legitimate companies that can provide the equipment and services they bid to provide. In addition, the Inspector General of the Department of Health and Human Services is required to assess the process used by CMS to conduct competitive bidding and verify the calculations of the pricing determinations used to determine the payment amounts for competitively bid items in Rounds One and Two.

This bill also includes standards which will lead to an improved competitive bidding program. Under the bill, all DME suppliers must be accredited and meet quality standards by October 2009. We also close a loophole that currently allows subcontractors to remain unaccredited. We heard many complaints about companies awarded contracts who had no presence in the competitively bid area and who then began to solicit subcontractors to assist in carrying out the terms of the contract they had been awarded. Under the current program, subcontractors do not need to meet accreditation standards. Our bill requires that every company that supplies DME in the Medicare program must meet accreditation standards, whether they are primary suppliers or subcontractors.

I urge my colleagues to support this legislation to delay the competitive bidding program in order to ensure seniors continued access to needed home medical equipment and supplies and to remedy flaws in the bidding process and make other necessary improvements in the competitive bidding program.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 19, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a business meeting to consider pending legislative issues, to be followed immediately by a hearing to receive comments on a discussion draft bill to address law and order in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, June 17, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND THE SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition and Forestry and the Senate Appropriations Subcommittee on Financial Services and General Government, be authorized to meet during the session of the Senate on Tuesday, June 17, 2008 at 10:30 a.m. in room 192 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Tuesday, June 17, 2008, at 10 a.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Tuesday, June 17, 2008, at 2:30 p.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 17, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 17, 2008, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 17, 2008, at 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that three law clerks from my Judiciary Committee staff, Erin Mallard, Matt Welling, and Arif Panju, be granted the privilege of the floor for the remainder of this session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUNETEENTH INDEPENDENCE DAY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 584 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 584) recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, this week we commemorate the 143rd anniversary of Juneteenth, the day our Nation's moral pendulum swung from slavery to freedom.

On June 19, 1865, our Nation turned a significant corner. We ushered in what President Lincoln called in his Gettysburg address a "new birth of freedom." We ended an oppression endured by generations of Americans and threw off the chains that shackled our common bond of freedom. We laid the roots for a constitutional revolution that, through the Civil War Amendments, transformed our founding charter from one that defended oppression, to one that embraced equal rights and human dignity.

Over a century later we have made significant progress, but the struggle to secure basic rights for all remains unfulfilled. Just a few months ago, the United Nations Convention on the Elimination of All Forms of Discrimination found that racial disparities continue to challenge our commitment to equality. I was not surprised to see that the U.N. report rebuked this administration's poor civil rights record. After 9/11, the Bush administration eroded many of the most precious rights and liberties held by all Americans. Just last week, the Supreme Court in the Boumediene opinion, beat back one of these most egregious attempts, restoring the Great Writ of habeas corpus to its rightful place as a mechanism to guarantee liberty from arbitrary confinement. But this administration has also played politics with critical voting laws, and failed to protect our most vulnerable citizens. The Bush administration's poor civil rights record has damaged America's prestige around the world, and undermined our tradition of progress on civil rights.

Vermont is a State that holds a unique place in America's march toward equal justice. It was the first to outlaw slavery. Vermonters offered shelter to runaway slaves seeking refuge while in transit to Canada. Indeed, in just the tiny town of Brandon, 17 homes were stations on the Underground Railroad. I am proud that this month Vermont joined the States recognizing Juneteenth as a State holiday. It is important for our children and grandchildren to know our history, and to know that ordinary people can make a difference.

As we reflect on the sacrifices of past generations, their example should inspire us all in our present day struggle to secure human and civil rights. We must reaffirm our faith in our cherished freedoms and restore our commitment to protect basic rights. I hope all Americans will celebrate Juneteenth by working towards building the more perfect union we want for generations to come.

Mr. LEAHY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 584) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 584

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas, for more than 140 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas, although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to understand better the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the Senate that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. LEAHY. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to S. Res. 585.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 585) supporting National Men's Health Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 585) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 585

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas, between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men will reach almost 54,000 in 2008, and almost ½ will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer will reach over 186,320 in 2008, and an estimated 28,660 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 9 through 15, 2008, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

AUTHORIZING THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO ACCEPT SUPPLEMENTAL ENVIRONMENTAL PROJECTS

Mr. LEAHY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2146.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 2146

Resolved, That the bill from the Senate (S. 2146) entitled "An Act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. EPA AUTHORITY TO ACCEPT DIESEL EMISSIONS REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS.

The Administrator of the Environmental Protection Agency (hereinafter, the "Agency") may accept (notwithstanding sections 3302 and 1301 of title 31, United States Code) diesel emissions reduction Supplemental Environmental Projects if the projects, as part of a settlement of any alleged violations of environmental law—

(1) protect human health or the environment;

(2) are related to the underlying alleged violations;

(3) do not constitute activities that the defendant would otherwise be legally required to perform; and

(4) do not provide funds for the staff of the Agency or for contractors to carry out the Agency's internal operations.

SEC. 2. SETTLEMENT AGREEMENT PROVISIONS.

In any settlement agreement regarding alleged violations of environmental law in which a defendant agrees to perform a diesel emissions reduction Supplemental Environmental Project, the Administrator of the Environmental Protection Agency shall require the defendant to include in the settlement documents a certification under penalty of law that the defendant would have agreed to perform a comparably valued, alternative project other than a diesel emissions reduction Supplemental Environmental Project if the Administrator were precluded by law from accepting a diesel emission reduction Supplemental Environmental Project. A failure by the Administrator to include this language in such a settlement agreement shall not create a cause of action against the United States under the Clean Air Act or any other law or create a basis for overturning a settlement agreement entered into by the United States.

SEC. 3. INCLUSION OF THE DISTRICT OF COLUMBIA IN CERTAIN STATE AND LOCAL GRANT PROGRAMS FOR DIESEL EMISSION REDUCTIONS.

(a) IN GENERAL.—Section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131) is amended by adding at the end thereof the following:

"(9) DEFINITION OF STATE.—The term 'State' includes the District of Columbia.".

(b) CONFORMING AMENDMENTS.—(1) Section 793(d)(2) of such Act (42 U.S.C. 16133(d)(2)) is amended by striking "Governor" and inserting "chief executive".

(2) Subparagraphs (A) and (B) of section 793(c)(2) of such Act are each amended by striking "50" and inserting "51" and by striking "2 percent" and inserting "1.96 percent" in each place such terms appear.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JUNE 18, 2008

Mr. LEAHY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Wednesday, June 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act, with Senators permitted to speak therein for up to 10 minutes each. I further ask that at 2:30 p.m., there be 2 hours for morning business, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders, or their designees, with the majority controlling the first hour and the Republicans controlling the next hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEAHY. Mr. President, tomorrow, we expect to be in a position to turn to consideration of the House message to accompany H.R. 3221, the Housing and Economic Recovery Act. We will continue working with colleagues on a way to move forward on this important legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LEAHY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:51 p.m., adjourned until Wednesday, June 18, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 17, 2008*

The House met at 12:30 and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 17, 2008.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

CLEMMONS ROTARY CLUB CREATES INNOVATIVE PUBLIC OUTREACH PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to praise the critical community service being performed by the Rotary Club of Clemmons, North Carolina.

The Clemmons Rotary Club launched a unique initiative this year to boost awareness of organ and tissue donor programs in North Carolina. They have spruced up the sides of about a dozen semi-truck trailers with huge public service ads, calling attention to the constant need for organ donors in North Carolina. Each truck highlights organ donor programs in North Carolina and directs potential donors to visit www.DonateLifeNC.org.

Currently, about 3,000 people in North Carolina are awaiting life-saving organ transplants. The Clemmons Rotary's Billboards on Wheels program is going to improve the lives of these people in need of an organ transplant in North Carolina. In fact, this brilliant marketing idea is beginning to garner some national attention from other rotary clubs that would like to replicate this program in States other than North Carolina.

The trend-setting people of the rotary club are model citizens who are working to make our world a healthier and more livable place. I hope that their good deeds inspire others to take up this great outreach idea and to help match donors with those in need.

Mr. Speaker, today, I also want to call special attention to the innovation and hard work of the students involved in West Wilkes High School's electric vehicle program.

Under the guidance and direction of Advisor Chris Tolbert, students in the West Wilkes electric vehicle program have completely rebuilt two vehicles—a Ford pickup and a Mazda Miata—into fully functional electric cars. This award-winning electric vehicle program is exactly the sort of program we need to help teach young people the skills and technology of the future.

I applaud Mr. Tolbert and the students at West Wilkes for their forward-thinking mindset. These students have custom-built electric cars, cars without gas engines, from the ground up. This is a herculean accomplishment with more than 3,000 hours of hard work going into the design and building of the Mazda Miata alone.

Fortunately, their hard work is paying dividends. Not only are they investing in a cleaner environment and in an economy that is less dependent on gas and oil, but they have brought home many awards and have captured national attention for their electric car innovations.

Just last month, they won multiple awards at the SMARTT Challenge competition in Raleigh. The SMARTT electric vehicle challenge, which draws hundreds of students from across the southeast, stands for Students Making Advancements in Renewable Transportation Technology.

The students and teachers at West Wilkes High School are on the cutting edge of hands-on instruction and learning, and I congratulate them for maintaining one of the best high school electric vehicle programs in the Nation. I hope they'll keep up the good work.

This leads me into my next comments, Mr. Speaker. The Democrats are inventing false arguments again.

"Use it or lose it" is already the law.

For Federal onshore competitive oil and gas leases, an oil company must have a producing well by 10 years. This comes from section 17(e) of the Mineral Leasing Act, (source: 30 U.S.C. 226(e)). Prior to 1992, the lease term was 5 years. The Energy Policy Act of 1992, under a Democrat House, modified it to 10 years. For Federal offshore oil and gas leases, an oil company must produce energy between 5 and 10 years. This is from the Outer Continental Shelf Lands Act.

So House Democrats do not even know what is existing law. What Democrats would have you believe is that a lease is a license to produce oil and gas. It is not. A lease is only the start of a process involving several steps the government requires an oil company to take before it may get permission to drill.

Democrats are effectively arguing that we should pull leases away from oil companies before they even receive permission to drill. That's like saying we should flunk a first grader on his first day of school because he has not yet taken his final exam.

Most of the drilling on Federal leases has been for natural gas. Natural gas production was up, way up last year, and so was demand. In fact, the industry is producing more gas under these leases, but they cannot keep up with demand because Democrats and their radical environmental allies will not allow the leasing of new areas. Ninety-seven percent of Federal offshore areas are not leased. Ninety-four percent of Federal onshore areas are not leased.

Again, I say, Mr. Speaker, the Democrats are inventing false arguments to keep us from increasing our supply of energy in this country.

LOWER GAS AND ENERGY PRICES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I want to take just a moment, before I start with any of my energy remarks, to welcome President Chen, Joy and Sean Chen here with General Protecht that is opening up a business in my district in Barnesville, Georgia. It's great to have them visiting Washington, D.C.

What I really want to talk to the people about today, Mr. Speaker, is the fact that it is time that the American people understand where Congress is on providing them with our own resources to bring about lower gas prices and lower energy prices.

I have had several constituents and people e-mailing me and calling me, asking me about a number of petitions that were on the Web or that were in service stations or in Wal-Marts or in Home Depots, and they were wanting to know how I felt about drilling onshore, about drilling in deep water and about bringing more refineries on line.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

So, as I looked at some of these petitions—and some of them I saw—one was on American solutions, and there were others, but the one on American solutions had about 600,000 signatories. Six hundred thousand Americans had taken the time to go to that Web site to sign the petition that said, "Drill now. Drill here. Less price." Less gasoline price.

So I thought, you know, that's interesting because we know how these constituents feel, but do our constituents really know, Mr. Speaker, how Members of Congress feel? Because we do things up here to keep the American people from knowing exactly what we do think because we make these issues as to so many different subject matters that we can find excuses to vote for or against most any proposal that is brought to this floor. So what I want to do is simplify it, simplify it for the American people—for our constituents—and, Mr. Speaker, for the Members of Congress.

So I came up with a petition for this House of Representatives, and the petition is simple. The petition says: "American energy solutions for lower gas prices. Bring onshore oil on line. Bring deep water oil on line, and bring new refineries on line."

I've got a petition here. Don't worry. This is one board. We've got five boards. We've got every district, all 435 Members who can vote in this House. We've got a petition, and it says, "I will vote to increase U.S. oil production to lower gas prices for Americans." How simple is that? That's pretty simple.

So what we've done is we've got this. Congressman Price and myself didn't bring it out until, really, after everybody had kind of gone home up here last Thursday, and we've already gotten 20 signatories. I've got two pens that I'm going to attach to these petitions. Mr. Speaker, I'm going to put them over here by the back door here on the minority side, and I'm going to invite every Member of Congress who believes that they would vote to reduce these prices to come by and sign them.

Just to give the American people, Mr. Speaker, a way to look at this, we are going to post, and are going to try to post in as real a time as we can, on different Web pages who has signed it. So, if you want to know who has signed so far, you can go to House.gov/Westmoreland, and you can also go to GOP.gov/energy. Now, these are two Web sites that are going to have posted by the end of the day who all has signed. If you, Mr. Speaker, or if anybody out there might want to know if your Congressman has signed, then you can go to that Web site.

We have had all different types of arguments in this House about energy, and the Democrats had an energy bill that they proposed and actually passed that President Bush signed into law in December of 2007. The Democratic majority passed this as one of their big issues in January of 2007.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WESTMORELAND. With that, I'll leave it up to Mr. Price, but for every Member in this House, the pens are here; the petition is here. Let the American people know how you feel.

THE STATE OF ISRAEL'S 60TH ANNIVERSARY

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Hampshire (Mr. Hodes) for 2 minutes.

Mr. HODES. Mr. Speaker, just last month, we celebrated the 60th anniversary of the creation of the State of Israel.

Last year, I was privileged to take my first trip to the Promised Land. Israel is the birthright for Jews around the world. As our stanchest ally, Israel is the only democracy in the Middle East, but to Jews, it is much more. It is the homeland, the true community that my own Jewish ancestors dreamed of when hounded by anti-Semitism, repression and violence.

To truly honor Israel on this 60th anniversary, we must seek a true, lasting peace from committed partners to provide for Israel's long-term survival, security and prosperity. For Jews in America, we owe it to our ancestors to protect the Jewish homeland that they toiled for centuries to achieve. We owe to it our grandparents and to our great grandparents who never saw the Promised Land. We owe it to our children and to our grandchildren, who must always know a world with a Jewish homeland. We owe them peace in our time.

RISING GAS PRICES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. Price) for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, it's a privilege to come to the well of the House and address this body. It's Tuesday, about 16 minutes to 1 o'clock, and the House is back in session for another week.

Today, we are going to be taking up some interesting resolutions. H.R. 1002 expresses support for the designation of April 2008 as Public Radio Recognition Month. We are going to take up House Resolution 1029, which congratulates and recognizes Chi-Chi Rodriguez for his continued success on and off the golf course. We are going to rename a post office in Cleveland, Ohio. We are going to rename another post office in Rancho Mirage, California, and we are going to recognize or have a bill that recognizes the historical significance of Juneteenth Independence Day. That's what is on tap for the House of Representatives today, Mr. Speaker.

What aren't we going to do?

Well, we aren't going to do what my constituents in the Sixth District of Georgia want us to do and what Americans all across this Nation want us to do, and that is to deal with the issue of gas prices, of rising gas prices. For another week, we're not going to deal with that because the leadership in this House, the Democrat leadership in this House, will not allow the bills to come to the floor that will increase American energy for Americans.

The average gas price in this Nation today, Mr. Speaker, is $4.08 a gallon. In California, it's $4.60 a gallon. In Connecticut, it's $4.38 a gallon. Now, facts are stubborn things, Mr. Speaker, but there are some laws of economics that are driving all of this.

Part of it, not all of it, is supply and demand, and there are some other facts that are important for all of us to appreciate. The United States expanded its dependence on foreign members of the Organization of Petroleum Exporting Countries—that's OPEC, Mr. Speaker—by a full 7 percent in 2007 alone. That means we increased our dependence on foreign oil. The United States is the only developed Nation in the world that forbids, that forbids, Mr. Speaker, safe energy production in its Outer Continental Shelf. That's deep sea exploration. We are the only developed Nation in the world to do this.

The U.S. Minerals Management Service estimates that America's Outer Continental Shelf contains nearly 86 billion barrels of oil, 86 billion barrels of oil. How much is that, Mr. Speaker? It's enough oil to replace OPEC imports for 50 years. We can gain that in an environmentally sensitive and sound way without threatening the environment.

On our side of the aisle, for the Republicans, when those votes have come up in the House, 81 percent of us have supported deep sea exploration for American energy for Americans. As for the other side of the aisle, when those votes have come up, 83 percent of House Democrats have opposed this.

So, as my friend Mr. Westmoreland has said, we are going to break it down pretty simply. Who wants to bring onshore oil on line for Americans? Who wants to bring deep water oil on line for Americans? Who wants to increase refining capacity in America? American energy for Americans, which Members of this body want to do that?

We've got a petition. We've got the pens at the ready, Mr. Speaker. All it takes is for Members to step up and to find their line and sign, and if they need help finding their line, we'll be glad to help them. It's important. It's important that the American people know that this body, the House of Representatives, appreciates the challenges that they're having right now at the gas pump, with filling up their cars and their vehicles, the difficulty of the truckers across this Nation in delivering the goods and services.

It's imperative that this House of Representatives addresses the issue of conservation, yes, alternative fuel, yes, but increasing supply. When you hear our friends on the other side of the aisle, they will say, well, there's already land that has been leased to the oil companies, and they aren't using it. Well, you're right. They're not using it because there's no oil underneath it. They need to go where the oil is, and the oil is demonstrated in the deep sea exploration that we ought to allow.

So, Mr. Speaker, I'm proud to stand here with my colleague who has brought forward the kind of clear evidence that Members of this House can demonstrate to their constituents back home and to their colleagues here in the House. It's time to increase American supply of American energy for Americans. I call on the leadership, on the Speaker of the House and on the leadership of the majority party—the Democrats—to bring those bills forward. Let us vote.

WELCOMING OLIVET BAPTIST CHURCH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 1 minute.

Mr. COHEN. Mr. Speaker, it is my pleasure today to welcome a group from my hometown, Olivet Baptist Church, hosted by their pastor, Kenneth Whalum, Jr.

Pastor Whalum's father, Pastor Kenneth Whalum, Sr., passed away last year, and this House named the post office on South Third Street, the main post office in Memphis, in his memory.

He was a city councilman, an outstanding community leader, a clergyman of renown, and my friend. He has three sons—two musicians, one of whom is Kirk Whalum, as many of you know from his saxophone playing—and then his son, Pastor Kenneth Whalum, Jr., who serves on the Memphis City School Board and who is a political and ecumenical leader in the City of Memphis as well.

I welcome Olivet Baptist Church to the House of Representatives, and I give praise to them for helping me get here.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God, who rules all the world from everlasting to everlasting, during the time given them, help this Congress to set a great agenda for this Nation and its future. Grasping a sense of the urgent needs of Your people, may this week provide a sense of priorities. May the desires of the common good overshadow particular concerns and personal preferences.

Inspire each Member to draw upon his or her best instinct and highest ideal so true goodness overcomes every evil and determined work whittles away at every problem, until this great Nation becomes Your living glory for all the world to see.

Show us the way, fill us with life, and let truth reign, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Iowa (Mr. BOSWELL) come forward and lead the House in the Pledge of Allegiance.

Mr. BOSWELL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IOWANS UNITED IN TIME OF TROUBLE

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, today I come to share with you that Iowa is in a lot of trouble. We have had extensive floods, the worst I have ever seen, in our part of the country, and it is devastating. Since I saw you last, I have spent hours and hours with the United Way, Red Cross, civic leaders, both city, county, State, emergency operations centers in and out, and so on, and it is really tough.

We have experienced that before in this Nation. In our Pledge we say "indivisible," and we are. This country will stand behind us, we know that, and we look forward to that possibility.

I fly an old airplane, and so I spent Saturday afternoon with one of my staff flying over the various cities, and a lot of them were really tough. When I flew down over Cedar Rapids low level and looked down upon the homes and businesses, at the devastation, the roads out, bridges, et cetera; over Iowa City, the university, with a lot of flooded buildings and so on; and then over to Ottumwa and back up the Des Moines River, it looked like a big lake. A lot of cropland is ruined, over 17 percent, maybe more, and will not produce this year.

So we need the help of the country. We need the help of this Congress. And I salute the people of Iowa for coming together. They have come together with determination. I asked one lady in the Emergency Operations Center after telling me all these things, I said, "How are you doing?" She said, "You know, we are like family. We have pulled together. We are going to do this, but we are going to have to have some help."

Mr. Speaker, I would hope today our Speaker and leaders will be ready to help Iowa and other States out there who are in dire need of help at this time.

HONORING WKSK, A PILLAR OF THE ASHE COMMUNITY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to honor a pillar of the Ashe County, North Carolina, community, WKSK radio and its owner Jan Caddell. Most of the Fifth District of North Carolina is a rural landscape, and beautiful, mountainous Ashe County is no exception.

As people who live in rural America well know, local radio stations are often the lifeblood of vital community life. WKSK radio is just such a radio station, and recent audience measurement results illustrate just that. According to these results, WKSK has the most loyal local audience in its home county of any station in North Carolina.

Next year, WKSK will celebrate the 50-year mark of service to the people of Ashe County. The fact that nearly 55 percent of listeners in Ashe tune their radios to WKSK, seven times more than the next closest station, is a true testament to the emphasis that WKSK places on serving Ashe County.

WKSK radio is a real community fixture, and I wish the station 50 more years of sterling service to the High Country.

EXPRESSING CONCERN ABOUT THE AIR FORCE TANKER CONTRACT AWARD

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I rise to express concern about the Air Force's award of a $35 billion contract to a foreign consortium which received over $5 billion in foreign government subsidies.

Of concern is the Air Force defying its own ranking system, which awarded the Boeing Corporation 98 positive discriminators and Northrop Grumman-EADS only 30, yet the tanker contract went to EADS.

Boeing's 767 tanker had a positive survivability rating. EADS' aircraft had a negative rating. Yet the tanker contract went to EADS.

Boeing has manufactured over 2,000 tankers with advanced fly-by-wire booms; EADS, zero. Yet the tanker contract went to EADS.

The lifecycle cost of the EADS tanker is going to be billions and billions more than that of the Boeing aircraft, yet the tanker contract went to EADS.

We continue to face record fuel prices, and it is critical that the Air Force's next refueling tanker meet or exceed their requirements and be as efficient as possible. An independent study has determined that the Boeing KC-767 fleet burns 24 percent less fuel than the EADS A-330s.

For the sake of the American workers, the American economy and our national security, it is time to revisit this contract.

MARKING THE 78TH ANNIVERSARY OF SMOOT-HAWLEY

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, today marks the 78th anniversary of perhaps the most disastrous economic legislation in our Nation's history, the Smoot-Hawley Tariff Act of 1928. It set off a chain reaction of retaliatory tariffs that caused a sharp decline in global trade. Modern economists largely agree that it deepened the Great Depression.

Unfortunately, today this lesson seems to have gone largely unnoticed, judging by the isolationist course the Democrat House leadership is currently embracing. Expanded trade is critical to job creation and economic growth, it levels the playing field for U.S. workers, and is crucial to keeping our Nation as the world's number one economic trading powerhouse.

Mr. Speaker, the United States must reject the rising tide of economic isolationism and lead the world toward open markets.

WELCOMING PRIME MINISTER SERGEI STANISHEV OF BULGARIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as cochair of the Bulgaria Caucus, I rise today to welcome Prime Minister Sergei Stanishev of the Republic of Bulgaria to Washington.

Since the defeat of communism in Eastern Europe, Bulgaria has emerged as a dynamic democracy. The country became a part of NATO in 2004 and the European Union in 2007. Recently the World Bank classified Bulgaria as one of the top 10 nations to have undertaken important economic reforms to attract business investment. Bulgaria is the only EU nation to be listed in the top 10.

Since my first visit as an election observer in June 1990, I have seen firsthand the talented people of Bulgaria emerge from totalitarianism to be one of the world's most vibrant nations as a free market democracy. Elena Poptodorova, the able ambassador from Bulgaria, has been vital in developing Bulgarian-American friendships.

I especially wish to thank Bulgaria for their continued support in the global war on terrorism. I have visited Bulgarian troops in Afghanistan, and my son Alan served with Bulgarians in Iraq. Our Nation and the world is safer and more prosperous by defeating terrorism overseas.

In conclusion, God bless our troops, and we will never forget September the 11th.

THE TUNNEL RAIDERS OF EGYPT

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, it seems like Indiana Jones is at it again. This time the search is on for the secret underground tunnels of Egypt.

The United States Army in Texas is training Egyptian soldiers to locate and destroy underground tunnels used by criminals to smuggle arms from Egypt into the Gaza Strip. Our troops are out there teaching digging techniques to the Egyptians looking for the lost treasure tunnels of guns and rockets. We are doing this to help protect the borders of Israel and Egypt.

Meanwhile, the U.S.-Mexican border is still porous for underground smuggling. Since 9/11, more than 40 smuggling tunnels from Mexico to the United States have been discovered. Last year, the DEA located a high-tech, sophisticated concrete tunnel 85 feet underground filled with two tons of drugs. Law enforcement expects there to be more tunnels found.

Rather than just protecting the borders of other nations by training Egyptian tunnel raiders, maybe we ought to send the military to protect our own southern border from the underground secret tunnel invasion of guns, drugs and people coming into the United States without permission.

And that's just the way it is.

THE PRESIDENT SHOULD REVOKE BAN ON EXPLORATION OF THE OUTER CONTINENTAL SHELF

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, oil prices climb to record highs; gasoline over $4; diesel prices near $5; family budgets stretched to the limits. And how do we handle this? We beg OPEC to produce more oil. The Saudis say they will give us 200,000 more barrels a day in the world market, but the daily world demand is 84 million barrels.

Hey, how about putting the U.S. in charge of our own economy? What about American energy? Sixty-four percent of Americans support American-made energy.

Today I will introduce a resolution calling upon the President to revoke a ban President Clinton extended in 1998 that prohibits exploration of our Outer Continental Shelf. The U.S. has the technology and regulatory framework to ensure that these resources are developed in an environmentally sound manner. The President has the power to remove this ban today, if he chooses.

I invite all my colleagues to cosponsor my resolution, and send a clear signal to the President and to the American people that we will help.

COMPREHENSIVE ENERGY POLICY NEEDED

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP. Mr. Speaker, during the Second Continental Congress, John Adams wrote a letter to his wife, Abigail. He said, "I have always felt dissatisfied, but apparently now I seem to reek of discontent." He reeked of discontent because he knew what the right thing to do was, but he couldn't get the leaders of the Continental Congress to do it, which was to declare independence.

Today, with gasoline at over $4 a gallon, $1.75 higher than when we started this Congress, and still no comprehensive energy plan, I as well as the American people seem of reek of discontent, because we know what the right thing to do is, but we can't get the leaders of Congress to do it, in this case to declare energy independence.

I specifically take umbrage at the fact that last week I had to fly for 4 hours to come back here to vote on telling people how to spend their stimulus paycheck and saying that Congress approved of D-day and ending the

Revolutionary War, but still no effort to try and solve our energy problem.

We need a comprehensive bill that will increase our conservation, increase our production and increase our ability to innovate how we deliver energy to the American people, and we need it now. Otherwise, we will continue to reek of this discontent.

☐ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2008.
Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 16, 2008, at 10:25 a.m.:

That the Senate agreed to without amendment H. Con. Res. 325.

With best wishes, I am

Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

EXPRESSING CONCERN ABOUT THE AIR FORCE TANKER CONTRACT AWARD

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this week the GAO will rule on the Boeing protest of the Air Force acquisition process for the $35 billion award to replace the KC–135 air refueling tankers that went to Northrop and a European consortium team in February.

The Department of Labor's employment report for May showed a loss of 49,000 jobs and an unemployment rate that increased to 5.5 percent—the biggest monthly rise since 1986. Yet this contract will not only continue but accelerate the erosion of our industrial base and skilled workforce. According to an Economic Policy Institute analysis released earlier this month, this decision will ground at least 14,000 U.S. jobs. Roughly half the parts and labor that go into making Airbus tankers will come from overseas.

Producing the Airbus KC–45 tanker would support about 14,350 U.S. jobs per year, while Boeing's proposed tanker would support at least twice as many jobs—including those for high-skilled workers manufacturing engines in Middletown, Connecticut. Our economy has lost nearly 325,000 jobs since the beginning of the year. We should not be sending more jobs overseas, outsourcing our technological base. We should be creating jobs at home, supporting local innovation, and investing in our economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CAPTIVE PRIMATE SAFETY ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2964) to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Primate Safety Act".

SEC. 2. ADDITION OF NONHUMAN PRIMATES TO DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2(g) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(g)) is amended by inserting before the period at the end "or any nonhuman primate".

SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.

(a) PROHIBITED ACTS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting "or" after the semicolon;

(ii) in subparagraph (B)(iii), by striking "; or" and inserting a semicolon; and

(iii) by striking subparagraph (C); and

(B) in paragraph (4), by inserting "or subsection (e)" before the period; and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively;

(B) by striking "(e)" and all that follows through "Subsection (a)(2)(C) does not apply" in paragraph (1) and inserting the following:

"(e) CAPTIVE WILDLIFE OFFENSE.—

"(1) IN GENERAL.—It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species.

"(2) LIMITATION ON APPLICATION.—This subsection—

"(A) does not apply to a person transporting a nonhuman primate to or from a veterinarian who is licensed to practice veterinary medicine within the United States, solely for the purpose of providing veterinary care to the nonhuman primate, if—

"(i) the person transporting the nonhuman primate carries written documentation issued by the veterinarian, including the appointment date and location;

"(ii) the nonhuman primate is transported in a secure enclosure appropriate for that species of primate;

"(iii) the nonhuman primate has no contact with any other animals or members of the public, other than the veterinarian and other authorized medical personnel providing veterinary care; and

"(iv) such transportation and provision of veterinary care is in accordance with all otherwise applicable State and local laws, regulations, permits, and health certificates;

"(B) does not apply to a person transporting a nonhuman primate to a legally designated caregiver for the nonhuman primate as a result of the death of the preceding owner of the nonhuman primate, if—

"(i) the person transporting the nonhuman primate is carrying legal documentation to support the need for transporting the nonhuman primate to the legally designated caregiver;

"(ii) the nonhuman primate is transported in a secure enclosure appropriate for the species;

"(iii) the nonhuman primate has no contact with any other animals or members of the public while being transported to the legally designated caregiver; and

"(iv) all applicable State and local restrictions on such transport, and all applicable State and local requirements for permits or health certificates, are complied with; and

"(C) does not apply";

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking "a" before "prohibited" and inserting "any";

(ii) by striking "(3)" and inserting "(4)"; and

(iii) by striking "(2)" and inserting "(3)";

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking "animals listed in section 2(g)" each place it appears and inserting "prohibited wildlife species"; and

(II) in clause (iv), by striking "animals" and inserting "prohibited wildlife species"; and

(ii) in subparagraph (D), by striking "animal" each place it appears and inserting "prohibited wildlife species";

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking "(2)" and inserting "(3)";

(F) in paragraph (6) (as redesignated by subparagraph (A)), by striking "subsection (a)(2)(C)" and inserting "this subsection"; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

"(7) APPLICATION.—This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.".

(b) CIVIL PENALTIES.—Section 4(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)) is amended—

(1) in paragraph (1), by inserting "(e)," after "subsections (b), (d)," ; and

(2) in paragraph (1), by inserting ", (e)," after "subsection (d)".

(c) CRIMINAL PENALTIES.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by inserting "(e)," after "subsections (b), (d)," each place it appears; and

(2) in paragraph (3), by inserting ", (e)," after "subsection (d)".

SEC. 4. APPLICABILITY PROVISION AMENDMENT.

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108–191) is amended—

(1) in subsection (a), by striking "(a) IN GENERAL.—Section 3" and inserting "Section 3"; and

(2) by striking subsection (b).

SEC. 5. REGULATIONS.

Section 7(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3376(a)) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall, in consultation with other relevant Federal and State agencies, issue regulations to implement section 3(e).".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LAW ENFORCEMENT PERSONNEL.

In addition to such other amounts as are authorized to carry out the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.), there is authorized to be appropriated to the Secretary of the Interior $5,000,000 for fiscal year 2009 to hire additional law enforcement personnel of the United States Fish and Wildlife Service to enforce that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2964, the Captive Primate Safety Act, was introduced by our colleague from Texas, Congresswoman EDDIE BERNICE JOHNSON. This bill amends the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of nonhuman primates.

Although the importation of nonhuman primates into the United States for the pet trade has been banned by Federal regulation since 1975 due to health concerns, these animals are readily available for purchase on the Internet and from exotic animal dealers. While some States already prohibit the possession of these animals as pets, there remains an active trade in these animals.

Nonhuman primates may pose serious risks to public health and safety. They can transmit diseases and inflict serious physical harm. In addition, most people cannot provide the special care, housing, diet and enrichment that these animals require. Interstate transport increases these risks to both humans and primates. Conversely, decreasing commerce in nonhuman primates, as H.R. 2964 would do, limits interactions and diminishes risks.

Mr. Speaker, I understand that late last week there were some concerns raised about the effect of the bill on nonhuman primates that serve as assistance animals for individuals with spinal cord injuries. We have committed to work to carefully address that very narrow issue in a way that does not create unintended loopholes in the prohibitions established by the bill.

With that, Mr. Speaker, I ask Members on both sides to support passage of this noncontroversial bill.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I wish to yield myself such time as I may consume and I would like to raise a few issues that give me pause.

As a matter of full disclosure, neither I nor any member of my family own a pet capuchin, a howler or a spider monkey. However, I admit that I'm not particularly fond of those annoying rally monkeys that seem to show up during the American League baseball playoffs.

This legislation would amend the Lacey Act to make it a Federal crime to import, export, transport, sell, receive, acquire or purchase a nonhuman primate pet in either interstate or foreign commerce. This measure contains the distressing trend of federalizing yet another issue that clearly falls under the jurisdiction of State fish and wildlife agencies. In fact, more than 40 States already either prohibit the ownership of monkeys or require a license or permit to own them.

It also begs the question of why is there an overriding need for this legislation? According to the proponents, nonhuman primates attack people and spread deadly diseases. Yet there have only been 132 documented incidents over a 10-year period where nonhuman primates have injured a human primate. Of these incidents, 80 involved primate pets, not covered by this bill, or less than eight attacks per year. By contrast, man's best friend sends more than 100,000 people to the hospital each year, not to mention the numerous romps in the yard ruined by the discovery of a substance left by the neighbor's schizophrenic canine friend.

Furthermore, we heard testimony before our committee that there is no documentation of pet primates being a threat to public safety. In fact, there have been no instances where a captive nonhuman primate pet has caused a disease transmission or human death. While I am not a betting man, the chances of being bitten by a pet nonhuman primate in this country appears to be about one in 38 million.

Since this is hardly a public safety issue, I wish to address this body—or direct this body if there are any Members of the body actually here—to the cost of this legislation. According to the Congressional Budget Office, it will cost $4 million a year for the U.S. Fish and Wildlife Service, who opposed this bill, to hire additional staff to conduct inspections and investigations to enforce this act. On a per incident basis, this represents about a half million dollars in U.S. public taxpayer money per bite. At that rate, I hope I can apply for the job.

At a time when our national debt is approaching a staggering $9 trillion, certainly it is legitimate to ask whether this is a wise use of taxpayer money, especially in light of the fact that the States have been and are quite capable of regulating the nonhuman primate pet trade now and in the future. Maybe we should actually spend more of our time with the human primates' energy issues instead of the nonhuman primate pet trade nonissue.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. BISHOP of Utah. I do have a few other speakers.

Ms. BORDALLO. In that case, then, Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. I will yield as much time as the lady wishes to consume to the gentlelady from the State of North Carolina.

Ms. FOXX. I want to thank my colleague from Utah for yielding.

I agree with my colleague from Utah that we ought to be dealing with things that are important to the American people, and it seems to me that this bill is not something that is high on the agenda of most Americans. What is high on the agenda of most Americans is the cost of gas and oil in this country. The Democratic leadership simply is refusing to deal with it and deal with it in a realistic manner.

I think it's very important that we point out the history of our having dealt with these issues over the years and what Republicans have tried to do. Let me talk about the issues of supply and demand. We have tried and tried to increase the supply of fuel oil and gasoline in this country for many years. Let me tell you how we have voted on this issue:

On ANWR exploration, House Republicans, 91 percent of us, have supported that. Eighty-six percent of House Democrats have opposed it. Consistently Democrats have voted against creating more supply by drilling in ANWR, a place about the size of a postage stamp on a football field as the size of ANWR is to the State of Alaska.

How about coal-to-liquid. There are many ways that we can help our energy situation in this country. The Democrats say we can't drill our way out of it. Well, there are lots of ways that we could get the resources we need. We have supported the issue of turning coal into liquid fuel for a long, long time. Ninety-seven percent of Republicans have supported it. Seventy-eight percent of Democrats have opposed it.

How about exploring oil shale. Ninety percent of Republicans have supported that issue. Eighty-six percent of

Democrats have opposed it. It is no wonder that we are having problems with supply of energy resources in this country when we have had almost all Democrats opposing it over the years.

How about drilling on the Outer Continental Shelf. Eighty-one percent of House Republicans have supported it. Eighty-three percent of House Democrats have opposed it.

How about increasing refinery capacity in this country, which is an issue in terms of providing the supply we need. Ninety-seven percent of House Republicans have supported increasing refinery capacity. Ninety-six percent of House Democrats have opposed it.

Just so people know, we have validated these statistics by going back and counting the actual votes on these issues over the years.

So here is the summary: Ninety-one percent on average of House Republicans have historically voted to increase the production of American-made oil and gas. We do have the capability in this country to become energy independent. But 86 percent of House Democrats have historically voted against increasing the production of American-made oil and gas. They obviously want us to remain dependent on foreign oil. It is something I simply cannot understand. They seem to want the American people to suffer. They and their radical environmentalist friends don't want us to do anything to increase the supply of oil and gas. Republicans do want to increase the supply of oil and gas, and the facts prove it out.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. I yield such time as he may consume to the gentleman from Georgia.

Mr. WESTMORELAND. I thank my friend for yielding.

I found some of the facts today pretty interesting about this monkey bill, this monkey business, Mr. Speaker. I've only been in Congress 4 years, I was in the State legislature 12 years, and I've never had a call about a monkey bite or monkey bites being rampant in my district. I'm sure that it's important. As my friend from Utah stated, don't be real alarmed that your Congress has brought this front and center, the first bill on the floor today in the House of Representatives. You can take comfort, because only one in 38 million, that's your chances of getting bit by a monkey today.

□ 1430

Now your chances are pretty good if you are driving a gasoline-powered car, when you pull into the service station, you are going to pay about $4.08 for gas. Now that's for sure. We need to be concentrating on that pain that you're feeling, not the pain of a monkey bite, but the pain at the gas pump that you're feeling.

And, you know, we're going to spend, as my friend from Utah said, a half million dollars per monkey bite in this country. Those are expensive monkey bites. Not only are they rare, and that may be the reason they're so expensive is they are so rare; but we could be spending that money towards drilling, towards exploring our own natural resources.

That's the reason I came up with a petition. I heard about all of these petitions on the Internet about where American citizens could go and sign a petition to let Congress know how they felt about high energy prices. And I thought, you know, why don't you come up with a petition that the Members of Congress can sign to let the people of America know how their Representative feels about the commonsense issue of providing our own resources.

So we came up with the American Energy Solutions for Lower Gas Prices, bring onshore oil online, bring deep water oil online, and bring new refineries online. And just to make it special, I made every Member of Congress a separate line on the petition. And what the petition says is: I will vote to increase U.S. oil production to lower gas prices for Americans. And there are two pens on it. So I am going to invite everyone to sign it.

Mr. Speaker, today when we vote on the monkey bite bill, there will probably be a little over 400 Members, probably around 410 or 412, that will vote on the monkey bite, and I would hope that we would have that many signatures on this petition. There are 435 slots over here for people who have the ability and under the Constitution to vote on this floor, have an opportunity to sign that petition to let their constituents know that they are for commonsense energy practices.

You know, the keyword today, Mr. Speaker, in all of the campaigns you hear about is change. I think Americans do want change. I think our voters do want change. I don't know if it is the radical, rock-your-world, turn-everything-upside-down change that some of the candidates are talking about, but I think it is this kind of change, I think it is a change for honesty. I think the American people want to know where their Member or their elected official stands on the issues. And we make them so complicated that every Member of this body can go home and give a good reason why they voted for or against something. This simplifies it so the American people can see the honesty in their Member that says yes, I will vote to increase U.S. oil production to lower gas prices for Americans. That's simple.

The other thing they want is common sense. They want common sense. Common sense, Mr. Speaker, is to use our own natural resources rather than going into other countries in the world hat in hand begging for their natural resources. That's not common sense. It is not common sense to be in this body passing a law today about monkey bites when you have a 1 in 38 million chance of getting bit. Or that it is going to cost a half a million dollars per bite, that's not the kind of common sense, that's not the kind of change that American people are looking at.

What they're looking at is the commonsense change of us getting out of fetal position in this body, Mr. Speaker, and doing something to lower the price, to lower the pain for them at the gas pump, not reduce the pain from monkey bites.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Yes, Mr. Speaker, people indeed are being bit by monkeys, and they are also being bit at the gas pumps. I would just like to note a few statistics regarding monkey risks to the public.

In June of 2008 in New York, a 22-month-old girl playing in her backyard put her fingers through a fence into a neighbor's yard and was bitten by their pet monkey. Doctors spent 12 hours trying to reattach her finger.

In March 2008 in Indiana, a child visiting a home was bitten by a pet capuchin monkey.

In February 2008 in Arizona, a 3-year-old boy was bitten by a pet lemur his family just got 2 weeks before.

In February 2008 in Washington, a pet monkey escaped from a home and bit three people.

In December 2007 in North Carolina, a clerk at a convenience store was bitten by a customer's pet monkey.

In September 2007 in Missouri, two children were bitten by a pet monkey at a park. The woman who owned the monkey ran off with the animal.

In August 2007 in Wisconsin, a woman was bitten by a pet monkey a man had on a leash.

In April 2007 in Mississippi, a Federal agent approached a home and was attacked by a monkey.

Mr. Speaker, from January 2007 right here on my list until March 2005, there are nine other listed cases. So yes, people are being bitten by monkeys.

And this is how they are getting bitten at the pumps. Currently oil and gas companies hold leases on nearly 68 million acres of Federal land both on shore and under OCS waters that they are not, I say that they are not developing. That is roughly the size of the State of Colorado. That 68 million acres of leased but stockpiled, inactive Federal oil and gas lands could produce an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas every day. I would point out that would nearly double total U.S. oil production and increase natural gas production by 75 percent.

Let me reiterate that if drilling took place on the 68 million acres of Federal lands currently under lease to oil and gas companies, an area the size of Colorado, we would nearly double total domestic oil production. It would also cut U.S. oil imports by one-third and it would be more than six times the estimated peak production from the Arctic National Wildlife Refuge. So that is where the problem lies, the industry is simply not using what it already has. And one must wonder, is this done on purpose? Is it being done to keep supply off the market in order to keep record-level prices and world-record profits?

Let me remind my colleagues that the number of Federal onshore drilling permits has exploded in recent years. Between 1999 and 2007, the Interior Department increased the number of those permits it issued by 361 percent. I would also note that of all the oil and gas believed to exist on the Outer Continental Shelf, 82 percent of the natural gas and 79 percent of the oil is located in areas that are currently open to leasing.

So the gentleman is correct, we have a problem here; but the solution is to prompt the holders of these valuable energy leases to develop them. The chairman of the Natural Resources Committee, Mr. NICK RAHALL, has put forth a solution, drill it or lose it.

The Responsible Federal Oil and Gas Lease Act of 2008 would compel oil and gas companies to either produce or give up Federal onshore and OCS leases that they are stockpiling by barring the companies from obtaining any more leases unless they can demonstrate that they are producing oil and gas or are diligently developing the leases they already hold during the initial term of the leases.

Companies could avoid this new lease prohibition by relinquishing their nonproducing leases, creating an opportunity for another company to explore for and perhaps produce oil or gas from them. Under the bill, the terms of leases which are in production or which can demonstrate diligent development are extended. Companies which lease Federal coal resources are by law required to diligently develop these leases. This requirement has discouraged the rampant speculation that once existed in the Federal coal leasing program, the same type of speculation that now appears to be plaguing the Federal oil and gas leasing program.

So I say, let's set the Big Oil monkey off the people's backs; drill it or lose it.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I wish to yield additional time to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend from Utah.

I want to just address a couple of things that have been brought up; use it or lose it, drill it or lose it. That is already the law. That's already the law.

We have 68 million acres out of 2.5 billion. Now we talked about common sense, at least I talked about common sense, about what we are doing here. And, I'm sorry, I didn't have time to write down all of the dog bites. I noticed we were quoting all of the monkey bites. But what I will tell you as far as common sense goes, if you were an exploration company, if you were an oil company, would you drill where you knew that there was no oil? I would say no. But evidently the majority, the Democrats, believe that because you have 68 million acres of land, that you need to drill on it. Although 54 percent, 54 percent of the holes that were put in the ground for exploration between 2002 and 2007 were dry. So would you continue drilling on that 68 million acres out of 2.5 billion acres? I don't think so. I think that the American people with common sense would say, you know what, if there isn't oil there, why would you drill?

Do you go to the hardware store to buy groceries? I don't think the average American goes down to the hardware store looking for Quaker oats. He goes to a grocery store.

And so if you are going to be drilling for oil, the commonsense thing is that you would want to drill where oil is at.

We know how many barrels are under ANWR. We know how many barrels of shale, a trillion barrels of shale in the western United States, enough oil in ANWR to last us 50 years at the rate of what Saudi Arabia produces. So there is some common sense, and there is truth that there is 68 million acres leased. But the truth of it is half of the exploratory holes have been dry, so why would you want to continue to drill.

We need to open up new oil reserves and we need to make this to where companies want to go and explore for oil. We need to use our common sense and say we are not going to be dependent any longer on foreign oil in foreign places and foreign resources. Let's use our own resources. We have the technology to do it. We can do it in an environmentally safe way.

But it is time that the majority of this country is quit being held hostage at the gas pump for gas over $4 a gallon by a small, radical environmental group that is controlling the majority party in this Congress.

Mr. Speaker, I hope that we will bring some energy legislation to this floor rather than the monkey bite bill.

Ms. BORDALLO. Mr. Speaker, the gentleman stated that if you were an oil company, would you drill where there is no oil; of course not. And that is not the situation. The oil companies bid on these Federal leases. They pay for them because they believe there is oil on this acreage. The oil companies are paying rental fees on these leases. Why, because they believe they hold oil. Drill it or lose it.

I do have another comment on the gentleman's comments that he made earlier.

Mr. Speaker, monkeys do pose a disease risk. Some monkeys used as pets often carry the deadly Herpes B virus, and the CDC concludes that makaks are unsuitable as pets because of this health risk.

And the gentleman mentioned dog bites. Of course there are more dog bites, Mr. Speaker, there are 75 million dogs in the United States, but only 10,000 to 15,000 monkeys.

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But every monkey bite causes unnecessary disease risk to those who are bitten.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. I think I am ready to finish out here.

One of the problems that we have had over the past is an effort, as we try to look at energy independence, is to find some kind of scapegoat, someone whom to blame, usually a corporation. The reality is that is not what we should be doing. What we should be doing is finding commonsense solutions to the problem.

Oil companies already are putting billions of dollars into research, but for every one of those holes that are drilled, there is always a delaying concept that sometimes will last between 7 and 10 years for environmental engineering studies, permitting, and then even comes the litigation and the regulation on top of that.

The bottom line is still, on our offshore coast, 85 percent and onshore 67 percent of all our land is permanently locked away where there is no way of getting to the resource assets that are there. That's the reality of what's taking place.

May I also address this bill specifically as well. The gentlelady from Guam has given seven examples of situations and problems with nonhuman primates, monkey bites. Unfortunately, every situation that was given was already covered in existing law, and the bill before us would in no way cover any of those situations.

This deals simply with transportation. It doesn't deal with the situations that were brought up. Once again, this bill does not fit the examples that have been brought up as to why the bill should be there.

The bottom line is still the Department of the Interior is opposing this bill because they say it is new enforcement mandates. They're enforcement mandates in areas they have not been historically responsible because their area is in the area of wilderness and wildlife conservation. This does not meet it.

And indeed, the Interior Department once again said that this bill is coverage that is duplicative of existing laws. And that's one of the reasons why we have a problem with this particular bill, in an area to try to expand what we're doing in an area which ought not be expanded because local governments and States have a better way and can easily, easily solve this particular problem without the extra expense to the national taxpayer.

With that, Mr. Speaker, I will yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I find it interesting that a bill that was approved by the Natural Resources Committee by unanimous consent is suddenly objectionable to the minority. But I urge Members to support it.

Mr. SHAYS. Mr. Speaker, as co-chair of the Congressional Friends of Animals Caucus, I rise in support of H.R. 2964, the Captive Primate Safety Act, which prohibits the sale of nonhuman primates such as chimpanzees, monkeys, and lemurs.

I am concerned about both the public health and animal welfare implications of nonhuman primate ownership, which this legislation addresses. For example, nonhuman primates can spread disease and inflict serious injury on their owners. They require a special diet and large habitats, two things most pet owners are unable to provide, particularly as these animals grow in size and strength.

Federal health regulations currently prohibit importing primates into the U.S. as pets, and many States prohibit pet ownership of primates as well. In spite of this, an estimated 15,000 primates are owned by private individuals, and are available for purchase around the country.

The bottom line is, the average pet owner does not have the ability to properly care for these animals and, because of this, both they and their pets are at risk.

It is appropriate we protect nonhuman primates, man's closest animal relative, by prohibiting pet ownership of this kind. I strongly support adoption of H.R. 2964.

Ms. BORDALLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2964, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MONTANA CEMETERY ACT OF 2008

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3702) to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Montana Cemetery Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term "County" means Jefferson County, Montana.

(2) MAP.—The term "map" means the map that is—

(A) entitled "Elkhorn Cemetery";

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. CONVEYANCE TO JEFFERSON COUNTY, MONTANA.

(a) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in subsection (e), in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the "Elkhorn Cemetery", as generally depicted on the map.

(c) USE OF LAND.—As a condition of the conveyance under subsection (a), the County shall—

(1) use the land described in subsection (b) as a County cemetery; and

(2) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(d) EASEMENT.—In conveying the land to the County under subsection (a), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that subsection.

(e) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under subsection (a) shall revert to the Secretary, at the election of the Secretary, if the land is—

(1) used for a purpose other than the purposes described in subsection (c)(1); or

(2) managed by the County in a manner that is inconsistent with subsection (c)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3702 requires the Secretary of Agriculture to convey approximately 9.67 acres of land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, MT for use as a cemetery. The parcel to be conveyed to Jefferson County is currently being used for these same purposes, and is known as "Elkhorn Cemetery." The conveyance will provide land to accommodate all known grave sites and any additional sites that may be outside of the concentration of known graves.

The bill also provides for the continued protection of the historic and cultural values associated with the property.

Mr. Speaker, we have no objections, and it is time to put this bill to rest.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

The gentlelady from Guam has adequately explained this bill. I'd like to commend congressman DENNY REHBERG and his staff for their diligence in this particular bill; grateful for all for allowing the conveyance of this 10 acres of excess Forest Service land to the community of Jefferson County, MT to be used as their cemetery.

I join the gentlelady from Guam in saying that I am glad that we can finally put this issue to rest in peace.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3702, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WESTMORELAND. How did you count? You said a sufficient number having arisen. I only see four Members in here, and I only saw one rise.

The SPEAKER pro tempore. The Chair's count is not subject to appeal.

Mr. WESTMORELAND. Okay. Well, all right. But further parliamentary inquiry. If there's four of us in here, and one stands up, is that, in the Chair's opinion, enough to call for a vote?

The SPEAKER pro tempore. The Chair stated that a sufficient number had arisen and his count is not subject to appeal.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

SUPPORTING THE GOALS AND IDEALS OF AMERICAN EAGLE DAY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1247) supporting the goals and ideals of "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1247

Whereas the bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress;

Whereas the bald eagle is the central image used in the Great Seal of the United States and the seals of the President and Vice President;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) Congress;

(2) the Supreme Court;

(3) the Department of Defense;

(4) the Department of the Treasury;

(5) the Department of Justice;

(6) the Department of State;

(7) the Department of Commerce;

(8) the Department of Homeland Security;

(9) the Department of Veterans Affairs;

(10) the Department of Labor;

(11) the Department of Health and Human Services;

(12) the Department of Energy;

(13) the Department of Housing and Urban Development;

(14) the Central Intelligence Agency; and

(15) the United States Postal Service;

Whereas the bald eagle is an inspiring symbol of the American spirit of freedom and democracy;

Whereas the image, meaning, and symbolism of the bald eagle have played a significant role in American art, music, history, literature, architecture, and culture since the founding of our Nation;

Whereas the bald eagle is featured prominently on United States stamps, currency, and coinage;

Whereas the habitat of bald eagles exists only in North America;

Whereas by 1963, the number of nesting pairs of bald eagles in the lower 48 States had dropped to about 417;

Whereas the bald eagle was first listed as an endangered species in 1967 under the Endangered Species Preservation Act, the Federal law that preceded the Endangered Species Act of 1973;

Whereas caring and concerned citizens of the United States in the private and public sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas in 1995, as a result of the efforts of those caring and concerned citizens, bald eagles were removed from the endangered species list and upgraded to the less imperiled threatened species status under the Endangered Species Act of 1973;

Whereas by 2006, the number of bald eagles in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas the Secretary of the Interior removed the bald eagle from the Federal list of threatened species effective August 8, 2007;

Whereas the bald eagle remains subject to the Migratory Bird Treaty Act and on May 28, 2008, the Secretary of the Interior issued regulations providing continued protection under the Act popularly known as the Bald and Golden Eagle Protection Act;

Whereas bald eagles would have been permanently extinct if not for vigilant conservation efforts of concerned citizens and strict protection laws;

Whereas the dramatic recovery of the bald eagle population is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the bald eagle population was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the sustained recovery of the bald eagle populations will require the continuation of recovery, management, education, and public awareness programs, to ensure that the populations and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of "American Eagle Day"; and

(2) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate on education information for use in schools; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 1247, as amended, celebrates the recovery of the American bald eagle, the symbol of our country displayed on American currency and government agency seals, including the seal of the United States Congress. The bald eagle's recovery is a huge success story for the Endangered Species Act and the conservation laws which preceded it.

In 1963, there were just 487 pairs of bald eagles in the lower 48 States. Today, Mr. Speaker, according to the U.S. Fish and Wildlife Service, there are an estimated 9,789 breeding pairs.

Effective August 8, 2007, the bald eagle was removed from the list of threatened species under the Endangered Species Act, demonstrating that it had truly recovered. At the same time, the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act continue to provide important protections for this magnificent bird.

I commend our colleague, Congressman DAVID DAVIS from Tennessee, for introducing this resolution encouraging organizations and government agencies working on the conservation of endangered species to collaborate on educational information for use in our schools.

The resolution further encourages the American people to observe American Eagle Day with appropriate ceremonies.

This resolution merits our support.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I wish to yield, before I make my statement, to the gentleman from Tennessee (Mr. DAVID DAVIS), the sponsor of this particular resolution, as much time as he may consume.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I rise today in support of H.R. 1247, a bill I introduced, to support the goals and ideals of June 20 as American Eagle Day. The bill also highlights the successful recovery story of the American bald eagle, the official national emblem of the United States.

The American bald eagle has been a part of American culture for hundreds of years. In 1782, the Second Continental Congress established that the bald eagle was the official emblem of the United States because of its uniqueness to North America. It can be seen on the United States seals in public buildings, schools, and even here in the House Chamber. Over the years, the bald eagle has become a living symbol of the United States spirit, freedoms, and continual pursuit of excellence.

Mr. Speaker, just 45 years ago the United States had only about 400 nesting pairs of the American bald eagle. Through conservation, education and careful planning, today we have seen a significant rise to about 7,000 nesting pairs of the American bald eagle.

Because of the successful recovery exhibited by the American bald eagle, the Department of the Interior has taken the bald eagle off both the endangered and threatened species list. The bald eagle has been a national symbol, and its recovery has been a national success story.

H.R. 1247 will not only honor the now thriving American bald eagle, it will also encourage support of the United States Mint bald eagle commemorative coin program which has been a success for the past few years. Currently, this coin program has raised over $5 million for the American Eagle Foundation, which is located in Pigeon Forge, Tennessee, which is located in my district.

The American Eagle Foundation is a successful not-for-profit organization seeking to protect and fully restore the bald eagle population across North America. They also care for the injured and orphaned birds that have a strong environmental presence through educating thousands of families who visit Pigeon Forge, Tennessee each year.

Furthermore, this bill encourages school systems, businesses, governmental agencies and conservation groups to share information on the American bald eagle that will benefit children and schools across our Nation.

Mr. Speaker, I ask that my colleagues join me in supporting H.R. 1247, a bill I introduced to support the goals and ideals of June 20 as American Eagle Day, and celebrate the recovery and restoration of this great bird, the bald eagle, the national symbol of the United States.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself as much time as I may consume.

I rise also in support of House Resolution 1247 which endorses the goals and ideals of the American Bald Eagle Day, or American Eagle Day.

226 years ago the Second Continental Congress decided to use the image of the American bald eagle on the great American, great seal of the United States. Since that time, the image of this majestic bird has graced our art, our culture, currency, stamps, headbands, and rubber things you put around your wrist. It's been the subject of more than 2,500 published books, making the bald eagle the most extensively studied bird in North America.

While we estimate there were nearly 500,000 bald eagles on this continent, this species was particularly devastated by a reproductive failure. In response, Congress did enact the Bald and Golden Eagle Protection Act, and the bird was listed on the Endangered Species Act.

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From its all-time low of 417 nesting pairs in the continental United States during the Lyndon Johnson administration, extraordinary conservation efforts have saved the bald eagle since that time, and we have witnessed a significant population increase.

Today, there are just under 10,000 breeding pairs in the lower 48, not to mention to 30,000 bald eagles living in Alaska. By any objective stand, the recovery of the bald eagle has been remarkable and sadly, one of the few success stories of the Endangered Species Act, an act that obviously needs significant reform.

The Secretary of Interior has removed the bald eagle from the Federal list of threatened endangered species, and there is no question that the bald eagle will continue to inspire millions of America, but it symbolizes fundamental values of this country: courage, freedom, patriotic spirit, and of energy development.

Under the terms of House Resolution 1247, the people of the United States are encouraged to observe American Eagle Day on June 20, to provide educational information about the bald eagle and our Nation's wildlife resources. And I also urge a "yes" vote.

And I want to commend and compliment the author of this resolution, Congressman DAVIS of Tennessee, for his effective leadership in proposing this celebration of American Eagle Day.

I will reserve the balance of my time.

Ms. BORDALLO. In that case, Mr. Speaker, I also reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I wish to recognize the gentlelady from North Carolina (Ms. FOXX) for what time she may choose to consume.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from Utah for yielding me time, and I want to congratulate and commend my colleague from Tennessee (Mr. DAVIS) for his work on this resolution.

I want to say that this Capitol Building in which we are working today and which people are visiting every day is one of the most wonderful symbols of our country. The American bald eagle is another symbol of our country.

An intangible symbol of our country has always been our independence and our innovative nature and our freedom. The people all around the world know this country for what we stand for: freedom, and the rights of individuals, and the ability to solve problems, and to create ways to solve those problems.

But right now our way of life is being threatened because of the price of gasoline in this country, and there are many who believe that there are liberals in this country who think that the United States should be taken down a peg or two, that we shouldn't be allowed to be the great Nation that we are; and that one way of doing that is by crippling the United States through the inability to be independent with gas and oil.

But I want to say that that's not the direction that Republicans want to be going. Republicans want us to have the supply that we need for gasoline so that we can bring down the price of gasoline. We know that Democrats have blocked our ability for that. I spoke about that a few minutes ago, and I'm not going to repeat that; but I heard my colleague on the other side of the aisle talking about the argument that there are many, many leases out there that oil companies are not utilizing. That's another tactic of the Democrats: blame the oil companies, blame George Bush, blame everybody else for the problems that we have. Don't take the responsibility yourself. But again, unfortunately, we have the facts to back up what we know is true, which is Democrats have voted against our increasing supplies.

They're also wrong on the issue of leases. They talk about "use it or lose it." They want to introduce a bill that has no basis. They're inventing false arguments again.

"Use it or lose it" is already the law. For Federal onshore competitive oil and gas leases, an oil company must have a producing well by 10 years. This comes from section 17(e) of the Mineral Leasing Act. Prior to 1992, the lease term was 5 years. The Energy Policy Act of 1992, under a Democratically controlled House, modified it to 10 years. So it's the Democrats who changed the leasing terms.

For Federal offshore oil and gas leases, an oil company must produce energy between 5 to 10 years. It's in the government's discretion. This is from the Outer Continental Shelf Land Act. So Democrats, House Democrats, do not even know what is the existing law now.

What Democrats would have you believe is that a lease is a license to produce oil and gas. It is not. A lease is only the start of a process involving several steps the government requires an oil company to take before it may even receive permission to drill.

Democrats are effectively arguing that we should pull leases away from oil companies before they receive permission to drill. This is like saying we should flunk a first grader on his first day of school because he has not yet taken his final exam.

Most of the drilling on Federal leases has been for natural gas, and natural gas production was up, way up last year, and so was demand. In fact, the industry is producing more gas under these leases, but they cannot keep up with the demand because Democrats and their radical environmental allies will not allow the leasing of new areas and 97 percent of Federal offshore areas are not leased; 94 percent of Federal onshore areas are not leased.

We can solve our energy problems in this country, and we do have them, but they've been brought on by the Democrats who say, We can't drill our way out of this. No, but we can do many things, including drilling. That will be a part of what we can do, and we can be energy independent. But again, many of them don't want us to be.

They don't want us to have a Nation that soars into greatness like the bald eagle that we are honoring in this resolution or continue the great reputation that we have had over the years for being the greatest Nation on earth. They would like to take us down a peg or two. I know Republicans and most Americans don't agree with them.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentlelady that we are here to salute the American eagle. I would say that the American eagle would not be proud that 68 million acres of Federal energy lands are being held hostage by big oil companies.

To respond to the points just made, number one, current law allows leaseholders 10 years to develop oil or gas. The Responsible Federal Oil and Gas Lease Act cuts that down to 5 years. While existing leases can be canceled if leaseholders fail to comply with lease provisions, laws, or regulations, such as public safety and environmental requirements, there is no law or regulation that requires diligent development of Federal oil and gas leases.

The next point. As long as leaseholders pay the required annual rental fee, the government cannot compel diligent development of the lease lands.

Next. The Responsible Federal Oil and Gas Lease Act requires oil and gas operators to diligently develop Federal oil and gas leases as is currently required of coal leaseholders. This requirement was enacted in the 1970s to prevent coal operators from using Federal resources for speculation that would drive up prices.

And finally, no such requirement is placed on oil and gas operators. And H.R. 6251 corrects that situation.

And again, I would like to repeat, and I would say to the previous speaker, that we are here this afternoon to salute the American eagle. And I would say that the American eagle would not be proud that 68 million acres of Federal energy lands are being held hostage by big oil.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield as much time as he may wish to consume to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, only on this floor would we debate how the American eagle would feel. I'm astonished that the Democrats have the hubris to talk in terms of how the American eagle would feel. As a matter of fact, the American eagle and countless thousands of birds and other wildlife have been used as an excuse for a generation for 68 million acres—yes, they are leased, but a lease is in fact not a right to drill. Just because you have a lease doesn't waive any environmental consideration. So beyond the requirement to find out if in fact there is oil on a lease site, you have to go through a myriad of hoops before you can begin drilling.

It's one of the reasons that, in fact, offshore drilling has become so popular. Not only are there vast resources out there, but in fact, the fish simply swim away; and in deep water, particularly over 400 meters, it is unlikely to find an environmentalist at the bottom claiming that there is some new form of life that is not only new but highly in danger.

So with all fairness to the Nation's bird, I would say that what we need to do is stop talking about 68 million acres that are "available for production" when in fact, the vast majority of that has little or no usable oil.

And I just want to give you a fairly short statement, Mr. Speaker. It is not a question of whether or not you have acreage, it's a question of whether the acreage is valid acreage for oil. I will give you the easiest example. West Virginia. It's a wonderful State. Beautiful State. They take a tremendous amount of coal out of there. They also take a quite a bit of oil. As a matter of fact, with 3,400 oil wells, they take a total of 5,000 barrels a day out of there. To the contrary, or to the other example, Alaska, with only 1,700, half as many wells, take 700,000 barrels a day.

So it's not, Mr. Speaker, whether or not you have millions of acres, it's do you have the acreage that you are able to drill in, do you have the acreage that is, in fact, yielding oil. And I can assure you at $134 a barrel, if anyone was holding acreage that yielded barrels that in fact could deliver that kind of revenue, it would be drilled today.

The truth is the vast majority of the acreage is either off limits for environmental reasons or, in fact, would be like West Virginia: 3,400 wells, 5,000 barrels a day.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I thank the gentlelady from Guam.

It's probably appropriate that we're here saluting the American eagle because if there is anything that the American eagle represents, it's the spirit of American independence, American self-reliance, American strength.

In the debate we're having today about the resolution honoring the American eagle, I don't want to say the energy debate has hijacked it because in many ways, it's quite relevant. The fundamental question that this country must decide is whether we will pursue a path of energy independence or continue to go hat-in-hand to the oil-exporting countries to try to solve our problems.

Some of you may remember, which for me was the most vivid representation of the American energy policy, and that was a picture on the front page of the New York Times a couple of years ago, when the President of the United States went to Saudi Arabia, and hand-in-hand, as is the custom in many of the Middle East countries, President Bush and the Saudi prince walked in to have a private conversation about America's oil future. And what was going on there was not the spirit of American independence represented by the eagle. It was a spirit of capitulation where our President was imploring a foreign country to solve the problems that we face.

A confident country, an energetic country solves its own problems. It doesn't look to others to help solve those problems. It takes on the challenge. Energy is a big challenge. It takes on the challenge of solving those problems on its own.

And that's the question that this Congress faces: Will we have the self-confidence of a vigorous and strong Nation to chart a course of energy independence?

□ 1515

Now we're hearing arguments that the problem we face can be solved by drilling our way out of it, and of course, that's an argument that has been pursued vigorously since we discovered oil. But you know, there's enormous evidence that allows us to take a look at this proposition. Will more permits to drill, will more drilling reduce the cost of oil?

And I have here, Mr. Speaker, a chart. The first chart shows the number of wells. The number in red here, we've got the number of leases, and in this blue, we have the number of wells. Starting in 1994, there's been a steady increase of the number of leases and a steady increase in the wells drilled. And step by step by step, as leases and as drilling has increased, so has the price of a gallon of gas, from $1 up to about $4 a gallon today.

So reasonable people would step back and ponder the question, whether more drilling and more leases results in lower prices. History shows us, in nearly the past 20 years, that is simply not the case.

The other proposition is that the problem is the Federal Government is denying leases to the oil companies so that they can't do drilling, and the evidence is overwhelming that's simply not the case.

This chart, the second chart, shows on a pie chart, the whole circle there is the land that is available for leasing. And the green is all that's available, and the red here, or orange, is all that is open for leasing. Pardon me, I have it the opposite way around.

But of all of the land open and available for leasing, 79 percent is open and subject to exploitation and exploration by our oil companies. Only 21 percent is off limits. Yet, of this land where the oil companies have leases, 68 million acres where they can put metal to the ground is not under production, and there's no effort to put it under production.

My friends on the other side have argued that the oil companies have to go through certain environmental permits. I'm not sure you're right about that because much of that work has been done. Assuming that is the case, that's no different than what has been the requirement for the production of oil on federally-owned lands.

You know, there are many people who are asking the question as to whether the fix is in for the oil companies, and there's overwhelming evidence, in fact, that it is. Number one, the amount of speculation that now is core to the energy future trading markets is inflating the price at the pump, inflating the price of home heating fuel. How did that happen? Thanks to Congress.

In 2002, under the Tom DeLay Congress, the Enron loophole was passed at the request of that great company, Enron, that did so much for America's energy situation. Enron passed a loophole that took away any kind of regulatory oversight of the energy future trading market, and it led directly and immediately to an explosion in speculation. Hedge funds, private investors, folks who saw that they could make a lot of money on the misery of a lot of people rushed into the speculation in the oil energy markets. Now, that's wrong. There should be no speculative premium that comes at the expense of American consumers, folks trying to heat their home, small businesses trying to run a business.

This Congress has had an opportunity to get rid of that Enron loophole. House Democrats have passed legislation. It hasn't gotten through because of opposition on the other side, either in the Senate or the consistent opposition of the President of the United States.

So what can we do if you want to be independent? One, we can get rid of the Enron loophole, wholly and completely. The second thing is that the energy companies, in fact, are hording leases, and that's a fact. There's an enormous push on this Congress to open up ANWR, and the argument is made and it has a surface appeal that if you open up ANWR, then it is going to mean a reduction in prices because the supply will go up and demand will go down.

A couple of problems with it. First and foremost, the oil companies have leases on 68 million acres. They're not exploiting them. Why? We don't know exactly why because they won't say. They will come in, raise their hand, take an oath, acknowledge that they're paying their executives 10s of millions of dollars, acknowledging that when one executive was retiring he was given a $400 million payday to say good-bye, but they won't tell us why they're not putting drill bits to earth to exploit the leases they have.

But you don't have to be a rocket scientist to figure out what the motive may be. If they keep that lease and the oil or the natural gas sits in the ground and it goes from $28 to $48 to $68 to $134 a barrel, that's sound money for those companies, and it will fatten the already extraordinary profits, $125 billion in profits for the oil companies last year, the big five oil companies.

Second, oil companies push hard to bring online as much Federal land for leases as possible because the Big Oil companies have been extremely successful in crowding out some of our small, independent producers, and in fact, my view is that's a detriment and a reason why this 68 million acres aren't exploited. If you had smaller, more independent, hungry, energetic companies that had an opportunity to make good money at $134 a barrel, and they owned those leases, they'd be drilling.

So what you have is a situation where the oil companies are doing quite fine, they really are, and the status quo serves them very well. What may not serve them so well is the self-confident Congress, the self-confident President saying, you know what, we're not going to play that game anymore. There are other ways.

We're going to take away the tax breaks, about $13 billion that American taxpayers are turning over to our oil companies, and that, with all due respect, is just an astonishing public policy. Our folks are paying over $4 a gallon for gas. In my home State of Vermont, we're paying over $4.25, $4.40 for a gallon of home heating fuel, and taxpayers are paying the oil companies about $13 billion in tax breaks. That's your money and mine. It's hard to see how that's justified, but the oil companies are quite happy to take that taxpayer subsidy.

But what they won't like is what the House is pushing, and that's a policy of energy independence, where we take those tax breaks, we steer them, as America has frequently done when there's something important for the American people, and it's taken a push from our taxpayers to get us over that initial technological hump, and that's having those tax breaks go as incentives to alternative energy sources, wind and solar, biofuels.

You know, if we could step back a minute and take a look at some of our friends in Europe and the leadership they're taking because of self-interest, a recognition in Portugal that investing in alternative fuel is a way to strengthen the economy, or Germany, investing in solar, Germany has less sun than Vermont. And let me tell you, I'm here to tell you that Vermont doesn't have as much sun as we need and I want. They have less sun than we do, but they are leading in solar technology.

So, the bottom line question is really very simple. Do we want leadership, as best exemplified by President Bush when he was with the Saudi prince, imploring the Saudi prince to rescue us from ourselves, or do we want leadership where we say we will take care of our own future, that particularly in face of what I think are unfounded arguments, that we can drill our way out, that Congress or the American government is an impediment to drilling that is available immediately for our oil and natural gas companies, and that there isn't supply that we can achieve through efficiency and alternative energy.

Mr. BISHOP of Utah. May I inquire how much time is left for the bald eagle to discover oil?

The SPEAKER pro tempore. The gentleman from Utah has 7½ minutes. The gentlewoman from Guam has 4 minutes.

Mr. BISHOP of Utah. Let me yield myself as much time as I will go through here.

We're now looking at a whole bunch of issues that deal from an Endangered Species Act that has few examples of success—this one happens to be one of those few—to an energy policy that we have developed over the last 40 years which can only be described as discombobulated.

It seems there are a group of people who control this floor whose past policy towards energy development and energy independence was to blame Big Oil, and now that prices of gasoline are at $4 a gallon, $1 75 more than when this Congress started, it seems now we try to have an expanded policy which is to blame Big Oil and allow lawyers to sue OPEC to give us more oil.

Simply, it does not come back to the reality of the situation that we have locked resources within this country, both onshore and in this country, that can produce our own energy independence.

We have laws that already say if you have a lease, you have 5 to 10 years. The Secretary of the Interior has power already under law that if he thinks that is not being used properly, they have power to abrogate those contractual leases. However, for each one of those, we have 7 to 10 years of regulation, litigation and study, including an Interior appropriations bill that will be coming to the floor either this week or next week, which expands those restrictions and expands the moratorium that we have.

The bottom line is 30 years ago this country was producing about 11 million barrels of oil a day, and our need was 17. We had to import. Today, we produce about 8 million barrels of oil a day, and our need is 20, which means we have to import more.

We have a 22 percent reduction in production in this United States, and we're the only country in this continent that does that. Mexico has increased. Canada has increased. We have decreased our energy production, even though our needs have come up.

The chart you were looking at is somewhat skewed because it deals with only the offshore, and there's a difference to land that's documented and open and not opened to lease. The bottom line is, offshore, there's 1.7 billion acres of area that we could do to produce energy. We are doing 68 million acres. That leaves 1.6 billion acres still undiscoverable, locked away, not usable. That's 85 percent of everything we have.

The gentleman from Vermont was correct in which he said speculation is indeed driving the cost of oil, but the speculation is driving the cost of oil because the speculators believe this country will not continue to produce, that we will decline in our production. And until we have a policy that says we are going to increase our production, speculation will continue to increase, and those costs will increase.

What this Congress has to have is a comprehensive policy that says we will do more for conservation and we will do more for production of all sources of energy, alternative as well as carbon-based, and we will come up with new and innovative ways of delivering that energy. And until this Congress actually sits down and says we will have a comprehensive energy policy, all the data, all the instructions, everything else we're talking about is nothing more than useless rhetoric.

Interesting facts, totally irrelevant to the needs of the time. The needs are people are suffering now, and we need to do something to help those people who are suffering. And we have to have a comprehensive policy which does include increases of production of all sources of energy.

The gentlelady from Guam will be happy to know, I'm the last speaker on this bill.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, in closing, I want to say, as Mr. WELCH stated, ANWR, everybody keeps talking about ANWR. But if you opened ANWR today, you would not get any energy production tomorrow. You wouldn't get any for a decade or more. Whereas right now, the oil companies have 68 million acres of land available for development, and they are not exploiting them.

☐ 1530

I don't care how much rhetoric goes on here today, there is still the 68 billion acres of land available for development. They have access to enough acreage to produce six times the amount of energy that we might get from ANWR. So again, I'll repeat over and over, "use it or lose it."

I urge support for House Resolution 1247.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1247, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING THE ORANGE COUNTY WATER DISTRICT ON ITS 75TH ANNIVERSARY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1199) commending the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs, on its 75th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1199

Whereas the Orange County Water District (OCWD) is celebrating its 75th anniversary of providing high quality groundwater to millions of residents in northern and central Orange County, California, and upon this occasion, deserves special recognition;

Whereas OCWD was created in 1933 by the California State Legislature's passage of Senator N.T. Edwards' SB 1201, which was signed into law on June 14, 1933;

Whereas OCWD was empowered to manage Orange County's large groundwater basin, to protect the quality and quantity of the groundwater, to conserve and manage groundwater supplies, to protect Orange County's water rights to the flow of the Santa Ana River, and to ensure that the water needs of the people of Orange County, who depend on the groundwater basin, are provided for;

Whereas in the 1950s, OCWD initiated the region's first sustained artificial recharge replenishment system, which today is one of the most sophisticated and efficient recharge systems in the country;

Whereas in 1972, OCWD built the internationally-acclaimed Water Factory 21, the Nation's first and largest wastewater purification plant, to use reverse osmosis to purify sewer water for injection along the coast to prevent seawater intrusion;

Whereas in 1989, OCWD published a comprehensive Groundwater Management Plan for increasing water supplies, cleaning up contamination, and improving basin management, which became the model for groundwater management across the State;

Whereas in 1991, OCWD's Green Acres Project became operational as the Nation's first landscape irrigation wastewater treatment plant that provided water to local parks, golf courses, highway medians, and industry, freeing high quality drinking water for more valued uses in the arid Orange County;

Whereas in 2008, OCWD began operating the Groundwater Replenishment System, the world's largest sewer water purification project of its kind built to protect groundwater from seawater intrusion, delaying the need for another ocean outfall and making the region less dependent on imported water from the San Joaquin-Delta and Colorado Rivers by providing a new supply of high quality, locally controlled and energy efficient water to Orange County;

Whereas OCWD has one of the best water quality monitoring and protection programs, testing for twice the amount of chemicals required by law, maintaining a proactive philosophy of looking for emerging contaminants, and developing southern California's largest constructed wetlands to naturally purify Santa Ana River flows into Orange County;

Whereas OCWD has one of the highest financial ratings in the State, won every major water award, begun eliminating the evasive arundo donax through its environmental programs, and developed experimental wetlands to clean up dairy wastewater; and

Whereas OCWD has also developed basin-cleaning vehicles to enhance recharge efficiency, sponsored the Nation's largest Children's Water Education Festival, and brought back the least Bell's vireo, an endangered California songbird: Now, therefore, be it

Resolved, That the House of Representatives commends the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs, on its 75th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 1199 commends the Orange County, California Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs upon the occasion of its 75th anniversary.

During its 75-year history, the Orange County Water District has been a model for implementing groundwater recharge projects. Starting in 1950, the Water District developed the region's first sustained artificial recharge replenishment system. Earlier this year, the District opened its groundwater replenishment system, the world's largest sewer water purification project. This project, Mr. Speaker, currently is providing a new supply of high-quality water to Orange County, while making the region less dependent on imported water from Bay Delta and the Colorado River.

I wish to commend my colleague from California, Congresswoman LORETTA SANCHEZ, for sponsoring this very important resolution before us today, and I ask my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution that was introduced by our colleagues from southern California.

The Orange County Water District has experienced rapid changes since it was created in 1933. It once relied on pumping ground water for agriculture, now it uses a combination of sources, including imported and recycled water, for its urban needs. Due to environmental litigation, the Orange County Water District will more than likely experience significant imported water cutbacks, leading to higher water costs that will be passed on to the consumers.

These same water reductions are forcing family farmers to fallow ground and let their crops die. The situation is so dire the Governor of California, Governor Schwarzenegger, last week declared parts of California under a state of emergency. These same family farmers are experiencing higher costs of living caused by the high cost of water as well as the high cost of gasoline prices. It is almost a perfect storm, and yet we have done nothing to help them to reduce those gas and oil prices.

This resolution is a nice reward to Orange County Water District for its hard work over the years, but Congress' time actually should be spent in devising energy solutions because, once again, real people are suffering and real needs are there.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentlelady from California (Ms. LORETTA SANCHEZ) such time as she may consume.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I am pleased today the House of Representatives is considering House Resolution 1199, which honors the 75th anniversary of the Orange County Water District.

As a sponsor of this legislation, I would like to thank the Committee on Natural Resources, especially the gentleman from West Virginia, Chairman RAHALL, for his assistance in bringing this resolution to the floor, and my good friend from Guam for managing this resolution. I also would like to thank the rest of my colleagues from Orange County, all of whom are original cosponsors of this resolution.

You see, this Water District, the Orange County Water District, began its operations in 1933 when then California Governor James Rolph, Jr. signed it into existence on June 14. At that time, the Water District covered more than 163,000 acres and was intended to serve about 60,000 people primarily in agriculture. That is the beginning of Orange County. But today, the Orange County Water District covers well over 200,000 acres, and it serves a population of more than 2.3 million people.

As it has grown, the Water District has stayed on top of its game at the forefront of efforts with respect to water supply and the efficient distribution of that through Orange County. And the best example of that, of course, is what we just opened in January of this year, and that is our groundwater replenishment system.

The replenishment system is on the cutting edge of water reuse technology. It will purify 70 million gallons of water a day to provide clean drinking water for more than 100,000 Orange County families.

This system is the premier groundwater replenishment project in the world. And Orange County is often visited by other people from our country and from dignitaries from around the world, scientists from around the world, engineers from around the world, who want to come and see what we are doing. And yes, basically what we're doing is that we dispose of the water by flushing the toilet, send it into a tertiary process, clean it purer than the water you would find in the ground. We put it into the ground, and about 3 or 4 years later the same water is being used through your house once again. This makes it self-contained. It means that in a desert like southern California, we are not importing water for our usage, we're actually using our own water over and over, and this is the wave of the future. As I said, so many from around the world, from Israel and from other places, are coming to take a look at what we have done. And even just recently, the Mayor of Los Angeles said he would like to try to make a system like that work in the County of Los Angeles.

So the Orange County Water District's vision and initiative in establishing this system is the reason that it received the 2008 Clair A. Hill Award from the Association of California Water Agencies, and it was also named the Public Water Agency of the Year in 2008.

Throughout its 75-year history, the Orange County Water District has proven that it is a leader in identifying and creating new and existing options to meet the water needs of California, of our Nation, and of the world. Along with the entire county delegation, I hope that all of my colleagues will vote for this resolution today.

Mr. BISHOP of Utah. I yield such time as he may consume to another of the good representatives of southern California, the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I join with the gentlelady from Orange County in support of this resolution. But this resolution brings to mind one of the challenges we have in California. You see, in California, we don't allow coal to be used to make electricity. In California, we don't allow nuclear; we banned it for more than 30 years, no new nuclear. As a matter of fact, in California, with the exception of some geothermal that we can't seem to find a way to bring power lines from where it is to where we want it, all of our new power comes from natural gas.

And in California, we are not looking for natural gas. As a matter of fact, we don't allow any leasing, Federally or State, off of our coastline. Literally a thousand miles of coastline out 200 miles is off limits to natural gas. We can't take clean natural gas from our own shores in California. As a result, water projects are in danger.

The gentlelady from California rightfully so did speak about groundwater replenishment, which she has in her district and I have in my district. We also have desalinization in both of our districts. And guess what? Desalinization is another term for electricity-to-water.

In order to meet our water needs, whether it's pumping from the north to the south, pumping for replenishment or, in fact, desalinization, we need energy. That energy is electricity. That electricity comes from natural gas. That natural gas comes from unstable parts of the world in which it must be hauled in by liquefication because we don't meet our own natural gas needs.

Republicans here in the House support opening up the opportunity to get natural gas, at least allow some exploration for natural gas 50 miles off the California coast. That's not difficult. And the leaks, in fact, would be methane 50 miles offshore. You wouldn't see it, you wouldn't hear it, and it's nonpolluting. And yet, as of today, the Democrats continue to block that.

We need to open up. We've been talking about oil, but we need to talk about natural gas. California needs clean natural gas. It's off our shoreline, it's close to us today. And I would absolutely urge my colleagues, when they're looking at water in California, look at water as electricity and electricity as natural gas, and natural gas is something we have off our shore that is presently unavailable; millions, countless millions of acres unavailable.

And last, Mr. Speaker, I would hope that when people are talking about the acreage that isn't being used today, the 68 million acres that's not currently in use, and, you know, we can look at whether some of it just recently was granted and it's in exploration, whether it's in environmental, we can break it down. But the amazing thing is, out of only 41 million acres that is out on lease of any exploration or production, we're getting a huge amount of oil off Federal lands. Just think if we, in fact, used those 68 million acres over the next few years and opened up some major portion of 2.351 billion acres, that's 2,351 million acres that are not available today.

So when people talk about the 68 million that are, they should also talk about the 41 million that are under use today that are generating oil and natural gas, the many millions that are coming in from leases that are out that are just now beginning to bear fruit, and of course the 2,351 million acres that are presently closed, a lot of which is off the California and the gulf coast 50 miles out that no one would see, that, in fact, could be drilled in deep water safely, but of course is not available today.

Ms. BORDALLO. Mr. Speaker, I was listening intently to the previous speaker, and I'm wondering if he is suggesting that we drill in national parks and military bases—when you mentioned all the acreage that's available.

Mr. ISSA. If the gentlelady will yield.

Ms. BORDALLO. I will yield.

Mr. ISSA. What I was talking about is a portion of the 2.351 billion acres. Obviously, all of us would want to make sure that certain areas were not drilled in, but of course most of this acreage we have no idea what is there.

As you probably know, there are 3,400-plus oil wells throughout West Virginia. We have overdrilled West Virginia and Oklahoma. We haven't put a new drill even for exploration off the California coast in decades, not even to find out how much natural gas is out there. And that, in fact, from 50 to 200 miles, is an economic zone created by Ronald Reagan that belongs to the United States that could be explored.

Ms. BORDALLO. So the 2 billion acres that you're referring to does exclude national parks and all of the military bases?

Mr. ISSA. Well, Madam Chair, of course it excludes it. But when we look at only 3 percent and 6 percent that are under oil leases, we have to look at all the available BLM land. Just, for example, though, there are 700 million acres that are presently held by the BLM. By definition, the Bureau of Land Management holds that for productive use. So that would be an example where there are no parks on BLM land, there are no national monuments or military bases on those 700 million acres alone.

Ms. BORDALLO. Well, Mr. Speaker, I was just requesting that the gentleman clarify. I want to be sure that his numbers are accurate.

I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of H. Res. 1199, a resolution congratulating the Orange County Water District on its 75th anniversary. The Orange County Water District and its employees have effectively delivered innovative groundwater management, water quality, water efficiency, and environmental programs which will reduce our region's dependence on imported water.

We all know that with increased demand, decreased availability of imported water, and higher water quality requirements, future water supplies will become even more limited and expensive. If we want to sustain southern California's economic growth and provide for a rapidly increasing population, we must ensure efficient and reliable access to water resources and pursue a modernized sanitation infrastructure. The Orange County Water District recognized that we needed a reliable source of quality water and has pursued multipronged strategies for capturing and recycling water that would otherwise flow downstream to the ocean.

The first initiative involves a series of agreements between the Orange County Water District, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service to allow the District to conserve water behind Prado Dam. This water, which would otherwise flow downstream to the ocean, is captured to recharge the local aquifer. In addition, the Orange County Water District has partnered with the Orange County Sanitation District in the development of the groundwater replenishment system. This system will take highly treated sewer water and treat it above and beyond existing drinking water standards by undergoing an advanced purification process that includes two membrane filtration and treatment by ultraviolet light and hydrogen peroxide. Once purified, the water will be sent to groundwater recharge facilities or injection wells. This project is a model of self-reliance and should be replicated throughout water districts around southern California.

The Orange County Water District is working to ensure water reliability for generations to come. This is a comforting thought to businesses as well as residents interested in moving to Orange County. Their efforts will allow our economy to grow without being restrained by potential water shortages.

I congratulate the Orange County Water District for their 75 years of service to the region and I am proud of the Federal, State, and local agencies that have worked together to serve the community and address the region's growing water needs.

Mr. CAMPBELL of California. Mr. Speaker, I rise to congratulate the Orange County Water District for its 75 years of exemplary service to the communities of Orange County, California.

Orange County Water District and its employees deserve special recognition for their exceptional effectiveness in protecting and providing an essential resource for 2.3 million customers in Orange County. They are to be acknowledged especially for the quality and efficiency of their systems and programs that are among the most innovative in the industry. Orange County Water District in its dedication to excellence in public service is a shining example of government that works.

Mr. Speaker, I would like to express our deep appreciation and gratitude to Orange County Water District and congratulate them on their 75 years.

Mr. ROYCE. Mr. Speaker, I rise in support of H. Res. 1199, Commending the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs, on its 75th anniversary.

As a cosponsor of this resolution and a representative from Orange County, I know of the valuable service the OCWD has provided to Orange County. The recent drought in California has reminded many of us how imperiled our water supply is. Water demand in California is set to increase by 16 percent between 2010 and 2030, but fortunately, the OCWD is doing much to meet the counties needs.

The new groundwater replenishment system is one of the world's most high-tech, as it produces 70 million gallons per day, enough for half a million people. Innovative thinking such as this has greatly helped our community, and will do much to meet growing demand.

On its 75th anniversary, I'd like to again congratulate the OCWD and its employees for its valuable contributions to Orange County.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1199.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

☐ 1545

EASTERN NEW MEXICO RURAL WATER SYSTEM AUTHORIZATION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5710) to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eastern New Mexico Rural Water System Authorization Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term "Authority" means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term "engineering report" means the report entitled "Eastern New Mexico Rural Water System Preliminary Engineering Report" and dated October 2006.

(3) PLAN.—The term "plan" means the operation, maintenance, and replacement plan required by section 4(b).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of New Mexico.

(6) SYSTEM.—

(A) IN GENERAL.—The term "System" means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term "System" includes the major components and associated infrastructure identified as the "Best Technical Alternative" in the engineering report.

(7) UTE RESERVOIR.—The term "Ute Reservoir" means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

SEC. 3. EASTERN NEW MEXICO RURAL WATER SYSTEM.

(a) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(2) USE.—

(A) IN GENERAL.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under section 5(a)(2).

(B) LIMITATIONS.—Financial assistance provided under paragraph (1) shall not be used—

(i) for any activity that is inconsistent with constructing the System; or

(ii) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this Act shall be not more than 75 percent of the total cost of the System.

(2) SYSTEM DEVELOPMENT COSTS.—For purposes of paragraph (1), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(c) LIMITATION.—No amounts made available under this Act may be used for the construction of the System until—

(1) a plan is developed under section 4(b); and

(2) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(d) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

SEC. 4. OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.

(a) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(b) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this Act.

(2) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(B) REQUIREMENTS.—The cooperative agreement entered into under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(i) ensuring that the cost-share requirements established by section 3(b) are met;

(ii) completing the planning and final design of the System;

(iii) any environmental and cultural resource compliance activities required for the System; and

(iv) the construction of the System.

(b) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(c) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(d) EFFECT.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal rights to—

(A) the water of a stream; or

(B) any groundwater resource.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In accordance with the adjustment carried out under subsection (b), there is authorized to be appropriated to the Secretary to carry out this Act an amount not greater than $327,000,000.

(b) ADJUSTMENT.—The amount made available under subsection (a) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this Act.

(c) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under section 3(b) shall be nonreimbursable and nonreturnable to the United States.

(d) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this Act shall be retained for use in future fiscal years consistent with this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5710, as introduced by our colleague, Congressman TOM UDALL of New Mexico, would direct the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the design and the construction of the Eastern New Mexico Rural Water System. The project would provide a sustainable water supply to nine communities and an Air Force base. This bill has received bipartisan support.

I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

The gentlelady from Guam has, once again, in her role as the bill manager, adequately explained the legislation that has been introduced by our colleague from New Mexico, TOM UDALL. And it is also supported by our committee colleague, the ranking member on the Energy and Mineral Resources subcommittee, himself an expert on energy, STEVE PEARCE. Both of them are trying to seek to provide alternative water sources to communities in eastern New Mexico.

One thing that is not contemplated in this bill is, of course, how much energy it will take to pump the water over almost 100 miles of pipeline. Water pumping costs for this project will require massive amounts of electricity. It is unclear on how we, as a country, are planning on generating that electricity in the future. But since commitments have been made to work on specific committee report language involving land owner rights and military contributions to this particular water project, we certainly have no objection at this point to this bill and would also urge a favorable vote.

Mr. UDALL of New Mexico. Mr. Speaker, today I rise in support of H.R. 5710, The Eastern New Mexico Rural Water System Authorization Act. In so doing, I would like to thank Chairman RAHALL and Chairwoman NAPOLITANO for their efforts in bringing this legislation to the floor today. This important bill will authorize the Bureau of Reclamation to help communities in eastern New Mexico develop the Eastern New Mexico Rural Water System (ENMRWS).

There has long been a recognized need for a reliable and safe supply of potable water for eastern New Mexico. After years of drought and ever-increasing community growth, this water supply project is now absolutely critical for the continued economic well-being of Curry and Roosevelt counties in eastern New Mexico.

These eastern New Mexico counties are built on a strong agricultural heritage, and the communities are known for their great sense of unity and mutual support. With the threat of extreme water scarcity, eastern New Mexico counties are rallying to ensure community survival.

The Ogallala aquifer currently provides 100 percent of the municipal and industrial water supplies and the vast majority of agricultural water for eastern New Mexico. However, both the quantity and quality of this groundwater reserve have declined severely in recent decades. It is estimated that this groundwater supply will not be able to sustain current use into the next decade, and may be functionally depleted within 25 years.

For 45 years, water users in eastern New Mexico have worked to develop an alternative source of municipal water that will be sustainable into the future. The Eastern New Mexico Rural Water Supply Authority, consisting of nine communities in the Curry and Roosevelt counties of eastern New Mexico, was formed in 2001 to oversee the development of a rural water system. This Authority has expeditiously and effectively finalized the studies and planning necessary to move forward with this project.

The Eastern New Mexico Rural Water System Authorization Act is the result, and it has come after years of research, years of consultation, years of planning, and years of negotiation. The legislation is strongly supported by the communities involved, by the state of New Mexico, and by the entire New Mexico Delegation. H.R. 5710 passed by unanimous consent in both subcommittee and full committee, and it is my hope that the bill will continue to garner strong bipartisan support on the floor today and in the Senate as it moves to that chamber.

I applaud the efforts of the Eastern New Mexico Rural Water Supply Authority, of the state of New Mexico, and of the counties and cities involved in this project. They have worked expeditiously and tirelessly to finalize the studies and planning necessary to move forward with this project.

The establishment of the Eastern New Mexico Rural Water System is essential to the socio-economic survival of communities in eastern New Mexico. While vital to New Mexico, H.R. 5710 is just one piece in the larger puzzle of water resources in the arid west and across the nation. As our nation is confronted with changing and extreme weather, states and communities must work to address water scarcity with conservation efforts, with new technology, and with negotiation of water rights.

H.R. 5710 builds on the ongoing efforts of the 8 cities and counties participating in the project. These communities are working to establish innovative approaches to conserving water both agriculturally and domestically. They are part of a movement in the west to recognize the limitations of this precious resource and to work within these limitations to build strong communities.

The Eastern New Mexico Rural Water System Authorization Act is key to the survival of numerous New Mexico communities, and is part of a wider national approach to sound water management. We cannot stand by and watch vibrant communities dissolve into western ghost towns, especially when solutions exist. I encourage my colleagues to support H.R. 5710 and help provide a positive, long-term solution to a pressing water need in the rural West.

Mrs. WILSON of New Mexico. Mr. Speaker, I rise to speak in favor of passage of H.R. 5710, the Eastern New Mexico Rural Water System Authorization Act, which will establish the Ute water pipeline. This bill authorizes construction of a pipeline from the Ute Reservoir that will carry water to several communities in Curry and Roosevelt counties.

Under the proposed bill, the U.S. Bureau of Reclamation is authorized to spend up to $327 million to assist the Eastern New Mexico Rural Water Authority (ENMRWA) in the construction of the pipeline. The State of New Mexico and the ENMRWA, which represents communities in eastern New Mexico that will benefit from the pipeline, will contribute 25 percent of the cost of construction. ENMRWA will operate and maintain the pipeline.

Construction of this pipeline is essential as communities in eastern New Mexico try to meet future demand for water. It will provide a critical supply of water to growing communities and create certainty in these communities that safe, clean water will continue to be available long into the future.

The Ute Reservoir was built on the Canadian River in 1959 as a sustainable water supply for eastern New Mexico. It has been nearly 40 years since Congress authorized the study of a pipeline to transfer water to communities in eastern New Mexico, but only in the past few years have the affected New Mexico communities began planning for the pipeline.

Communities that will be served by the Ute pipeline include Grady, Clovis, Melrose, Texico, Portales and Elida, as well as Cannon Air Force Base.

I am a cosponsor of this important legislation and urge its swift passage.

Mr. BISHOP of Utah. I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5710.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2008

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5511) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION.

(a) SHORT TITLE.—This section may be cited as the "Leadville Mine Drainage Tunnel Remediation Act of 2008".

(b) TUNNEL REMEDIATION.—The Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) is amended as follows:

(1) By striking section 705.

(2) In section 708(a)—

(A) by striking "(a)" and inserting "(a)(1)";

(B) by striking "The Secretary shall have" and inserting "Except as provided by paragraph (2), the Secretary shall have"; and

(C) by adding at the end the following:

"(2) The Secretary shall participate in the implementation of the operable unit 6 remedy for the California Gulch Superfund Site, as such remedy is defined in the Environmental Protection Agency's 2003 Record of Decision for such operable unit, by—

"(A) treating water behind any blockage or bulkhead in the Leadville Mine Drainage Tunnel, including surface water diverted into the Tunnel workings as part of the remedy; and

"(B) managing and maintaining the mine pool behind such blockage or bulkhead at a level that precludes surface runoff and releases and minimizes the potential for tunnel failure due to excessive water pressure in the tunnel.".

(3) In section 708(f), by striking "and 708" and inserting ", 708, and 709".

(4) By adding at the end of title VII the following:

"SEC. 709. TUNNEL MAINTENANCE.

"The Secretary shall take such steps to repair or maintain the structural integrity of the Leadville Mine Drainage Tunnel (LMDT) as may be necessary in order to prevent tunnel failure and to preclude uncontrolled release of water from any portion of the tunnel.".

(5) In the table of sections contained in section 2—

(A) by striking the item relating to section 705; and

(B) by inserting after the item relating to section 708 the following new item:

"Sec. 709. Tunnel maintenance.".

THE SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5511 was introduced by our colleague, Congressman DOUG LAMBORN of Colorado. The bill, as amended, would direct the Bureau of Reclamation to remedy problems caused by collapses in the Leadville Mine Drainage Tunnel. Due to structural deterioration, contaminated water has backed up in the tunnel posing a grave public health and environmental threat.

This bill has received bipartisan support. We have no objection to this noncontroversial bill. And I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for the bill that was introduced by our committee colleague, DOUG LAMBORN of Colorado. The Leadville Mine Tunnel was supposed to be used for a nearby Federal water project but has ended up becoming a public danger. It has been on the verge of bursting and sending what is presumed to be chemical-laden water toward local homes. The Bureau of Reclamation owns the tunnel and must be responsible for resolving the situation. And that is what this bipartisan bill accomplishes.

The Leadville Mine, addressed in this bill, was used during World War II and the Korean War to supply critical metals to help our Nation. Years ago, our Nation smartly invested in mining our natural resources. Yet today, the mining industry is under attack by some and by many. And the net effect, of course, has been to outsource U.S. jobs to countries that have commonsense environmental regulations and an increase in consumer prices to those here at home. It would be nice if Congress would promote our own mining industry and not destroy it by 1,000 cuts. America does deserve better.

This bill, though, solves a particular problem that is faced in Colorado. It is a bipartisan bill. And I urge its adoption.

Mr. LAMBORN. Mr. Speaker, today is, an important day for the citizens of Lake County and all residents of Colorado. They deserve to see what the federal government will do to correct problems associated with the Leadville Mine Drainage Tunnel.

The Leadville Mine Drainage Tunnel was originally constructed by the federal Bureau of Mines in the 1940's and 1950's to facilitate the extraction of lead and zinc ore for the World War II and the Korean War efforts. The Bureau of Reclamation acquired the Tunnel in 1959 hoping to use the tunnel as a source of water for the Frying pan-Arkansas Project. Although the tunnel was never used for the Fryingpan-Arkansas Project, water that flows out of the tunnel is considered part of the natural flow of the Arkansas River.

With the passage and subsequent signing into law of H.R. 429 during the 102nd Congress (1992), the Bureau of Reclamation constructed and continues to operate a water treatment plant at the mouth of the Tunnel.

Groundwater levels at the tunnel have fluctuated in recent years. In addition, a collapse in the tunnel has increased the tunnel's mine pool significantly, leading to new seeps and springs in the area. Estimates suggest that up to 1 billion gallons of water may have built up within the mine pool.

In November 2007, the Environmental Protection Agency sent a letter to the Bureau of Reclamation expressing concerns over a catastrophic blowout, and in February 2008, the Lake County Commissioners declared a state of emergency.

We know that the Bureau of Reclamation is completing a risk assessment in the area, and we look forward to reviewing that report. Additionally, some emergency measures are currently being undertaken by the Environmental Protection Agency and the Bureau of Reclamation to relieve water pressure in the vicinity.

But many of the problems reported at this site are not new. Legislation addressing this matter and authorizing the Secretary of the Interior to rehabilitate this tunnel dates back to at least 1976.

In response to the request for action from the local community, I worked together with Congressman MARK UDALL from Colorado and introduced H.R. 5511. This bill would direct the Bureau of Reclamation to relieve water pressure behind certain blockages in the tunnel, permanently manage the mine pool behind any blockage to prevent releases of contaminated water, and manage the tunnel in such a way to prevent failure of the structure.

I look forward to seeing this situation remedied so that concerns about human safety and environmental integrity may be appropriately and responsibly addressed. I encourage all members to support passage of this legislation.

Mr. RAHALL. Mr. Speaker, I submit the following letters for inclusion in the RECORD on the consideration of H.R. 5511, the Leadville Mine Drainage Tunnel Act of 2008.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 12, 2008.

Hon. NICK RAHALL,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: I write to you regarding H.R. 5511, a bill to direct the Secretary of the Interior to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado.

H.R. 5511 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forego a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 5511.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 5511 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 5511 and in the Congressional Record during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,
JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, June 16, 2008.

Hon. JAMES OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to expedite floor consideration of H.R. 5511, a bill to direct the Secretary of the Interior to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado.

I appreciate your willingness to waive rights to further consideration of H.R. 5511, notwithstanding the jurisdictional interest of the Committee on Transportation and Infrastructure. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Transportation and Infrastructure if a conference is held on this matter.

This exchange of letters will be placed in the committee report and inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

Mr. BISHOP of Utah. Once again, I have no other speakers on this particular bill. Does the gentlelady have any other speakers?

Ms. BORDALLO. I have no other speakers.

Mr. BISHOP of Utah. I will yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no further speakers, and I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5511, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 17, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 17, 2008, at 10:40 a.m.:

That the Senate passed without amendment H.R. 814.

That the Senate passed without amendment H.R. 5778.

That the Senate passed with an amendment H.R. 3403.

That the Senate agreed to S. Con. Res. 84.

Appointments:

Board of Trustees of Gallaudet University

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

DESIGNATING CHAIRMAN AND VICE CHAIRMAN OF UNITED STATES INTERNATIONAL TRADE COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means:

To The Congress of the United States:

Consistent with the provisions of 19 U.S.C. 1330(c)(1), this is to notify the Congress that I have designated Shara L. Aranoff as Chairman and Daniel Pearson as Vice Chairman of the United States International Trade Commission, effective June 17, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 17, 2008.*

PUBLIC RADIO RECOGNITION MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1002) expressing support for designation of April 2008 as "Public Radio Recognition Month," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1002

Whereas the mission of public radio is to create a better informed public that is challenged and invigorated by a deeper understanding and appreciation of events, ideas, and cultures;

Whereas the programming content created and distributed by public radio is based on 3 core values: qualities of mind, qualities of heart, and qualities of craft, which exemplify the inherent meaning of localism by placing value and financial investment in local and regional assets to gather and distribute a collection of programming that informs and improves community;

Whereas public radio is known for distinctive, award-winning programming that includes "Morning Edition", "All Things Considered", "A Prairie Home Companion", "Marketplace", "Speaking of Faith", and "This American Life";

Whereas America's more than 800 public radio stations serve every State and every congressional district with news, information, cultural, and music programming that are unique to free radio;

Whereas some 33,000,000 Americans listen to public radio programming each week;

Whereas the public radio audience has doubled in the past 15 years and has increased by some 70 percent in the past decade;

Whereas public radio stations are licensed by community foundations, colleges, universities, school boards, libraries, and other local nonprofit entities;

Whereas public radio stations are locally licensed, locally staffed, and locally programmed, and have tailored their programming to meet the needs of local audiences;

Whereas public radio stations on average receive more than 85 percent of their annual funding from local sources;

Whereas public radio's public service finds expression through a deep music discovery, education, and enrichment experience for both its audience and the performers, singer-songwriters, musicians, lyricists, and composers, which places the greatest emphasis on a valued partnership with performers to bring all facets of music into the lives of its audience in a way that is found nowhere else;

Whereas public radio has preserved and enhanced the archetypal musical formats of American music history, such as jazz, classical, folk, bluegrass, the blues, and Celtic;

Whereas public radio is responding to its commitment to community-based and fact-based journalism with several initiatives, including the Local News Initiative, a national effort to increase public radio's service to communities through investments in station capacity to provide in-depth, serious, and balanced news, and Public Insight Journalism, a pioneering concept that uses citizens to help cover the news by sharing their observations, knowledge, and expertise;

Whereas public radio has embraced digital broadcasting technology because of its inherently inclusive nature and potential to expand public service programming; and

Whereas public radio exists to serve the public interest: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for the designation of a "Public Radio Recognition Month"; and

(2) encourages the celebration of America's public radio stations for their contributions to our Nation's communities and enduring civic spirit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, public radio, of course, is one of the things that all of us spend a great deal of time listening to. As a matter of fact, there are many of us, and many people in America, who feel that if they don't get the opportunity to listen, to know what has taken place, to recognize what is going on in our country, then they are seriously deprived.

Whereas the mission of public radio is to create a better informed public that is challenged and invigorated by a deeper understanding and appreciation of events, ideas and cultures; and whereas public radio is almost a mainstay in hundreds of thousands and perhaps even millions of Americans' homes. We wake up in the morning, many families go to bed at night, and public radio is the balance that they need to feel that the information they are receiving is not being commercialized, that it is information that is coming straight from wherever the purveyors have gotten it.

□ 1600

They are not necessarily trying to shape ideas in one direction or another, but to simply give information to people that they can use and take advantage of and make it a part of their everyday lives.

So, based upon those facts and based upon that information, it is certainly my pleasure to express support for this legislation. I want to commend the gentleman from Oregon, Mr. BLUMENAUER, for introducing it.

I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I too rise in support of the resolution. National Public Radio is important. KPBS in my hometown represents a voice that provides a plethora of information that would not otherwise be available.

Some of the information that I hope they would provide would be to get to the true causes of our high oil prices. In San Diego, Public Broadcasting is playing a role in saying that $5 gas is unacceptable. Unfortunately, Madam Speaker, public radio is not yet making us aware of just why it is so high.

The fact that over 2 billion acres are not available for exploration of oil and gas in California is part of the reason that last weekend I paid $5-plus for a gallon of gas in my home district. That, Madam Speaker, is in fact something that we need to take care of. We need to have public radio and all of our communications systems running on full bore.

I do note, Madam Speaker, that this is an April resolution. This is a resolution that we are so far behind in the important business of the House, we are only getting to now celebrating April of 2008 for Public Broadcasting. I find it interesting that we were so busy, and yet we didn't have time to find out what were the real causes of high oil and gas prices, why America is importing half a trillion dollars a year of other people's oil and a similar growing amount of natural gas and other resources.

So I would hope that when we get this April legislation off our plate, we would turn to the important issues of the day, certainly the incredibly high price of gas in my home district, caused by a lack of domestic exploration.

And if we have just a little time, perhaps we could find out why in the midst of the sub-S meltdown, we discover that Members of this body and Members of the body on the other side of the dome were in fact getting special deals that saved themselves tens and hundreds of thousands of dollars on their home mortgages. These investigations need to happen, because we need to solve the problem of how America finds itself with financial meltdown. We need to find out what it is going to take to get American oil and high-paying American jobs flowing again.

Madam Speaker, I would yield back the balance of my time.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in strong support for H. Res. 1002, a resolution that calls for the creation of a "Public Radio Recognition Month" and celebrates public radio's contributions to our communities and civic spirit.

National Public Radio is a nationwide network of more than 800 public radio stations charged with serving the public interest. Since its creation in 1970, NPR has become one of the nation's leading sources for insightful news coverage, high quality music and locally relevant cultural programming.

The local focus of public radio strengthens communities and fosters a sense of local identity. With an average of 85 percent of its funding coming from local sources, public radio remains a homegrown enterprise.

Public radio also provides vital services for our communities. In Minnesota, public radio stations serve as the backbone for our Emergency Alert System and the AMBER Alert system for child abductions.

My district is home to Minnesota Public Radio, a 37-member network that has earned distinction as one of the nation's finest public radio systems. MPR, as it is known to its many members and listeners, serves nearly 800,000 listeners every day and reaches more than 14 million people nationally through its original programming. MPR's humble beginnings as a small radio station in Collegeville, Minnesota in 1967 helped provide the initial leadership that created National Public Radio.

MPR also home to one of the most acclaimed programs in public radio, Garrison Keillor's "A Prairie Home Companion." Launched in 1974, the variety show has been entertaining audiences for nearly 35 years with Keillor's unique wit and his beloved cast of characters. The show continues to broadcast Saturday nights from its home in St. Paul's Fitzgerald Theater to more than 4 million listeners on MPR and 580 other public radio stations around the world.

Public radio is thriving in Minnesota and nationwide. Since 1993, the national audience for public radio has doubled to 33 million listeners per week. To accommodate this growth, MPR recently completed a $46 million expansion of its St. Paul headquarters and launched "The Current," a critically acclaimed service that showcases local talent along with news and classical music.

With public radio poised to grow even more in the next decade, it is important to recognize the history of this important media outlet and encourage its future prosperity. Madam Speaker, as an avid listener of public radio, I look forward to seeing the creation of a "Public Radio Recognition Month" and encourage my colleagues to join me in supporting H. Res. 1002.

Mr. DAVIS of Illinois. Madam Speaker, I would urge support of this resolution and yield back the balance of our time.

The SPEAKER pro tempore (Mrs. JONES of Ohio). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1002, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF FLAG DAY

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1219) celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1219

Whereas Flag Day is celebrated annually on June 14, the anniversary of the official adoption of the American flag by the Continental Congress in 1777;

Whereas on June 14, 1777, in order to establish an official flag for the new Nation, the Continental Congress passed the first Flag Act, which stated, "Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation";

Whereas the second Flag Act, signed January 13, 1794, provided for 15 stripes and 15 stars after May 1795;

Whereas the Act of April 4, 1818, which provided for 13 stripes and one star for each State, to be added to the flag on July 4 following the admission of each new State, was signed by President James Monroe;

Whereas in an Executive order dated June 24, 1912, President William Howard Taft established the proportions of the flag and provided for arrangement of the stars in 6 horizontal rows of 8 each, a single point of each star to be upward;

Whereas in an Executive order dated January 3, 1959, President Dwight D. Eisenhower provided for the arrangement of the stars in 9 rows staggered horizontally and 11 rows of stars staggered vertically;

Whereas the first celebration of the American flag is believed to have been introduced by Bernard Cigrand, a Wisconsin school teacher, who arranged for his pupils at Stony Hill School in Waubeka to celebrate June 14 as "Flag Birthday" in 1885;

Whereas on June 14, 1894, the Governor of New York ordered that the American flag be displayed at all public buildings in the State, prompting many State and local governments to begin observing Flag Day;

Whereas President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916;

Whereas in 1947, President Harry S. Truman signed legislation requesting National Flag Day be observed annually;

Whereas the United States flag is a symbol of our great Nation and its ideals;

Whereas in times of national crisis, Americans look to the United States flag as a symbol of hope, courage, and freedom;

Whereas the United States flag is universally honored;

Whereas the United States flag honors the men and women of the Armed Forces who have given their life in the defense of the United States;

Whereas the United States flag serves as a treasured symbol of the loss of loved ones to the countless families of those who died in defense of our Nation; and

Whereas June 14, 2008, is recognized as Flag Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the United States flag and supports the goals and ideals of Flag Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I present for consideration H. Res. 1219, which celebrates our Nation's flag and the goals of Flag Day, a day honoring the America's most enduring symbol.

H. Res. 1219's lead sponsor, Representative ROBERT LATTA of Ohio, introduced the bill on May 21, 2008, and it was reported from the Oversight Committee on June 12, 2008, by voice vote. This measure has the support and sponsorship of 62 Members of Congress and expresses our appreciation for and belief in the power of the red, white and blue.

The importance of the American flag as a symbol to our Nation is enormous. Our flag represents the service men and women who proudly wear it, the judges and legislators who serve in honor of it, and the millions of Americans who stand daily and pledge their allegiance to it. It is indeed representative of every American as a symbol of hope and freedom that resonates around the world.

Flag Day is celebrated every June 14, because it was on that day in 1777 that the Continental Congress passed the first Flag Act, giving our Nation an enduring and identifying emblem. The flag has changed since then, but the ideas it embodies have endured. From the images of the Americans planting the flag in the sands of Iwo Jima, to the flag that was pulled from the rubble of the New York World Trade Center after the attacks of 9/11, Old Glory has become an integral part of our national fabric.

So, Madam Speaker, I urge swift passage of H. Res. 1219, for it will provide due recognition of the importance of the American flag and demonstrate our support of the day which honors it.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I too rise in strong support of Flag Day. Since 1777, America has in fact invested a great deal of who we are, what we do, what is right and what we stand for in our Nation's flag. Whether it was the first Flag Day, which emerged in 1885 when a 19-year-old schoolteacher in Wisconsin declared the flag's birthday, or in 1889, when a kindergarten teacher in New York City held a patriotic ceremony to help educate his children, or throughout the years, year after year after year, in which America invested its patriotism in the flag, or, as the gentleman in the majority said, in fact on September 11, when here in Washington and around the world we invested in a patriotic showing after the terrible events in New York, here in Washington and Pennsylvania, we did so because in fact we are what America stands for. Our flag represents that.

But, today, Madam Speaker, America stands for a country that imports half a trillion dollars worth of oil and vast amounts of natural gas. America is a country with crushing debt owed to other countries around the world. America today is a country proud of itself and proud of its flag, but mortgaging our children's future by investing in foreign oil and foreign natural gas and foreign minerals at a time in which the vast majority of our resources are not being used.

Madam Speaker, I join with the majority in saying that in fact America has to make sure that our natural resources are used, whether it is the 68 million acres being called into question by the majority as to whether or not oil leases are being pursued, or the 41 million acres that do have oil under production, or in fact the 2 billion-plus acres, including the area over 50 miles off the California coast that has been permanently taken off limits to oil and clean natural gas so needed in our country.

So, as we celebrate this Flag Day and our reinvestment in our flag and in who we are as a nation, let's remember who we are is a country of self-sufficiency, and self-sufficiency starts with the ability to produce our own products and certainly to heat our own homes.

Madam Speaker, I have no more to say about our flag than what our flag says for itself, but I have a great deal to say about who we as Americans will be. We will be a country, God willing, that in fact is self-sufficient.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I continue to reserve.

Mr. ISSA. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LATTA), the author of the bill.

Mr. LATTA. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I am pleased to introduce House Resolution 1219, celebrating the symbol of the United States and supporting the goals and ideals of Flag Day.

Flag Day is celebrated on June 14, which is the anniversary of the official adoption of the American flag by the Continental Congress in 1777. This was done by the first Flag Act, which stated, "Resolved, That the flag of the United States be made of 13 stripes, alternating in red and white, that the union be 13 stars, white in a blue field, representing a new constellation."

Since 1777, our flag's design has been altered three times under executive order, rearranging the design of the stars and stripes each time a State was added.

The first celebration of the American flag was believed to have been introduced by a Wisconsin schoolteacher, who arranged for his students at Stony Hill School to celebrate June 14 as Flag Day in 1885. President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916, and in 1947, President Harry Truman signed legislation requesting National Flag Day be observed annually.

Flag Day is an important holiday, as our flag is the official symbol of our great Nation and its ideals. Our flag serves as a beacon of hope, courage and freedom during times of crisis and triumph alike. It honors the men and women of the Armed Forces who have paid the ultimate sacrifice in defending the United States, and serves as a symbol for those families who have lost loved ones while defending our Nation.

So, Madam Speaker, it is with great honor I ask for unanimous approval of House Resolution 1219 as we celebrate our Nation's flag.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in permitting me to speak on that. I rise in support of this resolution and think that it is appropriate and timely for it to come forward and agree with the representation that I have heard from my colleagues.

As a long-time public radio listener and Chair of the Public Broadcasting Caucus, I was proud to sponsor the resolution recognizing Public Radio Recognition Month.

Too often we take for granted the rich and diverse contributions of public radio to America's communities, and this was an opportunity on the floor of the House to reflect on its contributions and show our appreciation for public radio as a genuine national treasure.

The future of radio depends on programming and content, first and foremost, and in the area of high-quality radio content, public radio has no peer.

Public radio offers an unmatched commitment to using the airwaves to create a more informed public, a public that craves and is challenged by an examination of ideas, events and culture.

Each week, over 33 million Americans listen to NPR, an audience that exceeds the top 35 U.S. daily newspapers combined. When we consider this figure, along with the 100 million people who watch public television each week, we can see the profound reach of Public Broadcasting. It connects people with their local community, their Nation and their world in a way that no other outlet can or does.

□ 1615

Distinctive, award-winning programs such as This American Life, A Prairie Home Companion, and Speaking of Faith tell the story of our shared American experience, and the vibrant, enduring programs of Morning Edition, All Things Considered, and Marketplace draw on reporting from correspondents based in bureaus around the world and from producers and reporters in 19 locations in the United States.

But the strength of the NPR and the member station news network goes far beyond this corps of international and national NPR reporters; it reaches into communities across America. Through community-based journalism, such as the Diane Rehm Show right here in Washington, DC on WAMU and Think Out Loud on OPB back home in Oregon, we see a dedication to bringing people together at the local level for thoughtful conversations about complex and sometimes contentious issues.

These strong, news-oriented programs exist today in most of the top markets across the country, and when the strength of these stations is combined with NPR's strength in national and international reporting, the result is one of the largest, most capable and most trusted news network organizations anywhere in the world.

Public radio reliably provides a careful, balanced and thoughtful approach to news and culture. This feature is unique to public broadcasting, and it is a breath of fresh air in our often shrill and argumentative mass media environment.

We hear a lot about commercial broadcasting's becoming little more than 30-second, sound-bite news. That's one of the reasons I believe NPR's audience has grown so significantly in recent years, doubling in the last 15 years and increasing by 70 percent in the last decade.

Americans are thirsty for thoughtful and intelligent programming, and at a time when our media is controlled by fewer and fewer entities, we can have confidence that public radio which is owned by the public is committed to public interests, not to special interests.

In every congressional district across the country, through over 800 locally controlled and managed stations, Americans can turn to a public radio station as their single source for local, national and international news as well as for informative, cultural and musical programming.

There is nowhere else you can find such unique and valued service for all of our communities, and I hope that resolution was a reminder that we in Congress, as individuals and policymakers, must continue to provide critical support for local, publicly owned radio stations, the heart of public radio.

I invite my colleagues to recognize this achievement as they reflect on public broadcasting. It's part of the framework that makes the country so great and part of why we revere our flag and our Nation.

Mr. ISSA. Madam Speaker, I have no further speakers at this time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. I would continue to reserve, Madam Speaker.

Mr. ISSA. Madam Speaker, I would yield back.

Mr. DAVIS of Illinois. Madam Speaker, we have no additional speakers, and I would urge passage of this resolution.

Mr. SHULER. Madam Speaker, I rise today to support H. Res. 1219, supporting and honoring the ideals of Flag Day. The American flag represents the freedom and democratic ideals of this nation and the brave Americans who have defended these ideals throughout our history.

Established in 1885, Flag Day commemorates the adoption of our flag on June 14, 1777. Bernard Cigrand, the Father of Flag Day, was the President of the American Flag Day Association and the National Flag Day Society. In 1894, he orchestrated a celebration of Flag Day in Chicago that brought together over 300,000 public school students. The celebration was such a success that it was continued the following year. The trend of observing Flag Day caught on and quickly spread to New York and Philadelphia. However, it was not until August 3rd, 1949 that President Truman signed an Act of Congress designating June 14th as National Flag Day.

Today, we continue to honor Flag Day with a proclamation from the President urging U.S. citizens to fly the American flag from their homes for the duration of the June 14th week. Also, it is encouraged that all government buildings fly the American flag. On the second Sunday of June, the National Flag Day Foundation holds an annual observance for Flag Day. The program includes a recitation of the Pledge of Allegiance, singing of the National Anthem, a ceremonial rising of the flag, and a large parade. These types of celebrations play an important role in observing one of our nation's most important symbols, the American flag.

I ask my colleagues to join me in supporting this resolution to support the ideals of Flag Day. May we continue to recognize the symbol of our freedom and display our patriotism proudly.

Mr. POE. Madam Speaker, in 1814, Francis Scott Key wrote of a star-spangled banner which America "so proudly hailed . . ." through a night of bomb blasts and rocket-fire. The flag consisted of fifteen stripes, alternating red and white, and fifteen white stars on a field of blue; it united a brand new Nation under the principles of life, liberty, and the pursuit of happiness.

In the 194 years since our national anthem was written, we've come a long way—Old Glory has acquired 35 more stars, and has become the most recognized flag in the world. But its power to unify a nation hasn't changed. Our flag has become synonymous with Freedom, Justice, Prosperity, and all the principles upon which our great Nation was founded.

On this, the 58th National Flag Day that our nation has celebrated, let's fly our flags with reverence in honor of our men and women who have given their lives, and for those who continue to fight to defend our great Nation.

For a country whose trust is in God, our flag is a precious reminder of how we've gotten here as well as a beacon for which we strive.

And that's just the way it is.

Mr. DAVIS of Illinois. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1219.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING AND RECOGNIZING CHI-CHI RODRIGUEZ

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1029) congratulating and recognizing Mr. Juan Antonio "Chi-Chi" Rodriguez for his continued success on and off of the golf course, for his generosity and devotion to charity, and for his exemplary dedication to the intellectual and moral growth of thousands of low-income and disadvantaged youth in our country, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1029

Whereas sports figures, through their perseverance, discipline, and good behavior, can serve as examples of excellence, dedication, and devotion to our youth;

Whereas Chi-Chi Rodriguez was born in Rio Piedras, Puerto Rico, on October 23, 1935, to an agricultural laborer and a housekeeper;

Whereas Chi-Chi joined the ranks of golf professionals at the age of 24, reportedly standing at 5 foot seven inches and weighing 117 pounds;

Whereas Chi-Chi Rodriguez had a stellar career in the sport of golf, earning an impressive record of 38 professional wins, including 8 PGA Tour wins and 22 Senior PGA Tour wins;

Whereas his Senior Tour records for most consecutive victories, at 4, and most consecutive birdies, at 8, still stand;

Whereas in 1979, Chi-Chi Rodriguez helped create the Chi-Chi Rodriguez Youth Foundation, and the Chi-Chi Rodriguez Academy in Clearwater, Florida, which help thousands of low-income and disadvantaged youth reach their life potential through educational opportunities and support programs;

Whereas in 1986, the Chi-Chi Rodriguez Youth Foundation was awarded the National Golf Foundation's Award for Best Youth Program in the United States and the Robie Award for Humanitarianism presented by the Jackie Robinson Foundation;

Whereas Chi-Chi Rodriguez was recognized by the Points of Light Foundation for its youth and community service efforts;

Whereas Chi-Chi Rodriguez and the FBI Agents Association have organized the Chi-Chi Rodriguez G–Man Desert Shootout Tournament to raise funds for college scholarships for the children of FBI agents killed in the line of duty;

Whereas in 1989, the United States Golf Association granted Chi-Chi Rodriguez its highest honor, the Bob Jones Award, in recognition for his distinguished sportsmanship in golf;

Whereas in 1994, Chi-Chi Rodriguez was inducted to the first class of the World Sports Humanitarian Hall of Fame;

Whereas in 1992, Chi-Chi Rodriguez was inducted to the World Golf Hall of Fame;

Whereas in 1973, Chi-Chi Rodriguez was a member of the U.S. team that won the Ryder Cup in Muirfield, Scotland;

Whereas in 1981, Chi-Chi Rodriguez was selected by the Northern Ohio Golf Charities as its first Ambassador of Golf;

Whereas Chi-Chi Rodriguez has received countless other distinguished awards and recognitions such as the 1974 Charlie Bartlett Award of the Golf Writers Association, the 1981 Richardson Award of the Golf Writers Association of America, the 1982 Father of the Year Award, the 1986 Card Walker Award (Outstanding Contribution to Junior Golf), the 1986 Salvation Army Gold Crest Award, the 12th Roberto Clemente Cup, the 1986 Byron Nelson Award, the 1986 Hispanic Achievement Recognition Award, the 1987 Byron Nelson Award, the 1987 Senior Tour Arnold Palmer Award, the 1988 Fred Raphael Golf Achievement Award, the 1989 Old Tom Morris Award, the 1990 "Caring for Kids" Award, the 1991 Jackie Robinson Humanitarian Award, the 1993 Civilian Meritorious Service Medal presented by the Department of Defense, the 1997 International Network of Golf Award, the 1998 Ford Achievement Award, and the 2003 Paul Runyan Memorial Recognition Award, among others; and

Whereas Chi-Chi Rodriguez has authored and coauthored several books and articles about golf, such as "Chi Chi's Secrets of Power Golf" in 1967, "Everybody's Golf Book" in 1975, "Chi Chi's Power Pack" in 1982, "Every Golfer's Guide to Lower Scores by Chi-Chi Rodriguez" in 1990, and "Chi Chi's Golf Games You Gotta Play" in 2003, among others: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Chi-Chi Rodriguez for his successes in the sport of golf; and

(2) commends Chi-Chi Rodriguez for his exemplary conduct as a humanitarian and advocate for underprivileged youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Now, Madam Speaker, it is my pleasure to yield as much time as he might consume to the author of this resolution, my good friend from Illinois, Representative GUTIERREZ.

Mr. GUTIERREZ. I thank the gentleman for the time.

Madam Speaker, I rise today in strong support of House Resolution 1029, congratulating and recognizing Mr. Juan Antonio "Chi-Chi" Rodriguez for his continued success on and off the golf course, for his generosity and devotion to charity and for his dedication to the intellectual and moral growth of thousands of low-income and disadvantaged youth in our country.

I am proud to have introduced this resolution honoring a great American. Chi-Chi Rodriguez was born the fifth of six children to an agricultural worker and to a housekeeper in Rio Piedras, Puerto Rico. From these humble beginnings, he rose to become one of the Nation's most talented professional golfers, using his skills and status to benefit others. Chi-Chi is distinguished as a great humanitarian and role model for children across the Nation.

Chi-Chi joined the ranks of professional golfers at the age of 24, and over the next four decades, he earned 38 professional wins, including 8 PGA tour wins and 22 Senior PGA tour wins. In 1979, Chi-Chi Rodriguez had used his national recognition as a great sportsman to help found the Chi-Chi Rodriguez Youth Foundation and the Chi-Chi Rodriguez Academy, which have collectively raised $4 million to assist disadvantaged youth.

The Chi-Chi Rodriguez Foundation has been honored by the National Golf Association, by the Jackie Robinson Foundation and by the Points of Light Foundation for its youth and community service efforts.

Chi-Chi also joined with the FBI Agents Association to create the Chi-Chi Rodriguez G–Man Desert Shootout Tournament in order to fund college scholarships for the children of those FBI agents who have been killed in the line of duty.

Chi-Chi has been heard to say, "For me, satisfaction comes from knowing that I was put on this planet to make it better." This philosophy has guided his life and has made him an example of dedication and generosity of spirit.

Madam Speaker, as Members of Congress, one of our great honors is to recognize our fellow citizens who stand out as exceptional individuals. I am proud to support this resolution, honoring a great Puerto Rican-American humanitarian.

Mr. ISSA. Madam Speaker, I would like to yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I rise today in strong support of H. Res. 1029, which congratulates and recognizes Mr. Juan Antonio "Chi-Chi" Rodriguez for his success on the golf course, for his devotion to charity and for his dedication to the intellectual and moral development of low-income and disadvantaged youth throughout our Nation.

Mr. Rodriguez' knack for golf began at a young age. He learned to play golf with makeshift golf clubs fashioned from guava tree limbs and from tin cans hammered into golf balls. He shot a remarkable 67 at age 12. By the end of his professional career, he had won 22 Senior PGA tour events and the hearts of many Americans with his trademark toreador dance.

Part of what makes Mr. Rodriguez such a remarkable individual is that he took his own professional accomplishments and channeled them into the Chi-Chi Rodriguez Youth Foundation, which supports the Chi-Chi Rodriguez Academy, which is in my congressional district. Starting in 1979 and with just 17 students, the mission of the academy is to assist at-risk children by improving their self-esteem, character, work ethic, social adjustment, and academic performance by using the golf course as a classroom.

The academy encompasses a public-private partnership school that fosters students' achievements through interactive experiences in various real-world business environments: The First Tee of Clearwater, incorporating life skills with golf skills; the After School Enrichment program, reinforcing and furthering academic studies; and the Community Service program, designed to help students fulfill their graduation and scholarship volunteer service hour requirements.

Madam Speaker, my kids have had the honor of meeting Mr. Rodriguez, and I have had the pleasure of seeing firsthand his good work in my district. Mr. Rodriguez, after meeting with Mother Teresa, embraced her lesson of living to help other people, and he has served as an inspiration to thousands of young men and women over the past three decades. His unique idea to teach the important life skills of self-control, responsibility and respect for others to at-risk youth while maintaining an atmosphere that builds confidence and positive educational experiences through golf is truly commendable.

It is with great admiration that I rise today to honor the accomplishments of Mr. Chi-Chi Rodriguez by supporting this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I would yield myself such time as I might consume.

I rise as a member of the House Committee on Oversight and Government Reform to join my colleagues in consideration of H. Res. 1029, which recognizes as well as congratulates Mr. Juan Antonio "Chi-Chi" Rodriguez for his continued success on and off the golf course, for his generosity and devotion to charity and for his exemplary dedication to the positive development of thousands of low-income and disadvantaged youth in our country.

H. Res. 1029 was authored by Congressman LUIS GUTIERREZ of Illinois and is cosponsored by 52 Members of Congress. The bill before us was first introduced on March 6, 2008 and was taken up by the Committee on Oversight and Government Reform on June 12, 2008 where the measure was amended and then passed by a voice vote.

A native of Rio Piedras, Puerto Rico, Juan "Chi-Chi" Rodriguez is recognized as one of the greatest golfers of our time, and he is the first Puerto Rican professional golfer to be inducted into the World Golf Hall of Fame. With over 37 professional golf wins, including 8 PGA tour wins and 22 Senior PGA tour wins, Mr. Rodriguez rose from sugarcane cutter to world-renowned professional golfer and youth advocate, which is a great indication of one who need not be so concerned about where one comes from but in recognizing where one will be going.

Mr. Rodriguez, obviously, went to the very top. Not only did he stand out as a professional golfer, but as a humanitarian and as an individual who gave back and gave to others, he will always be renowned and remembered.

I commend my colleague for introducing this resolution.

I reserve the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

Madam Speaker, no one is a better example of energy, of doing more with less than is Chi-Chi Rodriguez. Not only did he begin golfing at age 6 and shoot a 67 at age 12, but in fact, for a man who never rose above 5'7" in height or 130 pounds in weight, he has one of the most famous long balls in golf. That is the energy of Chi-Chi Rodriguez, an energy that America covets. He is somebody who doesn't let size or any other limitation keep him from achieving his goals.

Earlier, the gentleman from Florida talked about Florida and Chi-Chi Rodriguez' activities there in Clearwater. Florida brings to mind that, when you talk about a man of energy, just 50 miles off the coast of Florida, China and Cuba are now issuing contracts that are going to allow for drilling, for drilling closer to America than we allow, just 50 miles off the coast of Florida, in fact, without the kind of safeguards that American companies would use.

□ 1630

So when I think of Florida and I think of a man of energy, I think of the energy that is being kept away from the American people, energy that would keep our dollars from flowing to countries less friendly to us, energy that would make us self-sufficient and self-reliant, and energy that would heat our homes and fuel our cars at a cost far less than what we are paying today.

Madam Speaker, I truly think of energy when I think of Chi-Chi Rodriguez, and I appreciate the opportunity to speak on Chi-Chi Rodriguez and urge passage of this resolution.

Mr. SHULER. Madam Speaker, I rise today to honor the extraordinary life of Juan Antonio "Chi-Chi" Rodriguez. Mr. Rodriguez was a native Puerto Rican who overcame the obstacles of poverty and became recognized as a renowned professional golfer, and a true inspiration to the Latino community.

Mr. Rodriguez has had nothing less than an exceptional career as a professional golfer. Among his many accomplishments, Mr. Rodriguez has a total of 38 professional wins, including 8 PGA tour wins, 22 Senior PGA wins, and wins in the Bahamas, Colombia, and in Panama. Because of Chi-Chi's distinguished sportsmanship throughout his career, in 1989 he was awarded the Bob Jones Award, which is the highest award given by the United States Golf Association. In 1989, he was also awarded the Tom Morris Award, from the Golf Course Superintendents Association of America. In 1992, Chi-Chi was inducted into the World Golf Hall of Fame This was a remarkable accomplishment because he was the first Puerto Rican honored into this elite group.

Mr. Rodriguez has not only been an inspiration on the course, but through his charitable work as well. He established the "Chi-Chi Rodriguez Youth Foundation", an after school program at the Glen Oaks Golf Course in Clearwater, Florida. Chi-Chi and his staff work with children to improve their self-esteem, character, work ethic, social adjustment, and academic performance. His humanitarian work allowed him to be recognized as an inaugural inductee into the World Humanitarian Hall of Fame.

Madam Speaker, Juan "Chi-Chi" Rodriguez leads an exemplary life of public service and gives hope to the underprivileged children of America. He has used his success in his professional career to make a positive impact in many people's lives. Mr. Rodriguez is deserving of the utmost respect and recognition for his contributions to the youth of America. That is why I support H. Res. 1029, introduced by Mr. GUTIERREZ of Illinois.

Mr. BACA. Madam Speaker, I rise today in support of H. Res. 1029, recognizing Chi-Chi Rodriguez for his generosity and work with low-income and disadvantaged youth in our country.

Chi-Chi is famous for his success on the golf course. He was a self-taught golfer that started out fusing a branch from a guava tree for a club and a metal can as a ball.

He then went on to win 8 titles on the PGA tour and represented our country as a member of the 1973 U.S. Ryder Cup team.

He is a true ambassador of the game, and a role model for all Latino golfers, including myself.

From his childhood in the sugar cane fields of Puerto Rico, to the World Golf Hall of Fame, Chi-Chi has lived the American Dream.

What most people don't know about Chi-Chi is his dedication to working with underprivileged kids. He inspires others to pursue their dreams as well.

At the Chi-Chi Rodriguez Academy, kids learn valuable lessons to help them in life—respect, confidence, honesty, responsibility, integrity, and sportsmanship, to name a few.

Under-achieving students with behavioral problems and learning disabilities get free help at Chi-Chi's academy.

This resolution recognizes Chi-Chi's continuing efforts to improve the lives of thousands of low-income and disadvantaged youth in our country, I encourage my colleagues to join with me and honor Mr. Juan Antonio "Chi-Chi" Rodriguez.

Mr. ISSA. Madam Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, we have no further requests for time, I urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1029, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOHN P. GALLAGHER POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6150) to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the "John P. Gallagher Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN P. GALLAGHER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, shall be known and designated as the "John P. Gallagher Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John P. Gallagher Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield such time as he might consume to the author of this resolution, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I want to thank my colleague from Illinois and Mr. ISSA. I rise in strong support of H.R. 6150, the bill that renames the post office at 14500 Lorain Avenue in Cleveland, Ohio, as the "John P. Gallagher Post Office Building." I would like to again thank the chairman of the Federal Workforce, Postal Service and District of Columbia Subcommittee and his helpful staff for working with me on this bill.

I am proud to have sponsored this bill to honor Mr. Gallagher's lifetime of devotion to public service. Let me share with you the story of this man who was a member of what Tom Brokaw called "The Greatest Generation."

This is a quote from an article that was published on June 6, 2004. The subheading was, "Like dwindling World War II comrades, vet shuns hoopla."

"John P. Gallagher is one of the men we honor today. He is a proud veteran, but is also impatient with the embroidery and rhetoric that lingers after the smoke clears and the dead are buried.

"So the man who dodged bombs, bullets and a bad heart was asked whether he's a hero. 'No,' he said in his modest room amid medals, patches and other mementos. 'You did your job. That's all.'

"He was a combat engineer. He helped clear obstacles at Utah Beach before the infantry came ashore. His service is a virtual core sample of the big moments in the European theater.

"He was in North Africa after General Eisenhower led the Operation Torch Landings, in Sicily briefly, and then in Italy for the Rome-Arno campaign. He was at the little-known place in England called Slapton Sands, where GIs practicing for the invasion of France were surprised and slaughtered by German torpedo boats. Then there was Normandy, the Battle of the Bulge in the Ardennes region of Belgium, and a Rhine River crossing."

For his service in the 1st Engineer Special Brigade, along with the other members of the brigade, he received an exceptional honor during World War II. Charles de Gaulle, then the General Army and Chief of State, Major General of National Defense for France, sent this commendation for John Gallagher's unit: "For exceptional services of war rendered during the course of the operations for the liberation of France, the 1st Engineer Special Brigade, including all units assigned or attached, which were part of the Assault Force U and which were engaged in the assault on Normandy beaches, this citation is of the order of and confers the Croix de Guerre with Palm, May 25, 1945," signed Charles de Gaulle.

This was a much-decorated unit, but this was a man who after he finished his service to our country he then went to serve our country in another way, at the city of Cleveland.

He was employed by the city of Cleveland for 30 years. He worked his way up to become Superintendent of Sidewalks. Those of you who are familiar with big cities can understand that when a city has thousands of miles of sidewalks, it is very important for those who deliver the mail, as well as people in the neighborhood, to have someone who pays attention to make sure that this infrastructure is kept in shape. That was John Gallagher's job. He served for six mayors of Cleveland, and he did such a good job that when he retired in 1987 he was honored by the city of Cleveland in a special commendation from then-Mayor John Voinovich.

Mr. Gallagher is someone whose service to the community went far beyond his work for the city of Cleveland. He was one of the primary advocates for the inclusion of programs for seniors in the city of Cleveland's Gun and Recreation Center. He actually led the charge to create new programs for senior citizens.

His home is across the street from a city park where he actually for the neighborhood for years has kept an eye on the park. He has been a lifelong parishioner of St. Vincent DePaul Parish, and he is a fixture each and every week, he has been a fixture until he came into ill health, volunteering as an usher at the 5:30 mass. He is someone who comes from a very strong Irish heritage. His father, who was a Cleveland policeman, was actually born in County Mayo, Ireland, and John lived with his father and took care of him for many years before he passed. John is very involved in the Irish community and is someone who has great respect across the city of Cleveland and throughout Cuyahoga County.

When we name post offices, we often name post offices after very famous people, after people who are politicians and are in public service, but we don't often get the opportunity to recognize the work of someone who, a World War II vet who served his country with honor, who continued in public service for many years and who today, like so many members of that greatest generation, just kind of wait their turn to be called to an even higher service.

This is a great opportunity for the House of Representatives to show that the kind of people who make up this country, that the kind of people who have served this country and made it the great Nation that it is, deserve recognition. And so for that reason I put forth this bill honoring the life and service of John P. Gallagher through naming this post office after him.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join with my friend and colleague from Ohio in urging support for H.R. 6150 to name the post office in Cleveland, Ohio, in honor of John P. Gallagher. Like the gentleman, I am also a Clevelander born and raised. Like many of us in the room, I know what Mr. Gallagher came home to after World War II. He came home to a Cleveland that had helped win the war. He came home to a Cleveland in which women had come out of their homes to work in all of the major plants. They worked in auto plants that were now making tanks. They worked in the steel mills. In fact, Cleveland won the war both by the men it sent off to war, and by the men and women who stayed home and worked those heavy industries.

So I very much believe it is appropriate and vital that we recognize the Cleveland workforce that made America great and won World War II. And, in fact, the common man, who did the uncommon thing, that was all too common in World War II, and that is going off and fighting for your country while others stayed home and made sure that the tanks, the steel, the tires all came to the battle.

And as a Clevelander, I recognized that Cleveland ran on resources. Cleveland ran on coal and iron ore. And yes, Cleveland ran and used to run very well on oil and natural gas, in addition to coal, that made our steel mills work and that made our auto companies produce.

Cleveland no longer runs that way. Cleveland is, in fact, a city that is now needing to turnaround yet again. Why, among other reasons, because of $5 gasoline, the cost of home heating oil, the cost of living that is spiraling up much faster than the men and women of Cleveland have the ability to pay.

So as we honor Mr. Gallagher, I would hope that we also turn our focus to the need to deal with these natural resources that we now import, the copper we import, the coal that if we don't change we will soon be importing, certainly the steel mills that have gone to Korea; and yes, the half a trillion dollars a year of oil that we are importing from countries often hostile to us simply because we are not willing to open up exploration on our 2 billion-plus acres of Federal land.

So I join with my colleague in strong support of remembering what made America and Cleveland great, and I ask that we join together and do that again by passing comprehensive land opportunities for oil so that we too can be self-sufficient, as we were when Mr. Gallagher came home from World War II.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 6150 which asks that we designate a postal facility in Cleveland after Mr. John Gallagher who served that city faithfully for over 30 years. H.R. 6150, which was introduced by Representative DENNIS KUCINICH on May 22, 2008, was reported favorably from the Oversight Committee on June 12 by voice vote.

The measure, which will name a post office after a truly humble and dedicated civil servant, has the support and sponsorship of the entire Ohio congressional delegation.

John Gallagher has been described as a man who served his country and the city of Cleveland with dignity for his entire life. At the age of 19, he joined the U.S. Army where he fought bravely in Europe during World War II. After his years of service, he returned to his hometown of Cleveland, Ohio, where he would work for the city government for over 30 years, rising through the ranks to become Cleveland's Superintendent of Sidewalks.

Mr. Gallagher did not regard his commitment to the city of Cleveland as anything extraordinary, but that he was simply doing his job, that's all. Like many public sector workers in our country, Mr. Gallagher devoted his life to serving and working on behalf of his fellow citizens.

Therefore, Madam Speaker, let us extend a small token of our appreciation for the work of this outstanding gentleman by passing H.R. 6150 which will rename the postal facility on Lorain Avenue in Cleveland, Ohio, as the John P. Gallagher Post Office Building.

I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I have no further speakers at this time, and I would inquire of the majority if they have any additional speakers.

Mr. DAVIS of Illinois. I have one additional comment.

Mr. ISSA. Then I continue to reserve.

Mr. DAVIS of Illinois. Madam Speaker, I yield to the gentleman from Ohio (Mr. KUCINICH) for such time as he may consume.

Mr. KUCINICH. Madam Speaker, in furtherance of describing the kind of man that we are honoring here today, when the war was over and people went back about their business, John Gallagher had this idea that he should bring together all of his brothers who served together under these conditions of World War II and to find a way so they could reconnect. And so he was in charge of organizing this group. And for a period of 1963 all of the way through the year 2000, a period of 37 unbroken years, this band of brothers came together year after year after year under John Gallagher's leadership and organization and renewed not just their friendship but their dedication to the cause of service to their Nation.

John Gallagher also participated in a very important endeavor where he helped to organize his friends from across the country from the 1st Engineer Special Brigade to raise the funds to erect a monument which was on a German pill box on Normandy Beach in France with contributions from members of the 1st Engineer Special Brigade and under supervision of the brigade commander.

□ 1645

And inside the walls were plaques bearing the names of the men of the unit who died in battle.

The time comes when this generation will fade into memory. But those individuals who are still alive need to be forever reminded of the great gratitude that this country has for them, not just putting their lives on the line, but the youth of their lives on the line, for showing a continual love of country, for showing love for each other and their fellow soldiers.

I am so proud to be here to ask for your support because, in recognizing John Gallagher, we recognize all those who served who still remain with us for serving through their love of country.

Mr. ISSA. Madam Speaker, I yield myself just 1 minute to thank the gentleman from Ohio (Mr. KUCINICH). I think often the famous get post offices named after themselves; but I would like to comment that the gentleman has done a wonderful job, Madam Speaker, of making someone less famous, but equally deserving, the subject of today and the subject of this post office.

And so once again I'd like to congratulate my colleague, not only on selecting somebody, but on doing a good job of making sure that we understood just who he was and what he contributed.

Madam Speaker, I yield back all of my remaining time.

Mr. DAVIS of Illinois. Madam Speaker, we urge passage of this resolution, and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6150.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GERALD R. FORD POST OFFICE BUILDING

Mr. HIGGINS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6085) to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the "Gerald R. Ford Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GERALD R. FORD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, shall be known and designated as the "Gerald R. Ford Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Gerald R. Ford Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HIGGINS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HIGGINS. I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I join my colleague in the consideration and support of H.R. 6085, which names a postal facility in Rancho Mirage, California, after the late President Gerald R. Ford.

H.R. 6085, which was introduced by our colleague, Congresswoman MARY BONO MACK of California, on May 20, 2008, was reported from the Oversight Committee on June 12, 2008, by voice vote.

H.R. 6085 is sponsored by 113 Members of Congress, including 51 Members from the California delegation. This bill before us does more than just redesignate one of our post offices. It provides the entire House an opportunity to, once again, pay tribute to one of our Nation's leaders and former Presidents, the Honorable Gerald Ford.

Gerald Ford's public service career began back in 1948 when he was elected to represent Michigan's Fifth Congressional District. From there, the late President Ford ended up serving 25 years in the House of Representatives, including 8 years as minority leader of the House.

Forced to assume the office of the United States Presidency under what he described as extraordinary circumstances, the late President Gerald Ford conducted his presidency with honesty and integrity.

During his years of service to our country, President Ford often reminded people that he considered himself "a moderate in domestic affairs, a conservative in fiscal affairs, and a dyed-in-the-wool internationalist in foreign affairs."

With his wife, Elizabeth Ford, by his side, on December 26, 2006, President Ford succumbed to his death at the age of 93, but his mark on our country continues to live on.

Madam Speaker, I'd like to thank the gentlewoman from California for offering the bill in support of renaming the Rancho Mirage Post Office after the late President Gerald Ford and in recognition of his many contributions to America, both while in office and out.

I urge swift passage of this measure.

I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge the passage of H.R. 6058 to designate the U.S. post office at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the Gerald R. Ford Post Office Building.

Throughout his life, Gerald Ford was a patriot and a civil servant. Throughout his life he had a "can do" attitude, whether it was attending the University of Michigan where he played ball and was quite an athlete, or upon graduation from the University of Michigan, when he had the opportunity to play for the NFL, he declined the offer and instead attended the Yale Law School where he gained a skill that he used the rest of his life.

He then served 4 years in World War II, and, like many people, came home from World War II with a "can do" attitude, served his district of Michigan for 25 years, and as we all know, gave up the job of minority leader to become the Vice President and almost immediately became the President.

Gerald Ford, as the 38th President of the United States, enjoyed the dubious honor of being the only President not to have run for President or Vice President. But he didn't let that stop him. He was not an unelected president but, rather, he was a President who had a mandate to heal the Nation. He was a President who had a mandate to deal with a post-Vietnam, post-Richard Nixon period. He did so not only by pardoning Richard Nixon, something that undoubtedly cost him his own election, but, in fact, he did so recognizing that America's healing was more important than politics.

Today, as we recognize Gerald Ford, I would like to just briefly explain that I didn't know him as President. I didn't get to vote for him, of course, as President. I didn't meet him until 1996, when we were doing the Republican convention in San Diego, and his son, Jack, was the executive director for that. And a then aged Gerald Ford came out simply to support his son and to support what we were trying to do in San Diego. He came out repeatedly to help us, help us in the fund raising, but more importantly, help his son who he still, at that age, was trying to make sure that he went even further than his father.

Gerald Ford was the kind a person who stayed focused on basics throughout his life. One of the basics here in America is our need for energy, our need for the natural resources to be domestic, not imported. Gerald Ford understood that.

During Gerald Ford's time our debt was internally held. We had just come off of a balanced budget in 1969 and were near a balanced budget for his years. And more importantly, the vast majority of our oil was, in fact, domestic.

As a matter of fact, although we did have Aramco operating in Saudi Arabia, it was an income stream to the United States and the oil, for the most part, did not come to America.

Additionally, the Prudhoe Bay was coming on line at that time, and America's likelihood of getting its oil from its own country made more sense.

Many people do not understand, as Gerald Ford certainly would have understood, that Alaska was larger than Saudi Arabia, and that oil reserves every bit as plentiful in some areas as Saudi Arabia should be gleaned from our 50th State.

So as we honor and remember Gerald Ford and name this post office after him, let's also remember the time, not too long ago, when Gerald Ford was President, and America was self-sufficient. America had not yet fallen into the melees that it found itself in just a few years later when OPEC turned off the oil and America went cold.

Mrs. BONO MACK. Madam Speaker, I would first like to take this opportunity to thank Chairman WAXMAN and Ranking Member DAVIS for their support of H.R. 6085, which will designate a postal facility in Rancho Mirage, CA, as the 'Gerald R. Ford Post Office Building.' It is because of their efforts, along with those of Subcommittee Chairman DAVIS and Ranking Member MARCHANT, that this legislation was able to move so quickly through the Committee and comes before us today.

Madam Speaker, I recently introduced H.R. 6085 to honor President Gerald R. Ford and pay tribute to his remarkable life and career as our 38th President. I am grateful to the more than 100 of my Colleagues who have joined me in this effort to commemorate President Ford's life by naming a post office located in Rancho Mirage, CA, in my District, as the Gerald R. Ford Post Office.

This is an especially meaningful piece of legislation to me and many of the residents of our District. As many of my Colleagues may know, President Ford and his family resided in Rancho Mirage for many years before his passing. Naming Ford's local post office in his honor is a tribute to this great man and his many accomplishments.

President Ford and former First Lady, Betty Ford, were active members of our local community, generously contributing to the betterment of our residents with their involvement in charities and support for the successful Betty Ford Center for drug and alcohol rehabilitation. President Ford regularly connected with residents and participated with local leaders. Many locals remember him as a friend and pillar of our community.

President Ford's many lifetime achievements included serving our country during WWII, rising to the rank of Naval Lieutenant Commander, and serving in Congress for 25 years, eight of which he was the Minority Leader in the U.S. House of Representatives. As President, he led our citizens during a time of war, economic uncertainty, and low moral. With his steady direction, he worked to unify our nation during a tumultuous time in our nation's history.

He was one of our most respected leaders, and worked on many fronts to bring together our citizens and strengthen our trust in America's future. Years after his service as Commander-in-Chief, President Ford continued serving as a source of wise counsel to leaders throughout our nation and the world. President Ford was always willing to offer me insight and guidance when I came to Congress, and I will forever treasure his shared wisdom.

As a cherished resident of our District, were many locals called him a friend, President Ford is most deserving of the honor that this Gerald R. Ford Post Office will bring him and his family.

I ask that my colleagues, who wish to commemorate the legacy of President Ford, join me in naming the post office near his residence after this exemplary American.

Thank you, Madam Speaker, and I ask for the support of Members from both sides of the aisle for H.R. 6085, legislation I am proud to have authored.

Mr. ISSA. Madam Speaker, I yield back the balance of my time.

Mr. HIGGINS. We urge passage and yield back, Madam Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and pass the bill, H.R. 6085.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING JUNETEENTH INDEPENDENCE DAY

Mr. HIGGINS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1237) recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1237

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recognizes the historical significance of Juneteenth Independence Day to the Nation;

(2) the House of Representatives supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(3) it is the sense of the House of Representatives that—

(A) history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HIGGINS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HIGGINS. I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I present for consideration H.R. 1237, which recognizes the historical significance of Juneteenth Independence Day, and expresses the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

H.R. 1237 was introduced on June 4, 2008, and has over 70 Members of Congress who also support Juneteenth, or what many call Freedom Day or Emancipation Day. The measure was considered and reported from the Oversight Committee on June 12, 2008, by voice vote, which brings us to today's floor consideration of the measure.

Most of us are aware, Madam Speaker, Juneteenth commemorates the day Union General Gordon Granger and 2,000 Federal troops arrived at the Galveston Island, Texas to take possession of the State and enforce the emancipation of its slaves 2½ years after the enactment of the Emancipation Proclamation.

On June 19, 1865 General Granger read the following Order Number 3: "The people of Texas are informed that, in accordance with the proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired laborer. The freedmen are advised to remain quietly at their present homes and work for wages. They are informed that they will not be allowed to collect at military posts, and that they will not be supported in idleness either there or elsewhere."

In receipt of this message, African Americans who had been slaves in the Southwest celebrated June 19 as the anniversary of their emancipation, and continued the tradition to inspire and encourage future generations.

□ 1700

For more than 135 years, Juneteenth Independence Day celebrations have been held to honor not only the freedom of African Americans but also to encourage self-development and respect for all cultures.

Juneteenth has been recognized as either a State holiday or observance in Texas, Oklahoma, Florida, Delaware, Idaho, Alaska, Iowa, California, Wyoming, Missouri, Connecticut, Illinois, Louisiana, New Jersey, New York, Colorado, Arkansas, Oregon, Kentucky, Michigan, New Mexico, Virginia, Washington, Tennessee, Massachusetts, and North Carolina, as well as the District of Columbia.

The faith and strength of character demonstrated by former slaves remains an example for all Americans, regardless of background, religion, or race.

Madam Speaker, I ask that we, too, show our support for Juneteenth Independence Day by agreeing to adopt H.R. 1237 without reservation.

I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I, too, rise in support of this resolution.

Certainly history is replete with examples like this where well-intended, strong statements are made and then as much as 2 years passes before the event becomes complete. Juneteenth is no exception to that.

More than 2 years after the Emancipation Proclamation, it took 2,000 Federal soldiers marching into Galveston Island in order to free slaves from servitude. So as we look at what we need to do here in Congress today, let us not be dissuaded from doing what is right because it may take time. Let us not be dissuaded from making sure that America has its freedom and independence assured by our own independence in all areas, including natural resources.

I certainly think more than 100 years after the Civil War, we can celebrate the successes of the Civil War; but we also have an obligation to deal with problems that might take 4 or 5 years of domestic exploration and domestic investment in oil and natural gas in order to bear fruit. But I would ask today that we resolve to begin that process because certainly, as we look at President Abraham Lincoln who knew that the Emancipation Proclamation would not immediately free slaves but, in fact, would make a strong statement that we were resolved to do so.

I would hope today as we pass this important piece of legislation, we would resolve to make sure that America is independent and free in the years to come.

With that, I reserve the balance of my time.

Mr. HIGGINS. Madam Speaker, I now yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for as much time as she may consume.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from New York, and I thank the original author of this legislation, the gentleman from Tennessee (Mr. DAVIS), and I thank the distinguished Speaker for her leadership as well, and my colleagues.

Congressman HIGGINS, this is Juneteenth Week for those of us who come from the States in which we honor this very special holiday. And so it is very special to stand today to acknowledge how important, how moving a time this is, particularly in the State of Texas where Major Granger landed in Galveston 2 years after the Emancipation Proclamation, which means that the slaves that were held in the State of Texas were held 2 years longer than any slaves in the United States in the region in which slavery was the law. I would like to acknowledge Rep. Al Edwards who is the Father of the Juneteenth Holiday in Texas.

So we hold this as a sacred time, a time of jubilee and celebration, but also of pain and anguish for knowing that we were held in bondage in the State of Texas for a period of time longer than the time that was declared by the President of the United States, Abraham Lincoln.

I'm delighted to be one of the original cosponsors to acknowledge what this day really means. And as we celebrate it throughout the week in Texas, this past weekend I celebrated with the Acres Home Community and their Juneteenth celebration and the Zydeco music and the fun that seniors and children alike would have in fellowship and understanding our history.

And many people don't recognize that it is as important a date as might be days that we commemorate Black History Month, special days such as the acknowledgment and the celebration of the birthday of Dr. Martin Luther King, or the 40th anniversary of the signing of the Civil Rights bill or the March on Washington or the tragic assassination of Dr. King, and this happens to be the 40th year.

It is a time when we renew ourselves in having a respect for freedom. And Major Granger, who came and acknowledged, gave way to decades and years of celebration.

He also gave way to something called Freedom Watch on New Year's Eve. Many people believe that is a celebration for the new year. But in old years or years back, black churches used to watch on New Year's Eve calling it Freedom Watch to be able to celebrate freedom; and it was the idea of knowing that on January 1, 1863, the slaves would be free.

This is a time to acknowledge that our history should be remembered, that we should teach it to our children, that we should take this history to ourselves, if we will, embed it in our hearts and our souls, and make sure that as we embed it, that we live what this history stands for. It stands for determination, tenacity, strength, character, integrity.

And we must fight against all of these things that enslave us now, and that is, of course, drugs and crime and poverty. And I hope that this Congress, in passing this legislation, will renew our commitment to ridding this Nation of drugs and the devastation of how it destroys families and that we will commit ourselves to building housing, we will commit ourselves to educating our children, we will commit ourselves to building our families, we will commit ourselves to peace, because that's what an emancipation means: Emancipating yourselves from things that were wrong, that were ill.

The Emancipation Proclamation rid this Nation of slavery. Its dastardly effects still continue even today as it separates races and religions, but we have a commitment as the United States Congress to use this floor today to be able to stand against what was a horrific time in the history of America where we held slaves, we debased them, and we rejected humanity and human rights and dignity; but now we must come and respect through this resolution.

So I thank the Congressman for his leadership on managing this bill. I particularly pay tribute to my colleague and friend, Congressman DANNY DAVIS, and to all of my constituents in the State of Texas who will now celebrate this day with a gospel celebration on Saturday, a parade on Saturday, and many, many family reunions around the idea of being emancipated.

Let us live freedom. Let us stand for freedom by building this Nation free of the ills of drugs and poor housing and poverty and war, and that will truly be a commemoration of Juneteenth because Juneteenth is a freedom, and it is emancipation.

Mr. PAUL. Madam Speaker, I am pleased to support H. Res. 1237, legislation commemorating a monumental day in the history of liberty, Juneteenth Independence Day. Juneteenth marks the events of June 19, 1865, when slaves in Galveston, Texas learned that they were at last free men and women. The slaves of Galveston were the last group of slaves to learn of the end of slavery. Thus, Juneteenth represents the end of slavery in America.

I hope all Americans will take the time to commemorate Juneteenth. Friends of human liberty should celebrate the end of slavery in any country. The end of American slavery is particularly worthy of recognition since there are few more blatant violations of America's founding principles, as expressed in the Declaration of Independence, than slavery. I am particularly pleased to join the recognition of Juneteenth because I have the privilege of representing Galveston.

I thank the gentleman from Illinois for introducing this resolution. I thank the House leadership for bringing this resolution to the floor, and I urge all of my colleagues to honor the end of slavery by voting for H. Res 1237.

Mr. SHAYS. Madam Speaker, I rise in strong support of House Resolution 1237, which recognizes the historic significance of Juneteenth Independence Day and encourages its continued celebration so all Americans can learn more about our country's past.

The resolution also rightly expresses the sense of Congress that knowing our history helps us solve challenges we face in the future, and that the celebration of the end of slavery is an important part of the history and heritage of the United States.

Madam Speaker, Juneteenth has long been recognized as the day to celebrate the end of slavery in the United States. Juneteenth is the traditional celebration of the day on which the last slaves in America learned they had been freed.

Although slavery was abolished officially in 1863, it took over 2 years for news of freedom to spread to slaves. On June 19th, 1865, U.S. General Gordon Granger rode into Galveston, Texas and announced that the State's 200,000 slaves were free. Vowing never to forget the date, the former slaves coined the nickname Juneteenth, a blend of the words June and 19th. This holiday originated in the Southwest, but today it is celebrated throughout the Nation.

H. Res. 1237 underscores that the observance of Juneteenth Independence Day is an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our great Nation. I urge my colleagues to support this important resolution.

Mr. AL GREEN of Texas. Madam Speaker, I support H. Res. 1237, a resolution recognizing the historical significance of Juneteenth. The holiday of Juneteenth is an important opportunity to recognize the abolition of slavery in the United States. This holiday commemorates the emancipation of African Americans from the final vestiges of bondage in our Nation. On June 19, 1865, Major General Gordon Granger led Union troops into Galveston, Texas, and announced that all slaves had been freed by the Emancipation Proclamation. The celebration of Juneteenth recognizes that day, two and a half years after Lincoln's proclamation, as the first opportunity for Union troops to penetrate Texan military resistance to announce and enforce the Emancipation Proclamation.

On June 19, 1865, after overcoming extreme opposition from Southern slave owners, General Granger arrived at Galveston, Texas. Beginning his fateful announcement, he said, "The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer."

These words brought forth the emancipation of 250,000 Texas slaves who were among the last people to learn of their freedom. Granger's statement marked the full realization of life, liberty, and the pursuit of happiness as intended by the Founding Fathers of our great Nation. The date of June 19, 1865 symbolizes the genius of our country's struggle to bring about a more perfect union, a struggle that continues to this very day.

I take this opportunity to recognize the historical significance of Juneteenth as a holiday which celebrates African American freedom while also encouraging self-pride and multicultural respect. I also thank Congressman DANNY DAVIS for sponsoring H. Res. 1237, a commendable resolution that I wholeheartedly support. I knowledge and support the historical significance of Juneteenth, also known as Freedom Day or Emancipation Day.

Mr. HOLT. Madam Speaker, I rise today as a cosponsor of H. Res. 1237, a resolution recognizing the importance of the Juneteenth anniversary celebrations held nationwide on June 19th. On that date 145 years ago, Union forces led by General Gordon Granger arrived at Galveston, Texas, bringing news of the Confederate surrender and enforcing, after two-and-half long years, the Emancipation Proclamation. Americans across the country commemorate this day with celebrations, discussions, and family picnics. In my own state of New Jersey, Juneteenth is celebrated at churches, community centers, and family gatherings across the state. This day marks a time for people to come together, enjoy the company of friends and family, and reflect on the past. It is a time of somber tribute to the struggles of slavery conjoined with a cheerful and celebratory attitude towards the future and the opportunities afforded by that great proclamation.

I strongly support H. Res. 1237, which recognizes the significance of the Juneteenth anniversary and proclaims the sense of Congress that history should be regarded as a means for understanding the past and solving the challenges of the future. I rise to honor the celebration, and to honor the myriad contributions that African-Americans have made to American society and culture in the years before and since. African-Americans have honored this country with their service and dedication as inventors, teachers, artists, musicians, first responders, soldiers, doctors, and statesmen and countless other professions. They rose from the bonds of servitude and yet, facing discrimination at every step, have continued to persevere. The longevity of the Juneteenth celebration is an enduring testament to the strength of these Americans in the face of tremendous adversity and bears witness to the virtue of celebrating diversity.

I must also rise today to recognize the obstacles that still face us. Juneteenth evokes reflection on a dark chapter in our Nation's history, and reinforces that which we already know: the struggle for equality is far from over. The joyous celebration of the emancipation of the slaves of Galveston, followed by decades of inequality under Jim Crow, serves to remind us all of the need to remain committed to our original principles and the belief in liberty and justice for all. While our history has at times failed to live up to these founding ideals, it is important that we remember our past. So that we may better ourselves and our country, we must bear closely the lessons of history as we strive for progress.

Today, Juneteenth is the longest-running celebration of the end of slavery in the United States. Its durability alone illustrates its significance. For that reason, Madam Speaker, and for all the reasons above, I hope that my colleagues will join me in supporting H. Res. 1237.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in recognition of the Juneteenth holiday which was on June 19th. Yesterday, the House of Representatives passed H. Res. 1237, recognizing the historical significance of Juneteenth Independence Day. I voted in favor of this resolution and I commend my colleague, Representative DANNY DAVIS of Illinois for introducing this legislation. Juneteenth marks the anniversary of June 19, 1865, the day Union General Gordon Granger and 2,000 Federal troops arrived in Galveston, Texas, to take control of the State and formally free the slaves.

News of the end of slavery did not reach frontier areas of the United States, for more than 2 years after President Lincoln's Emancipation Proclamation, and months after the conclusion of the Civil War. When word finally reached the enslaved populations in these areas, African Americans celebrated their liberation in towns across Texas and the southwest. These celebrations became a tradition for African Americans in Texas and have since spread across the United States.

Juneteenth is not only a time to commemorate the historical significance of the emancipation of slaves, but also time to recognize and celebrate the vast achievements and progress of African Americans across the Nation. In my home State of Connecticut, Juneteenth is an officially recognized holiday. We make note of fearless Connecticut abolitionists James Mars and J.W.C. Pennington who fought tirelessly to end slavery and petitioned Connecticut's Legislature regarding voting and social rights for African Americans in the 1840s and 50s. We also recognize the significant milestone of the United States Supreme Court decision restoring freedom to the survivors of the *Amistad* Slave Ship, then living in Connecticut. Through museums and sites such as the Old State House, the Mark Twain House, the Harriet Beecher Stowe House, the Connecticut freedom trails, and the Amistad Center for Arts and Culture at the Old State House, we pay homage to the African American experience throughout the State.

And so Madam Speaker, I rise to commemorate a day that represents not only an end to centuries of a great injustice, but the beginning of a new journey for all of Americans.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today in support of H. Res. 1237 recognizing the historical significance of Juneteenth Independence Day.

I am honored to be a co-sponsor of this resolution, which celebrates the oldest national commemoration of the end of slavery in the United States and encourages us to use our understanding of history to more effectively face the challenges of the future.

Juneteenth began as a day to celebrate African-American freedom by commemorating the arrival of the news of the end of slavery in the frontier areas of the United States two years after President Lincoln's Emancipation Proclamation. 143 years later, Juneteenth has taken on a much bigger cause: encouraging self-development and respect for all peoples and cultures. Juneteenth is a day for Americans of all races, ethnicities and religions to join together and reflect on a chapter in America's history that continues to cast a shadow on the American experience. It is also a time to recognize that while we cannot change history, we must learn from it and use its lessons to eradicate slavery and improve human rights around the world.

Unfortunately, slavery continues to exist in the Sudan, West African countries and elsewhere. In addition, millions of women and children are trafficked as forced laborers and sex workers throughout the world. At least 800,000 people are trafficked across borders worldwide each year, including an estimated 14,500-17,500 persons into the United States. When trafficking within countries is included, the total global figure rises as high as four million people, many of whom are women and children. The United States has both the moral obligation and the required resources to help end modern day slavery.

This Juneteenth, more than 60,000 Minnesotans will come together in my District for a festival and a parade celebrating African American history, cuisine and culture. Madam Speaker, I call on my colleagues to celebrate this Juneteenth by rededicating themselves to eliminating slavery, exploitation and racism in all forms from our world, and join me in supporting H. Res. 1237.

Mr. ISSA. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. HIGGINS. Madam Speaker, I urge passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the resolution, H. Res. 1237.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HONORING THE LIFE OF TIMOTHY JOHN RUSSERT, JR.

Mr. HIGGINS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1275) honoring the life of Timothy John Russert, Jr., public servant, political analyst, and author.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1275

Whereas Tim Russert was born in Buffalo, New York, on May 7, 1950;

Whereas Tim Russert graduated from Canisius High School in Buffalo, John Carroll University in University Heights, Ohio, and the Cleveland-Marshall College of Law in Cleveland, Ohio, and received 48 honorary doctorate degrees;

Whereas Tim Russert served as special counsel to Senator Daniel Patrick Moynihan from 1977 to 1982 and counselor to Governor Mario Cuomo from 1983 to 1984;

Whereas Tim Russert began his celebrated career in journalism with the National Broadcasting Company in 1984, reporting from South America, Australia, China, and Rome, where he arranged for the first live appearance on American television by Pope John Paul II;

Whereas in 1991, Tim Russert was named moderator of "Meet the Press", the longest-running program in the history of television;

Whereas Tim Russert served masterfully as anchor and political analyst, and earned a reputation as a tenacious yet fair interviewer of his guests, who included the leading political candidates, holders of public office, and newsmakers of the day;

Whereas Tim Russert moderated presidential debates with the same dogged yet respectful manner with which he conducted his interviews, and in so doing provided a valuable service to American voters;

Whereas Tim Russert was a successful author, and his moving books "Big Russ and Me" and "Wisdom of our Fathers" became New York Times bestsellers;

Whereas Tim Russert won an Emmy Award for his coverage of the funeral of President Ronald Reagan; he also won the Radio and Television Correspondents' Joan S. Barone Award, the Annenberg Center's Walter Cronkite Award, and the Edward R. Murrow Award for Overall Excellence in Television Journalism for his interviews of leading national political figures;

Whereas Tim Russert sat in the front seat of world history, chronicling the domestic and international political events that have defined our time, deftly describing and analyzing these events for millions of Americans;

Whereas Tim Russert was a man of devoted and humble faith who believed in the value of a Jesuit education and who called himself "a respectful servant in the laity of the church";

Whereas Tim Russert powerfully advocated on behalf of abused children and voiced the need to protect our Nation's young people, serving on the board of directors of the Boys and Girls Clubs of Greater Washington and America's Promise Alliance;

Whereas Tim Russert was a prominent booster of Buffalo and a famous fan of his beloved Buffalo Bills;

Whereas Tim Russert was always proud of his South Buffalo roots and was a source of civic pride in the western New York community; and

Whereas Tim Russert's love for his family was evident to all who knew him and to readers of his books: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the contributions of Timothy John Russert, Jr., as an award-winning political analyst; and

(2) expresses its deepest condolences upon the death of Timothy John Russert, Jr., to his wife, Maureen Orth, his son, Luke, and his surviving family members and friends.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HIGGINS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. HIGGINS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HIGGINS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it's with a heavy heart that I call up for consideration H. Res. 1275 which honors the life of legendary journalist Tim Russert whose life slipped away suddenly on Friday, June 13, 2008. I would like to thank the Committee on Oversight and Government Reform Ranking Member TOM DAVIS and also Committee Chair HENRY WAXMAN.

That said, it is with profound regret that I stand before you on the floor of the House today to mourn and commemorate the life of Tim Russert, an icon of America's media for nearly two decades. Mr. Russert died on Friday after collapsing at NBC's Washington, D.C., home of "Meet the Press" at age 58.

While Tim Russert was a former Democratic congressional staffer, Washington bureau chief, and senior vice president of NBC News, the world knew him best as the host of the famous Sunday morning news show "Meet the Press."

In addition to his professional journalism accomplishments, Mr. Russert was also a best-selling author, penning the New York Times best-selling memoir "Big Russ & Me" and "Wisdom of Our Fathers."

From his chair at "Meet the Press," Mr. Russert demonstrated his dedication to Democracy, his passion for politics, his admiration for fairness, honesty, and humanity. Mr. Russert's enthusiasm for journalism and politics earned him the respect and acclaim of so many Americans, including myself and many of my colleagues.

Born in Buffalo, New York, on May 7, 1950, Tim Russert received his undergraduate degree from John Carroll University, then proceeded to earn a law degree from Cleveland-Marshall College of Law. Over the years, he earned 48 honorary doctorate degrees, which serves as further evidence of his prolific impact on the world.

While Tim Russert sat in the front seat of world history chronicling the domestic and international political events that have defined our time, he performed his work with great humanity and quality of character. Tim Russert had a gift for making the all-too-complex nature of Washington politics understandable and compelling for Americans across our great country.

In recognition of his work as the epitome of journalistic talent and devotion, Tim Russert won an Emmy Award for his coverage of the funeral of President Ronald Reagan, the Radio and Television Correspondents' Joan S. Barone Award, the Annenberg Center's Walter Cronkite Award, and the Edward R. Murrow Award for Overall Excellence in Television Journalism for his interviews of leading national political figures.

As the former Washington bureau chief of the Wall Street Journal stated, Tim Russert "really was the best political journalist in America, not just the best television journalist in America."

Accordingly, it is my hope that we will join the citizens of this country in recognizing and honoring the contributions of a great American, Timothy John Russert, Junior.

H. Res. 1275 formally expresses our deepest condolences upon the death of Timothy John Russert, Junior, and expends our sympathies to his wife Maureen and his son Luke for their loss. It is a loss that will certainly impact all of us for quite some time to come.

Madam Speaker, earlier today, I attended at St. Albans the viewing service for Tim Russert with Erie County Clerk Kathy Hochul, a trusted friend, former colleague, and student intern of Tim Russert. The tribute based on a line that was extending around the campus is extraordinary and profound to recognize his life.

I would like to leave you with the story about Tim Russert and how he made it to Washington from his native Buffalo. Tim Russert would always tell that story to highlight the importance of the working-class values that were instilled in him by his father, Big Russ.

It was the blizzard of 1977 when 3 feet of snow fell on Buffalo with extraordinary winds. Tim Russert was working for Daniel Patrick Moynihan at the time. Moynihan had come to Buffalo to survey the damage from the blizzard.

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He was so impressed with Tim Russert, Senator Moynihan said, "Tim, you have to come to Washington; you have great qualities that will serve you very well there, and you can be with me on my staff."

Russert went to Washington and, after a short period of time, was somewhat discouraged. Senator Moynihan had recognized that he was discouraged and asked him what the problem was. Tim said, "Senator, your staff is made up of ideologues, Ivy League-educated people, and I'm from a blue collar background in Buffalo." Senator Moynihan put his arm around Tim and said, "Tim, what they know you can learn. What you know, the values of hard work, of honesty, of love of community, of love of family, they can never learn."

It's with that that Tim Russert started his career in Washington, in both politics first and foremost and then in journalism.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself as much time as I may consume.

Tim Russert was a great man whose time came too early. He had much more to give to us, not just this past Sunday where he would have had JOE BIDEN in a one-on-one or a one-on-two and then brought him to task and brought his other guests to task.

But in fact, his legacy will disappear unless we bring ourselves to realize that the truth should not be a casualty of politics. That's what Tim Russert really brought to bear on "Meet the Press." He made the style about the truth. He invited Republicans, Democrats. I think he had Ralph Nader on more than a few times. He made it a point to bring in people who were interesting, and then he asked them interesting questions. And when they answered, he then brought out the interesting fact that they perhaps had not yet prepared for. He asked them to tell the truth, and then if that was not the truth or if there was more to be heard in the truth, he brought that out. His research was second-to-none.

Now, he certainly seemed to say every single week, "Go Bills." But as a Clevelander, I am going to take a little liberty today in his name because when it came time to go to a fine college, he went to John Carroll, a Jesuit college in the city in which my high school, Cleveland Heights University High School, was located. He went there because it was a fine education. I'm only surprised that he learned during those years that it was a little less expensive to go to John Marshall for his law school. So he trotted downtown to Cleveland's John Marshall, now Cleveland State's John Marshall Law School. So he was as much a Clevelander in his education, in his preparation, as he was from Buffalo.

I think that, in fact, his Cleveland roots are something we need to understand because one of the most famous things he ever did was predict in 2004 that it would be "Ohio, Ohio, Ohio," that would indicate the outcome of the 2004 election. I know, Madam Speaker, that you're well aware that Ohio was, in fact, critical, not Florida.

Tim Russert was the kind of person who really enjoyed that kind of let's call the facts to bear, let's bring them in, let's force people to answer tough questions. He did so whether you were a Republican or a Democrat. He did so whether or not the outcome was one direction or the other.

I believe that's part of his Cleveland upbringing. I believe it's what made him great. So he will always be remembered for talking about the Buffalo Bills, but for me, he will always be remembered as somebody who was the product of Jesuit education at John Carroll and Cleveland-John Marshall.

With that, I reserve the balance of my time.

Mr. HIGGINS. Madam Speaker, I now yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

Professional journalism and millions around the world are in mourning today and ever since they heard of the passing of one of America's giants of journalism. Hometown D.C. is also experiencing its special brand of mourning.

It's true that Tim Russert always talked about Buffalo and the Buffalo Bills. He never let you forget where he was from. It was important to him, where he was from. He identified with the Buffalo Bills because he identified with Buffalo and because Buffalo reminded him of his childhood and his church and his working class upbringing.

The fact is that Tim made his fortune in the District of Columbia and lived in this city. So we adopted Tim long ago as a resident of the city, knowing that his heart was back in Buffalo, but he needed a hometown. This was a man who always needed a hometown, and I can tell you he knew where he lived, and he made me know that he knew where he lived.

I was, in fact, on his program more than once and especially remember one of his end-of-the-year programs, where he kind of looked at the world and looked at what is going to happen. I love it that somehow Tim understood or at least allowed me to weave into an answer what he expected, which was some notion of voting rights that was still necessary in the District of Columbia.

Buffalo and the Buffalo Bills were the only things I know that Tim was not objective about. His gift was somehow to humanize hard news and subjects for interviews by reminding us every so often of Buffalo and the Buffalo Bills and making us laugh and making us know that he was one of us all. At the same time, he managed to be a thoroughly objective reporter and tough interrogator. That, Madam Speaker, is indeed a gift. I don't know of anyone else in broadcast who has that gift.

What was both heartbreaking and heartwarming to hear were the many personal stories from Tim's colleagues, not about their professional work with him but about how he related to them and their families as people. That, in a real sense, makes us know that when Tim talked about the Buffalo Bills and Buffalo this was always the human being talking.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. HIGGINS. I yield 1 additional minute to the gentlewoman from the District of Columbia.

Ms. NORTON. By talking about "Big Russ" his father and writing about "Big Russ," Tim was reminding us that he always knew whatever he did on his program, what was important, that family was important. He was not a politician but imagine what kind of politician he would have made? Can you imagine what he would have done in political life?

Tim took an old, respected format and made it new. Tim revolutionized his species of broadcast and branded it as his own.

Our hearts are breaking but our hearts go out to Maureen, to Luke, and especially to Tim's beloved "Big Russ."

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

No story of Tim Russert would be complete if we didn't talk about the loss we're going to have this political season. Clearly, as BARACK OBAMA and JOHN MCCAIN compete for the hearts and minds of the American people, we're going to miss Tim Russert asking the tough questions. We're going to miss him undoubtedly at the debates. Somebody else is going to have to be there to be fair but tough.

Madam Speaker, additionally, we're going to miss Tim Russert when it comes to the people on both sides of the issue of why we have $5 gasoline and $135 oil. I think Tim Russert would have been just the right guy to hold people accountable, who would talk about the 68 million acres that are "inactive" while, in fact, 41 million are under current lease and use and are producing millions of barrels of oil and natural gas a day, but more importantly, over 2 billion, 2 billion acres are not available for exploration and development, including the over 50 miles and less than 200 miles off the California coast. Those miles certainly could give us the natural gas we need to fire our electricity in California at a time when we are dangerously close to the lights going out once again.

So, Madam Speaker, I'm going to miss Tim Russert because this debate is too important not to have, a fact-oriented, unbiased moderator who can, in fact, bring to bear the truth that we need to have.

With that, I reserve the balance of my time.

Mr. HIGGINS. Madam Speaker, I now yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman for yielding.

I rise with a heavy heart today because last Friday, one of Buffalo's most cherished sons was taken from us Today, I join my colleagues in celebrating the life of Tim Russert, whose contributions to journalism and American discourse will outlive us all.

As anyone who watched "Meet the Press" knows, Tim Russert never forgot where he came from. He was an unabashed and shameless fan of anything Buffalo, and that was fitting. He embodied the values of the old steel town: honesty, integrity, and hard work. Instead of forgetting them when he came to Washington, as so many do, he brought Buffalo with him.

When Tim Russert spoke with someone, he was making a friend, not climbing a ladder. While his career soared, he stood with his feet solidly on the ground. A product of his South Buffalo roots, his character was his trademark and earned him the respect of journalists and politicians and all Americans alike.

Tim Russert didn't chase ratings by taking cheap shots. He didn't distort his guests' positions to create a news story. He always asked fair questions, encouraged open debate, and held politicians accountable to the people who elected them. He was the epitome of a journalist, sorely lacking today, and his show was the gold standard.

And I would be remiss if I didn't mention his role in honoring fatherhood. Tim Russert reminded Americans of the important role fathers play in child rearing, both through his books and by sharing stories about "Big Russ" and his own son. His admiration for his father and his unconditional love for his son were evident every time he spoke of them.

There will be a void on America's television sets every Sunday, and later this fall, the Bills and the Sabers will miss the sounds of cheers from their most loyal fan. But Tim Russert's legacy, his unwavering pride in Buffalo, his devotion to his family, and his indelible mark on journalism will live on.

My thoughts are with his wife and son and the rest of the Russert family.

Mr. ISSA. I would continue to reserve.

Mr. HIGGINS. Madam Speaker, I now yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, Tim Russert personified the best of America. He rose to the top of American journalism. He worked for a Governor, a United States Senator, and received a very good education, but he never ever lost the common touch. He never strayed from his Buffalo roots. He loved to talk about Buffalo. He knew that I had many relatives living in Buffalo.

On the "Today Show," his son, Luke, called his father "the questioner for the American people." He had a high calling, a mission, a mandate, to ask politicians and public officials the questions most Americans could not.

When we mourn for Tim Russert, we mourn for his wife, his son, and his father, "Big Russ." We mourn for his colleagues at NBC and the community of journalists, but we also mourn for ourselves at a turning point in the history of our Nation. We mourn for his words, his insight, and his commitment to the people's right to know.

God bless Tim Russert. He will be deeply missed.

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Mr. ISSA. I have no further requests for time and I continue to reserve my time.

Mr. HIGGINS. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, I think the whole country shared in mourning the loss of Tim Russert as if he was part of our family. We had seen him on television for so many years, and he would come into our homes on Sunday mornings.

And he was so much like so many people in America in that he was passionate about politics, passionate about government, passionate about sports, and passionate about being an American. He loved his Buffalo Bills, Buffalo Sabers, he loved baseball and he loved horse racing. He loved politics, and he had two great mentors in Senator Patrick Moynihan and in Governor Mario Cuomo, two of the great people in political life to ever have the opportunity to work for.

And he was a success story, climbing from the ranks of a government official in the media and perfecting that trade and going to the heights of his profession. He was diligent in doing his research and in quizzing everybody, I think, in an even-handed manner that you really didn't know exactly where Tim Russert was coming from. I had the pleasure of meeting him at a Vanity Fair dinner, which I was invited to last year, and we were at a small table. At the time, I didn't know his wife worked for Vanity Fair. I thought Tim Russert was just there because he was Tim Russert, and that was a good enough reason for him to be there. And he was nice as he could be, just a regular guy, and we had a delightful conversation.

He loved his father. And the book about his dad, Russ, has been well spoken about. But I think what's amazing is I have a very good friend in Memphis named Ted Donaldson. And Ted had written a letter to Tim Russert to be included in the book. And Ted's not a bashful guy at all, and Ted came up to Tim Russert at a function, I think it was in New York, and he said, "Hi, I'm Ted Donaldson, I'm from Memphis and I wrote you about my dad." And he said, "Yup, page 45." He knew exactly the page in the book that it was. He knew his book. He appreciated the people who remembered their fathers and wrote and shared with him. And that book will go on forever remembering the relationship of fathers and sons. I'm sure his son Luke has a great tribute, what he lived and what he remembers from his father and will have a great life. I mourn with him and I'm sorry that he lost his father.

Mr. ISSA. Madam Speaker, I will continue to reserve.

Mr. HIGGINS. Madam Speaker, I now yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman, and to the New Yorkers and Washingtonians that had the privilege of having Tim Russert as their native son and someone who moved to their particular area, and to the State of Ohio where he was educated.

Let me thank the author of this legislation, the Congressman from New York (Mr. HIGGINS), the full committee Chair and ranking member.

This is a special tribute that is necessary for this body because we are nothing without words. And Tim Russert was the architect of words that gave politicians a basis of explaining how democracy works. That's what Meet the Press and Sunday morning was all about for many, many Americans.

So I rise to pay tribute to Tim Russert for his life and what he gave to the process of government, and to thank him as well as I watched over the weekend in the times that I was able to see the tributes toward him that he also gave a sense of importance of family, and how he emphasized his wife and his son and of course his family and "Big Russ."

And isn't it interesting that he lost his life on the weekend of Father's Day? But it allows so many to emphasize that he was more than just the moderator, the host of Meet the Press; he was an American who loved this country and loved his flag, but he was also someone who loved his family and showed America that even in all of his energy and all of his business he could stop and smell the roses and appreciate the wonderment of his family.

And so I join my colleagues in tribute to him today on the floor of the House and ask, as we celebrate his life, that we will be reminded of the preciousness of democracy and all that we have in benefits to be able to stand on this floor and to espouse our words and to talk about what democracy and freedom is all about. Tim Russert captured it in his love for this process, and his giving to America the ability to understand it in layman's terms.

I offer my deepest sympathy to the Russert family.

Mr. ISSA. Madam Speaker, I yield back the balance of my time.

Mr. HIGGINS. Madam Speaker, just let me say in closing, Tim Russert was the voice to a Nation and to the world with a distinct inflection of that of Buffalo, imbued with exuberance and tempered with a love of family and community and country.

With that, I would ask that this resolution be approved.

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Mr. Tim Russert, devoted husband, father, son, brother, and friend, whose brilliant legacy as a journalist served to inform the lives of all who knew him well.

Since 1991, Mr. Russert's piercing assessment of our Nation's political scene graced America's television screens on NBC's "Meet the Press," enlightening viewers with tough questions posed to political candidates, elected leaders and influential people of our time. In his relentless search for the truth, Tim Russert served to provide the checks and balances critical to maintaining the integrity of our national freedoms. In every interview, with every question posed, Mr. Russert created an atmosphere of respect, fairness and integrity—an atmosphere in which his ultimate goal as a journalist was sought—discovering the truth.

Tim Russert grew up in working-class Buffalo, NY, where the lessons of hard work, faith and family remained at the core of his being. He and three sisters, Betty, Kathleen, and Patricia were raised by their dedicated parents, Tim and Elizabeth ("Betty"). A sanitation worker and truck driver, his father worked two jobs to provide for his four children. He carried the lessons of his parents every day and within every interview. One of the most engaging and effective journalists of our time, his passion and commitment to his profession was eclipsed only by his devotion to his family and friends. Mr. Russert shared his joy for life with everyone he met, and he treated everyone with respect and kindness, regardless of their social standing. Tim Russert never forgot where he came from, and his street-smart common sense, infused with a brilliant mind and kind heart, endeared everyone to him—even his toughest competitors.

Madam Speaker and Colleagues, please join me in honor and remembrance of Mr. Tim Russert, whose professional legacy raised critical and complex societal issues into the clear light of day. I offer my deepest condolences to his wife, Maureen; to his son, Luke; to his parents and sisters, and to his extended family members and numerous friends. Tim Russert lived his life with passion and joy, and although he will be greatly missed, the love he shared with family and friends will live on forever, and he will be remembered always.

Mr. DAVIS of Virginia. Madam Speaker, there are two types of people in Washington—those known for what they love and those known for what they hate. Tim Russert was known for all the things he loved.

He loved politics, as he discovered at an early age and as his two bosses in the industry—Mario Cuomo and Daniel Patrick Moynihan—would learn to cherish. He loved humor. All of America knew his jowly and ever-present smile. He loved the give-and-take of a good, rousing political argument—as I and all who appeared with him on Meet the Press would attest.

He loved his family. What moved him finally to write a book? His love for his father. It led to two books, in fact, both of which ended up atop The New York Times bestseller list. His son, Luke, was one of the luckiest kids in Washington. He grew up with a sports-mad dad who took him to every game or match they could squeeze into their days. Nats baseball. Bills football. Wizards basketball. On nights when none were playing, a good high school or college game. Now, Luke and James Carville co-host a sports talk show on XM.

He loved his faith. He called his time in the Catholic schools of Buffalo the most important of his life. He served on numerous boards and devoted countless hours to working on behalf of his faith.

He loved the people who make up Washington—the leaders and media moguls, of course. But he also had a strong relationship with those who are never seen in front of the cameras. It was Russert who stood against staff cutbacks and defended the hard-working men and women behind the scenes who made his show a reality each week.

A lot of people claim to love, but when it comes time to do the work that exemplifies this love, they fall short. That was not the case with Tim Russert. He did the work. He scooped the competitors. He put in the time with family. He practiced and lived his faith. He lived and died with his teams. He looked out for the big and little people in his midst.

A number of commentators have seemed surprised by the extensive coverage of his passing, how hard America seems to be taking it. Why? This is just my guess, but I think when the American people watched him every Sunday morning or during election or other news coverage, they saw a little bit of themselves. They saw someone inherently fair, scrupulously prepared, unfailingly thankful and thoroughly, pleasantly humble. He had the conversation with world leaders and newsmakers we like to think we'd have had if we'd been there. He was us. Part of our families. And we will miss him.

Mr. REYNOLDS. Madam Speaker, I rise in support of H. Res. 1275 honoring the life of Timothy John Russert, Jr.

It has been just days since one of Buffalo's favorite sons was taken from us tragically, and suddenly. We have been touched by the makeshift memorial outside the NBC News bureau in Washington, DC, the flags flying at half-staff outside City Hall in Buffalo and Rockefeller Center in New York City, and the thousands who have come from all walks of life to visit the park right outside South Buffalo that bears the name of this giant of broadcast journalism.

Tim and I walked similar beats, cutting our teeth in New York politics—the tricks of the trade Tim picked up working for the late great Sen. Daniel Patrick Moynihan and former Gov. Mario Cuomo, he took with him to NBC, where he ended up the sparring partner of many a public official, including me. Every time we got together, Tim was tough, but fair—and at the end of the day, we were still two Buffalo guys who could talk shop about the Bills and the Sabres.

Though we cannot begin to comprehend the reach of Tim Russert's legacy—we are still a community in mourning—we can say with great certainty that he has left an indelible mark on all of us.

Thank you, Tim. Go Bills!

Mr. DAVIS of Illinois. Madam Speaker, I rise in support of H. Res. 1275, a resolution which honors the life of the late Timothy John Russert Jr. H. Res. 1275 was sponsored by a member of the Oversight committee, Representative BRIAN HIGGINS of New York and introduced yesterday with 89 original cosponsors.

I would like to thank the House Leadership, Chairman HENRY A. WAXMAN and Ranking Member TOM DAVIS for their support in bringing this measure to the floor in such a timely manner. I also wish to thank Edward Leong, senior counsel with House Legislative Counsel's office for his efforts in drafting a very fine resolution. Such cooperation, support and dedication to excellence are truly a fitting tribute to Timothy Russert.

I think the Washington Post said it best. In the June 14, 2008 edition, on the front of the Style section, the caption under Tim Russert's photo read, "The "Meet the Press" moderator during a taping of his show last year. He got to do what he most wanted to do, and the news business was better for it."

I couldn't agree more. He was on top of his game as the NBC News Washington bureau chief and moderator of "Meet the Press." In between ball games, cheering and supporting those Buffalo Bills, going to Mass, writing books about the wisdom of our fathers, hanging out with his son, Luke, and checking in on his father Big Russ, he did what he loved best—being an award wining political analyst.

Madam Speaker, Timothy John Russert, Jr's sudden death, has left a huge void on the political landscape. I extend my deepest sympathy to his family and friends.

I commend my colleague Representative HIGGINS for sponsoring this condolence measure and I urge its swift passage.

Mrs. JONES of Ohio. Madam Speaker, I rise to honor a staple in the American household on Sunday mornings, a political commentator, Tim Russert, whose untimely passing on Friday, June 13th in a Washington Bureau of NBC News has been a devastation for Americans everywhere. Tim Russert, 58, was a native of Buffalo, New York and the NBC News' Washington Bureau Chief.

Russert was an advocate of strong family values founded on principles of love and support as displayed in his dedicated marriage with his wife, Maureen Orth, and his continued encouragement of his son, Luke.

A passionate news journalist and attorney, Tim Russert accomplished many accolades throughout his lifetime. As a bestselling author and inspiration to many, Russert also devoted his time to athletics as an elected member of the Baseball Hall of Fame board of directors and as an avid supporter of the Washington Nationals and Washington Wizards.

Tim Russert was a devout Catholic that spent much of his time giving back to the community by offering aid to non-profit organizations and Catholic charities. Russert was concerned with the welfare of children in the community, and specifically those who lost their lives to gun violence.

On behalf of the people of the 11th Congressional District in Ohio and the United States Congress, I extend my heartfelt sympathy.

Mr. HIGGINS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the resolution, H. Res. 1275.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GRANTING A FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1692) to grant a Federal charter to Korean War Veterans Association, Incorporated.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]";

and

(2) by inserting after chapter 1103 the following new chapter:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.
"120101. Organization.
"120102. Purposes.
"120103. Membership.
"120104. Governing body.
"120105. Powers.
"120106. Restrictions.
"120107. Tax-exempt status required as condition of charter.
"120108. Records and inspection.
"120109. Service of process.
"120110. Liability for acts of officers and agents.
"120111. Annual report.
"120112. Definition.

"§120101. Organization

"(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

"§120102. Purposes

"The purposes of the corporation are those provided in the articles of incorporation of the corporation and shall include the following:

"(1) To organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and their families.

"(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

"(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and nurtured by the common experience of service to the United States during the time of war and peace.

"(4) To honor the memory of the men and women who gave their lives so that the United States and the world might be free and live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

"(5) To preserve for the people of the United States and posterity of such people the great and basic truths and enduring principles upon which the United States was founded.

"§120103. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§120104. Governing body

"(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

"(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

"§120105. Powers

"The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§120106. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

"(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any activity of the corporation.

"(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"§120107. Tax-exempt status required as condition of charter

"If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

"§120108. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

"(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§120109. Service of process

"The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

"§120110. Liability for acts of officers and agents

"The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

"§120111. Annual report

"The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

"§120112. Definition

"For purposes of this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.".

(b) CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

"1201. Korean War Veterans Association, Incorporated .... 120101".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I would now like to yield 1 minute to our distinguished majority leader, Mr. STENY HOYER, the author of this legislation.

Mr. HOYER. I thank my friend, the distinguished representative from the State of Texas and a leader in our caucus and in our Congress.

I want to say how very proud I am to be associated with my good friend, SAM JOHNSON, an American hero not only to this body, but to veterans who have served in every one of our wars, and certainly the Korean War in particular. I thank him for his cosponsorship of this resolution with me.

Madam Speaker, I strongly support this legislation granting the Korean War Veterans Association a Federal charter. It will enable them to expand its mission and further its charitable and benevolent causes.

The Association, comprised exclusively of Korean War members, has more than 23,000 members and is one of the few such organizations of its size without a Federal charter.

More than 50 years have passed since the war-weary men and women who served in Korea returned home. History has revealed that the sacrifices made by these brave soldiers was instrumental in stopping the expansion of communism, and that their sacrifice effectively contributed to a more peaceful world. Can one imagine if North Korea were in charge of all of Korea, what a dangerous world this would be? Granting this Federal charter is a small expression of our appreciation for the extraordinary courage of our forces who were deployed to the Korean Peninsula.

This bipartisan legislation is an opportunity to express our gratitude and respect for our military, past and present, and to give Korean War veterans the long-awaited recognition that they so deserve so that the so-called "forgotten war" is and should be forgotten no more.

I want to thank, as I have done earlier, my colleague, Representative SAM JOHNSON, a decorated Korean and Vietnam veteran, for cosponsoring this legislation with me in the House. He honors our House by his service, as he honored this House and this country by his service in Korea and in Vietnam. I know that the Korean War veterans, his colleagues who stood the battle in Korea, are extraordinarily honored by his cosponsorship of this resolution.

I want to thank my good friend, Senator BEN CARDIN of Maryland, for his work on this issue in the Senate.

This is an appropriate step for us to take. This recognition for our Nation's Korean War veterans is long overdue, but it is never too late to do the right thing. And I am pleased, Madam Speaker, to rise and urge my colleagues to unanimously support this resolution, and again thank the distinguished soldier who serves with us and served his country so well in battle.

Mr. ISSA. Madam Speaker, I would like to express my support for S. 1692, legislation that grants a Federal charter to the Korean War Veterans Association.

Many Americans are only familiar with the Korean War through the television series M*A*S*H. Yet, it was one of the defining conflicts of the 20th Century. Because of the courageous service of millions of American servicemen and women, the global spread of Communism was halted on the Korean peninsula. More than 36,000 Americans lost their lives to preserve the liberty of the South Korean people. The fall of the Iron Curtain. would have been inconceivable without their sacrifice.

The Korean War Veterans Association was established in 1985 as the only veteran's organization comprised solely of Korean War Veterans. It now has over 25,000 members. The Association was founded in order to maintain a continuing interest in the welfare of veterans of the Korean War, to rehabilitate disabled veterans of the War, to establish facilities for the assistance of War veterans and to represent them in claims before the Department of Veterans Affairs without charge, and finally to perpetuate and preserve the comradeship and friendships born on the field of battle and to honor the memory of the men and women who gave their lives in the Korean War.

Now, on June 6 of last year, the Immigration Subcommittee adopted the following policy concerning the granting of new federal charters: The Subcommittee will not consider any legislation to grant new federal charters because such charters are unnecessary for the operations of any charitable, non-profit organization and falsely imply to the public that a chartered organization and its activities carry a congressional "seal of approval," or that the Federal Government is in some way responsible for its operations. The Subcommittee believes that the significant resources required to properly investigate prospective chartered organizations and monitor them after their charters are granted could and should be spent instead on the Subcommittee's large range of legislative and other substantive policy matters. This policy is not based on any decision that the organizations seeking federal charters are not worthwhile, but rather on the fact that federal charters serve no valid purpose and therefore ought to be discontinued.

This policy represented the continuation of a policy the Subcommittee put in place at the start of the 101st Congress and has been continued every Congress since, against granting new federal charters to private, non-profit organizations. However, if the majority seeks to jettison the policy adopted by its own Judiciary Committee just last year, so be it. If we are to grant any organizations federal charters, then the Korean War Veterans Association should be at the top of the list. I urge my colleagues to support this legislation.

Madam Speaker, it is my great honor to yield such time as he may consume to the gentleman from Plano, Texas, a man of personal experience on what it's all about to be a Korean War veteran, a man who I believe brings to the House the kind of insight necessary to bring this bill to the floor.

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to the 5 million valiant men and women who served in the Korean War. Some may know the names Buzz Aldrin or John Glenn. You know, we all flew F-86s in the 51st Fighter Wing back then together. They were household names then. I flew 62 combat missions in the Korean War and got a chance to fly with Buzz many times.

On Capitol Hill, there are three of us who served in Korea in this Congress—CHARLIE RANGEL of New York, JOHN CONYERS of Michigan, and I. The Congress is better off because Korean War veterans are represented.

They call the Korean War the "forgotten war" as STENY HOYER said. Nowhere is this more evident than the fact that the Korean War Veterans Association has not received a national charter.

A little known fact is that American prisoners of war in Korea endured even more severe treatment than those of us in Vietnam. In fact, they didn't even want to talk about it for years. Giving the Veterans of the Korean War a national charter will put them in the same echelon as the Veterans of Foreign Wars and American Legion, truly a mark of distinction.

There is a Sam Johnson Korean War Veterans Group, chapter 270, in north Texas. The founder, Ed Buckman, a great patriot, did not talk about his history or his story for decades. It wasn't until a couple of years ago that he started sharing his experience and became a Korean War veteran champion.

Ed Buckman is the one who helped bring the need for a national charter to my attention. Mr. Buckman arrived home in Fort Worth after serving from 1950 to 1951 as a Navy electrical engineer aboard the USS Princeton. The Veterans of Foreign Wars advised him that because President Truman dubbed the conflict in Korea a "police action" and not a war, Mr. Buckman and other military personnel were not considered veterans.

He once said he did not say the word "Korea" out loud for more than 40 years. He confided to the Dallas Morning News that he was bitter. "We were treated like dirt when we got home."

Then, in 2000, he heard about a parade in New York City honoring veterans, including those from the Korean War. "When I went to this parade," he said, "with 25,000 marchers, they put me on the front float and there were a million people saying thank you. No one had ever thanked me for my service in Korea before," and he said "it made me feel proud." He tirelessly advocated a national charter for the Korean War veterans, and it brings me great pleasure to know that his hard work paid off.

Ed Buckman, your country and your Congress are saying thank you for your sincere devotion to the cause by creating this long overdue national charter for all Korean War veterans.

I want to thank STENY HOYER and the others in this Congress for helping do this. It's about time our Nation thanked the Korean War veterans for their service and sacrifice with national recognition and premier status.

This July, we mark the 55th anniversary of the Korean War armistice. To the remaining one million plus Korean War veterans we will say, God bless you and God bless America. Your war and your efforts will not be forgotten. This is for you. America salutes you.

□ 1745

Ms. JACKSON-LEE of Texas. Madam Speaker, I would like to now yield 2 minutes to the distinguished gentleman from Maryland (Mr. SARBANES) who also desires to rise to thank the Korean War veterans.

Mr. SARBANES. I thank my colleague very much.

Madam Speaker, I rise in strong support of Senate bill 1692 which will grant this Federal charter to the Korean War Veterans Association. This day, as has been said already, is long, long overdue. Later this summer will mark the 55th anniversary of the armistice that ended the full-scale fighting in Korea.

I am very pleased the House will today pass legislation to finally grant the Korean War Veterans Association a Federal charter. My father, Senator Paul Sarbanes, introduced this legislation over several Congresses in an effort to get these veterans the recognition that they deserved. And although this legislation had been a priority of his and Leader HOYER's for many years, we had been unable to get certain opponents to move out of the way and allow it to pass.

Now, thanks to the majority leader and to Senator BEN CARDIN and to others who stepped forward with their support, we will finally send this legislation to the President for his signature, and it will become law.

Madam Speaker, this is about recognizing the 5.7 million veterans who fought in the Korean War and more than 36,000 Americans who made the ultimate sacrifice in service to their country in that conflict.

This is also about fairness. A Federal charter will give the Korean War Veterans Association the same status as other major veteran services organizations and allow them to more efficiently assist their membership.

The Korean War is often called the "forgotten war." By passing this legislation, we take a modest step to reassure the Korean War veterans that we will never forget them and their tremendous sacrifice to our Nation.

Mr. ISSA. Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, let me rise in appreciation to the chairman of the House Judiciary Committee, Mr. CONYERS, and the ranking member, Mr. SMITH, in working with the Senate and working with the staff on this very important initiative. And I would like to acknowledge both former Senator Sarbanes, Senator CARDIN, and of course our very, very able and distinguished and dedicated Majority Leader HOYER in collaboration with Congressman SARBANES to have this legislation, S. 1692, move, which is to create the Korean War Veterans Association to become a Federally tax-exempt organization. It was a Federally tax-exempt corporation that was incorporated in the State of New York on June 25, 1985. And now this bill will grant a Federal charter to the Korean War Veterans Association.

The veterans association is an association of persons who have seen honorable service during the Korean War at any time between June 25, 1950 and January 31, 1955, both dates inclusive, and of certain other persons, the particular qualifications for membership to be set forth in the bylaws of the Korean War Veterans Association.

Over the years, the organization has established a strong record of service and commitment to fellow Korean War veterans ranging from the efforts on behalf of Project Freedom to a successful effort to construct a national Korean War veterans memorial on the National Mall.

I certainly personally want to thank my friend and colleague from Texas, Congressman SAM JOHNSON, who has never wavered from his commitment and dedication to the men and women of the United States military, to his love of Texas, and certainly to his particular love of those who served in the Korean War as he did, along with his service in the Vietnam War.

He made mention of our friends and colleagues, Congressman JOHN CONYERS and Congressman CHARLIE RANGEL. So today we honor them as we honor many, many of those who served. The Korean War, often overlooked in American history, is anything but forgotten by the nearly 1.2 million American veterans of the Korean War still alive today. And during the 3-year course of the war, some 5.7 million Americans were called to serve.

And by the time the Korean War Armistice Agreement was signed in July 1953, more than 36,000 Americans sacrificed their lives, 103,284 were wounded, 7,140 were captured and 664 were missing. And so we know it was, in fact, a war that saw a painful time in American history but yet saw the valiant effort of our American soldiers.

American troops fought to protect our freedom as we know it today and paved the way for the United States to vanguard the movement for global democracy and liberty, a movement that afforded many countries the opportunity to shift to democratic regimes.

And so it is a special honor to me to able to stand today and join my colleagues, to be able to support this legislation, S. 1692. I would ask my colleagues to support this legislation and be reminded that no war should ever be forgotten. We stand here today to acknowledge that the Korean War is not forgotten, and as well, that we will have the opportunity to celebrate in the passing of this legislation.

With that, Madam Speaker, I ask my colleagues to vote for S. 1692.

Madam Speaker, I rise today in support of S.1692, a bill to grant a Federal charter to the Korean War Veterans Association. This legislation honors the sacrifice and courage of our soldiers who served in the Korean War. My distinguished colleague from Maryland, Senator BENJAMIN L. CARDIN and the Majority Leader STENY HOYER seek to recognize the heroic deeds of Korean War veterans by granting the Korean War Veterans Association Incorporated a Federal Charter.

The Korean War Veterans Association (KWVA) is a federally-tax exempt organization that was incorporated in the State of New York on June 25, 1985. Its original founder was Mr. William T. Norris, of New York, a member of F Company, 27th Infantry Regiment (Wolfhounds), 25th Infantry Division, when he served as a sergeant in the Korean War.

This legislation provides an opportunity for each of us, regardless of political views, religion, ethnicity, gender, or background to come together, and to recognize and honor our nation's heroes. We gather here today, in the midst of ongoing conflict and warfare, honoring the dedication of our men and women in uniform. Though we may be divided by our positions on the war in Iraq, we stand together to support all of our veterans, highlighting in this particular legislation those who fought in the Korean War.

Our nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country. We must be united in seeing to it that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion this grateful nation can bestow. S.1692 assists us in these endeavors by extending a small gesture of gratitude that grants a federal charter to an organization that promotes and maintains benevolent and charitable endeavors. The Korean War Veterans Association is an association of persons who have seen honorable service during the Korean War at any time between June 25, 1950 and 31 January 1955, both dates inclusive, and of certain other persons, the particular qualifications for membership to be set forth in the by-laws of the Korean War Veterans Association. Over the years, the organization has established a strong record of service and commitment to fellow Korean War veterans, ranging from efforts on behalf of Project Freedom to its successful effort to construct a national Korean War Veterans Memorial on the National Mall.

The Korean War, often overlooked in American history, is anything but forgotten by the nearly 1.2 million American veterans of the Korean War still alive today. During the three year course of the war, some 5.7 million Americans were called to serve, and by the time the Korean Armistice Agreement was signed in July 1953, more than 36,000 Americans sacrificed their lives, 103,284 were wounded, 7,140 were captured and 664 were missing.

American troops fought to protect our freedom as we know it today and paved the way for the United States to vanguard the movement for global democracy and liberty; a movement that afforded many countries the opportunity to shift to democratic regimes.

Sadly, all too many of our veterans are left without the help and support they need to transition from the horrors they bravely faced on the front lines of battle to a successful civilian life. According to the Veteran's Affairs Department, as of 2006, on any given night, 196,000 veterans of all ages were homeless. As we work to curb this formidable reality, let us demonstrate our support for the veterans of the Korean War by supporting this legislation. This should encourage us to continue to honor this nation's troops who are fighting and who have fought for the rights of all of us in places we do not dare to go, under environments we cannot fully appreciate from this comfortable position.

I firmly believe that we should celebrate our veterans after every conflict, and I remain committed, as a Member of Congress, to both meeting the needs of veterans of previous wars, and to provide a fitting welcome home to those who are now serving. Veterans have kept their promise to serve our nation; they have willingly risked their lives to protect the country we all love.

I have always been a strong supporter of our country's troops, male and female. That is why I introduced the House Concurrent Resolution 320 which celebrates one of our heroic daughters of Texas, Specialist Monica L. Brown of the United States Army with for her efforts earlier this year.

Spec. Brown was the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the nation's third-highest medal for valor. This soldier from Lake Jackson, Texas was only 20-years-old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees.

When Spec. Brown saw her fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire. All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving incoming fire.

Other veteran's legislation that I am pursuing entails guaranteeing that our VA hospitals have the capacity to efficiently and effectively meet the needs of our troops. The Riverside Hospital in Houston, Texas is a historic medical center that has served the needs of veterans in the Houston area for a long time. However, currently, the hospital is lacking the tools necessary to treat the augmenting number of troops who suffer from Post Traumatic Stress Disorder (PTSD) and other common problems associated with fighting in battle. Today, at this very second let us take a united stand for the well being of our veterans; to say the very least, they deserve it and to say the most; we've promised it.

This attests to the fact that we must now ensure that we keep our promises to our veterans by extending our gratitude and appreciation. Currently, there are over 25 million veterans in the United States. There are more than 1,633,000 veterans living in Texas and more than 32,000 veterans living in my Congressional district alone. I hope we will all take the time to show appreciation to those who have answered the call to duty. As the Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few." This recognition for our nation's Korean War Veterans is long overdue, and it is a small expression of appreciation our nation can offer to these men and women, and it will enable them to ensure that the "Forgotten War" is forgotten no more.

Madam Speaker, as we approach the 55th anniversary of the Korean War Armistice, I encourage my colleagues to join me in supporting and serving those who have served this nation.

Mr. BUYER. Madam Speaker, I rise in support of S. 1692, a measure to grant a Federal charter to the Korean War Veterans Association (KWVA).

Though the Korean War is sometimes referred to as the "Forgotten War," it is among the most significant events of the 20th century. Communist military aggression was defeated and the United States and its allies sent a signal to the world that militaristic expansion of communism would be countered with force.

Nearly 6 million Americans served during the Korean War, and tens of thousands of them faced some of history's most adverse circumstances and challenges for the cause of freedom—by the time the Korean Armistice Agreement was signed in July 1953, more than 36,000 Americans had died, 103,284 had been wounded, 7,140 were captured, and 664 were missing.

The heroism displayed by Korean War veterans should never be forgotten. We can help honor the 1.2 million American veterans of the Korean War who are still alive today by granting a Federal charter to America's oldest and largest association of Korea veterans. KWVA is a 20,000-member veterans' service organization devoted exclusively to Korean War veterans.

That is why we should approve S. 1692 calling on Congress to grant a Federal charter to KWVA. This recognition is well deserved, and I am hopeful that Congress will act swiftly to approve this measure. I urge my colleagues to join me in supporting this legislation.

Additionally, I would encourage my colleagues to join me in supporting H.R. 5854, a bill to grant a Federal charter to the Military Officers Association of America (MOAA).

MOAA is the largest professional association for military officers and the fourth largest veterans group in the Nation. With 370,000 members, MOAA has a distinguished 79-year history of service to the military community, veterans, and their families.

Like KWVA, MOAA is among the veterans' service organizations without a Federal charter. In addition to the deserved recognition it would accord MOAA, a Federal charter would enable some state-level MOAA affiliates to participate on governor-appointed advisory councils to which they are presently excluded.

Again, I urge my colleagues to support this legislation to grant a Federal charter for KWVA, and I would also encourage my colleagues to cosponsor H.R. 5854 to grant a Federal charter to MOAA.

Mr. WELCH of Vermont. Madam Speaker, I rise today in support of S. 1692, a bill to grant a Federal charter to the Korean War Veterans Association.

Just a few short years after World War II, our government again called on hundreds of thousands of Americans to serve their country in a distant conflict. Over 1,700,000 American soldiers were sent halfway around the world to fight a Communist threat in Korea. Over 40,000 would never return—giving their lives on the battlefield or going missing to this day. Another 100,000 were wounded. Today, my state of Vermont alone is home to almost 10,000 Korean War veterans.

The Korean War Veterans Association exists to remember those lost, to honor the service of the thousands of living veterans, and to support Korean freedom. For over six years, the organization has fought for Federal recognition. The Veterans of Foreign Wars, American Legion, and the Vietnam Veterans of America have received a Federal charter, but up until this point veterans of the Korean War could not claim this honor. H.R. 1692 finally remedies this.

Under the charter provided in this bill, the Korean War Veterans Association will provide assistance to veterans of the Korean War and to all those who have subsequently served there, including helping those men and women receive the veterans benefits they have earned. The organization will also preserve the camaraderie forged between those who served, and honor the memory of those fallen. It is my great pleasure to support this well-deserved charter.

Ms. JACKSON-LEE of Texas. With that, I yield back my time.

Mr. ISSA. Madam Speaker, I would also yield back at this time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the Senate bill, S. 1692.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

REVISING SHORT TITLE OF THE FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 188) to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Section 1 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109–246) is amended by striking "and Coretta Scott King" and inserting "Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia".

SEC. 2. CONFORMING AMENDMENTS.

Paragraphs (7) and (8) of section 4(a), and section 13(a)(1), of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a), 1973k(a)(1)) are each amended by striking "and Coretta Scott King" and inserting "Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia".

SEC. 3. CONSTRUCTION.

Title I of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended by adding at the end the following:

"SEC. 20. A reference in this title to the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 shall be considered to refer to, respectively, the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. And I now yield myself such time as I may consume.

Madam Speaker, I rise in strong support of S. 188, a companion bill to H.R. 6250, providing for revising the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

On January 31, 2007, I introduced H.R. 745 to add Barbara Jordan and Cesar Chavez. On June 12, 2008, I authored and introduced the House companion to S. 188, H.R. 6250, in order to add numbers of individuals who deserve the recognition of this legislation.

I would like to thank Senator SALAZAR on the Senate side for his leadership on this issue. And certainly I would like to thank the chairman of the full committee, Mr. CONYERS, and the ranking member, Mr. SMITH, for their leadership and collaboration, along with the chairman and ranking member of the subcommittee. I also want to thank Mr. Keenan Keller of the Judiciary Committee staff and all the staff who worked with him, Mr. Yohannes Tsehai and Mr. Arthur D. Sidney of my staff, for their work on the House bill and for their work on bringing this bill as quickly as possible to the floor.

The bill before us adds the names of Cesar E. Chavez, Barbara C. Jordan, William C. Velasquez and Dr. Hector P. Garcia to the short title. It is only an addition of names. It is not a deletion of any names. It is adding to the name portion of the bill only.

These great people are pillars in the Nation's struggle for civil rights, equality and justice for all, and I strongly support the bill.

Allow me, Madam Speaker, to share the humble beginnings of all of the individuals that have come before us to be named now to this very important bill, a bill of which we know was really borne in the sweat and tears of those who struggled in the civil rights movement. Many lost their lives in this battle. This reauthorization that occurred in the last session, and the session before is a testimony to the struggle.

Cesar Estrada Chavez was born of humble beginnings on March 31, 1927, in Yuma, Arizona. Early in his life, Mr. Chavez was forced to recognize the harsh realities of racism that all too often plagued communities of color. After his family's home and land were taken from them, Mr. Chavez knew firsthand what it meant to be a victim of gross injustice. Yet despite this and similar experiences of discrimination, Mr. Chavez was not deterred. He often said that "the love for justice that is in us is not only the best part of our being but also the most true to our nature."

At only 10 years old, Mr. Chavez became a migrant farmworker. He attended 38 different schools before quitting at the end of the eighth grade to support his family full time.

In 1945, he joined the U.S. Navy and served in the western Pacific during the end of World War II. After completing his military service, Mr. Chavez returned to his roots, laboring in the fields.

Mr. Chavez was unwavering in his activities in voter registration campaigns. He is truly warranting of this honor today.

By day, Mr. Chavez picked apricots in an orchard outside of San Jose. And be reminded that he served in the United States Navy. But he picked apricots in this orchard, and by night he was actively involved in galvanizing voter registration drives. In 1952, Mr. Chavez was a full-time organizer with the Chicago-based Community Service Organization (CSO), not only coordinating voter registration drives, but battling racial and economic discrimination against Chicano residents and organizing CSO chapters across California and Arizona, as well.

In 1968, Chavez conducted a 25-day fast to reaffirm the United Farm Workers' commitment to non-violence. In the process, Mr. Chavez gained the support of the late Senator Robert F. Kennedy and was propelled onto the national political scene. Kennedy called Cesar Chavez "one of the heroic figures of our time" and actually flew to be with Mr. Chavez when he ended his fast.

On August 8, 1994, Mr. Chavez became the second Mexican American to receive the Presidential Medal of Freedom, the highest civilian honor in the United States. The award was presented posthumously by then-President Bill Clinton.

Mr. Chavez dedicated his life to improving the working conditions for the poor and exploited. He worked on behalf of the migrant workers in the western United States. He worked also tirelessly to ensure that Hispanic Americans were involved in the political process. He is deserving of this honor. And we commend him as we move this legislation forward.

The next named person to have her name listed on the Voting Rights bill is Barbara Charline Jordan. Congresswoman Jordan was a friend to many, a mentor to me, and an icon. The late honorable Congresswoman Barbara Jordan represented the 18th Congressional District. She was the maiden holder of this seat. After this opportunity was given through the Voting Rights Act of 1965, I am now privileged to serve, and she was one of the first two African Americans from the South to be elected to the House of Representatives since Reconstruction.

Barbara Jordan was known for her eloquence but also to many for her quiet thoughtfulness and seriousness in the legislative process. Barbara Jordan was a renaissance woman, eloquent, fearless and peerless in her pursuit of justice and equality.

I pay tribute also to her sister who has carried on her legacy by presenting herself to the public and helping people understand Barbara's legacy, that is to a dear friend, Ms. Rosemary McGowan, who lives in Houston, Texas, today. All of her family grew up and lived in Fifth Ward, and we were with them just a few weeks ago when they showed us the remnants of where they lived. It is now railroad tracks. But we will never have their history extinguished.

Barbara Jordan exhorted all of us to strive for the excellence, stand fast for justice and fairness, and yield to no one in the manner of defending the Constitution and upholding the most sacred principles of a democratic government. To Barbara Jordan, the Constitution was a very profound document, one to be upheld.

On January 17, 1996, Barbara Jordan died too early, at the young age of 59. On that day, Texas and the Nation lost one of its finest daughters, a woman who had served the people of Houston and Harris County in State and national government for over a decade. And with Barbara Jordan's passing, America lost one of its finest citizens.

Barbara Jordan's voice and eloquence was one of a kind, and so was she.

From her outspokenness during Watergate, to her ethics back in Texas to improve transparency, accountability and ethics in government, no stand was too controversial or too unpopular for Barbara Jordan to take. If she believed that it was the right thing to do, she did it. She was not afraid to take unpopular stands. And she often ruffled the feathers of friends and foes alike.

The Washington Post, too, half-jokingly described Barbara Jordan as "the first black woman everything." And a Cosmopolitan magazine survey of 700 political opinions in 1975 put Jordan at the top of the list of women they would like to see become President.

And in 1966 she became the first African American woman elected to the Texas State Senate. She was the only woman in that legislative session.

In 1972, she came to the United States Congress. She worked on worker's compensation and she also amended the Voting Rights Act to include Mexican Americans in Texas and other southwestern States and to extend its authorities to those States where minorities had been denied the right to vote.

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She obviously was renowned for her Watergate work and also her 1976 speech to the Democratic Convention. One of Professor Jordan's colleagues paid her the ultimate compliment. "She pushed her students. She said, 'You know, you have an obligation. You owe something for what you have, and you need to pay it back.'" That was Barbara Jordan, continuing to give public service.

She ended her life as a professor at the Lyndon Baines Johnson School. In the tradition of Frederick Douglass, Martin Luther King and Thurgood Marshall, she believed that the Constitution should be upheld.

We honor her, deservedly so, by naming her to the Voting Rights Act of 1965, reauthorized.

The next named person is William C. Velasquez, also a Texan, affectionately known as "Willie." He paved the way for his generation and future generations of Hispanics to empower themselves through voter registration, political empowerment, economic self-reliance and education.

Mr. Velasquez was one of the founding members of the Mexican American Youth Organization, MAYO, a Chicano youth organization aimed at social action. His role in MAYO led to his becoming Texas' first statewide coordinator of the El Movimiento Social de la Raza Unida, the precursor of La Raza Unida Party. His involvement with the Latino organization was extensive. In 1968, as boycott coordinator for the United Farm Workers, he organized strikes in the Rio Grande Valley of Texas.

After leaving the UFW, he became the founder and director of the Mexican-American Unity Council in San Antonio, Texas. In 1970, he was named field director of the Southwest Council of La Raza.

From 1972 to July 1974, he concentrated his efforts on building the Southwest Voter Registration Education Project. That is what so many of us know him for, SVREP. Little notice was given when Velasquez opened the doors to SVREP in 1974, seated on a folding chair behind a small desk calling from a borrowed rotary telephone to spur Mexican Americans into politics.

Mr. Velasquez's work of empowering all Americans through political participation by his nonpartisan voter registration, voter education, candidate training, get-out-the-vote efforts, this work of SVREP continues as it began through his work. He enlisted the aid of community organizers. Together they launched hundreds of voter registration and get-out-the-vote GOTV campaigns throughout the Southwest.

The legacy of Mr. Velasquez is apparent. Since its inception, his organization has cultivated 50,000 community leaders, successfully litigated 85 voting rights lawsuits, and has conducted 2,300 nonpartisan voter registration and GOTV campaigns. Consequently, voter registration has grown over the years from 2.4 million registered Latinos in 1974 to almost 12 million nationwide.

Upon news of his death, the Congress adjourned its session for the day, symbolically illustrating his single-handed effect on our political process. President Clinton posthumously awarded Mr. Velasquez the Presidential Medal of Freedom, stating that he was driven by an unwavering belief that every American should have a role in our democracy and share in the opportunities of our great Nation, adding that Mr. Velasquez made this a greater country.

I agree with him. It is for this reason, Madam Speaker, that we are honored today to be able to add Mr. William "Willie" C. Velasquez in the short title of the Voting Rights Act, now reauthorized, but the Voting Rights Act of 1965.

Our next named person, Dr. Hector P. Garcia, was an interesting and strong Texan. Dr. Hector P. Garcia was a Mexican immigrant who became a doctor, soldier, war hero and presidential confidante. He dedicated his life to advocating for the education, civil rights, labor rights and human rights of our community by struggling against racism and injustice. His life is an example for the younger generation.

Dr. Garcia received many honors during his life-long fight for veterans rights. He is a giant in Texas. He is well-known, as we have found, throughout the Nation, throughout the veterans efforts that have come about, particularly representing Latinos. He is a giant. His fight for veterans rights and his struggle against discrimination in housing, education and voting rights is renowned.

In 1968, President Lyndon B. Johnson made him the first Mexican to serve on the U.S. Commission on Civil Rights. Johnson also appointed him Alternate Ambassador to the United Nations to promote better relations with Latin America and Spain. Dr. Garcia served Presidents John F. Kennedy and Jimmy Carter as an adviser.

President Ronald Reagan awarded him the Presidential Medal of Freedom, the Nation's highest civilian honor. Pope John Paul II recognized him with the Equestrian Order of Pope Gregory the Great. President Clinton eulogized him as a national hero.

The Treasury Department's new $75 Series I U.S. Savings Bond bears Dr. Garcia's portrait. The eight Americans depicted on the bonds, which debuted on September 1, 2007, were chosen for their individual achievements and service, and, for the first time, to reflect the Nation's racial and ethnic diversity. Dr. Garcia is the only Hispanic. Other honorees include General George C. Marshall and the Reverend Dr. Martin Luther King.

Congress honored Dr. Garcia, who died on July 26, 1996, at the age of 82, by passing a bill in August 1996 that made the American G.I. Forum a Congressionally chartered veterans organization. Dr. Garcia founded the organization in 1948, and today it is the Nation's largest Hispanic veterans group. The charter status recognizes the G.I. Forum as a peer of the American Legion.

Dr. Garcia was born in a Mexican village in 1914 to a college professor and a schoolteacher. They fled to Texas in 1918 to escape the Mexican Revolution. He was one of seven children, six of whom became doctors. He graduated from the University of Texas Medical School, joined the Army in World War II and served in North Africa and Italy as an infantryman and combat engineer until the Army officials found out that he was a doctor. He earned the Bronze Star Medal with six battle stars in Italy.

A disturbing incident in 1949 convinced Dr. Garcia that the Forum needed to fight for more than veterans rights. Army Private Felix Longoria was killed on June 14, 1945. while on patrol in the Philippines to flush out retreating Japanese. It took nearly four years to identify and return his remains to his family. A funeral director in Three Rivers, Texas, told the family that the Anglo community wouldn't stand for his remains to lie in the chapel for a wake, but he offered to arrange for Longoria's burial in the segregated Mexican cemetery separated by barbed wire.

Private Longoria's widow called Dr. Garcia for help, who then contacted the funeral home and asked permission to use the chapel. The director told him no Mexican American had ever used the chapel and he wouldn't allow it because it might offend the whites. Dr. Garcia went on to talk about this issue and to fight against it, and ultimately he prevailed when many noticed that the State of Texas, which loomed so large on the map, looked so small tonight.

So within 24 hours the founder of the newly organized American G.I. Forum received a telegram from then Senator Lyndon B. Johnson, who expressed his regret about what occurred, and therefore he made arrangements to have Felix Longoria buried with full military honors in Arlington National Cemetery in Virginia.

This is truly a story of a hero, and that is why we stand today to acknowledge Hector P. Garcia, who will be named to the short title of the Voting Rights Act of 1965. He will join these heroes, Cesar Chavez, Barbara Jordan, Willie Velasquez, and now Dr. Hector P. Garcia, for he has fought for those who could not speak for themselves to in essence have the opportunity to vote.

Madam Speaker, I ask my colleagues to support this legislation in honor of these magnificent individuals.

Madam Speaker, I rise in strong support of S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. On January 31, 2007, I introduced H.R. 745 to add Barbara Jordan and Cesar Chavez. On June 12, 2008, I authored and introduced the House companion, H.R. 6250 to S. 188. I want to commend the author on the Senate side, Senator SALAZAR.

I would like to thank Mr. Keenan Keller, and Mr. Yohannes Tsehai and Mr. Arthur D. Sidney of my staff for their work on the House bill and for their work on bringing this bill quickly to the floor. The bill before us adds the names of Cesar E. Chavez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia to the short title. These great people are pillars in the nation's struggle for civil rights, equality, and justice for all. I strongly support this bill.

CESAR ESTRADA CHAVEZ

Cesar Estrada Chavez was born of humble beginnings on March 31, 1927, near Yuma, Arizona. Early in life, Mr. Chavez was forced to recognize the harsh realities of racism that all too often plagued communities of color. After his family's home and land were taken from them, Mr. Chavez knew first hand what it meant to be the victim of gross injustice. Yet, despite this and similar experiences of discrimination, Mr. Chavez was not deterred. He often said that "the love for justice that is in us is not only the best part of our being but also the most true to our nature."

At only 10 years old, Mr. Chavez became a migrant farmworker. He attended 38 different schools before quitting at the end of the eighth grade to support his family full time.

In 1945, Mr. Chavez joined the US Navy and served in the Western Pacific during the end of World War II. After completing his military service, Mr. Chavez returned to his roots, laboring in the fields.

Mr. Chavez was unwavering in his activities in voter registration campaigns. By day, Mr. Chavez picked apricots in an orchard outside of San Jose; by night, he was actively involved in galvanizing voter registration drives. In 1952, Mr. Chavez was a full time organizer with the Chicago-based Community Service Organization (CSO), not only coordinating voter registration drives, but battling racial and economic discrimination against Chicano residents and organizing new CSO chapters across California and Arizona as well.

Mr. Chavez was also a passionate member of the labor movement in this country. In 1962, he moved his wife and eight young children to California, where he founded the National Farm Workers Association (NFWA), the first successful farm workers' union in U.S. history.

In 1968, Chavez conducted a 25-day fast to reaffirm the United Farm Workers commitment to non-violence. In the process, Mr. Chavez gained the support of the late Senator Robert F. Kennedy and was propelled onto the national political scene. Kennedy called Cesar Chavez "one of the heroic figures of our time," and actually flew to be with Mr. Chavez when he ended his fast.

In 1991, Mr. Chavez received the Aguila Azteca (The Aztec Eagle), Mexico's highest award presented to people of Mexican heritage who have made significant contributions outside of Mexico. When he passed away on April 23, 1993, at the age of 66, he was the president of the United Farm Workers of America, AFL–CIO.

On August 8, 1994, Mr. Chavez became the second Mexican American to receive the Presidential Medal of Freedom, the highest civilian honor in the United States. The award was presented posthumously by then-President Bill Clinton.

Mr. Chavez dedicated his life to achieving better working conditions for the poor and the exploited migrant farmers in the western United States. He also tirelessly worked to ensure that Hispanic Americans were involved in the political process and were registered to vote. He is regarded as one of the most important people in the U.S. labor movement and in the Hispanic voter registration movement in this country. We honor his life and his legacy with the addition of his name on this important piece of legislation.

BARBARA CHARLINE JORDAN

Barbara Charline Jordan was a friend to many, a mentor to me and an icon. The late honorable Congresswoman Barbara Jordan represented the 18th Congressional District of Texas that I am now privileged to serve, and was one of the first two African-Americans from the South to be elected to the House of Representatives since Reconstruction.

Barbara Jordan was a renaissance woman, eloquent, fearless, and peerless in her pursuit of justice and equality. She exhorted all of us to strive for excellence, stand fast for justice and fairness, and yield to no one in the matter of defending the Constitution and upholding the most sacred principles of a democratic government. To Barbara Jordan, the Constitution was a very profound document, one to be upheld.

On January 17, 1996, Barbara Jordan died at the young age of 59. On that day, Texas lost one of its finest daughters—a woman who had served the people of Houston and Harris County in state and national government for over a decade. And with Barbara Jordan's passing, America lost one of its finest citizens.

Barbara Jordan's voice and eloquence were one of a kind. And so was she.

Her accomplishments and admirers were legion. As a statesman and as a teacher, Barbara Jordan transcended race, gender, class, and political affiliation. She was not afraid to take unpopular stands—and she often ruffled the feathers of friends and foes alike.

From her outspokenness during Watergate, to her efforts back in Texas to improve transparency, accountability, and ethics in government, no stand was too controversial or too unpopular for Barbara Jordan to take—if she believed that it was the right thing to do.

Her rise through the ranks of state and national politics compelled The Washington Post to half-jokingly describe Barbara Jordan as "the first black woman everything." And a Cosmopolitan magazine survey of 700 political opinion leaders in 1975 put Jordan at the top of a list of women they would like see become President.

In 1966, she became the first African-American woman elected to the Texas state Senate. She was the only woman in that legislative session.

In 1972, she became the first African-American woman elected to Congress from Texas after Reconstruction. While in Washington, she served with distinction on the House Judiciary Committee.

As a public servant, Barbara Jordan sponsored bills that championed the cause of the poor and the disenfranchised. One of her most important bills as state senator was the Workman's Compensation Act, which increased the maximum benefits paid to injured workers. As a congresswoman, she sponsored legislation to broaden the Voting Rights Act of 1965 to cover Mexican Americans in Texas and other southwestern states, and to extend its authority to those states where minorities had been denied the right to vote or had their rights restricted by unfair registration practices, such as literacy tests.

She gained national prominence for the position she took and the statement she made at the 1974 impeachment hearing of President Richard Nixon. In casting her "yes" vote, Jordan stated, "My faith in the Constitution is whole, it is complete, it is total."

In 1976, she was the first African-American woman to deliver a keynote address at the Democratic National Convention. She would deliver the keynote address again at the Democratic National Convention in 1992.

President Jimmy Carter considered her for Attorney General and U.N. Ambassador, but she chose to remain in Congress. She seriously considered challenging Sen. John Tower in 1978, but became ill and retired from politics.

Representative Jordan left Congress in 1979 to become Professor Jordan when she joined the faculty of the Lyndon Baines Johnson School of Public Affairs at the University of Texas. President Johnson was a mentor to Jordan. Fittingly, Professor Jordan held the endowed Lyndon B. Johnson Centennial Chair in National Policy.

One of Professor Jordan's colleagues paid her this ultimate compliment: "She pushed her students. She said, 'you know, you have an obligation. You owe something for what you have and you need to pay it back.' And I think they all caught that passion that she had for public service."

Professor Jordan, reflecting on her service in Congress, offered this pearl: "One sometimes gets the feeling that the Washington politician feels that all wisdom resides in the nation's capital. That is not the view of the people on the outside, the people I am now working with and communicating with. Distance has a way of lessening the impact of what the Federal Government does." Few truer words have ever been spoken.

As a distinguished professor at the LBJ School, Professor Jordan was able to have a major influence on the next generation of public officials. She impressed her students with her intellect and ability to inspire them to achieve excellence in the classroom, and to be committed to public service.

Barbara Jordan was a lawyer, legislator, scholar, author, and presidential adviser. She was immensely gifted, and used every bit of her talent and skill to address, improve, and dignify the conditions of human life. In the tradition of Frederick Douglass, Martin Luther King, and Thurgood Marshall, she challenged the Federal Government and the American people to uphold the principles set forth in the Constitution.

Today, we honor Barbara Jordan by including her name on the Voting Rights Act, an Act up which she personally worked. She sponsored legislation to broaden the Voting Rights Act of 1965 so that its promises would be extended to all Americans. For this, we celebrate her and her legacy.

WILLIAM C. VELÁSQUEZ

William C. Velásquez, affectionately known as "Willie," paved the way for his generation and future generations of Hispanics to empower themselves through voter registration, political empowerment, economic self-reliance, and education.

Mr. Velásquez was one of the founding members of the Mexican American Youth Organization (MAYO), a Chicano youth organization aimed at social action. His role in MAYO led to becoming Texas' first statewide Coordinator of El Movimiento Social de la Raza Unida, the precursor of La Ram Unida Party.

His involvement with Latino organizations was extensive. In 1968, as Boycott Coordinator for the United Farm Workers (UFW), he organized strikes at the Rio Grande Valley of Texas. After leaving the UFW he became the founder and director of the Mexican American Unity Council in San Antonio, Texas. In 1970, he was named Field Director of the Southwest Council of La Raza.

From 1972 to July 1974, he concentrated his efforts on building the Southwest Voter Registration Education Project (SVREP). Little notice was taken when Velásquez opened the doors to SVREP in 1974, seated on a folding chair; behind a small desk calling from a borrowed rotary telephone to spur Mexican Americans into politics.

SVREP continues Mr. Velásquez's work of empowering all Americans, through political participation, by its nonpartisan voter registration, voter education, candidate training, and get-out-the-vote efforts.

He enlisted the aid of community organizers, together they launched hundreds of voter registration and get-the-vote-out (GOTV) campaigns throughout the southwest. The legacy of Mr. Velásquez is apparent—since its inception, SVREP has cultivated 50,000 community leaders, successfully litigated 85 voting rights law suits and has conducted 2,300 nonpartisan, voter registration and GOTV campaigns. Consequently, voter registration has grown over the years from 2.4 million registered Latinos in 1974 to almost 12 million nationwide.

The groundbreaking work of Mr. Velásquez and his associates created opportunities for Hispanics to enter into the political arena, and gain a voice for a significant community in American society.

Upon news of his death, the Congress adjourned its session for the day, symbolically illustrating, his single-handed effect on our political process. President Clinton posthumously awarded Mr. Velásquez the Presidential Medal of Freedom, stating that he "was driven by an unwavering belief that every American should have a role in our democracy and a share in the opportunities of our great Nation," adding that Velásquez "made this a greater country."

The Presidential Medal of Freedom, in the words of President Clinton, celebrates those who have changed America for the better and who embody the best qualities in our national character. His contributions will broaden the historical understanding of the development and struggle of the Hispanic community of the United States and further serve to increase awareness of the influence of Hispanics on our country.

Madam Speaker, it is indeed fitting that we include the name William "Willie" C. Velásquez in the short title of the Voting Rights Act.

DR. HECTOR P. GARCIA

Dr. Hector P. Garcia was a Mexican immigrant refugee who became a doctor, soldier, war hero and presidential confident. He dedicated his life to advocating education, civil rights, labor rights and human rights of our community by struggling against racism and injustice. His life is an example for younger generations.

Dr. Garcia received many honors during his lifelong fight for veterans' rights and his struggle against discrimination in housing, jobs, education and voting rights. In 1968, President Lyndon B. Johnson made him the first Mexican American to serve on the U.S. Commission on Civil Rights. Johnson also appointed him alternate ambassador to the United Nations to promote better relations with Latin America and Spain. Dr. Garcia served Presidents John F. Kennedy and Jimmy Carter as an adviser.

President Ronald Reagan awarded him the Presidential Medal of Freedom, the nation's highest civilian honor. Pope John Paul II recognized him with the Equestrian Order of Pope Gregory the Great. President Bill Clinton eulogized him as a national hero. The Treasury Department's new $75 Series I U.S. Savings Bond bears Dr. Garcia's portrait. The eight Americans depicted on the bonds, which debuted September 1, 2007, were chosen for their individual achievements and service and, for the first time, to reflect the nation's racial and ethnic diversity. Dr. Garcia is the only Hispanic; other honorees include Gen. George C. Marshall and the Rev. Dr. Martin Luther King Jr.

Congress honored Dr. Garcia, who died on July 26, 1996, at age 82, by passing a bill in August 1996 that made the American G.I. Forum a congressionally chartered veterans organization. Dr. Garcia founded the organization in 1948, and today is the nation's largest Hispanic veterans group. The charter status recognizes the G.I. Forum as a peer of the American Legion, Veterans of Foreign Wars and others.

Dr. Garcia was born in the Mexican village of Llera, Tamaulipas, on January 17, 1914, to a college professor and a schoolteacher. When he was four, his family fled to Mercedes, Texas, in 1918 to escape the Mexican Revolution. He was one of seven children, six of whom became doctors.

A 1940 graduate of the University of Texas Medical School, he joined the Army during World War II and served in North Africa and Italy as an infantryman and combat engineer until Army officials found out he was a doctor. He earned the Bronze Star Medal with six battle stars in Italy.

After the war, he opened a medical practice in Corpus Christi and worked as a contract physician for the Veterans Administration. That's when he discovered his employer was denying proper medical treatment and educational benefits to Mexican-American war veterans. He founded the American G.I. Forum on March 26, 1948, to fight that discrimination.

A disturbing incident in 1949 convinced Dr Garcia that the Forum needed to fight for more than veterans benefits. Army Pvt. Felix Longoria was killed on June 15, 1945, while on patrol in the Philippines to flush out retreating Japanese. It took nearly four years to identify and return his remains to his family. A funeral director in Three Rivers, Texas, told the family that the Anglo community "wouldn't stand for" his remains to lie in the chapel for a wake, but he offered to arrange for Longoria's burial in the segregated "Mexican" cemetery, separated by barbed wire.

Pvt. Longoria's widow called Dr. Garcia for help, who then contacted the funeral home and asked permission to use the chapel. The director told him no Mexican American had ever used the chapel and he wouldn't allow it because it might offend the whites.

Dr. Garcia reported the conversation to a Corpus Christi newspaper reporter and sent 17 telegrams to congressmen, senators, a governor and other reporters. The telegrams stated, "The denial was a direct contradiction of those same principles for which this American soldier made the supreme sacrifice in giving his life for his country, and for the same people who deny him the last funeral rites deserving of any American hero regardless of his origin."

The statement was aired internationally by radio broadcasters Drew Pearson, Westbrook Pegler and Walter Winchell, who said: "The State of Texas, which looms so large on the map, looks so small tonight. . . ."

Within 24 hours, the founder of the newly organized American G.I. Forum received a telegram from then Sen. Lyndon B. Johnson that read, in part: "I deeply regret to learn that the prejudice of some individuals extends even beyond this life. I have no authority over civilian funeral homes. Nor does the federal government. However; I have made arrangements to have Felix Longoria buried with full military honors in Arlington (Va.) National Cemetery . . . where the honored dead of our nation's war rest."

Lyndon and Lady Bird Johnson and President Truman's personal aide, Maj. Gen. Harry Vaughn, attended Longoria's funeral on February 16, 1949. The incident propelled the G.I. Forum's civil rights agenda to national attention. With its headquarters in Austin, Texas, the Forum has evolved from a veterans' rights group into a civil rights organization with more than 160,000 members in 500 chapters in 24 states and Puerto Rico. Today it serves all Hispanics and promotes greater participation in civic affairs, educational attainment, employment, equality in income and health services.

In 1960, Dr. Garcia became national coordinator of the Viva Kennedy clubs organized to elect John Fitzgerald Kennedy-president. The civil rights agenda of the Forum, however, was not at the forefront of the Kennedy administration's platform, and Dr. Garcia and his supporters were forced to content themselves with his perfunctory appointment as representative of the United States in mutual defense treaty talks with the Federation of West Indies Islands in 1962. The talks were successful, and the appointment was notable as the first instance that a Mexican American had represented an American president. After President Kennedy's assassination, his successor Lyndon Johnson appointed Dr. Garcia Presidential Representative with the rank of Special Ambassador to the presidential inauguration ceremonies of Dr. Raúl Leoni in Venezuela.

In 1966, through the efforts of the Forum and other groups, the Texas poll tax was repealed. The Forum also undertook a march on the Texas state capital to protest the low wages of Mexican agricultural laborers. In 1967, President Johnson appointed Dr. Garcia alternate ambassador to the United Nations. He was tasked with the improvement of relations with Latin American nations. He made history when, on October 26, 1967, he became the first United States representative to speak before the U.N. in a language other than English.

In 1968, President Johnson appointed him to the U.S. Commission on Civil Rights. In 1972, Dr. Garcia was arrested at a sit-in protest of the de facto segregation in Corpus Christi School District.

Madam Speaker, there has never been a more important time to honor the great legacy of these civil rights pillars and it is, indeed, fitting that we include the name Dr. Hector P. Garcia in the short title of the Voting Rights Act.

Madam Speaker, the renaming of this historic piece of legislation is critically important. These civil rights legends have left an indelible mark upon my career and they have paved the way for me. Much respect and honor is due to these individuals. I owe them a debt of gratitude. I have stood on their backs and enjoyed the fruits of their labor. I am grateful as an African American, a woman, and a member of Congress for the sacrifices these individuals have made for all Americans.

I urge my colleagues to support this important legislation.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

Mr. ISSA. Madam Speaker, I rise in support of S. 188, which adds several names to the short title of the Voting Rights Act Reauthorization and Amendments Act of 2006.

The individuals whose names are added by this legislation deserve to be embodied in that historic legislation for the roles they played in encouraging the participation of all Americans in the political process.

Cesar Chavez and Dr. Hector Garcia followed the path of Martin Luther King, Jr. Mr. Chavez founded and led the first successful farm workers' union in the United States and became the president of the United Farm Workers of America, AFL–CIO. From its beginnings, the UFW adhered to the principles of non-violent change. Mr. Chavez received the Presidential Medal of Freedom, the highest civilian honor in the United States, in 1994.

Dr. Hector Garcia was a Mexican Revolution refugee and medical doctor. He, too, led peaceful protests to empower Mexican Americans to fight legal and political battles against discrimination through his founding of the American GI Forum. He was also awarded the Presidential Medal of Freedom by President Ronald Reagan in 1984.

Barbara Jordan was the first African-American woman to serve in the U.S. Congress from the South. She became the first African-American woman to serve in the Texas Senate since 1883, where she served as the chair of a major committee. As a Congresswoman, she sponsored legislation to broaden the Voting Rights Act of 1965 to cover Mexican-Americans and to extend its provisions to States where minorities had been denied the right to vote or had their rights restricted by unfair registration practices.

Finally, William Velasquez founded the Southwest Voter Registration Education Project in 1974 to encourage Latinos to join the democratic process. Starting with a folding chair and a borrowed rotary phone, Mr. Velasquez's organization cultivated over 50,000 community leaders, successfully litigated 85 voting rights lawsuits, and conducted 2300 non-partisan voter registration drives. He was also awarded the Presidential Medal of Freedom in 1995.

The names of these voting rights leaders and Presidential Medal of Freedom recipients deserve to stand side by side with Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, in the short title of the Voting Rights Act Reauthorization and Amendments Act of 2006.

Madam Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman. It is my hope that we will enthusiastically support this legislation in tribute to these outstanding Americans.

Mr. CONYERS. Madam Speaker, I rise in support of S. 188, which would rename the Fannie Lou Hamer Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, to include the names of civil rights pioneers Cesar E. Chavez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia. It passed the other body unanimously, and I would hope that this House would follow suit.

I want to commend SHEILA JACKSON-LEE, a distinguished Member of the Judiciary Committee from Texas, who introduced legislation in the House. It is vitally important that we all remember the many courageous leaders whose achievements make possible the work we do today.

The reauthorization of the Voting Rights Act was an important achievement. The extension of this historic civil rights legislation passed in the last Congress with broad bi-partisan support.

The Voting Rights Act has, since its enactment in 1965, helped to fulfil the promise of this nation to the world that all are created equal, and all have an equal right to determine their destinies.

Although the 15th Amendment to the Constitution was meant to guarantee that "[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," that guarantee was not given full effect for many former slaves and their descendants for a full century after its adoption.

The Voting Rights Act changed the legal landscape and gave citizens, backed up by the Department of Justice, new legal remedies to ensure that their voices would be heard at the ballot boxes—freely, fairly, and equally.

It is therefore fitting that we should add the names of these four civil rights leaders to the title of the Voting Rights Act.

Who were these leaders?

Cesar Chavez dedicated his life to the rights of some of the most vulnerable and powerless in this nation. The migrant farm workers who pick our crops were unable to provide even the most basic needs for their families. Lack of decent pay, schooling, education, sanitation, housing, and political power made them some of the most oppressed Americans. In a land of plenty, these workers had nothing.

Edward R. Murrow rightly called it our "Harvest of Shame."

Cesar Chavez organized the unorganized, built a national movement, and won a contract and a life with dignity for these workers. As the founder of the United Farm Workers, he brought hope, dignity, and self-respect to thousands of hardworking Americans who had faced bleak oppression and disenfranchisement.

With the founding, and the success, of this movement, nothing would ever be the same.

Barbara C. Jordan was a distinguished Member of this House from Houston, Texas, from 1973 to 1979, and a member of the Judiciary Committee.

In 1966, she became the first African American to serve in the Texas State Senate since 1883.

In 1972, she and and Andrew Young became the first African Americans elected to Congress from the South since 1898.

If those dates are jarring, they should be. The post-Reconstruction era was marked by violence, state-sponsored terror, and legal roadblocks that disenfranchised African Americans throughout the South. These efforts were so effective in undermining the plain command of the 15th Amendment, that no African American would represent the South in this House until we enacted and began enforcing the Voting Rights Act of 1965.

Representative Jordan was both a symbol of that new law, and an activist who gave those legal guarantees real meaning.

When it came time to reauthorize the Voting Rights Act in 1975, Representative Jordan sponsored legislation broadening it to include Hispanic Americans, Native Americans, and Asian Americans. Thanks to her efforts, the Voting Rights Act now protects the rights of voters with limited English proficiency.

Always a tireless fighter for social justice, Barbara Jordan was known for her passion and her eloquence. In 1976, she became the first African American to deliver the keynote speech at the Democratic National Convention.

For her outstanding contributions to this nation, Barbara Jordan was awarded the Presidential Medal of Freedom by President Bill Clinton in 1994.

A legal scholar, a skilled legislator, an educator, and a fighter for social justice, Barbara Jordan's name belongs on the Voting Rights Act.

William C. Velasquez, another Texan, and another Presidential Medal of Freedom honoree, founded the Southwest Voter Registration and Education Project, the nation's largest voter registration project aimed at the Hispanic community.

Under his leadership, the SVREP launched hundreds of successful get-out-the-vote and voter registration drives throughout the Southwest, greatly expanding the number of registered Latino voters and increasing Hispanic participation in the political process.

Mr. Velasquez, who was also a leader in the United Farm Workers and helped found the Mexican American Youth Organization, and la Raza Unida, helped others believe as he did that "Su voto es su voz"—your vote is your voice.

When President Clinton posthumously awarded Mr. Velasquez the Presidential Medal of Freedom in 1995, he was only the second Latino to receive the nation's highest civilian honor.

His contributions make it more than appropriate for us to add his name to the Voting Rights Act.

Dr. Hector P. Garcia was a decorated veteran of World War II, a physician, and the founder of American GI Forum.

Organized by Dr. Garcia in a Corpus Christi elementary school classroom one evening in March, 1948, the GI Forum ultimately spread across the United States and became a leading civil rights organization.

World War II was very much a watershed in opening up new opportunities for Texas Mexicans. But civil rights between 1945 and the late 1950s did not come to Mexican Americans automatically.

Many housing developments, restaurants, movies, swimming pools, and even hospitals were considered off-limits to Mexican-Americans. Police and other law enforcement agencies, such as the Texas Rangers and the Border Patrol, all too often reminded Tejanos of their second-class citizenship through disparagement or intimidation. Employment opportunities diminished quickly.

Politically, Texas Mexicans had to pay the poll tax, and cope with other voting and office-holding restrictions. Mexican American farm laborers, like those in a labor camp in nearby Mathis, Texas, endured inhuman living conditions.

Disabled Mexican American veterans were left starving or sick when a dilatory Veteran's Administration failed to send financial and medical benefits. Local school officials blithely admitted on the radio that Mexican American children were segregated. This was the Texas that Dr. Hector Garcia returned to after World War II.

In 1966, through the efforts of the Forum and other groups, the Texas poll tax was repealed. The Forum also undertook a march on the Texas State Capitol to protest the low wages of Mexican agricultural laborers.

In 1967, President Johnson appointed Dr. Garcia alternate ambassador to the United Nations. He was tasked with the improvement of relations with Latin American nations.

Dr. Garcia made history when, on October 26, he became the first United States representative to speak before the U.N. in a language other than English. President Johnson also appointed him to the U.S. Commission on Civil Rights.

In 1972, Garcia was arrested at a sit-in protest of the de facto segregation in Corpus Christi school district. In 1987, he became involved in the struggle against the campaign to name English the official language of the United States. His final project was to improve the standard of living in the colonias in the Rio Grande Valley along the United States-Mexico border.

A fighter for this nation in combat, a distinguished physician, a courageous leader in the struggle for equality and freedom, it is fitting for us to add Dr. Garcia's name to the Voting Rights Act.

I urge my colleagues to support this important legislation.

Mr. EDWARDS of Texas. Madam Speaker, it is a privilege to rise today in support of S. 188. In passing this bill, we will honor true pioneers in the struggle for civil rights by adding the names of Cesar Chavez, Barbara Jordan, William Velasquez, and Dr. Hector Garcia to the 1965 Voting Rights Act.

Today, we honor their instrumental role in the struggle for civil rights, and celebrate the historic contributions and enduring legacy of these great Americans.

Dr. Hector P. Garcia was a Mexican immigrant who came to Texas fleeing the violence of the Mexican Revolution in 1917, and through hard work and tenacity became a doctor, soldier, and true American hero. After being wounded in battle and fighting for VA benefits, he founded the American G.I. forum to help Mexican Americans claim the VA benefits they had earned. After World War II, the American G.I. Forum became the leading voice for Mexican American veterans. As a resident of my hometown Corpus Christi, Dr. Garcia was an inspiration to me because he stood tall for veterans to see that they received the benefits they have earned through service to country.

It is my hope that Hispanic Americans, who have time and again served our Nation in combat with distinction, will take special pride in knowing that Dr. Hector P. Garcia will forever stand as a symbol of all Hispanics who have so patriotically served America in uniform.

Dr. Garcia first became a national figure when he successfully fought for the burial rights of Private Felix Longoria, killed in the line of duty during World War II. After Private Longoria's widow's request to have him buried in their hometown cemetery in Three Rivers Texas was denied, Dr. Garcia and the American G.I. Forum took his case to Senator Lyndon Johnson, who pushed to have Private Longoria buried at Arlington National Cemetery.

Thanks to the dedicated efforts of Dr. Garcia, Private Longoria became the first Mexican American to be honored with a burial at Arlington.

Dr. Garcia's groundbreaking work to advance the cause of Hispanic civil rights continued for decades and he became a trusted adviser to American presidents. His successful efforts to break down barriers and desegregate American society, improve working conditions, increase access to health care and educational opportunities for Hispanic Americans became legendary and deserve our utmost respect.

Dr. Garcia's many accomplishments and honors include:

The Presidential Medal of Freedom in 1984.

Appointment as alternate U.S. Ambassador to the United Nations.

The U.S. Army's Bronze Star and six battle stars for his service in World War II.

The American G.I. Forum's Medalla al Merito in 1952, for his work with Mexican American veterans.

The Distinguished Service Award from the National Office of Civil Rights, 1980.

The National Hispanic Leadership Conference's Hispanic Heritage Award, 1989.

The Equestrian Order of Pope Gregory the Great from Pope John Paul II, 1990.

On a personal note, I had the privilege of growing up in Corpus Christi, Texas just four houses down the street from Dr. Garcia and his family. His life's commitment to the cause of civil rights was an inspiration to me in my youth and played an important role in my entering public service. It was an honor to call him my friend and mentor.

Madam Speaker, with deep respect for the life and extraordinary accomplishments of Dr. Hector P. Garcia, I urge my colleagues to support S. 188.

Ms. JACKSON-LEE of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the Senate bill, S. 188.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANDREW L. JEFFERSON ENDOWMENT FOR TRIAL ADVOCACY

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 31) recognizing the Honorable Andrew L. Jefferson, Jr., on the occasion of the establishment of an endowment for trial advocacy called the "Andrew L. Jefferson Endowment for Trial Advocacy" at Texas Southern University's Thurgood Marshall School of Law in Houston, Texas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 31

Whereas this distinguished gentleman graduated from the University of Texas School of Law in 1959 and became a partner with Washington and Jefferson, Attorneys at Law, in Houston; he served as an assistant criminal district attorney for Bexar County, a chief assistant United States attorney for the Western District of Texas, and a trial counsel and labor relations counsel for Humble Oil & Refining Company;

Whereas in 1970, Andrew Jefferson was appointed judge of the Court of Domestic Relations 2, Harris County, and in 1974, he was elected judge of the 208th District Court, Harris County; in 1975, he decided to re-enter the practice of law and is currently in private practice;

Whereas Judge Jefferson was admitted to practice in the United States Court of Appeals for the Fifth Circuit, Sixth Circuit, and Eleventh Circuit and the Supreme Court of the United States;

Whereas a longtime active committee member of the State Bar of Texas, he is also a Fellow of the Texas Bar Foundation and the American Bar Foundation and a member of the Texas Trial Lawyers Association; he was formerly a member of the Texas Constitutional Revision Commission;

Whereas well known for his expertise in the legal field, Judge Jefferson has been a highly sought-after speaker throughout his career; he has been a frequent speaker at the Criminal Law Institute for the Houston Bar Association and the San Antonio Bar Association; he was a speaker for the National Bar Association's convention and for the Family Law Institute;

Whereas a highly respected individual, Judge Jefferson has been prominent in community organizations and activities throughout his life and is noted for his leadership and sound judgment;

Whereas a former chairman of the board of the Houston Branch of the Federal Reserve Bank and of the Texas Southern University Foundation, he is a life member of the Houston Area Urban League and the National Association for the Advancement of Colored People;

Whereas he has been the recipient of a number of awards, including the Anti-Defamation League National Torch of Liberty Award, the Forward Times Community Service Award, the League of United Latin American Citizens National Community Service Award, and the Community Service Award from La Raza; and

Whereas an exemplary and distinguished gentleman, Judge Jefferson is beloved and respected by his many friends and the people of the legal community, and he deserves recognition for his outstanding career and accomplishments: Now, therefore, be it

Resolved, That the House of Representatives hereby commends Andrew L. Jefferson, Jr., on his achievements and extends congratulations to him on his selection as the First Endowed Chair of the Thurgood Marshall School of Law Trial Advocacy Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is a true honor to have the opportunity to sometimes honor those who are quiet giants, who represent the embodiment of the best of America, those who have pulled themselves up by their bootstraps, and to have the success story written by their own pen, by their own ink. So I rise today to honor a great Texan, a great civil rights advocate and a great American. The resolution recognizes a great legal scholar, as well as a great institution of legal education located in Houston, Texas.

Judge Andrew Jefferson is the embodiment of scholarship, of toughness, of respect, of fairness. He is respected by members of our community, Republicans and Democrats alike. He is respected by members, icons themselves, of the Texas Bar, and well-known around the Nation. He is cherished by the National Bar Association, the Houston Bar Association, the American Bar Association, and as well he is cherished by Texas Southern University and the Thurgood Marshall School of Law.

This scholar is Judge Andrew L. Jefferson, and the institution that he cherishes is the Thurgood Marshall School of Law at Texas Southern University. Both embody the spirit of legal excellence and public service.

As we talked this day on the celebration of Juneteenth, I am reminded of Representative Al Edwards, who organized Juneteenth, and we have celebrated under his leadership for 29 years. Juneteenth, as I indicated, was about freedom, and Judge Jefferson connotes freedom.

Andrew L. Jefferson, a native of Dallas, Texas, graduated from the University of Texas School of Law in 1959. After earning his Bachelor's Degree from Texas Southern University, he was the President of the Alpha Phi Alpha Fraternity and rose to become a partner at the law firm of Washington and Jefferson, Attorneys at Law, in Houston. He has served as an assistant criminal district attorney for Bexar County. These, Madam Speaker, were jobs that he was able to secure with his own talents way before integration came to the south.

He was a Chief Assistant United States Attorney for the Western District of Texas. He was a pioneer for young lawyers, a pioneer in going in places in the law where African American lawyers could not go. In Houston, Texas, African American lawyers could not use the law library. They could not eat in the cafeteria. And, of course, he was a trial counsel and labor relations counsel for Humble Oil and Refining Company, the predecessor to Exxon.

Each time, he was a pioneer, he explored new ground, and certainly as an African American getting his degrees in the late 1950s going through the 1960s before the passage of the Civil Rights Act of 1964 and 1965 and the Voting Rights Act, he truly braved new areas and stood for the dignity and respect of all in our community.

Judge Jefferson served in the Judge Advocate General Corps in the United States Army Reserve. He was honorably discharged as a captain. Mind you, he was pioneering and doing all of this in the early days of the 1950s and 1960s.

He has as his lovely bride another civic leader, Mary Jefferson, who I spoke to just last evening. I sent her my best greetings and those to Judge Jefferson, who is mending. We wish him a speedy recovery.

But we also know he has strength and determination and is a role model to many. Mary Jefferson, his partner of many years, has served on many organizations herself. She is a strong advocate for quality education for our youth and for more opportunities for young people to go to college by expanding financial access, and she is a fighter for civil rights herself. She is a long-standing member of the Links in Houston.

□ 1815

A longtime, active committee member of the State Bar of Texas, Judge Jefferson is also a fellow of the Texas Bar Foundation, a member of the American Bar Foundation, of the Texas Trial Lawyers Association, and of the Texas Constitutional Revision Commission. This outstanding jurist, who is renowned for his expertise in legal practice, has been a highly sought after speaker throughout his career and has frequently shared his experience and knowledge with the Criminal Law Institute for the Houston Bar Association, with the San Antonio Bar Association, and he has spoken in many places. He served on the board of the Houston branch of the Federal Reserve Bank and of the Texas Southern University Foundation.

I remind my colleagues that Texas Southern University was borne out of discrimination when individuals in the State of Texas could not go to the University of Texas, as evidenced by the Heman Sweatt lawsuit.

He has received numerous awards and honors, among them the Anti-Defamation League's National Torch of Liberty Award, the Forward Times Community Service Award, the League of United Latin American Citizens National Community Service Award, and the Community Service Award from La Raza. In addition, he was the Presidential nominee to sit on the United States Court of Appeals for the Fifth Circuit.

To honor Judge Jefferson on this occasion will be momentous for the City of Houston, for Texas Southern University and for minorities worldwide who aspire to study and practice law.

I congratulate Judge Jefferson for the life that he has led, for the young people whom he has been able to lead. Through his great service, the Texas Southern University Law School, the Thurgood Marshall School of Law, has established a trial advocacy program that will be in his name at the Thurgood Marshall School of Law, and it will be because of what he did for those he stood by and for those he managed to lead and to inspire.

Judge Jefferson was a good friend and advisor to Barbara Jordan. He ran many campaigns, but as he continues to live his life, he will be renowned and will continue to be known for fighting for equality, for civil rights, for standing tall, and for never stepping away from a tough fight.

So, as we acknowledge Congresswoman Barbara Jordan, I will say that he is the person who stood by her as she sought to expand the Voting Rights Act in her time in Congress.

Judge Jefferson: A leader, a role model, a civil rights fighter, along with his wife, Mary Jefferson, icons of our community, patriots, and great Americans.

I ask my colleagues to support the legislation H. Res. 31.

I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 31, recognizing the Honorable Andrew L. Jefferson, Jr. and congratulating him on his selection as the First Endowed Chair of the Thurgood Marshall School of Law Trial Advocacy Program at Texas Southern University in Houston, Texas.

Mr. Jefferson, a graduate of the University of Texas School of Law, served as an assistant criminal district attorney for Bexar County, a chief assistant United States attorney for the Western District of Texas, and a trial counsel and labor relations counsel for Humble Oil & Refining Company. He was later elected judge of the 208th District Court in Harris County before returning to private practice.

Mr. Jefferson received the Anti-Defamation League National Torch of Liberty Award, the League of United Latin American Citizens National Community Service Award, and the Community Service Award from La Raza.

I join my colleagues in congratulating Mr. Jefferson, and in recognizing his distinguished career and community service.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me close by indicating that Judge Jefferson is to be honored today for many reasons, but I hope one of the strongest reasons will be his ability to work with young lawyers and the excellent service that he gave as a member of the State bench.

For those reasons, along with his commitment to civil rights and voter rights, I ask my colleagues to enthusiastically support H. Res. 31, recognizing the Honorable Andrew L. Jefferson.

Madam Speaker, I rise today to honor a great Texan, a great civil rights advocate, and a great American. My resolution recognizes a great legal scholar, as well as a great institution of legal education located in the 18th Congressional District of Texas.

The scholar is Judge Andrew L. Jefferson, and the institution is the Thurgood Marshall School of Law at Texas Southern University. Both embody the spirit of the legal excellence and public service.

Andrew L. Jefferson, a native of Dallas, Texas, graduated from the University of Texas School of Law in 1959, after earning his Bachelor's degree from Texas Southern University.

He was president of Alpha Phi Alpha Fraternity, and rose to became a partner with Washington and Jefferson, Attorneys at Law, in Houston.

He has served as an assistant criminal district attorney for Bexar Country, a chief assistant United States Attorney for the Western District of Texas, and a trial counsel and labor relations counsel for Humble Oil and Refining Company.

Each time, he was a pioneer, he explored new ground, and certainly as an African American, getting his degrees in the late 1950s, going through the 1960s before the passage of the Civil Rights Acts of 1964 and 1965, and the Voting Rights Act, he truly braved new areas and stood for the dignity and respect of all in our community.

Judge Jefferson served in the Judge Advocate General Corps in the U.S. Army Reserve, where he was honorably discharged as a captain.

He has as his lovely bride another civic leader, Mary Jefferson, who I have the pleasure of serving with on a number of organizations. She advocates for quality education for our youth, and for more opportunities for young people to go to college by expanding financial access.

A long-time active committee member of the State Bar of Texas, Judge Jefferson is also a Fellow of the Texas Bar Foundation, a member of the American Bar Foundation, the Texas Trial Lawyers Association, and the Texas Constitutional Revision Commission.

This outstanding jurist, who is renowned for his expertise in legal practice, has been a highly sought-after speaker throughout his career, and has frequently shared his experience and knowledge with the Criminal Law Institute for the Houston Bar Association and the San Antonio Bar Association. Furthermore, Judge Jefferson has spoken at conventions for the National Bar Association and the Family Law Institute.

Aside from the respect that he has earned as a skilled jurist and advocate, Judge Jefferson's leadership and sound judgment has merited tenures as chairman of the board of the Houston Branch of the Federal Reserve Bank and of the Texas Southern University Foundation. Moreover, he is a life member of the Houston Area Urban League and the National Association for the Advancement of Colored People.

He has received numerous awards and honors, among them the Anti-Defamation League National Torch of Liberty Award, the Forward Times Community Service Award, the League of United Latin American Citizens National Community Service Award, and the Community Service Award from La Raza. In addition, he was a Presidential Nominee to sit on the United States Court of Appeals for the Fifth Circuit.

To honor Judge Jefferson on this occasion will be momentous for the City of Houston, for Texas Southern University, and for minorities worldwide who aspire to study and practice law. He is an inspiration for minority students to give them confidence in their potential to succeed.

I congratulate and thank the State of Texas for its contribution to the overall accrual of the resources that were required for the endowment.

The establishment of a Trial Advocacy program at the Thurgood Marshall School of Law will be both an actual and a symbolic landmark.

It was not in the Sixties, but only a few years ago, that I joined the students, legislators, and community leaders at Prairie View

A&M University on the birthday of Dr. Martin Luther King, Jr. to fight for fair and unobstructed voting rights for those students. It was the skilled advocacy of the Lawyer's Committee that produced a statement by the Secretary of State in favor of the students.

Furthermore, the well-settled jurisprudence of case law such as Symm v. United States and United States v. Texas, which made important pronouncements as to the adequacy of students' residency/domicile status to determine eligibility to vote, were the product of skilled trial advocacy.

Without the work of the skilled advocates who argued those cases, we would have an even longer journey to equality of the right to vote in this nation.

Judge Jefferson was also a good friend and advisor to Barbara Jordan. They were strong friends together, because they believed in the empowerment of all. They fought side by side for equality and civil rights. When Barbara Jordan sought to expand the Voter Rights Act of 1965 to Texas in 1968, Judge Jefferson was right by her side.

My mentor, Barbara Jordan, was surrounded by the best and brightest, and Judge Jefferson was no exception.

Therefore, the endowment that will be established in the name of the Honorable Andrew L. Jefferson, Jr. will provide a legacy and will produce legal scholars who will contribute to the achievement of equality in the United States of America.

I congratulate the Thurgood Marshall School of Law at Texas Southern University and I thank Judge Jefferson for his service.

I urge my colleagues to support this resolution.

Mr. CONYERS. Madam Speaker, I rise in support of H. Res. 31, which commends the Honorable Andrew L. Jefferson, Jr. This resolution honors the professional excellence aid community leadership of Judge Andrew Jefferson upon the establishment of an endowment for a trial advocacy chair in his honor at Texas Southern University's Thurgood Marshall School of Law in Houston, Texas.

I believe that it is important for Congress to recognize the contributions of our constituents to the overall development of our communities. I commend Representative SHEILA JACKSON-LEE, a distinguished Member of the Judiciary Committee from Texas, who introduced this legislation for highlighting the contributions of Judge Jefferson. It is vitally important that we all remember the many courageous leaders whose achievements make possible the work we do today.

Judge Jefferson is a noted legal scholar and institution of legal education in the Eighteenth Congressional District of Houston, Texas. His experience ranges from service in the Judge Advocate General corps in the United States Army Reserve to labor relations. He has been appointed and elected to the Texas state courts and nominated for a seat on the Fifth Circuit Court of Appeals. In addition to serving both the bar and bench, Judge Jefferson has participated in the life of the Houston community and has been honored by numerous organizations, ranging from the Anti-Defamation League to the League of United Latin American Citizens.

The endowment of a chair in his honor at the Thurgood Marshall School of Law is a fitting tribute for such a distinguished member of the bar and community. I salute his record of achievement and encourage all Members to support this resolution in his honor.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of H. Res. 31, which will congratulate the Honorable Andrew L. Jefferson, Jr. on his achievements and his selection as the First Endowed Chair of the Thurgood Marshall School of Law Trial Advocacy Program. Judge Jefferson is a friend of mine and a fine American who earned this recognition.

Judge Jefferson has dedicated almost 50 years of service to the legal profession, serving in both public and private practice. He served with honor as a judge of the Court of Domestic Relations in Harris County, and later as the 208th District Court Judge for Harris County. Throughout his career, he has received numerous commendations and awards, including the Anti-Defamation League National Torch of Liberty Award and the League of United Latin American Citizens National Community Service Award, to name a few.

Judge Jefferson has also been an integral member of the Houston community. He has devoted much effort to public service in our area and has been involved with community organizations and services throughout his life. He stands as a lifetime member of the Houston Area Urban League and the National Association for the Advancement of Colored People.

This endowment will be an invaluable resource to the Thurgood Marshall School of Law and the legal profession at large. Its creation ensures that Judge Jefferson's legacy continues.

I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. I have no other speakers, and I would be happy to yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 31.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5876, STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

Ms. SLAUGHTER (during consideration of H. Res. 31), from the Committee on Rules, submitted a privileged report (Rept. No. 110–717) on the resolution (H. Res. 1276) providing for consideration of the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5781, FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

Ms. SLAUGHTER (during consideration of H. Res. 31), from the Committee on Rules, submitted a privileged report (Rept. No. 110–718) on the resolution (H. Res. 1277) providing for consideration of the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. JONES of Ohio) at 6 o'clock and 32 minutes p.m.

HOUR OF MEETING ON TOMORROW

Mr. ARCURI. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2964, by the yeas and nays;
H.R. 3702, by the yeas and nays;
H. Res. 1275, de novo.

Votes on remaining suspensions will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CAPTIVE PRIMATE SAFETY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2964, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2964, as amended.

The vote was taken by electronic device, and there were—yeas 302, nays 96, not voting 35, as follows:

[Roll No. 414]

YEAS—302

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—96

Aderholt
Bachmann
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cantor
Carter
Coble
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Emerson
Everett
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hensarling
Herger
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Peterson (PA)
Pitts
Poe
Price (GA)
Putnam
Renzi
Roskam
Ryan (WI)
Sali
Scalise
Sessions
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Westmoreland
Wilson (SC)

NOT VOTING—35

Akin
Cannon
Conyers
Crenshaw
Engel
English (PA)
Fossella
Frelinghuysen
Gilchrest
Green, Gene
Hulshof
Hunter
Johnson (IL)
Kind
Loebsack
McHenry
Meeks (NY)
Napolitano
Pence
Pryce (OH)
Radanovich
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Saxton
Schmidt
Shadegg
Shimkus
Stark
Tanner
Taylor
Udall (CO)
Weldon (FL)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1858

Messrs. LAHOOD, MANZULLO, HALL of Texas, TIAHRT, LEWIS of California, and BOEHNER changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MONTANA CEMETERY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3702, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3702, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 0, not voting 37, as follows:

[Roll No. 415]

YEAS—396

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)

Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—37

Akin
Cannon
Conyers
Davis (KY)
Engel
English (PA)
Fossella
Frelinghuysen
Gilchrest
Green, Gene
Hulshof
Hunter
Johnson (IL)
Kind
King (IA)
Loebsack
McHenry
Meeks (NY)
Murtha
Napolitano
Pence
Pryce (OH)
Radanovich
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Saxton
Schmidt
Shadegg
Shimkus
Stark
Tanner
Taylor
Udall (CO)
Weldon (FL)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

☐ 1905

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE OF TIMOTHY JOHN RUSSERT, JR.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1275.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the resolution, H. Res. 1275.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CROWLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 38, as follows:

[Roll No. 416]

YEAS—395

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—38

Akin
Cannon
Conyers
Engel
English (PA)
Ferguson
Fortenberry
Fossella
Frelinghuysen
Gilchrest
Green, Gene
Hulshof
Hunter
Johnson (IL)
Kind
Kuhl (NY)
Loebsack
McHenry
Meeks (NY)
Murtha
Napolitano
Pence
Pryce (OH)
Radanovich
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Saxton
Schmidt
Shadegg
Shimkus
Stark
Tanner
Taylor
Udall (CO)
Weldon (FL)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

☐ 1913

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on June 17, 2008, I regret that I was not present to vote on H.R. 2964, H.R. 3702, and H.R. 1275 due to a personal business conflict.

Had I been present, I would have voted "yea" on all votes.

☐ 1915

AIR FORCE TANKER DECISION

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Madam Speaker, I rise today to discuss the Air Force tanker decision and its impact on our economy and jobs, especially during these hard economic times.

Recently, an independent report predicted that 14,000 jobs would be lost if the multibillion dollar Air Force tanker contract was awarded to a foreign company. And the report states, "These figures understate the potential losses to U.S. employment."

Madam Speaker, it's outrageous that the Air Force officials did not take into consideration the economic impact of this decision. By outsourcing the production of the tanker, we are denying hardworking Americans good, high-paying jobs, and turning a blind eye to our deteriorating economic situation.

Madam Speaker, this tanker deal further jeopardizes the economic security of our Nation. At a time when America is facing a record-high level of unemployment recession, creating jobs in Europe is not in the best interests of the American people.

Madam Speaker, this Congress must address the broader economic concerns raised by the tanker decision. We owe it to the American people to take advantage of the opportunity to create jobs right here in the United States and resuscitate our failing economy.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 2472

Mr. TOWNS. Madam Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 2472, a bill originally introduced by Representative WYNN of Maryland, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONGRESS MUST INCREASE DOMESTIC OIL SUPPLIES

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to share the absolute disgust that my constituents have with the inability of this majority to do anything about rising gas prices.

Today, I received this letter from a constituent in Wesley Chapel. His name is Benjamin, and he's more than ready to drill for oil and natural gas here in the United States and certainly off the coast of Florida. His message is, "It's Time to Drill Our Own Oil Now!" And that's very clear.

But in case you don't get the message, he was also kind enough to include a drill bit in his envelope so that we might start drilling right away.

Madam Speaker, if Benjamin gets the need for increased domestic production, why doesn't this Congress?

We need to promote efforts to drill in ANWR, drill in the non-protected areas of the Outer Continental Shelf, support new refineries, and promote nuclear power.

Instead, the Democrat majority wants to raise your gas tax by as much as 50 cents gallon, as the chairman of the Energy and Commerce Committee recently suggested.

Madam Speaker, we need to listen to Benjamin and to other constituents who don't want our taxes raised.

INTERIOR APPROPRIATIONS BILL

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, the Interior approps bill will be in the full committee tomorrow and is, on balance, a very good bill. Chairman DICKS has done a thorough job, with many hearings, and has been very fair in looking at the various elements of the bill.

But it is an energy bill as well, and with gas at $4.089 as a nationwide average, and with great opportunity in the Interior bill, we have done nothing to bring down the price of gas.

So, tomorrow, in the full committee, we have a series of amendments that will address the price of gasoline, and I urge all my colleagues to join in the effort to bring down the price of gas.

We can do this by increasing production in ANWR, in the Outer Continental Shelf. We can start to do the permitting process for oil shale. In every case, we will increase a reliable, environmentally safe supply of oil, and bring down the price of oil for working men and women here in America.

So, again, Madam Speaker, I encourage my colleagues to join with us and bring down the price of oil by increasing the supply.

WE NEED TO DRILL FOR OIL HERE IN AMERICA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Madam Speaker, you know, one of the things that I think everybody in business understands is if you raise the taxes on a business, they pass that tax along to the consumer in the form of a price increase, cars, no matter what the product is. And in this particular case, what we're talking about tonight is oil.

Senator OBAMA, who is running for President, says we ought to tax the windfall profits of the oil companies. Well, that may be a good idea as far as he is concerned, but when you tax the oil companies, they're going to pass that on to the consumer in the form of price increases. Gas prices are already high enough as it is.

What we should be doing instead of increasing taxes like that is to drill in the United States of America. As my colleagues have just said, we have a lot of oil in the ANWR, and the geologists have told us there is oil there, as much as 1 million or 2 million barrels of oil a day, which could drive the price of gasoline down. And yet, my colleagues on the other side of the aisle and Senator OBAMA continue to say, no, no, that's not the answer; raise taxes on the oil companies.

That isn't going to get us one drop of oil. We need to drill here in America.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STOP-LOSS POLICY IS A BREACH OF TRUST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, for over 5 years, the American people have seen the administration break one promise after another when it comes to Iraq. Now, another promise is being broken. This time, it has to do with the stop-loss policy, a policy that forces soldiers to stay in the military when their unit deploys to Iraq within 90 days of the end of the soldiers' enlistment period. Stop-loss means that troops must continue to serve even when their enlistment period has expired.

In January 2007, Secretary of Defense Gates ordered the military services to limit the number of stop-loss troops. For a while, in fact, the order seemed to be working. The number of troops affected by the policy dropped to about 8,500. However, now the number is back up to 11,000, and Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff, said just last week that the number of stop-loss troops would continue to rise over the next couple of years.

Stop-loss soldiers are forced to serve an average of over 6 months more than they signed up for. This creates enormous stress, Madam Speaker, and it also creates great strain on the soldiers and on their families. The multiple deployments that many of our troops face make the hardship even worse.

The stop-loss policy is actually a backdoor draft, but it is even worse than that. It is a breach of trust with the men and women who put their lives on the line for our country. They deserve a lot better treatment and a lot more respect than that.

The stop-loss policy is causing a great deal of suffering, but our troops and veterans are suffering in many other ways as well. It is easy for some of us to convince ourselves that everything is just hunky-dory with our troops now because Iraq has disappeared from our television screens. But while the conflict may have disappeared from television, it has not disappeared from the lives of our troops and from the lives of their families.

Over 300,000 veterans of Iraq and Afghanistan have major depression or post-traumatic stress disorder, according to the Rand Corporation. That is one in five who have served, and an additional 320,000 have sustained head injuries. The great majority of these injuries were sustained in Iraq.

Only half of those suffering from depression or post-traumatic stress have sought treatment actually because many fear that it will harm their military careers. And half of those who have received treatment have gotten only "minimally adequate" treatment. That, too, is according to Rand.

And there was also a very disturbing report in the press today that the Veterans Administration has tested drugs on veterans suffering from post-traumatic stress without telling them about the possible mental side effects. Congress must conduct a full investigation of that report.

Most tragically, suicides among members of the Army have been rising steadily during the occupation. In 2007, 150 soldiers committed suicide, Mr. Speaker, compared with 67 in 2004. About a quarter of the deaths occurred in Iraq. And an average of five U.S. soldiers attempted suicide every day in the year 2007. Before the occupation, the number was one per day.

However, not everyone is being hurt by the occupation. Some people are doing quite well, thank you, and they've got the money to prove it. Chairman WAXMAN of the Committee on Oversight and Government Reform has asked the Inspector General of the Department of Defense to investigate "potentially thousands of criminal cases involving fraudulent contracts in Iraq." Hundreds of millions of dollars could be involved.

☐ 1930

And the Special Inspector General for Iraq Reconstruction has already reported that millions of dollars in contracts have been wasted.

Mr. Speaker, we must hold the administration accountable for every dollar spent in Iraq. We must do everything we can to give our veterans the best possible care. We cannot allow war profiteering to go on while our injured veterans lack the care that they need.

SUNSET MEMORIAL

The SPEAKER pro tempore (Mr. DONNELLY). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, as so many times before, I stand once again before this body with yet another Sunset Memorial.

It is June 17, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. And that's just today, Mr. Speaker. That's more than the number that were killed on September 11 in this country, only it happens every day.

It has now been exactly 12,930 days since the tragedy called Roe v. Wade was first handed down. Since then, Mr. Speaker, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them cried and screamed as they died, but because it was amniotic fluid passing over the vocal chords instead of air, we couldn't hear them.

All of them had at least four things in common: First, they were each just little babies who had done nothing wrong in this world to anyone. And each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all of the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the host helpless of all victims yet to date, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we're really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth, that all human beings are created equal and endowed by their Creator with certain unalienable rights of life, liberty, and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth. It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are. And yet today another day has passed, and we in this body have failed yet again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

And it seems so sad to me, Mr. Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber. So as the smallest gesture, I would ask for those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,930 days spent killing nearly 50 million unborn children in America is enough. And that it is time that we stood up together again and remember that we are the same America that rejected human slavery and that marched into Europe to arrest the Nazi Holocaust. And we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered, and that we will all too soon, each one of us, walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of unborn children in this Nation. May that be the day that we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny little brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is June 17, 2008, 12,930 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEARS 2008 AND 2009 AND THE 5-YEAR PERIOD FY 2009 THROUGH FY 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2008 and 2009 and for the 5-year period of fiscal years 2009 through 2013. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 301 and 302 of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 70. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 70 for fiscal years 2008 and 2009 and fiscal years 2009 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2008 and 2009 with the "section 302(a)" allocation of discretionary budget authority and outlays to the Appropriations Committee. The Appropriations Committee shortly will be distributing this section 302(a) allocation among its subcommittees, creating 302(b) suballocations. At that time, a point of order under section 302(f) of the Budget Act will become applicable to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for fiscal years 2010 and 2011 for accounts identified for advance appropriations under section 302 of S. Con. Res. 70. This list is needed to enforce section 302 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that: (i) are not identified in the statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2009 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 70

[Reflecting Action Completed as of June 13, 2008—On-budget amounts, in millions of dollars]

	Fiscal Year 2008[1]	Fiscal Year 2009[1, 2]	Fiscal Years 2009–2013
Appropriate Level:			
Budget Authority	2,454,256	2,455,920	n.a.
Outlays	2,435,860	2,490,920	n.a.
Revenues	1,875,400	2,029,644	11,780,107
Current Level:			
Budget Authority	2,448,861	1,472,948	n.a.
Outlays	2,433,207	1,875,104	n.a.
Revenues	1,879,400	2,097,399	12,116,677
Current Level over (+) / under (-) Appropriate Level:			
Budget Authority	-5,395	-982,972	n.a.
Outlays	-2,653	-615,816	n.a.
Revenues	4,000	67,755	336,570

n.a. =Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

[1] Current aggregates do no include spending covered by section 301(b)(1) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, that will not be included in current level due to its emergency designation (section 301(b)(2)).

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2008 in excess of $5,395 million (if not already included in the current level estimate) would cause FY 2008 budget authority to exceed the appropriate level set by S. Con. Res. 70.

Enactment of measures providing new budget authority for FY 2009 in excess of $982,972 million (if not already included in the current level estimate) would cause FY 2009 budget authority to exceed the appropriate level set by S. Con. Res. 70.

OUTLAYS

Enactment of measures providing new outlays for FY 2008 in excess of $2,653 million (if not already included in the current level estimate) would cause FY 2008 outlays to exceed the appropriate level set by S. Con. Res. 70.

Enactment of measures providing new outlays for FY 2009 in excess of $615,816 million (if not already included in the current level estimate) would cause FY 2009 outlays to exceed the appropriate level set by S. Con. Res. 70.

REVENUES

Enactment of measures resulting in revenue reduction for FY 2008 in excess of $4,000 million (if not already included in the current level estimate) would cause FY2008 revenues to fall below the appropriate levels set by S. Con. Res. 70.

Enactment of measures resulting in revenue reduction for FY 2009 in excess of $67,755 million (if not already included in the current level estimate) would cause FY2009 revenues to fall below the appropriate levels set by S. Con. Res. 70.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2009 through 2013 in excess of $336,570 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 70.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JUNE 13, 2008

[Fiscal Years, in millions of dollars]

	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Armed Services:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Energy and Commerce:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Financial Services:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JUNE 13, 2008—Continued

[Fiscal Years, in millions of dollars]

	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Homeland Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Science and Technology:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Transportation and Infrastructure:						
Allocation	395	0	1,496	0	4,176	0
Current Level	0	0	0	0	0	0
Difference	−395	0	−1,496	0	−4,176	0
Veterans' Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Ways and Means:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEARS 2008 AND 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION [1]

[In millions of dollars]

	302 Allocations [2]		Current level reflecting action completed as of June 13, 2008		Current level minus allocations	
	BA	OT	BA	OT	BA	OT
2008	1,050,478	1,094,944	1,045,478	1,092,291	−5,000	−2,653
2009	1,011,718	1,106,112	25,719	486,341	985,999	619,771

[1] Comparisons are not provided by subcommittee because the Appropriations Committee has not yet approved 302(b) allocations pursuant to section 302 of the Congressional Budget Act and S. Con. Res. 70.

[2] Allocation for 2009 can be further adjusted if funding is provided pursuant to section 301 of S. Con. Res. 70.

2010 and 2011 advance appropriations under section 302 of S. Con. Res. 70

[Budget Authority in Millions of Dollars]

	2010
Appropriate Level	28,852
Enacted advances:	
Accounts Identified for Advances:	
Employment and Training Administration	---
Job Corps	---
Education for the Disadvantaged	---
School Improvement	---
Children and Family Services (Head Start)	---
Special Education	---
Career, Technical and Adult Education	---
Payment to Postal Service	---
Tenant-based Rental Assistance	---
Project-based Rental Assistance	---

	2011
Appropriate Level [1]	n.a.
Enacted advances:	
Accounts Identified for Advances:	
Corporation for Public Broadcasting	—

[1] S. Con. Res. 70 does not provide a dollar limit for 2011.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE
Washington, DC, June 17, 2008.

Hon. JOHN M. SPRATT Jr.,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through June 13, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Since my last letter, dated January 29, 2008, the Congress has cleared several acts that affect budget authority, outlays, and revenues. Please see footnote 1 of the accompanying report for a list of those acts. This is CBO's first current level report since the adoption of S. Con. Res. 70.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF JUNE 13, 2008

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,879,400
Permanents and other spending legislation	1,441,017	1,394,894	n.a.
Appropriation legislation	1,604,649	1,635,118	n.a.
Offsetting receipts	−596,805	−596,805	n.a.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF JUNE 13, 2008—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total, Previously enacted	2,448,861	2,433,207	1,879,400
Total Current Level[2]	2,448,861	2,433,207	1,879,400
Total Budget Resolution[3]	2,562,312	2,464,761	1,875,392
Adjustment to budget resolution pursuant to section 301(b)(1)[4]	−108,056	−28,901	n.a.
Adjusted Budget Resolution	2,454,256	2,435,860	1,875,392
Current Level Over Budget Resolution	n.a.	n.a.	4,008
Current Level Under Budget Resolution	5,395	2,653	n.a.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

[1] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110–232), Food, Conservation, and Energy Act of 1008 (P.L. 110–234), SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110-244), and Heroes Earnings Assistance and Relief Act (H.R. 6081).

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[3] Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,563,262	2,465,711	1,875,392
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(b))	−950	−950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(b))	0	0	0
Revised Budget Resolution	2,562,312	2,464,761	1,875,392

[4] Section 301(b)(1) of S. Con. Res. 70 assumed $108,056 million in budget authority and $28,901 million in outlays for overseas deployment and related activities. Because action to date has not triggered this provision, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 17, 2008.

Hon. JOHN M. SPRATT JR.,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through June 13, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

This is CBO's first current level report for fiscal year 2009.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director.)

Enclosure.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT AS OF JUNE 13, 2008

(in millions of dollars)

	Budget authority	Outlays	Revenues
Previously Enacted[1]			
Revenues	n.a.	n.a.	2,097,399
Permanents and other spending legislation	1,485,953	1,436,774	n.a.
Appropriation legislation	0	471,581	n.a.
Offsetting receipts	−587,749	−587,749	n.a.
Total, Previously enacted	898,204	1,320,606	2,097,399
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	574,744	554,498	0
Total Current Level[2]	1,472,948	1,875,104	2,097,399
Total Budget Resolution[3]	2,531,681	2,566,881	2,029,644
Adjustment to budget resolution pursuant to section 301(b)(1)[4]	−70,000	−74,809	n.a.
Adjustment to budget resolution pursuant to section 301(b)(2)[5]	−5,761	−1,152	n.a.
Adjusted Budget Resolution	2,455,920	2,490,920	2,029,644
Current Level Over Budget Resolution	n.a.	n.a.	67,755
Current Level Under Budget Resolution	982,972	615,816	n.a.
Memorandum:			
Revenues, 2009–2013:			
House Current Level	n.a.	n.a.	12,116,677
House Budget Resolution	n.a.	n.a.	11,780,107
Adjusted Budget Resolution	n.a.	n.a.	11,780,107
Current Level Over Budget Resolution	n.a.	n.a.	336,570
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

[1] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110–232), Genetic Information Nondiscrimination Act of 2008 (P.L. 110–233), Food, Conservation, and Energy Act of 1008 (P.L. 110–234), SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244), and Heroes Earnings Assistance and Relief Act (H.R. 6081).

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[3] Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,530,703	2,565,903	2,029,612
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(b))	950	950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(b))	28	28	32
Revised Budget Resolution	2,531,681	2,566,881	2,029,644

[4] Section 301(b)(1) of S. Con. Res. 70 assumed $70,000 million in budget authority and $74,809 million in outlays for overseas deployment and related activities. Because action to date has not triggered this provision, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

[5] Section 301(b)(2) of S. Con. Res. 70 assumed $5,761 million in budget authority and $1,152 million in outlays for the Corps of Engineers. Because action to date has not triggered this provision, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

BONNIE RICHARDSON, A CHAMPION IN EVERY SENSE OF THE WORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, Heywood Broun, a renowned sportswriter and life-long champion of the underdog, once said that "Sports do not build character, they reveal it." I've heard it before, but today I finally understand it thanks to Rochelle High School junior Bonnie Richardson.

On the weekend of May 9 and 10 this year, high school athletes from all across Texas gathered for the State track and field championship. At the meet, athletes compete for two honors, for success in each event as individuals and for the State championship as a team.

With Bonnie Richardson as a sole member of the Rochelle High School Lady Hornets to qualify for the meet, the Lady Hornets were the ultimate underdog to win a team trophy. Yet, after medaling in all five of her events—winning two golds, two silvers and a bronze—Bonnie found herself in an unlikely position, standing atop the podium to accept the girl's Class 1A team trophy. Her five individual medals earned her 42 points, more than any other school in her team's class. She also wrote herself into the Texas Track and Field history books as the only female ever to win a State team championship without the help of teammates.

While Bonnie's accomplishment defines the word "exceptional," the depth of her character is not revealed in her medals or trophies, but in her attitude. Even as her story has been transmitted around the world and back again, her comments reflect a young woman with poise beyond her years. In every article and in every quote, Bonnie has been very gracious to her competitors and modest in her unparalleled achievement.

In an era where athletes' behavior and attitudes can be more infamous than celebrated, Bonnie's self-effacing demeanor shows us how sportsmanship should be practiced. I am amazed by Bonnie's athletic prowess, but I am humbled by her easy and free manner in which she praises her opponents, remains grateful for her gifts, and uplifts those around her. Although such an attitude may seem routine to her, a lifetime has taught me that character like hers is not as common as we would all wish.

Bonnie's quiet confidence extends beyond her abilities in track and field. She is a well-rounded athlete who is an all-state basketball player and an accomplished tennis player. In addition, she is in the running to be named her class valedictorian. It is clear to me that her attitude is an asset in all she undertakes.

It is an honor to represent Bonnie and all the students like her across the 11th District of Texas. As she prepares for her senior year, and as her national notoriety begins to wane, I wish her luck in returning to her version of business as usual—excelling at everything—and success in the upcoming season and beyond.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Utah (Mr. MATHESON) is recognized for 60 minutes as the designee of the majority leader.

Mr. MATHESON. Mr. Speaker, I stand before you tonight to lead a discussion among the Blue Dog Coalition as we talk about issues of fiscal responsibility, pursuing a balanced budget, and doing the right thing for future generations.

I would like to open this discussion by recognizing one of my colleagues, one of the newest members of the Blue Dogs, Mr. CAZAYOUX from Louisiana, and I would yield to him as much time as he may consume.

Mr. CAZAYOUX. Mr. Speaker, I rise tonight to express my support for the PAYGO principles by which the Congress has committed to govern.

As a newly elected Member of Congress, PAYGO simply makes sense to me. Thomas Jefferson realized the importance of PAYGO principles nearly 200 years ago when he said, "It is incumbent upon every generation to pay its own debts as it goes."

In the 110th Congress, we have made PAYGO a priority, and I hope it continues to remain a priority. My Blue Dog colleagues and I are cosponsoring H.R. 2686 that will extend the PAYGO rules through fiscal year 2012. I urge all Members of Congress to support this important piece of legislation.

I believe that balancing a budget and paying down the debt can be done. We will have to make tough choices now to ensure that our future remains financially solvent for our children. Thank you for the opportunity to speak tonight, and thank you to all my Blue Dog colleagues for their work in furthering the PAYGO principle.

Mr. MATHESON. I thank my colleague for his comments, a new Member of this body, but someone who recognizes the importance of fiscal responsibility.

I think that it's important to expand on what PAYGO is. This is a term that gets thrown around a lot in Washington, but we really ought to review what it means. And at its basis, it's a pretty simple concept, and that is that if you have new spending, you've got to pay for it. You've got to pay for it by cutting spending elsewhere or raising revenues, but you've got to pay for it.

And, you know, this isn't a new concept even here in Washington. It turns out back in 1990, during the presidency of George H.W. Bush, Congress passed legislation to put a pay-as-you-go, or PAYGO, policy into effect. And at that time, Congress came together in a bipartisan way and then President Bush signed that into law.

And when it was passed, it put us on a path to where decisions had to be made where you had to live within a budget. Everybody in this town can come up with a new idea about how to spend money, both sides of the aisle, everyone can come up with those ideas. It's easy to say yes to that. It's a lot more difficult to say, you know what, we're going to live within a budget. But you know what, we ought to be doing that because that's what everyone in this country does, everyone who runs a business, everyone in their own household budget, everybody does that.

So let's look at what happened after passage of that law in 1990. There were a number of other things that happened during the decade of the 1990s. There was a strong economic growth period, the dot-com industry really took off, and a whole series of reasons, including restraint on spending in Washington, allowed us to move from annual deficits to annual surpluses. It was a remarkable period in our country's history to have that transition take place. And it was an exciting time for this country. And it was good for the government's books to be balanced and it was good for our economy, and it led to a stronger dollar. I mention that, and we'll come back to that later in this discussion, because today we all know we're suffering from a rather low dollar situation in the global economy.

So if that was such a good idea, if it worked so well, why is it that we aren't having both the House and the Senate live by that same law today? Well, it turns out that law expired at the end of 2001. And that was really unfortunate that it did because it provided that set of constraints, if you will, on Washington—on Congress, on the President, on everybody, on Democrats, on Republicans. It provided that constraint that asked people to live within a budget.

And after it expired, I think we all know what happened. You had over 6 years, 2001 through 2006, you had an explosion of spending. You had an explosion of debt. Annual deficits were so large. And over those 6 years, our national debt went from $6 trillion to $9 trillion. Now, you throw these numbers around, it almost gets to the point where it's hard to recognize what they really mean. But I think we all know a trillion dollars is a lot of money. And I think we all know that when you have $6 trillion created through the whole country's history through the first 42 Presidents, and then during the first 6 years of the 43rd President you add another $3 trillion, you're adding a lot of debt in a short amount of time. And PAYGO didn't exist. Spending took off at a huge rate, greatest increase in government spending since the 1960s, in fact.

☐ 1945

That is what happened during those first 6 years. And the Blue Dog Coalition during all that time said, wait a minute. Wait a minute. Let's not get into a deficit mode again. Let's not create more debt that creates a burden on future generations who have to pay the interest on that debt. Let's not ensure high taxes on future generations to pay the interest on the debt. Let's recognize that we have an obligation to future generations that they shouldn't have to pay for obligations that we have created on our watch.

But we could never get the PAYGO principles put back into place. We couldn't get a vote to put it into statute. We couldn't get it in a rule of the House of Representatives, either, until January of 2007. There was a change in control in the House of Representatives. And on the first day when we were all sworn in here to take the oath of office for the 110th Congress, we set the rules that we are going to work under during that 2-year session. And in that rule, pay-as-you-go was put in place for the House of Representatives.

And I am really proud of the Blue Dog Coalition for taking the lead on pushing that rule to be put in place. It is not easy to live under a budget. The PAYGO rule has been attacked. And yes, there have been a couple of circumstances where it has been waived. But I think that the Blue Dog Coalition deserves a lot of credit for taking a stand, forcing the tough decisions, and quite frankly, creating the dynamic where I think there has been a real restraint on this body in terms of what could have happened instead in terms of additional spending and adding to our national debt.

It is at the start of a real challenging period we face in this country, because we all know that as baby boomers retire and additional pressures occur on Social Security and Medicare that it is going to take a very thoughtful and aggressive effort by this body in a bipartisan way to navigate through that challenge and make sure that we maintain fiscal discipline and fiscal responsibility. And pay-as-you-go, the PAYGO principles, provide a tool. They provide a tool that would benefit all of us.

So this isn't really, again, about Democrats or Republicans. This isn't about trying to place blame on people or anything else. It is really just talking about the fact that if you look at the way we are set up in this country as a government, in the Federal side we are allowed to run deficits. You can have deficits if you don't bring in as much revenues as you spend. In a lot of States, they have constitutional amendments that require a balanced budget. That doesn't exist here in Washington.

As a result, as I said earlier, it is easy to spend money. And over the years both parties have shown an ability to spend money. There's no doubt about that. And so we need this external constraint, if you will, of pay-as-you-go. And I will go beyond that to say the Blue Dogs support a balanced budget, as well. That is one of the guiding principles of the Blue Dog Coalition, is a balanced budget amendment to the Constitution. It takes a long time to amend the Constitution. It takes many years to get enough States to ratify and whatnot. And that is an important goal. But pay-as-you-go we can do right away. We've had it as a rule in the House. We would like to see it as a law. We want a statute passed by the House and the Senate because it will serve us all so well.

I will close with one more comment. And I will recognize a couple of my colleagues from the Blue Dog Coalition to participate in this discussion. But I just want to come back, as I mentioned, to the issue of the low dollar we have today. When you're borrowing lots of money, and the United States has been borrowing a lot of money from foreign lenders, that devalues the dollar. It's a supply-and-demand issue. And we're having to borrow to pay for so much in this country. And we know that that low dollar has had some serious implications for us. Oil is priced on a dollar-per-barrel basis. The global market is one market for everybody. And as other currencies in the world go up, as the dollar goes down, that means the price per barrel in dollars is going up. That's just one example of where a low-dollar policy can have a serious impact on our economy and on the daily lives of all of us.

A strong dollar and a dollar that we can be proud of can be reinforced by public policy that encourages balanced budgets. A government that lives within its means has a stronger currency. And again, that shouldn't be about Democrats or Republicans, or the left or the right. That's about what's right for this country. And that's what the Blue Dogs are about. And that's why I'm proud to be a member of the Blue Dog Coalition, because the Blue Dogs like to look out for what's right for this country. And they take an independent approach. And they want to sit down, roll up their sleeves, tackle these issues and work with everybody on these issues.

So that's why we are here tonight, to talk about pay-as-you-go, to talk about the benefits of this country. I have been joined by some of my other Blue Dog colleagues. And I would like to now recognize my good friend and colleague from the State of Georgia, Representative DAVID SCOTT, for as much time as he might consume.

Mr. SCOTT of Georgia. Thank you very much. It is always a pleasure to come down and to be able to communicate with the American people with my distinguished members of our Blue Dog Coalition. What I would like to do as a part of this discussion tonight is to certainly communicate why we need to institute and maintain what we have instituted or reinstituted, and that is PAYGO, to pay our bills as we go.

Let me see if I can just set the stage to show the American people just how precarious a position we are in both from a national security standpoint as well as an economic security standpoint. As we stand right now, the national debt is a staggering $9.13 trillion. That is almost $10 trillion of national debt. And just to show you how serious this is, we are accumulating this debt at an astounding rate of $1.4 billion every single day. That amounts to nearly $10 billion every week that we are adding to our national debt.

And then we compound that. This debt is not free. We must pay interest on this debt. And the interest on this debt last year alone was an astounding $430 billion. So I can put that in perspective. Just the interest that we pay for borrowing this money is four times more than what we pay for education, for the health of our children, for our veterans and homeland security combined. Folks, that's mighty, mighty dangerous ground for this country to be on. That is one of the foremost reasons why we must change this direction, or else we are going off the cliff. And this is something that is of very, very much concern to Democrats, I think to some Republicans as well, and most assuredly, to our Blue Dog Coalition that is providing the leadership here so that we can be responsible.

Now let me just add another point. This money that we are borrowing is broken down into two groups. Of the $9.13 trillion in debt, about $5.1 trillion of that is what we call the public debt. The other $4 trillion is debt that we incur through our private means, through borrowing from Social Security and other government agencies. But let's just look at that public debt for a moment because the other reason that this is so much of a great concern is the threat to our national security. Because, ladies and gentlemen, 45 percent of our public debt is being borrowed from foreign governments, and not just any foreign government. We are borrowing this money from places like China. They have $500 billion of our debt. Japan has $601 billion of our debt. And then Saudi Arabia and the oil-producing OPEC nations have $153 billion in debt. And then if we go to places like Russia, $43 billion, and to Korea, $42 billion. And I think you are getting the picture, ladies and gentlemen. These are countries that we have got to deal with firmly. It is undermining our security to have our debt in the hands of these countries because he who controls your debt controls you and your future. And it begins to weaken our leverage in dealing on the international stage.

Let me just give you one example. About 3 or 4 weeks ago, our President Bush went over to Saudi Arabia, yes, to really try to do something about the high price of gasoline that my dear friends on the other side have just talked about a few moments ago. But here is the President going to Saudi Arabia begging hat in hand basically to ask the Saudis to increase their oil output. Keep in mind that it only costs the Saudis $2 a barrel to get that oil out of the ground. And now it's going for what, $120, $130 a barrel? But the Saudis said "no." In the back of their minds I am sure they were saying, we got your oil, and we got your debt.

That's why I'm saying that this debt situation is placing our Nation in a terribly precarious situation from an economic security standpoint as well as a national security standpoint. And we have got to change that.

And finally, I want to just add this one point, too, because this business of continually not only having this huge debt, which we've got to saddle on the backs of our grandchildren and other generations, is not fair to them. But not only that, but the monies that we are spending in Iraq and in Afghanistan are being borrowed from China and Japan.

Finally, on the foreign standpoint, it is very important to really dramatize the seriousness of this debt. Over the last 8 years, since 2001, we have borrowed under this President and this Congress, he couldn't have done it by himself, more money from foreign governments than we have borrowed in the previous 224 years of our existence. That's right, ladies and gentlemen. We have borrowed more money under the Bush administration and under this last 7 years of Congress than we have done in the previous 42 administrations of this country. That is numbing. It is mind-boggling. This is a terrible situation for us to be in. This is the reason why we have got no choice in this matter. We've got to pay our bills.

And it is a great testimony to the leadership of the Blue Dogs and certainly the leadership of the Democratic party in this Congress that we have indeed instituted pay-as-you-go so that we can have both economic security as well as national security. The American people deserve no less.

Mr. MATHESON. I want to thank my colleague from Georgia for those words. He is an excellent member of the Blue Dog Coalition.

And Mr. Speaker, I would like to yield back my portion to let Mr. BOYD control the rest of the 60 minutes if I could.

THE BLUE DOG COALITION

The SPEAKER pro tempore (Mr. DONNELLY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. BOYD) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. BOYD of Florida. Mr. Speaker, it is great to see you in that chair as a member of the Blue Dogs, a freshman member of the Blue Dogs. We are very proud of you. And also I want to thank my friend and colleague from Utah (Mr. MATHESON). Mr. MATHESON has been a solid leader of the Blue Dog Coalition since he arrived here 6 or 8 years ago. And he actually, in the previous Congress, served as one of the Chairs of the Blue Dog Coalition. And I am grateful to him for his leadership and also for filling in tonight. Thank you very much, Mr. MATHESON.

At this time, Mr. Speaker, I would like to yield as much time as he would consume to our friend, the gentleman from Kansas, DENNIS MOORE, who is the cochair of the Blue Dog Coalition. He is the cochair for policy. So I will yield at this time to Mr. MOORE.

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Mr. MOORE of Kansas. Thank you, Mr. BOYD. I appreciate the opportunity to speak here tonight about something that should be very important and that, I believe, is very important to every one of us whether we acknowledge and understand the importance or not.

After the change in the last election when we got the majority after 8 years—and this is my 10th year in Congress, and as Mr. BOYD said, I am the policy cochair for the Blue Dog Coalition—the Blue Dog Coalition leadership was invited, along with the leadership of a group called the New Democratic Coalition, over to the White House to meet with the President. Frankly, I think all of us appreciated the opportunity to go over and to meet with the President because we wanted to discuss items of interest to people in our Nation, not on a partisan basis but simply to find some common ground where we could work together. There were, I believe, nine of us all together—four from the Blue Dog Coalition and five from the New Democratic Coalition. We met in my office before going over.

We only had a 45-minute meeting, and I think all of us had a little concern that somebody, if we didn't have any ground rules, might spend more time and take virtually all of the time. So we agreed, if we had a chance to speak at all—and the President was running the meeting—that we would each take 2 minutes.

When it was my turn, I said, "Mr. President, I'm a year older than you are. I have seven-and-a-half grandchildren, and we have mortgaged their future." I said, "I'm not pointing at you and your administration. This goes back 25 years to Democratic and Republican Presidents." Although, because I was trying to find common ground, what I did not say was our debt in this country has gone up over $3.4 trillion in the last 7 years. Fully a third of our debt has been added in the last 7 years of this Presidency.

I tell folks back home all the time that 80 percent of what we do in Congress should not be about Democrats and Republicans. It ought to be about taking care of our people and our country, and I think people out there really believe that and want that to happen.

Put aside this partisanship, and let's work together. Working together for fiscal responsibility should not be a partisan matter at all. We should all be concerned about that because, as Mr. SCOTT, the previous speaker, pointed out, we have a large portion of our debt right now held by foreign nations that might have control over some of our actions in the future by virtue of the fact that they hold our debt. We should be very concerned about that, and we should try to do something positive about that.

Mr. Speaker, we have an opportunity, I think, at this time with the reinstitution of a rule called PAYGO that expired in 2002. Some of the previous speakers, I think, have told you "PAYGO" simply means "pay as you go." If you have a new spending proposal, a new program proposal or a new tax cut, section 1 is here is my proposal, and section 2 is here is how it's paid for so it's revenue neutral and doesn't increase our deficit and our debt. To me, that is a very simple, understandable rule that we all should follow. If we do that, we can stop this increase which is going to be detrimental to future generations in our country.

The Blue Dogs passed out a chart that's not manufactured or made by our group. I think it's U.S. Budget "something," and you can get it on the Web site. It shows a bar graph of expenditures in our country, different categories of expenditures. The big three bars on the bottom are, as most people would imagine, defense. We all want an adequate defense for our Nation; the Department of Health and Human Services, which basically is Medicare; and the third is interest on our national debt. Interest on our national debt is the third largest category of expenditure in our Federal budget at this time. That's money that could be used for education, for health care, for anything worthwhile besides paying interest on a debt.

Folks, we have got to get back to living like most American families do, within a budget. We have got to do this, not just for us. It's not about us. It's about our children and our grandchildren and about future generations in this country. I believe we owe them the very best, and we owe them to do that.

I encourage and I ask that our compatriots across the aisle, our Republican friends, join with us and support this concept of PAYGO because we need to do this for future generations in our country.

Mr. BOYD of Florida. I want to thank my friend and colleague, Mr. MOORE from Kansas, for coming tonight to speak to us on behalf of the fiscally responsible 49-member-strong Blue Dog Coalition. DENNIS MOORE has been a great leader on this issue in Congress ever since he got here 8 or 10 years ago, and I'm very pleased to work with him.

Mr. Speaker, this whole notion of how we run our government's fiscal matters is not rocket science. The people watching us out in the country tonight understand that they have to balance their budgets in their own households. They have to balance their budgets in their own small businesses. They can't spend more money than they take in. In local governments, if they didn't balance their budgets, if they continuously spent more money than they took in, the people would elect somebody else. It's only the United States Government that doesn't put in place a requirement that it lives within its means.

I think it's time that we fix this. The Blue Dogs will continue to press this issue. PAYGO is one of the tools that we can use to make this happen.

I'm delighted to be joined tonight by other Blue Dog members. There is no member who is more passionate about this issue and more principled on this issue than our friend and colleague from Indiana, Representative BARON HILL.

I would like to yield to Representative HILL now whatever time he may consume.

Mr. HILL. I thank my friend, Congressman BOYD from Florida, for being a leader of the Blue Dogs on this particular issue.

Mr. Speaker, I remember when I got elected back in 1998 that PAYGO rules were in place, and there was the strong possibility that if we kept those rules in place that we would actually produce surpluses for the first time in, I think, probably 40 years. Well, that dream did come true. PAYGO rules were in place in 1998 when I got elected, and they were in place in 1999 and in the year 2000. Those rules that were in place caused this place to come up with surpluses for the first time in 40 years.

I can remember at the time how elated I was because, as a Blue Dog who believes in pay-as-you-go rules, the predictions that we were all making in our campaigns were actually coming true. That was, if you have PAYGO, it is the one discipline that Congress can practice that will actually produce balanced budgets and surpluses, and that's exactly what happened in the year 2000. I can remember at the time that I was thinking, now, finally, we've got a handle on the deficit, that we're actually producing surpluses, surpluses to the tune from a lot of economists of $1 trillion over 10 years, that we could actually start doing the things that have to be done to correct some problems that we have with Social Security, with paying down the debt, with maybe reducing some taxes. That's the position the Blue Dogs took when those surpluses materialized. We advocated paying down the debt, fixing Social Security and cutting taxes.

Then we had an election, and Mr. Bush became President of the United States, and the Republicans grew their majorities. They had a different way of looking at things, and that's okay. That's what elections are all about. In that particular year, the Republicans won, and they wanted to change the policies.

One of the policies they changed was in dropping the principle of PAYGO. I can remember, at the time they dropped the principle of PAYGO, that people like ALLEN BOYD and BARON HILL and other Blue Dogs were warning that, if you dropped this discipline, there would be a good chance that these surpluses that we had then would disappear. Well, that's exactly what happened.

In the year 2000–2002, there was an approximately $6 trillion deficit, which was bad enough, but with the surpluses that we knew were going to be created we thought we were going to be able to fix that. Now that those policies were changed, we predicted that the deficit would grow. Sure enough, it has. It is now $9 trillion in debt. So it took us well over 200 years to go $6 trillion in debt, and because we dropped those PAYGO rules, in 8 short years, we've added another $3 trillion to the national deficit.

As Congressman MOORE said earlier this evening, we are paying huge amounts of interest on that deficit, and it is growing, and it is spiraling out of control. We have got to get a handle on it.

Now, there was an article in the U.S. News and World Report recently that talked about the Blue Dogs' advocating these PAYGO rules. Let me read you a bit of what it said. So this is just not the Blue Dogs who are pontificating here tonight and who are bragging on the policies that created surpluses in the year 2000.

"The Blue Dog Democrats are colorfully named, but they're dead serious about their mission of attacking the record $9.4 trillion national debt . . . The group's top dog, Representative Allen Boyd," who is leading this discussion tonight, "a 63-year-old cattle farmer from Florida's panhandle, thinks Americans have been lulled into believing that any new program or tax cut will fly, 'and if there's a gap, we just go overseas and borrow the money.' We go to the piggy bank in the People's Republic of China until it goes empty or until they cut it off."

What is this talk about China that we're talking about here tonight?

Well, because the American government can not pay its debts, it has to borrow money. One of the countries that we're borrowing money from is the People's Republic of China. I think most people, when they hear that, are appalled that we're actually borrowing money from China to pay for our debts that we have here in the United States.

Now, what does this mean in translation in terms of how this affects the real lives of most Americans? Here is what it does.

These PAYGO rules are tough for Congress. They're tough for Members like myself and Congressman BOYD because we've got to make the tough decisions about how we're going to pay for programs that we think the American people deserve, and we've got a tough vote coming up here in the very near future on the GI Bill.

We all believe as Blue Dogs that our veterans who are coming home from Iraq and Afghanistan deserve additional education benefits through the GI Bill, and the Blue Dogs want to vote for this bill, but we've got to pay for it because it's going to cost approximately $60 billion.

I would think that any veteran who is listening out there on C–SPAN all across this Nation, that most of the American people and that most people in this Congress would believe that we should not be borrowing money from the Chinese to pay for the GI Bill. I think most veterans would agree to that, but that's what I mean when I say it's tough to have these PAYGO rules. We have to make the tough decisions about how to balance the needs of the American people in terms of veterans' programs and also how to balance the needs of the American people because, I think, most veterans would not want us to borrow this money from the Chinese in order for their children and grandchildren to pay for that veterans' program.

So that is the reality of PAYGO rules. It disciplines Congress. Quite frankly, the Blue Dogs are the only ones in Congress right now who are insisting that these rules remain in place so that we can discipline the Members of Congress in doing the right thing.

I throw that out there about the veterans' programs. These are the tough decisions that we have to make. Congressman BOYD and myself and every Blue Dog in this Chamber want to make sure that we extend those benefits to our veterans who deserve them, but we're going to insist that it be paid for because, I think, our veterans would demand that, and I think the American people would demand that.

Mr. BOYD of Florida. Mr. Speaker, I know that the viewers can see the passion that exists within Congressman BARON HILL. He is a great Member of Congress. He is a good leader of the Blue Dogs. I am happy to serve with him and to call him my colleague.

He has explained what the PAYGO rule does. It makes us make the hard choices. If money just grew on trees, we could do any program we wanted, but somebody has to pay for these programs, and we either pay for them today or we borrow the money and send the bill to our children, along with an interest bill, down the road. We think that's immoral. We think it's wrong, inherently wrong.

I know Mr. HILL said that the Blue Dogs care passionately about PAYGO and about getting this thing back on track. We went to Speaker PELOSI after the 2006 election and said we would like to do this. We know that we can't get a statutory PAYGO, which is one that goes into law.

As you know, Mr. Speaker, in order for it to go into law, the House would have to pass it; the Senate would have to pass it, and the President would have to sign it. We were assured by some other bodies and the White House that that wouldn't happen.

So we asked the Speaker to at least put a rule in place in the House of Representatives that would make the House abide by PAYGO. We knew it wouldn't be as good as statutory PAYGO, but it would, in some ways, serve the same purpose. It would be a rule for which the House would have to take a two-thirds vote. Even though it would only apply to us in the House, the House would have to take a two-thirds vote to waive that. She agreed to do that, to her credit, and she is a great advocate of the PAYGO principle.

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I am grateful to her and the Blue Dogs are grateful to her for her position on PAYGO.

Now, we would like to see PAYGO become part of the law, like it was back in the 1990s. PAYGO, along with discretionary spending caps and other tools that were used, enabled us to dig out of a hole back in 1992, the largest deficit in the history of the Nation at that time, $290 billion.

Congress, working together with the White House, and in the 1990s, that was mid-1990s and late 1990s, that was a Republican-led Congress, and a democratically controlled White House, working together in a bipartisan way, put in place statutory PAYGO, discretionary spending caps and other budget enforcement tools. This enabled us to dig out of that big deficit hole, $290 billion in 1992 is what we were borrowing to operate this government, $290 billion.

For the efforts of the Congress and the White House in the 1990s, tools were put in place. We had an economic turnaround and, lo and behold, the next thing you knew all kinds of good things were happening.

In 1997, Congress put in place The Balanced Budget Act. I had just gotten here as a brand-new freshman, and I was very fortunate to be a part of the Blue Dogs in some ways, and in some minor way involved in helping President Clinton and the congressional leadership get the votes to pass that budget, The Balanced Budget Act.

That was an important act in 1997, and statutory PAYGO, the law of the land, paying your bills as you go, don't borrow money to do it. If you are going to have a program, you have either got to cut spending someplace or find a revenue source. That was a good tool, and it served this country well economically, the greatest economic expansion in the history of this Nation during the 1990s, the greatest economic expansion in the history of this Nation during the 1990s. The government was doing its part, acting responsibly in the discharging of its duties and acting fiscally responsible.

So, what happened, $290 billion deficit in 1992, we worked hard together, we cut spending, we put in place the PAYGO rules. Lo and behold, at the end of the 1990s and the year 2000, we had a budget surplus for the first time, as BARON HILL said, for the first time in 40 years, with we had a budget surplus.

The next year, I think it was 1999, we had our first one. The next year in 2000, we had another one, over $200 billion surplus. It was unheard of in recent American history.

Then what happened? We had an election. The economic forecasters were forecasting over a $5 trillion surplus, its projected surplus. Now, it's not real, it's projected if things worked like they were supposed to for the next 10 years.

We had an election, had a new President, and that President and the Congress decided that they wanted to go a different route, as BARON HILL says. Now, they came and met with the Blue Dogs.

I remember Vice President CHENEY and the OMB Director, who now is the governor of Indiana, came and met with us. We told them they needed to do three things with that surplus.

Cut taxes, who doesn't want to have lower taxes? We know what lower taxes do for our people. It gives them more to spend on their own families, and it helps economically. Cut taxes, number one.

Pay down debt, number two. Debt was continuing to climb, and we thought it was important to pay that down.

Thirdly, we could see the baby boomer retirement coming right over the horizon, and we knew Social Security and Medicare were in trouble. Let's take some of that projected surplus and use it to fix Social Security and Medicare.

Those were the recommendations that we as Blue Dogs made to the White House and their fiscal team, their budget team. What do they decide to do? They said, no, we can't pay down debt, and we don't have time to fix Social Security and Medicare. We have got to take all the money we can get our hands on and put it in tax cuts. The number back then was about $1.7 trillion. It was projected now, it wasn't real, it was projected. That was like in June of 2001.

September 11, 2001, everybody here listening knows what happened. All those projections, every assumption that went into that rejection went out the window on September 11, 2001.

After the Bush economic plan had been put into place, then what do we do as a government? We just charge right ahead with that economic plan. You have seen a continuation or a return to budget deficits that have set records in the last 3 or 4 years, highest budget deficits in the history of this Nation.

You have seen an increase, as BARON HILL said, from $5.6 trillion debt to the a debt that is expected this year to pass $10 trillion, $10 trillion, trillion with a "T." That's a lot of zeros on the end of it. I think it's about 12. I am not even sure.

So the economic policy is wrong, and the Blue Dogs are going to insist that we do it differently. If we have to take baby steps, if we have to do with a PAYGO rule, we are going to stand tough when it comes to the votes on that rule. We are hopeful that the other Members of Congress, House and Senate and the White House, will come to us on this position of fiscal responsibility.

Mr. HILL. Will the gentleman yield?

Mr. BOYD of Florida. I will be glad to yield to the gentleman from Indiana.

Mr. HILL. I was listening with great interest what the gentleman from Florida was talking about as he went again down history lane and about what happened in late 1999 and the year 2000, because I get asked quite often, you know, how are we going to balance our budgets? It's almost like when I go home that my constituents don't feel like it is it's realistic for us to be thinking about balancing the budget.

They don't think there is any practical way that we can balance our budget, but we can now use history as our guide that back in the late 1990s and 2000, these issues of PAYGO worked and produced surpluses, and it was Blue Dog proposals during those surplus years, that we should cut taxes, that we should pay down the debt, and that we should fix Social Security.

Now, we are not able to do that because we are running up these huge deficits again. It's important that we return to fiscal discipline by implementing these PAYGO rules.

Now, I don't know about you, Congressman BOYD. Well, I do know about you. We have had many, many discussions about this in the Blue Dogs. Blue Dogs meet every Tuesday at 5:00 to talk about this issue.

But I believe, as you pointed out today very eloquently at the Blue Dog meeting, that it is immoral for us to be passing on this debt. It is immoral that we are not fixing Social Security for our children and our grandchildren.

It's going to be probably okay for us, but it's going to be a real problem if we don't fix it for our children. It's also going to be a problem if we don't fix Medicare. It's probably going to be okay for us, but it's probably not going to be okay for our children and grandchildren unless we start to fix these problems.

One of the ways that we fix it that was thrown down and thrown away after the elections in the year 2000, one way we fix it is to return to the days of fiscal discipline so that we can create these surpluses again.

We create the surpluses, and then we can begin to fix Social Security and Medicare and other programs that the American people demand, want and deserve.

So the Blue Dogs are not only speaking for the principle of PAYGO rules and fiscal discipline just on the merits of fiscal discipline and PAYGO, this is about programs that we believe in and getting our fiscal House in order so that we can preserve Social Security, so that we can preserve Medicare and so that we can start paying down this debt so that we are not passing it on to our children and grandchildren.

Congressman BOYD was right at the Blue Dog meeting today, and he is right tonight to say that it is immoral if we don't start fixing these problems.

Mr. BOYD of Florida. I thank my friend for those insightful remarks.

May I ask the Speaker how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Florida has 14 minutes left.

Mr. BOYD of Florida. I thank my friend, Mr. HILL of Indiana.

You know, looking back at the 1990s and coming out of an era where we didn't have much fiscal discipline in the 1990s and then to a period where we put in place some tools, I want to cite some statistics to you. Of course, I already talked about one, in 1992 this country had a deficit of $290 billion, deficit, annual deficit. That was the largest at that time in the history of the Nation.

By the year 2000, we had turned that into a $236 billion surplus, which was also the largest surplus in U.S. history. Again, that's about a $526 billion swing in 8 years with good fiscal management.

Actually, President Clinton was the recipient of those PAYGO policies, but he was very involved, and he believed in it. He, working with the Congress, helped write those PAYGO policies. He was also committed to fiscal discipline, however unpopular that trend was back then, but it also, by doing that, fostered very rapid growth in net national savings and investment in this country.

In 1992, the net savings in the U.S. economy, the net savings, by all of its citizens, were only 3 percent. Eight years later, after fiscal discipline and moving from a deficit to a surplus, savings was at a 6 percent level, had doubled, from 3 percent in 1992 to 6 percent in 2000. Actually, you know what these savings are due, they are used to finance investment, domestic investment, and it makes the economy grow and everything works better.

Unemployment, obviously unemployment is an issue that we are all very concerned about today. We saw some figures come out last week, we are now at about 5.5 percent.

In the early 1990s, unemployment was at 7.5 percent. Those fiscal discipline tools were put in place and the government began to act responsibly from a fiscal perspective. By 2000, 8 years later that, the unemployment rate had dropped from 7.5 percent down to 4 percent. Now, you know, we are back up at that time 5.5 percent figure.

Let's talk about jobs. The average annual increase in jobs in America during the 8 years from 1992 to 2000 was during the Bill Clinton presidency at a time when Congress and the President were working together to solve this deficit problem. The average job creation number was 2.8 million a year, an additional 2.8 million jobs a year.

Does anybody, do you have any idea what it has been since the year 2000, since the new administration, since this administration came in? It's actually less than a half a million a year.

You figure all that out over a period of 8 years, it's 15 to 20 million jobs that we didn't create. Many of us think it's because of the deficit problems that exist, the irresponsible fiscal policy of this Nation.

I want to recognize my friend from Georgia again, but I want to close this point by reminding our viewers that PAYGO helped with this economic boom. Fiscal discipline and the conduct of the government's business is an important part of how this economy works. We can increase productivity, we can increase gross domestic product, and we increase employment.

I want to remind you that the economic expansion of 1991 to 2000 was the largest in U.S. history. We can do it again, but we have to start disciplining ourselves, and we have to get away from this notion that we can have every program we want, and we can have every tax cut we want, and we go somewhere else and borrow the money and not worry about paying for those programs.

I would like to yield to my friend from Georgia.

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Mr. SCOTT of Georgia. Thank you very much, Mr. BOYD.

I want to go back and complement what you are saying because you are hitting it from the domestic side in terms of our jobs. I want to complement that because I serve on the Foreign Affairs Committee, as you know. In addition to that, I serve on the Middle East Subcommittee and am vice chairman of the Subcommittee on International Trade, Nuclear Proliferation and Terrorism, and I am a sitting member of NATO's Parliamentary Assembly. I mention those committees that I serve on because it puts me in a pretty good position as we get around the world to really focus on this other side as to why we have to pay this debt down. We don't have all of the answers, but it is incumbent upon us to start this ball rolling. The very future of our country is at stake.

In this past winter's meeting when we were at NATO, word came out that a Chinese lawmaker, and incidentally, we are borrowing $500 billion from the Chinese, he stands up and he says I think we ought to now start buying euros instead of dollars, and the stock market plunged 300 points. That is what I am talking about in terms of our own national security, the threat that we have if we do not take care of this debt, particularly in the hands of foreign countries.

The other point is in Russia, for example, it is tied into our failure to deal with this debt, it is tied into our energy dependence. And $46 billion of our debt is in the hands of Russia whom we are having a difficult time with. Any reason why? And they are now Iran's number one buddy. And dig this, Mr. BOYD, this is the interesting point: 45 percent of all of the natural gas reserves are controlled by Russia and Iran. And they hold our debt.

When you combine that with the $153 billion that the OPEC countries hold, and the treatment that they gave our President when he went there and asked for them to increase their oil output and they said no. The comment was we control your oil and we control your debt.

The point I am getting at is this, that our failure to pay down this debt will have a devastating impact on the future of our country and our ability to have the leverage we need to survive on the world stage.

I just wanted to make that point from the foreign affairs perspective on why we have to put these PAYGO rules in and make them stick.

Mr. BOYD of Florida. I thank my friend from Georgia for bringing forth that point from the foreign affairs perspective. It is a good and valid point.

Mr. Speaker, we live in the greatest and richest Nation on the face of the

Earth. We have 5 percent of the world's population and control 25 percent of the world's wealth. If we are not careful and with poor fiscal management, we will shift a good portion of that wealth to other parts of the world.

A couple of statistics, and I don't know what the trade deficit is today, but we are running huge trade deficits as a result of the oil prices. That trade deficit is ever increasing as a result of the increasing cost of oil because a majority of our oil, more than half of our oil comes from foreign sources. So that is a very serious problem for us.

I talked earlier about the savings having been 3 percent in 1992 and we moved it to 6 percent, those are American citizens saving their bucks, saving for the future. You know, for the first time since I think maybe World War II, 2 years ago this country had a negative savings rate. That goes directly to the management of our fiscal policy and the performance of the economy. I think that it is sad that we as a nation have a negative savings rate. We need to turn that around and one of the things that we can do as a government is do our job well. Let's identify those functions that we are supposed to do as a government, national security, transportation, education, and environmental protection. We need good strong foreign policy, and there are some other areas. But we ought to be willing and make sure that we perform those functions well, and we ought to be willing to pay for them and we ought not be wasting money.

I agree with many on the other side of the aisle that we can root out some waste. There has to be tremendous cooperation between the legislative body and the executive branch to figure out how to do that because the executive branch obviously operates those agencies that we appropriate money for. So it is their job to operate them and operate them efficiently, and we have an oversight role and we ought to continue to do that.

Mr. Speaker, I want to thank my friend from Georgia for being here and I want to thank the other Blue Dogs who came in and helped today. I see another good Blue Dog in the Speaker's chair now, Representative SPACE from Ohio, one of our freshmen members, and we are very pleased to see you. You look good up there, Mr. Speaker.

OUR RICH HISTORY OF FAITH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Virginia (Mr. FORBES) is recognized for 60 minutes as the designee of the minority leader.

Mr. FORBES. Mr. Speaker, tonight is a rather historic night because as people might be watching this at home, or if they happen to still be in this great, historic Chamber, if you look around, this room is draped with history. Unfortunately, when people look at this great assembly hall in which so many great debates and great pieces of legislation have passed, what they have become accustomed to seeing is if you are on this side of the aisle whenever there is anything that goes wrongs, there are fingers pointed on that side of the aisle in trying to blame everyone sitting over here. Of course the folks on that side of the aisle are turning over here and pointing their fingers in this direction. If anything good takes place, the folks on this side of the aisle want to stand up and take credit for those things that are good, and folks on that side of the aisle want to do the same thing. And folks sitting at home begin to question and ask whether we can ever get anything done, whether we can ever come together as a body. Well tonight, that is what we do. Republicans and Democrats come together to talk about something that is the cornerstone of the American experience, and that is the rich history of faith that we have had in this country that has helped create our greatness, helped sustain us and that many of us who will speak here tonight for this next hour believe will continue to sustain us in years to come.

Mr. Speaker, right behind you tonight is a great phrase. It says "In God We Trust." As you stare out all around this magnificent room, you see some of the greatest lawgivers history and the world has ever known. But the ones you see across this room, you see just half of their face, their half profile except the one directly in front of you which is Moses who we recognize as perhaps one of the greatest lawgivers of all.

And throughout our country we have been steeped in an enormous history of faith that starts all of the way back with the commission that Christopher Columbus had when they talked about the grace of God; the first colonial grant to Sir Walter Raleigh in 1584, the grace of God was mentioned in there. The first charter of Virginia in 1606, it referenced knowledge and worship of God. The Mayflower Compact in 1620, it talked about having undertaken for the glory of God. The Declaration of Independence we all know and can cite that those inalienable rights were endowed to us by what the writers of that document said were their creator.

The first act of Congress, 1774, they asked a minister to open with prayer, and they read four chapters of the Bible. And during the Civil War we are told that soldiers on both sides, Union and Confederates, that religion was the greatest sustainer of morale.

Of course we know numerous stories of the great faith of men and women as they were in slavery and fought to get out of that horrible institution.

In 1815, over 2,000 official government calls to prayer had been made by States in the Federal Government, and thousands more have been made since then.

In 1864 Congress added "In God We Trust" to the American coinage.

In 1870, the Federal Government made Christmas an official holiday.

In 1931, the Star Spangled Banner was our national anthem, including the phrase "in God is our trust."

In 1954 we added the phrase "one Nation under God" to the Pledge of Allegiance.

And in 1956, Congress by law made "In God We Trust" our national motto. And, of course, we all know the significant role that faith and religion and the church played in the civil rights movement.

Tonight, Mr. Speaker, for the next hour you will hear some of the greatest leaders in our country and certainly in this body who will come forth not as Republicans and not as Democrats, but come forth as Americans to talk about what we think is the core value system that we have been proud of in this Nation, and that is the rich history of faith that we have.

Now, Mr. Speaker, it is my privilege to yield to my good friend, the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Speaker, I thank RANDY FORBES for his great work in helping us put this event together tonight.

Mr. Speaker, I rise in support of H. Res. 888 which affirms the rich spiritual and religious history of our Nation's founding and subsequent history and designates the first week of May each year as American Religious History Week for the appreciation of and education on America's history of religious faith.

As we join together on the floor of the U.S. House and stand beneath these words "In God We Trust," while recognizing the importance of a religious history week, let us remember the words of our Founding Fathers.

"We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

So begins our Constitution with those words of the Preamble.

But let us turn back the hands of time for a moment. The day is September 17, 1787. The time is 4 p.m. Thirty-nine men from across the United States look at another one with solemn but joyous faces. The arguments are over; the prayers have been answered; and the miracle has occurred: the Constitution of the United States has just been signed. From May 25 until now, for four long hot months, these men have toiled, not knowing whether their work was one of wisdom or folly. They have their hopes and their doubts. And they wondered whether it would succeed or fail to sustain this infant country.

The oldest delegate, Ben Franklin, rises from his chair. At age 81, he has seen this young Nation flounder already under 4 years of indecisive government that divided rather than united. He looks around the room at the men, many of whom were in their 20s and 30s. And he stares once more at the chair occupied by George Washington at the head of the assembly. He had speculated what the half-sun painted on the chair signified. And he said then, "I have often in the course of this session looked at that behind the President without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun."

Indeed, the miracle of Philadelphia had occurred. The United States was a rising and not a setting one, a Nation whose rays of influence, as we know, would one day be felt the world over.

But when we think about why this miracle occurred, when we look back 221 years later, do we know what happened in that hall before those 39 men came out and announced that they had, instead of rewriting the Articles of Confederation had written a new constitution for our country. They had deliberated, they had argued and debated. They had made sure that everyone's opinion was heard. Secondly, they showed their dedication in addition to their deliberation. That meant that they had put in sweat and long hours trying to find out what would benefit us all. But in addition to that deliberation and dedication, they also showed their devotion.

☐ 2045

They knew that their reliance must not be just upon themselves, but first and foremost, upon God.

And as Franklin himself, who was not known as one of the most religious founding fathers, but himself acknowledged God's providence upon that group that met to write our Constitution, said, himself, as he looked at Washington, before they went out and announced in what is today known as Independence Hall in Philadelphia, he said, "I have lived, sir, a long time, and the longer I live, the more convincing proof I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it likely that an empire shall rise without his aid?"

"We have been assured," said Franklin, "in the sacred writings that except the Lord build the house, they labor in vain that build it. I firmly believe this," said Franklin, "and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel."

What a challenge to us today. What a challenge that that old man, at that time, Franklin, made to all of those young men who were ready to go out and announce what they'd done politically for a new country. But he himself said "we can only secure these blessings of liberty for ourselves and posterity when we take time too first pray and rely upon the hand of Almighty God." And that those 39 men did. Before they walked out of what is today known as Independence Hall to announce that we had a constitution for this new country, they spent time in prayer.

You know, that story has been sanitized out of our history books today, but those are Franklin's quotes. And I think it's a challenge to all of us to know that even this man knew scripture and knew that the hand of Almighty God had to be upon our country for us to succeed.

We, the people is how the Constitution begins. Will we let the miracle endure? Will we remember what John Adams, our second president, said when our constitution was made? "Only for a moral and religious people, it is wholly inadequate to the government of any other."

Mr. Speaker, I challenge us tonight, as we share this time together, I thank Mr. FORBES for giving me this opportunity to share this occasion with him and all of my colleagues who will soon follow, that we support H. Res. 888 as American Religious History Week so that we, as a country, will never forget the very words and actions of our founding fathers, who we are as a Nation, how deep our religious roots run, and remind us of the historical significance that is well documented, of faith and prayer, that we celebrate America's religious heritage, that we remember that we have opportunities in this great land that God has blessed us with, and may we always honor those opportunities in our reliance upon divine providence.

Mr. FORBES. Mr. Speaker, we just appreciate the leadership of Congressman MCINTYRE on all of these issues of faith. MIKE, thank you so much.

And I'd like to now recognize another great leader on faith issues across the country from the State of Arkansas, Congressman JOHN BOOZMAN.

Mr. BOOZMAN. Mr. Speaker, I rise tonight to support American Religious History Week. This great country was founded on religious principles, and the ideal of our founders can be seen in the halls of this very building, the symbol of American democracy, the Capitol.

Statuary Hall, the former meeting place of the House of Representatives, now home to statues donated by individual States, was the site of church services for over 50 years, and the Speaker's podium was used as the preacher's pulpit during that time.

Several of the statues in that great hall are of religious figures important to the growth of this great nation.

John Peter Gabriel Muhlenberg of Pennsylvania was persuaded by his father to study the ministry. He was ordained in the Church of England. From there God called him into the life of politics; serving in the House of Burgesses and becoming a commander in the Continental Army during the revolution. Then he was elected to the first Congress and also served as a senator.

Like so many of the other religious figures in these halls, these men have made significant contributions. Men like Roger Williams, a priest in the Church of England, founded the colony of Rhode Island and wrote the declaration of the principle of religious liberty.

Thomas Starr King, a Unitarian minister, was a fiery orator who spoke favorably of the Union in California in the 1860s, and is credited with saving California from becoming a separate republic.

Father Damien's statue is one of the most recognizable. He was an ordained priest in the Cathedral of Our Lady of Peace in Honolulu, Hawaii in the mid 1860s. He risked his health ministering to lepers, building chapels and comforting the sick before leprosy took his own life.

The accomplishments of these religious men honored in Statuary Hall are felt coast to coast. Now, hundreds of years later, religion is still important, and I'm committed to continuing the efforts started by these great men.

Mr. FORBES. Mr. Speaker, I thank the congressman from Arkansas for his great leadership on this; and now recognize another leader from the State of New Mexico, Congressman STEVE PEARCE.

Mr. PEARCE. Thank you, Mr. Speaker, and thank you, Mr. FORBES for your leadership in this call to establish American Religious History Week.

Also, as a cosponsor of H. Res. 888, I'm strongly supportive of the idea that we should remember that we should always acknowledge the founding fathers' belief that this Nation was indeed blessed by our Maker, that we would, as a Nation, acknowledge our corporate belief.

It's important to remember not only our founding, but also to take a look at where we're headed as a Nation. We acknowledge that our Nation was founded on the right to choose to believe or not believe, but also our founding fathers gave us choices in exactly how to express our faith.

I believe that acknowledging America's rich spiritual and religious history is important and it is a great step towards accomplishing what would be the future of this country, America's religious heritage.

It troubles me that we are beginning to see shifts in this country. We're seeing shifts, not in ideology, not in philosophy, but over whether we can even declare our faith publicly. In this country we're beginning to hear people say that if you declare faith publicly, you're infringing on their rights. I simply do not agree or believe in that.

If you want to acknowledge your faith, there are people who say that it should be behind closed doors. This is sad. Often this mind-set is originating right here in Washington. This mindset is originating in this institution, but it's also originating even in institutions where the members are not elected, and I think those are critical things for us to look at as we consider where this Nation is headed.

This Nation has a motto "In God We Trust." It was approved by Congress, and yet it's being circumvented sometimes by unelected officials. "In God We Trust" is printed on coins, on our currency. It is engraved on our buildings. It appears over the entrance to the Senate Chambers, and you can see the phrase engraved in this Chamber on the wall above the Speaker's dais. This phrase is woven into the fabric of our Nation, but we're beginning to see an unraveling of the phrase, an unraveling of this tradition of declaring that we do trust in God. This is a string that should not be cut.

In 2006, the U.S. Mint announced plans to move the inscription "In God We Trust" from the face of the Presidential Dollar coin pieces to the thin edge around the dollar coin.

In February of 2006 the Treasury announced that in an accidental omission an unknown number of Presidential coins had made it past inspectors and were sent into circulation without the words "In God We Trust" at all. Some estimates are as many as 50,000 of these coins are in circulation.

I understand that mistakes happen, but sending 50,000 coins without the basic motto which this institution declared should be on our currency is a major mistake. I ask for the U.S. Mint to give a full report and accounting of the situation.

Our history tells us the importance of God and faith in the birth of our Nation. The problems with the phrase, "In God We Trust" being omitted from our coin is just one indicator of how badly we're drifting off course. It is fitting that we honor the spiritual history with a week dedicated to remembering our founding and ensuring that the lasting connection which so many Americans share in and believe in is a part of our national fabric.

I support H. Res. 888, and agree that we should, indeed, establish a week which declares American religious history. And I thank Mr. FORBES for yielding time.

Mr. FORBES. Mr. Speaker, we thank the gentleman from New Mexico. And now another great leader in the Congress of the United States from the State of Maryland, Mr. ROSCOE BARTLETT.

Mr. BARTLETT of Maryland. Thank you very much, Randy, for organizing this special order this evening.

Most of the founders of our country were deeply religious. You wouldn't know that by reading our textbooks. They have been bled dry of any meaningful reference to how religious our founders were.

One of those founders was Patrick Henry. And his words, some of his words may be in our textbook, "Give me liberty or give me death." But I will bet you the textbook will not include the context of this.

This was said on March 23, 1775, at St. John's Church in Richmond, Virginia; and this is what he said. "An appeal to arms and the God of hosts is all that is left us. But we shall not fight our battle alone. There is a just God that presides over the destinies of nations. The battle, sir, is not to the strong alone. Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it Almighty God. I know not what course others may take but, as for me, give me liberty, or give me death."

Alexis de Tocqueville, the young Frenchman, toured this country in 1831, and this is what he said. "I sought for the key to the greatness and genius of America in her great harbors, her fertile fields and boundless forests, in her rich mines and vast world commerce, in her universal public school system and institutions of learning. I sought for it in her democratic Congress and in her matchless constitution.

"But not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power. America is great because America is good. And if America ever ceases to be good, America will cease to be great."

In 1863 Abraham Lincoln declared a National Day of Humiliation, and I really love his words. He was not supposed to be a really religious man, but listen to what he said. "We have been the recipients of the choicest bounties of heaven. We have been preserved these many years in peace and prosperity where we have grown in numbers and wealth and power as no other Nation has ever grown.

"But we have forgotten God. We have forgotten the gracious Hand which preserved us in peace and multiplied and enriched us, and we have vainly imagined, in the deceitfulness of our hearts, that all these blesses were produced by some superior wisdom and virtue of our own.

"Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that the God that made us! It behooves us then to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness."

Abraham Lincoln understood that this was an experiment. In his Gettysburg address he said "Four score and seven years ago, our forefathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal."

We're now engaged in a great civil war testing where that Nation or any Nation so conceived and so dedicated can long endure. Mr. Lincoln, this has been a very successful experiment. But I think the words of Alexis de Tocqueville are true, that America will continue to be great so long as America continues to be good.

And Mr. FORBES, it will be very difficult for America to continue to be good if we forget how much we depend on God. Thank you for yielding to me, sir.

Mr. FORBES. Thank you, Mr. BARTLETT, for those great words.

And now another leader on so many of these issues from the State of North Carolina, Congressman ROBIN HAYES.

Mr. HAYES. Thank you Mr. Speaker, and I want to thank my dear friend and colleague, RANDY FORBES, and all the other Members who are gathered here tonight in support of House Resolution 888.

I rise today to speak in support of this resolution that honors the religious foundation of this country and designates the first week in May as American Religious Heritage Week.

☐ 2100

From the devout convictions of the Continental Army to the current steadfast faith of our men and women fighting the war on terrorism, faith and religion have played a significant role in America's history, especially in times of conflict.

Military chaplains have a long history in serving the religious needs of the Armed Forces. There's a list of chaplains in the U.S. military that goes back to George Washington, who first sought to minister for his Virginia regiment in 1756. Washington placed the success and survival of his Continental Army on the power of faith and prayer.

His most famous acclamation was his prayer at Valley Forge. He said, "Bless O Lord the whole race of mankind, and let the world be filled with the knowledge of Thee and Thy son Jesus. Of all dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

"To the distinguished character of a Patriot, it should be our highest glory to add the more distinguished character of a Christian."

Today, military chaplains are found in every part of the military from army medical centers, veterans' clinics, official ceremonies, as well as combat zones. Now more than ever our soldiers, veterans, and their families need spiritual leadership and guidance; yet in some places, chaplains and their religious convictions are coming under fire. In several instances across the country, military chaplains have been marginalized for their reference to God and the Bible in religious ceremony.

Tonight, as we honor the religious foundation of America and commend the role of military chaplains, I hope that we can continue in the steps of our Founding Fathers by upholding the importance of faith, prayer, and religion.

Mr. FORBES. Mr. Speaker, and now from Minnesota, another leader on many of these issues, Congresswoman MICHELE BACHMANN.

Mrs. BACHMANN. Mr. Speaker, I thank the gentleman from Virginia.

Our President John Quincy Adams said, "The virtue which had been infused into the Constitution of the United States . . . was no other than . . . those abstract principles which had been first proclaimed in the Declaration of Independence—namely, the self-evident truths of the natural and unalienable rights of man . . . This was the platform upon which the Constitution of the United States had been erected."

Abraham Lincoln similarly made reference to the importance of these foundational principles when he said, "I have never had a thought politically which did not spring from the sentiments embodied in the Declaration of Independence."

The Declaration contains 12 such sentiments which follow:

The Pillar number 1 is National Sovereignty.

The Declaration of Independence could just as well be called the "Declaration of National Sovereignty."

Pillar number 2: Natural law. Natural law is the universal moral code that governs all people.

Pillar number 3: Self-evident Truth. We hold these truths to be self-evident, evidence for all to see.

Pillar number 4: Equality. We hold these truths to be self-evident that all men are created equal.

Pillar number 5: Inalienable Rights. Inalienable rights are not granted by government. They are granted to us by God. The role of government, then, is to protect our God-given rights.

Pillar number 6: The Inalienable Right to Life.

Pillar number 7: The Inalienable Right to Liberty.

Pillar number 8: The Inalienable Right to Private Property.

Pillar number 9: The primary purpose of government is to protect the inalienable rights. That to secure these rights, governments are instituted among men.

Pillar number 10: Popular Sovereignty. To secure these rights, governments derived their just powers from the consent of the governed.

Pillar number 11: Federalism and State rights. The Declaration affirms not only the sovereignty of the Federal United States, but also the sovereignty of the separate states.

And finally, Pillar number 12: Divine Providence. The Declaration of Independence ends with this sentence:

And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

The Colonists stated their conviction that there is a God in the Heavens who ultimately governs in the affairs of men. There is no Natural law without a Law giver. The unalienable rights they said were God-given. Equality, they said, was the state in which we were created by God.

May God bless to this present generation the memory of the Declaration of Independence and the 12 principles contained therein.

Mr. Speaker, it is vital that we recognize the rich spiritual and religious history of our Nation's founding and subsequent history, and I rise today to express support for the designation of the first week in May as "American Religious History Week" to raise the appreciation of and to promote education on America's history of religious faith.

In doing so, we recommit ourselves to our nation's common religious faith, also called "the American Creed." We reconnect our people with our most basic principles—our fundamental statement of faith—as stated in our foundational Document, the Declaration of Independence.

This document is a Declaration that we are first and foremost a religious country. It clarifies that our breaking of the bond with Great Britain was justified by the spiritual principle of Natural Law—the universal and God-given understanding of morality and human rights that applies to all people and all nations throughout the world.

This American Creed stated in the Declaration clarifies that all people are entitled to be free, to have their lives protected and to own property. Why? Because our Creator—God made us that way.

Our forefathers understood that God made us to be largely like him. That is, they understood that just as God is free, he made us with a right to be free. Just as God lives, he made us with a right to live; and just as God owns everything, he made us with a right to own some things.

The founders understood that religion is the foundation of a just society. Here it is in their own words.

"All our basic rights and freedoms are recognized by the American Creed as belonging to us and inherent in us because of religious principles. If we fail to recognize our nation's religious foundation, these same rights and freedoms become increasingly vulnerable."

The Declaration ends by appealing to "Divine Providence". That is, our Declaration says that the success of this new republic depends on God looking favorably upon it and protecting it.

Today, we recommit ourselves and our country to these all-important religious foundational principles. Today, we recommit ourselves to being free.

Mr. FORBES. Mr. Speaker, now I would like to recognize another good friend from the State of South Carolina (GRESHAM BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, President John Adams once said, "The highest story of the American Revolution is this. It connected in one indissoluble bond the principles of civil government with the principles of Christianity."

So often we hear about the idea of separation of church and State. Mr. Speaker, I believe in the idea of separation of not from church, a distinction worth noting.

Our Founding Fathers never believed that faith should be taken out of our lives. However, they did believe that government should not interfere with an individual's faith. Unfortunately, in the society which we live in today, this distinction has been ignored. It has been forced out of everyday lives, and it saddens me, Mr. Speaker

The faith of the American people remains at the center of our great Nation. Our Founding Fathers were faithful men who believed every individual had the right to express their religious beliefs without fear of persecution or discrimination.

It was Thomas Jefferson, Mr. Speaker, who first uttered the term "separation of church and state," indeed believed that faith played a vital role in the government of our Nation. While President, Jefferson said, "No Nation has ever existed or been governed without religion. Nor can be."

During his public life, Jefferson urged local government officials to make land available specifically for Christian purposes, chose to attend church each Sunday at the Capitol, and even provided the service with paid government musicians to assist in the worship. Jefferson proposed that the Great Seal of the United States depict a story in the Bible and include the word "God" in its motto.

Enclosed are Presidential documents with the phrase, "In the year of our Lord Christ, by the President, Thomas Jefferson."

Mr. Speaker, I'm thankful to be able to address this House on this subject and for the opportunity to cosponsor this legislation designating an American Religious History Week. By their actions, our Founding Fathers showed us that faith and government can and should exist together. It's important for those here and now and future generations, Mr. Speaker, to remember the religious heritage of our Nation. I'm convinced that it's only by God's grace that our Nation has survived the many trials and tests we've experienced. And I will continue to turn to God to seek his guidance and make decisions affecting our country, and I believe by remaining faithful, our Nation will continue to thrive as a beacon of hope in the future.

I pray, Mr. Speaker, that God will continue to bless America.

Mr. FORBES. Thank you for those words of wisdom.

Mr. Speaker, I would like to recognize the gentleman from Michigan (THADDEUS MCCOTTER).

Mr. McCOTTER. Mr. Speaker, I thank the gentleman from Virginia and the gentleman from North Carolina for holding this.

Phillip Bobbitt, the author of the "Shield of Achilles," once wrote that if you don't know where you have been, you won't know where you're going, and any road will take you there.

Throughout the history of the 20th century, we have seen where people who deny the role of religion within their government—the hells to which they have descended, hells of which Dostoevsky warned a long time ago that all manners of things are possible in the absence of God.

It has been said tonight, and rightly so, that the United States, from its founding, has understood a self-evident truth that our liberty comes not from the pen of a government bureaucrat but is written on our hearts by almighty God. It is this self-evident truth that allows us to understand that it is our liberty which has curated the subservient government which exists to protect our God-given rights.

I think it is also important that we understand that history is not merely something that happened 200 years ago, 100. But let us look back to our own recent history of religion and its salubrious effects on the American people.

In the civil rights struggle, it was the Reverend Dr. Martin Luther King, Junior, who understood that America was a country founded upon the principle of equality for all because all human beings were endowed by the creator with the gift of liberty. It was the Reverend Dr. Martin Luther King, Junior, who appealed to the conscience of this country to allow us to live together and to one day achieve the dream of equality, regardless of race.

In pursuit of this noble goal, in pursuit of this Godly goal, Dr. King was slain. And in a eulogy performed for him in Indianapolis in the wake of this tragedy, it was Senator Robert F. Kennedy who said, And even in our sleep, pain which cannot forget, falls drop by drop upon the heart until then our own despair, against our will, comes wisdom through the awful grace of God.

In that moment of anguish for our Nation, which would be repeated shortly thereafter for Senator KENNEDY, we saw that religion and government in the United States were not exclusive but complimentary. And we saw that what binds us together as the greatest Nation on the face of the earth stems not from government but from the yearnings and the common bounds of our own heart.

This recognition, this understanding of where we've been, where we are, and where together we must go, is what will allow America to remain a community of destiny, inspired and guided by the virtuous genius of her free people and eternally blessed by the unfathomable grace of God.

Mr. FORBES. Thank you, Congressman MCCOTTER.

Mr. Speaker, now I would like to yield to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, when Jefferson was given the duty and obligation of drafting the Declaration of Independence, he could have turned to the Revolutionaries of lower Europe, the followers of Russo, which led to the Jacobites and the reign of terror who believe that man is the center of the universe and man is the ultimate judge of what is truth.

But instead, Jefferson turned to the writings of Blackstone and Locke. Ms. Blackstone, the great jurist of England, examined the laws of England and laid them side by side with the biblical statements to come up with something called the Doctrine of Natural Law. And Blackstone said, When the supreme being formed the universe and created matter out of nothing, he impressed certain principles upon that matter from which it could never depart, without which it would cease to be.

This will of a Maker is called the Law of Nature for as God, when he created matter and did it with a principle of mobility, established certain rules for the perpetual direction of that motion so when he created man and indued him with free will to conduct himself in all parts of life, he laid down certain immutable laws of human nature.

Considering the Creator only as a being of infinite power, he was able unquestionably to prescribe whatever laws he placed to his creature, man, whoever unfit or severe. But as he is also a being of infinite wisdom, he has laid down only such laws as were founded in those relations of justice.

These are the quotes of Blackstone. It was the thoughts of Blackstone, in fact many of the words that were incorporated directly into the Declaration of Independence, and that great document set forth not only our severance from Great Britain, but also a statement as to the source of laws in this country that God is the source of liberty, that man is given the power to form governments for the purpose of protecting those rights that God gives.

□ 2115

Jefferson took that knowledge, sat down, inscribed that into the Declaration, and that's what forms the basis of the law of America. It's the law of nature and of nature's God.

Mr. FORBES. I'd now like to recognize from the State of Colorado, Ms. MARILYN MUSGRAVE.

Ms. MUSGRAVE. Thank you, Mr. FORBES, for your leadership on this issue.

As we ponder the importance of our spiritual heritage tonight, we need to remember that it's really central to the founding of America. We are reminded of this when we cite the Pledge of Allegiance at public events and in our children's classrooms. We all know that our Nation's motto is, "In God We Trust," and that is printed on our currency, and it's really imprinted right here in the Capitol Building itself.

Christianity was not only important in American life during the periods of discovery, exploration, colonization, and growth, but it has also been incorporated and acknowledged in all three branches of our American government since its inception.

Our Founding Fathers firmly believed that America could not be built or governed without acknowledging that "God rules in the affairs of men."

John Quincy Adams once said, "The Declaration of Independence laid the cornerstone of human government upon the first precepts of Christianity." It is in this religious tradition that our Nation has grown over the course of 300 years.

Our foundation of prayer has been a rock when the tides of freedom and peace were changing. America has not been immune to the devastation of war, and in the midst of intense trials and hardship, our leaders have always turned to God and prayer.

During World War II, President Franklin D. Roosevelt not only led the Nation in a 6-minute prayer during D Day on June 6, 1944, but he also declared, "If we will not prepare to give all that we have and all that we are to preserve Christian civilization in our land, we shall go to destruction."

America's religious legacy must be preserved. If some in America continue to deny the importance of our spiritual heritage, our leaders and our citizens will no longer have this foundation to stand on as many have stood on for centuries.

I close with the words of former President Ronald Reagan: "The lesson is clear that in the winning if freedom and in the living of life, the first step is prayer."

Mr. FORBES. Thank you, MARILYN, for those words, and now I'd like to yield to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN of Virginia. I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise today to honor the significant contributions of Thomas Jefferson to the religious heritage of this great Nation.

Thomas Jefferson stated in the Virginia Statute for Religious Freedom in 1779 that "No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

Our Founding Fathers conquered tremendous obstacles to establish our esteemed United States Constitution and the Bill of Rights. The adoption of these documents as laws of the land brought forth the certainty that we would live in a Nation where our natural rights as citizens are defended with all our might.

Thomas Jefferson, the second President of the United States, and one of our Nation's Founding Fathers, understood the need for protecting our natural rights. All of these rights were important to him, but none meant more than the freedom of religion.

The Virginia Statute for Religious Freedom was written in 1779 by Thomas Jefferson and James Madison. The statute declares that compulsory religion is wrong, that no religion should be enforced on an individual, and that the freedom of religion is a natural right. As a Virginian, I am indebted to the Commonwealth and the General Assembly for the adoption in 1786 of the Virginia Statute for Religious Freedom. The statute's doctrine and principles have inspired individuals beyond the Commonwealth and across the Nation.

Thomas Jefferson requested that three of his greatest accomplishments be listed on his epitaph. Freedom of religion was so important to him that the Virginia Statute for Religious Freedom was listed along with the founding of the University of Virginia and the writing of the United States Declaration of Independence as his greatest lifetime achievements. The statute ultimately facilitated the path to complete religious freedom in the United States and was eventually included in the first amendment to our Constitution.

Jefferson believed and argued that the concept of enforced religion is entirely erroneous, and he fought to uphold any measure that would contradict his belief in religious freedom. Throughout the years since Jefferson, our Nation has undergone tremendous internal and external turmoil, and it has gone through some significant transition. Yet, the right of religious freedom has stood tried and true.

I am privileged to join my colleagues from Virginia, Representative FORBES, and 83 other cosponsors in signing my name on House Resolution 888, legislation which will continue to preserve and affirm our natural rights that were set forth by our Nation's Founding Fathers.

I am honored to live in such a Nation where I can openly profess my faith in my Lord and Savior, Jesus Christ, and to share with others Christ's word, as well as the impact His words have on my life.

Jefferson once stated, "From the dissensions among Sects themselves arise necessarily a right of choosing and necessity of deliberating to which we will conform. But if we choose for ourselves, we must allow others to choose also, and so reciprocally, this establishes religious liberty."

I am truly grateful to Thomas Jefferson, a Virginian, a true patriot, a Founding Father, and above all else, a leader whose vision has stood the test of time and a man who stood so resolutely for religious freedom in our Nation.

Mr. FORBES. Thank you, Rob, and now, Mr. Speaker, I'd like to recognize another great leader in the House of Representatives from the State of Texas, Congressman JOHN CARTER.

Mr. CARTER. I thank my good friend from Virginia (Mr. FORBES) for yielding to me.

I've been very, very impressed with the folks that have gathered here today to tell us about the religious history of the United States of America. It is so important that Americans and Members of this House remember the history of this country and how important the Christian religion has been to the history of the United States of America, and what an important part of the very basis of our society it is.

But I think it's important, too, for the people of this House and for the men and women back home to know that this religious history continues in the House of Representatives of the United States of America.

The first day I walked through the door of this beloved building, the Capitol of the United States, the first time my old Texas boots set foot inside this building, I was approached by a man who said, "I think you're Carter from Texas, right? You just got elected." I said, "Yes, sir." He said, "Well, my name's Ron from Kansas." He said, "I saw by your Web site that you proclaim yourself to be a Christian. I want to invite you to a gathering of men and women that get together and study the Bible and pray together for this country, and we're meeting tomorrow morning. Would you join us?"

Recognizing who Jim Ryun was, the famous miler from Kansas, I was flattered by the invitation, and I actually got there an hour early for the event and sat outside in the halls before the rest of them showed up. But I can tell you that that has been a major part of my life for the 6 years I've been in Congress because of the fellowship of those men and women who gathered that day in various numbers. Bipartisan is part of the deal, and we will sit and talk, visit, pray and discuss the Bible, and it revitalizes my life every day and every week.

And I have a friend back home who is in the radio business, and I call him from time to time. He always signs off with me by saying, "Be sure and do the Lord's work in the devil's city." It's a joke and we laugh about it, but the reality is that there are people who think of that, of this city as the devil's city, and I'm here to tell him that the Lord is alive and well. The Lord Jesus Christ reigns in the capital city of the United States of America.

They need to hear that that is part of the present history of the United States, and there are men and women who gather almost every day as people of faith and pray for this great Nation.

The little group that we're a part of, we formed up the National Prayer Caucus. That National Prayer Caucus is catching on around the country, and people are gathering and praying for the United States of America. I would hope that every Member of this Congress and every American citizen would take to their knees and pray for the future of our country and for the salvation of America.

That is what we need. That is what saves our Nation and that's what's here. The history is not only the history of the past, which is glorious; it is the history of the present, and the present is full of grace and peace and love of Jesus Christ in this building and around this town, and I want everybody to know it. It's part of our Nation today, just as it was at its founding and throughout its history.

So it's wonderful that I may stand and rise in support this week where we acknowledge the history, the religious history of our Nation.

Mr. FORBES. Thank you, John, and now, Mr. Speaker, I'd like to recognize someone who has led us in so many of these issues for so many years from the State of Michigan, Congressman VERN EHLERS.

Mr. EHLERS. I thank the gentleman from Virginia for yielding, and I especially thank him for organizing this discussion together.

My comments are going to be a bit different from some of the others because I'm going to talk about an event in my hometown this week which brought home to me how far we have strayed from our complete understanding of the Constitution of the United States.

Let me quote the first amendment, and this amendment is first because the 13 colonies decided this was the most important amendment. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press," et cetera.

The event I'm going to talk about that happened in my hometown received extensive coverage. A graduating student at a local public high school was asked to give a speech. This is a model student. He had done well, he was respected, and he was asked to talk about his life experiences. And in that talk, which he had to submit for approval ahead of time, he discussed his life experience, including his religious life. That was judged improper, and he was removed from that particular duty that day.

Now, I fail to understand how anyone reading the first amendment of the Constitution would think that the Supreme Court has ruled that a student discussing his life experiences could not mention his religious life. And yet that is how far we have come in this Nation in our misunderstanding of our origins and what it should be.

I come from a religious community. In fact, our community is sometimes called the "City of Churches," Grand Rapids, Michigan.

☐ 2130

Last week, we dedicated a Hindu temple; a few years ago, a Buddhist temple. And we also have a Muslim mosque, actually, fairly close to my home.

We meet the test of the first amendment. We do not prohibit the free exercise of religion and the founding of various religious establishments. But I have to say, with this particular high school, I would not be able to give a commencement speech there because I would not be able to give a commencement speech without speaking about my life experiences and what I thought the students were going to face, and what they would need to face their life experiences.

I find it fascinating in the Capitol, we start with prayer every day, we have a chaplain, we have a Prayer Breakfast once a week, we have Bible studies in the Capitol. No one raises a feather against this and says this is wrong, this is unconstitutional. And if it's permissible in the Capitol of the United States, why is it not permissible across the Nation? It should be. Everyone should be free to discuss their beliefs and their religion and their faith in God. That's what the first amendment is all about.

And let's not get hung up about Supreme Court decisions, ACLU lawsuits, et cetera. Let's recognize the clear language of the first amendment and let's let our citizens have the freedom that the founders of this Nation intended in the area of religious belief and the government's role therein.

Mr. FORBES. Thank you, VERNON.

Mr. Speaker, now I would like to recognize, from the State of Colorado, Mr. DOUG LAMBORN.

Mr. LAMBORN. Mr. Speaker, I rise today with my colleagues in recognition of American Religious History Week, and I thank Mr. FORBES for his leadership.

There are traces of America's religious history all across this Nation. And many things, even here in this very room, convince me that our Nation's founders were intent on preserving the religious beliefs and principles upon which our liberty depends.

Our Nation's motto, "In God we trust," is enshrined above the Speaker's chair right there. And across the Chamber is a facade of Moses, who gazes on the floor where we today write the law of the land. On the ceiling of this Chamber our State seals are found, one of which bears the motto, "Nil Sine Numine," which was adopted by my great State of Colorado. In English, these words mean "nothing without providence," a phrase that undoubtedly influenced the men and women who labored for the great Republic we have always known.

We are greatly indebted to the faith of our founders, which changed history. In fact, in 1818, our second President of the United States, John Adams, shared this reflection on the true American Revolution. He said, "The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people, a change in their religious sentiments of their duties and obligations. This radical change in the principles, opinions, sentiments and affections of the people was the real American Revolution."

Our Judeo-Christian heritage, unlike any other in the history of the world, is deeply rooted in the philosophy that all men were created in the image of God, endowed with natural rights given to them by God alone rather than by the State. This is the bedrock principle which we must never forget. If we forget this, like many societies before us, we run the dangerous risk of falling prey to tyranny.

Early Americans understood that if government was the source of freedom rather than God, then government can also take it way. We declare ourselves "one Nation under God" with Him as the source of our rights and our freedom, and that makes us unique among the nations. It is for these reasons we recognize our religious heritage because it is still relevant to our freedom today.

Mr. FORBES. Thank you, DOUG.

Now I'd like to recognize Mr. DAVID DAVIS from Tennessee.

Mr. DAVID DAVIS of Tennessee. Thank you, Mr. FORBES. I appreciate you giving me the opportunity to be with you.

I rise tonight in support of H.R. 888.

Psalm 33:12 says, "Blessed is the nation whose God is the Lord." It doesn't say, "Blessed is the nation whose God was the Lord," and there's a difference. Our Founding Fathers understood the difference. As has been stated before, you can see it all through these hallowed Chambers. Above the Speaker's dais you will see the words, "In God we trust." Unfortunately, on TV at times you don't see the words "In God We Trust," they cut just a little bit below that. You will see Moses in full array in the back of the Chamber.

This building, the Capitol of the United States, was actually used for church services in its early history. Out in the Rotunda, you will see many beautiful paintings. The first one you come to in the Rotunda you will actually see Pocahontas, that you will remember from Thanksgiving. Well, Pocahontas, in the painting, is actually depicted right after she changed her name to Rebecca when she became a Christian and was baptized. Our Founding Fathers understood our Christian Nation and our Christian heritage.

And President James Buchanan understood this completely when he issued a proclamation in 1860 entitled "Humiliation, Fasting and Prayer." And he's quoted, "In this, the hour of our calamity and peril, to whom shall we resort for relief but to the God of our Fathers? His omnipotent arm only can save us from the awful effects of our own crimes and follies, of our own ingratitude and guilt towards our Heavenly Father." It certainly sounds to me like President James Buchanan understood "Blessed is the nation whose God is the Lord."

We understand today that America isn't great because we have a large government. We're great because down through history, if we had a problem, we turned to God first and then we turned to our neighbors, not to a big government. And if we want to continue to be that great Nation, we need to look to II Chronicles 7:14, which says, "If my people, who are called by My name, shall humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and heal their land."

We need healing in our land.

Mr. FORBES. Thank you. Now I would like to recognize from Arizona, Mr. TRENT FRANKS.

Mr. FRANKS of Arizona. I thank Mr. FORBES, and I thank the Speaker.

Mr. Speaker, if, indeed, our Founding Fathers were right, that all men are created, then it follows that all men of reason much surely sense their duty to reverently acknowledge their Creator.

In the modern world of abundance in which we live, I am afraid that we have become arrogant and often educated beyond our own common sense to the extent that we have forgotten sometimes that self-evident truth. But Mr. Speaker, how fortunate we are that those who went before us did not forget that foundational truth and they held it in their hearts.

President George Washington, on the very same day that Congress finished drafting the first amendment, declared, "It is the duty of all nations to acknowledge the providence of Almighty God, to Obey His will, to be grateful for His benefits, and to humbly implore His protection and favor." William Penn, one of our great champions of liberty and founder of what would become Pennsylvania said, "Those people who will not be governed by God will be ruled by tyrants." And President Andrew Jackson said, "The Bible is the bedrock on which our Republic rests."

Mr. Speaker, today the secular left often seeks to destroy any vestige of this Nation's religious heritage in history. They seek not to prevent the establishment of religion, but rather, to relentlessly destroy the free exercise thereof. Indeed, they are determined to rewrite America's history, devoid of any mention or trace of the very ideal that gave birth to this Nation in the first place. If left unchecked, they will not stop until they have pulled down the very last Christian cross or Star of David out in Arlington National Cemetery. But, Mr. Speaker, they will not succeed. Because, you see, there is something in the heart of every human being that knows that beyond this world, beyond the stars, and beyond life itself is an Almighty God that holds each one of us in His hands. Our Founding Fathers knew that truth, Mr. Speaker. They knew that America herself was proof that indeed there is an angel that still rides in the whirlwind and directs this storm. I pray for the sake of America and all that made her great tonight that this generation does not forget this great, immutable, self-evident truth that for more than two centuries has been the bedrock foundation of the greatest Republic in the history of mankind.

Mr. FORBES. Mr. Speaker, thank you for our time. I know that our time is expired. We have a few other gentlemen that I hope will be recognized later by the House. But, Mr. Speaker, thank you for your patience.

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMERICAN RELIGIOUS HISTORY WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, just a little over 5 years ago, on June 5, 2003, I stepped on the floor of this House to take the oath of office to be only the fourth Member of Congress from the 19th Congressional District, the 236th Texan, to ever serve in the United States Congress.

But what I really want to talk about, Mr. Speaker, is the hour before I stepped on the floor of this House and took that oath. I met in the Speaker's office. And while we were standing around waiting for the floor to open, the House to open up its daily prayer and Pledge, one of the Speaker's staff members came over to my wife and I and said, "Congressman, would you like a few minutes alone, some quiet time before you're sworn in? We said, well, that would be great. I brought my own personal Bible with me. And so that lady led me around to a room that I don't know that a lot of people know that is in this Capitol, and that's our chapel, that's just around from the Speaker's lobby. And I didn't know exactly where she was taking us, but she opened the door, and to my wife's surprise, and myself, we saw that we were in a chapel in our Nation's Capitol. She closed that door behind us, and we walked over and knelt at the front of that chapel. And we just sat down as a couple and we began to pray because we realized what an awesome responsibility that the people in the 19th Congressional District of Texas had given us. And so we knelt there, and we began to pray. And we just said, Lord, we are about to embark on a journey that you have brought us here. We ask for Your guidance, we ask for Your direction, we ask for Your wisdom, and Father, all of those things that we're going to need to know in order to serve the American people.

And as we prayed there as a couple, it was a very special moment. And as I was sitting there and we were praying, I began to think about 232 years ago this July 4th, we thought about those men that got up and had this Declaration of Independence that started this great country called America. And I always recall the way they ended that declaration because they said, "We mutually pledge to each other our lives, our fortunes, and our sacred honor." You see, Mr. Speaker, they signed their death warrant for Dana and I to be able to sit there and kneel in the Nation's Capitol and exercise our right to pray to our Lord and Savior.

And I thought about the men and women over the 232 years that have served this Nation, that have given their lives and their service to protect the right for us to do that. I think about just a few hundred feet from where we are tonight, Mr. Speaker, I think about the church services that used to be held right in our Nation's Capitol and what a privilege and honor that must have been to come over to the Nation's Capitol and not only to see the center of freedom and democracy known around the world, but to worship your Lord and Savior.

And so, Father, tonight—Mr. Speaker, tonight—and really I guess that we're talking to our Heavenly Father tonight, and we're talking to you, too, Mr. Speaker—we've been talking about an important part of America, an important part of the foundation and the values of these men that started this great Nation, the foundation of the men and women that have kept this great freedom and democracy alive over these years and how important that is, and what a shame it is going to be if we don't protect that for future generations. Unfortunately, we've seen some Federal judges try to take away what these gentlemen pledged their lives to do. I hope we never let that happen.

And so just 2 weeks ago I reflected back on that very special day that right here in our Capitol there was an opportunity to get down on our knees and pray. But what's more important is that weekly this Congressional Prayer Caucus, these men and women from both sides of the aisle, believe in America and believe in the founding principles.

More importantly they understand that Who is the ultimate leader of this universe.

And so Mr. Speaker, I thank you for this time to talk tonight about a very important part of America, and that is the ability to praise our Lord and Savior.

☐ 2145

BENJAMIN FRANKLIN REQUESTS PRAYER IN THE CONSTITUTIONAL CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Speaker, I yield to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I want to thank my good colleague from Arkansas for assisting and allowing me to speak tonight.

Mr. Speaker, over the next 3 or 4 days, a partisan tone will be exhibited in these Chambers, harsh rhetoric will be exchanged on both sides, some of it intentional, some of it in the heat of the moment, some of it out of simple frustration with not being able to convince ourselves of issues that are going on, but nevertheless, partisanship that is communicated back to America and America's despair that we will ever get past this partisanship.

Is there some way for us to listen to you and you listen to me and let us thoughtfully consider our positions and then make those compromises that have to be made in order to deal with the issues that face this country?

It is not brand new. Two hundred twenty-one years ago, Benjamin Franklin observed the same partisanship, the same ugly tone going back and forth and came upon a solution that he communicated to President Washington in a letter. And I would like to read some of that letter into the RECORD tonight, because that solution I think would stand us in good stead as well.

Reading from Benjamin Franklin's letter to George Washington:

"In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how is it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understandings.

"And have we now forgotten that powerful Friend? Or do we imagine that we no longer need His assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, Sir, the sacred writings, that 'except the Lord build the House they labor in vain that build it.'

"I firmly believe this, and I also believe without His concurring aid we shall succeed in this partial building no better than the builders of Babel. We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and bye word down to future ages. And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing Governments by human wisdom and leave it to chance, war and conquest.

"I therefore beg leave to move that henceforth prayers imploring the assistance of Heaven and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the Clergy of this City be requested to officiate in that Service."

Mr. Speaker, we observe that tradition today. Every morning our House Chaplain and maybe one of our constituents from back home will come and pray and seek God's wisdom on our deliberations. As effective as that is, Mr. Speaker, I would argue that 435 members of this House observing that tradition of daily seeking out the plea that Solomon had in II Chronicles 1:10 in which he asked God for wisdom and knowledge that he might govern this great people, that 435 of us and 100 on the other end of this building, on our knees every day, seeking wisdom, guidance and knowledge as how we would reduce the partisanship, how we would try to strive valiantly to come to conclusions and compromise with each other that deal with the problems that face this country.

Our constituents are crying out for it. None of us go home that we don't come across somebody who has asked, why do you constantly argue with each other and fuss and fight? Get something done.

Benjamin Franklin knew a solution 221 years ago, Mr. Speaker. I would argue that that solution is more powerful today, and it is clearly more needed today by this body than even 210 years ago.

AMERICAN RELIGIOUS HISTORY WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ADERHOLT) is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, I do want to thank my colleagues for taking time to call attention to this topic that we have been discussing tonight. And certainly from the very beginning of our history in this Nation, religious expression and faith was the norm amongst conversations that our Founding Fathers had.

Mr. Speaker, the gentleman from Virginia (Mr. FORBES) along with several of my colleagues tonight pointed out that as we stand here tonight in this Chamber that as we look around the room and we see the reliefs under the ceiling of the Chamber, and we see the 23 different lawgivers that are depicted above the gallery doorways, the most prominent relief, of course, has been noted is that of Moses who handed down the Ten Commandments. And of course those Ten Commandments were handed down to the children of Israel from God Himself.

Furthermore, it has been noted here tonight that "In God We Trust" is above the Speaker's chair, as it is our national motto. And of course let's not forget that as we started the legislative day today, before we voted on the legislation just a couple of hours ago, a chaplain said a prayer that began the legislative day. And of course that has been the custom dating back to the days of our Founding Fathers.

The Founding Fathers no doubt believed that God had His Almighty hand in the founding and the building of this Nation. George Washington himself believed that America's independence from Britain ultimately depended on God and not man. I find it interesting that it is not unusual for the Founding Fathers when they dated documents at that time they would use the phrase "in the year of our Lord Jesus Christ 1776" of what the date may have been.

A few months ago, I was walking down the stairways just outside of the House Chamber, and one of the paintings that is above the stairways is the "Signing of the Constitution." And I have passed by that painting hundreds of times. Of course, most Americans are very familiar with that famous painting. But for some reason, one thing caught my eye that was not usually the case, and I noticed there was an open book there near where the presiding officer was over the signers of the Constitution. And I took a closer look and noticed that it was an open book. And at the top it said "Saint Matthew." And certainly I don't think it is any coincidence that that book was open on that particular day.

One may ask why our Founding Fathers were so concerned about this issue. And one reason I believe that they were so focused on this issue and thought it was so important is because they had this radical belief that we are all endowed by our Creator with certain inalienable rights. And this was indeed a radical concept in the time, because in England your rights were granted to you by the king. Therefore, if the king or the queen granted your rights, or if man granted your rights, then the king or the queen or the man could take those rights away. However, if God granted those rights, no person, be he king or queen, could take them away. They were a gift of God.

So when one asks the importance of religious history and faith in America, one can point to many reasons. And one reason that we can point back to is that in the United States of America, rights are granted by God and not by man.

THE WAR OF PRINCIPALITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JORDAN) is recognized for 5 minutes.

Mr. JORDAN of Ohio. I thank the Speaker for his patience this evening. I want to thank Congressman FORBES for putting the previous Special Order together on our religious history here in this country.

Mr. Speaker, make no mistake about it. There is a debate going on today in our culture over whose set of principles, whose set of values are going to prevail. There are those of us who understand the significance of faith, the importance of faith in public life, the importance of faith in America and our entire history and our entire experience, those of us who understand that faith has been central to making us the greatest Nation in human history versus those on the secular side who think we need a more secular culture. That is the debate.

And it is important that we weigh in on that debate. It is important that as we wage that debate and argue for the importance of faith in our culture and our public life that we recognize the religious history in the entire American experience that we have so enjoyed. I believe the American people get it. I believe the vast majority of families understand what the Founders understood, that faith is central to who we are as a people and to the great place we have as the greatest country in history.

It has been said many times already by previous speakers, but I think when you think about some of the things the Founders said, I love what Franklin said when they were in the midst of debate, and he was advocating for prayer before, so they could get through this impasse that they found themselves, he made the statement that if a sparrow can't fall without His knowledge, is it likely an empire can rise without His assistance? The Founders understood the importance of prayer. They understood the importance of faith.

And as many speakers have also referenced that document that I would argue next to Scripture, second only to Scripture, the greatest words ever put on paper, the Declaration of Independence, where the Founders wrote, "We hold these truths to be self-evident, all men are created equal, endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness," fabulous language, this almost romantic vision that the Founders had about what this country would offer to its people. They understood that we did, in fact, get our rights from the Almighty, and it is government's job not to grant us privileges, not to grant us rights, but to protect the rights we have by the very fact we were created in God's image.

And that fundamental principle is different from any other country in history. And again, it sets us apart. And so it is important that we recognize this history and recognize this debate that is going on and not be afraid to stand up and defend those principles that make us special.

I think it is appropriate that I end with one of my favorite Scriptures in II Timothy where Paul writes to Timothy. He says, "I fought the good fight, I finished the course, I have kept the faith." And that is our charge as Americans, to fight the fight, to finish the course and to keep the faith that the Founders understood was central to making us the greatest nation ever.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. HOYER) for today on account of personal business.

Mr. ENGEL (at the request of Mr. HOYER) for today on account of a codel flight delay.

Mr. GENE GREEN of Texas (at the request of Mr. HOYER) for today on account of a doctor's appointment.

Mr. KIND (at the request of Mr. HOYER) for today on account of flooding in the district.

Mrs. NAPOLITANO (at the request of Mr. HOYER) for today on account of family obligations.

Mr. STARK (at the request of Mr. HOYER) for today after 6 p.m. and for the balance of the week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 20, 23 and 24.

Mr. JONES of North Carolina, for 5 minutes, June 20, 23 and 24.

Mr. BISHOP of Utah, for 5 minutes, today and June 18.

Mr. MCCOTTER, for 5 minutes, June 19.

Mr. BURTON of Indiana, for 5 minutes, June 20.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. WELLER of Illinois, for 5 minutes, June 18.

Mr. FRANKS of Arizona, for 5 minutes, today, June 18, 19, and 20.

Mr. HASTINGS of Washington, for 5 minutes, June 18.

Mr. CONAWAY, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, June 18 and 19.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. NEUGEBAUER, for 5 minutes, today.

Mr. BOOZMAN, for 5 minutes, today.

Mr. ADERHOLT, for 5 minutes, today.

Mr. JORDAN of Ohio, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 84. Concurrent resolution honoring the memory of Robert Mondavi; to the Committee on Oversight and Government Reform.

ADJOURNMENT

Mr. FORBES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 18, 2008, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7144. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Consolidation of the Fruit Fly Regulations [Docket No. APHIS-2007-0084] (RIN: 0579-AC57) received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerances [EPA-HQ-OPP-2007-0535; FRL-8366-4] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7146. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1 ,3-Dichloropropene and metabolites; Pesticide Tolerance [EPA-HQ-OPP-2007-0637; FRL-8345-1] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7147. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — (Z)-7,8-epoxy-2-methyloctadecane (Disparlure); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0596; FRL-8367-7] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7148. A letter from the Secretary to the Farm Credit Administration Board, Farm Credit Administration, transmitting the Administration's "Major" final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Risk-Based Capital Requirements (RIN: 3052-AC36) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7149. A communication from the President of the United States, transmitting a request for FY 2009 budget amendments for the Departments of Agriculture, Commerce, Health and Human Services, Homeland Security, the Interior, Labor, and the Treasury; (H. Doc. No.110–123); to the Committee on Appropriations and ordered to be printed.

7150. A communication from the President of the United States, transmitting a request for FY 2009 budget amendments for the Department of Agriculture, Energy, Homeland Security, Housing and Urban Development, the Interior, Labor, Transportation, and the Treasury; as well as the Corps of Engineers, the National Aeronautics and Space Administration, and the Office of Personnel Management; (H. Doc. No. 110–124); to the Committee on Appropriations and ordered to be printed.

7151. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral (lower half) accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7152. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition at the Marine Corps Air Station Miramar located in San Diego, California, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

7153. A letter from the Secretary, Department of Defense, transmitting the Department's certification regarding the retirement of one U-2 test configured aircraft located at Palmdale, California, in accordance with Section 133 of the National Defense Authorization Act of FY 2007, as modified by Section 132 of the National Defense Authorization Act of FY 2008; to the Committee on Armed Services.

7154. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition at the Fleet Numerical Meteorology Oceanography Center located in Monterey, CA, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

7155. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on the Federally Funded Research and Development Center's Estimated FY 2009 Staff-years of Technical Effort (STEs) and Estimated Funding, pursuant to Public Law 110-116, section 8025(e); to the Committee on Armed Services.

7156. A letter from the Deputy Under Secretary for Logistics and Material Readiness, Department of Defense, transmitting the annual report on operations of the National Defense Stockpile (NDS), detailing NDS operations during FY 2007 and providing information with regard to the acquisition, upgrade, and disposition of NDS materials, as well as the financial status of the NDS Transaction Fund for FY 2007, pursuant to 50 U.S.C. 98h-2(a); to the Committee on Armed Services.

7157. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Zero-Emission Vehicle Component of the Low Emission Vehicle Program [Docket No. EPA-R02-OAR-2006-0920, FRL-8522-3] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7158. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Regulation No. 7, Section XII, Volatile Organic Compounds from Oil and Gas Operations [EPA-R08-OAR-2007-1002; FRL-8521-5] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7159. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Budget Trading Program [EPA-R05-OAR-2006-0976; FRL-8526-8] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7160. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Conformity of General Federal Actions. [EPA-R01-OAR-2007-0633; A-1-FRL-8517-6] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7161. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of Kewaunee County to Attainment for Ozone [EPA-R05-OAR-2007-0957; FRL-8568-2] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7162. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of the Stratospheric Ozone: Alternatives for the Motor Vehicle Air Conditioning Sector under the Significant New Alternatives Policy (SNAP) Program [EPA-HQ-OAR-2004-0488; FRL-8578-1] (RIN: 2060-AM54) received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7163. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratrospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2008 [EPA-HQ-OAR-2007-0297; FRL-8577-9] (RIN: 2060-AO44) received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7164. A letter from the Associate Bureau Chief, PSHSB, Federal Communications Commission, transmitting the Commission's "Major" final rule — In the Matter of Improving Public Safety Communications in the 800 MHz Band New 800 MHz Band Plan for U.S. — Canada Border Regions [WT Docket 02-55] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7165. A letter from the Legal Advisor, Chief, Wireless Telecomm. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies [WT Docket No. 99-87 RM-9332] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7166. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Riverside, California) [MM Docket No. 08-30 RM-11419] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7167. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's "Major" final rule — Revision of Fee Schedules; Fee Recovery for FY 2008 [NRC-2008-0080] (RIN: 3150-AI28) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7168. A communication from the President of the United States, transmitting a supplemental consolidated report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on U.S. military activities in support of the war on terror and in Kosovo, pursuant to Public Law 93-148; (H. Doc. No. 110-122); to the Committee on Foreign Affairs and ordered to be printed.

7169. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-403, "Omnibus Domestic Partnership Equality Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7170. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Review of the District's Cash Advance Fund," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7171. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7172. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7173. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7174. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7175. A letter from the Acting Administrator, General Services Administration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7176. A letter from the Chairman, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

7177. A letter from the Chairman, Postal Regulatory Commission, transmitting the Commission's Semiannual Report for the period of October 1, 2007 through March 31, 2008, pursuant to the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

7178. A letter from the Deputy Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7179. A letter from the Chair, Board of Trustees, Morris K. Udall Foundation, transmitting the Foundation's 2007 Annual Report; to the Committee on Oversight and Government Reform.

7180. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's FY 2007 Report to the Congress U.S. Government Receivables and Debt Collection Activities of Federal Agencies, pursuant to 31 U.S.C. 3716(c)(3)(B); to the Committee on the Judiciary.

7181. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Florida Advisory

Committee; to the Committee on the Judiciary.

7182. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Kentucky Advisory Committee; to the Committee on the Judiciary.

7183. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Wyoming Advisory Committee; to the Committee on the Judiciary.

7184. A communication from the President of the United States, transmitting notification of the designations of Shara L. Aranoff as Chairman and Daniel Pearson as Vice Chairman of the United States International Trade Commission, effective June 17, 2008, pursuant to 19 U.S.C. 1330(c)(1); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. Supplemental report on H.R. 5781. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes. (Rept. 110–624 Pt. 2).

Mr. RAHALL: Committee on Natural Resources. H.R. 2964. A bill to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes, with an amendment (Rept. 110–712). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3702. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery (Rept. 110–713). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5710. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes (Rept. 110–714). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5511. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes (Rept. 110–715). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. House Resolution 1150. Resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, with amendments (Rept. 110–716). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1276. Resolution providing for consideration of the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes (Rept. 110–717). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1277. Resolution providing for consideration of the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes. (Rept. 110–718). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHADEGG:

H.R. 6274. A bill to provide an equivalent to habeas corpus protection for persons held under military authority under that part of Cuba leased to the United States; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. POMEROY, Mrs. JONES of Ohio, Mr. BLUMENAUER, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. LEVIN, and Mr. LARSON of Connecticut):

H.R. 6275. A bill to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes; to the Committee on Ways and Means.

By Mr. CAZAYOUX (for himself, Mr. CHILDERS, Ms. WATERS, Mr. THOMPSON of Mississippi, Mr. FRANK of Massachusetts, Mr. CUELLAR, and Mrs. CAPITO):

H.R. 6276. A bill to repeal section 9(k) of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. BUYER:

H.R. 6277. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide a dental insurance plan for certain veterans and their survivors and dependents; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself, Mr. COHEN, Mr. REICHERT, Mr. WHITFIELD of Kentucky, Mr. GONZALEZ, Mr. RAHALL, Mr. KUCINICH, Mr. SERRANO, Mr. FOSTER, Mr. SHAYS, Mr. JONES of North Carolina, and Mr. MOORE of Kansas):

H.R. 6278. A bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another; to the Committee on Transportation and Infrastructure.

By Mr. CHABOT:

H.R. 6279. A bill to reduce speculation in crude oil markets, and for other purposes; to the Committee on Agriculture.

By Mr. FORTENBERRY:

H.R. 6280. A bill to provide for the offering of Health Benefit Plans to individuals, to increase funding for State high risk health insurance pools, and to promote best practice protocols for State high risk pools; to the Committee on Energy and Commerce.

By Mr. GALLEGLY:

H.R. 6281. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Education and Labor.

By Ms. GRANGER (for herself, Mr. MCGOVERN, Mr. SMITH of New Jersey, Mr. DOYLE, Mr. BURTON of Indiana, and Mr. HINOJOSA):

H.R. 6282. A bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 6283. A bill to increase the standard mileage rate for use of an automobile for business, medical, and moving deduction purposes for 2008 and permanently increase such rate for charitable deduction purposes under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself and Mr. MELANCON):

H.R. 6284. A bill to amend the Commodity Exchange Act to prevent price manipulation and excessive speculation and to increase transparency with respect to energy trading on foreign exchanges conducted within the United States; to the Committee on Agriculture.

By Ms. MATSUI:

H.R. 6285. A bill to amend the National Flood Insurance Act of 1968 to provide for adequate progress on the construction of a flood protection system to include the appropriation of at least 60 percent of the system cost from Federal, State, or local funds; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California:

H.R. 6286. A bill to designate the facility of the United States Postal Service located at 1025 Nevin Avenue in Richmond, California, as the "Harold D. McCraw, Sr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. SOUDER (for himself and Mr. ELLSWORTH):

H.R. 6287. A bill to amend title 38, United States Code, to change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCHUGH (for himself, Mr. KUHL of New York, Mr. KING of New York, and Mr. WALSH of New York):

H.R. 6288. A bill to amend the Internal Revenue Code of 1986 to provide for tax-favored retirement health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HIGGINS (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BACA, Ms. BEAN, Mr. BERMAN, Mr. BISHOP of

New York, Ms. BORDALLO, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CARNEY, Mr. COHEN, Mr. COSTA, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Ms. DELAURO, Mr. DICKS, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HODES, Mr. HOLDEN, Mr. HOLT, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK, Mr. KING of New York, Mr. KUCINICH, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MELANCON, Mr. MICHAUD, Ms. MCCOLLUM of Minnesota, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mr. OBERSTAR, Mr. OBEY, Mr. ORTIZ, Mr. PASCRELL, Mr. PAYNE, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESTAK, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WATSON, Mr. WAXMAN, Mr. WILSON of Ohio, and Mr. WU):

H. Res. 1275. A resolution honoring the life of Timothy John Russert, Jr., public servant, political analyst, and author; to the Committee on Oversight and Government Reform. considered and agreed to.

By Mr. PETRI (for himself, Mr. WHITFIELD of Kentucky, Mr. LOBIONDO, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 1278. A resolution expressing the sense of the House of Representatives that the United States Government should lead an international diplomatic initiative to limit inefficient speculation on international energy exchanges through the adoption of international standards for energy futures trading margin requirements as an appropriate means of ensuring access to reliable and affordable supplies of crude oil; to the Committee on Foreign Affairs.

By Mr. TERRY:

H. Res. 1279. A resolution recognizing the Special Olympics' 40th anniversary; to the Committee on Foreign Affairs.

By Mr. TIBERI (for himself, Mr. REGULA, Mr. BOEHNER, Mr. HOBSON, Ms. PRYCE of Ohio, Mr. LATOURETTE, Mr. CHABOT, Mr. KUCINICH, Mr. TURNER, Mrs. SCHMIDT, Mr. JORDAN, Mr. WILSON of Ohio, Mr. LATTA, and Mr. RYAN of Ohio):

H. Res. 1280. A resolution honoring and recognizing the life, achievements, and contributions of John Henderson McConnell; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. BRADY of Pennsylvania.

H.R. 39: Mr. CARSON.

H.R. 139: Mr. POE.

H.R. 298: Mr. SESTAK.

H.R. 423: Mr. HOEKSTRA.

H.R. 581: Mrs. BACHMANN.

H.R. 618: Mr. SCALISE.

H.R. 741: Ms. ZOE LOFGREN of California.

H.R. 821: Mr. BOREN.

H.R. 947: Mr. HOLT.

H.R. 992: Mr. BLUMENAUER.

H.R. 1070: Mr. RUSH.

H.R. 1078: Ms. SUTTON.

H.R. 1148: Mr. BLUMENAUER.

H.R. 1223: Ms. SLAUGHTER.

H.R. 1228: Ms. LORETTA SANCHEZ of California.

H.R. 1232: Mr. CHANDLER.

H.R. 1279: Mr. CARSON.

H.R. 1283: Ms. DEGETTE.

H.R. 1431: Mr. MCHENRY and Mr. UPTON.

H.R. 1436: Mr. CARSON.

H.R. 1540: Ms. NORTON.

H.R. 1552: Mrs. DRAKE.

H.R. 1606: Mr. BARROW, Ms. LEE, and Mr. SESTAK.

H.R. 1621: Mr. REYES.

H.R. 1655: Mr. VAN HOLLEN.

H.R. 1673: Mr. MURTHA.

H.R. 1783: Mr. THOMPSON of California, Mr. PAYNE, and Mr. ETHERIDGE.

H.R. 1801: Mr. LEWIS of Georgia, Mr. BISHOP of Utah, and Mr. MILLER of North Carolina.

H.R. 1866: Mr. THOMPSON of Mississippi.

H.R. 1921: Ms. JACKSON-LEE of Texas.

H.R. 1947: Ms. SUTTON.

H.R. 2020: Mr. MILLER of North Carolina.

H.R. 2032: Ms. SHEA-PORTER.

H.R. 2058: Mr. THOMPSON of Mississippi.

H.R. 2104: Mr. HAYES.

H.R. 2266: Mr. PLATTS and Mr. LAMPSON.

H.R. 2279: Mrs. CUBIN, Mr. LUCAS, Mr. THORNBERRY, Mr. CALVERT, Mr. SMITH of Texas, Mr. REHBERG, Mr. SESSIONS, and Mr. BACHUS.

H.R. 2320: Mr. MEEK of Florida.

H.R. 2329: Mr. OBERSTAR and Mr. MARCHANT.

H.R. 2343: Mr. JOHNSON of Georgia.

H.R. 2392: Mr. BISHOP of New York.

H.R. 2435: Mr. WAXMAN.

H.R. 2472: Mr. PASTOR.

H.R. 2493: Mr. SMITH of New Jersey, Mr. REHBERG, Mr. COLE of Oklahoma, and Mr. LUCAS.

H.R. 2639: Mr. BOOZMAN and Ms. FOXX.

H.R. 2712: Mr. HALL of Texas.

H.R. 2721: Mr. GRIJALVA and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2842: Mr. NADLER.

H.R. 2851: Mr. PATRICK MURPHY of Pennsylvania, Mr. RODRIGUEZ, Mr. WALZ of Minnesota, and Mr. SIRES.

H.R. 2905: Mr. SCALISE.

H.R. 2923: Mr. PICKERING and Mr. BOUCHER.

H.R. 2926: Ms. MATSUI.

H.R. 2942: Mr. GRAVES.

H.R. 2994: Mr. WAMP.

H.R. 3004: Mr. STUPAK.

H.R. 3010: Mr. INSLEE.

H.R. 3036: Mr. LOEBSACK, Mr. BRADY of Pennsylvania, and Mr. CARNAHAN.

H.R. 3094: Ms. HOOLEY, Mrs. CHRISTENSEN, Mr. MICHAUD, Mr. INSLEE, Mr. BAIRD, Mr. REICHERT, Mr. FARR, Ms. BERKLEY, and Mr. SOUDER.

H.R. 3098: Mr. CUELLAR and Mr. PLATTS.

H.R. 3144: Mr. KLINE of Minnesota.

H.R. 3327: Mr. KNOLLENBERG.

H.R. 3334: Mr. STEARNS.

H.R. 3347: Mr. RUSH and Mr. HASTINGS of Florida.

H.R. 3430: Mr. GONZALEZ, Ms. ROS-LEHTINEN, Mr. BUTTERFIELD, Mr. STUPAK, Mr. HALL of Texas, and Mr. SHULER.

H.R. 3453: Mrs. MCCARTHY of New York and Mr. HONDA.

H.R. 3494: Mr. SHAYS.

H.R. 3543: Mr. MILLER of North Carolina.

H.R. 3544: Mr. YARMUTH.

H.R. 3563: Ms. LEE.

H.R. 3627: Mr. CHILDERS.

H.R. 3645: Mr. CARSON.

H.R. 3710: Mr. CARSON.

H.R. 3715: Mr. PAUL.

H.R. 3769: Mr. MOORE of Kansas and Mr. Carson.

H.R. 3820: Mrs. BOYDA of Kansas.

H.R. 3822: Mr. PETERSON of Minnesota.

H.R. 3896: Mr. CARSON.

H.R. 3969: Mr. GRAVES.

H.R. 4001: Mr. MCCOTTER.

H.R. 4026: Mr. STARK.

H.R. 4048: Ms. WOOLSEY and Mr. MEEKS of New York.

H.R. 4061: Mr. FILNER.

H.R. 4091: Mr. POMEROY.

H.R. 4188: Mr. WEINER.

H.R. 4208: Mr. MEEK of Florida.

H.R. 4236: Mr. FATTAH, Mr. OBERSTAR, and Ms. WATSON.

H.R. 4238: Mr. PASCRELL.

H.R. 4264: Mr. MEEK of Florida.

H.R. 4273: Mr. WALBERG.

H.R. 4296: Ms. GIFFORDS.

H.R. 4690: Mr. DUNCAN.

H.R. 4736: Mr. PAUL.

H.R. 4838: Mr. CARSON, Mr. DEFAZIO, and Ms. SUTTON.

H.R. 4849: Mr. GRIJALVA.

H.R. 4900: Mr. FORTENBERRY, Mrs. EMERSON, and Mr. BACA.

H.R. 4918: Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Ms. WASSERMAN SCHULTZ, Mr. CRENSHAW, Mr. MEEK of Florida, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Ms. CORRINE BROWN of Florida, Mr. WEXLER, Mr. MACK, Ms. CASTOR, Mr. BUCHANAN, Mr. BOYD of Florida, Mr. FEENEY, Mr. BILIRAKIS, Mr. MARIO DIAZ-BALART of Florida, Mr. STEARNS, Mr. KELLER, Mr. PUTNAM, Mr. MICA, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MAHONEY of Florida.

H.R. 4930: Mr. FORTUÑO.

H.R. 5143: Mr. DEFAZIO and Mr. CARNAHAN.

H.R. 5244: Mr. INSLEE, Mr. BRADY of Pennsylvania, Mr. CARSON, and Ms. SPEIER.

H.R. 5265: Mr. KIND, Mrs. MCCARTHY of New York, Mr. GORDON, and Mr. NADLER.

H.R. 5402: Mr. SESTAK.

H.R. 5443: Mr. SESTAK.

H.R. 5466: Mr. PALLONE.

H.R. 5507: Mr. CARSON.

H.R. 5559: Mrs. BACHMANN.

H.R. 5564: Ms. GIFFORDS.

H.R. 5573: Mr. LATOURETTE and Mr. JOHNSON of Georgia.

H.R. 5575: Mr. ELLISON.

H.R. 5605: Mr. WEXLER, Mr. MARSHALL, and Mr. FRANK of Massachusetts.

H.R. 5629: Mrs. DAVIS of California.

H.R. 5635: Mr. PORTER.

H.R. 5656: Mr. MCHUGH, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODLATTE, Mr. CALVERT, Mr. BACHUS, and Mr. REHBERG.

H.R. 5696: Mr. MICHAUD.

H.R. 5731: Mr. GOODE.

H.R. 5737: Mrs. SCHMIDT and Mr. JOHNSON of Illinois.

H.R. 5760: Mr. LATOURETTE.

H.R. 5772: Mr. LYNCH and Mr. COHEN.

H.R. 5793: Mr. JEFFERSON.

H.R. 5825: Mr. SHERMAN.

H.R. 5831: Mr. ALTMIRE.

H.R. 5854: Mr. STEARNS, Mr. YOUNG of Alaska, Mr. JONES of North Carolina, and Mr. MICA.

H.R. 5864: Mr. FORTENBERRY.

H.R. 5868: Mr. BISHOP of Utah, Mr. MCCAUL of Texas, Mr. ADERHOLT, Mr. LINCOLN DAVIS of Tennessee, Mr. BOREN, Mr. CAZAYOUX, Mr. CHILDERS, Mr. ROSS, Mr. ELLSWORTH, Mr. BOSWELL, Mr. GRIJALVA, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. GENE GREEN of Texas, Mr. MANZULLO, Mr. PETERSON of Pennsylvania, Mr. MCCOTTER, Mr. SULLIVAN, Mr. SIMPSON, Mr. WAMP, Mrs. MUSGRAVE, Mr. DANIEL E. LUNGREN of California, Mr. BURGESS, Mr. MCCARTHY of California, Ms. BORDALLO, and Mr. HOLT.

H.R. 5878: Mr. CASTLE.

H.R. 5898: Mr. TOWNS.

H.R. 5925: Mr. ELLISON and Mr. JACKSON of Illinois.

H.R. 5935: Mr. CUMMINGS.

H.R. 5936: Mrs. LOWEY.

H.R. 5942: Ms. DEGETTE and Mr. DAVID DAVIS of Tennessee.

H.R. 5949: Ms. SUTTON, Mrs. GILLIBRAND, and Mr. KING of New York.

H.R. 5971: Mr. WESTMORELAND and Mr. BLUNT.

H.R. 5974: Mr. TIAHRT.

H.R. 5984: Mr. BOOZMAN, Mr. LINDER, Mr. PETERSON of Pennsylvania, Mr. CARTER, and Mr. BUYER.

H.R. 6034: Mr. HINOJOSA and Mr. SHAYS.

H.R. 6045: Mr. LOEBSACK, Mr. LEVIN, Mr. SCOTT of Georgia, Mr. MILLER of North Carolina, Ms. Tsongas, Mrs. MCCARTHY of New York, Mr. STARK, and Mr. WEINER.

H.R. 6052: Mr. JACKSON of Illinois and Mr. KANJORSKI.

H.R. 6067: Mr. HINOJOSA and Mr. DONNELLY.

H.R. 6073: Mr. SHULER, Ms. BORDALLO, and Mr. RANGEL.

H.R. 6076: Mr. BACA, Ms. SCHAKOWSKY, Mr. CLEAVER, and Mr. MCDERMOTT.

H.R. 6104: Mr. HILL, Mr. BRADY of Pennsylvania, Mr. SESTAK, Ms. DEGETTE, Ms. ESHOO, Mr. LYNCH, and Mr. YARMUTH.

H.R. 6107: Mr. GOODLATTE, Mr. BROUN of Georgia, Mr. ENGLISH of Pennsylvania, Mr. MCCOTTER, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. FEENEY, Mr. BACHUS, Mrs. SCHMIDT, and Mr. GOODE.

H.R. 6108: Mr. CALVERT, Mr. SCALISE, Mr. SMITH of Texas, Mr. REHBERG, Mr. BACHUS, and Mr. LUCAS.

H.R. 6122: Mr. MCNULTY.

H.R. 6126: Mr. WAXMAN.

H.R. 6127: Mr. WAXMAN, Mr. JEFFERSON, Mr. CARSON, Ms. SCHAKOWSKY, and Mr. AL GREEN of Texas.

H.R. 6129: Mr. BOUSTANY.

H.R. 6137: Mr. HENSARLING.

H.R. 6140: Mr. SESTAK, Mr. FRANKS of Arizona, Mr. JOHNSON of Georgia, and Mr. MICHAUD.

H.R. 6150: Ms. PRYCE of Ohio.

H.R. 6184: Mr. GONZALEZ, Mr. SOUDER, and Ms. SUTTON.

H.R. 6185: Mr. SMITH of New Jersey.

H.R. 6187: Mr. RUSH, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, and Mrs. JONES of Ohio.

H.R. 6199: Mrs. MALONEY of New York, Mr. HINCHEY, and Mr. CROWLEY.

H.R. 6209: Mr. BOUCHER and Ms. SPEIER.

H.R. 6210: Mr. BARTLETT of Maryland and Mr. CARSON.

H.R. 6214: Mr. DAVIS of Illinois.

H.R. 6219: Mr. SIMPSON, Mr. MARCHANT, Mrs. CUBIN, Mr. JOHNSON of Illinois, Mr. COBLE, Mrs. BONO MACK, and Mr. WALBERG.

H.R. 6220: Mr. JORDAN.

H.R. 6236: Ms. PRYCE of Ohio and Mr. REGULA.

H.R. 6251: Ms. CASTOR, Mr. VISCLOSKY, Mr. FOSTER, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, Mr. CARSON, Ms. HIRONO, Ms. GIFFORDS, Mr. WAXMAN, Mr. SIRES, Mr. PASCRELL, Mr. KAGEN, Mr. LEWIS of Georgia, Ms. SLAUGHTER, and Ms. MCCOLLUM of Minnesota.

H.R. 6253: Mr. MCCOTTER.

H.R. 6256: Mr. KLEIN of Florida, Mr. MORAN of Virginia, Mr. PATRICK MURPHY of Pennsylvania, and Mr. KAGEN.

H.J. Res. 39: Mrs. MILLER of Michigan.

H.J. Res. 45: Mr. CHILDERS.

H.J. Res. 79: Ms. LEE, Ms. KAPTUR, and Ms. SCHAKOWSKY.

H. Con. Res. 81: Mr. MCCOTTER.

H. Con. Res. 163: Mr. RUPPERSBERGER and Mr. HAYES.

H. Con. Res. 253: Mr. JEFFERSON.

H. Con. Res. 299: Mr. CALVERT, Mr. DAVIS of Illinois, Mr. WELCH of Vermont, Mrs. MYRICK, and Mr. YOUNG of Alaska.

H. Con. Res. 338: Ms. SCHAKOWSKY, Ms. KILPATRICK, and Mrs. MALONEY of New York.

H. Con. Res. 344: Mr. DELAHUNT.

H. Con. Res. 350: Mr. GRIJALVA, Ms. HIRONO, Mr. WAXMAN, Mrs. MALONEY of New York, and Ms. ROS-LEHTINEN.

H. Con. Res. 360: Ms. CORRINE BROWN of Florida, Mr. RANGEL, Ms. SLAUGHTER, and Mr. JEFFERSON.

H. Con. Res. 361: Mr. MCDERMOTT, Ms. ROYBAL-ALLARD, Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. HARE.

H. Con. Res. 362: Mr. TIM MURPHY of Pennsylvania, Mr. CLAY, Mr. COSTELLO, Mr. WEINER, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Mr. EMANUEL, Mr. JORDAN, Mr. HELLER, Mr. LEWIS of Georgia, Mr. FEENEY, Mr. ARCURI, Mr. BOYD of Florida, Mrs. DRAKE, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SOUDER, Ms. FALLIN, Mr. LINCOLN DAVIS of Tennessee, Mr. COURTNEY, Mr. DOYLE, Mr. KING of New York, and Mr. BISHOP of Utah.

H. Con. Res. 364: Mrs. MALONEY of New York.

H. Con. Res. 365: Ms. SOLIS.

H. Con. Res. 369: Mr. CARSON, Ms. BORDALLO, Mr. MCNULTY, Mr. RODRIGUEZ, and Mr. DAVIS of Illinois.

H. Con. Res. 371: Mr. BERMAN, Mr. CROWLEY, Ms. SCHAKOWSKY, Ms. BERKLEY, Ms. SCHWARTZ, Mr. KLEIN of Florida, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, Mrs. MALONEY of New York, Mr. WEINER, Ms. WASSERMAN SCHULTZ, and Mr. HALL of New York.

H. Res. 102: Mr. LANGEVIN.

H. Res. 353: Mrs. MALONEY of New York, Mr. VAN HOLLEN, Mr. FOSSELLA, and Mr. BILBRAY.

H. Res. 373: Mr. ENGLISH of Pennsylvania and Mr. WEINER.

H. Res. 415: Mrs. DAVIS of California.

H. Res. 711: Mr. SESTAK.

H. Res. 881: Mr. BOEHNER.

H. Res. 937: Mr. SHIMKUS.

H. Res. 970: Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. JONES of North Carolina, Mr. CHANDLER, Mr. CONAWAY, and Mr. WILSON of South Carolina.

H. Res. 1127: Mr. KING of New York.

H. Res. 1136: Mr. TOWNS, Mr. LEWIS of Georgia, Ms. BORDALLO, and Mr. PAYNE.

H. Res. 1143: Ms. GIFFORDS, Mr. SALAZAR, and Mr. YOUNG of Alaska.

H. Res. 1182: Mr. BRADY of Pennsylvania.

H. Res. 1187: Mr. HINOJOSA.

H. Res. 1198: Mr. SMITH of New Jersey.

H. Res. 1219: Mr. BRADY of Pennsylvania.

H. Res. 1227: Mr. MORAN of Kansas and Ms. SCHAKOWSKY.

H. Res. 1230: Mr. SMITH of New Jersey, Mr. CROWLEY, Mr. CAPUANO, Ms. SUTTON, Mr. BLUMENAUER, and Mr. SMITH of Washington.

H. Res. 1239: Mr. GRIJALVA, Mr. TOWNS, Mr. FARR, and Ms. HIRONO.

H. Res. 1242: Mr. MCGOVERN, Ms. BORDALLO, and Ms. CORRINE BROWN of Florida.

H. Res. 1245: Mr. BLUMENAUER, Mr. DELAHUNT, Mr. DOGGETT, Mr. DOYLE, Mr. FORTENBERRY, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of North Carolina, Ms. SCHAKOWSKY, Mr. SESTAK, Ms. SUTTON, Mr. TANCREDO, and Ms. WATERS.

H. Res. 1266: Mr. BILIRAKIS, Mr. WILSON of South Carolina, Mr. VISCLOSKY, and Mr. RADANOVICH.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1328

OFFERED BY: MR. COLE OF OKLAHOMA

AMENDMENT NO. 1: Add at the end the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SECTION 1. APOLOGY TO NATIVE PEOPLES OF UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

(2) for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

(3) Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

(4) the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

(5) while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

(6) the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

(7) in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, "The utmost good faith shall always be observed toward the Indians";

(8) Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

(9) Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;

(10) the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

(11) the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the "Indian Removal Act");

(12) many Native Peoples suffered and perished—

(A) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(B) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(C) on numerous Indian reservations;

(13) the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the "General Allotment Act"), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

(14) officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

(15) the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

(16) despite the wrongs committed against Native Peoples by the United States, Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

(17) Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official Federal Government positions, and by leadership of their own sovereign Indian tribes;

(18) Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

(19) the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

(20) Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness.

(b) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(c) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

H.R. 1328

OFFERED BY: MR. COLE OF OKLAHOMA

AMENDMENT NO. 2: Add at the end the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SECTION 1. SENSE OF CONGRESS REGARDING LAW ENFORCEMENT AND METHAMPHETAMINE ISSUES IN INDIAN COUNTRY.

It is the sense of Congress that Congress encourages State, local, and Indian tribal law enforcement agencies to enter into memoranda of agreement between and among those agencies for purposes of streamlining law enforcement activities and maximizing the use of limited resources—

(1) to improve law enforcement services provided to Indian tribal communities; and

(2) to increase the effectiveness of measures to address problems relating to methamphetamine use in Indian Country (as defined in section 1151 of title 18, United States Code).

H.R. 1328

OFFERED BY: MR. COLE OF OKLAHOMA

AMENDMENT NO. 3: Page 341, line 11, after "title." insert the following: "The Federal Government shall not withhold funding from any Indian tribe or tribal organization or entity, based solely on the Indian tribe's citizenship requirements.".

Page 344, beginning line 4, insert the following:

(5) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(B) an Indian tribe's sovereignty includes the power to protect tribal self-government and to control internal relations;

(C) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(D) it is the policy of the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(E) Congress should improve and perpetuate the government-to-government relationship between Indian tribes and the United States and strengthen tribal control over Federal funding and program management;

(F) the courts have consistently recognized that the authority to determine questions of its own citizenship is a fundamental power of an Indian tribe;

(G) the Supreme Court stated in Pueblo v. Martinez that, "[a] tribe's right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community"; and

(H) the power of an Indian tribe to determine questions of its own citizenship derives from the character of an Indian tribe as a distinct political entity, therefore Indian tribes have the exclusive right to determine eligibility for enrollment of their citizenship.

H.R. 1328

OFFERED BY: MR. COLE OF OKLAHOMA

AMENDMENT NO. 4: Page 341, line 11, after "title." insert the following: "The Federal Government shall not withhold funding from any Indian tribe or tribal organization or entity, based solely on the Indian tribe's citizenship requirements.".

EXTENSIONS OF REMARKS

HONORING THE JUNIOR GROUP EXHIBIT TEAM FROM CHUCKEY-DOAK MIDDLE SCHOOL FOR THEIR FIRST-PLACE PERFORMANCE IN THE TENNESSEE HISTORY DAY COMPETITION

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to congratulate the Junior Group Exhibit Team from Chuckey-Doak Middle School for their first-place performance in the Tennessee History Day competition. They will now move on to the national competition next week.

The Chuckey-Doak Middle School team, composed of students Emily Frazier and Katie Adams, also took first place with their performance on Women's Suffrage: The Conflict Within.

To understand and present these topics in an articulate way is a noteworthy and outstanding accomplishment. The students have represented Chuckey-Doak Middle School and East Tennessee in an exceptional way.

With their first-place performance, the team will travel to the University of Maryland and compete against other students from across the country at the 2007–2008 National History Day competition.

It is a pleasure to see that these students are taking the initiative to represent their schools in the most upstanding way. Their dedication to knowledge, excellence and hard work is honorable and I congratulate them on their successes.

Madam Speaker, I ask that my colleagues join me in honoring Emily Frazer and Katie Adams and in wishing them the best of luck at next week's National History Day competition.

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PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. HIGGINS. Madam Speaker, I missed several rollcall votes on June 12, 2008. I would like to enter into the record how I intended to vote on these rollcall votes had I been present:

On #405, on ordering the previous question on the resolution providing for consideration of H.R. 6063, the National Aeronautics and Space Administration Authorization Act, I would have voted "yea."

On #406, on agreeing to the resolution providing for consideration of H.R. 6063, I would have voted "yea."

On #407, on ordering the previous question on the resolution providing for consideration of H.R. 5749, the Emergency Extended Unemployment Compensation Act, I would have voted "yea."

On #408, on agreeing to the resolution providing for consideration of H.R. 5749, I would have voted "yea."

On #409, on passage of H.R. 1553, the Conquer Childhood Cancer Act, I would have voted "yea."

On #410, on the motion to table the appeal, I would have voted "yea."

On #411, on the motion to recommit with instructions H.R. 5749, I would have voted NAY.

On #412, on passage of H.R. 5749, I would have voted "yea."

On #413, on passage of S. 2146, I would have voted "yea."

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IN HONOR OF THE FALLEN HEROES OF 1-34 BRIGADE COMBAT TEAM

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to pay tribute to 20 heroes who served the people of our Nation valiantly in Operation Iraqi Freedom and who this past weekend were honored at the Fallen Heroes Memorial in Bloomington, Minnesota.

SPC Benjamin J. Slaven, SGT Brent W. Koch, SPC Kyle R. Miller, Staff SGT Jeffrey J. Hansen, Staff SGT Joshua R. Hanson, SGT Germaine L. Debro, SPC Kampha B. Sourivong, SGT 1st Class Scott E. Nisely, SGT Bryan T. McDonough, and SGT Corey J. Rystad.

SGT Nicholas D. Turcotte, Staff SGT Thomas W. Clemons, Staff SGT James M. Wosika, Jr., SPC Carla J. Stewart, SGT MAJ Michael C. Mettille, SGT 1st Class David R. Berry, Staff SGT Greg N. Riewer, SGT Joshua A. Schmit, SGT Brandon L. Wallace, and Staff SGT Robert J. Basham.

Each made the ultimate sacrifice for our freedoms and each deserves a special place in America's history and America's heart. I join with their friends, family, and comrades who were in attendance this weekend in honoring their memories.

* * *

A TRIBUTE TO DENNIS HAWTHORNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dennis Hawthorne, owner of Dennis Shipping, a renowned shipping company located in Brooklyn, NY.

Hawthorne is a native of Jamaica, NY and migrated to Brooklyn, NY in 1985 where he founded Dennis Photography and Shipping. In addition, Hawthorne founded the Caribbean American Shippers Association which is now the largest Caribbean American shipping company in Brooklyn.

Hawthorne's success has led him to pursue various humanitarian efforts in Brooklyn and its East Flatbush community. Hawthorne once stated "give a community of good people, good services, respect and opportunity, and the potential for growth is inevitable." Hawthorne has committed to service and supports various outreach programs; he has donated time and money to community organizations including the East Flatbush Friends Education, Caribbean American Outreach Association, Children Outreach of Jamaica, Kings Highway Development Project, local churches, senior civic organizations, and schools.

It is important that we recognize Hawthorne, not only for his success through his Brooklyn-based business, but also for his commitment to serving the citizens of Brooklyn.

* * *

INTRODUCTION OF VETERANS AND SURVIVORS DENTAL INSURANCE ACT OF 2008

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. BUYER. Madam Speaker, today I am introducing the Veterans and Survivors Dental Insurance Act of 2008. This legislation would authorize the Department of Veterans Affairs (VA) to offer a voluntary dental insurance plan for certain veterans, their survivors and dependents.

Under current law, veterans with service-connected dental conditions, a total service-connected disability, and former Prisoners of War are eligible for lifetime, comprehensive dental care from VA. Newly discharged veterans are eligible for a one-time, comprehensive dental evaluation and restorative services. Additionally, veterans with dental problems negatively impacting a medical condition, disabled veterans receiving vocational rehabilitation training, and certain homeless veterans are eligible for limited dental care. VA also provides inpatient emergency dental treatment at its medical facilities.

In 1997, Congress first authorized the TRICARE Retiree Dental Program (TRDP). As Chairman of the House Armed Services Military Personnel Subcommittee during the 105th and 106th Congresses, I helped champion the TRDP program. It is a voluntary, all-enrollee-paid dental program that currently covers over 800,000 retired members of the uniformed services, including National Guard and Reserve personnel, and their families. This program offers military retirees an affordable

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

comprehensive dental benefit program that covers diagnostic and preventive services, basic restorative services, periodontics, endodontics, oral surgery, and dental emergencies.

Madam Speaker, this legislation would simply provide eligible veterans, survivors, and dependents the option of enrolling in a high-quality and affordable dental care plan similar to what is available for military retirees under TRDP. I assure my colleagues that nothing in this Act would diminish the responsibility of the Secretary to provide dental care under current law. Eligibility for VA dental benefits according to law would not change.

Important to overall health and quality of life is maintaining good dental health. I urge my colleagues to cosponsor the Veterans and Survivors Dental Insurance Act of 2008.

HONORING RAQUEL GONZALEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Ms. Raquel Gonzalez, for her commitment to the small business community in Laredo, Texas, and her tenure as the longest-serving member of the board of trustees at the Laredo Community College.

Raquel spent her early years learning the value of hard work at her father's business, J.B. Gonzalez Garage. Upon graduation from high school, she became the full-time manager of her father's business, which she turned over to her brothers so she could concentrate on other ventures. Raquel invested in real estate, forming the Southgate Subdivision to develop affordable housing in South Laredo, and also invested in oil and gas wells in South Texas. In 1980, Raquel began serving as a trustee on the Trustee Board of the Laredo Community College, and has honorably worked to promote the value of education in empowering the lives of young people in Laredo, Texas. Her dedication and hard work helped the Laredo Community College become one of the most acclaimed community colleges in the nation.

Ms. Gonzalez has also received many acclaims from the business community in Laredo for her successful entrepreneurship and civic involvement. She was the first female director of the Laredo Chamber of Commerce in 1983, served as the Director of the Falcon National Bank, and was recognized by the Republican National Hispanic Assembly for exceptional service to the community. She also received the Congressional Certificate of Merit in 1992, and was named the Small Business Person of the Year and inducted into the Laredo Women's Hall of Fame in 1995. Ms. Gonzalez remains an active member of the Financial Women International, Rotary Under Seven Flags, the Texas Land Title Association, and the Women's City Club.

Madam Speaker, I am honored to have had this time to recognize the dedication of Ms. Raquel Gonzalez to the small business community in Laredo, Texas, and her contributions to higher education as a member of the Board of Trustees at Laredo Community College.

TRIBUTE TO RENDY AND RENEE MAO

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. SHUSTER. Madam Speaker, I rise today to recognize the heroic efforts and dedication of Rendy and Renee Mao. Throughout the past months, Rendy and his sister Renee have worked tirelessly to raise money to feed victims of the devastating earthquake which hit Sichuan Province, China on May 12, 2008.

The Maos' idea of fundraising for earthquake relief began from within the classroom. One of the student's teachers suggested looking further into current events occurring across the globe. Teachers across America plant important seeds in the minds of children, and Rendy's German teacher at Mercersburg Academy is no exception. Through educational discussions about the importance of global awareness and global connections, a teacher sparked the mind of not only Rendy Mao, but also Renee Mao. Together, these students realized the immensity of the devastation which ravaged rural China and felt the need to act. Their decision to act led them to set a goal of raising five thousand dollars by June 30, 2008 for the victims of the Sichuan earthquake. If this goal is reached, over five thousand earthquake victims will be fed for a day. This laudable decision has set an example for all of us.

In order to make their dream of helping others a reality, Rendy and Renee began to increase awareness in their community through several steps. First, they focused on alerting the public to the events which had crumbled part of a nation, through word of mouth and flyers. The flyers provided a variety of information on the earthquake as well as outlined their planned actions for the funding of their effort. As their message spread, the number of volunteers throughout the community increased, which multiplied the effectiveness of their efforts. The goal of this drive is not only to raise money to support the needs of the victims, but also to assure the victims that their plight has not gone unnoticed and will not be ignored. The teens have collected hundreds of signatures to demonstrate to the victims that residents of Franklin County, Pennsylvania support them by sending not only financial aid but also their thoughts and prayers.

These students have truly practiced what they have been taught and have set an example for communities throughout this nation and the world. As Rendy and Renee reflect upon their work and their dedication to helping others, they can certainly be proud of their service to the community of the Sichuan Province. These two students are wonderful representatives of Pennsylvania. They have exhibited compassion and determination to help others who are less fortunate than themselves. The Maos, along with the community of Franklin County, all deserve our thanks and congratulations on their hard work toward giving an extraordinary $5,000 contribution to the victims of the Sichuan Province earthquake. I would like to wish Rendy and Renee the best in their future endeavors as they continue to serve Franklin County and the world. I thank them for their far-reaching commitment and service as they continue to add greatness to their community.

THE INTRODUCTION OF A SENSE OF THE HOUSE RESOLUTION CONCERNING SPECULATION IN CRUDE OIL MARKETS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. PETRI. Madam Speaker, today, I am introducing a resolution calling for the U.S. Government to lead a global diplomatic initiative to limit the incentives for speculation in crude oil futures through the adoption of international standards for margin requirements on speculative trading in oil futures. By establishing this policy we can moderate surging oil prices and bring relief to consumers around the world.

Margin payments are paid to an exchange when purchasing a futures contract. Akin to an escrow deposit in a real estate transaction, margin requirements are set by exchanges and not government regulation. On the New York Mercantile Exchange, the purchase of a standard oil futures contract for 1,000 barrels carries a margin requirement of just over $10,000, a small percentage of the value of a contract with a settlement price this week of $135,000 for oil priced at $135 per barrel.

This relatively small amount of capital required to purchase a contract and reap potentially sizeable gains from the daily movements in the price of crude oil is an attractive invitation to speculative investors. Higher margin requirements would reduce this incentive by limiting such opportunities for gain. By removing speculative money from the crude oil market, we can begin to bring down oil prices and relieve the pain our constituents feel at the gas pump.

Currently, there is a heated debate of whether a growth in speculative trading is showing up as part of a "speculative premium" built into the price of crude oil. Because so much trading in energy futures takes place in unregulated exchanges, there is a shortage of good information, and we lack the empirical evidence necessary to make a firm conclusion.

In the absence of such firm data, some have argued that tight supplies and high demand are the only explanation for high prices. On the other hand, many have suggested that heightened speculation has resulted in adding anywhere from $10 to $35 to the price of each barrel of oil. The market indications cited by supporters of the market speculation theory are impressive and include:

April 2008 oil stocks held by the U.S. and its fellow members of the Organization for Economic Cooperation and Development totaled 2.562 million barrels, above recent averages and sufficient for 53.4 days of consumption.

The president of OPEC, Chakib Khelil of Algeria, in declining to commit the organization's members to a production increase, noted that supply was exceeding demand by one-half million barrels per day.

OPEC has also lowered its forecast of average daily global consumption of oil by 60,000 barrels, the third time this year that the oil cartel has reduced its estimate. This view coincides with that of the International Energy Agency whose monthly Oil Market Report for June reported that oil consumers would use 70,000 barrels less per month than it had previously estimated.

An economist with WTRG Economics was quoted by MarketWatch as observing, "We had another week of uncertainty, with oil trading more as a currency and inflation hedge than based upon the fundamentals. This will continue to be the case as long as the long-only index funds are allowed free rein in the futures market. "

Since 2003, investment in commodity index funds has risen from $13 billion to $260 billion.

National Journal has cited the writings of Anit Anand of brokerage firm KRChoksey in reporting the number of current energy hedge funds as 634, up from 180 in October 2004.

Recognizing the significance of these trends, the Commodity Futures Trading Commission has announced the formation of an interagency task force to examine investor practices, supply and demand factors, and the role of speculators. Additionally, on June 14, 2008, the International Monetary Fund, responding to a call from Group of Eight finance ministers, agreed to look into the role that futures trading has played in pushing crude oil prices ever higher.

Certainly, other factors influence the price of oil, and it is only fair to examine whether any is responsible for the current situation.

Oil prices are subject to a "political risk premium" caused by instability and the threat of violence in countries producing significant quantities of oil. While the political climate in these areas remains tense, it cannot be said to have changed appreciably for the worse over the past five years.

Long term supply questions also are part of today's crude oil price. Yes, there are fears that supplies are diminishing, encouraged by peak oil theorists, but there has been no new dramatic information on this point that would explain the 94 percent price boost that Bloomberg Financial has reported over the past year.

Finally, some point to the drop in the value of the dollar to explain the price pain felt by U.S. consumers. This explanation, too, falls short of providing a satisfactory answer. While the dollar price of crude oil is 4.3 times higher than it was in 2004, Europeans also are paying 2.7 times more for oil purchased with the much stronger euro.

In the final analysis, it's clear that among these components of the price of oil, only commodities trading has seen a dramatic change of pace. It is hard to escape the conclusion 4 that financial trading plays a contributing role in having pushed crude oil prices up 94 percent in the past year.

We need to take action to restore the market for oil futures to its intended purpose—not as a speculative vehicle for energy hedge funds. At the same time, we need to recognize the international nature of energy trading and implement market reforms globally. My resolution calls upon the diplomatic and financial leadership of the U.S. government to begin this process. I urge my colleagues to support this resolution.

A TRIBUTE TO ROBERT C. DESOUZA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Robert C. DeSouza, a very special resident of the Springfield Gardens Community.

Bob, as he is affectionately known through the area was born in Clarendon, Jamaica. He graduated from Kingston College and then went on to pursue an education in Business Management at the University of the West Indies before he came to the United States in 1982. Here he earned a B.S in Business Administration from Iona College in Westchester, New York.

Mr. DeSouza, the CEO of Trans Continental Express Shippers, has garnered the respect of his peers, his immediate community and the Jamaican Diaspora at large. He is largely responsible for the awareness and education of the Shipping Fraternity which he has been associated with for over 25 years. His company sponsors countless public and private events, offers scholarships and financial support to community residents locally and in the Caribbean region. He is the epitome of humility and character.

His commitment and unwavering service and dedication to the community have earned him numerous awards and accolades such as The Jamaica Consul General Award for Outstanding Contribution to the Jamaican and Caribbean Community. His other accomplishments include: The Proclamation Honor by the City Council of New York, The Proclamation Award by the Brooklyn Borough President, The Corporate Award of Excellence from Empire State Grand Chapter, and the Man of the Year Award for Outstanding Community Service from Heartbeats of Jamaica (Father Gregory Ramkissoon-Mustard Seed), to name a few.

He is a member of the New York State Board of Realtors, American Society of Notaries, Cambria Heights Civic Association, St. Albans Chamber of Commerce and the Treasurer for the Kiwanis Club of Rosedale/Laurelton Queens, New York.

Despite his busy and hectic schedule, Bob finds the time to share with the elderly, the Little League Baseball of South East Queens, and assists with youth counseling within the community. He is a person who you will always hear saying something uplifting and positive. He still lives in Springfield Gardens New York and is married to Arlene and is the proud father of two sons, Robert Jr. and Darren.

THE AIR FORCE AND HIGH FUEL COSTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. GRAVES. Madam Speaker, every day the American people are faced with another headline about record fuel prices. We have been urged to reduce consumption and the American people are listening. Obviously though, Madam Speaker, the Air Force isn't.

The United States Air Force spends more than $6.6 billion per year on fuel costs and rising fuel prices continues to drive this number higher. As a taxpayer and supporter of our men and women in uniform, I believe the Air Force should be doing all they can to heed the call and maximize fuel economy wherever possible.

However, the Air Force in their recent tanker award has determined that the opposite path is appropriate. The Air Force selection of an Airbus aircraft over the more fuel efficient Boeing aircraft has real impacts and costs for every American.

The independent firm Conklin & de Decker Aviation Information has completed a study that shows the Boeing offering to be nearly 25 percent more fuel efficient than the Airbus aircraft. Over the 40 year life of the aircraft at oil at $125 a barrel this will result in additional costs to Americans of nearly $30 billion dollars and more than 2.24 billion gallons of additional fuel not available to help bring relief to the record prices.

Now Madam Speaker, I understand that our military must choose the best tool for the war fighter and fuel is but one critical input. However, when the Boeing offering meets or exceeds all Air Force requirements with better technology and maximum operational capability when compared to the Airbus aircraft, it simply defies common sense that the Air Force would choose to add this burden to Americans. Higher cost? Less capability? More fuel? Madam Speaker it is time for Congress to take a closer look.

IN REMEMBRANCE OF ALIOUNE BLONDIN BEYE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. PAYNE. Madam Speaker, June 26, 2008, will mark the tenth anniversary of the passing of Alioune Blondin Beye in the crash of a light plane near Abidjan. Maitre Beye, as he was known, was undertaking one of his frequent missions to build support for an agreement to end the civil war in Angola, a war that had lasted for two decades, cost more than a half million lives, and left more than three million people homeless. A former Foreign Minister of Mali and Secretary General of the African Development Bank, Maitre Beye had been serving for five years as Special Representative of the United Nations Secretary General for the Angolan peace process and President of the Joint Peace Commission for Angola.

One of the world's most dedicated peacemakers, Maitre Beye touched the lives of all those who knew him and worked with him, and was beloved by millions of Malians, Angolans, and other peoples of Africa and beyond for his selfless dedication to the cause of peace, justice, human rights, and national reconciliation. A French speaker among Lusophones, a Moslem in a country of Christians and animists, Maitre Beye's life was the ultimate symbol of selflessness and dedication to the common humanity of all people. Along with Maitre Beye, seven other people were killed in the tragic plane crash, all committed men of peace. These included Koffi Adjoyi, Alvaro Costa, Baendegar Dessande, Amadou Moctar Gueye, Jason Hunter, Andrew McCurrah, and Ibikunle Williams.

Maitre Beye's relatives, friends and colleagues will commemorate the life and times of this great man and to honor the others who died that day by hosting a memorial service at the New York Headquarters of the United Nations—the institution he loved and in whose service he ultimately gave his life—on June 26, 2008. The program for Maitre Beye will not be a sad memorial, but a joyous celebration of the life of this great man of wisdom and humor, and a tribute to the peace he and his colleagues sought to bring to the world. We wish them our best in this honorable endeavor.

TRIBUTE TO HIGHLAND BULLDOGS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. SHIMKUS. Madam Speaker, today I rise to pay tribute to an outstanding group of young men from Highland, Illinois, who last week completed an amazing baseball season by winning the state championship.

The Highland Bulldogs defeated Crystal Lake Central in the semifinals, then knocked off Rock Falls 6–2 on Saturday, June 7, to clinch the Class 3A state title at Silver Cross Field in Joliet. It was the first baseball state title for Highland.

My congratulations go to Head Coach Joel Hawkins, Assistant Coaches Sam Weber, Jason Wiegand and Caleb Houchins, Trainer Jamie Wagner, and the members of the 2008 state champion Highland Bulldogs team: Gary Kharibian, Travis Becherer, Brandon Koisher, Randy Knebel, Chris Sudhoff, Luke Potthast, Ben Fieker, Sean Gagen, Gabe Fuehne, Corey Gall, Wes DeGroot, Josh Ammann, Andrew Kimmle, Jake Odorizzi, Justin Huelsmann, Dan Gifford, Brent Kuper and Luke Haberer.

These young men represented themselves, their families and their community in a first-class fashion, and I wish them all the best in their future endeavors, both on and off the field.

HONORING THE ROTARY CLUB OF MONROE FOR 90 YEARS OF SERVICE

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate the Rotary Club of Monroe, which for 90 years has faithfully carried on the mission of Rotary International to "Serve Above Self."

First established in 1918, Monroe, LA's Rotary Club bears the distinction as one of our Nation's oldest Rotary clubs, founded only 13 years after the original club—the Rotary Club of Chicago—was established. To date, Rotary International includes approximately 31,000 clubs in more than 165 countries.

With a membership of approximately 240 men and women from a host of vocations, the Rotary Club of Monroe takes an active role in the community through many local civic and charitable organizations including the American Cancer Society, American Red Cross, Salvation Army, Fellowship of Christian Athletes, Boy Scouts, Girl Scouts, YMCA, Monroe Youth Baseball, the Food Bank of Northeast Louisiana, Camp Quality, and the Salvation Army Christmas Party which provides gifts to needy children.

The Rotary Club of Monroe also actively assists local high schools by sponsoring Interact Clubs at four Monroe schools and also sponsoring two high school students to attend Camp RYLA (Rotary Youth Leadership Awards). The Rotary Club of Monroe also assists attendees of Boys' and Girls' State and funds an endowed scholarship at the University of Louisiana at Monroe.

Madam Speaker, I ask my colleagues to join me in honoring the Rotary Club of Monroe, which will celebrate its 90th anniversary on June 26, 2008, for the countless ways the club has worked since 1918 to enrich the surrounding community and through each individual member's commitment to putting "Service Above Self."

JUNIOR GROUP PERFORMANCE TEAM FROM MOSHEIM MIDDLE SCHOOL FOR THEIR FIRST-PLACE PERFORMANCE IN TENNESSEE HISTORY DAY

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to congratulate the Junior Group Performance Team from Mosheim Middle School for their first-place performance in the Tennessee History Day competition. They will now move on to the national competition next week.

The Mosheim Middle School team, composed of students Brianna Morrow, Melissa Kinser and Brittany Loveall, took first place with their performance on the Salem Witch Trials.

To understand and present these topics in an articulate way is a noteworthy and outstanding accomplishment. The students have represented Mosheim Middle School and East Tennessee in an exceptional way.

With their first-place performance, the team will travel to the University of Maryland and compete against other students from across the country at the 2007–2008 National History Day competition.

It is a pleasure to see that these students are taking the initiative to represent their schools in the most upstanding way. Their dedication to knowledge, excellence and hard work is honorable and I congratulate them on their successes.

Madam Speaker, I ask that my colleagues join me in honoring Brianna Morrow, Melissa Kinser and Brittany Loveall and in wishing them the best of luck at next week's National History Day competition.

TRIBUTE TO GENE AND CAROLE VUKELIC ON THEIR 50TH WEDDING ANNIVERSARY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Mr. and Mrs. Gene and Carole Vukelic on their 50th wedding anniversary.

Gene and Carole have raised seven children, and their five sons, Paul, Jeff, Tim, Peter, and Matthew, all work for Try-It Distributing, the company Gene's father started in 1928 and a recipient of the Canisius College Center for Entrepreneurship Family Business of the Year.

A devoted Western New Yorker, Gene was raised in Lackawanna, New York and attended Canisius High School and LeMoyne College in Syracuse. The son of a Croatian immigrant, Gene learned the value of hard work and tenacity in the face of adversity from his father, Stephen. Stephen only went to school until the sixth grade and worked wherever he could, including at the Bethlehem Steel plant in Lackawanna. According to Gene, however, Stephen Vukelic was "an entrepreneur at heart". When he was 28 years old, Stephen opened the Try-It Bottling Works company in a small building with one truck, and started bottling soft drinks in Lackawanna. Today, Try-It Distributing Co., Inc. is a hugely successful beverage firm.

Gene has carried on his father's spirit of entrepreneurship and is now Chairman and Chief Executive Officer of Try-It Distributing Company. His five sons work with him to develop the business their great grandfather started 80 years ago.

Madam Speaker, it is a great honor for me to recognize Gene and Carole Vukelic for their tenacity, passion, and dedication to the Western New York community. I would like to offer my sincere congratulations in celebration of their 50 golden years together, and extend my best wishes to the Vukelics and their family on their 50th wedding anniversary.

IN HONOR OF THE MINNESOTA ASSISTANCE COUNCIL FOR VETERANS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mrs. BACHMANN. Madam Speaker, since its founding in 1992 with the financial assistance of a local VFW post, the Minnesota Assistance Council for Veterans, MAC–V, has been serving Minnesota's veterans with pride and honor. Back then, it started by providing 4 homeless veterans with shelter and support. Today, it serves hundreds all across the state.

Too often, our brave heroes return from service to find the life they had left behind has left them behind in their absence. MAC–V helps our veterans pick up the pieces of their shattered lives in so many ways. In addition to providing shelter to veterans who return from service and find themselves in need of this basic need, MAC–V also helps veterans struggling with alcohol and drug addiction, provides important job training skills, and more.

Their annual Stand Down event, at which returning veterans have an opportunity to meet with veterans organizations that provide the full range of services, has become one of the most anticipated events in the veterans community.

MAC–V not only provides for the physical and mental needs of our veterans, but also forms a welcoming circle of support, friendship and camaraderie that these brave men and women need most of all. Partnering with local companies, organizations, and an army of volunteers, MAC–V has become an important part of the Minnesota veterans community and I thank them for their service to those who have served us so well.

A TRIBUTE TO MS. ELLEN GALE CATES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Ellen Gale Cates, an exemplary citizen.

Ms. Cates is the Assistant Program Director for the Wellness Center under the umbrella of the Bedford Stuyvesant Family Health Center, Inc. (BSFHC) in Brooklyn, New York. She has been a part of the Bedford Stuyvesant Family since 1994. The Wellness Center provides those who enter its doors with the tools, support and encouragement to better manage their health and wellness. The primary focus of the Wellness Center Team is to those who are diagnosed with HIV/AIDS.

Ms. Cates is also the coordinator of the Faith Based Initiatives Project for the Bedford Stuyvesant Wellness Center. This project provides assistance in coordinating informative programs on HIV/AIDS prevention, education, counseling and testing for emerging churches and communities of faith. This project focuses on the responsibility of the communities of faith and community based organizations collaborating on affecting changes. Several ministries have been reached and have started their own programs through this initiative. Ms. Cates and the Wellness Center have been able to continue this on-going project through their affiliation and support from the NYC National Black Leadership Commission on AIDS, INC.

Ms. Cates was appointed by Mayor Bloomberg as a member of the NYC Health and Human Service HIV/AIDS Council Committee, serving her 2-year term faithfully. Ms. Cates has served on several advisory boards, the longest being the South Brooklyn Legal Services Inc. She is an Active member of both the NYC DOHMH Office of Minority Health Borough of Brooklyn Ecumenical Advisory Group Faith Based HIV Task Force and the Faith-based High Blood Pressure Task-force.

Ms. Cates is a newly appointed member of Women of Faith Advocating Change (WFAC), chaired by Reverend Dr. Cheryl Anthony. WFAC is comprised of female clergy leaders, community service providers and elected officials representing Brooklyn neighborhoods. The mission is to address the disparities that adversely impact African American women and girls and find viable faith solutions through education, information and advocacy.

Ms. Cates has been a passionate yet a "quiet storm" in the fight against health disparities with a particular focus on HIV/AIDS in the urban community. Ms. Cates has determined that advocacy and leadership will be her path of alliance in this fight against HIV/AIDS in honor of those deserted hero's family members and friends who gave up their battle.

Prior to her coming into the non-profit sector, Ms. Cates worked as a telecommunications manager with Verizon for over 20 years. While transitioning from the corporate sector she worked with the NYC DOHMH as a Community Associate AIDS Hotline Counselor for more than 10 years. Ms. Cates holds a Bachelors Degree in Christian Education; and an Associates Degree from Pace University and an Associates Degree in Medical Assistance from the College of Staten Island. Ms. Cates serves at the St. Stephens United Church of God, as an Associate minister, under Bishop M.D. Williams, Overseer, in Brooklyn, New York.

A TRIBUTE TO THE 2008 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the 2008 recipients of the coveted Ellis Island Medal of Honor. Presented annually by the National Ethnic Coalition of Organizations (NECO)—a group representing more than 250 organizations that span the spectrum of ethnic heritages, cultures and religions—the Ellis Island Medal of Honor pays tribute to our Nation's immigrant heritage, as well as individual achievement. The medals are awarded to U.S. citizens from various ethnic backgrounds who exemplify outstanding qualities in both their personal and professional lives, while continuing to preserve the richness of their particular heritage. Since NECO's founding in 1986, more than 1,700 American citizens have received Ellis Island Medals of Honor, including 6 American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

As we all know, citizens of the United States can trace their ancestry to many nations. The richness and diversity of American life makes us unique among the Nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. This medal is not about money, but about people who really seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America. I commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promote unity and a sense of common purpose in our Nation. Madam Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and congratulating all of the 2008 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement.

LTC Madelfia A. Abb; Noubar B. Afeyan, PhD; Charles R. Ajalat, Esq.; Robert A. Altenkirch; Hon. Goli Ameri; Roger E. Ashley; Ahoud Avshalomov; Anthony P. Basile; Vasile Beluska; Daniel O. Bernstine; William Boesch; John William Butler, Jr.; LT Jack J. Cambria; Hon. Ben Nighthorse Campbell; Dr. Brian Carty, FSC; Dr. Samir Narayan Chaudhuri; Col. Dik Cheung, MD; Dr. Karlene ChinQuee; Annette Choolfaian; Abla A. Creasey, PhD; Hon. Joseph Crowley; Edward Deeb; Arthur A. Dugoni, DDS, MSD; Christopher Erikson; Richard Farkas; Peter B. Fodor, MD, FACS; Valentin Fuster, MD, PhD; Robert L. Ganley; Hon. George A. Grasso; Hon. Joseph R. Guccione; Noosheen A. Hashemi; Stephan S. Huh; Hon. Dora L. Irizarry; E. Neville Isdell; Chief Anthony J. Izzo; Dr. Stuart W. Jamieson; Trevor O. Jones; Patrick J. Kelly, MD, FACS; James W. Keyes; Laya Khadjavi; Darioush Khaledi; Parisa Khosravi; Daewon Khym; Peter J. Kight; Wilson Ko, MD; MG Anthony R. Kropp; Pamela H. Kwatra; William Landberg; Fred Horst Langhammer; Anthony J. Lariccia; Young Bin Lee, MD; BGen. Paul E. Lefebvre; Robert H. Lessin; Demetrios G. Logothetis; Col. Eugene V. Lombardo; F. Joseph Loughrey; Xindi Lu; Terry J. Lundgren; Franklin R. Manios; Matthew J. McCoy; General Duncan J. McNabb; Maria Mehranian; Leo Melamed; Lewis C. Merletti; Bernd (Ben)

Messing; Benjamin Mevorach; Avid Modjtabai; Jacqueline Murekatete; Mary Najarian; Vartkes Najarian, MD, FACS; Jacques Nasser; Long V. Nguyen, PhD; Franco Nuschese; CAPT. Robert R. O'Brien, Jr.; Ronald J. Onesti; Maria Otero; Randy Y. Owen; Mehmet C. Oz, MD, FACS; Laurice Y. Parkins; Richard P. Parrillo; Mukesh (Mike) Patel; Bhupendra R. Patel, MD; Gloria Perez; Hon. August B. Pust, PhD; Robin D. Rapaport; Lt. Cdr. Tamsen A. Reese; Michael P. Ricatto; Daniel M. Rooney; Thomas P. Rosandich, PhD; Harut M. Sassounian; Dhiraj H. Shah, MD; Jerome Shaw; Hon. Paull H. Shin; Sampat S. Shivangi, MD; Gary A. Sinise; Theodore M. Solso; Dr. Theodore J. Strange; Hon. Evelyn Lundberg Stratton; Haldun Tashman; Gerald N. Tirozzi, PhD; Stephen J. Trachtenberg; Nadadur Vardhan; Victor S. Wahby, MD; Aldona Z. Wos, MD; Chun To (Tony) Yeung; Louis S. Zamperini.

COLONEL JOHN D. DROLET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity that I take this opportunity to honor Colonel John D. Drolet. An Army Corps of Engineers officer since 1983, Colonel Drolet has spent the past two years as the District Commander for the United States Army Corps of Engineers, Chicago District. Since his arrival as District Commander of the Chicago District in 2006, Colonel Drolet's faithful service to the First Congressional District of Indiana has touched the lives of many constituents. For his efforts, and on behalf of my constituents, I take this time to thank Colonel Drolet, who will be relinquishing his command to Colonel Vincent V. Quarles on July 1, 2008, at the Harold Washington Library Center in Chicago.

Colonel Drolet has devoted himself to improving the quality of life for everyone, not only in the United States, but throughout the world. Prior to joining the Chicago District, Colonel Drolet served in many capacities within the United States Army. After being commissioned into the United States Army Corps of Engineers in 1983, Colonel Drolet would eventually command engineers in Germany while assigned to the 237th Engineer Battalion. He went on from there to serve as a Program Analyst and Budget Analyst for the United States Army Training and Doctrine Command, followed by a deployment to Kosovo in 1999, where he served as the Theater Fund Manager for Infrastructure for the North Atlantic Treaty Organization. From 2000 to 2002, Colonel Drolet commanded the Army's 169th Engineer Battalion at Fort Leonard Wood in Missouri. He has also served as the Executive Officer for the 1st Engineer Brigade at Fort Leonard Wood, and as the Chief of Staff for the United States Army Engineer School. Prior to taking over command of the Chicago District, Colonel Drolet served as the Chief of the Economic Division for the Deputy Chief of Staff—Strategic Effects, as part of the Multi-National Force—Iraq in Baghdad while deployed as a student from the United States Army War College.

Colonel Drolet's educational background is equally impressive. As a member of the United States Army, Colonel Drolet has completed: Army War College, the Command and General Staff College, the Professional Military Comptroller School, and United States Army Engineer Basic and Advanced Courses. His civilian educational accomplishments include a Bachelor's Degree in Agricultural Business Management from Pennsylvania State University and a Master's Degree in Comptrollership from Syracuse University, and he has also obtained a Master of Strategic Studies Degree from the United States Army War College. Known as a man of integrity and dedication, Colonel Drolet is a recipient of several military awards, including: the Bronze Star, the Defense Meritorious Service Medal, the Army's Meritorious Service Medal (with three oak leaf clusters), the Joint Service Commendation Medal, the Army Commendation Medal, the Kosovo Campaign Medal, the Iraq Campaign Medal, the NATO Medal, and the Global War on Terrorism Service Medal.

Madam Speaker, since joining the Army Corps of Engineers Chicago District, Colonel Drolet has been a driving force behind many projects aimed at improving the quality of life in the First Congressional District. Throughout his entire career, he has given his time and efforts selflessly to people throughout Northwest Indiana, the country, and the world. His life truly exemplifies selfless service to others, and on behalf of the Northwest Indiana community, I respectfully ask that you and my other distinguished colleagues join me in honoring Colonel John D. Drolet for his outstanding contributions to Indiana's First Congressional District.

HONORING TAIWAN'S AMBASSADOR JAUSIEH "JOSEPH" WU

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to Taiwan's Ambassador to the United States, Jausieh "Joseph" Wu.

Prior to entering politics, Ambassador Wu was an academic, completing his Ph.D. in political science in 1989 at Ohio State University. After serving as a teacher in the political science department at Ohio State, he became deputy director of the Institute of International Relations at Taiwan's National Chengchi University.

When the landmark election of President Chen Shui-Bian in 2000 officially put an end to one-party authoritarian rule in Taiwan, Ambassador Wu left academia to serve his country in government.

He was appointed Deputy Secretary General of the Presidential Office, and in 2004 he was tapped by President Chen to head the Mainland Affairs Council in Taiwan, the government body in charge of coordinating bilateral state-to-state relations with the People's Republic of China. Wu performed admirably in this position despite unprecedented threats and belligerence from China designed to undermine President Chen's efforts in Taiwan to expand and deepen its young democracy. Much to the dismay of the Chinese, however, the people of Taiwan resisted this pressure—successfully amending their National Constitution and holding the nation's first democratic referendum.

In 2007, Ambassador Wu was appointed to his current position as Taiwan's Ambassador in Washington, a position nearly as important as the post of Foreign Minister. His invaluable experience as Mainland Affairs Council chief gave him a keen understanding of the Chinese military threat to Taiwan and U.S. interests in the region and around the world—knowledge that made him an ideal choice for this important post. His appointment as Ambassador was also an historic event for Taiwan, as Ambassador Wu became the first non-Kuomintang Ambassador from Taiwan to the United States.

During his time as Ambassador to the United States, Wu served with the same professionalism and diligence as he did in his prior positions. Ambassador Wu and his staff have worked tirelessly to improve Taiwan's traditionally solid relationship with Congress and helped to strengthen the bilateral U.S.–Taiwan relationship—a relationship based on our shared values and our commitment to democracy.

Ambassador Wu has always gone to great lengths to improve mutual understanding and open lines of communication between the United States and Taiwan. During his tenure, the U.S. House of Representatives reciprocated that goodwill by moving to scrap antiquated and arbitrary, 1970's-era State Department restrictions on communications between high-ranking U.S. and Taiwanese officials.

I sincerely hope that the Senate will follow suit so that in the not-too-distant future, the President of the United States can meet with the democratically elected President of Taiwan the same way he meets with the unelected dictator of the People's Republic of China.

Madam Speaker, Ambassador Wu is an exceptional diplomat and a dedicated statesman. He is also my friend. I deeply appreciate his efforts to bring our two countries closer together, and I wish him all the best in his future endeavors.

HONORING ROBERT C. DYNES ON HIS RETIREMENT AS THE 18TH PRESIDENT OF THE UNIVERSITY OF CALIFORNIA

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mrs. DAVIS of California. Madam Speaker, I rise today to recognize and honor Robert C. Dynes, who stepped down recently as the 18th President of the University of California, one of the world's premier research universities. President Dynes has devoted his talents and vision to the University's historic mission of academics, research, and public service to the state of California.

A renowned scientist with a steadfast commitment to the highest standards of intellectual life—a hallmark of the University of California since its inception—President Dynes has demonstrated himself to be a skilled, creative, and resourceful leader. During his time at the University of California, he has tackled the vital issues facing higher education in the 21st century with both tenacity and foresight.

His service as President of the University of California has been the capstone of a remarkable career in both private industry and higher education. Before he came to the University of California, Dr. Dynes served for 22 years at AT&T Bell Laboratories as department head of semiconductor and material physics research and director of chemical physics research.

I came to know President Dynes in his role as the Chancellor of the University of California, San Diego from 1996 to 2003. Under Chancellor Dynes' guidance, UCSD achieved national and international acclaim for its research and educational excellence.

During his tenure at the University of California, President Dynes has been a staunch and effective advocate for America's security and competitiveness through advances in science and technology. He has also demonstrated this commitment to encouraging innovation on the national level by serving in key positions in the National Academy of Sciences, the Association of American Universities, and the U.S. Council on Competitiveness.

President Dynes also spearheaded the effort by the University of California to overhaul the university's management of our nation's nuclear security national laboratories. To accomplish this goal, he paired the latest scientific evidence with innovative security strategies to update the management and oversight of the Los Alamos and Lawrence Livermore National Laboratories.

President Dynes has also been a vigorous and visionary leader in the national movement to reform K-12 math and science education. Among his most notable achievements is his collaboration with Governor Arnold Schwarzenegger, the California State University system, and California's industry leaders in creating the Cal Teach Science and Math Initiative. This endeavor has won high praise from both federal policymakers and U.S. corporate leaders.

With globalization playing a greater role in our society, President Dynes recognized that research universities must "facilitate the free flow of ideas between borders" to create the economy and quality of life of the future. To strengthen the research capacity and the intellectual development of American students, he initiated international cooperation with institutions of higher education, as well as with business and industry, in China, India, Canada, and Mexico.

President Dynes' foresight and leadership is evident in the launch of the first new research university of the 21st century—University of California, Merced. Likewise, his hard work was instrumental to the creation of the Governor Gray Davis Institutes for Science and Innovation. Both of these efforts will help keep California at the cutting edge of research into bioengineering, nanotechnology, next generation Internet and the many other elements of the "New Economy."

Therefore, I rise today in tribute to my friend Robert C. Dynes—for the invaluable service he has rendered to the country and to the state of California. I would like to thank him for his leadership in the continuing search for new knowledge and commend him for his steadfast commitment to the students of California.

TRIBUTE TO REVEREND WILLIAM J. FOWL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. DUNCAN. Madam Speaker, I rise today to honor a Tennessean who has comforted and inspired thousands of people in East Tennessee.

Reverend William J. Fowler of Knoxville, Tennessee has spent the last 42 years as a Minister of the Gospel. During that time, he was a role model for his congregation and an inspiration to other ministers.

As the head of Church Street United Methodist Church since 1994, Rev. Fowler's compassion and devotion helped grow the congregation into the thousands, and his leadership has been invaluable to the United Methodist Church.

Rev. Fowler served as a member of the Board of Trustees of Emory & Henry College, where he chaired the Religious Life Committee. He also served as a member of the Holston Conference Board of Higher Education and Ministry and the Holston Conference Ethics Committee, and he was a member of the Institutional Review Board of Bristol Regional Medical Center.

In his final sermon, Rev. Fowler urged his congregation to heed God's call: "God can send different persons to us, and point us the way that he wants us to go." He told his followers that his farewell does not mark the end of his service, but the continuation of God's Ministry.

I urge my colleagues to join me as I salute Rev. William J. Fowler and wish him and his wife the best as they enter a well-deserved retirement. His calling as a reverend, friend, and leader will continue to inspire many.

Madam Speaker, in closing, I would like to call to the attention of my colleagues and other readers of the Record the article from The Knoxville News Sentinel newspaper, which is reprinted below.

[From the Knoxville News Sentinel, June 7, 2008]

Familiar Pair at Church Street UMC To Retire

(By John Shearer)

Just as the landmark Church Street United Methodist Church on Henley Street has changed little in appearance in recent years, so have its worship leaders.

However, the Rev. William Fowler, who has served as senior minister for the last 14 years, and Jim Rogers, who has been the organist and choirmaster since 1979, have announced plans to retire.

Fowler, whose tenure has been considered long for a denomination with itinerant clergy, will preach his last sermon on June 8, while Rogers is leaving in late July.

The Rev. Andy Ferguson from Broad Street United Methodist in Cleveland, Tenn., will be the new senior minister, while a search is under way for Rogers' replacement.

Fowler, the son of a Methodist minister, began his career after graduation from Duke Divinity School as an assistant pastor at a church in Scotland beginning in 1968. He had come to Church Street from First United Methodist in Bristol and had no idea he would stay so long.

"The first Sunday I was overwhelmed and frightened," he said. "Hearing the organ open up on, 'Lift High the Cross,' I said, 'God, what did you get me into?' I certainly made some mistakes, but I gave all my effort to God and said I tried."

Fowler, who is building a retirement lakeside home in Kingston with his wife, Virginia, plans to stay away from a pulpit but near a pen and computer writing books. Rogers had come to Church Street from a similar position at Belle Meade United Methodist in Nashville. At Church Street, he has maintained the church's style of more traditional and formal music in an era when contemporary Christian music has become popular. "People pass a lot different styles of worship to come to this church," he said.

Rogers said the most satisfying part of his work has come not from the performances, but in practice.

"The challenge is seeing what you can get out of a group of singers," he said. "God doesn't deserve your second best."

IN MEMORY OF JOHN RODGERS BARNES

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. HUNTER. Madam Speaker, I rise today to honor and pay tribute to the life and memory of a true American hero, John Rodger Barnes. John was a long-time resident of Southern California and passed away at his Indian Hills home on February 15, 2008.

John attended schools in Mansfield and briefly studied law at Boston University. It was there in Mansfield that he met and married his lifelong companion, Alice T. Barnes of Brockton, Massachusetts, in 1940. The young couple began their family at their home on a small farm there in Mansfield. When World War II began, John was working at Harvard University and in 1943 he joined the U.S. Navy, later serving in the Pacific Theater with the Navy Seabees. It was there on the island of Saipan, at Leyte, and later in the Philippines that he distinguished himself in fierce battle earning several medals for valor including six Bronze Battle Stars.

He also participated in battles at Tinian, the Lingayen Gulf, Luzon and Okinawa Island and was on a ship anchored near Japan when the order to drop the first atomic bomb was issued. Following the war, John returned to his Mansfield farm until 1950 when he and Alice moved with their 5 children to Patrick Air Force Base, Florida.

In 1959, John moved his family to Southern California but later joined the Chrysler Corporation as a leader in its tool and die operation. Following his retirement there he and Alice moved back to Southern California and lived at the Galleano Winery in Mira Loma until her death in 1997. The majority of his retirement was spent in Southern California where he continued to enjoy his good health, reading many fine books, watching the birds and squirrels, and penning scores of editorial letters to several local papers.

John was survived by his children Barry, David Harding, Doreen Elizabeth, and Ellen Judith, his brothers Sam and Peter and sisters Rosalee and Margot. His son John Rodgers and siblings Clarence, Jane, David and Thomas all preceded him in death.

The success of his children and grandchildren always gave John great pride often saying that they "did well because I didn't interfere." A highly decorated combat veteran, a talented and distinguished technician and a loving and caring father, John imparted his values and virtues on his large and wonderful family, the several communities he served and the many precious lives he touched so gently. He will be truly missed by all so fortunate to have been touched by his kindness.

A TRIBUTE TO VINCENT HOSANG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Vincent HoSang, CEO and President of Caribbean Food Delights, a nationally and internationally renowned wholesale trade corporation that produces Caribbean delicacies.

HoSang was born in Springfield St. James, Jamaica to Mr. and Mrs. Henry HoSang, and was the eighth child of ten. As a child, HoSang had aspirations of becoming a medical doctor but halted his studies to help his uncle manage a family grocery store. However, it was this introduction to food services that placed HoSang on the road to founding a lucrative corporation.

In February of 1968, HoSang migrated to Bronx, NY where he saved enough money to buy a fast food store known as "Kingsbridge Delight," which sold fried chicken, shrimp, ribs, and French fries. In 1980, HoSang bought "Sunrise Bakery" on Dyre Avenue; HoSang changed its name to "Royal Caribbean Bakery" and expanded the corporation into a 20,000-sq ft. wholesale trade company in Mount Vernon, NY.

In 1993, HoSang bought 73,000 sq. ft. of land property in Tappan, New York where he founded Caribbean Food Delights, which produced various Jamaican cuisines. Since then, Caribbean Food Delights has expanded to become internationally recognized and received the Forbes award on February, 5, 2007. Along with his success, HoSang finds time to give back to the communities he's belonged to. Vincent HoSang Family Foundation, founded in 2003, and it contributed $150,000 worth of scholarship money to business students at the University of the West Indies; this is just one example of the many ways HoSang attempts to serve others.

In closing, Vincent HoSang has dedicated his life to helping others through philanthropic giving and through food services.

HONORING SOUTH CENTRAL CONNECTICUT CHAPTER 703 OF THE AMERICAN RED CROSS AS THEY CELEBRATE THEIR 75TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Ms. DELAURO. Madam Speaker, there are few organizations whose name is synonymous with compassion, care, and community service. The American Red Cross is one of those few. Today, in my hometown of New Haven, Connecticut, South Central Connecticut Chapter 703 celebrates its 75th anniversary. Quite a remarkable milestone for this organization and our community. It is with the greatest pride that I rise today to pay tribute to this outstanding organization, its extraordinary membership, and the many invaluable contributions they have made to our community, our state, and our Nation.

Brought together by its first chairman, William Farnam, the South Central Connecticut Chapter of the American Red Cross was established in April 1906. The earliest records indicate that this group of volunteers were gathering supplies for Serbia as well as provisions for charitable groups throughout Greater New Haven. Shortly after our entrance into World War I, classes in home nursing were started as well as first aid programs, home services, and a corps charged with making surgical dressings. These were all volunteers—a remarkable achievement when you consider the demands brought on by the war. In fact, records from 1918 show that the Surgical Dressings department worked in an area that accommodated 1,200 workers and that in that same year, their fundraising drive included 4,000 women dressed in white, parading for the cause.

One of the greatest contributions of the South Central Connecticut Chapter was the role of one of their most distinguished members in the development and implementation of the present day statewide Blood Program. The National Red Cross pioneered the Blood Program in 1936 and during World War II the Army and Navy put out a call for donations. G. Gordon Copeland was the Chapter's assistant treasurer in 1942 and is credited with initiating the Regional Blood Program in 1950. He was chosen to represent the National Red Cross at the Centenary Congress in Geneva and served on Connecticut's Advisory Board for many years. He would certainly be proud that in Connecticut, where there are no commercial blood banks, is one of only 3 states in the Nation with an entirely free, entirely volunteer program.

In 1955, the Chapter had little chance to celebrate the purchase of the "Verdi House"—what would become their permanent home on Whitney Avenue—before the most disastrous flood in Connecticut's history came upon the State, paralyzing many communities. Always at the ready, the Chapter's offices were open 24 hours a day for 4 days and then for the following 2 weeks all personnel were on 24-hour call. Providing for 30,000 Connecticut residents, the Chapter moved 7 seaworthy boats into service, and 1,000 disaster workers faced the challenge—gathering generators, short wave radio equipment, food, clothing, water, cots, blankets and medical equipment. Their quick action earned them the highest complement from then Governor Abraham Ribicoff when he described their endeavors as "a model of humanitarian relief."

Today, the South Central Connecticut Chapter of the American Red Cross boasts a volunteer base of more than 3,000 and its programs and services stretch far beyond the Blood Program and disaster relief efforts. They offer preventative programs such as swimming lessons for children, first aid and CPR training, and workshops that help parents identify dangers in the home. Our children are introduced to citizenry and community service through their Youth Program and the Social Service Department offers counsel and assistance to veterans, seniors, and those most in need. As they celebrate their 75th anniversary, the South Central Chapter of the American Red Cross not only reflects on past accomplishments but looks to what they can achieve in the future. This extraordinary volunteer organization has become an integral part of our community—their innumerable contributions touching countless lives. It is my privilege to rise today to extend my heartfelt congratulations to the organization and its many members, past and present, on this very special occasion.

TRIBUTE TO CHRIS RICE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. CAMP. Madam Speaker, today I rise to congratulate and pay tribute to Chris Rice upon receiving the title of Northwestern Michigan Spelling Bee Champion, and for his valiant representation of Michigan's fourth district in the Scripps National Spelling Bee Championship this spring.

Achieving previous high marks in the state level competition, it is not only Chris' exemplary study habits but his determination and focus that led him to the national competition in Washington, DC, this year. Chris' natural ability to spell became evident as a 4-year-old child when he began reading the news ticker displayed across the bottom of the television. After continuing to develop his love for spelling at school, Chris enlisted the help of his dedicated parents to begin practicing for spelling bee competitions.

As his Representative, I am proud of the great wealth of knowledge displayed by Chris while competing against 288 students from across the United States during the spelling bee. Chris' focus on spelling and reading makes him a true example and role model to his fellow students across Michigan.

On behalf of the 4th Congressional District of Michigan, I would like to extend my congratulations and thanks to Chris Rice for his educational achievements and leadership within Northwestern Michigan. I wish him the best in all of his future endeavors.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. SMITH of New Jersey. Madam Speaker, I submit the following:

Requesting Member: Rep. CHRISTOPHER H. SMITH.

Bill Number: H.R. 5658.

Account: Research, Development, Test and Evaluation, Navy Account.

Legal Name of Requesting Entity: McGee Industries Incorporated.

Address of Requesting Entity: Nine Crozerville Road, PO Box 2425, Aston, PA 19014.

Description of Request: The next generation aircraft carriers will be built using new technology that replaces the traditional steam catapults with an Electromagnetic Aircraft Launch System (EMALS). The environment around aircraft carrier catapults is among the most corrosive (i.e. seawater spray, heat, deck contaminants) with which the Navy must contend. No reliable corrosion or fracture data exists for the new EMALS materials and configuration operating in a catapult-like environment. A T&E program initiated to develop design-specific corrosion data under simulated catapult conditions needs to be continued in order to permit further design refinement, that will: (1) prevent premature component failures (2) minimize costly fleet maintenance and (3) enhance operational readiness.

Corrosion protection is an important element in producing a durable, highly reliable EMALS that will meet or exceed all Navy performance goals. It can be expected that unforeseen corrosion issues will arise as full-scale development, testing, and implementation of the EMALS proceeds. There is a window to generate corrosion data and recommend changes through 2009. Corrosion fatigue and stress corrosion cracking are critical problems that if addressed correctly, would improve performance, extend their life cycle and lower Operation and Maintenance costs for the carriers and their test facilities. Fracture mechanics testing of various corrosion control alternatives in a realistically simulated environment is required to resolve these concerns.

Detailed Finance Plan—McGee Industries: The total cost of this program has been valued at $3,000,000. We will need to design and develop load frames that will replicate the harsh catapult trough environment. Test equipment will need to be built that simulates the heat extremes, vibration effects, various deck contaminate and their effects on corrosion. All of these parameters will need to be monitored on a periodic basis to assure that we are simulating the EMALS operating conditions. At present we plan to evaluate more than 20 different chemicals and coatings.

The research program planned will follow the direction of the testing results and the direction of appropriate NAVAIR personnel. We estimate that we will need man hours for chemists, engineers, technicians and laboratory services as well as clerical and administrative support.

Breakdown of the Requested Funding: $1,250,000 for Design and Test Equipment; $500,000 for Laboratory Supplies and Equipment; $750,000 for Man Hours for Chemists, Engineers, Technicians; $250,000 Administrative, Travel; $250,000 Technical Assistance from Research Institutes.

Though this program is specifically directed at the EMALS system controlled by NAVAIR, McGee Industries plans to include updates pertinent to NAVSEA. Corrosion issues and improved corrosion protection are a problem throughout all military branches due to the age of existing equipment and the harsh environments which they must operate in successfully. Thus, this program offers conditioned maintenance improvements for the Navy, Army, Air Force, Marines and the Coast Guard.

HONORING DR. DONALD F. AVERILL FOR 47 YEARS OF ACHIEVEMENTS IN EDUCATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. LEWIS of California. Madam Speaker, I rise today to pay tribute to a true leader in my community, Dr. Donald F. Averill, who is retiring after 47 years of dedication to education and economic development throughout the Inland Empire.

With 14 years of teaching at the secondary level, and 33 years of community college experience, Dr. Averill was chosen to be Chancellor of a very important education provider in my home town of San Bernardino, California, a position he held for 8 years. The San Bernardino Community College District is comprised of two colleges, San Bernardino Valley College and Crafton Hills College, the Professional Development Center, and its own public television and radio station, KVCR.

Beginning with 140 students at two high school campuses in 1926, San Bernardino Valley Community College has grown into a district with two modern campuses and thousands of students. It has served more than 700,000 students over the past 80 years.

Our district is blessed with many fine educational professionals who are passionate about their work and care deeply about the lives of their students. Dr. Averill took his interest one step further by working with the county and the K–12 students to increase the college-going rate in the region by 45 percent, with the majority of that enrollment going to the community colleges.

Dr. Averill's forward-thinking skills are an essential part of what has made San Bernardino a model community for educational development. In particular, he is credited with developing and implementing extensive workforce development programs that incorporate education and economic development in California. He was one of the founders of the Economic Development Network of the California Community Colleges, or EdNet, an innovative technological tool that utilizes existing community college infrastructure to promote the State's economic expansion. He also was instrumental in completing extensive long-range facilities plans for San Bernardino Valley College and Crafton Hills College in Yucaipa. Dr. Averill's hard work and dedication to ensuring the future success of our young people is truly appreciated.

My constituents in the 41st District are particularly grateful for Dr. Averill's role in adding a simulated fire fighting unit for training in aircraft fire fighting. Our region is always at risk from devastating wildfires and it is crucial that our firefighters have the training tools they need to protect our communities.

Beyond his achievements in the educational field, Dr. Averill is a community leader. He serves on the executive committee of the Economic Development Network of California, and is a board member of the Inland Empire Economic Partnership, the Workforce Investment Board, the San Bernardino Area Chamber of Commerce and Arrowhead United Way.

Madam Speaker, please join me in congratulating Dr. Averill for his many accomplishments and thanking him for making our community a leader in educational, professional and economic advancement. The valuable contributions he has made throughout his career will be remembered for years to come.

CONGRATULATIONS PROFESSOR JEFFERSON DAVIS FUTCH, III

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. WILSON of South Carolina. Madam Speaker, for 46 years, Dr. Jefferson Davis Futch, – III has been a member of the faculty at Washington and Lee University, my alma mater, in Lexington, Virginia. At the end of this school year, Professor Futch retired from his post. While he may no longer be teaching, his legacy of scholarship and dedication to the W&L community will never be forgotten.

Born in Baltimore, Maryland in 1932, J.D. Futch earned an Associate Bachelors degree in humanities and a Ph.D. in history from Johns Hopkins University. He spent three years in the United States Army from 1957 to 1960, and joined the Washington and Lee faculty in September of 1962.

Throughout his life and career, Dr. Futch has been honored as a member in Phi Beta Kappa and as a recipient of the Woodrow Wilson Fellowship from 1955–1956. He contributed to articles in the widely respected magazine National Review from 1958–1976. And, in 1987, he was recipient of the W.W. Pusey Award which recognizes outstanding and dedicated service to Washington and Lee University.

Dr. Futch specializes in the history of the papacy, Renaissance and modem European history.

From the many lives he has touched to the University he helped grow and strengthen throughout his tenure at Washington and Lee, Dr. Futch is an icon in the Washington and Lee community and someone who will be missed by students, faculty, and friends alike. No professor had a more profound impact on my love of history and interest in public service than Dr. Futch. I will always be deeply grateful for his guidance in my life. I know I speak on behalf of the alumni who have had the honor to know and learn from Dr. Futch when I say that we wish him many years of happy retirement.

A TRIBUTE TO REV. KIMBERLY COUNCIL-HAIGLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Reverend Kimberly Council-Haigler of Brooklyn, New York, for the achievements of one who provide selfless contributions to their community.

The daughter of Mr. Benjamin and Rev. Linda Council, she is the oldest of five and the mother of two. In 2003 she gained her license and was ordained at the Berean Baptist Church under the leadership of Rev. Dr. Arlee Griffin Jr. She Received a Bachelor of Arts from North Carolina Central University and a Master of Science in Library Science from Pratt Institute.

Rev. Council is active in her church and professional community overseeing the Young Adult Ministry and Youth Ministry. At the same time she serves as the superintendent of the Young Adult Sunday School Department, an instructor at the Berean Bible Institute and sits on the Board of Directors of Berean's Christian Education Ministry.

Currently she works as a Reference Librarian at Sullivan & Cromwell LLP. She is a member of the Law Library Association of Greater New York where she has served on the Board of LLAGNY's Board of Directors, and co-chair of LLAGNY's Student Relations Committee. She is also a member of the American Association of Law Librarians and Alpha Kappa Alpha Sorority incorporated.

Her service to the community is outstanding and deserves grave recognition.

IMPACT OF FLOODING IN IOWA

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. BOSWELL. Madam Speaker, Iowa, the State I am proud to represent in this great body, is facing one of the worst natural disasters it has ever witnessed. Record flooding has affected hundreds of communities, devastated hundreds of businesses, displaced thousands of our fellow citizens, and has done billions of dollars in damage.

The waters are beginning to recede in some parts of the State, but we are not out of the troubles yet. The level of devastation has not yet been fully realized, and probably won't for some weeks. I saw firsthand the damage done as I toured my district this weekend, and words cannot begin to illustrate just how damaging the floodwaters have been.

I rise today to salute my fellow Iowans, and salute the sense of community that is so strong in Iowa. In preparation for the floods, there were countless instances where Iowans banded together, from all walks of life, from all ages, to work together to do whatever was necessary to save the communities we all love to call home.

And this is what Iowans will continue to do. We will continue to work together to rebuild our communities and heal the wounds the flood waters opened. We will continue to work together and fight on because our families, our communities, and our State are worth nothing less.

But Madam Speaker, Iowa will need generous Federal assistance to get back on its feet. Iowans will do whatever they can, but the fact is the flooding that has hit Iowa has never been witnessed, ever, and the damage and challenges presenting themselves are simply too much for the State and local governments to handle by themselves. Iowans will do their part, but we must do ours.

Madam Speaker, Iowans continue to display what is best in the American spirit as we continue to face the challenges that are presented to us today, and we will persevere, for as Iowa goes, so goes the Nation.

IN REMEMBRANCE OF RICHARD ASHBROOK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Richard Louis "Dick" Ashbrook—devoted family man, accomplished scientist, peace and social justice activist and humanitarian.

Born in Philadelphia, Dick graduated from Lehigh University with a degree in metallurgical engineering. He earned his master's degree from Carnegie Institute of Technology and a Ph.D. from Case Institute of Technology. In 1961, Dick and his wife, Mary, moved to Brook Park where he worked for NASA's Lewis Research Center doing research on high temperature alloys and ceramics. He was also a consultant with Brush Wellman.

He was active in civil rights and fair housing through the Berea Area Council on Human Relations. He participated in countless peace vigils as a member of the Peace Community Church. He was an early member and longtime manager and roadie of the Cleveland area contra dance band, Mud in Yer Eye, in which he played concertina, bones and other rhythm instruments. He volunteered in the book-mending lab at Oberlin College and was an active member of SPINACH (Senior People Interested in Nutrition and Community Health). He also volunteered at the Second Harvest warehouse.

Madam Speaker and colleagues, please join me in honor, gratitude and remembrance of Dick Ashbrook—an exceptional man, scientist and leader whose life reflected accomplishment, caring and joy. I offer my deepest condolences to his devoted wife, Mary, beloved children, Anne (Tom) Fitzpatrick, Connie (Martha Landowne), Peggy (Darryl Francois), Janet (John Dunn), Ellen (Ann Adams), Nico Ashe (Andrew Poltzer) and eight grandchildren. Dick Ashbrook's legacy, both personally and professionally, will be remembered by family, friends and colleagues.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. KIND. Madam Speaker, I was unable to have my vote recorded on the House floor on Thursday, June 12, 2008, having returned to my district to assist my constituents with the severe flooding that recently struck Wisconsin. Had I been present, I would have voted in favor of H. Res. 1257 (Roll No. 405 and No. 406), H. Res. 1265 (Roll No. 407 and No. 408), H.R. 1553 (Roll No. 409), H.R. 5749 (Roll No. 410 and No. 412), and S. 2146 (Roll No. 413). I would have voted against the motion to recommit H.R. 5749 (Roll No. 411).

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. KIND. Madam Speaker, I was unable to have my vote recorded on the House floor on Wednesday, June 11, 2008, having returned to my district to assist my constituents with the severe flooding that recently struck Wisconsin. Had I been present, I would have voted in favor of H. Res. 977 (Roll No. 404).

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. BRALEY of Iowa. Madam Speaker, unfortunately, I was unable to vote on Wednesday, June 11 and Thursday, June 12 due to massive flooding throughout Iowa's 1st Congressional District. Although I realize how important it is to cast votes in Washington, the well-being of my constituents comes first, and I need to be in the District to assist in any way I can.

On rollcall 397, H.R. 6003, I was not present. If I had been there, I would have voted "no."

On rollcall 398, H.R. 6003, I was not present. If I had been there, I would have voted "yes."

On rollcall 399, H.R. 6003, I was not present. If I had been there, I would have voted "no."

On rollcall 400, H.R. 6003, I was not present. If I had been there, I would have voted "yes."

On rollcall 401, H. Res. 1258, I was not present. If I had been there, I would have voted "yes."

On rollcall 402, H. Res. 1235, I was not present. If I had been there, I would have voted "yes."

On rollcall 403, H.R. 5749, I was not present. If I had been there, I would have voted "yes."

On rollcall 404, H. Res. 977, I was not present. If I had been there, I would have voted "yes."

On rollcall 405, H. Res. 1257, I was not present. If I had been there, I would have voted "yes."

On rollcall 406, H. Res. 1257, I was not present. If I had been there, I would have voted "yes."

On rollcall 407, H. Res 1265, I was not present. If I had been there, I would have voted "yes."

On rollcall 408, H. Res. 1265, I was not present. If I had been there, I would have voted "yes."

On rollcall 409, H.R. 1553, I was not present. If I had been there, I would have voted "yes."

On rollcall 410, H.R. 5749, I was not present. If I had been there, I would have voted "yes."

On rollcall 411, H.R. 5749, I was not present. If I had been there, I would have voted "no."

On rollcall 412, H.R. 5749, I was not present. If I had been there, I would have voted "yes."

On rollcall 413, S. 2146, I was not present. If I had been there, I would have voted "yes."

IT'S TIME TO TALK TO IRAN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Ms. LEE. Madam Speaker, on Tuesday of this week I had the wonderful experience of participating in a very important and worthwhile exercise in civilian diplomacy.

Coordinated by the Campaign for a New American Policy in Iran, Tuesday's event, called "Time to Talk with Iran," brought together a bipartisan gathering of Members of Congress, citizen groups, and religious organizations calling for bilateral negotiations without preconditions between the United States and Iran to dissuade Iran from seeking to acquire nuclear weapons.

Our message was simple: It is time to talk to Iran.

In fact it is past time we talk to Iran.

Because we hear the same people who supported a disastrous war of choice in Iraq now steadily beating the drum for war with Iran.

We have been down this road before and Americans have learned a simple truth from five hard and bitter years in Iraq:

No unjust war ever produced a just and lasting peace.

It has not worked in Iraq. It will not work in Iran.

We do not need another rush to unwarranted, unnecessary, and misguided military action. We need instead to launch a diplomatic surge for peace and reconciliation.

That is why earlier this year I introduced H.R. 5056, the Iran Diplomatic Accountability Act of 2008, which directs the President to appoint a high-level envoy empowered to seek to conduct direct, unconditional, bilateral negotiations with Iran for the purpose of easing tensions and normalizing relations between the United States and Iran.

My bill takes a common sense approach and it is one the American people understand.

Six out of 10 Americans do want their president to talk to Iran's president, according to the most-recent Gallup poll.

Many leading organizations active in the nuclear nonproliferation movement support this approach as indicated by the attached letter in support of diplomatic dialogue with Iran from the Friends Committee On National Legislation, FCNL.

Foreign policy experts also support direct negotiations without preconditions. In fact, a group of 5 bipartisan former U.S. secretaries of state have called for the U.S. to open talks with Iran to find common ground and resolve differences on Iraq, Iran's nuclear program, and other issues.

They understand that the current policy of avoiding serious negotiations with Iran until Iran suspends uranium enrichment has not worked. They understand that an offer of bilateral negotiations with a precondition is essentially no offer at all, when the precondition is the object of the negotiations.

Not only is talking to Iran the most sensible approach—it is far superior to preemptive military action against Iran. We know from the misadventure in Iraq that the humanitarian, economic, political, and military consequences of military conflict with Iran would be staggering.

Simply put: this Nation cannot afford these costs—especially on top of the tremendous costs of the debacle in Iraq.

Finally, Madam Speaker, although many persons were responsible for planning this extraordinary exercise in civilian diplomacy, I would like to single out for special recognition Carah Ong of the Center for Arms Control and Nonproliferation; Bill Goold, Executive Director of the Congressional Progressive Caucus; and Nicole King of my personal staff. They did a wonderful job organizing this event.

It is time to talk to Iran. As the "Time to Talk to Iran" event this past Tuesday, all it takes to begin is one "Hello."

FRIENDS COMMITTEE ON
NATIONAL LEGISLATION,
Washington, DC, June 3, 2008.

DEAR MEMBER OF CONGRESS, We write to call your attention to the recent call from five former U.S. secretaries of state for the U.S. to open talks with Iran. We urge you to speak out in favor of such talks and to support legislation to encourage them.

Colin Powell, Henry Kissinger, James Baker III, Madeleine Albright, and Warren Christopher all urged the U.S. to open a dialogue with Iran to find common ground and resolve differences on Iraq, Iran's nuclear program, and other issues.

The administration's policy of avoiding serious negotiations with Iran until Iran suspends uranium enrichment has not worked. We agree with those in Congress and elsewhere who have argued that to offer bilateral negotiations with a precondition is no offer at all, especially when the precondition is the object of the negotiations. This position guarantees that the negotiations with the best chance of settling U.S.-Iran differences will not begin.

Former national security advisor Zbigniew Brzezinski and the late former National Security Agency director William Odom wrote recently that "Current U.S. policy toward the regime in Tehran will almost certainly result in an Iran with nuclear weapons." They and many other analysts have concluded) that U.S. military action against Iran would only delay an Iranian nuclear weapons program and insure their determination to acquire nuclear weapons. Extreme elements would be strengthened and the cause of reform in Iran would be set back for years to come. Military action would also increase animosity toward the U.S. in the Middle East and elsewhere. It would prompt a big spike in the price of oil and would likely lead to retaliatory actions against the U.S. in Iraq and Afghanistan.

Current U.S. policy not to seriously negotiate with Iran has failed. The absence of talks and the addition of ever more stringent economic sanctions will resolve nothing. Military action would be disastrous. The only sensible option that serves the interests of the U.S. and the nations of the Middle East is to explore the possibility of finding common ground with Iran through direct negotiations. Common ground is not hard to imagine. For starters, both countries have an interest in a stable Iraq, a Taliban-free Afghanistan, and increased' oil production capacity in Iran. The U.S. need not wait to develop leverage.

Please add your voice to those of the five former U.S. secretaries of state and other senior figures who are urging the U.S. to open talks with Iran. And please look for legislative opportunities to put Congress on record in support of such talks.

Thank you for your consideration.

Sincerely,

JIM FINE,
Legislative Secretary for Foreign Policy.

HONORING THE RETIREMENT OF JO-ANN LOFTUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to a wonderful woman; Jo-Ann Loftus is retiring from the New York Stock Exchange after being a dedicated employee for the past 34 years.

Jo-Ann has proven herself to be a dedicated and relentlessly hardworking employee. Starting out as a secretary, Jo-Ann has worked her way up to become manager of the Government Relations department. In her many years of employment there, Jo-Ann has touched many lives at the NYSE.

Jo-Ann is also the mother of two children and would be described by them as supportive, loving and full of life and integrity. Jo-Ann raised her children as a single mother, working full time and putting both through college on her own. She has also never missed one dance recital, baseball game, after-school event or award ceremony that her children have been involved in.

Jo-Ann is also the founder of His Final Touch Prayer group and has been the faithful leader for over a decade. Jo-Ann is also a very involved member of her local Catholic parish and community.

She will be very missed by her colleagues and friends at the New York Stock Exchange but they are very confident that she will be just as successful at retirement as she has been in her years of work and service there.

THE NATIONAL NANOTECHNOLOGY INITIATIVE AMENDMENTS ACT OF 2008

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. SHERMAN. Madam Speaker, on June 5, 2008, I voted for the nanotechnology bill (H.R. 5940).

I have often expressed my concerns regarding the social, legal and ethical implications of "engineered intelligence", that is, the ongoing efforts of computer engineers and bio-engineers to create intelligence beyond that of a human being. The Congress and the Administration need to consider and address all aspects of these issues as we promote and assist the development of nanotechnology. To that end, I am pleased that this bill provides for a triennial review by the National Research Council of the adequacy of the National Nanotechnology Program's activities addressing ethical, legal, environmental, and other appropriate societal concerns, including human health concerns.

I hope that these concerns will receive even further attention in the legislative process as this bill goes to Senate and as any Senate reports or conference reports on a nanotechnology bill are prepared.

A TRIBUTE TO CLARENCE E. KOONACE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Clarence E. Koonace, who helps serve his community through developing innovative medical technology. Before his career as an engineer, Koonace served his country as a member of the United States Air Force.

Mr. Koonace obtained a degree in business administration from Farleigh Dickerson's Edward Williams School and an Electronic Engineering Degree from DeVry Institute. On July 1, 1986, Clarence founded the Mordenrn Rad Ltd. Koonace's organization, provides sales and service to medical imaging cliental including NYC Fire Department's medical Division and NYC Office of the Chief Medical Examiner, private clinics, private practices, and consultation to vendors of X-ray equipment.

In addition to his career in engineering, Koonace is also an ordained deacon and member of Liberty Baptist Church of Brooklyn, New York. He is the husband to Evon Koonace and the father to two children, Crystal Bonita and Trevor Lamont.

It is with great honor that I recognize Koonace today for his service in improving health care technology and improving the lives of others.

A TRIBUTE TO JOHN SALOGUB

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of John Salogub, an active citizen of the Carnarsie neighborhood of Brooklyn and president of the 69th Precinct Community Council.

In addition to his work with the 69th Precinct Community, John is an active member of the Veterans of Foreign Wars Post 59 and American Legion Post 573; indeed, John is a military veteran and served his country from October 1967 through May 1971.

John attended New York City Public Schools PS114 and IS211.

It is with great honor that I recognize John Salogub for his commitment to Brooklyn and service to his country.

HONORING THE LIFE AND WORK OF MAYOR BOB BLANCHARD

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of a valued colleague, Santa Rosa Mayor Bob Blanchard. Mayor Blanchard died June 14, 2008, at the age of 70, leaving a hole in the heart of his community and his family. He will be long remembered for his good humor, enthusiasm, and commitment to the city he loved.

Twenty-seven years ago, Bob and his family moved to Santa Rosa from southern California. He and his wife Angelyn raised their two children, daughter Cameron and son Matt, in the city, where they appreciated the quality of life it offers to families. It was his dedication to ensuring this quality for future generations that led Bob into public service.

After serving a stint in the Army, Bob had worked as a deputy sheriff in Riverside County as well as teaching at Riverside Community College. In 1978, he earned a doctorate in government, and his career shifted toward administration and teaching in the field of criminal justice and political science. This direction led to his move to Santa Rosa to serve as the director of Santa Rosa Junior College, SRJC, Police and Fire Academy. He eventually became a dean and a political science instructor at SRJC where he enjoyed working with young people. Although he had retired as a member of the regular faculty, Bob had stayed involved as an adjunct instructor.

Bob was also a founder of Tomorrow's Leader Today, a program that prepares high school juniors to be community leaders. He is remembered for his warmth and humor in inspiring the teenagers to be their best.

In 1994, Bob was appointed to the Santa Rosa Planning Commission, serving until his election to the City Council in 2002. He was re-elected in 2006 and then selected by his council colleagues to serve as mayor.

Bob and I have not always agreed on issues, but his ability to work with all sides to address concerns facing the city of Santa Rosa made him a leader for all and a spokesman on important issues such as transportation, outreach to diverse communities, public safety, and boosting the city whenever and wherever he could. He always endeavored to forge an appropriate compromise with the same humor and good spirit that characterized all his relationships.

"Work" is the operative word for Bob. Despite his off-and-on battle with cancer, he maintained a heavy work load, representing the community to the best of his ability and never losing his enthusiasm. During this time he traveled to Santa Rosa Sister Cities in Korea and Mexico and was instrumental in helping the city earn a designation as All America City.

In addition to Angelyn, his wife of 41 years, and his two children, Bob is survived by two grandchildren.

Madam Speaker, I know Bob's colleagues would agree that he respected all people on all sides of an issue and dedicated himself to finding solutions. Whether serving on regional commissions, presiding over council meetings, or representing the city at civic events and in the halls of Congress, Bob did it with the grace, intelligence, and compassion that will be his lasting legacy. I will miss working with him, and I will especially miss his friendship.

HONORING THE LIVES OF MR. AND MRS. JERRY AND JUDY RANK

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. McCOTTER. Madam Speaker, today I rise to recognize Mr. and Mrs. Jerry and Judy Rank, an inspirational couple, upon reaching their 50th wedding anniversary.

Jerry and Judy were both brought up in Fort Dodge, Iowa and attended Fort Dodge High School. The idyllic duo began to date and became high school sweethearts. On August 10, 1958, Jerry and Judy exchanged vows and were pronounced for the first time as Mr. and Mrs. Jerry Rank. The Ranks relocated to Michigan when Jerry furthered his career with Ford Tractor. Mr. Rank's career with Ford lasted over 30 years, when he decided to retire and create new dreams with Judy.

Upon Mr. Rank's retirement, Jerry and Judy have spent time with the loving family they have built together including their children Kyle (Kris), Mark (Kim), and Beth (Hal) and their grandchildren, Joseph, Thomas, Jennifer, Andrew, and Halee. The beautiful pair continues their strong marriage in Beulah, Michigan on Crystal Lake. Jerry and Judy enjoy watching the sunset together, entertaining guests, and salmon fishing, which is their favorite pastime.

Madam Speaker, Mr. and Mrs. Jerry and Judy Rank are an extraordinary example of love, strength, and togetherness that families today should look to for guidance. The Ranks will celebrate their 50th wedding anniversary on August 10, 2008. I ask my colleagues to join me in congratulating The Ranks for reaching this spectacular milestone and honoring the couple's loyal service to the community and our country.

IN HONOR OF CHUCK ESTEP, WINNER OF THE 2008 CABLE'S LEADERS IN LEARNING GENERAL EXCELLENCE AWARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. DINGELL. Madam Speaker, I rise today to honor Mr. Chuck Estep for being chosen as a finalist for the 2008 Cable's Leaders in Learning Award for General Excellence. This honor is bestowed annually by Cable in the Classroom, the cable industry's education foundation which promotes the use of cable and technology in schools across the country. Every year, they honor those in the education field who demonstrate leadership skills by using technology to transform the way we teach our students. Through his work as a Curriculum Resource Consultant in the Monroe County Intermediate School District, Chuck Estep certainly meets this criterion, and is worthy of such high praise.

We all know what an important role field trips play in our educational system. Not only do they expose children to new ideas and experiences, but they also promote a hands-on style of learning that is vital to keeping our children engaged in their schoolwork. Faced with a tight budget that was unable to accommodate expenses for field trips, Mr. Estep used his technological skills to overcome the problem. He set up a system of virtual field trips in conjunction with the Monroe County Historical Museum. This allowed students to ask questions in real time to an expert at the museum about the rich history of Monroe County. Specifically, one virtual field trip discussed the Battle of the River Raisin, which occurred in Monroe County during the War of 1812. Museum staff showed the students what dress from that period looked like and they discussed the positions of both sides during the war. Students in the district would not have been able to have such an enriching experience without the work of Chuck Estep.

The Battle of the River Raisin is arguably the most violent battle on continental U.S. soil outside of the Civil War, a fact many residents in Monroe and Michigan are unaware of. This virtual field trip paid special attention to the great role that this Battle played in the War of 1812, ensuring that the heritage and history of Monroe County will live on through today's students.

In this age of technology, we must strive to integrate all of the cutting edge tools that are available to us into our educational system. Doing so will create vibrant and engaging teaching methods that will keep our children interested in learning. Chuck Estep has certainly demonstrated this capacity for innovation, and for this he should be commended. I am proud to represent him here in Congress. I congratulate him on being chosen as a winner for Cable's Leaders in Learning Award for General Excellence Award, because he truly deserves it.

HONORING MICHAEL BIEBER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. KILDEE. Madam Speaker, I rise today to honor Michael Bieber as he retires from the United Auto Workers. Mike is the Assistant Director of UAW Region 1–D. A celebration in his honor will be held in Bay City, Michigan, on July 14th.

As a third generation UAW member, Mike joined the UAW Local 167 when he started working at the General Motors Diesel Equipment Division in Wyoming, Michigan, in 1979. He transferred to UAW Local 2151 when he moved to the Rochester Products Division in Coopersville. He was the Alternate Committee Person on the B-shift and a Shop Committee Person for 4 years. Elected as President of the Local at the age of 27, he held that position for 6 years. In 1993 he was appointed to the International UAW staff serving in the Secretary-Treasurer's office until he was named the Assistant Director by Director Donald Oetman in 2002.

In addition to his work with the UAW, Mike is active in the United Way of Ottawa County and serves on the Michigan Association of United Way Executive Board. He is a Democratic Party Precinct Delegate and the Vice-Chair of the Kent County Democrats. He is married to Jamee and is the stepfather to five children, and has five grandchildren.

Madam Speaker, please join me in congratulating Michael Bieber for being a diligent, conscientious proponent of the rights of working men and women everywhere. He has exhibited an abiding commitment to improving the workplace, the community, our country and our world. I wish him the best as he embarks on this new phase of his life.

BIO—MICHAEL BIEBER

Michael Bieber was appointed as Assistant Director of UAW Region 1–D in June of 2002 by Director, Donald Oetman. Mike is a 3rd generation UAW member.

Mike became a member of UAW Local #167 in 1979 when he went to work at the General Motors, Diesel Equipment Division in Wyoming, Michigan.

In 1981 Bieber transferred to the newly formed UAW local #2151 representing workers at the Coopersville, MI location of Rochester Products Division of G.M.

He served the Local as an Alternate Committee Person on the B-shift and as a Shop Committee Person for 4 years.

Despite his relative youth, Bieber was elected as President of the Local at the age of 27. He served in that capacity for six (6) years.

He was appointed to the International UAW staff in May of 1993 and served under the jurisdiction of the Secretary-Treasurer's office until he became Assistant Director.

Bieber has served on many community and labor organizations in Western Michigan. He has been very active with the United Way in Ottawa County and currently serves on the Michigan Association of United Way executive board.

He is active in the Democratic Party as a Precinct Delegate and currently serves as the Vice-Chair of the Kent County Democrats.

Mike is married to his wife, Jamee. Mike is the stepfather to five (5) children and they have (5) grandchildren.

HONORING THE CIVITAN CLUB OF WESTLAND

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to acknowledge the Civitan Club of Westland, a distinguished service organization, upon reaching 30 years as a chartered international group.

Civitan Club of Westland is an organization open to all adult members in the community with the goal to improve the area, assist community members, and grow individually as better citizens. Civitan performs its services both locally, nationally, and internationally. Some of their local projects include, Turn off the Violence, Paws for a Cause Drive, and the National Wheelchair Basketball Tournament. Civitan targets many different careers, ages, and interests. From Special Olympics to Nursery Olympics, Police Departments to Fire Departments, and Festivals to Historical preservation, the Civitans have a vast range of activities that they plan, organize, and contribute their services to.

The Civitan Club of Westland was chartered on June 19, 1978, and led by Charter President Candice Addis. The organization has continued its purpose of knowledge, service, and fellowship for thirty years and has been successful in all its endeavors. To all those who have been touched by Civitan Club of Westland, a legacy of determination and community support has been established.

Madam Speaker, the Civitan Club of Westland is an organization that should be recognized for its 30 years of service, devotion, and kindness to the Westland community. I ask my colleagues to join me in congratulating the Civitan Club of Westland for reaching this spectacular milestone and honoring the group's loyal service to the community and our country.

HORSE TRANSPORTATION SAFETY ACT OF 2008

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. KIRK. Madam Speaker, today Representative STEVE COHEN and I introduced the Horse Transportation Safety Act of 2008.

In Wadsworth, Illinois, on Saturday October 27, 2007, a double decker cattle truck carrying 59 Belgian draft horses overturned when the driver ran a red light and hit another vehicle.

Residents at the scene could hear the animals kicking and screaming, panicked by their inability to escape. Eight horses died on the scene while another 10 had to be euthanized. After the crash, Wayne Pacelle, president and CEO of The Humane Society of the United States said, "What a gory mess we saw recently in Illinois. It must never happen again. . . ."

It is time that we heed these words by putting an end to using double decker trucks to transport horses. This legislation, endorsed by the Humane Society, Animal Welfare Institute, Hooved Animal Rescue and Protection Society, and the Communication Alliance to Network Thoroughbred ExRacehorses would take steps toward preventing this disaster from occurring again.

This bill prohibits the interstate transport of horses in a motor vehicle containing two or more levels stacked on top of one another as well as creates civil penalties between $100 and $500 for each horse involved.

In my own State of Illinois, the State General Assembly has already moved forward and passed similar legislation. I urge my colleagues to become a cosponsor of this bipartisan commonsense legislation.

TRIBUTE TO LARRY CLYMER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. UPTON. Madam Speaker, I rise today to pay tribute to Larry Clymer, an outstanding public servant with a long and distinguished career of service in Southwest Michigan. Larry passed away unexpectedly this week and will be greatly missed by our community.

As the longtime mayor of Niles he was a valued and trusted friend. Upon my election to Congress, part of Larry's legacy came to Washington with me, in the form of his son, Jeff, who served as my first Legislative Director.

Though Larry was an active Republican, he was not afraid to create coalitions to put the best interests of Niles first—a lesson I learned from him and follow still today. He was indeed "Mr. Niles" and I always appreciated his thoughts and interests, regularly weighing in on behalf of the greater community good.

I would be hard pressed to find someone with a greater dedication to Niles and Berrien County, MI. Larry faithfully served our community for a combined 28 years—14 as the mayor of Niles and 14 as a Berrien County Commissioner. Outside of his official duties, Larry earned the nickname "marrying mayor" after performing more than 250 marriages, and was known for his sense of humor.

Larry was an exceptional public servant, and a gentleman. He has given a lifetime of service to our community, and our thoughts today are with his wife, Eleanor, and his family. We lost a treasure in Niles, and we will all miss him sorely. God bless "Mr. Niles."

HONORING THE LIFE AND SERVICE OF MR. LES CASH, FIRE CHIEF OF THE LYON TOWNSHIP FIRE DEPARTMENT

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to acknowledge Mr. Les Cash, Fire Chief of the Lyon Township Fire Department, upon reaching his retirement after 35 years of loyal service.

Mr. Les Cash was born in 1943, the sixth of ten siblings to Floyd and Leona Cash. In 1960, Mr. Cash enlisted in the Army, served 16 months in Korea, and was later stationed in Missouri at Fort Leonard Wood where he worked as a battalion mail clerk. In 1963, Les was honorably discharged and married his lovely wife, Renate, in July. Together, the blissful couple had two sons, Dan and Brian, and one daughter, Lisa.

In 1964, Mr. Cash began a career for the Ford Motor Company where he remained until his retirement over 30 years later. During this time, Les volunteered with the Lyon Township Fire Department. In 1973, Mr. Cash was honored to accept the position of Fire Chief and became Full-Time Fire Chief in 1998. Les was a devoted and determined leader and served his community with utmost ability.

Madam Speaker, Mr. Les Cash will retire from Fire Chief of the Lyon Township Fire Department on June 30, 2008. To his wife, Renate; his children, Dan, Brian, and Lisa; his grandchildren, Devin, Taylor, Brianna, and Nicole; and to everyone whose lives have been enriched by him, Les is a man of courage, vigor, and guidance. I ask my colleagues to join me in congratulating Mr. Les Cash for his 35 years as Fire Chief and honor Mr. Cash's honorable service to the community and our country.

A TRIBUTE RECOGNIZING SARAH LOWE AND SONJA STEPTOE ON THEIR RECENT APPOINTMENT TO THE KNIGHT COMMISSION ON INTERCOLLEGIATE ATHLETICS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Sarah Lowe and Sonja Steptoe, two residents of California's 34th District, on their recent appointment to the Knight Commission on Intercollegiate Athletics.

The Knight Commission was created by the John S. and James L. Knight Foundation in 1989 with the purpose of recommending a reform agenda that emphasizes academic values in college sports. The commission, which presented recommendations in a series of reports in the early 1990s and in the subsequent A Call to Action in 2001, continues to monitor and report on progress in increasing presidential control, academic integrity, financial integrity and independent certification of programs in college athletics.

Many of the commission's recommended reforms have been enacted by the NCAA. For example, the NCAA recently announced that 218 teams at 123 institutions will be sanctioned for failing to meet minimum academic benchmarks established as part of the Academic Performance Program. In 2001, the Knight Commission on Intercollegiate Athletics advocated that teams be ineligible for postseason competition if they failed to graduate at least 50 percent of their athletes. Although the current benchmarks are lower than those advocated by the Commission, the Commission has supported the full implementation of the NCAA's program since its adoption in 2004.

The commission convenes several times a year to highlight important issues facing intercollegiate athletics, including academic integrity and the rising costs of college athletic programs.

The Commission is comprised of prominent leaders in higher education and journalism as well as former collegiate athletes who have achieved excellence throughout their careers. I am proud to announce that Sonja Steptoe and Sarah Lowe are two of the Knight Commission's newest members.

Sonja Steptoe serves as client development manager at O'Melveny & Myers LLP, an international law firm based in Los Angeles. Prior to joining O'Melveny in 2007, Steptoe served as a senior correspondent and deputy news director for Time Magazine for 5 years following a successful career in sports journalism. Steptoe reported and wrote for CNNSI sports network, HBO's RealSports with Bryant Gumbel and Sports Illustrated. Her investigation of East Germany's systematic doping of Olympic athletes earned her an Emmy Award for Outstanding Sports Journalism. Steptoe earned degrees in economics and journalism at the University of Missouri. She received a law degree from Duke University.

Sarah Lowe graduated magna cum laude and Phi Beta Kappa from the University of Florida in May 2006. Lowe was a leader on the women's basketball team serving as team captain 3 of her 4 years. Following her graduation, she studied in Costa Rica as a Fulbright Scholar. In addition to being a two-time Rhodes scholar finalist, she received numerous awards for her academic and athletics excellence including the Arthur Ashe, Jr. 2006 Female Sport Scholar of the Year.

Madam Speaker, I ask my colleagues to join me in congratulating Sonja and Sarah on their achievements and in commending them for their continued commitment to strengthening higher education through their work on the Knight Commission on Intercollegiate Athletics.

DAVISON SOURCE WATER PROTECTION PROGRAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in honoring the City of Davison on receiving the Exemplary Source Water Protection Award from the American Water Works Association. Every year the American Water Works Association presents this award to a municipal water system for developing and implementing effective source water protection programs.

This award signifies that the City of Davison has met the highest standards of excellence in their pursuit to supply the residents of Davison with clean, safe water. In July of 2005 Davison's water treatment plant went online and has the capacity to treat up to 2.5 million gallons per day. Working cooperatively with Davison Township and Richfield Township, the City of Davison has implemented a cooperative effort to protect the ground water on which many rely. The new program includes provisions to reduce the number of abandoned wells that pose a serious threat to the health of the aquifers.

The City of Davison, knowing that residents play an important role in protecting the water supply, has worked to reach out to the community in their Source Water Protection Program. In the program Davison encourages residents to be stewards of the water supply by limiting the amount of lawn chemicals and fertilizers that run off and enter the water system. Additionally, Davison has endeavored to educate and inform the community that simple maintenance of septic and home plumbing systems can benefit both the community and the individual by reducing water usage and contamination. The city is assisting residents identify and plug old wells that pose a dangerous risk to the health and safety of the community.

Madam Speaker, I ask the House of Representatives to join me in congratulating Mayor Fred Fortner, the Davison City Council, the staff, volunteers and residents for receiving this award. Through their commitment to hard work and education they have demonstrated good stewardship of this vital natural resource.

AMERICAN WATER WORKS ASSOCIATION,
Denver, CO, March 4, 2008.

MS. ANDREA L. SCHROEDER,
City of Davison,
Davison, MI.

DEAR MS. SCHROEDER: I am pleased to inform you that your utility has been selected as the recipient of the Exemplary Source Water Protection Award for medium-sized systems. This award recognizes organizations in North America who have developed and are implementing exemplary source water protection programs.

In recognition of this honor, an award will be presented to you during the Atlanta Annual Conference in June. Details regarding the presentation will be sent to you later by Linda Moody.

The Association's Officers and Directors join me in congratulating you on this honor.

Sincerely,

GARY J. ZIMMERMAN,
Executive Director.

THE CITY OF DAVISON SOURCE WATER PROTECTION PROGRAM: PROTECTING YOUR DRINKING WATER RESOURCES

Davison's new $3.5 million dollar water groundwater treatment plant was put on-line in July 2005. The plant receives water from the City's five groundwater wells and can treat up to 2.5 million gallons per day using filtration, softening and reverse osmosis.

Through cooperative efforts from Davison and Richfield Townships, Davison's Source Water Protection Program identifies and manages threats to the city water supply.

Please call the DPW offices to learn more. Protect drinking water—our future depends on it.

HOW DOES GROUNDWATER BECOME CONTAMINATED?

Abandoned wells, leaking underground storage tanks, industrial and transportation activities, dumps and landfills, agricultural activities, and homeowner activities.

How Can I Help?

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mr. RUSH. Madam Speaker, unfortunately I have been out on medical leave. I have been unable to cast votes; however, I would like the RECORD to reflect my intentions had I been present to vote.

Had I been present for rollcall No. 388, I would have voted "aye."

Had I been present for rollcall No. 389, I would have voted "aye."

Had I been present for rollcall No. 390, I would have voted "aye."

Had I been present for rollcall No. 391, I would have voted "aye."

Had I been present for rollcall No. 392, I would have voted "aye."

Had I been present for rollcall No. 393, I would have voted "nay."

Had I been present for rollcall No. 394, I would have voted "aye."

Had I been present for rollcall No. 395, I would have voted "aye."

Had I been present for rollcall No. 396, I would have voted "aye."

Had I been present for rollcall No. 397, I would have voted "nay."

Had I been present for rollcall No. 398, I would have voted "aye."

Had I been present for rollcall No. 399, I would have voted "nay."

Had I been present for rollcall No. 400, I would have voted "aye."

Had I been present for rollcall No. 401, I would have voted "aye."

Had I been present for rollcall No. 402, I would have voted "aye."

Had I been present for rollcall No. 403, I would have voted "aye."

Had I been present for rollcall No. 404, I would have voted "aye."

Had I been present for rollcall No. 405, I would have voted "aye."

Had I been present for rollcall No. 406, I would have voted "aye."

Had I been present for rollcall No. 407, I would have voted "aye."

Had I been present for rollcall No. 408, I would have voted "aye."

Had I been present for rollcall No. 409, I would have voted "aye."

Had I been present for rollcall No. 410, I would have voted "aye."

Had I been present for rollcall No. 411, I would have voted "nay."

Had I been present for rollcall No. 412, I would have voted "aye."

Had I been present for rollcall No. 413, I would have voted "aye."

HONORING ISRAEL'S 60TH ANNIVERSARY

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2008

Mrs. DRAKE. Madam Speaker, I rise today in tribute to the State of Israel and its proud 60 years of existence.

Last month we were celebrating Israel's 60th birthday, and I was proud to vote in favor of a resolution honoring this great achievement.. This month, I look forward in wishing Israel another 60 years as a strong and free democracy.

I have always spoken about how my trip to Israel in 2005 was a life changing event. With a young statehood but an ancient history, Israelis are faced with daily and often costly reminders of the price of freedom. I do not believe a day has gone by since Israel's founding where it has not been subject to attack. Yet, through the sheer will of a people fighting for the right of a brighter future for their children, Israel still stands.

Israel's tumultuous existence has lent itself to a very unique identity—one which can only be understood by the citizens who live their everyday lives in range of the missiles and suicide attacks of terrorists. However, these unfortunate consequences of proximity have created a nation of resolve—strengthening its foundation and purpose as a shining beacon of democracy in the Middle East.

Israel is a story of survival and today I honor Israel's perseverance and wish our ally a hopeful future. Best summed up by the words of by Dr. Israel Zoberman, founding rabbi of Congregation Beth Chaverim in Virginia Beach:

"The Jewish state's perseverance and fortitude to turn adversity into advantage, never betraying the optimistic essence of its people, are ample testimony to the nobility of the human spirit it has so profoundly enriched and painstakingly guarded."

The determined vigilance of Israel is a sobering reminder to us of what it sometimes takes to stand your ground in the face of adversity; and let us remind Israel that she does not stand alone in that fight.

SENATE—*Wednesday, June 18, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Father Claude Pomerleau from the University of Portland in Portland, OR.

The guest Chaplain offered the following prayer:

Let us pray.

Merciful and gracious Father, may this day begin with an attentive, abashed silence in which we stop and humbly consider the many gifts You give us, the immeasurable mercy of Your love, the many opportunities we have to witness and celebrate Your creation.

We thank You for the challenges of this day. We thank You for the brains and hearts You give us to bring to bear on cruelty and brokenness. We thank You for the creativity and compassion You give us, so that we may craft policies that heal and elevate, that make room for the peace and joy that are Your greatest gifts to all.

Lord, be with us today. Be in this room, walk with us, strengthen our hearts, deepen our mercy, open our ears, overcome our weaknesses, guide our dreams, make us the instruments not of the small matters of men and women, but of the endless love that is You.

Most of all, today help us remember that our greatest charge is to craft a world in which the children of this Nation, and the children of every nation, can find the love and hope they deserve.

With humility, we bow before You and ask Your hand on our work. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 18, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Vermont.

THE GUEST CHAPLAIN

Mr. LEAHY. Mr. President, this is a proud moment for our family. I commend our guest Chaplain, Father Pomerleau. For years I have called him "pere frere," which is French for my father brother. Father Pomerleau is my brother-in-law. He is the brother of my wife Marcelle Pomerleau Leahy.

It was in 1965 when Marcelle and I and Father Pomerleau's parents, Phil and Cecile Pomerleau, went to Rome for Father Pomerleau's ordination to the priesthood. I remember the thrill of our first trip abroad, but it was for such a special occasion. He said mass, his first mass, in the catacombs in Rome, something we will never forget.

Father Pomerleau received his bachelor's degree from the University of Notre Dame. He is a Holy Cross priest. They are the ones who run Notre Dame. He received his masters there and got his masters in theology from the Gregorian in Rome and his doctorate from the University of Denver. He has been the rector of Saint George's in Santiago, Chile. He has been a professor at the University of Chile, presently a professor at the University of Portland, and is the religious superior for the order there.

I can go on forever reciting the long list of his accomplishments. More the way we think of him is this Sunday on Father's Day, he joined Marcelle and myself at our home, one of our sons, our daughter, son-in-law and daughter-in-law, and three grandchildren. We were watching the little grandchildren climbing into his lap saying: Uncle Claude, Uncle Claude, will you read us a story? That was part of his pastorage, too.

I am proud to have been able to introduce him. I thank the distinguished leader for letting me have this time.

I yield the floor.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The assistant majority leader is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, following leader remarks, the Senate will resume the motion to proceed to consider H.R. 6049, the Renewable Energy and Job Creation Act, with Senators permitted to speak for up to 10 minutes each. There will be a period of morning business today from 2:30 p.m. to 4:30 p.m., with the majority controlling the first hour and the Republicans controlling the next hour. Senators will be permitted to speak for up to 10 minutes each during morning business.

Today we expect to be in a position to return to the House message to accompany H.R. 3221, the Housing and Economic Recovery Act.

Mr. President, I now ask unanimous consent to speak in leader time. The majority leader, Senator REID, is attending a funeral service for Mr. Tim Russert.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPUBLICAN FILIBUSTERS

Mr. DURBIN. Mr. President, this month the Senate Democrats have tried to confront many problems which face families across our Nation. From lowering taxes and addressing high gasoline taxes to ensuring quality health care for America's seniors and providing a helping hand to American workers who have been unemployed for more than 6 months, time and time again, the Senate Republicans have refused to give us an opportunity to address these issues. Republican obstruction has gone so far in the Senate that they will not even allow the Senate to debate legislation anymore, refusing to admit that these important concerns are worthy of Senate debate.

Yesterday, a new record was established in the Senate, one of dubious worth in the history of our Nation. But the Republicans have engaged now in 77 filibusters. The record previously for any 2-year session was 57. We still have another 6 months to go. The Republicans have now broken the record for the number of filibusters.

What is a filibuster? It is an effort to stop a bill, to stop a nomination, to stop debate, to make certain that the Senate will not engage in even debating the issues which the American people consider to be most important in their lives. And the Republicans have now broken the Senate record again with 77 filibusters.

It may not be news that they have broken the record. We knew this was coming, and I am sure their goal is probably 100 or more filibusters. So

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

they will go down in history as being the most obstruction-oriented minority in the history of the Senate.

But this was a remarkable week. We will have had four filibusters in 8 days. What an amazing record. Republicans must point to that with pride—four filibusters in 8 days, one every 48 hours. They no longer seem content to stop legislation dealing with gasoline prices and Medicare for our seniors and trying to make sure we give unemployed workers across America enough money to feed their families. That is not enough. Now they refuse to even allow us to proceed to the legislation to debate it. They are so frightened by the prospect of an open debate with deliberation and amendments, they consistently vote against even engaging in debate.

In a little more than a week, the Republicans have blocked motions to proceed and debate the Consumer-First Energy Act, the Medicare Improvement Act, and the Renewable Energy and Job Creation Act, not once but twice.

Upon the conclusion of my remarks and the pending remarks of Senator MCCONNELL from Kentucky, the pending business before the Senate will be the motion to proceed to the Renewable Energy and Job Creation Act. We tried for the second time yesterday to bring this legislation to the floor so we can have a debate.

What is so controversial about this bill that the Republicans would filibuster it not once but twice to stop the Senate from even considering this bill? This bill passed the House of Representatives last month by a vote of 263 to 160. Thirty-five House Republicans voted for the measure using the Tax Code to help reduce record energy prices across America.

What will this bill do? It extends expiring tax provisions that we need to encourage the development of sustainable, environmentally sensible renewable energy sources—solar, biomass, geothermal, hydropower, and wind.

In my home State of Illinois and many States across the Nation, these tax incentives have led to the development of wind farms, generating electricity without pollution, providing the energy we need for our economy to grow without endangering the planet on which we live.

When we said it is time to renew these tax incentives, let's make this part of our national effort, let's extend these tax provisions, create more incentives for the development of this energy, the development of new businesses, much needed American jobs, the Republicans said no. Let me be fair about that. Not all of them said no. Five Republicans yesterday voted to move forward on this bill, enough for them to say back home they are on the right side of history, but calculated in a way so there were never enough Republican votes to actually go to the measure. Five—Senators COLEMAN, COLLINS, CORKER, SMITH, and SNOWE joined all the Democrats present. We had 53 votes at the end of the day. We needed 60.

This is not an accident that enough Republicans crossed over to be able to say back home that they are doing the right thing for energy development, but not enough to actually move to the bill and debate. It has been a calculated strategy, and it has worked.

The Republicans time and again in the Senate have stopped us from considering measure after measure. They are determined that at the end of the day, this Senate, if they have their way, will accomplish little. They know they were branded in the last Congress as a do-nothing Congress. They are determined to stop us. In a closely divided Senate, 51 to 49, it is easy for them to hold back enough Members to stop us from taking up important measures for America.

Let me tell you what this bill would have done, the bill the Republicans opposed and used their filibuster and their votes to stop. It would have extended incentives for biodiesel fuel usage. Of course, that uses vegetable oil to supplement diesel fuel to reduce our dependence on Middle Eastern oil. They voted no.

E85 gas pumps so that ethanol would be available in more cities across America so we can use this homegrown fuel and have less dependence on foreign oil. And the Republicans voted no.

Hybrid car purchases, a tax credit to families who buy hybrid cars, plug-in hybrids, for example. We know that is the wave of the future. We want to incentivize that market. The Republicans voted no.

The bill would have provided $3 billion in tax credit bonds to State and local governments so they can take energy conservation measures with their infrastructure.

It supports the creation of hundreds of thousands of good-paying American jobs right here at home, and the Republicans voted no.

In addition, the bill extended the R&D tax credit which provides critical incentives to over 27,000 companies in America.

And finally, this bill would have helped a lot of American families by lowering taxes, property tax relief. I can tell you that in my State of Illinois, I hear about it wherever I travel—property taxes are too high. People need a helping hand. But the Republicans voted no.

We wanted to expand child tax credits for parents with young children, college tuition deductions for parents with older children, a deduction for classroom expenses for teachers, tax relief for our troops in combat under the earned-income tax credit, and State and local sales tax deductions for families who live in States that have no income tax—all of that tax relief for working families across America. The Republicans voted no. And to top it off, we did something that, frankly, may be new to the Republican leadership: We paid for it. We didn't put these tax cuts in at the expense of the American deficit. We didn't add to the American debt, not like this war President Bush has now waged for 5½ years, which he has failed to pay for, just adding it to the debt of our children. We paid for these tax measures by requiring hedge fund managers to pay taxes on compensation that is sitting overseas and delaying a new business tax benefit that hasn't gone into effect. But to protect businesses overseas and their workers, the Republicans voted no. They voted no when given a chance for tax breaks for working families and said, instead, they wanted to protect these businesses overseas.

Why do they refuse to even debate this bill? Let's be honest about it, we are going to need their support to pass it. They are going to have their day in court, if the bill comes to the floor. They are going to be able to offer amendments and deliberate.

Senator BAUCUS has proposed a substitute that would do the things the House would do in their bill and provide even more relief for businesses and families, including taking care of the alternative minimum tax for another year. Why do they refuse to even allow these amendments to be offered?

I have heard from some of the largest businesses in my State—Boeing, Caterpillar, John Deere—and they want this bill, not to mention smaller businesses that rely on these energy tax credits to expand their reach of new jobs and opportunities in my State. I know families in my State want to see this passed, particularly those who are battling with the price of gasoline, the price of utilities, and those with younger college-age children who would benefit from child or tuition credits. But the Senate Republicans have chosen obstruction instead—77 Republican filibusters so far, and counting.

This isn't the only debate Senate Republicans have denied us and denied the American people. Last week, they filibustered our efforts to debate the Consumer-First Energy Act, which begins addressing the root causes of increasing gasoline prices. Gas and diesel prices are 2½ times what they were when President Bush took office, and at the same time the profits of the five largest integrated oil companies have more than quadrupled over the past 5 years, to $116 billion in 2007. Total oil industry profits were $155 billion. Many of us believe these oil companies must be held accountable. And if we don't hold them accountable, the prices will continue to increase. The bill that the Republicans stopped last week would have rolled back a $17 billion Federal subsidy to these oil companies. How can we possibly explain or rationalize taking $17 billion out of our Treasury at a time when we are facing record-breaking deficits, a war that costs us $15 billion a month—not paid for—and giving it as a subsidy to the most profitable businesses in the history of America, the oil companies? I don't understand it. I would have loved to have heard that debate on that amendment. We didn't get a chance because the Republicans filibustered and refused to produce the votes we needed to bring this measure to the floor.

We also wanted to create a windfall profits tax so that some of the excessive profits of these oil companies would be reinvested in America in clean, renewable fuels and expanded refinery capacity. The Republicans voted no.

We wanted to protect consumers from price gouging. The bill would give the President the authority to declare an energy emergency and set an "unconscionably excessive price" limit that would be enforced so that consumers would be protected. Of course, the Republicans voted no.

We wanted to set limits on oil market price speculation, preventing the traders of U.S. crude oil from avoiding the law and routing their transactions to offshore markets. Speculation is part of the reason the price of a barrel of crude oil is so high. Most people understand that if we can stop excessive speculation and manipulation, it will bring down the price of oil and the price of gasoline. The Republicans voted no.

We want to send a clear message to OPEC that we will allow enforcement actions against any company that is colluding to set the price of oil, natural gas, or petroleum products. That is a bipartisan measure. Senator KOHL of Wisconsin is the one who offered it, but Senator SPECTER joined him. Senator MCCONNELL came to the floor and called that provision ludicrous, in his words, and then the Republicans followed his lead and voted no.

The Consumer-First Energy Act would have prevented price gouging, profit taking, and redirected money away from industry and into renewable energy and expanded refinery capacity. But once again the Senate Republicans preferred a filibuster to a real debate. Their answer to all of these issues—drill, drill, drill. We will find enough oil to take care of America. They ignore the obvious: The United States has within its grasp or reach maybe 4 or 5 percent of the entire known oil reserves in the world. Every day, every week, every month, every year, we consume 25 percent of the world's oil. We cannot drill our way out of this. How many times will the Republicans and the President and Senator JOHN—well, sorry, I shouldn't refer to Senator MCCAIN in this context—how many times will the Republicans and the President say that the answer to all our prayers when it comes to the price of gasoline is a little patch of real estate in the Alaskan Arctic National Wildlife Refuge—1.5 million acres—yet failing to say that it will be years before anything can be produced there and will have a limited impact on the price of gasoline?

Last week, Senate Republicans also filibustered consideration of an effort to improve the quality of health care for our seniors—the Medicare Improvements for Patients and Providers Act, supported by the AARP, the American Medical Association, and many others.

What we are trying to do is stop an effort by the Bush administration to cut the reimbursement to doctors who treat Medicare patients. That reimbursement is to go into effect July 1. We want to make sure doctors continue to provide quality care to our seniors and disabled. The bill would have moved us also toward mental health parity by phasing out high copayments for mental health services, ensuring that seniors and those with disabilities receive Medicare. Finally, it would have made it easier to add preventive services to Medicare and address disturbing reports of abusive and fraudulent sales and marketing practices by the Medicare Advantage plans. These are private insurance companies, charging more than Medicare and making a handsome profit, which are being protected by many in the Senate. They should be held accountable, too, particularly when they engage in abusive and fraudulent practices. We have that looming deadline in less than 2 weeks, with many doctors facing a drastic cut in Medicare reimbursement, but the Senate Republicans used the filibuster again and said no, they would not even allow the Senate to debate.

Finally, yesterday the Senate Republicans objected to the passage of the Emergency Extended Unemployment Compensation Act of 2008. That measure passed in the House 274 to 137, with 49 House Republicans—a bipartisan measure. When economic conditions have deteriorated in the past five decades, Congress has routinely provided extended unemployment benefits—1958, 1961, 1972, 1975, 1982, 1991, and 2002. It was routine and bipartisan.

Over the first 3 months of this year, the U.S. economy has lost a total of 232,000 jobs, and the total number of unemployed in our country has grown by 1.1 million workers over the last year. The unemployment problem is especially severe for the long-term unemployed, who have been looking for work for more than 6 months. In the 1990 recession, the long-term unemployed comprised 9.8 percent of all workers. In the 2001 recession, 696,000 workers were unemployed, representing about 11 percent. In May of 2008, there were 1.6 million American workers unemployed for more than 6 months. That represents nearly 18 percent of all unemployed workers. Their unemployment insurance benefits are not only the right thing to do for these workers, they are the best thing we can do for the economy. Putting this money in the hands of an unemployed family means they will be able to pay their rent, pay their utility bills, buy clothes for the kids, and the necessities of life. It is money that will create economic growth in America.

Sadly, the Senate Republicans said no. They believe giving unemployment benefits to people who have been out of work will discourage them from looking for work. They want to starve them into their next job. That doesn't make sense. It has never made sense. On a bipartisan basis, we have said we are going to stand by these families, that we are going to make sure they have food on the table and that they can take care of themselves until they do find that job. But the Republicans used their filibuster to vote no.

I understand this morning that the minority leader may come here and make an attempt at a political "get well" card. He knows many of his Republican Members have come to him and said they do not like to continue to vote no. I think they are starting to feel the pain of being the filibuster party. They know they may be filibustering themselves right out of their Senate seats. So a unanimous consent request will be made. Unfortunately, it has no hope because it doesn't go to the substance. We had an opportunity yesterday to bring these measures up, and the day before. If they would have just sent over a half dozen or maybe nine more Republican Senators, we would be debating the very bills they are now going to ask us to turn to.

So I urge my colleagues on the Republican side of the aisle, don't become the filibuster party. Become a party that is willing to work on a bipartisan basis to solve our Nation's problems.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

HIGH GAS PRICES

Mr. MCCONNELL. Mr. President, high gas prices continue to frustrate the American people, and so I think it is important that Congress show we are fully engaged on this issue and ready to help in any way we can. Unfortunately, that means the parties will have to come together on a solution, something our friends on the other side seem, at least so far, stubbornly unwilling to do.

The commonsense solution to this problem, we all know, is a combination of energy exploration in the United States to bring down prices in the short term married to a long-term strategy of energy independence through development of clean energy technologies. If we are going to help Americans in the short term, obviously we need more American energy now, but our friends on the other side don't want to hear it. They think Americans should get used to $4-a-gallon gasoline.

Asked last week about the sudden spike in gas prices, the Democratic nominee for President said he would have preferred a gradual adjustment. As I have said several times, and others have, I don't think that is the common view in the United States, and I want to give my colleagues on the other side one more opportunity to say that, in their view, Americans shouldn't have to get used to $4-a-gallon gasoline. I haven't heard a single one of them say so yet, but I can't imagine they agree with their nominee that what Americans really needed was a gradual adjustment to $4-a-gallon gasoline.

FISA LEGISLATION

Mr. McCONNELL. Mr. President, on another issue, Senator BOND reports that the FISA discussions have yielded a rough compromise that may be acceptable to the DNI, the White House, and the chairs and ranking members of the Intelligence Committees. Because the House leadership has denied a majority of House Members a vote on the acceptable Senate-passed bill last year, the burden remains on House leaders to prove they are capable of passing FISA legislation that the President will sign.

UNANIMOUS-CONSENT REQUEST—S. 3118

Mr. McCONNELL. Mr. President, I just listened to my good friend the majority whip spend considerable time this morning complaining about obstruction and delay, so, as I indicated to him in advance, I am going to give him a chance to move forward, if they will just take yes for an answer.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 776, S. 3118, a bill to preserve Medicare beneficiary access to care, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, the Senate Republicans had their chance last week to move to any measure relative to Medicare and they chose instead to filibuster and to fail to produce enough votes to move to the debate. This effort here is simply trying to create a political "get well" card for those who voted wrong, and I object.

Mr. McCONNELL. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Did I hear an objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—18-MONTH EXTENSION

Mr. McCONNELL. Another option we could pursue on a bipartisan basis is to do what we did last December, which is pass a 6-month extension on a bipartisan basis. So maybe we can simply extend existing law for 18 months, the 18-month period being the one we had been discussing before the bipartisan talks broke off.

Therefore, I ask unanimous consent that the Senate proceed to immediate consideration of a Senate bill, which I will send to the desk, and is a clean 18-month extension of the December Medicare bill. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, our greatest successes in this Congress have come when both sides work together. We have seen it many times, from last year's Energy bill to the economic stimulus package. We started down the same path when we began the Medicare discussion a few months ago. Both sides wanted to prevent cuts to physicians in the Medicare Program, preserve access to the quality medical care our seniors have come to depend on, and improve the program with things such as electronic prescribing. Unfortunately, the majority walked away from these bipartisan discussions. With the deadline for action approaching at the end of the week, frankly, we need to pass a bill.

I am willing to consider many different options. Senator GRASSLEY drafted a bill that would protect Medicare benefits for seniors and that could be signed into law by the President. It should be passed today in the Senate, but the majority has passed on an opportunity to do that.

I am going to resist the temptation to launch into a speech like my good friend from Illinois about how many times legislation has been blocked by the minority. I think the finger-pointing at this point on this bill is ridiculous. We have a couple of weeks to pass it. We need to get together and pass it.

If the other benefits and improvements to Medicare are unacceptable to the majority, my side is willing, as I suggested a few moments ago, to extend the bill passed in December of last year for 18 months, with a 1.1 percent update for 2009. It was acceptable enough to pass 6 months ago by unanimous consent, so it should be acceptable enough now. It is critical we prevent these cuts from taking effect. This bill would do that. The majority, unfortunately, has objected to that path.

It is some cause for confusion. I thought our friends on the other side were interested in preserving seniors' access to physicians from being compromised. As physicians face a 10.6 percent cut in Medicare reimbursement, we need to be working together. I know I speak for myself as well as Senator GRASSLEY when I say we remain hopeful that the majority will stop playing partisan politics and return to the negotiating table so we can quickly pass this much needed legislation.

UNANIMOUS-CONSENT REQUEST—S. 3098

Mr. McCONNELL. Finally, I notified my friend on the other side I also wanted to ask consent that the Senate proceed to the immediate consideration of Calendar No. 771, S. 3098, a bill to extend expiring tax relief. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. That was the extender package, the McConnell-Kyl-Grassley package. That includes the 1-year AMT patch omitted by the House bill that we had a vote on yesterday and extends the provisions that expired in 2007 for 2 years. This is a 1-year longer extension than in the House bill we had the vote on yesterday.

S. 3098 does not include any tax hikes, reflecting the position 41 Senators took in a letter to Senator BAUCUS on April 23 of this year.

Our Republican alternative also includes the Ensign-Cantwell energy tax incentives, which were approved by the Senate earlier this year, 88 to 8.

In addition, S. 3098 does not contain the New York City earmark. It also does not contain the tax break for trial lawyers. It also does not contain Davis-Bacon expansion. And it also would not be vetoed by the President.

On balance, this is a bill that could pass the Senate and get signed by the President. We hope to pass it as soon as possible.

Let me conclude my remarks by saying that my good friend on the other side of the aisle and I both know how we pass these bills—we pass them together. As he frequently said when he was in the minority and in a position similar to mine, we are not the House. We are the Senate. It is not going to work to turn the Senate into the House. We all know that. Both sides have tried it. We have been in the majority and the minority, and the minority always insists they be part of the process.

We have two important bills here that clearly need to be completed. We all know how to get there—bipartisan negotiation on the Medicare bill and bipartisan negotiation on the tax extender bill.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. I wish to say a word in response to my earlier objections and note the bill related to Medicare, presented by the Senator from Kentucky, the Republican minority leader, failed to include critical provisions that we had in our earlier legislation.

Our legislation would have provided financial assistance to low-income Medicare beneficiaries who cannot afford Medicare premiums and it would have finally moved us forward on the issue of mental health parity. This is an issue that is long overdue. There are millions of American families who are struggling with mental health issues. They understand that the high copayments for mental health services in effect deny service to a lot of those who cannot afford them. We wanted to address that in the bill. We thought it was a priority. The Senator from Kentucky in his measure they brought before us did not include that, and that is unfortunate.

I say to the Senator from Kentucky, I believe in the battle of ideas on the floor of the Senate. Looking back, in the time I have been here I have lost a lot of amendments on the floor. I have come here, brought the amendments, debated them, subjected them to a vote, and lost. But it was a fair fight. People spoke on both sides of the issue. The Senate spoke. That is how it should be. If the majority prevails, then we move forward. That is the only way this body can work.

But the Republicans have now taken a new approach and that approach is: We will not debate issues. We will not deliberate them. It is a take-it-or-leave-it situation. Seventy-seven filibusters have been used now. They are stopping this Medicare bill. Then when they realize how bad it looks back home—when they know they cannot explain it to seniors and disabled when the doctors who treat them say we are about to take a 10-percent pay cut and I may not be able to see you—they understand it is hard to explain that vote. So then they come to the floor and make a unanimous consent request to say let's drop in a bill and take care of the whole problem.

That is not the way the Senate works either. We don't want to turn the Senate into the House, but the Republican strategy is turning the Senate into a ghost town. We don't do anything here. We have procedural votes three or four times a week and then go home. If those in the Senate were paid on the basis of debate, deliberation, amendments, bills passed and that kind of effort, we would not earn a minimum wage around here because we never get to the substance anymore. There were 77 Republican filibusters so far, the latest on the energy issue.

For the Senator from Kentucky to come forward and say the reason we could not support the idea of moving forward on these energy tax credit extenders was because they involved a tax—do you know who was going to pay that tax? Companies that locate overseas, American companies that go overseas trying to avoid our taxes would have been subject to more taxes. The Senator from Kentucky is saying 41 of his members have taken a solemn pledge not to raise the taxes of those American companies that go overseas to avoid paying American taxes. How about that? Is that what we need in America, more incentives to take jobs offshore?

Senator BAUCUS in the Finance Committee had a reasonable approach to this, taking that money and putting it back into America for tax breaks for our families and to encourage energy production for our future, and the Republicans voted no—time and again they vote no. But the American people will have a final vote on November 4. They will remember the party that is trying to move forward an agenda to make this a better nation and they will remember the party of filibusters that votes no.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6049, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to Calendar No. 767, H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RISING COST OF ENERGY

Mr. CHAMBLISS. Mr. President, I rise to discuss once again the rising cost of energy for Georgians and all Americans. My constituents continue to suffer due to the ever-increasing price of fuel. They are facing very difficult choices—between food and gasoline—between driving to work to earn money for their families and driving to the grocery store to feed their families.

I would like to take just a moment to read some of the letters I have received from my constituents that I think shed light on the real-world impact high gas prices are having on all Americans.

Mr. John Broomfield from Lawrenceville writes:

> We are conserving, recycling, buying compact fluorescent lamps, driving less and slower, but we cannot do this alone. You in Congress must have the foresight and vision to pass policies that will actually help us. Please make it possible for our oil and energy companies to search for and extract our own natural resources. No matter where they are!

Mrs. Betty Byers from Marietta writes:

> Dear Senator CHAMBLISS,
>
> I appreciate all you can do to help develop a program that will allow the exploration of our country's energy sources without materially affecting our environment. We need to break away from relying on other countries (even our enemies) for our energy supplies. The rising price of gasoline is hurting ALL Americans. PLEASE—put our families first before environmentalists. We are all hurting from the rising cost of gasoline. Please do something ASAP.

I was pleased to hear yesterday both President Bush and Senator MCCAIN highlight their support for oil and gas leases in the Outer Continental Shelf. I think their public support for this effort will raise the profile of this important way in which Congress can act to help increase our supply of oil and gas to help lower gas prices for all Americans.

Is this the only answer? Absolutely not. But certainly this is the right direction to go.

The Department of the Interior released a comprehensive inventory of OCS resources in February 2006 that estimated reserves of 8.5 billion barrels of oil and 29.3 trillion cubic feet—tcf—of natural gas. Congress has imposed moratoria on much of the OCS since 1982 through the annual Interior appropriation bills.

Some contend that lifting the moratoria would pose unacceptable environmental risks and threaten coastal tourism industries.

First, that is simply not true. In 2005, we suffered significant damage in the gulf coast region of our country as a result of Hurricanes Katrina and Rita. Yet off the coast of Louisiana, off the coast of Mississippi, off the coast of Texas, off the coast of Alabama, where Hurricane Katrina came through, we saw not one drop of oil spilled even though there are hundreds and hundreds of oil-producing platforms in that region of the gulf.

I come from a coastal State. There is nothing I would ever do that would in any way endanger the pristine beaches in my State or the coastal regions of any other State. But, simply stated, we now have the technology in place to ensure that type of thing never happens.

Second, we can do this in a way that ultimately lets the individual coastal States decide whether or not to opt out of this moratorium. So instead of politicians in Washington dictating what will happen off the coast of my home State of Georgia, the people of Georgia and the Governor of Georgia will get the ultimate decision. I am hopeful the Senate will come together to take this first step to increase our supply.

Would I like to see more development? Sure. I support the development, not just of the OCS but in other regions of our country too, where we know we have vast resources of energy. We need to make sure that when we do explore, we do it in the right way, that we do nothing that will endanger the environment of any part of our country. But we do have the technology to make sure that happens—whether it is on the Outer Continental Shelf, whether it is in the shale of the Rocky Mountains, or whether it is in the ANWR region of Alaska or other areas of this country where geologists are fairly certain that we do have additional resources. This will add to the supply we have so that, long term as well as short term, we can see gas prices in this country stabilize and hopefully begin to come back down to something more reasonable than what we are looking at today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

DIESEL SUPPLEMENTAL ENVIRONMENTAL PROJECTS BILL

Mr. CARPER. Mr. President, I am pleased to be here on the Senate floor this morning with my colleague from Ohio, Senator VOINOVICH. I want to reflect on what Senator CHAMBLISS just spoke about with respect to energy.

There are a wide variety of things we need to do: create biofuels, conserve energy. I think we need to incentivize a greater reliance on alternative and renewable forms of energy, including solar, wind, and geothermal. I believe we need to incentivize—and we are incentivizing—a new generation of nuclear powerplants in this country. Nine applications are in. We expect another 30 or so over the next couple of years, a wide variety of things: plug-in hybrid vehicles, very low emission diesel engines, and the list goes on and on. We do not need any one of them. We, frankly, need to do almost all of them.

One of my colleagues, one of the people I most enjoy working with in the Senate, is a former Governor from Ohio. We worked together for many years in the National Governors Association. Now I have the pleasure of working with him in the Senate.

Among the issues we worked on, we served together on the Environment and Public Works Committee. He came to me about 3 years ago and said: Let's talk about diesel emissions.

I said: OK. And I said: What do you want to say?

He said—I will paraphrase what he said: There is good news and bad news about diesel emissions.

I said: What is it?

He said: The good news is, diesel engines last a long time.

I said: OK.

Then he went on to say, and the bad news is, diesel engines last a long time. The old diesels we have on the road today, and most of the diesels we have on the road are old diesels, and there are millions of them. They are in trucks and buses and ships. They are in locomotives. But mostly, though, diesels put out a lot of bad emissions, bad stuff, that we end up breathing.

What Senator VOINOVICH came up with in 2005—he was good enough to let me be the lead Democrat on the legislation—was the proposal that says: Why do we not create a grant program, through EPA, that provides incentive money for State and local governments, for school districts with buses, for private truck companies and so forth, to incentivize them to begin to use new technology that goes into the diesel engines and reduces diesel emissions by as much as 80, 85 percent?

I said: That sounds like a great idea. I would be pleased to be your Democratic lead sponsor. A number of others ended up joining us. I think that Senator CLINTON was among them. But there were a variety of Republicans and Democrats who joined us.

I remember going to a press conference with Senator VOINOVICH about 100 yards from where we are today. We introduced the legislation that day. The next week there may have been a hearing—there may not have been a hearing. The next week after I think the legislation passed the Senate. Within a month or so, it was the law. I have never seen legislation move so quickly in my life.

We were here earlier this morning with one of the earlier discussions on the floor talking about filibusters and how our Republican friends are slow walking legislation, something that we were accused of doing when they were in the majority years ago.

But it is wonderful to have an example, once 3 years ago, with the passage of the Diesel Emission Reduction Act, and more recently with a change to the act which actually makes it even better, to see that we can still work together, we can set aside our partisan differences, Democrats and Republicans can find common ground, actually address our problems and resolve them.

So that sort of sets the stage for today. I think each of us is going to be recognized for 10 minutes, and when I run out of time, I may ask for a little bit of extra time if there is not a press of colleagues who want to come to the floor.

But let me start off by laying the groundwork and to say a special thank-you to our colleagues in the House of Representative and in the Senate for passing S. 2146. It is a bipartisan bill that gives EPA the authority to accept, as part of air quality settlements, diesel emission reduction supplemental environmental projects.

What does that mean? That means, when EPA enters into some kind of enforcement action against a polluter, for example, and out of that enforcement action comes a requirement for the polluter to pay certain fines or charges, the idea is, how can that money be used by EPA?

We want to make sure that money can be used by EPA to further reduce diesel emissions; to install this technology, diesel emissions reduction technology, in buses, in trucks, in all kinds of emitters of pollution of diesels. So we ran into a problem with this over the last couple of years.

Today—actually yesterday—the legislation was passed. We resolved that problem. I also wish to thank some of our colleagues—Senators INHOFE, CLINTON, CARDIN, ALEXANDER—for joining Senator VOINOVICH and me on this latest version of this legislation.

This is a small bill. This is a small bill with big consequences, big consequences for jumpstarting the effort to clean up our Nation's diesel vehicle fleet and making our air cleaner and toxin free. Like a number of our colleagues, I am a strong advocate for diesel engines, clean diesel engines. They are powerful, they are fuel efficient, and with the implementation of EPA's new fuel and engine regulations, they will also be a lot cleaner. However, dirty diesel emissions can be deadly. Reducing emissions from diesel engines is one of the most important air quality challenges facing our country. This week we are going to do something about it.

EPA estimates there are some 11 million diesel engines in America that lack the latest pollution control technology. When diesel engines are built today for cars, trucks, buses, and so forth, they are required to have the latest technology. The fuel they use is very low in sulphur content today, so we end up dramatically reducing the kind of damage and threat to our public health.

But there are 11 million old diesels out on the road, and they are going out on the road for a long time. Taken together, these engines produce something like 1,000 tons of particulate matter every day. I will talk a little bit more about particulate matter in a moment.

As a result, dirty diesel emissions are linked to some 21,000 premature deaths, hundreds of thousands of asthma attacks, millions of lost workdays, and numerous other health impacts every year. In fact, diesel soot is linked to more premature deaths in this country than firearms, HIV, or drunk driving. The risks are nationwide, but they are especially high risk in urban areas.

I have a chart here. Let me see if I can point out a couple of things. First of all, here is Ohio. Here is Ohio, where I went to Ohio State University, along with my colleague, GEORGE VOINOVICH. Here is Cleveland, OH, where Senator VOINOVICH is from. This is dark red. This is dark red. In fact, much of Ohio is dark red.

Over here is Delaware. Delaware is in an area of our country which is dark red. If you look down at the color code, there from the lowest impact, which is pink in color, to the highest impact, which is like a dark red color. For Nebraska, our Presiding Officer's State, it is looking pretty good, part of it in the pink.

But what we want to make sure is that the whole country is in the pink; not in the dark red, not in the red, not in the dark pink. We want to make sure it is in the light pink. What that means is healthier air for us to breathe for us and our families.

Why is diesel so toxic? Let me take a moment to show this. This is a diesel particle. It looks big, doesn't it? But in reality they are very small. You cannot even see them with the eye. But we breathe them, nonetheless. The fact is, as we walk about Washington, DC, or wherever we live, we probably breathe some of these little babies as well.

But at the core is something called elemental carbon. Around that core are organic carbon compounds. Around that, in the yellow here, secondary sulphate and nitrate. Surrounding them are metals. Then surrounding that on the outer core are toxins.

Diesel exhaust is a mixture of vapors and fine particles. The small particles have a core of carbons, as I pointed out, with a layer of toxins, many of which can cause cancer.

Here we have a picture of the lungs—in fact, two lungs. We have in fine detail—some of this matter is hard to tell. This is called the alveoli. That is where the oxygen that we breathe in is actually transferred into the blood system. And when these particles get down this far, they get into the blood system. That is what causes cancer.

But the fine particles can get deep into our lungs to cause inflammation. They cause scarring of the lungs, and some of that leads to bronchitis. It can lead to asthma. But when they get down into the bloodstream itself, they get spread all over the body and cause lung cancer and spread cancer to other parts of our bodies.

If that were not enough, these carcinogens can cause not just cancer but death. And some of the 21,000 people who will die this year will die not from bronchitis, not from asthma or asthma attacks, but they will die from cancer. This is why poor air quality, caused by old, dirty diesel engines, can lead to higher than average cancer rates for those living along heavily traveled interstates, highways such as Interstate 95 which stretches all the way from Maine in the north down to Florida. It runs right through my State of Delaware and a bunch of other States, too, on the east coast. And what we have—notice this curve—what we have is the zone of greatest exposure.

When you have a highway such as I–95—or it can be Interstate 70 or any other interstate or densely traveled highway, especially one with a lot of buses and trucks on it, what you see is a concentration of diesel exhaust right around the highways. And the threat to our health is the greatest for those who travel the highways or live or work in the near proximity of those highways.

That is the bad news. Here is the good news. The good news is we now have the pollution control technology to greatly reduce these deadly diesel particles and therefore greatly impact human health.

In 2004, the EPA began to address these public health concerns by requiring that all new heavy-duty highway diesel vehicles had to install pollution control technology starting in 2007. We also changed the law with respect to sulphur content. It is 15 parts per million sulphur fuel that is sold, I think, after last year. It began last year. They had to reduce the sulphur content rather dramatically.

However, this ruling is a problem because it does nothing for the millions of diesel engines that are already on the roadways, as I said earlier. Reducing diesel emissions in the current fleet could save an estimated 100,000 lives between now and the year 2030.

In response to what the EPA did in 2004, Congress passed the Diesel Emission Reduction Act, which Senator VOINOVICH introduced, and was good enough to let me and others join him in doing that. That program, again, established the voluntary national and State grant loan program to clean up some of those old diesel engines in buses and trucks and trains and ships.

Our intention was to build upon a program that EPA already had in place which allowed air quality polluters to fund diesel cleanup programs as part of their settlement with EPA.

For example, in October of last year, EPA reached a settlement agreement with a company called American Electric Power. As part of that settlement, American Electric Power will spend about $21 million retrofitting diesel engines with pollution controls. In fiscal year 2008—that is the year we are in right now—Congress appropriated $49 million to help fund the Diesel Emission Reduction Act.

So we had, on one hand, a settlement with American Electric Power, a $21 million settlement, the moneys of which were to be used for diesel emission reduction technology. Then we provided an appropriation in 2008, $49 million, to help fund the same program.

Put that money together, I think it adds up to about $70 million. That is enough money to have a significant impact on diesel emissions and to improve our air quality.

Unfortunately, EPA determined that if Congress funds through an appropriation the Diesel Emission Reduction Act grants, EPA could no longer accept diesel projects as part of air quality enforcement settlements. They could not use the $21 million they got in the settlement from American Electric to also help fund the program.

There is enough need. We could spend 10 times the amount of money we appropriated to help clean up diesel emissions. The need is huge. There are 11 million vehicles. We could spend money for a long time, and a lot more money than we are appropriating. But the idea of having $70 million versus $49 million is a big thing. We want to make sure we have and use the money from these settlements. So it does not make much sense to me or to Senator VOINOVICH.

The EPA said: Sorry, our hands are tied. We think this is the law, and we have to abide by it. What this bill does is it corrects the unintended consequence of successfully funding the Diesel Emission Reduction Act. As a result, we are going to be able to use settlement money. We are going to be able to use money that we appropriated for diesel emission reductions. We will be able to use the combined amount; parcel it out to States for grants and for loans and to get diesel emissions down and under control.

The House amended our bill and said: We want to add the District of Columbia to the 50 States that can participate in this grant program established by the Diesel Emission Reduction Act.

Let me close by saying, I do not think there is a silver bullet to reduce the environmental risks that lead to cancer, that lead to asthma, or to death. But cleaning up emissions from our Nation's diesel fleet is certainly a positive step. It is a diesel fleet that can help us use more judicially the resources that we have in this country, to use them more wisely but to be able to use that diesel engine in a way that doesn't threaten our health. That is a very good thing.

In closing, I thank Senator VOINOVICH for the terrific leadership he provided over the years on this particular subject and for allowing others to work with him, to enact the Diesel Emissions Reduction Act and then to join me in coming back and saying the unintended consequence, where the EPA couldn't spend the settlement money and appropriations to finance diesel retrofits, that we had to take care of that. They can spend them both and reduce emissions.

Senator VOINOVICH and I sometimes lament how difficult it is to get anything done around here. On a day such as today, when it is a, beautiful day outside, clear skies, beautiful day, walking from the train station, walking right up Delaware Avenue, seeing the Capitol at the top of the hill, the green trees, blue skies, the sun shining, it was beautiful. We wish to make sure that more days look like today, not only in Washington, DC, but all over the country, that the air is safe to breathe.

With this legislation, it will be a lot safer for years to come. I salute my friend, Senator VOINOVICH, for helping make it happen.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, ordinarily I don't come over and speak in morning business. As so with many Members of the Senate, I could be at three places at the same time and justify each one of them. I came today because of the fact that our colleagues and the citizens of this country need to know there are many instances where both Republicans and Democrats can come together and get something done. I have been very fortunate over the years to know the Presiding Officer, a former Governor, to know Governor Carper, now Senator CARPER. We worked together in the National Governors Association. I think sometimes we were more effective as Governors getting things done than as Members of the Senate.

The fact is, we came together a couple of years ago and realized that one of the most significant sources of pollution, in terms of particulate matter, were emissions from diesel engines. As Senator CARPER pointed out, we now have new vehicles on the road that are much cleaner than anything we have seen before. We also knew there were some 11 million on- and off-road vehicles that would be around a long time and that if we were going to make significant improvement in reducing emissions from diesel engines, we needed a new program. We got together and supported the Diesel Emissions Reduction Act, a bipartisan bill. We must have had 25 or 30 sponsors, over 150 groups supported it. That was the fastest bill I have ever seen passed around here. I think we had it done in 45 days.

The program today is currently supported by over 250 environmental, industry, and public interest groups. When DERA was announced, the EPA estimated the 5-year program, $200 million per year, would achieve $10 billion in health benefits. Senator CARPER has done a very good job of talking about how these particulates are harmful. As a matter of fact, I am going to check into a program that is being funded by the EPA in Cincinnati, where they are measuring the impact of diesel engines on infants in urban areas. Preliminary information I have received indicates it is a very serious problem. Anything we can do to deal with reducing these emissions is significant. In addition, we talk about doing something about pollution. This legislation, if fully funded, will result in the most significant reductions of particulates of any program in the country. It will help communities, such as mine in Ohio and others around the country, to meet new requirements that have come out for ozone and particulate matter.

The need for this program from fiscal year 2003 to 2005 was great, but EPA was only able to fund 25 percent of the applications under the Clean School Bus Program. A lot of school buses need to have this kind of technology. Without it, they are carting kids around, and when they stop, the stuff is being poured out. It is very significant.

Over that period, from 2003 to 2005, only a third of Ohio's applications were funded, 5 out of 15, but broad support for DERA is changing this situation. People are starting to realize this is a neat program. It is really working. For fiscal year 2008, DERA was funded at almost $50 million. The House Interior Appropriations Subcommittee has acted to increase DERA funding to $65 million for 2009.

The thing that is neat about this is that we look at supporting programs. I always asked the question, as I am sure the Presiding Officer did when he was Governor and Senator CARPER when he was Governor: How much more money do you leverage with the money you are spending? In other words, the State puts money in, and how many other people are willing to kick in and make a difference? In this program, we have 50 States participating. In order for the States to participate, they have to create their own State-level programs. States can get more Federal funding by adding State dollars. So if the State matches the Federal allocation dollar for dollar, it will receive an additional 50-percent allocation. This is a real incentive for States to get involved. When we first put this program together, we thought, for every dollar we put out, we would leverage another $3 from State and local government. Also, the private sector is really interested in this program. My State has taken a leadership role in that effort. A coalition of groups have come together in Ohio to use the Congestion Mitigation and Air Quality Improvement Program, the CMAQ Program, as we know it, to fund diesel retrofits. CMAQ provides State and local governments funding for transportation projects to help meet air quality requirements, and the funds are apportioned to State transportation agencies based on population and air quality programs in the region.

Still more money is needed. Enforcement settlements have been a good source of funding for diesel retrofits. For example, from 2001 to 2006, EPA entered into diesel emission reduction Supplemental Environmental Projects valued at $45 million. In 2007, an enforcement settlement with AEP, American Electric Power, a company in my State, included approximately $21 million for diesel retrofits. In other words, companies that have been fined have been able to take the money they have been fined and put it into this fabulous program that reduces diesel emissions.

Last July, though, the EPA issued a policy that eliminated the use of this money to finance diesel retrofits. It is hard to believe. This policy was based on the Agency's interpretation of the Miscellaneous Receipts Act and prohibits the Agency from accepting SEPs that fund activities for which the Agency received funds through appropriations, a lot of gobbledygook. EPA's inability to enter into diesel emission reduction SEPs has eliminated an important tool for environmental protection. What this bill basically says is, we are going to amend the Miscellaneous Receipts Act and say that in addition to the money we appropriate for this program, they can also use SEP money for this program. Everyone believes this is a very meritorious action we are taking. It will increase substantially the amount of money that is made available.

I am hopeful that in the next several years, we will see one of the most robust programs in the world underway with the diesel emissions program. We pass stuff around here, we debate it, but so often nothing happens. Here is a perfect case of where Republicans and Democrats have worked together on something that means something. It is going to help. It is the kind of program I can go back to Ohio and say, when they are complaining about the ozone and the particulate and what are you doing to help us: We have the Diesel Emissions Reduction Act that is going to make a difference for you and your community. Hopefully, working together, as I mentioned, we will see some significant reductions in emissions and significant improvement in public health, particularly for our children.

Again, I publicly acknowledge the great partnership Senator CARPER and I have had. There are so many things we work on. When we finally get to them, such as the Clean Air Act we had a couple years ago, we just missed making it happen. But on this one, we did make it happen. I am hopeful that Senator CARPER and I, working in the Clean Air and Nuclear Safety Subcommittee, will be able to collaborate on other significant legislation that will make a real difference for our country.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Delaware.

Mr. CARPER. The Presiding Officer who is leaving the chair was Governor of Nebraska, and he had the opportunity to work with Senator VOINOVICH and myself at that time. Among the people we worked with was the father of our brand new Presiding Officer, the former Governor Casey. We have been reflecting back on the way it was and how we worked so well across party lines in those days. The legislation that we celebrated passage of yesterday is another indication we can still do that right here in the Senate.

I wish to ask a question, through the Presiding Officer, of Senator VOINOVICH. Senator VOINOVICH mentioned leveraging. Every dollar we appropriate in Federal dollars, EPA is now able to use for Supplemental Environmental Projects to install clean diesel technology to clean up emissions of diesel. He mentioned we actually leveraged some money from other sources, State and local governments, maybe school districts, private companies too. So for every $1 of Federal, we get another $3 to use from other sources. My recollection is that in terms of cost benefit—cost being how much it costs to install the technology—there is a health benefit that is a lot greater than the $1 we spend on the technology itself. I want to say it is $12, $13. I ask Senator VOINOVICH, if I may, through the Presiding Officer, is my recollection correct? Is there a 13-to-1 benefit in terms of a $1 investment in the technology and $13 in payoff, in terms of health benefits?

Mr. VOINOVICH. Mr. President, I think it is much more than that. If you look at the numbers I used in my presentation, it is much greater than that in terms of the public health benefits that are derived as a result of the program.

Mr. CARPER. Mr. President, you were not presiding when we looked at this map earlier, but this is a map of the United States, obviously. This is a map that shows the mortality risks from U.S. diesel emissions. The best color to have is pink, and those States have relatively low diesel emissions and fairly low threats for whether it is bronchitis or asthma or cancer from diesel emissions.

If you happen to be from a State such as Ohio—where Senator VOINOVICH is from, and where I spent part of my youth and went to college—or if you happen to be from Delaware or happen to be from the Commonwealth of Pennsylvania, things are a bit grimmer.

What we have come up with, thanks in large part to Senator VOINOVICH's leadership, is a way to turn the dark red to pink. We want to get the whole country in the pink. Hopefully, in a relatively few years we, will.

The last point I want to mention—Senator VOINOVICH comes from a State that builds a lot of cars, trucks, and vans. Delaware has the only two automobile assembly plants that still exist anywhere up and down the east coast. We are fearful of losing our Chrysler plant at the end of next year, and we would be down to a single GM plant. Chrysler has invested in a new technology with Daimler, and their technology is for low-emission diesel vehicles—very low emission diesel vehicles. The emissions are so low and the fuel efficiency is so high, the people who buy those very low-emission diesel vehicles starting, I think, next year, will be eligible for the same kind of tax credit they would get by buying a hybrid vehicle today, with a tax credit anywhere from $500 to $3,500 per vehicle.

We want to encourage people to buy those low-emission diesel engines. But as people are buying those very low-emission, highly energy-efficient diesels, we want to make sure the other 11 million old diesel engines that are on the road—that are not as fuel efficient; that are not as clean burning—that we get to work at cleaning them up.

The good thing we have accomplished, working with House and Senate Democrats and Republicans, is we are striking a blow for clean air but not at the cost of energy efficiency.

With that, Mr. President, I will yield the floor.

Again, I say to my friend, Senator VOINOVICH: On to more battles. We will take on more battles, and we will do good things.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I see the Senator from Delaware. I wonder, through the Chair, if he needs to speak.

Mr. CARPER. I just did. I thank the Senator.

GAS PRICES

Mr. ALEXANDER. Mr. President, I have invited Tennesseans to send me e-mails or to write letters about how high gas prices are affecting their daily lives. I am hearing from a lot of them.

Pat Taylor of Morristown, TN, who is the director of the local Meals on Wheels program, tells me the drivers travel 1,100 miles a day to deliver meals, but food and gasoline prices could force many meal recipients into retirement homes if something is not done. Mileage reimbursements are not sufficiently covering the expenditures of drivers.

Dr. Kathryn Stewart, of Winchester, TN, tells me that the school nutrition director has had to raise school lunch prices 50 cents per meal to compensate for the rise in gas and food prices, but they will still lose money this year. She worries about the future of her business there.

Abbie Byrom, of Johnson City, TN—that is in the eastern part of our State—is a third-year medical student at East Tennessee State University. She lives on loans through the school system. But, she says, cost-of-living loans do not cover expenses on traveling to all the area hospitals and medical centers. She says most of her fellow students are living by maxing out their credit cards.

Jerry and Judy Wilson, of Monterey, TN, run a weekend concessions business, but sales have been cut in half because of rising gas prices. They say: People can't come to the events because of fuel prices.

Joshua Yarbrough, of Franklin, TN, moved his family with three children to a larger house in Franklin, outside Nashville, 4 years ago, and is now having trouble paying his mortgage because of rising gas prices.

Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks, each of these letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. So, Mr. President, given the extraordinary impact of $4-a-gallon gasoline on the people of Tennessee and the people of this country, they are looking to us in the Senate and the Congress to do something about this.

I noticed there are some interesting new professors of economics on the Democratic side of the aisle who seem to be trying to repeal the law of supply and demand. I have been studying this strange development, and I am trying to trace the source of it. It would appear that maybe the source of it is the young new chairman of the department of economics on that side of the aisle, because the New York Times reports this morning that Senator OBAMA opposes drilling in Alaska, and says he is "not a proponent," in his words, of nuclear power, which provides 20 percent of our electricity today and 70 percent of our clean carbon-free electricity. He would consider banning new coal plants without clean coal technology. Coal produces 45 percent of our electricity today. In 2006, he voted against further exploration in the Gulf of Mexico for oil and gas, in a portion of the Gulf known as Lease 181. More than 70 Senators from both sides of the aisle voted for it, which, so far as I can tell, leaves Senator OBAMA with not much more than a national windmill policy, as opposed to a national energy policy, for this great United States of America, which consumes every year 25 percent of the energy in the world.

Of course, it leaves these new professors of economics with the demand part of the supply-and-demand equation.

We Republicans also believe in demand. We are for green buildings. We believe most of the new buildings ought to be green buildings. That is probably the easiest way to save electricity. Japan has discovered over the last several years that most of its failure to reach the Kyoto standards it was trying to achieve came from the inefficiency of buildings.

Half of us on the Republican side voted for the fuel efficiency standards in December. That has to do with the demand side of the equation—using less oil, less energy. The Oak Ridge National Laboratory scientists told me that the single most important thing we could do as a Congress would be to increase the fuel efficiency standards by 40 percent. That means the cars and trucks in America should average 35 miles per gallon by the year 2020. We voted to do that in a bipartisan way. So we agree on that part of demand as well.

Then we Republicans, as well as many Democrats, I am sure, are ready to give strong support to the idea of plug-in electric cars and trucks.

I was in Nashville on Monday with Congressman BUD CRAMER, who is a Democratic Congressman from Alabama. He and I cochair the TVA Congressional Caucus.

The question we presented for the hearing was, Will electric plug-in cars and trucks help lower $4 gas prices? I believe the answer is yes, and so did a lot of the people who came to see the cars.

One of the vehicles there was a plug-in electric car made by the A123 company in Boston. It is a Toyota Prius, of which there are now a million on the road, and the A123 company had converted the Prius, which is a 40-miles-per-gallon car, into an electric plug-in vehicle, and it is now a 100-miles-per-gallon car. All they did was replace the car's smaller rechargeable battery with a larger rechargeable battery, and they put a cord on the back of it and the driver plugs the cord in at night at his house in a wall socket and he charges it up for 60 cents. So instead of filling it up for $70, he is charging it up for 60 cents.

According to the General Motors Company witness who testified at our hearing on Monday, 75 percent of us drive fewer than 40 miles a day. I know I drive less than 40 miles a day going back and forth when I am in Washington, so if I were driving that electric plug-in car, I would be using no gasoline whatsoever.

So plug-in cars and trucks are a real prospect and a real important part of the demand part of the supply-and-demand law we strongly support on this side of the aisle, and so do many Democrats as well. It is 100 percent American energy. GM, Toyota, Nissan, Ford—all are going to be selling these cars to Americans in the year 2010, which is a model year that is about a year and a half away. Sixty cents is the cost of the charge for a 30-mile drive. It is about the same amount of electricity it takes to use your water heater for 1 day. It doesn't require new powerplants because the Tennessee Valley Authority chairman who was at the hearing told us that they have plenty of extra electricity at night when our lights are off, so we can plug in at night.

This involves trucks too. There were FedEx delivery truck witnesses at the hearing. They are already using hybrid delivery trucks, and they are planning to use that technology for big trucks.

If we were to electrify half our cars and trucks in America over time—which is 120 million, since we have about 240 million cars and trucks in this country—we could cut in half the amount of oil we import. That would cut from $500 billion to $250 billion the amount of money we are sending overseas to people, many of whom are funding terrorists who are trying to kill us. It would strengthen the dollar. It would certainly lower fuel costs for those who are plugging in their cars instead of driving them—or plugging them in instead of filling them with gasoline—and it would reduce the demand for oil so much that it would surely reduce the price of gasoline as well.

Plug-in electric cars and trucks would lead us to support a number of other initiatives: Smart meters so that in our homes we could pay TVA—or whoever our electric utility is—a little more in the afternoon for electricity used at peak power, but at night we would have cheap power for our plug-in vehicles. Battery research. The additional cost of such a plug-in vehicle is determined primarily by how rapidly we can develop batteries that will take a charge to allow 40, 60, 80, 100, or even more miles each time because we will be running coal plants at night to provide this electricity. We would need to clean up our coal plants, but we should be doing that anyway, whether they are in Pennsylvania or Tennessee or Ohio. We need to get rid of the sulfur and the nitrogen and the mercury, and we need a crash program to find a practical way to recapture the carbon from coal plants if we are serious about dealing with climate change.

So there are a number of policy changes we on the Republican side of the aisle are ready to make to lower gas prices and to honor the law of supply and demand. But the problem is the new professors of economics on that side of the aisle, led by Senator OBAMA, are trying to take the word "supply" out of the law of supply and demand. If we are going to drive plug-in electric cars and trucks, we are going to need a supply of electricity, so we need to be building five or six nuclear powerplants a year. But the professors on that side say they are not proponents of that; they don't think it's part of the solution. It has to be a part of the solution in a country that uses 25 percent of all of the electricity in the world.

It would be embarrassing to say that France is ahead of us in this, but they are. Eighty percent of the electricity in France is from nuclear powerplants. It is clean—no mercury, no sulfur, no nitrogen, no carbon. They meet the climate change standards today, and if they shift in France to driving electric cars and trucks, they will have no problem. They can plug them in at night to recharge them. They will have no pollution problems. They will reduce their dependence on oil. They will save money in their pockets. They won't be exporting money to Middle Eastern countries or to others that may be funding terrorists. They will be ahead of us if we don't advance the technology we invented and begin to build five or six new nuclear plants a year for the foreseeable future.

We also need to take the ill-advised moratorium off oil shale. We have plenty of oil shale in the ground and new environmentally sound ways to get it out of the ground. That is a part of supply as well. Most of that is in our Western States.

We also need to give other States the opportunity to do what Texas, Louisiana, Alabama, and Mississippi already do, which is to explore 50 miles offshore for oil and gas. We have plenty of that. We could be producing an extra million barrels a day of oil and gas from offshore exploration, and by adding to the supply we would be reducing the price of gasoline and bringing it down below $4. We need to change the law and do that. Senator MCCAIN says we need to do it.

What would it involve to give States that option? The Virginia State Legislature, for example, has said they would like to explore off the coast of

Virginia, at least for natural gas. So we need to lift the Federal moratorium and the Presidential Executive order that keeps them from doing that offshore. If I were the Governor of Virginia, I would certainly want to do it. I would put the rigs 50 miles out where no one could see them.

We know we can do it in an environmentally clean way. We heard a lot of bad things as a result of Hurricane Katrina, but we didn't hear of one oil spill from any of the oil and gas rigs that are all in the Gulf of Mexico. So we know how to drill cleanly. The oil spills we have are from cargo freighters that are bringing oil from overseas to us. That is where the problem is. If we were exploring offshore for our own oil and gas, we would not only be lowering our gas prices, but we would be providing States and the Federal Government with additional revenue as well. Under the formula we passed in 2006 for Lease 181 in the Gulf of Mexico, Virginia would get 37.5 percent of the dollars. What would that do for Virginia? They already have a good higher education system, but I think if I were the Governor, I would say: Let's put a lot of that in a trust fund for higher education and make the Virginia colleges and universities the best in the world without raising taxes. Let's put some of it to nourish the beaches of Virginia. Let's maybe use some of it for roads or for health care or for lowering taxes. They could do all of that with their three-eighths of those revenues.

We also said that one-eighth of the money from that offshore exploration in Lease 181 would go to the State side of the Land and Water Conservation Fund for city parks and greenways and open spaces in Pennsylvania and Tennessee and all across this country, which we have been trying to do for 40 years. The whole idea of the Land and Water Conservation Fund enacted in the 1960s was to say: We will fund it up to $900 million a year from money from offshore oil and gas exploration; we recognize that exploration is an environmental burden, so we will turn part of it into an environmental benefit. We have never fully funded the Land and Water Conservation Fund, and this is a way to do that.

There are other ideas—Senator SALAZAR, Senator KYL, and I join in this as well—to take some of the excessive money from offshore drilling and fully fund the National Park Centennial Initiative that President Bush has proposed to celebrate the 100th anniversary of our National Park System. I know of the excitement around the Great Smoky Mountains National Park as we have added 55 new park personnel to that park and a lot of new private funding for park projects simply because of this Centennial Initiative the President has proposed. We need to fund it, and this would be a way to fund it.

So we need a supply of electricity if we are going to drive electric cars. We need oil shale if we are going to continue to produce oil, from which gasoline is made. We need offshore exploration—another way to increase the supply of oil.

I believe, as do many others on our side of the aisle, that we should also be exploring in Alaska. Jay Leno said the other night that the Democrats objected to that because they said it wouldn't produce any oil for 10 years. Well, as Jay Leno said, that is what the Democrats said 10 years ago. Presidents and Senators are supposed to look ahead, to look down the road. If we can add a million barrels of oil a day from Alaska; if we can add a million barrels of oil a day from offshore exploration; if we can add 2 million barrels of oil a day from oil shale, which we can do; if we can build five or six nuclear plants a year and help us create carbon-free, clean energy so we can electrify our cars and trucks and reduce our demand for oil, then we will have lower gas prices because we will be honoring the immutable law of supply and demand which says find more and use less.

The difference between us is that on this side of the aisle we believe in the law of supply and demand: find more and use less. On that side of the aisle, they seem to believe in a different economics, which is use less. They want to repeal supply and only insist on demand. So there is a fundamental difference.

I am glad Senator MCCAIN must have gone to a different college of economics than the one I think I sense on the other side of the aisle. He has suggested that we do both, that we increase our supply and we reduce our demand by finding more oil and using less oil. He has specifically supported offshore drilling if States want to do that. He has specifically said we should lift the moratorium on oil shale and proceed in an environmentally responsible way to explore for that. He has said as well that we need to move ahead with five or six nuclear powerplants a year, and he has been a strong advocate for green buildings, for fuel efficiency, and for plug-in electric vehicles. At the same time, he has said he believes we need to take steps to deal with climate change, emphasizing the importance of nuclear power because that provides 20 percent of all of our electricity but 70 percent of our carbon-free power.

So I look forward to the debate over the next few months. It is beginning to come into shape. Two different views of economics: an attractive young head of the department from that side of the aisle who wants to change the law of supply and demand to only include demand, which apparently would leave us with a national windmill policy; or a more grizzled Senator who apparently went to a different college of economics who believes in the old-fashioned law of supply and demand and would like to focus on both.

This will be a debate worthy of the Senate. It will be important to all of those Tennesseans who are writing me wanting that $4 per gallon price to go down. My recommendation to them is to vote for Senators and vote for Presidents who will both increase our supply and reduce our demand—who will find more, use less, and not try to invent a new theory of economics which will leave us with our lights off and our gas prices high.

I yield the floor.

EXHIBIT 1

From: Pat Taylor
Sent: Thu 6/12/2008 9:43 AM
To: Alexander, Senator
Cc: Susan Luker
Subject: Gas Prices Affect Meals On Wheels In East Tennessee

DEAR SENATOR ALEXANDER: My name is Pat Taylor. I am Program Director for Douglas Cherokee Economic Authority Senior Nutrition Program (Meals On Wheels). We are currently serving hundreds of elderly and disabled citizens in the counties of Cocke, Grainger, Hamblen, Jefferson, Monroe, and Sevier. I am writing to you on behalf of all of these homebound clients who receive our meals five days a week. We currently drive 1,100 miles per day to deliver these meals. With the increase in food costs as well as gasoline prices, this has become a burden for our program and our delivery aides. They use their own vehicles to deliver. With gas prices rising daily, the mileage reimbursement they receive desperately needs to be increased in order for meal delivery to continue.

Anything you can do will be greatly appreciated. Many elderly and disabled Tennesseans are able to avoid being institutionalized because of the daily contact and nutrition provided by the Senior Nutrition Program.

Sincerely,

PAT TAYLOR,
Director, Douglas Cherokee Economic Authority, Senior Nutrition Program.

From: Kathryn Stewart
Sent: Fri 6/13/2008 2:19 PM
To: Alexander, Senator
Cc: Dr. Kathryn Stewart
Subject: Gas Prices

I am the School Nutrition Director for our school system. The rise is food and gas prices has pushed me to raise school lunch prices $.50 per meal, and I still project I will lose $250,000 this year, I have always been in the black. I worry now many people will not be able to pay the increased price for school lunches, and I will lose even more. I have no solutions. What can I do? How can you help us?

DR. KATHRYN STEWART,
Food Service Supervisor, Franklin County Board of Education, Winchester, TN.

From: Abbie Byrom
Sent: Wed 6/11/2008 11:45 PM
To: Alexander, Senator
Subject: Gas Prices

My name is Abbie Byrom. I am a third year medical student at Quillen College of Medicine. Currently, we are able to get loans for cost of living based on a budget set by the State University system. During our third year of medical training, we rotate through the Johnson City Medical Center and hospitals in Kingsport and Bristol. For those of us who live in Johnson City, traveling to these other towns costs $250-500 a month (reported from classmates). This is not to mention the students in the rural tract who travel to rural towns such as Mountain City and Rogersville. The cost of gas and groceries has been overwhelming and our governed budget is not covering the costs (transportation allotment, which includes expected car maintenance, is approximately $283 per month). My classmates, with whom I have spoken about these issues, report that they rely upon credit cards to survive toward the end of the semester. Many of them pay off the credit cards when they receive their next loan check, which leaves them over budget once again at the end of the next semester.

On a personal note, my family lives in Tullahoma, TN. During my first year of medical school, I was unable to travel to Tullahoma as often as I would have liked due to a very busy schedule. Now the limiting factor is the cost of gasoline, and that's just sad. Please help me and my fellow colleagues make it through the semester without accruing more debt.

And, please help me see my family.

Sincerely,

ABBIE R. BYROM,
Registered voter since 1999,
Johnson City, TN.

Sent: Wed 6/11/2008 6:03 PM
To: Alexander, Senator

DEAR SENATOR ALEXANDER: We run a concessions business just on the side (weekends) to help supplement our income. Other years this has helped us to achieve more than we could've with just our jobs. This year our costs have gone up astronomically, and sales are down by more than half. People can't come to the events because of fuel prices!! It has resulted in us not having made one cent of profit yet this year!! It is discouraging to work hard and not get ahead at all. We do not believe that "punishing" (taxing) the oil companies will do any good; the companies will expense that cost and pass it right on to us and cut production! We must drill in our country and develop new technologies.

Thanks for giving us the opportunity for input.

Sincerely,

JERRY AND JUDY WILSON,
Monterey, TN.

From: Josh Yarbrough
Sent: Thu 6/12/2008 10:09 PM
To: Alexander, Senator
Subject: Gas Prices/Drilling Efforts

DEAR SENATOR ALEXANDER: I appreciate your efforts to help Congress see how the American public is affected by high gasoline prices. My story is that I am married with 3 children. Four years ago, we moved to a larger house in the city of Franklin, TN from farther out of town. Of course, we purchased a home that stretched us a little, but we felt that after 4 or 5 years of living here, it would be like our first home—able to make extra payments due to increases in salary over the 5 year period. Last month, we spent $300 at the pump. So, what I'm seeing is that the gas prices are eating into money that I would either be able to save or put toward the house. Having this money available would help all Americans, not just those that over-extended themselves with the whole sub-prime mortgage/adjustable rate mortgage "crisis".

I applaud the Republicans' efforts to make it possible for Americans to drill for more oil in our own country. Certainly, I agree that researching other forms of energy is a good thing, but the fastest way to be independent of foreign oil is to act decisively now by allowing for more drilling in America. Further, I believe that the government should not be heavily involved in finding the alternative energy sources. I would much prefer to leave that to the private sector. Why should my tax dollars be used for this, when companies who seek profit are willing to do the research?

Again, thank you for standing firm in your support of drilling efforts in America! We are proud to have you representing us!

Sincerely,

JOSHUA L. YARBROUGH,
Franklin, TN.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LARGE DEFENSE CONTRACT AWARDED TO AIRBUS

Mrs. MURRAY. Mr. President, 3 months ago, our U.S. Air Force made a decision that is going to affect our military for decades. Our Air Force awarded one of the largest defense contracts in history to the European company Airbus.

As my colleagues know, I have been here many times to talk about my numerous concerns about this contract and about whether it is in the best interest of our taxpayers and our service men and women for Airbus to supply our next generation of aerial refueling tankers. Those tankers refuel planes and aircraft that are stationed across the world. As long as we, the United States, control the technology to build those refueling tankers, we control our skies and our own security. But the Pentagon has yet to justify this decision to give that contract to the European company Airbus.

Within the next 24 hours, we expect the Government Accountability Office to issue a ruling on one overarching question that has been raised about this contract and that is whether the Air Force followed the letter of the law when it made that decision. This GAO decision will not answer whether Airbus will supply the best plane for our military, and it will not answer whether buying the Airbus tanker would do permanent harm to our aerospace industry.

So I rise today to urge my colleagues to join with me and continue to fight to get those answers. It is common sense that before we, the Congress, finalize a $35 billion contract, we need to know why the Air Force chose a plane that is much bigger and less efficient than it asked for—one that cannot use hundreds of our runways, ramps, and hangars and one that costs billions of dollars more in fuel and maintenance.

We, as Members of Congress, and the people we represent need to know whether our Government should buy a plane that even the Air Force says is "less survivable." That means it is less able to keep our men and women who are in them safe. We need to know what the effect on our economy will be and the effect on our national security if we turn this critical technology over to a company that is owned by a foreign government.

I was out on the Boeing 767 line the day the Air Force announced its decision. I will never forget the shock and dismay I saw on our workers' faces. After all, they have been making our Nation's refueling tankers now for more than 50 years, and they know how important those tankers are to the military. In fact, I remember so well this one woman rushing over to me on the factory floor to tell me her son actually flies those refueling tankers for the Air Force and that she—an American mom—wanted to be the one making them for him. She and workers across this country want to know why. Why would we give this contract, this Air Force contract, to a subsidized European company controlled by foreign governments that just want to put America's aerospace industry out of business and take away her job?

The U.S. Trade Representative is so concerned about the subsidies Airbus receives that it has brought a case against the EU before the World Trade Organization because of those illegal subsidies. We need to know why in the world we would accuse Airbus of unfair trade practices on one hand and then turn around and hand them a major piece of our defense industry. We, as Members of Congress and representatives of the American people, need to know why our Government would hand them this contract now.

In May, employers cut 49,000 jobs. It was the largest 1-month jump in unemployment in this country in 22 years. Yet at the same time our administration is sending 44,000 U.S. jobs overseas to build our Air Force refueling tankers, when we are hemorrhaging jobs at home in this country. It does not make sense to me.

Some of our colleagues are saying we need to move this process along quickly so we can get those planes into the hands of our airmen and airwomen. I agree. They need these planes. But this is a contract that will affect our military, it will affect our taxpayers, and it will affect our decisions in this country for years to come. So we had better be thoughtful, conscientious, and thorough. Members of Congress have a responsibility to thoroughly evaluate whether we are buying the best plane for our taxpayers and our men and women who fly those planes. So I hope my colleagues, as we hear from the GAO in the next 24 hours, will stand with me and ensure we get this contract right.

I see my colleague from Maryland is here to speak, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

MOVING FORWARD WITH ENERGY LEGISLATION

Mr. CARDIN. Mr. President, the people of Maryland and around the Nation are angry and frustrated. Every time they fill the tank of their vehicle with gasoline or look at their utility bills, they get worried. I must tell you, they are frustrated and so am I as to why the Republicans are blocking an opportunity for us to even take up this legislation to deal with the rising energy costs and to deal with the energy policies of this country.

Republicans have blocked consideration of S. 3044, the Consumer-First Energy Act, and H.R. 6049, the Energy and Tax Extenders Act containing renewable energy incentive programs. People in Maryland and around the Nation know that when George Bush took the office of President, the price of gasoline was $1.46 a gallon. It is now over $4 a gallon. They know the impact this is having on their lives. There are people in Maryland; in Pennsylvania, the State of the Presiding Officer; and around this Nation who literally cannot afford to fill their tanks with gasoline. They are having to make tough decisions today.

There are small businesses that are going out of business because they can't afford the increased energy cost of running their small businesses, and they do not have options as to how to shift costs in order to deal with these rising costs without putting it onto the consumers. So this is having a dramatic impact on our economy.

The people of our Nation are asking us to put aside our partisan differences. This is too important a subject for the security of our country, for the economy of our Nation to continue partisan fighting. We need to debate these issues and vote on these issues.

I am proud to be a cosponsor of S. 3044, which provides some immediate help to our consumers on energy cost. It deals with a limited number of subjects, but they are subjects that can have an impact on energy costs now. It would repeal the tax subsidies that we give the oil industry—the tax subsidies. We are providing $17 billion of tax relief to the oil industries while they have record profits. Their profits are at record numbers.

President Bush said on April 14, 2005 that if the cost of crude was at $55 a barrel, the oil industry didn't need additional incentives. The President said: I will tell you, with $55-a-barrel oil, we don't need incentives to oil and gas companies to explore. There are plenty of incentives. That was the President of the United States. Well, the price of crude oil now is at $140 a barrel, so we certainly don't need to have taxpayers subsidizing the profits of the oil industry. This legislation says: Let's use that money to make America secure. Let's put it into renewable energy sources here in America.

The legislation would also allow the President to impose a windfall profits tax. I have heard a lot about that from my colleagues, but it simply says that if you are making obscene profits, you should pay some additional taxes. You could avoid the windfall profits tax. All you need to do is invest the profits in clean, affordable, and domestically produced renewable energy. In other words, invest in America's future and in America's security.

The legislation also goes after speculators. A large part of the cost at the pump today for gasoline is because we have investors speculating in oil futures, but they are not subject to the normal investment rules. They should have margin requirements to be able to speculate. We need energy, we need gasoline at the pump, we don't need it held by speculators, and this legislation would deal with that situation to help bring down the cost of gasoline.

It also deals with the collusive practices of the oil-supplying countries. Let's subject them, to the extent we can, to fair antitrust laws.

So this legislation would have an impact in trying to bring down the cost of gasoline today.

I know the President is going to make a statement saying we can drill our way out of this problem. We can't drill our way out of this problem. America has 3 percent of the world's reserves in oil, and we consume 25 percent. We can't drill our way out of it. ANWR, which is the sensitive land in Alaska the President wants us to drill in, contains .6 percent, less than 1 percent, of the world's reserves. We have millions of acres that are open for exploration and drilling today. The oil industry could use those millions of acres to obtain more energy, and it still wouldn't be enough to deal with our needs, but it would help us on a temporary basis. ANWR represents only a very small part of that.

There are plenty of ways in which we can drill today, but it would not solve our problems. Let me give you one comparison. If we had passed the increased energy efficiencies for our automobiles 20 years ago rather than last year, we would have energy savings in America equivalent to more than three times the amount of oil we could get from the ANWR reserves.

So in the short term, the bill we have before us is our best hope to bring down costs. It will help our consumers. But we do need an energy policy for America. We need to be energy secure, and H.R. 6049, of which the Republicans are blocking consideration, that deals with renewable energy, would help us obtain that. We need an energy policy in America that makes us secure from foreign imported oil. We have to be an energy-independent America. We have to produce our own energy in America so we can get off oil for the sake of our national security. We shouldn't be financing countries that disagree with our principles and our way of life. We need to be energy independent for our economy so we don't have these unpredictable changes in energy costs in America.

One of the most frustrating things for American business is they need to plan for their costs. They can't plan today because we don't control our own energy. So we have to be energy independent for the purposes of our economy, and we also need to be energy independent for the sake of our environment. Global climate change is real and so we have to get off oil.

So for all those reasons, we need to invest in renewable energy, we need to invest in better efficiencies, and H.R. 6049 allows us to move forward in doing that. Together we can enact legislation to help those frustrated Maryland consumers and drivers and those who live in Pennsylvania, the Presiding Officer's State, who are worried about whether they will be able to get to work with the rising cost of energy. We can help them today by putting aside our partisan differences and debating and voting on these issues.

This Nation can accomplish anything, if we set our minds to it. I know we have support on both sides of the aisle for an energy policy that makes us energy independent and secure. Let's deal with the immediate problems of the gasoline and energy costs, let's deal with a long-term energy policy that is in the best interest of this Nation, and let's start by debating these issues. Let's put aside the filibuster, move forward, bring these bills to the floor of the Senate so we can do what Americans expect us to do—debate and act on this critical issue to the future of our country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL PRICES AND EXPLORATION

Mr. MENENDEZ. Mr. President, gas prices this summer could easily be triple what they were when President Bush took office. The dramatic increase in oil prices brought prices for food up along with it, and families are facing a painful financial choice when it comes time to fill their gas tank:

Put a gallon of gas in the car or put a gallon of milk on the kitchen table. When Americans are paying this much to fill their gas tanks, it is a drain on the whole economy. Businesses are cutting jobs, families have already eliminated nonessentials, and many are now cutting back on meals. Some people are even contemplating changing their job because they can't afford the gas to get to work.

It has become painfully clear that we are in an oil crisis. Some of the forces driving up prices are beyond immediate control—such as the demand from China and India. But some of the factors offer opportunities for action.

First, market experts have testified before Congress that speculators are driving up prices far beyond where the natural forces of supply and demand should take them. Second, we can take steps in this country to reduce our demand and our dependence on foreign oil.

Last week in the Senate, Democrats brought legislation forward that would attack some of the root causes of the skyrocketing price of oil, cut down gas prices that are artificially high, and bring relief to drivers at the pump. That bill, the Consumer-First Energy Act, would have provided that relief by, among other things, ensuring that our commodities markets are functioning fairly so prices can come down from their artificial highs. The supply-and-demand equation is roughly the same as it was 2 years ago. Yet we have seen prices go through the roof. Experts say speculation could be adding anywhere between $50 and $80 a barrel to the price of oil.

In some respects, I am not surprised this is the one place in the market that doesn't seem to be regulated. We can see what happened under the administration of a President and Vice President whose politics have always been tied up with the oil companies for whom they used to work. Here you have the price of a barrel of oil that has risen from about $20 a barrel when President Bush took office to about $140 a barrel right now.

As we have seen that price rise, what happens? As the price of oil has risen, the profits of big oil companies have risen—from about $20 billion when President Bush took office to about $120 billion right now. The price of oil goes up and profits go up as well. And as the profits have risen for big oil, the price of gas that we pay at the pump has risen—from under $1.50 a gallon when President Bush took office, in many cases, to, in some cases, over $4 per gallon right now.

The Consumer-First Energy Act would have made sure that oil is traded on a well-regulated, transparent market free from manipulation. But my colleagues on the Republican side of the aisle said no to that legislation. They said no to the American consumer because they obviously feel committed to say yes to big oil.

Yesterday, once again, the Senate had the chance to help free our country from the liquid shackles of foreign oil. The Baucus substitute amendment—had we been able to offer it, had we not been stopped by our Republican colleagues—would have spurred the development of renewable energy by providing almost $20 billion in tax incentives for investment in the production, transportation, and conservation of energy.

In order to encourage renewable energy industries to build to the scale we need them to, we have to send renewable producers the clear message that their product will have continued support in the future. So the bill would have extended investment tax credits for 6 years to ensure the continued development of solar energy, fuel cells, and microturbines, among others.

We have seen how important this is in my home State of New Jersey where the solar industry has created thousands of jobs and helped "green" the Garden State.

The bill would have encouraged the production of cellulosic biofuels, including cellulosic ethanol. It would have encouraged the development and use of biodiesel and renewable diesel, encouraged further investments in advanced technology vehicles, and created a tax credit for alternative refueling stations so that the infrastructure exists in our country to make those vehicles viable.

So in the face of a broad-based package to encourage new green energy sources that would have helped bring down gas prices and end our dependence on foreign oil, what did my colleagues on the Republican side of the aisle say? They said no again. Republicans said no to helping American consumers because they could not help but say yes to big oil.

It is no surprise then when my distinguished colleague from Arizona, Senator McCAIN, delivered his big energy speech yesterday, where did he do it? He did it in the oil capital of the United States. The big plan President Bush and his Republican allies in Congress are pushing is another example of big oil writing our energy policy, as they have done for the last 8 years.

And Senator McCAIN repeats it. That plan comes down to one thing: Drilling, drilling, drilling along the coasts of our country. When JOHN McCAIN or George Bush talk about opening our coastline to drilling, they make it sound like gasoline is going to gush out from that drill straight out of the ground and right into your car.

What they either do not want to tell the public or simply ignore is that, in fact, it will take at least a decade—a decade—to see any production out of these areas, and even then, the Energy Information Department tells us this will be a drop in the bucket.

Why give the oil companies another handout when they are sitting on 68 million acres of land leased from the American people which they have yet to explore? I find it hard to believe that Senator McCAIN would say the Federal Government discourages offshore oil production when more than 80 percent of the oil that is offshore is already open for production, and oil companies own more than 30 million acres of leases in Federal waters they have not used—that they have not used.

The vast majority of oil and natural gas resources on Federal land is already open for drilling, and it is not being tapped. Currently, oil companies are not producing oil or gas on 68 million of the more than 91 million acres of Federal land under their control. And 31 million of those 68 million acres are offshore.

Offshore, these companies are producing on only about 20 percent of the acres they hold, while onshore they are producing less than 30 percent of the acres they hold. So one has to wonder, when big oil pushes relentlessly for more and more land and water to drill, even when they have millions of acres they have yet to use, it makes us wonder if they are not just exploiting this oil crisis to expand the reserves on their books in order to inflate their share price. Certainly, the needs of American consumers are not what these CEOs are looking out for.

If the Senate does not act now, billions of dollars' worth of research and development tax credits will expire, impeding innovation and discovery. As the world becomes increasingly globalized and technology driven, we must increase our investments in research and development in order to maintain our position as a world leader in the 21st century.

If the Senate does not act, billions of dollars invested in alternative, clean sources of energy will cease, and so will our progress to become energy independent. I have heard my colleagues on the other side of the aisle decry the rising price of gas and talk about developing alternative sources of energy.

But when they had the opportunity yesterday, once again they said no, as they said no last week on having market speculation taken out of the price of oil, therefore the price of gas.

By the way, what would have been offered yesterday had we been able to proceed—and hopefully we can proceed on today—is that millions of Americans subject to the alternative minimum tax, placing unfair and unnecessary tax increases on middle-class families, could have gotten a break under the Baucus substitute. That is all that would have been able to happen.

Finally, here is the bigger picture. We have 2 percent of this world's oil reserves, and we consume 25 percent of the world's oil. We are never going to meet growing domestic demand with shrinking domestic supply. The only way to make these numbers balance is to reduce our dependence on oil by increasing production of renewable fuels.

If we are going to have a secure energy future, there is a lot more we need to do to explore besides oil reserves. We had better start exploring the outer reaches of our creativity, not lining the inner pockets of the corporate oil elite. It is time to say yes to tapping our industriousness, harnessing our powers of innovation, and summoning up the will to change, that change that has made this country great.

We have an opportunity to break our dependence. We have an opportunity to tell the oil companies, too, by the way: Pursue the 68 million acres of land and water you already have licenses and leases for and stop telling us to go potentially risk our environmentally sensitive areas in pursuit of oil that will not be achieved for a decade, will not do anything about gas prices today, when you are not even moving on the 68 million acres to which you already have access. Ultimately, all it would do is increase your profits, but it would cause States, such as my State of New Jersey, where tourism is the second largest driver of its economy, to risk the possibility of an oil spill on the shores of New Jersey's beaches and kill billions of dollars that annually are generated as a result of that.

So I do not want to hear from the capital of big oil, our dear colleague and the presumptive Republican nominee tell us the solution to our problem is to drill more, when 68 million acres that the big oil companies have are already not being pursued, when ultimately it will not produce a penny of reduction in gas prices.

When we had the opportunity to make a real impact last week on the bill that would take the speculation out of the marketplace, stop price gouging, and at the same time, when we have an opportunity today, before the Senate, to make sure that we extend those renewable tax credits, give us better fuel-efficient vehicles, give us better renewable energy sources, and break our addiction to the reality that the reality is that the overwhelming part of oil in this world resides not here in the United States but abroad.

That is our challenge and opportunity. It is time to say yes to American consumers, time to say no to big oil.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

(The remarks of Mr. WARNER and Mr. WEBB pertaining to the introduction of S. 3147 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 3148 and S. 3149 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MOUNT HOOD WILDERNESS

Mr. WYDEN. Mr. President, I wish to acknowledge the important work of my Oregon colleagues—Representatives DEFAZIO, HOOLEY, BLUMENAUER, and WU—who are coming through today for an Oregon icon, our special Mount Hood. Last year, Senator SMITH and I introduced the Lewis and Clark Mount Hood Wilderness Act to create an additional 128,000 acres of wilderness around the mountain. Our Mount Hood legislation has passed committee, and I am confident that now, with the House of Representatives, the other body, going forward with a companion measure, it is going to be possible to get this measure enacted and move on to a host of additional important land issues for my home State.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska.

OIL SPECULATION

Mr. STEVENS. Mr. President, as Americans travel with families over the Fourth of July and for summer vacations—on cruises, RV trips, or on sightseeing tours, to Alaska, hopefully—they are going to be shocked by the price of fuel at the pump. This is because the consumers of fuel—from airlines to truckers to the fishing captains of the boats off the Pacific in my State—must in effect bid against speculators in the oil markets, speculators who will never take delivery of fuel but bid up the price and turn it into an inflated profit. Some people will be forced to cancel summer plans—or worse, close their businesses—primarily because fuel costs have increased so much.

Today, the average price of a gallon of gas is $4.08. In some parts of our State of Alaska, the price of a gallon of gas is over $8. I believe Congress must take action now to address this issue before Americans can no longer afford even basic activities and the goods they need.

Most foreign producers believe Americans will pay any price for oil, and Congress validates this each day we fail to implement a comprehensive energy strategy. Americans are being taken advantage of not only by OPEC but by speculators right here in our own country who are exempt from regulation by the Commodity Futures Trading Commission. Historically, this has not been a bad problem. Only recently has speculation reached these unsustainable levels.

Some speculation when oil consumers use oil futures is bona fide. For instance, an airline might buy fuel at an advanced price for delivery in the future to make certain that it has a supply in the future. That is legitimate. There is no problem with brokers facilitating even this type of purchase. But Congress must recognize that speculators who are not consumers of oil have taken control of our market. Ultimately, the price Americans must pay for oil and other fuels skyrockets because of their speculation. Even major institutional investors have taken up oil futures markets as a major asset class in their financial portfolios. In the last 5 years, investments in commodity index funds have jumped from $13 billion to $260 billion due in large part to oil futures. Let me repeat that. Investments in the commodity index funds jumped from $13 billion to $260 billion due in large part to oil futures.

Excessive speculation in oil futures is causing our economy to continue its decline. Congress must mandate the CFTC to stringently regulate these exchanges.

Let me show this chart, Mr. President. This shows the period from 1986 through 2007. The gold marks on the chart are actual trade volumes of oil futures in NYMEX and red is the price of the oil that was paid on those deliveries. It is easy to see that as these spikes have occurred, they have not been related to the delivery of oil, they have been related to the price of oil—just speculation in terms of the future delivery of our oil. One economist told me that 30 to 35 percent of what we pay at the pump for gasoline today is caused by speculation—these so-called investors. I call them speculators, and I think they all ought to be in jail. This is a terrible situation, actually.

Our oil crisis has combined with our economic instability and excessive oil speculation to become a vicious cycle. As energy prices continue to cripple our economy, inflation rises and the dollar weakens. One of the few places that investors see a safe bet is in the energy market. They know that worldwide oil demand is increasing and will continue to increase, and so they bid higher and higher for speculative purposes on the delivery of that oil to our own country.

Three weeks ago, I stated on the floor that the IEA predicted world oil demand to increase from 85 million barrels a day to 116 million barrels a day. If that is the future of oil, of course the investors want to increase their position in oil futures. Who wouldn't want to do that, particularly when there is no control over them at all on how much they can raise the price just by trading paper that represents future delivery of oil?

I believe that immediately the CFTC needs to conduct a review to examine where unregulated trading in oil futures has adversely affected the market—the price we pay at the pump—and to determine what regulations need to be adjusted. I would also like to have full disclosure from any entity or person taking part in the oil speculation game so that the American people can see who is buying and selling their energy but never even hoping to accept delivery. They are just buying pieces of paper to represent the future delivery of oil and they are speculating and raising the price to the entity that needs the oil in the future.

There should be a limit on the extent to which investors in petroleum futures can increase their positions in this important commodity market. It should be a crime when spectators knowingly manipulate oil prices and drive up the price of fuel at the expense of the American family. Such actions undermine our country's energy stability and our energy security. American consumers are at the mercy of foreign oil sellers and domestic oil buyers already, and they should not be forced to pay so much more because of speculation.

Last year, the Senator from California, Mrs. FEINSTEIN, and I each crossed party lines, to a certain extent, to get together to pass a change in the CAFE standards. That was the first Federal increase in vehicle fuel efficiency in three decades. Senator FEINSTEIN has been a champion of conservation, and I applaud her.

Now we are working together again, on S. 3131. Under the terms of this bill, the CFTC will be required to identify and crack down on the oil commodity futures markets that have spun out of control. This may involve the New York Mercantile Exchange, the Intercontinental Exchange—so-called ICE—and even foreign markets, if necessary, to address this serious problem. Our bill probably needs to be improved to make it even more certain that speculators in oil futures will be charged with a serious crime, and they should have serious penalties.

The time is now to act against speculators. I hope the Senate will lead in this and try to crack down on speculators. I predict that if we do, we can break this bubble. If we can reduce the price by at least 30 percent by prosecuting the speculators, I think we should do it, and we should do it before we go home next week.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized.

THE FINANCIAL CONSUMER HOTLINE

Mr. CORKER. Mr. President, I rise today to talk about a bill that is being introduced in this body by Senator SCHUMER and myself that is designed to help people throughout our country who are having tremendous difficulties navigating the various financial institutions and who they should talk to when they have various complaints. Right now there are five different institutions of Government that oversee financial institutions throughout our country. I am on the Banking Committee, and I will tell you that if I had a complaint or something I wanted to ask about a financial institution in the State of Tennessee, I would have no idea who I should call in regard to that particular institution. It is not known to the public generally whether institutions are governed by State charter or governed by Federal charter or by which Federal charter they might be governed.

We have introduced a bill called the Financial Consumer Hotline. What this will allow people throughout the country to do is to dial a toll-free number and someone on the other end of that toll-free number would direct that call immediately to the right place. Right now, the FDIC has to redirect 54 percent of the calls it receives to other entities. You can imagine, if you are a consumer in Tennessee or a consumer in Maryland or a consumer in Virginia, how frustrating that would be, to have an issue and to have to take time, if you will, to find out about that issue and to not know who to call.

When I was mayor of the city of Chattanooga, we had a similar problem in that people did not know how to access city government regarding the myriad of issues with which they had to deal. They did not know which department of government to contact. We realized that and established something called a 311 number. Cities all across the country have done the same thing. What that has done is allow people to dial one number and call in about any issue, and have that registered and know that is going to be dealt with.

I certainly appreciate the tremendous partnership we have established on this issue with Senator SCHUMER from New York, who also serves on the Banking Committee and is also aware of the tremendous complications people go through in trying to get to the bottom of whatever issue it is.

This bill has been introduced. I hope my colleagues in the Senate will consider this legislation. It is something that, by the way, does not cost the taxpayers of this country a dime. There is an entity that is directed through regulatory bodies to do this. This is something that does not come out of the taxpayers' pocket. It does not come out of our Treasury. I think it will enhance the ability of people throughout our country to navigate and get to the bottom of issues they might have with financial institutions.

I notice no one here wishing to speak, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. DURBIN. Mr. President, if you travel into Maryland or Illinois or anywhere across America and ask people what is on your mind, they are going to tell you it is gasoline prices. Why? Because they have to fill the tank each week and cannot believe how much they are paying with the credit cards and cash in their wallet going out in record amounts to fill their cars and trucks and try to get on with their daily lives.

Then you go driving down any street in America, there is that big sign right in your face: $4.08, $4.25. It is a constant reminder of the problems we face. We have tried, on the Democratic side, to move some legislation to deal with this situation. We tried last week to deal with the energy security bill that would have found a way, we think, to start creating an environment to bring down these prices.

It was an effort that most people agree is long overdue. There is a $17 billion subsidy to the oil industry. Why would you do that when this industry is recording record profits, not just for their industry but for any American business?

We have also tried to deal with energy tax incentives for wind power and solar power and things that are the source of power and energy for America's economy in the future. Twice now, not once but twice, the Republicans have refused to join us in even bringing these measures to the floor. They keep stopping us cold.

The Senate's 51 Democrats and 41 Republicans, with absences, with a 60-vote requirement for most major legislation, is within the power of the Republicans to stop debate. They have done it repeatedly.

There is also a concern across America because the response from the Republican side, not just from our colleagues in the Senate but from Senator MCCAIN as well as the President, has been to call on us to drill our way out of this problem.

I am afraid people who suggest we can drill for more oil in America and take care of our problems do not understand basic math. The United States uses 25 percent of the world's oil supply; we are big users for a big economy. Do you know what we have in oil reserves out of all the known oil reserves in the world? We have 3 percent, 3 percent of the reserves and 25 percent of the usage. You cannot drill your way out of the situation.

They do not understand as well that currently there are Federal lands available for drilling that are not being put into production; lands that have already been leased by oil companies. These are lands owned by the people of the United States, and the right to drill for oil and gas has been leased to a private company that sits on it and does nothing.

You say to yourself: Well, it cannot be too much because we need oil, it is so valuable these days. Oil and gas companies—let me show this chart—hold leases to nearly 68 million acres of Federal land that are not producing oil.

This land could produce 4.8 million barrels of oil every day. That is six times the peak production of any drilling in Alaska for the Arctic National Wildlife Refuge. Every time you ask a Republican what is the problem, they say: Man, if we could drill in Alaska, everything would be just fine. Do you know how many acres are in Alaska? There are 1.5 million. The oil companies are sitting on leases for 68 million acres now that they are not drilling.

If they did not think they were valuable, they would not have bought the leases. But they did. They wait year after year, sitting on these leases and keep throwing in our face: Alaska, Arctic National Wildlife Refuge, not telling us it would take 8 to 10 years to bring the first barrel of crude oil out of Alaska, and it would have a minimal impact on the price of gasoline.

Let me show you some charts which kind of tell the story about these 68 million acres in more graphic terms. There are 68 million acres leased to oil companies. These are offshore, 33.5 million leased acres unused offshore; 34.5 million leased acres unused onshore.

Take a look at the Gulf of Mexico region. I know it is hard to pick this up in my presentation. But the red areas are areas currently under lease that are not producing oil and gas, owned by the Federal Government, leased to private oil companies, and not in production.

The blue dots are in production. Look at all the opportunity. So when the President has a press conference, or Senator MCCAIN has a press conference, and says: We need to have offshore drilling, the obvious question, Senator, Mr. President, is: What about all these lands, 68 million acres of which are under lease right now for drilling and not being used?

Take a look at this as well. I see Senator DODD has arrived on the floor. He has been one of the proponents of this particular point of view. I thank him for this. He is welcome to take a look at the charts and use them at any time in the future.

Here are 34.5 million acres leased to companies on the onshore site. Look at the Western part of the United States. All this red area is Federal land currently leased to oil companies for production not in production. Now take a look at Alaska, 1.5 million acres. That is what they cannot wait to get into.

The honest answer is the oil companies have opportunities now to produce more oil and gas. It is time for us to stop hearing the excuses. We have to look to the reality. The reality is the oil companies are making profits at recordbreaking levels. The reality is speculation is driving up the price of oil, and the reality is the President of the United States has yet to call the oil company executives into the Oval Office to tell them they are wrecking the economy.

He has yet to call them in and say: For goodness sakes, start drilling on the land you already lease from the Federal Government. Instead, it is always the next horizon—if we could just get into Alaska, if we could just get into the Outer Continental Shelf.

We shouldn't have to compromise our health or our environment to make sure our economy is strong.

The PRESIDING OFFICER. Under the previous order, time has expired.

Mr. DURBIN. I ask unanimous consent to continue for 5 minutes in morning business and that time not be deducted from the already reserved morning business of 2 hours on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Have no doubt, drilling in the Arctic National Wildlife Refuge isn't going to have a dramatic impact when it comes to the world's supply of oil. Even the Department of Energy's Energy Information Administration admits that. By the time the Arctic National Wildlife Refuge would be at peak production, which wouldn't take place until the year 2030, 22 years from now, refuge oil would make up only six-tenths of 1 percent of the world's oil. If one listens to some of the political rhetoric, they would think there is this vast resource of oil in Alaska that is going to come to our rescue. It is not. It is a drop in the bucket when we consider today's high gasoline prices. In fact, the effect at the gas pump wouldn't be felt for over 20 years, and then it is only pennies a gallon.

The Arctic Wildlife Refuge is one of America's last pristine, untouched areas. It is home to more than 200 wildlife species, including polar bears, musk ox, and caribou. President Dwight Eisenhower set this area aside over 50 years ago and said: This is something we need to preserve. This is a once-in-a-lifetime-and-beyond opportunity to protect some treasure for future generations.

Ms. MIKULSKI. Will the Senator from Illinois yield for a question?

Mr. DURBIN. I am happy to yield.

Ms. MIKULSKI. I have been listening to the Senator's statement. Today I understand the President wants to lift bans on drilling; is that correct?

Mr. DURBIN. That is my understanding.

Ms. MIKULSKI. I missed part of the Senator's statement. Don't the massive oil companies already have substantial acreage they could start drilling on right now?

Mr. DURBIN. The Senator from Maryland is correct. There is 68 million acres currently under lease to oil companies, Federal land owned by the people for which oil companies are paying money each year for the right to drill for oil, 68 million acres and no drilling taking place. So when the President announces: We just have to find more Federal land to drill on, the obvious question is, why aren't they drilling on the 68 million acres offshore and onshore they currently have under lease?

Ms. MIKULSKI. I find that shocking. I note that the 68 million acres is about six ANWRs.

Mr. DURBIN. If we consider the 1.5 million acres on which they want to drill in ANWR, it is 50 times.

Ms. MIKULSKI. That is not fuzzy math.

Mr. DURBIN. That is not fuzzy math. This 68 million acres would be the size of my home State of Illinois and its adjoining State of Indiana together. That is how much they currently have under lease to drill for oil that they are not touching.

Ms. MIKULSKI. Does the Senator agree, rather than change policies to prevent gouging of consumers and speculation in the market, they would rather change the subject?

Mr. DURBIN. That is clearly what they are doing. Anyone who has had a crying baby knows what a pacifier is. You try to get the pacifier in the baby's mouth so they will calm down. They may still be hungry or crying for some other reason, but you try to quiet them down. That is what we are hearing in response.

When people say drill in Alaska or drill offshore, they want to quiet us down because when we look at the numbers, the numbers do not compute. If we are going to be honest about energy sources, there is a limit to how much we can drill in territory controlled by America. There is much more we have to do to lessen our dependence on foreign oil. We are talking about domestic sources—ethanol, biofuels, diesel. We are talking about renewable and sustainable sources of energy such as wind power and solar power that would not destroy the planet with global warming. That is the big challenge.

Sadly, for 7½ years, this administration has ignored it. Now we are in a terrible situation. I wish this President would show leadership and bring in the oil company executives, sit them down in the White House, and tell them they can't keep demanding these high profits at the expense of American families and businesses. Tell them to start drilling on lands they are currently leasing; try to challenge America to move forward in a fair way to have affordable energy.

I am glad the Senator from Maryland joined me in this conversation. I know she has an important agenda she will initiate now.

I yield the floor.

Mr. DODD. Mr. President, I rise today to speak in favor of legislation that I think will help to address some of the most important challenges facing our Nation's economy today. The Renewable Energy and Job Creation Act of 2008 is a critical step toward forever breaking the crippling hold that foreign oil has on our Nation. It will provide American entrepreneurs with incentives to develop new, environmentally safe energy technologies and create jobs that will stay in the United States, while strengthening all our communities. The bill will also provide important tax breaks for middle and lower income families at a time when the economic pressures on them are enormous.

To be sure, Americans are waking up to bad news about the economy each and every day. For months now we have watched as prices for gas and food have climbed. We have witnessed a foreclosure crisis that has ravaged our economy, and put 7,000 to 8,000 Americans in danger of losing their homes each day to say nothing of the 15,000–16,000 Americans who become neighbors to homes in foreclosure. As if this did not paint a dismal enough picture, since January of this year the American labor market has hemorrhaged more than 324,000 jobs and the number of people seeking unemployment benefits has hit 8.5 million.

The time has come to change how our economy operates—and that starts with what our economy largely runs on. The time has come to end our dependence on oil.

Each day new energy technologies are being developed and advanced, and these technologies need help to grow and become viable, cost-effective alternatives to oil. For nearly a century, technological innovation and the intellectual capital of our industries have been the engine driving American prosperity. But this administration's repeated quest to open more of Alaska and more of Florida's coast to drilling comes at a high price indeed—not only at the cost of our environment but also long-term economic stability.

By extending tax provisions such as the research and development tax credit, the solar energy and fuel cell investment tax credit and the renewable energy production tax credit, we make a bold statement to the world. We would be saying that the United States is dead serious about clean, sustainable, energy independence.

The State of Connecticut is home to firms who are at the cutting edge of wind and solar energy development. These firms are creating new jobs, in emerging industries, that will be serving all Americans—jobs that cannot and will not be outsourced, like so many have been under the Bush tax regime.

Of course, this bill provides so much more than energy tax breaks. It also extends the child tax credit, the qualified tuition deduction and other provisions that help lower and middle-income families make ends meet, and afford higher education costs. According to the Joint Economic Committee, from 2000–2007 the median household income in Connecticut has increased by a mere 1 percent. Meanwhile, the cost of a gallon of gasoline in our State consistently tops the national average, and the cost of going to college in the State has risen by 29.1 percent since 1999.

For Connecticut, the need to act is clear. And with this bill, we are.

This legislation is paid for. The cost of these tax provisions will not, as the Bush tax cuts of 2001 and 2003 did, merely pass the cost on to our children and grandchildren. This bill provides crucial incentives for job creation, as well as middle-class tax relief, but it also pays for these benefits. It does so by changing the tax rules for executive compensation, and delays a rule that would provide incentives to firms operating abroad. And so not only do we hope to offset some of the economic ills that America is currently struggling with, this legislation also offers a big step toward restoring fiscal responsibility to our government, which this administration has utterly abandoned.

Now, our colleagues on the other side of the aisle are opposed to this fiscally responsible legislation for no other reason than that they are opposed to paying for tax breaks—opposed to the belief that future generations should not be stuck with our bill.

I see it differently—as does the business community of our Nation which supports these offsets for a simple reason:

Because they recognize the benefits that this legislation will provide not just to their bottom lines but to our economy.

Unfortunately, some in this body remain unconvinced—unconvinced that these tax provisions will spur new job creation, move us further towards energy independence, and restart our economy.

On June 9, a consortium of more than 300 different American businesses signed a letter to Chairman BAUCUS and Ranking Member GRASSLEY urging the Senate to work together in a bipartisan manner to pass this bill. These businesses represent some of the largest employers in our Nation, and at this moment the partisan paralysis that is affecting this body has put them in an awkward position. Many of these provisions are set to expire in December, and now is the time many of these employers are working to plan ahead and solidify new contracts, and sign new employees. They are making decisions about their futures. A recent study estimated that if we do not extend the tax provisions in this bill, we will not only lose $19 billion in clean energy investment, but also 116,000 potential green jobs.

It is time for us to recognize that to get our economy back on track, we must lead. We must make critical decisions about the future of our Nation. And above all, we must put politics aside and work on behalf of not our political parties but the American people. I urge my colleagues to join me in supporting this critically important legislation.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business for up to 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first hour and the Republicans controlling the next hour.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the following Senators be permitted to speak for up to 5 minutes: Myself, MCCASKILL, FEINSTEIN, LANDRIEU, MURRAY, BOXER, STABENOW, KLOBUCHAR, and LINCOLN.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHECKLIST FOR CHANGE

Ms. MIKULSKI. Mr. President, I take the floor today as the dean of the Democratic women in the Senate. I say to my colleagues and to all who are watching: We women are mad as hell, and we don't want to take it anymore. We are mad that in this institution, when all is said and done, more gets said than gets done.

We are here today, united as Democratic women, to be a voice, a voice for change. We have a checklist for change we think we can do before this Congress adjourns.

These are issues that focus on the big picture of what our country is facing, but they also focus on the impact these issues have on families. We look at macroissues that affect the world and the macaroni-and-cheese issues that affect families.

In order to get things done, women have checklists in their daily lives—whether it is to get the laundry done or pick the kids up from school. We have a checklist on what we want to do in terms of a legislative agenda. This is not about gender; it is about an agenda. We invite the good men of the Senate to join us, and we hope that people from the other side will join us. We want to work to bring about change, and we start with wanting to end the gridlock.

Look at these issues for which we stand. We want to provide equal pay for equal work, good jobs that stay in the United States, we want to make health care affordable, we want to take care of our military families and veterans. If they fought over there, they should have a safety net back here. We also want to restore America's credibility in the world, protect our environment. We are looking out for gas, and we are looking out for groceries. We want to make sure there is another FEMA. And, along the way, we protect the family checkbook. We want to make sure we get rid of the boondoggles that are eating up our Federal budget.

For me, I am the leadoff. But every woman here has an issue to which she will be speaking. What do I want to speak to? I want to speak to equal pay for equal work.

Members might recall a few weeks ago we brought legislation to the floor to correct the gap in wage discrimination law. We lost that, but I said when the vote was over: The issue is not gone. I called upon the women to put their lipstick on, square their shoulders, suit up, and fight for an American revolution. This is why we are here today. This is another salvo.

Many people think, wage discrimination, didn't we solve that? No. Wage discrimination still exists. Women are earning just 77 cents for every dollar our male counterparts make. We can see this now in the famous Ledbetter v. Goodyear case. Lilly Ledbetter, a hardworking woman, challenged the system. She didn't find out until years later that she was being paid less than her male counterparts. She took it to the EEOC. The corporation fought her every step of the way. It ended up in the Supreme Court. The Supreme Court made an outrageous decision. They said she waited too long to file her complaint. The Court also said she didn't do it in time.

We think it is about time we change the law. What we want to do is bring back the Lilly Ledbetter legislation called the Fair Pay Restoration Act. We want to bring it back up for a vote because equal pay for equal work is about fairness. It is about justice. It is about respect. It is going to close the loophole on the so-called statute of limitations on when one can file a wage discrimination case. We believe the current practice has been a good one, but we disagree with the Supreme Court.

We are going to bring it back up for a vote. We ask our colleagues to join us. We don't want our agenda to die in parliamentary entanglements. What we want to do is untangle this law and make sure women get equal pay and experience it in their personal checkbook, and we have to change the Federal lawbook.

We are ready. We are suited up. We have signed up. Join with us. We know the Presiding Officer is one of the great guys in the Senate who supports us. Before we go out at the end of this session, let's bring about change. Let's make America proud of their Congress. Let's turn the page.

I yield the floor to my new but very able and experienced colleague from Missouri, who has been fighting boondoggles in that Federal checkbook.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. McCASKILL. Mr. President, the United States is so lucky to have the senior Senator from Maryland in this august body. She is smart and feisty, and she is not willing to yield any ground when she thinks the people she represents are not being treated as they should be.

For women in this country, she has been a tremendous beacon of light and hope to finally get over some of the barriers that have held women back historically. So to the dean of the Senate women, I thank her for her leadership as we work on this checklist for change.

One of the things we want to check off the list is fiscal accountability. It sounds kind of boring, fiscal accountability. It sounds like this is where the numbers drone on and one loses track.

This is a big deal. This administration has driven us into an economic ditch. The numbers, frankly, are so big it is hard to believe they are real. Federal spending since President Bush took office has increased by almost $1 trillion. Let me say that again. Federal spending under this President and under the leadership of the Republican Party has increased by $1 trillion. Our debt has gone up by $3.7 trillion. We now have a debt of $9.3 trillion.

This is change that is not just important, it is urgent. We must be fiscally accountable for taxpayer money. It sounds nice, right? It is a moral imperative for our kids. It is the right thing to do for the generation that comes behind us, for our children and grandchildren. We are presenting them with a train wreck of unprecedented proportion if we don't get our fiscal house in order.

So how do we do that? The Checklist for Change is all about being tough and accountable with taxpayer money. The way you do that is: First, how do you spend it? Do you give out contracts based on whom you know? This administration has. Is it about cronyism? Too often it has been. Is it about no competition? Unfortunately, yes. Is it about cost-plus contracts? As a former auditor, I will tell you, cost-plus contracts have no place in Government. Cost-plus means, hey, you can charge the Government whatever you want, and then you get to make money on top of that.

Believe it or not, that is the kind of contracting that ruled the day in Iraq. As we were faced with a war that we did not have enough men and women to fight, we had to contract out such as our country has never contracted out in a time of war. What happened? We lost—and I am being conservative now because auditors are conservative by nature—literally, over $150 billion that went up in smoke to waste, fraud, and abuse.

War profiteering. There has been an orgy of war profiteering during this conflict in Iraq. If we focused on the Department of Defense and the way they contract, we could realize enough savings so every young person in America could have help going to college, so every young child in America could have preschool—if we paid attention to the way we do contracting in the Department of Defense.

I will tell you, today is a good day. I wish to say to my colleagues, today is a good day because today a decision was rendered that shows we can get it right if we force companies to compete and we enforce the provisions of those contracts.

A major, expensive contract was the tanker deal at the Department of Defense. There was a competition—good news. A company was awarded the contract—fine. There were problems. So what happened? The losing company went to GAO, under our process of procedures, and said: Auditors, take a look at this. You tell us whether this contract was done fairly.

The good news is, GAO, as it always does, did its work professionally, and they announced their decision today and said Boeing was, in fact, treated unfairly in the tanker deal, that Boeing did not get a fair shake under that competitive contract, and that, in fact, the Air Force must change its decision as it relates to Boeing and the tanker deal.

Do I think that is important? Yes. But why is it important? It is important because what we have said from the beginning is compete these contracts. Do it fairly. Respect taxpayer money. Get a bargain. That is what women in America relate to because we are all about getting a bargain for our families. We need to treat taxpayer money the same way.

I am proud to be part of the Checklist for Change. I am proud to be emphasizing fiscal accountability.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank you very much.

I particularly salute the Senator from Maryland. I thank her for her leadership of our group of Democratic women. Senator MIKULSKI has, from the get-go, been there for the women of the Senate. This is the second time I have participated in this Checklist for Change, which she has put together.

I also salute Senator MCCASKILL, who was on the floor, who has brought a very talented dimension to our group of women.

I think, as the other Democratic women as well come to the floor to discuss this Checklist for Change, you are going to see one thing; and that one thing is, we are all very committed to this country and very committed to see this country do the right thing by her people.

So it is with a great deal of pleasure that I participate in this effort. I thank both of them and the women who will come after me speaking as well.

My comments are forged by 15 years on the Senate Judiciary Committee. With the exception of Senator Moseley-Braun for a short period of time, I am the only woman who has served in history on the Judiciary Committee of the Senate and also serving 7 years as a member of the Intelligence Committee.

I have always taken great stock in the fact that the United States of America has been a beacon of hope because people all over the world look to American justice and American human rights for inspiration.

We have represented not only a brighter future for people, but we have represented a government of law, a government under the Constitution, a government by the people, for the people, with justice for all—not just for a certain few but all.

Now that beacon has been dimmed. Despite President Bush's promise that the United States would fight the war on terror consistent with American values and "in the finest traditions of valor," the decision was made, as Vice President CHENEY said in 2001, to "go to the dark side."

Indeed, this administration has put our Nation on the wrong track in so many ways, including: creating a prisoner of war detention facility at Guantanamo Bay with a separate, lesser system of justice—now repudiated by the Supreme Court; authorizing interrogation techniques that constitute torture; reopening the nuclear door by seeking to develop low-yield battlefield nuclear weapons and 100-kiloton nuclear bunker busters; countenancing, for the first time, the use of nuclear weapons as a first strike against a nonnuclear threat, if chemical or biological weapons were threatened—not used but threatened—against the United States; preemptively invading Iraq, under the guise of weapons of mass destruction and a false nexus to al-Qaida.

So, today, we see America's credibility in the world diminished, and the administration's policies have become a recruiting tool for our enemies. So, in 7½ years, this great country has gone from a nation embraced to a nation often tarnished.

Yes, the time has come for a change. The time has come to: lay out an exit strategy in Iraq so we can begin to bring our people home; close Guantanamo, shut it down. The Secretary of Defense says shut it down. The former Secretary of State says shut it down. Governor Kean, Congressman Hamilton, a litany of four-star officers and flag officers have said shut it down. It does not become America's values.

The time has come to stop America's use of torture; establish a uniform standard for detentions and interrogations across our Government. This is part of the Senate's Intelligence authorization bill, and it will remain part of this bill. That bill essentially says all elements of the American Government will utilize the Army Field Manual and the procedures therein, both the prohibitions on eight specific items of torture as well as specific techniques to move ahead.

The time has come to use robust diplomacy; create coalitions; listen to allies; talk with adversaries. This makes us stronger, not weaker.

The time has come to develop a new, sensible nuclear weapons policy, so we do not encourage the very kind of proliferation we seek to prevent.

Yes, the time has come for change. The time has come to restore America's credibility as a moral and just nation, dedicated to liberty and justice.

We are the greatest military and economic power the world has ever seen. Our global influence is unmatched. For the past half century, our country has embraced international cooperation, not out of vulnerability or weakness but from a position of strength.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Mr. President, if I can finish with this last statement.

Our strength as a nation emanates not just from our power but from our moral stature and our principled stand for truth, justice, and freedom. It must be restored.

I say to the Presiding Officer, thank you for your indulgence.

Mr. President, I see the distinguished Senator from Louisiana, whom I also compliment. I see my fellow colleague from California. They are part of Senator MIKULSKI's Checklist for Change.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank my colleague from California, and I am pleased to join my colleagues in calling for the change Americans are hoping for, which this next election opportunity will bring, to focus on issues that need so much change in America.

One of the items on the top of our Checklist for Change is a FEMA that works, a plan that treats local and State governments as respected and able partners, having a disaster plan that spends taxpayer dollars with care and efficiency, having a plan that puts a premium on helping families and extended families stay together through an ordeal that rocks the economic foundation and future of so many families as they are displaced, sometimes for weeks, sometimes for months, and, yes, even sometimes for years.

We need a new FEMA. We need a muscular, robust, able, efficient, and effective FEMA to be a true partner with local and State governments and individual businesses and families in times of disaster.

I have spoken many times on the floor about the disasters of Katrina and Rita and how it affected the gulf coast, from Beaumont to Mobile, with the great city of New Orleans and the metropolitan area being most directly affected. But we are not isolated in that suffering by any means.

This week, we have seen what is happening today in Iowa, Wisconsin, Indiana, and Illinois. There has been $1.5 billion in damages in Iowa alone, and 38,000 Iowans have been evacuated. More than 3,500 National Guard are deployed. More than 4.8 million sandbags have been used. I could go on and on about the towns that have been completely evacuated.

Yes, New Orleans was completely evacuated. So was Saint Bernard Parish and so were large swaths of Jefferson Parish—a parish of more than 450,000 people—3 years ago this August.

But today the towns of Hartford, Palo, and Fredonia have been completely evacuated—not as large as New Orleans but towns of substantial populations.

The question is, Does FEMA have its housing plan together yet? Is there a plan for people to be able to get their medicines if they are relocated, to get their prescription drugs from their hometown pharmacy or their neighborhood? I am not sure that has been done yet.

So we need a FEMA that works. We need an administration that understands it is not just disasters far away but disasters right here at home and that homeland security starts with hometown security, where people can be secure in their neighborhoods, in their homes, and that the levees that have been put up to protect them will actually hold the water and will not be breached or overturned.

We do not have that confidence right now in America. So not only do we need a new FEMA, but we need a FEMA that will be an advocate for proper investments in infrastructure.

It is embarrassing, I believe, to be in the atmosphere we are in, where people can look up and any day a bridge could collapse or any day a levee could break. We cannot prevent tornadoes. We cannot prevent hurricanes. We cannot prevent earthquakes. But I promise you, we can do a lot more than we are doing now to reform the Federal emergency system so it works better with local and State governments so that when earthquakes happen, when hurricanes happen, when other disasters happen, the people of the United States are getting the help they need.

So that is one of our top issues on our Checklist for Change: a disaster planning and response system second to none.

It is a long list. But it is a list that must get done. That is, in large measure, what this next election is about. It is about the kind of leadership that is going to bring about the changes necessary, so when a business collapses after 20 or 30 years of making a profit, or longer, when families' homes are destroyed, they have a Government they can count on—not to give them charity but to give them a hand up, to respond, to help them get back on their feet economically, spiritually, and emotionally. That is what our Government can do.

So I am proud to join this team. Again, we are asking for a FEMA that works.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from California is recognized.

Mrs. BOXER. Madam President, it is wonderful to join the Presiding Officer, Senator LANDRIEU, Senator FEINSTEIN, and the other women who have come to join us.

I have to say to Senator MIKULSKI, the dean of the Democratic women, how much I appreciate her leadership and her ability to connect with the American people. When she brought us together the first time—and it was a while back—she said: You know, we women at home make a checklist of the things we have to do for our families and the things we have to accomplish for the people who depend on us. Well, let's do the same thing for the people whom we represent. What emerged is each of the Democratic women picked an issue she knew we needed to have change on, and we have heard about some of them. As the chairman of the Environment and Public Works Committee, I am so proud to have that opportunity—the first woman, the first Californian to chair this committee.

I can just say, because I know this: We desperately need change when it comes to the environment. When we say the word "environment," some people think about the beautiful ocean, and they should; and they think about beautiful wetlands, and they should; and they think about beautiful lakes and streams and rivers and clean, flowing waterfalls, and they think about beautiful creatures that roam our environment, and all of that is true. But when we cut through it, a clean and healthy environment means healthy families. Healthy families means people who can work, kids who can go to school and not have to leave because they have asthma. These are the things we have to remember.

For 7½ long years now, since George Bush became President, this administration has done everything it could to roll back landmark environmental laws. What are these laws? The Clean Air Act, the Safe Drinking Water Act, the Endangered Species Act, and the Superfund Act. In every case, they have done this.

They have also stopped our progress on global warming. We had a bill on the floor a couple of weeks ago. They sent out a message that they were going to veto this bill, even before they saw it amended. Imagine.

I wish to tell the Senate—and I know there are a lot of folks who are watching in their offices—what I mean specifically by this terrible record of the Bush administration and why we want change on the environment. The first thing George Bush did—and I don't know if the Presiding Officer remembers—when he became the President in terms of the environment is try to weaken safe drinking water standards. He tried to actually roll back the standard for arsenic in drinking water—arsenic in drinking water. He tried to slip it through, weaken the standard. I remember working with Senator MIKULSKI on that issue. We turned it back. We worked in the Senate, and we stopped it. Then, a National Academy of Sciences study found that EPA had actually underestimated the cancer risks from arsenic in tap water, yet there was an effort to roll back the standard for arsenic.

Then there is perchlorate. Thirty-five States have a real problem—most of our States—with perchlorate that has seeped into drinking water and seeped, therefore, into some of our agricultural products. Perchlorate comes from rocket fuel. It is a very dangerous leftover from rocket fuel. Let me tell my colleagues, it poses risks to the thyroid and special risks to pregnant women and infants.

The Bush administration not only has failed to set a standard for perchlorate, but it has stopped enforcing a law that says the water companies and the water utilities have to let people know how much perchlorate is in their drinking water. They no longer have to test for perchlorate. They have not set a standard. Here is their excuse: We don't have enough information. Massachusetts had enough information; they set a standard. California had enough information; they set a standard. But the great big Federal, National Government doesn't have enough information. We know perchlorate is dangerous, we know it is an endocrine disrupter, and we know what that means for pregnant women and children. It is bad news. They are doing nothing. That is why we have the environment on our checklist for change.

Mercury. Mercury is toxic to the brain. Let me repeat that. Mercury is toxic to the brain. We know that. There is no question about it. The Bush administration, under pressure from big utilities—I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The Bush administration, under pressure from big utilities, set weak requirements for toxic mercury emissions, and now there is a big court case, and believe me, they are going to lose it.

There are other things. They slowed down Superfund cleanup. They are not protecting endangered species. They are weak on protecting us from smog pollution, particulate matter that gets into our lungs. We are talking about life and death, and then we are talking about global warming, the future of the planet.

Today, the President said to forget the offshore oil drilling moratorium in the most pristine waters of our coastline. Go in there and let the oil companies drill. What he didn't tell the American people is his father put that moratorium in place. What he didn't tell the American people is that there are 68 million acres of untapped leases the oil companies hold that they haven't drilled on, and he would put at risk God's gift that we have been given on these coastlines and he would jeopardize a $60 billion coastal recreation and tourism economy that fosters more than 2 million jobs.

I am so proud to stand with the Presiding Officer and the Democratic women of the Senate, standing next to this checklist for change: Equal pay for equal work, good jobs, health care, taking care of our military and our veterans, restoring our credibility in the world, protecting the environment, making us energy independent, preparing for future disasters, enforcing fiscal accountability, and protecting the family checkbook. This is a moment for change, and we Democratic women of the Senate wish to be agents of that change.

I thank Senator MIKULSKI, and thank you very much, Madam President.

I yield the floor.

Ms. MIKULSKI. Madam President, before the Senator leaves the floor—and we know our good friends, Senators STABENOW and KLOBUCHAR, are here who will speak. We know gas prices are a woman's issue. If anything is driving up groceries and family bills, it is gas.

This whole issue today of lifting the ban on drilling—is the Senator from

California aware that there are currently 68 million acres of land, Federal land, on which the oil companies have a lease, and if they wanted to drill, they could drill?

Mrs. BOXER. That is right. The Senator from Maryland is reiterating what I said in my statement. Absolutely. We have learned that they have 68 million acres of leases, both onshore and offshore, and they are not drilling. They are holding those, I believe, for speculative purposes. Now the President announces—even without them lifting a finger on those leases, he wants to destroy the coastlines that are the economic engine of the Senator's State, my State, and many other coastal States. Yes.

Ms. MIKULSKI. Does the Senator share my frustration—and I believe the American people's frustration—that the President is trying to change the subject rather than change the policies, particularly the policies where he could, by Executive order, deal with price gouging of the consumer as well as the casino-like speculation that is going on?

Mrs. BOXER. Absolutely. My friend is so right. The Senator from Maryland is right.

This Senator from California can tell you this: His proposal to destroy our coastline is an economic disaster, and he has avoided going after the oil companies and their supply manipulation. He is ignoring the speculators. We believe they have added $30 to $50 to a barrel of oil. He is ignoring his Antitrust Division. He is doing nothing.

By the way, his own administration said today that even if they lifted this moratoria and every single inch was drilled—let's just say that were true, although we would never allow that to happen—we wouldn't feel one penny of price reduction until 2030. What he said is not true. This is changing the subject, and he is not using the power of the Presidency to go after the people who are manipulating this market. My colleague is correct.

Ms. MIKULSKI. So if people really want their gas prices lowered today, they should just e-mail the President and say: Don't change the subject, change the policies. Get rid of price gouging and get rid of the speculation. You can do it by Executive order.

Mrs. BOXER. Exactly right, I say to my friend.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I wish to thank our dean of the Democratic women, Senator BARBARA MIKULSKI, for once again being right on point and Senator BARBARA BOXER for her leadership as it relates to protecting our environment and energy security. She and Senator MARIA CANTWELL have been our leaders as it relates to cutting gas prices and at the same time doing those things that allow us to protect our beautiful land and water and air. So I wish to thank my colleagues.

Listening to the discussion about what is happening in terms of gas prices just brings me back to what is an essential part of our checklist for change; that is, making sure Americans have jobs. We are going to pay those high gas prices which are absolutely outrageous. Senator MIKULSKI is right, it takes a change in policy. Senator BOXER is right when she talks about the fact that there are a lot of places the oil companies could be drilling right now. That is the problem. Right now, instead of buying more corporate jets and putting more money into bonuses for themselves, if they were to reinvest in the land that is already there, that would address their concern about supply. We know what is really happening. Unfortunately, for the last 8 years, we have literally had two oilmen in the White House, and we have watched the price of gasoline go beyond our wildest expectations. I know people in Michigan never would have thought we would be at over $4 a gallon.

To add insult to injury, during this same time when we are looking at foreclosure rates at the highest level in my lifetime, certainly, and gas prices at the highest levels, food prices going up, the cost of health care going up, what is going down—and what is frightening for families across America—is their incomes, their jobs, and their standard of living. Just since January, 324,000 good-paying American jobs have been lost—just since January of this year, 324,000 families without a job, yet paying those high gas prices, paying those high food prices, trying to figure out how to send the kids to college or to pay tuition if they are in college. How do I make ends meet? How do I have my piece of the American dream when I am losing my job or my income is going down?

Our checklist for change is about the things Americans want to have happening in this country. It is frightening to see that since 2001, we have lost 3 million—3 million—think about this number—3 million manufacturing jobs in this country. Certainly, the people in Michigan have taken a big hit of that 3 million. But overall now, considering all of the policies and the lack of action, including the dollars being sent to a war in Iraq rather than being invested here at home, we now are in a situation where 8.5 million Americans are unemployed—8.5 million Americans.

Our Republican colleagues would say: They should just go find a job. We don't want to extend unemployment benefits because that encourages people to stay home. That makes no sense if you are somebody who has been out of work trying to keep your house, trying to pay the food bill and the gas bill and everything else. But the reality is that we have about 4 million jobs in this country right now and 8.5 million people out of work—roughly 4 million available jobs and 8.5 million people unemployed.

We also have what I call a race to the bottom in general economically where Americans are being told: In a global economy, if you will only work for less, we can be competitive. If you will only lose your pension, lose your health care, we can be competitive.

We reject that. Our checklist for change rejects the notion of a race to the bottom and the loss of our American way of life.

What we embrace are strategies that create good-paying jobs, middle-class jobs at home in America. What we embrace is a race to the top. We want to export our products—not our jobs—in a global economy. To do so means a level playing field on trade, enforcing our trade laws, as well as creating new trade agreements. We want to make sure people are not losing jobs because of the high cost of health care, the burdens on small and large businesses today. So we believe the race to the top means a change in the way we fund health care in this country.

Finally, we understand it means investing like crazy in education, in innovation. That is the race to the top. That is what we embrace in our checklist for change. I am very proud of the fact that the Democratic Senate and House have put together a budget resolution for the next year that focuses on three major areas of job development—jobs and innovation through our green-collar jobs initiative: investing in the new advanced battery technology for the new vehicles; investing in conservation and energy efficiency through buildings and other kinds of efficiencies that are so important; job training in the new green-collar economy, investing not only in biofuels but making sure the pump is actually there, so when you drive your vehicle, you can get biofuel or biodiesel—you can actually find a pump. So green-collar jobs are an important piece of what we have put in place.

Secondly, jobs in America. When we are rebuilding highways, bridges, and water and sewer systems, those are jobs that will not be exported overseas. Those are good-paying jobs in America. Our checklist for change, as well as our budget, believes change should be done, and we can invest in good-paying jobs at home.

Finally, in our budget resolution we invest in job training and make a major investment in opportunity through education, from preschool all the way up to college.

We know that serious changes need to be made in the priorities of this country. I had the opportunity a while ago to be on a television show following a Republican colleague—a woman in the House—who looked at our checklist and said: We Republicans can support all those things.

In looking at that, I am scratching my head and going: We have had 6 years with President Bush and an entire Republican Congress, and they had control of every piece of the Government. They were not focusing on jobs, energy alternatives, fiscal accountability—as the occupant of the chair has talked about—or education or equal pay for equal work. They didn't fix that. They didn't address these issues that American families and businesses are asking us to do.

In the last 2 years, instead of working with us on the changes we have initiated, we have been blocked over and over again on the floor of the Senate. All we get is filibuster, filibuster, filibuster. So we come to the floor and to the American people as Democratic women who have been fighting, along with our Democratic male colleagues, for real change that will send gas prices down, not up, and that will send health care costs down, not up, and make it more available, to bring food prices down and, most important, bring wages up.

In the greatest country in the world, we can do better than losing 324,000 good-paying jobs just since this past January.

I am proud to join my wonderful colleagues in putting together a checklist that speaks to the things we know American families want to see happening. We are going to do everything possible, both this year, and as we go to the changes that we hope will happen next year, to embrace and actually get results on our checklist for change.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Madam President, I am proud to follow the Senator from Michigan, who has done so much to fight for jobs in her State, with its difficult economic conditions, and speak from the heart not only as a Senator but as a mother when she talks about this checklist for change.

So many of us who have come to the floor today are not just Senators but also mothers. I think about my family generations back and the women who have kept the checklist. My grandmother in Ely, Minnesota—I think of her writing in her perfect handwriting the lists that she made throughout the day. My grandpa, her husband, worked 1,500 feet underground in the mines in Ely. Neither of them graduated from high school. She had a checklist for her family. That list was making sure—at the top of that list—that my dad and his brother went to college. They saved money in a coffee can in the basement of that little house. They had that coffee can to save the money in to send my dad and his brother to college. And I think of my own mother, who got divorced when I was about 16. My dad was always there for me, but my mother had to decide she was going to try to stay in her house raising two kids in the suburbs of Minneapolis. She decided she had to go back to work when they got divorced. She would write on the calendar in blue ink, which I remember.

In her head I know she was thinking would she be able to raise her kids and stay in that house when she retired. She ended up having to teach. At age 70, she had 30 second-graders. At age 80, she is still in that house. So she did it.

As for me, my husband and I have our own checklist on the refrigerator, with the things on it that we have to buy from the grocery store. Last week, my daughter who is 12, added to the checklist to get her a swimming suit for the seventh grade pool party.

So I think all the women in America understand what it is like to have these lists. What we are talking about today is a checklist for the entire country. For all of us, every American family, on the top of that checklist is balancing the family checkbook, protecting the family checkbook. As families sit down every day at the kitchen table to write their budgets and figure out if they have enough to make ends meet, they find out that things on their list cost a lot more. They have to manage to do a lot more with less.

In fact, as you can see on this chart, in the last 7 years since this administration took office, the average family wages have gone down $1,175 for your average middle-class family making around $48,000 a year. That is hard enough, but at the same time, as we all know, the average family expenses have increased. I can tell you that these are last year's figures, before we saw the huge increase in gas prices. But the average family expenses have increased more than $4,500, and this is per year. We are talking about higher mortgage payments of $1,700; higher gas bills of $2,000; high food costs of $230; higher phone bills of $112; higher appliance costs of $42; and higher health insurance, which is up $363.

When you look at the wages lost and expenses gained, that is $5,739 per year out of the average American families' checkbooks. So families are feeling the hurt. They are not doing anything wrong, but this is what we are seeing all over this country.

Why is this going on? In part, it is because everybody is nickel-and-diming our families. The oil companies are taking a huge chunk out of the family checkbook every week. In Minnesota, I saw family cars wrapped around the block at Costco, waiting in line for the discount gas pumps—just to save a few bucks.

Energy costs are skyrocketing, grocery bills are climbing, and while families are looking for ways to save every penny, big companies continue to nickel-and-dime them.

The drug companies are nickel-and-diming consumers by refusing to negotiate drug prices under Medicare Part D. The predatory lenders and unscrupulous creditors are taking a chunk out of the family checkbook with credit card scams and bad loan deals that are bringing down the values of homes.

Cell phone companies are nickel-and-diming families with early termination fees and excessive charges. Middle-class families are being squeezed from all sides, trying to keep up with the costs. You have heard about the "sandwich generation"—middle-class families trying to take care of their kids, while at the same time taking care of their aging parents.

Look at the cost of college and child care. Today, I am not sure my grandparents could have ever fit the money for college in a coffee can. The average student graduates with more than $25,000 of debt. We owe our students a better start in life. Meanwhile, while my mom scrimped and saved to keep her house into retirement, many families do not have that same luxury and, instead, are putting every penny into nursing home living facilities.

On top of these financial worries, parents who may want to get a toy for their child's birthday are trying to save a few dollars, and they worry if they are going to get a toy that contains lead. They wonder about the tomatoes they bought at the store, or whether the pool drain in the local public pool will hurt their child. They worry: Is my family safe?

This isn't the American dream, and it should not be in this day and age. American families deserve an advocate for them, and the Democratic women today in the Senate stand ready to be those advocates, ready to make the change these families desperately need.

We not only need to change the agenda to help our middle-class families, we need to put a little change back in their wallets.

This last year, we stood up for America's middle-class families and their checkbooks: making college more affordable, increasing the minimum wage for the first time in 10 years. We took on the special interests from the oil companies to the toxic toy manufacturers.

So much more needs to be done to protect American families' checkbooks. We need to give tax breaks to the middle class by closing the loopholes that benefit only the wealthy.

We must put America's families first and find the relief they need from rising prices and falling wages and help them protect the family checkbook.

We must put the people of the country first, not the special interests, by enacting comprehensive, affordable health care reforms to make health care more affordable and enact a comprehensive energy policy so that instead of spending $600,000 a minute on foreign oil and sending that money to the sultans of Saudi Arabia, we are spending it on the farmers and workers in this country.

We must be vigilant in protecting consumer rights, as we stand on the verge of passing the most sweeping consumer product reform in 16 years. We must continue to keep toxic toys and products off of our shores and out of our stores.

This checklist for change is from a group of women who all know what it is like to balance the family checkbook, and we know it is time for a change. The American people know it is time for a change.

As Senator BARBARA MIKULSKI, the dean of our delegation of women Senators, said today as she called on women of the Senate to work on this together: I call on the women in this country to put on your lipstick, square your shoulders, and suit up and take up this fight for change.

We are here today, shoulders squared, and with a checklist to accomplish the change that American families so desperately need.

I see that my colleague from Arkansas, BLANCHE LINCOLN, is here. She has always been a strong advocate for America's families. We both have children in the same junior high school. Mine is in seventh grade, quickly going into eighth. Hers are in the sixth grade. We have been dealing with the half schooldays in the Virginia schools. So it is good to be here together to talk about that issue.

I turn it over to the great leader from Arkansas, Senator LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I thank all of my colleagues today. I am so pleased to come down to the floor and join my fellow Democratic women colleagues in the Senate to discuss our checklist for change.

Just so that people know, this checklist is not new. We started this several years ago. We got together and realized that all of us kept lists, like our mothers and grandmothers before us. Those checklists were helpful in accomplishing things. If there is anything we recognize from our constituents, it is that they are desperately wanting their Government to provide results, to get the results that the American people need, and they want to be able to move forward. And so we decided at that point, several years ago, that a checklist for change would be a good thing.

So here we come back to this body, come back to our colleagues presenting, yes, another checklist for change and to say it is time to change the direction our country is going in, and here are some of the biggest priorities we face. These are age-old problems that we need new and innovative solutions to, but they are not problems we can't solve. When we come together, when we work together, we can solve these problems and bring forth for the American people what it is they are asking for, and that is results, there is no doubt.

We have heard our colleagues today touch on several issues of importance to the American people that we have listed on our checklist. I know my checklist is full of a lot of different things, as Senator KLOBUCHAR mentioned, with the end of school coming around, but I want to take a few minutes to discuss one of the most important priorities, and one of the most important things that appears on my personal checklist most frequently, and that is health care needs. Whether it is the health care forms for my boys to go to summer camp, or making sure they get their dental checkup, or ensuring they have gotten their immunizations to be able to start school, all those things are critically important to me, and there are many health care needs our working families out there are facing as well.

It is not a secret that a health care crisis is looming on the horizon. Health care access and affordability is out of reach for way too many of our hard-working American families. When we go out to our States, at least for me, anyway, and I talk with people, one of the issues that is paramount on their minds is health care, but it is synonymous, when they speak about it, with the economy and whether they can afford it with the economy of their family budget, and what it does to the economy of their small community if health care is not available, and what it does to the economy of this country if we wait so long to provide the access to affordable health care so that people are in acute care because it is more costly. It is costing our economy more and it is lessening the quality of life of Americans who so desperately want to find that access to affordable and good health care.

As many of my colleagues are very well aware, the number of uninsured in this country stands at about 47 million. You know, we see Americans are living longer. My husband's grandmother turns 111 this year, and she still lives on her own and does amazing things. My husband and I find that we are not just the sandwich generation, but we are the club sandwich generation.

As Americans live longer, we also know, because statistics tell us, that a baby girl born in this country today has a 50-percent chance of becoming a centenarian. Moreover, as the baby boom generation begins to retire, the current Medicare system is not equipped to effectively handle the strains of such a major demographic shift. It is an issue that constantly weighs on my mind, whether it is as a caregiver for my children or for aging parents or aging grandparents, and we know it is on the minds of all working Americans out there, not just mine and not just my colleagues.

I am sure it is on the minds of many of my colleagues, because we talk about it all the time. We talk about caring for our aging parents and the needs of our kids, and it is not going away any time soon. And it is certainly not going away if we don't begin to make it a priority and do something about access to health care.

As mothers and daughters, wives, sisters, and legislators, the Democratic women of the Senate are committed to providing access to quality, affordable health care for all Americans. One way to address this issue is to put the focus first on small business owners, their employees, and self-employed individuals, who very often are those who are uninsured.

To give a snapshot, my small businesses are the No. 1 source of jobs in my home State of Arkansas. However, only 26 percent of businesses with fewer than 50 employees actually offer health insurance. Small businesses need assistance. They need innovative ways to offer affordable, accessible health care to their employees.

There is a misnomer out there that small businesses don't want to offer health insurance. They do, desperately. They know it increases their productivity, it increases their competitiveness, and their ability to attract good workers. But it has to be affordable. Small businesses have to maintain their competitive nature with big businesses and businesses all over the globe. That is why I have worked hard to design a comprehensive solution that will allow our small businesses to ban together and spread their risk, much like the programs that we as Federal employees enjoy.

We also have to focus on critical reforms of Medicare if we have any hopes of ensuring our seniors, those who have built this great land we enjoy, continue to receive the essential care they need as they age. Efficiencies, quality measures, all of these issues we have talked about recently in some of our Medicare efforts and what we are trying to do in our Medicare reform bill, will lower our costs and provide greater quality, which is what we want to do. Modernizing Medicare to take advantage of those efficiencies, those new technologies—health IT, e-prescription, and a whole host of different technologies—will help us, if we make that investment, by providing the quality as well as the efficiencies we need.

And we can't forget about the State Children's Health Insurance Program, known as SCHIP. We must make it a priority to expand health care coverage to the most vulnerable of our society—our children. I hope if my colleagues don't want to do it just because they love children, which most of us do—we understand they are our greatest blessing in this whole wide world—we should do it because it is an investment in our future.

We know children who are healthier are going to go to school, they are going to learn better, they are going to turn out to be better adults, they are going to get their education, get better jobs, and pay more taxes. There will be a whole host of different things that will mean so much to this country if we provide that health care for our children.

The clock is ticking, and it is up to us in Washington to find a solution so the hard-working families of this country can be assured of a healthy tomorrow. Each year that passes without action places more and more Americans in a vulnerable position. I challenge our President and our colleagues in the Senate and on the other side of the aisle to stand with us, not against us, in providing quality and affordable health care for all Americans. Look at how much it means to this country, to those individuals, those working families who are the fabric of this country.

As the richest, most powerful country in the world, we owe it to our working families who want to protect themselves and their families from an uncertain future to provide the health care coverage they so desperately need. We owe it to the taxpayers of this country today and for generations to come to provide a quality health care system that is cost effective and sustainable. That is why I believe that providing access to good health care to America's working families is worth fighting for, and that is why it is primary on our checklist for change.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the hour of morning business under the Republican control be divided equally among the following Senators: Senators ALEXANDER, KYL, HATCH, CORNYN, BOND, and MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask that I be informed when I have consumed 9 minutes and have 1 minute remaining.

The PRESIDING OFFICER. The Chair will inform the Senator.

CHECKLIST FOR CHANGE

Mr. ALEXANDER. Madam President, Republican Senators—men and women—welcome this opportunity to talk about the checklist for change offered by Democratic Senators. As Senator McCAIN has said: We all want change. But there is a right change and a wrong change. So I wish, in my few minutes, to take a few of the items on the Democratic checklist for change and talk about what I consider to be the right change and the wrong change.

Let's start with taking care of our military families and veterans. That probably should go at the top of our list because of our respect not only for the men and women who are fighting overseas but for those who are at home, both families without children or families with children. Those who are here also served.

We all have been seeking to update the GI bill for veterans so we can provide educational benefits to veterans today and to men and women who are on active duty that fit today's circumstances. Here is the major difference between Republicans and Democrats, an example of what I would consider to be the right change and the wrong change. Most Republicans favor an updating of the GI bill for veterans, as recommended by Senators McCAIN, GRAHAM, and BURR, that would allow more servicemembers to transfer educational benefits to dependents. It would allow servicemembers to transfer educational benefits to their spouses or to their children. After serving at least 6 years, a member could transfer up to half of his or her education benefits to a spouse or children, or both. After serving for 12 years or more, a servicemember could transfer all of his or her education benefits to a spouse, children, or both.

In bottom-line terms, the Republican bill would do what the Democratic checklist says—take care of our military families and veterans—but most Republicans support the idea of giving this transferability of benefits, which could provide up to $72,000 for a dependent or a spouse's education. The bill sponsored by most Democrats did not include that transferability of benefits. We believe we have the right change and that they have the wrong change.

Let me take another item on the checklist—enforced fiscal accountability, or protect the family checkbook, both of those. Here is an example of what we believe would be the right change in fiscal accountability and helping balance the family budget.

The Democrats had an opportunity, because they have the majority in this Chamber—remember, when we are talking about change, change in this Chamber would mean we would go from a Democratic majority to a Republican majority. The Democrats are in charge here. They set the agenda. What we talk about is what they bring up, the same as in the House of Representatives.

The Democratic budget provided a tax plan which will cause most Americans to be paying a lot more. Over the next 5 years, their tax plan provided for 84 million women to see a $1,970 increase, because they would allow the 2001 and 2003 tax cuts to expire. Also, 48 million married couples would see a $2,700 increase, and 12 million single women with children would see a $1,000 increase. And more than 6 million low-income individuals and couples will no longer be exempt from the individual income tax.

Again, the right change for women and men in America would be the Republican version of lower taxes. The Democratic version is higher taxes.

Let me go to a third item—making America energy independent. How will we do that? The new economics professors on the other side of the aisle have come up with a brand new economics theory which would repeal supply from the law of supply and demand. They are led by Senator OBAMA, who is the leading economics professor on that side with this new theory. In the New York Times this morning he said he opposes drilling in Alaska for oil and gas. He is not, in his words, a proponent of nuclear power, which provides 70 percent of our carbon-free electricity. He would consider banning new coal plants—and coal provides 45 percent of our electricity—and in 2006 he voted against expanding oil and gas exploration in the Gulf of Mexico. That leaves him, it seems to me, with very little to supply electricity and oil for a country that uses 25 percent of all the energy in the world. Instead of a national energy policy, that side has a national windmill policy.

They still have demand, but we agree with demand; that is, using less oil. Many of us on the Republican side voted for fuel efficiency standards. We believe in green buildings. We are ready to move toward electric plug-in cars and trucks to reduce our demand. But we are going to have to plug them into something. So we need five or six new nuclear plants a year, we need to explore offshore, we need to take the moratorium off oil shale, and we need to go into the very narrow part of Alaska where we would propose to explore there, still leaving nearly 17 million acres for wilderness.

We believe in the law of supply and demand. They do not believe in supply. We have the right change, we believe. They have the wrong change when it comes to energy independence.

In health care, the right change we believe would be a policy that would merge the idea of giving every American an opportunity to afford health insurance by reforming the Tax Code but using at the same time two words, "private sector," to make sure you can buy your own policy and choose your own doctor. They want the wrong change which would create a Government system where you could not do that.

Finally, I notice that education is not even on the Democratic checklist. I am not so surprised. I wouldn't put it on either if I had their set of priorities because they are opposed to the one thing that most women in America want more of, which is flexibility of time. They are opposed to giving parents more choices of schools. We have choices of colleges and universities and community colleges, but working moms cannot have a choice of the school or of an afterschool program. Some bureaucrat decides that. That is the wrong change. We would give them the right change. The Democrats oppose a Pell grant for kids, which I proposed, which would give $500 to every low-income child for afterschool music lessons, programs, other afterschool education activities. We support charter schools. Some of the other side do, but mostly they are opposed to that.

We would favor paying teachers more for teaching well. I did that in Tennessee when I was Governor. That mainly benefited women because there were more female teachers than men. We wanted them to have a better professional career and time in the classroom, but it was the Democrats who said no to that. And it is better for the students, to pay outstanding teachers more for teaching well because then the classrooms keep better teachers which is good for students.

Finally, in No Child Left Behind there is something called the Teacher Incentive Fund. I thank Senator DURBIN for joining me in trying to support that, but many of the Democrats on the other side have said no because that money is being used to find ways to pay principals more for being better principals, and to pay teachers more for being better teachers. They want a flat pay for all of them because that is what the unions want. So we want the right kind of change on education, but it is not even on the Democratic checklist.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. ALEXANDER. Madam President, I believe it is a good thing for us to talk about change. There is a right change and a wrong change. We believe in the law of supply and demand. They believe only in demand. We believe in lower taxes; they in higher taxes. We believe in change that allows you to buy your own policy and choose your own doctor. They would have a Government program. We believe in giving moms and dads more flexibility in choosing schools. They believe in letting the bureaucracy do it.

I welcome this debate. We look forward to change. We just want to make sure it is the right change instead of the wrong change.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, as we began this day, the Senate had pending before it a very important piece of legislation addressing the necessity of extending some provisions in our current Tax Code that enable our businesses to compete with others abroad. There were tax provisions, for example, that provide tax credits for businesses that invest in research and development. I think everyone in this Chamber supports extending those important provisions of the Tax Code, yet we cannot consider the legislation and get it done.

In addition, we have soon-to-be-pending important legislation on housing to deal with the crisis that has gripped this country in the last year or so. But instead of taking those matters up and debating them and getting the people's business done, we have taken some time out, pursuant to the Democratic leader's change in schedule here, to talk about change the Democrats would bring.

It is important to note that Republicans are not in charge of the Congress. Democrats have a majority in both the House and Senate and have had for the last year and a half. I submit if Republicans were in charge today, we would be using this time on the Senate floor to be working on the people's business—at least the two items I mentioned before—rather than taking time out to have a debate about partisan political matters.

But as long as we are talking about change that the Democrats would bring, I suggest we have no better place to turn to, to see exactly what that would be, than what the Democrats did do when they were in charge this year. It is the one piece of legislation they have succeeded in passing. It is a budget.

What does the Democratic budget show us about what they would do if they were in charge for another 2 years? The first thing that is notable about this budget is it calls for the largest tax increase in the history of the world; in the entire history of this country. American families and the economy cannot afford this kind of change. The last thing you want to do in time of economic downturn is to raise taxes. Yet that is exactly what the Democratic budget would do.

Every single taxpayer would face a tax increase in a little more than 2 years, unless Congress acted to affirmatively stop it. It would hit 116 million American households. This is not just a tax on the rich; every single American household. The child tax credit would be cut from $1,000 to $500 per child. The marriage penalty would be reimposed, so that many married couples would again pay higher taxes than they would have they had remained single.

When Republicans were in charge, we created a 10-percent lower tax bracket to help those with lower incomes, reducing it from 15 percent down to 10 percent. That would be repealed. The bottom rate would once again go up to 15 percent, a 50-percent increase for our lowest income taxpayers. Every tax bracket above the 15-percent bracket would also be raised.

A family of four with $50,000 in income would pay $2,300 more in taxes, according to the Senate Budget Committee. That is a lot of money if you are trying to save for your family or if you are worried about gas prices.

The investment taxes we have in this country—it used to be, years ago, that was mostly for people who made more money. Now we know that American families saving for the future—seniors living on retirement incomes, people who have pension plans, the teachers' pension, whoever it might be—all would see dramatic tax hikes under the Democratic budget because these proposals hit investors, and over half of Americans are now investors. The capital gains rate would increase by a third, a 33-percent increase in the rate, and the dividends rate would jump an unbelievable 164 percent under the majority's plan.

Let's talk about seniors who report dividend income. That is where a lot of their income comes from. Nationwide, according to the Joint Committee on Taxation, 67.6 percent of seniors reporting dividend income had adjusted gross incomes of less than $50,000. These are not rich people—people who make less than $50,000. That is who gets hit. How about capital gains? Same source—40.5 percent of all seniors reporting capital gains had adjusted gross incomes of $50,000 or less. We are not hitting the rich. We are hitting folks with incomes of less than $50,000 a year.

How about the engine of the economy, the small businesses, the entities that create almost all of the new jobs in our country, half of which are women owned? More than 75 percent of all filers in the top tax bracket report small business income. So you increase that tax bracket and you are increasing the taxes on small businesses. You are not increasing the taxes on corporations. Small businesses would have a higher tax rate than corporations. It would go from 35 percent to 39.6 percent. Is that change we want in America? I think not.

Raising taxes on small businesses will hurt their ability to grow and create good-paying jobs. They create 70 percent of all new jobs in America and it would make it impossible for them to provide health insurance and other benefits to their employees.

Let's look to Senator OBAMA's tax plan. A look at his Web site reveals some interesting things. First, he has no plans to prevent these tax increases I talked about from going into effect. His proposal is to give a $500 tax credit per worker. So rather than preventing these increases in taxes I talked about, he would promise a $500 tax credit—up to $1,000 per family—only if you had an income of less than $75,000.

We believe the first order of business ought to be to prevent this massive tax increase called for in the Democratic budget. Senator OBAMA would allow this $2,000 per family tax hike to go into place and in exchange would give each worker $500. Obviously, the Government picks up the other $1,500 and the reason is because of the spending that Senator OBAMA and the Democratic majority would engage in. The budget I talked about before, interestingly enough, has almost to the dollar an increase in spending equaling the increase in taxes, so you know precisely what the plans are here if Democrats have another 2 years in power. I think most Americans would prefer the $2,000 in tax savings under the Republican proposal to the $500 tax credit under Senator OBAMA's proposal. Again, change that I do not think the American public would benefit from.

How about the capital gains tax increase that Senator OBAMA proposes? I talked about capital gains before. It affects seniors. It affects people with incomes of less than $50,000 a year. He says he might allow that rate to go back up to 28 percent and—increasingly he said this—even if it were proven that it would not collect $1 more in revenue for the Federal Government. He said, instead, he would do it—this was during the April ABC debate—for fairness. But I am asking here, is it fair to punish investment? Our tax system treats capital gains at a lower rate because they have already been taxed once before. They have been taxed when the business earned the money and they are taxed again when the investor in that business has an asset and has to pay the taxes on it. This lower rate mitigates that taxation. That is fair. What is not fair would be to take that rate up to 28 percent. That is not change that would help the American people.

I think most Americans understand that to help business we need to help those who invest in business. That is what helps the economy grow. That is what creates jobs. It is what increases our standard of living.

Then there is one other proposal that Senator OBAMA proposes, perhaps as a result of the negative reaction to the increase in capital gains even if it produces less revenue. He says he "would propose to eliminate all capital gains taxes on startup businesses to encourage innovation and job creation," according to his Web site. That I can agree with. But if the policy is good for startup businesses to encourage innovation and job creation, why wouldn't it be good for all of the other small businesses too? My wife had a small business. She is not just starting one up; she used to have one. She wouldn't be able to take advantage of that, but somebody just starting one would? What is the fairness in that? If it is good enough for those who are starting up, it ought to be good enough for those who can create more jobs and improve our economy.

Finally, he has a proposal on the payroll tax to increase taxes, which money would presumably go into the Social Security trust fund to be spent by the Congress, since there is no way to protect the money in a lockbox. We tried that before. So since Social Security taxes are not needed today, not all of them, to pay for Social Security benefits, the difference between what we collect and what we have to pay out to seniors is simply spent by Congress. This would be another tax increase, not for seniors in retirement, but for Congress to spend. It would increase on all incomes above $250,000. It is capped right now at $102,000 in income. The reason is because Social Security taxes are capped relative to the level of benefits. Benefits are also capped. If you ever break that tie, then you are going to have a welfare program rather than the Social Security program. That would not be change that is good for America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I too want to talk about change, as have our colleagues on the other side of the aisle, in presenting their checklist for change. I do not think there is anybody—certainly not myself included—who believes that what is happening here in Washington, DC, inside these hallowed chambers is something we want to continue in terms of the status quo. We do need change. But as others have said before me, we need the right kind of change. That is what I wish to address here briefly.

First, let me remind my colleagues and those who may be watching about where we are in terms of being stuck on important issues that are important to the people of this country; where Congress, under the current leadership, has simply squandered the opportunities we have, on a bipartisan basis, to work together to try to address these pressing issues.

First, it has now been 124 days since the terrorist surveillance system, known as the Foreign Intelligence Surveillance Act, has basically been unable to track and listen in on foreign terrorists because Congress has failed to pass reauthorization of the Foreign Intelligence Surveillance Act.

It has been 575 days since our manufacturers and small businesses and our farmers have been disadvantaged by the failure to take up and pass a free trade agreement with Colombia.

My State of Texas sells about $2.3 billion worth of goods and produce to Colombia each year, but because Congress refuses to act on this free-trade agreement, my farmers and manufacturers and small businesses have to pay a tariff. That is an added penalty, basically, on their products in Colombia that is not imposed on Colombian goods when they are sold here in the United States.

This free-trade agreement is good for my State and for the United States because it creates markets for our goods and our produce, which creates jobs here at home. But for 575 days now, we have seen no action on that important agreement.

There have been 720 days that some judicial nominations have been waiting for a vote. I want to come back to that—720 days since some of these nominations have been pending. As astonishing as it may sound, now when gasoline prices are well over $4 a gallon, when the price of oil is up around $135 a barrel, it has been 786 days since Speaker PELOSI—when she was running for the House of Representatives and running basically for Speaker, she promised a commonsense plan to bring down the price of gasoline at the pump. We are still waiting for that plan. We have not seen it yet. I believe this is the kind of change people across this country would love to see. They would love to see us come together to try to solve these problems. But instead of that, they see us stuck in a rut, engaging in political posturing rather than solving the problems that confront our Nation.

I wish to talk briefly about the third item on my list, and that is about judges.

For some reason, the Democratic majority has refused to follow through on a promise made to our side to set hearings and confirm judges to the Federal bench. The fact is, there does appear to be a distinct difference in the philosophy of the people nominated to serve on the Federal bench between the two political parties. I believe our side believes judges should not be roving activists imposing or substituting their views for what is good for us but, rather, judges should have the very important role, the unique role of interpreting what the law is and enforcing and applying the law as written.

Judges, of course, are not elected, by and large, certainly not to the Federal bench. They are not representatives of the people, they are representatives of the law, and they serve a very important function. But when judges decide to take the law onto themselves and impose their own will rather than to enforce the will of the elected representatives of the people, they become lawless as a result.

Of course, we have seen recent examples of this, whether it be in California, where the California Supreme Court after some 200 years has decided now that the Constitution enshrines a right to same sex marriage, against the overwhelming views of the people of that State—I guess they will have another chance to vote on that in a proposition that will come before the people of that State.

We have seen it most recently by the U.S. Supreme Court in a decision where they afforded foreign terrorists precisely the same rights as an American citizen would have even though we are at war with a determined enemy that celebrates the murder of innocent civilians, as they did on September 11, to pursue their own goals. And to have judges, including the five Justices on the U.S. Supreme Court, say that for the first time in the history of our Republic, foreign terrorists have the same constitutional rights to the writ of habeas corpus in civilian courts is not only a dramatic change in the law—and it does represent change, but it is not the right kind of change.

We need to make sure social policies are made by the elected representatives of the people where we can debate these policies right here in front of the people on TV and in front of those folks who come to the gallery but then once we make those decisions, once we have those votes, that they are honored and respected by the unelected judges.

The fact is, Senator OBAMA, the Senator from Illinois who is running for President of the United States, says he want judges who would put their heart and convictions above the letter of the law. That sounds pretty good at first blush, but the fact is, if each judge is going to decide what their heart tells them or what their personal convictions tell them as opposed to what the law is, including what the Constitution of the United States says, that is not law at all. That is sort of an impressionistic way of deciding how to impose your views, because you happen to be a Federal judge, on the people of this great country.

We know there has been an effort to drag feet in terms of confirming judicial nominees, presuming, I guess, that the election will provide another opportunity for our Democratic colleagues to then see a Democratic President nominate judges to the Federal bench, at which time they would expect us to forget the foot-dragging and obstruction we have experienced when we have had a Republican in the White House, and somehow they believe that would not be reciprocated. I hope we will rise above the temptation to reciprocate the kind of treatment this President has received if a Democratic candidate was elected President of the United States. But it is the same sort of tit-for-tat retaliatory mindset that has gotten us into this quagmire we need to get out of, and my hope would be that our friends on the other side of the aisle would rethink this issue and sort of get out of this rut.

My constituents back in the State of Texas tell me they are pretty disgusted with what they see happening in the Congress. Thirteen percent, according to the latest Rasmussen poll I saw, said they gave Congress an "excellent" or "good" rating. The vast majority of the American people look to Washington and they do not see a Congress that is being responsive to their needs and their wishes. They don't see us trying to solve problems. They don't see us having hearings on judicial nominees, asking those nominees questions about the qualifications and experience and then having a vote on the Senate floor. That is the kind of change we need as we address these issues that are important to the American people. I would hope that if our colleagues on the other side of the aisle are really desirous of change, they would work with us to help change this broken, dysfunctional Senate.

When the majority leader calls up a bill and he denies an opportunity for the minority to offer amendments or to have full and fair debate, as he did last week on the climate change bill, what he called one of the most important issues facing the planet today, it does not speak of a seriousness of attitude in terms of trying to solve problems but, rather, speaks more to an attitude of gamesmanship and political point scoring that, frankly, is beneath the honor and dignity of this institution and of our responsibilities to our constituents.

The PRESIDING OFFICER. The Senator from Utah is recognized.

EUROPEANIZING U.S. LABOR AND EMPLOYMENT LAW

Mr. HATCH. Madam President, on the campaign trail this election year one hears a lot about change and helping the middle class. But what do the professed "change agents" have in mind by change, and what would such changes mean for our economy and creating middle class jobs?

Pending legislation in Congress sponsored by the change agents would more closely conform America's labor and employment laws to the failed European model which has saddled the French and Germans with 30 years of higher unemployment, stagnant job growth, and lower productivity. French President Nicolas Sarkozy has said workplace regulations in France are "unjust, discourage work and job creation," and "fail to bring equal opportunity" to the middle class. German Chancellor Angela Merkel has called for reform of Germany's labor regulations for the same reasons.

At a time when leaders in France and Germany are trying to reform their workplace laws and move closer to the U.S. system, do we really want to infect our country with European-style workplace regulations that could cost middle class jobs and curtail economic growth? Do we really want to become another France?

For more than 70 years, union representation elections in the workplace have been supervised by career employees at the National Labor Relations Board to ensure the elections are conducted fairly and privately. The deceptively misnamed Employee Free Choice Act pending in Congress would deny employers the ability to petition for private ballot elections among their employees to determine whether or not the employees, voting by secret ballot just as in political elections, desire to be represented by a labor union.

The bill would scrap our current system of private voting in secret ballot elections and replace it with a forced card check certification in which employees can be pressured by union organizers into signing union petitions, or union authorization cards at work, at home, in a bar or on the streets. Union leaders boast that this change would lead to millions of new union members, but at what cost to workplace democracy?

Even worse, the bill would turn over a business's financial competitiveness to federal Government-appointed arbitrators to set wages, pension and health care benefits, work hours and other terms and conditions of employment. If, after only 90 days of bargaining, the parties themselves have not agreed on the terms of an initial union contract, the bill would mandate interest arbitration through which a federally-appointed outside arbitrator would be vested with virtually unchecked authority to impose a contract binding for 2 years on the parties, without even a ratification vote among the employees to approve its terms. Such determinations imposed on the parties will be affected by the arbitrator's own economic or social theories, often without the benefit or understanding of practical, competitive economic forces.

Is that the change we need to help the middle class?

Consider further the misnamed RESPECT Act, sponsored by the same professed change agents, which would impede private sector employers' ability to manage their operations through first-line supervisors. The bill would reclassify supervisors who assign or direct the work of others, and expose them to the same union contracts and work rules, union discipline, strikes and other work stoppages, as the employees they supervise, thereby creating the types of conflicts of interest that the 1947 Taft-Hartley Act wisely sought to avoid. The legislation should be renamed NO RESPECT, since it would deny supervisors the status and supervisory authority they worked hard to attain, as well as eliminating employers' right to expect the undivided loyalty of these supervisors as their agents in labor-management relations.

Other bills pending in Congress, all cosponsored by change agents on the campaign trail, would radicalize U.S. employment law, resulting in the type of European paralysis that has impeded middle class job creation and economic growth in France and other countries. These bills would, however, expand one industry where unfortunately the U.S. greatly outpaces Europe: the plaintiff trial bar, which has an unsurpassed world record of bringing lawsuits, many frivolous, against employers.

One bill would remove any time limits on the filing of pay discrimination claims against an employer, thus creating open-ended liability years. Another would provide unlimited employer liability for punitive damages by removing the caps on damage awards which were wisely set by the 1991 Civil Rights Act at $300,000 in exchange for amendments allowing jury trials for employment discrimination claims. Open-ended liability and unlimited damages: a plaintiff trial lawyer's dream.

A third bill would undermine congressional intent with regard to the Americans with Disabilities Act by classifying virtually any physical impairment as a disability for purposes of bringing claims and lawsuits against employers. I helped lead the fight for the Americans with Disabilities Act. The courageous pioneering members of the disability community responsible for passage of the legislation were not interested in protecting temporary illnesses such as the flu, or minor impairments which could be corrected by prescription eyeglasses or medication. Now, however, by preventing consideration of mitigating factors as an affirmative legal defense, and no longer requiring that the disability affect a major life activity such as working, the new legislation would treat such minor impairments as disabilities. The effect is to trivialize the law and promote frivolous lawsuits against employers. The problem with the bill's sophistry is that if everyone is considered legally disabled, even those with easily correctable impairments, then no one is truly protected.

Another pending bill is an unprecedented Federal mandate regulating an employer's decision-making. It is the closest thing to the type of workplace regulatory paralysis that has stymied the Europeans. In fact, it reportedly was modeled directly from European laws.

Any time an individual employee requests a change in work schedules, including when, how long, and where the employee is scheduled to work, the so-called Working Families Flexibility Act would require employers to meet with the employee within 14 days, and thereafter, within 14 days, to provide a detailed written decision with company information. The employer's written decision would have to include, among other things the identifiable cost of the change in a term or condition of employment requested in the application, including the costs of loss of productivity, of retraining or hiring employees, or of transferring employees from one facility to another facility, and the overall financial resources involved.

If the employee is dissatisfied with the employer's decision, the employee may request reconsideration and the employer must schedule another meeting, again within 14 days, with the employee accompanied by any designated representative. If the representative is unavailable, the meeting must be postponed. Thereafter, the employer must respond to the request for reconsideration in writing, stating sufficient grounds to justify the decision.

But that's not all. The employee may trigger a Federal investigation, which must be undertaken by the U.S. Department of Labor and a subsequent Federal administrative hearing to review the employer's decision. This could lead to Federal enforcement actions, monetary fines against the employer, Federal court injunctions and other legal orders for employment, reinstatement, promotion, back pay, and other changes in terms and conditions of employment.

How many times in a workweek does an employee ask a supervisor for a change in working hours or work schedule? For example, "Hey, boss, I want to only work a 35 hour week" or "I want Fridays off in hunting season" or "I would prefer to work closer to home." If this European style, so-called right to request law were to be adopted in the United States, it would bog down the workplace with mandatory negotiation of potentially any decision affecting working hours, work schedules, or location of work with every individual employee—a union of one—and with the threat of federal investigations and legal actions.

Is that the type of change we want?

Labor leaders and their allies frequently point to Europe when they lobby for changes in U.S. labor and employment laws. But even a cursory look at comparative economic indicators shows that the adoption of a French or German-style labor regime actually reduces workers' job options and diminishes wages while bogging down economies and discouraging enterprise.

Flexibility is a key factor in the economic dynamism of the U.S. labor market. The ease with which employers can build and rebuild their workforces provides great flexibility in innovation and response to market changes. The United States is the easiest country in the entire world in which to employ labor, according to The World Bank, and the third best country in which to do business overall.

Meanwhile, U.S. labor productivity far outpaces that of France and Germany, and also Canada, Japan and the United Kingdom. The United States has not only been the most productive country in the world but has also grown in productivity at a greater rate than other developed nations. In 2006, U.S. productivity per employed person was nearly $65,000 compared to $49,000 for France and $43,000 in Germany.

The U.S. has been an engine of job creation for the past 35 years despite temporary recessions, gas shortages and even terrorist attacks. Compared to workers in most of Europe, U.S. workers have more job and career options, greater upward mobility, and employment growth.

Consider unemployment rates. France's jobless rate is Europe's highest. This chart shows unemployment rates for the past 15 years or so. Notice that the United State's highest unemployment rate—6.1 percent in 1994—doesn't come close to the lowest unemployment rates for France, which was 8.4 percent in 2001. For the past 15 years, the U.S. average unemployment rate was 5.1 percent, while France's was double that at 10 percent.

Looking at the past few years in France, nearly 70 percent of those unemployed have been looking for work for more than six months and nearly 45 percent of them were still looking for work after a year. In Germany, about 55 percent of the unemployed is out of work for at least that long.

In the United States, workers stand a better chance of getting another job and sooner. Less than 20 percent of those unemployed have been looking for a job for 6 months or longer, and only about 10 percent were looking for more than a year.

For centuries, people from all over the world have been drawn to the United States for economic opportunity. While the unions and some in Congress believe that European-style labor law is what is best for workers, leaders in France and Germany know better. They understand that regulatory economic rigidities that hold out the false hope of job security often limits workers' options for finding better opportunities, makes it harder for the unemployed to find work, and discourages entrepreneurs from creating new middle class jobs. Congress cannot mandate that employers create jobs, stay in business, or even that they do not conduct business elsewhere. But in the name of change, ostensibly to help the middle class, Congress can mandate the types of harmful employment regulations that will reduce or even eliminate middle class jobs in the United States.

"Europeanization" of U.S. labor and employment laws is not the type of change the middle class really needs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

CHANGE IN IRAQ

Mr. BOND. Madam President, there is no doubt that right now American families are being squeezed on all sides. Gas prices are sky high and climbing. The cost of food is going up. So is the cost of college tuition and health care. So it is no surprise that "change" is the word everyone is talking about.

My colleagues on this side of the aisle and I want change, too, but we want commonsense solutions. We are the party of economic security. We think we should keep more of the money we earn. We favor more private sector solutions to health care. We want America's energy future to be here in America, not the Middle East. We want to change the disastrous policy that has been implemented and kept by our fellow colleagues on the other side of the aisle for the last 30 years, a nonenergy policy, no production. As a Washington Post editorial pointed out today, Congress cannot repeal the laws of supply and demand. Demand worldwide has gone up but supply has not.

We have the answer to that problem right here in America. We want to change it and use the resources we have. We also want a strong commitment in the war on terror. Changing back to the policies of the 1990s is not the way to win the war on terror. Senator OBAMA has said we should go back to the 9/11 days, when terrorism was treated as just another law enforcement matter. He pointed to the prosecution of the World Trade Center bombers as the example to follow. That is precisely the type of policy that led to attacks on American embassies and the USS *Cole*. That is the kind of change that will make the Nation less safe again.

If the Democrats wish to talk about change, let's talk about change, change that matters and change that they have been unwilling to acknowledge, a change when we started executing the war on terror by going after the terrorists in the safe havens. We have kept our country safe from attack since 9/11. Under the leadership of GEN David Petraeus, Iraq has changed and changed dramatically. So why can't my colleagues on the other side of the aisle change with it. Why can't they change their stance and get behind our service men and women who want to succeed and have had tremendous successes?

President Bush announced the surge and the new counterinsurgency in 2007. Iraq was a violent place at the time. Al-Qaida in Iraq held large swaths of territory. Shiite death squads roamed much of Baghdad, and the Iraqi political leadership appeared helpless. So President Bush, understanding the consequences of failure and withdrawal, changed. He changed military leadership. General Petraeus changed to a new strategy, a strategy for victory, of counterinsurgency or COIN that involves getting out among the Iraqi people, working directly with Iraqis committed to a peaceful, stable Iraq. That is a change my son saw in Al Anbar, when his Marine scout sniper platoon helped clear Al Anbar and turn it over to Sunni citizens and police. We still face big challenges in Iraq but with a far more optimistic picture emerging. Al-Qaida has been almost, if not completely, routed in Al Anbar, once declared the center and base of operations for al-Qaida in Iraq.

On May 12 of this year, a prolific terrorist sympathizer by the name of Dir'a Limen Wehhed posted a study on the Internet in which he laments "the dire situation that the mujaheddin find themselves in in Iraq." He is talking about his guys, the bad guys. He cites the steep drop in the number of insurgent operations conducted by various terrorist groups, most notably al-Qaida's 94 percent decline in operational ability over the last 12 months. In Sadr City, Iraqi forces, the forces of the Iraqi Shiite leader al-Maliki, have rolled through huge Shiite enclaves relatively unopposed. Iraqi forces did the same in April in the southern city of Basra, where the Iraqi Government advanced its goal of establishing sovereignty and curtailing the powers of the militias.

When General Petraeus returned to Washington in September of last year, even at that time he reported that the number of violent incidents, civilian deaths, ethnosectarian killings and car and suicide bombings had declined dramatically from the previous December. But despite all this positive change, many on the other side of the aisle are too vested in political defeat to see it. In fact, most Democrats opposed the surge, claiming it is more of the same and would neither make a dent in the violence nor change the dynamics in Iraq. The Democratic leader proclaimed "This war is lost" and that U.S. troops should pack up and come home, a disastrous change that even many thoughtful scholars and commentators who opposed going into Iraq initially say now is not the way to go. It would be a disaster. General Petraeus returned again to Washington in April this year, and violence has been reduced further. American casualties have declined significantly. Al-Qaida was virtually eliminated in the northern city of Mosul, as verified by the terrorists themselves. There are more Iraqi security forces. The Iraqi Government has passed a variety of laws promoting reconciliation. Prime Minister al-Maliki continues to demonstrate he can stand up to fellow Shiites supporting violence and Iranian-backed special groups. There is every reason to embrace the positive change we have seen and not abandon it and not force a withdrawal. For that is not change but, rather, a policy that would put Iraq back on the path toward violence, terrorism, and chaos.

The change we have made has made our country safer, going after terrorists, helping Iraq stabilize their country, turning control over to them, and moving our forces back from the front lines of offense to a support role. That is the change we need to keep our country safe for the future from terrorist attacks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ENERGY

Ms. MURKOWSKI. Madam President, so much discussion has taken place of late about the high price of energy and what it is doing to family budgets. We don't need to tell the American consumer what is going on with high prices. They are living it directly in each and every one of our States.

At today's prices, Americans are paying $1.6 billion daily to buy fuel. This is about twice what they paid 2 years ago. The national average price of gasoline passed the $4.08-per-gallon mark, and fuel is consuming about 6 percent of the typical household budget. This eats up the money families need for food, clothing, medicine, education, 6 percent of the average U.S. household budget.

In my State of Alaska—you hear me say this all the time—our statistics are a little bit different. I need to let you know what kind of a hit Alaska's families are taking when it comes to high energy prices.

Right now, in Anchorage, the State's largest community, it is about 10 percent of the typical household budget that is directed toward energy costs. In the southeastern part of the State, where I was born and spent my early years, they are seeing about 14 percent of their family budget going toward energy costs. In the community of Fairbanks, up in the interior, where I spent my growing-up years in high school and years as a young adult, 22 percent of the household budget is going toward their energy costs. Nearly a quarter of the family budget is going into home heating fuel, into gas at the pump, into keeping their home warm during the long winter months—22 percent of the family budget.

As I have said before, people in Alaska are no longer angry about their energy prices. They are very afraid. You cannot continue on a trend such as this with this much of the family budget being dedicated to your energy prices and still survive.

There has been great debate on this floor about, How do we fix it? How do we reduce the price of energy for the American family? There are some who imply the way to reduce energy prices is to perhaps punish the oil companies with tax hikes for the current high prices. The second option for some is to punish OPEC for their energy production levels by somehow dragging foreign nations into U.S. courts.

I would like to suggest that while maybe it might make some people feel good if they know we are imposing higher taxes on the energy industry, it is probably not a good idea for the 23 percent of individual Americans who own energy stocks or those who have pension funds, 27 percent of which are invested in energy stocks, or those who own mutual funds who have 29.5 percent of their funds invested in energy companies.

The problem we really have with additional taxation of the energy companies is, while it is going to funnel more revenue to the Federal Government—we have demonstrated this in the past—it is going to give us in Congress more money to spend on bureaucracy, but it is not necessarily going to do anything to increase our energy supplies, and it will not do anything to lower our energy prices. In fact, by taking money away from the energy companies, they are going to have less money to invest in searching for and producing more energy. Those are the things that will ultimately reduce energy prices into the future.

As far as this "NOPEC" concept of hauling OPEC nations into U.S. courts, no one has really explained just how this is all really going to work, how we would collect a judgment and still maintain access to world supplies of energy, and more importantly, how that would actually get money back into the pockets of American consumers or how that would keep American companies from being dragged constantly into foreign courts. Asking OPEC to produce more of their energy and then threatening to drag them into American courts if their production levels fall—which is what we have seen in this country—does not make sense to me. Instead, it seems to me the best way we can drive down fuel prices is for us to produce more in America, giving the jobs to Americans, and keep the royalties and tax revenues in U.S. hands.

I have said many times on this floor that it is not just all about increased production. We have to do more to encourage energy conservation, to encourage fuel efficiency. We have to do more to promote and develop the renewable energy technologies.

Just last week in the Energy Committee, we had a fascinating discussion about a process for using algae to produce hydrocarbons from which gasoline can then be made. It is a "green crude" type concept. It is wonderful to be exploring opportunities such as this. Hopefully, we are going to reach an agreement on a compromise to continue the tax aid to encourage wind, solar, biomass, geothermal, ocean energy, and nuclear development.

The fact is, we need to do more of everything to promote lower energy prices. We have to do more to promote efficiency, more to promote alternatives, and more to produce traditional fuels in America.

One of my colleagues, the fine Senator from Tennessee, has summed it up in four simple words: We have to find more, use less—pretty simple. What a philosophy. What an energy policy. But on the "finding more" aspect, we need to produce more from the Outer Continental Shelf. We need to produce more onshore from the Arctic Coastal Plain up in Alaska. We need to do more in the oil shales in the West. We need to produce more natural gas from the OCS but also from the formations in Texas and the Appalachians. We have to protect, but streamline permitting rules so new refineries can be built. We need to be working harder so we can tap America's energy—really our ace in the hole—which is our vast coal reserves and our vast hydrate resources, and do this in a way that can be done without increasing carbon emissions into the atmosphere. We also need to make sure there is sufficient transmission capacity to move the power to where we need it once it has been produced.

Some act as if we in this country cannot produce more energy. They imply that either we do not have anything left to produce or we cannot do it without harming the environment. I think both of those views are just plain wrong.

Look at the mean estimates of the undiscovered resources. This is what the USGS and the MMS have on line. We have an even chance of being able to produce 85.8 billion barrels of oil and 419.8 trillion cubic feet of natural gas. That is 10 times our remaining proven reserves of oil and nearly 15 times our proven reserves of gas. This is a decade's supply of oil for this Nation.

America still has a third of all the oil Saudi Arabia has, and it is just waiting to be discovered. That does not include the 1.8 trillion barrels of oil shale or the 1,000-year supply of methane hydrates we possess in this country. In Alaska alone, when we are talking about coal reserves—we say we are the Saudi Arabia of coal—we need to recognize the resource is there.

On the floor earlier, there have been claims that I would like to respond to that we do not need to lease more acreage onshore or offshore because oil companies have millions of acres under lease from which they are not producing energy. That claim in part is true, but the part that is left out is exactly why we need to make better lands available for oil development in the country.

Clearly, oil companies are not going to spend billions of dollars a year up front to lease lands, for the opportunity to explore and pay yearly fees to keep the leases in place, just to let them sit idle. In most cases, companies are not producing because they are still evaluating the potential of the leases. In other cases, you have oil finds that are so small that they are just not yet commercial to develop without additional oil being found nearby.

Up in Alaska, in the National Petroleum Reserve, it may take as many as 14 years for the leases to be developed, while dealing with the environmental permitting and logistics issues you face in an area that is as geographically remote as NPRA is, in order to bring these leases into production. In addition, we have extremely short windows in terms of the exploration and construction season, which we have in place to avoid the impacts on wildlife.

But the primary reason is that the companies spend millions of dollars on seismic and exploratory wells but still find very little. Even with the technology, with the 3-D seismic, companies gamble when they bid for leases, and they oftentimes find nothing.

So if we made more prospective areas open to exploration, then more oil would likely be found. So this is not necessarily the result of some conspiracy, but the fact is that oil is hard to find.

To wrap up, can we be energy independent immediately? No, we cannot. But can we help ourselves produce enough oil to help meet global demand, lowering prices, and keep our families from going broke? Yes, I believe we can. We know how to protect the environment in the process of development. We can protect wilderness. We already have in the State of Alaska. We have set aside an area that is nearly as large as all of Oregon, and this is in wilderness forever, never to be touched. But let's allow some of the land that is likely to contain oil and gas—not just places that don't—let's allow them to be open for exploration and production.

So let's put aside some of these preconceived biases that I think both parties and both of our constituencies hold. Let's shelve the campaign rhetoric and actually do something that is good for the short-term and long-term good of the Nation. I believe we can do it. I believe this is change in which we all can believe.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

ENERGY PRODUCTION

Mr. DORGAN. Madam President, I wish to talk some about energy. I know the President, this morning, my colleague, Senator McCAIN, and others have talked a lot today about additional production.

I am one of the four Senators who initiated in this body several years ago, along with Senator BINGAMAN, Senator DOMENICI, and Senator Talent, the legislation that is now law that opened lease 181 in the Gulf of Mexico, where there are substantial oil and gas reserves. We opened that up on a bipartisan basis. In addition to cosponsoring that legislation, I have also introduced legislation that would open more of the eastern Gulf of Mexico. I think it is a smart thing to do.

Let me say that the refrain today coming from the President and some others is: Just drill, drill, drill—believing the only way to produce more energy is to sink a hole someplace. There are a lot of ways to produce energy in addition to drilling.

We do need more production. We need more conservation. We need efficiency. We need renewable forms of energy. We need all of those things. But the discussion today is: Well, if we could just drill in ANWR—one of the pristine areas of our country that was set aside in legislation signed by Dwight D. Eisenhower as President of the United States—that 10 years from now we may have some oil, I guess.

Let me make another suggestion. How about allowing U.S. companies access for drilling off the coast of Cuba? India is interested in doing that. Canada is there. Spain is there. But U.S. companies are banned from there. There's potentially more than 500,000 barrels of oil that could be produced in these Cuban waters, available for leasing by oil companies. Our oil companies cannot do it because this administration is obsessed with the embargo against Cuba.

So I say to the President: You want to drill, drill, drill, and drill? How about drill down in this blue area, as shown on this map? Spain is there. Canada is there. China is looking at it. India is there. But, no, you have decided we are embargoed from having our oil companies look where there is potentially more than half a million barrels of oil a day.

Or how about the eastern gulf? I have legislation in on this. But it is interesting—the minority side, when they introduced their proposal to produce more energy by drilling more, they left this out of their proposal. Why? Because a member of their caucus does not want this to happen. So, therefore, it is not a part of their proposal.

So in my judgment, enough about drilling and drilling and drilling. If our solution to the energy issue is to drill and to dig, that is just yesterday forever. That is not a policy.

Now, here is what has happened to oil prices. Oil prices have doubled in a year. Now, I do not have to tell anybody that. If you drive your car to the gas pump, you figure that out. If you are a farmer ordering a load of fuel, you understand that. If you are a trucker trying to figure out whether you are going to be able to run your trucking business next week because you cannot afford the fuel, you know this problem. If you are one of nine airlines that have gone bankrupt in recent times, you know this issue.

Here is what has happened to the price of oil. Here is what has happened to speculation in the oil markets. It looks a lot like the price of oil, doesn't it? Speculation. This has nothing to do with people who want to buy oil. They want to buy paper back and forth and speculate. Look at what has happened to speculation. It looks like the same line with oil production. Will Rogers talked about speculators some nine decades ago. He talked about people who buy things they never get from people who never had it, trying to make money on both sides of the transaction. We have a futures market in energy because you must have a futures market. There are legitimate commercial reasons to hedge fuel prices, but when that market is broken and taken over by speculators, then it seems to me the Congress has a responsibility to deal with the broken market.

I am going to talk about what we should do about this speculation in a moment, but first I wish to talk about this response to drill as the only response to produce additional energy. It is interesting that in 1916 this country decided to encourage people to drill for oil and gas. If you could find oil and gas, we wanted to give you a big fat tax break in 1916. We made it permanent. I wasn't here at the time. We made it permanent and said, if you go looking for oil and gas and find it, God bless you. We are going to give you a large tax break.

Compare that with what America has done with renewable energy; wind, for example, and solar energy. We put in place a tax incentive for people to produce electricity from wind energy—a production tax credit, it is called. It was put in place in 1992, a short term, kind of a shallow tax incentive. It was extended five times, all short term. It was allowed to expire three times. So it has been stutter, step, start, stop. It is a pathetic, anemic, and thoughtless approach for a country to say to those who are producing renewable energy: We are behind you. We ought not do that. We did almost a century's worth of permanent tax incentives for people looking for oil and gas. To those who are trying to do wind and biomass and solar and all of the renewable forms of energy, we said: Well, we are not going to tell you whether we are going to keep providing these incentives.

I have a piece of legislation on energy production incentives that says let's decide to tell people that for the next decade, here is where America is going. Here is America's policy. We believe in wind energy. We believe in renewable energy. Count on it, because this is America's policy. That is what we ought to do.

We have people who stand up here in the Senate all day today—and the President at the White House—who say, the only production that matters is production by drilling a hole. Well, I am all for drilling holes where there is oil and raising some oil. But what about being less dependent on oil and especially less dependent on imported oil? Seventy percent of our oil now comes from off our shores. What about being less dependent on that? How about deciding there are other ways to produce?

Yesterday we had a cloture vote and that cloture vote would have extended—not by enough, in my judgment, but nonetheless would have extended—the tax incentives for renewable energy. Almost every Member of the minority voted against it. Why? Because it would have raised funds to pay for it by plugging a loophole that allows big hedge fund operators who get a billion dollars or a half a billion dollars a year in compensation to park that money overseas in a deferred account and avoid paying taxes to our country. So we were going to plug that loophole and the other side has an apoplectic seizure. It is unbelievable to me.

We are about production. We are trying to say here are the tax incentives necessary to produce more energy. Yes, it is renewable energy. It is an important part of our production need. And the other side says no, we don't support that because you are trying to make hedge fund managers pay their taxes as everybody else does. Well, not quite pay their taxes as everybody else. We were trying to plug the loophole that allows them to defer paying their taxes. But even if they had to pay them on time, many are paying a 15-percent tax rate on their earnings called carried interest. That is another story. They are paying less than the receptionist in their office, which is pretty unbelievable.

But my point is simple. We fought out here yesterday on the floor of the Senate to provide the tax incentives that will produce more energy, and all the way along, the minority is objecting. It is like a bicycle built for two. We are pedaling uphill and they are sitting on the backseat with their foot on the brake. Then they come out the next day complaining that somehow not enough is being produced and they get the President to say the same thing out of the White House. They try to get people to think that somehow by waving a wand and drilling a hole some place they are going to solve the problem of $4 a gallon gasoline or $140 for a barrel of oil. It is not going to happen.

Production is not just drilling. I support drilling. In fact, the U.S. Geological Survey just issued a recoverable oil assessment in my state—because I had requested that 2 years ago they do a survey. They completed their work and announced the largest survey or assessment of recoverable oil they have ever found in the lower 48 States: 3.6 billion barrels of recoverable sweet light crude. It is not as if we are not producing. We are. This is a new field called the Bakken shale field. But we are not doing enough with respect to renewables because of the attitude of the President and others in this Chamber who think the only way you produce energy is to try to sink a drill bit some place. There are a lot of ways to produce energy and we ought to be doing all of them. Instead we have dramatically shortchanged renewable energy.

I wish to turn for a moment to a solution of this issue of what is happening in the market that has caused the runup in price. There is nothing in the fundamentals of supply and demand of oil that justifies what has happened to double the price of oil—nothing. Oh, I suppose you could make the case that we have a perverted market someplace where people talk about free market. There is no free market. What an absurdity. In oil? Are you kidding me? First you have the OPEC countries sitting around a table in a closed room with their ministers making decisions about production and price. Then you have the oil companies with two names because they romanced and got married: Exxon romanced Mobil and now it is ExxonMobil; Phillips liked Conoco, so they got married and now they have two names. Bigger, stronger, more muscle in the marketplace. Then there is the futures market which has become an unbelievable amount of speculation. So there is no free market.

Let me quote some folks who have come to the Congress. This is Fidel Gheit, a 30-year veteran of the Oppenheimer Company. He is the top energy trader at Oppenheimer, a very respected organization. Here is what he says: There is no shortage of oil. I am absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. I call it the world's largest gambling hall. It is open 24/7. Unfortunately it's totally unregulated. This is like a highway with no cops and no speed limit, everybody's going 120 miles an hour.

If you don't believe Mr. Gheit, how about Mr. Clarence Cazalot, CEO of Marathon Oil: $100 oil isn't justified by the physical demand on the market. Steven Simon, senior vice president of Exxon: The price of oil should be about $50-$55 per barrel.

So what has gone haywire here? What is the problem? Well, we have a regulatory agency called the Commodity Futures Trading Commission. They are supposed to be the regulators. We have a lot of people in regulatory bodies these days who think regulation is a four-letter word. They came to their jobs with an Administration that said, ease up. Soften up. We don't want you to regulate very much.

So we have the Commodity Futures Trading Commission. The Acting Chairman of Commodity Futures Trading Commission testified yesterday. He doesn't have the foggiest idea of what percentage of the contracts being traded in these energy markets are contracts he can't see or can see, but he has already made a conclusion that excessive speculation is not the problem. Surprise, surprise.

Well, here is what Mr. Lukken has said, the acting head of the Commodity Futures Trading Commission. This is the guy who is supposed to wear the striped shirts and call the fouls and be the referee: Based on our surveillance efforts to date, we believe energy futures markets have been reflecting the underlying fundamentals of these markets.

July of last year. What is going on with the price of oil? "Oh, it is just the fundamentals." That is what the head of the regulatory body says.

In January, 6 months later, one word difference. He said: Based on our surveillance efforts to date, we believe that energy futures markets have been largely reflecting the underlying fundamentals.

Nothing there, I guess, not from the acting head of the regulatory agency.

In February: We are confident that the futures exchanges and clearinghouses are functioning well, especially during these turbulent times.

No problem there. Be happy. Everything is working fine. Oh, the price of oil is doubling. We have an unbelievable amount of speculation going on, but don't worry, sleep well.

On May 7 he says: We can say with a high degree of confidence that people are not manipulating the energy markets.

Then at the end of May, this man had an epiphany. I don't know whether it was during his sleep or perhaps a staff meeting. He decided there might be something wrong: I am not willing to say there is speculation, but there might be something haywire here and oh, by the way, we have been investigating it for 7 months.

I don't know. It is kind of hard if someone has been saying for 7 months nothing is wrong and then says oh, by the way, we have been investigating it for 7 months. A curious way, for someone who is paid to be a regulator, to describe to the American people their regulatory responsibilities.

I think the evidence is pretty substantial that there is something going wrong in this marketplace, and when markets don't work—and sometimes they don't—there is a responsibility to take some action.

I used to teach a bit of economics. I think the market system is the best allocator of goods and services I know of. There are times, however, the market system breaks. It doesn't work. That is what has happened here. There is a bubble that has occurred with a wave and a rash of speculation into these markets that has driven up the price well beyond that which can be justified by the quantity of oil or the demand for oil. The fact is this: In 4 of the first 5 months of the year, crude oil stocks in this country—the inventory of crude oil stocks increased. In 4 to 5 months, we actually had more inventory of crude oil stocks. At the same time, demand was beginning to dampen. There was less demand, more supply, so one would think prices would come down. It didn't happen. Prices continued to skyrocket. Something is broken in this marketplace.

I am going to introduce legislation, I hope early tomorrow—and I hope with bipartisan support. My legislation is called the "End Oil Speculation Act of 2008." It is a rather simple piece of legislation that deals with a complicated area. It would be designed, as we have written it, to eliminate manipulation and excess speculation of the futures petroleum market. By the way, existing law already has a provision with respect to excess speculation. But one would not expect, in my judgment, the current Commodity Futures Trading Commission's chairman to take action to address that, at least based on what he has been saying, that there is nothing at all wrong.

This proposal would restore the petroleum futures market to its original purpose and intent as a place for hedge transactions by commercial producers and purchasers involving actual, physical petroleum products for future delivery and their direct counterparts. That is legitimate hedge trading. I support it. That is as distinguished from trading that goes well beyond that; that is, people who are not interested in taking physical possession, people who are not in the oil industry but they are interested in trading paper based on a speculative interest in making money.

I suggest we revoke or modify all prior actions that fail to eliminate or discourage all non-legitimate hedge trading by, for example, applying position limits to all non-legitimate hedge trading. This legislation will require the Commodity Futures Trading Commission to segregate the kind of trading that exists, the kind of trading for which the market was established—typical commercial hedging—and the trading that has nothing to do with that at all but is simply and purely speculative trading. To distinguish between legitimate hedge trading and all other trading is necessary for a piece of legislation such as this to work. It will require that the Commodity Futures Trading Commission do so and do so by a time certain.

It would also provide that there would be regulation of all persons—to the extent possible—who are engaged in trading in petroleum futures wherever the market is located unless and until there are regulations that are substantially identical to the Commission's regulations and that are fully and effectively enforced.

The proposal would provide an increased margin requirement that I spell out in the bill for the non-legitimate hedge trading, and that increased margin requirement would be designed to try to soak out the speculation in these markets and make it more difficult for the speculators.

The American people need some help here. They are the victims of a market that has the American consumer bobbing around at the bottom, watching these prices they can't afford go right to the top, day after day after day. How many more people are going to go to the gas pump and try to figure out how much can I put in and still buy the groceries I need? We had a man come to a meeting I held today who talked about the fact that a mother brought her daughter to his office because she was talking about committing suicide. She brought her daughter in to get some medical help, but she didn't have enough gas to get back home. The mother had enough gas to get in with her daughter to see a doctor, but didn't have enough gas to get home. The mother stopped in the office of Ron His Horse is Thunder who is the tribal chairman of the Standing Rock Sioux Tribe to ask for some gas to be able to drive back home. The story is much sadder because the young lady then committed suicide some weeks later.

But think of the people around this country who are wondering, how can I afford the gas to go see the doctor, or to get to my job? Think of the owners of the trucking company that is trying to get by, which has been around for 30 years, but is thinking now that they can't continue. How about an airline that is struggling to make it and can't possibly afford to pay these jet fuel costs?

Does any of this matter to anybody? It does to me. If a significant part of the problem results from speculation, it seems to me we have a responsibility to deal with it. When markets are broken, we have a responsibility to address it.

My legislation will do just that. I don't claim that it is perfect or that it will be easy, but I do claim that it is not enough to come to the Chamber and talk about what we need to do is open ANWR. Ten years from now, good for us, we will have opened something that was one of the most pristine areas that we have set aside.

Do you want to drill? There is a lot more oil in the Gulf of Mexico than in ANWR. So let's not use a hood ornament called ANWR to describe America's current problems with respect to oil development. It is not accurate, and it is not, in my judgment, thoughtful. There are other ways for us to address this issue.

Mr. President, I am going to speak tomorrow, as well, as I introduce the legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT—H.R. 6124

Mr. REID. Mr. President, I ask unanimous consent that when the Senate receives from the House the veto message on H.R. 6124, it be considered as read, and that it be printed in the RECORD and spread in full upon the Journal and held at the desk; that the Senate consider the veto message at 5:15 p.m. today, Wednesday, June 18; that the time until 5:30 p.m. be equally divided and controlled between the two leaders, or their designees; that at 5:30 p.m. the Senate proceed to vote on passage of the bill, the objections of the President notwithstanding, without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO

The PRESIDING OFFICER. Under the previous order, the veto message is considered read and spread in full upon the Journal and will be printed in the RECORD. The clerk will report.

The bill clerk read as follows:

Veto message to accompany H.R. 6124, to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

The veto message ordered to be printed in the RECORD is as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 6124, the "Food, Conservation, and Energy Act of 2008."

The bill that I vetoed on May 21, 2008, H.R. 2419, which became Public Law 110–234, did not include the title III provisions that are in this bill. In passing H.R. 6124, the Congress had an opportunity to improve on H.R. 2419 by modifying certain objectionable, onerous, and fiscally imprudent provisions. Unfortunately, the Congress chose to send me the same unacceptable farm bill provisions in H.R. 6124, merely adding title III, I am returning this bill for the same reasons as stated in my veto message of May 21, 2008, on H.R. 2419.

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion, over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 6124 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 6124.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, "Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation." For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 18, 2008*.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. is equally divided.

Mr. HARKIN. Mr. President, I will not take much time. We are here again for another vote on whether to override the President's veto of the Food, Conservation, and Energy Act of 2008, which we otherwise know as the farm bill. The veto message before the Senate is to accompany H.R. 6124, which is the bill passed by both the Senate and the House of Representatives to enact the full conference report on the new farm bill in the exact form it was agreed to and intended by the conferees and approved by both bodies overwhelmingly last month.

That conference report, on the bill H.R. 2419, was approved by the House on May 14 by a vote of 318 to 106, and by the Senate on May 15 by a vote of 81 to 15. That measure was vetoed by the President, but after the veto it was discovered that one title of the bill—Title III, covering food aid and agricultural trade—had been inadvertently omitted during the enrollment process. At the time of that discovery the Memorial Day recess was imminent, as was the expiration of the extension of the previous farm bill enacted in 2002. Both bodies then voted to enact H.R. 2419, as it was enrolled, notwithstanding the President's veto. The House vote was 316 to 108 and the Senate vote was 82 to 13. Thus, 14 of the 15 titles of the farm bill, H.R. 2419, were fully enacted into law as agreed to and included in the conference report.

On May 22, the House with a vote of 306 to 110 passed the measure now before the Senate, H.R. 6124, which includes the entire farm bill conference report, in order to enact the Title III and, in effect, reenact the other titles that were enacted when the Senate overrode the President's veto of H.R. 2419. The Senate passed H.R. 6124 on June 5 by a vote of 77 to 15. The President vetoed the bill today, and earlier this afternoon the House voted 317 to 109 to enact the legislation notwithstanding the veto.

Since this legislation has been thoroughly debated previously, I don't need to take much time now. I will just sum it up by saying this is a very good bill. It continues, reforms and strengthens income protection for the benefit of farm and ranch families and the rural economy. The bill will move our Nation ahead in maintaining our preeminent position in the world in agriculture production. The nutrition title very significantly improves and strengthens food assistance. As we have pointed out, nearly 70 percent of the funding provided in this bill goes for nutrition and food assistance for Americans. The energy provisions will help unleash the potential of agriculture and rural communities to supply energy to our nation. And farmers and ranchers will receive significantly more help through funds and technical assistance to conserve and protect soil, improve water quality, and boost wildlife on their land.

Regarding Title III of this legislation, the majority of it involves the operation of our international food aid programs, in particular, the Title II Food for Peace program run by the Agency for International Development; the Food for Progress and McGovern-Dole Food for Education programs, both run by the Department of Agriculture; and the program for holding food stocks for emergency purposes under the Bill Emerson Humanitarian Trust.

These authorities are vital to our Nation's efforts to alleviate hunger and poverty, and to foster development around the globe. So it is essential that we reinstate these authorities by enacting the legislation before us. We have included in this bill important reforms of the food aid programs, aimed at improving their operations and making them more responsive to humanitarian needs. All in all, the provisions of Title III of this bill are noncontroversial and are definitely needed to ensure the continuity of U.S. food aid, as well as our very important agricultural trade promotion programs at the Department of Agriculture.

Mr. President, I thank my friend, the ranking member, who started this farm bill process when he was chairman of the Agriculture Committee, Senator CHAMBLISS of Georgia, and so many others who helped.

I see my good friend, Senator KENT CONRAD, chairman of the Budget Committee, who kept us on track through all these many days and nights of getting this bill put together. I want to thank them both for all their help in finally getting us to this point.

Let me also thank my colleagues for their patience and understanding in dealing with the unusual procedural history we have experienced in the course of enacting this bill. I am grateful for the overwhelming support for the legislation and for our work in completing it.

Because of the unusual procedural history of the Food, Conservation, and Energy Act of 2008, I want to note that the full legislative history for H.R. 2419, including the conference report statement of managers, committee reports, and statements in the CONGRESSIONAL RECORD are to be considered as legislative history for the provisions of H.R. 6124.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I think Senator HARKIN has said it all. It seems like we vote on the farm bill once a week as of late, and this is our weekly vote on the farm bill again. I do hope this is our last vote because this is such a serious piece of legislation.

I did a talk radio show a little earlier today, and we were talking about gas prices, and I talked about what we did in the farm bill relative to energy. The talk show host said: Wait a minute. All you are doing is getting criticized in the press over this farm bill. He said: This has some good stuff in it relative to gas prices.

I said: Yes, it really does.

So we did an awful lot in this bill relative to energy. We did an awful lot relative to nutrition, as the chairman said. And, finally, I think, hopefully, that message is going to get out across America.

The Chairman did a magnificent job leading us down this road, and I commend him and thank him for his great work. And to my good friend, Senator CONRAD, without him this would not have gotten done. I appreciate his great leadership and great support.

I want to tell particularly the chairman, as we had our meeting today with the Secretary, we were talking about implementing, Mr. President, this farm bill, and we were reminded in that meeting about what is going on in Iowa today, as we speak. The banks of the Mississippi and a couple of other rivers out there are overflowing onto farmland and destroying crops and creating havoc. In this farm bill we have a disaster package that is not going to require emergency spending for the 2008 crop. And it was criticized very much as we went through the process, yet folks in Iowa are going to be hurting, and folks in Missouri, as that water comes downstream, are going to be hurting, and I think this farm bill is going to turn out to be the best product we have put out, from a farm bill perspective.

It will continue to be criticized, and it is not perfect by any means, but under the leadership of the chairman, I think it has been a great product, and I thank him and I thank Senator CONRAD for his great leadership and friendship that we have as a result of this farm bill.

To our staffs, thanks for great work. I look forward to this 5:30 vote, and I certainly hope this is the last one on the farm bill.

Mr. HARKIN. Mr. President, perhaps I could say the farm bill is so good we would like to have senators put their stamp of approval on it repeatedly.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield to the Senator from North Dakota whatever time he requires.

Mr. CONRAD. Mr. President, I thank the chairman and the ranking member. I thank them for their leadership and their partnership and their vision. This is a bill that is good for consumers, good for taxpayers, and good for farmers. This is the same song, second verse. We have been through this whole rotation once already, but we have to do it again.

I think it is very important to remind people this is much more than a farm bill. This is a food bill with important nutritional components. In fact, 66 percent of the spending in this bill goes for nutrition. It is an important conservation bill to conserve our national resources. It is an important energy bill, as was referenced by the chairman and the ranking member. This bill is going to turn the page on developing our long-range renewable energy potential, and it contains very significant farm program reform.

In addition, it provides a disaster title so the people who are being so devastated in Iowa, in other States, are not going to have to come to the Federal Government and ask for disaster aid. It will be there for them.

The bottom line is this bill does not add to the deficit or debt because this bill is paid for. That is not my claim; that is the finding of the Congressional Budget Office, which says over the first 5 years this bill has a modest surplus of $67 million. And over the life of the bill, the 10-year projections that we are required to comply with, this bill saves $110 million.

I conclude by again thanking the chairman for his vision, thanking his staff for their incredible dedication, and thanking the ranking member, Senator CHAMBLISS, whom I call Cool Hand Luke. You couldn't have a better guy in the pit, and it is a pit at times when you are writing a bill of this magnitude and this complexity and this importance. But he always kept his calm, and that helped enormously in these negotiations. And to his outstanding staff, we thank you. Thank you for being willing to serve in public life. We know you could make much more money some other place, but you have made an enormous contribution to this country.

Finally, to Jim Miller, who is my lead negotiator, my very special, personal thanks for extraordinary dedication, for doing something good for the country and my State.

I hope my colleagues will vote to override the President's ill-considered veto.

I yield the floor.

Mr. HARKIN. Mr. President, I see the hour is just about upon us to start our vote. Again, I also want to thank our staffs, our great staffs who have worked so hard on this legislation for so many months: Martha Scott Poindexter and Vernie Hubert, I see over here, and Mark Halverson, and all the rest of the staff who are here in the chamber. I mentioned them by name before, and I can't thank them enough for all their hard work. It has been a long endeavor, and they have worked so hard, I hope they will be able to take a vacation.

Again, to Senator CHAMBLISS, I cannot thank him enough for a great working relationship and helping to pull this bill through. Now we look ahead to next year and the child nutrition bill, as well as to other matters before us. I also thank Senator CHAMBLISS for his care and his concern, discussing with me—not only today but other times—the serious situation in the State of Iowa.

We are hurting bad. It is hard to describe it, what is happening in Iowa. This farm bill will put some new policies in place, including the new permanent disaster program we have included, and others in agriculture, such as for conservation of our soil and water, so we will be able to get through this terrible crisis we are facing in the State of Iowa right now, to recover, to rebuild, and to come back even stronger and prepared for the future.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 14, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—80

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Warner
Webb
Wicker
Wyden

NAYS—14

Bennett
Coburn
Collins
DeMint
Ensign
Gregg
Hagel
Kyl
Lugar
Murkowski
Reed
Sununu
Voinovich
Whitehouse

NOT VOTING—6

Byrd
Clinton
Domenici
Kennedy
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 80 and the nays are 14. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. REID. Madam President, this has been a difficult week. We have spent a lot of time in quorum calls. There has been a tremendous number of speeches. All have been good. I have enjoyed every one of them. But we have been working very hard to move to something on which we can work together. The housing bill has been brought to us by two of our most experienced legislators—Senators DODD and SHELBY. They both served in the House of Representatives. They are experienced. They understand how Capitol Hill works. Senator MCCONNELL and I have met with them, and we are now at a point, after a long discussion with them—they have had conversations with the administration; I have not had any, but they have—where Members should be advised that tomorrow morning at 9:30, as soon as the admiral completes his prayer and Senator MCCONNELL and I have anything to say, we are going to move immediately to the housing bill. There has been agreement with the managers, with Senator MCCONNELL and with me, that we are going to legislate on this bill. There will be amendments offered, and we will have amendments debated. We hope we can have some votes scheduled tomorrow. We are going to work, everybody should be advised, on Friday. Monday is a nonvote day. We have a lot of work we need to do on Monday.

I advise everyone, the break before the Fourth of July starts a week from the day after tomorrow. In that short week, we have 4 days. We have to make sure we complete this housing bill. We will have to take a run at seeing if FISA can be completed. Either the House is going to send us a bill or we have a message here from them and we will work on that. We also have the little piece of legislation, the supplemental appropriations bill. The House is going to have a rule on that tomorrow. We have permission, as I understand it, from the Republican leadership in the House that they can do a same-day rule. That matter will come to us sometime tomorrow night or Friday.

We have a lot to do. We all want to go home for the Fourth of July, and we all need to go home. We have parades and constituents to see. It is an important time. We spend a lot of time here, and it is important we get back to the States during the week rather than only on weekends. I think the Republican leader and I have an agreement on how we will proceed on the housing bill.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Madam President, let me echo the remarks of the majority leader. We are going to have an opportunity tomorrow to legislate like the Senate has long been accustomed to legislating. We are actually going to offer amendments. They are going to be related to the bill, and we are going to get started. The majority leader and I and Senator DODD and SHELBY all agree on how we ought to go forward. I hope Members on both sides who have amendments that are related to the subject matter will get them out early. Let's process them. Let's have the votes, and let's let the Senate work its will.

We also have the other items the majority leader has indicated we need to address before the recess. We will work diligently to get passage on all those matters. There will be a lot of cooperation on this side of the aisle, and I am confident there will be on the other side of the aisle so we can have a productive workweek before the Fourth of July break.

The PRESIDING OFFICER. The majority leader.

Mr. REID. If I could say one or two additional things, I received a letter from, I think, nine Republican Senators and their request was totally valid. They said this is a big piece of legislation. Don't rush into it. I advise all Senators who sent me that letter, the legislation has been available all day. I hope they and their staffs looked through it. If there are provisions in it they think should be changed, that is what tomorrow and the next day and Monday will be all about.

While we have a good attendance in the Chamber, during July, there are no Monday no-vote days. In July, we are going to work all the work period. We also have a weekend that we have scheduled that we are going to be in session, July 25 we are going to be in session. Everyone has a lot of notice now to not plan anything for that weekend. We have work we need to do. I will be in close touch with the Republican leader tomorrow and on Monday, before we start our last rush, but everyone will have a good idea of what we are going to do in the next work period. Right now it is a little bit in flux, but we know there are things we have to complete.

This, of course, is the last vote for today. We will start tomorrow morning. Hopefully, we will have some votes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRATEGIC ECONOMIC DIALOG WITH CHINA

Mr. BROWN. Madam President, today the administration is concluding its much-heralded fourth session of the strategic economic dialog with officials from the Chinese Government. Obviously, there have been three of these previous to this, when Secretary Paulson, Secretary of the Treasury, the brain of the Bush administration's economic policy, a very successful Wall Street banker who came to Washington amid all kinds of plaudits from at least Wall Street and many of the newspaper publishers and editors who side with Wall Street on most issues—Secretary Paulson is an honorable, decent man. He went to China again to engage in these strategic economic dialogs.

The big announcement today from these strategic economic dialogs, SEDs, is an agreement to begin negotiations for a bilateral investment treaty. That is all he has agreed to do with the Chinese, is to talk about how we can help American investors in China get a fair shake from the Chinese Government. Of all the pressing issues we are currently facing in our bilateral relationship with China, Secretary Paulson chose to emphasize issues, frankly, that only stand to benefit the largest investors, the largest mutual funds, the largest hedge funds, the people on Wall Street who have benefitted the most from this global economy, the largest corporations that are outsourcing jobs to China. That is who benefits from these four strategic economic dialogs.

The focus on improving the Chinese stock market and increasing opportunities for foreign investors in China only stands to benefit major U.S. investors and large American companies that are considering moving offshore to China.

Secretary Paulson should have focused on issues that hurt American workers, the impact of the undervalued Chinese currency—part of the work of the junior Senator from Michigan in the Finance Committee—and Secretary Paulson should have been working to fix the lack of effective intellectual property rights enforcement in China, should have worked to correct the soaring bilateral trade deficit of $57 billion—$57 billion just for the first quarter of this year, up 20 percent over last year and on pace to set another record high, $57 billion. That means—doing the math quickly—$600 million or $700 million. Every single day, we buy $600 million or $700 million of imports from China more than we sell to China—every single day. You do not think that is a big reason plants close in Tiffin and Fostoria and Zanesville and Cleveland, and in Lansing, Kalamazoo, and Detroit, MI?

Instead, Secretary Paulson is looking out for investors rather than workers, rather than communities—communities such as Mansfield and Portsmouth and Chillicothe. When a plant closes, firefighters are laid off, police officers are laid off, teachers are laid off. Quality of life diminishes every time we lose these jobs to China.

I would hope Secretary Paulson would consider the needs of the vast majority of Americans who would be better served by a different set of priorities, a different trade relation with China, not trying to fix the Chinese stock market and help U.S. investors and large corporations in the United States that are only looking for more offshoring opportunities. Yet, as the administration concludes its fourth Strategic Economic Dialogue, it has become clear that the SED has been an exercise in talking with no action.

Since the first SED in December 2006—he has done a couple of these every year—the U.S. trade deficit with China has grown $25 billion per year. We have lost 581,000 manufacturing jobs. There have been at least 457—think about this—457 "Made in China" recalls by the Consumer Product Safety Commission. That is not counting what happened with heparin, the contaminated ingredients that went into a drug that killed several people in Toledo, OH. It is not even counting that. That is 457 "Made in China" products recalled by the Consumer Product Safety Commission.

New Government reports, from various agencies, have given us new information that poses challenges to our relationship with China. The EPA—get this—it does not affect my part of the country quite as much—estimates that 25 percent of California's air pollution comes directly from China.

The State Department, meanwhile, released its annual "Trafficking in Persons Report," which found significant problems with forced labor, including forced child labor, in the People's Republic of China. This is the fourth year in a row that China was put on a "watch list" of countries that could face sanctions if they do not improve their record on trafficking in persons. So where does it talk about this in the Strategic Economic Dialogue? Secretary Paulson wants to help American investors, wants to help U.S. companies that are going to go offshore, wants to help strengthen and repair the Chinese stock market. There is nothing about consumer product safety recalls, nothing about currency devaluation costing us jobs, nothing about trafficking in people and what that means to children and what that means to families.

In December 2006, when the Bush administration announced the Strategic Economic Dialogue with China, nearly 2 years ago, Treasury Secretary Paulson said the SED would focus on five specific areas. These were his own promises. These are not my opinions. These are not my advice or my counsel or my suggestions. These are what Secretary Paulson said he would focus on:

No. 1, the first was "Managing financial and macroeconomic cycles."

China utilizes numerous questionable subsidies to artificially boost production, including $27 billion in energy subsidies since 2000 for steel producers. Think about how uncompetitive that is and what it does to our steel industry and what it does to global warming because they do not have the same environmental rules and regulations on their steel industry as we rightly—rightly—have on our steel industry. Chinese steel production has increased more than 50 percent in the last 4 years. Steel exports to the United States are 129 percent higher than they were 3 years ago. That is more than twice as much steel imports from China to the United States.

The second was "Developing human capital."

As I just mentioned, China's human rights abuses are notorious, as are their woefully inadequate labor conditions in many factories—not to mention child labor and all they do that way.

Third—one of Secretary Paulson's focuses of his five specific areas—"the benefits of trade and open markets."

Beijing continues to undervalue its currency—as the Presiding Officer has said in the Finance Committee—by as much as 40 percent. Yet just last week, China's Ambassador to the World Trade Organization chastised the United States—chastised us, with whom they have a $200 billion-plus trade surplus on their end—a deficit on ours—chastised the United States for the dollar's depreciation. In some ways, it is hard to argue with that, that our economic policies have caused this weaker dollar because of the Bush administration's wrong actions in some cases and inaction in others.

USTR has called China's counterfeit and piracy problems rampant, yet has done little to ensure compliance for American companies.

The fourth promise Secretary Paulson made in December 2006 about its focus on the Strategic Economic Dialogue was—his term—"Enhancing investment."

This is one area the administration perhaps is addressing with the Bilateral Investment Treaty. I will give him one out of the first four.

Fifth, and finally, Secretary Paulson said, "Advancing joint opportunities for cooperation in energy and the environment."

This Congress is weighing the merits of different climate change proposals, but one thing is certain: This Congress will pass legislation curbing carbon emissions. We need to do it in a way that ensures we do not just rely on Chinese imports that arrive in the United States without a carbon cost.

So, in other words, on four of the five, Secretary Paulson fell far short or simply did not even address it. Think what happens with our passing climate change if the Chinese do not pass any climate change and the Chinese do not strengthen their regulations on carbon emissions and other pollutants.

That means our factories—which have difficulty competing because of the cost of labor and all of that—our factories will have even more difficulty competing in Pennsylvania, Ohio, Michigan, and California and in all of the country because we will strengthen our environmental rules, as we should, we will reduce carbon emissions, as we should. The Chinese will benefit from that because they do not absorb the cost, they do not bear the cost of these kinds of environmental rules and regulations. So they get even more of a competitive advantage. What happens if a plant shuts down in Youngstown or shuts down in Steubenville or shuts down in Dayton and moves to China? Plants that were following decent emission standards move to China, and their carbon emissions are hardly regulated. So it means lost jobs for us. It means more pollution, more carbon emissions for the world from the People's Republic of China. It is another example of Secretary Paulson simply not addressing the issues that matter to our families, to our communities, to our workers, and to our country.

It is clear the Strategic Economic Dialogue has been lots of talk and no action. It is time for actions from the administration that benefit American workers, benefit American manufacturers, benefit American businesses, and protect consumers. It is time for a new direction in our trade policy with the People's Republic of China.

I thank the Presiding Officer and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent that I be permitted to speak as in morning business for as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

OIL SHALE AND GAS PRICES

Mr. SALAZAR. Madam President, I come to the floor this evening to speak a few minutes about the issue of oil shale and gas prices.

Earlier today, the President of the United States, George W. Bush, spoke to the Nation at a press conference in which he said there were some things we could do immediately to try to address the energy crisis we are facing in America. One of the things he said could be done immediately was to begin the development of oil shale in the West, specifically the oil shale which now exists and is found in my State of Colorado. With all due respect to the President of the United States, he is wrong. There is nothing about the oil locked up in these shales, in these rocks of western Colorado that will bring about the kind of relief we somehow hope to be able to bring about to the consumers of oil in our country.

The fact is, we are a long ways from knowing whether oil shale can be a part of the portfolio of fulfilling the energy needs of the United States of America. To be frank about this, oil shale has been looked at as a possible source for oil for now nearly 100 years. There have been many booms and many busts with respect to oil shale development in the West and in my State of Colorado. I feel particular ownership of this issue because of the fact that 80 percent of the oil shale reserves we know of in the United States of America are located in my State.

Oftentimes, what will happen is people will make a comparison to the tar sands of Alberta in Canada, and they will say: You have the same kinds of possibilities within the State of Colorado. Nothing is further from the truth. The tar sands, the oil sands in Canada, essentially, are developed simply by putting water and mixing it with the sands, with the temperature being 200 to 300 degrees, and the oil is then separated from the sands. That is because of the way the hydrocarbons exist in those sands. They could be easily separated from those sands. Today, millions of barrels are flowing into the United States from that development in Alberta, led by companies such as Suncor.

In contrast, what we are talking about in my State of Colorado, across the great and most beautiful part of our Nation, the Western Slope of Colorado, is oil that is locked in shale. Notwithstanding the billions of dollars that have been spent on research, no one has yet found the key to unlock the oil from that shale. So to say somehow giving away hundreds of thousands of acres of land for this, where this oil shale is contained, and allowing that land to be leased for oil shale development and saying that is a panacea for the gas price problem we are facing today is simply wrong. It is not true. It is not doable.

In 2005, I worked very closely with my Republican chairman, whom I call a great friend. The two Senators from the land of enchantment, Senator DOMENICI and Senator BINGAMAN, have now changed places. One is chairman and one is ranking member. But in 2005, Senator DOMENICI was the chairman of the Senate Energy Committee. We worked very closely to come up in our committee with legislation on oil shale development that allowed us to move forward to examine the possibility of oil shale as one of the items in our portfolio for our energy future. We came up with an approach that said we would go ahead and provide research and development leases to oil companies so they could go out and do the kind of research and development that is needed to take place in order to determine whether oil shale can be developed. So there are now some leases that have been issued for research and development in the State of Colorado. For each of those companies that has been given these 160 acres of leased land for research and development, they also are given a right under the law to get an additional 5,000 acres of land they can lease. So that is over 25,000 acres that can be developed into oil shale if, in fact, we can discover the technology that will let us do that.

But let us not fool the world. Let's not fool the world in the way the world has been fooled since the 1920s about the possibility of oil shale. Let's not let oil shale be allowed to be used as a political tool, as the President and others try to address the gas crisis our country is in. The fact of the matter is we are a long way from being able to say oil shale can be developed in a commercial way for the United States of America, and the approach we developed out of our Senate Energy Committee and passed out of this Chamber in the 2005 Energy Policy Act is the right way to go. It embraces a thoughtful and constructive way forward to determining whether we can, in fact, develop the oil that is currently locked up in the rock.

I am not the only one who is saying these things. Chevron, one of the major oil companies of the world, in its own statement to the programmatic environmental impact statement comments submitted to the BLM, said the following:

> Chevron believes that a full scale commercial leasing program should not proceed at this time without clear demonstration of commercial technologies.

That is an oil company that obviously has the capacity and the expertise to know the reality of oil shale and is, frankly, being candid and honest and straightforward with the American people about the possibility of oil shale.

Next, I would also point to the statements we have heard from the Department of the Interior. A few months ago, we had a hearing in front of the Energy Committee where the Assistant Secretary of the Interior, Assistant Secretary Allred, appeared before the committee. I asked the Assistant Secretary a number of questions. I will quote, again, as I did last week, what I asked and what his answers were.

I asked Assistant Secretary Allred the following:

> When I look at your chart on oil shale development on public lands, you have at some point on that chart this little brown dot that says "project completion: phase 3—commercial." When do you think that will happen? What year?

The Assistant Secretary Allred responds:

> Senator, it is hard to predict that because . . .

And then there was silence. So I then asked:

> 2011?

He responded:

> Oh, no, I think, I think . . .

Silence.

I asked again:

> 2016?

He says in response to that:

> Probably in the latter half.

I say:

> 2015 and beyond? 2015 and beyond.

So I continued to question him along these lines.

The bottom line is that even within the Department of the Interior, at the highest levels, they are saying that if we ever get to commercial production of oil shale, it is probably out until 2015. That is 7 years from now. Don't tell me that is going to have any effect today on gas prices, and yet, it is one of the cornerstones of what the President of the United States proposed to be the solution to the energy crisis we face in America today.

I beg to differ with the President of the United States, and I will not let the President of the United States or the Department of the Interior run roughshod over the State of Colorado. Not today, not next month, not next year, not in 10 years. It is not going to happen. We can develop oil shale in the State of Colorado, but if we are going to do it, we are going to do it in a thoughtful and deliberate way.

I am proud of the fact that the leading newspapers of the western part of Colorado, including the Denver Post and the papers in Utah, have essentially said the same thing. These papers have lived with the history of the booms and the busts, including the big bust of the 1980s, with respect to oil shale. The Denver Post in its editorial says:

> Developing oil shale has been a dream since the early 20th century, but careful planning is needed to make sure the dream doesn't turn into a nightmare.

It goes on to say some other things that are very supportive of a thoughtful and deliberative approach that I have tried to bring to oil shale development.

The Grand Junction Sentinel, which essentially is the newspaper that covers all the Western Slope of Colorado, some 20 counties, a paper whose editorial board knows good economics can come from thoughtful development of our natural resources but also a newspaper that has stood tall in terms of making sure we are protecting the long-term sustainability of the Western Slope. Here is what the Grand Junction Sentinel says in its editorial page. The Grand Junction Sentinel probably knows as much about water and public lands and natural resources as much as any other newspaper around the West. They know it because they live it. They know because they know that across the western part of Colorado, most of the land is owned by the Federal Government. The Federal Government owns 33 percent of the State of Colorado and most of that is located on the Western Slope.

Here is what the Grand Junction Sentinel, a conservative editorial board, had to say about this oil shale development. It says:

> The notion that the one-year moratorium on commercial leasing approved by Congress last year is somehow a barrier to commercial development is nonsense. If anything, that moratorium should be extended.

It continues. The editorial was titled: "Congress is Pushing Another Shale Sham."

Continuing, it says:

> Whatever technology is used to recover oil from shale, the impacts will include massive surface disturbance, huge demands for additional electric generation, and reservoirs full of Colorado's limited water, not to mention the hordes of additional workers who will descend on this area.

The Grand Junction Sentinel says in its editorial, joining the Denver Post, that as we move forward to look at oil shale as a possible energy source for our country, then we need to be thoughtful in terms of how we move forward.

The Salt Lake Tribune. There are some—a much smaller percentage of the shale we are talking about is actually located in Utah, but the Salt Lake Tribune essentially has said the same thing. It says:

> The development of oil shale deposits in eastern Utah, Wyoming, and Colorado would be an expensive undertaking, risky for the environment, and a drain on dwindling water resources, with no quick return in additional oil supplies to reduce America's dependence on foreign oil.

" . . . with no quick return in additional oil supplies to reduce America's dependence on foreign oil."

So when the President of the United States stands and he says to the American people that here is the answer to your high cost of gas and diesel and jet fuel today, and he says we are going to go to oil shale, there is a misrepresentation on what the contribution is going to be from oil shale development and a misstatement and a misapprehension, frankly, of what the facts and reality are with respect to oil shale development in the Western Slope of Colorado.

I wish to focus on a couple of those issues in a little more specific way. One of the realities we all know in the West—those of us who share the water of the Colorado River Basin—is that we live in a place that has a very limited water supply. The Colorado River supplies water to seven States: Wyoming, Colorado, New Mexico, Nevada, Arizona, and California. For 100 years, we have figured out a way of living together and sharing the supplies of water within the river. It is said today that there are some 500,000 to 1 million acre feet of water that can still be developed and then used within my State of Colorado under the compacts that govern the sharing of water on the Colorado River. Those compacts are very important. There is also a truth about oil shale and how it will use the water that is allocated to Colorado under those compacts.

But we don't know how much water is going to be required for oil shale development. We don't know whether it is 500,000 or 1 million or 2 million acre feet, and we don't know what the consequences, therefore, would be on agriculture within Colorado or on the municipalities that so depend on that water. So it is no surprise that most of the water entities involved in protecting Colorado's water compacts have come out against a head-long rush into oil shale development because they are concerned about what will happen with respect to the water supplies of the Colorado River if, in fact, we move forward at the full-scale commercial oil shale leasing program in a premature way.

So it would be my hope that as we look at the possibilities for dealing with the current energy prices, that we try to focus on real solutions. The real solutions, first and foremost, are for us to look long term and to avoid the failed policies of the past 30 years under, frankly, both Republican and Democratic administrations that have gotten us to the point today where we are so overdependent on foreign oil that not only our national policy but our economic reality is being driven by that massive overdependence. So embracing the new world of energy, where we are looking at greater efficiencies, where we are looking at alternative fuels, where we are looking at advanced technologies such as those of the hybrid plug-in vehicle, and where we are looking at the development of our conventional resources in a thoughtful, honest, and balanced way is a way forward. It has to be the kind of energy policy we can sustain, not over a week or a political season or even the term of one President, but over a longer period of time. It is the kind of challenge for America that should summon the kind of political courage among all those who are involved in this debate, in the same way we were able to take on the Manhattan Project and build the atomic bomb in less than 4 years, where we were able to move forward and put a man on the Moon in less than 10 years from the time President Kennedy announced that vision and that goal for America. That is important, and that is long term.

It is also important that we do what we can in the short term to address this issue. We have had conversations about speculation of the markets and how speculation might be accounting for somewhere between 25 and 40 percent of the high price of oil we see today. We need to look into that question and see whether we can bring the rapid speculation under control. Those are undertakings we can take on and take on in the very near term.

In addition, I have heard my colleagues on the other side of the aisle say what we need to do is to open up all the lands in ANWR and other lands within the interior and offshore in order for us to be able to bring in additional supply into our energy stream for America. There is a possibility for us to open additional lands. There are lands, for example, within the gulf coast of Mexico, which we opened in the 2006 Energy bill, where we added some 8 million acres of additional land in the gulf that we said is now open for exploration. We have done a lot to try, in my view, to bring in additional supply in terms of our energy pipelines.

But we should not kid ourselves because we know today there are more than 60 million acres of public lands, both onshore and offshore, which have already been leased to the oil companies—60 million acres, far surpassing the acreage of ANWR, far surpassing any of the acreages being talked about now even on the gulf coast of Mexico that might be opened. So what is happening with all these public lands, resources of the United States of America under which lie significant reserves of oil? I would say there are huge opportunities there for oil and gas companies to go out and to develop the resources that are underneath those lands.

I conclude by saying, first, let us be honest about oil shale and its possibilities. Let's not oversell to the American public that this is somehow a panacea for America's energy needs.

Secondly, let's look long term, knowing there is going to be some pain but that we need to look long term at a new energy policy for the United States of America. As a parenthetical, I would say that is why these energy tax incentives we have been working on are so important for us to try and harness the energy of the Sun, the energy of the wind, the energy of biofuels, the energy of cellulosic and ethanol as we move forward on that frontier.

Thirdly, as we look at short-term solutions to help, in some way, alleviate the pain all Americans are feeling today with respect to high gas prices, that we be realistic with respect to the solutions to that particular challenge we face.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LETTERS FROM VERMONT

Mr. LEAHY. Madam President, I would like to bring to the attention of my colleagues an op-ed piece by Bob Herbert that appeared in The New York Times on Saturday, June 14.

The editorial, entitled "Letters From Vermont," uses excerpts from powerful letters that Vermonters sent to my colleague and friend, Senator BERNIE SANDERS. In inviting these personal testimonials from Vermonters, Senator SANDERS has illuminated the debate—and, I hope, hastened action—on the struggles that millions of American families are facing in our current economy. Mr. Herbert's column has brought these letters to the attention of many, many more Americans.

So that all Members may review this illustrative and telling column, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 14, 2008]

LETTERS FROM VERMONT

(By Bob Herbert)

Despite the focus on the housing crisis, gasoline prices and the economy in general, the press has not done a good job capturing the intense economic anxiety—and even dread, in some cases—that has gripped tens of millions of working Americans, including many who consider themselves solidly middle class.

Working families are not just changing their travel plans and tightening up on purchases at the mall. There is real fear and a great deal of suffering out there.

A man who described himself as a conscientious worker who has always pinched his pennies wrote the following to Senator Bernie Sanders of Vermont:

"This winter, after keeping the heat just high enough to keep my pipes from bursting (the bedrooms are not heated and never got above 30 degrees) I began selling off my woodworking tools, snowblower, (pennies on the dollar) and furniture that had been handed down in my family from the early 1800s, just to keep the heat on.

"Today I am sad, broken, and very discouraged. I am thankful that the winter cold is behind us for a while, but now gas prices are rising yet again. I just can't keep up."

The people we have heard the least from in this epic campaign season have been the voters—ordinary Americans. We get plenty of polling data and alleged trends, but we don't hear the voices of real people.

Senator Sanders asked his constituents to write to him about their experiences in a difficult economy. He was blown away by both the volume of responses and "the depth of the pain" of many of those who wrote.

A 55-year-old man who said his economic condition was "very scary," wrote: "I don't live from paycheck to paycheck. I live day to day." He has no savings, he said. His gas tank is never more than a quarter full, and he can't afford to buy the "food items" he would like.

His sense of his own mortality was evident in every sentence, and he wondered how long he could continue. "I am concerned as gas prices climb daily," he said. "I am just tired. The harder that I work, the harder it gets. I work 12 to 14 hours daily, and it just doesn't help."

A working mother with two young children wrote: "Some nights we eat cereal and toast for dinner because that's all I have."

Another woman said she and her husband, both 65, "only eat two meals a day to conserve."

A woman who has been trying to sell her house for two years and described herself as "stretched to the breaking point," told the senator, "I don't go to church many Sundays because the gasoline is too expensive to drive there."

Many of the letters touched on the extremely harsh winter that pounded Vermont and exacerbated the economic distress. With fuel prices skyhigh, many residents turned to wood to heat their homes. A woman with a 9-year-old son wrote: "By February, we ran out of wood and I burned my mother's dining room furniture. . . . I'd like to order one of your flags and hang it upside down at the Capitol building. . . . We are certainly a country in distress."

Senator Sanders, an independent who caucuses with the Democrats, remarked on the disconnect between the harsh economic reality facing so many Americans and the Pollyanna claims of the Bush administration and others over the past several years.

The assertion that the economy was strong and getting stronger, repeated with the frequency of a mantra, hid the reality that working Americans have been taking a real beating, said Senator Sanders.

He pointed out that over the past seven or eight years, millions of Americans have lost health insurance coverage, lost pensions, and become deeply mired in debt. During that period, the median annual household income for working-age Americans fell by about $2,400.

"Americans work the longest hours of any people in the industrialized world," the senator said. "We even surpassed Japan."

But despite all that hard work—despite explosive improvements in technology and increased worker productivity—the middle class is struggling, losing ground and there's a very real possibility that the next generation of workers will have a lower standard of living than today's.

The letters to Senator Sanders offer a glimpse into the real lives of ordinary people in an economic environment that was sculpted to favor the very rich. One of the letters was from a woman in central Vermont who said she and her husband are in their mid-30s, are college-educated and have two young children.

"We are feeling distraught," she said, "that we may never 'get ahead' but will always be pedaling to just keep up."

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, a day or so ago, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, now numbering close to 800, are heartbreaking and touching. It is not just filling the tank; these high energy prices touch every aspect of our lives—family time, food prices, work commutes, the list goes on and on. Many Idahoans have taken efforts to cut back on the niceties to accommodate the necessities, but now far too many face the choice of which necessity to ignore—gas or food, job or family. For years, Congress has unsuccessfully grappled with a national energy policy; now we are at a point where decisions must be made, compromises must be negotiated if we are to finally be forward-thinking. This isn't only a question of what we are handing future generations; it's affecting families right here, right now. It is not just Idahoans. It is an issue that touches the live of every single American, no matter their socioeconomic status.

In an effort to seek solutions rather than focus only on the trouble, I have also asked Idahoans to share how they want Congress to resolve it, and the suggestions are voluminous and wide-ranging. Some start simply with conservation efforts, something that I have long supported, while others encourage increased offshore oil drilling and increased domestic production, more sustainable alternative and renewable energy sources, stronger support for nuclear energy options and more efficient transportation options. Nearly all have expressed concerns for not just their future, but for the future of their children and grandchildren. And they are adamant about Congress moving beyond half-truths and partisan politics to find solutions. While I may differ in my opinions on some suggestions, I am thrilled that so many have taken time to share their thoughts with me. Some have shared research, videos and book recommendations. To respect that effort, I plan on submitting every e-mail sent to me through energyprices@crapo.senate.gov to the CONGRESSIONAL RECORD. And to keep attention on this matter, I will be submitting them a few at a time every day until every one has been submitted. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention. I plan to continue working to find other ways to bring these stories to the attention of my colleagues in Congress. Today, I am starting this process with the following comments from Idahoans.

I ask unanimous consent to print in the RECORD comments from Idahoans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR CRAPO, I am very interested in the debate concerning rude oil and energy prices. I am a wheat farmer by profession and have been excited about the increased wheat prices, however, all of the input costs have significantly increased due to the fact that all inputs have either direct or indirect links to the price of crude oil. Freight costs have significantly increased across the board. Manufacturing costs for steel have soared, partly due to the energy costs. Pivot prices have increased by 20% this year and are expected to significantly increase next year also. Fertilizer prices, which were already unrealistically high last year have tripled from last year's prices. Although the price of wheat will likely be more than commensurate with the input costs this year, if commodity prices fall before the decline of input prices, (including and especially energy prices) farmers throughout the country will be in serious trouble.

In addition to the difficulties associated with farm input prices, my family's household income has not increased in proportion to the costs of household goods such as food, clothing, and family items. The relief check from the government will not come close to compensating for increased pricing, and will also decrease the value of the dollar and hence cause more inflated pricing, as well as increase our national debt.

Most Americans would agree that caring for our environment is important, however, a relatively small group of radical environmentalists have been using their screaming lobby to set policies which are extremely detrimental to the economy as well as the environment. How is it that oil drilled from the Middle East and freighted across the ocean is less harmful to "mother earth" than drilling in a single square mile in Alaska? I am adamantly opposed to the idea that we should be dependant upon the Middle East for oil when we have enough to last for at least one hundred years in reserve here in the United States. We are likely to have alternative technology to decrease our demand upon oil and most likely oil will be obsolete as an energy source within less than 50 years. Please listen to the less vocal majority who are pleading for drastically decreasing the restrictions and regulations on drilling and refining our domestic oil.

Sincerely,

LLOYD WARD.

DEAR MIKE CRAPO, We live on Robie Creek out side of Boise. My husband commutes to Nampa 2 days a week to work. We are also Ushers for Boise State University and have to commute to Boise for work. With the increase in Gas Price, our fuel costs have risen 148.00 in the past three months. It was already way to expensive. We are in our 70's so this is a hardship for us.

John McCain stating he will not drill in Alaska makes me so mad. I live next door to a lady who spent years in Barrow and the North Slope of Alaska. She said drilling would not hurt anything because there is nothing there. I have suggested Mr. McCain make a trip and check this out personally instead of listening to the environmentalist who has put us in this position in the first place along with the Socialist who want this country destroyed. I also think it is a shame to listen to the Stupid people who are costing us Billions to prevent global warming. The last I knew, God was in-charge and has been thru thousands of years of climate change. Who is going to pay back the tax payers when this is proven to be a political sham?

It would be so refreshing if we the people could ever get the truth about anything and have all of the agenda bleeped out.

BESS, Boise.

DEAR SENATOR CRAPO: We have noticed a big difference in prices in the past year. Instead of taking two vehicles to work five days a week, my husband and I have traveled together this past year to save on the gas. We leave our home in Firth, (our work hours are different), and he drops me off at work and travels to the other side of Idaho Falls to get to his job. I stay at work during the lunch hour and an extra hour after work until he comes to pick me up at night.

It used to cost us $320.00 a month one year ago taking two vehicles to work. Now with one vehicle we are spending a minimum of $340.00 just to get to work.

We also have the added concern of my husband's elderly parents. They will need our help more and we try to go see them once a month. We are spending $100.00 per trip to get from Firth to Wendell and back.

1. Why isn't anyone concerned about the high oil consumption of container ships that bring goods from other countries?

2. Why are we allowing China and other countries to drill off of our shores when we can't drill off Florida?

3. What about all the wells that were drilled and capped in the Western Wyoming area and other areas of the U.S.?

4. Why are we not pushing harder for nuclear energy and other options and also expanding refinery capacity that could free us from dependence on other nations? They have us under their thumbs.

5. Why are the minority environmentalists controlling so much of our lives? We believe they are not being realistic and subjecting us to other nations' whims. Global warming, it snowed here last week, second week of June. Where is the global warming? There is more global warming controlled by the sun and not man. The earth has always had ups and downs in its weather patterns. Why doesn't anybody ask an environmentalist what they live in, what they wear and how they get to their protests? It seems they are protesting everything they use.

Thank you for work you are doing and asking for our opinions.

MICHAEL AND SUSAN, Firth.

DEAR SENATOR CRAPO, thank your for giving me the opportunity to write to you on this issue and also for your efforts on our behalf.

I have a PhD in Aerospace Engineering and more than thirty years experience.

I can only address the engineering aspects of this question, not the political aspects, though I am afraid that the problem is largely a political and psychological one, not a technical one.

The technological facts are these: We can have energy independence and a 75% reduction in air pollution at the same time and it wouldn't cost the taxpayers a dime. In order to achieve this we would have to convert our power generation from fossil fuel to nuclear and hydroelectric, and switch to electric cars, trucks and trains. The technology for this exists now, although some of it is still in the laboratory. What is preventing its implementation is government regulation.

After World War II, the utilities put forward a plan to convert all of this country's power generation to nuclear and hydroelectric. The plan was eminently feasible, but was blocked by government regulation. During the 1970s, congress passed what was popularly know as the "small hydro bill".

This excellent piece of legislation sought to encourage cities and towns to take advantage of their local rivers and streams to generate power. This would have given local communities a reliable source of clean, low cost power, and reduced the need for long distance transmission lines and dependence on the grid. Implementation of this plan was blocked by the environmentalists.

Solar energy and wind power are not practical alternatives.

Nuclear power is safe. In more than fifty years of generating power in this country, not a single person has ever been killed or injured by a nuclear accident. So far as I am aware, not a single person has ever been killed or injured by a nuclear power plant with its reactor in a containment building. The accident at Chernobyl was possible only because the reactors there were not housed in a containement building.

Nuclear power is inexpensive. What is making nuclear power plants expensive is excessive and irrational government regulation, based not on sound science and engineering, but on a desire to appease the environmentalists. This was true as far back as 1967. The effect of this government regulation is not to make nuclear power plants safer, but to make them impossible.

Government regulation, especially NHTSA, is preventing entrepreneurs from making electric cars. There is not a single company manufacturing electric cars in this country for sale to the public. That is a disgrace. The FMVSS (Federal Motor Vehicle Safety Standards) are nonsensical gibberish. NHTSA needs to be abolished and the politicians and the bureaucrats need to stop interfering in car design.

In summary, the whole huge body of excessive, irrational government regulation which has piled up over that last 60 years needs to be repealed.

Government is the problem. The solution is for government to get out of the way.

Most respectfully yours,

STEFAN, PhD (aerospace engineering).

SENATOR CRAPO, I couldn't possibly disagree w/you more with respect to the current energy situation. I think that the high prices for gas/diesel that we're experiencing are a necessary evil. It is time for this entire country, but our politicians in Washington (yes, this means you!) especially, to wake up & realize that the amount of petroleum on this planet based is finite. The current problem with prices should not be dealt w/by some half-assed politically motivated Band-Aid.

The United States has a chance to be at the forefront of research into whatever technology will ultimately replace petroleum-based energy. Rather than subsidizing ethanol production from corn (absolutely no advantage in terms of use of petroleum—it's merely at a different phase of production), why not step up to the plate & provide incentives for research into alternative energy. Instead of the U.S. depending on foreign oil, why not make the rest of the world dependent on U.S. company patents for whatever ultimately replaces petroleum as the leading energy technology?

Thanks for listening,

TODD, Boise.

DEAR MIKE, We appreciate this opportunity to share with you how energy prices are affecting us and hope this will help you convince your colleagues that something needs to be done NOW!!

We are farmers in southern Idaho. We are helping to keep this country fed. It is 40 miles to our nearest town where we shop for all our needs—from groceries to supplies to run the farm. Our fuel is delivered from 40 miles away as well. We have no public transportation to rely on so we have no choice but to keep driving our vehicles to supply our needs and to try to conserve where we can. Just today, we had to drive 90 miles one way to obtain a repair part for our hay harvesting equipment. That trip cost us nearly twice what it would have cost this time last year. Diesel for our tractors is nearly $5.00 gallon. If Congress doesn't act now, this country is going to wake up to food shortages because we won't be able to afford to keep filling our fuel tanks to keep the food pipeline full. Trucks won't be able to afford to keep transporting food to the stores and one day in the not too distant future, the store shelves will be empty. What will Congress do then about the riots and other violence that will result? We want our energy companies to drill for oil NOW, both on and off shore! We want our energy companies to drill in ANWR, NOW!!! We want our energy companies to be able to utilize Coal-to-Oil technologies NOW!!! We want to be free of our dependence on the Middle East for our energy needs. If nuclear energy can be utilized safely, let's use it.

Let's use wind turbines. Let's utilize solar farms on our vast acreages of public lands here in Idaho. We must act before our economy is destroyed. It will take decades to repair the damage if Congress doesn't act NOW!!!!!

Feel free to share our story.

Sincerely,

KIRT AND JANET, Malta.

You've got this one about right.

Our problems as usual are the result of allowing political expediency to make bad policy.

We can no longer afford to genuflect at the green altar. By all means let's streamline the approval process for new nuclear plants and begin drilling ASAP in ANWR and off both coasts. THE STATES DO NOT HAVE SOVEREIGNTY OVER THEIR COASTAL

WATERS. If the federal government can tie up half of Idaho, it should also be able to approve drilling off the coasts of FL, CA et al.

In your letter, you skip over another aggravating factor inflicted on our economy by Congress. I refer of course to the ethanol mandate. The primaries are over. Iowa has once again been shamelessly pandered to. Repeal the ethanol mandate, eliminate tariffs on imported (Brazilian sugar based) ethanol. Watch fuel and food cost drop simultaneously. This should be a no brainer even for Congress.

STU, Donnelly.

SENATOR CRAPO: I first want to thank you for even being considerate enough to ask my opinion. Not asking constituents is a major problem with our politics these days but that issue is for another email.

My family is fortunate enough that the rising energy costs are, at this point, a frustrating inconvenience and not a major issue as it is with many. What is of concern to me is our country's willingness to be held hostage by others in the world. We have vast reserves of our own fossil fuel that we refuse to develop in addition to our refusal to develop nuclear energy, wind and solar sources. As I understand it, we do not want to "damage" the environment. I don't want to "damage" our environment either but GOD has blessed this country with resources and the technology for developing those resources has changed for the better in the last 50 years.

I am also tired of the rhetoric that 'in Europe energy costs have been much higher than here for decades'. Well, the plain truth is I don't live in Europe. The USA has been, until outsourcing became our corporate goal, the most advanced, the most productive, the most ingenious, the most prosperous, the most giving nation in ALL of history. Besides, why don't I hear the cost comparison with Venezuela? Gasoline there is $0.25 per gallon. Why don't we become more like them? Not that I would want to, but you get my drift.

Not to belabor the issue, but the rising cost of energy is only one of the visual symptoms of a much deeper problem. The problem of being stripped of our national identity, of falling victim to the erroneous global warming scam, of the socialist philosophy of wealth distribution, just to mention a few elitist liberal doctrines.

Anyway, I want to thank you again for your interest in my thoughts. Keep up the good fight.

RUSSELL, Hayden.

Fuel prices are devastating every section of our economy. A family reunion trip from Nampa to Seattle and Return in my diesel pickup and camper cost $460 for fuel alone. Idaho Power has implemented two major price increases since the first of the year. Intermountain Gas has raised their price recently by nearly 9 percent. Our food prices are skyrocketing while our government tries to substitute fuel from food for ample resources of energy in the ground we walk on but aren't allowed to drill for.

Congress and the administration should be ashamed that we are not utilizing safe nuclear energy and expanding use of our coal resources. You (collectively) have stopped the development of nearly all natural resources available to us and also stopped the building of refineries to keep up with the U.S. demand for oil.

It has made life much tougher for those of us who aren't depending on the public to take care of us.

Shame on all of you.

LARRY, Nampa.

COMMENDING MOUNT OLIVE TROJANS

Mr. BURR. Madam President, I rise today to congratulate a college baseball team that won a national title last month.

I am speaking of Mount Olive College in Mount Olive, NC. They beat Ouachita Baptist in a 6–2 victory to win the NCAA Division II National Baseball Championship—the first national championship title of any kind in Mount Olive College history.

The Mount Olive Trojans finished the season with a 58–6 overall record. The Trojans ended their season strong winning 24 out of their final 26 games.

This win marks an especially extraordinary one for Mount Olive College Trojans. This is the Trojans first-ever national championship win in any sport. In a town made famous for their pickles, baseball can now be added as a point of interest.

Led by head coach Carl Lancaster, the Trojans were up by a five-run lead at the end of the first inning. Thanks in part to Josh Harrison's at-bat that resulted in a single and Dylan Holton's three-run double, Mount Olive mounted an early 5–0 advantage over Ouachita Baptist.

Mount Olive College was featured on national television in the May edition of "NCAA On Campus." This gave the players a chance to brag a little about their accomplishments, as all nine players in the Trojans' starting lineup were nationally ranked in at least one statistical category at the time of taping.

The Trojans' efforts have not gone unnoticed by Major League Baseball. Five of the players from Mount Olive's 2008 National Championship team will all be playing professionally in the coming year. Additionally, four players have been named All American. This is wonderful news for these deserving young men.

Also due recognition is the Trojans' academic performance. Their emphasis on academic success earned them a team grade point average of 3.13 on a 4 point scale.

The baseball team's success can be attributed to their well-rounded 2008 roster that included: Jackson Massey, Jesse Lancaster, Anthony Hernandez, Anthony Williams, Weston Curles, Todd Jeffreys, David Cooper, Mike Kicia, Paul Novicki, Tyler Smith, Pat Ball, Alex Vertcnik, Dylan Holton, Rich Racobaldo, Joseph Westbrook, Andy Hilliard, Kyle Jones, Jason Sherrer, Josh Harrison, Casey Hodges, Erik Lovett, Michael Williams, Ryan Schlecht, Craig Beasley, Thomas Newsome, and Airlon Vinson. The team was coached by: Carl Lancaster, Aaron Akin, and Rob Watt.

Again, I commend the Mount Olive Trojans, the 2008 NCAA Division II Baseball National Championship team and coach Carl Lancaster on an incredible season. Also, I would like to wish those players drafted into the Major Leagues the best of luck.

ADDITIONAL STATEMENTS

RECOGNIZING MAURICE A. CALDERON

• Mrs. BOXER. Madam President, I am pleased to ask my colleagues to join me in recognizing a longtime community leader in Inland Southern California, Maurice A. Calderon, as he retires from a long career of service and support to his community.

Maurice Calderon as a board member for Banning Unified School District, as a trustee with the San Jacinto Community College District, and as a trustee for the San Bernardino Valley College Foundation. Mr. Calderon has also served as a member of the foundation for the University of California, Riverside.

Maurice Calderon has also served his community through involvement in a number of community organizations. He is a member of the Inland Empire Hispanic Chamber of Commerce and the Inland Empire African American Chamber of Commerce. He has served as the director of the Inland Empire Economic Partnership, and as chairman of the Inland Empire Hispanic Leadership Council. Maurice is also the president of Sinfonia Mexicana, a Hispanic symphony that provides cultural enrichment throughout the region.

For his longstanding work throughout various communities, Maurice Calderon has been the recipient of numerous titles of distinction and awards of commendation. He has been named the "Father of the Year" and the "Citizen of the Year" by the cities of Banning and Beaumont, respectively. Hispanic Lifestyle Magazine and the Inland Empire Hispanic Chamber of Commerce named him the "Hispanic of the Year," and he was named to the Southern California Native American and Latino Hall of Fame. In April 2004, he was honored as the recipient of the Reconocimiento Ohtli Award, which is given by the Mexican Ministry of Foreign Affairs to role models who have successfully contributed to the well-being of their communities. And in 2005, the city of Banning acknowledged Maurice and the entire Calderon family for their more than 100 years of community service, and named a street in their honor, "Calderon Way."

As Mr. Calderon retires, he can look back on a distinguished career of service to his community, to education, and to cultural awareness. I join with members of his community in wishing him a wonderful retirement.•

TRIBUTE TO MAJOR GENERAL MICHAEL A. COLLINGS

• Mr. CHAMBLISS. Madam President, I pay tribute to an exceptional officer in the U.S. Air Force, MG Michael A. Collings upon his retirement after more than 33 years of distinguished service. Throughout his career, General Collings has personified the Air Force core values of integrity, selfless service, and excellence in the many missions the Air Force provides in defense of our nation. It is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Air Force and our Nation.

General Collings entered the U.S. Air Force as a graduate of Southern Illinois University's Reserve Officer Training Corps program in 1974. His career has spanned a variety of operational assignments and major command staff functions. A command pilot with more than 2600 hours in the T-37, T-38 and F-16, General Collings spent more than 10 years in the cockpit, instructing in the T-37, F-16 and at the U.S. Air Force Fighter Weapons School. Moving to the logistics field in 1987, General Collings has served on the staff at Headquarters, U.S. Air Force, Washington DC, Headquarters Pacific Air Forces, Hickam Air Force Base, HI, and Headquarters Air Combat Command, Langley Air Force Base, VA. He has commanded two squadrons, two groups, and two wings including the 82nd Training Wing at Sheppard Air Force Base, Texas and the Warner Robins Air Logistics Center, Air Force Materiel Command, Robins Air Force Base, GA.

His assignments have increased in scope and responsibility, culminating in his current assignment as Chief, Office of Military Cooperation, Egypt. As the Senior U.S. Defense Representative to Egypt, General Collings leads six divisions responsible for all aspects of the security assistance mission in Egypt. In addition to providing advice and assistance to the Government of Egypt on a wide range of military procurement and training issues, the Office of Military Cooperation serves as a liaison between the Egyptian Ministry of Defense and United States Central Command, coordinating the planning of joint military exercises throughout the region.

During his career, General Collings has served the U.S. Air Force and our Nation with excellence, distinction, and unwavering integrity. His exceptional leadership skills have been evident throughout his career as he repeatedly demonstrated superb command and operational leadership, a brilliant and innovative vision for his unit's future, and an unmatched loyalty to his faith, people and country.

General Collings will retire from the U.S. Air Force on August 1, 2008 after 33 years and 1 month of dedicated commissioned service. On behalf of Congress, the country, and the State of Georgia, I thank General Collings, his wife Jan, and their entire family for the commitment and sacrifices they have made throughout his honorable service. Congratulations on completing an outstanding and exemplary military career.•

100TH ANNIVERSARY OF THE U.S. NAVY NURSE CORPS

• Mr. INOUYE. Madam President, today I wish to commemorate the 100th anniversary of the U.S. Navy Nurse Corps.

As a proud supporter of the Navy Nurse Corps, both the officers and the many enlisted and civilian personnel who work alongside them, I am pleased that we are recognizing their contributions to our navy and our great nation.

On May 13, 1908, President Theodore Roosevelt signed the Naval Appropriations bill that authorized the establishment of the Nurse Corps as a unique staff corps of the Navy. A small group of trained nurses were carefully chosen to establish an "orderly, disciplined corps with a respectable reputation and excellent benefits, if somewhat limited pay." Leaving societal norms behind, the Sacred Twenty, led by Ms. Esther Voorhees Hasson, introduced safe hygiene practices in the care of patients and trained enlisted medical personnel.

By 1918, the Nurse Corps grew to over 1,030. During World War I, Navy nurses served on ships and deployed to Europe to serve at base hospitals in France, Scotland and Ireland. Superintendent Lenah Sutcliffe Higbee was recognized with the Navy Cross for her success in developing an innovative training camp which quickly prepared nurses to meet the growing war requirement. Many years later, Superintendent Hibgee would receive a most auspicious honor when she became the first living woman and only Navy nurse to have a ship named after her. The destroyer, USS *Higbee* was commissioned in 1944.

World War II became the defining moment in the lives of an entire generation of Americans. Amidst the startling images of the horrors associated with war, came heroic accounts of the tenacity and faith demonstrated by American servicemen and women on a daily basis. On battlefronts from North Africa to Italy to Normandy to Corregidor and Bataan, the nurses of World War II contributed greatly to the care of the wounded, the morale of the fighting men, and the development of nursing as a profession. It was during this war, that 11 Navy Nurses were taken prisoner by the Imperial Japanese in the Philippines. Spending thirty seven months in an internment camp where starvation and psychological warfare were commonplace, these nurses continued to care for patients without regard to self.

Throughout the war, Navy nurses served at 40 naval hospitals, 176 dispensaries, on board 12 hospital ships and as flight nurses on air evacuation missions. Admiral Halsey said of Navy nurses: "They magnificently upheld the highest traditions of U.S. Naval Service." Navy nurses earned over 300 military awards for their exceptional duty during the war.

From the humble beginnings of the pioneering "Sacred Twenty" to today's Nurse Corps force of 4,100 strong, Navy nurses continue to answer the call of duty whether it is at the bedside of a patient in a stateside military hospital, in a joint humanitarian mission aboard a hospital ship transiting the Pacific or in the throes of conflict in Iraq.

Today we recognize the men and women of the Navy Nurse Corps for their selfless service and dedication to our nation and our military. I commend the Navy Nurse Corps for its commitment to excellence and for a century of leadership and caring for America's Navy and Marine Corps from 1908 to 2008.•

HONORING DR. MICHAEL E. BROWN

• Mrs. BOXER. Madam President, I am pleased to ask my colleagues to join me in honoring Michael E. Brown, Ph.D., as he retires from a long and successful career as a leader in education. This month, Dr. Brown will retire as assistant superintendent of instructional services with Rialto Unified School District in southern California, and can look back on a proud career of service and distinction in education and community leadership.

Dr. Brown will retire after almost four decades of leadership in Rialto Unified School District. Dr. Brown's service in education began in 1971 when he began as a teacher in Rialto teaching fifth and sixth grade. In 1976 Dr. Brown was awarded his Ph.D. in education from the University of California, Riverside. Dr. Brown would then serve the district as a program specialist, as a principal, as director of curriculum, and as assistant superintendent.

Numerous schools under his leadership have received California Distinguished Schools Awards, and all elementary schools in the district have seen increased API scores. Middle schools and high schools have similarly seen growth in their AVID programs both in student participation and success.

Dr. Brown has also worked tirelessly in his community. He served in the California National Guard from 1969 through 1975, and has served in various community organizations such as Kiwanis International, Phi Delta Kappa International, the Boy Scouts of America, and as an active member in his church congregation.

As he retires from almost four decades in education, I am pleased to ask my colleagues to join me in recognizing his many accomplishments.•

THE RETIREMENT OF DAN MAYER

• Mr. JOHNSON. Madam President, today I wish to recognize the service of Mr. Dan Mayer, who has been in the banking business for nearly 49 years. Spending the past 47 years in Sturgis, SD, Dan has helped guide peers and new generations alike toward success in the beautiful Black Hills.

Dan began his career and community service in Sturgis in 1959. After being elected to the Sturgis city council in 1968, he served for 22 years, presiding as president for several terms. In 1973, Dan was part of the group that started the Sturgis Industrial Economic Expansion Corporation, which developed the first Sturgis Industrial Park.

I remember when Dan and other city leaders met with me to discuss expanding their industrial park, intent on making Sturgis an attractive and effective place to start a business. I was pleased to work with the group to obtain funds for the expansion, which eventually attracted gun and ammunition manufacturers to the industrial park.

With nearly five decades of personal and professional ties to the Sturgis area, Dan is still an active force in the community. He currently serves on the Heritage Acres Board, the Sturgis Industrial Board, the Sturgis Hospital Advisory Board, and the Sturgis Water Board. One Sturgis resident is quoted as having said, "Our business wouldn't be here without this man. He believed in our community and, at the most vital of times, he believed in us."

Dan will be retiring on June 19, 2008 and intends to stay in the Sturgis area, retaining his positions on the local boards. I want to commend Dan for his longstanding and steadfast commitment to the betterment of his community. Being in the banking business for so many years, Dan has been a major influence in the lives of Sturgis area residents. He has seen countless families through home and ranch purchases, home improvements and business start-ups and expansions. Along with his wife Donna, children Jamie and Mark, and nine grandchildren, Dan has strived to fulfill his commitment of making Sturgis and the surrounding area a greater place to live, work, and raise a family. I am most deeply grateful for the opportunity to thank Dan for his efforts, and eagerly look forward to his continued involvement in the community.•

RECOGNIZING THE VERMONT ALL STARS

• Mr. SANDERS. Madam President, today, I recognize the Vermont All Stars, the Vermont math team that won first place in Division B of the American Mathematics League's Regional Competition, held this year at Pennsylvania State University. The team was comprised of 15 Vermont students, ranging from grades 8 through 12, and seven alternates. The countrywide event, of which this was a part, is the Nation's highest precollegiate math competition.

In the individual competition, two Vermonters placed in the top 10. Both students achieved perfect scores, which qualified them to advance to a final round, which ultimately determined the ranking of the 10 students who received perfect scores. Following up perfection with an even tougher competition, Colin Sandon placed fifth overall, and David Rolnick placed tenth. Both Colin and David are high school seniors who will attend the Massachusetts Institute of Technology in the fall.

Deserving of special mention—and special honor—is Mr. Anthony Trono, both founder and coach of the team. Tony Trono is a retired math teacher who had a long career teaching mathematics at Burlington High School.

Many years ago he began a program entitled the Vermont Talent Search, in which a math test is distributed to middle school and high school students. This was to be the first step in bringing Vermont students to the American Math League competition. The top achievers on the Vermont Talent Search tests are chosen for the team that competes in the American Mathematics League's competition.

Not content with working on this, and desiring to share his love of mathematics with students all over our State, Tony Trono also runs a week-long summer math camp at the University of Vermont.

Because family reasons precluded him from accompanying the team this year, as he has done so often before, Barbara Unger chaperoned the team to Penn State. Like Tony a retired math teacher, from Middlebury Union High School, she said of Tony Trono, "He has given his life to upper level math." How true that is!

Our Nation has excelled in the areas of math, engineering and science in large measure because of dedicated teachers such as Tony Trono—and Barbara Unger. They serve as role models to future generations of teachers, in addition to so ably training generation after generation of capable—and as the recent success of the Vermont All Stars indicates—superior mathematicians. Our State and our Nation owe a deep debt of gratitude to Tony Trono and to the many thousands of dedicated math teachers who follow along similar paths by sharing their love of mathematics.•

125TH ANNIVERSARY OF ARTESIAN, SOUTH DAKOTA

• Mr. JOHNSON. Madam President, today I recognize the community of Artesian, SD, on reaching the 125th anniversary of its founding. Artesian is a rural community infused with hospitality, beauty, and an exceptional quality of life.

The city of Artesian was founded in 1883 and named after the abundance of flowing wells, known as artesian wells, in its part of South Dakota. As over a third of its citizens are of German decent, the Artesian community of Sanborn County still appreciates and exemplifies its rich heritage.

Today, Artesian has come a long way from its days as a railroad supply center. The town now boasts a variety of businesses, including those in both the service and manufacturing sectors. A community center, multiple churches, a post office, veterinarian, and 4-H club continuously bring the community closer.

The people of Artesian celebrate this momentous occasion on the weekend of July 4-6, 2008 with a street dance, fireworks, and a parade. South Dakota's small communities are the bedrock of our economy and vital to the future of our State. It is especially because of our small communities, and the feelings of loyalty and familiarity that they engender, that I am proud to call South Dakota home. Towns like Artesian and its citizens are no different and truly know what it means to be South Dakotan. One hundred twenty-five years after its founding, Artesian remains a vital community and a great asset to the wonderful state of South Dakota. I am proud to honor Artesian on this historic milestone.•

GREENLAND POINT CENTER, INC.

• Ms. SNOWE. Madam President, as this Saturday marks the official beginning of summer,. I rise to recognize a small nonprofit from my home State of Maine that has championed the activities that have made the State a long-time destination for seasonal travel and exploration. Since 2005, the Greenland Point Center, Inc., on Long Lake in Princeton, has served to educate both youth and adults on issues of conservation and leadership while promoting outdoor activities and learning.

Originally founded in 1978, the Greenland Point Center previously operated under the auspices of the University of Maine at Machias. Facing closure in 2004, community members and conservation groups from around the state rallied behind it, purchasing the land that housed the camp from the University and revitalizing the program.

Today the Greenland Point Center, which has become a perennial favorite for Mainers and their families, hosts a series of camps designed to allow children and families to explore the natural world and grow as individuals. At the same time, the center works to empower campers by teaching them many of the vital safety skills that are imperative to the successful enjoyment of this Nation's natural resources. The center's exciting camp programs range from the more traditional Wet 'N' Wild Camp, where campers learn to canoe and sail, to the Downeast Teen Leadership Camp, where middle-school students from Maine's Washington County have an opportunity to learn the skills necessary to help them lead healthy lifestyles as they progress through the often challenging adolescent years. Thousands of young men and women who have attended the Greenland Point Center's camps have come to appreciate the solemn responsibilities of environmental stewardship while being encouraged to enjoy the boundless energies of youth.

The firm has a deep commitment to making the opportunities that it offers available to all youth, regardless of their financial situation. To promote that goal, the Greenland Point Center works tirelessly to provide scholarships for financially disadvantaged individuals who wish to experience the natural wonders of the State of Maine. Of particular note, each year's Maine Moose Permit Auction raises scholarship money for the Center, affording numerous youngsters from across the State the chance to take part in discovering Maine's beautiful surroundings.

Additionally, the Greenland Point Center is an active participant in the nationwide "Hooked on Fishing—Not On Drugs" program. Founded by the Future Fisherman Foundation and funded through the Maine Department of Inland Fisheries and Wildlife, "Hooked on Fishing—Not On Drugs" seeks to keep Maine's youth off drugs by teaching angling skills, conservation efforts, and social skills, preserving proud traditions while promoting a healthy way of life.

The State of Maine has long been a proud bastion of outdoor adventure and protecting the environment. The Greenland Point Center has served to help maintain the appreciation of nature and all of its wonder. Coupled with lessons in healthy physical, mental, and emotional lifestyles, the Greenland Point Center has served the youth of Maine and the Nation while shaping a new generation of leaders and entrepreneurs. I congratulate the Greenland Point Center on its past achievements and wish everyone involved success as the Center continues to nurture America's youth.●

RECOGNIZING DR. ED RENWICK

● Mr. VITTER. Madam President, today I stand in recognition of Dr. Ed Renwick, who served as director of the Loyola University Institute of Politics for more than 30 years, until his recent retirement on June 1, 2008. I would like to take some time to make a few remarks on his accomplishments as director and recognize his contributions to the Louisiana community.

As the director of this unique educational program, he served as a mentor to many future politicians and political experts. His keen ability to explain the nuances of Louisiana politics made him particularly extraordinary and provided his many students with a unique insight into our State's storied history. His teaching methods were groundbreaking as they focused on the empirical ends of Government rather than their theoretical origins. In particular, Dr. Renwick focused on the way in which political theory works in practice, how it actually affects the daily decisions of elected officials and political candidates.

In addition to his service as director, he also served as a respected member of the political science faculty, which he will continue to serve following his retirement. As both an administrator and an educator, Dr. Renwick was well known for his insights that jumpstarted the political careers of many Louisianans. In choosing his fellows, he targeted individuals from diverse political, economic and social groups, in order to force bipartisan efforts to work through complex issues important to Louisiana. Thus, he taught them the importance of finding common ground rather than letting them crumble under their differences.

I was fortunate enough to be a fellow under Renwick, and I can confidently say that I am still benefitting from the knowledge and experience I gained during the program. Dr. Renwick's innovative methods helped reveal the idiosyncrasies of Louisiana politics to his students.

Thus, today, I am proud to honor a fellow Louisianan, Dr. Ed Renwick, for his distinguished service to the Loyola University community and the State of Louisiana.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13159 OF JUNE 21, 2000, WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—PM 53

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2008.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 18, 2008.*

MESSAGE FROM THE HOUSE

At 5:13 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 6124) to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 634) to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

The message further announced that the House has agreed to the following bills, without amendment:

S. 188. An act to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

S. 1692. An act to grant a Federal charter to Korean War Veterans Association, Incorporated.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6630. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenoxaprop-ethyl; Pesticide Tolerance for Emergency Exemptions" (FRL No. 8366–6) received on June 13, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6631. A communication from the Chairman, Farm Credit Administration, transmitting, pursuant to law, a report on the Agency's 2008–2013 Strategic Plan; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6632. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects; to the Committee on Armed Services.

EC–6633. A communication from the General Counsel, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, a report entitled "Risk-Based Capital Regulation-Loss Severity Amendments"; to the Committee on Banking, Housing, and Urban Affairs.

EC–6634. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, notification that during the period of January 1, 2007, through December 31, 2007, no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC–6635. A communication from the President, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the 2007 management statement on its system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–6636. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2007 Missile Technology Control Regime Plenary Agreements" (RIN0694–AE23) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6637. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Gift Parcel License Exception Regarding Cuba to Authorize Mobile Phones and Related Software and Equipment" (RIN0964–AE37) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6638. A communication from the Vice President and Controller, Federal Home Loan Bank of Boston, transmitting, pursuant to law, a report on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–6639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 28046) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 28044) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6641. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 26026) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6642. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 28350) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6643. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 26030) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6644. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 25560) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6645. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 25542) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6646. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 24178) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6647. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Assistance Program Under the 9/11 Heroes Stamp Act of 2001" (73 FR 28357) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6648. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 23121) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6649. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance; Change in Federal Share for Alternate Projects for Public Facilities" (73 FR 20549) received on May 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6650. A communication from the Chief Counsel, Federal Emergency Management Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "National Insurance Program; Assistance to Private Sector Property Insurers; Write-your-own Arrangement" (RIN1660–AA58) received on June 13, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6651. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Allocation of Trips to Closed Area II Yellowtail Flounder Special Access Program" (RIN0648–AW69) received on June 13, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6652. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "MMPA List of Fisheries for 2005" (RIN0648–AS78); to the Committee on Commerce, Science, and Transportation.

EC–6653. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule to Require Modifications to Lobster Trap/Pot and Gillnet Fishing Gear to Protect Right Whales" (ID No. 11806D) received on June 13, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6654. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule to Require Modifications to Lobster Trap/Pot and Gillnet Fishing Gear to Protect Right Whales" (ID 110806C) received on June 13, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6655. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Modification to Fishing Activities" (RIN0648–AU10) received on June 13, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6656. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Grant and Cooperative Agreement Handbook-C.A.S.E. Reporting and Property Delegations" (RIN2700–AD40) received on June 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6657. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework 19, Atlantic Sea Scallop Fishery Management Plan" (RIN0648–AV90) received on June 13, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6658. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Rule to Close the Southeast U.S. Gillnet Fishery to Protect Right Whales" (RIN0698–AU95) received on June 13, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6659. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (Docket No. WV–114–FOR) received on June 13, 2008; to the Committee on Energy and Natural Resources.

EC–6660. A communication from the Acting Assistant Director, Directives and Regulations Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Forest System Land Management Planning" (RIN0596–AB86) received on April 17, 2008; to the Committee on Energy and Natural Resources.

EC–6661. A communication from the Commissioner, Office of the Secretary, Department of the Interior, transmitting a draft bill entitled, "Reclamation Title Transfer Act of 2008"; to the Committee on Energy and Natural Resources.

EC–6662. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to staffing of the Intelligent Transportation Systems Program Advisory Committee; to the Committee on Environment and Public Works.

EC–6663. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts for FEMA–3284–EM in the State of Texas has exceeded the limit for a single emergency declaration; to the Committee on Environment and Public Works.

EC–6664. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, notification that the cost of response and recovery efforts for FEMA–3230–EM in the State of Illinois has exceeded the limit for a single emergency declaration; to the Committee on Environment and Public Works.

EC–6665. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of the Secretary, Department of the Interior, transmitting a draft bill entitled, "Duck Stamp Improvement Act of 2008"; to the Committee on Environment and Public Works.

EC–6666. A communication from the Chairman, Nuclear Regulatory Commission, transmitting a draft bill intended to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974; to the Committee on Environment and Public Works.

EC–6667. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama; Prevention of Significant Deterioration and Nonattainment New Source Review; Correction" (FRL No. 8579–6) received on June 13, 2008; to the Committee on Environment and Public Works.

EC–6668. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8581–7) received on June 13, 2008; to the Committee on Environment and Public Works.

EC–6669. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8581–9) received on June 13, 2008; to the Committee on Environment and Public Works.

EC–6670. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Revision of Refrigerant Recovery Only Equipment Standards" ((RIN2060–AP18)(FRL No. 8582–6)) received on June 13, 2008; to the Committee on Environment and Public Works.

EC–6671. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations" ((RIN2060–AM37)(FRL No. 8581–3)) received on June 13, 2008; to the Committee on Environment and Public Works.

EC–6672. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Pollutant Discharge Elimination System Water Transfers Rule" ((RIN2040–AE86)(FRL No. 8579–3)) received on June 13, 2008; to the Committee on Environment and Public Works.

EC–6673. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2008–53) received on June 13, 2008; to the Committee on Finance.

EC–6674. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, a report entitled, "Fiscal Year 2007 USITC Purchases Manufactured Outside the United States"; to the Committee on Finance.

EC–6675. A communication from the Secretary of Labor, transmitting the report of a draft bill entitled, "Unemployment Compensation Program Integrity Act of 2008"; to the Committee on Finance.

EC–6676. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more to The Ministry of Defense of the State of Kuwait; to the Committee on Foreign Relations.

EC–6677. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more to the Government of Mexico; to the Committee on Foreign Relations.

EC–6678. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services, and defense articles in the amount of $100,000,000 or more to Norway for the production of the Evolved Sea Sparrow (ESSM) program rocket motor operated by NATO; to the Committee on Foreign Relations.

EC–6679. A communication from the Ambassador at Large, Coordinator for Counter-Terrorism, Department of State, transmitting, pursuant to law, notification of a correction in the Department's annual report entitled, "Country Reports on Terrorism 2007"; to the Committee on Foreign Relations.

EC–6680. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, a report on the actuarial status of the railroad retirement system, including recommendations for financing changes; to the Committee on Health, Education, Labor, and Pensions.

EC–6681. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Health Claims; Dietary Noncariogenic Carbohydrate Sweeteners and Dental Caries" (Docket No. FDA–2006–P–0404) received on June 13, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6682. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Department's Semiannual Report to Congress on Audit Follow-Up covering the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6683. A communication from the Chairman, Farm Credit Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6684. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6685. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period ending March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6686. A communication from the Director, Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment and with a preamble:

S.J. Res. 38. A joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of a Deputy United States Trade Representative.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

Eric M. Thorson, of Virginia, to be Inspector General, Department of the Treasury.

*Richard T. Morrison, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

*David Gustafson, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

*Elizabeth Crewson Paris, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

*Edwin Eck, of Montana, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2008.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mrs. CLINTON (for herself and Mr. SCHUMER)):

S. 3145. A bill to designate a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 3146. A bill to authorize the exploration of oil and natural gas in coastal areas to reduce the dependence of the United States on foreign energy sources, and to reduce gasoline and natural gas prices; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself and Mr. WEBB):

S. 3147. A bill to authorize the State of Virginia to petition for authorization to conduct natural gas exploration and drilling activities in the coastal zone of the State; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 3148. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 3149. A bill to amend the Wild and Scenic Rivers Act to add certain segments to the Rogue River designation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 3150. A bill to prohibit the Secretary of Transportation or the Administrator of Federal Aviation Administration from conducting auctions, implementing congestion pricing, limiting airport operations, or charging certain use fees at airports; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself and Mr. BROWNBACK):

S. 3151. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to priority review vouchers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 3152. A bill to provide for a comprehensive study by the National Research Council of the National Academies to assess the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mr. CORKER, Mr. ALEXANDER, and Mrs. DOLE):

S. 3153. A bill to amend the Federal Financial Institutions Examination Council Act of 1978, to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 3154. A bill to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. SPECTER, and Mr. KOHL):

S. 3155. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

By Mr. WICKER:

S. 3156. A bill to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL:

S. 3157. A bill to provide for the exchange and conveyance of certain National Forest System land and other land in southeast Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Con. Res. 91. A concurrent resolution honoring Army Specialist Monica L. Brown, of Lake Jackson, Texas, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces; considered and agreed to.

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 545

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 702

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 702, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 963

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 1190

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1190, a bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. AKAKA), the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from Pennsylvania (Mr. CASEY), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. NELSON), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. HARKIN), the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1708

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 2059

At the request of Mr. SMITH, his name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At the request of Mr. BOND, his name was added as a cosponsor of S. 2059, supra.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2731

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 2731, supra.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2816

At the request of Mr. VOINOVICH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2816, a bill to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

S. 2828

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2828, a bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes.

S. 2907

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2907, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 2920

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3122

At the request of Ms. CANTWELL, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3122, a bill to amend the Commodity Exchange Act to provide for the regulation of oil commodities markets, and for other purposes.

S. 3141

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3141, a bill to provide for nondiscrimination by eligible lenders in the Federal Family Education Loan Program.

S.J. RES. 41

At the request of Mr. MCCONNELL, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S.J. Res. 41, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 89

At the request of Mr. BURR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 89, a concurrent resolution authorizing Frank Woodruff Buckles to lie in honor in the rotunda of the Capitol upon his death.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. WEBB):

S. 3147. A bill to authorize the State of Virginia to petition for authorization to conduct natural gas exploration and drilling activities in the coastal zone of the State; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, I join those today who are addressing the issue of the energy problems that are facing our country today.

I commend the President of the United States today with regard to the offshore drilling decision that he has made, and prior thereto the indication by Senator MCCAIN as to his initiatives that he will take, in due course, I hope.

But we have to focus on not only the long picture, I will address that momentarily, but what we can do now, what we can do today and tomorrow to help alleviate the many hardships that this price structure—which none of us really envisioned—this price structure is inflicting on the American families today.

I was very proud to submit a resolution to this Senate on May 22, 2008, joined by a number of colleagues and cosponsors. I would like to once again read this short resolution in which the Senate spoke with regard to this issue about steps that could be taken now to help lessen the demand every day for the need of gasoline.

On May 22 the Senate said as follows:

S. RES. 577

Whereas each day, as Americans contend with rising gasoline prices, personal stories reflect the ways in which—

(1) family budgets are suffering; and

(2) the cost of gasoline is impacting the way Americans cope with that serious problem in family and work environments;

Whereas, as a consequence of economic pressures, Americans are finding ways to reduce consumption of gasoline, such as—

(1) driving less frequently;

(2) altering daily routines; and

(3) even changing family vacation plans;

Whereas those conservation efforts bring hardships but save funds that can be redirected to meet essential family needs;

Whereas, just as individuals are reducing energy consumption, the Federal Government, including Congress, should take steps to conserve energy;

Whereas a Government-wide initiative to conserve energy would send a signal to Americans that the Federal Government—

(1) recognizes the burdens imposed by unprecedented energy costs; and

(2) will participate in activities to reduce energy consumption; and

Whereas an overall reduction of gasoline consumption by the Federal Government by even a few percentage points would send a strong signal that, as a nation, the United States is joining to conserve energy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by the departments and agencies.

That is the end of the sense-of-the-Senate resolution.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter that I wrote to the President a few days earlier, on May 16, addressing this very issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. That is a short step. But I do wish to refer to the future.

As noted earlier, the President has made his announcement this morning. But I would like to welcome him to this decisionmaking now to go to offshore drilling. With due respect to the Presiding Officer, we have different views expressed here a few moments ago. I want to go back over the history of this Senator, working with many others, on this issue of drilling offshore.

First, during the debate on the Energy Policy Act of 2005, H.R. 6, I attempted to offer an amendment that sought to allow States to opt out of the Federal moratorium on offshore drilling. I was joined by Senators ALEXANDER and VOINOVICH in that effort. Unfortunately, due to opposition to my proposal and the threat that my amendment would or could doom the whole bill, I withdrew the amendment, out of recognition of the hard work done by the managers.

But at that time, I warned my colleagues, and I said, standing at this very seat: I regret to predict this, but I see nothing but danger signs with regard to worldwide energy consumption and the predicament facing the United States of America.

That was over 2½ years ago that I so stated my concerns and also indicated that I wanted to support the move toward offshore drilling. So I regret that prediction of some years ago is now coming true.

Later, in 2005, I came to the floor for a second time in an attempt to push forward legislation that would allow States to opt out of the Federal moratorium. This legislation, known as the Outer Continental Shelf Revenue Sharing Act of 2005, S. 1810, was introduced 6 weeks after the devastating effects of Hurricane Katrina.

I remind my colleagues that at the time, it was shockingly clear how vulnerable and how fragile our Nation's energy infrastructure, especially our oil and gas infrastructure, was to such a terrible disaster. Every American felt the effects of this terrible hurricane at the gas pump.

Again, however, no action was taken on my bill. But I did not give up. Less than 6 months later I came to the floor again, this time with my colleagues, Senators Allen, Talent, and Santorum, all three no longer Members of our Senate, and also Senator MARK PRYOR, who very much is a Member of our Senate today, to address this issue.

We introduced the Reliable and Affordable Natural Gas Energy Reform Act of 2006, S. 2290. The bill sought to amend the Outer Continental Shelf Lands Act to allow coastal States to share in qualified OCS revenues should they choose, as States, to allow the exploration for natural gas only.

S. 2290 would have allowed a State to lift the moratorium and share in OCS revenues should their Governor successfully petition to allow drilling for natural gas off their coasts.

Again, no action was taken on this bill.

Finally, I came to the Senate floor last June, a year ago this month, when gas prices were almost $1 lower than they are today, to offer, once again, an amendment on this subject. Specifically, my amendment would have allowed the Commonwealth of Virginia to explore for natural gas off its shores, a step already approved by the Governor of Virginia and our State legislature. If a natural gas reserve was found, the Governor, with the support of the State legislature, could have petitioned the Secretary of Interior to allow for the extraction of natural gas off the shores of Virginia. Furthermore, my amendment gave a voice in the process to the Secretary of Defense and to Virginia's neighboring States. I even set up a fund that would have provided money for environmental damage mitigation. Again, due to the opposition from some of my fellow Senators, my amendment was unsuccessful, failing 43–44, and today we continue to suffer from soaring energy prices. But I will never give up; never, never, never will I give up.

It is my firm belief that America must take a balanced approach toward its energy policy. That is why, for the Memorial Day recess, I joined the chairman of the Energy and Natural Resources Committee in submitting and adopting the sense-of-the-Senate resolution I just read.

And that is why today I send to the desk and file a bill in keeping with those who want to do offshore drilling. It is virtually identical to ones I have been submitting for nearly 3 years.

Mr. President, I am very privileged to be joined in this effort to have offshore drilling off the State of Virginia by my distinguished colleague, Senator WEBB, who wishes to be a cosponsor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I voted in favor of the senior Senator's amendment last year when he offered it. I would like to join him as a cosponsor today on the legislation he has just introduced which is a modification of the amendment that was introduced last year.

I know there are justifiable concerns about the issue of offshore drilling. I know the Chair has spoken eloquently about those concerns on many occasions. Also, I would like to say that the senior Senator from Virginia has been one of the great voices in favor of moving cautiously with respect to issues concerning our environment. He was one of the principal cosponsors on the climate change bill we just recently debated. He has proceeded carefully with respect to this legislation. There are appropriate safeguards in the legislation.

I express my strong concern that we as a body must proceed carefully forward over the next year or so to renew our efforts to address the issue of global warming and climate change on the one hand and a sensible policy that allows us to bring forward all of the aspects of energy production and technology that will allow us to take advantage of the assets our country has. A part of that would be a renewal in the proper form of nuclear power production, such as we have seen in countries such as France and Japan. Part of it would be a sensible policy with respect to coal production, the assets of which are so vast in this country. We can move forward in that area with the right sort of technology in place, but also in the areas the senior Senator is addressing in his legislation today. He is proposing to move forward carefully with respect to offshore drilling. There are safeguards with respect to State involvement that are a good counterbalance to concerns people would have. He has built in a reserve to mitigate potential environmental damages, if they were to occur. Most importantly, he is realistic at looking at where we have to move as a country. We need affirmative leadership. We can't simply step away and not address solutions with respect to different energy alternatives.

This legislation allows for revenue flow that we need to address other issues such as rebuilding our infrastructure. Part of this revenue flow would go to the Federal Government; part of it also would go to the State government.

As the Senator and I are so well aware, because of a lot of different issues, we are having difficulty in the State of Virginia addressing infrastructure issues, transportation issues, the types of things we must get on top of if we are going to remain the preeminent Nation in the world in terms of being able to compete in a global economy. This process, once approved—actually, a two-step procedure by State government—would allow for income flow through royalties into the State government so that we can address these issues, one of which is so glaring in Virginia right now: our inability to see transportation projects funded at a time when the population of Virginia has so dramatically increased. In my view, the senior Senator has put forward legislation that is responsible. He is a friend of the environment. He is careful in terms of the different aspects of government involvement. I am pleased to support it.

Mr. WARNER. I thank my colleague. We have, in a very short time together, although we have known each other many years, formed a strong working partnership, not only on behalf of Virginia but on behalf of this great Nation in many ways. I thank him for joining me today. I know he looks to the future. I also look to the future but only 6 more months or a little less in the Senate. I will pass the baton to him. But each day that passes, he grows in strength of voice and stature in the Senate. I wish him well.

Mr. WEBB. I thank the Senator.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 16, 2008.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Each day, as America contends with rising gasoline prices, we see and hear stories of how individual Americans are coping with this serious problem as they conduct their daily lives with their families and in their work environments.

They are finding ways to reduce their consumption of gasoline by driving less, altering daily routines, and even changing family vacation plans. These efforts bring hardships, but save dollars that are necessary to meet essential family needs. And while small in comparison to the overall problem of supply and demand of gasoline, these efforts do add up. I never dismiss the American "can do" spirit.

In one word, it is individual conservation. And in cases such as this, when individuals are leading the way, the government should join.

The purpose of this letter is to urge you to lead the vast federal government to likewise take initiatives to cut back—even in a small measure—its daily consumption of gasoline and other fuels.

I believe such a move would signal to Americans that their government is sharing the daily hardships occasioned by this turbulent, uncertain energy crisis.

Having worked in and with the Department of Defense for many decades, and recognizing that this government department is the largest user of petroleum products, I believe that the men and women of the armed services would pitch in to share the hardships on the home front and lead the effort. Their families are experiencing many of the same hardships as other families across America.

Recognizing that our nation must maintain its defense posture, especially in Iraq and Afghanistan, where our forces are courageously carrying out their missions, the department's initiative to further conserve on fuels must be done without any harmful diminution in readiness or training.

By cutting back the number of flying or steaming hours in our military ships and planes, by even a percentage point or two, the armed forces could point with pride to their efforts in our nation's conservation movement.

With kind regards, I am
Sincerely,
JOHN WARNER.

By Mr. WYDEN:

S. 3148. A bill to modify the boundary of the Oregon Caves National Monument. and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, there is a celebration today of the 40th anniversary of the Wild and Scenic Rivers Act. I want to acknowledge that important occasion by announcing two bills I am proposing today that will expand protection for some of Oregon's most special places and will lock in their preservation for generations to come.

The first bill is the Oregon Caves National Monument Boundary Adjustment Act, which will secure protection for a stunning piece of Oregon that includes natural treasures both above and below the ground at the Oregon Caves. The Oregon Caves has a unique geologic history and is particularly known as the longest marble cave open to the public west of the Continental Divide. With the bill I am introducing today, we will be creating the first subterranean wild and scenic river, a perennial stream at the monument known as the River Styx. This river is an underground portion of Cave Creek that flows through part of the cave and is one of the dynamic natural forces at work in the national monument.

The National Park Service has formally proposed a boundary modification for the Oregon Caves National Monument many times. They did it first in 1939. They did it again in 1949 and most recently in 2000. Today, I am happy to propose legislation to enact that boundary adjustment into law. I was born in 1949. It seems to me that after this effort has gone on literally for decades, it is time to secure this protection for generations to come. I want to make sure the new Wyden twins, William Peter and Ava Rose, are going to enjoy it with millions of Oregonians. That is why it is important that this action be taken and taken quickly.

Expanding this boundary will allow us to further protect the stunning majesty of both the underground and the above-ground treasures found at this national monument.

Established by a Presidential proclamation in 1909, the Oregon Caves National Monument is a 480-acre natural wonder located in the botanically-rich Siskiyou Mountains. It was originally set aside because of its unusual scientific interest and importance. Oregon Caves has a unique geologic history and is particularly known as the longest marble cave open to the public west of the Continental Divide.

A perennial stream, the "River Styx"—an underground portion of Cave Creek—flows through part of the cave and is one of the dynamic natural forces at work in the national monument. The cave ecosystem provides habitat for numerous plants and animals, including some state-sensitive species such as Townsend's big-eared bats and several cave-adapted species of arthropods, insects, spiders, etc., found only in the Oregon Caves and nowhere else. The caves possess a significant collection of Pleistocene-aged fossils, including jaguar and grizzly bear. Grizzly bones that were found in the cave in 1995 were estimated to be at least 50,000 years old, the oldest known from either North or South America.

Today, I am proposing legislation that will enhance the protection of the resources associated with Oregon Caves National Monument and increase public recreation opportunities by adding surrounding lands to the monument. My bill would expand the monument boundary by 4,084 acres to include the entire Cave Creek Watershed, management of which would be transferred from the United States Forest Service to the National Park Service. In addition, my legislation would designate at least 9.6 miles of rivers and tributaries as wild, scenic, or recreational, under the federal Wild and Scenic Rivers Act, including the first subterranean wild and scenic river, the River Styx. This bill would also provide authorization for retirement of existing grazing allotments.

When the Oregon Caves National Monument was established in 1909, the focus was on the unique subsurface resources, and the small rectangular boundary was thought to be adequate to protect the cave. Through the years, however, scientific research and technology have provided new information about the cave's ecology, and the impacts from the surface environment and the related hydrological processes. The current 480-acre boundary is insufficient to adequately protect this cave system. The National Park Service has formally proposed a boundary modification numerous times, first in 1939, again in 1949, and most recently in 2000. Today, I am happy to propose legislation to enact that boundary adjustment into law.

The Oregon Caves National Monument makes a unique contribution to Southern Oregon's economy and to the national heritage. The monument receives over 80,000 visitors annually, and is the second smallest unit of the National Park System. A larger monument boundary will help showcase more fully the recreational opportunities on the above-ground lands within the proposed monument boundary. In addition to the numerous subsurface resources, the monument's above-ground lands in the Siskiyou Mountains possess a beauty and diversity that is unique in America, and indeed the world. The extensive biological diversity stems from the unique geology of the region and the range of temperatures, fire regimes, and climates found in the area that create a region rich in endemic plants, fish-bearing streams, and the most varied conifer forest on the planet. The Oregon Caves National Monument's approximately 500 plants, 5,000 animals, 2,000 fungi, and over a million bacteria per acre that make the spot have one of the highest concentrations of biological diversity anywhere.

Expanding the monument's boundary will also preserve the caves' resources by protecting the water that enters the cave. Water quality has been a major concern and the activities on the adjacent lands can affect the water quality and the caves' precious resources. By granting the National Park Service the ability to safeguard these resources, and by providing for a voluntary donation of grazing permits, my legislation will be able to better protect these resources. The current grazing permitee, Phil Krouse's family, has had the Big Grayback Grazing Allotment, 19,703 acres, since 1937. Over the decades, the number of allowed livestock has diminished, but the livestock still has an impact on the drinking water supply and the water quality of this natural gem. Mr. Krouse has publicly stated that he would look favorably upon retirement with private compensation for his allotment, such as my legislation will allow to proceed.

I want to express my thanks to all the volunteers and supporters in the local business and conservation community in Southern Oregon, to Phil Krouse for his commitment to Oregon's natural resources, and to Craig Ackerman, the former Superintendent of the Oregon Caves National Monument. My colleagues in the House of Representatives, Representatives DEFAZIO, HOOLEY, BLUMENAUER and WU will be introducing companion legislation in the House today and I look forward to working with them to advance this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oregon Caves National Monument Boundary Adjustment Act of 2008".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Oregon Caves National Monument—

(A) is comprised of a rectangular area of approximately 480 acres located in the Siskiyou Mountains of southern Oregon; and

(B) was established by Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909, to protect the caves, which were determined to have unusual scientific interest and importance;

(2) on June 10, 1933, in accordance with Executive Order 6166 (5 U.S.C. 901 note), the administration of the Monument was transferred from the Secretary of Agriculture to the Secretary of the Interior; and

(3) the 1999 general management plan for the Monument contains a recommendation for adding surrounding land to the Monument—

(A) to provide better protection for—

(i) cave ecology;

(ii) surface and subsurface hydrology;

(iii) public water supplies; and

(iv) trails and views;

(B) to establish a logical topographical boundary; and

(C) to enhance public outdoor recreation opportunities.

(b) PURPOSE.—The purpose of this Act is to add surrounding land to the Monument—

(1) to enhance the protection of the resources associated with the Monument; and

(2) to increase public recreation opportunities.

SEC. 3. DEFINITIONS.

In this Act:

(1) GRAZING ALLOTMENT.—The term "grazing allotment" means—

(A) the Big Grayback Grazing Allotment located in the Rogue River-Siskiyou National Forest; and

(B) the Billy Mountain Grazing Allotment located in a parcel of land that is—

(i) managed by the Secretary (acting through the Director of the Bureau of Land Management); and

(ii) located in close proximity to the land described in subparagraph (A).

(2) GRAZING LEASE; GRAZING PERMIT.—The terms "grazing lease" and "grazing permit" mean any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(3) LESSEE; PERMITTEE.—The terms "lessee" and "permittee" mean a livestock operator that holds a valid existing grazing lease or permit for a grazing allotment.

(4) MAP.—The term "map" means the map entitled "Oregon Caves National Monument, Proposed Boundary" numbered 150/80,023, and dated June 2008.

(5) MONUMENT.—The term "Monument" means the Oregon Caves National Monument established by Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

SEC. 4. BOUNDARY ADJUSTMENT; LAND TRANSFER.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Monument is modified—

(1) to include approximately 4,070 acres of land identified on the map as the "Proposed Addition Lands"; and

(2) to exclude approximately 4 acres of land—

(A) located in the City of Cave Junction; and

(B) identified on the map as the "Cave Junction Unit".

(b) LAND TRANSFER.—The Secretary of Agriculture shall—

(1) transfer the land described in subsection (a)(1) to the Secretary; and

(2) adjust the boundary of the Rogue River-Siskiyou National Forest to exclude the land transferred under paragraph (1).

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. WILD AND SCENIC RIVER DESIGNATIONS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(171) OREGON CAVES NATIONAL MONUMENT, OREGON.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior:

"(A) CAVE CREEK.—The 2.6-mile segment of Cave Creek from the headwaters at the River Styx to the boundary of the Rogue River-Siskiyou National Forest as a recreational river.

"(B) LAKE CREEK.—The 3.6-mile segment of Lake Creek from the headwaters at Bigelow Lakes to the confluence with Cave Creek as a scenic river.

"(C) NO NAME CREEK.—The 0.6-mile segment of No Name Creek from the headwaters to the confluence with Cave Creek as a wild river.

"(D) PANTHER CREEK.—The 0.8-mile segment of Panther Creek from the headwaters to the confluence with Lake Creek as a scenic river.

"(E) RIVER STYX.—The segment of River Styx from the source to the confluence with Cave Creek as a recreational river.

"(F) UPPER CAVE CREEK.—The segment of Upper Cave Creek from the headwaters to the confluence with River Styx as a recreational river.".

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Monument in accordance with—

(1) this Act;

(2) Presidential Proclamation Number 876 (36 Stat. 2497), dated July 12, 1909; and

(3) any law (including regulations) generally applicable to units of the National Park System, including the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) ECOLOGICAL FOREST RESTORATION ACTIVITIES.—As soon as practicable after the date of enactment of this Act, the Secretary shall carry out forest restoration activities within the boundaries of the Monument—

(1) to reduce the risk of losing key ecosystem components;

(2) to restore the proper role of fire in the ecosystem; and

(3) to ensure that forest attributes (including species composition and structure) remain intact and functioning within a historical range.

SEC. 7. VOLUNTARY GRAZING LEASE OR PERMIT DONATION PROGRAM.

(a) DONATION OF LEASE OR PERMIT.—

(1) ACCEPTANCE BY SECRETARY CONCERNED.—The Secretary concerned shall accept any grazing lease or grazing permit that is donated by a lessee or permittee.

(2) TERMINATION.—The Secretary concerned shall terminate any grazing lease or grazing permit acquired under paragraph (1).

(3) NO NEW GRAZING LEASE OR PERMIT.—With respect to each grazing lease or grazing permit donated under paragraph (1), the Secretary concerned shall—

(A) not issue any new grazing lease or grazing permit within the grazing allotment covered by the grazing lease or grazing permit; and

(B) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease or grazing permit.

(b) EFFECT OF DONATION.—A lessee or permittee that donates a grazing lease or grazing permit (or a portion of a grazing lease or grazing permit) under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. WYDEN:

S. 3149. A bill to amend the Wild and Scenic Rivers Act to add certain segments to the Rogue River designation, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, the second piece of legislation I introduce today is the Lower Rogue Wild and Scenic Rivers Act. The Rogue River is a much beloved piece of Oregon's beautiful landscape. This bill will protect the waters that feed it.

Protecting the wild and scenic tributaries to the Rogue River is a critical step in protecting the backbone of one of Oregon's most important sport and commercial fisheries. In 2008, the American Rivers Organization named the Rogue and its tributaries as the second most endangered river in our country. I am hoping to change that today by introducing this legislation which would protect 143 miles of wild and scenic tributaries that feed the Rogue River with cold, clean water.

The Rogue River is one of our Nation's premier recreation destinations, famous for its free flowing waters which provide numerous rafting and fishing opportunities. The headwaters of this great river start in one of Oregon's other great gems—Crater Lake National Park—and ultimately empty into the Pacific Ocean near Gold Beach on the Southwest Oregon coast. Along that stretch, the Rogue River flows through one of the most spectacular canyons and diverse natural areas in the United States. The Rogue River is home to runs of coho, spring and fall chinook, winter and summer steelhead—and it has the special distinction of being one of only several rivers in the country with runs of green sturgeon.

The Rogue River received its first protections in the original Wild and Scenic Rivers Act, in 1968. A narrow stretch of land was protected along the river banks. Since that time, a great deal has been learned about the importance of protecting the tributaries that feed into the main stem of the Rogue. Protecting the wild and scenic tributaries to the Rogue River is a critical step in protecting the backbone of one of Oregon's most important sport and commercial fisheries.

In 2008, American Rivers named the Rogue and its tributaries as the second most endangered river in the U.S. I'm hoping to change that today by introducing legislation to protect this river and its tributaries. My proposal would protect 143 miles of wild and scenic tributaries that feed the Rogue River with cold clean water. The protected tributaries would include Galice Creek, Little Windy Creek, Jenny Creek, Long Gulch—and 36 other tributaries of the Rogue.

By protecting the tributaries that feed this mighty river, I will seek to protect the Rogue River for future generations so they can enjoy the Rogue River as we do today. My colleagues in the House of Representatives, Representatives DEFAZIO, HOOLEY, BLUMENAUER and WU will be introducing companion legislation in the House today. I want to express my thanks to the conservation and business communities of Southern Oregon, who have worked diligently to protect these waters and enable the outdoor recreationists to use and enjoy these rivers. I look forward to working with my House colleagues and the bill's other supporters to advance our legislation to the President's desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Rogue Wild and Scenic Rivers Act of 2008".

SEC. 2. ROGUE RIVER ADDITIONS.

(a) IN GENERAL.—Section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) is amended—

(1) by striking "The segment" and inserting the following:

"(A) IN GENERAL.—The segment"; and

(2) by adding at the end the following:

"(B) ADDITIONAL AREAS.—In addition to the segment described in subparagraph (A), the following segments of the Rogue River, Oregon, to be administered in the following classifications:

"(i) KELSEY CREEK.—

"(I) The 2.2-mile segment of Kelsey Creek from the headwaters of the Creek to the eastern section line of 32S 8W sec. 30 as a recreational river.

"(II) The 7.1-mile segment of Kelsey Creek from the eastern section line of 32S 8W sec. 30 to the confluence with the Rogue River as a wild river.

"(ii) EAST FORK KELSEY CREEK.—

"(I) The 0.1-mile segment of East Fork Kelsey Creek from the headwaters of the Creek to 0.1 miles downstream of road 32-7-19.3 as a scenic river.

"(II) The 4.7-mile segment of East Fork Kelsey Creek downstream from 0.1 miles downstream of road 32-7-19.3 to the confluence with Kelsey Creek as a wild river.

"(iii) WHISKY CREEK.—

"(I) The 0.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to 0.1 miles downstream from road 33-8-23 as a recreational river.

"(II) The 1.9-mile segment of Whisky Creek from 0.1 miles downstream from road 33-8-23 to the confluence with the Rogue River as a wild river.

"(iv) EAST FORK WHISKY CREEK.—

"(I) The 0.1-mile segment of East Fork Whisky Creek from the headwaters of the Creek to 0.1 miles downstream of road 34-8-1 as a scenic river.

"(II) The 3.7-mile segment of East Fork Whisky Creek from 0.1 miles downstream of road 34-8-1 to the confluence with Whisky Creek as a wild river.

"(v) WEST FORK WHISKY CREEK.—The 4.8-mile segment of West Fork Whisky Creek from the headwaters of the Creek to the confluence of the Rogue River as a wild river.

"(vi) BIG WINDY CREEK.—

"(I) The 1.5-mile segment of Big Windy Creek from the headwaters of the Creek to 0.1 miles downstream from road 34-9-17.1 as a scenic river.

"(II) The 5.8-mile segment of Big Windy Creek from 0.1 miles downstream from road 34-9-17.1 to the confluence with the Rogue River as a wild river.

"(vii) EAST FORK BIG WINDY CREEK.—

"(I) The 0.2-mile segment of East Fork Big Windy Creek from the headwaters of the Creek to 0.1 miles downstream from road 34-8-36 as a scenic river.

"(II) The 3.7-mile segment of East Fork Big Windy Creek from 0.1 miles downstream from road 34-8-36 to the confluence with Big Windy Creek as a wild river.

"(viii) LITTLE WINDY CREEK.—

"(I) The 1.1-mile segment of Little Windy Creek from the headwaters of the Creek to

0.1 miles downstream of road 34–8–36 as a scenic river.

"(II) The 1.9-mile segment of Little Windy Creek from 0.1 miles downstream of road 34–8–36 to the confluence with the Rogue River as a wild river.

"(ix) HOWARD CREEK.—

"(I) The 0.3-mile segment of Howard Creek from the headwaters of the Creek to 0.1 miles downstream of road 34–9–34 as a scenic river.

"(II) The 6.9-mile segment of Howard Creek from 0.1 miles downstream of road 34–9–34 to the confluence with the Rogue River as a wild river.

"(x) MULE CREEK.—

"(I) The 0.2-mile segment of Mule Creek from the headwaters of the Creek to 0.1 miles downstream from road 32–9–15.1 as a scenic river.

"(II) The 11.2-mile segment of Mule Creek from 0.1 miles downstream from road 32–9–15.1 to the confluence with the Rogue River as a wild river.

"(xi) GRAVE CREEK.—

"(I) The 1.6-mile segment of Grave Creek from the confluence of Wolf Creek downstream as a scenic river.

"(II) The 8.2-mile segment of Grave Creek from 1.6 miles downstream of the confluence of Wolf Creek to the confluence with the Rogue River as a recreational river.

"(xii) ANNA CREEK.—The 3.5-mile segment of Anna Creek from the headwaters of Anna Creek to the confluence with Howard Creek as a wild river.

"(xiii) MISSOURI CREEK.—

"(I) The 2.6-mile segment of Missouri Creek from the headwaters of the Creek to the north section line of 33S 10W sec. 25 as a scenic river.

"(II) The 2.2-mile segment of Missouri Creek from the north section line of 33S 10W sec. 25 to the confluence with the Rogue River as a wild river.

"(xiv) JENNY CREEK.—

"(I) The 0.3-mile segment of Jenny Creek from the headwaters of the Creek to 0.1 miles downstream from road 34–9–7 as a scenic river.

"(II) The 4.6-mile segment of Jenny Creek from 0.1 miles downstream from road 34–9–7 to the confluence with the Rogue River as a wild river.

"(xv) RUM CREEK.—

"(I) The 2-mile segment of Rum Creek from the headwaters of the Creek to 0.1 miles downstream from road 34–8–34 as a scenic river.

"(II) The 2.4-mile segment of Rum Creek from 0.1 miles downstream from road 34–8–34 to the confluence with the Rogue River as a wild river.

"(xvi) EAST FORK RUM CREEK.—

"(I) The 0.5-mile segment of East Rum Creek from the headwaters to 0.1 miles downstream of road 34–8–10.1 as a scenic river.

"(II) The 1.5-mile segment of East Rum Creek from 0.1 miles downstream of road 34–8–10.1 to the confluence with Rum Creek as a wild river.

"(xvii) WILDCAT CREEK.—The 1.7-mile segment of Wildcat Creek from the headwaters of the Creek downstream to the confluence with the Rogue River as a wild river.

"(xviii) MONTGOMERY CREEK.—The 1.8-mile segment of Montgomery Creek from the headwaters of the Creek downstream to the confluence with the Rogue River as a wild river.

"(xix) QUARTZ CREEK.—

"(I) The 0.5-mile segment of Quartz Creek from its headwaters to 0.1 miles downstream from road 35–9–1.2 as a recreational river.

"(II) The 2.8-mile segment from 0.1 miles downstream from road 35–9–1.2 to the confluence of the North Fork Galice Creek as a scenic river.

"(xx) HEWITT CREEK.—

"(I) The 1.3-mile segment of Hewitt Creek from the headwaters of the Creek to 0.1 miles downstream of road 33–9–21 as a scenic river.

"(II) The 1.3-mile segment of Hewitt Creek from 0.1 miles downstream of road 33–9–21 to the confluence with the Rogue River as a wild river.

"(xxi) BUNKER CREEK.—The 6.6-mile segment of Bunker Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

"(xxii) DULOG CREEK.—

"(I) The 0.8-mile segment of Dulog Creek from the headwaters of the Creek to 0.1 miles downstream of road 34–8–36 as a scenic river.

"(II) The 1.0-mile segment of Dulog Creek from 0.1 miles downstream of road 34–8–36 to the confluence with the Rogue River as a wild river.

"(xxiii) GALICE CREEK.—The 2.2-mile segment of Galice Creek from the confluence with the North and South Forks of Galice Creek to the confluence with the Rogue River as a recreational river.

"(xxiv) NORTH FORK GALICE CREEK.—

"(I) The 1.2-mile segment of North Fork Galice Creek from the headwaters of the Creek to 0.1 miles upstream of road 34–8–36 as a scenic river.

"(II) The 4.5-mile segment of North Fork Galice Creek from 0.1 miles upstream of road 34–8–36 to the confluence with Galice Creek as a recreational river.

"(xxv) QUAIL CREEK.—

"(I) The 0.7-mile segment of Quail Creek from the headwaters of the Creek to 0.1 miles downstream from road 32–9–14.2 as a scenic river.

"(II) The 1.8-mile segment of Quail Creek from to 0.1 miles downstream from road 32–9–14.2 to the confluence with the Rogue River as a wild river.

"(xxvi) MEADOW CREEK.—The 4.1-mile segment of Meadow Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

"(xxvii) RUSSIAN CREEK.—

"(I) The 0.4-mile segment of Russian Creek from the headwaters of the Creek to 0.1 miles downstream from road 33–8–21 as a scenic river.

"(II) The 2.2-mile segment of Russian Creek 0.1 miles downstream from road 33–8–21 to the confluence with the Rogue River as a wild river.

"(xxviii) ALDER CREEK.—The 1.2-mile segment of Alder Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

"(xxix) BOOZE CREEK.—The 1.5-mile segment of Booze Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

"(xxx) BRONCO CREEK.—The 1.8-mile segment of Bronco Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

"(xxxi) CENTENNIAL GULCH CREEK.—The 1.9-mile segment of Centennial Gulch Creek from the headwaters of the Creek to the confluence with the Rogue River as a recreational river.

"(xxxii) COPSEY CREEK.—The 1.5-mile segment of Copsey Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

"(xxxiii) CORRAL CREEK.—The 0.5-mile segment of Corral Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

"(xxxiv) COWLEY CREEK.—The 0.9-mile segment of Cowley Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

"(xxxv) DITCH CREEK.—

"(I) The 0.5-mile segment of Ditch Creek from the headwaters of the Creek 0.1 miles downstream from road 33–5–9.2 as a scenic river.

"(II) The 1.9-mile segment of Ditch Creek from 0.1 miles downstream from road 33–5–9.2 to the confluence with the Rogue River as a wild river.

"(xxxvi) FRANCIS CREEK.—The 0.9-mile segment of Francis Creek from the headwaters of the Creek to the confluence with the Rogue River as a wild river.

"(xxxvii) LONG GULCH.—

"(I) The 1.4-mile segment of Long Gulch from the headwaters to 0.1 miles downstream from road 34–9–21 as a scenic river.

"(II) The 1.1-mile segment of Long Gulch from 0.1 miles downstream of road 34–9–21 to the confluence with the Rogue River as a wild river.

"(xxxviii) BAILEY CREEK.—

"(I) The 1.0-mile segment of Bailey Creek from the headwaters of the Creek to 0.1 miles downstream from road 34–8–22.2 as a scenic river.

"(II) The 2.1-mile segment of Bailey Creek from 0.1 miles downstream from road 34–8–22.2 to the confluence of the Rogue River as a wild river.

"(xxxix) SHADY CREEK.—The 0.7-mile segment of Shady Creek from the headwaters of the Creek to the confluence with the Rogue River, as a wild river.

"(xl) SLIDE CREEK.—

"(I) The 0.5-mile segment of Slide Creek from the headwaters of the Creek to 0.1 miles downstream from road 33–9–6 as a scenic river.

"(II) The 0.7-mile segment of Slide Creek from 0.1 miles downstream of road 33–9–6 to the confluence with the Rogue River as a wild river.".

(b) ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—Any segment of the Rogue River designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)(2)) shall—

(A) include an average of 640 acres per mile measured from the ordinary high water mark on both sides of the River; and

(B) be managed as part of the Rogue Wild and Scenic River designated by subparagraph (A) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)(1)).

(2) WITHDRAWAL.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)(2)) is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(3) WINDPOWER FACILITIES PROHIBITED.—The siting of windpower facilities within the lateral boundaries of a segment of the Rogue Wild and Scenic River designated by subparagraph (B) of section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (as added by subsection (a)(2)) is prohibited.

By Mr. BROWN (for himself and Mr. BROWNBACK):

S. 3151. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to priority review vouchers; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to engage my distinguished colleague from Ohio in a colloquy.

Mr. BROWN. I yield to the Senator.

Mr. BROWNBACK: I want to express my support for our provision included in the Food and Drug Administration Amendments Act of 2007, FDAAA, signed into law this Congress, to award an FDA priority review voucher to encourage the development of treatments for tropical diseases. According to the World Health Organization, roughly one billion people, or nearly one of every six people worldwide, are affected by at least one tropical disease. However, less than 1% of the roughly 1,400 drugs registered between 1975 and 1999 treated such diseases. These diseases are often referred to as the "neglected diseases" because of the lack of modern treatments available to address them and their disproportionate impact on very low income populations.

Since the purpose of the priority review voucher is to encourage research and development for diseases for which there is currently little or no market, our intent is that the priority review voucher creates a strong incentive for investment in the often financially risky business of drug and biologic procurement for neglected diseases. Basic economics dictate that the voucher will create the strongest incentive by being freely transferable among private businesses, with each voucher having the capacity for transfer multiple times, without restriction. This interpretation is the intent of Congress. Any imposition of restriction by the Food and Drug Administration on the number of times and manner of transfer of the voucher will have the effect of negating its value, which is contrary to Congressional intent. I yield to my distinguished colleague to elaborate on this point.

Mr. BROWN. I concur with my colleague on the importance of creating a strong incentive for development of treatments for neglected, tropical diseases through a freely transferable priority review voucher. Accordingly, I rise today to introduce, along with my colleague from the State of Kansas, a bill that would codify the authors' intent of two parts of the priority review voucher law. First, any priority review voucher awarded under the provision is freely transferable without restriction on the number of times it can be transferred. Second, the priority review voucher can be redeemed only for a human drug application that is not already pending with the Food and Drug Administration. I encourage my colleagues in Congress to join us in ensuring that this legislation moves quickly through the legislative process.

Mr. BROWNBACK. I thank my friend, the Senator from Ohio, for introducing this important measure and for his remarks.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 3152. A bill to provide for a comprehensive study by the National Research Council of the National Academies to assess the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation to help preserve a vital ecosystem and protect a way of life for many citizens in my home State of Florida.

I am introducing a bill that would require the U.S. Army Corps of the Engineers to commission the National Research Council of the National Academies to conduct a comprehensive study of water management and conservation of the Apalachicola-Chattahoochee-Flint, ACF, River System. My colleague in the Florida Congressional Delegation, Congressman ALLEN BOYD, is offering similar legislation today in the U.S. House of Representatives.

At the confluence of the Flint and Chattahoochee Rivers, the Apalachicola River begins its winding journey to the Gulf of Mexico. Nearly 112 miles later, the river flows into Apalachicola Bay, bringing fresh water and vital nutrients to the famed oyster beds and fisheries of the bay.

I visited the Apalachicola last month, rode down the river, and met with many who are concerned about its fate. When people think of Florida, they may envision palm trees or white sand. That is not what the Apalachicola has to offer, but it is unique and spectacular in its own right. The water is dark from tannic acid leached from trees in the river's swamps. At nearly 140 feet tall, majestic bluffs line the banks of the northern section of the river and form the largest exposed geological outcropping in Florida. In this reach of the river, the Alum Bluff is a significant historic site. Andrew Jackson paused here in 1818, and Confederate troops fortified the area with earthworks and cannon during the Civil War.

As you traverse into the southern reaches of the Apalachicola and get closer to the bay, the vegetation changes and the land is flat. The brackish area of the Apalachicola, where the river's freshwater mixes with saltwater from the Gulf of Mexico, is home to one of the Nation's most productive oyster-harvesting areas.

I work a great deal on another ecosystem that is much more familiar in Florida and across the Nation, the Everglades. I can tell you that comparing an impaired ecosystem like the River of Grass to the Apalachicola demonstrates a powerful lesson: we must manage our natural resources wisely, or face serious consequences.

Chronic drought conditions in the southeastern U.S. have led to dramatic decreases in the quantity of water entering the ACF River System. Both these natural fluctuations in water supply and human-related uses have led to unprecedented reductions in freshwater inflow entering Apalachicola Bay. The water and nutrients delivered to the bay are critical to the health and productivity of the estuary and adjacent coastal waters of the Gulf. This area supports significant recreational and commercial fisheries, including 90 percent of Florida's oyster fishery, as well as shrimp, grouper, and other high-value species.

We cannot sit back and watch as the Apalachicola River and Bay decline as a result of this historically low freshwater inflow. Under the current way of doing business, the ecosystems of the river and bay are suffering, as are the citizens who rely upon them for their livelihood. We need a solution that takes into account the environmental sensitivities and real water needs of all citizens in Florida, Alabama, and Georgia who live and work within the ACF River System. This study is a first step toward reaching that goal.

As an independent and trusted source of scientific analysis and advice, the National Research Council is uniquely qualified to undertake such a comprehensive study. In the legislation, I ask that the NRC examine a number of critical issues. These include examining the state of the science on the Apalachicola River and Bay, including the impact of reduced freshwater flow on the area's ecology, and assessing water availability, supply options, demand-management alternatives, and socioeconomic factors that influence uses in the ACF River System. There is also a tremendous need for the NRC to provide all concerned with water management in the ACF River System with recommendations on how to determine water limits that adequately recognize and balance the needs of all users.

We have responsibility to be good stewards of our environment. This responsibility requires us to ensure that our management decisions are based on the best, peer- reviewed science that is available. The NRC study commissioned in the legislation that I am offering today would go a long way in helping us to fulfill that responsibility.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY ON THE APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER SYSTEM.

(a) NATIONAL RESEARCH COUNCIL STUDY.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Army shall enter into an agreement with the National Research Council of the National Academies under which the Council shall conduct a comprehensive study of the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System (in this Act referred to as the "ACF River System").

(b) MATTERS TO BE ADDRESSED.—The study under subsection (a) shall include the following:

(1) A summary of the existing body of scientific knowledge on—

(A) the ecology, hydrology, geomorphology, and biogeochemistry of the Apalachicola River and the greater ACF River System;

(B) the ecosystem services provided by the Apalachicola River;

(C) the impact of variation in freshwater flow on the ecology of the river and downstream coastal ecosystems, including the Apalachicola Bay ecosystem; and

(D) how to restore the natural hydraulic function of the ACF River System, including restoration of floodplains and wetlands.

(2) An assessment of models that serve as the basis for the master manuals of the ACF River System.

(3) An assessment of water availability, supply options, demand-management alternatives, and socioeconomic factors that influence uses in the ACF River System, including water quality, navigation, hydropower, recreation, in-stream ecology, and flood control.

(4) An assessment of policies, regulations, and other factors that affect Federal water project operations.

(5) Recommendations for an approach to determine water limits that recognize the needs of all water users along the ACF River System, including adequate in-stream flow requirements.

(6) Recommendations for any additional measures to address the long-term watershed management needs of the ACF River System as the National Research Council considers appropriate.

(c) REPORT.—Not later than 2 years after entering into an agreement under subsection (a), the National Research Council shall submit to the Secretary of the Army and Congress a report containing the findings of the study under subsection (a) and such other recommendations as the Council considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this Act, there is authorized to be appropriated $1,200,000.

By Mr. LEAHY (for himself, Mr. SPECTER and Mr. KOHL):

S. 3155. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to join Senator SPECTER and Senator KOHL in introducing important legislation designed to protect our communities and particularly our most precious asset, our children, not only by keeping them safe and out of trouble, but also by helping to ensure they have the opportunity to become productive adult members of society. Senator SPECTER and Senator KOHL have been leaders in this area of the law for decades, and I am honored to work with them once again on such an important initiative. I thank Senator KOHL for sharing with me the responsibilities of chairing the Committee's hearing on this bill in December, and for working so hard to draft this legislation.

The Juvenile Justice and Delinquency Prevention Act, JJDPA, sets out Federal policy and standards for the administration of juvenile justice in the states. It authorizes key Federal resources for states to improve their juvenile justice systems and for communities to develop programs to prevent young people from getting into trouble. With the reauthorization of this important legislation, we recommit to these important goals but also push the law forward in key ways to better serve our communities and our children.

The basic goals of the Juvenile Justice and Delinquency Prevention Act remain the same: keeping our communities safe by reducing juvenile crime, promoting programs and policies that keep children out of the criminal justice system, and encouraging states to implement policies designed to steer those children who do enter the juvenile justice system back onto a track to become contributing members of society.

The reauthorization of the JJDPA that we introduce today augments these goals in several ways. First, this bill encourages states to move away from keeping young people in adult jails. The Center for Disease Control and Prevention concluded late last year that children who are held in adult prisons commit more crimes, and more serious crimes, when they are released, than children with similar histories who are kept in juvenile facilities. After years of pressure to try more and more young people as adults and to send them to adult prisons, it is time to seriously consider the strong evidence that this policy is not working.

We must do this with ample consideration for the fiscal constraints on states, particularly in these lean budget times, and with ample deference to the traditional role of states in setting their own criminal justice policy. We have done so here. But we also must work to ensure that unless strong and considered reasons dictate otherwise, the presumption must be that children will be kept with other children, particularly before they have been convicted of any wrongdoing.

As a former prosecutor, I know well the importance of holding criminals accountable for their crimes with strong sentences. But when we are talking about children, we must also think about how best to help them become responsible, contributing members of society as adults. That keeps us all safer.

I am disturbed that children from minority communities continue to be overrepresented in the juvenile justice system. This bill encourages states to take new steps to identify the reasons for this serious and continuing problem and to work together with the Federal government and with local communities to find ways to start solving it.

I am also concerned that too many runaway and homeless young people are locked up for so-called status offenses, like truancy, without having committed any crime. In a Judiciary Committee hearing earlier this year on the reauthorization of the Runaway and Homeless Youth Act, I was amazed by the plight of this vulnerable population, even in the wealthiest country in the world, and inspired by their ability to rise above that adversity. The Runaway and Homeless Youth Act seeks to provide necessary services to vulnerable young people.

Complementing that effort, this reauthorization of the JJDPA takes strong and significant steps to move states away from detaining children from at-risk populations for status offenses. This bill requires rigorous new procedures before a state can detain a status offender, and strictly limits the time they may be detained. This provision was drafted with the limited resources of states in mind, deference to judicial discretion, and the need to keep children safe when no other appropriate placement is available, but it aims to move states decisively in the direction of ending the practice of detaining status offenders, as some states already have.

As I have worked with experts on this legislation, it has become abundantly clear that mental health and drug treatment are fundamental to making real progress toward keeping juvenile offenders from recidivism. Mental disorders are two to three times more common among children in the juvenile justice system than in the general population, and fully eighty percent of young people in the juvenile justice system have been found by some studies to have a connection to substance abuse. Often these young people face coexisting mental health and drug problems. This bill takes new and important steps to prioritize and fund mental health and drug treatment.

The bill tackles several other key facets of juvenile justice reform. It emphasizes effective training of personnel who work with young people in the juvenile justice system, both to encourage the use of approaches that have been proven effective and to eliminate cruel and unnecessary treatment of juveniles. It also creates incentives for the use of programs that research and testing have shown to work best.

Finally, the bill refocuses attention on prevention programs intended to keep children from ever entering the criminal justice system. I was struck when Chief Richard Miranda of Tucson, Arizona, said at our December hearing on this bill that we cannot arrest our way out of the problem. I heard the same sentiment from Chief Anthony Bossi and others at the Judiciary Committee's field hearing on young people and violent crime in Rutland, Vermont, earlier this year. When seasoned police officers from Rutland, Vermont, to Tucson, Arizona, tell me that prevention programs are pivotal, I pay attention.

Just as this administration and recent Republican Congresses have gutted programs that support state and local law enforcement, so they have consistently cut and narrowed effective prevention programs, creating a dangerous vacuum. We need to reverse this trend and help our communities implement programs proven to help kids turn their lives around.

I have long supported a strong Federal commitment to preventing youth violence, and I have worked hard on past reauthorizations of this legislation, as have Senators SPECTER and KOHL and others on the Judiciary Committee. We have learned the importance of balancing strong law enforcement with effective prevention programs. This reauthorization pushes forward new ways to help children move out of the criminal justice system, return to school, and become responsible, hard-working members of our communities.

I thank the many prominent Vermont representatives of law enforcement, the juvenile justice system, and prevention-oriented non-profits who have spoken to me in support of reauthorizing this important Act and who have helped inform my understanding of these issues. They include Ken Schatz of the Burlington City Attorney's Office, Vermont Juvenile Justice Specialist Theresa Lay-Sleeper, and Chief Steve McQueen of the Winooski Police Department. I know that many of my colleagues on the Committee have heard from passionate leaders on this issue in their own states.

These are difficult issues. We all care deeply about the well-being of our children and our communities, but we will not always agree completely on the best way to address the problems that keep too many of our young people ensnared in the justice system. After months of research and discussions, Senator KOHL, Senator SPECTER, and I believe we have found a way forward toward creating a system that will work more effectively to protect our young people. I hope all Senators will support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 3155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 201. Concentration of Federal efforts.
Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 203. Annual report.
Sec. 204. Allocation of funds.
Sec. 205. State plans.
Sec. 206. Authority to make grants.
Sec. 207. Research and evaluation; statistical analyses; information dissemination.
Sec. 208. Training and technical assistance.
Sec. 209. Incentive grants for State and local programs.
Sec. 210. Authorization of appropriations.
Sec. 211. Administrative authority.
Sec. 212. Technical and conforming amendments.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Definitions.
Sec. 302. Grants for delinquency prevention programs.
Sec. 303. Authorization of appropriations.
Sec. 304. Technical and conforming amendment.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"SEC. 101. FINDINGS.

"Congress finds the following:

"(1) A growing body of adolescent development research supports the use of developmentally appropriate services and sanctions for youth in the juvenile justice system and those at risk for delinquent behavior to help prevent youth crime and to successfully intervene with youth who have already entered the system.

"(2) Research has shown that targeted investments to redirect offending juveniles onto a different path are cost effective and can help reduce juvenile recidivism and adult crime.

"(3) Minorities are disproportionately represented in the juvenile justice system.

"(4) Between 1990 and 2004, the number of youth in adult jails increased by 208 percent.

"(5) Every day in the United States, an average of 7,500 youth are incarcerated in adult jails.

"(6) Youth who have been previously tried as adults are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile justice system.

"(7) Research has shown that every dollar spent on evidence based programs can yield up to $13 in cost savings.

"(8) Each child prevented from engaging in repeat criminal offenses can save the community $1,700,000 to $3,400,000.

"(9) Youth are 19 times more likely to commit suicide in jail than youth in the general population and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.

"(10) Seventy percent of youth in detention are held for nonviolent charges, and more than ⅔ are charged with property offenses, public order offenses, technical probation violations, or status offenses, such as truancy, running away, or breaking curfew.

"(11) The prevalence of mental disorders among youth in juvenile justice systems is 2 to 3 times higher than among youth in the general population.

"(12) Eighty percent of juveniles in juvenile justice systems have a nexus to substance abuse.

"(13) The proportion of girls entering the justice system has increased steadily over the past several decades, rising from 20 percent in 1980 to 29 percent in 2003.".

SEC. 102. PURPOSES.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) to support a continuum of programs (including delinquency prevention, intervention, mental health and substance abuse treatment, and aftercare) to address the needs of at-risk youth and youth who come into contact with the justice system.".

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by amending paragraph (18) to read as follows:

"(18) the term 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);";

(2) in paragraph (22), by striking "or confine adults" and all that follows and inserting "or confine adult inmates;";

(3) by amending paragraph (26) to read as follows:

"(26) the term 'adult inmate'—

"(A) means an individual who—

"(i) has reached the age of full criminal responsibility under applicable State law; and

"(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense; and

"(B) does not include an individual who—

"(i) at the time of the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

"(ii) was committed to the care and custody of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;";

(4) in paragraph (28), by striking "and" at the end;

(5) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

"(30) the term 'core requirements' means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a);

"(31) the term 'chemical agent' means a spray used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

"(32) the term 'isolation'—

"(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

"(B) does not include confinement in the room or cell in which the youth usually sleeps, protective confinement (for injured youths or youths whose safety is threatened), separation based on an approved treatment program, routine confinement at the time of the youth's admission, confinement that is requested by the youth, or the separation of the youth from a group in a nonlocked setting for the purpose of calming;

"(33) the term 'restraint' has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);

"(34) the term 'evidence based' means a program or practice that is demonstrated to be effective and that—

"(A) is based on a clearly articulated and empirically supported theory;

"(B) has measurable outcomes, including a detailed description of what outcomes were produced in a particular population; and

"(C) has been scientifically tested, optimally through randomized, controlled studies;

"(35) the term 'promising' means a program or practice that is demonstrated to be effective based on positive outcomes from 1 or more objective evaluations, or based on practice knowledge, as documented in writing to the Administrator; and

"(36) the term 'dangerous practice' means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program.".

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.

Section 204(a)(2)(B)(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(a)(2)(B)(i)) is amended by striking "240 days after the date of enactment of this paragraph" and inserting "July 2, 2009".

SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "the Administrator of the Substance Abuse and Mental Health Services Administration, the Secretary of Defense, the Secretary of Agriculture," after "the Secretary of Health and Human Services,"; and

(ii) by striking "Commissioner of Immigration and Naturalization" and inserting "Assistant Secretary for Immigration and Customs Enforcement"; and

(B) in paragraph (2)(A), by inserting "(including at least 1 representative from the mental health fields)" after "field of juvenile justice"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "paragraphs (12)(A), (13), and (14) of section 223(a) of this title" and inserting "the core requirements"; and

(B) in paragraph (2)(B)—

(i) by striking "180 days after the date of the enactment of this paragraph" and inserting "May 3, 2009"; and

(ii) by striking "Committee on Education and the Workforce" and inserting "Committee on Education and Labor".

SEC. 203. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in the matter preceding paragraph (1), by striking "a fiscal year" and inserting "each fiscal year";

(2) in paragraph (1)—

(A) in subparagraph (B), by inserting ", ethnicity," after "race";

(B) in subparagraph (E), by striking "and" at the end;

(C) in subparagraph (F)—

(i) by inserting "and other" before "disabilities,"; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;

"(H) the number of juveniles released from custody and the type of living arrangement to which each such juvenile was released; and

"(I) the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention"; and

(3) by adding at the end the following:

"(5) A description of the criteria used to determine what programs qualify as evidence based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria.

"(6) A description of funding provided to Indian tribes under this Act, including direct Federal grants and funding provided to Indian tribes through a State or unit of local government.".

SEC. 204. ALLOCATION OF FUNDS.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)(1), by striking "age eighteen." and inserting "18 years of age, based on the most recent census data to monitor any significant changes in the relative population of people under 18 years of age occurring in the States.";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

"(c)(1) If any amount allocated under subsection (a) is withheld from a State due to noncompliance with the core requirements, the funds shall be reallocated for an improvement grant designed to assist the State in achieving compliance with the core requirements.

"(2) The Administrator shall condition a grant described in paragraph (1) on—

"(A) the State, with the approval of the Administrator, developing specific action steps designed to restore compliance with the core requirements; and

"(B) submitting to the Administrator semiannually a report on progress toward implementing the specific action steps developed under subparagraph (A).

"(3) The Administrator shall provide appropriate and effective technical assistance directly or through an agreement with a contractor to assist a State receiving a grant described in paragraph (1) in achieving compliance with the core requirements.";

(4) in subsection (d), as so redesignated, by striking "efficient administration, including monitoring, evaluation, and one full-time staff position" and inserting "effective and efficient administration, including the designation of at least 1 person to coordinate efforts to achieve and sustain compliance with the core requirements"; and

(5) in subsection (e), as so redesignated, by striking "5 per centum" and inserting "not more than 5 percent".

SEC. 205. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "Not later than 30 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on a publicly available website." after "compliance with State plan requirements.";

(B) in paragraph (3)—

(i) in subparagraph (A)(ii)—

(I) in subclause (II), by striking "counsel for children and youth" and inserting "publicly supported court-appointed legal counsel for children and youth charged in delinquency matters";

(II) in subclause (III), by striking "mental health, education, special education" and inserting "children's mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities";

(III) in subclause (V), by striking "delinquents or potential delinquents" and inserting "delinquent youth or youth at risk of delinquency, including volunteers who work with youth of color";

(IV) in subclause (VII), by striking "and" at the end;

(V) by redesignating subclause (VIII) as subclause (XI);

(VI) by inserting after subclause (VII) the following:

"(VIII) the executive director or the designee of the executive director of a public or nonprofit entity that is located in the State and receiving a grant under part A of title III;

"(IX) persons with expertise and competence in preventing and addressing mental health or substance abuse problems in juvenile delinquents and those at-risk of delinquency;

"(X) representatives of victim or witness advocacy groups; and"; and

(VII) in subclause (XI), as so redesignated, by striking "disabilities" and inserting "and other disabilities, truancy reduction or school failure";

(ii) in subparagraph (D)(ii), by striking "requirements of paragraphs (11), (12), and (13)" and inserting "core requirements"; and

(iii) in subparagraph (E)(i), by adding "and" at the end;

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking "section 222(d)" and inserting "section 222(e)"; and

(ii) in subparagraph (C), by striking "Indian tribes" and all that follows through "applicable to the detention and confinement of juveniles" and inserting "Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles";

(D) in paragraph (7)(B)—

(i) by striking clause (i) and inserting the following:

"(i) a plan for ensuring that the chief executive officer of the State, State legislature, and all appropriate public agencies in the State with responsibility for provision of services to children, youth and families are informed of the requirements of the State plan and compliance with the core requirements;";

(ii) in clause (iii), by striking "and" at the end; and

(iii) by striking clause (iv) and inserting the following:

"(iv) a plan to provide alternatives to detention, including diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

"(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

"(vi) a plan to engage family members in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement; and

"(vii) a plan to use community-based services to address the needs of at-risk youth or youth who have come into contact with the juvenile justice system;";

(E) in paragraph (8), by striking "existing" and inserting "evidence based and promising";

(F) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by striking "section 222(d)" and inserting "section 222(e)";

(ii) in subparagraph (A)(i), by inserting "status offenders and other" before "youth who need";

(iii) in subparagraph (B)(i)—

(I) by striking "parents and other family members" and inserting "status offenders, other youth, and the parents and other family members of such offenders and youth"; and

(II) by striking "be retained" and inserting "remain";

(iv) by redesignating subparagraphs (G) through (S) as subparagraphs (J) through (V), respectively;

(v) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(vi) by inserting after subparagraph (D) the following:

"(E) providing training and technical assistance to, and consultation with, juvenile justice and child welfare agencies of States and units of local government to develop coordinated plans for early intervention and treatment of youth who have a history of abuse and juveniles who have prior involvement with the juvenile justice system;";

(vii) in subparagraph (G), as so redesignated, by striking "expanding" and inserting "programs to expand";

(viii) by inserting after subparagraph (G), as so redesignated, the following:

"(H) programs to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency;

"(I) expanding access to publicly supported, court-appointed legal counsel and enhancing capacity for the competent representation of every child;";

(ix) in subparagraph (O), as so redesignated—

(I) in clause (i), by striking "restraints" and inserting "alternatives"; and

(II) in clause (ii), by striking "by the provision"; and

(x) in subparagraph (V), as so redesignated, by striking the period at the end and inserting a semicolon;

(G) in paragraph (11)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by adding "and" at the end; and

(iii) by adding at the end the following:

"(C) encourage the use of community-based alternatives to secure detention, including programs of public and nonprofit entities receiving a grant under part A of title III;";

(H) by striking paragraph (22);

(I) by redesignating paragraphs (23) through (28) as paragraphs (24) through (29), respectively;

(J) by redesignating paragraphs (14) through (21) as paragraphs (16) through (23), respectively;

(K) by inserting after paragraph (13) the following:

"(14) require that—

"(A) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

"(i) shall not have contact with adult inmates; and

"(ii) may not be held in any jail or lockup for adults;

"(B) in determining under subparagraph (A) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have contact with adult inmates, a court shall consider—

"(i) the age of the juvenile;

"(ii) the physical and mental maturity of the juvenile;

"(iii) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

"(iv) the nature and circumstances of the alleged offense;

"(v) the juvenile's history of prior delinquent acts;

"(vi) the relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile and to protect the public;

"(vii) whether placement in a juvenile facility will better serve the long-term interests of the juvenile and be more likely to prevent recidivism;

"(viii) the availability of programs designed to treat the juvenile's behavioral problems; and

"(ix) any other relevant factor; and

"(C) if a court determines under subparagraph (A) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have contact with adult inmates—

"(i) the court shall hold a hearing not less than frequently than once every 30 days to review whether it is still in the interest of justice to permit the juvenile to be so held or have such contact; and

"(ii) the juvenile shall not be held in any jail or lockup for adults, or permitted to have contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;

"(15) implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

"(A) establishing coordinating bodies, composed of juvenile justice stakeholders at the State, local, or tribal levels, to oversee and monitor efforts by States, units of local government, and Indian tribes to reduce racial and ethnic disparities;

"(B) identifying and analyzing key decision points in State, local, or tribal juvenile justice systems to determine which points create racial and ethnic disparities among youth who come into contact with the juvenile justice system;

"(C) developing and implementing data collection and analysis systems to identify where racial and ethnic disparities exist in the juvenile justice system and to track and analyze such disparities;

"(D) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraphs (B) and (C); and

"(E) publicly reporting, on an annual basis, the efforts made in accordance with subparagraphs (B), (C), and (D);"

(L) in paragraph (16), as so redesignated—

(i) by striking "adequate system" and inserting "effective system";

(ii) by striking "requirements of paragraph (11)," and all that follows through "monitoring to the Administrator" and inserting "the core requirements are met, and for annual reporting to the Administrator of such plan, including the results of such monitoring and all related enforcement and educational activities"; and

(iii) by striking ", in the opinion of the Administrator,";

(M) in paragraph (17), as so redesignated, by inserting "ethnicity," after "race,";

(N) in paragraph (24), as so redesignated—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C)—

(I) in clause (i), by striking "and" at the end;

(II) in clause (ii), by adding "and" at the end; and

(III) by adding at the end the following:

"(iii) if such court determines the juvenile should be placed in a secure detention facility or correctional facility for violating such order, the court shall issue a written order that—

"(I) identifies the valid court order that has been violated;

"(II) specifies the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order;

"(III) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile; and

"(IV) specifies the length of time, not to exceed 7 days, that the juvenile may remain in a secure detention facility or correctional facility, and includes a plan for the juvenile's release from such facility; and"; and

(iii) by adding at the end the following:

"(D) there are procedures in place to ensure that any juvenile held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter;";

(O) in paragraph (26), as so redesignated, by striking "section 222(d)" and inserting "section 222(e)";

(P) in paragraph (27), as so redesignated—

(i) by inserting "and in accordance with confidentiality concerns," after "maximum extent practicable,"; and

(ii) by striking the semicolon at the end and inserting the following: ", so as to provide for—

"(A) a compilation of data reflecting information on juveniles entering the juvenile justice system with a prior reported history as victims of child abuse or neglect through arrest, court intake, probation and parole, juvenile detention, and corrections; and

"(B) a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of victims of child abuse and neglect who have entered, or are at risk of entering, the juvenile justice system;";

(Q) in paragraph (28), as so redesignated—

(i) by striking "establish policies" and inserting "establish protocols, policies, procedures,"; and

(ii) by striking "and" at the end;

(R) in paragraph (29), as so redesignated, by striking the period at the end and inserting a semicolon; and

(S) by adding at the end the following:

"(30) provide for the coordinated use of funds provided under this Act with other Federal and State funds directed at juvenile delinquency prevention and intervention programs;

"(31) develop policies and procedures, and provide training for facility staff, on evidence based and promising techniques for effective behavior management that are designed to eliminate the use of dangerous practices, unreasonable restraints, and isolation;

"(32) provide mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system;

"(33) provide procedural safeguards to adjudicated juveniles, including—

"(A) a written case plan for each juvenile, based on an assessment of the needs of the juvenile and developed and updated in consultation with the juvenile, the family of the juvenile, and, if appropriate, counsel for the juvenile, that—

"(i) describes the pre-release and post-release programs and reentry services that will be provided to the juvenile;

"(ii) describes the living arrangement to which the juvenile is to be discharged; and

"(iii) establishes a plan for the enrollment of the juvenile in post-release health care, behavioral health care, educational, vocational, training, family support, public assistance, and legal services programs, as appropriate;

"(B) as appropriate, a hearing that—

"(i) shall take place in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not earlier than 30 days before the date on which the juvenile is scheduled to be released, and at which the juvenile would be represented by counsel; and

"(ii) shall determine the discharge plan for the juvenile, including a determination of whether a safe, appropriate, and permanent living arrangement has been secured for the juvenile and whether enrollment in health care, behavioral health care, educational, vocational, training, family support, public assistance and legal services, as appropriate, has been arranged for the juvenile; and

"(C) policies to ensure that discharge planning and procedures—

"(i) are accomplished in a timely fashion prior to the release from custody of each adjudicated juvenile; and

"(ii) do not delay the release from custody of the juvenile; and

"(34) provide a description of the use by the State of funds for reentry and aftercare services for juveniles released from the juvenile justice system.";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking "applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a)" and inserting "core requirements"; and

(ii) by striking "2001, then" and inserting "2008";

(B) in paragraph (1), by striking ", and" at the end and inserting a semicolon;

(C) in paragraph (2)(B)(ii)—

(i) by inserting ", administrative," after "appropriate executive"; and

(ii) by striking the period at the end and inserting ", as specified in section 222(c); and"; and

(D) by adding at the end the following:

"(3) the State shall submit to the Administrator a report detailing the reasons for noncompliance with the core requirements, including the plan of the State to regain full compliance, and the State shall make publicly available such report, not later than 30 days after the date on which the Administrator approves the report, by posting the report on a publicly available website.";

(3) in subsection (d)—

(A) by striking "section 222(d)" and inserting "section 222(e)";

(B) by striking "described in paragraphs (11), (12), (13) and (22) of subsection (a)" and inserting "described in the core requirements"; and

(C) by striking "the requirements under paragraphs (11), (12), (13) and (22) of subsection (a)" and inserting "the core requirements"; and

(4) by striking subsection (f) and inserting the following:

"(f) COMPLIANCE DETERMINATION.—Not later than 60 days after the date of receipt of information indicating that a State may be out of compliance with any of the core requirements, the Administrator shall—

"(1) determine whether the State is in compliance with the core requirements;

"(2) issue a public report describing the determination described in paragraph (1), including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

"(3) make the report described in paragraph (2) available on a publicly available website.

"(g) TECHNICAL ASSISTANCE.—

"(1) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—The Administrator shall provide technical and financial assistance to an agency, institution, or organization to assist in carrying out the activities described in paragraph (3). The functions and activities of an agency, institution, or organization under this subsection shall not be subject to the Federal Advisory Committee Act.

"(2) COMPOSITION.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall—

"(A) be governed by individuals who—

"(i) have been appointed by a chief executive of a State to serve as a member of a State advisory group established under subsection (a)(3); and

"(ii) are elected to serve as a governing officer of such an agency, institution, or organization by a majority of the member Chairs (or the designees of the member Chairs) of all State advisory groups established under subsection (a)(3);

"(B) include member representatives—

"(i) from a majority of the State advisory groups established under subsection (a)(3); and

"(ii) who are representative of regionally and demographically diverse State jurisdictions; and

"(C) annually seek advice from the Chairs (or the designees of the member Chairs) of each State advisory group established under subsection (a)(3) to implement the advisory functions specified in subparagraphs (D) and (E) of paragraph (3) of this subsection.

"(3) ACTIVITIES.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall agree to—

"(A) conduct an annual conference of the member representatives of the State advisory groups established under subsection (a)(3) for purposes relating to the activities of such State advisory groups;

"(B) disseminate information, data, standards, advanced techniques, and program models;

"(C) review Federal policies regarding juvenile justice and delinquency prevention;

"(D) advise the Administrator regarding particular functions or aspects of the work of the Office; and

"(E) advise the President and Congress regarding State perspectives on the operation of the Office and Federal legislation relating to juvenile justice and delinquency prevention.".

SEC. 206. AUTHORITY TO MAKE GRANTS.

Section 241(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(a)) is amended—

(1) in paragraph (1), by inserting "status offenders," before "juvenile offenders, and juveniles";

(2) in paragraph (5), by striking "juvenile offenders and juveniles" and inserting "status offenders, juvenile offenders, and juveniles";

(3) in paragraph (10), by inserting ", including juveniles with disabilities" before the semicolon;

(4) in paragraph (17), by inserting "truancy prevention and reduction," after "mentoring,";

(5) in paragraph (24), by striking "and" at the end;

(6) by redesignating paragraph (25) as paragraph (26); and

(7) by inserting after paragraph (24) the following:

"(25) projects that support the establishment of partnerships between a State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency; and".

SEC. 207. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.

(a) IN GENERAL.—Section 251 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking "may" and inserting "shall";

(ii) in subparagraph (A), by striking "plan and identify" and inserting "annually provide a written and publicly available plan to identify"; and

(iii) in subparagraph (B)—

(I) by amending clause (iii) to read as follows:

"(iii) successful efforts to prevent status offenders and first-time minor offenders from subsequent involvement with the criminal justice system;";

(II) by amending clause (vii) to read as follows:

"(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement;";

(III) by redesignating clauses (ix), (x), and (xi) as clauses (xi), (xii), and (xiii), respectively; and

(IV) by inserting after clause (viii) the following:

"(ix) training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices;

"(x) methods to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency;"; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting "and not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008" after "date of enactment of this paragraph";

(ii) in subparagraph (F), by striking "and" at the end;

(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) a description of the best practices in discharge planning; and

"(I) an assessment of living arrangements for juveniles who cannot return to the homes of the juveniles.";

(2) in subsection (b), in the matter preceding paragraph (a), by striking "may" and inserting "shall"; and

(3) by adding at the end the following:

"(f) NATIONAL RECIDIVISM MEASURE.—The Administrator shall—

"(1) establish a uniform method of data collection and technology that States shall use to evaluate data on juvenile recidivism on an annual basis;

"(2) establish a common national juvenile recidivism measurement system; and

"(3) make cumulative juvenile recidivism data that is collected from States available to the public.".

(b) STUDIES.—

(1) IN GENERAL.—The Administrator shall conduct a study and publish a report on the differences between male and female juvenile offenders that includes analyses of—

(A) risk factors specific to the development of delinquent behavior in girls;

(B) the mental health needs of delinquent girls and girls at risk of delinquency;

(C) delinquency prevention and intervention programs that are effective among girls; and

(D) how prevention and intervention programs for delinquent girls and girls at-risk of delinquency can be made more effective.

(2) ASSESSMENT OF TREATING JUVENILES AS ADULTS.—The Administrator shall—

(A) not later than 3 years after the date of enactment of this Act, assess the effectiveness of the practice of treating juveniles as adults for purposes of prosecution in criminal court; and

(B) not later than 42 months after the date of enactment of this Act, submit to Congress and the President, and make publicly available, a report on the findings and conclusions of the assessment under subparagraph (A) and any recommended changes in law identified as a result of the assessment under subparagraph (A).

(3) OUTCOME STUDY OF FORMER JUVENILE OFFENDERS.—The Administrator shall conduct a study of adjudicated juveniles and publish a report on the outcomes for juveniles who have reintegrated into the community, which shall include information on the outcomes relating to family reunification, housing, education, employment, health care, behavioral health care, and repeat offending.

(4) DEFINITION OF ADMINISTRATOR.—In this subsection, the term "Administrator" means the head of the Office of Juvenile Justice and Delinquency Prevention.

SEC. 208. TRAINING AND TECHNICAL ASSISTANCE.

Section 252 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "may";

(B) in paragraph (1), by inserting "shall" before "develop and carry out projects"; and

(C) in paragraph (2), by inserting "may" before "make grants to and contracts with";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "may";

(B) in paragraph (1)—

(i) by inserting "shall" before "develop and implement projects"; and

(ii) by striking "and" at the end;

(C) in paragraph (2)—

(i) by inserting "may" before "make grants to and contracts with"; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments made by the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2008; and

"(4) shall provide technical assistance to States in support of efforts to establish partnerships between the State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency."; and

(3) by adding at the end the following:

"(d) TECHNICAL ASSISTANCE TO STATES REGARDING LEGAL REPRESENTATION OF CHILDREN.—The Administrator shall develop and issue standards of practice for attorneys representing children, and ensure that the standards are adapted for use in States.

"(e) TRAINING AND TECHNICAL ASSISTANCE FOR LOCAL AND STATE JUVENILE DETENTION AND CORRECTIONS PERSONNEL.—The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to promote evidence based and promising methods for improving conditions of juvenile confinement, including those that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation.

"(f) TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT INCLUDING HOME-BASED OR COMMUNITY-BASED CARE.—The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition of cases for youth who enter the juvenile justice system, including—

"(1) juvenile justice intake personnel;

"(2) probation officers;

"(3) juvenile court judges and court services personnel;

"(4) prosecutors and court-appointed counsel; and

"(5) family members of juveniles and family advocates.".

SEC. 209. INCENTIVE GRANTS FOR STATE AND LOCAL PROGRAMS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

"PART F—INCENTIVE GRANTS FOR STATE AND LOCAL PROGRAMS

"SEC. 271. INCENTIVE GRANTS.

"(a) INCENTIVE GRANT FUNDS.—The Administrator may make incentive grants to a State, unit of local government, or combination of States and local governments to assist a State, unit of local government, or combination thereof in carrying out an activity identified in subsection (b)(1).

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—An incentive grant made by the Administrator under this section may be used to—

"(A) increase the use of evidence based or promising prevention and intervention programs;

"(B) improve the recruitment, selection, training, and retention of professional personnel (including in the fields of medicine, law enforcement, judiciary, juvenile justice, social work, and child prevention) who are engaged in, or intend to work in, the field of prevention, intervention, and treatment of juveniles to reduce delinquency;

"(C) establish a partnership between juvenile justice agencies of a State or unit of local government and mental health authorities of State or unit of local government to establish and implement programs to ensure there are adequate mental health and substance abuse screening, assessment, referral, treatment, and after-care services for juveniles who come into contact with the justice system;

"(D) provide training, in conjunction with the public or private agency that provides mental health services, to individuals involved in making decisions involving youth who enter the juvenile justice system (including intake personnel, law enforcement, prosecutors, juvenile court judges, public defenders, mental health and substance abuse service providers and administrators, probation officers, and parents) that focuses on—

"(i) the availability of screening and assessment tools and the effective use of such tools;

"(ii) the purpose, benefits, and need to increase availability of mental health or substance abuse treatment programs (including home-based and community-based programs) available to juveniles within the jurisdiction of the recipient;

"(iii) the availability of public and private services available to juveniles to pay for mental health or substance abuse treatment programs; or

"(iv) the appropriate use of effective home-based and community-based alternatives to juvenile justice or mental health system institutional placement; and

"(E) provide services to juveniles with mental health or substance abuse disorders who are at risk of coming into contact with the justice system.

"(2) COORDINATION AND ADMINISTRATION.—A State or unit of local government receiving a grant under this section shall ensure that—

"(A) the use of the grant under this section is developed as part of the State plan required under section 223(a); and

"(B) not more than 5 percent of the amount received under this section is used for administration of the grant under this section.

"(c) APPLICATION.—

"(1) IN GENERAL.—A State or unit of local government desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

"(2) CONTENTS.—In accordance with guidelines that shall be established by the Administrator, each application for incentive grant funding under this section shall—

"(A) describe any activity or program the funding would be used for and how the activity or program is designed to carry out 1 or more of the activities described in subsection (b);

"(B) if any of the funds provided under the grant would be used for evidence based or promising prevention or intervention programs, include a detailed description of the studies, findings, or practice knowledge that support the assertion that such programs qualify as evidence based or promising; and

"(C) for any program for which funds provided under the grant would be used that is not evidence based or promising, include a detailed description of any studies, findings, or practice knowledge which support the effectiveness of the program.".

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "PARTS C AND E" and inserting "PARTS C, E, AND F";

(B) in paragraph (1), by striking "this title" and all that follows and inserting the following: "this title—

"(A) $196,700,000 for fiscal year 2009;

"(B) $245,900,000 for fiscal year 2010;

"(C) $295,100,000 for fiscal year 2011;

"(D) $344,300,000 for fiscal year 2012; and

"(E) $393,500,000 for fiscal year 2013."; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking "parts C and E" and inserting "parts C, E, and F";

(2) in subsection (b), by striking "fiscal years 2003, 2004, 2005, 2006, and 2007" and inserting "fiscal years 2009, 2010, 2011, 2012, and 2013";

(3) in subsection (c), by striking "fiscal years 2003, 2004, 2005, 2006, and 2007" and inserting "fiscal years 2009, 2010, 2011, 2012, and 2013";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

"(d) AUTHORIZATION OF APPROPRIATIONS FOR PART F.—There are authorized to be appropriated to carry out part F, and authorized to remain available until expended, $60,000,000 for each of fiscal years 2009, 2010, 2011, 2012, and 2013. Of the sums that are appropriated for a fiscal year to carry out part F, not less than 50 percent shall be used to fund programs that are carrying out an activity described in subparagraph (C), (D), or (E) of section 271(b)(1).".

SEC. 211. ADMINISTRATIVE AUTHORITY.

Section 299A(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672(e)) is amended by striking "requirements described in paragraphs (11), (12), and (13) of section 223(a)" and inserting "core requirements".

SEC. 212. TECHNICAL AND CONFORMING AMENDMENTS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 204(b)(6), by striking "section 223(a)(15)" and inserting "section 223(a)(16)";

(2) in section 246(a)(2)(D), by striking "section 222(c)" and inserting "section 222(d)"; and

(3) in section 299D(b), of by striking "section 222(c)" and inserting "section 222(d)".

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. DEFINITIONS.

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5781) is amended—

(1) in the section heading, by striking "**DEFINITION**" and inserting "**DEFINITIONS**"; and

(2) by striking "this title, the term" and inserting the following: "this title—

"(1) the term 'mentoring' means matching 1 adult with 1 or more youths (not to exceed 4 youths) for the purpose of providing guidance, support, and encouragement aimed at developing the character of the youths, where the adult and youths meet regularly for not less than 4 hours each month for not less than a 9-month period; and

"(2) the term".

SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.

Section 504(a) of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5783(a)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) mentoring programs.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5784) is amended to read as follows:

"SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title—

"(1) $272,200,000 for fiscal year 2009;

"(2) $322,800,000 for fiscal year 2010;

"(3) $373,400,000 for fiscal year 2011;

"(4) $424,000,000 for fiscal year 2012; and

"(5) $474,600,000 for fiscal year 2013.".

SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking title V, as added by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415; 88 Stat. 1133) (relating to miscellaneous and conforming amendments).

Mr. KOHL. Mr. President, I rise today with Senator LEAHY and Senator SPECTER to introduce the Juvenile Justice and Delinquency Prevention Reauthorization Act. The Juvenile Justice and Delinquency Prevention Act, JJDPA, has played a key role in successful state and local efforts to reduce juvenile crime and get kids back on track after they have had run-ins with the law. This legislation will reauthorize and make significant improvements to these important programs.

A successful strategy to combat juvenile crime consists of a large dose of prevention and intervention programs. Juvenile justice programs have proven time and time again that they help prevent crime, strengthen communities, and rehabilitate juvenile offenders. The JJDPA has always had a dual focus: prevention and rehabilitation.

The JJDPA has successfully focused on intervening in a positive manner to work with those teens that have fallen through the cracks and have had a few scrapes with the law. Many of the juveniles who come into contact with the justice system are not violent offenders or gang members. Rather, they are young people who have made mistakes and deserve a second chance to succeed and lead healthy lives. In fact, seventy percent of youth in detention are held for nonviolent charges. Research has shown that youth who come into contact with the justice system can be rehabilitated, and we have an obligation to support successful programs that do just that.

While putting young people on the right path after they have had run-ins with the law is tremendously important, we would all prefer to keep them from getting into trouble in the first place. Title V, of course, is the only federal program that is dedicated exclusively to juvenile crime prevention. Evidence-based prevention programs are proven to reduce crime. Because each child prevented from engaging in repeat criminal offenses can save the community $1.7 to $3.4 million, reducing crime actually saves money. Research has shown that every dollar spent on effective, evidence based programs can yield up to $13 in cost savings.

Since the last reauthorization in 2002, research and experience have revealed that there is still room for improvement. That is why we are proposing a number of changes to the Act.

Under Title II, the existing JJDPA requires states to comply with certain core requirements that are designed to protect and assist in the rehabilitation of juvenile offenders. This legislation makes improvements to four of the core requirements—removal of juveniles from adult jails, preventing contact between juvenile offenders and adult inmates, the deinstitutionalization of status offenders, and disproportionate minority contact, DMC.

The legislation would amend the jail removal and sight and sound requirements to ensure that juveniles charged as adults are not placed in an adult facility or allowed to have contact with adult inmates unless a court finds that it is in the interest of justice to do so. Research has shown that juveniles who spend time in adult jails am more likely to reoffend. Therefore, it is critical that we get judges more involved in this process to ensure that it is in everyone's best interest, but particularly the juvenile's best interest, to place that young person in an adult facility.

This measure would also place important limitations on the valid court order exception to the deinstitutionalization of status offenders. Under the current JJDPA, courts can order status offenders to be placed in secure detention with minimal process and no limit on duration. We seek to change both of these. This bill would place a 7 day limit on the amount of time a status offender can spend in a secure facility, and ensure that juvenile status offenders have significant procedural protections.

In addition, the legislation will push states to take concrete steps to identify the causes of disproportionate minority contact and take meaningful steps to achieve concrete reductions.

The bill also focuses a great deal of attention on improving cooperation between the states and the Federal Government in the area of juvenile justice. It directs the administrator of the Office of Juvenile Justice to conduct additional research. It seeks to strengthen the amount of training and technical assistance provided by the Federal Government, particularly workforce training for those people who work directly with juveniles at every stage of the juvenile justice system.

The Juvenile Justice and Delinquency Prevention Reauthorization Act would improve treatment of juveniles in two important respects. It seeks to end the use of improper isolation and dangerous practices, and it encourages the use of best practices and alternatives to detention.

This measure also places a greater focus on mental health and substance abuse treatment for juveniles who come into contact, or are at risk of coming into contact, with the juvenile justice system. Research has shown that the prevalence of mental disorders among youth in juvenile justice systems is two to three times higher than among youth who have not had run-ins with the law. Taking meaningful steps to provide adequate mental health screening and treatment for these juveniles is a critical part of getting them on the right track, and needs to be a part of Federal, State and local efforts to rehabilitate juvenile offenders.

Finally, and possibly most importantly, the key to success is adequate support. Funding for juvenile justice programs has been on a downward spiral for the last seven years. Just five years ago, these programs received approximately $556 million, with more than $94 million for the Title V Local Delinquency Prevention Program and nearly $250 million for the Juvenile Accountability Block Grant program. This year, the Administration requested just $250 million for all juvenile justice programs, which represents more than a 50 percent cut from Fiscal Year 2002. Local communities do a great job of leveraging this funding to accomplish great things, but we cannot say with a straight face that this level is sufficient.

Therefore, we are seeking to authorize increased funding for the Juvenile Justice and Delinquency Prevention Act. The bill will authorize more than $272 million for Title V and nearly $200 million for Title II in Fiscal Year 2009. Then, funding for each title will increase by $50 million each subsequent fiscal year. These programs are in desperate need of adequate funding. It is money well spent, and this increase in authorized funding will demonstrate Congressional support for these critical programs.

In addition to increased funding for traditional JJDPA programs, we have created a new incentive grant program under the Act. This program authorizes another $60 million per year to help local communities to supplement efforts under the Act, and in some cases go above and beyond what is required of them. Specifically, this funding will support evidence based and promising prevention and intervention programs. It will enhance workforce training, which will improve the treatment and rehabilitation of juveniles who come into contact with the system. Lastly, a significant portion of this funding will be dedicated to mental health screening and treatment of juveniles who have come into contact, or are at risk of coming into contact, with the justice system.

The Juvenile Justice and Delinquency Prevention Act is an incredibly successful program. The fact that it is cost efficient is important. But the most important thing is that it is effective. It is effective in reaching the kids it is designed to help. The evidence based prevention programs it funds are able to touch the lives of at-risk youth and steer them away from a life of crime. And for those who have unfortunately already had run-ins with law enforcement, its intervention and treatment programs have successfully helped countless kids get their lives back on the right track and become productive members of society.

It is beyond dispute that these proven programs improve and strengthen young people, as well as their families and their communities. For that reason, we urge our colleagues to support this important measure to reauthorize and improve these programs.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 91—HONORING ARMY SPECIALIST MONICA L. BROWN, OF LAKE JACKSON, TEXAS, EXTENDING GRATITUDE TO HER AND HER FAMILY, AND PLEDGING CONTINUING SUPPORT FOR THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following concurrent resolution; which was considered and agreed to;

S. CON. RES. 91

Whereas Monica Brown, a medic serving in the 782nd Brigade Support Battalion, 4th Brigade Combat Team, was deployed to Afghanistan in support of Operation Enduring Freedom;

Whereas members of the United States Armed Forces were attacked by a roadside bomb in the eastern Paktia province in Afghanistan on April 25, 2007;

Whereas Specialist Monica L. Brown, at age 19, ran through insurgent gunfire to save the lives of fellow wounded soldiers injured after the roadside bomb tore through their convoy of humvees;

Whereas Monica Brown is 1 of 25,109 women currently serving in the Armed Forces in Afghanistan and Iraq, and 1 of 350,000 women serving in the United States Army;

Whereas Monica Brown is the first woman in Afghanistan and only the second female member of the Armed Forces since World War II to receive the Silver Star, the Nation's third-highest medal for valor; and

Whereas the thoughts and prayers of Congress and the people of the United States remain with the families of all the members of the Armed Forces who are fighting to ensure the Nation's freedom and safety: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors Monica L. Brown, a Specialist in the United States Army, who risked her life to save the lives of her fellow wounded soldiers while serving in the Global War on Terror in Afghanistan, and recognizes her for her bravery and heroism;

(2) extends its deepest gratitude to Monica L. Brown and her family in Lake Jackson, Texas; and

(3) pledges its continued support for the men and women of the United States Armed Forces.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled. The hearing will be held on Wednesday, June 25, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the challenges to meeting future energy needs and to developing the technologies for meeting increased global energy demand in the context of the need to address global climate change.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Alicia Jackson at (202) 224–3607 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 18, 2008, at 12:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 18, 2008, at 2 p.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 18, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 18, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 18, 2008, at 10 a.m. to conduct a hearing entitled "Protecting Personal Information: Is the Federal Government Doing Enough?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 18, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Amanda Bowman and Jasmine Narcisse of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE SEEDS OF PEACE FOR ITS 15TH ANNIVERSARY

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 337, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 337) honoring the Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 337) was agreed to.

The preamble was agreed to.

HONORING ARMY SPECIALIST MONICA L. BROWN

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 91, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 91) honoring Army Specialist Monica L. Brown, of Lake Jackson, Texas, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 91) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 91

Whereas Monica Brown, a medic serving in the 782nd Brigade Support Battalion, 4th Brigade Combat Team, was deployed to Afghanistan in support of Operation Enduring Freedom;

Whereas members of the United States Armed Forces were attacked by a roadside bomb in the eastern Paktia province in Afghanistan on April 25, 2007;

Whereas Specialist Monica L. Brown, at age 19, ran through insurgent gunfire to save the lives of fellow wounded soldiers injured after the roadside bomb tore through their convoy of humvees;

Whereas Monica Brown is 1 of 25,109 women currently serving in the Armed Forces in Afghanistan and Iraq, and 1 of 350,000 women serving in the United States Army;

Whereas Monica Brown is the first woman in Afghanistan and only the second female member of the Armed Forces since World War II to receive the Silver Star, the Nation's third-highest medal for valor; and

Whereas the thoughts and prayers of Congress and the people of the United States remain with the families of all the members of the Armed Forces who are fighting to ensure the Nation's freedom and safety: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors Monica L. Brown, a Specialist in the United States Army, who risked her life to save the lives of her fellow wounded soldiers while serving in the Global War on Terror in Afghanistan, and recognizes her for her bravery and heroism;

(2) extends its deepest gratitude to Monica L. Brown and her family in Lake Jackson, Texas; and

(3) pledges its continued support for the men and women of the United States Armed Forces.

ORDERS FOR THURSDAY, JUNE 19, 2008

Mr. SALAZAR. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, June 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SALAZAR. Madam President, tomorrow we expect to begin legislating on the very important housing legislation. Senators should be prepared to vote throughout the day in relation to amendments to the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SALAZAR. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Thursday, June 19, 2008, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

UNITED STATES INTERNATIONAL TRADE COMMISSION

J. V. SCHWAN, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING JUNE 16, 2017, VICE DEANNA TANNER OKUN, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, June 18, 2008*

The House met at 9:30 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Water, not only the essential planetary element, O Lord, water itself ushers in new human life. For Your people of covenant, both old and new, the symbol of water is complex, never stable, always fresh and beautiful, sometimes fearful and tragic.

As the Spring of Salvation, we call upon Your Holy Name to calm the waters of anxiety in mid-America. Enable Your people to cross these present waters of disaster and bring them to Your promised land of fruitful plenty.

In the book of Joshua, water upon the fleece is Joshua's own test of Your presence in the midst of trouble; later the way his people take water unto themselves becomes their measurement.

End this waterboarding of America's fields and rural towns even if we can no longer define torture ourselves. By the wellspring of Your Spirit, mix all our human endeavors with our natural resources in such an outstanding victory that believers and unbelievers alike will be touched again as in Joshua's day and acclaim: "Their hearts melted and became as water!"

This is our prayer now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. HOLDEN). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Nebraska led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 37 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at 10 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in the amendment of the House to the bill (S. 2146) "An Act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 1-minute speeches on each side.

CONGRESS PROACTIVE IN ADDRESSING ENERGY PROBLEM

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, as prices at the pump continue to hit record highs, the time has come to put partisanship behind us and come together to work and solve the problems to help American people who are struggling to make ends meet.

We enacted legislation to inject into the market an additional 70,000 barrels of oil per day by suspending shipments to the Strategic Petroleum Reserve beginning two weeks from today. We raised auto fuel efficiency standards for the first time in 30 years. And we are nearing completion of a bill to regulate the speculators who manipulate the price of oil in the worldwide market.

This Congress has been proactive in doing everything we can to address the problem. Rather than pointing fingers, casting blame and trying to score cheap political points, I hope the minority in this Congress will join us in our effort to take swift and decisive action to address the rising price of gas.

GAS PRICES

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, for many Americans, pulling up to the gas station is becoming a dreaded event. There have been some short-term remedies, but with prices at $4 per gallon, any relief must be paired with a broader energy plan which unlocks American resources.

Current U.S. policy unnecessarily keeps many areas off limits to exploration, restraining additional growth and supply. High fuel prices impact rural areas the hardest. Long commutes are a way of life, and crushing gas prices have hit farmers and ranchers in every aspect of their lives.

Unfortunately, several special interest groups have said no to virtually every solution, including clean, renewable hydropower, non-emitting nuclear power, clean coal technology, wind power, and domestic exploration and development.

It has been over 20 years since President Ronald Reagan called on Congress to lease ANWR. It has been over 30 years since a new refinery has come on line. Since then, America has paid the price for delay, and we are paying the price every time we pull up to the pump.

DEMOCRATIC ACCOMPLISHMENTS ON THE ECONOMY

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, for years, President Bush has prioritized the needs of the wealthiest few while taking us deep into debt and into an economic recession. In the meantime, most Americans have been forgotten. That is, until the Democrats took control of Congress last year.

We were the first to recognize that our economy was headed for a recession and pushed the President to join us in passing the economic stimulus package that provided assistance to middle-income Americans. While that was a good start, we know that more needs to be done to help those who are not prospering under this Bush economy. That is why we extended unemployment insurance for the growing number of Americans looking for work and why we tackled the housing foreclosure crisis, so that millions of Americans can keep their homes. We also support a second economic stimulus plan that invests in America, rather than in Iraq.

Mr. Speaker, House Democrats are serious about working in a bipartisan

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

fashion to turn this economy around, and the best way to do that is to prioritize the needs of hardworking, middle-class Americans.

INCREASING SUPPLY TO LOWER GAS PRICES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, it is really simple: If you want to help rural small town poor individuals in this country, we have to get the price of gas down. Here is the problem: January 2001, the price of a barrel of crude oil was $23. When this majority came in, it was $58. Now it is $134. What does that translate into? From $1.45 to $2.23 to $4.07. Add climate change, 50 cents additional. $4.55, if you calculate climate change.

What is the solution? The solution is all of the above. Outer Continental Shelf exploration and recovery, coal-to-liquid technologies, solar and wind, renewable fuels. We need to do all the above, and you all need to help us.

We need to bring a bill to the floor that brings on more supply. We are willing to work with you. More supply is the only thing that we can do to bring down the cost of fuel which will help middle- and low-income Americans. We ask you to join us.

MISTAKES MADE IN AIR FORCE TANKER CONTRACT

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, last week it was revealed that the Air Force made a serious mistake in comparing the costs of tanker aircraft proposals offered by Northrop Grumman/Airbus and Boeing.

When the Air Force awarded this $40 billion contract to Northrop Grumman/Airbus, it repeatedly said that the cost of the two planes was one of their top selection criteria. However this latest revelation, supported by both companies, undercuts the Air Force's assertion that they picked the most cost-effective aircraft and casts doubt on whether the two planes were evaluated fairly on the other criteria.

Take, for example, fuel usage. The Airbus tanker uses 24 percent more fuel than Boeing, about 400 gallons more per hour, and over 2 billion gallons of fuel each year. Yet the Air Force continues to claim that the Airbus tanker is the best value over the long term.

At a time of soaring fuel costs that calls into question whether the most cost-effective choice was made for our taxpayers and our airmen for a plane with a lifespan of 40 years, the selection of tanker aircraft will have far-reaching implications for our Nation's industrial base and our security. The Air Force must get it right and rebid this critical decision.

DRILL NOTHING CONGRESS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the Drill Nothing Congress is still determined to drive the price of gasoline up by not allowing offshore drilling for crude oil and natural gas.

Americans think we are held hostage by OPEC and dictator Chavez for our crude oil, but the real culprit is Congress. Congress holds the keys to freedom from OPEC and the little dictator, but will not unlock the big door to independence.

Congress should lift the offshore drilling ban in the Gulf coast, the east coast and even the sacred west coast. Then let each State and its people decide whether or not to drill off their shores.

Congress should let States receive a portion of the oil lease revenues oil companies pay Uncle Sam for the privilege to drill and States to use this additional revenue to fund education or whatever they wish.

The Drill Nothing Congress seems to want gasoline prices to continue to rise to punish Americans for driving gasoline-powered vehicles. Congress is the problem. In the court of American public opinion, Congress is wrong for its hardheaded, absurd policy of don't drill in America. Meanwhile, gasoline continues to rise in price.

And that's just the way it is.

DEMOCRATS TAKE ACTION ON RECORD HIGH GAS PRICES

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, record high gas prices are forcing most American families to make some tough decisions this summer. While prices remain around $4 a gallon, some families have to decide if they should take that planned summer vacation or not, while others are trying to determine what normal everyday drives can be eliminated because they simply cannot afford it.

This Democratic Congress recognizes the financial hardship these record prices are creating for everyone. That is why we have passed seven bills in the last couple of months to help lower prices.

We passed legislation in a strong, bipartisan fashion suspending sending more oil to the Strategic Petroleum Reserve until the end of the year, which will result in a 25 cents a gallon price reduction in July. We also passed legislation holding OPEC and big oil accountable for price fixing and cracking down on oil companies engaged in market manipulation.

Mr. Speaker, as Americans face continued pain at the pump, we should work in a strong bipartisan fashion to pass commonsense legislation that provides some immediate relief.

LISTENING TO CONSTITUENTS ON ENERGY PRICE INCREASES

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Mr. Speaker, as Congress continues its debate on domestic energy policy, we must be aware of what our constituents are saying, both at home and at work.

During this past week, I had the pleasure of touring two manufacturing plants in my district. These plants provide hundreds of good-paying jobs and produce high-quality products for our Nation's economy. During my tours, the management of these companies said that hands down, rising energy costs are their number one concern.

As energy costs rise, production costs rise as well at these plants. As production costs rise, companies all over the United States face competition from foreign manufacturers who have lower labor costs and, in some instances, lower fuel costs. Countries like China and India, who are currently exploring many forms of domestic energy production, are able to offer lower production costs directly tied to their lower energy costs.

Under the current congressional leadership, Congress will not even consider domestic exploration and recovery of an abundance of energy resources that we have here in the United States. With these energy resources, we can grow our own economy, retain American jobs and prevent them from being taken overseas.

The bottom line is that energy equals manufacturing which equals jobs, and we in Congress must remember that as our energy debate continues.

NO BAN EXISTS ON OFFSHORE OIL DRILLING

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, there is no ban on offshore oil drilling. In fact, there are 33.5 million acres offshore leased to the oil industry from which they are extracting nothing and they are not developing. They say, well, they don't have the drill bits or they don't have the time or whatever. The Republicans say they need more leases.

They don't need more leases. They need to develop what is out there, plain and simple. Think of the former Naval Petroleum Reserve. It is right up there in Alaska next to ANWR, 13.4 billion barrels of known reserves, drilled and capped by the oil industry, leased by Bill Clinton, not producing a single drop.

But, oh, let's go to ANWR. There might be some there.

Come on, guys. They are not developing what they have now. There is a 20-year supply out there underneath their idle leases that could double our domestic production, and, plain and simple, they haven't developed it. Then when they are done with that, then we can have a debate about more leasing in other places.

TIME TO START UTILIZING AMERICAN ENERGY RESOURCES

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I have been listening to a lot of rhetoric on the other side about it is time for a change in America. I agree. It is time for the Democrats to change their votes and stop voting against producing energy that belongs to Americans.

One of the things that we do every morning, and we got the opportunity this morning, is to write Hugo Chavez another check for $170 million. We wrote one yesterday, and we will write one tomorrow. Just think of what we could do with $170 million, investing it right here in American jobs.

When we bring up ANWR, 86 percent of the Democrats voted against that. When we bring up coal-to-liquid technology, 78 percent of the Democrats voted against that. When we bring up developing oil shale exploration, 86 percent of the Democrats voted against that. The Outer Continental Shelf, 83 percent of the Democrats voted against that. Refinery capacity, we are importing gasoline into this country, 96 percent of the Democrats are opposed to that.

It is time for change. It is time to start producing American resources.

EXTENDING UNEMPLOYMENT BENEFITS IMPORTANT STEP FORWARD FOR ECONOMY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, nearly one in five unemployed Americans have lost their unemployment benefits because it has taken them longer than 26 weeks to find a new job. Obviously, most companies are laying off. Imagine not having a job, losing unemployment benefits, and then trying to pay for gas at the pump and food at the grocery store.

This Democratic Congress knows it is tougher to find a job when the economy is not producing them. That is why we passed legislation last week giving these workers an additional 13 weeks of unemployment benefits.

In my home State of Texas, there are more than 45,000 workers who have already exhausted their unemployment insurance and 115,000 more that are expected to exhaust their benefits by March of next year. This legislation would help all of these people. But President Bush and his Republican allies here in the House oppose our efforts, even though the President supported a similar extension back in 2002 when the economic situation is not nearly as bad as it is now.

Mr. Speaker, millions of American workers need help from this Congress today. Washington Republicans should reconsider their opposition to this important legislation.

□ 1015

BROADCASTER FREEDOM ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the American people cherish freedom. That's why President Reagan repealed the so-called Fairness Doctrine back in 1987 that actually regulated the content of radio airwaves for more than four decades.

Today, while some of the most powerful Democrats in Congress make plans to restore this Depression-era regulation, Republicans have taken action. We introduced the Broadcaster Freedom Act that would take the power to restore the Fairness Doctrine away from this or any future President, and we filed a discharge petition to force an up or down vote. But in 245 days, not one single House Democrat has signed the discharge petition for broadcast freedom.

I offer my Democrat colleagues this respectful challenge. If you cherish freedom, you cherish the freedom of the press. If you cherish the airwaves of America, left, right and center, let's make this Fourth of July Radio Independence Day.

Sign the discharge petition for broadcast freedom by Independence Day.

AIR FORCE TANKER DECISION

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Washington. Mr. Speaker, the GAO is scheduled this week to decide whether or not to overturn the Air Force decision on awarding the tanker contract to Airbus. We have already heard this morning that the Air Force has discovered that they made numerous mistakes in how they calculated the cost.

There is another huge issue. We hope the GAO does the right thing and overturns that decision, but even if they don't, we have to keep in mind that our country has a trade action against Airbus right now for unfairly and illegally subsidizing their products, the very product that the Air Force has decided to buy.

If we want to enforce our trade laws against our trading partners to our advantage, it makes no sense whatsoever to reward precisely the illegal, unfair behavior that we are trying to stop them from doing. Giving them this contract does that, and we should overturn it either by the GAO or by Congress if they don't and not reward unfair subsidization by our foreign competitors.

GAS PRICES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, Americans are fed up paying over $4 per gallon for gas and nearly $5 for diesel. The price of a gallon of gas has spiked $2 since Democrats took control of Congress in January of 2007.

It's high time we did something about the skyrocketing cost of gasoline and allow us to explore for oil right here in America. To bring down the price of gasoline, we need to expand U.S. refinery capacity, tap America's own energy resources, streamline the number of fuel blends and promote the use of clean, alternative energy. With a nationwide price for gasoline now over $4 a gallon, it's no surprise a recent Gallup Poll showed 57 percent of Americans now favor further exploration for oil right here in America. These folks are right.

Come on, America, let's strike oil.

REPUBLICANS CONTINUE TO SUPPORT BUSH ON FAILING POLICIES—WHEN ARE THEY GOING TO LEARN?

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, just how long are congressional Republicans going to follow President Bush's lead? Thanks to 7 years of Bush policies, Americans are facing skyrocketing costs for basic necessities. Millions of families have lost their homes, unemployment is rising, and 7 million more Americans are uninsured.

You would think any one of these statistics would send congressional Republicans looking for a different solution. Instead, it appears a plan to blindly follow until the finish.

When the President vetoed a bipartisan bill that would provide health coverage to 10 million children, House Republicans stood with President Bush twice in supporting his veto. When the

President vetoed legislation for stem cell research that could lead to cures for diseases such as diabetes, cancer and Alzheimer's, House Republicans once again stood by President Bush and upheld his veto. Then last week a majority of Republicans refused to provide relief to 3.8 million Americans who are struggling to find new jobs.

When are congressional Republicans going to realize that following President Bush is not the answer?

SHOW US AN ENERGY PLAN

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, enough is enough.

Last week in my district in South Carolina I had a man approach me, said he wanted some help with gas prices. He is making $325 a week, and he spends $80 to $90 of it on gas, almost 30 percent of his paycheck going into his tank.

What kind of leadership is this? What kind of energy plan is this?

When is the majority going to wake up and realize it's their constituents that are having problems with gas prices? When are they going to show us their energy plan, or do they even have one? The Republicans have one, and it will bring down gas prices by 50 percent. It's time Congress takes action. We need to do this for America, for our constituents and for our national security.

Bring a plan to the floor to make us all stronger. Someone needs to lead this show.

PLAN FOR ENERGY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I listen to my friends on the other side of the aisle and they ask, what's the Democrats' plan for energy? Well, with two oilmen in the White House, it's obvious what the Republicans' plan has been, and it has been a constant increase in the price of gas since the day George Bush and DICK CHENEY took office.

There are 68 million acres under lease for oil production not being used, being hoarded, being kept out of the market. It's a red herring to say we need to drill more. It's available. What we really need to do is get off the addiction to oil.

We have learned this lesson before. We don't need to keep learning it. We need to have research and development in new ways to power this Nation.

At the National Renewable Energy Laboratory in Colorado, with just tweaking the battery of a Prius, the lab reached 100 miles to the gallon. We can no longer be dependent on the Middle East for oil production. We have to change this Nation and its energy plans. To do so is good for national security, good for the climate and good for jobs.

We have to change the direction of this Nation.

HIGH GAS PRICES

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to speak for all the hardworking people in east Alabama who are getting swamped by high gas prices. Each of us in this Chamber knows that gas is over $5 a gallon in this country and rising. We all know that high gas prices are making everything more expensive, from groceries to clothing.

The question is what is this House going to do about it? For one, we should vote this week to open the Arctic National Wildlife Refuge for energy exploration. We should also open the Outer Continental Shelf in the Gulf of Mexico.

Combined, these two locations have the potential of providing our country almost 100 billion barrels of oil. In addition, Congress must get serious about funding alternative energy research. A great example is the work being done at Auburn University in my home State of Alabama. I would like to invite my colleagues to visit the Auburn mobile bioenergy unit here in D.C. this week.

Efforts like these are critical or a critical part of the solution to high gas prices, but so is using the resources we have here at home in an environmentally sensitive way. This is just common sense, and there is nothing that should stop Congress from following this course.

COMMEMORATING THE SERVICE OF SUPERINTENDENT SANDRA BARRY TO THE ANAHEIM CITY SCHOOL DISTRICT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today I would like to honor the service of Anaheim City School District Superintendent Sandra Barry and to wish her luck in her upcoming retirement.

Throughout her 11 years with the school district, including the last 8 as superintendent, Mrs. Barry has done an excellent job leading the Anaheim City School District, which is the largest elementary school district in Orange County and one of the largest in the State of California.

I applaud Superintendent Barry's commitment to the entire Anaheim community. Mrs. Barry has given her time and energy to many causes, including being on the board of directors for the Tiger Woods Foundation, the Anaheim Chamber of Commerce, the YMCA and the Police Chief Community Advisory Board. Her dedication to the community and the future of our Anaheim children is clear through her many achievements.

I sincerely thank superintendent Barry for her leadership, her commitment and her dedication to brightening the academic future of every Anaheim elementary student. She will be missed, but her lasting influence, and especially with respect to all the educators in the district, will go on for a long time in Anaheim.

I wish my good friend the best in her retirement, and I thank her for making the Anaheim City School District a great place to learn.

REDUCE OUR RELIANCE ON FOREIGN OIL

(Mr. DAVID DAVIS of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I keep hearing my colleagues on the other side of the aisle say that we need to reduce our reliance on foreign oil. I couldn't agree more.

The Democrats are good at making promises, but they need to follow through on those promises. There is one thing my colleagues on the other side of the aisle are very good at saying—"no."

It seems like every option we put on the table, whether it's developing the sources of the Outer Continental Shelf, expansion of nuclear power, or opening more refineries in the United States, the answer is always no.

The Department of Interior estimates that in the Outer Continental Shelf alone, there is almost 100 billion barrels of oil and over 450 trillion cubic feet of natural gas. How high will gas prices have to go before the Democrats start saying "yes"? $5 a gallon? $10 a gallon?

It's time for no more excuses. Families are hurting. Businesses are hurting. The American people are asking for help. It's time to say "yes."

REPUBLICAN PLAN OF DRILLING IN ANWR IS NOT THE ANSWER TO HIGH GAS PRICES

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, the American people are rightfully concerned about the high cost of gas, and they are looking for solutions that will provide some immediate relief. We don't need more of the stale rhetoric of the past 7 years that we have heard from the

Bush administration and their so-called energy policy.

President Bush and congressional Republicans continue to argue that opening one of America's treasures, the Arctic refuge, to oil drilling will lower gas prices. That's simply not true.

Ask the experts. That is the conclusion of the Bush administration's own Energy Information Administration, which estimates that opening the Arctic refuge to drilling today will save only a few pennies a gallon 20 years from now. Sadly, this is the Republican solution to addressing the high prices that they created.

The American people are looking for action. That's exactly what this Democratic House has been doing over the past couple of months. Unfortunately, we need help from our friends across the aisle because President Bush remains committed to failed policies.

SUPPORT GROWING DOMESTIC ENERGY NEEDS

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, an 83-year-old woman told me she is paying over $400 a month now for her energy bills, and she may end up finishing her life burning wood, like she started it.

The fact is, God has blessed this Nation with an abundance of solutions in the form of natural resources that can support growing domestic energy needs. Within 3 years, we can get a million to a million and a half barrels of oil from ANWR. Some have indicated there are three times the amount of oil left in the entire Middle East, three times that amount in shale in Colorado, Wyoming and Utah, but they can't get to it.

The limited areas that are available for lease have an 8-year lease, and they are saying it takes right at 8 years to get all the permits. Yes, there is some property under lease that they can't produce. There is some that doesn't produce. That's the energy business.

But we need to help hardworking Americans. I don't understand what the majority leadership has against good union jobs. We are losing them every day in our district because energy prices are too high, and I want to keep those good union jobs.

☐ 1030

JOBLESS BENEFITS EXTENSION

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, there is hardly a middle-class soul in our country who has not been impacted by this terrible economy. With 326,000 jobs lost, millions of Americans may lose their homes and their health care. All this as the price of food soars and the price of gas passes $4 a gallon and wages are stagnant.

Mr. Speaker, we should invent a new word similar to stagflation that also includes gas and food. May I suggest "stagasfoodlation" to describe this terrible economy. Millions of men, women and children are caught up in an economic perfect storm not of their making where every avenue seems cut off.

Today we will have the opportunity to vote for an extension of unemployment insurance to help these American families. Republicans should not try to block this last lifeline for these families.

ESCALATING GAS PRICES

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to add my voice to those urging change in the face of escalating gas prices. With the start of the summer season, the far-reaching effects of ever increasing gas prices is becoming more and more apparent.

It will result in a decrease in income for those in the travel industry, and that will lead to an increase in prices for dependent goods. As a result, the national economy will experience lower spending and higher prices. We are not now in a terrible economic situation, as some of our colleagues have said, but the high gas prices can lead to that.

Yet in the face of this self-perpetuating cycle, Democrats are not fighting for change here. We need to move our energy production technologies into the 21st century and build more coal, hydroelectric, and nuclear plants. We have ways to increase our domestic oil and gas production, as well as renewable and domestically available energy sources. At the same time, we must support the commercialization of our shale oil resources which hold enough oil to meet America's needs for more than two centuries.

Congress cannot afford to stand as an idle spectator as gas prices continue to erode the foundation of our economy. I urge Members to support Republican efforts to actively seek solutions to our current situation. American families deserve results and it is our responsibility to see that they get them.

EXTENDING UNEMPLOYMENT BENEFITS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, the Bush economy has lost nearly 325,000 jobs this year alone. With five straight months of job losses and the unemployment rate experiencing its sharpest spike in 22 years, it is clear that the economic downturn is hurting middle class people everywhere.

Last week, the Democratic Congress passed legislation to extend unemployment benefits for an additional 13 weeks to provide relief to millions of Americans who are finding it increasingly difficult to find a job.

Not only will this extension help 1.6 million Americans who have already exhausted their regular benefits, but it will also stimulate the struggling economy. For every $1 spent on unemployment benefits, it generates $1.64 in our economy.

Mr. Speaker, after last week's bipartisan vote, President Bush and the majority of the House Republicans should drop their opposition to this commonsense legislation so we can provide some much-needed assistance to those who are hurting under the Bush economy. Workers who are having trouble finding a job are not to be blamed for this struggling economy.

AMERICA NEEDS ENERGY PRODUCTION

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, you know after listening to my friends on the other side of the aisle, if you listen to their prescription for our energy woes, it is very much like saying we can have milk in this country without cows. They don't understand that in order to take care of the problem, you need supply.

And why do I say that, because on every single vote we have had over the last decade or so, when we talked about tar sands, Democrats voted no. When we talked about shale oil, Democrats voted no. When we talked about coal, Democrats voted no. When we talked about cleaner ways of using coal, the Democrats voted no. When we talked about offshore drilling for gas and oil, the Democrats said no. When we talked about drilling in ANWR, they voted no. When we talked about refineries, they said no. Nuclear, they said no. And sometimes they have even said no to wind if it happened to be near where they lived.

Now the problem is that the American people want solutions. We are providing an opportunity for solutions. All we are asking is that the leadership on the Democratic side of the aisle allow us to bring to the floor those bills that will allow for more American energy production because we understand if you want milk, you have to have cows. If you want production, you are going to have to allow production in this country.

DOLLAR LITE UNDER PRESIDENT BUSH

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, the people in Wisconsin elected me and sent me here to Washington to listen to them. And what are the people in Wisconsin asking me to do? They said Kagen, there are two things you can do to help me and stimulate my economy and put more money in my pocket: cut the price of gasoline and reduce our health care costs.

As Megan and Eric from Appleton wrote to me, "We are young people with four kids. Our insurance is out of control. Our family earns $38,000 a year. We pay $520 a month to have health insurance. Gas prices limit our lives. We can't afford it; food for our kids or gas in the tank."

My friends, there are two reasons we are in this mess: Bush and CHENEY. Bush and CHENEY, these are the two reasons. And what have they done, they have taken our United States dollar and taken down its value. You might be drinking Miller Lite, but you've got dollar lite in your pocket, and that's why the price of everything, from gasoline to health care, to food, shelter and clothing is going up. Your United States dollar isn't worth what it was when George Bush took office.

TANKER CONTRACT DECISION BAD FOR AMERICAN ECONOMY

(Mr. MOORE of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MOORE of Kansas. Mr. Speaker, the Air Force's recent decision to award a contract to Airbus to replace our current fleet of aerial refueling tankers is a reckless one. Americans are experiencing job cuts, a credit crisis, foreclosures on their homes, and rising foods and energy prices.

Just weeks after this Congress passed a $168 billion economic stimulus package to address these issues, the Air Force assumes it will simply appropriate $40 billion for an Airbus fleet of tankers, creating high-paying jobs in Europe.

American workers have built and provided our tanker fleet for more than 40 years. Their experience makes them second to none when it comes to meeting this need.

It is beyond belief that the Air Force will reward American know-how and hard work by offshoring defense-related jobs and shrinking the U.S. industrial base even further. This decision is not in the interests of the United States.

I urge my colleagues to see the larger picture here. Congress has a responsibility to look out for all of the issues pertaining to this contract and the threat it poses to American workers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

AMENDING CERTAIN LAWS RELATING TO NATIVE AMERICANS

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5680) to amend certain laws relating to Native Americans, and for others purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Colorado River Indian Tribes.
Sec. 3. Gila River Indian Community contracts.
Sec. 4. Land and interests of the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.
Sec. 5. Morongo Band of Mission Indians Lease Extension.
Sec. 6. Cow Creek Band of Umpqua Tribe of Indians leasing authority.
Sec. 7. New Settlement Common Stock issued to descendants, left-outs, and elders.

SEC. 2. COLORADO RIVER INDIAN TRIBES.

The Secretary of the Interior may make, subject to amounts provided in subsequent appropriations Acts, an annual disbursement to the Colorado River Indian Tribes. Funds disbursed under this section shall be used to fund the Office of the Colorado River Indian Tribes Reservation Energy Development and shall not be less than $200,000 and not to exceed $350,000 annually.

SEC. 3. GILA RIVER INDIAN COMMUNITY CONTRACTS.

Subsection (f) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(f)), is amended by striking "lease, affecting" and inserting "lease or construction contract, affecting".

SEC. 4. LAND AND INTERESTS OF THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS OF MICHIGAN.

(a) IN GENERAL.—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Sault Ste. Marie Tribe of Chippewa Indians of Michigan (including any agent or instrumentality of the Tribe) (referred to in this section as the "Tribe"), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) EFFECT OF SECTION.—Nothing in this section is intended to authorize the Tribe to transfer, lease, encumber, or otherwise convey, any lands, or any interest in any lands, that are held in trust by the United States for the benefit of the Tribe.

(c) LIABILITY.—The United States shall not be held liable to any party (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this Act unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held in trust for the benefit of the Tribe.

(d) EFFECTIVE DATE.—This section shall be deemed to have taken effect on January 1, 2005.

SEC. 5. MORONGO BAND OF MISSION INDIANS LEASE EXTENSION.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended in the second sentence by inserting "and except leases of land held in trust for the Morongo Band of Mission Indians which may be for a term of not to exceed 50 years," before "and except leases of land for grazing purposes which may be for a term of not to exceed ten years".

SEC. 6. COW CREEK BAND OF UMPQUA TRIBE OF INDIANS LEASING AUTHORITY.

(a) AUTHORIZATION FOR 99-YEAR LEASES.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting "and lands held in trust for the Cow Creek Band of Umpqua Tribe of Indians," after "lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any lease entered into or renewed after the date of the enactment of this Act.

SEC. 7. NEW SETTLEMENT COMMON STOCK ISSUED TO DESCENDANTS, LEFT-OUTS, AND ELDERS.

Section 7 of the Alaska Native Claims Settlement Act, (Public Law 92–203; 85 Stat. 691), is amended—

(1) by amending subsection (g)(1)(B)(iii) (43 U.S.C. 1606(g)(1)(B)(iii)), to read as follows:

"(iii) The amendment authorized by clause (i) may provide that Settlement Common Stock issued to a Native pursuant to such amendment (or stock issued in exchange for such Settlement Common Stock pursuant to subsection (h)(3) of this section or section 1626c(d) of this title) shall be subject to one or more of the following:

"(I) Such stock shall be deemed canceled upon the death of such Native, and no compensation for this cancellation shall be paid to the estate of the deceased Native or to any person holding stock.

"(II) Such stock shall carry limited or no voting rights.

"(III) Such stock shall not be transferred by gift as provided in subparagraph (h)(1)(C)(iii)."; and

(2) in subsection (h)(1)(C) (43 U.S.C. 1606(h)(1)(C)), by striking "Notwithstanding the restrictions" and inserting "Expect as otherwise expressly provided in this chapter and".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5680, introduced by our colleague, Mr. GRIJALVA, contains multiple proposals to address the needs of several Indian tribes and Alaska Native villages. I would like to commend Mr. GRIJALVA for his hard work on this legislation. Without his dedication and commitment, we would not be here this morning. Some of these provisions may seem small and insignificant, but they mean much to those they affect.

Under this legislation, the Colorado River Indian Tribes would be authorized to receive funds from the Secretary of the Interior in order to establish and run an Office of Energy Development. Funds are available for such purposes under section 1(b) of the Act of June 1938. The establishment of an Office of Energy Development will allow the tribe to better oversee and manage the operation, management and funds derived from the BIA power system located on their reservation.

This legislation would authorize the Gila River Indian Community to agree to mediation over construction contracts. It supports the right of an Indian tribe to dispose of land held in fee simple status. It further authorizes two Indian tribes to enter into long term leasing of tribal land. Finally, this legislation clarifies certain powers of Alaskan Native Regional Corporations with respect to the issuance of common stock.

Mr. Speaker, I urge passage of H.R. 5680, as amended.

I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5680 is a technical corrections bill amending several laws concerning Native Americans. This bill has six substantive sections that will increase tribal economic development in several western States, Michigan and also Alaska. The bill is supported by the administration, and I urge my colleagues to support the bill.

I must add, of course, that opening up American reserves of oil, natural gas, geothermal energy and oil shale here at home would also help economic development, not only for Native Americans, but for all Americans.

Rather than devoting precious hours to legislation that covers a multitude of topics, and I understand many of them are necessary, others are more discretionary, I would ask, I would plead in fact as a member of the minority, that the leadership allow us the opportunity to vote on bills that would address the shortage of energy supply in our country.

I will say that no single answer remains to solve our energy situation. That is why I believe so many sources of energy need to be on the table. We have heard various criticisms and various analogies, but the fact is that we need more energy supply. The economics point to that. The demands of our economy point to that. The checkbooks of every single American point to that. Households all across America, all across our economy need more access, more affordable access to energy.

Congress ought not point a finger at those folks who they think use too much energy. Certainly I would not tell a farmer or rancher in my district of Nebraska they are caught up in consuming too much energy in producing food for America, or feed stocks for alternative energy. It takes energy to produce energy. Yes, I understand that, and we can do better with our policies.

I have no additional speakers, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 5680, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend certain laws relating to Native Americans, and for other purposes.".

A motion to reconsider was laid on the table.

FAIR, ACCURATE, SECURE, AND TIMELY REDRESS ACT OF 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4179) to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair, Accurate, Secure, and Timely Redress Act of 2008" or the "FAST Redress Act of 2008".

SEC. 2. ESTABLISHMENT OF APPEAL AND REDRESS PROCESS FOR INDIVIDUALS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT, OR DENIED A RIGHT, BENEFIT, OR PRIVILEGE.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

"SEC. 890A. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT, OR DENIED A RIGHT, BENEFIT, OR PRIVILEGE.

"(a) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this section, the Secretary shall establish a timely and fair process for individuals who believe they were delayed or prohibited from boarding a commercial aircraft or denied a right, benefit, or privilege because they were wrongly identified as a threat when screened against any terrorist watchlist or database used by the Transportation Security Administration (TSA) or any office or component of the Department.

"(b) OFFICE OF APPEALS AND REDRESS.—

"(1) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the TSA and such other offices and components of the Department as the Secretary determines appropriate.

"(2) COMPREHENSIVE CLEARED LIST.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office, under the direction of the Secretary, will maintain and appropriately disseminate a comprehensive list, to be known as the 'Comprehensive Cleared List', of individuals who—

"(A) were misidentified as an individual on any terrorist watchlist or database;

"(B) completed an approved Department of Homeland Security appeal and redress request and provided such additional information as required by the Department to verify the individual's identity; and

"(C) permit the use of their personally identifiable information to be shared between multiple Departmental components for purposes of this section.

"(3) USE OF COMPREHENSIVE CLEARED LIST.—

"(A) IN GENERAL.—The Secretary shall—

"(i) except as provided in subparagraph (B), transmit to the TSA or any other appropriate office or component of the Department, other Federal, State, local, and tribal entities, and domestic air carriers and foreign air carriers that use any terrorist watchlist or database, the Comprehensive Cleared List and any other information the Secretary determines necessary to resolve misidentifications and improve the administration of the advanced passenger prescreening system and reduce the number of false positives; and

"(ii) ensure that the Comprehensive Cleared List is taken into account by all appropriate offices or components of the Department when assessing the security risk of an individual.

"(B) TERMINATION.—

"(i) IN GENERAL.—The transmission of the Comprehensive Cleared List to domestic air carriers and foreign air carriers under clause (i) of subparagraph (A) shall terminate on the date on which the Federal Government assumes terrorist watchlist or database screening functions.

"(ii) WRITTEN NOTIFICATION TO CONGRESS.—Not later than 15 days after the date on which the transmission of the Comprehensive Cleared List to the air carriers referred to in clause (i) of this subparagraph terminates in accordance with such clause, the Secretary shall provide written notification to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate of such termination.

"(4) INTERGOVERNMENTAL EFFORTS.—The Secretary may—

"(A) enter into memoranda of understanding with other Federal, State, local, and tribal agencies or entities, as necessary, to improve the appeal and redress process and for other purposes such as to verify an individual's identity and personally identifiable information; and

"(B) work with other Federal, State, local, and tribal agencies or entities that use any terrorist watchlist or database to ensure, to the greatest extent practicable, that the Comprehensive Cleared List is considered when assessing the security risk of an individual.

"(5) HANDLING OF PERSONALLY IDENTIFIABLE INFORMATION.—The Secretary, in conjunction with the Chief Privacy Officer of the Department, shall—

"(A) require that Federal employees of the Department handling personally identifiable information of individuals (in this paragraph referred to as 'PII') complete mandatory privacy and security training prior to being authorized to handle PII;

"(B) ensure that the information maintained under this subsection is secured by encryption, including one-way hashing, data anonymization techniques, or such other equivalent technical security protections as the Secretary determines necessary;

"(C) limit the information collected from misidentified passengers or other individuals to the minimum amount necessary to resolve an appeal and redress request;

"(D) ensure that the information maintained under this subsection is shared or transferred via an encrypted data network that has been audited to ensure that the anti-hacking and other security related software functions perform properly and are updated as necessary;

"(E) ensure that any employee of the Department receiving the information maintained under this subsection handles such information in accordance with section 552a of title 5, United States Code, the Federal Information Security Management Act of 2002 (Public Law 107–296), and other applicable laws;

"(F) only retain the information maintained under this subsection for as long as needed to assist the individual traveler in the appeal and redress process;

"(G) engage in cooperative agreements with appropriate Federal agencies and entities, on a reimbursable basis, to ensure that legal name changes are properly reflected in any terrorist watchlist or database and the Comprehensive Cleared List to improve the appeal and redress process and to ensure the most accurate lists of identifications possible (except that section 552a of title 5, United States Code, shall not prohibit the sharing of legal name changes among Federal agencies and entities for the purposes of this section); and

"(H) conduct and publish a privacy impact assessment of the appeal and redress process established under this section and transmit the assessment to the Committee on Homeland Security of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate.

"(6) INITIATION OF APPEAL AND REDRESS PROCESS AT AIRPORTS.—At each airport at which—

"(A) the Department has a presence, the Office shall provide written information to air carrier passengers to begin the appeal and redress process established pursuant to subsection (a); and

"(B) the Department has a significant presence, provide the written information referred to in subparagraph (A) and ensure a TSA supervisor who is trained in such appeal and redress process is available to provide support to air carrier passengers in need of guidance concerning such process.

"(7) REPORT TO CONGRESS.—Not later than 240 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the status of information sharing among users at the Department of any terrorist watchlist or database. The report shall include the following information:

"(A) A description of the processes and the status of the implementation of this section to share the Comprehensive Cleared List with other Department offices and components and other Federal, State, local, and tribal authorities that utilize any terrorist watchlist or database.

"(B) A description of the extent to which such other Department offices and components are taking into account the Comprehensive Cleared List.

"(C) Data on the number of individuals who have sought and successfully obtained redress through the Office of Appeals and Redress.

"(D) Data on the number of individuals who have sought and were denied redress through the Office of Appeals and Redress.

"(E) An assessment of what impact information sharing of the Comprehensive Cleared List has had on misidentifications of individuals who have successfully obtained redress through the Office of Appeals and Redress.

"(F) An updated privacy impact assessment.

"(c) TERRORIST WATCHLIST OR DATABASE DEFINED.—In this section, the term 'terrorist watchlist or database' means any terrorist watchlist or database used by the Transportation Security Administration or any office or component of the Department of Homeland Security or specified in Homeland Security Presidential Directive-6, in effect as of the date of the enactment of this section.".

(b) INCORPORATION OF SECURE FLIGHT.—Section 44903(j)(2) of title 49, United States Code, is amended—

(1) in subparagraph (C)(iii)—

(A) by redesignating subclauses (II) through (VII) as subclauses (III) through (VIII), respectively; and

(B) by inserting after subclause (I) the following new subclause:

"(II) ensure, not later than 30 days after the date of the enactment of the FAST Redress Act of 2008, that the procedure established under subclause (I) is incorporated into the appeals and redress process established under section 890A of the Homeland Security Act of 2002;";

(2) in subparagraph (E)(iii), by inserting before the period at the end the following: ", in accordance with the appeals and redress process established under section 890A of the Homeland Security Act of 2002"; and

(3) in subparagraph (G)—

(A) in clause (i), by adding at the end the following new sentence: "The Assistant Secretary shall incorporate the process established pursuant to this clause into the appeals and redress process established under section 890A of the Homeland Security Act of 2002."; and

(B) in clause (ii), by adding at the end the following new sentence: "The Assistant Secretary shall incorporate the record established and maintained pursuant to this clause into the Comprehensive Cleared List established and maintained under such section 890A.".

(c) CONFORMING AMENDMENT.—Title 49, United States Code, is amended by striking section 44926 (and the item relating to such section in the analysis for chapter 449 of title 49).

(d) CLERICAL AMENDMENT.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by adding after the item relating to section 890 the following new item:

"Sec. 890A. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of this bill, and I yield myself such time as I may consume.

Mr. Speaker, H.R. 4179, the Fair, Accurate, Secure and Timely Redress Act or FAST Redress Act was introduced last year by a relatively new member of the Homeland Security Committee, Congresswoman YVETTE CLARKE. Representative CLARKE is to be commended for the yeoman's job she has done.

Everyone complains about the lack of sanity in the watch-listing process, but few have dared to wade into all the ins and outs of the system. Representative CLARKE has done just that, and this legislation is the product of that thoughtful undertaking.

H.R. 4179 was marked up and approved on a bipartisan basis by the committees's Transportation Security and Infrastructure Protection Subcommittee in early May. On May 20, 2008, the bill was marked up and adopted unanimously by the full committee.

This legislation, like other Homeland Security Committee bills that will be considered today, builds on the solid provisions in H.R. 1684, the Department of Homeland Security authorization bill that has been pending in the Senate since May of 2007.

Certainly, the practice of watch-listing individuals plays an important role in identifying possible terrorist suspects.

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It is important to keep in mind that the watch list is only as good as the information on it. Without accurate, complete and reliable information, the purpose of the watch list is frustrated, the database becomes unreliable, and misidentifications persist.

Getting the watch list fixed and reducing misidentifications is a particularly difficult challenge. To do so, all the intelligence and law enforcement components that populate the list would need to come together and agree to clean it up. Unfortunately, this has not happened. Therefore, redress is the only real recourse for an American who is repeatedly stopped or delayed at airports and border crossings because one is misidentified as a terrorist threat.

Presently, there is a redress process available at DHS. Since February 2007, over 32,000 Americans have sought redress through DHS Traveler and Redress Inquiry Program, also known as DHS TRIP. Each individual voluntarily provided personal information to establish their identity. When there is a determination that this person is not a threat, their names are placed on a "cleared list" that is maintained by the Transportation Security Administration.

This cleared list is populated with names of individuals who have the same or similar name as someone on the "no fly" or "selectee" lists, but have proven that they are not the person on the list. The cleared list is then shared with only the airlines for screening purposes.

Under H.R. 4179, it will be shared throughout DHS and with other Federal agencies that use the terrorist watch list database. This would assure that individuals that go through the redress process are not stopped as potential terrorists by other Federal agencies.

Specifically, H.R. 4179 requires the Secretary of Homeland Security to establish the Office of Appeals and Redress to provide a timely and fair redress process. The Office of Appeals and Redress is directed to maintain a "comprehensive cleared list" that contains the names of individuals who have been misidentified and have corrected erroneous information.

The comprehensive cleared list would be made available to other Federal, State, local and Tribal authorities and others that use the terrorist watch list or database to resolve misidentification.

The bill directs TSA, CBP, the Coast Guard and other DHS components to reference the comprehensive cleared list when assessing the security risk of an individual. This would assure that individuals like our esteemed colleague, the gentleman from Georgia, Mr. JOHN LEWIS, would not be repeatedly stopped or delayed or have to seek redress from components in the same Federal agency.

H.R. 4179 also authorizes the DHS to enter into memoranda of understanding with other Federal agencies to enhance the redress process.

Importantly, the measure includes protections to assure that personally identifiable information is handled in accordance with privacy laws.

Once enacted, individuals that go through the trouble of clearing their names will not have to repeat the exercise again and again and again.

Mr. Speaker, on behalf of every John Lewis and James Smith, I urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank the chairman of the committee for granting me the time, and also for the work that he has done in working on a bipartisan basis with those of us on this side to bring a number of these bills to the floor.

Every month, Mr. Speaker, that the Federal Government and local law enforcement officials screen some 270 million individuals against a new and constantly evolving consolidated terrorist watch list, we actually are safer as a result of those actions. Since the Terrorist Screening Center's establishment in December of 2003, front line screeners using this watch list have encountered known or reasonably suspected terrorists over 55,000 times.

Now, I grant you that a name-based watch list certainly is not perfect. The problems are compounded by the fact that, in several cases, a single individual has over 50 identities on the watch list and, of course, this would eventually lead to misidentifications between law-abiding Americans and watch-listed identities.

These misidentifications are not simply persons with Arab names, as the press would have you believe. Actors, writers, yes, even as the gentleman from Mississippi mentioned, Congressmen and sometimes even former Presidential candidates have been inconvenienced by the terrorist watch list.

However, the bottom line is that the watch list stops would-be terrorists from entering the United States. According to Customs and Border Protection, on March 27, 2005, a CBP officer identified an individual who was a possible match to terrorist-related records. The ID resulted in a local joint terrorism task force arresting the passenger, who was later charged with conspiring to provide material support to terrorism and conspiracy to kill, kidnap, or maim persons.

Similarly, CBP denied entry of a Palestine Liberation Organization weapons smuggler. The suspect was later charged with conspiracy to traffic in explosive devices and firearms.

The legislation before us today, introduced by the gentlelady from New York, is a good bill. It's the result of solid bipartisan negotiations, and I wish to thank her and her staff, as well as the chairman of the committee and the chairwoman of the subcommittee and their staffs, for working with us to develop a reasonable process to ensure that individuals who are frequently misidentified have an effective recourse to minimize future travel disruption.

Perhaps one of the most important provisions of the bill is the requirement that the Department of Homeland Security better advertise its redress process, known as TRIP, at airports.

When I hear from constituents that they're being misidentified as a watch-listed individual, I'm concerned they have not heard of the Department's process to seek redress. This bill requires the Department to advertise its redress process at each airport, and to have staff on hand at the largest airports to explain the process and answer questions from the traveling public.

Again, I thank the gentlelady for working with us and moving this legislation forward in a bipartisan manner, and look forward to its quick adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the author of this legislation, the Congresswoman from New York, Ms. YVETTE CLARKE.

Ms. CLARKE. Mr. Speaker, Mr. Chairman, Ranking Member LUNGREN, nearly everyone in the homeland security community agrees that having a single comprehensive list of terrorist suspects is an important tool in keeping America safe.

However, there are flaws in how the terrorist watch list is maintained and used. Perhaps the biggest problem is that every single day, countless Americans are misidentified as terrorists. These errors most commonly occur when an innocent person's name happens to be similar to one listed in the database. This results in wasted time, both for law enforcement, because they're using resources investigating innocent people, and for the general public who face the prospect of being wrongly detained and possibly altogether prevented from going about their business.

Most commonly, this affects air travelers who are screened against the watch list more often than anyone else. Currently, each time a reservation is made, airlines must determine whether a customer is a potential match based on information they receive from our government.

Every day, thousands of people are pulled aside, required to go through special procedures, detained, or even denied boarding altogether, at great cost to frustrated travelers who miss flights, which ruins plans, and at great cost to companies which depend on business travel whose employees miss meetings and lose productivity.

Because of the terrorist watch list that is being used for screening agencies, many people other than domestic air travelers have also been impacted by misidentifications. Some of these people include international travelers delayed or denied entry to the country by CBP; potential foreign visitors denied visas by the State Department, and other workers, port workers who have been incorrectly denied a transportation worker identification card, which is now required to work at a port facility in the United States. In the future, this will likely become a greater issue, as more potentially sensitive activities are tied to screening against the watch list.

In 2007, TSA attempted to address this issue by initiating a redress process called DHS TRIP. But this program has multiple problems, and its scope is limited just to air travelers. Because of the program's limitations, many travelers go through the process only to find they are again misidentified as terrorists in the future.

The FAST Redress Act solves this problem by granting DHS the tools to create a department-wide Office of Redress and Appeals, a one-stop shop for any individual who feels they are being incorrectly identified as a terrorist whenever they have contact with our government.

Using the Office of Redress, people can voluntarily submit to our government and be put into a single comprehensive cleared list, ensuring they will avoid future misidentification when dealing with any Department entity.

This bill also allows the Secretary to enter into intergovernmental memorandums of understanding so this cleared list can be used by all government screening entities.

This bill will greatly streamline the process for the countless people who, just because of their names, are regularly misidentified as a terrorist, creating a single, high visible office within our government for everyone who wants to clear their names.

I'm very thankful to Chairman THOMPSON and Ranking Member KING, along with TS&IP Chairwoman JACKSON-LEE and Ranking Member LUNGREN for recognizing the importance of this issue and their great bipartisan efforts pushing the FAST Redress Act forward.

I also thank the staff on both sides of the Homeland Security Committee for their hard work and the time they put into this bill.

Further, since introduction, this bill has received the strong support of the National Business Travel Association, who recognize its benefits for the business travel community. I thank them for their support which remains instrumental as we continue to make this bill law.

Finally, I'd like to thank the people of Central Brooklyn that filed into my district office week after week seeking relief after being misidentified against the watch list.

The SPEAKER pro tempore. The time of the gentlewoman from New York has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield an additional minute to the gentlelady.

Ms. CLARKE. The challenges that they faced served as the brainchild for this legislation.

I ask my colleagues to join me in the restoration of civil liberties, creating a truly fair, accurate, secure and timely redress process. I ask them to join me in support of the bipartisan bill, H.R. 4179, the FAST Redress Act of 2008.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4179, the FAST Redress Act, is an important bill, and we should act on it today, and we should try and get concurrence with the Senate and have this on the President's desk so he can sign it so that we can take care of the problem of misidentifications on the terrorist screening list that we use for a legitimate purpose.

Similarly, Mr. Speaker, I would hope that we might have a fast redress act for the American people who are currently standing in line waiting to pay for their gasoline at larger and larger and larger prices. One of the things we need to do, in terms of this bill, is redress the misinformation that's contained on terrorist screener watch lists.

We similarly need to get rid of the misidentification that deals with the issue of Americans' need for energy and what ANWR represents. Rather than what we've heard on the floor on a number of different occasions, including today, that somehow ANWR is insignificant with respect to the great question of energy that currently approaches the American people, the facts say something very different.

In other words, if we check them against the facts as this bill wants us to check misidentifications against the factual determinations, we would find this: According to the United States Geological Survey, the mean estimate of technically recoverable oil, that's the kind of oil that we can bring up under already existing technology in the coastal plain of ANWR, is 10.4 billion barrels, all of which is now economically recoverable.

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Now, what is 10.4 billion barrels? More than twice the proven oil reserves in all of the State of Texas. And you know how Texans like to brag about what they got and how big it is. This would be twice the proven oil reserves that are now found in all of Texas. That's almost half of the total U.S. proven reserve at 21 billion barrels. That represents a possible 50 percent increase in total U.S. proven reserves. That has been categorized on this floor as being insignificant and of having no impact on the current energy scene. I think checking it against the facts, we see that's wrong.

Based on the USGS mean estimate, ANWR would provide one million barrels per day for 30 years. That's one million barrels per day for 30 years. Now what would that represent? Some insignificant figure? No. That's a 20 percent increase in domestic, or as we would like to call it, American production. That's equivalent to what the entire State of Texas produces daily. And listen to this. That is the equivalent to 30 years' worth of imports from Hugo Chavez.

The coastal plain of ANWR, known as the 1002 area, is neither wilderness nor refuge. In fact, when I was here in this House privileged to serve in 1980, it was set aside by this Congress and then-President Carter specifically for future oil development.

Now, do we ever hear about that? That's as much as a misidentification of what the reality is of what we're talking about in this bill. Development would be limited to the 2,000 acres of the coastal plain. That would be 0.01 percent of the entire 19.6 million acre refuge.

So Mr. Speaker, as I said, I rise in support of this bill, H.R. 4179, which would correct misinformation contained in official documents that thereby inconveniences the American people. Similarly, if we took action on a Redress Act for energy on the American people, they would be less inconvenienced and we would be on our way to energy independence.

With that, I would reserve my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, I thank the chairman for this opportunity to speak on an excellent bill, and I want to commend my friend from New York for bringing this bill to the House of Representatives and bringing it through our committee.

So I rise today to express my strong support for the Fair, Accurate, Secure and Timely Redress Act or the FAST Redress Act.

At Denver International Airport, the Nation's fourth busiest airport, tens of thousands of passengers go through security each day. For most, the screening process is straightforward and is as efficient a policy as possible. But for some, like the John Thompsons of Colorado, flying is a painful and difficult experience, not because of the items they bring through security or the way they act, but simply because of their name. And they range from 8-year-olds to 80-year-olds.

There are thousands of Americans whose names are similar to terrorists listed on the No Fly List. And when travelling, the airlines and TSA do not distinguish these law-abiding Americans from criminals on the list who happen to have the same name. As a result, these citizens may be forced to undergo extensive, time-consuming additional screening and questioning. This happens not just once but every single time the person travels.

To avoid it happening on every occasion, they can go through the Department of Homeland Security Travel Redress Inquiry Program to get removed from the list, but that process is slow and ineffective. Furthermore, it doesn't currently address the concern that each airline uses the travel redress program differently.

That is why I am a cosponsor of this important legislation. Our Nation's passengers affected by mistaken identity deserve an office within the Department of Homeland Security to help resolve these identity problems once and for all. Our Nation's passengers deserve a comprehensive cleared list to match the No Fly List which is provided to airport security and the airlines to be used in a uniform manner.

Our Nation's passengers deserve a Federal plan to verify their identity and make sure they are safe to fly. This bill achieves these goals and makes our flying public safer while keeping commerce going.

I want to thank Congresswoman CLARKE and Committee Chairman THOMPSON, as well as Ranking Member Mr. LUNGREN and Chairwoman SHEILA JACKSON-LEE and the other members of the committee for their hard work on this important matter.

I ask my colleagues to support this bill.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have no additional speakers, and I would just say that this bill deserves the unanimous support of the Members of this body.

With that, I would yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished chairman of the Homeland Security Committee. Mr. Speaker, I ask to revise and extend.

I want to add my appreciation to, again, the very, very able and distinguished Member YVETTE CLARKE from New York for her strong advocation for H.R. 4179 and legislation that came through the subcommittee of transportation security, which I chair, and her wisdom on bringing about a solution to a long-standing problem that we have seen come about after 9/11.

Every day, millions of Americans travel across the country and abroad by land, air, and sea. Unfortunately, we have a process in place, the terrorist watch list or database, which makes, or should make, traveling safe. However, there have been problems and misidentifications. Even air marshals have been denied boarding on air carriers on the very flights they were assigned to protect because of misidentification.

To date, more than 15,000 Americans have sought redress from the Transportation Security Administration and voluntarily provided information. But this system has not worked. We know two of our very own dear colleagues, Senator KENNEDY and JOHN LEWIS, who I think have a pedigree beyond reproach, have been set aside, if you will, in trying to fly.

And so therefore, it is important to have a redress process that works and to assure that a person on the TSA's Clear List will not be stopped as a potential terrorist. H.R. 4179 by Congresswoman YVETTE CLARKE will establish an appeal and redress process to ensure that the Office of Appeals and Redress at the Department of Homeland Security actually work.

I do want to congratulate her for this forward thinking. I look forward to working with her as we move forward on additional legislation that addresses the question of dress. As we all know, imams who have cleared TSA could not board a plane in one of our midwest States because they were determined to be a threat when they had passed security, when their name was not on the watch list, and only because of religious actions.

And so this is an important step forward. We should be a Nation of security but also the protection of civil liberties. And I look forward to us making further steps to ensure that religious dress, attire, and talk does not in any way undermine your constitutional rights in this question.

My appreciation to Congresswoman CLARKE. I ask my colleagues to enthusiastically support this legislation.

Mr. Speaker, I rise today in strong support of H.R. 4179, To amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, and for other purposes, introduced by my distinguished colleague from New York, Representative CLARKE, of which I am a proud original cosponsor. This important legislation will provide an effective and efficient mechanism through which Americans can seek redress.

Every day, millions of Americans travel across the country and abroad, by land, air, and sea. Fortunately, we have a process in place, the terrorist watch list or database, which makes travel safer for the traveling public. However, that very process has been plagued with problems and misidentifications. The American public has grown weary of the constant delays and misidentifications caused by incomplete and inaccurate information associated with the terrorist watch list or database.

For years, even Federal Air Marshals (FAMs) have been denied boarding by air carriers on the very flights they were assigned to protect because of misidentifications. To date, more than 15,000 Americans have sought redress from the Transportation Security Administration (TSA) and voluntarily provided personal information to facilitate travel and prevent further misidentifications and delays. While the TSA maintains a "Cleared List" for individuals who have the same or similar name or other identifier as someone on the "No Fly" or "Selectee" lists but have gone through the redress process, there is a significant stagnation in the columniation and sharing of information. The Cleared List is then shared with airlines for screening purposes but it is not shared within the Department of Homeland Security or with other Federal agencies that use the terrorist watch list or database. Therefore, despite going through the redress process, there's nothing to assure that a person on the TSA's "Cleared List" will not be stopped as a potential terrorist by other Federal agencies, including U.S. Customs and Border Protection (CBP). Sharing information on the Comprehensive Cleared List between components of the Department would alleviate redundancy and reduce excessive delays.

H.R. 4179, the Fair, Accurate, Secure and Timely (FAST) Redress Act of 2008, will establish an appeal and redress process to ensure that the Office of Appeals and Redress at the Department of Homeland Security becomes the "one-stop shop" that the American public deserves.

This legislation will require the DHS Secretary to establish a timely and fair redress process for individuals who believe they have been delayed or prohibited from boarding a commercial plane or denied a right, benefit, or privilege by DHS, because they were wrongly identified as a threat when screened against any terrorist watch list or database. It would also require the Office of Appeals and Redress to maintain a Comprehensive Cleared List that contains the names of individuals who have been misidentified and have corrected erroneous information. The DHS Secretary would be required to furnish the Comprehensive Cleared List to all DHS components and to other Federal, State, local, and Tribal authorities and others that use the terrorist watch list or database, to resolve misidentifications.

This important legislation will consolidate agency knowledge by requiring the compilation of a comprehensive cleared list of individuals who have been misidentified. It furthermore requires that the correction of erroneous information be maintained by the Department and shared with those agencies that use the terrorist watch list or database. Our citizens must not only be afforded an effective redress process, they must also be assured that once they have voluntarily provided personal information and successfully achieved redress, they are not repeatedly subjected to further misidentifications. This legislation is supported by the National Business Travel Association, who wrote to the Committee on Homeland Security in support of H.R. 4179.

The FAST Redress Act of 2008 explicitly requires the DHS Secretary to assure that TSA, CBP, the Coast Guard and other DHS components reference the Comprehensive Cleared List when assessing the security risk of an individual. It furthermore authorizes the DHS Secretary to enter into Memoranda of Understanding with other Federal agencies to enhance redress, including addressing legal name changes.

This bipartisan legislation directs the Secretary to engage in cooperative agreements with other relevant agencies so that legal name changes are reflected on the watch list and the cleared list. When it comes to watch and cleared lists, accuracy is the key. This change ensures that the Department has the most accurate information to evaluate American citizens.

Mr. Speaker, it is time we protect the civil rights and civil liberties of American citizens and lawful permanent residents. This bill will help eliminate false identifications and increase efficiency for the traveling public and I encourage my colleagues to support this legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as you have heard, H.R. 4179 is a commonsense Homeland Security legislation that has broad support. Representative CLARKE, as well as Chairwoman JACKSON-LEE and Ranking Member LUNGREN, ought to be commended for working together to get this critical legislation to the floor. We all know that the terrorist watch list has its problems. In fact, most of us fly a few times a week and have heard firsthand stories about people missing flights because they were misidentified against the watch list. We need to fix the watch list. That effort is ongoing and needs to continue. But at the same time, we need to provide people with a meaningful remedy.

The FAST Redress. Act does just that. That is why I'm proud to cosponsor this legislation authored by my esteemed colleague, Ms. CLARKE.

I urge passage of this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 4179, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes.".

A motion to reconsider was laid on the table.

BIOMETRIC ENHANCEMENT FOR AIRPORT-RISK REDUCTION ACT OF 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5982) to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biometric Enhancement for Airport-Risk Reduction Act of 2008".

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) BIOMETRIC IDENTIFIER SYSTEM.—The term "biometric identifier system" means a system that uses biometric identifier information to match individuals and confirm identity for transportation security and other purposes.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security acting through the Assistant Secretary of Homeland Security (Transportation Security Administration).

SEC. 3. BIOMETRIC IDENTIFIER SYSTEMS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the working group of industry stakeholders to be established under subsection (c), shall conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport.

(2) PURPOSE.—The purpose of the study shall be to enhance transportation security against a potential act of terrorism by an airport worker who is allowed unescorted access to secure or sterile areas of an airport.

(3) RISK-BASED ANALYSIS.—In conducting the study, the Secretary shall conduct a risk-based analysis of selected Category X and I airports and other airports, as the Secretary determines appropriate, to identify where the implementation of biometric identifier systems could benefit airports.

(4) CONSIDERATIONS.—In conducting the study, the Secretary shall consider the following:

(A) PARALLEL SYSTEMS.—Existing parallel biometric security systems applicable to workers with unescorted access to critical infrastructure, including—

(i) transportation security cards issued under section 70105 of title 46, United States Code;

(ii) armed law enforcement travel credentials issued under section 44903(h)(6) of title 49, United States Code; and

(iii) other credential programs used by the Federal Government, as the Secretary considers appropriate.

(B) EFFORTS BY TRANSPORTATION SECURITY ADMINISTRATION.—Any biometric programs or proposals developed by the Assistant Secretary of Homeland Security (Transportation Security Administration).

(C) INFRASTRUCTURE AND TECHNICAL REQUIREMENTS.—The architecture, modules, interfaces, and transmission of data needed to address risks associated with securing airports by providing interoperable biometric security measures and credentials for airport workers with unescorted access to secure and sterile areas of an airport.

(D) EXISTING AIRPORT SYSTEMS.—Biometric infrastructure and systems in use in secure and sterile areas of airports.

(E) INCENTIVES.—Possible incentives for airports that voluntarily seek to implement uniform, standards-based, and interoperable biometric identifier systems.

(F) ASSOCIATED COSTS.—The costs of implementing uniform, standards-based, and interoperable biometric identifier systems at airports, including—

(i) the costs to airport operators, airport workers, air carriers, and other aviation industry stakeholders; and

(ii) the costs associated with ongoing operations and maintenance and modifications and enhancements needed to support changes in physical and electronic infrastructure.

(G) GAO RECOMMENDATIONS.—Any recommendations or findings developed by the Government Accountability Office relating to implementing biometric security for airport workers with unescorted access to secure and sterile areas of airports.

(H) INFORMATION FROM OTHER SOURCES.—Recommendations, guidance, and information from other sources, including government entities, organizations representing airport workers, and private individuals and organizations.

(5) REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this subsection.

(b) BEST PRACTICES.—

(1) IDENTIFICATION OF BEST PRACTICES.—The Secretary, in consultation with the working group of aviation industry stakeholders to be established under subsection (c), shall identify best practices for the administration of biometric credentials at airports, including best practices for each of the following processes:

(A) Registration and enrollment.

(B) Eligibility vetting and risk assessment.

(C) Issuance.

(D) Verification and use.

(E) Expiration and revocation.

(F) Development of a cost structure for acquisition of biometric credentials.

(G) Development of redress processes for workers.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall—

(A) submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that outlines the best practices identified under paragraph (1); and

(B) make the report available to airport operators.

(c) AVIATION AND AIRPORT SECURITY WORKING GROUP.—

(1) IN GENERAL.—The Secretary shall convene a working group to assist the Secretary with issues pertaining to implementing and carrying out this section.

(2) MEMBERSHIP.—The Secretary shall ensure that the membership of the working group includes aviation industry stakeholders and specifically includes individuals selected from among—

(A) the membership of the Transportation Security Administration's Aviation Security Advisory Committee;

(B) individuals and organizations representing airports;

(C) individuals and organizations representing airport workers, including those airport workers with unescorted access to secure and sterile areas of airports;

(D) individuals and organizations representing the biometric technology sector; and

(E) any other individuals and organizations that the Secretary considers appropriate.

(3) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to working group established under this subsection.

(4) SUNSET.—The working group established under this subsection shall cease operations 30 days after the date of submission of the report under subsection (a)(5) or 30 days after the date of submission of the report under subsection (b)(2), whichever is later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of this bill and yield myself such time as I may consume.

Mr. Speaker, last month I introduced H.R. 5982, the Biometric Enhancement for Airport Risk Reduction Act of 2008, also known as the BEAR Act. The bill was marked up and adopted unanimously by the House Committee on Homeland Security on May 20.

The Transportation Security Administration is responsible for securing 450 U.S. airports and employs approximately 50,000 people. It has a very important mission of keeping the traveling public safe from terrorist threats. But the question remains, what is TSA doing to increase security and still allow workers with unescorted access to sterile and secure areas of airports? And what mechanisms are in place to ensure that only the employees are allowed to access the airports' secure and sterile areas.

The BEAR Act addresses these concerns. It requires TSA to provide Congress and airport operators with a report on best practices for using biometrics at airports.

Last November, Federal law enforcement raided Chicago's O'Hare Airport and arrested 23 people for fraudulently securing badges that gave them unescorted access to sensitive airport locations. According to the charging affidavit, more than 100 temporary workers were found to be in possession of fraudulent badges. And the investigation revealed that the staffing agency that sponsored these workers told them that they needed identification, but it did not have to be legitimate.

Today, workers with unescorted access to these critical facilities go through background screening to get identification badges. This background screening includes checking against a terrorist watch list. While this is a necessary and important check, a worker's biometrics are not being captured in check against biographic information to establish the individual's identity.

Since the Chicago incident, there has been a growing international trend to incorporate biometric identifying credentials in airport IDs. Canada and the United Kingdom have already taken action to address the security risk at airports by using biometric identifying credentials for airport workers.

Although I recognize the ongoing work that TSA has been doing in the last year or so, it's time for them to consider moving forward. The BEAR Act will make this happen.

The bill promotes collaboration between TSA industry, labor, and other stakeholders to collectively develop and provide airports with a blueprint on how to make biometrics work for them. The BEAR Act, as amended, includes changes proposed by my colleagues on the other side of the aisle and TSA to improve the bill, including clarifying that TSA should only conduct a risk-based study of Category 10 and Category 1 airports on a selected groups of airports, defining uniform biometric identified systems to make sure that TSA looks at systems that actually match individuals, not just cards, that have biometrics on them, recognizing and not tampering with TSA's ongoing efforts in the area of biometrics such as the TWIC program and other programs.

Therefore, Mr. Speaker, I urge my colleagues to support H.R. 5982.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of H.R. 5982. As a Californian, the State that was once known as the Bear Republic, and proud resident of the State of California, which has the bear flag, I rise in support of the BEAR bill that the gentleman from Mississippi has introduced and brought to the floor today.

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The chairman from Mississippi has brought us a bill that seeks to build on work that has already been done in previous Congresses and also with TSA, but I think he gives us a little bit of a push to move in the direction of biometrics.

The Biometric Enhancement for Airport-Risk Reduction Act simply recognizes that as we go forward in trying to secure our airports and the flying public and the cargo from terrorist attack we need to use those things which give us an advantage over those who would do harm to us, and that means we need to have the smart use of technology.

The gentleman from Mississippi has been one of those who has spoken for several years about the fact that we need to get biometrics on board more quickly than we have, and I join the gentleman in that hope. I think this bill will move us in that direction.

People should understand that biometrics merely refers to identifiers. They could be something as simple as fingerprints. They could be iris scans, things of that sort, some medium by which we are able to identify an individual with the documentation that they have. And then if you have readers that are all over the landscape now for various different enterprises, it allows you in an economical and in an efficient way to identify the individuals that are granted access to particular areas, and this is particularly important when we're talking about vast areas that we find at airports.

Airports are not severely confined by geography as are some other enterprises, some other commercial enterprises, where you might be able to more easily secure the area. Particularly when you have airports where you have individuals who are cleared to work there, moving in and out, in and out, in and out of areas which are supposed to be secured areas, you have to find a reasonably efficient means that is also an effective means of identifying those people who should be in those areas and those people who should not be in those areas.

And that is why biometric technology presents such an opportunity for us, and for these and other reasons I would support H.R. 5982.

At this time, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Mississippi, the chairman of the committee, and I want to thank him and applaud him for this legislation.

As has been indicated on the floor, the importance of ensuring the security and the sanctity of the particular identification, the technology, is key. One of the key problems that we have found in homeland security is, of course, the ability to tamper with the security document or the process. This legislation is an important, enhanced effort to ensure that that does not happen.

I want to thank the chairman for his leadership on this particular issue, and also, I think it's important to note that one of the commitments that homeland security has made is, "Not on our watch," and we have steadfastly looked at all of the elements that need to be improved and enhanced in border security and aviation security to ensure that there are documents that can be, on their face, the kind of document that provides the necessary review and protection for the traveling public and for those who do business in the ports of America.

Mr. Speaker, I rise today in strong support of H.R. 5982, the Biometric Enhancement Act for Airport-Risk Reduction Act of 2008, introduced by my distinguished colleague from

Mississippi, Chairman THOMPSON. This important legislation requires TSA to provide Congress and airport operators with a breakdown on best practices for utilizing biometrics to better protect airports.

In the last few months, the Transportation Security Administration, TSA, has unveiled several new programs and initiatives that are proving to build a "layered approach" to security. And while the TSA is responsible for the 450 U.S. airports, and employs approximately 50,000, with the very important mission of keeping the traveling public safe from terrorist threats, it has done very little to strengthen airport security for workers with unescorted access to sterile and secure areas of the airport. At the present time, there are few mechanisms in place to ensure that contracted employees follow due diligence at our airports and access is granted to only those employees who belong on airport grounds at any given time. This legislation addresses these key issues by requiring TSA to provide Congress and airport operators with a breakdown on best practices for utilizing biometrics to better protect airports.

Mr. Speaker, only last November, Federal law enforcement raided Chicago's O'Hare International Airport in November 2007 and arrested 23 people for fraudulently securing badges to gain access to sensitive airport locations. According to the charging affidavit, more than 100 temporary workers were found to be in possession of the fraudulent badges and the staffing agency that sponsored these workers told them that they needed identification, but such identification did not have to be legitimate.

While today's workers with unescorted access to this critical infrastructure go through background screening, which includes terror watch list checks, to get issued badges, more must be done. While this is a necessary and important check, a job applicant's biometrics are not being captured to check against biographic information provided to establish the individual's identity. The legislation we have before us today is a smart security approach that promotes collaboration between TSA, industry, labor and other key stakeholders to work together to collectively develop and provide airports with a blueprint on how to make biometrics work for them.

Mr. Speaker, this legislation requires TSA to study how airports can transition to uniform, standards-based and interoperable biometric identifier systems for airport workers with unescorted access. This bill furthermore requires TSA and the working group to examine existing programs, such as TWIC, and identify approaches on how biometrics can enhance protections for secure and sterile areas of the airport. TSA is also required by this bill to provide Congress and airport operators with a breakdown on best practices for using biometrics to improve airport security.

Mr. Speaker, this bill is not about re-inventing the wheel or putting a stop to any good work at TSA on this issue. It is about encouraging public-private partnerships and promoting an open dialogue between TSA, industry, and Congress on how best to secure our airports. I am proud to support this important and timely legislation, and I encourage my colleagues to join me in so doing.

Mr. DANIEL E. LUNGREN of California. I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. I wanted to rise to thank our chairman for your important work on this issue. We have worked together on 100 percent screening of workers at airports, and now, there is a pilot project in place for seven of those airports, and we know that in three they are doing 100 percent screening. And at the others, they're looking at other methods, and one of the methods that they are seriously considering and some are using are the issue of biometrics because it is so important.

So I do want to thank the chairman for your leadership on this issue, and I look forward to following the work of the seven airports. Hopefully, we'll be able to spread it to all of our airports.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, again, in closing, I rise in support of H.R. 5982, the BEAR Act, the Biometric Enhancement for Airport-Risk Reduction Act, brought to us by the chairman of this committee. This is an advancement. This is a push to where we need to go with respect to biometrics.

We ought to understand that the United States is the leader in the world in technology and technology application. We need to do that here as well. And it sometimes seems strange that we don't take advantage of the leadership that we have in applying it to certain areas. The urgency that we need to adopt with respect to the threat that is out there is, I think, shared by this committee, but I'm not sure that it is shared totally by the full Congress, nor by the Federal establishment all together nor, in some cases, by the American people, where, after our successes in forestalling any major terrorist attack on our shores since 9/11, it allows us a certain relaxation that I think is dangerous. The gentleman moves us in the right direction with this bill.

I might say that as we move with this bill I would hope we would move with some other bills on this floor dealing with the threat that we have to our national economy and our national security through our energy dependence on many, many others.

The U.S. is the leader in the potential for oil shale, just as we're the leader in technology in this world. The U.S. might be called the Saudi Arabia of oil shale. According to the Department of Energy, this Nation is endowed with more than 2 trillion barrels of oil. To put this figure in perspective, the world has used 1 trillion barrels of oil since the first oil well was successfully drilled in Pennsylvania in 1859. According to the Department of Energy, let me repeat, we are endowed with more than 2 trillion barrels of oil, and we're talking about U.S. oil shale.

The problem is that we had a rider on an appropriations bill just last year that makes this huge domestic resource off-limits. That would be as silly as us having a bill on the floor that would say, even though we're the leader in biometric technology, we will prohibit its use in the area of airport security. That would make no sense, Mr. Speaker, nor does it make sense for us not to utilize this tremendous resource we have.

So again, Mr. Speaker, I would say that I would encourage all Members to support H.R. 5982, the Biometric Enhancement for Airport-Risk Reduction Act, otherwise known as the BEAR Act, brought to us on this floor by the distinguished gentleman from Mississippi, the chairman of our committee.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I urge all my colleagues to support this commonsense approach to studying how biometrics can be used to improve airport security.

I think it is important to make clear again, this bill does not create any new mandates on airports. This bill does not require airports to use biometric identifying systems. Instead, it only provides for a study of how biometrics could be used.

I strongly believe that strategic deployment of biometrics in the airport is a sensible part of any layered security plan for the airport environment. Therefore, I urge my colleagues to support this important legislation and make our airports safer.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of H.R. 5982, Chairman THOMPSON's legislation that would take an important step toward improving airport security.

Since 9/11, Congress and the airline industry have taken strong actions to tighten security at our nation's airports.

These measures have included the creation of the TSA, the expansion of the air marshal service, and the full screening of airline passengers.

Chairman THOMPSON's proposal before us today would build upon these early efforts by implementing a study on the use of biometrics in identifying airport workers.

As TSA continues to look for ways to ensure that airport workers—in addition to passengers—do not pose security risks, pursuing biometrics is a timely and necessary effort.

At the same time, pursuing biometrics would also enhance efforts to conduct 100 percent screening of airport workers with access to secure parts of an airport.

Congresswoman NITA LOWEY and I have long supported 100 percent screening of airport workers.

Earlier in this Congress, we were proud to introduce and pass H.R. 1413, a bill to establish a pilot program to test such worker screening at a number of airports.

Just recently, TSA launched a pilot similar to the program outlined in our bill, and I look forward to learning the results of this important test upon its completion.

Of course, no one wants more bureaucracy for bureaucracy's sake, but Congress needs to look continuously for ways to improve protection for the traveling public.

As 9/11 so painfully taught us, we must resolve our security weaknesses before terrorists exploit the remaining gaps.

I urge my colleagues to support H.R. 5982.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5982, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CATCHING OPERATIONAL VULNERABILITIES BY ENSURING RANDOM TESTING ACT OF 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5909) to amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catching Operational Vulnerabilities by Ensuring Random Testing Act of 2008" or the "COVERT Act of 2008".

SEC. 2. PROHIBITION OF ADVANCE NOTICE OF COVERT TESTING TO SECURITY SCREENERS.

Section 111 of the Aviation and Transportation Security Act (Public Law 107–71; 49 U.S.C. 44935 note) is amended—

(1) by striking the section enumerator and heading and inserting the following:

"SEC. 111. TRAINING, EMPLOYMENT, AND TESTING OF SECURITY SCREENING PERSONNEL."

and

(2) by adding at the end the following:

"(e) PROHIBITION OF ADVANCE NOTICE TO SECURITY SCREENERS OF COVERT TESTING AND EVALUATION.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that information concerning a covert test of a transportation security system to be conducted by a covert testing office, the Inspector General of the Department of Homeland Security, or the Government Accountability Office is not provided to any individual prior to the completion of the test.

"(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

"(A) an individual may provide information concerning a covert test of a transportation security system to employees, officers, and contractors of the Federal Government (including military personnel); employees and officers of State and local governments; and law enforcement officials, who are authorized to receive or directed to be provided such information by the Assistant Secretary of Homeland Security (Transportation Security Administration), the Inspector General of the Department of Homeland Security, or the Comptroller General of the United States, as the case may be; and

"(B) for the purpose of ensuring the security of any individual in the vicinity of a site where a covert test of a transportation security system is being conducted, an individual conducting the test may disclose his or her status as an individual conducting the test to any appropriate individual if a security screener or other individual who is not a covered employee identifies the individual conducting the test as a potential threat.

"(3) SPECIAL RULES FOR THE TRANSPORTATION SECURITY ADMINISTRATION.—

"(A) MONITORING AND SECURITY OF TESTING PERSONNEL.—The head of each covert testing office shall ensure that a person or group of persons conducting a covert test of a transportation security system for the covert testing office is accompanied at the site of the test by a cover team comprised of one or more employees of the covert testing office for the purpose of monitoring the test and confirming the identity of personnel involved in the test under subparagraph (B).

"(B) RESPONSIBILITY OF COVER TEAM.—Under this paragraph, a cover team for a covert test of a transportation security system shall—

"(i) monitor the test; and

"(ii) for the purpose of ensuring the security of any individual in the vicinity of a site where the test is being conducted, confirm, notwithstanding paragraph (1), the identity of any individual conducting the test to any appropriate individual if a security screener or other individual who is not a covered employee identifies the individual conducting the test as a potential threat.

"(C) AVIATION SCREENING.—Notwithstanding subparagraph (A), the Transportation Security Administration is not required to have a cover team present during a test of the screening of persons, carry-on items, or checked baggage at an aviation security checkpoint at or serving an airport if the test—

"(i) is approved by the Federal Security Director for such airport; and

"(ii) is carried out under an aviation screening assessment program of the Department of Homeland Security.

"(D) USE OF OTHER PERSONNEL.—The Transportation Security Administration may use employees, officers, and contractors of the Federal Government (including military personnel) and employees and officers of State and local governments to conduct covert tests.

"(4) IMPACT STUDY AND REPORT ON COVERT TESTING PROCEDURES.—

"(A) IMPACT STUDY.—The Secretary of Homeland Security shall conduct a study of the impact of the implementation of this subsection on the Department of Homeland Security's efforts to improve transportation security.

"(B) REQUIREMENTS.—The study under subparagraph (A) shall include an assessment of—

"(i) the impact of the implementation of this subsection on personnel of the Department of Homeland Security;

"(ii) the impact of such implementation on information sharing within the Department;

"(iii) best practices for integrating the topic of covert testing into existing training and testing programs for personnel of the Department; and

"(iv) the effectiveness of covert testing as a method to improve security.

"(C) REPORT.—Not later than 270 days after the date of the enactment of this subsection, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains—

"(i) the results of the study under subparagraph (A);

"(ii) recommendations for changes to the training of personnel of the Department that are necessary to ensure compliance with the requirements of this subsection; and

"(iii) recommendations to improve the effectiveness of the implementation of this subsection.

"(5) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

"(A) APPROPRIATE INDIVIDUAL.—The term 'appropriate individual', as used with respect to a covert test of a transportation security system, means any individual that—

"(i) the individual conducting the test determines needs to know his or her status as an individual conducting a test under paragraph (2)(B); or

"(ii) the cover team monitoring the test under paragraph (3)(B)(i) determines needs to know the identity of an individual conducting the test.

"(B) COVERED EMPLOYEE.—The term 'covered employee' means any individual who receives notice of a covert test before the completion of a test under paragraph (2)(A).

"(C) COVERT TEST.—

"(i) IN GENERAL.—The term 'covert test' means an exercise or activity conducted by a covert testing office, the Inspector General of the Department of Homeland Security, or the Government Accountability Office to intentionally test, compromise, or circumvent transportation security systems to identify vulnerabilities in such systems.

"(ii) LIMITATION.—Notwithstanding clause (i), the term 'covert test' does not mean an exercise or activity by an employee or contractor of the Transportation Security Administration to test or assess compliance with regulations under title 49 of the Code of Federal Regulations.

"(D) COVERT TESTING OFFICE.—The term 'covert testing office' means any offioe of the Transportation Security Administration designated by the Assistant Secretary of Homeland Security (Transportation Security Administration) to conduct covert tests of transportation security systems.

"(E) EMPLOYEE OF A COVERT TESTING OFFICE.—The term 'employee of a covert testing office' means an individual who is an employee of a covert testing office or a contractor or an employee of a contractor of a covert testing office.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of this bill and yield myself as much time as I may consume.

Mr. Speaker, H.R. 5909, the Catching Operational Vulnerabilities by Ensuring Random Testing Act of 2008, or the COVERT Act of 2008, was introduced by Congresswoman LOWEY of New York.

The COVERT Act of 2008 was introduced to eliminate the practice of giving advance notice to transportation security workers of covert tests before the tests happened. I want to thank Congresswoman LOWEY and the other members of the Committee on Homeland Security for working together in a bipartisan manner to approve this measure unanimously.

I also want to thank the Transportation Security Administration for recognizing the need for this legislation and working with us to ensure that the bill accomplishes its goal without impeding the way in which TSA conducts its covert testing.

This legislation is vital to protecting the integrity of covert tests of transportation security systems. We know of at least three incidents where covert tests were compromised by individuals who inappropriately warned security officials.

This bill will prohibit individuals from providing advance notice of these important covert tests to any persons, unless authorized to do so by the Assistant Secretary of TSA, the Inspector General of DHS, or the Comptroller General of GAO.

Covert testing efforts by TSA, the DHS IG, and GAO have helped to increase the effectiveness of our transportation security systems by highlighting vulnerabilities and keeping the screening workforce on their toes. Any effort to compromise these important testing efforts, whether intentional or accidental, should not be tolerated by this Congress.

If we choose to ignore the problems of the past, we will provide future opportunities to compromise a worthy program intended to educate the workforce and benefit the security of our transportation security systems throughout the country.

I strongly encourage all my colleagues to support H.R. 5909, which complements the work the committee has done on H.R. 1684, the DHS authorization bill that is pending before the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5909, the Catching Operational Vulnerabilities by Ensuring Random Testing Act of 2008, otherwise known as the COVERT Act.

This act simply would prohibit the disclosure of information concerning a covert test conducted by TSA, the Inspector General of DHS, or GAO to any individual prior to the completion of the test. The bill also requires any TSA covert testing team to be accompanied by a cover team to monitor the covert test and to confirm the identity of the covert testing team to any appropriate individual, if an individual or security screener not aware of the covert test identifies the covert testing team as a threat to security.

This bill is substantially modified from the bill as originally introduced because there was some real give-and-take and compromise produced on the part of both sides of the aisle at the subcommittee level and with the full committee staff.

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And for that I am thankful and believe that we have a better product as a result of that consultation and that give and take.

One of the things we wanted to make sure we did not do in attempting to prevent people spilling the beans, so to speak, on these kinds of covert tests was to have such a heavy-handed approach that it might tip off people by the presence of additional folks. We've worked that out here, and I thank the gentleman and the gentlelady for being able to do that.

I would just have one small point, perhaps disagreement with the chairman. There are reports that there was a tipping off in one particular instance that was intentional, seemingly meant to give people notice that there was going to be a test or it was about to take place. In another case, at least from my review of the files, it appears to be inadvertent, and I believe something on the order of within 30 seconds the notice that was contained in an e-mail was retrieved by the responsible party when he realized someone else had put that out. And then there's a third one that's somewhat in dispute between TSA and some Members of the House, and others.

And all I would say is, irrespective of how many there were, if there was just one, that's one too many. This bill I think helps us move in the direction of improving the circumstances so the likelihood of that occurring is much less in the future than it would have been without this legislation. And so for those reasons, I would enthusiastically support H.R. 5909 and ask my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 4 minutes to the author and supporter of this legislation, the gentlelady from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in support of H.R. 5909 and begin by thanking Chairman THOMPSON, Ranking Member KING, Subcommittee Chairwoman JACKSON-LEE, and Subcommittee Ranking Member LUNGREN for moving this legislation to the floor.

My bill, the Catching Operational Vulnerabilities by Ensuring Random Testing, or COVERT, Act would prohibit the advance notification of covert tests on transportation systems without direct approval from the highest officials in our Homeland Security operations.

This legislation bolsters accountability and integrity for covert testing within our transportation. systems overseen by the Transportation Security Administration and the Department of Homeland Security.

The core principles and goals of covert testing are undermined when individuals are alerted in advance that a test or evaluation is imminent. In fact, in case we haven't figured it out, there is nothing covert about activities employees already know will occur. Unfortunately, there have been a number of reported incidents in which covert tests may have been compromised as a result of advanced notification to Transportation Security officers.

The Inspector General at the Department of Homeland Security found that between August 2003 and May 2004, Transportation Security Administration officials at San Francisco International Airport compromised covert testing efforts by tracking testers throughout the airport utilizing surveillance cameras, then notifying screening personnel in advance of the testers arriving at security checkpoints. The Inspector General also found that Transportation Security officers at Jackson-Evers International Airport in Jackson, Mississippi, reported receiving advance notice of covert tests conducted by TSA's Office of Inspection on February 12, 2004.

Finally, led by Chairman THOMPSON's efforts, the Homeland Security Committee discovered on April 2006 an e-mail sent via TSA's net hub system from the Office of Security Operations to all Federal security directors and other TSA airport officials informing them of testing at airports throughout the country.

In this unfortunate instance, while the e-mail may have violated TSA protocols, it did not constitute the sharing of sensitive information under the law. My legislation will close that loophole, making it a violation to tip off employees before covert tests without high-level approval at TSA and DHS.

During mark-up of this legislation, the Homeland Security Committee adopted an amendment allowing local law enforcement to be notified prior to a test if directed by the administrator providing for personnel flexibility by clarifying that only one individual is necessary to serve as a cover agent supervising testing, and including a study on implementation of these procedures and their impact on the Department's effort to improve transportation security.

I want to make it very clear to my colleagues that this bill does not tie the hands of DHS or TSA. It simply ensures that any decision to notify personnel in advance must come directly from the TSA administrator, the Inspector General of the Department, or the Comptroller General at GAO to ensure the safety of the traveling public and the testers.

I urge my colleagues to support H.R. 5909.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield the gentlelady an additional minute.

Mrs. LOWEY. I will probably need an additional 4 minutes to respond, if you have it, Mr. Chairman, to Mr. LUNGREN on this very, very important issue that he has been referencing concerning drilling.

We've been hearing frequently from my colleagues, my good friends like Mr. LUNGREN, from President Bush, and from other Republicans in the Congress. They continue to argue that opening more of the Outer Continental Shelf to oil and gas drilling will lower gasoline prices. But we can't drill our way to energy independence. The United States has only 1.6 percent of the world's oil reserves, but Americans consume 25 percent of the oil used around the world every day. Nearly 80 percent of oil and 82 percent of natural gas believed to exist on the Outer Continental Shelf is located in areas that are now open for leasing.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield the gentlelady an additional 3 minutes to complete her statement.

Mrs. LOWEY. I thank the distinguished Chair.

Only 10.5 million of the 44 million leased offshore acres are actually producing oil or gas. So oil companies, my colleagues, are reaping billions in record profits, $123 billion in 2007 alone, received billions in subsidies in the 2005 energy bill, but they are not using the Federal lands already open to development. Given this, opening sensitive areas to drilling makes no sense.

For example, ExxonMobil made $40 billion in profits last year alone, but has only increased investment in drilling and production by $3 billion over the last 5 years. Oil and gas companies have stockpiled 9,000 drilling permits—9,000—my good friends—drilling permits—without expanding domestic production.

The New Direction Congress is working to make America more energy independent and secure, lower costs to consumers, grow our economy with hundreds of thousands of new green jobs, and reduce global warming. This Congress has fought for historic new commitments to American-grown biofuels, sustained investments in clean renewable energy, large-scale efficiency improvements to buildings and transportation, enhanced tools to crack down on OPEC price fixing and price gouging, and to investigate the effects on price of rampant commodity speculation. And this Congress has forced the President to increase supply and thereby lower costs by not continuing to fill the almost full Strategic Petroleum Reserve starting June 30.

I'm sure this debate will continue, my colleagues. And it seems to be a mantra of many of my good friends on the other side of the aisle, but I do wish there would be more focus on the oil companies using the drilling leases that they have and taking some of those profits and investing them and producing the oil that we need.

So I thank you, I thank the Chair, and I thank my good friend on the other side of the aisle for focusing on this issue. I'm sure we'll continue this discussion. But I would like to conclude by thanking everybody, because it has been a bipartisan effort, and I encourage support of H.R. 5909.

Mr. DANIEL E. LUNGREN of California. May I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California has 17 minutes remaining.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Again I rise in support of H.R. 5909, the Catching Operational Vulnerabilities by Ensuring Random Testing Act of 2008. I just wish we had the Catching Operational Vulnerabilities by Ensuring Real Energy Production in this Country Act of 2008.

The gentlelady from New York has suggested that it's almost insignificant what we do offshore and that we are not actually going after those things right now. Well, let me just put some facts on the table.

According to the U.S. Minerals Management Service—not a Republican or Democratic operation—America's deep seas on the Outer Continental Shelf contain 420 trillion cubic feet of natural gas. Now, to put that in perspective, the United States consumes 23 trillion cubic feet per year; so 20 times, almost, what we get per year.

And 86 billion barrels of oil contained in the deep seas on the Outer Continental Shelf; 86 billion barrels of oil, and currently the U.S. imports 4.5 billion barrels of oil per year. So that's about the equivalent of a little less than 20 years of our imports. But 85 percent of the lower 48 Outer Continental Shelf energy resources remain under the lock and key of the Federal Government.

Now, why do I say this deals with operational vulnerabilities? We have said in this bill that if you tip off people that they're being investigated, they might not act as they normally do. They might take advantage of you because they know that you are doing these covert operations. Similarly, we are the only developed Nation in the world that forbids safe energy production on our Outer Continental Shelf. No other country in the world does that. Brazil just explored on theirs, and they found the largest single gas find in modern history. In fact, some people are saying that Brazil will now be energy independent and not even have to deal with their ethanol production by way of sugar. Oh, by the way, we could be importing ethanol from sugar from Brazil at much lower costs than ethanol produced by corn in the United States. We have a 53 cent per gallon subsidy for corn-based ethanol, and we have something on the order of a 51 cent tariff on any ethanol brought in produced by sugar from Brazil or anywhere else, and I believe the farm bill brings it down to 45 cents. So we basically have put ourselves in the hole by about 90 cents per gallon with respect to ethanol that makes more cents from sugar than that that we're producing in corn.

But even though Brazil is the leader in the world in ethanol produced by sugar, it went ahead and explored on their Outer Continental Shelf. And what did they find? The largest single find. Now, if you had looked a year ago or 2 years ago about the proven reserves for Brazil, that would not even be there because we didn't know about it.

The other thing is, with technology, already known fields can produce more than they ever did before. One of the reasons I have a little bit of knowledge of this, I grew up in Long Beach, California.

□ 1145

We have been producing offshore Long Beach since before I was born. Every single citizen of the State of California who has any interest in the schools of California is proud of the fact, frankly, that there are subsidies that go to our schools from the royalties paid as a result of producing offshore Long Beach.

Now we haven't had a major oil spill in my lifetime. We have I think over 1,000 rigs in the gulf coast that have been sitting there during these tremendous storms that we call hurricanes, including Katrina, that came through that area in the last few years. Not a single drop of oil has resulted, even though we have had massive destruction of all other kinds of facilities in that area.

The United States companies, that some on this floor have berated, have spent billions of dollars in development of new technology to make it safer. And the suggestion that somehow they are hiding, somehow they are not utilizing these leases that they have, is just a fantastic claim, because it is utterly preposterous that they would pay money for leases and then not try to see what is there. The fact of the matter is that 52 percent of the oil and gas wells that have been drilled by American companies, 52 percent over the last 5 years, have turned out dry. Now, did they get these leases because they wanted to find dry wells? No. They went because there is a certain risk.

It is not as easy as is suggested on this floor of the House that, okay, I am an oil company. I make money. I have friends who have worked on oil rigs who are missing fingers from the work that goes on there. I have friends that have worked in South and Central America who have worked on rigs at all time using what is called drilling mud, using those drill bits, losing fingers, working hard at it, realizing that you don't have a guarantee of every time you put a well down, you are going to get oil up.

So I just find it fantastic that in this argument, number one, we are told, well, we don't have that much oil. It is really the fault of Americans because they use so much oil. I don't know whether that sells too much, blaming Americans for using energy that allows their lives to be better than our parents' and grandparents' generation was in terms of the standard of living. And secondly, to berate American companies that are leaders in the world in technology around the world.

It is strange to me that some on the other side of the aisle believe that it is important for us to make sure we don't have any Outer Continental Shelf drilling off Florida, for instance, when Cuba has lease agreements with a number of countries, including China, although they haven't yet started to drill, that would allow them to drill within either 45 miles or 60 miles of our Florida coast. Now maybe it makes sense to tell the American people that they are at fault. I don't believe they are at fault. I think they are looking at us for some solutions.

We have a solution here to the problem of the possibility of tipping people off to testing. It makes no sense to me, and most on my side of the aisle, for us to be the only developed nation in the world tipping off the rest of the world that we are going to close off most of our areas of natural resources. Remember, when we got Alaska, some referred to it as Seward's Folly. Maybe we didn't realize the folly until now when we intentionally cut off our ability to be able to environmentally and safely explore and produce energy in Alaska.

But we divert a little bit from this bill. This bill is the Catching Operational Vulnerabilities By Ensuring Random Testing Act of 2008, COVERT testing. I congratulate the gentlelady for bringing this bill forward. I congratulate the chairwoman of the subcommittee for working on this along with those of us on this side. I congratulate the chairman of the committee, the gentleman from Mississippi, for bringing this forward.

With that, Mr. Speaker, I will yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot emphasize how important these covert tests are to protecting the country's transportation security systems. A single tip-off of a covert test is too many. We have already had three we know of. We must do our part to stop the next one from happening. We must do whatever we can to ensure that these tests remain covert and candid so we can truly evaluate our transportation security workers.

I look forward to working with my colleagues as we move forward on this important legislation that will make our transportation systems more secure. I ask my colleagues to support this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5909, Catching Operational Vulnerabilities by Ensuring Random Testing Act of 2008, introduced by my distinguished colleague from New York, Representative LOWE. This important legislation will further shore up the gaps in our testing and evaluation protocols for transportation security.

As we've seen just in the past year, the details of covert tests and evaluations have been disseminated to the screener workforce, thereby "tipping-off" those we are trying to accurately and responsibly test. The Committee on Homeland Security has been extremely concerned about this issue and I have held hearings in the Subcommittee on Transportation Security and Infrastructure Protection, of which I am the chair, in order to examine what exactly has gone wrong.

Any efforts to compromise these important testing efforts, whether intentional or on accident, should not be tolerated. Some have claimed that one of these incidents—the April 2006 e-mail from TSA's Office of Security Operations that tipped TSA field staff off to covert tests—was unintentional, but evidence suggests otherwise. The April 2006 e-mail clearly referenced that individuals who were probing the system were Federal employees and even provided a physical description of one of the employees conducting the tests. This bill is necessary to prohibit individuals from providing advance notice of covert tests to any persons, unless authorized to do so by the Assistant Secretary of the Transportation Security Administration, the Inspector General of the Department, or the Comptroller General of the United States.

The COVERT Act of 2008 explicitly prohibits the advance notice or notification to individuals by those employees who are participating in a covert test or evaluation, which will ensure that the integrity of all covert testing efforts—across all modes of transportation—are protected, not just aviation. This legislation puts in place controls to monitor the testing personnel and the testing and evaluation procedures by building in accountability. It establishes the presence of a second team of covert test and evaluation employees with the first team in order to monitor and confirm their actions. Finally, the act requires an impact study to evaluate covert testing and evaluation and how it could be incorporated into other training and testing programs. The study is required to include: Recommendations on the implementation and execution of this section; an assessment on the results of covert testing; a summary of best practices on how to best integrate covert testing into other programs; and recommendations for additional personnel training necessary to fulfill this act. The study and report will also provide an assessment on the test and evaluation results and recommendations for personnel training required to fulfill the act.

Mr Speaker, if we choose to ignore these past disclosures, we provide future opportunities to compromise a worthy program intended to educate the workforce and benefit the security of our transportation systems throughout the country. One tip-off of a covert test is one too many. We've already had three that we know of. Let's do our part to stop any future tip-offs.

I am proud to support this incredibly important and timely legislation and I strongly encourage my colleagues to support this important legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5909, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING TRANSPORTATION SECURITY ADMINISTRATION

Mr. THOMPSON of Mississippi. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1150) expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1150

Whereas the Transportation Security Administration is uniquely positioned to lead the efforts to secure our Nation's rail and mass transit lines from the threat of terrorism as a result of expertise developed through over five years of securing our Nation's commercial air transportation system;

Whereas the successes of the Transportation Security Administration's National Explosives Detection Canine Team Program has furthered the Transportation Security Administration's ability to provide security against terrorist attacks on the Nation's transportation systems by preventing and protecting against explosives threats;

Whereas each weekday 11,300,000 passengers depend on our Nation's mass transit lines as a means of transportation, and mass transit lines serve as an enticing target for terrorists as evidenced by the March 11, 2004, attack on the Madrid, Spain, mass transit system, the July 7, 2005, attack on the London, England, mass transit system, and the July 11, 2006, attack on the Mumbai, India, mass transit system;

Whereas each weekday more than 25 million children depend on our Nation's school transportation system, in addition to mass transit systems, to get to and from school and school activities, and the security of these systems must be enhanced to address the threat of terrorism; and

Whereas securing our Nation's rail and mass transit lines from terrorist attack and other security threats is essential due to their impact on our Nation's economic stability and the continued functioning of our national economy: Now, therefore, be it

Resolved, That the Transportation Security Administration should—

(1) continue to enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, as well as school transportation systems, including as provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53);

(2) continue development of the National Explosives Detection Canine Team Program, which has proven to be an effective tool in securing against explosives threats to our Nation's rail and mass transit lines, with particular attention to the application of its training standards and the establishment of a reliable source of domestically-bred canines;

(3) improve upon the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure those responsible for securing against terrorist attacks on our transportation systems are highly trained in both securing against terrorist attacks and professional relations with the traveling public; and

(4) continue to secure our Nation's mass transit and rail lines against terrorist attack and other security threats, so as to ensure the security of commuters on our Nation's mass transit lines and prevent the disruption of rail lines critical to our Nation's economy, and to give special attention to school transportation systems by working with school administrators, State and local law enforcement, and other representatives in the school transportation industry to keep children safe from terrorist attack.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of this measure and I yield myself as much time as I may consume.

Mr. Speaker, House Resolution 1150 was introduced earlier this year by Congresswoman SHEILA JACKSON-LEE. The resolution was marked up and adopted unanimously by the Subcommittee on Transportation Security and Infrastructure Protection on May 1. The full committee approved it unanimously on May 20.

I would like to congratulate Congresswoman JACKSON-LEE who is both the sponsor of the resolution and the subcommittee chairwoman. I strongly believe that this legislation fits well with the work that the committee has done on H.R. 1684, the DHS authorization bill that is pending before the Senate. As we approach the 1-year anniversary of H.R. 1, the Implementing the 9/11 Commission Recommendations Act of 2007, there is much still to be done to secure rail and mass transit systems in the United States from the threat of terrorist attack.

Each weekday, 11.3 million passengers in 23 States use commuter heavy or light rail. History has shown that terrorists view rail and public transportation systems as attractive targets. In 2004, terrorist bombs tore through Madrid's rail system, killing and maiming hundreds of innocent commuters. Next month, of course, marks the third anniversary of the terrorist bombings of London's public transportation system. And just in the last 2 years, transportation systems in Mumbai, India, were attacked twice.

Since the 9/11 attacks, there has been justifiable attention paid to enhancing aviation security. However, the security needs for rail and public transportation have, at the same time, been largely neglected. Last year, we took steps toward ending the secondary status by passing H.R. 1. H.R. 1, now Public Law 110-53, includes wide-range surface transportation security provisions and authorizes $3.5 billion for transit security and $2 billion for rail security.

The legislation before us today, House Resolution 1150, renews the call for TSA to enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines. Specifically, it instructs TSA to strengthen security efforts towards rail lines, mass transit lines, and school transportation systems across the country. It also directs TSA to build on successful programs such as its canine detection and online learning programs, to expand the program's reach and to further strengthen transportation security across the country. TSA is uniquely positioned to be a leader in securing rail and mass transit systems from the threat of terrorism because of its experience in protecting commercial aviation.

Finally, I would note that House Resolution 1150 includes language authored by the gentleman from North Carolina (Mr. ETHERIDGE) that gives appropriate consideration to the security needs of school transportation systems. This resolution continues the effort by the Committee on Homeland Security to raise rail and mass transit security to the prominence it deserves. I urge my colleagues to support House Resolution 1150.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of House Resolution 1150 and yield myself such time as I may consume.

Mr. Speaker, as the chairman has said, we have worked, and the executive branch has worked, to enhance the security of this Nation since the terrible episode of 9/11. However, I think it would not surprise people to understand that we put primary focus on aviation safety since that was the means, that is aviation, that was utilized by the terrorists on 9/11.

We have done a good job with it. A couple of years ago, we passed the SAFE Port Act, which I think gave tremendous enhancement to the security measures that are utilized in our ports. This resolution recognizes that we need to do more in the area of rail and mass transit. I do not view that at as a criticism of anybody. Rather, I view that as a call to arms, so to speak, an urgency imprinted on the concern that we have in this area of potential vulnerability.

I would particularly point to the part of the resolution that states that TSA should continue to develop the National Explosives Detection Canine Team Program and to utilize it with respect to our Nation's rail and mass transit line. One of the things that I think we have realized, on both sides of the aisle, is the tremendous capabilities of canines and the application of canine teams in a number of different areas of security in a number of different transportation modes.

I would say that I would hope that at some point in time, we might also be able to bring to the floor legislation dealing with the trucking industry. There is bipartisan commitment to do that. The gentleman from Mississippi has had a bill that a number of us have worked on, along with the gentlelady from Texas and others, that would enhance the security nature of our trucking system and would, at the same time, make careful distinctions between security-sensitive materials and otherwise hazardous materials. And that distinction would therefore not disadvantage certain drivers in the United States that otherwise might be prohibited from being able to drive hazardous material that is not security sensitive. I know the gentleman from Mississippi and the gentlelady from Texas are committed to that. I hope that we might be able to see some progress on that in the future as well.

Again, I think this resolution is worthy of support by all in this Chamber.

With that, Mr. Speaker, I would reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to assure the gentleman that he will see some progress on the trucking legislation in the not-too-distant future.

Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Texas, the author of the resolution, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the chairman of the full committee for his leadership and the consistency of the methodical pathway to securing America. That is what we are doing here today. I want to acknowledge the ranking member of the committee and my ranking member, Mr. LUNGREN of California, because we have worked together as a committee to focus on a number of issues, including chemical security and an overview of infrastructure protection and now this legislation.

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I also think it is important to note that we have committed, as the chairman has indicated, that we will look at the security measures needed for the trucking industry.

But we should get a sense of the roadmap that is being created here on the floor today. And as we look at the bills that we have discussed, each one of them are building blocks toward the response to the 9/11 families, who, day after day after 9/11 told this Congress to get its act together, starting first, of course, with the bill of Congresswoman CLARKE that emphasizes that if we have a watch list, that watch list should be a watch list that is both accurate and secure, and that hard working Americans have to have their civil liberties protected, so if they are on the list by mistake we must avoid or find a process of appeal for the mistakes that are being made.

Then, of course, I think it is noteworthy, as the chairman brought forward his bill on biometric, that we found incidences in Chicago where these cards that are being used by airport employees were fraudulently produced and large numbers of them found, a cache of them found in the hands of employees, so that people who are not credentialed can get on the airport surface because of this fraudulence. So this biometric study is extremely important.

Having just come back from Boston Logan Airport, we also note that the bill by Congresswoman LOWEY is very important, so that we are on our toes about ensuring that those who are working at these airports are not tipped off about testing or having them go through security, so that the four corners of airports are secure.

Now we come full circle, and this legislation, H. Res. 1150, goes back again to the heart of the purpose of the 9/11 Commission. It was a holistic approach to security, for we have seen the tragedy of being lax on airport security.

And I might imagine that those of you who are visiting the United States Congress who might have taken airplanes have gone through security, and it might have been a crowded line. But you are adhering to the rules because you know that we are working together to secure the homeland.

But the homeland is more than just aviation. It is also rail. And this legislation is part of the approach that the Homeland Security Committee is taking, and seriously taking, as its responsibilities of oversight.

Each weekday, 11,300,000 passengers depend on our Nation's mass transit lines as a means of transportation. Our Nation's mass transit lines serve as a target for terrorist attacks, as evidenced by the March 11, 2004, attack on the Madrid, Spain, mass transit system; the July 7, 2005, attack on the London, England, mass transit system; and the July 11, 2006, attack on the Mumbai, India, mass transit system.

These systems are vulnerable, and the TSA Administration through the development of its National Explosive Detection Canine Team Program furthered its ability to provide security against terrorist attacks on the Nation's transportation systems by preventing and protecting our explosive threats.

However, it is important for the administration and the Transportation Security Administration to be reminded of the Nation's rail and mass transit lines, that they should remain secure from terrorist attack, as they are critical in the functioning of our Nation's economy and they serve as a means of transportation on a daily basis for millions of hard working Americans.

So this legislation is a wake-up call. It is in fact to remind the administration that we have to do more work on transportation security inasmuch as we have seen done by others.

In 1995, the Irish Republican Army waged a long-running terrorist campaign against the London Underground.

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. I yield an additional minute to the gentlewoman.

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for 1 additional minute.

Ms. JACKSON-LEE of Texas. Palestinian terrorists have carried out suicide bombings on Israeli buses. And so this legislation is to emphasize again that attacks on mass transit are possible and therefore we should look seriously at providing the security necessary.

Just recently I held a field hearing in New York to look at the ways of the New York transit system and how they were securing their particular system, one of the largest in the Nation. We learned that the National Explosive Detection Canine Team Program was very important, and therefore we want the TSA to continue that. We need TSA to continue to develop training programs for frontline workers and fulfill the other mandates Congress put in place in the 9/11 bill to increase security on rail and mass transit. This resolution is to provide that roadmap and to emphasize to TSA how important mass transit security is.

Might I just conclude by suggesting as my colleagues have discussed this whole question of energy, just think about a secure mass transit that will allow us to engage in a transit system that actually works.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. THOMPSON of Mississippi. I yield 1 additional minute to the gentlewoman.

The SPEAKER pro tempore. The gentlewoman from Texas is recognized for 1 additional minute.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman.

A secure mass transit will encourage more Americans to utilize our transit and our transportation system that is a public transit system. That is what those of us on this side of the aisle believe, a green economy, conservation, efficiency. And coming from Texas I would say to my good friend from California, we have happily lived with safe and secure and environmentally safe drilling and we encourage our very strong companies to continue to do so. But, at the same time, the word "energy" is a broad term. Green energy, efficiency, conservation. That is what this Congress has to preach to the American public, and safe and secure mass transit, of which all of these legislative initiatives are planning to do.

I would ask my colleagues in particular to support the legislation presently under consideration dealing with the mass transit resolution and all the other bills that have been able to come forward out of Homeland Security and under the Subcommittee on Transportation Security and Infrastructure Protection.

Madam Speaker, I rise today to urge my colleagues to support H. Res. 1150, Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, introduced by myself. I rise today to offer this Resolution regarding the role of the Transportation Security Administration in securing our Nation's rail and mass transit lines.

This Resolution reaffirms the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 that the Transportation Security Administration enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines. I am pleased to have Homeland Security Committee Chairman BENNIE THOMPSON, as an original cosponsor of this resolution. Chairman THOMPSON has been a leader in our efforts to secure against terrorist threats to our Nation's rail and mass transit lines.

Madam Speaker, each weekday 11,300,000 passengers depend on our Nation's mass transit lines as a means of transportation. Our Nation's mass transit lines serve as a target for terrorist attack as evidenced by the March 11, 2004, attack on the Madrid, Spain, mass transit system, the July 7, 2005, attack on the London, England, mass transit system, and the July 11, 2006, attack on the Mumbai, India, mass transit system. The Transportation Security Administration has, through the development of its National Explosives Detection Canine Team Program furthered its ability to provide security against terrorist attacks on the Nation's transportation systems by preventing and protecting against explosives threats.

It is imperative that our Nation's rail and mass transit lines remain secure from terrorist attack as they are critical to the functioning of our Nation's economy and serve as a means of transportation on a daily basis for millions of hard working Americans. Successful attacks against rail and mass transit targets have been carried out worldwide by terrorist looking to create havoc, economic harm, and kill innocent people.

Throughout the world, mass transit systems have long been targets of terrorist attacks. Algerian extremists set off bombs on the subways of Paris in 1995 and 1996; the Irish Republican Army waged a long-running terrorist campaign against the London Underground; Palestinian terrorists have carried out suicide bombings on Israel's buses; Chechnyan terrorists killed 40 people by bombing the Moscow subway in 2004; and, in the first terrorist use of a chemical weapon, a Japanese cult—Aum Shinrykyo—released sarin gas on a Tokyo subway in 1995.

Recent events make it clear that the threat continues. On the morning of March 11, 2004, ten explosions occurred at the height of the Madrid rush hour aboard four commuter trains. On July 7, 2005, during the morning peak travel hours, three separate explosions ripped through the London Underground and a fourth explosion occurred on a double-decker bus. These four explosions, the result of coordinated suicide-bombings by British-born Islamic extremists, claimed the lives of 56 people and seriously injured hundreds more. Two weeks later, on July 21, 2005, another group of terrorists unsuccessfully attempted to attack London's mass transit system again. On July 11, 2006 a series of seven bomb blasts against the Suburban Railway in Mumbai, formerly known as Bombay, capital city of the Indian state of Maharashtra and India's financial capital resulted in 207 lost lives and over 700 injured.

The recent attacks serve as a harsh reminder of mass transit and rail security vulnerabilities. Both mass transit and rail systems are public and used by millions of people daily. Because of their size, openness, and highly-networked character, there are no obvious checkpoints, like those at airports, to inspect passengers and parcels. Passengers are strangers, promising attackers anonymity and easy escape.

And attacks on mass transit—the circulatory systems of urban areas—can cause widespread fear, severely disrupt economic activity, kill or injure large numbers of people, and alter our way of life. An attack on our freight rail, either the material being transported, such as hazardous materials, or vital commodities, or merely the system itself, could severely impact our national economy.

As a result, both mass transit and rail systems are attractive targets. Since September 11, 2001, according to the Memorial Institute for the Prevention of Terrorism, mass transit systems have been the target of more than 145 terrorist attacks.

Due to their existence in high-population, high-risk urban areas, mass transit systems are also inevitably affected by any terrorist attack that may occur within that jurisdiction—regardless of whether the transit system was the target of the attack. For example, during September 11, 2001, two of New York City's busiest transit stations were lost and considerable damage occurred to the tunnel structures, endangering hundreds of lives underground. Great care was required to evacuate passengers, locate and rescue trapped transit cars, and communicate instructions. The damage in New York City was so great that in the immediate aftermath of 9/11, Congress appropriated $1.8 billion to rebuild the subway infrastructure that was damaged in the attacks. I am hopeful that through this legislation we can prevent such attacks rather than face the tragic consequences of 9/11 again.

I refuse to sit idly by and allow another 9/11 or Madrid, London, or Mumbai bombing to disrupt our Nation and its critical infrastructure—it is with that conviction that I seek to address these issues. The recent world events should serve as a wake-up call that we must do more to secure our transportation systems and we must act quickly and responsibly. I firmly believe that the legislation before us today will take an important step in securing our transportation systems.

Pursuant to the Aviation and Transportation Security Act of 2001, ATSA, the Transportation Security Administration, TSA, is responsible for the security of all modes of transportation including rail and mass transit. TSA, however, has focused the majority of its resources and assets on aviation security in the past five years. I could go on with other examples, but what these instances show is that clearly it is imperative that TSA value rail and mass transit security on equal footing with aviation security. We are satisfied with the progress that TSA has made with the National Explosion Detection Team Program, but more is needed to train frontline employees.

Congress, recognizing TSA's lack of progress in developing a security strategy for all modes of transportation, mandated the development of a National Strategy for Transportation Security in the Intelligence Reform and Terrorism Prevention Act of 2004, 9/11 Act. This strategy, although due April 1, 2005, was not finalized by TSA until September 2005. Moreover, the document provided by the Department of Homeland Security (DHS) did not meet the requirements set out by Congress, especially with regards to rail and mass transit security. Furthermore, subsequent congressionally mandated updates were also not met by TSA, resulting in the 9/11 Discourse Project giving the TSA a C– for its efforts.

TSA's failure to assume a leadership position on surface transportation security is plainly evident. It is time that we take action and leadership to help protect the more than 11.3 million passengers in 35 metropolitan areas and 22 states who use commuter, heavy, or light rail each weekday. There must be substantial penalties for those who do not follow the security plans, vulnerability assessments, and regulations set out in this legislation.

H. Res. 1150 is a straightforward resolution, but a very important one. Recognizing that TSA is the lead agency for transportation security, and all of the hard work Congress did last year to make rail and mass transit security programs more robust in the enactment of the 9/11 bill, we must continue to push TSA to fulfill the mandates for rail and mass transit security required by Congress.

Last month, the Subcommittee on Transportation Security and Infrastructure Protection, which I have the privilege of chairing, held a field hearing in New York City on efforts to secure rail and mass transit. It was a truly edifying experience. We learned much about what is being done to secure the New York Transit system and other systems across the Nation, and what TSA can do in its leadership role at the federal level, to facilitate these efforts. I want to commend TSA on its progress with the National Explosives Detection Canine Team Program, since most successful attacks on rail and mass transit are carried out using IEDs. However, we need TSA to continue to develop training programs for frontline workers, and fulfill the other mandates Congress put in place in the 9/11 bill to increase security on rail and mass transit.

TSA should reinvigorate their efforts to fulfill the mandates of the 9/11 bill. TSA has not submitted to the Committee on Homeland Security the National Strategy for Public Transportation Security which was mandated by the 9/11 bill, along with other deadlines including training regulations for frontline workers. TSA must submit this to both comply with the law and more importantly to protect Americans.

I find it completely appalling that this Administration seems to be unwilling to act on rail and mass transit security until we are faced with another disaster. I shudder to think that if the Washington, DC or New York subway systems were attacked, and mass casualties resulted, that we would be thinking that more could have been done to prevent such a tragedy. We will be desperately trying to figure out how to prepare for a disaster that has already happened and holding hearing after hearing to find out where we dropped the ball. The time to prepare is now, and I am committed to securing our Nation's rail and mass transit system expeditiously. We have been blessed thus far that our rail and public transportation systems have not been attacked. We should make our best efforts to ensure that we do not overlook this blessing.

From the terrorist attacks that have occurred around the world, we know that terrorists will target our rail and public transportation systems. Despite this admonition, the agency created and funded by Congress to address the issue of transportation security has consistently dropped the ball when it comes to rail and public transportation. We cannot let the lessons of Madrid, London, and Mumbai go unheeded. For the sake of the millions of Americans who use our rail and mass transit systems everyday to go to work, school, and visit friends and family, we have to take charge on this security risk.

We owe it to the public to safeguard the modes of transportation that allow them to carry on with their lives and drive this economy. Millions of men and women ride our Nation's rail and public transportation systems everyday; we owe it to them to ensure that they can do so safely and securely. I hope that through today's hearing and our continued efforts on the issue of rail and mass transit security, we can resolve the asymmetric way in which we treat aviation versus rail security and resolve the substantial threat posed by inadequate security on our rail and mass transit system.

I want to thank my colleagues for all of their hard work and dedication to these important issues.

Mr. DANIEL E. LUNGREN of California. I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), who has a real interest in broadening the scope of this study.

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman from Mississippi for yielding.

I rise in strong support of this resolution, and I thank the gentlewoman from Texas for introducing this important piece of legislation.

As has been indicated, every day over 36 million people travel on forms of mass transit or public transportation in this country. More than 11 million commuters use rail and mass transit, while over twice this number, more than 25 million, use public or private school buses to travel to and from their schools.

As a former superintendent of schools of the State of North Carolina, I know how important these systems are to delivering our most precious cargo, our school children, to and from school safely and securely. Just as we have a responsibility to ensure the public can travel on rail and mass transit confident of their safety, we have an equal responsibility to make sure that our school bus routes are secure.

I thank Congresswoman JACKSON-LEE for her hard work, Chairman THOMPSON for working with me to include this piece of legislation in this resolution, and I want to thank Ranking Member KING for his help also.

School buses have been targets for terrorists not only in countries such as Israel, Thailand, Yemen and African countries, but also Canada and the United States. Last year, the FBI warned that members of extremist groups have purchased school buses and obtained licenses to operate them.

An attack on a school bus would be devastating, not only in lives harmed, but also the psychological and symbolic impact. We owe our children and their families no less than that we will be able to confidently say that their transportation is secure.

Earlier this year in a 9/11 bill, Congress required TSA to conduct a comprehensive risk assessment on school transportation. They are making progress on this goal. We need to make sure that this assessment is completed on time and that it is followed with efforts to keep our children safe as they travel to and from school activities.

The provisions of this resolution shows that Congress is serious about providing that confidence for rail, for mass transit, as well as for school transportation. I urge my colleagues to join me in support of H.R. 1150.

Mr. THOMPSON of Mississippi. Madam Speaker, I have no more speakers. If the gentleman from California has no more speakers, I am prepared to close after the gentleman closes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume to close.

Madam Speaker, I rise again in support of H. Res. 1150, expressing the sense of the House of Representatives that TSA should in accordance with the congressional mandate provided for in implementing recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines.

I think we have already spoken about why this is important, why we need to move in this area, as we have moved in effectively in the areas of aviation safety and port and marine safety. We cannot leave out any element of our overall programs. And I thank the gentleman from Mississippi, the chairman, for informing me that we should expect to see some action on legislation dealing with the trucking industry, a goal that he and I share.

Madam Speaker, as I have reflected on much of the rail industry, I have noticed that they are powered oftentimes by diesel engines. As I have reflected on mass transit in most of our intercity and intercity communities where we are dealing with buses, I have noted that they have been powered by diesel. In some cases for environmental purposes we have encouraged the use of natural gas.

That is why, Madam Speaker, it is disappointing to see that we have made it more difficult and more expensive for those who operate those buses and operate those trains to continue to operate because of the increasingly high energy costs. I have been informed that my home State of California has a substantial portion of its electricity that is produced by way of natural gas. So when we talk about the need, the demand, it seems to me we should also look at the supply side equation as well.

Not even talking about offshore potential for oil and gas, we should look at onshore oil and gas and the potential for creating more product, American product, for these mass transit systems that we are talking about here today with this bill.

So, if we would just look at total onshore oil and gas, not including oil shale, we would find this: Onshore Federal lands contain an estimated 31 billion barrels of oil and 231 trillion cubic feet of natural gas. I am not misstating that. That is 31 billion barrels of oil and 231 trillion cubic feet of natural gas, those figures according to the Bureau of Land Management. The Federal Government currently denies or restricts by way of congressional mandate, denies or restricts access to 92 percent of this oil and 90 percent of this natural gas.

In other words, we are saying to the American people who want to use these mass transit systems as well as use their own automobiles, that the very source that provides the energy for those modes of transportation, that is oil and natural gas, we are going to deny 28.5 billion barrels of the oil and 207.9 trillion cubic feet of this natural gas.

Now, it is beyond the scope of this bill perhaps to talk about heating. We are going to be in winter, even though it seems difficult in some of these sweltering summer days or pre-summer days to think about that but we will be in winter when we are talking about the heating needs of the American people, and we should look at the price of natural gas, as it is going up and on up and up, as are our gas prices.

Only 8 percent, that is 2.48 billion barrels of the oil out of the potential 31 billion barrels of oil, and 10 percent of the natural gas, 23.1 trillion cubic feet of the 231 trillion cubic feet of natural gas, are accessible under standard leasing terms.

So what we have done to the American people by way of congressional action is say that we are only going to allow you to have access to 8 percent of the oil and 10 percent of the natural gas. Or another way of saying it is we are going to lock up 92 percent of the oil and 90 percent of the natural gas, even though you are desperate in terms of the impact of energy price increases on your everyday living.

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It's not just at the gas pump, it is as it trickles through or ripples through the entire economy. Every bit of food that we buy today is transported from somewhere else, so the costs of transportation are going to be included in the cost of food to the American people. As we talk to the need for us to enhance our security against terrorist attack and other security threats to our rail and mass transit lines, let's understand the national security implications of denying those very lines, rail and mass transit lines, the energy that they need to move.

Again, I support H. Res. 1150 as a bipartisan product of the Homeland Security Committee, which, I think we can proudly say, works on a bipartisan basis.

Madam Speaker, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself as much time as I may consume.

House Resolution 1150 sends the right message at the right time. It reminds TSA of the House's continued interest in seeing progress on securing our rail and mass transit systems.

Last year we took steps towards that goal by passing H.R. 1 legislation, that I was proud to author. That landmark Homeland Security law took a comprehensive approach to addressing the challenges of securing rail and mass transit, viewing it as a critical infrastructure that is essential to effective operations of our national economy.

Incidentally, with gas over $4 a gallon, America's reliance on these systems is only going to increase. Today I am proud to stand here and renew the call for meaningful progress and urge passage of H. Res. 1150.

Madam Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and agree to the resolution, H. Res. 1150, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

NATIONAL BOMBING PREVENTION ACT OF 2008

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4749) to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Bombing Prevention Act of 2008".

SEC. 2. BOMBING PREVENTION.

(a) In General.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

"SEC. 210F. OFFICE FOR BOMBING PREVENTION.

"(a) In General.—The Secretary shall establish within the Protective Security Coordination Division of the Office of Infrastructure Protection of the Department an Office for Bombing Prevention (in this section referred to as 'the Office').

"(b) Responsibilities.—The Office shall have the primary responsibility for enhancing the ability, and coordinating the efforts, of the United States to deter, detect, prevent, protect against, and respond to terrorist explosive attacks in the United States, including by—

"(1) serving as the lead agency of the Department for ensuring that programs designed to counter terrorist explosive attacks in the United States function together efficiently to meet the evolving threat from explosives and improvised explosive devices;

"(2) coordinating national and intergovernmental bombing prevention activities to ensure those activities work toward achieving common national goals;

"(3) conducting analysis of the capabilities and requirements necessary for Federal, State, local, and tribal governments to deter, prevent, detect, protect against, and assist in any response to terrorist explosive attacks in the United States by—

"(A) maintaining a national analysis database on the capabilities of bomb squads, explosive detection canine teams, tactics teams, and public safety dive teams; and

"(B) applying the analysis derived from the database described in subparagraph (A) in—

"(i) evaluating progress toward closing identified gaps relating to national strategic goals and standards; and

"(ii) informing decisions relating to homeland security policy, assistance, training, research, development efforts, testing and evaluation, and related requirements;

"(4) promoting secure information sharing of sensitive material and promoting security awareness, including by—

"(A) operating and maintaining a secure information sharing system that allows the sharing of critical information relating to terrorist explosive attack tactics, techniques, and procedures;

"(B) educating the public and private sectors about explosive precursor chemicals;

"(C) working with international partners, in coordination with the Office for International Affairs of the Department, to develop and share effective practices to deter, prevent, detect, protect, and respond to terrorist explosive attacks in the United States; and

"(D) executing national public awareness and vigilance campaigns relating to terrorist explosive threats, preventing explosive attacks, and activities and measures underway to safeguard the United States;

"(5) assisting State, local, and tribal governments in developing multi-jurisdictional improvised explosive devices security plans for high-risk jurisdictions;

"(6) helping to ensure, in coordination with the Under Secretary for Science and Technology and the Administrator of the Federal Emergency Management Agency, the identification and availability of effective technology applications through field pilot testing and acquisition of such technology applications by Federal, State, local, and tribal governments to deter, prevent, detect, protect, and respond to terrorist explosive attacks in the United States;

"(7) coordinating the efforts of the Department relating to, and assisting departments and agencies of Federal, State, local, and tribal governments, and private sector business in, developing and implementing national explosives detection training, certification, and performance standards;

"(8) ensuring the implementation of any recommendations in the national strategy required under section 210G, including developing, maintaining, and tracking progress toward achieving objectives to reduce the vulnerability of the United States to terrorist explosive attacks;

"(9) developing, in coordination with the Administrator of the Federal Emergency Management Agency, programmatic guidance and permitted uses for bombing prevention activities funded by homeland security assistance administered by the Department; and

"(10) establishing and executing a public awareness campaign to inform the general public and private sector businesses on ways they can deter, detect, prevent, protect against, and respond to terrorist explosive attacks in the United States, that—

"(A) utilizes a broad spectrum of both mainstream and specialty print, radio, television outlets, and the Internet;

"(B) utilizes small and disadvantaged businesses, as defined under the Small Business Act (15 U.S.C. 631 et seq.); and

"(C) ensures that the public awareness messages under the campaign reach and are understandable to underserved populations, including—

"(i) persons with physical and mental disabilities, health problems, visual impairments, hearing impairments, limited English proficiency, and literacy barriers;

"(ii) socially and economically disadvantaged households and communities;

"(iii) the elderly; and

"(iv) children.

"(c) Limitation on Statutory Construction.—Nothing in this section shall be construed to affect the authority of the Administrator of the Federal Emergency Management Agency, or the Attorney General of the United States.

"(d) Authorization of Appropriations.—

"(1) In General.—There are authorized to be appropriated to carry out this section—

"(A) $10,000,000 for fiscal year 2009;

"(B) $25,000,000 for each of fiscal years 2010 through 2012; and

"(C) such sums as may be necessary for each subsequent fiscal year.

"(2) Availability.—Amounts made available pursuant to paragraph (1) are authorized to remain available until expended.

"(e) Enhancement of Explosives Detection Canine Resources and Capabilities.—To enhance the Nation's explosives detection canine resources and capabilities the Secretary of Homeland Security shall, by partnering with other Federal, State, local, and tribal agencies, nonprofit organizations, universities including historically black colleges and universities and minority serving institutions, and the private sector—

“(1) within 270 days after the date of the enactment of this subsection—

“(A) develop a pilot program that includes a domestic breeding program for purpose-bred explosives detection canines; and

“(B) increase the current number of capability assessments of explosives detection canine units to identify common challenges and gaps in canine explosives detection, to provide for effective domestic preparedness and collective response to terrorism, and to inform grant guidance and priorities, consistent with national capabilities database efforts;

“(2) continue development of a scientifically-based training curriculum to enhance consensus-based national training and certification standards to provide for effective domestic preparedness and collective response to terrorism through the effective use of explosives detection canines for explosives detection canines; and

“(3) continue engagement in explosives detection canine research and development activities through partnerships with the Science and Technology Directorate and the Technical Support Working Group.

“SEC. 210G. NATIONAL STRATEGY.

“(a) IN GENERAL.—The Secretary shall develop and periodically update a national strategy to prevent and prepare for terrorist explosive attacks in the United States.

“(b) DEVELOPMENT.—Not later than 90 days after the date of the enactment of this section, the Secretary shall develop the national strategy required under subsection (a).

“(c) REPORTING.—Not later than six months after the date of the submission of the report regarding each quadrennial homeland security review conducted under section 707, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the national strategy required under subsection (a), which shall include recommendations, if any, for deterring, preventing, detecting, protecting against, and responding to terrorist attacks in the United States using explosives or improvised explosive devices, including any such recommendations relating to coordinating the efforts of Federal, State, local, and tribal governments, emergency response providers, and the private sector.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 210E the following new items:

“Sec. 210F. Office for Bombing Prevention.
“Sec. 210G. National strategy.”.

SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT AND TRANSFER.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new sections:

“SEC. 318. EXPLOSIVES RESEARCH AND DEVELOPMENT.

“(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs, the Attorney General, the Secretary of Defense, and the head of any other relevant Federal department or agency, shall ensure coordination and information sharing regarding nonmilitary research, development, testing, and evaluation activities of the Federal Government relating to the detection and prevention of, protection against, and response to terrorist attacks in the United States using explosives or improvised explosive devices, and the development of tools and technologies necessary to neutralize and disable explosive devices.

“(b) LEVERAGING MILITARY RESEARCH.—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs, shall coordinate with the Secretary of Defense and the head of any other relevant Federal department or agency to ensure that, to the maximum extent possible, military policies and procedures, and research, development, testing, and evaluation activities relating to the detection and prevention of, protection against, and response to terrorist attacks using explosives or improvised explosive devices, and the development of tools and technologies necessary to neutralize and disable explosive devices, are adapted to nonmilitary uses.

“SEC. 319. TECHNOLOGY TRANSFER.

“(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for National Protection and Programs, shall establish a technology transfer program to facilitate the identification, modification, and commercialization of technology and equipment for use by Federal, State, and local governmental agencies, emergency response providers, and the private sector to deter, prevent, detect, protect, and respond to terrorist attacks in the United States using explosives or improvised explosive devices.

“(b) PROGRAM.—The activities under the program established under subsection (a) shall include—

“(1) applying the analysis conducted under section 210F(b)(3) of the capabilities and requirements of bomb squad, explosive detection canine teams, tactical teams, and public safety dive teams of Federal, State, and local governments, to determine the training and technology requirements for Federal, State, and local governments, emergency response providers, and the private sector;

“(2) identifying available technologies designed to deter, prevent, detect, protect, or respond to terrorist attacks using explosives or improvised explosive devices that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department, other Federal agencies, the private sector, foreign governments, or international organizations;

“(3) reviewing whether a technology described in paragraph (2) may be useful in assisting Federal, State, or local governments, emergency response providers, or the private sector in detecting, deterring, preventing, or responding to terrorist attacks using explosives or improvised explosive devices; and

“(4) communicating to Federal, State, and local governments, emergency response providers, and the private sector the availability of any technology described in paragraph (2), including providing the specifications of any such technology, indicating whether any such technology satisfies appropriate standards, and identifying grants, if any, available from the Department to purchase any such technology.

“(c) WORKING GROUP.—To facilitate the transfer of military technologies, the Secretary, acting through the Under Secretary for Science and Technology, in coordination with the Secretary of Defense, and in a manner consistent with protection of sensitive sources and methods, shall establish a working group to advise and assist in the identification of military technologies designed to deter, prevent, detect, protect, or respond to terrorist explosive attacks that are in the process of being developed, or are developed, by the Department of Defense or the private sector.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 317 the following new items:

“Sec. 318. Explosives research and development.
“Sec. 319. Technology transfer.”.

SEC. 4. GAO STUDY OF EXPLOSIVES DETECTION CANINE TEAMS.

Section 1307(f) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 395) is amended by striking “utilization” and all that follows through the end of the sentence and inserting “utilization of explosives detection canine teams, by the Transportation Security Administration and all other agencies of the Department of Homeland Security that utilize explosives detection canines, to strengthen security and the capacity of explosive detection canine detection teams of the Department.”.

SEC. 5. REPORT ON CANINE PROCUREMENT ACTIVITIES.

The Secretary of Homeland Security shall submit a report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate by not later than 180 days after the date of the enactment of this Act examining the administration of canine procurement activities by the Department of Homeland Security to deter, prevent, detect, and protect against terrorist explosive attacks in the United States, that includes consideration of the feasibility of reducing the price paid for the procurement of untrained canines, including by utilizing an expanded pool of breeds, procuring canines from domestic breeders, and acquiring canines from animal shelters, rescue societies, and other not-for-profit entities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in strong support of this bill and yield myself as much time as I may consume.

Explosives remain the preferred weapon of choice for terrorists the world over. Explosives have been used against this Nation abroad and on American soil. Because explosives, be they military grade or homemade, improvised explosive devices are easy to obtain and use, the explosives threat needs a focused, coordinated approach.

In the immediate aftermath of the September 11 attack, a great deal of attention was paid to the emerging threats, such as chemical, biological, radiological and nuclear weapons of mass destruction. At the same time, needed focus on the explosives threat has been lacking, despite the issuance of Homeland Security Presidential Directive 19, Combating Terrorist Use of Explosives in the United States, in February 2007. H.R. 4749, the National Bombing Prevention Act of 2008, will help fill this gap.

The legislation that the gentleman from Long Island (Mr. KING) and I introduced was considered in committee in May. It was improved at full committee markup with the addition of some key amendments and reported unanimously by our committee.

This is a straightforward bipartisan bill. It establishes the Office of Bombing Prevention within the Office of Infrastructure Protection at the Department of Homeland Security.

As with other bills we have brought to the floor today, I strongly believe that this bill fits well with the priorities found in H.R. 1684, the DHS authorization bill that is pending before the Senate.

The Office of Bombing Prevention, in fact, already exists in the Department. This bill simply authorizes it and sets forth its responsibilities in law. The bill authorizes $10 million for FY 2009, a little over the administration's budget request.

For fiscal years 2010 through 2012, the bill authorizes $25 million annually. Then, for each subsequent fiscal year, such sums as may be necessary are provided. The Office is responsible for coordinating the government efforts to deter, detect, prevent, protect against and respond to terrorist explosive attacks in the United States.

To do so, the Office is required to conduct analysis of the Federal, State, local and tribal government capabilities and maintain a national database on the capabilities of bomb squads, explosive detection, canine teams, tactic teams and public safety dive teams around the Nation.

Additionally, the bill requires the Secretary of Homeland Security to develop and periodically update a national strategy to prevent and prepare for terrorist explosive attacks in the United States. A national strategy is also required under HSPD 19.

H.R. 4749 also authorizes the Office to support efforts, as well as research, into explosives detection and mitigation. An informed public is a prepared public. In this spirit, the bill directs the Office to develop and implement a public awareness campaign that can reach the private sector as well as ordinary citizens.

Finally, the bill ensures that we understand and enhance bomb detection through the proper training and use of canine detection units. For all these reasons, I encourage my colleagues to support this important legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, June 16, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 4749, the National Bombing Prevention Act of 2008. H.R. 4749 was introduced by Congressman Peter T. King on December 1, 2007, and the bill was subsequently marked up by the Committee on Homeland Security on May 20, 2008.

H.R. 4749 implicates the Committee on Science and Technology's jurisdiction over Homeland Security research and development under Rule X(1)(o)(14) of the House Rules. The Committee on Science and Technology acknowledges the importance of H.R. 4749 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Committee on Science and Technology also expects that you will support our request to be conferees during any House-Senate conference on H.R. 4749 or similar legislation.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 16, 2008.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn House Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4749, the National Bombing Prevention Act of 2008.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 4749 contains provisions that fall under the jurisdictional interests of the Committee on Science and Technology. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Science and Technology.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction and I agree to support such a request.

I will ensure that this exchange of letters is included in the Congressional Record during floor consideration of H.R. 4749, the National Bombing Prevention Act of 2008. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before I begin I would ask that the RECORD include a letter from the National Tactical Officers Association to Congressman KING and Congressman ROGERS in support of this bill.

NATIONAL TACTICAL
OFFICERS ASSOCIATION,
Doylestown, PA, January 27, 2008.

Hon. PETER T. KING,
Ranking Member of the Homeland Security Committee, Cannon House Office Building, Washington, DC.

Hon. MIKE ROGERS,
Committee Member, Homeland Security and the House Armed Services Committee, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN KING AND CONGRESSMAN ROGERS: The National Tactical Officers Association strongly supports Congressman King's Bill (HR4749) amending the Homeland Security Act of 2002 to establish the Office for Bombing Prevention and addressing terrorist explosive threats. We also continue to support Senator Collins' and Senator Lieberman's Bill (S2292) to increase funding for the Department of Homeland Security Office for Bombing Prevention. Both amendments provide important resources against the use of terrorist improvised Explosive Devices, including coordination of national and intergovernmental bombing prevention activities, requirements, capabilities, gap analysis and information sharing and awareness.

The Department of Homeland Security Office for Bombing Prevention coordinates national and intergovernmental bombing prevention activities in our national bombing prevention posture and runs information sharing and awareness programs for State and local governments, law enforcement, first responders, the private sector and the public. As recently demonstrated in Glasgow, London and in daily news reports from Iraq and Afghanistan, terrorist use of IEDs is a primary threat. We commend you for your support and your leadership in focusing the attention of the House and the nation on this serious issue and on the role of the Department of Homeland Security Office for Bombing Prevention in leading national efforts to prevent the use of explosives by terrorists in the United States.

The NTOA is the professional association for law enforcement personnel, sworn correctional officers, tactical emergency medical personnel, military police and special operations personnel who specialize in the resolution of critical incidents. Since 1983, NTOA has worked to provide professional education, training and research for law enforcement personnel engaged in tactical missions and currently has over 30,000 members representing over 1,600 police agencies. NTOA has worked with the Department of Homeland Security Office for Bombing Prevention to integrate SWAT and bomb squad personnel and capabilities to protect soft targets against threats for an armed adversary using explosive devices, as seen in the 2004 Beslan School attack in Russia. OBP provides an invaluable resource to State and local law enforcement through the Tripwire system which allows responders to access an unprecedented library of information and analysis on terrorist IED tactics, techniques and procedures. TRIPwire provides SWAT operators with the knowledge needed to identify explosive hazards, including IED components and potential terrorist tactics, during high risk operations.

The Department of Homeland Security's Office for Bombing Prevention has been an exemplary partner for its State and local stakeholders in the bombing prevention and law enforcement communities. The National

Tactical Officers Association applauds Senator Collins, Senator Lieberman, Representative Rogers and yourself for your support for the bombing prevention community.

Sincerely,

JOHN GNAGEY,
Executive Director.

Madam Speaker, the ranking member of Homeland Security, PETER KING of New York, introduced this bill to authorize the Office of Bombing Prevention within the Department of Homeland Security. He would obviously be here were he not attending the family funeral for Tim Russert, and I am here in his stead.

The Office of Bombing Prevention provides the necessary analysis and coordination of our Nation's bomb prevention capability to best protect our citizens from the threat posed by explosive materials. We only need to look at terrorist activities overseas to understand that conventional and improvised explosive devices, IEDs, are a terrorist's weapon of choice against military and civilian targets.

Within the United States, we have been subject to our own share of explosive attacks, including the 1993 World Trade Center bombings, the 1995 Oklahoma City bombing, the Centennial Olympic Park bombing, among others. State and local authorities have developed the capabilities to respond to potential explosive threats and to neutralize them.

As a matter of fact, these are among the bravest men and women that we have as our first responders. Yet without the office established in this bill, there would be no analysis of our nationwide capability to respond to explosive threats, or where gaps exist in training, equipment and personnel against a national baseline.

This analysis will assist State and local officials in applying for Homeland Security grants to fill these gaps. As has been mentioned many times on this floor, there has been a bipartisan effort through our committee to ensure that we take a risk-based approach to the terrorist threat. It makes the most sense. It is one that both sides of the aisle have been committed to, and this enables that even further.

Furthermore, this legislation will authorize the Office to continue to promote information sharing and IED security awareness through advanced bomb prevention techniques and usable information. The Office uses a secure Web site known as TRIPwire to provide to bomb prevention officials across the country access to current terrorist IED tactics, techniques and procedures, along with expert analysis and reports, making it a one-stop shop for actionable information.

As we all know, our troops have had extensive experience with IEDs in Iraq and Afghanistan. This legislation instructs the Secretary of Homeland Security to work closely with the Department of Defense to take advantage of what our troops have learned on the battlefield, both in tactics and technology, to improve the capability of our first responders here at home.

Preventing a bomb from going off should involve more than just those first responders attempting 'to neutralize the threat once the bomb has been placed. Education and awareness programs regarding the threat of IEDs are also included in this legislation to ensure information on explosive precursors is provided to merchants so that they can recognize suspicious purchases.

Additionally, this legislation includes an amendment from our committee colleague, MIKE ROGERS of Alabama, to improve the canine explosive detection teams in use around the country. These canine teams are invaluable resources to detect and deter IED attacks before they occur.

It is important to note that this office is not designed to replace existing elements of counter-explosive expertise already found in the Federal Government, but, rather, to assist in coordinating State, local and tribal capability. In fact, as I said, the National Tactical Officers Association supports this legislation in the letter that has been entered into the RECORD.

The need for this Office of Bombing Prevention is clear. Therefore, I urge all of my colleagues to support passage of H.R. 4749.

Madam Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Mr. Chairman, and I also thank the ranking member.

Madam Speaker, the people of America can be proud today of what this committee is doing. They can be exceedingly proud of the bipartisanship that is being displayed between the current chairman and the former chairman, both of whom have worked tirelessly to bring this piece of legislation to fruition, so I think that today, the people of Mississippi and the people of New York should span the chasm and understand that bipartisanship is alive and well because of representatives that they have sent to the Congress of the United States of America.

I am honored to support and encourage my colleagues to support this legislation. It does establish an Office of Bombing Prevention, and if the truth be told, whatever amount of money we spend on this legislation will be money well spent, money well spent. Protecting the American people from persons who would perform dastardly deeds is an absolute necessity of the government of the United States of America.

I am honored to say that the ranking member, without objection, and the chairman allowed a piece of legislation, this piece of legislation, to be amended so that we could have a public awareness campaign so that the public could be a part of protecting itself. If the public is aware of the methodologies that are being utilized by those who would perform insidious acts, the public can help us to defend ourselves.

This legislation requires this public awareness campaign. It will reach small businesses, it will reach the very large businesses. It also will, in an effort to reach all, make sure people are reached who are physically challenged, those who are mentally challenged, those who may have some language deficiencies. In fact, in my district the ballot is printed in English, Spanish and Vietnamese. We must make sure that all persons have an opportunity to receive the education and the information that this bill requires that we impart to the public.

To the two outstanding representatives on this committee, the chairperson and the former chairperson, I want to salute you, and I want to thank you for allowing the amendment to go forward, such that it is now a part of the bill.

In closing, I would simply say, as the chairman pointed out, a well-informed public is a well-protected public.

Mr. Chairman, I salute you and I thank you. Mr. Ranking Member, I salute you and thank you as well.

☐ 1230

Mr. DANIEL E. LUNGREN of California. Does the gentleman have any further speakers?

Mr. THOMPSON of Mississippi. Madam Speaker, I have no further requests for time, and I am prepared to close after the gentleman from California closes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I support this National Bombing Prevention Act for 2008.

As the gentleman who just spoke from the State of Texas has said, this is a rather inclusive bill. It has a component of operations and training in it; also a component of awareness. And together, they combine to make an excellent bill. I urge my colleagues to support this bill.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, H.R. 4749 is important legislation that will ensure that we are positioned to address explosive threats at all levels of government. We know that explosives are all too often terrorists' weapons of choice.

Under HSPD–19, DHS is tasked with researching, identifying, and communicating "lessons learned and best practices, concerning the use of explosives as a terrorist weapon" to enhance "the preparedness of Federal, State, local, territorial, and tribal government personnel to deter, prevent, detect, protect against, and respond to explosive attacks in the United States."

Passage of H.R. 4749 will put us on a path to enhance the Nation's terrorism response capability and ensure that first responders and first preventers have what they need.

Madam Speaker, I urge a "yes" vote on this important homeland security measure.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 4749, the National Bombing Prevention Act, introduced by my distinguished colleague from New York, Representative KING This important legislation establishes the Office of Bombing Prevention within the Protective Security Coordination Division of the Office of Infrastructure Protection of the Department.

This legislation is a bipartisan bill, whose lead sponsor is the Ranking Member of the Committee on Homeland Security, Representative KING, and is also cosponsored by Chairman THOMPSON. The function of the Office of Bombing Prevention already exists in the Department, and this bill establishes it in statute. The Office is responsible for coordinating the Government efforts to deter, detect, prevent, protect against, and respond to terrorist explosive attacks in the United States. As we all know, the most likely terrorist threat to our Nation's critical infrastructure and transportation modes is from explosives.

Madam Speaker, we need to ensure that the Office of Bombing Prevention has the protection of being established by the force of law, so the Department can more readily meet the threats to our Nation. This legislation requires the Secretary to develop and periodically update a national strategy to prevent and prepare for terrorist explosive attacks in the United States due 90 days after the date of enactment. The Secretary is further required to report to Congress regarding the national strategy. This strategy is also called for by Homeland Security Presidential Directive-19, Combating Terrorist Use of Explosives in the United States, issued by the President in February of 2007. This legislation also authorizes the Office to support technology transfer efforts as well as research into explosives detection and mitigation.

I did, however, have one reservation with regards to this legislation, regarding canine procurement, which is why I introduced an amendment, which was accepted by the full Committee, to address that issue. Dogs are used to detect illicit and illegal substances every day. They are used to: detect illegal narcotics; find money that is being smuggled out of the country; and locate explosives that may be concealed in cargo, within vehicles, on aircraft, in luggage and on passengers.

There is no doubt that every day, the actions of these dogs and their handlers significantly contribute toward deterring threats and protecting our Nation from terrorists. While the contributions of our canine forces are priceless, they are not without cost. We must place a price on what we are willing to pay for untrained dogs.

The Department of Homeland Security's Inspector General has found that from April 2006 through June 2007, Customs and Border Protection spent $1.46 million on purchasing 322 untrained dogs—that is about $4500 per dog. Most of these dogs are purchased in Europe and brought to America. These are not fully trained animals. They are puppies that will be trained to provide valuable service. I think most people would find $4500 for an untrained dog an exorbitant amount.

However, I cannot deem this amount out of bounds because the Department of Defense pays $3500 for each untrained dog. The Secret Service pays an average of $4500 for each untrained dog. Therefore, the price paid by CBP is within the acceptable range of current practice. However, I think that if we are to be good stewards of the American tax dollar, we must change the current practice. When one considers that domestic breeders offer the same kinds of dogs for $500–$2000, we cannot justify what I can only call a puppy tariff.

My amendment would require the Secretary to explore ways to reduce the amount we pay for each dog we purchase by considering the use of different breeds, procuring dogs from domestic breeders and seeking out dogs from animal shelters or rescue groups. If this Department can successfully implement a new method to obtain capable dogs for our homeland security needs, we could begin a trend that would save the American people millions of dollars each year.

With the inclusion of my amendment, I am deeply satisfied with this legislation. I am proud to support this legislation, which brings our great Nation closer to its goal of securing the homeland, and I encourage my colleagues to support this important legislation.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 4749, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CIVIL AIR PATROL HOMELAND SECURITY SUPPORT ACT OF 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1333) to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CIVIL AIR PATROL STUDY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the functions and capabilities of the Civil Air Patrol to support the homeland security missions of State, local, and tribal governments and the Department of Homeland Security. In conducting the study, the Comptroller General shall review the process by which the Civil Air Patrol may provide assistance to the Secretary of Homeland Security, other Federal agencies, and States to support homeland security missions by—

(1) providing aerial reconnaissance or communications capabilities for border security;

(2) providing capabilities for collective response to an act of terrorism, natural disaster, or other man-made event, by assisting in damage assessment and situational awareness, conducting search and rescue operations, assisting in evacuations, transporting time-sensitive medical or other materials; or

(3) such other activities as may be determined appropriate by the Comptroller General in the conduct of this review.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the findings of the review conducted under subsection (a). The report shall include—

(1) an assessment of the feasibility and cost-effectiveness of using Civil Air Patrol assets for the purposes described in subsection (a); and

(2) an assessment as to whether the current mechanisms for Federal agencies and States to request support from the Civil Air Patrol are sufficient or whether new agreements between relevant Federal agencies and the Civil Air Patrol are necessary.

(c) REPORT TO CONGRESS.—Not later than 90 days after completing the study under this section, the Secretary of Homeland Security shall review and analyze the study and submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on such review and analysis, which shall include any recommendations of the Secretary for further action that could affect the organization and administration of the Department of Homeland Security.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Pennsylvania (Mr. DENT) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of this measure, and I yield myself such time as I may consume.

Madam Speaker, the Civil Air Patrol has been in existence for decades, providing assistance to governments at the Federal, State and local levels in times of need.

Civil Air Patrol was established in 1941, just days before the Japanese attacked Pearl Harbor. From that moment on, Civil Air Patrol has stood ready to supplement America's military operations. And over the years, it has shown itself to be a faithful partner to the Department of Defense. Therefore, it stands to reason that Civil Air Patrol could also partner with the Department of Homeland Security.

That is the thinking behind H.R. 1333 introduced by Representative CHARLIE DENT, a member of the Committee on Homeland Security. H.R. 1333 directs the Government Accountability Office to examine the capabilities of the Civil Air Patrol to support DHS's activities across the country.

The bill was unanimously adopted by the Subcommittee on Emergency Communications, Preparedness and Response on April 30. Then on May 20, the full committee approved H.R. 1333 unanimously.

Civil Air Patrol is a great example of how patriotic Americans can contribute to the security of this Nation and their communities. As someone who served as a volunteer firefighter, I appreciate that kind of dedication. There is no doubt in my mind that the Civil Air Patrol is a United States treasure. In fact, during any given year, the Civil Air Patrol is responsible for nearly 95 percent of Air Force-directed search and rescue missions.

This Government Accountability Office study, called for in this bill, will improve Congress' and the administration's understanding of how Civil Air Patrol can provide homeland security assistance. The GAO study will also help Congress assess whether the operational structure in place for coordination between the Civil Air Patrol and its government and non-profit partners is sufficient and optimal for the security of our Nation.

Additionally, the bill calls for GAO to report on the cost-effectiveness of using Civil Air Patrol assets for homeland security missions and help Congress understand whether the current mechanism for Federal agencies and States to request Civil Air Patrol support are adequate.

Finally, the bill directs the Secretary of Homeland Security to review and analyze GAO's study and report to Congress as to which GAO recommendations warrant further action.

I commend my colleague, Mr. DENT, and his partner in this endeavor, the chairman of the Subcommittee on Emergency Communications, Preparedness and Response, Mr. CUELLAR, for developing this thoughtful bill. I support H.R. 1333 and its underlying goals and urge passage.

Madam Speaker, I reserve the balance of my time.

Mr. DENT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I do rise today to support H.R. 1333, the Civil Air Patrol Homeland Security Act of 2007. And this legislation, which I introduced on March 6, 2007, has the bipartisan support of 56 Members of Congress.

I would first like to thank our good friend and colleague, Chairman BENNIE THOMPSON of Mississippi, as well as Ranking Member PETE KING of the Homeland Security Committee, as well as Chairman OBERSTAR and Ranking Member MICA of the Transportation and Infrastructure Committee for their cooperation and support in bringing this legislation to the floor today.

I also want to especially thank the subcommittee chairman, HENRY CUELLAR, who chairs the Subcommittee on Emergency Communications, Preparedness and Response on which I serve as the ranking member for his support of this legislation throughout this process and throughout this 110th Congress. I want to thank Chairman CUELLAR especially.

H.R. 1333, as amended, would require the Government Accountability Office, the GAO, to conduct an expansive review to determine how the Civil Air Patrol may be used to support the homeland security missions of State, local and tribal governments, and the Department of Homeland Security.

Specifically, the GAO will review how the Civil Air Patrol may provide aerial reconnaissance or communications capabilities for border security; assist in damage assessments and situational awareness; search and rescue operations, evacuations and the transport of time-sensitive medical or other materials; or perform any other activities as determined by the GAO.

This review will provide greater information regarding the cost-effectiveness of using Civil Air Patrol assets for homeland security purposes at all levels of government. It will also help us understand whether the current process for States and the Federal Government to request Civil Air Patrol assistance is overly bureaucratic, limiting the effectiveness of this important resource in times of crisis.

Aviation assets have traditionally played an important role in border security, the interdiction of contraband, search and rescue operations, evacuations, and after-action analyses that must be performed in the wake of a catastrophic event.

A Civil Air Patrol force of 57,000 volunteers and 500 planes across the country stands ready to assist in those important missions.

The Civil Air Patrol has a long history of service to this Nation. The organization was founded at the outbreak of the Second World War, during which it served as a vital watchdog along the coastlines of America, protecting us from the threat of German U-boats that patrolled our shores. They even engaged U-boats during that war as well, sinking a few.

Since then, the Civil Air Patrol has regularly assisted States in search and rescue operations and emergency response. The Civil Air Patrol indicates that it would welcome the opportunity to play an expanded role in homeland security operations, as that role would be defined by the Comptroller General, the Department of Homeland Security, and the United States Congress.

I urge my colleagues to support this legislation and help ensure that we are effectively utilizing all available resources for responses to catastrophic events.

Madam Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CUELLAR), the chairman of the Subcommittee on Emergency Communications, Preparedness and Response.

Mr. CUELLAR. Madam Speaker, I also want to thank Chairman BENNIE THOMPSON who has done a great job as the chairman. He has allowed what I call the free market of ideas to work well. That is if a Member comes up with an idea, we will go through the process and after that if it is a good idea and will protect our homeland, he has given us an opportunity to come up with and move those ideas; so thank you, Mr. Chairman.

One of the ideas is of course H.R. 1333 which is the one that Ranking Member CHARLIE DENT has brought forward. It is an idea that would allow us to supplement the security of our country. So I certainly want to thank Mr. DENT for the idea and of course for moving this great idea forward.

I support this particular bill because it allows the GAO to conduct a study to determine how the Civil Air Patrol can help support our homeland security missions. The Civil Air Patrol has long served our Nation. The Civil Air Patrol began at the onset of World War II, patrolling the coastlines of America, protecting the shores of our great Nation from foreign threats.

Since that time, the Civil Air Patrol has regularly assisted States, and that includes also my State of Texas, with search and rescue operations and emergency response. The Civil Air Patrol welcomes this opportunity to play an expanded role in homeland security operations as that role will be defined by the Comptroller General, the Department of Homeland Security, and of course by the United States Congress.

This study will give the Secretary of Homeland Security the ability to consider the use of the Civil Air Patrol to provide aerial assistance to the Department of Homeland Security agencies that are responsible for protecting America against illegal entry and trafficking of people and contraband.

Being from Laredo, Texas, and representing Webb, Starr, Zapata and Hidalgo counties on the border, I do understand why we need this assistance.

And I think the way it has been crafted by Mr. DENT, this will allow Homeland Security to use these extra assets on the border to give us the extra protection that we need to make sure that we protect ourselves. So I certainly feel that the Civil Air Patrol can not only provide protection on the border, but also respond to acts of terrorism, natural disasters and other man-made events by assisting in damage assessment, search and rescue operations, and evacuations.

I thank my colleague, CHARLIE DENT, and my chairman, Chairman BENNIE THOMPSON. I know MICHAEL MCCAUL will also speak about how this will help in Texas, and other efforts. Again, I urge my colleagues to support H.R. 1333.

Mr. DENT. Madam Speaker, I would just like to confirm with the majority whether they have any additional speakers at this time.

Mr. THOMPSON of Mississippi. Madam Speaker, I have no additional speakers. If the gentleman from Pennsylvania has no speakers, I am prepared to close.

Mr. DENT. Madam Speaker, I yield myself the balance of my time to close.

I want to thank my colleagues on both sides of the aisle, Chairman THOMPSON and Chairman OBERSTAR and Chairman CUELLAR, for their bipartisan support and leadership on this important issue in helping us move this legislation forward.

I also want to point out that I had a few interesting experiences on the border with Chairman CUELLAR. I visited Laredo, Texas, on two separate occasions with him, and I looked at what our Border Patrol was up to. I noticed there was a lack of aviation assets. In fact, Chairman CUELLAR and I had a rather exciting visit on a helicopter in Laredo, Texas, and we got a good look at the border areas, and witnessed the lack of aviation assets on that border.

□ 1245

And so that certainly helped inspire this legislation.

Also, I'd like to point out too that there are a lot of good ideas that come from places other than Washington, D.C. When I was back in my district some time ago I remember a constituent of mine named David Miller, who is an octogenarian; he served during the Second World War, a pilot. He said to me, he talked about the use of the Civil Air Patrol during the Second World War and suggested, why don't you get them more engaged for various homeland security initiatives, particularly border security? I thought it sounded like a reasonable idea, and I looked into it and, of course, that's why we're here today dealing with legislation to further examine this very important issue. I thank David Miller for his foresight, just being a good citizen and making recommendations to his elected representative.

Also I would like to point out another former member, Lester Wolf of New York, had also been a strong advocate of greater utilization of the Civil Air Patrol. He served in, I think, the Long Island area of New York and was quite strong on this need for this type of legislation.

As well as a man named Bob Minert who is the executive director of the Pennsylvania wing of the Civil Air Patrol. Again, I want to thank all of them for their interest and leadership and helping get us to where we are today.

I would just like to say that the GAO study that this legislation requires will help Congress assess the current capabilities of the Civil Air Patrol to assist the Federal Government and our State and local partners in conducting homeland security missions. The review will help us determine whether the current mechanisms to utilize the Civil Air Patrol as a force multiplier in various missions, including search and rescue and border security, are sufficient to meet today's needs.

As we saw after September 11 and Hurricanes Katrina and Rita, in a catastrophic event, this country must be able to dramatically increase the number of response assets, while ensuring that Federal, State and local resources are well coordinated. By examining how various resources like the Civil Air Patrol may contribute to a mission prior to an event, we will help strengthen our Nation's security and resiliency.

I would like to thank everybody involved with this legislation, all my colleagues, and the 56 co-sponsors of this legislation. I urge my colleagues to support this bill and help to strengthen the performance of Homeland Security missions in the Department of Homeland Security.

Madam Speaker, at this time I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I urge passage of H.R. 1333. I strongly believe that the GAO report required under H.R. 1333 will provide us with the information needed to reach the right decision on the question of whether a formal relationship between DHS and CAP will serve our Nation's homeland security interests.

Certainly, over the past 60 years, Civil Air Patrol has shown itself to be a faithful partner to the Department of Defense. It is conceivable that the Civil Air Patrol could contribute to border security, search and rescue and responsive activities at DHS.

Additionally, it would be interesting to know whether the Civil Air Patrol can provide emergency transport for sensitive medical materials. I would also be interested to know whether the Civil Air Patrol area reconnaissance and communications capability can enhance our border security and DHS's ability to have situational awareness of natural disasters and other man-made events. The GAO study called for in this bill will answer these core capability questions.

For this reason, I support H.R. 1333, and urge its passage.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 1333, Civil Air Patrol Homeland Security Support Act of 2007, introduced by my distinguished colleague from Pennsylvania, Representative DENT. This important legislation is a first step for the Committee on Homeland Security to understand how the Civil Air Patrol can provide necessary Homeland Security assistance.

The Civil Air Patrol is a prime example of how Americans can get involved to support our Nation's preparedness and response to emergencies as well as our Nation's great history of civil aviation and aerospace education. The Civil Air Patrol is a 501(c)(3) non-profit organization and also serves as the U.S. Air Force Auxiliary, when given an Air Force assignment for a Federal support mission. The Civil Air Patrol flies missions in one of two ways: they are either assigned an Air Force mission, wherein they fly on behalf of the Federal Government as the Air Force Auxiliary, or they fly in their non-profit status based on requests from State and local governments or other organizations, many of which have MOU's with the Civil Air Patrol that govern their partnerships. As such, the Civil Air Patrol performs a vital service for this Nation, one which must be further examines and utilized.

Over the course of any given year, the Civil Air Patrol is responsible for conducting over 90 percent of the Nation's inland search and rescue operations on behalf of the Air Force. In fiscal year 2007 alone, the Civil Air Patrol helped save 103 lives. Beyond that capacity to execute search and rescue missions, the. Civil Air Patrol can also provide emergency transport for sensitive medical materials and conducts low-altitude reconnaissance surveys for the Government. Even with the Civil Air Patrol is not in the air but working on the ground, their volunteers have pitched in to assist with disaster response.

This important legislation will require that the GAG examine how the Civil Air Patrol's proficiency in aerial reconnaissance and communications can enhance our border security. It furthermore will assess the Civil Air Patrol's experience in conducting damage assessment and enhancing situational awareness and how that might be utilized to improve our Nation's collective response to an act of terrorism, natural disaster, or other man-made event. The GAG report produced by this legislation will be utilized to paint a clear picture of the cost-effectiveness of using Civil Air Patrol assets for homeland security missions and help this committee to understand whether the current mechanisms for Federal agencies and States to request CAP support are adequate.

In this age of a global war on terror, it is imperative that we utilize all the assets available to us to secure our homeland. The Civil Air Patrol has been an invaluable resource for this Nation and embodies the volunteer service that makes our Nation great. I commend the

Civil Air Patrol for their commitment to service and protecting this country, and I support this legislation that seeks to further examine how we might use them for their homeland security capacity.

I wholeheartedly support this legislation and strongly urge all of my colleagues to join me in doing so.

Mrs. MILLER of Michigan. Madam Speaker, I rise in strong support of H.R. 1333, Civil Air Patrol Homeland Security Support Act of 2007.

The Civil Air Patrol is comprised completely of volunteers who provide air and ground support for disaster relief, conducts search and rescue missions, perform counter drug missions and aerial damage assessment.

Shortly after being established on December 1, 1941, our Nation was drawn into World War II with the attack at Pearl Harbor. And the Civil Air Patrol began its vital mission patrolling the skies over our great Nation.

Although originally intended to perform only reconnaissance missions, the Civil Air Patrol found themselves carrying depth charges and bombs as the deadly German U-boats attacked U.S. shipping in the Atlantic.

During the war the Civil Air Patrol found 173 German submarines, hitting 10, and sinking 2 of them.

A German commander later confirmed that coastal U-boat operations were withdrawn from the United States "because of those damned little red and yellow airplanes" of the Civil Air Patrol.

From this early beginning, the Civil Air Patrol established itself as a provider of critical support in times of crisis and emergency.

Whether the danger comes from hurricanes, downed or missing aircraft, wildfires or other disasters, the Civil Air Patrol can always be counted on to provide the support our Nation needs.

Even today, the Civil Air Patrol continues to serve as a vital source of aerial reconnaissance.

The Midwest continues to be ravaged by flooding and broken levees, and our Civil Air Patrol is working with local first responders, providing digital photographs of flooded areas. These images have been used to assess the extent of the floods and the damage they caused.

In my home State of Michigan, the Civil Air Patrol flies missions from the Selfridge Air National Guard Base where they supported the National Weather Service in the aftermath of tornados and heavy storms last fall.

Shortly after the attack on 9/11, the Civil Air Patrol was the first in the skies over Ground Zero, and assisted in the relief efforts.

So I believe that it is only fitting that we examine using the Civil Air Patrol for Homeland Security Missions as they have already demonstrated their capabilities to provide aerial support during emergencies around the Nation.

I look forward to viewing the final Government Accountability Office, GAO, report and examining the ways that the Civil Air Patrol can assist the Department of Homeland Security, whether that includes assisting in our border security efforts, or utilizing their search-and-rescue capabilities in the aftermath of an act of terrorism or natural disaster.

These brave men and women volunteer their time and deserve our gratitude for the vital work that furthers the security of this great Nation.

I urge my colleagues to support this legislation.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 1333, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.".

A motion to reconsider was laid on the table.

NUCLEAR FORENSICS AND ATTRIBUTION ACT

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2631) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Forensics and Attribution Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of the weapon, there could be little forensic evidence except the radioactive material in the bomb itself.

(2) Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, pre-detonation forensics is a relatively undeveloped field. The post-detonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.

(3) A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators. Furthermore, the threat of effective attribution could compel improved security at material storage facilities, preventing the unwitting transfer of nuclear or radiological materials.

(4)(A) In order to identify special nuclear material and other radioactive materials confidently, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.

(B) Many of the radioisotopes produced in the detonation of a nuclear device have short half-lives, so the timely acquisition of samples is of the utmost importance. Over the past several decades, the ability of the United States to gather atmospheric samples—often the preferred method of sample acquisition has diminished. This ability must be restored and modern techniques that could complement or replace existing techniques should be pursued.

(C) The discipline of pre-detonation forensics is a relatively undeveloped field. The radiation associated with a nuclear or radiological device may affect traditional forensics techniques in unknown ways. In a post-detonation scenario, radiochemistry may provide the most useful tools for analysis and characterization of samples. The number of radiochemistry programs and radiochemists in United States National Laboratories and universities has dramatically declined over the past several decades. The narrowing pipeline of qualified people into this critical field is a serious impediment to maintaining a robust and credible nuclear forensics program.

(5) Once samples have been acquired and characterized, it is necessary to compare the results against samples of known material from reactors, weapons, and enrichment facilities, and from medical, academic, commercial, and other facilities containing such materials, throughout the world. Some of these samples are available to the International Atomic Energy Agency through safeguards agreements, and some countries maintain internal sample databases. Access to samples in many countries is limited by national security concerns.

(6) In order to create a sufficient deterrent, it is necessary to have the capability to positively identify the source of nuclear or radiological material, and potential traffickers in nuclear or radiological material must be aware of that capability. International cooperation may be essential to catalogue all existing sources of nuclear or radiological material.

SEC. 3. SENSE OF CONGRESS ON INTERNATIONAL AGREEMENTS FOR FORENSICS COOPERATION.

It is the sense of the Congress that the President should—

(1) pursue bilateral and multilateral international agreements to establish, or seek to establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining the source of any confiscated nuclear or radiological material or weapon, as well as the source of any detonated weapon and the nuclear or radiological material used in such a weapon;

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

SEC. 4. RESPONSIBILITIES OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ADDITIONAL RESPONSIBILITIES.—Section 1902 of the Homeland Security Act of 2002 (as redesignated by Public Law 110–53; 6 U.S.C. 592) is amended—

(1) in subsection (a)—

(A) in paragraph (9), by striking "and" after the semicolon;

(B) by redesignating paragraph (10) as paragraph (14); and

(C) by inserting after paragraph (9) the following:

"(10) develop and implement, with the approval of the Secretary and in coordination with the heads of appropriate departments and agencies, methods and capabilities to support the attribution of nuclear or radiological material to its source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion;

"(11) establish, within the Domestic Nuclear Detection Office, the National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, exercises, improvement, and integration for all Federal nuclear forensics activities to ensure an enduring national technical nuclear forensics capability to strengthen the collective response of the United States to nuclear terrorism or other nuclear attacks;

"(12) establish a National Nuclear Forensics Expertise Development Program which—

"(A) is devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics, including radiochemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry; and

"(B) shall—

"(i) make available for undergraduate study student scholarships, with a duration of up to four years per student, which shall include, whenever possible, at least one summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's undergraduate career;

"(ii) make available for graduate study student fellowships, with a duration of up to five years per student, which—

"(I) shall include, whenever possible, at least two summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's graduate career; and

"(II) shall require each recipient to commit to serve for two years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;

"(iii) make available to faculty awards, with a duration of three to five years each, to ensure faculty and their graduate students a sustained funding stream; and

"(iv) place a particular emphasis on reinvigorating technical nuclear forensics programs, while encouraging the participation of undergraduate students, graduate students, and university faculty from historically Black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities;

"(13) provide an annual report to Congress on the activities carried out under paragraphs (10), (11), and (12); and"; and

(2) by adding at the end the following new subsection:

"(b) DEFINITIONS.—In this section:

"(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

"(2) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

"(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given that term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $30,000,000 for each of the fiscal years 2009, 2010, and 2011 to carry out paragraphs (10) through (13) of section 1902(a) of the Homeland Security Act of 2002, as added by subsection (a) of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Texas (Mr. McCAUL) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in strong support of this bill and yield myself as much time as I may consume.

Madam Speaker, H.R. 2631, the Nuclear Forensics and Attribution Act, was introduced last year by the gentleman from California, Congressman SCHIFF. It was marked up and adopted unanimously by the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology in October 2007. The full committee approved it unanimously on May 20 of this year.

I would like to congratulate Congressman SCHIFF and thank Subcommittee Chairman LANGEVIN and Ranking Member McCAUL for their work in getting the bill to the floor today.

Like the other homeland security measures we are considering today, I strongly believe that H.R. 2631 ties in with the DHS authorization legislation that the House approved last spring, H.R. 1684, and is still pending before the Senate.

We know that our enemies, both terrorists and rogue nations, are interested in developing and using nuclear and radiological weapons. In the case of an attempted or, heaven forbid, a successful nuclear or radiological attack, rapid attribution is critical. Our government must have the capability to quickly determine the source of nuclear material so that the key decision-makers have information needed to respond.

Certainly, if the terrorists know that we have a nuclear forensic capability that can pinpoint their role in creating a bomb, they're bound to have second thoughts. The deterrent effect of a robust nuclear forensic capability is enormous.

Unfortunately, today the U.S. must rely on expertise and technology developed during the Cold War to address the emerging threats of a nuclear "dirty" bomb. The nuclear weapons work force is aging, just as its mission has shifted from traditional deterrence policy to the more complicated challenge of containing the threats posed by terrorists and rogue nations. Our Nation's capability in the scientific fields of radiochemistry and geochemistry must be fostered to meet this new threat. This is the purpose of this bill.

H.R. 2631 expresses the sense of Congress that the President should pursue international agreements and develop protocols to share sensitive information needed to identify the source of a nuclear detonation.

It also tasks the Secretary of Homeland Security with the mission of developing methods to attribute nuclear and radiological material, both within the Department's Domestic Nuclear Detection Office, and in partnership with other Federal agencies.

The legislation, as amended in committee, emphasizes that development of a robust nuclear forensics capability depends chiefly on an expertly trained work force in this area, and provides support for educational programs relevant to nuclear forensics.

H.R. 2631 also authorizes the National Technical Nuclear Forensic Center, which will be responsible for providing centralized planning, assessment and integration of all Federal nuclear forensic activities; requires the Secretary to report annually to Congress on the Federal Government's efforts to enhance its nuclear forensic capability, including the status of work force development programs, and authorizes $30 million per year for the next 3 fiscal years for this effort.

H.R. 2631 continues this committee's practices of authorizing programs and offices within DHS that are of value to the agency's mission, so as to assure that the work can continue and progress can be achieved in the years to come.

I urge my colleagues to support this bill.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, May 27, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 2631, the Nuclear Forensics and Attribution Act, H.R. 2631 was introduced by Congressman Adam B. Schiff on June 7, 2007, and the bill was subsequently marked up by the Committee on Homeland Security on May 20, 2008.

H.R. 2631 implicates the Committee on Science and Technology's jurisdiction under rule X(1)(o) of the House Rules. The Committee on Science and Technology acknowledges the importance of H.R. 2631 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and of your response will be included in the legislative report for this bill and the CONGRESSIONAL RECORD when the bill is considered on the House Floor.

The Committee on Science and Technology also expects that you will support our request to be conferees during any House-Senate conference on H.R. 2631 or similar legislation.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 11, 2008.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2631, the Nuclear Forensics and Attribution Act, introduced on June 7, 2007, by Congressman Adam B. Schiff.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 2631 contains provisions that fall under the jurisdictional interests of the Committee on Foreign Affairs. I appreciate your agreement to forgo any further consideration or action on this legislation, and that your decision to do so does not affect the jurisdiction of the Committee on Foreign Affairs.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction, and I agree to support such a request.

I will ensure that this exchange of letters in included in the Committee's report on H.R. 2631 and in the CONGRESSIONAL RECORD during floor consideration of H.R. 2631. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 2008.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

Dear Mr. Chairman: I am writing to you regarding H.R. 2631, the Nuclear Forensics and Attribution Act, introduced on June 7, 2007, by Congressman Adam B. Schiff. This legislation was initially referred to the Committee on Homeland Security and, in addition, to the Committee on Foreign Affairs.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation, I am willing to waive further consideration of H.R. 2631. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the resolution which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the committee report for H.R. 2631 and in the Congressional Record during consideration of this bill.

I look forward to working with you as we move this important measure through the legislative process.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 28, 2008.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2631, the Nuclear Forensics and Attribution Act, introduced on June 7, 2007, by Congressman Adam B. Schiff.

I appreciate your willingness to work cooperatively on this important legislation. I acknowledge that H.R. 2631 contains amendments to provisions of law related to matters that fall under the jurisdictional interest of the Committee on Science and Technology. I appreciate your agreement to not seek a sequential referral of this legislation and acknowledge that your decision to forgo a sequential referral on this bill does not waive, alter, or otherwise affect the jurisdiction of the Committee on Science and Technology.

Further, I recognize that your committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within your jurisdiction, and I agree to support such a request.

I will ensure that this exchange of letters is included is the Committee's report on H.R. 2631 and in the Congressional Record during floor consideration of H.R. 2631. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Madam Speaker, I reserve the balance of my time.

Mr. McCAUL of Texas. Madam Speaker, I yield myself such time as I may consume.

I'm proud today to cosponsor and to support this bill and extend my gratitude for the bipartisan cooperation that went into drafting this important legislation—Congressman SCHIFF, Chairman THOMPSON, Chairman LANGEVIN.

The detonation of a nuclear device in an urban area of this country would be catastrophic to say the least. And with nuclear proliferation worldwide with such apparatuses as the A.Q. Kahn network reaching the Islamic jihad world, countries like Iran, North Korea, Venezuela, the threat of a nuclear explosion and the threat of nuclear devices coming into this country is very real. This bill will help prevent that.

Reducing the risk of nuclear or radiological terrorism requires a layered system of defenses that involves deterring, detecting, disrupting and recovering from terrorist attacks.

We've spent a great deal of time in this Congress discussing the efforts of the Department of Homeland Security's Domestic and Nuclear Detection Office, or DNDO, to deploy radiation portal monitors at our Nation's ports of entry. These monitors, staffed by Customs and Border Protection officers, are the Nation's first line of defense against illicit trafficking of nuclear and radiological material.

I'd like to take this opportunity to commend the DNDO on their achievements in this area. But even with the best possible detection systems, the possibility remains that terrorists could beat the system and sneak something past one of our detectors and through a non-official port of entry. That is why defense against terrorism, especially nuclear terrorism, requires a multi-layered approach.

This bill will improve a critical layer in our Nation's system defenses against the risk of nuclear and radiological terrorism by codifying the role of the National Technical Nuclear Forensic Center, which already exists within the DNDO. By enhancing our nuclear forensic capabilities, we will be able to more easily identify the source of nuclear materials. And while getting the whole picture also requires good intelligence and law-enforcement style investigations, a credible attribution program could even serve as a deterrent against nuclear terrorism.

A main concern I have had is the decreasing number of qualified people into the fields associated with nuclear forensics. In recent years, the number of young people entering scientific fields has declined. The nuclear fields, in particular, are suffering, especially in fields relevant to nuclear forensics, which may have no commercial counterpart. I'm pleased that this legislation includes language designed to strengthen the pipeline of talented new scientists into this important field, especially from minority-serving institutions, so as to take full advantage of all the talent present in our universities.

This bill instructs the Department to establish a National Nuclear Forensics Expertise Development Program which is devoted to developing and maintaining a vibrant and enduring pipeline of technical professionals. This program will grant scholarships and fellowships from the undergraduate through the postdoctorate level of study in nuclear and geochemical science specialties, directly relevant to technical nuclear forensic.

This legislation is the first step in the right direction of reinvigorating the work force in an area critical to continued defense against nuclear and radiological terrorism.

I urge my colleagues to support this bill and its goals to improve the state of nuclear forensics in this country.

With that, Madam Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, at this time I yield 4 minutes to the chairman of the subcommittee handling the legislation, the gentleman from Rhode Island (Mr. LANGEVIN).

☐ 1300

Mr. LANGEVIN. Madam Speaker, I rise today in strong support of the Nuclear Forensics and Attribution Act, H.R. 2631, introduced by my friend and colleague, Congressman ADAM SCHIFF. Through my work on both the Homeland Security Committee and the House Permanent Select Committee on Intelligence, I have become convinced that the nuclear terrorist threat is real requiring the full and urgent attention of our government.

Now, last weekend, we received a stark reminder of just how real this threat is. According to media reports, A.Q. Khan's network provided nations, possibly Iran and North Korea, with blueprints for a sophisticated nuclear device small enough to fit on a ballistic missile.

Now, I take this threat very seriously, and as chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I focus much of my attention on addressing our nuclear vulnerability. And I have always said that the core of our efforts must focus on a three-prong strategy: an approach of prevention, detection, and response.

Now, by strengthening our detection capabilities, we've certainly made it more difficult for those who wish us harm to smuggle in nuclear weapons or weapons of nuclear material across our border. In fact, we are currently screening 100 percent of all incoming cargo on the southern border, 98 percent on the Nation's seaports, and 91 percent on the northern border. And Director Vayl Oxford of the Domestic Nuclear Detection Office assures me we will be screening 100 percent along our northern border by next year.

Now, I firmly believe that the surest way to prevent a nuclear terrorist attack from occurring is to prevent terrorists from obtaining nuclear weapons or weapons-grade nuclear material in the first place, but all those who have these materials should be also put on notice that all nuclear material contains a unique signature that could be traced back to them.

Now, the Nuclear Forensics and Attribution Act is a critical mechanism for enhancing this capability. Nuclear forensics allows experts to study the mix of isotopes and other features of nuclear material that give it a particular signature, or fingerprint. Once a nuclear signature has been promptly identified, we can oftentimes trace the material back to a particular source. Now, this is perhaps one of the best proactive measures we can take to deter terrorists from acquiring and detonating a nuclear weapon. It's also a wake-up call for all nations that already have nuclear weapons or weapons-grade nuclear material to better secure it.

If nations around the world know they can be identified as the source of material used in a nuclear attack, they may think twice about proliferating knowing that they would be the target of any retaliatory efforts.

In short, Madam Speaker, when people think of tracing where a nuclear attack would come from, they think of the missile being launched from a particular location and then detonated at a target, and they would obviously know and would be able to trace that missile back to where it was originally launched from. And if anybody were to smuggle a nuclear device into the country and detonate it, they would get off scot-free. Well, nuclear forensics clearly shows that is not the case.

Any time that a nuclear weapon would be detonated or weapons-grade nuclear material would be used, it does come with a return address, and we would be able to trace it back.

I'm proud to be a cosponsor of this measure, and I'm also pleased that we're taking yet another step to protect Americans against a nuclear threat.

Again, I would like to thank Congressman SCHIFF for his leadership on this issue. I would like to thank my Ranking Member Mr. MCCAUL on the subcommittee for helping to bring this to the floor. And most especially I want to thank the chairman of the full Committee on Homeland Security, Chairman THOMPSON, for his leadership on securing the Nation against potential nuclear threats and for all of his great leadership on homeland security issues and for bringing this issue to the floor today.

Mr. MCCAUL of Texas. Madam Speaker, I continue to reserve.

Mr. THOMPSON of Mississippi. Madam Speaker, I do have one more speaker, the author of the bill.

Mr. MCCAUL of Texas. Madam Speaker, I have no further speakers and am prepared to close.

I reserve my time.

Mr. THOMPSON of Mississippi. I would like to recognize the gentleman from California (Mr. SCHIFF) for 4 minutes, the author of this legislation and a persistent pursuer making sure that we get it to the floor.

Mr. SCHIFF. I thank the chairman of the full committee for his leadership on this issue and for his indulgence of my perseverance. I'm very grateful that the bill moved so quickly and for his support of it. I also want to thank the chairman of the Subcommittee on Emerging Threats, Cybersecurity, Science and Technology, JIM LANGEVIN, for his leadership, and also thank the Ranking Member Mr. MCCAUL. I really appreciate all of your help. It's been a bipartisan effort from the very beginning, and that's the way it should be.

Through this legislation, we're taking an important step to prevent nuclear terrorism, and I appreciate, again, all of the work of the committee and staff.

Nuclear terrorism is the preeminent threat of our time. Many countries around the world now have access to technology that was once the realm of only a few. Just last week it was reported that an advanced nuclear weapon design was found on a computer connected to one nuclear smuggling ring, and that was the one mentioned by my colleague, Mr. LANGEVIN. Illicit nuclear material has been intercepted in transit many times since the Cold War, and the material we catch is probably just a small fraction of the total amount trafficked.

The President and Congress have recognized that a nuclear attack on the United States is the most important national security threat facing our country. In the ongoing effort to strengthen our border, this Congress has made it more difficult to smuggle a nuclear weapon into the United States. But with thousands of miles of borders to secure against weapons just a few feet in size, we cannot simply play defense at the border. We must also prevent the weapons and materials that lie in storage around the world from falling into the wrong hands.

During the Cold War, we deterred the Soviet Union with the threat of nuclear retaliation. Unfortunately, the decentralized flexible terror networks that we face today are not as easily deterred. Osama bin Laden has termed the acquisition of mass destruction a religious duty. And there is no question that using such a weapon against America is consistent with the group's contempt for human life.

The Nuclear Forensics and Attribution Act is designed to help shut down trade in nuclear material by deterring those parts of the trafficking network susceptible to deterrence. If we identify the source of nuclear material, then when we intercept it in transit, we can hold responsible those who created it and shared it with terrorists or rogue nations. In the aftermath of an attack, God forbid, this capability would also help determine the identity of those responsible. Nations, companies, and individuals could be dissuaded from proliferating knowing that their malfeasance could be traced back to them.

The first part of this bill expands our ability to determine the source of nuclear material by strengthening our nuclear forensics capability. Nuclear forensics is the study of the chemistry and physical properties of nuclear material that give it a particular signature. Scientists and engineers skilled in the field can also use information from the packaging and accompanying materials to pinpoint a source.

But acquiring, analyzing, characterizing, and attributing samples is a complicated process. Though we have the capability to perform each step, our expertise is split between the Departments of Energy, Defense, Homeland Security, and State.

This bill authorizes a national technical nuclear forensics center in the Department of Homeland Security. The center will coordinate the various agencies and ensure that a sufficient combined response is present whenever nuclear material is intercepted or used in a weapon. It will also advance the science of nuclear forensics bringing in new radiochemists and physicists into a rapidly aging workforce and funding research on new methods to identify materials from around the world.

But this bill also has another purpose. As with fingerprints or DNA, the strength of nuclear forensics depends on the strength of our database. Nuclear material can come from many nations, some friendly and some unfriendly.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield the gentleman 2 additional minutes.

Mr. SCHIFF. Madam Speaker, I thank the gentleman. That will be the last of my perseverance, Mr. Chairman.

The strength of nuclear forensics depends on the strength of our database. That material can come from many nations, some friendly, some unfriendly, and the individual recipes are closely-held secrets. However, little of the information needed for nuclear forensics is of direct use to our adversaries, and in the case of our allies, the risk of not sharing the data and failing to discover a security breach is much greater than sharing the information.

Thus, the bill asked the President to negotiate agreements with other nations to share information on the make-up of their nuclear materials. We can come to bilateral agreements with our allies or sign multi-lateral treaties through the IAEA. We can even begin the database with just civilian reactor materials where information security is less of an issue. But we must get started now.

The National Technical Nuclear Forensics Center should play a key role in the negotiations since in the end, the data we obtain must be the data that the experts need. Nuclear terrorism is a threat of paramount danger and uncertain probability. As communications and transportation bring us ever closer to our friends, they bring our enemies closer as well. This modest but effective bill will help keep us safe as we navigate the years ahead.

Again, I want to thank Chairman THOMPSON for his leadership and the chairman and ranking member of the subcommittee for their assistance and sponsorship, and I urge my colleagues to support the bill.

Mr. McCAUL of Texas. Madam Speaker, I continue to reserve.

Mr. THOMPSON of Mississippi. Madam Speaker, I am prepared to close at this point and wonder if the gentleman from California is also.

Mr. McCAUL of Texas. Madam Speaker, I have no further speakers. I am prepared to close.

The threat of nuclear terrorism is real as we've heard. The intent, motivation from al Qaeda and the radical Islamic world is very real. They want to acquire this capability, and we know that with the proliferation of this technology with nuclear capability, through the A.Q. Khan network to many other countries, we know that this threat is literally on the doorstep. I believe this bill will go a long ways to protecting Americans which, after all, is our first and foremost obligation as Members of Congress to protect the American people as the Constitution requires.

And that is why I'm so proud that this was presented in a bipartisan fashion. This is not a Democrat or Republican issue. This is an American issue. It is about protecting the lives of the American people. And I urge my colleagues to vote in favor of this bill.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I urge passage of H.R. 2631, the Nuclear Forensics and Attribution Act. I would like to pay tribute to Congressman ADAM SCHIFF, Subcommittee Chairman LANGEVIN, and Ranking Member McCAUL for the thoughtful approach taken on this critical Homeland Security concern.

The risk, vulnerability, and consequences of a nuclear bomb are significantly different than what we think of as a dirty bomb. While a nuclear bomb is most assuredly a weapon of mass destruction, a dirty bomb is at best a weapon of mass disruption. A dirty bomb may include some radioactive material, but if detonated, few people, if any, would die shortly after exposure.

In contrast, tens of thousands of people could potentially die from an explosion of a nuclear bomb.

We need a new Manhattan Project, one where we build a nuclear forensics capability and workforce that can address the myriad of nuclear threats that we face today. H.R. 2631 does just that. That is why, Madam Speaker, I urge passage of this important legislation.

Madam Speaker, as you heard, Ranking Member KING is attending the services of Tim Russert. I would like to join my ranking member and other Members of Congress in expressing our sympathies to the family of Tim Russert.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 2631, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.".

A motion to reconsider was laid on the table.

☐ 1315

CONDEMNING POSTELECTION VIOLENCE IN ZIMBABWE

Mr. PAYNE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1230) condemning postelection violence in Zimbabwe and calling for a peaceful resolution to the current political crisis, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1230

Whereas the Zimbabwean African National Union-Patriotic Front (ZANU–PF), led by President Robert Mugabe, has controlled Zimbabwe's executive and legislative branches for 28 years;

Whereas over the past 8 years, ZANU-PF has suppressed political dissidents and won elections and referendums through the use of vote rigging, localized violence, harassment, and intimidation;

Whereas the political and economic situation in Zimbabwe has been worsening since 2000, culminating in the current electoral crisis;

Whereas Presidential and Parliamentary elections were held in Zimbabwe on March 29, 2008;

Whereas the Zimbabwe Election Commission (ZEC) released the results for the 2008 presidential election 5 weeks after the contest took place, announcing President Mugabe won 43.2 percent of the vote, while Morgan Tsvangirai, leader of the opposition party Movement for Democratic Change (MDC), won 47.8 percent of the vote;

Whereas as the ZEC announced neither candidate won over 50 percent of the vote, the 2 candidates have to compete in a runoff election;

Whereas the long delay in announcing the presidential election results undermined the credibility of the ZEC;

Whereas the Zimbabwean people have indicated through the ballot box that they want a change in leadership;

Whereas in the wake of the elections, President Mugabe has unleashed security forces and militia against opposition supporters and members of civil society;

Whereas over 2,900 people have been tortured and beaten, and at least 36 have been confirmed dead as a result of an ongoing campaign of state-sponsored political violence;

Whereas government security forces raided the MDC party headquarters, arresting 300 people, some of them children;

Whereas government security forces have detained Morgan Tsvangirai on multiple occasions as he has tried to campaign for the June 27, 2008, runoff election, and have arrested MDC Secretary General Tendai Biti;

Whereas the offices of the Zimbabwe Election Support Network have been raided and some of its employees detained;

Whereas security forces have attacked humanitarian organizations and civil society groups;

Whereas the Government of Zimbabwe has suspended the activities of humanitarian aid organizations in its country, putting hundreds of thousands of children and other vulnerable members of the population at risk of hunger and malnutrition;

Whereas diplomats, including the United States ambassador to Zimbabwe, have been detained by government security forces in direct contravention of the protections offered diplomats in the Vienna Convention;

Whereas South African President Thabo Mbeki has stated that the political violence in Zimbabwe is a cause for "serious concern";

Whereas the African Union (AU) and Southern African Development Community (SADC) have been continually engaged in efforts to bring about an end to the political crisis in Zimbabwe;

Whereas the AU and SADC dispatched delegations to Harare, but have not yet successfully compelled the Government of Zimbabwe to restore the rule of law;

Whereas Zimbabwe's gross domestic product declined about 43 percent between 2000 and 2007 and the unemployment rate is 80 percent;

Whereas Zimbabwe's inflation rate, at almost 165,000 percent, is the highest in the world and has contributed significantly to the country's economic collapse;

Whereas worsening economic conditions and commodity shortages have caused at least 3,000,000 people to flee the country;

Whereas after the March 29, 2008, elections the opposition offered to enter into a dialogue to bring about an end to the ensuing political crisis;

Whereas all parties must engage constructively towards peace and reconciliation for the sake of the Zimbabwean people; and

Whereas the people of Zimbabwe deserve the assistance of the international community in the restoration of fundamental human rights, democratic freedom, and the rule of law: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on all security forces, informal militias, and individuals to immediately cease attacks on and abuse of civilians;

(2) strongly condemns the orchestrated campaign of violence, torture, and harassment conducted by the ruling party and its supporters and sympathizers in the police and military against members of the opposition, opposition parties, and all other civilians;

(3) calls on the Government of Zimbabwe to create an environment conducive to a peaceful transition of power;

(4) encourages the political parties to commit to forming a government that reflects the will of the Zimbabwean people and promotes national unity, the restoration of the rule of law, and genuine democratic governance;

(5) advocates for a mechanism such as a truth and reconciliation commission through which to ensure accountability for all groups and individuals who are found to have orchestrated or committed human rights violations in the context of the elections;

(6) urges the United Nations, with the cooperation and support of the African Union (AU) and Southern African Development Community (SADC) to dispatch a special envoy to Zimbabwe without delay, with a mandate to monitor the runoff elections and the human rights situation, and to support efforts to find a peaceful resolution to the political crisis;

(7) urges the international community, under the leadership of the United Nations, AU, SADC, and the SADC Parliamentary Forum, to deploy teams of credible persons to serve as monitors to ensure that the outcome of the presidential runoff elections reflects the will of the Zimbabwean people;

(8) commends the people of Zimbabwe for their continued courage in the face of systematic persecution, intimidation, and abuse, and commits to providing continued humanitarian assistance until the economic crisis is resolved;

(9) commends the actions being taken by activists, civil society organizations, and churches in support of democracy and respect for basic human rights and the rule of law in Zimbabwe, and encourages these entities to maintain their activities; and

(10) stands in solidarity with the people of Zimbabwe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PAYNE).

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Madam Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

Madam Speaker, let me begin by expressing my appreciation to the unanimous support of the Congressional Black Caucus, all 21 other Members, who have joined as original cosponsors to this resolution condemning post-election violence in Zimbabwe and calling for a peaceful resolution to the current political crisis.

Madam Speaker, assertive U.S. diplomatic engagement has contributed to conflict resolution in many African countries, especially over the past decade. Zimbabwe is one of the few exceptions, unfortunately. While many African countries moved to embrace democracy and rule of law, the dictatorship in Zimbabwe has taken the once promising country to a state of anarchy and haplessness.

President Robert Mugabe has been in power in the country since it got its independence in 1980, along with Joshua Nkomo, one of the great freedom fighters. The two joined in building Zimbabwe in its early days. Great strides were made, especially in education, and Zimbabwe became a leader in that area throughout Africa.

The country began to progress during those early days; however, when multiparty elections were introduced, the Mugabe regime began to lose its prominence. The Movement for Democratic Change, MDC, became an alternative to ZANU–PF.

In reaction to the winds of democracy, the Mugabe regime cracked down on the opposition party and thwarted democracy. The people of Zimbabwe have suffered since that time under the brutal dictatorship of the Mugabe regime.

The recent elections in Zimbabwe in March were a clear signal by the people of Zimbabwe that they wanted real change. Yet, Mr. Mugabe once again is in the process of crushing the democratic aspiration of the people of that country.

Instead of stepping aside, his regime has been engaged in a brutal crackdown against opposition elements. Dozens of people have been killed, and leaders of the opposition have been imprisoned.

The international community has done very little to help bring about change in Zimbabwe. We should not allow one dictator to ruin the way of life for millions of innocent civilians. Enough is enough.

The 1990s saw the spread of democracy across the continent of Africa, once dominated by military dictators and authoritarian leaders. The ghastly civil wars in Sierra Leone and Liberia have finally come to an end. Côte d'Ivoire now is moving in the right direction.

The DRC crisis, which erupted in 1998 and threatened to disintegrate the entire subcontinent, actually ended after a long and dedicated effort by African leaders that came up with a solution to that war of many countries in the DRC. In 2006, the Democratic Republic of Congo held its first democratic elections in years. Yet Zimbabwe still suffers from a brutal dictatorship.

The African Union, despite limited resources and capacity to deploy peacekeepers to a number of countries, have done so in several instances without delay. The African Union deployed an African mission to Burundi back in May of 2003 after an agreement was signed in order to support a cease-fire accord and to ensure implementation of the agreement. Troops have been deployed to Sudan in the north-south dispute and even to the Darfur region. Actually, in Somalia, Ugandan peacekeepers are there under the auspices of the A.U., even though there is a controversial intrusion of Ethiopian troops. Yet the A.U. has not been as vocal as many believe it should have been in the support of the suffering people of Zimbabwe. African leaders must speak out.

Prime Minister Odinga of Kenya, a long-time democracy advocate, said it right. He recently stated, "It is sad that many African heads of state have remained quiet when disaster is looming in Zimbabwe." We must act now to end the suffering. We must do what we can to protect and support the people of Zimbabwe.

My resolution, H. Res. 1230, calls for an immediate end to the violence, harassment and destruction that is ongoing in Zimbabwe at the expense of a once vibrant population.

It calls on the government of Zimbabwe to create an environment conducive to a peaceful transition.

It encourages the political parties to commit to forming a government that reflects the will of the Zimbabwean people and promotes national unity, the restoration of the rule of law, and genuine democracy.

It advocates a mechanism such as a Truth and Reconciliation Commission through which to ensure accountability of all groups and individuals who are found to have orchestrated or committed a human rights violation in the context of the election.

It urges the United Nations, A.U. and SADC to dispatch special envoys to Zimbabwe without delay, with a mandate to monitor the run-off elections and to come up with a peaceful resolution to the problem.

It urges the international community, under the leadership of the U.N., A.U., SADC and the SADC Parliamentary Forum to deploy teams of credible persons to serve as monitors to ensure that the outcome of the presidential run-off elections reflects the will of the Zimbabwean people.

We conclude by commending the people of Zimbabwe for their continued courage in the face of systematic prosecution and intimidation and abuse, and commit to providing continued humanitarian assistance until the economic crisis is resolved.

It commends the actions being taken by activists, civil society, churches, people who are in support of human rights and the rule of law in Zimbabwe, and we stand in solidarity with the people of Zimbabwe.

I urge my colleagues to support the resolution and support this peaceful reconciliation, national healing, and let's restore democracy to Zimbabwe and lead this country back to the greatness that it once had.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H. Res. 1230, which conveys a very clear and unmistakable condemnation of the violence we have seen in Zimbabwe following the elections in that country. I strongly support the resolution's call for a peaceful solution to the grave crisis there today.

If anyone had a doubt about the regime of Robert Mugabe before this most recent wave of government-inspired violence, surely this thug has dispelled it now.

Mugabe has clamped down on the press and has thwarted the assembly of the opposition, detaining his opposition figures on numerous occasions. We have heard gut-wrenching testimony and seen gruesome pictures of the intimidation, the violence and the torture of those who disagree with this dictator.

And there are credible reports that some 36 people have been murdered by those loyal to Mugabe.

The opposition candidate, Morgan Tsvangirai, was courageous to return to his country, but we have all held our breath as Mugabe's forces have detained him several times.

No one feels safe in Zimbabwe today, Madam Speaker. Even United States diplomats attempting to monitor the regime's abuses have been harassed, their access to public places restricted.

Mugabe has even stooped to the pilfering of food aid and has halted international relief operations.

With a run-off election scheduled for June 27, we need to send a message, a good, strong, bipartisan message, that we in the United States and the world expect fair, peaceful balloting. The will of the people must be heard.

I ask the support of my colleagues for this resolution and pledge my support for the people of Zimbabwe in these very difficult times.

I reserve the balance of my time.

Mr. PAYNE. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the distinguished ranking member from California.

Mr. ROYCE. I thank the gentleman for yielding.

I'd also like to just take this opportunity to recognize Chairman PAYNE not just for this resolution but for all of his long years of work on engagement on the continent against human rights abuses, to end apartheid, to advance the cause of democracy, and I appreciate him introducing this resolution.

Madam Speaker, I would just like to also add my view that President Mugabe has destroyed the rule of law now in his country, in Zimbabwe, and 3 million people, as a result of the chaos, have fled. Life expectancy there is down to 34 years.

A bread basket has been turned into a basket case where there's little access for food and certainly no food available for those who are in areas where they're trying to support the Movement for Democratic Change.

It is becoming clear, I think, to many of us that President Mugabe will stop at nothing to prevent being voted out of office next week, and the run-off election comes after the March election in which the opposition leader, Morgan Tsvangirai, bested Robert Mugabe in that election, but because of the government's brutal machinations fell short of the 50 percent.

Since that time, what really concerns us as Members of the House is that Mugabe's agents, some of them trained by the North Koreans by the way, by North Korean troops, have been let loose in an effort to terrorize that country. There's an effort to force people to vote for President Mugabe, and we have read and seen the threats and the beatings, the abductions, the burnings of homes, the murders.

Opposition reports indicate that of the opposition of Mugabe, 60 members of the opposition have now been killed, including four who had their eyes and tongues cut out.

Food is being used to reward supporters and obviously punish opponents, and Mugabe's campaign for reelection, frankly, more closely now resembles a war against his own country. You see the attacks there on the human rights groups, the churches, the unions, the rural communities that supported the opposition, and those have been targets for repeated beatings and attacks.

Indeed, Mugabe has promised war, that's his word "war," if his opponent triumphs in the election. So this is no environment right now for a fair and free election, but just as disturbing to me has been the reaction from the international community and the region.

☐ 1330

The United Nations gave Robert Mugabe a stage to cynically mock his victims, participating in a food conference in Rome this month while at the same time he is withholding food at home. South African President Thabo Mbeki unfortunately has dedicated himself to shielding Mugabe from criticism. And shortly after the March election, Mbeki flew to Harare to meet with Robert Mugabe and declare "there is no crisis."

I think the Washington Post got it right on their editorial page where they clarify Mbeki's role in the crisis very succinctly. And the Post said he shares "the responsibility for the atrocities being committed in full view of the world because, like Mr. Mugabe, Mr. Mbeki deserves to be condemned and shunned by the democratic world."

This is the crisis that we face, the crisis in Zimbabwe, and it is a crisis largely of Mugabe's own making. So it is time to let the will of Zimbabweans be heard and end, frankly, what has become a reign of terror and of enormous human suffering. And again, I commend Chairman PAYNE for bringing this resolution forward.

Mr. PAYNE. Madam Speaker, I reserve my time.

Mr. SMITH of New Jersey. Madam Speaker, I would like to again thank my good friend and colleague, Mr. PAYNE, for his sponsorship of this resolution. I think it sends a clear message to Zimbabwe and to Mugabe himself and to all of the enablers that have not done their fair part in trying to mitigate and hopefully end this crisis.

And I want to thank Mr. ROYCE for his very eloquent statement made just a moment ago and for his leadership as well.

Madam Speaker, I yield back the balance of my time.

Mr. PAYNE. Madam Speaker, let me express my appreciation to the ranking member of the Africa Subcommittee, Mr. SMITH from New Jersey, for all the good work that he continues to do in the human rights area, and to the former Chair of the Africa subcommittee, Mr. ROYCE, who continues to maintain a very strong interest in the continent.

We owe it to the people of Zimbabwe. The inflation rate is over 165,000 percent, worst in the world, almost impossible to calculate. Several weeks ago, Mr. Mugabe expelled the remaining international humanitarian aid groups from his country, therefore making it even worse for his people. And so we must see a change.

With that, Madam Speaker, I urge passage of H. Res. 1230 and urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1230, Condemning Postelection Violence in Zimbabwe and Calling for a Peaceful Resolution to the Current Political Crisis; introduced by my distinguished colleague from New Jersey, Representative DONALD PAYNE, of which I am a proud cosponsor. This important legislation calls on all security forces, informal militias and individuals to immediately cease attacks on and abuse of civilians.

The Zimbabwean African National Union-Patriotic Front, ZANU–PF, led by President Robert Mugabe, has controlled Zimbabwe's executive and legislative branches for 28 years; over the past 8 years, ZANU–PF has suppressed political dissidents and won elections and referendums through the use of vote rigging, localized violence, harassment, and intimidation. The political and economic situation in Zimbabwe has been worsening since 2000, culminating in the current electoral crisis.

In the wake of the elections, President Mugabe has unleashed security forces and militia against opposition supporters and members of civil society. Over 900 people have been tortured and beaten, and 22 have been confirmed dead. The offices of the Zimbabwe Election Support Network have been raided and some of its employees detained. Security forces have attacked humanitarian organizations and civil society groups.

Madam Speaker, such atrocities must come to an end. While the African Union, AU, and Southern African Development Community, SADC, have been continually engaged in efforts to bring about an end to the political crisis in Zimbabwe; unfortunately, after the AU and SADC dispatched delegations to Harare, they have not yet successfully compelled the Government of Zimbabwe to restore the rule of law.

The people of Zimbabwe are in desperate need of our aid. A prime example of this is represented through Zimbabwe's gross domestic product which declined about 43 percent between 2000 and 2007, and the unemployment rate of 80 percent. Zimbabwe's inflation rate, at almost 165,000 percent, is the highest in the world and has contributed significantly to the country's economic collapse. Additionally, worsening economic conditions and commodity shortages have caused at least 3 million people to flee the country.

I firmly believe that we must pass this legislation in order to demonstrate through our actions that the people of the United States, local, State, national organizations and governmental institutions support democracy and oppose tyranny.

All parties must engage constructively towards peace and reconciliation for the sake of the Zimbabwean people. The people of Zimbabwe deserve the assistance of the international community in the restoration of fundamental human rights, democratic freedom, and the rule of law. That is why we must pass H. Res. 1230.

I am proud to support this legislation and I strongly urge my colleagues to join me in so doing.

Mr. PAYNE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1230, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAYNE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING THE EFFORTS OF THOSE WHO SOUGHT TO BLOCK AN INTERNATIONAL ARMS TRANSFER DESTINED FOR ZIMBABWE

Mr. PAYNE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1270) commending the efforts of those who sought to block an international arms transfer destined for Zimbabwe, where the government has unleashed a campaign of violence and intimidation against members of the political opposition, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1270

Whereas following the conduct of presidential and parliamentary elections on March 29, 2008, Zimbabwe's liberator-turned-despot, Robert Mugabe, unleashed a campaign of terror and intimidation against opposition members, supporters, and other civilians in a desperate attempt to cling to power;

Whereas human rights groups have documented numerous incidents of state-sponsored political violence in Zimbabwe in recent years, and substantial political violence and human rights violations committed by government agents accompanied parliamentary elections in 2000 and 2005, and the presidential election in 2002;

Whereas reports from the region indicate that the Mugabe regime intends to continue this well-established pattern of state-sponsored and targeted violence and intimidation in the run-up to a second round of voting on June 27, 2008;

Whereas the Department of State found in its 2007 Country Reports on Human Rights Practices that the Mugabe regime "engaged in the pervasive and systematic abuse of human rights, which increased significantly" in 2007, and reported that "state-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists";

Whereas the Zimbabwe Human Rights NGO Forum documented 586 incidents of torture, 855 incidents of assault, and 19 incidents of politically-motivated abductions and kidnappings in 2007 alone;

Whereas Freedom House declared the Mugabe regime to be one of "the world's most repressive";

Whereas Human Rights Watch reported on April 19, 2008, that the Mugabe regime had established a network of informal detention centers to beat, torture, and intimidate political opponents and other civilians;

Whereas following the March 29 elections in Zimbabwe, a Chinese vessel, the An Yue Jiang, arrived in South Africa carrying a shipment of weapons for the Zimbabwean Defense Force that reportedly included 3,000,000 rounds of AK-47 ammunition, 1,500 rocket-propelled grenades, and 3,000 mortar bombs and tubes;

Whereas the delivery of such arms would only further degrade the security situation in Zimbabwe, which has already been compromised, as the materiel are likely to be used by government security forces and militias to further abuse, torture, and kill members of the political opposition and other civilians;

Whereas the dock and freight workers of the South African Transport and Allied Workers Union refused to unload the shipment or transport its cargo;

Whereas the International Transport Workers' Federation (ITF) called for an international boycott of the vessel, stating, "There's no prospect of there being a sudden external invasion of Zimbabwe. And so it is very difficult for anyone to conclude that this ammunition is likely to be used for anything other than to take action against opposition groups";

Whereas the Congress of Southern African Trade Unions joined in the call by the ITF and others for an international boycott of the vessel;

Whereas the High Court of the South African port city of Durban blocked the reported weapons transfer and ordered South African authorities to prevent the vessel's passage through South African waters;

Whereas press reports suggest that other governments in the region, including those of Mozambique and Tanzania also denied the vessel permission to dock at their ports;

Whereas Zambian President and Southern African Development Community (SADC) Chairman Levy Mwanawasa commended South Africa and Mozambique for blocking the arms shipment, stating, "I hope this will be the case with all the countries because we do not want a situation which will escalate the situation in Zimbabwe more than what it is";

Whereas despite the SADC chairman's appeal to member nations to block the delivery of ammunition of Zimbabwe and China's alleged recall of the An Yue Jiang, Zimbabwe's Deputy Information Minister Bright Matonga announced the shipment had arrived in Harare on or around May 16, 2008;

Whereas while Beijing has denied that the shipment reached its destination, speculation on the possible surreptitious delivery of weapons to Harare continues;

Whereas the United States has been vocal in its condemnation of the atrocities and violence in Zimbabwe, and has implemented targeted financial and travel sanctions against select members of the Mugabe regime and others who "have engaged in actions or policies to undermine Zimbabwe's democratic processes or institutions";

Whereas in violation of the Vienna Convention, American diplomats and officials from other embassies in Harare have been repeatedly harassed by elements of the Mugabe regime in retaliation for their repeated protests against the ongoing state-sponsored campaign of terror ahead of the June 27 presidential runoff election, including the detention of the American ambassador's vehicle for several hours on May 13, 2008, and the detention of 5 American embassy staff and 2 local embassy workers on June 5, 2008; and

Whereas Congress expressed its opposition to the Mugabe regime's undemocratic policies in the Zimbabwe Democracy and Economic Recovery Act of 2001, and other subsequent legislation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and commends the efforts of southern African trade unions, religious leaders, and advocacy groups to raise awareness about the possible weapons transfer to Zimbabwe as part of a campaign to address the worsening political, economic, and humanitarian crisis in Zimbabwe;

(2) recognizes and commends the efforts of those southern African governments which denied access through their national territories for a weapons shipment destined to be received by a regime that continues to perpetuate gross human rights violations against its own citizens;

(3) urges the United States to continue to work with African governments and multilateral institutions to compel Robert Mugabe's regime to respect the will of its citizens and find a peaceful and timely solution to the current political standoff; and

(4) urges the Permanent Representative of the United States at the United Nations to advocate for an international moratorium on all shipments of arms, weapons, and related goods and services to Zimbabwe until the current political crisis has been resolved and democracy, human rights, and the rule of law are respected by the Government of Zimbabwe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PAYNE).

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, let me begin by thanking the ranking member of the full committee, ILEANA ROS-LEHTINEN, for introducing this very important resolution.

Since the March 29, 2008 presidential and parliamentarian elections in Zimbabwe and the 5-week delay in announcing the presidential victory, President Robert Mugabe of ZANU-PF has carried out a reign of terror on opposition supporters, opposition leaders, and civil society. Mr. Mugabe's effort to coerce and intimidate the people of Zimbabwe before the June 27 runoff have included the torture and beating of over 900 people and the loss of dozens of lives.

I strongly support H. Res. 1270, commending the efforts of the southern African governments who sought to block an international arms transfer destined for Zimbabwe.

The resolution specifically, one, recognizes and commends the efforts of southern African trade unions, religious leaders and advocacy groups to raise awareness about the possibility of weapons transfers to Zimbabwe as part of the campaign to address the worsening political, economic and humanitarian crisis in Zimbabwe; recognizes and commends the effort of those southern African governments which denied access through their national territories for a weapons shipment destined to be received by a regime that continues to perpetuate gross human rights violations against its own citizens; urges the United States to continue to work with African governments and multilateral institutions to compel Mr. Robert Mugabe's regime to respect the will of its citizens and find a peaceful and timely solution to the current political standoff; and urges the Permanent Representative to the United States at the United Nations to advocate for an international moratorium on all shipments of arms, weapons, and related goods and services to Zimbabwe until the current political crisis has been resolved and democracy, human rights and the rule of law are respected by the Government of Zimbabwe.

The successful transportation of arms into Zimbabwe may have increased the political violence that already exists. It is critically important that the international community work together with regional leaders at the Africa Union and sub-regional organizations to foster a peaceful resolution towards the human rights violations facing the Zimbabwean people.

Madam Speaker, with that, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism and Nonproliferation.

Mr. ROYCE. Madam Speaker, I rise in support of this resolution, of which I am an original cosponsor. I worked on this draft.

And as we previously discussed during the debate of Mr. PAYNE's previous resolution, Zimbabwe is in very grim shape. We had a flawed election there in March, and Robert Mugabe launched a campaign of terror on his population as a consequence of that election going against him.

But Madam Speaker, this string of violence really could have turned into a bloodbath were it not for the South African dock workers who stood up to say "No." While post-election tensions there were very high, a Chinese ship pulled into the South African port of Durban to unload its cargo that was destined for Zimbabwe. On board were 3 million rounds of assault rifle ammunition, 3,000 mortar rounds, 1,500 rocket-propelled grenades. Left to the South African Government, whose President, Mbeki, has worked to protect Mugabe, the shipment would have no doubt been delivered. But fortunately the citizens of South Africa are ahead of their government in realizing the odious nature of the Zimbabwe regime and the members of that dock workers union stood upon and said "No." A newspaper published the details of the shipment. The dock workers refused to unload it, public interest groups obtained a court order preventing the weapons transit. And denied access in South Africa, the "ship of shame" as South Africans began to call it, as African civil society dubbed it, went on to Mozambique, where it was turned away, went on to other ports in other countries where it was turned away, and it steamed back to China.

Africans stood up for fellow Africans; an inspiring event, indeed. And frankly, it reminded me in the early 1970s of when we saw a labor leader at a Polish port who stood up, and his name was Lech Walesa. And he faced off against Soviet tyranny and he demanded democracy and freedom for Poland. There were echoes of Lech Walesa in the South African port workers as they said they were not going to play a role in Mugabe's brutality.

Madam Speaker, the "ship of shame" also highlights the destructive role of China on the African continent, which has played the role of enabler in other African violence there. During the incident, a Chinese spokesman described the shipment as "normal trade in military products," which speaks volumes about Beijing's policy of supplying weapons to regimes like Zimbabwe and Sudan.

China provided machetes to the Rwandan Government to carry out its 1994 genocide. It does this for political influence and for economic gain. And China is currently Zimbabwe's largest investor and second largest trading partner, where it secures much-needed natural resources.

China will, for the foreseeable future, continue to turn a blind eye to the conflicts that it helps ignite, all the while sticking to its so-called "principle" of "noninterference." Clearly, this includes genocide and potential mass violence.

But this resolution is about Africans. We should give credit, as this resolution does, to those countries that have taken a strong stand, refusing to become complicit, no matter how small a role, in the fomentation of violence. And that is what these dock workers and others in civil society in Africa stood up and did. And I urge passage.

Mr. PAYNE. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

And I, too, rise in strong support of H. Res. 1270 and want to commend our ranking member, ILEANA ROS-LEHTINEN, for authoring this and helping to bring it to the floor. And I thank the majority for its support, including Chairman PAYNE, of this important resolution.

This resolution addresses the courage of those brave souls who took a stand for peace and democracy as they sought to block an arms shipment that was headed for Zimbabwe. I also strongly support this resolution's call for an arms embargo against the Mugabe regime.

In these dark days in Zimbabwe, it is encouraging that we recognize something positive, the efforts of those who have tried to stop the violence, the intimidation, and the bloodshed that have become the hallmark of the Mugabe regime.

It is no secret to the people of Zimbabwe or to those in the region that this regime has become the poster child for human rights abuses, but in order to bring about change in Zimbabwe those in the region and the wider international community have to take a real stand. That is what dock and freight workers did in the port city of Durban, South Africa, when a Chinese ship reportedly carrying millions of rounds of AK-47 ammunition, 1,500 rocket-propelled grenades, and thousands of other bombs for the Zimbabwean Defense Force came into port in early April. The dock and freight workers, as my colleagues have already told us, of the South African Transport and Allied Workers Union refused to offload the weapons—another reason why I like labor unions. They refused to get the blood of the people of Zimbabwe on their hands. With other civic groups of South Africa supporting the workers, a movement grew for an international boycott of the Chinese ship. Eventually, the governments of South Africa, Mozambique and Tanzania denied the ship permission to enter their ports.

Now I ask my colleagues to support a move to go a step further and support an international arms embargo against Zimbabwe for as long as Mugabe and his cronies are undermining democracy and using violence in that country. The more weapons that enter Zimbabwe, the more likely that Mugabe's forces will use them against their opponents.

H. Res. 1270 will send a message to the international community and to Mugabe himself that civilized nations will not sit by and allow him to run roughshod over his own people. It remains to be seen if China will see fit to place principle over profit and ensure that its weapons stay out of Mugabe's hands. Its track record not just in Zimbabwe, but also in Sudan, has not been a good one, and so, frankly, I would not be that optimistic about China's performance in the future.

This is a good resolution, and I urge my colleagues to support it.

Madam Speaker, I yield back the balance of my time.

Mr. PAYNE. Let me conclude by once again thanking the sponsor of this very important resolution. I think it's been said very clearly that when people stand up, we can defeat tyranny.

I compliment the dock workers who refused to unload the ship. As has been mentioned, the solidarity movement in Poland led to democracy there. And actually, back in the sixties, there was an incident during the height of the Cold War where the dock workers of Newark refused to unload a ship of furs from the Soviet Union.

□ 1345

At that time, Krushchev said they were going to bury the U.S., and the ILA and the dock workers refused to unload that ship, once again showing solidarity. As a person who worked on the docks of Newark for 4 years during my early career, I certainly appreciate the strength of the dock workers and the labor unions and ILA from around the world.

I think we have to work on proliferation of conventional weapons that we see throughout the world. I think we have to really monitor and rein in the People's Republic of China that continues to support the brutal regime in Sudan with the atrocities in Darfur. We have to say that if we are going to be a country living in the community of world nations, then there is a responsibility to act responsibly in this new millennium.

And so with that, I urge the passage of House Resolution 1270.

Ms. ROS-LEHTINEN. Madam Speaker, I rise in strong support of H. Res. 1270, which commends the efforts of those who sought to block an international arms transfer destined for Zimbabwe, and calls for an arms embargo against the Mugabe regime.

There was a time when Robert Mugabe spoke persuasively about an independent Zimbabwe governed by majority rule and inspired millions.

And when Zimbabwe finally won its independence, Mugabe was hailed as a liberator and a hero.

But at some point over the past 28 years, the vision of a peaceful, democratic Zimbabwe became distant and grossly distorted.

As early as 1982, Mugabe unleashed his infamous North Korean-trained 5th Brigade to crush an uprising in the Matabeleland and Midlands provinces, and slaughtered an estimated 20,000 of his ethnic rivals.

Later in 2005, the regime launched "Operation Clear out the Trash," destroying nearly 100,000 housing structures and depriving an estimated 700,000 people of their homes, livelihoods, or both during Zimbabwe's harsh winter.

The Mugabe regime has become a brutal kleptocracy, content to rule by the barrel of the gun, while the people of Zimbabwe struggle to survive.

Clearly, he has had a lot of practice.

Zimbabwe's disputed elections of 2000, 2002, and 2005, were all marred by substantial levels of state-sponsored violence, political repression, voter intimidation, vote-rigging and other forms of manipulation by the ruling ZANU–PF party.

That pattern not only continued, but also accelerated in the run-up to the elections of March 29th.

According to the State Department's 2007 Country Reports on Human Rights Practices, the Mugabe regime, "engaged in the pervasive and systematic abuse of human rights, which increased significantly [in 2007] . . . state-sanctioned use of excessive force increased . . . and security forces tortured members of the opposition, student leaders, and civil society activists."

The Zimbabwe Human Rights NGO Forum documented 586 incidents of torture, 855 incidents of assault, and 19 incidents of politically-motivated abductions and kidnappings in 2007 alone.

On April 19, 2008, Human Rights Watch reported that the Mugabe regime had established a network of informal detention centers to beat, torture, and intimidate political opponents and other civilians,

In the days following the March 29th elections, reports of violent political repression, illegal farm invasions, and, other gross violations of human rights by security forces and ruling party supporters increased at alarming rates.

In a report issued earlier this month, Human Rights Watch details the systematic campaign of terror unleashed by the regime "in an effort to destroy the opposition and ensure that Mugabe wins the presidential runoff elections on June 27, 2008."

In one incident, the report quotes soldiers threatening a group of villagers by saying, "If you vote for MDC in the presidential runoff election, you have seen the bullets, we have enough for each one of you, so beware."

So when a Chinese ship arrived at the port city of Durban, South Africa, reportedly carrying 3 million rounds of AK-47 ammunition, 1,500 rocket-propelled grenades, and 3,000 mortar bombs and tubes for the Zimbabwean Defense Force in early April, observers were understandably concerned.

But before the international community even knew about the potential arms transfer, the dock and freight workers of the South African Transport and Allied Workers Union had taken matters into their own hands.

Determined not to contribute to the brutal suppression of opposition voices in Zimbabwe, the dock and freight workers courageously refused to offload or transport the weapons.

The International Transport Workers' Federation, the Congress of Southern African Trade Unions (COSATU), religious leaders and other advocates quickly expressed their solidarity with the workers and launched a campaign calling for an international boycott of the vessel.

Before long, the governments of South Africa, Mozambique and Tanzania reportedly were compelled to deny the ship permission to dock at their ports.

Zambian President and Southern African Development Community (SADC) Chairman Levy Mwanawasa publically praised their actions and appealed to all 14 SADC member nations to block the shipment.

The heroic efforts of the dock and freight workers, southern African trade unions, religious leaders, advocacy groups and southern African Governments to block the arms shipment deserve recognition and praise of the highest order.

Through their valor and steadfastness, these courageous individuals may ultimately save countless lives from Mugabe's reign of terror.

It is now incumbent upon all responsible nations to stand in solidarity with the governments and people of southern Africa, and to deny this murderous regime the means to continue oppressing its people.

I urge my colleagues to join me in supporting H. Res. 1270, which commends those who boldly acted to block a shipment of weapons from China to Zimbabwe, and calls for an international moratorium on any future transfers until the current political crisis has been resolved.

I particularly call upon my colleagues who support strengthened ties between the United States and China to convey to their friends in Beijing that their continued engagement with the Mugabe regime can provide no tangible benefit.

Continuing the shipment of weapons to Zimbabwe at this time only makes them complicit in the campaign of terror and intimidation that has been unleashed upon the Zimbabwean people.

If China wishes to mend its tarnished image, denying weapons sales to known perpetrators of human rights violations might be a good place to start.

Mr. PAYNE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1270.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING RESTRICTIONS ON FREEDOM OF THE PRESS AND WIDESPREAD PRESENCE OF ANTI-SEMITIC MATERIAL IN ARAB MEDIA AND PRESS

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1127) condemning the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1127

Whereas a free press and the right of free expression are both fundamental, universal human rights and are essential to making governments accountable to the people from whom their powers are derived;

Whereas the nations of the Middle East, with Israel being the sole exception, suffer profound deficits when compared to the global community with regard to both measures of human development and measures of human freedom and dignity;

Whereas the Middle East is a region of vital national security interest to the United States and the twin deficits in human development and human freedom negatively affect United States efforts to help resolve the Arab-Israeli conflict and to stabilize the region for the benefit of all;

Whereas overt censorship, intimidation, harassment through the civil courts, assaults by government agents on journalists and political activists, arbitrary press, and emergency laws, and extra-legal restrictions on the kinds of topics which may be addressed are endemic practices in the Middle East, though varying in degree and extent in the different Arab countries;

Whereas many of the countries engaged most actively in efforts to stifle public debate, suppress political discussion, and impose capricious limits on thought and expression are among the largest recipients of United States foreign assistance, potentially giving the mistaken impression that the United States endorses or condones the restrictive policies of the recipient countries;

Whereas Holocaust denial regularly appears throughout the Middle East in speeches and pronouncements by public figures, in articles and columns by journalists and in the resolutions of professional organizations;

Whereas continued anti-Semitic incitement invites violent action and creates an environment conducive to, and accepting of, terrorism;

Whereas the extensive restrictions on speech and expression in the Arab world are uniquely counterposed by the space left open by Arab governments for grotesque anti-Semitism, Holocaust denial, incitement to violence, and glorification of terrorism;

Whereas the exception from censorship and restrictions on expression for certain kinds of hate speech are not only exploited by government proxies, but often even by Arab governments themselves, including states that nominally prohibit racial; religious, or ethnic hate speech;

Whereas in the Middle East, where the press is generally not free, where there are rules for what can and cannot be said, the persistent promulgation of hate-speech indicates an obvious and dangerous form of state endorsement;

Whereas numerous government-owned, government-sanctioned, or government-controlled publishing houses throughout the region promulgate stories of imaginary Israeli massacres, Jewish blood libels, and alleged Israeli medical experiments on Palestinian children, and produce Arabic translations of anti-Semitic tracts such as "The Protocols of the Elders of Zion" and "Mein Kampf"; and

Whereas many of the same Arab governments to which the United States has turned for assistance in ending the Arab-Israeli conflict are themselves responsible for using their government-owned, government-sanctioned, or government-controlled publishing houses and media to engage in anti-Semitic incitement to violence and Holocaust denial: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the endemic restrictions on freedom of the press and expression in the Arab world and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press;

(2) deplores the methods and practices utilized by the governments in the Middle East to exert control over the press, and on public expression, including—

(A) overt censorship;

(B) intimidation and harassment of reporters, editors, and publishers by government agents, and through manipulation of the civil courts;

(C) assaults by government agents on journalists and political activists;

(D) arbitrarily enforced press and emergency laws; and

(E) extra-legal restrictions on the kinds of topics which may be addressed either in public or in private;

(3) expresses deep concern that some Arab governments, including some that are involved in multilateral efforts to resolve the

Israeli-Palestinian conflict, use their government-owned, government-sanctioned, or government-controlled publishing houses and media to promulgate insidious, incendiary, and poisonous speech regarding Israel and the Jewish people that makes United States efforts to help resolve the Arab-Israeli conflict all the more difficult;

(4) affirms the unshakable belief of the American people in the universal right of all persons to freely and peaceably express themselves, to publish and advocate for their nonviolent beliefs, and to petition their government for redress of their grievances;

(5) calls on the President to—

(A) raise the issue of the lack of media freedom in the Middle East and the proliferation of anti-Semitic incitement in all appropriate bilateral and multilateral fora;

(B) take into account the compliance of governments throughout the region with international norms and obligations regarding media freedom and anti-Semitic incitement when determining the provision of United States assistance to those governments; and

(C) utilize the existing public diplomacy apparatus, professional development, and democratization programs to focus on the issues of media freedom and anti-Semitic incitement; and

(6) calls on United States allies and governments throughout the Middle East to publicly repudiate purveyors of anti-Semitic incitement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of the resolution and yield myself such time as I may consume.

Madam Speaker, in January of this year, the Subcommittee on the Middle East and South Asia held a hearing entitled "That Which Is Not Obligatory Is Prohibited: Censorship and Incitement in the Arab World." We received testimony from three witnesses, one each from Freedom House, the Committee To Protect Journalists, and the Anti-Defamation League. What we heard was not a surprise, but was still shocking. As a result of that hearing, I drafted this resolution and would like to ask all of my colleagues to give it their utmost consideration.

It is sad to note that in the 21st century, there is still not one Arab country that can be described as "free" by the metrics used by Freedom House, and frankly, by anyone actually familiar with the concept. While there are very significant differences throughout the region in the latitude given to public debate, political argument and press and media freedom, with the notable exception of Israel, not one Arab country can argue that its public square is truly open to all and that their government protects, rather than restricts, that freedom.

The ugly and typically stupid hand of the censor is unfortunately not a rare sight in the Middle East. It is not only ubiquitous, it is, in fact, often attached to the arm of the editor, the producer, the copy-writer, or the publisher. According to the United Nations' Arab Human Development reports, while Arab societies have, in general, failed to keep up with other developing nations, in the mechanisms of censorship in the Arab world, they have shown a remarkable degree of institutional adaptation and technological savvy. Their success in stifling debate and narrowing acceptable opinion is all the more remarkable given the frequent failures of Arab bureaucracies in meeting the basic needs of their people for things like education, infrastructure, economic opportunity and clean governance.

Countries that can't ensure that their citizens are literate or have clean drinking water still find the resources necessary to operate the red pen of the censor, or the self-serving manipulation of the truth endemic to government-owned, government-controlled and government-operated media. It would be nice if these ugly and ultimately self-defeating practices were merely the problem of other people in faraway places. We could pity them, think gravely about the words of Thomas Jefferson, and bless the wisdom of our Founders who, in a world of despots and danger, saw that a free press and free speech were the indispensable safeguards of our Republic and our liberty.

But we don't live in a world that gives us immunity from the troubles of others. Three thousand Americans paid the price for that lesson on September 11, 2001. If we don't visit the world's bad neighborhoods, they will visit us. The fact is, the world has grown smaller, and fair or not, the grievances between the peoples of the Middle East and their governments can be, and often are, attributed to the United States. We saw this phenomena metastasize in Iran in the late 1970s. And we've heard the same complaints explicitly from al Qaeda's leaders. As a nation with vital national interests in that region, we have wisely built strong ties with the governments of almost all of the Arab States.

Unfortunately, while these ties have brought greater stability to the region, they have also aligned us with governments that don't share our values when it comes to political and civil human rights. Don't think for a moment that the people of these countries have not noticed. The United States speaks constantly of freedom, but is the ally of authoritarians. The United States prizes and celebrates the first amendment to our Constitution, but is in league with nations that abuse and imprison journalists. The United States uses taxpayer money to train others in the rule of law, but also works hand in glove with security forces of other governments that not only sniff out and destroy terrorists, but often do likewise to their own civil leaders and political reformers.

Like it or not, we are entangled in the conflicts between Arab publics and their governments. It is not our role nor our duty to choose the form of government for any people but ourselves.

But that does not forbid or restrict our right, and I would say our obligation, to speak out for the values that we believe are universal, including speaking out to our friends who sometimes believe that their extensive cooperation entitles them not only to our understanding and support, but our silence. I don't agree, and I don't accept such a formulation. In the end, such an approach will produce neither stability for them nor security for ourselves.

As a nation that has strayed badly over the past several years from our own ideals, we have an obligation to be humble and circumspect in condemning others. Much of the credibility America used to enjoy when speaking out on human rights has been squandered by short-sighted and morally debilitated agents of fear. But we are still a nation of ideas and a people dedicated to certain universal values, that all people are created equal, that the rule of law and due process are not luxuries but fundamental human rights, and that the freedom of speech, conscience, association and the press are not gifts from governments or rulers, but the shared inheritance of all humanity.

Moreover, for purely selfish reasons, we have ample cause to be concerned. Many of the same Arab governments which we are turning to help stabilize the region, and in particular, to help resolve the Israeli-Palestinian conflict, are the very same governments that, with a wink and a nod, are helping stir the pot of bitterness and discontent among their own citizens.

For example, Arab governments that say small steps toward normalizing relations with Israel are too hard because of public opinion often use government-owned, government-sanctioned or government-controlled press and media to disseminate stories of imaginary Israeli massacres, Jewish blood-libels, alleged Israeli medical experiments on Palestinian children, and for bigots with a taste for history, cheap Arabic-language translations of the Protocols of the Elders of Zion and Mein Kempf.

Moreover, in many Arab countries while there is ruthless and effective censorship, especially concerning political expression, somehow publication of vicious anti-Semitism, Holocaust denial and even incitement to violence against Jews is allowed.

These things are bad enough, but in a place where the press is not free and where there are rules for what you can and cannot say, the fact that these forms of hatred-speech are not prohibited indicates an obvious and dangerous form of state endorsement. In the end, the outcome is a public that is not only less open to peace, but is less ready to engage with the modern world.

The Israeli-Palestinian conflict has been a violent one, and the news about it inevitably reflects that fact. Likewise, revolving the core issues of that conflict does not depend on a free and honest press in the Arab world. And no state and no government is or should be above correction, criticism and complaint, not the United States, not Israel, not anyone. And to state the blindly obvious, criticism of Israeli policy is not, by definition, anti-Semitic.

But there is also no question that the cumulative weight of unreasoned and incendiary hatred toward Israel or the Jewish people which has not only been allowed but in some cases inserted into the press and media by Arab governments or their proxies has made the Middle East more violent and more dangerous.

The resolution before us will not solve these problems. But it will send a message. We are not a nation capable of indifference to either hate or oppression. We have interests in the Middle East beyond oil, and expanding the scope of human freedom is one of them. We may have strayed from our ideals, but we are trying to come home.

Madam Speaker, I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their support in bringing this resolution before the House, and I urge all of our Members to support the motion and the underlying resolution.

I would reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I rise in strong support of H. Res. 1127, and I urge my colleagues to adopt this condemnation of the anti-Semitism that is sadly so widespread in the Arab media and the press.

As the resolution of my good friend and colleague, Mr. ACKERMAN, points out, this anti-Semitism often takes the violent forms of Holocaust denial and incitement to violence.

Madam Speaker, when political leaders fail to speak out against anti-Semitic hatred and incitement, the void is not only demoralizing to the victims, but silence actually enables the wrongdoing. Silence by political leaders, in particular, conveys official approval or at least acquiescence and contributes to a climate of fear and a sense of vulnerability.

It is tragic that modern Arab leaders have not done a better job of speaking out against anti-Semitism. We here in the U.S. Congress can speak out today. It is very important that we do so. But our words are not as effective as would be the condemnations from Arab leaders. Members of Congress are going to have to carry, as we go forward to Middle Eastern countries or meet with the leaders when they come here, the sentiments contained in this resolution, and again, as we have in the past, explain to them the importance of speaking out. We cannot remain silent any longer.

If this fight against anti-Semitism in the Arab world is to succeed, we need officials in the U.S. and Europe and again the Arab world to, without hesitation or delay, denounce anti-Semitic acts whenever and wherever they occur. There can't be any exceptions. The purveyors of hate never take a holiday or grow weary, nor should we. Holocaust remembrance and tolerance education must dramatically expand, especially in the Middle East where it is almost nonexistent, and must find a footing in the Arab world. We have to ensure that our laws and the laws of other countries punish those who incite violence against Jews. And it is not utopian to begin to encourage modern Arab governments to adopt such laws. It is time to push this issue harder, far harder than we have done so in the past.

Madam Speaker, on June 16, 2004, the Helsinki Commission held a hearing, and I chaired it, one of several in a series on combating anti-Semitism. Our prime witness at that hearing, as he had been previously, was one of the greatest, finest, most effective and certainly the most courageous human rights leaders the world has ever known, Natan Sharansky.

□ 1400

As we all know, Natan Sharansky spent years in the Soviet Gulag. Congressman FRANK WOLF and I in the 1980s actually went to Perm Camp-35 where he had spent many of his years in solitary confinement, where he had been tortured, and met with many of the political prisoners who knew him well, and they had nothing but accolades and respect for this man.

He pointed out at our hearing that, "Thirty years ago I was a dissident in the former Soviet Union. The irony is that 30 years later I am in the same job, collecting information about anti-Semitism," in that case as a cabinet minister in the Israeli government.

He pointed out that the new wave of anti-Semitism is characterized by two components. The first one is the so-called new anti-Semitism, and the lines between anti-Israeli propaganda and anti-Semitic propaganda are blurred.

He said the second is the classical anti-Semitism, the old, deep, primitive prejudice against Jews used over and over again to hurt individuals. He points out that this time, these images and this promotion of anti-Semitism is coming mainly through state-sponsored and state-supported media in the Middle East.

He pointed out that if you want to be successful in this struggle, we have to, like any other evil, we must have moral clarity about the issue. It is important to define the line between legitimate criticism of Israel and anti-Semitism. Israel, he said, is a strong democracy and the only democracy in the Middle East, and it is built on criticism from within and from without.

Of course, we support all forms of legitimate criticism, he went on, but it is very important to see the difference, draw the line between legitimate criticism and anti-Semitism.

He gave us a way of discovering it, or pointing it out and exposing it. He called it the three D's. You know it is anti-Semitism when it is all about demonization, double standard and delegitimization.

At our hearing, Madam Speaker, he brought with him a 150 page study entitled "Anti-Semitism in the Contemporary Middle East." The study surveys anti-Semitic reporting, editorials and editorial caricatures in the government-controlled press of Egypt, Iran, Jordan, Lebanon and the Palestinian Authority, Syria, Saudi Arabia and the Gulf States. In the more than 100 editorial cartoons included in the report, Jews and Israelis are invariably represented as poisonous snakes, murderous Nazis and bloodthirsty crusaders. When I looked at it, I was sickened. It was disgusting.

The report found that vicious anti-Semitism expressly calls for massive terrorism and genocide against Jews, Zionists and the State of Israel. He pointed out as well in the report that the overwhelming majority of the propaganda again was from government-controlled media and from supposedly respectable publishing houses closely tied to those regimes.

In a brief review of the findings, classic European and anti-Semitic imagery is widespread in the Middle East, as is Holocaust denial and the identification of Israel as a Nazi state. The borders between anti-Semitism and anti-Americanism and anti-Westernism are blurred, almost completely blurred, the report found. Islamic religious themes, quotations and sayings are being widely mobilized to demonize Jews and Israelis and to justify the outright annihilation of the State of Israel and all its Jewish and non-Jewish supporters.

The Arab-Israeli conflict is increasingly portrayed as part of an internal confrontation between pan-Islamic nations and the infidels, Jews and Christians alike, who embody all evil. All

Israelis, men and women and children, and Jews around the world, the report found, as well as their crusader allies, are held responsible for alleged crimes committed by the Jews.

He also showed at that hearing a movie, part of a movie, a 15-hour movie, an anti-Semitic film produced in Syria. That film was all about blood libel. He pointed out to us that that film is not seen just in the Middle East, and it ran for 15 hours every night during the Ramadan season, it is also seen in Europe.

We wonder why people are incited to hate Jews. We watched just a few minutes of it, and, again, it was despicable and made it seem as if blood libel was real.

Finally, Madam Speaker, Sharansky concluded by telling us that anti-Semitism is not only a threat to Jews. History has shown us that left unchecked, the forces behind anti-Semitism will imperil all the values and freedom that our civilization holds dear. We must not let that happen; to which I say again, and this resolution strongly suggests, we must not let that happen.

I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY), a leading spokesman on human rights and fairness.

Ms. BERKLEY. I thank the gentleman from New York. I know that he has been an outstanding voice on this issue for as many years as I can remember. Long before I came to Congress to serve with him, I would watch him on C–SPAN as he spoke about this issue, and serving with him, I admire him all the more.

Mr. Speaker, I rise today in support of this important resolution. When we talk about peace in the Middle East, we so often get caught up in the specific details that we rarely discuss the fundamental problems in that region. Unlike our country, or Israel, the only democracy in the Middle East, most countries in that part of the world have very little freedom of the press and therefore very little accountability to their people.

Such restrictions on free speech serve those Middle Eastern autocrats very well, keeping their populations in line and focusing the anger of the street outside of their own borders. The populations there have very little choice but to believe the daily insults that many state-run newspapers heap on our country and on Israel. They have no other avenue by which to get their news. So instead of rebelling against their own corrupt dictators, the people of the Middle East flood their streets to burn American and Israeli flags, with little or no hope that they can change events in their own countries that are controlled by these dictatorial regimes.

Mr. Speaker, such restrictions on speech not only condemn the people of the Middle East to intellectual poverty and ignorance, they make peace harder and harder to achieve. And it is not only the media, it is also the textbooks that need to be changed. From the Palestinian territories to Saudi Arabia, Middle Eastern children are taught that Jews are monkeys and snakes and worse, and that Israel must be destroyed because it has no right to exist. Such education, both in school and in the newspapers, and such disinformation, cannot create possibly a condition for peace.

With this resolution today, we can send a clear message to the Middle East that we, the United States of America, stand with those who seek a free press, those who want to bring out the truth and let freedom ring throughout the Middle East.

To quote the resolution itself, by passing this we will affirm "the universal rights of all persons to freely and peaceably express themselves, to publish and advocate for their nonviolent beliefs, and to petition their government for redress of grievances."

I thank the gentleman again, and I urge support for this resolution.

Mrs. BACHMANN. Mr. Speaker, today, I was proud to support, H. Res. 1127, a bill which condemns the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press.

The people of Israel have been victims of violence and hatred for far too long. Not only are these peace-loving individuals targets of rocket attacks and terrorist actions, they are also victims of government-censored, hateful press. It is far too common for Arab media markets to condemn Israel and promote actions which foster violence and hinder the peace process in the region. Israeli reporters and journalists have been harassed and intimidated by Middle East government officials who have placed harsh legal restrictions on what news can and cannot be reported.

I strongly believe that the universal right of all persons to peacefully express themselves in a nonviolent way should be upheld in the Middle East. It is the responsibility of the United States and the global community to condemn this lack of freedom and work to promote an environment which fosters the license of nonviolent speech and press and peace.

Mr. ACKERMAN. We yield back the balance of our time.

The SPEAKER pro tempore (Mr. ROSS). The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1127, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution condemning the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic incitement to violence and Holocaust denial in the Arab media and press.".

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT THE UNITED STATES SHOULD END COMMERCIAL WHALING

Mr. DELAHUNT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 350) expressing the sense of the Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling, and seek to strengthen the conservation and management measures to facilitate the conservation of whale species, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 350

Whereas 79 nations have adopted the International Convention for the Regulation of Whaling (the Convention), which established the International Whaling Commission (the Commission) to provide for the conservation of whale stocks;

Whereas the Commission has adopted a moratorium on commercial whaling in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the whaling industry;

Whereas the United States was instrumental in the adoption of the moratorium, and has led international efforts to address the threat of commercial whaling for more than 3 decades;

Whereas despite the moratorium, 3 Commission member nations continue to kill whales for financial gain, disregarding the protests of other Commission members, and since the moratorium entered into force have killed more than 25,000 whales including over 11,000 whales killed under the guise of scientific research;

Whereas whaling conducted for scientific purposes has been found to be unnecessary by the majority of the world's cetacean scientists because nonlethal research alternatives exist;

Whereas the member nations of the Commission have adopted numerous resolutions opposing and calling for an end to scientific whaling, most recently in 2007 at the annual Commission meeting in Anchorage, Alaska;

Whereas commercial whaling in any form, including scientific and other special permit whaling, coastal whaling, and community-based whaling, undermines the conservation mandate of the Convention and impairs the Commission's ability to function effectively;

Whereas proposed coastal whaling is commercial, unless conducted under the aboriginal exemption to the moratorium; and

Whereas the majority of Americans oppose the killing of whales for commercial purposes and expect the United States to use all available means to end such killing: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States, through the International Whaling Commission, should—

(1) should use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling;

(2) oppose any initiative that would result in any new, Commission-sanctioned coastal or community-based whale hunting, even if it is portrayed as noncommercial, including any commercial whaling by any coastal communities that does not qualify as aboriginal subsistence whaling; and

(3) seek to strengthen conservation and management measures to facilitate the conservation of whale species.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. DELAHUNT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DELAHUNT. Mr. Speaker, I rise in strong support of this resolution, and yield myself such time as I may consume.

Mr. Speaker, first let me congratulate my colleague, the Chair of the Committee on Natural Resources, Mr. RAHALL, for putting forward this very important resolution.

The resolution sends a very clear message to all International Whaling Commission members as they prepare for their annual meeting in Santiago, Chile, later this month: Protect our whales. Keep the ban on commercial whaling. The resolution also makes it clear that the American people care deeply and passionately about the protection of these magnificent creatures, and that the United States must continue to lead this international effort to protect and save them.

Mr. Speaker, the International Whaling Commission was created in 1946 by the International Convention for the Regulation of Whaling to address the devastating impact that commercial whaling was having on the entire whale population. For years, the commission failed to manage the commercial hunting of whales, leaving many species facing imminent extinction. However, this changed in 1982 when the commission finally agreed to a moratorium on commercial whaling.

However, since then, a number of countries have worked feverishly to undermine it. Norway resumed commercial whaling in 1993. Japan and Iceland have exploited provisions in the convention that allow permits for "scientific whaling," a provision that enables them to slaughter whales under the guise of science and then sell the meat for commercial profits.

According to the International Fund for Animal Welfare located on Cape Cod, Massachusetts, more than 30,000 whales have been slaughtered for commercial purposes, with 11,000 whales killed allegedly in the name of science. And here is how they do it. They use harpoons with explosive grenades. Now, if the first explosion is insufficient to kill the whale, then they hoist it by the tail, keeping the blowhole underwater, leaving it helpless and thrashing against the side of the ship until eventually the whale drowns.

This is not science. The commission's own Scientific Committee has repeatedly found that these scientific permits are completely unnecessary, yet this horrific practice still continues.

Japan and other pro-whaling states want to unravel the global consensus against commercial whaling even further.

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Their latest proposal is to allow coastal whaling or community whaling. They have worked hard to recruit allies to their side.

The 75-plus member commission is now almost evenly split. This resolution, H. Con. Res. 350, calls on the United States delegation to the commission to fight these efforts and aggressively oppose commercial whaling in all of its forms. It's critical that the State Department take the pro-whaling threat seriously and undertake an aggressive diplomacy to line up the requisite votes to preserve the moratorium.

Mr. RAHALL's resolution sets an important marker. Whales constitute a vital component of the world's maritime and marine ecology. They are the largest and one of the most intelligent mammals on earth. Conserving them requires strong U.S. diplomacy to uphold international agreements.

Mr. Speaker, I reserve the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 350, which raises congressional concerns about the continued practice of whale hunting.

With the 60th annual meeting of the International Whaling Commission set to begin in Santiago, Chile, it is fitting and proper to consider this resolution. Over two decades after this Commission adopted a moratorium on commercial whaling, the hunt continues.

The humpback whale, a species designated as endangered under the provisions of the U.S. Endangered Species Act, was included among those whales pursued in the most recent hunting season. The marine life in our oceans, as we all know, including the whale, forms a precious part of these natural resources which we should strive to preserve.

Mr. Speaker, I support the resolution and reserve the balance of our time.

Mr. DELAHUNT. Mr. Speaker, let me now recognize the chairwoman of the Subcommittee on Fisheries, Wildlife and Oceans, the gentlelady from Guam (Ms. BORDALLO) for as much time as she may consume.

Ms. BORDALLO. I thank the gentleman from Massachusetts (Mr. DELAHUNT) for yielding me the time and for his leadership in working toward permanent protection of whale populations around the world. I join him in these efforts.

Mr. Speaker, today I rise in strong support of House Concurrent Resolution 350, authored by our committee chair, Mr. RAHALL, which calls for an end to commercial whaling in all its forms and for renewed United States leadership for conservation of whale species. Consideration of this resolution today could not be more timely or needed in advance of next week's meeting of the International Whaling Commission, or the IWC, in Chile.

House Concurrent Resolution 350 calls the United States delegation to the IWC to maintain the commercial moratorium, close existing loopholes that have allowed more than 11,000 whales to be killed under the guise of scientific whaling, and oppose any effort that would undermine the moratorium or resume commercial whaling. The United States has an opportunity and a responsibility to help refocus the IWC toward its important conservation aims.

Established under the 1946 International Convention for the Regulation of Whaling as an international body to conserve whales for future generations and to regulate the whaling industry, the International Whaling Commission initially focused on the allocation of whaling quotas to member countries. When these quotas were routinely exceeded and whale populations plummeted, the United States successfully proposed a whaling ban, which, in turn, led to the international moratorium on commercial whaling.

The moratorium has saved thousands and thousands of whales and has prevented some species from extinction. Under the convention, however, members lodging a formal objection are not bound by the moratorium. Both Norway and Iceland used this process to escape the moratorium. Similarly, the convention allows for the killing of whales for research purposes under self-awarded special permit quotas, and there are no limitations on the commercial sale of the meat.

Both Japan and Iceland kill whales under the guise of scientific whaling.

The IWC scientific committee has consistently challenged the science behind Japan's special permit whaling programs, questioning the need to kill, while also reinforcing the value of nonlethal methods to study whales.

Despite this, Japan continues to increase the quotas and the species of whale it targets. The continued development of the IWC as a whale conservation body is at risk. Today pro-whaling countries are increasingly working to convince IWC members that the body is unworkable. They do so through vigorous country recruitment and a gradual erosion of the will of conservation-minded IWC members.

The IWC, now divided almost equally in favor for and against commercial whaling, declared itself at a deadlock in 2007. The meeting next week is therefore pivotal and consequential to the success and the future effectiveness of the International Whaling Commission.

Pro-whaling countries will repeatedly ask for a resumption of commercial whaling. Such countries are also pushing for the approval of coastal or community-based whaling, which should not be confused with subsistence whaling for our native peoples and which have been determined to be another label for commercial whaling. The world's whale population cannot afford a compromise on the commercial whaling moratorium, nor should the United States be intimidated by countries who threaten to leave the IWC if their requests are not met.

The world's remaining whale populations, many of which have yet to fully recover from historic overexploitation, face modern threats from ship strikes, entanglement in fishing gear, pollution, overfishing or prey species, and the emerging impacts of climate change. This warrants greater, not lesser, leadership from the United States in whale conservation.

It is for these reasons that I have cosponsored House Concurrent Resolution 350. I commend Chairman RAHALL for introducing this resolution and his invaluable leadership in working to strengthen the IWC.

I urge my colleagues to support this resolution. Together, we call on the United States delegation to work with its International Whaling Commission partners to end all forms of commercial whaling and to conserve and protect whale species.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Alaska (Mr. YOUNG), ranking member of the Committee on Natural Resources.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in opposition to this resolution and deeply respect the previous speakers.

I understand why they are trying to do this. It's unfortunate that some people don't remember the whaling industry started in Massachusetts, and maybe they're trying to forgive their sins.

Having said that, this resolution is being brought up under a procedure that does not allow amendments, and frankly this resolution does nothing to save the whales. More than 37,000 whales have been taken since the International Whaling Commission, IWC, implemented a moratorium on commercial whaling.

Under the existing International Convention for the Regulation of Whaling, member nations of the IWC could continue to take whales under a number of procedures. While I do not necessarily support commercial whaling, the current convention allows it for those nations that took a reservation against a commercial whaling moratorium.

This resolution naively suggests the United States can somehow end commercial whaling by itself at the next meeting of the International Whaling Commission, which starts next week. Very frankly, this resolution is nothing more than a fund-raising gimmick for those environmental groups that oppose whaling.

This resolution does nothing to save the whales. In fact, it might do the opposite. If the IWC cannot come to some agreement on how to move forward, Norway, Iceland and Japan have all signaled in recent years that they want to take either more whales or more species of whales. Under the current rules they can do so. This resolution may do nothing more than encourage those countries that dig in their heels to increase their take of whales.

In addition, the resolution says nothing about the need for the United States delegation to the IWC to protect the Native rights to harvest whales. To the Native people on the North Slope of Alaska, whales mean food. Alaska Natives have harvested whales for centuries, and they continue to do so today.

Although they have taken whales for centuries and depend on the bowhead whale to survive, they must constantly defend their need and their cultural heritage. I want to compliment my Alaskan Natives on our North Slope. They were told there were only 500 whales left when they were put on the endangered species list.

They did not believe that. They hired the best professors, the best scientists in the world, and, in fact, found out there are over 15,000 bowhead whales, just to prove the point that the science was wrong.

To the Native people on the North Slope of Alaska, whales mean food. This is not an issue of politics to them.

They have done everything the IWC has ever asked them, and they still get their quota taken away from them because people think using the whaling issue is good for fund-raising. The Alaska Eskimo Whaling Commission has done more scientific research on bowhead whales than any government has ever done on any whale species. Every time the quota is up for renewal in the IWC, someone comes up with a new theory on why Alaskans should not be allowed to take the number of whales they need. And again I will say "need."

Their quota is based on their need for whales as food. I can't say that enough, for food. To them, the whale is a necessary part of their culture and a necessary part of their dietary needs. Every time their quota is up, someone comes along and puts another hurdle in front of them that they must meet to get their quota.

The International Whaling Commission is broken. There are two groups of countries that show up each meeting and fight about which one of them has the moral high ground. There are those countries that are anti-whaling and those countries that are pro-whaling.

The two sides have been in an arms race for years to see which side can get more countries to join the IWC so they can have a simple majority and pass a meaningless resolution before the other side gets a majority and passes meaningless resolutions to support their point of view. Neither side is ever likely to get enough countries on their side to make any change in the convention because it takes a three-fourths vote. While they are having this fight about which side has the moral high ground, they use the Native people, who rely on whales for food, as political hostages.

At the 2002 meeting in Japan, the Alaskan Eskimo Whaling Commission's quota was denied because of those policies. It took a special meeting of the IWC to restore the quota to my constituents. This is not a matter to be taken lightly and cannot continue. Alaska's quota cannot be held hostage every 5 years for other countries' political whims. It cannot be held to a higher standard and required to do more and more to satisfy someone's new theory about the bowhead whale that might mean a change for the Alaskan quota.

Members need to be very careful about how they talk about whaling, because the United States is a whaling Nation. Alaska Natives have harvested whales for centuries, and they continue to do so today. This resolution does nothing to highlight the importance of Native peoples' need to harvest whales and may only further inflame the hostilities at the IWC and quite possibly result in an increase in the number of whales killed in the future.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of New Jersey. I yield the gentleman an additional minute.

Mr. YOUNG of Alaska. I hope that the member nations of the IWC will come up with something new to resolve the impasse we are at today, but I am afraid the resolutions like the one today will do nothing to resolve the problem and may actually make things worse. The only people who continue to be hurt are the Native people of Alaska, and I don't think that's right.

Mr. DELAHUNT. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas, Judge POE.

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Mr. POE. Mr. Speaker, last November a fleet of Japanese whalers set sail to kill more than a thousand whales, including endangered humpback whales for the first time in the last 40 years.

After international outcry, Japan agreed not to hunt the humpback whales this year, but that has not stopped them from continuing to hunt and kill more than a thousand minke and fin whales.

You see, although an international moratorium against commercial whaling has been in effect since 1986, Japan and a handful of other countries have used a loophole in the international treaty, and in the name of pseudoscientific research, they have gone ahead and killed more than 11,000 whales.

After killing them for "scientific research," as they say, they sold the whale meat and blubber on the commercial market.

Anyway, scientists in the field say that these hunts, conducted in the name of science, are really unnecessary because nonlethal research alternatives do exist.

Mr. Speaker, Moby Dick is in trouble, and it is time to close the loophole and make sure that endangered whales in our oceans are protected once and for all. In Herman Melville's book "Moby Dick," Captain Ahab, who I think was from Massachusetts, died trying to kill off the whale population. Hopefully Japan's desire to eliminate the whale population, like in Moby Dick, will fail as well, and Japan and a handful of other countries will cease the whale hunts that are taking place.

Mr. DELAHUNT. Mr. Speaker, the gentleman from Texas is correct, it was from the island of Nantucket that Captain Ahab sailed. I happen to have the honor of representing Nantucket, as well as Martha's Vineyard and Cape Cod. So we have a tradition when it comes to whaling, and we appreciate the magnificence of those whales. In fact, anyone wishing to come and visit my district, I will be happy to escort them, and I refer obviously to my colleagues, on an experience that will clearly leave an indelible mark, and that is a whale-watching trip off of Cape Cod.

In response to the gentleman from Alaska, my good friend and someone for whom I have great respect, I would simply point out that the resolution itself specifically distinguishes between commercial whaling and aboriginal sustentative whaling. I appreciate his point and I understand his concerns.

But interestingly, just this past week there was a hearing in front of the Natural Resources Subcommittee where all the witnesses, including individuals from all of the groups that he alluded to, testified in support of a sustentative quota. So I would suggest that if what Japan wants is not sustentative whaling, they could secure that approval now at the IWC. But that is not their purpose.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I thank the gentleman for yielding, and we do have a great deal of admiration for one another, but you have to understand, in 2002 our quota for my Alaska Native people, their heritage and their culture was held up by one of the IWC members, Japan. And we had to have a special session to get the quota reinstated, and they should not be used as a political ping-pong ball. I want to stress that.

If I thought for a moment, and I am not for commercial whaling, but I am saying that if I thought for a moment this would stop it, I would be supportive of the resolution. But until we recognize the fact, because I do have Alaskan Natives, heritage-wise and cultural-wise, that do take whales today for needed food, they are being held hostage because we belong to the IWC.

I will tell you, my friends, what's going to happen, there is nothing that says Iceland, Japan or Greenland, wherever it may be, has to belong to the IWC. They can pull out and kill all of the whales they want to kill, and you and I can't stop that, whether it is on our endangered list or not.

I do think there ought to be a ceasefire between these groups. Quit using my people as hostages, and see if there isn't a solution of some type that will appease both sides. In the meantime, they kill 37,000 whales under the loophole, and IWC doesn't have the arbitrary right to close that loophole unless there is some agreement.

Now this resolution makes everybody feel good and look good and they can go back and say I saved the whales, but it doesn't do anything. I just think that is the wrong thing to do when, very frankly, you are hurting other people, and this is their right. And they have established the fact that there aren't 500 bullhead whales, there are 15,000 bullhead whales, and they take 19 a year of 15,000. I want you to think about that a moment.

Mr. DELAHUNT. I thank the gentleman. And as I said, I appreciate his concerns. But what Japan wants, as I suggested, is commercial whaling and it clearly is not the intent of this resolution to hurt the gentleman's constituents in Alaska. Clearly we have great respect and understand their culture and their tradition. That is not the intent of this resolution. But I'm sure that the gentleman's remarks and observations should be listened to and heeded when the Department of State goes to the IWC in Santiago, Chile.

Mr. SHAYS. Mr. Speaker, as cochair of the Congressional Friends of Animals Caucus, I rise in support of H. Con. Res. 350, which states that the United States, through the International Whaling Commission, IWC, should use all appropriate measures to end commercial whaling in all its forms, and seek to strengthen whale conservation.

In 1986, the IWC instituted a moratorium on the commercial killing of whales. In spite of this, some countries continue to hunt whales under the guise of scientific research.

For example, in November 2007, the Japanese whaling fleet set out for the Southern Ocean Whale Sanctuary with plans to kill over 1,000 whales. Whale meat and blubber are sold commercially, yet Japan continues to insist that this is permissible under the scientific research provision of the IWC.

Not only has Japan increased the number of whales it plans to kill this year, it has also declared it will kill 50 endangered humpback whales. Since 1960, humpbacks have been fully protected from commercial whaling by the IWC.

The Japanese whaling fleet's continued circumvention of the International Convention for the Regulation of Whaling is truly an outrage. The IWC has repeatedly condemned this hunt, urging an end to this needless and brutal slaughter. The U.S. delegation to the IWC must stand firmly opposed to this shameful practice, and reaffirm its commitment to protecting whales from commercial hunting. I urge support of H. Con. Res. 350.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 350, Expressing the sense of the Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling, and seek to strengthen the conservation and management measures to facilitate the conservation of whale species, and for other purposes, introduced by my distinguished colleague from West Virginia, Representative NICK RAHALL, and of which I am a proud cosponsor. This legislation is an important step in the conservation of the precious whale species.

As of today, 79 nations have adopted the International Convention for the Regulation of Whaling, which established the International Whaling Commission to provide for the conservation of whale stocks. The United States was instrumental in influencing the Commission to adopt a moratorium on commercial whaling, which is important in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the whaling industry.

However, three International Whaling Commission member nations continue to kill whales for financial gain, killing more than 25,000 whales since the moratorium, over 11,000 of which were killed under the guise of scientific research. Because nonlethal research alternatives exist, the majority of the world's cetacean scientists have found whaling conducted for scientific purposes unnecessary. Numerous resolutions have been adopted by the member nations of the International Whaling Commission opposing and calling for an end to scientific whaling, most recently in 2007 at the annual Commission meeting in Anchorage, Alaska.

Whaling undermines the conservation mandate of the International Whaling Commission and impairs the Commission's ability to function effectively. Allowing whaling for commercial purposes, or under the false guise of scientific research, is reprehensible. This whaling must end now. Additionally, the majority of Americans oppose killing whales for commercial purposes. They expect the Members of Congress to do all in their means to end this killing. We must listen to the American people on this issue.

By passing this legislation, we affirm to the American people our commitment to ending whaling in any form, including scientific and other special permit whaling, coastal whaling, and community-based whaling. It is an important step towards saving the whale species. Surely, this legislation should not be ignored.

H. Con. Res. 350 would encourage Congress to use all appropriate measures to end commercial whaling in all of its forms, oppose any initiative that would result in new whale hunting, and seek to strengthen conservation and management measures to facilitate the conservation of the whale species. I urge my fellow members of Congress to support this legislation.

Mr. GONZALEZ. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 350.

Next week the International Whaling Commission will host its annual meeting in Santiago, Chile, and representatives from 80 nations will come together to discuss the future of international whale conservation efforts. This presents a rare opportunity for our country to exercise real leadership in the fight to strengthen whale protection measures, preserving these rare creatures for future generations.

The meeting comes at a historic time in the debate over commercial whaling. International outrage is at an all time high while support for ending scientific whaling permits is also at its peak. In certain countries such as Japan, whaling is no longer even profitable and must be subsidized by the government.

For these reasons and many more, the IWC should seize this opportunity to close the loophole in the 1985 ban on commercial whaling that has allowed far too many countries to continue their commercial whaling programs which have been disguised as "scientific" whaling efforts. It's time for the world to abolish whaling practices altogether, and I'm hopeful that the IWC does not squander this opportunity to put an end to this brutal practice.

Phasing out all forms of commercial whaling is the only way to deal with this crisis. Those who suggest that fewer whales may be killed if a compromise is reached with pro-whaling nations to allow costal or community-based whaling could not be more ill-advised; this type of compromise would squander this historic opportunity we have to finally put an end to this brutal practice.

The fact remains that whaling is simply not sustainable in our world. Though some would have us believe that whale populations have recovered sufficiently to renew hunting, recent studies have shown increases in global populations over the last 20 years are only marginal. These small increases in no way signal that the populations have fully recovered, for in reality, past population estimates indicate that some species were once 6 to 20 times more populous than they are today. For example, scientists believe there were once 240,000 humpback whales in the North Atlantic; today only 10,000 remain.

Even if whales have recovered to their pre-industrial numbers, sustainable whaling would still be nearly impossible. Most people do not know that whale populations are local, and groups rarely mingle or interbreed. For instance, scientists believe that a distinct population of Minke whales off the coast of Japan is already on the verge of collapse. Allowing unfettered "community" whaling or any form of commercial shore-based whaling would quickly lead to the Minke's extinction in the Sea of Japan.

The United States must firmly oppose any form of commercial whaling; to allow even limited commercial whaling puts the entire species at risk. Multiple whales would be fraudulently sold under the same permit because short of genetic testing, there is no way to distinguish the meat of two different whales. This is already a problem in Korea and Japan, where it is common to market poached whales under the guise of an accidental kill, which is eligible for sale.

Some have also falsely claimed that this bill will harm the ability of Native Alaskans to continue subsistence whaling, when in reality no one is disputing the right of Alaskan natives to continue their way of life. In fact, the bill protects Native Alaskans' way of life by defending their food source from overexploitation and extirpation. Additionally, if coastal whaling is allowed, Natives would be forced to compete for permits with commercial operations, and the resulting difficulties would do more to endanger their culture and way of life than this bill ever could.

Ending whaling does not merely promote humane treatment of animals, nor is it solely about conserving natural resources. It is also an issue of global health. With high concentrations of mercury and other toxins in their blubber, whales make an unhealthy meal with vast public health risks. Mercury has been found in concentrations that are hundreds of times higher than the acceptable levels. Japan has already ceased including whale meat in school lunches and warns pregnant women about the hazards of eating whale.

Congress's positions must reflect the views and values of our country. We do not see whales as a source of food or a resource to be managed; we view them with respect and awe rather than with hunger. Their strength, intelligence, and beauty are far more valuable than their blubber. In an age where warming seas and pollution already threaten their existence, we should not contribute to their decline by hunting them with exploding harpoons.

The world looks to the United States for leadership and we must rise to this occasion and meet our responsibilities. By opposing any new forms of whaling and working to end so called "scientific whaling," we can protect an integral part of the ocean's ecosystem. I urge my colleagues to live up to this responsibility by supporting H. Con. Res. 350.

Mr. RAHALL. Madam Speaker, I rise today in support of H. Con. Res. 350, a resolution I introduced with the gentlelady from Guam, Ms. BORDALLO, and the gentleman from Massachusetts, Mr. DELAHUNT, urging the U.S. delegation attending the International Whaling Commission meeting in Santiago, Chile, to take a leadership role in ensuring the protection of the world's great whales. I wish to thank Chairman BERMAN and Subcommittee Chairman DELAHUNT for their support of my resolution and for ensuring its timely consideration today.

The American people care deeply about protecting whales, and the U.S. played a leading role in the adoption of the 1986 moratorium on commercial whaling by the IWC.

Before the moratorium, whalers from many countries routinely exceeded quotas established by the IWC, and whale populations plummeted. Adoption of the moratorium and the end of the slaughter represented an historic milestone in the history of whale conservation, and many stocks have recovered.

Despite this, whales still face many threats—from pollution, climate change, and even continued hunting. Norway officially objected to the moratorium when it was adopted and resumed commercial whaling in 1993. Japan and Iceland exploit loopholes in the Convention and continue to hunt whales under the guise of "scientific whaling," despite the fact that the scientific committee of the IWC has decried the need for and condemned the quality of this science.

At the same time, Japan is calling for the IWC to once again sanction commercial whaling in the form of "coastal" whaling, "community" whaling, or some other iteration of small-scale commercial whaling that will effectively eviscerate the moratorium, threatening to leave the IWC and resume larger-scale whaling operations unless their request is met.

The issues of commercial whaling under the guise of scientific or community whaling will likely be debated at this year's IWC meeting, and many will claim that the future of the organization is in jeopardy. We must be very careful, however, that our efforts to fix what some people perceive as a broken institution, do not come at the expense of the very species that institution is intended to protect.

H. Con. Res. 350 calls on the U.S. delegation to remain firmly opposed to commercial whaling in all its forms at the upcoming meeting of the IWC. The resolution urges the U.S. not only to oppose the unnecessary lethal taking of whales for scientific purposes, but also to reject proposals that would weaken or lift the moratorium by creating the new category of coastal or community whaling that is nothing more than commercial whaling in disguise.

Now, it is more critical than ever that the U.S. maintain its leadership role in shaping global whale conservation policies through the IWC. The American people strongly oppose commercial whaling of any kind, and the Administration must not undo more than 20 years of whale conservation by yielding to a few nations who threaten to leave the IWC.

In supporting this resolution, Congress recognizes the intrinsic value of these majestic animals, as well as the vital role whales play in the world's marine ecosystems. Conserving them for future generations requires us to uphold strong international agreements and maintain an unwavering commitment to protect these magnificent species from killing for commercial gain.

Mr. DELAHUNT. Having no additional speakers, Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. DELAHUNT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 350.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PUBLIC HOUSING DISASTER RELIEF ACT OF 2008

Mr. CAZAYOUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6276) to repeal section 9(k) of the United States Housing Act of 1937.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Housing Disaster Relief Act of 2008".

SEC. 2. REPEAL.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended—

(1) by striking subsection (k); and

(2) by redesignating subsections (l), (m), and (n) as subsections (k), (l), and (m), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. CAZAYOUX) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. CAZAYOUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. CAZAYOUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6276, the Public Housing Disaster Relief Act of 2008. I am proud to stand here with my colleague, Congressman CHILDERS, in bringing this legislation to the floor.

This legislation is the product of a joint subcommittee hearing with the Financial Services Subcommittee on Housing and Community Opportunity and the Homeland Security Subcommittee on Emergency Communications, Preparedness and Response.

The purpose of the hearing was to examine the roles and responsibilities of both HUD and FEMA in responding to the affordable housing needs of the gulf coast following emergencies and natural disasters.

Nearly 3 years after Katrina and Rita, we are still struggling with how to better streamline the process of delivering relief through our administrative agencies. This burden is very well known to members of my delegation, Congressmen MELANCON, JEFFERSON, BOUSTANY, and SCALISE, whose districts were directly impacted by hurricanes Katrina and Rita.

The testimony at the hearing revealed that the Office of Capital Improvements within HUD, which awards capital funds to public housing authorities to maintain and repair public housing stock, also administers the public housing emergency and natural disaster grant program.

The Quality Housing and Work Responsibility Act included a provision, provision 9(k), which permits HUD to award natural disaster grants to housing authorities. However, since 2000, Congress has prohibited HUD from using appropriated amounts under section 9(k) and provided a separate appropriation for emergencies and natural disasters. However, since its inception, this fund has diminished every year.

In 2005, the year that Katrina and Rita struck the gulf coast, the funds appropriated for this purpose was $29 million. According to HUD, this funding was quickly consumed in New Orleans and Biloxi.

The current funding level for 2008 is $18.5 million, which is woefully inadequate for any disaster, especially ones on the scale of Katrina and Rita. HUD has not asked for funding for this purpose in 2009. In fact, HUD's proposed budget for fiscal years 2008 and 2009 request no funding for disaster relief.

Normally, public housing authorities' losses in natural disasters are mitigated through insurance. But the magnitude of the damage caused by these hurricanes was more than preexisting insurance could handle. When the PHAs that faced these shortfalls sought public assistance funding through FEMA pursuant to section 406 of the Stafford Act, they got caught in a bureaucratic mess.

Despite a memorandum of agreement between HUD and FEMA in 2007 that would have made it possible for PHAs to apply for FEMA assistance as a last resort when insurance proceeds and disaster grants from HUD were inadequate, because section 9(k) exists, FEMA funding is not available because FEMA states that it violates congressional appropriations law.

The administration has called for the elimination of section 9(k) and the set aside disaster grants to eliminate this confusion and to make it possible for housing authorities to have access to section 406 of the Stafford Act through FEMA.

I agree with that assessment, and it is my belief that repealing this section will cut some of the bureaucratic mess that has prevented public housing authorities from doing the work of reconstruction in the aftermath of Katrina and Rita.

We see today the importance of this legislation as our hearts go out to the people of Iowa, Illinois and Missouri who struggle against the flood waters that continue to threaten and wreak devastation on their homes and on their communities.

While we are still learning the extent of the damage caused by the flooding in Iowa, and the anticipated flooding in Illinois and Missouri, we do know that this legislation will help them when it is time to rebuild. When this change is enacted into law, funds will become immediately available for public housing authorities struggling to rebuild affordable housing for Americans devastated by natural disasters whether in the gulf coast or in the heartland.

We in Congress should always work to streamline government so that assistance gets to you where it is needed most as quickly as possible.

I would like to thank Chairmen FRANK and THOMPSON and subcommittee Chairs WATERS and CUELLAR for bringing this issue to light. I would also like to thank Ranking Member CAPITO for her support of this important legislation. In the nearly 3 years since hurricanes Katrina and Rita devastated the gulf coast, they have worked tirelessly to help our residents get the assistance they need. The entire gulf coast is thankful for their diligence on these matters.

I hope that my colleagues join me in passing this bill today so we can eliminate one more bureaucratic hurdle that hampers the efforts of our citizens to rebuild in the aftermath of a natural disaster.

Mr. Speaker, I reserve my time, and I yield the balance of my time to the gentleman from Mississippi (Mr. CHILDERS), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. NEUGEBAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6276, the Public Housing Disaster Relief Act. This legislation will repeal section 9(k) in the Quality Housing and Work Responsibility Act, and clears the way for public housing authorities in need of repair following a disaster to be eligible for FEMA section 406 funds under the Stafford Act.

Today, there are two programs that are designed to assist public facilities and private nonprofit facilities in times of disasters. Section 9(k) within HUD was set up to provide natural disaster grants to public housing authorities. Section 406 of the Stafford Act permits the use of FEMA funds for repair, restoration, reconstruction, or replacement of public facilities and private nonprofit facilities, as well as associated expenses.

Since the 2000 appropriations, Congress has repealed section 9(k) and separately appropriated a set-aside amount within the Public Housing Capital Fund for emergencies and natural disasters. Congress has reduced this fund over the past 8 years. The funding has gone from a high of $75 million from 2000 through 2002 to a low of $16.8 million last year.

In 2004, four hurricanes struck Florida, completely depleting the $39.7 million available in funding for that year. In 2005, hurricanes Katrina and Rita hit the gulf coast, and that year's funding of $29.8 million was not adequate to restore public housing that was damaged or destroyed.

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In 2006, Hurricane Wilma came ashore in Florida during the first month of the fiscal year, using much of the $16.8 million funding for 2006.

Despite the lack of funding available under the section 9(k) emergency reserve account, public housing developments have remained ineligible for FEMA funds under section 406.

While current law is intended to prevent duplication by both HUD and FEMA for public housing facilities, it has put public housing facilities at a distinct disadvantage relative to other types of housing in disaster areas.

In testimony before a joint subcommittee hearing on June 4, 2008, with the Subcommittee on Housing and Community Opportunity and the Emergency Communications, Preparedness and Response Subcommittee of the Homeland Security Committee, HUD testified that it did not believe that Congress intended to limit the ability of public housing authorities to access Stafford Act funding by providing funding under section 9(k).

Specifically, HUD's testimony, stated this: "In recent years the President has proposed eliminating both the portion of section 9(k) that provides the disaster grant funding and the set-aside for disaster grants in an attempt to alleviate the confusion about disaster assistance and make it possible for housing authorities to have access to section 406 Stafford Act funding."

HUD went on to suggest several ways to resolve this current situation: "One potential solution to disaster funding shortfalls for public housing authorities would be the permanent repeal or amendment of section 9(k)."

H.R. 6276, the Public Housing Disaster Relief Act, clearly paves the way for public housing authorities in need of repair following a disaster to be eligible for FEMA section 406 funds under the Stafford Act.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. CHILDERS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today in support of H.R. 6276, the Public Housing Disaster Relief Act of 2008. I'm honored to join my colleagues in supporting this bill, specifically Chairman FRANK and Congressman CAZAYOUX from Louisiana, Mrs. CAPITO from West Virginia and Mr. NEUGEBAUER from Texas.

The Public Housing Disaster Relief Act is a commonsense approach to reducing ambiguity between the Department of Housing and Urban Development and the Federal Emergency Management Agency by striking section 9(k) of the United States Housing Act which was implemented in 1998.

While certainly well-intended to encourage the Department of Housing and Urban Development to set aside funds in the event of a natural disaster, section 9(k) has proven to become an overburdensome authorization that has stalled Federal dollars from being disbursed to public housing authorities following a presidentially-declared natural disaster.

Since 2000, the Appropriations Committee has allocated zero dollars toward section 9(k), and, instead, separately appropriated a specified amount within HUD's capital fund to be used for emergencies and natural disasters.

We are all reminded of the devastating impact Hurricanes Katrina and Rita had on the gulf coast in 2005, specifically, in the Fourth Congressional District of Mississippi, represented by my friend and colleague, Congressman GENE TAYLOR.

I would also like to acknowledge Chairman BENNIE THOMPSON for his hard work in the aftermath of Hurricanes Katrina and Rita.

To date, the confusion associated with section 9(k) of the Housing Act has blocked FEMA from disbursing any Federal disaster related funds to multiple public housing authorities in Mississippi due to an internal government disagreement on whether HUD or FEMA is responsible for providing natural disaster relief to public housing authorities across the gulf coast.

The State of Mississippi was forced to allocate $100 million of its Federal Community Development Block Grant allocation to rebuild various public housing units, and the State is still in the process of receiving final approval to actually use the Federal grant dollars which were approved almost 2 years ago.

Recently, the House Financial Services Subcommittee on Housing and Community Development held a hearing in conjunction with the House Homeland Security Subcommittee on Emergency Communications, Preparedness and Response on this matter where Jeffrey Riddel, Director of the Office of Capital Improvements, Public and Indian Housing at HUD noted, "One potential approach to disaster funding shortfalls for public housing authorities would be the permanent repeal or amendment of section 9(k)."

The physical revitalization of communities following a natural disaster is critical to strengthening economic development. As a local county official for over 16 years prior to coming to Congress, I have witnessed the benefits and resources local public housing authorities offer to communities across the United States, even communities that are routinely impacted by natural disasters.

I believe that H.R. 6276 removes unnecessary bureaucratic red tape between HUD and FEMA in order to provide tangible Federal support dollars for rebuilding affordable housing to communities struck by overwhelming natural disasters.

Additionally, I would note the Congressional Budget Office has scored this legislation as budget neutral over 5 years.

In conclusion, I urge all of my colleagues to join me in supporting H.R. 6276.

Mr. Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, we're today talking about making sure that, in the event of a disaster, that we have the funds and we don't have to go through a lot of red tape to make sure that we can restore this housing, when it's repairable, in a feasible way, and to make sure that we continue to provide the shelter for some of our very needy Americans.

Unfortunately, Mr. Speaker, there aren't bills on the floor today. There should be bills on the floor, and there should be a bipartisan bill that works on another disaster that is impacting a lot of needy Americans today, and that's the fact of the rising electric costs, utility costs for many of the people that live in these housing authorities. The mass transit that they use to go to and fro work is going up. They're having to raise their fares. Even gasoline for them to go to their work and back.

And so, Mr. Speaker, this is a bipartisan bill which certainly we support, I support. I would hope that we would bring some other bipartisan bills to the floor that would address probably one of the most looming disasters for many of these families, as well as families all across the country.

I get to thinking about the fact that today America had to write a check for about a billion dollars to provide energy supplement for the energy that we already produce in this country. I think about the fact that $170 million of that went to Hugo Chavez. I think about what we could do together if we were to begin to have an energy policy in this country today where we were investing $170 million in America every day rather than investing $170 million in a dictator from Venezuela, that we can create jobs, and that maybe many of the folks that are in the housing authorities around America today, with those jobs, that they could move into conventional for-rental housing, or even experience the American dream of owning their own home.

So while I support this bill, I would hope that we could take this same bipartisan spirit, working in the future, to solve America's energy needs instead of solving the financial needs of many folks or countries around the world that don't really care whether our folks in public housing have a nice, clean, safe place to live or not.

But we care, and we need to show the American people that we care about them, not just the people that are in public housing, but the families all across America today that are struggling with double the price of a tank of gasoline.

Just the other night I was on the phone with some constituents back in Texas, and this gentleman was on the phone. He said, "Congressman, I have to go get dialysis three times a week. I have to drive over 100 miles to do that. And now I'm down to making a decision whether I'm going to be able to afford gasoline, groceries, or the rent."

That's not a decision we want people in America making. And so certainly, in the future, I hope that we will be able to not only address some of these important housing issues, as we've done in the Financial Services Committee, but I hope, also, that we would remember that part of the American dream is also having the ability to have a nice place to live, but also to be able to have an economy where we can grow and prosper and make, hopefully, some of our subsidized housing a temporary spot for American people and not a permanent spot. But with these rising costs of utilities and gasoline, I'm afraid we may be locking them into a scenario from which they would like to get out.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. CHILDERS. I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman from Mississippi.

Mr. Speaker, I guess as I get older my memory is even worse than I thought. I thought I remembered what it was like when the Republicans were in power. But I don't seem to remember any of those bills my friend from Texas was just talking about. Apparently they were saving them up until we came to power, because I don't remember them ever bringing them up when we were here.

Having said that, I do want to apologize to my friends on the other side for talking about the legislation under consideration. I hope they will indulge me as I do that.

And as I do it, I want to say that I think what we've seen in the bill being brought forward by our newest colleagues from Louisiana and Mississippi is the importance of timing. We've had this problem in which public housing authorities in Louisiana and Mississippi were being treated unfairly. This is not singling them out for special treatment. This is ending a bureaucratic glitch that disadvantaged them. And we're doing it in the way that was suggested by the Bush administration, and I give them credit for that.

But it ought to be clear to people that having new Members here from Louisiana and Mississippi, the areas affected, had an impact. They are both on the Financial Services Committee, and I'm very proud that the Financial Services Committee on which they are now members gave them the opportunity to bring this bill forward.

I also want to express my appreciation to the gentleman from Mississippi and the gentleman from Texas, the Chair and Subcommittee Chair of the Homeland Security Committee.

One of the things that plagues this institution is jurisdictional arguments and turf fights. I'm very pleased that we've been able, my colleagues particularly on the Homeland Security Committee, to work so closely together on this. I'm also glad to say that this is genuinely a bipartisan issue, and I appreciate the Republicans supporting us.

But I do want to stress again, this is no special deal for Louisiana and Mississippi. By a bureaucratic glitch, the existence of a provision that has never been funded keeps them from getting money to replace public housing that was destroyed. And there's a Federal program under FEMA that provides Federal funds for public buildings that are destroyed. This simply allows public housing a fair share.

Mr. NEUGEBAUER. Mr. Speaker, I continue to reserve my time.

Mr. CHILDERS. Mr. Speaker, I yield 2 minutes to my colleague from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise also to salute the two newest members of this committee for introducing this legislation.

This legislation, the Public Housing Disaster Relief Act of 2008, will strike section 9(k) of the U.S. Housing Act and clarify the funding structure of public housing authorities in the wake of disasters.

Just 2 weeks ago, the Financial Services Committee and Homeland Security Committee held a joint hearing to examine the housing conditions of individuals displaced by Hurricane Katrina in 2005. During this hearing, the testimony provided by the FEMA and HUD witnesses revealed that there is confusion between the two agencies over who is responsible for providing disaster recovery funds to public housing authorities that are damaged by disasters.

☐ 1500

A number of public housing authorities received significant damage, Mr. Speaker, during Hurricane Katrina. But these housing authorities did not receive any funds from the 9(k) account because there simply were not any funds available.

Public housing authorities did receive some assistance from the Public Housing Capital Fund Emergency Needs Account, but the funds were quickly exhausted and left many housing authorities without the resources they needed to repair their units.

In total, Mr. Speaker, only $29 million was made available to the housing authorities along the gulf coast. If you are familiar with the degree of devastation caused by Hurricane Katrina and Rita, you know this was not enough.

H.R. 6276 will eliminate an account that has historically been underused and clarify the funding structure by making it clear to FEMA that public housing authorities are eligible for Stafford Act assistance.

I urge the passage of this important legislation, Mr. Speaker.

Mr. NEUGEBAUER. Mr. Speaker, I continue to reserve my time.

Mr. CHILDERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. CUELLAR) 3 minutes.

Mr. CUELLAR. Mr. Speaker, I would like to thank Mr. CHILDERS. I also want to thank Chairman BENNIE THOMPSON of the Homeland Security Committee and Chairman BARNEY FRANK of the Financial Services Committee, as well as Chairwoman MAXINE WATERS of the Subcommittee on Housing and Community Opportunity and our ranking members, also, for working together on this piece of legislation.

I, too, congratulate our two newest Members of the House, Congressman

CAZAYOUX from Louisiana and Congressman CHILDERS from my home State of Mississippi for drafting H.R. 6276.

As you know, earlier this month, Ms. WATERS and I teamed up to hold a hearing examining the roles and responsibilities of HUD and FEMA in providing affordable housing to disaster victims under the direction of Chairman FRANK and Chairman THOMPSON. During this hearing, there was confusion as to which agency is responsible for providing disaster recovery funds to public housing authorities damaged during disasters.

The Public Housing Disaster Relief Act of 2008 will strike section 9(k) of the U.S. Housing Act of 1937 clarifying the funding structure for public housing authorities in the wake of disasters. After Hurricane Katrina, housing authorities received no funds from the 9(k) account, and it's not hard to see that this account is no longer needed. In fact, this account only caused us confusion as to who is responsible for providing disaster recovery funds to public housing authorities. Let's do our part to eliminate this confusion.

This legislation, H.R. 6276, will eliminate the 9(k) account and clarify the funding structure by identifying FEMA as the responsible party for providing assistance to public housing authorities through the Stafford Act. We need to streamline government and provide services to our constituents in a more efficient and effective manner, and this is exactly what H.R. 6276 does.

So I encourage our Members, all of my colleagues, to support H.R. 6276.

Again, I congratulate both Mr. CAZAYOUX and Mr. CHILDERS for bringing up this good piece of legislation.

Mr. NEUGEBAUER. Mr. Speaker, I continue to reserve my time.

Mr. CHILDERS. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. JEFFERSON) 2 minutes.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, no place on the planet needs this more than my district in Louisiana. Before the storm, there were some 5,000 families in public housing representing some 30-or-so thousand people who were living there. Since the storm, there are some 800 people or so, well down from our prior number. That's because the storm damaged almost all the public housing virtually thoroughly to the point now that the areas where public housing used to occupy are laid as a wasteland, and we have had nothing but administrative fighting and confusion over this issue.

And what is happening here today that Chairman FRANK and our two newest colleagues, Mr. CAZAYOUX and Mr. CHILDERS, are bringing today is a bill that is very much needed.

In my area, the cost to rebuild public housing is going to be astronomical, but the families who are depending on it, it's quite a large number of people. And there is no way we can restore affordable housing in our area without restoring public housing. There is no way to restore public housing unless there is an agency that has a tradition of dealing with bringing public buildings back into place as FEMA does. It's an unusual argument for us to make that we want FEMA to do more in our area, to have more responsibility, given the record it has of being far less than perfect. But that is a case where it makes sense for FEMA to take over and fill the gap.

So I want to congratulate you again for coming forward. This legislation is going to mean a lot to our people in Louisiana, a lot to the folks I represent in New Orleans, and a lot to the families who are struggling to get back into their homes.

So thank you very much. I appreciate it.

Mr. NEUGEBAUER. Mr. Speaker, I was going to inquire to see if the gentleman has other speakers.

Mr. CHILDERS. I actually have one more speaker.

Mr. NEUGEBAUER. Mr. Speaker, I continue to reserve.

Mr. CHILDERS. Mr. Speaker, I yield the balance of my time, 2½ minutes, to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, Members, I would like to commend all of our authors and co-authors on this legislation. We learned a lot because of Hurricane Katrina. We learned that FEMA and HUD are confused. They don't work together. As a matter of fact, they work against each other. And the most vulnerable of those who were victimized by Hurricane Katrina, the public housing, residents, were so negatively impacted by all of this.

We found that when there was a subcommittee hearing that we held, this joint hearing with Homeland Security Subcommittee on Emergency, Communications, Preparedness, and Response, we talked about the roles of HUD and FEMA in responding to affordable housing needs following natural disasters and emergencies. At that hearing, we learned that HUD Section 9 program, the public housing reconstruction, has never been funded because of language in appropriations acts that has barred the program from receiving any appropriations. Although HUD has been providing a limited amount of funds from its already underfunded capital fund this year, the department proposes not to provide any emergency capital funds.

In addition, because section 9(k) is authorized, FEMA has refused to allow PHAs to access funds under its section 406 reconstruction program. This is in spite of the fact that there is no statutory or other prohibition on PHAs using these funds. FEMA is simply refusing to grant PHAs access to section 406 funding because it says that PHAs have another source for this purpose, section 9(k), which has never been funded.

You've heard a lot from Members here today about this, and I'm going to yield back my time so that the gentleman can do a close appropriate to this legislation that he so courageously authored.

Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi (Mr. CHILDERS).

Mr. NEUGEBAUER. Mr. Speaker, I have no other speakers, and I would like to say I think this does go a long way to probably eliminate some confusion between these two agencies. It makes sense to do this.

I want to welcome the gentleman from Louisiana (Mr. CAZAYOUX) to the committee and thank him for his willingness to participate in this issue.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. CHILDERS. Mr. Speaker, I, too, would like to thank those who spoke on behalf of this today. And in conclusion, I simply, again, urge all of my colleagues to join me in supporting H.R. 6276.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. CAZAYOUX) that the House suspend the rules and pass the bill, H.R. 6276.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMERICAN VETERANS DISABLED FOR LIFE COMMEMORATIVE COIN ACT

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 634) to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 3, strike line 24 and all that follows thru page 4 line 3 and insert:

(1) DESIGN.—The design of the coins minted under this Act shall be emblematic of the service of our disabled veterans who, having survived the ordeal of war, made enormous personal sacrifices defending the principles of our democracy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE from Kansas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this legislation that we consider today is a simple, straightforward bill that would take one small but important step to honor more than 3 million American veterans currently living with disabilities as a result of their service in the United States Armed Forces. In fact, out of 26 million American veterans living today, nearly 1 in 10 lives with the physical cost of their service to our country in the form of some sort of permanent disability.

While there are many constructive steps that Congress should take to improve the lives of disabled veterans, by passing this bipartisan legislation today, which I introduced with my friend and colleague, Mr. KIRK, we hope to honor their sacrifice and the toll this has taken on their lives.

Specifically, Mr. Speaker, this legislation provides for the design, manufacturer, and sale of special $1 commemorative silver coins and authorizes special surcharges on these coins to be contributed toward the construction of a memorial to disabled veterans in our country. The American Veterans Disabled for Life will command an impressive two-acre site located just southwest of the Rayburn House Office Building adjacent to the National Mall in full view of the United States Capitol.

The memorial will symbolize America's lasting gratitude for the men and women whose lives are forever changed by their service to our country. It will also serve as a continual reminder to Members of Congress about the human cost of warfare and the need to support our American war veterans.

The House approved this legislation unanimously in May of 2007 by a vote of 416–0. The Senate recently followed suit by approving the legislation by unanimous consent with one small amendment giving the Secretary of the Treasury more discretion over the design of the coin.

I once again urge my colleagues to adopt this important legislation, Mr. Speaker. We will never forget the sacrifice that our American heroes made and continue to make in order to promote a better world for their fellow citizens. Building this long-overdue memorial is something we need to do as Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this legislation of this bill sponsored by the gentleman from Kansas (Mr. MOORE) and the gentleman from Illinois (Mr. KIRK) which honors those who have sacrificed so much so that we may live in peace, and this is long overdue that we build a memorial for them.

This legislation, as the gentleman mentioned, passed in the House on April 15 of last year by a margin of 416–0 and comes back to us from the other body with that minor amendment describing the coin's design that is totally acceptable, and I urge immediate passage.

I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, if I could just add one thing.

I want to thank Mr. NEUGEBAUER and Mr. KIRK, who really drafted this bill and got me involved with this, for their generous work on this legislation.

Mr. NEUGEBAUER. Mr. Speaker, I want to yield to the gentleman from Illinois (Mr. KIRK), one of the co-authors of this bill and someone I have a great deal of respect and I know has worked tirelessly for the great men and women who have served in the past and are currently serving in our country such time as he may consume.

Mr. KIRK. Mr. Speaker, as the co-author of this legislation, the American Veterans Disabled For Life Commemorative Coin Act, I want to especially thank my partner, DENNIS MOORE of Kansas, for his leadership in bringing this bill to the floor, where we are now, on to the White House for enactment.

Our legislation seeks to recognize the sacrifices made by more than 3 million living disabled veterans by building a memorial for them right here within sight of the Capitol.

In 2000, Congress authorized the construction of this memorial just southwest of the Rayburn building. In December 2006, the President signed a law that transferred control of the land for the memorial from the District of Columbia to the National Park Service. In February 2007, I joined my colleague from Illinois (Mr. HARE) in introducing a bill that extended the authorization for this memorial through 2015, and that was signed into law in October.

□ 1515

Now, the American Veterans Disabled for Life Memorial Foundation needs to raise approximately $65 million for the construction of this memorial.

Our legislation today will authorize the Secretary of the Treasury to mint commemorative silver dollars that will be sold with a surcharge to help the American Veterans Disabled for Life Memorial Foundation to raise the money it will need to construct this memorial to our heroes. Not only will these coins be collector's items, but they will help raise millions for the memorial.

In crafting the bill, Congressman MOORE and I had the privilege to meet an extraordinary young man, Sergeant Bryan Anderson from Rolling Meadows, Illinois. Bryan's story is, unfortunately, all too common for many veterans from Iraq, but his spirit is very uncommon, and his attitude sets him completely apart from the average person.

You see, Bryan at the age of 26, who finished basic training on September 12, 2001, lost both his legs and an arm to a roadside bomb in Iraq. Bryan jokes that he would have lost both his arms if he hadn't been smoking when the bomb detonated. His constant sense of humor and his determination are clearly apparent and came through loud and clear in a long interview he gave to Esquire magazine.

In it, Bryan said, "This doesn't define me. It may be how I look on the outside, but it's not who I am. I guess you could remember me easily as being a triple amputee, but it's not who I am, has nothing to do with who I am. I've always been the same person."

Bryan is a self-described "adrenaline junkie," who hopes to become a Hollywood stuntman. Since his appearance on the cover of Esquire, he's had numerous opportunities to use his story for some sort of political gain, but he has always forgiven that opportunity. For Bryan, he doesn't like to talk about politics, but always wants to talk and support the American Veterans Disabled for Life Memorial.

Washington has many advocates for many causes here in this town but none more effective than Bryan Anderson. With Bryan, you see what you get. He is a veteran with an inspirational story, who wants to see this memorial built, not just for himself but for all of his disabled veterans from World War II, from Korea, from Vietnam, from Desert Storm, and from his conflicts both in Afghanistan and Iraq.

Bryan is about as genuine as you can ever get, and with passage of this legislation, we come closer to the day when Bryan will return to Capitol Hill to visit the memorial that he helped to build.

I want to thank my friend Dennis and also a member of my staff, Patrick Magnuson, for helping shepherd this legislation through the House.

With more than 3 million disabled American veterans alive today, it is fitting that we now take the time to build a memorial in memorializing their sacrifice here within sight of the Capitol in Washington, D.C.

As someone who is one of the only Members of Congress still serving in the military as a Naval Reserve intelligence officer, it's my honor to be the lead Republican cosponsor of this legislation. It's our hope now that we go to the White House, enact this legislation, mint this coin, raise millions for our fellow disabled American veterans, and then build this memorial, not just to show all of the veterans how much we care about them and honor them but also to remind future Congresses that freedom is not free, that a price is very high when the President calls on our Armed Forces to deliver, and when they do, we honor them and will always remember their memory.

Mr. MOORE of Kansas. Mr. Speaker, I just want to again thank Mr. KIRK and Mr. NEUGEBAUER for their very, very hard work and important work on this legislation and colleagues on both sides of the aisle who came together in a bipartisan spirit to pass this.

Mr. Speaker, I yield back the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 634.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–125)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 6124, the "Food, Conservation, and Energy Act of 2008."

The bill that I vetoed on May 21, 2008, H.R. 2419, which became Public Law 110-234, did not include the title III provisions that are in this bill. In passing H.R. 6124, the Congress had an opportunity to improve on H.R. 2419 by modifying certain objectionable, onerous, and fiscally imprudent provisions. Unfortunately, the Congress chose to send me the same unacceptable farm bill provisions in H.R. 6124, merely adding title III. I am returning this bill for the same reasons as stated in my veto message of May 21, 2008, on H.R. 2419.

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 6124 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 6124.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, "Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation." For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 18, 2008.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Minnesota (Mr. PETERSON) is recognized for 1 hour.

Mr. PETERSON of Minnesota. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. Speaker, I yield myself such time as I may consume.

I'm not going to take a lot of time because I think people have heard enough about this issue, and we apologize. I guess we have to be in this position, but what we're doing here today is overriding the veto hopefully for the final time on the farm bill because of the enrolling error that was made on the initial override or veto that happened a few weeks ago.

At the time, we made a decision to move ahead. Even though the wrong bill was vetoed, we moved ahead to override that veto, which we prevailed on the floor here by a substantial margin. I think in retrospect that was a good idea because 14 titles of the farm bill have been law since then.

We had a meeting this morning with the Secretary to talk about implementation. So the work has been going on within the department to get ready for implementation. We have gained a couple or 3 weeks in that process. Just a couple of days ago, the administration Secretary put out the loan rates and target prices for this crop year. So that process is moving along.

What this bill does, the 14 titles are now law. The trade title was left out. What this bill does is reenact the entire 15 titles as they were passed by the original conference report and does it all as one complete whole. And in the bill, what it does, it vitiates the 14 titles that have been law for the last 3 weeks I guess, or so.

It cleans up the technical problem that we had created by the enrolling office and puts into law what was intended by the conference committee.

This is a good bill. It has wide support in the Congress, as we have seen by the number of votes that we've had here on the floor. It is not perfect, but it does address all of the issues that have been brought to the Agriculture

Committee by the various different groups that have been interested in this piece of legislation, and I encourage my colleagues to override the veto.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I rise in support of overriding the farm bill veto. Currently, 14 of the farm bill's 15 titles have been enacted into law, and the passage of the veto override will ensure that the whole bill, including the trade title, becomes law.

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The content of the bill before us today is the exact same as it was when 317 of my colleagues joined me in May in support of the reform-minded farm bill the House and Senate Conference Committee produced. The only things that have changed are the bill number and the title, all else remains the same.

This farm bill has enjoyed significant bipartisan support in both Chambers. This bill was a collaborative effort crafted by Members on both sides of the aisle and both sides of the Capitol and is historic in the amount and degree of reform that it contains.

We brought this bill a long way with a long list of reforms that lower cost to the taxpayer and increase the efficiency and effectiveness of the programs, yet retains the fundamental purpose for having farm programs to begin with, guaranteeing a stable, reliable, and affordable food supply for the American consumer.

Unlike the last farm bill, which was signed into law by the President of the United States, this farm bill is less expensive and contains many of the reforms that the President requested. So I urge my colleagues to support the farm bill override and ensure that the very same farm bill that has garnered significant bipartisan support in this Congress already can finally become law in its entirety.

Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I would just take one additional small amount of time to thank my colleague and friend, Mr. GOODLATTE, for the work that he did with me on this bill. As he said, this has been a bipartisan effort; had it not been, we wouldn't be here today. So I very much want to thank him and the other Members on his side of the aisle as well as the Members on our side of the aisle for all their hard work through this process.

And also, I want to mention our staff, both my staff and the minority staff. The amount of time that they put into this bill has been extraordinary, the patience that they showed, having to sit in meetings and not make much progress for a lot of time is what you really want to see in public service. Our staff went above and beyond the call of duty.

So, again, I thank all of my colleagues and urge my colleagues to vote to override the President's veto.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself a moment to say' to the chairman of the committee that I also appreciate the very hard work that he put into this very bipartisan effort. And I want to thank the staff on both sides of the aisle.

I do believe that this farm bill contains far more reform than any previous farm bill. And I think the track record in the future in preserving good farm policy to assure the American people, our taxpayers, our consumers of the opportunity to have a safe and abundant and affordable food supply is very, very important. And so I thank the chairman for his hard work for all this time. The two-and-a-half-year process it has taken has finally come to a conclusion. I urge my colleagues to pass this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield 1 minute to the gentleman from Arizona.

Mr. FLAKE. One minute is hardly time to speak against this bill.

Let me just read a statement that was made by the majority leader a couple of days ago. He commented on the budget that was being passed at the time. He said, "There is only one person in the United States of America that can stop spending in its tracks, the only person." He was referring to the President of the United States and putting a lot of blame, if you will, on the President for not stopping spending that I had argued was going on.

Here we have the President standing up and saying, this bill is bloated; this bill is far too big; it spends far too much. Yet the same people who were blaming the President for not standing up to spending are voting now to override the President when he says enough is enough. This is wrong. We ought to stand up—as Republicans at least, if not the Democrats as well—to stand up and say enough is enough. This bill spends too much, far, far too much.

This bill lacks real reform, overspends, hides its real costs with gimmicks, jeopardizes trade negotiations, increases size and scope of government, and is disservice to taxpayers.

It contains more than $5 billion a year in handouts to millionaire farmers and landowners.

It includes the Average Crop Revenue Election program in the conference report, a program that appears to serve the purpose of ensuring commodity farmers get federal handouts even though crop prices are soaring. The details of the potential liability to taxpayers only came out after passage.

Under the supposed salary cap, married farmers could still be making up to $2.5 billion and receive direct payments.

It weakened the payment limit for farm subsidies—lifting the limit on marketing loan benefits and increasing the limit on direct payment benefits.

The gaming of the price support program allows farmers to lock in their loan rate when prices are lowest and sell when prices are highest.

The bill adds target prices for additional crops and increases loan rates and target prices for others.

The brand new and permanent disaster title costs $3.8 billion.

Unfortunately, it includes the extension of marginally reduced ethanol production tax credits and the import tariff—thus continuing the failed federal ethanol program that is responsible at least in part for high food prices plaguing consumers.

The bill includes hundreds of millions of dollars in loan guarantees for the construction of advanced biofuels plants and a Biomass Crop Assistance Program to provide incentives to cellulosic ethanol crops.

This bill forces USDA to sell excess sugar into ethanol production, even though sugar users would continue paying artificially inflated prices ($4 billion or more). (USDA has estimated that ethanol from sugar is twice as expensive to produce [as opposed to corn-based ethanol].)

The bill included disclosed earmarks, plus an undisclosed and airdropped earmark that provides $170 million for commercial and recreational "members of the fishing communities" affected by missing salmon, and the "forestry conservation tax credit bond" to benefit the Plum Creek timber company.

This bill represents the worst of legislative process: pandering to special interests, dark of night negotiations, airdropped earmarks worth millions of taxpayer dollars, opposition shut out of the floor process, and a $300 billion boondoggle bill.

The cost of the bill is not fully offset: OMB says as much as $20 billion in budget gimmicks and "illusionary" spending stops where funding for programs abruptly ends.

Conferees waived PAYGO, and went "baseline shopping" (did not use the most current baseline). I have said from the beginning: no way to do a Farm Bill without waiving the PAYGO rules. I was proven right.

The President has rightly vetoed this bill not once but twice. We need House Members to stand up for taxpayers.

Ms. DELAURO. Mr. Speaker, I rise in support of the override of the President veto. As a conferee on the farm bill I worked hard to ensure that this bill includes significant improvements to the food assistance program via the nutrition title. A nation with the agricultural abundance we enjoy should not tolerate hunger among its people. This legislation makes important progress in that regard.

Many of its nutrition provisions are important and deserve mention. In the interests of time, however, I will not go into them all. One of the positive aspects of the protracted process of passing the bill is that all Members have had ample opportunity to review the conference report and floor statements surrounding its passage. This is large and complex legislation, and the legislative history accumulated on its first passage and first override is an invaluable guide to Members.

I found particularly helpful the statements of the distinguished chairman of the Nutrition Subcommittee, Mr. BACA, and his distinguished fellow conferee from the Judiciary Committee, Mr. BERMAN. Among other things, they pointed out that this legislation takes decisive steps to preserve the longstanding ability of households on the food stamp program to seek help through the judicial system when Federal rules on how the program is to be administered are not being met. Specifically, the bill provides explicit recognition of applicants' and recipients' suits to enforce the Food Stamp Act, now the Food and Nutrition Act, food stamp regulations, and civil rights regulations.

This is the right thing to do and it is important. In light of the Gonzaga and Sandoval cases, some have argued that Congress did not provide this right to injured households and that instead only USDA can require States to change practices that do not comply with the Act or regulations. Those cases were about different statutes and different programs. Nonetheless, recent decisions out of Ohio and New York either questioned the enforceability of Federal regulations or imposed special hurdles plaintiffs must surmount, such as showing a particular degree of egregiousness on the part of defendants. These cases are radical departures from the history of this program and Congress's oft-demonstrated intent.

I agree with Representatives BACA and BERMAN that the Food Stamp Program's needs are different from those in which private rights of action are narrowly construed. And, over the years Congress has recognized that. Individuals that received, or wished to receive, food assistance brought numerous cases against State and local authorities in the 1970s to enforce provisions of the Food Stamp Act, its implementing regulations, and even USDA's certification manual. They did this because USDA lacked the resources to force States to comply with its guidance and directives, including basic services standards such as emergency food stamps for the neediest. When Congress wrote the Food Stamp Act of 1977, it analyzed the results of that litigation in detail, approving some results and writing the statute to reach a different result from others. A similar pattern has continued to this day.

We set high standards for the States, counties and localities that run these programs. We do that because they are serving our most vulnerable citizens with tens of billions of Federal dollars. The high standards of compliance that we apply to State and local administration of the program can be seen in our payment accuracy and quality control measurement system, one of the most extensive in the Federal Government. This system, however, does not give equal or adequate weight to improper denials of benefits as it does to payment errors to eligible households. And it does not at all address violations of the procedures set out in the statute and regulations. For example, quality control does not deal with a State's failure to operate a proper fair hearing system, with its improper disclosure of households' confidential information, or with its delay in processing applications beyond statutory and regulatory deadlines.

Claimants' litigation has proven the ideal complement to the quality control system. Where a program is being run badly in a locality, or statewide, a court can issue a corrective injunction to require the State to come into compliance with Federal regulations. This is particularly important in cases where the violation may not have resulted in a denial of benefits, such as violations of privacy protections or of the requirement that only State merit systems workers make decisions about households' ability to receive benefits.

Our goal has never been to punish States and so we do not concern ourselves with why the program is out of compliance. We merely seek to ensure that States comply with Federal rules when administering this program. Litigation has proven time and again that it is the ideal vehicle for that. Past Federal appellate decisions from places such as Virginia and Oregon have it exactly right: State and local administrators need to comply fully in every case.

There is no half-way or partial compliance with the programs' rules. We agree with past federal appellate decisions from places such as Virginia and Oregon that state and local administrators must comply with the rules in each and every case. States must deliver benefits consistent with the program's regulations and law to ensure that the most vulnerable and needy are protected and supported as they seek to participate in the program. Litigation has proven time and again that it is the ideal vehicle to enforce compliance where States are only partially meeting program standards.

In other programs, the solution to non-compliance may be reducing or terminating federal funds. That is still possible in these programs, but it cannot be a mainstay of enforcement activities. We learned that withdrawing Federal funding led to worse, not better, program administration, depriving States of the resources they needed to correct their problems at the worse possible time. Accordingly, in the last farm bill we modified quality control to place much less emphasis on reducing funding to states. USDA over the years has similarly felt that withholding funding even for serious violations is often counterproductive.

It should be clear that the long history of congressional approval of litigation by needy individuals supports the continuation of that regulation. The statute's entitlement is closely linked with States' obligation to comply with Federal regulations. Particularly with some States embarking on radical changes in their administration of the program, closing offices and turning key functions over to private contractors, it is crucial that the program's intended low-income beneficiaries have access to courts to test the legality of those changes. Although I would have preferred to have expanded the protections on public administration of the program, as the House bill would have done, our acceptance of the Senate package was a compromise that ensures households' access to the courts to test these States' practices under the current restrictions.

Mr. MCGOVERN. Mr. Speaker, I rise in support of overriding the President's veto of the Food, Conservation, and Energy Act, otherwise known as the Farm Bill. I am pleased to say that, with this vote, we have finally put this legislation behind us.

While I regret the problems that occurred with the formal parchment and the missing Trade Title of the Farm Bill, the time between consideration of the first veto override vote and this one allowed many Members of Congress time to read the floor statements of many of our distinguished colleagues and understand better this large, complex and important piece of legislation. I am particularly grateful that the distinguished Members from California, Mr. BACA and Mr. BERMAN, clarified several particularly important provisions in the Nutrition Title of the bill. I would like to fully associate myself with their remarks. Following those Members' lead, I will not waste my colleagues' time by restating points they previously made on this legislation.

I want to emphasize, however, that if ever there was any doubt about Congress's continued support for the availability of judicial recourse for violations of food assistance statutes and regulations, this legislation makes that support unmistakably clear. The Food Stamp Act long has explicitly recognized the right of prospective applicants, actual applicants, and recipients to go to court to secure compliance with the statute and regulations. No court needs to guess about the view of Congress on this matter.

This new legislation reiterates that Congress will regulate how such litigation takes place. But there can be no question that litigation should, in fact, be permitted to occur if necessary. Such suits historically have not been required to pass any special hurdles of procedure or proof; all that matters is whether the statute, regulations, or state plan has been violated. If such a violation has occurred, the courts can pursue correction in the most efficacious manner, provided that we have limited the availability of retroactive benefits to one year before the problem was or should have been discovered. Rules developed under statutes where congressional intent is unclear have no place under food assistance legislation where we have left no room for doubt about our intentions.

As my colleagues from California made clear, the Food, Conservation, and Energy Act properly rejects two recent cases where courts, no doubt with the best of intentions, strayed from this long-time principle in the Food Stamp Program. This legislation clarifies that states are accountable for the results they achieve, namely a well-run food assistance program, and may be held judicially accountable for that. I trust this will eliminate any doubts other courts might have this score.

As Members are aware, the Farm Bill conferees did not accept a House provision that would have shut down all efforts to expand private contractors' role in administering the Food Stamp Program. Serious concerns have been raised about initiatives in a couple of states. Part of the reasoning was that the statute already contains requirements that state civil servants make all decisions relating to a household's participation in the program. As of yet, the policies of those states have not been tested in court. Without in any way seeking to prejudge what the results of such litigation might be, a judicial ruling on how these practices measure up against existing law would be of great help to us in determining whether that law needs to be modified, whether in the manner the House suggested or otherwise. As I understand there is considerable dissatisfaction with these programs, and I hope that the steps we are taking to clarify households' right to challenge the administration of the program in court will allow those concerns to be raised and addressed without further delay.

The SPEAKER pro tempore. All time for debate having expired, without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 317, nays 109, not voting 8, as follows:

[Roll No. 417]

YEAS—317

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—109

Bachmann
Barrett (SC)
Barton (TX)
Bean
Berman
Biggert
Bilbray
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Goode
Granger
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Inslee
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Nunes
Paul
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (TX)
Smith (WA)
Stearns
Tancredo
Terry
Tiahrt
Tiberi
Wamp
Waxman
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—8

Bishop (UT)
Gilchrest
Harman
Hulshof
Meeks (NY)
Peterson (PA)
Rush
Stark

□ 1557

Mr. REICHERT changed his vote from "yea" to "nay."

Mr. NEUGEBAUER changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1257 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6063.

□ 1558

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, with Ms. CLARKE (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, June 12, 2008, amendment No. 8 printed in House Report 110–707 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–707 on which further proceedings were postponed, in the following order:

Amendment No. 5 by Mr. LAMPSON of Texas.

Amendment No. 10 by Mr. HODES of New Hampshire.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. LAMPSON

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. LAMPSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. LAMPSON:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source: and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 429, noes 1, not voting 8, as follows:

[Roll No. 418]

AYES—429

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

Blumenauer

NOT VOTING—8

Faleomavaega
Gilchrest
Harman
Hulshof
Meeks (NY)
Peterson (PA)
Rush
Stark

□ 1616

Mr. BRADY of Texas changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. HODES

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. HODES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HODES:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. CHRISTA MCAULIFFE SCHOLARSHIP PROGRAM FOR FIELDS RELATED TO THE MISSION OF NASA.

The Administrator shall establish a scholarship program in honor of Christa McAuliffe, who died in the 1986 Challenger Space Shuttle Disaster. The scholarship fund would provide scholarships each year of $10,000 each to three women who are going to college to study in fields related to the mission of NASA, with the goal of seeking careers in space science, aeronautics, and other fields related to NASA.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 3, not voting 12, as follows:

[Roll No. 419]

AYES—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell

Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—3

Broun (GA)
Flake
Paul

NOT VOTING—12

Boehner
Faleomavaega
Foster
Gilchrest
Harman
Hulshof
Issa
Meeks (NY)
Peterson (PA)
Poe
Rush
Stark

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

☐ 1625

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BOSWELL was allowed to speak out of order.)

MOMENT OF SILENCE FOR IOWA FLOOD VICTIMS

Mr. BOSWELL. I think all of you have been watching the news the last few days out in the Midwest and Iowa. This is the Iowa delegation here, of course.

It's been tough, it's been really rugged, and I think you know that, because you've been watching the news. It's devastating to communities to see what's going on when you have a flood. I know last Saturday, for example, all of us have been in and out of the emergency operating centers, and I flew over the district, flew up to Vinton, Iowa, those of you know. I went close to Waterloo and then down to Belle Plaine, around up to Vinton and then down over Iowa City, Cedar Rapids. It was really tough.

When you see a little town where all you see is rooftops, you know that there is a lot of pain there, fields flooded and so on. We are just very appreciative that the people have really bonded together.

I will just say this, and I would guess every one of us could bear testimony. For example, I was talking to some of the folks in one of the emergency operations centers, and after he told me all the things that were going on there, losing their power plant, this, that and many things, I said, how are you feeling?

They said, you know, we're like family. It's bonded us together, and we're going to conquer this. We hope that we could, of course, have some help.

I was reminded of that just yesterday when I was here for a moment of personal privilege, or the 1-minute, as we call it, and was asked to give the Pledge, and so I did. Of course, the part of the pledge that says "one Nation, under God, indivisible," and that word "indivisible" all of a sudden meant so much to me, because we are a great country, and we won't have to face this alone. We know that.

I wanted to appreciate that to all of you. All the damage to businesses and homes and everything else is tough, and that's all up and down the whole way from Wisconsin, Iowa, Indiana or Illinois, Missouri, right on down the river. That whole area is under this. Businesses and homes can be rebuilt, but lives are lost and suffering takes place. Over 20 at this point that we know about.

If I could, Madam Chairman, I would like to ask us to take a moment of silence in memory of those that are suffering at this time.

The Acting CHAIRMAN. Members will rise and observe a moment of silence.

Mr. VAN HOLLEN. Madam Chairman, I rise in strong support of the National Aeronautics and Space Administration Authorization Act of 2008.

The bill supports NASA's missions and goals in space with a $20 billion authorization that, in addition to funding such important programs as the Hubble Space Telescope and the International Space Station, will also enable NASA to inspire a new generation of Americans through its plans for additional manned space exploration.

The bill continues other important NASA programs including its climate research programs which help us understand how solar radiation and human activities are affecting the Earth's climate; the Space Shuttle mission to the International Space Station to deliver the Alpha Magnetic Spectrometer (an instrument that measures cosmic rays and particulate matter in space); NASA's Science Directorate, which studies Earth and the solar system; and NASA's many inspirational educational programs.

The educational programs are of particular importance as current science and engineering workers across the country begin to retire. To help ensure that the U.S. continues to meet the growing demand for scientists, mathematicians and engineers, it is important that Congress supports programs that encourage more young people to pursue careers in the sciences.

I want to especially acknowledge one such program—the NASA Goddard High School Internship Program which has educated and inspired students across this country—including some from my district. The NASA Goddard High School Internship Program is a research intensive program allowing interns to apply science, technology, engineering and mathematics disciplines to "real time" research. The program enables students to work on projects relevant to NASA's goals and then share the results of their research with NASA management, personnel and fellow interns.

I commend NASA for the role it continues to play in helping maintain and strengthen the vitality of science and engineering in the United States and for its ongoing efforts to inspire, educate and engage our young people.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Ms. CLARKE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, pursuant to House Resolution 1257, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1630

MOTION TO RECOMMIT OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GINGREY. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gingrey of Georgia moves to recommit the bill H.R. 6063 to the Committee on Science and Technology with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

In section 1106(a), insert ", and the United States," after "can assist NASA".

In section 1106(b)(1), amend the proposed subsection (b) to read as follows:

"(b) TOPICS.—(1) In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.

"(2) At least one of the prize competitions awarded under this section shall focus on lowering the cost of aviation fuel, and shall give consideration to technologies aimed at converting coal, oil shale, tar sands, and biomass to liquid fuel for aviation uses."

In title XI, strike the section (added by the amendment offered by Mr. Lampson of Texas) regarding section 526 of the Energy Independence and Security Act of 2007, and insert the following new section (and amend the table of contents accordingly):

SEC. 1109. FUEL USE.

The Administrator of NASA (or his designee) may waive the prohibition contained in section 526 of the Energy Independence and Security Act of 2007 (P.L. 110–140) if such a waiver is deemed necessary by the Administrator, in his sole discretion, to further the mission and objectives of NASA.

Mr. GINGREY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, there is no Federal agency that has risen to the challenge of innovation over the last 50 years like NASA. When the Soviets put a man into orbit, NASA put men on the moon. We, as a Nation, are today the fortunate heirs of NASA's legacy: conviction, resolve, and achievement. As a Congress, we owe it to NASA to create an environment that promotes creativity rather than one that prevents innovation.

Unfortunately, I deeply regret this House has not fully empowered the men and women of NASA to meet the challenges of our Nation in the 21st century. Instead of providing it the tools needed to thrive in energy innovation, the Democratic majority chose to handcuff NASA when it enacted section 526 of the Energy Independence and Security Act of 2007.

Section 526 placed an artificial limitation on the ability of Federal agencies, including NASA, to utilize alternative fuel sources for their energy needs; even if they could be safely developed within the United States. These domestic energy sources would reduce the cost of fuel and save the American taxpayers billions of dollars.

While families across the Nation pay higher and higher prices for their own fuel needs at the pump, section 526 ensures that they will also bear the full cost of the Federal Government's fuel needs, no matter how high they may go. That, Mr. Speaker, is an inconvenient truth that even politicians turned documentary filmmakers can understand.

This motion to recommit will provide a waiver for NASA from this misguided provision. It will also foster the American innovative and competitive spirit by putting in place prizes for the private sector to work with domestic sources of energy that are readily available—coal, oil shale, tar sands, and biomass—to develop liquid fuels that will reduce costs.

Mr. Speaker, today nearly a year and a half after Speaker PELOSI promised the American people a "common-sense plan" to bring down gas prices, the price of a gallon of gasoline is $4.08. This marks an increase of $1.75 since the beginning of the 110th Congress, a nearly 75 percent increase since the Democrats took control. Indeed, a Pelosi premium that is wrecking this economy.

Since we are the people's House, one might presume that the Democrats would listen to the American people. However, the 20 percent of Americans who favor suing our way to lower gas prices have trumped the nearly 60 percent of Americans who favor domestic drilling. Perhaps this is motivated out of a deference to the trial lawyers and environmental extremist groups who are, shall we say, "closely tied to the Democratic Caucus."

Mr. Speaker, this same establishment is preventing us today from extracting oil shale in the western United States in which an estimated 1.2 trillion barrels of petroleum is trapped in porous shale rock, of which 70 percent is on public Federal land. That is exactly where it is going to stay, trapped as long as section 526 remains intact.

Whatever action this Congress does take, a repeal of section 526 is in order—or at the very least a waiver, grant a waiver as this motion to recommit proposes—so we do not hinder progress at the very agency that has been on the cutting edge of technology for these last 50 years. But time after time, in the committee rooms of the House, in the Rules Committee and on the floor of this body, my Democratic colleagues have refused to address section 526 in any meaningful way.

And let me point out, Mr. Speaker, the Lampson amendment does virtually nothing. It only allows us to continue importing oil from Canada, our largest source of imported oil because it might contain just a little trace of petroleum that was obtained from tar sands. That's all that does.

If this Congress insists on sacrificing American competitiveness and innovation on the altar of environmental extremism, then it will be one small step for NASA, but one giant leap for Greenpeace.

Mr. Speaker, this is about more than the pain at the pump. It is also about the spirit of discovery and innovation that is the backbone of our great Nation. The decisions we make today will not only impact this generation, but generations to come. We can either provide American engineers and innovators the tools they need to realize limitless opportunities for the American people, or this majority can continue to put up arbitrary roadblocks that stymie their potential.

Now, while I believe that many on the other side have good intentions, I cannot sit idly by while the Democratic Leadership seems to care more about a carbon footprint than an American footprint on Mars. I cannot sit idly by while this Majority continues to say "no" to American entrepreneurship in energy exploration. I cannot sit idly by while this Majority seems content to blame the President or the previous Republican Congress.

Blaming the past while ignoring the future is not leadership; that's not why the American people award Majority status to one party or another.

The American people awarded you the leadership reins to solve the problems our country faces on a daily basis, and nothing is more important than our energy independence. I therefore challenge the Democrats and all of my colleagues to start solving the biggest problem facing our country today, energy independence, by supporting this Motion to Recommit with its instructions to relieve NASA of the shackles of section 526.

Mr. GORDON of Tennessee. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Speaker, for Members who weren't here last Thursday, let me just remind you and recap some of the testimony on this authorization.

This is a bipartisan bill that passed unanimously out of the Science and Technology Committee. It is fiscally responsible. It is a balance between aviation, science research and human exploration; and, quite frankly, it is too important to our Nation, both to our prestige as well as to our future, to jeopardize it trying to score political points.

This amendment was not offered in the subcommittee markup, although there was an enormous amount of collaboration. And it was not even presented to the full committee until less than 24 hours before we voted on it. If this was so important to the Nation, you would think that my friend during the previous 6 years when there was a Republican House, a Republican Senate and a Republican President could have easily passed this. This bill is too important to try to score political points. We need to get something done for the Nation.

Let me just remind you of some of the endorsers of this good bill, and this is a very small listing of so many: Association of American Universities, Aerospace Industry Association, National Association of Manufacturers, U.S. Chamber of Commerce, Universities Space Research Association, Information Technology Association of America, National Business Aviation Association, and General Aviation Manufacturers Association. I can go on and on. This is too good a bill to be killed on this floor today for partisan reason.

I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I urge my colleagues to oppose this motion to recommit. For the last 8 years, our Nation's energy policies have been a fiasco. Gasoline prices are skyrocketing, our dependence on foreign oil is growing, and we are fueling dangerous global warming.

Yet when the Democrats passed even modest reforms that say we need to invest in cleaner fuels, not dirtier ones, the Republican leadership brings forth a motion to repeal them.

This motion would repeal a provision in the energy bill, the Energy Independence and Security Act, that Congress passed last year. In that bill we included a provision that said tax dollars should not be used to purchase new types of fuels that would cause more global warming than conventional gasoline and diesel fuels. This provision was not controversial. It had broad support, and it would be foolhardy to invest our tax dollars in new fuels that would make us face a greater global warming problem.

Now there have been misconceptions about all of this, and that is why I was pleased the House just adopted overwhelmingly the Lampson amendment. Some of the misconceptions about section 526 say that it would affect the oil companies. But, in fact, the oil companies and other energy companies can do what they want with their own money. If they want to invest in dirtier fuels, they can. This just says the taxpayers are not going to be used to subsidize them.

Some people say section 526 would prevent NASA and other agencies from buying generally available fuel that contains small amount of fuel from tar sands. Well that's not accurate, and the Lampson amendment makes it clear that we could continue to import fuel from Canada. And in all of the acres that are not being drilled on now throughout the west, they can be drilled and this section is not keeping them from drilling. They could be drilled if the oil companies wanted to do it.

Section 526 does not prohibit investments in coal-based fuels so long as the fuels would be as clean as conventional gasoline and diesel fuel.

Global warming is real and it is dangerous and threatens our health, our environment, our economy and our national security. We have to stop making things worse before they will get better. That is a philosophy that makes no sense. And what's worse is this motion to recommit would be a motion that says "promptly" and that means that it would kill the legislation by sending the bill back to committee. The bill gives NASA the resources it needs to ensure that those investments are effective. It will enhance NASA's work, and we should not vote for this motion to recommit that would kill the legislation.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, isn't it true that if this motion were to pass, the bill could be recommitted back to the committees from which it came and reported back the next legislative day?

The SPEAKER pro tempore. No. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GINGREY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6063; and the motion to suspend the rules on H. Res. 1002.

The vote was taken by electronic device, and there were—ayes 196, noes 225, not voting 12, as follows:

[Roll No. 420]

AYES—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)

Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—12

Cantor
Gilchrest
Harman
Hulshof
Jackson-Lee (TX)
McMorris Rodgers
Meeks (NY)
Pickering
Poe
Rangel
Rush
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 5 minutes remaining in this vote.

□ 1700

Mr. SPRATT and Ms. HOOLEY changed their vote from "aye" to "no."

Mr. WILSON of Ohio changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PICKERING. Mr. Speaker, on rollcall No. 420, I was unavoidably detained. Had I been present, I would have voted "aye."

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 15, not voting 9, as follows:

[Roll No. 421]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—15

Blunt
Broun (GA)
Cubin
Duncan
Flake
Franks (AZ)
Hoekstra
LoBiondo
McHenry
Myrick
Paul
Petri
Ryan (WI)
Sensenbrenner
Tancredo

NOT VOTING—9

Berman
Gilchrest
Harman
Hulshof
Meeks (NY)
Murtha
Poe
Rush
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there's less than 2 minutes remaining on this vote.

☐ 1711

Mr. CHABOT and Mrs. SCHMIDT changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC RADIO RECOGNITION MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1002, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1002, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 422]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Brown-Waite, Ginny
Carney
Clyburn
Cohen
Ellison
Gilchrest
Harman
Hulshof
Hunter
Kagen
Marshall
McKeon
Meeks (NY)
Murtha
Pence
Poe
Regula
Rush
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1720

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution expressing support for the designation of a 'Public Radio Recognition Month'.".

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6063, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 6063, the Clerk be authorized to correct section numbers, punctuation, cross-references, and make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–719) on the resolution (H. Res. 1281) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to indicate that I was detained off the floor for the Republican motion to recommit on the NASA authorization bill, H.R. 6063. I obviously oppose enthusiastically the waiving of section 526.

Had I been present, I would have voted "no" on the motion to recommit.

GAO DECISION IN AIR FORCE TANKER CONTRACT AWARD

(Mr. DICKS asked and was given permission to address the House for 1 minute.)

Mr. DICKS. Mr. Speaker, I wanted to announce to my colleagues an important decision was reached today. Thank God for the GAO. An injustice was corrected.

The GAO came out today and held on seven different grounds that the Boeing Company's protest should be sustained. This now gives us a chance to win this competition and to keep these jobs in the United States.

I'm from the great State of Washington where the Boeing Company resides and has many workers. I think this was one of the most important decisions by the GAO. I congratulate them for the comprehensiveness, for the professionalism, and I hope that the Air Force will read this decision and also look at the other factors, industrial base, the use of subsidies against the United States by the WTO. All of these issues that were not considered should be considered in this decision.

These are the crown jewels of American technology, these tankers, and they should be built in the United States by an American company.

KEEP MANUFACTURING JOBS IN THE UNITED STATES

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Mr. Speaker, as my colleague from Washington indicated, the Government Accountability Office this afternoon confirmed what many of us thought to be true—the Air Force's process in selecting a contractor to build a new air refueling tanker was badly flawed. The GAO upheld Boeing's protest, concluding that the Air Force "made a number of significant errors." The GAO recommends this contract be re-bid.

This contract was awarded several months ago, and every conversation I have had with Air Force officials raised more questions than were answered. I agree with this independent finding. The Air Force should follow the GAO's recommendation and reopen the bidding.

Awarding this contract to Boeing would create thousands of American jobs. But the bigger question is should we even allow a foreign-subsidized company to bid for U.S. military work? While the GAO rejected the Air Force's process, Congress also needs to address the broader issue of keeping manufacturing jobs in the United States.

I urge the Air Force and Congress to work to make the right choice for American jobs, American taxpayers and the American military men and women.

A GREAT VICTORY TODAY FOR THE AMERICAN WORKFORCE

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. LARSON of Connecticut. Mr. Speaker, I rise to join my distinguished colleagues from Kansas and Washington State. I especially want to applaud the efforts of NORM DICKS and the hard work that he's done not only on the Defense appropriations subcommittee but throughout his career protecting American technology and workforce.

This was a great victory today for the American workforce. So many of our jobs here, the critical mass of highly trained, highly skilled workers that reside here in this country don't know what a great favor was done today by GAO. This is a rare occurrence that this happens.

But the case that was made by Boeing, that was carried out by Mr. DICKS and the committee, was so compelling, and the misdirection and information so badly flawed that Boeing was given, that the GAO overturned that decision.

The Air Force has 60 days to respond, but let us hope that we can come together and follow the leadership of Mr. DICKS and get those tankers built here in this country.

REAUTHORIZATION OF THE COPS PROGRAM

(Mr. WEINER asked and was given permission to address the House for 1 minute.)

Mr. WEINER. Mr. Speaker, the time has come for the United States Senate to free the COPS program. We here in this body, by an overwhelming bipartisan majority, voted to reauthorize the single greatest legislative weapon frankly ever passed by Congress to help reduce crime.

It reauthorized the highly successful COPS program, authorizing the hiring of another 50,000 new cops, authorizing hiring of special terrorism cops for cities like New York that have cops that specialize simply in combating terrorism.

Now, that same bill is held hostage in the Senate, frankly, by my Republican colleagues. The time has come for us to realize that if there has been one program that has been democratic, with a small D, meaning it's had beneficial effects all throughout the country, it's been the COPS program. Whether it's a small sheriff's department or a large police department like New York City, the program has been a success.

We should keep on pushing. There are a lot of things we disagree on, but frankly, this should be one that unifies us. This will give us a chance to modernize this program, get some money into the pipeline in States and localities so that they can go ahead and hire more police officers and continue the successes we have had reducing crime.

□ 1730

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each without prejudice to the resumption of legislative business.

ILLEGAL ALIEN CRIME REPORTING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I would like to bring to the attention of the House the issue of illegal alien crime.

As many of my colleagues are aware, over the past year crimes committed by illegal aliens have been at the forefront of our national media.

In Los Angeles, an illegal alien has been charged with the March 2008 murder of a young athlete and scholar, Jamiel Shaw. Shaw was gunned down outside his home in a senseless act of violence.

In New Jersey, an illegal alien has been charged with the August 2007 execution-style slaying of three New York college students and the shooting of another. This illegal alien suspect was previously granted bail on child rape and aggravated assault charges.

And in my home State of North Carolina, an illegal alien has been charged with second degree murder for driving drunk and killing a 22-year-old man in a car crash over last fall's Thanksgiving holiday.

While crimes like these are occurring all over the country, the public has no way of knowing the extent of the problem. This is because the Federal Government and the States do not report statistical information on criminal alien crimes. It is for this reason I have introduced H.R. 6192, the Illegal Alien Crime Reporting Act.

Last week, I sent a Dear Colleague letter to every Member of the House to inform them of this legislation. The bill would require States to submit in-depth statistics on illegal alien criminal activity in order to receive funding from the Department of Homeland Security. It would also require all Federal agencies to submit data on criminal activity by illegal aliens. And lastly, the bill would require the FBI to compile this information and produce an annual publication similar to its existing Uniform Crime Report with detailed statistics on illegal alien crimes.

Mr. Speaker, nothing is more important than the security of our Nation and the safety of our citizens. I hope that my colleagues will take the time to consider the issue of illegal alien crime and join us as a cosponsor of the Illegal Alien Crime Reporting Act.

ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to express the strong feelings that I and many others have on the 60th anniversary of the State of Israel.

Israel was created by a U.N. resolution 60 years ago. People who have stressed the importance of U.N. resolutions with regard to the Middle East sometimes forget to note that when a U.N. resolution was passed which created the State of Israel in a fairly small part of what had then been Palestine, it evoked violent opposition from almost all of Israel's neighbors. That is, those countries which launched an armed attack aimed at obliterating Israel as it was born, in defiance of a U.N. resolution, do not come with clean hands when they talk now about living up to every U.N. resolution. That's no reason to ignore them, but it is a context that ought to be clear.

There are a number of perspectives that people bring to the existence of Israel and its history. There is one that I want to talk about in particular as a liberal.

By all of the values that motivate me to be in public life, the State of Israel is the only nation in the Middle East today that qualifies as a nation that respects them. Whether it is the principle of nondiscrimination—and some things are very controversial in their own country—the rights of women, free speech, the rights of gay men and lesbians, Israel stands out by a very strong margin over all of its neighbors.

I do want to address some of my friends on the left who are critical of some of the geopolitical aspects of this. It's legitimate to do it. Indeed, if you want to hear criticism of the approach Israel takes towards the peace process or the question of settlements, one of the best places to go is Israel. Because unlike every other Middle East nation, Israel is a place where democracy thrives. Indeed, one of the important lessons the existence of Israel teaches the world is that those who argue that if you have threats to your national security, democracy becomes a luxury, are wrong.

Israel was born under attack. It has lived its entire 60 years to date with the great hostility of its neighbors. It has fought a number of wars. And it is today confronted by many nations, Iran, for example, that profess to be interested in its obliteration. Despite that, it has maintained a strong democracy; governments win and governments lose. And the Israeli High Court has a record, frankly, that in some ways exceeds our own U.S. Supreme Court in vindicating civil liberties.

Now, having said that, I will add that I am critical of some aspects of Israel policy. The point, however, is that that's a right that people have within Israel to exercise those differences that others don't. I thought the recent comments by Secretary Rice that were somewhat critical of what Israel was doing were useful in helping move towards the peace process.

On the other hand, it ought to be clear, and I do believe Israel should continue to maintain its willingness to withdraw from most of the West Bank, I think they should be removing settlements, but it must be remembered, Israel did withdraw from southern Lebanon and it did withdraw from Gaza in the face of a good deal of controversy at home, one under Prime Minister Barak, one under Prime Minister Sharon, of two different parties.

Tragically, in both cases, Israel's voluntary withdrawal was followed by the entrenchment in those two areas of organizations dedicated not simply to territorial change, but to Israel's obliteration, Hezbollah in Lebanon, Hamas in Gaza. And they have used those places from which Israel withdrew as bases for attacks. I understand the emotional reaction that says, "We'll never do that again." I think it would be wrong; I do not think it would be in Israel's best interest. That does not mean they should not be able to defend themselves, of course they should.

But the fundamental point is this: Yes, there are serious issues about how to pursue peace. Nowhere are they more openly debated than within Israel itself, and that is one of the great glories of its 60 years.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ENERGY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the things that happens when you come to the well and you debate somebody, a lot of facts get distorted and they're really not very accurate. So tonight I would like to quote some accurate figures for my colleagues in their offices. And if I were talking to the people of America—I know I can't, but if I were talking to the people of America, I would ask them to listen to these figures as well.

We import 4.3 million barrels of oil a day, that's for gasoline, we import that much per day. We actually use 21.5 million barrels, but we have to import 4.3 million barrels of oil because we only produce about 17.2 million barrels of oil. So we're short 4.3 million barrels of oil a day.

We have an emergency stockpile, but that would only last a short period of time. In April of 2008, the U.S. Geological Survey announced that an estimated 3.65 billion barrels of oil and 1.85 trillion cubic feet of untapped natural gas exists in Montana and North Dakota. If we could go after those reserves, we could start reducing the price of gas at the pump and energy for people all across this country.

In the ANWR, it holds the single largest deposit of oil in the entire United States. It's 10.4 billion barrels of oil, and it's more than double the proven reserves in the entire State of Texas. And according to the Department of Interior, there is an estimated 8.5 billion barrels of known oil reserves and 29.3 trillion cubic feet of known natural gas reserves along our coastlines, with 82 percent of the oil and 95 percent of the gas located in the Gulf of Mexico.

Now, a lot of my colleagues have said, well, my gosh, the oil companies can go ahead and drill off the coast on the Continental Shelf. Well, let me just talk about that for a minute. Only 3 percent of the Continental Shelf has been given to the oil companies in the way of permits, and those permits run 5 to 10 years. Now, during that period of time they have to decide, with seismic tests, whether or not there's oil down there. If they think there's some oil down there, they drill a test well. And if they drill the test well and it doesn't show enough oil to make a profit, then they don't go ahead with it.

So most of these things that they have there right now are not being explored because there is not enough oil to make a profit. Those permits are not allowing them to make a profit, so they're not building those derricks. Those oil derricks cost as much as $2 billion. Now, if you're going to invest $2 billion in an oil derrick, you want to make darn sure that there's oil down there. And only 3 percent of our Continental Shelf is being used, 97 percent is not being used. And we could explore for oil all along that coastline, but we aren't able to because of the rigorous position that this Congress has put the oil companies in. And I'm not saying that the oil companies are totally free of any blame. You know, they have made an awful lot of profit. And my colleagues want to tax them on the windfall profits that they have been getting. If that's what they want to do, that's fine, but that's not going to give us one more drop of oil. The only way we can get one more drop of oil is to drill for it.

The Department of the Interior estimates that there are untapped resources of about 86 billion barrels in the Gulf of Mexico and 420 trillion cubic feet of natural gas in the Gulf of Mexico.

As I said, on the Outer Continental Shelf they have 1.76 billion acres of untapped resources and not leased on the Continental Shelf. And since the 1980s, the United States has prohibited oil and gas drilling on most of the Outer Continental Shelf, except for a limited area in the western Gulf of Mexico.

We could be energy independent if we just looked at our own resources. Approximately 121 companies own the rights of the Continental Shelf, but they lease only 3 percent of the Continental Shelf. And about 15 percent of the U.S. natural gas production and 27 percent of our oil production comes from that area.

They invest billions of dollars to acquire and maintain their leases, and unless there is oil down there that they find from seismic tests or a test well, they're certainly not going to build a $2 billion oil derrick unless they can make a profit.

I would just like to say to my colleagues, the problem is that we're buying oil from the rest of the world; we're importing oil from the rest of the world. We're dependent on them. And the appetite for energy is growing very, very rapidly: China wants more oil; Taiwan wants more oil; countries all across the world that are expanding want more oil. So we're in competition with them for oil. We could be energy independent and not have to lean on countries like Saudi Arabia or Venezuela, but we aren't doing it, we continue to import.

One of my colleagues tonight said, you know, we want to clean up the environment. Well, if we import gas and oil, you think that's not going into the atmosphere? Why should we import Saudi oil when we can get our own? If we want to clean up the environment, we can do that the same way.

Whether or not we import the oil or use our own oil, it makes no sense not to drill. We could bring down the price of gasoline and energy in this country very rapidly if we announced tomorrow that we were going to start drilling in the United States of America.

Let me talk about one other thing that is very important. In 1981, we had 324 oil refineries in this country; today we have 148. We haven't built a new refinery in 30 years. And that's one of the problems, you've got to get the oil to market. You've got to produce gasoline and other energy products from the oil, and you have to have refineries to do that. And we haven't built a new refinery in over 30 years. And we had the refineries that we did have cut by more than 50 percent.

This country ought to move toward clean energy, but in the process we should make sure that we use our reserves to create gasoline here in America and not have to import all that oil. We ought to be drilling. We could be energy independent if we really wanted to.

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AMERICAN PRINTING HOUSE FOR THE BLIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Mr. Speaker, 150 years ago, the American Printing House of the Blind opened its doors in my home district of Louisville, Kentucky, to make educational materials accessing to blind students. That day in 1858 stands as a milestone, not just for the education of the vision impaired but for the improved education of our community as a whole and the history of learning in the United States of America.

Prior to the early 19th century, it was generally presumed that, with rare exceptions, people who were blind simply didn't have the capacity to learn. Through experimentation and repeated success, it became clear that the blind were failing to learn, not for lack of intellectual capacity, but because information was not presented to them in a manner that they could perceive. Once information was presented in appropriate ways, primarily through touch and sound, blind students began to achieve.

In the 1830s, residential schools for the blind began to open across the U.S., and eventually almost every State established a school specifically designed to meet the needs of students who were blind and visually impaired. In those early years, each school produced the tactile educational materials that its own students needed. In 1842, Kentucky joined the ranks of these States when Louisville's Kentucky Institution For the Education of the Blind began making tactile materials for its students in a basement facility.

It didn't take long for schools producing these highly specialized materials to realize they were duplicating effort and wasting valuable resources. The idea of developing a national publishing house for accessible materials for people who were blind and visually impaired took hold. Since the facility in Louisville, Kentucky, was centrally located among the existing schools for the blind and had developed an effective distribution system utilizing the Ohio River, our community was selected as the site for the American Printing House of the Blind, which was chartered by the Kentucky legislature on January 23, 1858.

Because the expensive process of printing educational materials in raised letters for a small percentage of the population was not commercially viable, Federal funding was sought to assure a permanent source of revenue to support this important work. In 1879, the 45th Congress of the United States passed, and President Rutherford B. Hayes signed into law, the Act to Promote the Education of the Blind, designating APH as the official source of textbooks and other educational aids for legally blind students below college level.

Since that time, APH has provided adaptive and specially designed educational materials, including textbooks in Braille and large type, tangible teaching devices, educational tests, and special instructional aids and tools essential for the education of students who are blind and visually impaired. As identified needs require, APH utilizes outside expertise by establishing innovative partnerships with publishers of textbooks and testing materials, commercial manufacturers, universities and many other industries.

We in Congress have continued to appropriate funding for APH each year since 1879. As a result, this national, non-profit corporation now serves over 58,000 students into every U.S. State, providing the visually impaired the tools they need to they need to learn and excel.

In addition to textbooks and other academic materials, APH manufacturers and adapts daily living tools and materials. Talking computer software provides access to the wealth of information available via the Internet, and electronic mobility devices assist with safe travel from one place to another. APH has developed tools that help people with low vision learn to utilize the limited vision they have more efficiently, and new technologies are delivering reading materials electronically.

The technology and treatment are impressive, but here is what stands out. In the 1800s, a child born blind had no future. Losing one's sight ended independence and ambition. Today, that is not the case. Sight is no longer a prerequisite for leading a productive, independent and fulfilling life. And that is thanks in large part to APH. For tens of thousands of men and women without sight, APH has provided the keys to live, learn and thrive.

People who are blind now work in our communities. Children who are blind pursue the same dreams as children with sight. And mothers who are blind read stories to their kids before putting them to bed.

As we celebrate the 150th anniversary of the founding of the American Printing House for the Blind, we also recognize the wisdom of the 45th Congress for their initial investment in educational opportunities for our Nation's blind and visually impaired students back in 1879, and I trust that my colleagues and those who follow will continue to support the successful precedent they set.

THE U.S.-COLOMBIA TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER of Illinois. Mr. Speaker, I stand to once again raise my concern and, frankly, disappointment by the decision of the majority party in this House to turn its back on America's best friend in Latin America. Ladies and gentlemen, the oldest democracy in South America is the Republic of Colombia. Colombia is a thriving democracy, a nation of 42 million citizens, the second largest Spanish-speaking nation in the world. And in Latin America, everyone recognizes the Uribe Government, the democratically elected Government of Colombia, as America's most reliable partner and America's best friend. And this House, with the Democratic majority voting almost unanimously, voted to turn its back on Colombia, America's best friend.

It is kind of interesting. Look at the progress that has been made in Colombia. President Uribe was elected by the people of Colombia to put an end to a longstanding civil war where narcotrafficking, leftist guerrillas, known as the FARC, ELN and right-wing narcotrafficking paramilitaries known as the Paras, all three of those terrorist groups have attacked the democratically elected government and destabilized the democratically elected government. And President Uribe was elected to put an end to that conflict. And he has made tremendous progress.

In fact, thousands upon thousands of paramilitaries have laid down their arms and agreed to honor the peace process and integrate back into society. Unfortunately, the FARC, which has ties to the government of Hugo Chavez of Venezuela, continues to fight. But the government of President Uribe has made tremendous progress pushing the FARC into the far reaches of the country. And today, villages that have never seen the presence of a national government, certainly not in decades, today enjoy the security provided by the government of President Uribe, tremendous progress.

In fact, violence has dropped so much, cities such as Medellin, which was once known as one of the most dangerous places on the planet, today is safer than the city of Baltimore. In fact, the murder rate of Baltimore is higher than Medellin, Colombia. So it is safer to walk the streets of Medellin than it is to walk the streets of Baltimore. And we want to commend the Uribe Government, the democratically elected Government of Colombia for the progress they have made.

We have an opportunity with the trade promotion agreement to further cement our ties with our best friend, an agreement that is good for American workers. It is good for American manufacturers. It is good for American farmers. Right now Colombian products enter the United States essentially duty-free. Their agricultural products and their manufactured goods come in without any tariffs. But U.S.-made products such as bulldozers that are made in the district I represent, if they are exported to Colombia, they face tariffs of 10 to 12 percent. Some of our agricultural commodities such as corn face tariffs of 45 percent.

Clearly, those tariff barriers, those taxes, make U.S. products less competitive with Argentine corn or Asian competition for construction equipment. And I would note since this trade promotion agreement was signed between the United States and Colombia, over $1 billion U.S. in tariffs have been imposed upon American goods, manufactured goods and agricultural products that have been exported to Colombia. And we are waiting to ratify this agreement which would eliminate those tariffs and make U.S. products more competitive.

The bottom line is the trade promotion agreement is good for American workers. It is good for American farmers. It is good for American manufacturers. In fact, the agricultural community will tell you that the U.S.-Colombia Trade Promotion Agreement is the best agreement in our Nation's history with any other nation when it comes to access to products grown in the United States and exported to Colombia. The bottom line is it is a good agreement.

Now my friends on the other side of the aisle, the Democrats, say, well, Colombia hasn't done enough. We need to make them do more. There is still some violence there. And until they eliminated it all, well, gee. Well, the bottom line is that Medellin, which was once the murder capital of the world, is now safer than the city of Baltimore. And some people who oppose this agreement say, well, there has been some labor leaders who have experienced violence. But look at the history they have. But as the Washington Post just pointed out, it is safer to be a labor leader in Colombia than it is to be a regular citizen. In fact, the murder rate of labor leaders is lower than the average murder rate of any other citizen in Colombia. Again, President Uribe has made progress.

Let's honor our Nation's best friend in Latin America. Let's honor our most reliable partner. Let's bring to this floor the U.S.-Colombia Trade Promotion Agreement. Let's bring it up for a vote, because we know it will pass. Let's get it ratified and move forward so we can grow our economy.

VACATING ORDERING OF YEAS AND NAYS ON H. RES. 1247 AND H. CON. RES. 350

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated on House Resolution 1247 and House Concurrent Resolution 350 to the end that the Chair put the questions de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on certain motions to suspend the rules previously postponed.

COMMENDING THE ORANGE COUNTY WATER DISTRICT ON ITS 75TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1199.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1199.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

AN INFORMED CITIZENRY IS THE CORNERSTONE OF AMERICAN DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, an informed citizenry is one of the cornerstones of our American democracy. In order to make the right decisions about our country's policies, Americans must know the facts. That is why every member of the administration and every Member of Congress has the duty to be honest and open with all of us. This is especially true when it comes to decisions about war and about peace, because the lives of our soldiers are actually on the line.

But recent events have reminded us that when it comes to Iraq, we have not always had the information that we need. Earlier this month, the Senate Intelligence Committee issued a bipartisan report on Iraq that actually proved this. It showed that before the invasion began, the American people were told that there was a strong connection between Iraq and terrorist groups like al Qaeda. But the committee found that there was no conclusive intelligence to support such a claim.

Also, the American people have recently had the chance to read the book by a former White House press secretary who acknowledges that propaganda was used to sell the American people on supporting the invasion of Iraq.

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And this House, this House of Representatives, is pretty familiar with the Pentagon's spin operation to get retired military officers to give us a rose-colored view about the situation in Iraq. The House has voted to stop the Pentagon from continuing such a program, and the Pentagon is expected to respect that ban.

Mr. Speaker, the American people deserve better. They need to have a true and accurate picture about what is currently happening in Iraq. That's why every Member of this House should be demanding that the administration give Congress the facts about its current status-of-forces negotiations with the Iraqi Government. I have repeatedly demanded that the administration share this information with Congress, including the establishment of permanent bases, because there was an alarming report in the press that the United States may actually be planning nearly 60 permanent bases in Iraq, this happening after the House has voted multiple times to prohibit permanent bases in Iraq.

Over the weekend, senior Iraqi leaders called for a complete exit of all U.S. troops, and they called for this at the expiration of the current U.N. mandate which comes this fall. Imagine their opinion of the United States' permanent bases in their country. Sixty permanent bases are absolutely unacceptable. One permanent base is unacceptable.

This House has voted many times, as I said, against the establishment of permanent bases, and the administration should not try to get around that by making fine, legalistic points about what constitutes a "permanent base." In fact, we must apply the duck test. If it looks like a permanent base, if it walks like a permanent base, it is a permanent base.

Because the economy has replaced Iraq as the top news story of the day, some may be lured into thinking that nothing very important is happening in Iraq these days. Well, one important statistic is, if it has not happened today, we are about to report 5,000 of our troops dead, but nothing could be further from the truth about not being important.

While we aren't paying attention, the administration is negotiating status-of-forces negotiations that could make our country a foreign occupying power in the Middle East for years or for even decades to come. What a grave mistake that would be keeping our troops in harm's way and continuing the best recruiting tool that the terrorists could ask for.

Instead of planning for a permanent occupation, the United States needs to follow a very different path. We should redeploy our troops and military contracts. We should give the Iraqi people back their sovereignty. We should help them rebuild their shattered country. We should work with the international community to bring peace and stability to the region.

Mr. Speaker, Congress must demand to know what is being negotiated in the name of the American people. What deals are being cut? What is going on behind closed doors? What exactly is the administration demanding and why? It is time for the American people to have the facts, and it is time to safely and responsibly bring our troops and independent contractors home and to give Iraq back to the Iraqi people.

SUNSET MEMORIAL

The SPEAKER pro tempore (Ms. CASTOR). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 18, 2008 in the land of the free and the home of the brave, and before the sun sets today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,931 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems so sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,931 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 18, 2008, 12,931 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

THE PURSUIT OF OIL: ITS ECONOMIC AND NATIONAL SECURITY RAMIFICATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Madam Speaker, the other day, I went to fill up my car with gasoline, and the price tag was a little over $75. I gulped because, of course, it's always a shock, and it has been for the last several months every time I've filled up my car, and I know it has been for most persons.

Most Americans, I'm sure, do not consider this to be just the price of doing business and having to go to work. "Okay. No problem. I'll just do this and not complain." But, you know, I thought about it, and there are so many people to thank for this situation we're in that I'm paying $75 to fill up my car, and it's probably going to get worse by the way. We all recognize that. I was wondering who to thank for this situation, who to thank every single time I go into the gas station. Who is really responsible? Of course, I think, for every single American, every time they go in to get their gas and every time they look at that pump and have it say something startling back at them like $75 or more, of course, thank your local environmentalist first. Start off there because, of course, it has been years since we've had the kind of control that they've exercised over especially the Democratic Party. As a result of that control that they exercise and the power that they bring to bear, we have been unable to drill for oil in the United States, off of our coasts or in ANWR.

So thank them first of all.

Then, of course, you could also thank your Democrat Congressman or Senator, if you have one, because, for years now, they've been able to avoid either allowing us to drill for oil in the places where we have oil in this country or, in fact, in the last few months, they've been able to even block any sort of vote on it whatsoever for fear, of course, that they would have to explain such a vote to their constituents.

So there are people who we can thank for $75 when you go and fill up your car at the gas station. I just hope every single time this happens to every single American and that, every time they go in and put the credit card in the reader and see that money deducted, they remember who to thank.

Also, they should remember this: That it's not just this economic issue. It's not just what it's going to take out of their pocketbooks—mine included—that is causing great pain and consternation. It's also the fact that this is a national security issue. It's not just an economic issue. People are going to have to recognize that we are in a situation, in an international situation, where we are funding our own opponents. The people who want to do us harm are being funded to the tune of billions of dollars a day, every single day, in order to accomplish their goal to eradicate the United States of America from the face of the Earth.

Ten years ago, Osama bin Laden said a strange thing. Well, he says many strange things, but this was a particularly odd statement. He said that he wanted to see $144-a-barrel oil. Now, this was 10 years ago. Of course, oil was nowhere near this price, and everybody looked at that statement and thought it was peculiar to say the least, but he said that's what he believed it would have to be in order for the West to pay the price that he believed was deserving by all the Muslims in the world who have had their oil stolen from them over the years.

The point is he used oil. He talked about oil as being a tactical part of the war against the West.

Well, who would have thought we'd be right at that $140-a-barrel mark within the 10-year period of time that he projected? Who would have thought that that was possible?

It also is an indication, as I say, of the fact that we are facing a much bigger problem than just the economic burden. It is imperative that we strip oil of its strategic value. Not only are billions of dollars flowing outside of the United States into countries that are enemies of the United States', but in fact, those dollars do come back to the United States often in terms of investments that are made by countries through things we call sovereign wealth funds. These are funds that are controlled by governments. There is $3 trillion, we believe, that is controlled by sovereign wealth funds that are primarily in the Middle East or in countries, again, that are opponents of the United States'. $3 trillion.

With that money, a lot of things can happen. You could probably even affect, to a certain extent, the futures markets, but you could also, certainly, buy up a lot of stock in a lot of companies. Well, to a certain extent, that's good. That's healthy. I'm not going to argue with the fact that we're getting investment back out of some of those dollars, but some of those dollars go into companies that have very important information available to them that are part of the technological base we have in the United States that we rely upon to keep us one step ahead of the game. Although we try our best to make sure that significant technological advances in strategic areas are not available to countries outside the United States, when you own a lot of stock in those companies, believe me, you have access to a lot of information, and they are making use of it.

So there are ramifications to this outflow of dollars in the pursuit of oil, and there are a lot of things we have to do. Yes, build wind towers. Absolutely. Any kind of alternative fuel you want to talk about and pursue is find with me, but when it comes down to it, we have to drill. All of those other things will not solve our problem and certainly not in the time frame that will allow us to breathe easier with the thought that the enemies of the United States' are not actually being enriched by our own need for their oil. We have it. It's abundant. There are trillions of barrels of oil just in the Colorado-Wyoming plateau that are locked up in shale now, but there is technology available that will allow us to extract it.

There are all kinds of things that we can do if only the government will get out of the way and allow it to be done. That is what is required. Let's do it as soon as possible.

VACATING ORDERING OF YEAS AND NAYS ON H. RES. 1199

Ms. GIFFORDS. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays on House Resolution 1199 be vacated to the end that the Chair put the question de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

RESPONSIBLY RESPONDING TO GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Arizona (Ms. GIFFORDS) is recognized for 5 minutes.

Ms. GIFFORDS. Madam Speaker, rapidly rising gas prices are a serious concern in my home district of southern Arizona. It's a serious concern across the Nation, but I think it's important that we recognize that today's prices are the result of policies that have been put in place for many years and, in fact, for many decades. There are responsible actions that we can take now to address the problem. Drilling in the Arctic National Wildlife Refuge, also known as ANWR, is not one of them. In recent weeks, some of my colleagues have called for opening up the areas off of coastlines and in ANWR to drilling.

Current Federal law prevents drilling in these specific areas. Claims that opening these areas would increase drilling, would increase supplies, would bring down the prices have been made all across the House here. They would have us believe that there is nowhere else to drill in the United States except in the areas that are currently off limits to drilling. They claim that we need to increase domestic supply, and if we want to do that, our only option is to open up these incredibly sensitive environmental areas.

This information, Madam Speaker, is blatantly wrong. The oil industry has not tapped all of its drilling options. It holds leases for drilling on lands that have not yet been utilized. In the last 4 years, the Bureau of Land Management has issued over 28,000 permits to drill on public land. However, at the same time, they have only opened up or have actually drilled on fewer than 19,000. So that means that companies are effectively stockpiling 10,000 drilling permits not currently being used to increase domestic oil production for our Nation.

Of the over 47 million acres of onshore Federal lands currently leased by oil and gas companies, only about 13 million acres are currently in production. Now, the trend offshore is similar where 44 million acres are currently leased but where only 10.5 million acres are actually currently in production. Counting onshore and offshore leases, oil and gas companies hold drilling rights to almost 68 million acres of Federal land and waters that the oil companies are not drilling on.

Based on today's production rates on Federal lands and waters, we can estimate the result if oil and gas companies were to tap all 68 million leased but currently unused acres. Our country could produce an additional 4.8 million barrels of oil and 44.7 billion cubic feet of natural gas every single day. That would nearly double the total U.S. oil production and increase natural gas production by 75 percent. It would also cut U.S. oil imports by more than a third.

Finally, that amount is more than six times the estimated maximum daily production from the Arctic National Wildlife Refuge. Six times. Calling for drilling in ANWR, I believe, is an attempt to hide years of poor energy policies that showed more support and more sympathy for the big oil and gas companies than for hardworking Americans.

□ 1815

We do have serious energy challenges in our country, and I agree that increasing domestic supply should be part of the solution. We do not, however, have to drill in some of the most pristine and environmentally sensitive areas in America to solve this challenge.

We have millions of acres of resources available to us right now, and we must insist that they get used. That's why I am joining with many of my colleagues to promote practical policies to solve the gas crisis.

Two responsible and reasonable bills that have been introduced offer some solutions. The first is H.R. 6251, the Responsible Federal Oil and Gas Lease Act. It's a bill that would force the oil and gas companies to either produce on their Federal leases or give them up.

The second bill is H.R. 6256, the Responsible Ownership of Public Lands Act. This is a bill which will help lower gas prices by compelling the oil companies to begin producing oil and gas on public lands that they are currently holding but not using. It will also use an escalating fee on land that oil companies have leased but are not using for production. Both of these bills would provide some strong incentives for the oil companies to stop stockpiling these leases and begin using them.

We would also help reduce the demand of oil and gas by investing in a new energy economy, revenue raised by these fees will be invested in renewable energy and energy efficiency programs to help reduce our dependency on oil. So while we continue to develop renewable energy solutions like solar energy, we have to continue to power our economy today.

That means yes, we will need gas, we will need oil, but we will need them at an affordable price. We must require that the oil and gas companies use the Federal resources that have already been given to them. By increasing domestic production on leases they already hold, they can lower prices at the pump.

That's why I support H.R. 6251, H.R. 6256, and I urge my colleagues on both sides of the aisle to join me in backing these intelligent proposals.

RESEARCH BEFORE DRILLING

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Madam Speaker, let me just say to the young lady who just spoke in the well, the new Representative, that if you are going to drill you have to have a geological study done that shows that there is oil there. Those leases are 5 to 10 years, and if there is no oil there, they are not going to put up a derrick.

On the Continental Shelf, they have to do seismic studies to make sure there is oil down there. If they think there is oil down there, they drill a test well. If there is not enough oil down there, they are not going to build a $2 billion derrick. Those platforms cost as much as $2 billion.

Unless it's profitable, they are not going to drill there. They have to drill where they know there is oil. That's why we need to expand beyond the 3 percent of the Continental Shelf we are talking about and get the other 97 percent involved. If we did that and they got those leases, we could become energy independent.

Drilling in the ANWR, which is the size of Dulles Airport, is not ecologically dangerous. We should go ahead and drill there and get the oil. We could get 1 to 2 million barrels of oil a day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

HONORING THE 75TH ANNIVERSARY OF THE ORANGE COUNTY WATER DISTRICT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1199.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1199.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF FLAG DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1219.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1219.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

JOHN P. GALLAGHER POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6150.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6150.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GERALD R. FORD POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6085.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and pass the bill, H.R. 6085.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING JUNETEENTH INDEPENDENCE DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1237.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. HIGGINS) that the House suspend the rules and agree to the resolution, H. Res. 1237.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF AMERICAN EAGLE DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1247, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1247, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT THE UNITED STATES SHOULD END COMMERCIAL WHALING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 350.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. DELAHUNT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 350.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FORECLOSURE PROBLEMS AND SOLUTIONS: FEDERAL, STATE, AND LOCAL EFFORTS TO ADDRESS THE FORECLOSURE CRISIS IN OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, yesterday the Housing and Community Opportunity Subcommittee of Financial Services held a major hearing in the City of Cleveland, Ohio. The subject was the foreclosure crisis facing the American people.

I want to thank Congresswoman MAXINE WATERS of Los Angeles, California, who did such a phenomenal job, all the Members who attended and certainly Chairman FRANK, the chairman of the full committee, for allowing this proceeding to occur outside of Washington.

Cleveland, without a doubt, is ground zero in the mortgage foreclosure crisis facing Ohio. Although every quadrant of our State is suffering from rising foreclosures, the crisis is most acute in Cuyahoga County where nearly 15,000 new foreclosures occurred in 2007, a 350 percent increase compared to 10 years ago. Over 85,000 Ohioans have faced foreclosure, and we expect those numbers to increase as we look across our country and see homeowners nationwide just in the next 2 years lose nearly $356 billion on their property values with no end in sight. Some estimate the crisis will cost our country over $1 trillion.

Almost 9 million homeowners now owe more on their mortgage than their home is worth, the largest share since the Great Depression. If we really look at what has been happening, for the first time since World War II in the critical home mortgage sector, our largest form of an average family's net savings, net home equity is now negative. That is below 50 percent. As a whole, Americans owe more on their homes than they are worth.

This enormous loss of wealth affects not just homeowners but our Nation as a whole. We are a net debtor country, both publicly and privately. There have been inferences of a taxpayer bailout to prevent the financial collapse of major Wall Street banks and brokerages such as Bear Stearns, and Merrill Lynch and Lehman Brothers are waiting in the wings, probably, for life support there too.

Most often, when a homeowner can't make ends meet, they lose their home. But when a giant firm like Bear Stearns can't make ends meet, the Chairman of the Federal Reserve and the Secretary of the U.S. Treasury get involved and billions of dollars of capital, much of it now from foreign places like Abu Dhabi, are found to fill the gap.

Mergers of banks are approved expeditiously and, just in case, the Federal Reserve opens its New York window with our taxpayers becoming the insurance company of last resort, pledging the full faith and credit of the United States to the big banks, and now, for the first time in history, to brokerages, to investment firms. Will ordinary homeowners in our Nation ever be afforded equal attention by both the Federal Reserve and the Treasury?

It does not appear to be so with the rate of foreclosures and bankruptcies rising every month. There remains much Congress does not know about what got us here. An old professor of mine at the Harvard Business School used to say, "If you want to know the way the world operates, follow the cash."

Yet Congress has not really followed the cash. It has not investigated the paper trails of firms, brokerages, regulatory boards, government bodies and key individuals who initiated and carried out these risky subprime and internationalized security practices. An equity washout of this magnitude does not happen by spontaneous combustion. It was willed to happen.

Specific people in specific places set the pieces in place to allow it to proceed. Many have been handsomely rewarded. America needs to know who they were and are.

It is incumbent that Congress authorize a full independent investigation of the tools of the roots of this crisis that trace back to the unstable period following the savings and loan crisis in the late 1980s. The development of the internationalized mortgage security instrument itself deserves more attention.

In effect, it became a clever and high-risk credit device, with little transparency, that acted like a bank. It created money, or at least the illusion of it, in a Ponzi-like scheme. It did so without the normal regulatory restraints of full accounting and proper examination.

How could the regulators have let that happen? America should know the individuals and organizations that allowed these risky instruments and practices to proceed.

One of the first institutions to embark on subprime lending was Superior Bank of Hinsdale, Illinois. That bank had a return on assets 7½ times the industry average, a CAMEL rating of only 2. Yet its executives were financially rewarded for presiding over ruin.

Where was the Office of Thrift Supervision?

I am going to place in the RECORD many questions the American people need to know answers to in order to figure out who is responsible for this crisis and to prevent further raids on the private savings of the American people.

□ 1830

INTERDICTION OF ILLEGAL DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Madam Speaker, as chairman of the Subcommittee on the Coast Guard and Maritime Transportation and co-founder and chairman of the Congressional Caucus on Drug Policy, I rise today to commend the United States Coast Guard and the United States Navy for their ongoing efforts to combat the flow of illegal drugs into the United States.

On Monday of this week a Coast Guard C–130 aircraft using long-range surveillance technology identified a self-propelled semi-submersible in the Eastern Pacific suspected of carrying illegal drugs.

The U.S. frigate McInerney, which has been on a counternarcotics patrol effort since April and whose personnel include a Coast Guard law enforcement detachment—attempted to intercept the submersible.

Unfortunately, before U.S. authorities could arrive at the submersible, its crew had sunk it. However, the Coast Guard reports that all four individuals who had been on board the submersible were rescued from the water, and one of them subsequently confessed that he and the other individuals were using the submersible in an effort to smuggle between five and seven tons of cocaine.

In 2007, the Coast Guard removed 355,000 pounds of cocaine with an estimated street value of more than $4.7 billion from circulation. This, Madam Speaker, was a stunning new record of drug seizures by the Coast Guard in a single year, and it included the seizure in August of last year of a semi-submersible vessel loaded with cocaine estimated to be worth some $350 million.

I commemorated these achievements in December of 2007 with an event in my district in Baltimore, a city that knows all too well the scourge that illegal drug abuse creates in a community. Put simply, every ounce of cocaine seized at sea is an ounce that cannot reach our Nation's streets and that cannot destroy a life.

It is estimated that in my own hometown of Baltimore, 60,000 of city's 650,000 residents are currently drug dependent, mostly abusing heroin and cocaine. In 1996, Baltimore had the highest rate of drug-related ER visits in the Nation, and AIDS became the leading cause of death among African-American men and the second leading cause of death among African-American women.

However, in 2006 The Washington Post reported that the number of drug overdose deaths in Baltimore had fallen to the lowest level in some 10 years. These drops have been made possible by ongoing efforts at the Federal level, and all levels of government, to interdict drugs and to provide treatment to enable drug users to overcome their addictions.

Unfortunately, the use of submersible vehicles to smuggle drugs is increasing and represents the ongoing efforts of drug runners to develop new smuggling techniques that can enable them to evade detection.

On April 24, 2008, the House adopted the Coast Guard Authorization Act, H.R. 2830, by a vote of 395–7. This act includes a provision adopted as an amendment during floor consideration that would make it a crime to operate a submersible vehicle for the purposes of trafficking drugs.

This act awaits consideration by the Senate which I hope will move quickly to pass this legislation to strengthen the Coast Guard and to respond to the emerging threats we face, including new methods of drug smuggling.

I again commend the United States Coast Guard and the United States Navy, and especially the crew of the McInerney, for their tireless efforts to stem the flow of illegal drugs into our Nation.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–126)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2008.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 18, 2008.*

AMERICAN ENERGY NEEDS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Madam Speaker, it is great to be back tonight to address some of the concerns that most Americans have today, and that is the cost of energy.

Let me start out by saying that I have gotten numerous calls and e-mails concerning the price that the average American is paying for gas today. As most Americans realize, gas is up over $4 a gallon. When the 110th Congress started and the new majority took over, after telling the American people that they had a commonsense plan to bring down the skyrocketing price of gas, and keep in mind at the time it was about $2.20 a gallon, we have seen the price of gas go up to $4.05 now.

I have had many people call and ask me if I had signed the petition on several Internet sites, such as AmericanSolutions.com and some other sites that were out there where the American people could go and sign a petition telling us, Madam Speaker, Members of Congress, that they wanted us to drill now, drill here, and bring down the price of gas.

And so as I was thinking about that, I thought, you know, we are hearing from our constituents about they want us to do something, to take action, to bring down the price of gas because that's what we do in this Congress, Madam Speaker, is we are here to help the American people, and especially with their pocketbook.

So as I got to thinking about that, I said you know we all hear from our constituents, but sometimes our constituents don't know how we really feel because a lot of times these issues are not brought to the floor, or when they are brought to the floor they are so convoluted and so hard to understand that someone could go home and answer their constituency as to why they voted for a bill or why they voted against a bill because you could probably take either side on any piece of legislation that is passed in this body. I said I need to come up with the simplest thing that I can to make sure that the American people understand and there can't be any wiggle room from their Member of Congress where they stand on bringing down energy prices.

And so I came up with this petition. What this petition says is "American energy solutions for lower gas prices. Bring onshore oil online. Bring deepwater oil online. Bring new refineries online." We have not opened a refinery in this country since the late 1970s.

So what I did, this is the petition we have had on the floor all today for Members to sign. What it says is very simple; very, very, simple, "I will vote to increase U.S. oil production to lower gas prices for Americans." That's about as simple as it gets. It's not politics. It's not gotcha politics, it is the kind of change that I think the American people want, honesty and common sense. Honesty and common sense.

So today we have had a total to date of 126 people out of 435 sign this petition. So 126 out of the 435, and I hope that it will continue. But I hope, Madam Speaker, that people understand that they can go to House.gov/Westmoreland and find out if their Congressman has signed the petition or not. And if not, you might want to ask them why because the thing is pretty clear. It just says "I will vote to increase U.S. oil production to lower gas prices for Americans."

That's about as simple as it gets. So we are proud to have this petition and we are proud of the American people, Madam Speaker, for going to these Web sites to sign these petitions to let us know how you feel about paying these outlandish gas prices at the pump.

What I want to do is make sure that the American people know how their Congressman feels about the pain they are suffering at the pump.

I yield to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me just say that some Members of Congress do more work than others, and I want to congratulate you on taking the time and making the effort to get Members on record as to how they feel about drilling for oil and natural gas to get our energy prices down and get the price of gasoline at the pump down. You are to be congratulated. I watched you on television the other night, and I just wish you had more time to get into more of the details because what you say on the floor ought to be heard by people all across this country.

I took a 5-minute special order before this one, and I didn't get a chance to go into some of the issues in depth that the American people ought to know about because they hear so much on both sides of the aisle. On that side of the aisle they say, oh, my gosh, the oil companies have so many leases, they ought to drill on those leases, both on American soil and also on the Outer Continental Shelf.

The fact of the matter is there are an awful lot of leases already out there, given to the oil companies, but they are not going to drill in those areas unless they know there is oil there. And that's why there are seismic tests that take place. And those tests don't take place until they get the lease. And that lease is for 5 to 10 years. If they don't move on that lease within 5 to 10 years, then they have to give the lease up and it is re-bid, and somebody else might go for that lease.

But chances are they will do everything they can to find oil in that 5 or 10-year period because they don't want to lose a lease that has a lot of oil within it. So they do seismic tests to find out if there is oil there.

If they drill on a lease that is next to another lease, sometimes they do test drills, if it looks like it is a promising lease or leases around that area, they are going to drill on all of them. When they drill for oil off the Outer Continental Shelf or on the Continental Shelf, it costs $2 billion, up to $2 billion to erect a platform and a derrick and the drilling process, to drill down and get that oil out of the ocean.

An oil company is not going to do that unless they think that there is oil down there. Why would you spend $2 billion unless you know there is oil there. That's why they get the leases and do the seismic testing. Once they do the seismic testing, if it looks like there is oil there, then they drill. They have to go through a very strenuous program of getting more and different kinds of leases so they can drill. But once they find there is oil on those leases that are already available, they will drill there because they want to get the oil, they want to make the money.

The problem we have is we are only using 3 percent of the Outer Continental Shelf. The other 97 percent we are not drilling on. That really is troubling because there may not be an awful lot of oil in that 3 percent where they have the permits right now. But the other 97 percent, we know there is oil out there.

I would like to give a couple of facts that I think my colleagues and the people of this country ought to know.

☐ 1845

We use 21.5 million barrels of oil a day. ANWR, and I think my colleagues talked about this, is the size of Dulles Airport. You're not going to kill the environment of Alaska if you drill in the ANWR. Alaska's almost three times the size of Texas, and the size of the Dulles Airport is not much bigger than Capitol Hill here, and we could drill there in an environmentally safe way and get up to 1 to 2 million barrels of oil a day.

ANWR has 10.4 billion barrels of oil, more than double the proven reserves in Texas. And in April, the U.S. Geological Survey announced there was estimated, now get this, 3.65 billion barrels of oil and 1.85 trillion cubic feet of natural gas in Montana and North Dakota.

On our coast lines there's 8.5 billion barrels of oil and 29.3 trillion cubic feet of natural gas. And you can go on and on and on and on. We have the gas. We have the oil necessary to become energy independent. We can get it in an environmentally safe way. And as my colleague from Georgia has said time and time again, we need to go after it.

We shouldn't be giving our money to the Saudis. They're not our best buddies. They're supporting these madrassas that teach Wahabiism, which is a radical form of Islam, all over the world. And they're using our money that they get from us buying the oil over there, and we can get this energy right here in America. And we can also, as my colleague has said, bring the price of gasoline down. And that's what I think Americans want all over this country.

The problem is, they may be confused because this young lady that was just down here, a new Member, she came down and started quoting all these statistics like there's this many leases and that many leases and why aren't they drilling there because they can drill.

You're not going to drill unless a seismic test shows there's oil and you do a test well in the ocean. You're not going to drill on land unless there's a study that shows that there's oil down there. We know that there's oil in the ANWR and so we ought to drill there.

All I can say to my colleague and to anybody that's paying attention across this country is that we need to get all of the Congressmen on board. My colleague's working his tail off to get it done. We need to get everybody on board so we can drill for oil and natural gas in this country, get the price of energy down, get the price of gas at the pump down to way below where it is now. And we can do it, but what we have to do is get every Congressman in this body on board and in supporting drilling in America. We can do it.

And the American people have done it in the past. They've written letters in when we tried to hold, when we tried to tax the interest on their savings in the banks, they sent us cards that looked like snow coming down in this place. And we ended up reversing ourselves and saying we weren't going to tax or collect taxes at the bank when they got interest on their savings. They didn't like that.

So if the American people, and I say this to my colleague from Georgia, if the American people want us to drill in America they need to contact their Congressman and say get on with it. Quit messing around. Drill for oil here. We want to be energy independent. We've been talking about it for over 30 years. It's time to act.

With that, I appreciate the gentleman yielding.

Mr. WESTMORELAND. I thank my friend from Indiana for being here with me and supporting this initiative that we have. And I want to just hit on a couple of points that Congressman BURTON made.

You can go to house.gov/westmoreland and find out who has signed a petition that basically just says, I will vote to increase U.S. oil production to lower gas for Americans. There are also some links to some other sites where you can get some of these energy facts that we're giving you and find the truth for yourself.

One of the things that he mentioned was the size of ANWR and where we're drilling. And he mentioned that the drilling site is about the size of Reagan Airport. And it is, in comparison to the total State of South Carolina. Here is the comparison of ANWR to the Continental United States. You can see the size of Alaska compared to the United States. This is the wildlife refuge here, and we will show you, in a moment, Madam Speaker, what this wildlife, the refuge area looks like.

Here is the drilling site up here. So you can see that this is, the ANWR, the wildlife is about the size of South Carolina. And where they're talking about drilling is about the size of Reagan Airport, in comparison. You can see how much land is there.

The other thing the gentleman from Indiana mentioned was the amount of land; 68 million acres is what the majority party claims is out there, and that may be a true statement. I can tell you that 54 percent of the exploratory holes that have been drilled between 2002 and 2007, 54 percent of them were dry holes.

Now, we all want to use common sense. We don't go to the hardware store to buy groceries. So why would you drill somewhere that there's no oil? You wouldn't do it. Or no natural gas. Why would you do that? You would not do it.

And so after they do all of these tests that they do that is required by the government for them to do, they find out on these leases that have been offered up by our government that there is no oil. There is no energy resource there, so why are we saying drill there?

Now, also I've heard that these energy companies are stockpiling these leases. Well, that's not true. It's already in law that if they don't drill, they lose it. If they do not go with the terms of the lease, they lose that lease. And so if they have a problem with them not drilling where they said they would drill in the time that they said they would drill, according to the lease agreement with the government, that's not their problem. That's our problem, that we're not enforcing the laws that we have. And so, you know, there's a lot of myth going on here, Madam Speaker.

But I did want to bring up one thing because I think this is really what gets my blood boiling when I think about our dependence on foreign oil. Let's look at Mr. Castro and Mr. Chavez down here. And I want to read something to the American people, Madam Speaker, and to you and to the people in this House. It says, in a recent interview on Al Jazeera, Chavez called for the developing nations to unite against U.S. political and economic policies. What can we do regarding the imperialistic power of the United States? We have no choice but to unite, he said. Venezuela's energy alliances with nations such as Cuba, which receives cheap oil, are an example of how we use oil in our war against neo-liberalism, he said.

Another quote, right down here under the picture of him hugging Castro, or as he put it on another occasion, we have invaded the United States, but with our oil.

The next thing over here, Madam Speaker, is a check that American families and businesses write out every day to Hugo Chavez for $170,250,000. That is a day. That money could be coming to American companies and to American workers and creating Americans jobs and bringing down the price of gas at the pump for Americans.

Now, we're writing one of our enemies a check for $170 million a day when we could be using that money to create jobs in this country.

The other thing I think is important to realize is that not only have we not drilled and used our own natural resources for our own citizens, but we've not built any refineries. Our refining capability has not been added to since 1978. We have not built a new refinery.

Now, we are importing, and listen to this—this is not oil, crude oil that we're importing—we are importing gasoline, a product that has been refined in another country, we are importing about 6.9 billion gallons of gasoline, refined crude oil into this country every year, and probably the same amount in diesel.

There is no excuse for us sending our hard-earned dollars to foreign countries when we could be doing it ourselves, and especially, going to the pump and paying over $4 a gallon when this new majority for the 110th Congress had a commonsense plan to bring down skyrocketing price of gas when it was $2.20.

Mr. BURTON of Indiana. Let me just say to the gentleman from Georgia, he mentioned that we haven't built any new oil refineries since the late 1970s, and he's correct. But there's one other thing that he didn't mention. I know he knows this.

In 1981 we had 324 oil refineries. Today we have 148, less than half. There's no way that we can handle the oil that we could get out of the ground to lower the price of gasoline unless we build new refineries. And we've come up with an idea to put it on some of these closed military bases around the country, and our colleagues on the other side of the aisle have not seen fit to agree to that.

Mr. WESTMORELAND. Last month we had a motion to recommit that demanded that within 90 days we recognized three bases that had been under the BRAC, or the base realignment, to start looking at refineries and it was voted down by the majority.

Mr. BURTON of Indiana. Yes.

Along those lines, they say, well, it's going to take 10 years if we start drilling. It's going to take 10 years if we start refining it. I don't think that's the case. Most people think in 2 or 3 years we could really be pumping a lot of new oil out of the ground if we were allowed to drill for it, and we could refine it and get it in the gas tanks of the people across this country.

But even if it did take 10 years, when do we start? We were talking about this back during the Carter years in the late seventies. That's 30 years ago. And we haven't done a darn thing about it.

If we're going to keep the cost of energy down, with the demand for energy growing at a very rapid rate around the world, China wants more, everybody wants more oil to expand their economies, building new roads and everything else. There's a war going on right now for the oil that's available, the energy that's available in this world. If we're going to be able to keep pace, which will help us economically, and, in fact, maybe save us economically, we're going to have to drill in America for oil and gas. We're going to have to get on with the program.

I can't talk to the American people, but if I were talking to the American people, like my colleague from Georgia would like to do, I'd tell them get on with it. Call your Congressman. Write them. Sign all these petitions and tell them we want to be energy independent; we want to drill here in America.

Mr. WESTMORELAND. Thank you.

My friend, Mr. PETERSON, who is a real expert on energy, I'm glad you joined us tonight.

Mr. PETERSON of Pennsylvania. Well, it's a delight to join you. It's a historic day. Natural gas hit $13.28 a thousand cubic feet. That's almost double what it was last year at this time. What that means is Americans heating their 60 million homes this fall will pay almost twice as much to heat them as they did last year, on top of tremendous price increases to travel in their vehicles.

Mr. WESTMORELAND. So if they think the price at the pump is painful, wait till they start trying to stay warm.

Mr. PETERSON of Pennsylvania. This has all happened without a storm in the gulf, which always escalates prices, without any country having a major coup or problem, or without any terroristic attack on the system. I don't think anybody dreamed that we would have $135 to $140 oil at this time of the year. We are in the middle of June. We're not even into the heat of the driving season yet, and here we are with $13, I mean, we're within a few pennies of the peak of natural gas prices after Katrina.

Dow Chemical made a statement just a week or so ago that in 2002 it cost them $8 billion for natural gas to run their company. It now costs them $8 billion a quarter.

Here's what's happened. They used to be 60 percent onshore. Those were great American jobs. They're now 34 percent onshore.

In South America natural gas is a buck and a half. In Russia it's barely over a buck. I mean, there's cheap gas all over the world. If you're making petrochemicals, polymers, plastics, fertilizer, if you're melting steel, melting aluminum, I want to tell you, if this Congress does not change its view on offshore, shale oil and ANWR in the very near future, bricks and glass will be made in Trinidad, South America. They will be shipped here in a day and a half in a boat, and there will not be a blue collar job left in America, because natural gas is the mother's milk of manufacturing and processing.

☐ 1900

They use it as an ingredient. Even the skin creams that our women love to soften, that's a derivative of natural gas. Natural gas is one of the most unique—chemists say we should never burn it. It's too valuable. But we are now using a lot of it for electric generation; 23 to 24 percent of our generation is now natural gas. And that is as we cease to permit coal plants around the country, they're all going to be natural gas plants. If the Senate continues its foolishness with carbon taxes and CO_2s, that's all going to push the business to a natural gas which only emits one-third of the CO_2 of other fossil fuels. But we're not preparing. We need to.

Today we had a committee meeting scheduled, and my chart here shows—it's interesting the Democrat talking points say that 80 percent of available resources are available to the American companies. That's not true. Eighty-five percent of our offshore is not available, period. The whole west coast is not available. The whole east coast is not available. About a third of the gulf is not available. That's where the prime oil and gas is in this country. They have it locked up. They want it locked up. They like these high prices because it's forcing Americans to change to other fuels. That is true.

But let me tell you, I'm not sure how long the American economy can handle $130 oil and $13 natural gas without collapsing. And once this economy collapses and the world economy goes into a recession, we're going to be a decade digging ourselves out of the hole. There will never be money to balance the budget. There will never be money for heat and helping people winterize their homes. This country is on the verge of losing its economic base.

Cheap energy. I was born one mile from Drakes Well, the first oil well. It changed the world. The whole manufacturing process of the world began in this country because of cheap energy. We've had $10 oil and $2 natural gas most of our lifetime. We had a spike in the 1970s, we had a spike in the 1980s, and a spike in the 1990s. We went to renewables. We tried to do other things, but it always came back to cheap gas and cheap oil. Nothing could compete.

Well, folks, there's a philosophy around here that if we don't produce fossil fuels, we're going to produce something else. I'm saying "what." What are we going to produce? If we double wind and solar—and I'm for that in the next 5 years—but that doubling something in 5 years is ambitious. We're still less than one percent of our energy needs.

I mean, there is no renewable. The renewable that has been the most generous to us and the most growth is woody biomass. Nobody talks about woody biomass. Hasn't had any incentive. No tax incentives. There's a million Americans this year probably going to help heat their homes with a wood pellet stove. Burning sawdust pellets. That's biomass. Many companies in my district—I come from the finest hardwood forest in America, northern Pennsylvania. Lots of mills. Lots of factories. The sawdust now is a byproduct. They heat their factories with it. Some of the coal plants use 20 percent wood waste because it allows them to sneak under the air standards if the coal is just a little dirtier than it should be. So it has found its marketplace.

And the cellulosic ethanol that we're betting on. We have a mandate of 36.5 million gallons of—or 36.5 billion gallons of ethanol annually by 2030. The first 15 to be corn, and we know what's happened there where we're now at $7.86 corn as the market closed today. It was $1.80 just a short time ago. We're competing food with fuel. I didn't protest it. I had my concerns. But $8 corn is not something you can afford to burn.

Mr. WESTMORELAND. Would the gentleman yield?

Mr. PETERSON of Pennsylvania. Absolutely.

Mr. WESTMORELAND. Isn't it true that we have a 54 percent tariff on ethanol brought into this country? Fifty-four cents a gallon on ethanol brought into the country, and already right now corn is at $7.

Mr. PETERSON of Pennsylvania. What, $7.86.

Mr. WESTMORELAND. And with the devastation that we've had in Iowa, in some of the corn-producing States, it would be nice if we just give a temporary halt to that tariff to get this ethanol in.

Mr. PETERSON of Pennsylvania. That is true. But I want to make a point there. I'm not against ethanol. After the 15 million they want to go to—or billion gallons, they want to go to cellulosic.

But we have to remember we have a mandate on cellulosic ethanol that still is in the laboratory. We do not yet have the design of a successful cellulosic ethanol plant that we know will be productive that will compete. So that's pushing.

I wish we were pushing coal to liquids and coal to gas with the same fervor because we know Fisher Tropes and two or three other messes, we could make gasoline, we could make fuel oil, we could make jet fuel out of coal. But no. There has not been much pushing for that.

I am encouraged that the President came out for offshore, but that's a big move. We've been pushing him a long time. He didn't come out quite as strong as I had hoped. He said he would lift the Presidential moratoria if we lifted the congressional moratoria. I think he should have lifted his first and said, I'm lifting the Presidential. You lift. But he didn't. But I want to give him credit for going there.

I want to give candidate McCain credit. He's come out. Offshore. That was not his normal position. And someone said, Well, he's a flip-flopper. Well, folks, when you see the light, when you see the facts—you know, just a few years ago the argument was we should use theirs. It was cheap. We shouldn't be using ours. Well, that's not true any more. At $135 a barrel and $13 a thousand for gas, it's time to use ours.

We enrich Americans. I mean, for us not to create the hundreds of thousands, if not millions, of jobs in the production of energy in this country and put Americans to work producing our energy, we could be self-sufficient in natural gas, we could have reasonable natural gas prices. Natural gas could actually fuel a third of our auto fleet. All of our short-hauled vehicles, all of our construction vehicles, all of the little vehicles running around at the airport, all of those could be on clean green natural gas. No NO_X, no SO_X, and a third of the CO_2. It could be compressed gas or it could be propane. Either one. They all can run—that's known technology. Why we're not going down that road, I don't know.

Mr. WESTMORELAND. Well, Mr. PETERSON, let me say this. We have that technology, and there was a push in the late 1990s, mid- to late-1990s to convert gasoline engines to propane. Then the EPA put such testing regulations on the emissions testing for these different types of makes and models of cars, a lot of people just got out of the business. It was not a commonsense thing for EPA to do. They should have gone to these people doing the conversions and said, What can we do to make it easier and faster for you to do this propane conversion and the same thing with natural gas?

Mr. PETERSON of Pennsylvania. It's hard for me to understand because natural gas burns cleaner than gasoline. And as we were talking, somewhere between 10 and 50 percent of our gasoline now comes from Europe. How does Europe have extra? Well, they've switched to diesel. They have diesel cars. They have extra capacity.

A year ago in the spring we had very high gasoline prices. Not this spring but last spring. And remember they were higher than they were in the fall when oil was much higher. I think oil was $60-some a barrel and we had $3 gas and everybody wondered why. Well, in the spring when we start switching and using more gasoline, Europe was short themselves. They had used more gasoline. They didn't have the surplus they normally supplied us, so they couldn't supply our needs.

So when you don't have enough, the market goes up. We didn't have enough gasoline in the world market, and so we paid higher gasoline prices last spring with $63 oil than we did last fall with $85 and $90 oil. Didn't make any sense, but that is the marketplace because Europe could not give us. But we're dependent on Europe.

But back to natural gas. It just amazes me because here is what scares me: $13 natural gas is not a world price. That's an American price. We have the highest natural gas prices in the world. So many Members of Congress can't seem to understand that that it's not a world commodity. It's country by country.

And so when you have the highest prices for natural gas and your company, like Dow Chemical uses $8 billion a quarter. That's $32 billion a year. You have got to produce your products where it's cheaper, and when it's a fraction of our cost—it's not like a half or a third—it's a fraction, sometimes, in some of those countries.

So we're going to lose all of the industries. We won't melt steel in this country. We won't bend products. We will be cooking products in other countries because you use a lot of gas for heat. Anything that uses a lot of natural gas, if we don't get that under control—and the silly part of that is, we could be self-sufficient in our total lifetime. There is no shortage of natural gas, onshore and offshore, and this country tried to lock up their own plateau.

In the last appropriations bill they locked up the shale oil in the west, sneaked it in the bill. Of course, the prohibition of drilling offshore is not legislation. It's stuck in the Interior bill. I was here 5 or 6 years before I knew it was there, and when I started talking about it, most Members of Congress didn't know it because it started 28 years ago. We have a vote every year. You know, today that vote was canceled. I'm not quite sure why.

Mr. WESTMORELAND. Did the gentleman offer an amendment in the appropriations bill that was voted down?

Mr. PETERSON of Pennsylvania. In the first subcommittee last Wednesday we had six Republicans "yes" and nine Democrats "no." Now, it's not totally been a partisan issue. This was the first time they locked up their vote.

This new administration here, the Speaker and her team, have been very good at locking up votes. You have to admire them. They can get people to vote against their districts, vote against what they believe. But they've decided they're not going to open up the Outer Continental Shelf.

Now, we were interested today whether they would still lock them up, whether they could hold them because in 2006 we passed a major offshore bill. We had 40-some Democrat votes. There are a lot of Democrats here who realize energy's important, and to produce your own is not some evil thing. With 67 percent dependency on oil, and half of that comes from unstable, unfriendly countries who gave us our tariffs, it would seem to me that everybody could agree let's eliminate at least half of our foreign dependence; let's stop feeding our enemy; let's stop allowing giving them the cash to buy up our Chrysler building, buy up our companies, buy up our industries. You know, industries in this country are getting purchased by foreign countries, and most of them are people who have our oil money.

I don't think this is the America that Americans want. But I want to tell you something. I have faith in the American people. There's a debate going on right now. I have been on four different talk shows today. I have been on probably five or six radio shows today. Lots of print media yesterday. I did 15 different discussions. The American people are angry.

Newt Gingrich came out with a poll: 73 percent of Americans want offshore production. Rasmussen came out with a poll Monday: 63 percent in their poll. It's going up daily because this is a discussion going on in this country, and they're mad. They're mad as hell. And they ought to be mad because we are locking—this Congress for 28 years has locked up America's resources that every other country uses.

There is no country in the world—Norway, Sweden, are they environmentally friendly countries? You bet they are. New Zealand, Australia, are they environmentally sensitive countries? You bet. They all produce offshore.

Offshore is not a threat to our beaches, it's not a threat to our shorelines. It's a savior. It's where our cities are, it's where our population is, it's where our refineries are, where our gas lines are.

You know, in New York City in zero weather, sometimes we will pay two and three times the American price for natural gas in zero weather because they can't get enough there. The price when the world is paying 10, they'll pay 25 or 30 for a few days at a time because if we had offshore production, we could feed them their—these cities wouldn't be paying these outrageous prices when cold weather comes.

Last year for the first time—because we use so much for electricity now—last year for the first time in the history of this country, in two summer months when it was really hot, we made so much electricity with natural gas because in a real hot week, all of the peaking plants run all day long. They run all day long because that's the only way to keep the grid up. We actually drew down gas out of the reserve.

See, at this time of the year we don't use all of our gas so we put it in reserve. We're putting $13 gas in the ground for next winter. Add storage costs, add pipeline charges, and a profit for the gas-distribution company, you're talking about pretty expensive gas. Last year we were putting $6.50 and $7 gas in the ground this time of year.

Americans do not know what is coming. The industrial users are already paying 70 percent more this year because it passes through quicker to them. But in my State, PUC, every 90 days they adjust the price. This fall Americans are going to get hit with another bullet. It's going to be expensive home heating. And we should be doing something about it.

Mr. WESTMORELAND. We need to be doing something about it, and that's what we're trying to do.

And to my friend from Pennsylvania, and thank you for coming down tonight and helping Mr. BURTON and myself with this because we know that you are an expert on it and that you have been trying to correct a situation. Even when the Republicans were in the majority, you were the lone voice crying in the wilderness about this; and I really wish we would have paid more attention.

But now is the time when natural gas is $13-plus, the price at the pump is over $4, the price of oil in a barrel is up to about $140. And the gentleman mentioned some of the Norwegian countries. And you know Norway, you know, 30 years ago was dependent on foreign oil. And they said, You know what? We're going to do something about it.

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Norway is dependent on tourism, fishing. I mean, they are very conscious of their natural resources. Today, they are the third largest exporter of crude oil in the world.

Mr. PETERSON of Pennsylvania. If the gentleman would yield, the other success story we all hear about is Brazil. Doesn't everybody say Brazil is independent because of ethanol? Fifteen percent of their energy is ethanol. They went offshore. They just had a huge oil find offshore, but they are self-sufficient. They don't import energy anymore.

Mr. WESTMORELAND. And they're celebrating. I saw in the paper where they found that big oil reserve offshore, and the Brazilian people were celebrating over finding it, and we know it's there and can't even get our country to drill.

Mr. PETERSON of Pennsylvania. We keep hearing from over there that it was all ethanol. Ethanol was just a piece. It was 15 percent. The rest was normal oil and gas energy. But they had a plan.

I think we ought to have a plan for North America. Stop and think about Alaska and Canada. Canada is great. Canada produces oil and gas right off our main coast.

Mr. WESTMORELAND. We import from them.

Mr. PETERSON of Pennsylvania. Fifteen percent of our natural gas comes from them, and they are our largest supplier of oil by far.

Right off the Washington coast they produce. They have produced since 1913 in Lake Erie and sell us the gas. They drill gas only in Lake Erie every summer. They don't do it in the winter, but they do it every summer and sell us the gas. And we aren't even allowed to drill under the lakes horizontally.

It makes no sense what we're doing in this country. Yesterday, I read an article that we ought to be partnering with Russia because they have so much resources and we need to be better friends with them. I'd rather help Mexico because they have great resources but aren't very good at producing them. They're not very efficient at producing energy. But they have a lot of gas and a lot of oil.

If we had a North American game plan, where Mexico, the United States, and Canada, and Alaska, where we said let's produce our own energy, we could get there. I don't think we can be self-sufficient on our own, I mean that sincerely. I don't see it ever will in our lifetime, but we could be self-sufficient in North America, and we could say to OPEC: "So long, see ya."

Mr. BURTON of Indiana. If the gentleman would yield, first of all, I would really appreciate it if I could get the information on natural gas that you just gave us tonight because I was aware that it was a major problem, but I didn't know it was as big a problem as it is and is going to be.

And I'd just like to say something about the polls that show that people are becoming more and more concerned about energy and natural gas and gasoline.

The people are ahead of Congress. The majority, not too long ago, were saying environmental concerns were by far the biggest problem that we face. Now, seventy-some percent are saying, hey, we want to clean up the environment but at the same time we want to keep the economy moving and we want gasoline at a price we can afford and natural gas at a price we can afford. And so seventy-some percent now say drill in America. They know. They see it.

And if our Congress doesn't do something about it, as you said, we're probably going to suffer the consequences. I will make a prediction. At that point, there will be a knee-jerk reaction and they will throw everything to the wind, say drill everywhere, do whatever it takes, but at that point, it is going to take a long time to catch up, and our economy could suffer tremendously.

I'd just like to make one more comment about the Persian Gulf. The Persian Gulf is a tinderbox right now. We don't know what Iran's going to do. If Iran develops a nuclear capability, there may be a major war over there because Israel is not going to want to be threatened like they are threatened, and we could end up seeing a couple of ships sunk in the Persian Gulf and see a large percentage of our energy stopped flat, stopped. And if that happens, we're not going to have the energy to keep this economy moving immediately, immediately, not to mention the problems that you were talking about a minute ago.

I'd like for you to explain to me, if it's okay with the gentleman who has the time, I'd like you to explain to me why the United States can't be completely energy independent. Because when I look at these statistics on the trillions of cubic feet of gas that's there and the billions of barrels of oil that's there, it seems to me that if we just dealt with our own resources, we could become almost energy independent.

Mr. PETERSON of Pennsylvania. Well, we're so far behind the curve right now, we were talking to Minerals and Mines Management today. Many of our rigs went to Russia to drill because there's so much more activity there. The big owners go where the action is, and they're being paid bonuses to go to North Africa to drill. We don't have as many rigs in the gulf. Thirty percent of our rigs are gone. Our infrastructure has dwindled because we've not opened up.

Now, the issue of can we be self-dependent, we would have to open up everything. It would take years to get the rigs here. We'd have to do coal-to-liquids, coal-to-gas. I mean, it would take a long time.

Mr. BURTON of Indiana. I guess the point I was trying to make is I know it would take a long time because we are behind the curve, but if the United States got with the program like we should have back in the seventies, we could be almost energy independent right now.

Mr. PETERSON of Pennsylvania. Twenty percent of our grid is nuclear. We need 45 new plants by 2030 online to stay 20 percent of the grid, not grow. See, everything's shrinking. Hydro is becoming a smaller piece because we're not building dams. Everything's shrinking.

Nuclear stayed even because all of our nuclear plants today are producing beyond their design capacity. We have enhanced their ability to make energy. I mean, America on nuclear needs to get on to what France has been doing, the reprocessing and reuse the fuel we have instead of storing it, where we use it, and when you get down to the end, you have very little fuel.

But this country made a decision legislatively, we're not going to reprocess, we're not going to go down that road. So we've made a lot of bad decisions.

And I say, how did this happen? Eight years ago, natural gas was $2; oil was

$10. The argument was, do we use theirs or do we use ours? Just 10 years ago. In fact, we hit that a couple times 6 or 7 years ago. We had some real cheap energy just for a few months there. We got so complacent.

Mr. BURTON of Indiana. I wish you would really stress that point and the gentleman from Georgia would stress that point that natural gas 10 years ago was $2.

Mr. PETERSON of Pennsylvania. $1.80.

Mr. BURTON of Indiana. And oil was how much?

Mr. PETERSON of Pennsylvania. $10 a barrel. That's been most of our lifetime.

Mr. BURTON of Indiana. And now it's 14 times that.

Mr. PETERSON of Pennsylvania. That's right.

Mr. BURTON of Indiana. Unbelievable.

Mr. WESTMORELAND. To the point the gentleman makes, if we had started back in the seventies or the eighties or the nineties, we'd be further down the road. I don't want my grandkids to say, "Pa Pa, why didn't you start it in 2008?"

Mr. PETERSON of Pennsylvania. That's right.

Mr. WESTMORELAND. I don't want to have to answer that question to my grandkids.

If you will remember, this Congress in 1995 passed drilling in ANWR. President Clinton vetoed it. Today, we would be getting 1 million barrels of oil a day from ANWR.

The American people do not want us to stay here in the fetal position. They want us to act. And they don't want to hear the excuses that the majority is giving for us not taking action. We need to act, and some of the things that the gentleman has mentioned are so common sense.

I mean, we can drill as environmentally sensitive as anybody in this world. Our technology is the best. We've got the smartest and the brightest. We can do what France is doing with their nuclear waste. We can do what France is doing with their nuclear power. We can do what Brazil is doing with the coal-to-oil. We can do what Norway's doing with being environmentally sound drilling.

This is America. This is the place where we are the leaders of the world in so many things, and for some reason, we want to have our hat in our hand, going to even our enemies, begging them for them to increase their oil production, use their natural resources, because we are not willing to do it.

Mr. BURTON of Indiana. America is a can-do Nation and we need a can-do Congress. And right now, the Congress, and both the House and the Senate, which is controlled by the other party, they have a we-can't-do, we can't do this, we can't do that. As a result, we're going to be short of energy, and the cost is going to go through the roof, and the cost of gasoline per gallon is going to go up, I believe, even further.

What the American people I think need to do is call their Congressman and Senators and say, hey, we want a can-do attitude, start drilling, let's get energy independent.

Mr. PETERSON of Pennsylvania. If the gentleman would yield, how did this happen? I know how it happened. I'm going to give you eight—and there's more than eight—eight organizations that are running this Congress when it comes to energy.

It starts out with the Sierra Club. You know what their Web page says? They're against oil shale development. We're not doing it. They're against coal liquefaction. We're not doing it. They're against offshore energy production. We're not doing it. They're winning.

Greenpeace: Phase out fossil fuels. We're trying to do it and we don't have a replacement. That's really what's going on. We've caused the world shortage.

Environmental Defense: Must eliminate power plant smokestacks, enemy number one.

League of Conservation Voters: Coal-to-liquid, wrong direction, can't do that. We're not doing it.

Defenders of Wilderness: Every coastal State is put in harm's way when oil rigs go up. That's offshore. They're opposed. And they're winning.

Natural Resources Defense Council: Coal mining is evil. And tell me coal isn't under attack. Coal is under attack. Close to 70 coal plants have been turned down by the States in the last 7 months.

Mr. WESTMORELAND. American jobs. We're losing American jobs.

Mr. PETERSON of Pennsylvania. And those coal plants will all be natural gas plants which will further exacerbate the natural gas prices.

Center for Biological Diversity: Oil and gas drilling on public lands has devastating effects and must be stopped. They're winning.

Friends of the Earth: Liquid coal is dirty, costly, mustn't do it. They're winning.

These eight organizations are running this Congress.

Mr. WESTMORELAND. To the point that you're making, and I think that's what, Madam Speaker, the American people don't understand, the reason the majority is failing to act on our ability to drill in our own lands is that their base wants gas to be $10 a gallon at the pump because they do not want us driving cars, and they want us to be dependent on them.

And so they are not doing anything. They are laying in that fetal position in a hunkered-down state because their base does not want this to come down. They don't want us to drill. They don't want us to use the shale-to-oil or coal-to-oil. They don't want us to use the clean coal technology that we have. They don't want us drilling for this natural gas.

And this is one of the things that we were just talking about. The gentleman from Pennsylvania mentioned these different organizations. If you receive something in your mailbox about the Arctic National Wildlife Refuge, you may get some pictures like this.

The reality of it is that is a real picture of the Arctic National Wildlife Refuge right there. It's a tundra. It's a frozen tundra. It's what it is. I don't even see a tree on it.

Mr. BURTON of Indiana. I wish you'd hold that chart up again that shows how big the ANWR is. I think the American people are under the impression that the ANWR is a huge place. It's the size of—you said Reagan airport, I said Dulles, but airports are airports.

Mr. WESTMORELAND. This is the part that is talking about being explored for oil.

Mr. BURTON of Indiana. The very small part of the yellow at the top is where ANWR is.

Mr. WESTMORELAND. That is the part that we know the billions of gallons of oil are under. That's the part.

Mr. BURTON of Indiana. They have twice the amount of oil there that they have in Texas, and I just cannot understand why we're not drilling there.

Mr. WESTMORELAND. See, this is a picture of it. It's a frozen tundra.

It goes back to the fact that we are continually getting further and further behind. I think the American people, Madam Speaker, are at a point where they're saying we are wanting some action. And that's the reason we came up with the petition for Members of Congress to sign because we are the ones that can create the action. The American people can't create the action. It's our duty to create the action.

And so we started the petition, and this is a petition for just the Members, the elected Members of this body.

It says: American energy solutions for lower gas prices. Bring onshore oil online, bring deepwater oil online. And I guess we need to add natural gas to that, too, because that sounds like something we need to get on in a hurry. But also bring new refineries, bring new capabilities of refining this oil where we don't have to import 6.9 billion gallons of gas into this country a year.

And so what we did, we came up with a petition that's simple. This is not hard for anybody to understand, and you can't dance around it. It basically says: I will vote to increase U.S. oil production to lower gas prices for Americans. And we've got every Member, even the Delegates, a place to sign here. So far, out of the 435 Members, plus the Delegates, I don't know if that's seven delegates or whatever it is, we have 126 signatures. And so it's going good, and you can go to house.gov/westmoreland to find out if your Member of Congress has signed it or not.

We're trying to make this as simple as we can, to make us a responsive body, a body of action, rather than just laying here saying "we can't" to "we can."

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And I think that the gentleman from Pennsylvania and the gentleman from Indiana have made terrific points here tonight, and I want to thank you all for coming.

We've got about 8 minutes, so I'll give you a couple minutes a piece to close, and then we'll wrap it up.

Mr. BURTON of Indiana. Well, let me take just 1 minute and say that this is a critical issue. The American people know it's a critical issue, but I don't think they know how critical it is or how critical it's going to be, the natural gas, the gasoline, the lack of energy, the lack of electricity, possibly, if we don't get this.

And so, you know, it is a critical time for us. And the American people really need to contact their Congressman and their Senators and let them know that they want to move towards energy independence by drilling here in the United States. We have the ability to move toward energy independence. We have the ability to lower the price of gasoline. We have the ability to lower the price of energy that's going to be needed to heat our houses and our businesses this winter, but we're not doing it. And if we don't get with it, as both my colleagues have just said, we're going to reap the whirlwind. The economy is going to really suffer. It's not going to just be individuals, it's going to be the entire country.

I thank the gentleman for yielding.

Mr. WESTMORELAND. Mr. PETERSON.

Mr. PETERSON of Pennsylvania. Well, it's interesting, we have the talking points of the Democrats that they have 68 million acres under lease; there are—some are saying 5,500 leases, some are saying 10,000 leases: That's enough, they're not producing. I had one of them challenge me in a debate today that he wanted me to join on a bill with him to force the oil companies to drill where they are. Folks, if it's not productive, if they've drilled 10 dry holes, they're not going to drill anymore. And in some of those deep water leases, it's 7 or 8 years before you get to productivity.

Mr. BURTON of Indiana. Let me just add one thing. Each one of those drilling sites, if they drill and they find oil, it costs up to $2 billion to drill there. And if they're not going to make any money, they're sure not going to do that.

Mr. PETERSON of Pennsylvania. They're drilling platforms, and it takes years to get there. So some of these are in process. A lot of them are old, tired leases where we're now drilling between wells. And the return, we're drilling three times as many wells as we used to and we're getting much less oil and gas because we're in old, tired fields.

Mr. WESTMORELAND. Twelve percent lower production and an increase in drilling.

Mr. PETERSON of Pennsylvania. That's right. We need to get out into the fertile fields where we'll drill less holes in the ground, but we'll get massive prime production where you get into a fertile field that's got great gas pressure and great oil pressure and we'll get huge volumes.

We've been deprived. In fact, on the Outer Continental Shelf, we're showing here, we've not even allowed seismographic in the last 35 years. We don't even have a modern measurement out there. We had old seismographic, what we're measured by; but new seismographic is like taking a black and white TV with a new modern flat screen TV. There's not much comparison, is there? No. Well, we've prevented that.

I mean, I guess what's scary is that while we're talking about this issue, you know what's going on in the Senate? They're talking about climate change. They just voted down, thank God. And Mr. MARKEY's committee here has a new climate change bill. If we go down the carbon tax road, we're going to add another 20 or 30 percent to energy prices. Nobody disputes that. That's insanity. I mean, available affordable energy for America is the number one issue facing this country, and anybody who isn't for that doesn't get with the American people. They understand this.

Let me say this: If we don't deal with this issue in this Congress, the middle class in America will be destroyed. We don't have more years, we're years behind. The middle class in America will disappear because by the time they heat their homes and fuel their vehicles, they're not going to have money. I have a neighbor lady who makes $300 and something a week. She pays $175 a month annual gas bill to heat her home. She has two kids, $100 a month to buy groceries. She said, if my gas bill doubles, I don't have any food money. She's going to have to get a second job and still try to raise two teen-age kids with a second job to pay. Folks, that's not what America is about. Last year, we had seniors in my district keep their houses at 58 degrees because they couldn't afford to keep them warm. That's not the America we should be providing.

If we don't deal with energy prices, the middle-class, blue-collar jobs are all going to disappear. The middle class is going to disappear. And we're going to have a country like so many other parts of the world where we have the rich and the poor. And the government is going to have to subsidize the poor because they can't afford energy.

It's a crisis in America. In fact, I think we're 4 or 5 years beyond when we should have started. I don't quite know how we catch up. Every day we delay, every month we delay, the American people are going to pay a bigger price. This is not the America my father gave me in my inheritance. I want to return our young people with hope, with affordable energy.

Eight years ago energy was cheap; it's never going to be cheap again. It's up to this Congress to do what's necessary and provide energy for America. And all those talking points that the Sierra Club have given the Democrats don't cut it.

Mr. WESTMORELAND. Thank you. And let me just close with saying this: You're probably going to hear later on tonight that there are 68 million acres out there to drill on. Keep this in mind, Madam Speaker, we don't go to the hardware store to buy groceries. We're not going to drill on land that does not have resources under it. If you look at the Outer Continental Shelf and the lands that the Federal Government have inside this country, it is 2.5 billion acres of land. You're going to hear that the oil companies have these leases and they're not drilling them. It is law today that if a company that leases land does not honor that lease agreement, that lease is taken away from them.

These arguments will not hold water. It is time to act, and the time is now. It is time that this Congress turns into a Congress of action that wants to move forward—our being less dependent on foreign oil—and quit relying on our enemies in an unstable region to produce our oil, to produce our energy.

So I want to thank the two gentlemen for joining me tonight. I hope you will go to house.gov/westmoreland and see the people that have signed up and believe in the fact that we need to increase U.S. oil production to lower the gas prices for all Americans.

And Mr. PETERSON, you can close.

Mr. PETERSON of Pennsylvania. If the Democrats win this debate and we don't produce energy—if we use these old statements of 68 million acres and 80 something percent is leased, that is not factual; 2.5 percent of the Outer Continental Shelf is leased, the good spots are not leased—then we are giving the future of this country away.

Mr. WESTMORELAND. And Madam Speaker, with that, I know you have enjoyed this, we yield back the balance of our time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 6124) "An Act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Madam Speaker, I appreciate the opportunity. I want to immediately yield to my friend. There were a lot of facts thrown out here, and the folks who are paying attention here in the Chamber may want to hear the response.

I yield to my friend from Pennsylvania.

Mr. ALTMIRE. I appreciate it.

We are going to continue to tell the story of gas prices, what we've just heard. And to keep on the message and to pick up where it was left off with the previous speakers, we're talking about the 68 million acres, here's the key point—a couple of key points: One is, there's 4.8 million barrels of oil per day every day that would be available underneath those 68 million acres. That's the number, 4.8 million barrels per day every day. And we'll talk later about that in comparison to ANWR and other issues, but just to keep on the message. These are not 68 million acres that the Federal Government just said we're going to give you the deserts in Arizona and we're going to give you a bunch of areas that are not productive. These are 68 million acres that are currently leased to oil and gas companies.

Now, presumably the oil and gas companies would only choose to purchase a lease if there was some possibility that there was oil and gas underneath there. And as I've said, the estimated oil and gas—or oil, at least—that's under there is 4.8 million barrels per day. But that's the key point; these aren't just 68 million randomly chosen acres, these are 68 million acres that the oil and gas companies themselves chose to enter into a lease agreement so that they can drill for oil and gas. That's the key point. And they're not doing it.

As we talked about a few nights ago, there are a variety of reasons why they're not doing it. One of the reasons is that they're stockpiling these leases to put on their balance sheet, declare them as assets and raise up their profits and help their stock price. That's part of it. Part of it is that the geological work and the surveying and the construction takes a lot of time. And that's being done on some of these acres, 68 million acres. So we're going to get there, in some cases, but we're not there yet, which gets to what we're going to talk about later.

There really is a difference of opinion among the two groups that we are hearing tonight, but there is no difference of opinion that we have to do something about gas prices. Now, we're talking about long-term solutions. I would hope there's not going to be a difference of opinion on some of the short-term solutions. We're talking about the Strategic Petroleum Reserve, 70 billion barrels per day beginning 2 weeks from today. The manipulation that takes place in the market, the commodities market by these commodities traders, we're going to deal with that issue. There are short-term solutions.

But what is in this dispute tonight and what we're debating in a friendly way is the difference of opinion that we have about what we're going to be as a country 10 years from now and 20 years from now. Are we going to remain dependent on oil? And yes, we're talking in this case about domestic oil. About 65 percent of the oil we get in this country is from overseas. We import it from countries that do not have good will towards Americans in many cases.

So what happens if we drill in ANWR and the 20 percent that remains of the oil that's known in the Outer Continental Shelf where we're not allowed to drill? Eighty percent is already in areas where we are allowed to drill, so what happens if we allow and get to peak capacity 20 years from now? We might be down to 55 percent, we might be down to 52 percent. We're still going to have a majority of our oil that we import from other countries. We're going to feed the beast for the next 20 years and we're going to be in the same place then as we are now.

So is that where we want to be? We have a decision to make as a Nation on how to spend the next 10 to 20 years. How do we want to use all the resources of this Nation and all the brain power of this Nation? Do we want to focus it on continuing our dependence on oil, or do we want to focus it on alternative sources of energy? We're going to talk about that, but I know the gentleman wants to continue along this track, so I will yield back to him.

Mr. RYAN of Ohio. And one of the issues that was brought up today by the President that we want to discuss—and I very much appreciate you making the presentation as to the other side of the debate that our friends made over the last hour. But a couple of the points that were made on the other side is that, well, if we go offshore, you go into the Outer Continental Shelf region, it's deep water, it's going to cost $2 billion just to maybe get into the well. Well, when you look into the profits from 2007 for the oil companies, $123 billion in profits last year. So the reason they give that they have to increase the price is because it is expensive to get into some of this deep water; no one is disputing that fact.

Mr. ALTMIRE. Can I talk about the $2 billion figure?

Mr. RYAN of Ohio. Sure.

Mr. ALTMIRE. Because I don't want you to lose the train of thought on that one.

The $2 billion figure includes the surveying and the geological work to actually find the oil in the first place, which it's not just drilling, the $2 billion is from start to peak production.

The point of the 68 million acres is we already know there's oil there. We already know where it is. They purchased the lease specifically because there is oil known to be in those lands, and they're making a conscious decision not to drill there. So the $2 billion actually supports our argument. It doesn't hurt our argument, it supports it, that there is work that needs to be done in any new lands that we make available that we've already done in the current 68 million acres that are available. That's what that $2 billion does.

Mr. RYAN of Ohio. Much of this money has already been spent in the surveying and the geological work. So now you have, last year, $123 billion in profits. That's what you get the money for because you say it's expensive to get in there. So you're making all the profits and not necessarily going in to get the oil.

And then another comment earlier was made, well, it may take 7 years. Well, if you go to ANWR, you're not going to get a drop out for 10 years. And in 20 years—and I love how this ANWR has just become the silver bullet. If you go into ANWR today, or even if you did go into ANWR in 1995, Madam Speaker, that will only save you, after 20 years of, when ANWR gets to peak production, it will save 1.8 cents per gallon of gas, period, at peak production.

ANWR is not a silver bullet. And if ANWR were the silver bullet, the gentleman from Pennsylvania and I would be standing on top of this Capitol waving the ANWR flag saying, this is all we need to do in America is to go to ANWR and pull out this oil that's there. And so I think it's misleading, Madam Speaker, for the President to come before the American people and say that this ANWR is a major component of us reducing our dependency on foreign oil.

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Mr. ALTMIRE. It is instructive to look at the acreage of ANWR that we are talking about. We are talking about 200,000 acres of land in ANWR that they want to make available for drilling. So we would go from 68 million acres that are currently available for drilling to 68.2 acres. That is the significance of ANWR—68 million to 68.2 acres.

And the gentleman makes a good point about the political argument. Many Members of Congress are not like this, but I think it is fair to say there are a number of people that would draw the conclusion that they want to return home, and they want to give good news to their constituents about what they are doing on gas prices, and if there were a quick fix, if there were a way that we could return home to our constituents and say, we found the magic bullet, we are going to lower gas prices by 40 percent or 50 percent. I think it is pretty safe to say we could round up a majority in Congress if there were an immediate fix to this problem that we would do it. There is not an immediate fix. So what we have here is a discussion, a friendly debate, on what the future is, and again whether to stick with oil, or whether to go to alternative energy.

Mr. RYAN of Ohio. And we're not getting this information, unlike has been proposed in some places that this is all coming from the Sierra Club, that all this information is coming from the League of Conservation Voters or some left-wing, liberal political group that doesn't care about energy and wants us all to move to a commune and then we'll all be fine. This is coming from the Department of Energy. These ANWR statistics are coming from the Department of Energy. And the Department of Energy is the executive branch, which is run by George W. Bush. These are the President's own people telling us from the Energy Information Administration of what exactly the numbers are. We are not making this up.

So on one side he comes out and says, "We need to drill in ANWR. That is a major component of our energy policy." And his own energy people are saying, "In 20 years it will save you 2 cents a gallon." Now many of our colleagues here have said, "We are Americans. This is America." Well, the America that I know doesn't say, "We are going to really do it and save 2 cents a gallon in gas 20 years from now." That is not America. That is not America. America is saying, "We are going to be energy independent."

The problem with our friends and the disagreement that we have with the President and with our friends in the Republican Party is the basic idea that we can drill our way out of this problem. Because we can't. We have 1.6 percent of the known oil reserves in the world in the United States. And we consume 25 percent of daily oil consumption, my friend, and that means that no matter how much we drill, if we just keep drilling and drilling and drilling, we will still have to import oil. We will still be dependent on the Middle East. We will still be caught up in these political games that we are in right now in the Middle East. And we will still be in this tenuous web of dictatorships and who's got the oil and what are the supply lines and how do we keep it safe and how do we get to the market. We will still be involved in all of that.

But what the Democrats are trying to do is to take this money and invest it into alternative energy research and development. This should have been done years ago. And some of our friends on the other side and the President comes out today, it was like the President hasn't been around for the last 7 years. You control the House. You control the Senate. You control the White House. Republicans were controlling the whole capital in Washington, D.C. when I first got down here in 2002. The President got here 2 years before. Why aren't we drilling in ANWR? They said Clinton vetoed it in 1995. Why didn't the President pass it through? Why didn't the President move us forward with the Republican leadership in the House and the Senate with Trent Lott and Tom DeLay and all the other leaders that were down here?

That is failed leadership. We are here to clean up the mess. And now look where we are, at over $4 per gallon for gas.

Mr. ALTMIRE. In speaking about the leadership that has been taking place over the last 8 years, we can talk about the impact that the low U.S. dollar has had on the price of oil per barrel which is a direct result of the economic policies of this administration and the three previous Congresses. Perhaps we will get to that later in the evening.

But as we talk about what the President said today, I think it is a little disingenuous, to be honest, to say that it is Congress' responsibility to open up, after 28 years of the moratorium, to open up the Outer Continental Shelf when there are two things at work here. There is the moratorium, and there is the executive order that was put in place by President Bush's father, the first President Bush. Now that moratorium has been in place since 1990. And President Bush came before the Nation today and said, "Well, I want Congress to take away the moratorium, do away with the moratorium." He could right now say, By executive order, I am going to allow the leases to be purchased, the Department of the Interior to start making available these leases in the remaining portions of the Outer Continental Shelf where there is no leasing available and has not been.

Now in the past 28 years since the congressional moratorium has been in effect, we have had three Republican Presidents, one Democratic President, and we have had long terms of Democratic Congresses and long terms of Republican Congresses. And we have had times when both the legislative and the executive branch were the same parties on both sides and times where it was mixed as it is now. There have been opportunities in the past 28 years, no shortage of which for any combination of those Congresses and administrations to say, "Let's do away with the moratorium." It has not happened.

The Republicans seem to be the ones who now are pushing this. They had 6 years where they controlled the House and the White House uninterrupted. They did nothing, as the gentleman said, to do away with that moratorium. And if the President is so unhappy with the inability of oil and gas companies to purchase leases to begin the process of surveying and then eventually drilling in the remaining portions of the Outer Continental Shelf, this is a key point, he could, today, as we speak, do away with the executive order that his father put into place by his own executive order and begin that process. Because that is the first step in the process, no matter what Congress does. We can't start drilling until all the initial leasing has been done. And that is what the executive order pertains to. So I think it is disingenuous for someone to criticize Congress for not taking action when they themselves have not.

Mr. RYAN of Ohio. And if the President wanted to have short-term impact on the cost, we have got to deal with the speculation in the commodities market. Period. Now economists are saying anywhere from 10 percent to 100 percent of the increase is from this speculation, so put that all together, and it is 40 or 50 percent of the increase. But if we take care of the speculation and the President would show Presidential leadership and come to Congress and say let's do something with the commodity prices and the futures speculation and Congress passed something on this so we can have short term, I would say, "You know what—there's some leadership." Let's get that done. Let's get it through Congress. Get it through the Senate. Let's have him sign it. And let's try to reduce this cost by 40 or 50 percent. That would get us under $100 a barrel if we could reduce the increase that has happened because of the speculation.

But he did not do that because a lot of what comes out of the executive branch today, Madam Speaker, is political. And you go back to the war, and you remember "greeted as liberators," you remember that "we're going to use the oil for reconstruction," you remember all the promises that were made. That is what this administration has said. And then it came to the economy: "Well, you know, as long as we cut taxes for the top 1 percent of the people, the domestic economy is going to take off. It's going to be a stimulant. We're going to take off. It will be good for the middle class.'' That hasn't worked.

And then you look at the fiscal policy where he said, the administration said, ''Trust me.'' And we have raised the debt limit in this country. All of us. And the Republicans were leading the House, the Senate and the White House at the time, but this is America's money. They raised the debt limit five times and borrowed $3 trillion, $1 trillion of it from foreign interests including OPEC and China.

The President said, ''Trust me.'' Now he comes out today and says, ''If we only drill more in the United States, then we will solve this problem.'' But we have got to keep drilling and drilling and drilling. And you and I are here saying, ''Fine. Go ahead and drill.'' There are 68 million acres. There are 8,000 leases. There is 80 percent of the oil that we know that we have in the United States on those 68 million acres. Drill and go get it. But when you only have 1.6 percent of the world's oil, and you consume 25 percent, you can drill until the cows come home. We're not going to drill our way to energy independence. That is just not going to happen.

So as leaders in this Chamber and as leaders in the Congress, we have got to come up with a better solution. And that is what we have done. We took the $14 billion that was going for subsidies to the oil companies and moved that into alternative energy research so that we truly can be energy independent.

I yield to my friend.

Mr. ALTMIRE. And the two areas that we are talking about, the two areas that are in dispute where drilling is not allowed today are the Arctic National Wildlife Refuge, those 200,000 acres that we are talking about, and the 85 percent of the geographical reach of the Outer Continental Shelf on which drilling is not allowed. So we will hear people on the other side say, ''Well, there's 85 percent that we are not drilling in that the moratorium exists and we are not allowed to survey and do the drilling.''

Again, 80 percent of the known oil in the Outer Continental Shelf is already in areas where we are allowed to drill. So don't be swayed by the fact that people will throw out the geographical reach. It would be as if we were to say ''the entire geographical reach of the United States'' when we know that there are only certain areas where there is oil. And to that point, we talked about the 200,000 acres in ANWR.

Now, as we move forward on drilling on those 68 million acres, if we get to the point where the oil and gas companies have drilled on them all, which is going to be a long time, and if they do the surveying work and they come to the conclusion that there is not going to be any oil or any gas there for them to take up from the ground, then that is fine. Then we will say, ''You've done your part.''

But we are certainly not excited about giving them 200,000 more acres in Alaska and further development opportunities in the Outer Continental Shelf when they have those 68 million acres still available, there is oil underneath them, and we know that they are consciously making a decision not to pursue that oil.

Mr. RYAN of Ohio. Mr. Speaker, I am sorry. I don't feel bad for the oil companies. They want to go drill here and we won't let them. There is a reason. Why wouldn't we want to let them go to ANWR if it were going to be this big major solution?

Here are the facts of the matter. The green are areas of land that are open for leasing for oil offshore. Open for leasing is the green. What is closed is the red. They have all of this to go ahead and drill in. Go ahead. Drill. Drill to your heart's content. It's already open, the EPA permitting, you're ready, set, go. Go and do it.

Mr. ALTMIRE. If I can clarify what this chart is, it's not quite accurate. It's even a more telling story. This chart shows where the known oil is in those 68 million acres that we are talking about. So that specific that they own the leases, they are able to drill there, and they are making a conscious decision not to do it. That is what that chart shows.

Mr. RYAN of Ohio. This is not Sierra Club. This is the Minerals Management Service within the Department of the Interior. This is not us making this up. The 30 Somethings, we're big on the third-party validators.

Mr. ALTMIRE. Right. And the Department of the Interior is part of the executive branch run by President Bush.

Mr. RYAN of Ohio. Now here, does drilling lower gas prices? Okay. So the red here are drilling permits that have been issued from 1994. The blue are the wells that have been drilled. So you see that the permits have increased, especially in the last few years. The red are the permits. The blue are the wells that have been drilled and the wells that have not been drilled as to the permitting. So with all of this going on, the price of gas has skyrocketed, commodities issues and a lot of other things going on here. But what we are saying is, you have all of these permits to drill where the executive branch, President Bush's executive branch, is telling us that this is where the oil is, and the oil companies have found the oil there and got the permits and did the studies as you have pointed out earlier. And they have all this room here to dig, to drill, to pull the rigs up and to do everything that they have to do. And this is where you could pull out where these leases are, 4.8 million barrels of oil a day. In ANWR, it is how many barrels of oil a day?

Mr. ALTMIRE. In 20 years it will be 800,000 barrels per day. In 10 years it will be 40,000.

Mr. RYAN of Ohio. And that would save you 2 cents.

Mr. ALTMIRE. In a worldwide market of 86 million barrels a day, less than 1 percent of the worldwide market.

Mr. RYAN of Ohio. It would be very little impact. I tell my constituents this all the time when we are chatting, if there is a politician that has one silver bullet, if we just do this, that all of these problems are going to go away, be very, very, very skeptical.

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We grow up learning, if it sounds too good to be true, it probably is. The oil companies are spending a lot of money, I'm sure, through Internet traffic, through advertising and TV about how they're going green. So ExxonMobil, Mr. Speaker, has spent—the industry totally—$52 million on advertising about how they're going green and everything else. ExxonMobil, of their $40 billion in profits, has spent $10 million on alternative energy research and development. That is not the direction. So, when we say that it is important for us to shoot the Moon like we did in the 1960s and get into the alternative energy, that's why. That's what we have to do.

I yield to my friend.

Mr. ALTMIRE. I had not seen that chart before, Mr. RYAN. I knew the numbers, but then you see the chart graphically where it shows a very clear trend.

What is amazing about this is that's the whole thing, and I'm going to recommend that others take a look at this chart. If there is one thing people who are viewing this tonight could look at it is the argument that we hear most often, which is simple economics: The more you drill, the more the supply, and the less it's going to cost; the numbers are going to come down.

This chart, which is using numbers from this administration, does not lie. It's exactly the opposite. Gas prices continue to skyrocket despite the fact there has been an exponential increase in the number of wells that have been drilled and in the number of permits that have been issued. This is really an amazing chart, and I hope that the gentleman will leave it up there so folks can look at it while he talks, but it completely dispels the argument on the other side that this is totally about drilling for more oil and that that's going to guarantee that prices will come down. We are drilling for more oil. We are issuing more permits by the thousands. Gas prices continue to skyrocket and to be at an all-time high.

Mr. RYAN of Ohio. So that's what we're saying, and that's what the whole new direction of Congress has been about, which is, when you're making these decisions, you have to base your public policy decisions on the facts. When the facts say this, that no matter how much you're drilling and you're not keeping up for whatever reason and you only have not even 2 percent of the total oil in the world that is in the United States, 1.6 percent, and you're consuming 25 percent, any businessperson who is sitting in our seat here, looking at these facts, would say we've got a problem. We can't keep drilling.

You know, maybe we need to drill now and do what we can in the short term, but this is no long-term solution. This is clearly a problem that we have for our country. So, nuclear, biodiesel, wind, coal to liquid, whatever the case may be, those are the directions in which we need to move.

Now, a lot of folks are talking about refining capacity, so I think it's important to realize that our refineries are currently running at 88 percent. We are not at full capacity with our refineries. Everyone keeps saying, "Build more refineries. Build more refineries." In 2005, there was a 50 percent tax credit for any company that wanted to build a new refinery, and they have not. All of the big dogs over the last 20 or 30 years have said we have no interest in building a new refinery. They're making $130 billion in profits a year. Now, all of a sudden, we feel bad for the oil companies?

The President basically came out today and said I know we're running down a dead end, but let's run faster. Let's put the juices on. Put on your new tennis shoes. You know, put on two pairs of socks so you don't get any blisters, and keep running down the wrong road until you just smack your head right into the wall.

What we're saying is we know how that movie ends. We know. We don't have enough oil to drill our way out of this thing. That's how that ends.

So let's, please, go in another direction, Mr. Speaker.

Mr. ALTMIRE. Because that was one of the prongs of the President's plan that he put forward today, to continue on refineries, the gentleman mentioned that the CEOs of the oil companies, who annually come before Congress and tell their stories and justify their exorbitant profits—and this is not a slight on them. This is just what they say—say they are not interested in building more refineries.

The President and Members on the other side will say, well, we haven't built a new refinery in 30 years.

That's absolutely true, but what we have done a lot is expand the existing capacity of current refineries because that's what these oil executives have said in their testimony that they're a lot more interested in doing. It's a lot more cost effective for them to expand the capacity of already existing refineries than to build new ones and to go through all that's necessary to do that. So we have increased refinery capacity in this country over the last 30 years. That has gone up—that has not decreased—while the number of refineries has gone down.

So, for the President to say, well, we've not built a new refinery in 30 years, there are a couple of things. One is we've increased capacity, but more importantly, as the gentleman has said, 88 percent of the current capacity of the refineries is being used. Why would we look at building more refineries? Why would that be such an important part of the plan if we're only using 88 percent of the current refineries' capacity? So it makes no sense for that to be the major part of your plan that you put forward.

I would suggest to anyone who is listening that, if you are expanding the capacity of refineries and you're still not operating at full capacity—you're only at 88 percent—it's probably not the best time to talk about building more refineries. It's probably not where you want to go.

So, as we continue to talk about this issue moving forward, I would suggest to the gentleman from Ohio that we talk about facts, because you hear the slogan many times: You're entitled to your own opinion. You're not entitled to your own facts.

Remember the facts: There are 68 million acres where we're currently allowed to drill where we know there's oil. The price of gas has skyrocketed despite the fact that we have exponentially increased in the last several years both the number of drilling permits that have been issued and the number of wells that have been drilled. We have greatly expanded our drilling in this country, and gas prices continue to skyrocket.

There are 200,000 acres in ANWR that we're talking about that are in dispute. If we made that available to come on line in order to drill for more oil, that would bring up the total number of acres in this country that are available for oil drilling from 68 million to 68.2 million. In 10 years, we would get approximately 40,000 barrels. In 20 years, it would be 800,000 barrels, which, according to President Bush's own Department of Energy, would reduce the price of gas by less than 2 cents. So, when you add all of these factors up, I would suggest that we can't drill our way out of this problem.

I know the gentleman is going to move on to talk about the Outer Continental Shelf, and at this point, I would yield back to him.

Mr. RYAN of Ohio. Well, we have other illustrative charts here. This is the Outer Continental Shelf: The acres that have been leased and the acres producing. So this is in the Outer Continental Shelf already, 44 million acres, and only 10.5 million acres are being utilized. That's in the Outer Continental Shelf. It just helps. You read it, but it helps. These are statistics that are coming from the Energy Department. These aren't things that we're making up.

Mr. ALTMIRE. Before the gentleman moves on and if he could keep the acres chart up, if the other side were here, they would certainly say, well, we're talking about 44 million acres, but if you're drilling dry holes, you're not going to continue to do that; you're only going to drill where there's oil.

These are acres the oil companies and gas companies, themselves, purchased. Nobody forced them into it. Nobody twisted their arms. They sought these acres because they knew there was oil and gas underneath them. They're not randomly chosen. There are 44 million acres where we know there's oil and gas. That's why the oil and gas companies made a conscious decision to purchase the leases, so that they could have them because they know there's oil and gas underneath. These are not lands and parts of the Outer Continental Shelf where there is no oil or gas. That is simply incorrect.

Mr. RYAN of Ohio. I'm sure the oil companies spent a good deal of money to identify the area. They hired a lot of geologists whom, I'm sure, they have working for them. They spent a lot of money and used a lot of technology to identify this.

But this is the area that is underdeveloped, and the President comes out and says ignore all of this, and go to ANWR or do this, which is not even being done now, and then go to ANWR. There are 4.8 million barrels of oil that would come out of this per day at maximum production and, in ANWR, 800,000. This is the Outer Continental Shelf and this is onshore. It's the same kind of situation: 47 million. Only 13.2 acres that are actually in production right now. Again, there is the number of permits.

It's interesting because we kind of went through this a few years back. You'd hear testimony from executives, and you'd hear about supply and demand. Then with the situation dealing with Enron, all of a sudden, it was not supply and demand. All of a sudden, it was all this manipulation that was going on.

Our job here is to oversee what is going on in the markets and figure out how we can make sure that everything is above board, that everything is legal.

Now, a few weeks ago on a Friday, the increase in the cost of a barrel of oil was more than a whole barrel of oil cost 10 years prior to. Something funny is going on here, and I think we need to move with the commodities issue. We've already done the Strategic Petroleum Reserve. We've already passed out of the House that which deals with the cartels. These are steps that we are taking, but if we don't move into the alternative energy category, we're going to be sitting here 10 years from now, dealing with the same, exact issue that we're dealing with today.

Mr. ALTMIRE. Because these are 10-year solutions that we're talking about when we're talking about creating new areas where we can drill.

I think we've exhausted the topic about the number of acres that are available for current drilling. They want to increase the amount of acres.

So what, I think, is instructive to look at and what we should discuss is how we got where we are today. Some would say, well, there's no point in looking back. We have to move forward and start the process from where we are right now because we can't do anything about the decisions that were made in the past. Certainly, that is true. There are a number of factors that affect the price of gas that have led to the skyrocketing prices that families all across this country are forced to pay. We can do nothing about the increased demand in growing nations like China and India. It's a huge problem. It's going to continue, and it's going to greatly impact the price of gas moving forward. There's not much we can do about that.

The speculation in the market is something we can do something about, the manipulation that takes place in the commodities market, and this Congress is going to be bringing forth legislation to deal with that very complicated issue about how the oil commodities are traded and what the sources are of that manipulation. Congress is going to try and figure out a way that we can regulate that in an effective way.

The estimation is that that will lead to a decrease in the price per barrel of oil of up to $30 per barrel. That's a significant chunk. It's not everything. It's going to have a real impact, though, for families all across this country.

When you hear people discuss what the options are moving forward, I think it's instructive to look at the judgment of the people who are making those arguments and what the decisions they've made in the past have led to. One of the issues that has led to the increased price of oil and price per barrel on the worldwide market is the decrease in the U.S. dollar. So what is the cause for the decrease in the U.S. dollar?

Well, two of the largest reasons are the trade deficit, that the gentleman talks about, where we've added $1.5 trillion in foreign-held debt. This is only debt held by foreign nations. $1.5 trillion. That's over the past 7 years. To put that in perspective, when President Bush took office in 2001, his 42 predecessors in the 220 years up to that point had accumulated a foreign-held debt in that entire time of $1 trillion.

□ 2015

So the President has gone $1.5 trillion in 7 years, equaled, and then by half again what his 42 predecessors did.

The $3.5 trillion in debt that has been rolled up over the past 7½ years, $3.5 trillion debt that this country simply cannot afford, so I think it's instructive to take a walk down memory lane for what the economy looked like, what the debt looked like when President Bush took office. The 10-year projection was for a $5.5 trillion surplus over 10 years, $5.5 trillion surplus. That's what we were supposed to see.

Well, it's not what we saw. We saw a $3.5 trillion deficit over only 7½ years with more to come, unfortunately, because we can't dig ourselves out overnight from the huge hole that we've been given.

Now, what does that do to the price of the dollar? Well, we have seen what that does to the price of the dollar. It's almost at historic lows and oil is traded by the dollar in the worldwide market. That has had an enormous impact on the price of oil, and that has had an enormous impact on the price of gas at the pump.

So when you hear people give their opinion of where to go from here, what are the strategies we can use in both the short-term and the long term, I do think it's instructive to look at some of the ideas that those individuals had and those groups had in years leading up to the crisis that we now face.

The gentleman from Ohio may want to continue along these lines. I would yield back to him.

Mr. RYAN of Ohio. I think it's important that we realize that this is not going to be some kind of very narrow solution to the problems that the country is in now. The point is that when President Bush came into office, there was a pretty good economic forecast, a lot of things were stable, it was time to make some key investments. That did not happen, and the situation got dramatically worse.

The middle class has continued to get squeezed, whether it was energy costs, health care costs, tuition costs, everything in the 6 years in which the President was pushing all of his agendas. I've said this more than one time on this House floor. There is no need to wonder about what the neoconservative Republican agenda would look like, because we are living in it today.

All you have to do is go to the gas pump, get your health care bill, pay your kids' college tuition, deal with the global environment, look at the foreign policy of this country, the destabilization of the Middle East, unable to deal with China. We deal with a lot of trade issues, with China, with Wheatland Tube that has a facility in my district, a facility in your district, in imports coming in from China.

It's tough for us to advocate the administration to be hard on China, to take a firm stance on China, because the administration at the same time is borrowing money from China to finance the $12 billion a month for the war in Iraq.

So the foreign policy of the United States has destabilized the region where a lot of the oil is, and that has not helped the situation. Our domestic problems continue to exist because we are living under the President's current economic policies. The debt burden that has been placed on our children and grandchildren over the next generation was put in place, the $3 trillion borrowed, this is the conservative Republican agenda currently implemented.

We are trying now to take the Congress in a new direction and to move into alternative energy so we don't have this dependency which would relieve the pressure for a lot of the foreign policy issues that we are dealing with, to use PAYGO to pay for what we are spending here in Washington D.C., to try to repair this debt and eventually pare down the debt so that we can have a firm negotiating stance with China, these all fit together. We can't continue to go down this same road. At every instance, the New Direction Congress has changed course from the current administration.

But that did not stop the President from coming before the American people today and asking the American people to continue to go down a road that is a dead end, and that's drilling.

It's amazing to me, whether we are dealing with the supplemental, or dealing with the regular order of business here in Congress, when we try to push an agenda of helping the soldiers, for example, we are trying to get the GI Bill, which would pay for 4 years of college for our soldiers who have served in Iraq and Afghanistan, for free. They have served this country. We need an economic recovery, we need brain power. These young men and young women should have 3, 4 years of college.

But the President says, we don't have the money and turns around and asks for $140 billion in the supplemental to continue the war at $12 billion a month.

Now, I don't think anyone is saying tomorrow, we are going to be able to pull out of Iraq. I think everyone knows that this would be a process. But what we are saying is why do we always have money for war, and then when our soldiers come back and we want to put them through college and reward the effort, all of a sudden the President says we don't have the money when he has just got done borrowing $3 trillion.

I yield to my friend.

Mr. ALTMIRE. The gentleman is correct. For those who may be entering the chamber at this point or joining the debate, it may seem like this is a partisan argument. It's not. What we are discussing here are simply the facts of how we got to where we are today.

I won't dwell on that argument. I think we have talked about it, but it is definitely something to consider, as we move forward, that the reason we are where we are today is the direct result of the decisions that were made in public policy over the last several years.

When you hear people advocating ways to dig us out of the enormous hole that we are in, I would suggest it is worthwhile to look at what the outcomes have been of the policies that they have put forward over the years.

Lastly, and then we can move on to the GI Bill, because I think that's a very important discussion as well, we talk about the facts of the gas price issue. I would hope, maybe it would be helpful for us to get together with our friends on the other side and do one of these Special Orders one night.

I am sure Mr. PETERSON from Pennsylvania would love to join us that night. I have a world of respect for him and his knowledge on this issue, and he certainly knows it as well as anybody. Maybe we could get together one day with a group and have a debate, not a debate, a discussion on the issue and let the American people hear the arguments on both sides.

I think we certainly would be willing to do that on our side.

But when you hear the discussion, I think we need to look at the facts. You can have your own opinion. You can't have your own facts. We talked about the fact, the chart that is next to the gentleman.

As the number of wells and the number of drilling permits have gone up, gas prices have gone up right up along with it. It is incorrect, it is false, and don't let anybody get away with saying that as you increase the amount of oil that we are drilling for in this country, the price of oil is going to go down. That simply has not happened. We have experience over the past 4 and 5 years, as you can see on that chart.

But another fact that came up time and again, over the last couple of years, I heard it in the 2006 election from people in the State of Pennsylvania where I am from, I continued to hear it over the past couple of years, that China was drilling off the coast of Cuba in waters that were 60 miles from the shores of this country in Florida. I heard it time and again. China is drilling 60 miles from our shores, and that is alarming. That's an alarming fact. Or is it a fact?

What we found out is that China is not drilling off the coast of Cuba, and those on the other side who had been making that claim, some who hold extremely high office in this country, had to retract what they said and acknowledge that, in fact, they were mistaken on that. It may be an honest mistake in some cases.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. ALTMIRE. I would.

Mr. RYAN of Ohio. I just want to share, because this is third-party validation.

Mr. Speaker, I would ask to have this submitted for the RECORD, all these quotes in order.

Vice President DICK CHENEY:

"Oil is being drilled right now 60 miles off the coast of Florida. We're not doing it. The Chinese are in cooperation with the Cuban government." That was June 12.

Minority Leader BOEHNER:

"Right at this moment, some 60 miles or less off the coast of Key West, Florida, China has the green light to drill for oil in order to lower energy costs in that country. Do Congressional Democrats really trust the Chinese that much more than Americans?" That was from June 11 of this year.

Minority Whip ROY BLUNT:

"Even China recognizes that oil and natural gas is readily available off our shores; thanks to Fidel Castro, they've been given a permit to drill for oil 45 miles from the Florida Keys. U.S. energy producers can't go there, and that's because our Congress won't let them." That was also on June 11.

But then, as you stated earlier, Congressional Research Service says, facts, third-party validator, nonpartisan Congressional Research Service:

"While there has been some concern about China's potential involvement in offshore deepwater oil projects, to date its involvement in Cuba's oil sector has been focused on onshore extraction in Pinar del Rio province through its state-run China Petroleum and Chemical Corporation (Sinopec)."

From the Miami Herald, they had a quote from Jorge Pinon, an energy expert at the University of Miami:

"China is not drilling in Cuba's Gulf of Mexico waters, period." This gentleman, from Miami's Center for Hemispheric Policy, who supports oil and gas exploration, said he met with several congressional offices Wednesday about the China-Cuba connection. He said he told them: "If you guys want to use this as a scare tactic to lift the moratorium on drilling off the west coast of Florida, at least be factual, be correct. They didn't do their homework."

June 12, 2008

REPUBLICANS USE SCARE TACTICS TO PROMOTE FAILED "DRILL & VETO" ENERGY POLICIES OF THE PAST; GOP CLAIMS CHINA IS DRILLING FOR OIL OFF FLORIDA'S COAST PROVEN FALSE

American families and businesses are struggling to keep up with skyrocketing gas prices—now averaging a record high of $4.06 per gallon across the country. Instead of working with Democrats to pass legislation addressing high energy costs and moving America to energy independence, Congressional Republicans are spreading scare tactics and proven falsehoods to push their failed "drill and veto" energy policies of the past.

Republican leaders—including Vice President Cheney—have recently claimed that China is drilling for oil off the coast of Cuba "60 miles off the coast of Florida." But the facts show China does not have a deepwater drilling contract in Cuba.

From the Congressional Research Service:

"While there has been some concern about China's potential involvement in offshore deepwater oil projects, to date its involvement in Cuba's oil sector has been focused on onshore oil extraction in Pinar del Rio province through its state-run China Petroleum and Chemical Corporation. (Sinopec)" [CRS, 2/29/08]

From today's Miami Herald:

"China is not drilling in Cuba's Gulf of Mexico waters, period. . . .," said Jorge Piñon, an energy expert at the University of Miami's Center for Hemispheric Policy. . . .

"Piñon, who supports oil and gas exploration, said he met with several congressional offices Wednesday about the China-Cuba connection. He said he told them: 'If you guys want to use this as a scare tactic to lift the moratorium on drilling off the west coast of Florida, at least be factual, be correct.' They didn't do their homework." [6/12 08]

The New Direction Congress is committed to bringing real relief to those feeling the pinch from high gas and diesel prices and ensuring the needs of families and businesses are put before the interests of Big Oil. The American people deserve the truth and a cleaner, greener, more energy efficient future.

Republican Scare Quotes:

Vice President Dick Cheney:

"[O]il is being drilled right now 60 miles off the coast of Florida. We're not doing it. The Chinese are in cooperation with the Cuban government." [6/12/08]

Minority Leader John Boehner:

"Right at this moment, some 60 miles or less off the coast of Key West, Florida, China has the green light to drill for oil in order to lower energy costs in that country . . . Do congressional Democrats really trust the Chinese that much more than Americans?" [6/11/08]

Minority Whip Roy Blunt:

"Even China recognizes that oil and natural gas is readily available off our shores; thanks to Fidel Castro, they've been given a permit to drill for oil 45 miles from the Florida Keys. U.S. energy producers can't go there, and that's because our Congress won't let them." [6/11/08]

Rep. George Radanovich (R–California):

"Florida, for example, has objected to U.S. oil exploration off its coast. But China, thanks to a lease issued by Cuba, is drilling for oil just 50 miles off Florida's coast. America's offshore drilling policy amounts to a government handout of U.S. natural resources to foreign countries in the name of environmental protection." [6/10/08]

Mr. ALTMIRE. That's the point that we are talking about. We are talking about facts. We can have a debate. We can have a discussion. There are clear differences of opinion. We are all on the same side. We all want to see gas prices lowered both in the short term and the long term. There is no animosity. This is not a game of gotcha.

It's unfortunate what happened to some of the individuals that you mentioned who put forward with great confidence a fact that turned out not to be true. But the point we are making is not gotcha. The point we are making is consider the history of the commentary that you hear from people, consider the factual basis which does not support their argument and consider the outcomes of the policies that they have put forward over the past 7 and 8 years, and that's leading us to where we are today. That's what we are talking about.

Mr. RYAN of Ohio. That's exactly correct. That lets the facts speak for themselves. That's why we always have third-party validators and, as we stated earlier, go back to the war. Now you have the President's former press secretary talking about what really happened:

"We're going to be able to use the oil for reconstruction."

"We're going to be greeted as liberators."

"We had nothing to do with outing a CIA agent."

"If we just keep cutting taxes for rich people, the middle class will at some point benefit, and we will stimulate the whole economy."

"The tax cuts lead to more revenue."

Is that why we borrowed $3 trillion over the last 3 years?

And now it's if we just drill more, we're going to reduce the cost of gas, which is not the case. Or if we just drill in ANWR, we're going to significantly reduce the cost of gas. Then it was in the last week or two, China's right off the coast of Cuba stealing it from us. We should be there. Not true.

All of these have not been true, and now the same gentlemen who provided all of those arguments and used the bully pulpit to provide all those arguments are now saying, let's just keep going down the wrong road.

I yield to my friend.

Mr. ALTMIRE. Well, that's it. I think the gentleman hit the nail on the head. I don't know what more we could add on this issue.

Could I inquire to the Chair how much time we have remaining?

The SPEAKER pro tempore (Mr. SPACE). The gentleman has 8 minutes.

Mr. ALTMIRE. Well, if we could talk for a minute about the GI Bill, as the gentleman mentioned, there is no group that should stand ahead of our Nation's veterans when it comes time to making policy decisions, plain and simple. I think most people in this Chamber would agree with that.

So what has this Congress done recently to help our Nation's veterans? Well, last year we had the largest increase in the 77-year history of the VA, health system funding increase. We have increased screening and treatment of traumatic brain injuries at every VA health care facility.

We have extended family and medical leave to cover our military Guard and Reserve. We have covered small business entrepreneurship opportunities for returning veterans. We have increased the capital and the grants and loans that are available to small business owners who served, themselves, in the Guard and Reserve. We have a tremendous record of achievement on veterans in this Congress.

What we are taking up this week, probably, is the GI Bill. As the gentleman said, the GI Bill has not been updated since 1944 and not modernized.

□ 2030

So we are talking about more than 60 years since the GI bill has been modernized. This Congress took a step to say if you serve in the military for 3 or more years since September 11, you will qualify for the new GI bill which says you will be allowed to attend a State institution, State university in your State and we will pay for it because we want to thank you for what you have done for this country. You have earned that benefit. We can never thank you enough for putting your life on the line and the sacrifice that you have made and that your family made. So we are going to offer you something in the long run that will benefit all of us, educating people.

There is a continuing benefit to society of educating our veterans and giving them a step up so they can get out into society and continue their own careers, which helps everybody. And so we took that step in this Congress of modernizing the GI bill because it had been less than $10,000 that were available under the current GI bill.

I think anyone who has kids who are going to college or had to pay for their college themselves realizes $10,000 in today's world doesn't get you very far with regard to higher education.

We not only pay for the tuition at the State university rate in the State where the veteran lives, we also have a stipend for housing costs and ancillary things like books. We will not pay for everything, but we will help. And certainly the veterans who have earned that benefit deserve every penny of that, and I am sure the gentleman agrees.

Mr. RYAN of Ohio. Absolutely. One of the issues is we have in this country only 300 million people. We are now competing in a globalized economy with China and India and a variety of other rising economic countries. So we have to make a point that all of our 300 million citizens, a major disadvantage in human capital, are educated.

You've probably had a similar experience as I have had dealing with interns and staff members and people you have met back in the district. The benefits that a soldier brings to your organization, because of the discipline, the focus and the organizational skills, the ability to deal with situations that are very challenging, and you add to that a college degree or a master's degree or a Ph.D. or a law degree, you are talking about someone who is prepared to really contribute value to whatever organization they are joining, whether it is government or business. There can't be a better investment to make.

And why is it that we have enough wherewithal to borrow the money for the $12 billion a month, but when these soldiers come back, the President says I'm going to veto that bill. We don't have the money for that bill.

I think of all of the issues that you mentioned earlier, it is important for us to recognize that last year under a Democratic Congress, led by Speaker PELOSI and HARRY REID, we made the largest increase for veterans' benefits in the 77-year history of the VA because as Democrats, we are committed to the soldiers. Whether you are on one side of the war issue or another, we all say we are behind the soldier. And when the soldier comes home, you will have the health care and the benefits you deserve. And we want to add onto that this GI bill. So we have made that commitment and will continue to push for that commitment for this GI bill so we can reward the soldiers. It is important for us to deal with this issue.

All of these posters with all of the information can be found on the Speaker's Website, the 30-Something Website that we have. You will be able to find, you will be able to get all of these. All of these are available for Members to look at and analyze and to get a visual of what we have been talking about over the last few minutes.

Mr. ALTMIRE. We will close it out now, and we want to thank the Speaker for the opportunity to address the Chamber tonight.

Any of the charts that we have talked about, and I really would encourage Members to take a look at them, can be found on www.speaker.gov/30somethings.

TRAGEDY IN IOWA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, as always, it is a profound privilege to be recognized to address you here on the floor of the United States Congress.

I come here to the floor, and first I can't begin this discussion over the next 60 minutes without first taking up the issue of the natural disaster tragedies in Iowa. From my history and experience, I go back a ways working with the natural environment and the natural disasters we have had. I remember a tragic tornado at Belmond, I lived through the 1993 floods, and when my equipment and my livelihood was under water, I went to eastern Iowa and down to Keokuk to help out down there because it was the only thing I could do to improve the situation because mine was not in a condition where it could be helped, at least for a few days.

As I lived through those experiences and as the Katrina hurricane came up and in the aftermath of Hurricane Andrew, for example, I was one of the first Members of Congress to arrive down in New Orleans. I made multiple trips down there into the heart of it. I have something like 3,600 pictures taken of Hurricane Katrina's aftermath when New Orleans was full of water. I have been on the ground and in the air, and I have slept on the Red Cross cot and I looked the people in the eye who were underwater and still suffer from that tragedy. I am not without experience.

Personally, I lost a considerable amount in the floods of 1993; but also I have the experience as a Member of Congress who has gone into these disastrous areas in the world. And Hurricane Katrina being the heart and the worst of it.

And yet when I look at Iowa today, and just having come back from the location last Friday morning where I visited where our four Boy Scouts were killed by a tornado and 48 others were injured, they rose up and did everything that they could do. They did everything they could do from a training perspective, and they did everything that they could to prepare. They did everything they could to take shelter with the shelter that they had that was available. And in the aftermath of that disastrous tornado that brought about the four fatalities of the Boy Scouts, they conducted themselves with utter heroism.

I stood on the site and listened to the stories from a number of the people on the location. And think of this, Mr. Speaker, 1,800 acres in the loess hills of Iowa, a very remote wilderness Boy Scout camp location that has been used for a number of years as a training location for first aid, first responders, and survival where the Boy Scouts have been trained.

And the tragedy of this is that the Boy Scouts are generally some of the first ones to arrive to help sandbag and help prepare for a flood or a disaster. They are some of the first ones to be there and stay there and help clean up in the aftermath. They are some of the first ones to arrive in the aftermath of a tornado or another natural disaster to help clean up, and they are leaders in their own right as youth, and they are also leaders in training for their adulthood. And these were the elite of the elite. These were the stand-out Boy Scouts who were there. There were at least 93 at the location on the night of the tornado.

The shelter that they had available to them was small, round little pup tents that were pitched up the finger valleys of what we call the bluffs. It's the loess hills of Iowa. Some of the reporters called it mountains, and I think I am flattered by that. Come see the mountains in western Iowa. They are beautiful. They are about 300 feet high, but they look like mountains on the horizon.

When the storm came, the Scouts had a very short window of notice and warning. The visibility lookout across the horizon didn't exist for them because they were in the valley and the tornado that came first set down on the ranger home, and destroyed that home. There was no basement, no shelter for the wind, slab on grade with a large fireplace built into which the tornado knocked down on top of the ranger and his family. They were trapped underneath the rubble. It was three small children, wife and husband, so five of them were trapped under the rubble of cement blocks and stone that was the former fireplace that collapsed on them.

And the tornado went from there up the valley and kind of jumped around the finger a little bit and set right in on the shelter house that 40 or 50 Scouts had gone to as quickly as they could when the weather got bad. The tornado picked up a pickup truck and blasted it through the chimney and the fireplace and on through the building, and it landed on the other side. The vehicle was about 100 feet on the one side of the building which I think was south and it landed about 150 feet on the other side of the building. That knocked rubble down on top of the Scouts, and that is where the fatalities took place. And that is where most of the injured of the 48 who were injured out of the roughly 93, and that were taken off for medical care.

The Scouts came out of that rubble. Some of them went immediately to the aid of those who were hurt the worst and did the triage that their training had taught. Some ran half a mile to the ranger's house where they could hear the children screaming from underneath the rubble, and pulled that rubble and saved them from suffocation that ultimately would have taken place. The ranger and his wife and children did walk away, although a couple were severely injured. It was a very sad situation with a very heroic reaction.

Some of the Scouts then reached to help each other. Some of them went to the first aid kits that they had been issued 2 years and 2 months earlier when they were on the same location and there was a surprise drill that was called by and initiated by the Boy Scout leaders and by the EMT workers from the neighborhood. They joined together at 5 in the morning and they converged on the 1,800 acre Scout camp and simulated a disaster that very much was like the real disaster that came 2 years and 2 months later.

The Scouts had their training. They were trained to react quickly. Many of them did. Some of them ran up the hill to a storage shed where they went in and got a couple of all-terrain vehicles and chain saws, and came back down the hill and began sawing the trees out of the way so emergency vehicles could get in. Other Scouts performed first aid with the kits they had been issued 2 years and 2 months earlier. They were saving lives all across that area.

The bottom line of it, Mr. Speaker, that the Scouts and their Scoutmasters and the EMTs that converged on the area within 7 minutes, and I would submit that is within 7 minutes even though the nearest town is at least 7 miles away, they saved Lord knows how many lives. But each move they made before the tornado hit and each move that they made after that was as good as it could have been. Sometimes it's just not enough. Sometimes even though everybody does everything right, there still will be loss of life. And four Scouts were called home who will be remembered for all time, especially on that location.

I can't say enough about the job that they did, their training and the EMTs in the neighborhood, all of the emergency responders, the law enforcement personnel, the fire departments, the urban teams across the State, everyone that converged on that location began to arrive 7 minutes after the tornado hit. The Scouts were already sawing logs and timber off the pathways so emergency vehicles could go up. Within 2 hours, everyone who was injured and needed medical care was off the site and under medical care at some of the local medical facilities and hospital. Some went to Omaha, and some went to Sioux City. But the largest share went to Burgess Memorial Hospital in Ottumwa. And those that arrived there, I can just sense the tone in the voice of the medical workers there. The thing that they had trained for, one of the things they had feared and trained for all their lives had visited them on that evening last week.

They mustered through the cause and provided the best quality medical care possible and took care of the patients, the 20 patients out of the 48 that arrived at Burgess Memorial in Ottumwa, and also Mercy Hospital in Sioux City and down into Council Bluffs and Omaha. Everyone stepped up to the task. I think they can be very proud of the way that they reacted to a tragedy, Mr. Speaker.

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And it is a tragedy that will be remembered in Boy Scout lore for all time. If there is a silver lining behind this cloud, the silver lining is that the training that they had, the deja vu experience that was visited upon them last week was one that had a maximum amount of training available. And one of the Scouts said, I think, the most heroic thing when he said, if this had to happen anywhere, it was a good thing that it happened here where we were trained to deal with it. That's a courageous statement, Mr. Speaker. And I can't attribute that because I don't actually know the name of the Scout, but all the Scouts out there, I think, expressed the same sentiment. And I'm proud of the work that they have done. I congratulate them. My heart, thoughts and prayers goes out to them, to their families as they grieve for the lost ones. And as they put this back together, all of us will join together in that part of this recovery from the disaster, as bad as it is. I'll certainly be supportive of constructing a memorial on the location where we lost the four Scouts.

Fortunately, the ranger and his family all came out of it in at least reasonably good health and are in the recovery mode today.

But I look across the State, Mr. Speaker, and it's a tough battle all the way across Iowa. And we've had more loss of life due to weather and natural disasters than ever in my memory. I believe that number now, through the course of this, comes to 20 lives that have been lost in the culmination of the tornados, the one especially that hit Parkersburg, the one that hit in Monona County that took the lives of the four Boy Scouts.

If you add to a number of other disasters, weather-related, that have come across the State, and look at the State of Iowa in your mind's eye, Mr. Speaker, we're fortunate in western Iowa that we're not in worse condition than we are. The Missouri River and its tributaries, by the nature of their grade, come up fast when it rains and they go down fast. We've had some severe flooding in western Iowa, but it doesn't sustain itself over the days and weeks in the same fashion that it does in eastern Iowa.

Des Moines, central Iowa, downstream from the Saylorville Reservoir and downstream from the Raccoon River, they've had some record flooding in that area; not as bad as it was in 1993, in some locations actually worse. But for the breadth of it, not as bad it was in 1993, which was a 500-year flood event.

But over as far as one goes east in Iowa, and especially in Congressman LOEBSACK's district, Cedar Rapids and in the Waterloo, Cedar Falls and Iowa City area, the Cedar River especially, but for the Iowa River, the all-time high was set, I'm not certain of the year, but in this flood, this new 500-year event that came back to visit us 15 years after the last 500-year event, Mr. Speaker, set an all-time high there near Iowa City or near the Iowa River that was 3½ feet higher in its crest of the water flow elevation than ever before. 3½ feet higher, Mr. Speaker. And that eclipsed a 500-year event in order to do that.

But in Cedar Rapids it was more difficult. It was 11½ feet above the previous high water mark. 11½ feet, Mr. Speaker. That is a huge, huge amount, a wall of water that has inundated the Cedar Rapids area.

And I will say that we've been through some floods before. And we're watching as this crest has moved its way down the Mississippi River. And the Mississippi River is pushing at some all-time highs, and marginally has eclipsed those all-time highs.

But what we've learned, in 1993 we rebuilt some levees. We built some up. We tried to prepare ourselves, mitigation for future floods, and it wasn't enough, especially in the Cedar Rapids area. It wasn't enough in the Iowa City area. It wasn't enough in some of the smaller town areas and some of the other tributaries, as well as the Cedar River and the Iowa River.

But I want to compliment the Iowans in the eastern part of the State as well, because they did everything they could to get ready. And during this crest and the aftermath, I have every confidence that they have done and will do everything necessary to clean up from it and to bring the resources that are available to them to bear, to pump the water out, to let gravity feed it down, to clean up the muck and the silt, and to go into the buildings and take out the drywall, and haul out the appliances that have been flooded out and redo the flooring, redo the walls, rebuild.

In some places houses are entirely gone, washed away, Mr. Speaker, washed away and crushed into bridges where they were trapped until they could be pushed further downstream. Some people's homes just simply washed away.

We've seen this kind of tragedy across the country time and again, and I alluded earlier to my experience at Katrina. And this experience in Katrina, compared to Iowa City, Cedar Rapids, all of Iowa, tells me that the vast areas of New Orleans, some of those that are not rebuilt yet may not be rebuilt, even after we're finished rebuilding in Iowa.

But I call upon Iowans, and I have every expectation and all confidence that they'll step forward and get this work done, and they'll do it with volunteer forces. They'll do it with contract forces, and we will do it together by using the resources that are available to us in the most responsible fashion.

And we do need help, Mr. Speaker. I don't know how much this flood has cost. I know that we appropriated tens of billions of dollars to New Orleans and Katrina, and I have been one of the critics of how that money was spent in some cases, in fact, some will say in many cases, and they may well be right.

I pledge, Mr. Speaker, that I'll also be looking to Iowa and asking and making sure that the utilization of the resources that are available to Iowans to recover from this disaster are used with every bit of the frugality and responsibility, as if every dime was our own money reinvested into the future. And I will spend my time overseeing this.

I will defend the interests of the taxpayer, and I will protect the needs of Iowans to have a chance to recover from this.

The cost of these disasters are far greater than we can withstand within the State itself. To give an example, we're looking at an initial component of this of perhaps $2 billion. It will go beyond that, we think. And there's not much to quantify it. This is a guess number, Mr. Speaker.

But to put it in perspective, the Iowa budget's around $6 billion. It was 5 when I was in the Iowa Senate. It's probably above $6 billion now. And so it gives you a sense that this disaster is significantly greater than at least a third of the Iowa budget, at least a third of Iowa's budget, and perhaps well more than half of it, maybe even more than a year or two of the Iowa budget. We will have to see.

But I'm going to ask that Iowans use these resources that we provide here in Congress in the most responsible fashion, and step up and do what they do.

We don't have a problem with looters. We only have a problem with how we organize all the volunteers that show up. That's the right kind of problem to have. That's the proudest kind of problem to have.

And I'm looking forward to an opportunity to roll up my sleeves and get into the middle of this, because when you get into a situation like this, Mr. Speaker, the thing that makes me feel the best is if I can just do something, if I can put my hands on some work and just get in there and do something to help everyone else. That's what I think is the sentiment from the Iowa congressional delegation.

We stood here on the floor tonight, and Congressman BOSWELL asked for a moment of silence from this Congress. I appreciate the leadership on that, and I appreciate that we're all here together in it. We will stand together.

And so I thank all the support that's here, Mr. Speaker, and we will be doing our share of this work confidently. We appreciate all the thoughts and prayers and the efforts and the support that have come, that will be there.

And now, Mr. Speaker, I must transition into this issue that is a big and broad and lasting issue for the United States of America, and that's the issue that's been discussed by the previous speakers in the 30 Something group. I will give them credit. They come to this floor regularly, consistently, and have done so for years, and they've made arguments that I've consistently and regularly disagreed with for years, Mr. Speaker.

I first take issue with the gentleman from Ohio's statement that drilling for oil is a dead end.

Now, only here on the special orders, in the rather silent nights after the general session of Congress has wrapped up, can you get by with a statement that drilling for oil is a dead end. How can that be a dead end?

We drilled for oil all over the Middle East. The Hunt Brothers went to Libya and developed the oil fields there. They were nationalized by Qadaffi when he took power in Libya, however many decades ago that's been. It's been a while. Drilling for oil in the Middle East wasn't a dead end.

Drilling for oil in Venezuela hasn't been a dead end. Hugo Chavez is getting rich off the oil they've drilled for in Venezuela.

Drilling for oil in Russia hasn't been a dead end. They're exporting oil into Europe and other parts of the world, and their cash flow is looking pretty good right now.

Drilling for oil in Canada hasn't been a dead end. They've discovered a massive amount of oil supply in Northern Alberta called the tar sands or the oil sands, depending on how you want to label that, Mr. Speaker. The Canadians are happy that they've drilled for oil, and they will be soon exporting tar sands oil down to the United States.

And Union County in South Dakota, the Elk Point region just across the river from Sioux City, Iowa, passed a resolution here within the Primary Day, the first Tuesday after the first Monday in June, that endorsed the idea of building a new oil refinery, first one since 1975 in the United States. Who would have thought that it would be, Mr. Speaker, in South Dakota?

But in South Dakota it's most likely to be. The highest hurdle has been reached. There may well be other regulations that have to be circumvented or resolved. But in the end, it's most likely now there will be a new refinery at Elk Point, South Dakota; a new refinery with billions of dollars invested in it that will have a pipeline coming down from Northern Alberta with the tar sands oil in it, oil sands oil. They will be refining that crude oil into gas, diesel fuel, engine oil and all the other products that come out of that refinery, setting up pipelines and distributing that oil across the country.

Drilling for oil wasn't a dead end and is not a dead end in Canada. And, in fact, if you'd asked the people in States like Texas, Oklahoma, California, Long Beach area, for example, Pennsylvania, drilling for oil was not a dead end in Pennsylvania whatever year that was when it was discovered some time I think previous to the first half of the 19th century.

And drilling for oil in the north slope, Mr. Speaker, was not a dead end. We went up there in 1970 to drill for oil and build a pipeline from the north slope of Alaska down to the Port Valdez. The right-of-way was 600 miles from Fairbanks north. And the environmentalists went in with a court injunction and blocked the development of the oil fields and the pipeline on the north slope of Alaska. That happened in 1970. But, in 1972, they had made their way through the quagmire of the environmentalist lawsuits, resolved all of that, opened up the oil fields in the north slope of Alaska and the pipeline, built the pipeline and opened the oil fields. And by 1975, we're pumping oil down to the Port Valdez.

Now, today, we're hearing: It's a dead end to drill for oil in ANWR, a dead end to drill for oil in the Outer Continental Shelf, a dead end to drill for oil on the non-national park public lands of the United States of America. Drilling for oil, Mr. Speaker, is a dead end.

Where are you going to get your gas from? I didn't hear you advocate that you want to come to Iowa and buy up all the ethanol that we're producing, so I don't know what you're going to put in your gas tanks, gentlemen. Your cars have to run on something unless, of course, it's your proposal that you're going to park them. And I can understand why you'd want to do that if you represent an inner city urban area that has access to publicly funded and subsidized mass transit.

In fact, when I look at the 18.4 cents a gallon that is a Federal gas tax that each of us pay when we fill up our tanks, we stick the nozzle in and we squeeze the handle, and when a gallon runs out we know we're paying 18.4 cents in Federal tax money on gas.

And a lot of us spend 20 or more cents to the State as well for our gas tax. We're willing to do that because it's a user fee, Mr. Speaker, and we're willing to do that because the consumers believe that 100 percent of that money goes to build and maintain our roads. Users fees, drive on a road, you wear it out. You need a new road, you've got to build a new one. You need to rebuild the roads that you're driving on because the surfaces wear down and the grade undermines, and you need to reshoulder and you need to reshape and you need to upgrade. 18.4 Federal cents per gallon goes to that. 20-some State cents in many States go to do that.

But the consumers aren't thinking that 17 percent of that Federal tax dollar goes to subsidize the mass transit of the constituents of the people that come down here on this floor and say: Drilling for oil is a dead end. We don't need any more gas in this marketplace, at least we don't need any more American-produced gas in this marketplace. No, uh-uh. Somehow there is a solution by demagoguing the oil companies.

Well, did they think, Mr. Speaker, that if 15 percent of the gas that's consumed in the United States, the gas that's delivered in the world—put it that way—comes from private companies like Exxon, Chevron, Texaco, and the balance of that comes from nations that own the oil industry, nationalized oil industry, and so what point is it in not demonizing the countries that are part of the OPEC, the oil cartel, but demonizing the private companies that are putting more and more product on the marketplace, helping to keep the price of gas down?

What sense does it make, Mr. Speaker, for the Speaker of the House and other leadership and committee Chairs to argue that we should bring windfall profits taxes against the oil-producing companies when their return on investment is less than 10 percent, down towards 8 percent?

Why is it, if Exxon is returning 8 percent on their capital investment, why would we want to say to them, that of all of the trillions or, excuse me, all of the billions of dollars that you have invested, you ought not be able to make 10 billion a quarter? With your capital investment being what it is, what is an inappropriate return on investment?

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Would you want to bring all of the companies down here? How about just the Fortune 500 companies that got a greater return on the investment, Mr. Speaker, than Exxon in particular. Chevron is another. Why don't we bring a bill under that same logic, the logic of the Speaker from San Francisco, that we should put a windfall profit tax on any Fortune 500 company that makes more than 8 percent return on their investment of their capital. Now, that would be a consistent logic. It would be illogical, but it would be consistent with the logic of the Speaker.

It's not the case. These oil companies are helping us keep our prices down. I don't know if they're gouging or not. But if you think they are, get in the business and produce some energy.

But let's point our finger over at the countries that have nationalized the oil. Khadafi in Libya has nationalized the oil on the Hunt brothers. They're setting prices. They're together. They're a cartel. And by the way, you cannot legislate against that. You have got to find competition that competes directly against it.

Mr. Speaker, I don't know where to go in the world with the global demand on energy the way it is that we can line up with a country or two or five or ten and say, Why don't you just sell all of your oil to the United States? This is a global market. This is a global marketplace that has driven the oil price up to $139 a barrel and the price of gas up to $4.08 a gallon, average regular retail in America, $4.08.

Mr. Speaker, I made the statement some time back a year or more ago, So what is the solution for $3 gas? And my answer was, Well, $3 gas. Surely if gas is $3, the people that are blocking the development of energy here in the

United States are going to get out of the way and join with those of us that believe that energy should be cheaper, not higher.

But what do they do? Mr. Speaker, they come to the floor and they make statements like, Drilling for oil is a dead-end. Now who in America would buy a line like that? "Drilling for oil is a dead-end." Drilling for oil has produced all of the gas that we're burning in America. It's produced all of the gas that's being burned globally. It's produced all of the diesel fuel that's being burned in the United States and globally, and it's producing all the hydraulic oil and all of the other hydrocarbons that are out there into the marketplace.

Drilling for oil is not a dead-end. Drilling for oil is what launched the industrial revolution, lifted us into this modern era, and allows us to travel globally and do business and see the world. It's an entirely different place than it was when we were sitting on the back of a horse or walking behind the tail of one, Mr. Speaker.

And by the way, the Earth was a very dirty place back then. Let's just say 108 years ago at the turn of the previous century back when it was horses doing this instead of the internal combustion engine, you know, things fall out from underneath the tail of a horse and they pollute the street. And they walked in the mud, and the garbage got dumped out of the windows, and we didn't know a lot about medicine or water quality or air quality. We burned a lot of coal, and we burned a lot of wood, and the air wasn't very clean, and the water wasn't very clean. And we didn't have very much for sewers, if they existed at all. We didn't have a lot for modern health care.

We lived in the squalor of animals and people walking through their own waste and refuse. And somehow, they thought the Earth was in the balance back in those days, Mr. Speaker. And I will submit that the Earth is much closer to being in the balance today. The technology has moved us forward, the internal combustion engine and the development of oil supplies globally and cheap oil and cheap gas and diesel fuel globally has lifted us out of that mucky quagmire of animal and human waste stirred up in the streets of America and around the world, put us up on paving and moves us across the highway at 75 miles an hour in some of the States on the interstate and allows us to get in a jet plane, and the Speaker herself to fly from Washington nonstop all the way over to her digs over there in San Francisco any weekend she chooses, every weekend she chooses because what? Because companies like Exxon, Chevron, American companies went out there and drilled for oil and explored for it in the United States, offshore in the United States, offshore around the world, places in deep water. They developed technology, and they brought this oil to the market.

And if we say to them a deal is not a deal, we want to go after your profits because we think the number's big, even though it's a smaller percentage of the return on the investment, if I'm on that board of directors, I have to think maybe we should not be investing the capital of our stockholders and more and more energy and more and more oil because the Congress will take our profits away from us. A deal is not a deal with this leadership, Mr. Speaker. And I would expect oil companies, if this persists, to invest some of their capital some place out of the reach of the deal changers, those that don't keep their word that are leading some of the issues here in this Congress.

I also would take us to an issue that has popped up in the news in the last today and in previous days about an effort on the part of some of the Democrat Members of Congress that believe that we should nationalize the oil industry in the United States of America.

I mentioned earlier that Khadafi nationalized the oil industry in Libya. He took over the oil fields that were delivered by the Hunt brothers and others. He took over the facilities they had developed and confiscated their capital. And that is also what happened in Venezuela when Hugo Chavez took over.

Well, there's some fellow travelers here in the United States. Congress, Mr. Speaker, fellow travelers with the people that have nationalized the privately owned oil industries developed within their countries, fellow travelers that agree and believe in that. And not necessarily submitting who the traveler is, I will just say this: That gentlelady from California, Ms. WATERS, advocated that we should nationalize our oil industry.

Now, she is not a lightweight in this Congress, Mr. Speaker. I know her well. I have served on the Judiciary Committee with her for 5½ years. Here is what she said. She said this at a subcommittee hearing with the oil industry present, and to them she said, This liberal will be all about socializing, would be about basically taking over and the government running all of your companies.

Mr. Speaker, an allegation and announcement of a position to nationalize the oil companies in the United States. Take them over by the United States government? That is not just socializing them, as Ms. WATERS said, that is—that's Communism, that's Marxism, that's confiscation of real property in the United States of America that's protected by the United States Constitution.

And, not to be outdone, Mr. HINCHEY made the statement in a similar period of time that he would be for nationalizing the refineries in the United States.

Now, I would like to think that we're a long, long ways from being so desperate that we can't drill for oil as Mr. RYAN says. He says it's a dead-end. Drilling for oil is a dead-end, Mr. RYAN. But if there's any oil coming out of those wells—and I would yield to anybody that wanted to challenge my statement—if there's any oil coming out of those wells, then this Congress, according to Ms. WATERS and Mr. HINCHEY and who knows how many others, would want to nationalize those oil wells, those oil fields, that real property that's held by the shareholders, the retirement funds, the pension funds of the workers and the union people in the United States, nationalize that, and the government's going to run it? How good? As good as we run Social Security? As good as we run health care? As good as we run the welfare program here in the United States? Confiscate real property? Kick aside the Constitution?

Maybe if you're not enthusiastic enough about that as a Member of the other side of the aisle, you might want to go with Mr. HINCHEY and let the oil companies own their oil wells but nationalize the refineries.

Mr. Speaker, that is a chilling message that does affect our markets and does not make energy cheaper. It makes it more expensive. Nationalize our oil industry, Ms. WATERS, Mr. HINCHEY, and who knows how many others.

The statements made by my predecessors here in the special orders about drilling in the Outer Continental Shelf towards Cuba. I listened to those statements as they were made, and I actually wrote down, What is your point. What is your point in bringing up the issue as to whether the Chinese are or aren't drilling offshore and does anybody have any information about whether there is an agreement?

We know that the Chinese have their industry and their technology in China. I, Mr. Speaker, have seen it. I have seen the capital investment. I have seen the development. I do not know if there is a signed agreement, a handshake with Castro, or if there is activity down there. I haven't gone down there to look. I haven't flown over the area. In fact, I would be a little bit concerned about doing so because it might well bring out some opposition.

But my question is, What is your point? Are they, Mr. RYAN, Mr. ALTMIRE, the balance of you that have been standing here on the floor making these statements about drilling for oil is a dead-end, I guess then I can take it that you make your criticism about maybe China's not drilling offshore in Cuba. Maybe they are. I don't think we know. But are you for or are you against drilling the Outer Continental Shelf? Whether or not the Chinese are drilling there may not be material. But I believe that we ought to be there.

We ought to go halfway to Cuba, and we ought to punch in a wall of wells all the way along there, if there's any oil there, we ought to punch those wells in. We ought to get the oil. We ought to take the natural gas. And we ought to drill our way back coming back towards Florida.

And it makes no sense to set aside the Outer Continental Shelf towards any of these States and even say to the states, Well, it's your resource. Let us know if you want to drill there and maybe Congress will react towards that or the President will and someone will come and punch a hole in there and bring some gas or oil up below the ocean's floor.

When Ronald Reagan claimed 200 miles out in the Outer Continental Shelf, he claimed that for the United States of America, Mr. Speaker. He didn't claim it for Florida or California or Louisiana or Virginia or New York or Massachusetts or Maine. He claimed it for the United States of America. Three miles offshore? That's State ground. That's fine. I will concede that point. But from 190 from—3 miles to 200 miles, 197 miles, that's all resources of the American people.

We have to defend those shores with our military. We have to guard our ports. We're doing that federally. The States do not have a claim to the resources offshore. And if they object outside of three miles, I'm wondering what their objection will be. But I bet it will not be to seeing $2 gas again. I bet it won't be to maybe seeing $1.70 gas again or maybe even less.

So maybe, Mr. Speaker, there are a lot of solutions. There are a lot of solutions that are there. I agree that this should not be—I agree with Mr. ALTMIRE this should not be a game of "gotcha," but I fear it is a game of "gotcha" because I sit here and listen to this, and for the 5½ years that I have been here, it's been a constant mantra of running against George Bush.

I just left the President where he's giving a speech uptown, Mr. Speaker, and he will be retired January 20 of this upcoming year. I stand with the President on these energy issues. I stand with the President on the Middle Eastern issues. And at some point, the 30-Something group, the Democrats, the liberals, the progressives, the socialists, the Marxists, and the Communists are all going to have to figure out that George Bush is not running for reelection. He actually said tonight that he will be retiring and going back to Crawford, Texas. Maybe watching the Rangers on TV. And I salute him for his service to America.

But you're going to have to find a different person to demonize, 30-Something group, and you are going to run against the new agenda that's coming.

And you're standing here on this floor tonight defending an untenable position, an untenable position that says drilling for oil is a dead-end. How can that be? Drilling for oil has opened up our economy, our industry, and has opened up the world to a modern era.

So, Mr. Speaker, I bring some things to the floor here that are quite interesting, I think. And this being the first demonstrable chart, take you back to 2001, January. President Bush was sworn in to office. Gas was $1.49, Mr. Speaker. And as you can see the increase in gas prices throughout this period of time from 2001, the 6 years until 2007. Now, this was not adjusted for inflation, I would add. This is just dollars. So if you adjust this for inflation, this curve is going to look flatter than it is.

But if you see, this is a very flat curve, adjusted for inflation flatter yet. On the day that the gavel was passed in this 110th Congress to NANCY PELOSI, gas had gone from, by then, from $1.49 in the Bush administration to $2.33.

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That was about when Speaker PELOSI said she's going to do something about gas prices, and I think she meant it actually because every bill that came to the floor of this Congress made energy more scarce, and you have to believe the law of supply and demand.

And so as each bill that came to the floor of Congress made the regulations more stiff, made it more difficult to go out and explore for more oil, discouraged the investors from research and development and oil exploration, piece by piece by piece, plus the threats, of course, and the tax increases that are flowing along the way and Chairman RANGEL's position that he never met a tax cut that he didn't want to kill—and to extend any of the Bush tax cuts, which were the salvation of our economy beginning May 28, 2003, was abhorrent to Mr. RANGEL. He didn't quite say so in his first interview or his second or his third, but after the reporters put together his answers and non-answers, throughout out a whole series of interviews across the media circle, the investors in America came to the conclusion that there would be no tax cut preserved at the end of the Rangel tenure.

And when that happened, you can see that conclusion. If you look at industrial investment, you can see that that investment tailed off sometime about mid-February right over here shortly after NANCY PELOSI took the gavel behind me, Mr. Speaker. That industrial investment tailed off because the cost of capital went up. The cost of capital went up because the investors could see that there were going to be tax increases that were triggered in and kicked in along the way.

That has initiated a decline in this economy that's been significant. The decline in the economy, it started with less industrial investment, was followed by the sub-prime loan problem, was followed by the lack of consumer confidence, and by the way, coupled with a weaker dollar, a weaker dollar that has driven up also the cost of this energy. But here we are, gas is $2.33 when NANCY PELOSI took the gavel, right where you're sitting, Mr. Speaker, and today average retail regular gas prices in America, $4.08.

This short little period of time from 2007 until 2008, let's just say 17 months, maybe 18 months, gas has gone from $2.33 to $4.08. What do we get? What do we get but promises, and we get rhetoric on the floor that says drilling for oil is a dead-end. Well, I don't think it's a dead-end, and I don't think it's the whole solution, but I think we should drill ANWR. I believe we ought to drill the Outer Continental Shelf. I believe we should drill the non-national park public lands in America, and we ought to open up every logical place we can and put more energy on the marketplace.

There's no reason to save it underneath the crust of this earth when you are paying this kind of price, because we're transferring our wealth to the Middle East. We're transferring our wealth to companies that are not our friends. We transfer that wealth. They turn it into military power, they turn it into economic power, they turn it into political power, and they buy people off to become our enemies. They buy countries off to become our enemies. Our geopolitical influence is diminishing as our treasure is exported to foreign countries. That's just the oil I'm speaking of, Mr. Speaker.

We also have a deficit of trade that runs about a minus $717 billion a year right now. That deficit has flattened out a little bit, but it still has a transfer of our treasure to other countries where we owe them debt, and this cannot go on in perpetuity. But the Pelosi energy plan is, well, let's take the $2.33 gas—she promised she was going to take the prices down—let's get it up to $4.08 and then send somebody to the floor like Mr. RYAN who says drilling for oil is a dead-end.

NANCY PELOSI, ask your constituents to believe that. Mine are not going to be so easily persuaded.

Now, drilling in ANWR, what does it look like? Here's a map, Mr. Speaker, of the United States of America. A lot of us have seen this map because it shows how big Alaska actually is. And I say this to needle my Texas friends. If we split Alaska in half, Texas would be the third largest State. Well, you can see by this map that comes close at least, if not true.

This little area up here in the northeast corner of Alaska, that's ANWR, the Arctic National Wildlife Refuge. And if you look a little further up here, this is the region that's in yellow that is the coastal plain that's in question.

Over here along this area about in there is Dead Horse. That's mile post zero of the Alaska pipeline. It's up there very near the Arctic Ocean. The Arctic Ocean runs right along here, Mr. Speaker, and the Dead Horse access, mile post zero, and then the pipeline runs across Alaska like this. I think it's here, maybe here. There, the oil goes onto tankers and is floated on down and around to refineries on the west coast of California and points beyond.

To deal with an issue that I continually am asked about, and it's been alleged on this floor that the allegation that this oil from the north slope of Alaska is shipped to Japan. Not true. It was true back in about 1985 for a short period of time because the economics worked out better that way, Mr. Speaker. Hasn't been true since then. Hasn't been true for at least 23 years.

This oil that comes out of the north slope of Alaska, pipeline down here and tankered on down, goes to the United States of America. In any case, that's what would happen with this oil that would be developed here on the north slope of Alaska.

Now, if you've seen an advertisement that says that we shouldn't drill in ANWR because it is a pristine, alpine forest, or they're showing you a picture of fine, evergreen trees and tell you let's not disturb the native area up there because it's pristine wilderness, I will submit, Mr. Speaker, that this area in question, the north slope and east of the north slope, the Arctic National Wildlife Refuge, is right on the Arctic Ocean.

I take us all back to something we all should have learned in eighth grade; that is, the Arctic Circle, which runs around here somewhere in Alaska, the Arctic Circle is the line, by definition, north of which trees can't grow. So why would we buy a negative commercial that tells us that we shouldn't be drilling in a pristine alpine forest? We can't go back to our eighth grade training and understand that this is an arctic coastal plain.

On its warmest days, with 24 hours of sunlight, it melts down towards the permafrost a foot to 18 inches. It has some tundra there. Tundra, by the way, can be reconstituted. We aren't going to tear it up. We would do this all on ice roads over the top. The ice melts and everything goes back to the natural way. But if a machine falls off of an ice road into the muck a foot to 18 inches down to the permafrost, gets pulled back out, can smooth that all over, the seed is there. In 5 to 6 years, the tundra is grown back. I've seen it, Mr. Speaker. It's not a belief that's not founded. It is one that I have observed.

I've also heard the testimony of the Native Americans that live up there that want to drill. Drill ANWR. Drill ANWR. Get the oil in the pipeline, bring it down here, and bring it around to the refineries. This is not a pristine wilderness that can't be replaced, but it's not one that's going to be disturbed either.

This is a coastal, frozen tundra about 9 months out of the year or more that has a regular topography that's flat. It's got a few little potholes and sink holes in it. A little bit of green grass grows out of that tundra in the summertime. This works get done when it's all frozen.

There isn't even a native caribou herd there, Mr. Speaker. There is in the north slope. By the way, that herd was 7,000 in 1970, and it's over 28,000 head today because we did this work up in this area in an environmentally friendly fashion. And if it had not been done in an environmentally friendly fashion, if there had been a desecration of the environment, if there had been a significant spill, if there had been disrespect towards wildlife or loss of wildlife, I have every confidence that the people on this side of the aisle would have been here with their posters and their pictures, and they would have embellished it to no end because I don't believe that you believe that we should lower energy prices.

You've finally convinced me after 18 months, a year-and-a-half of this 110th Pelosi Congress, that you want to see energy prices go up, not down, but you believe that if you can drive gas prices up from $2.33 a gallon to $4.08 a gallon to $5 a gallon to $6 a gallon, maybe all the way up to where it is in Europe today at $10 a gallon, the poor people will have to stop burning gas first. But a lot of people will stop burning gas or at least burn less of it, and they will get on their bicycles or walk or they will get on the mass transit that's subsidized by the people that are buying the gas, and there will be less combustion in the internal combustion engine, and there will be less emissions out the exhaust pipe. And less emissions out the exhaust pipe in your myopic mind saves the earth, saves the planet from what you believe is an impending global warming holocaust.

That's your motive. You would shut down, slow down dramatically, and ultimately shut down the economy of the United States of America, the very well-being of our people. The wealth that's created and regenerated here, that provides all of our creature comforts and our technology and our medicine and our creativity and our art and our sciences, that would all be diminished, all be shut down. You'd hand that all over to the Chinese and to India and to other developing nations and let them develop the industry. We would sit here and curl up among ourselves and spend our $5, $6, $7, $8, $9, $10 for gas, ride our bicycles and sit around and say, isn't it wonderful now. Drilling for oil was a dead-end, but we didn't drill. We didn't go into ANWR. We've got an awful lot of oil up there, enough oil up there to produce at least a million barrels a day for a good, long time. We save that all back and handed our economy over to who? Handed it over to the Chinese, handed it over to India, handed it over to developing nations.

Mr. Speaker, a logical thinking nation cannot come to that conclusion, and I am quite concerned that we're not here building together a comprehensive energy plan and driving it with the leadership of the people who have been elected for our judgment and who have access to more information than anybody in the country collectively. We're not putting a plan together. We're reacting. We're scooting ahead of the hottest criticism there is, trying to hang on to some congressional seats but still move us off to the left and hand this country over to the people that believe in green, the people that are extreme environmentalists.

I'll point out, also, Mr. Speaker, I've spent my life in soil conservation. I've built more miles of terrace than anybody in the United States Congress. I've done more waterways. I've protected more soil than anybody in Congress, and I've also planted an awful lot of trees and many of which I'll never get to sit in the shade of. I believe in soil conservation, water conservation, and quality. It's my life. I've demonstrated it. I believe in protecting this environment.

But I do not believe in disarming our economy. I do not believe that this equation that's being pushed forward here on global warming is one that will sustain it. I'm particularly suspicious when one of the scientists that back in 1970 signed on and was a leading advocate that there was going to be an ice age that was just around the corner, an impending ice age, at least one of those scientists that was a leading thinker, giving us the scare about a glacier coming down to wipe out our corn fields is now on the global warming side.

I think history will only tell, and we can't affect this climate enough to make it worthwhile for us to unilaterally disarm our economy when the Chinese and the Indians are building more and more generating plants, burning more coal, polluting more air. We can't put a dent in it, Mr. Speaker. But some of the things that we can do, we can look at this problem, what we have, from a more comprehensive perspective.

This, Mr. Speaker, is our energy production chart of the United States of America. Now, we need to be talking about all of the sources of energy that we have. And if you look around the chart, you can see that this is gasoline here in this robin egg blue color; diesel fuel, here; kerosene and jet fuel down here in the white; other petroleum products which might be asphalt and heavy oils and engine oil, those kind of things right here; and then natural gas, a lot of natural gas in yellow. Coal, Mr. SHIMKUS loves that coal, and I support him and clean burning coal. Let's put that on the market. We've got a lot of it.

Here's our nuclear. 11.66 percent of the energy. This is all the energy consumed in the United States. Actually, all the energy produced in the United States. 11.66 of it's nuclear. Even though we haven't built a nuclear plant since 1975, still, of all the energy, 11.66 percent of it is nuclear.

Here's our hydroelectric. We haven't done much of that either, 3.41 percent for water going down the rivers. We're using that to spin generators. And I think that's a green energy. It's renewable energy. It doesn't get categorized as such.

Here's your geothermal, a little bit; wind, a little bit, half a percent. Here's solar, tenth of a percent. Here's ethanol, three-quarters of a percent, and we're producing a lot of it, 9 billion gallons of it last year, but it's three-quarters of 1 percent of all the energy that is produced in America.

□ 2130

Biodiesel; one one-hundredth of a percent. Biomass; some of that's wood burn, 4 percent.

So you see, Mr. Speaker, here is a chart of the energy that we're producing in America. And now, the number down here, 72.1 quadrillion Btus. Just remember the 72.1 because that's really what's operative, Mr. Speaker. And now, that's what we produce.

Here's what we consume. This chart, Mr. Speaker, is the Energy Consumption chart for the United States for 2007. You see roughly similar proportions of the energy sources that we have. You'll see that motor gasoline is a larger percentage of the overall energy consumption chart; 17.44 percent of the gas consumed; and down on this chart, it's 8.29 percent of our production. So we're importing a lot more gas than we're burning. If you go to the diesel fuel, that number is 8.84 percent of the energy consumed as diesel fuel, we're producing only 4 percent overall.

So if you look at this chart, you will see that the diameter of this chart represents the amount of Btus that we are consuming in America. That's 101.4 quadrillion Btus. Just remember, we're producing 72.1 quadrillion Btus, we're consuming 101.4 quadrillion Btus. So just round that off into we're producing 72 percent of the energy that we're consuming.

And now here's another little chart that shows you, Mr. Speaker. And this is the Energy Production chart set on top of the Energy Consumption chart. So you can kind of wind this up and see our natural gas, the size of the natural gas production on the smaller circle versus the natural gas consumption on the larger circle. We can turn this over to nuclear and see what percentage of our production is nuclear versus the percent of our consumption that's nuclear. Turn this around and you can kind of see.

But the main thing that this illustrates is the smaller circle is proportional, Mr. Speaker, to the amount of energy we're producing. The larger circle is proportional to the energy we're consuming. And so I will submit that each of these pieces of the pie—I will just turn this over so the coal lines up for Mr. SHIMKUS—each of these pieces of the pie needs to grow out to the limits of the diameter of this circle so that together we're producing as much energy, or more, than we're consuming. And then we can engage in this and change the size of these pieces so that we can prioritize the use of our energy.

And I would submit that this natural gas product that's here, the yellow, let's produce a lot more of it. Let's use less to generate electricity; let's use more to produce fertilizer and use it in industry where we produce plastics, et cetera.

But this is where the picture is for the solution. We need more coal, more natural gas. We need more other petroleum products. We need more diesel fuel, more motor gasoline, more biomass, solar, ethanol, biodiesel, wind, geothermal, et cetera.

Mr. Speaker, might I request how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 4 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. That's just enough time to demonstrate what corn is.

Mr. Speaker, this may be a first on the floor of the United States Congress. In this Ziploc bag is corn. Now, there's a little bit of a misconception out there. There's an argument that we shouldn't turn this into ethanol because people will say, well, that's food. Well, I have chewed on this corn, but we grind it up and feed it to livestock. This isn't human food as we know it. We do convert some of it to syrups and 299 other products, value add. But what happens is we'll bring a bushel of this corn into an ethanol plant, we'll run it through that plant. A third of the volume that you see here will be converted into ethanol. About the same amount of it is wasted when you feed it to livestock anyway, it just isn't usable, so that turns into CO_2. And that's a waste product right now with ethanol.

The other third of it turns into this; this is a fine product called dried distiller's grain. This is actually high-protein, dried distiller's grain, Mr. Speaker. This gets fed back to livestock. So I'll come down at another time and I'll demonstrate what you do with a bushel of corn. It produces three gallons of ethanol. Half of the feed value in that, at least, goes back to the livestock in the form of dried distiller's grain that I have in this hand. And this food-versus-fuel argument does not hold up right now; it may for the '08 crop, it doesn't for '07.

We've produced more corn than ever before in 2007; that was 13.1 billion bushels. We exported more corn than ever before; that was 2.5 billion bushels. We converted more corn into ethanol than ever before; that was 3.2 billion bushels. And 1.6 billion of that went back to livestock in the form of feed, so you add that back in. And the amount of corn that was available for domestic consumption was 9.0 billion bushels of corn from the 2007 crop. That's more than ever before, Mr. Speaker. And the average amount of corn available for domestic consumption for the other years in the decade was 7.4 billion bushels.

So there was 1.6 billion more bushels available for domestic consumption, the prices somewhat higher than they ever were before; part of it is a weak dollar, part of it is global demand; part of it is we exported more meat than ever before. And our economy has been rolling and booming.

We have to figure out how to come to grips with this. Ethanol isn't the only answer, drilling is not the only answer, but $4.08 gas surely is not the answer, Mr. Speaker. And anybody that thinks that drilling for oil is a dead end I think has a dead idea. And the American people are going to stand up and say, Drill ANWR, drill the Outer Continental Shelf, drill the non-national park public lands. Let's have all the energy and all these categories that we have. Let's drive down these prices. Let's boom our economy. And let's get on with where we need to go as a country.

Mr. Speaker, I appreciate your attention this evening.

THE FRESHMEN CLASS OF THE 110TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Hampshire (Mr. HODES) is recognized for 60 minutes.

Mr. HODES. Mr. Speaker, I am delighted to be here tonight on the floor of the House of Representatives with a number of my colleagues who will be coming in and out, I imagine, as the evening goes on. And I'm also especially glad to be able to follow my colleague from Iowa (Mr. KING), who's got an interesting, but obsolete, perspective on the energy future for this country and what we need to do not only in the current crisis, but for the future of our great country, for the future of our economy, for the future of our energy use.

So tonight we will be talking about what it means to go green. Because, let's face it, green is the new red, white and blue. And before I jump into the energy issues, but sticking with the theme of going green, I cannot help but stand to congratulate the Boston Celtics for winning the NBA finals. And if anybody exemplifies what it means to be green and to be champions, it certainly is the Boston Celtics. It's the kind of lesson that we all could learn in this country.

Many of us in New Hampshire are diehard Celtics fans. And some of a certain age, including myself, remember the great championship Celtic teams from the sixties, seventies and eighties. And this has been the longest stretch in the Celtics' franchise history without winning a championship.

The Boston Celtics last night beat their rival, the Los Angeles Lakers, by a whopping 39 points. It was the first NBA championship for Boston since 1986. Now, Celtics fans are especially proud today of Captain Paul Pierce, who, in the great tradition of Celtic champions like Red Auerbach and Larry Bird and Kevin McHale and Dennis Johnson and other greats, was the obvious choice for the NBA Final MVP Award. I'm proud to stand tonight to congratulate Paul Pierce for securing his place in Celtics history and the rest of the team for bringing the 17th banner back to New England. It's time to go green: Go Celtics.

Now, along with going green, what's important to note is that, as we are here tonight, in my home State of New Hampshire, New Hampshire families are paying record prices for gasoline. Today, the average is $4.04 for regular gas and $4.73 for diesel. Last year at about this time, New Hampshire families were paying $2.92 for regular gas and $2.82 for diesel.

Now, for some reason, as if to rewrite history, the President of the United States and my Republican colleagues, regrettably, would like to shift the blame for the soaring energy prices to the Democrats in Congress. They would like somehow for the American people to believe that it is simply the fact of the switch of majority in 2006 and Democrats who have been here working hard on reasonable, responsible, smart energy legislation, who are somehow the cause of the pain at the pumps. Well, tonight we'll talk a little truth, we'll talk a little truth to what are outrageous scams. It is simply not true.

The President today proposed, for example, drilling in ANWR. He proposed giving the oil companies even more access to drilling. The President's proposal today is, unfortunately, another page from the administration's energy policy that was literally written by the oil industry. I don't think anybody can forget that it was Vice President CHENEY, an oil man, who, together with President Bush, an oil man, sat in secret with the oil companies to create this country's energy policy.

The product of that energy policy is that today, after the first quarter of 2008, we've had another record year for oil company profits. Apparently Mr. CHENEY's energy policy seems to be working for the oil companies. In 2002, the profits of the oil companies were $6.5 billion in a quarter. And today, in 2008, first quarter of 2008, the record year for oil company profits, $36.9 billion in profits, while we pay $4.04 at the pump.

So the plan from the President now is to give away more public resources to the very same oil companies that are raking in record profits; and all the time those oil companies are sitting on 68 million acres of Federal lands they've already leased; 68 million acres of Federal lands they've already leased and already have done the environmental permitting on. That's 68 million acres ready to be drilled on for oil.

The President's speech, in a time of record gas prices, had no ideas for more efficient transportation or renewable American energy; no ideas for conservation and an alternative future that will actually free us from oil; no real ideas to deal with the current crisis now, as well as looking toward the future because they are inseparable. And we are now paying the price, frankly, for 30 years of not paying attention as we should, and for 8 years under the Bush administration, together with a previous 12 years, much of that with a Republican Congress in which energy policy has been designed for the oil companies, favoring the oil companies, and the American consumers have been paying the price. The President's proposal is nothing more than a continuation of addiction to fossil fuels and dependency on an oil industry earning record profits.

Now, just before I turn it over to my colleague, my good friend from the State of New York, JOHN HALL, who has been working on environmental issues his entire life, what is clear is that we will need to transition from the current addiction we have to oil that binds us to unfriendly countries, that threatens our national security, that depresses our economy, we will need to transition to a future of energy efficiency and conservation, and renewable and alternative fuels, which will explode the entrepreneurial spirit of this country, deliver real security, real jobs, and a sustainable future. But in that transition, what my colleagues on the other side of the aisle would like the American people to think is that somehow, by drilling in Alaska, they will see some real benefits.

We will talk more about it later. But the last thing I will say before I turn it over to Mr. HALL is, what the Department of Energy has told us about drilling in Alaska is very simple: Even if you opened ANWR to drilling it would take until about 2025 to see any of the benefits, and at that point you might reduce the price at the pump by 1.8 cents. So that is what the President of the United States proposed today to deal with our energy crisis and the future of our energy use.

□ 2145

Drill in ANWR, and by 2025, we will reduce the price by 1.8 cents.

At this time, Mr. Speaker, I am very pleased to turn the proceedings over to my colleague from New York, John Hall.

Mr. HALL of New York. Thank you, Mr. HODES. Good evening. It is a pleasure to be here again. I want to just agree with one thing that our previous speaker from the other side of the aisle, Mr. KING, had to say regarding biofuels. I think that there are ways in which various biofuels, including corn, but especially cellulosic biofuels and nonfood crops can and should be used to extend the liquid fuels capacity of this country. But the main reason that I'm here tonight is because I've heard in the last several days a nonstop drum beat, a chorus singing from the same choir book and the same hymn book at every committee meeting I have been at, at every press conference I have heard, at every chance I see a Republican representative on television blaming the Democrats for the high price of gasoline and claiming, erroneously, that Democrats have been stopping drilling, that Democrats are opposed to drilling, and therefore we're responsible for the price of gas. This is not only false but ridiculous on the face of it. And I challenge it as a falsehood.

Specifically, I would say that over the last 8 years, the number of drilling permits issued by the government has gone up by 361 percent. So the lands are open. The oil companies own 9,700 plus leases that they have bid on and received the leases for. And as you say, Mr. HODES, they have got done the environmental permitting on, the permits have been issued, and the way is clear for drills to go into the ground or into the offshore adjacent waters of the lower 48. But for some reason, no drilling is occurring.

Now I'm curious as to why exactly that is, if really the oil companies want to drill. And I would remind you, by the way, that our President George W. Bush said, when oil was going for $50 a barrel, that that was all the incentive the oil companies need. They don't need any more tax breaks or incentives. Fifty dollars a barrel is enough incentive to make them drill anywhere.

As this chart will show you, the total Federal acres leased and in production in 2007 were 91.5 million acres leased but producing only 23.7 million acres. There is a huge discrepancy between land that has been leased by the oil companies and that which they are using to actually drill and produce oil. Why is this? Could it be perhaps that they expect that speculators and market forces may drive the prices up further, not to mention their restricting supply might drive them up further, and that if they hold off for a couple more years, that same land and that same oil might be more valuable? And actually when you're making profits such as the gentleman from New Hampshire just talked about, I mean, how many money can you deal with? How many profits can you possibly figure out what to do with and where to invest in? And maybe it's better leaving them in the ground.

If I'm an oil company, I'm not necessarily thinking in the national interest. I'm thinking in the interests of my shareholders for the next quarter, for the next year, for the next shareholders' meeting, and for my next bonus if I'm the CEO. We had the CEOs of the top five oil companies testifying in this House before the Select Committee on Energy Independence and Global Warming. And when they were asked, "Now that you have made the record profits of any corporation in the history of the world, would you commit to investing in one biofuels pump at every station that you own?" And they said "no." And when they were asked, "If you would commit to advertising now that you have made the biggest profits in the history of the world for 3 years in a row, would you invest in advertising to tell people to conserve more and that it's patriotic to conserve and to drive a more fuel-efficient car and so on?" And they said, "Oh, we're already doing that." Which I frankly haven't seen. I watch enough television. I think I would have noticed if they were doing that.

And my friend, Mr. WALDEN, a minority member, a Republican member of the Select Committee from Oregon said, "I'm a capitalist." I'm paraphrasing him now. I don't remember the exact quote. "I'm a capitalist. I'm a small businessman myself. And if I made record profits for several years in a row, profits that I hadn't even dreamed of, I would start to think about whether I could lower my price to my customer. Have you at the oil companies thought about lowering the prices to the consumers?" And one by one all five of them said, "Well, we don't set the prices." And there was a chuckle through the room.

But I think there are various factors setting the prices. And one of them is collusion between the oil companies, which is why I have called for an investigation by the Federal Trade Commission and the Commodity Futures Trading Commission on exactly that fact, the fact that when crude oil goes up on the world market, the gas and diesel price spikes immediately with it. They go up simultaneously. But when crude prices go down, gasoline prices still go up. And if they come down at all, they come done slowly. It's kind of like rockets and feathers. The price goes up like a rocket, and it comes down like a feather very slowly.

So I'm suspicious about a couple of things, one, the disconnect between crude and refined gasoline when they're coming down. They're connected when going up. They are not connected when coming down. Secondly, why so much leased acreage that is not being drilled on? And thirdly, why at this time when the prices are at a record, when America's families are being squeezed and hurt, and their budgets are being hurt, they're being forced to choose between food, medicine or gasoline, some people have given up their jobs because they can't afford to commute to those jobs, why at these times are these oil companies and our friends on the other side of the aisle choosing to put the pressure on and say drill in ANWR and drill in these environmentally sensitive areas?

By the way, two of the individuals who have been stopping offshore drilling, I haven't personally stopped any myself, but two of the people who have are the President's brother, Jeb Bush, who is the Republican Governor of Florida who is opposed to drilling off the coast of Florida, and Governor Schwarzenegger of California, a Republican Governor who has been opposed to further drilling off the coast of California. So you can't just say this is a Democratic opposition even if we were opposing it.

But the fact is that we have seen an increase, a radical increase in leases that are made available, in leases that the oil companies bid for apparently believing there is something of value underground, 9,700 separate leases and 68 million acres of land currently available and not being used. And I suggest that our friends in the minority might think of another reason, or perhaps another policy, that would help us get out of the box we're in.

We have worked very hard in this Congress to try to develop new sources, to provide incentives and tax breaks and subsidies for renewable energies like solar, wind and geothermal and various kinds of biofuels. For the first time, we made a major investment of, I believe it was $6 billion or so in carbon sequestration so we can use the record amounts of coal that we have and still precipitate out the carbon so we don't release that carbon dioxide that causes the global warming.

And, by the way, I would say in sympathy to the folks from Mr. KING's State and to the parents of the five Boy Scouts who were killed by a tornado there, and in sympathy to the folks in Cedar Rapids who are just now starting to pump out their basements and put their city back together, it used to be called the city "that would never flood," by the way, that was under 12 feet of water from its most recent flood, in sympathy to the poor citizens of Myanmar who were struck by the cyclone a couple of weeks ago that was as strong as Hurricane Katrina but came to shore with no warning and no FEMA, and not even Brownie to save them, and in sympathy to the people in Georgia and in Florida with record droughts, and in sympathy to people of the Rocky Mountain States and the Western States with record fire seasons, and in sympathy to folks in the 19th District of New York, which I represent which has had three 50-year floods in the last 5 years, I would say in sympathy to all those folks and to protect them, that global warming is here, it is starting to change the climate. These extreme weather patterns fit the computer models of global warming. And if we want to pump and drill more oil and burn more fossil fuels, fine. But that had better not be our only solution, or we will see more tornadoes, more floods, more extreme weather catastrophic events and more global warming. And I think that is not what the American people want. What we want are fair gas prices, fair energy prices and a green, renewable, sustainable energy future.

I yield back to my friend from New Hampshire.

Mr. HODES. Thank you. And what strikes me is as you recite the litany of terrible tragedies, natural disasters, or unnatural disasters, that have struck the world, my district underwater in various parts of it, as yours has been in the last 5 years, with unprecedented floods, the floods around our Nation, hurricanes, Katrina, in Burma, Indonesia, around the world, clearly, the world's climate is changing.

What strikes me as radical is to attack the notion that global warming is here. What seems radical to me is not to accept that we're going to need to make the kind of transition that seems evident that we will have to make from a fossil fuel past to a new energy future. And in the middle of all this, how convenient it is at summertime with people in pain from rising gas prices, caused by lots of things, to say, for my friends on the other side of the aisle, it's those Democrats, if only they would let us drill, if only those Democrats would let us drill, everything would be fine. If only we could drill in ANWR. If only the Democrats weren't stopping us from drilling, gas prices would come down.

Let me point out that since the 1990s, the Federal Government has consistently encouraged the development of its oil and gas resources, and the amount of drilling on Federal lands has steadily increased during that time. The amount of drilling on Federal lands has steadily increased.

Now that includes the period of time in which the Democrats have had the majority in Congress. Federal lands have been open to the oil companies. They have leases. The environmental permitting is done. As you pointed out, they haven't been drilling, although the number of permits has been going up. In fact, we would call it an explosion in Federal permits to drill for oil on Federal lands, a resource for all the people which, through the wisdom of the Federal Government, the Federal Government is allowed to be drilled on in the environmentally proper ways.

In fact, 5 years ago, there were 3,802 permits to drill, and in 2007 there were 7,561 permits issued to drill. We're not stopping drilling. We're not stopping drilling. What we are talking about, though, is truth.

And one of the questions that you have to ask is, so where is the drilling getting us? What effect will the drilling have, has the drilling had, on gas prices? Well, if the President's answer is we want to drill more, if my friends across the aisle's answer is, oh, drill more, the more you drill, the lower the gas prices will be, then let's at least first take a look at that claim that more drilling means lower gas prices.

In fact, between 1999 and 2007, when the number of drilling permits issued for development of public lands increased, as you said, by 361 percent, gasoline prices have also risen dramatically. The chart to my left shows emphatically, categorically, with no room for argument, that more drilling, more permits, doesn't equal lower gas prices. When you look at this chart and you start down here in the corner that I'm pointing to, we have the price of gas along this side. I'm pointing to here. The years are along the bottom. We see in red, the bars are drilling permits issued. In blue, we see the number of wells drilled. And the green line is the price of gas. So we're showing all three components of the question I asked: Does more drilling lower gas prices? Because if it doesn't, then the President's argument to drill in ANWR holds no water. The complaints of the minority that we're somehow stopping progress, we are the fault for keeping gas prices high, holds no water. And we're going to have to look for other enemies to point the finger at and other solutions for our energy.

□ 2200

So let's take just a quick look. Without going through it all, what this trend clearly shows, as you can see, are the permits issued. This starts in 1994 and goes up to 2007. As you can see, in the early years, with the red bars, there are more permits issued than there is drilling because, first, you have to issue the permits before you drill on it.

Then by about 1999, after we've issued permits from 1994, 1995, 1996, 1997—here we are in 1998 and 1999—what we're seeing is that the number of wells drilled has caught up and has surpassed the number of permits issued, and it's relatively stable through there.

Then starting in the year 2000, we're going to see that the number of wells drilled is declining. As you pointed out, the oil companies are getting permits. They're buying up leases. They're holding onto the supply, but they're not drilling wells, not because there aren't the permits issued, not because they couldn't drill but because of some other reason. Now, let's remind ourselves that they're also making, in these last years here, record profits while their drilling on public lands available to them is lower than the permits issued.

Now let's take a look at the price of gas. Notice how the price of gas basically tracks these lines. So it shows more permits, more drilling, higher prices of gas. More permits, more drilling, higher prices of gas. The argument that if we simply open up ANWR to drill will somehow lower the price of gas is absolutely wrong. It just doesn't hold water.

What is so interesting to me is that this is a, theoretically, free market economy, and this country has always stood for free markets with reasonable regulation because, as Abraham Lincoln—a good Republican—said, the purpose of government is to do what the free markets cannot or will not do so well for themselves.

In our free market economy, if the oil companies tapped the 68 million Federal acres of leased land, it could generate an estimated 4.8 million barrels of oil a day. That is what is available to them now under lease with the environmental permits done. 4.8 million barrels of oil a day is six times what ANWR would produce at its peak in the year 2025. It's available to the oil companies today. Yet, somehow, the President and our colleagues want to open ANWR, which will take 20 years to get done and will reduce the price, theoretically, by 1.8 cents. It simply doesn't hold water.

The fact is that 80 percent of the oil available on the Outer Continental Shelf is in regions that are already open to leasing, but the oil companies, in their wisdom, haven't decided it's worth their time to drill there either. They have the leases. They have the permits, but they don't want to drill there. So we have the Arctic National Wildlife Refuge, a small place up there in Alaska where the caribou are wild, where wildlife flourishes, where it's tough to get the oil out of there because you've got to build a pipeline forever. We have onshore Federal lands available to the oil companies. We have offshore lands available to the oil companies. They're not drilling. They want more leases. It sounds kind of like grab and greed to me. Grab and greed.

We're a nation that has, perhaps, 2 percent of the world's supply of oil. We use 24 percent of the world's supply of oil. There is a disconnect there. We need to find new solutions because the bottom line is we cannot drill our way out of an energy situation in which foreign countries, many of them unfriendly to us and multinationals who are making record profits, control our supply of oil. It has had disastrous consequences for our foreign policy because now you read the various evidence that's coming out about the reason we went to war in Iraq.

I just finished the book of President Bush's spokesman, Scott McClellan, called "What Happened," which is on the reason we went to war. What is very interesting is that, when you read the passages of the discussions in the White House about why we went into Iraq and Vice President CHENEY's concerns about oil, many of the fears that people have seem to be clarified about the reasons we went to war in Iraq.

Now, I understand the motivation that says we need oil and that we need to secure our supplies and that we're going to use our geopolitical power and our military might to make sure we have the energy, but the bottom line is, when our energy future runs our foreign policy instead of our foreign policy and our energy future being tied together for our independence, we're at great risk. Here we are in 2008, stuck in a quagmire of a war with a huge debt. We have a deficit with China. Our gas prices are soaring. There is no way to drill our way out of the solution, and so we're going to talk about some more facts, some more truth and some of the things we're doing both to deal with the current issues and what we're doing for the future of this country.

I'll yield back to you, Mr. HALL.

Mr. HALL of New York. Thank you, Mr. HODES.

As you were speaking, I was thinking about some of the things that we can do.

Westchester County, one of the counties that I have the honor to represent, has a loop of county bus service which has switched from diesel buses to biodiesel buses to hybrid biodiesel buses.

We have John Jay High School, at which I just spoke a couple of days ago, where the environmental club has a grease mobile, a diesel car they've converted to run on biodiesel that they made from cooking oil from restaurants in the area.

The Newburgh Free Academy, a public school in Orange County, New York, one of the counties I'm honored to represent, has a solar racing club that built a solar car which tied for first place in a race between Houston, Texas and Newburgh, New York. They were built without the faculty advisors' even touching the vehicle. The adults were not allowed to touch the vehicle. The kids had to build it by themselves. These students knew how to weld and fasten the car together and how to build it sturdily enough and how to make sure that the wheels rotated so that they didn't wobble and so on. The advanced placement math and science students knew how to calculate how many square inches of photovoltaic cells it took to power a certain number of batteries to drive the wheels.

They drove that car from Houston for 2,000 miles to Newburgh, New York, and tied for first place in a race that was sponsored by a corporation that put the money up for the entire educational and research experiment.

When we did a presentation in our district on this, the students came in, wearing their solar racing club hats and their solar racing club T-shirts, and they showed the video of their car rolling down the highway with nothing but solar power powering it. By the way, this was a standing-room-only crowd who came to see this at the Bedford Town Hall in New York.

Afterwards, the adults came up to me as we were leaving, and they were saying, if these kids can do this on a shoestring, with no budget to speak of, where is Detroit? Why can't GM and Ford and Chrysler, our automakers, do this?

I would say that they can and that they should have been, but they're only now starting to. In fact, as to the Chevy Volt, as advertised on their Web site—it will be out, I believe, next year—they're planning this car to be a plug-in hybrid which will have a small internal combustion engine, but it will not be connected to the drive chain. The gas engine will only be used to drive a generator to keep the Lithium-ion batteries fully powered. When you drive this car, they say, on a 100-mile commute or less, it will run as an electric vehicle and will not use any gasoline. When you run it on an intercity trip of hundreds of miles, it will average 150 miles per gallon. That's supposed to be available next year.

I was at an event last week, and I talked to somebody from Toyota. They said, oh, that's nothing. In a couple of years, we're bringing out a car that's going to get 500 miles to the gallon.

Now, my feeling is that, when I was growing up and when we were in the middle of the space race and when President John Kennedy had challenged us that we would get to the Moon in 10 years, in our country, we were used to the position of leadership, and we thought, certainly, the United States has the ingenuity and the creativity and the expertise and the intelligence to be able to devise solutions for all of these problems. I still think we can, and I think we need to, and I think that the solution here is not to drill, drill, drill, and to open up more environmentally sensitive areas to be destroyed.

By the way, it was interesting to me that the polar bear was just put on the threatened list by the Secretary of the Interior. Then just this week, with a rulemaking process that doesn't have to go before us here in Congress, Secretary Kempthorne issued a rule indemnifying the top seven oil companies against any legal action should they kill polar bears in their exploration for oil.

So it's kind of a curious environmental consciousness that this administration seems to have where they give lip service to it on one hand, but on the other hand, they want to protect their friends in the oil companies from any risk at all at the same time that they open them up to all profit imaginable.

Just turning to this chart, natural gas is, of course, another one of the things we hear about, the oil and gas for which we bad Democrats are not allowing them to drill. Currently, how much natural gas is open to leasing? 82 percent. Closed to leasing is this small piece of the pie chart. This came from the Minerals Management Service in 2006. Technically, of the recoverable reserves of natural gas, 82 percent of them are open to leasing. This corresponds with the figures that we've been talking about in terms of oil that is open to leasing and that, in fact, has been leased and that is not currently being used.

I would contrast that with the inventiveness of Listening Rock Farm in my district, which is in the town of Amenia, New York. It's, actually, just barely north of my district. It's a renewable tree farm that's making biodiesel from wood waste and is running all their farm vehicles—their tractors and other vehicles and their road vehicles—on biodiesel made from wood waste, which is wood chips, sawdust, leaves, anything that doesn't go into the furniture that they make.

I would contrast it with Taylor Biomass, which is a company in Orange County that is a private corporation but that takes municipal solid waste currently from the Town of Montgomery on a pilot project. They separate out the batteries and the solvents and the Raid and the insecticides and other bad things that you don't want to go into the groundwater or up into the air, and those things get taken away and are dealt with in a responsible way. What is left is gasified and burned to spin a turbine and to put kilowatts out into the grid and, at the same time, to produce ethanol. These are creative solutions to our energy problems that, I think, must be explored.

One thing I would share with our friend Mr. KING is that we need to look at a wide variety of different kinds of energy around different parts of the country but, in particular, in the northeast where we have a hilly topography. There are many opportunities for small, low-head, hydroelectric power. In New York alone, the Department of Energy's Web site—the Idaho National Laboratory page—lists 4,000-some, low-head hydro sites, meaning small dams and small waterfalls, where, according to them, no lefty, environmental, tree-hugging organization—this is our DOE that we're talking about now—says that if we just put turbines where the water is already falling at these 4,000-some sites of low-head hydro potential that we could generate greater than 1,200 megawatts of power. That's about 60 percent of the output, the full output of the two Indian Point nuclear plants in my district. That's just for contrast.

Lastly, I would say that I'm interested that Texas recently passed the State of California as the State with the largest installed wind-power capacity. They have now become the leading wind generation State in the country. The reason, in part, is that Governor George W. Bush, when he was Governor of Texas, signed a renewable energy standard requiring that 10 percent of all electricity in Texas be generated by renewable sources of power.

☐ 2215

Of course, once the industry knew that that was there, that was a requirement they had to meet, they more than met it, they exceeded it. They had passed California and became the top wind-power electric producer that T. Boone Pickens, one of the original oil tycoons in this country, was quoted recently as saying that he is more excited today about wind power than he ever was about any oil field he ever discovered.

The odd part of this picture is that now that George W. Bush is President of the United States, he threatened to veto our energy bill last year if it included a renewable energy standard in it. What was good for Texas, for some reason when he was President, wasn't good for the whole country.

Now, I wish that he would revisit that or explain it to us, but I believe that the same thing that was good for Texas would be good for the whole country. It doesn't have to be wind everywhere. It just has to be renewable. Some places will be wind, some places might be low-head hydro, some places might be biofuels, some places might be tidal power or wave power, but all of these things are available.

There are test programs and pilot programs that show they are effective. The sooner we start using them, the sooner we can get off this dependence on foreign oil and start to put our economy back to work and create new jobs and the new businesses, new technologies, here at home.

I yield back to my friend.

Mr. HODES. Thank you, and I appreciate the kindness and decorum with which you discuss the change in apparent policies from our President, who was Governor, apparently understood the importance of a renewable electricity standard which would help industry, help consumers and help move us to the kind of energy future that is responsible, American independent energy future.

As Governor of Texas, as you said, he signed a 10 percent renewable energy standard. As technology has developed, in our bill in the House, when we tried to pass a bill with a 15 percent national renewable portfolio standard to give our utilities who generate the power and the electricity we need the certainty they are waiting for, to unleash the free market forces, to use the renewable and alternative energies with technology already existing to do it, that would come from a variety of sources around the country and start to give us the kind of power around the country that could come from renewable and alternatives, but unfortunately it didn't get past the Senate where, unfortunately, Senators from my State of New Hampshire stood in opposition to it, along with a number of their Republican colleagues. It didn't pass.

We did pass an absolutely important, precedent-setting new CAFE standard, which means that for the first time in 30 years the mileage standards for automobiles will begin to rise. We have been able to pass legislation to correct the obsolete standards we were stuck with, and now by 2020 we will be in a 35-mile per gallon standard. But as you discussed in your earlier remarks, the technology is here today for our automobile companies, which are now languishing in the doldrums. These former engines of the American economy, in which some people estimate 20 percent of the workforce of this country is in some way involved directly or indirectly in the supply chain, our car companies are taking a back seat to others which seem to have gotten on the new technology bandwagon a lot earlier. They have simply fallen behind, when if they had kept up with advanced technology, technology that's available now, think about the markets around the world, which our car companies, thus the people who are working directly and indirectly in that supply chain would then have the benefit of, we would then be exporting advanced technology instead of being behind the rest of the world, because the technology is certainly here now.

One area that you touched on that I would like to amplify are the kinds of innovative and entrepreneurial activities that are going on at home in our districts in our State. In New Hampshire, we have a lot of wood, and in much of the Northeast and in much of the cold belt of this country we are heavily forested, have a lot of wood resources.

One of the things that I was glad to see in the farm bill, not a perfect bill by any measure, as you know, in any of these large bills, there is a lot to like, there is a lot not to like.

One of the things that's important in the new farm bill is that cellulosic ethanol will receive much more help from the Federal Government, as opposed to corn ethanol, which we now know I think to be somewhat of a problem. The subsidies were lowered for corn ethanol, raised for cellulosic ethanol.

With all due respect to my colleagues on all sides of the aisle, whose districts produce a lot of corn and have been producing corn for fuel, we now know there are some issues with corn ethanol. It takes about this much energy to produce this much corn ethanol. There may be some byproducts. Food pricing around the world has suffered, so we clearly need to find a range of solutions.

Cellulosic ethanol means ethanol that can be added to the fuel of automobiles and other vehicles that comes from wood waste, biomass, switchgrass and other organic matter other than corn. It's very important in the Northeast where we can use wood chips, and the waste from logging and forestry products.

One of the fascinating things that I had the privilege to visit in my own district was a wood pellet plant in Jaffrey, New Hampshire, New England Wood Pellet, which is one of the pioneers of wood pellets. Now, wood pellets are essentially compressed wood waste where you take sawdust. Then you are able to compress it under very high heat.

When compressed and fed into a stove, it's incredibly efficient, extraordinarily clean at the same time, and very convenient. You can put it in the hopper, and power your home and heat your home with it. The sad thing is that after wood-pellet technology was developed in the United States, the leader has become Germany.

Now, when I was visiting a closed paper plant up in my district, there were Germans who were thinking of coming to take it over and turn it into a wood pellet plant. So we have the capacity, clearly in this country, to use our entrepreneurial skills and use local resources to produce our energy.

The even more interesting thing about the wood pellet plant in my district is that they have attached an innovative system to their wood pellet plant. What they have done is they have brought in a large turbine, it kind of looks like a jet engine, that's housed in a small business, that's attached to the wood pellet plant. Now, as I said, the wood pellets are produced using extraordinary amounts of heat and sawdust to compress it into the wood pellets for use in a stove.

What these folks have done is they have attached their own heating and electricity generating system right off their own building, so they have these two buildings interconnected. The turbine, which looks like a large jet engine, is fed through a series of filters and tubes. What happens is from the wood pellet process, the waste gases and the waste, of which there is some, is fed through the filtering system, gasified, and then fed into the turbine.

The turbine spins, it provides heat first to preheat the heating system that makes the wood pellets. It provides all the power, the electrical power to run the wood pellet plant, and it provides additional electric power which they sell back to the electric grid.

So they are heating their plant, they are preheating their manufacturing process, they are providing the power for their building. They are selling electricity back to the grid all in an integrated system that is creating fuel from a locally produced product that can be used to heat homes in a renewable energy efficient and appropriate way.

Now, if that one small wood pellet plant in my home district of New Hampshire can do that, we can be doing that all over the country in different ways, whether it is geothermal, whether it is tidal, whether it is small hydro, of which there is plenty all over this country, solar, wind, biomass, we have the capacity. We have the brains. We have the entrepreneurs, we have the technology, the computer systems, and the people who are just waiting to have the entrepreneurial spirit of this country unleashed.

To hear the President, and to hear our colleagues on the other side of the aisle, trying to propose that we go backwards in time to a technology which clearly does not lower the price of gas for consumers and clearly threatens our planet, is surprising, to say the least. I asked my friends on the other side of the aisle, for whom I have great respect, because this is an important process, to have two different philosophies come before the American people so that they can help discern the truth.

I have asked them, and I have yet to hear a good answer, what is it, what is it that prevents you from seeing the free markets, which you say you believe in, are waiting for the signals from the Federal Government, are waiting for the standards to be set here in Congress, are waiting to be unleashed. They know it means jobs, they know it means good products, they know it means new markets around the world, they are ready.

The utilities are ready, industry is ready, the market are ready. I just don't understand the thinkers who are stuck in the past and aren't ready, not only to address the issues we are facing today, but help move this country into the future.

I don't have an answer. I haven't heard an answer. I certainly would like to hear one, because what is being proposed by the President makes no economic sense except perhaps to the oil companies, whose record profits will go up even more if the President's plan were followed. They would get more leases, get more permits, do less drilling, let the price go up, and make more money as they have been.

That doesn't seem to be a good deal for the American people, so why the President would propose it, I have no idea. But I don't understand why he and his colleagues, his supporters, don't understand that the future is simply waiting.

If they are real free market folks, then let's go, let's unleash the free markets.

Do you have an answer for me, Mr. HALL?

Mr. HALL of New York. Well, I have a couple of comments. One is there is a bill that will be, I believe it's already been introduced, but we are going to be talking about more tomorrow called the Responsible Federal Oil and Gas Lease Act of 2008 introduced by Representatives RAHALL, MARKEY, HINCHEY, EMANUEL and YARMUTH, among others, I am cosponsor as well, as are you, I believe.

Mr. HODES. I am.

Mr. HALL of New York. What this will do, it's called, the slang version is the "Use It or Lose It Act," which would compel oil and gas companies to either produce on those 9,700 leases that they have and those 68 million acres of land that they have already leased, either produce or give up those leases that they are stockpiling, and it would do this by barring the companies from obtaining any more leases unless they can demonstrate that they are producing oil and gas or diligently developing the leases they already hold during the initial term of those leases. The bill directs the Secretary of the Interior to define what constitutes diligent development.

By the way, the backdrop for this, the sort of origin for it, is that back a while in history, coal went through the same kind of speculation, where Federal coal resources were being abused, potential coal exploration areas were being leased by the coal companies, and speculation was driving the price up before that coal was actually developed.

Some people think that, and this is people in the financial markets as well as the energy markets believe that a significant portion, maybe as much as 25 percent in the increase in the cost of gasoline is actually speculation, people saying, well, that's a good place to put my money. I guess the stock market is kind of uncertain, and real estate has taken a hit lately.

Of course, I am not sure which commodities to invest in, but, oil, that looks like it's always going up. No matter what happens, I think I will put my money into oil. Of course, the more people that do buy oil futures, the more the price of oil goes up on the world market, and the more we wind up paying at the pump.

Companies which lease Federal coal resources are, already by law, required to diligently develop those leases. That's the result of this speculation in the past. The requirement has discouraged the rampant speculation that once did exist in the Federal coal leasing program. This same type of speculation now appears to be plaguing the oil and gas leasing program.

So under the Use It or Lose It bill, the Responsible Federal Oil and Gas Lease Act of 2008, oil and gas companies would have to either produce on those leases or give them up. I think that this is in the national interest, I think it's fair, because certainly the application for lease of a particular plot, whether it be onshore or offshore for production of oil or natural gas, implies that that company was intending to develop that resource.

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And the Department of the Interior has I believe the right and the duty to make sure that our country's natural resources are used for the best and higher good of the people of this country. Not the CEOs or the stockholders of those corporation, but every American citizen, every person in the United States whose future depends on this economy and on the energy choices we make.

That's all I wanted to say, but I wanted to ask my friend from New Hampshire, since you have that lovely chart next to you, I wonder if you can comment on the Republican leadership's voting record on legislation that pertains to gas prices.

Mr. HODES. I would be happy to talk about that. One of the interesting things that we have seen, unfortunately, is a do-anything-to-stop-progress mentality from our colleagues. While they have been long on accusations about the Democratic attempt to move us, to address the current issues and move us to a new future, their leadership has unfortunately been lacking.

For instance, on the issue of OPEC price fixing, the House will once again take up legislation to empower the Justice Department to take legal action against OPEC-controlled entities for participating in oil cartels that drive up oil prices globally in the United States. We are in the grip of monopolies with price fixing. It is a basic right of American law that we deal with that in the proper way to stop price fixing. The Republicans have stood in the way without any leadership on that issue.

In terms of price gouging by the oil companies, we have passed, the Democrats have passed legislation cracking down on Big Oil that are gouging American consumers.

The Energy Price Gouging Prevention Act would give our Federal Trade Commission authority to investigate and punish companies that artificially inflate the price of energy. It sets criminal penalties for price gouging, and permits States to bring lawsuits against wholesalers or retailers who engage in such practices. The Bush administration has threatened to veto the measure and the Republican leadership has consistently voted "no, no, no" and "no" on price gouging.

On renewable energy as we discussed, we have been moving towards renewable energy provisions. The House leadership of the Republicans, every single one of them has voted "no" on renewable energy. They are voting "no" on America's future. They are voting "no" on a responsible free market. And on our energy security which we have been working on as Democrats to make sure that we are moving to real security for the United States and energy independence, they voted "no, no, no."

So in closing, and there is so much more we could say about what we have been doing, but as I close tonight I want to say to you and to the Speaker's attention I appreciate, another member of our freshman class of 2006, a distinguished member, that it is time to say yes to the future. It is time to say yes to American consumers. Our special interest must be the interest of the people of this country. It must be an answer to the pain that they are feeling at the pumps, and where they know, where the American people know the great future and destiny of this country lies.

So our job is to say yes. We understand that we need to do something now and we are. We are answering the call now. Democrats will answer, Republicans will say no, but we will be steadfast in the special interest of the people. We will be responsible in unleashing the forces of the free market to take us into the energy future that the American people need and deserve. It is time to say yes to the future. Green is the new red, white and blue. I look forward to working in the years to come on the legislation and the policies that will move us into the future in a way that the American people will be proud of, and I thank you for being with me tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Ms. GIFFORDS, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 25.

Mr. JONES of North Carolina, for 5 minutes, June 25.

Mr. TANCREDO, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, June 19.

Mr. HASTINGS of Washington, for 5 minutes, June 19.

Mr. BISHOP of Utah, for 5 minutes, June 19.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 16, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 6124. To provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

ADJOURNMENT

Mr. HODES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, June 19, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7185. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — User Fees for 2008 Crop Cotton Classification Services to Growers [AMS-CN-07-0092; CN-08-001] (RIN: 0581-AC80) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7186. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendments to Rules of Practice Regulations Under the Perishable Agricultural Commodities Act (PACA) To Increase Reparation Complaint Filing and Handling Fees [Docket Number AMS-FV-06-0217; FV07-376] (RIN: 0581-AC72) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7187. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vidalia Onions Grown in Georgia; Increased Assessment Rate [Docket No. AMS-FV-07-0159; FV08-955-1 FR] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7188. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — User Fees for 2008 Crop Cotton Classification Services to Growers [AMS-CN-07-0092; CN-08-001] (RIN: 0581-AC80) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7189. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vidalia Onions Grown in Georgia; Increased Assessment Rate [Docket No. AMS-FV-07-0159; FV08-955-1 FR] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7190. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendments to Rules of Practice Regulations Under the Perishable Agricultural Commodities Act (PACA) To Increase Reparation Complaint Filing and Handling Fees [Docket Number AMS-FV-06-0217; FV07-376] (RIN: 0581-AC72) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7191. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "Assessment of the Livestock and Poultry Industries for FY 2007," pursuant to Public Law 106-472; to the Committee on Agriculture.

7192. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Mission-Related Investments, Rural Community Investments (RIN: 3052-AC42) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7193. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule — Risk-Based Capital Regulation — Loss Severity Amendments (RIN: 2550-AA38) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7194. A letter from the General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Rehabilitation Training — Rehabilitation Continuing Education Program — received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7195. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-114-FOR; OSM-2008-0010] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7196. A letter from the Secretary, Department of the Interior, transmitting notification of payments to eligible governments in the State of California for Fiscal Year 2008 under the Payments in Lieu of Taxes (PILT) program; to the Committee on Natural Resources.

7197. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Department of Defense, Department of the Army, Corps of Engineers, and the Environmental Protection Agency, entitled, "Compensatory Mitigation for Losses of Aquatic Resources," pursuant to 5 U.S.C. 801(a)(2)(A); to the Committee on Natural Resources.

7198. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Participating in the Amendment 80 Limited Access Fishery in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XI14) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7199. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut [Docket No. 071031633-8385-02] (RIN: 0648-AW23) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7200. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program [Docket No. 070717351-8507-02] (RIN: 0648-AV64) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7201. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program [Docket No. 070718364-8478-03] (RIN: 0648-AV19) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7202. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No. 060525140-6221-02] (RIN: 0648-XI05) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7203. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule —. Pacific Halibut Fisheries; Guideline Harvest Levels for the Guided Recreational Halibut Fishery; Correction [Docket No. 080515668-8669-01] (RIN: 0648-AW82) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7204. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's report on excess harvesting capacity in U.S. fisheries, pursuant to Section 312 of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

7205. A letter from the Director, National Drug Intelligence Center, Department of Justice, transmitting the Department's report entitled, "Cities in Which Mexican DTO's Operate Within the United States"; to the Committee on the Judiciary.

7206. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3230-EM in the State of Illinois, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7207. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on budgeting for the Lock and Dam 3 Mississippi River Navigation Safety and Embankments Navigation Improvement Project, Minnesota and Wisconsin; to the Committee on Transportation and Infrastructure.

7208. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-53] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7209. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with Title I of the Trade and Development Act of 2000, the "2008 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act"; to the Committee on Ways and Means.

7210. A letter from the Acting Assistant Director, Directives and Regulations Branch, Office of Regulatory and Management Services, USDA Forest Service, Department of transmitting the Department's final rule — Clarifying Prohibitions for Failure To Maintain Control of Fires That Damage National Forest System Lands (RIN: 0596-AC30) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Natural Resources.

7211. A letter from the Commissioner, Department of the Interior, transmitting a copy of a draft bill entitled, "Reclamation Title Transfer Act of 2008"; jointly to the Committees on Natural Resources and the Judiciary.

7212. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1281. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–719). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONAWAY:

H.R. 6289. A bill to amend the Internal Revenue Code of 1986 to increase the maximum reduction in estate tax value for farmland and other special use property, to restore and increase the estate tax deduction for family-owned business interests, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. DEFAZIO, Ms. HOOLEY, and Mr. WU):

H.R. 6290. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Mr. WU, and Ms. HOOLEY):

H.R. 6291. A bill to adjust the boundary of Oregon Caves National Monument, to amend the Wild and Scenic Rivers Act to designate certain river segments in Oregon as wild or scenic rivers, and for other purposes; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 6292. A bill to amend the Elementary and Secondary Education Act of 1965 to require local educational agencies to provide to parents, on request, information regarding the professional qualifications of their child's specialized instructional support persons; to the Committee on Education and Labor.

By Mr. HAYES (for himself, Mr. MCINTYRE, and Mr. EDWARDS):

H.R. 6293. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a discretionary grant program for school construction for local educational agencies affected by base closures and realignments, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOYD of Florida:

H.R. 6294. A bill to provide for a comprehensive study by the National Research Council of the National Academies to assess the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System; to the Committee on Transportation and Infrastructure.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. POE):

H.R. 6295. A bill to amend title 18, United States Code, to prohibit operation by any means or embarking in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania (for himself, Mr. EHLERS, and Ms. ZOE LOFGREN of California):

H.R. 6296. A bill to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission; to the Committee on House Administration.

By Ms. DEGETTE:

H.R. 6297. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Science and Technology.

By Mr. MARKEY (for himself, Ms. ROS-LEHTINEN, Mr. SHERMAN, Mr. CANTOR, Mr. MCGOVERN, Mr. STEARNS, Mr. HINCHEY, Ms. WOOLSEY, Mr. BURTON of Indiana, Mr. FRANK of Massachusetts, and Mr. FORTENBERRY):

H.R. 6298. A bill to restrict nuclear cooperation with the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. MEEKS of New York (for himself, Mr. NADLER, Mr. SIRES, and Mr. KUHL of New York):

H.R. 6299. A bill to prohibit the Secretary of Transportation or the Administrator of the Federal Aviation Administration from conducting auctions, implementing congestion pricing, limiting airport operations, or charging certain use fees at airports; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE:

H.R. 6300. A bill to establish special preservation areas and rangeland preservation areas in Dona Ana County, New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. PEARCE:

H.R. 6301. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Science and Technology, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 6302. A bill to achieve greater national energy independence by terminating the effect of laws prohibiting the spending of appropriated funds and Presidential withdrawals and authorities to conduct oil and natural gas leasing and preleasing activities for any area of the Outer Continental Shelf; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 6303. A bill to amend chapter 141 of title 10, United States Code, to include disclosures made by Department of Defense contract employees to their immediate employers in the provisions providing protections against reprisal for certain disclosures; to the Committee on Armed Services.

By Mrs. CAPITO (for herself and Mr. BUYER):

H. Con. Res. 373. Concurrent resolution authorizing Frank Woodruff Buckles to lie in honor in the rotunda of the Capitol upon his death; to the Committee on House Administration.

By Mr. TIM MURPHY of Pennsylvania:

H. Res. 1282. A resolution encouraging the President to revoke the Executive memorandum banning energy production on America's Outer Continental Shelf; to the Committee on Natural Resources.

By Mr. TERRY (for himself, Mr. LATHAM, Mr. KING of Iowa, Ms. MCCOLLUM of Minnesota, Mr. FERGUSON, Mr. FORTUÑO, Mr. BARTON of Texas, Ms. FOXX, Mr. BOSWELL, Mr. WILSON of Ohio, Mr. WALDEN of Oregon, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mrs. CAPPS, Mr. WALZ of Minnesota, Ms. HIRONO, Mr. BOOZMAN, Mr. HINOJOSA, Mr. CULBERSON, Mr. SAXTON, Mr. SESSIONS, Mr. JONES of North Carolina, Mr. SOUDER, Mrs. MILLER of Michigan, Mrs. BIGGERT, Mr. PICKERING, Mr. UPTON, Mr. SHAYS, Mrs. BONO MACK, Mr. PENCE, Mr. HENSARLING, Mr. CONAWAY, Mr. SULLIVAN, Mr. YOUNG of Alaska, Mr. DANIEL E. LUNGREN of California, Mr. SHIMKUS, Mr. BONNER, Mr. BISHOP of Utah, Mrs. CUBIN, Mr. MILLER of Florida, Mr.

Manzullo, Ms. Ros-Lehtinen, Mrs. Capito, Ms. Pryce of Ohio, Mr. McKeon, Mr. Patrick Murphy of Pennsylvania, Mr. Coble, Mr. Nunes, Mr. Turner, Mr. Hayes, Mr. Petri, Mr. Keller, Mr. Crenshaw, Mr. Smith of Nebraska, Mr. McHugh, Mr. Duncan, Mrs. Blackburn, Mr. Dent, Mr. Johnson of Illinois, Mr. Burgess, Mr. Marchant, Mr. Reichert, Mr. Pitts, Mr. Calvert, Mr. Gary G. Miller of California, Mr. Porter, and Mr. Shuler):

H. Res. 1283. A resolution expressing heartfelt sympathy for the victims and their families following the tornado that hit Little Sioux, Iowa, on June 11, 2008; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

317. The SPEAKER presented a memorial of the Legislature of the State of Oklahoma, relative to Senate Concurrent Resolution No. 42 recognizing the limited public consideration for the regulation of all-terrain vehicles on forest lands, and requesting intervention from the Congress of the United States; to the Committee on Natural Resources.

318. Also, a memorial of the House of Representatives of the State of Rhode Island, relative to House Resolution No. 8296 reaffirming its opposition to federal proposals to authorize increases in the size or weight of commerical motor vehicles; to the Committee on Transportation and Infrastructure.

319. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 36 urging the Congress of the United States to renew the exemption for the sternwheel river steamboat Delta Queen from the 1966 Safety at Sea Act; to the Committee on Transportation and Infrastructure.

320. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 127 memorializing the Congress of the United States and the Louisiana congressional delegation to appropriate to the United States Army Corps of Engineers the total amount of funds collected from the Harbor Maintenance Tax so that those funds can be used for dredging navigation channels and, where possible, the beneficial use of dredged material to protect, restore, and conserve wetlands; to the Committee on Ways and Means.

321. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 99 memorializing the Congress of the United States to take such actions as are necessary to prohibit the importation of nuclear waste generated outside the United States; to the Committee on Ways and Means.

322. Also, a memorial of the Legislature of the State of Mississippi, relative to Senate Concurrent Resolution No. 556 urging the President of the United States and the Congress of the United States to support the passage of the Secure Rural Schools and Community Self-Determination Act; jointly to the Committees on Agriculture and Natural Resources.

323. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Joint Resolution No. 15-38 supporting Resolution No. 80 of the Guam Legislature and urging all recipients of that resolution to seriously consider its contents; jointly to the Committees on Natural Resources and the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 367: Mr. Kline of Minnesota.

H.R. 636: Mr. Heller.

H.R. 882: Mr. Stupak, Mr. Thompson of Mississippi, and Mr. Kennedy.

H.R. 971: Mr. Baird.

H.R. 1032: Mrs. Lowey, Mr. Hare, and Mr. Hall of New York.

H.R. 1038: Mr. Boozman, and Mr. Paul.

H.R. 1185: Mr. Towns and Mr. Blumenauer.

H.R. 1306: Mr. Space.

H.R. 1527: Mr. Kline of Minnesota.

H.R. 1537: Mr. Gene Green of Texas.

H.R. 1606: Mr. Nadler.

H.R. 1866: Mr. Tiberi.

H.R. 1884: Mr. Lucas, Mr. Thompson of California, Mr. Yarmuth, and Mr. Lampson.

H.R. 2043: Mrs. Tauscher.

H.R. 2260: Mr. Wamp.

H.R. 2266: Mr. Courtney.

H.R. 2275: Mr. Paul.

H.R. 2279: Mr. Boozman, Mr. Manzullo Mr. Shadegg, Mr. Gingrey, Mr. Rogers of Alabama, Mr. Gary G. Miller of California, Mr. McKeon, Mr. Roskam, Mr. Terry, Mr. Wolf, Mr. Tiberi, Mr. Broun of Georgia, and Mr. Wilson of South Carolina.

H.R. 2493: Mr. Sessions, Mr. McKeon, Mr. Tiberi, and Mr. Roskam.

H.R. 2676: Ms. Schakowsky.

H.R. 2689: Mr. Reyes.

H.R. 2721: Mr. Cohen, Mr. Johnson of Georgia, Mr. Shuler, Mr. Arcuri, Mr. Matheson, Ms. Matsui, Mrs. Gillibrand Mr. Donnelly, and Mr. Ellsworth.

H.R. 2726: Mr. Holden.

H.R. 2818: Mr. Tim Murphy of Pennsylvania.

H.R. 2926: Mr. Blumenauer.

H.R. 2991: Mr. Bishop of New York.

H.R. 3008: Mr. Altmire.

H.R. 3089: Mrs. Cubin, Ms. Ginny Brown-Waite of Florida, Mr. Calvert, Mr. Herger, Mr. McHugh, Mr. LaTourette, and Mr. McKeon.

H.R. 3195: Mr. Blunt, Mrs. Schmidt, Mr. Higgins, Mr. Weller, Mr. Salazar, and Mr. Carson.

H.R. 3202: Mr. Hodes.

H.R. 3234: Mr. Heller.

H.R. 3267: Mr. Gonzalez.

H.R. 3282: Mr. Allen.

H.R. 3289: Ms. Schwartz, Ms. Schakowsky, Mr. Kagen, Mr. Engel, Mr. Costello, and Mr. Hinchey.

H.R. 3333: Mr. Hastings of Florida, Mr. Cohen, Ms. McCollum of Minnesota,

Mrs. Maloney of New York, Ms. Loretta Sanchez of California, Mr. Waxman,

Mr. Cummings, Mr. Towns, and Mr. Yarmuth.

H.R. 3334: Mr. Wu, Mrs. Miller of Michigan, and Mr. Allen.

H.R. 3372: Ms. Solis.

H.R. 3457: Mr. Moran of Kansas.

H.R. 3484: Ms. Giffords.

H.R. 3485: Ms. Giffords.

H.R. 3652: Ms. Loretta Sanchez of California.

H.R. 3654: Mr. Carter.

H.R. 3786: Mr. Grijalva.

H.R. 3934: Mrs. Maloney of New York.

H.R. 4044: Mr. Kagen.

H.R. 4088: Mr. Crenshaw.

H.R. 4089: Mr. Mollohan, Mr. Sires, and Mr. Ross.

H.R. 4255: Mr. Hall of New York, Mr. Carson, and Mr. Grijalva.

H.R. 4318: Mr. Mahoney of Florida.

H.R. 4344: Mr. Towns, and Mr. Snyder.

H.R. 4884: Mr. Boucher.

H.R. 4899: Mr. Carson.

H.R. 4918: Mr. Young of Florida and Mr. Weldon of Florida.

H.R. 4987: Mr. Gallegly.

H.R. 4990: Ms. Matsui.

H.R. 5244: Mr. Holt and Mr. Towns.

H.R. 5315: Mr. Shays.

H.R. 5404: Mr. Bishop of New York.

H.R. 5534: Mr. Baird.

H.R. 5548: Mr. Brady of Pennsylvania.

H.R. 5573: Mr. Udall of Colorado, Mr. Turner, and Mr. Wu.

H.R. 5575: Mr. Nadler and Mr. Berman.

H.R. 5580: Ms. McCollum of Minnesota.

H.R. 5603: Ms. Schwartz.

H.R. 5611: Mr. Terry.

H.R. 5615: Mr. Wamp, Ms. Waters, Mrs. Maloney of New York, Mr. Clay, Mr. Doyle, Mr. Nadler, and Mr. Welch of Vermont.

H.R. 5632: Mr. Miller of North Carolina.

H.R. 5635: Mr. Terry.

H.R. 5646: Mr. Rehberg.

H.R. 5656: Mr. Lucas, Mr. McKeon, Mr. Tiberi, Mr. Roskam, and Mr. Wamp.

H.R. 5700: Mr. Sestak.

H.R. 5709: Ms. Kaptur and Mr. Brady of Pennsylvania.

H.R. 5714: Mr. Calvert, Mr. Gonzalez, Mr. Gerlach, Mr. Goode, Mr. Wolf, Mr. Klein of Florida, Mr. Rogers of Kentucky, Mr. Ross, Mr. Peterson of Minnesota, and Mr. Aderholt.

H.R. 5734: Mr. Kuhl of New York and Mr. Neugebauer.

H.R. 5736: Mr. Bachus, Mr. Bonner, Mr. Cramer, Mr. Davis of Alabama, Mr. Everett, and Mr. Rogers of Alabama.

H.R. 5737: Mrs. Myrick and Mr. Shuster.

H.R. 5772: Mr. Al Green of Texas.

H.R. 5782: Mr. Boren, Mr. Goodlatte, Mr. Broun of Georgia, Ms. Foxx, and Mr. Neugebauer.

H.R. 5784: Mr. Heller.

H.R. 5793: Mr. Berry and Mr. Bishop of New York.

H.R. 5808: Ms. Solis.

H.R. 5809: Ms. Solis.

H.R. 5821: Mr. Latta.

H.R. 5846: Mr. Clay and Mr. Jackson of Illinois.

H.R. 5868: Mr. Kline of Minnesota and Mr. LaTourette.

H.R. 5892: Ms. Bean.

H.R. 5911: Mr. Duncan.

H.R. 5951: Mrs. Tauscher.

H.R. 5954: Mr. Miller of Florida, Mr. Putnam, and Mr. Gerlach.

H.R. 5979: Mr. McCaul of Texas.

H.R. 6002: Ms. Waters.

H.R. 6070: Mr. Bilbray and Mr. Hayes.

H.R. 6076: Mr. Carnahan and Mr. Clay.

H.R. 6078: Mr. Lynch and Mr. McNerney.

H.R. 6083: Mr. Ellison and Mr. Wu.

H.R. 6098: Mr. Bishop of Georgia.

H.R. 6108: Mr. Boozman, Mr. Gerlach, Ms. Ginny Brown-Waite of Florida, Mr. Stearns, Mr. Sessions, Mr. McKeon, Mr. Roskam, Mr. Tiberi, and Mr. Latta.

H.R. 6140: Mr. Stearns, Mr. Boozman, Mr. Bishop of Georgia, and Mrs. Boyda of Kansas.

H.R. 6163: Mr. English of Pennsylvania.

H.R. 6192: Mrs. Myrick.

H.R. 6205: Mr. Lewis of Georgia, Mr. Scott of Virginia, Mr. Welch of Vermont, Mr. Frank of Massachusetts, Mr. Grijalva, Mr. Fattah, Mr. Johnson of Georgia, and Mr. Courtney.

H.R. 6209: Mr. THOMPSON of California and Mr. PICKERING.

H.R. 6233: Mr. CANTOR.

H.R. 6251: Mr. MAHONEY of Florida, Mr. COURTNEY, Mr. FARR, Mr. DELAHUNT, Mr. WILSON of Ohio, Mr. KLEIN of Florida, and Mr. MCGOVERN.

H.R. 6256: Ms. SUTTON, Mr. BERMAN, Mr. COURTNEY, Mr. FOSTER, and Mr. WILSON of Ohio.

H.R. 6257: Ms. ROS-LEHTINEN.

H.R. 6261: Ms. MOORE of Wisconsin and Mr. CARSON.

H.R. 6264: Mr. SMITH of New Jersey, Mr. CARSON, and Mr. GRIJALVA.

H.R. 6274: Mrs. MYRICK, Mr. PITTS, Mr. SULLIVAN, Mr. LATTA, Mr. ISSA, Mr. GARRETT of New Jersey, Mr. PRICE of Georgia, Mr. WAMP, Mr. WESTMORELAND, Mr. GINGREY, Mr. SHIMKUS, Ms. FALLIN, Mrs. BACHMANN, and Mr. PENCE.

H.R. 6276: Mr. MELANCON and Mr. JEFFERSON.

H.R. 6278: Mr. BLUMENAUER.

H.R. 6288: Mr. ROGERS of Kentucky.

H.J. Res. 89: Mr. NEUGEBAUER, Mr. SHUSTER, Mr. SESSIONS, Mr. SMITH of Texas, Mr. PICKERING, Mr. GRAVES, Mrs. EMERSON, Mr. DAVIS of Kentucky, Mrs. MCMORRIS RODGERS, Mr. SMITH of New Jersey, Mr. KUHL of New York, Mr. BOOZMAN, and Mr. LATTA.

H.J. Res. 93: Mr. GUTIERREZ, Mr. KIRK, Mr. WOLF, and Mrs. MALONEY of New York.

H. Con. Res. 17: Mr. COHEN and Mr. FILNER.

H. Con. Res. 250: Mrs. BACHMANN.

H. Con. Res. 253: Mr. CUELLAR, Mr. Gonzalez, Mr. HOLT, Ms. ROYBAL-ALLARD, Mr. SHULER, and Mrs. TAUSCHER.

H. Con. Res. 338: Mr. AL GREEN of Texas.

H. Con. Res. 361: Mr. MICHAUD.

H. Con. Res. 369: Mr. LATTA.

H. Con. Res. 371: Mr. SCHIFF, Mr. SHERMAN, Mr. CANTOR, Mr. KAGEN, and Mr. KIRK.

H. Res. 655: Mr. LEWIS of Georgia, Mr, JEFFERSON, Mr. HASTINGS of Florida, Mr. BISHOP of Georgia, Mr. RUSH, Ms. LEE, Mr. DAVIS of Illinois, Ms. KILPATRICK, Mr. BUTTERFIELD, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. RICHARDSON, and Ms. SCHAKOWSKY.

H. Res. 672: Mr. CASTLE, Ms. DELAURO, Ms. BERKLEY, Mr. MCGOVERN, Ms. NORTON, and Ms. LEE.

H. Res. 1008: Mr. MORAN of Virginia.

H. Res. 1017: Mr. HINOJOSA, Mr. HILL, Mr. DANIEL E. LUNGREN of California, Mrs. NAPOLITANO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1110: Mrs. SCHMIDT.

H. Res. 1177: Mr. LEWIS of Georgia.

H. Res. 1188: Ms. BALDWIN, Mr. ALLEN, and Mr. TOWNS.

H. Res. 1200: Mr. LEWIS of Georgia.,

H. Res. 1202: Mrs. BIGGERT, Mr. ROSKAM, Mr. SHIMKUS, Mr. WELLER, Mr. PASTOR, Mrs. CUBIN, Mr. REICHERT, Mr. LEVIN, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, and Mr. KILDEE.

H. Res. 1210: Ms. SUTTON.

H. Res. 1217: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1227: Mr. WAXMAN, Ms. SUTTON, and Ms. WATSON.

H. Res. 1230: Mr. FLAKE and Mr. KUCINICH.

H. Res. 1248: Mr. PATRICK MURPHY of Pennsylvania.

H. Res. 1255: Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. GINGREY, Mr. JONES of North Carolina, Mr. PAUL, Mr. DAVIS of Kentucky, Mr. TURNER, Mrs. DRAKE, Mr. KING of Iowa, Mr. MILLER of Florida, Mr. BOREN, Mr. FORBES, Mr. WILSON of South Carolina, Mr. LUCAS, and Mr. MCKEON.

H. Res. 1258: Mr. HINCHEY and Ms. BALDWIN.

H. Res. 1260: Mrs. LOWEY, Mr. BERMAN, Ms. WOOLSEY, Mr. SNYDER, Mr. WEINER, Mr. MCDERMOTT, Mr. CLEAVER, Mr. CLAY, Mr. INSLEE, Mrs. MALONEY of New York, and Ms. SLAUGHTER.

H. Res. 1270: Ms. LEE, Mr. FARR, Mr. MEEKS of New York, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. FATTAH, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. FLAKE, Ms. WATERS, Mr. LEWIS of Georgia, Ms. WOOLSEY, Mr. GALLEGLY, Mr. CROWLEY, and Mr. FORTENBERRY.

H. Res. 1278: Mr. ROGERS of Kentucky, Mr. BOOZMAN, Mr. KAGEN, Mr. UDALL of Colorado, and Mr. GOODE.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

272. The SPEAKER presented a petition of the Board of Commissioners of Columbus County, North Carolina, relative to a Resolution supporting the Resource Conservation and Development (RD&D) Program; to the Committee on Agriculture.

273. Also, a petition of the Board of Commissioners of Lyon County, Nevada, relative to Resolution No. 08-05 urging the Congress of the United States to reject Wilderness designations in Lyon County; to the Committee on Natural Resources.

274. Also, a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-08-262 urging the President of the United States and the Congress of the United States to support important domestic spending which is essential to the continued recovery of New Orleans; to the Committee on Transportation and Infrastructure.

275. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 276 requesting that the Senate of the United States remove from its version of the Federal Aviation Administration Reauthorization Act, any funding for the FAA redesign plan currently being considered for the New York Metropolitan Area that will directly affect Rockland County residents' quality of life; to the Committee on Transportation and Infrastructure.

276. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 278 requesting that the Senate of the United States pass H.R. 3179, known as the "Local Preparedness Acquisition Act"; to the Committee on Transportation and Infrastructure.

277. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0859 requesting that the Congress of the United States provide full funding for federal transportation programs and ensure that local elected officials have an opportunity to participate in the upcoming reauthorization debate; to the Committee on Transportation and Infrastructure.

278. Also, a petition of the Mississippi Board of Education, relative to a Resolution urging the President of the United States and the Congress of the United States to support passage of the Secure Rural Schools and Community Self-Determination Act; jointly to the Committees on Agriculture and Natural Resources.

EXTENSIONS OF REMARKS

THE ELMS RESORT AND SPA 120TH ANNIVERSARY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. GRAVES. Madam Speaker, please join me in congratulating the outstanding achievement of The Elms Resort and Spa in Excelsior Springs, Missouri, for celebrating 120 years of history and hospitality on July 4, 2008. The Elms has lasted through two fires, the Depression, bankruptcy, and multiple owners and still stands today as a grand example of elegance, first-class amenities and the spa of healing waters that made it so famous.

The Elms has welcomed a number of politicians and stars through the years. From Al Capone, to Jack Dempsey and even President Harry S. Truman, many figures throughout history have experienced the cultivated history and vibrant atmosphere of this great resort. This esteemed recognition of 120 great years has not come easily, but after years of restoring and rebuilding, the resort is vibrant as ever. This hotel is a true survivor and stands as a magnificent tribute to the unbeatable spirit of the town of Excelsior Springs.

Madam Speaker, I ask that you join me in applauding The Elms Resort and Spa for their dedication of service and loyalty to the people of Excelsior Springs, Missouri as a true Missouri landmark. I wish the resort 120 more years of greatness to come.

A PROCLAMATION HONORING THE ISLETA UNITED METHODIST CHURCH FOR CELEBRATING THEIR 150TH ANNIVERSARY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SPACE. Madam Speaker:

Whereas, the Isleta United Methodist Church was built in 1858; and

Whereas, the Isleta United Methodist Church is one of the oldest churches in its region; and

Whereas, the Isleta United Methodist Church and its members continue to be integral, active participants of their community; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend and thank the Isleta United Methodist Church for contributions to our community and country.

IN REMEMBRANCE OF MARTIN P. ZANOTTI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Martin P. Zanotti, whose life will forever reflect devotion to family and friends, and service to community and country.

Mr. Zanotti's family was central to his life. He was married to his beloved wife, Rose, for 59 years. Together, they lovingly raised their children, Marty, David, Christopher and Mary Beth. He was a doting grandfather to Jacqueline, Rachael, Anthony, Anna, Corey, Courtney, Stephanie, Sarah, Frank, Natalie and Gina; he was a devoted brother to Paul, and a loyal friend to many.

Mr. Zanotti contributed greatly to our Nation and to our community. He was a United States veteran, having served during WWII in the U.S. Army Corps. His abiding commitment to his Catholic faith was evidenced by his long-time involvement in St. John Bosco Church, where he was founding member.

Above all, Mr. Zanotti was a man who lived his faith. He personified the word "gentleman" and was a man of integrity, who treated everyone with kindness and respect. Mr. Zanotti's quiet, yet warm nature and quick smile were at the core of his spirit and nothing made him happier than spending time with his family.

Mr. Zanotti attended countless sporting and school events and was there to witness every milestone. He reveled in the achievements of his children and grandchildren, and even most significantly, was their rock of support and encouragement when the chips were down.

Behind the scenes, Mr. Zanotti consistently lent his assistance to help anyone in need. Without fanfare or recognition, as soon as Mr. Zanotti learned of an individual or family in need, he reached out to help in any way he could, without hesitation and regardless of whether or not he knew them.

Madam Speaker and colleagues, please join me in honoring the life of Martin P. Zanotti, whose spirit, joy for living, service to others and love for his family will live forever in their hearts and memories. I extend my sincere condolences to his family, extended family and numerous friends.

Although he will be greatly missed, Mr. Zanotti's legacy of kindness and giving has made our community a much better place, his joyous life and simple acts of kindness will never be forgotten.

HONORING JERSEY CITY POLICE CAPTAIN ROBERT V. TAINO

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SIRES. Madam Speaker, I rise today in honor of Jersey City Police Captain Robert V. Taino on the occasion of his retirement. Captain Taino, who will retire on July 1, 2008, received numerous recognitions for his service, evidence that he was an outstanding member of Jersey City Police Force.

Captain Taino, was appointed to the Jersey City Police Department in 1966, and initially assigned to the first precinct. His dedication garnered the trust of his superiors and earned him other opportunities to serve the Department in the radio room, Bureau of Supervision, administration division Chief of Patrol Staff, Special Patrol Bureau, Support Services Division, officer of the Chief and City Command. His experience and his knowledge of the community were recognized by the receipt of numerous awards including one commendation and one World Trade Center Award.

Please join me in honoring Captain Robert V. Taino, his wife Grace and 3 children Kymberly, Tara, and Robert, Jr. for his distinguished service to the Jersey City Police Department, and in congratulating him on his retirement.

HONORING THE 85TH ANNIVERSARY OF MACEDONIA BAPTIST CHURCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. GERLACH. Madam Speaker, I rise today to pay tribute and offer congratulations to Macedonia Baptist Church of Norristown, Pennsylvania for celebrating its 85th anniversary this year. They will be acknowledging this great milestone on June 21, 2008 at a banquet luncheon to be held at the Desmond Hotel in Malvern, Pennsylvania. The Macedonia Baptist Church has an uplifting tradition of volunteerism and service to the community and represents a beacon of strength in the Norristown community.

Since its establishment in 1923, Macedonia Baptist Church has constantly kept its vision and goals centered in the principles of the Gospel and service to the community. Macedonia has been a fixture in the Norristown community and continues to grow and serve the community with each passing year.

Macedonia Baptist Church is led by Pastor Byron L. Craig and continues to make a difference every day. Throughout the past 16

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

years, under the guidance and leadership of Pastor Craig, Macedonia Baptist Church has experienced both spiritual and personal growth and has maintained a constant presence for community residents. Pastor Craig has been involved with numerous service organizations and has been awarded countless honors for his leadership, notably serving as president of the Norristown Ministerium.

Madam Speaker, I ask that my colleagues join me today in congratulating the Macedonia Baptist Church on its 85th anniversary. May their continued care, compassion, and commitment to God and the community be an inspiration to us all.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mrs. NAPOLITANO. Madam Speaker, on Tuesday, June 17, 2008, I was absent during rollcall vote No. 414. Had I been present, I would have voted "yea" on the motion to suspend the rules and pass H.R. 2964—Captive Primate Safety Act.

CRIME IN THE CARIBBEAN—PRAISING YVETTE CLARKE'S RESPONSE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. RANGEL. Madam Speaker, I rise today to praise the efforts of Congresswoman YVETTE CLARKE with regard to the bipartisan resolution that addresses crime in the Caribbean. The prevalence of crime in the Caribbean and its particular importance to the United States are discussed in the editorial "Resolution Passes House of Representatives" and "Crime and Violence in the Caribbean: Clear and Present Danger," which appeared in this week's edition of the New York Carib News.

Congresswoman YVETTE CLARKE introduced the resolution to the House floor in the hopes that it would raise awareness about the horrific situation of skyrocketing crime rates in the Caribbean. The resolution unanimously passed the House and hopefully will be followed by support from the Senate and the administration. Crime is threatening the pillars on many Caribbean nations' economies: tourism and agriculture. Crime destroys both people's perception of safety and companies' perception of a sound location to invest funds. Whether America likes to admit it or not, we have played a crucial role in causing this crisis. Contagion is a real concern as extremely high rates of violent crime can easily pass through our porous borders.

Congresswoman YVETTE CLARKE has done America a great service in bringing this very serious issue to the forefront of American politics. I urge Americans to remain informed on the situation by reading the editorials "Resolution Passes House of Representatives" and "Crime and Violence in the Caribbean: Clear and Present Danger" in Carib News.

U.S. REP. CLARKE'S CARIBBEAN CRIME RESOLUTION PASSES HOUSE OF REPRESENTATIVES

WASHINGTON, D.C.—Today a bipartisan resolution addressing crime in the Caribbean region introduced by Congresswoman Yvette D. Clarke passed unanimously in the House of Representatives. The resolution (H. RES. 865) expresses that the United States Government should assist Caribbean nations in taking specific measures toward reducing crime in that region.

Below are Congresswoman Clarke's prepared remarks on H. RES. 865:

"The release of the UN/World Bank report 'Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean' is a wake-up call for every American interested in the security of our nation.

As the report points out, a variety of factors, including some for which the U.S. is partly responsible—such as heavy illicit drug use and problematic deportation policies—have contributed to the Caribbean region having the highest crime rate in the world.

While today the region remains a wonderful place for Americans to visit, in the long-term, continuing these high levels of crime will wreak serious social, economic, and security troubles for many Caribbean countries.

Allowing this situation to deteriorate for years-to-come will undoubtedly create a security threat not just for the Caribbean states, but also for our own country, as an unstable Caribbean would create a vast hole in America's border security.

Many of the problems identified by this report have long been recognized by Caribbean leaders.

Now, with the confirmation provided by this report in hand, the U.S. must partner with its Western Hemisphere neighbors and allies to find workable solutions that will help the people of the Caribbean and ensure the long-term security and stability of our region.

I ask my colleagues to support this resolution calling for the U.S. to take up the solutions contained in a very important UN/World Bank report. If we act now, we can help our allies to greatly reduce their crime levels before the situation becomes far less manageable."

[From the Carib News, Apr. 22, 2008]

CRIME AND VIOLENCE IN THE CARIBBEAN, CLEAR AND PRESENT DANGER EXPERTS WARNS

(By Tony Best)

"A clear and present danger to the Caribbean's social stability and economic vibrancy." That's how Dr. Ivelaw Griffith, perhaps the Caribbean's foremost security specialist, described the bleak picture of crime and violence confronting almost every nation and territory in the region.

With the homicide rate at historic levels in some countries, the rising incidence of kidnappings and armed robberies, drug and gun running serious problem for urban communities, and break-ins and assaults of homeowners now commonplace throughout the area, Dr. Griffith, Provost and Senior Vice President of the York College of the City University of New York, said that unless a comprehensive solution and implemented soon, the economic impact would be severe and the social stability undermined.

"It has reached a nearly uniform level of being a clear and present danger for the region," he told the Carib News after Caricom leaders approved a plan to deal with it at a recent special summit in Trinidad and Tobago, one of the region's hardest hit countries. "Although it is not a crisis-driven situation in every country, for instance there is variability in the homicide rate in Jamaica and St. Kitts-Nevis and there is the perennial trafficking of drug trafficking in Guyana vis-à-vis the Bahamas. But given the connectivity of the region, given the transnationality of the challenges, an appropriate definition is that the situation is a clear and present danger."

Meanwhile, the Caribbean's crime profile hasn't gone unnoticed by members of the U.S. House of Representatives in Washington. At the urging of Brooklyn Congresswoman, Yvette Clarke, the chamber has approved a resolution calling on the United States to assist the region as it tries to grapple with the growing problem.

"What is very significant about it is that is a record by which we can hold the feet of the House and by extension the Congress to the fire when it comes to our relationship with the Caribbean region, particularly in the context of safety and security, development and crime," Clarke said. "As far as I know, there hasn't been this level of recognition given to the responsibility and the type of bridge building that need to take place between the United States and the Caricom nations."

The resolution doesn't have the force of law but expresses the mood of the chamber. It was approved about a week ago and Clarke expects it to open the door to assistance from Washington at a crucial time.

"Typically when the House passes a resolution of this type, the State Department is usually close behind it in terms of its role and responsibility," she said. "We expect support, not only in the House and the Senate but in the executive branch, the Administration. Definitely, it could influence the flow of funds and technical support to the Caribbean."

Dr. Griffith, the author of a number of books on Caribbean security, said that two economic pillars of the region, tourism and agriculture were under threat from crime and violence because they have the potential to raise doubts about people's personal safety and their foreign direct investment.

Of course, there is oil in Trinidad and Tobago, bauxite in Jamaica and Guyana but as a region tourism and agriculture define the economic landscape of the Caribbean," he said. "Crime and security jeopardize those in dramatic ways. Jamaica is unique in a sense, but I am not sure for how long to have had a significant crime and security challenge but at the same time it has been doing fairly well in tourism. The general economic livelihood of the Caribbean very much revolves around having relative peace and stability."

As he sees it, the problem comes down to the degree of crime, the extent of drug trafficking and the prevalence and availability of weapons, all of which can undermine "the basic tenets" that influence the flow of long-term foreign investment in the various island-nations and coastal states.

The York College Provost warned that the negative news media coverage of the Caribbean, portraying it as a major center for crime and violence could make the various destinations far less appealing to tourists than at any other time.

"It raises the question if tourists are going to want to come to a region that is getting negative press day-in-and-day-out," he asked. "When someone in Europe sees a story about a particular country, he or she would see the Caribbean as a whole, not the individual destination. The region's long-term survivability makes crime and violence a clear and present danger."

He gave the heads of government good marks for confronting the problem but warned that many of the ideas approved in Port of Spain, including special crime fighting and management teams; improved training; introduction of sophisticated equipment; and the availability of mobile law enforcement units would take considerable amounts of financial resources and time to get off the ground. The upshot: moving the plans from the drawing board to reality would result in a time lag that the region could ill-afford.

"The challenge becomes translating the statement into practical reality," was the way Dr. Griffith, who advises western hemispheric and other international institutions on security question, put it. "The statement's truisms undermine some of the practical dimensions involved."

For instance, the decision to establish counter-kidnapping units and response teams and negotiators would "take a while to plan and deliver" and would involve foreign countries and quite a lot of money.

"The training necessary for them and the recruitment that's also necessary would require going beyond the Caribbean boundaries, getting the money to do that. I am not sure that the legislation to give effect to the proposals exists in the Caribbean," he added. "That would mean making legislative accommodations domestically to accommodate some of these worth

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. AKIN. Madam Speaker, I was unable to participate in the following votes. Had I been present, I would have voted as follows: June 17, 2008: rollcall vote No. 414, on motion to suspend the rules and pass, as amended—H.R. 2964—To amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes, I would have voted "nay"; rollcall vote No. 415, on motion to suspend the rules and pass, as amended—H.R. 3702—Montana Cemetery Act of 2007—I would have voted "aye"; rollcall vote No. 416, on motion to suspend the rules and pass, as amended—H. Res. 1275—Honoring the life of Timothy John Russert, Jr., public servant, political analyst, and author—I would have voted "aye."

U.S. ARMY FOURTH INFANTRY DIVISION LRRP/LRP/HIGHLAND RANGERS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I welcome the courageous and honorable men of the U.S. Army Fourth Infantry Division Long Range Reconnaissance Patrol, Company E 58th Infantry Long Range Patrol, and Company K 75th Infantry to their 40th Anniversary Reunion in Kansas City, Missouri. These brave men and their families will finally receive the honor they have deserved for so long.

This exceptional group began in Vietnam with the 4th Infantry Division LRRPs formed within the 1st, 2nd, and 3rd Brigades in 1966 and 1967. On July 5th, 1968, these LRRPs were then placed under the control of Captain Ruben H. Siverling, Commander of E Company 58th Infantry (LRP). Captain Siverling described the greatness of these brave men by stating: "I have been recognized and honored for several various degrees of accomplishment in my journey through life. None are more satisfying or humbling than to have served under extreme combat as the last commander of E 58th (LRP) and the first commander of Company K 75th Rangers."

Madam Speaker, I ask my colleagues to join me in honoring a very elite unit of U.S. Army Vietnam veterans, and to welcome them to their 40th Anniversary Reunion. These men, like so many others, have sacrificed so much to protect our Nation's freedom. I congratulate them on their dedicated service and I humbly welcome these men and their families to Kansas City.

A PROCLAMATION HONORING ELOISE HAGAN FOR HER SERVICE WITH THE AMERICAN RED CROSS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SPACE. Madam Speaker:

Whereas, Eloise Hagan began volunteering with the Red Cross in 1957; and

Whereas, Eloise Hagan is 99 years young; and

Whereas, she was recognized for her more than 50 years of volunteer service during the American Red Cross of Knox County's 2008 Volunteer Awards program; and

Whereas, Eloise Hagan continues to exemplify a special dedication to service and community; now, therefore, be it

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I commend and thank Eloise Hagan for her contributions to her community and country.

IN HONOR OF JUDY MARTIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Judy Martin, and in recognition of her dedication, advocacy, and promotion of community building in the Greater Cleveland Area. Judy Martin is this year's honoree of the Sixth Annual Beauty and Talent Pageant, presented by the Cleveland Joint Elks' Beauty and Talent Committee.

Judy, a Cleveland resident for over forty years, has been a tireless advocate of non-violence in the Greater Cleveland Area. Following the tragic death of her son in 1994, she became an activist and supporter of Black on Black Crime, Inc; working with the organization as their Secretary and Treasurer. Judy founded her own organization to support others who have also lost loved ones through violence, Survivors/Victims of Tragedy, Inc. She was instrumental in creating the Memorial Wall/Wall of Sorrows on display in East Cleveland, obtaining ninety-eight percent of the funds necessary to build the wall. The wall serves as a memorial for all children who have been victims of crime in Cleveland since 1990 and she continues working with the community in creating a Memorial Reflection Garden.

Judy Martin is also an advocate of Missing Children and Adults, a member of the Greater Cleveland Million Moms, part of the Brady Campaign to prevent gun violence, and a member of several other organizations including the Cleveland Joint Elks Education Committee, the Pioneer Fez Club, and the Veterans Department.

Madam Speaker and colleagues, please join me in honor of Judy Martin for her outstanding and tireless efforts as an advocate of non-violence and promotion of community building in the Greater Cleveland Area, as well as for her extensive and diverse service to many individuals and families who call the Cleveland Area home.

HONORING JERSEY CITY POLICE INSPECTOR JON L. TOOKE

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SIRES. Madam Speaker, I rise today in honor of Jersey City Police Inspector Jon L. Tooke on the occasion of his retirement. Inspector Tooke who will retire on July 1, 2008, received numerous recognitions for his service, evidence that he was an outstanding member of Jersey City Police Force.

Inspector Tooke, was appointed to the Jersey City Police Department in 1979 and initially assigned to the North District. His dedication garnered the trust of his superiors and earned him other opportunities to serve the Department in the Medical Bureau, Welfare Investigation Unit, Gun Permits Unit, Planning and Research Unit, Police Academy, South District, City Command, Public Information Officer and Patrol Bureau. His experience and his knowledge of the community was recognized by the receipt of numerous awards including ten Excellence Police Service Awards and one World Trade Center Award.

Please join me in honoring Inspector Tooke for his distinguished service to the Jersey City Police Department, and in congratulating him on his retirement.

HONORING THE 100TH ANNIVERSARY OF THE MINQUAS FIRE COMPANY NO. 2

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. GERLACH. Madam Speaker, I rise today to acknowledge and honor the Minquas Fire Company No. 2 of Chester County, Pennsylvania as they celebrate their 100th anniversary of service to our community. Organized on April 2, 1908, their countless hours of service and dedication are a testament to the brave men and women who strive each and every day to keep our communities safe.

The Minquas Fire Company No. 2 was initially organized at a meeting at the Downingtown Opera House. Opening a firehouse shortly thereafter in 1909, the Minquas Fire Company No. 2 has been a fixture in the community ever since. In 1923, Minquas expanded to provide EMS service by creating a separate ambulance committee and ambulance fund and this joint company of fire and EMS crews continues to serve the Downingtown area today.

Presently, the Minquas Fire Company No. 2, home to both fire and EMS crews, runs approximately 2,700 calls annually and covers portions of the Borough of Downingtown and East Caln Township. It also serves the surrounding municipalities as needed. Today, the Company is a combined company of mostly volunteers and some paid EMS staff. There are more than 75 active members running emergency calls under the leadership of President and Fire Chief Michael Miller and EMS Captain Joel Swisher. The Minquas Fire Company No. 2 will commemorate this great milestone on Saturday, June 21, 2008 with a day of celebration.

Madam Speaker, I ask that my colleagues join me in congratulating the brave men and women of Minquas Fire Company No. 2 as they celebrate 100 years of protecting our communities. We can never thank our first responders enough for all their dedication and sacrifice to protect the lives and property of their neighbors and the Minquas Fire Company No. 2 is an exemplary example of unselfish service to others.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mrs. NAPOLITANO. Madam Speaker, on Tuesday, June 17, 2008, I was absent during rollcall vote No. 415. Had I been present, I would have voted "yea" on the motion to suspend the rules and pass H.R. 3702—Montana Cemetery Act of 2007.

CONGRATULATING THE BROADWAY MUSICAL "IN THE HEIGHTS" FOR WINNING FOUR TONY AWARDS ON JUNE 15, 2008

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. RANGEL. Madam Speaker, I rise today to praise and congratulate the Broadway musical "In the Heights" for winning four Tony Awards on June 15, 2008 in the categories of Best Musical, Best Original Score, Best Choreography, and Best Orchestrations.

"In the Heights" written by Lin-Manuel Miranda a Puerto Rican native of Washington Heights, highlights the lives of a Dominican and Puerto Rican community in Washington Heights during three days allowing the viewer to delve deeper into a community that is especially dear to me in that they are my constituents. Not only does this Broadway musical showcase issues that affect any family but it also takes the viewer a step further by seeing how specifically the Puerto Rican and Dominican Latino community in Washington Heights is affected by everyday life and also their perspectives on various issues.

I would like to commend the cast and crew of "In the Heights" for their hard work and also the very pertinent issues raised in their musical. As Congressman for this specific constituent community I am very proud that this Broadway musical has had so much success and I congratulate all those involved in making it come to fruition.

CONGRATULATING THE ST. LOUIS KIWANIS CLUB

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. AKIN. Madam Speaker, I rise today to recognize and honor the St. Louis Kiwanis Club on their 90th anniversary. The St. Louis Kiwanis have been providing community service since 1918.

The Kiwanians have one common goal: To serve the children of the world. Kiwanis advocates this vision everyday by providing opportunities to serve for every member of a community through Service Leadership Programs. Through these opportunities, youth and young adults around the world become competent, capable, and compassionate leaders.

The St. Louis Kiwanis have served their community in many ways, including supporting local charitable organizations including, but not limited to: The Boys and Girls Club of St. Louis, Kiwanis Camp Wyman, Key Clubs, and the Kiwanis Children's Dental Foundation Mobile Clinic. They serve by providing manpower at local events and promoting other children's related causes.

The Kiwanis have reached out to their fellow citizens in need and, in the process, have enriched their own lives.

I want to congratulate and thank the St. Louis Kiwanis for the time and service they dedicate to the Second District of Missouri and the people of the United States.

RAY BROCK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. GRAVES.Madam Speaker, I proudly pause to recognize the lifetime achievements of Raymond R. Brock, Jr., of Gladstone, Missouri. Ray has been awarded the Alexander Doniphan Community Service Award on the 200th birth anniversary of Alexander W. Doniphan. Ray's prestigious recognition exemplifies Alexander Doniphan's greatest qualities through education, jurisprudence, statesmanship, patriotism and as a successful businessman.

Ray Brock has dedicated his entire life to giving back to the community. From being a member of the Board of College Hill, Inc., to a pioneer in the development of the Northland area, Ray has shown committed excellence over the years. He served in the U.S. Navy from 1952 to 1954, and has worked with the Salvation Army, Northland Community Foundation, the Liberty Hospital Board of Directors, Clay County Parks & Recreation Board, and countless other organizations. All of these qualities embody the unique character required for the Alexander Doniphan Community Service Award.

Madam Speaker, I ask that you join me in applauding Raymond R. Brock, Jr., for his selfless acts of generosity through volunteerism. His life should serve as an example to all of us to help each other and our community.

A PROCLAMATION HONORING SMYRNA UNITED METHODIST CHURCH FOR THEIR 150TH ANNIVERSARY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SPACE. Madam Speaker:

Whereas, Smyrna United Methodist Church was established in 1858, predating the Civil War; and

Whereas, Smyrna United Methodist Church continues to have weekly Bible studies and an active choir; and

Whereas, Smyrna United Methodist Church continues to be a central gathering point in the heart of their community; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend and thank Smyrna United Methodist Church for contributions to her community and country.

IN HONOR OF PHILLIP D. STAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Phillip Star; a profoundly respected and influential member and civic leader in the Greater Cleveland community; and in recognition for his twenty years of service as Director of the Center for Neighborhood Development (CND) in the Maxine Goodman Levin College of Urban Affairs at Cleveland State University.

As a civic leader, community organizer, educator and author, Phillip Star carries with him a rich history of public service and advocacy in the Greater Cleveland Area. He earned his B.A. from the University of Wisconsin, an M.A. from New York University, and a J.D. from Case Western Reserve University. He has served the community in various leadership roles, dedicating his life to empowering and educating local residents in order to improve the quality of life in Cleveland's urban communities. He began his career in community organizing and neighborhood development as a volunteer in Gary, Indiana with VISTA. Prior to joining CND in 1988, he served as a consultant at University of Michigan's National Housing Institute and Housing Law Reform Project and as director of the Cleveland Tenants Organization.

Since joining CND twenty-years ago, Mr. Star has had a tremendous and lasting effect on our community and all those who have been touched by his work. He has worked to develop future leaders in the field of community organizing and neighborhood planning by instituting year long internships for undergraduate Urban Studies students at various community development corporations, with over one-hundred students being placed in over sixty organizations. Mr. Star has successfully initiated several programs which empower the local community and promote civic engagement, including a mediation program for the Cleveland Housing Court and an online community resource for Cleveland Residents, NeighborhoodLink. Under his leadership, CND was designated by the U.S. Department of Housing and Urban Affairs as a community partnership center.

Mr. Star demonstrates his leadership abilities and dedication to fostering community development both in the classroom and in the community. He teaches courses such as neighborhood planning and Cleveland neighborhoods and neighborhood institutions at Cleveland State University and was Cleveland Mayor Frank Jackson's appointee to the Board of Trustees of the Cleveland Action to Support Housing. His other Leadership positions include serving as President of the Ohio Housing Coalition, serving on the Board of Trustees of the National Low Income Housing Coalition, and serving as Acting Judge of the Cleveland Housing Court. Mr. Star is also the founding trustee and past president of the board of Eco-City Cleveland and as president of the board of the Living in Cleveland Center. He currently serves on the board of the Cleveland Tenants Organization and the Neighborhood Housing Service and for eight years served as past chairman of the Cuyahoga Affordable Housing Alliance.

Madam Speaker and colleagues, please join me in honor of Phillip Star, who has dedicated his life to serving his community and everyone in the Greater Cleveland Area. Let his advocacy on behalf of the welfare of others serve as inspiration for all of us.

HONORING JERSEY CITY POLICE CAPTAIN WILLIAM STETSON

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SIRES. Madam Speaker, I rise today in honor of Jersey City Police Captain William Stetson on the occasion of his retirement. Captain Stetson who will retire on July 1, 2008, received numerous recognitions for his service, evidence that he was an outstanding member of Jersey City Police Force.

Captain Stetson, was appointed to the Jersey City Police Department in 1981, and initially assigned to the East District. His dedication garnered the trust of his superiors and earned him other opportunities to serve the Department in the Special Patrol Bureau, Central Communications Bureau, Operations Division and Support Services Division. His experience and his knowledge of the community was recognized by the receipt of numerous awards including one Commendation, five Excellence Police Service Awards, three Unit Citations and one World Trade Center Award.

Please join me in honoring Captain William Stetson for his distinguished service to the Jersey City Police Department, and in congratulating him on his retirement.

RECOGNIZING NATIONAL PREVENT HOME IMPROVEMENT FRAUD MONTH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. GERLACH. Madam Speaker, I rise today to acknowledge and recognize National Prevent Home Improvement Fraud Month and to honor the efforts of Mr. Michael McGee of West Chester, Pennsylvania in raising awareness of the importance of this issue in the Commonwealth of Pennsylvania and across the country.

As the home remodeling industry continues to grow with the aging of the country's housing stock, so to does the opportunity for fraud by unscrupulous contractors who take advantage of vulnerable home owners, particularly the elderly. Recognizing National Prevent Home Improvement Fraud Month allows the remodeling industry and advocacy professionals a platform to educate homeowners, provide them with the resources to make sound decisions with regard to their home improvements, and raise awareness about potentially scandalous practices that could significantly impact homeowners financially.

Buying a house is an important purchase, but turning a house into a home is an incredible investment. Raising awareness and combating home improvement fraud and contractor dishonesty will help homeowners avoid unfinished projects, substandard materials, and an unsafe, unlivable dwelling.

Madam Speaker, I ask that my colleagues rise and join me today in honoring National Prevent Home Improvement Fraud Month. May this month continue to bring awareness to issue of home improvement fraud and efforts to prevent these types of scams both locally and nationally.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I was unable to return to Washington in time for votes on June 17, 2008 due to a personal matter in my hometown of Houston, TX. Had I been present, I would have voted as follows:

"Yea" on rollcall vote 414 on H.R. 2964, the Captive Primate Safety Act;

"Yea" on rollcall vote 415 on H.R. 3702, the Montana Cemetery Act;

"Yea" on rollcall vote 416 on H. Res. 1275, Honoring the life of Timothy John Russert, Jr., public servant, political analyst, and author.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mrs. NAPOLITANO. Madam Speaker, on Tuesday, June 17, 2008, I was absent during rollcall vote No. 416. Had I been present, I would have voted "yea" on the motion to suspend the rules and agree to H. Res. 1275—Honoring the life of Timothy John Russert, Jr., public servant, political analyst, and author.

RECOGNITION OF AMERICA'S FIRST AFRICAN-AMERICAN ELECTED OFFICIAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. RANGEL. Madam Speaker, I rise today to acknowledge and pay special tribute to John Mercer Langston, America's first African-American Congressman from Virginia, a prominent abolitionist, and founder of Howard University's law school.

While the world is watching America's historic presidential election, with Barack Obama as the first African-American Democratic nominee, it is necessary to recognize the trailblazers that have come before him and the barriers that they have brought down.

John Mercer Langston was born in a small county, Louisa, Virginia, in 1829 to a wealthy white plantation owner and an emancipated slave of Indian and Black ancestry. During slavery Langston was able to overcome several racial obstacles. He moved to Ohio when he was young where he attended Oberlin College and obtained a bachelor's and master's degree. He tried to pursue a law degree but racism stopped him from taking the usual route of getting a law degree. He was admitted to Ohio's bar after studying law under attorney and Representative Philemon Bliss. Similar to Obama, Langston was a strong leader and organizer. Langston organize anti-slavery societies at a local and state level. He recruited African-American men to fight in the Union Army during the Civil War. He was a law scholar, a dean and founder of Howard University's Law School. He was elected in 1888 and served as a shining example to those that came after him.

Barack Obama's historic achievement would not have been possible if it was not for people like John Mercer Langston who triumphed over racial hurdles. It is important to acknowledge that it has taken about 180 years to finally see an African-American so close to the Presidency. This is all possible because of the collective bravery and sacrifices of so many before him, and especially the catalyst of John Mercer Langston's, from Louisa County, great accomplishments.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. JOHNSON of Illinois. Madam Speaker, on June 17, 2008, I was unable to cast my votes on H.R. 2964, H.R. 3702, and H. Res. 1275, and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 414 on suspending the rules and passing H.R. 2964, the Captive Primate Safety Act, I would have voted "aye."

Had I been present for rollcall No. 415 on suspending the rules and passing H.R. 3702, the Montana Cemetery Act, I would have voted "aye."

Had I been present for rollcall No. 416 on suspending the rules and passing H. Res. 1275, Honoring the life of Timothy John Russert, Jr., public servant, political analyst, and author, I would have voted "aye."

HONORING THE LIFE AND WORK OF SAMUEL L. EVANS OF PHILADELPHIA, PA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. FATTAH. Madam Speaker, I rise today to recognize the life and work of an important Philadelphian who will long be remembered.

When one looks up the definition of a leader they will find these words, 'someone who guides or directs others.' Alongside that designation should be a photo of one of Philadelphia's most revered citizens, Samuel L. Evans.

Evans was an imposing figure standing tall among the politically powerful even as he reached out to those in need. He was both influential and inspirational, an activist and advocate. Evans was a warrior in the civil rights movement, and a mentor for countless aspiring politicians, educators and entrepreneurs.

Sam Evans was a complex man, one who never compromised when it came to his principles, a trait admired by some and criticized by others. Evans' unwavering dedication to the success of African American boys and girls in Philadelphia brought him legions of admirers among those he assisted. They are among the most prosperous and socially active citizens serving in leadership positions throughout the city and the nation.

A man of courage, strength and dignity, Sam Evans will be remembered for his tenacious spirit and admired for his unyielding loyalty.

A TRIBUTE RECOGNIZING THE 50TH ANNIVERSARY OF THE FOUNDING OF ST. MARCELLINUS CATHOLIC CHURCH IN THE CITY OF COMMERCE IN THE 34TH DISTRICT

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the 50th anniversary of the founding of the only Catholic church in the City of Commerce in the 34th Congressional District.

On August 10, 1958, the church's founding stone was placed on the spot that would become St. Marcellinus Church at 2349 Strong Avenue. Eight months later, the church's official open house took place on the feast of St. Marcellinus, the church's patron, on April 26, 1959.

Today, more than 600 people are registered parishioners of the church, and hundreds more attend mass on a regular basis. The church's services—held in both English and Spanish—continue to draw generations of Commerce families together in this industrial community of about 13,500 residents.

Parish Life Director Humberto Ramos was appointed to lead the congregation in August following the retirement of Father Jules Mayer after more than 21 years of service. Minister Ramos said the church serves many purposes in the community that extends well beyond religion. "Everybody knows each other in this community. This is their church. People need to have a sense of belonging."

To celebrate the church's important milestone, Cardinal Roger Mahoney will preside over its Golden Jubilee Mass on June 22 and recognize some of the church's founding members.

Madam Speaker, I ask my colleagues to join me along with Cardinal Mahoney and the parishioners of St. Marcellinus Church in celebrating the parish's 50 wonderful years of service to its members and the community.

I would also like to submit for the RECORD excerpts from a June 29, 2007 article that appeared in The Tidings, the weekly newspaper of the Los Angeles Archdiocese, that provides a detailed overview of the creation of St. Marcellinus Church. As the article points out, the church's founders are especially to be commended for their commitment and fortitude in creating this place of worship that today stands as the spiritual centerpiece of the Commerce community.

ST. MARCELLINUS CHURCH: A HISTORY

(By Hermine Lees, The Tidings)

". . . Before 1957, the idea of a local Catholic church serving this industry-heavy community southeast of downtown L.A. was only a dream for its residents, and fulfilled only after some 14 years of praying and planning. By then, residents of the communities of Bandini and Rosewood Park were hemmed in by the creation of the Santa Ana Freeway, rail yards and industry that separated them from St. Alphonsus Church.

Father Patrick O'Dowd, St. Alphonsus pastor, attempted to solve the problem by purchasing a parcel of land at the corner of Atlantic and Panocha, planning for a chapel in the area. But the Korean War and freeways intervened.

Only through the efforts of two local residents, Alex Perez and Ben Garcia, was a Catholic committee formed in 1954 to survey the area, raise funds and communicate their plan for a church to Cardinal James Francis McIntyre. By early 1957 their hard work was rewarded when Auxiliary Bishop Timothy Manning sent them this encouraging letter. "I join with you that this year will see the completion of our plans for Bandini. We have purchased the extra property we needed." On June 14, 1957, the parish of St. Marcellinus was established, with Father Thomas G. Hayes named the founding pastor.

The 42-year-old New Orleans native started his first pastorate by searching for a location to celebrate Mass. On Sunday, July 14, in the upstairs dining room of Kelly's Restaurant, he celebrated the first Mass for 120 faithful and claimed that Christ had come to Bandini and gathered his friends around him in another "upper room."

A crew of parishioners "rigged the upper room for church" for 10 weeks until a former Protestant church became "home." Eventually a plot at Strong Avenue and Harbor Street was available and by Holy Saturday, 1959, Father Hayes sang the first High Mass in the new church . . .

Although several historical sources differ on the name and rank of St. Marcellinus (some claim he was a pope, others a martyred priest), it is recorded that many miracles have occurred in his name. Kind of like the phenomenon of this parish surviving in the midst of freeways and commerce.

HONORINIG JOE RAY STEWART

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor Joe Ray Stewart of Houlka, Mississippi, for his fine service to our Nation during the Second World War.

Mr. Stewart served in the European Theatre under Generals Patton and Eisenhower, and built bridges wherever needed. In December 1944, the soldiers of the 249th Engineer Combat Battalion moved from building a bridge on the Saar River to the Ardennes, to block German advances in the Battle of the Bulge. The battalion was then assigned to the engineer task force charged to cross the Rhine River in Germany, and later tasked with securing and maintaining the bridges on the Rhine.

It has come to my attention that during his deployment, Mr. Stewart fought in three major battles, including the Battle of the Bulge, advanced to the rank of Corporal, and was awarded the Bronze Star Medal for bravery in action.

The family of Joe Ray Stewart, residing in Tennessee's Seventh District, joins me in recognizing a beloved and great American. As with all who serve in our Armed Forces, our veterans' dedication and selflessness has allowed our Nation the enduring blessing of freedom and democracy.

I ask all of my colleagues to join with me in honoring Joe Ray Stewart and remembering the service of all those veterans who risked their lives to defend our country and the entire free world.

DONNA SHALALA, PRESIDENTIAL MEDAL OF FREEDOM RECIPIENT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Ms. ROS-LEHTINEN. Madam Speaker, it is with great pride and happiness that our country is honoring one of South Florida's most outstanding citizens and a dear friend, Dr. Donna Shalala. This week Dr. Shalala will be awarded the Presidential Medal of Freedom, which is the highest civilian award in the United States. This is indeed a tremendous honor and her lifetime of service to our Nation is a testament to her humility of character and steadfastness of vision. She was born in Cleveland and graduated from the Western College for Women. Dr. Shalala's enthusiasm for education did not cease after she received her bachelor's degree but grew alongside her passion for government and civic service as witnessed by the time she spent as a Peace Corps volunteer.

Having received her masters and then doctorate at Syracuse University, Dr. Shalala started an illustrious teaching career that started at the City University of New York and continued at Columbia. With great teaching experience, she commenced her professional path in academic administration as the President of Hunter College, then as the Chancellor of Wisconsin-Madison and finally in the position she now holds as the President of the University of Miami, my alma mater.

Dr. Shalala's career has also expanded into the realm of government where she has held many positions in varying departments. She was the Assistant Secretary for Policy Development and Research in the Carter administration and the Chair of the Children's Defense Fund in 1992. Most significantly, she was the Secretary of Health and Human Service for the eight years of the Clinton administration.

In March of 2007, Dr. Shalala was named co-chair, along with former Senator Bob Dole, of the President's Commission on Care for America's Returning Wounded Warriors. Her knowledge and experience with the health care system proved invaluable as the Commission crafted its final report.

I am proud to represent Donna Shalala as a Congresswoman and delighted to share in this momentous occasion with her family and peers. More importantly I am honored to call her a friend.

GLADSTONE ALL-AMERICA CITY AWARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. GRAVES. Madam Speaker, please join me in congratulating the outstanding achievement of the city of Gladstone, Missouri, for being named one of the 10 winners of the National Civic League's 2008 All-America City Award. The award recognizes communities that identify community-wide challenges and successfully deal with those challenges head on. Gladstone was one of 17 finalists for the award, and the only city in the Kansas City area that was a finalist this year.

Gladstone on the Move, a citizen-based organization that identified long-range goals for the city, played a large role in making Gladstone stand out as an All-America City. Its recommendations included a property tax increase to pay for additional ambulance service, public improvements, an extension of a sales tax for the beautiful new community center, as well as a strong neighborhood revitalization program. The city of Gladstone should be proud of the way it effectively identified and met the needs of their residents.

Madam Speaker, I ask that you join me in applauding Gladstone's city leaders and residents for their example of excellence as a winner of the National Civic League's 2008 All-America City. Their pride in their community and drive to keep improving their city should be commended and I am proud to represent them in Congress.

HONORING MR. AND MRS. MIGUEL NEGRON

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SIRES. Madam Speaker, I rise today to recognize Mr. and Mrs. Miguel Negron on being honored by the Puerto Rican Cultural Committee of Hoboken on Saturday, June 21, 2008. Miguel and Nelly Negron came to the United States in the 1950s from Utado, Puerto Rico, through Patchogue, Long Island, before establishing themselves in Hoboken, New Jersey, in 1963. With their two children, Edith and Ivette, the Negrons began a new life and started their long commitment to their community. Miguel joined his cousin Israel Bula as a partner in the Bula Superette located in First and Garden Street in Hoboken. He later left the partnership and bought a bodega on his own where he and Nelly spent 6 days a week serving the neighborhood with native Hispanic food products for a total of 22 years.

In 1982 Nelly retired, and in 1985 Miguel joined her in retirement, although they hardly rested. Instead they cared for their three grandchildren. Miguel also continued to support his community by investing in real estate around the neighborhood and offering investment advice to his friends and neighbors.

Mr. and Mrs. Negron currently reside in the Caparra Home Townhouses in Hoboken, New Jersey, and are faithful parishioners of Saint Francis Church. The couple has been married for 55 years and they enjoy a fruitful life with their family and friends in Hoboken, New Jersey. They are proud grandparents of Benjamin Michael and Vanessa M. Vega, and their youngest, Ashley Smulders. Please join me in honoring Miguel and Nelly Negron for all their accomplishments and years of commitment as residents of Hoboken, New Jersey.

RECOGNIZING THE LIFETIME ACHIEVEMENTS OF HARRIET R. MICHEL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. RANGEL. Madam Speaker, I rise today to commend the work and accomplishments of Ms. Harriet Michel. I would like to thank Ms. Michel for all of her hard work and her contribution to the minority business community.

Harriet R. Michel's work as president of the National Minority Supplier Council, NMSDC, has created a platform for the growth of minority business development. Ms. Michel has contributed greatly to the empowerment of minority business owners by creating opportunities to compete for corporate contracts.

I would like to again thank Ms. Michel for her great contribution to the minority business community and I would like to wish her luck in all her future endeavors.

[From the CaribWoman, June 3, 2008]

NMSDC PRESIDENT TO RETIRE IN 2009

NEW YORK, NY.—Harriet R. Michel, president of the National Minority Supplier Development Council (NMSDC), announced that she will retire after 20 years of service effective January 31, 2009. Ms. Michel was named president of NMSDC in September 1988.

"I'm very proud of what the NMSDC has accomplished in my 20 years with the organization," said Ms. Michel. "We have created programs to assist our corporate members in improving their minority supplier development processes, offered valuable training for supplier development professionals and provided thousands of minority business owners with the opportunity to compete for corporate contracts. While it saddens me to leave NMSDC, I have the comfort of knowing that the organization is as strong as it's ever been, and will certainly remain an invaluable asset to corporate America and minority business owners."

During her tenure, NMSDC'S corporate membership nearly quadrupled, and corporate member purchases from minority-owned businesses increased from $10.5 billion to more than $100 billion. The organization's staff increased from 8 to 22, and its annual budget grew from $2 million plus to $16 million, which has strengthened the affiliate network, too.

Since Ms. Michel became president, nine chairmen from major corporations served as chairman of the NMSDC board, including David E. Miller (JCPenney Stores and Catalog, 1986–88); Joseph E. Antonini (Kmart Corporation, 1988–1991); Robert C. Stempel (General Motors Corporation, 1991–93); Arthur C. Martinez (Sears, Roebuck and Co., 1994–1997); George A. David (United Technologies Corporation, 1998–2000); Daniel P. Burnham (Raytheon Company, 2001–03); John M. Barth (Johnson Controls, Inc., 2004–05); and Steven S. Reinemund (PepsiCo, Inc., 2006–07), Terry J. Lundgren, chairman, president and chief executive officer of Macy's, Inc., is the current chairman.

Under Ms. Michel's leadership, the NMSDC experienced tremendous financial growth and implemented all of the core national programs available to its corporate members and MBEs today.

Under Ms. Michel's guidance, the organization expanded the size of its annual conference from 700 attendees in 1998 to more than 7,000. A one-day business opportunity fair was added to the conference, which is considered the nation's benchmark forum for minority supplier development.

The NMSDC's Minority Business Information Center was created in 1994. It is the only national centralized source of information about minority business development and trends.

The Center's resources include access to online databases; a vast collection of magazines, newspapers and journals with articles pertinent to minority business development; statistical data from the U.S. Bureau of the Census; books containing corporate facts and figures; information on legislation affecting minority business development; links to relevant sites for the government, media, and other organizations; publications, order forms, audio and video cassettes; NMSDC Council referrals for certification; and the organization's e-Newsletter and archives.

In 1990, the NMSDC created the annual Minority Business Leadership Awards Dinner-Dance to recognize MBEs and corporations for their long-standing achievements in minority supplier development. Today, more than 1,700 guests attend the event.

Ms. Michel will remain in her position through the end of January 2009. An NMSDC search committee will work with a national executive search firm that specializes in non-profit leadership recruitment to fill the position.

IN HONOR OF BRIGADIER GENERAL WALTER J. "BUD" BACON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. DUNCAN. Madam Speaker, I wish to honor a man whose professional accomplishments and personal character have brought great distinction to Tennessee and this Nation.

Retired U.S. Air Force BG Walter J. "Bud" Bacon passed away on Monday, June 2, 2008. General Bacon was always very kind to me and is a man for whom I have the greatest respect.

As a Vietnam and Korean War Veteran, General Bacon earned many decorations and awards, including the Legion of Merit with oak leaf cluster, Distinguished Flying Cross with two oak leaf clusters, Bronze Star Medal, Meritorious Service Medal, Air Medal with 11 oak leaf clusters and Air Force Commendation Medal with oak leaf cluster.

For a man of many remarkable military achievements, it would have been easy for General Bacon to lose touch with his roots. This was never the case. After his retirement, General Bacon was a vocal, active presence at Knoxville area Veterans meetings and a founding member of the East Tennessee Veterans Memorial Association. Memories of his humor, humility, and devotion to East Tennessee will endure for many, many years.

General Bacon's life is a truly America story of Patriotic determination. He had always wanted to attend West Point but was turned down twice for not meeting the height requirement. As the story goes, he came up with a plan to have his friends carry him lying flat early in the morning to the physical. The reason—he heard you were tallest when you first wake up.

Whether the doctor was impressed with his determination or the tactic truly put his height over the top, General Bacon went on to have one of the greatest careers in the Air Force of any man ever. It was an American dream come true.

General Bacon loved God, family, and his Country, and never stopped serving them all. Right up until his death, the highly-decorated General greeted wounded soldiers returning home from Iraq.

Madam Speaker, in closing, I offer my condolences to General Bacon's family, and call to the attention of my colleagues and other leaders of the RECORD the eulogy of General Bacon, given by his friend Retired United States Air Force COL Joseph E. Sutter, which is reprinted below.

EULOGY FOR BRIGADIER GENERAL WALTER J. "BUD" BACON, USAF (RETIRED)

Friday, June 6, 2008, First Presbyterian Church, Knoxville, TN

(Delivered by Joseph E. Sutter, Colonel, USAF (Retired))

Joyce, Betsey, Katy, and all of your families—let me thank you for the honor and high privilege to say a few words about my friend, Bud Bacon. I knew him as "Bud," and for some reason he called me "Josephine." I can't say that I ever knew why.

Some of you knew him as "Buddy." Some as "General." Others as "Pa," and some of you knew him as "Grand Buddy." No matter—we all felt the same about him.

I first met him some 14 years ago, and I certainly wish I had known him longer. Within a few weeks of meeting Bud, I remember coming home and telling my wife Geri: "When I grow up, I want to be like Bud Bacon." Allow me to share with you a few of the reasons why.

Bud had a great attitude about life. One of the entries in the blogs in the Knoxville News Sentinel said that Bud Bacon had the attitude that the "glass is half full." He was always happy, and had an infectious laugh. As his daughter Betsey relates, her father was fond of saying: "If I die tonight, I will die a happy man."

He had the love of his family—actually two families. He loved to travel. He loved his country, and made serving his country his profession. I'll say more about this a little later. And he loved his God.

LOVE OF COMMUNITY

Bud loved his community. He came home after a distinguished Air Force career and immediately began to "give back" by supporting so many worthwhile activities, including the Ramsay House Plantation, the Military Order of the World Wars (MOWW) Youth Leadership Forum, the University of Tennessee Center for the Study of War and Society, the Knoxville Veterans Day Luncheon, Memorial Day Services, Pearl Harbor Day Ceremonies, Flag Day Ceremonies, the Air Force Association, and so many others too numerous to mention.

LOVE OF FRIENDS

Bud had the love of so many friends, and he would go "the extra mile" for any of them. Allow me to tell you a short story of how he went not only the extra mile for me, but the extra 6,000 miles! Geri and I were visiting Vienna, Austria, a number of years ago and were window shopping on a Saturday afternoon. There was a unique terry cloth robe in one of the stores that I wanted to get for Geri, but she said that we could wait until tomorrow so we would not have to carry it the rest of the day. What we did not realize is that most of the shops are closed on Sunday, and we were returning home the following day. I casually mentioned this story to Bud a few weeks later, and he said that he and Joyce were visiting Vienna soon, and he would look for the robe. Sure enough, when they returned they brought the robe over, and it remains a prized possession today mainly because of the extra effort that Bud put forth to get it.

He was always looking to do good thing for others. He nominated me for a community service award, and I nominated him for a similar award. As it turns out, he was a better writer than me! (I won and he did not).

On Wednesday, May 21st, Bud came to the Knoxville airport early in the morning to wish a safe trip to more than 100 World War II veterans heading to Washington, DC, to see the WW II and other Memorials as part of HonorAir Knoxville. We were looking at the pictures of the sendoff the other day and there wasBud with a big smile on his face wishing the "old timers" a great trip. When I talked to him that morning, he said he was heading off to Green Meadow Country Club to play golf after we left.

LOVE OF GOLF

And while Bud certainly had a love of golf, he freely would admit that he was not the greatest golfer in the world but he always had fun. When I would ask him how he did, his usual answer was "lousy!" Bud and I had the same barber, Curry Whittaker of Volunteer Barber Shop. Both Bud and Curry were left-handed golfers, and Curry offered to let Bud use a new driver that should help improve his game. Bud was excited, but the next time he came into the shop he tossed the driver back to Curry and said: "This thing didn't help a bit!"

And he enjoyed golf with his brother, John. My brother Frank and I were on a golf trip together last week and we thought of Bud often. This helped us cherish our time together even more.

And one final golf story. Shortly after I met Bud, we were together at an Air Force Association (AFA) meeting and agreed that it would be fun for the local AFA chapter to sponsor a golf tournament. After trying for more than a year to find someone to come forward and organize the tourney, Bud and I agreed that we would hold one in the fall, even if it was only the two of us playing together at Green Meadow. The annual event is now in its tenth year, and with the approval of Joyce, the tourney will now be named in his honor: "The Air Force Association General Bud Bacon Memorial Golf Classic." Bud would want all of you golfers to join us this fall for fun, and what a great way to honor his legacy.

LOVE OF COUNTRY

And perhaps his love was most on display in how he felt about his country. I'm sure many of you know how he got admitted to West Point, but let me share with you one of the versions of that wonderful story. Bud was too short—he did not meet the minimum height to be admitted so he enrolled at the University of Tennessee. After being turned down at West Point for the second time, he heard that you are a little bit taller in the morning when you first get up, as compared to later in the day when your body has time to compress or shrink. He hatched a plan to have some of his friends carry him to be measured first thing in the morning, without standing up. Depending on whose version of the story you believe, he either just made the height, or the doctor was impressed by his dogged determination and signed off on the physical. In either case, the rest is history—he went on to a very distinguished career in the US Air Force. He used this story to make the point that ". . . if you want something bad enough, you can achieve it." Who would have thought that someone could actually make himself taller? He may have been short in stature, but he was very tall on determination and character!

In the Air Force, he was tested in combat in two wars: Korea and Vietnam. His unit in Vietnam was known as the "Misty FACs," or forward air controllers. According to Bud's friend and fellow fighter pilot, retired Air Force Colonel Charlie Harr: "The Misty FACs were among the first to perform a very dangerous mission. They were widely known for their daring and bravery."

Bud had command of the 31st Tactical Fighter Wing at Homestead AFB, FL, later in his career. I spoke to one of his pilots that I know, retired Air Force Lt. General Don Peterson. Here is what Don had to say:

> "His leadership at Homestead was splendid. He knew how to lead and get the job done, but just as importantly, he knew how to take care of the people who served under him. He was a role model for us all. Our morale was higher than ever, which made us all—and our Air Force—better."

Bud was an active member of virtually every local military organization, including the Air Force Association, the East Tennessee Military Affairs Council, the East Tennessee Veterans Memorial Association, and he was the driving force behind the renovation of the Doughboy Statue and Plaza at Knoxville High School, his alma mater.

He was the Grand Marshall of the 2004 Knoxville Veterans Day Parade. I know you all remember the wonderful picture of Bud that appeared in the News Sentinel—proudly in uniform, saluting, smiling, and with several flags in his hand. I have a copy of that picture with me today.

It's clear that he deeply loved our country's flag and proudly and properly displayed it at his home. He always had it lighted at night and would take it down when he and Joyce traveled. Joyce would say that he might forget a few things from time to time, but would never forget to take down the flag.

And he planned the music for this service. Is there any doubt that he loved his country?

Finally, Bud sent an e-mail to his grandson Schuyler, a proud Marine who had recently returned from Iraq. Bud wrote the e-mail on Friday, May 23rd, the day before he took ill. What a summary of Bud's feelings. This is what Bud had to say—his own words:

Subject: "Words of Encouragement"

If I may quote you, Schuyler, you said: "I believe strongly in what we're doing. . . ." Those are, again in your words, words of encouragement to me. Those of us in uniform are obedient to our leaders and commanders, and we believe in the rights and privileges we have inherited—from those who went before us, in uniform and not in uniform. We are not automatons; we do have hearts and souls and minds of our own. But we recognize we are chosen to do the tough work—when tough work has to be done.

The pictures of you in uniform and in combat are treasures; you look as sturdy as the truck. You have made the Bacon family proud. Keep us informed of your progress toward special operations.

Love, Grand Bud

FAITH

Finally, we know that faith was large part of his life. Bud taught Sunday school and was a Deacon at this church. The words of Saint Matthew, Chapter 25, seem appropriate to sum things up: "Well done, good and faithful servant."

I know we all believe that Bud is in heaven with our God in Paradise. It doesn't get any better than that.

That is why, "When I grow up, I want to be like Bud Bacon."

INTRODUCTION OF NUCLEAR POWER TECHNOLOGIES BILL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. MARKEY. Madam Speaker, I rise today to introduce a bill to prevent President Bush from sending nuclear power technologies and materials to Saudi Arabia, one of the most energy-rich nations in the world. I am proud to be joined in introducing this bill by the gentlelady from Florida, Representative ILEANA ROS-LEHTINEN, the Ranking Member of the House Committee on Foreign Affairs. I am also pleased that our bill is being introduced on the Senate side by Senator SCHUMER of New York.

Last month, President Bush went to Saudi Arabia to seek more oil production from the Saudis. Americans are being turned upside down at the pump every day, with money being shaken out of their pockets. Despite this hardship, the Saudis turned President Bush down flat at the time. Having failed to persuade the Saudis to provide relief for American consumers, the President then did something truly shocking, even by the standards of this failed administration: he agreed to supply Saudi Arabia with nuclear power plants.

Why does Saudi Arabia, the most energy-rich nation on the face of the planet, with the largest oil reserves in the world and huge potential for renewable electricity generation, need nuclear power? The answer is simple: they don't.

For any country with so much oil, gas, and solar potential, importing nuclear power makes zero economic sense. So why would Saudi Arabia seek nuclear power technology? There is only one possible answer: the Kingdom feels threatened by the rise of Iran, and it wants to guarantee that Saudi Arabia, too, can play the nuclear game.

President Bush's policy towards Iran has been one long story of failure. And now President Bush is doubling down on his bad bets, pushing to send even more nuclear materials and technology into the Middle East. The President's bizarre decision to ship nuclear power plants to the Saudis not only is unnecessary, but it's extremely dangerous. The Middle East is already the most unstable region in the world and pouring more nuclear fuel onto this smoldering region could ignite a raging fire storm engulfing areas far beyond Saudi Arabia's borders.

If Saudi Arabia wants to diversify its energy sources, that is appropriate and sensible, and we should help the Saudis down this path. But let's do it right. Saudi Arabia is three times the size of Texas and broils under constant sunshine. The country is a vast desert. The United States should be helping the Kingdom exploit its enormous solar energy potential, not building nuclear reactors. That's why this bill also encourages the President to establish a solar power development and assistance program with the Kingdom of Saudi Arabia.

Madam Speaker, I am proud of the strong bipartisan support that this bill, to block the transfer of nuclear power technologies to Saudi Arabia, has already received. This is not a political issue; this is a national security issue. We've already seen the extraordinarily high cost of spreading so-called "peaceful" nuclear technologies around the world: we've been paying that price for decades. The United States simply cannot afford to make this kind of mistake again.

President Bush seems to believe that the United States is in a race, with the French and the Russians, to win contracts to build nuclear power facilities around the world. But he's wrong; that's not the race we're in. We're in a race to contain the atom, not to let it loose. We're in a race to prevent the spread of dangerous nuclear technologies any further, before these technologies can be used against us or our allies. Providing nuclear power technology to Saudi Arabia, a country for whom such technology makes no economic sense for electricity generation, is short-sighted and dangerous. The Markey–Ros-Lehtinen bill will block any such unnecessary and dangerous transfers, and I urge my colleagues to support this important legislation.

TRIBUTE TO THE KANSAS PARTICIPANTS IN HONOR FLIGHT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to honor the 40 veterans from the

Kansas City area who participated in the Greater Kansas City Honor Flight to Washington, DC, on June 11, 2008.

Honor Flight is a non-profit organization that was created to honor America's veterans by organizing free trips to Washington, DC, to visit and reflect at the memorials dedicated to their service. Priority is currently given to veterans who served during World War II or those veterans who are facing terminal illness. Sadly, each day we lose more than 1,200 World War II veterans. It is imperative that these individuals have the opportunity to visit the memorial that was designed to honor their service and I am pleased that Honor Flight has made this a reality for so many of our WWII veterans. I had to opportunity to visit with many of them as they toured the World War II memorial last week and was struck by how many repeatedly expressed their gratitude for the opportunity to travel to Washington, DC, when, in reality, we should be the one thanking them.

Madam Speaker, today I rise to humbly express my deep appreciation and gratitude to the veterans who participated in the Greater Kansas City Honor Flight, as well as their fellow service men and women from other parts of the United States, for their service to our country. No other group of Americans has stood stronger or more bravely for our democracy than our troops and veterans. We must celebrate, honor and remember these courageous and faithful men and women.

I would like to thank the organizers of the Greater Kansas City Honor Flight, Gary Swanson and David Jackson, as well as the many dedicated chaperones and volunteers who worked behind the scenes on June 11 and for many months beforehand to ensure the Honor Flight participants had a memorable experience.

Additionally, I would like to recognize the generous financial contribution my constituents, Norman and Elaine Polsky, made to Honor Flight in order to make the trip to Washington, DC, possible for these worthy service men and women from the Kansas City area. I thank Mr. Polsky for his incredible generosity and appreciate his tireless work in the community on behalf of his fellow veterans.

The T-shirts worn by chaperones assisting Honor Flight participants feature a stirring quote from notable American entertainer Will rogers, which states, "We can't all be heroes. Some of us have to stand at the curb and clap as they go by." Thank you to all of our veterans, especially those men and women who served proudly and courageously during World War II, and serve as an inspiration to our current armed forces. I am standing and clapping as loudly as I can.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. KIND. Madam Speaker, I was unable to have my vote recorded on the House floor on Tuesday, June 17, 2008, having remained in my district to assist my constituents with the severe flooding that recently struck Wisconsin. Had I been present, I would have voted in favor of H.R. 2964 (Roll no. 414), H.R. 3702 (Roll no. 415), and H. Res. 1275 (Roll no. 416).

HOMEOWNERSHIP MONTH

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. AL GREEN of Texas. Madam Speaker, I am proud to commemorate June 2008 as National Homeownership Month and would like to thank my colleague, Congressman GARY MILLER, for introducing H. Res. 127, recognizing National Homeownership Month and the importance of homeownership in the United States.

In 2002, President George W. Bush designated June as National Homeownership Month to strengthen our Nation's commitment to equal housing opportunities for all, setting a goal to increase minority homeownership in America by 5.5 million by 2010. Purchasing a home is the largest investment made by most households, providing economic security and an opportunity for homeowners to build wealth.

It has become clear, however, with at least 1.4 million foreclosures predicted next year and as many as 2.8 million Americans projected to lose their homes in the next 5 years due to the subprime mortgage crisis, that we must rededicate ourselves at all levels of private, public, and nonprofit sectors to keep homeowners in their homes and ensure equal housing opportunities for all people. We must work together as a Nation to protect American homeowners and ensure that every American has the opportunity to live and hold onto the American Dream.

HONORING COLONEL BRIAN W. LAURITZEN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize Colonel Brian W. Lauritzen, the Installation Commander at Fort Belvoir, Virginia. As a Member of Congress who represents Fort Belvoir, I know firsthand that Colonel Lauritzen has served with great competence, tireless determination and constant communication with the community during a time of great transition for his installation.

Colonel Lauritzen took command of Fort Belvoir, one of our Nation's largest and most diverse military installations, in July 2005 with major challenges awaiting him and even more on the horizon. Fort Belvoir was already engaged in master planning for redevelopment to expand the number of Department of Defense tenants and stretch the functions of the already busy installation. Then, just a few months into his tenure, the 2005 Base Realignment and Closure (BRAC) Commission's final recommendations doubled the size of Fort Belvoir's incoming workforce by 2011.

The BRAC changes at Fort Belvoir, among the most substantial of BRAC 2005's mandates, will transform the installation into the major support center for the Nation's most senior military leadership. Ensuring a successful transition has brought with it the great challenges of working with both the Department of Defense and the local community. These challenges include timely and transparent planning, assessing the environmental and societal impacts of absorbing more than 19,000 new employees, managing the transportation infrastructure in an area already burdened by traffic, and ensuring that all of Fort Belvoir's defense tenants can still perform their vital national security missions.

Colonel Lauritzen has ably met these daunting challenges with the superb attitude that, in order to be successful, Fort Belvoir must continue to be receptive and responsive to the concerns of all of the surrounding communities. His early promise to the community that there would be "no daylight between us" has held true. Colonel Lauritzen established the BRAC Board of Advisors, a first-in-the-Nation group bringing together members of the Army, incoming agencies, and the region's elected officials and local civic activists to identify development issues and keep open the lines of communication.

I have always found Colonel Lauritzen to be the consummate consensus builder. He personally has made more than 150 appearances and presentations before community groups to keep them apprised of the BRAC expansion, Fort Belvoir's other missions, and their impact on the community. Similarly, he built strong communication coalitions with and between the major commands headquartered at Fort Belvoir in support of their people and their global missions through the Installation Senior Leadership Council.

More than just communication, Colonel Lauritzen continues to facilitate progress, even when progress is difficult. He worked directly with Fairfax and Prince William Counties, the Virginia Department of Transportation, and the Army Corps of Engineers to address some of the many transportation challenges facing the region. Especially noteworthy is his personal involvement to secure an agreement to complete the extension of the Fairfax County Parkway, a vital connection across the Fort's Engineer Proving Ground, something that had festered unresolved for more than 10 years.

Inside the perimeter of his base, Colonel Lauritzen has steadfastly insisted that our nation's Soldiers and their families deserve the highest quality of life. Fort Belvoir has one of the Army's most successful Residential Community Initiative programs that have revitalized the approach to military housing and neighborhood centers, creating first-class communities for those who serve our Nation in uniform.

On a more personal note, Colonel Lauritzen and his staff have eagerly addressed questions or constituent concerns that my office has brought to their attention. Regardless of how complicated or involved these requests may have been, I have always found his door to be open to discuss the issues and, more often than not, find compromise to difficult situations.

Madam Speaker, at Fort Belvoir's Change of Command Ceremony on Tuesday, July 2, Colonel Lauritzen—West Point graduate, Soldier, and extraordinary officer—will retire from the Army and enter a new chapter in his life. I have truly enjoyed working with him, and wish him all the best as he pursues new endeavors. He has truly served Fort Belvoir, Virginia, and our Nation with the highest standards of leadership expected from the very best of our military commanders.

HONORING MR. PARK M. STRADER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. DUNCAN. Madam Speaker, I wish to honor a close friend and exemplary public servant who has brought distinction to the State of Tennessee.

I have known Park M. Strader for many years, and he is someone I hold in the highest regard. In fact, Parkey (as he is known to his friends) was an intern for my father when he was a Member of Congress. Since then, Representative Strader has built an illustrious career in public service, devoting his life to making Tennessee a better place.

During his two terms as a Representative to the Tennessee General Assembly, Representative Strader worked tirelessly for his constituents. No problem was too small for his attention, nor did he hesitate to tackle the big issues of the day.

As a member of the House Commerce and State and Local Government Committees and the House Local Government, State Government, and Industrial Impact Subcommittees, Representative Strader was a major factor in the rapidly expanding economy of East Tennessee. His intellect and dedication earned him a reputation as one of the most respected, knowledgeable public servants in Tennessee.

Representative Strader's public service spans many decades and has earned him many awards. Prior to his service in the Tennessee State House, Representative Strader served seven terms—28 years—as Knox County's Property Assessor.

During that time, he was one of the most important contributors to helping keep Knox County taxes low and help keep Knox County government running economically and efficiently.

With a history of service and dedication to Tennessee, I know Representative Strader will continue to work for the public good even in retirement.

Madam Speaker, in closing, I urge my colleagues and other readers of the RECORD to join me in congratulating State Representative Park M. Strader on his commendable service to the people of East Tennessee. I am proud to call him my friend and wish him well on whatever new endeavors await him.

NASA'S TECHNOLOGY IS BETTER TODAY FOR EVERYONE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. POE. Madam Speaker, the National Aeronautics and Space Agency, better known as NASA, has been an ubiquitous aspect of American life since its inception in 1958. This organization brought the United States supremacy outside of the atmosphere and took us to the moon. They reinvigorated the imaginations of children who applied greater concentration to their studies of math and science. Recent accomplishments, such as the International Space Station and many unmanned probes, have been less in the public purview, but have extended scientific knowledge into the realm of what was previously thought to be science fiction. NASA, contrary to popular belief, was not the inventor of Velcro or Tang, yet it has managed to stay in the lives of Americans despite its lower profile by creating critical elements of some of the most important technology in use today. NASA helps to lower food prices by increasing food production five-fold based on research done on growth in outer space. Their design technology helps manufacturers to create cars, the electric guitar of favorite bands, planes, and skyscrapers. NASA created the temper material that is used in Tempur-Pedic beds, prosthetics, and many wheelchair seats. They are responsible for imaging technology that allows CAT scans, advanced MRIs, and new infrared mammograms that increase detection rates by 98 percent. They even made the needles with small silicon chips that reduce the need for invasive surgery when performing biopsies. NASA created the necessary technology for pacemakers, portable dialysis machines, and programmable insulin pumps which use digital telemetry. Laser eye surgeries are performed with the technology that enables the shuttle to dock with the space station. They are responsible for blood pressure monitors, heart monitors, and laser angioplasties. Bringing it closer to home, NASA created scratch-resistant lenses, polarized sunglasses lenses, and the satellite communication technology which brought about cell phones. The roads America drives on have grooves cut into them because NASA realized that it would help reduce hydroplaning, which has contributed to an 85 percent reduction in wet weather traffic accidents. Robotics, world-wide search and rescue systems, space blankets, light emitting diodes or LEDs, cancer treatments, and the list goes on and on. Describing, or even mentioning, all of them would be a feat that would result in a book hundreds of pages long. In fact, NASA is forced to pare down all of its technological inventions to its top 40–50 each year in its annual publication Spinoff. A world without the technologies developed by NASA would be one without your digital camera or your iPod. NASA may not have sent a man to Mars, yet, but they may be taking us all along with them when they go.

CONGRATULATING LARRY S. KEISER, ESQ., OUTGOING PRESIDENT OF TEMPLE ISRAEL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Attorney Larry S. Keiser, outgoing president of Temple Israel in Wilkes-Barre, Pennsylvania.

Attorney Keiser is engaged in the practice of civil litigation since 1971, focusing his professional time on commercial disputes, personal injury claims, workers' compensation and unemployment matters.

A graduate of E.L. Meyers High School in Wilkes-Barre, Attorney Keiser graduated from Pennsylvania State University and Temple University School of Law. At Temple Law, he was a member of the Law Review, the Legal Aid Society and was named the Sylvan Balder Memorial Scholar.

Attorney Keiser is a former examiner for the Pennsylvania Board of Law Examiners, where he wrote and graded Bar Examination questions in the areas of torts and evidence.

He currently serves the Luzerne County Bar Association as Continuing Legal Education Chairman, an office he has held continuously since 1991. Attorney Keiser is also frequently called upon to serve as a neutral arbitrator and he has been a lecturer in programs run by the Pennsylvania Bar Institute and the Luzerne County Bar Association.

Attorney Keiser is solicitor for the Jackson Township Planning Commission and he is listed in the Martindale-Hubbell Bar Register of Preeminent Lawyers.

In addition to having served as a Temple Israel board member and officer, Attorney Keiser has served terms on the boards of the Jewish Community Center, the Jewish Federation of Greater Wilkes-Barre and the Jewish Family Service. He has served several terms on the Federation Allocation Committee and is a past president of the United Hebrew Institute and the S.J. Strauss Lodge No. 139 of B'nai B'rith.

Attorney Keiser is married to the former Lynn Kaufman, who is the owner/chef of Supreme Cuisine catering. They are the parents of Jonathan, OBM; Lauren, an implementation manager for a software development company and Daniel, a student at Connecticut College in New London, Connecticut.

Madam Speaker, please join me in congratulating Attorney Keiser on this auspicious occasion. His leadership and commitment to Temple Israel has been an inspiration to all whose lives he has touched.

HONORING DAN MEYER RECEIVING THE "LEADERS IN LEARNING" AWARD

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mrs. BACHMANN. Madam Speaker, tonight, Dan Meyer, a high school teacher from Mt. Hermon, California, will be honored with an annual Cable's Leader in Learning Award at a ceremony in the Library of Congress.

Dan Meyer, who teaches at San Lorenzo Valley Unified School District, is one of just ten educators in the country receiving this prestigious award—and the only teacher to receive the award in his category, "Pushing the Envelope." Awardees in this category are recognized for the inventive and creative incorporation of video media to achieve greater learning and growth in the classroom.

As an algebra teacher, Meyer began producing short videos to demonstrate algebra equations to his students. The result of his pioneering technique was profound—Meyer reports students began picking up the algebra with shocking speed. When Meyer posted his instructional videos online, thousands of teachers began downloading the videos to take advantage of Meyer's innovative approach.

Education is one of the world's noblest professions. And Meyer reminds us all that education is not an act but a process—a process that thrives on the passion and innovation of those trusted with this great responsibility.

And so I am thrilled today to recognize Dan Meyer for his important achievement. As America continues its march into the 21st century I know that our future is secure so long as we have people like those being honored tonight to help educate our next generation of leaders.

TRIBUTE TO MR. RAFAEL ANGEL RIVERA COLLAZO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SERRANO. Madam Speaker, I rise today to honor Mr. Rafael Angel Rivera Collazo for his contributions to photojournalism.

Mr. Rivera, a native of Puerto Rico, displayed a passion for photography early in life. Coming from a humble background, Mr. Rivera sold newspapers during high school and cleaned shoes to help support his family. It was during this time that Mr. Rivera met Mr. Millo Seijo, a well-known photographer, and his son, Mr. Bey Seijo. These individuals introduced Mr. Rivera to the world of photography. Soon after, local newspapers such as "El Mundo" and "El Imparcial" published Mr. Rivera's first photographs as a collaborator.

Mr. Rivera's increasing involvement in photography was temporarily halted when he voluntarily joined the United States Army in 1966. He was eventually sent to Vietnam in 1967, where he served with distinction in the Ninth Infantry Division, and earned various recognitions, including two Purple Hearts.

Well respected among his peers, Mr. Rivera has displayed as much valor and courage in photojournalism as he once did in combat. His 1980 photograph capturing a store owner and an assailant under fire earned him the widely acclaimed international award for photography from the Agencia E.F.E. of Spain, becoming the first Puerto Rican to do so. This award was presented to Mr. Rivera by King Juan Carlos I and Queen Sofia of Spain. His photograph was also shown at the "Expo 92" in Seville.

Mr. Rivera's latest photographic accomplishment is "Motín en el Capitolio," where he captures commotion in the Rotunda of the Puerto Rican Capitol. Mr. Rivera won an award from the Photojournalist Association of Puerto Rico for this photograph.

He has also received numerous awards from other organizations; such as the Madín Rodríguez Award sponsored by he Puerto Rican House of Representatives and the Cultural Institute of Puerto Rico; and recognitions from the Puerto Rican Senate, the Rotary Club and the Lions Club. In 2006, he was selected by the Governor of Puerto Rico's Office of Veteran Affairs as one of the most accomplished and outstanding Puerto Rican veterans.

Mr. Rivera has also been actively involved with the community I represent in Congress. He has served as ambassador to the Bronx Puerto Rican Parade and provided press coverage to the Puerto Rican Day Parade in New York City for the past 18 years. His vivid photographs bring our communities together by capturing the rich Puerto Rican culture in New York.

Madam Speaker, it is with great pleasure that I rise to honor Mr. Rivera, who currently resides in Bayamón, Puerto Rico. His service to our Nation is commendable. His contribution to photojournalism is invaluable. Mr. Rafael Angel Rivera epitomizes professional excellence and is an inspiration to us all.

IN SUPPORT OF HOMELAND SECURITY BILLS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mrs. CHRISTENSEN. Madam Speaker, I rise to express my strong support for these six bills brought forth by the Committee on Homeland Security. I would like to commend Chairman THOMPSON and Ranking Member KING for their continued efforts and leadership on presenting legislation to enhance and strengthen our Nation's security. I would also like to congratulate my colleagues on the committee who authored these bills—Chairman THOMPSON, Congresswoman CLARKE, Congresswoman LOWEY, Congresswoman SHEILA JACKSON-LEE, Congressman DENT and Congressman LANGEVIN.

The enactment of H.R. 1, The Implementing 9/11 Commission Recommendations Act, was a major milestone for this Congress and I was proud to be a conferee to H.R. 1. With the passage of H.R. 1, Congress took the lead in making America more secure. H.R. 1 was a comprehensive measure to enhance our Nation's homeland security capabilities in profound ways.

The Homeland Security Committee has conducted numerous hearings to investigate the many areas covered by H.R. 1 and has worked diligently at developing legislation that focuses on specific areas of homeland security that require fine tuning in order to make H.R. 1 as effective as possible.

The bills being considered today will do everything from providing redress to Americans misidentified against the terror watch lists to enhancing DHS' capability to address the threat of improvised-explosive devices to ensuring the integrity of aviation security covert tests.

H.R. 4179, the Fast Redress Act of 2008, would enhance information sharing at DHS and between DHS and other Federal agencies that use the terrorist watch list or database. The bill also includes measures that would make the redress process more efficient and protect the civil rights of individuals on TSA's "Cleared List" and "No Fly" or "Selectee" lists.

H.R. 5909 is vitally important given the Committee's knowledge of at least three incidents that compromised the integrity of covert tests at TSA's screening checkpoints. It provides for security measures that would prevent disclosures that will jeopardize covert testing. H.R. 5982 will also enhance airport security by requiring information sharing on best practices for using biometrics to improve airport security. H. Res. 1150 recognizes the continued importance of rail security and ensuring that it is given equal importance in our national transportation security plans.

Bombing prevention is an integral part of our national security and requires that we provide the necessary resources for this purpose. H.R. 4749 does this by increasing funding and the capabilities of the Office of Bombing Prevention. Along similar lines, The Nuclear Forensics Attribution Act authorizes programs within DHS to develop an international framework to identify and intercept nuclear materials further reducing the possibilities of nuclear threat worldwide.

Lastly, I support H.R. 1333 which calls for both GAO and the DHS Secretary to examine and prepare a report on how the Civil Air Patrol can be integrated in our efforts to enhance national security and our war against terrorism. This is a positive effort in using local resources in supporting our homeland security mission.

I strongly urge my colleagues to support these bipartisan bills that have been thoughtfully crafted to enhance national security measures that are important to the implementation of the 9/11 Commission Act of 2007.

FAREWELL TO ROC AMBASSADOR WU

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Ms. BERKLEY. Madam Speaker, I rise today to express my best wishes to Dr. Joseph Jaushieh Wu and his family. After representing the Republic of China (Taiwan) for 1 year and 2 months, the Wu's will be leaving Washington this month.

Ambassador Wu graduated from National Chengchi University in Taiwan and earned his Ph.D. in political science from Ohio State University. He taught briefly at Ohio State and later at his alma mater, National Chengchi University. In 2002, he began his government career as Deputy Secretary-General to President Chen Shui-bian. From 2004 to April 2007, he was the chairman of Taiwan's Mainland Affairs Council. He is the author of a number of publications, most notably, Taiwan's Democratization, published by Oxford University Press. In April 2007, he was appointed Taiwan's Representative to the United States.

As we all know, Taiwan has been undergoing profound political changes in recent years. With his strong communication skills, Ambassador Wu has given countless briefings to administration officials, senators, representatives and the media about Taiwan's internal politics, while at the same time, deftly highlighting Taiwan's willingness to negotiate with the People's Republic without pre-conditions. He has rightly emphasized Taiwan's strong political and cultural ties to the U.S., its trade relations with us, and its cooperation in combating global terrorism.

Today our government maintains a robust relationship with Taiwan because of leaders like Dr. Wu. We consider Taiwan a democratic ally and a strong trading partner. Nevertheless, due to the lack of official diplomatic relations between our two countries, it has not been always easy for Ambassador Wu to serve as interlocutor between our two governments. Despite all the challenges, Ambassador Wu has served his country with distinction and helped to strengthen the U.S.-Taiwan relationship.

I wish Ambassador Wu and his family the very best.

2008 CONGRESSIONAL AWARD RECIPIENTS

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. RYAN of Ohio. Madam Speaker, I rise today in recognition of the 2008 Congressional Award recipients, honoring our Nation's young people who have achieved personal goals in the areas of volunteer public service, personal development, physical fitness, and exploration/development.

As public service volunteers, this year's recipients shared their time and talents for the benefit of others. Through selfless acts, they have demonstrated their devotion to community, displaying dedication, perseverance, and compassion.

In the area of personal development, recipient of the Congressional Award have gained life skills and knowledge as they developed a particular interest. While striving to achieve a personal goal of improvement, recipients exhibited immense personal growth.

As balanced individuals, recipients of the Congressional Award also strive for personal improvement in physical fitness as an effort to improve their quality of life, understanding the need to lead a healthy lifestyle.

The process of exploration/development presented recipients with the opportunity to gain a sense of independence as they became engaged in the world around, whether that experience occurred through an immersion in nature or through exposure to an unfamiliar culture.

Recipients of the 2008 Congressional Award have time and again shown their dedication to community, having learned the value of making a difference for the greater good. They are dedicated to all they do, striving for improvement while setting goals for personal achievement. I commend them as individuals of inspiration, a group worthy of the highest praise.

I would like to make special recognition of Caroline McMullen from Chesterland, Ohio. Caroline is a driven individual, having the conviction to reach out and achieve her goals. Her profound dedication to public service is integral to the betterment of her community; her actions are exemplary. As a fellow Ohioan, I am extremely proud of Caroline's accomplishments.

The following are honored recipients of the 2008 Congressional Award:

Mary-Lynn Piper, Chelsea Green, Sabrina Ilich, Zachary Somers, Katherine Connett, Erica Tong, Joseph Hall, Norman Hall, Cody Christie, Evan Hess, Ryan Krebs, Joslyn Wood, Greg Woodburn, Shaheen Lakhan, Gohar Minassian, Jairek Robbins, James Broadhead, Kyle Fitle, Katherine Tse, Kathleen O'Brien, Tammy Lang, Mackenzie Martin, Sarah Choi, Lauren Penticuff, Sarah Wagner, Christine Chady, and Julie Vernon.

Phillip Vernon, Lindsey Wilber, Emily Cortright, Diana Roycroft, James Martin, Ashley Persico, Timothy Medeiros, Michael DiTerilizzi, Philip Doumar, Andrew Gorodetsky, Daniel Harvey, Audrey Hill, Taylor Hilo, Bianca Kahlenberg, Leighton Norvell, Brett Pere, Veronica Richter, Melissa Roos, Bryan Spurgeon, Addison Craig, Angela Boyd, and Gregory Kraus.

Elizabeth Lott, Christopher Puchferran, Jacob Schattie, Shetty Shohan, Stephanie Martinez, Chelsea Jarrell, Katherine McClellan, Breona Jenkins, Bernard Underwood, John Langdon, Amanda McGehee, Anna Sali, Robyn Watson, Maryanne Barrott, Rebecca Goodwin, McKay Nield, Grayson Stone, Mara Truslow, Brittany Ward, Dana Wright, Michael Noh, Andrew Sze, Erin Stein, Carolyn Bartley, and Austin Stuart Hamner, Jr.

Patrick Ketchum, Joseph Bricker, Karen Bricker, Sydney Ayers, Benjamin Thomas Connell, Christopher Connell, Nicholas Adam Connell, Laura Webb, Megan Lecompte, Margaret Downing, Reeve Fidler, Anthony Serrano, Richard Prevatt, Kimberly Shupe, Liam Swords, Jesyka Palmer, Stephanie De Young, Brandon Spratt, Lauren Boldon, Ashlee Kephart, John Rasmussen, Elizabeth Doyle, Grace Minton, Andrew Robinson, and Victoria Willingham.

Scott Florence, Mollie Frazier, Michelle Gourley, Laura Owen, Brittany Simpson, Iver Vandiver, Nolan Webb, Jonathon Whitlock, Brad Young, Lynice Higgins, Thomas Kazery, Tiffany Holder, Amanda Layton, Holly Webb, Kaylee Keith, Michael Atkins, Rachel Goodrich, Jimmy Van Eerden, Charlotte Lindemanis, Bridget Castor, Kimberly Baker, David Michael Bales, Erin Murowany, Bryan Quay, Rebecca Winterbum, and Rosalyn Wodlinger.

Tina Sankhla, Matthew Pierson, Katelyn Benedit, Ronald Dukes, Sydney Keller, Brian Kelly, Brittany O'Hare, Adam Sferlazzo, Lisa Washakowski, Amoha Bajaj, Mark DeGaetano, Margaret DeOliveira, Maria DeOliveira, Shabnum Gulati, Lydia McGinnis, Brittany Waser, Kevin Williams, Sean Kennedy, Kyle Campanile, Emily Morgan Farber, Alexa Kretsch, Aditya Madhusudhan, Shefali Madhusudhan, Lindsay Steiner, and Stephanie Tietz.

Sheren Tsai, Jill Coulson, Alexei Brandt, Alexander Long, Kevin McAllister, Tristin Turner, Sheel Tyle, Karoline McMullen, Kelly McLaughlin, Minh Lac, Sambath Luong, My Sy, Pisey Hour, Pisith Hour, Xinpei Jiang, Kunvatha Theth, Dieu Truong, Ky Truong, Carol Lin, Miguel Leon, Ben Calhoun, Katelyn Fenerty, Katherine Suyo, Jonathan Webster, and Conor Dolan.

Benjamin Dunphey, Bonnie McDevitt, Jacob Zimmerman, Chao Long, Aydan Ortiz, Jose Romero, Thais Ridgeway, Donald Groves, Jeffrey Yeh, Audra Piotti, Caroline Mailloux, Eric Shim, Lillianne Harris, Rebecca McMenemy, Andrew Fryml, Stefan Zollinger, Jacquelyn Cox, Keome Rowe, Mary Day, Ana Lopez-Cordell, Kiely McGuire, Alexandra Faulk, Rebecca Nock, Evan Purcell, Katharine Folger, and Jamie Drillette.

Vinson Valdez, Paul Zwicker, John Corbett, Jonathon Hillis, Carly Stevens, Drury Evans, Christina Marmol, Evan Levine, Ian Painter, Allante Nelson, Emily Rinker, Olivia Shuck, Alexander Smith, Ian Gibson, Samuel Keltner, Sean Warren, Kathleen Burch, Ashley Tate, Daniel Adams, Michael Heyer, and Bethany Klicka.

Maggie Marshall, Elizabeth Sharkey, Carlyn Stuart, John Caridad, Megan Freeman, Crystal Marshall, Keren Stewert, Daniel Courtemanch, Jory Lehman, Katie Beckmann, Nicholas Porter, Ellis Calvetti, Jenna Farrester, Valerie Watters, and Shana Marie Wolff.

AIR FORCE TANKER DECISION

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. COSTELLO. Madam Speaker, I rise today to discuss the Air Force's decision to award the tanker contract to EADS/Northrup Grumman (NG) instead of Boeing.

I understand that the Government Accountability Office (GAO) is reviewing that award and a decision is expected this week.

I wanted to highlight that the footprint of the EADS tanker is 53 percent larger than the Boeing version, requiring much more military construction money for larger runways, taxiways, and hangars.

Further, Boeing would create 28,707 jobs per year at full production, at least twice as many U.S. jobs as EADS/NG, which would support an estimated 14,353 jobs if it were to win the contract. Boeing's KC–767 would create twice as many U.S. jobs as EADS/Northrop. The EADS award will result in "loss" of new jobs.

At a time when unemployment is skyrocketing in the US, I believe we should be fighting to maintain as many jobs here in the US instead of sending them overseas.

It has come to light that the Air Force did not review the impact of the contract award on US jobs and I believe this is an important component given that should the contract go to EADS/NG, we would be sending billions of American taxpayers' money overseas at a time when the US economy is faltering. I question whether the EADS tanker provides the best value for our military and the American taxpayer.

I do not support this contract being awarded to EADS because of its adverse affects on American jobs and I question whether it will meet the long term requirements of our military.

SARATOGA COUNTY BLOOD DRIVE

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mrs. GILLIBRAND. Madam Speaker, I rise today to commend two organizations from my home district, the State Employees Federal Credit Union (SEFCU) and American Red Cross Adirondack Saratoga Chapter, who are partnering to sponsor a community blood drive to help save lives in my district on Monday, June 23. The blood drive will be held at the Saratoga Springs Public Library in Saratoga Springs, New York.

The theme for the event is "Give Some Red and Help Save Some Green." In keeping with its commitment to the community and the environment, SEFCU will plant a tree for every donor who gives blood on the 23rd. This is one in a series of blood drives within the "Give 'n Take" Campaign, which schedules community-based blood drives throughout the calendar year to highlight the importance of donating blood. I note its significance because:

Only about 5 percent of the population in the United States donates blood, though about 60 percent of the population is eligible.

Just one pint of blood can help save as many as three lives.

Approximately every 2 seconds, someone in America needs blood. Every day, about 34,000 donations are needed to help save the lives of cancer patients, accident victims and children with blood disorders in the United States.

Approximately 1 out of 3 people will need blood in their lifetime.

Type O blood can help anyone in need. All patients can receive Type O during an emergency when there is no time to test a patient's blood type.

Donors can give blood every 56 days.

The American Red Cross Adirondack Saratoga Chapter is dedicated to saving lives and helping people prevent, prepare for and respond to emergencies. It is led by a volunteer board of directors with 250 other volunteers and 10 paid employees. The local Red Cross is supported by community donations and provides services to Warren, Washington, Saratoga, Hamilton and southern Essex counties. Last year the Red Cross ran 650 aquatic courses and 1,048 first aid and CPR courses, collected over 19,000 units of whole blood, helped deliver 230 emergency messages for members of our armed forces, and assisted more than 1,200 neighbors who were affected by local disasters.

I am proud to call on residents in New York's 20th Congressional District to join these two partners to help save lives.

HONORING THE SERVICE OF SENIOR CITIZENS IN GRAYSON COUNTY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. HALL of Texas. Madam Speaker, it is my pleasure to rise today to honor the Senior Citizens of Grayson County for all of their services rendered to the community, and I would especially like to acknowledge the dedication exhibited by Harold and Hazel Wright of Sherman, Texas.

Harold and Hazel have been extremely active and influential in their community for over 20 years. They represented the Texoma Council of Governments at the White House Conference on Aging two years ago and were crowned Mr. & Mrs. Senior Citizen of Grayson County. It is because of dedicated individuals such as the Wrights that President George W. Bush fittingly proclaimed the month of May, 'Older Americans Month' on April 22nd of this year.

During Older Americans Month, we recognize the many ways older citizens have enriched our Nation through their character, wisdom, and service. America's seniors provide an example for younger generations, and during Older Americans Month, we reflect on their efforts toward building a stronger and brighter future for all. Our country remains forever in their debt, as older Americans have provided a guiding light for the rest of the Nation to follow.

With this in mind, I and Rep. FRANK PALLONE introduced H.R. 3701, Keeping Seniors Safe from Falls Act in September of 2007. I was pleased when Congress approved the bill, which was later signed by the President of the United States and made public law. This legislation will develop effective strategies to raise awareness about elder falls, encourage research, and support demonstration projects to help prevent falls among senior citizens, as Elder falls are one of the leading risks for Americans 65 years old and above. The Secretary of Health and Human Services will oversee and support demonstrations, research projects, and grants for local and state education campaigns to help achieve these goals. The legislation was endorsed by the Falls Free Coalition Advocacy Work Group, led by the National Council on Aging, the National Safety Council, the Home Safety Council, AARP, the American Occupational Therapy Association, and the American Physical Therapy Association.

Our country remains strong because of the foundation our elders have helped lay, and we commend older Americans for the many contributions they have made and will continue to make to our Nation.

IN TRIBUTE TO LT. GEN. MICHAEL HAMEL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Lieutenant General Michael Hamel, who will officially retire from the United States Air Force on July 1 after 36 years of distinguished service.

I first met General Hamel when he commanded the 14th Air Force, Air Force Space Command, and the Space Air Forces, U.S. Strategic Command, at Vandenberg Air Force Base, which is in my district. With a bachelor's degree in aeronautical engineering from the U.S. Air Force Academy, a master's in business administration, and a lifetime of service to the Air Force and its role within and beyond our atmosphere, General Hamel impressed me not only with his knowledge, but also with his ability to explain it in conversational terms. We quickly became friends.

General Hamel's illustrious career included assignments in a variety of command, acquisition, operations and policy positions involving space, system development, intelligence, space operations and launch. General Hamel has served in senior staff positions at Headquarters U.S. Air Force and Air Force Space Command, and he was the Vice President's military adviser on defense, nonproliferation and space policy.

General Hamel's final assignment was to command the Space and Missile Systems Center, Air Force Space Command, Los Angeles Air Force Base. While there, he was responsible for managing the research, design, development, acquisition and sustainment of space and missile systems, launch, command and control, and operational satellite systems.

General Hamel also was the Air Force Program Executive Officer for Space and was responsible for the Air Force Satellite Control Network; space launch and range programs; the Space-Based Infrared System Program; military satellite communication programs; the Global Positioning System; intercontinental ballistic missile programs; Defense Meteorological Satellite Program; the space superiority system programs and other emerging transformational space programs.

Madam Speaker, in his nearly four decades as an Air Force officer, General Hamel has played a major role in our nation's military and civilian space program. I know my colleagues will join me in thanking General Hamel for his many years of dedicated service and in wishing him a long and fruitful retirement.

RECOGNIZING MONICA NELSON FOR REPRESENTING MINNESOTA AT THE NATIONAL HISTORY DAY COMPETITION

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to recognize a truly special Minnesotan. Sixth grade student Monica Nelson from Ham Lake, Minnesota has been chosen to represent Minnesota at the National History Day competition taking place at the University of Maryland this week. Monica was selected from the nearly 30,000 students from Minnesota who take part in History Day every year.

The theme for this year's competition is "Conflict and Compromise in History." At this competition, participants get an opportunity to finally present their findings after an exhaustive and critical analysis of facts and figures relating to their chosen topic. Monica presented her research on a famous St. Cloud, Minnesota resident, early abolitionist and women's rights advocate, Jane Grey Swisshelm. Presenting her research through an acted performance, Monica gave an account of Jane Swisshelm's life and contributions from the perspective of her daughter.

Thank you, Monica, for your hard work and passion for our Nation's history. You have paid a great honor to our American heritage, and your very own contributions have ensured that this early patriot's contributions to our Nation will never be forgotten. Minnesota thanks you and wishes you the best during the competition. We are all proud of you, Monica, and we look forward to seeing all that you do with your God-given talents in years to come.

TRIBUTE TO COMMANDER R. TREVOR KING, U.S. NAVY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to recognize Commander R. Trevor King, United States Navy, for his service to the House Armed Services Committee as a member of the Navy's congressional liaison team.

A native of Thousand Oaks, California, in 1991, Commander King earned an economics degree from the U.S. Naval Academy. Since that time, he has served his country well in various posts and in numerous operations. He has received the Commander Naval Surface Forces Battle Efficiency "E" for excellence award two years in a row.

In August, Commander King will begin the curriculum at the National War College during which time he will complete his Joint Professional Military Education. Following that assignment, he will likely be assigned as commanding officer of one of the Navy's surface combatants.

I am certain that the Members of the House will join me in honoring Commander R. Trevor King, his wife, Robynn, and his daughters, Erika and Caitlynn, for their outstanding and continued service to our country.

INTRODUCTION OF THE LEWIS AND CLARK MOUNT HOOD WILDERNESS ACT OF 2008

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. BLUMENAUER. Madam Speaker, I am pleased to join my Oregon colleagues in introducing the "Lewis and Clark Mount Hood Wilderness Act of 2008."

In 2003, we held the first Mt. Hood Summit at Timberline Lodge, inviting local stakeholders to share their vision for the challenges and opportunities facing the Mt. Hood National Forest. Over the past five years a committed group of citizens, organizations, Native Americans, local, state and federal jurisdictions, and private interests have spent countless hours negotiating a long term stewardship and protection plan for Mt. Hood's forests and rivers.

Today, this legislation designates over 132,000 acres of Wilderness, almost 80 miles of Wild and Scenic Rivers, and 34,000 acres of National Recreation Areas in the Mt. Hood National Forest. It would create a long term transportation plan to address the challenges of getting to and from the mountain, establish a special watershed protection area for the Crystal Springs Watershed, focus on a forest-wide vegetation management strategy which includes biomass utilization, establish a working group to advise the Forest Service on recreation enhancements, respect Native Americans' treaty reserved gathering rights and honor the United States' cultural foods obligations to those Tribes. Lastly, the bill directs the Forest Service to participate in three land conveyances. These exchanges will provide additional protection for the North side of Mt. Hood, the Pacific Crest Trail, and a parcel of land that is critical to the community in Clackamas County.

In keeping with the spirit of our well-established and participatory process, I look forward to working with our stakeholders as the legislative process moves forward. I hope that this bill is not the last word when it comes to protecting Oregon's most beautiful, scenic and at-risk places. I hope that the Natural Resources Committee will quickly schedule a hearing on it so that we can pass and implement it and begin working towards protection for other "Oregon Treasures" in the years to come.

HONORING GLENDA GRAY ON HER RETIREMENT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to an employee of the U.S. House of Representatives who has touched the lives of countless people across northern Michigan over the past quarter century. Glenda Gray will retire on June 30 after more than 25 years of dedicated public service to the residents of the 1st Congressional District of Michigan.

Glenda, known as "Glink" to her friends, has worked in my Marquette, Michigan, district office since I was sworn into office in 1993. The decision to hire her was an easy one. Having worked for my predecessor, former Congressman Bob Davis, for 10 years, Glenda brought to the job experience and know-how that couldn't be matched.

A lot has changed in the more than 25 years Glenda has served the people of Michigan's 1st Congressional District. As a matter of fact, even the borders and designation of this district have changed. She has seen the transition from business conducted largely on paper and by typewriter, to a system where computers, copy machines, Blackberrys and video conferencing dominate.

Throughout her tenure, Glenda has handled casework on postal and passport issues throughout the expansive 1st District. She has been responsible for casework on Medicare, Social Security, disability and other senior's issues for six of the 31 counties in the district. She has evolved into an expert on Social Security and is proud of the individuals and families she has been able to help through difficult situations over the years.

This list does not do justice to the thousands of phone calls and walk-in visitors Glenda has spoken with about their problems or their views on a particular issue. I have known her to give each individual's concern the time it deserves and treat every person with courtesy and respect.

Since 1997, my district director has been stationed out of my Marquette office, making it the de facto headquarters for my district operations. This has placed increased responsibility on Glenda, who—in addition to continuing to handle casework and assist constituents in Marquette and the surrounding counties—is tasked with the duty of covering the busy office alone when my district director, Tom Baldini, is away.

Evident from her seamless transition from working for a Republican Congressman to a Democrat, Glenda never viewed casework as a political or partisan issue. For her, it has always been about helping the individual. Over time, Glenda has seen other staff members come and go. Throughout, she has been a valuable asset in helping new staff with her sound and kind advice on assisting constituents—even the challenging ones—while maintaining a sense of humor.

Shortly after I took office, we lost one our young staff people, Brian Schlientz, to brain cancer. This was a difficult loss for all of our staff, but especially for Glenda, who had trained Brian and mentored him during my first year in office. Glenda provided untold support to Brian both in the office and throughout his courageous battle.

Glenda can relate to the unique challenges acing my constituents in northern Michigan—and particularly the Upper Peninsula—because it is has long been home for her. She was born and raised in Sault Ste. Marie, Michigan in 1943, one of 11 children raised there by her father, Harry, and stepmother, Eva Gilroy. She attended and graduated from Sault Area Schools before marrying her husband of 45 years, Joe Gray, who is also a Sault Ste. Marie native.

Joe and Glenda moved south to Dearborn, Michigan, where they lived for 8 years and began to raise two children, Joe Jr. and Kelly. They returned to Marquette in the Upper Peninsula in 1970 and have resided on Lakewood Lane in Chocolay Township for the past 38 years. Before going to work for Congressman Davis, Glenda worked for 7 years at Silver Creek Elementary School in the Marquette Public School District.

After more than 25 years of devoted service, Glenda plans to enjoy her retirement with her husband, children, grandchildren, extended family and friends. And while I know she is looking forward to spending more time with her family and friends, she will be greatly missed by those who work with her day in and day out and by the countless Michiganders who have come to turn to Glenda when they need assistance.

Madam Speaker, I ask that you and my colleagues here in the United States House of Representatives join me in thanking Glenda Gray for her outstanding quarter century of service and in wishing her well as she embarks on a well-deserved retirement.

EXPRESSING THE SUPPORT OF THE PAYCHECK FAIRNESS ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. RANGEL. Madam Speaker, I rise today to express my support of the Paycheck Fairness Act introduced by Congresswoman ROSA DELARO on March 6, 2007.

The first step towards the achievement of equal pay for women was made with the passage and signing of the Equal Pay Act by President John F. Kennedy on June 10, 1963. President Kennedy understood the importance of addressing the "unconscionable practice of paying female employees less wages than male employees for the same job." As a result of the enacting the Equal Pay Act, the wage gap between women and men has shrunken significantly. At the time the Equal Pay Act was signed, women's average wage was roughly a half of what men earned. At the present time, women earn around ¾ of the wage paid to men. Undoubtedly, the gap is narrowing consistently, but the rate of such improvement is quite slow. The inequality of payments between women and men not only affects American families, but also American society and the American economy. Despite the fact that the enforcement of the Equal Pay Act and many other civil rights laws contributed to narrow the wage gap, many important disparities remain and need to be addressed. The enactment of the Paycheck Fairness Act creates the opportunity for the Federal government to be more active in preventing and fighting wage discrimination.

I hope that many Americans understand how crucial it is to have equal workplaces with equal opportunities for workers and equal pay for comparable jobs, regardless of gender. The American government should take firm actions in delivering concrete steps proposed by the Paycheck Fairness Act in narrowing the unequal wage gap.

IN RECOGNITION OF THE RETIREMENT OF HARMON MASSEY FROM THE OFFICE OF THE FLORIDA STATE ATTORNEY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Harmon O. Massey, Jr., upon his retirement from the office of the Florida State attorney.

Mr. Massey's commitment to his country and community spans several decades and has taken on many forms. In 1965, Mr. Massey was awarded wings as an Air Force pilot. With over 950 hours spent in combat and 150 missions, Mr. Massey has dutifully devoted his time to assignments across the globe including the ARC Light mission in Southeast Asia. As a reflection of his immense bravery, valor, and dedication, Mr. Massey was awarded the Distinguished Flying Cross as well as six Air Medals commending his outstanding service. Despite his resignation in 1973, Mr. Massey continued his military service by enrolling in the Air Force Inactive Reserve and serving as an Air Force Judge Advocate.

In addition to his military service, Mr. Massey vigorously dedicated himself to the civic aspect of his community. From 1999 to June 2008, Mr. Massey served as a misdemeanor and felony prosecutor as well as a supervisor for the office of the Florida State attorney. Mr. Massey participates in a number of community groups including ARC Santa Rosa, in which he was chairman of the board, Kiwanis, in which he was president of the Santa Rosa Chapter, and the Santa Rosa Kids House in which he is currently the chairperson of the board of directors.

The civilian duties Mr. Massey has performed, as well as his outstanding tenure in the Air Force, is a sign of his dedication and valor. Madam Speaker, on behalf of the United States Congress, I am proud to honor Harmon O. Massey for his enduring allegiance to our great Nation and the State of Florida.

HONORING DR. THEODORE PAUL VOTTELER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great sadness that I recognize the passing of Dr. Theodore Paul Votteler of Dallas, Texas. Named to Best Doctors of America from 1996–2000, Dr. Votteler performed over 25,000 operations before his retirement in 1993 and was one of the first surgeons in the Nation to successfully separate conjoined twins. Deeply committed to his practice and the pursuit of education, Dr. Votteler's compassion, skill and spirit will be deeply missed in the community.

Born in 1927 in Portland, Oregon to Theodore and Mary Gladys Parry Votteler, the family moved to the Dallas area in 1939. Mr. Votteler graduated from Highland Park High School and was attending the University of Texas at Austin when he enlisted for the Navy in 1945. After serving his country, he went to Tulane University School of Medicine where he graduated in 1951.

In 1960, he was appointed medical director of surgical services and director of general surgery at Children's Medical Center in Dallas. Dr. Votteler performed one of seven successful separations of conjoined twins in 1978 and became an international authority on conjoined separations and pediatric surgery.

In 2007, Dr. Votteler returned to the University of Texas at Austin to complete his Bachelor of Arts degree in Biology. During his career, Dr. Votteler received many awards including the Children's Medical Center Distinguished Service Award and the Tulane Medical School Lifetime Achievement Award.

Madam Speaker, the medical field has lost an astounding surgeon; I send my condolences to his wife, Vermelle Votteler, and his sons and daughters-in law, Tad and Sally Anne Votteler and Todd and Sharmon Sullivan Votteler. In addition, he is survived by his grandchildren Alexis Sutton Votteler, Theodore Paul Votteler III, Anna Grace Votteler, Vitoria Frances Votteler, and one granddaughter on the way, Carol Elizabeth Votteler.

TRIBUTE TO MOUNT KEMBLE HOME, OF MORRISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Mount Kemble Home, of Morristown, Morris County, New Jersey. On June 22, 2008, the residents and staff at the Mount Kemble Home will be celebrating its 125th anniversary.

The Mount Kemble Home was founded in 1883 by a group of parishioners from the Morristown Presbyterian Church as a refuge for women in need of a home. The Mount Kemble Home has been assisting women in the lower income bracket for over 125 years.

The Mount Kemble Home provides each resident with a quality one-room apartment, complete with cooking facilities. There are two living rooms with comfortable chairs for reading, watching television, or playing the piano. The front and back porches further enhance the Home with wonderful views of the surrounding neighborhood.

The Mount Kemble Home relies on donations from the community and volunteer work to keep the Home open, as the rent charged is only 25 percent of the residents' income.

For 125 years the Mount Kemble Home has been providing women in Morris County the opportunity to afford quality housing in a comfortable and safe environment. Its staff, volunteers, and charitable donors are to be commended for their hard work.

Madam Speaker, I urge you and my colleagues to join me in congratulating the Mount Kemble Home on the celebration of 125 years of serving Morris County's women, in one of New Jersey's finest municipalities.

HONORING MR. SY STERNBERG

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mrs. LOWEY. Madam Speaker, I rise today to recognize the accomplishments of Mr. Sy Sternberg and to congratulate him on his retirement as the Chairman of the Board and Chief Executive Officer of New York Life Insurance Company, the largest mutual life insurance company in the United States and one of the largest life insurers in the world.

A native of Brooklyn, New York, Mr. Sternberg earned a bachelor of electrical engineering degree from the City College of New York in 1965 and an M.S.E.E. degree from Northeastern University in 1968.

Before joining New York Life in 1989, Mr. Sternberg spent 13 years at the Massachusetts Mutual Life Insurance Company, where he was most recently senior executive vice president.

Mr. Sternberg is a member of the Council on Foreign Relations and the Business Roundtable and serves on its Task Forces on International Trade and Investment, Security and Fiscal Policy and the Leadership Committee of the Lincoln Center Consolidated Corporate Fund. Mr. Sternberg is also a Board of Trustees member for Big Brothers Big Sisters of New York City, New York-Presbyterian Hospital, Northeastern University and the Hackley School in Tarrytown, NY.

In 1999, Mr. Sternberg was appointed by President Clinton and served through 2002 as one of three United States representatives to the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC). In January of this year, Mayor Bloomberg of New York City appointed Mr. Sternberg as co-chair, along with former Mayor Dinkins, of the Mayor's task force on Career and Technical Education Innovation.

Mr. Sternberg is most importantly the proud father of two grown daughters, Jodi and Donna, and resides in Purchase, NY, with his wife, Laurie, and their son, Matthew.

Madam Speaker, I am proud to recognize my good friend Mr. Sy Sternberg for a successful career in finance and unparalleled devotion to charitable causes. I urge my colleagues to join me in honoring his tremendous accomplishments.

WHISTLEBLOWER PROTECTION LEGISLATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. SMITH of New Jersey. Madam Speaker, today I am introducing legislation that would close a loophole in the Department of Defense's whistleblowers' protection statute (10 U.S.C. Sec. 2409) and expand this safeguard to include the men and women of the DOD contracting business who report abuses to their superiors.

Under current law, an individual is only protected—and therefore eligible for remedies—if he or she reports workplace security concerns to "a Member of Congress or an authorized official of an agency or the Department of Justice." While I understand the importance of encouraging individuals to take their concerns to certain authorities, I believe it is imperative that we include in this authority an employee's superiors.

It seems only natural, that once someone recognizes a problem within their work environment, they report it to their superiors. This is part of a normal progression of attempting to resolve issues and challenging tasks on the job. Few people initially contact their Congressman or the Department of Justice when they first observe an irregularity on the job.

It is also important to note that many former military members migrate to the security contracting industry. Many of these men and women have years of previous service to our nation, have grown to respect their chain of command and understand the benefit it can provide in the workplace. When they have come to the conclusion that additional steps must be taken or when they have identified a significant problem in the work environment, these professionals are trained and encouraged to report their concerns to their superiors to enable them to assess the situation and foster a solution.

Similarly, many in the federal security contracting industry come from a law enforcement background with a comparable command structure and respect for their superiors.

The legislation I introduced today will ensure that those who identify problems within firms subcontracted by DOD are still afforded standard whistleblower protections even if they notify their employer about possible violations before they notify an agent of the federal government. The legislation does not require employees to notify their employer first and it does not preclude them from contacting federal officials, it simply protects employees who point out potential violations to their employer, the federal government or both. If an employee is dismissed prior to his/her notifying the government, but after notifying their employer, they will receive the necessary protections as well.

The current loophole was brought to my attention by a New Jersey resident who worked for a private security firm that guards military installations in my district and throughout the country. This individual witnessed and documented a number of events that raised serious concerns regarding the contractor's ability to ensure the safety and security of the base and the surrounding community.

Base security is not an issue to be taken lightly—anywhere and including in my state of New Jersey. As we all recall, in May of last year, the New Jersey U.S. Attorney's office arrested five men who were planning to attack another New Jersey installation, Fort Dix. After a thorough and aggressive law enforcement effort to thwart this attempted terror attack, the men accused have been detained and are awaiting trial. Still, the vulnerabilities at our military bases exposed by this incident cannot be minimized or dismissed.

The individual who brought this loophole to my attention reported to his employer what he believed were unfulfilled contract requirements that resulted in questions regarding the firm's ability to provide adequate security. After his boss dismissed his concerns, he then scheduled a meeting with the base security personnel to discus the matter. Before this meeting could occur, the individual was fired by the firm and barred from the base. At that time, he brought these concerns to me. However, since the law requires that a potential whistleblower be a current employee at the time he/she discloses pertinent information to a federal official, it was too late for him to be eligible for protections and/or remedies. Specifically, my legislation would expand the universe of those to whom an individual can properly report concerns to include the individual's chain of command, before and after any retribution, so that the individual will be protected and have the right to be reinstated if an investigation shows that the individual was punished for bringing the matter to the attention of proper authorities.

As we are all aware, in recent years the Department of Defense has looked increasingly to private security contractors to guard and police our military installations across the country. The men and women filling these positions deserve to be protected when they report violations and concerns to their superiors and especially if they are subsequently punished in an attempt by their employer to downplay or even cover up a violation. It is imperative that we amend the law to ensure that these employees are eligible for the same remedies as other whistleblowers.

INTRODUCTION OF THE RETIREE HEALTH ACCOUNT ACT OF 2008 (H.R. 6288)

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. MCHUGH. Madam Speaker, I rise to discuss legislation, the Retiree Health Account Act of 2008 (H.R. 6288), that I introduced yesterday, June 17, 2008. This bill is designed to help Americans prepare for the medical costs they will incur in retirement.

When Americans engage in retirement planning, too often they don't contemplate the medical expenses they will incur. If they do, they often make significant underestimates or mistakenly believe that such expenses will be entirely met through Medicare. Often, they fail to recognize that Medicare coverage contains numerous gaps and that beneficiaries must pay deductibles, coinsurance, and copayments. For example, the monthly Medicare Part A premium currently ranges from $233 to $423 while Part B and average Part D premiums are $96.40 and $27.93, respectively. In addition, under Part B, beneficiaries must pay an annual deductible of $135 and 20 percent of covered services. At the same time, Part D beneficiaries have a $275 deductible and then must pay a 25 percent coinsurance levy for drug costs up to $2,510, the entire amount for purchases between $2,510 and $5,726, and approximately 5 percent of all drug costs thereafter.

Current estimates indicate that an average American couple both aged 65 could need as much as $295,000 to cover premiums for health insurance coverage and out-of-pocket expenses during retirement. Moreover, these costs are increasing. For example, between 1985 and 2005, the Consumer Price Index (CPI) for medical care rose by 185 percent compared to 82 percent for all other goods and services.

During this time period, families headed by persons aged 55 to 64 saw their real expenditures on health care rise from $2,459 to $3,410 (about 40 percent) while average spending by families headed by persons aged 65 to 74 likewise increased from $2,993 to $4,176. Similarly. families headed by persons above age 75 saw their annual health care spending increase from $3,006 to $4,210.

Through all of the above, the health insurance coverage provided to retirees has been shrinking. From 1993 to 2004, the percentage of employers with 500 workers or more offering health insurance to pre-Medicare eligible retirees fell from 46 percent to 28 percent. At the same time, the number of employers offering retiree health insurance to Medicare eligible retirees also decreased from 40 percent to 20 percent.

In this environment, it is important to note that, while the United States tax code provides incentives for the prefunding of both pension benefits and retirement savings, it does not provide similar incentives for the prefunding of retiree health benefits.

Accordingly, the Retiree Health Account Act would provide Americans with tax incentives to set aside funds for health costs. It would accomplish this by establishing Retiree Health Accounts (RHAs), which would be structured very similarly to 401(k) plans. For example, RHAs would have, the same maximum employee inflation-indexed contribution and annual addition limits. In addition, individuals 50 years or older would be allowed to make annual catch-up deferrals of up to $5,000.

Once a RHA account owner reaches age 55, he or she would be able to withdraw monies tax free, provided the funds are used to purchase qualifying medical care. Prior to age 55, monies could be withdrawn, but would be subject to a 10 percent penalty and ordinary income taxes. This penalty would be suspended, however, if the owner had become disabled or if the monies were used to cover health insurance premiums during periods of unemployment or to defray unreimbursed medical expenses. Similarly, RHA funds could be withdrawn without penalty, but subject to taxation, pursuant to a qualified domestic relations order. Finally, upon death, while a spouse could inherit a RHA without paying taxes, RHA funds would otherwise be subject to applicable income or estate taxes.

In addition to Retiree Health Accounts, this legislation would also allow individuals to establish Individual Health Accounts (IHAs). These accounts would be similar to Individual Retirement Accounts (IRAs) in structure and provide for the costs of retiree health care. For example, like IRAs, IHAs would have an annual contribution limit of $5,000, indexed to inflation, with individuals age 50 or older eligible to make annual catch up contributions of $1,000, also indexed for inflation. Unlike IRAs, however, contributions to IHAs would be prohibited once an individual becomes Medicare eligible. In addition, as with RHA funds, IHA funds could be withdrawn tax free if used to purchase medical care by an owner age 55 or older and without penalty if used before age 55 to meet the special circumstances of disability, unemployment, and extraordinary medical expenses. Likewise, IHA funds would not be subject to penalty if distributed pursuant to a qualified domestic relations order and could be inherited tax free only by a spouse.

To encourage lower-income Americans to take advantage of the opportunity to contribute to RHAs and IHAs, the Retiree Health Account Act would provide a refundable tax credit of up to $1,000 for eligible individuals. This tax credit would be indexed to inflation and the maximum lifetime credit would be $5,000.

Health care costs continue to increase while employer-sponsored retiree health benefits erode. However, we can help Americans prepare to meet their future health care costs by giving individuals an incentive and mechanism to help themselves. Accordingly, I ask my colleagues to join with me as I work to enact legislation authorizing Retiree Health Accounts.

TRIBUTE TO MR. GREY FLOWERS FERRIS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, I rise to salute one of Mississippi's finest politicians and agriculturist, former State Senator and farmer, Mr. Grey Flowers Ferris. Grey was a lifelong advocate for public education and a marvelous steward of farmland. His steadfast devotion to his family, friends, and farming are remarkable and will never be forgotten.

Madam Speaker, not long after graduating from college and pursuing a career in politics, Ferris returned to his passion of farming. As a child he grew up on a farm with four other siblings and it was then when he discovered his love for farming.

Madam Speaker, as a local farmer and family man, Ferris developed a passion for creating a better future for the children of Mississippi. Ferris was elected to the first board of the Vicksburg-Warren School District and served working to unite the school systems. With the deep divisions in local education in the Warren County, Mississippi, region, Ferris decided to run for State Senate to better address the State's education challenges. During his two terms in MS State Senate, Ferris was elected to serve as chairman of the Senate Education Committee and worked to reform education in rural and underfunded areas in Mississippi. He served as a lead author of the Adequate Education Act, which regulated the way money was allocated and spent among public schools.

Madam Speaker, Grey not only worked hard to advocate for education but he was lover of the environment and a first class citizen. He was well-respected by his peers not only for who he was but more so for what he did.

Madam Speaker, Grey saw the need to and retained the desire to change the world. Grey stared racism in its ugly face and combated it. The people of Mississippi hold him with high regard and respect.

Madam Speaker, Grey Ferris was a man who saw the ability to serve the public as a privilege—not just an obligation. He served the citizens of Mississippi well through his continuous efforts of seating on the board of the Vicksburg Art Association, the Mercy Regional Medical Center, the Soil and Water Conservation Commission, the Mississippi School Board Association and the William Winter Institute for Racial Reconciliation.

Grey Ferris wore many hats—an advocate of education, a protester for equality, devoted family man, committed farmer, and fine and just politician who worked to ensure fairness among all citizens of Mississippi. Today, Madam Speaker, it gives me great pride to recognize and honor the many contributions and continuous service of Grey Flowers Ferris to the State of Mississippi.

HONORING MR. ARTHUR C. (SKIPPER) TONSMEIRE, III ON THE DEDICATION OF THE WEEKS BAY RESOURCE CENTER IN HIS HONOR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to pay tribute to Mr. Arthur C. (Skipper) Tonsmeire, III on the occasion of the Weeks Bay Resource Center dedicated in his honor.

Skipper Tonsmeire was born in Mobile and grew up in a house of eight boys on Dog River. Skipper loves the outdoors more than anyone I know—he walks, runs, bikes, and swims at Johnson Beach Park every day, and he loves to fly. He received a B.S. in Civil Engineering from Auburn University in 1965 and a Master's in Business Administration from the University of Denver in 1967.

Skipper, who serves as president of the Coastal Land Trust and Weeks Bay Foundation, has been an integral force in land conservation and environmental stewardship throughout the United States and especially in southwest Alabama. The Weeks Bay Foundation supports the Weeks Bay Estuarine Research Reserve in its efforts to protect the pristine coastal area of Baldwin County, Alabama. Skipper actively serves in many other associations and organizations. For instance, he has been the director of the Boys and Girls Club in Baldwin County since 1997. Additionally, he is a founding member of the Rotary Boys and Girls Club of Fairhope as well as the Point Clear Rotary Club.

Skipper has also been extremely instrumental in the protection of 30,000 acres of property in the Mobile Tensaw Delta and has worked extensively with The Nature Conservancy of Alabama on land protection projects throughout the state of Alabama.

Skipper was honored with the 1994–1995 Calder Conservation Award for building alliances over the past 20 years between the local business community, public agencies, and nonprofit conservation groups to protect the environmentally and economically important wetlands of the Alabama Gulf Coast. He also received The Nature Conservancy Distinguished Service Award for Gulf Coast land preservation and was awarded the Gulf Oil Conservation Award and Conservationist of the Year by the state of Alabama.

The property on which the Weeks Bay Multi Purpose Classroom Building was constructed was purchased by the Coastal Land Trust and the Weeks Bay Foundation. In addition to this property, the foundation purchased the former Safe Harbor RV Park and numerous other parcels—all of which have been conveyed to the state of Alabama. As foundation president, Skipper took what was once only a dream and turned it into a reality for the Weeks Bay Reserve. His leadership on these land acquisitions was the driving force behind the success of the project.

Skipper's diligent efforts to preserve our natural resources have ensured that future generations will enjoy coastal Alabama for many years to come. While Skipper would vehemently deny this fact, we all know that had it not been for Skipper Tonsmeire's vision, there would be no Weeks Bay Reserve or Bon Secour National Wildlife Refuge. His quiet unassuming way has served the treasures of Alabama and our coast well.

Madam Speaker, I cannot imagine a better person whom the Weeks Bay Resource Center should honor other than Arthur C. (Skipper) Tonsmeire, III. It will forever recognize his long-standing commitment to the reserve and to natural resources in the state of Alabama.

I ask my colleagues to join me in recognizing a dedicated community leader and friend to many throughout Alabama. I know his family and his many friends and colleagues join me in extending thanks for his service over the years. On behalf of a grateful community, thank you, Skipper, for everything you have done and continue to do for coastal Alabama.

PERSONAL EXPLANATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. FRELINGHUYSEN. Madam Speaker, on the legislative day of June 17, 2008, I was unavoidably detained in returning to Washington, DC. As a result, I did not cast votes on rollcalls 414, 415, 416.

Had I been here, I would have voted:

"Yea" on rollcall 414, a motion to suspend the rules and pass H.R. 2964, the Captive Primate Safety Act;

"Yea" on rollcall 415, a motion to suspend the rules and pass H.R. 3702, the Montana Cemetery Act;

"Yea" on rollcall 416, a motion to suspend the rules and pass H. Res. 1275, honoring the life of Timothy John Russert, Jr., public servant, political analyst, and author.

THE DAILY 45: ULYSSES SIMMONS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 18, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. On Monday, June 16, the first day of summer vacation for Chicago Public Schools, 14-year-old Ulysses Simmons was fatally shot. He is the 27th CPS student slain since last fall. According to news reports, young Ulysses was killed over his bike. He had just gotten his first job, working with young children this summer at a local church. "When will this killing stop," asked his grandmother. "It needs to stop."

Americans of conscience must come together to stop the senseless death of "The Daily 45" and the dozens more unnecessary accidents and injuries related to guns. I join Ulysses' grandmother in saying: When will we say "enough is enough, stop the killing!"

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 19, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 20

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Elaine C. Duke, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

SD–342

JUNE 24

10 a.m.

Finance

To hold an oversight hearing to examine trade functions, focusing on customs and other trade agencies.

SD–215

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine climate change impacts on the transportation sector.

SR–253

Health, Education, Labor, and Pensions

To hold hearings to examine the emergence of the superbug, focusing on antimicrobial resistance in the United States.

SD–430

Homeland Security and Governmental Affairs

To hold hearings to examine ending excessive speculation in commodity markets, focusing on legislative options.

SD–342

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine from Nuremberg to Darfur, focusing on accountability for crimes against humanity.

SD–226

2:15 p.m.

Foreign Relations

Business meeting to consider H.R. 176, to authorize the establishment of educational exchange and development programs for member countries of the Caribbean Community (CARICOM), H.R. 2553, to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, S. 2120, to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty, expand the middle class, and foster increased economic opportunity in the countries of the Western Hemisphere, S. 2166, to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, S. 3097, to amend the Vietnam Education Foundation Act of 2000, and International Convention Against Doping in Sport, adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005 (Treaty Doc. 110–14).

S–116, Capitol

2:30 p.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

Commerce, Science, and Transportation

Business meeting to consider S. 2907, to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, an original bill entitled, "the National Aeronautics and Space Administration Authorization Act of 2008", an original bill entitled, "the National Sea Grant College Program Amendments Act of 2008", and promotion lists in the National Oceanic and Atmospheric Administration and the United States Coast Guard.

SR-253

JUNE 25

9:30 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine laptop searches and other violations of privacy faced by Americans returning from overseas travel.

SD-226

Energy and Natural Resources

To hold hearings to examine the increased global energy demand, focusing on the challenges for meeting future energy needs, while developing new technologies to address the current and future global climate change.

SD-366

10 a.m.

Environment and Public Works

To hold hearings to examine the future federal role for surface transportation.

SD-406

Small Business and Entrepreneurship

To hold hearings to examine solutions to cope with the rise in home heating oil prices.

SR-428A

11 a.m.

Appropriations

Energy and Water Development Subcommittee

Business meeting to markup proposed budget estimates for fiscal year 2009 for the Energy Information Administration, focusing on forecasts for oil and gasoline prices.

SD-192

JUNE 26

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending calendar business.

SR-418

2 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine effective ways to catch fugitives in the 21st century.

SD-226

SENATE—*Thursday, June 19, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Rev. Ralph Lord Roy of Southington, CT.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, creator of this magnificent universe and fount of all wisdom, we offer our thanks for life and liberty and for those many benefits that we too often take for granted. Bless our beloved Nation that as one people of many colors and creeds, we may dwell together in mutual respect and harmony. Be with fellow Americans in distant places and especially men and women serving our country overseas. Bless those around the world who hunger and thirst, the sick and sorrowful, and victims of natural disasters, of prejudice and oppression.

Guide this Senate, O Lord. Grant that its Members and those who assist them may be filled with prudence and foresight as they confront the complex challenges of our time. Bless all others in high office, and let the light of freedom and the lamp of justice shine brightly here and around the globe. Grant peace to our lives, to our homes, to our communities, to our Nation, and to humankind everywhere.

We ask this in Your Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 19, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, I will yield in a brief minute to the distinguished Senator from Connecticut so he can say some words about the guest Chaplain and his thoughtful prayer this morning.

Following leader remarks—and it does not appear there will be any—the Senate will resume consideration of the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act, with Senators permitted to speak for up to 10 minutes each, but we expect to begin legislating on the housing legislation today.

Mr. President, what I would like to do is yield to the Senator from Connecticut so he can say some words about our distinguished visiting guest Chaplain.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

THE GUEST CHAPLAIN

Mr. DODD. Mr. President, it is truly a privilege and pleasure this morning to welcome to the Senate a remarkable individual who opened the Senate with a prayer this morning. He has lived an equally remarkable life and today resides in the community of Southington, CT.

In the 80 years we have enjoyed the fortune of having the Reverend Ralph Lord Roy in our midst, he has been an author and columnist, an activist, a teacher, and a radio host, and, of course, a pastor to some 12 different churches and ministries in New York and for some 36 years in Connecticut. At each stop along the way, he has spread the same message: one of justice and tolerance in the face of fear, resentment, anger, and prejudice.

In 1961, as part of the Congress of Racial Equality, Reverend Roy was one of the fabled "Freedom Fighters" who traveled to protest segregation policies in the South, for which he was arrested in Tallahassee.

A year later, he led a prayer pilgrimage to Albany, GA, at Martin Luther King's personal request. For his peaceful protests there, praying for the cause of desegregation, Reverend Roy was also arrested. In leading the largest group of clergy to be arrested in American history in Albany, GA, Reverend Roy became the first Caucasian Methodist minister in our Nation to be imprisoned for standing up for the civil rights of all Americans. The message he and his fellow clergy men and women sent at that moment—some 75 Jewish and Catholic laymen and clerics, most of them White, standing peacefully in solidarity with Dr. Martin Luther King on the sidewalk before the Albany City Hall—reverberates to this very day. It echoes in the books and articles that Reverend Roy has penned on social and faith issues and in his powerful and personal accounts of his experiences with the slain civil rights leader. It echoes as well in his radio shows and travels across the world. And today, of course, it echoes in the Halls of the Senate.

A remarkable 80 years, making a significant contribution to the improvement and the betterment of our great country. So it is truly an honor to welcome Reverend Roy from Southington, CT, who has opened our Senate session this morning with his wonderful, thoughtful prayer. We wish him and his family the very best, and we thank him for his wonderful contributions to our country.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RENEWABLE ENERGY AND JOB CREATION ACT OF 2008—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6049, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to Calendar No. 767, H.R. 6049, an act to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

Mr. DODD. Mr. President, let me begin by thanking the majority leader, Senator HARRY REID of Nevada; the Republican leader, Senator MITCH MCCONNELL of Kentucky; and the respective Members of our two parties, but particularly the leadership for their ability to make it possible for us to move forward on this very important piece of housing legislation. We have been at this for some time.

Every Member in this Chamber, as well as the American people, realize the seriousness of the problem we face as a nation. We have a serious economic crisis in the country, and the heart of that economic crisis is the housing crisis. The heart of the housing crisis is the foreclosure crisis.

Let me begin this discussion by noting that several months ago on two previous occasions we dealt with housing legislation—which I will point out is a part of this larger package today—and at that time we were having about 7,100 foreclosures a day. At least that was the number of filings of foreclosures when I first announced the level of foreclosures that were occurring. The numbers from May have just come in. The numbers are now close to 8,500, or 1,500 more than they were even 1 month ago. So we are now approaching 9,000 filings of foreclosures on a daily basis in our country.

In light of these numbers, I hope no one will suggest the problem is not a serious and growing one. We have not even hit July 1 yet when, of course, we realize the resets on some of these adjustable rate mortgages will begin to kick in; and as they do, we are warned by those following this issue almost on an hourly basis that the tidal wave of foreclosures will increase in the coming months, not decrease.

Obviously, with 1.5 million people who have already lost their homes, we are talking about a problem that is now spreading to commercial lending, municipal financing, student loans, and even having global implications as well for those who purchased these mortgage-backed securities. This is not confined to our own country. These were being purchased across the globe. So the problem begins with the foreclosure crisis, and yet the effects of it have spread far beyond the individual home, which is obviously the heart of most people's dreams in our country.

So the fact we were able to have our leadership, and Senator SHELBY will obviously speak for himself, but both of us, I can say with confidence, are very grateful to Senators REID and MCCONNELL for making it possible for us to move forward on this legislation.

I will guarantee that if I were able to write this bill all on my own, it would look different. And I promise that Senator SHELBY would probably write a different bill himself. But we don't live in a world where we get to write these things on our own. We serve in a body with 100 Members, and we have to work closely with others in the Chamber and the other body with 435 Members. We have a White House and an administration with which we have to deal. There are also, obviously, private interests around the country, from consumer groups and lending institutions, all having a deep interest in what we are trying to put together. So it is no easy task to cobble together a piece of legislation that will allow us to deal with this crisis, get us back on our feet again, restore some confidence and optimism among the American people so we can see capital begin to flow again, and thus wring ourselves out of this foreclosure issue and begin to see our economy grow and prosper.

That is what brings us to this very moment. I can't begin to express my gratitude to Senator SHELBY, who is the former chairman of this committee, to the members on the Democratic side of the Banking Committee, beginning with Senator TIM JOHNSON of South Dakota, along with, of course, the Republican members as well. On two previous occasions we have brought forth pieces of legislation that have been adopted overwhelmingly by this body with 84 votes on the first bill and 90 votes on the second.

On the matter that will be a part of this bill, which has not been considered by the full Chamber, it passed our Banking Committee 19 to 2 back on May 20. So we come to this day having spent a great deal of time working with our colleagues, listening and working with the Members of the other body, as well as those who bring unique and special expertise to these very complicated issues. That is what we hope in the coming days to be able to complete, send our product to the other body, and hope they will endorse and support it, and then send the bill to the President for his signature.

With that as background, let me share a few thoughts about what are in these bills. As I mentioned already, most of what we are talking about has been voted on overwhelmingly by the Members of this body. On April 10, the Senate passed the Foreclosure Prevention Act of 2008, and passed it by an overwhelming majority. At that time, I shared my view of the legislation, and that it did not quite live up to the title. I told this body we had more work to do to prevent foreclosures in this country and to strengthen the housing finance system before we could say we had lived up to the name of that bill.

I am very happy to report this morning that the Banking Committee of the Senate went back and did that work, and today Senator SHELBY and I are reporting back to the Senate the Housing and Economic Recovery Act of 2008. This legislation incorporates all of the housing provisions of H.R. 3221 as it passed the Senate on April 10 by a vote of 84 to 12. It also includes the HOPE for Homeowners Act of 2008, which will help at least 400,000 families, we are told, and maybe more, to save their homes from this fate of 8,427 foreclosure filings a day. We need to try to put a break on that, if we can, and spare what it does to individual homeowners.

The bill creates a new, strong, independent regulator for the housing government-sponsored enterprises—the so-called GSEs, Fannie Mae, Freddie Mac, and the 12 Federal home loan banks. It also establishes a new permanent fund that will help build affordable rental housing for low- and moderate-income families.

I will review these titles in more detail momentarily, but first let me remind my colleagues why Senator SHELBY and I have been working so hard on this issue for the past number of months and throughout this entire Congress. Quite simply, we are living through the worst housing market since the Great Depression of the 1920s and 1930s. Here are the facts, Mr. President.

Residential construction in the United States fell by over 30 percent in the first quarter of this year. Sales of existing homes fell by 13 percent over the past year. And while the new data for April indicates that sales may have finally picked up slightly, most analysts believe that pickup in home sales occurred only because home prices have continued to fall. They call this "price capitulation," which means homeowners finally gave up and are dropping prices precipitously at a great loss to their financial security.

The number of new homes that remain unsold continues to rise, reaching the highest number in over a quarter of a century. Adding to this number are the increasing number of foreclosed homes.

Foreclosures have hit a new all-time record, according to the Mortgage Banker's Association—MBA. This data shows that almost one in every 11 homes with a mortgage in the country is in default or foreclosure, as of the end of March. That is the highest level since the MBA began tracking foreclosures in 1979. Foreclosure rates have been growing at record levels for some time and last year alone 1.5 million American homes entered into foreclosure.

During each and every day of May, more than 8,400 American families entered foreclosure and the projections are that foreclosure rates will remain at historic highs for the foreseeable future. In fact, the investment bank Credit Suisse recently released a report in which they predict that 6.5 million homes will fall into foreclosure over the next 5 years. They state:

> The coming flood of new foreclosures could put 8.4 percent of total homeowners, or 12.7

percent of homeowners with mortgages, out of their homes.

The scenario that they are describing is one in which one out of every 8 American families with a mortgage would lose their homes. That is a chilling prediction.

The effect that this is having on our economy cannot be overstated. Martin Feldstein, who served as President Reagan's chief economist, recently wrote in the Wall Street Journal:

> The 10 percent decline in house prices has cut household wealth by more than $2 trillion, reducing consumer spending and increasing the risk of a deep recession.

That means that American families have lost more than $2 trillion of wealth. Losses of that magnitude are staggering. That is almost 20 percent of our Nation's annual GDP. Put another way, a national loss of wealth of $2 trillion means that a typical family of four will have lost over $25,000 of wealth due to the current housing market crisis.

This sharp loss in wealth for the average American homeowner comes at a time when they face record-high prices for the essentials of American life—food, gas, health care, and higher education. So the so-called foreclosure crisis is affecting more than those facing foreclosure. It is affecting nearly all of us. As one home falls into foreclosure, the values of countless other homes decline rapidly, if not immediately.

Robert Shiller, the widely respected economist, predicted recently that home prices will fall by 30 percent nationally. If that happens, the loss to American families will exceed $6 trillion. That is more than half of our Nation's annual GDP. It would mean that the typical family of four would have lost approximately $80,000 of wealth. That is more than most American families earn in an entire year.

The nationwide implications of this crisis help explain why consumer sentiment is at historic lows. Americans' expectations for future economic growth are at the lowest levels in 35 years, since the deep recession of the early 1970s.

These negative views about our economic prospects are based on the real experiences of most Americans. The Pew Center recently conducted a survey on Americans' views on not only the economy as a whole, but on their personal well being. The Washington Post characterized the Pew Center's findings as:

> Offering the gloomiest assessment of economic well-being in close to half a century, a new survey has found that most Americans say they have not made progress over the past five years as their incomes have stagnated and they have increasingly borrowed money to finance their lifestyles.

By almost any measure—by any measure, Americans are struggling more than at any time in recent memory. Real median family income has fallen this decade as the costs of gas, health care, and college tuition have risen at levels far outstripping any increases in paychecks. Just to keep pace with these rising costs, Americans have turned to borrowing from credit cards and their homes. But now, as the crisis in our capital markets begins to threaten sources of liquidity for people, such as mortgages, student loans and other types of lending, the American economy is in a precarious place. That is why we need new policies and new action to prevent this recession from becoming more severe, and to lay the foundation for our recovery.

We have a responsibility to the American people to respond to their plight and to their pessimism, and to renew their confidence in the promise of the American dream.

The package Senator SHELBY and I bring before the Senate today meets this test. Is it perfect? Hardly. Never is there a piece of legislation that is perfect. Would either of us have done it a bit differently? I am confident we would. Are we guaranteeing it will work? Absolutely not. All we know is this is our best judgment, having worked together now for the last year and a half to listen to people at some 50 different hearings on a wide range of subject matters. Then we put together legislation that has enjoyed, I say again with thanks to our colleagues, overwhelming support in this Chamber on a bipartisan basis. That is not something we have done with great frequency, I might point out, in recent years. The package is a good one. It is one we think covers many of the issues, if not most of them, with which we are grappling.

Let me review the major provisions included in this package.

First, FHA Modernization. FHA Modernization will help hundreds of thousands of homeowners gain access to safer, more affordable loans. FHA does not insure the kinds of risky, adjustable rate mortgages that so many homeowners were steered into, to their great peril and eventual sorrow. I want to point out to my colleagues that the only change from the FHA Modernization provisions passed in April is hat we have increased the maximum loan limit to $625,000, a provision that will expand the reach of this crucial mortgage lifeline to a broader cross-section of the country.

Veterans housing provisions—a number of our colleagues included important improvements to update the loan limits for VA loans; assist returning soldiers avoid rising mortgage rates and foreclosure; and expand housing benefits to disabled veterans.

CDBG funds—the bill includes about $3.9 billion in emergency CDBG funds directed to those communities most affected by the foreclosure crisis. These resources will be used to buy foreclosed homes at a discount, renovate them, and return them to the market. These funds will help turn around neighborhoods decimated by disinvestment by bringing in new capital to start rebuilding homes and communities.

Counseling Funds—the bill also includes $150 million in additional funds for housing counselors to help keep people out of foreclosure. There are many Members who care about this and were involved and talked about it. This language we have already adopted, but it is in this bill as well.

The HOPE for Homeowners Act of 2008, another provision in this legislation, creates a new fund at FHA to make loans to distressed borrowers to refinance them out of mortgages with payments they cannot make into safe, affordable, 30-year fixed rate loans.

Only homeowners—not investors or speculators—will qualify for these loans. And the lenders must agree to take steep discounts from the existing outstanding mortgages.

Only homeowners who cannot afford their current payments will qualify, and, once they take out the new loan, they will have to agree to share all newly created equity and future appreciation with FHA to help defray the Government's cost.

We have heard many people voice concerns about this bill, calling it a taxpayer bailout. Let me assure my colleagues, the Congressional Budget Office makes it clear that no taxpayer money will be used to fund this program. We pay for this important new program by all or part of the first 3 year's funding from the affordable housing fund created in the GSE portion of the legislation. Then we have an additional $2 billion cushion at the Treasury Department, should there be any negative implications.

In fact, according to the CBO, this program will make nearly $250 million for the taxpayers over the next 10 years. In return, we will be saving the American dream for hundreds of thousands of elderly and hard-working families; stopping the bleeding in our communities; and helping restore confidence in our capital markets.

Finally, this package establishes a new, independent, world class regulator for Fannie Mae, Freddie Mac, and the Federal Home Loan Banks, known as the housing Government-sponsored enterprises, GSEs. The legislation endows this regulator with broad new authority, equivalent to the authority of other Federal financial regulators, to ensure the safe and sound operations of the GSEs. Let me recite the powers included in this legislation: Establish capital standards; establish prudential management standards, including internal controls, audits, risk management, and management of the portfolio; enforce its orders through cease and desist authority, civil money penalties, and the authority to remove officers and directors; restrict asset growth and capital distributions for undercapitalized institutions; put a regulated entity into receivership; and review and approve, subject to notice and comment, new product offerings.

As we all know, the housing GSEs have played the central role in keeping the mortgage markets functioning. Yet in recent months, like many others in the mortgage industry, Fannie Mae and Freddie Mac have lost billions of dollars. It is their very importance that makes it imperative that we assure ourselves, and the American people, that the GSEs are on solid financial footing so they can continue to serve that crucial function. A strong and of active regulator can help make sure that the GSEs continue to operate in a safe, sound, and effective manner.

The new legislation significantly enhances the affordable housing component of the GSEs' mission, and expands the number of families Fannie Mae and Freddie Mac can serve by raising the loan limits in high-cost areas to 150 percent of the comforming loan limit. Currently, this limit would be $625,000.

The legislation tightens targeting requirements of the affordable housing goals, and rewrites those goals to ensure that the enterprises provide liquidity to both ownership and rental housing markets for low- and very-low income families.

Finally, the legislation creates a permanent, new Housing Trust Fund and a Capital Magnet Fund, financed by annual contributions from the enterprises, which will used for the acquisition or construction of affordable rental housing, some ownership housing, and economic development for low-income families and communities.

This new affordable housing fund—financed fully by the enterprises—will provide a steady stream of financing to build housing for those most in need. The Capital Magnet Fund requires that each dollar leverage at least an additional $10. Together, these programs will provide billions of dollars for new affordable housing in years to come. I want to acknowledge the important contributions of Senator JACK REED to this part of the legislation. This is going to be a permanent program that will make a difference for millions of people in years in come.

I thank my ranking member, Senator SHELBY, and his staff, for their hard work to reach consensus on this whole package.

This is what we are supposed to be doing. This is what we get elected to do. We don't get elected to decide exactly what we want to do at the expense of everyone else. It means sitting down and working together to come up with solid ideas that can make a difference in our country. Today, 8,427 people are going to start to lose their homes. Tomorrow another 8,427 will have that happen, and that will happen every single day until we do something to bring this to a halt. That number has gone up by 1,000 families in the last 2 months. We cannot waste another day. There is no other issue which demands our attention and our action more than this one, and any effort to be dilatory and to stop us from saving these people and keeping them in their homes ought to be rejected by every Member of this body.

This is a cancer in our society, and it is causing us deep problems. We need to do something about it. Senator SHELBY and our staffs and the members of our committee have worked hard and long to bring this package forward. It enjoys broad-based bipartisan support, as we hoped it would. Now we have a chance to complete action on this and to make a difference and to say to the American people: In this Congress, we did something. We stepped up and tried to make a difference for that great dream of home ownership, of raising your family in a decent house, of being able to provide for your long-term security, of making a difference for your neighborhoods and communities. We are going to do everything we can to see to it that these numbers decline, that foreclosures at this rate on a daily basis are going to stop in our country.

Again, we say to you, we realize not everyone agrees with what we are doing here.

You never can here. I have been here for 27 years. The greatest moments of this body are where people have come together to try and make a difference, not trying to get their own way all the time. You are part of a larger body representing a great country. And even though you come from one State and one area of the Nation, we all have a job to do, to take care of all of us in this country.

While this problem does not affect every citizen of the country, it is growing. If we do not do something soon about it, we will be indicted by history for not doing it.

I thank my great friend from Alabama, who has been a great chairman of this subcommittee, been a great member of this committee, and he has worked awfully hard to bring us to this moment. I am grateful to HARRY REID and to MITCH MCCONNELL for making it possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, this morning I am pleased to join my colleague, the chairman of the Senate Banking Committee, Senator CHRIS DODD. The Banking Committee has devoted considerable time and effort to developing comprehensive and complex housing legislation. The proposed legislation's most significant provisions include a new regulatory structure for Fannie Mae, Freddie Mac, and the Federal Home Loan Bank system, a new program to help qualified homeowners stay in their homes, and reforming the FHA.

This legislation creates a new regulator who has the authority and the flexibility to regulate the GSEs appropriately. I am also pleased that the HOPE for Homeowners proposal is paid for; not by taxpayer's money either. I believe we should do what we can to help struggling homeowners, short of asking the taxpayers to foot the bill.

The legislation also provides immediate help to the marketplace by reforming the Federal Housing Administration, allowing it to provide greater liquidity and thereby enhancing the options available to America's homeowners.

It also provides additional funding for foreclosure prevention counseling, which will hopefully help homeowners stay current on their mortgages and able to remain in their homes.

In order to prevent this situation from repeating itself, the legislation increases the disclosures made to consumers obtaining mortgages. I believe that giving consumers more information and a greater ability to understand the choices they are making will help them avoid the pitfalls and bad decisions many underinformed consumers made in the recent past.

To better protect our soldiers, sailors, and airmen, this legislation extends additional consumer protections and provides those returning from combat a chance to get back on their feet before they face foreclosure of their homes.

In an effort to provide communities with the ability to clean up the damage caused by foreclosures that have already occurred, we have also included funding to allow States and communities to buy up and repair foreclosed residences. Attached to this funding is a requirement—here I think this is important—that any profit from the sale of properties must be used to buy and repair additional properties. I believe the reuse of this funding in this manner will maximize the impact of these dollars and minimize the possibility that funds will be wasted or profits inappropriately pocketed by someone.

The bill also contains a number of tax-related provisions prepared in a bipartisan fashion by the chairman and the ranking member and the staffs of the Finance Committee.

While there is a large and growing number of homes entering foreclosure in this country, we must remember that the vast majority of homeowners are living within their means and making their mortgage payment. Therefore, my primary consideration here during negotiations on this bill has been to protect the American taxpayer. In creating a strong regulator for the GSEs and using an independent funding stream to pay for the FHA program, I believe we have met that goal.

With crises such as this one we are facing now in this country, I believe the American people expect us to provide effective and timely solutions the best we can. Chairman DODD and I have worked together to develop a package of targeted measures intended to stabilize and strengthen the housing financial markets.

I strongly urge my colleagues to support this carefully crafted compromise.

I remind my colleagues that this bill came out of the Banking Committee 19 to 2. That is a strong vote for a bipartisan measure.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Alabama.

I want to read this list into the RECORD to give our colleagues some sense of the broad support this proposal has developed. Let me quote from several of our major editorials as well as major economists representing the political spectrum in our country. I will share this with you.

Alex Pollack, resident fellow at the American Enterprise Institute:

> This is an appropriate and targeted approach to the downward spiral caused by the deflation of the great housing and mortgage bubble of the 21st century.

Alan Blinder, an economist at Princeton University and the former vice chairman, Board of Governors of the Federal Reserve System:

> I think that the HOPE for Homeowners bill is the most important piece of economic legislation before the Congress today.

The Miami Herald:

> The Senate represents a bipartisan compromise that deserves wide support.

The Boston Globe:

> There is no bailout or windfall here. Congress is merely offering a fighting chance for families and credit markets to recover.

Newsday:

> The Senate program is called Hope for Homeowners. That's just what families facing foreclosure need.

Fran Grossman, the senior vice president of Shore Bank in Chicago:

> With millions of hard working Americans torn between looking for work and putting gas in the tank or paying their mortgage, we must enact legislation to provide access to the resources that will help families to hold onto the American dream and get our economy moving again.

Robert Shiller, as I pointed out earlier, supports this legislation. He is highly respected, by the way, as someone who deals with the issue of the index dealing with housing values.

Again, groups from the American Enterprise Institute to the Consumer Federation of America.

Alan Fishbein. Let me quote him:

> With foreclosures on the rise a stepped-up Federal lifeline is desperately needed if many hard-pressed families are to save their homes.

From the Consumer Federation of America to members of the American Enterprise Institute, former members of the Federal Reserve Board, members of the Reagan administration, the Council of Economic Advisers, others, all are advocating—and I am not suggesting dotting every "i" and crossing every "t." But they have taken this work of Senator SHELBY and 17 of our other colleagues of the 21-member committee, 19 out of 21 having gone through all of the hearings, 50 of them over the last year, listening to all sorts of people talking about what needs to be done. It is now the bipartisan overwhelming majority opinion of us on that committee that this package we offer here is our best step forward.

Having done the work for a year now, spending the hours that we have listening to people and getting solid advice, this is what we believe, as they believe, is the best response America can make at this moment.

Remember, this HOPE for Homeowners is voluntary; it does not mandate anything. It creates an opportunity for people. We hope they will take advantage of it when this legislation is signed into law.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3221, and that the only amendments in order today be those relating to the subject of housing, except the amendment I will offer on behalf of Senators DODD and SHELBY, in my motion to concur in the amendment of the House, striking section 1, and all that follows through the end of title V, and inserting certain language to the amendment of the Senate to H.R. 3221, and that no other motions, except motions to reconsider and motions to table, be in order during today's session.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, reserving the right to object. I appreciate the leader's sensitivity to some concerns we expressed yesterday on the length of this bill and the fact that probably very few, if any, of us have had a chance to read it, as well as his sensitivities to a slew of credible media reports that question some of the intents in the bill.

We all know the housing crisis is an issue in this country, and we do need to look at what we can do as a Senate to relieve the foreclosures and to help Americans stay in their homes. But we need to do it in a way the American people trust. We are trying to get through this bill. We know it has been changed since the committee has considered it.

I ask the leader if he would consider a modification of his agreement that we be assured that before this bill is finished, we will have an opportunity in the minority to offer an amendment that would refer the bill to the committee with instructions to report what direct benefits Countrywide or other financial institutions would receive from this legislation. Would the leader be willing to modify his agreement to include that?

Mr. REID. I say to my friend from South Carolina, the distinguished Senator, and I remind everyone, that 75 percent of this bill has already been passed and was done by a very big vote.

The 25 percent we are working on now—we hope to work on—is work that has been done on a bipartisan basis. And much of it, if not all of it, was in total consideration with the White House. So I say to my friend, let's go ahead and we will legislate on this bill today, the Senator not objecting. I will be happy to sit down with Senator DEMINT alone, with the minority leader, anyone else, and talk about the concerns you have, as you have indicated, as to benefits going to whomever they go to, and let us see if we can get from here to there by approaching it in that manner.

But as I indicated yesterday, this is important legislation. We want to make sure there are no problems with any Senators who have other concerns. So, in short, let me say this: My friend loses nothing by allowing us to go to the bill as indicated in this consent agreement. And then any time during the day, I will be happy to meet with him and the other eight Senators, together or alone, who signed that letter, and the distinguished Republican leader can suggest whomever, if anyone, he wants in on that meeting. I will be happy to work with the Senator.

Mr. DEMINT. I do not feel qualified as an individual member to make the judgments that I think the committee could. Our hope was to have an up-or-down vote at one point to allow this body to at least decide if we should refer this back to the committee to look at that specific area, to make sure there is complete transparency, and to address what benefits some of these companies have.

All we want is an up-or-down vote, not necessarily a determination of how the bill should be changed. I certainly cannot determine. We have had one media source say it is $25 billion to

Countrywide. We thought the committee had indicated $2.5 billion. Certainly, because of the media promotion of this, this has become a national issue. So our hope is that, again, before the bill is over—not today; it is certainly a reasonable request to deal with housing amendments today—but that the leader would assure us that before this bill is finished, we would have an up-or-down vote on referring it back to committee.

Mr. REID. I say to my friend, through the Chair, I can't give him assurance that there will be a vote, but I do give assurance that we will sit down and talk with him and do what we can to pacify his interests. What I mean by that is, there may be another way we can get from where we are today to where he thinks we should go. We will be happy to work with the Senator throughout the day. I give him the assurance, without any reservation, that his concern is not untoward, and we will be happy to sit down and see if there is a way we can accomplish what he wants to accomplish, as I said, the Senator from South Carolina and the eight other Senators who wrote me the letter.

Mr. DEMINT. Mr. President, I appreciate the leader's reasonableness. I would like to work with him. Again, the goal is not to pacify me but to make sure the American people can look on us and know we have had an open and transparent process. I trust the leader and respect him and how he will approach that. For that reason, I will not object to the unanimous consent request.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I thank my good friend from South Carolina for allowing us to go forward today. As he knows full well, we have been complaining on this side that we have not been allowed to legislate on frequent occasions lately. The majority leader has outlined a way to go forward today that allows us to do what we used to do in the Senate, which is to actually offer amendments related to the subject and vote on them. I believe this is a good way to proceed. I thank the majority leader for his accommodation, and I thank my good friend from South Carolina as well.

The PRESIDING OFFICER. There being no objection, the unanimous consent request is agreed to, and it is so ordered.

Under the previous order, the Chair lays before the Senate a message from the House with respect to H.R. 3221, which the clerk report.

The assistant legislative clerk read as follows:

> *Resolved*, That the House agree to the amendment of the Senate to the title of the bill (H.R. 3221) entitled "An act to move the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation," do pass with amendments.

AMENDMENT NO. 4983

Mr. REID. Mr. President, I move to concur in the amendment of the House, striking section 1 and all that follows to the end of title V, and inserting certain language, to the amendment of the Senate to H.R. 3221 with the amendment at the desk. Basically, so everyone knows what this is, it is the bipartisan Dodd-Shelby amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for Mr. DODD, for himself and Mr. SHELBY, proposes an amendment numbered 4983 to the House amendment striking section 1 through title V and inserting certain language to H.R. 3221.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let the games begin. We are open for business. If Members have amendments they would like to raise, Senator SHELBY and I are here, and we would like to move along. I know there are Members who have plans they would like to do later this week, perhaps for the weekend, but if we can move quickly, who knows what might happen, since we have done two-thirds of the bill already with overwhelming votes, with a couple modest changes in it. We have increased loan limits in a couple of areas. We invite our colleagues to come over. If they want any questions answered about this, we have staff here as well as members of the committee. We are prepared to entertain amendments and move forward on this very important piece of legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE IN OREGON'S FORESTS

Mr. WYDEN. Mr. President, today, I am honoring a commitment and submitting for public review a proposal to protect old-growth forests and to aggressively move to restore, through thinning, the millions of acres of at-risk forests across the State of Oregon.

The novelist Ellen Glasgow once remarked:

> The only difference between a rut and a grave is their dimensions.

We find ourselves today in a decades-old rut that threatens our forests and our lives like never before. It is time for change for Oregon forests, and that change can only begin with new ideas—ideas that depart radically from recent decades of forest mismanagement, old-growth destruction, catastrophic fire, and political gamesmanship.

We must break this cycle of endless fighting, of old, unwinnable battles in the woods that now endanger our forests and communities alike. We must make the preparations now to move forward, under new national leadership in 2009, to restore our treasured and endangered forests with sustainable, ecologically beneficial restoration thinning while permanently protecting the few remaining old-growth forests we have left.

We ought to be creating new and sustainable jobs in forestry for now and for the future and finally achieve the economic and ecological promise of the Northwest Forest Plan. It is my view that it is critical to change the mindset of Federal land management bureaucracies by requiring large-scale efforts to address the obscene backlog of at-risk forests and by restoring the tools and the public trust required to accomplish these jobs. In short, we must change the way the Federal Government manages forests, and especially Oregon's forests.

I am hopeful my proposal—driven by science and the will of the people of Oregon to end the destruction of old growth and to restore our at-risk forests through sustainable thinning—can help begin a new dialog that leads to change that is so desperately needed.

So I invite all Oregonians to review my proposal and to share their thoughts at my Web site: www.wyden.senate.gov. My staff and I will review those comments and seek to improve upon it before it is formally introduced as legislation in the Senate.

Our forests are the foundation of our natural, historical, and sociological culture. Unfortunately, decades of scientifically unsound forest management have created dangerous risks that now threaten our forests and our cultural identity.

Instead of making progress on the huge backlog of priority management projects that could restore our forests, Presidentially imposed political agendas have taken precedence, for well over a decade now, over commonsense opportunities to move forward to an ecologically sound, economically advantageous, and sustainable forest future.

Scientifically unsupportable agendas and the resulting cycle of mistrust, litigation, and institutional paralysis now threaten vast tracts of Oregon's forest land and especially what remains of Oregon's ancient forests.

The Federal Government owns more than half of my State. That probably is a little bit different than it is in Rhode Island, but it is the case, and most of it is forest land. Due to decades of poorly designed, even-aged management and fire suppression, we have millions of acres of choked, second-growth forest at an unacceptably high risk for disease, catastrophic fires, and insect infestation. Fire, disease, and infestation certainly don't respect geographic boundaries, but they sure present a severe risk to private landowners and communities alike.

In 2008, at our Oregon Economic Summit in Portland, I announced that I will begin work on a proposal to address the bureaucratic and political roadblocks that prevent restoring millions of acres of choked, second-growth plantations in moist west side forests and the many at-risk dry forests, particularly found in the eastern and southern part of my State. I said I would work to avoid a return of the counterproductive and senseless forest battles of the past several decades—battles fought over logging in old growth and environmentally sensitive forests, areas which tend to be far more fire resistant and play a critical role in water quality and species protection.

Today, I am honoring the commitment I made to the people of Oregon, and I intend to use my chairmanship of the Senate Subcommittee on Public Lands and Forests to attempt to bring my home State the changes that our forests so desperately need.

The guiding premise of my proposal is to direct and help the Federal land agencies move forward quickly with local input on what should be the most critical, least controversial objectives to restoring our Federal forests in Oregon and to move those agencies away from practices that have been widely discredited and are not supported by the public.

In short, my proposal expedites restoration of Oregon's forests by thinning the millions of acres of choked plantations and dry, at-risk forests that pose a risk to lives, forests, and property. It also attempts to begin the task of restoring public trust in Federal land management agencies by permanently ending the commercial logging of Oregon's old growth forests. Forest Service and BLM managers in my State would be given new direction based on the principles of restoration forestry. Overstocked stands that I have been referring to and stands unhealthy due to a lack of age or species diversity would become the focus of this proposal. The managers would be instructed to avoid all old growth and inventoried roadless areas and incorporate a comprehensive aquatic conservation strategy into all projects. Activities conducted under this new management direction would receive expedited administrative procedures and limits on administrative appeals because they would then be focusing on critical priorities in the noncontroversial areas.

This proposal further works to restore the trust of the public in our Federal land agencies by giving those agencies an incentive to pursue new, sustainable forest management directives and to create the first ever automatic, independent review of the agencies' forest management actions, as well as new openness, transparency, and accountability for the actions by these agencies.

The overwhelming body of scientific evidence assigns a negative ecological value to the cutting down of Oregon's remaining old growth forests. Science has demonstrated time and time again that old and mature trees play an indispensable role in preserving water quality for communities, preserving critical wildlife habitat, and storing the carbon gases that contribute to global warming. Further, the evidence shows that those older trees are far more resistant to fire than younger trees. Equally important, after the disappearance of over 90 percent of Oregon's old growth, the people of my State no longer support the cutting of what little old growth remains on our public lands.

In the drier forests found predominantly, but not exclusively, on the east side of Oregon, the old growth picture is a bit more complicated due to decades of questionable management. Many scientists and environmentalists agree that more active forest management will have to be pursued quickly on the east side forests if there is going to be a genuine effort to save the native older trees and restore a healthy, diverse, and more fire-resistant mix to forests currently under a relentless and devastating assault by fire, disease, and insects.

For these reasons, I propose a permanent protection from logging for all remaining old growth and mature trees in Oregon's Federal forests. In the mostly west side "moist" forests, no tree currently 120 years or older would be allowed to be cut ever again for commercial purposes. In the drier forests, no tree currently 150 years or older would be allowed to ever again be cut for commercial purposes. The decades-old debate over the fate of old growth in Oregon would finally come to an end.

This is a crisis which cries out for action across the millions of acres of choked, at-risk forests in our State, and reasonable people on both sides of the forestry issue need to come together so that we get fresh policies and Oregon doesn't suffer foolishly and needlessly lose more forests, property, and lives.

What I propose today is to shift the focus of our Federal land agencies off of logging old growth and other environmentally sensitive areas and on to addressing the horrific backlog of desperately needed restoration thinning in the Federal forests. This involves harvesting ground and ladder fuels in areas that ought to be considered noncontroversial, fuels that currently endanger old growth in other healthy forests—Federal, State, and private alike—as well as endangering human and animal life. The new required management focus will also allow for the economic potential of the Northwest Forest Plan to be secured.

This proposal envisions that in many cases it is going to be possible to achieve the goals I have set out by bringing about collaboration from timber industry groups and environmental leaders. I have already seen great collaborative successes like this in the Siuslaw, Colville, and other national forests, with the help of organizations such as Oregon Wild, the Nature Conservancy, and K-S Wild. My proposal creates incentives for these partnerships, but due to the enormous and dangerous backlog of work, it is my view that collaborative efforts such as these must be stepped up; they must come at an accelerated pace.

Unfortunately, history has shown that it is not possible to rely just on good will, and that is especially the case if you don't find a way to discourage the cycle of endless administrative appeals and litigation that has produced Federal agency inertia and undermined even the most commonsense management efforts in our forests.

Under my proposal, each Oregon Federal forest and BLM district would be empowered to create a landscape-level restoration project of up to 25,000 acres designed by local collaboration organizations. If collaboration is not achieved, the land agency would be allowed to go forward but on a smaller scale of up to 10,000 acres.

One of the reasons there have been endless appeals and litigation is that over the past several decades, the level of public trust of Federal public land agencies has fallen to such unhealthy levels that it is impossible to conduct even routine and commonsense forest management projects. An era of mistrust of these agencies and the accompanying legacy of public protests, appeals, and litigation have produced what I consider to be an institutional paralysis in these land agencies, and it must be reversed. To begin to restore public trust and empower the land agencies to move forward aggressively, I believe the proposal I offer today will bring an unprecedented level of scrutiny, transparency, and accountability to the forest projects that are conducted under the new authorities I propose.

I borrow in this regard from a model that has been used by fisheries regulated by the National Oceanic and Atmospheric Agency that employ observers to monitor the bycatch of fish. Under my proposal, independent forest observers hired and managed by the independent inspectors general of the Agriculture and Interior Departments, who will monitor all of the projects that are conducted under the proposal I offer today to make sure the prohibitions against cutting old growth and mature trees, and cutting trees in roadless areas—that those protections are strictly observed. The forest observer reports will be made available to the public online, and Federal forests found violating the Federal protections would lose their ability to provide expedited project authorities for several years as a penalty.

Finally, for the sake of our environment, economy, and our way of life, my hope is that an approach such as I offer today is going to make it possible to create thousands of new jobs and restore the health of our forests. The only way to produce this kind of change is to put new ideas forward, bold ideas that break out of the old rut that has produced so much institutional paralysis, and move to an approach that protects our forests, protects our communities, and protects a new opportunity to create family wage employment.

I am certain there are many additional issues Oregonians are going to want to consider and suggestions they will have to improve this proposal. I wish to make it clear that starting today, with this proposal online, I invite and welcome the people of Oregon to weigh in so that it will be possible, at the end of their opportunity to be heard and offer their suggestions, to go forward with a concrete, specific proposal to break bold, new ground with respect to forestry and provide the changes the public so desperately desires.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, in a moment I am going to ask for unanimous consent to speak as in morning business and to lock in an order, but I wish to say, while we are on the housing bill, that I will be coming and offering again a slim-downed amendment that had been declared not germane to the housing bill before, in order to promote people to be able to stay in their homes by withdrawing from their 401(k) savings plan without paying the 10-percent penalty. I will be offering that amendment. We are getting it scored again by the Congressional Budget Office. We think its impact will be much less, and I will be conferring with the chairman and the ranking member of the committee as we approach that.

Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes, and I ask unanimous consent that I be followed by the Senator from New Hampshire for 10 minutes as well.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, I intend to speak on the bill, and I presume it will be for about 10 minutes, but I am not sure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

ENERGY PRICES

Mr. NELSON of Florida. Mr. President, we have quite a brouhaha that was stirred up in my State of Florida when the President and Senator MCCAIN both announced their position—a changed position for Senator MCCAIN—that all of the offshore lands on the continental United States be drilled for oil and gas. Presently, most of those offshore lands are under a Presidential moratorium until the year 2012, save for the Gulf of Mexico off the west coast of Florida, which is under statutory prohibition to drill until the year 2022. It has caused quite a brouhaha because both Senator MCCAIN and the President have said that if you want to lower the $4 price of gas that people are hurting under, what you have to do is drill.

But what they have neglected to say is that there are 65 million acres, onshore and offshore, which have already been leased, that the oil companies have not drilled. So if you want to drill as if that were the answer to lowering gas prices—which it is not, and I will tell you why in just a minute—you have plenty of land and submerged land in which to drill. So why don't you drill?

It is being used as a red herring to get everybody off of what we ought to do, which is eliminate our addiction to oil and start going to alternative sources, which is ultimately the solution.

Let's take the President's and Senator MCCAIN's point of view that you are going to lower gas prices by drilling. As a matter of fact, the President's own administration has said—the Energy Information Administration, in their annual report last year, has said—that drilling in the offshore of the continental United States will not have any affect on gas prices until after the year 2030. That is 22 years into the future. So the internal documents that have just emerged in the Bush administration belie the very same thing that the President and Senator MCCAIN were trying to do.

What are they trying to do? The administration is trying to give away the store before they leave town. They are trying to help the oil companies. How do they do it? The value of an oil company is, in part, determined by how many reserves of oil and gas they own. Therefore, if they have additional acres of leases that have not been produced both onshore and offshore, which is considered a reserve—and that is certainly a value—and that is listed as an asset on the books of the oil companies, and the greater amount of land they can have that has some proven oil and gas deposits, the greater their asset value even though it is not being drilled and not produced, which is the very reason they say we ought to drill. But, of course, that is belied by the fact that they already have 65 million acres they have not drilled.

By the way, 31 million acres of that is in the Gulf of Mexico. This Senator has fought for years. I first started this fight in 1982 as a young Congressman over in the House of Representatives, when a Secretary of the Interior, named James Watt, wanted to drill off the entire east coast of the United States, from Cape Hatteras, NC, all the way south to Fort Pierce, FL. I have been fighting this since then.

Why? Clearly, there is an economic reason in our State. We have a $65-billion-a-year tourism industry that depends on pristine beaches. Clearly, there is an environmental reason, which is that the bays and estuaries are necessary for so much of the spawning of the marine life in both the Atlantic and the gulf. But the other reason is that almost the entire Gulf of Mexico off of Florida—that area which is prohibited in statute, which Senator MARTINEZ and I were able to pass 2 years ago—that area is the largest testing and training area for the U.S. military in the world. It is where we train our pilots in live-fire exercises. It is where we have joint sea and air and, combined with Eglin Air Force Base, land operations. It is where some of the most sophisticated weapons systems that have to be shot for hundreds of miles are tested.

We have a letter from the Secretary of Defense that says drilling for oil and gas would be incompatible with the use of the U.S. military, and that is the main testing and training area for the U.S. military in the world. As a matter of fact, it was that very excuse that I used back in 1982, as a young Congressman, facing down the Secretary of the Interior, James Watt, when he wanted to drill off the east coast of Florida in the Atlantic because one thing they omitted to find was, how can you have oil rigs out there off the east coast of Florida, where we are dropping solid rocket boosters in the launch of a space shuttle and the first stages of the expendable booster rockets coming out of the Cape Canaveral Air Force Station in all of our space launches? You simply can't. Thus, that was the reason I was able to defeat it back in the 1980s. And here we are, still carrying these arguments on.

Mr. President, no, this is not the answer. The answer, if you want to drill, is to go on and drill. You have the leased land, on land and submerged land. The real answer to the question of $4 gas or $140-a-barrel oil at the end of the day is to wean ourselves from total dependence upon that oil with alternative fuels so that we start having alternative fuels, such as ethanol, made from things that we don't eat, synthetic fuel made from coal. How do you think Germany fueled its war machine during World War II when they were embargoed on oil? They made synthetic fuel from their coal reserve. The United States has 300 years of coal reserves. Using our yankee ingenuity and research and development to develop new engines, new technology, and new fuels—did you see where Honda came out that they are going to produce the first mass-produced hydrogen engine car? This is the beginning of the change of weaning ourselves from total dependence on oil.

In the meantime, what can we do about oil which last week spiked $11 per barrel in 1 day and has gone all the way up to $140 a barrel? What is it? Is it just the tightness of supply and demand in the world market? That is part of it. But an ExxonMobil executive, 2 months ago, testified to Congress that supply and demand would say that oil is $55 a barrel. So what is the difference between $55 a barrel and what it sold for last week at $140? The biggest difference is an unregulated commodities trading market that allows speculators, who are not going to use the oil, who are just bidding on the contracts—and they keep bidding that price up and up and up.

We did one thing about that last night when we passed the farm bill because in the farm bill was a part that partially started to reregulate those commodities markets. But it wasn't enough. You need to come in and put energy commodities clearly back in the regulation by the Commodity Futures Trading Commission. If you do that, then they will require those bidding on oil contracts for future delivery of oil to say they actually are going to use most of that oil instead of just speculating on the price and driving it up and up.

It is true the weakness of the U.S. dollar plays into this a little bit, and something we can do about that is balance the budget and strengthen the dollar because oil is traded in U.S. dollars. The weakness of the dollar, compared to other currencies of the world, makes the stronger currencies bid up the price of oil in dollars. But the main reason is speculation. We simply have to be realistic, with common sense, as to what we are going to do about $4 gas from which our people are hurting so much.

Sometimes I have been a lonely voice because it is easy and seductive to say, with $4 gas, we ought to drill. But I hope I have demonstrated to the Senate that the problem is much more complicated and that we cannot simply drill our way out of the problem.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I am seeking recognition on the bill in morning business, but first I will comment on the oil issue. I am rising primarily to speak to the bill, which has been brought to the floor by the Senators from Connecticut and Alabama—and I congratulate them—at a time when there hasn't been a lot of effort to do business in a cooperative way to produce positive events for our Nation or Government. They have done it, and they deserve a tremendous amount of praise for that. I have not had a chance to read the whole bill, but I have listened to what they are planning to do. We have worked with their staffs. Up until a couple of weeks ago, we were working reasonably close, and Senator SHELBY has been a force for progress. In my opinion, they appear to be on the right track. I want to get into the specifics of why I feel that way in a second.

OFFSHORE OIL EXPLORATION

First, I wish to talk about the oil issue, about whether or not we explore offshore. The proposal we have seen for energy that has been brought to the floor so far, primarily by the other side, has been to do three basic things. One is to litigate; sue the oil cartels. If you are the Saudis, and America gives American attorneys a new right to sue you, or if you are the Emirates States or some other oil-producing nation, you are going to be affronted by the fact that the United States would suddenly turn to its legal community and say: You can sue these other nations. I suspect my reaction, were I running a government of one of those countries that had oil reserves, would be to say, A, we don't need you, we don't need to sell you this oil; or, B, reinvest in your economy with the proceeds from purchasing this oil.

Our economy, to a large degree, is dependent upon people being willing to invest in it, both domestically and also internationally. Obviously, the petrodollars that are floating around the world because of the price of oil are a significant part of the investment capital in this world, and we are shipping overseas massive amounts of our capital to purchase oil. That is one of the biggest problems with the fact that we are buying all this foreign oil at ridiculously high prices.

We should not take an action that essentially would be cutting off our nose to spite our face by saying: We are going to sue you if you don't do what we want relative to our laws and relative to cartels. Their laws don't bar cartels. They don't have to invest in the United States. I suspect they would limit their investment through their sovereign funds in the United States were we to take that action. That would not produce more energy for us.

The second proposal is to take a percentage of the profits of our domestic oil companies because, I guess we believe that as a Congress we can spend those profits better than those domestic oil companies. First off, those domestic oil companies don't make up the majority of producers in this world. In fact, only 6 percent of the proven reserves in the world are controlled by publicly held companies. The rest are controlled by companies that are managed by governments, the Saudi company being the biggest. But you have Venezuelan companies, Chinese companies, and the Russians, and you have a series of nations, of course, that have control over their supply. So supply is not controlled by these private companies. And their profit, if we take it as a government, is not going to give us the capacity to produce more oil. We are going to take that money as a Congress and spend it on whatever interest group we think is important today. We will probably spend it on some program to help out people who are trying to buy their energy. But that is not going to produce more oil. That is not going to produce more exploration.

Remember, these companies are owned by Americans, for the most part. They are owned by Americans through pension funds. People who work for unions own these companies, people who work in businesses own these companies, people who have a job and have a 401(k) own these companies. The profits flow back to two different actions: One, exploration; or two, dividends—dividends running to American citizens, most of whom are retired, or many of whom are retired. So to simply say, well, their profits are too high and we are going to grab them as a government and spend that money because we can spend that money more efficiently and better than those companies—because they are evil, they are oil companies—is, again, cutting off our nose to spite our face.

It won't produce more exploration. It will produce less. It will take from Americans who have invested in those companies through their pension funds and their dividends. That makes no sense.

The things that make sense are: More conservation, more renewables—both of which I strongly support—and also more exploration in the United States. Produce more American energy—clean energy, hopefully. One way to do that, of course, is to expand nuclear power. But another way is to look for reserves where we have reserves, and where we can look for them in an environmentally sound way. One way is to take a look at oil shale. That is a great opportunity. We have more oil reserves in oil shale, three times more in oil reserves in oil shale, than Saudi Arabia has in plain oil. We have over 2 trillion barrels of reserves in oil shale, and we are not using it. We are not using it because it is on public lands and we have been barred by the activists and the environmental communities from using that oil. Remember, the way you produce that oil is underground. You don't produce it aboveground. So there is no destruction of the surface area of the ground.

Secondly, there is the fact that we have proven we know how to drill. We know how to explore in the ocean. The greatest example of that was Katrina. Here is the largest hurricane to hit the American shore in history, as far as damage is concerned—it wiped out one of our great cities, New Orleans, then came right up the Gulf of Mexico—and not a barrel of oil was spilled, even though the Gulf of Mexico is filled with drilling rigs. Why is that? Because we know what we are doing. We have the technology to drill and to produce from the Outer Continental Shelf in an environmentally sound and safe way, even in the face of a force 5 hurricane.

So of all that has been proposed here and that makes sense is let's look for other places where we can produce oil, American oil, off our shores, if States agree to it. That is the caveat: If a State agrees to it. Now, if Florida doesn't want to do it, that is their choice. Louisiana does want to do it, Mississippi does want to do it, Alabama does want to do it. Virginia wants to do it, but Virginia is barred from doing it because we have a Federal law saying even if Virginia wants to do it, they can't do it. That makes no sense.

Why should we be buying oil from people who hate us, who want to destroy our civilization and do us in, when we can produce it off of States, where the States agree, where the people of those States agree they are willing to explore because they know it can be done in an environmentally safe and sound way? That makes no sense.

I am sorry to get off on that tangent, but I had to, because this is a topic of current concern and the Senator from Florida raised a number of issues on this question.

To return to the issue at hand, however, the bill brought to the floor by Senators DODD and SHELBY, whom I just finished praising for their excellent effort here—as a conservative, it is not my inclination to have the Government step into the marketplace. In fact, that is anathema to me in most instances, and I am fairly resistant to it. I think I have as good a record on trying to keep the Government out of unnecessary interference in the marketplace as anyone else around here, and certainly have a very conservative fiscal record. But I have an experience here which I think lends some knowledge on what is happening and what we need to do.

I was Governor of the State of New Hampshire in the late 1980s and early 1990s when we went through a massive real estate bubble meltdown. It was incredibly destructive to the Southwest and to New England. The Southwest's was caused by a large amount of fraud, regrettably, and in New England it was caused by excessive speculation, especially in commercial real estate development. As a result of that, we had seven major banks in New Hampshire in late 1989 and five of them went bankrupt. The other two would have gone under, except they were owned by larger banks from outside of New Hampshire that were able to come in and give them the capital to sustain themselves. Numerous other smaller banks, community banks, went under. Lending contracted, people's home values, as a result of the bubble bursting, dropped by between 30 and 50 percent. It was a horrific time for our citizenry in New England, and it was an incredibly difficult time economically.

How did we get out of this? There were a lot of things done, but one of the key things that was done was the Resolution Trust Corporation. The leadership of the FDIC at that time, led by Bill Seidman, and the Federal Government came in and intervened. It essentially came in underneath the failed banks and said they would be there to backstop the deposits and liquidate the assets so they became marketable again and so the economy could move forward.

When you have a contraction such as that, which is what we are seeing in our market today as a result of the subprime meltdown in States such as Florida, Arizona, and California—and it is spreading, regrettably, to some instruments that weren't subprime—when you have a meltdown such as that, what happens is the banking and the lending industry of the Nation start to have to rebuild their capital quickly because they are taking huge losses. And the only place a bank can rebuild its capital is by calling in essentially good loans. So even though somebody might have a good idea and know how to make a business work and have a real estate proposal which makes sense and is going to have a positive cashflow, it is extremely difficult for them to get a loan—extremely difficult—because the banks are trying to build their capital and they are not lending. That is what we are seeing today. We are seeing that type of contraction.

On top of that, of course, we have the meltdown. We have the major investment house of Bear Stearns, which was reacted to appropriately by the Federal Reserve, by opening the window so other investment houses would be able to have resources, but we still have this serious issue of liquidity. That is what it all comes down to. It comes down to the ability of the lender to be able to take the loan and sell it and move it in the marketplace so they can actually lend some more money by taking money in and by selling the loans which they have on their books. That is what it comes down to. What we have today is a market that is contracting because they do not have that capacity. The lenders do not have that capacity.

That being the case, what is the role of the Federal Government? I am hesitant to have the Federal Government step into this, beyond what it has already done, but I think setting up a backstop is appropriate, and that is essentially what the bill that is brought to us by Senators DODD and SHELBY does today.

First, I congratulate them for the regulatory reform they put in for Fannie Mae and Freddie Mac, very important reform. But going to the part which is the essence of the bill beyond the reform, which is very important, the question of expanding FHA authority to basically become a backstop for these mortgages and basically a force for making these mortgages liquid is the key element of this bill.

As I understand it—and, again, I haven't been able to read the whole bill—the way it basically works is for these loans, for the FHA to step in and insure refinanced mortgages, the loans first have to be written down to 90 percent of the market value of the house; second, the home has to be owner occupied, so it is not a speculative home; and third, all the secondary liens that might be on the property have to be cleared so it is basically the single underlying primary first mortgage that is being underwritten. That is the proposal as I understand it.

The possible effect of this, in my opinion, will be that the lenders, the banks specifically, the people who have made these insured mortgages, may be able to move these mortgages off their books, unlike mortgages which are not moving right now, in a way which will free up the marketplace and allow them to relend money to other people who want to buy a home.

Equally important, of course, is that the homeowners, who find themselves caught in this subprime web of having taken on a mortgage which they couldn't afford because the adjustment in the ARM went up so quickly and so radically in an unexpected way, will be able to stay in their home and make their payments, if they have the capacity to do that. That should be our goal. Our goal shouldn't be to have foreclosures occurring all across this country. Our goal should be to keep the homeowners in their homes, those who do have the wherewithal to pay for their mortgages, as long as their mortgage is properly priced. That is what this bill will accomplish in many ways.

What is the cost of this bill? That is of primary concern for me, and I know it is a primary concern for Senator SHELBY, because he is probably even more of a skinflint than I am around here.

CBO is saying the ability of people to take advantage of this may be limited because of the fact you have to clear all the second liens off the home, so there may not be as much use of it as one might think. But I think there will be more use of this option than CBO thinks, because the lender and the borrower will see it as an opportunity for the borrower to stay in the home and for the lender to get the loan and move it off the books so they can get more liquidity and rebuild their capital.

I think that will be the outcome of this language, should it go into place: A lot of homes will be saved.

Secondly, as I understand it, a lot of the money to support this is going to come out of Fannie Mae and Freddie Mac. I may be wrong about that, but I think that is the way it works. That is appropriate, because Fannie Mae and Freddie Mac have an unfair playing field here. They get a tilted rate benefit because of the fact they are perceived as being backed up by the Federal Government, even though they aren't. So this will level the playing field a little bit, and it will take resources which aren't coming into the Treasury anyway to support it.

Thirdly, and I think this is probably the most important part, the economic slowdown we are in today I believe will be relieved to some degree because there will be a mechanism in place. It is not a magic wand. It is not the absolute full response to the problem. In fact, there is only one end of the pyramid that needs to be built here. But it is a response which will help the economy recover quicker and with more energy.

I opposed the original stimulus package we passed, and I opposed the housing bill that was on the floor earlier this year because I didn't think either one was going to do a heck of a lot to help the economy move forward. This bill, however, if it is in the form that I think it is in, does something to accomplish that goal. It will help the economy because it will free up the market. It will make the market more liquid, which is what we need, and it will also give people the capacity to avoid foreclosure, which is very important to the mindset and the psychology of the economy.

I do think this will be part of the effort to raise the economy of this country as we continue in this rather significant—and I do not think we are out of the woods yet—severe slowdown in the area, especially, of the financial industries.

Again, I hope I understand the bill. I am not sure I fully understand it. I wouldn't claim I do. But I think I understand its concept, its purpose, and I agree with its concept and its purpose, and I congratulate the leadership of the Banking Committee.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the leaders of this effort, my good friends, Senators DODD and SHELBY, for their hard work and their efforts to address the housing crisis and the need to reform regulatory oversight of the government-sponsored enterprises, Fannie Mae, Freddie Mack, and the Federal Home Loan Banks, and reforming FHA.

These are clearly needed. They are long overdue. I am happy to support them.

In addition, there is clearly a role and a need for the Government to address the current housing crisis. I have supported and led various efforts in the SAFE Act—Security Against Foreclosure and Education Act—that I introduced in March. That had additional housing counseling, improved disclosure and transparency in the homebuying process, and strong enforcement actions against predatory lending. These were essentially included in the bipartisan measure this Senate passed early in April. But I have grave concerns about some aspects of H.R. 3221, the Housing and Economic Recovery Act of 2008. I filed three amendments to that bill today that I hope we will be able to discuss thoroughly and act upon.

It is a fundamental principle that the Congress does not create programs that perpetuate or reward the behavior that led to the housing crisis or damage the key agencies that play a key role in stabilizing the housing market. Unfortunately, this legislation before us today goes against that principle.

Specifically, I am gravely concerned about the proposed expansion of the Department of Housing and Urban Development's—HUD—Federal Housing Administration—FHA—contained in this bill. The proposed creation of a new FHA program called the HOPE for Homeowners loan program would allow certain at-risk borrowers to refinance their mortgages and authorize FHA to guarantee up to $300 billion in new loans. The program would allow lenders and borrowers to refinance voluntarily their mortgage loans into a new FHA-insured loan at a significantly reduced loan level with lenders agreeing to write off these reductions as losses.

According to the Congressional Budget Office's review of the HOPE for Homeowners loan program, about 400,000 loans would voluntarily participate in this program, which would require about $68 billion in loan commitment authority. CBO projects that about 2.2 million borrowers of subprime and alt-A loans will face foreclosure proceedings during the next three years. Based on a comparison of these numbers, the expected reach of this program will be significantly limited in assisting of homeowners who are expected to face foreclosure. While I would like to keep as many homeowners in their homes as possible, this strategy is more likely to result in a huge bailout for lenders while protecting a very limited number of homeowners. In particular, CBO estimates that under this program, "mortgage holders would have an incentive to direct their highest-risk loans to the program." For a modest write-off, lenders who were, in a number of cases, either fraudulent or negligent in their treatment of borrowers, will be able to clear out many of their problem loans. At the same time, CBO estimates that the cumulative default rate for the HOPE program would be 35 percent—meaning that one out of every three loans refinanced would fail. Frankly, creating a new Federal program that takes on the worst of the worst subprime loans, which will hurt FHA is extremely troubling.

The Senate bill pays for to the new FHA HOPE program from GSE assessments. This offset potentially avoids the need for funds from the Treasury to cover the losses as required under the Federal Credit Reform Act. However, whether the costs for the HOPE program would be paid by proceeds from the GSEs or from direct appropriations, it does not change the nature of this program—it is a bailout.

As a former member of the Senate Banking Committee and current longtime member of the Senate Appropriations subcommittee with jurisdiction over FHA, I have held a strong and long-time interest on housing and finance issues. A major lesson learned from my work on both the authorizing and appropriating committees is that FHA is significantly limited in managing and implementing its loan activities due to longstanding management and resource challenges. Let me emphasize that point. FHA is significantly limited in managing and implementing its loan activities due to long standing management and resource challenges. They do not have the people and the people are not adequate to the task in too many cases. FHA's challenges have been well-documented by the HUD Inspector General and Government Accountability Office for several years, which has been heard through numerous congressional hearings. All my colleagues who wish access to that information can have it.

It also is troubling to me that we are burdening FHA at a time when they are playing a growing role in assisting distressed homeowners. I have heard that FHA's market share has grown tremendously from about 2 percent to as high as 8 percent. To add 400,000 of the worst of the worst new loans to

FHA's portfolio at this time is potentially creating a perfect storm for failure. Any collapse in FHA will be borne by the American taxpayer and future appropriations bills, potentially at the expense of other housing programs.

It is my belief that the FHA HOPE proposal takes the Government and the taxpayers down a dangerous and risky path, which may worsen the housing problem for borrowers it aims to address. Further, when taking into account the longstanding management and financial challenges of FHA, the expectations being created by the new FHA HOPE program are unrealistic.

AMENDMENT NO. 4985 TO AMENDMENT NO. 4983

For those reasons I offer an amendment, No. 4985, to strike title IV of division A, which establishes the HOPE program. I recognize this program is a part of a delicate compromise, but it is too troubling and risky for the American taxpayer. Therefore, I call up amendment No. 4985.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 4985 to amendment No. 4983.

Mr. BOND. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike provisions relating to the HOPE for Homeowners Program)

Strike title IV of division A.

Mr. BOND. Mr. President, I ask unanimous consent to set that amendment aside so I may offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4987 TO AMENDMENT NO. 4983

Mr. BOND. The next amendment I offer, No. 4987, was designed to protect potential home buyers with additional mortgage loan disclosure requirements. I explained and discussed this amendment with the two leaders of the Banking Committee when we had the previous measure on the floor. I think the disclosure requirements were widely agreed to on both sides of the aisle, but due to the procedural situation at the time it was not accepted. This amendment would protect consumers considering complicated and potentially unaffordable mortgage loan terms by requiring a clear and simple disclosure of payments and interest rates for adjustable rate loans with so-called teaser rates. These teaser loans, with interest rates and payments that jump up to unaffordable levels, played a large role in our current subprime mortgage crisis.

Many potential borrowers either did not understand what they were getting into or were falsely assured everything would be OK.

As part of bringing relief to families and neighborhoods suffering through the housing crisis, I wish to ensure we do not face another crisis in the future because we did not correct the problem.

I have spent a good bit of time in Missouri, talking with homeowners facing foreclosure. The local government agencies, mayors, councilmen, aldermen, the advocacy groups, and the very effective counseling programs such as NeighborWorks and others who are assisting homeowners and are working on counseling those in foreclosure, but they also came back and unanimously said we have to have better information for the potential buyer before they get into it. Making sure potential buyers know the costs and do not fall into a trap that can lead to a disaster for them and serious impacts on the communities is very important.

If you have ever taken out a mortgage loan to buy or refinance a home or get a home equity line of credit, you are confronted with piles and piles of paperwork and legal jargon. I have had the pleasure of getting three new loans in the last 5 years from a local banker who doesn't do subprime. Each time I have gone through the disclosure requirements on closing. There is a stack of paper, several inches thick, that is written in legal jargon.

I used to be a lawyer. While I can read those documents, I can assure you they are not easy to understand for somebody who is not an expert in the area. I assume I am similar to most homeowners who cannot read through all the legal gobbledygook and wouldn't find it particularly edifying if they did.

When low-income homeowners who have fallen into problems responded to my question about why they didn't ask questions, they were met with: "Don't worry about that," or "We'll fix that later." I can assure you, those things do not get fixed quietly after you sign the papers.

Congress passed the original Truth in Lending Act and applied it to mortgage loans. We knew then most people do not take the time or have the ability to read and understand the fine print of mortgage loan documents. However, the protections in the Truth in Lending Act were written long ago and are now woefully outdated. They were written when most everyone took a 30-year fixed loan. There are many more loan tools to help people share in the dream of home ownership. There are adjustable rate mortgages; adjustable rate mortgages with initial fixed terms, sometimes called teasers; prepayment penalties and refinancing options, quicker and easier than ever before but not fully understood.

More choices are a good thing, but uneducated consumers who do not understand the choices and therefore do not understand what they are committing to is a bad thing.

I mentioned on the floor at length the story of Willie Clay, of Kansas City, MO.

Willie Clay is a Vietnam war paratrooper living largely on disability payments. Willie lives in a working-class Kansas City neighborhood of modest ranch homes called Ruskin Heights.

Willie refinanced his mortgage in 2004 for a total of $101,000. As you can see from the size of that loan, Willie is a man of modest means. He was not a speculator gambling on the housing market. He was not an investor buying a vacation rental home.

Like so many other Americans, Willie was just looking for a little extra money to pay-off his medical bills, car loan and some credit cards. Willie agreed to a subprime adjustable rate loan with an initial fixed rate of 8.2 percent.

For several years, everything went fine for Willie. He made his payments and honored his agreement. Then last October, the initial fixed rate ended and the loan reset to a variable rate. His new interest rate became 11.2 percent, and then was set to rise again in March to 12.2 percent, with more rises coming.

Willie told the Star, "If the rate goes up again, I can't afford it." Willie and his wife Ina would have to give up their home and move into an apartment. Willie now admits that he never fully understood how an adjustable rate worked when he agreed to the new loan.

"I didn't have the education to understand it," Willie said, "and they didn't explain it to me. I thought if the interest [rate] went down, your payment went down. If the interest rate went up, your payment stayed the same."

Willie was now facing mortgage payments 50 percent higher than when he started. Willie was also trapped in his loan because of a $2,500 prepayment penalty. This is not just a family crisis. Willie's entire neighborhood suffered through this housing crisis. At one time, there were more than 500 foreclosures in his Zip Code alone.

On Willie's block, there were several empty houses. Foreclosed homes are driving property values down for everyone. It becomes a self-perpetuating downward spiral. That is why we need to help these people.

My amendment will apply to adjustable rate mortgages with an initial fixed or "teaser" rate. This is the kind of loan Mr. Clay had and millions of other Americans have. For these types of loans with teasers, lenders or brokers will be required to provide in large, prominent type the loan's fixed interest rate, the initial fixed payment, and the date on which the fixed rate will expire. The lender or broker will also need to provide an estimate of what the payment will be when the loan resets from its initial teaser rate to a floating adjustable rate. For many subprime borrowers, this jump could be quite large, and the borrowers need to be aware of it.

We would also require lenders to disclose that there is no guarantee that the loan can be refinanced before the initial fixed rate expires. That caught a lot of borrowers who knew the terms of their loan could go up after the teaser rate expired, potentially to unaffordable levels. But any concern they had that they could not afford their loan in the future was put to rest by personal assurances by a broker that there would be no problem refinancing the loan before the teaser rate expired. For many, this turned out to be true, but when the credit market seized up and the loan standards were raised, they were caught in an impossible situation. This amendment requires a disclosure that there is no guarantee that the borrower will be able to refinance a loan before the teaser rate expires.

The amendment also requires the disclosure of any prepayment penalty, the amount, and the expiration date. This prepayment penalty caught families like the Clays, trapping them in a bad situation. While prepayment penalties can be good, giving certainty to the lender, who can in turn provide a lower interest rate, people need to be aware of what they are getting into.

That is the theme of the entire amendment. It does not block adjustable rates, it does not block initial fixed rates. It allows prepayment penalties. These advances in the mortgage business have been good for consumers, but it just requires full disclosure. Brokers and lenders did not do enough to disclose to and educate consumers.

Mr. President, I call up amendment No. 4987 to protect potential home buyers with additional requirements.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 4987 to amendment No. 4983.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4987) is as follows:

(Purpose: To enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain a prepayment penalty)

On page 522, between lines 2 and 3, insert the following:

“(iii) If the loan is an adjustable rate mortgage that includes an initial fixed interest rate—

“(I) state in conspicuous type size and format the following phrase: This loan is an adjustable rate mortgage with an initial fixed interest rate. Your initial fixed interest rate is AAA with a monthly payment of BBB until CCC. After that date, the interest rate on your loan will ‘reset’ to an adjustable rate and both your interest rate and payment could go higher on that date and in the future. For example, if your initial fixed rate ended today, your new adjustable interest rate would be DDD and your new payment EEE. If interest rates are one percent higher than they are today or at some point in the future, your new payment would be FFF. There is no guarantee you will be able to refinance your loan to a lower interest rate and payment before your initial fixed interest rate ends.;

“(II) the blank AAA in subparagraph (I) to be filled in with the initial fixed interest rate;

“(III) the blank BBB in subparagraph (I) to be filled in with the payment amount under the initial fixed interest rate;

“(IV) the blank CCC in subparagraph (I) to be filled in with the loan reset date;

“(V) the blank DDD in subparagraph (I) to be filled in with the adjustable rate as if the initial rate expired on the date of disclosure under subparagraph (B);

“(VI) the blank EEE in subparagraph (I) to be filled in with the payment under the adjustable rate as if the initial rate expired on the date of disclosure under subparagraph (B); and

“(VII) the blank FFF in subparagraph (I) to be filled in with the payment under the adjustable rate as if index rate on which the adjustable rate was one percent higher than of the date of disclosure under subparagraph (B).

“(iv) If the loan contains a prepayment penalty—

“(I) state in conspicuous type and format the following phrase: This loan contains a prepayment penalty. If you desire to pay off this loan before GGG, you will pay a penalty of HHH.;

“(II) the blank GGG in subparagraph (I) to be filled in with the date the prepayment penalty expires; and

“(III) the blank HHH in subparagraph (I) to be filled in with the prepayment penalty amount.

Mr. BOND. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4986 TO AMENDMENT NO. 4983

Mr. BOND. This final amendment limits the responsibility of Fannie Mae and Freddie Mac for housing entities that receive funding from the Affordable Housing Trust Fund created under the bill. The amendment prohibits the trust fund to be used for soft program costs to ensure that any of these funds be used for bricks and mortar.

It is very simple. I can read the whole thing. It says:

> Notwithstanding any other provision of the law, Fannie Mae and Freddie Mac shall not be responsible for any payments either directly or indirectly to other housing entities under the Affordable Housing programs unless these GSEs voluntarily provide funding. None of these funds shall be used for soft program costs, including staff costs.

In essence, it is a very simple amendment. My concern is that, regardless of what one thinks about the GSEs, it is, I believe, unprecedented for Congress to step in and say: You are a partially privately owned, shareholder-owned entity, and you shall be paying a tax that we determine to a group of other entities over which you have no control.

People may like or dislike or want to reform the GSEs. But there are a lot of other GSEs. Are we going to go around and start telling Sallie Mae, for example: You have to fund various of these education programs.

There are other quasi-governmental agencies that I think would be very much concerned if Congress started the practice of taking these entities and telling them where they have to spend their funds. This is a backdoor way of avoiding the honest and straightforward provision of either raising the money through taxes or providing other revenue of the Federal Government.

I hope my colleagues will consider all three of these amendments. I look forward to discussing them when the time is appropriate. I thank the manager for allowing me to raise these.

I call up Amendment No. 4986.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 4986 to amendment No. 4983.

Mr. BOND. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify that GSEs have no responsibility for funding housing entities under the Affordable Housing program)

Insert the following at the appropriate place:

SEC. xxx. Notwithstanding any other provision of law, Fannie Mae and Freddie Mac shall not be responsible for any payments either directly or indirectly to other Housing entities under the Affordable Housing program unless these GSEs voluntarily provide funding. None of thee funds shall be used for soft program costs, including staff costs.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Let me say, first of all, I will be very brief. I know my colleague from Iowa wants to be heard on the bill. I wish to say to Senator BOND that what we will do is try to figure out a way to handle these in order, all three of them in one or in order, or whether we will go back and forth. But we will keep him posted.

I do not how long my colleague from Iowa wants to be heard on the bill. I wish to respond to the Senator from Missouri on the issues. I presume my colleague from Alabama may want to do so as well. We will try to take them in the order the Senator offered them. We will keep him posted on how we will proceed.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, for the benefit of my colleagues, I know there is no time limit, but I don't think I am going to take more than 15 minutes and maybe less than that. It is kind of a rough guess, but I do not intend to take a lot of time.

I wish to start by thanking Chairman BAUCUS for his courtesy and hard work in the legislative effort that is part of this banking bill, the part that came out of the Finance Committee, the part of the bill that is hopefully going to help the mortgage problem through amendments to the Tax Code. Our goal in the Finance Committee was to develop a bipartisan tax package that responded to the needs of Americans and, in particular, the housing market. We have done so. I wish to take this opportunity to thank Senator DODD and Senator SHELBY because they have worked very closely with us in making sure our Finance Committee part of this bill can, in fact, be a part of the bill that is before the Senate.

Everybody knows Americans are struggling to keep their homes and, with that, their jobs. Economic conditions are very uncertain. In uncertain times, it is appropriate that Congress develop tax policy addressing the housing problem and try to bring a little more certainty to the economic lives of our citizens. After all, the housing problem is at the root of our current economic turmoil.

Last year, we responded to the call for help. Congress enacted the Mortgage Debt Relief Act of 2007, which was signed into law by the President. This law excludes from income discharges of indebtedness incurred by taxpayers to acquire homes. It also extends the tax deduction for mortgage insurance premiums.

Earlier this year, Congress acted quickly on a stimulus package that delivered additional relief to the American taxpayers. That stimulus package is just now taking effect as taxpayers have received these rebate checks, because they are necessary to give the economy a much needed boost.

Earlier this year, the Senate acted on a bipartisan tax relief package that was based on the joint efforts of Finance Committee Democrats and Republicans—in other words, almost by unanimity, a bipartisan bill. The package before us as part of this housing bill is a blend of the Senate package and a House package passed a little while ago by the other body. We have carefully balanced this tax relief package being considered today on the floor, hopefully balanced it enough that it will not run into problems when it gets back to the House because certain House tax policy leaders have agreed to it.

It addresses the housing downturn but is limited so as to ensure that it helps the problem and does not create new problems. Too often, we in Congress have to be certain we do not do things too good, that we create more problems than we solve. We are mindful that any relief that benefits one sector of the public does so at the expense of another sector. The other sector, then, is the taxpaying population that carefully manages their family's budget, especially as it relates to housing costs because of the American dream of owning your own home.

Taxpayers bear the burden of a bailout of these risky mortgages that went south, so it is very important that we have a compassionate view that recognizes that taxpayers pay the ultimate tab. As we proceed to this bill, we need to keep in mind that very worthwhile principle. We need to address the housing downturn, but we need to show restraint and we need to limit the relief so that it eases the problem and does not simply create new problems. We need to be considerate of many Americans who work hard to save and buy homes and who will ultimately pay the price of this relief.

Once again, the Senate is stepping up to the plate. The tax relief package that is before us helps encourage home ownership but also provides targeted relief to homeowners who are looking to work out of this rough patch they are in when they face foreclosure or nearly face it.

The centerpiece of this bill is a temporary $8,000 tax credit to help first-time home buyers buy homes, including homes that are in foreclosure. There is a glut of homes on the market. The glut is depressing home values. It is important that this excess inventory is moved so that we help retain home values of others who are not in foreclosure or have been foreclosed on.

On that point, I think it is necessary for all of us to show praise and respect for the efforts of Senator ISAKSON from Georgia for doggedly pursuing this proposal. He has a very important and understanding background as a realtor and homebuilder. He helped us shape the proposal.

The bill also increases the cap for mortgage revenue bonds to give people with distressed loans additional options for refinancing. I wish to make it clear that this is not a bailout for homeowners. Instead, this is a provision which helps enable people to keep their homes and to pay their mortgages. We can thank the leadership of Senators SMITH and KERRY for this important provision.

Chairman BAUCUS has championed the nonitemizer deduction for part of the real property tax paid. It is in this bill. Senator KYL wanted assurances that State and local tax authorities would not pocket this new tax benefit with higher property tax assessments. This proposal is designed to ensure that property tax payers, not State and local governments, receive the direct benefit of this deduction.

This bill contains a set of reforms to the low-income housing credit. Senator CANTWELL led this effort.

A key additional reform benefits low- and middle-income military personnel who need housing near bases where they are stationed. Senator Pat Roberts, a former marine, looked out for our men and women in uniform. Senator ROBERTS needs a thank-you for that. With Senator ROBERTS' proposal, soldiers and their families in Fort Riley, KS, and other bases that have seen recent increases in population will have easier access to low-income housing.

This bill liberalizes the ability of the Federal Home Loan Banks to provide assistance to colleges and universities affected by the subprime mortgage crisis. The Home Loan Bank officials in my home State of Iowa suggested this proposal, and I was glad to pursue it and glad it is included.

Senator HARKIN, this Senator, and other Members from the Midwest have witnessed the terrible weather that hit our States recently.

We have seen the damage that has been done to our communities large and small, urban and rural in our home States. It is a devastating flood. Unfortunately, the damage goes on as I speak, only a little further downstream. All the hurt has not been calculated at this point. Once again, I have to thank Chairman BAUCUS for pledging to help us in the Midwest. Senator BAUCUS came to me and offered that help. That is something the people of Iowa and the Midwest appreciate. Having the chairman of a very important committee in the Senate on your side is important. We will not forget that.

In this bill, we have a proposal specifically targeted to help people who have lost their homes to the floods. The proposal is contained in the mortgage revenue bond package. It is patterned after a proposal adopted over a decade ago to deal with floods from the mid-1990s.

The proposal would waive the first-time home buyer requirement and lift the individual income limits. With this policy in effect, States such as Iowa, Wisconsin, Illinois, Indiana, Missouri, and Maine will be able to offer low-interest loans to families who have lost their homes to the flood. With the proceeds from these loans, families will be able to purchase replacement homes. The elements of the low-income housing reforms will also help disaster-devastated communities.

While I was thanking Senator BAUCUS, I suppose I ought to extend that beyond Senator BAUCUS to several other Senators. I better not name them because several have come up, and I will forget somebody. But they have come up to show their understanding of how serious it is in the Midwest and have offered their help. Some of these

Senators in previous years have gone through the same destructive natural disasters the Midwest is going through at this very minute. I have informed Chairman BAUCUS and the leadership on both sides that the coalition of member States affected by these floods and tornadoes will refine more tax proposals in the future. We will aim to assist displaced persons and rebuild the businesses and communities affected. We will seek to offer them to this bill once it is open for amendment.

I spoke in recent days on the issue of revenue-raising offsets to tax relief. I rebutted the claims of Democratic lobbyists who were surprisingly cited in some press reports as credible sources for the Senate Republican conference. The Democratic lobbyists claimed that Senate Republicans would oppose all revenue-raising offsets. Some described our position in terms of "theology." I corrected these assertions and pointed back to Senate floor debates on this point late last year. For some reason, those statements in the CONGRESSIONAL RECORD have been ignored, and Democratic lobbyists' views were substituted. The correct position is as I restate it now. I ask some folks to pay close attention so we don't get misunderstood.

Principle No. 1, if a revenue-raising proposal makes good policy sense, Senate Republicans will support it. Principle No. 2, the revenue raised should be used for new tax relief. Principle No. 3, the revenue raised should not be required for extending current law tax relief. I have explained the reasons behind that principle. Suffice it to say that we on this side don't believe in sliding down a slippery slope of guaranteeing higher taxes and higher spending. Spending drives current and future deficits.

This bill confirms the Senate Republican conference principles on the use of revenue-raising offsets. This bill contains new tax policy. This new tax policy is offset with revenue raisers that a bipartisan majority in the Senate consider improved tax policy. The main one would put in place a reporting regime on credit card payments to merchants. It is a Treasury tax gap proposal. The other significant revenue raiser would clarify the home sale exclusion rules for second homes, usually where vacation residences are involved. The revenue losses related to disaster assistance, however, are not offset. That accounting is consistent with the bipartisan congressional practice on emergency spending and tax relief.

It has long been said that the American dream is to own your own home. Unfortunately, the subprime mortgage crisis has turned that dream into a nightmare for many Americans. The bipartisan tax relief provisions from the Senate Finance Committee that have been worked out in a bipartisan way—and, I believe, in a bicameral way through Senator BAUCUS—are in this bill. They aim to restore that American dream. We do it in a very responsible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 4984 TO AMENDMENT NO. 4983

Mrs. DOLE. I ask unanimous consent that the pending amendment be temporarily set aside so that I may call up amendment No. 4984, that it be reported by number and then set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment No. 4984 to amendment No. 4983.

The amendment is as follows:

(Purpose: To improve the regulation of appraisal standards)

At the appropriate place, insert the following:

SEC. ___. REGULATION OF APPRAISAL STANDARDS.

Section 1319G of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4526) is amended by adding at the end the following new subsection:

"(d) REGULATION OF APPRAISAL STANDARDS.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, but not later than December 31, 2008, the Director shall issue in final form a regulation that establishes appraisal standards for mortgages purchased or guaranteed by the enterprises.

"(2) CONSISTENCY.—In issuing the regulation required by this subsection, the Director shall ensure that the regulation is consistent with appraisal regulations and guidelines issued by the Federal banking agencies (as that term is defined in section 3(z) of the Federal Deposit Insurance Act) and the National Credit Union Administration, including regulations and guidelines related to the independence and accuracy of appraisals, and do not conflict with any other banking regulations.

"(3) APPLICATION.—The regulation issued pursuant to this subsection shall supersede the terms of any agreement relating to appraisal standards entered into by the Director or the enterprises prior to or after the issuance of the regulation required by this subsection in final form, to the extent that any such agreement is inconsistent with the regulation. The Director shall have the authority to make determinations, at the Director's discretion and in response to requests for such determinations, as to whether any such agreements are, or have become, inconsistent with applicable regulations, and any terms of any such prior agreement that are consistent with the regulation shall not be effective until 1 year following the date of enactment of the issuance of the regulation in final form.".

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, we are going to try to work out an arrangement so people have some sense of the order in which people will be heard. We now have three Bond amendments. There is an amendment by Senator DOLE that has been offered. Obviously, we have the pending amendment of Senator REID. These are all second-degree amendments to the Reid amendment. At some point, I will want to bring closure to these amendments so we can deal with them. Senator ISAKSON may have an amendment. I would like to get to a point where we can manage those amendments, debate them, and then ask the leadership for an appropriate time to have a series of maybe three or four or five votes, depending upon what is necessary.

I yield the floor to the request for a time sequence of speakers, if I may.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, following my remarks, I ask unanimous consent that Senator CASEY be recognized to speak for 12 minutes, Senator ISAKSON be recognized to speak for 10 minutes and, following Senator ISAKSON, Senator SANDERS be recognized to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, Confucius said:

The strength of a nation derives from the integrity of the home.

Today we are here to protect the strength of our Nation. We are here to help keep families in their homes.

The tax provisions in the amendment before us are meant to stabilize the housing market and boost our economy. They are designed to provide temporary, targeted, and timely tax relief for the housing market.

In 2007, 1 percent of all homes were in default. That is more than 1.2 million homes. The Nation's 2007 foreclosure rate was 2½ times what it was in 2005.

In my home State of Montana, the 2007 foreclosure rate was up almost 30 percent from 2006 and more than 50 percent from 2005.

And the number of foreclosures continues to grow. Nationwide in May, the number of homes receiving a foreclosure-related notice was up 7 percent from the month before, and up 48 percent from a year before. This means that 1 in every 483 American households received a foreclosure notice last month. That is a record high.

Behind every foreclosed property, there is a family. There is a family losing its home, and there is a family losing a piece of its future.

Our Nation's current economic weakness is largely a result of the weak housing market. More than 5 million households now owe more on their mortgage than their house is worth. That is about 1 out of every 10 home mortgages. As home prices continue to fall, these numbers will only get worse.

This amendment is a response. It would provide tax relief for homeowners, for home buyers, and for homebuilders.

It would provide an additional $11 billion of mortgage revenue bonds so that

State housing agencies can immediately respond to the housing downturn. This would help homeowners avoid foreclosures, and it would increase first-time home purchases.

Mortgage revenue bonds are tax-exempt bonds issued by State and local housing finance agencies. The bonds help those agencies to provide mortgages for home buyers at below-market rates of interest.

The virtual collapse of the subprime and affordable mortgage markets has increased the demand for mortgages financed through mortgage revenue bonds. Increasing the cap on mortgage revenue bonds and providing States the option to refinance subprime mortgages can allow State housing agencies to immediately respond to homes at risk of foreclosure.

And additional mortgage revenue bonds can also help clear out the glut of homes on the market. Additional mortgage revenue bonds can lead to more first-time home purchases.

The amendment also would provide broad-based tax relief by expanding the number of people who may deduct property taxes. Currently, homeowners are allowed to deduct local real estate property taxes from their Federal tax returns only if they itemize. According to the Joint Committee on Taxation, more than 28 million taxpayers pay property taxes, but do not itemize.

This proposal would allow these 28 million taxpayers to deduct the amount of their property taxes, up to $500 for individuals and $1,000 for married filers. They could take this deduction even if they did not itemize their deductions.

This change would benefit low-income individuals. It would benefit those who have already paid off their mortgages and thus don't have that reason to itemize. It would benefit young families just starting out, and it would benefit senior citizens.

The Congressional Research Service estimates that nearly 130,000 property taxpayers could benefit in my home State of Montana alone.

Listings of distressed properties dominate the real estate market. In the first quarter of this year, one out of every four home sales was a distressed sale. The papers are full of foreclosures and vacant new homes.

As of April 2008, there were more than 456,000 newly constructed homes for sale on the market. That is more than 10 months worth of supply. And according to the National Association of Realtors, 4½ million existing homes are for sale on the market.

To help reduce the excess inventory of foreclosed, vacant, and existing homes, the amendment includes a one-time home buyer credit of $8,000.

The credit would apply to first-time home buyers. It would begin to phase out for home buyers with incomes of $75,000 for individuals and $150,000 for joint filers. The purchase of the home would have to be on or prior to April 1, 2009. And the credit would be repaid over 15 years at zero percent interest.

The short-term nature of this credit is critical. It would help to provide immediate stimulus to put homebuilders, and the housing industry, back on track, but it would also avoid oversubsidizing the housing industry.

The amendment would also make critical improvements to the Low Income Housing Tax Credit program. This program is the engine that drives low-income rental housing in America. But it is long overdue for a tuneup.

The amendment would increase the total number of credits available by 10 percent per State. And the amendment would broaden the investor class by allowing the credit to be taken against the AMT.

The State housing finance agencies are good stewards of this Federal program, and the amendment would give these agencies more discretion to allocate credit dollars to projects that the State deems a high priority.

These tuneups would help to make this engine run more smoothly, and they would lead to an increase in affordable rental housing across the country.

The amendment would also allow taxpayers to choose to take a refund of AMT or R&D credits in lieu of bonus depreciation deductions. Companies without Federal tax liability cannot use the tax deductions. But under this amendment, they could take advantage of a refund, and they could use that funding invest in capital assets. That would create and maintain jobs.

These proposals would be fully paid for by responsible offsets. As much as possible, we should avoid increasing our national debt and our reliance on foreign creditors.

The amendment includes a House-passed proposal to close a loophole involving the sale of second homes. It would apply to houses that are used both as a principal residence and for other purposes. An example would be a principal residence that also was used as rental property.

Under current law, an owner can exclude income from the sale of that second home. The owner just needs to have lived in the home for 2 out of the last 5 years.

The proposal would limit the gain that the owner could exclude from income when the owner sells the residence. The idea behind the proposal is that a personal-income exclusion should be limited to the personal use of the residence.

A second pay-for would require information reporting on credit card transactions. It would also apply to many online transactions. Merchant banks that settle credit and debit card sales would report annual gross payments to the businesses making the sales and to the IRS. Third-party networks that facilitate electronic transactions would do the same.

In response to concerns about possible burdens this proposal could put on small e-business sellers, the proposal contains a de minimis exception. The exception excludes from the reporting requirements operations with aggregate sales of $10,000 or less a year. The exception would also exclude a volume of 200 transactions or fewer.

The proposal gives ample time to banks and others so they can program their systems and verify the information they need from sellers before issuing the information documents.

This proposal does not raise taxes on anyone. These information reports would just cause people to file more accurate returns.

The administration has included this proposal in its annual budget for the last 3 years. Earlier this year, Senator GRASSLEY and I released a bipartisan staff draft of the proposal for public comment. Working together with the House, we have taken these comments into account to develop a proposal that reflects industry practices and will improve tax compliance.

The amendment also enhances several IRS penalties. These penalties encourage the filing of timely and accurate tax and information reporting returns. These filings are the cornerstones of effective tax administration and voluntary tax compliance.

A lot of irresponsible actions led to the current housing crisis. But now a lot of responsible homeowners, home buyers, and homebuilders are caught up in the mess, and they cannot afford to wait any longer for our help.

The tax provisions in this amendment would go a long way to address the housing downturn and the economic weaknesses in our country. So I say, let's help these folks. Let's help them keep their homes and thereby help them sustain the economic strength of this Nation. And let's adopt this housing amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I rise today to talk about the state of the American economy in the midst of our current housing crisis, and, of course, the legislation that is before the Congress today and the need for action in this Congress, in this Senate, not just for Wall Street firms but for Main Street families and small businesses.

A little over a month ago, the Senate Banking Committee held a field hearing in Philadelphia—I think the first of its kind since this Congress began and this Senate convened last year. Chairman DODD chaired the hearing, convened it, and I was with him that day.

One of the witnesses was a subprime borrower. Her name is Yajaira Cruz-Rivera. In 2005, she and her husband purchased a home. She was told by her broker she would get a fixed-rate loan. She made out a family budget, and she was told she was getting a fixed-rate payment of $925 per month. She told her broker she did not want anything with tricks in it that would change her payment, and that is what she was told she was signing.

I would like to read some of her testimony of what happened next. These are her words:

> Just 10 days later we received a letter in the mail stating that a mistake had been made at closing. The interest rate we were given was not going to be 7% but rather 10.95%. Our payments would not be $925 but rather $1200. We considered backing out then, but we had already moved into [our] home. Our children were settling in, to pack everything back up was something we could not do. We had already put so much money out. Fred and I—

Fred is her husband—

> Fred and I decided that although we would struggle, we would make it.

All of the evidence presented to the Banking Committee in hearings stretching back over a year indicates that many of the homeowners who find themselves in trouble started with a story just like Ms. Cruz-Rivera's story. This is not simply a problem in some cities.

A leading research institution in Pennsylvania, the Keystone Research Center, found nine counties in Pennsylvania where subprime mortgages make up 35 percent of all mortgages—35 percent. One of those nine is Philadelphia. The other eight counties in this Keystone Research Center survey are the following counties—Cameron, Clearfield, Fayette, Forest, Jefferson, Monroe, Venango, and Warren.

All of those counties outside of Philadelphia that I just mentioned are rural counties for the most part. So this is not just a problem in cities and urban areas. It is a major problem in rural counties in Pennsylvania and across the country.

More than 1 million homes are now in foreclosure—a new national record, unfortunately. Over 8,400 homes are entering foreclosure every day—8,400. Unless we act, an estimated 3 million homes will enter foreclosure this year, and 2 million homes will be foreclosed upon in that time.

We know the job losses: 324,000 jobs lost already this year. We know the data from the economists. One economist, Robert Shiller, has estimated that the subprime and foreclosure crisis could cost American homeowners $6 trillion in lost household wealth—a record. That is $80,000 per homeowner. At the same time, the average American family income is just $50,000 a year. We know the adverse impact it has had on student loans. There is problem after problem resulting from the foreclosure crisis.

So what do we do? We should pass the legislation on which Senator DODD has worked so hard, working with the ranking member, Senator SHELBY.

Let's quickly go through the legislation.

No. 1, government-sponsored enterprise reform legislation to give an effective regulator for the GSEs; No. 2, the HOPE for Homeowners Act would establish a new initiative at the FHA to prevent foreclosures; No. 3, the SAFE Mortgage Licensing Act, creating a Federal registry and establishing minimum national standards for brokers and lenders; No. 4, the Foreclosure Prevention Act, providing assistance and counseling so needed in this crisis; No. 5, the Housing Assistance Tax Act of 2008, providing tax benefits for homeowners, home buyers, and homebuilders aimed at providing housing market recovery.

Unfortunately, there are some Senators in this Chamber who do not seem to see the need for action on this crisis. I want to show a chart which summarizes the principles of this basic legislation. It is very important to highlight these. There is a lot of rhetoric that is misleading.

Basic principles: Here is what happens with this legislation. No. 1, it creates new equity for homeowners. We have to do that. No. 2, there is no bailout for investors or lenders. We have heard a lot of that talk here. It is not true. This is not a bailout. This is a way to dig our economy out of a huge hole. No. 3, borrowers do not receive a windfall. They have a stake in this, and they have to sacrifice as well. It is not any kind of a windfall for borrowers. Finally, and maybe most importantly for people who are following this debate, this is not taxpayer money we are talking about.

OK. So this is a very responsible plan. I want to return to the story I started of Ms. Cruz-Rivera. She had asked for and was told, as I mentioned before, she was receiving a fixed-rate mortgage with no gimmicks and no tricks. Then, 10 days after closing, she found out her interest rate would not be 7 percent but 10.95 percent. The payment would go, as said before, from $925 to $1,200.

The story does not end there, unfortunately for her. She and her husband sat down, and they decided to tough it out, to try to work their way through this adverse news they got. Here is what she said. I am quoting her again:

> Then, in 2007, the unthinkable happened. Our rate adjusted upward and our new payment was now $1,671 a month. A home we thought we were getting for $925 a month in 2005 is costing us nearly double that today.

She is talking about her husband again. She said:

> My husband works 16 hour days, 6 days a week, but still we are not able to keep up with the payment.
>
> We explored refinancing but now our credit is damaged and on top of that we have a repayment penalty; if we do refinance we have to pay GMAC a huge fee upfront. We have been trapped into a terrible loan by greedy, predatory and fraudulent lending practices.

So that is the reality of what we are talking about. We are not talking about bailouts. We are not talking about going easy on people. We are talking about helping people who, in many cases, were deceived deliberately by players in the market who were unregulated and getting away with murder—almost literally.

People know the acronym ACORN, the Association of Community Organizations for Reform Now. They are helping people such as Ms. Cruz-Rivera. They are helping a lot of other people. We hear a lot of talk in this body and across the way in the House, the other body, about moral hazard. People talk about that issue all the time—that some people should have known better, and you can fill in the blank about that.

It is not often we hear economists talking enough about morality when it comes to this issue. In fact, the situation we find ourselves in today is a direct result of parts of this industry—not all, but parts of this industry—trying to maximize profit without any regard to any sense of morality or standards.

So I find it ironic that the greed that some of us have been talking about is not included in that definition of "moral hazard." But there are solutions out there.

I will conclude with this: The city of Philadelphia recently announced a program that will specifically target borrowers who cannot afford payments on adjustable-rate mortgages and are in danger of foreclosure. Any property scheduled for sale by the city of Philadelphia right now by the local sheriff's office will be referred to officials who will in turn negotiate with lenders in an attempt to restructure the loan so the borrower can afford the monthly payments.

I commend the city and especially Mayor Nutter, the mayor of Philadelphia, for his leadership on this and many other housing issues. It is critically important we remember there is, in this nightmare for so many families, solution-oriented thinking out there in addition to the important legislation we have before us.

The time has come for the Senate to finally act—to act, not just to talk but to act on this issue—to put a floor under the housing market. It is time at long last for the Congress, and especially for the Senate, to finally act, but also in the process of acting, to help families stay in their homes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I rise, first of all, to commend Senator DODD, Senator SHELBY, Senator GRASSLEY, and Senator BAUCUS on a piece of legislation that is important, and which I will vote for.

I am going to talk for a few minutes about some suggestions for the managers of this bill to think about as we get toward a final managers' amendment at the end of this debate because there are a couple technical changes that could make a significant difference.

But, first of all, I want to make sure one thing is said. We hear a lot about bailing out lenders and lenders being bad guys. Let me tell you something. The people who originated these loans loaned money that was raised on Wall Street by investment bankers and underwritten by Moody's and Standard & Poors. Moody's and Standard & Poors underwrote securities that were bought around the world by investors, that paid a high dividend but were on very risky subprime credit. That is where the fault lies—Moody's and Standard & Poors and on the investment banking community.

As a parenthetical suggestion, I hope Wall Street is listening because what is happening in the commodities market is the same guys doing the same thing again. If you look at the rapid price of all commodities, they are going up because of a huge influx in the commodities market. The only position-limited people in the commodities market are investment bankers. They are creating paper and they are trading paper and they are getting the Yale endowment fund, the Princeton endowment fund, and teachers' pension funds going into these as if they are investments, and they are not investments. They are a hedge in commodities.

So that is just a little early warning shot. If we will look closely at this, I think we can find the culprit to the subprime may actually be a significant contributor to what is going on in commodities.

But, again, to Senator DODD, Senator SHELBY, Senator BAUCUS, and Senator GRASSLEY, thank you very much for what is basically a fine piece of legislation. I urge you to look at the effective date of the tax credit that is included. As I read the bill, it includes the original dates from 2 months ago, which means the tax credit, when it goes into effect, will end at the end of April next year, which will be less than a year. May and June are the prime buying months in real estate. What we are trying to do is induce a decline in the inventory of houses on the market. I know it was not intended, but I think the managers should take a look at that.

Secondly, I know there is a difference between the House and the Senate with regard to the effective date over the GSE regulator for Freddie and Fannie. One side wants it immediate; one side wants it in 6 months. We do not need to have this bill go down because they cannot get their act together. So I hope they will work to find common ground on the effective date. On the FHA refinance program—Senator CASEY is precisely correct. This is not a bailout for the lenders. This program allows for the refinancing of a troubled subprime loan whose payoff amount is more than the value of the house because of the decline in the marketplace. For it to be refinanced it requires the lender to take the hit between the amount owed and the market value. So the loss the lender is going to have to be recognize in a foreclosure will, in effect, have to be recognized in a refinance, but the homeowner stays in the house and the values in the neighborhood stabilize. We are doing a good job, in my opinion, of putting an end to what is a desperate downward spiraling in the housing market which is affecting the economy because most Americans consider their equity their line of credit for their consumer spending. With that equity vanishing because of increased inventories, increased foreclosures, and increased vacant houses, we have a very big problem.

So I wish to commend Senator DODD and Senator SHELBY. Some of this is technical, but it needs to be said. Freddie Mac and Fannie Mae saved the American housing market in the early 1990s when the savings and loans collapsed. There was no liquidity in America for mortgages. Had we not created those government-sponsored entities and allowed them to securitize mortgage paper and operate to provide the liquidity in the markets, there would be no mortgages for the American people, and we would have a disaster on our hands.

I appreciate the final language addressing two of the three concerns I had with the GSEs. No. 1, I am glad the House and Senate could agree on loan limits for both conforming and nonconforming jumbo loans. If we had not done that, we would have provided liquidity for mortgages that we didn't need to finance or refinance and not enough liquidity for mortgages that are needed in the marketplace, particularly in high-cost areas around the country.

Secondly, I appreciate the provision for the ability of Fannie Mae to portfolio jumbo loans because if they couldn't do that, there would be no liquidity. But I still question whether the language in the bill as it stands now directs more securitization and less portfolio. If you have too much securitization but don't have the opportunity for liquidity to be provided by letting these entities carry that on their balance sheet, then the effect is you say you are doing something, but, in fact, you don't provide liquidity. But I do appreciate very much the managers of the bill making those changes.

Lastly, with regard to the housing tax credit, I appreciate what Senator GRASSLEY said, and I appreciate the kindness of Senator DODD in the original debate by incorporating in the Senate bill substantially the amendment that I offered on the floor when this bill first came to the Congress. I was around in the real estate business back in 1974 when America had a similar crisis to the one we have today. The Congress of the United States passed a $2,000 tax credit to buyers who bought a standing vacant house in America. Within a year, we absorbed substantially all of the standing inventory in the country and revitalized the housing market, revitalized equities and values, and we came out of what was a very substantial real estate-induced recession.

I would have preferred some of the terms that I had in my amendment over some of the terms that the House changed them to with this tax credit, but it still accomplishes its purpose. It is a tax credit of $8,000 to a first-time homebuyer with income limits of $150,000 for a couple and $75,000 for an individual to go into the marketplace and buy and occupy—not as an investor but to occupy as an owner—standing inventory, new or resale, in the United States of America. That is going to be a big help to put a little fuel and energy and inertia behind a real estate market that is stagnant.

So I thank Senator DODD, Senator SHELBY, Senator GRASSLEY, Senator BAUCUS, and particularly the Finance Committee staff who were so cooperative in working on this concept. I think we are going to see it prove to make a marked difference. If that end date of April 30 is changed in the final amendment to the end of June of next year, we will incorporate 2 more months where it can have an incentive effect. It would not affect the scoring because the scoring was done as if it was done in a 12-month calendar year.

So to Chairman DODD and to Ranking Member SHELBY and Senator BAUCUS and Senator GRASSLEY this is a very important piece of legislation. America has a serious problem. This doesn't bail anybody out, but it incentivizes buyers to come back to the marketplace. It provides liquidity to refinance loans that are underwater. It motivates, inspires, and provides liquidity in the marketplace through Freddie and Fannie that does not exist right now. Failure of the Congress to act, in my judgment, is going to cause us to have a protracted and devastating economic decline resting solely on the fact of the decline in the values of homes in America, the increase in the number of foreclosures, and the lack of liquidity in the lending market.

I encourage my colleagues to vote for this legislation. I hope the President will sign it. Again, I thank the Members of the Senate who worked so hard to provide good, substantial legislation to the housing market in the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I ask unanimous consent that following the remarks of the Senator from Vermont, that I have 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

GAS PRICES

Mr. SANDERS. Madam President, every American understands that we now have a national crisis in terms of the outrageously high price that we are paying for energy. In Vermont and all over this country, workers are wondering how they can afford to fill their gas tanks. Truckers using diesel are going out of business. Senior citizens and others are worried with dread what happens to them next winter when the cost of home heating oil is off the roof. As a result of high oil and gas prices, the cost of food and other products is also rising, and our entire economy—and, in fact, the world economy—is suffering.

The question that millions of people are now asking is pretty simple. They want to know what this Congress can do now—not in 10 years or in 20 years but now—to lower the outrageously high price of oil and gas. Further, they want to know what we can do long term to make sure our country is energy independent; that we don't continue to import huge amounts of oil from the Middle East or elsewhere. They want to know what we are going to do in the midst of all of this to address the crisis of global warming and the droughts and the severe weather disturbances and the floods that we are seeing as a result of global warming.

Lastly, they want to know in the midst of all of this, long term, how do we make sure that the cost of energy is affordable. These are the issues the Congress has to address.

But let's be very clear. These issues will not be debated in an intellectual realm where we are just trading ideas. This debate is going to be clouded by the enormous power and money of special interests.

Since 1998, the oil and gas industry has spent over $600 million on lobbying—$600 million on lobbying—and since 1990, they have made over $213 million in campaign contributions. So they are extremely powerful. They have an unlimited supply of cash. They are using that power and that money to influence this debate. Anybody who doesn't understand that is very naive, indeed.

If we are serious about lowering oil and gas prices today in a significant way, it seems to me we have to address two fundamental issues. First, the reality is that the American people are getting sick and tired of paying over $4 for a gallon of gas at exactly the same time as the major oil companies are making record-breaking profits and providing their CEOs with outrageous compensation packages. Enough is enough. The greed of the oil industry apparently has no end, which is why Congress must impose a windfall profits tax and use some of that money to give back to people through rebate checks.

In the last 2 years alone, ExxonMobil has made more profits than any corporation in the history of the world, making over $40 billion last year alone. But ExxonMobil is not alone. Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. Last year, BP, for example, announced a 63-percent increase in their profits for the first quarter of this year. As a matter of fact, the five largest oil companies in this country have made over $600 billion in profits since George W. Bush has been President, while working people are paying $4, $4.20 for a gallon of gas. That is unacceptable.

What have they been doing with these huge profits? One of the things they have been doing is to make sure that the CEOs of their companies are extremely well compensated. In 2005, Lee Raymond, the former CEO of ExxonMobil, received a total retirement package of over $398 million. People in Vermont and around America are wondering how they are going to stay warm next winter. The former CEO of ExxonMobil receives a retirement package of $398 million.

In 2006, Ray Irani, the CEO of Occidental Petroleum—the largest oil producer in Texas—received over $400 million in total compensation. That is going on all over the industry: the heads of these corporations who are making record-breaking profits receiving huge compensation packages.

The situation is so absurd and the greed is so outrageous that oil company executives are not only giving themselves huge compensation packages in their lifetimes, but they have also created a situation, if you can believe it, where they have carved out huge corporate payouts to their heirs if they die while they are on the job. It never ends.

Let's be clear. Oil companies have a right to make a profit, but they do not have a right to rip off the American people.

Some of my Republican friends claim that big oil needs to keep these huge windfall profits so they can increase production and build more refineries. They are going to take this money and they are going to use it to create more oil for the benefit of the American people. That particular argument does not hold water. Big oil companies have been making windfall profits for over 7 long years, and they are not using these profits to build more refineries or to expand production. Instead, they are using this money to buy back their own stock, increase dividends to their shareholders, and, as I just mentioned, pay outrageous compensation packages to their CEOs.

Since 2005, the five largest oil companies have made $345 billion in profits, but they have spent over $250 billion out of the $345 billion buying back stock and paying dividends to their shareholders. That is where their profits are going, not investing in future oil production. Last year, ExxonMobil spent 850 percent more buying back its own stock than it did on capital expenditures in the United States.

Here is my final point on that issue: The $38 billion in windfall profits that ExxonMobil gave back to shareholders last year could have been used to reduce gas prices at the pump throughout the United States by 27 cents a gallon for the entire year.

Dealing with the greed of the oil companies is one immediate issue that we have to address. The second one deals with the growing reality that Wall Street investment banks, such as Goldman Sachs, Morgan Stanley, and J.P. Morgan Chase, and greedy hedge fund managers are driving up the price of oil in the unregulated energy futures market. There are estimates that a number of committees in the Senate have heard from different experts who testified that the price of a barrel of oil today is 25 to 50 percent higher than it should be because of excessive manipulation of oil futures markets and excessive speculation. This is an issue that must be dealt with.

Some people say: Well, we don't know anything about this. This has never happened before. Wrong. As I think most Americans understand and remember, manipulation of energy markets is nothing new. It is recent history. Everybody remembers that in 2000 and 2001, Enron successfully manipulated the energy markets on the west coast, driving up prices by 300 percent. During the midst of that controversy, they were saying: Oh, it is not us, it is supply and demand. It was them, and some of those guys are now in jail for the fraud they committed on the people of this country. That was Enron. But it is not just Enron.

In 2004, energy price manipulators moved to the propane market. That year, the CFTC found that BP artificially increased propane prices by purchasing enormous quantities of propane and withholding the fuel to drive prices higher. BP was fined $303 million for manipulating propane prices. Again, this is not a new concept; that is what they do.

In 2006, energy price manipulators moved to the natural gas market when Federal regulators discovered that the Amaranth hedge fund was responsible for artificially driving up natural gas prices. Amaranth cornered the natural gas markets by controlling as much as 75 percent of all of the natural gas futures contracts in a single month. Amaranth eventually went out of business, went bankrupt, and the price of natural gas went down. So if you are looking at Enron, BP, Amaranth, why would anybody be shocked that today there are financial institutions manipulating the oil markets as we see it?

The Commodity Futures Trading Commission has the authority and the responsibility to prevent fraud, manipulation, and excessive speculation in U.S. commodity markets. Unfortunately, this authority and responsibility has largely been abdicated through the use of over-the-counter energy derivatives that are largely unregulated and by foreign boards of trade that have received no-action letters from the CFTC to operate terminals inside the United States, trading U.S. commodities to U.S. investors free from regulatory oversight.

That is an issue we must deal with and we must deal with now. If we are serious about lowering oil and gas prices today, we have to deal with the greed of the oil companies and with the speculators. Long term, of course, we have to move this country away from foreign oil, away from fossil fuel, to energy efficiency, to sustainable energy, and the potential there is enormous. That will help us deal with greenhouse gas emissions, in terms of global warming and, in the process, we can create millions of good-paying jobs.

Let me conclude by saying that if this Congress, in the very short term, does not deal with these issues, there are going to be people who are going to go cold this winter, not only in the Northeast but all over the Northern tier of this country. That is why I am going to do my best in this bill, and/or as soon as possible, to bring forth an amendment to substantially increase funding for LIHEAP.

The National Governors Association supports over $5 billion for LIHEAP. They are exactly right because, as the price of home heating oil and other fuels explodes, we are going to simply need to substantially increase funding for LIHEAP if we are going to make sure people don't go cold this winter. I look forward to working on this issue in a bipartisan manner.

Bottom line: Short term, going after the oil companies and dealing with speculation. Long term, we need to transform our energy system away from fossil fuels to sustainable energy. We must substantially increase funding for LIHEAP.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

GAO SUSTAINS BOEING'S PROTEST

Mrs. MURRAY. Yesterday, the Government Accountability Office issued its ruling on Boeing's protest of one of the largest defense contracts in history: the Air Force's decision to choose the European company Airbus to supply the next generation of aerial refueling tankers.

In that ruling, the GAO agreed with Boeing that there were fundamental flaws in the process from the very beginning. GAO's attorneys found the Air Force made a number of significant errors that unfairly misled Boeing and favored Airbus.

They recommended that the Air Force reopen the contract, get new proposals, and make a decision that corrects the errors GAO found.

Madam President, to me, that decision was not a surprise. Air Force and Pentagon officials have told me, time and time again, that they followed the law and this contract would stand up to review.

But since the very beginning, it has been very clear that Airbus tankers did not meet the Air Force's needs—no matter what its public relations campaign has said.

Even though the Air Force claimed it had selected the cheaper plane and made no mistakes, we learned last week it had made a critical error when calculating the operating costs of the two tankers. The Air Force is now acknowledging the Airbus plane actually costs tens of millions of dollars more.

Two weeks ago, Defense Secretary Gates forced out the top two Air Force leaders—Secretary Michael Wynne and his Chief of Staff, GEN Michael Moseley. By doing that, he expressed a serious lack of confidence in their leadership and lack of oversight. All along, the Pentagon has refused to answer even basic questions about this contract.

I, and the many others who have raised concerns about the Air Force's decision, now expect a thorough and honest response from the Pentagon to the GAO's decision.

But as I have said all along, the GAO ruling answers only one overarching question that has been raised in this process and that is whether the Air Force followed the letter of the law when it chose Airbus for the contract. That means that even if it was obvious that Airbus's plane was wrong for the war fighter and for the taxpayer, it could not push for answers.

That is Congress's job, and we in Congress, who represent the American taxpayers, have to continue to press for real answers to those hard questions. We in Congress need to know why the Air Force chose a plane that is bigger and less efficient than it asked for—one that cannot use hundreds of our runways, ramps, and hangars, and one that will cost billions of dollars more in fuel and maintenance.

We in Congress need to know whether our Government should buy a plane that even the Air Force says is less survivable, less able to keep our war fighters safe. We in Congress need to know what the effect on our economy and our national security will be if we turn this technology, which is vital to this Nation, over to a company that is owned by foreign governments.

The U.S. Trade Representative is so concerned about the subsidies Airbus receives that they have brought a case against the EU before the World Trade Organization. We need to know why in the world we would accuse Europe of unfair trade practices and then turn around and hand Airbus a major piece of our defense industry. We need to know why our Government would hand them the contract now.

In May, employers cut 49,000 jobs in the United States. It was the largest 1-month jump in unemployment in 22 years. Yet the administration, right in the middle of this, wants to send 44,000 U.S. jobs overseas, when we are hemorrhaging jobs here at home.

On the day in February that the Air Force first announced it awarded this plane to Airbus, I was out on the 767 line, in Everett, with our Boeing workers. I will never forget the shock and disappointment in their eyes. One woman came up to me and said:

> I can't believe this. My son is currently flying these tankers over in Iraq, serving our country. I want to build those planes with my taxpayer dollars to make sure he is safe and we know what is in that plane.

Yesterday's GAO study proved she was right and she is vindicated. We now have the right process to move forward on this and make a good decision not only for that mom but for American taxpayers and for America's security for the future.

For months now, I have been saying this process was flawed. I have been saying we should not hand over billions of dollars and thousands of jobs and that Boeing should build those tankers. The GAO's decision backed up all my concerns. The process was flawed. Now we need to know why. We should not be buying more expensive planes built in France. That seems obvious. With a level playing field, Boeing builds the best tankers at the best price.

By reevaluating this deal with the proper criteria that GAO outlined, I am confident the Air Force will, in the end, agree with me and award this contract to Boeing—I hope in short order. I hope our airmen and airwomen will soon have the best possible plane to carry out their missions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, let me begin briefly by thanking our colleagues who have come and spoken on the bill already this morning. I thank Senator BOB CASEY, of Pennsylvania, a member of Senator SHELBY's and my committee, the Banking Committee, for his remarks. I also thank JUDD GREGG, of New Hampshire, who, while not a member of the committee, has followed our work very closely and has been intimately involved with the committee over the last number of months as we were developing the Homeowners Act, an idea he brought to the table. He brings a good historical perspective—going back to the Resolution

Trust Corporation and dealing with another housing crisis and how well that idea worked; and while we are not exactly duplicating it, he has knowledge of how that worked and an understanding of the basic idea behind the bill that we have authored over the last several months, which is very helpful.

I know Senator SHELBY and I are grateful, as are other members of the committee, for having a nonmember of the committee understand the issue as well as he does. His support of what we are trying to do is very helpful.

I thank Senator BAUCUS and Senator GRASSLEY as well. Senator SHELBY and I are not dealing with the tax-writing provisions of this bill and they have been helpful and cooperative and, obviously, their ideas are a strong complement to what we are trying to achieve—with mortgage revenue bonds and tax incentives for those who acquire foreclosed properties, and the like, are very helpful. They have disregarded earlier provisions included in the tax proposals and, candidly, I think those ideas being kept out of this bill is healthy. I don't dwell on it. Frankly, I think their appraisal of the various ideas is very constructive. We thank the tax-writing committee, the Finance Committee, which has done a good job in complementing what we are trying to do.

Senator JOHNNY ISAKSON, of Georgia, deserves a great deal of credit. He brought up the idea of trying to create some incentives for those who might purchase foreclosed properties. In his previous life, he worked in this area, and he has a firm knowledge of it. So his cooperation on that, as well as other aspects of the bill, his enforcement and support of this legislation and his intention to back it is a further indication of the effort we have made on a bipartisan basis to make this a good bill, not just because it has bipartisan support, but I think that is indicative of the kind of effort that has been made that brings us to this moment.

I note that in this morning's local newspaper, the Washington Post, the leading headline is, "DC Region's Foreclosure Rate Soars." It says that although communities have felt the effects of the housing crisis for months, the report reveals that foreclosures in the Washington region have been increasing at a surprisingly quick pace, outstripping those of most metropolitan areas. It points out that while foreclosures were practically nonexistent in Washington 18 months ago, it is now very prevalent and way above the national average.

I point that out because that is unique here. It makes a point. As I showed earlier this morning, with the graph we put up, we have the numbers now for May on the foreclosure rates. Over 8,400 people are going to foreclosure every single day in America. That number was below 8,000, in the mid-7,500 area, only a few weeks ago.

For those who would suggest that we ought to wait this out, or see what happens down the road, explain that to the 8,000 families today who may lose their homes, the 8,000 tomorrow and the 8,000 the following day and the day after that and all next week, as we grapple with this bill, where as many as 50,000 or 60,000 families will be adversely affected while we debate whether this is a perfect bill. My patience is thin. We have worked so hard on this. So for those who suggest it is a bailout for a lender—I have heard a lot of arguments, and when you have people losing homes every day, neighborhoods being destroyed because of it, including financial aid for students, municipal finance, commercial lending, and the global implications and trying to put a bill together that will bring some confidence back to the marketplace, and to suggest this is a bailout for some bank—it is anything but that. In fact, it is quite the opposite. Senator SHELBY and I have had 50 hearings since last March on this subject matter—almost exclusively on this subject matter—and we have had these individuals before our committees explaining to us why they were giving out adjustable rate mortgages to people on fixed incomes, knowing very well these people could never, ever pay the final fully indexed price of those properties. Yet they did it, day in and day out, knowing full well what the implications would be.

The very companies they claim are being bailed out are exactly the ones that were engaging in that, and the last thing we are doing is providing any kind of support and assistance for them. We are trying to see to it that we restore some semblance of confidence in this area and we are planning to keep as many people in their homes as we can.

Have we written a miracle? Absolutely not. Will this work? I hope so. Do I have an assurance it will? No. All I know is it is our best judgment, based on the wonderful, competent people who don't bring an ideological perspective to this—from the American Heritage Foundation to the Consumer Federation of America and groups in between. They have said this is the best idea we could come up with to address this issue. They would also be the ones to tell you there is no assurance it is going to work. It is a voluntary program. We don't mandate anything here; we are just creating the opportunity.

I say to my colleagues that history is somewhat of a teacher in all of this. Back in the last period when we had a housing crisis of this magnitude, back in the 1920s and 1930s, another Congress did it differently. In that case, the Federal Government actually purchased distressed mortgages. Senator SHELBY and I are not suggesting anything such as that. We are talking about an insurance program. It is a voluntary program that creates a new, temporary program. It ends in a few years. It is merely an effort to step in here and try to make a difference in all of this.

I will go back over some of the specifics of this—the HOPE for Homeowners Act—as well as the issue dealing with the affordable housing provision and how we managed to do this without a tax increase. We have a wonderful symmetry of liquidity being strengthened, a regulator being imposed on these GSEs, and a source of revenue coming from that which can also assist in another area of needed housing.

We think this has a rather good sense of balance.

But again, I am very grateful to the Finance Committee, Senator BAUCUS and Senator GRASSLEY, and to the Members who have spoken out, both Democrats and Republicans, this morning, those who have come together and said this is a good bill deserving of our support. We hope the rest of our colleagues, as they come forward with these amendments, will be so inclined to stand with us and support this bill, and urge the White House to sign it into law.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I commend the chairman of the Banking Committee, Senator DODD, for his work on this package of legislation. It is a package. It is dealing with the reform of the government-sponsored enterprises, GSEs, which desperately need to have a strong regulator because they play such a huge role, probably the primary role by a long shot right now, in our housing industry. They need to be properly regulated because they are a government-sponsored enterprise, and that is part of the legislation I have pushed.

Senator DODD and I have worked together. He is pushing the housing legislation, but I agree with him. If there were any inkling of a bailout for anybody here, we wouldn't be a part of it in any way, and no one would in the Senate. So that is a red herring. But this will give some hope and opportunity for some people to probably save their homes who otherwise wouldn't be able to.

We need to pass this legislation now. If we could get this legislation to the President's desk, and he would sign it, which I hope he would by the 4th of July, by the end of next week, this would be a significant feat on our part. I hope we can do it.

I also want to take a moment, as Senator DODD did, and commend other Senators for their work. Senator ISAKSON knows a lot about housing. He grew up in housing. He has been very successful at it, and he brings that experience and knowledge to this body in the Senate. The housing tax credit, not to bail out anybody but to help people save their homes, was I believe originated by him. He is pushing this provision, and we commend him for helping us on this.

I commend my friend and colleague from New Hampshire, Senator JUDD GREGG, the former chairman of the Budget Committee, now the ranking member. He knows a lot about all the problems in this country. He is very insightful. He sees this legislation, overall, as a good package and a good piece of legislation.

I hope we will be able today and tomorrow to pass this legislation, if the Senate is willing, and go to the next step, because there are a lot of people who will possibly be able to save their homes because of this.

Will this save everything in America? No. But it will be a good first step and it will be profound, meaningful legislation, and so I commend it to the Senate this afternoon.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. CRAIG. Mr. President, over the course of the last several days I have refrained from speaking on the floor about energy. But I have watched the floor very closely as I have seen kind of an interesting duel going on. An advocate of drilling, I found it fascinating that some on the other side of the aisle were saying that if we opened our outer continental reserves and drilled them, it would simply make no difference to the current state of play in the oil market or the price of gas at the pump. I find it not only interesting that that kind of conclusion is being drawn, but I also find it phenomenally naive that kind of statement can be made.

It is my opinion, and I think the opinion of a good many, that we are in a classic supply-and-demand situation in the Nation and therefore the world's oil markets. There is alleged speculation. There is alleged manipulation. I don't know whether any of that is true, but I do know the facts of what we live with and have lived with for the last several years.

There have been many of us in Congress who said there would be a day of reckoning if we continued to consume oil at a greater rate than we were producing and refining and bringing it to the marketplace. I believe it is very possible that day of reckoning is at hand. The world market in which we acquire our oil, the world market in which gas is refined from oil, is just that—a world market. It is not a domestic market. It doesn't happen down the street, only to be supplied on that street. It happens in the Middle East, it happens in Latin America, it happens in Canada, and it happens in this country. It all comes together in a world market, and we compete at the local gas pump for the price of the world market.

Here is a perfect example of the reality in which we live as America's consumers. I do not deny—in fact, I sympathize with and I am frustrated for America's consumers who today are facing $4 and $4.45 and $4.50 gas. It is taking a huge bite out of their back pocket, and they are not ready for it. They have not been eased into it. They should not have had to even be worried about easing into it because it should not have happened. But the Congress of the United States for the last 20 years has been in a perfect and absolute state of denial.

Energy was inexpensive compared to the rest of the world, and we could put this known reserve off, we could put this off, we could worry about that tomorrow because we didn't have to worry about it today. We could be environmental purists because it was easy to do.

Here is what was happening in America. The supply through the 1970s and 1980s and 1990s was dramatically dropping, but the demand was continuing to go up at an unprecedented rate. In fact, after the oil shock of the 1970s, when we adjusted some CAFE standards and we did a few other things, our economy took off. As our economy took off, by definition we became ever increasingly larger consumers of oil, of hydrocarbons. It is that which lubricates the economy of our Nation. If we are going to be 25 percent of the world economy, guess what, we consume 25 percent of the world's energy. But we were not producing 25 percent of the world's energy. We, by this time, had begun to develop a huge dependency on other places in the world, all while we were having this phenomenal luxury of saying you don't have to drill in ANWR or Alaska, it may have 15 or 20 billion barrels, but we don't know, we can't touch it. We don't have to drill off the coast, we don't have to worry about oil shale. We don't have to worry about anything. We can be green and talk about the environment and deny the reality of the marketplace and grow increasingly more dependent on somebody else.

Here is an interesting chart. It is a chart I found in a book I am reading now that I recommend all Senators read. It is called "A Thousand Barrels A Second." Think of that. That is the title of the book, but it is a title of reality. The reality is that the world in which we consume energy and from which we buy energy today consumes 1,000 barrels of oil a second. Do the math: 86.5 million barrels of oil a day. That is what the world marketplace is, and we consume 20-plus percent of it.

Here is what was happening from the 1970s on when we were in an oil shock. We looked at ourselves, we adjusted ourselves a little bit, and we began to try to figure other ways.

Oil production from 1970 to the year 2005, as demonstrated by the dark blue—as you notice, it was going up progressively. But something else was happening that allowed for adjustments in the market. This green area was the extra capacity the market was not consuming. So when there were bumps in the market, there was extra capacity. It didn't happen to be in the United States. It predominantly was in the Middle East and with the OPEC nations, but it was extra capacity.

Here we are in 2005. What had happened? China had come into the economy. India had come into the economy. They were beginning to consume at rates we did not expect. While they were consuming and buying out of the world's markets, the world's capacity was continuing to drop as it relates to consumption.

This is not necessarily a lecture in economics, but it is a lecture in supply and demand. For any Senator to deny the reality of the marketplace is either naive or politically incorrect. The marketplace is working in a way that none of us likes today, and our constituents are feeling it in their back pockets, and they are picking up the phone and calling their Senator and saying: Do something about it.

We are trying to figure out a way to politically dance that line. There is very little we can do about it tomorrow. There is a lot we can do about it in 2 to 5 years if we let the world begin to produce again. But we have not made that choice yet.

The President is talking about it. Other people are talking about it at this moment. They are talking about going into the known reserves. But here is also a reality of what has happened. See this declining line right here? Any time you drill into an oilfield, any time you begin to lift crude oil out of that field, you begin to deplete the field. An average oilfield in the world depletes at 5 percent to 7 percent a year. That is the historic natural level that the industry will tell you—you get a depletion rate. If you are depleting at 5 percent to 7 percent a year and the world demand growth is going up at about 1.5 percent, you have a problem if you are not producing more oil to the marketplace. That is where we are today as a world consumer of oil. We are not producing the increased volume necessary to fit the growth of the marketplace. It is really quite simple. We as country are producing increasingly less.

We have 80 billion barrels of reserve out there, we think. At least we know we have 25 or 30 billion barrels of known reserve in ANWR and the Outer Continental Shelf. If we do the new geology, maybe we have 80, maybe we have 120. We don't know it, but we believe it is there. What is the value of drilling it; it is going to take 3 to 5 years? You bet it is going to take 3 to 5 years or more. The problem is today. Yes, we should have thought about it 3 to 5 years ago, but we were all running to look green, running to talk about the environment, wanting to do things we didn't want to do, but we did it because it was good politics. And we were denying the marketplace.

Here is the reality we got ourselves in. We don't control the marketplace anymore. Other nations of the world do control the marketplace. The Saudis control it, and on down the line. Eighty percent of the world's supply of oil out there is controlled by other nations, not companies—not ExxonMobil, not Chevron, not Marathon; they control way less than 10 percent of the total reserves. The rest of the world is now telling America where to go; that is, you go to the market and you buy off the market and we are not going to give you any margin. At the same time, we are denying ourselves production in the marketplace.

Here is what happened. It is a reality that all of us have to face. Oh, we said no California, Oregon, and Washington; we said no down the east coast because it was politically the right thing to do; we said no up around Florida; we said no up here in ANWR in Alaska; and we believe there may be as many as 80 billion barrels of oil. What does 80 billion barrels mean if you can develop it? It means maybe a couple of million barrels a day into the U.S. market and into the world market.

What does that mean? I believe—and I think the market believes—the true value of oil today based on today's consumption levels is maybe $85 or $90 a barrel. But that extra margin on top, that $40 of margin sitting on top that produces $130 or $140 of oil today, is speculation. It is speculation based on a futures market that says in the future, because America is not producing and the world is not producing to that decline chart, because we are not adding that extra 5 or 6 percent a year, out here in 2010 and 2015 that is going to be the real price. We have to secure that for our consumer. So we are going to bet on the future.

Mr. President, 2 billion barrels into the U.S. market, now or 5 years from now, what does it do to the price of oil today? Some futures speculators, some people who buy in the futures market say that if this country commits itself to drilling, if this country commits itself to development in the 2-year to 5-year period, the market will begin to adjust and come down. Why? Because of the belief that we are going to find it out there, we are going to add it to the pool, and we are going to develop that margin of protection, again, that the market historically had against an ever-growing market.

Is this the answer for 30 years from now? Of course, it is not. I have said and others are saying that it is a bridge to the future. It is the reality of where we are today because electric cars are not prevalent in the market. It is a reality of where we are today because hydrogen fuel cells are not in the market. But they are coming. It is a reality of where we are today because we are not producing enough ethanol, both corn-based and cellulosic. There is a huge new wave of technology coming, but it is 3 years out, it is 10 years out, it is 15 years out. What do we do in between? Do we simply turn to our consumers and say: Buck up; pay for the oil. Pay for the gas. Pay $5. There is nothing we can do about it.

Don't let your politician tell you that, because there is something we can do about it. We can bring on our known reserves. We can open them up to the market. We can let the bidding process go forward, and we can tell the world market that America is going to be producing again, in a timeframe of 3 to 5 years. As a result of that, the speculation will begin to move out of the market because there will be a sense of reality returning to what has been there through the 1970s and the 1980s and the 1990s, and that is additional supply to offset the depletion in the oilfield itself and the demand for about a 1-percent or 1.5-percent growth in the market as these new technologies begin to take hold.

Last year, Senator DORGAN and I passed a provision that we called the DOES Act which said, let's get the scientists out there, use the new geology and find out where the oil is.

Oh, no, we cannot do that. We might find it. And if we find it, we might want to drill it. And if we want to drill it, that is not green, that is not environmentally sound. Even if, as we know, today's technologies allow us that kind of environmental protection, it was not politically popular to do.

We passed it out of the Senate. Thank you, Senators, for helping us. It was lost in a conference with the House. You see, even a year ago, Congress was in a state of denial, of denial of the reality of the marketplace, of a reality of depletion, of where we were and where we are going to go. So our consumers today are paying more than they have ever paid for energy. They are not happy, and they have every reason to be angry at a Congress that for 10 years at least, or 20, has been in a state of denial, not recognizing the reality of a market that would come home to rest on the price of oil. But it has. And it is today.

I am thinking if there are questions today whether we ought to drill in our known reserves and use all of our environmental tools to be sound, and some are still holding back at $4.50, what do you do at $5 a gallon? What do you do when the consumers' frustration turns from anger to fear? Because, you see, fear is a whole new emotion. What if they begin to fear they can no longer afford the home they have, or their food budgets, or the structure and security of their family? What happens when they still have to have energy to move to work, and it is going to cost them more than they have ever dreamed of paying in their lives? I think fear will turn politics in the direction of a marketplace, in the reality of what we can do, whether it is 2 years out or 5 years out.

So to the American consumer who is angry today, and may become fearful tomorrow, e-mail your Congressman, e-mail your Senator, call them. Tell them: Let's get this country back into production. Do it in an environmentally sound way, do it clean, do it right, but do it. Put your money into new technologies. Invest for the future, because oil is not going to be there, and the oil that will be there 10 years from now is going to be a lot more costly, because we have pumped all of the easy, we have reached all of the low-hanging fruit, and that which comes tomorrow will be more expensive because it is deeper, or it is in a sensitive area where we have to be more careful than we have been in the past.

Because we are always going to need some oil, we hope only for transportation, we can do it with electric cars, we can do it with plug-ins, we can do it with all the right kinds of things that begin to turn us away from an oil market.

For those who said Congress has not done anything in that area, we have done some things. We passed the Energy Policy Act of 2005 and the Energy Policy Act of 2007. There was not production of oil in it. Many of us tried to get it in, but we were denied because it was not "politically green correct." But then again, gas was $2, and now it is $4, or it is $4.50; it may soon be $5, because the world has awakened to the reality of supply and demand and need. They are going to wrestle for it, and they will wrestle in the marketplace. Those who can pay the highest price are going to get the fuel.

But to the average consumers, middle-class Americans, that will become a great frustration, as it should. They need to make sure they have a Congress that is willing to face the reality of the moment, and say, let us produce. Let us get this country back into production. Let us look at our offshores.

Let us look at ANWR. Let us look at where we know the oil is, while we work to find out if there is anymore somewhere else. Let's encourage production here at home, so that not only can we enter the market with more oil, but we can be more secure, because this is a question of security, whether it is security in the home, or whether it is security as a nation.

Politically, this Congress for the last two decades has been doing the wrong thing when it came to petroleum and energy security. We grew increasingly dependent on foreign nations, and as we did, we not only put our Nation at risk, we have now put the energy-consuming American family at risk. We should not be a part of that. We are here to facilitate the possible so the marketplace can do what it can and does very well. Right now the marketplace is squeezing and squeezing hard and competing for the last remaining oil until more oil comes in production.

Here is the last thought of a simple equation. If demand is going up 1.5 percent a year worldwide, and depletion in the existing producing fields is going down at 7 to 8 percent a year, and you are not finding and bringing anymore on line, then the price goes up as the supply goes down. But if you find a little more to add, about 5 percent more annualized, you offset the difference and price stabilizes. That is the way the market works. We do not have control of that as politicians; we can only control access to future supply. That is what we ought to be about as a Senate and as a country.

So e-mail your Senator, write your Congressman, tell them to get going. Let's get this great country of ours back into the business of production so the supply and demand in the marketplace stabilizes and the American consumer can begin to become comfortable with where we are headed in energy policy and their pocketbook.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. BROWN. Mr. President, the apologists for the oil industry tell us a lot of things in the Chamber. I hear people in the White House, I hear elected officials, I hear people who have been particularly friendly to the oil industry, campaign contributions, commentators in the media, who tell us a lot of things about why the price of gas has gone up, triple, basically, since President Bush has taken office; triple since the Iraq war began.

The apologists for the oil industry have ascribed no blame to Wall Street speculators. They say the oil industry itself is blameless. They say it is all about the environment, it is all about something most people do not understand.

What they say specifically when they ask a few questions, is: Wouldn't increasing offshore drilling lower gas prices? Wouldn't drilling in the Arctic Refuge lower gas prices? They say: Why can't we build more refineries in the United States? Let's for a moment talk about some of those questions they raise.

First, President Bush's own Energy Department has said that increased drilling offshore would have, in its words, "no significant impact on gas prices until the year 2030." So if we began to drill offshore all the places that some of my friends across the aisle say we should drill, it would make no appreciable difference in the price of gas until 2030, if even then.

Since President Bush has been in office, the Federal Government has nearly tripled the number of permits given to big oil companies to drill for more oil. They have tripled the number of permits. Yet what has happened to gas prices? It has gone from $1.50 to over $4, from $30 a barrel at the beginning of the Iraq war to $130, $140 a barrel now. Big oil companies are not drilling for oil in 75 percent of the land the Federal Government has leased to them, both onshore and offshore.

Then they say: Wouldn't drilling in the Arctic National Wildlife Refuge lower gas prices? The President's own Energy Department, again a President of the United States who came out of the oil industry, a Vice President of the United States whose office is across the aisle here, who came out of the oil industry, the President's own Energy Department, full of oil company executives and allies and friends, said a couple of years ago: Drilling in the Arctic National Wildlife Refuge would only reduce gasoline prices by a penny per gallon, and only 20 years from now when drilling is at its peak.

Again, it is one of those arguments they make because they do not want to blame the oil industry, they do not want to blame the speculators on Wall Street who have way more to do with this price jump than anything else.

They say: Why can't we build more refineries in the United States? Well, big oil companies are reducing refinery capacity not because of the Federal Government, they are doing it to increase their profits. An internal memo from Chevron in 1995 said: If the United States petroleum industry does not reduce its refining capacity, does not cut down its refining capacity, it will never see any substantial increase in profits.

In other words, it is in the oil companies' interests to not increase refining capacity. They have the permits to do it. There are no environmental rules stopping them from doing it. They have the permits to do it. It is in their interest to keep refining capacity to refine less so with supply and demand the price goes up. Don't think they haven't thought through that.

The largest five oil refineries in the United States now control over half of domestic oil refinery capacity up from one-third only 10 years ago. This consolidation makes it easier for them to lessen supply, to withhold supplies in order to drive up prices.

If you have looked at oil prices in the last 10 or 20 years, a spike in oil prices always comes as a result of some other incident. It comes from perhaps a fire at a refinery, an outage of a pipeline, Hurricane Katrina, some international incident that causes a disruption in oil supply. That is normally over the years when we have seen a spike in oil prices, of gasoline prices at the pump when something such as that has happened.

None of that has happened in the last couple of years. But it is not one spike, it is not two, it is spike after spike after spike, prices going again from about $30 a barrel when the President took office, the oil company President, to $130, $140 today; $1.30, $1.40 at the gas pump, now up to over $5, as we know.

Pointing fingers in the end gets us nowhere, and saying someone is right, somebody is wrong. The issue is what are we going to do about this. One of the things we should do is to impose a windfall profits tax on oil companies to stop them from gouging consumers at the pump. The Bush Justice Department ought to begin looking at price-fixing issues much more aggressively than they ever have.

The Commodity Futures Trading Commission needs to be more involved in rooting out the speculators who may very well be doing Enron-type speculating to push up the price of oil.

The last time a windfall profits tax was in effect in 1981 to 1988, gas prices were reduced by 45 cents a gallon, oil prices declined by $20 a barrel, and it generated $89 billion in revenue.

Most importantly, longer term we need to transform our energy system away from fossil fuels and toward renewable energy. That is clearly the wave of the future. We need to get started sooner rather than later. We on this side of the aisle have tried to take money from the Bush energy bill, some of the subsidies and tax breaks, and use that money to go into alternative energy research and development and do all of the things we need to do.

In closing, over the past 7 years, Enron, BP, and Amaranth were caught redhanded manipulating the price of electricity, propane, and natural gas. Each time they said supply and demand was to blame. Each team the pundits were proven wrong. Excessive speculation, manipulation, and greed were the cause.

The head of OPEC said: The price has nothing to do with a shortage of oil. There is a lot of oil on the market. It is because of speculation. Bart Chilton, one of the Commissioners at the Commodity Futures Trading Commission, said speculation is driving up oil prices as much as 30 percent. We have work to do. It is clear that rather than defending the oil industry and defending Wall Street speculation, it is time this Congress took action, that the President finally decided to be on the side of the driving public and of businesses that are hurt, truckers and others who are hurt so badly by this, as food prices go up, and all of the other things that happen from high energy prices. It is time the President and the Justice Department and the Commodity Futures Trading Commission came down on the side of the public interest and began to do the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that at the conclusion of my remarks and potential remarks from the Democratic side that the Senator from Alabama, Mr. SESSIONS, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—MEDICARE 18-MONTH EXTENSION

Mr. KYL. Over the last week on our side, we have listened to some of our colleagues suggest that Republicans have obstructed action on important matters here. I want to ensure that with respect to protecting our seniors through the service of the Medicare physicians who take care of them, that we are able to meet a deadline on the statute which expires at the end of this month to ensure they continue to be paid.

One of my colleagues yesterday said Senate Republicans had refused to give Senate Democrats the opportunity to ensure quality health care for American seniors. Yet following those remarks, the minority leader propounded two unanimous consent agreements which would have permitted us to move forward to consider two bills that would preserve Medicare beneficiaries' access to care.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KYL. I am just about done propounding my request, but I am happy to yield.

Mr. DURBIN. I ask the Senator from Arizona how he voted on the motion for cloture to bring to the floor the Medicare changes which he is now supporting.

Mr. KYL. Mr. President, I am happy to respond to my colleague that our proposal is to move forward with a bipartisan approach rather than the partisan approach which, of course, I opposed. In that regard, I, therefore, suggest that we simply extend existing law, which this Senate overwhelmingly supported just 6 months ago, for another 18 months, a proposal that had been made by the chairman of the Senate Finance Committee that would allow us to solve this problem not in a partisan way but in a bipartisan way.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate bill which I will send to the desk. It is a clean 18-month extension of the December Medicare bill. I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, might I conclude with a brief remark?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I wish to express disappointment. Again, we are trying to simply allow the Senate to move forward, in a bipartisan way, to resolve a problem we all need to resolve. This would extend the existing law for another 18 months, something that had been, in fact, proposed by the chairman of the Senate Finance Committee. I am disappointed we are not able to do this.

Mr. DURBIN. I ask unanimous consent to speak for 2 minutes on this issue and then yield the floor to the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, we are trying to bring this Medicare issue to the floor for debate. Nine Republicans joined Democrats and said: Let's do it. But it wasn't enough. We are asking to bring it forward for debate. If you have a better idea, put it on the floor and let's vote on it. But for the Republicans to consistently file these filibusters and object to bringing these measures forward to even debate them, and now it is a take it or leave it. The Senator from Arizona has filed, just like the minority leader did yesterday, this political get-well card which says: We will make a unanimous consent request so we are on the record wanting this. Get on the record and vote for bringing it to the floor for debate. Don't be afraid of a debate. Don't be afraid of an amendment. If you have a good idea, put it forward. Let's see if it wins or loses.

Seventy-seven, one after another, and this one is to stop a cut in reimbursement for doctors providing help through Medicare. These doctors need that help. That is why we wanted to bring it to the floor. I beg the Republican side, for goodness sakes, let's act like a Senate. Let's debate. Let's deliberate. Let's vote on amendments. Let's earn our pay one week.

The PRESIDING OFFICER. The Senator from Alabama.

BOEING PROTEST

Mr. SESSIONS. I wish to discuss the Government Accountability Office decision to sustain the Boeing protest of the KC–X tanker award, which I have followed closely. The Northrop Grumman/EADS proposal would have resulted in a fabulous new construction facility in my home State and would have created thousands of jobs within the United States. I confess that I am disappointed by the decision. I do think it is important that we continue to follow this process and to recognize the appropriate roles of the different Government actors involved.

It is, of course, not the GAO's job to pick aircraft for the Air Force. GAO used to be called the Government Accounting Office. Now it is the Government Accountability Office. It is fundamentally the accounting arm of our Government. As they said themselves when they made this decision in which they found flaws in the process for making this selection:

> Our decision should not be read to reflect a view as to the merits of the firms' respective aircraft. Judgments about which offeror will most successfully meet governmental needs is largely reserved for the procuring agencies, subject only to such statutory and regulatory requirements as full and open competition and fairness to potential offerors.

In other words, it is the job of the war fighters, the people who will use this aircraft, the U.S. Air Force and those who benefit from the U.S. Air Force refueling capability, it is for them to make a decision about which aircraft best meets their needs. The GAO has to make sure that all appropriate processes and procedures are followed in doing this. Both the Air Force and DOD have been unequivocal in their statements that they believe the Northrop/EADS aircraft is a superior aircraft for their needs. As Air Force Assistant Secretary Sue Payton said upon announcement of the decision:

> Northrop Grumman clearly provided the best value to the government when you take a look at, in accordance with the RFP, the five factors that were important to this decision: in mission capability, in proposal risk, in the area of past performance, in cost price, and in something we call an integrated fleet aerial refueling rating.

They had a complex but serious evaluation procedure that they utilized. Last Tuesday, Pentagon spokesman Geoffrey Morrell said the selection of the Northrop KC–45 "provided our war fighters with the most capable aircraft and the taxpayer [with] the most cost-effective solution to this very real need of replacing the tanker fleet."

The GAO found procedural flaws, according to their analysis, but they have not overturned this fundamental conclusion, the evaluation made by the Air Force personnel. The people who actually have to fly tankers and those who utilize them to refuel at high altitudes and high speeds over the Atlantic, over the Middle East, or wherever in the world, still favored and chose the KC–45.

Still, it is important for the Air Force to consider the GAO's objections and to take them into account. They have 60 days to do so. However, the GAO also acknowledged it is the Air Force's decision about what final action they are to take. They have not, as some suggested, been ordered to start over again.

My colleague, Senator CANTWELL, whom I recognize represents the State of Washington where this work would be done if Boeing were the winner, had this to say:

> The Air Force will have no choice but to rebid this project.

That is not true. That is not an accurate statement, frankly. We need to be sure about how we think about this as we go forward. Even more inaccurately, some of our colleagues have suggested that the GAO's decision means the award should be given to Boeing. Senator BROWNBACK's press release, my good friend from Kansas, who would love to get some of the work in his home State, said that as a result of yesterday's announcement:

> This contract should be overturned and awarded to Boeing.

That is not right. They didn't order that at all. There is no basis for that whatsoever.

Congressman NORM DICKS, of Washington, who until recently was telling people he didn't care what the GAO had to say, issued a press release yesterday touting the GAO decision and declaring as a result of it:

> I believe the Air Force should set aside the agreement it improperly reached with EADS/Northrop Grumman and we should proceed expeditiously to build the best aircraft—the Boeing KC-767—here at home.

"At home" meaning in his home State of Washington, not in my home State of Alabama.

That is a misreading completely of the GAO's decision and demonstrates a misunderstanding of GAO's role. They analyzed the process. They found some errors, they said. They said nothing about giving any award to the other competitor, Boeing. The military still adheres to its belief, as they noted, as to the superior aircraft.

Some of my colleagues also seem to misunderstand Congress's role in this, or at least to interpret their responsibility to the American military differently than I do. Senator MURRAY announced yesterday:

> It is Congress's job to determine whether major defense purchases meet the needs of our war fighters and deserve taxpayer funding.

I tell you, I am a lawyer. I know our Presiding Officer is. Schoolteachers, accountants, veterinarians are not equipped or able, nor do we have the responsibility and the intense interest, to make these kind of decisions that the U.S. Air Force does. They have a long history of aircraft purchasing and managing. They know something about what it is like to refuel in the air, why an aircraft that can fly further and carry far more fuel may be a superior aircraft to one that does not. This is not a political decision to be made by people who spend a few hours looking at it and think they now are capable to reverse the decision made by the one agency in our Government that will have to live with the result. I believe it is the brave men and women of the Air Force who fly these planes and depend on them who should be making the decisions about their needs and what they think is best. We need to protect that. If they change their mind after this, so be it. But I hope and believe strongly this Congress should encourage the Air Force to consider the objections raised by GAO, to fairly evaluate them, and then to select, without political influence, the best aircraft for the men and women in uniform. That is the way we will serve our country. To politicize this process would be dead wrong, and I object to it. There has been too much of it.

Great progress was made when some of my colleagues including Senator McCAIN objected when the Appropriations Committee slipped language into an appropriations bill that leased 100 aircraft, $23 billion, sole source from Boeing. There had been no hearings. It was a sole-source contract for about $235 million per aircraft to just lease 100 of these aircraft. As a result of these questions that were raised, eventually, one of the top procurement officials, a civilian in the Air Force, went to jail. Members of the leadership of Boeing resigned and investigations were conducted. It was quite a scandal. It was wrong, and it was corrupt. When that was discovered, people went to jail. So what did Congress do then? Congress, in my committee, the Armed Services Committee, had hearings about it. We discussed it. It was raised in the Airland Subcommittee, a subcommittee of which I was a member and that I at one point chaired. We directed and required that the Air Force conduct a competitive bid process for this contract. No more sole-source. You pick the best aircraft in the world to serve our men and women. That is what we directed—no ifs, ands, or buts, no qualifications. Not one amendment was offered to object. Everybody knew at the time there were two major aircraft-producing companies—only two—that could compete: Boeing and the Northrop Grumman-EADS team. So we ordered a bid.

We have all kinds of joint operations—the Joint Strike Fighter, where parts come from European and American sources. We and our European allies have come together to make the Joint Strike Fighter.

So we said we are going to bid this. The question came up during the debate: Well, is this just a joke? Is this just a game? Is it going to be a real, fair bid? Will everybody get a fair chance?

I remember I asked them: Is this going to be a political decision? Aren't you required to do it on the merits? They assured me they would do it on the merits.

As part of the bidding process, the Air Force produced and released a request for proposal. It is a detailed statement of what the Air Force is looking for. They request the bidders—in this case, there were just two—to respond to that request for proposal. They also allowed the bidders an opportunity to make suggestions and criticisms about the proposal. Otherwise, it would go out as proposed by the Air Force.

The Boeing team made no official or formal objections, no written complaints about the details of that proposal. They did not request certain WTO provisions that might tilt the scales away from what is the best aircraft or not the best aircraft. They agreed to proceed under that process.

The Air Force believed they had the most open process in their history of any major contract of this kind. They were required to follow their procedures, and it is easy to make a mistake. So maybe they made some mistakes. Maybe they have a perfectly good explanation for some of the criticism GAO has raised. But that is where we are today. They found some procedural flaws. But I have to tell you, the GAO did not say it was time for a bunch of politicians, a bunch of lawyers, accountants, prosecutors, schoolteachers, to start picking which is the best plane available to the Air Force. We should not be substituting our judgments for those of the military.

So I am sorry we did not get a firm confirmation on this process. I fully acknowledge the Air Force will need to review the complaints that have been made. I hope they will move forward with the process quickly because it is a critical need. This Nation is really 8 or 9 years behind our timeline to get started with producing the aircraft. It is the No. 1 procurement priority for the U.S. Air Force. Many of the planes are 50 years old. I saw one being refurbished with a serial number of 1960 not long ago. The cost of operating these aircraft is rising.

I hope we can work through this process and make sure each bidder has a fair opportunity to bid. It is critically important that the Air Force treat all bidders fairly, that politics not interfere with the process, and that they select the best aircraft for the military.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to get back to the issue before us, the housing crisis. I thank Senators DODD and SHELBY for working so hard to reach compromise.

Here is where we are. I believe if you look at this recession many of our States are in—and there is an argument as to whether we are in this recession nationally—we know where it is coming from. The housing crisis is certainly a root cause. The speculation in the futures market, in oil, is definitely a root cause. We need to address both of those issues. That is why on this side of the aisle we had a very good package of bills to go after the speculators, to go after the manipulators of gas prices.

We will keep coming back until our colleagues recognize they can talk about drilling off the coast in pristine areas all they want—the truth is, the American people will see through that. Even if we were to do it—and I think it would be a disaster for our economy because those areas are dependent on a pristine coast—you are not going to see any impact on gas prices until 2030.

So what we need to do on the gas-price front is to confront the people who are speculating. We have heard numbers of up to about a third of the price of a barrel of oil being associated with the speculation. I also signed on to a letter. I thank Senator FRANK LAUTENBERG for his leadership. Eleven of us signed it, saying to the President that he should file a complaint with the World Trade Organization against OPEC for withholding supply. So there is a lot we can do. The President today could call for a quick investigation through the FTC, the Federal Trade Commission, on collusion and so on. But that is not happening. So at least we are, today, doing something very important, which is coming together, hopefully, to pass a bill that will deal with this housing crisis.

Look, I know I have talked to Senators DODD and SHELBY. In my State, we have a big problem. I am going to show you a little later with a chart where we are with foreclosures. So, of course, I would have liked to have seen even a stronger bill. But I know how hard it was for Senators DODD and SHELBY. Each had his own ideas of what had to be done. They came together, and I support what they have done.

I stood before the Senate about 2 months ago when we took up an earlier version of the bill, and I spoke about how California had more than triple the number of foreclosure filings in 2007 than in 2006. I am very sad to report that the situation is even worse today. I want to share with you what we see.

Foreclosure filings in California have skyrocketed over the last 41 months, rising from under 6,000 in January 2005 to 72,000 foreclosure filings in May—the highest monthly number yet and nearly double the number of a year ago. Last month alone, 1 in every 183 California households received a foreclosure filing—a rate that was 2.6 times the national average. Imagine, 1 in every 183 California households received a foreclosure filing—2.6 times the national average. As you can see—and this will go to the next chart; and I say to Senator DODD, I hope you have a minute to check this out—7 of the top 10 and 11 of the top 20 metropolitan areas with the highest foreclosure activity in the country are in California. This is where we are in California. Mr. President, 11 of the top 20 metropolitan areas with the most foreclosure filings in May are in my State. You see Stockton is No. 1, Merced is No. 3, and Modesto is No. 4—and it goes on.

This bill takes some important steps to address the crisis. It provides funds to purchase and maintain foreclosed homes, to prevent the cycle of blight from further lowering home values. It provides $4 billion for neighborhood stabilization through community development block grants for localities.

As a former county supervisor—that goes back a ways, but I well remember that the health of the neighborhoods depended on the homeowners. When the homeowners disappear because they cannot sell their home or they foreclosed on a home, the whole neighborhood begins to wither. This is a problem. So I believe this $4 billion that will go to revitalize our neighborhoods and stabilize them is very important.

It provides $150 million in additional funding for housing counselors. I held many open meetings throughout my State on this crisis, and the crying need was for housing counselors because somebody has to find out with whom they have their mortgage. Maybe it has changed four times. Maybe the mortgage was securitized. They do not have anyone to contact. We need these counselors to be on their side.

That funding in this bill will help as many as 250,000 more families work with their mortgage servicer or lender to find a way to keep their home. I know when you get people around the table who really know what is happening, we can solve a lot of these problems.

Third, the bill creates the HOPE for Homeowners Act, which authorizes $300 billion in FHA-backed loans to help families stay in their homes—at no cost to American taxpayers because of the way this will work.

These are all vital steps.

My big concern goes to the issue of the Nation's high-cost areas, of which California is one. We see there is a permanent increase in the loan limits for Fannie, Freddie, and FHA, but they are not as high as what was in the stimulus package. Although it is $625,000—it is a step in the right direction—we really should go back to the $729,000 we had under the economic stimulus package.

The loan limit for participation in the HOPE for Homeowners Program is set at $550,000. Given the concentration of foreclosures in high-cost areas, a higher loan limit for this program is essential.

I know this was an issue for Senator SHELBY, but I want to point out that in his State, I think the average price of a home is about $130,000—the average median home price—$130,000. That is way under other areas, particularly areas such as Florida, California, and Nevada.

Mr. President, I ask unanimous consent to have printed in the RECORD the States that would benefit from the higher loan limit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATES BENEFITING FROM HIGHER LOAN LIMITS

Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho.

Massachussetts, Maryland, North Carolina, New Hampshire, New Jersey, New Mexico, New York, Nevada, Ohio, Oregon.

Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia, Wyoming.

Mrs. BOXER. Mr. President, there are 28 States here. Believe me when I say, if we stick with the lower limits, a lot of people are not going to get the benefit. We are talking really about 97 million Americans who would be adversely impacted by the fact that we did not have a higher limit here. In California, 21 million people—more than half the State's population—live in 1 of 14 counties that have a median price so high, they do qualify for the higher $729,000 loan limits.

So I say to my friend, Senator SHELBY, please remember that borrowers in his State will have access to affordable mortgages, for loans well over 300 percent above the median home price. So Senator SHELBY's State is taken care of. But the States on this list, including California, Connecticut, Florida, Georgia, Hawaii, and Massachusetts—I could read this list—they are going to be in trouble with these lower limits.

Again, my State has 11 of the top 20 metropolitan areas in the country with the most foreclosure filings. Going back to this chart, I want to show Senator DODD what has happened here. We just keep going up in foreclosures. Now 1 in every 183 households has received a foreclosure notice in California. This is very serious. That is just in May.

This is why I am so pleased, I say to Senator DODD, you and Senator SHELBY were able to get as far as you did get. And you did get pretty far. You are doing some very important work here.

The dream of home ownership exists in every corner of America. I will tell my colleagues, I grew up in a family who never owned a home. We didn't own a home when I was growing up. We couldn't do it. But when I got married and I was able to save the money and get my first home, it was a moment I will never forget, the first day in that home, and I owned it for 40 years. I literally kissed the walls when I moved in. I raised my kids there. That home provided the stability for our family, and it provided the wherewithal for us to be able to get funds, refinance the house, fix it up. It grew along with our family. It was a wonderful investment for us. I want that for all Americans.

I don't want to help people who speculated. This bill doesn't do that. This has to be a home owner. I don't want to help people who thought they would make a quick buck. That is not what this bill is about. This bill is about preserving home ownership, helping communities.

I have to say, I know there is a lot of politics that is being played. This is a political year. But we have to set aside our partisan differences. There are Republicans who are having trouble staying in their homes, and there are Democrats who are having trouble staying in their homes. So we need to set aside our differences.

In this bill we also help with the low-income housing tax credit. So the changes in this bill are long overdue, and they are critically needed now. So no bill is perfect for any one of us. Each of us would have written it better for our own State. I indicated why it needs to be made stronger for my State. But am I going to support it? Yes, I am, because certainly it is moving in the right direction.

I thank Senator DODD again for the work he has put into this bill. We need it so badly in our State. I know how hard it was for him. I am happy to yield to him for a question.

Mr. DODD. I wish to thank our colleague from California. She is absolutely correct. Arizona, Nevada, Florida—there are States that are being affected, but no State is paying the price as much as California. It is the epicenter of this problem for many reasons.

Earlier this morning, I highlighted the growing problem, as the Senator from California has done with her charts. We are now averaging on a daily basis, I say to my colleague from California, 8,427 foreclosure filings in the country every single day. That is up almost—somewhere in the area of 1,000 more than it was 2 months ago when it was up to 7,500 or in that range. Now we are getting close to 9,000 every day for foreclosure filings.

The estimates are that when you get the resets that will be occurring on these adjustable rate mortgages coming in July or shortly after July, we will face another tidal wave of foreclosures coming. So the Senator's numbers, as bad as they are today, will be worse, quite candidly. So every day we wait, every day there is a delay, it is going to cost us dearly.

I can't guarantee our bill is going to solve every problem. All I can tell my colleagues is what we have done is listen to very good people. We have held 50 different hearings over the last number of months listening to people from the American Heritage Foundation, the Consumer Federation of America, and they all have come to this conclusion. So when people start telling me this is written for some special interest, believe me, if you have been to the 50 hearings and listened to people talk about this idea—one that we actually tried once before; a very similar idea back in the early part of the 20th century during the Great Depression is the last time we had a crisis such as this and it worked, and it made a difference in the lives of people and families.

I listened to the Senator's personal story, which is very moving. But what a difference there is today in our country that we have been able to make housing and home ownership available to so many more people and to watch it happen, and now watch this fall apart and what it does to neighborhoods and families and communities. There is nothing more stabilizing than the idea of having an equity interest in where you live.

So this is an issue that has far broader implications than just housing, but it is at the heart of who we are and the dreams that people have in this country. So it is very important we get this done. I thank the Senator immensely for her comments, as well as the data which she is supplying to reinforce this bill.

Mrs. BOXER. Mr. President, this list of 20 States—and I see my friend from Florida is going to speak—of course, is included in here. These are the States. It is 28 States—27 plus DC, to be exact—where we have very high-cost housing. We are very grateful that Senator SHELBY agreed to go over $600,000. Believe me, we need a little more boost. But we have to do this. We have to get it done.

I guess the reason I wanted to speak today is to not only thank Senator DODD and Senator SHELBY for bridging the partisan divide, but to say we cannot play politics with this subject matter. This isn't about some ideological issue; this is about people being thrown out of their castles—their home—and thrown into the moat, and it is about communities that then begin to wither. It is about local governments that begin to struggle. It is about crime rates that begin to go up. It is about dreams that are dashed and consumer confidence that goes down the tubes at a time when we are fighting off a broad recession and unemployment.

So I just hope—I don't know where this will lead. We haven't had much success in the past couple of weeks getting anything done around here. But I am hopeful that because all of us are hit by this that we will set aside the politics in this political year, we will leave it at the door, and for a few shining moments come together and get this thing going because I have read this bill. Would I have written it better? Yes. Would Senator DODD have changed it? Yes. Would Senator MARTINEZ? Absolutely. All of us would have done it our way. Senator SALAZAR would have done it his way.

We, Senator DODD and Senator SHELBY, have done some important things in this bill, and some things that are very straightforward. What impresses me the most is that they did build on the success of a program that America used years ago and wound up not costing any money. We actually make some money for the taxpayers. So this is a tried-and-true idea, and we need to try it again, just getting those counselors out there to sit down with the parties and find a person to talk to.

I was just saying while Senator DODD was in the cloakroom that I had five hearings myself around the State, and my staff did, and one of the biggest problems was that some people couldn't find out who to talk to. So when you have a counselor who has that expertise, one out of two times, they told us, they solved the problem. So thank you again. I will be supporting this bill.

I would just say to my colleagues who aren't here, but to any within the sound of my voice, any amendments that will further this and make this a better bill, great. But if they are nasty, "let's try to score political points" amendments, I hope we will all have the courage to say no to those.

I yield the floor.

Mr. DODD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by our colleague from Florida, Senator MARTINEZ, Senator SCHUMER be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I wish to thank the Senator from California for her comments and concern. I wish to add my thanks on behalf of my constituents in the State of Florida to Chairman DODD and to Senator SHELBY for being the architects of this very fine bill that attempts to put a floor on what is a downward spiral that we are seeing of home prices and ever-increasing foreclosures.

The National Association of Homebuilders tells us that every week another 47,000 homeowners are going into foreclosure. That is a tragic figure, as the Senator from California was saying. I can recall during the past decade when each and every day we could see increasing numbers of Americans who were becoming homeowners, increasing percentages, particularly among minority families—African American and Hispanic families—who were tasting and grasping that dream of home ownership, and now we are seeing that dream erode and dissipate. If we can do something, if we can respond, then we must.

This bill attempts to do that in a very measured way—in an imperfect way, but in a way that I think moves us forward and allows the American homeowner to begin to feel a sense that they are getting a floor under them, and it allows the housing economy, which is so important to a State such as Florida—we begin to feel as if we are getting a little footing going.

There are some tragic stories of how we got here. There are a number of things that have happened in the lending world that highlight the problem. In one situation, a gentleman from Ruskin, FL, was approved for a $280,000 home despite the fact that he was making $12.50 an hour with a lumber company in Bradenton. Without his knowledge, the mortgage originator listed his annual income at $60,000 a year in order for him to qualify for the loan. Five months later, after moving into his new home, he defaulted on his subprime mortgage, depleted his savings, and now has a black mark on his credit and no home. His story is just one of many.

These stories are all over the country. There may be some parts of America that are untouched by this crisis, but I will tell my colleagues that Florida has been hit, and Florida has been hit hard. That is why I am so grateful this bill is finally on the Senate floor and that we are moving forward to act on it.

I agree with the Senator from California. We need to put partisanship aside and ideology aside. This is about getting something good done for the American people. If someone thinks they can make the bill better, that is why we have an open amendment process with amendments that are germane to housing, and that is how we should keep it. Let's hear your ideas.

Knowingly filling in false information is a crime, and it brings to light some of the flaws that we have had in our financial system, in our mortgage system. So this bill represents a good-faith, bipartisan effort to address this ongoing crisis.

There is help for America's struggling homeowners, there is reform of major Federal programs, and there are new ideas to help ensure that we don't find ourselves in a similar situation somewhere in the future. So I wish to thank Senator DODD, Senator SHELBY, as well as Senator BAUCUS and Senator GRASSLEY for working together on a package that I hope will have strong bipartisan support from the Members of the Senate.

One of the most important provisions to me in this package is regulatory reform of the government-sponsored enterprises. These are little-known entities—I came to know them in depth while I was at HUD—Fannie Mae and Freddie Mac and the Federal Home Loan Banks. They play an immense and critical role in our Nation's housing finance industry. They have to be strengthened. They have to be safeguarded. They are a treasure.

One of the questions that I always would be asked when visiting with foreign dignitaries as HUD Secretary was, How do you set up the government-sponsored enterprises? How can we replicate them in our country? So they are a national treasure, but all is not well.

It is important to note that when they have reached the point where they are financing more than 80 percent of all mortgages in the United States, which is up from 40 percent a year ago, and when we see that from time to time there has been some trouble in these entities, it is time for us to have a stronger and more forceful regulator.

GSEs have been a key to the stability and the liquidity of the mortgage market, but they are stretched. Both Fannie and Freddie continue to have financial and operational issues that heighten the need for strengthened oversight. As GSEs take on more risk, as Congress has allowed them to do, we have an obligation—and by the way, I believe it was appropriate to do that, but now we have an obligation since we did that to ensure they continue to fulfill their public mission in a safe and sound manner. GSEs have an obligation of more than $6 trillion in debt and securities. If their risks are not managed properly, or if market movements turn dramatically against them, the Federal Government could face a very serious situation. So we owe it to the American taxpayer—our constituents—who would be on the line in the event of a failure, to enact meaningful, comprehensive reform legislation.

A strengthened regulator is in everyone's best interests: The administration, the Congress, Wall Street, investors worldwide, and, most importantly, the American home buyer. I believe by strengthening this regulator that we will create a greater level of confidence in investors at a time when more capital and more liquidity is needed in these troubled financial times.

The importance of Fannie Mae and Freddie Mac in the housing financial system is simply undeniable. Real reform is necessary to ensure that the public understands these two companies can continue to make low-cost mortgage financing available to low- and moderate-income families. But we also have to do more than help temper the current situation. We have to ensure we don't find ourselves back here facing the same issues again in the future that we are facing today.

That is why Senator DODD and Senator FEINSTEIN and I have worked hard on an amendment which was accepted in committee—the Safe Mortgage Licensing Act—that addresses the loose patchwork of State regulation of residential mortgage loan originators. Our amendment is included in the provisions of title V, which is included in this package. It would help eliminate bad actors from the mortgage business.

I should say most mortgage brokers are decent, honorable people trying to do a good job each and every day, but there have been some bad players and bad actors in this arena. The act would create a national registry database and require brokers and lenders to meet minimum national standards which ensure that they are professional, competent, and trustworthy. Strong licensing standards for mortgage brokers and lenders are an important part of protecting consumers and restoring confidence in the marketplace.

There is another important component of this package, and that is the reform of the Federal Housing Administration, or the FHA. Congress created FHA in 1934 to help spur the housing market and increase home ownership. It was in another time when we were in a troubled financial situation.

It was after the Great Depression. It was one of the vehicles that moved America, particularly after the Second World War, into an ownership society. Instead of governmental loans or subsidies, borrowers purchased FHA mortgage insurance. Since the insurance mitigates a lender's risk, a lender can offer competitive mortgage terms to borrowers who may have thin or imperfect credit, or little cash on hand.

Over the past 72 years, FHA has been a mortgage industry leader, helping over 34 million Americans become homeowners at no cost to the taxpayers.

I should add, in my own family, as an immigrant family, when my parents had only been here a little over 2 years, we grasped the American dream and owned our first home in America. It was insured and financed with an FHA-insured loan. I had no idea what it was at that time. All I knew was that it was an FHA loan that allowed us, with a very small downpayment, to get a 30-year fixed mortgage so we could begin to live the American dream. That is the historic role FHA has played throughout our Nation's history since 1934. It can play that role again today.

Prior to the FHA program, home buyers were required to have downpayments of as much as 50 percent of the purchase price. That is still true in many parts of the world today. In those places where ownership is still a distant dream, that is what it takes.

Financing consisted of 5-year interest-only mortgages. FHA made the low downpayment, 30-year fixed rate, self-amortizing loan the standard product in the United States. Unfortunately, in recent years, while the mortgage industry adapted to changes in the marketplace, FHA stayed the same, leaving a large number of home buyers with no option but higher cost, higher risk mortgages.

I remember when I was at HUD, each and every statistic we would get would show an ever-dwindling market share for FHA of all the mortgages being originated. For many minority and low-income first-time home buyers, the private market provided access to mortgage financing, but too often at excessive costs. We know today that the dream of home ownership has turned into a nightmare for too many Americans.

I have no doubt that many of the individuals in financial trouble today could have received lower cost loans with the help of the FHA, especially if the program had the flexibility to change with the marketplace.

The FHA reform provision included in this package will make much needed programmatic improvements, allow FHA to insure larger loans, and give FHA more pricing flexibility. These reforms will empower FHA to reach more families needing help—first-time home buyers, minorities, and those with low and moderate income.

With this legislation, we have built an even better program that complements conventional mortgage products and allows FHA to continue to serve hard-working, creditworthy Americans. This housing bill will go a long way in helping those suffering in the short term, and ensure our housing economy regains its strength in the long term.

Some of the detractors have said this FHA program will be some sort of a bailout to one mortgage company or another. The fact is this is a program here to help individuals. We should not get distracted with side issues. The fact is this program is inclined to help those families while, at the same time, working with the financial institutions. What we have today is—if we could create a situation where the home buyer could refinance, and where the bank doesn't have to go through with foreclosure—the bank doesn't want a house, they want a payment. They don't want to foreclose on the homeowner. If we could do all of this by using FHA, wouldn't that be a good thing? And then the bonus or the dessert on top of that good deal is the fact that we can now do this by utilizing the resources of Fannie Mae and Freddie Mac as a backup, creating this fund that will be there to help home buyers in the future. Today, in this moment, it is going to be there to safeguard and backstop the FHA program, to ensure that the taxpayers are not on the hook, but that homeowners are given a second chance to have a mortgage they can now afford, with the financial institutions taking a haircut. They will be taking a loss. This is no bailout. They will take a loss. Then the home buyer will have a mortgage that is more in keeping with today's market prices. This is a win-win situation that I am delighted we have been able to see come through in this housing bill.

I conclude by extending my thanks to Chairman DODD and Ranking Member SHELBY. I particularly thank the chairman for his courtesies throughout the process in that I have been given an opportunity to make an impact on a couple of issues relating to mortgage brokers, and so forth. I look forward to being of help in any way I can in the process of making this bill become a reality.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I return that compliment. To have a former Secretary of HUD as a member of the Banking Committee is a pretty good asset. When we talk about these issues, to have someone who ran that agency and knows these programs as intimately as Senator MEL MARTINEZ has been a great asset for the committee in developing this product. I will say this publicly. I am deeply grateful to him. Senator SHELBY is, as well, as are all of the members of the committee.

We have had an active and involved committee. The 21 members of the committee have been deeply engaged in this debate over the last year and a half, or more, as we have had some 50 hearings—most of which have been related to the subject matter—to gather the best information and advice we could get in developing the product we have here. The Senator from Florida has been a key element in doing that.

Mr. MARTINEZ. Mr. President, I thank the chairman. I have heard in recent days that this bill hasn't been seen, read, and that somehow there is mystery surrounding this bill. It has been through the committee process. There have been a number of hearings, as the chairman has discussed, on each of the components of this bill. We have had great testimony from all of the financial minds in this country. It is a bill that passed committee with a bipartisan vote of 19 to 2. There is no real mystery here. I realize minor changes have been made in the last couple of days. This is an open process. I hope we are not sidetracked with side issues having nothing to do with what is at stake—America's families who are hurting.

Mr. DODD. Mr. President, Senator SCHUMER was, by consent, supposed to follow Senator MARTINEZ, but the Senator had to attend another meeting. Let me ask my colleague, how long is my colleague from New Hampshire going to be?

Mr. SUNUNU. Four minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 4999 TO AMENDMENT NO. 4963

Mr. SUNUNU. Mr. President, I rise to offer an amendment. I ask unanimous consent that the pending amendment be set aside and that my amendment No. 4999 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 4999 to amendment No. 4983.

The amendment is as follows:

(Purpose: To amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan)

At the end of Division B, insert the following:

TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

SEC. 2701. SHORT TITLE.

This title may be cited as the "Small Public Housing Authorities Paperwork Reduction Act".

SEC. 2702. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN QUALIFIED PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c-1(b)) is amended by adding at the end the following:

"(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

"(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this sub-section.

"(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

"(C) DEFINITION.—For purposes of this section, the term 'qualified public housing agency' means a public housing agency that meets the following requirements:

"(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 750 or fewer.

"(ii) The agency is not designated under section 6(j)(2) as a troubled public housing agency.".

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

"(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under sub section (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

"(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

"(f) PUBLIC HEARINGS.—" and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1)), by adding at the end the following:

"(5) QUALIFIED PUBLIC HOUSING AGENCIES.—

"(A) REQUIREMENT.—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

"(i) to discuss any changes to the goals, objectives, and policies of the agency; and

"(ii) to invite public comment regarding such changes.

(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

"(i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

"(ii) publish a notice informing the public that—

"(I) the information is available as required under clause (i); and

"(II) a public hearing under subparagraph (A) will be conducted.".

Mr. SUNUNU. Mr. President, my amendment deals with affordable housing. This is a very large and complex piece of legislation. I know the members of the Banking Committee and the chairman and ranking member worked hard on this legislation. It deals with a number of government-sponsored enterprises that the Senator from Florida spoke about—the housing trust fund, tax credits to try to deal with housing inventories, and the affordability of housing.

I offer this amendment that addresses affordable housing in a slightly different venue, and that is the affordable housing supported and provided by housing authorities all over America.

My amendment reaches out to those housing authorities to help them do their job better, by reducing the amount of paperwork they have to deal with in doing their job of providing affordable and safe housing to people across America. We look especially at the smallest of the housing authorities, the ones that don't have enormous staff, or support groups, or an employment base to help deal with all of the Federal regulations we put on them.

This amendment says to the smallest housing authorities in the country, those with 750 or fewer housing units or vouchers that they manage, if you do a good job and are among the highest performers, not troubled, get the job done, perform well, and pass all of the HUD audits, you won't have to be required to submit a formal plan every single year. You still have to provide a 5-year plan, and you still have to meet all of the civil rights laws in compliance under HUD. But we take away that administrative burden of having to put together a plan every single year. That makes a difference and enables them to focus on their mission, reduce costs and their overhead, but at the same time leaves in place the core requirements that they continue to fulfill that mission effectively and comply with all of the requirements of HUD.

This is something that is strongly supported by the National Association of Housing and Redevelopment Officials. I worked closely with them in crafting this language, and I worked closely with the staff on the Banking Committee in crafting this language. They provided a good number of recommendations and suggestions.

Unfortunately, we have not had many vehicles dealing with housing to come before the Senate. That is why I think it is especially appropriate that we try to address this and take care of it now, before the Senate is consumed by other issues in the months ahead. We have a great opportunity to take a common sense step that is supported by housing authorities across the country.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, yesterday I was here on the floor and I shared with my colleagues news about work that Senator VOINOVICH and I and others have done to reduce the diesel emissions that come from the approximately 11 million diesel engines across the country, causing tens of thousands of premature deaths from asthma and cancer and other diseases because of those emissions. I talked about how a number of us working together, Democrats and Republicans, in the Senate and in the House, cobbled together legislation that would have a positive affect in reducing the health threats from these emissions.

Today we bring up for consideration another piece of legislation. It is not designed to save lives, but it is designed to make the quality of life better for people in this country, to make sure people who might otherwise not have a decent place to live, might lose their home in which they now live, or they might have a chance to retain that home, or maybe to obtain a home they never otherwise would have had.

One of the things I like especially about this legislation is it was developed in the same bipartisan way that Senator VOINOVICH and I worked on the Diesel Emission Reductions Act. We have legislation here that the chairman of the committee, Senator SHELBY, their staffs, and our staffs have worked on for months to bring to fruition. Also, it involves the great and important input of the administration, the Federal Reserve, and other bank regulators.

If you go back about 2 months ago, in April of this year, the Senate passed what we call the Foreclosure Prevention Act of 2008. At the time, I spoke on the floor about how that legislation was, as I described it, the third act of a four-act play that would hopefully begin to bring economic recovery following this mortgage meltdown.

From time to time in this country, our economy goes through a bubble of one sort or the other. Before another one happens, we have to go maybe 10 years. We experienced the telecom bubble during which the market soared, and not for any good reason—maybe irrational exuberance. Eventually, the values plummeted down to something more reasonable. We went through the housing bubble, where the housing has gone up, and it is hard to explain it as anything but irrational exuberance. That bubble has now collapsed, and we are looking for the bottom and for the market to stabilize property values. We are trying to make sure we get to the bottom quickly, that we maintain the banking system, that we help neighborhoods where there are foreclosed homes, which creates a blight in the community, and to try to ensure that people in an upside-down mortgage situation, where the cost of the mortgage is higher than the value of the home, don't walk away from their homes and create a further blight in their communities.

I have a couple of charts I want to show, you if I may. This refers to the four-act play. Act I stars the Federal Reserve, Ben Bernanke and the folks he works with. Act II, the stimulus package we took up and debated here earlier this year; act III, the Foreclosure Prevention Act that we passed about 2 months ago here in the Senate by a very wide margin; and act IV is legislation that has been reported out of the Banking Committee, I want to say by about an 18-to-2 vote a month or so ago, under the leadership of Senators DODD and SHELBY. Among other things, that provides for a strong, independent regulator for Fannie Mae and Freddie Mac, which are heavily involved in making it possible for people to become homeowners, and also addresses the issue we are having now where the mortgage of a home is greater than the value of the home for which the mortgage is held. So that is the four-act play, and I want to maybe talk about each of those and a couple of them in more detail.

I have been around for a while. In talking about act I, I have never seen the Federal Reserve do the kinds of extraordinary things they have done this year to help us avoid a recession, or if we are to have one, to make sure it is shallow: dramatic moves in reducing the Fed's fund rate; encouraging or taking away the stigma for financial institutions, commercial banks, as well as noncommercial banks, investment banks, to use the discount window; serving as the marriage maker, if you will, between JPMorgan Chase and Bear Stearns as it was about to go down to ensure it didn't fail—just a whole series of extraordinary things—swapping out mortgage-backed securities that banks are holding that are highly illiquid and exchanging in place highly liquid U.S. Treasuries. Those are all things the Fed has done. We have seen them do one or two of those during the course of an economic cycle, but to see all four or five steps within a span of a couple of months is extraordinary, and I give them high marks for what they have done in act I.

Act II was the action taken by the Congress to pass the economic stimulus package earlier this year. While the economic stimulus package was not perfect, probably not the one the Presiding Officer or I would have designed, it was, to its credit, targeted, it was timely, and it is temporary. Right now, it is helping to bolster our economy, and we expect it to add maybe 1 to 1½ percentage points to our gross domestic product.

Act III was the Foreclosure Prevention Act that we passed back in April by an overwhelming majority. I think it passed something like 84 to 12. That bill included a number of important provisions, including making sure more counselors are available to help folks who are sliding into a tough spot, maybe thinking about walking away from their homes, going into foreclosure and losing their homes. We said: We are going to make sure, by allocating $100 million, there are enough trained counselors out there to truly respond to people who need help. So that was part of that legislation. In that legislation, we also helped local communities deal with properties that were foreclosed on or abandoned.

We took the Federal Housing Administration, FHA, which has been around for 75 years, and we made it relevant, if you will, for the 21st century. If you go back 5 or 6 years, something like 15 to 20 percent of mortgages in this country were FHA guaranteed. FHA was created to help first-time home buyers become homeowners and to help folks who had marginal credit strength become homeowners as well. In the last year or so, we didn't have 15 or 20 percent of the mortgages being FHA guaranteed or insured mortgages but maybe 5 percent. What has happened in recent years is people who would maybe at one time have used FHA to become a homeowner instead ended up relying on these exotic adjustable rate mortgages—maybe no downpayment, low interest, or teaser rates to begin with and which balloon up to much higher rates which are hard to get out of, and they then get stuck there and it is difficult to refinance out of. We want to make sure people don't buy their homes with those kinds of financing vehicles and they go back to the plain-vanilla or FHA insured mortgages, 30-year fixed-rate mortgages in many instances. The legislation we passed 2 months ago does just that for the FHA.

Act IV is our effort that is currently underway here today to permanently overhaul the regulation of our government-sponsored enterprises, Fannie Mae and Freddie Mac, which are heavily involved—and I will explain in a minute just how they are heavily involved—in making it possible for people to own their homes. At the same time, we want to help homeowners be able to refinance into affordable FHA mortgages as they are running into difficulties in their own lives.

I think the bill that is before us today, the Housing Economic Recovery Act, truly is a comprehensive effort to address our Nation's housing problems.

For many years, unscrupulous lenders paid no attention—I shouldn't say for many years—in recent years, unscrupulous lenders have paid little or no attention to a potential homeowner's credit history for making their mortgage loans. Home buyers—both knowingly and unknowingly—were given mortgages they could never realistically expect to repay. One might ask why. The answer in part lies in the fact that the financial sector has become increasingly complicated. Today, a mortgage is made, really, in the blink of an eye. The mortgage is bundled with others and sliced into tiny pieces known as "tranches." Wall Street readily buys these mortgages, bundles them together as mortgage-backed securities, and sells them to investors around the world. As long as home prices continued to rise, there was very little risk to the lender, and for years home prices have continued to rise—until now.

In the past, homeowners could always refinance their home and sell it for a profit and pay off their debt. When home prices began to lag, though, a vicious cycle began to emerge, and many of these so-called subprime customers have defaulted on their loans, and homes prices, as we know, have fallen drastically over the last year in many places around the country, eliminating the option to sell for a profit. As a result, the financial institutions and investors are losing billions of dollars and the private secondary mortgage market is in shambles.

Communities are also hurt by home foreclosures. Houses that have been abandoned attract crime and further drive down the home values in their neighborhoods. Homeowners trying to refinance are now finding themselves in an upside-down situation where they owe more than their house is worth. Foreclosure is now more than possible, it is probable for a lot of those homeowners. We have seen hundreds of thousands of people in this country in recent months literally just walk away from their homes. In fact, there is a company called Just Walk Away, designed to actually help people walk away from their home and leave it in foreclosure.

In February of this year, the Senate Banking Committee held a hearing on the state of our Nation's economy, and there were a number of witnesses there—Secretary Paulson, Federal Reserve Chairman Bernanke, and Securities and Exchange Commissioner Cox. All gave testimony on the problems facing our economy because of this housing crisis.

At that hearing, I asked Treasury Secretary Paulson to list the administration's top legislative priorities for dealing with the housing crisis, and the Secretary's response was unequivocal. He was very clear and very direct in his response, and this chart really summarizes it.

He said, first of all, the administration wants housing authorities around the country to be able to issue tax-exempt revenue bonds, not just for first-time home buyers or for multifamily housing but to issue tax-exempt revenue bonds to raise money to help people in desperate situations refinance out of a subprime mortgage and get into something that is better suited for them.

The second thing he said is: We want FHA to be modernized and streamlined and brought into the 21st century so it is relevant again and can help people with questionable credit or maybe people who are fist-time home buyers.

The last thing he said is: We need to overhaul the way we regulate Fannie Mae and Freddie Mac, with a strong, independent regulator, much as our banks have strong, independent regulators. We need that kind of regulator at Fannie Mae and Freddie Mac and for the Federal Home Loan Banks.

The next thing I wish to do, if I can, is to look at this chart.

One of the other elements of the legislation we passed back on April 10, which was bundled together with the legislation I just described from the last chart, was to move FHA into the 21st century and provide $150 million for mortgage counseling.

We have probably seen on television commercials that say: Having trouble on your home, facing foreclosure, whatever, or facing bankruptcy? Call this number. You always wonder: Is that the number of a scoundrel, somebody unscrupulous, or somebody who will really help the person who is in distress? We are providing through this legislation about $150 million for someone to actually be there to help when the phone rings. At the other end of the line will be someone who is a trained housing counselor who can answer questions and help a person avoid foreclosure and possibly losing their home.

Finally, we provide in this legislation something like $4 billion for CDBG, community development block grants, so that State and local governments, city governments, can help take properties in foreclosure that are really decaying in a neighborhood and damaging the value of the whole community—we want counties and cities to actually buy those properties, fix them up, and get them sold and back into the marketplace so they can get a homeowner in that home.

The last thing I wish to mention is that this housing package we are passing goes even further and creates a new voluntary program within FHA to help those folks who are in an upside-down mortgage situation where they owe more than the house is worth. What our legislation calls for is something we call HOPE for Homeowners, where a number of people are asked to take a financial haircut—not a real haircut but a financial haircut—where homeowners are willing to take a little financial haircut and the lenders and investors as well voluntarily take a financial haircut. In return, the homeowner agrees to stay in the home and then share the appreciation in value, when the value of the home rebounds, with the FHA.

This program is not intended to bail out investors or borrowers. Let me be clear: The Federal Government should not be in the business of rewarding bad behavior. We don't want to do that, and this legislation does not do that. The goal of this program, the HOPE for Homeowners Program, is to help families who can stay in their homes to stay in their homes rather than give up and walk away. We are not going to get rich doing this, but hopefully they will still have a roof over their heads and a little bit of equity in the home they have purchased.

The last thing I want to mention is in terms of regulation of Fannie Mae and Freddie Mac and the Federal Home Loan Banks. They are involved in raising trillions of dollars to finance home mortgages—trillions of dollars. We have strong, independent regulators of financial institutions, thrifts, credit unions, and large bank holding companies, and for the most part they are not nearly as large as Fannie Mae and Freddie Mac, and Fannie Mae and Freddie Mac don't have a strong and independent regulator. They need one, and with this legislation, they are going to get one. The new regulator will have the power to establish capital standards to manage the portfolio of these entities—these behemoths—to review and approve, subject to notice and comment, new product offerings.

For the last few years, I have worked tirelessly with many of my colleagues, including CHUCK SCHUMER—who is sitting right behind me—Senator MEL MARTINEZ, and others, to establish a new world-class regulator for the housing GSEs. We have come close a couple of times, but each time we had to let a few differences stand in the way of our progress. Today, we actually made progress and put in place a strong, independent regulator as we face an uncertain future.

The last thing I wish to mention—and I know I said that once before, but the last thing I especially like about what we do, in addition to providing a strong, independent regulator for Fannie Mae and Freddie Mac, is we require them to establish and to begin contributing into an affordable housing fund.

Some of you know that we have these 12 Federal Home Loan Banks around the country. They raise money that can be used by banks in housing and business to help finance housing construction and purchases. Every one of the Federal Home Loan Banks has a requirement under the law to commit to donate 10 percent of their net income into an affordable housing fund. That filters back into the community, and it leverages a lot more money to help first-time home buyers and multifamily housing. Fannie Mae and Freddie Mac don't have that requirement to contribute to a housing fund. With this legislation we are passing this week, Fannie Mae and Freddie Mac will have that requirement. The amount of money that it will generate in a year, probably a couple years down the road, a half billion dollars a year—twice as much as is generated by the affordable housing fund by the Federal Home Loan Banks. That will be a wonderful tool for us to use in our communities.

I think that is pretty much what I wanted to say. I know my friend Senator SCHUMER is behind me and anxious to say his piece too. So I will just close by saying that with respect to the cost of the bill, I am concerned about paying for things, making sure if something is worth doing, we pay for it. The tax provisions in this bill are not completely offset. Mostly they are, but they are not completely offset. I think there is a shortfall of about $2 billion. We are supposed to be living under the pay-go rules we adopted and put in place in the Senate last year—emphasis on "supposed to." In a tax package such as this one, where the intent was to pay for the new home-buyer credits and other matters, we should have stuck to our principles and found the necessary offsets to pay for these tax breaks or simply scaled them back. Unfortunately, we fell short in that regard. Certainly I don't blame the chairman, who knows what we ought to do and need to do, as do I. That is simply not the jurisdiction of our committee. In the whole package, I suppose that is the one disappointment I have, and my hope is we will come back and fix that later.

Overall, though, this is great legislation. This is great legislation. This will mean real progress in a responsible way, and our chairman deserves great credit, as does Senator SHELBY and our staffs.

I say to my friend Senator DODD that I spoke to the majority staff, the Democratic staff, yesterday in the cloakroom. I sit on the Commerce Committee, among other committees, and we have great staff there, especially at the committee level, and I want to say that this year our majority staff and I think our minority staff have really showed what they are made of, and we will all benefit from that as a nation. So my hat is off to you, our leader, and to our the staffs.

Mr. President, to reiterate, in April, the United States Senate passed the Foreclosure Prevention Act of 2008. At that time, I spoke right here on the Senate floor about how that legislation was the third act in a four-act play that will begin to bring economic recovery following the mortgage meltdown.

Act I was the actions taken by the Federal Reserve to keep interest rates low and provide liquidity to the markets.

Act II was the action taken by Congress earlier this year to pass the economic stimulus package. While our economic stimulus package was not perfect, it was targeted, timely and temporary, and right now is helping to bolster our economy.

Act III was the Foreclosure Prevention Act of 2008 that just passed in April by an overwhelming majority of 84 to 12. This bill included important provisions to provide counseling to Americans facing foreclosure; to help local communities deal with properties in their neighborhoods that are abandoned or foreclosed; and to reform the Federal Housing Administration so that more Americans have access to affordable, safe, government-backed loans.

Act IV is our effort currently underway here to permanently reform the regulator of the government sponsored enterprises—Fannie Mae and Freddie Mac—and to create a program that will help homeowners refinance into a safe, affordable FHA mortgage.

The bill that is before us today, the Housing and Economic Recovery Act, is truly a comprehensive effort to address our nation's housing problems.

For many years, unscrupulous lenders paid no attention to a potential homeowner's credit history when making their mortgage loans. Homebuyers—both knowingly and unknowingly—were given mortgages they could never repay.

Why?

The answer, in part, lies in the fact that the financial sector has become increasingly complicated. Today, a mortgage loan is made in the blink of an eye. The mortgage is bundled up with others and sliced up into tiny pieces—known as tranches. Wall Street readily buys these mortgages, bundles them together as mortgage backed securities and sells them to investors around the world.

As home prices continued to rise, there was very little risk to the lender. The homeowner could always refinance their home or sell for a profit, paying off the debt.

When home prices began to lag, however, a vicious cycle began to emerge. Most of these so-called subprime customers have defaulted on their loans and home prices have fallen drastically over the past year, eliminating the option to sell for profit. As a result, financial institutions and investors are losing billions of dollars and the private, secondary mortgage market is in shambles.

Communities are also hurt by home foreclosures. Houses that have been abandoned attract crime and further drive down the home values in the neighborhood. Homeowners trying to refinance now find themselves "upside down"—owing more than the home is worth. Foreclosure is now more than possible, it is probable for many homeowners.

In fact, there are companies that now specialize in teaching homeowners how to just walk away from their home.

In February of this year, the Senate Banking Committee held a hearing on the state of the Nation's economy. Treasury Secretary Paulson, Federal Reserve Chairman Bernanke and Securities and Exchange Commissioner Cox gave testimony on the problems facing our economy because of the housing crisis.

At that hearing, I asked Secretary Paulson to list the administration's top legislative priorities for dealing with this housing crisis. The Secretary's response was unequivocal:

Congress must allow communities to issue more mortgage revenue bonds, modernize the Federal Housing Administration and give the government sponsored enterprises a new regulator.

I am pleased that this bill before us today addresses each and every one of the administration's priorities.

First of all, we would allow the issuance of an additional $10 billion in mortgage revenue bonds to be used not only for first-time homebuyers and low-income housing, but also to help homeowners refinance out of a subprime mortgage.

This bill also contains the FHA modernization provision, passed in the Foreclosure Prevention Act, earlier this year.

This bill brings the FHA into the 21st century by expanding the maximum FHA loan limit from $360,000 to as much as $625,000 in high-cost areas. This bill also streamlines and automates the process to apply for an FHA loan, making it easier for American families to have access to safe government guaranteed loans.

Along with these steps, the bill includes $150 million for housing counselors across the country, and almost $4 billion in community development block grants to go to communities hardest hit by the foreclosure crisis.

The Housing and Economic Recovery Act goes even further to create a new voluntary program within FHA to help homeowners in "upside down" mortgages to refinance into a safe, affordable FHA mortgage.

Under the new Hope for Homeowners program, lenders agree to take a loss and allow a homeowner to refinance into a new loan. In return, the homeowner agrees to share any future appreciation with the FHA.

This program is not intended to help bail out investors or borrowers. Let me be clear: The Federal Government should not be in the business of rewarding bad behavior.

The goal of this program is to help families who can stay in their homes, remain in their homes rather than give up and walk away.

The Housing and Economic Recovery Act also provides assistance to the secondary mortgage market by reforming the regulator for the government sponsored enterprises—often called GSEs—which are made up of Fannie Mae, Freddie Mac, and the Federal Home Loan Banks.

Today, Fannie Mae and Freddie Mac are regulated for safety and soundness by the Office of Federal Housing Enterprise Oversight. The Department of Housing and Urban Development is the mission regulator.

Since its creation, the Office of Federal Housing Enterprise Oversight has lacked the same regulatory powers and authorities of the other banking regulators. This bill provides the new regulator with all of the tools needed to ensure that the enterprises and the Federal Home Loan Banks operate in a safe and sound manner that is consistent with their statutory mission.

The new regulator will have the power to: establish capital standards; manage the portfolio; review and approve—subject to notice and comment—new product offerings.

For the last few years, I have worked tirelessly to establish a new world class regulator for the housing GSEs. We have come close several times, but each time we would let a few differences stand in the way of progress.

In addition to creating a new world class regulator, this bill also creates an affordable housing trust fund. This fund will generate hundreds of millions of dollars each year to be used to create safe and affordable housing for those most in need.

The Federal Home Loan Banks already set aside 10 percent of their profits to go to affordable housing. Fannie Mae and Freddie Mac will now also contribute a small amount of each new business deal to create this new trust fund.

Both Senator DODD and Senator SHELBY have done a very good job reaching a compromise on this bill. I know it is not easy. And like most compromises, this one is not exactly perfect.

If I could, I would just like to take a minute or two to express some concerns I have about the final product. First is an issue many of us have raised, and that applies to the enactment date in the bill for the new GSE regulator. Under this legislation, the director of the Office of Federal Housing Enterprise Oversight would have all the supervisory powers immediately after the bill is signed into law.

Under the GSE bill the House passed, we would allow 6 months before the new regulatory agency is created. To me, a 6-month cooling off period, in order to give the new agency time to transition, makes sense.

Also, it can be argued that there is a bias against the GSEs holding mortgages on their portfolio. While we want to make sure that the GSEs are not taking on undue risk, we should also be mindful that current market conditions require the GSEs to take a more active role in ensuring liquidity in the market. Today, they can only do that by purchasing mortgages and holding them in their portfolios.

Another concern that I have is the cost of this bill. The tax provisions in this bill are not completely offset and there is a shortfall of approximately $2.4 billion. We are supposed to be living under pay-go principles in the Senate. Emphasis on "supposed to be." On a tax package such as this one, where the intent was there to pay for the new homebuyer credit and other matters, we should have stuck to our principles and found the necessary offsets to pay for these tax breaks or simply scale them back. Unfortunately, we fell short.

Having said all that, I believe that, overall, this legislation will help to bring stability to our economy and make the changes to our regulatory structure to ensure a healthy housing sector for the future. I have worked hard for years on elements in this final housing legislation and I am hopeful they will become law soon.

Mr. DODD. Madam President, before he leaves the floor—I will recognize

Senator KOHL and Senator SCHUMER. Senator SCHUMER is on the floor. We heard from Senator MARTINEZ and others.

This doesn't happen miraculously. Senator CARPER has been deeply involved and committed to these issues for a long time. There was a while when I couldn't see him without "GSE" being the first thing out of his mouth.

I thank him for his persistence over the months when we developed this final product, and I thank him immensely for his work.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Wisconsin is recognized.

AMENDMENT NO. 4988 TO AMENDMENT NO. 4983

(Purpose: To protect the property and security of homeowners who are subject to foreclosure proceedings)

Mr. KOHL. Madam President, I ask unanimous consent to set the pending amendment aside and call up amendment No. 4988.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] for himself, Mrs. LINCOLN, Ms. MIKULSKI and Ms. COLLINS, proposes an amendment numbered 4988 to amendment No. 4983.

Mr. KOHL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KOHL. Madam President, today I rise to briefly discuss my amendment No. 4988, which is cosponsored by Senators COLLINS, LINCOLN and MIKULSKI.

In February, I held a revealing hearing in the Aging Committee that uncovered the ways scam artists prey on homeowners in financial and emotional distress. These scams are a consequence of the mortgage crisis that is plaguing our country—and my amendment attacks this growing problem.

For most people, their home is their greatest asset. When a homeowner falls behind in their mortgage payments, it is a great emotional strain. Scam artists prey on an owner's desperation and give them a false sense of security, claiming they can help "save their home." The types of scams vary, but the end result is that the homeowner is left in a more desperate situation than before.

There are three types of prevalent scams. The first is "phantom help," where the "rescuer" claims that they will call the homeowner's lender and renegotiate the loan for a fee. Often the homeowner will pay the fee—but the "rescuer" will abandon the homeowner without any intervention. The second is a "rent-to-own" scheme which is set up to fail. A homeowner will sign over the title of the house and make monthly payments to the scammer in order to help rebuild their credit. However, the monthly payments are extremely high and often result in the homeowner violating the contract and being evicted. Finally, a homeowner may be tricked into unknowingly signing over the title of their house and power of attorney to the scammer and the scammer will then sell the house to a third party. The scam artist might give the homeowner a small amount of money, but often only a fraction of the actual selling price.

As you can see, these scams are well crafted and extremely complicated. Catie Doyle, the chief attorney for Legal Aid Society of Milwaukee, testified before the Special Committee on Aging, describing the difficulties and problems lawyers are facing when trying to help victims of these scams. One major problem she pointed out was that lawyers have to piece together both State and Federal laws to untangle these scams.

The amendment I am offering will remedy Ms. Doyle's concerns. While there are some States that have foreclosure rescue scam laws or are in the process of enacting them, many homeowners still go unprotected from these predators. This legislation will require that all contracts between a foreclosure consultant and a homeowner be in writing and fully disclose the nature of the services and the exact cost. Additionally, the bill prohibits upfront fees from being collected and prohibits a "consultant" from obtaining the power of attorney from a homeowner.

I have a letter of support from a variety of consumer groups including the Center of Responsible Lending, Consumer Federation of America, National Community Reinvestment Coalition, the National Fair Housing Council, National Consumer Law Center and the National Council of La Raza.

The foreclosure crisis is devastating homeowners and communities across the country. Most communities across the country are experiencing both the primary and secondary effects. It is important that we address fraud at the front end of the lending process, as well as for those who face foreclosure. I hope that we can work together to move this amendment forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I rise in support of this much-needed legislation. I find it difficult to believe that with our economic crisis, the President issued a veto threat today. I would like to explain why the bill is good, why it is needed; there are some changes I would like to see made; and then talk a little bit about the President's veto threat.

First, I commend Senator DODD and Senator SHELBY for working so long and hard on this bill. This is not an easy bill, particularly when you have so many different concerns and considerations. I know how hard the chairman worked on this bill. I know how hard Senator SHELBY did. They were wide apart in what they believed in. They came together in the middle with a compromise that is a very good step forward.

There are parts of this bill that are extremely important. The foreclosure counseling—this is something I have been championing for a long time. We need counselors. For about half of those who are about to go into foreclosure, or will be delayed in their payments, a mortgage counselor could be the difference between them saving their home and losing it; between the neighborhood going down the drain or staying decent; even between our economy going into a deep recession or on the edges of one—the way it is now.

We need these counselors. They are not expensive. They do a world of good. They take the place of the banker who used to be on the scene when banks held mortgages. The CDBG money is extremely important. We have communities in Queens and Long Island and particularly in upstate, places such as Buffalo and Rochester and Syracuse, where neighborhoods have a tough go. You get a few foreclosed homes that are abandoned and then vandals come in and rip out the plumbing and the electric parts. Then drug dealers come in and make these a haven for crime. One foreclosed home can have the whole neighborhood go down the drain.

In the suburbs, a foreclosed home may not have those consequences, but it certainly can mean a difference in the values of the home on the surrounding block or the surrounding area going up or going down. For so many Americans, their home is their little piece of the rock; it is all they have. They put all their sweat equity in it. For no fault of their own, because somebody else lost their home on their street or in their neighborhood, they should not have to lose value. CDBG will help deal with that.

We also have in this bill mortgage revenue bonds. I am very proud of the way these have been crafted. It is $11 billion to refinance subprime loans for struggling borrowers. There is a recycling provision. It is very important to my State, where we use our mortgage revenue bonds very quickly because there is so much need.

The HOPE for Homeowners Act—again, it is not going to save everybody. But for the people who are underwater but not so deeply underwater, this is a lifesaver. It basically says to them: You can refinance your mortgage at a lower rate. It says to the mortgagor, you are going to get repaid, not everything but at least most of what you put in. It is not a panacea. In my point of view, it would be a lot better to have the bankruptcy provision here as a club to get the lenders into these, to use these provisions. But it sure does a lot more good than not doing anything at all.

Of course, there is FHA modernization, which we have been seeking for a long time—GSE modernization and reform which creates, for the first time, a world-class regulator. We are going to need Fannie and Freddie in future years. We have to have them both be safe and sound and flexible. They should not be just private government agencies and only do the same thing banks do but with the Government imprimatur. On the other hand, they cannot, because the Government is behind them, do anything they want, be reckless or lose their capital.

The reform creates the right balance. I am proud of the reform. It raises capital requirements, it puts a regulator in who can go in and look over their shoulder—which they need. But at the same time, by and large, it preserves the flexibility that Fannie and Freddie need to fill the hole between the private sector and what the Government does—and they do it well.

In addition, we are going to need Fannie and Freddie to be strong because right now they finance about 80 percent of the mortgages in this country. We are going to need them to be strong to help us get out of this crisis. To veto this bill when we need them so badly is almost—it edges toward irresponsibility.

Finally, the Affordable Housing Fund—to help those who cannot on their own achieve the dream of owning a home but who struggle so mightily to get there. My colleague from Rhode Island, JACK REED, has done a masterful job, persistent, knowing when, and cut his deal at just the right time.

It is a good bill. I have two concerns where I agree with the House, frankly. I say to my good colleague from Alabama, who I know has differences on these, that the House—and many of us on this side of the aisle—are of a different mind than he. I hope we can compromise this quickly.

First, the effective date. It is unheralded, when you have a major change in the law with a new regulator, to say the effective date is immediate. You need time. More important, I am worried that because this regulator, while he is great on safety and soundness, doesn't like Fannie and Freddie very much and will go too far in the regulations and tie Fannie and Freddie's hands for a very long time way on into the future, with unintended consequences of which we are not aware. To give the new powers to the new agency overnight, with no time to establish itself or prepare, particularly when you have someone who would be in charge who does not—at least share my views on how Fannie and Freddie ought to function, is a bad idea.

I hope when we meet with the House—I have spoken with Chairman FRANK and he agrees with our side—I hope he, Senator SHELBY, will realize how strongly some of us feel.

Second is the idea of Fannie being able to securitize. There is language on the portfolio regulation that could unnecessarily restrict the portfolio business of the GSEs by creating a bias toward securitization. If Fannie and Freddie want to hold some of these mortgages, they should—particularly now, when the securities market is either nonexistent or weak and fragile and in some places hard to find. I hope we can address this issue as well. I do not understand why we would not allow Fannie and Freddie to hold mortgages; why we put such an impetus on them to securitize when the security market is weak.

If this provision stays in the bill as is—there is a debate. I know some believe it has more flexibility in it than I do. But, if—if, if, if—I am right, it could actually handcuff Fannie and Freddie in their role of rescuing us out of this housing crisis at a time when they are very much needed.

AMENDMENT NO. 4984

Finally, I wish to take a moment to address an amendment filed by my colleague from North Carolina. While I respect her intentions, I oppose the Dole amendment, which would unravel the strong agreement the New York attorney general reached with the GSEs on appraisal standards. Inflated appraisals are one of the prime causes of the housing crisis. To allow banks to own appraisers without anyone looking over their shoulder is a built-in conflict of interest. We should not do that. I hope we will not.

Finally, on the President's veto message—this President is further and further removed from the economic realities of this Nation. To veto this bill at a time when housing is at the nub of our economic crisis—at a time when housing prices are declining, at a time when foreclosures are increasing—makes no sense whatsoever. It seems the President is on a different economic planet than most Americans because, even if you do not hold a mortgage, even if you fully paid your mortgage, you are being hurt by this economy where foreclosures are rampant and housing prices plummet. The ripple is outward—people buy less, people vacation less, people have less money and feel less free with it. The vise of high energy prices and declining home values cripples our economy.

Here we have a bill passed 19 to 2 out of the Banking Committee, broad bipartisan support, and out of the blue the President issues a veto threat. What is going on here? Which economy is he looking at? It is appalling. In his veto message, there is language and there are things that contradict what his own Secretary of Treasury has said about portfolio loan limits.

I think the veto message indicates the ambivalence within the administration because it is not as strident and even as forthright as many are. But, unfortunately, the ideologues won out. The ideologues say: No government involvement. Let everyone learn their lesson even if the economy, people's savings, their whole lives, and their home goes down the drain.

What kind of thing is that? Maybe that was the predominant thinking in 1893 but certainly not in the America of 2008.

I say to my colleagues, if they want to know one of the reasons the President is so unpopular and why so many Americans think the country is headed in the wrong direction, it is because he threatens to veto a modest bipartisan piece of legislation such as the one Senator DODD and Senator SHELBY have put together.

It defies understanding. I have always believed when ideologues run the show on the far right or far left, we lose. In this case, with this veto message, it feels as though the ideologues have started running the show, and homeowners, neighborhoods, communities, and our country's economy will suffer from that wrongly held belief.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Madam President, let me begin by saying that I am delighted we are on the floor of the Senate today addressing this question of housing. I congratulate the chairman, Senator DODD, on a long effort over several months to be able to try to get the response the Senate ought to be providing to what is an obvious crisis in the country.

I think a lot of people in the country have to be scratching their heads and wondering where the Congress has been on this matter, where Washington has been, and where the administration has been. I know it is particularly frustrating to the chairman and to many of us. Way back in January, I recall going to the White House for a meeting on the question of a stimulus package and saying to the President: Mr. President, the obvious crisis is in housing, and you cannot address it and stem the hemorrhaging with respect to the American economy unless you deal with the cause, which is the subprime crisis.

I remember Secretary Paulson was there, Vice President CHENEY, and others. Heads nodded in a kind of consent. Then the President proceeded to go to the State of the Union Message and call in his State of the Union Message for the mortgage revenue bond proposal.

Still, here we are now in June, and we do not have an adequate response at the Federal level to the housing crisis from the Congress. We have had some responses by lowering interest rates.

But, the fact is, you pick up the paper and see there were record levels of mortgages in foreclosure in the Washington area and in other parts of the country. As we all know, when that happens to a community, it is not just a few houses, it is not just the families directly impacted by virtue of foreclosures, it is the entire community. When a street has a group of foreclosures on it, the housing values all around start to go down. The local pharmacy gets hurt, the gas station gets hurt, the 7-Eleven gets hurt, the police wind up having to patrol more because they have more homes that are then on the market. The real estate market becomes glutted.

So the downstream implications are gigantic. In Boston, Mayor Menino and I sponsored an afternoon in Roxbury where families were invited to come in. We finally got them to be able to sit down with a human being. They had been telephoning and going through 10 or 15, "push 5," "push 3," "push 2,". A consecutive series of pushing buttons and they were exasperated because they could not talk to someone to get answers for their individual situations.

So we got the 10 biggest lenders to come in and sat them down with these people over the course of a day. During the time that I was there, I actually had people come up to me with huge smiles on their faces and saying: Thank you. I just cut a new deal. I am staying in my home. They were able to go from a 13-percent interest rate—think of that, 13 percent. I would like to know what CEO of a company in America was paying 13 percent on a mortgage, or 9 percent on a mortgage. But here were these hard-working Americans paying $5,000 a month for their home, who had put money back into their home. The equity loan they took on their home, in too many cases sort of pushed on them, they put into rewiring or roofing, putting a new boiler in, raising the equity in their home. Then all of a sudden their interest rates started to go up, often by circumstances beyond their control. One woman I met and talked to held down two jobs and was buying her mortgage on the basis of the two jobs that she held down. But then she got sick and she was not able to hold onto the two jobs. Because she got sick all of a sudden, she was threatened with foreclosure.

She offered to buy the home at the rate they were going to sell the home after it was foreclosed on. She could afford to do that and could afford to pay for the mortgage at a discounted rate. They refused to sell it to her. They refused to allow her to stay in it.

Extraordinary circumstances of stubbornness or bullheadedness—I do not know what principle was being applied. But in the process, a lot of average folks are getting squeezed and hurt, I mean seriously hurt, as a result.

Equally important, it has continued the process of depressing the market and driving it downward. So I am glad we are here. I hope we can get it done because it is long overdue, long overdue. But we cannot allow the acute crisis in foreclosures to also cloud the other opportunities that are presented in this bill.

GSE reform, the FHA reform, the Foreclosure Protection Act, there is a provision in here for veterans, which I have sponsored. I think all of those are important components of this bill. But there is also another part of the housing crisis, and it is being addressed in this legislation; that is, the ongoing and deepening shortage of affordable rental housing in our country.

So I was very pleased the National Affordable Housing Trust Fund was included in the Housing and Economic Recovery Act, and that would produce about 1.5 million affordable rental housing units for our poorest families over the next decade.

As the original author of this legislation, I know what it is going to be able to do. I had the privilege of serving on the Banking Committee and serving as chairman of the Housing Subcommittee. I worked with some of the staff who are still here—Jonathan Miller and others—who helped pull this together in an effort to create a trust fund that will help us provide funding.

That is why I strongly oppose the Bond amendment to make contributions to the trust fund by Fannie Mae and Freddie Mac voluntary. I think the Bond amendment to make these contributions voluntary is the wrong amendment and would have a very damaging impact on our ability to be able to deal with rental housing and the rental housing crisis.

Let me explain why. Fannie Mae and Freddie Mac already have requirements to assist low- and moderate-income families to obtain critical housing. What we do in this bill is take excess funding that is produced in housing. It is not often you have a program that is producing excess funding, and then there is still need in that particular sector. So you can actually take the excess and put it back into that sector to address the need. We create that excess through GSEs. What we do is take the excess and put it into a revolving fund to produce rental housing. In September of 2000, I first introduced this legislation. Last year, along with Senator SNOWE, on a bipartisan basis, we again introduced the National Affordable Housing Trust Fund to address the very question of a severe shortage of housing by establishing a rental housing production program. We now have 23 bipartisan cosponsors.

Similar legislation passed the House of Representatives last year with a bipartisan vote of 264 to 148. With the work of Senator JACK REED on the Banking Committee, of Chairman DODD, and of Ranking Member SHELBY, they have helped to bring this bill to the Senate floor at this critical moment by including it in the Housing and Economic Recovery Act.

Frankly, it does not make sense in terms of our economic interests, our housing crisis interests, our family interests, to now suddenly make voluntary something that has the ability to be able to address such a critical need.

The Affordable Housing Trust Fund would create a production program that will ensure 1.5 million new rental units are built over the next 10 years for extremely low-income families and working families.

The goal is obviously to create long-term, affordable, mixed-income developments in the areas with the greatest opportunities for those low-income families. It has been endorsed by more than 5,700 community organizations led by the National Low-Income Housing Coalition, including the National Association of Realtors, the National Association of Home Builders, the Children's Defense Fund, the U.S. Conference of Mayors, the National Coalition for Homeless, and many others.

The funding from the trust fund can be used for construction, rehabilitation, acquisition, preservation incentives, and operating assistance to ease the affordable housing crisis. Funds can also be used for downpayment and for closing costs assistance by first time home buyers.

Since 2006, the American housing construction industry has shed 457,000 jobs. The construction of fewer homes means fewer new kitchens, fewer new basements for manufacturers to place their appliances and other products. The loss of manufacturing jobs follows from those fewer purchases and placements of appliances.

Job losses combine with slumping home sales to depress consumer confidence, and that causes a slowdown in spending, and then you ultimately shrink the economy.

This is not a small impact. Passing the trust fund will help create thousands of jobs in housing construction across the Nation, and it will help to turn our country around. This is what a real stimulus package ought to do, create jobs for the long term not pass out checks that burn up in the short term. It will help signal to businesses across the Nation to produce jobs that are critical to our economic security.

So voting for the Bond amendment will, in fact, reduce our ability to address the current crisis in the economy and reduce the creation of new jobs. Because of the lack of affordable housing, an awful lot of families are forced to live in substandard living conditions. Do you know what that does? That puts a lot of children at risk in

America. Children living in substandard housing are more likely to experience violence, hunger, lead poisoning, or to suffer from asthma. They are then more likely to have difficulties learning and more likely to fall behind in school. Our Nation's children depend on access to affordable rental housing.

One other thing people don't often think about, if you don't have affordable housing or you have insecurity in your housing, you also have a downstream impact on schools. Because kids who have to move from home to home are kids who are more likely to get yanked out of a school. Classes are disrupted and the school is then disrupted. We have a much longer term interest, in terms of our workforce development as well as the stability of our communities, to make certain that we have affordable housing available. The trust fund will produce 1.5 million units of affordable housing to provide children in America with a better quality of life. The Bond amendment would make that entirely voluntary. If it is voluntary, it is not going to happen today for low-income families.

Long-term changes in the housing market have dramatically limited the availability of affordable rental housing across the country. It has severely increased the cost of rental housing that remains. In 2005, a record 37.3 million households paid more than 30 percent of their income on housing costs, according to the Nation's Housing 2007 Report from the Joint Center on Housing Studies at Harvard University. Approximately 17 million families paid more than half of their income, 50 percent of their income, on housing costs. The trust fund would produce rental housing and help lower the cost of housing. This is especially important for families, those 17 million and 37 million families with high housing expenditures. Adopting the Bond amendment will mean that many more children and their families will live in substandard housing or will become homeless. They are children who are ultimately less likely to do well in school, if they even stay in school. I believe that is unacceptable.

I hope colleagues will oppose the Bond amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I will try and propound a unanimous consent request one more time.

I ask unanimous consent that at or about 4:30 p.m., the Senate proceed to vote in relation to the following amendments in the order listed, and that prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the vote time for the second vote be 10 minutes, with no intervening amendments in order: Bond amendment No. 4986 and the Bond amendment No. 4985. Further, that time be allocated as follows: Senator DOLE has requested 5 minutes to talk about a proposal she is offering; Senator BOND for 10 minutes; Senator SHELBY for 10 minutes; and myself for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina is recognized.

AMENDMENT NO. 4984

Mrs. DOLE. Madam President, on March 3, 2008, Fannie Mae and Freddie Mac signed agreements with the attorney general of New York to adopt a Home Valuation Protection Code, which was crafted by the attorney general's office and approved by OFHEO, in consultation with the enterprises and other market entities. The code establishes requirements governing appraisal selection, solicitation, compensation, conflicts of interest and corporate independence, among other things.

The code's concept of appraiser independence and accuracy should be endorsed because these concepts are important to a safe and sound process that is properly structured, regardless of whether lenders use third-party, affiliated, or in-house staff appraisers. However, the code leans heavily towards inconsistent and potentially counterproductive regulation of the lending industry. Lenders would essentially be required to be regulated by the New York attorney general or suffer serious impairment of liquidity. In addition, the role of the New York attorney general in promulgating the code is misplaced and an attempted exercise of one State's regulatory authority over federally and other State-regulated lenders.

My amendment would require the Director of OFHEO to issue a regulation establishing appraisal standards for mortgages purchased or guaranteed by Fannie Mae and Freddie Mac. It would ensure that mortgages purchased or secured by Fannie Mae and Freddie Mac are collateralized by properties subject to fair and accurate appraisals, which is necessary to maintain the integrity of the mortgage process, improve the safety and soundness of the enterprises, and reduce the potential for mortgage fraud. Additionally, this amendment will also ensure the establishment of a common set of appraisal standards governing mortgage lenders that are federally supervised and regulated. This includes requiring the process controls necessary to ensure independence, avoid improper influences, and avoid overvaluation.

In May, when the Banking Committee approved this bill we are now discussing, I agreed to discuss this amendment and asked that Chairman DODD and Ranking Member SHELBY to work to include this important provision once our committee product reached the Senate floor. At the time, I appreciated how both the chairman and ranking member made favorable remarks as to the intentions of my amendment and a willingness to work with me on this, and I hope that they will now honor this commitment.

I understand the managers are working on a time certain to vote on my amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally to both sides.

The Senator from Missouri is recognized.

AMENDMENT NO. 4986, AS MODIFIED

Mr. BOND. Madam President, to clarify, amendment No. 4986 relates to the affordable housing trust fund. I have a minor modification. I have asked both sides if they would accept it. I ask unanimous consent to so modify the amendment, and I send the modification to the desk.

The PRESIDING OFFICER. To which amendment is the proposed modification?

Mr. BOND. Amendment No. 4986.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. DODD. Reserving the right to object, I haven't had a chance to look at it. I would have to take a minute to look at what he is proposing.

Mr. BOND. Madam President, then I will withdraw my request until my colleague has had an opportunity to look at it.

The PRESIDING OFFICER. The modification is withdrawn.

Mr. BOND. Let me explain briefly that we added one sentence to a two-sentence amendment saying, in essence, that it will not affect the GSEs, existing affordable housing programs. Those are programs already in effect. There was some question about whether they would be affected. The amendment makes clear what was implied. I expect that one will find no change in it. In any event, that is not the point. The point is to remove the tax the Banking Committee provided, which is a tax on GSEs which, without any input or other involvement, would pay support for a whole range of groups. There are many groups, such as ACORN and others who build low-income housing. Who knows, it might even be Habitat for Humanity. But they would be able to use these funds to provide soft costs to support the programs and other related costs.

Fannie Mae and Freddie Mac should be able to continue to use their existing affordable housing program that they administer, that they were set up to do, and not have their funds taken away to fund another program over which they have no control, no responsibility. There is absolutely no reason to tax these entities to support housing groups which may or may not be responsible or capable of administering good housing programs. There will also be additional economic risks to Fannie and Freddie, depending on the use of these funds and the quality of the groups which receive these funds.

More critical is the unprecedented approach that requires the GSEs to pay a tax for something for which they have no responsibility.

Let me be clear, the GSEs have a mission. They have a very important mission. When we initially talked about this program, we talked about giving them more authority to go in and help in these situations. Statements made on the other side that we are going to cut off all funding and all assistance to homeowners in distress are absolutely irresponsible and totally without basis. We provided and I believe this body adopted some good ideas—I will speak about those in a minute—in previous bills on how we deal with the housing crisis. But right now what we are saying is, let's stop this.

This is saying to the GSEs, you may have some excess left over after you have carried out your affordable housing mission. We want to come in and take it away from you and spend it someplace else. Let's be clear, this is not saying to the entities that we want you to do your mission. We are saying we are going to take away money that you put into your mission. We are saying, forget your mission. We are going to take some of your revenue raised in part from capital markets where private sector shareholders have their retirement funds, their annuities, or their investments in those companies, hoping and expecting to share in the revenue. That may be pension funds, retirement funds, endowment funds that are counting on getting some of that revenue. Oh, excuse me, even though the GSE has carried out the mission that we asked of it and generated some "excess" revenue that might be distributed to those people who put up capital in the GSEs, we are going to take it away.

How long before this body decides to go to other GSEs, such as Sallie Mae, and say: We have a better idea. We are going to take any revenue you make and we are going to put it someplace else? Or to utilities and say: You are regulated, and you may have some excess money left over that you wish to return to your shareholders, but since you are regulated, since you have a government franchise to provide utility service, we are going to take some of your revenue and put it elsewhere? To me that is an unconscionable grab. It offers a precedent that is very dangerous for this body, to be taking funds from one entity and transferring it to another entity by fiat. It is discriminatory, and it has the potential to have a significant impact on the people who have put their money into these funds.

I ask again if my colleagues have had an opportunity to review the modification as sent forward?

The PRESIDING OFFICER. Is there objection to the modification?

Mr. DODD. Are you going to resubmit the modification?

The PRESIDING OFFICER. It is at the desk.

Mr. DODD. Reserving the right to object, as I understand what my colleague from Missouri is suggesting is that the existing affordable housing program under the GSE, that whatever language is there that would have affected that is taken out by this modification.

Mr. BOND. That is correct. There is no intent to correct that.

Mr. DODD. But the modification corrects that.

Mr. BOND. That is the purpose of the modification.

Mr. DODD. The underlying amendment would object to the proposed addition to the affordable housing program authored by Senator REID in the bill. That still is the substance of the amendment?

Mr. BOND. That is correct.

Mr. DODD. I have no objection to the modification.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

> Insert the following at the appropriate place:
>
> SEC. xxx.Notwithstanding any other provision of law, Fannie Mae and Freddie Mac shall not be responsible or any payments either directly or indirectly to other Housing entities under the Affordable Housing program unless these GSEs voluntarily provide funding. The GSEs will continue to administer their affordable housing program. None of these funds in the bill shall be used for soft program costs, including staff costs.

Mr. BOND. I thank the Chair and yield the floor.

Mr. DODD. Madam President, let me take a few minutes, if I may, because I have yet to really address these two amendments and also the one I know our colleague from North Carolina is going to propose or is in the process of proposing.

AMENDMENT NO. 4985

Madam President, let me deal, first of all, with the HOPE for Homeowners Program. I raised earlier this morning—and I will do it again, if necessary—that 8,427 people as of today will file for foreclosure. That number was for every day in the month of May. That is in excess of the numbers back in April and even back in March. But they are growing. So every single day we delay moving on this, we have, on average, again, some 8,000 to 9,000 people in our country who are entering the foreclosure process and losing their homes, and 1.5 million people have already. We have been told and warned by those who acknowledge and follow these issues that this is a crisis that is not shrinking; it is growing. It is growing by the hour, let alone by the day.

The HOPE for Homeowners Act that Senator SHELBY and I and 17 others of our committee have fashioned together—very similar to what the other body has done—is designed specifically to offer some relief to these people facing foreclosure. Both lenders and borrowers will take what is called a "haircut." It will be painful. It will not be easy. It is voluntary. It is temporary. But it offers some hope that we can put the brakes on this ever-escalating problem of foreclosures in our country.

It is not only affecting homeowners, which is obviously bad enough, it is affecting commercial loans, student loans, municipal finance. The global implications are obvious to anyone who has paid any attention to the issue. So this idea, which is central to this bill, is critical.

The amendment offered by the Senator from Missouri would eliminate this program altogether, despite all the recommendations from the American Enterprise Institute, the Consumer Federation of America, other lending institutions, the Federal Reserve members. In fact, the present Chairman of the Federal Reserve, while not endorsing the bill, has called for this kind of action.

Quite simply, we are living through one of the worst housing market crises since the Great Depression. Almost 1 in every 11 homes with a mortgage in this country is in default or foreclosure as of the end of March. This is the highest level since the Mortgage Bankers Association began collecting data in 1979. Foreclosure rates have grown and grown at record levels for some time, and last year about 1.5 million, as I have said, have already gone into that status.

This foreclosure crisis hurts everyone, as we all know. As Federal Reserve Chairman Ben Bernanke recently stated:

> [H]igh rates of delinquency and foreclosure can have substantial spillover effects on the housing market, the financial markets, and the broader economy. Therefore, doing what we can to avoid preventable foreclosures is not just in the interest of lenders and borrowers. It is in everybody's interest.

The HOPE for Homeowners Program is built on a concept raised by Chairman Bernanke:

> The best solution may be a write down of principal or other permanent modification of the loan by the servicer, perhaps combined with a refinancing by the Federal Housing Administration or another lender.

That is also from Chairman Bernanke, the Chairman of the Federal Reserve Bank.

Mark Zandi of Moody's Economy.com recently wrote:

> Unless policymakers soon become more creative and aggressive, the risks are rising

that the current recession will be more severe and the ultimate recovery more disappointing than anyone currently anticipates.

The evidence is overwhelming. The recommendations come from across the political spectrum. This is absolutely critical at this pivotal moment on this economic issue. Senator KERRY earlier talked about that at the heart of our economic crisis is the housing crisis, and the heart of the housing crisis is the foreclosure crisis. Were the Bond amendment to be adopted, the very bipartisan effort we have spent months working on to achieve here would be lost.

I urge my colleagues, as they have heard from our colleagues—Senator GREGG of New Hampshire, Senator MARTINEZ, Senator ISAKSON; and on our side, Senator BOXER, Senator SCHUMER, and Senator CASEY; and, obviously, Senator SHELBY and myself—across the spectrum here—we recognize this idea may not solve every problem, but if we can keep 400,000 to 500,000 people in their homes, that is a step forward in the right direction to help Americans facing these kinds of crises. I urge my colleagues, at the appropriate moment, when this matter is before us, to say, respectfully, to my friend from Missouri that we reject this amendment and will keep this very critical element of this very important housing bill.

AMENDMENT NO. 4986, AS MODIFIED

Madam President, the second proposal by Senator BOND also, in my view, should be rejected. We have modified the amendment, so any possible inference he would be striking the existing program has been taken out of this bill. I applaud him for that, and I thank him for that. But the problem still persists.

As Senator KERRY of Massachusetts just pointed out, this problem with affordable housing is growing. It is staggering in its proportions. Over 3.5 million people in our country, including 1.3 million children, experience homelessness each year. For most of these families, all that is needed is affordable housing.

The gap between rental costs and wages of low-income people is significant. To give you some idea as to the housing assistance necessary for many working Americans, a person has to earn over $17 an hour just to afford the average fair market rental without forgoing other basic needs. That is three times the current minimum wage.

There are 7.4 million disabled Americans on SSI. SSI benefits are lower than the average fair market rent. Rental costs are more than 100 percent of their SSI benefits. Without housing assistance, these people who are disabled in our country cannot afford housing. That is a fact.

The Joint Center for Housing Studies of Harvard University found in their report, "The State of the Nation's Housing 2007," that in just 1 year, the number of severely cost-burdened households—those that pay more than half of their income toward rent—jumps by 2.1 million to a total of 17 million. This is one in seven U.S. households in the country affected.

The data goes on and on. This is a very important element of this matter: affordable, decent shelter.

Harry Truman, in a bipartisan effort, in the late 1940s—60 years ago—called upon Americans. John Sparkman of Alabama was "Mr. Housing" back in the 1950s and 1960s. This was never a partisan issue: decent, affordable shelter for Americans—all Americans.

We heard our colleagues today: Senator MARTINEZ talking about his family getting that first home when they arrived in this country. Senator BOXER grew up her entire life never owning their own home, and she was able to buy one as a young mother, and they stayed there for 40 years to raise their family.

Madam President, 17 million people in our country today deserve decent shelter. You should not have to strip every bit of income you have to try to afford it. So what JACK REED has put together here is decency—common decency. In our moment of difficulty, if we cannot do something to provide affordable shelter and to ask that funding flow come out of these government-sponsored enterprises, which have been so lucrative, for them to share in that wealth, to make it possible for working families in this country to have a decent place to live—I do not think that is too much to ask in this hour of need.

We heard our colleagues across the spectrum politically support this program, and having a vote of 19 to 2 in our committee, with Democrats and Republicans coming together at a moment such as this to say: We hear you. We care about what you are going through. We have designed a program not by increasing taxes but by asking existing institutions to share, to see to it all Americans can enjoy that affordable and decent shelter they deserve as Americans.

I ask my colleagues to reject that amendment as well.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I regret that I, too, must oppose the amendment offered by the Senator from Missouri, amendment No. 4986. Senator BOND's amendment would specifically undermine the goal of protecting the American taxpayer from the costs of the HOPE Program.

I have often said—and I will repeat once again—that we should do whatever we can to help people stay in their homes short of sticking taxpayers with the tab.

The Banking Committee has worked long and hard for months on this issue and has found a way to accommodate a wide range of goals and concerns with this legislation.

The affordable housing fund and the funding mechanism—which is important here—for the HOPE Program are two of the most critical elements that allowed us to reach a bipartisan agreement. Eliminating either one of these now would simply unwind the entire bill, would destroy the whole bill, and neither I nor Senator DODD nor a lot of our colleagues on both sides of the aisle can support that.

Therefore, I urge my colleagues to join us in opposing the first Bond amendment.

AMENDMENT NO. 4985

Madam President, I would like to speak for a minute on the Bond amendment No. 4985, the second amendment.

While I am sympathetic to and share many of Senator BOND's concerns regarding FHA's longtime management problems and resource constraints, I cannot support this amendment.

The proposed HOPE for Homeowners Program establishes a new board to oversee the implementation of this program. Included on this board, in addition to HUD, are the FDIC, the Federal Reserve, and the Treasury Department. It is our intention that the expertise and experience of this board will compensate for FHA's longstanding management problems.

Additionally, the bill would provide—this is important—at no cost to the taxpayer, funding for additional resources, particularly in the form of increased staff, to manage and implement the proposed HOPE Program.

While I agree with Senator BOND that depending solely on existing FHA resources, the HOPE Program would be unworkable, I believe the increased resources and board oversight provided in this legislation sufficiently address those concerns.

I encourage my colleagues to oppose this second Bond amendment, too.

Mr. SANDERS addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Vermont?

Mr. DODD. Madam President, I will address my colleague from Vermont through the Chair. As I understand it, we have heard from the Members who want to be heard on the amendments. Unless there is an objection, I know my colleague wants to take a few minutes to propose an amendment; is that correct?

Mr. SANDERS. Madam President, I want to set aside the pending amendment and send an amendment to the desk.

Mr. DODD. The only danger is, of course, we would have to get back on the matter before us to vote on the underlying amendments that we agreed, by unanimous consent, to do at or about 4:30.

Mr. SANDERS. I will be very brief. I do not need more than 2 or 3 minutes.

Mr. DODD. There is an objection being voiced.

Mr. SANDERS. Then I would like to talk about the amendment.

Mr. DODD. I say to my colleague, we will have a couple votes fairly quickly, and then I will be here to entertain my colleague's proposal.

Mr. SANDERS. At which time I will be able to offer the amendment?

Mr. DODD. Yes.

Mr. ISAKSON. Madam President, will my colleague from Connecticut yield?

Mr. DODD. I will be happy to yield to my colleague from Georgia.

Mr. ISAKSON. The amendment we discussed earlier when I made my remarks regarding the effective dates on the tax credit is here. I do not think there is an objection. At some point in time, can I be recognized to call it up?

Mr. DODD. Certainly. I will again make the same recommendation I have made to our colleague from Vermont. If the Senator from Georgia will wait a few minutes, we will be glad to take—in fact, I invite, as my colleague from Alabama does, any other amendments besides those we have heard about here that people want to raise. We are anxious to do business. We are going to have a couple votes, but obviously there may be some other thoughts people have on the subject matter. Certainly, I will be here to entertain that amendment.

Mr. ISAKSON. I thank the Senator.

Mr. DODD. Madam President, again, I do not know if other Members wish to be heard on the pending matters; that is, the two Bond amendments, which are the subject of the pending votes.

Does my colleague from Vermont wish to be heard on the pending amendments?

Mr. SANDERS. Yes. I wish to raise an issue. And it is my intention at the appropriate time to offer an amendment which I hope we can get a vote on because this is an amendment of huge consequence; that is, with the price of heating fuel soaring, if we do not significantly expand LIHEAP funding, there are going to be people who will go cold, people who will die this winter.

We have heard about a number of national emergencies out there. I am certainly sensitive to the crisis taking place in Iowa and as to the remnants of Hurricane Katrina in Louisiana. But I want Members of this body to understand that if we do not substantially increase LIHEAP funding, there will be people in the northern tier of this country who will go cold this winter because they cannot afford to pay the outrageously high prices of home heating fuels that they are going to be asked to pay.

At the appropriate time, I will bring forth an amendment to increase funding by $2.53 billion for fiscal year 2008. Madam President, the Northeast Coalition of Governors has made that request and that is the number I am going to be bringing forth.

I wish to have printed in the RECORD the letter that was written by the Coalition of Northeastern Governors which is demanding that we have at least $5.1 billion—which is what, as I understand, the authorized level is—that that be, in fact, appropriated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION OF
NORTHEASTERN GOVERNORS,
Washington, DC, June 18, 2008.

Hon. DAVID OBEY,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.
Hon. JERRY LEWIS
Ranking Member, Committee on Appropriations, House of Representatives, Washington, DC.
Hon. JAMES WALSH,
Ranking Member, Subcommittee on Labor, Health and Human Services, and Education, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN OBEY, RANKING MEMBER LEWIS AND RANKING MEMBER WALSH: As the Subcommittee begins consideration of the FY2009 Labor, Health and Human Services, and Education appropriations bill, the Coalition of Northeastern Governors (CONEG) urges you to support funding the Low-Income Home Energy Assistance Program (LIHEAP) at the $5.1 billion level authorized by the Energy Policy Act of 2005. We recognize the considerable fiscal challenges that face the Appropriations Committee this year and we deeply appreciate the Subcommittee's continued, strong support for the LIHEAP program. However, increased LIHEAP funds are urgently needed in the face of continually rising energy prices (particularly for delivered fuels) and the increasing number of households in arrears to energy utilities. Funding the LIHEAP block grant program at the $5.1 billion level, and providing it in a manner that will ensure additional funding to all states, will help restore some of the purchasing power of the program and enable states across the nation to provide meaningful assistance to citizens struggling to pay unaffordable home energy bills.

The low-income households targeted by the LIHEAP program are hit particularly hard by soaring energy prices, especially home energy prices. An increasing number of households are in arrears to energy utilities. For the households who depend upon delivered fuels such as heating oil and propane, the outlook is particularly troubling since they lack the benefit any utility assistance program. These households are concentrated in the Northeast, where almost 32 percent of LIHEAP recipient households rely upon delivered fuels, compared to 12 percent nationally or approximately 4 percent in many warm weather states. Even before the price of crude oil reached its recent record level, EIA estimated hat households heating primarily with home heating oil will pay approximately $2,000 to heat their homes this year. Without an adequate LIHEAP benefit that can meet the minimum livery requirement, these households face the prospect that a dealer will not make a delivery or will require a surcharge, further reducing the purchasing power of LIHEAP assistance.

The demand for this highly effective program continues to increase even as the purchasing power of the LIHEAP dollar plummets, and the average LIHEAP benefit decreases. If federal funding remains level or declines as home energy prices continue to rise, states face the difficult decision of serving fewer households or reducing the level of already stretched benefits. States in the Northeast have already incorporated various administrative cost-savings to deliver the maximum program dollars to households in need. In spite of these efforts to stretch federal and state LIHEAP funds, the need for the program is far too great.

Increased, predictable and timely federal funding is vital for LIHEAP to assist the nation's vulnerable, low-income households faced with exorbitant home energy bills. With an appropriation at the $5.1 billion authorized level, distributed to ensure that additional funding is provided to all states, the program can offer meaningful assistance to more households in need, lessen the need for emergency crisis relief, and make optimum use of leveraging and other cost-effective programs.

On behalf of all the CONEG Governors, we urge you to support funding for LIHEAP at the $5.1 billion level in the FY2009 Labor, Health and Human Services, and Education appropriations bill.

Regards,

JIM DOUGLAS,
Chair, Governor of Vermont.
DAVID A. PATERSON,
Vice-Chair, Governor of New York.
JOHN LYNCH,
Lead Governor for LIHEAP, Governor of New Hampshire.

Mr. SANDERS. So at the appropriate time, I will be down here to offer—I wish to check with my colleague from Connecticut. Is there going to be any problem with me getting a vote on this amendment?

Mr. DODD. Well, there could be. I can't say that is not going to be the case. But getting a vote, that is certainly a possibility. Let me talk with others and see what the intention would be.

Mr. SANDERS. OK. I think this vote is long overdue, and it is something the American people want to see.

Mr. DODD. Madam President, let me inquire, as I understand, the Senator from Missouri has 8 additional minutes remaining on the UC?

The PRESIDING OFFICER. That is correct.

The Senator from Alabama has 10 minutes remaining, and the Senator from Connecticut has 3 minutes remaining.

The Senator from Missouri is recognized.

Mr. BOND. Madam President, I ask unanimous consent to add the Senator from Wyoming, Senator BARRASSO, as a cosponsor of the amendment No. 4985.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, to begin, I think I should make some general comments about my concern and about my ability to work with the distinguished chairman of the committee on affordable housing programs. We have worked a long time on these programs together, and he and I, together, pushed for $180 million for counseling for families facing foreclosure. We have gotten that passed. I have been out and talked with the people who are victims, the people who are helping them, the local officials, and that is working.

Based on what I learned from talking to the people who are suffering from this foreclosure epidemic and from the real problems in the subprime market caused by predatory lending, which the Senator from Maryland, Ms. MIKULSKI, and I tried to get HUD to stop a few years ago, we came up with a solution. That solution I offered on the floor: the Security Against Foreclosure and Education Act, the SAFE Act, most of which was incorporated in the housing bill we passed in April. I believe those things went at this problem in the right way. We understand there is a problem.

What I am saying is I fear that taxing GSEs or taking money, expropriating money from GSEs and setting up this HOPE Now Program is a false hope because FHA can't manage it, and they are likely to have a tremendous impact, No. 1, potentially on the housing budget coming out of the taxpayers' pockets. We don't have enough money to pay for all the things we need to do for public and assisted housing.

The SAFE Act said reform FHASecure so it could work for somebody who had missed a payment or two, lower the GSE's capital requirement so they could lower this capital housing program; also, provide $10 billion of authorization for State housing finance agencies to raise additional funds to refinance these mortgages which are in default. That, I believe, is the best way to do it. That is why I am very much concerned that we are going down the wrong road, trying to put a burden on the FHA to do something they are not up to. I am afraid the HOPE Program is a false hope for 130,000 families who will enter the program and then default and face foreclosure.

The hope is the FHA will somehow be able to dispose properly of those 130,000 homes while they are trying to manage their portfolio. Experience shows that will not work. No matter what kind of board you set up, FHA cannot take on all those additional responsibilities. This program is far more likely to result in a huge bailout for lenders, while protecting a very limited number of homeowners.

The Congressional Budget Office—hear this: the Congressional Budget Office estimates that under this program, mortgage holders would have an incentive to direct their highest risk loans to the program. They estimate the cumulative default rate of the HOPE Program would be 35 percent—one out of three—worst of the worst loans and FHA would get them. Where would they get them? From companies that have been a part of the problem.

According to the Wall Street Journal, Countrywide issued $167 billion—Countrywide Financial, $167 billion. They had 11 percent of the subprime market and now, according to the Wall Street Journal, they have $30 billion of it, either in their own foreclosures or for those they have offered a guarantee. So there is $30 billion of bad loans on which Countrywide is at risk, and this program could be used to refinance all those programs.

If a lender or a holder was facing foreclosure and knew he had to go to foreclosure, it calculates the cost of foreclosure and takes some of that off the value of the home and refinances that value and hands it off to FHA, and FHA gets stuck—gets stuck with it. The FHA has shown they cannot manage and implement the existing loan activities. You can read the lengthy IG reports, the GAO reports. Anybody who has looked at the FHA said they can't handle the job now. They have expanded from 2 percent to 6 percent of the market, and they can't even handle that additional level now.

The head of the FHA said this could be a tremendous burden on his agency and potentially on the taxpayers. If FHA is ultimately held at risk for these, they could be in a position where money that would otherwise go to support Section 8 vouchers or public housing operating or capital subsidies would have to be diverted to FHA to pay back the worst of the worst loans—according to CBO—the worst of the worst loans that would be pawned off on the FHA.

Nobody cares more than I about dealing with and providing as much help as possible to those people who are unfortunately facing foreclosure, perhaps because of lack of information or even misinformation that was given them about the loans into which they entered and the change in the market which caught them unaware, such as the situation I discussed earlier today of Mr. Willie Clay, the Vietnam veteran who found his mortgage rate readjusting 50 percent higher, which would throw him out of the house. He had an 8.2 percent rate and it was going to go up to over 12 percent. He needs help. These people need help. But bailing—let us bail out the people who are in trouble through the housing—State housing finance agencies or FHASecure; don't have FHA set up to take the fall with the worst of the worst loans from lenders, some of whom may have been ones who put us in the problem.

I urge the support of my two amendments and I yield the floor and reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Madam President, I know Senator SHELBY had some time remaining. I don't know if he intends to use it. He may not.

Mr. SHELBY. Madam President, what is the pending business?

The PRESIDING OFFICER. The Democratic side has 2 minutes remaining and the Republican side has 5 minutes remaining.

Mr. SHELBY. I yield 1 minute, at this point, to the Senator from Georgia, Mr. ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I wish to use this minute to set aside the pending amendment and call up——

Mr. DODD. I would have to object. There is an objection being raised.

Mr. ISAKSON. Then, since I have had my say, I wish to defer my 1 minute to Senator CORKER without calling up an amendment.

Mr. SHELBY. Madam President, I will yield 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, I feel as though I have a very generous allotment, and I appreciate that. I wish to speak on the Isakson amendment.

JOHNNY ISAKSON, from Georgia, has tremendous experience in the area of housing, and I think he brought to this body a great proposal that is part of the bill we are now debating and that is the $8,000 first-time home buyer credit. One of the flaws in the bill today, as it sits, is the fact that this credit begins on April 1, so people who have already bought loans would be participating. I think the purpose of this amendment that he so wisely crafted and has brought forward was actually to stimulate new home buyer housing, not to reward people who have already taken action. So his amendment that I am supporting and cosponsoring would actually establish as the date of enactment the time that that 1-year time clock would begin. It only makes sense that the purpose of this provision in the bill, this compromise bill, is to stimulate home buying, not to reward people who have already done so.

I hope the manager of the amendment might accept this amendment. If not, I hope we will be able to call this amendment up in the very near future after this vote.

Mr. DODD. Madam President, I have 2 minutes or 3 minutes remaining, and I yield to my colleague, the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Madam President, I come to speak against the proposal by Senator BOND which would significantly—in fact, catastrophically—undercut the affordable housing program we have included in this legislation, with the support of Chairman DODD and Ranking Member SHELBY.

This legislation is necessary. Even before we had a foreclosure crisis, hundreds of thousands of Americans—millions—did not have decent, affordable housing. So this is not something that is a temporary fix to the mortgage crisis; this is long-term solution aimed at addressing a long-term problem of not having enough affordable housing in this country. It is absolutely necessary.

The Bond amendment would essentially say: Well, yes, you can have a housing trust fund, but we are not going to fund it because the funding mechanism comes from Fannie Mae and Freddie Mac. Oh, by the way, you can create a home ownership protection program, but the first 3 years of affordable housing trust fund monies won't be available to help pay for it, which was how we dealt with the objection of Senator SHELBY and many others that we not use public funds to help with the foreclosure problem.

This is a way in which we can accommodate many objectives: helping people facing foreclosure without using public funds and in the long term creating a permanent, affordable housing trust fund. There is no place in this country—none of my colleagues have places—where the constituents are not coming up and saying we need help with affordable housing. The rent is going up. We can't afford it. We are on the street. Please help us. That problem will not expire when this foreclosure crisis is over.

Let me also say I think it is entirely appropriate that Fannie Mae and Freddie Mac participate. They were chartered originally as quasi public entities. They have—we have given them and we continue to give them—affordable housing responsibilities. That is part of their mission, part of their mandate. Some would say: Well, listen, if that is the case, let them decide what they want to do. We spent years creating this affordable housing program. One of the criticisms of this program was that if you gave Fannie and Freddie control of the money or required them to spend in a certain way, it would become politicized. They would pick winners and losers not based upon needs in certain parts of the country but based on political advantage. That was a criticism that was advanced most strenuously by my Republican colleagues. So we have created an affordable housing program, part of which is lodged at Treasury and part of which is lodged at HUD.

If the Bond amendment is adopted, we are giving up the last chance we have for an affordable housing trust fund in this country, the last major chance. I urge opposition.

Mr. SHELBY. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. SHELBY. I yield back the remainder of my time.

AMENDMENT NO. 4986, AS MODIFIED

The PRESIDING OFFICER. All time is yielded back.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the Bond amendment No. 4986, as modified. The clerk will call the roll.

Mrs. MCCASKILL (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. BROWNBACK), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 11, nays 77, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—11

Barrasso
Bond
Bunning
Burr
Coburn
DeMint
Ensign
Enzi
Grassley
Inhofe
Vitter

NAYS—77

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Graham
Gregg
Hagel
Hatch
Hutchison
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

ANSWERED "PRESENT"—1

McCaskill

NOT VOTING—11

Alexander
Brownback
Clinton
Domenici
Harkin
Kennedy
Kyl
Lieberman
McCain
Obama
Roberts

The amendment (No. 4986), as modified, was rejected.

Mr. DODD. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4985

The PRESIDING OFFICER. Under the previous order, there is 2 minutes each, evenly divided.

The Senator from Connecticut.

Mr. DODD. Madam President, let me briefly say to my colleagues that this is the second Bond amendment. This amendment would eliminate the HOPE for Homeowners Act, almost the centerpiece of this legislation. This is an idea that was recommended to us by a broad spectrum of people on the economic agenda here dealing with the issue of how we keep people in their homes. This idea has been endorsed by the American Enterprise Institute, the Consumer Federation of America, and many other groups and organizations that have suggested this idea could possibly keep as many as 400,000 to 500,000 people in their homes.

Every day in the month of May, 8,427 people filed for foreclosure. Every single day. Every day, over 8,000 people are filing for foreclosure in our country. Every day that goes on and we fail to take a step to do what we can to see that we can keep people in their homes and get our economy back on its feet, a day is lost and it endangers our economy even further.

The Bond amendment strips this bill, the HOPE for Homeowners Act, which we passed 19 to 2 out of the Banking Committee. We have had extensive hearings on it. It is a bipartisan proposal that we hope will make a difference in our country. What better step could we take this evening than to reject this amendment and endorse the idea that we are going to do everything we can to keep homeowners in their home?

I will make a point of order, Madam President, after Senator BOND has spoken.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, a couple of months ago, we passed a good bill to say we would authorize $10 million for State housing finance agencies to help refinance homes where the owners were facing foreclosure. A good approach. This is a disastrous approach. CBO has said that the lenders—the people, some of whom made some of the bad loans in the first place—will dump the worst of their worst loans on FHA.

Last week, FHA, floundering under existing portfolio losses, announced $4.6 billion in losses, 22 percent of their reserves, raising questions about their ability to maintain solvency. FHA can't do it. Thirty-five percent of the loans under the HOPE for Homeowners have been bad. The defaults would hurt the FHA. This provision would allow lenders such as Countrywide Financial, which had 11 percent of the subprime market, and according to the papers has $30 billion of the worst loans, to dump those on the FHA.

I urge support of the amendment.

Mr. DODD. Madam President, I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008. This is the pay-go point of order.

Mr. BOND. Madam President, I move to waive the applicable points of order of the Congressional Budget Act with respect to the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to waive the Budget Act in relation to the Bond amendment No. 4985. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "no."

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 21, nays 69, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—21

Allard
Barrasso
Bond
Bunning
Burr
Coburn
Cornyn
Craig
Crapo
DeMint
Ensign
Enzi
Grassley
Hutchison
Inhofe
McConnell
Murkowski
Sessions
Stevens
Thune
Vitter

NAYS—69

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Gregg
Hagel
Hatch
Inouye
Isakson
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NOT VOTING—10

Alexander
Brownback
Clinton
Harkin
Kennedy
Kyl
Lieberman
McCain
Obama
Roberts

The PRESIDING OFFICER. On this vote, the yeas are 21, the nays are 69.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, my good friend, the Senator from Iowa, Senator GRASSLEY, asked if he could speak for 2 or 3 minutes on an unrelated matter.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I ask permission to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IOWA FLOODS

Mr. GRASSLEY. I come to the floor today to give my colleagues an update on the devastating floods in Iowa, but you can also say a lot of the Midwest. The President is seeing the floods for the first time today. I appreciate Senator HARKIN being there with him.

Senator HARKIN and I are working closely together to make sure every base is covered in Iowa. We traveled throughout Iowa last weekend. We are meeting regularly to sort through everything that needs to happen. Today, we are covered, with him in Iowa with the President and me in the Senate to work for disaster recovery provisions in this very housing bill. The President has already named 55 of our 99 counties as Federal disaster areas.

More need to be named. I think he will see today the need to continue these declarations. During our tours through several communities last week, and hopefully again this weekend, we were pleased to see a great deal of coordination between FEMA, SBA, and our local officials. It sounded as though they were all talking with one voice, which is comforting to Iowans looking for guidance and support and, particularly, it looks a lot different than during Katrina, when it seemed like that was not particularly the case.

Today, many people are starting to get back in their homes and businesses. North of Iowa City, receding waters are bringing further heartache as residents salvage what they can and then throw away what was destroyed by the floodwaters. Those are the lucky ones. There are many who are determining whether they can salvage the house let alone what is inside.

Small communities downriver, such as Oakville and Columbus Junction, are completely submerged. Farms lost everything, including equipment, crops, livestock. The cities of Burlington and Keokuk are holding their breath to get through without devastation such as we have seen in Iowa City and Cedar Rapids.

Despite all this, Iowans continue to show their resiliency and heart. I was on C-SPAN's call-in program called "Washington Journal" earlier this week. People from all over the country called to say how proud they were of the way people in the Midwest, and particularly they were referring to Iowans, were pulling together and working to get through this disaster.

Of course, Senator HARKIN and I could not agree more. Volunteers continue to be at the forefront of our efforts. Local churches have made heroic efforts. The Salvation Army and Red Cross have been in Iowa since the beginning. I cannot say enough about the local officials, including law enforcement, fire departments, and the Iowa National Guard.

I would like to extend my thank-yous to all my colleagues who have come forth showing their support. I think I can speak for both Senator HARKIN and myself in saying we have had people in private coming up to us on the Senate floor. Having that happen is very gratifying.

Many of you have had similar events occurring in your own States and understand the pain we feel once again in Iowa. Our constituents are going to need the Federal Government's help. Senator HARKIN and I have been meeting often and have also put together a coalition of Midwest Senators whose States were also hit.

I thank all my colleagues for giving our constituents the help they need as we continue down this road.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, if I may, I yield 4 minutes to my colleague from Virginia.

Mr. WARNER. Mr. President, I do not tend to object. May I have 4 minutes following Senator WEBB?

Mr. DODD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

GI BILL

Mr. WEBB. Mr. President, I wish to speak actually in conjunction with the senior Senator. It is fine with me if he wants to follow me for 4 minutes. I wish to speak for a bit about the announcement from the White House today to the effect that the President has agreed he will not veto the GI bill we have worked on so hard for the last 17 months; that he is willing to accept this legislation.

I wish to say how grateful I am to all the veterans groups that over the last 17 months worked so hard to get the right bill. This bill will be reported back to us, I am told, in the exact form we sent it over, with the vote of 75 to 22 not long ago.

There was another provision Senator WARNER and I had worked on as a separate amendment regarding transferability that will be put in this bill in a slightly different form.

But there was some mischaracterization in terms of how the White House portrayed this transferability provision. I think it goes to the heart of some work Senator WARNER has done over many years, and I think it deserves to be clarified in this body.

The announcement by the White House was to the effect that this transferability provision would be a new provision. In fact, Senator WARNER and a number of Senators on our side of the aisle enacted this as law 6 years ago. We have heard from people on the other side, from the administration, from people in the Pentagon, that there was a priority 1 item out of the Pentagon.

But it has been in law, at the discretion of service Secretaries for 6 years. So we are willing to accept this provision as it comes over.

We are enormously grateful the President said he will not veto this bill because, quite frankly, it has been almost 7 years since 9/11. The operational tempo of the people who have been serving has gone up. They deserve a wartime GI bill. They are going to get it. I wish to express, again, my appreciation to all the members of this body—we had 58 sponsors, including 11 from the Republican party—and to all the veterans groups who helped make this possible.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to congratulate my colleague, Senator WEBB. He and I have known each other for a very long time. When I was Secretary of the Navy, he was a young captain, just back from Vietnam, serving on my staff.

When he came to the Senate, he indicated his top priority was to get a revision of the existing framework of laws governing the GI bill because he felt very strongly, based on his long and heroic service to this country in uniform that we owed this generation everything that previous generations had received by virtue of educational benefits.

I said several times on this floor, acknowledging with the greatest humility and thankfulness in my heart for two periods of military service I had of no great significance, but, nevertheless, enabled me to have a GI bill from a short service at the end of World War II and for service during the Korean war.

One GI bill got me a bachelor's degree, the second a law degree. I felt, just as Senator WEBB, this generation deserves no less than that. But his fortitude, his determination, his perseverance has led to this legislation. I wished to acknowledge that and the support we received in this body and the support we received from the various organizations, veterans organizations all across America.

I will cite some historic memorabilia on this subject. In May of 2001, I was the only Republican on the Armed Services Committee to join a number of other Democrats on the committee in cosponsoring the bill by Max Cleland of Georgia. Those of us who knew Max Cleland remembered that he came to the floor of the Senate, despite his serious wounds he had received and disability from that conflict, as the hardest fighting Senator for veterans and military people.

I was proud to join him. But nothing happened to that bill. It lost its way. So then, in 2002, as chairman of the committee, I went back and picked up on what this legislation had laid as the foundation. In the fiscal year 2002 National Defense Act, subtitle E, section 654, is the historical precedent for transferability.

So I wish to thank the members of the Armed Services Committee who have worked this issue for many years. When it came time to have Senator WEBB's bill go in, we talked about transferability, but we recognized it was already law.

In the course of the deliberations on his bill, it seemed to me important that we update the 2002 law, which we did. I put in an amendment, amendment No. 4800, on May 20, 2008, which brought transferability in the old statute up to date.

Subsequently, we have not had any official cooperation of support from the Department of Defense, but unofficially there was some advice that came to us. We incorporated that advice, and that advice now reshaped my amendment on May 20. That, hopefully, will become the law of the land when that bill comes from the House to the Senate floor. I certainly urge all colleagues to join in that.

But again, I say to Senator WEBB, I salute him for his work on this legislation, his long and hard service to the country. This will stand as a hallmark for his initiative. I was pleased to join him along the way. I think all of us in this Chamber thank him for the leadership he has given.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to add my voice to one of my dearest friends in this body, Senator JOHN WARNER, and to JIM WEBB, who did a great job of this. All of us are grateful for the tremendous work they have done. Needless to say, millions of veterans deeply appreciate their commitment to this. I am not surprised that these two Virginians will be leading the charge in this. I thank them.

Mr. WARNER. Mr. President, if I can add a word. When the Armed Services Committee passed, in 2002, the legislation initiating transferability, it was against the wishes of the Department of Defense. But, nevertheless, our committee, as it has many times, stood its ground and put it into law.

It was not utilized by the Department of Defense, except in one or two cases by the Department of the Army. The other military departments did not use it. So the concept of transferability has been around for a long time. It is not brand new as indicated by some interpretation of this press release from the White House today.

It has been around a long time, and it received no support from the Bush administration in 2002, when it went on the lawbooks. It was not utilized by the departments. So, today, they announced, from the White House, it is rather interesting, the sentence reads:

> The President is pleased that Congress answered his call to ensure that military families soon will be able to transfer their unused education benefits to their spouse or children.

That has been the law of the land, in one form or another. That has been the effort of this Congress. That has been the effort of this Armed Services Committee, of which I am proud to be a member for many years, 6 or 7 total.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I wish to give my thanks to our colleagues. Well done.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have a unanimous consent request that we are going to make when I get the paper.

I ask unanimous consent that the Bunning motion to refer now be in order with respect to the House message regarding H.R. 3221; that there be 30 minutes for debate with respect to the motion; that the time be equally divided and controlled in the usual form; that no amendments be in order to the motion; that the motion be subject to an affirmative 60-vote threshold; that it achieves that threshold, that it be agreed to and the motion to reconsider by laid on the table; that if it does not achieve that threshold, that it be withdrawn and there be no further motions to refer in order during the pendency of this House message.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

MOTION TO REFER

Mr. BUNNING. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

> The Senator from Kentucky [Mr. BUNNING] moves to refer the message from the House on H.R. 3221 to the Committee on Banking, Housing, and Urban Affairs of the Senate with instructions to assess the potential financial benefits the legislation could provide

to Countrywide Financial Corporation and other lenders, as well as mortgages originated by Countrywide Financial Corporation and other lenders that are held by third parties.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I make this motion to refer the House message on the housing bill to the Banking Committee so the Senate can have all the facts about who will benefit from this legislation before we go forward. As anyone who has looked at the 631 pages of the substitute text can tell, this is a very serious piece of legislation. Hundreds of billions of dollars are on the line under the various parts of this bill. One part of this bill alone is a $300 billion refinancing program for problem mortgages. That part of the bill will open the door of the FHA to borrowers who have defaulted on their mortgages. I question the wisdom of that program. But for the moment, I want to focus on who will benefit rather than the losses the taxpayers will face.

The supporters of this bill say borrowers will benefit and lenders must take a loss on the loan before it can be refinanced. But that is not the whole truth. Lenders are already facing losses on these loans, so moving a loan into the program puts an end to the bleeding, and the FHA assumes the risk of all future losses. What that means is the lenders and others who hold mortgages are going to dump their worst $300 billion of mortgages on the FHA, without requiring so much as a thank-you to the taxpayers. If we are going to give such a large gift to the big banks and the investment houses, we should at least know to whom we are sending it.

Some of the lenders who are blamed for creating this housing crisis stand to benefit the most. For example, I read in the morning Wall Street Journal that one lender, Countrywide Financial, could benefit to the tune of $25 billion. That is a large gift from Congress to a private company, especially one that has been identified by some as the leader of the mortgage madness and has written more than 10 percent of the total of the most risky loans.

Does that make sense to anybody? Does that make sense to my fellow Senators? I don't think so.

Some may question that $25 billion figure. The truth is, no one in this Senate knows what the real number is. That is my point. The American people deserve to know who is going to benefit from this bill before we pass it. That is why I make this motion to refer the bill to the Banking Committee so that the committee can assess which banks and lenders will benefit and by how much. I make this motion with the full knowledge that it is going to take 59 fellow Senators to realize that the 631 pages of this substitute have just appeared before us yesterday. I continue to press my motion.

I now yield to my good friend from South Carolina, Senator DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I thank the Senator from Kentucky. I appreciate his willingness to offer this motion and bring some of our concerns to the attention of the Senate. I would like to make clear that it is not our intent to question the integrity of any Member of the Senate. But I believe every American has the right, given the situation surrounding this bill, to question the judgment of any Senator who votes for it at this time.

I know Senator SHELBY, the ranking member, has worked for years on part of this bill that is very important, and that we all support, GSE reform, getting a Federal regulator who can help keep some accountability in a system that has gotten out of control. I know if that was the only part of this bill that was being offered, he would be proud to support it. But we also know politics is the art of compromise, and we had to put a package together, I assume, that was needed in order to get the real reform through.

I think the package that came together is clearly problematic. A cloud surrounds this bill. We have seen it in the media all over the country, questioning the amount of money we spend, who benefits from it, and the fact that we are potentially unloading hundreds of billions of dollars of bad loans on to the American taxpayers' shoulders.

I appreciate Senator SHELBY and his work, but I have to object to this bill. The purpose of referring it back to the committee is not to stop the bill indefinitely but to get a careful review of who benefits from this bill. I have received different reports since it began.

First, I heard that Countrywide, one of the lenders involved that has had so many allegations against it, could potentially get $2.5 billion. Then the Wall Street Journal says it is $25 billion. As we look at this, the bill is designed to essentially encourage a lot of these mortgage companies to unload their riskiest loans on to the taxpayer. We are told, because they have to accept some reduction in the value of that loan, that they are going to be discouraged from doing it. In fact, we know if you take the riskiest loans, the Congressional Budget Office has already told us that 35 percent of these loans will default again. In other words, we basically know that 35 percent of these loans are going to fall back on the shoulders of the American taxpayer because this bill includes a guarantee.

We also know some of the voluntary programs, such as the Hope Now Program facilitated by the administration, are working. They have prevented over 1.5 million foreclosures. We need to do things like that that would help avoid foreclosures, help people stay in their homes. But this bill has come together in such a way as to raise questions all over the country that we need to answer before we move ahead.

Again, I thank the Senator from Kentucky for his willingness to stand for this. I encourage those who even support the bill to accept that we need to say: Wait a minute; let's look at this again. Let's look at the concerns that are being expressed all over the country. Then, let's take up the bill again at the right time.

I thank the Senator from Kentucky and yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I reiterate the fact that since we have the 631-page substitute, we have had no CBO scoring on this bill. It would only make sense to me to refer it back to the Committee on Banking so that CBO can work their magic and come up with the numbers so we know who is benefiting and who is not benefiting from the many pages in this bill.

I ask for the yeas and nays and yield back the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Alabama.

Mr. SHELBY. Mr. President, within the hour, the Senate rejected two amendments offered by the Senator from Missouri. The first one, which would basically gut this program, the vote was 77 to 11. The second Bond amendment was also rejected, 69 to 21. That indicates that there is a lot of bipartisan support for this bill on which we have worked for years in the Banking Committee. The current Presiding Officer knows these issues well. He represents the State of Florida and knows about housing. He knows about mortgages and, as an attorney at one time, I am sure he dealt in that area.

In this bill there is no special treatment, I say to my good friends—and I have a lot of respect for Senators BUNNING and DEMINT—no special treatment for any lender or homeowner. All lenders will have to take a significant loss, more than a little haircut, if they choose to participate. This is a voluntary program. All homeowners will have to share any equity gains. This is not a bailout, I assure my colleagues. The Presiding Officer knows I wouldn't support a bailout.

I voted against the stimulus bill that was here earlier in the year, as some of my colleagues did. But there are some good things in this bill, and I want to talk a few minutes about them. While the legislation would authorize FHA to provide up to $300 billion in loan guarantees under the new program over the

2009-2011 period, CBO, the Congressional Budget Office, estimates that FHA would use only $68 billion of that—that is a lot of money still—loan commitment authority through 2011 to implement the program. CBO estimates that enacting this legislation would increase direct spending by $729 million over the 2009–2018 period. That amount includes $684 million for the estimated subsidy cost of loan guarantees and $45 million in administrative costs.

Taxpayers will not bear these costs. Maybe that was the original proposal, but in the Banking Committee, we worked out a formula to let the GSEs, the affordable housing program, do this for 3 years because we didn't want the taxpayers doing this. Taxpayers will not bear these costs. During the 2009–2011 period, a portion of the GSEs' assessments would be used to pay the cost of this new program. These assessments would be used to reimburse the Treasury for the cost of the whole program up to an estimated $960 million total for those years.

Use of the new loan program is contingent upon the voluntary participation of both lenders and borrowers. As a result, demand for this program to refinance qualifying mortgages would depend on how many lenders and borrowers would perceive the new program as their best option in the marketplace.

It is important to note that mortgage lenders and borrowers will give up something in order to take advantage of this program. The current mortgage holder, whoever it is, must agree to a loan refinancing program that brings the loan-to-value ratio on the new FHA-insured loan to no greater than 90 percent of the property's current appraised value, not what it was at one time. In addition to forgiving a portion of the debt on the existing loan, the current mortgage holder will have to pay 3 percent of the original insured loan amount to FHA. The existing mortgage holder might also cover some portion of the origination fees for the new loan. In effect, the existing mortgage holder would take at least a 13-percent writedown—it might be 50 percent; we don't know—of the existing mortgage. That probably, in a lot of cases, would be better than foreclosure. What I am driving at is, we are not worried about the lenders. I am not. I am worried about the homeowners. I know the Presiding Officer is. The amount could be higher depending on the amount of the origination fee paid and the ability of the borrower to pay a mortgage. Thus, the current mortgage holder will receive no more than 87 percent of the property's current value, after the 3-percent premium is taken into account. I know this is complicated, but this is the way mortgages work.

Borrowers will have to agree to the equity-sharing provisions required under this program and determine whether forgoing some future profits on their homes is an acceptable arrangement. This is a voluntary program.

CBO, again, estimates that fewer than 40 percent of the 1.1 million—at this time—eligible loans would be refinanced under the new program. But if they are, it is going to help a lot of people who are deserving. Following a reduction in the principal amount of those loans to make them affordable, CBO further estimates that approximately 400,000 loans would be guaranteed under this legislation, with an average loan amount of $170,000. This 40-percent participation reflects the number of expected foreclosures, the impact of second liens, administrative challenges, and anticipated participation by mortgage holders and borrowers.

Many borrowers who would otherwise be eligible for this program will not participate because servicers will not be able to contact some borrowers, as we know. Even with the assistance of this program, some borrowers will not be able to avoid foreclosure because they have experienced a significant event, such as job loss, illness, divorce, or death. In other words, they would not qualify.

The average subsidy rate for those guarantees would be 1 percent. This estimated subsidy rate assumes that the cumulative claims rate—that is, the default—for the program would be about 35 percent and that recoveries on defaulted mortgages would be about 60 percent of the outstanding loan amount.

Mr. President, I want to say again, in this legislation there is no special treatment for any lender or homeowner. This is a voluntary program. All lenders—all lenders—will take a significant loss. There is no mention of any bank, mortgage broker, mortgage banker, or anybody else—Countrywide or anybody—in this bill. If there were, I would not support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I yield to the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise against this motion for several reasons.

First, on the specific issue, I do not think there has been a Member of this Chamber who has been more of a scourge against Countrywide than the senior Senator from New York. I do not like their practices. I do not like what they have done. I have criticized them publicly repeatedly. I have even asked Bank of America to make sure Countrywide employees—high-ups—are not hired when the company takes over. So I do not like Countrywide. I think many of us in this Chamber may not, given what we know they have done.

But I do not know of a single special interest provision, as my good friend from Alabama has stated, in this bill that applies to Countrywide. It is a general proposal supported by wide numbers of people on all sides—on the lending side, on the borrower side. Many of the groups that represent the poorest people in America support these provisions. So did my colleagues. Of the 10 Republican members of the Banking Committee, 8 supported this bill.

Furthermore, this bill is not one of those that are concocted in the dark of night and put on the floor 3 hours later. The provisions in the bill have been public for weeks. Not a single one of my colleagues has come up and is able to point to any special interest provision that names any specific lender, that benefits them differently than all the other lenders around.

If there is something we ought to do about Countrywide, we can hold hearings. If there is something we ought to do about the practices Countrywide and other lenders used, we should reform them. The chairman of this committee has been in the lead in trying to make those kinds of reforms. I know because a lot of the legislation he did we worked on together.

So there is no reason to believe—there is not a scintilla of evidence—there is a special interest provision here. We all know what is going on here. We ought to resist it on both sides of the aisle. I want to particularly salute my colleague from Alabama for standing up and saying that.

The second thing I want to say is this: This is beyond petty politics. We have a nation heading into recession. Thousands of people lose their homes every single day. Will the provisions of this bill—introduced by Senators DODD and SHELBY and supported by the Banking Committee, 19 to 2—will they save every one of them? Absolutely not. Will they save a good number of them? You bet.

Will they bring back devastated neighborhoods that have foreclosure signs on all the houses? And innocent homeowners who happen to have a house next to them, who paid their mortgages off 10 years ago and are suffering today because the value of their homes is going down, will this bill help them? You bet it will, with the CDBG provisions.

Will this bill enable Fannie and Freddie—which we are going to need in the next few years more than ever because they back or securitize or hold 80 percent of the new mortgages in this country; it is the only way to get the housing business back on its feet; and this bill wisely strengthens the regulation of Fannie and Freddie and strengthens their capital requirements but at the same time enables them to move forward at a time when we need them more than ever before—will this bill do that? You bet.

Should we be holding this bill up now when we desperately need it, when not a single provision—not a single provision—in this bill can be pointed to as narrow, special interest, or favoring any single institution or individual?

The argument is conclusive. It is not a close one. This is not one of those—by the way, one other reason. We finally have a bipartisan bill on something important. It does not happen very much these days, to the regret of most of us here, whether we be Republican or Democrat. We finally have one because of the hard work of the senior Senator from Connecticut and the senior Senator from Alabama.

Therefore, I urge that this motion be defeated and that we move on and pass this bill tonight so we can get to the business of fixing the housing crisis and, furthermore, trying to make sure the recession we have is as shallow as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I would like permission to speak briefly in rebuttal for 2 minutes.

The PRESIDING OFFICER. The Senator has 5 minutes 22 seconds remaining.

Mr. BUNNING. Mr. President, I want everybody to see this bill—631 pages. This is the substitute bill out of the Banking Committee. This bill never came through the Banking Committee. This is a substitute bill. No one saw this bill until 5 p.m. last night—631 pages.

My good friend from New York has made many good points about the bill that we did discuss in the Banking Committee, and you know about it. But this is a brandnew substitute that has new provisions, and no one has had a chance to go through them.

I am saying that this bill ought to be sent back to the Banking Committee and examined to make sure all those wonderful things the Senator from New York has said are true. That is the reason for my motion to refer.

I yield all of my time back.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I yield time to my colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

There is 1 minute 40 seconds remaining.

Mr. REED. Mr. President, the CBO has scored the Banking portion of this bill so that not a penny of taxpayer dollars will be spent. This is not a bailout by taxpayers dollars. Second, the bill in no way benefits lenders. Lenders have to take a haircut, as Senator SHELBY pointed out very clearly. Also, this bill is really an amalgamation of provisions, many of which have passed the Senate before, that have been discussed extensively in the Banking Committee. That are the result of numerous hearings.

This is not the case where we have created something completely new, completely out of whole cloth. There might be changes, but I think it is quite easy for committee staffs and individual Members to deal with these changes and if there are objections, to make amendments.

This motion is to kill this bill. As Senator SCHUMER pointed out, what we are losing here is help for hundreds of thousands of homeowners—not financial institutions. What we are losing here is a stronger regulatory structure to govern Fannie and Freddie. I have sat on the committee for years listening to people say: We have to get regulatory reform, GSA reform. We cannot let these institutions—Fannie and Freddie—operate without strengthened oversight. That is precisely what this legislation does.

So this legislation is about helping homeowners, regulating Fannie and Freddie, and has nothing to do with bailing out companies.

Countrywide is mentioned in this motion to recommit. Countrywide was trading a year ago at $38.89. It closed today at $4.83. It is subject to an acquisition by Bank of America. The market has penalized Countrywide. Bank of America will acquire it. By the time this legislation is effective, Countrywide very well might not exist as an entity in the country.

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, give me the time situation on this half-hour motion?

The PRESIDING OFFICER. All time has expired.

Mr. REID. Mr. President, I will use leader time.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. REID. Thank you very much, Mr. President.

Mr. President, this is an extremely important piece of legislation. There is not a place in America that has not felt the burden of the subprime lending crisis. It has spilled over into everything we do in America today.

In Nevada, where we have had a boom for 20 years, that boom is not there now. People were buying homes because we had such growth coming into the community. We have 5,000 to 10,000 people moving to Las Vegas even now. But this has hurt the entire economy of my State.

We have already passed 75 percent of this legislation overwhelmingly. This is a good piece of legislation. Twenty-five percent—an important part of this legislation—has been worked on for 2 months, at least, in great detail by two of the most experienced Senators we have—Senators who know how to deal with the House because they both served in the House, Senators who have been chairmen of committees in the past and now.

Senators BUNNING and DEMINT have a right to offer this—and that is why we are here—but I think they are headed in the wrong direction. I ask my colleagues to understand that everything in this bill is transparent. There is nothing that is not transparent in nature.

We have to also understand that, for example, one of the programs this motion attempts, perhaps, to suggest—and others would have to make a better determination than I—but suggest that the HOPE for Homeowners Program created in this bill through the bipartisan work of Senators DODD and SHELBY is a taxpayer-paid bailout to lenders. One of the people who have been involved in this provision of the bill for a long period of time has been the Secretary of the Treasury, who, by the way, is a breath of fresh air for the administration. I have great respect for Secretary Paulson. So there could be nothing further from the truth that this is a taxpayer-paid bailout.

First, according to the Congressional Budget Office, the HOPE for Homeowners Program will actually result in a net gain for taxpayers of a quarter of a billion dollars—$250 million.

Second, lenders aren't getting bailed out under this program; lenders must choose to participate. The program is voluntary. Secretary Paulson has talked to me personally about this. He likes it because it is voluntary.

Third, lenders who voluntarily participate in this program will have to take a loss. These lenders will have to agree to accept a new loan at a reduced principal amount to replace an existing loan they have made to a borrower. So if lenders participate, they will lose money, belying the notion that this program is a bailout.

Some of our friends in the Senate claim this motion is not intended to question the integrity of colleagues, and I hope they are right. Whether that is true or not, regrettably, the effect of this motion is to delay the Senate in providing relief to American families, a struggling housing market, and our economy.

As he knows, Senator BUNNING is somebody whom I admire greatly because the fact is, I wanted to be a baseball player, not a Senator. I have great respect and admiration for him. Every chance I get—and I think I get on his nerves a lot of times because I continually ask him about his ball games and who was his favorite catcher and all that kind of stuff. So the fact that I oppose this motion doesn't take away from my respect for the Senator from Kentucky, a member of the Baseball Hall of Fame.

I disagree with Senator DEMINT quite often, but I know his heart is in the right place. He is trying to do the right thing. I just think this motion should be overwhelmingly defeated. It would be good for this bill. It would be good for the country, and I believe it would be good for the Senate.

Mr. ISAKSON. Mr. President, is the distinguished majority leader finished?

Mr. REID. Yes, sir.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, as a member of the Ethics Committee and in consideration for what may or may not happen, I am going to vote "present" so there will be no prejudice in any way, one way or another, in any decision that might have to later be made regarding the mortgage business and Countrywide in particular.

MOTION TO REFER

The PRESIDING OFFICER. The question is on agreeing to the motion to refer.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mrs. BOXER (when her name was called). Present.

Mr. CORNYN (when his name was called). Present.

Mr. ISAKSON (when his name was called). Present.

Mr. PRYOR (when his name was called). Present.

Mr. SALAZAR (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. OBAMA), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. BROWNBACK), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 11, nays 70, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—11

Allard
Bond
Bunning
Burr
Coburn
DeMint
Ensign
Inhofe
McConnell
Thune
Vitter

NAYS—70

Akaka
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Brown
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Corker
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Hatch
Hutchison
Inouye
Johnson
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Voinovich
Warner
Whitehouse
Wicker
Wyden

ANSWERED "PRESENT"—5

Boxer
Cornyn
Isakson
Pryor
Salazar

NOT VOTING—14

Alexander
Brownback
Byrd
Clinton
Conrad
Gregg
Harkin
Kennedy
Kyl
Lieberman
McCain
Obama
Roberts
Webb

The PRESIDING OFFICER. On this vote, the yeas are 11, the nays are 70, 5 announced present. Under the previous order requiring 60 votes for the adoption of this motion, the motion is withdrawn.

Mr. REID. Mr. President, that is the last vote for tonight. In the morning, we don't have any votes lined up. We are going to see what, in fact, we can do. It appears at this time that it is going to be difficult to have votes tomorrow, even though the managers want to do that.

Everybody should be on notice that we will be in session tomorrow and on this bill. I frankly don't think there will be any votes because there are procedural hurdles we ran into this afternoon that will make it difficult to do more amendments.

Do the managers disagree with anything I have said?

Mr. DODD. Mr. President, I thank the leader. Senator SHELBY and I are prepared to be here even for a little longer this evening, for those who might want to talk on the bill, or they can tell us what they may want to offer. So we will be around.

Mr. REID. Mr. President, I also remind everybody that it is obvious we are going to have a lot of work to do next week. We are going to have to have a vote Tuesday morning. It has been longstanding that there will be no votes on Monday. There will be business conducted here on Monday, but we are going to have a vote on Tuesday before the caucuses, and maybe more than one vote before the caucuses.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I have a parliamentary inquiry. Is time controlled by the manager of the bill at this point?

Mr. DODD. Mr. President, there is no time agreement, so it is a matter of recognition.

Mr. MENENDEZ. Mr. President, I rise to speak on the bill in general.

Let me first congratulate and recognize Chairman DODD for the incredible job he has done, along with the ranking member of the committee, Senator SHELBY, in bringing to the floor this much needed effort for so many Americans, as well as the country in general. So far, by the nature of the bipartisan votes we have seen, we are moving forward in the right direction.

The crisis in the housing market in this country continues to get worse. One in 11 American mortgages is past due or in foreclosure. That is a devastating number, and it is still rising—rising fast, as unemployment spikes and home prices fall.

American families are losing their most valuable assets, bedrocks in their lives, pillars that support their communities. And when those pillars fall, communities come crashing down. All in all, we have experienced the worst quarter for American homeowners in nearly three decades, and it only stands to get worse.

In my home State of New Jersey, over the next 2 years we expect more than 57,000 homes to be lost to foreclosure. That means 57,000 families who will have to hand over the keys to their homes. Families will be forced to say goodbye to the place where they are nurtured and comforted, the place where they live through the good and the bad, the place they come home to every night. In the words of families who know what it feels like to lose their home, they feel like they have lost everything.

Nationwide, the number of foreclosures that is going to happen if we don't act is unfathomable. With almost 8,500 foreclosure filings each day—and additional resets coming in July—what I said a year ago this past March, that we were going to have a tsunami of foreclosures—though some in the administration said that was an overexaggeration—well, we have not even seen the crest of that tsunami. Unfortunately, that storm is only going to get worse. So we have come together to take a stand for homeowners; not just for those facing foreclosure, but for their neighbors on their streets, their entire communities, and for generations of home buyers in the future. Today, Senators on both sides of the aisle have come together to support legislation to help suffering homeowners and to set the housing market back on an even keel.

This Chamber has come to understand this crisis is truly a threat to all of us, to all our communities. Whether you live in the North, the South, the East, or the West, whether it is a city in Ohio watching crime rates go up after a string of foreclosures, an entire county in Florida experiencing an economic drought after its residents move away, or a single family in New Jersey in danger of being forced out onto the street, everyone stands to lose from those foreclosures.

Lenders report losing tens of thousands of dollars on each foreclosure, and neighbors see the value of their homes dropping pretty dramatically. When we see that 49,000 Americans lost their jobs a month ago, when we see weak earnings reports from businesses, wild swings in the stock market, and the collapse of a major firm on Wall Street, we can see this housing crisis is truly shaking the entire economy to its core.

I am hopeful that this coming week finally there will be a glimmer of hope for homeowners who have been left to fight the battle alone. It is clear that Members on both sides of the aisle know it is time to act, and it is clear what our goal has to be: Helping families keep their homes.

This Housing and Economic Recovery Act we have before us takes some important steps to that end. It strengthens and modernizes the regulation of the housing government-sponsored enterprises—Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. It modernizes the Federal Housing Administration and creates the HOPE for Homeowners program, which will prevent over 400,000 foreclosures.

The bill also contains language that I championed to improve financial education and housing counseling. I believe this is an important step forward for improving financial education and arming homeowners with the tools to protect themselves.

Because of Senator JACK REED, this bill includes an affordable housing fund to create affordable housing for millions of American families.

The bill also contains a new tax deduction for property taxes, relief that could be provided to many across the country but nearly half a million people in my home State of New Jersey. The bottom line is this bill takes real steps to help American homeowners, and these steps are much needed.

Having said that, as always, no legislation is perfect. I do have some concerns. I certainly believe the establishment of a strong regulator for government-sponsored enterprises is long overdue, and there is no better time than now. But I have some significant concerns relative to the effective date of the bill. Currently it does not provide for an orderly transition period. GSE regulatory reform would combine the regulatory powers and staff of three separate executive branch agencies to create a new GSE supervisor with far-reaching powers over our Nation's housing finance system. I believe we cannot make these changes at the flip of a switch. We need time to get the transition right.

The House-passed GSE bill would do this by establishing a uniform effective date of 6 months after enactment of this legislation. I think that is a transition period that would ensure an orderly transition to a new GSE regulatory regime.

The bill also includes a separate provision that would limit the ability of the GSE to create liquid markets for high-cost areas, as well as for other typical portfolio products, such as multifamily lending and refinancing families out of subprime loans they cannot afford, by creating an arbitrary bias toward securitization in the portfolio language of the bill.

As we move forward, I urge the Senate to think more broadly about the importance of the GSEs and the role they play in times of crisis and generally in the days ahead.

I would also like to have seen a higher GSE and FHA loan limit included in the final bill. In March, when the Banking Committee held its first hearing to address the subprime crisis, I spoke about the need to raise the FHA loan limit in order to give borrowers more options. Right now, in New Jersey, 12 of the 21 counties are at the FHA and GSE ceiling. Under this bill today, those 12 counties would have their ceiling lowered, and almost all the other counties in New Jersey would see some reduction as well. By lowering the number, I think we are restricting our economic recovery and our ability to provide individuals with better, more affordable options.

While I believe those are concerns, let me reiterate that none of these provisions causes me to question my support for this bill. Chairman DODD has said numerous times that had he written this bill on his own, without the necessity of the negotiation the Senate is well known for, he would have drafted it differently himself. I certainly commend him for his efforts, as I understand the art of the possible, and I hope we can address some of these concerns as we move forward.

At the end of the day, this bill will help struggling homeowners and will have positive ripple effects on the rest of our country. Having a foreclosed home sit abandoned in a community doesn't benefit anyone. It decreases surrounding home values and it can attract crime and vandalism. The bottom line is that foreclosure destabilizes neighborhoods. The funds in this bill allow communities to stop that spiral before it starts.

I am also proud to have supported a provision in this bill to provide funding for counseling in order to reach and help families at risk of losing their homes. Many Americans are sitting around their kitchen tables looking through their mortgage bills, their finances, and their bank notices, and they simply don't know where to turn. These counselors could offer them real solutions and options to help them avoid receiving the foreclosure notice. The bill puts forward $150 million to make sure counseling reaches those who need it the most.

Some argue that stepping in to help our communities recover from the housing crisis would somehow be a blow to the concept of personal responsibility, because some homeowners made bad choices in signing up for a subprime mortgage. Don't get me wrong, personal responsibility is important, and that is why we need greater support for homeowner education, and for foreclosure counseling and financial literacy, so that anyone thinking about buying a home will be able to understand the terms of their mortgage, even the fine print, and have the tools to protect themselves. But personal responsibility isn't just important for homeowners. As I said at the start of this crisis, every participant in the life of a loan needs to step up and take real responsibility and action. Blaming the homeowner alone is not right, it is not fair, and it is economically disastrous. Every broker, lender, realtor, appraiser, regulator, credit rating agency, and investing firm had a role in this storm, and I will not let the blame fall to only the homeowners.

As we in this Congress are debating how best to help homeowners, how best to end the housing crisis, and how best to get our economy back on track, we have to see the bigger picture. There is a lot at stake, no matter who we are, whether we have a subprime mortgage or not. When the house next to ours gets boarded up, it affects the value of our property, too, and how safe we feel walking around our neighborhood at night. When a neighbor of ours has to declare bankruptcy and is forever saddled with debt they cannot pay, they shop less at stores and purchase fewer of the services our community offers, and that hurts our community's bottom line.

Martin Luther King, Jr., reminded us that "we are all tied into a single garment of destiny," that "we cannot walk alone." This is a crisis we are all in together. There is no reason why we can't all work together to end it. That is why I am proud of the effort of

Chairman DODD and Ranking Member SHELBY, and I am proud to support this bill. I hope next week we will pass it, move it on to the House, and get some real relief not only for American families, and not only to preserve the concept of home, but also to be able to deal with the very core of what is the economic challenge presently before the Nation and what will be our challenge if we do not act in the days ahead.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST VIRGINIA DAY, 2008

Mr. BYRD. Mr. President, certain dates on the calendar carry special meaning. These are great and glorious days that are given to devoted reverence and are a cause for recognition and adoration. Thanksgiving, the Fourth of July, and New Year's Eve are a few dates that come immediately to mind. Another one that comes to mind is June 20—the day we celebrate as West Virginia Day.

Friday will be June 20. All over the world, it will be June 20, which means that all over the world, it will be West Virginia Day. And what a great and glorious day it will be.

It was on June 20, 1863, that West Virginia became the 35th State of the Union. The State proudly adopted as its motto the phrase, "Montani semper liberi," which means, "Mountaineers are always free."

This was a most appropriate motto for a State born in the middle of the greatest struggle for freedom and liberty in American history—the Civil War. And West Virginians have always strived to live up to our State motto.

West Virginia workers were in the forefront of the historic labor struggles in the late 19th and early 20th centuries that sought an end to the exploitation and oppression of American workers that had accompanied the Industrial Revolution. In 1877, the Nation's first general strike began among the railroad workers and citizens of Martinsburg, WV, after the railroad tycoons repeatedly lowered wages.

Seeking to end the industrial autocracy that had engulfed the State with the opening of the coal fields in the 1880s, West Virginia coal miners engaged in a series of conflicts now recognized as the West Virginia Mine Wars, including the Paint Creek-Cabin Creek Strike, the Battle of Matewan, and the Miners' March on Logan. These struggles, writes coal-field historian David Corbin, must be viewed in the same perspective as Americans see Lexington and Gettysburg, not just as isolated incidents in the tragic spilling of blood but "as symbolic moment[s] in a larger, broader and continuing historical struggle . . . the struggle for freedom and liberty."

In his book, "The West Virginia Mine Wars: An Anthology", Corbin compared the West Virginia miners' struggle for unionization to the civil rights movement of the 1960s. "Both movements," he writes, "are stories of oppressed, exploited people fighting for dignity, self-respect, human rights and freedom."

This analogy to the civil rights movement is a good one because West Virginia has also played an important role in the quest of African Americans for liberty and equality. For one thing, West Virginia has been the site of some of the important events in African-American history. Prior to the Civil War, John Brown's Raid on Harpers Ferry prefigured West Virginia's breakaway from the slaveholding Confederacy into full statehood. Harpers Ferry later served as the setting for the second meeting of the Niagara Movement, a meeting that led to the formation of the NAACP.

Individual West Virginians have played important roles in this historic struggle. Author and abolitionist Martin Delany, with Frederick Douglass, edited the North Star newspaper, the leading abolitionist newspaper in the country. J.R.Clifford, along with his colleague, W.E.B. DuBois, was one of the founders of the Niagara Movement in 1905. Rev. Leon Sullivan was a civil rights activist who wrote the Sullivan Principles, a code of conduct for U.S. businesses operating in South Africa under apartheid.

Carter G. Woodson, Booker T. Washington, and John Warren Davis were all famous African-American educators who occupy important places in American history and culture and played important roles in furthering the development of our free society.

Furthermore, West Virginians have played an important role in the American movement toward religious freedom. The most noticeable example of this effort came in the historic 1960 Democratic Party Presidential primary—the political contest that paved the way for America's first Catholic President. In 1960, West Virginia was an overwhelmingly Protestant State, and religion became the "burning issue" of the contest because, if Senator John F. Kennedy, who was Catholic, defeated his only opponent, Senator Hubert Humphrey, who was a Protestant, it would show that religion was no longer a defeating handicap in a Presidential contest. Kennedy won that primary by a substantial margin, and, as a result, as Kennedy stated the day after winning the primary, the religious issue was "buried . . . in the soil of West Virginia."

Mr. President, I am proud of my State. I love its beauty, its culture, and its history. Foremost, I have always appreciated its kind, good, and generous people and the way they have retained what I call the "old values"—faith in God, love of country, family, honesty, decency, and integrity. And a leading value of the people of West Virginia, as I have tried to show, has been our motto, "Mountaineers are always free."

Happy birthday West Virginia.

May God always bless you, and keep you free.

FLOODING IN ILLINOIS

Mr. DURBIN. Mr. President, President Bush is in Iowa today to see firsthand some of the devastation that more than a week of severe flooding has inflicted on that State.

It is the President's first visit to the Midwest since the floods began more than a week ago.

Midwesterners appreciate the President's visit to our region. These floods are happening in our States, but they are a national disaster.

The President's visit to Iowa today gives us some reassurance that the Federal Government will help our region through this crisis.

As the President visits Iowa today, I hope he looks across the river to my State of Illinois.

Floods don't stop at State lines.

The floodwaters are receding now in Iowa; they are rising in Illinois. Levees are breaking and farmland and towns along our side of the Mississippi are being swallowed up by the river now.

The damage in Iowa has been staggering and heartbreaking , and we pray for our neighbors' safety and well-being.

But the entire Midwest is reeling from weeks of flooding and tornadoes—from Minnesota to Kansas and everywhere in between; Wisconsin, Iowa, Missouri, and, of course, Illinois.

We know from the great flood that devastated the Midwest in 1993 and, more recently, from Hurricane Katrina, that the losses from this chain of weather-related disasters will be more than our States and citizens alone can shoulder.

We also know that, in times of crisis, Americans have always come together to help those in need. We are counting on that American tradition of cooperation now.

My colleagues and I whose States have borne the brunt of these floods appreciate greatly the support and offers of cooperation we have received from Senator LANDRIEU and others whose States have also suffered major natural disasters.

I hope that President Bush and others are equally committed to rebuilding the Midwest, not just through disaster relief but by strengthening levees, rebuilding houses, providing loans to small businesses, or helping farmers who have lost an entire season of crops.

As we speak, the floodwaters are still rising—in Iowa in Missouri, and in my State of Illinois—breaking levees, leaving people without running water, and leaving whole towns submerged.

Yesterday, two more levees broke on the Illinois-Iowa border near Quincy, flooding thousands of acres of farmland and forcing people to leave their homes. That brings the total number of broken levees in Illinois to nine as a result of the flooding.

In Galesburg, residents are on boil order and are in danger of losing their access to running water.

In Lawrenceville, where the floodwaters from earlier storms are finally receding, over 10,000 people have been without running water for more than a week. We will not forget our neighbors on the east side of the State, where it all began earlier this month.

Over 500 homes have been affected in Machesney Park, a small community in Winnebago County without a public works department and without trucks or any other equipment to help with the clean-up efforts.

My heart goes out to everyone affected by the floods, especially those who have watched their homes and livelihoods disappear under muddy waters.

But as the waters keep rising, the people of Illinois continue to humble and inspire me.

Illinoisans continue to work day and night to prepare for the worst. In cities and towns all along the Mississippi, people have spent the last week filling sandbags and fortifying levees. This is difficult work, often backbreaking, but as hard as it's been on the body, it hasn't broken people's spirits.

Day after day they have shown up—residents, volunteers, emergency workers, members of the Illinois National Guard. It is not easy to stand your ground in the face of a force as powerful as the Mississippi, but these folks have done just that. Their resolve and determination show an amazing spirit at work. It is something Senator OBAMA and I had a chance to see for ourselves when we were in Quincy and Grafton last week. It is a sight to behold.

I also commend FEMA and the Army Corps of Engineers. They are doing what needs to be done to help these communities prepare for the worst. A number of State of Illinois departments and agencies are working 24/7 to ensure communities have the resources to fight the flood waters. This is truly a team effort.

Right now we are in a race against time and nature. The worst is, still to come.

The river is still swelling and is projected to crest for many of the communities farther south in the coming days.

When the floodwaters recede, we will need to roll up our sleeves and begin the long, hard process of rebuilding.

Senator OBAMA and I will be working with the Illinois congressional delegation and our Senate colleagues to ensure that the people in the Midwest will not face this formidable task of rebuilding alone.

My thoughts and prayers are with everyone on the ground.

TRIBUTE TO CLARENCE L. MILLER

Mr. McCONNELL. Mr. President, I rise today to honor a well-respected Kentuckian, Mr. Clarence L. Miller. Throughout his life, Mr. Miller has contributed immensely to our Commonwealth and Nation.

Recently the Sentinel-News in Shelbyville, Kentucky, published a story about Mr. Miller. The story summarizes the extraordinary life he led, while paying tribute to him as a remarkable Kentuckian. Throughout his career as a public servant, Mr. Miller has worked hard to give back to the State and Nation that he loves so dearly.

I ask my colleagues to join me in honoring Clarence L. Miller as a true patriot and Kentuckian whose legacy will forever be remembered, and I further ask unanimous consent that the full article be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel-News, April 30, 2008]

CLARENCE L. MILLER: FARMER, ADMINISTRATOR, DIPLOMAT, RACONTEUR

(By BG Ron Van Stockum)

I called on Clarence Miller recently to add my appreciation to that of his many other friends for his generosity in donating his farm to Shelbyville. In our informal conversation it became apparent that his story needed to be recorded and reported.

Accordingly, a few days later, my son Reggie invited him to Allen Dale where he taped as oral history an extended audio/visual interview. My column today will constitute an abbreviated story of Clarence Miller's life, providing information additional to that contained in Gayle Deaton's excellent article in an issue of last year's Sentinel-News.

Clarence Miller was born in Louisville in 1912. His father, Pleasant Green Miller, always called "P. Green" (1871–1968), born in Estill County, was employed as a federal whisky inspector or "whiskey gauger." His responsibilities, within the Department of the Treasury, included the recording of whiskey production and assuring that the distillers paid the proper federal tax on alcohol. With the onset of World War I, distillation was dramatically curtailed in order to preserve grain. His job disestablished, he took his family to Florida where he set out a citrus grove.

EIGHTEENTH AMENDMENT: PROHIBITION (1920-33)

Before the production of whisky could be fully restored, National Prohibition was established by means of the Eighteenth Amendment, with Kentucky being the third state to ratify it. Ratification was certified on 29 January 1919 and on 28 October the Volstead Act was passed, defining "intoxicating beverage" as one containing greater than one-half of one percent alcohol. This act went into effect on 29 January 1920, along with the Eighteenth Amendment. President Hoover called Prohibition a "noble experiment," but others used stronger words. Clarence described the effect of Prohibition on the distilleries as "confiscatory." They held millions of gallons of whiskey in storage, but, except for a controlled trickle for "medicinal" purposes, were not allowed to sell it.

Even moderate imbibers needed to adjust. While I do not recall alcohol being served by my parents in Seattle, Washington, I do remember my mother sending me out on the lawn to pick dandelions for wine. The process she used is unknown, but it is possible today to learn all that is necessary by "googling" "dandelion wine."

P. Green Miller and many other federal agents, were called back to the Treasury Department to enforce the new law. In view of its unpopularity, affecting so many special interests and tastes, this was a formidable task. In 1923, he became Division Chief for Enforcement of Prohibition for the states of Kentucky and Tennessee, with offices in Louisville and Memphis. Later, he spent a good deal of time on the east coast, in New York, Baltimore and Boston, trying to eliminate, or at least minimize, the illegal smuggling by high-speed cutters, called "rum runners," which picked up whisky from vessels lying beyond the territorial limits. He also was involved in the attempt to break up the illegal activities of the most powerful and infamous of all bootleggers, Al Capone, who operated out of Chicago.

REPEAL OF PROHIBITION—TWENTY-FIRST AMENDMENT (1933)

On 23 March 1933, President Franklin D. Roosevelt, after signing into law an amendment to the Volstead Act, allowing the manufacture and sale of "3.2 beer" and light wines, is reported to have remarked "Now let's all have a beer." The Eighteenth Amendment, itself, was repealed later with ratification of the Twenty-first amendment on 5 December 1933. P. Green Miller returned to farming.

YOUNG CLARENCE L. MILLER

Meanwhile, on 1 January 1925, when Clarence was 12 years old, the Miller family purchased Red Orchard Farm and established residence there, although Clarence's father was still spending most of his time elsewhere discharging his enforcement responsibilities. The farm, originally 119 acres, now constitutes 130 acres. Clarence helped his mother with the farm, entering Shelbyville High School where he graduated with the class of 1932. A schoolmate of his was Ben McMakin, the subject of one of last year's columns, who died as a Marine prisoner of war in 1945. "Ben was president of our class one year, and I the next." He then spent two years at University of Kentucky with the intent of studying law, but instead returned to Shelbyville.

MOVING UP IN AGRICULTURE

Here, he was employed with the Agriculture Adjustment Administration (AAA), later called the Commodity Stabilization Service (CSS). He started literally from the ground up, measuring tobacco plantings to assure compliance with the regulations. In 1947 he married his high school sweetheart, Katherine Barrickman, always called "Toddy." The daughter of a prominent Shelbyville lawyer and County Attorney, she was an accomplished competitive golfer, being local women's champion for 13 straight years. In 1953 Clarence became chairman of the state CSS and a year later went to Washington DC as national Director of the Tobacco Division of the same agency. In 1956, he became Associate Administrator of the national CSS. In 1959 and 1960, the final two years of the Eisenhower administration, he served as Assistant Secretary of Agriculture for Marketing and Foreign Agriculture, working directly under Secretary Ezra Taft Benson, Agricultural Attaché in Madrid.

From 1961 to 1969 he was back in Shelbyville, operating his farm and occupying a position in public relations with the Kentucky Farm Bureau. In 1970 he was appointed under the Nixon administration as Agricultural Attaché in Spain, serving until 1976, initially under his good friend, Ambassador Robert C. Hill. It was during this period that several of his friends from Shelbyville were his guests at the Embassy in Madrid. I remember my fellow tennis player, the late Guy Lea, one of his guests, remarking about Clarence's hospitality when he and his wife visited Spain.

WORLD TRAVELER

Despite undergoing double artery by-pass surgery and replacement of the aortic valve in 1998, the following year he took a trip to Singapore. There are few countries he has not visited. He has traveled around the world, rounded both Africa and South America by ship, and visited Greenland and Antarctica. Nevertheless, he has never lost touch with his home town and his lifetime of public service to his community and to his country has culminated in the most altruistic act of all: the gift to his home town of Red Orchard Farm.

Note: It is encouraging to report that Clarence Miller continues to be hale and hearty, strong of voice, forceful in expression and vitally concerned about public affairs. He looks back upon his long life with a feeling of accomplishment: "It has been my good fortune to have been in the right place at the right time with the right credentials."

CAPTURE ARREST AND TRANSPORT CHARGED FUGITIVES ACT OF 2008

Mr. DURBIN. Mr. President, I rise today to discuss legislation I recently introduced called the Capture Arrest and Transport Charged—CATCH—Fugitives Act of 2008. I am pleased that Senator DOLE has joined me as a cosponsor of this bill.

The CATCH Fugitives Act addresses three important problems that undercut State and local efforts to catch fugitives. First, State and local law enforcement authorities have insufficient resources for identifying and arresting fugitives. Second, even when fugitives are arrested, they may not be prosecuted because of the high cost of extradition. Third, when fugitives flee across State lines, they frequently escape detection because law enforcement officers lack complete information about warrants issued in other States. Fewer than half of all outstanding felony warrants have been entered into the nationwide database that alerts other law enforcement officials that a person is wanted.

The act addresses these three problems by providing assistance to State and local law enforcement agencies through the U.S. Marshals Service to help them identify fugitives and transport them from one State to another for prosecution. It also creates grant programs that will encourage States to share information about warrants with each other and help them pay for the cost of additional extraditions.

This legislation is supported by Illinois Attorney General Lisa Madigan, Cook County State's Attorney Richard A. Devine, Cook County Sheriff Thomas Dart, City of Chicago Police Superintendent Jody P. Weis, Peoria State's Attorney Kevin Lyons, the Illinois Association of Chiefs of Police, and the Illinois Sheriffs' Association.

Nationwide, there are an estimated 2.8 million to 3.2 million outstanding warrants for the arrest of persons charged with felony crimes, and the number is growing. Fugitives often commit additional crimes while they are at-large. However, searching for and apprehending them is costly. Increasing the resources available for conducting fugitive investigations would increase the number of fugitives who are arrested, brought to trial for previous crimes, and prevented from committing new crimes.

The Marshals Service plays an integral role in the apprehension of fugitives and has a long history of providing assistance and expertise to other law enforcement agencies in support of fugitive investigations. Pursuant to the Presidential Threat Protection Act of 2000, the Marshals Service created its Regional Fugitive Task Force program. The task forces combine the efforts and resources of Federal, State, and local law enforcement agencies as they work to locate and apprehend fugitives. Between 2002 and 2006, the Marshals Service established task forces in six regions of the country. Since their inception, these six task forces have arrested approximately 90,000 Federal and State felony fugitives, contributing to a significant increase in the number of fugitive arrests in those regions. The Marshals Service has developed a plan to establish 12 additional task forces—enough to serve the rest of the country—but since 2006 it has not received the resources needed to implement this plan.

The CATCH Fugitives act increases the authorization for the Regional Fugitive Task Force program from $10 million under current law to $50 million for each of fiscal years 2009–2012 and $25 million for each of fiscal years 2013–2015, in order to fully fund the existing task forces and add new ones that serve the remaining parts of the country.

In addition to strengthening fugitive-hunting capacity in general, the act also tackles the problem of capturing out-of-State fugitives and extraditing them for prosecution. Since 1967, the Federal Bureau of Investigation has operated the National Crime Information Center, NCIC, which administers a database containing criminal history information from the Federal Government and the States, including outstanding arrest warrants. The NCIC database is designed to allow a law enforcement officer who stops a person in one State to be made aware of any outstanding warrants for that person issued in another State. The database contains approximately 1.3 million felony and misdemeanor warrants, but it is missing more than half of the Nation's 2.8 million to 3.2 million felony warrants, including hundreds of thousands of warrants for the arrest of the people accused of committing violent crimes.

A State's failure to enter all of its warrants into the NCIC database enables fugitives to escape arrest even when they are stopped by an officer in another State. Many such fugitives go on to commit additional crimes. In addition, they pose a danger to the officers who encounter them but have no knowledge of their pending charges and record of fleeing law enforcement authorities.

Let me give an example from an investigative series of articles that appeared in the St. Louis Post-Dispatch earlier this year. On March 21, 2001, Eloy Williams was charged with the rape of a college student in Florida. Florida authorities issued a warrant for his arrest but did not enter it into the NCIC database. On July 16, 2001, Williams skipped a hearing in Florida on a cocaine trafficking charge. Florida authorities issued a warrant for his arrest for failure to appear on that charge but again did not enter the warrant into the NCIC database. On April 11, 2002, Williams was stopped by a police officer in Decatur, GA. The officer found no record of the Florida warrants in the NCIC system and Williams was released the next day. On July 25, 2002, Williams was arrested in Decatur for speeding. Again, the police officer found no record of his Florida warrants so Williams was released the next day. On October 9, 2002, Williams raped and robbed a 14-year-old girl while she was walking home from school. In May and June of 2003, Williams raped four women in the Decatur and Lithonia, GA, areas. On June 12, 2003, officers finally tracked Williams down and arrested him. He confessed to all six of these rapes. The five rapes committed between October 2002 and June 2003 could have been prevented if the outstanding Florida warrants had been entered into the NCIC system. The officers who stopped Williams in April and July of 2002 would have learned of the warrants and made him available to Florida for extradition. If extradited, he would not have been in a position to commit those five rapes.

Improving the completeness of the warrant records in the NCIC database would enable law enforcement officers to identify and arrest a larger number of fugitives and would improve the safety of our officers. However, the challenge does not end there. Even if a fugitive is arrested, extraditing that fugitive back to the State that issued the warrant can be costly. Law enforcement agencies often lack the resources to pay for the cost of transporting fugitives. They frequently choose to forego prosecution, allowing fugitives to evade justice and commit new crimes. Reducing the cost of extradition would increase the number of prosecutions.

Let me give you another example from the St. Louis Post-Dispatch series. In the fall of 1999, Virginia law enforcement authorities issued two felony warrants for the arrest of Felipe Fowlkes. Fowlkes had a record of criminal convictions that spanned two decades and included convictions for crimes ranging from burglary to sexual misconduct. In April 2000, Fowlkes learned of the warrants and turned himself in to the local police in Schenectady, NY. The Virginia authorities, however, refused to retrieve him for prosecution. Three weeks later, Fowlkes attempted to rob a woman and was arrested. He was convicted and sentenced to prison time. In July 2003, 6 weeks after his release, Fowlkes attempted to sexually assault a woman. Hours later on the same day, he lured a 15-year-old girl behind a school and raped her. The 2000 attempted robbery and 2003 rape might have been prevented if the Virginia authorities had extradited Fowlkes in 2000.

The CATCH Fugitives Act has three provisions that address the twin challenges of identifying fugitives who have crossed State lines and extraditing them for prosecution. First, it includes a major grant program that offers States and local governments significant funding for extraditions, but builds in strong incentives to improve the entry of warrants into the NCIC database. It authorizes $50 million in grants to States for each of fiscal years 2009–2015 to help cover the costs of extraditing additional numbers of fugitives from one State to another, but it conditions eligibility for grants on improved performance in entering warrant records into NCIC. Any State or unit of local government is eligible for an extradition grant during the first 3 years after enactment. However, a State or unit of local government would lose its eligibility if after 3 years it is still transmitting less than 50 percent of its warrants to NCIC; after 5 years it is transmitting less than 70 percent of its warrants to NCIC; or after 7 years it is transmitting less than 90 percent of its warrants to NCIC.

Second, to help States and local governments improve their performance in submitting warrants to NCIC, the CATCH Fugitives Act authorizes $10 million for each of fiscal years 2009–2013 for grants to State and local governments to improve their capacity, infrastructure and processes for transmitting warrants to NCIC.

Third, in order to help States and local governments further reduce the cost of extraditing fugitives between States, the Act directs the Marshals Service to expand its Justice Prisoner and Alien Transportation Service, JPATS—currently used for transporting detainees and inmates—and make it available for fugitive transports requested by States and local governments that participate in a Regional Fugitive Task Force. The act authorizes $2 million for each of fiscal years 2009–2015 for this purpose.

In summary, the CATCH Fugitives Act addresses serious problems that interfere with law enforcement efforts to bring fugitives to justice. It increases fugitive-hunting capacity nationwide. It provides resources and incentives for States to make information about outstanding warrants available to other States so that law enforcement agencies in one State can recognize when a fugitive from another State is in their grasp. And, it provides assistance that will reduce the cost of extraditing such fugitives from one State to another for prosecution. I urge my colleagues to support this important bipartisan legislation.

SYMQUEST

Mr. LEAHY. Mr. President, the Burlington Free Press recently printed an article about SymQuest Group Inc. in South Burlington. It was especially interesting to me, as I know the cofounders, Larry Sudbay and Pat Robins, very well.

In the article, Mr. Sudbay was said to make their success and the honors they have won seem very easy. One would have to know Larry Sudbay to realize that what he makes seem easy can be a Herculean task for most people.

The other cofounder is Pat Robins of Burlington. I was privileged to not only be a classmate of Pat's at St. Michael's College, but to have the further privilege of maintaining our friendship for the past 50 years.

Vermont is a small State with much to make us proud. People like Larry Subday and Pat Robins make our State even better.

I ask unanimous consent that the article from the Free Press be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, June 2, 2008]

PEOPLE, PAPER AND PIXELS PROPEL SYMQUEST

(By Joel Banner Baird)

SOUTH BURLINGTON.—Behind thick glass, like a motionless aquarium in the company's lobby, the SymQuest Group Inc. server room might hold the visitor's interest for a minute or two, tops.

Even CEO and co-founder Larry Sudbay can be easily distracted from the racks of hardware and colorful cabling—especially when one of his 152 employees walks by.

In this hardware-and-software company, everyone seems to be on a first-name basis; people are the moving parts at SymQuest. On May 21, Gov. Jim Douglas honored the 12-year-old company as the recipient of this year's winner of Vermont's top business accolade: the Deane C. Davis Award, citing SymQuest for its outstanding commitments to work environment and community—and for its vitality.

Last week, Sudbay, 51, made it sound simple.

He described the privately held, office systems management firm's steady, double-digit growth as "fun momentum."

In a nutshell, he said, his goal in management "is to allow our employees to thrive, and to create raving fans."

The company's 3,000 customers must be right: Sudbay predicts this fiscal year's sales to more than quadruple the $9 million SymQuest earned in 1997.

There's still room for expansion at the company's 40,000-square-feet headquarters on Community Drive. But a cautionary history looms, as well: SymQuest is housed in the footprint of now-extinct computer giant Digital Equipment Corp.

Sudbay and SymQuest co-founder Pat Robins sidestepped the fragile dot-com bubble of the past decade by integrating computer systems development with the lower-tech standbys of office work flow: copiers and printers.

"The Jetsons meet the Flintstones here," Sudbay quipped.

Approximately 20 percent of the company's revenues come from toner shipments and service contracts, he added.

SymQuest continually researches ways to better bridge the gap between pixels and paper.

Sudbay returns again and again to a fundamental question: how does information—often an intangible product—move through a business? And how is it thwarted?

His engineers, sales reps and technicians came up with a winning strategy: maximize customers' uptime with secure, off-site monitoring, matched with prompt, people-to-people service.

Rob Bromee, who directs SymQuest's support center, said the company's proprietary "Sentinel" devices allow his team to diagnose and even predict failures on clients' computers and networks.

"This is not just patch management," he said. "We're listening. We like to go back upstream from the problem, to see what's causing it."

Remote monitoring now extends to printers and copiers, as well. SymQuest can read meters and gauge maintenance needs; customers receive toner shipments days before they're needed.

In theory, a company in Bangkok could choose to delegate its IT management to SymQuest. For Sudbay, a 1979 graduate of University of Vermont, the vision remains in New England: Regional is beautiful.

"Keeping everyone within two hours is our goal," he said. "Local is too small; regional provides us with the economy of scale for purchasing similar to big Web and Wall Street companies.

"This isn't India," he continued. "We're based in the same time zone as our customers. If they need a physical presence, we're able to put our capes on."

Sudbay said a tighter network of offices also allows employees to develop ties to their communities. Plaques on the walls at the South Burlington headquarters laud volunteers and charity fundraisers; firefighters, Little League coaches and Penguin Plungers.

The Deane C. Davis Award also cited SymQuest's direct outreach of cyber-expertise.

In February, following a competitive grant process, SymQuest awarded a "$25,000 Office Makeover" to a drug treatment and youth center near its Plattsburgh office. Another makeover is under way to upgrade networking at a mental illness center in Keene, N.H.

Neighborliness, Sudbay said, is essential to good business.

"Simply put, we're looking for mutually profitable, long-term relationships with customers," he said. "The old adage where good guys finish last? Well, it's bogus. Good things happen to good people."

REMEMBERING TIM RUSSERT

Mr. DODD. Mr. President, it is with great sadness that I rise today to remember Tim Russert—a remarkable individual, a journalist, a former staff member in this body, a dedicated husband, and above all else, a father. And I would like to add my voice to the chorus of those who have sung his praises these sad past several days.

Tim Russert was a force in American politics—and a force for integrity in our media. For 17 years, millions of Americans have looked to Tim on Sunday mornings for his insight into our political process. From his days serving as an aide to our former colleague from New York, Senator Moynihan, through every minute of his remarkable tenure at NBC, Tim never lost his enthusiasm for vibrant but respectful political discourse. It was in so many ways his lifeblood.

Like few others, Tim understood the role politics played not just in the media—but in our daily lives. He saw politics for what it was—not a fight among partisans, but rather the medium in which the diversity of views and values in our society are arbitrated to a national conclusion.

In that sense, under Tim's stewardship, "Meet the Press" became the premier forum for showcasing the fundamentally decent side of politics that is almost entirely lost today—where people of very different views, backgrounds and perspectives, could come together to debate their differences respectfully and constructively.

Indeed, one saw that in Tim's approach to matters of faith—where his own views and values were very formidable indeed. A year ago, Senator BROWNBACK and I shared the stage with Tim at Boston College, where we each talked about our shared Catholic faith and the role the Church played in our lives, shaping our politics and our society. With all the controversy around faith in politics over the last several years, some wondered about the fireworks that could have ensued.

But what Tim, a practicing Catholic, wanted was not two Senators delivering sermons, if you will—about how to "use" faith as a political weapon. Rather, as someone who once said that the nuns in Catholic school, "taught me to read and write, but also how to tell right from wrong," Tim wanted us to talk about our formative experiences as Catholics. He wanted to engage us in a robust conversation about all that we shared—even in areas we vigorously disagreed with one another.

To be sure, in that sense, Tim was very much doing God's work each and every Sunday morning.

I was a guest on "Meet the Press" many, many times over Tim's years hosting the program. He was without question the most tenacious questioner I have ever known. Never once did I feel like Tim let me off easy. Never once did I feel he was being unfair or trying to score points. Every time I was on, most recently just a few weeks ago, he pressed me, pushed me, poked and prodded me as he did thousands of guests.

We were all the same in his eyes—no matter how many years we had been in public life, no matter how accomplished we were. He simply wanted to get at the truth—and if you didn't give it to him, Tim made sure that the whole world would know.

Certainly, there are many guests over the years who "bombed" on "Meet the Press." One of the things I loved about Tim was that while he might let you embarrass yourself on national television, he would never embarrass you.

Part of that was his fundamental decency—but so, too, was it the special appreciation Tim had for his guests, having been on the other side himself, walking these very halls on behalf of our departed colleague from New York. Tim understood as well as anyone what those of us in public life did for a living—and I wish more in his profession were afforded his perspective.

Of course, Tim appreciated nothing more than family. Every time I saw Tim, he always wanted to know how your family was doing. Indeed, for all of his famously aggressive journalistic acumen, it is impossible to not mention the other side of that gregarious personality—the warmth and generosity. When I was on "Meet the Press" last year, Tim took the time after our interview to jump around and dance with my two young daughters. The twinkle in his eye was unmistakable when you talked family with Tim.

Lastly, I want to say a word about one of Tim's greatest legacies, and that is fatherhood—his contributions to what being a father means in America. His call to our responsibilities as fathers and the difference an active, involved, caring father can make in a child's life will be one of Tim's most significant legacies.

My colleagues know I have spoken many times on this floor about what my father meant to me—how more than anything or anyone else, it was my father's example that compelled me into public service.

Tim and I shared that bond, I think. Indeed, we both wrote books about our fathers—I having published long lost letters from my father as a prosecutor in the Nuremberg Trials, Tim writing two books, including one about the lessons he learned from his father, "Big Russ" in Buffalo.

At a time when some debate the condition of the American family, Tim's meditations on fatherhood—on the wisdom and character passed down by his father—struck a deep, resonant chord.

It was one of the saddest ironies of all that his next broadcast would have been on Father's Day. But perhaps it was meant to be that way—remembering Tim on a day in which we were all celebrating our fathers.

Jackie and I send our deepest sympathies to Maureen, Luke, Big Russ, and the rest of the Russert family. Our thoughts and prayers are with them—Tim will be dearly missed.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, now numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy—prices@crapo.senate.gov to the RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have printed in the RECORD today's letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Let us see if our representatives truly represent us or not. Or are they giving in to the environmental lobbyists? I believe the question of drilling here at home for oil and natural gas should be put on a nationwide ballot and then Congress should push forward with the outcome of that result. Are we really living in a democracy or not? I believe the majority of Americans approve of drilling here for oil and natural gas. If our representatives truly represented us, that would have been happening by now.

STEVEN.

DEAR SENATOR CRAPO: The only way to stop the rise in oil prices is to start drilling in our own country. The special interest environmental groups run Congress to the detriment of the American people and the economy.

We can't drill off the coast of Florida, but the Chinese can; and everybody knows how careful the Chinese are when it comes to the environment. We have huge supplies of natural gas and oil right here in our own country but a few so-called environmental whack jobs are being allowed to destroy our economy and our country.

Sincerely,

GEORGE.

I do not have an energy story. I simply want to thank Mr. Crapo and ALL of the folks that help him in the everyday part of the legislature business.

Sincerely,

PEGGY, Meridian.

DEAR MR. CRAPO, I am a resident of Coeur d'Alene, Idaho; taxpayer and voter. Can you please explain to me why the Republican Congress did nothing to confront this issue 4 years ago when they controlled all three branches of the government? You knew then that there was an energy crisis and that it would get worse. yet no proactive legislation was passed to confront the issue or to increase production. . . . why?

Unsigned.

Hello Senator and thanks for your efforts. You asked that I share my story on how the high gas prices have affected my life. I am sure my story is not nearly as poor as some may be. I am thankful to have a stay-at-home eBay job. However, even I wonder how others do it when once a week I pay $50 towards a gas tank full to operate my car and I do not even hardly go anywhere! I used to pay this much all month, now I pay it once a week. My wages are not going up. I have an energy-efficient mini-van.

It has mostly affected my family, however, because my 5 children, 7 years and younger, can no longer feel free to visit their dying grandmother and grandfather, just 3.5 hours away. It used to cost just $20 in gas for a visit there and back, not a big deal. Now it costs $60. Instead of doing this a couple times a month for $30–40, I can now only do it once every 1.5–2 months for $60. Grandma and Grandpa do not come visit us anymore but maybe once every 6 months. They used to come once a month. Our fun outings into the country for enjoyment and to get away from the hectic busy pace of our lives. They simply do not happen anymore. I take the stroller down the bike path. Boring and depressing.

It is depressing to see such price gouging and why? Is it because of the war? Cannot the government regulate price gougers in such a time of war and economic depression with the housing slump and all? It would be nice to see someone step up to bat. Other families who drive to work every day feel it the most. It makes for all our friends to have sad moods.

Thanks for your time.

MARIANNE.

My family and I are low middle income and, with the price of fuel/groceries, we have had to choose our fuel to get to work or food. Both my husband and I have been eating less to ensure that our children are well fed, among other cuts in our life. I am extremely worried that if it continues we just won't be able to pay our bills too. We need to be utilizing our own resources within our country! Thanks, Jennifer

This makes good sense to consider for all our "Political Leaders" [to watch this video] . . . let's get something positive going. http://www.youtube.com/watch?v=ZPch2k63uj4

DAN, Post Falls.

I watched part of a program on PBS where communities are pooling together and buying wind mills to power their towns, and the people in the communities profited from the projects through little or no cost for power. Why can't we get something started like that in Idaho? If for no other reason, it would give the wind a reason to stop blowing.

We could invest the city/county/tax money in wind farm projects—use money to make and save money for the communities. If we could keep the shyster politicians away from the cash.

Another energy idea would be to allow the carburetors for automobiles to be revised for better gas mileage. That would be a very simple solution. If an 80,000 pound semi and trailer can get 8 miles per gallon, a car should be able to get at least 100. That would substantially reduce the amount of fuel consumed.

KATHY, Twin Falls.

DEAR SENATOR CRAPO, I am the Executive Director of the Eastern Idaho Community Action Partnership in Idaho Falls which serves 9 eastern Idaho counties. One of our programs is the LIHEAP program which provides one time help with energy bills. The program concluded at the end of March. There is a component of LIHEAP called LIHEAP Crisis that provides limited help outside of the normal Energy Assistance schedule. Since the end of March, we have received requests for help from families we have never seen before. Families must meet the same income criterion that is required for the standard LIHEAP program. What this tells us is that families have been able to make due until now, but because of high fuel costs and higher grocery prices, they are now not able to meet all of their obligations. We are also seeing more requests for food boxes than in previous years.

I hope this is helpful for you.

RUSS, Idaho Falls.

I sell heavy equipment and these fuel prices are doing more than pinching family budgets, although they are doing that too. Almost every day I have a contractor tell of a job that got put on hold or cancelled due to the high price of moving dirt. Most of the increase in excavating prices is directly related to diesel. These fuel prices are putting people out of work.

What can we do to get Congress off their butts and start drilling oil wells and refining it?

Why are we wasting natural gas making electricity, instead of promoting nuclear and hydro?

Why are we not pushing diesel? It is cleaner and far more efficient than gasoline.

BRENT, Rigby.

MR. CRAPO, thanks for your email update on the failure of congress to act concerning higher energy prices. You are all pandering to the environmental wackos. I'm ticked that the Chinese can drill for oil just off our coast lines but we cannot. We need congress to allow oil companies to drill on federal land, especially up in Alaska. We have plenty of our own oil, let's use it and quit depending so much on foreign sources! Yes conservation is good, but we really need increased domestic supply to drive down costs. And we need lower costs NOW before our economy is run into the ground. I can't even afford to fly out of Twin Falls right now because airlines are raising their prices so high, so I have to drive to Boise to catch lower cost flights; I fly a lot for business purposes. But then I have to pay much more in gas to drive from Twin to Boise, so I really do not save all that much . . . but every little bit helps. My vote this Fall, and from here on out will be for whoever will work the hardest on this issue of increasing domestic supply of oil.

RON, KIMBERLY.

MR. CRAPO, I am responding to your request for some more individual perspective on the brunt of the energy crisis. With the cost of gasoline up 40% it directly impacts my pocketbook, not just in driving costs, but everything that I do. The cost of electricity, the cost of food, shipping, everything has gone up. As a small business owner, and employer here in the state of Idaho, it significantly affects me, and my employees. We need to take every step we can to make our country energy independent, relying on people that hate us, and our way of life, for energy is suicide. If it takes opening up areas for exploration of oil, and natural gas I'm for it! Give oil companies incentives and tax breaks for finding, and refining more product. Stop the stranglehold these out of touch clowns have on our nation! Make us once more the strongest nation in the world! We do not need to be the strongest by subjugating other nations, just by being the only nation that can stand on its own!

Thank you for your time,

DANIEL, Boise.

DEAR SENATOR CRAPO: You asked how the energy crisis is affecting me personally. My truck is a 1994 Chevy with 140 thousand miles on it. I was going to buy a new one to replace it. Since the increase in costs for gas and diesel, I can not afford it now so I will just continue to repair what I have and drive it less. So this discussion affects many businesses in my area.

(1) I will not be spending money at the dealers to buy it.

(2) I will not be spending interest at my credit union for the loan.

(3) I will not be spending money at the insurance company for the added insurance.

(4) I will not be spending money at the parts houses for improved add-ons to the vehicle (tinted windows, bed liner, etc).

(5) I am not going to be taking a driving vacation this year, cost too much.

(6) I do not think I'll be going on an airplane either cost for tickets is increasing.

(7) I wanted to go over to Europe, Italy this year because I have never been there, but now the cost Euro cost is 1.5 times greater so that will not happen.

Think of the places in the U.S. you have to spend money to get there. Congress does not realize that this is getting worse every day, a recession is already here and if it continues it will be a depression. The oil is not going to go down. The World can only make 85 million barrels per day. The World wants 86.5 million barrels per day. The world is now out bidding the U.S. for oil supplies. The U.S. has to pay the price to by oil for what the world market sets it at. (Econ 101—supply vs. demand). The U.S. makes 5 million barrels per day—the U.S. uses 21 million barrels per day so we need 16 million barrels per day for imports. These are facts FACTS——does congress get these FACTS!!!! We either get more of our own oil or we continue to pay and pay even more. Please tell them over and over again, THIS PROBLEM IS NOT GOING TO GO AWAY IT WILL ONLY GET WORSE! Please tell your democratic friends to do something and not put there head in the sand.

Thanks for asking.

JOHN, Boise.

I am a young mother in Meridian, Idaho. I am one of those few who can honestly say that I LOVE my in-laws. We love to be together as a family. Each year we have a family reunion and do crazy things like make movies, or invent games. These things create memories for generations. This year our family reunion was going to be in late July at the Oregon Coast. Sadly, we recently cancelled our family reunion due to GAS PRICES. It would have cost over $700 per family just to drive to the Oregon Coast. Since our family consists of 5 collective young families—it was just too high of an expense for many of us. $700 in gas is just absurd! We are so disappointed! We have been looking forward to this vacation for over a year! There was no way back in August of 2007 that we could have predicted the rise in gas prices. What was feasible then is impossible now. All because of the rise in gas prices. Our family believes in being self sufficient and I believe that America should start being the independent nation we claim to be. Let's use our own oil to create our own gas to put into our own cars so that we can take care of our own families. Thank you for the opportunity to share.

CAMI, Meridian.

SENATOR CRAPO: Rising energy costs are driving up the costs of virtually everything and rapidly deteriorating the American standard of living. We are having to cut costs wherever possible to compensate because our wages are not going up equally with energy costs. I am so very frustrated with the US Congress. They are inept! They argue instead of taking action. Whenever a good bill comes up they tag it with riders full of wasteful spending. I never thought I'd see a day when the USA was so close to a real depression. Our economy and dollar are heading down the tubes and nothing is done. Of course it is the fault of years of bad government for ruining our economy and it is only going to get worse. I have no faith in the majority of the idiots running this country. It is like no one has any basic common sense or fiscal management skills. It makes me sick!

TOM.

Our young married couples are really feeling the pinch of gas costs. Since travel is necessary in southeastern Idaho, we are left with no choice but to pay. We have felt the need to help our married kids pay for gas, which cuts into other budget items, such as food, medicines etc. Our students really feel the pinch since tuition costs have also risen.

We strongly support lessening our dependence as a nation, by updating refineries, and drilling. Thank you.

CURTIS, Driggs.

SOMALIA

Mr. FEINGOLD. Mr. President, although Somalia's 9 million people have suffered from violence, natural disasters, and lawlessness for decades, the humanitarian and human rights crisis they face seems to keep getting worse. On Monday, the United Nation's humanitarian coordinator for the Horn of Africa announced that due to fighting between rival militias, successive droughts, sharply rising food prices, and a collapse of the Somali currency, more than 3.5 million Somalis will need emergency food relief in the next 3 months.

On June 9, the United Nations' Special Representative for Somalia, Mr. Ahmedou Ould Abdallah, announced the first piece of good news from Somalia in a long time. With support from the U.S.'s own Special Envoy for Somalia, Ambassador John Yates—as well as representatives from the UK, Djibouti, Saudi Arabia, the African Union, the League of Arab States, the Organization of Islamic Conference, and the European Union—Mr. Abdallah succeeded in brokering an agreement between Somalia's internationally recognized Transitional Federal Government, T.F.G., and a faction of the opposition Alliance for the Re-Liberation of Somalia, A.R.S.

We cannot be naïve, however, because there have been numerous such agreements in the past in which ceasefires, political cooperation, and efforts to promote peace, justice, reconstruction, and reconciliation were promised. The outcome could be different this time, if the international community commits the political and material resources necessary to see it through. External actors were a critical driver behind the peace talks in Djibouti and the resulting agreement, which ends with a call for international support that was echoed in the signing statements of the two rival political leaders. At the same time, we must recognize that extremist groups like al Shabaab have not accepted this peace deal and intend to continue fighting. They should not be allowed to derail the recently signed agreement. Indeed, by bringing the ARS into the institutional fold and consolidating a legitimate peace, the international community is more likely to see al Shabaab marginalized and rendered ineffective. This is not to say the road forward will be smooth, but taking steps to encourage existing divisions between the ARS and al Shabaab may create a path for ARS moderates to press for dismantling al Shabaab.

Mr. President, Mr. Abdallah should be commended for this achievement, but more than back-patting is in order. His success as a mediator—and indeed, the leverage and credibility of the United States and those who share our vision of a stable, peaceful Somalia—rests upon the steps taken in the next days and weeks to facilitate the implementation of this agreement. Immediate, adequate, and coordinated action is needed to ensure that this most recent agreement does not meet the fate of its predecessors, with potentially more devastating consequences.

Last month, this body passed a resolution I introduced, which called on Somalia's rival factions to recommit to an inclusive political dialogue and pledged international support for sustainable peace and security in Somalia and across the Horn of Africa. Mr. Abdallah and others have done their part. Now it is time for the international community to make good on our word.

NOMINATION OF HARVEY JOHNSON

Mr. WYDEN. Mr. President, on April 18, I announced my intention to object to any unanimous-consent request for the Senate to take up the nomination of Harvey E. Johnson who has been nominated by President Bush to serve as Deputy Administrator of the Federal Emergency Management Agency. I did so because, prior to his confirmation as Secretary of the Department of Homeland Security, Michael Chertoff told me in my office that if confirmed he would move expeditiously to implement the National Emergency Technology Guard—NET Guard—program. Unfortunately, Secretary Chertoff had failed to honor that pledge.

However, I am pleased to say that this morning the Department of Homeland Security has finally issued a solicitation for applications for a NET Guard pilot program, effectively beginning the implementation process. It is years late, but at last the Department is moving forward with this critical program.

In light of this action, I will no longer object to any unanimous-consent request for the Senate to take up Mr. Johnson's nomination. I will, however, continue to closely monitor DHS's actions on NET Guard.

I ask unanimous consent that a copy of the Department of Homeland Security's press release announcing the pilot program be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEMA ANNOUNCES SOLICITATION TO PILOT CITIZEN CORPS NATIONAL EMERGENCY TECHNOLOGY GUARD (NET GUARD) PROGRAM

WASHINGTON.—The Department of Homeland Security's Federal Emergency Management Agency (FEMA) announced today $320,000 is available in Fiscal Year (FY) 2008 to pilot, test, and develop tools for a potential new Citizen Corps (CC) National Emergency Technology Guard (NET GUARD) Program. NET Guard teams will be comprised of volunteers with information technology (IT) and communications expertise to assist States and localities in responding to and recovering from incidents that cause significant damage or destruction to IT and communications infrastructure. Teams will be a local asset, managed at the local level, and deployed in response to a request from local or State authorities.

This competitive pilot program will award funds to four jurisdictions. To be eligible to apply, local government applicants must be located in one of the 2008 DHS Urban Area Security Initiatives jurisdictions and must have a Citizen Corps Council and programs supported by emergency management. Additional eligibility criteria are included in the solicitation announcement. Beginning June 18, 2008, eligible government entities may apply through the Grants.gov portal, accessible on the Internet at http://www.grants.gov. Applications can be received no later than 11:59 PM EST July 2, 2008.

Citizen Corps is FEMA's grassroots comprehensive strategy to actively involve the full community in preparing and building resilience through participation with emergency management in planning, prevention, mitigation, response and recovery.

NATIONAL HISTORY DAY

Mr. ALEXANDER. Mr. President, this week high school students from all across the Nation have come together to celebrate National History Day at the University of Maryland. I would like to commend these students, their parents, and their teachers for demonstrating such interest to the study of history. History education is the foundation of a quality education, and ensuring that we have passionate and dedicated students of history is an important accomplishment of the competitions and events at the University of Maryland this week.

The National History Day program delivers yearlong programs dedicated to improving the teaching and learning of history across our country. Over 1.5 million students, teachers and parents, participate in the instructional and research projects each year. Since 1994, millions of Americans from all across the country have improved their knowledge of history through participation in this creative program.

We know that there is a need for better teaching and learning of history. The 2006 National Assessment of Educational Progress, NAEP, U.S. History report card shows that 82 percent of 4th graders, 83 percent of 8th graders, and 77 percent of high school seniors scored below proficient in historical knowledge. These results are similar to results for the past decade in NAEP assessments, and it concerns me greatly.

As an advocate for putting American history and civics back into its rightful place in our school curriculum, I chose to do my maiden speech on the education of our children and the principles that unite us as Americans. Along with several other distinguished cosponsors, I introduced the American History and Civics Act in 2003 to create Presidential and Congressional Academies for Teachers of American History and Civics—and was pleased when that legislation was signed into law.

I have had some experience with such academies when I was Governor of Tennessee. In 1984, we began creating Governor's Schools for students and teachers. Eventually there were eight Governor's Schools helping thousands of Tennessee teachers improve their skills and inspiring outstanding students to learn more about core curriculum subjects. When the school year began, students and teachers brought with them a new enthusiasm for learning and teaching that directly impacted their peers. Governor's Schools were one of the most effective and popular educational initiatives in our state, and I am pleased that we have been able to use that as a model for the Nation.

I applaud the organizers National History Day for recognizing the importance of educating today's youth of the many great feats that were accomplished, the struggles that were overcome, and the events that took place to make this country what it is today. I also congratulate all of the students, teachers, and parents who participate in it—and in particular wanted to congratulate the following Tennessee students participating in this event:

Emilee Frazier—Chuckey Doak Middle School, Afton, TN; Katie Adams—Chuckey Doak Middle School, Afton, TN; Gary Moats—Polk County High School, Benton, TN; Nick Ramsey—Polk County High School, Benton, TN; Matthew Vandevander—Polk County High School, Benton, TN; Anthony Joslin—Polk County High School, Benton, TN; Jon Rivers—Tyner Academy, Chattanooga, TN; Manish Jethva—Tyner Academy, Chattanooga, TN; Jacquelyn Benford—Tyner Academy, Chattanooga, TN; Markcus Kitchens—Tyner Academy, Chattanooga, TN; Walker Thompson—St. George's Middle School, Collierville, TN; Ryan Grover—St. George's Middle School, Collierville, TN; Mason McGough—St. George's Middle School, Collierville, TN; Andrew McBride—St. George's Middle School, Collierville, TN; Nikki Martinez—St. Benedict at Auburndale, Cordova, TN; Anna Cabe—St. Benedict at Auburndale, Cordova, TN; Mary Barczak—St. Benedict at Auburndale, Cordova, TN; Andrew Grayson—Fred Page Middle School, Franklin, TN; Adam Anderson—Fred Page Middle School, Franklin, TN; and Olivia Smith—Fred Page Middle School, Knoxville, TN.

Dylan Rasnick—Fred Page Middle School, Knoxville, TN; Katherine Ballew—Fred Page Middle School, Knoxville, TN; Willis Walker—Fred Page Middle School, Knoxville, TN; Erin Stapleton—Fred Page Middle School, Knoxville, TN; William Coe—Greenway School, Knoxville, TN; Sophie Yates—Greenway School, Knoxville, TN; Shannon Gleason—Knoxville Catholic High School, Knoxville, TN; Hannah Armendarez—Knoxville Catholic High School, Knoxville, TN; Xrista Christopoulos—St. John Neumann School, Knoxville, TN; Alexander Grimm—St. John Neuman School, Knoxville, TN; Claire Northern—St. John Neuman School, Knoxville, TN; C.C. Hermes—St. John Neuman School, Knoxville, TN; Sarah Gallagher—Lebanon High School, Lebanon, TN; Jennifer Melroy—Lenoir City High School, Lenoir City, TN; Rachel Collins—Fort Loudoun Middle School, Loudon, TN; Sarah Aldy—St. Agnes Academy-St. Dominic School, Memphis, TN; Ali Delgado—St. Agnes Academy-St. Dominic School, Memphis, TN; Alex Arcamuzi—White Station High School, Memphis, TN; Sahaj Singh—White Station High School, Memphis, TN; Bhavna Kansal—White Station High School, Memphis, TN.

Melissa Swauncy—White Station High School, Memphis, TN; Breanna Morrow—Mosheim Elementary, Mosheim, TN; Brittany Loveall—Mosheim Elementary, Mosheim, TN; Melissa Kinser—Mosheim Elementary, Mosheim, TN; Melody Zurawski—Martin Luther King Jr. Magnet-Pearl High School, Nashville, TN; Quidra Cothran—Martin Luther King Jr. Magnet-Pearl High School, Nashville, TN; Kayla Garrett—Martin Luther King Jr. Magnet-Pearl High School, Nashville, TN; Amber Jackson—Martin Luther King Jr. Magnet-Pearl High School, Nashville, TN; London Colbert—Martin Luther King Jr. Magnet-Pearl High School, Nashville, TN; Sonali Mahendran Meigs Magnet Middle School, Nashville, TN; Vivian Hughbanks—Stone House School, Signal Mountain, TN; Grace Hughbanks—Stone House School, Signal Mountain, TN; and Caitlyn Sudkamp—Walden Home School, Signal Mountain, TN.

143RD CELEBRATION OF JUNETEENTH

Mr. CARDIN. Mr. President, today marks the 143rd anniversary of Juneteenth, a day on which our Nation celebrates the complete abolition of slavery in the United States.

On June 19 of each year, we mark a turning point in American history. On January 1, 1863, President Lincoln issued the Emancipation Proclamation, freeing slaves in the Confederate states. However, it was not until June 19, 1865, a full 2½ years later, that Union General Gordon Granger and 2,000 Federal troops arrived in Galveston, TX, to take possession of the State and enforce the emancipation decreed by President Lincoln. Tragically, slaves in Texas were not freed until that date. Juneteenth celebrations began in Texas the following year and have continued ever since.

Now, in communities across the country, Juneteenth is a day for Americans to reflect upon a tragic period that divided our Nation and prevented realization of the Declaration of Independence's introductory words, "(W)e hold these truths to be self-evident, that all men are created equal . . ."

For Marylanders, Juneteenth is a time to contemplate our own State's history. Slave labor helped spur Maryland's growth from the State's conception in 1664 until 1864 when slavery was abolished with the ratification of a new State constitution. Two hundred years of subjugation and oppression, of bondage and tyranny, serve as a reminder to all of us now of the importance of freedom and equality.

Although Maryland was a slave State, it did not secede from the Union. Marylanders' contributions to the Union cause and the abolitionist movement did much to secure the abolition of slavery. Harriet Tubman, who was born Araminta Ross in Dorchester

County, freed countless slaves from bondage and was the first woman to lead an armed assault in the Civil War. Frederick Douglass, who was born Frederick Augustus Bailey in Talbot County, escaped slavery and went on to become one of the foremost leaders of the abolitionist movement. These heroic Marylanders dedicated their lives to the emancipation of all slaves and the empowerment of African Americans.

Earlier this year, we commemorated the 40th anniversary of the death of Martin Luther King, Jr. His legacy remains with us as we continue to pursue equality and justice wherever disparities exist, whether in the economic, educational, housing, or health care arenas. It is our duty to eradicate discrimination in all its insidious forms: Our concerted efforts will be necessary to wipe out racial intolerance, and the strength of the Nation depends on the success of these efforts.

Today, on this 143rd anniversary of the first Juneteenth, another historic event will take place. The first African-American woman to represent Maryland in the U.S. Congress, DONNA EDWARDS, will be sworn in this afternoon. It is my honor, on this historic day, to call upon my colleagues to join me in celebrating Juneteenth and those who made this day possible.

ADDITIONAL STATEMENTS

TRIBUTE TO JUNE SALANDER

● Mr. LEAHY. Mr. President, I wish to pay tribute to June Salander of Rutland, VT. On June 28, 2008, June will celebrate her 100th birthday.

June Salander has led a remarkable life. Like many Jewish immigrants, she came to the United States via Ellis Island in 1920 after a journey from Ros, Poland, making the trip with her mother, brother, and sister. Family and a supportive Jewish community were always positioned as cornerstones of June's upbringing. In 1941 she married her husband Lew Salander and moved to Rutland, VT, where she has remained an active community member ever since. A strong believer in the idea that it takes a village to raise a child, June has lent her time volunteering at the Rutland Hospital and teaching Hebrew school classes. June has remained an active citizen into her golden years, earning her real estate license at the age of 62 and taking up tennis at the impressive age of 73. Her commitment to education and community outreach expands to the home with June's famous cooking. June warms the homes and lives of others with her legendary apple strudel which she has shared through cooking lessons. She continues to inspire with her dedication to continual learning and improvement.

June Salander inspires with her energy and enthusiasm within the religious community as well. The Rutland Jewish Center has remained an integral part of her social and cultural life. June's daughter, Menasha, accurately describes the center as June's living room, kitchen, dining room, and backyard. Deeply rooted community involvement remains a core value, and to further uphold and solidify the Jewish tradition, June was Bat Mitzvahed at the extraordinary age of 89. It is believed that June is the oldest Rutland resident to complete the significant ceremony. Her commitment to observing Judaism and keeping tradition alive through education is a landmark of encouragement and pride for the Jewish community. I congratulate June Salander as she reaches yet another remarkable milestone, her 100th birthday. The message she has instilled in others through a lifetime of active citizenship is commendable. I am confident that June's spiritually fulfilling and publicly active life will continue to inspire others for years to come.

On a personal note, my wife Marcelle and I have cherished her friendship for a third of a century, as we did that of her wonderful husband.●

CELEBRATING WAHIAWA ELEMENTARY SCHOOL'S CENTENNIAL

● Mr. AKAKA. Mr. President, I take this opportunity to congratulate the Wahiawa community as it marks the centennial of Wahiawa Elementary School. Located in central Oahu, Wahiawa is home to one of Hawaii's first pineapple plantations. As the industry grew, so did Wahiawa and the needs of its residents.

Wahiawa Elementary opened in 1908, on Lehua Street with one teacher, Mrs. H.C. Brown, and 56 students. In 1924, Wahiawa Elementary expanded to six classrooms, only to be closed during World War II. In 1950, Wahiawa Elementary reopened with a new building and a new location on Glenn Street.

Today, Wahiawa Elementary has an enrollment of approximately 500 and includes a center for medically fragile students, a teacher training center for students with autism, and a preschool. Wahiawa Elementary students have a 95 percent attendance rate.

For 100 years, Wahiawa Elementary has been a focal point for Wahiawa, providing a strong foundation for the community's children and families. There are now several other elementary schools in the Wahiawa area due to dramatic population growth on the island of Oahu, but Wahiawa Elementary remains a special place. In understanding what this elementary school represents to its community, the school's motto is fitting: Ku lokahi ka ‘ohana ‘o Wahiawa! Stand in unison the family of Wahiawa!●

IN HONOR OF ALFREDO NÚÑEZ

● Mr. KERRY. Mr. President, I would like to take a moment to celebrate the life and work of a dedicated educator. This month, Alfredo Núñez will retire as principal of the Agassiz Elementary School of Jamaica Plain, MA, and as he prepares to do so I am proud to join with his colleagues, friends, and family in celebrating more than 30 years of service to Boston Public Schools.

Born in Caracas, Venezuela, Núñez immigrated to the United States in 1963. He attended high school in Jersey City, NJ, and subsequently moved to New Brunswick, NJ, where he graduated from Rutgers University.

Following graduation, he moved to Boston where he became a U.S. citizen and obtained his master's degree from Boston University in bilingual education. Núñez then became a fifth grade teacher at the Agassiz, where he has worked ever since. One of the largest elementary schools in Boston, with over 800 students and 100-plus faculty and staff members, the Agassiz is a diverse and dynamic school with a large bilingual student population. Núñez relished the opportunity to not only teach but also to learn from the thousands of students, parents, and teachers he has worked with over the years.

During his tenure as principal, the Agassiz has garnered numerous awards and accolades for its drive to achieve excellence in education. Núñez has encouraged partnerships with institutes of higher education such as the University of Massachusetts and Harvard University, as well as art and cultural institutions like the Boston Ballet, to try to expand his students' horizons. He has also worked to grow parent participation within the school to foster a more community oriented approach to learning.

I am proud to pay tribute to the service of Alfredo Núñez to the Agassiz and to the children of Boston. I wish Alfredo the very best as he looks back on so many achievements and contributions to the community and begins this new chapter in life.●

HONORING J.R. SIMPLOT

● Mr. CRAIG. Mr. President, in 1923, a 14-year-old boy dropped out of school in Declo, ID, and began working as a potato sorter. He eventually became a potato and hog farmer, a forester, a miner, an entrepreneur, an industrialist, an investor, a billionaire, and today—he is a legend.

John Richard Simplot was born in Dubuque, IA, in 1909—but his family moved to Idaho when he was young, and Idaho remained his home. At an early age, J.R. knew school was not for him, so he dropped out and began working in the fields. He saved up and was able to buy 40 acres of land and several hogs. He planted potatoes and fed his hogs with a homemade feed recipe that allowed him to use his own spuds and meat from wild horses. That saved him some money on feed; moreover, as luck would have it, a harsh winter depleted the grain stock, and come market time, J.R.'s fat, home-fed hogs stood out against everyone else's skinny pigs, and the young man reaped the rewards.

He expanded his hog business, and by the time he sold it, he owned roughly 500 hogs. He took his earnings and put them into horses, farm machinery, and seed potatoes. From there, he rented some land and began to build what would later become his empire.

In 1928, at the ripe old age of 19, Simplot learned of a machine that had been built in eastern Idaho. It was an electrically driven potato sorter. J.R. saw potential and found a partner, and together they spent $254 on the new piece of equipment, which enabled them to sort not only their own crops but the crops of other farmers as well—for a price.

A dispute between J.R. and his partner forced them to decide who would keep the machine. J.R. said "I'll flip you for it," and wouldn't you know it—he won the coin toss. He was off on his own.

Winning the toss was luck, but the rest of his success throughout the years can only be attributed to his devotion to hard work and his incredible resourcefulness. For years the young Simplot built hog pens, dug potato cellars, tilled soil, hauled sacks of potatoes, and did countless other tasks.

It was after the Great Depression, though, when Simplot's chance came to make a name for himself in the potato business. The Bureau of Reclamation was created, and projects like dams and canals began along the Snake River in Idaho. The projects would bring more water to the valley, which would lead to more farms, more crops, and more opportunity to diversify within agriculture. By 1940, J.R. had 33 potato warehouses and had also gotten into the business of onions and onion-drying.

When the United States entered World War II, there were only five companies that could dehydrate vegetables, and no one could dehydrate potatoes at least not until J.R. Simplot found a way. He began producing dry potatoes for U.S. troops and by 1945 was producing an average of 33 million pounds of dried potatoes a year. That was one-third of the U.S. military's consumption during the war.

As his success in potatoes expanded, his ability to save money by producing his own raw materials grew. In 1943, he didn't have enough boxes to ship out his dry potatoes, so he started his own box plant. When that company needed more lumber, he bought a lumber company. And when his supply for fertilizer for his potatoes was cut off, he developed his own. He went to the Fort Hall Indian Reservation looking for phosphate rock for his new fertilizer and ended up tapping into the largest phosphate mine in the West. He leased the land and built a fertilizer plant.

In 1945, J.R. Simplot became a cattleman when he built a small feedlot for the purpose of getting rid of the potato waste coming from his processing plants. Peelings and sprouts were mixed with alfalfa and barley to make feed for cattle, and yet another Simplot business flourished.

A huge discovery in the 1950s propelled the empire forward even further when Simplot discovered a way to freeze potatoes—and the frozen french fry was born. It was the 1960s when J.R. went into business with a man by the name of Ray Kroc. Kroc was a fast food operator who had begun a chain. That chain was McDonald's, and soon the Simplot Company became the largest supplier of frozen french fries to the fast food giant.

By the late 1960's, J.R. Simplot grew more potatoes, owned more cattle and land, and employed more people than anyone else in Idaho. He was the largest processor, drier, and freezer of potatoes in the world and owned processing plants, fertilizer plants, mining operations, and other enterprises in 36 States, Canada, and overseas—making him the largest industrialist in Idaho and one of the largest in the world.

But he continued to get into new businesses. Using his potatoes, he began producing ethanol in the 1970s, and with the manure from his cattle operations, he began fueling methane gas plants in the 1980s. At the same time, he invested in a small computer chip company that is today Micron Technology.

He left his footprint on Idaho perhaps more than anyone else in history. Dubbed "Mr. Spud," he provided countless jobs for Idahoans in so many areas. He seemed to have his hand in everything that is Idaho, and everything he touched seemed to succeed.

But that is not the reason I admired the man. Even with all his success, J.R. Simplot had his failures. The difference between many people and Jack, though, was his never-ending drive and determination to get up and do something again, and to do it better. It was his persistence in wrangling successes from failures that made J.R. the kind of man everyone should admire.

He wasn't just a brilliant business man. He loved Idaho, and in fact, a few years ago, signed his home over to the State of Idaho to use as the new Governor's mansion. He also loved his fellow Idahoans. And although he never received a formal education, he always believed in getting one and therefore gave millions of dollars to universities and students in Idaho. He was also a major supporter of the arts.

Recently, at the young age of 99, J.R. Simplot passed away at his home in Boise. He had risen that Sunday morning, walked into his kitchen and insisted to his wife Esther that he was going to go to the office. That was the kind of man J.R. Simplot was. Even at the age of 99, even with billions of dollars, his last thought was that he needed to go to work.

I am going to miss my friend Jack, and my sincere condolences go out to Esther and his family. But it is important for the record to show that his passing has significance well beyond his immediate community in Boise. J.R. Simplot should be celebrated for the tremendous impact he had, not only on Idaho's history but on U.S. history. That impact, and his legend, will live on.●

100TH ANNIVERSARY OF RUTGERS UNIVERSITY

● Mr. LAUTENBERG. Mr. President, today I congratulate Rutgers University-Newark in honor of their 100th anniversary. From its roots as the New Jersey Law School, Rutgers-Newark has evolved into a premier urban research university with a tradition of outstanding scholarship and diversity.

Students from across New Jersey, the United States, and from all over the world come to Rutgers-Newark to work and study with a world-class faculty. Its global student body has earned it the designation by U.S. News and World Report as the most diverse national university in the United States for 11 consecutive years.

As Rutgers-Newark has grown, so has their commitment to the local community and the entire State of New Jersey. The expansion of Rutgers-Newark has added to the growing redevelopment of Newark. With the celebration of its first 100 years in Newark, plans abound for expanded development of the university and its connections and commitment to the great city of Newark.

The faculty, students and alumni of Rutgers-Newark have much to be proud of after a century of outstanding educational achievement. Rutgers-Newark is still dedicated to maintaining the highest standards of research and scholarship, educational opportunity, urban mission, and diversity. I applaud Rutgers-Newark for their "Century of Reaching Higher" and wish the university continued growth and success for many years to come.●

REMEMBERING JOHN W. KEYS

● Mr. CRAPO. Mr. President, unfortunately, a tragic accident is the occasion of my remarks today. On May 30, recently retired Commissioner of the Bureau of Reclamation, John W. Keys, was killed, along with his passenger, when his plane crashed in Canyonlands National Park in Utah. John worked for the Bureau of Reclamation for close to 40 years, serving in most all regions including in Boise as regional director of the Pacific Northwest region. In 2001, President George W. Bush appointed him Commissioner of the Bureau, where he served for 5 years until his retirement in April 2006.

John believed in the adapting mission of the Bureau of Reclamation. He joined the Bureau at the time in its history when the final projects it oversees today were being authorized. During his tenure, the Bureau went from constructing water projects in the West to maintaining and improving facilities and processes. John was well-known for his efforts to facilitate collaborative management and solutions to challenges. He was a man of solutions and integrity, and he cared deeply about people and our natural resources. Idaho benefited from John's leadership as he worked with the State legislature, interest groups, the Tribes and irrigation districts on solving some of the thorny issues that have arisen with Endangered Species Act requirements in the Columbia River system for species such as salmon and bull trout.

In January, 2006, John spoke about the mission of the Bureau:

> Our mission has evolved from the construction of dams to management and maintenance. As water management has evolved, Reclamation has transformed into a more comprehensive water management agency. Today, much of our focus is on improving the safety, security, and efficiency of the facilities we already have, as well as meeting environmental obligations. The challenges we face today in maintaining and improving the system are as formidable as those challenges that we surmounted during Reclamation's construction heyday. One priority is security . . . We feel more prepared and, therefore, more secure against terrorism, than ever.
>
> A lot is changing, but some things remain constant. Since I was appointed Commissioner in 2001, my main priority has been carrying out Reclamation's core mission: deliver water, generate power, do the things it takes to get that done, and plan for the future. I'm interested not just in the next few years, but in setting up the framework that will enable Reclamation to succeed many years into the future.

John left a tremendous legacy at work and in his family. He devoted his time in retirement to his family and his volunteer efforts with Angel Flight and other humanitarian efforts. He was a remarkable man who did remarkable things for the country and region he cared about so deeply. My thoughts and prayers are with his family and friends at this very difficult time.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1333. An act to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

H.R. 2631. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.R. 2964. An act to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

H.R. 3702. An act to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery.

H.R. 4179. An act to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes.

H.R. 4749. An act to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

H.R. 5680. An act to amend certain laws relating to Native Americans, and for other purposes.

H.R. 5909. An act to amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purposes of enhancing transportation security at airports, and for other purposes.

H.R. 5982. An act to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes.

H.R. 6276. An act to repeal section 9(k) of the United States Housing Act of 1937.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1333. An Act to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2631. An Act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4179. An Act to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4749. An act to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5680. An Act to amend certain laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

H.R. 5909. An act to amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5982. An act to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 6276. An act to repeal section 9(k) of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3702. An act to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6687. A communication from the Administrator, Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Product Mandatory Reporting" (Docket No. DA–06–07) received on June 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6688. A communication from the Deputy Under Secretary of Defense, transmitting, pursuant to law, a report relative to surcharges for fiscal years 2005 and 2006; to the Committee on Armed Services.

EC–6689. A communication from the Deputy Under Secretary of Defense, transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities in Fiscal Year 2007; to the Committee on Armed Services.

EC-6690. A communication from Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 31944) received on June 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6691. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Requirements After Certain Conversions; Definition of 'Corporate Reorganization'; Optional Conversions; Additional Grounds for Disapproval of Changes in Control; and Disclosure of Certain Supervisory Information" (RIN3064-AD25) received on June 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6692. A communication from the Assistant Director for Policy, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Appendix A to 31 CFR Chapter V" received on June 18, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6693. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule Regulatory Amendment to Modify Requirements for Individual Fishing Quota Program On-line Access Security" (RIN0648-AV71) received on June 13, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6694. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Correction to the 2008 Summer Flounder, Scup, and Black Sea Bass Recreational Management Measures" (RIN0648-AV41) received on June 13, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6695. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, its FAIR Act 2007 Commercial Activities Inventory, FAIR Act 2007 Inherently Government Inventory, and FAIR Act Inventory Executive Summary; to the Committee on Commerce, Science, and Transportation.

EC-6696. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report from the Army Corps of Engineers on the Chicago Underflow Plan; to the Committee on Environment and Public Works.

EC-6697. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disposition of Investment in the United States Real Property" (Rev. Rul. 2008-31) received on June 13, 2008; to the Committee on Finance.

EC-6698. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Definition of 'Outside Director' Under Internal Revenue Code 162(m)" (Revenue Ruling 2008-32) received on June 13, 2008; to the Committee on Finance.

EC-6699. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Hearing Aids; Technical Data Amendments" (Docket No. FDA-2008-N-0148) received on June 13, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6700. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report on the Department of Labor's 2007 FAIR Act Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Health, Education, Labor, and Pensions.

EC-6701. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6702. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled "Fiscal Year 2007 Accounting of Drug Control Funds"; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-395. A collection of petitions forwarded by the Benefit Security Coalition relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM-396. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact legislation to reform the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 268

Whereas, the No Child Left Behind Act (NCLB) is an ambitious effort by the Federal Government to ensure that all States improve K-12 education opportunities. While standards, accountability, and benchmarks are key features of this landmark 2002 legislation, the goal of making sure all of our children receive a quality education must not be forgotten. The current reauthorization process for NCLB is an opportunity to reform the act to ensure that no child is left behind in this Federal, State, and school partnership; and

Whereas, NCLB needs to be amended in a number of areas to fulfill its admirable goal. First, while schools are being identified for failing to meet standards, Congress has not met its promises for funding levels to allow schools to correct identified inadequacies. Further, a whole range of initiatives that expand early education, before- and after-school programs, summer school options, and family support, would enhance the ability of our schools to educate all of our children to their full potential; and

Whereas, schools also need flexibility in a whole range of areas. Special education implementation, teacher subject area competency, school benchmarks, and student cohort definitions must not be imposed from Washington, D.C. Local educators and State legislatures must be allowed to refine these aspects of NCLB to reflect local conditions and needs. Flexibility and more sophisticated measurements will keep the focus on educating children and not meeting unrealistic and rigid standards; and

Whereas, the entire sanctions concept must be revised. It may be comforting to think that NCLB sanctions "schools" when they do not meet NCLB-established standards, but in reality we sanction children in those schools by withholding or effectively diverting resources from those schools. The first response must be to target additional resources to correct recognized deficiencies; and

Whereas, to support effective intervention in failing schools, develop proper standards that promote education of all children, and ensure relevant definitions and procedures that reflect real conditions, NCLB must be amended to ensure that the act's assumptions and standards are based on sound research in student achievement and effective teaching; and

Whereas, the reauthorization of the No Child Left Behind Act is an opportunity to refine the admirable goals of the act based on five years of experience in implementing the 2002 initiative. We have much to do before "no child left behind" is more than just a goal: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact legislation to reform the No Child Left Behind Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-397. A resolution adopted by the Senate of the State of Michigan urging Congress to enact the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 155

Whereas, among the most effective approaches to reducing juvenile delinquency and criminal street gang activity are those preventing children from turning to crime in the first place, encouraging early childhood home visitation, parental love and education, quality schooling, and proven youth and family development initiatives; and

Whereas, there are many alternatives to incarcerating youth that have been proven to be more effective in reducing crime and violence at the national, state, local, and tribal levels. Failure to provide for such effective alternatives is a pervasive problem that leads to increased youth, and later adult, crime and violence; and

Whereas, research funded by the U.S. Department of Justice indicates that gang membership is short-lived among adolescents—with very few youth remaining gang-involved through their adolescent years, and therefore, allowing ongoing opportunities for intervention; and

Whereas, over-reliance on incarceration and confinement of youth, particularly in the early stages of delinquent behavior and for nonviolent delinquent behavior, has been shown to increase long-term crime risks; and

Whereas, the Youth PROMISE Act will provide resources to enable communities with the greatest concentration of juvenile delinquency and criminal street gang activity to come together to assess unmet needs and implement research-based prevention and intervention approaches to promote youth success and community safety; and

Whereas, the Youth PROMISE Act creates a PROMISE Advisory panel, which will help the Office of Juvenile Justice and Delinquency Prevention select PROMISE communities. It will also develop standards for the evaluation of juvenile delinquency and criminal street gang activity prevention and street gang activity prevention and intervention needs and resources in each designated geographic area in order to facilitate the strategic geographic allocation of resources provided under the act; and

Whereas, the Youth PROMISE Act establishes grants to enable local and tribal communities, via PROMISE Coordinating Councils, to conduct an objective assessment regarding juvenile delinquency and criminal street gang activity, resource needs, and community strengths necessary to effectively address juvenile delinquency and criminal street gang activity. Based upon the assessment, the PROMISE Councils will develop plans that include a broad array of prevention and intervention programs which are responsive to the specifics of the community, account for the cultural and linguistic requirements of the community, and utilize approaches that have been shown effective in reducing the likelihood of a young person becoming involved in or continuing delinquent conduct or criminal street gang activity. Upon completion of the plan, the PROMISE Councils may then apply for federal funds to assist with implementation. The act also provides for national evaluations of PROMISE programs and activities, and

Whereas, the Youth PROMISE Act requires that local units of government or Indian tribes receiving grants shall provide from nonfederal funds, in cash or in-kind, 25 percent of the costs of the activities carried out with such grants; and

Wheereas, the Youth PROMISE Act establishes a National Center for Proven Practices Research, which will collect and disseminate research to PROMISE Councils and to the public (including via an Internet website), as well as other information regarding evidence-based promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention. The act also provides the opportunity for regional research partners to assist with developing their assessments and plans; and

Whereas, the Youth PROMISE Act provides for the hiring and training of Youth-Oriented Policing officers to implement strategic activities to minimize youth crime and victimization and reduce the long-tern involvement of juveniles in illicit activities, juvenile delinquency, and criminal street gang activity. The act also establishes a Center for Youth-Oriented Policing, which will be responsible for identification, development, and dissemination to law enforcement agencies the best practices for Youth-Oriented Policing techniques and technologies; and

Whereas, the Youth PROMISE Act provides additional improvements to current laws affecting juvenile delinquency and criminal street gang activity, including support for youth victim and witness protection programs and extended and increased authorizations for the juvenile Accountability Block Grant program: Now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to support through enactment the Youth PROMISE Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-398. A resolution adopted by the House of Representatives of the State of Hawaii urging the President of the United States to include the Republic of Korea in the Visa Waiver Program; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 86

Whereas, there are nearly two million Americans of Korean heritage and descent who live in the United States, including forty thousand Hawaii residents, and January 13, 2003 marked the centennial of the first arrival of Koreans in the United States; and

Whereas, the United States and the Republic of Korea have a long history of friendship, and continue to strengthen alliances and business partnerships; and

Whereas, the Republic of Korea has been a trusted ally for over fifty years, is a major trading partner of the United States, and is the thirteenth largest economy in the world; and

Whereas, visitors from the Republic of Korea to the United States reached as high as 500,000 in 1999, inclusive of the 40,000 visitors to Hawaii that same year; and

Whereas, the Visa Waiver Program was established in 1986 with the objective of promoting better relations with United States allies, eliminating unnecessary barriers to travel, and stimulating the tourism industry; and

Whereas, the Visa Waiver Program enables nationals of twenty-seven countries to travel to the United States for tourism or business for stays of ninety days or less without obtaining a visa; the Republic of Korea is not a participant in the Visa Waiver Program; and

Whereas, due to increased security prompted by the terrorist acts of September 11, 2001, it has become much more difficult for the citizens of the Republic of Korea, especially those living outside the capital city of Seoul, to obtain visitor visas that allow travel to the United States; and

Whereas, under Implementing Recommendations of the 9/11 Commission Act of 2007, the United States Congress revised requirements for countries to become eligible for the Visa Waiver Program, enabling South Korea to be eligible for consideration, provided it meets the new security requirements specified in the Act; and

Whereas, in a letter to the Secretary of State dated July 7, 2006, United States Senators Daniel K. Inouye and Daniel K. Akaka, along with several other senators, expressed strong support for including South Korea into the Visa Waiver Program and noted that South Korea has repealed its visa requirement for United States citizens traveling to the Republic of Korea for thirty days or less and that South Korea enjoys a visa-free status with sixty-six other nations; and

Whereas, including South Korea in the Visa Waiver Program would result in economic benefits to the United States estimated to be $350,000,000 in actualized tourism revenues for every 100,000 tourists increase in South Korean visitors and tourists, based on visitors and tourists to the United States from South Korea spending of nearly $2,200,000,000 in 2004; and

Whereas, while the Republic of Korea is doing its part to facilitate the processing of travel requirements for its citizens, the United States should also encourage visitors from the Republic of Korea, especially as Hawaii continues to be one of the premier destinations in the world and tourism remains the backbone of Hawaii's economy: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, That the President of the United States, the Secretary of State, and the Secretary of Homeland Security are urged to take all steps necessary to include the Republic of Korea in the Visa Waiver Program; and be it further

Resolved, That the members of Hawaii's congressional delegation are urged to support the inclusion of the Republic of Korea in the Visa Waiver Program; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the Secretary of State, the Secretary for Homeland Security, President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, and the Governor.

POM-399. A joint resolution adopted by the House of Representatives of the State of Arizona urging Congress to authorize the placement in Statuary Hall of a statue of Senator Barry Goldwater; to the Committee on Rules and Administration.

HOUSE JOINT RESOLUTION 2001

Whereas, in 1864, Congress established the National Statuary Hall in the Old Hall of the House of Representatives in the United States Capitol and authorized each state to contribute to the Hall two statues that represent important historical figures of that state; and

Whereas, Arizona currently has statues on display in Statuary Hall of John Campbell Greenway, which was donated in 1930, and Father Eusebio Kino, which was added later in 1965. These are two acclaimed and distinguished individuals of great importance in Arizona's history; and

Whereas, John C. Greenway was born in Huntsville, Alabama, on July 6, 1872, and attended Yale University where he was a star athlete. After school, he went to work for U.S. Steel, where he worked his way up to a management role. He joined the Rough Riders in the Spanish American War, and was a leader of the charge up San Juan Hill. After the war, Greenway helped U.S. Steel open the Western Mesabi Range. In 1910, Greenway moved from Minnesota to Arizona to manage the copper mines at Bisbee. Seeing the potential of the copper deposits at Ajo, he developed a method of extracting low grade ore. Greenway planned and built the city of Ajo. The mine was highly successful, and over three billion pounds of copper were shipped from Ajo. Greenway also served as a regent for the University of Arizona. John C. Greenway died on January 19, 1926. His death at the age of 54 was mourned across the country; and

Whereas, legislation enacted by Congress in 2000 authorized any state to request the Joint Committee on the Library of Congress to approve the replacement of a statue the state has provided for display in Statuary Hall under certain conditions; and

Whereas, the state of Arizona will celebrate its centennial on February 14, 2012, it is appropriate at this time to consider honoring a distinguished Arizonan who has played a significant role in our state's history since statehood by placing his statue in Statuary Hall, namely Senator Barry Goldwater, This action in no way seeks to diminish the positive contributions of the two Arizonans already honored in Statuary Hall, and every effort will be made to ensure that their legacy is preserved in our great state; and

Whereas, it is appropriate that we honor John C. Greenway's legacy by placing his statue prominently and permanently in the Arizona State Capitol building as part of the centennial; and

Whereas, Barry Morris Goldwater was born in Phoenix on New Year's Day, 1909, three years before Arizona was admitted to the Union. He attended the University of Arizona and took over his family's. mercantile business after his father's death in 1930. He transformed his passion for flying into service in the Army Air Corps during World War II, and on his return to Arizona following the war he helped organize the Arizona Air National Guard. Remaining in the reserves after the war, he retired with the rank of Major General; and

Whereas, Goldwater entered politics in 1949 when he was elected as a Phoenix city councilman. He first won a United States Senate seat in 1952, when he defeated then Senate majority leader Ernest McFarland. In 1964 Senator Goldwater was the Republican nominee for president. Although defeated in that race, Goldwater became an icon for conservatism, starting a movement which many believe led to the election of Ronald Reagan as president in 1980; and

Whereas, Senator Goldwater was reelected to the Senate in 1968 where he served until his retirement in 1987. During his time in the Senate, Goldwater served as Chairman of the Senate Intelligence Committee and Chairman of the Senate Armed Services Committee; and

Whereas, Barry Goldwater was a quintessential westerner and a man of great personal charm. His reputation for personal integrity was unblemished. Throughout his life, Barry Goldwater had a love affair with the state of Arizona and her people. He extensively explored areas throughout the state, including the Grand Canyon and the Colorado River, and he loved to photograph the people and landscapes of Arizona. He was a dear friend to the members of the Arizona's Native American tribes. He served both rural and urban constituents with equal passion, and his many years of faithful service to this state earned him the fitting' nickname "Mr. Arizona"; and

Whereas, the legacy of Senator Barry Goldwater since his death in 1998 has been a source of inspiration to many, and the placement of a statue in his likeness in Statuary Hall would be a well-deserved and lasting testament to Barry Goldwater's tremendous impact on both our state and nation: Now therefore be it

Resolved by the Legislature. of the State of Arizona:

1. That the Members of the Forty-eighth Legislature and the Governor of the State of Arizona respectfully request that the Congress of the United States return the statue of John Campbell Greenway earlier presented by the State of Arizona for placement in Statuary Hall and accept in return, for placement in 'Statuary Hall, a statue of Senator Barry. Goldwater.

2. That the Members of the Forty-eighth Legislature and the Governor of the State of Arizona direct the Arizona Historical Advisory Commission to organize a solicitation for monies for the creation of a statue of Senator Barry Goldwater; to use the monies to acquire a statue for placement in Statuary Hall in the Capitol of this nation; to select and contract with a gifted and experienced sculptor to create a suitable statue of Senator Barry Goldwater; and to make the statue available for placement in Statuary Hall.

3. That the Members of the Forty-eighth Legislature and the Governor of the State of Arizona direct that the costs of the creation of the statue of Senator Barry Goldwater, as well as the costs of transporting the statue to Washington, D.C. and any incidental costs, be borne by the State of Arizona through the use of private monies.

4. That the Secretary of State transmit copies of this Resolution to the President of the United States Senate. the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona, each Member of the Joint Committee on the Library of Congress and each Member of the Arizona Historical Advisory Commission.

POM-400. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to pass the Post-9/11 Veterans Educational Assistance Act; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 372

Whereas, In 1944, the Congress of the United States passed, and President Roosevelt signed, the Servicemen's Readjustment Act, known to most people as the GI Bill of Rights. Since its establishment, the GI Bill has created educational opportunities for millions of veterans; and

Whereas, Since the terrorist attacks of September 11, 2001, members of the United States military have been asked to perform heroic tasks in the name of freedom. These selfless volunteers have performed with remarkable valor, and it is incumbent on citizens of the United States to honor their service in any way possible; and

Whereas, The cost of attending college has increased greatly in recent years, and as a result the benefits provided by the GI Bill are no longer sufficient to cover the average cost of tuition; and

Whereas, Since 1944, Congress has periodically updated the GI Bill to reflect the changing needs of our soldiers and the military as a whole. However, despite the changes of the past decades, it has been 24 years since the law was significantly reformed; and

Whereas, Improving and updating the GI bill would create an additional incentive for individuals considering enlistment, which is vital given the all-volunteer nature of our military; and

Whereas, Two pieces of legislation currently before Congress, S. 22 and H. R. 2702, would update the GI Bill to reflect the current realities facing our servicemembers. These bills, known as the Post 9/11 Veterans Educational Assistance Act, would increase the amount of aid available to these students, and would otherwise remove obstacles to obtaining a college education. While not perfect, these bills represent a significant improvement over the current system; and

Whereas, Those who would complain about the costs of such a program seem to forget the staggering price we ask of these men and women. Likewise, those who complain that these bills would create an incentive to leave the military underestimate the dedication and devotion of our troops: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact, and the President of the United States to sign, S. 22 and H. R. 2702; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2008" (Rept. No. 110–392).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2009" (Rept. No. 110–393).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. KENNEDY (for himself and Mr. KERRY)):

S. 3158. A bill to extend the authority for the Cape Cod National Seashore Advisory Commission; to the Committee on Energy and Natural Resources.

By Mr. COBURN (for himself, Mr. MCCAIN, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ENSIGN, Mr. DEMINT, Mr. CHAMBLISS, Mr. INHOFE, Mr. CRAPO, Mr. ENZI, Mr. ALLARD, Mr. GRAHAM, Mr. BURR, Mrs. DOLE, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. BROWNBACK, Mr. BARRASSO, Mr. WICKER, Mr. SESSIONS, and Mr. GRASSLEY):

S. 3159. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. STEVENS, Ms. CANTWELL, Ms. SNOWE, and Mr. KERRY):

S. 3160. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MARTINEZ:

S. 3161. A bill to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center"; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH:

S. 3162. A bill to amend the Internal Revenue Code of 1986 to provide relief to improve the competitiveness of United States corporations and small businesses, to eliminate tax incentives to move jobs and profits overseas, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. CASEY):

S. 3163. A bill to provide for a Federal employees program to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 3164. A bill to amend tile XVIII of the Social Security Act to reduce fraud under the Medicare program; to the Committee on Finance.

By Mr. SCHUMER:

S. 3165. A bill to develop a plan to share military and special use airspace along the eastern seaboard with commercial air traffic, to provide adequate resources for the FAA New York Integration Office, to establish an Aviation Traveler Task Force, and to design a notification system to alert passengers of potential service disruptions; to the Committee on Commerce, Science, and Transportation.

By Mr. SESSIONS (for himself, Mr. DURBIN, Mr. COBURN, and Mr. CORNYN):

S. 3166. A bill to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States; to the Committee on the Judiciary.

By Mr. BURR (for himself, Mr. WICKER, Mr. CRAIG, and Mr. VITTER):

S. 3167. A bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3168. A bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself and Mr. LUGAR):

S. 3169. A bill to authorize United States participation in, and appropriations for the United States contribution to, the eleventh replenishment of the resources of the African Development Fund; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. DODD, and Mr. KERRY):

S. 3170. A bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BARRASSO:

S. 3171. A bill to amend the Internal Revenue Code of 1986 to exclude certain tax-exempt financing of energy transportation infrastructure from the private business use tests, and for other purposes; to the Committee on Finance.

By Mr. VITTER:

S. 3172. A bill to provide conditions for funds made available for certain projects located in the State of Louisiana, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. KENNEDY, Mr. REED, Mr. LIEBERMAN, Mr. DODD, Mr. SUNUNU, Mr. LEAHY, Mr. WHITEHOUSE, and Mr. GREGG):

S. Res. 596. A resolution congratulating the Boston Celtics on winning the 2008 National Basketball Association Championships; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 613

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 613, a bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 809

At the request of Mr. SUNUNU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 809, a bill to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

S. 901

At the request of Mr. ALEXANDER, his name was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 901, supra.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1311

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1311, a bill to permanently prohibit oil and gas leasing in the North Aleutian Basin Planning Area, and for other purposes.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2907

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2907, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 2920

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2920, a bill to reauthorize and improve the financing and entrepreneurial development programs of the Small Business Administration, and for other purposes.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2932, a bill to amend the Public

Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3130

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3130, a bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes.

S. 3133

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3133, a bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore land that is subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of the fee for energy efficiency and renewable energy projects, and for other purposes.

S. 3140

At the request of Mr. WEBB, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3140, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 3144

At the request of Mr. BAUCUS, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3144, a bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies.

S.J. RES. 41

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S.J. Res. 41, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 440

At the request of Mr. BROWN, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Colorado (Mr. SALAZAR), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from North Dakota (Mr. CONRAD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. Res. 440, a resolution recognizing soil as an essential natural resource, and soils professionals as playing a critical role in managing our Nation's soil resources.

S. RES. 584

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 584, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 584, supra.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arkansas (Mr. PRYOR), the Senator from Oregon (Mr. SMITH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. STEVENS, Ms. CANTWELL, Ms. SNOWE, and Mr. KERRY):

S. 3160. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was order to be printed in the RECORD, as follows:

S. 3160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Amendments Act of 2008".

SEC. 2. REFERENCES

Except as otherwise expressly provided therein, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 202(a) (33 U.S.C. 1121(a)) is amended—

(1) by striking subparagraphs (D) and (E) of paragraph (1) and inserting the following:

"(D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;

"(E) understand global environmental processes and their impacts on ocean, coastal, and Great Lakes resources; and";

(2) by striking "program of research, education," in paragraph (2) and inserting "program of integrated research, education, extension,"; and

(3) by striking paragraph (6) and inserting the following:

"(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement' through the promotion of activities that will result in greater such understanding, assessment, development, management, and conservation of ocean, coastal, and Great Lakes resources. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.".

(b) PURPOSE.—Section 202(c) (33 U.S.C. 1121(c)) is amended by striking "to promote research, education, training, and advisory service activities" and inserting "to promote integrated research, education, training, and extension services and activities".

(c) TERMINOLOGY.—Subsections (a) and (b) of section 202 (15 U.S.C. 1121(a) and (b)) are amended by striking "utilization." each place it appears and inserting "management,".

SEC. 4. DEFINITIONS.

Section 203 (33 U.S.C. 1122) is amended—

(1) in paragraph (4) by striking "utilization," and inserting "management,";

(2) in paragraph (11) by striking "advisory services" and inserting "extension services";

(3) in each of paragraphs (12) and (13) by striking "(33 U.S.C. 1126)"; and

(4) by adding at the end the following:

"(17) The term 'regional research and information plan' means a plan developed by one or more sea grant colleges or sea grant institutes that identifies regional priorities.".

SEC. 5. NATIONAL SEA GRANT COLLEGE PROGRAM.

(a) PROGRAM ELEMENTS.—Section 204(b) (33 U.S.C. 1123(b)) is amended—

(1) by amending in paragraph (1) to read as follows:

"(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;";

(2) by amending paragraph (2) to read as follows:

"(2) administration of the national sea grant college program and this title by the national sea grant office and the Administration;"; and

(3) by amending paragraph (4) to read as follows:

"(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.".

(b) TECHNICAL CORRECTION.—Section 204(c)(2) (33 U.S.C. 1123(c)(2)) is amended by striking "Within 6 months of the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, the" and inserting "The".

(c) FUNCTIONS OF DIRECTOR OF NATIONAL SEA GRANT COLLEGE PROGRAM.—Section 204(d) (33 U.S.C. 1123(d)) is amended—

(1) in paragraph (2)(A), by striking "long range";

(2) in paragraph (3)(A)—

(A) by striking "(A)(i) evaluate" and inserting "(A) evaluate and assess";

(B) by striking "activities; and" and inserting "activities;"; and

(C) by striking clause (ii); and

(3) in paragraph (3)(B)—

(A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively, and by inserting after clause (i) the following:

"(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);"; and

(B) in clause (iii) (as so redesignated) by striking "encourage" and inserting "ensure".

SEC. 6. PROGRAM OR PROJECT GRANTS AND CONTRACTS.

Section 205 (33 U.S.C. 1124) is amended—

(1) by striking "States or regions." in subsection (a)(2) and inserting "States, regions, or the Nation."; and

(2) by striking the matter following paragraph (3) in subsection (b) and inserting the following:

"The total amount that may be provided for grants under this subsection and subsection 208(b) during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.".

SEC. 7. EXTENSION SERVICES BY SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(a) (33 U.S.C. 1126(a)) is amended in each of paragraphs (2)(B) and (3)(B) by striking "advisory services" and inserting "extension services".

SEC. 8. FELLOWSHIPS.

Section 208(a) (33 U.S.C. 1127) is amended—

(1) by striking "Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter," in subsection (a) and inserting "Every 2 years,"; and

(2) by striking "year." in subsection (b) and inserting "year and is not subject to Federal cost share requirements".

SEC. 9. NATIONAL SEA GRANT ADVISORY BOARD.

(a) REDESIGNATION OF SEA GRANT REVIEW PANEL AS BOARD.—

(1) REDESIGNATION.—The sea grant review panel established by section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128), as in effect before the date of the enactment of this Act, is redesignated as the National Sea Grant Advisory Board.

(2) MEMBERSHIP NOT AFFECTED.—An individual serving as a member of the sea grant review panel immediately before the enactment of this Act may continue to serve as a member of the National Sea Grant Advisory Board until the expiration of such member's term under section 209(c) of such Act (33 U.S.C. 1128(c).

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such sea grant review panel is deemed to be a reference to the National Sea Grant Advisory Board.

(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 209 (33 U.S.C. 1128) is amended by striking so much as precedes subsection (b) and inserting the following:

"SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

"(a) ESTABLISHMENT.—There shall be an independent committee to be known as the National Sea Grant Advisory Board.".

(B) DEFINITION.—Section 203(9) (33 U.S.C. 1122(9)) is amended to read as follows:

"(9) The term 'Board' means the National Sea Grant Advisory Board established under section 209.";

(C) OTHER PROVISIONS.—The following provisions are each amended by striking "panel" each place it appears and inserting "Board":

(i) Section 204 (33 U.S.C. 1123).

(ii) Section 207 (33 U.S.C. 1126).

(iii) Section 209 (33 U.S.C. 1128).

(b) DUTIES.—Section 209(b) (33 U.S.C. 1128(b)) is amended to read as follows:

"(b) DUTIES.—

"(1) IN GENERAL.—The Board shall advise the Secretary and the Director concerning—

"(A) strategies for utilizing the sea grant college program to address the Nation's highest priorities regarding the understanding, assessment, development, management, and conservation of ocean, coastal, and Great Lakes resources;

"(B) the designation of sea grant colleges and sea grant institutes; and

"(C) such other matters as the Secretary refers to the Board for review and advice.

"(2) BIENNIAL REPORT.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.".

(c) MEMBERSHIP, TERMS, AND POWERS.—Section 209(c)(1) (33 U.S.C. 1128(c)(1)) is amended—

(1) by inserting "coastal management," after "resources management,"; and

(2) by striking "utilization," and inserting "management,".

(d) EXTENSION OF TERM.—Section 209(c)(2) (33 U.S.C. 1128(c)(2)) is amended to read as follows:

"(2) The term of office of a voting member of the Board shall be 4 years. The Director may extend the term of office of a voting member of the Board once by up to 1 year.".

(e) ESTABLISHMENT OF SUBCOMMITTEES.—Section 209(c) (33 U.S.C. 1128(c)) is amended by adding at the end the following:

"(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

(1) by striking subsection (a)(1) and inserting the following: "(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

"(A) $100,000,000 for fiscal year 2009;

"(B) $105,000,000 for fiscal year 2010;

"(C) $110,000,000 for fiscal year 2011;

"(D) $115,000,000 for fiscal year 2012;

"(E) $120,000,000 for fiscal year 2013; and

"(F) $125,000,000 for fiscal year 2014.";

(2) in subsection (a)(2)—

(A) by striking "biology and control of zebra mussels and other important aquatic" in subparagraph (A) and inserting "biology, prevention, and control of aquatic"; and

(B) by striking "blooms, including Pfiesteria piscicida; and" in subparagraph (C) and inserting "blooms; and";

(3) in subsection (c)(1) by striking "rating under section 204(d)(3)(A)" and inserting "performance assessments";

(4) by striking subsection (c)(2) and inserting the following:

"(2) regional or national strategic investments authorized under section 204(b)(4);".

SEC. 11. REPEAL OF ANNUAL COORDINATION REPORT REQUIREMENT.

Section 9 of the National Sea Grant College Program Act Amendments of 2002 (33 U.S.C. 857-20) is repealed.

By Mr. VOINOVICH:

S. 3162. A bill to amend the Internal Revenue Code of 1986 to provide relief to improve the competitiveness of United States corporations and small businesses, to eliminate tax incentives to move jobs and profits overseas, and for other purposes; to the Committee on Finance.

MR. VOINOVICH. Mr. President, when the Senate reconvenes in January 2009 for the 111th Congress, we will have an historic opportunity, through fundamental tax reform, to transform the U.S. economy in a manner that will make our nation stronger and more prosperous for generations. A number of factors make the 111th Congress the occasion for a perfect storm for the Tax Code. At the beginning of the next Congress, a new President will take office and will be looking to enact major tax changes. At the end, the 2001 and 2003 tax relief will expire, resulting in an unprecedented tax increase on the American people. And in between, the reach of the deeply flawed alternative minimum tax—or AMT—will threaten to hit tens of millions of middle-class Americans unless Congress enacts major tax legislation. Finally, the competitive pressures of a global economy will force us to change our uncompetitive and inefficient methods of business taxation, including one of the highest corporate marginal rates in the world.

I am not proposing today a comprehensive tax reform bill that would touch every part of the Tax Code, but I am introducing legislation that addresses one large piece of tax reform, in the hopes of starting a conversation that will inform policymakers as we develop a more comprehensive reform in the next couple of years. Today, I am introducing the Manufacturing, Assembling, Development, and Export in the USA—or MADE in the USA—Tax Act. The purpose of my legislation is to provide tax relief to improve the competitiveness of U.S. corporations and small businesses and to eliminate incentives that favor foreign competition and encourage companies to move jobs and profits overseas.

A number of factors contribute to a company's decision about where to locate activity and jobs, including wages, workforce skills, transportation costs, and local regulations. But there is no doubt that taxes are an important factor. Recent economic research concludes that in a global economy, workers bear the brunt of higher corporate tax rates, through lower wages and fewer jobs. Therefore, it is imperative that we have a Tax Code that makes the United States an attractive place to locate production, research, and other activity. While the MADE in the USA Tax Act would not address the "wage pull" that sends jobs to places like China and India, it would deal with the "tax push" that encourages jobs to leave the United States.

The MADE in the USA Tax Act would eliminate tax breaks that encourage companies to move jobs overseas or that benefit foreign competitors and then use that revenue to cut tax rates on large and small businesses that invest and create jobs in the United States. The centerpiece of the legislation is a one-fifth reduction in the Federal corporate rate, to 28 percent from 35 percent. Of the 30 member countries of the Organization for Economic Cooperation and Development—which includes the major industrialized nations of North America, Europe, and Asia—the United States has the second highest combined Federal-State corporate tax rate at 39.3 percent, lower only than Japan's rate of 39.5 percent. The average is 27.6 percent, and Ireland has the lowest rate at 12.5 percent.

Even Communist China, our biggest economic rival in the 21st century, recently cut its corporate tax rate to 25 percent. It will be that much harder to compete with China for jobs and investment when businesses operating in the United States have to pay a tax rate 15 percent higher than they would have to pay in China.

In fact, a constituent of mine from Norwalk, OH, Tom Secor, who owns his own small business, came to my office and told a story about a business trip he made to China. He said that he saw an editorial in a Chinese newspaper that was discussing all the concerns that Americans have with Chinese competition. The conclusion of the editorial was that the Americans could solve most of their problems with Chinese competition if they would just reform their own Tax Code. Imagine that: even Communist China knows that the United States needs tax reform to stay competitive, but for some reason we refuse to learn that lesson ourselves.

In addition to slashing the corporate rate on U.S. production, my legislation would also take steps to make small businesses more competitive and simplify the tax rules for individuals operating in the global economy. Specifically, my legislation would increase the domestic activities deduction for partnerships, S corporations, and sole proprietorships to 12 percent from 9 percent; make permanent the 2003 expansion in small business expensing; simplify the international tax rules for Americans working abroad by repealing complex and punitive rules enacted in 2006; and repeal the burdensome 3 percent withholding requirement for contractors, also enacted in 2006.

These tax reforms, which will help create high-paying jobs in the United States, will be paid for by repealing a number of existing tax breaks that favor foreign competition and that encourage companies to move jobs and profits overseas. Among those tax breaks I would eliminate are tax shelters that allow foreign competitors to hide their U.S. income offshore, creating an unlevel playing field for domestic businesses such as small manufacturers and domestic insurance companies; tax credits for moving our Nation's technological innovation—such as patents, copyrights, and "know-how"—overseas, along with the high-wage manufacturing jobs that accompany that intellectual property; tax loopholes that encourage U.S. corporations to reincorporate as foreign corporations; a tax exemption for executives of offshore hedge funds if the executives put their money in certain deferred compensation plans; and tax breaks for foreign oil and gas production.

Reducing the tax rates on corporate and small business income should lead to job creation and wage increases for American workers. Paying for these tax cuts by eliminating tax breaks for foreign production and offshore tax shelters means we can accomplish these goals in a fiscally responsible manner. My legislation is intended to be revenue neutral, as I believe that we can enact progrowth tax policy without increasing the national debt.

In 1984, President Ronald Reagan declared to the American people that the Tax Code was fundamentally unfair and that he was going to reform it. President Reagan held his belief in the unjustness of the Tax Code deep in his heart. He knew that hundreds of targeted tax subsidies for the benefit of powerful interests forced average Americans to pay higher marginal rates and reduced economic growth. He saw tax reform not as a retreat from his 1981 tax relief agenda but, rather, as a logical continuation and enhancement of that agenda. The Tax Reform Act of 1986 was the culmination of the quest he began in 1981 to create a Tax Code with low marginal rates that raised the necessary revenue to fund the government with the least possible interference in our free market economy.

We must enact fundamental tax reform to help make the Tax Code simple, fair, transparent, and economically efficient. According to the President's Advisory Panel on Federal Tax Reform, headed by former Senators Connie Mack and John Breaux, only 13 percent of taxpayers file without the help of either a tax preparer or computer software. Since enacting the Tax Reform Act of 1986—legislation intended to simplify the filing process for taxpayers—over 15,000 provisions have been added to the Internal Revenue Code.

It is not just a matter of saving taxpayers time and effort. This is about saving taxpayers real money. The Tax Foundation has estimated that comprehensive tax reform could save Americans as much as $265 billion in compliance costs associated with preparing their returns. Now, that would be a real tax reduction that wouldn't cost the Treasury one dime.

I have been working on tax reform for years. In 2003, I attached an amendment to the Jobs and Growth Tax Relief Reconciliation Act that would have created a blue ribbon commission to study fundamental tax reform. The amendment was adopted by voice vote but later was removed in conference.

In the autumn of 2004, I offered my tax reform commission amendment again, this time to the American Jobs Creation Act. The Senate again adopted my amendment. During conference negotiations, the White House contacted me and requested that I withdraw my amendment because the President was preparing to take a leadership role by appointing his own tax reform panel. I enthusiastically agreed to defer to his leadership, and I withdrew my amendment. It seemed to me that the tax reform bandwagon was finally starting to roll.

In January 2005, President Bush announced the creation of an all-star panel, led by former Senators Connie Mack and John Breaux, and that panel spent most of the year engaging the American public to develop proposals to make our Tax Code simpler, fairer, and more conducive to economic growth. In November 2005, the panel issued its final report. While not perfect in anyone's mind, the panel's two plans provided a starting point for developing tax reform legislation that would represent a huge improvement over the current system. The panel's proposals belong as a key part of the national discussion on fundamental tax reform.

Some of my colleagues will suggest that we can just increase marginal rates to raise the revenue we need. But in a competitive global economy, I can't understand why we would choose such a self-defeating approach. Higher marginal rates on an already-broken tax system would only discourage economic ingenuity and reduce U.S. competitiveness.

Tinkering with the current Tax Code won't get it done. Tinkering is what got us into this mess in the first place. It is time to rip the Tax Code out by its roots and replace it with something that works. We must create a new tax system that is conducive to job creation and economic growth. We should start by addressing one of the biggest problems with the current code: it rewards moving production activity—and the good-paying jobs that accompany such activity—overseas. It taxes domestic production heavily but taxes foreign production lightly. It imposes the second highest corporate tax rate in the developed world but collects one of the smallest amounts of corporate tax as a share of the economy. Such a system sounds absolutely perverse, but that is what we have in the United States. The MADE in the USA Tax Act is intended to fix that.

I know there is bipartisan support in this Chamber to move forward on fundamental tax reform. It probably won't happen this year, but that doesn't mean that we shouldn't get started right away. We need to start setting the table so that a new President and a new Congress can hit the ground running in 2009 and enact comprehensive tax reform that makes the code simple, fair, and progrowth. I hope my colleagues will take a close look at the MADE in the USA Tax Act and join me in trying to make it a key part of our future efforts.

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 3164. A bill to amend tile XVIII of the Social Security Act to reduce fraud under the Medicare program; to the Committee on Finance.

Mr. CORNYN. Mr. President, "the first important rule of fraud control is: What you see is not the problem. It is what we don't see that really does the damage, and the efficacy of control systems depends upon how well they uncover, and then suppress, the invisible bulk of the problem." Such are the words of the preeminent expert on health care fraud, Harvard, Kennedy School of Government Professor, Malcolm Sparrow.

Just last week, the Washington Post ran a front-page article, which I would ask to be entered into the record, "Medical Fraud a Growing Problem: Medicare Pays Most Claims Without Review." The story detailed how one woman, defrauded the Government out of $105 million using just a laptop while sitting in her Mediterranean-style townhouse.

While the lottery's slogan is "All you need is a dollar and dream." This woman discovered something better. Maybe Medicare should adopt the slogan "All you need is a Provider Number and a dream."

Quite simply, Medicare is not sophisticated enough to address the fraud that runs rampant through it. Every year, Medicare's anemic fraud controls let slip by an array of schemes that cost the Medicare program and taxpayers $60 billion, if not more. That is 20 percent of all Medicare spending.

Often, as pointed out by the *Washington Post* article, Medicare pays claims with little or no review as to why or where the checks are going or to whom. One phantom company, comprising nothing more than two rented mailboxes and a phone number was paid $2.1 million over a 6 month period. In another case, the owner of the fraudulent company was an unemployed tow truck operator who used the identities of dozens of dead patients. Again, "All you need is a Provider Number and a dream."

Medicare fraud is not limited to one segment of the health care sector. There are numerous examples of fraud conducted by physicians, dentists, health systems, laboratories, teaching hospitals, patients, and billing specialists to name a few. While I would agree that most of these groups are operating on the straight and narrow, the truth remains that the losses associated with Medicare fraud are helping drive the program to bankruptcy.

Unfortunately, conducting Medicare fraud has such a low risk of getting caught and less severe punishment yet high reward that it has even attracted organized crime. Again, "All you need is a Provider Number and a dream."

Usually, the only way Medicare is able to recoup a small portion of the annual $60 billion in losses is by expending more resources on investigations and law enforcement activities through the Office of Inspector General and Department of Justice. While these agencies have done a commendable job in combating fraud, to a large extent it is good money chasing bad.

Sometimes systems are set-up to fail. In this case, the Medicare fraud prevention program is not only set-up to fail, it is nearly non-existent.

We need to go from "pay and chase" to "detect and prevent." Medicare needs to be mobile and it needs to be focused on preventing criminals from ever getting paid in the first place. Medicare needs a system that will continually, as Malcolm Sparrow said: "uncover, and then suppress."

Today, I am proud to join Senator MARTINEZ in what I hope is the first in a line of necessary common sense solutions to this problem. The Seniors and Taxpayers Obligation Protection Act or STOP Act, will protect honest taxpayers, seniors, and providers, by strengthening the Medicare program itself.

To prevent fraud, the STOP Act employs lessons from the private sector and moves Medicare into the 21st century. For example, Medicare may be the only program, company, or industry left in the country that still thinks it is a good idea to use social security numbers for identification. In a time where a stolen social security number is a stolen identity, Medicare has not stopped printing it on identification cards that are sent through the mail.

Even worse, when seniors report that their social security number is being used fraudulently to bill for services in Medicare that they didn't receive, Medicare has no ability to stop paying claims on that social security number or provide the senior with a new number. Medicare has ignored the warnings of the Government Accountability Office and the pleas of groups like AARP and Consumers Union to change this practice. Passage of the STOP Act will mean Medicare can ignore it no longer.

The STOP Act requires physicians in high risk areas to review the claims they submitted, similar to how you or I would review our credit card statement at the end of the month to ensure there are no mistaken or fraudulent charges.

It implements prepayment fraud detection methods, such as site visits, data analysis, and integrity reviews, so that a guy with a mailbox can no longer rely on "All you need is a Supplier Number and a Dream."

It ensures providers are billing for only those services for which they are qualified.

It tracks the usage of durable medical equipment and it conducts a study on the implementation prospects of real-time claims analysis technology.

Yes, many acts of fraud may be invisible, but it doesn't make them undetectable, and it certainly doesn't mean that we should just turn a blind eye. I hope my colleagues and members of the health sector will join Senator MARTINEZ and me in stepping up to the task of being part of the solution. Our seniors, our providers, and our taxpayers deserve better accountability from Medicare.

By Mr. BURR (for himself, Mr. WICKER, Mr. CRAIG, and Mr. VITTER):

S. 3167. A bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I rise today to introduce legislation that would end an arbitrary process through which our own Government takes away the Second Amendment rights of American veterans.

As most of my colleagues know, the Brady Handgun Violence Prevention Act prohibits the sale of firearms to those who have been "adjudicated as a mental defective."

The Government maintains a database on these individuals called the National Instant Criminal Background Check System, or "NICS." The Brady Law and the NICS database aims to prevent those who may pose a danger to society or themselves from purchasing a firearm.

Gun shop owners use NICS to screen customers before selling a firearm. Needless to say, it is a serious matter to have one's name on the NICS. Every American should expect a rigorous and fair process before their right to bear arms is taken away.

Unfortunately, when it comes to certain veterans, surviving spouses, and children, the process is neither rigorous nor fair.

Since 1999, VA has sent the names of 116,000 of its beneficiaries to the FBI for inclusion on the NICS.

None of these names were sent to the FBI because they were determined to be a danger to themselves or others. They were listed in NICS because they could not manage their financial affairs. We should not take away a Constitutional right because someone can't balance a checkbook or pay their bills on time.

This practice is arbitrary, unfair, and applies a double standard.

VA's review process for assigning a fiduciary is meant to determine one's financial responsibility in managing VA-provided disability compensation, pension, and other benefits. For example, a veteran may be assigned a fiduciary if they have credit problems.

The VA focuses on whether or not benefits paid by VA will be spent in the manner in which they were intended. Nothing involved with VA's appointment of a fiduciary even gets at the question of whether an individual is a danger to themselves or others, or whether the person should own a firearm.

Yet that is exactly what happens if VA appoints a fiduciary. Over 116,000 individuals have been listed in NICS since 1999 because they were appointed a fiduciary. This includes veterans, surviving spouses, and even children.

This process is not only arbitrary, it is unfair. Taking away a Constitutional right is a serious action and veterans should be afforded due process under the law. At the very least, we should expect such decisions to be made by a competent judicial authority and not by civilian government employees.

The current practice is also a double standard. Only VA beneficiaries fall under these guidelines. The Social Security Administration assigns fiduciaries to help beneficiaries, yet the Social Security Administration does not send their names to the NICS.

Why are we singling out those who fought for this country and those who sacrificed while their spouse or parent served?

My legislation would end this arbitrary and unfair practice that strips the finest men and women of this country of their right to bear arms. This legislation would require a judicial authority to determine that an individual is a danger to themselves or others before their Second Amendment rights are taken away.

I am not here to ask that we put guns in the hands of dangerous people. I am here to ask that we treat our veterans fairly and we take the rights of our veterans seriously.

No matter where my colleagues fall on the gun issue, I hope we can all agree that we need a process that is consistent and fair. Our veterans took an oath to uphold the Constitution. They deserve to enjoy the rights they fought so hard to protect.

By Ms. SNOWE (for herself, Mr. DODD, and Mr. KERRY):

S. 3170. A bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, I rise today to speak on a bill I am introducing with my colleague, Senator SNOWE, to amend the Northeast Home Heating Oil Reserve program. I want to thank Senator SNOWE for her tremendous leadership on the problem this bill is designed to address, which is a critically important issue for our region that we have worked together on for many years. That issue is the skyrocketing price of heating oil, which millions of families in the Northeast are dependent on to heat their homes through our long, cold winters.

According to the Department of Energy's Energy Information Agency, EIA, 6.2 million of the 8 million households in the U.S. that use heating oil to heat their homes are in the Northeast, or approximately 78 percent. As crude oil and gasoline prices have risen higher and higher, the cost of heating oil has risen as well. Currently, heating oil is far and away the costliest method of heating homes, costing families an average of nearly $2000 per year, and much more in the coldest areas. Overall, heating a home with heating oil costs twice the national average of all fuels combined, yet most families in the Northeast have little choice. Even in some of our region's cities, there are no natural gas lines or other sources of home heating available to residents.

This dependence on heating oil is stretching many families' budgets to the breaking point. Where once low and moderate income families could struggle through the winter, soaring heating oil prices are forcing people to choose between heating their homes, driving their cars to and from work, and putting food on the table for their families. The EIA estimated that this year, it will cost $1,962 to heat a home with oil, a 33 percent increase from last year and a 117 percent increase since 2004. In just 4 short years, the cost of heating a home with oil has gone up more than $1000 dollars! Many families and seniors living on fixed incomes simply cannot bear this burden.

That is why Senator SNOWE and I are proposing a price trigger to provide for oil to be released from the Northeast Home Heating Oil Reserve. This is a 2-million barrel reserve I originally worked to create in 2000, along with my colleague from Maine and other Senators from the Northeast, to protect the residents of the region from severe price shocks to the heating oil market. Given the record heating oil prices we are experiencing today, we believe it would be reasonable to use this reserve to try to cushion those dependent on heating oil to get through the winter. From November through March, the Secretary of Energy would conduct a survey to determine the price of a gallon of heating oil on the first of each month. If the price meets or exceeds $4 per gallon, this would trigger an immediate release of 20 percent of the Northeast Home Heating Oil Reserve. This oil would then be sold on the open market to lower the price of heating oil in the region.

The revenue raised by the sale would then be devoted to the Weatherization Assistance Program to help low income heating oil customers increase the energy efficiency of their homes. Experience has shown that properly weatherizing homes can increase their energy efficiency by 20–30 percent, reducing energy consumption and lowering monthly utility bills. However, most low and middle income families cannot afford the upfront investment necessary to reap these benefits. The Weatherization Assistance Program is an enormously successful program designed to help families make that initial investment.

This bill will not solve our Nation's energy crisis, nor will this alone solve the problem of high heating oil prices in the Northeast. As the Senator from Maine well knows, we need to devote far more money to programs like the Low Income Home Energy Assistance Program, and we need to take a serious look at restructuring our Nation's comprehensive energy policy. But this legislation is a very good first step toward easing the pain so many residents of the Northeast and my State of Connecticut are feeling. I urge my colleagues to support us in this effort.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 596—CONGRATULATING THE BOSTON CELTICS ON WINNING THE 2008 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIPS

Mr. KERRY (for himself, Mr. KENNEDY, Mr. REED, Mr. LIEBERMAN, Mr. DODD, Mr. SUNUNU, Mr. LEAHY, Mr. WHITEHOUSE, and Mr. GREGG) submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas on June 17, 2008, the Boston Celtics won the 2008 National Basketball Association Championship (referred to in this preamble as the "2008 Championship") in 6 games over the Los Angeles Lakers;

Whereas the 2008 Championship was the 17th world championship won by the Celtics, the most in the history of the National Basketball Association (referred to in this preamble as the "NBA");

Whereas the 2008 Championship marked the culmination of the greatest single season turnaround in the history of the NBA, as the Celtics improved from a record of 24–58 during the 2007–2008 season to a league-best 66–16 mark during the 2007–2008 campaign;

Whereas the 2008 Celtics NBA Championship team, like all great Celtics champions of the past, epitomized team work, selflessness, character, effort, camaraderie, toughness, and determination;

Whereas the 2008 Celtics honored the rich legacy of their franchise, which was—

(1) established by a legion of all-time greats, including Bill Russell, Larry Bird, John Havlicek, Bob Cousy, Tom Heinsohn, K.C. Jones, Sam Jones, Jo Jo White, Dave Cowens, Kevin McHale, Robert Parish, Dennis Johnson, and Tom "Satch" Sanders; and

(2) masterminded by one of the legendary coaches of all sports, Arnold "red" Auerbach;

Whereas Celtics managing partner Wyc Grousbeck and the entire Celtics ownership group never wavered from paying the price to raise "Banner #17" to the Garden rafters;

Whereas the 2008 Celtics were brought together by a former Celtics player, Danny Ainge, whose off-season acquisitions of NBA All-Stars Kevin Garnett and Ray Allen earned him the 2008 NBA Executive of the Year Award;

Whereas the Celtics were led by Doc Rivers, who—

(1) oversaw the smooth integration of new superstars and untested young players into the Celtics lineup; and

(2) assembled, and ensured the execution of, a masterful NBA Finals game plan;

Whereas the Celtics featured a 21st Century "Big Three" comprised of Paul Pierce, Kevin Garnett, and Ray Allen, 3 veteran players who worked together and never allowed their personal ambition or pursuit of individual statistics to interfere with the goal of the team to win a championship;

Whereas a group of talented young players contributed pivotal roles in the march of the Celtics to the 2008 Championship, including point guard Rajon Rondo, center Kendrick Perkins, forward Leon Powe, guard Tony Allen, and forward Glen "Big Baby" Davis;

Whereas the valuable bench of the Celtics was stocked with veteran role players who made significant contributions during the season, including forward James Posey, guard Eddie House, guard Sam Cassell, forward P.J. Brown, forward Brian Scalabrine, and center Scott Pollard;

Whereas the 2008 Celtics team demonstrated remarkable poise and gained invaluable playoff experience in defeating the Atlanta Hawks, the Cleveland Cavaliers, and the Detroit Pistons in hard-fought series during which every possession counted at both the offensive and defensive ends of the floor;

Whereas, after 26 playoff games, the Celtics ultimately secured the 17th NBA Championship of the franchise in one of the most dominating performances in NBA history, a 39-point rout of the Lakers in front of a raucous Garden crowd; and

Whereas the Celtics fans in the State of Massachusetts, in New England, and throughout the world never gave up hope that the franchise would someday return to glory and give a new generation of Celtics fans the opportunity to celebrate a championship: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Boston Celtics for winning the 2008 National Basketball Association Championship, including the players, head coach, coaches, support staff, and team owners and executives whose ability, hard work, dedication, and spirit made the season possible; and

(B) the Los Angeles Lakers for their success during the 2008 season and winning the National Basketball Association Western Conference Championship; and

(2) directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2008 Boston Celtics team;

(B) Celtics head coach Doc Rivers;

(C) Celtics general manager Danny Ainge; and

(D) Celtics managing partner Wyc Grousbeck.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4983. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 4984. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra.

SA 4985. Mr. BOND (for himself and Mr. BARRASSO) proposed an amendment to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra.

SA 4986. Mr. BOND proposed an amendment to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra.

SA 4987. Mr. BOND proposed an amendment to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra.

SA 4988. Mr. KOHL (for himself, Mrs. LINCOLN, Ms. MIKULSKI, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra.

SA 4989. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4990. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4991. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4992. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4993. Mr. MENENDEZ (for himself, Mrs. MURRAY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4994. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4995. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4996. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4997. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4998. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4999. Mr. SUNUNU (for himself and Ms. SNOWE) proposed an amendment to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra.

SA 5000. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5001. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5002. Mr. CRAPO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5003. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5004. Mr. NELSON, of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment

SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5005. Mr. ISAKSON (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5006. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5007. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5008. Mr. CHAMBLISS (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5009. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5010. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5011. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5012. Mr. KERRY (for Mr. KENNEDY (for himself and Mr. KERRY)) submitted an amendment intended to be proposed by Mr. KERRY to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5013. Mr. TESTER (for himself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5014. Mr. DODD (for Mr. INOUYE (for himself and Mr. STEVENS)) proposed an amendment to the bill S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

SA 5015. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill S. 2159, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

SA 5016. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 5017. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5018. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5019. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4983. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Housing and Economic Recovery Act of 2008".

(b) TABLE OF CONTENT.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—HOUSING FINANCE REFORM

Sec. 1001. Short title.
Sec. 1002. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

Sec. 1101. Establishment of the Federal Housing Finance Agency.
Sec. 1102. Duties and authorities of the Director.
Sec. 1103. Federal Housing Finance Oversight Board.
Sec. 1104. Authority to require reports by regulated entities.
Sec. 1105. Examiners and accountants; authority to contract for reviews of regulated entities; ombudsman.
Sec. 1106. Assessments.
Sec. 1107. Regulations and orders.
Sec. 1108. Prudential management and operations standards.
Sec. 1109. Review of and authority over enterprise assets and liabilities.
Sec. 1110. Risk-based capital requirements.
Sec. 1111. Minimum capital levels.
Sec. 1112. Registration under the securities laws.
Sec. 1113. Prohibition and withholding of executive compensation.
Sec. 1114. Limit on golden parachutes.
Sec. 1115. Reporting of fraudulent loans.

Subtitle B—Improvement of Mission Supervision

Sec. 1121. Transfer of program approval and housing goal oversight.
Sec. 1122. Assumption by the Director of certain other HUD responsibilities.
Sec. 1123. Review of enterprise products.
Sec. 1124. Conforming loan limits.
Sec. 1125. Annual housing report.
Sec. 1126. Public use database.
Sec. 1127. Reporting of mortgage data.
Sec. 1128. Revision of housing goals.
Sec. 1129. Duty to serve underserved markets.
Sec. 1130. Monitoring and enforcing compliance with housing goals.
Sec. 1131. Affordable housing programs.
Sec. 1132. Financial education and counseling.
Sec. 1133. Transfer and rights of certain HUD employees.

Subtitle C—Prompt Corrective Action

Sec. 1141. Critical capital levels.
Sec. 1142. Capital classifications.
Sec. 1143. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 1144. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 1145. Authority over critically undercapitalized regulated entities.

Subtitle D—Enforcement Actions

Sec. 1151. Cease and desist proceedings.
Sec. 1152. Temporary cease and desist proceedings.
Sec. 1153. Removal and prohibition authority.
Sec. 1154. Enforcement and jurisdiction.
Sec. 1155. Civil money penalties.
Sec. 1156. Criminal penalty.
Sec. 1157. Notice after separation from service.
Sec. 1158. Subpoena authority.

Subtitle E—General Provisions

Sec. 1161. Conforming and technical amendments.
Sec. 1162. Presidentially-appointed directors of enterprises.
Sec. 1163. Effective date.

TITLE II—FEDERAL HOME LOAN BANKS

Sec. 1201. Recognition of distinctions between the enterprises and the Federal Home Loan Banks.
Sec. 1202. Directors.
Sec. 1203. Definitions.
Sec. 1204. Agency oversight of Federal Home Loan Banks.
Sec. 1205. Housing goals.
Sec. 1206. Community development financial institutions.
Sec. 1207. Sharing of information among Federal Home Loan Banks.
Sec. 1208. Exclusion from certain requirements.
Sec. 1209. Voluntary mergers.
Sec. 1210. Authority to reduce districts.
Sec. 1211. Community financial institution members.
Sec. 1212. Public use data base; reports to Congress.
Sec. 1213. Semiannual reports.
Sec. 1214. Liquidation or reorganization of a Federal Home Loan Bank.
Sec. 1215. Study and report to Congress on securitization of acquired member assets.
Sec. 1216. Technical and conforming amendments.
Sec. 1217. Study on Federal Home Loan Bank advances.
Sec. 1218. Federal Home Loan Bank refinancing authority for certain residential mortgage loans.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

Sec. 1301. Abolishment of OFHEO.
Sec. 1302. Continuation and coordination of certain actions.

Sec. 1303. Transfer and rights of employees of OFHEO.
Sec. 1304. Transfer of property and facilities.
Subtitle B—Federal Housing Finance Board
Sec. 1311. Abolishment of the Federal Housing Finance Board.
Sec. 1312. Continuation and coordination of certain actions.
Sec. 1313. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 1314. Transfer of property and facilities.
TITLE IV—HOPE FOR HOMEOWNERS
Sec. 1401. Short title.
Sec. 1402. Establishment of HOPE for Homeowners Program.
Sec. 1403. Fiduciary duty of servicers of pooled residential mortgage loans.
Sec. 1404. Revised standards for FHA appraisers.
TITLE V—S.A.F.E. MORTGAGE LICENSING ACT
Sec. 1501. Short title.
Sec. 1502. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 1503. Definitions.
Sec. 1504. License or registration required.
Sec. 1505. State license and registration application and issuance.
Sec. 1506. Standards for State license renewal.
Sec. 1507. System of registration administration by Federal agencies.
Sec. 1508. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 1509. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 1510. Fees.
Sec. 1511. Background checks of loan originators.
Sec. 1512. Confidentiality of information.
Sec. 1513. Liability provisions.
Sec. 1514. Enforcement under HUD backup licensing system.
Sec. 1515. State examination authority.
Sec. 1516. Reports and recommendations to Congress.
Sec. 1517. Study and reports on defaults and foreclosures.
TITLE VI—MISCELLANEOUS
Sec. 1601. Study and reports on guarantee fees.
Sec. 1602. Study and report on default risk evaluation.
Sec. 1603. Conversion of HUD contracts.
Sec. 1604. Bridge depository institutions.
Sec. 1605. Sense of the Senate.
DIVISION B—FORECLOSURE PREVENTION
Sec. 2001. Short title.
Sec. 2002. Emergency designation.
TITLE I—FHA MODERNIZATION ACT OF 2008
Sec. 2101. Short title.
Subtitle A—Building American Homeownership
Sec. 2111. Short title.
Sec. 2112. Maximum principal loan obligation.
Sec. 2113. Cash investment requirement and prohibition of seller-funded down payment assistance.
Sec. 2114. Mortgage insurance premiums.
Sec. 2115. Rehabilitation loans.
Sec. 2116. Discretionary action.
Sec. 2117. Insurance of condominiums.
Sec. 2118. Mutual Mortgage Insurance Fund.
Sec. 2119. Hawaiian home lands and Indian reservations.
Sec. 2120. Conforming and technical amendments.
Sec. 2121. Insurance of mortgages.
Sec. 2122. Home equity conversion mortgages.
Sec. 2123. Energy efficient mortgages program.
Sec. 2124. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 2125. Homeownership preservation.
Sec. 2126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 2127. Post-purchase housing counseling eligibility improvements.
Sec. 2128. Pre-purchase homeownership counseling demonstration.
Sec. 2129. Fraud prevention.
Sec. 2130. Limitation on mortgage insurance premium increases.
Sec. 2131. Savings provision.
Sec. 2132. Implementation.
Sec. 2133. Moratorium on implementation of risk-based premiums.
Subtitle B—Manufactured Housing Loan Modernization
Sec. 2141. Short title.
Sec. 2142. Purposes.
Sec. 2143. Exception to limitation on financial institution portfolio.
Sec. 2144. Insurance benefits.
Sec. 2145. Maximum loan limits.
Sec. 2146. Insurance premiums.
Sec. 2147. Technical corrections.
Sec. 2148. Revision of underwriting criteria.
Sec. 2149. Prohibition against kickbacks and unearned fees.
Sec. 2150. Leasehold requirements.
TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS
Sec. 2201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 2202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.
Sec. 2203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.
TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES
Sec. 2301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.
Sec. 2302. Nationwide distribution of resources.
Sec. 2303. Limitation on use of funds with respect to eminent domain.
Sec. 2304. Limitation on distribution of funds.
Sec. 2305. Counseling intermediaries.
TITLE IV—HOUSING COUNSELING RESOURCES
Sec. 2401. Housing counseling resources.
Sec. 2402. Credit counseling.
TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT
Sec. 2501. Short title.
Sec. 2502. Enhanced mortgage loan disclosures.
Sec. 2503. Community development investment authority for depository institutions.
TITLE VI—VETERANS HOUSING MATTERS
Sec. 2601. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 2602. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 2603. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 2604. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 2605. Increase in specially adapted housing benefits for disabled veterans.
Sec. 2606. Report on specially adapted housing for disabled individuals.
Sec. 2607. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.
Sec. 2608. Definition of annual income for purposes of section 8 and other public housing programs.
Sec. 2609. Payment of transportation of baggage and household effects for members of the Armed Forces who relocate due to foreclosure of leased housing.
DIVISION C—TAX-RELATED PROVISIONS
Sec. 3000. Short title; etc.
TITLE I—HOUSING TAX INCENTIVES
Subtitle A—Multi-Family Housing
PART I—LOW-INCOME HOUSING TAX CREDIT
Sec. 3001. Temporary increase in volume cap for low-income housing tax credit.
Sec. 3002. Determination of credit rate.
Sec. 3003. Modifications to definition of eligible basis.
Sec. 3004. Other simplification and reform of low-income housing tax incentives.
Sec. 3005. Treatment of military basic pay.
PART II—MODIFICATIONS TO TAX-EXEMPT HOUSING BOND RULES
Sec. 3007. Recycling of tax-exempt debt for financing residential rental projects.
Sec. 3008. Coordination of certain rules applicable to low-income housing credit and qualified residential rental project exempt facility bonds.
PART III—REFORMS RELATED TO THE LOW-INCOME HOUSING CREDIT AND TAX-EXEMPT HOUSING BONDS
Sec. 3009. Hold harmless for reductions in area median gross income.
Sec. 3010. Exception to annual current income determination requirement where determination not relevant.
Subtitle B—Single Family Housing
Sec. 3011. First-time homebuyer credit.
Sec. 3012. Additional standard deduction for real property taxes for nonitemizers.
Subtitle C—General Provisions
Sec. 3021. Temporary liberalization of tax-exempt housing bond rules.

Sec. 3022. Repeal of alternative minimum tax limitations on tax-exempt housing bonds, low-income housing tax credit, and rehabilitation credit.
Sec. 3023. Bonds guaranteed by Federal home loan banks eligible for treatment as tax-exempt bonds.
Sec. 3024. Modification of rules pertaining to FIRPTA nonforeign affidavits.
Sec. 3025. Modification of definition of tax-exempt use property for purposes of the rehabilitation credit.
Sec. 3026. Extension of special rule for mortgage revenue bonds for residences located in disaster areas.

TITLE II—REFORMS RELATED TO REAL ESTATE INVESTMENT TRUSTS

Subtitle A—Foreign Currency and Other Qualified Activities

Sec. 3031. Revisions to REIT income tests.
Sec. 3032. Revisions to REIT asset tests.
Sec. 3033. Conforming foreign currency revisions.

Subtitle B—Taxable REIT Subsidiaries

Sec. 3041. Conforming taxable REIT subsidiary asset test.

Subtitle C—Dealer Sales

Sec. 3051. Holding period under safe harbor.
Sec. 3052. Determining value of sales under safe harbor.

Subtitle D—Health Care REITs

Sec. 3061. Conformity for health care facilities.

Subtitle E—Effective Dates

Sec. 3071. Effective dates.

TITLE III—REVENUE PROVISIONS

Subtitle A—General Provisions

Sec. 3081. Election to accelerate amt and r and d credits in lieu of bonus depreciation.
Sec. 3082. Certain GO Zone incentives.

Subtitle B—Revenue Offsets

Sec. 3091. Returns relating to payments made in settlement of payment card and third party network transactions.
Sec. 3092. Gain from sale of principal residence allocated to nonqualified use not excluded from income.
Sec. 3093. Increase in information return penalties.
Sec. 3094. Increase in penalty for failure to file S corporation returns.
Sec. 3095. Increase in penalty for failure to file partnership returns.
Sec. 3096. Increase in minimum penalty on failure to file a return of tax.

DIVISION A—HOUSING FINANCE REFORM

SEC. 1001. SHORT TITLE.

This division may be cited as the "Federal Housing Finance Regulatory Reform Act of 2008".

SEC. 1002. DEFINITIONS.

(a) FEDERAL SAFETY AND SOUNDNESS ACT DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) in each of paragraphs (8), (9), (10), and (19), by striking "Secretary" each place that term appears and inserting "Director";

(2) by redesignating paragraphs (16) through (19) as paragraphs (21) through (24), respectively;

(3) by striking paragraphs (13) through (15) and inserting the following:

"(19) OFFICE OF FINANCE.—The term 'Office of Finance' means the Office of Finance of the Federal Home Loan Bank System (or any successor thereto).

"(20) REGULATED ENTITY.—The term 'regulated entity' means—

"(A) the Federal National Mortgage Association and any affiliate thereof;

"(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

"(C) any Federal Home Loan Bank.";

(4) by redesignating paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(5) by redesignating paragraph (7) as paragraph (12);

(6) by redesignating paragraphs (8) through (10) as paragraphs (14) through (16), respectively;

(7) in paragraph (5)—

(A) by striking "(5)" and inserting "(9)"; and

(B) by striking "Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Federal Housing Finance Agency";

(8) by redesignating paragraph (6) as paragraph (10);

(9) by redesignating paragraphs (2) through (4) as paragraphs (5) through (7), respectively;

(10) by inserting after paragraph (7), as redesignated, the following:

"(8) DEFAULT; IN DANGER OF DEFAULT.—

"(A) DEFAULT.—The term 'default' means, with respect to a regulated entity, any adjudication or other official determination by any court of competent jurisdiction, or the Agency, pursuant to which a conservator, receiver, limited-life regulated entity, or legal custodian is appointed for a regulated entity.

"(B) IN DANGER OF DEFAULT.—The term 'in danger of default' means a regulated entity with respect to which, in the opinion of the Agency—

"(i) the regulated entity is not likely to be able to pay the obligations of the regulated entity in the normal course of business; or

"(ii) the regulated entity—

"(I) has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and

"(II) there is no reasonable prospect that the capital of the regulated entity will be replenished.";

(11) by inserting after paragraph (1) the following:

"(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency established under section 1311.

"(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

"(A) the Federal National Mortgage Association Charter Act;

"(B) the Federal Home Loan Mortgage Corporation Act; and

"(C) the Federal Home Loan Bank Act.

"(4) BOARD.—The term 'Board' means the Federal Housing Finance Oversight Board established under section 1313A.";

(12) by inserting after paragraph (10), as redesignated by this section, the following:

"(11) ENTITY-AFFILIATED PARTY.—The term 'entity-affiliated party' means—

"(A) any director, officer, employee, or controlling stockholder of, or agent for, a regulated entity;

"(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, provided that a member of a Federal Home Loan Bank shall not be deemed to have participated in the affairs of that Bank solely by virtue of being a shareholder of, and obtaining advances from, that Bank;

"(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

"(i) the independent contractor knowingly or recklessly participates in—

"(I) any violation of any law or regulation;

"(II) any breach of fiduciary duty; or

"(III) any unsafe or unsound practice; and

"(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity;

"(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity; and

"(E) the Office of Finance.";

(13) by inserting after paragraph (12), as redesignated by this section, the following:

"(13) LIMITED-LIFE REGULATED ENTITY.—The term 'limited-life regulated entity' means an entity established by the Agency under section 1367(i) with respect to a Federal Home Loan Bank in default or in danger of default or with respect to an enterprise in default or in danger of default."; and

(14) by adding at the end the following:

"(25) VIOLATION.—The term 'violation' includes any action (alone or in combination with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.".

(b) REFERENCES IN THIS ACT.—As used in this Act, unless otherwise specified—

(1) the term "Agency" means the Federal Housing Finance Agency;

(2) the term "Director" means the Director of the Agency; and

(3) the terms "enterprise", "regulated entity", and "authorizing statutes" have the same meanings as in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by this Act.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

SEC. 1101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

"SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

"(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

"(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

"(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

"(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, THE FEDERAL HOME LOAN BANKS, AND THE OFFICE OF FINANCE.—The Director shall have general regulatory authority over each regulated entity and the Office of Finance, and shall exercise such general regulatory authority, including such duties and authorities set forth under section 1313, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out.

"(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director under subsection (b).

"SEC. 1312. DIRECTOR.

"(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Agency, who shall be the head of the Agency.

"(b) APPOINTMENT; TERM.—

"(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

"(2) TERM.—The Director shall be appointed for a term of 5 years, unless removed before the end of such term for cause by the President.

"(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

"(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

"(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), during the period beginning on the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and ending on the date on which the Director is appointed and confirmed, the person serving as the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development on that effective date shall act for all purposes as, and with the full powers of, the Director.

"(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of mortgage securities markets and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

"(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of the Federal Home Loan Bank System and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal Home Loan Banks as the Director shall prescribe.

"(e) DEPUTY DIRECTOR FOR HOUSING MISSION AND GOALS.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing Mission and Goals, who shall be designated by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance.

"(2) FUNCTIONS.—The Deputy Director for Housing Mission and Goals shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal Home Loan Banks, as the Director shall prescribe.

"(3) CONSIDERATIONS.—In exercising such functions, powers, and duties, the Deputy Director for Housing Mission and Goals shall consider the differences between the enterprises and the Federal Home Loan Banks, including those described in section 1313(f).

"(f) ACTING DIRECTOR.—In the event of the death, resignation, sickness, or absence of the Director, the President shall designate either the Deputy Director of the Division of Enterprise Regulation, the Deputy Director of the Division of Federal Home Loan Bank Regulation, or the Deputy Director for Housing Mission and Goals, to serve as acting Director until the return of the Director, or the appointment of a successor pursuant to subsection (b).

"(g) LIMITATIONS.—The Director and each of the Deputy Directors may not—

"(1) have any direct or indirect financial interest in any regulated entity or entity-affiliated party;

"(2) hold any office, position, or employment in any regulated entity or entity-affiliated party; or

"(3) have served as an executive officer or director of any regulated entity or entity-affiliated party at any time during the 3-year period preceding the date of appointment or designation of such individual as Director or Deputy Director, as applicable.".

SEC. 1102. DUTIES AND AUTHORITIES OF THE DIRECTOR.

(a) IN GENERAL.—Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended to read as follows:

"SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

"(a) DUTIES.—

"(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

"(A) to oversee the prudential operations of each regulated entity; and

"(B) to ensure that—

"(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

"(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities);

"(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes;

"(iv) each regulated entity carries out its statutory mission only through activities that are authorized under and consistent with this title and the authorizing statutes; and

"(v) the activities of each regulated entity and the manner in which such regulated entity is operated are consistent with the public interest.

"(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

"(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in a regulated entity; and

"(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

"(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers and employees of the Agency any of the functions, powers, or duties of the Director, as the Director considers appropriate.

"(c) LITIGATION AUTHORITY.—

"(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys.

"(2) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.".

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93-495 (12 U.S.C. 250) is amended by striking "the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 1103. FEDERAL HOUSING FINANCE OVERSIGHT BOARD.

(a) IN GENERAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313 the following:

"SEC. 1313A. FEDERAL HOUSING FINANCE OVERSIGHT BOARD.

"(a) IN GENERAL.—There is established the Federal Housing Finance Oversight Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

"(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

"(c) COMPOSITION.—The Board shall be comprised of 4 members, of whom—

"(1) 1 member shall be the Secretary of the Treasury;

"(2) 1 member shall be the Secretary of Housing and Urban Development;

"(3) 1 member shall be the Chairman of the Securities and Exchange Commission; and

"(4) 1 member shall be the Director, who shall serve as the Chairperson of the Board.

"(d) MEETINGS.—

"(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

"(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury, the Secretary of Housing and Urban Development, or the Chairman of the Securities and Exchange Commission may, upon giving written notice to the Director, require a special meeting of the Board.

"(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

"(1) the safety and soundness of the regulated entities;

"(2) any material deficiencies in the conduct of the operations of the regulated entities;

"(3) the overall operational status of the regulated entities;

"(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

"(5) operations, resources, and performance of the Agency; and

"(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.".

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4521(a)) is amended—

(1) by striking "enterprise" each place that term appears and inserting "regulated entity";

(2) by striking "enterprises" each place that term appears and inserting "regulated entities";

(3) in paragraph (3), by striking "; and" and inserting a semicolon;

(4) in paragraph (4), by striking "1994." and inserting "1994; and"; and

(5) by adding at the end the following:

"(5) the assessment of the Board or any of its members with respect to—

"(A) the safety and soundness of the regulated entities;

"(B) any material deficiencies in the conduct of the operations of the regulated entities;

"(C) the overall operational status of the regulated entities; and

"(D) an evaluation of the performance of the regulated entities in carrying out their respective missions;

"(6) operations, resources, and performance of the Agency; and

"(7) such other matters relating to the Agency and the fulfillment of its mission.".

SEC. 1104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

(a) IN GENERAL.—Section 1314 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) by striking "an enterprise" each place that term appears and inserting "a regulated entity";

(3) by striking "the enterprise" and inserting "the regulated entity";

(4) in subsection (a)—

(A) by striking the subsection heading and all that follows through "and operations" in paragraph (1) and inserting the following:

"(a) REGULAR AND SPECIAL REPORTS.—

"(1) REGULAR REPORTS.—The Director may require, by general or specific orders, a regulated entity to submit regular reports, including financial statements determined on a fair value basis, on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate"; and

(B) in paragraph (2)—

(i) by inserting ", by general or specific orders," after "may also require"; and

(ii) by striking "whenever" and inserting "on any of the topics specified in paragraph (1) or any other relevant topics, if"; and

(5) by adding at the end the following:

"(c) PENALTIES FOR FAILURE TO MAKE REPORTS.—

"(1) VIOLATIONS.—It shall be a violation of this section for any regulated entity—

"(A) to fail to make, transmit, or publish any report or obtain any information required by the Director under this section, section 309(k) of the Federal National Mortgage Association Charter Act, section 307(c) of the Federal Home Loan Mortgage Corporation Act, or section 20 of the Federal Home Loan Bank Act, within the period of time specified in such provision of law or otherwise by the Director; or

"(B) to submit or publish any false or misleading report or information under this section.

"(2) PENALTIES.—

"(A) FIRST TIER.—

"(i) IN GENERAL.—A violation described in paragraph (1) shall be subject to a penalty of not more than $2,000 for each day during which such violation continues, in any case in which—

"(I) the subject regulated entity maintains procedures reasonably adapted to avoid any inadvertent error and the violation was unintentional and a result of such an error; or

"(II) the violation was an inadvertent transmittal or publication of any report which was minimally late.

"(ii) BURDEN OF PROOF.—For purposes of this subparagraph, the regulated entity shall have the burden of proving that the error was inadvertent or that a report was inadvertently transmitted or published late.

"(B) SECOND TIER.—A violation described in paragraph (1) shall be subject to a penalty of not more than $20,000 for each day during which such violation continues or such false or misleading information is not corrected, in any case that is not addressed in subparagraph (A) or (C).

"(C) THIRD TIER.—A violation described in paragraph (1) shall be subject to a penalty of not more than $1,000,000 per day for each day during which such violation continues or such false or misleading information is not corrected, in any case in which the subject regulated entity committed such violation knowingly or with reckless disregard for the accuracy of any such information or report.

"(3) ASSESSMENTS.—Any penalty imposed under this subsection shall be in lieu of a penalty under section 1376, but shall be assessed and collected by the Director in the manner provided in section 1376 for penalties imposed under that section, and any such assessment (including the determination of the amount of the penalty) shall be otherwise subject to the provisions of section 1376.

"(4) HEARING.—A regulated entity against which a penalty is assessed under this section shall be afforded an agency hearing if the regulated entity submits a request for a hearing not later than 20 days after the date of the issuance of the notice of assessment. Section 1374 shall apply to any such proceedings.".

(b) CONFORMING AMENDMENT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1327 and 1328.

SEC. 1105. EXAMINERS AND ACCOUNTANTS; AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES; OMBUDSMAN.

(a) IN GENERAL.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by striking "enterprise" each place that term appears and inserting "regulated entity";

(2) in subsection (b)—

(A) by inserting "of a regulated entity" after "under this section"; and

(B) by striking "to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness" and inserting "or appropriate";

(3) in subsection (c), in the second sentence, by inserting before the period "to conduct examinations under this section";

(4) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(5) by inserting after subsection (c) the following:

"(d) INSPECTOR GENERAL.—There shall be within the Agency an Inspector General, who shall be appointed in accordance with section 3(a) of the Inspector General Act of 1978.".

(b) DIRECT HIRE AUTHORITY TO HIRE ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

"(h) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—

"(1) APPLICABILITY.—This section shall apply with respect to any position of examiner, accountant, economist, and specialist in financial markets and in technology at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

"(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

"(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.".

(c) AMENDMENTS TO INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting "; the Director of the Federal Housing Finance Agency" after "Social Security Administration"; and

(2) in paragraph (2), by inserting ", the Federal Housing Finance Agency" after "Social Security Administration".

(d) AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES.—Section 1319 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4519) is amended—

(1) in the section heading, by striking "**ENTERPRISES BY RATING ORGANIZATION**" and inserting "**REGULATED ENTITIES**"; and

(2) by striking "enterprises" and inserting "regulated entities".

(e) OFFICE OF THE OMBUDSMAN.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

"(i) OMBUDSMAN.—The Director shall establish, by regulation, an Office of the Ombudsman within the Agency, which shall be responsible for considering complaints and appeals, from any regulated entity and any person that has a business relationship with a regulated entity, regarding any matter relating to the regulation and supervision of such regulated entity by the Agency. The regulation issued by the Director under this subsection shall specify the authority and duties of the Office of the Ombudsman.".

SEC. 1106. ASSESSMENTS.

Section 1316 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs (including administrative costs) and expenses of the Agency, including—

"(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

"(2) the expenses of obtaining any reviews and credit assessments under section 1319;

"(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

"(4) the windup of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under title III of the Federal Housing Finance Regulatory Reform Act of 2008.";

(2) in subsection (b)—

(A) by realigning the margins of paragraph (2) two ems from the left, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) SEPARATE TREATMENT OF FEDERAL HOME LOAN BANK AND ENTERPRISE ASSESSMENTS.—Assessments collected from the enterprises shall not exceed the amounts sufficient to provide for the costs and expenses described in subsection (a) relating to the enterprises. Assessments collected from the Federal Home Loan Banks shall not exceed the amounts sufficient to provide for the costs and expenses described in subsection (a) relating to the Federal Home Loan Banks.";

(3) by striking subsection (c) and inserting the following:

"(c) INCREASED COSTS OF REGULATION.—

"(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

"(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

"(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.";

(4) in subsection (d), by striking "If" and inserting "Except with respect to amounts collected pursuant to subsection (a)(3), if"; and

(5) by striking subsections (e) through (g) and inserting the following:

"(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

"(f) TREATMENT OF ASSESSMENTS.—

"(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes of the United States (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

"(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

"(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

"(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

"(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and any amounts remaining from assessments on the Federal Home Loan Banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

"(6) TREASURY INVESTMENTS.—

"(A) AUTHORITY.—The Director may request the Secretary of the Treasury to invest such portions of amounts received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

"(B) GOVERNMENT OBLIGATIONS.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in Government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of the Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(g) BUDGET AND FINANCIAL MANAGEMENT.—

"(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts, as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations, as prepared by the Director in the ordinary course of the Agency's operations.

"(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of—

"(A) assets and liabilities and surplus or deficit;

"(B) income and expenses; and

"(C) sources and application of funds.

"(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that—

"(A) comply substantially with Federal financial management systems requirements and applicable Federal accounting standards; and

"(B) use a general ledger system that accounts for activity at the transaction level.

"(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General of the United States an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

"(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any report, plan, forecast, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

"(h) AUDIT OF AGENCY.—

"(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the United States generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

"(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

"(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.".

SEC. 1107. REGULATIONS AND ORDERS.

Section 1319G of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) AUTHORITY.—The Director shall issue any regulations, guidelines, or orders necessary to carry out the duties of the Director under this title or the authorizing statutes, and to ensure that the purposes of this title and the authorizing statutes are accomplished."; and

(2) by striking subsection (c).

SEC. 1108. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by this Act, the following new section:

"SEC. 1313B. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

"(a) STANDARDS.—The Director shall establish standards, by regulation or guideline, for each regulated entity relating to—

"(1) adequacy of internal controls and information systems taking into account the nature and scale of business operations;

"(2) independence and adequacy of internal audit systems;

"(3) management of interest rate risk exposure;

"(4) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

"(5) adequacy and maintenance of liquidity and reserves;

"(6) management of asset and investment portfolio growth;

"(7) investments and acquisitions of assets by a regulated entity, to ensure that they are consistent with the purposes of this title and the authorizing statutes;

"(8) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events;

"(9) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

"(10) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity; and

"(11) such other operational and management standards as the Director determines to be appropriate.

"(b) FAILURE TO MEET STANDARDS.—

"(1) PLAN REQUIREMENT.—

"(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

"(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

"(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

"(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

"(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

"(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

"(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

"(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

"(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

"(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

"(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

"(ii) Require the regulated entity—

"(I) in the case of an enterprise, to increase its ratio of core capital to assets.

"(II) in the case of a Federal Home Loan Bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

"(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

"(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

"(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

"(B) the regulated entity has not corrected the deficiency; and

"(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

"(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.".

SEC. 1109. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

"Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities";

and

(2) by adding at the end the following new section:

"SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

"(a) IN GENERAL.—The Director shall, by regulation, establish criteria governing the portfolio holdings of the enterprises, to ensure that the holdings are backed by sufficient capital and consistent with the mission and the safe and sound operations of the enterprises. In establishing such criteria, the Director shall consider the ability of the enterprises to provide a liquid secondary market through securitization activities, the portfolio holdings in relation to the overall mortgage market, and adherence to the standards specified in section 1313B.

"(b) TEMPORARY ADJUSTMENTS.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

"(c) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date of this Act, the Director shall issue regulations pursuant to section 1369E(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 1110. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

"(a) IN GENERAL.—

"(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

"(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal Home Loan Banks.

"(b) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.".

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal Home Loan Banks to ensure that the Federal Home Loan Banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal Home Loans Banks."; and

(2) in subparagraph (B), by striking "(A)(ii)" and inserting "(A)".

SEC. 1111. MINIMUM CAPITAL LEVELS.

Section 1362 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking "IN GENERAL" and inserting "ENTERPRISES"; and

(2) by striking subsection (b) and inserting the following:

"(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal Home Loan Bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

"(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal Home Loan Banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal Home Loan Banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

"(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—

"(1) IN GENERAL.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis, when the Director determines that such an increase is necessary and consistent with the prudential regulation and the safe and sound operations of a regulated entity.

"(2) RESCISSION.—The Director shall rescind any temporary minimum capital level established under paragraph (1) when the Director determines that the circumstances or facts no longer justify the temporary minimum capital level.

"(3) REGULATIONS REQUIRED.—The Director shall issue regulations establishing—

"(A) standards for the imposition of a temporary increase in minimum capital under paragraph (1);

"(B) the standards and procedures that the Director will use to make the determination referred to in paragraph (2); and

"(C) a reasonable time frame for periodic review of any temporary increase in minimum capital for the purpose of making the determination referred to in paragraph (2).

"(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PURPOSES.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any product or activity of a regulated entity, as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

"(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal Home Loan Banks, and the minimum capital levels established for such regulated entities pursuant to this section.".

SEC. 1112. REGISTRATION UNDER THE SECURITIES LAWS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

"SEC. 38. FEDERAL NATIONAL MORTGAGE ASSOCIATION, FEDERAL HOME LOAN MORTGAGE CORPORATION, FEDERAL HOME LOAN BANKS.

"(a) FEDERAL NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOME LOAN MORTGAGE CORPORATION.—No class of equity securities of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be treated as an exempted security for purposes of section 12, 13, 14, or 16.

"(b) FEDERAL HOME LOAN BANKS.—

"(1) REGISTRATION.—Each Federal Home Loan Bank shall register a class of its common stock under section 12(g), not later than 120 days after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, and shall thereafter maintain such registration and be treated for purposes of this title as an 'issuer', the securities of which are required to be registered under section 12, regardless of the number of members holding such stock at any given time.

"(2) STANDARDS RELATING TO AUDIT COMMITTEES.—Each Federal Home Loan Bank shall comply with the rules issued by the Commission under section 10A(m).

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FEDERAL HOME LOAN BANK; MEMBER.—The terms 'Federal Home Loan Bank' and 'member', have the same meanings as in section 2 of the Federal Home Loan Bank Act.

"(2) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—The term 'Federal National Mortgage Association' means the corporation created by the Federal National Mortgage Association Charter Act.

"(3) FEDERAL HOME LOAN MORTGAGE CORPORATION.—The term 'Federal Home Loan Mortgage Corporation' means the corporation created by the Federal Home Loan Mortgage Corporation Act.".

SEC. 1113. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking "**OF EXCESSIVE**" and inserting "**AND WITHHOLDING OF EXECUTIVE**";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

"(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

"(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.".

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(l) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal Home Loan Bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

SEC. 1114. LIMIT ON GOLDEN PARACHUTES.

Section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518) is amended by adding at the end the following:

"(e) AUTHORITY TO REGULATE OR PROHIBIT CERTAIN FORMS OF BENEFITS TO AFFILIATED PARTIES.—

"(1) GOLDEN PARACHUTES AND INDEMNIFICATION PAYMENTS.—The Director may prohibit or limit, by regulation or order, any golden parachute payment or indemnification payment.

"(2) FACTORS TO BE TAKEN INTO ACCOUNT.—The Director shall prescribe, by regulation, the factors to be considered by the Director in taking any action pursuant to paragraph (1), which may include such factors as—

"(A) whether there is a reasonable basis to believe that the affiliated party has committed any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the regulated entity that has had a material effect on the financial condition of the regulated entity;

"(B) whether there is a reasonable basis to believe that the affiliated party is substantially responsible for the insolvency of the regulated entity, the appointment of a conservator or receiver for the regulated entity, or the troubled condition of the regulated entity (as defined in regulations prescribed by the Director);

"(C) whether there is a reasonable basis to believe that the affiliated party has materially violated any applicable provision of Federal or State law or regulation that has had a material effect on the financial condition of the regulated entity;

"(D) whether the affiliated party was in a position of managerial or fiduciary responsibility; and

"(E) the length of time that the party was affiliated with the regulated entity, and the degree to which—

"(i) the payment reasonably reflects compensation earned over the period of employment; and

"(ii) the compensation involved represents a reasonable payment for services rendered.

"(3) CERTAIN PAYMENTS PROHIBITED.—No regulated entity may prepay the salary or any liability or legal expense of any affiliated party if such payment is made—

"(A) in contemplation of the insolvency of such regulated entity, or after the commission of an act of insolvency; and

"(B) with a view to, or having the result of—

"(i) preventing the proper application of the assets of the regulated entity to creditors; or

"(ii) preferring one creditor over another.

"(4) GOLDEN PARACHUTE PAYMENT DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'golden parachute payment' means any payment (or any agreement to make any payment) in the nature of compensation by any regulated entity for the benefit of any affiliated party pursuant to an obligation of such regulated entity that—

"(i) is contingent on the termination of such party's affiliation with the regulated entity; and

"(ii) is received on or after the date on which—

"(I) the regulated entity became insolvent;

"(II) any conservator or receiver is appointed for such regulated entity; or

"(III) the Director determines that the regulated entity is in a troubled condition (as defined in the regulations of the Director).

"(B) CERTAIN PAYMENTS IN CONTEMPLATION OF AN EVENT.—Any payment which would be a golden parachute payment but for the fact that such payment was made before the date referred to in subparagraph (A)(ii) shall be treated as a golden parachute payment if the payment was made in contemplation of the occurrence of an event described in any subclause of such subparagraph.

"(C) CERTAIN PAYMENTS NOT INCLUDED.—For purposes of this subsection, the term 'golden parachute payment' shall not include—

"(i) any payment made pursuant to a retirement plan which is qualified (or is intended to be qualified) under section 401 of the Internal Revenue Code of 1986, or other nondiscriminatory benefit plan;

"(ii) any payment made pursuant to a bona fide deferred compensation plan or arrangement which the Director determines, by regulation or order, to be permissible; or

"(iii) any payment made by reason of the death or disability of an affiliated party.

"(5) OTHER DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) INDEMNIFICATION PAYMENT.—Subject to paragraph (6), the term 'indemnification payment' means any payment (or any agreement to make any payment) by any regulated entity for the benefit of any person who is or was an affiliated party, to pay or reimburse such person for any liability or legal expense with regard to any administrative proceeding or civil action instituted by the Agency which results in a final order under which such person—

"(i) is assessed a civil money penalty;

"(ii) is removed or prohibited from participating in conduct of the affairs of the regulated entity; or

"(iii) is required to take any affirmative action to correct certain conditions resulting from violations or practices, by order of the Director.

"(B) LIABILITY OR LEGAL EXPENSE.—The term 'liability or legal expense' means—

"(i) any legal or other professional expense incurred in connection with any claim, proceeding, or action;

"(ii) the amount of, and any cost incurred in connection with, any settlement of any claim, proceeding, or action; and

"(iii) the amount of, and any cost incurred in connection with, any judgment or penalty imposed with respect to any claim, proceeding, or action.

"(C) PAYMENT.—The term 'payment' includes—

"(i) any direct or indirect transfer of any funds or any asset; and

"(ii) any segregation of any funds or assets for the purpose of making, or pursuant to an agreement to make, any payment after the date on which such funds or assets are segregated, without regard to whether the obligation to make such payment is contingent on—

"(I) the determination, after such date, of the liability for the payment of such amount; or

"(II) the liquidation, after such date, of the amount of such payment.

"(6) CERTAIN COMMERCIAL INSURANCE COVERAGE NOT TREATED AS COVERED BENEFIT PAYMENT.—No provision of this subsection shall be construed as prohibiting any regulated entity from purchasing any commercial insurance policy or fidelity bond, except that, subject to any requirement described in paragraph (5)(A)(iii), such insurance policy or bond shall not cover any legal or liability expense of the regulated entity which is described in paragraph (5)(A).".

SEC. 1115. REPORTING OF FRAUDULENT LOANS.

Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 1379E. REPORTING OF FRAUDULENT LOANS.

"(a) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument, or suspects a possible fraud relating to the purchase or sale of any loan or financial instrument. The Director shall require each regulated entity to establish and maintain procedures designed to discover any such transactions.

"(b) PROTECTION FROM LIABILITY FOR REPORTS.—Any regulated entity that, in good faith, makes a report pursuant to subsection (a), and any entity-affiliated party, that, in good faith, makes or requires another to make any such report, shall not be liable to any person under any provision of law or regulation, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement) for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other persons identified in the report.".

Subtitle B—Improvement of Mission Supervision

SEC. 1121. TRANSFER OF PROGRAM APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the heading for the part and inserting the following:

"PART 2—ADDITIONAL AUTHORITIES OF THE DIRECTOR";

and

(2) by striking sections 1321 and 1322.

SEC. 1122. ASSUMPTION BY THE DIRECTOR OF CERTAIN OTHER HUD RESPONSIBILITIES.

(a) IN GENERAL.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking "Secretary" each place that term appears and inserting "Director" in each of sections 1323, 1326, 1327, 1328, and 1336; and

(2) by striking sections 1338 and 1349 (12 U.S.C. 4562 note and 4589).

(b) RETENTION OF FAIR HOUSING RESPONSIBILITIES.—Section 1325 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4545) is amended in the matter preceding paragraph (1), by inserting "of Housing and Urban Development" after "The Secretary".

SEC. 1123. REVIEW OF ENTERPRISE PRODUCTS.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by inserting before section 1323 the following:

"SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS.

"(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

"(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

"(1) in the case of a product of the Federal National Mortgage Association, the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b), 1719);

"(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the product is authorized under paragraph (1), (4), or

(5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

"(3) the product is in the public interest; and

"(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system.

"(c) PROCEDURE FOR APPROVAL.—

"(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

"(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

"(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

"(4) OFFERING OF PRODUCT.—

"(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

"(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), then the enterprise may offer the product.

"(C) TEMPORARY APPROVAL.—The Director may, subject to the rules of the Director, provide for temporary approval of the offering of a product without a public comment period, if the Director finds that the existence of exigent circumstances makes such delay contrary to the public interest.

"(d) CONDITIONAL APPROVAL.—If the Director approves the offering of any product by an enterprise, the Director may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

"(e) EXCLUSIONS.—

"(1) IN GENERAL.—The requirements of subsections (a) through (d) do not apply with respect to—

"(A) the automated loan underwriting system of an enterprise in existence as of the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, including any upgrade to the technology, operating system, or software to operate the underwriting system;

"(B) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise, provided that such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing; or

"(C) any other activity that is substantially similar, as determined by rule of the Director to—

"(i) the activities described in subparagraphs (A) and (B); and

"(ii) other activities that have been approved by the Director in accordance with this section.

"(2) EXPEDITED REVIEW.—

"(A) ENTERPRISE NOTICE.—For any new activity that an enterprise considers not to be a product, the enterprise shall provide written notice to the Director of such activity, and may not commence such activity until the date of receipt of a notice under subparagraph (B) or the expiration of the period described in subparagraph (C). The Director shall establish, by regulation, the form and content of such written notice.

"(B) DIRECTOR DETERMINATION.—Not later than 15 days after the date of receipt of a notice under subparagraph (A), the Director shall determine whether such activity is a product subject to approval under this section. The Director shall, immediately upon so determining, notify the enterprise.

"(C) FAILURE TO ACT.—If the Director fails to determine whether such activity is a product within the 15-day period described in subparagraph (B), the enterprise may commence the new activity in accordance with subparagraph (A).

"(f) NO LIMITATION.—Nothing in this section may be construed to restrict—

"(1) the safety and soundness authority of the Director over all new and existing products or activities; or

"(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of an enterprise.".

SEC. 1124. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—

(1) GENERAL LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by striking the 7th and 8th sentences and inserting the following new sentences: "Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date of Federal Housing Finance Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase, during the most recent 12-month or 4th-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)). If the change in such house price index during the most recent 12-month or 4th-quarter period ending before the time of determining such annual adjustment is a decrease, then no adjustment shall be made for the next year, and the next adjustment shall take into account prior declines in the house price index, so that any adjustment shall reflect the net change in the house price index since the last adjustment. Declines in the house price index shall be accumulated and then reduce increases until subsequent increases exceed prior declines.".

(2) HIGH-COST AREA LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence.".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of this subsection shall take effect upon the expiration of the date described in section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

(b) FREDDIE MAC.—

(1) GENERAL LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by striking the 6th and 7th sentences and inserting the following new sentences: "Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase, during the most recent 12-month or fourth-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)). If the change in such house price index during the most recent 12-month or 4th-quarter period ending before the time of determining such annual adjustment is a decrease, then no adjustment shall be made for the next year, and the next adjustment shall take into account prior declines in the house price index, so that any adjustment shall reflect the net change in the house price index since the last adjustment. Declines in the house price index shall be accumulated and then reduce increases until subsequent increases exceed prior declines.".

(2) HIGH-COST AREA LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding after the period at the end the following: "Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence.".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of this subsection shall take effect upon the expiration of the date described in section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established under this Act.

(d) Housing Price Index.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by inserting after section 1321 (as added by section 1123 of this Act) the following new section:

"SEC. 1322. HOUSING PRICE INDEX.

"The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.".

SEC. 1125. ANNUAL HOUSING REPORT.

(a) Repeal.—Section 1324 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4544) is hereby repealed.

(b) Annual Housing Report.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting after section 1323 the following:

"SEC. 1324. ANNUAL HOUSING REPORT.

"(a) In General.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act and section 307(f) of the Federal Home Loan Mortgage Corporation Act, the Director shall submit a report, not later than October 30 of each year, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the activities of each enterprise.

"(b) Contents.—The report required under subsection (a) shall—

"(1) discuss—

"(A) the extent to and manner in which—

"(i) each enterprise is achieving the annual housing goals established under subpart B;

"(ii) each enterprise is complying with its duty to serve underserved markets, as established under section 1335;

"(iii) each enterprise is complying with section 1337;

"(iv) each enterprise received credit towards achieving each of its goals resulting from a transaction or activity pursuant to section 1331(b)(2); and

"(v) each enterprise is achieving the purposes of the enterprise established by law; and

"(B) the actions that each enterprise could undertake to promote and expand the purposes of the enterprise;

"(2) aggregate and analyze relevant data on income to assess the compliance of each enterprise with the housing goals established under subpart B;

"(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

"(4) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime and nontraditional loans;

"(5) compare the characteristics of subprime and nontraditional loans both purchased and securitized by each enterprise to other loans purchased and securitized by each enterprise; and

"(6) compare the characteristics of high-cost loans purchased and securitized, where such securities are not held on portfolio to loans purchased and securitized, where such securities are either retained on portfolio or repurchased by the enterprise, including such characteristics as—

"(A) the purchase price of the property that secures the mortgage;

"(B) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(C) the terms of the mortgage;

"(D) the creditworthiness of the borrower; and

"(E) any other relevant data, as determined by the Director.

"(c) Data Collection and Reporting.—

"(1) In general.—To assist the Director in analyzing the matters described in subsection (b), the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

"(2) Data points.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

"(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

"(i) the price of the house that secures the mortgage;

"(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(iii) the terms of the mortgage;

"(iv) the creditworthiness of the borrower or borrowers; and

"(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise;

"(B) the characteristics of individual subprime and nontraditional mortgages that are eligible for purchase by the enterprises and the characteristics of borrowers under such mortgages, including the creditworthiness of such borrowers and determination whether such borrowers would qualify for prime lending; and

"(C) such other matters as the Director determines to be appropriate.

"(3) Public availability.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data—

"(A) is not released in an identifiable form; and

"(B) is not otherwise obtainable from other publicly available data sets.

"(4) Definition.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.".

SEC. 1126. PUBLIC USE DATABASE.

Section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (42 U.S.C. 4543) is amended—

(1) in subsection (a)—

(A) by striking "(a) In General.—The Secretary" and inserting the following:

"(a) Availability.—

"(1) In general.—The Director"; and

(B) by adding at the end the following new paragraph:

"(2) Census tract level reporting.—Such data shall include the data elements required to be reported under the Home Mortgage Disclosure Act of 1975, at the census tract level.";

(2) in subsection (b)(2), by inserting before the period at the end the following: "or with subsection (a)(2)"; and

(3) by adding at the end the following new subsection:

"(d) Timing.—Data submitted under this section by an enterprise in connection with a provision referred to in subsection (a) shall be made publicly available in accordance with this section not later than September 30 of the year following the year to which the data relates.".

SEC. 1127. REPORTING OF MORTGAGE DATA.

Section 1326 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4546) is amended—

(1) in subsection (a), by striking "The Director" and inserting "Subject to subsection (d), the Director"; and

(2) by adding at the end the following:

"(d) Mortgage Information.—Subject to privacy considerations, as described in section 304(j) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(j)), the Director shall, by regulation or order, provide that certain information relating to single family mortgage data of the enterprises shall be disclosed to the public, in order to make available to the public—

"(1) the same data from the enterprises that is required of insured depository institutions under the Home Mortgage Disclosure Act of 1975; and

"(2) information collected by the Director under section 1324(b)(6).".

SEC. 1128. REVISION OF HOUSING GOALS.

(a) Repeal.—Sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 through 4564) are hereby repealed.

(b) Housing Goal.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1335 the following:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

"(a) In General.—The Director shall, by regulation, establish effective for the first calendar year that begins after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, and each year thereafter, annual housing goals, as described under this subpart, with respect to the mortgage purchases by the enterprises.

"(b) Special Counting Requirements.—

"(1) In general.—The Director shall determine whether an enterprise shall receive full, partial, or no credit for a transaction toward achievement of any of the housing goals established pursuant to this section or sections 1332 through 1334.

"(2) Considerations.—In making any determination under paragraph (1), the Director shall consider whether a transaction or activity of an enterprise is substantially equivalent to a mortgage purchase and either (A) creates a new market, or (B) adds liquidity to an existing market, provided however that the terms and conditions of such mortgage purchase is neither determined to be unacceptable, nor contrary to good lending practices, and otherwise promotes sustainable homeownership and further, that such mortgage purchase actually fulfills the purposes of the enterprise and is in accordance with the chartering Act of such enterprise.

"(c) Eliminating Interest Rate Disparities.—

“(1) IN GENERAL.—In establishing and implementing the housing goals under this subpart, the Director shall require the enterprises to disclose appropriate information to allow the Director to assess if there are any disparities in interest rates charged on mortgages to borrowers who are minorities, as compared with borrowers of similar creditworthiness who are not minorities, as evidenced in reports pursuant to the Home Mortgage Disclosure Act of 1975.

“(2) REPORT TO CONGRESS ON DISPARITIES.—Upon a finding by the Director that a pattern of disparities in interest rates exists pursuant to the information provided by an enterprise under paragraph (1), the Director shall—

“(A) forward to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report detailing the disparities; and

“(B) forward the report prepared under subparagraph (A) to any other appropriate regulatory or enforcement agency.

“(3) IDENTITY OF INDIVIDUALS NOT DISCLOSED.—In carrying out this subsection, the Director shall ensure that no personally identifiable financial information that would enable an individual borrower to be reasonably identified shall be made public.

“(d) TIMING.—The Director shall establish an annual deadline for the establishment of housing goals described in subsection (a), taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such goals.

“SEC. 1331A. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

“(a) AUTHORITY.—

“(1) REVIEW.—The Director shall review the appropriateness of each goal established pursuant to this subpart at least once during each year to assure that given current market conditions that each such goal is feasible.

“(2) PETITION TO REDUCE.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

“(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

“(1) market and economic conditions or the financial condition of the enterprise require such action; or

“(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)), or section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

“(c) DETERMINATION.—

“(1) 30-DAY PERIOD.—If an enterprise submits a petition for reduction to the Director under subsection (a)(2), the Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition.

“(2) EXTENSION.—The Director may extend the period described in paragraph (1) for a single additional 15-day period, but only if the Director requests additional information from the enterprise.

“SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

“(a) ESTABLISHMENT OF GOALS.—

“(1) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, owner-occupied, purchase money mortgages financing housing for each of the following:

“(A) Low-income families.

“(B) Families that reside in low-income areas.

“(C) Very low-income families.

“(2) GOALS AS PERCENTAGE OF TOTAL PURCHASE MONEY MORTGAGE PURCHASES.—The goals established under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units financed by single-family purchase money mortgage purchases of the enterprise.

“(b) DETERMINATION OF COMPLIANCE.—

“(1) IN GENERAL.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year.

“(2) COMPLIANCE REQUIREMENTS.—An enterprise shall be considered to be in compliance with a goal described under subsection (a) for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by the enterprise in such year that serve such families, meets or exceeds the target established under subsection (c) for the year for such type of family.

“(c) ANNUAL TARGETS.—

“(1) IN GENERAL.—The Director shall establish annual targets for each goal described in subsection (a).

“(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Director shall consider—

“(A) national housing needs;

“(B) economic, housing, and demographic conditions;

“(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

“(D) the ability of the enterprise to lead the industry in making mortgage credit available;

“(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other reliable mortgage data as may be available;

“(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

“(G) the need to maintain the sound financial condition of the enterprises.

“(3) HIGH-COST LOANS AND INAPPROPRIATE LENDING PRACTICES.—In establishing annual targets under paragraph (1), the Director shall not consider segments of the market determined to be unacceptable or contrary to good lending practices pursuant to section 1331(b)(2).

“(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

“(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

“(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

“(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

“(f) CONSIDERATION OF PROPERTIES WITH RENTAL UNITS.—Mortgages financing 1-to-4 unit owner-occupied properties shall count toward the achievement of the single-family housing goal under this section, if such properties otherwise meet the requirements under this section notwithstanding the use of 1 or more units for rental purposes.

“SEC. 1333. SINGLE-FAMILY HOUSING REFINANCE GOALS.

“(a) PREPAYMENT OF EXISTING LOANS.—

“(1) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of mortgages on conventional, conforming, single-family, owner-occupied housing given to pay off or prepay an existing loan served by the same property for each of the following:

“(A) Low-income families.

“(B) Families that reside in low-income areas.

“(C) Very low-income families.

“(2) GOALS AS PERCENTAGE OF TOTAL REFINANCING MORTGAGE PURCHASES.—The goals described under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units refinanced by mortgage purchases of each enterprise.

“(b) DETERMINATION OF COMPLIANCE.—

“(1) IN GENERAL.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing refinance goals established under this section for such year.

“(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goals of this section for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied refinancing mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (c).

“(c) ANNUAL TARGETS.—

“(1) IN GENERAL.—The Director shall establish annual targets for each goal described in subsection (a).

“(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Director shall consider—

“(A) national housing needs;

“(B) economic, housing, and demographic conditions;

“(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

“(D) the ability of the enterprise to lead the industry in making mortgage credit available;

“(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other reliable mortgage data as may be available;

“(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

“(G) the need to maintain the sound financial condition of the enterprises.

"(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

"SEC. 1334. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish, by regulation, by unit, dollar volume, or percentage of multifamily activity, as determined by the Director, an annual goal for the purchase by each enterprise of—

"(A) mortgages that finance dwelling units affordable to very low-income families; and

"(B) mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

"(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the housing goal established under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of 5 to 50 units (as adjusted by the Director), or with mortgages of up to $5,000,000 (as adjusted by the Director).

"(3) FACTORS.—The Director shall establish the goal and additional requirements under this section taking into consideration—

"(A) national multifamily mortgage credit needs;

"(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

"(C) the size of the multifamily mortgage market, including the size of the small multifamily mortgage market;

"(D) the most recent information available for the Residential Survey published by the Census Bureau, and such other reliable data as may be available regarding multifamily mortgages;

"(E) the ability of the enterprise to lead the industry in expanding mortgage credit availability at favorable terms, especially for underserved markets, such as for—

"(i) small multifamily projects;

"(ii) multifamily properties in need of preservation and rehabilitation; and

"(iii) multifamily properties located in rural areas; and

"(F) the need to maintain the sound financial condition of the enterprise.

"(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director may give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing projects that otherwise qualify under such goal and that are financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

"(1) are secured by a guarantee of the enterprise; or

"(2) are not investment grade and are purchased by the enterprise.

"(c) USE OF TENANT RENT LEVEL.—

"(1) IN GENERAL.—The Director shall monitor the performance of each enterprise in meeting the goal established under this section and shall evaluate such performance (for purposes of section 1336) based on whether the rent levels are affordable to low-income and very low-income families.

"(2) RENT LEVEL.—A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

"(d) DETERMINATION OF COMPLIANCE.—

"(1) IN GENERAL.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

"(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goal described under subsection (a) for a year only if the multifamily mortgage purchases of the enterprise meet or exceed the goal for the year established under subsection (a).

"(e) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing the goal under this section, the Director may take into consideration the number of housing units financed by any mortgage purchased by an enterprise on single-family rental housing that is not owner-occupied.

"(f) REMOVING CREDIT.—The Director shall subtract from the units or mortgages counted toward the goal established under this section in a current year any units or mortgages credited toward such goal in a prior year if an enterprise requires a lender to repurchase, or reimburse for losses, or indemnify the enterprise against potential losses on such units or mortgages.

"(g) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (d) regarding compliance of an enterprise for a year with the housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the goal for the year under subsection (a).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.".

(c) CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking "low- and moderate-income housing goal" and all that follows through "section 1334" and inserting "housing goals established under this subpart"; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking "sections 1332, 1333, and 1334," and inserting "this subpart".

(d) DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) by striking paragraph (24), as so designated by section 1002 of this Act, and inserting the following:

"(24) VERY LOW-INCOME.—

"(A) IN GENERAL.—The term 'very low-income' means—

"(i) in the case of owner-occupied units, families having incomes not greater than 50 percent of the area median income; and

"(ii) in the case of rental units, families having incomes not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

"(B) RULE OF CONSTRUCTION.—For purposes of section 1338 and 1339, the term 'very low-income' means—

"(i) in the case of owner-occupied units, income in excess of 30 percent but not greater than 50 percent of the area median income; and

"(ii) in the case of rental units, income in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director."; and

(2) by adding at the end the following:

"(26) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the applicable dollar limitation, in effect at the time of such origination, under—

"(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

"(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

"(27) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

"(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

"(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

"(28) LOW-INCOME AREA.—The term 'low-income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.

"(29) MINORITY CENSUS TRACT.—The term 'minority census tract' means a census tract that has a minority population of at least 30 percent and a median family income of less than 100 percent of the area family median income.

"(30) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Director that are occupied by extremely low-income renter households or are vacant for rent; and "(ii) the number of extremely low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

"(31) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Director that are occupied by either extremely low- or very low-income renter households or are vacant for rent; and

"(ii) the number of extremely low- and very low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low- and very low-income households as described in subparagraph (A)(ii), there is no shortage.".

SEC. 1129. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**DUTY TO SERVE UNDERSERVED MARKETS AND**" before "**OTHER**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and to carry out the duty under subsection (a) of this section" before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" after the semicolon at the end;

(C) in paragraph (4), by striking "; and" and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

"(a) DUTY TO SERVE UNDERSERVED MARKETS.—

"(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets by purchasing or securitizing mortgage investments.

"(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

"(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

"(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

"(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

"(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

"(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Director identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area."; and

(5) by adding at the end the following new subsection:

"(c) EVALUATION AND REPORTING OF COMPLIANCE.—

"(1) IN GENERAL.—Not later than 6 months after the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

"(C) the volume of loans purchased in each of such underserved markets.

"(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.".

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting "and with the duty under section 1335(a) of each enterprise with respect to underserved markets," before "as provided in this section"; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this subtitle, the following new paragraph:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 1130. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) IN GENERAL.—Section 1336 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4566) is amended by striking subsections (b) and (c) and inserting the following:

"(b) NOTICE AND PRELIMINARY DETERMINATION OF FAILURE TO MEET GOALS.—

"(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.

"(2) RESPONSE PERIOD.—

"(A) IN GENERAL.—During the 30-day period beginning on the date on which an enterprise is provided notice under paragraph (1), the enterprise may submit to the Director any written information that the enterprise considers appropriate for consideration by the Director in finally determining whether such failure has occurred or whether the achievement of such goal was or is feasible.

"(B) EXTENDED PERIOD.—The Director may extend the period under subparagraph (A) for good cause for not more than 30 additional days.

"(C) SHORTENED PERIOD.—The Director may shorten the period under subparagraph (A) for good cause.

"(D) FAILURE TO RESPOND.—The failure of an enterprise to provide information during the 30-day period under this paragraph (as extended or shortened) shall waive any right of the enterprise to comment on the proposed determination or action of the Director.

"(3) CONSIDERATION OF INFORMATION AND FINAL DETERMINATION.—

"(A) IN GENERAL.—After the expiration of the response period under paragraph (2), or upon receipt of information provided during such period by the enterprise, whichever occurs earlier, the Director shall issue a final determination on—

"(i) whether the enterprise has failed, or there is a substantial probability that the enterprise will fail, to meet the housing goal; and

"(ii) whether (taking into consideration market and economic conditions and the financial condition of the enterprise) the achievement of the housing goal was or is feasible.

“(B) CONSIDERATIONS.—In making a final determination under subparagraph (A), the Director shall take into consideration any relevant information submitted by the enterprise during the response period.

“(C) NOTICE.—The Director shall provide written notice, including a response to any information submitted during the response period, to the enterprise, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, of—

“(i) each final determination under this paragraph that an enterprise has failed, or that there is a substantial probability that the enterprise will fail, to meet a housing goal;

“(ii) each final determination that the achievement of a housing goal was or is feasible; and

“(iii) the reasons for each such final determination.

“(c) CEASE AND DESIST, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

“(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart, and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan, or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7).

“(2) HOUSING PLAN.—If the Director requires a housing plan under this subsection, such a plan shall be—

“(A) a feasible plan describing the specific actions the enterprise will take—

“(i) to achieve the goal for the next calendar year; and

“(ii) if the Director determines that there is a substantial probability that the enterprise will fail to meet a goal in the current year, to make such improvements and changes in its operations as are reasonable in the remainder of such year; and

“(B) sufficiently specific to enable the Director to monitor compliance periodically.

“(3) DEADLINE FOR SUBMISSION.—The Director shall establish a deadline for an enterprise to comply with any remedial action or submit a housing plan to the Director, which may not be more than 45 days after the enterprise is provided notice. The Director may extend the deadline to the extent that the Director determines necessary. Any extension of the deadline shall be in writing and for a time certain.

“(4) APPROVAL.—The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and, not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines it necessary. The Director shall approve any plan that the Director determines is likely to succeed, and conforms with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act (as applicable), this title, and any other applicable provision of law.

“(5) NOTICE OF APPROVAL AND DISAPPROVAL.—The Director shall provide written notice to any enterprise submitting a housing plan of the approval or disapproval of the plan (which shall include the reasons for any disapproval of the plan) and of any extension of the period for approval or disapproval.

“(6) RESUBMISSION.—If the initial housing plan submitted by an enterprise under this section is disapproved, the enterprise shall submit an amended plan acceptable to the Director not later than 15 days after such disapproval, or such longer period that the Director determines is in the public interest.

“(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may—

“(A) seek other actions when an enterprise fails to meet a goal; and

“(B) exercise appropriate enforcement authority available to the Director under this Act.”.

(b) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended to read as follows:

“Subpart C—Enforcement”.

(c) CEASE AND DESIST PROCEEDINGS.—

(1) REPEAL.—Section 1341 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581) is hereby repealed.

(2) CEASE AND DESIST PROCEEDINGS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1342 the following:

“SEC. 1341. CEASE AND DESIST PROCEEDINGS.

“(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines that—

“(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

“(2) the enterprise has failed to submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

“(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, or section 1337 of this title;

“(4) the enterprise has violated any provision of part 2 of this title or any order, rule, or regulation under part 2;

“(5) the enterprise has failed to submit a housing plan or perform its responsibilities under a remedial order that substantially complies with section 1336(c) within the applicable period; or

“(6) the enterprise has failed to comply with a housing plan under section 1336(c).

“(b) PROCEDURE.—

“(1) NOTICE OF CHARGES.—Each notice of charges issued under this section shall contain a statement of the facts constituting the alleged conduct and shall fix a time and place at which a hearing will be held to determine on the record whether an order to cease and desist from such conduct should issue.

“(2) ISSUANCE OF ORDER.—If the Director finds on the record made at a hearing described in paragraph (1) that any conduct specified in the notice of charges has been established (or the enterprise consents pursuant to section 1342(a)(4)), the Director may issue and serve upon the enterprise an order requiring the enterprise to—

“(A) comply with the goals;

“(B) submit a report under section 1327;

“(C) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

“(D) submit a housing plan in compliance with section 1336(c);

“(E) comply with the housing plan in compliance with section 1336(c); or

“(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act.

“(c) EFFECTIVE DATE.—An order under this section shall become effective upon the expiration of the 30-day period beginning on the date of service of the order upon the enterprise (except in the case of an order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided in the order, except to the extent that the order is stayed, modified, terminated, or set aside by action of the Director or otherwise, as provided in this subpart.”.

(d) CIVIL MONEY PENALTIES.—

(1) REPEAL.—Section 1345 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4585) is hereby repealed.

(2) CIVIL MONEY PENALTIES.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting after section 1344 the following:

“SEC. 1345. CIVIL MONEY PENALTIES.

“(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

“(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

“(2) submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

“(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

“(4) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

“(5) submit a housing plan or perform its responsibilities under a remedial order issued pursuant to section 1336(c) within the required period; or

“(6) comply with a housing plan for the enterprise under section 1336(c).

“(b) AMOUNT OF PENALTY.—The amount of a penalty under this section, as determined by the Director, may not exceed—

“(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $100,000 for each day that the failure occurs; and

“(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $50,000 for each day that the failure occurs.

"(c) PROCEDURES.—

"(1) ESTABLISHMENT.—The Director shall establish standards and procedures governing the imposition of civil money penalties under this section. Such standards and procedures—

"(A) shall provide for the Director to notify the enterprise in writing of the determination of the Director to impose the penalty, which shall be made on the record;

"(B) shall provide for the imposition of a penalty only after the enterprise has been given an opportunity for a hearing on the record pursuant to section 1342; and

"(C) may provide for review by the Director of any determination or order, or interlocutory ruling, arising from a hearing.

"(2) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under this section, the Director shall give consideration to factors including—

"(A) the gravity of the offense;

"(B) any history of prior offenses;

"(C) ability to pay the penalty;

"(D) injury to the public;

"(E) benefits received;

"(F) deterrence of future violations;

"(G) the length of time that the enterprise should reasonably take to achieve the goal; and

"(H) such other factors as the Director may determine, by regulation, to be appropriate.

"(d) ACTION TO COLLECT PENALTY.—If an enterprise fails to comply with an order by the Director imposing a civil money penalty under this section, after the order is no longer subject to review, as provided in sections 1342 and 1343, the Director may bring an action in the United States District Court for the District of Columbia to obtain a monetary judgment against the enterprise, and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the order imposing the penalty shall not be subject to review.

"(e) SETTLEMENT BY DIRECTOR.—The Director may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

"(f) DEPOSIT OF PENALTIES.—The Director shall use any civil money penalties collected under this section to help fund the Housing Trust Fund established under section 1338.".

(e) DIRECTOR AUTHORITY.—

(1) AUTHORITY TO BRING A CIVIL ACTION.—Section 1344(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4584) is amended by striking "The Secretary may request the Attorney General of the United States to bring a civil action" and inserting "The Director may bring a civil action".

(2) SUBPOENA ENFORCEMENT.—Section 1348(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4588(c)) is amended by inserting "may bring an action or" before "may request".

(3) CONFORMING AMENDMENTS.—Subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581 et seq.) is amended by striking "Secretary" each place that term appears and inserting "Director" in each of—

(A) section 1342 (12 U.S.C. 4582);

(B) section 1343 (12 U.S.C. 4583);

(C) section 1346 (12 U.S.C. 4586);

(D) section 1347 (12 U.S.C. 4587); and

(E) section 1348 (12 U.S.C. 4588).

SEC. 1131. AFFORDABLE HOUSING PROGRAMS.

(a) REPEAL.—Section 1337 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4567) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.) is amended by inserting after section 1336 the following:

"SEC. 1337. AFFORDABLE HOUSING ALLOCATIONS.

"(a) SET ASIDE AND ALLOCATION OF AMOUNTS BY ENTERPRISES.—Subject to subsection (b), in each fiscal year—

"(1) the Federal Home Loan Mortgage Corporation shall—

"(A) set aside an amount equal to 4.2 basis points for each dollar of the unpaid principal balance of its total new business purchases; and

"(B) allocate or otherwise transfer—

"(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the Housing Trust Fund established under section 1338; and

"(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339; and

"(2) the Federal National Mortgage Association shall—

"(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

"(B) allocate or otherwise transfer—

"(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the Housing Trust Fund established under section 1338; and

"(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339.

"(b) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend allocations under subsection (a) by an enterprise upon a finding by the Director that such allocations—

"(1) are contributing, or would contribute, to the financial instability of the enterprise;

"(2) are causing, or would cause, the enterprise to be classified as undercapitalized; or

"(3) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

"(c) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from redirecting the costs of any allocation required under this section, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

"(d) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

"(e) REQUIRED AMOUNT FOR HOPE RESERVE FUND.—Of the aggregate amount allocated under subsection (a), 25 percent shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

"(f) LIMITATION.—No funds under this title may be used in conjunction with property taken by eminent domain, unless eminent domain is employed only for a public use, except that, for purposes of this section, public use shall not be construed to include economic development that primarily benefits any private entity.

"SEC. 1338. HOUSING TRUST FUND.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall establish and manage a Housing Trust Fund, which shall be funded with amounts allocated by the enterprises under section 1337 and any amounts as are or may be appropriated, transferred, or credited to such Housing Trust Fund under any other provisions of law. The purpose of the Housing Trust Fund under this section is to provide grants to States for use—

"(1) to increase and preserve the supply of rental housing for extremely low- and very low-income families, including homeless families; and

"(2) to increase homeownership for extremely low- and very low-income families.

"(b) ALLOCATIONS FOR HOPE BOND PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (c), to help address the mortgage crisis, of the amounts allocated pursuant to clauses (i) and (ii) of section 1337(a)(1)(B) and clauses (i) and (ii) of section 1337(a)(2)(B) in excess of amounts described in section 1337(e)—

"(A) 100 percent of such excess shall be used to reimburse the Treasury for payments made pursuant to section 257(w)(1)(C) of the National Housing Act in calendar year 2009;

"(B) 50 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2010; and

"(C) 25 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2011.

"(2) EXCESS FUNDS.—At the termination of the HOPE for Homeowners Program established under section 257 of the National Housing Act, if amounts used to reimburse the Treasury under paragraph (1) exceed the total net cost to the Government of the HOPE for Homeowners Program, such amounts shall be used for their original purpose, as described in paragraphs (1)(B) and (2)(B) of section 1337(a).

"(3) TREASURY FUND.—The amounts referred to in subparagraphs (A) through (C) of paragraph (1) shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

"(c) ALLOCATION FOR HOUSING TRUST FUND IN FISCAL YEAR 2010 AND SUBSEQUENT YEARS.—

"(1) IN GENERAL.—Except as provided in subsection (b), the Secretary shall distribute the amounts allocated for the Housing Trust Fund under this section to provide affordable housing as described in this subsection.

"(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

"(3) DISTRIBUTION TO STATES BY NEEDS-BASED FORMULA.—

"(A) IN GENERAL.—The Secretary shall, by regulation, establish a formula within 12 months of the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, to distribute amounts made available under this subsection to each State to provide affordable housing to extremely low- and very low-income households.

"(B) BASIS FOR FORMULA.—The formula required under subparagraph (A) shall include the following:

"(i) The ratio of the shortage of standard rental units both affordable and available to extremely low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to extremely low-income renter households in all the States.

"(ii) The ratio of the shortage of standard rental units both affordable and available to very low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to very low-income renter households in all the States.

"(iii) The ratio of extremely low-income renter households in the State living with either (I) incomplete kitchen or plumbing facilities, (II) more than 1 person per room, or (III) paying more than 50 percent of income for housing costs, to the aggregate number of extremely low-income renter households living with either (IV) incomplete kitchen or plumbing facilities, (V) more than 1 person per room, or (VI) paying more than 50 percent of income for housing costs in all the States.

"(iv) The ratio of very low-income renter households in the State paying more than 50 percent of income on rent relative to the aggregate number of very low-income renter households paying more than 50 percent of income on rent in all the States.

"(v) The resulting sum calculated from the factors described in clauses (i) through (iv) shall be multiplied by the relative cost of construction in the State. For purposes of this subclause, the term 'cost of construction'—

"(I) means the cost of construction or building rehabilitation in the State relative to the national cost of construction or building rehabilitation; and

"(II) shall be calculated such that values higher than 1.0 indicate that the State's construction costs are higher than the national average, a value of 1.0 indicates that the State's construction costs are exactly the same as the national average, and values lower than 1.0 indicate that the State's cost of construction are lower than the national average.

"(C) PRIORITY.—The formula required under subparagraph (A) shall give priority emphasis and consideration to the factor described in subparagraph (B)(i).

"(4) ALLOCATION OF GRANT AMOUNTS.—

"(A) NOTICE.—Not later than 60 days after the date that the Secretary determines the formula amounts described in paragraph (3), the Secretary shall caused to be published in the Federal Register a notice that such amounts shall be so available.

"(B) GRANT AMOUNT.—In each fiscal year other than fiscal year 2009, the Secretary shall make a grant to each State in an amount that is equal to the formula amount determined under paragraph (3) for that State.

"(C) MINIMUM STATE ALLOCATIONS.—If the formula amount determined under paragraph (3) for a fiscal year would allocate less than $3,000,000 to any State, the allocation for such State shall be $3,000,000, and the increase shall be deducted pro rata from the allocations made to all other States.

"(5) ALLOCATION PLANS REQUIRED.—

"(A) IN GENERAL.—For each year that a State or State designated entity receives a grant under this subsection, the State or State designated entity shall establish an allocation plan. Such plan shall—

"(i) set forth a plan for the distribution of grant amounts received by the State or State designated entity for such year;

"(ii) be based on priority housing needs, as determined by the State or State designated entity in accordance with the regulations established under subsection (g)(2)(C);

"(iii) comply with paragraph (6); and

"(iv) include performance goals that comply with the requirements established by the Secretary pursuant to subsection (g)(2).

"(B) ESTABLISHMENT.—In establishing an allocation plan under this paragraph, a State or State designated entity shall—

"(i) notify the public of the establishment of the plan;

"(ii) provide an opportunity for public comments regarding the plan;

"(iii) consider any public comments received regarding the plan; and

"(iv) make the completed plan available to the public.

"(C) CONTENTS.—An allocation plan of a State or State designated entity under this paragraph shall set forth the requirements for eligible recipients under paragraph (8) to apply for such grant amounts, including a requirement that each such application include—

"(i) a description of the eligible activities to be conducted using such assistance; and

"(ii) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

"(6) SELECTION OF ACTIVITIES FUNDED USING HOUSING TRUST FUND GRANT AMOUNTS.—Grant amounts received by a State or State designated entity under this subsection may be used, or committed for use, only for activities that—

"(A) are eligible under paragraph (7) for such use;

"(B) comply with the applicable allocation plan of the State or State designated entity under paragraph (5); and

"(C) are selected for funding by the State or State designated entity in accordance with the process and criteria for such selection established pursuant to subsection (g)(2)(C).

"(7) ELIGIBLE ACTIVITIES.—Grant amounts allocated to a State or State designated entity under this subsection shall be eligible for use, or for commitment for use, only for assistance for—

"(A) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B) and for operating costs, except that not less than 75 percent of such grant amounts shall be used for the benefit only of extremely low-income families and not more than 25 percent for the benefit only of very low-income families; and

"(B) the production, preservation, and rehabilitation of housing for homeownership, including such forms as down payment assistance, closing cost assistance, and assistance for interest rate buy-downs, that—

"(i) is available for purchase only for use as a principal residence by families that qualify both as—

"(I) extremely low- and very low-income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(II) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this subsection be considered to refer to assistance from affordable housing fund grant amounts;

"(ii) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

"(iii) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(iv) is made available for purchase only by, or in the case of assistance under this subsection, is made available only to homebuyers who have, before purchase completed a program of independent financial education and counseling from an eligible organization that meets the requirements of section 132 of the Federal Housing Finance Regulatory Reform Act of 2008.

"(8) ELIGIBLE RECIPIENTS.—Grant amounts allocated to a State or State designated entity under this subsection may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity or a nonprofit entity) that—

"(A) has demonstrated experience and capacity to conduct an eligible activity under paragraph (7), as evidenced by its ability to—

"(i) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

"(ii) design, construct or rehabilitate, and market affordable housing for homeownership; or

"(iii) provide forms of assistance, such as down payments, closing costs, or interest rate buy-downs for purchasers;

"(B) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

"(C) demonstrates its familiarity with the requirements of any other Federal, State, or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(D) makes such assurances to the State or State designated entity as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subsection during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under paragraph (8) that are engaged in by the recipient and funded with such grant amounts.

"(9) LIMITATIONS ON USE.—

"(A) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount allocated to a State or State designated entity under this subsection not more than 10 percent shall be used for activities under subparagraph (B) of paragraph (7).

"(B) DEADLINE FOR COMMITMENT OR USE.—Grant amounts allocated to a State or State designated entity under this subsection shall be used or committed for use within 2 years of the date that such grant amounts are made available to the State or State designated entity. The Secretary shall recapture any such amounts not so used or committed for use and reallocate such amounts under this subsection in the first year after such recapture.

"(C) USE OF RETURNS.—The Secretary shall, by regulation, provide that any return on a loan or other investment of any grant amount used by a State or State designated entity to provide a loan under this subsection shall be treated, for purposes of availability to and use by the State or State designated entity, as a grant amount authorized under this subsection.

"(D) PROHIBITED USES.—The Secretary shall, by regulation—

"(i) set forth prohibited uses of grant amounts allocated under this subsection, which shall include use for—

"(I) political activities;

"(II) advocacy;

"(III) lobbying, whether directly or through other parties;

"(IV) counseling services;

"(V) travel expenses; and

"(VI) preparing or providing advice on tax returns;

"(ii) provide that, except as provided in clause (iii), grant amounts of a State or State designated entity may not be used for administrative, outreach, or other costs of—

"(I) the State or State designated entity; or

"(II) any other recipient of such grant amounts; and

"(iii) limit the amount of any grant amounts for a year that may be used by the State or State designated entity for administrative costs of carrying out the program required under this subsection, including home ownership counseling, to a percentage of such grant amounts of the State or State designated entity for such year, which may not exceed 10 percent.

"(E) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any grant amounts used under this section for eligible activities under paragraph (7). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from such grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(d) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a State or State designated entity fails to obtain reimbursement or return of the full amount required under subsection (e)(1)(B) to be reimbursed or returned to the State or State designated entity during such year—

"(1) except as provided in paragraph (2)—

"(A) the amount of the grant for the State or State designated entity for the succeeding year, as determined pursuant to this section, shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

"(B) the amount of the grant for the succeeding year for each other State or State designated entity whose grant is not reduced pursuant to subparagraph (A) shall be increased by the amount determined by applying the formula established pursuant to this section to the total amount of all reductions for all State or State designated entities for such year pursuant to subparagraph (A); or

"(2) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this section will not be made, the State or State designated entity shall pay to the Secretary for reallocation among the other grantees an amount equal to the amount of the reduction for the entity that would otherwise apply under paragraph (1)(A).

"(e) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Secretary shall—

"(i) require each State or State designated entity to develop and maintain a system to ensure that each recipient of assistance under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the State or State designated entity and recipients, regarding assistance under this section, which shall include—

"(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the assistance to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance under this section is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the State or State designated entity shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the State or State designated entity for such misused amounts and return to the State or State designated entity any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is made by the Secretary or made by the State or State designated entity, provided that—

"(I) the State or State designated entity provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

"(II) the Secretary does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) IN GENERAL.—The Secretary shall require each State or State designated entity receiving grant amounts in any given year under this section to submit a report, for such year, to the Secretary that—

"(I) describes the activities funded under this section during such year with such grant amounts; and

"(II) the manner in which the State or State designated entity complied during such year with any allocation plan established pursuant to subsection (c).

"(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

"(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a State or State designated entity has failed to comply substantially with any provision of this section, and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the State or State designated entity by an amount equal to the amount of grant amounts which were not used in accordance with this section;

"(ii) require the State or State designated entity to repay the Secretary any amount of the grant which was not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the State or State designated entity to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the State or State designated entity.

"(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) EXTREMELY LOW-INCOME RENTER HOUSEHOLD.—The term 'extremely low-income renter household' means a household whose income is not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(2) RECIPIENT.—The term 'recipient' means an individual or entity that receives assistance from a State or State designated entity from amounts made available to the State or State designated entity under this section.

"(3) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means for any State or other geographical area the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

"(ii) the number of extremely low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

"(4) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

"(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means for any State or other geographical area the gap between—

"(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by very low-income renter households or are vacant for rent; and

"(ii) the number of very low-income renter households.

"(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of very low-income households as described in subparagraph (A)(ii), there is no shortage.

"(5) VERY LOW-INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

"(6) VERY LOW-INCOME RENTER HOUSEHOLDS.—The term 'very low-income renter households' means a household whose income is in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

"(g) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) a requirement that the Secretary ensure that the use of grant amounts under this section by States or State designated entities is audited not less than annually to ensure compliance with this section;

"(B) authority for the Secretary to audit, provide for an audit, or otherwise verify a State or State designated entity's activities to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, each State or State designated entity for activities meeting the State or State designated entity's priority housing needs to be funded with grant amounts under this section, which shall provide for priority in funding to be based upon—

"(i) geographic diversity;

"(ii) ability to obligate amounts and undertake activities so funded in a timely manner;

"(iii) in the case of rental housing projects under subsection (c)(7)(A), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

"(iv) in the case of rental housing projects under subsection (c)(7)(A), the extent of the duration for which such rents will remain affordable;

"(v) the extent to which the application makes use of other funding sources; and

"(vi) the merits of an applicant's proposed eligible activity;

"(D) requirements to ensure that grant amounts provided to a State or State designated entity under this section that are used for rental housing under subsection (c)(7)(A) are used only for the benefit of extremely low- and very low-income families; and

"(E) requirements and standards for establishment, by a State or State designated entity, for use of grant amounts in 2009 and subsequent years of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts.

"(h) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (c), the Secretary shall in such subsequent year and any remaining years referred to in subsection (c) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (c) in such year. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (c)(9)(D).

"(i) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee by a State or State designated entity, any assistance provided to a recipient by a State or State designated entity, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (h) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Secretary shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable, pursuant to the preceding sentence.

"SEC. 1339. CAPITAL MAGNET FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Capital Magnet Fund, which shall be a special account within the Community Development Financial Institutions Fund.

"(b) DEPOSITS TO TRUST FUND.—The Capital Magnet Fund shall consist of—

"(1) any amounts transferred to the Fund pursuant to section 1337; and

"(2) any amounts as are or may be appropriated, transferred, or credited to such Fund under any other provisions of law.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Capital Magnet Fund shall be available to the Secretary of the Treasury to carry out a competitive grant program to attract private capital for and increase investment in—

"(1) the development, preservation, rehabilitation, or purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and

"(2) economic development activities or community service facilities, such as day care centers, workforce development centers, and health care clinics, which in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area.

"(d) FEDERAL ASSISTANCE.—All assistance provided using amounts in the Capital Magnet Fund shall be considered to be Federal financial assistance.

"(e) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such requirements as the Secretary of the Treasury shall establish for experience and success in attracting private financing and carrying out the types of activities proposed under the application of the grantee, only to—

"(1) a Treasury certified community development financial institution; or

"(2) a nonprofit organization having as 1 of its principal purposes the development or management of affordable housing.

"(f) ELIGIBLE USES.—Grant amounts awarded from the Capital Magnet Fund pursuant to this section may be used for the purposes described in paragraphs (1) and (2) of subsection (c), including for the following uses:

"(1) To provide loan loss reserves.

"(2) To capitalize a revolving loan fund.

"(3) To capitalize an affordable housing fund.

"(4) To capitalize a fund to support activities described in subsection (c)(2).

"(5) For risk-sharing loans.

"(g) APPLICATIONS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall provide, in a competitive application process established by regulation, for eligible grantees under subsection (e) to submit applications for Capital Magnet Fund grants to the Secretary at such time and in such manner as the Secretary shall determine.

"(2) CONTENT OF APPLICATION.—The application required under paragraph (1) shall include a detailed description of—

"(A) the types of affordable housing, economic, and community revitalization projects that support or sustain residents of an affordable housing project funded by a grant under this section for which such grant amounts would be used, including the proposed use of eligible grants as authorized under this section;

"(B) the types, sources, and amounts of other funding for such projects; and

"(C) the expected time frame of any grant used for such project.

"(h) GRANT LIMITATION.—

"(1) IN GENERAL.—Any 1 eligible grantee and its subsidiaries and affiliates may not be awarded more than 15 percent of the aggregate funds available for grants during any year from the Capital Magnet Fund.

"(2) GEOGRAPHIC DIVERSITY.—

"(A) GOAL.—The Secretary of the Treasury shall seek to fund activities in geographically diverse areas of economic distress, including metropolitan and underserved rural areas in every State.

"(B) DIVERSITY DEFINED.—For purposes of this paragraph, geographic diversity includes those areas that meet objective criteria of economic distress developed by the Secretary of the Treasury, which may include—

"(i) the percentage of low-income families or the extent of poverty;

"(ii) the rate of unemployment or underemployment;

"(iii) extent of blight and disinvestment;

"(iv) projects that target extremely low-, very low-, and low-income families in or outside a designated economic distress area; or

"(v) any other criteria designated by the Secretary of the Treasury.

"(3) LEVERAGE OF FUNDS.—Each grant from the Capital Magnet Fund awarded under this section shall be reasonably expected to result in eligible housing, or economic and community development projects that support or sustain an affordable housing project funded by a grant under this section whose aggregate costs total at least 10 times the grant amount.

"(4) COMMITMENT FOR USE DEADLINE.—Amounts made available for grants under this section shall be committed for use within 2 years of the date of such allocation. The Secretary of the Treasury shall recapture into the Capital Magnet Fund any amounts not so used or committed for use and allocate such amounts in the first year after such recapture.

"(5) LOBBYING RESTRICTIONS.—No assistance or amounts made available under this section may be expended by an eligible grantee to pay any person to influence or attempt to influence any agency, elected official, officer or employee of a State or local government in connection with the making, award, extension, continuation, renewal, amendment, or modification of any State or local government contract, grant, loan, or cooperative agreement as such terms are defined in section 1352 of title 31, United States Code.

"(6) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining the compliance of the enterprises with the housing goals under this section and the duty to serve underserved markets under section 1335, the Director of the Federal Housing Finance Agency may not consider any Capital Magnet Fund amounts used under this section for eligible activities under subsection (f). The Director of the Federal Housing Finance Agency shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from Capital Magnet Fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(7) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

"(A) TRACKING OF FUNDS.—The Secretary of the Treasury shall—

"(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from the Capital Magnet Fund uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the grantee and the Capital Magnet Fund, regarding assistance from the Capital Magnet Fund, which shall include—

"(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—If the Secretary of the Treasury determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

"(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount of Capital Magnet Fund grant amounts which were not used in accordance with this section;

"(ii) require the grantee to repay the Secretary any amount of the Capital Magnet Fund grant amounts which were not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the grantee.

"(i) PERIODIC REPORTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall submit a report, on a periodic basis, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the activities to be funded under this section.

"(2) REPORTS AVAILABLE TO PUBLIC.—The Secretary of the Treasury shall make the reports required under paragraph (1) publicly available.

"(j) REGULATIONS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations to carry out this section.

"(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

"(A) authority for the Secretary to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

"(B) a requirement that the Secretary ensure that the allocation of each enterprise is audited not less than annually to ensure compliance with this section; and

"(C) requirements for a process for application to, and selection by, the Secretary for activities to be funded with amounts from the Capital Magnet Fund, which shall provide that—

"(i) funds be fairly distributed to urban, suburban, and rural areas; and

"(ii) selection shall be based upon specific criteria, including a prioritization of funding based upon—

"(I) the ability to use such funds to generate additional investments;

"(II) affordable housing need (taking into account the distinct needs of different regions of the country); and

"(III) ability to obligate amounts and undertake activities so funded in a timely manner.".

SEC. 1132. FINANCIAL EDUCATION AND COUNSELING.

(a) GOALS.—Financial education and counseling under this section shall have the goal of—

(1) increasing the financial knowledge and decision making capabilities of prospective homebuyers;

(2) assisting prospective homebuyers to develop monthly budgets, build personal savings, finance or plan for major purchases, reduce their debt, improve their financial stability, and set and reach their financial goals;

(3) helping prospective homebuyers to improve their credit scores by understanding the relationship between their credit histories and their credit scores; and

(4) educating prospective homebuyers about the options available to build savings for short- and long-term goals.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the "Secretary") shall make grants to eligible organizations to enable such organizations to provide a range of financial education and counseling services to prospective homebuyers.

(2) SELECTION.—The Secretary shall select eligible organizations to receive assistance under this section based on their experience and ability to provide financial education and counseling services that result in documented positive behavioral changes.

(c) ELIGIBLE ORGANIZATIONS.—

(1) IN GENERAL.—For purposes of this section, the term "eligible organization" means an organization that is—

(A) certified in accordance with section 106(e)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)); or

(B) certified by the Office of Financial Education of the Department of the Treasury for purposes of this section, in accordance with paragraph (2).

(2) OFE CERTIFICATION.—To be certified by the Office of Financial Education for purposes of this section, an eligible organization shall be—

(A) a housing counseling agency certified by the Secretary of Housing and Urban Development under section 106(e) of the Housing and Urban Development Act of 1968;

(B) a State, local, or tribal government agency;

(C) a community development financial institution (as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)) or a credit union; or

(D) any collaborative effort of entities described in any of subparagraphs (A) through (C).

(d) AUTHORITY FOR PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall authorize not more than 5 pilot project grants to eligible organizations under subsection (c) in order to—

(A) carry out the services under this section; and

(B) provide such other services that will improve the financial stability and economic condition of low- and moderate-income and low-wealth individuals.

(2) GOAL.—The goal of the pilot project grants under this subsection is to—

(A) identify successful methods resulting in positive behavioral change for financial empowerment; and

(B) establish program models for organizations to carry out effective counseling services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section and for the provision of additional financial educational services.

(f) STUDY AND REPORT ON EFFECTIVENESS AND IMPACT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the effectiveness and impact of the grant program established under this section. Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report on the results of such study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) CONTENT OF STUDY.—The study required under paragraph (1) shall include an evaluation of the following:

(A) The effectiveness of the grant program established under this section in improving the financial situation of homeowners and prospective homebuyers served by the grant program.

(B) The extent to which financial education and counseling services have resulted in positive behavioral changes.

(C) The effectiveness and quality of the eligible organizations providing financial education and counseling services under the grant program.

(g) REGULATIONS.—The Secretary is authorized to promulgate such regulations as may be necessary to implement and administer the grant program authorized by this section.

SEC. 1133. TRANSFER AND RIGHTS OF CERTAIN HUD EMPLOYEES.

(a) TRANSFER.—Each employee of the Department of Housing and Urban Development whose position responsibilities primarily involve the establishment and enforcement of the housing goals under subpart B of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 et seq.) shall be transferred to the Federal Housing Finance Agency for employment, not later than the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of

transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee described under subsection (a) accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on such effective date, if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Department of Housing and Urban Development and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

Subtitle C—Prompt Corrective Action

SEC. 1141. CRITICAL CAPITAL LEVELS.

(a) IN GENERAL.—Section 1363 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4613) is amended—

(1) by striking "For" and inserting "(a) ENTERPRISES.—FOR"; and

(2) by adding at the end the following new subsection:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal Home Loan Bank shall be such amount of capital as the Director shall, by regulation, require.

"(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal Home Loan Banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by this section) establishing the critical capital level under such section.

SEC. 1142. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a) by striking "In General" and inserting "Enterprises";

(2) in subsection (c)—

(A) by striking "subsection (b)" and inserting "subsection (c)";

(B) by striking "enterprises" and inserting "regulated entities"; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

"(A) establish the capital classifications specified under paragraph (2) for the Federal Home Loan Banks;

"(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

"(C) shall classify the Federal Home Loan Banks according to such capital classifications.

"(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

"(A) adequately capitalized;

"(B) undercapitalized;

"(C) significantly undercapitalized; and

"(D) critically undercapitalized.

"(c) DISCRETIONARY CLASSIFICATION.—

"(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

"(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or the value of collateral pledged as security has decreased significantly or that the value of the property subject to any mortgage held by the regulated entity (or securitized in the case of an enterprise) has decreased significantly;

"(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

"(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

"(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1), the Director may classify a regulated entity—

"(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

"(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

"(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized."; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

"(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

"(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

"(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

"(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by this section), relating to capital classifications for the Federal Home Loan Banks.

SEC. 1143. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4615) is amended—

(1) by striking "the enterprise" each place that term appears and inserting "the regulated entity";

(2) by striking "An enterprise" each place that term appears and inserting "A regulated entity";

(3) by striking "an enterprise" each place that term appears and inserting "a regulated entity";

(4) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) REQUIRED MONITORING.—The Director shall—

"(A) closely monitor the condition of any undercapitalized regulated entity;

"(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed on an undercapitalized regulated entity under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to an undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section."; and

(C) by adding at the end the following:

"(4) RESTRICTION OF ASSET GROWTH.—An undercapitalized regulated entity shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity;

"(B) any increase in total assets is consistent with the capital restoration plan; and

"(C) the ratio of tangible equity to assets of the regulated entity increases during the calendar quarter at a rate sufficient to enable the regulated entity to become adequately capitalized within a reasonable time.

"(5) PRIOR APPROVAL OF ACQUISITIONS AND NEW ACTIVITIES.—An undercapitalized regulated entity shall not, directly or indirectly, acquire any interest in any entity or engage in any new activity, unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity, the regulated entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Director determines that the proposed action will further the purpose of this subtitle.";

(5) in subsection (b)—

(A) in the subsection heading, by striking "DISCRETIONARY";

(B) in the matter preceding paragraph (1), by striking "may" and inserting "shall"; and

(C) in paragraph (2)—

(i) by striking "make, in good faith, reasonable efforts necessary to"; and

(ii) by striking the period at the end and inserting "in any material respect."; and

(6) by striking subsection (c) and inserting the following:

"(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to an undercapitalized regulated entity, any of the actions authorized to be taken under section 1366 with respect to a significantly undercapitalized regulated entity, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.".

SEC. 1144. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4616) is amended—

(1) in subsection (a)(2), by striking "undercapitalized enterprise" and inserting "undercapitalized";

(2) by striking "the enterprise" each place that term appears and inserting "the regulated entity";

(3) by striking "An enterprise" each place that term appears and inserting "A regulated entity";

(4) by striking "an enterprise" each place that term appears and inserting "a regulated entity";

(5) in subsection (b)—

(A) in the subsection heading, by striking "DISCRETIONARY SUPERVISORY" and inserting "SPECIFIC";

(B) in the matter preceding paragraph (1), by striking "may, at any time, take any" and inserting "shall carry out this section by taking, at any time, 1 or more";

(C) by striking paragraph (6);

(D) by redesignating paragraph (5) as paragraph (6);

(E) by inserting after paragraph (4) the following:

"(5) IMPROVEMENT OF MANAGEMENT.—Take 1 or more of the following actions:

"(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

"(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the date on which the regulated entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the enforcement powers of the Director under section 1377.

"(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director)."; and

(F) by adding at the end the following:

"(7) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the other actions specified in this subsection."; and

(6) by striking subsection (c) and inserting the following:

"(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized in accordance with section 1364 may not, without prior written approval by the Director—

"(1) pay any bonus to any executive officer; or

"(2) provide compensation to any executive officer at a rate exceeding the average rate of compensation of that officer (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became significantly undercapitalized.".

SEC. 1145. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

"SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

"(a) APPOINTMENT OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Director may appoint the Agency as conservator or receiver for a regulated entity in the manner provided under paragraph (2) or (4). All references to the conservator or receiver under this section are references to the Agency acting as conservator or receiver.

"(2) DISCRETIONARY APPOINTMENT.—The Agency may, at the discretion of the Director, be appointed conservator or receiver for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

"(3) GROUNDS FOR DISCRETIONARY APPOINTMENT OF CONSERVATOR OR RECEIVER.—The grounds for appointing conservator or receiver for any regulated entity under paragraph (2) are as follows:

"(A) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

"(i) any violation of any provision of Federal or State law; or

"(ii) any unsafe or unsound practice.

"(B) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

"(C) CEASE AND DESIST ORDERS.—Any willful violation of a cease and desist order that has become final.

"(D) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

"(E) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

"(F) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

"(G) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

"(i) cause insolvency or substantial dissipation of assets or earnings; or

"(ii) weaken the condition of the regulated entity.

"(H) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

"(I) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3)), and—

"(i) has no reasonable prospect of becoming adequately capitalized;

"(ii) fails to become adequately capitalized, as required by—

"(I) section 1365(a)(1) with respect to a regulated entity; or

"(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

"(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

"(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

"(J) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4).

"(K) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

"(4) MANDATORY RECEIVERSHIP.—

"(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

"(i) the assets of the regulated entity are, and during the preceding 60 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

"(ii) the regulated entity is not, and during the preceding 60 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

"(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDERCAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

"(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

"(ii) at least once during each succeeding 30-calendar day period.

"(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) does not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

"(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment of the Agency as receiver of a regulated entity under this section shall immediately terminate any conservatorship established for the regulated entity under this title.

"(5) JUDICIAL REVIEW.—

"(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States district court for the judicial district in which the home office of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

"(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

"(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

"(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

"(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

"(2) GENERAL POWERS.—

"(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

"(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

"(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

"(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

"(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

"(ii) collect all obligations and money due the regulated entity;

"(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver;

"(iv) preserve and conserve the assets and property of the regulated entity; and

"(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Agency as conservator or receiver.

"(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

"(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

"(i) necessary to put the regulated entity in a sound and solvent condition; and

"(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity.

"(E) ADDITIONAL POWERS AS RECEIVER.—In any case in which the Agency is acting as receiver, the Agency shall place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity in such manner as the Agency deems appropriate, including through the sale of assets, the transfer of assets to a limited-life regulated entity established under subsection (i), or the exercise of any other rights or privileges granted to the Agency under this paragraph.

"(F) ORGANIZATION OF NEW ENTERPRISE.—The Agency shall, as receiver for an enterprise, organize a successor enterprise that will operate pursuant to subsection (i).

"(G) TRANSFER OR SALE OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer or sell any asset or liability of the regulated entity in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale.

"(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity that are due and payable at the time of the appointment of the Agency as conservator or receiver, in accordance with the prescriptions and limitations of this section.

"(I) SUBPOENA AUTHORITY.—

"(i) IN GENERAL.—

"(I) AGENCY AUTHORITY.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

"(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power under this subparagraph, in the same manner as such provisions apply under that section.

"(ii) SUBPOENA.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

"(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379B.

"(J) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

"(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

"(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

"(K) OTHER PROVISIONS.—

"(i) SHAREHOLDERS AND CREDITORS OF FAILED REGULATED ENTITY.—Notwithstanding any other provision of law, the appointment of the Agency as receiver for a regulated entity pursuant to paragraph (2) or (4) of subsection (a) and its succession, by operation of law, to the rights, titles, powers, and privileges described in subsection (b)(2)(A) shall terminate all rights and claims that the stockholders and creditors of the regulated entity may have against the assets or charter of the regulated entity or the Agency arising as a result of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under subsections (b)(9), (c), and (e).

"(ii) ASSETS OF REGULATED ENTITY.—Notwithstanding any other provision of law, for purposes of this section, the charter of a regulated entity shall not be considered an asset of the regulated entity.

"(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

"(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

"(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

"(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the date of publication of such notice; and

"(ii) republish such notice approximately 1 month and 2 months, respectively, after the date of publication under clause (i).

"(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

"(i) at the last address of the creditor appearing in such books; or

"(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity, within 30 days after the discovery of such name and address.

"(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

"(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

"(A) DETERMINATION PERIOD.—

"(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

"(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

"(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

"(I) on the books of the regulated entity;

"(II) in the claim filed by the claimant; or

"(III) in documents submitted in proof of the claim.

"(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

"(I) a statement of each reason for the disallowance; and

"(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

"(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i) by the receiver from any claimant which is proved to the satisfaction of the receiver.

"(C) DISALLOWANCE OF CLAIMS FILED AFTER FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

"(D) AUTHORITY TO DISALLOW CLAIMS.—

"(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

"(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

"(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

"(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

"(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

"(I) any extension of credit from any Federal Reserve Bank, Federal Home Loan Bank, or the United States Treasury; or

"(II) any security interest in the assets of the regulated entity securing any such extension of credit.

"(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim.

"(F) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

"(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

"(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

"(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

"(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

"(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

"(7) REVIEW OF CLAIMS.—

"(A) OTHER REVIEW PROCEDURES.—

"(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

"(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

"(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes under this subparagraph, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

"(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

"(8) EXPEDITED DETERMINATION OF CLAIMS.—

"(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

"(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

"(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

"(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date on which any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

"(i) determine—

"(I) whether to allow or disallow such claim; or

"(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

"(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

"(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the date of appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

"(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

"(ii) the date on which the Agency denies the claim.

"(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

"(E) LEGAL EFFECT OF FILING.—

"(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

"(9) PAYMENT OF CLAIMS.—

"(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent that funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

"(i) allowed by the receiver;

"(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

"(iii) determined by the final judgment of any court of competent jurisdiction.

"(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing and executed by an authorized officer or representative of the regulated entity.

"(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of the regulated entity, following satisfaction by the receiver of the principal amount of all creditor claims.

"(10) SUSPENSION OF LEGAL ACTIONS.—

"(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

"(i) 45 days, in the case of any conservator; and

"(ii) 90 days, in the case of any receiver.

"(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by the conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

"(11) ADDITIONAL RIGHTS AND DUTIES.—

"(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

“(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver—

“(i) shall have all of the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

“(ii) shall not be required to post any bond in order to pursue such remedies.

“(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver, or upon the charter, of a regulated entity for which the Agency has been appointed receiver.

“(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

“(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets or charter of any regulated entity for which the Agency has been appointed receiver; or

“(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

“(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which—

“(i) maximizes the net present value return from the sale or disposition of such assets;

“(ii) minimizes the amount of any loss realized in the resolution of cases; and

“(iii) ensures adequate competition and fair and consistent treatment of offerors.

“(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

“(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

“(i) in the case of any contract claim, the longer of—

“(I) the 6-year period beginning on the date on which the claim accrues; or

“(II) the period applicable under State law; and

“(ii) in the case of any tort claim, the longer of—

“(I) the 3-year period beginning on the date on which the claim accrues; or

“(II) the period applicable under State law.

“(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

“(i) the date of the appointment of the Agency as conservator or receiver; or

“(ii) the date on which the cause of action accrues.

“(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

“(A) IN GENERAL.—In the case of any tort claim described under clause (ii) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitations applicable under State law.

“(B) CLAIMS DESCRIBED.—A tort claim referred to under clause (i) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

“(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

“(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

“(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

“(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

“(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date on which the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary, unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

“(15) FRAUDULENT TRANSFERS.—

“(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of an entity-affiliated party, or any person determined by the conservator or receiver to be a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

“(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

“(i) the initial transferee of such transfer or the entity-affiliated party or person for whose benefit such transfer was made; or

“(ii) any immediate or mediate transferee of any such initial transferee.

“(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

“(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

“(ii) any immediate or mediate good faith transferee of such transferee.

“(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

“(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the conservator or receiver under the control of the court, and appointing a trustee to hold such assets.

“(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

“(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CONSERVATOR OR RECEIVER.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against the conservator or receiver for the breach of an agreement executed or approved in writing by the conservator or receiver after the date of its appointment, shall be paid as an administrative expense of the conservator or receiver.

“(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of the conservator or receiver to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

“(19) GENERAL EXCEPTIONS.—

“(A) LIMITATIONS.—The rights of the conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

“(B) MORTGAGES HELD IN TRUST.—

“(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages held in trust, custodial, or agency capacity by a regulated entity for the benefit of any person other than the regulated entity shall not be available to satisfy the claims of creditors generally, except that nothing in this clause shall be construed to expand or otherwise affect the authority of any regulated entity.

“(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages described in clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

“(iii) LIABILITY OF CONSERVATOR OR RECEIVER.—The liability of the conservator or receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance with the regulations of the Director.

“(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

“(1) IN GENERAL.—Unsecured claims against a regulated entity, or the receiver therefor, that are proven to the satisfaction of the receiver shall have priority in the following order:

“(A) Administrative expenses of the receiver.

“(B) Any other general or senior liability of the regulated entity (which is not a liability described under subparagraph (C) or (D).

“(C) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (D)).

“(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

"(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

"(A) the Director determines that such action is necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

"(B) all creditors that are similarly situated under paragraph (1) receive not less than the amount provided in subsection (e)(2).

"(3) DEFINITION.—As used in this subsection, the term 'administrative expenses of the receiver' includes—

"(A) the actual, necessary costs and expenses incurred by the receiver in preserving the assets of a failed regulated entity or liquidating or otherwise resolving the affairs of a failed regulated entity; and

"(B) any obligations that the receiver determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

"(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

"(A) to which such regulated entity is a party;

"(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

"(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

"(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

"(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

"(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

"(i) limited to actual direct compensatory damages; and

"(ii) determined as of—

"(I) the date of the appointment of the conservator or receiver; or

"(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

"(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

"(i) punitive or exemplary damages;

"(ii) damages for lost profits or opportunity; or

"(iii) damages for pain and suffering.

"(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

"(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

"(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

"(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

"(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

"(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

"(i) be entitled to the contractual rent accruing before the later of the date on which—

"(I) the notice of disaffirmance or repudiation is mailed; or

"(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

"(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

"(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

"(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

"(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

"(i) treat the lease as terminated by such repudiation; or

"(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

"(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of subparagraph (A)—

"(i) the lessee—

"(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

"(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

"(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

"(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

"(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

"(i) treat the contract as terminated by such repudiation; or

"(ii) remain in possession of such real property.

"(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of subparagraph (A)—

"(i) the purchaser—

"(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

"(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

"(ii) the conservator or receiver shall—

"(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

"(II) deliver title to the purchaser in accordance with the provisions of the contract; and

"(III) have no obligation under the contract other than the performance required under subclause (II).

"(C) ASSIGNMENT AND SALE ALLOWED.—

"(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

"(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

"(7) SERVICE CONTRACTS.—

"(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or receiver shall be—

"(i) a claim to be paid in accordance with subsections (b) and (e); and

"(ii) deemed to have arisen as of the date on which the conservator or receiver was appointed.

"(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

"(i) the other party shall be paid under the terms of the contract for the services performed; and

"(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

"(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

"(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

"(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10), and notwithstanding any other provision of this title (other than subsection (b)(9)(B) of this section), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right of that person to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts; or

"(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements,

"(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(10) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

"(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

"(i) IN GENERAL.—Notwithstanding paragraph (11), or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

"(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

"(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection the following definitions shall apply:

"(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date on which the contract is entered into, including a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (including a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined for purposes of this clause as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the appropriate Federal banking authority), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the regulated entity.

"(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this section, any other Federal law, or the law of any State (other than paragraph (10) of this subsection and subsection (b)(9)(B)), no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to 1 or more such qualified financial contracts; or

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10), or to disaffirm or repudiate any such contract in accordance with subsection (d)(1).

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the status of such party as a nondefaulting party.

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

"(A) transfer to 1 person—

"(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

"(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

"(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

"(iv) all property securing, or any other credit enhancement for any contract described in clause (i), or any claim described in clause (ii) or (iii) under any such contract; or

"(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

"(10) NOTIFICATION OF TRANSFER.—

"(A) IN GENERAL.—The conservator or receiver shall notify any person that is a party to a contract or transfer by 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship, if—

"(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity; and

"(ii) such transfer includes any qualified financial contract.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

"(I) until 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

“(iii) NOTICE.—For purposes of this paragraph, the conservator or receiver of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity, if the conservator or receiver has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

“(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term ‘business day’ means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

“(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

“(A) disaffirm or repudiate all qualified financial contracts between—

“(i) any person or any affiliate of such person; and

“(ii) the regulated entity in default; or

“(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

“(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

“(13) AUTHORITY TO ENFORCE CONTRACTS.—

“(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of, or the exercise of rights or powers by, a conservator or receiver, the conservator or receiver may enforce any contract, other than a contract for liability insurance for a director or officer, or a contract or a regulated entity bond, entered into by the regulated entity.

“(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a liability insurance contract for an officer or director, or regulated entity bond under other applicable law.

“(C) CONSENT REQUIREMENT.—

“(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

“(I) 45 days after the date of appointment of a conservator; or

“(II) 90 days after the date of appointment of a receiver.

“(ii) EXCEPTIONS.—This subparagraph shall not—

“(I) apply to a contract for liability insurance for an officer or director;

“(II) apply to the rights of parties to certain qualified financial contracts under subsection (d)(8); and

“(III) be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

“(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

“(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

“(A) any extension of credit from any Federal Home Loan Bank or Federal Reserve Bank to any regulated entity; or

“(B) any security interest in the assets of the regulated entity securing any such extension of credit.

“(e) VALUATION OF CLAIMS IN DEFAULT.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

“(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall be not more than the amount that such claimant would have received if the Agency had liquidated the assets and liabilities of the regulated entity without exercising the authority of the Agency under subsection (i).

“(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

“(g) LIABILITY OF DIRECTORS AND OFFICERS.—

“(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action described in paragraph (2) brought by, on behalf of, or at the request or direction of the Agency, and prosecuted wholly or partially for the benefit of the Agency—

“(A) acting as conservator or receiver of such regulated entity; or

“(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator.

“(2) ACTIONS ADDRESSED.—Paragraph (1) applies in any civil action for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct, as such terms are defined and determined under applicable State law.

“(3) NO LIMITATION.—Nothing in this subsection shall impair or affect any right of the Agency under other applicable law.

“(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

“(i) LIMITED-LIFE REGULATED ENTITIES.—

“(1) ORGANIZATION.—

“(A) PURPOSE.—The Agency, as receiver appointed pursuant to subsection (a)—

“(i) may, in the case of a Federal Home Loan Bank, organize a limited-life regulated entity with those powers and attributes of the Federal Home Loan Bank in default or in danger of default as the Director determines necessary, subject to the provisions of this subsection, and the Director shall grant a temporary charter to that limited-life regulated entity, and that limited-life regulated entity shall operate subject to that charter; and

“(ii) shall, in the case of an enterprise, organize a limited-life regulated entity with respect to that enterprise in accordance with this subsection.

“(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

“(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, except that the liabilities assumed shall not exceed the amount of assets purchased or transferred from the regulated entity to the limited-life regulated entity;

“(ii) purchase such assets of the regulated entity that is in default, or in danger of default as the Agency may, in its discretion, determine to be appropriate; and

“(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

“(2) CHARTER AND ESTABLISHMENT.—

“(A) TRANSFER OF CHARTER.—

“(i) FANNIE MAE.—If the Agency is appointed as receiver for the Federal National Mortgage Association, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

“(I) succeed to the charter of the Federal National Mortgage Association, as set forth in the Federal National Mortgage Association Charter Act; and

“(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal National Mortgage Association is subject, except as otherwise provided in this subsection.

“(ii) FREDDIE MAC.—If the Agency is appointed as receiver for the Federal Home Loan Mortgage Corporation, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

“(I) succeed to the charter of the Federal Home Loan Mortgage Corporation, as set forth in the Federal Home Loan Mortgage Corporation Charter Act; and

“(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal Home Loan Mortgage Corporation is subject, except as otherwise provided in this subsection.

“(B) INTERESTS IN AND ASSETS AND OBLIGATIONS OF REGULATED ENTITY IN DEFAULT.—Notwithstanding subparagraph (A) or any other provision of law—

“(i) a limited-life regulated entity shall assume, acquire, or succeed to the assets or liabilities of a regulated entity only to the extent that such assets or liabilities are transferred by the Agency to the limited-life regulated entity in accordance with, and subject to the restrictions set forth in, paragraph (1)(B);

“(ii) a limited-life regulated entity shall not assume, acquire, or succeed to any obligation that a regulated entity for which a receiver has been appointed may have to any shareholder of the regulated entity that arises as a result of the status of that person as a shareholder of the regulated entity; and

“(iii) no shareholder or creditor of a regulated entity shall have any right or claim against the charter of the regulated entity once the Agency has been appointed receiver for the regulated entity and a limited-life regulated entity succeeds to the charter pursuant to subparagraph (A).

“(C) LIMITED-LIFE REGULATED ENTITY TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

“(D) MANAGEMENT.—Upon its establishment, a limited-life regulated entity shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

“(E) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

“(3) CAPITAL STOCK.—

“(A) NO AGENCY REQUIREMENT.—The Agency is not required to pay capital stock into a limited-life regulated entity or to issue any capital stock on behalf of a limited-life regulated entity established under this subsection.

“(B) AUTHORITY.—If the Director determines that such action is advisable, the Agency may cause capital stock or other securities of a limited-life regulated entity established with respect to an enterprise to be issued and offered for sale, in such amounts and on such terms and conditions as the Director may determine, in the discretion of the Director.

“(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal reserve bank.

“(5) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

“(6) WINDING UP.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), not later than 2 years after the date of its organization, the Agency shall wind up the affairs of a limited-life regulated entity.

“(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of a limited-life regulated entity for 3 additional 1-year periods.

“(C) TERMINATION OF STATUS AS LIMITED-LIFE REGULATED ENTITY.—

“(i) IN GENERAL.—Upon the sale by the Agency of 80 percent or more of the capital stock of a limited-life regulated entity, as defined in clause (iv), to 1 or more persons (other than the Agency)—

“(I) the status of the limited-life regulated entity as such shall terminate; and

“(II) the entity shall cease to be a limited-life regulated entity for purposes of this subsection.

“(ii) DIVESTITURE OF REMAINING STOCK, IF ANY.—

“(I) IN GENERAL.—Not later than 1 year after the date on which the status of a limited-life regulated entity is terminated pursuant to clause (i), the Agency shall sell to 1 or more persons (other than the Agency) any remaining capital stock of the former limited-life regulated entity.

“(II) EXTENSION AUTHORIZED.—The Director may extend the period referred to in subclause (I) for not longer than an additional 2 years, if the Director determines that such action would be in the public interest.

“(iii) SAVINGS CLAUSE.—Notwithstanding any provision of law, other than clause (ii), the Agency shall not be required to sell the capital stock of an enterprise or a limited-life regulated entity established with respect to an enterprise.

“(iv) APPLICABILITY.—This subparagraph applies only with respect to a limited-life regulated entity that is established with respect to an enterprise.

“(7) TRANSFER OF ASSETS AND LIABILITIES.—

“(A) IN GENERAL.—

“(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with and subject to the restrictions of paragraph (1).

“(ii) SUBSEQUENT TRANSFERS.—At any time after the establishment of a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of the regulated entity in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

“(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default or in danger of default to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

“(iv) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Agency shall treat all creditors of a regulated entity in default or in danger of default that are similarly situated under subsection (c)(1) in a similar manner in exercising the authority of the Agency under this subsection to transfer any assets or liabilities of the regulated entity to the limited-life regulated entity established with respect to such regulated entity, except that the Agency may take actions (including making payments) that do not comply with this clause, if—

“(I) the Director determines that such actions are necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

“(II) all creditors that are similarly situated under subsection (c)(1) receive not less than the amount provided in subsection (e)(2).

“(v) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of a regulated entity that are transferred to, or assumed by, a limited-life regulated entity may not exceed the aggregate amount of assets of the regulated entity that are transferred to, or purchased by, the limited-life regulated entity.

“(8) REGULATIONS.—The Agency may promulgate such regulations as the Agency determines to be necessary or appropriate to implement this subsection.

“(9) POWERS OF LIMITED-LIFE REGULATED ENTITIES.—

“(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

“(i) the Agency may—

“(I) remove the directors of a limited-life regulated entity;

“(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity; and

“(III) indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

“(ii) the board of directors of a limited-life regulated entity—

“(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

“(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

“(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of not longer than 45 days, at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

“(10) NO FEDERAL STATUS.—

“(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

“(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

“(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

“(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

"(11) AUTHORITY TO OBTAIN CREDIT.—

"(A) IN GENERAL.—A limited-life regulated entity may obtain unsecured credit and issue unsecured debt.

"(B) INABILITY TO OBTAIN CREDIT.—If a limited-life regulated entity is unable to obtain unsecured credit or issue unsecured debt, the Director may authorize the obtaining of credit or the issuance of debt by the limited-life regulated entity—

"(i) with priority over any or all of the obligations of the limited-life regulated entity;

"(ii) secured by a lien on property of the limited-life regulated entity that is not otherwise subject to a lien; or

"(iii) secured by a junior lien on property of the limited-life regulated entity that is subject to a lien.

"(C) LIMITATIONS.—

"(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a limited-life regulated entity that is secured by a senior or equal lien on property of the limited-life regulated entity that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by an enterprise) only if—

"(I) the limited-life regulated entity is unable to otherwise obtain such credit or issue such debt; and

"(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

"(D) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

"(12) AFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

"(j) OTHER AGENCY EXEMPTIONS.—

"(1) APPLICABILITY.—The provisions of this subsection shall apply with respect to the Agency in any case in which the Agency is acting as a conservator or a receiver.

"(2) TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

"(3) PROPERTY PROTECTION.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

"(4) PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

"(k) PROHIBITION OF CHARTER REVOCATION.—In no case may the receiver appointed pursuant to this section revoke, annul, or terminate the charter of an enterprise.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1368 (12 U.S.C. 4618)—

(A) by striking "an enterprise" each place that term appears and inserting "a regulated entity"; and

(B) by striking "the enterprise" each place that term appears and inserting "the regulated entity";

(2) in section 1369C (12 U.S.C. 4622), by striking "enterprise" each place that term appears and inserting "regulated entity";

(3) in section 1369D (12 U.S.C. 4623)—

(A) by striking "an enterprise" each place that term appears and inserting "a regulated entity"; and

(B) in subsection (a)(1), by striking "An enterprise" and inserting "A regulated entity"; and

(4) by striking sections 1369, 1369A, and 1369B (12 U.S.C. 4619, 4620, and 4621).

Subtitle D—Enforcement Actions

SEC. 1151. CEASE AND DESIST PROCEEDINGS.

Section 1371 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS.—

"(1) AUTHORITY OF DIRECTOR.—If, in the opinion of the Director, a regulated entity or any entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or the Office of Finance, or is violating or has violated, or the Director has reasonable cause to believe is about to violate, a law, rule, regulation, or order, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or the Office of Finance or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or entity-affiliated party a notice of charges in respect thereof.

"(2) LIMITATION.—The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

"(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of subsection (a).";

(2) in subsection (c)—

(A) in paragraph (1), by inserting before the period at the end the following: ", unless the party served with a notice of charges shall appear at the hearing personally or by a duly authorized representative, the party shall be deemed to have consented to the issuance of the cease and desist order"; and

(B) in paragraph (2)—

(i) by striking "or director" and inserting "director, or entity-affiliated party"; and

(ii) by inserting "or entity-affiliated party" before "consents";

(3) in each of subsections (c), (d), and (e)—

(A) by striking "the enterprise" each place that term appears and inserting "the regulated entity";

(B) by striking "an enterprise" each place that term appears and inserting "a regulated entity"; and

(C) by striking "conduct" each place that term appears and inserting "practice";

(4) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by striking "or director" and inserting "director, or entity-affiliated party"; and

(ii) by inserting "to require a regulated entity or entity-affiliated party" after "includes the authority";

(B) in paragraph (1)—

(i) by striking "to require an executive officer or a director to"; and

(ii) by striking "loss" and all that follows through "person" and inserting "loss, if";

(iii) in subparagraph (A), by inserting "such entity or party or finance facility" before "was"; and

(iv) by striking subparagraph (B) and inserting the following:

"(B) the violation or practice involved a reckless disregard for the law or any applicable regulations or prior order of the Director;"; and

(C) in paragraph (4), by inserting "loan or" before "asset";

(5) in subsection (e), by inserting "or entity-affiliated party"—

(A) before "or any executive"; and

(B) before the period at the end; and

(6) in subsection (f)—

(A) by striking "enterprise" and inserting "regulated entity, finance facility,"; and

(B) by striking "or director" and inserting "director, or entity-affiliated party".

SEC. 1152. TEMPORARY CEASE AND DESIST PROCEEDINGS.

Section 1372 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GROUNDS FOR ISSUANCE.—

"(1) IN GENERAL.—If the Director determines that the actions specified in the notice of charges served upon a regulated entity or any entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of that entity, or is likely to weaken the condition of that entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may—

"(A) issue a temporary order requiring that regulated entity or entity-affiliated party to cease and desist from any such violation or practice; and

"(B) require that regulated entity or entity-affiliated party to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings.

"(2) ADDITIONAL REQUIREMENTS.—An order issued under paragraph (1) may include any requirement authorized under subsection 1371(d).";

(2) in subsection (b)—

(A) by striking "or director" and inserting "director, or entity-affiliated party"; and

(B) by striking "enterprise" each place that term appears and inserting "regulated entity";

(3) in subsection (c), by striking "enterprise" each place that term appears and inserting "regulated entity";

(4) in subsection (d)—

(A) by striking "or director" each place that term appears and inserting "director, or entity-affiliated party"; and

(B) by striking "An enterprise" and inserting "A regulated entity"; and

(5) in subsection (e)—

(A) by striking "request the Attorney General of the United States to"; and

(B) by striking "or may, under the direction and control of the Attorney General, bring such action".

SEC. 1153. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended—

(1) by redesignating sections 1377 through 1379B (12 U.S.C. 4637–4641) as sections 1379 through 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following:

"SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

"(a) AUTHORITY TO ISSUE ORDER.—

"(1) IN GENERAL.—The Director may serve upon a party described in paragraph (2), or any officer, director, or management of the Office of Finance a written notice of the intention of the Director to suspend or remove such party from office, or prohibit any further participation by such party, in any manner, in the conduct of the affairs of the regulated entity.

"(2) APPLICABILITY.—A party described in this paragraph is an entity-affiliated party or any officer, director, or management of the Office of Finance, if the Director determines that—

"(A) that party, officer, or director has, directly or indirectly—

"(i) violated—

"(I) any law or regulation;

"(II) any cease and desist order which has become final;

"(III) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(IV) any written agreement between such regulated entity and the Director;

"(ii) engaged or participated in any unsafe or unsound practice in connection with any regulated entity or business institution; or

"(iii) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

"(B) by reason of the violation, practice, or breach described in subparagraph (A)—

"(i) such regulated entity or business institution has suffered or will probably suffer financial loss or other damage; or

"(ii) such party has received financial gain or other benefit; and

"(C) the violation, practice, or breach described in subparagraph (A)—

"(i) involves personal dishonesty on the part of such party; or

"(ii) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity or business institution.

"(b) SUSPENSION ORDER.—

"(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) upon a party subject to that subsection (a), the Director may, by order, suspend or remove such party from office, or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

"(A) determines that such action is necessary for the protection of the regulated entity; and

"(B) serves such party with written notice of the order.

"(2) EFFECTIVE PERIOD.—Any order issued under this subsection—

"(A) shall become effective upon service; and

"(B) unless a court issues a stay of such order under subsection (g), shall remain in effect and enforceable until—

"(i) the date on which the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

"(ii) the effective date of an order issued under subsection (b).

"(3) COPY OF ORDER.—If the Director issues an order under subsection (b) to any party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

"(c) NOTICE, HEARING, AND ORDER.—

"(1) NOTICE.—A notice under subsection (a) of the intention of the Director to issue an order under this section shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action.

"(2) TIMING OF HEARING.—A hearing shall be fixed for a date not earlier than 30 days, nor later than 60 days, after the date of service of notice under subsection (a), unless an earlier or a later date is set by the Director at the request of—

"(A) the party receiving such notice, and good cause is shown; or

"(B) the Attorney General of the United States.

"(3) CONSENT.—Unless the party that is the subject of a notice delivered under subsection (a) appears at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order under this section.

"(4) ISSUANCE OF ORDER OF SUSPENSION.—The Director may issue an order under this section, as the Director may deem appropriate, if—

"(A) a party is deemed to have consented to the issuance of an order under paragraph (3); or

"(B) upon the record made at the hearing, the Director finds that any of the grounds specified in the notice have been established.

"(5) EFFECTIVENESS OF ORDER.—Any order issued under paragraph (4) shall become effective at the expiration of 30 days after the date of service upon the relevant regulated entity and party (except in the case of an order issued upon consent under paragraph (3), which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

"(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

"(1) participate in any manner in the conduct of the affairs of any regulated entity or the Office of Finance;

"(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

"(3) violate any voting agreement previously approved by the Director; or

"(4) vote for a director, or serve or act as an entity-affiliated party of a regulated entity or as an officer or director of the Office of Finance.

"(e) INDUSTRY-WIDE PROHIBITION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or the Office of Finance, or prohibited from participating in the conduct of the affairs of a regulated entity or the Office of Finance, may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity or the Office of Finance.

"(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date on which an order is issued under this section which removes or suspends from office any party, or prohibits such party from participating in the conduct of the affairs of a regulated entity or the Office of Finance, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity or such Office of Finance described in the written consent. Any such consent shall be publicly disclosed.

"(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order issued under subsection (h) shall be treated as a violation of the order.

"(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business entity.

"(g) STAY OF SUSPENSION AND PROHIBITION OF ENTITY-AFFILIATED PARTY.—Not later than 10 days after the date on which any entity-affiliated party has been suspended from office or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to subsection (c). The court shall have jurisdiction to stay such suspension or prohibition.

"(h) SUSPENSION OR REMOVAL OF ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

"(1) SUSPENSION OR PROHIBITION.—

"(A) IN GENERAL.—Whenever any entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding 1 year under Federal or State law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity.

"(B) PROVISIONS APPLICABLE TO NOTICE.—

"(i) COPY.—A copy of any notice under subparagraph (A) shall be served upon the relevant regulated entity.

"(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in subparagraph (A) is finally disposed of, or until terminated by the Director.

"(2) REMOVAL OR PROHIBITION.—

"(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director.

"(B) PROVISIONS APPLICABLE TO ORDER.—

"(i) COPY.—A copy of any order under subparagraph (A) shall be served upon the relevant regulated entity, at which time the entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

"(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove a party from office or to prohibit further participation in the affairs of a regulated entity pursuant to subsection (a) or (b).

"(iii) EFFECTIVE PERIOD.—Unless terminated by the Director, any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4).

"(3) AUTHORITY OF REMAINING BOARD MEMBERS.—

"(A) IN GENERAL.—If at any time, because of the suspension of 1 or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

"(B) APPOINTMENT OF TEMPORARY DIRECTORS.—If all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

"(4) HEARING REGARDING CONTINUED PARTICIPATION.—

"(A) IN GENERAL.—Not later than 30 days after the date of service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2), the entity-affiliated party may request in writing an opportunity to appear before the Director to show that the continued service or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity, or threaten to impair public confidence in the regulated entity.

"(B) TIMING AND FORM OF HEARING.—Upon receipt of a request for a hearing under subparagraph (A), the Director shall fix a time (not later than 30 days after the date of receipt of such request, unless extended at the request of such party) and place at which the entity-affiliated party may appear, personally or through counsel, before the Director or 1 or more designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument.

"(C) DETERMINATION.—Not later than 60 days after the date of a hearing under subparagraph (B), the Director shall notify the entity-affiliated party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for any adverse decision of the Director.

"(5) RULES.—The Director is authorized to prescribe such rules as may be necessary to carry out this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) SAFETY AND SOUNDNESS ACT.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(A) in section 1317(f), by striking "section 1379B" and inserting "section 1379D";

(B) in section 1373(a)—

(i) in paragraph (1), by striking "or 1376(c)" and inserting ", 1376(c), or 1377";

(ii) in paragraph (2), by inserting "or 1377" after"1371"; and

(iii) in paragraph (4), by inserting "or removal or prohibition" after "cease and desist"; and

(C) in section 1374(a)—

(i) by striking "or 1376" and inserting "1313B , 1376, or 1377"; and

(ii) by striking "such section" and inserting "this title".

(2) FANNIE MAE CHARTER ACT.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the second sentence, by striking "The" and inserting "Except to the extent that action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the".

(3) FREDDIE MAC CHARTER ACT.—Section 303(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended, in the second sentence, by striking "The" and inserting "Except to the extent action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the".

SEC. 1154. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order."; and

(2) in subsection (b), by striking "or 1376" and inserting "1313B, 1376, or 1377".

SEC. 1155. CIVIL MONEY PENALTIES.

Section 1376 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4636) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Director may impose a civil money penalty in accordance with this section on any regulated entity or any entity-affiliated party. The Director shall not impose a civil penalty in accordance with this section on any regulated entity or any entity-affiliated party for any violation that is addressed under section 1345(a).";

(2) by striking subsection (b) and inserting the following:

"(b) AMOUNT OF PENALTY.—

"(1) FIRST TIER.—A regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $10,000 for each day during which a violation continues, if such regulated entity or party—

"(A) violates any provision of this title, the authorizing statutes, or any order, condition, rule, or regulation under this title or any authorizing statute;

"(B) violates any final or temporary order or notice issued pursuant to this title;

"(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(D) violates any written agreement between the regulated entity and the Director.

"(2) SECOND TIER.—Notwithstanding paragraph (1), a regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which a violation, practice, or breach continues, if—

"(A) the regulated entity or entity-affiliated party, respectively—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of the regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) the violation, practice, or breach—

"(i) is part of a pattern of misconduct;

"(ii) causes or is likely to cause more than a minimal loss to the regulated entity; or

"(iii) results in pecuniary gain or other benefit to such party.

"(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity or entity-affiliated party shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues, if such regulated entity or entity-affiliated party—

"(A) knowingly—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) engages in any unsafe or unsound practice in conducting the affairs of the regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) knowingly or recklessly causes a substantial loss to the regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach.

"(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in paragraph (3) is—

"(A) in the case of any entity-affiliated party, an amount not to exceed $2,000,000; and

"(B) in the case of any regulated entity, $2,000,000.";

(3) in subsection (c)—

(A) by striking "enterprise" each place that term appears and inserting "regulated entity";

(B) by inserting "or entity-affiliated party" before "in writing"; and

(C) by inserting "or entity-affiliated party" before "has been given";

(4) in subsection (d)—

(A) by striking "or director" each place such term appears and inserting "director, or entity-affiliated party";

(B) by striking "an enterprise" and inserting "a regulated entity";

(C) by striking "the enterprise" and inserting "the regulated entity";

(D) by striking "request the Attorney General of the United States to";

(E) by inserting ", or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located," after "District of Columbia";

(F) by striking ", or may, under the direction and control of the Attorney General of the United States, bring such an action"; and

(G) by striking "and section 1374"; and

(5) in subsection (g), by striking "An enterprise" and inserting "A regulated entity".

SEC. 1156. CRIMINAL PENALTY.

(a) IN GENERAL.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377, as added by this Act, the following:

"SEC. 1378. CRIMINAL PENALTY.

"Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1379 (as so designated by this Act)—

(A) by striking "an enterprise" and inserting "a regulated entity"; and

(B) by striking "the enterprise" and inserting "the regulated entity";

(2) in section 1379A (as so designated by this Act), by striking "an enterprise" and inserting "a regulated entity";

(3) in section 1379B(c) (as so designated by this Act), by striking "enterprise" and inserting "regulated entity"; and

(4) in section 1379D (as so designated by this Act), by striking "enterprise" and inserting "regulated entity".

SEC. 1157. NOTICE AFTER SEPARATION FROM SERVICE.

Section 1379 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4637), as so designated by this Act, is amended—

(1) by striking "2-year" and inserting "6-year";

(2) by striking "a director or executive officer of an enterprise" and inserting "an entity-affiliated party";

(3) by striking "director or officer" each place that term appears and inserting "entity-affiliated party"; and

(4) by striking "enterprise." and inserting "regulated entity.".

SEC. 1158. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Section 1379B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4641) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "administrative";

(ii) by inserting ", examination, or investigation" after "proceeding";

(iii) by striking "subtitle" and inserting "title"; and

(iv) by inserting "or any designated representative thereof, including any person designated to conduct any hearing under this subtitle" after "Director"; and

(B) in paragraph (4), by striking "issued by the Director";

(2) in subsection (b), by inserting "or in any territory or other place subject to the jurisdiction of the United States" after "State";

(3) by striking subsection (c) and inserting the following:

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—The Director, or any party to proceedings under this subtitle, may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district of the United States in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this section.

"(2) POWER OF COURT.—The courts described under paragraph (1) shall have the jurisdiction and power to order and require compliance with any subpoena issued under paragraph (1).";

(4) in subsection (d), by inserting "enterprise-affiliated party" before "may allow"; and

(5) by adding at the end the following:

"(e) PENALTIES.—A person shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both, if that person willfully fails or refuses, in disobedience of a subpoena issued under subsection (c), to—

"(1) attend court;

"(2) testify in court;

"(3) answer any lawful inquiry; or

"(4) produce books, papers, correspondence, contracts, agreements, or such other records as requested in the subpoena.".

Subtitle E—General Provisions

SEC. 1161. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO 1992 ACT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), as amended by this Act, is amended—

(1) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) by striking "(a) OFFICE PERSONNEL.—The" and inserting "(a) IN GENERAL.—Subject to title III of the Federal Housing Finance Regulatory Reform Act of 2008, the"; and

(ii) by striking "the Office" each place that term appears and inserting "the Agency";

(B) in subsection (c), by striking "the Office" and inserting "the Agency";

(C) in subsection (e), by striking "the Office" and inserting "the Agency";

(D) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(E) by striking subsection (f);

(2) in section 1319A (12 U.S.C. 4520)—

(A) by striking "(a) IN GENERAL.—"; and

(B) by striking subsection (b);

(3) in section 1364(c) (12 U.S.C. 4614(c)), by striking the last sentence;

(4) by striking section 1383 (12 U.S.C. 1451 note);

(5) in each of sections 1319D, 1319E, and 1319F (12 U.S.C. 4523, 4524, 4525) by striking "the Office" each place that term appears and inserting "the Agency"; and

(6) in each of sections 1319B and 1369(a)(3) (12 U.S.C. 4521, 4619(a)(3)), by striking "Committee on Banking, Finance and Urban Affairs" each place such term appears and inserting "Committee on Financial Services".

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) in each of sections 303(c)(2) (12 U.S.C. 1718(c)(2)), 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)), and 309(k)(1) (12 U.S.C. 1723a(k)(1)), by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place that term appears, and inserting "Director of the Federal Housing Finance Agency"; and

(2) in section 309—

(A) in subsection (m) (12 U.S.C. 1723a(m))—

(i) in paragraph (1), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Finance Agency, in a form determined by the Director"; and

(ii) in paragraph (2), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Finance Agency, in a form determined by the Director";

(B) in subsection (n) (12 U.S.C. 1723a(n))—

(i) in paragraph (1), by striking "and the Secretary" and inserting "and the Director of the Federal Housing Finance Agency"; and

(ii) in paragraph (2), by striking "Secretary" each place that term appears and inserting "Director of the Federal Housing Finance Agency"; and

(C) in paragraph (3)(B), by striking "Secretary" and inserting "Director of the Federal Housing Finance Agency".

(c) AMENDMENTS TO FREDDIE MAC CHARTER ACT.—The Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is amended—

(1) in each of sections 303(b)(2) (12 U.S.C. 1452(b)(2)), 303(h)(2) (12 U.S.C. 1452(h)(2)), and section 307(c)(1) (12 U.S.C. 1456(c)(1)), by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place that term appears, and inserting "Director of the Federal Housing Finance Agency";

(2) in section 306 (12 U.S.C. 1455)—

(A) in subsection (c)(2), by inserting "the" after "Secretary of";

(B) in subsection (i)—

(i) by striking "section 1316(c)" and inserting "section 306(c)"; and

(ii) by striking "section 106" and inserting "section 1316"; and

(C) in subsection (j)(2), by striking "of substantially" and inserting "or substantially"; and

(3) in section 307 (12 U.S.C. 1456)—

(A) in subsection (e)—

(i) in paragraph (1), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the

Federal Housing Finance Agency, in a form determined by the Director"; and

(ii) in paragraph (2), by striking "to the Secretary, in a form determined by the Secretary" and inserting "to the Director of the Federal Housing Finance Agency, in a form determined by the Director"; and

(B) in subsection (f)—

(i) in paragraph (1), by striking "and the Secretary" and inserting "and the Director of the Federal Housing Finance Agency";

(ii) in paragraph (2), by striking "the Secretary" each place that term appears and inserting "the Director of the Federal Housing Finance Agency"; and

(iii) in paragraph (3)(B), by striking "Secretary" and inserting "Director of the Federal Housing Finance Agency".

(d) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking "Office of Federal Housing Enterprise Oversight" and inserting "Federal Housing Finance Agency".

(e) AMENDMENTS TO FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Director of the Federal Housing Finance Agency".

(f) AMENDMENT TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(g) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5313, by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

"Director of the Federal Housing Finance Agency."; and

(2) in section 3132(a)(1)—

(A) in subparagraph (B), by striking ",, and" and inserting ", and";

(B) in subparagraph (D)—

(i) by striking "the Federal Housing Finance Board";

(ii) by striking "the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "the Federal Housing Finance Agency"; and

(iii) by striking "or or" at the end;

(C) in subparagraph (E), as added by section 8(d)(1)(B)(iii) of Public Law 107-123, by adding "or" at the end; and

(D) by redesignating subparagraph (E), as added by section 10702(c)(1)(C) of Public Law 107-171, as subparagraph (F).

(h) AMENDMENT TO SARBANES-OXLEY ACT.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(B)(ii)(II)) is amended by inserting "and the Director of the Federal Housing Finance Agency," after "Commission,".

(i) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)(2)(A)) is amended by adding at the end the following:

"(vii) Federal Housing Finance Agency.".

SEC. 1162. PRESIDENTIALLY-APPOINTED DIRECTORS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking "eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom" and inserting "13 persons, or such other number that the Director determines appropriate, who";

(B) in the second sentence, by striking "appointed by the President";

(C) in the third sentence—

(i) by striking "appointed or"; and

(ii) by striking ", except that any such appointed member may be removed from office by the President for good cause";

(D) in the fourth sentence, by striking "elective"; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom" and inserting "13 persons, or such other number as the Director determines appropriate, who"; and

(ii) in the second sentence, by striking "appointed by the President of the United States";

(B) in subparagraph (B)—

(i) by striking "such or"; and

(ii) by striking ", except that any appointed member may be removed from office by the President for good cause"; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking "elective".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

SEC. 1163. EFFECTIVE DATE.

Except as otherwise specifically provided in this title, this title and the amendments made by this title shall take effect on, and shall apply beginning on, the date of enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 1201. RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.

Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended by adding at the end the following:

"(f) RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.—Prior to promulgating any regulation or taking any other formal or informal agency action of general applicability relating to the Federal Home Loan Banks, including the issuance of an advisory document or examination guidance, the Director shall consider the differences between the Federal Home Loan Banks and the enterprises with respect to—

"(1) the Banks'—

"(A) cooperative ownership structure;

"(B) the mission of providing liquidity to members;

"(C) affordable housing and community development mission;

"(D) capital structure; and

"(E) joint and several liability; and

"(2) any other differences that the Director considers appropriate.".

SEC. 1202. DIRECTORS.

Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (4), the management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate.

"(2) BOARD MAKEUP.—The board of directors of each Bank shall be comprised of—

"(A) member directors, who shall comprise at least the majority of the members of the board of directors; and

"(B) independent directors, who shall comprise not fewer than ⅖ of the members of the board of directors.

"(3) SELECTION CRITERIA.—

"(A) IN GENERAL.—Each member of the board of directors shall be—

"(i) elected by plurality vote of the members, in accordance with procedures established under this section; and

"(ii) a citizen of the United States.

"(B) INDEPENDENT DIRECTOR CRITERIA.—

"(i) IN GENERAL.—Each independent director that is not a public interest director under clause (ii) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

"(ii) PUBLIC INTEREST.—Not fewer than 2 of the independent directors shall have more than 4 years of experience in representing consumer or community interests on banking services, credit needs, housing, or financial consumer protections.

"(iii) CONFLICTS OF INTEREST.—No independent director may, during the term of service on the board of directors, serve as an officer of any Federal Home Loan Bank or as a director, officer, or employee of any member of a Bank, or of any person that receives advances from a Bank.

"(4) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(A) INDEPENDENT DIRECTOR.—The terms 'independent director' and 'independent directorship' mean a member of the board of directors of a Federal Home Loan Bank who is a bona fide resident of the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.

"(B) MEMBER DIRECTOR.—The terms 'member director' and 'member directorship' mean a member of the board of directors of a Federal Home Loan Bank who is an officer or director of a member institution that is located in the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.";

(2) by striking "elective" each place that term appears, other than in subsections (d), (e), and (f), and inserting "member";

(3) in subsection (b)—

(A) by striking the subsection heading and all that follows through "Each elective directorship" and inserting the following:

"(b) DIRECTORSHIPS.—

"(1) MEMBER DIRECTORSHIPS.—Each member directorship"; and

(B) by adding at the end the following:

"(2) INDEPENDENT DIRECTORSHIPS.—

"(A) ELECTIONS.—Each independent director—

“(i) shall be elected by the members entitled to vote, from among eligible persons nominated, after consultation with the Advisory Council of the Bank, by the board of directors of the Bank; and

“(ii) shall be elected by a plurality of the votes of the members of the Bank at large, with each member having the number of votes for each such directorship as it has under paragraph (1) in an election to fill member directorships.

“(B) CRITERIA.—Nominees shall meet all applicable requirements prescribed in this section.

“(C) NOMINATION AND ELECTION PROCEDURES.—Procedures for nomination and election of independent directors shall be prescribed by the bylaws of each Federal Home Loan Bank, in a manner consistent with the rules and regulations of the Agency.”;

(4) in subsection (c)—

(A) by striking “elective” each place that term appears and inserting “member”, except—

(i) in the second sentence, the second place that term appears; and

(ii) each place that term appears in the fifth sentence; and

(B) in the second sentence—

(i) by inserting “(A) except as provided in clause (B) of this sentence,” before “if at any time”; and

(ii) by inserting before the period at the end the following: “, and (B) clause (A) of this sentence shall not apply to the directorships of any Federal Home Loan Bank resulting from the merger of any 2 or more such Banks”;

(5) in subsection (d)—

(A) in the first sentence—

(i) by striking “, whether elected or appointed,”; and

(ii) by striking “3 years” and inserting “4 years”;

(B) in the second sentence—

(i) by striking “Federal Home Loan Bank System Modernization Act of 1999” and inserting “Federal Housing Finance Regulatory Reform Act of 2008”;

(ii) by striking “⅓” and inserting “¼”; and

(iii) by striking “or appointed”; and

(C) in the third sentence—

(i) by striking “an elective” each place that term appears and inserting “a”; and

(ii) by striking “in any elective directorship or elective directorships”;

(6) in subsection (f)—

(A) by striking paragraph (2);

(B) by striking “appointed or” each place that term appears; and

(C) in paragraph (3)—

(i) by striking “(3) ELECTED BANK DIRECTORS.—” and inserting “(2) ELECTION PROCESS.—”; and

(ii) by striking “elective” each place that term appears;

(7) in subsection (i)—

(A) in paragraph (1), by striking “Subject to paragraph (2), each” and inserting “Each”; and

(B) by striking paragraph (2) and inserting the following:

“(2) ANNUAL REPORT.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal Home Loan Banks to the directors on the boards of directors of the Banks.”; and

(8) by adding at the end the following:

“(l) TRANSITION RULE.—Any member of the board of directors of a Bank elected or appointed in accordance with this section prior to the date of enactment of this subsection may continue to serve as a member of that board of directors for the remainder of the existing term of service.”.

SEC. 1203. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

“(11) DIRECTOR.—The term ‘Director’ means the Director of the Federal Housing Finance Agency.

“(12) AGENCY.—The term ‘Agency’ means the Federal Housing Finance Agency, established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.”.

SEC. 1204. AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) by striking section 18 (12 U.S.C. 1438) and inserting the following:

“SEC. 18. ADMINISTRATIVE PROVISIONS.

“(a) ACQUISITION AUTHORITY.—The Director of the Office of Thrift Supervision, utilizing the services of the Administrator of General Services (hereinafter referred to as the ‘Administrator’), and subject to any limitation hereon which may hereafter be imposed in appropriation Acts, is hereby authorized—

“(1) to acquire, in the name of the United States, real property in the District of Columbia, for the purposes set forth in this section;

“(2) to construct, develop, furnish, and equip such buildings thereon and such facilities as in its judgment may be appropriate to provide, to such extent as the Director of the Office of Thrift Supervision may deem advisable, suitable and adequate quarters and facilities for the Director of the Office of Thrift Supervision and the agencies under its administration or supervision;

“(3) to enlarge, remodel, or reconstruct any of the same; and

“(4) to make or enter into contracts for any of the foregoing.

“(b) ADVANCES.—The Director of the Office of Thrift Supervision may require of the respective banks, and they shall make to the Director of the Office of Thrift Supervision, such advances of funds for the purposes set out in subsection (a) as in the sole judgment of the Director of the Office of Thrift Supervision may from time to time be advisable. Such advances shall be apportioned by the Director of the Office of Thrift Supervision among the banks in proportion to the total assets of the respective banks, determined in such manner and as of such times as the Director of the Office of Thrift Supervision may prescribe. Each such advance shall bear interest at the rate of 4 ½ per centum per annum from the date of the advance and shall be repaid by the Director of the Office of Thrift Supervision in such installments and over such period, not longer than twenty-five years from the making of the advance, as the Director of the Office of Thrift Supervision may determine. Payments of interest and principal upon such advances shall be made from receipts of the Director of the Office of Thrift Supervision or from other sources which may from time to time be available to the Director of the Office of Thrift Supervision. The obligation of the Director of the Office of Thrift Supervision to make any such payment shall not be regarded as an obligation of the United States. To such extent as the Director of the Office of Thrift Supervision may prescribe any such obligation shall be regarded as a legal investment for the purposes of subsections (g) and (h) of section 11 and for the purposes of section 16.

“(c) PLANS AND DESIGNS.—The plans and designs for such buildings and facilities and for any such enlargement, remodeling, or reconstruction shall, to such extent as the chairperson of the Director of the Office of Thrift Supervision may request, be subject to the approval of the Director.

“(d) CUSTODY, MANAGEMENT AND CONTROL.—Upon the making of arrangements mutually agreeable to the Director of the Office of Thrift Supervision and the Administrator, which arrangements may be modified from time to time by mutual agreement between them and may include but shall not be limited to the making of payments by the Director of the Office of Thrift Supervision and such agencies to the Administrator and by the Administrator to the Director of the Office of Thrift Supervision, the custody, management, and control of such buildings and facilities and of such real property shall be vested in the Administrator in accordance therewith. Until the making of such arrangements, such custody, management, and control, including the assignment and allotment and the reassignment and reallotment of building and other space, shall be vested in the Director of the Office of Thrift Supervision.

“(e) PROCEEDS.—Any proceeds (including advances) received by the Director of the Office of Thrift Supervision in connection with this subsection, and any proceeds from the sale or other disposition of real or other property acquired by the Director of the Office of Thrift Supervision under this section, shall be considered as receipts of the Director of the Office of Thrift Supervision, and obligations and expenditures of the Director of the Office of Thrift Supervision and such agencies in connection with this section shall not be considered as administrative expenses. As used in this section, the term ‘property’ shall include interests in property.

“(f) BUDGET PROGRAM.—

“(1) IN GENERAL.—With respect to its functions under this section, the Director of the Office of Thrift Supervision shall—

“(A) annually prepare and submit a budget program as provided in title I of the Government Corporation Control Act with regard to wholly owned Government corporations, and for purposes of this paragraph, the terms ‘wholly owned Government corporations’ and ‘Government corporations’, wherever used in such title, shall include the Director of the Office of Thrift Supervision; and

“(B) maintain an integral set of accounts which shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions, as provided in such title, and no other settlement or adjustment shall be required with respect to transactions under this section or with respect to claims, demands, or accounts by or against any person arising thereunder.

“(2) MISCELLANEOUS PROVISIONS.—The first budget program shall be for the first full fiscal year beginning on or after the date of enactment of this subsection. Except as otherwise provided in this section or by the Director of the Office of Thrift Supervision, the provisions of this section and the functions thereby or thereunder subsisting shall be applicable and exercisable notwithstanding and without regard to the Act of June 20, 1938 (D.C. Code, secs. 5-413—5-428), except that the proviso of section 16 thereof shall apply to any building constructed under this section, and section 306 of the Act of July 30, 1947 (61 Stat. 584), or any other provision of law relating to the construction, alteration, repair, or furnishing of public or other buildings or structures or the obtaining of sites therefor, but any person or body in whom any such function is vested may provide for delegation or redelegation of the exercise of such function.

"(g) LIMITATION.—No obligation shall be incurred and no expenditure, except in liquidation of obligation, shall be made pursuant to paragraphs (1) and (2) of subsection (a), if the total amount of all obligations incurred pursuant thereto would thereupon exceed $13,200,000, or such greater amount as may be provided in an appropriations Act or other law.".

(3) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking "The Board" and inserting "The Office of Finance, as agent for the Banks,"; and

(II) by striking "the Board" and inserting "such Office"; and

(ii) in the second and fourth sentences, by striking "the Board" each place such term appears and inserting "the Office of Finance";

(B) in subsection (c)—

(i) by striking "the Board" the first place such term appears and inserting "the Office of Finance, as agent for the Banks,"; and

(ii) by striking "the Board" the second place such term appears and inserting "such Office"; and

(C) in subsection (f)—

(i) by striking the 2 commas after "permit" and inserting "or"; and

(ii) by striking the comma after "require";

(4) in section 6 (12 U.S.C. 1426)—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "Finance Board approval" and inserting "approval by the Director"; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking "Finance Board regulations" each place that term appears and inserting "regulations of the Director";

(5) in section 10(b) (12 U.S.C. 1430(b))—

(A) in the subsection heading, by striking "FORMAL BOARD RESOLUTION" and inserting "APPROVAL OF DIRECTOR"; and

(B) by striking "by formal resolution";

(6) in section 21(b)(5) (12 U.S.C. 1441(b)(5)), by striking "Chairperson of the Federal Housing Finance Board" and inserting "Director";

(7) in section 15 (12 U.S.C. 1435), by inserting "or the Director" after "the Board";

(8) by striking "the Board" each place that term appears and inserting "the Director";

(9) by striking "The Board" each place that term appears and inserting "The Director";

(10) by striking "the Finance Board" each place that term appears and inserting "the Director";

(11) by striking "The Finance Board" each place that term appears and inserting "The Director"; and

(12) by striking "Federal Housing Finance Board" each place that term appears and inserting "Director".

SEC. 1205. HOUSING GOALS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by inserting after section 10b the following new section:

"SEC. 10C. HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish housing goals with respect to the purchase of mortgages, if any, by the Federal Home Loan Banks. Such goals shall be consistent with the goals established under sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

"(b) CONSIDERATIONS.—In establishing the goals required by subsection (a), the Director shall consider the unique mission and ownership structure of the Federal Home Loan Banks.

"(c) TRANSITION PERIOD.—To facilitate an orderly transition, the Director shall establish interim target goals for purposes of this section for each of the 2 calendar years following the date of enactment of this section.

"(d) MONITORING AND ENFORCEMENT OF GOALS.—The requirements of section 1336 of the Federal Housing Enterprises Safety and Soundness Act of 1992, shall apply to this section, in the same manner and to the same extent as that section applies to the Federal housing enterprises.

"(e) ANNUAL REPORT.—The Director shall annually report to Congress on the performance of the Banks in meeting the goals established under this section.".

SEC. 1206. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

Section 4(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)(1)) is amended—

(1) by inserting after "savings bank," the following: "community development financial institution,"; and

(2) in subparagraph (B), by inserting after "United States," the following: "or, in the case of a community development financial institution, is certified as a community development financial institution under the Community Development Banking and Financial Institutions Act of 1994.".

SEC. 1207. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

"SEC. 20A. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

"(a) INFORMATION ON FINANCIAL CONDITION.—In order to enable each Federal Home Loan Bank to evaluate the financial condition of one or more of the other Federal Home Loan Banks individually and the Federal Home Loan Bank System (including any risks associated with the issuance or repayment of consolidated Federal Home Loan Bank bonds and debentures or other borrowings and the joint and several liabilities of the Banks incurred due to such borrowings), as well as to comply with any of its obligations under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the Director shall make available to the Banks such reports, records, or other information as may be available, relating to the condition of any Federal Home Loan Bank.

"(b) SHARING OF INFORMATION.—

"(1) IN GENERAL.—The Director shall promulgate regulations to facilitate the sharing of information made available under subsection (a) directly among the Federal Home Loan Banks.

"(2) LIMITATION.—Notwithstanding paragraph (1), a Federal Home Loan Bank responding to a request from another Bank or from the Director for information pursuant to this section may request that the Director determine that such information is proprietary and that the public interest requires that such information not be shared.

"(c) LIMITATION.—Nothing in this section shall affect the obligations of any Federal Home Loan Bank under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the regulations issued by the Securities and Exchange Commission thereunder.".

SEC. 1208. EXCLUSION FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), and 14(c) of the Securities Exchange Act of 1934, and related Commission regulations;

(2) section 15 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to transactions in the capital stock of a Federal Home Loan Bank;

(3) section 17A of the Securities Exchange Act of 1934, and related Commission regulations, with respect to the transfer of the securities of a Federal Home Loan Bank; and

(4) the Trust Indenture Act of 1939.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Bank System shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to ownership of or transactions in the capital stock of the Federal Home Loan Banks by such members.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) exempted securities, within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934, except to the extent provided in section 38 of that Act.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) government securities, within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934; and

(C) government securities, within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(3) BROKERS AND DEALERS.—A person (other than a Federal Home Loan Bank effecting transactions for members of the Federal Home Loan Bank System) that effects transactions in the capital stock or other obligations of a Federal Home Loan Bank, for the account of others or for that person's own account, as applicable, is a broker or dealer, as those terms are defined in paragraphs (4) and (5), respectively, of section 3(a) of the Securities Exchange Act of 1934, but is excluded from the definition of—

(A) the term "government securities broker" under section 3(a)(43) of the Securities Exchange Act of 1934; and

(B) the term "government securities dealer" under section 3(a)(44) of the Securities Exchange Act of 1934.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements under the securities laws pertaining to the disclosure of—

(1) related party transactions that occur in the ordinary course of the business of the Banks with members; and

(2) the unregistered sales of equity securities.

(e) TENDER OFFERS.—Commission rules relating to tender offers shall not apply in connection with transactions in the capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—

(1) IN GENERAL.—The Commission shall promulgate such rules and regulations as may be necessary or appropriate in the public interest or in furtherance of this section and the exemptions provided in this section.

(2) CONSIDERATIONS.—In issuing regulations under this section, the Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating—

(A) the accounting treatment with respect to the payment to the Resolution Funding Corporation;

(B) the role of the combined financial statements of the Federal Home Loan Banks;

(C) the accounting classification of redeemable capital stock; and

(D) the accounting treatment related to the joint and several nature of the obligations of the Banks.

(g) DEFINITIONS.—As used in this section—

(1) the terms "Bank", "Federal Home Loan Bank", "member", and "Federal Home Loan Bank System" have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422);

(2) the term "Commission" means the Securities and Exchange Commission; and

(3) the term "securities laws" has the same meaning as in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)).

SEC. 1209. VOLUNTARY MERGERS.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by striking "Whenever" and inserting "(a) IN GENERAL.—Whenever"; and

(2) by adding at the end the following:

"(b) VOLUNTARY MERGERS AUTHORIZED.—

"(1) IN GENERAL.—Any Federal Home Loan Bank may, with the approval of the Director and of the boards of directors of the Banks involved, merge with another Bank.

"(2) REGULATIONS REQUIRED.—The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any voluntary merger described in paragraph (1), including the procedures for Bank member approval.".

SEC. 1210. AUTHORITY TO REDUCE DISTRICTS.

Section 3 of the Federal Home Loan Bank Act (12 U.S.C. 1423) is amended—

(1) by striking "As soon" and inserting "(a) IN GENERAL.—As soon"; and

(2) by adding at the end the following:

"(b) AUTHORITY TO REDUCE DISTRICTS.—Notwithstanding subsection (a), the number of districts may be reduced to a number less than 8—

"(1) pursuant to a voluntary merger between Banks, as approved pursuant to section 26(b); or

"(2) pursuant to a decision by the Director to liquidate a Bank pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.".

SEC. 1211. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking "$500,000,000" each place such term appears and inserting "$1,000,000,000".

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking "and"; and

(B) by inserting ", and community development activities" before the period at the end;

(2) in paragraph (3)(E), by inserting "or community development activities" after "agriculture,"; and

(3) in paragraph (6)—

(A) by striking "and"; and

(B) by inserting ", and 'community development activities' " before "shall".

SEC. 1212. PUBLIC USE DATA BASE; REPORTS TO CONGRESS.

Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended—

(1) in subsection (j)(12)—

(A) by striking subparagraph (C) and inserting the following:

"(C) REPORTS.—The Director shall annually report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the collateral pledged to the Banks, including an analysis of collateral by type and by Bank district."; and

(B) by adding at the end the following:

"(D) SUBMISSION TO CONGRESS.—The Director shall submit the reports under subparagraphs (A) and (C) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 180 days after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008."; and

(2) by adding at the end the following:

"(k) PUBLIC USE DATABASE.—

"(1) DATA.—Each Federal Home Loan Bank shall provide to the Director, in a form determined by the Director, census tract level data relating to mortgages purchased, if any, including—

"(A) data consistent with that reported under section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

"(B) data elements required to be reported under the Home Mortgage Disclosure Act of 1975; and

"(C) any other data elements that the Director considers appropriate.

"(2) PUBLIC USE DATABASE.—

"(A) IN GENERAL.—The Director shall make available to the public, in a form that is useful to the public (including forms accessible electronically), and to the extent practicable, the data provided to the Director under paragraph (1).

"(B) PROPRIETARY INFORMATION.—Not withstanding subparagraph (A), the Director may not provide public access to, or disclose to the public, any information required to be submitted under this subsection that the Director determines is proprietary or that would provide personally identifiable information and that is not otherwise publicly accessible through other forms, unless the Director determines that it is in the public interest to provide such information.".

SEC. 1213. SEMIANNUAL REPORTS.

Section 21B of the Federal Home Loan Bank Act is amended in subsection (f)(2)(C), by adding at the end the following:

"(v) SEMIANNUAL REPORTS.—The Director shall report semiannually to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the projected date for the completion of contributions required by this section.".

SEC. 1214. LIQUIDATION OR REORGANIZATION OF A FEDERAL HOME LOAN BANK.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended by adding at the end the following: "At least 30 days prior to liquidating or reorganizing any Bank under this section, the Director shall notify the Bank of its determination and the facts and circumstances upon which such determination is based. The Bank may contest that determination in a hearing before the Director, in which all issues shall be determined on the record pursuant to section 554 of title 5, United States Code.".

SEC. 1215. STUDY AND REPORT TO CONGRESS ON SECURITIZATION OF ACQUIRED MEMBER ASSETS.

(a) STUDY.—The Director shall conduct a study on securitization of home mortgage loans purchased or to be purchased from member financial institutions under the Acquired Member Assets programs. In conducting the study, the Director shall establish a process for the formal submission of comments.

(b) ELEMENTS.—The study shall encompass—

(1) the benefits and risks associated with securitization of Acquired Member Assets;

(2) the potential impact of securitization upon liquidity in the mortgage and broader credit markets;

(3) the ability of the Federal Home Loan Bank or Banks in question to manage the risks associated with such a program;

(4) the impact of such a program on the existing activities of the Banks, including their mortgage portfolios and advances; and

(5) the joint and several liability of the Banks and the cooperative structure of the Federal Home Loan Bank System.

(c) CONSULTATIONS.—In conducting the study under this section, the Director shall consult with the Federal Home Loan Banks, the Banks' fiscal agent, representatives of the mortgage lending industry, practitioners in the structured finance field, and other experts as needed.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report to Congress on the results of the study conducted under subsection (a), including policy recommendations based on the analysis of the Director of the feasibility of mortgage-backed securities issuance by a Federal Home Loan Bank or Banks and the risks and benefits associated with such program or programs.

(e) DEFINITIONS.—As used in this section, the terms "member", "Bank", and "Federal Home Loan Bank" have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422).

SEC. 1216. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency"; and

(2) by striking "Federal Housing Finance Board's" and inserting "Federal Housing Finance Agency's".

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking "Federal Housing Finance Board" each place such term appears in each of sections 212, 657, 1006, and 1014, and inserting "Federal Housing Finance Agency".

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking "Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) FIRREA.—Section 1216 of the Financial Institutions Reform, Recovery, and Enhancement Act of 1989 (12 U.S.C. 1833e) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

"(3) the Federal Housing Finance Agency;";

(2) in subsection (b), by striking "Federal National Mortgage Association" and inserting "Federal Home Loan Banks, the Federal National Mortgage Association,"; and

(3) in subsection (c), by striking "Finance Board" and inserting "Finance Agency".

SEC. 1217. STUDY ON FEDERAL HOME LOAN BANK ADVANCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House or Representatives on the extent to which loans and securities used as collateral to support Federal Home Loan Bank advances are consistent with the interagency guidance on nontraditional mortgage products.

(b) REQUIRED CONTENT.—The study required under subsection (a) shall—

(1) consider and recommend any additional regulations, guidance, advisory bulletins, or other administrative actions necessary to ensure that the Federal Home Loan Banks are not supporting loans with predatory characteristics; and

(2) include an opportunity for the public to comment on any recommendations made under paragraph (1).

SEC. 1218. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2)) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.".

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

SEC. 1301. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight, solely for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight—

(1) shall manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1303.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Office of Federal Housing Enterprise Oversight, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act;

(iii) the Federal Home Loan Mortgage Corporation Act; or

(iv) any other provision of law applicable with respect to such Office; and

(B) existed on the day before the date of abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 1302. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, and determinations, and shall be enforceable by or against the Director or the Secretary of Housing and Urban Development, as the case may be, until modified, terminated, set aside, or superseded in accordance with applicable law by the Director or the Secretary, as the case may be, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described in this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight;

(B) the Secretary of Housing and Urban Development, and relates to the authority of the Secretary under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act, with respect to the Federal National Mortgage Association; or

(iii) the Federal Home Loan Mortgage Corporation Act, with respect to the Federal Home Loan Mortgage Corporation; or

(C) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1301(a).

SEC. 1303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1301(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of

a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code):

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1301(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 1301(a), if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Office of Federal Housing Enterprise Oversight and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of its abolishment under section 1301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Agency.

Subtitle B—Federal Housing Finance Board

SEC. 1311. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this subtitle referred to as the "Board") is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Board, solely for the purpose of winding up the affairs of the Board—

(1) shall manage the employees of the Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1313; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of the Board as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1313.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Board to perform functions which have been transferred to the Director, for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the 1-year period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Board, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred under this Act to the Director shall abate by reason of the enactment of this Act, except that the Director shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 1312. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director until modified, terminated, set aside, or superseded in accordance with applicable law by the Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1311(a).

SEC. 1313. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1311(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, if the employee is a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1), to the extent that such authority relates to a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1311(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 1311(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1314. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 1311(a), all property of the Board shall transfer to the Agency.

TITLE IV—HOPE FOR HOMEOWNERS

SEC. 1401. SHORT TITLE.

This title may be cited as the "HOPE for Homeowners Act of 2008".

SEC. 1402. ESTABLISHMENT OF HOPE FOR HOMEOWNERS PROGRAM.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following:

"SEC. 257. HOPE FOR HOMEOWNERS PROGRAM.

"(a) ESTABLISHMENT.—There is established in the Federal Housing Administration a HOPE for Homeowners Program.

"(b) PURPOSE.—The purpose of the HOPE for Homeowners Program is—

"(1) to create an FHA program, participation in which is voluntary on the part of homeowners and existing loan holders to insure refinanced loans for distressed borrowers to support long-term, sustainable homeownership;

"(2) to allow homeowners to avoid foreclosure by reducing the principle balance outstanding, and interest rate charged, on their mortgages;

"(3) to help stabilize and provide confidence in mortgage markets by bringing transparency to the value of assets based on mortgage assets;

"(4) to target mortgage assistance under this section to homeowners for their principal residence;

"(5) to enhance the administrative capacity of the FHA to carry out its expanded role under the HOPE for Homeowners Program;

"(6) to ensure the HOPE for Homeowners Program remains in effect only for as long as is necessary to provide stability to the housing market; and

"(7) to provide servicers of delinquent mortgages with additional methods and approaches to avoid foreclosure.

"(c) ESTABLISHMENT AND IMPLEMENTATION OF PROGRAM REQUIREMENTS.—

"(1) DUTIES OF THE BOARD.—In order to carry out the purposes of the HOPE for Homeowners Program, the Board shall—

"(A) establish requirements and standards for the program; and

"(B) prescribe such regulations and provide such guidance as may be necessary or appropriate to implement such requirements and standards.

"(2) DUTIES OF THE SECRETARY.—In carrying out any of the program requirements or standards established under paragraph (1), the Secretary may issue such interim guidance and mortgagee letters as the Secretary determines necessary or appropriate.

"(d) INSURANCE OF MORTGAGES.—The Secretary is authorized upon application of a mortgagee to make commitments to insure or to insure any eligible mortgage that has been refinanced in a manner meeting the requirements under subsection (e).

"(e) REQUIREMENTS OF INSURED MORTGAGES.—To be eligible for insurance under this section, a refinanced eligible mortgage shall comply with all of the following requirements:

"(1) LACK OF CAPACITY TO PAY EXISTING MORTGAGE.—

"(A) BORROWER CERTIFICATION.—

"(i) IN GENERAL.—The mortgagor shall provide certification to the Secretary that the mortgagor has not intentionally defaulted on the mortgage or any other debt, and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining any eligible mortgage.

"(ii) PENALTIES.—

"(I) FALSE STATEMENT.—Any certification filed pursuant to clause (i) shall contain an acknowledgment that any willful false statement made in such certification is punishable under section 1001, of title 18, United States Code, by fine or imprisonment of not more than 5 years, or both.

"(II) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Federal Housing Administration any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made in the certifications and documentation required under this subparagraph, subject to the discretion of the Secretary.

"(B) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of March 1, 2008, the mortgagor shall have had a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Board determines appropriate).

"(2) DETERMINATION OF PRINCIPAL OBLIGATION AMOUNT.—The principal obligation amount of the refinanced eligible mortgage to be insured shall—

"(A) be determined by the reasonable ability of the mortgagor to make his or her mortgage payments, as such ability is determined by the Secretary pursuant to section 203(b)(4) or by any other underwriting standards established by the Board; and

"(B) not exceed 90 percent of the appraised value of the property to which such mortgage relates.

"(3) REQUIRED WAIVER OF PREPAYMENT PENALTIES AND FEES.—All penalties for prepayment or refinancing of the eligible mortgage, and all fees and penalties related to default or delinquency on the eligible mortgage, shall be waived or forgiven.

"(4) EXTINGUISHMENT OF SUBORDINATE LIENS.—

"(A) REQUIRED AGREEMENT.—All holders of outstanding mortgage liens on the property to which the eligible mortgage relates shall agree to accept the proceeds of the insured loan as payment in full of all indebtedness under the eligible mortgage, and all encumbrances related to such eligible mortgage shall be removed. The Secretary may take such actions, subject to standards established by the Board under subparagraph (B), as may be necessary and appropriate to facilitate coordination and agreement between the holders of the existing senior mortgage and any existing subordinate mortgages, taking into consideration the subordinate lien status of such subordinate mortgages.

"(B) SHARED APPRECIATION.—

"(i) IN GENERAL.—The Board shall establish standards and policies that will allow for the payment to the holder of any existing subordinate mortgage of a portion of any future appreciation in the property secured by such eligible mortgage that is owed to the Secretary pursuant to subsection (k).

"(ii) FACTORS.—In establishing the standards and policies required under clause (i), the Board shall take into consideration—

"(I) the status of any subordinate mortgage;

"(II) the outstanding principal balance of and accrued interest on the existing senior mortgage and any outstanding subordinate mortgages;

"(III) the extent to which the current appraised value of the property securing a subordinate mortgage is less than the outstanding principal balance and accrued interest on any other liens that are senior to such subordinate mortgage; and

"(IV) such other factors as the Board determines to be appropriate.

"(C) VOLUNTARY PROGRAM.—This paragraph may not be construed to require any holder of any existing mortgage to participate in the program under this section generally, or with respect to any particular loan.

"(5) TERM OF MORTGAGE.—The refinanced eligible mortgage to be insured shall—

"(A) bear interest at a single rate that is fixed for the entire term of the mortgage; and

"(B) have a maturity of not less than 30 years from the date of the beginning of amortization of such refinanced eligible mortgage.

"(6) MAXIMUM LOAN AMOUNT.—The principal obligation amount of the eligible mortgage to be insured shall not exceed 132 percent of the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a property of the applicable size.

"(7) PROHIBITION ON SECOND LIENS.—A mortgagor may not grant a new second lien on the mortgaged property during the first 5 years of the term of the mortgage insured under this section.

"(8) APPRAISALS.—Any appraisal conducted in connection with a mortgage insured under this section shall—

"(A) be based on the current value of the property;

"(B) be conducted in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.);

"(C) be completed by an appraiser who meets the competency requirements of the Uniform Standards of Professional Appraisal Practice;

"(D) be wholly consistent with the appraisal standards, practices, and procedures under section 202(e) of this Act that apply to all loans insured under this Act; and

"(E) comply with the requirements of subsection (g) of this section (relating to appraisal independence).

"(9) DOCUMENTATION AND VERIFICATION OF INCOME.—In complying with the FHA underwriting requirements under the HOPE for Homeowners Program under this section, the mortgagee under the mortgage shall document and verify the income of the mortgagor by procuring an Internal Revenue Service transcript of the income tax returns of the mortgagor for the 2 most recent years for which the filing deadline for such years has passed and by any other method, in accordance with procedures and standards that the Board or the Secretary shall establish.

"(10) MORTGAGE FRAUD.—The mortgagor shall not have been convicted under any provision of Federal or State law for fraud, including mortgage fraud.

"(11) PRIMARY RESIDENCE.—The mortgagor shall provide documentation satisfactory in the determination of the Secretary to prove that the residence covered by the mortgage to be insured under this section is occupied by the mortgagor as the primary residence of the mortgagor, and that such residence is the only residence in which the mortgagor has any present ownership interest.

"(f) STUDY OF AUCTION OR BULK REFINANCE PROGRAM.—

"(1) STUDY.—The Board shall conduct a study of the need for and efficacy of an auction or bulk refinancing mechanism to facilitate refinancing of existing residential mortgages that are at risk for foreclosure into mortgages insured under this section. The study shall identify and examine various options for mechanisms under which lenders and servicers of such mortgages may make bids for forward commitments for such insurance in an expedited manner.

"(2) CONTENT.—

"(A) ANALYSIS.—The study required under paragraph (1) shall analyze—

"(i) the feasibility of establishing a mechanism that would facilitate the more rapid refinancing of borrowers at risk of foreclosure into performing mortgages insured under this section;

"(ii) whether such a mechanism would provide an effective and efficient mechanism to reduce foreclosures on qualified existing mortgages;

"(iii) whether the use of an auction or bulk refinance program is necessary to stabilize the housing market and reduce the impact of turmoil in that market on the economy of the United States;

"(iv) whether there are other mechanisms or authority that would be useful to reduce foreclosure; and

"(v) and any other factors that the Board considers relevant.

"(B) DETERMINATIONS.—To the extent that the Board finds that a facility of the type described in subparagraph (A) is feasible and useful, the study shall—

"(i) determine and identify any additional authority or resources needed to establish and operate such a mechanism;

"(ii) determine whether there is a need for additional authority with respect to the loan underwriting criteria established in this section or with respect to eligibility of participating borrowers, lenders, or holders of liens;

"(iii) determine whether such underwriting criteria should be established on the basis of individual loans, in the aggregate, or otherwise to facilitate the goal of refinancing borrowers at risk of foreclosure into viable loans insured under this section.

"(3) REPORT.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this section, the Board shall submit a report regarding the results of the study conducted under this subsection to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report shall include a detailed description of the analysis required under paragraph (2)(A) and of the determinations made pursuant to paragraph (2)(B), and shall include any other findings and recommendations of the Board pursuant to the study, including identifying various options for mechanisms described in paragraph (1).

"(g) APPRAISAL INDEPENDENCE.—

"(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal in connection with a mortgage insured under this section shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, nonpayment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with the mortgage.

"(2) CIVIL MONETARY PENALTIES.—The Secretary may impose a civil money penalty for any knowing and material violation of paragraph (1) under the same terms and conditions as are authorized in section 536(a) of this Act.

"(h) STANDARDS TO PROTECT AGAINST ADVERSE SELECTION.—

"(1) IN GENERAL.—The Board shall, by rule or order, establish standards and policies to require the underwriter of the insured loan to provide such representations and warranties as the Board considers necessary or appropriate to enforce compliance with all underwriting and appraisal standards of the HOPE for Homeowners Program.

"(2) EXCLUSION FOR VIOLATIONS.—The Board shall prohibit the Secretary from paying insurance benefits to a mortgagee who violates the representations and warranties, as established under paragraph (1), or in any case in which a mortgagor fails to make the first payment on a refinanced eligible mortgage.

"(3) OTHER AUTHORITY.—The Board may establish such other standards or policies as necessary to protect against adverse selection, including requiring loans identified by the Secretary as higher risk loans to demonstrate payment performance for a reasonable period of time prior to being insured under the program.

"(i) PREMIUMS.—For each refinanced eligible mortgage insured under this section, the Secretary shall establish and collect—

"(1) at the time of insurance, a single premium payment in an amount equal to 3 percent of the amount of the original insured principal obligation of the refinanced eligible mortgage, which shall be paid from the proceeds of the mortgage being insured under this section, through the reduction of the amount of indebtedness that existed on the eligible mortgage prior to refinancing; and

"(2) in addition to the premium required under paragraph (1), an annual premium in an amount equal to 1.5 percent of the amount of the remaining insured principal balance of the mortgage.

"(j) ORIGINATION FEES AND INTEREST RATE.—The Board shall establish—

"(1) a reasonable limitation on origination fees for refinanced eligible mortgages insured under this section; and

"(2) procedures to ensure that interest rates on such mortgages shall be commensurate with market rate interest rates on such types of loans.

"(k) EQUITY AND APPRECIATION.—

"(1) FIVE-YEAR PHASE-IN FOR EQUITY AS A RESULT OF SALE OR REFINANCING.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, or upon the subsequent refinancing of such mortgage, be entitled to the following with respect to any equity created as a direct result of such sale or refinancing:

"(A) If such sale or refinancing occurs during the period that begins on the date that such mortgage is insured and ends 1 year after such date of insurance, the Secretary shall be entitled to 100 percent of such equity.

"(B) If such sale or refinancing occurs during the period that begins 1 year after such date of insurance and ends 2 years after such date of insurance, the Secretary shall be entitled to 90 percent of such equity and the mortgagor shall be entitled to 10 percent of such equity.

"(C) If such sale or refinancing occurs during the period that begins 2 years after such date of insurance and ends 3 years after such date of insurance, the Secretary shall be entitled to 80 percent of such equity and the mortgagor shall be entitled to 20 percent of such equity.

"(D) If such sale or refinancing occurs during the period that begins 3 years after such date of insurance and ends 4 years after such date of insurance, the Secretary shall be entitled to 70 percent of such equity and the mortgagor shall be entitled to 30 percent of such equity.

"(E) If such sale or refinancing occurs during the period that begins 4 years after such date of insurance and ends 5 years after such date of insurance, the Secretary shall be entitled to 60 percent of such equity and the mortgagor shall be entitled to 40 percent of such equity.

"(F) If such sale or refinancing occurs during any period that begins 5 years after such date of insurance, the Secretary shall be entitled to 50 percent of such equity and the mortgagor shall be entitled to 50 percent of such equity.

"(2) APPRECIATION IN VALUE.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, each be entitled to 50 percent of any appreciation in value of the appraised value of such property that has occurred since the date that such mortgage was insured under this section.

"(l) ESTABLISHMENT OF HOPE FUND.—

"(1) IN GENERAL.—There is established in the Federal Housing Administration a revolving fund to be known as the Home Ownership Preservation Entity Fund, which shall be used by the Board for carrying out the mortgage insurance obligations under this section.

"(2) MANAGEMENT OF FUND.—The HOPE Fund shall be administered and managed by the Secretary, who shall establish reasonable and prudent criteria for the management and operation of any amounts in the HOPE Fund.

"(m) LIMITATION ON AGGREGATE INSURANCE AUTHORITY.—The aggregate original principal obligation of all mortgages insured under this section may not exceed $300,000,000,000.

"(n) REPORTS BY THE BOARD.—The Board shall submit monthly reports to the Congress identifying the progress of the HOPE for Homeowners Program, which shall contain the following information for each month:

"(1) The number of new mortgages insured under this section, including the location of the properties subject to such mortgages by census tract.

"(2) The aggregate principal obligation of new mortgages insured under this section.

"(3) The average amount by which the principle balance outstanding on mortgages insured this section was reduced.

"(4) The amount of premiums collected for insurance of mortgages under this section.

"(5) The claim and loss rates for mortgages insured under this section.

"(6) Any other information that the Board considers appropriate.

"(o) REQUIRED OUTREACH EFFORTS.—The Secretary shall carry out outreach efforts to ensure that homeowners, lenders, and the general public are aware of the opportunities for assistance available under this section.

"(p) ENHANCEMENT OF FHA CAPACITY.—Under the direction of the Board, the Secretary shall take such actions as may be necessary to—

"(1) contract for the establishment of underwriting criteria, automated underwriting systems, pricing standards, and other factors relating to eligibility for mortgages insured under this section;

"(2) contract for independent quality reviews of underwriting, including appraisal reviews and fraud detection, of mortgages insured under this section or pools of such mortgages; and

"(3) increase personnel of the Department as necessary to process or monitor the processing of mortgages insured under this section.

"(q) GNMA COMMITMENT AUTHORITY.—

"(1) GUARANTEES.—The Secretary shall take such actions as may be necessary to ensure that securities based on and backed by a trust or pool composed of mortgages insured under this section are available to be guaranteed by the Government National Mortgage Association as to the timely payment of principal and interest.

"(2) GUARANTEE AUTHORITY.—To carry out the purposes of section 306 of the National Housing Act (12 U.S.C. 1721), the Government National Mortgage Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured under this section, not exceeding $300,000,000,000. The amount of authority provided under the preceding sentence to enter into new commitments to issue guarantees is in addition to any amount of authority to make new commitments to issue guarantees that is provided to the Association under any other provision of law.

"(r) SUNSET.—The Secretary may not enter into any new commitment to insure any refinanced eligible mortgage, or newly insure any refinanced eligible mortgage pursuant to this section before October 1, 2008 or after September 30, 2011.

"(s) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) APPROVED FINANCIAL INSTITUTION OR MORTGAGEE.—The term 'approved financial institution or mortgagee' means a financial institution or mortgagee approved by the Secretary under section 203 as responsible and able to service mortgages responsibly.

"(2) BOARD.—The term 'Board' means the Board of Directors of the HOPE for Homeowners Program. The Board shall be composed of the Secretary, the Secretary of the Treasury, the Chairperson of the Board of Governors of the Federal Reserve System, and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

"(3) ELIGIBLE MORTGAGE.—The term 'eligible mortgage' means a mortgage—

"(A) the mortgagor of which—

"(i) occupies such property as his or her principal residence; and

"(ii) cannot, subject to subsection (e)(1)(B) and such other standards established by the Board, afford his or her mortgage payments; and

"(B) originated on or before January 1, 2008.

"(4) EXISTING SENIOR MORTGAGE.—The term 'existing senior mortgage' means, with respect to a mortgage insured under this section, the existing mortgage that has superior priority.

"(5) EXISTING SUBORDINATE MORTGAGE.—The term 'existing subordinate mortgage' means, with respect to a mortgage insured under this section, an existing mortgage that has subordinate priority to the existing senior mortgage.

"(6) HOPE FOR HOMEOWNERS PROGRAM.—The term 'HOPE for Homeowners Program' means the program established under this section.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development, except where specifically provided otherwise.

"(t) REQUIREMENTS RELATED TO THE BOARD.—

"(1) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—

"(A) FEDERAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Board.

"(B) TRAVEL EXPENSES.—Members of the Board shall be entitled to receive travel expenses, including per diem in lieu of subsistence, equivalent to those set forth in subchapter I of chapter 57 of title 5, United States Code.

"(2) BYLAWS.—The Board may prescribe, amend, and repeal such bylaws as may be necessary for carrying out the functions of the Board.

"(3) QUORUM.—A majority of the Board shall constitute a quorum.

"(4) STAFF; EXPERTS AND CONSULTANTS.—

"(A) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Board, any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(B) EXPERTS AND CONSULTANTS.—The Board shall procure the services of experts and consultants as the Board considers appropriate.

"(u) RULE OF CONSTRUCTION RELATED TO VOLUNTARY NATURE OF THE PROGRAM.—This section shall not be construed to require that any approved financial institution or mortgagee participate in any activity authorized under this section, including any activity related to the refinancing of an eligible mortgage.

"(v) RULE OF CONSTRUCTION RELATED TO INSURANCE OF MORTGAGES.—Except as otherwise provided for in this section or by action of the Board, the provisions and requirements of section 203(b) shall apply with respect to the insurance of any eligible mortgage under this section.

"(w) HOPE BONDS.—

"(1) ISSUANCE AND REPAYMENT OF BONDS.—Notwithstanding section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661d(b)), the Secretary of the Treasury shall—

"(A) subject to such terms and conditions as the Secretary of the Treasury deems necessary, issue Federal credit instruments, to be known as 'HOPE Bonds', that are callable at the discretion of the Secretary of the Treasury and do not, in the aggregate, exceed the amount specified in subsection (m);

"(B) provide the subsidy amounts necessary for loan guarantees under the HOPE for Homeowners Program, not to exceed the amount specified in subsection (m), in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), except as provided in this paragraph; and

"(C) use the proceeds from HOPE Bonds only to pay for the net costs to the Federal Government of the HOPE for Homeowners Program, including administrative costs.

"(2) REIMBURSEMENTS TO TREASURY.—Funds received pursuant to section 1338(b) of the Federal Housing Enterprises Regulatory Reform Act of 1992 shall be used to reimburse the Secretary of the Treasury for amounts borrowed under paragraph (1).

"(3) USE OF RESERVE FUND.—If the net cost to the Federal Government for the HOPE for Homeowners Program exceeds the amount of funds received under paragraph (2), remaining debts of the HOPE for Homeowners Program shall be paid from amounts deposited into the fund established by the Secretary under section 1337(e) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, remaining amounts in such fund to be used to reduce the National debt.

"(4) REDUCTION OF NATIONAL DEBT.—Amounts collected under the HOPE for Homeowners Program in accordance with subsections (i) and (k) in excess of the net cost to the Federal Government for such Program shall be used to reduce the National debt.".

SEC. 1403. FIDUCIARY DUTY OF SERVICERS OF POOLED RESIDENTIAL MORTGAGE LOANS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129 the following new section:

"SEC. 129A. FIDUCIARY DUTY OF SERVICERS OF POOLED RESIDENTIAL MORTGAGES.

"(a) IN GENERAL.—Except as may be established in any investment contract between a servicer of pooled residential mortgages and an investor, a servicer of pooled residential mortgages—

"(1) owes any duty to maximize the net present value of the pooled mortgages in an investment to all investors and parties having a direct or indirect interest in such investment, not to any individual party or group of parties; and

"(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification or workout plan, including any modification or refinancing undertaken pursuant to the HOPE for Homeowners Act of 2008, for a residential mortgage or a class of residential mortgages that constitute a part or all of the pooled mortgages in such investment, provided that any mortgage so modified meets the following criteria:

"(A) Default on the payment of such mortgage has occurred or is reasonably foreseeable.

"(B) The property securing such mortgage is occupied by the mortgagor of such mortgage.

"(C) The anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure.

"(b) DEFINITION.—As used in this section, the term 'servicer' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).".

SEC. 1404. REVISED STANDARDS FOR FHA APPRAISERS.

Section 202(e) of the National Housing Act (12 U.S.C. 1708(e)) is amended by adding at the end the following:

"(5) ADDITIONAL APPRAISER STANDARDS.—Beginning on the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, any appraiser chosen or approved to conduct appraisals for mortgages under this title shall—

"(A) be certified—

"(i) by the State in which the property to be appraised is located; or

"(ii) by a nationally recognized professional appraisal organization; and

"(B) have demonstrated verifiable education in the appraisal requirements established by the Federal Housing Administration under this subsection.".

TITLE V—S.A.F.E. MORTGAGE LICENSING ACT

SEC. 1501. SHORT TITLE.

This title may be cited as the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008" or "S.A.F.E. Mortgage Licensing Act of 2008".

SEC. 1502. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

(8) Establishes a means by which residential mortgage loan originators would, to the greatest extent possible, be required to act in the best interests of the consumer.

(9) Facilitates responsible behavior in the subprime mortgage market place and provides comprehensive training and examination requirements related to subprime mortgage lending.

(10) Facilitates the collection and disbursement of consumer complaints on behalf of State and Federal mortgage regulators.

SEC. 1503. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term "depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term "loan originator"—

(i) means an individual who—

(I) takes a residential mortgage loan application; and

(II) offers or negotiates terms of a residential mortgage loan for compensation or gain;

(ii) does not include any individual who is not otherwise described in clause (i) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause;

(iii) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator; and

(iv) does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in section 101(53D) of title 11, United States Code.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual "assists a consumer in obtaining or applying to obtain a residential mortgage loan" by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(iii) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(iv) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(v) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), or (iv).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term "loan processor or underwriter" means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term "clerical or support duties" may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 1509.

(6) NONTRADITIONAL MORTGAGE PRODUCT.—The term "nontraditional mortgage product" means any mortgage product other than a 30-year fixed rate mortgage.

(7) REGISTERED LOAN ORIGINATOR.—The term "registered loan originator" means any individual who—

(A) meets the definition of loan originator and is an employee of—

(i) a depository institution;

(ii) a subsidiary that is—

(I) owned and controlled by a depository institution; and

(II) regulated by a Federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(8) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(9) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(10) STATE-LICENSED LOAN ORIGINATOR.—The term "State-licensed loan originator" means any individual who—

(A) is a loan originator;

(B) is not an employee of—

(i) a depository institution;

(ii) a subsidiary that is—

(I) owned and controlled by a depository institution; and

(II) regulated by a Federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(C) is licensed by a State or by the Secretary under section 1508 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(11) UNIQUE IDENTIFIER.—

(A) IN GENERAL.—The term "unique identifier" means a number or other identifier that—

(i) permanently identifies a loan originator;

(ii) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators; and

(iii) shall not be used for purposes other than those set forth under this title.

(B) RESPONSIBILITY OF STATES.—To the greatest extent possible and to accomplish the purpose of this title, States shall use unique identifiers in lieu of social security numbers.

SEC. 1504. LICENSE OR REGISTRATION REQUIRED.

(a) In General.—An individual may not engage in the business of a loan originator without first—

(1) obtaining, and maintaining annually—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) Loan Processors and Underwriters.—

(1) Supervised loan processors and underwriters.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator.

(2) Independent contractors.—An independent contractor may not engage in residential mortgage loan origination activities as a loan processor or underwriter unless such independent contractor is a State-licensed loan originator.

SEC. 1505. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) Background Checks.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) Issuance of License.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator license revoked in any governmental jurisdiction.

(2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court—

(A) during the 7-year period preceding the date of the application for licensing and registration; or

(B) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this title.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(6) The applicant has met either a net worth or surety bond requirement, as required by the State pursuant to section 1508(d)(6).

(c) Pre-Licensing Education of Loan Originators.—

(1) Minimum educational requirements.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) Approved educational courses.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) Limitation and standards.—

(A) Limitation.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) Standards.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) Testing of Loan Originators.—

(1) In general.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) Qualified test.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(A) ethics;

(B) Federal law and regulation pertaining to mortgage origination;

(C) State law and regulation pertaining to mortgage origination;

(D) Federal and State law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(3) Minimum competence.—

(A) Passing score.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) Initial retests.—An individual may retake a test 3 consecutive times with each consecutive taking occurring at least 30 days after the preceding test.

(C) Subsequent retests.—After failing 3 consecutive tests, an individual shall wait at least 6 months before taking the test again.

(D) Retest after lapse of license.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) Mortgage Call Reports.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

SEC. 1506. STANDARDS FOR STATE LICENSE RENEWAL.

(a) In General.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) Continuing Education for State-Licensed Loan Originators.—

(1) In general.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) Approved educational courses.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) Calculation of continuing education credits.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) Instructor credit.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) Limitation and standards.—

(A) Limitation.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) Standards.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

SEC. 1507. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL AGENCIES.

(a) Development.—

(1) In general.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, and together with the Farm Credit Administration, develop and maintain a system for registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of enactment of this title.

(2) Registration requirements.—In connection with the registration of any loan originator under this subsection, the appropriate Federal banking agency and the Farm

Credit Administration shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) COORDINATION.—

(1) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, and the Farm Credit Administration shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, and the Farm Credit Administration concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 1504(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this title.

SEC. 1508. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) BACKUP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this title or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 1505 and 1506 and subsection (d) of this section, or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 1505 and 1506 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(4) The State loan originator supervisory authority has a process in place for challenging information contained in the Nationwide Mortgage Licensing System and Registry.

(5) The State loan originator supervisory authority has established a mechanism to assess civil money penalties for individuals acting as mortgage originators in their State without a valid license or registration.

(6) The State loan originator supervisory authority has established minimum net worth or surety bonding requirements that reflect the dollar amount of loans originated by a residential mortgage loan originator.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 24 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 1505 and 1506 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) CONTRACTING AUTHORITY.—The Secretary may enter into contracts with qualified independent parties, as necessary to efficiently fulfill the obligations of the Secretary under this section.

SEC. 1509. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this title for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this title and the effective registration and regulation of loan originators.

SEC. 1510. FEES.

The Federal banking agencies, the Farm Credit Admininstration, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.

SEC. 1511. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 1512. CONFIDENTIALITY OF INFORMATION.

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 1509, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 1513. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 1509, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 1514. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this title.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 1508 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this title.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 1508, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this title, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 1508, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease and desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease and desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease and desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease and desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease and desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease and desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this title or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508, if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this title or any regulation prescribed by the Secretary under this title or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $25,000.

SEC. 1515. STATE EXAMINATION AUTHORITY.

In addition to any authority allowed under State law a State licensing agency shall have the authority to conduct investigations and examinations as follows:

(1) For the purposes of investigating violations or complaints arising under this title, or for the purposes of examination, the State licensing agency may review, investigate, or examine any loan originator licensed or required to be licensed under this title, as often as necessary in order to carry out the purposes of this title.

(2) Each such loan originator shall make available upon request to the State licensing agency the books and records relating to the operations of such originator. The State licensing agency may have access to such books and records and interview the officers, principals, loan originators, employees, independent contractors, agents, and customers of the licensee concerning their business.

(3) The authority of this section shall remain in effect, whether such a loan originator acts or claims to act under any licensing or registration law of such State, or claims to act without such authority.

(4) No person subject to investigation or examination under this section may knowingly withhold, abstract, remove, mutilate,

destroy, or secrete any books, records, computer records, or other information.

SEC. 1516. REPORTS AND RECOMMENDATIONS TO CONGRESS.

(a) Annual Reports.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit a report to Congress on the effectiveness of the provisions of this title, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, streamlining communication between all stakeholders involved in residential mortgage loan origination and processing, and establishing performance based bonding requirements for mortgage originators or institutions that employ such brokers.

(b) Legislative Recommendations.—Not later than 6 months after the date of enactment of this title, the Secretary shall make recommendations to Congress on legislative reforms to the Real Estate Settlement Procedures Act of 1974, that the Secretary deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

SEC. 1517. STUDY AND REPORTS ON DEFAULTS AND FORECLOSURES.

(a) Study Required.—The Secretary shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) Preliminary Report to Congress.—Not later than 6 months after the date of enactment of this title, the Secretary shall submit to Congress a preliminary report regarding the study required by this section.

(c) Final Report to Congress.—Not later than 12 months after the date of enactment of this title, the Secretary shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

TITLE VI—MISCELLANEOUS

SEC. 1601. STUDY AND REPORTS ON GUARANTEE FEES.

(a) Ongoing Study of Fees.—The Director shall conduct an ongoing study of fees charged by enterprises for guaranteeing a mortgage.

(b) Collection of Data.—The Director shall, by regulation or order, establish procedures for the collection of data from enterprises for purposes of this subsection, including the format and the process for collection of such data.

(c) Reports to Congress.—The Director shall annually submit a report to Congress on the results of the study conducted under subsection (a), based on the aggregated data collected under subsection (a) for the subject year, regarding the amount of such fees and the criteria used by the enterprises to determine such fees.

(d) Contents of Reports.—The reports required under subsection (c) shall identify and analyze—

(1) the factors considered in determining the amount of the guarantee fees charged;

(2) the total revenue earned by the enterprises from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of any increase or decrease in guarantee fees from the preceding year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) a breakdown of guarantee fees charged based on asset size of the originator and the number of loans sold or transferred to an enterprise.

(e) Protection of Information.—Nothing in this section may be construed to require or authorize the Director to publicly disclose information that is confidential or proprietary.

SEC. 1602. STUDY AND REPORT ON DEFAULT RISK EVALUATION.

(a) Study.—The Director shall conduct a study of ways to improve the overall default risk evaluation used with respect to residential mortgage loans. Particular attention shall be paid to the development and utilization of processes and technologies that provide a means to standardize the measurement of risk.

(b) Report.—The Director shall submit a report on the study conducted under this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 1 year after the date of enactment of this Act.

SEC. 1603. CONVERSION OF HUD CONTRACTS.

(a) In General.—Notwithstanding any other provision of law, the Secretary may, at the request of an owner of a multifamily housing project that exceeds 5,000 units to which a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (“Act”) (42 U.S.C. 1437f) and a Rental Assistance Payment contract is subject, convert such contracts to a contract for project-based rental assistance under section 8 of the Act.

(b) Initial Renewal.—

(1) At the request of an owner under subsection (a) made no later than 90 days prior to a conversion, the Secretary may, to the extent sufficient amounts are made available in appropriation Acts and notwithstanding any other law, treat the contemplated resulting contract as if such contract were eligible for initial renewal under section 524(a) of the MultiFamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) (“MAHRA”) (42 U.S.C. 1437f note).

(2) A request by an owner pursuant to paragraph (1) shall be upon such terms and conditions as the Secretary may require.

(c) Resulting Contract.—The resulting contract shall—

(1) be subject to section 524(a) of MAHRA (42 U.S.C. 1437f note);

(2) be considered for all purposes a contract that has been renewed under section 524(a) of MAHRA (42 U.S.C. 1437f note) for a term not to exceed 20 years;

(3) be subsequently renewable at the request of an owner, under any renewal option for which the project is eligible under MAHRA (42 U.S.C. 1437f note);

(4) contain provisions limiting distributions, as the Secretary determines appropriate, not to exceed 10 percent of the initial investment of the owner;

(5) be subject to the availability of sufficient amounts in appropriation Acts; and

(6) be subject to such other terms and conditions as the Secretary considers appropriate.

(d) Income Targeting.—To the extent that assisted dwelling units, subject to the resulting contract under subsection (a), serve low-income families, as defined in section 3(b)(2) of the Act (42 U.S.C. 1437a(b)(2)) the units shall be considered to be in compliance with all income targeting requirements under the Act (42 U.S.C. 1437 et seq.).

(e) Tenant Eligibility.—Notwithstanding any other provision of law, each family residing in an assisted dwelling unit on the date of conversion of a contract under this section, subject to the resulting contract under subsection (a), shall be considered to meet the applicable requirements for income eligibility and occupancy.

(f) Definitions.—As used in this section—

(1) the term “Secretary” means the Secretary of Housing and Urban Development;

(2) the term “conversion” means the action under which a contract for project-based rental assistance under section 8 of the Act and a Rental Assistance Payment contract become a contract for project-based rental assistance under section 8 of the Act (42 U.S.C. 1437f) pursuant to subsection (a);

(3) the term “resulting contract” means the new contract after a conversion pursuant to subsection (a); and

(4) the term “assisted dwelling unit” means a dwelling unit in a multifamily housing project that exceeds 5,000 units that, on the date of conversion of a contract under this section, is subject to a contract for project-based rental assistance under section 8 of the Act (42 U.S.C. 1437f) or a Rental Assistance Payment contract.

SEC. 1604. BRIDGE DEPOSITORY INSTITUTIONS.

(a) In General.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended—

(1) in subsection (d)(2)—

(A) in subsection (F), by striking “as receiver” and all that follows through clause (ii) and inserting the following: “as receiver, with respect to any insured depository institution, organize a new depository institution under subsection (m) or a bridge depository institution under subsection (n).”;

(B) in subparagraph (G), by striking “new bank or a bridge bank” and inserting “new depository institution or a bridge depository institution”;

(2) in subsection (e)(10)(C), by striking “bridge bank” each place that term appears and inserting “bridge depository institution”;

(3) in subsection (m)—

(A) in the subsection heading, by striking “Banks” and inserting “Depository Institutions”;

(B) by striking “new bank” each place that term appears and inserting “new depository institution”;

(C) by striking “such bank” each place that term appears and inserting “such depository institution”;

(D) in paragraph (1), by inserting “or Federal savings association” after “national bank”;

(E) in paragraph (6), by striking “only bank” and inserting “only depository institution”;

(F) in paragraph (9), by inserting “or the Director of the Office of Thrift Supervision, as appropriate” after “Comptroller of the Currency”;

(G) in paragraph (15), by striking “, but in no event” and all that follows through “located”;

(H) in paragraph (16)—

(i) by inserting “or the Director of the Office of Thrift Supervision, as appropriate,” after “Comptroller of the Currency” each place that term appears;

(ii) by striking “the bank” each place that term appears and inserting “the depository institution”;

(iii) by inserting “or Federal savings association” after “national bank” each place that term appears;

(iv) by inserting “or Federal savings associations” after “national banks”; and

(v) by striking "Such bank" and inserting "Such depository institution"; and

(I) in paragraph (18), by inserting "or the Director of the Office of Thrift Supervision, as appropriate," after "Comptroller of the Currency" each place that term appears;

(4) in subsection (n)—

(A) in the subsection heading, by striking "BANKS" and inserting "DEPOSITORY INSTITUTIONS";

(B) by striking "bridge bank" each place that term appears and inserting "bridge depository institution";

(C) by striking "bridge banks" each place that term appears (other than in paragraph (1)(A)) and inserting "bridge depository institutions";

(D) by striking "bridge bank's" each place that term appears and inserting "bridge depository institutions";

(E) by striking "insured bank" each place that term appears and inserting "insured depository institution";

(F) by striking "insured banks" each place that term appears and inserting "insured depository institutions";

(G) by striking "such bank" each place that term appears (other than in paragraph (4)(J)) and inserting "such depository institution";

(H) by striking "the bank" each place that term appears and inserting "the depository institution";

(I) in paragraph (1)(A)—

(i) by inserting ", with respect to 1 or more insured banks, or the Director of the Office of Thrift Supervision, with respect to 1 or more insured savings associations," after "Comptroller of the Currency";

(ii) by inserting "or Federal savings associations, as appropriate," after "national banks";

(iii) by inserting "or Federal savings associations, as applicable," after "banking associations"; and

(iv) by striking "as bridge banks" and inserting "as 'bridge depository institutions'";

(J) in paragraph (1)(B)—

(i) by striking "bank or banks" each place that term appears and inserting "depository institution or institutions";

(ii) by striking "of a bank"; and

(iii) by striking "of that bank";

(K) in paragraph (1)(E), by inserting before the period ", in the case of 1 or more insured banks, and as a Federal savings association, in the case of 1 or more insured savings associations";

(L) in paragraph (2)—

(i) in subparagraph by inserting "or Federal savings association" after "national bank" each place that term appears; and

(ii) by inserting "or the Director of the Office of Thrift Supervision" after "Comptroller of the Currency";

(M) in paragraph (4)—

(i) in subparagraph (C), by striking "under section 5138 of the Revised Statutes or any other" and inserting "under any";

(ii) by inserting "and the Director of the Office of Thrift Supervision, as appropriate," after "Comptroller of the Currency" each place that term appears;

(iii) in subparagraph (D), by striking "bank's" and inserting "depository institution's"; and

(iv) in subparagraph (F), by inserting before the period "or Federal home loan bank";

(N) in paragraph (8)—

(i) in subparagraph (A), by striking "the banks" and inserting "the depository institutions";

(ii) in subparagraph (B), by striking "bank's" and inserting "depository institution's";

(O) in paragraph (11), by inserting "or a Federal savings association, as the case may be," after "national bank" each place that term appears;

(P) in paragraph (12)—

(i) by inserting "or the Director of the Office of Thrift Supervision, as appropriate," after "Comptroller of the Currency" each place that term appears; and

(ii) by inserting "or Federal savings associations, as appropriate" after "national banks"; and

(Q) in paragraph (13), by striking "single bank" and inserting "single depository institution".

(b) OTHER CONFORMING AMENDMENTS.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(A) in section 3 (12 U.S.C. 1813), by striking subsection (i) and inserting the following:

"(i) NEW DEPOSITORY INSTITUTION AND BRIDGE DEPOSITORY INSTITUTION DEFINED.—

"(1) NEW DEPOSITORY INSTITUTION.—The term 'new depository institution' means a new national bank or Federal savings association, other than a bridge depository institution, organized by the Corporation in accordance with section 11(m).

"(2) BRIDGE DEPOSITORY INSTITUTION.—The term 'bridge depository institution' means a new national bank or Federal savings association organized by the Corporation in accordance with section 11(n).";

(B) in section 10(d)(5)(B) (12 U.S.C. 1820(d)(5)(B)), by striking "bridge bank" and inserting "bridge depository institution";

(C) in section 12 (12 U.S.C. 1822), by striking "new bank" each place that term appears and inserting "new depository institution"; and

(D) in section 38(j)(2) (12 U.S.C. 1831o(j)(2)), by striking "bridge bank" and inserting "bridge depository institution".

(2) FEDERAL CREDIT UNION ACT.—Section 207(c)(10)(C)(i) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)(C)(i)) is amended by striking "bridge bank" and inserting "bridge depository institution".

(3) TITLE 11.—Section 783 of title 11, United States Code, is amended by striking "bridge bank" and inserting "bridge depository institution".

(4) TITLE 26.—Section 414(l)(2)(G) of the Internal Revenue Code of 1986, is amended by striking "bridge bank" and inserting "bridge depository institution".

SEC. 1605. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

DIVISION B—FORECLOSURE PREVENTION

SECTION 2001. SHORT TITLE.

This division may be cited as the "Foreclosure Prevention Act of 2008".

SEC. 2002. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this division are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 2101. SHORT TITLE.

This title may be cited as the "FHA Modernization Act of 2008".

Subtitle A—Building American Homeownership

SEC. 2111. SHORT TITLE.

This subtitle may be cited as the "Building American Homeownership Act of 2008".

SEC. 2112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined under such section for a 1-family residence; or

"(ii) 150 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of applicable size,

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size; and

"(B) not to exceed 100 percent of the appraised value of the property."; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of "average closing cost") and all that follows through "section 3103A(d) of title 38, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

SEC. 2113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWN PAYMENT ASSISTANCE.

Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

"(9) CASH INVESTMENT REQUIREMENT.—

"(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

"(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

"(i) such lien shall be subordinate to the mortgage; and

"(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

"(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

“(i) The seller or any other person or entity that financially benefits from the transaction.

“(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).”.

SEC. 2114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “or of the General Insurance Fund” and all that follows through “section 234(c),,”; and

(2) in subparagraph (A)—

(A) by striking “2.25 percent” and inserting “3 percent”; and

(B) by striking “2.0 percent” and inserting “2.75 percent”.

SEC. 2115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking “on” and all that follows through “1978”; and

(2) in paragraph (5)—

(A) by striking “General Insurance Fund” the first place it appears and inserting “Mutual Mortgage Insurance Fund”; and

(B) in the second sentence, by striking the comma and all that follows through “General Insurance Fund”.

SEC. 2116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking “section 202(e) of the National Housing Act” and inserting “this subsection”; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

“(4) the Secretary of Agriculture;”; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 2117. INSURANCE OF CONDOMINIUMS.

(a) In General.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking “and” before “(2)”; and

(B) by inserting before the period at the end the following: “, and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)”; and

(2) in subsection (g), by striking “, except that” and all that follows and inserting a period.

(b) Definition of Mortgage.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before “a first mortgage” insert “(A)”;

(2) by striking “or on a leasehold (1)” and inserting “(B) a first mortgage on a leasehold on real estate (i)”;

(3) by striking “or (2)” and inserting “, or (ii)”; and

(4) by inserting before the semicolon the following: “, or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project”.

(c) Definition of Real Estate.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

“(g) The term ‘real estate’ means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.”.

SEC. 2118. MUTUAL MORTGAGE INSURANCE FUND.

(a) In General.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

“(a) Mutual Mortgage Insurance Fund.—

“(1) Establishment.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the ‘Fund’), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

“(2) Limit on loan guarantees.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

“(3) Fiduciary responsibility.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

“(4) Annual independent actuarial study.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

“(5) Quarterly reports.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

“(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

“(B) the types of loans insured, categorized by risk;

“(C) any significant changes between actual and projected claim and prepayment activity;

“(D) projected versus actual loss rates; and

“(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

“(6) Adjustment of premiums.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

“(7) Operational goals.—The operational goals for the Fund are—

“(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

“(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.”.

(b) Obligations of Fund.—The National Housing Act is amended as follows:

(1) Homeownership voucher program mortgages.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking “Notwithstanding section 202 of this title, the” and inserting “The”; and

(B) by striking “General Insurance Fund” the first place such term appears and all that follows through the end of the subsection and inserting “Mutual Mortgage Insurance Fund.”.

(2) Home equity conversion mortgages.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking “General Insurance Fund” and inserting “Mutual Mortgage Insurance Fund”.

(c) Conforming Amendments.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking “203(b)” and all that follows through “203(i)” and inserting “203, except as determined by the Secretary”.

SEC. 2119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) Hawaiian Home Lands.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking “General Insurance Fund established in section 519” and inserting “Mutual Mortgage Insurance Fund”; and

(2) in the second sentence, by striking “(1) all references” and all that follows through “and (2)”.

(b) Indian Reservations.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking “General Insurance Fund” the first place it appears through “519” and inserting “Mutual Mortgage Insurance Fund”; and

(2) in the second sentence, by striking “(1) all references” and all that follows through “and (2)”.

SEC. 2120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) Repeals.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking “shall” and all that follows and inserting “means a metropolitan statistical area as established by the Office of Management and Budget;”.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking “the Trust Territory of the Pacific Islands” and inserting “the Commonwealth of the Northern Mariana Islands”.

SEC. 2121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting “or subordinate mortgage or” before “lien given”; and

(2) in subparagraph (C), by inserting “or subordinate mortgage or” before “lien”.

SEC. 2122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert “‘real estate,’” after “‘mortgagor’,”;

(2) by amending subsection (d)(1) to read as follows:

“(1) have been originated by a mortgagee approved by the Secretary;”;

(3) by amending subsection (d)(2)(B) to read as follows:

“(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

“(i) originating or servicing the mortgage;

“(ii) funding the loan underlying the mortgage; or

“(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;”;

(4) in subsection (f)—

(A) by striking “(f) INFORMATION SERVICES FOR MORTGAGORS.—” and inserting “(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—”; and

(B) by amending the matter preceding paragraph (1) to read as follows: “The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Building American Homeownership Act of 2008. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—”

(5) in subsection (g), by striking “established under section 203(b)(2)” and all that follows through “located” and inserting “limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence”;

(6) by striking subsection (l);

(7) by redesignating subsection (m) as subsection (l);

(8) by amending subsection (l), as so redesignated, to read as follows:

“(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles.”; and

(9) by adding at the end the following new subsection:

“(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

“(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

“(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

“(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

“(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

“(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

“(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

“(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

“(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

“(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for insurance under subsection (c).

“(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.”.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting “a first or subordinate mortgage or lien” before “on all stock”;

(B) by inserting “unit” after “dwelling”; and

(C) by inserting “a first mortgage or first lien” before “on a leasehold”; and

(2) in paragraph (5), by inserting “a first or subordinate lien on” before “all stock”.

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

“(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

“(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

“(A) the costs to the mortgagor; and

“(B) the impact of such fees on the reverse mortgage market;

“(2) be subject to a minimum allowable amount;

“(3) provide that the origination fee may be fully financed with the mortgage;

“(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

“(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.”.

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the “program”).

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 2123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

"(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

"(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

"(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act."; and

(2) by adding at the end the following:

"(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.".

SEC. 2124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

"(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

"(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

"(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

"(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.".

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 2125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 2126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 2127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking "; or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) a significant reduction in the income of the household due to divorce or death; or

"(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

"(I) an unexpected or significant increase in medical expenses;

"(II) a divorce;

"(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

"(IV) a large property-tax increase; or";

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

"(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.".

SEC. 2128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an "eligible homebuyer" means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the

date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 2129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting "the Federal Housing Administration," before "the Farm Credit Administration"; and

(2) by striking "commitment, or loan" and inserting "commitment, loan, or insurance agreement or application for insurance or a guarantee".

SEC. 2130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 2131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 2132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 2133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

(a) IN GENERAL.—During the 12-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk that the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on May 13, 2008 (Vol. 73, No. 93, Pages 27703 through 27711)(effective July 14, 2008).

(b) INSURANCE OF MORTGAGES UNDER THE NATIONAL HOUSING ACT.—During the 12-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the implementation of any other new risk-based premium product related to the insurance of any mortgage on a single family residence under title II of the National Housing Act, where the premium price for such new product is based in whole or in part on a borrower's Decision Credit Score, as that term is defined in the Notice described under subsection (a), or any successor thereto.

Subtitle B—Manufactured Housing Loan Modernization

SEC. 2141. SHORT TITLE.

This subtitle may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2008".

SEC. 2142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 2143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking ": *Provided*, That with" and inserting ". With".

SEC. 2144. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 2145. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "$17,500" and inserting "$25,090";

(2) in subparagraph (C) by striking "$48,600" and inserting "$69,678";

(3) in subparagraph (D) by striking "$64,800" and inserting "$92,904";

(4) in subparagraph (E) by striking "$16,200" and inserting "$23,226"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008."

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).".

SEC. 2146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting "(1) PREMIUM CHARGES.—" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

"(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

"(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

"(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

"(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).".

SEC. 2147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "on and after July 1, 1939," each place such term appears; and

(2) by striking "made after the effective date of the Housing Act of 1954".

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

"(c) HANDLING AND DISPOSAL OF PROPERTY.—

"(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

"(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

"(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

"(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

"(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.".

SEC. 2148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.".

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 2149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

"SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

"(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

"(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

"(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

"(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.".

SEC. 2150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

"(A) expires not less than 3 years after the origination date of the obligation;

"(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

"(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.".

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 2201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term "maximum guaranty amount" shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 2202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 2203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the

Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking "90 days" and inserting "9 months".

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking "90 days" and inserting "9 months".

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking "in excess of 6 percent" the second place it appears and all that follows and inserting "in excess of 6 percent—

"(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

"(B) during the period of military service, in the case of any other obligation or liability."; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

"(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.".

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 2301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the "Secretary").

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon;

(D) demolish blighted structures; and

(E) redevelop demolished or vacant properties.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

SEC. 2302. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 2301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

SEC. 2303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 2301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

SEC. 2304. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term "applicable individual" means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

SEC. 2305. COUNSELING INTERMEDIARIES.

Notwithstanding any other provision of this Act, the amount appropriated under section 2301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 2401 of this Act shall be $180,000,000: *Provided*, That of amounts appropriated under such section 2401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the "NRC") to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: *Provided*, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: *Provided further*, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 2401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase "For an additional amount") under the heading "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" of Public Law 110–161.

SEC. 2402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with nonprofit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 2501. SHORT TITLE.

This title may be cited as the "Mortgage Disclosure Improvement Act of 2008".

SEC. 2502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting "(A)" before "In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "before the credit is extended, or";

(4) by inserting ", which shall be at least 7 business days before consummation of the transaction" after "written application";

(5) by striking ", whichever is earlier"; and

(6) by striking "If the" and all that follows through the end of the paragraph and inserting the following:

"(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

"(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

"(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

"(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood.

"(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.

"(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

"(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

"(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

"(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

"(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

"(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking "not less than $200 or greater than $2.000" and inserting "not less than $400 or greater than $4,000"; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting "or section 128(b)(2)(C)(ii)," after "128(a),"; and

(B) by inserting "or section 128(b)(2)(C)(ii)" before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SEC. 2503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—The first sentence of the paragraph designated as the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(b) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

TITLE VI—VETERANS HOUSING MATTERS

SEC. 2601. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

"(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.".

SEC. 2602. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

"§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

"(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

"(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

"(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

"(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

"(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

"(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

"(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of title 38, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of title 38, United States Code, is amended—

(A) in subsection (a)—

(i) by striking "veteran" each place it appears and inserting "individual"; and

(ii) in paragraph (3), by striking "veteran's" and inserting "individual's";

(B) in subsection (b)(1), by striking "a veteran" and inserting "an individual";

(C) in subsection (c)—

(i) by striking "a veteran" and inserting "an individual"; and

(ii) by striking "the veteran" each place it appears and inserting "the individual"; and

(D) in subsection (d), by striking "a veteran" each place it appears and inserting "an individual".

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of title 38, United States Code, is amended—

(A) by striking "veteran" each place it appears (other than in subsection (b)) and inserting "individual";

(B) in subsection (a), by striking "veteran's" each place it appears and inserting "individual's"; and

(C) in subsection (b), by striking "a veteran" each place it appears and inserting "an individual".

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of title 38, United States Code, is amended by striking "veterans" both places it appears and inserting "individuals".

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of title 38, United States Code, is amended—

(A) in subsection (a), by striking "veteran" each place it appears and inserting "individual"; and

(B) in subsection (b)—

(i) in the first sentence, by striking "A veteran" and inserting "An individual";

(ii) in the second sentence, by striking "a veteran" and inserting "an individual"; and

(iii) by striking "such veteran" each place it appears and inserting "such individual".

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of title 38, United States Code, is amended—

(A) in subsection (a)—

(i) by striking "any eligible veteran" and inserting "any eligible individual"; and

(ii) by striking "the veterans'" and inserting "the individual's";

(B) in subsection (b), by striking "an eligible veteran" and inserting "an eligible individual";

(C) in subsection (e), by striking "an eligible veteran" and inserting "an individual";

(D) in subsection (h), by striking "each veteran" and inserting "each individual";

(E) in subsection (i), by striking "the veteran's" each place it appears and inserting "the individual's";

(F) by striking "the veteran" each place it appears and inserting "the individual"; and

(G) by striking "a veteran" each place it appears and inserting "an individual".

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of title 38, United States Code, is amended to read as follows:

"§2101. Acquisition and adaptation of housing: eligible veterans".

(B) The heading of section 2102A of such title is amended to read as follows:

"§2102A. Assistance for individuals residing temporarily in housing owned by a family member".

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of title 38, United States Code, is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

"2101. Acquisition and adaptation of housing: eligible veterans.";

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

"2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.";

and

(C) by striking the item relating to section 2102A and inserting the following new item:

"2102A. Assistance for individuals residing temporarily in housing owned by a family member.".

SEC. 2603. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

SEC. 2604. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking "after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006" and inserting "after December 31, 2011".

SEC. 2605. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000";

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000"; and

(3) by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

"(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

"(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 2606. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 2602(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 2607. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 2602(a) of this Act), who reside with family members on a permanent basis.

SEC. 2608. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting "or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts" before "may not be considered".

SEC. 2609. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.".

DIVISION C—TAX-RELATED PROVISIONS

SECTION 3000. SHORT TITLE; ETC.

(a) SHORT TITLE.—This division may be cited as the "Housing Assistance Tax Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—HOUSING TAX INCENTIVES

Subtitle A—Multi-Family Housing

PART I—LOW-INCOME HOUSING TAX CREDIT

SEC. 3001. TEMPORARY INCREASE IN VOLUME CAP FOR LOW-INCOME HOUSING TAX CREDIT.

Paragraph (3) of section 42(h) is amended by adding at the end the following new subparagraph:

"(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2008 AND 2009.—In the case of calendar years 2008 and 2009—

"(i) the dollar amount in effect under subparagraph (C)(ii)(I) for such calendar year (after any increase under subparagraph (H)) shall be increased by $0.20, and

"(ii) the dollar amount in effect under subparagraph (C)(ii)(II) for such calendar year (after any increase under subparagraph (H)) shall be increased by an amount equal to 10 percent of such dollar amount (rounded to the next lowest multiple of $5,000).".

SEC. 3002. DETERMINATION OF CREDIT RATE.

(a) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.—Subsection (b) of section 42 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.—In the case of any new building—

"(A) which is placed in service by the taxpayer after the date of the enactment of this paragraph and before December 31, 2013, and

"(B) which is not federally subsidized for the taxable year,

the applicable percentage shall not be less than 9 percent.".

(b) MODIFICATIONS TO DEFINITION OF FEDERALLY SUBSIDIZED BUILDING.—

(1) IN GENERAL.—Subparagraph (A) of section 42(i)(2) is amended by striking ", or any below market Federal loan,".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(i)(2) is amended—

(i) by striking "BALANCE OF LOAN OR" in the heading thereof,

(ii) by striking "loan or" in the matter preceding clause (i), and

(iii) by striking "subsection (d)—" and all that follows and inserting "subsection (d) the proceeds of such obligation.".

(B) Subparagraph (C) of section 42(i)(2) is amended—

(i) by striking "or below market Federal loan" in the matter preceding clause (i),

(ii) in clause (i)—

(I) by striking "or loan (when issued or made)" and inserting "(when issued)", and

(II) by striking "the proceeds of such obligation or loan" and inserting "the proceeds of such obligation", and

(iii) by striking ", and such loan is repaid," in clause (ii).

(C) Paragraph (2) of section 42(i) is amended by striking subparagraphs (D) and (E).

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 3003. MODIFICATIONS TO DEFINITION OF ELIGIBLE BASIS.

(a) INCREASE IN CREDIT FOR CERTAIN STATE DESIGNATED BUILDINGS.—Subparagraph (C) of section 42(d)(5) (relating to increase in credit for buildings in high cost areas), before redesignation under subsection (g), is amended by adding at the end the following new clause:

“(v) BUILDINGS DESIGNATED BY STATE HOUSING CREDIT AGENCY.—Any building which is designated by the State housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project shall be treated for purposes of this subparagraph as located in a difficult development area which is designated for purposes of this subparagraph. The preceding sentence shall not apply to any building if paragraph (1) of subsection (h) does not apply to any portion of the eligible basis of such building by reason of paragraph (4) of such subsection.”.

(b) MODIFICATION TO REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—Clause (ii) of section 42(e)(3)(A) is amended—

(A) by striking “10 percent” in subclause (I) and inserting “20 percent”, and

(B) by striking “$3,000” in subclause (II) and inserting “$6,000”.

(2) INFLATION ADJUSTMENT.—Paragraph (3) of section 42(e) is amended by adding at the end the following new subparagraph:

“(D) INFLATION ADJUSTMENT.—In the case of any expenditures which are treated under paragraph (4) as placed in service during any calendar year after 2009, the $6,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase under the preceding sentence which is not a multiple of $100 shall be rounded to the nearest multiple of $100.”.

(3) CONFORMING AMENDMENT.—Subclause (II) of section 42(f)(5)(B)(ii) is amended by striking “if subsection (e)(3)(A)(ii)(II)” and all that follows and inserting “if the dollar amount in effect under subsection (e)(3)(A)(ii)(II) were two-thirds of such amount.”.

(c) INCREASE IN ALLOWABLE COMMUNITY SERVICE FACILITY SPACE FOR SMALL PROJECTS.—Clause (ii) of section 42(d)(4)(C) (relating to limitation) is amended by striking “10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of” and inserting “the sum of—

“(I) 25 percent of so much of the eligible basis of the qualified low-income housing project of which it is a part as does not exceed $15,000,000, plus

“(II) 10 percent of so much of the eligible basis of such project as is not taken into account under subclause (I).

For purposes of”.

(d) CLARIFICATION OF TREATMENT OF FEDERAL GRANTS.—Subparagraph (A) of section 42(d)(5) is amended to read as follows:

“(A) FEDERAL GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING ELIGIBLE BASIS.—The eligible basis of a building shall not include any costs financed with the proceeds of a Federally funded grant.”.

(e) SIMPLIFICATION OF RELATED PARTY RULES.—Clause (iii) of section 42(d)(2)(D), before redesignation under subsection (g)(2), is amended—

(1) by striking all that precedes subclause (II),

(2) by redesignating subclause (II) as clause (iii) and moving such clause two ems to the left, and

(3) by striking the last sentence thereof.

(f) EXCEPTION TO 10-YEAR NONACQUISITION PERIOD FOR EXISTING BUILDINGS APPLICABLE TO FEDERALLY- OR STATE-ASSISTED BUILDINGS.—Paragraph (6) of section 42(d) is amended to read as follows:

“(6) CREDIT ALLOWABLE FOR CERTAIN BUILDINGS ACQUIRED DURING 10-YEAR PERIOD DESCRIBED IN PARAGRAPH (2)(B)(ii).—

“(A) IN GENERAL.—Paragraph (2)(B)(ii) shall not apply to any Federally- or State-assisted building.

“(B) BUILDINGS ACQUIRED FROM INSURED DEPOSITORY INSTITUTIONS IN DEFAULT.—On application by the taxpayer, the Secretary may waive paragraph (2)(B)(ii) with respect to any building acquired from an insured depository institution in default (as defined in section 3 of the Federal Deposit Insurance Act) or from a receiver or conservator of such an institution.

“(C) FEDERALLY- OR STATE-ASSISTED BUILDING.—For purposes of this paragraph—

“(i) FEDERALLY-ASSISTED BUILDING.—The term ‘Federally-assisted building’ means any building which is substantially assisted, financed, or operated under section 8 of the United States Housing Act of 1937, section 221(d)(3), 221(d)(4), or 236 of the National Housing Act, or section 515 of the Housing Act of 1949 (as such Acts are in effect on the date of the enactment of the Tax Reform Act of 1986).

“(ii) STATE-ASSISTED BUILDING.—The term ‘State-assisted building’ means any building which is substantially assisted, financed, or operated under any State law similar in purposes to any of the laws referred to in clause (i).”.

(g) REPEAL OF DEADWOOD.—

(1) Clause (ii) of section 42(d)(2)(B) is amended by striking “the later of—” and all that follows and inserting “the date the building was last placed in service,”.

(2) Subparagraph (D) of section 42(d)(2) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(3) Paragraph (5) of section 42(d) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REHABILITATION REQUIREMENTS.—

(A) IN GENERAL.—The amendments made by subsection (b) shall apply with respect to housing credit dollar amounts allocated after the date of the enactment of this Act.

(B) BUILDINGS NOT SUBJECT TO ALLOCATION LIMITS.—To the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, the amendments made by subsection (b) shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 3004. OTHER SIMPLIFICATION AND REFORM OF LOW-INCOME HOUSING TAX INCENTIVES.

(a) REPEAL PROHIBITION ON MODERATE REHABILITATION ASSISTANCE.—Paragraph (2) of section 42(c) (defining qualified low-income building) is amended by striking the flush sentence at the end.

(b) MODIFICATION OF TIME LIMIT FOR INCURRING 10 PERCENT OF PROJECT’S COST.—Clause (ii) of section 42(h)(1)(E) is amended by striking “(as of the later of the date which is 6 months after the date that the allocation was made or the close of the calendar year in which the allocation is made)” and inserting “(as of the date which is 1 year after the date that the allocation was made)”.

(c) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—Paragraph (6) of section 42(j) (relating to no recapture on disposition of building (or interest therein) where bond posted) is amended to read as follows:

“(6) NO RECAPTURE ON DISPOSITION OF BUILDING WHICH CONTINUES IN QUALIFIED USE.—

“(A) IN GENERAL.—The increase in tax under this subsection shall not apply solely by reason of the disposition of a building (or an interest therein) if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

“(B) STATUTE OF LIMITATIONS.—If a building (or an interest therein) is disposed of during any taxable year and there is any reduction in the qualified basis of such building which results in an increase in tax under this subsection for such taxable or any subsequent taxable year, then—

“(i) the statutory period for the assessment of any deficiency with respect to such increase in tax shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of such reduction in qualified basis, and

“(ii) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.”.

(d) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—Subparagraph (C) of section 42(m)(1) (relating to plans for allocation of credit among projects) is amended by striking “and” at the end of clause (vii), by striking the period at the end of clause (viii) and inserting a comma, and by adding at the end the following new clauses:

“(ix) the energy efficiency of the project, and

“(x) the historic nature of the project.”.

(e) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—Clause (i) of section 42(i)(3)(D) is amended by striking “or” at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

“(II) a student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or part E of title IV of the Social Security Act, or”.

(f) TREATMENT OF RURAL PROJECTS.—Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

“(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section

520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income. The preceding sentence shall not apply with respect to any building if paragraph (1) of section 42(h) does not apply by reason of paragraph (4) thereof to any portion of the credit determined under this section with respect to such building.''.

(g) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—Subsection (c) of section 42 is amended by adding at the end the following new paragraph:

"(3) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—

"(A) IN GENERAL.—A building which meets the requirements of subparagraph (B) shall not fail to be treated as a qualified low-income building solely because occupancy in such building is restricted to individuals who have special needs, share a common occupation or common interests, or are members of a specified group based on Federal, State, or local programs or requirements.

"(B) BASIC PUBLIC USE REQUIREMENTS.—A building meets the requirements of this subparagraph if—

"(i) such building is used consistent with housing policy governing non-discrimination as evidenced by rules and regulations of the Department of Housing and Urban Development,

"(ii) occupancy in such building is not restricted on the basis of membership in a social organization or on the basis of employment by specific employers, and

"(iii) such building is not part of a hospital, nursing home, sanitarium, lifecare facility, trailer park, or intermediate care facility for the mentally or physically handicapped.''.

(h) GAO STUDY REGARDING MODIFICATIONS TO LOW-INCOME HOUSING TAX CREDIT.—Not later than December 31, 2012, the Comptroller General of the United States shall submit to Congress a report which analyzes the implementation of the modifications made by this subtitle to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986. Such report shall include an analysis of the distribution of credit allocations before and after the effective date of such modifications.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—The amendment made by subsection (c) shall apply to—

(A) interests in buildings disposed after the date of the enactment of this Act, and

(B) interests in buildings disposed of on or before such date if—

(i) it is reasonably expected that such building will continue to be operated as a qualified low-income building (within the meaning of section 42 of the Internal Revenue Code of 1986) for the remaining compliance period (within the meaning of such section) with respect to such building, and

(ii) the taxpayer elects the application of this subparagraph with respect to such disposition.

(3) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—The amendments made by subsection (d) shall apply to allocations made after December 31, 2008.

(4) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—The amendments made by subsection (e) shall apply to determinations made after the date of the enactment of this Act.

(5) TREATMENT OF RURAL PROJECTS.—The amendment made by subsection (f) shall apply to determinations made after the date of the enactment of this Act.

(6) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—The amendment made by subsection (g) shall apply to buildings placed in service before, on, or after the date of the enactment of this Act.

SEC. 3005. TREATMENT OF MILITARY BASIC PAY.

(a) IN GENERAL.—Subparagraph (B) of section 142(d)(2) (relating to income of individuals; area median gross income) is amended—

(1) by striking "The income" and inserting the following:

"(i) IN GENERAL.—The income", and

(2) by adding at the end the following:

"(ii) SPECIAL RULE RELATING TO BASIC HOUSING ALLOWANCES.—For purposes of determining income under this subparagraph, payments under section 403 of title 37, United States Code, as a basic pay allowance for housing shall be disregarded with respect to any qualified building.

"(iii) QUALIFIED BUILDING.—For purposes of clause (ii), the term 'qualified building' means any building located—

"(I) in any county in which is located a qualified military installation to which the number of members of the Armed Forces of the United States assigned to units based out of such qualified military installation, as of June 1, 2008, has increased by not less than 20 percent, as compared to such number on December 31, 2005, or

"(II) in any county adjacent to a county described in subclause (I).

"(iv) QUALIFIED MILITARY INSTALLATION.—For purposes of clause (iii), the term 'qualified military installation' means any military installation or facility the number of members of the Armed Forces of the United States assigned to which, as of June 1, 2008, is not less than 1,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) determinations made after the date of the enactment of this Act and before January 1, 2012, in the case of any qualified building (as defined in section 142(d)(2)(B)(iii) of the Internal Revenue Code of 1986)—

(A) with respect to which housing credit dollar amounts have been allocated before the date of the enactment of this Act, or

(B) with respect to buildings placed in service before such date of enactment, to the extent paragraph (1) of section 42(h) of such Code does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued before such date of enactment, and

(2) determinations made after the date of enactment of this Act, in the case of qualified buildings (as so defined)—

(A) with respect to which housing credit dollar amounts are allocated after the date of the enactment of this Act and before January 1, 2012, or

(B) with respect to which buildings placed in service after the date of enactment of this Act and before January 1, 2012, to the extent paragraph (1) of section 42(h) of such Code does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date of enactment and before January 1, 2012.

PART II—MODIFICATIONS TO TAX-EXEMPT HOUSING BOND RULES

SEC. 3007. RECYCLING OF TAX-EXEMPT DEBT FOR FINANCING RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—Subsection (i) of section 146 (relating to treatment of refunding issues) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF CERTAIN RESIDENTIAL RENTAL PROJECT BONDS AS REFUNDING BONDS IRRESPECTIVE OF OBLIGOR.—

"(A) IN GENERAL.—If, during the 6-month period beginning on the date of a repayment of a loan financed by an issue 95 percent or more of the net proceeds of which are used to provide projects described in section 142(d), such repayment is used to provide a new loan for any project so described, any bond which is issued to refinance such issue shall be treated as a refunding issue to the extent the principal amount of such refunding issue does not exceed the principal amount of the bonds refunded.

"(B) LIMITATIONS.—Subparagraph (A) shall apply to only one refunding of the original issue and only if—

"(i) the refunding issue is issued not later than 4 years after the date on which the original issue was issued,

"(ii) the latest maturity date of any bond of the refunding issue is not later than 34 years after the date on which the refunded bond was issued, and

"(iii) the refunding issue is approved in accordance with section 147(f) before the issuance of the refunding issue.''.

(b) LOW-INCOME HOUSING CREDIT.—Clause (ii) of section 42(h)(4)(A) is amended by inserting "or such financing is refunded as described in section 146(i)(6)'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments of loans received after the date of the enactment of this Act.

SEC. 3008. COORDINATION OF CERTAIN RULES APPLICABLE TO LOW-INCOME HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.''.

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

"(C) STUDENTS.—Rules similar to the rules of 42(i)(3)(D) shall apply for purposes of this subsection.''.

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

"(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

PART III—REFORMS RELATED TO THE LOW-INCOME HOUSING CREDIT AND TAX-EXEMPT HOUSING BONDS

SEC. 3009. HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 142(d), as amended by section 3008, is amended by adding at the end the following new subparagraph:

"(E) HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.—

"(i) IN GENERAL.—Any determination of area median gross income under subparagraph (B) with respect to any project for any calendar year after 2008 shall not be less than the area median gross income determined under such subparagraph with respect to such project for the calendar year preceding the calendar year for which such determination is made.

"(ii) SPECIAL RULE FOR CERTAIN CENSUS CHANGES.—In the case of a HUD hold harmless impacted project, the area median gross income with respect to such project for any calendar year after 2008 (hereafter in this clause referred to as the current calendar year) shall be the greater of the amount determined without regard to this clause or the sum of—

"(I) the area median gross income determined under the HUD hold harmless policy with respect to such project for calendar year 2008, plus

"(II) any increase in the area median gross income determined under subparagraph (B) (determined without regard to the HUD hold harmless policy and this subparagraph) with respect to such project for the current calendar year over the area median gross income (as so determined) with respect to such project for calendar year 2008.

"(iii) HUD HOLD HARMLESS POLICY.—The term 'HUD hold harmless policy' means the regulations under which a policy similar to the rules of clause (i) applied to prevent a change in the method of determining area median gross income from resulting in a reduction in the area median gross income determined with respect to certain projects in calendar years 2007 and 2008.

"(iv) HUD HOLD HARMLESS IMPACTED PROJECT.—The term 'HUD hold harmless impacted project' means any project with respect to which area median gross income was determined under subparagraph (B) for calendar year 2007 or 2008 if such determination would have been less but for the HUD hold harmless policy.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to determinations of area median gross income for calendar years after 2008.

SEC. 3010. EXCEPTION TO ANNUAL CURRENT INCOME DETERMINATION REQUIREMENT WHERE DETERMINATION NOT RELEVANT.

(a) IN GENERAL.—Subparagraph (A) of section 142(d)(3) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to any project for any year if during such year no residential unit in the project is occupied by a new resident whose income exceeds the applicable income limit.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years ending after the date of the enactment of this Act.

Subtitle B—Single Family Housing

SEC. 3011. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. FIRST-TIME HOMEBUYER CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during a taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to 10 percent of the purchase price of the residence.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the credit allowed under subsection (a) shall not exceed $8,000.

"(B) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting '$4,000' for '$8,000'.

"(C) OTHER INDIVIDUALS.—If two or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $8,000.

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so allowable as—

"(i) the excess (if any) of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $75,000 ($150,000 in the case of a joint return), bears to

"(ii) $20,000.

"(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

"(c) DEFINITIONS.—For purposes of this section—

"(1) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of the purchase of the principal residence to which this section applies.

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

"(3) PURCHASE.—

"(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

"(i) the property is not acquired from a person related to the person acquiring it, and

"(ii) the basis of the property in the hands of the person acquiring it is not determined—

"(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

"(II) under section 1014(a) (relating to property acquired from a decedent).

"(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer on the date the taxpayer first occupies such residence.

"(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date such residence is purchased.

"(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants).

"(d) EXCEPTIONS.—No credit under subsection (a) shall be allowed to any taxpayer for any taxable year with respect to the purchase of a residence if—

"(1) a credit under section 1400C (relating to first-time homebuyer in the District of Columbia) is allowable to the taxpayer (or the taxpayer's spouse) for such taxable year or any prior taxable year,

"(2) the residence is financed by the proceeds of a qualified mortgage issue the interest on which is exempt from tax under section 103,

"(3) the taxpayer is a nonresident alien, or

"(4) the taxpayer disposes of such residence (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the close of such taxable year.

"(e) REPORTING.—If the Secretary requires information reporting under section 6045 by a person described in subsection (e)(2) thereof to verify the eligibility of taxpayers for the credit allowable by this section, the exception provided by section 6045(e) shall not apply.

"(f) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, if a credit under subsection (a) is allowed to a taxpayer, the tax imposed by this chapter shall be increased by 6⅔ percent of the amount of such credit for each taxable year in the recapture period.

"(2) ACCELERATION OF RECAPTURE.—If a taxpayer disposes of the principal residence with respect to which a credit was allowed under subsection (a) (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the end of the recapture period—

"(A) the tax imposed by this chapter for the taxable year of such disposition or cessation, shall be increased by the excess of the amount of the credit allowed over the amounts of tax imposed by paragraph (1) for preceding taxable years, and

"(B) paragraph (1) shall not apply with respect to such credit for such taxable year or any subsequent taxable year.

"(3) LIMITATION BASED ON GAIN.—In the case of the sale of the principal residence to a person who is not related to the taxpayer, the increase in tax determined under paragraph (2) shall not exceed the amount of gain (if any) on such sale. Solely for purposes of the preceding sentence, the adjusted basis of such residence shall be reduced by the amount of the credit allowed under subsection (a) to the extent not previously recaptured under paragraph (1).

"(4) EXCEPTIONS.—

"(A) DEATH OF TAXPAYER.—Paragraphs (1) and (2) shall not apply to any taxable year ending after the date of the taxpayer's death.

"(B) INVOLUNTARY CONVERSION.—Paragraph (2) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section

1033(a)) if the taxpayer acquires a new principal residence during the 2-year period beginning on the date of the disposition or cessation referred to in paragraph (2). Paragraph (2) shall apply to such new principal residence during the recapture period in the same manner as if such new principal residence were the converted residence.

"(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

"(i) paragraph (2) shall not apply to such transfer, and

"(ii) in the case of taxable years ending after such transfer, paragraphs (1) and (2) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

"(5) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

"(6) RECAPTURE PERIOD.—For purposes of this subsection, the term 'recapture period' means the 15 taxable years beginning with the second taxable year following the taxable year in which the purchase of the principal residence for which a credit is allowed under subsection (a) was made.

"(g) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer on or after April 9, 2008, and before April 1, 2009.".

(b) CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) is amended by striking "and" at the end of subparagraph (U), by striking the period and inserting ", and" and the end of subparagraph (V), and by inserting after subparagraph (V) the following new subparagraph:

"(W) section 36(f) (relating to recapture of homebuyer credit).".

(2) Section 6211(b)(4)(A) is amended by striking "34," and all that follows through "6428" and inserting "34, 35, 36, 53(e), and 6428".

(3) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ", 36," after "section 35".

(4) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

"Sec. 36. First-time homebuyer credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased on or after April 9, 2008, in taxable years ending on or after such date.

SEC. 3012. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

"(8) REAL PROPERTY TAX DEDUCTION.—

"(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

"(i) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

"(ii) $500 ($1,000 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.

"(B) EXCEPTION.—The real property tax deduction shall not be allowed in the case of a taxpayer living in a jurisdiction in which the rate of tax for all residential real property taxes is increased, net of any tax rebates, through rate increases or the repeal or reduction of otherwise applicable deductions, credits, or offsets, at any time after the date of the enactment of this paragraph and before December 31, 2008. This subparagraph shall not apply in the case of a jurisdiction in which the rate of tax for all residential real property taxes is increased pursuant to an equalization policy in effect before the date of the enactment of this paragraph or as a result of any votes of the residents of such jurisdiction to increase funding for preschool, primary, secondary, or higher education.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle C—General Provisions

SEC. 3021. TEMPORARY LIBERALIZATION OF TAX-EXEMPT HOUSING BOND RULES.

(a) TEMPORARY INCREASE IN VOLUME CAP.—

(1) IN GENERAL.—Subsection (d) of section 146 is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $11,000,000,000 multiplied by a fraction—

"(i) the numerator of which is the State ceiling applicable to the State for calendar year 2008, determined without regard to this paragraph, and

"(ii) the denominator of which is the sum of the State ceilings determined under clause (i) for all States.

"(B) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified housing issues.

"(ii) QUALIFIED HOUSING ISSUE.—For purposes of this paragraph, the term 'qualified housing issue' means—

"(I) an issue described in section 142(a)(7) (relating to qualified residential rental projects), or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(A) for any issue other than a qualified housing issue (as defined in subsection (d)(5)), or

"(B) to issue any bond after calendar year 2010.".

(b) TEMPORARY RULE FOR USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—

(1) IN GENERAL.—Section 143(k) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying subparagraph (A) to any refinancing—

"(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan made after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 3022. REPEAL OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT HOUSING BONDS, LOW-INCOME HOUSING TAX CREDIT, AND REHABILITATION CREDIT.

(a) TAX-EXEMPT INTEREST ON CERTAIN HOUSING BONDS EXEMPTED FROM ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (C) of section 57(a)(5) (relating to specified private activity bonds) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

"(iii) EXCEPTION FOR CERTAIN HOUSING BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after the date of the enactment of this clause if such bond is—

"(I) an exempt facility bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)),

"(II) a qualified mortgage bond (as defined in section 143(a)), or

"(III) a qualified veterans' mortgage bond (as defined in section 143(b)).

The preceding sentence shall not apply to any refunding bond unless such preceding sentence applied to the refunded bond (or in the case of a series of refundings, the original bond).".

(2) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

"(iii) TAX EXEMPT INTEREST ON CERTAIN HOUSING BONDS.—Clause (i) shall not apply in the case of any interest on a bond to which section 57(a)(5)(C)(iii) applies.".

(b) ALLOWANCE OF LOW-INCOME HOUSING CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by redesignating clauses (ii) through (iv) as clauses (iii) through (v) and inserting after clause (i) the following new clause:

"(ii) the credit determined under section 42 to the extent attributable to buildings placed in service after December 31, 2007,".

(c) ALLOWANCE OF REHABILITATION CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by subsection (b), is amended by striking "and" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) the credit determined under section 47 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007, and".

(d) EFFECTIVE DATE.—

(1) HOUSING BONDS.—The amendments made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) LOW INCOME HOUSING CREDIT.—The amendments made by subsection (b) shall apply to credits determined under section 42 of the Internal Revenue Code of 1986 to the extent attributable to buildings placed in service after December 31, 2007.

(3) REHABILITATION CREDIT.—The amendments made by subsection (c) shall apply to credits determined under section 47 of the Internal Revenue Code of 1986 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007.

SEC. 3023. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS ELIGIBLE FOR TREATMENT AS TAX-EXEMPT BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 149(b)(3) (relating to exceptions for certain insurance programs) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or" and by adding at the end the following new clause:

"(iv) subject to subparagraph (E), any guarantee by a Federal home loan bank made in connection with the original issuance of a bond during the period beginning on the date of the enactment of this clause and ending on December 31, 2010 (or a renewal or extension of a guarantee so made).".

(b) SAFETY AND SOUNDNESS REQUIREMENTS.—Paragraph (3) of section 149(b) is amended by adding at the end the following new subparagraph:

"(E) SAFETY AND SOUNDNESS REQUIREMENTS FOR FEDERAL HOME LOAN BANKS.—Clause (iv) of subparagraph (A) shall not apply to any guarantee by a Federal home loan bank unless such bank meets safety and soundness collateral requirements for such guarantees which are at least as stringent as such requirements which apply under regulations applicable to such guarantees by Federal home loan banks as in effect on April 9, 2008.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees made after the date of the enactment of this Act.

SEC. 3024. MODIFICATION OF RULES PERTAINING TO FIRPTA NONFOREIGN AFFIDAVITS.

(a) IN GENERAL.—Subsection (b) of section 1445 (relating to exemptions) is amended by adding at the end the following:

"(9) ALTERNATIVE PROCEDURE FOR FURNISHING NONFOREIGN AFFIDAVIT.—For purposes of paragraphs (2) and (7)—

"(A) IN GENERAL.—Paragraph (2) shall be treated as applying to a transaction if, in connection with a disposition of a United States real property interest—

"(i) the affidavit specified in paragraph (2) is furnished to a qualified substitute, and

"(ii) the qualified substitute furnishes a statement to the transferee stating, under penalty of perjury, that the qualified substitute has such affidavit in his possession.

"(B) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.".

(b) QUALIFIED SUBSTITUTE.—Subsection (f) of section 1445 (relating to definitions) is amended by adding at the end the following new paragraph:

"(6) QUALIFIED SUBSTITUTE.—The term 'qualified substitute' means, with respect to a disposition of a United States real property interest—

"(A) the person (including any attorney or title company) responsible for closing the transaction, other than the transferor's agent, and

"(B) the transferee's agent.".

(c) EXEMPTION NOT TO APPLY IF KNOWLEDGE OR NOTICE THAT AFFIDAVIT OR STATEMENT IS FALSE.—

(1) IN GENERAL.—Paragraph (7) of section 1445(b) (relating to special rules for paragraphs (2) and (3)) is amended to read as follows:

"(7) SPECIAL RULES FOR PARAGRAPHS (2), (3), AND (9).—Paragraph (2), (3), or (9) (as the case may be) shall not apply to any disposition—

"(A) if—

"(i) the transferee or qualified substitute has actual knowledge that the affidavit referred to in such paragraph, or the statement referred to in paragraph (9)(A)(ii), is false, or

"(ii) the transferee or qualified substitute receives a notice (as described in subsection (d)) from a transferor's agent, transferee's agent, or qualified substitute that such affidavit or statement is false, or

"(B) if the Secretary by regulations requires the transferee or qualified substitute to furnish a copy of such affidavit or statement to the Secretary and the transferee or qualified substitute fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.".

(2) LIABILITY.—

(A) NOTICE.—Paragraph (1) of section 1445(d) (relating to notice of false affidavit; foreign corporations) is amended to read as follows:

"(1) NOTICE OF FALSE AFFIDAVIT; FOREIGN CORPORATIONS.—If—

"(A) the transferor furnishes the transferee or qualified substitute an affidavit described in paragraph (2) of subsection (b) or a domestic corporation furnishes the transferee an affidavit described in paragraph (3) of subsection (b), and

"(B) in the case of—

"(i) any transferor's agent—

"(I) such agent has actual knowledge that such affidavit is false, or

"(II) in the case of an affidavit described in subsection (b)(2) furnished by a corporation, such corporation is a foreign corporation, or

"(ii) any transferee's agent or qualified substitute, such agent or substitute has actual knowledge that such affidavit is false,

such agent or qualified substitute shall so notify the transferee at such time and in such manner as the Secretary shall require by regulations.".

(B) FAILURE TO FURNISH NOTICE.—Paragraph (2) of section 1445(d) (relating to failure to furnish notice) is amended to read as follows:

"(2) FAILURE TO FURNISH NOTICE.—

"(A) IN GENERAL.—If any transferor's agent, transferee's agent, or qualified substitute is required by paragraph (1) to furnish notice, but fails to furnish such notice at such time or times and in such manner as may be required by regulations, such agent or substitute shall have the same duty to deduct and withhold that the transferee would have had if such agent or substitute had complied with paragraph (1).

"(B) LIABILITY LIMITED TO AMOUNT OF COMPENSATION.—An agent's or substitute's liability under subparagraph (A) shall be limited to the amount of compensation the agent or substitute derives from the transaction.".

(C) CONFORMING AMENDMENT.—The heading for section 1445(d) is amended by striking "OR TRANSFEREE'S AGENTS" and inserting ", TRANSFEREE'S AGENTS, OR QUALIFIED SUBSTITUTES".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions of United States real property interests after the date of the enactment of this Act.

SEC. 3025. MODIFICATION OF DEFINITION OF TAX-EXEMPT USE PROPERTY FOR PURPOSES OF THE REHABILITATION CREDIT.

(a) IN GENERAL.—Subclause (I) of section 47(c)(2)(B)(v) is amended by striking "section 168(h)" and inserting "section 168(h), except that '50 percent' shall be substituted for '35 percent' in paragraph (1)(B)(iii) thereof".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures properly taken into account for periods after December 31, 2007.

SEC. 3026. EXTENSION OF SPECIAL RULE FOR MORTGAGE REVENUE BONDS FOR RESIDENCES LOCATED IN DISASTER AREAS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended—

(1) by striking "December 31, 1996" and inserting "May 1, 2008", and

(2) by striking "January 1, 1999" and inserting "January 1, 2010".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after May 1, 2008.

TITLE II—REFORMS RELATED TO REAL ESTATE INVESTMENT TRUSTS

Subtitle A—Foreign Currency and Other Qualified Activities

SEC. 3031. REVISIONS TO REIT INCOME TESTS.

(a) FOREIGN CURRENCY GAINS NOT GROSS INCOME IN APPLYING REIT INCOME TESTS.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

"(n) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—

"(1) IN GENERAL.—For purposes of this part—

"(A) passive foreign exchange gain for any taxable year shall not constitute gross income for purposes of subsection (c)(2), and

"(B) real estate foreign exchange gain for any taxable year shall not constitute gross income for purposes of subsection (c)(3).

"(2) REAL ESTATE FOREIGN EXCHANGE GAIN.—For purposes of this subsection, the term 'real estate foreign exchange gain' means—

"(A) foreign currency gain (as defined in section 988(b)(1)) which is attributable to—

"(i) any item of income or gain described in subsection (c)(3),

"(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gain attributable to any item of income or gain described in clause (i)), or

"(iii) becoming or being the obligor under obligations secured by mortgages on real property or on interests in real property (other than foreign currency gain attributable to any item of income or gain described in clause (i)), "(B) section 987 gain attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

"(i) subsection (c)(3) for the taxable year, and

"(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

"(C) any other foreign currency gain as determined by the Secretary.

"(3) PASSIVE FOREIGN EXCHANGE GAIN.—For purposes of this subsection, the term 'passive foreign exchange gain' means—

"(A) real estate foreign exchange gain,

"(B) foreign currency gain (as defined in section 988(b)(1)) which is not described in subparagraph (A) and which is attributable to—

"(i) any item of income or gain described in subsection (c)(2),

"(ii) the acquisition or ownership of obligations (other than foreign currency gain attributable to any item of income or gain described in clause (i)), or

"(iii) becoming or being the obligor under obligations (other than foreign currency gain attributable to any item of income or gain described in clause (i)), and

"(C) any other foreign currency gain as determined by the Secretary.

"(4) EXCEPTION FOR INCOME FROM SUBSTANTIAL AND REGULAR TRADING.—Notwithstanding this subsection or any other provision of this part, any section 988 gain derived by a corporation, trust, or association from engaging in substantial and regular trading or dealing in securities (as defined in section 475(c)(2)) shall constitute gross income which does not qualify under paragraph (2) or (3) of subsection (c). This paragraph shall not apply to income which does not constitute gross income by reason of subsection (c)(5)(G).".

(b) ADDITION TO REIT HEDGING RULE.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

"(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent as determined by the Secretary—

"(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

"(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item of income or gain described in paragraph (2) or (3) (or any property which generates such income or gain), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).".

(c) AUTHORITY TO EXCLUDE ITEMS OF INCOME FROM REIT INCOME TESTS.—Section 856(c)(5), as amended by the Heartland, Habitat, Harvest, and Horticulture Act of 2008, is amended by adding at the end the following new subparagraph:

"(J) SECRETARIAL AUTHORITY TO EXCLUDE OTHER ITEMS OF INCOME.—To the extent necessary to carry out the purposes of this part, the Secretary is authorized to determine, solely for purposes of this part, whether any item of income or gain which—

"(i) does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income, or

"(ii) otherwise constitutes gross income not qualifying under paragraph (2) or (3) may be considered as gross income which qualifies under paragraph (2) or (3).".

SEC. 3032. REVISIONS TO REIT ASSET TESTS.

(a) CLARIFICATION OF VALUATION TEST.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting "(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)" after "such requirements".

(b) CLARIFICATION OF PERMISSIBLE ASSET CATEGORY.—Section 856(c)(5), as amended by section 3031(c), is amended by adding at the end the following new subparagraph:

"(K) CASH.—If the real estate investment trust or its qualified business unit (as defined in section 989) uses any foreign currency as its functional currency (as defined in section 985(b)), the term 'cash' includes such foreign currency but only to the extent such foreign currency—

"(i) is held for use in the normal course of the activities of the trust or qualified business unit which give rise to items of income or gain described in paragraph (2) or (3) of subsection (c) or are directly related to acquiring or holding assets described in subsection (c)(4), and

"(ii) is not held in connection with an activity described in subsection (n)(4).".

SEC. 3033. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) NET INCOME FROM FORECLOSURE PROPERTY.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

"(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over".

(b) NET INCOME FROM PROHIBITED TRANSACTIONS.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

"(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;".

Subtitle B—Taxable REIT Subsidiaries

SEC. 3041. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended—

(1) by striking "20 percent" and inserting "25 percent", and

(2) by striking "REIT subsidiaries" and all that follows, and inserting "REIT subsidiaries,".

Subtitle C—Dealer Sales

SEC. 3051. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking "4 years" in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting "2 years",

(2) by striking "4-year period" in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting "2-year period", and

(3) by striking "real estate asset"and all that follows through "if" in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting "real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if".

SEC. 3052. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting ", or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;", and

(2) by adding "or" at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

"(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,".

Subtitle D—Health Care REITs

SEC. 3061. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

"(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

"(ii) employs individuals working at such facility or property located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.".

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

"(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

"(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

"(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

"(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

"(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

"(I) January 1, 1999, or

"(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.".

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting "or a health care facility" after "a lodging facility", and

(2) by inserting "or health care facility" after "such lodging facility".

Subtitle E—Effective Dates

SEC. 3071. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendments made by section 3031(a) and (c) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 3031(b) shall apply to transactions entered into after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 3033(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 3033(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

TITLE III—REVENUE PROVISIONS

Subtitle A—General Provisions

SEC. 3081. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k) is amended by adding at the end the following new paragraph:

"(4) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

"(A) IN GENERAL.—If a corporation elects to have this paragraph apply—

"(i) no additional depreciation shall be allowed under paragraph (1) for any eligible qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply,

"(ii) the applicable depreciation method used under this section with respect to such eligible qualified property shall be the straight line method rather than the method that would otherwise be used, and

"(iii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

"(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

"(i) the limitation under section 38(c), and

"(ii) the limitation under section 53(c).

"(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

"(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

"(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

"(ii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iii), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

"(iii) APPLICABLE LIMITATION.—For purposes of clause (ii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

"(I) $30,000,000, or

"(II) 6 percent of the sum of the amounts determined with respect to the taxpayer under clauses (ii) and (iii) of subparagraph (E).

"(iv) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iii).

"(D) ELIGIBLE QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

"(i) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

"(ii) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

"(iii) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

"(E) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

"(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

"(I) from taxable years beginning before January 1, 2006, and

"(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

"(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006. For purposes of the preceding sentence, credits shall be treated as allowed on a first-in, first-out basis.

"(F) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

"(G) OTHER RULES.—

"(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (E)) may be revoked only with the consent of the Secretary.

"(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.".

(b) APPLICATION TO CERTAIN AUTOMOTIVE PARTNERSHIPS.—

(1) IN GENERAL.—If an applicable partnership elects the application of this subsection—

(A) the partnership shall be treated as having made a payment against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any applicable taxable year of the partnership in the amount determined under paragraph (3),

(B) in the case of any eligible qualified property placed in service by the partnership during any applicable taxable year—

(i) section 168(k) of such Code shall not apply in determining the amount of the deduction allowable to the partnership or any partner with respect to such property under section 168 of such Code,

(ii) the applicable depreciation method used by the partnership or any partner under such section with respect to such property shall be the straight line method rather than the method that would otherwise be used,

(C) no election may be made under section 168(k)(4) of such Code with respect to the partnership, and

(D) the amount of the credit determined under section 41 of such Code for any applicable taxable year with respect to the partnership shall be reduced by the amount of the deemed payment under subparagraph (A) for the taxable year.

(2) TREATMENT OF DEEMED PAYMENT.—

(A) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, the Secretary of the Treasury or his delegate shall not use the payment of tax described in paragraph (1) as an offset or credit against any tax liability of the applicable partnership or any partner but shall refund such payment to the applicable partnership.

(B) NO INTEREST.—The payment described in paragraph (1) shall not be taken into account in determining any amount of interest under such Code.

(3) AMOUNT OF DEEMED PAYMENT.—The amount determined under this paragraph for any applicable taxable year shall be the least of the following:

(A) The amount which would be determined for the taxable year under section 168(k)(4)(C)(i) of the Internal Revenue Code of 1986 (as added by the amendments made by this section) if an election under such section were in effect with respect to the partnership.

(B) The amount of the credit determined under section 41 of such Code for the taxable year with respect to the partnership.

(C) $30,000,000, reduced by the amount of any payment under this subsection for any preceding taxable year.

(4) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE PARTNERSHIP.—The term "applicable partnership" means a domestic partnership that—

(i) was formed effective on August 3, 2007, and

(ii) will produce in excess of 675,000 automobiles during the period beginning on January 1, 2008, and ending on June 30, 2008.

(B) APPLICABLE TAXABLE YEAR.—The term "applicable taxable year" means any taxable year during which eligible qualified property is placed in service.

(C) ELIGIBLE QUALIFIED PROPERTY.—The term "eligible qualified property" has the meaning given such term by section 168(k)(4)(D) of the Internal Revenue Code of 1986 (as added by the amendments made by this section).

(c) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, as amended by this Act, is amended—

(1) by inserting "168(k)(4)(F)," after "36,", and

(2) by inserting ", or due under section 3081(b)(2) of the Housing Assistance Tax Act of 2008" before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 31, 2008.

SEC. 3082. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109-148, 109-234, or 110-116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof, and".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

"(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

Subtitle B—Revenue Offsets

SEC. 3091. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

"SEC. 6050W. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

"(a) IN GENERAL.—Each payment settlement entity shall make a return for each calendar year setting forth—

"(1) the name, address, and TIN of each participating payee to whom one or more payments in settlement of reportable transactions are made, and

"(2) the gross amount of the reportable transactions with respect to each such participating payee.

Such return shall be made at such time and in such form and manner as the Secretary may require by regulations.

"(b) PAYMENT SETTLEMENT ENTITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'payment settlement entity' means—

"(A) in the case of a payment card transaction, the merchant acquiring bank, and

"(B) in the case of a third party network transaction, the third party settlement organization.

"(2) MERCHANT ACQUIRING BANK.—The term 'merchant acquiring bank' means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.

"(3) THIRD PARTY SETTLEMENT ORGANIZATION.—The term 'third party settlement organization' means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.

"(4) SPECIAL RULES RELATED TO INTERMEDIARIES.—For purposes of this section—

"(A) AGGREGATED PAYEES.—In any case where reportable transactions of more than one participating payee are settled through an intermediary—

"(i) such intermediary shall be treated as the participating payee for purposes of determining the reporting obligations of the payment settlement entity with respect to such transactions, and

"(ii) such intermediary shall be treated as the payment settlement entity with respect to the settlement of such transactions with the participating payees.

"(B) ELECTRONIC PAYMENT FACILITATORS.—In any case where an electronic payment facilitator or other third party makes payments in settlement of reportable transactions on behalf of the payment settlement entity, the return under subsection (a) shall be made by such electronic payment facilitator or other third party in lieu of the payment settlement entity.

"(c) REPORTABLE TRANSACTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'reportable transaction' means any payment card transaction and any third party network transaction.

"(2) PAYMENT CARD TRANSACTION.—The term 'payment card transaction' means any transaction in which a payment card is accepted as payment.

"(3) THIRD PARTY NETWORK TRANSACTION.—The term 'third party network transaction' means any transaction which is settled through a third party payment network.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) PARTICIPATING PAYEE.—

"(A) IN GENERAL.—The term 'participating payee' means—

"(i) in the case of a payment card transaction, any person who accepts a payment card as payment, and

"(ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.

"(B) EXCLUSION OF FOREIGN PERSONS.—To the extent provided by the Secretary in regulations or other guidance, such term shall not include any foreign person.

"(C) INCLUSION OF GOVERNMENTAL UNITS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

"(2) PAYMENT CARD.—The term 'payment card' means any card which is issued pursuant to an agreement or arrangement which provides for—

"(A) one or more issuers of such cards,

"(B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards as payment, and

"(C) standards and mechanisms for settling the transactions between the merchant acquiring banks and the persons who agree to accept such cards as payment.

The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this section in the same manner as accepting such payment card as payment.

"(3) THIRD PARTY PAYMENT NETWORK.—The term 'third party payment network' means any agreement or arrangement—

"(A) which involves the establishment of accounts with a central organization for the purpose of settling transactions between persons who establish such accounts,

"(B) which provides for standards and mechanisms for settling such transactions,

"(C) which involves a substantial number of persons unrelated to such central organization who provide goods or services and who have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement, and

"(D) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services.

Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

"(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall not be required to report any information under subsection (a) with respect to third party network transactions of any participating payee if the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions does not exceed $10,000 and the aggregate number of such transactions does not exceed 200.

"(f) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

"(1) the name, address, and phone number of the information contact of the person required to make such return, and

"(2) the gross amount of payments made to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

"(g) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out this section, including rules to prevent the reporting of the same transaction more than once.".

(b) PENALTY FOR FAILURE TO FILE.—

(1) RETURN.—Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking "or" at the end of clause (xx),

(B) by redesignating the clause (xix) that follows clause (xx) as clause (xxi),

(C) by striking "and" at the end of clause (xxi), as redesignated by subparagraph (B) and inserting "or", and

(D) by adding at the end the following:

"(xxii) section 6050W (relating to returns to payments made in settlement of payment card transactions), and".

(2) STATEMENT.—Paragraph (2) of section 6724(d) is amended by striking "or" at the end of subparagraph (BB), by striking the period at the end of the subparagraph (CC) and inserting ", or", and by inserting after subparagraph (CC) the following:

"(DD) section 6050W(c) (relating to returns relating to payments made in settlement of payment card transactions).".

(c) APPLICATION OF BACKUP WITHHOLDING.—Paragraph (3) of section 3406(b) is amended by striking "or" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", or", and by adding at the end the following new subparagraph:

"(F) section 6050W (relating to returns relating to payments made in settlement of payment card transactions).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following:

"Sec. 6050W. Returns relating to payments made in settlement of payment card transactions.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns for calendar years beginning after December 31, 2010.

(2) APPLICATION OF BACKUP WITHHOLDING.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2011.

SEC. 3092. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

"(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

"(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

"(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

"(ii) the period such property was owned by the taxpayer.

"(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2009) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

"(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

"(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

"(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

"(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

"(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

"(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

"(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2008.

SEC. 3093. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking "$50" and inserting "$100".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking "$250,000" and inserting "$1,500,000".

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking "$15" and inserting "$50".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking "$75,000" and inserting "$500,000".

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking "$30" and inserting "$75".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721are each amended by striking "$150,000" and inserting "$1,000,000".

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking "$100,000" in subparagraph (A) and inserting "$500,000",

(2) by striking "$25,000" in subparagraph (B) and inserting "$100,000", and

(3) by striking "$50,000" in subparagraph (C) and inserting "$250,000".

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking "$100" and inserting "$250".

(f) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Subsection (a) of section 6722 is amended by striking "$50" and inserting "$100".

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking "$100,000" and inserting "$500,000".

(3) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (1) of section 6722(c) is amended by striking "$100" and inserting "$250".

(g) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$100", and

(2) by striking "$100,000" and inserting "$500,000".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2009.

SEC. 3094. INCREASE IN PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Paragraph (1) of section 6699(b) (relating to amount per month) is amended by striking "$85" and inserting "$100".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after the date of the enactment of this Act.

SEC. 3095. INCREASE IN PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) (relating to amount per month) is amended by striking "$85" and inserting "$100".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after the date of the enactment of this Act.

SEC. 3096. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651, as amended by section 303(a) of the Heroes Earnings Assistance and Relief Tax Act of 2008, is amended by striking "$135" in the last sentence and inserting "$225".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after the date of the enactment of this Act.

SA 4984. Mrs. DOLE (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

At the appropriate place, insert the following:

SEC. ___. REGULATION OF APPRAISAL STANDARDS.

Section 1319G of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4526) is amended by adding at the end the following new subsection:

"(d) REGULATION OF APPRAISAL STANDARDS.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, but not later than December 31, 2008, the Director shall issue in final form a regulation that establishes appraisal standards for mortgages purchased or guaranteed by the enterprises.

"(2) CONSISTENCY.—In issuing the regulation required by this subsection, the Director shall ensure that the regulation is consistent with appraisal regulations and guidelines issued by the Federal banking agencies (as that term is defined in section 3(z) of the Federal Deposit Insurance Act) and the National Credit Union Administration, including regulations and guidelines related to the independence and accuracy of appraisals, and do not conflict with any other banking regulations.

"(3) APPLICATION.—The regulation issued pursuant to this subsection shall supersede the terms of any agreement relating to appraisal standards entered into by the Director or the enterprises prior to or after the issuance of the regulation required by this subsection in final form, to the extent that any such agreement is inconsistent with the regulation. The Director shall have the authority to make determinations, at the Director's discretion and in response to requests for such determinations, as to whether any such agreements are, or have become, inconsistent with applicable regulations, and any terms of any such prior agreement that are consistent with the regulation shall not be effective until 1 year following the date of enactment of the issuance of the regulation in final form.".

SA 4985. Mr. BOND (for himself and Mr. BARRASSO) proposed an amendment to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

Strike title IV of division A.

SA 4986. Mr. BOND proposed an amendment to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

Insert the following at the appropriate place:

SEC. xxx. Notwithstanding any other provision of law, Fannie Mae and Freddie Mac shall not be responsible for any payments either directly or indirectly to other Housing entities under the Affordable Housing program unless these GSEs voluntarily provide funding. None of these funds shall be used for soft program costs, including staff costs.

SA 4987. Mr. BOND proposed an amendment to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

On page 522, between lines 2 and 3, insert the following:

"(iii) If the loan is an adjustable rate mortgage that includes an initial fixed interest rate—

"(I) state in conspicuous type size and format the following phrase: This loan is an adjustable rate mortgage with an initial fixed interest rate. Your initial fixed interest rate is AAA with a monthly payment of BBB until CCC. After that date, the interest rate on your loan will 'reset' to an adjustable rate and both your interest rate and payment could go higher on that date and in the future. For example, if your initial fixed rate ended today, your new adjustable interest rate would be DDD and your new payment EEE. If interest rates are one percent higher than they are today or at some point in the future, your new payment would be FFF. There is no guarantee you will be able to refinance your loan to a lower interest rate and payment before your initial fixed interest rate ends.;

"(II) the blank AAA in subparagraph (I) to be filled in with the initial fixed interest rate;

"(III) the blank BBB in subparagraph (I) to be filled in with the payment amount under the initial fixed interest rate;

"(IV) the blank CCC in subparagraph (I) to be filled in with the loan reset date;

"(V) the blank DDD in subparagraph (I) to be filled in with the adjustable rate as if the initial rate expired on the date of disclosure under subparagraph (B);

"(VI) the blank EEE in subparagraph (I) to be filled in with the payment under the adjustable rate as if the initial rate expired on the date of disclosure under subparagraph (B); and

"(VII) the blank FFF in subparagraph (I) to be filled in with the payment under the adjustable rate

"(iv) If the loan contains a prepayment penalty—

"(I) state in conspicuous type and format the following phrase: This loan contains a prepayment penalty. If you desire to pay off this loan before GGG, you will pay a penalty of HHH.;

"(II) the blank GGG in subparagraph (I) to be filled in with the date the prepayment penalty expires; and

"(III) the blank HHH in subparagraph (I) to be filled in with the prepayment penalty amount.

SA 4988. Mr. KOHL (for himself, Mrs. LINCOLN, Ms. MIKULSKI, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

At the end of division B, insert the following:

TITLE VII—FORECLOSURE RESCUE FRAUD PROTECTION

SEC. 2701. SHORT TITLE.

This title may be cited as the "Foreclosure Rescue Fraud Act of 2008".

SEC. 2702. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) FORECLOSURE CONSULTANT.—The term "foreclosure consultant"—

(A) means a person who directly or indirectly makes any solicitation, representation, or offer to a homeowner facing foreclosure on residential real property to perform, with or without compensation, or who performs, with or without compensation, any service that such person represents will prevent, postpone, or reverse the effect of such foreclosure; and

(B) does not include—

(i) an attorney licensed to practice law in the State in which the property is located who has established an attorney-client relationship with the homeowner;

(ii) a person licensed as a real estate broker or salesperson in the State where the property is located, and such person engages in acts permitted under the licensure laws of such State;

(iii) a housing counseling agency approved by the Secretary;

(iv) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

(v) a Federal credit union or a State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)); or

(vi) an insurance company organized under the laws of any State.

(3) HOMEOWNER.—The term "homeowner", with respect to residential real property for which an action to foreclose on the mortgage or deed of trust on such real property is filed, means the person holding record title to such property as of the date on which such action is filed.

(4) LOAN SERVICER.—The term "loan servicer" has the same meaning as the term "servicer" in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(5) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act (15 U.S.C. 1602)(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(6) RESIDENTIAL REAL PROPERTY.—The term "residential real property" has the meaning given the term "dwelling" in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602).

(7) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 2703. MORTGAGE RESCUE FRAUD PROTECTION.

(a) LIMITS ON FORECLOSURE CONSULTANTS.—A foreclosure consultant may not—

(1) claim, demand, charge, collect, or receive any compensation from a homeowner for services performed by such foreclosure consultant with respect to residential real property until such foreclosure consultant has fully performed each service that such foreclosure consultant contracted to perform or represented would be performed with respect to such residential real property;

(2) hold any power of attorney from any homeowner, except to inspect documents, as provided by applicable law;

(3) receive any consideration from a third party in connection with services rendered to a homeowner by such third party with respect to the foreclosure of residential real property, unless such consideration is fully disclosed to such homeowner in writing before such services are rendered;

(4) accept any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation with respect to services provided by such foreclosure consultant in connection with the foreclosure of residential real property; or

(5) acquire any interest, directly or indirectly, in the residence of a homeowner with whom the foreclosure consultant has contracted.

(b) CONTRACT REQUIREMENTS.—

(1) WRITTEN CONTRACT REQUIRED.—Notwithstanding any other provision of law, a foreclosure consultant may not provide to a homeowner a service related to the foreclosure of residential real property—

(A) unless—

(i) a written contract for the purchase of such service has been signed and dated by the homeowner; and

(ii) such contract complies with the requirements described in paragraph (2); and

(B) before the end of the 3-business-day period beginning on the date on which the contract is signed.

(2) TERMS AND CONDITIONS OF CONTRACT.—The requirements described in this paragraph, with respect to a contract, are as follows:

(A) The contract includes, in writing—

(i) a full and detailed description of the exact nature of the contract and the total amount and terms of compensation;

(ii) the name, physical address, phone number, email address, and facsimile number, if any, of the foreclosure consultant to whom a notice of cancellation can be mailed or sent under subsection (d); and

(iii) a conspicuous statement in at least 12 point bold face type in immediate proximity to the space reserved for the homeowner's signature on the contract that reads as follows: "You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you sign the contract. See the attached notice of cancellation form for an explanation of this right.".

(B) The contract is written in the principal language used by the homeowner.

(C) The contract is accompanied by the form required by subsection (c)(2).

(c) RIGHT TO CANCEL CONTRACT.—

(1) IN GENERAL.—With respect to a contract between a homeowner and a foreclosure consultant regarding the foreclosure on the residential real property of such homeowner, such homeowner may cancel such contract without penalty or obligation by mailing a notice of cancellation not later than midnight of the 3rd business day after the date on which such contract is executed or would become enforceable against the parties to such contract.

(2) CANCELLATION FORM AND OTHER INFORMATION.—Each contract described in paragraph (1) shall be accompanied by a form, in duplicate, that—

(A) has the heading "Notice of Cancellation" in boldface type; and

(B) contains in boldface type the following statement:

"You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day after the date on which the contract is signed by you.

"To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice or any other equivalent written notice to [insert name of foreclosure consultant] at [insert address of foreclosure consultant] before midnight on [insert date].

"I hereby cancel this transaction on [insert date] [insert homeowner signature].".

(d) WAIVER OF RIGHTS AND PROTECTIONS PROHIBITED.—

(1) IN GENERAL.—A waiver by a homeowner of any protection provided by this section or any right of a homeowner under this section—

(A) shall be treated as void; and

(B) may not be enforced by any Federal or State court or by any person.

(2) ATTEMPT TO OBTAIN A WAIVER.—Any attempt by any person to obtain a waiver from any homeowner of any protection provided by this section or any right of the homeowner under this section shall be treated as a violation of this section.

(3) CONTRACTS NOT IN COMPLIANCE.—Any contract that does not comply with the applicable provisions of this title shall be void and may not be enforceable by any party.

SEC. 2704. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading "Notice Required by Federal Law" in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: "Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [______], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance." (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively).

SEC. 2705. CIVIL LIABILITY.

(a) LIABILITY ESTABLISHED.—Any foreclosure consultant who fails to comply with any provision of section 2703 or 2704 with respect to any other person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

(1) ACTUAL DAMAGES.—The greater of—

(A) the amount of any actual damage sustained by such person as a result of such failure; or

(B) any amount paid by the person to the foreclosure consultant.

(2) PUNITIVE DAMAGES.—In the case of any action by an individual, such amount (in addition to damages described in paragraph (1)) as the court may allow.

(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any foreclosure consultant under subsection (a)(2), the court shall consider, among other relevant factors—

(1) the frequency and persistence of noncompliance by the foreclosure consultant;

(2) the nature of the noncompliance; and

(3) the extent to which such noncompliance was intentional.

SEC. 2706. ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in section 2703 or a failure to comply with any provision of section 2703 or 2704 shall be treated

as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of sections 2703 and 2704 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this title.

(b) STATE ACTION FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating the provisions of section 2703 or 2704, the State—

(A) may bring an action to enjoin such violation;

(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 2705 as a result of the violation; and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees, as determined by the court.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) INTERVENTION.—The Commission shall have the right—

(i) to intervene in any action referred to in subparagraph (A);

(ii) upon so intervening, to be heard on all matters arising in the action; and

(iii) to file petitions for appeal in such actions.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for a violation of section 2703 or 2704, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 2703 or 2704 that is alleged in that complaint.

SEC. 2707. PREEMPTION.

Nothing in this title affects any provision of State or local law respecting any foreclosure consultant, residential mortgage loan, or residential real property that provides equal or greater protection to homeowners than what is provided under this title.

SA 4989. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 564, beginning at line 7, strike through page 572, line 22, and insert the following:

SEC. 3011. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the purchase price of the residence as does not exceed $7,000.

"(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

"(b) LIMITATIONS.—

"(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

"(A) after June 30, 2008, and

"(B) before July 1, 2009.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

"(3) ONE-TIME ONLY.—

"(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

"(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

"(c) QUALIFIED PRINCIPAL RESIDENCE.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified principal residence' means an eligible single-family residence that is purchased to be the principal residence of the purchaser.

"(2) ELIGIBLE SINGLE-FAMILY RESIDENCE.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'eligible single-family residence' means a single-family structure that is—

"(i) a new previously unoccupied residence for which a building permit is issued and construction begins on or before September 1, 2007,

"(ii) an owner-occupied residence with respect to which the owner's acquisition indebtedness (as defined in section 163(h)(3)(B), determined without regard to clause (ii) thereof) is in default on or before July 1, 2008, or

"(iii) a residence with respect to which a foreclosure event has taken place and which is owned by the mortgagor or the mortgagor's agent.

"(B) CERTIFICATION.—In the case of an eligible single-family residence described in subparagraph (A)(i), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 1400C.

"(e) SPECIAL RULES.—

"(1) JOINT PURCHASE.—

"(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$3,500' for '$7,000' in subsection (a)(1).

"(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,000.

"(2) PURCHASE.—In defining the purchase of a qualified principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

"(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

"(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENT.—Section 1016(a) is amended by striking "and" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", and", and by adding at the end the following new paragraph:

"(37) to the extent provided in section 25E(f).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Credit for certain home purchases.".

SA 4990. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving

the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of Division B, insert the following:

TITLE VII—ENSURING ASSISTANCE IS PROVIDED ONLY TO DESERVING HOMEOWNERS

SEC. 2701. LIMITATION ON USE OF FUNDS.

(a) DEFINITION.—For purposes of this section, the term "housing assistance" means the following:

(1) Any amounts appropriated, authorized to be appropriated, or otherwise made available under this Act, or any amendment made by this Act.

(2) Any qualified mortgage bond issued by a State or political subdivision or any other entity or organization pursuant to section 143(k)(12) of the Internal Revenue Code, as added by section 3021(b) of this Act.

(3) Any tax credit related to first-time homebuyers allowable under section 36 of the Internal Revenue Code of 1986, as added by section 3011 of this Act.

(4) Any assistance, loan, loan guarantee, housing, housing assistance, or other housing related program administered, in whole or in part, by the Secretary of Housing and Urban Development, the Secretary of Veterans Affairs, or any other Federal agency.

(b) LIMITATION.—Housing assistance may not be provided or distributed to, or used by, any homeowner that made—

(1) any material misstatement or misrepresentation on his or her original mortgage application; or

(2) any false statements on his or her original mortgage application to qualify for the home loan.

(c) REQUIRED DOCUMENTATION.—In order to prove to the head of a Federal agency administering any housing assistance that a homeowner has not violated the prohibitions described in subsection (b), such a homeowner shall provide documentation sufficient to the satisfaction of such agency head that demonstrates that the homeowner did not make any—

(1) any material misstatement or misrepresentation on his or her original mortgage application; or

(2) any false statements on his or her original mortgage application to qualify for the home loan.

SA 4991. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—ENERGY EFFICIENT MORTGAGES

SEC. ___01. SHORT TITLE.

This title may be cited as the "Energy Efficient Mortgages Act of 2008".

SEC. ___02. DEFINITION.

As used in this title, the term "energy efficient mortgage" means a mortgage loan under which the income of the borrower, for purposes of qualification for such loan, is considered to be increased by not less than $1 for each $1 of savings projected to be realized by the borrower as a result of cost-effective energy saving construction or improvements for the home for which the loan is made.

SEC. ___03. ADDITIONAL CREDIT FOR FANNIE MAE AND FREDDIE MAC HOUSING GOALS FOR ENERGY EFFICIENT MORTGAGES.

Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting ", except as provided in paragraph (4)," after "which"; and

(2) by adding at the end the following new paragraph:

"(5) ADDITIONAL CREDIT.—

"(A) AMOUNT.—

"(i) IN GENERAL.—In assigning credit toward achievement under this section of the housing goals for mortgage purchase activities of the enterprises, the Director shall assign not less than 125 percent credit, for purchases of mortgages that—

"(I) comply with the requirements of such goals; and

"(II) are energy efficient mortgages, as such term is defined under section ____02 of the Energy Efficient Mortgages Act of 2008.

"(ii) EXTENT OF CREDIT.—Any additional credit assigned under clause (i) shall be given based on the extent to which the housing supported with such purchases is energy efficient.

"(B) TREATMENT OF ADDITIONAL CREDIT.—The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.".

SEC. ___04. AUTHORITY OF HOUSING-RELATED GOVERNMENT-SPONSORED ENTERPRISES WITH RESPECT TO ENERGY EFFICIENT MORTGAGES AND REPORTING.

(a) FANNIE MAE PURCHASE AUTHORITY.—The Federal National Mortgage Association Charter Act is amended—

(1) in section 302(b) (12 U.S.C. 1717(b)), by adding at the end the following new paragraph:

"(7) The mortgages specified in this subsection that the corporation is authorized to purchase, sell, service, lend on the security of, and otherwise deal in, shall include any such mortgages that are energy efficient mortgages (as such term is defined in section ____02 of the Energy Efficient Mortgages Act of 2008)."; and

(2) in section 309 (12 U.S.C. 1723a)—

(A) in subsection (m)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(II) by inserting after subparagraph (C) the following new subparagraph:

"(D) whether a particular mortgage purchased is an energy efficient mortgage (as such term is defined in section ____02 of the Energy Efficient Mortgages Act of 2008);"; and

(ii) in paragraph (2)(D), by inserting before the closing parenthesis the following: ", and whether the mortgage is an energy efficient mortgage (as such term is defined in section ____02 of the Energy Efficient Mortgages Act of 2008)"; and

(B) in subsection (n)(2)(C), by inserting before the semicolon the following: "and the extent to which the mortgages on single family and multifamily housing purchased by the corporation are energy efficient mortgages (as such term is defined in section ____02 of the Energy Efficient Mortgages Act of 2008)".

(b) FREDDIE MAC PURCHASE AUTHORITY.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) in section 305(a) (12 U.S.C. 1454), by adding at the end the following new paragraph:

"(6) The mortgages specified in this subsection that the Corporation is authorized to purchase, sell, service, lend on the security of, and otherwise deal in, shall include any such mortgages that are energy efficient mortgages (as such term is defined in section ____02 of the Energy Efficient Mortgages Act of 2008)."; and

(2) in section 307 (12 U.S.C. 1456)—

(A) in subsection (e)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(II) by inserting after subparagraph (C) the following new subparagraph:

"(D) whether a particular mortgage purchased is an energy efficient mortgage (as such term is defined in section ____02 of the Energy Efficient Mortgages Act of 2008);"; and

(ii) in paragraph (2)(D), by inserting before the closing parenthesis the following: ", and whether the mortgage is an energy efficient mortgage (as such term is defined in section ____02 of the Energy Efficient Mortgages Act of 2008)"; and

(B) in subsection (f)(2)(C), by inserting before the semicolon the following: "and the extent to which the mortgages on single family and multifamily housing purchased by the Corporation are energy efficient mortgages (as such term is defined in section ____02 of the Energy Efficient Mortgages Act of 2008)".

SEC. ___05. RECOMMENDATIONS TO ELIMINATE BARRIERS TO USE OF ENERGY EFFICIENT MORTGAGES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Secretary of Housing and Urban Development, in conjunction with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall consult with the residential mortgage industry and States to develop recommendations to eliminate the barriers that exist to increasing the availability, use, and purchase of energy efficient mortgages, including such barriers as—

(1) the lack of reliable and accessible information on such mortgages, including estimated energy savings and other benefits of energy efficient housing;

(2) the confusion regarding underwriting requirements and differences among various energy efficient mortgage programs;

(3) the complex and time consuming process of securing such mortgages;

(4) the lack of publicly available research on the default risk of such mortgages; and

(5) the availability of certified or accredited home energy rating services.

(b) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall submit a report to Congress that—

(1) summarizes the recommendations developed under subsection (a); and

(2) includes any recommendations for statutory, regulatory, or administrative changes the Secretary deems necessary to institute such recommendations.

SEC. ___06. ENERGY EFFICIENT MORTGAGES OUTREACH CAMPAIGN.

(a) IN GENERAL.—The Secretary of Housing and Urban Development, in consultation and coordination with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and State Energy and Housing Finance Directors, shall carry out an education and outreach campaign to inform and educate consumers, home builders, residential lenders, and other real estate professionals on the availability, benefits, and advantages of—

(1) improved energy efficiency in housing; and

(2) energy efficient mortgages.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the education and outreach campaign described under subsection (a).

SA 4992. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division A, insert the following:

SEC. 12___. FEDERAL HOME LOAN BANK COLLATERAL.

Section 10(a)(3)(D) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)(3)(D)) is amended by inserting ", and other collateral, subject to such regulation, order, and direction as the Agency may prescribe," before "if such collateral".

SA 4993. Mr. MENENDEZ (for himself, Mrs. MURRAY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie an the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HOMELESS ASSISTANCE.

(a) APPROPRIATIONS.—Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) is amended by striking "$70,000,000" and all that follows and inserting "$100,000,000 for fiscal year 2009 and such sums as may be necessary for each subsequent fiscal year.".

(b) EMERGENCY ASSISTANCE.—Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432) is amended by adding at the end the following:

"(h) SPECIAL RULE FOR EMERGENCY ASSISTANCE.—

"(1) EMERGENCY ASSISTANCE.—

"(A) RESERVATION OF AMOUNTS.—Subject to paragraph (4) and notwithstanding any other provision of this title, the Secretary shall use funds appropriated under section 726 for fiscal year 2009, but not to exceed $30,000,000, for the purposes of providing emergency assistance through grants.

"(B) GENERAL AUTHORITY.—The Secretary shall use the funds to make grants to State educational agencies under paragraph (2), to enable the agencies to make subgrants to local educational agencies under paragraph (3), to provide activities described in section 723(d) for individuals referred to in subparagraph (C).

"(C) ELIGIBLE INDIVIDUALS.—Funds made available under this subsection shall be used to provide such activities for eligible individuals, consisting of homeless children and youths, and their families, who have become homeless due to home foreclosure, including children and youths, and their families, who became homeless when lenders foreclosed on properties rented by the families.

"(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

"(A) DISBURSEMENT.—The Secretary shall make grants with funds provided under paragraph (1)(A) to State educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the States involved, as determined by the Secretary.

"(B) ASSURANCE.—To be eligible to receive a grant under this paragraph, a State educational agency shall provide an assurance to the Secretary that the State educational agency, and each local educational agency receiving a subgrant from the State educational agency under this subsection, shall ensure that the activities carried out under this subsection are consistent with the activities described in section 723(d).

"(3) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—A State educational agency that receives a grant under paragraph (2) shall use the funds made available through the grant to make subgrants to local educational agencies. The State educational agency shall make the subgrants to local educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the areas served by the local educational agencies, as determined by the State educational agency.

"(4) RESTRICTION.—The Secretary—

"(A) shall determine the amount (if any) by which the funds appropriated under section 726 for fiscal year 2009 exceed $70,000,000; and

"(B) may only use funds from that amount to carry out this subsection.".

SA 4994. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF NATIONAL COOPERATIVE BANK SUBSIDIARY AS CDFI.

Section 211 of the National Consumer Cooperative Bank Act (12 U.S.C. 3051) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) TREATMENT AS CDFI.—Notwithstanding any other provision of law, the nonprofit corporation established under this section shall be deemed to be a community development financial institution for purposes of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 et seq.).".

SA 4995. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 455, between lines 14 and 15, insert the following:

SEC. 1606. TRANSFER OF CERTAIN RENTAL ASSISTANCE CONTRACTS.

(a) TRANSFER.—Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall, at the request of the owner, transfer or authorize the transfer, of the contracts, restrictions, and debt described in subsection (b)—

(1) on the housing that is owned or managed by Community Properties of Ohio Management Services LLC or an affiliate of Ohio Capital Corporation for Housing and located in Franklin County, Ohio, to other properties located in Franklin County, Ohio; and

(2) on the housing that is owned or managed by The Model Group, Inc., and located in Hamilton County, Ohio, to other properties located in Hamilton County, Ohio.

(b) CONTRACTS, RESTRICTIONS, AND DEBT COVERED.—The contracts, restrictions, and debt described in this subsection are as follows:

(1) All or a portion of a project-based rental assistance housing assistance payments contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) Existing Federal use restrictions, including without limitation use agreements, regulatory agreements, and accommodation agreements.

(3) Any subordinate debt held by the Secretary or assigned and any mortgages securing such debt, all related loan and security

documentation and obligations, and reserve and escrow balances.

(c) RETENTION OF SAME NUMBER OF UNITS AND AMOUNTS OF ASSISTANCE.—Any transfer pursuant to subsection (a) shall result in—

(1) a total number of dwelling units (including units retained by the owners and units transferred) covered by assistance described in subsection (b)(1) after the transfer remaining the same as such number assisted before the transfer, with such increases or decreases in unit sizes as may be contained in a plan approved by a local planning or development commission or department; and

(2) no reduction in the total amount of the housing assistance payments under contracts described in subsection (b)(1).

SA 4996. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ——. ENFORCEMENT OF MORTGAGE LOAN RULES.

(a) PURPOSE.—The purpose of this section is to enhance enforcement of the mortgage loan rules under the Truth in Lending Act (15 U.S.C. 1601 et seq.) and to prevent harm to consumers and mortgage markets from detrimental practices relating to subprime or nontraditional mortgage loans.

(b) RULEMAKING REQUIRED.—Within 90 days after the date of enactment of this Act, the Federal Trade Commission shall initiate a rulemaking proceeding with respect to subprime mortgage loans and nontraditional mortgage loans in accordance with section 553 of title 5, United States Code, notwithstanding section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) or any other provision of law. Any violation of a rule prescribed under this subsection shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. Violation of the rule is punishable by a civil penalty to the same extent as if it were a violation of a rule promulgated under that Act.

(c) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—Except as provided in paragraph (6), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate State or district court of the United States to enforce the provisions of section 128 of the Truth in Lending Act (15 U.S.C. 1638), any other provision of the Truth in Lending Act, or any subprime mortgage lending rule or nontraditional mortgage loan rule promulgated by the Federal Trade Commission to obtain penalties and relief provided under such Act or rule whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of such Act or rule.

(2) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (b) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

(3) INTERVENTION BY FTC.—Upon receiving the notice required by paragraph (2), the Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action;

(B) remove the action to the appropriate United States district court; and

(C) file petitions for appeal of a decision in such civil action.

(4) SAVINGS CLAUSE.—Nothing in this subsection shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(5) VENUE; SERVICE OF PROCESS; JOINDER.—In a civil action brought under paragraph (1)—

(A) the venue shall be a judicial district in which the the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code; and

(B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted.

(6) PREEMPTIVE ACTION BY FTC.—Whenever a civil action or an administrative action has been instituted by or on behalf of the Commission for violation of any provision of law or rule described in paragraph (1), no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under that paragraph against any defendant named in the complaint in such action for violation of any law or rule as alleged in such complaint.

(7) AWARD OF COSTS AND FEES.—If the attorney general of a State prevails in any civil action under paragraph (1), the State can recover reasonable costs and attorney fees from the lender or related party.

SA 4997. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon missions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 510, strike lines 1 through 5, and insert the following:

(C) establish land banks for homes that have been foreclosed upon;

(D) demolish blighted structures;

(E) establish or support land banks for homes that have been damaged or destroyed as a result of Hurricanes Katrina or Rita of 2005, or to rehabilitate or redevelop such damaged or destroyed homes which have been conveyed by the State or unit of local government; and

(F) redevelop demolished or vacant properties.

SA 4998. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 455, between lines 14 and 15, insert the following:

SEC. 1606. PRESERVATION AND PROVISION OF PROJECT-BASED HOUSING FOR AFFORDABLE HOUSING UNITS DAMAGED OR DESTROYED BY HURRICANES KATRINA OR RITA.

(a) OWNER PROPOSALS FOR REUSE OR RESITING OF AFFORDABLE UNITS.—Pursuant to section 215 of title II of division K of Public Law 110-161 (121 Stat. 2433), the Secretary of Housing and Urban Development shall, not later than October 1, 2009, promptly review and approve—

(1) any feasible proposal made by the owner of a covered assisted multifamily housing project submitted to the Secretary that provides for the rehabilitation of such project and the resumption of use of the project-based assistance under the contract for such project; or

(2) the transfer, subject to the conditions established under section 215(b) of title II of division K of Public Law 110-161, of the contract for such covered assisted multifamily housing project, or in the case of a covered assisted multifamily housing project with an interest reduction payments contract, of the remaining budget authority under the contract, to a receiving project or projects.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "covered assisted multifamily housing project" means housing that—

(A) meets one of the conditions established in section 215(c)(2) of title II of division K of Public Law 110-161;

(B) was damaged or destroyed by Hurricane Katrina or Hurricane Rita of 2005; and

(C) is located in an area in the State of Louisiana, Alabama, or Mississippi that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricane Katrina or Hurricane Rita of 2005;

(2) the term "project-based assistance" has the same meaning as in section 215(c)(3) of title II of division K of Public Law 110-161; and

(3) the term "receiving project or projects" has the same meaning as in section 215(c)(4) of title II of division K of Public Law 110-161.

SA 4999. Mr. SUNUNU (for himself and Ms. SNOWE) proposed an amendment to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

At the end of Division B, insert the following:

TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

SEC. 2701. SHORT TITLE.

This title may be cited as the "Small Public Housing Authorities Paperwork Reduction Act".

SEC. 2702. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN QUALIFIED PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c-1(b)) is amended by adding at the end the following:

"(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

"(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

"(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

"(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

"(C) DEFINITION.—For purposes of this section, the term 'qualified public housing agency' means a public housing agency that meets the following requirements:

"(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 750 or fewer.

"(ii) The agency is not designated under section 6(j)(2) as a troubled public housing agency.".

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

"(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under subsection (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

"(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

"(f) PUBLIC HEARINGS.—"; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1)), by adding at the end the following:

"(5) QUALIFIED PUBLIC HOUSING AGENCIES.—

"(A) REQUIREMENT.—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

"(i) to discuss any changes to the goals, objectives, and policies of the agency; and

"(ii) to invite public comment regarding such changes.

"(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

"(i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

"(ii) publish a notice informing the public that—

"(I) the information is available as required under clause (i); and

"(II) a public hearing under subparagraph (A) will be conducted.".

SA 5000. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of Division B, insert the following:

TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

SEC. 2701. SHORT TITLE.

This title may be cited as the "Small Public Housing Authorities Paperwork Reduction Act".

SEC. 2702. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN QUALIFIED PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c-1(b)) is amended by adding at the end the following:

"(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

"(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

"(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

"(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

"(C) DEFINITION.—For purposes of this section, the term 'qualified public housing agency' means a public housing agency that meets the following requirements:

"(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 750 or fewer.

"(ii) The agency is not designated under section 6(j)(2) as a troubled public housing agency.".

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

"(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under subsection (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

"(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

"(f) PUBLIC HEARINGS.—"; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1)), by adding at the end the following:

"(5) QUALIFIED PUBLIC HOUSING AGENCIES.—

"(A) REQUIREMENT.—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

"(i) to discuss any changes to the goals, objectives, and policies of the agency; and

"(ii) to invite public comment regarding such changes.

"(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

"(i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

"(ii) publish a notice informing the public that—

"(I) the information is available as required under clause (i); and

"(II) a public hearing under subparagraph (A) will be conducted.".

SA 5001. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 571, beginning at line 20, strike through line 23 and insert the following:

"(g) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer during the period beginning on the date of the enactment of this Act and ending on the date that is 1 year after such date.".

SA 5002. Mr. CRAPO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 393, line 19, strike "$300,000,000,000" and insert "$68,000,000,000"

SA 5003. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 471, strike lines 19 through 24, and insert the following:

(5) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking "established under section 203(b)(2)" and all that follows through "located" and inserting "limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence";

(6) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation";

On page 471, line 25, strike "(6)" and insert "(7)".

On page 472, line 1, strike "(7)" and insert "(8)".

On page 472, line 3, strike "(8)" and insert "(9)".

On page 472, line 13, strike "(9)" and insert "(10)".

SA 5004. Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 588, between lines 14 and 15, insert the following:

SEC. ___. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR FORECLOSURE RECOVERY RELIEF FOR INDIVIDUALS WITH MORTGAGES ON THEIR PRINCIPAL RESIDENCES.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified foreclosure recovery distribution.

(b) LIMITATIONS.—

(1) IN GENERAL.—For purposes of this section, in the case of an individual who is an eligible taxpayer, the aggregate amount of distributions received by the individual which may be treated as qualified foreclosure recovery distributions for any taxable year shall not exceed the lesser of—

(A) the individual's qualified mortgage expenditures for the taxable year, or

(B) the excess (if any) of—

(i) $25,000, over

(ii) the aggregate amounts treated as qualified foreclosure recovery distributions received by such individual for all prior taxable years.

(2) ELIGIBLE TAXPAYER.—The term "eligible taxpayer" means, with respect to any taxable year, a taxpayer—

(A) with adjusted gross income for the taxable year not in excess of $55,000 ($110,000 in the case of a joint return under section 6013), and

(B) who provides certification to the Secretary of participation in any government or mortgage industry-sponsored refinancing plan during such taxable year.

(3) TREATMENT OF PLAN DISTRIBUTIONS.—

(A) IN GENERAL.—If a distribution to an individual would (without regard to paragraph (1) or (2)) be a qualified foreclosure recovery distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified foreclosure recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $25,000.

(B) CONTROLLED GROUP.—For purposes of subparagraph (A), the term "controlled group" means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified foreclosure recovery distribution may, at any time during the 2-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified foreclosure recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified foreclosure recovery distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified foreclosure recovery distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) APPLICATION TO ELIGIBLE RETIREMENT PLANS.—

(A) IN GENERAL.—Nothing in this section shall be treated as requiring an eligible retirement plan to accept any contributions described in this subsection.

(B) QUALIFICATION.—An eligible retirement plan shall not be treated as violating any requirement of Federal law solely by reason of the acceptance of contributions described in this subparagraph.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTION.—The term "qualified foreclosure recovery distribution" means any distribution to an individual from an eligible retirement plan which is made—

(A) on or after the date of the enactment of this Act and before January 1, 2010, and

(B) during a taxable year during which the individual has qualifying mortgage expenditures.

(2) QUALIFYING MORTGAGE EXPENDITURES.—

(A) IN GENERAL.—The term "qualifying mortgage expenditures" means any of the following expenditures:

(i) Payment of principal or interest on an applicable mortgage.

(ii) Payment of costs paid or incurred in refinancing, or modifying the terms of, an applicable mortgage.

(B) APPLICABLE MORTGAGE.—The term "applicable mortgage" means a mortgage which—

(i) was entered into after December 31, 2002, and before the date of the enactment of this Act, and

(ii) constitutes a security interest in the principal residence of the mortgagor.

(C) JOINT FILERS.—In the case of married individuals filing a joint return under section 6013 of the Internal Revenue Code of 1986, the qualifying mortgage expenditures of the taxpayer may be allocated between the spouses in such manner as they elect.

(3) ELIGIBLE RETIREMENT PLAN.—The term "eligible retirement plan" shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(4) PRINCIPAL RESIDENCE.—The term "principal residence" has the same meaning as when used in section 121 of such Code.

(e) INCOME INCLUSION SPREAD OVER 2-YEAR PERIOD FOR QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified foreclosure recovery distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 2-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified foreclosure recovery distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED FORECLOSURE RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified foreclosure recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(3) SUBSTANTIALLY EQUAL PERIODIC PAYMENTS.—A qualified foreclosure recovery distribution—

(A) shall be disregarded in determining whether a payment is a part of a series of substantially equal periodic payments under section 72(t)(2)(A)(iv) of such Code, and

(B) shall not constitute a change in substantially equal periodic payments under section 72(t)(4) of such Code.

(g) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to the provisions of this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, any later effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SA 5005. Mr. ISAKSON (for himself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 571, beginning at line 20, strike through line 23 and insert the following:

"(g) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer during the period beginning on the date of the enactment of this Act and ending on the date that is 1 year after such date.".

SA 5006. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMIT ON CREDIT DELIVERY AND ADVERSE MARKET FEES.

(a) IN GENERAL.—During the 1-year period beginning on the date of enactment of this Act, the enterprises may not engage in the practice of charging or otherwise collecting adverse credit delivery or adverse market fees, based on a borrower's credit score, for any mortgage purchased, otherwise guaranteed, or securitized by an enterprise in any State that has experienced an average foreclosure rate that is lower than the national average.

(b) DEFINITIONS.—As used in this section—

(1) the term "adverse credit delivery fee" means a post-settlement fee that is contingent upon a purchaser's credit score and loan-to-value ratio; and

(2) the term "adverse market fees" means a post-settlement fee that is contingent upon the condition of the real estate market in a particular county, parish, or State.

SA 5007. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I of division C, insert the following:

SEC. 3013. DEDUCTION FOR POINTS ON HOME MORTGAGE REFINANCING ALLOWED IN YEAR PAID.

(a) DEDUCTION.—

(1) IN GENERAL.—Paragraph (2) of section 461(g) (relating to prepaid interest) is amended—

(A) by striking "This subsection" and inserting the following:

"(A) IN GENERAL.—This subsection", and

(B) by adding at the end the following new subparagraph:

"(B) EXCEPTION FOR CERTAIN REFINANCINGS.—

"(i) IN GENERAL.—This subsection shall not apply to points paid—

"(I) in respect of indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the subparagraph (A), and

"(II) before January 1, 2011.

"(ii) LIMITATION.—Clause (i) shall apply only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the sum of—

"(I) the amount of the refinanced indebtedness, plus

"(II) the lesser of $10,000 or the points paid in respect of the indebtedness resulting from the refinancing to the extent that the indebtedness resulting from the refinancing does not exceed the refinanced indebtedness.

"(iii) ADJUSTMENT FOR INFLATION.—In the case of any calendar year beginning after 2008, the $10,000 amount under clause (ii)(II) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next nearest multiple of $100.".

(2) CONFORMING AMENDMENT.—The heading of paragraph (2) of section 461(g) is amended by striking "EXCEPTION" and inserting "EXCEPTIONS".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid in taxable years beginning after December 31, 2007.

(b) OFFSET.—There is hereby rescinded 100 percent of budget authority provided for the appropriations in titles III and IV of division B.

SA 5008. Mr. CHAMBLISS (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 407, strike lines 17 through 25, and insert the following:

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this section, an individual shall be considered to be an employee of a depository institution or a majority-owned depository institution, regardless of how his or her compensation is reported, if the—

(i) individual acts as a loan originator only for that institution;

(ii) institution takes supervisory and financial responsibility for the individual's regulated activities on behalf of the institution; and

(iii) individual's activities are subject to oversight and regulation by a Federal banking agency.

SA 5009. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Beginning on page 623, line 5, strike through line 12 and insert the following:

EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns for calendar years beginning after December 31, 2011.

(2) APPLICATION OF BACKUP WITHHOLDING.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2012.

SA 5010. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Beginning on page 615, line 4, strike through page 623, line 12.

SA 5011. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Insert the following at the appropriate place:

SEC. . PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

(a) IN GENERAL.—Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended by adding at the end the following: "In no case shall the funds required by this paragraph consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale: (A) the seller or any other person or entity that financially benefits from the transaction; or (B) any third party or entity that is reimbursed, directly or indirectly by any of the parties described in subparagraph (A) of this paragraph.";

(b) SANCTIONS.—Section 1014 of title 18, United States Code, is amended in the first sentence—(1) by inserting "the Federal Housing Administration," before "the Farm Credit Administration"; and

(2) by striking "commitment, or loan" and inserting "commitment, loan, insurance agreement or application for insurance or a guarantee".

SA 5012. Mr. KERRY (for Mr. KENNEDY (for himself and Mr. KERRY)) submitted an amendment intended to be proposed by Mr. KERRY to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. ELIGIBILITY OF CERTAIN PROJECTS FOR ENHANCED VOUCHER ASSISTANCE.

Notwithstanding any other provision of law—

(1) the property known as The Heritage Apartments (FHA No. 023-44804), in Malden, Massachusetts, shall be considered eligible low-income housing for purposes of the eligibility of residents of the property for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), pursuant to paragraph (2)(A) of section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)(2)(A));

(2) such residents shall receive enhanced rental housing vouchers upon the prepayment of the mortgage loan for the property under section 236 of the National Housing Act (12 U.S.C. 1715z-1); and

(3) the Secretary shall approve such prepayment and subsequent transfer of the property without any further condition, except that the property shall be restricted for occupancy, until the original maturity date of the prepaid mortgage loan, only by families with incomes not exceeding 80 percent of the adjusted median income for the area in which the property is located, as published by the Secretary.

Amounts for the enhanced vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized under section 8(t) of the United States Housing Act of 1937.

SA 5013. Mr. TESTER (for himself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place in title II of Division A, insert the following:

SEC. 12_. INVESTMENT AUTHORITY TO SUPPORT RURAL INFRASTRUCTURE.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following:

"(l) MISSION INVESTMENTS FOR RURAL INFRASTRUCTURE.—In furtherance of its mission under section 5, each Federal Home Loan Bank is authorized to purchase investment grade securities from nonmember cooperative lenders that have received financing from the Federal Financing Bank and that possess demonstrated experience in making loans to rural cooperatives. Such securities shall be secured investments collateralized by loans of the cooperative lender. The purchase of such securities shall be at the sole discretion of the Bank, consistent with such regulations, restrictions, and limitations as may be prescribed by the Board.".

SA 5014. Mr. DODD (for Mr. INOUYE (for himself and Mr. STEVENS)) proposed an amendment to the bill S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "DTV Transition Assistance Act".

SEC. 2. DTV TRANSITION.

(a) IN GENERAL.—Section 3008(a) of the Digital Television Transition and Public Safety Act of 2005 is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Assistant Secretary"; and

(2) by adding at the end thereof the following:

"(2) USE OF FUNDS.—As soon as practicable after the date of enactment of the DTV Transition Assistance Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.".

(b) FISCAL YEARS TO WHICH APPLICABLE.—Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109-171) is amended—

(1) by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012"; and

(2) by striking "no earlier than October 1, 2010" and inserting "on or after February 18, 2009".

SA 5015. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill S. 2159, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; as follows:

On page 16, strike lines 8 through 11 and insert the following:

"(c) PERIOD FOR ISSUANCE.—Notwithstanding any other provision of law, including section 7(d), the Secretary—

"(1) may accept orders for the coins authorized under this Act during the period beginning on January 1, 2008 and ending on December 31, 2008; and

"(2) may mint and issue such coins required to fulfill such orders during the period beginning on January 1, 2008 and ending on December 31, 2009.

"(d) EXCEPTION TO PROGRAM LIMITATION.—Notwithstanding any other provision of law, the minting or issuance of coins under this Act in 2009 does not—

"(1) preclude the Secretary from including a surcharge on the issuance of any other commemorative coin minted or issued in 2009; and

"(2) be counted against the annual 2 commemorative coin program minting and issuance limitation under section 5112(m)(1) of title 31, United States Code.

"(e) ISSUANCE OF GOLD COINS.—Each gold coin".

SA 5016. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CASE MANAGEMENT AND HOUSING TRANSITION FUNDING.

(a) AVAILABILITY OF AMOUNTS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, to the State of Louisiana, $5,000,000, to be used by the State for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005.

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—Upon the expiration of the 2-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the program carried out under this section to determine the effectiveness and limitations of, and potential improvements for, such program.

(2) TIMING OF REPORT.—Not later than 180 days after the expiration of the 2-year period described in paragraph (1), the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Financial Services and the Committee on Transportation and Infrastructure of the House of Representatives regarding the results of the study.

(3) REQUIRED CONTENT.—The report required under paragraph (2) shall include a forensic audit that examines the effectiveness of internal controls to prevent waste, fraud, and abuse within the program.

SA 5017. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 588, strike lines 9 through 12, and insert:

(1) by striking "2 years" and inserting "5 years",

(2) by striking "December 31, 1996" and inserting "August 1, 2005", and

(3) by striking "January 1, 1999" and inserting "January 1, 2010".

SA 5018. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 27, strike lines 4 through 9, and insert the following:

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to 10 percent of the purchase price of a residence—

"(1) in the case of an individual who is a first-time homebuyer of a principal residence in the United States during a taxable year, or

"(2) in the case of an individual who—

"(A) is a homebuyer of a principal residence in the United States that is damaged or destroyed as a result of a natural disaster and that has been sold or transferred to a State or an agency or political subdivision thereof as a result of such damage or destruction, and

"(B) submits a certification by the State or by the appropriate agency or subdivision thereof that such residence meets the requirements of subparagraph (A).''.

SA 5019. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 385, between lines 8 and 9, insert the following:

"(12) LIMITATION BASED ON ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—A mortgagor shall not be eligible for insurance under this section, if the adjusted gross income reported by the mortgagor exceeds $75,000 or in the case of mortgagors filing jointly $150,000.

"(B) DEFINITION.—For purposes of this paragraph, the term 'adjusted gross income' has the same meaning given that term in section 62 of the Internal Revenue Code of 1986.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, June 19, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Two Years after the MINER Act: How Safe is Mining Today?" on Thursday, June 19, 2008, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 19, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 19, 2008, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITIES, INSURANCE, AND INVESTMENT SUBCOMMITTEE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Securities, Insurance, and Investment Subcommittee be authorized to meet during the session of the Senate on June 19, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 19, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, June 19, 2008, at 2 p.m. to conduct a hearing entitled, "Management Challenges Facing the Federal Protective Service: What is at Risk?"

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that three members of my staff, Seth Olson, Charles von Althann, and Eitan Goldstein, be granted the privilege of the floor during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that Tom Edwards, Jordan August, and Bobby Schena of my staff be granted the privileges of the floor for the duration of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFICIT REDUCTION TECHNICAL CORRECTION ACT OF 2005

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 774, S. 2607.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2607) to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. I ask unanimous consent that an Inouye substitute amendment which is at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5014) was agreed to, as follows:

AMENDMENT NO. 5014

(Purpose: To provide for additional consumer outreach and education concerning the digital television transition, and for other purposes.)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "DTV Transition Assistance Act".

SEC. 2. DTV TRANSITION.

(a) IN GENERAL.—Section 3008(a) of the Digital Television Transition and Public Safety Act of 2005 is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Assistant Secretary"; and

(2) by adding at the end thereof the following:

"(2) USE OF FUNDS.—As soon as practicable after the date of enactment of the DTV Transition Assistance Act, the Assistant Secretary shall make a determination, which the Assistant Secretary may adjust from time to time, with respect to whether the full amount provided under paragraph (1) will be needed for payments under that paragraph. If the Assistant Secretary determines that the full amount will not be needed for payments authorized by paragraph (1), the Assistant Secretary may use the remaining amount for consumer education and technical assistance regarding the digital television transition and the availability of the digital-to-analog converter box program (in addition to any amounts expended for such purpose under 3005(c)(2)(A) of this title), including partnering with, providing grants to, and contracting with non-profit organizations or public interest groups in achieving these efforts. If the Assistant Secretary initiates such an education program, the Assistant Secretary shall develop a plan to address the educational and technical assistance needs of vulnerable populations, such as senior citizens, individuals residing in rural and remote areas, and minorities, including, where appropriate, education plans focusing on the need for analog pass-through digital converter boxes in areas served by low power or translator stations, and shall consider the speed with which these objectives can be accomplished to the greatest public benefit.".

(b) FISCAL YEARS TO WHICH APPLICABLE.—Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended—

(1) by striking "fiscal year 2009" and inserting "fiscal years 2009 through 2012"; and

(2) by striking "no earlier than October 1, 2010" and inserting "on or after February 18, 2009".

The bill (S. 2607), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

REQUIRING THE SECRETARY OF THE TREASURY TO MINT COINS

Mr. DODD. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 2159 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2159) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. I ask unanimous consent that a Dodd-Shelby amendment which is at the desk be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5015) was agreed to, as follows:

(Purpose: To extend the period during which the coins may be minted and issued)

On page 16, strike lines 8 through 11 and insert the following:

"(c) PERIOD FOR ISSUANCE.—Notwithstanding any other provision of law, including section 7(d), the Secretary—

"(1) may accept orders for the coins authorized under this Act during the period beginning on January 1, 2008 and ending on December 31, 2008; and

"(2) may mint and issue such coins required to fulfill such orders during the period beginning on January 1, 2008 and ending on December 31, 2009.

"(d) EXCEPTION TO PROGRAM LIMITATION.—Notwithstanding any other provision of law, the minting or issuance of coins under this Act in 2009 does not—

"(1) preclude the Secretary from including a surcharge on the issuance of any other commemorative coin minted or issued in 2009; and

"(2) be counted against the annual 2 commemorative coin program minting and issuance limitation under section 5112(m)(1) of title 31, United States Code.

"(e) ISSUANCE OF GOLD COINS.—Each gold coin".

The bill (S. 2159), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NASA 50th Anniversary Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the National Aeronautics and Space Administration began operation on October 1, 1958, with about 8,000 employees and an annual budget of $100,000,000;

(2) over the next 50 years, the National Aeronautics and Space Administration has been involved in many defining events which have shaped the course of human history and demonstrated to the world the character of the people of the United States;

(3) among the many firsts by the National Aeronautics and Space Administration are that—

(A) on December 6, 1958, the United States launched Pioneer 3, the first United States satellite to ascend to an altitude of 63,580 miles;

(B) on March 3, 1959, the United States sent Pioneer 4 to the Moon, successfully making the first United States lunar flyby;

(C) on April 1, 1960, the United States launched TIROS 1, the first successful meteorological satellite, observing Earth's weather;

(D) on May 5, 1961, Freedom 7, carrying Astronaut Alan B. Shepard, Jr., was the first American space flight involving human beings;

(E) on February 20, 1962, John Glenn became the first American to circle the Earth, making 3 orbits in his Friendship 7 Mercury spacecraft;

(F) on December 14, 1962, Mariner 2 became the first spacecraft to commit a successful planetary flyby (Venus);

(G) on April 6, 1965, the United States launched Intelsat I (also known as Early Bird 1), the first commercial satellite (communications), into geostationary orbit;

(H) on June 3 through 7, 1965, the second piloted Gemini mission, Gemini IV, stayed aloft for 4 days, and astronaut Edward H. White II performed the first EVA or "spacewalk" by an American;

(I) on June 2, 1966, Surveyor 1 became the first American spacecraft to soft-land on the Moon;

(J) on May 31, 1971, the United States launched Mariner 9, the first mission to orbit another planet (Mars) beginning November 13, 1971;

(K) on April 12, 1981, the National Aeronautics and Space Administration launched the Space Shuttle Columbia on the first flight of the Space Transportation System (STS–1).

(L) on June 18, 1983, the National Aeronautics and Space Administration launched Space Shuttle Challenger (STS–7) carrying 3 mission specialists, including Sally K. Ride, the first woman astronaut;

(M) in another historic mission, 2 months later, the National Aeronautics and Space Administration launched STS–8 carrying the first black American astronaut, Guion S. Bluford; and

(N) on July 23, 1999, the Space Shuttle Columbia's 26th flight was led by Air Force Col. Eileen Collins, the first woman to command a Shuttle mission;

(4) on April 9, 1959, the National Aeronautics and Space Administration unveiled the Mercury astronaut corps, 7 men with "the right stuff": John H. Glenn, Jr., Walter M. Schirra, Jr., Alan B. Shepard, Jr., M. Scott Carpenter, L. Gordon Cooper, Virgil I. "Gus" Grissom, and Donald K. "Deke" Slayton;

(5) on May 25, 1961, President John F. Kennedy, reflecting the highest aspirations of the American people, proclaimed: "I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to Earth. No single space project in this period will be more impressive to mankind, or more important in the long-range exploration of space; and none will be so difficult or expensive to accomplish.";

(6) on September 19, 1961, the National Aeronautics and Space Administration announced that the National Aeronautics and Space Administration center dedicated to human space flight would be built in Houston, Texas;

(7) on February 17, 1973, the Manned Spacecraft Center in Houston was renamed the Lyndon B. Johnson Space Center;

(8) on December 21, 1968, Apollo 8 took off atop a Saturn V booster from the Kennedy Space Center for a historic mission to orbit the Moon;

(9) as Apollo 8 traveled outward, the crew focused a portable television camera on Earth and for the first time humanity saw its home from afar, a tiny, lovely, and fragile "blue marble" hanging in the blackness of space;

(10) this transmission and viewing of Earth from a distance was an enormously significant accomplishment and united the Nation at a time when American society was in crisis over Vietnam, race relations, urban problems, and a host of other difficulties;

(11) on July 20, 1969, Apollo 11 astronauts Neil A. Armstrong and Edwin E. Aldrin made the first lunar landing mission while Michael Collins orbited overhead in the Apollo command module;

(12) Armstrong set foot on the surface of the Moon, telling the millions of listeners that it was "one small step for a man, one giant leap for mankind", and Aldrin soon followed and planted an American flag, but omitted claiming the land for the United States, as had routinely been done during European exploration of the Americas;

(13) the 2 Moon walkers left behind an American flag and a plaque bearing the inscription: "Here Men From The Planet Earth First Set Foot Upon the Moon. Jul. 1969 A.D. We Came in Peace for All Mankind.";

(14) on April 24, 1990, the Hubble Space Telescope was launched into space aboard the STS–31 mission of the Space Shuttle Discovery, and since then, the Hubble has revolutionized astronomy, while expanding our knowledge of the universe and inspiring millions of scientists, students, and members of the public with its unprecedented deep and clear images of space;

(15) on July 4, 1997, the Mars Pathfinder landed on Mars and on January 29, 1998, an International Space Station agreement among 15 countries met in Washington, DC, to sign agreements to establish the framework for cooperation among the partners on the design, development, operation, and utilization of the Space Station;

(16) the National Aeronautics and Space Administration's stunning achievements over the last 50 years have been won for all mankind at great cost and sacrifice; in the quest to explore the universe, many National Aeronautics and Space Administration employees have lost their lives, including the crews of Apollo 1, the Space Shuttle Challenger, and the Space Shuttle Columbia;

(17) the success of the United States space exploration program in the 20th Century augurs well for its continued leadership in the 21st Century, such leadership being attributable to the remarkable and indispensable partnership between the National Aeronautics and Space Administration and its 10 space and research centers, including—

(A) from small spacecraft to supercomputers, science missions and payloads to thermal protection systems, information technology to aerospace, the Ames Research Center in California's Silicon Valley, which provides products, technologies, and services that enable NASA missions and expand human knowledge.

(B) the Dryden Flight Research Center, the leading center for innovative flight research;

(C) the Glenn Research Center, which develops power, propulsion, and communication technologies for space flight systems and aeronautics research;

(D) the Goddard Space Flight Center, which specializes in research to expand knowledge on the Earth and its environment, the solar system, and the universe through observations from space;

(E) the Jet Propulsion Laboratory, the leading center for robotic exploration of the Solar System;

(F) the Johnson Space Center, which manages the development, testing, production, and delivery of all United States human spacecraft and all human spacecraft-related functions;

(G) the Kennedy Space Center, the gateway to the Universe and world leader in preparing and launching missions around the Earth and beyond;

(H) the Langley Research Center, which continues to forge new frontiers in aviation and space research for aerospace, atmospheric sciences, and technology commercialization to improve the way the world lives;

(I) the Marshall Space Flight Center, a world leader in developing space transportation and propulsion systems that accelerate exploration and scientific discovery, including the Michoud Assembly Facility, which has been a world-class facility since 1961 for fabrication of large space structures, including the Saturn V and the Space Shuttle External Tank, and which will have a critical role in the Constellation program, including manufacturing major pieces of the Orion crew capsule, the Ares I upper stage, and the Ares V core stage; and

(J) the Stennis Space Center, which is responsible for rocket propulsion testing and for partnering with industry to develop and implement remote sensing technology;

(18) the United States should pay tribute to the National Aeronautics and Space Administration, and to its successful partnerships with the space and research centers, by minting and issuing a commemorative silver dollar coin; and

(19) the surcharge proceeds from the sale of a commemorative coin would generate valuable funding for the National Aeronautics and Space Administration Families Assistance Fund, for the purposes of providing need-based financial assistance to the families of any National Aeronautics and Space Administration personnel who lose their lives as a result of injuries suffered in the performance of their official duties, and for other worthy and important purposes.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $50 GOLD COINS.—Not more than 50,000 $50 gold coins, which shall—

(A) weigh 33.931 grams;

(B) have a diameter of 32.7 millimeters; and

(C) contain 1 troy ounce of fine gold.

(2) $1 SILVER COINS.—Not more than 300,000 $1 coins of each of the 9 designs specified in section 4(a)(3)(B), which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) MINTAGE LEVEL LIMIT.—Notwithstanding the mintage level limit described under section 5112(m)(2)(A)(ii) of title 31, United States Code, the Secretary may mint and issue not more than 300,000 of each of the 9 $1 coins authorized to be minted under this Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 50 years of exemplary and unparalleled achievements of the National Aeronautics and Space Administration.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2008"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum", and such other inscriptions as the Secretary may determine to be appropriate for the designs of the coins.

(3) COIN IMAGES.—

(A) $50 COINS.—

(i) OBVERSE.—The obverse of the $50 coins issued under this Act shall bear an image of the sun.

(ii) REVERSE.—The reverse of the $50 coins issued under this Act shall bear a design emblematic of the sacrifice of the United States astronauts who lost their lives in the line of duty over the course of the space program.

(iii) HIGH RELIEF.—The design and inscriptions on the obverse and reverse of the $50 coins issued under this Act shall be in high relief.

(B) $1 COINS.—

(i) OBVERSE.—The obverse of the $1 coins issued under this Act shall bear 9 different designs, each of which shall consist of an image of 1 of the 9 planets of the solar system, including Earth.

(ii) REVERSE.—The reverse of the $1 coins issued under this Act shall bear different designs, each of which shall be emblematic of the contributions of the research and space centers, subject to the following requirements:

(I) EARTH COIN.—The reverse of the $1 coins issued under this Act which bear an image of the Earth on the obverse shall bear images emblematic of, and honoring, the discoveries and missions of the National Aeronautics and Space Administration, the Mercury, Gemini, and Space Shuttle missions and other manned Earth-orbiting missions, and the Apollo missions to the Moon.

(II) JUPITER COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Jupiter on the obverse shall include a scientifically accurate depiction of the Galilean moon Europa and depict both a past and future mission to Europa.

(III) SATURN COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Saturn on the obverse shall include a scientifically accurate depiction of the moon Titan and depict both a past and a future mission to Titan.

(IV) PLUTO (AND OTHER DWARF PLANETS) COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Pluto on the obverse shall include a design that is emblematic of telescopic exploration of deep space by the National Aeronautics and Space Administration and the ongoing search for Earth-like planets orbiting other stars.

(4) REALISTIC AND SCIENTIFICALLY ACCURATE DEPICTIONS.—The images for the designs of coins issued under this Act shall be selected on the basis of the realism and scientific accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called "Golden Age of Coinage" in the United States, at the beginning of the Twentieth Century, with the participation of such noted sculptors and medallic artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Administrator of the National Aeronautics and Space Administration and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in proof quality only.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—Notwithstanding any other provision of law, including section 7(d), the Secretary—

(1) may accept orders for the coins authorized under this Act during the period beginning on January 1, 2008 and ending on December 31, 2008; and

(2) may mint and issue such coins required to fulfill such orders during the period beginning on January 1, 2008 and ending on December 31, 2009.

(d) EXCEPTION TO PROGRAM LIMITATION.—Notwithstanding any other provision of law, the minting or issuance of coins under this Act in 2009 does not—

(1) preclude the Secretary from including a surcharge on the issuance of any other commemorative coin minted or issued in 2009; and

(2) be counted against the annual 2 commemorative coin program minting and issuance limitation under section 5112(m)(1) of title 31, United States Code.

(e) ISSUANCE OF GOLD COINS.—Each gold coin minted under this Act may be issued only as part of a complete set with 1 of each of the 9 $1 coins minted under this Act.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) PRESENTATION.—In addition to the issuance of coins under this Act in such other methods of presentation as the Secretary determines to be appropriate, the Secretary shall provide, as a sale option, a presentation case which displays the $50 gold coin in the center, surrounded by the $1 silver coins in elliptical orbits. All such presentation cases shall bear a plaque with appropriate inscriptions that include the names and dates of the spacecraft missions on which United States astronauts lost their lives over the course of the space program and the names of such astronauts.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $50 per coin for the $50 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(3) A surcharge of $1 per coin for any bronze duplicate minted under section 8.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly distributed as follows:

(1) The first $4,000,000 available for distribution under this section, to the NASA Family Assistance Fund, for the purpose of providing need-based financial assistance to the families of NASA personnel who lose their lives as a result of injuries suffered in the performance of their official duties.

(2) Of amounts available for distribution after the payment under paragraph (1), ½ of the next $1,000,000 to each of the following:

(A) The Dr. Ronald E. McNair Educational (D.R.E.M.E.) Science Literacy Foundation for the purposes of improving and strengthening the process of teaching and learning science, math, and technology at all educational levels, elementary through college through the promotion of innovative educational programs.

(B) The Challenger Center for Space Science Education, for the purposes of creating positive learning experiences using space science as a theme that raise student expectations of success, fostering a long-term interest in mathematics, science, and technology, and motivating students to pursue careers in these fields.

(3) The remainder of the amounts available for distribution after the payments under paragraphs (1) and (2), to the Secretary of the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

(c) AUDITS.—The NASA Family Assistance Fund, the Dr. Ronald E. McNair Educational Science Literacy Foundation, the Challenger Center for Space Science Education, and the Secretary of the Smithsonian Institution shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of enactment of this Act). The Secretary may issue guidance to carry out this subsection.

SEC. 8. BRONZE DUPLICATES.

The Secretary may strike and sell bronze duplicates of the $50 gold coins authorized under this Act, at a price determined by the Secretary to be appropriate. Such duplicates shall not be considered to be United States coins and shall not be legal tender.

Mr. DODD. Mr. President, I note this is a coin bill that was authored by Senator NELSON of Florida commemorating the 50th anniversary of the establishment of NASA, a historic moment. I commend Senator NELSON for his efforts.

ORDERS FOR FRIDAY, JUNE 20, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, Friday, June 20; that following the prayer and pledge, the Journal of proceedings be approved to date and the Senate resume consideration of the House message to accompany H.R. 3221, the housing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. As previously announced, there will be no votes tomorrow or Monday. Senators should be prepared to vote Tuesday morning.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DODD. If there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 7:04 p.m., recessed until Friday, June 20, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

RICHARD G. OLSON, JR., OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

DEPARTMENT OF LABOR

BRENT R. ORRELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE EMILY STOVER DEROCCO.

NATIONAL INSTITUTE FOR LITERACY

DIANE BARONE, OF NEVADA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2011, VICE DONALD D. DESHLER, TERM EXPIRED.

MARY E. CURTIS, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2011, VICE CARMEL BORDERS, TERM EXPIRING.

DEPARTMENT OF JUSTICE

J. PATRICK ROWAN, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE KENNETH L. WAINSTEIN.

GREGORY G. GARRE, OF MARYLAND, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE PAUL D. CLEMENT, RESIGNED.

THE JUDICIARY

MICHAEL O'NEILL, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE GLADYS KESSLER, RETIRED.

JEFFREY ADAM ROSEN, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE THOMAS F. HOGAN, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

FRANK J. HALE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DOUGLAS K. DUNBAR

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KENNETH L. BEALE, JR.
THOMAS H. BROUILLARD

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

LENARD M. KERR
MASAKI G. KUWANA, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

RALF C. BEILHARDT
ROBERT E. BESSEY
SCOTT W. BROWN
JERRY M. CARBONE
LISA A. FRANKLIN
WILLIAM J. GREENWOOD
HERMANN F. HINZE
CHRISTENSEN HSU
MEHTAB HUSAIN
THONDIQUE T. MCGHEE
RICHARD V. RITTER
JEAN C. SENECAL
JAMES M. SUTTON
JOHN T. THOMPSON
RICHARD L. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MICHAEL P. ABEL
MICHAEL C. ALBRECHT
CRAIG J. AMNOTT
MARIA E. ARCILA
HAYS L. ARNOLD
EDWARD H. BAILEY
HANS E. BAKKEN
LEE J. BARTON
ROBERT E. BENJAMIN
MICHAEL J. BENSON
GREGORY M. BERNSTEIN
RICHARD A. BICKEL, JR.
DANIELLE N. BIRD
ERIC M. BLUMAN
STEPHEN A. BRASSELL
LORANEE E. BRAUN
JOHN P. BRIDE, JR.
SCOTT E. BRIETZKE
RICHARD O. BURNEY
ARTHUR L. CAMPBELL III
JOHN R. CHANCE
CHARLES J. CHITWOOD
BRYAN L. CHRISTENSEN
DAVID W. COLE
MICHAEL A. COLE
GEORGE R. COLLINS
JOHN D. COMPLETO
CHRISTOPHER R. COTE
PETER J. CUENCA
PAUL J. CUNNINGHAM
GREGORY G. DAMMANN
COLIN Y. DANIELS
JASMINE T. DANIELS
KURT G. DAVIS
RUSSELL O. DAVIS
JEFFREY A. DEAN
SHAD H. DEERING
KENT J. DEZEE
CHARLES S. DIETRICH III
MICHAEL W. ELLIS
ANDREW FLETCHER
ANTHONY M. FOLEY
TODD FUNKHOUSER
PHILIP J. GENTLESK
JAMES J. GERACCI
LYNN M. GIARRIZZO

MELISSA L. GIVENS
RAYMOND G. GOOD
ERIC J. GOURLEY
JOSEPH D. GRAMLING
BRET A. GUIDRY
CHAD A. HALEY
FREDERICK B. HARRIS
DONALD L. HELMAN, JR.
JEFFREY V. HILL
SEAN A. HOLLONBECK
DEAN H. HOMMER
CHRISTOPHER L. HUTSON
DANIEL J. IRIZARRY
JOHNSON ISAAC
LINDA G. JACKSON
AARON L. JACOB
CHRISTOPHER G. JARVIS
JEREMY S. JOHNSON
ADAM B. KANIS
DWIGHT C. KELLICUT
MATTHEW J. KELLY
SEUNG W. KIM
KURT G. KINNEY
MARY M. KLOTE
JEFFREY K. KLOTZ
KURTIS L. KOWALSKI
GREGORY T. LANG
CHRISTOPHER L. LANGE
JENNIFER T. LANGE
GEORGE B. LANTZ
BRENT L. LECHNER
RONALD LEHMAN
ERIC N. LEONG
CHRISTINE F. LETTIERI
WILLIAM D. LEUSINK
ROMEO N. LIM
JOSEPH K. LLANOS
JAMES B. LUCAS II
PEDRO F. LUCERO
RICHARD S. LUCIDI
ROBERT F. MALSBY III
MARK W. MANOSO
JOHN G. MARKLEY
CHRISTOPHER R. MARTIN
GREGORY J. MARTIN
LARRY J. MCCORD
IAN K. MCLEOD
LEAH P. MCMANN
MICHAEL J. MINES
SEAN P. MONTGOMERY
JEFFREY S. MORGAN
STEPHEN M. MORRIS
JEANNIE M. MUIR
SEAN W. MULVANEY
NERIS M. NIEVESROBBINS
TIMOTHY C. NUNEZ
RONALD P. OBERFOELL
ROBERT J. OCONNELL
MICHAEL E. PARKER
TARAK H. PATEL
JEREMY G. PERKINS
DAVID N. PRESSMAN
AMIR M. RABII
THOMAS J. RICHARD
ACEVEDO F. ROBLES
INGER L. ROSNER
ROBERT K. RUSSELL
DAVID S. SACHAR
SCOTT A. SALMON
CHRISTOPHER K. SANBORN
DEAN A. SEEHUSEN
RENEE M. SIEGMANN
CASTANEDA A. SIEROCKA
JONATHAN K. SMITH
KAREN E. SMITH
RICHARD R. SMITH
HARLAN L. SOUTH
SCOTT R. STEELE
PHILIP S. SUH
ANTHONY SULLIVAN
KEITH D. SUMEY
ROBERT D. SWIFT
TIMOTHY S. TALBOT
BRIGILDA C. TENEZA
SEAN F. THOMAS
JOHN E. THORDSEN, JR.
LEROY J. TROMBETTA
JOSEPH C. TURBYVILLE
MARISOL VEGADERUCK
RODNEY A. VILLANUEVA
GEORGE E. VONHILSHEIMER
JEFFREY A. VOS
KIRK H. WAIBEL
BRUCE K. WEATHERS
KIMBERLY A. WENNER
KENNETH R. WEST
CHRISTOPHER E. WHITE
MYREON WILLIAMS
BRADLEY K. WOODS
JUSTIN T. WOODSON
JOHNNIE WRIGHT, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID R. BROWN
HERBERT L. GRIFFIN, JR.
BRIAN J. C. HALEY
DEAN L. HOELZ
DWIGHT A. HORN
GEORGE J. MENDES
VINSON W. MILLER
JEFFREY S. MILNE
DAVID D. SCHILLING
STEPHEN J. SHAW
STEVEN L. SOUDERS
WILLIAM D. STALLARD
LOFTEN C. THORNTON
ANDREW A. WADE
DARRELL J. WESLEY
TIMOTHY R. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRADLEY A. APPLEMAN
ARTHUR R. BLUM
JOSEPH A. BOVERI
ROBERT C. DETOLVE
TODD C. HUNTLEY
SCOTT G. JOHNSON
PETER R. KOEBLER
JAMES E. LANDIS
MARGARET A. LARREA
JAMES A. LINK
JAMES M. LUCCI
GATHA L. MANNS
RICHARD J. MCGUIRE
JONATHAN G. ODOM
ROBERT J. PASSERELLO
JON D. PEPPETTI
WARREN A. RECORD
PETER M. RODNITE
JOSEPH ROMERO
JENNIFER L. ROPER
TIMOTHY D. STONE
ANDREA E. TAPLIN
FLORENCIO J. YUZON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SUE A. ADAMSON
FARIA BELMARES
BRADLEY A. BRISCOE
MARNIE S. BUCHANAN
VIRGINIA L. BUTLER
PAUL M. CORNETT
JOHN N. CRANE
ROBERT D. FETHERSTON
KAREN R. FOLLIN
DENISE M. GECHAS
KELLY R. HAMON
PATRICIA C. HASEN
ROBERT J. HAWKINS
CONSTANCE E. HYMAS
EILEEN M. KNOBLE
LAURA J. LEDYARD
TAMARA K. MAEDER
CHRISTOPHER R. MANNION
DAVID S. MARKELL
DANIEL F. MCKENDRY
XANTHE R. MIEDEMA
RAMONA L. NIXON
DEBBIE OHARE
ANDREA C. PETROVANIE
KATRINA O. PRINGLE
LANA R. ROWELL
ESTHER C. VOSSLER
NANCY V. WILSONJACKSON
JULIE L. WORKING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARK R. BOONE
LARRY C. BURTON
LEWIS T. CARPENTER
DAVID F. CHACON
ALLISON A. CRAIN
JOSEPH N. DEHOOGH
LOUIS H. DELAGARZA
DON C. ELLZEY
JAY GEISTKEMPER
GEORGE M. GUISE
GEORGE P. HAIG
STEVEN P. HERNANDEZ
JEFF B. JORDEN
GRACE L. KEY
TARAS J. KONRAD
MARK A. LARUSSO
JAMES K. LE
DAVID A. LEAL
KEITH L. MAYBERRY
LAURA S. MCFARLAND
PATRICK E. MCGROARTY
MARTHA J. MICHAELSON
CARRIE M. MUEHLENPFORT
JOSE G. PEDROZA
SHARON A. RAGHUBAR
SANDRA H. RAY
KOICHI SAITO
DENNIS G. SAMPSON
BUFFY STORM
GARY J. WALKER
JOHN C. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER G. ADAMS
JOHN R. ANDERSON
MATTHEW J. ANDERSON
RICHARD D. ANDERSON III
ROBERT J. BALLISTER, JR.
KEITH W. BARTON
JAMES B. BLANTON
DONALD R. BRUS
FRANK C. CERVASIO
SCOTT O. CLOYD
THERON C. COLBERT
ROMEO L. COLEMAN
ROLAND V. J. DEGUZMAN
WILLIAM S. FINLAYSON
CHRISTOPHER J. GALLAGHER
WENDY M. HALSEY
KEVIN K. JUNTUNEN
JEFFREY J. KILIAN
PETER J. MACULAN
MICHAEL L. OBERMILLER
SCOTT P. RAYMOND
MIKHAEL H. SER
WILLIAM A. SIEMER
LATANYA E. SIMMS
WILLIAM J. SIMPKINS
MICHAEL A. THORNTON
ROD W. TRIBBLE
MATTHEW P. TUCKER
VICTOR V. VELASCO
BRIAN L. WEINSTEIN
JIMMY WEST
NICOLAS D. I. YAMODIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALAN L. ADAMS
BARRY D. ADAMS
ARTHUR C. ANTHONY
WILLIAM C. ASHBY
FELIX A. BIGBY
TRUPTI N. BRAHMBHATT
STEPHEN P. BROMBEREK
DEBORAH L. CARR
MICHAEL D. CASSADY
KENNETH E. CHRISTOPHER
ROSANNE Y. CONWAY
GREGORY W. COOK
MICHAEL F. CRIQUI
THOMAS P. DELUCIA
DOUGLAS W. FLETCHER
KEITH R. GIVENS
RUTH E. GOLDBERG
RICHARD A. GRAHAM
DAVID F. HOEL
WILLIAM D. HOLDER
DENISE N. HOLDRIDGE
MARY M. HUPP
KEVIN M. JACKSON
JOHN P. KENDRICK
MARK G. LIEB
ALLEN R. LUMANOG
MICHAEL G. LUTTE
DAVID M. MARTIN
RICHARD L. MCCARTHY
SCOTT A. MCKENZIE
CHAD A. MITCHELL
SARAH M. NEILL
KELLEY A. NEWMAN
CHRISTOPHER J. ODONNELL
JAMES E. PATREY
JOE T. PATTERSON III
ELENA M. PREZIOSO
DOUGLAS E. PUTTHOFF
CYRUS N. RAD
TIMOTHY R. RICHARDSON
SHAWN A. RICKLEFS
SHARON J. ROBERTS
JERRY N. SANDERS, JR.
CONNIE L. SCOTT
JASON E. SPENCER
JASON S. SPILLMAN
GEORGE STEFFIAN
RAYMOND D. STIFF
MARK A. SWEARNGIN
ERIC R. TIMMENS
SHANE A. VATH
EDWARD G. VONBERG
MARION J. WILLIAMS
GERARD J. WOELKERS
DEBRA L. YNIGUEZ
GEORGES E. YOUNES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CRAIG L. ABRAHAM
KRISTIN ACQUAVELLA
BRIAN J. ANDERSON
RODNEY D. BLEVINS
GEORGE E. BRESNIHAN
CHAD E. BUERMELE
CHAD B. BURKE

JOHN A. CARDILLO
JAMES CHEATHAM
KEVIN E. CHESHURE
TODD R. CHIPMAN
WILLIAM H. CLARKE
GEORGE W. DANIEL
ANDREW R. DARNELL
SCOTT A. DAVIS
BRENT L. DESSING
KIRK B. DIAL
NATHAN C. DUFFY
BRADLEY E. EMERSON
JOSEPH C. ESPINO
JAMES G. FABBY
ELISABETH G. FARRELL
KENNETH A. FAULKNER, SR.
TERREL J. FISHER
JUSTIN K. FRANCIS
NATASHA A. GAMMON
JAMES R. S. GAYTON
TRAVIS N. GOODWIN
DOUGLAS W. HAROLD
PAUL A. HASLAM
MICHAEL E. HAVENS
JAMES G. HENDRICKSON, JR.
TRENT C. KALP
PATRICK E. KOEHLER
JADON LINCOLN
JOHN S. LUGO
JEFFERSON E. MCCOLLUM
SPENCER A. MOSELEY
SHAWN B. NORWOOD
COLIN J. OBRIEN
DARREL E. OLSOWSKI
RICHARD A. PAQUETTE
JAMEAU PRYOR
NICKOLAS L. RAPLEY
CHAD R. RIDDER
CHRISTOPHER M. RODRIGUES
JOSE L. SANCHEZ
THOMAS A. SCOTT
TERRENCE SIMMONS
EDWARD L. STEVENSON
PAMELA S. THEORGOOD
JAMES T. THOMAS
JAY S. TUCKER
JOSHUA L. TUCKER
ELNORA E. WINN
ROBERT R. WINTERS
CHRISTOPHER M. WISE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CALLIOPE E. ALLEN
HERNAN O. ALTAMAR
PAUL B. ALVORD
MICHAEL R. ANCONA
STEPHEN P. ARLES
RODNEY A. ARMAND
CHAD M. BAASEN
ROBERT V. BARTHEL
STEPHEN J. BELL
JASON H. BENNETT
LYNELLE M. BOAMAH
RODERICK C. BORGIE
BRIAN N. BOWES
DAVID A. BOYD
BRIAN M. BRAITHWAITE
DANIEL R. BREAZEALE
DOUGLAS E. BROWN
KEVIN J. BROWN
HAN Q. BUI
RACHEL A. BURKE
LUTHER I. CARTER
JAMES A. CAVINESS
RAMON F. CESTERO
JACKY P. CHENG
JAMES W. CHRISTOPHER
PERRIN C. CLARK
JOHN A. COOLEY
RICHARD G. COURTNEY
DAVID M. CRAWFORD
JOSEPH E. CUMMINGS
RUCHIRA S. D. DENSERT
ANDREA B. DONALTY
COLLEEN A. DORRANCE
FRANK M. DOSSANTOS
JAMES E. DUNCAN
MICHAEL E. EPPERLY
REGINALD S. EWING III
MAUREEN E. FARRELL
JEFFREY H. FEINBERG
MICHAEL E. FENTON
MARK E. FLEMING
DAVID P. GALLUS
KATERINA M. GALLUS
AMY R. GAVRIL
SANJIV J. GHOGALE
MICHAEL S. GIBSON
HERMANN F. GONZALEZ
SEAN E. GORETZKE
GREGORY H. GORMAN
FRANK T. GRASSI
DONALD J. GREEN
FRANCISCO J. GUTIERREZ
TIMOTHY W. HAEGEN
GREGORY J. HALL
MATTHEW P. HANNON
SUSAN D. HARVEY
DOUGLAS G. HAWK
DAVID W. HAYNES
DAVID Y. HEALY, JR.
TUAN N. HOANG
JAMES S. HOUSTON
JOHN P. HOWARD
ROBERT T. HOWARD
CHRISTOPHER M. HULTS
SCOTT L. ITZKOWITZ
TERENCE E. JOHNSON
MICHAEL KASELIS
MICHAEL P. KEITH
STEWART M. KERR
STEVEN M. KRISS
MICHAEL A. KUHN
ANAND R. KUMAR
EDWARD W. LAMBERT III
BRIAN D. LAWENDA
EDITH R. LEDERMAN
JAMES O. LESPERANCE
HENRY LIN
DAVID C. LOPRESTI
JEFFREY H. MCCLELLEN
EDWIN T. MCGROARTY
MARGUERITE MCGUIGANSHUSTER
JAMES M. MCKEE
ROBERT N. MCLAY
HUGH K. MCSWAIN IV
DANIEL C. MIELNICKI
EDWARD F. MILES
ERIC S. MITCHELL
GREGG J. MONTALTO
PRASHANTH S. NAVARAN
KESHAV R. NAYAK
GEORGE A. NEWTON
WILLIAM P. OMEARA
KENNETH J. ORTIZ
BRET N. PASIUK
SAYJAL J. PATEL
JONATHAN P. PEARL
GEOFFREY A. PECHINSKY
DENISE L. PEET
JOSEPH F. PENTA
MICHELLE M. PERELLO
ROBERT J. PETERSON
THEODORE C. PRATT
LESLIE H. RASSNER
JAMES J. REEVES
CAROLYN C. RICE
GEORGE M. RICE
MARK S. RIDDLE
DENNIS J. RIVET
CARLOS J. RODRIGUEZ
TIMOTHY B. ROONEY
DAVID C. ROSKA
JOHN R. ROTRUCK
JOHN P. H. RUE
SHAWN D. SAFFORD
TIMOTHY E. SAYLES
KATHERINE I. SCHEXNEIDER
ANDREW W. SCHIEMEL
DANIEL F. SEIDENSTICKER
RICHARD P. SERIANNI
ROBERT P. SHAFER
INGRID V. SHELDON
DANIEL L. SHERWOOD
DANNY T. SHIAU
JEANETTE F. SHIMKUS
DEVIN M. SHOQUIST
ROBERT SILK
PATRICK S. SIPE
JOHN H. SMITH, JR.
SUNG W. SONG
ERIC T. STEDJELARSEN
JAMES E. STEPENOSKY
JEFFERY A. STONE
ROBERT G. STRANGE, JR.
JOSEPH E. STRAUSS
CHRISTOPHER D. STREETER
KENNETH A. TERHAAR
KARIN E. THOMAS
KIMBERLY P. TOONE
MARK D. TRAVIS
ARVIN W. TRIPPENSEE
MICHAEL S. VALADE
ROBERT T. VANHOOK
LORI L. VANSCOY
RHONDA A. WALLACE
WILLIAM C. WALLACE
SAM O. WANKO
SONYA N. WATERS
DAVID E. WEBSTER
MICHAEL W. WENTWORTH
JAMES C. WEST
TIMOTHY J. WHITMAN
DAVID R. WHITTAKER
RONALD M. WILLIAMS
CRAIG M. WOMELDORPH
JOHN D. YORK
PATRICK E. YOUNG

HOUSE OF REPRESENTATIVES—*Thursday, June 19, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
JUNE 19, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives

PRAYER

Rev. Thomas A. Rhodes, Mount Olive Lutheran Church, Folsom, California, offered the following prayer:

We call on You, Heavenly Father, from this historic Chamber today, asking Your wisdom and guidance be with these women and men who serve with honor and diligence, this courageous Nation of those "yearning to breathe free." Grant Your gracious protection and tender care to them, their staffs and families.

Lord, grant also Your safety for those who stand and protect us and preserve the cause of liberty as they serve in our country's Armed Forces. May they and their families be under Your constant, watchful and loving eye.

Father, the Statue of Liberty arrived on our shores on this day in 1885. She stands as a beacon of liberty and hope for this Nation and the world. In the same way, the cross of Your Son Jesus Christ stands to remind us of the liberty He won, for all who call on His name, as we do now. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. KLEIN) come forward and lead the House in the Pledge of Allegiance.

Mr. KLEIN of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. THOMAS A. RHODES

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 1 minute.

There was no objection.

Mr. DANIEL E. LUNGREN. Madam Speaker, today Pastor Tom Rhodes visits our Chamber from Folsom, California, where he is the pastor of Mount Olive Lutheran Church. He makes this journey with his son, Matt, less than a week after Father's Day as a reward for Matt's graduation from high school in Folsom.

Part of the purpose of their trip is to expose Matt to the history and tradition of American civic dedication, since Matt is interested in public service. One thing they will see as they visit the halls of Congress and the battlefields of the Civil War is that there is no shortage of ways and opportunities to serve one's country. And that is what we find in Matt's father, Pastor Tom. He told us that the opportunity to stand here today as our guest chaplain would show his son that "service to our country takes on a variety of forms."

But Pastor Tom's prayer for us this morning, like the prayers his congregation in Folsom regularly offer, isn't the only place we see this evidence; it is in his lifetime of service to God and country. Besides serving as the Pastor of Mount Olive, Pastor Tom has held a variety of ministry positions in church, including pastor, elder, librarian, Sunday school teacher and committee chair.

Outside of church, he has been a member of the local PTAs, on the Board of Directors for the Twin Lakes Food Bank, a narrator for the Washington Talking Book and Braille Library, and a part of the Civil Air Patrol for 3 years.

We are glad to have you here with us today, Pastor Tom. Thank you for your continued prayers and service to your community and country. And Matt, congratulations on your recent graduation and good luck in your future endeavors.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Ms. GRANGER. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 6041.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

TIME TO REVIEW DISASTROUS FARM POLICIES

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, while our hearts are touched by the terrible flooding in Iowa, 24 lives lost already, 40,000 people who had to be evacuated, now is the time to think about how we help them in the future and prevent others from this fate.

This is the second 500-year flood in the last 15 years. There is a thought-provoking article on the front page of today's Washington Post that I would commend to all of my colleagues. It recalls something that I saw when I last visited Iowa, that the whole State has been dramatically replumbed. Ninety percent of the wetlands have been filled and farmed. Last year alone, 106,000 acres in the Conservation Reserve Program were taken out and farmed, acres that would have served as a great big sponge to capture the water instead of making flooding worse.

Because the effects of global warming and planting one-third of the State in corn and soybeans, we should reflect on the human role in the unfolding disaster. Now is the time to review our disastrous farm and water resource policies so that we can protect people in the future from this fate.

EXPLORATION, INNOVATION, AND CONSERVATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the continued rise in energy prices threatens our economy and our national security. There are unfriendly nations around the world that are reliant on the world's addiction to oil. Unstable leaders like Venezuelan President Hugo Chavez delight

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in our dependence on imported oil and they are invested in using that power to promote their destructive agenda. Our national security is threatened by these circumstances. At the same time, we are sending billions of our dollars out of this country to buy foreign oil.

House Republicans have proposed a sensible plan of exploration, innovation and conservation that outlines long-term and short-term solutions to promote energy independence.

There is absolutely no reason why we cannot expand American oil and natural gas exploration, develop alternative energy sources and promote energy efficiency all at the same time. Incorrectly, the energy debate in this country has been sold as a fight between those who support alternative fuels and those who want to drill. The House Republican plan includes all of the above.

In conclusion, God bless our troops, and we will never forget September the 11th.

CONGRESSIONAL AWARD GOLD MEDAL

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, I rise today to recognize the winners of the Congressional Award Gold Medal from my congressional district in south Florida. This award recognizes a significant commitment to community activism, as well as leadership development and physical fitness.

I am proud to recognize Angela Boyd, Addison Craig and Elizabeth Lott from Palm Beach Gardens and Jacob Schattie from Jupiter.

Angela Boyd completed over 450 hours of community service, including raising money for juvenile diabetes.

Addison Craig worked to raise money for organizations dedicated to finding a cure for cancer and heart disease.

Elizabeth Lott completed 500 hours of work with children and cancer patients.

Jacob Schattie was a coach and camp counselor to local youth.

These young men and women are role models for people, young and old, in my community and throughout our country. I am proud to honor these distinguished individuals today.

FINDING SOLUTIONS FOR SKYROCKETING ENERGY PRICES

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Madam Speaker, I rise today to talk about energy, the fact that this is the people's House and the people are speaking. They are speaking loud and clear. Unfortunately, I do not think that the Democratic leadership is listening to the people. Survey after survey says we are tired of sending money to Hugo Chavez. Let's spend that money in the good old USA.

Madam Speaker, NANCY PELOSI, when this new leadership took charge, said we are going to bring real change for America. Well, the real change that this leadership has brought for America is we have the highest gasoline-diesel prices in the history of this country.

Madam Speaker, real change would be for the Democratic leadership for a change to begin to bring bills to the floor of this House that will bring long-term energy security and lower gasoline prices for the American people.

Madam Speaker, it is time for a change. It is time for you to change your position and bring energy legislation to the floor so that American people do not have to suffer and we do not have to send Hugo Chavez any more of our hard-earned money.

EXTEND UNEMPLOYMENT INSURANCE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, today this body will have an opportunity to show the American people that we get it. We will be asked to vote on an extension of unemployment insurance for 13 weeks for every State in the country.

Normally, this would be a no-brainer, given the fact that a couple weeks ago we had the largest percentage increase in the number of unemployed. There are almost 4 million Americans without a job who can't find one, and we have had millions of Americans lose their homes through mortgage foreclosures. All of our constituents are paying over $4 a gallon for gas, almost three times what they were paying before the Bush administration came to office.

But it is not a no-brainer, because many of our Republican colleagues have consistently opposed extending unemployment insurance. A number of times, President Bush said he would veto the bill if we tried to extend unemployment insurance.

Madam Speaker, this is a failed economy. Let's not fail the American people today. Let's extend unemployment insurance.

BRAC/REFINERY BILL DISCHARGE PETITION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, a new oil refinery has not been built in the United States in over 30 years, and the refineries that we do have are operating at or near capacity. No matter how much crude oil is made available, the United States simply does not have the capacity to refine it. And today we are importing processed refined gasoline, last week, 1.2 million barrels of refined gasoline.

Less than a week after Hurricane Katrina devastated the Gulf, the price for regular gasoline increased by 46 cents, because much of our refining capacity is located along the Gulf Coast. Oil refining capacity is just one of the many aspects of our energy policy that we need to reconsider as gas prices continue their steep climb.

My bill, H.R. 2279, the subject of this week's discharge resolution, would address one of the largest hurdles to building a new refinery; finding land. By using a few closed military bases, we can jump-start the process and help address our refining needs.

UNEMPLOYMENT INSURANCE NECESSARY FOR 3.8 MILLION JOBLESS AMERICANS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, millions of Americans all over the United States are struggling to put food on the table and gas in their cars. Imagine at the same time that these prices spike you lose your job and that your unemployment benefits run out simply because there are not enough jobs to go around. This has happened to 1.6 million Americans. They need our help.

Last week, Congress overwhelmingly passed legislation to immediately extend unemployment insurance for an additional 13 weeks. Today, that bill will be included in the emergency supplemental. This important legislation deserves strong bipartisan support.

With 325,000 jobs lost already this year and 3.8 million workers out of a job, it is imperative we take action now. We must continue to look for immediate solutions to our economic troubles. Extending unemployment insurance is one of the most cost-effective and fast-acting ways to stimulate the economy because the money is spent quickly.

Madam Speaker, President Bush and his allies in Congress should drop their opposition to this bill so we can help millions of Americans who are struggling with this recession economy.

☐ 1015

STORMS AND GAS PRICES

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Madam Speaker, Hoosiers are struggling in the aftermath of some of the worst storms in our Nation's history. But even amidst the cleanup of last weekend, I was still hearing about gasoline prices.

At more than $4 a gallon in Indiana, working families, small businesses and family farms are hurting. Everywhere I went I heard the same thing, and it wasn't nationalize our refineries—as the Democrats are apparently planning to do—but the American people I heard from Indiana said drill for more oil on American soil. Hoosiers know the only way to lessen our dependence on foreign oil is to give the American people more access to American oil.

I say to my countrymen, call your Congressman right now and tell this Congress, drill more, drill now, and we will pay less.

HUGE VICTORY FOR AMERICAN SECURITY, AMERICAN WORKERS AND AMERICAN TAXPAYERS

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Madam Speaker, yesterday we witnessed a huge victory for American security, American workers and American taxpayers.

The GAO found what many of us suspected all along about the Air Force tanker decision. A flawed process unfairly disadvantaged the American-made Boeing tanker. The Boeing aircraft met or exceeded all of the Air Force criteria. An independent study found that it would create at least twice as many American jobs including, 3,300 in Illinois.

Other studies showed the Boeing aircraft to be 25 percent more fuel efficient than the Airbus, resulting in a savings of nearly $30 billion and over 2 billion gallons of fuel. On top of all this, I believe that we should not be exporting our national security.

So today I urge my colleagues to join me in urging the Air Force to listen to the GAO, reopen the process and select the best tanker for America.

SKYROCKETING PRICE OF GAS

(Mr. LUCAS asked and was given permission to address the House for 1 minute.)

Mr. LUCAS. Madam Speaker, I come before you today to address the skyrocketing price of gas in Oklahoma, where the price for a gallon of gasoline at a station in my hometown of Cheyenne is now $3.95. This may be lower than the national average, but Oklahomans are actually paying more of their income on gas than people in areas where gas prices are higher.

According to a study by Common Current, Oklahoma City is ranked last in the ability to weather an oil and gas crisis. This is evidenced by the fact that families in Oklahoma's Third District are spending between 7 and 10 percent of their income on gas.

Congress has an opportunity to make sure that Americans don't have to choose between putting gas in their cars and necessities for their families through H.R. 2279, Expand American Refining Capacity on Closed Military Installations Act.

I ask my colleagues, support H.R. 2279. Sign the discharge petition. Bring this bill to the floor for a vote now.

MIDDLE CLASS AMERICAN FAMILIES ARE STRUGGLING

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Madam Speaker, middle class families across America are struggling with the rising cost of health care, housing and gas prices brought on by the White House economic policies of the last 8 years.

Unfortunately, Big Oil continues to have a stranglehold over our country's energy policy. The latest proposal from their allies in the White House and other prominent Republicans is to drill for oil just off of our beaches.

But oil companies already have access to 68 million acres that they are not actively tapping, and the administration's own Energy Department reports that opening up new areas would have no impact on the price of gas.

True leaders are working on long-term solutions to reduce our dependence on oil and gas, promote conservation and new renewable technology. This has been the fundamental failure on energy policy of the Bush administration, and now Americans are paying the price. Do not reward Big Oil's latest attempt to grab even more.

Join us in fighting harmful speculation in petroleum markets and our efforts to end the massive, wasteful taxpayer subsidies to big oil companies. Short-term political gimmicks are no substitute for real leadership.

THIS IS NOT A FAILED ECONOMY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, this is not a failed economy. We are not in a recession. What a shame that Democrats want to talk down the economy.

Under a Democratic President, 6 percent unemployment was considered full employment. Unemployment now is 5.5 percent, not indicative of a failed economy. What is a problem are high gas prices brought to us by a failed Democratically controlled Congress, failed Democratically controlled Congress, a do-nothing-to-reduce-gas-prices Democratically controlled Congress.

Americans want us to do something to reduce gas prices, but Democrats continue to stonewall because they think they can blame President Bush and help themselves. What a shame.

We can bring down prices by producing American energy products. Let's do it now.

FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, with Mother's Day and Father's Day behind us, it's time for us to practice what we preach. If we truly believe in the value of family, then we need to value the work that families do.

U.S. workers, unlike most workers worldwide, do not have the right to take paid time off to care for the birth of a new child. That is why the House should offer a model to the rest of the country by passing the Federal Employees Paid Parental Leave Act when it comes to the floor today. This bill provides 4 weeks of paid time off for all Federal employees to care for a new child.

This landmark bill will be the first to recognize that parents need their earnings, even as they need time off, to care for their new child.

Congress's action on family values should more than match its rhetoric. We should be the role model for all employers.

According to a Harvard study, the U.S. ranks 169th in the world in terms of providing paid time off. We are tied with Swaziland. TOM DAVIS is bipartisan and has been a cosponsor for 10 years. Let's pass it unanimously in a bipartisan recognition of family values.

ENERGY INDEPENDENCE

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Madam Speaker, American energy independence is important. Let's face it, we simply cannot conserve our way to energy independence.

Conservation is a sign of personal virtue, but it will not lead to American energy independence. The way we can move to energy independence is by increasing our supply and increasing our refining capacity, increasing our investments in renewable energy sources, increasing our focus on conservation. All those things can work.

Instead, this Democrat Congress is focused on naming months, naming weeks, naming days. In fact, we have had 125 resolutions recognizing various days, weeks and months, including Frank Sinatra Day. I love Frank, but he's not going to take us to American energy independence. National Train Day, National Plumbing Industry

Week, but where is National Energy Independence Day?

FRUSTRATED WITH THE HIGH PRICES

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, people around America are talking about gas. That's all we hear.

There is a difference, however. The people back home in upstate New York are talking about gas because they are frustrated with the high prices. Yet other people in this country are attempting to demagog this issue and to turn it into a political issue.

We listen to the oil company executives say that we should drill, drill, drill. Drill our way to energy independence. Well, that's an impossibility. They say it as if we should believe what the oil company executives tell us, because, after all, they have always told us the truth in the past. That's just not the way it is.

In fact, if you look at the facts, you will see that there are 68 million acres available for drilling in this country that oil companies have failed and refuse to drill upon. Yet they continue to talk about drill, drill, because they don't want the alternative. They don't want to talk about conservation, and they don't want to talk about alternative energy.

This is useless, and it's divisive to America. We need to find solutions by working together, not pointing the finger and blaming others.

DEMOCRAT CONGRESS DOESN'T GET IT

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Madam Speaker, the Democrat Congress doesn't get it. We have got terrorists who want to do us harm, and we have yet to pass the FISA law. We have troops on the battlefield, and we have yet to pass the supplemental to get them the resources they need to do their job.

We have got a $10 trillion national debt, and yet the budget that was passed 3 weeks ago contains record levels of spending and the largest tax increase in history. Of course, we have got $4 a gallon gasoline and still no up or down vote on energy, expanding energy exploration.

We need to drill, we need to drill now. It's time to stop talking and start doing.

OIL COMPANIES DON'T WANT TO FOLLOW THE RULES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Madam Speaker, I think I have walked into a meeting of the Republican drilling caucus. If they would remember a little history, they would remember that Mr. CHENEY had a meeting down at the White House back in 2001 and all of the oil company executives came in, and it was a secret meeting.

We have yet to find out who was there, what the agenda was, or whoever. But we can now, 8 years later, see the agenda, create chaos in the Middle East, attack Iraq, destabilize the oil fields, threaten Iran. Let's drive up the price of oil.

Gasoline was $1.47 when George Bush took control, and here we are, it's $4. They have absolutely succeeded.

Now at the end of that meeting they said, and, really, the best part of this is, we are going to get the right to drill in ANWR. Let's blame the environmentalists. They won't let us build refineries.

The reason we don't build refineries is because oil companies don't want to follow the rules. The only thing they drill the hole in is the bottom of the economic boat in this country.

CONVOLUTED NATIONAL ENERGY POLICY

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Madam Speaker, my previous colleague is a friend from Washington, but he really doesn't get it either.

When you have a convoluted national energy policy that the Democrats are putting forward, they meet themselves coming and going. On the one hand we have had speaker after speaker stand here today and tell us we can't drill our way out of it. Yet earlier this month we passed a bill that allows American citizens to sue OPEC to force them to produce more oil and gas.

The only way for them to produce more oil and gas is to drill more oil and gas. On the one hand they say production won't affect supply, and on the other hand they want to sue OPEC to force OPEC to produce more oil and gas so that we can buy it, from folks who are, at best, not our enemies.

This is wrongheaded on every level. I expect the OPEC companies today are working on legislation to allow their citizens to sue America to force America to produce her energy.

We can do better than this. We can quit talking past each other and make this thing work if we just do it.

KEEP JOBS IN AMERICA!

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. Madam Speaker, yesterday the GAO sustained a protest filed by Boeing Company over the Air Force's decision to award a lucrative contract for aerial refueling tankers to a team led by Northrop Grumman and the European firm behind Airbus.

GAO's decision followed a 100-day review of the Air Force's selection process for the $35 billion tanker program. In the decision, GAO recommended that the Air Force reopen discussions with the contractors, obtain revised proposals and make a new decision. The Air Force was also directed to reimburse Boeing for the cost of the protest.

I am very pleased, as many Members of this body are, as millions of people across America are, and we hope the Air Force completely rebids the contract. But this opens a whole bigger issue that we ought to be discussing.

We need to step back, take a look at the bigger picture—the impact of the Defense Department contract outsourcing on American jobs. As we know, the American economy was founded with a base of manufacturing jobs. Today, it is still those jobs that keep the economy strong.

Right now the stock market is down, the dollar is down, unemployment numbers are up. It doesn't take a Harvard MBA to see our economy is faltering because of the erosion of manufacturing jobs.

Let's keep our jobs in America!

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. SESSIONS. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor H.R. 6041.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5781, FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

Mr. McGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1277 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1277

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Davis of Illinois or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5781 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

☐ 1030

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. McGOVERN. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 1277 provides a structured rule for consideration of H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008. The resolution provides 1 hour of debate controlled by the Committee on Oversight and Government Reform and makes in order one of the two amendments submitted for consideration.

Madam Speaker, I rise today in strong support of this rule and of the underlying legislation, H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, which in my opinion is a sensible, compassionate bill that provides Federal employees with 4 weeks of paid leave for the birth or adoption of a child.

Today the Federal Government does not offer any paid time off specifically to care for an infant or newly adopted child. If a Federal employee needs time to take care of the newest addition to their family, their only option for paid leave is to use their accrued sick days and vacation time.

This policy is unfair and disadvantageous to relatively new Federal employees or those who have experienced extended health problems. Having a policy that assumes Federal employees will not get sick or take vacation is unsound and needs to be rectified.

Paid parental leave for Federal workers is long overdue, and it is a shame that the Federal Government, our country's largest employer, has not provided it yet. The Federal Government ought to set the standard as a family-friendly workplace, and not fall behind.

And even more especially in this economic downturn, the Federal Government needs to step up and provide its families with paid leave. It is unconscionable, Madam Speaker, to ask parents to choose between their job and their new child in these harsh economic times.

With two full-time working parents being the standard nowadays, forcing families to lose one salary while they face astronomical food and energy prices is unacceptable.

Now some may claim that we are expanding the total amount of time a Federal employee may take off to care for a new child. Let me be clear, this bill does not expand the amount of leave currently available to Federal employees. This bill simply allows for 4 weeks of paid leave out of the 12 weeks that Federal employees currently receive under the Family and Medical Leave Act. The bill does not expand the total amount of time a person may take off under FMLA, and any claims to the contrary are simply false.

Madam Speaker, it is also important to note that this legislation will not affect the strength of our Nation's military. Since the Armed Forces set their own policies for leave, active duty soldiers are exempt from H.R. 5781. However, this legislation will provide 4 weeks of paid leave to the 400,000 civilian employees of the Department of Defense that serve with our armed forces at military bases across the country and around the world.

We depend on these mothers and fathers to make America safe, and providing them with 4 weeks of paid leave to care for their child is a much needed and much-deserved benefit.

Lastly, providing paid parental leave is a good recruitment tool for the Federal Government. In order to attract the best and the brightest and retain talent in our Federal workforce, Congress must provide important incentives like paid parental leave. I encourage my colleagues to stand up for families by supporting this rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I want to thank my friend from Massachusetts for yielding me this time to discuss the proposed rule for consideration of the Federal Employees Paid Parental Leave Act.

I rise in opposition to this so-called structured rule which makes in order no Republican amendments and the only amendment that it does allow is a Democrat manager's amendment, and to this legislation, which would provide government bureaucrats with benefits in excess of what four out of five hard-working private sector employees enjoy.

I disagree with the gentleman from Massachusetts, I think Federal Government work is very important to this country, but I believe that we do not need to extend benefits, to further ask for or to make ourselves available to as an incentive for hardworking people to come to work for the Federal Government. Thus, Madam Speaker, I am opposed to the underlying legislation.

Madam Speaker, as the father of two children, one of whom is a person with Down's syndrome and whose birth was more medically complicated than most children's, I understand the importance of families and their ability to deal with their problems. I return home each week to Dallas, Texas, after votes to be with my family, and families are important. I, like every other Member, understand the importance of family and how strong families are important to our country.

The question is not whether Congress should support families, but whether it makes sense when so many American families are already struggling with the high price of gas and other economic concerns to increase their tax burden to pay for this increased paid time off from work, especially in light of the fact that Federal workers don't really seem to need it or even be asking for it.

Currently, Federal Government employees between the ages of 20 and 45, those employees most likely to take advantage of this benefit expansion, have an average combined leave of over 7 weeks a year. But for even those workers with the least amount of Federal service, between 1 and 2 years, this program is duplicative because on average they already have a balance of 3.4 weeks of combined leave already at their disposal.

These generous paid leave policies already in place are why 88 percent of the 221,000 respondents to the 2006 Federal Human Capital Survey described themselves as "very satisfied" or "satisfied" with their paid leave for illness, including family care situations, for example what is talked about in this bill, childbirth, adoption or elderly care, and less than 5 percent described themselves as dissatisfied in any way.

What a shame we are trying to give away a benefit that taxpayers are going to pay for when it is not needed, and most of all, not even asked for.

Of course, creating this new, extra paid leave perk following the birth, adoption or fostering of a child, and include a provision that would allow the Office of Personnel Management to double the amount of paid leave to a total of 8 weeks, comes at a high cost.

By the way, that 8 weeks may be asked for with no excuse or no reason necessary at all, simply by requesting it.

The Congressional Budget Office estimates that this new benefit in search of a problem would cost $850 million over 5 years. Pretty tough for a new majority that thinks that they want to have pay-as-you-go rules when now we are going to add a new $850 million worth of cost.

Madam Speaker, at a time when the average hardworking American families are already struggling and working more hours to fill their tanks because of this Democrat Congress's refusal to do anything constructive to address the high cost of energy, I don't believe it is appropriate for Congress to increase the paid leave of Federal bureaucrats beyond their already generous levels, and using taxpayer dollars.

As an alternative to today's legislation, the administration has proposed a fiscally responsible but functionally similar program: short-term disability insurance which would assist employees who need to use large amounts of time due to pregnancy, recovering from childbirth, accident or illness.

Because the majority of Federal employees, almost 60 percent, are not within the standard childbearing age, this proposal would be a better and more efficient fit for both employees and for the taxpayer and the Federal Government in dealing with the needs and costs associated with employees that need an extended period of time away for a number of reasons.

By providing Federal agencies with additional benefits that better meet the needs of the 21st century worker, the administration's short-term disability insurance proposal would safeguard Federal employees during a period of temporary inability to perform normal occupational duties while also safeguarding the pockets of the American taxpayer.

Despite the Office of Personnel Management providing this commonsense legislation proposal to Speaker PELOSI on March 4, 2008, today this Democrat-run House will only have the opportunity to vote on one functionally closed rule and the underlying legislation, with all of the other good ideas provided by Republicans completely shut out on this debate.

I encourage all of my colleagues to vote against this rule and the egregious underlying legislation.

I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I just want to respond by saying that Members on both sides of the aisle like to talk about family values all the time. Well, this is an effort that actually puts some real action behind those words. This is about helping families. I find it somehow puzzling that anybody would think this is a radical idea. And I would say to my colleagues on the other side of the aisle, you know, you have messed up our economy, you have increased financial insecurity amongst working families in this country, you have done everything you can to help the oil companies at the expense of average citizens who are now paying extraordinary prices at the gas tank. I mean, you have put working families at an extreme disadvantage.

This is an effort to provide a little bit of relief when somebody has a new baby or adopts a new child. Boy, to think that is a radical idea just to me defies reason.

At this time I would like to yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY), the author of this legislation.

Mrs. MALONEY of New York. I thank the gentleman for his leadership on so many important issues and for supporting working families. This is the 21st century. Both the father and the mother have to work, and this is an important family friendly, family value legislation.

How many times have we heard the friends on the opposite side of the aisle talk about family values? Well, today we will have an opportunity to vote and do something to help families. Today we will take up my legislation, the Federal Employees Paid Parental Leave Act. This bill will provide 4 weeks of paid leave to Federal employees when they have a new child or adopt a new child.

If we truly believe in the value of family, then we need to value the work that families do. This means that we need to stop asking parents to choose between a paycheck and caring for a new child. Unlike a generation ago, today both parents work outside the home, and both need time off from work when they have a new child, yet most do not have access to paid family leave.

By providing paid parental leave to Federal employees, H.R. 5781 establishes the Federal Government as a model employer. A recent study found that out of 173 countries, 169 countries offered guaranteed leave with income to women in connection with childbirth. This ties the United States with Swaziland and New Guinea in terms of what we are offering in paid leave for new families.

This landmark bill is the first to provide paid family leave for new parents. It signals our commitment to valuing our employees and their families. This bill is good for the Federal agencies, it is good for Federal employees, and it is cost effective.

The lack of paid family leave puts Federal agencies at a disadvantage when competing for the best and the brightest employees. Our Federal workforce is aging and many of our agencies are finding it difficult to recruit and retain younger workers.

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Providing paid parental leave would encourage younger workers who may be considering having a family to stay with the Federal Government.

Paid parental leave is already offered by the largest and most profitable U.S. companies. My staff at the Joint Economic Committee found that the Federal Government lags far behind Fortune 100 companies in providing paid leave as part of their benefits package. Fortune 100 companies overwhelmingly offer new mothers paid leave lasting 6 to 8 weeks long.

Federal employees who become new parents have the option of using their accrued vacation time, some sick days only if they're sick or tapping into a leave bank. This may work for the lucky families who never get sick, never need a vacation and are happy to rely on the kindness of strangers, but for many this is a second-rate solution, since even the best prepared employees often face difficult choices when children need their care.

The only national policy that covers parental leave is the Family and Medical Leave Act which provides up to 12 weeks of unpaid leave and job protection. The Family and Medical Leave Act is important, but because it is unpaid, many, especially low wage or younger workers with limited savings, cannot afford to use it.

H.R. 5781 is cost-effective. And the Congressional Budget Office reports that it is PAYGO compliant.

In testimony in support of this bill, Daniel Beard, Chief Administrative Officer of the U.S. House of Representatives noted: "This approach saves money. Employee morale is always greater when an employer treats employees with dignity, especially in times of crisis." I could not agree more with him.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. McGOVERN. I yield the gentlewoman an additional 1 minute.

Mrs. MALONEY of New York. Madam Speaker, I know that many of you are scratching your heads and wondering how this bill can be PAYGO neutral. It is easy to explain. The $190 million is the amount that the agencies currently save on salaries when Federal employees who have a new child take their unpaid leave, as they are entitled to under the Family and Medical Leave Act.

After we implement H.R. 5781, it will be up to the Federal agencies to implement this new benefit and whether they will ask for increased appropriations in the future.

But let's remember, right now Federal employees who have a child bear both the burden of going without pay during family and medical leave, as well as coping with their new family expenses. This is an opportunity for us to put action behind our rhetoric on family values.

I urge strong bipartisan support. It is supported by TOM DAVIS on the other side of the aisle, the ranking member of the Government Reform and Oversight Committee which considered and reported out this bill.

And I thank Chairman WAXMAN and many others for their strong support.

Mr. SESSIONS. Madam Speaker, I really do appreciate the gentleman, my friend from Massachusetts' characterization of Republicans wrecking the economy and all these things, negative things that the Republicans have done at the expense of the American taxpayer.

And yet I think that the American public understands who balanced the budget back in 1997. It was the Republican-led Congress. It was the American people who said we ought to balance the budget.

When I first came to Congress some 12 years ago, I did this under the pretext of balancing the budget and, secondly, growing the economy, growing the economy through the creation of new jobs.

So how well did Republicans do? Let's see. Balanced the budget in 1997 because we forced it; 1997, 1998, 1999, 2000, and 2001. In 2001 this country was struck by terrorists. That's right. We've not balanced the budget since. But what we have done during that period of time is created economic opportunity, economic opportunity for millions of Americans, created 5.3 million new jobs. That was the free enterprise system that did that, but it was done through the policies of this body, lowering taxes, giving working families more money back home, taking 5 million people completely off the tax rolls so they could take care of themselves.

And now, here today what we see is a bigger government, a government that will cost almost a billion dollars more as a result of what we're doing here.

So it's amazing to see how my good friends on the other side come and talk about how irresponsible we were, and yet, what we've done, when Republicans led, was to create new jobs in this country, to make sure that we grew our economy.

I see nothing, nothing in the Democratic budget or the bills that they've passed that have created new jobs. As a matter of fact, the gentleman from Massachusetts referred to the Republicans and President Bush wrecking the economy.

In fact, what happened is, you can just look at it directly on a calendar. The day America began having economic problems was the day this new Democrat majority was elected; came in and promised higher taxes, promised the opportunity for a new direction, higher gas prices.

Then what are we told?

We're told by the leaders of the Democratic Party, America, you're going to have to change the way you live your life. This sounds a lot like the mid 1970s when we had President Carter around. We're going to have to change the way you live your life.

Government knows best. That's what we're here on the floor talking about today. Government knows best. We're going to give a group of very faithful Federal employees a new opportunity that will cost almost a billion dollars more to Federal employees. And yet, my colleagues will stand up and talk about Republicans ruining the economy.

Now that's not what ruins the economy. What ruins the economy is bigger government, bigger government, more spending and continuation of the assault on the investor in this country.

So the Republican Party, once again, is in favor of a balanced budget. We're not in favor of wrecking the economy.

The Republican Party is in favor of us allowing drilling to take place in this country. Some of my colleagues this morning talked about, you know, all these millions of acres. Well, there's not oil under all those millions of acres. Trust me. Energy exploration companies will go where the energy is.

And yet, now we're talking about adding almost a billion dollars' worth of new spending on the taxpayers that are already having trouble paying for their own gasoline. And we're going to talk about raising taxes. That is how you ruin the economy. That is how you lose jobs instead of job creation and balancing the budget.

The Republican Party does get it. We do recognize that there are tough times there. I go back every weekend. I've never missed a weekend going back home in 12 years. I do get it. I see people at the grocery store. I know how much the cost of a gallon of gasoline is. I'm not sure all the leaders of this House of Representatives do know that.

So we ought to be working to find ways to reduce cost, to make government more efficient, not to find a way to add overhead. Unfortunately, that's what this new Democrat majority is all about; raising taxes, more rules and regulation, making government more powerful by, in this instance, giving Federal employees who don't even ask for it, want it or need it, more time off, and have the taxpayer pay for it.

Madam Speaker, I do disagree with the legislation. And I will tell you that I think the American public, as they learn more about it during this debate, will come to the same conclusion.

I reserve the balance of my time.

Mr. MCGOVERN. May I inquire to the gentleman how many more speakers he has.

The SPEAKER pro tempore. The gentleman from Massachusetts has 20½ minutes. The gentleman from Texas has 23.

Mr. MCGOVERN. And may I ask the gentleman from Texas if he has any other speakers.

Mr. SESSIONS. I do not have any additional speakers other than myself.

Mr. MCGOVERN. Then I will let the gentleman close, because we don't have any other speakers either.

Mr. SESSIONS. Madam Speaker, I think what we have talked about today is an opportunity where the Republican Party presented an alternative to Speaker PELOSI, an alternative based upon a perception of a problem by the Democrat majority.

President Bush, last March, came to the table and said, let's use a free market approach that does allow families the opportunity, when they need time, to have that time and to utilize it. But let's let those individual families make their own decision, based upon disability insurance.

I understood a long time ago, from my previous job, when I had a very large team size of people that I worked with, that really, the American worker, at least where I was, was satisfied that they had a job and earned enough money to put food on the table, but also competed for family time and they needed time at home. That I understand.

But I encourage that in terms of being able to take time off. And having unpaid leave through a disability insurance program, is the right way to do this. So the Republican Party, through the President of the United States, brought this to Speaker PELOSI.

Instead, what we got was a billion-dollar answer to the taxpayer, a billion dollars more of spending, a billion dollars more of having the taxpayer have to pay things, and a billion dollars more, so the Republican Party comes to the table and says, why don't we try and balance our budget, rather than making government bigger and spending more money?

That's what we're doing here today. We are politely coming to the table in this constitutional body and saying, we disagree.

Since taking control of Congress in 2007, this Democrat Congress has totally been negligent in its responsibility to do anything constructive to address the domestic supply issues that have created the biggest problem that we have in America today, and that is energy and the cost of energy. Skyrocketing gas, diesel and energy costs are facing the American public today big time back home.

Meanwhile, we find that the Congress is trying to spend another billion dollars.

So today I urge my colleagues to vote with me to defeat the previous question so this House can finally consider real solutions to the energy costs.

If the previous question is defeated, I will move to amend the rule to allow for consideration of H.R. 2279, which would expand the American refinery capacity on closed military installations. That's right. We're suggesting that we will use Federal installations that have closed to have a better way to make sure that we have more gasoline available.

This bill was introduced by my dear friend, JOE PITTS of Pennsylvania, way back in May of 2007, over a year ago. See, Republicans saw it a year ago as a problem, and came to the table with answers and questions about what we can do.

This legislation would reduce the price of gasoline by streamlining the refinery application process, and by requiring the President to open at least three closed military installations for the purpose of setting new and providing new, reliable American refineries.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I urge my colleagues to take a second look, to become a student, just as we're asking the American public, to look at who really is trying to address the issue of the cost of energy. We're asking the American public to look into, and to see who's really getting gouged. Who really is getting gouged?

And it's families back home. It's businesses that are trying to provide services. It is our airlines that are trying to make sure that we keep this economy going.

And what do we hear back from Washington, DC? Let's sue OPEC. Let's tax Big Oil. Let's stick it to Big Oil.

Well, in fact, what we ought to be saying is that energy companies are our friends. Energy companies need to and want to supply cost-effective and reliable opportunities for the American public to have gasoline without long lines.

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What are the energy companies saying? They're saying, Please give us the opportunity to go where there is oil or the perception that there's oil and go looking for it and provide it to the American public. It's American security. It is the opportunity for America to be able to use its own resources.

Is this the final answer? Heck no. That's not the final answer. What we're trying to do is bridge us through this until the technologies of, as we know, the battery-operated car and other technologies are coming to fruition, but in the meantime, we should not be spending our hundreds of billions of dollars that this Democrat majority is allowing to happen because they're cutting off American energy to go overseas to keep building Dubai and the next cities and countries that are after that off American money.

Madam Speaker, I really believe that the American public, when they understand, because they will become students of this issue, they will see that the opportunities for American energy, American security, American independence, and American jobs are what are on the line. And then they will look up and know that there's very consistent behavior. They will know which group of people in Washington, DC is really for them.

Today, we see where that same group of people, the United States Congress, is going to come together and say who is going to add another billion dollars to the price tag of running government, who is the same party that cuts off and won't even accept the good ideas of allowing more drilling here in the United States for American security. They're going to draw a conclusion. And that conclusion is going to be, they're going to see which group of people has the best ideas to empower job growth and investment in this country.

Who are the people that really are aiming at balancing our budget? Who is the group of people that are trying to do every single thing that we can to protect this country? Madam Speaker, that is the Republican Party. The Republican Party is trying to make sure that the taxpayer of this country does not pay higher taxes. The Republican Party is trying to make sure that we have enough energy, American energy, available for consumers of this country. And we are standing up today saying we do not believe adding almost a billion dollars worth of new spending for Federal employee benefits is the right thing to do right now.

So we're going to ask that our Members vote against this bill. We're going to ask that we do something by voting against this bill and voting for the motion to recommit.

Madam Speaker, I yield back the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield to the gentlelady from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Massachusetts, and I thank the minority for their indulgence.

Madam Speaker, I rise today in support of H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, introduced by my colleague and fellow Women's Caucus member, Congresswoman CAROLYN MALONEY of New York.

This legislation provides 4 weeks of paid parental leave for all Federal employees. Employees will also for the first time be allowed to use their accrued sick leave for an additional 8 weeks of paid leave. By combining the 4 weeks of paid parental leave with earned sick leave, many Federal employees will now be able to get paid for the full 12 weeks of parental leave that is their right under the existing Family and Medical Leave Act.

However, this legislation is about more than a technical fix to current law. As we celebrated our fathers only last week, we recognized the significance of family of the various roles we all play. Mothers and fathers should be allowed to be there for the birth or adoption of a new child. This legislation reinforces the belief in family. Be it grandmother, grandfather, uncle, aunt, or mom and dad—our families deserve to be supported and valued.

In my district of Houston, Texas, there are over 70,000 single parent households run by women and over 22,000 Federal employees in my district. This legislation gives them the time they need to bond with a new child. It has been proven time and time again that the first few weeks post-birth are essential to parent and child bonding. This is true be they natural or adopted children.

This legislation should be titled Celebrating and Supporting Our Families Act because that is exactly what it seeks to do. It also provides that support for our employees here on Capitol Hill.

This act allows Federal employees to substitute any available paid leave for any leave without pay available for either the: (1) birth of a child; or (2) placement of a child with the employee for either adoption or foster care. Makes available for any of the 12 weeks of leave an employee is entitled to for such purposes: (1) four administrative weeks of paid parental leave in connection with the birth or placement involved; and (2) any accumulated annual or sick leave.

Authorizes the Director of the Office of Personnel Management (OPM) to increase the amount of paid parental leave available to up to eight administrative workweeks, based on the consideration of: (1) the benefits provided to the Federal Government of offering paid parental leave, including enhanced recruitment and retention of employees; (2) the cost to the Federal Government of increasing the amount of paid parental leave that is available to employees; (3) trends in the private sector and in State and local governments with respect to offering paid parental leave; and (4) the Federal Government's role as a model employer.

Amends the Congressional Accountability Act of 1995 and the Family and Medical Leave Act of 1993 to allow the same substitution for covered congressional employees, Government Accountability Office (GAO) and Library of Congress employees.

Defines "qualified leave" as leave that: (1) is available by reason of the need to care for the spouse, child, or parent of the employee having a serious health condition or by reason of a serious health condition affecting the employees that renders such employee unable to perform the functions of his or her position; and (2) would otherwise be leave without pay.

This act is a tremendous step and makes unequivocally clear, and dispels any belief that this act applies only to women. It does not. Members on both sides of the aisle talk about family values, but one of the most concrete ways we can help families is to give parents more time with their new children, without losing their paycheck. The Federal Government can be a model for other employers. I therefore encourage my colleagues to support this legislation and demonstrate by their actions that they support our families.

Mr. McGOVERN. Madam Speaker, let me reiterate something I said earlier in the debate, and that is the Republican Congress and this Republican President have made a mess of this economy. Their legacy is a lousy economy. There are more people every day losing their jobs. Their legacy is that they have left my kids with a $300 billion deficit and a $9.4 trillion debt, the largest debt in the history of the United States of America. That's their legacy. That's their great economic achievement.

Their legacy is basically no energy policy except whatever the oil companies want, and that's what they have done when they were in power. Whatever the oil companies want, the oil companies get.

And quite frankly, it kind of took my breath away when I heard my colleague talk about the oil companies as "our friends." Well, with friends like the oil companies, the consumers do not need enemies.

In 2002, the profits of the oil companies were at about $30 billion. In 2007, it's $123.3 billion. And yet we have seen rising gas prices. The consumers have been gouged. These oil companies have ripped off the citizens of this country.

The fact of the matter is that there are 68 million acres onshore and offshore in the United States that are leased by oil companies open to drilling and actually under lease, but they're not developed. They have 68 million acres. The fact is if oil companies tapped the 68 million Federal acres of leased land, it could generate an estimated 4.8 million barrels of oil a day, six times what ANWR would produce at its peak.

The fact is 80 percent of the oil available on the Outer Continental Shelf is in regions that are already open to leasing, but the oil companies have not decided it's worth their time to drill there.

The fact is that drilling in the Arctic Wildlife Refuge wouldn't yield any oil for 10 years and then would only save the consumer 1.8 cents per gallon in 2025. The bottom line is, Madam Speaker, is that these oil companies choose not to drill for more oil. They choose instead to do what they're doing and put the burden on the American consumer.

I have heard the issue about we need to expand refinery capacity. Well, we currently have excess oil refinery capacity. According to the Energy Information Administration, our refineries are currently running at 88 percent capacity, well below the 95 to 98 percent capacity, use rates we've seen this time of year for the last decade.

Now, no new oil refineries have been built in the last 30 years because major oil companies have not sought to build them. They have the ability. They've not sought to build them. ExxonMobil, Chevron, ConocoPhillips, BP, and Shell have publicly stated that they have no plans to build new refineries. Instead, they prefer to expand existing facilities. Shell, ConocoPhillips, and BP all testified that they were unaware of any environmental regulations preventing them from building new refineries or expanding existing ones. So there is nothing in the way that's preventing them from expansion.

And internal memos from oil companies make it clear that oil companies have decided that they needed to reduce refinery capacity to drive up their profits. They don't care. They don't care about the consumer. All they care about is profits. And for too long, our energy policy under the Republican Congress and this Republican President has been to give the oil companies whatever they want. We have done that, and we are now paying the price.

I should also point out that this Congress has enacted a number of pieces of legislation to try to deal with this issue. Interestingly enough, most of them have been either vetoed or threatened to be vetoed by the President. It's also interesting to note that among those that the President has threatened to veto are legislation that would take away the tax breaks and subsidies that we provide Big Oil, the companies that are making record profits, and put that into renewable clean forms of energy. That's what the administration is aghast at. They can't believe that we'd want to take away taxpayer subsidies to Big Oil, the companies that are now ripping off the American consumer, and put that into alternative energy research and development so that we're not so reliant on oil and we could become more energy independent.

We have tried to take the lead on energy independence in this Congress, but we have run into roadblocks by the Republicans here in the House, Republicans in the Senate, and this administration.

I would also point out that the American people get it. One of the reasons why Republicans are losing elections is because the American people are fed up with their policies. They want a new direction, and they will get a new direction come November with an expanded Democratic majority here in the House and in the Senate and a Democratic President.

Finally, Madam Speaker, let me just once again reiterate to my colleagues the importance of the underlying legislation. The Federal Employees Paid Parents Leave Act does not change the fundamental principles of the Family and Medical Leave Act in any way. The bill does not expand the number of weeks of leave available to workers under FMLA, the bill does not expand the number of employees who are eligible for FMLA leave, and the bill does not grant employees any additional sick leave.

For Federal employees who are currently entitled to FMLA coverage, this bill would simply allow them to be paid for four of those weeks if used for parental use, if used to care for a newborn child or a newly adopted child. I mean, this to me is common sense. This is the right thing to do.

As I said, Members talk all the time about family values. Well, here is our chance to show that we mean what we say. I would urge my colleagues to support the underlying bill. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1277 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2279) to expedite the construction of new refining capacity on closed military installations in the United States. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of the Committee on Armed Services; and (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or Representative Skelton of Missouri, which shall he considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition, a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question a resolution reported; from the Committee on Rules, control shifts to the Member leading the Opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative Plan.

Mr. McGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSION. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1281

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of June 19, 2008, providing for consideration or disposition of a measure making supplemental appropriations for the fiscal year ending September 30, 2008.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Thank you, Madam Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1281.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 1281 waives clause 6(a) of rule XIII which requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. The waiver would apply to any rule reported on the legislative day of June 19, 2008, that provides for consideration or disposition of a measure making supplemental appropriations for the fiscal year 2008.

Madam Speaker, with the passage of this rule, the House would move one step closer to taking up the supplemental appropriations bill, a bill forged in bipartisan compromise that provides funding for our troops currently on the ground, critical domestic savings for Americans calling out for relief, and a dramatic expansion for veterans' educational benefits.

The same-day rule will allow us to do all of this in an expedited manner. Later today, the Rules Committee will report out a rule that will give the Chamber the opportunity to debate the bipartisan legislation dealing with some of the most pressing issues facing our Nation today.

I urge a "yes" vote on the rule.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

I want to begin by expressing my great appreciation to the very able and distinguished Chair of the Committee on Rules, my dear friend from Rochester (Ms. SLAUGHTER) for yielding me the customary 30 minutes.

And I will say, Madam Speaker, that I stand here with somewhat mixed emotions. While I am happy that we are going to finally ensure that our men and women in uniform who are on the front lines ensuring the safety of our fellow Americans are going to have the funding that is necessary, I'm saddened that we are here at this juncture considering this measure under a process which was not at all necessary.

Madam Speaker, if we had, literally months ago, months ago, come to this point, we could have, under regular order, very easily provided the necessary troop funding that is out there, dealt with the issue of unemployment benefits, which is going to be addressed, and ensure that we're not going to put into place a massive tax increase on job creators here in the United States.

□ 1115

So I will say, Madam Speaker, that we want to do everything that we can to, as expeditiously as possible, meet the demand that has been set forward by our leaders on the frontline in the field in Iraq and Afghanistan.

I hope very much that my colleagues will join with me. It's not normal that I would support this structure that would allow for same-day consideration of the measure, but I believe it is imperative that we get funding to our troops, and I believe that the measure that we're going to consider in just a little while from now will allow us to do that.

With that, I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, just one response to my good friend from California and my dear friend, that had the Republican Party voted for the last supplemental bill which funded the troops, it would not be necessary to be here today.

Mr. DREIER. Would the gentlewoman yield on that point?

Ms. SLAUGHTER. I will be happy to yield.

Mr. DREIER. I will simply say that there were very important reasons that we did not support it: a massive tax increase that was imposed on working Americans and job creators.

This measure that we are going to be considering later today is one that I believe we can have support from the United States Senate on and support from the President on. And we know full well that had that measure passed this House that we would have ended up right where we are today because the President would have vetoed the bill if it had gotten there, and most likely, would have not gotten through the Senate.

So I thank my friend for yielding. Let's move ahead. We have a bipartisan compromise right now, and I believe it is beneficial.

Ms. SLAUGHTER. I just want to make one inquiry: Is the massive tax increase you're talking about the extension of unemployment benefits?

Mr. DREIER. If I could ask my friend to further yield, I will say absolutely not. I will tell you that what I was talking about was the tax that is imposed on those people in upper income brackets, 82 percent of whom are small business owners in this country. That's the tax that we were talking about in the last measure, and that played a big role in leading those of us who want to ensure that we get this economy growing again that we would not, in fact, impinge on that by imposing that tax increase.

So I will say to my friend, let's move ahead. Let's make sure that we get the important funding to our troops so that we can be successful in ensuring our safety, and I thank my friend for yielding.

Ms. SLAUGHTER. Well, I will just close by saying we've been trying very hard to do just that.

I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on H. Res. 1277; adoption of H. Res. 1277; motion to suspend the rules on H.R. 5710, de novo; motion to suspend the rules on H.R. 5511, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5781, FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1277, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 222, nays 197, not voting 14, as follows:

[Roll No. 423]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards (TX)
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Andrews
Cubin
Dicks
Engel
Gilchrest
Gillibrand
Higgins
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt
Wasserman Schultz

☐ 1142

Mr. ROHRABACHER changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 194, not voting 9, as follows:

[Roll No. 424]

AYES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (TX)
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)

Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—9

Cubin
Engel
Gilchrest
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1151

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EASTERN NEW MEXICO RURAL WATER SYSTEM AUTHORIZATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5710.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5710.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FLAKE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 301, nays 124, not voting 8, as follows:

[Roll No. 425]

YEAS—301

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—124

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)

Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kingston
Kline (MN)
Kuhl (NY)
Latta
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—8

Cubin
Gilchrest
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1159

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5511, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5511, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. CARTER. Mr. Speaker, I would like to have my name removed as a cosponsor for H.R. 6041.

The SPEAKER pro tempore (Mr. BLUMENAUER). Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, pursuant to House Resolution 1277, I call up the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Paid Parental Leave Act of 2008".

SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.

(a) AMENDMENT TO TITLE 5.—Subsection (d) of section 6382 of title 5, United States Code, is amended—

(1) by redesignating such subsection as subsection (d)(1);

(2) by striking "subparagraph (A), (B), (C), or" and inserting "subparagraph (C) or"; and

(3) by adding at the end the following:

"(2) An employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

"(3) The paid leave that is available to an employee for purposes of paragraph (2) is—

"(A) 8 administrative workweeks of paid parental leave under this subparagraph in connection with the birth or placement involved; and

"(B) any annual or sick leave accrued or accumulated by such employee under subchapter I.

"(4) Nothing in this subchapter shall be considered to require—

"(A) that an employing agency provide paid sick leave in any situation in which such employing agency would not normally be required to provide such leave; or

"(B) that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).

"(5) Paid parental leave under paragraph (3)(A)—

"(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing agency;

"(B) shall not be considered to be annual or vacation leave for purposes of section 5551 or 5552 or for any other purpose; and

"(C) if not used by the employee before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.

"(6) The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection, including, subject to paragraph (4)(B), the manner in which an employee may designate any day or other period as to which such employee wishes to use paid parental leave described in paragraph (3)(A).".

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT.—Section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

(1) in subsection (a)(1), by adding at the end the following: "In applying section 102(a)(1)(A) and (B) to covered employees, subsection (d) shall apply.";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

"(d) SPECIAL RULE FOR PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.—

"(1) SUBSTITUTION OF PAID LEAVE.—A covered employee taking leave without pay under subparagraphs (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

"(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

"(A) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

"(B) any additional paid vacation or sick leave provided by the employing office to such employee.

"(3) LIMITATION.—Nothing in this section shall be considered to require—

"(A) that an employing office provide paid sick leave in any situation in which such employing office would not normally be required to provide such leave; or

"(B) that a covered employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being allowed to use paid parental leave described in subparagraph (A) of paragraph (2).

"(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

"(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office; and

"(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use.".

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.

Section 102(d) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.—

"(A) SUBSTITUTION OF PAID LEAVE.—An employee of an employer described in section 101(4)(A)(iv) taking leave under subparagraphs (A) or (B) of subsection (a)(1) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

"(B) AMOUNT OF PAID LEAVE.—The paid leave that is available to an employee of an employer described in section 101(4)(A)(iv) for purposes of paragraph (1) is—

"(i) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

"(ii) any additional paid vacation or sick leave provided by such employer.

"(C) LIMITATION.—Nothing in this paragraph shall be considered to require—

"(i) that an employer described in section 101(4)(A)(iv) provide paid sick leave in any situation in which such employer would not normally be required to provide such leave; or

"(ii) that an employee of such an employer first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use paid parental leave described in clause (i) of such subparagraph.

"(D) ADDITIONAL RULES.—Paid parental leave under subparagraph (B)(i)—

"(i) shall be payable from any appropriation or fund available for salaries or expenses for positions with employers described in section 101(4)(A)(iv); and

"(ii) if not used by the employee of such employers before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.".

SEC. 5. STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Government Accountability Office shall study and submit to Congress a written report on the feasibility and desirability of providing an insurance benefit to Federal employees which affords partial or total wage replacement with respect to periods of qualified leave.

(b) PERIOD OF QUALIFIED LEAVE.—For purposes of this section, the term "period of qualified leave", as used with respect to a Federal employee, means any period of leave under section 6382 of title 5, United States Code, which would otherwise be leave without pay, and which is available by reason of—

(1) the need to care for the spouse or a son, daughter, or parent of the employee having a serious health condition; or

(2) a serious health condition affecting the employee that renders such employee unable to perform the functions of the employee's position.

(c) MATTERS FOR INCLUSION.—The report shall include, at a minimum, the following:

(1) A brief description of any plans or arrangements under which similar benefits are currently provided to employees in this country (within the private sector or State or local government) or in other countries.

(2) With respect to any plans or arrangements under which such benefits are currently provided to private or public sector employees in this country—

(A) the portion or percentage of wages typically replaced;

(B) how those benefits are generally funded, including in terms of the employer and employee shares;

(C) whether employee coverage is optional or automatic; and

(D) any waiting period or other conditions which may apply.

(3) Identification and assessment of any plans or arrangements described under the preceding provisions of this subsection (or any aspects thereof) which might be particularly relevant to designing the insurance benefit (described in subsection (a)) for Federal employees, including how such benefit might be coordinated with annual leave, sick leave, or any other paid leave available to an employee for the purpose involved.

The SPEAKER pro tempore. Pursuant to House Resolution 1277, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees Paid Parental Leave Act of 2008".

SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.

(a) AMENDMENT TO TITLE 5.—Subsection (d) of section 6382 of title 5, United States Code, is amended—

(1) by redesignating such subsection as subsection (d)(1);

(2) by striking "subparagraph (A), (B), (C), or" and inserting "subparagraph (C) or"; and

(3) by adding at the end the following:

"(2) An employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

"(3) The paid leave that is available to an employee for purposes of paragraph (2) is—

"(A) subject to paragraph (6), 4 administrative workweeks of paid parental leave under this subparagraph in connection with the birth or placement involved; and

"(B) any annual or sick leave accrued or accumulated by such employee under subchapter I.

"(4) Nothing in this subchapter shall be considered to require—

"(A) that an employing agency provide paid sick leave in any situation in which such employing agency would not normally be required to provide such leave; or

"(B) that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).

"(5) Paid parental leave under paragraph (3)(A)—

"(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing agency;

"(B) shall not be considered to be annual or vacation leave for purposes of section 5551 or 5552 or for any other purpose; and

"(C) if not used by the employee before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.

"(6) The Director of the Office of Personnel Management—

"(A) may promulgate regulations to increase the amount of paid parental leave available to an employee under paragraph (3)(A), to a total of not more than 8 administrative workweeks, based on the consideration of the following factors:

"(i) the benefits provided to the Federal Government of offering paid parental leave, including enhanced recruitment and retention of employees;

"(ii) the cost to the Federal Government of increasing the amount of paid parental leave that is available to employees;

"(iii) trends in the private sector and in State and local governments with respect to offering paid parental leave;

"(iv) the Federal Government's role as a model employer; and

"(v) such other factors as the Director considers necessary; and

"(B) shall prescribe any regulations necessary to carry out this subsection, including, subject to paragraph (4)(B), the manner in which an employee may designate any day or other period as to which such employee wishes to use paid parental leave described in paragraph (3)(A).".

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT.—Section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

(1) in subsection (a)(1), by adding at the end the following: "In applying section 102(a)(1)(A) and (B) to covered employees, subsection (d) shall apply.";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

"(d) SPECIAL RULE FOR PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.—

"(1) SUBSTITUTION OF PAID LEAVE.—A covered employee taking leave without pay under subparagraphs (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

"(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

"(A) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

"(B) any additional paid vacation or sick leave provided by the employing office to such employee.

"(3) LIMITATION.—Nothing in this section shall be considered to require—

"(A) that an employing office provide paid sick leave in any situation in which such employing office would not normally be required to provide such leave; or

"(B) that a covered employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being allowed to use paid parental leave described in subparagraph (A) of paragraph (2).

"(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

"(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office; and

"(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use.".

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.

Section 102(d) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.—

"(A) SUBSTITUTION OF PAID LEAVE.—An employee of an employer described in section 101(4)(A)(iv) taking leave under subparagraphs (A) or (B) of subsection (a)(1) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

"(B) AMOUNT OF PAID LEAVE.—The paid leave that is available to an employee of an employer described in section 101(4)(A)(iv) for purposes of paragraph (1) is—

"(i) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

"(ii) any additional paid vacation or sick leave provided by such employer.

"(C) LIMITATION.—Nothing in this paragraph shall be considered to require—

"(i) that an employer described in section 101(4)(A)(iv) provide paid sick leave in any situation in which such employer would not normally be required to provide such leave; or

"(ii) that an employee of such an employer first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use paid parental leave described in clause (i) of such subparagraph.

"(D) ADDITIONAL RULES.—Paid parental leave under subparagraph (B)(i)—

"(i) shall be payable from any appropriation or fund available for salaries or expenses for positions with employers described in section 101(4)(A)(iv); and

"(ii) if not used by the employee of such employers before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.".

SEC. 5. STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Government Accountability Office shall study and submit to Congress a written report on the feasibility and desirability of providing an insurance benefit to Federal employees which affords partial or total wage replacement with respect to periods of qualified leave.

(b) PERIOD OF QUALIFIED LEAVE.—For purposes of this section, the term "period of qualified leave", as used with respect to a Federal employee, means any period of leave under section 6382 of title 5, United States Code, which would otherwise be leave without pay, and which is available by reason of—

(1) the need to care for the spouse or a son, daughter, or parent of the employee having a serious health condition; or

(2) a serious health condition affecting the employee that renders such employee unable to perform the functions of the employee's position.

(c) MATTERS FOR INCLUSION.—The report shall include, at a minimum, the following:

(1) A brief description of any plans or arrangements under which similar benefits are currently provided to employees in this country (within the private sector or State or local government) or in other countries.

(2) With respect to any plans or arrangements under which such benefits are currently provided to private or public sector employees in this country—

(A) the portion or percentage of wages typically replaced;

(B) how those benefits are generally funded, including in terms of the employer and employee shares;

(C) whether employee coverage is optional or automatic; and

(D) any waiting period or other conditions which may apply.

(3) Identification and assessment of any plans or arrangements described under the preceding provisions of this subsection (or any aspects thereof) which might be particularly relevant to designing the insurance benefit (described in subsection (a)) for Federal employees, including how such benefit might be coordinated with annual leave, sick leave, or any other paid leave available to an employee for the purpose involved.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in House Report 110–718 if offered by the gentleman from Illinois (Mr. DAVIS) or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Illinois (Mr. DAVIS) and the gentleman from California (Mr. ISSA) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, which was introduced by our colleague Congresswoman CAROLYN MALONEY on April 14, 2008. As Chairman of the Subcommittee on the Federal Workforce, Postal Service and the District of Columbia, I am proud to serve as an original cosponsor of this bill, along with 21 other Members of Congress.

H.R. 5781 takes an important step in improving the Federal Government's ability to recruit and retain a highly qualified workforce by providing paid parental leave to Federal and congressional employees for the birth, adoption or placement of a child for foster care, which is a benefit that is extended to most employees in the private sector as well as to government employees in other countries.

In considering H.R. 5781, the Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia marked up the bill on April 15, 2008, and favorably recommended the measure to the Full Committee on Oversight and Government Reform after adopting an amendment offered by Committee Chairman HENRY WAXMAN that would permit only 4 weeks of paid parental leave instead of the 8 weeks included in the bill as introduced. The full committee then held a markup on H.R. 5781 on April 16, 2008, and ordered the bill to be reported to the floor, as amended, by a roll call vote of 21–10.

During the consideration of H.R. 5781, I had asked that language be included in the bill directing the Government Accountability Office to study the feasibility of providing a disability insurance benefit to Federal employees who had to take time off to care for a spouse, child or parent that has a serious health condition or for a Federal employee that has a serious health condition that renders him or her unable to perform their job functions. While the manager's amendment that we will be discussing later on removes this provision from the bill, I am happy to report that at my request GAO has agreed to perform a study that will analyze disability insurance benefits that are currently being offered by States, local governments and the private sector.

The bill being considered today will allow all Federal and congressional employees to receive 4 weeks of paid leave taken under the Family and Medical Leave Act for the birth, adoption or placement of a foster child. As many of my colleagues are aware, the current FMLA statute provides Federal workers up to 12 weeks of unpaid leave for the birth, adoption or placement of a foster child with an employee.

Mr. Speaker, the bill before us does nothing more than permit Federal employees to receive paid leave for 4 out of the 12 weeks if the leave is connected to the birth, adoption or placement of a foster child, and to use accrued sick or annual leave, if available, for the remaining 8 weeks. Let us be clear: This bill currently being considered does not provide Federal workers any additional time nor expand beyond the 12 weeks given under the current law.

The bill before us has also been strengthened by granting the Director of the Office of Personnel Management the authority to increase paid parental leave from 4 weeks to 8 weeks after considering a thorough cost and benefit analysis.

Parental leave is a pertinent concern around the world, and, unfortunately, America is lagging behind in offering paid leave for parents. The governments of 168 countries offer guaranteed paid leave to their female employees in connection with childbirth. Ninety-eight of these countries offer 14 or more weeks paid leave. Currently the Federal Government as an employer guarantees no paid leave.

Therefore, Mr. Speaker, I again reiterate my support for H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008, and urge my colleagues to join me in voting in favor of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill in search of benefits that in fact do not exist in any great numbers in the private sector. This is a new perk, at a time in which the American people are having to make cutbacks. They are driving less. They are very clearly suffering under the incredible cost of rising energy prices. So this is a bill whose time should not be coming.

Mr. Speaker, I would like to yield 4 minutes to the ranking member of the full committee, the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I thank my friend for yielding.

I rise today in strong support of H.R. 5781, the Federal Employees Paid Parental Leave Act. This important legislation is intended to improve the quality of life for the Federal workforce, which in turn will help promote productivity and reduce Federal employee attrition.

As we have discussed many times before on this House floor, the Federal Government is facing a wave of retirements in the near future, with approximately 60 percent of the Federal workforce becoming eligible to retire in the beginning and over the next decade. This legislation will help the Federal Government recruit and retain a top-notch cadre of new employees to replace those that are currently facing retirement.

Regardless of whether you support a larger government or a smaller government, I believe we all agree on one thing: Whatever the size of government, it should be run as efficiently and effectively as possible with as good people as we can get in doing it. This bill helps promote this efficiency by improving retention and reducing employee turnover.

As it becomes more and more common for both parents in a household to participate in a workforce, any major employer who expects to compete for top new talent in today's marketplace is going to have to present themselves as family friendly. This is exactly what this legislation will do for the Federal Government.

I understand many of my colleagues have concerns with this legislation with the estimated cost of $850 million in discretionary spending over 5 years. I understand. But, folks, waste in government is through our business processes and the way we do business. It is through mismanagement. It is through not proper oversight of contracts.

If you really want to eliminate waste in government, let's get good people in there and train them and offer a competitive package that we can offer these young people coming out of college to get them to not only join the Federal Government, but stay in the Federal workforce. This is what this legislation does, bringing the best and brightest to government and helping to maintain them there. If you want to stop the leakage and the waste and mismanagement in government, you start with a top-flight workforce, and we need to be competitive to do that.

I believe providing new parents time to care for their new child during these critical weeks after birth or adoption will also help promote strong families, something we talk about a lot, in addition to reducing turnover and improving productivity. The incoming generation of Federal employees, and all employees, for that matter, want to feel they are part of an organization that is dedicated to and contributing to their lives and to their well-being. Given the loyalty and the service we seek from them, that same dedication should not be too much to ask from their employer.

Mr. Speaker, we are past the stage in our development as a nation when paid parental leave should be considered an extravagant or unnecessary fringe benefit, and this is why I have been an original cosponsor of Mrs. MALONEY's paid parental leave legislation since 2000. This bill we are considering today will be an important tool to help shape the Federal Government's image as an appealing place for young employees to work.

I want to thank the gentlewoman from New York for her longstanding leadership on this issue. I hope we can bring about its passage today. This will be a giant step forward. For those Members who didn't want to make parental leave a mandate to private employees, we can at least set an example here at the Federal level. This is what this legislation does.

☐ 1215

Mr. ISSA. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield 5 minutes to one who has been fighting, pushing, planning, organizing, struggling and working, the lead on this issue for more than 10 years, and the sponsor of this bill, Representative CAROLYN MALONEY from New York.

Mrs. MALONEY of New York. I thank my good friend and colleague for that generous introduction and for his strong leadership on this bill and in so many areas.

Mr. Speaker, I rise today in strong support of H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008. I am proud to be the author of this bill and pleased that a Democratic majority has brought this bill to the floor.

I particularly want to thank Chairman WAXMAN for his extraordinary leadership on this and in so many ways, and also former chairman, Ranking Member TOM DAVIS, who has been a lead sponsor on this legislation since it was first introduced. I thank him deeply, and, of course, Subcommittee Chair DANNY DAVIS. I am pleased to work every day with you on your committee, and GEORGE MILLER, for their outstanding support of this bill. They are strong advocates for Federal employees, and I expect that with their leadership and support we will pass this bill today to help working families in the Federal Government.

This bill is very important to me because I very painfully remember when I was pregnant with my first child, I was terrified of being fired. I was working for the New York State legislature, and I called the personnel office to inquire about their parental leave policy. I was told, leave policy, there is none, women just leave.

I said, well, I intend to come back to work because I have to work. What is your leave policy? They said, we have none. Possibly you could apply for disability. I told her that the birth of a child is not a disability, it is a joyous event.

I would say to my dear friend and colleague on the opposite side of the aisle that having a child is not a perk, it is important, it is important to the lives of the parents, it is important to the lives of our country. We should turn our family values rhetoric into a reality of providing some support to working men and women in the Federal Government.

Balancing work and family is a challenge that most parents face and good workplace policy can go a long way towards helping them. We have come a long ways since I was told that women just leave, but not far enough. According to a report from the Joint Economic Committee, three-quarters, or 75 percent, of all Fortune 100 companies offer parental leave to new mothers with a median length of leave from 6 to 8 weeks. Now these are some of the most successful companies in the country. They should know a little bit about retaining workers.

We also reviewed House offices and Senate offices. Most House offices, 85 percent, provide paid leave. Senate offices, 95 percent of the Senate offices, provide paid leave. The Armed Forces, they provide it also. They are not covered by the Family and Medical Leave Act but they recognize the importance of providing some paid time and leave for Federal workers and for their workers.

The Federal Government has not kept up with the changing times and needs to become competitive with the private sector. Employees are now entitled to have 12 weeks of un paid leave through the Family and Medical Leave Act. As we have heard time and time again many families cannot afford to take unpaid leave and are therefore forced to choose between their new child and their paycheck. No one should have to make that choice.

I would say that it's very difficult for new families. Not only does it cost roughly $12,000 to provide for a new child the first year, daycare is not available for newborns until they are 12 weeks old, so this puts tremendous pressure on families, where most parents have to work.

We have heard about Ozzie and Harriet, you know, Ozzie worked and Harriet was at home. Now 60 percent of married women work because they have to, and we should be providing them with some help. Not only will this legislation help these new families in the Federal Government, but it will also help the Federal Government with recruitment and retention.

Turnover is more expensive than providing paid leave. The average cost of turnover is about 20 percent of an employee's annual salary. Four weeks of paid leave is less than 8 percent of an employee's salary. This is an important piece of legislation to working men and women.

I would say that providing paid parental leave to Federal employees is a great first step toward providing this benefit to all working Americans, and it is a critical step towards helping our families.

I want to note that Senator JIM WEBB and Senator John WARNER, in a bipartisan effort, have introduced a companion bill in the Senate, and they have many cosponsors. The bill has a great deal of support because it is the right thing to do and will demonstrate our commitment to working families.

To those who say we cannot afford to do it, I say we can't afford not to do it.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DAVIS of Illinois. I yield the gentlewoman 30 additional seconds.

Mrs. MALONEY of New York. We need to catch up with the rest of the world, as 169 countries already provide some form of paid leave. One hundred sixty-nine countries cannot be wrong.

It is time for America to show that we value families, that we support families. We need to turn our rhetoric into the reality of a vote in support of this bill that will move forward with 4 weeks of paid leave for Federal workers. It's the right thing to do.

I urge a strong bipartisan vote.

I thank the staff on the Joint Economic Committee, my staff, the committee staff. They are important. They helped us move this bill to the floor today. Thank you for all of your hard efforts.

I also want to thank Nan Gibson and Heather Boushey of my Joint Economic Committee staff, who have both worked tirelessly on this bill, providing excellent research and expertise.

Finally, I want to thank Michelle Ash and Mark Stephenson of the Oversight Committee whose commitment to this issue and this bill have been critical to getting here today.

Mr. ISSA. Mr. Speaker, I would now yield as much time as he would consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I thank the gentleman from California.

Mr. Speaker, I rise in strong support of this bill. Dr. Brazelton, the leading pediatrician in the country, has said that upon the birth of a child, the connection between a mother and a newborn begins with the first breath and touch of the child, literally, the bonding process begins.

In 1993, when this issue first came up, I voted the other way. I was on the wrong side of the issue. I would remind Members of the Congress that two of the best Members of Congress that I have ever served with were for this bill. Congressman HENRY HYDE, who was a giant, and I would say one of the more pro-family people here in this Congress, and also former Senator Dan Coats, who was ranking Republican on the Select Committee on Children, Youth and Families, both voted for the Family Leave Act at that time.

I would urge Members to support this, because the bonding process and the immediacy and opportunity for mom to spend time with that child at the very, very beginning is very, very important.

I ask for a "yes" vote.

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield 3 minutes to the gentlewoman from California, Representative WOOLSEY.

Ms. WOOLSEY. First I want to thank Congressman DAVIS and Congresswoman MALONEY for this excellent, excellent bill. Thank you, and I know that it has been 10 years in the working, and I also know it is time that it passed.

Mr. Speaker, investing in our working families is the very best way we can strengthen our workforce, our economy, and our country. I am the chairwoman of the House Subcommittee on Workforce Protections, and, as the leader of that committee, and with the hearings we have held, we have learned that the most generous leave policies don't help families who cannot afford to take leave without pay. It's as simple as that.

As a Nation, we must support working families, and we can do that by providing them with the help they need to balance their work and their family. No parent should ever be forced to choose between the needs of their family and the needs of their job or the possible loss of that job.

I look forward to the day that my own legislation, the Balancing Act, will be passed. The Balancing Act provides working families the help they need to balance work and family, paid leave, increased child care, voluntary universal preschool, school breakfast, afterschool programs, and incentives for flexible work schedules.

If children are lucky enough to have two parents, both parents are probably in the workforce. They are working long hours, they are commuting long distances, and these very same parents are working to put food on the table.

They put food on the table, but they are quite often not able to be there to eat that food with their families. H.R. 5781 is a perfect example of what we must do as a Nation. It is a step in the right direction. It will prove how important it is to provide leave with pay.

Mr. ISSA. Mr. Speaker, the two previous speakers on our side spoke in favor of the bill.

I would like to honor their speaking in favor of the bill by saying that the bill is well intended, even if it is fatally flawed. People are talking about 10 years of wanting to achieve what they hope to achieve here today.

I would say to you and certainly would ask that Federal workers take note of what we do here today. We are not talking about making sure that someone who has a child or adopts a child has the opportunity to take the time off for bonding. We already ensure 12 weeks of that and have for that decade.

We are not talking here about anything except as it is presently written and not allowed to be amended, a bill that simply grants 4 weeks every single year to those individuals who choose to have a child, who choose to take time off in relation to a sick Federal employee, as was originally presented, or, more importantly, someone who takes on a foster child.

Now I am all for people taking on foster children, but let's look at this from a practical standpoint. You are running a Federal department. You have somebody who you need, and every single year, as often happens, they take on a new foster child that they keep for 3 to 5 years and they have, let's say, three foster children. That means that that individual will be gone on paid leave over and above their vacation, over and above their 13 days of sick leave a year, they are going to be gone 4 weeks every year, conceivably for a full 20 years.

So by having not just the birth, of a woman, but the husband, and not just birth, but foster children, we can conceivably go so far beyond the $850 million scoring, we could easily end up in the tens of billions of dollars.

Let's consider our Federal workers at a time when we are considering whether this is appropriate to do. Our Federal workers receive 13 days of sick leave a year. Our Federal workers can accumulate those for 6 months, meaning that when they retire, as is often the case, Federal workers simply don't show up to work for the last 6 months. The reason? They are using up their sick leave. They can't be paid for it. They additionally have in the neighborhood of 2 weeks plus of vacation that they can cash out if they don't use it.

Now, in the private sector, it is not, in almost any case, a use-it-or-lose-it policy on sick leave. Additionally, a little-known practice, but well used in the Federal service, is the giving away of somebody's sick leave. For example, if somebody in your department or somebody in your organization or the Federal Government were to take on a foster child, there can be a campaign to raise sick leave for that individual so that they would not be unpaid if they had a need for it. No problem, but it comes out of the bank of 13 days per employee per year.

☐ 1230

What this bill seeks to do is to grant something that is almost unheard of here in Congress or in the private sector.

And I would like to take a little exception with the gentlelady from New York; we did go and look at the existing programs, and there is no support for 86 percent of House offices provide paid leave, not at all. Paid parental leave as a written policy does not exist in many of the offices, and I would ask the gentlelady to bring proof of her statement because quite frankly she has been misled if she thinks 86 percent of House offices have a formal written policy granting already this privilege that we seek to grant here this year.

The scoring, as I said, Mr. Speaker, is wrong. It is not going to be $850 million, it will be billions of dollars. It will be billions of. dollars at a time when Americans are being laid off. It will be billions of dollars at a time when Fortune 100 companies offering either pregnancy-related or disability leave, it is less than one-third of the Fortune 100 companies, which are the most wealthy, most generous companies in America, and less than one-third typically will offer that.

The fact is that unpaid parental leave has become widespread. The leadership of the U.S. House and Senate in passing a bill that granted that to Federal workers is to be commended. The opportunity at one's expense using one's resources to take care of and bond in regards to a choice such as a birth or adoption of a child, is commendable and has become widespread.

If this becomes widespread, we might someday look back and commend it. But today, what we are doing is we are offering Federal workers, workers who, like ourselves, are often chastised by people in the private sector who have to make a payroll, are being given things which they cannot afford.

As is often said on the House floor, 44-plus million Americans don't have health care, and yet we are asking that every Federal worker, in addition to 13 days of paid sick leave, accumulable or borrow-able or giveaway-able, be granted additionally another, what is basically twice that amount, each and every year if they choose to use it.

Mr. Speaker, it is simply wrong to do it. In committee we aggressively tried to amend this to allow them to use resources already available more flexibly. Those were voted down on primarily a party-line basis.

Mr. Speaker, I reserve the balance of my time in anticipation of more things that need to be corrected on the House floor.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. In response to my good friend on the other side of the aisle, I referenced the 2006 U.S. Senate Employment Compensation Hiring and Benefits Study and the 2006 House Compensation Study which has the numbers that I was using on the floor. So we have that documentation for the record.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the stellar chairman of the Committee on Oversight and Government Reform, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, H.R. 5781, the Federal Employees Paid Parental Leave Act, gives dedicated civil servants a long-overdue benefit: parental leave on the birth or adoption of a child.

Under this bill, Federal employees will, for the first time, be offered 4 weeks of paid parental leave on the birth or adoption of a child. If needed, employees will also be allowed to use their accrued sick leave for additional paid leave.

I was taken aback by the arguments from my colleague from California (Mr. ISSA) that we run the risk of people becoming foster parents each year presumably to get this extra 4 weeks of paid leave. I think that foster parents do an enormous good in providing a home to children who otherwise would not have a place to live. And they, by the way, under existing Federal law, can have paid Federal leave under their sick pay. But if a parent has a natural-born child, they may not use their sick leave nor do they get paid leave for that period of time to bond with the newborn.

Federal employees are entitled to those 12 weeks of unpaid leave under the existing Family and Medical Leave Act. What this bill does is say for the first 4 weeks, this leave will be paid.

The Federal Government is a model employer in many areas. Federal health benefits are often lauded as a model for the rest of the country. Many people say all Americans ought to have the same health care benefits as Federal employees. We have the Federal Thrift Savings Plan which is often cited as a model of what a 401(k) plan ought to be.

But one area where the Federal Government has lagged behind for years is in providing parental leave to its employees. If this becomes law, and I sure hope it will be, we will be able to attract and retain the best employees for the Federal workforce. It means when a Federal agency recruits new employees, they won't have to have one hand tied behind their back because they can't offer leave for the birth of a child, as many private sector companies do.

I think this is a pro-family measure, and I was pleased to hear that our colleague, Congressman Hyde, had always supported this family leave to be paid for Federal employees.

When you look at the civilian workforce for the Department of Defense, they don't get this ability to be at home with the child for the first 4 weeks and have it paid for, but a military family will be allowed under existing law to stay home under paid leave for maternity or adoption. It is unfair to have in one case an employee working next to another employee, both for the same government, and one is allowed to take the leave and have it paid for, and the other has to take the leave and not have it paid for. The loss of income is important to many of these families and they don't want to have that loss of income. We shouldn't put them in that kind of position where we force them to perhaps cut it short and get back to work.

I want to commend Representatives DANNY DAVIS and CAROLYN MALONEY for their efforts on this bill, the Federal Employees Paid Parental Leave Act of 2008. Without their leadership it wouldn't be on the floor today. I also want to thank Ranking Member TOM DAVIS for his support for this legislation and his constructive work in offering an amendment that we agreed to in committee to reduce the cost to the taxpayer. He has been a steadfast champion of the rights of Federal employees, especially those that support families.

I urge my colleagues, support this bill. We don't know yet what the motion to recommit will be, but if it is one of these motions to kill the bill or to come in with something that is not sustainable, I would hope that my colleagues would vote against it and vote for final passage of this legislation.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the majority providing us reference to the 2006 House Compensation Study that shows even with other people's money, and perhaps no guidance on how to spend it, about 20 percent of the House offices offer little or no, or actually offer no paid leave.

The amazing thing to me is we are here today talking about a new paid leave. I just want to explain for a moment, when congressional offices choose to do paid leave, they do so out of a fixed budget. The majority would have you believe here that we are going to do this out of some fixed budget. We are not. This is going to run up the cost of every office that does everything, from post offices to the Secret Service to the IRS. It is going to run up the cost of these Federal employees. It is going to run it up by quite a bit.

With all due respect to my colleague from California, I am not implying that having foster families is bad; just the opposite, it's good. The question is if you have an active foster parent family and they are being given 4 weeks of paid leave, who is to assume that they won't take it. I believe they will. That will mean for every 12 people doing it, you will have basically the need for an additional Federal worker with all the compensation and benefits that go with it. That is the reality we have here today.

In committee we attempted unsuccessfully to have this be fiscally responsible, recognizing that there are 13 days of paid sick leave every year, fully accumulable so that a typical worker need only borrow from the sick leave that they were eventually going to cash out by not coming to work the last 6 months they are in the Federal workforce, simply use it for this.

I am not implying that the birth of a child is sick, but it is fully usable under the amendments we tried to offer. So it is a little disingenuous for my colleague from California to say that the military can use it and somehow Federal workers couldn't. That could have been taken care of in committee, and it was clearly fought on a partisan basis.

The fact is this bill should be before us today clarifying and taking care of some technical problems in the families being able to take full advantage of the Family and Medical Leave Act by being able to use all of their sick leave, perhaps even borrow against future sick leave, which was proposed, and in fact have their colleagues give them sick leave in order to facilitate their staying home for those 4 weeks or more and not be without pay.

The fact is we are here today dealing with a problem which we should not be spending new money on at a time when the Federal deficit and the Federal spending is far in excess of what the private sector can afford. As people here in Washington and people in California find it impossible to make ends meet with $5 a gallon gasoline, it is irresponsible for us to be adding this multibillion-dollar perk at a time in which, with only technical corrections, we could have provided these people the opportunity to use resources they already had in the way of sick leave and vacation.

With all due respect to Federal workers, I think the majority of Federal workers would say that if they had their choice of this many billions of dollars of new spending, they would just as soon get it up front in pay and they would care of their choices in children, adopted or natural birth, they would take care of it out of their sick leave if they were given the additional dollars. So I think in fact we are doing them a disservice, if we are going to spend the money, of not spending it straightforward in a proper way, and I look forward to attempts to make this technically correct.

And I once again regret that the Rules Committee chose not to allow these technical amendments not to be even considered, but in fact have kept them from debate on the House floor.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 1 minute to the chairman of the Committee on Oversight and Government Reform, Representative WAXMAN.

Mr. WAXMAN. If we are going to pay in a straightforward way, let's provide parental leave and not require people to take it out of their sick leave which they cannot do now, and have that leave paid for. This ought to be for newborn and adopted children and their parents, and we ought to provide this.

I can imagine there might have been a time when people would have said, "Why should we allow people to be able to take off 2 weeks of vacation a year? Some employers do it, others don't. This is just too radical."

Well, now no one thinks it is radical to have 2 weeks of vacation a year at least, and I don't think it is radical, I think it is pro-family, in fact, to allow parents to bond with their children and be able to have 4 weeks paid. That is straightforward; 4 weeks paid leave for maternity or paternity and not to hide it in the sick leave, which they may need at some future time if they have an illness. Having a baby is not an illness.

Mr. ISSA. Mr. Speaker, I would like to set the record straight. Sick leave of Federal workers is not limited to people who are sick. The common practice at the end of a career of simply retiring 6 months early to use up accrued sick leave speaks loudly to the fact that sick leave is simply 13 additional days that can be used on a discretionary basis.

The chairman of the full committee knows this very well. And, in fact, we attempted to make it explicit that not only would you be able to use your 13 days plus any accrual, but even borrow in order to make this fiscally neutral, fiscally responsible at this time.

☐ 1245

This bill is not about whether or not we allow people to take 4, 6, 8 or 12 weeks of paid leave. In fact, we were more than willing to have the entire 12 weeks of family medical leave be usable, to be able to use its current or even borrow some of its future sick leave.

What this bill is doing here today is saying, you get to keep 3, 4, 5 months of sick leave you already have in the bank. You get to keep your many weeks of vacation, and you get this additional amount. This is something the American people are not prepared to pay for. If we're going to be responsible, we're not going to make the American people pay for this additional back-door increase at this time.

The majority knows this very well, so I, again, repeat, it is disingenuous to say that they can't use their sick leave. In fact, that was something that could have been handled in committee, would have been handled by the amendments that were not ruled in order by the Rules Committee on a purely partisan basis.

In fact, we are considering a bill today that is designed to cost the American people money.

I continue to reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 1 minute to a strong proponent and defender of workers rights, Majority Leader STENY HOYER.

Mr. HOYER. Mr. Speaker, I want to thank Mr. DAVIS from Illinois for yielding. I particularly want to thank my good friend, CAROLYN MALONEY, the distinguished Representative from New York, who has been such a giant on behalf of this issue and family issues generally.

Mr. Speaker, every Member of this body, from the most conservative to the most liberal, shares the conviction that the surest way to improve the quality of life in our Nation is to strengthen our families. Strong families enhance well-being, improve children's self-esteem, and significantly increase the odds that children will succeed in school and grow up to be good parents themselves.

Study after study shows that a strong predictor of child well-being is the degree to which a parent and child bond in the first months of a child's birth. The more constant and nurturing that bond is in the early months of life, the better off the child will be down the road. That is why this is such an incredibly important piece of legislation.

The Federal Government, in many ways, as an employer, has been a leader, not a follower, a leader in efforts to ensure positive employee policies. In fact, the private sector has adopted many of these same policies.

We all know that the 1993 Family and Medical Leave Act has been an outstanding success in helping to promote healthy families. So this is not so much about the mother or the father, it is about the child, and the sense of well-being and groundedness that the child has.

Unfortunately, all too often people who have availed themselves of the law to take care of their newborns, or care for ailing parents, have had to make economic sacrifices because the Family and Medical Leave Act does not entitle anyone to receive an income.

Now, very frankly, it's all good and well for most of us, or all of us that serve in this body to say, well, we could take off 6 weeks without pay. Most of us could do that. Certainly my good friend Mr. ISSA could do that. I could do it.

But very frankly, I have three daughters, and they may be able to rely on Dad to help them do it, but if Dad were not able to do it, they would not be able to do it. They've all had the opportunity to spend time with my three grandchildren as those grandchildren were born in early years, and that was not only beneficial to my grandchildren, it was beneficial to the community in which they will live.

Currently, the Federal Government does not provide paid parental leave to its employees. Employees must use accrued annual and sick leave if they want to maintain an income stream while they're out.

By providing 4 weeks of paid leave to Federal employees, which, by the way, most Members of Congress already do, for their employees for the birth and adoption of a child, H.R. 5781 recognizes that economic security is a critical ingredient in ensuring that parental leave succeeds.

Mr. Speaker, the Federal Government is the Nation's largest employer. It should set a strong, positive example for how the needs of the workplace and the needs of the employees can be balanced, and indeed, the needs of the children can be met. H.R. 5781 is an important step in doing just that.

Again, I congratulate CAROLYN MALONEY, who has been a real leader on this effort for her entire career in the Congress of the United States. I'm so pleased to be her ally in this effort.

I also want to turn to my friend, TOM DAVIS, who himself has been a giant, along with FRANK WOLF, and a partner of mine, in promoting the well-being and appropriate benefits for our Federal employees, on whom this country relies in so many ways to give them a government that is a partner with our private sector in maintaining the greatest country on the face of the earth. And I thank Mr. DAVIS for his leadership.

I'm sorry Mr. DAVIS will be leaving us at the end of the year and will not be serving in the next Congress. And I will say, I am sure, many times, how beneficial his service has been to Federal employees, and how beneficial his service has been to the Washington metropolitan region and, indeed, to the country. And I thank him for his leadership on this particular effort.

Mr. ISSA. Mr. Speaker, I think the leadership said it very well. Of course, they didn't say anything about what we're actually doing here today. This isn't about family unity or bonding. It isn't about mom and dad or the child. This is about a new spending, a new irresponsible spending proposal coming from the Democrats after they promised us fiscal responsibility.

The fact is, we will have our taxes raised. The American people will pay for this in higher taxes in the coming years. They will pay for this after we said it was about your family.

The reality is that there will be layoffs in the private sector. There will be people in the private sector who say, with these new taxes, can we still afford to have health care benefits while, in fact, Federal workers who not only enjoy good health care benefits, good vacation policies, also get more than 2½ weeks a year to be sick.

Now, when the American people discover that an organization, the U.S. government, gives their people 2½ weeks to be sick, and allows them to accrue 6 months of that in case they're ever really sick for a long period of time, and does not require a physician's proof that they actually are sick, and then, when given the opportunity to say, let's use these 2½ plus weeks a year of sick benefits, since they're usable for anything you want to use in the way of time off, let's use them for time off when you have a child, that, in fact that was turned down as not good enough by the Democrat majority.

It was turned down as clearly we have to add the dollars on top of this, wrongfully estimating $850 million when, in fact, this is billions. This could be fiscally responsible and family-oriented by simply allowing this well-accrued sick leave to be used for this, since it's going to be either used for sick leave, or it's going to be used at the end of a career or before someone leaves government as a general practice. It is seldom simply not used and turned back in.

So, Mr. Speaker, it is very clear from the Democrat leader, that, in fact, this new expense leading to new taxes is, in fact, something that he supports, but calls it family-oriented. It's not family-oriented to the taxpayers in America, to the private sector. It is simply family-oriented to big government.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to another Member who is actively engaged in workers' rights issues, Representative Chris VAN HOLLEN from Maryland.

Mr. VAN HOLLEN. I thank my colleague, the chairman of the subcommittee, Mr. DAVIS, for all he has done to support Federal employees and workers around this country.

Congratulations to Congresswoman MALONEY for her leadership on this issue over many years. And congratulations on bringing this bill to the floor today. And to the chairman of the full committee, Mr. WAXMAN, thank you for all your efforts as well.

I want to join my colleague, the majority leader, STENY HOYER, in also commending our colleagues from the Virginia side of the river, Mr. TOM DAVIS, who's on the floor, as well as Congressman FRANK WOLF. We've all worked very well together on issues supporting Federal employees and trying to make the Federal Government a model employer, an employer we can be proud of, and someone that tries to set the standard, rather than bring up the rear when it comes to policies for employees and the workforce.

As I think people understand, we are going to face a severe shortage of Federal workers going into the future. Indeed, over the next 5 years, nearly a third of the 1.6 million boomer age members of the Federal workforce are expected to retire. We're going to need hundreds of thousands of new workers to replace those departing Federal employees, and it's going to be essential that we attract new, young workers into the Federal workforce in order to continue the job that they need to do for the American people. And that's one of the reasons why this is an important measure that we need to follow up on.

This is a benefit that is currently enjoyed by employees of most of the Fortune 100 companies today, so we are playing catch-up here at the Federal Government level. We are trying to compete with those in the private sector that are saying to young people, come work for us because we're going to provide you a benefit that doesn't require you to choose between taking a little bit of time to care for your newborn child, and getting a paycheck to help pay for your mortgage or for your rent or putting food on your table. And we think that it's important that people not have to make that choice. So yes, this is a very family-oriented, family-friendly measure.

Don't let anybody kid you, because we don't want people applying to the Federal Government to have to say, well, I'm not going to join because I'm going to be losing money to stay home for a short period of time to take care of a newborn child. I can go work at one of those other companies.

This is a time when we need more folks working in the Federal Government on critical issues like homeland security, like defense, like medical research. We need to replace those individuals who are leaving so that we can make sure that we have a vibrant Federal Government that can address the needs that we've asked of our Federal employees.

I congratulate, again, Congresswoman MALONEY, the chairman of the subcommittee, chairman of the full committee. And I urge my colleagues to adopt what is a very family-friendly measure. We should be leading by example at the Federal level.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume to correct the RECORD.

Mr. Speaker, less than one-third of Fortune 100 companies offer fathers paid leave. Approximately half offer some amount of disability or pregnancy leave in the birth of a natural child. So when you mix and match the richest companies in this country you're going to get less than a third offer anything close to what we're offering here today, not more than half. We're not following.

In fact, when you quote the Fortune 100, by definition, what you're quoting are the very large companies that are normally disparaged by my Democrat colleagues as gouging the public on making too much on oil and other resources.

In fact, what we normally talk about on the House floor and pay tribute to are the small businesses, the entrepreneurial, mom and pop businesses. They're not giving this. They can't afford to.

As a matter of fact, a big part of the 44 million uninsured are because small businesses can't afford health care. They can't afford health, dental, eyeglass. And yet we're giving this benefit.

Now, there was a proposal Mr. VAN HOLLEN said that I think was very appropriate. We do have boomers retiring. In committee we have talked about ways to extend the careers of those baby boomers. The easiest way, one which would be fiscally responsible, as a matter of fact, it would even be a benefit to us and to them, those 6 months that are often used as terminal leave on a retiring senior member of government, if we would simply pay them those 6 months when they retire, it would be the least expensive way to get six additional months from the baby booming retired workforce.

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That proposal is dead on arrival apparently for the Democrat majority. That proposal would be a way to extend these significant amount of Federal workers at the time we need them most, which is when they really are senior people able to pass on to the next generation. That soft landing, dead on arrival.

A new costly program, one that less a third of Fortune 100 companies, the richest companies, can even afford in fact is what we're being faced with here today.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 2 minutes to Representative MALONEY of New York.

Mrs. MALONEY of New York. Mr. Speaker, I disagree with my distinguished colleague on the other side of the aisle. I have heard heartbreaking stories from real Federal workers who would strongly disagree with you. I will give one example from a woman who had to go back to work with an open wound due to a C-section while giving birth. And it is not possible to use your paid sick leave. Sick leave is for when you're sick. And by our guidelines, you can use it only when you are incapacitated, when you're in the hospital, or bedridden. And it takes a long time to accrue these.

Now, in terms of costs, the score from the Congressional Budget Office estimates that in 2010, the first full year that this could be implemented, it will cost roughly $190 million. To put this in perspective, this is less than one-tenth of 1 percent of the Federal payroll. The cost estimate predicts that approximately 17,000 women and 23,000 men who have worked for the Federal Government for at least a year and will have a child in the course of a year.

They assumed that mothers will take advantage of this benefit 100 percent of the time, and men roughly 50 percent of the time. This amounts to approximately 1 percent of the Federal workforce using this benefit at a given year.

There are also potential cost savings that can't be estimated by CBO. Providing this benefit will likely improve retention rates for Federal employees. Research shows that women who have access to paid leave, not just unpaid leave, are more likely to return to their jobs after having a child; and access to family leave can also improve productivity and morale. For example, in my office, I offer 12 weeks of paid parental leave to new parents on my staff. I have two current employees who have used my leave policy twice. Both have been with my office for many years, and I attribute the longevity of their employment to my family leave benefit.

Additionally, in my office we've been able to offer this benefit at no additional cost to taxpayers.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. DAVIS of Illinois. Mr. Speaker, I yield 1 additional minute.

Mrs. MALONEY of New York. I repeat, it has not cost the taxpayer one cent. We have not added additional staff but rather redistributed the work among the rest of the staff. While it does create more work for others, it has also given junior staff members opportunities to assume more responsibility, and it was a relatively smooth transition.

The costs of this bill are relatively small compared to the positive effect that it will have on the lives of working families in the Federal Government. How many times have we heard the words "family values" from the other side of the aisle? It is time to turn family values into a reality in the lives of the workforce, and this is a way that we can help Federal workers, the largest employer in the United States, and make this important event in one's life, becoming a parent, really a joyous one in which they do not have to be stressed.

I urge a "yes" vote.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

You know, it's amazing that the gentlelady from New York would make the case that this isn't going to cost much. Of course, no dynamic scoring. They're sort of just looking at track history and then want the dynamic scoring for some intangible savings in Federal worker retention. It's very clear this is going to cost $850 million or more and that it is likely to grow.

More importantly, I'm not somebody who spends a lot of time preaching family values from the dais. But if we're going to talk family values here today, let's talk them. Family values are about family making sacrifices to make things work. Unlike the gentlelady, I find that her example is an excellent example for my point, not her point. No Federal worker is forced to come back with an open wound. In fact, that woman would have been allowed to continue getting paid leave.

Additionally, with more than 2½ weeks of accrued paid medical leave every year, there is no reason that she wouldn't have likely had accruals in her own bank. I love anecdotal examples because they usually make the case for the person delivering them; I would say just the opposite. This woman didn't have to come back. She could use medical leave, and contrary to what the gentlelady from New York is saying, Federal workers are allowed to use their medical, their sick leave in other ways, and they do regularly.

Additionally, there is a whole system within the Federal workforce not really understood by the private sector but supported by this Member which is I can put my unused sick leave into banks to help others. I can even put my vacation, under certain circumstances, in banks to help others. So Federal workers can, in fact, share this very generous more than 2½ weeks of sick leave and 2 weeks of vacation if they choose to.

So when we talk about the Federal family, the Federal family has plenty of resources to help with this.

What we're talking about here is a multibillion-dollar new spending program at a time of recession, at a time of threatened tax increases by the Democrat majority, and at a time when the American people are striving just to fill up the tank with gas and try to figure out how to pay health care benefits. We're looking at new opportunities to increase our own well being.

But we don't and shouldn't come first. The taxpayers and hardworking men and women out there come first. So for this Member, I'm going to tell you I'm not going to put us first, I'm going to put the taxpayers first and vote against this.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, can I inquire as to how much time we have left.

The SPEAKER pro tempore. The gentleman from Illinois has 4 minutes remaining, and the gentleman from California has 6.

Mr. DAVIS of Illinois. Mr. Speaker, could I inquire of the gentleman from California if he is prepared to close.

Mr. ISSA. Mr. Speaker, I am prepared to close if he has no other speakers.

Mr. DAVIS of Illinois. Mr. Speaker, I have no other speakers, so if the gentleman will close.

Mr. ISSA. Mr. Speaker, I yield myself the time I may consume.

Mr. Speaker, you have noticed I have spoken with great passion here today about this bill. I would wish that I could be speaking with the passion in the positive, because the Federal workers deserve a bill that we didn't bring to the floor today. They deserve one that would allow for flexibility of sick leave, transferability, transparently to people who are having families, whether by adoption or by natural birth. That is what we should be bringing to the floor.

We could do so at a time of shortages around the country at no cost to the taxpayer. We could do it exactly the way the gentlelady from New York described. Mrs. MALONEY does not get new money for a new perk for her people. She chooses within a budget to in fact provide that benefit. And I commend her for that, and I commend the other Members who make decisions how to allocate a fixed pie of money, whether it's to go on sending constituent mail or providing paying benefits to the employees that answer the mail from constituents.

So today we are not being given the bill we should be given. The bill we should give is to guarantee the ability to not lose pay when taking family medical leave but to use resources that are already available within the Federal system. That's not happening today. I regret that that's not happening. Had we been allowed to bring the amendments that we wanted to bring, we would have accomplished that. Had we been allowed to even bring the technical corrections that would have made this a less-imperfect bill, one that would not cause deadbeat dads to be able to take advantage of this, we would be doing that. We're not allowed to do that today. I regret that.

I hope that this bill is defeated here and/or in the Senate and that we can bring up a truly bipartisan bill, one that would pass, quite frankly, on suspension if it was structured right, and would provide Federal workers this opportunity without additional costs to the taxpayers.

I thank the Speaker, and I thank my colleagues on the other side of the aisle for a spirited debate.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would yield myself the rest of our time to close.

Mr. Speaker, it has been a rather spirited discussion and debate, and I'm reminded of the fact that we often compare public employees with private employees. And I know that we have amongst us Members who like the idea of downsizing government, of privatizing operations, of outsourcing activities. I believe that our public employees can in fact be the best that we help and allow them to become.

I believe that we can recruit the best and the brightest. But I also believe that if you want production, then you have to make sure that you are treating your employees fairly. Let's be clear. Federal employees are only able to accumulate a maximum of 30 days of annual leave, not an adequate amount of time for purposes of providing care for a newborn or adopted child.

Early in their careers when they're earning only 13 to 20 days per year, accumulating even 30 days is nearly impossible. Yet the early years of one's career usually coincide with the time that they decide to have children. And so it's the young, new employees who have not accumulated a great deal of time, who, in many instances, are either giving birth or adopting children.

So if we're going to be able to recruit, we have to try and make sure that we can attract.

We also need to be family friendly. Not only do we need this bill, but in reality, we really need childcare centers in all of our agencies. We need daycare programs so that people who have to work can know that there is the adequacy of opportunity to care for their children.

So providing this legislation the opportunity to live, providing individuals who are bearing children or adopting children the time that they need to bond with a newborn or to bond with an adopted child I think is not only a rational, sensible approach but I also want to extend commendations again to my colleague from New York, Representative CAROL MALONEY, who has led the fight on this issue for such a long time. And it is as a result of her tremendous efforts and the great work of our staffs that we are here this afternoon preparing to move another step towards making sure that we have the kind of workforce that our Federal Government needs. You can't lead where you don't go. And you can't teach what you don't know.

Mr. KUCINICH. Mr. Speaker, I would like to start by thanking Representative MALONEY for her dedicated work to ensure 4 weeks of paid parental leave for Federal employees. H.R. 5781 is a significant step forward to ensuring the well-being of our Nation's children and parents.

Furthermore, under this bill Federal employees can use up to 8 additional weeks of accrued sick leave in connection with the birth or adoption of a child.

Paid parental leave benefits have many beneficial aspects for our workforce. Perhaps the most important aspect of paid parental leave is that it gives parents the ability to take care of the vital needs of their child without incurring the financial hardships associated with unpaid leave. Working families employed by the Federal Government should not have to choose between their child's well-being and their financial stability.

Paid parental leave has also been shown to provide increased productivity and employee morale. Additionally, it will have the important effect of helping to recruit and maintain the highest quality workforce.

Copious research confirms what common sense tells us: it is important for parents to have time to bond with and attend to the health and development of their children. Our families and communities are better off when parents are able to have this critical time with their children.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of the Federal Employees Paid Parental Leave Act. The legislation will provide a necessary update to the current statute and takes an important step forward for workers rights and benefits. As one of the original cosponsors of this legislation during the past several sessions of Congress, I am pleased that the leadership is moving the bill for consideration before the full House of Representatives.

Since its first passage in 1993, the Family and Medical Leave Act has provided Federal employees with unpaid leave to care for families, allowing for time off at the birth, adoption, or foster placement of a child. Upon the completion of this leave, Federal employees can return to their position without penalty. Now, 15 years later, the law needs to be updated to reflect the changing needs of families.

The Federal Employees Paid Parental Leave Act of 2008 does just that. This new act guarantees at a minimum 4 weeks of paid leave to Federal employees—both fathers and mothers—to care for new children in their families.

This additional benefit is vital because of the need for the Federal Government to compete with the private sector for quality recruits and retaining experienced employees. At one time, the Federal Government provided the best benefits, but it is falling sorely behind in this area. Currently, 75 percent of Fortune 100 Companies provide paid leave to new mothers. Further, the United States is the only industrialized country that does not provide benefits to its employees with new children.

As the Federal workforce ages and begins to experience anticipated shortages in critical skills, we must rely on our benefits rather than pay to attract and retain new employees. Studies show that new parents who have access to leave when their first child is born are more likely to stay with their employer than those who do not. Moreover, retention of these employees easily compensates for the extra leave this legislation provides. The average cost of turnover in a position is about 20 percent of an employee's annual salary. On the other hand, 4 weeks of paid leave costs less than 8 percent of an employee's salary.

Finally, this legislation recognizes key changes to the American economy. Most families no longer have a stay-at-home parent, and with the average middle class family spending nearly $11,000 on infant expenses, they cannot afford any amount of unpaid leave. With the current economic downturn, working families simply cannot afford to take any time off while paying childcare expenses along with increased food and fuel prices. Something in the system has to provide some relief to these new parents, and with this legislation, we can provide some help.

Mr. Speaker, for all of these reasons, I urge my colleagues to support the Federal Employees Paid Leave Act of 2008.

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 5781, the Federal Employees Paid Parental Leave Act, which would provide 4 weeks of paid parental leave and 8 weeks of unpaid leave for all Federal employees after the birth or adoption of a child. Under this measure, these employees may also use accrued annual or sick leave to receive compensation for the unpaid weeks. Currently, employees may take up to 12 weeks of unpaid leave under the Family and Medical Leave Act to care for a newborn or adopted child.

H.R. 5781 will help the United States Government compete with the private sector in order to recruit the best and brightest employees and retain that talent. In 2007, a Government Accountability Office report found that countries offering paid parental leave experienced increased employee retention and a reduction in the amount of time women spend out of the workforce. Disappointingly, the GAO also reported that the U.S. lags behind other industrial nations in providing policies that support working parents and their children. In fact, 169 countries guarantee women leave with income in connection with childbirth.

The U.S. Census Bureau reports that women are more likely to work before and after pregnancy than they were 30 to 40 years ago, and Congress must legislate according to the changing makeup of our workforce. So far, we have not met that mark. I know that many of my colleagues have already met or exceeded the requirements of this bill, and I applaud their efforts. I know from firsthand experience that allowing new parents guaranteed paid leave helps balance the demands between work and family. For the hard work they provide for us, we owe our employees the time to enjoy the bonds that matter most in their lives.

I strongly urge my colleagues to support this measure. It is time that the Federal Government sets the standard for working parent policies.

Mr. GEORGE MILLER of California. Mr. Speaker, today, with the passage of H.R. 5781, The Federal Employees Paid Parental Leave Act of 2008, Congress will finally recognize the vital importance of providing paid parental leave to millions of families who want to start a family.

I would like to thank Congresswoman CAROLYN MALONEY who first introduced this legislation and urge my colleagues to support this important measure.

Currently, there is no paid Federal parental leave policy. If Federal employees wish to start a family or expand their family, they must take unpaid leave or cash in their sick or vacation days so that they may continue receiving an income while they are at home.

With the rising prices of food and gas, unpaid leave poses an even greater economic hardship for working families, not to mention the extra costs that are associated with providing for a newborn.

Unfortunately, the absence of a family leave policy for Federal workers forces mothers and fathers choose what is more important: either stay at home with their infant and forgo a steady income or head back to work without spending adequate recovery or bonding time with their newborn.

The Federal Government lags behind the private sector in this area. The current lack of a parental leave policy for our Federal employees impairs efforts to hire and retain the best and the brightest our Nation has to offer.

Family-friendly policies like guaranteed paid leave not only help parents balance work and family, but will also help ease our, impending Federal personnel crisis. Federal employers will benefit from increased retention rates, decreased absenteeism, and improved productivity.

Several States have taken the lead to provide coverage for employees. In fact, over 6 years ago, California successfully enacted a paid parental leave law and it has been a great success. New Jersey recently passed a similar law in April and several other States even cover maternity under their disability insurance laws.

H.R. 5781 seeks to amend the current Federal family leave policy by allowing mothers and fathers up to 4 weeks of *paid* lave for the birth or adoption of a child. Federal employees should not have to make choice between their family and their job but should be covered under a fair, paid parental eave policy.

I urge my colleagues to support H.R. 5781, The Federal Employees Paid Parental Leave Act.

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of H.R. 5781, the Federal Employees Paid Parental Leave Act.

It is long overdue for our Nation's largest employer, the Federal Government, to provide its employees with a more family-friendly workplace.

It is hard to believe the United States is the only industrialized nation that does not provide its employees with paid family leave, especially considering 75 percent of Fortune 100 companies already provide an average of six to eight weeks of paid parental leave.

H.R. 5781 would provide Federal employees with four weeks of paid leave following the birth or adoption of a child. Currently, new parents have to use vacation time, if they have it, or accept unpaid leave to care for a new child.

This puts incredible economic strain on Federal employees and their families. Considering the current economic downturn, forgoing several weeks' pay at the same time one's household expenses increase for newborn care leaves many families in a desperate financial situation.

Yet President Bush has again ignored the needs of the American people, and threatened to veto this important bill based on a bogus claim of fiscal responsibility.

During these times of economic troubles, the President's charade of fiscal conservatism is hurting our economy, hurting our workforce, and hurting American families.

All of us here in Congress appreciate the value and importance of public service. Federal workers have chosen a career in public service, and they should be rewarded with fair benefits.

It is time to finally give Federal employees the benefits they deserve. I urge my colleagues to join me in voting "yes" H.R. 5781.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of H.R. 5781, the Federal Employees Paid Parental Leave Act.

As most employers will tell you, the success of their operations depends on the quality of their employees. The same is true for the actions of the Federal Government. Our Nation's federal employees choose their path in government for love of country and dedication to our common goals. On the other hand, parents need to be able to create a bond with their new children. This bill seeks to remove the dilemma faced by many federal employees—choosing between government service or serving the best interests of children newly added to their families.

Under current law, federal employees are allowed up to 12 weeks of unpaid leave in a given year for the birth or adoption of a child. But like many other Americans, many federal employees cannot afford to take unpaid leave, especially with a new member of the family to support. Paid sick leave may only be used for the period that a new mother has been rendered physically incapacitated by the birth of her child, effectively penalizing those mothers who have a healthy baby with no complications. Federal employees can use paid vacation days, but the 13 days of annual leave after completing a full year of work, or even the maximum 30 days of leave saved up over several years, remains a small time frame for a parent to establish a bond with their new child.

H.R. 5781 would provide four weeks—just a single month—of paid parental leave for federal employees to establish a bond with their new child. It is important to note that many successful companies offer up to twice that amount, as evidenced by the 75 percent of Fortune 100 companies that offer six to eight weeks of paid parental leave for new mothers.

Americans want their Federal Government to operate as smoothly and as efficiently as possible. To accomplish this, we need the highest quality employees running it and focusing on national priorities such as homeland security and health care. This bill will help the Federal Government attract and maintain talented employees who value family as much as they value serving our Nation's government.

Mr. GRIJALVA. Mr. Speaker, I rise today in support of H.R. 5781, Federal Employees Paid Parental Leave Act of 2008.

Work and family are pillars of our society, and a sensible and humane government should seek to relieve the stresses one can place on the other. For this reason, I am glad to support this important piece of legislation, the Federal Employees Paid Parental Leave Act of 2008.

This Act will grant guaranteed paid parental leave to federal workers who do not presently have it. This is especially important for younger workers who have not had time to accrue an adequate amount of paid leave.

Paid leave is critical to new families so that new parents can worry about the care of their child and not their financial security. The possibility of a relatively relaxed immediate postnatal period is necessary for parent-child bonding, and ultimately for the well-being of the child and the family.

This Act also makes the Federal Government a much more competitive employer. This law is not just humane, it is necessary as a practical matter for the Federal Government. According to a March 2008 report by the Joint Economic Committee Majority Staff, nearly all Fortune 100 firms offer working parents some paid time off when they have a new child. Bringing the Federal Government in line with the personnel practices of the most competitive employers will also pay further dividends by reducing costs related to worker turnover, replacement and retraining.

H.R. 5781 is a necessary and welcome step in making the federal workplace more family-friendly, and, ultimately, strengthening families and building a just, prosperous, and healthy society. I am glad to vote for its passage and look forward to seeing it go into effect.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong support of H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008. I am proud to be an original cosponsor of this important legislation.

People should not be punished for taking the time to care for new additions to their families. You must take time to take care of your child, your family, and yourself. It makes you a better person, a better parent, and in the long-term—a better employee. Pressure to jump back into work does nothing to ease mind, body, spirit, or financial pressures.

Simply said, the current policy is detrimental to many, many American families. The Federal Employees Paid Parental Leave Act shows that the federal government actually cares about American families.

Women who require leave to care for a new child, new employees who have do not have saved days, and those who have used all their leave suffer under the existing policy. These hard-working Americans are forced to choose between spending more time with their children and maintaining an income to support their family. Providing four weeks for paid parental leave and allowing existing leave to be used to care for new babies eases the pressures on federal employees and their families.

H.R. 5781 is just good, common sense policy, and, Mr. Speaker, we must act now. I urge all of my colleagues to vote "yes" on H.R. 5781.

Mr. RANGEL. Mr. Speaker, I rise today to express my support of the Federal Employees Paid Parental Leave Act, introduced by Congresswoman CAROLYN B. MALONEY.

The bill H.R. 5781 provides Federal employees with 4 weeks of paid parental leave for the birth or adoption of a child. The introduction of this important bill is crucial to Federal workforce and American families. Paid parental leave will create the opportunity for many employees to become new parents while keeping the balance between work and families. Many of those who oppose this critical bill deny not only the chance for happy family living, but also productivity and effectiveness of the Federal workforce system. Paid Parental Leave Act does not increase the deficit of the budget; it will be paid for through discretionary spending, without hurting the economy or taxpayers.

In many countries all over the world, the paid parental Leave is introduced and supported by the government. The U.S. Federal Government should be an example of the family-friendly workplace policies. Members of Congress must understand how crucial the Federal Employees Paid Parental Leave Act is and must strongly support its enactment.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 5781, the Federal Employees Paid Parental Leave Act.

The legislation gives Federal employees 4 weeks of paid leave for the birth or adoption of a child. Strong parental involvement plays an important role in raising a happy, healthy, and successful child.

As the country's largest employer with over 1.8 million employees, the Federal Government should set the standard for family friendly workplace policies.

I am proud to support this common-sense legislation, which promotes the family values that are at the core of our society while also setting an example for all employers across America to follow. Studies consistently show that paid parental leave is a smart business practice. Not only does paid leave help to reduce turnover, but it can also lead to increased productivity and better morale.

Simply put, offering 4 weeks of paid parental leave is the right thing to do—especially now, when the Federal Government is struggling to recruit and retain qualified, young individuals. As the economic and industrial leaders of the world, the U.S. Government should be the standard bearer on issues relating to fairness and family.

I urge the President to reconsider his misguided veto threat, and work with Congress to give more American parents the tools they need to build healthier and stronger families.

Please vote in support of H.R. 5781.

Mr. HARE. Mr. Speaker, I rise today in strong support of the Federal Employees Paid Parental Leave Act.

Currently, about 46 percent of private employers provide paid parental leave to their employees, but federal workers have no such guarantee. As a Member of the House Education and Labor Committee and a representative of many federal workers, this concerns me. Federal workers, like those in the private sector, should also have the option of adopting or giving birth to their own child without having to go 12 weeks without a paycheck, which few families in our country can afford to do.

Study after study shows that enabling working mothers and fathers to care for and bond with newly-adopted children and newborns lays the foundation for healthy child development and a safer, brighter future for our Nation. Paid leave makes it possible for workers to take time off without having to worry about a paycheck.

Additionally, paid parental leave will help the federal government recruit and retain dedicated and talented workers. As the federal workforce ages, our government will be looking for new, younger workers. In order to attract and retain the best workers, federal benefits must be competitive.

This paid leave would also save the government money by reducing turnover and avoiding costs associated with replacing and training new workers, which is approximately 25 percent of one worker's salary, making turnover-related costs among the most significant employer expenses.

The Federal Employees Paid Parental Leave Act will provide federal workers who qualify for leave under the Family Medical Leave Act, FMLA, which guarantees 12 weeks of unpaid leave, with four weeks of full pay for the adoption or birth of a new child, allowing parents to care for their newborns while continuing to make ends meet.

This legislation takes a strong step toward creating a more family-friendly workplace in the United States. Hopefully, in my lifetime I will see federal paid sick and parental leave for every worker in every industry in the United States. I look forward to working with my colleagues to achieve this goal. As a father who spends every week away from his family serving here in the U.S. Congress, I understand how hard it is not to be with loved ones and to miss important events in their lives because of one's job.

I urge my colleagues to pass this legislation and show American workers that we are committed to helping them balance their work and home responsibilities.

Mr. DAVIS of Illinois. I urge passage of this legislation and yield back the balance of our time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 110–718 offered by Mr. DAVIS of Illinois:

Page 3, line 7, strike "subchapter" and insert "subsection".

Page 3, beginning on line 8, strike "require—" and all that follows through line 17, and insert "require that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).".

Page 4, line 11, strike "of the following factors" and insert "of—".

Page 4, line 13, strike "offering paid" and insert "offering increased paid".

Page 5, line 3, strike "(4)(B)" and insert "(4)".

Page 5, line 7, strike "amendments" and insert "amendment".

Page 5, line 17, insert "of such Act" after "section 102(a)(1)(A) and (B)".

Page 6, beginning on line 2, strike "subparagraphs" and insert "subparagraph".

Page 6, line 20, strike "section" and insert "subsection".

Page 6, beginning on line 21, strike "require—" and all that follows through page 7, line 5, and insert "require that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (2).".

Page 7, line 17, strike "amendments" and insert "amendment".

Page 8, line 4, strike "Section" and insert "(a) AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section".

Page 8, line 11, strike "subparagraphs" and insert "subparagraph".

Page 8, line 18, strike "paragraph (1)" and insert "subparagraph (A)".

Page 9, beginning on line 4, strike "require—" and all that follows through line 15, and insert "require that an employee first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use the paid parental leave described in clause (i) of such subparagraph.".

Page 9, line 20, strike "employers" and insert "the employer".

Page 9, line 23, strike "employers" and insert "employer".

Page 10, after line 2, insert the following:

(b) EFFECTIVE DATE.—The amendment made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

Strike section 5.

The SPEAKER pro tempore. Pursuant to House Resolution 1277, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Thank you, Mr. Speaker, and I yield myself such time as I may consume.

Mr. Speaker, while the manager's amendment being offered does not make any substantive legislative changes to the bill's underlying purpose, it does make in order several minor technical changes that are designed to streamline the bill's language so that the House-passed bill will mirror language currently being considered in the Senate.

Most of these changes involve drafting edits and modifications through the bill's layout and structure. All of these changes are technical in nature. However, they are important to ensuring the swift passage of the measure.

The manager's amendment also strikes section 5 of H.R. 5781. This section of the bill entitled "Study" originally directed the Government Accountability Office to study and submit to Congress a written report of the feasibility and desirability of offering an insurance benefit to Federal employees not to include parental leave that would provide wage replacement during periods related to a serious health condition.

☐ 1315

I am asking that this language be removed from the bill since GAO, at my request, has already agreed to perform a study that will analyze disability insurance benefits that are currently being offered by States, local governments and the private sector. I ask that a copy of the GAO acceptance letter regarding the disability insurance benefit study be included in the RECORD.

Lastly, Mr. Speaker, the amendment at the desk would apply an effective date to all provisions of the bill. H.R. 5781, as reported out of committee, provided for two provisions of the act to go into effect 6 months from the date of enactment of the act. All we're asking for in the manager's amendment is that the same effective date be applied to the remaining section of the bill, which speaks specifically to extending paid parental leave to those that work at the Library of Congress or the Government Accountability Office.

While the amendment I am offering this afternoon does nothing to change these aspects of the bill, it does strengthen the measure by clarifying and streamlining certain provisions of the bill. Therefore, I ask that my colleagues join me in supporting this simple amendment.

GOVERNMENT ACCOUNTABILITY OFFICE,
Washington, DC, June 10, 2008.

Hon. DANNY K. DAVIS,
Chairman, Subcommittee on Fereral Workforce, Postal Service, and the District of Columbia, Committee on Oversight and Government Reform, House of Representatives.

DEAR MR. CHAIRMAN: We received your letter dated June 2, 2008, requesting that the Government Accountability Office review the feasibility and desirability of providing an insurance benefit to federal employees which would provide partial or total wage replacement.

GAO accepts your request as work that is within the scope of its authority. To fully respond to your request, GAO plans to initiate work on this project in about five months when it is expected that staff with the required skills will be available. Your request has been assigned to Ms. Cynthia M. Fagnoni, Managing Director, Education, Workforce, and Income Security. Ms. Fagnoni or a member of her team will contact Ms. Lori Hayman to discuss the request and options for helping you meet your needs. As applicable, we will also be in contact with the cognizant Inspector General's office to ensure that we are not duplicating efforts. If an issue arises during this coordination, we will consult with you regarding its resolution.

If you have any questions, please contact Ms. Fagnoni at 202–512–7202 or Ms. Elizabeth Johnston, Assistant Director, Congressional Relations, on my staff at 202–512–6345.

Sincerely yours,

RALPH DAWN,
Managing Director, Congressional Relations.

I reserve the balance of my time.

Mr. ISSA. I rise to claim time in opposition in order to engage in a colloquy with my colleague.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. ISSA. I yield myself such time as I may consume.

Mr. DAVIS, I hope I understood you correctly so that I could withdraw any objection. I, too, share a belief that the committee of jurisdiction, the Committee on Oversight and Government Reform, since we ordered the GAO to make these studies and they routinely, of course, grant them, I don't see that it should be in the bill. But I'm a little bit confused about whether or not your request and the acceptance matches the study that was described in the bill.

I yield to you so you could clear that up for me.

Mr. DAVIS of Illinois. I agree that we routinely ask the Government Accountability Office to make studies, to provide information, to give us the kind of information that we need, sometimes in much time, to make the most rational, logical and adequate decisions.

We simply ask in the legislation or indicate in the legislation that we've already asked them to do that and they have already agreed, and that's why we asked that the letter be included indicating their agreement.

Mr. ISSA. Reclaiming my time, so if the gentleman would assure me that if the GAO does not agree to do a study that is commensurate with the one described in the legislation, that he would join with me in asking for that nuance-specific study, then I'd be happy to withdraw because I think his amendment is fully in order if we can assure that.

Mr. DAVIS of Illinois. Well, if you would like, I can tell you here is what the response from the GAO is.

"We received your letter dated June 2, 2008, requesting that the Government Accountability Office review the feasibility and desirability of providing an insurance benefit to Federal employees which would provide partial or total wage replacement."

"GAO accepts your request as work that is within the scope of its authority."

Mr. ISSA. Mr. Speaker, I would withdraw my opposition and urge support for the amendment.

I yield back my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time and urge passage of this amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 1277, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from Illinois (Mr. DAVIS).

The question is on the amendment by the gentleman from Illinois.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 426]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Clay
Gilchrest
Gingrey
Hulshof
Loebsack
Meeks (NY)
Reynolds
Rush
Stark
Tiahrt
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

☐ 1342

Messrs. PORTER and PEARCE and Ms. SCHWARTZ changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Ms. Linda H. Lamone, Administrator, Maryland State Board of Elections, indicating that, according to the unofficial returns of the Special Election held June 17, 2008, the Honorable Donna Edwards was elected Representative to Congress for the Fourth Congressional District, State of Maryland.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

MARYLAND
STATE BOARD OF ELECTIONS,
Annapolis, MD, June 18, 2008.

Hon. LORRAINE C. MILLER
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MS. MILLER: This letter is to advise you that the unofficial results of the Special Election held on Tuesday, June 17, 2008, for Representative in Congress from the Fourth Congressional District of Maryland show that Donna Edwards received 15,381 votes or 80 percent of the total number of votes cast for that office on election day excluding absentee and provisional ballots.

It would appear from these unofficial results that Donna Edwards will be certified as the Representative in Congress from Fourth Congressional District of Maryland.

As of the date of this letter, there is no contest to this election.

As soon as the official results are certified, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

LINDA H. LAMONE,
Administrator.

SWEARING IN OF THE HONORABLE DONNA EDWARDS, OF MARYLAND, AS A MEMBER OF THE HOUSE

Mr. HOYER. Madam Speaker, I ask unanimous consent that the gentlewoman from Maryland, the Honorable DONNA EDWARDS, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. Will Representative-elect EDWARDS and the members of the Maryland delegation present themselves in the well.

Ms. EDWARDS of Maryland appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE DONNA EDWARDS TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Maryland (Mr. HOYER), the distinguished majority leader, is recognized for 1 minute.

There was no objection.

Mr. HOYER. I thank the distinguished Speaker for recognizing me for this delightful opportunity.

Madam Speaker, you will appreciate this as much as anybody in this House. I was elected in a special election on January of 1981, actually May of 1981. The Maryland delegation had eight members. Fifty percent of the members of the Maryland House were women, Mrs. Holt, a Republican, Mrs. Spellman, my predecessor who had a cardiac arrest and her seat was declared vacant, Mrs. Byron, a distinguished wife and daughter-in-law of two Members of Congress, and actually there were four Byrons that served in the Congress of the United States, and BARBARA MIKULSKI, were all members of the Maryland delegation.

It was a wonderful delegation. One by one, those women left for one reason or another. Senator MIKULSKI, of course, became the first woman elected to the United States Senate without a relative preceding her.

One by one, they were replaced by a male. Those were good males, I want you to know. But our delegation became an all-male delegation. It was, to that extent, not fully representative of the people of our State. We have been advantaged now, not only because Marylanders have elected an extraordinary individual to serve them. She is a highly educated individual. She traveled throughout the world. Her father served in the Air Force. She is well educated. She didn't go to the University of Maryland, which was a lamentable fact, but she went to a great school, Wake Forest University. She got her law degree in New Hampshire. She has served the community well and has served citizens' organizations well.

So in a very real sense, she has been a representative for a very long period of time. This day, however, she begins her career as a representative elected by the constituents of the Fourth Congressional District.

Madam Speaker, I know that I speak on behalf of yourself, on behalf of all the Members of the House and certainly on behalf, DONNA, of the Maryland delegation, we are extraordinarily proud that you have joined us. Our delegation will be stronger, better and more representative because of that. And this institution will be stronger for the strong advocacy that you will bring on behalf not just of the people of the Fourth Congressional District, but the people of this Nation.

Ladies and gentlemen, I am deeply honored to introduce to you a young woman to whom some years ago I gave an appointment to the United States Air Force Academy. She determined that she was going to go to Wake Forest. But she has been my friend for a long time. Ladies and gentlemen, the newest Member of this body, DONNA EDWARDS from the Fourth Congressional District.

She is a mother, lawyer, and long-time community activist and organizer.

Born in Yanterville, North Carolina, she moved frequently as a child.

Her father was in the Air Force, and she traveled throughout the country and world.

She graduated from Wake Forest University and later the Franklin Pierce Law Center (in New Hampshire).

Before attending law school, she worked as a contractor for Lockheed Corporation at Goddard Space Flight Center in Greenbelt.

After law school, she clerked for a superior court judge in Washington, co-founded the National Network To End Domestic Violence, and became executive director of the Arca Foundation, which gives grants to civic groups, organizations that study the media, and public policy groups.

She helped lead the fight to pass the Violence Against Women Act, providing comprehensive funding to shelter and offer services to victims of domestic violence and their children.

The Washington Post has called her "bright" and "tough-minded" and recently said: "Poised, persistent and principled, she would make a fine representative for the fourth district" of Maryland.

Ms. EDWARDS of Maryland. Madam Speaker, Leader BOEHNER, our majority leader and the dean of our delegation of the great State of Maryland, our Senators, BARBARA MIKULSKI and BEN CARDIN, thank you. I'm so glad that you could be here today, and to our entire delegation from Maryland, I am humbled and honored to be here in the people's House. And I want to thank my mother, Mary, and my sisters, Janice, Bonnie and Rhonda, my brother, Michael, and my son, Jared, for being here with me today and being so supportive of me.

As I swore to defend and protect the Constitution of the United States, I recall the oath that my brother, John, took when he was just 18 years old, joining the United States Air Force at the height of the Vietnam War. And most especially I thought of my father, John Edwards, who swore the same oath when he joined the United States Air Force as a young man and served in a career of great honor, dignity and service to this country.

And what I thought is that I am so proud to be able to take that same oath to serve the people of the Fourth Congressional District and to serve the United States Congress and the people of this country.

I'm standing here today on a very historic day, Juneteenth. And as the first African American woman to represent the great State of Maryland here in this Capitol and on the shoulders of all of our forefathers and foremothers who took that journey to freedom, I am so proud and humble to be here with my constituents throughout the Fourth Congressional District, Montgomery and Prince George's Counties, united across race, religion, class, income, heritage and culture and all of the things that are the false lines that divide us. But we're united as a congressional district, and we're as united as we can be as a country. And in some micro way, in our Fourth Congressional District, I think that we're fulfilling the dream of this entire Nation.

Last February in Maryland's Fourth District, we sent a strong message that it's time for a change across the Potomac and up to this Hill. And this past Tuesday, they sent another message. They said "change can't wait until next year." And so today I'm an agent of change and an agent of their mandate. And America's profile, though slightly tarnished around the world and with our economy teetering slightly here at home, we can only hope that we don't wait for that change to happen until next January, that my constituents have said to me, we can't wait for change to begin. We can't wait 6 months to do something about foreclosures forcing thousands of Marylanders, thousands of people across this country and in Prince George's and Montgomery Counties away from their homes. And we can't wait 6 months to address skyrocketing costs of gas and groceries while we engage in short-term solutions that abound without focusing on the long-term solutions for alternative energy and things that really will propel us through this 21st century.

I just want to say in closing that our brave servicemen and women, many of them like my brother and my father, can't wait for change either. And people do need help now. And so, more than anything else, I want to join with you in making that change happen. I know that this House is filled with an awfully lot of really good-hearted people who represent congressional districts just like mine across the country. And they're asking us to come together. And I want us to answer that call together. And so I'm here with my sleeves rolled up, and I'm ready to work. And I'm ready to get started, just as you are, in serving the people of the Fourth Congressional District and this country.

Thank you very much.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentlewoman from Maryland (Ms. EDWARDS), the whole number of the House is 435.

FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. JORDAN of Ohio. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Jordan of Ohio moves to recommit the bill (H.R. 5781) to the Committee on Oversight and Government Reform with instructions to report the bill back to the House promptly in the form to which it may be perfected at the time of this motion with the following amendments:

In the matter proposed to be inserted by section 2(a)(3) of the bill, insert at the end the following:

"(7) An employee who is a father and who is not in compliance with a court ordered child support arrangement shall not be eligible for any paid leave under paragraph (2).".

In the matter proposed to be inserted by section 3(a)(3) of the bill, insert at the end the following:

"(5) EXCLUSION OF DEADBEAT DADS.—An employee who is a father and who is not in compliance with a court ordered child support arrangement shall not be eligible for any paid leave under this subsection.".

In the matter proposed to be inserted by section 4 of the bill, insert at the end the following:

"(E) EXCLUSION OF DEADBEAT DADS.—An employee who is a father and who is not in compliance with a court ordered child support arrangement shall not be eligible for any paid leave under this paragraph.".

Mr. JORDAN of Ohio (during the reading). I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio is recognized for 5 minutes in support of his motion.

□ 1400

Mr. JORDAN of Ohio. Mr. Speaker, I offer this motion to recommit with instructions.

This motion to recommit is simple and straightforward, one of these important issues that I think we can all agree on, and, frankly, an issue I would have brought as an amendment in committee if I had thought about the idea then. It says that people who are not compliant with their court-ordered child support arrangements, deadbeat dads, are not eligible for the expanded Federal benefits included in the bill.

This motion sends a clear message to the American people that we have respect for their hard-earned tax dollars they send to Washington, DC. The underlying bill, however, sends a far different message about the priorities of the majority party in Congress.

Think about it: American families are paying more than $4 a gallon for gasoline, but are we acting to bring more energy to this country? America faces unprecedented terrorist threats from abroad, but are we renewing legislation to help better secure the homeland? Are we addressing out-of-control Federal spending? Are we acting to better secure our borders? We are approaching a $10 trillion national debt, a problem that threatens our Nation's economic future, but are we cutting spending or reforming the out-of-control earmark process?

Here is what Congress is doing, Mr. Speaker. Congress is spending its time and energy on H.R. 5781, a bill to give Federal bureaucrats, including deadbeat dads, a new handout, a vast expansion to the already generous benefits package they receive at the expense of the American taxpayer, at the expense of every single American family. That is our priority? That is our answer to $4 gasoline, expanding benefits to Washington bureaucrats and deadbeat dads?

I ask you, Mr. Speaker, what will you tell the folks about back home? What will you tell the folks who are worried about the economy, worried about higher taxes on the horizon, worried about paying more than $4 a gallon for gasoline for the rest of the summer? Will you tell them not to worry, that their problems belong on the back burner? That the priority of their Member of Congress is to take their tax dollars and expand the benefits package of deadbeat dads in the Federal workplace? Will you tell them that these deadbeat dads, who already receive among the richest benefit packages in the Nation, are more deserving of relief than law-abiding families and taxpayers of your district who are paying $4 a gallon for gasoline?

Mr. Speaker, like most issues, the people get it. The American people know what the priorities of Congress should be. Millions of them have signed petitions and communicated to our offices that we need to focus on their priorities. They know our priorities should not be giving deadbeat dads a new taxpayer-funded benefit. They know we should adopt this motion to recommit and move on with the important business facing our Nation.

Mr. Speaker, there is another old line that I think is appropriate. "Most politicians don't see the light; they feel the heat." With $4 gasoline, possibly headed for $5 this summer, can you handle the heat you will feel back home once your constituents find out that your priority is to lend a hand to deadbeat dads, or will you see the light and join me in supporting this motion to recommit?

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, there they go again, coming up with a gimmick because they don't want the underlying bill. If they don't want the underlying bill, let them vote no. But what they have offered instead is a motion to recommit promptly, which kills the bill. So I would urge all of my colleagues who believe that parents ought to be able to bond with their children and have a paid family leave on the birth of a child or the adoption of a newborn, that they vote against this motion to recommit.

Federal law is very clear. If you are behind in your child support payments, you can get your wages garnished. That means there is an automatic reduction in your paycheck to pay for the support of your children. The fact is that no one who is behind in childcare can get paid parental leave. The reason is their wages will already be garnished. That is why this amendment is a gimmick.

No amendment like this was offered in our committee. This was never brought up in our deliberations. In fact, the gentleman was very clear in his arguments for the motion to recommit. He is against the bill. He was against the bill in committee, and he is against the bill now.

Now, I think we ought to understand that if this were a serious amendment, it would have been a "forthwith" motion. But it is not. It is a "promptly" motion to kill the bill.

There are 400,000 civilian DOD employees around the Nation. They have been working overtime to protect our Nation, often serving in Iraq and Afghanistan. But what this motion says to them, and to all other hard-working Federal employees, is you won't get any paid leave, and if you are sick and have used up your leave, you can't take the time to bond with your family.

It is wrong, it is anti-family, and I believe this motion to recommit should be defeated. It is like so many other motions to recommit that we have seen on this floor. When it is designed "promptly," it sends the bill back to the committee, and those who didn't like it in committee will fight it some more. But if you are for this bill, vote against the motion to recommit and vote "yes" on final passage.

I would like to yield the balance of the time to the gentleman from Maryland (Mr. HOYER), our majority leader.

Mr. HOYER. I thank the chairman for yielding, and I thank him for his work on this bill. I thank Mrs. MALONEY as well.

Ladies and gentlemen of the House, I would hope we would defeat this motion. Again, this is a motion to recommit promptly. If in fact the motion maker wanted to change the substance and offer an amendment that would go into effect, he would have offered a motion to amend and report back forthwith. The effect of this motion, as we all know, is to delay for some period of time the passage of this bill. My friend from Georgia will get up and ask the rhetorical question that we all know the answer to, does it kill it? It does not kill it. But, my friends, we have 5 legislative days to go in this session before we break. We ought to pass this bill now. We ought to pass this bill and tell the Federal employees of this country, who work for all of us, all 300 million of us, some 2 million civilian Federal employees, that we honor their service.

But, more importantly, this is not just about those who will get leave. It is, as I said in my statement, much more about the children, who will have better nurturing and a sense of self-confidence in their early months of life. Scientist after scientist, educator after educator, tell us that if that occurs, if that bonding occurs in the early months, children are much better off, and if those children are better off, our communities and our society and our families are better off.

I would ask all my colleagues to oppose this motion. Pass this bill. Say to the children who are perhaps yet to be born and have just been born, we want to ensure the best start we can for you in life in America.

The SPEAKER pro tempore. All time has expired.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Please state the inquiry.

Mr. WESTMORELAND. I feel like I know the answer to this, but if this motion should pass, could the bill not be referred back to the committee from which it came and be reported out the next legislative day?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, and a couple of times after that, at some subsequent time the committee could meet and report the bill back to the House.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 206, nays 220, not voting 8, as follows:

[Roll No. 427]

YEAS—206

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—220

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Gilchrest
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

□ 1431

Messrs. CARNAHAN and BOUCHER changed their vote from "yea" to "nay."

Mrs. MUSGRAVE, Messrs. BOOZMAN, SHULER, and CHILDERS changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. MALONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 278, nays 146, not voting 10, as follows:

[Roll No. 428]

YEAS—278

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards (MD)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—146

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)

NOT VOTING—10

Edwards (TX)
Gilchrest
Honda
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1439

Mr. PICKERING changed his vote from "yea" to "nay."

Mrs. DRAKE changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WOLF. Mr. Speaker, this afternoon I was on an official leave of absense to attend the commencement ceremony for Potomac Falls High School, a high school in my congressional district, at which I was the main commencement speaker. Had I been present and voting, I would have voted "yea" on H.R. 5781, the Federal Employees Paid Parental Leave Act of 2008.

Mr. EDWARDS of Texas. Mr. Speaker, I missed rollcall 428 today. It was my intention to vote "yea" on that vote.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. MARCHANT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 6041.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041 AND H. RES. 356

Mr. CONAWAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of both H.R. 6041 and H. Res. 356.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1708

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TIERNEY) at 5 o'clock and 8 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 2642, SUPPLEMENTAL APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–720) on the resolution (H. Res. 1284) providing for consideration of the Senate amendments to the House amendments to the Senate amendment to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6304, FISA AMENDMENTS ACT OF 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–721) on the resolution (H. Res. 1285) providing for consideration of the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE AMENDMENT TO H.R. 2642, SUPPLEMENTAL APPROPRIATIONS ACT, 2008

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1284 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1284

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendments to the House amendments to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chairman of the Committee on Appropriations or his designee that the House (1) concur in the Senate amendment to the House amendment numbered 1 and (2) concur in the Senate amendment to the House amendment numbered 2 with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question except that the Chair shall divide the question between the dispositions of the two Senate amendments.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations may insert in the daily issue of the Congressional Record dated June 19, 2008, such material as he may deem explanatory of the motion.

SEC. 4. It shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for the adjournment of the House and Senate during the month of July.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1284.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 1284 provides for consideration of the Senate amendments to the House amendments to the Senate amendment to the bill H.R. 2642, Supplemental Appropriations Act of 2008. The rule makes in order a motion by the chairman of the Committee on Appropriations that the House, one, concur in the Senate amendment to the House amendment numbered 1, and two, concur in the Senate amendment to the House amendment numbered 2, with the amendment printed in the Rules Committee report.

The motion is debatable for 1 hour and controlled by the Committee on Appropriations, and the Chair shall divide the question between the dispositions of the two Senate amendments.

Mr. Speaker, the issue to be debated today could not be of greater consequence to the future of our Nation or the citizens of this body and all of this country. For that reason, the Rules Committee has reported out a rule that gives each Member the opportunity to vote his/her conscience on the most pressing issue of our day: funding for combat operations in Iraq and Afghanistan as well as critical domestic spending to bring relief to the American people and provide our veterans with access to higher education.

This legislation meets the spending requirements made by President Bush with the exception of the $2.65 billion in disaster relief for the aftermath of the tornadoes and floods that hit the Midwest which was added at the President's request.

In addition, the bill includes the $5.8 billion that President Bush asked for to strengthen the levees in New Orleans and does not include a single earmark except those explicitly requested by his administration.

Mr. Speaker, in order to bring the legislation forward today, the Democrat majority had to make very difficult decisions. However, making difficult choices is appropriate when deciding issues of great importance such as the war in Iraq, a war that has placed unprecedented strain on this Nation.

□ 1715

At no time in our history has America fought a war of this magnitude, or one that is this difficult, with an entirely voluntary military force composed of only 1 percent of the general population. And no one in this country has been asked to sacrifice as our troops and their families have.

Our soldiers are well aware of what the current situation means for them, two, three, four, sometimes five deployments of duty, while their political leaders casually use words like "political progress" to justify their redeployment.

However, these extraordinary individuals know full well that they return again and again to a conflict that has taken the lives of over 4,000, almost 5,000 now, of their fellow soldiers and 28 from my district alone.

They know that tens of thousands of American men and women are returning home wounded and physically disabled, many suffering from post-traumatic stress disorder and a host of other mental health issues.

They know full well that they are redeployed to a civil war that has left millions of Iraqi men, women and children dead and millions more in refugee camps or fleeing to other countries that will accept them.

Our soldiers already know quite a lot, and by that I mean, they've come to learn that terms like "political progress" are little more than political posturing and empty rhetoric, and that is not how a Nation shows respect for its military.

Unfortunately, such disrespect is what our brave men and women in uniform are accustomed to. Our troops were repeatedly promised that they would have the equipment they needed to do their jobs. Yet we all saw the reports of desperate searches through junk heaps to refit ill-equipped armored vehicles. We all heard the stories of struggling families frantically emptying their savings accounts to purchase adequate body armor for their children going off to war.

Our troops were repeatedly promised that they would be taken care of when they came home from combat. Yet once again this administration's promises turned out to be nothing more than rhetoric. Remember the disgraceful images of Walter Reed Hospital, and that is not how a grateful Nation shows respect for its troops.

Mr. Speaker, it is with this in mind that we proceed today with this legislation. While some pieces of this bill required difficult decisions before it could be brought to the floor, others were easy to make.

The bill provides immediate resources to our troops currently in the field, and nothing is more important than their safety and security. And in addition, the bill keeps our promises to our veterans.

Part of the cost of waging war is ensuring that those who fight receive the resources that they need to resume their lives when they return home. Given all the sacrifices that our troops have made for this Nation, it is simply unconscionable to nickel and dime them when it comes time for us to keep up our end of the bargain.

The underlying legislation includes a dramatic expansion of the education benefits provided to our veterans. Not only do our troops deserve this benefit, the same one provided to veterans of World War II, but for every dollar we spend on education today, we will see a return that will bolster our economy tomorrow. And frankly, our economy needs bolstering.

Far too many hardworking Americans are feeling enormous pressure with skyrocketing gas and food prices, unaffordable health care costs, rising college tuition rates, home foreclosures that are far too commonplace, and a terrible job market.

Last month's atrocious unemployment numbers highlight the urgent need for assistance to millions of struggling families calling out for relief. In fact, the number of Americans looking for work has grown by 800,000 over the last year, and the number of American jobs has declined by 260,000 since the beginning of 2008.

This bill takes immediate action to extend unemployment insurance for workers who have exhausted their benefits by up to 13 weeks in every State.

Furthermore, the American people are feeling the pain as their hard-earned tax dollars finance the rebuilding of a foreign Nation while their country's own economy and infrastructure are falling apart at the seams. To that end, this legislation removes the unfair burden placed on the American taxpayer by requiring the Iraqi government to pull its own weight and match U.S. reconstruction money dollar-for-dollar.

In addition, it prohibits, once again—and we have to look out for those signing statements—but it prohibits once more the establishment of permanent bases in Iraq, blocking this administration from saddling the American people with a costly occupation long after their soldiers are home.

Mr. Speaker, the underlying legislation deals with some of the most important issues of the day, our fellow citizens who have been sent to fight in a conflict far away from home, as well as critical domestic spending that will give relief to the millions of Americans struggling just to survive.

The structure of the rule we consider today provides each Member the opportunity to cast his or her vote according to their values and their priorities. I am proud to support the rule, and I ask my colleagues to do the same.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I want to begin for the second time today by expressing my great appreciation to my very good friend and colleague, the distinguished Chair of the Committee on Rules, for yielding me the customary 30 minutes.

Mr. Speaker, it was interestingly enough on February 5 of 2007, February 5 of 2007, which is exactly 500 days ago—500 days ago President Bush made a request of this Congress to provide supplemental funding for our troops to ensure that they have all the tools necessary to prosecute these struggles going on in both Iraq and Afghanistan, 500 days, a long period of time. But Mr. Speaker, I am pleased to say that I believe that we've finally gotten there.

As I listened carefully to the statement of my good friend from Rochester, the distinguished Chair of the Committee on Rules, I have to say that I completely concurred with the first third of her statement in which she went through a very accurate description of exactly what this supplemental appropriations bill consists of. I could not disagree with her more on the second third of her presentation, and on the last part, I have sort of a mixed view.

When it comes to the first third, I will say that, again, I completely concur. This measure is designed to ensure that we get to our men and women in uniform the tools that they need, the resources that they need to continue this struggle. It ensures that the request and the directive by Admiral Mullen, the Chairman of the Joint Chiefs of Staff, raising very serious concern about the prospect of not being able to have the resources necessary is addressed.

She also in her remarks talked about the need to deal with the economic challenges that we face, and I completely concur. When we saw the largest increase in the unemployment rate in 22 years, a half a percent increase in the unemployment rate, it's clear that we want to ensure that those Americans who are very much in need are going to be able to have their concerns addressed by providing with that 20-work week requirement, which we've gone back to and which we supported in the early part of this decade in 2001 and 2002, that that requirement will continue to be in place. So I wholeheartedly support that effort for the 13-week extension.

And she also talked about the need to ensure that we provide the resources for the veterans. For those men and women who have been engaged in this struggle and have come home, it is absolutely crucial that we do everything that we can to provide those very important resources for those brave and courageous men and women who have served in our Armed Forces.

Now, Mr. Speaker, when it came as I said to the second third of Ms. SLAUGHTER's presentation, I could not disagree more vigorously. She referred to the term "political progress" as being one of posturing. Well, I've got to say if we look at the independent assessments that have been provided by even some of the most harsh critics, some of the harshest critics of this war, there has been acknowledgment that this surge has worked.

All one needs to do is this week look at lead articles in both the Washington Post, hardly an entity that has been sympathetic with this effort, and the Associated Press. Both of those entities have strongly come forward and pointed to the tremendous progress that has been made not only, not only militarily but the political progress which has been made as well.

And so I have to say, Mr. Speaker, I congratulate my colleagues who have worked in a bipartisan way. I see Mr. OBEY here. He just testified before the Committee on Rules and talked about his concerns, and he talked about the need to make sure that we move forward.

Our Republican leader, Mr. BOEHNER, has also worked very, very diligently on this, and I have to say it's interesting as we mark today the 500th day since the President made this request for supplemental funding for our troops, it's fascinating that this all came together within what is just about a maybe 28-, 29-, 30-hour period of time.

So I think that it's important for us to get this done. It's important for us to address these concerns which include the much-needed relief to those victims of the floods in the Midwest and the strengthening of the levees following Hurricane Katrina, and I believe that we have a wonderful indication of bipartisanship at its best here.

I am very pleased to finally take up a Rule for a Supplemental Appropriations bill that is based on bipartisan compromise that gets our troops the funding they need. And most important, it is a bill that the President can actually sign. I just wish we could have done this months ago.

Mr. Speaker, the request for supplemental funding for our troops came to us on February 5th of 2007—exactly 500 days ago. Since that time, we have heard hours of testimony from our military commanders, warning us in clear terms of the strains on our troops from the failure to fund them. For months, we have heard of impending layoffs of military contract employees. Of vital programs getting cut off or put on hold. The message was very clear: our armed forces in harm's way needed emergency funding in order to effectively continue their jobs.

But what did they get from the Democratic Leadership? Endless political posturing. Funding bills that were purely political documents, with no hope of being enacted. I find it very troubling that this partisan process could drag on for so long.

I find it very troubling that it took so long before there was an attempt at bipartisan negotiation to craft a good bill that provides for our troops and will be enacted into law.

After months of posturing, once the Democratic Majority finally reached across the aisle so that real progress could be made—how long did it take to reach a workable compromise? Mere hours. Once the dialogue began, Republicans and Democrats quickly came to a solution—a bill that funds our troops, while also addressing other priorities in a responsible way.

Today's underlying bill fully funds our armed forces. It will provide a new education benefit to veterans, without raising taxes. And it will extend unemployment insurance in these uncertain economic times, without eliminating key provisions to prevent fraud and abuse. This is a compromise that Republicans and Democrats can support, fulfilling our duty to the men and women who are in harm's way. This is a duty that we as a body must take far more seriously than the last few months have demonstrated.

When we are bogged down by the Democratic Majority's political gamesmanship, there are real-world consequences to these actions—or lack of action.

As we have heard from our military commanders over the past weeks and months exactly what these consequences are, one of the most troubling revelations came just last week. Adm. Mullen, chairman of the Joint Chiefs of Staff, testified that our commanders had run out of funds to pay for development projects in Iraq and Afghanistan. This is perhaps the most perverse outcome of the Democratic Leadership's failure to fund our troops.

Regardless of where you stand on the war, we all know and agree that the fight against extremism demands more than a purely military solution. Our armed forces are working to provide a security environment that allows for development to take place—and they are succeeding. But if we squander this opportunity, we will never succeed in the long term. We will fail to win hearts and minds, and we will fail to provide an alternative to terror and extremism.

The people of Iraq and Afghanistan need to see that our fight is not against them. They need to see that we support democratic institutions and the good governance that ensures peace, liberty and opportunity. Without our development efforts, our military efforts can have no hope for sustainable success. By stonewalling the troops' funding, the Democratic Leadership not only shortchanges our troops, they are blocking our efforts to assist in the development of the foundation for lasting peace.

This is an unconscionable policy. Especially at the very time that the seeds of reconciliation are starting to take root. For months we have known that the surge has succeeded in reducing violence. Even the war's harshest critics have begrudgingly conceded that violence has been significantly reduced. But they called it an empty victory, saying that the improved security situation has failed to bring about political progress.

But today, that is changing. Monday's lead AP story was "Iraqi violence down, confidence in government up."

Tuesday's Washington Post announced "Calm in Iraq Spurs Debate; Decline in Violence, Focus on Politics May Signal Turning Point." These are stories not just of, reduced violence. They tell of the political reconciliation and progress that is now being made possible by the increased security. Iraqis are gaining faith in the Maliki government. And minority Sunni parliamentarians are heartened that a Shiite government would go after Shiite terrorists with the same zeal they go after Sunni terrorists.

Of course, this progress is fragile. Tuesday's terrible attack in Baghdad reminded us that while violence is diminishing overall, the danger of large-scale attacks remains very real. Furthermore, the political progress is still in its infancy. The Post story goes on to say "analysts question whether the limited political accommodation among Shiites, Sunnis and Kurds can be sustained if the U.S. withdraws its forces quickly." It points out that Iran would love to fill any void that we create, and that Iraqis fear today's calm is simply the calm before the storm. Clearly, our mission is not complete.

But demonstrable progress is being made. After years of terrible violence, setbacks and enormous challenges, many of us have become desensitized to any signs of progress and improvement. But they are there. The tragic part is that any delay in providing critical funding puts this fragile progress in jeopardy. Today's underlying bill is urgently needed. While I am deeply sorry it has taken this long, I am truly pleased to finally have a bipartisan bill that will deliver our troops the vital resources they need.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I'm happy to yield 3 minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. McGOVERN.

Mr. McGOVERN. I thank the chairwoman for yielding to me.

Mr. Speaker, the rule allows for the supplemental to be considered in two parts. Part 1 is funding for the war and Iraq, and part 2 includes expanded benefits for GI education, expanded unemployment compensation, disaster relief, food aid, and other measures.

I want to begin also, Mr. Speaker, by thanking Chairman OBEY for his incredible leadership in trying to forge a decent and fair compromise. He has more patience than I.

Mr. Speaker, let me start with talking about amendment No. 2. I strongly support the measures contained in this amendment. It expands the GI benefits for the education of our veterans, including those serving in Iraq and Afghanistan, and extends them more equitably for all of our service branches, including the Guard and Reserves.

The amendment also extends unemployment benefits by up to 13 weeks in every State for workers who have exhausted their benefits.

It places a moratorium on six Medicaid regulations, the costs of which are fully offset.

It provides emergency funding to meet critical needs, especially in addressing the global food crisis and disaster and refugee assistance.

It includes many other measures, Mr. Speaker, that are worth supporting, that are important, that are vital, and so I urge all my colleagues to support amendment No. 2.

Let me now just say a few words about funding for the war in Iraq, Mr. Speaker.

Under amendment No. 1, funding for the Iraq war is provided without conditions, a blank check, with no requirements about how or when we might begin removing our military forces from Iraq or prohibiting the Bush administration from moving forward with a Status of Forces Agreement that could tie the hands of the next administration to design a new policy and a new future with Iraq.

Mr. Speaker, how can anyone in this Chamber give this President another blank check for the war in Iraq? This is the same President who rushed us into war under false pretenses. There were no weapons of mass destruction and no ties to al Qaeda. Everything he and his administration have told us has been wrong. Where is the accountability?

For me, this is one compromise too many. It represents one cave-in too many. It asks Congress to roll over and be blind to the consequences of the war for the next 9 months or so.

Five years after the invasion of Iraq, the Bush administration continues the occupation of Iraq with no end in sight. More than 4,500 American soldiers and tens of thousands of Iraqi civilians have been killed, and over 30,000 Americans wounded.

It is long past time for a change in course, and this bill does absolutely nothing to bring that about.

This is George Bush's war, and he should end it while he is still President.

I urge my colleagues in the strongest possible terms to oppose this amendment, amendment No. 1, and demand that this President and his administration begin the safe and orderly withdrawal of our troops from Iraq.

□ 1730

Mr. DREIER. Mr. Speaker, at this time, I'm very happy to yield 3 minutes to my thoughtful and diligent colleague from Irvine, California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Thank you for that kind introduction, my colleague from California (Mr. DREIER).

Mr. Speaker, we learned this week that 8 months into this fiscal year we now have a deficit of $317 billion. If you project that out for the rest of the fiscal year, we are looking at having a deficit of $476 billion. That would be the largest deficit of any year in the history of the country, and today we are making it worse yet again.

I understand that much of the spending, as you've just heard in this bill, are priorities for Members of this House, for citizens—frankly, many of them for this Member, but not every one of the well over $3 trillion that we're spending now in the Federal Government can be a priority that we cannot do without. We are going to have to start, when we add more spending, take some spending out of something else, offset it with reduced spending.

What we're talking about here are priorities. And if we look at what's happening ahead of us, the appropriations bill that we now see for the coming year increases spending by another 7.7 percent, while revenues are essentially flat. And that's $72 billion that would add to this deficit next year. And that doesn't include the entitlement programs, which increase at a dramatic rate every single year and which were actuarially bankrupt.

Where are we headed, Mr. Speaker? Are we headed for a $600 billion, $700 billion deficit? Do we care? Are we going to do anything about it?

Now, there are some on the other side of the aisle who would say, well, we'll raise taxes, and that's how we'll cover it. Well, I'm not even sure you can raise taxes enough. Taking aside the arguments of what that would do to a now struggling economy, what that would do to many people out there struggling either in their business, with the cost of energy, or personally with the cost of energy, but you, frankly, can't raise taxes enough to cover the massive deficits that we're having this year and that look to be getting even greater next year.

So I would say, in conclusion, Mr. Speaker, to both the Democrat and Republican leadership, we need to stop spending without offsetting it by reducing spending somewhere else. And I hope that we'll start that now.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Thank you for yielding.

Thank you to the Rules Committee, and to you, Mr. OBEY, who has been more than a stalwart central figure in this whole effort. And as I'm going to say, there are hundreds of thousands of people who will say to you, thank you, because today the voices of over one million people who have not been heard enough on this floor are finally being listened to with a much-needed extension of unemployment benefits.

Some have written us the most persuasive letters about being unemployed, often for the first time, sending out hundreds of resumes, losing their health care, and having difficulty making ends meet. They have not marched on Washington. They have individually been in their communities looking for work. But if they did form a line, these million plus and those who've exhausted their benefits, by estimation, it would extend from this Capitol to Denver, Colorado.

I asked the State of Michigan to provide me information on individuals who have exhausted their benefits just yesterday, and we have the figures now. They come from the broadest range of occupations—sales, health care, production, management, financial operations. I would suggest that each Member do the same, because once you look at the data, you will have no doubt that we are doing the right thing today.

Today is a victory for more than one million of our citizens and an additional 2.5 million estimated to exhaust their benefits. This is a vital first step, and we will be ready to fight to sustain this program for people who continue to be unemployed through no fault of their own in a truly difficult job market.

Mr. DREIER. Mr. Speaker, at this time, I'm happy to yield 2 minutes to my friend from Monticello, Florida (Mr. BOYD).

Mr. BOYD of Florida. I thank my friend, the ranking member on Rules, for yielding.

It is with very mixed emotions that I come to the floor today to oppose the rule that we are debating at the moment.

As you heard the other speaker say, the underlying substantive legislation is legislation that really needs to be passed by this Congress and signed into law.

You've got a very unpopular war, but as the debate about the policy goes on in Washington, the men and women in the field wearing the uniform need to be provided the funds and the resources they need to carry out that policy until such time as it is changed. And I think many of us feel very strongly about that, so we have to do the war funding piece.

Secondly, you have a significant domestic policy piece, and part of it is the GI Webb Bill, the education benefits package. That needs to be updated, and it's an appropriate thing to do. We are doing it, though, probably in a, if not an unprecedented way, certainly a very unusual way in that we are creating a new mandatory spending program in an emergency supplemental bill. I know that's never been done since I've been here, but nevertheless, it is a piece that needs to be done. I wish it could be debated and funded separately.

We have the unemployment insurance benefits package. Obviously, in today's economy, with a 5.5 percent unemployment rate, is something that I think everybody on this floor supports, and most of us have already voted on it and supported it earlier in the previous week.

As has been stated before, you've got true emergencies in the Midwest with the floods, you've got the Katrina levee piece, which continues to be a problem. And all of these things are items that the government of the richest Nation in the world ought to be doing, and we ought to be paying for it. But here is the reason I stand here to oppose this rule.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. Mr. Speaker, I'm happy to yield my friend an additional 30 seconds.

Ms. SLAUGHTER. And, Mr. Speaker, let me add an additional minute to that.

Mr. BOYD of Florida. I thank Madam Chairman, my friend.

I would say that the richest Nation on the face of the Earth, we ought to be willing to find a way to pay for these things which are so important for the continuation of this great democracy that we have, the strongest economy in the world. But what we've chosen to do is to borrow the money, not pay the bill, and send the bill to the generations of the future. And I think that's morally wrong. It's a mistake. It's economically a mistake because our children and grandchildren will live in an economy that's much different than the one that our fathers and grandfathers and grandparents built for us.

So I feel very strongly about this. We're making a serious mistake by not paying for these things. I know we have another body on the other side of the Capitol here that doesn't understand this concept. We have a White House which doesn't understand the concept of pay-for, but this House has stood pretty strong on this issue until today.

This bill is $257 billion, over a quarter of $1 trillion. As my friend from California (Mr. CAMPBELL) said earlier, it adds to the already $319 billion existing deficit that we're running in this fiscal year.

I feel strongly about this. I think it's a mistake. And I think it's one that our children and grandchildren will pay for.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas, a member of the Appropriations Committee, Mr. EDWARDS.

Mr. EDWARDS of Texas. Mr. Speaker, a young President, a veteran of the Greatest Generation, once reminded the world that Americans would pay any price, bear any burden in order to assure the survival and the success of liberty. His, the generation of John F. Kennedy, understood that all Americans had a moral obligation to support those who have paid the greatest price and borne the heaviest burdens of war—our troops, our veterans, and their families. That's why the original GI Bill was passed in 1944. Today, 64 years later, with the strong leadership of Speaker PELOSI and Chairman OBEY, Congress is renewing its moral commitment to those who have served our Nation in uniform.

Amendment No. 2 in this bill includes a 21st century bill of rights, a GI Bill of Rights that will open the doors of our colleges and universities to our troops, our veterans, and their families. We also commit $396 million to improve VA polytrauma centers, which are providing critical care to the most severely wounded troops.

With respect to health care needs of our troops and their families, we fund $863 million in amendment No. 2 to begin a desperately needed modernization of outdated military hospitals. No service man or woman, not one, Mr. Speaker, should ever have to face the degrading conditions our soldiers saw last year at Walter Reed Annex 18.

Amendment No. 2 also respects the unsung heroes in our Nation's defense, our military spouses and children, by providing funding for 20 new military child care centers with a focus on those bases bearing the burden of multiple tours of duty in Iraq and Afghanistan. For our youngest heroes, the 18, 19, and 20-year-olds who have just signed up to serve our country, we provide $75 million, again, improving woefully inadequate training barracks. Those who choose to serve deserve decent housing.

Supporting our troops, our veterans, and their families is what we Americans do, it is who we are. Since our Nation's founding, shared sacrifice during time of war has been a quintessential American value, a promise to keep. I thank Speaker PELOSI and Chairman OBEY for seeing that we keep that promise. It is the right thing to do.

I urge my colleagues to support this rule and to vote "yes" on amendment No. 2.

Mr. DREIER. Mr. Speaker, at this time, I am happy to yield 4 minutes to our very thoughtful and hardworking colleague from Columbus, Indiana, an area that has been victimized by the floods and will be assisted in this package that is coming forward, Mr. PENCE.

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule and in support of most of this bill, and certainly appreciate the spirit with which it has come together.

I certainly strongly support the military funding portion of the Iraq/Afghanistan supplemental appropriations bill. It will speed roughly $165 billion in emergency funds to our men and women serving in Iraq and Afghanistan, and it will do so without imposing artificial timelines and timetables for withdrawal.

Far away from Washington D.C., our brave troops are focused on doing the job we've asked them to do, continuing our progress in Iraq and Afghanistan.

Earlier this week, the headline of the Indianapolis Star, the leading newspaper in my home State, simply read, "Iraq May Have Reached Turning Point." In a national Associated Press story the following words were written, "Signs are emerging that Iraq has reached a turning point. Violence is down, armed extremists are in disarray, government confidence is rising, and sectarian communities are gearing up for a battle at the polls rather than slaughter in the streets."

Mr. Speaker, the American people deserve to know that these headlines would not be possible if most Democrats in Congress had had their way, if they had passed any of the measures over the last year and a half that are brought to this floor again and again which would have cut off funding to our troops and facilitated a retreat and defeat from Iraq. And these headlines would not be possible if Republicans in Congress had not stood with our soldiers in the field, stood with our Commander in Chief, supported the new strategy and the new tactics that have brought about what the Associated Press describes as "a turning point in Iraq."

And so I strongly support the military supplemental funding in this bill. And I commend the leadership, most especially my colleagues who have stood with our soldiers and our Commander in Chief, for bringing this clean bill to the floor.

Also, Mr. Speaker, I was heartened, as the gentleman from California just alluded, the ranking member, that after weeks of some of the most devastating weather in Indiana history, that this legislation will include $2.65 billion in disaster relief funding to ensure that critical resources are available to respond to the tornados and flooding across the Midwest.

□ 1745

I've spent a great deal of my time with Hoosiers that are hurting. And my heart goes out to families across the Midwest and to those government agencies that are responding with such effectiveness. But I must say that in this emergency military spending bill, when we fund these emergencies, be they at home or abroad, we still need to do so in a fiscally responsible manner.

I've said before and will say again that we must ensure that a catastrophe of nature does not become a catastrophe of debt for our children and grandchildren. I support this funding for true emergencies. But I still believe, as others have said before, that it should be offset by reductions in other government spending.

And let me say emphatically, military emergency funding bills ought to be about military funding and emergencies. Our war funding is emergency military spending. The GI Bill improvements in this bill are meritorious and military. Flooding in the Midwest is an emergency. But I say with respect, what does $178 million for the Bureau of Prisons have to do with military or emergencies? What is $210 million for the Census or $400 million for scientific research doing in an emergency military funding bill?

I support this expansion of the GI Bill. I support funding FEMA during a time of crisis. And I certainly support our troops.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. DREIER. I'm happy to yield my friend 1 additional minute.

Mr. PENCE. I believe, as we go forward with the spending bill, the American people deserve to know where credit is deserved, to those who have stood in this body for a clean war funding bill, stood by our troops, stood by the surge, and they also deserve to know that despite all the promises to the contrary about putting our fiscal house in order that here we are again with a massive amount of increased domestic spending, with nary a thought of how we're going to pay for it, passing the burden along to future generations of Americans.

So I will not let the perfect be the enemy of the good. I will support this bill, because on balance I believe it funds urgent national needs in various respects. But I rise, as others have before, to say that emergency funding bills for the military ought to be about military funding and emergencies. And supporting those aspects of this bill will bring me to the floor and to an "aye" vote today.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, I thank the chairwoman for yielding.

Mr. Speaker, I rise today in support of this rule because of the flood relief provisions included in the supplemental funding bill. I'm pleased that this amendment includes $2.65 billion for flood relief in my State and others. And I urge my colleagues to vote in favor of this rule because of this important funding.

Iowa is currently experiencing record flooding which is having a widespread and unprecedented impact on people, property and agriculture in the State. Governor Culver has issued an emergency proclamation for 83 of Iowa's 99 counties, all experiencing significant damage due to the combination of severe rainfall, tornadoes, high winds and flooding. Fifty-five Iowa counties have been declared Presidential disaster areas. Seventeen citizens have lost their lives, and many more have been injured. Over 38,000 Iowans have been displaced from their homes already, and thousands more have been disrupted because of the closure, through evacuation, of Iowa hospitals, nursing homes, businesses and schools. More than 18 shelters have been in operation in more than a dozen counties. And it is estimated that 20 percent of the State's cropland has been destroyed. And the flooding still continues.

This flooding has impacted everyone in Iowa. And the scope of damages to Iowans' homes, lives and livelihoods is almost beyond description. Some are calling this disaster "the Katrina of the Midwest." If you were to travel around Iowa, you would understand what they are talking about.

This unprecedented destruction needs and deserves a swift and special response from Congress. That's why this $2.65 billion flood relief package is so important. Iowans and people across the Midwest impacted by this flooding need immediate help to restart their businesses, salvage their farms and rebuild their lives after this devastating flood.

When things get tough in Iowa, Iowans come together to help one another. I would look to thank the Appropriations Committee and the House leadership for coming together and working with me and my colleagues from Iowa to provide this urgently needed flood relief funding. This disaster relief funding is a crucial first step on the road to Iowa's full recovery. And I urge all of my colleagues to support it by voting for this rule.

Mr. DREIER. I'm happy to yield 2 minutes to my very good friend from Brooksville, Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise today in support of the emergency supplemental appropriations rule and bill that is currently before the House.

I would like to thank my colleague, Mr. MITCHELL from Arizona, for his very hard work on the veteran and the veterans service organizations like the Veterans of Foreign Wars and the Iraq and Afghanistan Veterans of America for their tireless effort in support of the Post-9/11 Veterans Educational Assistance Act. I am the lead Republican on that portion of the bill. And it will boost educational assistance to our veterans.

The current veterans' education assistance program covers only a portion of the ever-rising costs associated with a college degree. The education benefits for our veterans have not kept pace with today's rising college costs. Congress must act to correct this. And that is exactly what this portion of the bill does.

I also support the bill because it recognizes the tremendous contributions and sacrifices made by members of the National Guard and Reserves. The United States has relied heavily on the efforts of the National Guard in Iraq and Afghanistan. Since September 11, 2001, over 250,000 National Guard personnel have served in Operation Enduring Freedom and Operation Iraqi Freedom.

Currently, members of the National Guard may only receive educational benefits for the longest amount of time that they're activated. The Post-9/11 Veterans Educational Assistance Act included in the supplemental recognizes these deserving men and women by allowing for the accumulation of educational benefits.

Mr. Speaker, I urge my colleagues to support the rule and the emergency supplemental bill containing the veterans' education benefit to provide for a brighter future for all those who have served our country honorably, and also because it does contain the funding necessary for our troops currently fighting the war to protect our freedom.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentlelady from New York. I rise today to thank Chairman OBEY and thank the leadership, Speaker PELOSI, for addressing the question that confronts us in the most strategic way possible. But it is important to note that many of us have opposed consistently a war that continues to go on unbridled and misdirected.

We thank our soldiers. But it's important to note that now some $600 billion has gone to Iraq. We've lost 4,100 soldiers. Instead of having a military surge, we should have a diplomatic surge. We now give $165 million unrestricted to this White House. But I do rise in support of amendment 2 that provides for the GI Bill that acts as a good Samaritan to those who have been unemployed for 13 extra weeks of unemployment, that provides for elimination of six Medicaid provisions that will help restore partially the health care that Americans need. But I believe we should have had provisions in this particular appropriation that would indicate that the dollars should be used to redeploy our troops, thank them and grant them the success that they have had because they are successful.

But we need to bring our troops home. And we need to indicate that the authority for military force has expired. The GI Bill is a "thank you" to our soldiers. Let's bring them home safely. And let's provide the investment that it needs. I am grateful that we had the disaster relief for all of those suffering in the Midwest, but that we've not forgotten the Katrina victims and survivors that now are still homeless. It is important, as we move forward, to begin to look at domestic funding.

This is a first start. But we need to have legislation that acknowledges the honor of those who have fallen, declare a military success and allow Iraq to invest. And I am grateful for the two amendments that require Iraq to invest in its own domestic development. This is the time to redeploy our troops.

Mr. Speaker, I rise today in strong opposition to Amendment #1, and in strong support of Amendment #2 of the bill H.R. 2642, Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. While I am supportive of the portions that contain provisions beneficial to the American people designed to improve our economy and protect our young men and women, I remain adamantly opposed to this legislation because it continues a disastrous policy of providing unrestricted funding to continue the Bush Administration's war in Iraq.

AMENDMENT #1—IRAQ WAR FUNDING

Mr. Speaker, I oppose Amendment #1 because I stand with the American taxpayers, who have paid over $600 billion to finance the misadventure in Iraq. I stand with the 4100 fallen heroes who stand even taller in death because they gave the last full measure of devotion to their country. In May, I was proud to vote against amendment #1 to the previous version of the supplemental spending bill that would have provided funds for our troops in Iraq and Afghanistan, which included a timetable for the redeployment of U.S. troops. I was extremely pleased that the House did not pass this legislation.

Mr. Speaker, I must oppose this legislation as it provides a total of $165.4 billion for the Department of Defense for FY 2008 and FY 2009, funds that are handed over without any strings. This legislation does not withhold funding for the Iraq war, a war that so many of my colleagues in Congress oppose, and which only 32 percent of Americans now support. The bill we are considering today does not require that war funds can only be used for the responsible redeployment of American troop's home from Iraq. Instead, it hands the President nearly $163 billion of virtually unrestricted funding, allowing him to continue a war that the American people do not support.

Mr. Speaker, I voted against the 2002 Iraq War Resolution. I am proud of that vote. I have consistently voted against the Administration's practice of submitting a request for war funding through an emergency supplemental rather than the regular appropriations process which would subject the funding request to more rigorous scrutiny and require it to be balanced against other pressing national priorities. I cannot support legislation that provides the President with the resources to prolong his ill-advised war effort unrestrained. As a Member of both the Out of Iraq and the Progressive Caucuses, I am proud to vote for legislation that, like other measures passed by this Congress, begins the process of withdrawing U.S. men and women from Iraq.

The congressional authorization providing for the use of military force in Iraq has expired. The 2002 Resolution authorized the President to:

> (1) Defend the national security of the United States against the continuing threat posed by Iraq; and
>
> (2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

Specifically, the resolution called for the disarming of any weapons of mass destruction in Iraq, removal of the rogue Iraqi regime, the capture of any al-Qaeda operatives in Iraq, as well as the promotion of democracy in Iraq. All of these objectives have been met.

Mr. Speaker, our troops have achieved extraordinary military success in Iraq, toppling the regime of Saddam Hussein in only 21 days, assuring the world that Iraq does not possess weapons of mass destruction, assisting the Iraqis in holding free elections, and setting the nation on a path toward democracy. However, while our troops have achieved the objectives for which they were sent to Iraq, they are now caught in the midst of a sectarian conflict. Unfortunately, there is no military solution to Iraq's ongoing political and sectarian conflicts. This is a war without end. Though President Bush continues to rely on a strategy that seeks to stabilize and reconcile Iraq by force, only the Iraqi government can secure a lasting peace. Thus far, the Iraqi government has demonstrated an inability or an unwillingness to deliver on the political benchmarks that they themselves agreed were essential to achieving national reconciliation, which was the rationale and stated objective of the surge.

AMENDMENT #2—IRAQ POLICY PROVISIONS

Mr. Speaker, I am pleased that Amendment #2 contains two important Iraq policy provisions. This amendment requires that funds spent by the State Department and USAID for Iraqi reconstruction be matched, dollar-for-dollar, by the Iraqi government. In addition, this legislation prohibits military construction funds from being used to establish permanent bases in Iraq.

Like many of my colleagues, I am also concerned that the United States has paid and continues to pay a disproportionate amount for Iraq reconstruction, especially when the Iraqi government reportedly has a $25–30 billion budget surplus this year. I am pleased that this legislation calls on the Iraqi government to share equally in the cost of rebuilding the country. To date the United States has appropriated more than $45 billion for Iraq reconstruction. American-funded reconstruction programs have included the training and equipping of Iraqi security forces.

Iraq is a resource-rich nation. Though still facing problems including a lack of technology, damage from previous mismanagement, the effects of looting, and water intrusion, Iraqi oil production is currently at around 2 million barrels per day. The price of oil has skyrocketed to over $100 a barrel and Iraqi oil exports are generating an estimated $56.4 billion this year alone, according to the GAO, yet it is U.S. taxpayers who continue to foot the bill for Iraqi reconstruction. The government of Iraq is stashing its money in global banks, including a reported $30 billion in the United States, instead of investing this money in the development of crucial Iraqi infrastructure.

I am also extremely concerned about the direction of U.S. policy in Iraq, and the future of U.S. commitments. I am also very worried about the Administration's apparent desire to circumvent congressional approval and oversight in the process of negotiating a long-term agreement with the Iraqi government, as well as the still-open question of the establishment of permanent U.S. bases in Iraq, to which I am strongly opposed. Today's legislation, crucially, continues a prohibition on permanent American military bases in Iraq.

EXPANDED GI BILL

Mr. Speaker, Amendment #2 of this legislation provides funding for much needed domestic programs and foreign aid. By extending unemployment benefits, expanding veterans' education benefits, and placing a moratorium on the Bush Administrations' six Medicaid regulations, this legislation gets us closer to where the Economic Stimulus package should have taken us. I am particularly pleased that this legislation expands the educations benefits that veterans receive under the GI, providing $50 billion over the next 10 years for veterans' college funding. This legislation restores the promise of a full, four-year college education, and will entitle veterans who enlisted after the Sept. 11 attacks and served three years or more to what amounts to four years of college education at a state university. By passing these provisions, we are making the veterans of the wars in Iraq and Afghanistan an integral part of an American economy recovery, much in the same way World War II veterans were incorporated under the original GI bill. I would like to see us go even farther to make an affordable college education a possibility for all those brave men and women who selflessly served our nation in Iraq and Afghanistan. Today's legislation does allow service members to transfer educational benefits to their spouses and dependents.

EXTENSION OF UNEMPLOYMENT

In addition, Mr. Speaker, this legislation includes a 13-week extension of jobless benefits for long-term unemployed. The number of Americans looking for work has grown by 800,000 over the last year, and the number of American jobs has declined by 260,000 since the beginning of 2008. The extension of unemployment benefits will provide a crucial safety net to American workers who are feeling the strain of the sagging economy.

EMERGENCY FUNDING FOR THE MIDWEST

This legislation also includes $2.65 billion in much-needed aid for the storm-ravaged American Midwest. Violent storms, bringing tornados and flooding, have been blamed for at least 24 deaths since late May. With damage still not fully assessed, what has been called the worst flooding in the Midwest in 15 years has ruined an estimated 5 million acres of farmland. According to the Army Corps of Engineers, 23 levees along the Mississippi have failed this week alone, and 48 more, which protect over 285,000 acres of cropland, are either overflowing or at high flood risk. Today's legislation provides critical resources to respond to these disasters, which are affecting millions of Americans.

MEDICAID

In addition, this legislation also delays most of the destructive Medicaid cuts proposed by this President. The Bush Administration sought to cut services and payments to American families by adding seven different Medicaid regulations to the stimulus. This legislation places a much needed moratorium on six of these regulations, giving back to our seniors, families, and those with disabilities as well as cut payments to safety net providers.

Because I believe that fixing our health care system is one of the most important issues we currently face, I recently introduced the "Medicare Efficiency and Development of Improvement of Care and Services Act of 2008" (MEDICS Act), which provides a solution to the Medicare reimbursement problem as well as grows beneficiary access.

My bill increases the number of primary care physicians. It specifically requires that within one year of enactment, the Secretary of Health and Human Services, in coordination with the Association of American Medical Colleges shall submit to Congress an effective plan to increase the number of primary care physicians particularly those practicing in counties, cities, or towns "underserved" or with a disproportionate number of Medicare-eligible and/or Medicare recipients. In addition, my legislation forces an examination of the disparities in our health system, particularly those based on race, ethnicity, and gender, and begins the process of eliminating these discrepancies, and making health care an affordable reality for all Americans.

FOOD AID AND DISASTER ASSISTANCE

I am also pleased that this legislation provides increased funding for international affairs. This includes $1.865 billion for food aid and disaster assistance, which is $745 million above the President's request. This sum includes $500 million above the President's request for PL480 Food Assistance and $245 million above his request for development assistance and disaster assistance programs meant to alleviate world hunger.

This additional funding comes at a crucial time. As my colleagues are aware, we are facing an international food crisis. According to the International Monetary Fund, IMF, global food prices have increased an average of 43 percent. In fact since March 2007, wheat has increased by 146 percent, soybean has increased by 71 percent, corn by 41 percent, and rice prices have increased by 29 percent, according to the U.S. Department of Agriculture.

Sadly, approximately 1 billion people—or one-sixth of the world's population—subsist on less than $1 per day. Of this population, 162 million survive on less than $0.50 per day. Overall, increased food prices particularly affect developing countries, and the poorest people within those countries, where populations spend a larger proportional share of income on basic food commodities. It is simply unacceptable in this day and age that so many children are going hungry. We have millions of dollars to bailout Bear Stearns, let's find that same money to help our families and our children.

REFUGEE ASSISTANCE

I am also extremely supportive of the provisions in this legislation that increase funding for refugee assistance. This legislation provides $696 million, a total $475 million above the President's request, to address the ongoing refugee crises in Iraq and elsewhere. This funding comes in the midst of a worldwide surge in the number of refugees, with Iraq and Darfur facing particularly severe crises. Having recently spent time on the ground with refugees living in camps in Darfur and Chad, I am pleased that the figures in this legislation represent the reality of the global refugee situation, and will make important strides toward meeting the needs of the growing number of people displaced by conflict, poverty, disaster, or other extreme circumstances, particularly those in Darfur and in Iraq.

Mr. Speaker, I am proud to support amendment #2 to this legislation because it contains vital provisions that will directly benefit the American people. I must oppose amendment #1 because I refuse to support the continuation of a disastrous policy of providing unrestricted funding to continue the Bush administration's war in Iraq. It is pure fantasy to imagine that President Bush's military surge has created the necessary safety and security to meet economic, legislative, and security benchmarks. It is time for a new strategy, a new plan that will encourage Iraqis to take charge of their own destiny, seek constructive and sustained regional engagement, and substitute the ill-advised military surge for a thoughtful diplomatic one. It is time to be realistic and pragmatic, to recognize that our troops achieved what they were initially sent in for and that continued U.S. military engagement is not bringing about the desired results.

Mr. DREIER. At this time, I am very happy to yield to one of our top experts on Veterans Affairs, the distinguished ranking member of the Appropriations subcommittee that deals with this issue, my friend from Chattanooga (Mr. WAMP).

Mr. WAMP. I thank the gentleman.

I just want to say as I begin that the gentlelady from Texas said that this money goes to the White House. Thankfully, this money goes to the men and women in the uniform of our Armed Forces who volunteered to stand between a threat and our civilian population.

And I want to commend everyone in the House for bringing us to this moment, because the traditions of this great country and this Congress are to meet at the water's edge at a time of war. And we have learned the lessons of history. And we know that it's important to fund the men and women who are in harm's way with the resources they need.

The particular piece that the gentleman from Texas (Mr. EDWARDS) and I have worked together on are the issues of quality of life. And let me tell you that this supplemental appropriations bill meets those quality of life needs on military housing, the child development centers for the families that are so critical, the medical treatment at places like Walter Reed that we have read and heard so much about and polytrauma rehabilitation centers.

We know that asymmetrical warfare has caused critical problems that must be addressed. People ask me and Mr. EDWARDS often, are we doing what's right for our men and women in uniform? This bill helps us to do that in a significant way and meet the needs of our veteran population. It meets the needs of barracks that we know and have heard about. And it fully funds what we need to on the Base Realignment and Closure Commission so they can meet their schedule which we were not meeting. This is so important.

And then this issue of GI benefits for education. Of course the men and women in Iraq and Afghanistan deserve this benefit. For weeks we've all been writing about how this is so appropriate. And today we come together. So I applaud everyone, most of all those volunteers in our military, who have agreed to answer our country's call and stand in harm's way. My nephew, who just got back from Iraq, and my other nephew who is a marine on his way to Afghanistan, and all of the other brave Americans, we're answering their call today. They answered our call.

We meet together to do what is right for our country thanks to the leadership in the majority and the minority for finally coming together and doing what is right. This is a good bill. Let's move it forward. And let's honor our commitment to our men and women in uniform.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I regret that I'm going to have to oppose this bill. And let's look at the numbers: $161.8 billion for the war it keeps going, a war that we all know now was based on untruths. It keeps going a war that has cost the lives of over 4,000 of our brave men and women, tens of thousands of injuries to our troops and over 1 million innocent Iraqis killed as a result of the war. The costs of the war will run to $3 trillion. And here instead of keeping a commitment that we made back in 2006 to end the war, we're continuing it into the term of the next President, and $161.8 billion of this bill will go for the war.

That's actually, of the total bill, 86 percent is going to go for the war, $24.7 billion in domestic spending. How much of this is going for unemployment? Well, $12.5 billion or about half of it over a period of 2 years. How much is going to the veterans? Less than $1 billion over 2 years. So we're using the veterans here and unemployed persons to put forth a war bill that is going to cost $161.8 billion.

We have to establish what our priorities should be in this country. Yes. Getting people back to work should be a priority. Imagine if we put $100 billion into that. Yes. Giving veterans better benefits ought to be a priority. Imagine if we put $100 billion into that. But no. We're putting $161 billion into a war that we know is based on untruths.

It's time that Congress take back its real authority here. And its real authority under article 1, section 8 is to declare war. This administration led us into a war based on lies. It is time for us to regain our ability to create an effective checks and balances, to reclaim our position as a coequal branch of government. You do not do that by continuing to fund this war. You do it by funding education, health care and job creation. That's what the people in Cleveland, Ohio, want. That is what people want all over this country. I'm voting against this.

□ 1800

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 3 minutes to a hardworking member of the Committee on Appropriations, my friend from Ames, Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from California for the time, and I rise today in strong support of both the rule and the bill itself, this emergency supplemental.

I want to take this time to speak briefly about the devastating flood situation in our Midwestern States, and particularly in my home State of Iowa. I also want to thank Chairman OBEY very much and Mr. LEWIS from California for their efforts in producing the $2.65 billion of disaster relief in this package that is part of the supplemental agreement. I think the six funding components of the package will be of significant help to the residents of Iowa and other Midwestern States as they continue to cope with this disaster. I hope that we can continue to work together through the process to provide this needed assistance.

This past Monday, after several days of touring affected areas in and near my district in Iowa, I talked with the committee about the devastation in Iowa and what I thought we would need initially to help us get through this.

It is difficult to fully grasp the magnitude of the devastation and loss unless you see it firsthand. City blocks, town squares, neighborhoods, businesses and homes are underwater. The damage and the extent of the flooding will exceed that of 1993. Illustrating the magnitude of these floods is the fact that Iowa Governor Chet Culver has issued an emergency proclamation for 83 of Iowa's 99 counties, all of which have experienced significant damage. Forty-two of the 83 designated counties have thus far been declared presidential disaster areas, and the flooding has not yet stopped.

This great flood of 2008 has displaced nearly 40,000 Iowans from their homes, and countless others have been displaced from hospitals and nursing homes. The damage in Iowa and to her people is staggering and will not be fully known for some time yet. In the agricultural sector, there are projections of losses in the range of $2 billion to $2.7 billion by themselves. When combined with the damage and losses of homes, businesses, hospitals, community facilities, roads, bridges and levees, the impact obviously will be staggering. Every sector of Iowa's economy has been touched, and the range of damage is endless.

I look forward to continuing to work with the members of the Appropriations Committee and others in the House in a bipartisan effort. We must pledge to continue to produce needed resources in a timely manner to help facilitate a quick recovery for Iowa and other Midwestern States.

I thank the committee and its leadership again, Chairman OBEY and Ranking Member LEWIS, for their help.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. I am happy to yield my friend an additional 30 seconds.

Mr. LATHAM. The committee and its leadership and this institution have a long history of working together to find consensus solutions for the tragedies that befall Americans. The people of Iowa and the Midwest are watching us and waiting for a helping hand to recover from this horrific tragedy. I sincerely appreciate the great help that the House of Representatives is giving the State and throughout the Midwest, and look forward to working on an ongoing basis to make this happen.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me thank Chairman OBEY, Speaker PELOSI and Chairwoman SLAUGHTER for their countless hours and their leadership on this very difficult task.

I am opposed to giving this President over $160 billion with no strings attached to continue the disastrous war and occupation in Iraq. This is the biggest blank check ever. Ever.

The war and occupation in Iraq has put our country and economy in a hole, and when you are in a hole, you have got to stop digging in deeper and climb your way out. You don't dig yourself deeper in. Today that means funding the safe and responsible redeployment of our American troops and contractors out of Iraq.

The Lee amendment that I offered would have accomplished that. There is no way, no way, I will vote to continue funding any combat operations in Iraq. This funding needs to end. What the Lee amendment proposed was not to cut off funding for our troops, but to provide for their safe and responsible redeployment out of Iraq.

Although the supplemental retains one restriction that I have long championed, the prohibition against the establishment of permanent military bases in Iraq, it does not include the other indispensable condition, prohibiting the President from unilaterally binding the United States to an agreement with the government of Iraq that includes security assistance for mutual defenses without coming to Congress.

While I supported the amendment providing modest funding for urgent domestic priorities and for our GI educational benefits, I hope to see more of our economic needs addressed in a more fully and more comprehensive economic stimulus funding package.

The sad fact is that over the last 5 years, this administration has spent nearly half a trillion dollars on the Iraq war and occupation, and we have now a destabilized Iraq. We have tarnished our national image, and we have diverted national attention and resources from the real urgent challenges facing the American people.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 additional seconds to the gentlewoman.

Ms. LEE. Let me just remind you that nearly 5,000 American troops and countless Iraqi civilians have died, more than 30,000 Americans are wounded, and more than 4 million Iraqis are displaced.

As the proud daughter of a career military officer, my dad died last September, and, let me tell you, he wanted us out of Iraq, I salute and I honor our troops. I believe the best way to support and honor our troops is by bringing them home, and we should provide funds to bring them home, to provide for their economic security, their health and their mental health needs when they come home.

Mr. DREIER. Mr. Speaker, at this juncture I would like to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to talk to you for a second about Specialist Sean Walsh. Sean served for two tours of duty in Iraq in the 933rd Military Police Company in the 16th Airborne Brigade of the United States Army. He protected main supply routes. He and his unit were inundated with sniper fire and IEDs.

Today, Sean Walsh is a plumber in the City of Chicago. He wants to go to college. Sean cannot afford to go to college. His dream is to become an engineer.

This GI Bill, this GI Bill is for Sean Walsh and his unit, so Sean Walsh can do for Sean Walsh what Sean Walsh did for Iraq. He gave them a chance. He gave them a chance to build a better country. That is what we said when we sent Sean there. And now it is time America invests in Sean Walsh. We have spent $50 billion of U.S. taxpayer money rebuilding roads and bridges and streets and schools in Iraq, and this is about $50 billion to rebuild Sean Walsh and his unit.

The American people are the most generous people in the world, but they will not continue to be generous if you foreclose their future. I think this is what we owe Sean Walsh, because we asked him to do something, not once, but twice.

Sean wants to be an engineer, and I am for Sean being an engineer. I want to make sure Sean can get to college, and this is going to invest in his future. He earned it the old-fashioned way; he gave something for his country. And when America was asked to help rebuild Iraq, we did it. It is time we do that for Sean.

In addition, one of the things I am most proud about in this legislation is that from now on, in all the rebuilding of Iraq, the Iraqis must put in 50 percent of the dollars.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. EMANUEL. In addition, this legislation requires that for all future rebuilding of Iraq, the Iraqis must put in 50 percent of the dollars. For too long we have asked the American people to foot the bill for Iraq's future. Finally we have turned the page and require the Iraqis to stand up for Iraq. This is the first step in that process.

So for Sean Walsh and for the future of this country, at the height of the GI Bill we were once spending 2 percent of our GDP on our GI Bill, this is the first real investment in America for our kids.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds, and I do so to simply congratulate my friend on his very thoughtful statement. The fact that we have been able to come together in a bipartisan way to ensure that the Sean Walshes and the other men and women in uniform who have sacrificed for this country are going to have what they are due is, I believe, a great testament to what we are doing in this House.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and my colleague, the chairperson of the Rules Committee, for yielding.

Mr. Speaker, I stand before you today with a very heavy heart. Today this Congress will vote to spend $165 billion more on war. War is bloody. War is messy. It tends not just to hide the truth, but to sacrifice the truth. It destroys the hopes, the dreams and the aspirations of a people.

When the citizens of this Nation are begging for aid, struggling to make ends meet, it doesn't make sense to spend our precious resources on an unnecessary war. Sometime, somehow, some way, somebody must say enough is enough.

The rest of you may do what you may, but, as for me and my house, I will not vote for another dollar, another dime, another nickel, another penny, for this war. I will vote "no" on funding for war.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it was February 5, 2007, February 5, 2007, exactly 500 days ago, that President Bush made a request for supplemental funding for our men and women in uniform to ensure that they have the resources necessary to successfully prosecute this war. That is what we are here doing this evening now.

We are here because we have actually seen, based on reports that have come from some of the harshest critics of this war, that we are making progress. All one needs to do is look at the Washington Post the day before yesterday, the Associated Press story that has been referred to by a number of my colleagues. Time and time again we hear of the success that is being made in our effort to ensure that we are able to continue to enjoy our freedoms and that we have a world that has a greater degree of stability. Only the United States of America, only the United States of America, is in a position to do this.

□ 1815

Sacrifice has been made. Time and time again our colleagues have talked about the number of lives that have been lost.

As I listened to my friend from Chicago (Mr. EMANUEL), he was referring to one of his constituents, I was immediately reminded of one of my constituents whom I refer to on a pretty regular basis here.

It was in the battle of Fallujah in November of 2004 that J.P. Blecksmith tragically was killed. His father, who was a former Marine from San Marino, California, has, on repeated occasions, to me said if we don't complete our mission, my son, J.P., will have died in vain.

War is an ugly thing, but it's not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks nothing worth a war is worse. Those were the words of a very, very famous writer who wrote them following the Civil War. We are in the midst of a painful struggle.

But on this issue, I am very happy that we have been able to come together in a bipartisan way to deal with this. I congratulate my colleagues, Messrs. OBEY and LEWIS, for working together on this, and Mr. BOEHNER, who has provided great leadership in this effort.

We need to ensure that our men and women in uniform not only have everything that they need to successfully prosecute this war, but we also need to make sure that they have the tools necessary as they come back into our society. We have for years seen great warriors come back to the United States of America and work to make their country an even better place, and I believe that the provisions that we provide in here with these GI benefits will go a long way towards doing that.

The American people are hurting. We saw, as has been repeatedly said, the largest increase in 22 years in the unemployment rate, going up a half a percent. That's why, again, we have come in a bipartisan way to ensure that those who are truly in need, those who through no fault of their own, have lost their jobs, are able to see an extension in their unemployment benefits.

Again, I think that what we are going to be doing here in the next few minutes is we are going to be casting a bipartisan vote which will be done in the spirit of what the American people want us to do, and that is to get things done, deal with very, very important issues and problems that we face.

I urge my colleagues to support this rule and to support the underlying legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition not to the rule but to this bill.

Mr. Speaker, today will go down in history as a failed opportunity. For $165 billion we could begin funding a safe and responsible redeployment of our troops and military contractors from Iraq. Instead, we are giving the President a blank check . . . actually, more than he asked for.

Our Nation—whether through blood or treasure—cannot afford to continue this endless occupation of Iraq.

This bill will appropriate $165.4 billion for the Department of Defense. That could be a down payment on real change for Iraq—for reconciliation, reconstruction, and refugee resettlement.

We have spent half a trillion dollars . . . and we have lost 4,101 troops and over 30,000 have been injured or maimed. Four million Iraqis have been displaced and unknown thousands have been killed.

The cost is unsustainable and we must put an immediate stop to this madness.

We must not cave to the demands of the White House. I urge my colleagues to vote against funding for the occupation.

Ms. SLAUGHTER. Mr. Speaker, I just want to make one brief remark and that is in answer to what my dear friend and colleague Mr. DREIER said about only the United States of America could afford this war. I'm not sure what kind of bookkeeping allows him to say that. Obviously the fact we are in such extraordinary debt, as one speaker on your side already pointed out today, this is an unprecedented debt. In the history of the Republic we have never been so far in debt and to say that we can afford to continue to do this, not just in money, not just in treasure, but what we are losing in lives and young people whose lives will never be the same because of the life-threatening wounds that they are bringing home.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I will say that I never said anything about "affording." I said that only the United States of America can do this job of ensuring this struggle for freedom around the world.

Ms. SLAUGHTER. If I may reclaim my time, I think doing this job probably says we can give enough soldiers to die or to be maimed and that we have the money to pay for it. At least that would be my interpretation of what you had said.

I urge my colleagues to vote for the rule and for this bill and I hope a "no" vote when we get to final passage on amendment 1.

Mr. KAGEN. Mr. Speaker, Enough is enough.

I will always support our troops; but not President Bush's losing policies.

We've done our job in Iraq. Our brave soldiers took out Saddam, and Iraq has held several free elections.

They now have a budget surplus, while we suffer with a budget busting deficit. It is time to move our troops away from Iraq, and back after our real enemies—Osama bin Laden and his followers.

With three trillion dollars down the drain, President Bush's never ending occupation of Iraq will soon be known as the greatest theft in human history, driving the United States of America into bankruptcy.

We must put an end to the losing policy of wasteful government spending in Iraq, and invest our hard earned tax dollars right here at home, as we work together to build a better nation for all of us.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOYD of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 1284 will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 1230.

The vote was taken by electronic device, and there were—yeas 342, nays 83, not voting 9, as follows:

[Roll No. 429]

YEAS—342

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen

Altmire
Andrews
Arcuri
Bachus
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Childers
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Speier
Spratt
Stearns
Stupak
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—83

Baca
Bachmann
Baird
Barrett (SC)
Bean
Boren
Boyd (FL)
Boyda (KS)
Broun (GA)
Burton (IN)
Buyer
Campbell (CA)
Carney
Chandler
Clarke
Clay
Coble
Conaway
Cooper
Costa
Cuellar
Culberson
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Doggett
Donnelly
Duncan
Ellsworth
Filner
Flake
Franks (AZ)
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Goode
Harman
Hensarling
Herseth Sandlin
Hill
Holt
Inglis (SC)
King (IA)
Kingston
Kucinich
Lamborn
Linder
Mahoney (FL)
Marshall
Matheson
McHenry
McIntyre
Michaud
Miller (FL)
Miller, Gary
Moore (KS)
Moran (KS)
Neugebauer
Paul
Pence
Peterson (MN)
Petri
Pitts
Poe
Price (GA)
Rohrabacher
Ross
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Scott (GA)
Sensenbrenner
Shadegg
Shuler
Space
Sullivan
Tanner
Weller
Westmoreland
Wilson (OH)

NOT VOTING—9

Cannon
Gilchrest
Hulshof
McCrery
Rush
Saxton
Skelton
Stark
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

☐ 1844

Messrs. GARY G. MILLER of California, MORAN of Kansas, LINDER, GINGREY, McINTYRE, PENCE, Mrs. BOYDA of Kansas, Messrs. WILSON of Ohio, LAMBORN, and Ms. CLARKE changed their vote from "yea" to "nay."

Mr. BACHUS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING POSTELECTION VIOLENCE IN ZIMBABWE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1230, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 1230, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 1, not voting 21, as follows:

[Roll No. 430]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)

McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—21

Boyd (FL)
Cannon
Coble
Cooper
Cramer
Diaz-Balart, L.
Diaz-Balart, M.
Gilchrest
Hulshof
Keller
LaHood
Larsen (WA)
McCrery
Price (GA)
Pryce (OH)
Rush
Stark
Sullivan
Tiahrt
Turner
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining to vote.

□ 1852

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5781, FEDERAL EMPLOYEES PAID PARENTAL LEAVE ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5781, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS ACT, 2008

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1284, I call up from the Speaker's table the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendments to the House amendments to the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments to the House amendments to the Senate amendment.

The text of the Senate amendments to the House amendments to the Senate amendment is as follows:

Senate amendments to House amendments to Senate amendment:

In lieu of the language proposed to be inserted, insert the following:

TITLE IX

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $2,977,864,000: Provided, That up to $112,607,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Iraq Security Forces Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For dn additional amount for "Aircraft Procurement, Air Force", $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $825,000,000, to remain available for obligation until September 30, 2010: Provided, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: Provided, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the "Defense Health Program" for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 9101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 9102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 9104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 9105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 9106. Of the amount appropriated by this chapter under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): Provided, That such support shall be in addition to support provided under any other provision of the law.

SEC. 9107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: Provided, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading "Other Procurement, Navy" may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: Provided further, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

"(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.".

SEC. 9109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: Provided, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $3,500,000,000: Provided, That up to $112,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the "Afghanistan Security Forces Fund", $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,000,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense *working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.*

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 9201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 9202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 9204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 9205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings "Iraq Security Forces Fund" and "Afghanistan Security Forces Fund".

SEC. 9206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the "Mine Resistant Ambush Protected Vehicle Fund", to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 9209. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 9301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 9302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 9303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 9305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking "$362,159,000" and inserting "$435,259,000".

SEC. 9307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 9308. (a) Of the funds made available for "Defense Health Program" in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for "Joint Improvised Explosive Device Defeat Fund" in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 9309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the "Iraq Freedom Fund", $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 9310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 9311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

In lieu of the language proposed to be inserted, insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $850,000,000, to remain available until expended.

For an additional amount for "Public Law 480 Title II Grants", $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND-EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $164,965,000, to remain available until September 30, 2009.

For an additional amount for "Salaries and Expenses", $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,170,200,000: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: Provided further, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $300,084,000: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $361,900,000: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: Provided further, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $27,600,000, to remain available until September 30, 2009: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Construction, Navy and Marine Corps", $11,766,000, to remain available until September 30, 2012: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: Provided, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Navy and Marine Corps", there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: Provided, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Air Force", there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: Provided, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: Provided, That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

"§5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

"(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

"(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

"(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

"5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.".

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001:

(d) SHORT TITLE.—This section may be cited as the "Combat Veterans Debt Elimination Act of 2008".

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: Provided, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: Provided further, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: Provided further, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: Provided further, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $12,500,000, to remain available until September 30, 2009: Provided, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $149,500,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: Provided, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: Provided further, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: Provided, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $10,000,000, to remain available until September 30, 2009.

SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: Provided further, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: Provided, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: Provided further, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: Provided further, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: Provided, That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter

for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E-267-08-001-P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading "International Narcotics Control and Law Enforcement", not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: Provided, That none of the funds made available under this section shall be made available for budget support or as cash payments: Provided further, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: Provided, That of the funds appropriated under the heading "Economic Support Fund", $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: Provided further, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: Provided further, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: Provided further, That none of the funds shall be made available for budget support or as cash payments: Provided further, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading "International Narcotics Control and Law Enforcement" may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading "Economic Support Fund" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading "Operating Expenses of the United States Agency for International Development" for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading "Economic Support Fund" that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading "Foreign Military Financing Program" by the Department of State, Foreign Operations, and Related

Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with "Diplomatic and Consular Programs" may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with "Operating Expenses of the United States Agency for International Development".

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading "Diplomatic and Consular Programs" and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the "Buying Power Maintenance Account": Provided, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the "Buying Power Maintenance Account", subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

"(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.".

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading "Assistance for Eastern Europe and the Baltic States" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading "Embassy Security, Construction, and Maintenance" to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading "Andean Counterdrug Initiative" in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for "International Narcotics Control and Law Enforcement", $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for "Economic Support Fund", $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings "Foreign Military Financing Program" and "Peacekeeping Operations" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for "International Disaster Assistance", $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: Provided, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: Provided further, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for "Economic Support Fund" for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for "Foreign Military Financing Program" for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 8002 of title VIII of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

"Diplomatic and Consular Programs".

"Economic Support Fund".

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: Provided, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic Censuses and Programs", $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: Provided, That not less than $3,000,000 shall be transferred to the "Office of Inspector General" at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: Provided further, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $50,000,000 for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 ("1968 Act"), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for "State and Local Law Enforcement Assistance", $100,000,000 for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Non-Defense Environmental Cleanup", $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium Enrichment Decontamination and Decommissioning Fund", $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for "Science", $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Defense Environmental Cleanup", $243,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking "For purposes" and inserting "Except as provided in section 3112A, for purposes";

(2) in section 3112(a), by striking "The Secretary" and inserting "Except as provided in section 3112A(d), the Secretary"; and

(3) by inserting after section 3112 the following:

"SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

"(a) DEFINITIONS.—In this section:

"(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

"(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

"(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

"(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

"(A) contains 90 percent or more uranium-235; and

"(B) is verified by the Secretary of Energy to be of weapons origin.

"(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

"(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

"(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

"(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

"(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

"(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

"(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

"(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

"(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

"(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

"(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

"(B) ADDITIONAL IMPORTS.—

"(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

"(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

"(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

"(4) ANNUAL ADJUSTMENT.—

"(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

"(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

"(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

"(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

"(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

"(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

"(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

"(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

"(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

"(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

"(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

"(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

"(A) December 31, 2020; or

"(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

"(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

"(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

"(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

"(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

"(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

"(12) EFFECT ON OTHER AGREEMENTS.—

"(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

"(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

"(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

"(1) in the event of a disruption in the nuclear fuel supply in the United States; or

"(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.".

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the "Salaries and Expenses" account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. For fiscal year 2008, there is appropriated $400,000,000, to remain available until December 31, 2008, for payments described in sections 101, 102(b)(3), and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393).

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations" for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease Control, Research, and Training", $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director, National Institutes of Health", $400,000,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,000,000,000 for fiscal year 2008, for making payments under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623).

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

"(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

"(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

"(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

"(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

"(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

"(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

"(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

"(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data-collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for "Foreign Currency Fluctuations Account", $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading "Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account" in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: Provided, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, $75,000,000: Provided, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: Provided further, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: Provided further, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: Provided further, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration *project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: Provided further, That none of this $604,745,000 shall become available for obligation until October 1, 2008: Provided further, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.*

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: Provided, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: Provided further, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: Provided further, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: Provided further, That none of this $348,000,000 shall become available for obligation until October 1, 2008: Provided further, That this work shall be carried out at full Federal expense: Provided further, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for "General Expenses" for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: Provided, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3402. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: Provided, That for purposes of this section, the term "area" does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: Provided, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund", for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: Provided, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for "State and Tribal Assistance Grants", for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: Provided, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Wildland Fire Management", $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: Provided, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 7

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Army National Guard", $11,503,000, to remain available until September 30, 2012: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds appropriated for "Military Construction, Army National Guard" under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3701. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: Provided, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: Provided further, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): Provided further, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community development fund" for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: Provided, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: Provided further, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: Provided further, That the State may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS
"Sec.
"3301. Definitions.
"SUBCHAPTER II—EDUCATIONAL ASSISTANCE
"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: amount; payment.
"3314. Tutorial assistance.
"3315. Licensure and certification tests.
"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
"3317. Public-private contributions for additional educational assistance.

"3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.
"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

"(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

"(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

"(2) The term 'entry level and skill training' means the following:

"(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

"(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

"(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

"(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

"(E) In the case of members of the Coast Guard, Basic Training.

"(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

"(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

"(a) Entitlement.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) Covered Individuals.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty; or

"(ii) is discharged or released from active duty as described in subsection (c).

"(2) An individual who—

"(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

"(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

"(3) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 36 months; or

"(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

"(4) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 30 months; or

"(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

"(5) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 24 months; or

"(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

"(6) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 18 months; or

"(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

"(7) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 12 months; or

"(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

"(8) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 6 months; or

"(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

"(c) Covered Discharges and Releases.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

"(1) A discharge from active duty in the Armed Forces with an honorable discharge.

"(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

"(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(4) A discharge or release from active duty in the Armed Forces for—

"(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

"(B) hardship; or

"(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

"(d) Prohibition on Treatment of Certain Service as Period of Active Duty.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

"(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

"(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

"(3) A period of service that is terminated because of a defective enlistment and induction based on—

"(A) the individual's being a minor for purposes of service in the Armed Forces;

"(B) an erroneous enlistment or induction; or

"(C) a defective enlistment agreement.

"(e) Treatment of Individuals Entitled Under Multiple Provisions.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

"§3312. Educational assistance: duration

"(a) In General.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

"(b) Continuing Receipt.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

"(c) Discontinuation of Education for Active Duty.—(1) Any payment of educational assistance described in paragraph (2) shall not—

"(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

"(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

"(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses *under this chapter if the Secretary finds that the individual—*

"(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

"(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

"(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

"(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

"§3313. Educational assistance: amount; payment

"(a) Payment.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) Approved Programs of Education.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

"(c) Amount of Educational Assistance.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

"(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

"(B) A monthly stipend in an amount as follows:

"(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

"(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(I) $1,000, multiplied by

"(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

"(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) Frequency of Payment.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) Programs of Education Pursued on Active Duty.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

"(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) Programs of Education Pursued on Half-Time Basis or Less.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) Payment of Established Charges to Educational Institutions.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be

paid directly to the educational institution concerned.

"(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§3314. Tutorial assistance

"(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

"(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

"(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

"(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§3315. Licensure and certification tests

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

"(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

"(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

"(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

"(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§3317. Public-private contributions for additional educational assistance

"(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"§3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

"(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

"(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

"(2) who—

"(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

"(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

"(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

"(1) DD Form 214, Certification of Release or Discharge from Active Duty.

"(2) The most recent Federal income tax return.

"(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

"(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

"(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.".

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under

section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

"(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

"(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

"§3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ____03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§3323. Administration

"(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

"(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

"(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

"(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

"(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

"(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

"(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

"(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

"(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

"(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

"(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§3324. Allocation of administration and costs

"(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

"(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting "33," after "32,"; and

(ii) in subsection (c), by striking "both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment

compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting "4" for "5" each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting "6.0" for "6.5" in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day

of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking “prior to the date that is 1 year after the date of enactment of this Act” and inserting “prior to April 1, 2009”;

(B) in subparagraph (A), by inserting after “Federal Regulations)” the following: “or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)”; and

(C) in subparagraph (C), by inserting before the period at the end the following: “, including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)”.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking “June 30, 2008” and inserting “April 1, 2009”;

(B) by inserting “, including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),” after “rehabilitation services”; and

(C) by inserting “, including the final regulation published on December 28, 2007 (72 Federal Register 73635),” after “school-based transportation”.

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

“(IV) An entity that—

“(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

“(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

“(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.”; and

(B) by adding at the end the following new clause:

“(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

“ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

“SEC. 1940. (a) IMPLEMENTATION.—

“(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

“(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

“(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

“(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

“(3) PHASE-IN.—

“(A) IN GENERAL.—

“(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

“(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

“(I) 12.5 percent by the end of fiscal year 2009.

“(II) 25 percent by the end of fiscal year 2010.

“(III) 50 percent by the end of fiscal year 2011.

“(IV) 75 percent by the end of fiscal year 2012.

“(V) 100 percent by the end of fiscal year 2013.

“(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

“(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

“(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

“(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

“(b) ASSET VERIFICATION PROGRAM.—

“(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

“(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking "and" at the end;

(B) in paragraph (70) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking "or" at the end;

(B) in paragraph (23) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).";

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph."; and

(3) by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

"(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

"(A) PROVIDER AGREEMENT.—The hospital had—

"(i) physician ownership on September 1, 2008; and

"(ii) a provider agreement under section 1866 in effect on such date.

"(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

"(C) PREVENTING CONFLICTS OF INTEREST.—

"(i) The hospital submits to the Secretary an annual report containing a detailed description of—

"(I) the identity of each physician owner and any other owners of the hospital; and

"(II) the nature and extent of all ownership interests in the hospital.

"(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

"(I) the ownership interest of such referring physician in the hospital; and

"(II) if applicable, any such ownership interest of the treating physician.

"(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

"(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

"(I) on any public website for the hospital; and

"(II) in any public advertising for the hospital.

"(D) ENSURING BONA FIDE INVESTMENT.—

"(i) Physician owners in the aggregate do not own more than the greater of—

"(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

"(II) the percentage of such total value determined on the date of enactment of this subsection.

"(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

"(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

"(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

"(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

"(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

"(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

"(E) PATIENT SAFETY.—

"(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

"(I) the hospital discloses such fact to a patient; and

"(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

"(ii) The hospital has the capacity to—

"(I) provide assessment and initial treatment for patients; and

"(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

"(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

"(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

"(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

"(A) PROCESS.—

"(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

"(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

"(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

"(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

"(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

"(C) PERMITTED INCREASE.—

"(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

"(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

"(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

"(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

"(E) APPLICABLE HOSPITAL.—In this paragraph, the term "applicable hospital" means a hospital—

"(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

"(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

"(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

"(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

"(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

"(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

"(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

"(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

"(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

"(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.".

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE IMPROVEMENT FUND

"SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

"(b) FUNDING.—

"(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

"(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

"(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.".

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as "crowd-out") and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$3,940,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $3,750,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available *for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and*

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007-006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 8003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXPLANATORY STATEMENT

SEC. 8004. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

SHORT TITLE

SEC. 8005. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer the motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. OBEY:

Mr. Obey moves that the House concur in the Senate amendment to House amendment numbered 1 to the Senate amendment to H.R. 2642 and that the House concur in the Senate amendment to House amendment numbered 2 to the Senate amendment to H.R. 2642 with the amendment printed in House Report 110-720.

The text of the House amendment to Senate amendment No. 2 to House amendment No. 2 to the Senate amendment is as follows:

In lieu of the matter proposed to be inserted by the Senate amendment numbered 2 to the House amendment numbered 2 to the Senate amendment to the bill H.R. 2642, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2—JUSTICE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $28,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $106,122,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000, to become available on October 1, 2008, and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $29,861,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. Funds appropriated by this chapter, or made available by the transfer of funds in this chapter, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,108,200,000, of which

$921,000,000 shall remain available until September 30, 2009, and of which $187,200,000 for child development centers and trainee and recruit facilities (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $73,400,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That funds provided under this heading for Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $355,907,000, of which $295,516,000 shall remain available until September 30, 2009, and of which $60,391,000 for child development centers and trainee and recruit facilities (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $15,843,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $399,627,000, of which $361,600,000 shall remain available until September 30, 2009, and of which $38,027,000 for child development centers (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $36,427,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That funds provided under this heading for Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $890,921,000, of which $27,600,000 shall remain available until September 30, 2009, and of which $863,321,000 for medical treatment facilities (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Family Housing Construction, Navy and Marine Corps", $11,766,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,278,886,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $100,000,000, to remain available until September 30, 2009.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $20,000,000, to remain available until September 30, 2009.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", $396,377,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading "Military Construction, Army", there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of Army installations: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1302. None of the funds appropriated in this or any other Act may be used to disestablish, reorganize, or relocate the Armed Forces Institute of Pathology, except for the Armed Forces Medical Examiner, until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center.

SEC. 1303. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

"§ 5302A Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

"(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

"(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

"(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

"5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.".

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the "Combat Veterans Debt Elimination Act of 2008".

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $1,465,700,000, to remain available until September 30, 2009, of which $210,400,000 is for worldwide security protection and shall remain available until expended: *Provided*, That not more than $1,150,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $9,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $2,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $373,708,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $2,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $220,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $150,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,882,500,000, to remain available until September 30, 2009, of which not more than $424,000,000 may be made available for assistance for Iraq, $175,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $171,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank and Gaza and none of such funds shall be for cash transfer assistance: *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $390,300,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $315,000,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $31,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $13,700,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $137,500,000, to remain available until September 30, 2009, of which $17,000,000 shall be made available for assistance for Jordan and up to $116,500,000 may be made available for assistance for Mexico.

Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading "Foreign Military Financing Program" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with "Diplomatic and Consular Programs" may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to implement section 620J of the Foreign Assistance Act of 1961: *Provided*, That funds made available by this paragraph shall not be subject to Section 8002 of this Act.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $704,900,000, which shall become available on October 1, 2008, and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $550,500,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $57,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $41,300,000, which shall become available on October 1, 2008, and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $75,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $150,500,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $6,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $75,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008, and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $200,000,000, which shall become available on October 1, 2008, and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $93,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $1,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $1,124,800,000, which shall become available on October 1, 2008, and remain available through September 30, 2009, of which not more than $102,500,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank and Gaza, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $199,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009: *Provided*, That not more than $50,000,000 of the funds appropriated under this heading shall be made available for security assistance for the West Bank and up to $48,000,000 may be made available for assistance for Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $350,000,000, which shall become available on October 1, 2008, and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008, and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $302,500,000, which shall become available on October 1, 2008, and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan, and not less than $170,000,000 shall be available for grants only for Israel and shall be disbursed not later than November 1, 2008: *Provided*, That section 3802(c) of title III, chapter 8 of Public Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $95,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—Not more than 40 percent of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—Not more than 50 percent of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E-267-08-001-P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Paragraph (1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008, and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) POST-OPERATIONS ASSISTANCE.—Of the funds appropriated by this chapter under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WEST BANK

SEC. 1404. Not later than 90 days after the date of enactment of this Act and 180 days thereafter, the Secretary of State shall submit to the Committees on Appropriations a report on assistance provided by the United States for the training of Palestinian security forces, including detailed descriptions of the training, curriculum, and equipment provided; an assessment of the training and the performance of forces after training has been completed; and a description of the assistance that has been pledged and provided to Palestinian security forces by other donors: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations, in classified form if necessary, on the security strategy of the Palestinian Authority.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1405. (a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction contained in subparagraph (A), (B), (D) or (G) under section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)), for the purpose of providing assistance related to—

(A) the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) LIMITATION.—The authority under paragraph (1) shall expire 5 years after the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B) or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(4) LIMITED EXCEPTION RELATED TO LETHAL WEAPONS.—The authority under subsection (a) shall not apply with respect to any export of lethal defense articles that would be prevented by the application of section 102(b)(2) of the Arms Export Control Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(3) REPORT ON VERIFICATION MEASURES RELATING TO NORTH KOREA'S NUCLEAR PROGRAMS.—

(A) IN GENERAL.—Not later than 15 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement of February 13, 2007, with specific focus on how such verification measures are defined under the Six-Party Talks Agreement and understood by the United States Government.

(B) MATTERS TO BE INCLUDED.—The report required under subsection (A) shall include, among other elements, a description of—

(i) how the United States will confirm that North Korea has "provided a complete and correct declaration of all of its nuclear programs";

(ii) how the United States will maintain a high and ongoing level of confidence that North Korea has fully met the terms of the Six-Party Talks Agreement relating to its nuclear programs;

(iii) any diplomatic agreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement (other than implementing arrangements made during on-site operations); and

(iv) any significant and continuing disagreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement.

(C) FORM.—The report required under subsection (A) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1406. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "Economic Support Fund" in this chapter, not more than $352,000,000 of the funds appropriated in subchapter A and $48,000,000 of the funds appropriated in subchapter B may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities, of which not less than $73,500,000 shall be used for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That not more than 45 days after enactment of this Act, and after consulting with relevant Mexican Government authorities, the Secretary of State shall report in writing to the Committees on Appropriations on the procedures in place to implement section 620J of the Foreign Assistance Act of 1961.

(b) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available in this chapter for assistance for Mexico under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the Government of Mexico is—

(1) improving the transparency and accountability of federal police forces and working with state and municipal authorities to improve the transparency and accountability of state and municipal police forces through mechanisms including establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(2) establishing a mechanism for regular consultations among relevant Mexican Government authorities, Mexican human rights organizations and other relevant Mexican civil society organizations, to make recommendations concerning implementation

of the Merida Initiative in accordance with Mexican and international law;

(3) ensuring that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the federal police and military forces who have been credibly alleged to have committed violations of human rights, and the federal police and military forces are fully cooperating with the investigations; and

(4) enforcing the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds appropriated by subchapter A for assistance for Mexico under the heading "International Narcotics Control and Law Enforcement", $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico by this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico by this chapter, which shall include a strategy, developed after consulting with relevant Mexican Government authorities, for combating drug trafficking and related violence and organized crime, judicial reform, institution building, anti-corruption, and rule of law activities, with concrete goals, actions to be taken, budget proposals, and anticipated results.

CENTRAL AMERICA

SEC. 1407. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", "Nonproliferation, Anti-Terrorism, Demining and Related Programs", and "Economic Support Fund", $65,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security: *Provided*, That of the funds appropriated under the heading "Economic Support Fund", $25,000,000 shall be made available for an Economic and Social Development Fund for Central America, of which $20,000,000 shall be made available through the United States Agency for International Development and $5,000,000 shall be made available through the Department of State for educational exchange programs: *Provided further*, That of the funds appropriated in subchapter A under the heading "International Narcotics Control and Law Enforcement", $2,500,000 shall be made available for assistance for Haiti, $2,500,000 shall be made available for assistance for the Dominican Republic, and $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That not more than 45 days after enactment of this Act, the Secretary of State shall report in writing to the Committees on Appropriations on the procedures in place to implement section 620J of the Foreign Assistance Act of 1961.

(b) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available by this chapter for assistance for the countries of Central America, Haiti and the Dominican Republic under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the government of such country is—

(1) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) investigating and prosecuting members of the federal police and military forces who have been credibly alleged to have committed violations of human rights.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, institution building, anti-corruption, and rule of law activities, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading "Diplomatic and Consular Programs" and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the "Buying Power Maintenance Account": *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the "Buying Power Maintenance Account", subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

"(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.".

(c) The Broadcasting Board of Governors may transfer funds into its Buying Power Maintenance Account, notwithstanding the requirement that such funds be provided in advance in appropriations Acts. The authority in this subsection may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.

SERBIA

SEC. 1409. Of the funds made available under the heading "Assistance for Eastern Europe and the Baltic States" by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the unpaid costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be withheld from obligation for assistance for the central government of Serbia if the Secretary of State reports to the Committees on Appropriations that the Government of Serbia has failed to provide full compensation to the Department of State for damages to the United States Embassy resulting from the February 21, 2008 attack on such embassy. Section 8002 of this Act shall not apply to this section.

RESCISSIONS

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading "Andean Counterdrug Initiative" in prior Acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for "International Narcotics Control and Law Enforcement", $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" in prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) RESCISSION.—Of the unobligated balances of funds appropriated for "Iraq Relief and Reconstruction Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded.

(d) EXCEPTION.—Section 8002 of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings "Foreign Military Financing Program" and "Peacekeeping Operations" by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer, equip, upgrade, refurbish or lease helicopters or related equipment necessary to support the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to provide such support, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authorities provided by section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

TIBET

SEC. 1412. (a) Of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs under the headings "Diplomatic and Consular Programs" and "Embassy Security, Construction, and Maintenance", up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet.

(b) The Department of State should not consent to opening a consular post in the United States by the People's Republic of China until such time as the People's Republic of China consents to opening a United States consular post in Lhasa, Tibet.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for "Economic Support Fund" for assistance for Jordan, $25,000,000, to remain available until September 30, 2009.

(b) For an additional amount for "Foreign Military Financing Program" for assistance for Jordan, $33,000,000, to remain available until September 30, 2009.

(c) Of the unobligated balances of funds appropriated under the heading "Millennium Challenge Corporation" in prior Acts making appropriations for foreign operations, export financing, and related programs, $58,000,000 are rescinded.

(d) Section 8002 of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement printed in the Congressional Record accompanying this Act:

"Diplomatic and Consular Programs"

"Economic Support Fund".

(b) Any proposed increases or decreases to the amounts contained in such tables in the explanatory statement printed in the Congressional Record accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings "International Disaster Assistance", "Migration and Refugee Assistance", and "United States Emergency Refugee and Migration Assistance Fund".

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated or otherwise made available by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), except that section 699K of such Act shall not apply to funds in this chapter.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $150,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $66,792,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $28,019,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $12,736,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $6,057,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $20,094,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $3,396,000 shall be for the National Center for Toxicological Research; and (7) $12,906,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Periodic Censuses and Programs", $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the "Office of Inspector General" at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That not less than $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $178,000,000, to remain available until September 30, 2008.

OTHER AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

For an additional amount for "Science, Aeronautics and Exploration", $62,500,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and Related Activities", $22,500,000, of which $5,000,000 shall be available solely for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

EDUCATION AND HUMAN RESOURCES

For an additional amount for "Education and Human Resources", $40,000,000: *Provided*, That of the amount provided, $20,000,000 shall be available for activities authorized by section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1) and $20,000,000 shall be available for activities authorized by section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a).

CHAPTER 3—ENERGY

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for "Science", $62,500,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Defense Environmental Cleanup", $62,500,000, to remain available until expended.

CHAPTER 4—LABOR AND HEALTH AND HUMAN SERVICES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment

Service Operations" for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director", $150,000,000, which shall be transferred to the Institutes and Centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act in proportion to the appropriations otherwise made to such Institutes, Centers, and Common Fund for fiscal year 2008: *Provided*, That these funds shall be used to support additional scientific research and shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds may be transferred to "National Institutes of Health–Buildings and Facilities", the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, or the Office of the Director (except for the transfer to the Common Fund).

CHAPTER 5—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California, $169,300: *Provided*, That section 8002 shall not apply to this appropriation.

TITLE III—NATURAL DISASTER RELIEF AND RECOVERY

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program", $89,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the "Emergency Watershed Protection Program", $390,464,000, to remain available until expended.

CHAPTER 2—COMMERCE

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for "Economic Development Assistance Programs", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of recent natural disasters, $100,000,000, to remain available until expended.

CHAPTER 3—CORPS OF ENGINEERS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction", for necessary expenses to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters, $61,700,000, to remain available until expended.

For an additional amount for "Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,835,000,000, to become available on October 1, 2008, and to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $1,997,000,000 of the funds provided herein to modify authorized projects in southeast Louisiana to provide hurricane, storm and flood damage reduction in the greater New Orleans and surrounding areas to the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of enactment of this Act, and shall use $1,077,000,000 of those funds for the Lake Pontchartrain and Vicinity project and $920,000,000 of those funds for the West Bank and Vicinity project: *Provided further*, That, in addition, $838,000,000 of the funds provided herein shall be for elements of Southeast Louisiana Urban Drainage project within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects, to provide for interior drainage of runoff from rainfall with a ten percent annual exceedance probability: *Provided further*, That the amounts provided herein shall be subject to a 65 percent Federal / 35 percent non-Federal cost share for the specified purposes: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized subject to the approval of the House and Senate Committees on Appropriations.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for recovery from natural disasters, $17,590,000, to remain available until expended, to repair damages to Federal projects caused by recent natural disasters.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels and repair other Corps projects related to natural disasters, $298,344,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to flood and hurricane emergencies as authorized by law, $226,854,800, to remain available until expended.

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,926,000,000, to become available on October 1, 2008, and to remain available until expended: *Provided*, That funds provided herein shall be used to reduce the risk of hurricane and storm damages to the greater New Orleans metropolitan area, at full Federal expense, for the following: $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; and $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity, West Bank and Vicinity, and the New Orleans to Venice projects: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Assistant Secretary of the Army for Civil Works requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of completed elements and to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized subject to the approval of the House and Senate Committees on Appropriations.

EXPENSES

For an additional amount for "Expenses" for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000 to remain available until expended.

CHAPTER 4—SMALL BUSINESS

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to flooding in Midwestern States and other natural disasters, $164,939,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for expenses to carry out the direct loan program in response to flooding in Midwestern States and other natural disasters, including onsite assistance to disaster victims, increased staff at call centers, processing centers, and field inspections teams, and attorneys to assist in loan closings, $101,814,000, to remain available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be paid to appropriations for the Office of Inspector General; of which $94,814,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be paid to appropriations for Salaries and Expenses; and of which $6,000,000 is for indirect administrative expenses, which may be paid to appropriations for Salaries and Expenses.

CHAPTER 5—FEMA DISASTER RELIEF

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief", $897,000,000, to remain available until expended.

CHAPTER 6—HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of 3,000 units of permanent supportive housing as referenced in the Road Home Program of the Louisiana Recovery Authority approved by the Secretary of Housing and Urban Development, $73,000,000, to remain available until expended, of which $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), including administrative expenses not to exceed $3,000,000, and $50,000,000 shall be for grants under the Shelter Plus Care program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.): *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees, upon request: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for "Community Development Fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of recent natural disasters, $300,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development shall waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits.

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 4001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for emergency unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 4002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

(f) UNAUTHORIZED ALIENS INELIGIBLE.—A State shall require as a condition of eligibility for emergency unemployment compensation under this Act that each alien who receives such compensation must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 4002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 4003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 4004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 4005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 4006. In this title, the terms "compensation", "regular compensation", "extended compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 4007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 4002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE V—VETERANS EDUCATIONAL ASSISTANCE

SHORT TITLE

SEC. 5001. This title may be cited as the "Post-9/11 Veterans Educational Assistance Act of 2008".

FINDINGS

SEC. 5002. Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many "G.I. Bills" enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001

SEC. 5003. (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

"SUBCHAPTER I—DEFINITIONS

"Sec.
"3301. Definitions.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
"3312. Educational assistance: duration.
"3313. Educational assistance: amount; payment.
"3314. Tutorial assistance.
"3315. Licensure and certification tests.
"3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
"3317. Public-private contributions for additional educational assistance.
"3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.
"3319. Authority to transfer unused education benefits to family members.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"3321. Time limitation for use of and eligibility for entitlement.
"3322. Bar to duplication of educational assistance benefits.
"3323. Administration.
"3324. Allocation of administration and costs.

"SUBCHAPTER I—DEFINITIONS

"§3301. Definitions

"In this chapter:

"(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b)):

"(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A).

"(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

"(2) The term 'entry level and skill training' means the following:

"(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

"(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

"(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

"(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

"(E) In the case of members of the Coast Guard, Basic Training.

"(3) The term 'program of education' has the meaning given such term in section 3002, except to the extent otherwise provided in section 3313.

"(4) The term 'Secretary of Defense' means the Secretary of Defense, except that the term means the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

"SUBCHAPTER II—EDUCATIONAL ASSISTANCE

"§3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

"(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

"(1) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty; or

"(ii) is discharged or released from active duty as described in subsection (c).

"(2) An individual who—

"(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

"(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

"(3) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 36 months; or

"(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

"(4) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 30 months; or

"(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

"(5) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 24 months; or

"(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

"(6) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 18 months; or

"(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

"(7) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 12 months; or

"(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

"(8) An individual who—

"(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

"(B) after completion of service described in subparagraph (A)—

"(i) continues on active duty for an aggregate of less than 6 months; or

"(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

"(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

"(1) A discharge from active duty in the Armed Forces with an honorable discharge.

"(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

"(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

"(4) A discharge or release from active duty in the Armed Forces for—

"(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

"(B) hardship; or

"(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

"(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

"(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

"(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

"(3) A period of service that is terminated because of a defective enlistment and induction based on—

"(A) the individual's being a minor for purposes of service in the Armed Forces;

"(B) an erroneous enlistment or induction; or

"(C) a defective enlistment agreement.

"(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of subsection (b).

"§ 3312. Educational assistance: duration

"(a) IN GENERAL.—Subject to section 3695 and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 equal to 36 months.

"(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2).

"(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—

"(1) IN GENERAL.—Any payment of educational assistance described in paragraph (2) shall not—

"(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

"(B) be counted against the aggregate period for which section 3695 limits the individual's receipt of educational assistance under this chapter.

"(2) DESCRIPTION OF PAYMENT OF EDUCATIONAL ASSISTANCE.—Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

"(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

"(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

"(3) PERIOD FOR WHICH PAYMENT NOT CHARGED.—The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

"§ 3313. Educational assistance: amount; payment

"(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

"(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f)) and is approved for purposes of chapter 30 (including approval by the State approving agency concerned).

"(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

"(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2), amounts as follows:

"(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

"(B) A monthly stipend in an amount as follows:

"(i) For each month the individual pursues the program of education (other than, in the case of assistance under this section only, a program of education offered through distance learning), a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

"(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

"(I) $1,000, multiplied by

"(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

"(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3), amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4), amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5), amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6), amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7), amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8), amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

"(d) FREQUENCY OF PAYMENT.—

"(1) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(2) MONTHLY PAYMENTS.—Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

"(3) REGULATIONS.—The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

"(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—

"(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

"(2) AMOUNT OF ASSISTANCE.—The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

"(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1)

"(3) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) MONTHLY PAYMENTS.—For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

"(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—

"(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

"(2) AMOUNT OF ASSISTANCE.—The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

"(A) The amount equal to the lesser of—

"(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

"(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

"(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

"(3) QUARTER, TERM, OR SEMESTER PAYMENTS.—Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

"(4) MONTHLY PAYMENTS.—For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

"(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

"(B) the number of course hours for full-time pursuit of such program of education.

"(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2), and (f)(2)(A) shall be paid directly to the educational institution concerned.

"(h) ESTABLISHED CHARGES DEFINED.—

"(1) IN GENERAL.—In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

"(2) BASIS OF DETERMINATION.—Established charges shall be determined for purposes of this subsection on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"§ 3314. Tutorial assistance

"(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492.

"(b) CONDITIONS.—

"(1) IN GENERAL.—The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492.

"(2) CERTIFICATION.—In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

"(A) such benefits are essential to correct a deficiency of the individual in such course; and

"(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

"(c) AMOUNT.—

"(1) IN GENERAL.—The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

"(2) AS ADDITIONAL ASSISTANCE.—The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313.

"(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3315. Licensure and certification tests

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b).

"(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

"(1) $2,000; or

"(2) the fee charged for the test.

"(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

"§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

"(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—

"(1) IN GENERAL.—In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

"(2) MAXIMUM AMOUNT OF INCREASE IN ASSISTANCE.—The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) at the time of the increase under paragraph (1).

"(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—

"(1) IN GENERAL.—The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

"(2) ELIGIBILITY.—Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

"(3) AMOUNT.—The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022.

"(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

"§3317. Public-private contributions for additional educational assistance

"(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

"(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

"(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

"(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

"(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

"(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

"(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

"(d) MATCHING CONTRIBUTIONS.—

"(1) IN GENERAL.—In instances where the educational assistance provided an individual under section 3313(c)(1)(A) does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

"(2) USE OF APPROPRIATED FUNDS.—Amounts available to the Secretary under section 3324(b) for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

"(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

"§3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

"(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

"(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

"(1) who resides in a county (or similar entity utilized by the Bureau of the Census) with less than seven persons per square mile, according to the most recent decennial Census; and

"(2) who—

"(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

"(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

"(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

"(1) DD Form 214, Certification of Release or Discharge from Active Duty.

"(2) The most recent Federal income tax return.

"(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

"(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

"(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.

"§3319. Authority to transfer unused education benefits to family members

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit an individual described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, has completed at least—

"(1) six years of service in the armed forces and enters into an agreement to serve at least four more years as a member of the Armed Forces; or

"(2) the years of service as determined in regulations pursuant to section (k).

"(c) ELIGIBLE DEPENDENTS.—An individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by a individual under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

"(e) DESIGNATION OF TRANSFEREE.—An individual transferring an entitlement to educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred;

"(2) designate the number of months of such entitlement to be transferred to each such dependent; and

"(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—

"(1) TIME FOR TRANSFER.—Subject to the time limitation for use of entitlement under section 3321 an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the armed forces when the transfer is executed.

"(2) MODIFICATION OR REVOCATION.—

"(A) IN GENERAL.—An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

"(B) NOTICE.—The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(3) PROHIBITION ON TREATMENT OF TRANSFERRED ENTITLEMENT AS MARITAL PROPERTY.—Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

"(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

"(1) in the case of entitlement transferred to a spouse, the completion by the individual making the transfer of at least—

"(A) six years of service in the armed forces; or

"(B) the years of service as determined in regulations pursuant to subsection (j); or

"(2) in the case of entitlement transferred to a child, both—

"(A) the completion by the individual making the transfer of at least—

"(i) ten years of service in the armed forces; or

"(ii) the years of service as determined in regulations pursuant to subsection (j); and

"(B) either—

"(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(ii) the attainment by the child of 18 years of age.

"(h) ADDITIONAL ADMINISTRATIVE MATTERS.—

"(1) USE.—The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) NATURE OF TRANSFERRED ENTITLEMENT.—Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6)—

"(A) in the case of entitlement transferred to a spouse under this section, the spouse is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred; or

"(B) in the case of entitlement transferred to a child under this section, the child is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred as if the individual were not on active duty.

"(3) RATE OF PAYMENT.—The monthly rate of educational assistance payable to a dependent to whom entitlement referred to in paragraph (2) is transferred under this section shall be payable—

"(A) in the case of a spouse, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer; or

"(B) in the case of a child, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer as if the individual were not on active duty.

"(4) DEATH OF TRANSFEROR.—The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(5) LIMITATION ON AGE OF USE BY CHILD TRANSFEREES.—A child to whom entitlement is transferred under this section may use the benefit without regard to the 15-year delimiting date, but may not use any entitlement so transferred after attaining the age of 26 years.

"(6) SCOPE OF USE BY TRANSFEREES.—The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(7) ADDITIONAL ADMINISTRATIVE PROVISIONS.—The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible individual for purposes of such provisions.

"(i) OVERPAYMENT.—

"(1) JOINT AND SEVERAL LIABILITY.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685.

"(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(1) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

"(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

"(i) by reason of the death of the individual; or

"(ii) for a reason referred to in section 3311(c)(4).

"(j) REGULATIONS.—(1) The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section.

"(2) Such regulations shall specify—

"(A) the manner of authorizing the transfer of entitlements under this section;

"(B) the eligibility criteria in accordance with subsection (b); and

"(C) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).

"(k) SECRETARY CONCERNED DEFINED.—Notwithstanding section 101(25), in this section, the term 'Secretary concerned' means—

"(1) the Secretary of the Army with respect to matters concerning the Army;

"(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

"(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

"(4) the Secretary of Defense with respect to matters concerning the Coast Guard, or the Secretary of Homeland Security when it is not operating as a service in the Navy.

"SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

"§ 3321. Time limitation for use of and eligibility for entitlement

"(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

"(b) EXCEPTIONS.—

"(1) APPLICABILITY OF SECTION 3031 TO RUNNING OF PERIOD.—Subsections (b), (c), and (d) of section 3031 shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 with respect to the running of the 10-year period described in section 3031(a).

"(2) APPLICABILITY OF SECTION 3031 TO TERMINATION.—Section 3031(f) shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 shall be deemed to be a reference to 3312.

"(3) DETERMINATION OF LAST DISCHARGE OR RELEASE.—For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2).

"§ 3322. Bar to duplication of educational assistance benefits

"(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

"(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

"(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

"(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 5003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§ 3323. Administration

"(a) IN GENERAL.—

"(1) IN GENERAL.—Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) shall apply to the provision of educational assistance under this chapter.

"(2) SPECIAL RULE.—In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

"(3) RULE FOR APPLYING SECTION 3474.—In applying section 3474 to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313.

"(4) RULE FOR APPLYING SECTION 3482.—In applying section 3482(g) to an individual entitled to educational assistance under this chapter for purposes of this section—

"(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313; and

"(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

"(b) INFORMATION ON BENEFITS.—

"(1) TIMING FOR PROVIDING.—The Secretary shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary and the Secretary of Defense shall jointly prescribe in regulations.

"(2) DESCRIPTION OF INFORMATION.—The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102.

"(3) TO WHOM PROVIDED.—The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

"(c) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall prescribe regulations for the administration of this chapter.

"(2) UNIFORMITY.—Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§3324. Allocation of administration and costs

"(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

"(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits.".

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1) by inserting "33," after "32,"; and

(ii) in subsection (c) by striking "both the program established by this chapter and the program established by chapter 106 of title 10" and inserting "two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10".

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

"(4) Chapters 30, 32, 33, 34, 35, and 36.".

(C) Section 16163(e) of title 10, United States Code, is amended by inserting "33," after "32,".

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting "33," after "32," each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking "or 32" and inserting "32, or 33".

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title, or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

SEC. 5004. (a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

"(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and"; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS

SEC. 5005. Section 3674(a)(4) of title 38, United States Code, is amended by striking "may not exceed" and all that follows through the end and inserting "shall be $19,000,000.".

AUTHORITY TO TRANSFER UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS FOR CAREER SERVICE MEMBERS

SEC. 5006. (a) AUTHORITY TO TRANSFER MONTGOMERY GI BILL BENEFITS TO A DEPENDENT.—Section 3020 of title 38, United States Code, is amended—

(1) by striking the section heading and subsections (a) and (b) and inserting the following:

"§3020. Authority to transfer unused education benefits to family members for career service members

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of entitlement to such assistance, subject to the limitation under subsection (d).

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces—

"(1) who, while serving on active duty or as a member of the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section, has completed six years of service in the Armed Forces and enters into an agreement to serve at least four more years as a member of the Armed Forces; or

"(2) as determined in regulations pursuant to subsection (k).";

(2) by striking subsection (d) and inserting the following:

"(d) LIMITATION ON MONTHS OF TRANSFER.—(1) An individual approved to transfer an entitlement to basic educational assistance under this section may transfer any unused entitlement to one or more of the dependents specified in subsection (c).

"(2) The total number of months of entitlement transferred by an individual under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.";

(3) in subsection (f)(1) by striking "without regard to whether" and inserting "only while"; and

(4) in subsection (f)(2) by inserting "as long as the individual is serving on active duty or as a member of the Selected Reserve" after "so transferred";

(5) by adding at the end of subsection (f) the following:

"(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.";

(6) in subsection (h)(5) by inserting "may use the benefit without regard to the 10-year delimiting date, but" after "under this section"; and

(7) by striking subsection (k) and inserting the following:

"(k) REGULATIONS.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section. Such regulations shall specify—

"(1) the manner of authorizing the military departments to offer transfer of entitlements under this section;

"(2) the eligibility criteria in accordance with subsection (b);

"(3) the limitations on the amount of entitlement eligible to be transferred; and

"(4) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).".

(b) AUTHORITY TO TRANSFER MONTGOMERY GI BILL FOR THE SELECTED RESERVE BENEFITS TO A DEPENDENT.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16132 the following:

"§16132a. Authority to transfer unused education benefits to family members

"(a) IN GENERAL.—Subject to regulation prescribed by the Secretary of Defense, the Secretary concerned may permit a member described in subsection (b) who is entitled to basic educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitation under subsection (d).

"(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to basic educational assistance under this section, has completed—

"(1) at least six years of service in the Selected Reserve and enters into an agreement to service at least four more years as a member of the armed forces; or

"(2) the years of service as determined in regulations pursuant to subsection (j).

"(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to basic educational assistance under this section may transfer the member's entitlement as follows:

"(1) To the member's spouse.

"(2) To one or more of the member's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by a member under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

"(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to basic educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred;

"(2) designate the number of months of such entitlement to be transferred to each such dependent; and

"(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133, a member approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

"(2) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred. The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

"(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

"(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of at least—

"(A) six years of service in the armed forces; or

"(B) the years of service as determined in regulations pursuant to subsection (j); or

"(2) in the case of entitlement transferred to a child, both—

"(A) the completion by the member making the transfer of at least—

"(i) ten years of service in the armed forces; or

"(ii) the years of service as determined in regulations pursuant to subsection (j); and

"(B) either—

"(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(ii) the attainment by the child of 18 years of age.

"(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

"(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 16131 and 16131a to the member making the transfer.

"(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(5) The involuntary separation or retirement of the member—

"(A) because of a nondiscretionary provision of law for age or years of service;

"(B) because of a policy prescribed by the Secretary concerned mandating such separation or retirement based solely on age or years of service for the prescribed pay grade of an enlisted member;

"(C) under section 16133(b); or

"(D) because of medical disqualification which is not the result of gross negligence or misconduct of the member,

shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

"(6) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

"(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

"(8) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(i) OVERPAYMENT.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

"(2) Except as provided in paragraph (3), if a member's whose eligibility is terminated under section 16134(2), the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of such termination shall be treated as an overpayment of basic educational assistance under paragraph (1).

"(3) Paragraph (2) shall not apply in the case of a member who fails to complete service agreed to by the member—

"(A) by reason of the death of the member; or

"(B) for a reason referred to in section 16133(b).

"(j) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section. Such regulations shall specify—

"(1) the manner of authorizing the military departments to offer transfer of entitlements under this section;

"(2) the eligibility criteria in accordance with subsection (b);

"(3) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2); and

"(4) the manner in which the provisions referred to in subsections (h)(4) and (5) shall be administered with respect to a dependent to whom entitlement is transferred under this section.".

(c) AUTHORITY TO TRANSFER RESERVE EDUCATIONAL ASSISTANCE PROGRAM BENEFITS TO A DEPENDENT.—Chapter 1607 of such title is amended by inserting after section 16163 the following:

"§16163a. Authority to transfer unused education benefits to family members

"(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit, at such Secretary's sole discretion, a member described in subsection (b) who is entitled to basic educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitation under subsection (d).

"(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the armed forces who, at the time of the approval of the member's request to transfer entitlement to basic educational assistance under this section, has completed at least—

"(1) six years of service in the armed forces and enters into an agreement to serve at least four more years as a member of the armed forces; or

"(2) the years of service as determined in regulations pursuant to section (j).

"(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to basic educational assistance under this section may transfer the member's entitlement as follows:

"(1) To the member's spouse.

"(2) To one or more of the member's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by a member under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

"(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to basic educational assistance under this section shall—

"(1) designate the dependent or dependents to whom such entitlement is being transferred;

"(2) designate the number of months of such entitlement to be transferred to each such dependent; and

"(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

"(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164, a member approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement only while serving as a member of the armed forces when the transfer is executed.

"(2) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred. The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

"(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

"(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

"(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of at least—

"(A) six years of service in the armed forces; or

"(B) the years of service as determined in regulations pursuant to subsection (j); or

"(2) in the case of entitlement transferred to a child, both—

"(A) the completion by the member making the transfer of at least—

"(i) ten years of service in the armed forces; or

"(ii) the years of service as determined in regulations pursuant to subsection (j); and

"(B) either—

"(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

"(ii) the attainment by the child of 18 years of age.

"(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

"(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 16162 and 16162a to the member making the transfer.

"(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

"(5) Notwithstanding section 16164(a)(2), a child to whom entitlement is transferred under this section may use the benefit without regard to the 10-year delimiting date, but may not use any entitlement so transferred after attaining the age of 26 years.

"(6) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

"(7) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

"(i) OVERPAYMENT.—

"(1) JOINT AND SEVERAL LIABILITY.—In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

"(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(1) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

"(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

"(A) by reason of the death of the individual; or

"(B) for a reason referred to in section 16133(b).

"(j) REGULATIONS.—(1) The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section.

"(2) Such regulations shall specify—

"(A) the manner of authorizing the transfer of entitlements under this section;

"(B) the eligibility criteria in accordance with subsection (b); and

"(C) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).

"(k) SECRETARY CONCERNED DEFINED.—For purposes of this section, the term 'Secretary concerned' has the meaning given in section 101(a)(9) in the case of a member of the armed forces.".

(d) CONFORMING AMENDMENTS.—Section 16133(a) of title 10, United States Code, is amended by striking "(1)" and all that follows through the period at the end of the subsection and inserting "on the date the person is separated from the Selected Reserve.".

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 of title 38, United States Code, is amended by striking the item relating to section 3020 and inserting the following new item:

"3020. Authority to transfer unused education benefits to family members of career service members.".

(2) The table of sections at the beginning of chapter 1606 of title 10, United States Code, is amended by inserting after the item relating to section 16132 the following new item:

"16132a. Authority to transfer unused education benefits to family members.".

(3) The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16163 the following new item:

"16163a. Authority to transfer unused education benefits to family members.".

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 6101. This chapter may be cited as the "Close the Contractor Fraud Loophole Act".

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 6102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007-006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 6103. In this chapter, the term "covered contract" means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 6201. This chapter may be cited as the "Government Funding Transparency Act of 2008".

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 6202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) the names and total compensation of the five most highly compensated officers of the entity if—

"(i) the entity in the preceding fiscal year received—

"(I) 80 percent or more of its annual gross revenues in Federal awards; and

"(II) $25,000,000 or more in annual gross revenues from Federal awards; and

"(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.".

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of "total compensation" that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VII—MEDICAID PROVISIONS

SEC. 7001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking "prior to the date that is 1 year after the date of enactment of this Act" and inserting "prior to April 1, 2009";

(B) in subparagraph (A), by inserting after "Federal Regulations)" the following: "or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748) and determined by the United States District Court for the District of Columbia to have been 'improperly promulgated', *Alameda County Medical Center, et al., v. Leavitt, et al.*, Civil Action No. 08-0422, Mem. at 4 (D.D.C. May 23, 2008)"; and

(C) in subparagraph (C), by inserting before the period at the end the following: ", including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)".

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking "June 30, 2008" and inserting "April 1, 2009";

(B) by inserting ", including the proposed regulation published on August 13, 2007 (72 Federal Register 45201)," after "rehabilitation services"; and

(C) by inserting ", including the final regulation published on December 28, 2007 (72 Federal Register 73635)," after "school-based transportation".

(3) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PORTION OF INTERIM FINAL REGULATION RELATING TO MEDICAID TREATMENT OF OPTIONAL CASE MANAGEMENT SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the interim final regulation relating to optional State plan case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portion of such regulation as relates directly to implementing section 1915(g)(2)(A)(ii) of the Social Security Act, as amended by section 6052 of the Deficit Reduction Act of 2005 (Public Law 109–171), through the definition of case management services and targeted case management services contained in proposed section 440.169 of title 42, Code of Federal Regulations, but only to the extent that such portion is not more restrictive than the policies set forth in the Dear State Medicaid Director letter on case management issued on January 19, 2001 (SMDL #01-013), and with respect to community transition case management, the Dear State Medicaid Director letter issued on July 25, 2000 (Olmstead Update 3).

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is December 3, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) FUNDS TO REDUCE MEDICAID FRAUD AND ABUSE.—

(1) IN GENERAL.—For purposes of reducing fraud and abuse in the Medicaid program under title XIX of the Social Security Act—

(A) there is appropriated to the Office of the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $25,000,000, for fiscal year 2009; and

(B) there is authorized to be appropriated to such Office $25,000,000 for fiscal year 2010 and each subsequent fiscal year.

Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to such Office for such purposes with respect to the Medicaid program.

(2) ANNUAL REPORT.—Not later than September 30 of 2009 and of each subsequent year, the Inspector General of the Department of Health and Human Services shall submit to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Finance and Appropriations of the Senate a report on the activities (and the results of such activities) funded under paragraph (1) to reduce waste, fraud, and abuse in the Medicaid program under title XIX of the Social Security Act during the previous 12 month period, including the amount of funds appropriated under such paragraph for each such activity and an estimate of the savings to the Medicaid program resulting from each such activity.

(c) STUDY AND REPORTS TO CONGRESS.—

(1) SECRETARIAL REPORT IDENTIFYING PROBLEMS.—Not later than January 1, 2009, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that—

(A) outlines the specific problems the Medicaid regulations referred to in the amendments made by paragraphs (1) and (2) of subsection (a) were intended to address;

(B) details how these regulations were designed to address these specific problems; and

(C) cites the legal authority for such regulations.

(2) INDEPENDENT COMPREHENSIVE STUDY AND REPORT.—

(A) IN GENERAL.—Not later than January 1, 2009, the Secretary of Health and Human Services shall enter into a contract with an independent organization for the purpose of—

(i) producing a comprehensive report on the prevalence of the problems outlined in the report submitted under paragraph (1);

(ii) identifying strategies in existence to address these problems; and

(iii) assessing the impact of each regulation referred to in such paragraph on each State and the District of Columbia.

(B) ADDITIONAL MATTER.—The report under subparagraph (A) shall also include—

(i) an identification of which claims for items and services (including administrative activities) under title XIX of the Social Security Act are not processed through systems described in section 1903(r) of such Act;

(ii) an examination of the reasons why these claims for such items and services are not processed through such systems; and

(iii) recommendations on actions by the Federal government and the States that can make claims for such items and services more accurate and complete consistent with such title.

(C) DEADLINE.—The report under subparagraph (A) shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate not later than September 1, 2009.

(D) COOPERATION OF STATES.—If the Secretary of Health and Human Services determines that a State or the District of Columbia has not cooperated with the independent organization for purposes of the report under this paragraph, the Secretary shall reduce the amount paid to the State or District under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) by $25,000 for each day on which the Secretary determines such State or District has not so cooperated. Such reduction shall be made through a process that permits the State or District to challenge the Secretary's determination.

(3) FUNDING.—

(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary without further appropriation, $5,000,000 to carry out this subsection.

(B) AVAILABILITY; AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED FOR SUCH ACTIVITIES.—Amounts appropriated pursuant to subparagraph (A) shall—

(i) remain available until expended; and

(ii) be in addition to any other amounts appropriated or made available to the Secretary of Health and Human Services with respect to the Medicaid program.

(d) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

"ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

"SEC. 1940. (a) IMPLEMENTATION.—

"(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

"(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

"(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

"(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

"(3) PHASE-IN.—

"(A) IN GENERAL.—

"(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

"(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

"(I) 12.5 percent by the end of fiscal year 2009.

"(II) 25 percent by the end of fiscal year 2010.

"(III) 50 percent by the end of fiscal year 2011.

"(IV) 75 percent by the end of fiscal year 2012.

"(V) 100 percent by the end of fiscal year 2013.

"(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

"(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

"(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary from approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

"(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

"(b) ASSET VERIFICATION PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

"(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

"(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

"(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

"(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—

"(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

"(2) the cessation of the recipient's eligibility for such medical assistance; or

"(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.

"(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

"(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

"(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

"(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and of section 1102 of such Act, relating to a reasonable description of financial records.

"(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

"(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

"(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

"(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

"(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.".

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking "and" at the end;

(B) in paragraph (70) by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

"(71) provide that the State will implement an asset verification program as required under section 1940.".

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking "or" at the end;

(B) in paragraph (23) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (23) the following new paragraph:

"(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

"(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

"(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

"(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.".

(4) REPEAL.—Section 4 of Public Law 110-90 is repealed.

SEC. 7002. (a) MEDICARE IMPROVEMENT FUND.— Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"MEDICARE IMPROVEMENT FUND

"SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

"(b) FUNDING.—

"(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $2,220,000,000.

"(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

"(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.".

(b) MEDICAID IMPROVEMENT FUND.— Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by section 7001(d), is further amended by adding at the end the following new section:

"MEDICAID IMPROVEMENT FUND

"SEC. 1941. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicaid Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to improve the management of the Medicaid program by the

Centers for Medicare & Medicaid Services, including oversight of contracts and contractors and evaluation of demonstration projects. Payments made for activities under this subsection shall be in addition to payments that would otherwise be made for such activities.

"(b) FUNDING.—

"(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund—

"(A) for fiscal year 2014, $100,000,000; and

"(B) for fiscal years 2015 through 2018, $150,000,000.

"(2) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.".

(c) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking "$4,960,000,000" and inserting "$4,670,000,000"; and

(B) by adding at the end the following new subclause:

"(IV) For expenditures during 2014, an amount equal to $290,000,000.";

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

"(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) 2014 for payment with respect to physicians' services furnished during 2014.".

TITLE VIII—GENERAL PROVISIONS, THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

REDUCTION IN DEFENSE AMOUNTS

SEC. 8003. Notwithstanding any other provision of this Act, the total amount appropriated in chapter 1 of title IX of this Act under the headings "Procurement", "Research, Development, Test and Evaluation", and "Defense Working Capital Funds" is hereby reduced by $3,577,845,000. Such reduction shall be applied proportionally to each appropriation account under such headings, and to each program, project, and activity within each such appropriation account.

JOINT BASING INITIATIVES

SEC. 8004. Section 9310 of this Act is amended by inserting ", except funds deposited in the Department of Defense Base Closure Account 2005," after "None of the funds available to the Department of Defense".

DEFENSE HEALTH PROGRAM

SEC. 8005. Amounts provided for "Defense Health Program" in Public Law 110-28 for Post Traumatic Stress Disorder and Traumatic Brain Injury (TBI) within operation and maintenance which remain available for obligation shall be made available for psychological health and traumatic brain injury.

SHORT TITLE

SEC. 8006. This Act may be cited as the "Supplemental Appropriations Act, 2008".

Page 60 of the Senate engrossed amendment (of September 6, 2007) to H.R. 2642, strike lines 1 through 3.

The SPEAKER pro tempore. Pursuant to House Resolution 1284, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we've heard a lot of comments tonight about what there should or should not be in this legislation, and I agree with many of those comments. And honestly, just once, acting as chairman of a committee, I would like to put together a bill which reflects my priorities. But that is not usually what chairmen have to do in this place.

What we have to do is try to find a consensus that will gather 218 votes and be sustained over time. And on this bill, there are some peculiar problems because, very frankly, we have a very different constituency in this House for continuing the war in Iraq than we have for most of the other items in the bill and, therefore, we had to find a way to allow each and every Member of the House to express his or her opinion. We had to try to find a way to allow each and every Member to vote their convictions in a way which would not keep the House tied up in knots for another 6 months.

Now, the way we did that was to adopt a procedure under which we took a conference report pending between the Senate and the House, and used that as the device by which each House would express their preferences, and we would work our way to a solution.

Our committee is often criticized because we wind up producing omnibus appropriations in which everything is thrown into one package, and people are forced to vote up or down on the entire package. What we tried to do this time was to do just the opposite, to disaggregate these issues so that people would have a chance to vote separately on the major propositions in the legislation.

And that is why the House sent to the Senate originally three amendments. We sent one amendment that would fund the operations for Iraq and Afghanistan. We sent a second amendment which stipulated the conditions under which the first amendment money could be expended. And then we had a third amendment which laid out, basically, other domestic priorities or associated military priorities that we thought were important. And we sent it to the Senate, and it included a number of items about which questions have been raised tonight.

In addition to the expanded GI benefits for veterans and unemployment compensation, we tried to protect the Medicaid safety net by having a moratorium on seven Medicaid regulations.

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We also had a number of restrictions on Iraq policy, one requiring that any money that is expended for reconstruction by the State Department or USAID be matched dollar for dollar by the Iraqi Government so that they would begin to pick up a fair share of the cost of redeveloping their own country.

We also had language with respect to trying to assure that there would be no permanent bases in Iraq. We had funding $2.2 billion above the President's level for military construction and veterans' hospitals, and we fully funded BRAC.

Someone asked earlier on the floor today why did we have $178 million in this war supplemental for the Bureau of Prisons. Very simple. Because the executive agency asked for the money because if we don't, there are going to be prison guards laid off because there has been a heavier than expected Federal prison population. And that may not be an emergency to Members of Congress, but if you're one of those prison guards who's working shorthanded under dangerous situations, you don't want to have people laid off in those Federal prisons.

And so we sent that package over to the Senate, and the Senate added roughly 37 additional items which cost $10 billion and which the House felt, in many instances, did not accurately reflect emergency expenditure funds.

So the Senate sent those amendments back to us, and among other things, they stripped out totally the conditions on the war. That is why I will personally vote against amendment No. 1 because I would vote for that amendment provided that we had a set of reasonable conditions in defining what our national policy is in Iraq. Absent those conditions, I don't intend to vote for that amendment.

But I do intend to vote for the second amendment, and I want to take just a moment to explain what was in it. Primarily, we do three important things: We, first of all, create a new program to provide greatly expanded education benefits for American veterans under the GI Bill. We have some Members of this House who are unhappy about the fact that that is not paid for. I am among them. But I would point out that the entire war is not being paid for. Mr. MURTHA and I and Mr. MCGOVERN tried to offer the House an opportunity to vote to pay for the entire war. We did not, frankly, find much enthusiasm for that on either side of the political aisle.

But we stipulated that we felt that if that war was going to be fought, even though I personally think it's the most misguided war since the War of 1812, nonetheless, we felt if the war was going to be fought, at least we ought to pay for it so we didn't pass the cost down to our grandkids.

That has not happened.

My point is simply that if we aren't going to pay for the war, then I feel no particular guilt about saying to the GIs who have fought the war that we aren't going to provide you with the equivalent of a 4-year college education because we have had no sense of self-sacrifice in this country except on the part of military families. They've been asked to sacrifice again and again and again while the rest of us have been asked to go shopping or swallow a tax cut. And I think that's illegitimate.

We lost the argument on funding the war, and it just seems to me that it is a peculiar view of proportion if people get exercised about not paying for the GI Bill expansion but don't get exercised about not paying for the war. It would take over 50 years of paying benefits under this new expanded GI Bill. It would take more than 50 years to spend as much money on veterans as will be spent in a 2-year period in Iraq.

And so I make no apology. While I would prefer that it be paid for, I make no apology for the fact that, in the end, it wasn't. This is the only way that we could get the United States Senate and the administration to accept the expanded GI Bill. And I think we owe it to those veterans to provide it no matter what the budgetary niceties are.

Secondly, with respect to unemployment compensation. We wound up essentially—and I want to thank Mr. RANGEL especially for the work he did in conference yesterday. The House initially sent over a package which provided 13 weeks of expanded unemployment benefits for every State in the country and then provided an additional 13 weeks on top of that for States with high unemployment rates.

The administration, as you know, Mr. Speaker, did not want that. They objected to it. So we looked for various ways to try to salvage as much of that as we could.

In the end, we adopted changes which bring the cost of that down from about $10 billion to $8 billion. So we have retained 80 percent of the original unemployment compensation provision.

We've made two changes. We have agreed with the administration's request to require 20 weeks of work history if a person is going to be eligible for that, and we also dropped the second step, the targeting of those benefits. We will have to deal with that issue on another bill in another venue.

The third issue that was causing great controversy was the fact that we were trying to place a moratorium on seven Medicaid regulations that the administration was trying to impose that would cut services to seniors, families, and those with disabilities. In the end, we got six of those seven in the package. I think that's doing pretty well.

Because of the new disasters that we have had around the country, certainly most visible in Iowa recently, the administration agreed to $1.8 billion in disaster funding. This bill comes in considerably higher than that at $2.65 billion.

That's basically the outline of what we have done. And there are several other items in the bill. One that Members should be aware of, if we do not get our appropriation bills done by the end of the fiscal year—that has been known to happen from time to time around here—if that doesn't happen, then if we were to proceed for a short time on a continuing resolution, Israel would wind up receiving $170 million less than the President's budget. We did not want that to happen. And so we are including in this bill a provision which guarantees that as of October 1, that even if we were to pass a continuing resolution at last year's level, Israel would not be accidentally shortchanged by that action and they would get that additional $170 million.

There are a number of other provisions in the bill, but I think most Members are familiar with them. Most of these items have been around for quite a while.

And so with that, Mr. Speaker, I would like to reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we've heard from a number of sources in the last hour or so that this is the 500th day since the President sent this request for absolutely crucial funding for our troops who are fighting in the Middle East. It's been heard enough that I don't think we need to dwell upon that a lot.

Mr. Speaker, today is the 500th day since the President's fiscal year 2008 emergency supplemental request first arrived on the Hill. Oft times we make the mistake of assuming that we're doing the Lord's work in this body. But I remind my colleagues that the Good Lord created Heaven, Earth—and far more—and it took Him 493 fewer days to get it done.

It's no secret that I've had misgivings about the manner in which the majority leadership developed and moved earlier versions of the supplemental, without consideration by the Committee on Appropriations and under a closed rule.

While the regular order process was never followed, today I'm happy to report that the House has worked in a bipartisan fashion—and come to an agreement—on a funding package that will provide immediate support to our troops in harm's way in Iraq and Afghanistan.

This supplemental is long overdue and comes at a time when the Pentagon has already issued guidance to employees on potential furloughs. Clearly, our agreement on this legislation comes not a moment too soon.

A whole array of legislative provisions had been a part of the earlier version of the supplemental, including a massive tax increase on American small businesses. While several legislative provisions remain, the tax increase as been removed.

This is now a better package, one that provides an educational benefit for our returning troops and their families without placing an additional tax burden on small business—the economic engine that drives our national economy.

This package also includes unemployment insurance language that provides far more accountability than earlier versions considered by the House. The new provision includes an additional 13 weeks of coverage but requires that recipients work for 20 weeks in order to qualify for the benefit. From this Member's perspective, I believe this provision has been dramatically improved because it now requires that the recipient earn the benefit.

I'd like to make one additional observation as I close my remarks. Our friends and neighbors in the Midwest need to know this: Congress is prepared to help you get back on your feet as you respond to the great floods affecting your region. This legislation provides needed, targeted funding to address the many challenges you are now facing.

Mr. Speaker, this is a package that should receive the bipartisan support of the majority of our Members today. It is a package the President will sign. I urge its immediate passage.

Mr. Speaker, I would like to yield to the gentleman who played the key role in bringing that conference that we had together yesterday together in a fashion that caused us to be able to be here this evening.

I would recognize the Republican leader, JOHN BOEHNER, for such time as he might consume.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding, and let me thank him for his work, the majority leader Mr. HOYER, and the chairman of the Appropriations Committee, Mr. OBEY, the chairman of the Ways and Means Committee, Mr. RANGEL

It's not often that on a major bill that with as much controversy as we've had with this bill that we can come together and work as a Congress on both sides of the aisle and come to a compromise. The gentleman from Wisconsin outlined the provisions of the bill. I might have described them a little differently than he did. But a compromise is that. It's a compromise. You know, there are 435 of us. Any one of us could write this bill in a way that fit our own interests.

But at the end of the day, I think there was cooperation on both sides to come to this agreement. And I believe that at the end of the day, it's a victory for our troops, it's a victory for American families, it's a victory for our veterans, and for those in need who are unemployed.

Now, we could get into the whole issue of Iraq. I'm glad we're there. I wish it had gone better. I wish it had gone quicker. I want our troops to come home as soon as possible. But I want our troops to come home having succeeded in Iraq. The effort, the fight that's going on in Iraq, it's not about tomorrow, it's not about next month or next year. It is about the future for our kids and theirs.

Our soldiers in Iraq have brought more security to that country, the political process is working better, and building a democracy in a part of the world that's never known it, there is no price. There is no price that we can put on what that may mean for the future for our kids and theirs.

I know it's been difficult. It's been difficult for all Americans. And it's certainly been difficult for our troops and especially for those troops that have given their lives in defense of our country. But it's a price for freedom. And I think freedom for our kids and theirs is why a lot of us are here. And so supporting our troops that are in Iraq and Afghanistan is important.

I could criticize the majority that this bill should have happened a long time ago. There's no reason to get into that. But I think we're doing the right thing for our troops in this bill finally. I think the expanded GI benefits in this bill, while they may not be exactly as I would write them, taking care of our veterans should be our highest priority and making sure that they have the kinds of educational benefits that will help not only them but also their families will help us retain more of our soldiers, and help give them the benefits that they and their families deserve.

When it comes to the unemployment benefits that are included in this bill, I think it's a reasonable provision to require 20 weeks of work, which is current law, and to extend 13 additional weeks for all 50 States. I wouldn't have done it that way. The gentleman from New York (Mr. RANGEL) knows that. We had a discussion about it. But again, a compromise is a compromise.

I want to thank my Democrat colleagues for working with us to get to this point. And I want to thank them for this commitment that this is the bill, this is the bill that will end up on the President's desk.

And so I would ask all of my colleagues on both sides of the aisle to vote for this. You may not love it, but this is one of those moments when you've worked together, you've worked out a compromise, that Members need to just suck it up and vote "yes" because it's the right thing to do for our country.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the chairman for yielding.

I want to thank the chairman. No one has worked harder to get us to this point in time in a bill that can be signed by the President and passed by the Senate. No one has worked harder than DAVID OBEY has on that objective, and he spent months at it. His staff has worked extraordinarily hard.

I also want to thank my counterpart, the minority leader Mr. BOEHNER who just spoke, and thank him for his efforts. This agreement would not have been reached without his leadership and his cooperation, and I appreciate that.

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I also want to thank Mr. LEWIS for his work on this effort as well.

Mr. Speaker, this supplemental appropriations legislation is the result, as has been said, of a bipartisan compromise that addresses critical needs of the American people.

Will every Member be happy with the substance of the two amendments that we are going to consider? The answer to that question is no.

Will every Member here get what he or she wants? Again, the answer is no. That is, after all, the legislative process.

However, our Nation is at war. We have 150,000 men and women in harm's way in Iraq and Afghanistan. Catastrophic floods continue to wreak havoc in Iowa and other States in the Midwest. And millions of our workers are struggling to make ends meet because they've lost their jobs through no fault of their own.

These two amendments that we will consider address these needs, as well as others.

The first amendment will provide funding for our troops on the battlefield in Iraq and Afghanistan. Each Member will decide how they should vote, and their vote should not be questioned on that particular amendment.

It is also important to note that the second amendment includes important policy provisions regarding the war in Iraq.

First, it prohibits military construction funds from being used to establish permanent bases in Iraq. We have addressed that previously in this House and overwhelmingly supported that proposition.

Secondly, it requires reconstruction aid for Iraq to be matched dollar-for-dollar by the Iraqi Government. With the price of oil being what it is, having been told by the administration that the oil in Iraq would pay for all reconstruction, that is a reasonable and appropriate requirement.

Additionally, the second amendment includes major legislative items that the White House has agreed to accept. That is a good sign that there is an opportunity to work together when the interests of the American people are at stake. We don't always do that. The American public is concerned about that and disappointed by that. But this night, we have come to such an agreement, and the American public can be pleased by that.

Among other things, this amendment expands the education benefits that veterans receive under the GI Bill to restore the promise of a full, 4-year college education, and allowing servicemembers to transfer educational benefits to their spouses and dependents. That was a bipartisan agreement. It's something that we can be pleased about as a country. It's something that we do, in fact, owe our veterans, and we will redeem that promise this night.

Thus, this legislation supports our troops not only when they're abroad but when they return home as well.

We know from our experience with the original GI Bill that this legislation will foster an educated workforce and a vibrant economy. The greatest generation, after all, not only defeated fascism—CHARLIE RANGEL, at a later time, fought for our country in the field—but they also came home, that greatest generation, and built the greatest economy the world has seen. This bill will help in many ways redeem the promise for this generation of men and women who are asked to defend our country and its freedom. It is the right thing to do. We will do it this night.

The President initially indicated his opposition to an extension of unemployment insurance. But this second amendment includes a 13-week extension for workers in every State who have exhausted their benefits. Again, the right thing to do.

The administration also had placed a moratorium on seven Medicaid regulations, the result of which would cut services for seniors, families, and those with disabilities. The administration, after conversation with both sides, has decided and agreed to a moratorium on six of the seven regulations. That's good for the States, but more importantly, it's good for those whom these dollars will help in a time of trouble. This provision has overwhelmingly been supported in this House previously, both sides of the aisle, who voted for protecting the Medicaid safety net by a vote of 349-62. I am pleased the administration has joined us in the support of this effort.

The second amendment also includes critical disaster assistance in the wake of devastating tornadoes and floods, which all of us have seen on TV over the last few days, as well as funding to strengthen New Orleans' levees, as requested by the President, and housing vouchers for those left homeless by Hurricane Katrina.

I want to again commend Chairman OBEY and Chairman RANGEL. Chairman RANGEL played a key role in getting us to this agreement, and I thank him for that.

I also again want to thank Minority Leader BOEHNER and Ranking Member LEWIS for their leadership on this legislation.

Some will say this legislation is not perfect. To that extent, they can apply that to any piece of legislation that we consider, but this legislation is a good piece of legislation. It will provide for our troops in the field, while addressing critical priorities here at home. It will have my support, and I urge the support of this body for such amendment as they believe to be appropriate in the best interests of our country.

Mr. LEWIS of California. Mr. Speaker, I'm very pleased to call upon the former chairman of the committee and my dear friend from Florida, BILL YOUNG, for such time as he might consume.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding the time, and I want to congratulate Chairman OBEY and Mr. LEWIS for having worked out what appeared on many occasions to be an impossible solution. They did a good job.

I compliment Mr. MURTHA, the chairman of the Defense Appropriations Committee for a good job on amendment No. 1. It is not quite as much funding as we thought that there should have been, but we're okay with that. It's a good plan. We're going to vote for it. We're going to vote for the whole package. It just proves, Mr. Speaker, that when we finally settle down and decide to work for the country, we can do it. We can work together and we can make good things happen.

And so the last time we discussed this, I stood here and extended my support for the package, but it didn't pass. This time, I'm indicating my support for the package. At least most of us are going to vote for it, extending our thanks and our appreciation to those who are serving in our military in faroff places around the world—and as we talk so much about defending our freedoms—defending our safety, protecting the safety of the American people here, at home, and abroad.

So it's a good package. I support it strongly, and I compliment all of those who were involved in the negotiations to make this happen.

I thank the gentleman for yielding the time.

Today the House is finally considering funding for the 2008 and 2009 Global War on Terror requirements of the Department of Defense.

The deal on this bill could not have been reached at a more critical time. The Department will very soon be out of money . . . literally.

While I support everything we are doing for the Defense Department in this bill, I do wish that we could have provided all of the requested funding. This bill is almost $4.2 billion below the President's request. More important than this reduction, however, is the fact that we are finally getting the Department the funding they urgently need.

Morale is suffering. This Congress's inability to act has created frightening uncertainty among the men and women of the Department who are not sure they will receive their next paycheck, and placed an inexcusable burden on those professionals trying to execute the finances of the Department during a time of war. It is time to get the Department the money they requested almost a year and a half ago.

Let me reiterate, I have no argument with the substance of the Defense spending in this bill. I support this bill, as I did the previous version that was considered on the House floor. This one, however, I plan to vote for.

Let's pass this supplemental bill, and complete the work of supporting our military and their families.

While there have been numerous votes in the House and Senate on this issue as we negotiated our way to this agreement, this is the critical vote and the meaningful vote as we conclude our work on this Supplemental Appropriations Bill.

Mr. OBEY. I yield 3 minutes to the distinguished gentleman from New York, the chairman of the Ways and Means Committee, Mr. RANGEL. I want to thank Mr. RANGEL for the work he did in conference.

Mr. RANGEL. I want to thank Majority Leader HOYER, the Speaker, certainly Chairman OBEY, Mr. LEWIS and my good friend, JOHN BOEHNER, for inviting me to participate in just one part of this very complex problem that we have faced.

I just want to make it abundantly clear that what we were fighting for when we were talking about providing resources for those people that have lost their jobs was not a Democratic position or a Republican position, but it was a position that I'm glad that the minority leader understood, that affected not only the ability of Americans to put food on the table or to clothe their children or to pay their bills, but it really involved the dignity of the middle class.

And I will speak briefly to that, because JIM MCDERMOTT has the passion and truly understanding that we're not talking about being liberal or being conservative. That Statue of Liberty is up there for people all over the world, for centuries, for people to dream the American dream.

And what is it? It certainly isn't to be some type of tycoon that gets preferential tax treatment, and we know that it's not those people who are jobless and homeless. But it's those people that really think that they can have some dignity and pride in providing for their family, sending their kids to school, and maybe buying that first house.

When I heard that they were excluded from the stimulus package, because if you give these people money they might be inclined not to seek jobs, that struck me to the heart just as much as if someone snatched the flag and threw it in the street because it's these people that are the consumers. It's these people that dream for a better America. It's these people that everyone does and should aspire to be.

And for them to be ignored at a time when, through no fault of their own—and I stress that, through no fault of their own—find themselves without disposable income, find themselves losing the dignity in their communities and in their families, it would have just seemed to me that it would not have been a partisan issue, that we all should just come there and not to give a handout, since there's $35 billion that they paid into, but to be able to say, "there but for the grace of God goes me."

And so I want to thank JOHN BOEHNER, because he never pushed that point in terms of we can't afford to do it. It was just a question of how much can and should we do.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OBEY. I yield the gentleman 1 additional minute.

Mr. RANGEL. I hope when we start looking at some other issues, and we're looking to see how we're going to jump-start this economy, that we recognize that it won't be the homeless and the hopeless that we'll be going to. They're not even in the system. It won't be the wealthy, that the President insists that we extend their tax cuts, because they wouldn't even know what the check came in for.

But it would be what makes this country so great, what fights our wars, what runs our jobs, what produces for trade, and what makes it the greatest country in the whole world, and that is the middle class. And when they get into trouble, as they are now, I think this Congress should not have a political debate. We should be there to help them because they're what makes our country great.

So thank you for giving me the opportunity and thank you, JOHN BOEHNER, for understanding what we were trying to do.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, as chairman of the Income Security and Family Support Subcommittee, I've spent the last 6 months fighting for passage of the emergency unemployment extension. The American people needed a helping hand back in January when I introduced the legislation, and they need it now more than ever.

Just the other day, my home State of Washington reported the largest 1-month increase in unemployment in 28 years. The unemployment rate spiked in just 1 month from 4.7 to 5.3 percent. We saw much the same happen at the national level.

Yet for all the evidence, all the objective data, we saw the White House order Senate Republicans to drag their feet until the President got his way. Last week, the House voted overwhelmingly to pass emergency unemployment on its own merits. We achieved a two-thirds vote in here, veto-proof. So what did the President do? He ordered the Senate Republicans to withhold help from the Americans until he could force Congress to cut out the extra help needed in badly hit States like Michigan, Alaska, Puerto Rico, Rhode Island, California and the District of Columbia.

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Today we're going to get the best that we can get from a lame duck President and the Senate Republicans.

JOHN McCAIN must have written off Michigan and California. But the American people have been hit hard by economic calamity, rooted in the disastrous policies of this administration, and they deserve better than this. When Americans can't find jobs because this President and Senate Republicans have tanked the economy, I submit the wrong people are standing in the unemployment line. And I trust the American people will remember in November who fought for them and who fought against them.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Let me simply take this opportunity to thank the staff, especially Rob Nabors, on our side of the aisle. And I want to especially also thank Mr. MURTHA and Senator INOUYE and Mr. YOUNG for the work they did in fashioning amendment No. 1 that we have before us today.

I also want to thank Mr. RANGEL, certainly Mr. HOYER, and the Speaker for all of the work that they have done in bringing us to this point. And I also want to thank especially Mr. BOEHNER, who certainly has been integral to achieving this today. And also Mr. LEWIS and CANTOR, who have worked consistently on this, and I appreciate the work they did even through yesterday. And one more thank you to Senator WEBB and to Representative HERSETH SANDLIN in this House for leading the efforts to see that we did have an expanded GI Bill benefit for veterans, and also Senator REID.

And now let me inquire, does the gentleman have any other speakers?

Mr. LEWIS of California. At most, we have one remaining speaker, that's me. And so I reserve the balance of my time. And I will use very little time.

Mr. OBEY. I intend to have the Speaker do the closing. Would you like to finish before I ask her to close?

Mr. LEWIS of California. I certainly wouldn't want to speak before the Speaker, so I will yield back the balance of my time.

Mr. OBEY. I thank the gentleman, and I yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. Thank you very much, Mr. Chairman, for yielding.

I want to join my colleague, Mr. OBEY, the distinguished chairman of the Appropriations Committee, in acknowledging the great work of Rob Nabors and all of the staff involved in putting this bill together today.

I want to join him in acknowledging the leadership of the distinguished minority leader, our majority leader, Mr. HOYER, the chairman, Mr. RANGEL, for his important work on unemployment insurance, Mr. McDERMOTT, who just spoke, for his important work getting the bill ready. Mr. LEWIS, to you and to Mr. CANTOR and all involved in all this. Mr. MURTHA, to you as well, and Mr. SKELTON, to you as well.

We were able to come to this compromise because we were ready. As Mr. McDERMOTT said, earlier in the year we had a bill ready for unemployment insurance. It wasn't going to be signed by the President. We had to put it off until another time. Two weeks ago tomorrow, the unemployment rate in our country shot up by half a point from approximately 5 to 5.5 percent. It sent a very stern message to the Congress of the United States and to the President that we must act.

Following that, on the floor last week, on two occasions, we had a very strong bipartisan vote in favor of unemployment insurance. So when Mr. RANGEL went to the table to talk about compromise, it was clear that we had to reflect the will of the American people, and he was ready, he was ready with the legislation. And I'm pleased that Mr. BOEHNER was ready to accept that.

When we started talking about the final versions of this bill in the past couple of weeks, little did we know that the skies would open and rain would fall and the Midwest of our country would be deluged, and there would be a need to make some adjustment in this bill for disaster assistance to the Midwest and to replenish the FEMA fund to make up for funds spent now. We were ready. And I don't think there was any compromise on that subject; we all agreed that that had to be done.

I am particularly pleased that in the legislation there is a signal sent that this Congress cares about investments in science, it cares about the future, not as much as I would like, but nonetheless, I thank you, Mr. Chairman, for having that included. And I thank my colleagues for accepting that.

I want to join in all the commendations, again, to those who helped bring this compromise to the floor. I am very pleased that it has the GI Bill, finally. It became clear that this is what we had to do, what we owed our young people to say thank you to them by sending them to college. Mr. CHET EDWARDS has been a champion on this issue. I will come back to that in a moment.

But, Mr. Speaker, I'm sorry that I cannot fully participate in all of the comradery that is accompanying this legislation that we bring to the floor because of the huge amount of money that is in this bill to fund the war in Iraq without any conditions, without any limitation on time spent there. I'm glad that we have something about no permanent bases, yes, but this is the first time that we will be sending a bill—well, we sent it to the Senate with conditions and they struck it. We have no choice. This is not about a failure of this House of Representatives; it's about what we cannot get past the next body and onto the President's desk.

Mr. Speaker, about a week ago, I spoke at the opening of the groundbreaking for the Institute of Peace. I know that you have been involved in that over the years. And I said that day, on a warm June day like today, it was reminiscent of one 45 years ago when President John F. Kennedy delivered the commencement address at American University.

In the last summer of a life that ended far too soon, President Kennedy spoke of the need to seek peace even in the midst of the Cold War. He said, "The United States, as the world knows, will never start a war," Kennedy told the crowd assembled. "We shall be prepared if others wish it, we shall be alert to try to stop it, but we shall also do our part to build a world of peace where the weak are safe and the strong are just." That was President Kennedy's philosophy of his foreign policy.

Contrary to that policy, President Bush started a war based on a false premise. He sent our troops into a situation that he didn't know what he was getting into. The philosopher Hannah Arendt once said, she observed that nations are driven by the endless flywheel of violence, believing that one last, one final violent gesture will bring peace. But each time they sow the seeds for more violence.

Five years later, we are still engaged in the war in Iraq, 2 years longer than we were in World War II, and that has come at a very great cost. The costs are clear, of course, and we all mourn 4,100 of our troops who have lost their lives in battle, tens of thousands of our troops injured, thousands of them permanently. I met with some of them with my colleagues, Mr. DICKS, Mr. INSLEE and Mr. MCDERMOTT, at the Seattle VA Hospital last Friday. And before that, Mr. MURTHA and I visited our troops in the hospital as well here in Washington, D.C.

Over Memorial Day, I visited our troops in Iraq with some of our colleagues. It was my sixth trip into the theater. And what they asked me is what they always ask: What's going to happen to us when we go home? And for a long time on those visits I didn't have an answer that I could be very, very pleased to tell them. But now, because of the leadership of Mr. EDWARDS, and others, we're able to say that when you come home, you will be met with the biggest increase in the Veterans Administration health budget in the 77-year history of the Veterans Administration, and that means in the history of our country, an even bigger investment this year.

And after tonight, in a bipartisan way, we can proudly say—and Mr. YOUNG, who has done more than you? You have just been wonderful, and I salute you as well. We can proudly say to our troops, to our young student veterans, that when they come home, we will say thank you by sending them to college; $7 for every dollar spent on the GI Bill following World War II. We owe these troops nothing else.

Now let's go back to the cost of that war. We talked about those who lost their lives, we talked about those who are permanently injured. And it's such a sad story. The cost to our reputation in the world is enormous. The cost in dollars, the Heritage Foundation said $2.75 trillion. The Heritage Foundation, that's their figure; nearly $3 trillion projected to be the cost of this war.

And so it's hard to understand when we say to the President, we would like to insure 10 million children in America, and he says we can't afford it, so I vetoed the bill. And the Republicans stuck with him on that veto—not all, many voted in a bipartisan way. Forty days in Iraq, 10 million children insured in America for 1 year. We can't afford it? $2.75 trillion, the cost of this war.

But what is worrisome—I know to Mr. SKELTON, to Mr. MURTHA, and I'm certain to Mr. YOUNG, although he has not given me license to speak for him—is the cost of the military capability of our Nation, lives, limbs, reputation, dollars, opportunity costs at home. But this is about keeping the American people safe. That's what we take an oath of office to do, to provide for the common defense. And our ability to honor our oath of office to uphold the Constitution—in the preamble it says "to provide for the common defense"—is greatly diminished because this war has diminished the capability of American military forces to protect our interests wherever they are threatened in the world.

So let us think and hope that this is the last time that there will ever be another dollar spent without constraints, without conditions, without direction. Why should we trust the same judgment that got us here in the first place in this war?

So while I'm pleased that we have some spirit of civility here tonight about coming to a conclusion on this bill to bring it to the floor, and I enthusiastically will vote for the domestic piece of this, I'm not urging anyone to do anything, I just want you to know why I would be voting "no" on the spending without constraints.

We owe our troops more than sending them into war on a false premise, without the equipment and training they need, without a plan for success, without a strategy to leave. This war has not made the region more stable, it has not made our country safer. It has undermined our capability to protect the American people. It should come to an end safely, honorably, responsibly, and soon.

Mr. OBEY, Mr. Speaker, I submit the following:

EXPLANATORY STATEMENT SUBMITTED BY MR. OBEY, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS, REGARDING THE FURTHER AMENDMENT OF THE HOUSE OF REPRESENTATIVES RELATING TO SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2008 AND 2009

Following is an explanation of the further amendment of the House of Representatives (relating to supplemental appropriations for fiscal years 2008 and 2009) to the Senate amendment numbered 2 to the House amendment numbered 2 to the Senate amendment to H.R. 2642, the Supplemental Appropriations Act, 2008.

In this statement, the provisions of the further House amendment are generally referred to as "the amended bill".

The further House amendment provides that, in lieu of the matter proposed to be inserted by the Senate, language be inserted providing supplemental appropriations for military construction, international affairs, disaster assistance, and other security-related and domestic needs, as well as language providing for accountability in contracting, improved veterans education benefits, temporary extended unemployment compensation, and a moratorium on certain Medicaid regulations. The amendment also strikes lines 1 through 3 on page 60 of the Senate engrossed amendment of September 6, 2007.

The text of the amendment is printed in the Rules Committee report (H. Rpt. 110–720) to accompany House Resolution 1284.

Unless otherwise noted, all appropriations in the amendment are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 and section 301(b)(2) of S. Con. Res. 70, the congressional budget resolutions for fiscal years 2008 and 2009.

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The amended bill provides a total of $850,000,000 to remain available until expended for Public Law 480 Title II Grants for fiscal year 2008. The amended bill provides $350,000,000, as requested, for the urgent humanitarian needs identified by the administration. Further, the amended bill provides an additional $500,000,000 for unanticipated cost increases for food and transportation to be made available immediately.

In addition, because the need for urgent humanitarian food assistance and continuing volatility of food and transportation costs are expected to continue into fiscal year 2009, the amended bill provides a total of $395,000,000, as requested, to be made available beginning October 1, 2008.

CHAPTER 2—JUSTICE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

The amended bill includes $4,000,000 for the Office of Inspector General. The Inspector General is directed to continue its audit and oversight activities of the Federal Bureau of Investigation's use of National Security Letters (NSLs) and orders for business records, pursuant to Section 215 of the USA PATRIOT Act.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The amended bill includes $1,648,000 for General Legal Activities for the Criminal Division to provide litigation support services to the Special Inspector General for Iraq Reconstruction for its ongoing investigations and cases involving corruption in the reconstruction of Iraq. The amended bill does not include funding requested to create Iraq and Afghanistan support units within General Legal Activities, Criminal Division. These worthy activities should be supported through funds made available to the Departments of State or Defense.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The amended bill includes $5,000,000 for the U.S. Attorneys for extraordinary litigation expenses associated with terrorism prosecutions in the United States.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The amended bill includes $28,621,000 for the U.S. Marshals Service. Within this funding level is $7,951,000 to provide security at high-threat terrorist trials in the United States and $3,700,000 to improve court and witness security in Afghanistan.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The amended bill provides $106,122,000 for the Federal Bureau of Investigation (FBI). This funding level includes $101,122,000 for operations in Iraq and Afghanistan and for enhanced counterterrorism activities and $5,000,000 to increase the FBI's capacity to investigate fraudulent contracts in Iraq and Afghanistan. The FBI is directed to provide the House and Senate Committees on Appropriations with a detailed plan for the obligation of these funds no later than 30 days after the enactment of this Act and to update this plan on a quarterly basis with actual obligations.

The amended bill also provides $82,600,000 in bridge funding for the FBI to maintain the operations described above into fiscal year 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The amended bill includes $29,861,000 for the Drug Enforcement Administration to further its narco-terrorism initiative and Operation Breakthrough; to conduct financial investigations and to support intelligence activities, such as signals intelligence, to assist the Government of Afghanistan's counter-narcotics and narco-terrorism programs; and to purchase a helicopter for Foreign-deployed Advisory Support Team transportation.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The amended bill includes $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives for necessary costs of operations in Iraq.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill provides $9,100,000 for the Bureau of Prisons to monitor communications of incarcerated terrorists, collect intelligence, and disseminate relevant information to other Federal law enforcement agencies.

GENERAL PROVISION, THIS CHAPTER

The amended bill includes a provision authorizing the use of funds appropriated in this chapter, or available by the transfer of funds in this chapter, for activities pursuant to section 504 of the National Security Act of 1947.

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

Iraq.—The Administration's request has been reviewed for military construction in Iraq to ensure that the recommended projects are consistent with contingency construction standards. The establishment of permanent bases in Iraq is not supported, and the amended bill does not include any funds to establish any such base, or convert any base in Iraq from a temporary to permanent status. The amended bill includes language prohibiting the obligation or expenditure of funds for Iraq construction projects provided under Military Construction, Army, and Military Construction, Air Force, until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for permanent basing of U.S. military personnel in Iraq. The Secretary of Defense is further directed to provide to the Committees on Appropriations of both Houses of Congress, no later than 30 days after enactment of this act, an updated Master Plan for U.S. basing in Iraq, including an inventory of installations that have been closed; those that are scheduled to close, and the timeline for their closure; and a finite list of potential enduring locations describing the mission, military construction requirements, and projected population of these locations.

Child Development Centers.—The amended bill recommends a total of $210,258,000 to design and build twenty new child development centers for the Army, Navy, Marine Corps, and Air Force. The Department should be commended for following the lead of Congress by requesting funds for additional child development centers.

Army Barracks Improvements.—The deplorable conditions that have recently been uncovered in some permanent party Army barracks, including those which house soldiers returning from the wars in Iraq and Afghanistan, have raised numerous concerns about the adequacy of living conditions for military personnel. The Army created a permanent party barracks modernization program in 1994 to eliminate inadequate barracks. However, this program is not projected to be completely funded until 2013. Given this timeline, it is unacceptable that the Army has allowed some of its existing permanent party barracks to fall into disrepair. While many of the repairs and upgrades to existing barracks can be accomplished with Sustainment, Restoration, and Modernization (SRM) funds, there is a need for additional military construction funds to expedite barracks replacements. The amended bill includes a total of $200,000,000 for the Army to accelerate the construction of new barracks, or to provide major renovations to existing barracks. The funding is provided subject to the development of an expenditure plan to be submitted to the Committees on Appropriations of both Houses of Congress.

MILITARY CONSTRUCTION, ARMY

The amended bill recommends $1,108,200,000 for Military Construction, Army. The funds are provided as follows:

[Dollars in thousands]

Location	Protect description	Request	Recommendation
AK: Fort Wainwright	Child Development Center [1]	17,000	17,000
CA: Fort Irwin	Child Development Center [1]	11,800	11,800
CO: Fort Carson	Child Development Center [1]	8,400	8,400
CO: Fort Carson	Soldier Family Assistance Center	8,100	8,100
GA: Fort Gordon	Child Development Center [1]	7,800	7,800
GA: Fort Stewart	Soldier Family Assistance Center	6,000	6,000
HI: Schofield Barracks	Child Development Center	12,500	12,500
KS: Fort Riley	Transitioning Warrior Support Complex	50,000	50,000
KY: Fort Campbell	Child Development Center [1]	9,900	9,900
KY: Fort Campbell	Soldier Family Assistance Center	7,400	7,400
KY: Fort	Knox Child Development Center	7,400	7,400
LA: Fort Polk	Soldier Family Assistance Center	4,900	4,900
MO: Fort Leonard Wood	Starbase Complex 6, Phase 1		50,000
NC: Fort Bragg	Child Development Center [1]	8,500	8,500
NY: Fort Drum	Warrior in Transition Facilities	38,000	38,000
OK: Fort Sill	Child Development Center [1]	9,000	9,000
TX: Fort Bliss	Child Development Center [1]	5,700	5,700
TX: Fort Bliss	Child Development Center [1]	5,900	5,900
TX: Fort Bliss	Child Development Center [1]	5,700	5,700
TX: Fort Hood	Child Development Center [1]	7,200	7,200
TX: Fort Hood	Warrior In Transition Unit Ops Facilities	9,100	9,100
TX: Fort Sam Houston	Child Development Center [1]	7,000	7,000
VA: Fort Lee	Child Development Center [1]	7,400	7,400
Afghanistan: Bagram AB	Administrative Building [1]	13,800	13,800
Afghanistan: Bagram AB	Aircraft Maintenance Hangar	5,100	5,100
Afghanistan: Bagram AB	Ammunition Supply Point	62,000	62,000
Afghanistan: Bagram AB	Bulk Fuel Storage and Supply, Phase 3	23,000	23,000
Afghanistan: Bagram AB	Bulk Fuel Storage and Supply, Phase 4	21,000	21,000
Afghanistan: Bagram AB	New Roads	27,000	27,000
Afghanistan: Bagram AB	Power Plant	41,000	41,000
Afghanistan: Ghazni	Rotary Wing Parking	5,000	5,000
Afghanistan: Kabul	Consolidated Compound	36,000	36,000
Afghanistan: Various Locations	Counter IED Road—Route Alaska	16,500	16,500
Afghanistan: Various Locations	Counter IED Road—Route Connecticut	54,000	54,000
Iraq: Al Asad AB	Hot Cargo Ramp	18,500	18,500
Iraq: Al Asad AB	Landfill	3,100	3,100
Iraq: Al Asad AB	Power Plant	40,000	
Iraq: Al Asad AB	South Airfield Apron (India Ramp)	28,000	28,000
Iraq: Al Asad AB	Urban Bypass Road	43,000	
Iraq: Baghdad IAP	Water Supply, Treatment & Storage Ph III	13,000	13,000
Iraq: Camp Adder	Convoy Support Center Relocation, Phase II	39,000	39,000
Iraq: Camp Adder	Multi-Class Storage Warehouse	17,000	
Iraq: Camp Adder	POL Storage Area	10,000	10,000
Iraq: Camp Adder	Power Plant	39,000	
Iraq: Camp Adder	Wastewater Treatment & Collection System	9,800	9,800
Iraq: Camp Anaconda	Hazardous Waste Incinerator	4,300	4,300
Iraq: Camp Anaconda	Landfill	6,200	6,200
Iraq: Camp Anaconda	Power Plant	39,000	
Iraq: Camp Constitution	Juenile TIFRIC	11,700	11,700
Iraq: Camp Cropper	Brick Factory	9,500	
Iraq: Camp Marez	Landfill	880	880
Iraq: Camp Ramadi	Landfill	880	880

[Dollars in thousands]

Location	Project description	Request	Recommendation
Iraq: Camp Speicher	Aviation Navigation Facilities	13,400	13,400
Iraq: Camp Speicher	Landfill	5,900	5,900
Iraq: Camp Speicher	Military Control Point	5,800	5,800
Iraq: Camp speicher	Power Plant	39,000	
Iraq: Camp Speicher	Rotary Wing Parking Apron	49,000	
Iraq: Camp Taqqadum	Landfill	880	880
Iraq: Camp Warrior	Landfill	880	880
Iraq: Fallujah	Landfill	880	880
Iraq: Mosul	Urban Bypass Road	43,000	
Iraq: Qayyarah West	North Entry Control Point	11,400	11,400
Iraq: Qayyarah West	Perimeter Security Upgrade	14,600	14,600
Iraq: Qayyarah West	Power Plant	26,000	
Iraq: Scania	Entry Control Point	5,000	5,000
Iraq: Scania	Water Storage Tanks	9,200	9,200
Iraq: Victory Base	Landfill	6,200	6,000
Iraq: Victory Base	Level 3 Hospital	13,400	13,400
Iraq: Victory Base	Wastewater Treatment & Collection System	9,800	9,800
Iraq: Victory Base	Water Treatment &. Storage Phase II	18,000	18,000
Iraq: Various Locations	Facilities Replacement	72,000	
Iraq: Various Locations	Overhead Cover—eGlass	135,000	135,000
Kuwait: Camp Arifjan	Communication Center	30,000	30,000
Worldwide: Unspecified	Planning and Design (GWOT)	64,200	52,800
Worldwide: Unspecified	Planning and Design (WIT)	14,600	14,600
Worldwide: Unspecified	Planning and Design (COG)[1]	6,000	6,000
Total		1,486,100	1,108,200

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $355,907,000 for Military Construction, Navy and Marine Corps. The funds are provided as follows:

[Dollars in thousands]

Location	Project description	Request	Recommendation
CA: Camp Pendleton	11th Marine Regiment HQ, Armory, BEQ	34,970	34,970
CA: Camp Pendleton	5th Marine Regiment Addition, San Mateo	10,890	10,890
CA: Camp Pendleton	Armory Intelligence Battalion, 16 Area	4,180	4,180
CA: Camp Pendleton	Armory, Regiment & Battalion HQ, 53 Area	5,160	5,160
CA: Camp Pendleton	BEQ & Mess Hall HQ (13) Area	24,390	24,390
CA: Camp Pendleton	EOD Operations Facility	13,090	13,090
CA: Camp Pendleton	ISR Camp—Intelligence Battalion	1,114	1,114
CA: Camp Pendleton	JIEDDO Battle Courses[1]	9,270	9,270
CA: Camp Pendleton	Military Police Company Facilities	8,240	8,240
CA: Twentynine Palms	Regimental Combat Team HQ Facility	4,440	4,440
CA: China Lake NAWS	JIEDDO Battle Courses[1]	7,210	7,210
CA: Point Mugu	JIEDDO Battle Courses[1]	7,250	7,250
CA: San Diego	Child Development Center[1]	17,930	17,930
CA: Twentynine Palms	JIEDDO Battle Courses[1]	11,250	11,250
FL: Whiting Field NAS	JIEDDO Battle Courses[1]	780	780
MS: Gulfport NCBC	JIEDDO Battle Courses[1]	6,570	6,570
NC: Camp Lejeune	Child Development Center[1]	16,000	16,000
NC: Camp Lejeune	JIEDDO Battle Courses[1]	11,980	11,980
NC: Camp Lejeune	Maintenance/Operations Complex 2/9	43,340	43,340
SC: Parris Island MCRD	Recruit Barracks		25,360
VA: Yorktown NWS	JIEDDO Battle Courses[1]	8,070	8,070
Djibouti: Camp Lemonier	CJTF–HOA HQ Facility	29,710	
Djibouti: Camp Lemonier	Dining Facility	20,780	20,780
Djibouti: Camp Lemonier	Fuel Farm[1]	4,000	4,000
Djibouti: Camp Lemonier	Full Length Taxiway[1]	15,490	15,490
Djibouti: Camp Lemonier	Network Infrastructure Expansion	6,270	6,270
Djibouti: Camp Lemonier	Water Production	19,140	19,140
Djibouti: Camp Lemonier	Western Taxiway[1]	2,900	2,900
Worldwide: Unspecified	Planning and Design (GTF)	7,491	7,491
Worldwide: Unspecified	Planning and Design (GWOT)	4,300	4,300
Worldwide: Unspecified	Planning and Design (CDC)[1]	1,101	1,101
Worldwide: Unspecified	Planning and Design (JIEDDO)[1]	2,951	2,951
Total		360,257	355,907

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

Joint IED Defeat Organization (JIEDDO) Battle Courses.—The amended bill recommends $65,331,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, AIR FORCE

The amended bill recommends $399,627,000 for Military Construction, Air Force. The funds are provided as follows:

[Dollars in thousands]

Location	Project description	Request	Recommendation
CA: Beale AFB	Child Development Center[1]	17,600	17,600
FL: Eglin AFB	Child Development Center[1]	11,000	11,000
NJ: McGuire AFB	JIEDDO Battle Courses[1]	6,200	6,200
NM: Cannon AFB	Child Development Center[1]	8,000	8,000
Afghanistan: Bagram AB	East Side Helo Ramp	44,400	44,400
Afghanistan: Bagram AB	ISR Ramp.	26,300	26,300
Afghanistan: Bagram AB	Parallel Taxiway Phase 2	21,400	21,400
Afghanistan: Bagram AB	Strategic Ramp	43,000	43,000
Iraq: Balad AB	Fighter Ramp	11,000	11,000
Iraq: Balad AB	Foxtrot Taxiway	12,700	12,700
Iraq: Balad AB	Helicopter Maintenance Facilities.	34,600	34,600
Kyrgyzstan: Manas AB	Strategic Ramp	30,300	30,300
Oman: Masirah AB	Expeditionary Beddown Site	6,300	6,300
Qatar: Al Udeid AB	Facility Replacements	40,000	30,000
Qatar: Al Udeid AB	Northwest (CAS) Ramp[1]	60,400	60,400

[Dollars in thousands]

Location	Project description	Request	Recommendation
Worldwide: Unspecified	Planning and Design (GWOT)	35,000	35,000
Worldwide: Unspecified	Planning and Design (CDC)[1]	1,427	1,427
Total		409,627	399,627

[1] Requested by the Department of Defense in fiscal year 2008 and/or the March 2008 Adjustments package.

Joint IED Defeat Organization (JIEDDO) Battle Courses.—The amended bill recommends $6,200,000 to construct facilities for enhanced counter-improvised explosive device training in furtherance of the goals of the Joint IED Defeat Organization. These funds address a technical correction in the Administration's fiscal year 2008 Global War on Terror budget request and are offset by a rescission in title IX.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The amended bill recommends $890,921,000 for Military Construction, Defense-Wide. The funds are provided as follows:

[Dollars in thousands]

Location	Project description	Request	Recommendation
GA: Fort Benning	Hospital Replacement		350,000
KS: Fort Riley	Hospital Replacement		404,000
NC: Camp Lejeune	Hospital Addition		64,300
TX: Fort Sam Houston	Burn Rehabilitation Center	21,000	21,000
Qatar: Al Udeid AB	Logistics Storage Warehouse	6,600	6,600
Worldwide: Unspecified	Planning and Design (MTF)		45,021
Total		27,600	890,921

Medical Treatment Facilities Construction.—There is a great concern with the large backlog of needed recapitalization for medical treatment facilities for military service members and their families. The current Future Years Defense Plan (FYDP) for Tricare Management Activity military construction averages $412,000,000 per year for fiscal years 2009 through 2013, and much of this amount is accounted for by medical research facilities. With the services identifying recapitalization requirements ranging in the several billions of dollars, the current FYDP for medical construction is obviously and severely insufficient. The Department's inventory of medical treatment facilities is riddled with aging hospitals, clinics, and other facilities that do not meet current standards for medical care. Adding to this problem is the fact that several installations are adding thousands of personnel and dependents due to Base Realignment and Closure, the relocation of units from Europe and Korea to the United States, and the Growing the Force initiative that will add 92,000 active duty personnel to the Army and Marine Corps. The amended bill therefore recommends $863,321,000 for additional medical treatment facility construction. These funds will provide for the Army's top two priority hospital replacement projects in the United States as well as a top priority hospital addition for the Marine Corps.

The Department of Defense is also directed to develop a comprehensive master plan for medical treatment facilities construction, to include both recapitalization and new requirements. This plan shall include a comprehensive priority list of projects for all services, provide a cost estimate for each project, supply data on the current state of facilities and the projected change in demand for services due to growth for each location on the list, indicate the extent to which identified construction requirements are programmed in the FYDP, and indicate the resources required for associated planning and design work. This report shall be submitted to the Committees on Appropriations of both Houses of Congress no later than December 31, 2008.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

The amended bill recommends $11,766,000 for Family Housing Construction, Navy and Marine Corps. The funds are provided as follows:

[Dollars in thousands]

Location	Project description	Request	Recommendation
CA: Camp Pendleton	Public-Private Venture, Phase 6B	10,692	10,692
CA: Twentynine Palms	Public-Private Venture, Phase 2A	1,074	1,074
Total		11,766	11,766

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

The amended bill recommends $1,278,886,000 for Department of Defense Base Closure Account 2005 instead of $1,202,886,000 as requested by the Administration. The amount provided fully funds the Administration's request to expedite medical facility construction at Bethesda and Fort Belvoir, and provides an additional $862,976,000 for BRAC 2005 implementation.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

The amended bill recommends $100,000,000 for General Operating Expenses to implement the provisions of title V of this Act.

INFORMATION TECHNOLOGY SYSTEMS

The amended bill recommends $20,000,000 for Information Technology Systems to implement the provisions of title V of this Act, including support for any personnel increases within the Veterans Benefits Administration.

CONSTRUCTION, MAJOR PROJECTS

The amended bill recommends $396,377,000 for Construction, Major Projects to accelerate and complete planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan.

Polytrauma Center Initiative.—The nature of combat in Iraq and Afghanistan has resulted in new patterns of polytraumatic injuries and disabilities requiring specialized intensive rehabilitation and high coordination of care. Operating under a national Memorandum of Agreement with the Department of Defense (DOD), the Department of Veterans Affairs (VA) polytrauma rehabilitation centers continue to provide treatment and care to severely injured combat personnel requiring polytrauma inpatient rehabilitation. The medical care the VA is providing to military personnel is exceptional. However, space in the existing polytrauma facilities is dated, with cramped quarters and treatment facilities scattered throughout hospital campuses. These inefficiencies prove to be difficult for patients with mobility issues, compromised immune systems, and those suffering from psychological wounds. In an effort to accelerate the VA's planned expansion and consolidation of polytrauma rehabilitation centers on existing hospital campuses as outlined in the Department's February 2008 Five Year Capital Plan, the amended bill recommends providing $396,377,000 to fully fund the design and construction of these crucial projects.

GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

Section 1301 provides an additional appropriation for Military Construction, Army for the acceleration of barracks improvements at Army installations.

Section 1302 relates to the Armed Forces Institute of Pathology.

Section 1303 relates to the collection of certain debts owed to the Department of Veterans Affairs by service members killed in a combat zone.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

INTRODUCTION

The budget request totals $5,073,608,000 in emergency supplemental funds for fiscal year 2008, and the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) provided $1,473,800,000 for immediate requirements. The amended bill provides for Department of State, Foreign Operations and Related Programs a total of $5,164,108,000, which is $90,500,000 above the pending budget request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The budget request included $2,283,008,000 for Diplomatic and Consular Programs, of which $575,000,000 was appropriated in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for operations and security at the United States Embassy in Iraq.

The amended bill includes an additional $1,465,700,000 for Diplomatic and Consular Programs, which is $242,308,000 below the pending request. Within the amount provided, $210,400,000 is for worldwide security protection. Funds for diplomatic and consular programs are to be allocated as follows:

DIPLOMATIC AND CONSULAR PROGRAMS

($ in thousands)

Activity	Pending request	Amended bill	Change from request
Iraq Diplomatic Operations	1,545,608	1,150,000	−395,608
Afghanistan—Operations and Worldwide Security Protection	162,400	200,200	37,800
Pakistan—Operations	0	7,500	7,500
Western Hemisphere Travel Initiative	0	1,000	1,000
Worldwide Security Protection	0	48,000	48,000
Civilian Workforce Initiative	0	55,000	55,000
Public Diplomacy	0	4,000	4,000
Total, Diplomatic and Consular Programs	1,708,008	1,465,700	−242,308

Afghanistan.—Within the total, the amended bill includes $200,200,000, which is $37,800,000 above the request, for necessary expenses for diplomatic and security operations in Afghanistan. Of this amount, $162,400,000 is for enhanced security operations, including additional high threat protection teams, increased overhead cover and physical security measures, replacement of armored vehicles, and local guard service. In addition, $19,000,000 is for the establishment of a Department of State-managed air transport capability in Afghanistan for Department of State and United States Agency for International Development (USAID) personnel to manage country programs, provide support for medical evacuation, and other security-related operations. Finally, $18,800,000 is for support of operations and personnel for Provincial Reconstruction Teams (PRTs) in Afghanistan.

Iraq.—Within the total, $1,150,000,000 is for the diplomatic and security operations of the United States Mission in Iraq, which is $395,608,000 below the pending request. The cost of operations of the United States Mission in Iraq totals $2,141,000,000 for fiscal year 2008, including $1,150,000,000 provided in this Act, $575,000,000 provided as bridge funding in Public Law 110–161 and $416,000,000 in funds carried over from prior year appropriations. Nearly $900,000,000 is requested for supporting security requirements for diplomatic and development personnel in Iraq.

The amended bill includes funding for mission operations, security, logistics support, information technology, and operations of PRTs. Congress has provided an additional $196,543,000 since fiscal year 2006 for follow-on facilities requirements identified by the Department of State, as follows: extend the perimeter wall; construct a dining facility; construct additional housing; construct a tactical operations center for Diplomatic Security; construct a static guard camp; and construct overhead cover. The actual cost of building the New Embassy Compound (NEC) has reached a total of $788,543,000 to date.

The number of permanent and temporary personnel assigned to Iraq, with the exception of USAID, should be decreased to accommodate all personnel within the NEC and any improvements can be made with previously appropriated funds. USAID will play a critical role in assisting the Government of Iraq in effectively allocating its budgetary resources.

The additional $43,804,000 requested for follow-on projects for the NEC in Baghdad is not included. At least $77,027,000 in prior year funding programmed for follow-on projects is available for obligation and these funds should be used to provide additional secure housing for a smaller number of personnel.

None of the funds provided under this heading in this Act shall be made available for follow-on projects, other than the proposed funding for overhead cover. The Department of State should include a detailed plan for the use of funds for follow-on projects as part of the spending plan required by this Act.

Due to an extended accreditation and verification process and the addition of follow-on projects, occupancy of the NEC offices and housing has been delayed. This rigorous process to address and validate whether the NEC was constructed to code and contract specifications was supported. Now that the process is complete, occupancy of the offices and housing should proceed without delay in order to provide the maximum protection to United States personnel.

The rationale for co-location of the Departments of State and Defense in the NEC is recognized. However, the proposed New Office Building and the Interim Office Building reconfigurations are projected to delay occupancy of NEC offices by up to one year. Given the difficult security environment in Baghdad, this lengthy delay is not acceptable. The Departments of State and Defense are expected to consult with the Committees on Appropriations on options for moving forward with limited co-location plans in the most accelerated, secure, and cost-effective manner. Any future construction in Iraq shall be subject to the Capital Security Cost Sharing Program, in the same manner as all other embassy construction projects worldwide.

There is a concern that private security contractors have been utilized without the necessary authority, oversight, or accountability. The Department of State is directed to provide a report to the Committees on Appropriations not later than 45 days after enactment of this Act on the implementation status of each of the recommendations of the October 2007 report of the Secretary of State's Panel on Personal Protective Services. The Department of State is encouraged to aggressively review security procedures and seek the necessary authority to ensure that increased security is achieved with effective oversight and accountability.

The Secretary of State should take appropriate steps to ensure that assistance for Iraq is not provided to or through any individual, private entity or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

Pakistan.—The amended bill includes $7,500,000 for operations, security, and personnel engaged in diplomatic activities to promote economic and political development in the Federally Administered Tribal Areas along the Pakistan and Afghanistan border.

Sudan.—The amended bill includes resources to support the diplomatic mission in Sudan including the United States Special Envoy for Sudan.

Buying Power Maintenance Account.—The amended bill provides authority to transfer funds available in this Act, and in a prior Act, to the Buying Power Maintenance Account in accordance with section 24 of the State Department Basic Authorities Act, to manage exchange rate losses in fiscal year 2008.

Civilian Workforce Initiative.—The amended bill provides $55,000,000 to increase the civilian diplomatic capacity of the Department of State to meet the increasing and complex demands of diplomacy in the 21st century. Within the total, $30,000,000 is for the initial development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction challenges and $25,000,000 is to strengthen capabilities of the United States diplomatic corps and promote broader engagement with the rest of the world, including expanding training and enhanced interagency collaboration.

The amended bill includes funds to replace Foreign Service positions worldwide, which were previously moved to Iraq and to increase the number of positions participating in critical needs foreign language training. The Department of State has transferred approximately 300 Foreign Service positions from embassies around the world to Iraq and to associated language training, leaving key posts understaffed. These funds are to be used to support United States foreign policy in priority, understaffed regions, particularly South and East Asia, the Western Hemisphere, and Africa.

Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and to enhance operations of the Office of the Coordinator for Reconstruction and Stabilization. In addition to the funds provided to the Department of State, $25,000,000 is appropriated in this Act under the heading "Operating Expenses of the United States Agency for International Development" to implement the USAID portion of the civilian stabilization initiative. The funding request for the Civilian Response Corps will be considered as part of the fiscal year 2009 appropriations process and none of the funds provided in this Act are to be used to implement the Civilian Response Corps portion of the initiative.

Diplomatic Security-Worldwide Security Protection.—The amended bill also includes $48,000,000 above the request for worldwide security protection. The amount provided is available to restore 100 positions in the diplomatic security personnel that were redirected to Iraq to address urgent security requirements for United States personnel elsewhere in the world.

Directorate of Defense Trade Controls.—Increased demands on the Directorate of Defense Trade Controls' Office of Defense Trade Controls Licensing have led to delays in license processing. The Secretary of State is directed to review the workload demands and staffing needs of the office and report any recommendations to the Committees on Appropriations not later than 45 days after enactment of this Act.

Middle East Peace Process.—The security and support requirements for the personnel and operations that accompany the Middle East peace process have been, and should continue to be, supported through the operations funds available in fiscal year 2008. Any additional requirements associated with these activities will be considered during the fiscal year 2009 appropriations process.

Public Diplomacy.—The amended bill includes $4,000,000 for the Office of Public Diplomacy and Public Affairs to expand new media for targeted Arabic language television programs for the purpose of fostering cultural, educational, and professional dialogues through indigenous Arabic language satellite media.

Western Hemisphere Travel Initiative.—The amended bill recommends not less than $1,000,000 to expand public outreach efforts related to implementation of the Western Hemisphere Travel Initiative (WHTI). With WHTI implementation occurring as early as June 2009, there is concern about the lack of a comprehensive, coordinated plan between the Department of State, the Department of Homeland Security, and the United States Postal Service to broadly disseminate information to the traveling public concerning the final WHTI implementation requirements at the Nation's land and sea ports. The Department of State is encouraged to provide significantly increased outreach to border communities, including through radio, print media, and additional passport fairs.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes an additional $9,500,000 for Office of Inspector General (OIG) at the Department of State, which is $9,500,000 above the pending request. Of the total, $5,000,000 is to enhance the Department of State Inspector General's oversight of programs in Iraq and Afghanistan, $2,500,000 is for operations of the Special Inspector General for Iraq Reconstruction (SIGIR), and $2,000,000 is for operations of the Special Inspector General for Afghanistan Reconstruction (SIGAR).

The Department of State OIG, USAID OIG, SIGIR, and SIGAR each have independent oversight responsibilities in Iraq and Afghanistan. The inspectors general should, to the maximum extent practicable, coordinate, and de-conflict all activities related to oversight of assistance programs for the reconstruction of Iraq and Afghanistan to ensure that oversight resources are used effectively and are not unnecessarily duplicative.

To ensure continuity of oversight of permanent United States Missions, the USAID OIG and the Department of State OIG are expected to actively participate in oversight of all programs funded by this Act and prior Acts making appropriations for the Department of State and foreign operations, in particular oversight of diplomatic and development operations and facilities. Joint oversight with SIGIR or SIGAR is strongly encouraged; however once fully staffed, the Department of State OIG or the USAID OIG should, to the maximum extent practicable, be designated as the lead for any joint oversight conducted with SIGIR or SIGAR of funds involving diplomatic operations and facilities in Iraq and Afghanistan.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes an additional $76,700,000 for urgent embassy security, construction, and maintenance costs, which is $83,300,000 below the request. The funds are to construct 300 secure apartments and a secure office building, including the necessary perimeter security, utility, and dining facilities, for United States Mission staff in Afghanistan. Currently, there are a small number of permanent construction apartments and the majority of diplomatic and Mission personnel live in structures with limited protection. Additional funds for this purpose are provided in subchapter B.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $66,000,000 for Contributions to International Organizations, which is for United States contributions to the UN Assistance Mission in Afghanistan and the UN Assistance Mission in Iraq. Funding is also provided to meet fiscal year 2008 assessed dues to organizations whose missions are critical to protecting United States national security interests, including the North Atlantic Treaty Organization, the International Atomic Energy Agency, and the Organization for the Prohibition of Chemical Weapons.

The Department of State is directed not later than 45 days after enactment of this Act, to provide a report to the Committees on Appropriations detailing total United States-assessed contributions, any arrears from prior years and potential arrears for fiscal years 2008 and 2009 for each of the organizations funded under this heading.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The budget request included $723,600,000 for Contributions for International Peacekeeping Activities, of which $390,000,000 of funds designated as an emergency was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for the United States contribution to the United Nations/African Union (UN/AU) hybrid peacekeeping mission to Darfur (UNAMID).

The amended bill includes an additional $373,708,000 for assessed costs to UN peacekeeping operations. Within the total under this heading, not less than $333,600,000 is provided for UNAMID, which is the same as the request. Additionally, the amended bill includes $40,108,000 to meet unmet fiscal year 2008 assessed dues for the international peacekeeping missions to countries such as the Democratic Republic of the Congo, Côte d'Ivoire, Haiti, Liberia, and Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The amended bill includes an additional $2,000,000 for International Broadcasting Operations to continue increased broadcasting to Tibet.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

The budget request included $80,000,000 for International Disaster Assistance. The Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) provided $110,000,000 for emergency humanitarian requirements.

The amended bill includes $220,000,000 for International Disaster Assistance, which is $220,000,000 above the pending request. These funds should be used to respond to urgent humanitarian requirements worldwide, including in Burma, Bangladesh, the People's Republic of China, and countries severely affected by the international food crisis.

USAID is directed to substantially increase food assistance for Haiti to address critical food shortages and malnutrition. Preventing hunger and combating poverty in Haiti should be a USAID priority.

As the State Peace and Development Council (SPDC) has compounded the humanitarian crisis in Burma by failing to respond to the needs of the Burmese people in the wake of Cyclone Nargis and by refusing offers of assistance from the international community, the Department of State and USAID should seek to avoid providing assistance to or through the SPDC.

The amended bill also includes funds under this heading and the heading "Development Assistance" in subchapter B to help address the international food crisis. Programs should address both rural and urban food requirements.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The budget request included $61,800,000 for Operating Expenses of the United States Agency for International Development, of which $20,800,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for operations in Iraq.

The amended bill includes $150,500,000 for Operating Expenses of the United States Agency for International Development.

Of the funds provided under this heading, the amended bill includes $41,000,000 to continue support for security needs in Iraq and Afghanistan, which is the same as the request. In addition, $30,000,000 is included to increase support for staffing, security, and operating needs in Afghanistan and Sudan, and $19,500,000 in Pakistan.

The amended bill also includes $25,000,000 to support the development and deployment of a civilian capacity to respond to post-conflict stabilization and reconstruction needs. Funds made available for the civilian stabilization initiative are for the Active and Standby Response Corps portion of the initiative and none of the funds provided in this Act may be used to develop the Civilian Response Corps. Additional funding for this initiative is provided in the "Diplomatic and Consular Programs" account for the Department of State portion of the initiative.

In addition, the amended bill includes $35,000,000 to enable USAID to hire above attrition in fiscal year 2008. The Administration's request for fiscal year 2009 includes $92,000,000 for hiring 300 USAID foreign service officers as part of a three-year initiative. Funding provided in this Act is intended to support the hiring of additional Foreign Service officers in fiscal year 2008 in order to begin rebuilding the capacity of the Agency to carry out its mission. USAID is directed to consult with the Committees on Appropriations on the use of these funds and to recruit mid-career personnel. As USAID seeks to strengthen its workforce, USAID is encouraged to consult with the Department of Defense on ways to benefit from the experience of retiring officers, including establishment of a transition program.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The amended bill includes an additional $4,000,000 for the United States Agency for International Development Office of Inspector General to support increased oversight of programs in Iraq and Afghanistan.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The budget request included $2,217,000,000 for Economic Support Fund (ESF), of which $208,000,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for emergency requirements in the West Bank and in North Korea, as requested.

The amended bill includes $1,882,500,000 for ESF, which is $126,500,000 below the request. An additional $75,000,000 is provided under the heading Democracy Fund for political development programs for Iraq. Funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

($ in thousands)

Country and region	Amended bill
Afghanistan	859,000
Bangladesh	25,000
Central America	25,000
Central African Republic	1,000
Chad	2,000
Democratic Republic of the Congo	12,500
Iraq	424,000
Jordan	175,000
Kenya	12,000
Mexico	20,000
Nepal	7,000
North Korea	53,000
Philippines	15,000
Sri Lanka	6,000
Sudan	45,000
Thailand	2,500
Uganda	17,500
West Bank and Gaza	171,000
Zimbabwe	5,000
Exchanges Africa	5,000
Total	1,882,500

Iraq.—The amended bill includes $424,000,000 for Iraq, which is $373,000,000 below the request. The sums provided enable the Department of State and USAID to continue programs in Iraq through the end of fiscal year 2008 and into the first two quarters of fiscal year 2009. After providing more than $45,000,000,000 to help rebuild Iraq, the United States should reduce bilateral assistance levels and reduce the number of Department of State personnel involved in the reconstruction effort who are located in Iraq. Funds provided for Iraq are to be allocated as follows:

IRAQ PROGRAMS

($ in thousands)

Activity	Pending request	Amended bill	Change from request
Provincial Reconstruction Teams (PRTs)	165,000	139,000	−26,000
Provincial Reconstruction Development Councils	100,000	85,000	−15,000
Local Governance Program	65,000	54,000	−11,000
Community Stabilization Program (CSP)	155,000	100,000	−55,000
Community Action Program (CAP)	0	75,000	75,000
Infrastructure Security Protection for Oil, Water and Electricity	70,000	0	−70,000
Operations and Maintenance of Key USG-Funded Infrastructure	134,000	10,000	−124,000
Iraqi-American Enterprise Fund	25,000	0	−25,000
Provincial Economic Growth (including Agriculture and Microfinance)	0	25,000	25,000
National Capacity Development	248,000	70,000	−178,000
Marla Fund	0	5,000	5,000
Total	797,000	424,000	−373,000

Community Action Program (CAP).—The amended bill includes $75,000,000 for continued support for the Community Action Program.

Community Stabilization Program (CSP).—The amended bill includes $100,000,000 for the CSP, which is $55,000,000 below the request. Recent findings of a March 18, 2008 USAID Inspector General audit (E-267-08-001-P) of possible fraud and misuse of some CSP funds are of concern. Therefore the amended bill withholds 50 percent of funding until the Secretary of State certifies and reports that USAID is implementing recommendations contained in the audit to ensure proper use of funds.

Enterprise Fund.—The amended bill does not include any funding for the creation, capitalization, operation, or support of any enterprise fund in Iraq. The Department of State is directed not to reprogram any funds made available by this or prior Acts for an enterprise or enterprise-related fund in Iraq.

Infrastructure Security Protection for Oil, Water, and Electricity.—The amended bill does not include funding for these functions, which should be supported by the Government of Iraq.

Marla Ruzicka Iraqi War Victims Fund.—The amended bill includes $5,000,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

National Capacity Development (NCD).—Within the amount provided in ESF for Iraq, $70,000,000 is provided for NCD, which is $178,000,000 below the request. The Government of Iraq should assume increasing responsibility for the cost of these activities.

Operations and Maintenance of Key U.S. Government-Funded Infrastructure.—The amended bill includes $10,000,000 for operations and maintenance of key United States government-funded infrastructure, which is $124,000,000 below the request. These functions should be funded by the Government of Iraq and this Act includes sufficient funding to allow the United States to provide technical assistance and training. In addition, the amended bill conditions the funds on the signing and implementation of an asset transfer agreement between the United States and Iraq.

Provincial Economic Growth.—The amended bill includes $25,000,000 for provincial economic growth activities.

Vulnerable Groups.—Up to $10,000,000 of funds made available for Iraq in this chapter, including from the Migration and Refugee Assistance and International Disaster Assistance accounts, should be made available for programs to assist vulnerable Iraqi religious and ethnic minority groups, including Christians. The Secretary of State should designate staff at United States Embassy Baghdad to oversee and coordinate such assistance.

Afghanistan.—The amended bill includes $859,000,000 in ESF for Afghanistan, which is $25,000,000 above the request. USAID is directed to review its reconstruction efforts in Afghanistan; focus its assistance, including capacity building, through local Afghan entities; give greater attention to accountability and monitoring to minimize corruption; and emphasize programs which directly improve the economic, social, and political status of Afghan women and girls. Funds provided for Afghanistan are to be allocated as follows:

AFGHANISTAN PROGRAMS

($ in thousands)

Activity	Pending request	Amended bill	Change from request
Civilian Assistance Program	0	10,000	+10,000
Governance and Capacity Building	135,000	165,000	+30,000
2009 Elections	100,000	70,000	−30,000
National Solidarity Program	40,000	65,000	+25,000
Health and Education	50,000	75,000	+25,000
North Atlantic Treaty Organization POHRF	0	2,000	+2,000
Power	175,000	150,000	−25,000
Provincial Reconstruction Teams (PRTs)/Provincial Governance	0	50,000	+50,000

AFGHANISTAN PROGRAMS—Continued
($ in thousands)

Activity	Pending request	Amended bill	Change from request
Roads	329,000	200,000	– 129,000
Rural Development/Alternative Livelihoods	0	65,000	+65,000
Trade and Investment	5,000	7,000	+2,000
Total	834,000	859,000	25,000

Civilian Assistance.—The amended bill includes $10,000,000 for USAID's Afghan Civilian Assistance Program to continue assistance for civilians who have suffered losses as a result of the military operations, and $2,000,000 for the NATO/ISAF Post-Operations Humanitarian Relief Fund.

Governance and Capacity Building.—The amended bill provides $165,000,000 for governance and capacity building programs, which is $30,000,000 above the request, to fund rule of law, human rights, and local and national capacity building.

National Solidarity Program.—The amended bill includes $65,000,000 for the National Solidarity Program to support small-scale development initiatives. The funding shall be programmed in a manner consistent with the Afghan National Development Strategy.

Power.—The amended bill includes $150,000,000 for power, which is $25,000,000 below the request. The request includes funding for gas and diesel power projects and there is a concern that diesel generators are costly to maintain and will exacerbate Kabul's already heavily polluted air. The completion of the north-south transmission line to enable Afghanistan to purchase electricity from its northern neighbors for distribution to other areas of the country is supported. Funding for the Northern Electrical Power System or the Shebergan Gas-Fired Plant is not included. The World Bank should play a larger role in financing such infrastructure projects.

It is noted that Afghanistan has considerable potential for small hydro and solar power development to service Afghanistan's many remote communities that have no other access to electricity, and not less than $15,000,000 of the funds shall be used for renewable energy projects in rural areas.

Provincial Reconstruction Teams.—The amended bill provides $50,000,000 for PRTs in Afghanistan.

Roads.—The amended bill includes $200,000,000 for roads, which is $129,000,000 below the request.

Rural Development and Alternative Livelihoods.—The amended bill includes $65,000,000 for rural development and alternative livelihood programs and an additional $35,000,000 for counternarcotics under the "International Narcotics Control and Law Enforcement" account to expand counternarcotics programs in Afghanistan. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

2009 Elections.—The amended bill includes $70,000,000 for preparations for the 2009 elections.

Bangladesh.—The amended bill includes $25,000,000 for assistance for Bangladesh for cyclone recovery and reconstruction assistance.

Central America.—The amended bill includes $25,000,000 for the countries of Central America in fiscal year 2008, in addition to funds otherwise made available for assistance for these countries, for a program to be called the "Economic and Social Development Fund for Central America", of which $20,000,000 is to be administered by USAID, in consultation with the Department of State. The purpose of the program is to promote economic and social development and good governance in targeted, low-income areas, including rural communities that are particularly vulnerable to drug trafficking and related violence and organized crime. These funds should support programs that emphasize community initiatives and public-private partnerships. United States funds should be matched with contributions from public and private sources to the maximum extent practicable. USAID is directed to consult with the Committees on Appropriations prior to the obligation of these funds. Of the funds available, $5,000,000 shall be administered by the Bureau of Educational and Cultural Affairs for educational exchanges with the countries of Central America.

Democratic Republic of the Congo.—The amended bill includes $12,500,000 for assistance for eastern Democratic Republic of the Congo for urgent conflict mitigation and recovery programs and for programs relating to sexual violence against women and girls. Of this amount, not less than $1,000,000 is to establish and support a training center for health workers who provide care and treatment for victims of sexual violence, and not less than $2,000,000 is for training military and civilian investigators, prosecutors, and judges to bring the perpetrators of such crimes to justice.

Exchanges with Africa.—The amended bill includes $5,000,000 for educational exchanges with countries in Africa, specifically to counter extremism. These funds should be administered by the Bureau of Educational and Cultural Affairs.

Jordan.—The amended bill includes a total of $200,000,000 for economic assistance for Jordan, of which $175,000,000 is appropriated under this heading, and $25,000,000 is appropriated through a general provision. The Government of Jordan remains a key ally and has played a leading role in supporting peace initiatives in the Middle East. Programming of these resources should be done in consultation with the Government of Jordan and refugee relief organizations and funds should be used to meet the needs of Iraqi refugees. The Secretary of State, after consultation with the Government of Jordan, the United Nations, and international organizations and non-governmental organizations with a presence in Iraq, is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act detailing (1) short- and medium-term options the United States and other countries and organizations could pursue to assist Iraqis in Jordan to maintain their educational and vocational skills and earn income; and (2) longer term options that the United States and the Government of Jordan can take to address the economic, social and health needs of refugees from Iraq, including the feasibility of extending temporary residence status for Iraqis registered with the United Nations High Commissioner for Refugees.

Kenya.—The amended bill includes $12,000,000 for assistance for Kenya for political, ethnic and tribal reconciliation activities.

Mexico.—The amended bill includes $20,000,000 for assistance for Mexico for institution building and support of civil society. Funding for these purposes was requested through the International Narcotics and Law Enforcement (INCLE) account. The amended bill includes $5,000,000 for human rights training for police, prosecutors, and prison officials; $3,000,000 for victim and witness protection; and $3,000,000 to support NGOs and civil society. The amended bill also includes $5,000,000 for a literacy program for local police. USAID is encouraged to work with non-governmental organizations, civil society, and local police to replicate the literacy program being implemented in Nezahualcoyotl, Mexico. The amended bill also includes funding for the Office of the UN High Commissioner for Human Rights in Mexico (OHCHR). The Department of State is directed to work with the Mexican Government, the OHCHR, and civil society organizations in Mexico to promote respect for human rights by Mexican police and military forces.

Nepal.—The amended bill includes $7,000,000 for assistance for Nepal to strengthen democracy and support the peace process, including the demobilization and reintegration of ex-combatants, and for economic development programs in rural communities affected by conflict.

North Korea.—The amended bill includes up to $53,000,000 for energy-related assistance for North Korea in support of the goals of the Six-Party Talks Agreement, in addition to the $53,000,000 appropriated in division J of Public Law 110-161, which is the same as the total amount requested. Prior to the obligation of assistance for North Korea, the Secretary of State is directed to report to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under the Six-Party Talks Agreement.

Pakistan.—The amended bill does not include funding for assistance for Pakistan in this subchapter. These needs are addressed in funding appropriated in the fiscal year 2009 bridge.

Philippines.—The amended bill includes $15,000,000 for assistance for the Philippines for programs to further peace and reconciliation in the southern Philippines, and recognizes the shared interest between the United States and the Philippines in combating terrorism in this region.

Sri Lanka.—The amended bill includes $6,000,000 for assistance for Sri Lanka to be provided through USAID to support economic development programs in the eastern region of Sri Lanka to solidify recent gains against the Liberation Tigers of Tamil Eelam. These funds should be used to assist Tamil and Muslim minorities in Sri Lanka.

Sudan.—The amended bill includes $45,000,000 for assistance for Sudan to support election-related activities.

Thailand.—The amended bill includes $2,500,000 for assistance for Thailand to address economic and social development needs in southern Thailand. The Department of

State is directed to consult with the Committees on Appropriations prior to the obligation of these funds.

Uganda.—The amended bill includes $17,500,000 for assistance for northern Uganda. These funds should be used to support economic development, governance, assistance for war victims, and reintegration of ex-combatants.

West Bank and Gaza.—The amended bill includes not more than $171,000,000 for economic assistance for the West Bank and Gaza, which is $24,000,000 below the request. The Department of State is directed to provide a report to the Committees on Appropriations not later than 90 days after the enactment of this Act on how United States economic assistance for the West Bank supports the larger Palestinian Reform and Development Plan as well as a description of other donor support of this plan. The report should describe how assistance from the United States and other donors will improve conditions in the West Bank, including through job creation and housing programs.

Zimbabwe.—The amended bill includes $5,000,000 for assistance for Zimbabwe to support political reconciliation activities.

DEPARTMENT OF STATE

DEMOCRACY FUND

The amended bill includes $76,000,000 for Democracy Fund programs, requested under the heading "Economic Support Fund", to be made available as follows:

Chad.—The amended bill includes $1,000,000 for democracy activities in Chad.

Iraq.—The amended bill includes $75,000,000 for democracy activities in Iraq. These funds are intended to be available through non-governmental organizations, including the National Endowment for Democracy, and not less than $8,000,000 for the United States Institute of Peace. These funds should be awarded expeditiously to prevent interruption of current operations.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $390,300,000 for International Narcotics Control and Law Enforcement (INCLE) activities in Afghanistan, Iraq, Mexico, Central America, Haiti, the Dominican Republic, and the West Bank, which is $343,700,000 below the request. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

Iraq.—The amended bill includes $85,000,000 for Iraq for justice and rule of law programs, which is $74,000,000 below the request. Funding for prison construction is not included.

Afghanistan.—The amended bill includes $35,000,000, which is $35,000,000 above the request, to support programs to strengthen counternarcotics efforts, to improve the training of the Afghan police, including border police, to advance the development of institutional capacity professionalism of the justice sector, and to help facilitate cooperation between the police and the judiciary at both the national and regional levels. The Department of State is directed to report to the Committees on Appropriations not later than 180 days after enactment of this Act on the level of counternarcotics cooperation by the Government of Afghanistan at the national and regional level and should detail, nationally and by province, the steps that the Government of Afghanistan is taking to arrest and prosecute leaders of Afghan drug cartels; disarm and disband private militias; and end corruption among national and provincial police forces.

Central America.—The amended bill includes $24,800,000 for assistance for Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, and an additional $5,000,000 for Haiti and the Dominican Republic under the Merida Initiative. Although funding was requested only through the INCLE account, funding for the Merida Initiative is provided in the accounts from which such activities are traditionally funded. The amended bill provides funding for specialized police training and non-lethal equipment to strengthen the law enforcement and criminal justice institutions for the purpose of combating drug trafficking and related violent crime and increasing the capacity and professionalism of Central American police forces.

Impunity within the military and police forces of several of these countries and corruption within their justice systems is of concern. The Secretary of State is directed to submit a report in writing on mechanisms in place to ensure eligibility of recipients of United States assistance.

The omission of Haiti and the Dominican Republic from the request for the Merida Initiative makes it more likely that these vulnerable countries would become increasingly favored transit routes for drug traffickers. The amended bill includes $2,500,000 for Haiti and $2,500,000 for the Dominican Republic as part of the Merida Initiative to support counternarcotics and border security programs, anti-corruption, judicial reform, institution-building, and rule of law programs.

Mexico.—There is a shared responsibility between the United States and Mexico to combat drug trafficking and related violence and organized crime. The amended bill includes $215,500,000 to support programs to enable the Government of Mexico to respond to these threats in accordance with the rule of law. The amended bill includes $10,000,000 for demand reduction and drug rehabilitation activities; $3,000,000 to provide technical and other assistance to enable the Government of Mexico to put into service a unified national police registry; and not more than $24,000,000 for program development and support. To the extent possible, any equipment and technology purchases should be interoperable based on open standards with the equipment and technology being used by their United States Government counterparts.

Corruption and impunity within Mexico's military and police forces are of concern. Recommendations of the National Human Rights Commission have been ignored and investigations of violations of human rights by Mexican military and police forces rarely result in convictions. The Secretary of State, in consultation with relevant Mexican Government authorities, is directed to report to the Committees on Appropriations that mechanisms are in place to ensure eligibility of recipients of United States assistance.

There is concern with the failure to investigate and prosecute the police officers responsible for human rights violations, including rape and sexual violence against women, at San Salvador Atenco on May 3–4, 2006, and in Oaxaca between June and December 2006. These and other such violations by members of the Mexican military and police forces have been documented and require thorough, credible and transparent investigation and prosecution by the Mexican Attorney General.

The state and Federal investigations into the October 27, 2007, killing in Oaxaca of American citizen Bradley Will have been flawed and the Secretary of State is directed, not later than 45 days after enactment of this Act and 120 days thereafter, to submit a report to the Committees on Appropriations detailing progress in conducting a thorough, credible, and transparent investigation to identify the perpetrators of this crime and bring them to justice. The Department of State should work with Mexican Government authorities and relevant Federal government agencies of the United States to assist in the investigation of this case.

West Bank.—The amended bill includes $25,000,000 for ongoing training of vetted units of the Palestinian National Security Forces, which is the same as the request.

MIGRATION AND REFUGEE ASSISTANCE

The budget request included $230,000,000 for Migration and Refugee Assistance, of which $200,000,000 was provided in the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) for emergency refugee requirements in Iraq and the West Bank and Gaza.

The amended bill includes $315,000,000 for Migration and Refugee Assistance, which is $285,000,000 above the pending request. Funds should be made available to meet unmet global refugee needs, including to assist Iraqi refugees in Jordan, Syria, Lebanon, Turkey, Egypt, and the surrounding region, as well as internally displaced persons in Iraq. Funds may also be used, if necessary, for the admissions costs of Iraqis granted special immigrant status under the Special Immigrant Visa program authorized by the National Defense Authorization Act of 2008. In addition, funds may be used to offset administrative costs associated with the expanded requirements of the Iraqi refugee program, in consultation with the Committees on Appropriations.

The humanitarian crisis involving Iraqi refugees and internally displaced persons is of concern and the Government of Iraq has dedicated insufficient resources to assist this most vulnerable segment of the Iraqi population. The Department of State shall urge the Government of Iraq to provide a substantial increase in funding for humanitarian assistance to the Iraqi refugee population residing in the region and within the country. In addition, the Secretary of State should ensure that the Senior Coordinator for Iraqi Refugee Issues gives particular attention to the needs of vulnerable minority groups, including ethnic and religious minorities.

The welfare and security of the 7,900 Lao Hmong in the Thai military camp in Petchaboon, northern Thailand is of concern and the Department of State is directed to urge the Government of Thailand to support a transparent screening process to identify those who have a legitimate fear of return to Laos. Any attempt to force the return of Hmong refugees to Laos is strongly opposed.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The amended bill includes $31,000,000 for the United States Emergency Refugee and Migration Assistance Fund to prevent depletion of this emergency fund.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

The amended bill includes $13,700,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs (NADR), which is $8,700,000 above the request.

Of these funds, $5,000,000 is for presidential protective service support in Afghanistan, which is the same as the request, and $2,500,000 is for a United States contribution to the Comprehensive Test Ban Treaty International Monitoring System.

Central America.—The amended bill also includes $6,200,000 for the Merida Initiative for the countries of Central America, which is $6,200,000 above the request. Although funding for these purposes was requested only through the INCLE account, funding has been provided in the NADR account, from which such activities are traditionally funded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $137,500,000 for Foreign Military Financing Program, which is $137,500,000 above the request.

Central America.—The amended bill includes $4,000,000 to augment the ongoing naval cooperation program and maritime security assistance to strengthen the ability of the countries of Central America to improve maritime security and interdiction capabilities, including to complement existing regional systems and programs.

Jordan.—The amended bill includes a total of $50,000,000 for military assistance for Jordan, of which $17,000,000 is appropriated under this heading and $33,000,000 is appropriated through a general provision.

Mexico.—The amended bill includes $116,500,000 in support of military-to-military cooperation between the United States and Mexico.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

The budget request totals $3,605,000,000 in emergency supplemental funds for fiscal year 2009. The amended bill provides a total of $3,679,500,000 for the Department of State, Foreign Operations and Related Programs for fiscal year 2009 emergency supplemental requirements, which is $74,500,000 above the request.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The amended bill includes $704,900,000 for Diplomatic and Consular Programs. Within this amount, $78,400,000 is available for worldwide security protection and not more than $550,500,000 is available as a bridge fund for Iraq operations.

To meet increased security and personnel requirements, the amended bill includes $89,400,000 for Afghanistan, $7,000,000 for Pakistan, $3,000,000 for Somalia, and $15,000,000 for Sudan. In addition, the amended bill includes $40,000,000 to continue the support of new positions to develop language and other critical skills of the diplomatic corps and for civilian post-conflict stabilization initiatives.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $57,000,000 for Office of Inspector General at the Department of State, of which $15,500,000 is to continue oversight of programs in Iraq and Afghanistan, and the Middle East.

Special Inspector General for Iraq Reconstruction (SIGIR).—The amended bill includes $36,500,000 for SIGIR for continued oversight of United States reconstruction programs in Iraq, as authorized by section 3001 of Public Law 108–106.

Special Inspector General for Afghanistan Reconstruction (SIGAR).—The amended bill includes $5,000,000 for SIGAR, which is $5,000,000 above the request, and which is authorized by section 1229 of Public Law 110–181. Such funds shall be used for oversight of United States reconstruction programs in Afghanistan. None of the funds shall be used to duplicate investigations that have been conducted or to support offices or systems of inspectors general at the Department of State or USAID. SIGAR should co-locate staff and "back office" support systems with other inspectors general to the extent feasible.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The amended bill includes $41,300,000 for urgent embassy security, construction, and maintenance costs. Funds should be used to construct safe and secure office space for the increasing number of diplomatic and development personnel living and working in Kabul, Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The amended bill includes $75,000,000 for Contributions to International Organizations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The amended bill includes $150,500,000 for Contributions for International Peacekeeping Activities to fund the Administration's revised estimate of the United States-assessed contribution to international peacekeeping.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTNG OPERATIONS

The amended bill includes $6,000,000 for International Broadcasting Operations.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

The amended bill includes $75,000,000 for Global Health and Child Survival to continue programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

The amended bill includes $200,000,000 for Development Assistance, which is for a new Food Security Initiative to promote food security in countries affected by significant food shortages, such as programs to assist farmers to increase crop yields, including in Darfur. Of this amount, up to $50,000,000 should be used for local and regional purchase. The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, on the proposed uses of funds to alleviate starvation, hunger, and malnutrition overseas, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

The amended bill includes $200,000,000 for International Disaster Assistance to meet urgent humanitarian requirements worldwide, including support for critical needs in Bangladesh, Burma, and the People's Republic of China. A portion of these funds should be used for assistance for internally displaced persons in Iraq and Afghanistan. In addition, funds are available under this heading to assist in the response to the international food crisis.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The amended bill includes $93,000,000 for Operating Expenses of the United States Agency for International Development to address staffing, security, and operating needs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

The amended bill includes $1,000,000 for Operating Expenses of the United States Agency for International Development Office of Inspector General.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The amended bill includes $1,124,800,000 for Economic Support Fund to address critical health, economic, and security needs. These funds are to be allocated as follows:

ECONOMIC SUPPORT FUND

($ in thousands)

Country and region	Amended bill
Afghanistan	455,000
Bangladesh	50,000
Burma	5,300
Central African Republic	2,000
Chad	5,000
Democratic Republic of the Congo	10,000
Iraq	102,500
Jordan	100,000
Kenya	25,000
North Korea	15,000
Pakistan	150,000
Sudan	25,000
Uganda	15,000
West Bank and Gaza	150,000
Zimbabwe	15,000
Total	1,124,800

Afghanistan.—The amended bill includes $455,000,000 for assistance for Afghanistan.

Governance and Capacity Building.—The amended bill includes $20,000,000 for the National Solidarity Program to support small-scale development initiatives; and not less than $35,000,000 for preparations for the 2009 elections. The funding shall be programmed in a manner consistent with the Afghan National Development Strategy.

Rural Development and Alternative Livelihoods.—The amended bill includes not less than $35,000,000 for rural development and alternative livelihoods.

Bangladesh.—The amended bill includes $50,000,000 for cyclone recovery and reconstruction assistance.

Burma.—The amended bill includes $5,300,000 for assistance for Burma for humanitarian programs along the Thai-Burma border.

Iraq.—The amended bill includes $102,500,000 for assistance for Iraq.

Community Action Program (CAP).—The amended bill includes $32,500,000 for continued support for the Community Action Program.

Community Stabilization Program (CSP).—The amended bill includes $32,500,000 for continued support for the Community Stabilization Program.

Marla Ruzicka Iraqi War Victims Fund.—The amended bill includes $2,500,000 for the Marla Ruzicka Iraqi War Victims Fund for continued assistance for Iraqi civilians who suffer losses as a result of the military operations.

Provincial Reconstruction Teams (PRTs).—The amended bill includes $35,000,000 for continued support for the Provincial Reconstruction Teams.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The amended bill includes $199,000,000 for International Narcotics Control and Law Enforcement activities in Iraq, Afghanistan, the West Bank, Mexico, and Africa. The Secretary of State is directed to consult with the Committees on Appropriations on the use of these funds.

MIGRATION AND REFUGEE ASSISTANCE

The amended bill includes $350,000,000 for Migration and Refugee Assistance to respond to urgent humanitarian and refugee admissions requirements, including those involving refugees from Iraq, Afghanistan, and central Africa.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The amended bill includes $4,500,000 for Nonproliferation, Anti-terrorism, Demining and Related Programs, for humanitarian demining in Iraq.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The amended bill includes $302,500,000 for Foreign Military Financing Program, of which $100,000,000 is for assistance for Jordan, $170,000,000 is for assistance for Israel, and $32,500,000 is for assistance for Lebanon.

PEACEKEEPING OPERATIONS

The amended bill includes $95,000,000 for Peacekeeping Operations for programs in Africa to address needs beyond those projected in the fiscal year 2009 budget request, including for Darfur and $10,000,000 for Peacekeeping Operations in the Democratic Republic of the Congo (DRC). These funds are made available to support infantry battalions of the DRC armed forces, to protect vulnerable civilians in the eastern region of the country, and should be made available in accordance with thorough vetting procedures. The Department of State should ensure that trained units are being provided professional leadership, appropriate training in human rights, and adequate pay.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

The amended bill includes the following general provisions for this chapter:

EXTENSION OF AUTHORITIES

Section 1401 extends certain authorities necessary to expend Department of State and foreign assistance funds.

IRAQ

Section 1402 imposes certain conditions and limitations on assistance for Iraq and requires reports.

AFGHANISTAN

Section 1403 imposes certain conditions and limitations on assistance for Afghanistan and requires a report.

WEST BANK

Section 1404 directs the Department of State to provide a report to the Committees on Appropriations not later than 90 days after enactment of this Act, and 180 days thereafter, on the Palestinian security assistance program.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

Section 1405 grants waiver authority to the President with respect to certain assistance to North Korea and the "Glenn Amendment," which established automatic sanctions in the Arms Export Control Act on non-nuclear weapon states that detonate a nuclear device.

MEXICO

Section 1406 sets a ceiling on funding for Mexico at $400,000,000. The provision also provides a restriction on the use of funding for budget support or cash payments and restricts obligation of 15 percent of the funding provided under the headings "Foreign Military Financing Program" and "International Narcotics Control and Law Enforcement" until the Secretary of State submits a report in writing.

CENTRAL AMERICA

Section 1407 states that $65,000,000 may be made available for the countries of Central America, Haiti and the Dominican Republic and prohibits the use of funding for budget support or cash payments. The provision restricts obligation of 15 percent of the funding provided under the headings "Foreign Military Financing Program" and "International Narcotics Control and Law Enforcement" for the military and police forces until the Secretary of State submits a report in writing.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Section 1408 provides authority to utilize $26,000,000 from appropriations for Diplomatic and Consular Programs from a prior Act and authority to transfer up to an additional $74,000,000 of the funds made available by this Act to the Buying Power Maintenance Account to manage exchange rate losses in fiscal year 2008. The Department of State shall consult on any proposed transfers resulting from this authority. The Department of State estimates the impact of currency fluctuations to be at least $260,000,000 on United States diplomatic operations worldwide.

In addition, the provision includes authority to transfer unobligated and expired balances after fiscal year 2008 into the Buying Power Maintenance Account to address future exchange rate losses. The Secretary of State shall submit a report to the Committees on Appropriations not later than October 15, 2008, on the amount transferred by this authority in this or any fiscal year, the total amount of exchange rate losses in fiscal year 2008, and the accumulated impact of losses from prior years.

Finally, authority is granted to the Broadcasting Board of Governors to transfer unobligated and expired balances after fiscal year 2008 into its Buying Power Maintenance Account.

SERBIA

Section 1409 authorizes the Secretary of State to withhold funds related to reimbursement of costs associated with damage to the United States Embassy in Belgrade resulting from the February 21, 2008, attack.

RESCISSIONS

Section 1410 rescinds prior year funds and makes them available for a contribution to the World Food Program and for programs in the INCLE account. The provision also rescinds prior year funds from the Iraq Relief and Reconstruction Fund.

DARFUR PEACEKEEPING

Section 1411 authorizes the President to utilize prior year Foreign Military Financing Program and Peacekeeping Operations funds for transfer or lease of helicopters or related equipment necessary for operations of the AU/UN hybrid peacekeeping mission in Darfur.

TIBET

Section 1412 provides up to $5,000,000 for the establishment of a United States Consulate in Lhasa, Tibet, under the headings "Diplomatic and Consular Programs" and "Embassy Security, Construction and Maintenance" in this and prior Acts, and recommends certain actions regarding the opening of such a consulate.

The Secretary of State is directed to submit a report to the Committees on Appropriations not later than 90 days after enactment of this Act detailing efforts taken by the Department of State to establish a United States Consulate in Lhasa, Tibet, and a description of any policies or programs by the Government of the People's Republic of China aimed at undermining public support for Tibet including in the media, academia, and political arenas.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

Section 1413 provides $58,000,000 for assistance for Jordan, which is offset by a rescission of an equal amount from the Millennium Challenge Corporation.

ALLOCATIONS

Section 1414 requires that funds in the specified accounts shall be allocated as indicated in the respective tables in this explanatory statement. Any change to these allocations shall be subject to the regular notification procedures of the Committees on Appropriations.

REPROGRAMMING AUTHORITY

Section 1415 allows for reprogramming of funds made available in prior years to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

Section 1416 requires the Secretary of State to provide detailed spending plans to the Committees on Appropriations on the uses of funds appropriated in subchapters A and B. These funds are also subject to the regular notification procedures of the Committees on Appropriations.

TERMS AND CONDITIONS

Section 1417 establishes that unless designated otherwise in this chapter, the terms and conditions contained within the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Public Law 110–161) shall apply to funds appropriated by this chapter, with the exception of section 699K.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The amended bill provides an additional $150,000,000 for Food and Drug Administration, Salaries and Expenses, available until September 30, 2009. FDA is directed to provide the Committees on Appropriations monthly expenditures reports on the use of these funds.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The amended bill includes $210,000,000 for increased costs associated with the poor management of the 2010 Decennial Census. Within the funds provided, not less than $50,300,000 shall be used to restore funding associated with the approved March 26, 2008 reprogramming within the Bureau of the Census. Funds transferred pursuant to the reprogramming to address immediate shortfalls within the Field Data Collection Automation contract from the American Community Survey, Census Coverage Measurement activities, and other Census activities may result in increased risk and other unintended consequences to other parts of the Census. The $50,300,000 shall be available solely to complete previously planned activities and address vacancies in the aforementioned areas in order to reduce risk and ensure a successful 2010 Decennial Census.

The Census Bureau shall submit to the Committees on Appropriations of the Senate and the House of Representatives, within 30 days of enactment of this Act, a detailed plan showing a timeline of milestones and expenditures for the 2010 Decennial Census, and shall include a quantitative assessment of the associated risk to the program as it is currently constituted. In addition, the Inspector General shall submit quarterly reports to the Committees on Appropriations, until the conclusion of the 2010 Decennial Census, detailing the progress of the revised plan for the execution of the 2010 Decennial Census and any unanticipated slippages from the revised 2010 milestones, as well as reassessing the associated risk to the program. The Census Bureau is directed to provide the Inspector General with any required information so that the quarterly reports can begin 60 days after submission of the plan.

Because rising costs associated with the 2010 Decennial Census and the Department's and the Bureau's lack of contract oversight are cause for particular concern, the bill includes not less than $3,000,000 for the Department's Office of the Inspector General for Census contract oversight activities and not less than $1,000,000 solely for a reimbursable agreement with the Defense Contract Management Agency to review and improve Census contract management.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The amended bill includes $178,000,000 for additional costs of the Bureau of Prisons (BOP) related to the custody and care of inmates and the maintenance and operation of correctional and penal institutions. The BOP has been chronically underfunded in recent budget requests, due to consistently underestimated growth in inmate populations and inadequate funding requests for medical expenses. As a result, BOP facilities face rising staff-to-inmate ratios, placing corrections officers and inmates at unacceptable risk of violence. The amended bill includes funding for FCI Pollock activation costs and for inmate drug abuse treatment required by law. The Administration is urged to re-estimate BOP fixed costs and prisoner population for fiscal year 2009 and to provide the House and Senate Committees on Appropriations with those estimates no later than August 1, 2008. Further, the BOP is directed to notify the Committees of current staff-to-inmate ratios at all Federal prisons on a monthly basis.

OTHER AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

The amended bill includes $62,500,000 for Science, Aeronautics and Exploration.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The amended bill includes $22,500,000 for Research and Related Activities, of which $5,000,000 shall be available solely for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

EDUCATION AND HUMAN RESOURCES

The amended bill includes $40,000,000 for Education and Related Activities of which $20,000,000 is for section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) and $20,000,000, is for activities authorized by section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a).

CHAPTER 3—ENERGY

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

The amended bill includes an additional $62,500,000 for Science. The Department of Energy is instructed to utilize this funding to eliminate all furloughs and reductions in force which are a direct result of budgetary constraints. Workforce reductions which are a result of completed work or realignment of mission should proceed as planned. This funding is intended to maintain technical expertise and capability at the Office of Science, and may be used for National Laboratory Research and Development including research related to new neutrino initiatives. Funding for research efforts shall not be allocated until the Office of Science has fully funded all personnel requirements.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

The amended bill includes an additional $62,500,000 for Defense Environmental Cleanup.

CHAPTER 4—LABOR AND HEALTH AND HUMAN SERVICES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The amended bill provides $110,000,000 for Unemployment Compensation State Operations to compensate the States for the administrative costs of processing the Unemployment Insurance (UI) claims workload for the balance of fiscal year 2008. New UI claims are increasing, reaching a level in April 2008 nearly 18 percent greater than the previous year. States are beginning to experience service degradation in the form of call center delays for claimants, waiting times for adjudication of disputed claims, and reductions in program integrity activities, tax collection, and tax audits. While funding in the Consolidated Appropriations Act, 2008 is sufficient to cover the costs of processing 2.4 million Average Weekly Insured Unemployment (AWIU), claims have already climbed above 2.9 million AWIU. The amount provided will compensate States for the claims workload estimated by the Department of Labor up to the point where additional funds are released under a legislated trigger.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The amended bill provides $150,000,000 in additional funding for the National Institutes of Health to support additional scientific research. This funding is to be distributed on a pro-rata basis across the NIH institutes and centers.

CHAPTER 5—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The amended bill provides the customary death gratuity to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California.

TITLE III—NATURAL DISASTER RELIEF AND RECOVERY

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

The amended bill provides $89,413,000 for the Emergency Conservation Program for disaster relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. Therefore, these funds are provided to meet these and other disaster relief funding needs.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

The amended bill provides $390,464,000 for the Emergency Watershed Protection Program for disaster relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. Therefore, these funds are provided to meet these and other disaster relief funding needs.

CHAPTER 2—COMMERCE

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The amended bill provides $100,000,000 for economic development assistance in Presidentially-declared disaster areas to provide disaster relief, long-term recovery and restoration of infrastructure.

CHAPTER 3—CORPS OF ENGINEERS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Public Law 109–148, the 3rd emergency supplemental appropriations act of 2006, Public Law 109–234, the 4th emergency supplemental appropriations act of 2006, and Public Law 110–28, the emergency supplemental appropriations act of 2007, provided funds to repair and restore hurricane damaged projects, accelerate completion of New Orleans area flood and storm damage reduction projects, and provide 100-year storm protection for the greater New Orleans area. The scope and magnitude of the work required has increased with time. The current cost estimate requires $5,761,000,000 in additional Federal funds and a non-Federal cost-share of $1,527,000,000.

The Administration requested this funding under the Construction account in the fiscal year 2009 budget. The amended bill provides the full amount of the request as a supplemental appropriation to ensure the existing schedule for completion of 100-year protection for the greater New Orleans area by 2011 is met. However, $2,926,000,000 is provided under Flood Control and Coastal Emergencies in order to provide continuity in appropriations for projects to repair, restore, and accelerate completion of the levels of protection authorized prior to Hurricane Katrina. None of the funds recommended for this purpose shall be available until October 1, 2008.

In addition, the amended bill provides $605,988,800 to respond to recent natural disasters. The Corps shall prioritize all projects to ensure that the most critical health and safety risks are addressed.

CONSTRUCTION

The amended bill includes $2,896,700,000 for Construction. Within the recommended funds, $1,077,000,000 is provided to complete the 100-year storm protection for the Lake Pontchartrain and Vicinity project;

$920,000,000 is provided to complete the 100-year storm protection for the West Bank and Vicinity project; and $838,000,000 is provided for elements of the Southeast Louisiana Urban Drainage project that are within the geographic perimeter of the West Bank and Vicinity projects and the Lake Pontchartrain and Vicinity project.

The amended bill includes a provision which requires the Lake Pontchartrain and Vicinity, West Bank and Vicinity and Southeast Louisiana projects be cost shared 65 percent Federal and 35 percent non-Federal as proposed by the Administration with a resulting Federal cost of $2,835,000,000 and a non-Federal cost of $1,527,000,000. While the amended bill includes specific statutory dollar amounts for the three projects, statutory language has been included that would allow the Administration to request a reprogramming of funds, if required. However, the Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that are currently under construction that have been damaged by storm and flood events. The amended bill includes $61,700,000 for the Corps to repair and rehabilitate these construction projects that were affected by natural disasters.

MISSISSIPPI RIVER AND TRIBUTARIES

Due to recent natural disasters, the Corps of Engineers has identified a number of Federally-maintained construction and maintenance projects that have been damaged or otherwise impacted by storm and flood events. The amended bill includes $17,590,000 for the Corps to repair and rehabilitate these projects that were affected by natural disasters.

OPERATION AND MAINTENANCE

Due to recent natural disasters, the Corps of Engineers has identified a number of navigation and flood damage reduction projects that have been impacted by storm and flood events. The amended bill provides $298,344,000 for the Corps to restore navigation channels and harbors to pre-storm conditions; and to repair eligible flood damage reduction and other projects in States affected by natural disasters.

FLOOD CONTROL AND COASTAL EMERGENCIES

The amended bill provides $3,152,854,800 for Flood Control and Coastal Emergencies. The funding includes, at full Federal expense, the following amounts: $704,000,000 to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 to improve protection at the Inner Harbor Navigation Canal; $456,000,000 to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 for repair and restoration of authorized protections and floodwalls; and $359,000,000 to complete the authorized protection for the Lake Pontchartrain and Vicinity Project, for the West Bank and Vicinity Project and the New Orleans to Venice Project. While the Committee has recommended specific statutory dollar amounts for the projects identified under this heading, statutory language has been included that would allow the Administration to request a reprogramming of funds, if required. However, the Corps should use this reprogramming ability sparingly.

Due to recent natural disasters, the Corps of Engineers has identified a number of projects that have been damaged by storm and flood events. The amended bill includes $226,854,800 for the Corps to prepare for flood, hurricane and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law; to repair and rehabilitate eligible projects that were affected by natural disasters; and to fund claims processing and discovery costs associated with Hurricane Katrina lawsuits.

The amended bill includes a provision directing the Corps to continue the NEPA alternative evaluation of all options for permanent pumping of storm water in the New Orleans metropolitan area with particular attention to Options 1, 2 and 2a and within 90 days of enactment of this Act provide the House and Senate Appropriation Committees cost estimates to implement Options 1, 2 and 2a of the above cited report. Current plans do not fully account for the operational challenges that arise during major storm events and are not, therefore, fully protective of public safety.

EXPENSES

The amended bill includes $1,500,000 for additional oversight and management costs associated with Hurricane Katrina recovery efforts.

CHAPTER 4—SMALL BUSINESS

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Based on early estimates of damages due to severe storms and flooding in a number of states, the amended bill includes $164,939,000 in loan subsidy for the costs of providing direct loans for homeowners and business-owners so that they can recover from the effects of these disasters. The amended bill also includes a total of $101,814,000 for the administrative costs for carrying out the loan program. These funds will provide for the on site presence of Small Business Administration (SBA) employees to assist disaster victims in obtaining low interest loans from the SBA. Funding will support additional to staff in call centers, disaster resource sites, and loan processing centers and for field inspections to verify damages and losses of homes and businesses. Funding is also necessary to hire additional attorneys to carry out the loan closing process, as well as staff to service the loans. Of this amount, $6,000,000 may be transferred to the Salaries and Expenses account for indirect administrative expenses and $1,000,000 is for the Office of Inspector General for audits and reviews of disaster loans.

CHAPTER 5—FEMA DISASTER RELIEF

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The amended bill provides an additional $897,000,000 for Disaster Relief. The recent Midwest floods and tornadoes have added to disaster relief funding needs. The 1993 Midwest floods cost FEMA over $1.1 billion fifteen years ago and the current damage is likely to cost at least this amount, but in inflated dollars. This funding is provided to meet these and other disaster relief funding needs.

CHAPTER 6—HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

The amended bill includes funding for Louisiana Permanent Supportive Housing, in the amount of $73,000,000. This is a new program, and the money is split between two accounts in the bill—the Homeless Assistance Grants and the Project-Based Rental Assistance programs. This program will provide funding for the 3,000 units of permanent supportive housing that are envisioned in the HUD-approved Louisiana Road Home Program. This will enable the promise of the Road Home Program to address the housing needs of our most vulnerable citizens, in particular extremely low-income homeless, disabled and frail elderly persons, to be fulfilled. Of the $73,000,000 provided, $20,000,000 will fund 2,000 project-based vouchers (funded for 1-year terms) with $3,000,000 in administrative fees, and $50,000,000 will fund 1,000 Shelter Plus Care units (funded for five-year terms). These are the ideal and proven housing programs for creating permanent supportive housing for the populations in question. The program funds are provided to the State of Louisiana or its designee or designees, and language is included stating that the administering entity or entities can act as a public housing agency for purposes of administering the funding.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The amended bill provides $300,000,000 for the Community Development Fund for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas for which the President declared a major disaster.

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

The amended bill includes language providing a temporary extension of unemployment benefits to workers who have lost their jobs. Specifically, the amended bill provides up to 13 weeks of extended unemployment benefits in every State to workers exhausting regular unemployment compensation. The extended benefits program will terminate on March 31, 2009. The percentage of workers exhausting unemployment benefits is currently 37 percent, which is higher than at the beginning of any of the past five recessions. Not only will workers and their families benefit from extended benefits, providing this financial assistance also can reduce the severity and duration of an economic downturn. Experts agree that extending unemployment benefits is one of the most cost-effective and fast acting forms of economic stimulus because workers who have lost their paychecks have little choice but to spend these benefits quickly.

TITLE V—VETERANS EDUCATIONAL ASSISTANCE

Title V of the amended bill includes provisions designed to expand the educational benefits for men and women who have served in the armed forces since the terrorist attacks of September 11, 2001. The provisions will closely resemble the educational benefits provided to veterans returning from World War II.

The benefits included in title V would apply to all members of the military who have served on active duty, including activated reservists and National Guard. To qualify, veterans must have served at least three months of qualified active duty, beginning on or after September 11, 2001. The amended bill provides for benefits to be paid in amounts linked to the amount of active duty service.

In addition to tuition and other established charges, the benefit includes a monthly stipend for housing costs as well as tutorial assistance and licensure and certification tests.

The amended bill would create a new program in which the government will agree to match, dollar for dollar, any voluntary additional contributions to veterans from institutions whose tuition is more expensive than the maximum educational assistance provided in the amended bill.

In addition, title V allows for members of the armed services to transfer their benefits to their spouse or children.

Finally, the amended bill provides for the veterans to have up to fifteen years after they leave active duty to use their educational assistance entitlement. Veterans would be barred from receiving concurrent assistance from this program and another similar program.

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

Chapter 1 of title VI is identical to the language of H.R. 5712, "Close the Contractor Fraud Loophole Act," passed by the House on April 23, 2008. It closes a loophole in a proposed rule so that mandatory fraud reporting requirements would apply to U.S. contractors working overseas as well as to contractors working here at home.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

Chapter 2 of title VI is identical to the language of H.R. 3928, "Government Funding Transparency Act of 2007," passed by the House on April 23, 2008. It requires any company or organization receiving at least $25 million and 80 percent or more of their revenue from federal payments to disclose the compensation of their most highly-compensated officers.

TITLE VII—MEDICAID PROVISIONS

Title VII of the amended bill includes language extending the current moratorium to April 2009 on four Medicaid regulations pertaining to: graduate medical education payments; limits on payments to government safety net providers; rehabilitation services; and school-based administrative and specialized medical transportation services for children. The amended bill also establishes a moratorium for the same period for two Medicaid regulations pertaining to: health care provider taxes and targeted case management. The cost of the moratoria is fully offset over five and ten years in the amended bill by provisions that extend an asset verification demonstration to all fifty States and reduce balances in the Physician Assistance and Quality Initiative Fund. These six moratoria are identical to those included in H.R. 5613, which was approved by the House by a 349–62 vote.

The moratorium on these six regulations is included in the amended bill due to concerns about their potential negative impact on essential medical services for millions of people, particularly for seniors, people with disabilities, and children, and on the providers of these safety net services. These regulations also would have a far-reaching impact on graduate medical education, outreach and supportive services designed to help individuals get the medical care they need, and foster care services.

According to the Congressional Budget Office (CBO), these regulatory changes would reduce Federal Medicaid spending by more than $17,500,000,000 over the next five years, shifting these costs to States and localities. These cuts would occur during an economic downturn when States and localities are least able to restore services. Further, the authorizing committees indicate that many of these regulations alter longstanding Medicaid policy without specific Congressional authorization.

Additional time is required to examine the potential impact of these regulations. Accordingly, the amended bill includes $5,000,000 for a study to be completed no later than September 2009 by an independent entity to assess the prevalence of the problems in the Medicaid program the regulations were intended to address and their impact on each State. The amended bill also includes $25,000,000 for the purpose of reducing fraud and abuse in the Medicaid program.

TITLE VIII—GENERAL PROVISIONS, THIS ACT

The amended bill includes the following general provisions:

Section 8001 establishes the period of availability for obligation for appropriations provided in this Act.

Section 8002 provides that, unless otherwise noted, all appropriations in this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 and section 301(b)(2) of S. Con. Res. 70, the congressional budget resolutions for fiscal years 2008 and 2009.

Section 8003 provides for a reduction of $3,577,845,000 from the Procurement; Research, Development, Test and Evaluation; and Defense Working Capital headings within chapter 1 of title IX of this Act. The section also provides that the reduction shall be applied proportionally to each appropriation account under such headings, and to each program, project, and activity within each such appropriation account.

Section 8004 amends section 9310 of this Act, which prohibits the obligation or expenditure of funds available to the Department of Defense to implement any final action on joint basing initiatives. The amendment excepts funds deposited in the Department of Defense Base Closure Account 2005 from this restriction.

Section 8005 makes funds provided in Public Law 110–28, which remain available for obligation, within the operation and maintenance portion of the Defense Health Program for Post Traumatic Stress Disorder and Traumatic Brain Injury (TBI) available for psychological health and traumatic brain injury.

Section 8006 provides that this Act may be referred to as the "Supplemental Appropriations Act, 2008".

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE I			
MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS			
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Foreign Agricultural Service			
Public Law 480 Title II Grants, FY 2008 (emergency)...	350,000	850,000	+500,000
Public Law 480 Title II Grants, FY 2009 (emergency)...	395,000	395,000	---
Total, Chapter 1..............................	745,000	1,245,000	+500,000
CHAPTER 2			
DEPARTMENT OF JUSTICE			
Office of Inspector General (emergency)..............	---	4,000	+4,000
Legal Activities			
Salaries and expenses, general legal activities (emergency)..	4,093	1,648	-2,445
Salaries and expenses, United States Attorneys (emergency)..	5,000	5,000	---
Total, Legal activities.........................	9,093	6,648	-2,445
United States Marshals Service			
Salaries and expenses (emergency)....................	14,921	28,621	+13,700
Federal Bureau of Investigation			
Salaries and expenses, FY 2008 (emergency)...........	101,122	106,122	+5,000
Salaries and expenses, FY 2009 (emergency)...........	39,062	82,600	+43,538
Total, Federal Bureau of Investigation..........	140,184	188,722	-48,538
Drug Enforcement Administration			
Salaries and expenses (emergency)....................	8,468	29,861	+21,393
Bureau of Alcohol, Tobacco, Firearms and Explosives			
Salaries and expenses (emergency)....................	4,000	4,000	---
Federal Prison System			
Salaries and expenses (emergency)....................	9,100	9,100	---
Total, Chapter 2..............................	185,766	270,952	+85,186
CHAPTER 3			
DEPARTMENT OF DEFENSE			
Military construction, Army (emergency)..............	1,440,750	1,108,200	-332,550
Military construction, Navy and Marine Corps (emergency)..	237,505	355,907	+118,402
Military construction, Air Force (emergency)..........	305,000	399,627	+94,627
Military construction, Defense-Wide (emergency).......	27,600	890,921	+863,321
Total, Active Components..	2,010,855	2,754,655	+743,800

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
Family housing construction, Navy and Marine Corps (emergency)	11,766	11,766	---
Base realignment and closure account 2005 (emergency)	415,910	1,278,886	+862,976
Total, Department of Defense	2,438,531	4,045,307	+1,606,776
DEPARTMENT OF VETERANS AFFAIRS			
Departmental Administration			
General operating expenses (emergency)	---	100,000	+100,000
Information technology systems (emergency)	---	20,000	+20,000
Construction, major projects (emergency)	---	396,377	+396,377
Total, Departmental Administration	---	516,377	+516,377
General Provisions			
Sec. 1301. Barracks improvements (emergency)	---	200,000	+200,000
Total, Department of Veterans Affairs	---	716,377	+716,377
Total, Chapter 3	2,438,531	4,761,684	+2,323,153
CHAPTER 4			
SUBCHAPTER A			
SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and consular programs (emergency)	1,708,008	1,465,700	-242,308
Worldwide security protection	(162,400)	(210,400)	(+48,000)
Office of the Inspector General (emergency)	---	9,500	+9,500
Embassy security, construction, and maintenance (emergency)	160,000	76,700	-83,300
Total, Administration of Foreign Affairs	1,868,008	1,551,900	-316,108
International Organizations			
Contributions to international organizations (emergency)	53,000	66,000	+13,000
Contributions for international peacekeeping activities, current year (emergency)	333,600	373,708	+40,108
Total, International Organizations	386,600	439,708	+53,108
Total, Department of State	2,254,608	1,991,608	-263,000
RELATED AGENCY			
Broadcasting Board of Governors			
International broadcasting operations (emergency)	---	2,000	+2,000
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
International disaster assistance (emergency)	---	220,000	+220,000
Operating expenses of the United States Agency for International Development (emergency)	41,000	150,500	+109,500

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
Operating expenses of the US Agency for International Development, Office of Inspector General (emergency)	---	4,000	+4,000
Other Bilateral Economic Assistance			
Economic support fund (emergency)....................	2,009,000	1,882,500	-126,500
Department of State			
Democracy Fund (emergency)............................	---	76,000	+76,000
International narcotics control and law enforcement (emergency)............................	734,000	390,300	-343,700
Migration and refugee assistance (emergency)..........	30,000	315,000	+285,000
U.S. Emergency Refugee and Migration Assistance Fund (emergency)..................................	---	31,000	+31,000
Nonproliferation, anti-terrorism, demining and related programs (emergency).......................	5,000	13,700	+8,700
Total, Bilateral Economic Assistance...........	2,819,000	3,083,000	+264,000
MILITARY ASSISTANCE			
Funds Appropriated to the President			
Foreign Military Financing Program (emergency)........	---	137,500	+137,500
Total, Subchapter A............................	5,073,608	5,214,108	+140,500
SUBCHAPTER B			
BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and consular programs (emergency)..........	1,064,450	704,900	-359,550
Worldwide security protection......................	(45,800)	(78,400)	(+32,600)
Office of the Inspector General (emergency)...........	16,800	57,000	+40,200
Embassy security, construction, and maintenance (emergency).......................................	---	41,300	+41,300
Total, Administration of Foreign Affairs........	1,081,250	803,200	-278,050
International Organizations			
Contributions to international organizations (emergency).......................................	40,000	75,000	+35,000
Contributions for international peacekeeping activities, current year (emergency)...............	---	150,500	+150,500
Total, International Organizations.............	40,000	225,500	+185,500
Total, Department of State.....................	1,121,250	1,028,700	-92,550
RELATED AGENCY			
Broadcasting Board of Governors			
International broadcasting operations (emergency).....	---	6,000	+6,000
BILATERAL ECONOMIC ASSISTANCE			
Funds Appropriated to the President			
Global health and child survival (emergency)..........	---	75,000	+75,000
Development assistance (emergency)...................	210,000	200,000	-10,000

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
International disaster assistance (emergency)	270,000	200,000	-70,000
Operating expenses of the United States Agency for International Development (emergency)	60,000	93,000	+33,000
Operating expenses of the US Agency for International Development, Office of Inspector General (emergency)	---	1,000	+1,000
Total, Funds Appropriated to the President	540,000	569,000	+29,000
Other Bilateral Economic Assistance			
Economic support fund (emergency)	1,297,700	1,124,800	-172,900
Department of State			
International narcotics control and law enforcement (emergency)	225,000	199,000	-26,000
Migration and refugee assistance (emergency)	191,000	350,000	+159,000
Nonproliferation, anti-terrorism, demining and related programs (emergency)	---	4,500	+4,500
Total, Department of State	416,000	553,500	+137,500
Total, Bilateral Economic Assistance	2,253,700	2,247,300	-6,400
MILITARY ASSISTANCE			
Funds Appropriated to the President			
Foreign Military Financing Program (emergency)	170,000	302,500	+132,500
Peacekeeping operations (emergency)	60,000	95,000	+35,000
Total, Military Assistance	230,000	397,500	+167,500
Total, Subchapter B	3,604,950	3,679,500	+74,550
SUBCHAPTER C - GENERAL PROVISIONS			
Sec. 1410:			
(a)(1) World Food Program	---	20,000	+20,000
(a)(2) Andean Counterdrug Initiative (rescission)	---	-20,000	-20,000
(b)(1) International narcotics control and law enforcement (Sudan)	---	10,000	+10,000
(b)(2) International narcotics control and law enforcement (prior-year rescission)	---	-10,000	-10,000
(c)Iraq Relief and Reconstruction Fund (rescission of emergency appropriations)	---	-50,000	-50,000
Sec. 1413:			
(a)(b) Jordan	---	58,000	+58,000
(c) Millennium Challenge Corporation (rescission)	---	-58,000	-58,000
Total, Subchapter C	---	-50,000	-50,000
Total, Chapter 4	8,678,558	8,843,608	+165,050
GENERAL PROVISIONS			
DEPARTMENT OF HOMELAND SECURITY			
Customs and Border Protection			
Salaries and expenses (rescission)	-50,000	---	+50,000
Total, title I	11,997,855	15,121,244	+3,123,389

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE II			
DOMESTIC MATTERS			
CHAPTER 1			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration			
Salaries and expenses (emergency)	---	150,000	+150,000
CHAPTER 2			
DEPARTMENT OF COMMERCE			
Bureau of the Census			
Periodic censuses and programs (emergency)	---	210,000	+210,000
DEPARTMENT OF JUSTICE			
Federal Prison System			
Salaries and expenses (emergency)	---	178,000	+178,000
OTHER AGENCIES			
National Aeronautics and Space Administration			
Science, aeronautics and exploration (emergency)	---	62,500	+62,500
National Science Foundation			
Research and related activities (emergency)	---	22,500	+22,500
Education and human resources (emergency)	---	40,000	+40,000
Total, National Science Foundation	---	62,500	+62,500
Total, Other Agencies	---	125,000	+125,000
Total, Chapter 2	---	513,000	+513,000
CHAPTER 3			
DEPARTMENT OF ENERGY			
Energy Programs			
Science (emergency)	---	62,500	+62,500
Environmental and Other Defense Activities			
Defense environmental cleanup (emergency)	---	62,500	+62,500
Total, Chapter 3	---	125,000	+125,000
CHAPTER 4			
DEPARTMENT OF LABOR			
Employment and Training Administration			
State unemployment insurance and employment service operations (emergency)	---	110,000	+110,000

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
National Institutes of Health			
Office of the Director (emergency)....................	---	150,000	+150,000
Total, Chapter 4................................	---	260,000	+260,000
CHAPTER 5			
HOUSE OF REPRESENTATIVES			
Payments to Widows and Heirs of Deceased Members of Congress..	---	169	+169
Total, title II................................	---	1,048,169	+1,048,169
TITLE III			
NATURAL DISASTER RELIEF AND RECOVERY			
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Farm Service Agency			
Emergency Conservation Program (emergency)...........	---	89,413	+89,413
Natural Resources Conservation Service			
Emergency Watershed Protection Program...............	---	390,464	+390,464
Total, Chapter 1...............................	---	479,877	+479,877
CHAPTER 2			
DEPARTMENT OF COMMERCE			
Economic Development Administration			
Economic development assistance programs (emergency)..	---	100,000	+100,000
CHAPTER 3			
DEPARTMENT OF THE ARMY			
Corps of Engineers - Civil			
Construction, general (emergency).....................	---	61,700	+61,700
Construction, FY 2009 (emergency).....................	5,761,000	2,835,000	-2,926,000
Mississippi River and tributaries (emergency).........	---	17,590	+17,590
Operation and maintenance (emergency).................	---	298,344	+298,344
Flood control and coastal emergencies.................	---	226,855	+226,855
Flood control and coastal emergencies, FY 2009(emerg.)	---	2,926,000	+2,926,000
Expenses (emergency)..................................	---	1,500	+1,500
Total, Chapter 3...............................	5,761,000	6,366,989	+605,989

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
CHAPTER 4			
Small Business Administration			
Disaster Loans Program Account:			
Direct loans subsidy (emergency)	---	164,939	+164,939
Administrative expenses (emergency)	---	101,814	+101,814
Total, Chapter 4	---	266,753	+266,753
CHAPTER 5			
DEPARTMENT OF HOMELAND SECURITY			
Federal Emergency Management Agency			
Disaster Relief (emergency)	---	897,000	+897,000
CHAPTER 6			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Permanent supportive housing (emergency)	---	73,000	+73,000
Community Planning and Development			
Community Development Fund (emergency)	---	300,000	+300,000
Total, Chapter 6	---	373,000	+373,000
Total, title III	5,761,000	8,483,619	+2,722,619
TITLE IV			
EMERGENCY UNEMPLOYMENT COMPENSATION			
Federal-State agreements, FY 2008 (emergency)	---	4,790,000	+4,790,000
Federal-State agreements, FY 2009 (emergency)	---	7,765,000	+7,765,000
Total, title IV	---	12,555,000	+12,555,000
TITLE V			
VETERANS EDUCATIONAL ASSISTANCE			
Veterans educational assistance, FY 2008 (emergency)	---	50,000	+50,000
Veterans educational assistance, FY 2009 (emergency)	---	746,000	+746,000
Total, title V	---	796,000	+796,000
TITLE VII			
MEDICAID PROVISIONS			
Medicaid moratorium, FY 2008 (emergency)	---	305,000	+305,000
Medicaid moratorium, FY 2009 (emergency)	---	805,000	+805,000
Total, title VII	---	1,110,000	+1,110,000

HOUSE AMENDMENT TO SENATE AMENDMENT 2 TO H.R. 2642
(Amounts in thousands)

	Request	Recommended	Recommended vs. Request
TITLE VIII			
GENERAL PROVISIONS			
Sec. 8003. General defense reduction (emergency)	---	-3,577,845	-3,577,845
Grand total	17,758,855	35,536,187	+17,777,332
Appropriations	---	(88,169)	(+88,169)
Emergency appropriations	(17,808,855)	(35,586,018)	(+17,777,163)
Rescissions	(-50,000)	(-88,000)	(-38,000)
Rescissions of emergency funding	---	(-50,000)	(-50,000)

EARMARK DISCLOSURE STATEMENT FOR THE FURTHER HOUSE AMENDMENT RELATING TO SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2008 AND 2009

Neither the House amendment nor the explanatory statement contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives. However, the following tables are submitted disclosing those earmarks included at the request of the Administration:

Military Construction

[dollars in thousands]

Project Name	Location	Amount	Request By
Child Development Center	AK: Fort Wainwright	17,000	Administration
Child Development Center	CA: Fort Irwin	11,800	Administration
11th Marine Regiment HQ, Amory, BEQ	CA: Camp Pendleton	34,970	Administration
5th Marine Regiment Addition, San Mateo	CA: Camp Pendleton	10,890	Administration
Armory Intelligence Battalion, 16 Area	CA: Camp Pendleton	4,180	Administration
Armory, Regiment & Battalion HQ, 53 Area	CA: Camp Pendleton	5,160	Administration
BEQ & Mess Hall HQ (13) Area	CA: Camp Pendleton	24,390	Administration
EOD Operations Facility	CA: Camp Pendleton	13,090	Administration
ISR Camp - Intelligence Battalion	CA: Camp Pendleton	1,114	Administration
JIEDDO Battle Courses	CA: Camp Pendleton	9,270	Administration
Military Police Company Facilities	CA: Camp Pendleton	8,240	Administration
Public-Private Venture, Phase 6B	CA: Camp Pendleton	10,692	Administration
Public-Private Venture, Phase 2A	CA: Twentynine Palms	1,074	Administration
Regimental Combat Team HQ Facility	CA: Twentynine Palms	4,440	Administration
JIEDDO Battle Courses	CA: China Lake NAWS	7,210	Administration
JIEDDO Battle Courses	CA: Point Mugu	7,250	Administration
Child Development Center	CA: San Diego	17,930	Administration
Recruit Barracks	CA: San Diego MCRD	43,200	1/
JIEDDO Battle Courses	CA: Twentynine Palms	11,250	Administration
Child Development Center	CA: Beale AFB	17,600	Administration
Child Development Center	CO: Fort Carson	8,400	Administration
Soldier Family Assistance Center	CO: Fort Carson	8,100	Administration
JIEDDO Battle Courses	FL: Whiting Field NAS	780	Administration
Child Development Center	FL: Eglin AFB	11,000	Administration
Classrooms & Battalion Dining Facilities	GA: Fort Benning	30,500	1/
AIT Complex 1, Phase 1	GA: Fort Gordon	32,000	1/
Child Development Center	GA: Fort Gordon	7,800	Administration
Soldier Family Assistance Center	GA: Fort Stewart	6,000	Administration
Hospital Replacement	GA: Fort Benning	350,000	1/
Child Development Center	HI: Schofield Barracks	12,500	Administration

Transitioning Warrior Support Complex	KS: Fort Riley	50,000	Administration
Hospital Replacement	KS: Fort Riley	404,000	1/
Child Development Center	KY: Fort Campbell	9,900	Administration
Soldier Family Assistance Center	KY: Fort Campbell	7,400	Administration
Child Development Center	KY: Fort Knox	7,400	Administration
Soldier Family Assistance Center	LA: Fort Polk	4,900	Administration
Starbase Complex 6, Phase 1	MO: Fort Leonard Wood	50,000	1/
JIEDDO Battle Courses	MS: Gulfport NCBC	6,570	Administration
Child Development Center	NC: Camp Lejeune	16,000	Administration
JIEDDO Battle Courses	NC: Camp Lejeune	11,980	Administration
Maintenance/Operations Complex 2/9	NC: Camp Lejeune	43,340	Administration
Child Development Center	NC: Fort Bragg	8,500	Administration
Hospital Addition/Alteration	NC: Camp Lejuene	122,000	1/
JIEDDO Battle Courses	NJ: McGuire AFB	6,200	Administration
Child Development Center	NM: Cannon AFB	8,000	Administration
Warrior in Transition Facilities	NY: Fort Drum	38,000	Administration
Child Development Center	OK: Fort Sill	9,000	Administration
Student Barracks	SC: Fort Jackson	27,000	1/
Recruit Barracks	SC: Parris Island MCRD	19,900	1/
Child Development Center	TX: Fort Bliss	5,700	Administration
Child Development Center	TX: Fort Bliss	5,900	Administration
Child Development Center	TX: Fort Bliss	5,700	Administration
Child Development Center	TX: Fort Hood	7,200	Administration
Warrior in Transition Unit Ops Facilities	TX: Fort Hood	9,100	Administration
AIT Barracks	TX: Fort Sam Houston	47,000	1/
Child Development Center	TX: Fort Sam Houston	7,000	Administration
Burn Rehabilitation Center	TX: Fort Sam Houston	21,000	Administration
JIEDDO Battle Courses	VA: Yorktown NWS	8,070	Administration
AIT Complex 1, Phase 1	VA: Fort Eustis	50,000	1/
Child Development Center	VA: Fort Lee	7,400	Administration
Administrative Building	Afghanistan: Bagram AB	13,800	Administration
Aircraft Maintenance Hangar	Afghanistan: Bagram AB	5,100	Administration
Ammunition Supply Point	Afghanistan: Bagram AB	62,000	Administration
Bulk Fuel Storage and Supply, Phase 3	Afghanistan: Bagram AB	23,000	Administration

Bulk Fuel Storage and Supply, Phase 4	Afghanistan: Bagram AB	21,000	Administration
New Roads	Afghanistan: Bagram AB	27,000	Administration
Power Plant	Afghanistan: Bagram AB	41,000	Administration
East Side Helo Ramp	Afghanistan: Bagram AB	44,400	Administration
ISR Ramp	Afghanistan: Bagram AB	26,300	Administration
Parallel Taxiway Phase 2	Afghanistan: Bagram AB	21,400	Administration
Strategic Ramp	Afghanistan: Bagram AB	43,000	Administration
Rotary Wing Parking	Afghanistan: Ghazni	5,000	Administration
Consolidated Compound	Afghanistan: Kabul	36,000	Administration
Counter IED Road - Route Alaska	Afghanistan: Various Locations	16,500	Administration
Counter IED Road - Route Connecticut	Afghanistan: Various Locations	54,000	Administration
Hot Cargo Ramp	Iraq: Al Asad AB	18,500	Administration
Landfill	Iraq: Al Asad AB	3,100	Administration
South Airfield Apron (India Ramp)	Iraq: Al Asad AB	28,000	Administration
Water Supply, Treatment & Storage Ph III	Iraq: Baghdad IAP	13,000	Administration
Convoy Support Center Relocation, Phase II	Iraq: Camp Adder	39,000	Administration
Multi-Class Storage Warehouse	Iraq: Camp Adder	17,000	Administration
POL Storage Area	Iraq: Camp Adder	10,000	Administration
Wastewater Treatment & Collection System	Iraq: Camp Adder	9,800	Administration
Hazardous Waste Incinerator	Iraq: Camp Anaconda	4,300	Administration
Landfill	Iraq: Camp Anaconda	6,200	Administration
Fighter Ramp	Iraq: Balad AB	11,000	Administration
Foxtrot Taxiway	Iraq: Balad AB	12,700	Administration
Helicopter Maintenance Facilities	Iraq: Balad AB	34,600	Administration
Juvenile TIFRIC	Iraq: Camp Constitution	11,700	Administration
Landfill	Iraq: Camp Marez	880	Administration
Landfill	Iraq: Camp Ramadi	880	Administration
Aviation Navigation Facilities	Iraq: Camp Speicher	13,400	Administration
Landfill	Iraq: Camp Speicher	5,900	Administration
Military Control Point	Iraq: Camp Speicher	5,800	Administration
Rotary Wing Parking Apron	Iraq: Camp Speicher	49,000	Administration
Landfill	Iraq: Camp Taqqadum	880	Administration
Landfill	Iraq: Camp Warrior	880	Administration
Landfill	Iraq: Fallujah	880	Administration

North Entry Control Point	Iraq: Qayyarah West	11,400	Administration
Perimeter Security Upgrade	Iraq: Qayyarah West	14,600	Administration
Entry Control Point	Iraq: Scania	5,000	Administration
Water Storage Tanks	Iraq: Scania	9,200	Administration
Landfill	Iraq: Victory Base	6,200	Administration
Level 3 Hospital	Iraq: Victory Base	13,400	Administration
Wastewater Treatment & Collection System	Iraq: Victory Base	9,800	Administration
Water Treatment & Storage Phase II	Iraq: Victory Base	18,000	Administration
Facilities Replacement	Iraq: Various Locations	72,000	Administration
Overhead Cover - eGlass	Iraq: Various Locations	135,000	Administration
CJTF-HOA HQ Facility	Djibouti: Camp Lemonier	29,710	Administration
Dining Facility	Djibouti: Camp Lemonier	20,780	Administration
Fuel Farm	Djibouti: Camp Lemonier	4,000	Administration
Full Length Taxiway	Djibouti: Camp Lemonier	15,490	Administration
Network Infrastructure Expansion	Djibouti: Camp Lemonier	6,270	Administration
Water Production	Djibouti: Camp Lemonier	19,140	Administration
Western Taxiway	Djibouti: Camp Lemonier	2,900	Administration
Communication Center	Kuwait: Camp Arifjan	30,000	Administration
Strategic Ramp	Kyrgyzstan: Manas AB	30,300	Administration
Expeditionary Beddown Site	Oman: Masirah AB	6,300	Administration
Facility Replacements	Qatar: Al Udeid AB	40,000	Administration
Northwest (CAS) Ramp	Qatar: Al Udeid AB	60,400	Administration
Logistics Storage Warehouse	Qatar: Al Udeid AB	6,600	Administration

1/ The Committee learned through hearings, site visits, and Departmental briefings that trainee and recruit facilities and medical treatment facilities are two high priority areas in dire need of additional funds. The projects included were identified by the Department as high priority projects and were not included at the request of Members of Congress.

Army Corps of Engineers

[dollars in thousands]

Project Name	State	Amount	Request by
Repair and restore authorized protection and floodwalls	LA	393,000	Administration
Complete authorized protection	LA	359,000	Administration
Plaquemines Parish - non-Federal levees	LA	456,000	Administration

Outfall Canals - pumps and closures	LA	704,000	Administration
Inner Harbor Navigation Canal protection	LA	53,000	Administration
Armoring	LA	459,000	Administration
Reinforce and replace floodwalls	LA	412,000	Administration
Storm-proof pumping stations	LA	90,000	Administration
Lake Pontchartrain and Vicinity (100-year protection)	LA	1,077,000	Administration
Westbank and Vicinity (100-year protection)	LA	920,000	Administration
Southeast Louisiana (interior drainage)	LA	838,000	Administration

FY 2008/09 SUPPLEMENTAL APPROPRIATIONS—SUMMARY

[$ in millions; discretionary BA]

Agency and Account	Fiscal Year 2008					Fiscal Year 2009				
	President	House	Senate	House Round2	Round2 +/ – Request	President	House	Senate	House Round2	Round2 +/ – Request
Title I—Military Construction, Veterans, International Affairs, and Other Security-Related Matters										
Food Aid (PL 480)	350	850	850	850	500	395	395	395	395	0
Justice Department	147	147	230	188	42	39	83	83	83	44
Military Construction	2,439	4,642	3,443	4,245	1,807					
Veterans Affairs		120	557	516	516					
Dept. of State & Foreign Ops	5,074	5,074	5,255	5,164	91	3,605	3,600	3,419	3,680	75
Total, Title I	7,959	10,832	10,335	10,964	3,005	4,039	4,078	3,897	4,157	118
Title II—Domestic Matters										
Food & Drug Administration			275	150	150					
Census		210	210	210	210					
Bureau of Prisons		178	178	178	178					
Other Department of Justice			640							
NSA & NSF			400	125	125					
Department of Energy			400	125	125					
Secure Rural Schools			400							
Unemployment Comp admin.		110	110	110	110					
CDC & NIH			426	150	150					
LIHEAP			1000							
Other			11							
Science (included in above)			1,200	400	400					
Total, Title II	0	498	4,050	1,048	1,048					
Title III—Midwest Floods & Tornadoes, Hurricane Katrina and Other Natural Disasters										
Agriculture			180	480						
Commerce (EDA & NOAA)			150							
Law Enforcement Assist.			75							
Corps of Engineers			519	606		5,761	5,761	8,241	5,761	0
SBA Disaster Loans				267						
FEMA Disaster Relief				1,297						
Wildfires			450							
Hospital Grants			350							
Emergency Relief Highways			451							
HUD			–54	73						
Other			35							
Total, Disasters	0	0	2,156	2,723	2,723	5,761	5,761	8,241	5,761	0
TITLE IX—Defense Matters	100,054	96,622	99,506	99,506	–548	66,063	65,921	65,921	65,921	–142
Defense Reduction (sec. 8004)				–3,578	–3,578					
Total, Appropriations Titles	108,013	107,952	116,046	110,663	2,650	75,863	75,760	78,059	75,839	–24
FY 2009 Bridge (FY 2009 excluding Corps of Engineers)						70,102	69,999	69,818	70,078	–24
Veterans Education Assistance		40	40	50	50		676	677	746	746
Emergency Unemployment Comp		6,170	6,170	5,050	5,050		9,403	9,403	9,288	9,288
Medicaid & Other Health		450	530	345	345		1,150	1,225	850	850
Total (W/out Tax Surcharge)	108,013	114,612	122,786	116,108	8,095	75,863	86,989	89,364	86,723	10,860
Tax Surcharge		0		0			3,986		0	

FY 2008/09 SUPPLEMENTAL APPROPRIATIONS—MULTI-YEAR TOTALS

[$ in millions; discretionary BA]

Agency and Account	Two Years (FY 2008 & FY 2009)					Eleven Years (FY 2008–FY 2018)				
	President	House	Senate	House Round2	Round2 +/ – Request	President	House	Senate	House Round2	Round2 +/ – Request
MilCon, Vets, Int'l, Other Security	11,998	14,910	14,231	15,121	3,123	11,998	14,910	14,231	15,121	3,123
Domestic	0	498	4,050	1,048	1,048	0	498	4,050	1,048	1,048
Floods, Hurricanes, Other Disasters	5,761	5,761	10,397	8,484	2,723	5,761	5,761	10,397	8,484	2,723
Defense	166,117	162,543	165,427	161,849	–4,268	166,117	162,543	165,427	161,849	–4,268
Subtotal, Appropriations	183,876	183,712	194,105	186,502	2,626	183,876	183,712	194,105	186,502	2,626
Veterans Education Assistance		716	717	796	796		51,600	51,616	62,770	62,770
Emergency Unemployment Comp		15,573	15,573	14,338	14,338		11,137	11,137	9,962	9,962
Medicaid & Other Health		1,600	1,755	1,195	1,195		–7	2,849	–7	–7
TOTAL (w/out tax surcharge)	183,876	201,601	212,150	202,831	18,955	183,876	246,442	259,707	259,227	75,351
Tax Surcharge		3,986		4,792			52,286		62,835	

Mr. SCALISE. Mr. Speaker, I rise today in support of H.R. 2642 and strongly encourage my colleagues to vote in favor of this legislation.

I am pleased that the Democratic leadership has chosen to not delay this bill any longer by hijacking it with tax increases. Our troops in the field will now have the resources they need to be successful in the war on terror.

In addition to providing our troops with critical and timely funding, this bill also includes funding for the communities in southeast Louisiana that were devastated by the flooding after Hurricane Katrina.

On August 29, 2005, the failure of the federal levees resulted in over 1,400 deaths in my home State. Hundreds of thousands of Louisianians lost their homes. Over 80,000 small businesses were severely impacted. Of the 18 hospitals that served the area before Hurricane Katrina, only 10 have re-opened and continue to struggle financially. An estimated 217 square miles of coastal marshland were transformed to open water, expediting the erosion of Louisiana's coastal buffers that reduce the intensity of hurricanes before they strike our towns and cities.

While much progress has been made, our State is still struggling to recover from the Nation's worst natural disaster.

The legislation before us today not only helps to protect our troops in the field, it also takes us one step closer to protecting the citizens of south Louisiana from future flooding. This bill contains essential funding for the Army Corps of Engineers to make progress in completion of 100-year flood protection in South Louisiana. The bill also includes essential language directing the Corps of Engineers to provide an official cost estimate on the "Pump to the River" project, which will direct flood waters to the Mississippi River rather than Lake Ponchartrain, providing an important alternative method of flood prevention for thousands of citizens.

While I support the vital flood protection funding provided for in this bill, I am disappointed that the House leadership stripped critical funding that was included in the Senate version to allow local governments a longer payback period for their local cost share on levees. It is also very unfortunate that funding was stripped out for the hospitals in our area that are struggling financially to care for the uninsured citizens of southeast Louisiana, many of whom went to the State's Charity Hospital and the Federal Veteran's Administration Hospital that were closed down due to damage from Hurricane Katrina.

The Senate added a 30-year payback provision on the local cost-share for the Federal levees. This 30-year payback provision is critical to the recovery of south Louisiana. The levees that failed our city and our region were Federal levees. If our local governments are required to pay the 35 percent cost-share up front, it will likely prevent them from being able to move these critical flood protection projects forward. In addition, our State will likely be prevented from initiating any new coastal restoration efforts which would prevent hurricane protection efforts outside the greater New Orleans area.

Similarly, if the hospitals in our area are not provided immediate assistance, the stability of our entire health care infrastructure could be jeopardized. These hospitals are currently caring for patients that before Hurricane Katrina were receiving care at the government-funded, State-run Charity Hospital and the Federal VA Hospital. Our local hospitals are incurring hundreds of millions of dollars in losses and continue to provide 90 percent of health care services in the region. Without immediate assistance, the sustainability of the entire health care system and a major economic engine of the New Orleans region will be made extremely vulnerable, which could hinder our recovery.

Critical law enforcement funding to combat the post-Katrina crime wave was also cut in the House version of the bill. These funds would have provided personnel, equipment and technology to apprehend perpetrators of violent crimes. The safety of the citizens is crucial to our rebuilding efforts.

I implore my colleagues to continue to support my efforts and the efforts of the entire Louisiana delegation as we work to restore these other important provisions that are not yet in the legislation. I encourage support for this important bill.

Mr. MURTHA. Mr. Speaker, today we once again consider a supplemental spending bill for our troops in both Iraq and Afghanistan.

The spending bill before us represents a compromise between both the House and Senate. It provides funding to take care of our troops in the field through the balance of fiscal year 2008, and through June 2009. The funding in this bill closely follows our vision of "looking beyond the war in Iraq."

For fiscal year 2008 this supplemental includes:

$825 million for National Guard and Reserve Equipment;

$1.6 billion for HMMWVs;

$3.1 billion for Medium and Heavy Tactical Trucks;

$102 million for Land Warrior equipment sets for next-to-deploy units;

$1.2 billion for various Joint Unmet Operational Needs as identified by the Department of Defense, but not included in the budget request;

$500 million for Army and Marine Corps Facility Maintenance and Repairs (this includes barracks);

$300 million for Facility Maintenance and Repairs at DoD medical treatment facilities;

$94.9 million for Wounded Warrior efforts;

$50 million for Family Advocacy Programs;

$570 million for treatment and research activities within the Defense Health Program; and

$3.5 billion to address the increasing cost of fuel that was not included in the budget request.

For fiscal year 2009 this supplemental includes:

$1.2 billion for military personnel and $51.9 billion for operation and maintenance. This is sufficient funding to maintain all anticipated military operations through June 2009;

$394.8 million for Bradley base sustainment;

$390.2 million for HMMWV recapitalization;

$1.1 billion for the Defense Health Program; and

$2.0 billion for the Joint Improvised Explosive Device Defeat Fund.

This is a good piece of legislation, and I'd ask my colleagues on both sides of the aisle to vote for this bill.

Mr. BLUMENAUER. Mr. Speaker, as we take up the final war supplemental of the Bush administration, the Bush legacy in Iraq is clear: a President who misled America, needlessly put our troops in harm's way, and threw billion of dollars of good money after bad.

Five years ago, I spoke out and voted against the invasion of Iraq. From that time I have opposed the open-ended funding and escalation of this terrible conflict, while the President has committed us to a growing military tragedy, foreign policy nightmare, and, increasingly, humanitarian crisis. I continue to believe that the best way to honor those whose lives have been lost in this tragic war is to end it quickly and responsibly.

It is a constant source of frustration that Congress has been unable to substantially curb our involvement in Iraq. Though this bellicose President may be content to wage a war and then leave the aftermath to his successor, Congress should know better. It is the men and women from our districts—whose names and faces we know—that are wounded and dying in Iraq. I cannot support the war funding amendment. It is fundamentally flawed, providing no requirements for withdrawal.

However, I am pleased that the second amendment provides almost $700 million in refugee assistance. Iraq has claimed the lives of thousands of Americans, and the Iraqi civilian death toll is several times that. George Bush famously proclaimed he would be no "nation-builder." This has been sadly true for the 4.5 million Iraqis forced from their homes since the U.S. invasion. Tomorrow, June 20, is World Refugee Day, and I am pleased to see that this second amendment does more for Iraq's 2.5 million refugees and 2 million internally displaced persons.

I am also pleased that the amendment includes responsible domestic items such as the significant expansion of "GI Bill" education benefits, the protection of Medicaid from harmful cuts, an extension of unemployment benefits, and funding for domestic disaster relief, all necessary in our unsteady economy.

I am proud today to cast votes in support of our troops—by voting against unconditional war funding and this President's reckless war, and by voting for educational benefits and responsible international and domestic priorities.

Mr. HALL of New York. Mr. Speaker, today, this body once again considered legislation to provide funding for the ongoing military efforts in Iraq and Afghanistan. In the final analysis, this was one funding bill for two very distinct conflicts. In Afghanistan, the men and women of our military continue to perform an important mission by taking action against our enemies in the country that served as host to the Al Qaeda organization that attacked the United States of America on September 11th, 2001. The importance of the work they are doing with complete skill, courage, and professionalism has only been underscored by the recent resurgence of Taliban activity, which must be quelled. I am fully supportive of them and their mission. I have voted to provide funding solely for our military activities in Afghanistan, and would do so again if such a bill were to come before the House.

However the funding measure before us today also included funding for the war in Iraq without accompanying conditions on those funds or a timeline for withdrawal of American forces. I remain opposed to the President's mistaken war in Iraq, which has now claimed over 4,000 American lives, undermined our military and ability to respond to other threats abroad, and cost hundreds of billions of dollars that could have been used to meet pressing needs at home. The men and women in uniform serving in Iraq have performed brilliantly and heroically. It is time for the Iraqi government to take responsibility for Iraq and for America to start bringing our troops home. I cannot support the appropriation of additional funds without timelines that would begin to wind down our military involvement in Iraq, and therefore could not vote for that portion of the funding legislation considered by the House tonight.

However, I am pleased that I was able to vote for a separate piece of legislation tonight that addresses several important priorities here at home. Specifically, I am pleased that we were able to consider legislation to expand veterans educational benefits in order to honor the service of our men and women in uniform and give them every opportunity to succeed in life after they have served. Also included in this bill was a desperately needed extension of unemployment benefits that will help struggling middle class families weather the current economic storm. In addition, the piece of legislation that I was able to vote for this evening included a moratorium on six of the seven Medicaid regulations the Bush administration has unwisely decided to implement recently. I would have greatly preferred if the legislation prevented all seven regulations from coming into effect. Outpatient Graduate Medical Education is a vital component of medical education, and by disallowing Medicaid funding for it, this regulation will cost New York State as much as $300 million per year. On multiple occasions, both the House and Senate have passed a moratorium on all seven of these regulations overwhelmingly. I don't understand why we have decided to allow these unwise cuts to graduate medical education to continue now, when the votes exist to prevent it. However, I will continue to push for this final moratorium to be implemented and for this unwise rule to be overturned.

Mr. HONDA. Mr. Speaker, I rise today to express my thoughts on the two pieces of the

$183.9 billion emergency supplemental appropriations bill that the House is considering today.

Last year, I joined nearly ninety of my colleagues in the House in sending a letter to President Bush pledging that I will only support appropriating additional funds for U.S. military operations in Iraq during Fiscal Year 2008 and beyond for the protection and safe redeployment of our troops out of Iraq.

The supplemental bill the House will vote on tonight does not include a number of important policy provisions regarding the war originally included in the bill that was sent to the Senate. These important provisions called for the responsible redeployment of U.S. troops from Iraq and required that troops begin to withdraw from Iraq within 30 days of the proposal becoming law, with a goal of completing withdrawal by December 2009.

I am disappointed that the supplemental bill we are considering today does not include these provisions, and instead provides $162 billion more for this disastrous war, without conditions.

I have heard and read the frustrated thoughts of many of my constituents who are simply tired of President Bush's war. They understand that we have spent an inordinate sum of tax dollars fighting a war that should have never been waged. They understand that our economy is suffering as a result of our resources being poured into this war. Tonight, I will vote against continuing to fund this open-ended war.

However, Mr. Speaker, I remain in strong support of the second amendment to this supplemental appropriations bill, which will fund important domestic priorities. This domestic measure includes a new GI bill to restore full, 4-year college scholarships to veterans of the Iraq and Afghanistan wars to help make them part of an economic recovery like the veterans of World War II. It also includes an historic extension of unemployment insurance benefits and assistance to disaster-stricken areas in the Midwest where unprecedented floods have occurred. The number of Americans looking for work has grown by 800,000 over the last year, and the number of American jobs has declined by 260,000 since the beginning of 2008. Both of these measures are beneficial to our country, extraordinarily meaningful to our veterans, and will address the current economic struggle we face. As a representative of Silicon Valley, the hub of high technology in America, I am also happy that this amendment contains a modest amount of funding to help partially address the budget shortfalls facing the agencies that support our Nation's research and development efforts.

Mr. Speaker, I am disappointed that the amendment funding the war in Iraq is without strings or conditions, but more than pleased to prioritize our Nation's urgent priorities in the second amendment to this appropriations bill. We must continue to invest in a positive future for our country.

Mr. CONYERS. Mr. Speaker, I rise today to speak on H.R. 2642, the most recent authorization bill placed before the Congress to fund the continuing occupation of Iraq. Forged in the backrooms of the Capitol by Washington politicians, this bill seeks to strike an uneasy compromise. While it continues to fund overseas conflicts, the bill also includes long-overdue aid for segments of the American public desperate for help. Specifically, the bill provides $52 million for an expanded G.I. Bill, extends unemployment benefits in states, like Michigan, that have been hit the hardest by the current economic downturn, and postpones seven Medicaid reimbursement rate cuts. I support such aid, while rejecting the appropriation of an additional $165 million in war funds. As a responsible legislator and a man of peace, I urge my colleagues to understand that we can have guns or butter, but not both.

Mr. Speaker, it's unfortunate that it has taken the consideration of a war-funding bill to address these important domestic priorities. As you know, up until recently, the Administration and the Republican leadership have complained that the inclusion of this domestic funding in a war supplemental smacks of fiscal irresponsibility. To them, spending federal dollars to improve G.I. bill benefits for our battle-weary veterans, to extend unemployment benefits for those left behind by failed trickle-down economic policies, and to safeguard the reimbursement amounts paid to doctors, who provide medical care to the most vulnerable Americans, is spending that this country cannot afford.

Mr. Speaker, I have a message for this Administration and their congressional allies: Bettering and strengthening the lives of the American people is the purpose of this great institution. Such action is not optional. It is our sworn duty. And if anyone has shown fiscal recklessness, it has been this President. After 6 years of bloody war, this Nation is $592 billion dollars poorer. It is the height of callousness to say that we don't have enough money for our veterans, the unemployed, or our Medicaid doctors; that it is they who are expendable—even as the President burns through billions of taxpayer dollars in Iraq.

I suppose that we shouldn't be surprised that this Administration is willing to sacrifice the American people, while its allies at Halliburton, ExxonMobil, and Blackwater continue to make record profits off of this war. After all, this Administration ceased being accountable to the American voter long ago. In a recent interview with ABC News, the Vice President himself admitted as much. When asked whether or not it was significant that two-thirds of the American people now believe that the War in Iraq is no longer worth fighting, Mr. CHENEY responded, "So?"

Mr. Speaker, the President and the Vice-President have forsaken their duty to be responsive to the public. As such, we in the Congress must step in and fill this void. Someone must give the American people a voice, especially when Executive Branch officers act in ways contrary to the public good.

Mr. Speaker, setting aside issues of education funding, job aid, and other worthy public policy aims, this body must not ignore the one undeniable reality that dominates everything that we will talk about this day: As of today, we have been at war for 1865 days, with no end in sight. If we approve this war funding, that number will likely climb to over 2000 days. We as a Nation have endured 1865 days of civil war, IEDS, ethnic cleansing, aid-worker beheadings, suicide bombings, sweetheart no-bid contracts, rank government corruption, and solemn vigils over flag draped coffins. Mr. Speaker, this war must end. The American people and the Iraqi people have endured enough. I urge my colleagues to vote against funding this war another day. Tomorrow, we will have been at war for 1866 days. It will be 1866 days too many.

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.R. 5740, the Post 9/11 Veterans Education Assistance Act—bipartisan legislation that honors our men and women in uniform and strengthens our military.

I am pleased that this bill was included as part of the emergency war funding measure that the House is considering today because I believe taking care of those who serve in war is a cost of war. America should never fight wars without taking care of our own.

Since World War II, our Nation has offered education benefits to returning GIs. The Servicemen's Readjustment Act of 1944, the first GI Bill, which was passed unanimously by this House, paid for the tuition, books, fees, training costs, and even a monthly stipend for our returning veterans.

After World War II, nearly 8 million veterans, out of a wartime veteran population of 15 million, used the original GI Bill to earn an education. The economic return was unprecedented. For every dollar we spent on the GI Bill, we generated seven more into our national economy. Millions of newly educated veterans led our Nation in business and innovation and created the American middle class. It's no wonder the GI Bill of 1944 is regarded as one of the most successful pieces of legislation to earn this House's approval in the 20th century.

Since that time, Congress has passed other GI bills, but over time, the value of the education benefit has declined. The current Montgomery GI Bill, for example, was designed for peacetime service, and is not meeting the needs of our newest generation of veterans, many of whom are returning from combat in Iraq and Afghanistan.

Our veterans—whether active duty, Reservists, or National Guardsmen—deserve an education benefit that accounts for the stress of war and keeps up with the rapidly increasing cost of a higher education. That is why, with the backing of a broad, bipartisan coalition, I introduced H.R. 5740, the Post-9/11 Veterans Educational Assistance Act.

Under the legislation, GIs returning from Iraq or Afghanistan would receive up to 4 academic years of education benefits, including stipends for housing and books. They can even use their benefits at private schools through the Yellow Ribbon G.I. Education Enhancement Program, in which the Federal Government will match, dollar for dollar, any voluntary additional contributions to veterans from institutions whose tuition is more expensive than the maximum educational assistance provided under this legislation.

Veterans would even have up to 15 years after they leave active duty to use their education benefits.

When I was elected to this House, my constituents asked me to work in a bipartisan way to find reasonable solutions to our common problems. And I think we achieved that with this bill.

Working together with my Democratic and Republican colleagues, we attracted more than two-thirds of the House as cosponsors. Ninety-five Republicans, nearly half of the minority party's membership, lent their support.

I am happy that House leadership was able to build on this support and work with the President to come to a bipartisan agreement to provide this robust educational benefit to our veterans.

I encourage the Senate to act quickly to pass this new GI Bill and make good on our promise of a higher education.

Our veterans have fought for us. The least we can do is fight for them.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for these amendments today. They provide necessary funding for our troops, create new educational benefits for our veterans, and address domestic and global needs.

The war funding will pay for operations in Afghanistan and Iraq for the rest of this year and half of 2009. I support this because it will make it possible to provide the equipment, ammunition, fuel, and other supplies needed by our brave men and women serving in Iraq and Afghanistan who have shown such extraordinary skill, determination and endurance in answering their call to service.

I opposed the Bush Administration's rush to war in Iraq, and voted against the resolution that authorized the President to send our armed forces into that country on the theory that this was necessary in order to deprive the Saddam Hussein regime of weapons of mass destruction. So, I understand why some of my constituents who also opposed the war want Congress to reject this funding measure.

And I could not agree more that the record of the current Administration demonstrates an enormous failure of leadership. We desperately need new leadership that will bring to a close our open-ended military engagement in Iraq and will refocus on the very urgent tasks of reducing the terrorist threats in Afghanistan and Pakistan.

But I am convinced that voting to deny funds to provide our men and women in uniform the resources they need to do their jobs is not the right way to bring about the change we need—especially because President Bush has shown he is prepared to veto funding for the troops rather than agree to change course.

This bill also improves veterans' educational benefits to more closely resemble the GI Bill of Rights that made it possible for so many World War II veterans to go to college. The GI Bill of Rights helped make possible the postwar growth of the middle class that was one of the greatest achievements of the Greatest Generation. Some have complained about the cost of providing similar benefits to those who are serving today. But to put those costs into perspective, we should remember that so far our spending for military activities in Afghanistan and Iraq has exceeded $800 billion.

By all indications, this bill will not be vetoed. Compromises were made on all sides to make it acceptable to the White House and the leadership of both parties. Of course, compromise means that everyone gives up something.

So there is good news: The bill addresses the needs of our soldiers and provides enhanced educational benefits for our veterans—but also extends unemployment benefits to help laid-off workers, provides relief for the thousands of people flooded out of their homes in the Midwest, and prevents the implementation of new rules that would increase the cost of healthcare, among other provisions. But there also is bad news: The bill does not include all the important policy provisions included in the first version of this bill, among them a requirement that our troops begin to redeploy from Iraq, a reminder to Iraq's government that U.S. troops will not remain in Iraq indefinitely.

I'm disappointed that the bill gives the President most of what he wants in Iraq spending without any significant policy constraints. Congress has tried and failed to include such constraints in previous spending bills, and here we have failed again. What we need is consensus here at home on a path forward in Iraq, but as long as the architect of our current Iraq policy occupies the White House, I'm afraid that won't happen.

I hope that the next Administration will give serious consideration to the recommendations of the Iraq Study Group as a framework for consensus. Those recommendations would be accomplished by legislation I introduced last year, which would support a course of escalating economic development, empowerment of local government, the provision of basic services, a "surge" in regional and international diplomatic efforts, and lightening the American footprint in Iraq.

Mr. Speaker, I voted against war in Iraq because, as I said then, the Bush Administration was rushing to war without necessary international support or a clear plan to prevent the chaos that would follow after Saddam Hussein was overthrown. I was concerned a prolonged conflict would devolve into civil war. Since U.S. troops entered Iraq more than 5 years ago, we have lost thousands of our brave service men and women, seen tens of thousands more wounded, and spent half a trillion dollars in taxpayer money.

Yet the President's mission is no clearer, he has still offered no exit strategy, our enemies in Afghanistan have regained their strength, and our armed forces have been stretched to the breaking point.

Only Democrats and Republicans working together can find the path out of Iraq. I will continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy. But today, I will vote to provide funding for our troops in the field, enhanced educational benefits for our veterans, and assistance for Americans suffering through the current economic downturn and the high costs of healthcare.

Mr. HOLT. Madam Speaker, I regret that the House is taking up a supplemental funding measure for the war in Iraq without tying that funding to a withdrawal requirement. I was in Iraq last month and had the chance to speak at length with General Petraeus and Ambassador Crocker about the situation in that country. There is no disputing that our casualties are down, and that is due in no small part to General Petraeus's revised military approach to the conflict. But the purpose of the surge wasn't simply to reduce our casualties; it was to give the Iraqis time to resolve their political differences via dialogue, not car bombs. That has not happened, and there is no reason to believe it will happen. Indeed, the only thing Iraq's warring factions seem to agree on these days is that they oppose permanent U.S. bases in Iraq. This no-strings-attached funding measure will only make matters worse, which is why I cannot support it.

I am pleased to be able to support the new GI Bill. For the first time in over 60 years, our returning veterans will have a truly robust educational benefit waiting for them. We all know how successful the original GI Bill was and how much it contributed to fueling our country's economic and social progress it the decades after World War II. We need to make that kind of investment in our people once again. No one can dispute our veterans have earned it and no one can dispute the long term benefits our society will reap from implementing a new GI Bill. I look forward to seeing it become law.

This bill also provides a desperately needed 13-week extension of unemployment benefits for people who are struggling to find work in this tough economy. Since last year, the number of Americans seeking employment has swelled by 800,000 while the economy has lost 260,000 jobs.

In addition, the legislation blocks the implementation of dangerous Medicaid regulations that the Bush administration has issued which would cut $20 billion from Medicaid. I oppose these regulations and will continue to fight to protect the Medicaid program and the millions of Americans who rely on it for access to health care services.

Finally, the $400 million in funding for science included in the bill represents a downpayment in our continued effort to provide a robust investment for science, research and development, and innovation. By making a strong investment, we will support research that will help contribute to the Nation's long term economic growth.

Mr. VAN HOLLEN. Mr. Speaker, this Emergency Supplemental bill presents the House with two very distinct amendments—and two very separate decisions.

The first amendment we are being asked to consider would provide $165.4 billion for the ongoing wars in Iraq and Afghanistan. My position on the war in Iraq is clear. I believe the decision to invade Iraq was a mistake. And I simply cannot support giving this President a blank check to further mishandle our involvement in Iraq. Because this amendment does not include the conditions that were contained in the bill that the House passed, I will be voting no on this portion of the Supplemental today.

While I oppose this war, I have nothing but admiration and gratitude for our fellow citizens who choose to serve this Nation in uniform. It is in large measure because of my respect for their honorable service that I will be proud to support the second amendment before us today.

A centerpiece of this second amendment is a GI Bill for the 21st century. Just as a grateful Nation expanded opportunities for GIs returning home from World War II over 60 years ago, so now must our generation invest in our soldiers returning home from Iraq and Afghanistan so that they can get a 4-year college education. We have an obligation to invest in their future.

With the Nation's economy slowing, and our unemployment rate on the rise, this second amendment also appropriately includes a 13-week extension in unemployment benefits to sustain our fellow citizens and their families as they continue to look for work.

I am particularly pleased that this amendment places a moratorium on six Medicaid regulations that had threatened to cut needed services to those who rely on them—and that we have moved quickly to provide over $2.65 billion in disaster relief to assist in the recovery efforts after the tornadoes and flooding in the Midwest.

Finally, we can be proud that this amendment invests $550 million in critical scientific research to expand our medical knowledge, improve our energy efficiency and enhance our global competitiveness—including a $150 million investment in the National Institutes of Health (NIH), $150 million for the Food and Drug Administration (FDA), $62.5 million for the Department of Energy's Office of Science, $62.5 million for the National Aeronautics and Space Administration (NASA) and $62.5 million for the National Science Foundation (NSF).

For these reasons, this second amendment is exceptionally worthy of our support,

Mr. FRELINGHUYSEN. Mr. Speaker, America expects that when the United States sends our brave men and women into combat, we provide them with the resources to protect themselves and to accomplish their mission.

Finally today—after much delay—this Congress appears to be on the verge of providing our troops the funds they need to continue their courageous efforts in the Iraq and Afghanistan—both humanitarian for the Iraqi and Afghan people and military against those who would promote terror and chaos.

There's no doubt that this proposal is a clear victory for our troops and their families.

Thanks to the efforts of Mr. OBEY and Mr. MURTHA, Mr. LEWIS and Mr. YOUNG, this package ensures that our young; warfighters—all volunteers (Active, Guard and Reserve)—have the resources they need to protect themselves and do the job they've been sent to do.

But the bill also supports the troops and their families by bringing the Montgomery GI Bill into the 21st Century. The legislation updates the GI Bill of Rights to recognize today's higher costs of higher education. And it also recognizes the new role of the Reserves and the National Guard—3,200 from New Jersey will deploy this summer to Iraq with our 50th Brigade Combat Team.

But Mr. Speaker, this measure also includes a new, permanent provision that allows current soldiers, sailors, airmen and Marines to transfer their educational benefits to a spouse or a child.

Mr. Speaker, this is a huge improvement. Too often our personnel and forced to leave the military service they love in order to pay for their children's college education. This bill allows experienced Marines, soldiers, airmen and sailors to transfer their benefits to a dependant without separating from the service.

This reform is good for the servicemember, good for the families and good for the Army, Navy, Air Force and Marines.

My colleagues, the supplemental we vote on today is far from perfect. However, it represents a clear victory for our troops and their families.

Mr. RYAN of Wisconsin. Mr. Speaker, I congratulate Chairman OBEY, Leader BOEHNER, and Mr. LEWIS for bringing a bill to the floor that provides funding for our troops without restrictions on our commanders.

My hometown is under water, and I am glad this bill provides funding to address flooding and to help the victims whose lives have been turned upside down by this flood.

Likewise I am glad that this bill provides assistance to those facing unemployment since one of the largest employers in my district—GM—recently announced it is closing a production facility.

However, this bill is part of a very disturbing trend in how we budget and legislate—Omnibus appropriation bills. We are now resorting to two omnibus appropriations bills a year. We need to find a way to budget for emergencies, but my problem with this bill is not with the unemployment extension funding or the flood funding. These are temporary costs that have been included in emergency supplementals in the past.

My concern is with the permanent expansion in an entitlement program that we are adding to an emergency supplemental appropriations bill. Mandatory spending doesn't belong on an appropriations bill because mandatory spending is forever.

An expansion in GI benefits is a good idea. However, we have an increasingly bad habit of just adding spending on top of the $3 trillion we are currently spending annually. I congratulate the Blue Dogs for initially objecting to the fact that the GI benefits in this bill were not offset. I don't support their remedy—which is to raise taxes—but if we are going to expand entitlements, we need to find offsets. In fact, we cannot afford the entitlements we have, much less an expansion in them.

We are going to spend over $30 trillion in the next ten years; surely we could have found $63 billion in offsets. But we didn't even try. In fact, the cost of the GI benefits has grown in this final bill.

We just kick the can down the road. The problem is that our children and grandchildren will live at the end of the road and all we are doing is leaving them with a mountain of debt.

PAYGO does not exist. It is waived every time we have to make a choice. We are sent here to make decisions—to make choices—to govern. Like the floods, this bill takes the path of least resistance; it passes the buck—and the debt to future generations.

We shouldn't budget or legislate this way, but I'm going to vote for this bill because it funds the troops and provides one-time emergency funding for unemployment assistance and floods.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this legislation to provide emergency supplemental appropriations for Fiscal Year 2008. This legislation contains funding for our troops, expands education benefits for veterans, extends unemployment benefits for workers and provides assistance for the victims of the floods in the MidWest.

This bill contains $161.8 billion for DOD funding for our troops to fight the wars in Iraq and Afghanistan. As the representative of Fort Bragg and Pope Air Force Base, I'm pleased that this bill provides $2.2 billion over the President's request to fully fund military quality of life initiatives—including funding for military child care centers, military hospitals and VA hospitals. For our returning troops, it includes a new GI bill that restores full, 4-year college scholarships to veterans of the Iraq and Afghanistan wars to help make them part of an economic recovery like the veterans of World War II. This legislation also provides up to 13 weeks of extended unemployment benefits in every state to workers exhausting the 26 weeks of regular unemployment benefits, and provides $2.65 billion for urgent disaster relief in response to Midwestern floods and tornadoes.

I will continue to work with my colleagues in Congress as well as the President and the Administration, to provide a new direction in Iraq and to meet the critical needs of the people of North Carolina's Second Congressional District.

Mr. PASCRELL. Mr. Speaker, I want to state for the record that my vote today against Amendment No. 1 to H.R. 2642, the Supplemental Appropriations Act is a vote against further unconditional funding for the war in Iraq. However, I would also like to make clear that this is not a vote against funding our troops fighting in Afghanistan. In fact, I believe that my vote today against amendment No. 1 is indeed a vote that supports our mission in Afghanistan because I believe the failed war in Iraq has greatly hurt our ability to defeat our enemies who attacked our Nation on 9/11.

I cannot vote to continue funding for the war in Iraq because it has not been fought for the purpose that was stated to the American people back in 2002 and it has not achieved the goals that were set out by this Administration. The war in Iraq has lasted far too long and has recklessly put the lives and livelihood of too many American troops in danger. With over 4,000 of our brave sons and daughters killed and more than 30,000 diagnosed with injuries, it is time they come home. After 5 years, this war has lasted longer than America's military involvement in World War I, World War II, the Korean war and the Civil War. I remain fully committed to the withdrawal of America's troops from the war in Iraq and am greatly disappointed that a timeline for withdrawal has not been included in this emergency funding measure. To be certain, a timeline is the only way that the current Iraqi Government will understand the dire need to unify and stand together to build their nation. Our brave men and women of the Armed Forces can not and should not have to hold Iraq together indefinitely. My vote today against this amendment is strictly a vote to bring our troops home from Iraq.

While I strongly oppose continued funding for our war in Iraq I am an even stronger supporter for greater funding and resources to win the battle against Al Qeada and Taliban extremists in Afghanistan. I have stated unequivocally on multiple occasions that Afghanistan is the central front in the war on terror. In fact, just 2 months ago I joined my colleagues Representatives CAPUANO and LOBIONDO in a congressional assignment to Afghanistan and Pakistan. I had the honor to meet our troops stationed in Afghanistan and see the battle conditions they faced high up in the mountain ranges of the Afghan-Pakistan border. Despite the extreme conditions and dangerous assignments they were engaged in, I was encouraged by the troops' morale and unwavering commitment to their mission in Afghanistan. I told them I would continue to do everything in my power in Congress to provide them with the resources they need to be successful in Afghanistan and I believe I am doing so with this vote today.

It is my regret that I do not have the ability today to vote to reject continued funding for the war in Iraq and still vote to approve greater funding for our efforts in Afghanistan. It is clear to me that the central front in the War on Terror in Afghanistan has suffered due to the singular focus the administration has had on Iraq. It should be deeply disturbing to my colleagues and all Americans that because of this focus on Iraq we are seeing a resurgence of the Taliban as witnessed in the recent suicide bombing of a prison in Kandahar that freed over 400 Taliban inmates. The facts make clear my reasoning as to why I am voting today against Amendment No. 1 in support of our brave troops fighting in Afghanistan.

Mrs. MALONEY of New York. Madam Speaker, today we are voting yet again on legislation that will provide approximately $165 billion in funding for the wars in Iraq and Afghanistan. Unfortunately, the bill does not include the necessary language that I and many of my colleagues support to ensure that this war funding is not simply a blank check. I cannot vote for legislation to fund the administration's wrongheaded policies in Iraq without provisions that ensure that American troops will be coming home by a date certain.

However, I will support the amendment that will provide critical funding for domestic priorities. This amendment will expand veterans' education benefits and extend unemployment insurance by 13 weeks for all States. Additionally, this amendment will direct nearly $3 billion to efforts to aid those who have been affected by the devastating floods in the Midwest.

It is time for the President to listen to the American people who want the war in Iraq to end.

Mrs. MILLER of Michigan. Mr. Speaker, the Michigan Department of Labor and Economic Growth yesterday shocked Michigan when it released its unemployment figures. Michigan's unemployment rate has risen from 6.9 percent in April to 8.5 percent in May. This is the highest rate in our State since October of 1992. Regrettably, we are now one month away from recording our eighth straight year of payroll job losses.

It is in this context that my constituents are hearing the news that Congress is debating providing additional unemployment benefits which are desperately needed by too many working families in my State. Last week this House passed H.R. 5749, the Emergency Extended Unemployment Compensation Act, with nearly ⅔ of the Members of the House voting in favor. This bill would provide an additional 13 weeks of unemployment benefits to unemployed workers in every State. Unemployed workers in States with exceptionally high unemployment rates, like Michigan, would receive an additional 13 weeks of benefits beyond that. Unfortunately, the provision granting workers in States like Michigan an additional 13 weeks of benefits, which received very strong bipartisan support in the House just last week, is not included in this supplemental appropriations bill.

The unemployment benefits provision in this supplemental provides just 13 additional weeks for every State. It does not provide any extra help for States that need it the most. States like Michigan where the unemployed are having great difficulty finding work because there are so few jobs to be had. Workers have little opportunity to move to other areas to find work because they can't sell their homes, and they are having difficulty driving far distances to try and find a new job because of the high cost of gas. Michigan, with the worst unemployment rate in the Nation, needs extra help. This supplemental does not provide it.

I will be supporting both sections of the supplemental. It provides equipment and pay for our troops in harm's way and educational benefits for them when they return home. And the level of aid to the unemployed all across the country is a good start. However, I am disappointed we have not provided the much needed extra assistance to those who need it most. We must continue to work to help the chronically unemployed to get that additional safety net that will help support countless families in Michigan.

Mr. TIAHRT. Mr. Speaker, I offer my support for the passage of both amendments which constitute H.R. 2642, the Iraq/Afghanistan Supplemental Appropriations. Our service personnel serving abroad and here at home deserve the full support of this Congress. After months of partisan posturing by the Democrat Leadership, this bill finally puts the needs of our troops above the needs of politicians.

This bipartisan agreement provides $161.8 billion for the Department of Defense (DoD) to carry out the will of this nation. This funding pays the salaries and benefits of military and DoD civilian personnel, the fuel for their vehicles, and ammunition for their guns. This funding also takes care of their loved ones left behind.

In addition to providing for our service personnel in combat, this important legislation expands the GI education benefits for our veterans and extends unemployment insurance, Although unrelated to the primary purpose of this legislation, I agree that these are vital priorities to the American people.

In December 1943 when Kansan Harry Colmery wrote the guiding principles that would become the GI Bill of Rights, the promise was clear. Veterans returning from war would be provided with free education and a host of other benefits as a token of America's thanks for their service. Today, returning veterans receive many of these same benefits, but the value of the educational benefits has fallen due to the rapid rise in the cost of higher education.

The important educational expansion to the GI Bill found in H.R. 2642 renews the promise first proposed by Harry Colmery. Service members in Iraq, Afghanistan, and around the world fighting the Global War on Terror deserve our support while in uniform and when their duty is complete. As a Kansan, I am proud of the work Mr. Colmery started in 1943 and the work Congress continues today with the passage of this legislation.

This bill provides increased educational benefits for all members of the military who have served on active duty since September 11, 2001. The new benefit includes tuition reimbursement equal to the established cost regularly charged for in-state tuition at a public institution of higher education, a housing allowance, and a stipend for supplies and equipment for four academic years. The amount of the benefit is determined by the length of time, after September 11, 2001, the service member was on active duty. This provision also allows educational benefits to be transferred to the spouse or child of a service member.

As a co-sponsor of H.R. 5740, which provided the base concepts of this GI Bill expansion provision, I am very pleased that these benefits were included in H.R. 2642. Thankfully these much deserved benefits are not linked to a tax increase on small businesses, which was the case on an earlier version of the Iraq/Afghanistan Supplemental Appropriations.

In addition to providing funding for our troops fighting the Global War on Terror and valuable educational benefits to our military veterans, this legislation includes an extension of unemployment insurance for 13 weeks in every state through March 31, 2009. Contrary to previous versions that had been considered by this House, this provision incorporates a 20-week work requirement in order to qualify for benefits. This work requirement is essential to ensure that people do not gain unemployment benefits for a longer period of time than they worked.

Mr. Speaker, this is a proud day. I am privileged to support this important legislation to honor our commitments to those in uniform and our veterans. They deserve nothing less. I hope all my colleagues will support both amendments to the H.R. 2642.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1284, the previous question is ordered.

Pursuant to that resolution, the Chair will divide the question for voting between the proposed dispositions of the two Senate amendments.

The Clerk will designate the first proposed disposition.

The Clerk read as follows:

Proposal that the House concur in the Senate amendment to House amendment No. 1.

The SPEAKER pro tempore. The question is, Will the House concur in the Senate amendment to House amendment No. 1?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote will be followed by 5-minute votes on concurring in the Senate amendment to House amendment No. 2 with an amendment, if ordered, and suspending the rules and adopting House Resolution 1029.

The vote was taken by electronic device, and there were—yeas 268, nays 155, not voting 12, as follows:

[Roll No. 431]

YEAS—268

Aderholt
Akin
Alexander
Altmire
Bachmann
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Carney
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Ortiz
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Scalise
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—155

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Becerra
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Edwards (MD)
Ellison
Engel
Eshoo
Fattah
Filner
Flake
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kilpatrick
Klein (FL)
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Richardson
Rothman
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Speier
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—12

Bachus
Cannon
Farr
Gilchrest
Hulshof
Nunes
Perlmutter
Rush
Stark
Sullivan
Tiahrt
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair notes a disturbance in the gallery in contravention of the law and the rules of the House.

The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

□ 2004

Mrs. NAPOLITANO and Ms. ROYBAL-ALLARD and Messrs. ELLISON, ROTHMAN, MURPHY of Connecticut, ACKERMAN, BACA and COHEN changed their vote from "yea" to "nay."

Mr. BAIRD and Mrs. CUBIN changed their vote from "nay" to "yea."

So the Senate amendment to House amendment No. 1 was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SULLIVAN. Mr. Speaker, on rollcall No. 431 I was unable to record my vote. I intended to vote "yea" on that question. I ask that this statement appear in the RECORD adjacent to rollcall No. 431.

Mr. NUNES. Mr. Speaker, on rollcall No. 431, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. PERLMUTTER. Mr. Speaker, on rollcall No. 431, I missed this vote. Had I been present, on this amendment I would have voted "no."

The SPEAKER pro tempore. The Clerk will designate the second proposed disposition.

The Clerk read as follows:

Proposal that the House concur in the Senate amendment to House amendment No. 2 with an amendment.

The SPEAKER pro tempore. The question is, Will the House concur in the Senate amendment to House amendment No. 2 with an amendment?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 12, not voting 7, as follows:

[Roll No. 432]

AYES—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves

Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—12

Brady (TX)
Campbell (CA)
Cooper
DeFazio
Duncan
Flake
Franks (AZ)
Paul
Royce
Sensenbrenner
Smith (WA)
Weldon (FL)

NOT VOTING—7

Cannon
Gilchrest
Hulshof
Rush
Stark
Tiahrt
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

☐ 2013

So the Senate amendment to House amendment No. 2 with an amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING AND RECOGNIZING CHI-CHI RODRIGUEZ

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1029, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1029, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 433]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
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Hill
Hinchey
Hinojosa
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Holden
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Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
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Kuhl (NY)
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Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner

Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Cannon
Davis, Lincoln
DeLauro
Dicks
Gilchrest
Herseth Sandlin
Hirono
Hulshof
Murtha
Napolitano
Pickering
Rangel
Rush
Stark
Tiahrt
Visclosky
Walsh (NY)
Waters

☐ 2021

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution congratulating and recognizing Mr. Juan Antonio 'Chi-Chi' Rodriguez for his continued success on and off of the golf course.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FARR. Madam Speaker, on rollcall 431, I was unable to record my vote. I intended to vote "no" on that question.

"NO. NO. THEY WON'T GO."

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, on Monday, five black-robed judges down the street decided that we weren't doing enough for illegal trespassers.

The Supreme Court just made it easier for illegals to extend their stay in the United States, even after they have been ordered to leave. People like Nigerian Samson Dada, who has been in our country illegally since 1998, can now manipulate and game the system in order to get more time. He has refused to go home, and the Supreme Court basically has said, "It's okay. You can stay in spite of being lawfully deported."

The Supreme Court's ruling overturned other court decisions upholding his deportation. In other words, the High Court ruled in favor of people who have laughingly ignored and disregarded our laws.

Once again, the Supreme Court has made law rather than interpret law. The five liberal judges on the Supreme Court who wish to write our laws should take off their black robes and run for Congress. After all, the Constitution I read says Congress should make law, not the Supreme Court.

Contrary to what the Supreme Court seems to believe, our justice system has an obligation to protect the rights of people who follow the law, not expand the privileges of those who are illegally on our land.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. KAPTUR). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, I want to talk about the energy policy this Congress has passed recently. This Congress has decided to spend a lot of taxpayer money and subsidize this concept of corn-based ethanol in the United States.

We are sending a lot of money to farmers to grow corn so that it can be burned in our vehicles. Now, I don't blame the farmers for what they do. After all, we have encouraged them to produce corn-based ethanol.

But the problem with corn-based ethanol is it is a pollutant. Now we are finding out from Science Magazine that it's a pollutant more so than was first thought from the beginning. Because of the subsidies, we are encouraging corn-based ethanol.

It also has raised corn prices throughout the world because no longer are we eating corn, we are burning it in our vehicles. It has increased the amount of land that we are tilling up, grasslands, for example, forest, for example, and turning it into agricultural land where we produce corn-based ethanol to burn in our vehicles.

It's also expensive. Everything that has to do with corn products has raised in prices over the last 2 years because we are not using corn in our foodstuffs, we are burning it in our vehicles. But probably the greatest problem with corn-based ethanol is how it's produced. Corn is one of those commodities that takes a lot of fertilizer. In fact, it takes more fertilizer to produce corn than any other product that we eat, such as rice or wheat or even the grasslands.

Because that fertilizer is being dumped in the Midwest, it drains off in the rivers down the Mississippi River and comes into the Gulf of Mexico. One would argue, so what? Well, the problem with that is, fertilizer has nitrogen in it and phosphorus. That nitrogen and phosphorus, when it goes into the Gulf of Mexico, has created what is called now a dead zone.

It's called a dead zone because nothing lives there except algae. The fish, the ones that are there, have died unless they have moved way offshore, you know, out there off the continental coast where we don't drill for crude oil any more.

This map here shows, this is a NASA map, satellite photo, shows that it's about 470 miles along our gulf coast, Texas, Louisiana, Mississippi. It even goes all the way to Florida, but it also extends out in the gulf about 178 miles.

☐ 2030

It's a dead zone. Nothing grows there. Nothing lives there but algae, and it's all because Congress with unintended consequences is encouraging the production of corn-based ethanol, and the fertilizer goes down the Mississippi River and kills everything in this area. Madam Speaker, it stays for years. It gets bigger every year, this dead zone. It kills off the fish, and all of the fishermen along the gulf coast are having to go way out in the Gulf of Mexico out there where we don't drill for crude oil anymore, and they have to fish to get fish for Americans to eat.

Congress needs to reevaluate its policy of depending on some product that now not only is a pollutant but is an expensive pollutant, and it also creates havoc in the Gulf of Mexico by causing a dead zone. We need to be aware of such unintended consequences when Congress passes legislation.

Madam Speaker, we need an energy policy. We need an energy policy now—Americans demand it—but we also need some common sense in what we do, and maybe we should rethink the whole concept of corn-based ethanol because, after all, Madam Speaker, it's not going to save us all.

And that's just the way it is.

ENERGY INDEPENDENCE IN AMERICA

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the American people are crying out. The story in my district is no different than across our country. As gas prices continue to rise, Washington is deadlocked. The energy crisis is sapping our economic future coast to coast. Consolidation in the oil industry is putting a tourniquet on the heart of the American economy.

In 1983, the United States consumed about 18 percent of the world's oil supply. Today, with the price of oil at over $135 a barrel, our share of world oil consumption has grown to over 25 percent. We only have 5 percent of the world's population, but we consume 25 percent of the global oil supply.

During the last 25 years, our country has gone from producing the majority of its oil domestically to importing most of our oil from abroad. So, since 1997, the United States' gluttony for oil has boiled over, and we've been consistently importing more than half of the oil we consume since the late 1990s.

The increasing levels of oil importation have caused our structural deficit to skyrocket and have encouraged the creation of a pipeline that flows in the wrong direction—straight from the Middle East.

This pipeline is not carrying back our finished cars or windmills or solar arrays, but, instead, hundreds of billions of dollars every year from the American people's pockets are going to some of the most undemocratic regimes in the world.

The GAO has recently come to a conclusion which is obvious to the American people. As oil companies continue to consolidate, the price of oil spikes. The GAO report shows that, for the seven large mergers they modeled, five led to increased prices. Especially with the ExxonMobil and MAP–UDS oil merger, gas prices have increased upwards of 2 cents a gallon. Since 1976, not a single refinery has been built in this country, and between 1991 and 2000, over 2,600 mergers in all segments of the U.S. petroleum industry have destroyed competition.

As fewer players control bigger segments of the industry, the American people lose. ExxonMobil reports earnings of $40 billion in a single year, and as the price of gasoline increases, these firms merge into even larger and larger conglomerates.

This week, we passed into law a farm bill with over $1 billion of incentives to begin converting a portion of our market to biofuels. That is long overdue. With gasoline prices reaching toward $5 a gallon, it's time for action here in Washington. The other body and the President should join us in passing H.R. 1252, the Federal Price Gouging Prevention Act, H.R. 5351, the Renewable Energy Act and Energy Conservation Tax Act of 2008, and a renewable energy portfolio standard to bring these new energy technologies into our Nation's grid. While our House of Representatives has acted on these bills, we really need a commitment from the other part of this institution and up Pennsylvania Avenue.

As this summer's driving season begins, Americans will be brutally reminded that energy innovation will never materialize unless we develop public policy that prevents the big oil companies from manipulating and from controlling our market. In fact, we really lost control in 1998 when over half of our market came from someplace else. From investigations into the futures market to a comprehensive antitrust policy, we can get rid of the corruption, manipulation and speculation that have driven the cost of oil higher and higher to a point where many of our people simply cannot afford it. The way out of this is innovation and invention, and these very same companies should not throttle that invention in this country. In fact, they should be investing in it themselves.

This government needs to take a lead in helping every American, if they so choose, to become a producer on the roofs of their houses and in the fields in their regions. We could have wind farms, geothermal, fuel cells, biofuels, cryogenic hydrogen. All of these are a part of America in the 21st century.

Mr. Speaker, it's really difficult to be a Member of Congress and to see the future and yet not be able to gain a majority of votes in both Chambers and the real leadership of the President of the United States to meet this critical national need. America's energy dependence is our largest strategic vulnerability. It's time that we stopped trying to bring in oil from every place else on the globe and, rather, become energy independent here at home.

OIL DRILLING IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I have great respect for Ms. KAPTUR, who just spoke. She and I have been friends for a long, long time, and I agree with much of what she just said.

We really need to move toward energy independence, and we need to use alternative methods of getting our independence. The problem is it's going to take time. If we use solar, if we use wind power, if we use all of these alternative sources, it's going to take time. It isn't going to happen in 1 year, 2, 3, or 4 years where we can not rely on oil or gas any longer. It's going to take time. In the meantime, Americans are paying $4-plus per gallon of gasoline because we don't have the oil necessary to keep the cost of gasoline down.

She is absolutely correct. We depend too much on foreign sources of oil. We depend on Saudi Arabia. We depend on Venezuela, which is not a friend of ours. We depend on Canada, on Mexico and on other countries throughout the world. We ought to be drilling right here in America. We have enough energy in this country to become energy independent.

Now, my colleagues on the other side of the aisle say, well, that's going to take time. It may take 10 years, if we get oil out of the ground today, to get it to market. Well, if that is the case, we still should do it, but experts whom I've talked to who have geological backgrounds say that we can start getting that oil to market within 1 or 2 years, and we could force the price of oil down very quickly if we decide we're going to drill here because it's going to put pressure on those who are producing oil that we're using around the world. It's going to force them to reevaluate the cost that they're charging us for the oil we're getting from them.

Some of my colleagues on the other side of the aisle say, oh, these oil companies have all of these permits, and they ought to be drilling where they have those permits now. Those permits run 5 to 10 years. If they don't drill in those areas, then those permits expire, and they're bid on by somebody else.

So why would an oil company not want to drill if they have a permit?

It's because, when they get that permit, they don't know how much oil is down there, and they're certainly not going to invest millions or billions of dollars to drill for oil when they know it's not there. Once they get the permit, they do a geological study, and they do seismic studies to find out if there's oil down there. If there is no oil there, they don't drill, and so they don't utilize their permits. That's why we need to get more land available for drilling.

Right now, on the Continental Shelf, we're using 3 percent of the available area. Ninety-seven percent is not being explored. We can do that in an environmentally safe way, and we ought to allow these oil companies to drill in those other areas and get permits to do it. If there's oil there, they're going to drill there.

Why don't they drill in some of these other areas where there might be some oil?

Well, it costs $2 billion to explore and to build an oil derrick, a platform, out in the Gulf of Mexico or out on the Continental Shelf. If they can't make $2 billion back, they ain't going to drill there. That's why these permits, many times, are not useful, and that's why we need to explore in other areas.

Now I'd like to also talk really briefly about the ANWR. They have done geological studies up there, and they know that there are billions of barrels of oil up there. If we drill there, we can get 1 million barrels of oil a day to help lower the price of gasoline in this country.

So, Mr. Speaker, if I were talking to Americans tonight instead of to my colleagues—and I can't do that because we can't address Americans—I would say this: You ought to contact your Congressman and Senators and say, "I want my gas prices reduced, and I want you to drill in America. I want you to move this country toward energy independence." We talked about it 30 years ago under the Carter administration, and we never did it.

If I were talking to them, Mr. Speaker, I would say that you ought to tell your Congressman to get with the program, to drill in America, to make us energy independent, and to bring down the price of energy, especially that of our gasoline.

DOCTOR-OWNED HOSPITALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, on June 8, the New York Times published a story that raised questions about Senators that amended legislation to protect home State hospitals from a new move in this Congress to ban doctor-owned hospitals. The article labeled these actions as "special interest" and questioned their appropriateness. It cited specific Senators, including a senior Senator from my State of Washington.

Mr. Speaker, I'm not familiar with the circumstances surrounding each hospital in the article, but I am very familiar with Wenatchee Valley Medical Center and efforts being undertaken by those who represented in Congress to protect this institution from the threat of a government-forced closure or sale.

The criticism leveled against the Washington State Senator in the New York Times article is unjustified and totally without merit. Senator MURRAY's action to protect the Wenatchee Valley Medical Center was entirely appropriate. In fact, it's what this Nation's citizens should expect from their elected representatives.

Mr. Speaker, it's troubling that the targets of scrutiny are those who are standing up and who are protecting their constituents and not those seeking to force the closure or sale of a hometown hospital system simply because it is doctor-owned.

The Wenatchee Valley Medical Center and its seven clinics serve a rural population, in my State, of a quarter of a million people in an area the size of the State of Maryland. The medical center accepts all patients regardless of their ability to pay, and it has a long record of providing quality care. Today, it is jointly owned by 150 doctors. For this simple reason, it is a target for some who think doctor ownership should be banned.

Twice in this Congress House Democrats have passed bills that would outlaw the Wenatchee Valley Medical Center as it exists today, not because of any poor care or bad behavior by its doctors but simply because it is owned by doctors. I offered amendments to both bills. Some of my amendments would have stopped the ban on doctor-owned hospitals. Others would have altered the ban to protect the Wenatchee Valley Medical Center. Unfortunately, House Democrat leaders blocked every one from even being debated and voted on the floor of the House. These same House leaders also swept aside the objections and concerns of at least eleven Democrats who have spoken out against this proposal and the harm it would cause to their local hospitals.

When I last spoke on the House floor against such legislation, I asked the Democrat chairman of the Energy and Commerce Health Subcommittee if he would work with me to exempt the few existing doctor-owned hospitals that would be impacted in both Democrat and Republican districts. He replied, "The answer is no."

The Democrat chairman of the Ways and Means Subcommittee on Health was quoted by the New York Times as saying, "He would prefer not to exempt any doctor-owned hospitals."

When the Federal Government dictates that doctors can't own a hospital, Mr. Speaker, this is a step towards a Canadian-style, government-run health care system under which the Federal Government decides where, when, how, and even if Americans get care. This means Americans could be faced with waiting lists and rationing and bureaucrats, not doctors, making decisions about their health.

With those who control the House intent and insistent on banning doctor-owned hospitals, at a minimum, protection must be given to allow existing facilities like the Wenatchee Valley Medical Center to continue serving patients like it has, Mr. Speaker, for 60 years.

Being 1 out of 100, the powers of an individual Senator are considerable. Senator MURRAY used her committee position to add language protecting the Wenatchee Valley Medical Center to legislation that included the ban on doctor-owned hospitals.

Mr. Speaker, she has done the right thing. Despite what may have been printed in the New York Times, I will keep working with Senators MURRAY and CANTWELL and Congresswoman MCMORRIS RODGERS to fully protect the Wenatchee Valley Medical Center. I reject any notion that what Senator MURRAY has done is anything but appropriate and necessary, and I commend her for her actions.

☐ 2045

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 19, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,932 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victim, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems so sad to me, Madam Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture. I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

So Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,932 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 19, 2008, 12,932 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

RECOGNIZING THE SERVICE OF GENERAL MICHAEL T. MOSELEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I rise this evening to express my appreciation to a fine public servant and military officer, former Air Force Chief of Staff, General Michael T. Moseley, who recently resigned on orders from the Secretary of Defense.

The timing of this unprecedented decision to dismiss both top Air Force leaders only days before the decision on the tanker program, and during a time of wartime stress on Air Force personnel, is unfortunate. Nevertheless, every military and civilian officer knows that he serves at the pleasure of the President and can be dismissed for any reason. As professional leaders, General Moseley and former Secretary Wynne accepted that fact.

Unfortunately, the entire record of their decades of public service may be at risk of being pushed aside.

In particular regard to General Michael Moseley, it would be hard to find a more competent and experienced Air Force chief since the service's inception over 60 years ago. Entering the Air Force in 1971, he quickly rose through the ranks, and his competency as the top F-15 pilot led to command responsibilities around the world. Like no other Air Force Chief in a generation, General Moseley demonstrated he knew how to command air power during combat operations because he led coalition Air Forces in Afghanistan and Iraq that employed greater precision and air-ground coordination than ever before.

He served as Chief of the Air Force during a very tumultuous time. He confronted the challenging budget and personnel cuts posed by the Quadrennial Defense Review, as well as additional cuts administered or mandated by the administration.

He helped to steer the Air Force through some tough times, and in so doing, and to his credit, he always put the airmen and their families first. He recognized that our Nation unwisely took a "holiday from history" in the 1990s by delaying aircraft modernization and, as a result, our pilots are flying aircraft that average nearly 40 years of age. We have F-15s literally falling apart in the air. We have F-16s that are nearing the end of their service-life. We have 40-year-old tankers and 50-year-old bombers.

And we have Third World nations that are fielding fighters that are, or soon will be, equal to our fourth-generation fighters. And, at the same time, we have not committed to recapitalizing our fighter fleet of F-22s and F-35s in the number necessary to meet validated military requirements. It takes almost 20 years to develop, test and field a new advanced weapons system. If we take more "holidays from history" we leave our Nation and future generations at risk. This Nation has taken for granted our traditional air superiority. And General Moseley was right to have pointed out these vulnerabilities.

We never know in advance our next adversary. We must be prepared and strong for both asymmetric threats as well as resurgent adversarial nations, and General Moseley understood this very well.

The Air Force is still called upon around the clock to undertake combat missions, targeted air strikes, deliver troops and cargo and provide intelligence platforms.

Our ground forces have come to rely on the Air Force, mainly because, well, they're so competent. And that's no accident. General Moseley understood this because he was there actually commanding airmen in combat operations.

General Moseley recognized the national security implications posed by the growing cybersecurity threat. He did not just wring his hands. He took concrete actions to establish the Air Force Cyber Command Initiative. He oversaw the historic development of Unmanned Aerial Vehicles in combat, and also instituted training to help instill a "warrior ethos" in the Air Force. He should be commended for that vision.

I am proud of General Moseley. His sense of responsibility to the Air Force's overall mission led him to voice legitimate with Congress on matters like serious deficiencies in aircraft modernization, even at the risk of his career. To me, this is real integrity. When we have hearings on the Armed Services Committee, what we're after is the real truth, unvarnished and unblinking. We're not looking for a sanitized version. General Moseley was an advocate for modernization, and this advocacy is something which, though he was absolutely correct in both fact and merit, earned him criticisms where he should have found support.

The Secretary of Defense cited a failure of leadership within the Air Force in regards to its nuclear mission. Those are indeed serious charges, but the Department of Defense shares the responsibility through the impact of both budget cuts and BRAC mandates. These cuts clearly de-funded and de-emphasized nuclear matters. Cuts that were not the Air Force's preferred choice have taken a toll, and those budgets cuts must be acknowledged and corrected by this and future secretaries if we are truly going to address shortfalls in nuclear surety matters. I know that first-hand, as even I have had to request funding additions to cover documented shortfalls in the Minuteman III modernization program.

So in conclusion, Mr. Speaker, I want to thank General Michael Moseley, as well as Secretary Michael Wynne, for their dedicated public service to our Nation and our fighting men and women. From where I sit as a member of the Armed Services Committee, I believe that both these Air Force leaders can hold their heads high. I believe they are both men of great personal integrity, and I wish them well in their future endeavors.

THE NEW MANHATTAN PROJECT FOR ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, in 1961 President John F. Kennedy laid out a bold challenge, to put a man on the moon in less than 10 years. At the time, people called it unreasonable and absurd to put a man where no human had stepped before, using technology that hadn't even been developed yet, and to do it in less than 10 years seemed impossible.

But what we saw come out of that decade was a Nation that continued to defy the odds and achieve the seemingly impossible. When Neil Armstrong opened the door of Apollo 11 and set foot on the surface of the moon, he embodied the very essence of America, combining our hopes, our dreams and our determination. Americans rose to the challenge and changed the course of history.

Today we face a new challenge. The national average for a gallon of gasoline is now $4.07. Gas prices have risen nearly 75 percent since the Democratic majority took control just a year and a half ago. And this isn't a coincidence.

The majority's policy since taking power has been to restrict domestic energy production and increase taxes and regulations on U.S. energy suppliers. Simple economics tells us that limiting the supply of oil will increase costs. At a time when families in my district and across the country are struggling every day to cope with skyrocketing prices and a slowing economy, this is outrageous and irresponsible.

We continue to get the bulk of our energy fossil fuels, and 60 percent of that comes from foreign nations that, in many cases, do not share our interests. This is not just an economic problem. It's a national security crisis that demands both short and long-term solutions. We must increase our oil supply in the short-term, but we must also launch a national effort to harness American innovation if we hope to succeed in the long-term.

Like the first Manhattan Project that was established to insure the security of our Nation during World War II, today our national security depends on our ability to produce reliable sources of energy to fuel our economy and our national defense, independent from other nations.

That's why I've introduced a bold new initiative that will put us on the path to energy independence. The New Manhattan Project for Energy Independence, H.R. 6260, challenges the United States to achieve 50 percent energy independence in 10 years, and 100 percent energy independence in 20 years tape, and establishes a commission to lay out a plan to get there. A lot of people had talked about it, but it was time to put forth a bill and do something about it. That's what H.R. 6260 does.

Additionally, the bill sets out seven major goals that will put our Nation on this path. The New Manhattan Project will bring together the best and brightest minds in our Nation and encourage American innovation by awarding major cash prizes to anyone who successfully reaches one of these goals.

Specifically, Americans will be challenged to develop ways to double CAFE standards to 70 miles per hour, while making these vehicles affordable to consumers; improve home and energy efficiency by 50 percent on a wide scale, develop a solar power plant that costs no more than a coal-consuming power plant; make the production and use of biofuels cost-competitive with standard gasoline fuel; safely and cheaply store carbon emissions from coal-powered plants; safely store neutralized nuclear waste; and lastly, to produce sustainable electricity from a nuclear fusion reaction.

The processes to reach these goals are neither simple nor cheap, and many Americans may think them impossible. To make it possible for the inventor, researcher or company that achieves any of these goals, my proposal would provide significant cash prizes to the first person who reaches each of these goals. And to assist those who have promising ideas in these areas to help our country achieve energy independence, $10 billion will be set aside for grants to fund promising lines of research. In total, this bill would supply the same level of resources on the same scale as the original Manhattan Project, which is a total of $24 billion.

It is, in fact, possible that even after the major investments proposed in this bill, we may not be 100 percent energy independent. But even if one of these goals is achieved, the impact would literally transform the energy sector. And if every one of these ambitious goals is reached, our country would be free from our addiction to foreign oil, and we will have guaranteed our economic and national security tape for future generations.

PETITION TO LOWER GASOLINE PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I appreciate the opportunity to be here tonight to address you and the other Members of this body. And I wanted to bring to the attention, Mr. Speaker, the fact that I guess several weeks ago we had calls from constituents and seeing constituents at town hall meetings and other places. They had asked me if I had been on-line or on the Internet to sign some of the petitions that different people had up to bring down the price of gas. They were tired of going to the pump and paying $4 a gallon for the gas.

They had heard the promises from the Majority of the 110th Congress made back when they were running for office, that they had a commonsense plan to bring down the cost of skyrocketing gas which, at the time, was about $2.20. It's now about $4.08. So they were mystified as much as I was about what this secret plan was. And so they were going on-line and signing these Internet petitions asking us or letting us know, Members of this body, that they were demanding that gas prices come down, and by doing that, to drill here and to drill now.

One of those Internet sites, and there's many, but one is American Solutions. And I understand today, from reading an article, that over a million Americans have gone to that site and said, you know what? Let's drill here, let's drill now, and let's lower gas prices.

And so I was thinking to myself because I had gone into a service station to fill up with the $4 a gallon gas in my pickup truck, and there was a petition laying on the counter that said, you know, we want our gas prices brought down. Sign this petition.

And I thought, you know, not only is this an Internet, but people that are working at these service stations and I'm sure other places are having these petitions saying, you know, we need our energy costs brought down.

And Mr. Speaker, I said, you know, the American people need to know how their Members of Congress feel. We're hearing from them on all of these different petitions how they feel. They need to know how their representative feels.

So I came up with a petition. And basically, this petition says, American energy solutions for lower gas prices. And it brings onshore oil on-line. It brings deep water oil on-line. And it brings new refineries on-line. And that's pretty simple. That's about as simple as you can get in this body.

Everything we vote on here is so convoluted that many of the Members don't understand what they're voting on, Mr. Speaker. And a majority of the American people do not know. Some of these bills are three and four and 500 pages. And it's hard to consume all that information and understand what is going on. So a lot of Members can have an excuse to vote for or against it because, as Mr. OBEY said today on the floor, they make these bills to get 218 votes. So they take these bills and put as many sweeteners in it as they need to to get to 218. So many Members can say, well, it was a bad piece of legislation, but because they put X, Y, or Z in it, I voted for it.

I wanted to keep this petition as simple as possible. And so basically, what the petition says, I will vote to increase U.S. oil production, to lower gas prices for Americans. How much simpler can you get?

Mr. Speaker, you can't imagine some of the answers from the Members of this body for not wanting to sign this. They're unbelievable. I don't know how they're going to explain it to their constituents, but their constituents have an opportunity to see, and we update this, Mr. Speaker, on our Web site, which is house.gov/westmoreland, W-E-S-T-M-O-R-E-L-A-N-D. We update it after every series of votes, so it will be updated probably in about 30 or 45 minutes. It will be updated and you can go to that Web site. And we had 32,000 hits on that Web site last night, for people wanting to go and see how their congressman felt about it.

Now, we've had about 160 Congressmen that have signed this so far, so we're probably about 58 short of getting to 218, which is what you need to pass this.

So, Mr. Speaker, I would encourage all Americans to go to that and to find out how the Members of this House feel about lowering gas prices in this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their comments to the Chair.

☐ 2100

GAO'S GOOD DECISION FOR WARFIGHTERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from

Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, we come to the floor this evening to discuss this good news that we read yesterday for our warfighters doing great jobs for the U.S. Air Force and for the taxpayers who are providing the equipment for the Air Force and for a lot of working families in the United States. And that was the decision by the General Accountability Office to essentially allow the protests against the previous proposed decision by the United States Air Force to send a contract for the construction of 80 tankers which refuel our Air Force planes essentially overseas to a combination that is largely European by the Airbus Company.

And we are extremely gratified and vindicated that the General Accountability Office has found that in seven very fundamental ways, the decision by the Air Force to send this American tanker using American taxpayer dollars for American warriors essentially overseas, and they have found that this was a decision that violated some general principles of procurement in issuing contracts using taxpayer dollars. In a very forceful and powerful and unambiguous decision, the General Accountability Office, we call it the GAO up here, concluded that this purported decision to send this contract away was a bad decision, bottom line. And this decision must be reviewed and we hope ultimately reversed.

So we've come to the floor tonight to talk about why that decision was appropriate, why it is welcome, and why we hope the Air Force will move forward working with the bidders on this contract to really reach a decision that's going to be in the best interest of the country as a whole, including our warfighters and our taxpayers and our working families.

And just if I can by way just as a matter of background, this is a contract for eventually 179 what are called KC–X aircraft. The first tranche would be 80 aircraft. These are the tankers that refuel our airplanes, and they are obviously the backbone of our Air Force. Without tankers, we don't have an Air Force. This is perhaps the most critical of the one type of airplane we have because this type of airplane has to be right for the job, competent, survivable, cost-effective, or we don't have an Air Force that requires this refueling capacity.

Now, the contractor that we'll talk about tonight, the Boeing Company, has been essentially the exclusive suppliers of these tankers for the United States Air Force for five decades and with incredible success. The KC–135 has been an enormously successful airplane, and the Boeing family of workers that have provided it have been proud to provide that background. And they were, of course, a bidder to provide the Boeing 767 as the platform, a very well-respected workhorse airplane that is converted for tanker purposes.

And this bid was originally rejected by the Air Force and given to a consortium involving Airbus, and it is that decision that the GAO has found was illegal essentially and violated procurement policies.

Now, the GAO, they're sort of a neutral referee, if you will. They don't have any dog in this fight. They reviewed this decision with intimate care and concluded in seven ways, which we will talk about tonight, this decision was grievously flawed and has to be revisited. So we felt vindicated by that decision because we had been arguing on this floor for a couple months now that that decision was grievously wrong.

I'm joined tonight by at least two Members, PHIL HARE of Illinois and NANCY BOYDA of Kansas. And I would like to start by yielding to PHIL HARE of Illinois about his observations about how we need to restore this American plane to an American manufacturer to take care of American warfighters.

Mr. HARE. Mr. Speaker, yesterday was a victory for the American people. On Wednesday, the Government Accountability Office ruled that the Air Force broke its own contracting rules when it awarded a multi-billion dollar tanker contract to the Northrop Grumman Airbus team and recommended that the Air Force reopen the competitive bidding process. The GAO said the Air Force made "a number of significant errors that could have affected the outcome of what was a close competition between Boeing and Northrop Grumman."

Let me just touch on some of the main points of the GAO ruling.

The Air Force did not assess the relative merits of the tanker proposals in accordance with the criteria that the Air Force established. The Air Force awarded Northrop's bigger tanker extra credit even though no consideration was supposed to have been given for exceeding key performance objectives. The record did not indicate, as the Air Force claimed, that the Northrop tanker could refuel all current Air Force fixed-wing aircraft.

The Air Force conducted "misleading and unequal decisions" with Boeing by informing Boeing that it fully satisfied a key performance objective but later determined that Boeing had only partially met this objective.

The Air Force unreasonably favored Northrop after the company refused to agree to help set up maintenance depots within two years of the first airplane delivery, and the Air Force miscalculated the life-cycle costs of Boeing's tanker and incorrectly concluded that the Northrop tanker would have lowered costs.

The Air Force improperly increased Boeing's estimated nonrecurring engineering costs in accounting for program risk.

The GAO found seven major flaws in this election process, Mr. Speaker. Not one or two, but seven.

Mr. Speaker, most were doubtful that the decision would be overturned. Experts said it was highly unlikely that the GAO would uphold Boeing's protest because the GAO rarely sides with the protesting company. But fortunately for the American people, the GAO saw what Boeing had been saying all along: the competition was unfair and fundamentally flawed.

The GAO ruling leaves the Air Force with only one option: recompete the bid. Now, the Air Force has the opportunity to conduct a fair and open competition. And I strongly encourage them to consider an American company. Our economic and national security depends on it.

Mr. Speaker, while the GAO ruling in favor of Boeing is welcome, the GAO ruling does not address the broader economic and national security concerns raised by the tanker decision. The first, jobs, jobs, jobs.

Over the last 5 months, a record number of jobs had been lost, most of them from the manufacturing sector. In May, the unemployment rate made a 22-year high jump, reaching its highest level in more than 3½ years. But Air Force officials stated that employment effects were not considered in awarding the contract. And as a result, tens of thousands of good, high-paying jobs will be created in Europe.

Mr. INSLEE. Will the gentleman yield for a moment?

Mr. HARE. I will be happy to.

Mr. INSLEE. I think you seized on a very important point. This was not a decision by the GAO that they're just going to change this decision because they decided to favor American jobs. Now, we think that's a really important point, but the really fundamental aspects of GAO is they concluded the rules were violated in making the decision of what the best airplane for the money was. They did not take into consideration American jobs. We essentially—the Boeing family sort of won this on the merits of the airplane without any sort of special consideration that we were the hometown team, and I think that's a really important point, and I appreciate you making that.

Mr. HARE. I'm happy to.

And let me say, Mr. Speaker, I refer my colleagues to an article titled "Bailing Out On America" out of the EPI Briefing Paper. It is a job analysis report on the tanker decision from the nonprofit, nonpartisan think tank, The Economic Institute.

The report titled "Bailing Out On America. Air Force tanker decision will ground at least 14,000 U.S. jobs," found that Boeing recreated at least twice as many U.S. jobs as the Northrop Grumman European Airbus team. According to the EPI report, Airbus Northrop exaggerates its own job claims. Equally important, the report states that U.S. job losses are likely to grow in the future if the contract is awarded to EADS because it will give the company sizable cost advantages and will lug up the future competitions to supply tankers to the Air Force.

Mr. Speaker, at a time when America is facing a recession, creating jobs in Europe is not in the best interest of the American people. We owe it to the American people to take advantage of the opportunity to create jobs right here in the United States and resuscitate our failing economy.

Several other issues remain outstanding not addressed in the GAO which includes a pending case before the World Trade Organization against EAD, the parent of Airbus, for accepting illegal subsidies, a violation of international trade laws. This and other issues must be addressed before the tanker program can move forward.

And let me just, if I could, my friend, just conclude by saying a couple of things.

We're fighting two wars here. We just got through passing billions of dollars to fund them. Not too long ago, the guidance system for bombs, I don't exactly know the exact part that was manufactured in India, was shipped off to be manufactured in China. That work is gone. National defense is a risk, in my opinion, and those jobs aren't coming back; and now we have a company who wants to build tankers outside of this Nation not knowing if tomorrow this company or this country that we seek to have this plane made by is going to remain friends with the United States.

I was on a talk show program and was amazed at the number of calls that I got from people saying, What are they thinking out there? How could they outsource national defense items to be manufactured by somebody other than the United States when we're at war? I have an arsenal in my district that made the Up-Armored Humvee doors that saved hundreds of lives, and I have to tell you, it makes no sense.

All we asked for was a fair shake for Boeing. The GAO report, I think, will give Boeing the opportunity to compete on what is fair. I commend the GAO for doing this, but let me be clear. We have an obligation to protect this country when we're at war, and the products that we produce to protect our men and women and to fight and sustain this war, whenever possible, ought to be made in this country and ought to be made by American workers.

And I thank my friends for inviting me this evening.

Mr. INSLEE. I appreciate the comments. Again, the GAO decision was not based on job creation or job loss, but we, of course, think that's an important value. And this isn't just those of us who are from the Boeing kind of country who feel this. A study by the Economic Policy Institute studied the proposals of Boeing in the competing European Airbus and concluded that the Boeing project would create twice as many jobs, 14,000 more jobs in this country than the other.

Now, we've seen a lot of these fancy ads by the Airbus contractors suggesting that it's an American airplane. But you can't have an airplane take off to Luce, France, as wonderful as that country is, land it here and slap an American decal on it and make it an American airplane. And the EPI study, I think, is the most dispositive in showing that 14,000 additional jobs were at stake in this decision.

But again, Boeing wanted to win this on the merits on what's the best airplane. And that's what's so impressive about the GAO study that for seven, not just one sort of technical violation, not two technical violations, they concluded that this decision violated this sort of seven deadly sins of procurement policy. And every single one of them went against Boeing contrary to the law.

So this was a very powerful decision. I was going to use the word "slam dunk," but I'm not sure that's a legal term of art. But that's what it was. This was not some sort of just minor technical decision.

I would like to now yield to NANCY BOYDA of Kansas who I appreciate joining us this evening.

Mrs. BOYDA of Kansas. Thank you very much, Mr. INSLEE. I appreciate being able to join this group.

And it is a good day. I think it's a very good day for America. I know that it was a good day for Kansans when we got the news that the GAO report upheld the protest. There were certainly sighs of relief.

Let me make it clear what we're relieved about. First and foremost, we're relieved about our own national security, and that's what everybody has ultimately been most concerned about. Outsourcing our national security, outsourcing our technology, we all know that it's very hard to keep secrets, to make sure that that intelligence stays in our own hands.

So number one, the people of Kansas were very, very happy that our national security today would be stronger tomorrow because we did not outsource this important contract. It's a huge, huge contract and obviously the implications for our country are tremendous.

When we look right now at the industrial base and we wonder sometimes why we're not getting enough equipment and why it has taken us so long to get equipment to Iraq and Afghanistan, our own industrial base is right here in America, and we need to keep it strong.

□ 2115

So, again, there was rejoicing in the streets of Kansas.

Let me make it clear, the first reason was for our national security, and keeping that technology here with that intelligence right here at home.

Mr. INSLEE. You used the word "strong," and I think that's very important here, because the Boeing airplane, the Boeing 767 was found by the Air Force's own evaluation to have five times as many survivability discriminators as the Airbus plane. Now, that's a fancy term to mean it had five times as many characteristics that would allow the plane and its pilots and its crew to survive and complete its mission.

It is a stronger airplane from the sense of survivability. You used that term, and I just want to use a quote by former United States Air Force Chief of Staff and Retired General Ronald Fogelman who stressed survivability as an asset of the Boeing plane. He said, "When I saw the Air Force's assessment of both candidate aircraft in the survivability area, I was struck by the fact that they clearly saw the KC–767 as a more survivable tanker." This was a statement to the ARSAG in his role that he was serving in as a consultant of Boeing. He said, "To be survivable, tanker aircraft must contain systems to identify and defeat threats, provide improved situational awareness to the aircrew to avoid threat areas, and protect the crew in event of attack. The KC–767 has a superior survivability rating and will have greater operational utility to the joint commander and provide better protection to aircrews that must face real-world threats."

Now, this just isn't Boeing talk. This is the Air Force's own conclusions that the "discriminators"—it's a fancy word used in this business—that Boeing included more robust surface-to-air missile defense systems, cockpit displays that improve situational awareness, better electromagnetic pulse hardening, automatic route planning and rerouting, better armor protection features for the flight crew and critical aircraft systems, and better fuel tank explosion protection features.

The Boeing 767, according to the Air Force's own evaluation, concluded that Mrs. BOYDA's comment that this is a stronger airplane is correct.

Mrs. BOYDA of Kansas. I think what the American people are learning is that Boeing has been in the tanker business for decades. You know, 50, 60 years, they have been the supplier of these tankers, and can you imagine what these tankers do. These tankers are refueling aircraft that are speeding across our skies. They're refueling them in midair. This technology is something that clearly has taken years to develop. It's been done extremely well and extremely safely right in Kansas in our Forbes Field in Topeka, Kansas, where we have the KC–135E model.

We just retired the oldest KC–135E tanker in the country. It was 51 years old, and quite honestly, with maintenance, it could have been maintained. It was time to put it to rest, to take it down to the bone yard. It had done its duty and it served its country very well. But that Boeing tanker has been out there making sure that our country is safe for the last 51 years, and that's what they brought to this.

The fact that it has the safety and the survivability should not be any real shock to anyone. They have perfected this technology. They have embraced this technology, and they've provided this technology to our Air Force and to our entire military for the last 50, 60 years. And clearly, they had a lot to offer, just the fact they've had this much experience.

So the survivability, you know, it's nice to see that there's data and the analysis shows that, but they've been doing this for decades. It's no big shock that the product that they were going to deliver was something that the United States can be more assured that it will be done on time and with the quality that's suitable for our military that are putting their lives on the line when they're up in the sky, doing this incredibly dangerous midair refueling.

I also say, too, I have the honor of representing two Army bases: Fort Leavenworth and Fort Riley. I represent the headquarters of the National Guard there in Topeka, Kansas, which is where Forbes Field is. We have an Army and Air Force unit that are there, and then we have McConnell Air Force Base in Wichita.

But what I hear from a lot of our military is just the statement that when you're behind something, when you're out there, whether you're in the Army, whether you're in the Air Force, whatever branch, that when you're picking up something, whether it's munition, whatever you're in, the fact that that's made in America means something to them. They want to know that what they're using to defend the country and to keep themselves safe, it means something. And I've heard from people that it's very unsettling to pick up something and to think that our military equipment or military goods are not made here in the United States.

Clearly, if our Air Force had chosen Airbus, they would have gone out and done whatever it took to keep our country safe, but I've heard over and over again they'd like to be out there using American-made equipment, and it doesn't seem like too much to ask.

Mr. INSLEE. Maybe the question is why not the best, and in this case, the Air Force's own conclusion is the strongest, most survivable airplane essentially is the Boeing 767. So I appreciate this comment about strength from Kansas.

Now, I want to turn to my friend EARL BLUMENAUER from Oregon who's been a leader on a number of high-tech issues. I don't know if Mr. BLUMENAUER wants to address the fuel efficiency issues or other matters, but I'd appreciate his comments.

Mr. BLUMENAUER. Thank you, Congressman INSLEE. It's a pleasure to join with my colleagues from Illinois and Kansas for this conversation this evening.

This is serious business, and in a time when energy impacts are devastating our airline industry and when there is no part of the costs for the Air Force going up faster than fuel efficiency, I think we could spend the rest of the evening talking about the relative merits there and the advantage that this means in terms of operation and in terms of budget.

But I really wanted, if I could, just to circle back here for a moment because I appreciate the focus that we're hearing from my colleagues about the merits of the issue.

Now, I come from a little sliver of the northwest. We're not the epicenter of that, but there's 1,000 high paying, family wage jobs just in my little district that are involved with this and is going to make a difference. But candidly, the way that the other proposal was structured, there would be a little residual benefit. It was sort of politically engineered, and there was a little bit, not nearly as much as the Boeing proposal, and Congress can and should consider that. It has huge impacts in some parts of the northwest, in the Midwest, and it has ripple effects throughout the economy.

And at the end of the day, this is something I think policy-makers have an obligation to be aware of and comment, and I appreciate my friend from Illinois talking about pending disputes with the WTO. There are serious allegations about unjustified subsidy for Airbus that really do need to be resolved, because we are in an anomalous situation where if we rush ahead with this and grant the award, perhaps on a basis that wasn't justified, we could end up further undermining the position of American industry by somebody who's not playing by the rules and further undercut us, which is something that, going back to the drawing table, allowing that challenge to work its way out, I think has great merit.

But I appreciate what my colleague from Kansas was talking about in terms of the end of the day we're talking about a critical component of our defense establishment. And while there's lots of complaints, and some that I think are merited that we need to review our military approach to make sure that we're not spending too much money fighting the Cold War, clearly there is no argument, no argument that we can afford to not have a robust and effective exercise of our air power, and the air refueling is essential to warfare today, things that are going on today and are going to go on tomorrow.

And when we're looking at a strategic, critical component of our ability to supply our troops, that is already averaging almost half a century, and before anybody could move forward it will pass that critical 50-year mark, this raises I think to a critical level.

And I hope that every single Member of Congress in the House and the Senate takes the time to review this GAO report because I think it's going to raise serious questions in their mind, as it did with GAO. We want to make sure that that evaluation is done in the most cost-effective manner—big questions about whether the bid does that—and we want to make sure we are treating, given the troubled history of this project—and some of us, Congressman INSLEE, we've been around a little bit. We've watched the bumpy ride to get to this point. This has got to be done letter perfect. We can't afford to have any questions or errors. And boy, any objective reasoning suggests that what we've heard, the way the Air Force handled it doesn't meet the bill.

Mr. INSLEE. I really appreciate again reiterating that we want this decision to be made on the merits, and one of those merits I want to point out just that I find incredible about this decision—and that's why I'm so happy about the GAO decision—is the recognition that the Air Force totally failed to consider accurately the lifecycle costs of these two proposals.

Now, obviously there's the up-front costs, but to the taxpayer, it's the lifecycle cost or the whole cost of maintaining and operating and parking the airplane that you really have to look at. And according to the GAO and the United States Air Force, they made a mistake in evaluating what the lifecycle costs were.

Just reading from a Reuters article June 12—it was a few days later confirmed by GAO—the U.S. Air Force has conceded that Boeing Company's proposed KC–767 refueling tanker would cost less over time than what was then the winning plane by Airbus.

And this is what the taxpayer has at stake in this thing, and this comes—we need to get down in the weeds a little bit—by the failure to take into consideration several things accurately. Number one, the Boeing airplane uses 24 percent less fuel. It's 24 percent more efficient. So you save, it's about somewhere between—I'm looking for my number here—according to a pretty good study, over the 40-year operational life, the Boeing plane would save $30 billion in projected fuel costs, $30 billion.

I'd like to yield to Mr. BLUMENAUER for a comment.

Mr. BLUMENAUER. I appreciate you zeroing in on this, Congressman INSLEE, because you, as much as anybody in Congress, have been spending the time looking at the consequences of our current use of energy. I think the evidence is not only in terms of the percentage that you referenced, almost a quarter less over a 40-year period, the evidence would suggest that the trend line for energy costs are likely to be understated.

Who would have thought, frankly, 6 months ago that we'd be bumping up against $140 a barrel oil and with the likelihood that it could go to $200 before it gets down below $100?

☐ 2130

So the costs are magnified over time.

And given the fact that these planes have actually stayed in service far beyond their design life, that that is further—what if these are going to be operational for another 50 years? I think that projection just pales; it makes it all the more important that we do that.

I appreciate your focus. And I appreciate having a chance to join you in this discussion.

Mr. INSLEE. And by the way, there seems to be no doubt, these statistics we're giving are essentially inarguable. Airbus is not contesting the fact that the Boeing airplane is 24 percent more fuel. This is just fact. The GAO find that this is, I believe, one of the reasons of life cycle cost.

And by the way, it's just not fuel. Because the Airbus plane is so gargantuan, it's going to cost taxpayers an additional $2 billion in military construction to rebuild the hangers to hang them in and places to park the things. It will also cost $13 billion in additional manpower over the life cycle. So there are numerous reasons why the Boeing plane is a better deal for the taxpayers.

Mr. HARE. Will the gentleman yield? You know, you just mentioned $13 billion. We've tried now on two occasions to insure 10 million children for $6 billion. So if you take a look at the cost overrun just on the hangers and you look at the amount of money that we're spending—I think what's really important to also note here is the GAO rarely does this. Normally, the expectation would be that they were going to go with what they had. And when you read this report, and as my friend from Oregon said—and I hope that every Member of this Chamber will read it because I think it's critical if you're going to make an informed decision on this—if you read this, you will see that, indeed, Boeing didn't have a chance to compete fairly, you had tremendous cost overruns into the billions of dollars, you have thousands of American jobs. But again, I go back to my friend and say, this is a Nation at war fighting two wars, and we cannot allow the outsourcing.

My friend from Kansas mentions with great pride that she has bases, and these soldiers need and expect the best equipment, and Boeing can give that to them. But most importantly in this whole process is the whole question of fairness. We said this before. When I met with the Boeing people, they said, look, we don't want favoritism here, we just want some fairness brought into this process so we can compete. You can't complete when you change rules in the middle of the game. I liken this, and I was telling one of the Boeing people, it's like tying somebody's hands behind their back, putting a blindfold on, and fighting for the Heavyweight Championship of the world, you're at a slight disadvantage. And that's what happened in this report.

So I'm pleased. And I really appreciate my friend from the State of Washington for inviting me to be here tonight to talk about this because this is critical, this is critical for our national defense, it's critical for our jobs. And as you said, when you think of the billions of dollars that we're going to be wasting on this project that we could save, that we could be spending on other things, it really just makes a whole lot of sense. So again, I yield back and thank you very much.

Mr. INSLEE. Well, I appreciate that. And just so people know who may be listening to this—and maybe even a couple of our colleagues, you never know, it's a slow night—I'll just read finding number six by the GAO. And they said, "The Air Force's evaluation of military construction costs in calculating the offerer's most probable life cycle cost for their proposed aircraft was unreasonable. When the agency, during the protest, conceded that it made a number of errors in evaluation that, when corrected, resulted in Boeing displacing Northrop Grumman as the offerer with the lowest, most probable life cycle cost, the GAO concluded, and ultimately after they fixed their mistakes, concluded that the Boeing airplane is a better deal for the American taxpayer." Now, to me, if you've got a stronger airplane and a better deal for the American taxpayer, and peripherally, but not unimportantly, 14,000, at least, more jobs in America, this ought to be a slam-dunk decision. We hope that it will be, ultimately.

I will yield to Mrs. BOYDA.

Mrs. BOYDA of Kansas. I was just thinking, I think the American people are beginning to understand by now that specifications for this tanker, this refueling aircraft that is so important to us, there were some specifications that were given, this is what we want. And all of a sudden, here they come with this great big airplane, and now they want to be congratulated for not coloring in the lines, for not doing what they were asked to do. It kind of reminds you of a teacher that says you can write a paper, but it can only be 10 pages, and somebody wants extra credit for writing 13. Well, it was a 10-page paper assignment not a 13-page paper assignment.

So it's interesting that it has taken this long for the Air Force to understand that it was going to take this much more money to take this big tanker—it wasn't what the Air Force had asked for. The Air Force had asked for a tanker of the proportions and the specifications, and that's what Boeing did. They said, this is what you want. By the way, we've done this for the last 50 years, so we understand why you're asking for this. And they went about putting together a tanker that was the best deal with the very best equipment for the American people and for our military. And they did what they were asked to do. And all of a sudden, then all of this kind of bizarre math, this fuzzy math starts to come out, and some way or another it's going to be cheaper. It just never made any sense.

And let me finish by saying, I really applaud the GAO. I think many of us thought, well, it's going to be difficult for them to overturn that. But they sharpened up their pencils and they said, well, no, this doesn't make any sense. And so we've got to applaud the GAO for standing up and saying this is the right thing to do.

Mr. HARE. Well, I think the gentlelady from Kansas brings up a great point. Here's a company that's been manufacturing this for 50 years. So they're not the new kid on the block, they've been there and they've done that. And every time they've produced it, they've produced it with quality. And you don't have the WTO looking at them and all kinds of different things.

The bottom line here is this is a great product. And giving the opportunity for this company to be able to compete on a level playing field, that's all they were asking for, and now they're going to get the opportunity to do so. And I think at the end of the day, when that happens, I think the taxpayers will benefit, I think the American people will benefit, I think our troops will benefit. And, you know, as my friend said, when you start talking, as the late Senator Dirksen said, a billion here and a billion there, pretty soon you're talking about a lot of money.

So again, I thank the gentlelady for yielding, and I yield back.

Mr. INSLEE. And just to back up what Mrs. BOYDA said, she's not just whistling Dixie—or Kansas in this case—she has backed up what the GAO said. They said specifically, in finding number four of seven deadly sins, they said, "The Air Force conducted misleading and unequal discussions with Boeing by informing Boeing that it had fully satisfied a key performance parameter objective relating to operational utility, but later determined that Boeing had only partially met this objective. And then there's a bunch of other language that's pretty technical.

But what happened here is, for some reason that I don't know for sure—I have some suspicions of what happened here, and that doesn't really matter—but for some reason the Air Force decided bigger was better. And they went and in their original decision opted for a bigger airplane and violated, in several different ways, the procurement rules in order to reach that conclusion.

Now, we've said that the Air Force has already recognized that their life cycle cost decisions were in error. But we really hope in this rebidding that they will not be persuaded that bigger is always better. And what we have found, and some of the things we've talked about tonight, why bigger is not better, it's actually worse in this particular case because when you build a plane that's that much bigger, that exceeds your real requirements, you end up spending a quarter more fuel and you end up spending $2 billion on construction costs.

And here's something that I think is important. The Airbus airplane can only use half as many airfields around the world as the Boeing 767. Now, you think of all the places we can end up in a military conflict around the world and all the relatively little airports that we may want to get involved in, I mean, who knew we were going to be flying from airports in Iraq 20 years ago when we made some procurement decisions? We have to be ready to fly these airplanes anywhere in the world. Yet the Airbus decision, if you buy this larger airplane, it can only use—I think it's either 200 or 400 airports that the Boeing plane can use that the Airbus plane cannot. I think that's really important, and one of the disadvantages of size. Plus, if you look at the requirements, the Boeing airplane fulfills the requirements that they asked for on how much capacity they had to have for refueling, Boeing met it.

So that's one of the things that Mrs. BOYDA was alluding to that GAO said, just because you do more than the requirement, it doesn't do you any good. Why give extra bonus points to something that just costs more money and eliminates half the airports in the world where you can land? That doesn't make sense. And I think that was one of the reasons that GAO decided.

And I yield to Mrs. BOYDA.

Mrs. BOYDA of Kansas. And as I understood it, too, one of the GAO findings was that the Airbus tanker wouldn't refuel all types of aircraft, too. So you had something that certainly was bigger. But what was found out was that bigger wasn't better in this particular instance; you needed longer runways to be able to land them. And so that limited the number of places.

But this Airbus tanker also wasn't even able to refuel as many different kinds of aircraft as the Boeing aircraft. And I will go right back on message of saying, I wonder why. Well, Boeing has been doing this for 50, 60 years, and they knew what they were doing. And so they understand the intricacies of what needs to be done and why you need to be flexible, and that flexible is finding that optimum way to do this. And the KC135Es were replaced by the Rs. They've been doing this and making these tankers and optimizing the whole process of making these tankers for decades.

Mr. INSLEE. And as a result of this decision that has now been reversed, thankfully—at least by the GAO, they're calling for a reversal—what really happened is that the original decision, the Air Force decided to buy excess capacity that was not needed and gave up a capacity that was needed, which was refueling all our types of aircraft. And the GAO concluded—this isn't just Boeing talking, it's the GAO concluded—that the Airbus cannot refuel some of the airplanes we have in stock right now.

So you sort of paid more money for more life cycle cost for the Airbus airplane, you bought capacity you did not need, and you gave up the one thing you do need, which is to be able to refuel every kind of airplane. What are we supposed to tell the pilots of the Tilt-Rotor aircraft; sorry, you don't get to fuel? We've made a procurement decision that, you know, you'll just have to take the long way around? It was a serious, serious misjudgment because they concluded, for reasons that escape me, frankly, why bigger is better. And I think that's really the fundamental decision that was made in that regard.

I would like to, if I can, talk about something else that is important that was not in the GAO decision that I do think bears on this, and I think we, as Members of Congress, have a responsibility to look at, and that is this issue of whether or not it should be Federal policy to reward countries and companies that are violating international law on our trade agreements.

Right now, the United States Government has concluded that the Airbus company has been the recipient of billions of dollars of illegal subsidies, illegal subsidies from the governments in Europe, and has concluded with such force that the United States Government, the U.S. Trade Representative, has filed a claim, a lawsuit of sorts, against Airbus because of these illegal subsidies. So the United States Government has determined that this contractor has received illegal subsidies violative of international and consequentially United States law. But then what did the other agency of the U.S. government turn around and do—or tried to do before the GAO blew the whistle? They turned around and tried to give a $40 billion contract to the very company that's violating the trade laws. Now, how does that make us look in international law if we're suing them, saying there's illegal subsidies, and we turn around and give them a $40 billion contract while taking away 14,000 jobs here away from a very well known and successful contractor, the Boeing company? It's ludicrous. Talk about the right hand not knowing what the left hand was doing here.

This is an issue that the GAO did not review and the Air Force did not review because some people in the Senate did not allow them to do that—that's a whole other story how that happened—but it seems to me that we, as Members of Congress, should stand for the enforcement of these trade laws and not reward companies and contractors who we ourselves have concluded violated the law. And I think that's an obligation on us. It's beyond the obligation of the GAO. That wasn't their job, but I think it is our job.

Mr. HARE. Will the gentleman yield?

Mr. INSLEE. Yes.

Mr. HARE. Well, I'm a new Member here, but I ran on this whole issue of trade and fair trade, as you know. And you look at this, and here is a company—and I don't mean to be picking on them this evening, but facts really are facts, so let's see if we can get this straight. Here's a company who is in violation of trade laws, who was about to receive a $40 billion contract that would have cost us thousands of jobs to build a tanker that can't land at some airports.

Mr. INSLEE. Half the airports in the world.

Mr. HARE. Half the airports, and cannot fuel the necessary planes that we might have when we go to war. Now I may not be the sharpest knife in the drawer here, and I know this has been a long day, but again, I think clearly we had a company, as my friend from Kansas says, a company that's been doing this 50, 60 years, a stellar reputation, they could have produced a smaller craft that could land where it's supposed to land, fuel what it's supposed to fuel, and not reward this corporation for violating Federal trade laws.

□ 2145

So to me, this is really a no-brainer. And I think that every Member of the House, not only should they read the report, which I think is important, but I think they should listen to what my friend said just a few minutes ago, about do we really want to get down the slope of rewarding a company with a $40 billion or $4 million or whatever the contract is when they are in violation of Federal trade laws? I don't believe that is what the people sent us here to do. We're supposed to protect this country.

This is a great day. Yesterday was a great day for the GAO report. But we have to be vigilant here. We have to keep pushing on this. And I have to tell you, as long as we're here, I think we have an obligation to hold the Air Force's feet to the fire on this. People make mistakes. But let's don't make it again, and let's don't make it again, and let's don't make it to the tune of a $40 billion contract to a company that can't produce what we really need.

Mrs. BOYDA of Kansas. I would just say when it comes to the issues, and clearly it just was nonsensical. Again I really appreciate the fact that before we're talking about these kinds of issues, we're talking about the plane on the merits. Because I think that's the main thing that the American people, they want a plane that works. So I think we have established that that was the better choice. But what just absolutely cooks people back in Kansas is the concept that we have agreements, and there is no real enforcement of them. It's just like they're not even worth the paper that they're on. And to just blow it off and to say that, yes, we're in the middle of a disagreement, we're in the middle of a trade violation with the same company, just as you were saying, I agree with you in what you have said. I would just add the one thing that in Kansas, people do not understand why we put together policies, why we pass laws right here and then we fail to follow through on implementing them or enforcing them, whether it's issues of trade. Certainly that is just a very, very raw one in my district, whether it's issues of just, I won't go in any myriad of issues that we probably ought not to start down that path tonight. But that is just what really chaps people.

We have these agreements. Why do we even bother to do them if we're not going to implement them? Not only within the letter of the law, but the spirit of the law.

And so certainly we have an enormous aircraft industry in the State of Kansas. And again I would as much as it's a huge economic impact for us, first and foremost, we have so much military in Kansas, and I would again come back and say that this was ultimately about making sure that we have what we need to keep our country safe and to keep the men and women who are serving in our military safe. That was first and foremost.

Mr. INSLEE. And in making these arguments, I don't think any of us are apologetic for the fact that our constituents and families have been very active in the Boeing Company. My uncles and cousins, I remember my best friend growing up in south Seattle, his dad had the job of breaking Boeing airplanes. And his job was to try to figure out what you had to do to break a Boeing airplane. And when you were a kid growing up, to think that your job was to get to blow up things was pretty fun.

Mr. HARE. Sounds like my son.

Mr. INSLEE. One of his coolest jobs was they would take a Boeing 727 and put a jack underneath it, and jack that wing up and see how far they could jack that wing up before it failed. And when they failed, they would literally explode because of the tension. And those things get up almost 35, 45 degrees. They have incredible flexibility as well as strength. So I grew up with Boeing as part of my blood and family, in the interest of full disclosure. But I think the arguments we're making here tonight go well beyond our sort of familial and constituent interests and duties because I think what we're portraying is a decision that it was so far out of kilter that you had the GAO now blowing the whistle on it, and the GAO is like the referee. They had an instant replay. They had it right on videotape. And they concluded this was a decision that was way, way out of bounds. And we are now hopeful that the Air Force will fully and fairly re-evaluate this. And I think that they will conclude in something that all of us Members conclude, I think tonight.

And I was counting on what Mr. HARE said, five inarguable truths about this contract. I just want to list them, that nobody can argue, everybody would agree, even our Air Force colleagues would have to admit this. Number one, the Air Force's own conclusions showed that there were more survivable discriminators to show the survivability to the Boeing airplane helping the warfighter survive and do their jobs; Number two, the life cycle costs, when you include all the costs for maintenance and reconstruction of the hangars and everything, are less expensive in the Boeing airplane than the Airbus airplane; third, that the fuel life cycle costs are going to be less for the Boeing airplane than the Airbus airplane, in the billions of dollars; and fourth, and this wasn't in the GAO report but we know it to be true, if we go with the Airbus product here, we're going to be spending $40 plus billion of American taxpayer dollars rewarding a company that our own Federal Government has concluded is guilty of very serious violations of Federal trade rules in the billions of dollars; and fifth, and one that is maybe closest to our hearts at the moment, the Boeing airplane will have at least, and probably more than this, 14,000 families more employed doing high quality work than the competitor.

So the GAO said there were seven major errors, which is extraordinary by the way, not just one, seven major fundamental errors. We will say tonight that there were five strikes and you're out, those are the five strikes that all of us can agree on I think. So we're hopeful that the GAO is heeded, if it is not by the Air Force, we will be doing our job here in Congress, and we will be finding the right avenue in the appropriations process to not allow this decision to stand to make sure that the right decision is made.

Mrs. BOYDA of Kansas. I would like to add just one other aspect, too, that we haven't really touched on too much. I serve on the House Armed Services Committee. And earlier this year, we had a hearing with the National Industrial Security Program we started back in 1993 to take the intelligence, again, and the intellectual property and to make sure that we were keeping classified information classified when it to came to the purchase and interaction with foreign companies.

And I asked the question, did they participate, what was their participation in this whole tanker contracting process, to make sure that this classified information about these tankers was being secured. And they really weren't very involved. I said, "Well who is going to maintain the security? Who is going to see that there are trade secrets, there are national security aspects that are being, that should be maintained?" And during the course, they didn't say this about the Boeing contracts specifically, but their own, the assessment was that the NISP had been so underfunded and so dismantled over the last, several years that they said that their services overseeing foreign military contracts, they described it as Swiss cheese. So we have to look at the big picture here tonight and just throw that in as one additional thing.

There was not any real oversight for what we're going to do to maintain that intellectual property and to maintain that security, that classified and secure information I didn't see. And I was allowed to ask in a few instances, but there was no, I didn't at least find out what we were doing in order to keep or maintain that classified information. And the people that certainly seemed to be the ones that should be doing it said, no, they really weren't up to it or they weren't doing it. So another reason on top of everything else. I certainly appreciate the gentleman from Washington including me in this discussion tonight.

Mr. INSLEE. I appreciate your contributions on this and so many other things. And I want to say that this, I think, has opened many Members of Congress' eyes to the procurement policy. There are some issues we have to think about in general going forward of our procurement policy. But this is one we have to get fixed to start with before we act holistically. I would like to yield to Mr. HARE for closing comments.

Mr. HARE. I would like to thank the gentleman from Washington and my friend from Kansas for allowing me to be here tonight to talk about an issue that is incredibly important, not just in the State of Kansas, although it is important to every State and important to this world. So as you said, and I commend my friend, Mr. INSLEE, when he said, if we have to, and this continues, there is an appropriations process. Hopefully we don't have to go down that road. But I have to tell you. I think we have a responsibility for companies that violate international trade laws. I don't think you reward them. I certainly don't think you reward them with a $30 billion contract, as I said, to build a plane too big to land and not adequate to fuel the aircraft that we need.

So once again, let me just thank you, Congressman INSLEE, for your hard work and your leadership on this. To my friend from Kansas, we will do everything we can. And you have been wonderful. And the people of your State are fortunate to have somebody who stands up not only for the service people but for the people of this country. So thank you very much.

Mr. INSLEE. And thank you Mr. HARE. Our thoughts are with your flooded constituents in Illinois. We are thinking about them tonight.

Just a closing comment, where this goes from now, the Air Force is required within 60 days to respond to this protest. They will have 60 days within which to plan their next action in this regard. We know what we would like them to do. Following that, if decisions are not made as they should be, Congress can act in a variety of ways to make sure that this decision is right. And we stand ready, willing and able to do so.

And the longer this goes on, the more our colleagues frankly understand that something was not right in this decision and needs to be reversed. So as time goes on I think we will get closer.

Let me also say in criticizing the decision by the U.S. Air Force, I hope it goes without saying, we have undying respect for the people who serve in the United States Air Force. These are decisions that are hard fought, a lot of technical issues. A decision was not made here according to Hoyle. But do you know what? We have a process of fixing these things. And at the end of the day, the U.S. Air Force is going to be something we always admire. And we are going to get them the right airplane for the job. We know what that is, and we are going to get that job done for them.

Mrs. BOYDA of Kansas. I would like to thank my good friend from Illinois (Mr. HARE). We are freshmen together. And it's at times like this that I really am glad to be part of this freshman class and add our voices together. We've worked on so many things, whether it's trade, so many issues that our districts have a lot in common. And so it's actually a pleasure to stand up and work with the good people here tonight. And I really appreciate both of you and our friend from Oregon (Mr. BLUMENAUER). So thank you again to you both.

THE HIGH PRICE OF ENERGY

The SPEAKER pro tempore (Mr. ETHERIDGE). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BACHMANN. Mr. Speaker, I thank you for the privilege of being able to address the House for this special order of 60 minutes. And the topic tonight will be on the topic that's on the minds of Americans all across this country. It's the high price of energy and the impact that that is having on the middle class, on families, on individuals, on farmers and on businessmen.

There is nothing that is shocking us more now, Mr. Speaker, than the high cost of energy and the impact that that is having directly on people all across the country.

When I came into Washington, D.C. this week from my home in Minnesota, I had the privilege of representing the great people in the Sixth Congressional District in Minnesota. And I was reading the newspaper. And I was reading a few things. And I just wanted to bring a couple of headlines to the attention of the American people.

Here is one of the headlines that I read this week when I came in. It was on Tuesday of this week. This headline in USA Today said "will gas prices plateau after hitting another record?" It seems like every morning when we wake up and the clock radio goes off next to our bed, we hear about a new increase in the price in gasoline. And we're shocked. And it's like our day already starts out on the wrong foot because we hear about yet one more shocking increase. And we wonder what will we have to give up next? What will we have to give up? What will we have to yield out of our lives? It's a lot of bad news that has been coming this way with the American people.

Let me read this. It says "$4 plus cost cuts demand even as supply is rising." It began, The price of gasoline set another record Monday where the average is going up now again. And this is something that the people are worried about.

☐ 2200

This is something that the people are worried about, the record prices that are going up. As a matter of fact, the price of gasoline today is $4.07 and we will talk a little bit more about that as we go on during the course of the hour that we have together to talk about this very important issue.

Here is another headline that was in USA Today, and this is Tuesday's paper again, and it says, "Prepare to pay if you don't gas up your car rental." If you can believe this, rental car companies are having to charge $8 a gallon when someone who is renting a car returns it to an airport with a less than full tank. Usually we try to guess as well as we can and fill that tank up before we return it to the car rental place because we know the price at the pump for the car rental will be higher.

Well, guess what, that price is now a whooping $8 to $10 a gallon that car rental companies are forced to charge their customers now when cars are returned to the car rental company with a less-than-full tank.

These are numbers, I believe, Mr. Speaker, that none of us ever thought in our wildest dreams that we would ever imagine that we could be paying. This is a lot of bad news that the American people are having to take, along with the flooding, the terrible, terrible conditions that people in Iowa are facing right now, in Arkansas and Missouri, with all of the impact of the weather.

We hear yet more negative reports about how our crops will be impacted. In Iowa, nearly all of the counties are devastated. I was born in the State of Iowa in Waterloo, Cedar Falls, where the Cedar River came up over its banks and flooded that downtown area, displacing hundreds and thousands of people from their homes, and people from their businesses.

And Iowa, as I know from my experience, is a leading corn producer and soybean producer, and so now we see that the price of corn will also probably be going up.

Well, I didn't ask for this hour, to manage this hour just to talk about gloom and doom and the negative. The reason why I started out with these comments, Mr. Speaker, is to identify with all of the American people at home right now who are experiencing this pain, who are experiencing this suffering that they never imagined they would be experiencing with the high cost of energy.

But I am here tonight because I want to talk about the great news, and the great news is this: we are privileged to stand right now on the answer to the problem that is plaguing us, the high cost of energy. And the great news is that we have a key. We have an answer. The American people, the American middle class don't need to suffer any longer. It is unnecessary because we have a key that can be the answer to our problem. And here it is. We can get back to our goal which is $2 a gallon gasoline. This isn't fantasy, this is reality. We can once again see America paying $2 a gallon gasoline.

Are you kidding? How is that going to happen, you ask. Well, easy. This is how we can do it. We need to start to explore here in America. Because the truth be told, America does not have a famine of energy, absolutely not. Just the opposite. We are sitting on the cusp of one of the greatest industries that can be developed in this century and on into the future, one that will deliver millions of high-paying jobs for Americans all across this country. In fact, in every State in this country America could become the leading exporter of energy. You heard me right. America could be the world's leading exporter of energy and create some of the highest-paying jobs known in the world because right here in America we are standing on a veritable treasure trove of energy. So we need to start here, start in America, to access these wonderful resources and we need to do it now in order to get back to $2 a gallon gasoline. In order to be able to get off of foreign dependence on energy, we need to explore here and we need to explore now because then the American people can start to pay less, and that paying less would get us back to $2 a gallon gasoline.

You say how is that possible? How is it possible that once again we could be paying $2 a gallon gasoline? Well, just think, it took us 25 years in this country to go from $1 a gallon gasoline to $2 a gallon gasoline; 25 years to go from $1 to $2.

How long did it take us to go from $2 a gallon gasoline to $4 a gallon gasoline and even more a gallon gasoline? It took us less than 2 years to go from $2 to $4.

Well, what changed? There are a few things that came into the mix. One is the American dollar came into a weakened position. And when the American dollar became weakened, the United States unfortunately found itself very dependent on foreign sources of energy that we were dependent on.

Do you know that from 2007 to 2008 the United States has become 7 percent more dependent on the OPEC nations for our energy, going exactly in the wrong direction.

I don't know of anyone right now, Mr. Speaker, who believes that America should become more dependent on foreign oil. In fact, what I hear from my constituents is can't we get less dependent.

Absolutely. We can be less dependent on foreign oil. In fact, we can become independent of foreign oil and we can become a leading exporter of energy to the world and we can become the head, and not the tail.

Right now America is busy becoming part of the tail when it comes to energy. But we can turn this around. We can become the leading producer and exporter. Well, you ask, how is that possible? I will tell you how it is possible. Take a look at the situation we are in right now. Here is the key to our answer, and now it is up to Congress to unlock that key, unleash this energy and bring the price of gasoline back down to $2 a gallon. It is Congress that has been the bad guy in this scenario. And it is Congress that can be the hero in this scenario. Congress.

Right now Congress has made it illegal, virtually illegal to be able to access this gift of energy. How did we do that? Congress has made it illegal to access the energy that is in the Arctic energy slope up in Alaska. Do you realize that we already have the Alaskan transatlantic pipeline that was built in the mid-1970s from Prudhoe Bay and has been piping oil from Alaska down into the lower 48. That pipeline is already up in existence, and it is only half of capacity flowing. With a very little effort, we could tap into the Arctic energy slope and begin accessing that over 10 billion barrels of oil that are available to us in the Arctic energy slope.

Do you realize that if we accessed this wonderful source of energy, we will increase American energy production by 50 percent, access to American resources by 50 percent. Also, we have the Outer Continental Shelf that is available to us for deep sea energy reserves.

Now get this, if you thought 10 billion barrels was a lot, just listen, this is 86 billion barrels of oil. You heard me, 86 billion barrels that are available to us to access of deep sea energy reserves that we could tap, get up online, and we could have access to and supply the American people and American industry so that energy would become one of the cheapest costs of doing business rather than one of the most expensive.

Let me give you one little story that I heard yesterday. Northwest Airlines is based in Minneapolis, Minnesota. We are proud to have this airline in our State. As you know, airlines have come under hard times. I was told yesterday that Northwest Airlines had paid about a billion and a half dollars for fuel last year. Do you know what they had to budget this year, an additional $2 billion to pay for the price of energy.

So Northwest Airlines, instead of spending about a billion and a half on energy, will have to spend this year $3.5 billion on energy. Can you imagine, if that's your industry and that cost, you have to somehow absorb, you just can't absorb it without passing that cost on to your consumer, to your customer, who will be purchasing your product. And those are people who fly on airplanes. That is why we see the price of airline tickets have gone through the roof and why airlines have had to park planes and reduce the number of seats and reduce capacity. Don't fool yourself, America is changing, and we are changing because we don't have energy.

Not only that, we have a gift of natural gas. In the gulf coast region in the Gulf of Mexico, we have what may be the largest reserves of natural gas, 420 trillion cubic feet of natural gas exists right here in the gulf coast region. Do you know that natural gas can be used to fire up electric power plants. With modifications to cars and buses, we could run cars and buses on natural gas. Almost the world's largest supply right here in our backyard, illegal, off-limits. And 85 percent of our Outer Continental Shelf, illegal, off-limits. The Arctic energy slope, illegal, off-limits. And also shale. Do you realize that the Saudi Arabia of oil in the United States is this wonderful ring of Colorado, Utah and Wyoming, containing 1.3 trillion, yes, you heard me right, 1.3 trillion barrels of shale oil. This is one of the most exciting finds. We have one of the world's largest supplies of shale oil right here in our backyard. But guess what, it is off-limits. We are handcuffed. We can't access it. Who made all of this off-limits?

Do you realize the United States of America is one of the only countries in the world that has made it illegal to access the answer to our problem; made it illegal to access our own energy. We have this great gift waiting for us, great job producer waiting for us. And it is the United States Congress, your representatives, which have said no, no way, we are not going to access it.

When I talk to the American people about this back home, when I talk to average Minnesotans, they look at me and they say, MICHELE, what in the world is Congress thinking? Why in the world wouldn't they allow us? Don't they want us to have $2 a gallon gas? I wonder sometimes, too.

We have the key right here, and I have other Members who are with me right now who would also like to weigh in, who are leaders on this issue, passionate about this issue, people who are speaking out and advocating for you, the American people, who want you to be able to again get up in the morning with a happy, light heart realizing you can afford to go to the gas station because you can be paying $2 a gallon gas again. You can see your grocery bills go down. You can see your consumables go down. You can see the price that you are going to be paying for air conditioning this summer and your electric bill go down. This fall in Minnesota when all the furnaces kick back in again, to be able to see your heat bill go back down, this is all to be, all possible.

We have a great story to tell tonight, so I hope that you will listen for the next few minutes, and I would like to yield to the distinguished gentleman from Iowa (Mr. KING). There is not a day that goes by that Representative STEVE KING is not here on the floor advocating for the good of the American people, to get back to paying $2 a gallon gasoline.

With that, I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from Minnesota, and I appreciate the opportunity to speak and be recognized here on the floor, raising the issue of energy and gas costs.

I brought a poster which I will quickly show. This is where gas prices have gone, Mr. Speaker.

□ 2215

You know, we listen to an awful lot of criticism building up to the 2006 elections of the Bush administration and the Republican majority in Congress because of high gas prices, and here is where it ended. It was at $1.49 when President Bush was sworn into office, and it went to $2.33 the day NANCY PELOSI picked up the gavel.

She is the one that said that she was going to get us cheaper gas prices. The result of that is? You can see the graph, it shoots from $2.33 up to $4.08, $4.07, won't quibble over a penny, and going on up, with no plan to do anything except drive up the energy prices.

I am one of those that will say—and we have gotten a good look at that—but I am one of those that will say that everybody in this Congress doesn't want cheaper energy prices. Some people in this Congress want higher energy prices.

I think that goes all the way up to the leadership, and I can say that because I have watched these energy bills come to the floor. Every single thing that's affected the price of energy, at least that I can recall, drove the price up, not down, shut down and blocked the drilling and the access to energy across this country, across this continent.

When I came into this Congress, I was not convinced that anybody thought that gas prices ought to be higher. Then about 6, 7 months into the beginning of this 110th Congress, this Pelosi Congress, you finally convinced me. You convinced me that you want to see a higher gas price—because it doesn't seem logical that people in my district—and they are going to wonder about the rationale of it, but I have listened to the debate too long not to say it out loud, and it's this—that there are those in this Congress in significant numbers that believe that this planet is warming, and it's our fault.

If we can raise the cost of energy, people will use less of it, including gasoline. If they use less of it and ride their bicycle more, there will be fewer greenhouse emissions, and there will be less greenhouse gas go off into the atmosphere. If there is less going into the atmosphere, somehow they are going to save the planet. Well, there are a whole lot of things wrong with that equation, the worst of them is that the countries of and China and India, the emerging industrial nations are not going to back off on coal.

They are going to burn more coal, and they are building more generating plants. Whatever we do to slow down the coal or cut down on the emissions of our greenhouse gases is going to be more than offset. You talk about carbon offsets, it's being offset in India and China a lot faster than we could possibly shut down our consumption of energy in the United States, which shuts down our economy.

The equation for people that are holding the gavels that control this policy in this Congress today is drive up the cost of energy, drive up the cost so that people will use less energy. I said when gas got to be $3, what's the solution for $3 gas? The answer, $3 gas, because the American people are going to demand that their gas be cheaper.

Now we are at $4.07 or $4.08 gas, and what's the solution for that? Well, maybe, it's $4.07 or $4.08 gas. Maybe we are going to see a $5 gas or more. Maybe we are going to see crude oil go from $139 a barrel to maybe $200 a barrel or more. The predictions are saying that.

The futures don't quite say that yet, but the speculators are heading in that direction. Why are they doing that? Because they understand there is a policy in this Congress today, as we listened to Mrs. BACHMANN talk to us about this, to drive up the price of energy. The idea that we would ride our bicycles instead of drive our cars.

They can get by with it. They can get by with it because we put the hose in our tank, the nozzle in our tank. When we squeeze that nozzle we are paying 18.4 cents a gallon in gas tax. That's Federal, a lot of the States, 20 or more cents in gas tax as well so we can support our transportation in our roads. That's a user's fee. I fully support that.

The people that squeeze the nozzle to pump the gas into their tanks in my district and across this country believe that money is going to build new roads and rebuild existing roads. That's a sad thing to say, but about one-third of that money goes to that, and the balance of that goes to other causes. Some of them are extreme causes, extreme causes, like, for example, 28 percent used for environmental and archaeological compliance, 28 percent of the 18.4 cents that you put in there for gas tax per gallon is going to comply with environmentalist ideas and to look for arrowheads out there. That's 28 percent, and 17 percent goes to subsidized mass transit.

The people that are voting for those folks that hold the gavels that have this green idea that we should drive up the cost of energy, aren't paying for the cost of that energy because they are getting on the Metro down here at South Capitol and riding over to Falls Church for $1.25, subsidized by the gas tax that's paid in Mrs. BACHMANN's district, my district, Mr. GINGREY's district in Georgia and across this country. My constituents don't know that because we haven't told them enough.

But if I went to them and say, hey, I want to take 17 percent of your gas tax and spend it on something else and subsidize somebody else's transportation, they would object. That's why their constituents, though, the intercity urban Members of this Congress are not held accountable for higher energy prices because it's being subsidized by the gas fees that are paid by people in my district and across the country.

By the way it doesn't work for us. It is an awful long drive to get to the Metro or the "L" or to get to the subway or to get to the trolley car like they have in San Francisco. But that's all subsidized by the gas that we are paying that's tax on part of this $4.07 that's out there.

Now, what is the thinking that's going on in the leadership of this Congress? Well, I pulled out one little thing, green, think green. We had a green initiative, called a Green the Capitol initiative that was initiated by Speaker PELOSI when shortly after she was sworn into this Congress.

Her idea was that we should show them how to do cap and trade. We should trade-off some carbon credits.

So I got some information that came out of the House Administration Committee, it goes back to the Chief Administrative Officer of the House, Mr. Dan Beard, who at the direction of Speaker PELOSI spent $89,000 to purchase carbon credits. Well, why purchase the carbon credits at the direction of the Speaker? Because the Speaker wanted to be sure that we were a carbon-neutral capital complex.

To be carbon neutral they shelled out $89,000 of your tax dollars, Americans, $89,000 to purchase carbon credits. I didn't know you could actually go on the market and do that, but you can. It has been done. The market was the Chicago Climate Exchange, not the Chicago Board of Trade, not the Chicago Mercantile, it was the Chicago Climate Exchange, a place where you can go and buy futures, I presume, and buy puts on carbon credits.

So $89,000 went out to carbon credits, and here is where they went, brokered through the Chicago Climate Exchange, this report, through the House Administration Committee—just some of the money I have been able to track, not all of it—$14,500 went to the North Dakota Farmers Union. Now, I don't think they actually farm anything, but it went to the North Dakota Farmers Union.

I know they do support some folks on the other side of the aisle very aggressively, and that's fine, this is America. The money went, $14,500, to the Farmers Union then it was redistributed through there to some of the farmers in places in North Dakota.

Some of the farmers, reportedly, were already doing no-till, but to try to convince them, give them incentive to switch over from till to no-till. Now, I don't know what the acres actually are—25, 35 percent of the acres around my neighborhood, I believe, are no-till.

It's a good practice. I support it. I have got good, responsible, neighbors that do use it. I encourage it. But to pay somebody that is already doing no-till extra money from the taxpayers through the capital complex and the

Chicago Climate Exchange, so they will go and do no-till, doesn't seem to me to accomplish a single thing except get rid of some money and allow some leadership in this Congress to posture themselves as being carbon neutral.

What a glorious thing to accomplish, carbon neutral. You have got to dig back down through the paperwork and get the House Administration staff to find this. I didn't find out about it until we dug into it. So $14,500 to North Dakota Farmers Union, another $14,500 went to my State. It went to a reengineered generating plant in Iowa, Chillicothe, Iowa, $14,500, so that they could be having an incentive to clean up their act a little bit and emit less carbon. Those carbon credits were available to them, and we sent them the $14,500.

The problem was they had shut down before the money got there. There wasn't anything accomplished out of that we can determine. I am open to more information, that's what I know today. But those are two pieces at $14,500 each. I haven't chased the rest of the money down, but it occurs to me we didn't accomplish a single thing with carbon emissions and the Chillicothe plant.

We didn't get there with any money in time. That plant is shut down, not functioning, I understand. Some of the North Dakota farmers were already doing no-till.

Well, what we did was we set up an exchange now so that we can brokering money and taking taxpayer dollars and send them around the country and the industry, and private sector will be doing the same thing.

The value of these credits were estimated by the Heritage Foundation that they would start out at about $13 and then you figure out how you calculate what a unit is, but $13 a unit. In about 10 years they will be up to about $130 a unit. As near as I can determine, there is no audit system. Nobody is going to go check those farmers in North Dakota and find out if they actually switch to no-till, stayed off no-till or went off to do something else. I guess it won't pay to check that power plant in Iowa because it's not actually producing any power either.

That's just one of the things that happens when you get this myopic idea that you are going to worship at the altar of green instead of produce the energy that this country needs.

I would just point out another thing here, here is another little piece to look at. Here is the overall energy pie. This is the energy that we consume in America. Look at the number, it's 101.4 quatrillion BTUs, all together, and that's all the kinds of energy that we use. That's gas, that's diesel fuel, and it goes on, there is coal, there is natural gas.

This is the big picture of all of the energy that we are consuming, 101.4 quatrillion BTUs of energy. Now, that's a lot of energy. These are the proportions. I call it the energy pie, and the sizes of the slices of the pie, or the pieces of the production—you can see that nuclear is over here, and it has got a nice piece of that. It needs to be a lot more. But I have got also the ring here that shows us the production pie.

This is the exact diameter of the size of our production. You can see that the circle for the size of the volume of our production in America is 72 percent of the size of our consumption in America.

So what Republicans propose to do is grow these sources of energy so that this middle circle gets as big as the outer circle and maybe bigger. If it does, that will mean that we are exporting energy.

I will submit that every phase, every kind of energy has a future in this country. It needs to compete economically, we need to get into it. As Mrs. BACHMANN said, there is no sensible reason not to tap into the energy that sits underneath us, the Outer Continental Shelf, the North Slope of Alaska. I have gone up there.

By the way, if there is any environmental damage to take place in the North Slope of Alaska and in ANWR, we had already heard about it from the other side of the aisle. They would stand up and say here is where that bucket of crude oil spilled out on the tundra, but we have not done that. Even with 1970s technology we have did so efficiently, cleanly and safely, and, yes some little things did happen. I won't deny that.

We cleaned them up. We did so effectively and safely. Our technology is a lot better. We do directional drilling now.

If we drill ANWR, that will be the equivalent, there's 19.6 million acres. Drilling in ANWR on 2,000 acres is the equivalent of a postage stamp in the corner of a football field. It's out on a coastal plain.

The pictures that you see of the pristine alpine forest are false. There is not a single tree up there. Anybody that went to eighth grade knows, the Arctic Circle is a line north of which trees can't grow. There is not a single tree up there.

Tundra reconstitutes itself. I have seen acres of it where the Eskimos showed me, we kind of tore this up by accident. We smoothed it over and 5, 6 years later it grows back green. Looks good, I have seen it.

That environment was not damaged in the North Slope. It will not be damaged in ANWR. It's built out on ice roads. We punched the holes out. Even the most extreme environmentalist on the left side of this aisle in this Congress couldn't fly over the North Slope and point to the oil field, they wouldn't see it.

I can find it because I know what it looks like. I would like to take them up there and show them. All I saw for wildlife, there are no native caribou, by the way. I saw four musk oxen, that's it, standing there with their head down, they wouldn't know if there's an oil well next to them or not, but it's environmentally friendly.

We did it in a responsible fashion, and we have got 1 million barrels a day to bring down here. We need to open up every kind of energy, do it now, do it all the time, do it everywhere. Get it into the marketplace, get the rules out of the way, and let's not be punishing companies for producing energy. Yes, one of the slices on this pie needs to be conservation as well.

I thank the gentlelady from Minnesota for yielding to me, and thanks for leading this special order.

☐ 2230

Mrs. BACHMANN. Thank you, Congressman KING.

I would ask the Speaker how much time remains.

The SPEAKER pro tempore. Approximately 30 minutes.

Mrs. BACHMANN. Thank you, Mr. Speaker. I appreciate that.

I'm sure everyone tonight, Mr. Speaker, can hear the passion in the voices of the people who are speaking in this Special Order hour. It's because we understand from our constituents back home how real this is for them. This is an issue where the American people are way ahead of people in Congress. They get it, how difficult this is, and that's why we have been repeatedly asking our constituents back home in our districts "Why don't you go ahead and show us how painful this is, how difficult this is, how real this is. Take your receipts from your car when you go and fill up your tank or, if you are a trucker, when you fill up your truck. Take those receipts. Fill them up. Send them to us. Send them to your Member of Congress. We want to be able to have them here so we can demonstrate what tremendous agony this is for Americans."

I believe that we should have bushel baskets full of receipts from people when they fill up their gas tanks so we can show people how real this is, the pain at the pump, because that represents money that every person is paying today, money that would be needless, that we don't have to pay because we know we can get back to $2 a gallon. How do we know that?

We know that rather than paying $4.07, which is today's national average for gasoline—it still shocks me when I see that number up on a billboard. We know we've got our answer. This is our answer: Our natural gift from God that he has given to the United States. God has given us these natural resources, and it is our obligation to be good stewards of what we have and to take dominion over this, to take dominion and to cultivate what we have in a safe, sound and environmentally sensitive way so we can take care of the needs of our people and yet also be good stewards of the land.

We have two very different philosophies that we're looking at. For those of us who are speaking now in the Special Order, we're saying explore America; do it now so that Americans can pay less. There is a completely different philosophy that has also been talked about in recent weeks, and that plan is to pay more and to drive less. That's really what it comes down to. Pay more and drive less. But is that what we want for Americans? Is that what we want for this generation and for the next generation? I don't, because this is what I'm concerned about: Whoever controls fuel will control our freedom. Think about that. Whoever controls our energy will control our freedom and will control the future.

Congressman STEVE KING of Iowa was talking a little bit about climate control legislation, and it's also called a cap-and-trade system. Now, I don't call it "cap and trade." I call it "tax and spend" because that's really what it is, in a nutshell, if you want to know what "cap and trade" is.

Before I hand this off to Representative PHIL GINGREY from Georgia, who has some comments he would like to make, I just want to say a little bit about cap and trade, or what I call "tax and spend."

This proposal that has been coming from people who want you to pay more and drive less, that's their answer regarding this energy crisis. You pay more and you drive less. As a matter of fact, we heard from the nominee of one of the major political parties that his concern was not the high price that Americans are paying for gasoline but how quickly that price is rising.

Well, I think, for those of us who are speaking tonight in this special hour, our real concern is that high price of gasoline because we see not only is it impacting people personally in their pocketbooks, not only is it having a devastating impact on the economy, but it's also impacting our national security because, as we are more dependent on foreign oil and as we're paying ever-increasing prices and sending billions—and now it will soon be $1 trillion—off to other countries that don't like us very much, we are seeing that negative impact here at home.

Let me just say a few words about cap and trade, or tax and spend. Tax and spend works like this:

If you think you're already paying a high price for energy, now what your Federal Government wants to do is to force you to pay for the right to buy that energy. As if it isn't punishing enough to just buy the energy in the first place, you're going to have to pay for the right to buy energy. Now, think of that madness. You're going to have to buy a permit if you're a business. If you're an individual, you're going to be paying indirectly for that permit.

By the way, the Federal Government created the problem. Congress created these high prices. Now, if they haven't mucked it up already, Congress wants to charge you for the right to purchase overly inflated prices of energy. Think of that. By the year 2025, Congress in one bill wants to tax you $6.7 trillion. They want you to pay $6.7 trillion in this tax for the right to purchase very expensive energy. Think of what that is going to do to our economy.

If you do that and if we comply with what all of these grandiose schemes are, guess what the bottom line result will be out of this cap-and-trade or, what I call, tax-and-spend legislation? By the way, the brain trusts who have come up with this scheme have already spent this $6.7 trillion. They have already decided how they're going to spend this money.

But guess what the final result will be. If everything goes perfectly, according to plan, they will only reduce the Earth's temperature, according to their models, by seven one hundredths of a percent. Just think. Are we really willing to devastate the United States' economy? For what? To cool the Earth? Maybe. At seven one hundredths of a percent?

We need to think about this really carefully and have a debate right here, a genuine debate, where you see a few more Members of Congress in the room who are debating this very serious issue. This is serious enough that we are here tonight because we want the American people to know that there are answers, and we don't have to go along with all of this folderol, the tax and spend and all of the nonsense that goes on.

Let me tell you one of the first bills that we voted on this week. We voted to make it illegal to transport monkeys across State lines. I'm not making this up. This is absolutely the truth. We all got on planes that emit a lot of carbon. We came from all corners of the United States so that we could have the right—you heard me—to vote to make it illegal to transport monkeys across State lines. That was the most pressing thing that this body had to do this week while you were busy getting out of bed in the morning, paying $4.07 a gallon, thinking, "Now what am I going to do? Now what am I going to have to give up so I can pay $4.07 a gallon?" But don't worry. In the United States Congress, we made it illegal to transport monkeys across State lines.

If you don't think that's bad enough, do you know what we did a couple of weeks ago? It is absolutely true, and it happened right here on this floor. We voted to send your money—I did not vote for it, but enough people in this body voted for it. We voted to send $25 million of your money to foreign countries in foreign aid to pay for foreign cats and foreign dogs, not even American cats and dogs in foreign countries. We spent your money, $25 million, and sent it to foreign countries to pay for foreign cats and foreign dogs.

As if that were not bad enough, the next day, we sent more millions to foreign countries to pay for foreign birds. Well, at least we didn't do that for foreign monkeys. All we did is make it illegal to transport monkeys across State lines. This is what your United States Congress has been doing while you've been busy spending $4.07 a gallon. That's a travesty.

That's why we're here tonight to tell you don't give up hope yet. We're saying let's explore America. Let's explore now so that you can pay less because, otherwise, we'll have to go with their answer. Remember what their answer is: Pay more. Drive less. I don't think that's what we want to do.

That's why I want you to hear from my distinguished colleague from Georgia's 11th District. His name is Dr. PHIL GINGREY. I'd like you to give him some attention so that he can talk to you about what he knows to be true about energy.

Mr. GINGREY. Mr. Speaker, I thank the gentlelady from Minnesota for yielding to me and for my having the opportunity tonight to join my colleagues to discuss what clearly is the most important issue facing our Nation at this particular time.

Mr. Speaker, you know my background is that of an OB/GYN physician, and health care has always been a passion of mine. Ever since I got here in the Congress, I've been working on health care legislation in a bipartisan way. Clearly, with 45 million, 47 million uninsured in this country, health care continues to be a very important issue, but when I talk now to my constituents in northwest Georgia, in the 11th District of Georgia, the most important thing to them as we come upon these Presidential and congressional elections in November of this year, without question, is the price of gasoline, and my colleagues have pointed this out so clearly, Mr. Speaker, with the statistics that they have given.

Mrs. BACHMANN just talked about the fact that the price of a gallon of gasoline, regular gasoline, is about $4.08 a gallon. Disease fuel is even higher than that. People are going to enjoy a 4th of July weekend at home this year, I can assure you, not just in my district in Georgia but across this country.

A few minutes ago, Mr. Speaker, my colleague from Iowa was talking about the Arctic National Wildlife Refuge. With his words, he was trying to put a picture, a description, in our colleagues' minds of what it looks like. I just happen to have a couple of posters that I want to show my colleagues. If we look at this first poster, I think that a lot of people across this country have received this in their mailbox, this picture as it may have appeared from MoveOn.org or from whoever happened to send this across the Nation, suggesting to people that the Arctic National Wildlife Refuge looks like this—some pristine, beautiful area with lots of swans and caribou and moose—and that this is a year-round picture of the Arctic National Wildlife Refuge.

Really, in fact, if my colleagues will take a look at this second poster, 11 months out of the year, this is what ANWR looks like. It's a frozen tundra. There is nothing there, Mr. Speaker and my colleagues, in the area, in the footprint, where we would drill and where there is plenty, plenty of oil. In fact, we estimate there could be 1.5 million barrels a day that we could add to our domestic production by drilling in this very small area, which is, I think, something like 2 square miles. In any regard, it is a very small area.

So what we have tried to present to our colleagues in this hour is the fact that we are suffering. Yet there is plenty of oil and natural gas within this country and on our Outer Continental Shelf. There are literally trillions of cubic feet of natural gas off of our east and west coasts. There are probably tens of billions of barrels of petroleum off of our Outer Continental Shelf in addition to that, that I mentioned, in ANWR, up in Alaska. Yet we are just simply doing nothing.

I have another poster, my colleagues, I want you to take a look at. This pretty well depicts what this "do nothing" Congress has been up to for the last year and a half under this new majority. If you would look at this cartoon, starting over here, I'll read it to you.

Now, this is from Congress. It says: We demand you energy companies do something about these high energy prices. Their first answer is: Well, we can drill in ANWR. Congress' response: Forget it.

The next cartoon: Well, how about offshore? the Outer Continental Shelf? Congress' response: Are you kidding?

The next response from these oil companies: Well, how about clean coal, converting coal to liquid in a clean way? We can come up with millions of gallons of petroleum by doing that. Congress' response: Out of the question.

Well, the oil companies say in this next cartoon: Well, how about nuclear power? We haven't licensed a new nuclear power facility for over 30 years in this country, back in the 1970s. You know, nuclear power since then has gotten more sophisticated. It's clean. It's safe. Congress' response: You must be joking.

Finally, the energy companies just throw up their hands and say: What? Congress' response: Well, don't just sit there. Do something.

Well, it's a cartoon, but it's also very serious. The bottom line is we are spending and have spent for the last 2 years all of our attention worrying about global warming and climate change. Yet here we have seen, in the 17 months that Speaker PELOSI has enjoyed her speakership, this Pelosi premium, and the price of gasoline has gone up about $1.75 a gallon.

□ 2245

It is clearly time to get some of these domestic sources on-line, these resources which are right here that we have, rather than continuing to depend on foreign countries, like the OPEC nations, like Venezuela, that are not very friendly to us. And that's, pure and simple, Mr. Speaker, the reason why we're here tonight to say to our colleagues, in a bipartisan way, we ought to do this.

And in addition to drilling for oil and natural gas and doing it now, certainly, there are other things, nuclear power, as I mentioned, alternative fuels, solar, wind farms, all of these things are part of the mix. But it is time, and it is time to act now. And that's what real leadership is. And that's what the Republican Party is trying to bring to this Congress and say to our colleagues, look, we have got six bills sitting right over there with discharge petitions which will allow us to do some of these things which will make us energy independent and absolutely will bring down that price of gasoline, almost overnight, because a lot of this is sort of speculation. And people, as soon as they realize that we are going to do something, the price will definitely come down.

So I appreciate the opportunity to be with my colleagues tonight. I know there are others here who want to weigh in on this issue, so I want to thank the gentlelady from Minnesota, especially thank her for giving me this time, and I yield back to her.

Mrs. BACHMANN. I thank the gentleman from Georgia, Dr. GINGREY. Thank you for those important words. And again, I appreciate the expertise that you bring to bear on this wonderful debate tonight.

Remember, there's two ways that we can go about approaching this problem. We can go with the philosophy that says pay more, drive less, put on your sweater, lower your thermostat and sit home, give in to defeat, just think it's over, suck your thumb.

Mr. Speaker, that's one philosophy that the American people could embrace, but I don't think that's the American way. I don't think that's the "can do" spirit. I don't think that's what the founders of this Nation bled and died for.

I think if they were here right now, they'd be telling us, wake up, take a look at reality. We have got the answer right here in America.

We haven't talked an awful lot about nuclear power tonight. That's something that we can look at as well. We've talked about exploring the Arctic energy slope, Representative STEVE KING spoke about that and what the landscape looks like and the fact that we can do this in a wonderfully clean, environmentally sensitive way. It's entirely possible.

We can explore our deep sea reserves which contain over 86 billion barrels of oil, perhaps even more. We can access those.

Also, our natural gas that's available to us in the Gulf of Mexico area, and also the shale energy reserves where we are the Saudi Arabia of oil in Colorado, Utah and Wyoming.

Nuclear power, we know that France derives 80 percent of its energy from nuclear power. I'm grateful that there's a nuclear power plant in my district in Monticello, Minnesota. It's such a wonderfully reliable source of energy, clean, and has zero emissions.

And also tax incentives for alternative energy. Can you believe that we would let these incentives expire, Mr. Speaker, these incentives for alternative energies, whether it's wind, solar or biofuels? We shouldn't let these expire, we should extend these.

Because what we are saying on the Republican side of the aisle, Mr. Speaker, is let's get a big table, like a big table like we have here in the well this evening, and let's take every answer that America has, put it on the table, let's develop that resource. Let's have dominion over that resource. Let's open it up, cultivate it, use it in a wise way.

You know, Mr. Speaker, the United States is one of the only countries in the world that actually saw a reduction in its emissions over this last year. We didn't sign the Kyoto Treaty, yet nations all across the world that signed the Kyoto Treaty, they saw their emissions go up. Europe, the EU countries have signed a cap and trade system, or what we call the tax and spend system because that describes it more accurately. Europe has actually seen an increase in its emissions. Think of that.

I think it's good for us, I'm glad that Europe decided to go that route before the United States made the mistake of going down that road. It's important, Mr. Speaker, that we know what we're getting into before we take that plunge.

I just wanted to give a couple of statistics before I hand the next few moments over to my distinguished colleague from the great State of Michigan, Representative TIM WALBERG, and it's this: It's the facts. All we have to do is look at the facts. This isn't junk science. These are facts, Mr. Speaker. And if you look at the facts of voting patterns over the last 15 years, I'm not talking about the last 15 days, the last 15 months, but if you look at the voting patterns of this Congress over the last 15 years, Mr. Speaker, this is what you'll find out. Over 90 percent of the time, House Republicans voted to increase production of American-made oil and gas. You heard me right. Over 91 percent of the time Republicans voted to explore in America, to explore now for American oil and gas. The Republicans have not been the obstacles. The Republicans haven't been perfect by a long shot. There's a lot of missed opportunities the Republicans have made. But over 91 percent of the time you've been able to count, Mr. Speaker, the American people have been able to count on the Republicans to vote to explore for American oil and American gas now.

Let's take a look at the other statistic. Almost 90 percent of the time, 86 percent of the time, to be exact, that's the percentage of time that the House Democrats, over the last 15 years, have voted against increasing the production of American-made oil and gas. Those numbers are almost flipped. And I have no joy in giving those numbers, because my preference, and my heart is to see Republicans and Democrats come together. Now we're in a crisis. We can't be partisan right now. We have to be about America right now because now is about solutions and answers so we can get to our goal, $2 a gallon gasoline. And it's real, and it's possible, and we can get there sooner if we start now.

And with that, Mr. Speaker, I'd like to hand over the next few moments to my distinguished colleague from the great State of Michigan, Representative TIM WALBERG, who has tremendous passion, and who also has stood on this floor and managed an hour on energy so that he can also get his passion to the American people for the answers that he knows are available to make all of our lives better, Mr. Speaker, so we can get back to $2 a gallon gasoline.

Representative TIM WALBERG of Michigan.

Mr. WALBERG. I thank my friend from Minnesota for yielding a bit of time here this evening for me to talk on this issue. And my good friend from Georgia brought up a point, that we have legislation available that would deal with this issue, that would move us forward; legislation that isn't just talking. It is legislation that will have impact. We have discharge petitions on the floor of the House right now, two, in fact, one that I put forth last week, that would bring out of committee a bill that says simply, no more excuses. Let's get on with it. Exactly what you were talking about, Mrs. BACHMANN, from doing what we have to do, forgetting the talk and managing what we have.

And Mr. Speaker, I am standing here today to encourage my colleagues to sign that petition. If we won't deal with it in committee, let's bring it forward to say there is oil under the ground in ANWR, off our Outer Continental Shelf, the Bakken Reserve out in North Dakota, Montana, we have shale oil reserves, we have coal, clean coal technology that we can use, we've got nuclear power. We have articles written by the former, not the former, in fact the founder of Greenpeace who says we ought to be using nuclear power. It's clean, it's green, it doesn't add to the greenhouse effect, it's safe. We ought to be using it.

We have the opportunity, if we'll just take it right now, and I'm encouraging people, Mr. Speaker, that are of goodwill of this country, who want to continue on the wonderful situation, the lifestyle we have in this country that has been a blessing not only for us but for the rest of the world, to contact Members and encourage them to sign this petition to move forward, quit talking about it.

Last night I was shocked to get on my Blackberry a contact from my staff noting a point that was per program, Capitol Hill, that House Democrats, responding to President Bush's call for Congress to lift the moratorium on off shore drilling, in fact offered their approach of saying we ought to have nationalized refineries.

Now, this is the same country that runs Social Security, runs the VA hospitals, runs Medicare, and gives awful sorts of problems to the United States taxpayer. Now we're going to take over refineries and run those?

Hasn't that been tried in other countries without effect? Didn't Chavez take over refineries in his country, just by matter of fact say they are no longer use, private sector. They're mine?

That's not the direction we want to go. We need to use the resources we have.

Just this past weekend, I'll tell my colleagues, an interesting story. I have Michigan International Speedway in my district, in fact, 6 miles from my house. Dale Earnhardt, NASCAR race, first of the season at Michigan International Speedway, won the race. But he won the race on fumes. In fact, he ran out of gas going across the finish line. Now, he did that by choice. He used his resources well, to the point that he knew if he stayed on the track he would finish, even though he'd to coast across the line. He won.

Unlike America right now, we have the resources, we have the gas, we have the fuel, but we've chosen to turn it off. We've chosen to stop the race. We've chosen to go to the pit row. We've chosen to have our hot dogs instead of finishing the rays and having victory. We can do it.

On the other side of the ledger, the Governor of the great State of Michigan, and it is a great State, de Tocqueville, it's alleged, called us the wolverines and that's where we got the title because we don't have a wolverine in our State. But we were called the wolverines because anyone who could put up with the mosquitoes in the swamp infested region of Michigan had to be a wolverine of tenacity.

Well, 2 weeks ago the Governor made mention of the fact that she was now riding a bicycle to work from her residence to the Capitol each day, with her security detail following on their bicycles as well.

My wife and I enjoyed a bicycle ride this past weekend on our mountain bikes. We enjoyed it. It's good exercise.

But the Governor of the motor capital of the world riding a bicycle, that's not what we should push our citizens to do.

We have the resources. No more energy, No More Excuses Energy Act would be one of those things.

And Mrs. BACHMANN, I ask tonight that we encourage citizens, we encourage our colleagues, we encourage the action to take, to sign that petition, to get that bill that MAC THORNBERRY from Texas has sponsored that says, let's just get it done. Explore here, explore now, pay less. Drill here, drill now, pay less. Use the resources we have, and this country cannot only be great for ourselves, but we can also continue to be the resource for the rest of the world.

I thank you for the time you've given me. I wanted to give that commercial.

And Mr. Speaker, I thank you for the opportunity. And I give back my time.

Mrs. BACHMANN. Thank you to the representative from Michigan, TIM WALBERG. I appreciate that.

We are a great country. I believe that we are the greatest country that the world has ever seen. And in this country, in the fields of Pennsylvania, over 100 years ago was discovered a resource called oil; and that resource literally changed the world, changed this Nation, and allowed us to grow and to prosper in a way that our forefathers never dreamed would even be a possibility.

We have that future yet in front of us again, Mr. Speaker. That future lies before us. It isn't time to throw in the towel for the American people. I know I'm not willing to have my generation be the last generation that sees growth. I don't want my children to live in the shadow of history in a declining Nation.

I don't think most American people want that. We want a future. We want a hope, and that's something that we can have, and we have to have energy in order to make that happen.

Now, remember, there's two choices that we talked about tonight. We can have one that is pay more, drive less, put on your sweater, lower your thermostat and sit at home. That's one philosophy.

And as Representative WALBERG said, there were people on the opposite side of the aisle, Democrats yesterday who said, and I quote, we, the government, should own the refineries. Then we can control how much gets out into the market.

I stipulate, Mr. Speaker, that's exactly the wrong message for us. We, instead of having the Federal Government nationalizing industries, want to explore here, explore now, pay less. And I yield back.

□ 2300

REPUBLICANS' ENERGY "SOLUTIONS" WON'T SOLVE OUR ENERGY CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for half the remaining time until midnight.

Mr. BLUMENAUER. Thank you very much, Mr. Speaker, and I have enjoyed listening to the last hour from my colleagues on the other side of the aisle give their version of what we should do to deal with the energy problems that we face.

You know, I found it amusing what we didn't hear in the course of their discussion. They were able to talk for one solid hour, and there was no mention of conservation. The fact that the United States has less than 3 percent of the world's proven reserves of oil, that we consume almost 25 percent of it, that we waste more than any country in the world, that it has taken George Bush longer to get to 35-miles-per-gallon fuel efficiency than it took Jack Kennedy to get to the moon, not one word about something that was going to make a difference.

We didn't hear one word about how long it would take if they got everything they wanted, if they surrendered America's energy future in toto by giving all of the remaining oil and gas leases going to some of our most precious and sensitive areas that was highly speculative, and is in fact opposed by some Republican governors like Governor Schwarzenegger of California. If you just turned all of that over, they didn't talk about how long it would take to produce. And our friends at home can do a little bit of research from independent analysts, and they'll find that that's 7 to 10 years into the future. They didn't talk about how long that would take.

You didn't hear one word about popping the speculative bubble. If they had been attending the hearings that we have had here in Congress in the course of the last couple months, we would find that experts, including people from the oil industry, have testified that up to $50 of this increase in the price of a barrel of oil is due to speculation. And we haven't heard one word about what they would do to pop the speculative bubble, which much faster than anything you can talk about draining all our resources and turning available land over to the oil companies, this would make a difference immediately.

We haven't heard from them about all of the flip-flopping that's going on. You know, we heard this land is off-limits. George Bush I issued an executive order that declared areas off limits to drilling. George Bush II and the Republican Congress for the previous 6 years didn't do anything about this. But George Bush, by a stroke of the pen, could reverse what his father put in place. Yet our friends didn't have anything to say about that.

It's interesting watching the flip-flopping that's going on in the Republican party. JOHN MCCAIN was against drilling in these sensitive areas when he was a candidate for President in 2000. In fact, he's maintained a position against drilling in the sensitive offshore areas until a few days ago when he's decided to change. Of course, he does not agree with my friends on the other side of the aisle that we should go into the Arctic Wildlife Refuge. Maybe he understands that that's the last place we should drill instead of the next.

We're finding that it is fascinating watching the jujitsu here where people are flipping around changing positions and there is no consistency, there is no honesty in terms of how long it would take, there is no effort to deal with some of the things that are actually running up the prices.

Mr. Speaker, the Democrats in Congress have been passing initiatives since we regained control to improve fuel efficiency that was approved over the objection of the Republicans and over the objection of George Bush and was delayed. We have had initiatives to improve efficiency to give people more tools, to shift from lavish subsidies to the most profitable corporations in the history of the planet, the oil companies that really don't need extra subsidies, and give it to alternative sources of energy like wind and solar that do need it now.

We are very concerned that we use the resources that are available now. It is absolutely facetious to suggest that we have locked up all of America's energy resources. What you didn't hear from my friends that have been talking for an hour is the fact that there are 68 million acres already under control of the oil and gas industry that they have chosen not to explore. They're not in production. 68 million acres. Indeed, the majority of the land that is available right now they have chosen not to use.

We have legislation from a number of my colleagues that I am proud to cosponsor that would simply require that the oil companies use it or they lose it. If they are going to have these leases, they're going to have to explore it. And if they don't, then they will lose the opportunity to tie up even more land. That simple expedient of using it or losing it would spark far more exploration than anything my colleagues talked about for an hour and would do it much sooner.

Second, we need to pop the speculative bubble. They haven't said anything about that. Not one word, other than one of my colleagues, to acknowledge that the speculators are at work. But no focus about what we're going to do about it.

As I mentioned, we have heard, including a top executive from ExxonMobil that testified before our Committee on Energy Independence and Global Warming, that speculation, along with weakening of the dollar and geopolitical risk, is responsible for driving oil prices up to $50 a barrel.

Now, I don't know whether the speculative bubble is $5 a barrel or $50 a barrel, but that is something that this Congress should do something about. It's something the administration has turned a blind eye to, and it's something my Republican colleagues have nothing to say about.

We have legislation to deal with that. Congressman LARSON from Connecticut has legislation that is pretty straightforward that if you are going to speculate in oil futures, you have to be willing to take delivery. Now, this is supported by people who are in the oil—it wouldn't affect anybody who is in the oil and gas business who's producing or delivering, but the people who are simply there to profit from speculation would have their wings clipped a little bit.

The Enron loophole which excluded this speculative activity in energy which was approved under the watch of this administration and the Republicans of Congress, excluded it from supervision from the Commodities Futures Trading Commission. We think it's time to close the Enron loophole. We think it's time to have more oversight rather than less.

Let's deal, for instance, with the amount of margin, the leverage that people who are doing something that's perfectly appropriate trying to make a buck, but we want to make sure that we don't have yet another speculative bubble that is hammering the American economy like we've seen with the housing bubble, what we saw in the stock market bubble. People turn a blind eye to it. We suggest we shouldn't do that.

It is important to ramp up efforts at conservation. As I mentioned, it's taken George Bush, who sat in before us speaking from the podium immediately in front of me and declared that we were addicted to oil, the same George Bush who said at $50 a barrel the oil companies didn't need subsidies to be encouraged to develop oil resources but yet has consistently fought our efforts to shift unnecessary subsidies when oil prices were twice that.

It's taken this administration longer to get to 35 miles per gallon than it took Jack Kennedy to get to the moon.

We need to help provide consumers with more choices. We need to accelerate our efforts dealing with alternative fuels.

I see my colleague, JAY INSLEE, has joined us here in the Chamber. Congressman INSLEE serves with me on the Speaker's Select Committee on Energy Independence and Global Warming who's done a great deal of work and research and has listened to the testimony that I have heard that there are a vast array of entrepreneurs ready to go right now with plug-in hybrids, with electric cars, that we should be accelerating this effort.

And before I turn to my colleague to elaborate on that, somebody who speaks with great passion, authority, and conviction, I would mention that the Federal Government itself, under the Republican administration, continues to have a vast fleet of gas-hungry SUVs. We're spending $3½ billion through GSA for hundreds of thousands of vehicles and millions of gallons of gasoline. Wouldn't it be nice for this administration to get serious about not competing with the rest of American consumers by moving to more fuel-efficient cars ourselves, more biodiesel, alternative energy sources, plug-in hybrids, to be a leader rather than making the problem worse?

Congressman INSLEE, I appreciate your taking time late at night to join me. I appreciate your leadership and advocacy, and I wonder if you might want to talk a little bit about some of the choices, based on your research and work, that should be made available to the American consumer.

Mr. INSLEE. You bet. And any time an optimist is talking at 11 o'clock at night about America's great energy future—and I think we do have a very great energy future before us, and I appreciate you sharing that sense of optimism.

And I'm optimistic because it is my belief that America has the same right stuff we had in the 1960s when Kennedy sent us to the moon and that same right stuff, that same intellectual fever, that same sense of a can-do spirit, that same innovative spirit is really available to us if we, in this building, will simply unshackle that creative power of America to solve our energy woes.

And the reason I came over here tonight is that I am very concerned that some folks are promoting an alleged plan that won't solve our problems but will short-sell the Americans' spirit of being really able to solve this problem through technological gains.

I heard some of my colleagues on the other side of the aisle today proposing what they call an energy plan which is to simply drill more holes in the ground. And I would suggest very strongly that that is a plan doomed for total and abject failure, which is something at $4 a gallon of gas and a war in the Middle East and global warming nipping on our heels we can't run the risk of failure.

And I'm just going to suggest what has been proposed is too little, too late, and too timid.

And the first two are obvious why they're too little and too late. We know that it's too little simply to drill a few more holes in the ground in the United States because we don't have the oil. Even if we drill in Mount Rushmore, Yellowstone National Park, and the Capitol Mall, we could drill in the south lawn of the White House, but we don't have the oil that can make any significant difference in the price of oil.

Oil is a fungible product that is sold on a worldwide market, and every single expert that has testified—and we're not talking Democrats or Republicans; we're talking to people who know the oil industry—and every single expert that we have talked to has told us even in the long term, because our dinosaurs somehow died under the Saudi Arabia soil, we don't have the oil to make a difference in the price. Simple economic fact.

□ 2315

The simple fact is we use 25 percent of the world's oil. The experts have told us, even if you drill in the south lawn of the White House, we've only got 3 to 3.2 percent of the world's oil supply. Because oil trades on a worldwide market, we can maximize and we won't be able to change the worldwide price of oil more than a couple of cents.

And I want to make sure people understand this. There's a bunch of hooey coming from across the other side of the aisle that you're going to get $2 a gallon of gasoline if we drill on the south lawn of the White House. It's a bunch of hooey.

Every single expert who has testified in the United States Congress for the last 2 years has told us that if you maximize drilling, if you ignore all of any environmental concerns we have, you will not change the price of oil more than a couple of pennies because it simply isn't enough to make a difference. The oil under Saudi Arabia is many, many, many fold the oil that we have no matter where we drill.

So telling Americans that we are going to be able to affect the price of oil by expanding drilling in the United States is simple flimflam, and it reminds me of that great movie with George W. Scott called "The Flim-Flam Man." He said he identified himself as a master of back stabbing, cork screwing and dirty dealing. And I think, frankly, it is a flimflam to tell people that it's going to solve it. It's too little.

But it's too late because we shouldn't wait till 2030. The first oil that would flow from these new holes in the ground wouldn't flow until 2030. It is too late. It is too late for the Americans.

And it's too timid. Now, I believe Mr. BLUMENAUER talked about this a little bit, but we have really one significant thing we can do in the short-term, and that is to end this rampant speculation that the experts are telling us is driving up the price that is not a function of supply and demand. It's hard to explain these increases any other way but rampant speculation.

And tomorrow, I'll be joining Representative BART STUPAK, who's doing great work leading the House to a bill that will finally close the loopholes that have allowed these speculators to act in a nontransparent, sort of dark hole, of energy—of oil trading. And you know, they operate—and the one thing that was entirely appropriately named—It's called the Enron loophole. Man, that was the right name for that loophole, where these traders can do swaps, and we don't know about it.

So we need to close these loopholes. That can have a short-term impact this year where we don't have to wait 20 years for a resolution. So it's too little, too late.

But I just want to really focus on the part about being too timid. We need a bold, courageous, over-the-horizon, visionary energy plan that's fitting of the talents of the American people. Drilling holes in the ground is 140-year technology. It is old, mature technology. We do it quite well, and we've done it for a long time.

Now is the time to turn the page and add to our portfolio of energy sources a whole new suite of technological sources that can power our cars and our homes, and I want to mention two of them. Okay?

In the last 2 weeks, I've met with two people. One is a guy named Felix Cramer, who's a guy who essentially helped invent the plug-in hybrid car. You plug it in, you run it for 40-plus miles on electricity, and if you want to drive more, you use gasoline or ethanol. These are technologies that we need to strive on.

And next week, I meet some folks at the A123 battery company in Boston. These are the folks who are making the lithium ion batteries that will be able to drive your car ultimately 100 miles and 40 miles now without a charge.

We don't have to shackle ourselves to oil for the next 100 years. We've got to break our addiction to oil. We have the capacity to do this, but if we're timid, if we're pessimistic, if we're shortsighted, we will simply do what we've done for 140 years, which is drill holes in the ground.

And we have a policy, and I've introduced a bill called the New Apollo Energy Act which basically says that this country's going to go on a course of technological innovation, and this truly has the capability of breaking the chains of oil, and I know we're capable of doing that.

So I appreciate Mr. BLUMENAUER starting this discussion.

Mr. BLUMENAUER. I appreciate, Mr. INSLEE, your continued advocacy, being on message, moving legislative initiatives, and helping educate the American public about the potential of the New Apollo Project, the potential for our economy, the potential for a new era.

I want to conclude because I guess we only have half an hour, so I've got a few minutes left. So I'm going to conclude by just running through what we didn't hear this evening. I want to be very, very focused on this because what we didn't hear was an honest explanation of what the problem is and where we're going to go. If for some reason we have a few more moments, I'll be happy to flip back to my friend, but let me just finish my thoughts here.

The notion that we are going to somehow surrender our energy future to the Big Oil companies, allow them to lease everything else, and have it their will to take some of our most precious, sensitive places and run roughshod over the will of the people in California or Florida or elsewhere, New Jersey, I mean, a whole host of places that would be affected by this and somehow get $2 a gallon gasoline is poppycock. And I think my good friend from Washington said hooey.

But you look at any independent, honest, objective expert, and they will say, you may be able to affect things 7 to 10 years from now a penny or two below what the price otherwise would be because we're caught up in a global initiative.

It is as phony as Senator McCAIN's proposal for a gas tax holiday which would only give the holiday to the Big Oil companies, and we'd rely on their magnificent generosity to trickle a little of that down. No indication that that would happen.

We didn't hear one word about global warming, which even Senator McCAIN and Senator OBAMA agree on and we are going to be dealing with a carbon-constrained economy.

Not one word about conservation. We can't afford to continue to waste more oil than any country in the world.

We heard an attack on cap-and-trade, which is where the United States and every other developed economy is going. We're going to have a carbon-constrained economy. We're not going to enable people to continue to pollute the environment with massive amounts of carbon, slowly cook the planet, raise sea levels and temperatures with extreme weather. That's not going to happen. The American public understands that. The evangelical community, the environmental community, organized labor and business are moving in this direction.

It was George Bush the first's decision to issue many of these protections via executive order, and George Bush the second—if he had been serious about this, would have done it years ago. He would have changed his father's decision if he was serious about it before he was running in Florida and California. He hasn't.

It will take 7 to 10 years for this to get to market. We will, as Mr. INSLEE has mentioned, we will deal with closing the Enron loophole and squeezing the speculators.

We need to use what we have now, the use-it-or-lose-it. Sixty-eight million acres are now open to the large oil companies right now, an area the size of Georgia and Illinois combined. We're going to advance legislation that says they we're going to use that before we mortgage the rest of our energy future for them, or we'll give it to somebody who will.

I'm amazed that my friends continue to come to the floor and attack bicycles. I find that somewhat amusing because I've been working for a dozen years on bike partisanship. I know there are many Members on the Republican side of the aisle that don't believe the rhetoric of their extreme Members and their leadership who belittle the role that new technologies can play or the application of old technologies.

You know, today, if you go down to the G2 entrance in the Rayburn building, you can't find a place to park a bike. Members and staff are coming here in droves. At $4 or $5 a gallon, you bet it makes sense. Making an opportunity for our children to walk or bike to school safely, you bet it makes sense. Would we be talking about morbidly obese, 300-pound sixth graders if more kids could do that? Yet somehow the Republican leadership has chosen to try and belittle the most effective form of urban transportation ever designed and, in fact, is supported by many of the Republicans themselves.

At the Republican convention and the Democratic convention, Mr. Speaker, we're going to have 1,000 bicycles, and you watch these people who try and belittle cycling. You watch delegates line up to use it, to travel around Minneapolis and Denver, to actually see the community at 10 miles an hour, to get through security and parking hassles, to be able to get a little exercise and save some energy.

But that is symptomatic of their approach to try and score political points, to make fun of things that make a difference, and ultimately, it's why their approach is doomed to fail.

Democrats, since we assumed control, have been working on initiatives to give the American consumer more choices, to protect the environment, to encourage conservation, to give them more fuel-efficient cars, to give them mass transit, to give people in rural and small town America and our urban centers more opportunities about how they move, where they live, to get more out of the energy that we've got and develop new technologies that are more sustainable, that will lead to the revitalization not just of the environment but to our economy.

Mr. INSLEE. Will the gentleman yield for a minute?

Mr. BLUMENAUER. I would be happy to yield to the gentleman.

Mr. INSLEE. I always appreciate Mr. BLUMENAUER's question of isn't it kind of funny to watch people stuck in traffic, driving to the gym to ride the stationary bicycle, and I always kind of appreciate that irony.

I want to point out in talking about this theme of why we need a bold energy plan rather than a timid one, I want to point out three e-mails I've got in the last 24 hours that I think depict the future that we optimists see rather than pessimists who just want to remain addicted to oil.

One was an e-mail I got about 4 hours ago from the United States Climate Change Science Program. This is a program in the George Bush administration. They just released their report about what the United States is going to face due to global warming. We're not talking about Kenya or India. We're talking about the United States.

And today at 1:30, they released their report. This is the official scientific assessment of the administration of George Bush. And they concluded, Among the major findings reported in this assessment are that droughts, heavy downpours, excessive heat, and intense hurricanes are likely to be become more commonplace as humans continue to increase the atmospheric concentrations of heat-trapping greenhouse gases. The report is based on scientific evidence that a warming world will be accompanied by changes in the intensity, duration, frequency, and geographic extent of weather and climate extremes.

That is the Bush administration's own people recognizing that the science says that we are in some dire consequences.

In talking to my friends here tonight, who have been stacking sandbags in Iowa, in the second 500-year flood in about 14 years, I think we can see something's happening. I'm not saying this flood is specifically caused by global warming, but what we do know is these kind of incidents are going to become more frequent over time.

Now, what is the response from this side of the aisle from that scientific information?

☐ 2330

You know, this side of the aisle, they trust science. They believe in science because they use cell phones, which are based on quantum mechanics. And they fly on Boeing airplanes, which are based on advanced physics. But when it comes to the science of global warming, what is their response? Their response is, let's just drill more oil and use more oil and pollute more global warming gases. That is a nonstarter of a strategy that can save the planet from the problems that the George Bush administration scientific assessment this afternoon says we're in for. That is too timid.

Now, the second e-mail I got, I got it about 35 minutes ago, it was from the Nano Solar Company in Palo Alto, California. The Nano Solar Company is a thin cell photovoltaic company. And thin cells are a new type of photovoltaic. It's a solar cell that creates electricity just from sunlight. And it's thin cell, where you just spray this material on a plastic coating and boom, you've got yourself a solar cell. It's much cheaper to make than a silicon-based photovoltaic cell. Today they announced that they were the first company in the world to have one gigawatt of manufacturing capacity for photovoltaics, which can dramatically decrease the cost of production of photovoltaics.

Now, we have a vision on this side of the aisle to help those companies expand. And if they do, we're going to eventually be able to break this addiction to oil. And that company is part of a vision where we use solar power, wind power, enhanced geothermal power, potentially clean coal, potentially some other sources to produce electricity and run cars on electricity. That's a vision that's up to the innovative capability. But the answer from this side of the aisle is, no, no, don't help these new companies that are advancing these new technologies, just help the old companies that learned how to drill for oil 140 years ago in Pennsylvania. That is an old technology. It's a horse-and-buggy technology. It's worked really well. Gasoline is a great fuel, except for its global warming capacity.

The third e-mail I want to mention; yesterday afternoon I received an e-mail from the Ausra Energy Company that announced that they are opening their first solar thermal plant—in California, I believe—in about 2 or 3 weeks. Now, solar thermal energy is where you use mirrors to concentrate the sun's light; you generate heat; you heat water or oil; and you generate steam power based electricity. It has a potential to be energy just as cheap as coal-fired electricity in the next decade.

These people are for real. They have multiple million dollars of capital funding; they have now signed contracts in Florida and California to provide electricity for almost 400,000 homes. These are the breakthrough projects that we need to foster rather than going back to just the old technology.

And my concern about what my friends across the aisle are proposing is that we are proposing to really chain ourselves to the past here while the rest of the world is moving ahead. You know, we're in a race right now. We were in a space race in the sixties, and we won because we had leadership from John F. Kennedy who said, let's beat the Russians, let's go to the moon in 10 years. Now we need some leadership from this building to say, let's beat the Germans in solar cell technology, let's beat the Danes in wind turbine technology. Let's be the company that gets the Nano Solars and the Ausras of the world to start selling products to China.

And I'll tell you another place we can get gasoline from, from the Sapphire Energy Company. It's a company in Washington and California that just raised about $50 million. And they have an algae-based material that can make, not ethanol, not biodiesel, but gasoline, gasoline just like you put in your tank today. Now, there's a company that could use a step forward so that, instead of having to drill in these environmentally sensitive areas, we can produce our own fuel without competing with food crops. And that product can be mass produced probably sooner than we can get major league drilling going in offshore areas.

Now, that is not a guarantee, it is not a guarantee. None of these new technologies are lead pipe cinches. But they have very good prospects of success, they have attracted very significant private capital, and we know that they have a chance to do what we need, domestically produce clean energy that doesn't destroy the planet through climate change.

And so we have adopted a position of assisting these breakthrough technologies, allowing drilling to continue in the United States where it has been leased. And there are 68 million acres today of public land owned by the United States Federal Government that has been leased to the oil and gas companies where they are fully capable of drilling wells, and they have not done so. In fact, there has been a lot of talk about the Arctic. Five out of the six oil companies that are drilling oil in any major league way internationally have no interest in the Arctic because it's too expensive to get to. We haven't even talked about cost associated with these things.

So we believe this country is ready for a bold new vision, and we're ready to tackle that. And that's why my new Apollo energy project, the Bart Stupak bill, that will bring these speculators into the bright light of regulation so they don't do to us what Enron did to Washington and Oregon and California, that's a vision for this country, and we're ready to rock and roll on it. We're looking forward to a new President so we can get on with that job.

I yield to Mr. BLUMENAUER.

Mr. BLUMENAUER. Thank you. And I appreciate your pulling these pieces together, Congressman INSLEE. I think you hit the nail on the head.

I am hopeful that throughout all of this, that we can conduct this debate from this point forward by being honest with the American public. There is no one single cause for what we've seen happen with oil prices—speculation, world market, increased demand, hiccup here, there are a whole host of things that we see. Likewise, there is no one single solution. We need a comprehensive array.

We do want to restrain speculation, whether it's $1 a barrel or $50 a barrel. It's unfair to the American consumer. It's unfair to the industries and small business people, and homeowners that rely on fairly priced petroleum products.

We need to encourage using the energy leases that are out there right now before we consider surrendering our energy future by turning over even more leases. Use the 68 million acres that are available now.

We have to stop wasting more oil than anybody else on the planet. Three times I've had an amendment that has passed in our legislation to close the Hummer loophole, but with our tax code, we're still subsidizing, with your tax dollars, the purchase of the largest, most fuel-inefficient, expensive vehicles, costing the Treasury hundreds of millions of dollars and working against ourselves. We need to change that; something that we have been unable to do with the current configuration, but it has passed the House.

We need to develop new energy sources, not just drain petroleum dry. But we need to be serious about solar, wind, tidal. We need to be serious about new technologies, as you point forward. We need to work on how the land use system is in place. In too much of America it's illegal for somebody who works in a drugstore to live in an apartment above that drugstore. We artificially separate uses.

We have too many long commutes. Too many people have to burn a gallon of gas to buy a gallon of milk. We need to have a more rational and thoughtful approach to a land use system that will make transportation work better.

And last, but not least, we need more transportation choices for Americans, whether it's Amtrak revitalized, streetcars, buses, light rail, heavy rail—God forbid bicycles and pedestrian. They're all part of a mix. And every American ought to have a wider range of choice, and the Federal Government ought to be working to do this.

Mr. INSLEE, I appreciate your joining me this evening. I appreciate your analysis and your leadership. And if you have any concluding thoughts, I would turn to you at this point before yielding back.

Mr. INSLEE. My only point is that I think it was May 25, 1961, John F. Kennedy stood right there and said we're going to go to the moon. And what we heard today from some of my colleagues across the aisle is, let's just go to Cleveland, that will be enough.

Just being addicted to oil is beneath the bold vision that Americans are asking for right now. And we really have only one hope of significantly reducing gas prices over the long term, and that is to develop sources that are an alternative to oil and gas. We need to no longer be slaves to the oil companies and addicted to the needle of the gas pump. We need to be the masters, where we decide whether we're going to use electricity in our cars or algae-based biofuels that a little algae particle produced, or a combination or those things, or public transportation, as you so radically suggested, or a bicycle, and maybe even walk on occasion, if our minds were into that.

When we have these choices, Americans will be freed from this oil addiction. And until we have those choices, we will not. We stand for giving America those choices. The other side stands for continued addiction for the next several centuries. We'll let the people decide.

Thanks for having this discussion.

Mr. BLUMENAUER. Well said.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VISCLOSKY (at the request of Mr. HOYER) for today after 6:30 p.m. and June 20, 2008 on account of funeral of a close friend.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of official business.

Mr. WOLF (at the request of Mr. BOEHNER) for today, from 1 p.m. through 4 p.m., on account of giving the commencement address at Potomac Falls High School in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HARE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 26.

Mr. JONES of North Carolina, for 5 minutes, June 26.

Mr. BURTON of Indiana, for 5 minutes, June 23, 24, 25, and 26.

Mr. CALVERT, for 5 minutes, June 24, 25, and 26.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. FORBES, for 5 minutes, today.

Ms. FALLIN, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

ADJOURNMENT

Mr. BLUMENAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Friday, June 20, 2008, at 9 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

DONNA F. EDWARDS, Maryland, Fourth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7213. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 06-08, pursuant to 31 U.S.C. 1351 and 1517(b); to the Committee on Appropriations.

7214. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act by the Department of Homeland Security, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7215. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7216. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-42 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

7217. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-68 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services; to the Committee on Foreign Affairs.

7218. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of technical datata, defense services and defense articles to the Goverment of Mexico (Transmittal No. DDTC 049-08); to the Committee on Foreign Affairs.

7219. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of technical data, defense services and defense articles to the Government of Kuwait (Transmittal No. DDTC 002-08); to the Committee on Foreign Affairs.

7220. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to sections 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment and the export of defense articles and services to the Government of Norway (Transmittal No. DDTC 070-08); to the Committee on Foreign Affairs.

7221. A letter from the Ambassador at Large, Department of State, transmitting a letter detailing necessary corrections in the Department's annual report, "Country Reports on Terrorism 2007"; to the Committee on Foreign Affairs.

7222. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the eighth annual Trafficking in Persons Report, pursuant to Public Law 106-386, section 110; to the Committee on Foreign Affairs.

7223. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report by the U.S. Global AIDS Coordinator on the Involvement of Faith-Based Organizations in Global Fund to Fight AIDS, Tuberculosis, and Malaria Programs, pursuant to Section 625(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act for Fiscal Year 2008, Pub. L. 110-161; to the Committee on Foreign Affairs.

7224. A letter from the Assistant Director for Policy, OFAC, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers — received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7225. A letter from the Secretary, Judicial Conference of the United States, transmitting Judicial Conference determination that

United States Judge G. Thomas Porteous, Jr., of the Eastern District of Louisiana, has engaged in conduct for which consideration of impeachment may be warranted, pursuant to 28 U.S.C. 355(b)(1); to the Committee on the Judiciary.

7226. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on the re-authorization of the Upper Guadalupe River, San Jose, California, flood damage reduction project; to the Committee on Transportation and Infrastructure.

7227. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's final report for the Illinois River Basin Restoration Comprehensive Plan; to the Committee on Transportation and Infrastructure.

7228. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 162(m)-Excessive Compensation 26 CFR 1.162-27(e) (Rev. Rul. 2008-32) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7229. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 897.—Disposition of investment in United States real property, 26 CFR 1.897-1: Taxation of foreign investment in United States real property interests; definition of terms. (Rev. Rul. 2008-31) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7230. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 3402.—Income Tax Collected at Source 26 CFR 31.3402(g)-1: Supplemental Wage Payments (Also: 31.3401(b)-1(a)) (Rev. Rul. 2008-29) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7231. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Change in Reporting Section 404(k) Dividends [Announcement 2008-56] received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7232. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2008-20 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 14, 2007 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

7233. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill entitled, the "Unemployment Compensation Program Integrity Act of 2008"; jointly to the Committees on Ways and Means and Oversight and Government Reform.

7234. A letter from the Administrator, General Services Administration, transmitting a copy of a draft bill entitled, "The General Services Enhancement Act of 2008"; jointly to the Committees on Oversight and Government Reform, Transportation and Infrastructure, the Judiciary, Armed Services, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1284. Resolution providing for consideration of the Senate amendments to the House amendments to the Senate amendment to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–720). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1285. Resolution providing for consideration of the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rept. 110–721). Referred to the House Calendar.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2818. A bill to amend title 38, United States Code, to provide for the establishment of Epilepsy Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs; with amendments (Rept. 110–722). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2452. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; with an amendment (Rept. 110–723). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5001. A bill to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia; with an amendment (Rept. 110–724). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6109. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes (Rept. 110–725). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REYES (for himself, Mr. HOEKSTRA, and Mr. SMITH of Texas):

H.R. 6304. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI:

H.R. 6305. A bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Parks and San Francisco Maritime National Historic Park, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 6306. A bill to authorize United States participation in, and appropriations for the United States contributions to, the fifteenth replenishment of the resources of the International Development Association and the eleventh replenishment of the resources of the African Development Fund, and for other purposes; to the Committee on Financial Services.

By Mr. MCDERMOTT (for himself and Mr. WELLER):

H.R. 6307. A bill to amend parts B and E of title IV of the Social Security Act to assist children in foster care in developing or maintaining connections to family, community, support, health care, and school, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. CAPUANO, and Mr. KANJORSKI):

H.R. 6308. A bill to ensure uniform and accurate credit rating of municipal bonds and provide for a review of the municipal bond insurance industry; to the Committee on Financial Services.

By Mr. ELLISON:

H.R. 6309. A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and establish additional requirements for certain lead hazard screens, and for other purposes; to the Committee on Financial Services.

By Mr. KIND (for himself, Mr. RYAN of Wisconsin, Mr. BOREN, and Mr. PEARCE):

H.R. 6310. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mr. KILDEE, Mr. KLEIN of Florida, Ms. MCCOLLUM of Minnesota, and Mr. KIND):

H.R. 6311. A bill to prevent the introduction and establishment of nonnative wildlife species that negatively impact the economy, environment, or human or animal species' health, and for other purposes; to the Committee on Natural Resources.

By Mr. KANJORSKI (for himself, Mr. MOORE of Kansas, and Mr. ROYCE):

H.R. 6312. A bill to advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. ETHERIDGE:

H.R. 6313. A bill to amend the Safe Drinking Water Act to reauthorize the technical assistance to small public water systems; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HONDA, Ms. BERKLEY, Ms. HIRONO, Mr. REYES, Mr. BAIRD, and Mr. GRIJALVA):

H.R. 6314. A bill to increase awareness of the existence of and to overcome gender bias in academic science and engineering through research and training, and for other purposes; to the Committee on Science and Technology.

By Ms. MOORE of Wisconsin (for herself, Mr. ISRAEL, Mr. FRANK of Massachusetts, and Mr. SHAYS):

H.R. 6315. A bill to authorize United States participation in, and appropriations for the

United States contribution to, an international clean technology fund, and for other purposes; to the Committee on Financial Services.

By Mr. DOGGETT (for himself, Mr. BLUMENAUER, Mr. VAN HOLLEN, Mr. EMANUEL, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. OLVER, Mr. HOLT, Mr. STARK, Ms. BERKLEY, Ms. SCHWARTZ, Mr. CROWLEY, Mr. MCNULTY, Mr. MEEK of Florida, Mr. MORAN of Virginia, Mr. PASCRELL, Mr. THOMPSON of California, Mr. CONYERS, Mrs. JONES of Ohio, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. CAPUANO, Ms. CASTOR, Mr. CHANDLER, Ms. CLARKE, Mr. CLEAVER, Mr. COHEN, Mr. COURTNEY, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mr. KLEIN of Florida, Mr. KUCINICH, Ms. LEE, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SESTAK, Mr. SHERMAN, Mrs. TAUSCHER, Ms. TSONGAS, Ms. WATERS, Ms. WATSON, Mr. WELCH of Vermont, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. YARMUTH, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. FATTAH, and Mr. DELAHUNT):

H.R. 6316. A bill to reduce global greenhouse gas emissions through the creation of a domestic carbon market and international trade measures, and to direct the revenue therefrom to public interests; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Foreign Affairs, Science and Technology, Financial Services, Education and Labor, Natural Resources, Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DRAKE:

H.R. 6317. A bill to amend chapter 31 of title 40, United States Code (commonly known as the Davis-Bacon Act) to provide an exemption from the prevailing wage requirements for certain non-profit organizations; to the Committee on Education and Labor.

By Mr. HIGGINS:

H.R. 6318. A bill to designate a portion of United States Route 20A, located in Orchard Park, New York, as the "Timothy J. Russert Highway"; to the Committee on Transportation and Infrastructure.

By Mr. HILL:

H.R. 6319. A bill to establish the Commission on Affordable Health Care to study and provide recommendations for establishing a health care system to provide affordable health care to all citizens of the United States and for the roles of certain health care entities in providing such services under such system, and to provide for expedited Congressional consideration of such recommendations; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mrs. WILSON of New Mexico, Mrs. CAPPS, Ms. SOLIS, and Mr. FRANK of Massachusetts):

H.R. 6320. A bill to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century; to the Committee on Energy and Commerce.

By Mr. MCHUGH:

H.R. 6321. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to assist individuals with high residential energy costs; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 6322. A bill to amend the District of Columbia School Reform Act of 1995 to permit the District of Columbia government to exercise authority over the Public Charter School Board in the same manner as the District government may exercise authority over other entities of the District government; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself, Mrs. BIGGERT, Mr. MARIO DIAZ-BALART of Florida, Mr. EHLERS, and Mr. SMITH of Texas):

H.R. 6323. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Science and Technology.

By Mr. UDALL of Colorado (for himself and Mr. PERLMUTTER):

H.R. 6324. A bill to facilitate the importation of ethanol; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 6325. A bill to require the Administrator of the Environmental Protection Agency to establish a plan to reduce the total amount of packaging used on consumer products in the United States; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 6326. A bill to provide for a Federal employees program to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP (for himself and Mr. ELLISON):

H. Con. Res. 374. Concurrent resolution supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself and Mr. JOHNSON of Georgia):

H. Res. 1286. A resolution recognizing and celebrating the 20th anniversary of the National Black Arts Festival; to the Committee on Education and Labor.

By Mr. MORAN of Kansas (for himself, Mr. HOBSON, and Mr. SHULER):

H. Res. 1287. A resolution commending the Honor Flight Network, its volunteers, and donors, for enabling World War II veterans to travel to our Nation's capital to see the World War II Memorial created in their honor; to the Committee on Veterans' Affairs.

By Mr. SESTAK (for himself, Mr. COSTA, Mrs. GILLIBRAND, Mrs. MCCARTHY of New York, and Mr. RAMSTAD):

H. Res. 1288. A resolution supporting the goals and ideals of National Campus Safety Awareness Month; to the Committee on Education and Labor.

By Mr. SHAYS (for himself and Mr. PERLMUTTER):

H. Res. 1289. A resolution urging the President to direct the Commodity Futures Trading Commission to work with the United Kingdom Financial Services Authority to establish position limits on oil futures traded by traders on the Intercontinental Exchange that are similar to those established by the Commodity Futures Trading Commission for traders on the New York Mercantile Exchange; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. GOODLATTE.

H.R. 154: Ms. WATERS, Mr. RYAN of Ohio, Ms. RICHARDSON, and Mrs. LOWEY.

H.R. 503: Mr. WATT.

H.R. 554: Mr. WAXMAN.

H.R. 760: Mr. BISHOP of New York.

H.R. 821: Ms. WOOLSEY.

H.R. 823: Mr. FOSTER.

H.R. 1050: Mr. RUSH and Mr. COHEN.

H.R. 1070: Mr. REYES.

H.R. 1228: Mr. CLEAVER.

H.R. 1321: Mr. BURGESS.

H.R. 1399: Mr. CAZAYOUX.

H.R. 1405: Mr. ROTHMAN.

H.R. 1420: Ms. SOLIS and Mr. CARSON.

H.R. 1476: Mr. HELLER.

H.R. 1552: Mrs. LOWEY.

H.R. 1589: Ms. ROS-LEHTINEN.

H.R. 1610: Mr. KING of Iowa, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, Mr. HILL, and Mr. HODES.

H.R. 1621: Mr. ELLSWORTH.

H.R. 1647: Mr. SESTAK.

H.R. 1732: Mr. BISHOP of Georgia.

H.R. 1738: Mr. BLUMENAUER.

H.R. 1770: Mr. DAVID DAVIS of Tennessee.

H.R. 1809: Mr. CARSON.

H.R. 2012: Mr. MOLLOHAN and Mr. BOREN.

H.R. 2123: Mr. CARSON.

H.R. 2165: Mr. MILLER of North Carolina.

H.R. 2169: Mrs. CHRISTENSEN.

H.R. 2244: Mrs. LOWEY.

H.R. 2260: Mr. BOREN.

H.R. 2279: Mr. KELLER, Mr. MCCARTHY of California, Mr. HASTINGS of Washington, Mrs. BLACKBURN, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 2325: Mr. HOLDEN.

H.R. 2343: Mr. KILDEE, Mr. WU, and Mr. MURTHA.

H.R. 2371: Ms. SOLIS.

H.R. 2376: Mr. KLINE of Minnesota.

H.R. 2407: Ms. BORDALLO.

H.R. 2520: Mr. CARSON.

H.R. 2558: Mrs. CUBIN and Ms. PRYCE of Ohio.

H.R. 2606: Mr. PLATTS.

H.R. 2611: Mr. CARSON and Mr. SESTAK.

H.R. 2670: Mr. MARCHANT.

H.R. 2689: Mr. PASTOR.

H.R. 2762: Mr. EHLERS.

H.R. 2802: Mr. PICKERING.

H.R. 2833: Mr. HINOJOSA and Mr. HOLT.

H.R. 2842: Mr. RUSH.

H.R. 2880: Mr. FORTENBERRY.

H.R. 3008: Mr. GRIJALVA.

H.R. 3010: Mr. DICKS.

H.R. 3024: Mr. PRICE of North Carolina and Mr. LEVIN.

H.R. 3089: Mr. HASTINGS of Washington.

H.R. 3098: Mr. ROSS.

H.R. 3175: Ms. ESHOO.

H.R. 3219: Mr. ANDREWS.

H.R. 3286: Mr. WU.

H.R. 3289: Ms. RICHARDSON, Mr. THOMPSON of California, Mr. CLYBURN, Mr. MITCHELL, Ms. SLAUGHTER, and Mr. TAYLOR.

H.R. 3319: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3334: Mr. BLUMENAUER.

H.R. 3366: Mr. CLEAVER and Mr. CARSON.

H.R. 3401: Mr. CLEAVER.

H.R. 3452: Mr. GALLEGLY.

H.R. 3458: Mr. KUHL of New York.

H.R. 3487: Mr. RANGEL.

H.R. 3546: Mr. SHERMAN.

H.R. 3563: Ms. NORTON.

H.R. 3622: Mr. MCCAUL of Texas and Mr. SHUSTER.

H.R. 3652: Mr. HODES.

H.R. 3654: Mr. CAZAYOUX.

H.R. 3750: Mr. EMANUEL.

H.R. 3896: Ms. HIRONO.

H.R. 3995: Mr. BOOZMAN, Mr. DANIEL E. LUNGREN of California, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, and Mr. GUTIERREZ.

H.R. 4066: Mr. SHAYS.

H.R. 4138: Mr. REICHERT.

H.R. 4183: Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, and Ms. JACKSON-LEE of Texas.

H.R. 4335: Mr. FOSTER and Mr. BARROW.

H.R. 4450: Ms. SCHAKOWSKY and Mr. KING of New York.

H.R. 4453: Ms. WATSON.

H.R. 4460: Mr. GERLACH.

H.R. 4461: Mrs. MALONEY of New York.

H.R. 4544: Mr. ISSA, Mr. MCDERMOTT, Mrs. Davis of California, Mr. BURGESS, Mr. WALZ of Minnesota, Ms. HIRONO, Mr. BISHOP of Georgia, Mr. HOLT, Mr. PEARCE, Mr. TIBERI, and Mr. BISHOP of Utah.

H.R. 4967: Mr. BARTLETT of Maryland.

H.R. 5038: Mr. MCGOVERN.

H.R. 5155: Mr. ALTMIRE.

H.R. 5176: Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Mr. VISCLOSKY, and Mr. PASTOR.

H.R. 5244: Ms. LINDA T. SÁNCHEZ of California.

H.R. 5353: Mr. DOYLE, Mrs. LOWEY, and Mr. CARSON.

H.R. 5435: Mr. BACA and Mr. GUTIERREZ.

H.R. 5454: Mr. BOREN.

H.R. 5467: Mr. HOLDEN, Mrs. GILLIBRAND, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. BOSWELL, Mr. WILSON of Ohio, Ms. LORETTA SANCHEZ of California, and Mr. PASCRELL.

H.R. 5469: Mr. HARE.

H.R. 5488: Mr. CARSON and Mr. FARR.

H.R. 5496: Mr. RUSH.

H.R. 5516: Mr. BRADY of Pennsylvania, Mr. WALBERG, Mr. SESTAK, Mr. CARSON, Mr. ENGLISH of Pennsylvania, M. HODES, Mr. MCNERNEY, Mr. HOLDEN, Mr. GENE GREEN of Texas, Mr. LAMPSON, and Mr. DOYLE.

H.R. 5532: Mr. PRICE of North Carolina.

H.R. 5534: Mr. KIRK, Mr. BARTLETT of Maryland, and Mr. TOM DAVIS of Virginia.

H.R. 5535: Ms. MOORE of Wisconsin, Mr. PAYNE, Mrs. MALONEY of New York, Ms. WOOLSEY, Mr. ALLEN, Mrs. DAVIS of California, Mr. LOEBSACK, Mr. HINCHEY, Ms. LEE, Mr. MEEKS of New York, Mr. COHEN, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. JACKSON of Illinois, and Mr. PALLONE.

H.R. 5546: Mr. VISCLOSKY.

H.R. 5559: Mr. HELLER and Mr. KLINE of Minnesota.

H.R. 5564: Mrs. MCMORRIS RODGERS.

H.R. 5591: Mr. KLINE of Minnesota.

H.R. 5602: Ms. SUTTON and Ms. BALDWIN.

H.R. 5603: Mr. CARNEY.

H.R. 5611: Mr. HODES and Mr. MELANCON.

H.R. 5632: Ms. HIRONO, Ms. ESHOO, Mr. GRIJALVA, and Mr. HINCHEY.

H.R. 5660: Ms. HIRONO and Mr. STARK.

H.R. 5674: Mr. JOHNSON of Georgia.

H.R. 5709: Mr. GOODE and Mr. ALTMIRE.

H.R. 5731: Mr. DUNCAN.

H.R. 5737: Mr. MARIO DIAZ-BALART of Florida and Mr. HASTINGS of Washington.

H.R. 5739: Ms. JACKSON-LEE of Texas.

H.R. 5760: Mr. BOOZMAN.

H.R. 5767: Mr. ABERCROMBIE and Mr. LYNCH.

H.R. 5793: Mr. CALVERT and Mr. INSLEE.

H.R. 5821: Mr. FLAKE.

H.R. 5854: Mr. SCHIFF and Mr. COBLE.

H.R. 5881: Ms. LINDA T. SÁNCHEZ of California.

H.R. 5898: Ms. JACKSON-LEE of Texas.

H.R. 5908: Mr. CALVERT.

H.R. 5925: Mr. SKELTON and Ms. KAPTUR.

H.R. 5927: Mr. SHAYS.

H.R. 5942: Mr. BLUMENAUER and Mr. TIBERI.

H.R. 5971: Mr. DUNCAN.

H.R. 5984: Mr. FORTUÑO, Mr. GOHMERT, Mr. WESTMORELAND, Mr. GOODE, Mr. FEENEY, Mr. BILBRAY, Mr. WALBERG, Mr. COLE of Oklahoma, Mr. ROGERS of Kentucky, Mr. BRADY of Texas, Mr. KLINE of Minnesota, Mr. RENZI, Mr. KING of New York, Mr. WOLF, Mr. HOBSON, Mr. LUCAS, Mr. MCCARTHY of California, and Mr. THORNBERRY.

H.R. 5987: Mr. PLATTS.

H.R. 5990: Mr. SMITH of Washington.

H.R. 6032: Mr. BISHOP of Georgia.

H.R. 6057: Mr. CARSON.

H.R. 6064: Mrs. NAPOLITANO, Ms. WATSON, Ms. LEE, Mr. CARNAHAN, Mrs. MALONEY of New York, Mrs. MILLER of Michigan, Mr. KLEIN of Florida, Ms. BERKLEY, Mr. DELAHUNT, and Mr. BLUMENAUER.

H.R. 6076: Mr. BOSWELL.

H.R. 6089: Mr. GRIJALVA, Mr. MARKEY, Mr. COHEN, Mr. RUSH, and Mrs. SCHMIDT.

H.R. 6107: Mr. BOYD of Florida, Mr. TIBERI, Mr. FORTUÑO, Mr. HASTINGS of Washington, and Mr. MCCARTHY of California.

H.R. 6108: Mr. MCCARTHY of California, Mr. KELLER, and Mr. FORTUÑO.

H.R. 6133: Mr. MCCARTHY of California.

H.R. 6138: Mr. PETERSON of Pennsylvania and Mr. MCCARTHY of California.

H.R. 6144: Mr. CLEAVER.

H.R. 6151: Mr. DEFAZIO.

H.R. 6160: Mr. PASTOR, Mr. MILLER of North Carolina, and Mr. SESTAK.

H.R. 6170: Mr. SHUSTER.

H.R. 6180: Mr. DINGELL.

H.R. 6192: Mr. TANCREDO and Mr. BURTON of Indiana.

H.R. 6199: Mr. BISHOP of New York, Ms. CLARKE, and Mr. SERRANO.

H.R. 6205: Ms. BALDWIN.

H.R. 6209: Mr. ISSA and Ms. WATSON.

H.R. 6210: Ms. DEGETTE, Mr. CHILDERS, and Mr. EMANUEL.

H.R. 6211: Mr. DUNCAN, Mrs. BACHMANN, Mr. GINGREY, and Mr. CALVERT.

H.R. 6219: Mr. LATTA, Mrs. BLACKBURN, Mr. WAMP, Mr. PENCE, Mr. GALLEGLY, Mr. PUTNAM, Mr. GARRETT of New Jersey, Mr. KINGSTON, Mr. DAVID DAVIS of Tennessee, Mrs. BACHMANN, Mr. GOODE, Mr. FEENEY, Ms. FOXX, Mr. KING of Iowa, Mr. BARTLETT of Maryland, Mr. DAVIS of Kentucky, Mr. RYAN of Wisconsin, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, and Mr. JORDAN.

H.R. 6220: Mr. TERRY and Ms. PRYCE of Ohio.

H.R. 6224: Mr. GRIJALVA.

H.R. 6233: Mr. WITTMAN of Virginia.

H.R. 6234: Mr. DAVID DAVIS of Tennessee.

H.R. 6251: Mr. WELCH of Vermont, Mr. ARCURI, and Mr. BLUMENAUER.

H.R. 6256: Mr. SIRES, Mr. SCHIFF, Mr. ARCURI, Mr. ROTHMAN, Mr. SPACE, Mr. ISRAEL, AND MR. LIPINSKI.

H.R. 6261: Mr. LOEBSACK.

H.R. 6265: Mr. KUHL of New York.

H.R. 6268: Mr. PERLMUTTER and Ms. DEGETTE.

H.R. 6287: Mr. DONNELLY.

H.J. Res. 39: Mrs. SCHMIDT.

H.J. Res. 50: Mr. HARE, Mr. SAXTON, Mr. DAVIS of Kentucky, Mr. ORTIZ, Mr. FARR, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. SPRATT, Mr. MCGOVERN, Mr. REYES, and Mr. WILSON of South Carolina.

H.J. Res. 67: Mr. FORBES.

H.J. Res. 79: Mr. WAXMAN, Mr. BISHOP of New York, and Mr. LIPINSKI.

H.J. Res. 89: Mr. RADANOVICH.

H. Con. Res. 163: Mr. ALTMIRE and Mr. CRENSHAW.

H. Con. Res. 244: Mr. LYNCH, Mr. FATTAH, and Mrs. MCCARTHY of New York.

H. Con. Res. 250: Mr. MARCHANT.

H. Con. Res. 296: Mr. EHLERS, Mr. BROUN of Georgia, Mr. BILBRAY, Mr. BUCHANAN, Mr. RUSH, Mr. PETRI, Mrs. MYRICK, Mr. BARRETT of South Carolina, Mr. PLATTE, Mr. BUYER, Mr. HELLER, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 342: Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. GOODE, Ms. ESHOO, and Mr. MITCHELL.

H. Con. Res. 356: Mr. BOOZMAN.

H. Con. Res. 360: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 364: Ms. LINDA T. SÁNCHEZ of California, and Ms. HIRONO.

H. Con. Res. 369: Mr. KIRK, Mr. CALVERT, and Mr. KING of New York.

H. Res. 55: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 97: Mr. SCHIFF.

H. Res. 281: Mr. MCINTYRE.

H. Res. 353: Mr. TIERNEY, Ms. DEGETTE, Mr. HONDA, Ms. SOLIS, Mr. DENT, and Ms. WATERS.

H. Res. 415: Mrs. GILLIBRAND.

H. Res. 870: Mr. SARBANES.

H. Res. 883: Ms. SOLIS and Mr. NADLER.

H. Res. 970: Mr. HALL of Texas, Mr. JOHNSON of Illinois, Mr. TIAHRT, Mr. UPTON, Mr. HOEKSTRA, Mr. LIPINSKI, Mr. EHLERS, Mr. MORAN of Kansas, Mr. CAMP of Michigan, Mr. DAVID DAVIS of Tennessee, Mr. WELLER, Mr. TERRY, Mr. CAMPBELL of California, Mrs. BLACKBURN, Mr. DAVIS of Kentucky, Mrs. CUBIN, Mr. KIRK, Mr. RADANOVICH, Mr. MANZULLO, Mr. TIM MURPHY of Pennsylvania, Mr. SULLIVAN, Mr. REHBERG, Mr. HAYES, Ms. ESHOO, Mr. SHUSTER, Mrs. MYRICK, Mr. GERLACH, Mr. PICKERING, Mr. FOSSELLA, Mr. BARRETT of South Carolina, Mr. ENGLISH of Pennsylvania, and Mr. BRADY of Texas.

H. Res. 988: Ms. ESHOO, Mr. ENGEL, Mr. GONZALEZ, Ms. SOLIS, Mr. TERRY, and Mr. BUYER.

H. Res. 1019: Mr. MCGOVERN, Mr. HONDA, and Mr. ROTHMAN.

H. Res. 1143: Mr. BOOZMAN and Mr. ISSA.

H. Res. 1151: Mr. HOLDEN, Mrs. CAPITO, Ms. BORDALLO, Mr. DAVIS of Kentucky, Mr. PLATTS, Mr. WALSH of New York, Mr. SHULER, and Mr. LIPINSKI.

H. Res. 1161: Mr. SESTAK and Mr. JOHNSON of Georgia.

H. Res. 1231: Mr. COBLE, Mr. KILDEE, Mr. BOSWELL, Mr. FEENEY, Mr. PATRICK MURPHY of Pennsylvania, Mr. LINCOLN DAVIS of Tennessee, Mr. HOLDEN, Mr. MOORE of Kansas, Mr. BOYD of Florida, Mr. SCHIFF, Mr. ELLSWORTH, Mr. BROWN of South Carolina, Mr. COHEN, Mr. BOOZMAN, Mr. BISHOP of New York, Mrs. MYRICK, Mr. THOMPSON of California, Mr. BISHOP of Georgia, Mr. RODRIGUEZ, Mr. MELANCON, Mr. ARCURI, Mr. KIND, Mr. BACA, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, Mr. TANNER, Mr. MCINTYRE, Ms. BERKLEY, Mrs. LOWEY, Mr. GALLEGLY, Mr. SNYDER, Mr. CHANDLER, Mr. MAHONEY of Florida, Mrs. GILLIBRAND, Mr. BILBRAY, Mr. WELCH of Vermont, Mr. WILSON of Ohio, and Mr. ROSS.

H. Res. 1248: Mrs. DAVIS of California, Mr. CARNEY, Mr. MURPHY of Connecticut, Mr. BILBRAY, and Mrs. GILLIBRAND.

H. Res. 1249: Mr. MILLER of North Carolina.

H. Res. 1271: Ms. BORDALLO, Mrs. MCCARTHY of New York, Mr. CARSON, and Mr. CALVERT.

H. Res. 1282: Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. ROSKAM, Mr. MCHENRY, Mr. BONNER, Ms. FOXX, and Mr. BISHOP of Utah.

H. Res. 1283: Mr. COOPER, Mr. COHEN, Mr. WOLF, Mr. ROGERS of Kentucky, Mr. MCINTYRE, Mr. HALL of Texas, Mr. MOORE of Kansas, and Mr. BILBRAY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CONYERS

The provisions in H.R. 6304, the FISA Amendments Act of 2008, that warranted a referral to the Committee on the Judiciary do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. REYES

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 6304, the FISA Amendments Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6041: Mr. CARTER, Mr. SESSIONS, Mr. MARCHANT, Ms. GRANGER, and Mr. CONAWAY.

H. Res. 356: Mr. CONAWAY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

279. The SPEAKER presented a petition of the Common Council of the City of Ithaca, New York, relative to a Resolution calling for talks to begin as early as possible between the Chinese Government and His Holiness the Dalai Lama to discuss ending the respression of Tibetan demonstrations; to the Committee on Foreign Affairs.

280. Also, a petition of the Common Council of the City of New Britain, Connecticut, relative to Resolution No. 30074 expressing opposition to the war in Iraq after it's misleading and deceptive methods of garnering initial support; jointly to the Committees on Armed Services and Foreign Affairs.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE GOLDEN GATE NATIONAL PARKS AND TECHNICAL CORRECTIONS BILL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Ms. PELOSI. Madam Speaker, I am proud to introduce today the Golden Gate National Parks and Technical Corrections bill. Our National Parks are some of America's greatest treasures, and they have been designated that way to ensure they are preserved for our future generations. In California, we are very proud of our Golden Gate National Recreation Area, with parks spanning across San Mateo, San Francisco and Marin Counties. They are a national treasure deserving of the highest National Park Service designation which this legislation will ensure. The Golden Gate National Parks offer a unique historical perspective on the story of California and the Nation, and unparalleled natural beauty in an unlikely setting close to a major metropolitan area.

One hundred years ago, President Theodore Roosevelt declared Muir Woods the Nation's tenth National Monument to honor the conservationist John Muir and preserve a beautiful natural space. Today, I would like to recognize the establishment of the Golden Gate National Parks, which will contain the Muir Woods National Monument, as the 59th National Park. In honor of renowned environmentalist Edgar Wayburn, and my friend and predecessor in Congress, the late Congressman Phillip Burton, who dedicated their careers and lives to preserving these remarkable natural and historical spaces for our and future generations to enjoy, I dedicate this bill.

The Golden Gate National Parks offer residents of and visitors to the San Francisco Bay Area the opportunity to escape from the city and connect with nature and our Nation's history. The Golden Gate National Parks are home to sites utilized by the Coastal Miwok and Ohlone people, the Spanish missionaries and military, Mexican settlers, Gold Rush prospectors, and Civil War military units. There remain many historic sites preserved within the Parks, including the Cliff House Restaurant and the Sutro Baths in San Francisco, as well as decommissioned army bases and fortifications dating back to 1776 and used by our Nation from the Civil War to the Cold War. This bill will strengthen the ability of the San Francisco Maritime National Historical Park and the Presidio, two of the Golden Gate National Parks, most historic areas, to preserve historic spaces and provide world-class services to visitors from throughout the world.

The Golden Gate National Parks also offer visitors access to an amazingly diverse natural area. Encompassing almost 60 miles of bay and ocean shoreline, the Golden Gate National Parks contain windswept beaches, salt-water marshes, stunning cliffs, and the world's only coastal old-growth redwood forest. The Parks contain expansive forests and costal lands, such as Sweeney Ridge in San Mateo County and Muir Woods in Marin. There is also an abundance of plant and animal life in the Parks with over 1,200 identified plant and animal species, including 33 threatened and endangered species.

In the years since the establishment of the Golden Gate National Recreation Area almost 40 years ago, the park units have collectively been referred to as Golden Gate National Parks. As natural and historic sites have been added to this park system the need has grown to recognize the system of parks for what they are, which is one of our Nation's great natural treasures. This bill recognizes the importance of Golden Gate National Parks to the history and future of our Nation and rewards it with a designation befitting its place among the most spectacular National Parks in our Nation.

250TH ANNIVERSARY OF THE TOWN OF LEESBURG

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. WOLF. Madam Speaker, I rise today to recognize the 250th anniversary of the establishment of the historic Town of Leesburg in the 10th Congressional District of Virginia.

Leesburg was established in September 1758 by an act of the Virginia House of Burgesses who appointed Nicolas Minor to design the initial layout of the town. The Town of Leesburg quickly grew from a quiet town of sleepy streets to a bustling epicenter in the early 18th century. Settlers flocked to the town for its strong sense of community and numerous market-to-town opportunities. The agriculture and transportation industries grew as Leesburg became the center of commerce in Loudoun County and other regions of northern Virginia.

Leesburg was the temporary capital of the United States during the War of 1812 and also served as a battleground during the American Civil War in the Battle of Balls Bluff. Leesburg has been home to many prominent Americans including President James Monroe, noted African-American attorney Charles Houston, General George C. Marshall and entertainer Arthur Godfrey.

In 1970, Leesburg received a place in the National Register of Historic Places and was cited as one of the best and most picturesque downtowns in Virginia. Today, Leesburg maintains its status as the center of the crossroads of northern Virginia and is the largest town in northern Virginia. I encourage my colleagues to join me in celebrating this historic event by driving 40 miles northwest from the Capitol to visit historic Leesburg and partake in some of the town's year-long festivities in honor of the anniversary. The town is holding a flag-design contest in honor of this historic event, to design an official flag for the town. On September 14, 2008, the town will celebrate her 250th birthday and I invite all to attend to commemorate history and enjoy the distinctly Americana spirit of the day's activities.

I have been proud to serve the people of Leesburg since the start of my terms in the House and I share in the town's celebration of this significant anniversary.

TRANS-ATLANTIC LEGISLATORS DIALOGUE—64TH MEETING OF DELEGATIONS OF THE U.S. CONGRESS AND THE EUROPEAN PARLIAMENT MEET UNDER LEADERSHIP OF THE HON. SHELLEY BERKLEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. BERMAN. Madam Speaker, I would like to call the attention of my colleagues in the Congress to another successful meeting of the Transatlantic Legislators' Dialogue (TLD) that was held in Ljubljana, Slovenia, from May 24–26, 2008. The United States delegation continues to flourish under the outstanding leadership of Chairwoman SHELLEY BERKLEY, the gentlelady from Nevada. She has injected energy and enthusiasm into this interparliamentary dialogue, while further strengthening American relationships with a wide range of European parliamentarians. The Republican vice-chairman, Representative CLIFF STEARNS from Florida, has also maintained an effective voice in European affairs and the TLD.

Representatives BERKLEY and STEARNS should be praised for their efforts to recruit members to participate in the Slovenia session, with the delegation of 10 members being the largest and by all reports most well informed in recent years. I commend the members of this bipartisan delegation—Rep. GARY ACKERMAN (D–NY), Rep. JOE BARTON (R–TX), Rep. RUSS CARNAHAN (D–MO), Rep. ELIOT ENGEL (D–NY), Rep SHEILA JACKSON-LEE (D–TX), Rep. PHIL GINGREY (R–GA), Rep. STEVE ISRAEL (D–NY), and Rep. LORETTA SANCHEZ (D–CA)—for contributing to a rich and meaningful exchange of views.

The TLD serves as the formal response of the European Parliament and the U.S. Congress to the commitment in the New Transatlantic Agenda (NTA) of 1995 to enhance legislative ties between the European Union and the United States. Building on the existing interparliamentary relationship, the TLD involves bi-annual meetings between American and European legislators in order to discuss

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

topics of mutual interest and foster transatlantic discourse.

The most recent session in Slovenia addressed a wide range of foreign policy challenges, including the Middle East, China, Russia, and Kosovo. Members discussed regulatory initiatives being undertaken by the Transatlantic Economic Council (TEC), with American members reinforcing Administration concerns about European initiatives on poultry and chemicals used to manufacture cosmetics that have a detrimental effect on American farmers and producers. American members also responded to European concerns about the visa waiver program and legislation requiring 100% cargo scanning to ensure port security. In addition, the delegates discussed the challenge of climate change, the importance of energy security, and the current global financial crisis.

Madam Speaker, I would like to place in the RECORD the joint statement that was agreed upon by American and European legislators at the 64th TLD meeting in Ljubljana. It underscores the rich agenda of this meeting and highlights the many areas in which there was strong transatlantic agreement.

TRANSATLANTIC LEGISLATOR'S DIALOGUE—64TH MEETING OF DELEGATIONS FROM THE EUROPEAN PARLIAMENT AND THE UNITED STATES, LJUBLJANA, 24-26 MAY 2008 JOINT STATEMENT

We, Members of the European Parliament and the United States House of Representatives, held our 64th Interparliamentary meeting (Transatlantic Legislators' Dialogue) in Ljubljana, Slovenia, on 24-26 May 2008.

Building on the joint statement issued following our last meeting in Las Vegas, Nevada, on 5-8 October 2007, we stressed the importance of regular dialogue on a range of political, social and economic issues that affect all of our citizens. We agreed to report back to our parent bodies on the content and outcome of our discussions, particularly in the areas where joint efforts are likely to result in positive outcomes. We agreed that legislators in both sides of the Atlantic should increase dialogue and consultation amongst themselves in order to prevent possible conflicts of legislation. Direct and timely contacts between specialist committees from Congress and the European Parliament—such as those that have occurred within the TLD framework—have been valuable means of reinforcing cooperation; this exchange of information should be continued and enhanced.

We examined a wide array of foreign policy issues, agreeing that joint action by the European Union and the United States is the most effective way to approach problems that affect both sides of the Atlantic. We took stock of recent developments with regard to the Middle East Peace process, the nuclear threat posed by Iran and the situation in Iraq. On Afghanistan, we recognized the need for a joint long-term strategy aimed at stabilizing the internal situation and reducing risks for regional security. We noted a proposal to develop a joint fund for humanitarian services and infrastructure development in Afghanistan. We discussed the future political an economical development in Kosovo, and recognized that joint efforts were essential in order to ensure a peaceful and prosperous future for the Western Balkans, including an EU perspective. We analyzed development in Russia's domestic and foreign policies, including the U.S. Administration's proposed missile defense plans as well as European efforts to diversify their energy supply and ensure their energy security. We also assessed our economic and political relationship with China, expressing concern over recent events in Tibet.

The dialogue focused on the ongoing discussions between the U.S. and the EU in order to extend access to the U.S. Visa Waiver programme in the future to all EU Member States, as well as to the importance of ensuring safe trade an port security.

We also discussed the current global financial crisis. We agreed on the need for continued discussion and joint actions to address the effects of climate change.

With regard to the Transatlantic Economic Council (TEC), we noted with satisfaction the engagement of the TLD on 13 May 2008 with TEC Co-Chairs Gunther Verheugen and Dan Price in the framework of the 'Advisory group'. The European Parliament Resolution on the TEC and the letter by the U.S. TLD leadership to the TEC formed the basis for this dialogue. We took note of the EU-U.S. High Level Regulatory Forum, the joint reports on strengthening cooperation regarding the safety of imported products, and the impact assessment guidelines. We advocated stronger involvement of legislators in contributing to and overseeing these initiatives. We supported the identification of compatible biofuels standards in order to achieve international harmonization at the level of international standards organizations. We also welcomed the joint statement on open investment, as well as the start of the second phase of negotiations for the air services agreement.

We welcome the fact that the TEC has become a permanent feature of the EU/U.S. relations. We also welcome the decision taken on 13 May 2008 to develop a short term agenda and long term roadmap for TEC activities, and consider that this represents and important step towards ensuring the continuity of the process. As we have done throughout the establishment and initial meetings of the TEC, we continue to assert that the TEC initiative should be characterized by transparency and consultation of stakeholders and we call on the EU and U.S. Administration to reinforce the flow of information to the TLD in advance of the TEC meetings. Awareness of the transatlantic impact of proposed legislation and regulations should be developed in the relevant legislative and regulatory bodies, as well as information about the benefits of rapid advancements towards a barrier-free regulatory environment.

Several items have been identified within the TEC agenda that require further legislative consideration: While achieving reciprocity and mutual recognition of security standards remains critically important, we call on the U.S. Congress to review their legislation requiring 100 percent cargo scanning in recognition of European concerns regarding this legislation We call on the European Parliament to facilitate an early solution to the ongoing discussions on the ban on imports into the EU of U.S. poultry which has undergone pathogen reduction treatment In regards to the EU's regulation on the registration of chemicals (REACH) we call on the European Commission to bring forward legislation ensuring that European and U.S. producers of cosmetics are treated equitably in their requirement to register substances used in their products with the EU's chemical agency.

Finally, we welcome progress on items contained in the 'lighthouse projects' and related initiatives included in the 2007 Summit declaration. In particular, we call for: Steps towards allowing the use in the United States of suppliers' declarations of conformity for electrical, electronic and ICT products; Further progress towards the mutual recognition of U.S. GAAP and EU IFRS accounting standards; Discussion of U.S. and EU regulatory issues in the insurance sector, in order to enhance market access for brokers-dealers, exchanges and other trading systems; and Progress in other areas of regulatory cooperation, including pharmaceuticals, cosmetics, and animal testing.

In conclusion, both sides renewed their commitment to make the TLD's work more relevant to the European Parliament and to the United States House of Representatives. We agreed to identify ways by which to reinforce the involvement of the TLD and our legislatures in the preparation of the EU/U.S. Summit. We also agreed to further improve the effectiveness of our dialogue in order to realize the full potential of our interparliamentary relationship.

JONATHAN EVANS, MEP,—
Chairman, European Parliament Delegation.
BENOIT HAMON, MEP,—
Vice Chairman, European Parliament Delegation.
HON. SHELLEY BERKLEY,
Chairwoman, U.S. Congress Delegation.
HON. CLIFF STEARNS,
Vice Chairman (Ranking Republican), U.S. Congress Delegation.
HON. GARY ACKERMAN,
Vice Chairman, U.S. Congress Delegation.

HONORING JACK DOWNEY, UNITED STATES COAST GUARD MASTER CHIEF BOATSWAIN'S MATE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in honoring the exemplary career of a distinguished member of the United States Coast Guard, and a good friend of mine—Master Chief Boatswain's Mate John E. "Jack" Downey, Ancient Keeper.

Jack Downey has led an exemplary career, having served in the United States Coast Guard for over 40 years. His familiarity with the treacherous local waters around Cape Cod is legendary. He has brought that knowledge to a wide variety of operational, command, and staff assignments over the years, including five Officer-In-Charge multi-mission ashore assignments, two Officer-In-Charge afloat assignments, and a position as a rescue boat crewman for water take-offs and landings.

In 1984, he served as Officer-In-Charge at Station Woods Hole. After a stint in command of Coast Guard Cutter *Towline*, a 65-foot harbor tug/icebreaker, Jack returned to the Cape to take control of Coast Guard Station Chatham, which is located on the elbow of Cape Cod. In Chatham, as my friend and colleague

Mr. OBERSTAR already noted, upon taking command, Jack faced a fishing community that had lost faith in the Coast Guard. In a very short period of time, Jack made the Chatham station one of the finest in the Coast Guard and quickly won the respect of the entire Cape Cod fishing community. Downey would also serve as Officer-In-Charge of Station Brant Point in Nantucket and would eventually return to Woods Hole in 2005 to take command of Coast Guard Cutter *Hammerhead.*

It is without question that Jack has served honorably in all of his assignments and has been given numerous awards. Most notably, Jack became the first recipient of the Joshua James Keeper Award—the "Ancient Keeper", which is given to Coast Guard members in recognition of their longevity of service and their outstanding performance in boat forces operations. Joshua James, referred to as the world's most celebrated lifesaver, rescued over 600 people during his 60 years of service in the 1800s. Jack embodies the traits of Joshua James—traits that all Coast Guardsmen aspire to.

Additionally, the Coast Guard presented to Jack the Meritorious Service Medal with a gold star and operational distinguishing device, the Coast Guard Commendation Medal with three gold stars and operational distinguishing device, and the Letter of Commendation with operational distinguishing device. Jack was also awarded the prestigious Navy League Douglas A. Munro Award for his inspirational leadership and professional competence.

A friend of mine, Retired Rear Admiral Jack Linnon, once called Jack Downey an Officer-in-Charge that he would entrust his own child to; a fact that is especially touching considering the dangers of the profession. "Youngsters turned over to his charge," Linnon said, "when transferred, had grown both in their professional development but also in maturity." Jack's greatest legacy may not be his personal heroics, but the wisdom, guidance and experience he has shared with innumerable Coast Guardsmen, from cadets to commanders.

Since 2006, Jack has served as the District One Command Master Chief at the First District Headquarters in Boston. By leaving this position, the Coast Guard loses one of its finest, most talented men. He has earned the respect and admiration from us and from people throughout New England. On behalf of a very grateful constituency, I want to say thank you to Jack and congratulations on a job well done.

TRIBUTE TO KEITH LAFFMAN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Keith Laffman on his eight years of dedicated service to the Office of the Attending Physician (OAP). Prior to his position at the OAP, Keith served as a physical therapist in the United States Navy, training at Fort Sam Houston in Texas, and then stationed at the Bethesda Navy Medical Center.

Working as a Physical Therapy Technician in the OAP since November of 2000, Keith has consistently maintained close working relationships with the patients he serves. His dedication to his work and patients, along with his ability to organize and manage, made him a competent and effective office manager during much of his tenure at the OAP.

Keith is an integral part of the team in the Attending Physician's office. As a person who has broken many bones and suffered multiple injuries, I can attest to the fact that Keith is one of the most professional, caring, and healing physical therapists I have ever worked with during my time as a patient. In addition to providing basic care to a wide variety of patients, the Office of Attending Physician provides a broad spectrum of services, including emergency evaluations, flu vaccinations, physician referrals, and occupational exams and certifications. Eight separate health units in Congressional and other federal buildings ensure that the OAP is able to provide convenient and quality health care around the Hill.

Madam Speaker, I ask that you join with me today to honor Keith Laffman for his committed service to his patients, from visitors and staff to high ranking government officials. It is with great pride that I congratulate Keith for his work at the Office of Attending Physician and his continued exemplary service to our Nation.

HONORING FLORESTA ELEMENTARY SCHOOL

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. MAHONEY of Florida. Madam Speaker, I rise today to honor Floresta Elementary School of Port St. Lucie, Florida. The National Energy Education Development (NEED) Project Youth Award has selected Floresta Elementary as Florida's Rookie Elementary School of the Year. Floresta was also selected as a Finalist for Rookie of the Year Elementary School at the National Level for 2008.

Floresta Elementary's school-wide project, "Floresta Dolphins NEED Energy," gave students from kindergarten through the fifth grade the opportunity to learn about renewable and non-renewable energy resources. Students in the fifth grade specifically focused on wind energy and worked to increase community awareness regarding Florida Power and Light's wind turbine project on the local coastline. The entire school also took part in Energy Star's Change a Light, Change the World campaign that encourages citizens to conserve energy by switching to more energy efficient light bulbs.

I am proud that the teachers, staff, and students of Floresta Elementary School are working to educate themselves and their community on what we can do to meet our country's critical energy needs.

I urge my colleagues to join me in congratulating Floresta Elementary School.

THE DAILY 45: IT'S THE NATION'S PROBLEM

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. The reflections I continue to share happen in communities big and small, everyday, all across our nation. Like Chicago, the city of Los Angeles is having its own unprecedented wave of deadly gun violence.

Earlier this month, during the weekend of June 7 and 8, the Los Angeles Times reported that 14 people lost their lives to violence with most of those dying at the hands of a gun. That's 14 people who lost their lives in one weekend in only 48 hours! Why no national outrage over this senseless violence? Even though the headlines read that many of these deaths "appear to be gang-related," those who died—regardless of their age, their economic status or their race—are children of God. They had lives that mattered to somebody. They certainly mattered to me.

Americans of conscious must come together to stop the senseless death of "The Daily 45." When will we say 'enough is enough, stop the killing!'

THE TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2008

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mrs. WILSON of New Mexico. Madam Speaker, the advancement of technology over the last 20 years has revolutionized daily life for Americans. Most of us use some form of technology every day. Cell phones, computers, iPods, webcasts, and televisions are everywhere.

User-friendly technology is also important for people with disabilities. Televisions, computers, and cellular devices are available to the public at-large, but, unlike the "plain old telephone" there are no requirements to ensure that every American is able to use them. Technology can enable the disabled with things like specialized hardware that simulates the human voice reading the computer screen. Assistive or adaptive technology has taken down many barriers to education and employment for disabled Americans. The technology is there, and now we need to encourage its national availability.

Alice Marshall is a mother of two from Albuquerque, New Mexico. She works for the Bureau of Land Management and when she was watching the news a few weeks ago, northern areas of New Mexico were receiving warnings of possible tornados in the area. She was not aware of this news because it was scrolling across the emergency ticker at the bottom of the screen and Alice is blind. The only audio descriptor technology available to her has to be ordered by mail and costs about $100.

Another constituent, Priscilla Stansbury, a grandmother caring for her 3 grandchildren, is not able to get information easily about snow days and school cancellation. She is blind and tells me that school cancellation and amber alert information generally runs along the bottom of her TV screen with no audio that she can hear.

The Twenty-first Century Communications and Video Accessibility Act of 2008 would require that IP-enabled communication equipment manufactured in the United States have a built-in speaker and a closed captioning decoder. The speaker and decoder would allow Americans with visual and hearing impairments to access the Internet, computers, and cellular devices. Furthermore, it would ensure that IP enabled equipment is manufactured to be accessible to and usable by individuals with disabilities.

Most Americans get emergency information over the radio, the television or the internet. Warnings about tornados, such as the one we received on Capitol Hill the other week, should be accessible to all Americans. This bill would require audio and visual accessibility for those who are deaf and blind.

According to the Foundation for the Blind there are approximately 10 million blind people in the United States. The National Association of the Deaf report an estimated 22 million Americans who are deaf or hard of hearing, and there are a variety of other disabilities that affect the accessibility to audio-visual devices.

Today I joined Congressman ED MARKEY in introducing this legislation to ensure that American citizens with disabilities have full access to the information that the rest of us take for granted.

RECOGNIZING SAM KELTNER OF VIRGINIA BEACH

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mrs. DRAKE. Madam Speaker, I rise to recognize the outstanding achievements of Sam Keltner of Virginia Beach, and to commend him on becoming a Congressional Award Gold Medalist. This recognition by the United States Congress is the highest honor bestowed upon America's youth. It serves as a testament to Sam's strength of character and commitment to our national values of dedication to public service and the cherished qualities of personal growth, initiative, and achievement, all of which are cornerstones of the Congressional Award.

Sam's volunteer efforts are tremendous, speaking very highly of him and his level of commitment to the community and to public service. In earning the rank of Eagle Scout, Sam worked on behalf of Real Life Christian Church to help others, providing moveable storage crates for the church and fellowship. In addition, he continues to be active within the Boy Scouts of America, BSA, Tidewater Council, serving as Junior Assistant Scoutmaster and Senior Patrol Leader, completing the Venturing Scout program, receiving the BSA Tidewater Council Venturing Leadership Award, and participating in the Physical Fitness QUEST program.

Sam has devoted time and energy to excellence in physical fitness, improving his speed in running and playing a diversity of sports. His incredible effort enabled him to reach a time of a little over 14 minutes for a 5k run. By maintaining his own physical fitness, Sam continues to push himself to achieve more, and engage in new opportunities for advanced leadership experience including the 2006 COPE Program, his membership with U.S. Track and Field, and his involvement with the First Colonial High School Varsity Cross Country Track Team.

Sam has become a role model not only for his peers, but for the large community around him. Upon receiving the Congressional Medal, he joins a most elite group of our Nation's youth who have set and achieved this very commendable goal. I am certain Sam's incredible accomplishments, dedication to service, and evident leadership talents will continue to speak highly of him, as they do now.

HONORING DAN MEYER FOR WINNING THE CABLE'S LEADERS IN LEARNING AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Ms. ESHOO. Madam Speaker, it's with great honor that I congratulate my constituent, Dan Meyer, a teacher with the San Lorenzo Valley Unified School District who has been selected to receive the Cable's Leaders in Learning Award for creating and implementing innovative ways to educate students. He is one of 14 national winners selected from a pool of 44 finalist applications.

As the sole winner in the "Pushing the Envelope with Cable Technology and Programming" category, he is being recognized for improving algebra instruction by creating and posting a video lesson for teachers online. Mr. Meyer found a way to improve algebra instruction and share it with math teachers worldwide. After spending three weeks helping students to understand a single algebra equation, he came to the conclusion that using video as a teaching tool was the answer. He produced 10 short videos to accompany his lesson plan, and was shocked at the pace his students learned the once confusing algebraic equations after viewing the videos.

Mr. Meyer decided to post the video and lesson plan on his blog and its viewings jumped from 30 visitors a day to 6,000 downloads in two weeks. His teaching technique has now been shared with teachers all over the country and our Nation's students are better for his efforts.

Our Nation depends on teachers like Dan Meyer who use technology and innovation to help students learn and grow. I ask my colleagues to join me in congratulating Dan Meyer for his extraordinary leadership and distinguishing himself as a Cable's Leaders in Learning Award recipient.

STATEMENT CONGRATULATING FLORIDA INTERNATIONAL UNIVERSITY AND FLORIDA ATLANTIC UNIVERSITY ON BEING RANKED AMONG THE TOP 100 COLLEGES AWARDING DEGREES TO HISPANICS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate two exemplary South Florida institutions of higher learning: Florida International University (FIU) and Florida Atlantic University (FAU). These universities were recently ranked by Hispanic Outlook Magazine as 1st and 28th, respectively, among the top 100 colleges awarding degrees to Hispanics in the United States.

Both institutions have built a rich tradition of ensuring an exceptional educational experience to quality students of all backgrounds. FAU and FIU are dedicated to imparting knowledge through excellent teaching, groundbreaking research, and a commitment to public service.

In today's global society, it is imperative that we recognize the importance of scholastic achievement without forgetting how vital it is that the learning experience extend beyond the classroom. FIU and FAU are committed to ensuring that their students are well-rounded, socially conscious, and constantly exposed to various cultural and socioeconomic backgrounds. The graduates of these universities serve as trailblazers in Florida's continuous endeavor to provide educational opportunities that will improve the social and economic disparities that Florida's minority communities face.

As one example, FIU will open South Florida's only public medical school in August 2009. The new school will serve as the cornerstone of a broader, university-wide Health Science Center. Through this effort, the University aims to expand healthcare access to traditionally underserved populations and to train physicians who are sensitive to South Florida's unique cultural diversity.

FAU is also impacting the South Florida community by encouraging economic development in urban core areas through its Sustainable Community Planning curriculum. This curriculum prepares students who aspire to become practicing planners, public administrators, civic leaders, and neighborhood activists. Programs are geared towards community revitalization which will ultimately affect how neighboring cities cope with increasing challenges associated with growth and change.

I commend FAU and FIU for serving as role models to colleges and universities throughout our Nation. They are exemplary examples of two schools which continue to uphold a commitment to cultural diversity, public service, and academic excellence. Their effectiveness is truly demonstrated through every student who earns a degree, every researcher who makes a discovery, and every community that benefits from the efforts and accomplishments of these two noteworthy institutions. I am proud to congratulate FAU and FIU for this noteworthy achievement and the indelible impact they have had on both our local and national landscapes.

TRIBUTE TO SHERIFF STAN W. BURCHARDT

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. WALBERG. Madam Speaker, I rise today to recognize Sheriff Stan W. Burchardt of the Hillsdale County Sheriff's Office for interrupting a breaking and entering incident in Pittsford, Michigan and arresting the suspect. It is with great pride that I congratulate Sheriff Burchardt on behalf of all of those who have benefited from his dedicated service to Hillsdale County and his proven ability to protect its citizens.

On May 23, 2008 at approximately 1:15 A.M., Sheriff Stan Burchardt was awoken by a noise outside his residence in Pittsford. Upon hearing the noise, the Sheriff exited his home and positioned himself outside in the dark for approximately five minutes. Sheriff Burchardt soon observed a subject running from his next door neighbor's house, heading toward Pittsford Tire & Gas Company. The suspect, wearing a ski mask and camouflage clothing, ran to the main entrance of the building and broke in through the front door.

Sheriff Burchardt immediately ran from his residence to the front door of the business. He witnessed the subject walk behind the counter and place items into a backpack. After identifying himself, Sheriff Burchardt proceeded to arrest the suspect. He held the suspect at bay and called a patrol unit using a telephone at the business. Deputies from Hillsdale County Sheriffs Office arrived on the scene and transported the suspect to the Hillsdale County jail where he was booked for breaking and entering.

Sheriff Stan Burchardt has honorably served as Hillsdale County Sheriff for over 12 years and has a total of 29 years of law enforcement experience. While serving in this position, Sheriff Burchardt has significantly advanced the force by increasing training for staff members, establishing minimum physical agility standards for staff to meet, and graduating 23 student cadets representing many schools within Hillsdale County. Continually engaged in the community, the Sheriff has sponsored many successful outreach programs to train in areas such as school safety, senior citizen protection, and methamphetamine awareness. Sheriff Burchardt is highly respected throughout the community for his proven law enforcement leadership and reputation for honor and integrity.

Madam, Speaker, today I ask my colleagues to join me in honoring Sheriff Stan W. Burchardt of the Hillsdale County Sheriff's Office for his brave actions and esteemed leadership. The Sheriff's arrest of the suspect will undoubtedly make criminals think twice, lower breaking and entering incidents in the area and ease the minds of many throughout the community. May others know of my high regard for his outstanding performance and honorable service to Hillsdale County, as well as my best wishes for Sheriff Stan Burchardt in the future.

IN HONOR OF MR. KING GEORGE PITTMAN, U.S. ARMY, RETIRED

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. MURTHA. Madam Speaker, Mr. SKELTON and I rise to honor the life of King George Pittman, who, at the age of 87, passed away on Tuesday, June 10, 2008. A man who was extremely proud of his heritage and the military, King George Pittman lived a full and eventful life.

A native of Florida, Mr. Pittman was the fourth youngest of twelve children born in Tallahassee to Williams Pittman and Carrie Tansy Pittman. There he attended Lincoln High School and was a member of Philadelphia Primitive Baptist Church. At the age of 21, he joined the U.S. Army.

Mr. Pittman served in the U.S. Army from May 22, 1941 to December 14, 1956. He fought in World War II and the Korean War. He earned eight different awards for his service. He received the Good Conduct Medal Bronze Clasp with Three Loops for his loyalty, knowledge, vigilance and merit. He received the Purple Heart for his bravery. In addition to these, he received the World War II Victory Medal, the Korean Service Medal with one Bronze Service Star, the United Nations Service Medal, the National Defense Service Medal, the Republic of Korea Presidential Unit Citation badge and the Honorable Service Lapel Button World War II. Although he received all of these awards, his family never knew of his many accomplishments. He served his country with distinction, and was modest to say the least.

A brother, uncle, great uncle, friend and neighbor, Mr. Pittman was a proud man who leaves behind his sister, and our former colleague, retired U.S. Representative Carrie P. Meek, a constant source of his pride.

He also leaves a nephew, and our current colleague, Congressman KENDRICK B. MEEK of Florida, who proudly serves on the House Armed Services Committee, an assignment that surely put a smile on King's face. King found pride in all of his family, including nephews Samuel Pittman and Charles Bellamy, nieces, Lucia Raiford, Sheila Kinui, Betty Jean Pittman and Katrina Presley.

For his patriotic efforts in the Korean War in particular, King has rated burial at Arlington National Cemetery, a high honor and memorial for a war hero. The Korean War was too significant to neglect, too momentous to ignore, too pivotal to be disregarded, and far too costly to be forgotten. And, so we take this moment to honor King, one of its many heroes.

And, he is honored even more by the great family he leaves behind with us. King George Pittman lived a long and fulfilling time. He can now rest in the arms of the God he cherished and served. Mr. Pittman will truly be missed.

SAFE KIDS USA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. HOYER. Madam Speaker, I rise today to recognize an important milestone in child safety: Safe Kids USA's inspection of more than one million car seats.

Since 1996, Safe Kids USA, a member of Safe Kids Worldwide, has partnered with General Motors to address one of the Nation's most significant public health issues: Motor vehicle crashes are the leading cause of death for children ages 2 to 14 and the leading cause of injury-related death for children under age 2.

Together with GM, Safe Kids USA has redefined how parents and caregivers learn about child passenger safety in order to prevent these injuries and deaths from happening in the first place. We know that when installed and used correctly, child safety seats and safety belts can prevent injury and save lives. Their initiative, Safe Kids Buckle Up, sponsors car seat checkup events, which are essential to show families the intricacies of how to properly use and install child safety seats.

At these events, trained child passenger safety technicians teach families how to safely transport their children and help to make sure everyone in a vehicle is buckled up correctly on every ride. On average, technicians spend about 30 minutes with each child. Most of these events are open to the public and are conducted by Safe Kids coalitions in central locations like Chevrolet and other GM dealerships, hospitals, community centers and shopping centers. Families who need child safety seats, but cannot afford them, are never turned away and children who are being transported in potentially dangerous, recalled car seats are given safe replacements. Parents and caregivers can have the peace of mind that their child will be safer for the simple fact that they participated in a Safe Kids Buckle Up event.

In addition, through the generosity of General Motors, Safe Kids coalitions have access to Mobile Car Seat Checkup Vans which serve communities across the Nation. The vans are specially designed, self-contained units that can turn any parking lot into a full-service car seat safety event site. The fleet was launched in 1999 with 51 vans; today there are 125 on the road with another 12 being added through 2008. There are also more than 400 permanent car seat inspection stations operated by Safe Kids coalitions in order for families to take advantage of trained technicians whenever they are needed.

To date, Safe Kids Buckle Up has reached more than 15 million people and there have been more than 45,000 events that bring much needed car seat inspection services and educational messages to families across the country. The program has also donated 365,000 seats to families in need. On June 12th, the one millionth car seat was inspected at an event in Los Angeles and it personally gratifies me to see the evolution of this outstanding program that serves children and their families.

While crash protection is the backbone of Safe Kids Buckle Up, the program has evolved to offer vehicle safety programs beyond car seats and booster seats. Children can be injured or killed by heat exposure in parked cars, by suffocation when they get stuck in a trunk or when struck in a non-traffic setting such as a driveway or a parking lot. Safe Kids Buckle Up has responded to these risks by introducing three new components to their programming efforts—Spot the Tot, Never Leave Your Child Alone and Preventing Trunk Entrapment—in order to help prevent children from being left alone in or around a vehicle. I applaud Safe Kids Buckle Up for moving beyond crash protection and for addressing children's safety needs in all types of motor vehicle situations.

I was part of the launch of the Safe Kids—General Motors partnership in 1996 and I have been proud to lend my support over the years to Safe Kids in their efforts to raise public awareness of the serious problem of motor vehicle crashes. We have made considerable progress in child passenger safety but our work is not done. Every American must understand that there are proven ways to keep children safer in vehicles and we can prevent many injuries and deaths through proper safety precautions.

I encourage all of my colleagues to participate in a Safe Kids Buckle Up event in their districts to see firsthand how these safety precautions can make a difference in a child's life. Please join me in celebrating the achievements of Safe Kids USA, their remarkable 310+ coalition network and General Motors, whose combined efforts ensure that every child that visits a car seat safety event leaves safer than when he/she entered.

SEPTEMBER 13TH—DR. BERNARD LOWN DAY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. FRANK of Massachusetts. Madam Speaker, I am very pleased to join with my colleague, the Senior Senator from Massachusetts (Mr. KENNEDY), in hailing the proclamation of September 13th, 2008 as Dr. Bernard Lown Day.

In fact Madam Speaker, it would be a more accurate representation of the dimensions of Dr. Lown's great career if we were to proclaim several Dr. Bernard Lown Days. He is a man who has made numerous extremely valuable contributions to humanity in a number of fields, because he combines intellectual ability of the first order, a deep commitment to improving the quality of life of his coinhabitants of the planet, a capacity to translate his unsurpassed understanding of the actual functioning of the human heart into treatments and instruments that have significantly advanced the fight against heart diseases, and finally, a characteristic not often joined to some of those I have just listed, an understanding of the political process and how to move it.

In his professional life as a cardiologist, Dr. Lown invented the defibrillator and the cardioverter, and he was the first to use the drug lidocaine. In these innovations, in his own practice of over 50 years, and the knowledge he's imparted to countless numbers of younger—and by now not so young—other doctors, Dr. Lown has put all of us in his debt for his contributions to our health.

In addition, he has been a leader in international cooperation in the medical field, and in humanitarian work in general, recognizing early on that the fight against disease and poor health must know no artificial political boundaries.

Finally, he has been a leader in the effort to avert nuclear disaster and to promote a humane and sensible approach to international conflict. In recognition of these latter activities, Dr. Lown was a Nobel Peace Prize Laureate in 1985 for his work in co-founding the International Physicians for the Prevention of Nuclear War and the work he had done—and of course continues to do—opposing the proliferation of nuclear weapons and promoting world peace.

It is sometimes said that people who try to do too many different things can diminish their ability to do any one thing. Bernard Lown's life is an example of exactly the opposite: the many areas of important human activity in which he has excelled have not detracted from each other but rather have reinforced each other, contributing to a life's work that has been a model of how one takes his very considerable talents and puts them at the service of others.

Senator KENNEDY and I are delighted to have been given the privilege of representing Dr. Lown in the Congress of the United States and we are very proud to join here today in observing September 13th as Dr. Bernard Lown Day.

TRIBUTE TO MR. BOB McCLELLAN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to honor the achievements of Bob McClellan. Mr. McClellan has, since 1994, served as President and CEO of Hortica Insurance, formerly Florists Mutual, headquartered in Edwardsville, Illinois. He had been employed at Hortica from 1987–1994 in several senior management positions. Prior to his time at Hortica, Bob McClellan served as an adjunct faculty member at Southern Illinois University Edwardsville from 1978–1985 and as Management Information Services Director from 1976–1978. It was at SIUE that Mr. McClellan received a B.S. and M.B.A. in 1974 and 1976, respectively.

Bob McClellan's most admirable achievements come not from his professional life, but his personal life. Mr. McClellan has continually dedicated himself to the betterment of his community and the preservation of educational institutions. Mr. McClellan has been a member of the Executive Board of the Boy Scouts of America Trails West Council, for example. In 1996, he worked with Edwardsville High School administrators to develop and implement a technology plan that allowed the school to provide modem instruction to its students. In 2005, Bob worked to bring a Hortica donation to SIUE when he personally carried plants and flowers to a celebration on campus. Clearly, Mr. McClellan gives freely of his time and professional expertise.

Mr. McClellan has received numerous awards in his lifetime, including the Rotary International's Four-Way Test Award for Business Ethics in 2007 and the Business Partnership Award from Ameren and the Illinois Development Council in 2005. I wish to honor him today with my words of appreciation. Men like Mr. McClellan deserve deep gratitude and respect. His unwavering enthusiasm for community development, coupled with his keen business sense, is both unusual and exceptionally commendable. As Bob McClellan retires from his post as President and CEO of Hortica Insurance, I have no doubt that his commitment to community will continue unabated for years to come. For the past years of service, and for those to come, I offer my utmost thanks to Mr. Bob McClellan of Edwardsville, Illinois. Enjoy your retirement, Bob.

IN RECOGNITION OF MR. AND MRS. ROBERT MILLER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House today to pay recognition to an important day in the lives of two constituents of mine, Mr. and Mrs. Robert Miller.

On June 28th, the Millers will celebrate their 50th wedding anniversary. The couple will gather with friends and family at the Townsend's Warehouse on the 28th to commemorate this special occasion.

I would like to congratulate Robert and Patricia for reaching this important milestone in their lives. They are shining examples of love and dedication for us all, and I wish them and their family all the best at this important occasion.

IN HONOR OF THE 140TH ANNIVERSARY OF THE YPSILANTI DISTRICT LIBRARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. DINGELL. Madam Speaker, I rise today to honor the Ypsilanti district library and to commemorate its 140 years of service to the Ypsilanti community. In 1868, only 31 years after Michigan became a State, a group of three women who were committed to promoting reading and literacy founded the library in the small room of a building on Huron St. It began with only 175 books, and today has expanded to three branches with a collection of over 300,000 volumes.

In addition to this impressive collection of reading material, the library provides other outstanding services to the community. It offers classes on computer skills and specific software programs, which provide participants with the tools they need to succeed in this technology-driven world. Last year, the library ran over 1,000 youth-oriented programs, which reached over 24,000 people in the Ypsilanti area. The Ypsilanti Library's "Tumblebooks" program provides animated picture books online for young children, which promotes early reading skills. Such services are invaluable in Michigan, as they help combat illiteracy while sparking a child's imagination and desire to continue learning.

Libraries offer themselves as a tremendous resource to those who are learning to read and those who love to read. Without libraries many young children would not have access to new books or computers with access to the Internet. I have always believed that teaching children to read provides them with an important lifelong tool. The Ypsilanti district library should be commended for what it has done to further this cause.

I am proud of the Ypsilanti library's many contributions to Michigan's 15th Congressional district and ask my colleagues to join me in congratulating the library on 140 wonderful years of service.

CONGRESS MUST ACT TO HELP SHRIMPERS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. PAUL. Madam Speaker, the American shrimp industry is a textbook example of a great American business crippled by foolish government policies. Congress and the federal bureaucracy have burdened shirmpers with needless regulations and laws that dramatically raise shrimpers' cost of doing business while subsidizing American shrimpers' overseas competitors. Unless Congress soon reverses course and repeals these destructive government policies, many shrimpers will be forced out of business.

Congress's refusal to take any constructive action to address skyrocketing fuel costs has, in particular, hurt shrimpers. Some shrimpers are so desperate to lower their fuel costs that they are going to Mexico in search of affordable fuel. Think about this, Madam Speaker it is cheaper for shrimpers to travel to Mexico to buy gas than to obtain gas in the USA. Yet, Congress still refuses to take reasonable actions, such as expanding offshore drilling or repealing federal laws that delay the production of refineries, to expand oil supply and thus reduce the price of fuel.

The federal government has also imposed numerous regulations on shrimpers dealing with use of items such as bycatch reduction devices and turtle excluder devices (TEDS). Madam Speaker, it is common to speak of the negative effects of regulations as "unintended consequences." However, it is difficult to speak of the effects of the TEDS on shrimpers as unintended consequences when the National Marine Fisheries Service heard industry representatives and representatives of communities whose economies rely on a thriving shrimping industry present first-hand testimony on how these TEDS regulations would harm shrimpers.

The problems shrimpers face are compounded by foreign competitors who are taking advantage of the government-created vulnerabilities in the American shrimp industry. Adding insult to injury, the federal government is forcing American shrimpers to subsidize their competitors through international agencies such as the Overseas Private Investment Corporation, the Export-Import Bank, and the International Monetary Fund! In fact, United States taxpayers have provided over $16,500,000,000 to the home countries of the leading foreign competitors of American shrimpers since 1999.

In order to stop the federal government from punishing shrimpers with unfair regulations and forcing them to subsidize their major competitors, I introduced the Shrimp Importation Financing Fairness Act. This legislation would place a moratorium on any restrictive regulations negatively impacting the shrimp industry and prevent any taxpayer money from going to any country that exported more than 20 million pounds of shrimp to the Untied States in the previous six months. However, Congress chose not to even take these simple steps to help the American shrimp industry.

Of course, American shrimpers, like all American businesses that compete in the global marketplace, also suffers from the weak U.S. dollar. Congress's fiscal irresponsibility is a major cause of the weakening U.S. dollar.

Madam Speaker, it is still not too late or Congress to help the shrimp industry. Congress should immediately end subsidies to American shrimpers' foreign competitors, place a moratorium on harmful regulations imposed on the shrimp industry, and take action to reduce fuel prices by expanding the supply of oil. I urge my colleagues to join me in working to fix the misguided government policies that are harming America shrimpers.

RECOGNIZING SEAN WARREN OF VIRGINIA BEACH

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Ms. DRAKE. Madam Speaker, I rise to recognize the outstanding achievements of Sean Warren of Virginia Beach, and to commend him on becoming a Congressional Award Gold Medalist. This recognition by the United States Congress is the highest honor bestowed upon America's youth. It serves as a testament to Sam's strength of character and commitment to our national values of dedication to public service and the cherished qualities of personal growth, initiative, and achievement, all of which are cornerstones of the Congressional Award.

Sean's volunteer efforts are tremendous, speaking very highly of him and his level of commitment to the community and to public service. In earning the rank of Eagle Scout, Sean worked with the Lynnhaven Baseball Fields Executive Board to provide a children's playground area onsite. In addition, he continues to be active within the Boy Scouts of America (BSA) Tidewater Council, serving as Junior Assistant Scoutmaster and Senior Patrol Leader, completing the Venturing Scout program, receiving the BSA Tidewater Council Venturing Leadership Award, and participating in the Physical Fitness QUEST and Fitness for Life programs.

Sean has devoted time and energy to excellence in physical fitness, improving his running and weightlifting capacity for the Navy Junior Reserve Officers Training Corps (NJROTC) and football at Princess Anne High School. He has engaged in opportunities also for advanced leadership experience, including his position as Cadet Athletic Commander for his NJROTC unit and as a member of the 2006 COPE Program. Sean has balanced the challenges of public service with his own personal welfare and developed a well-rounded persona.

Sean has become a role model not only his peers and teammates, but for the large community around him. Upon receiving the Congressional Medal, he joins a most elite group of our Nation's youth who have set and achieved this very commendable goal. I am certain Sean's incredible accomplishments, dedication to service, and evident leadership talents will continue to speak highly of him, as they do now.

INTRODUCTION OF IMPORTED ETHANOL FACILITATION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to facilitate the importation of ethanol. It is cosponsored by my colleague from Colorado, Mr. PERLMUTTER, and I appreciate his support.

The bill will direct the President to lower the ethanol import tariff, so that it will never be higher than the tax-credit subsidy for blending ethanol into gasoline.

Historically, the ethanol tariff was linked to the subsidy, and so had the effect of precluding foreign ethanol blenders from benefiting from the subsidy. However, the recently-enacted Farm Bill will reduce the subsidy but simultaneously extend the tariff for 2 more years at $0.54 per gallon.

Unless that changes, the tariff will be changed into a trade barrier that will make it even harder for ethanol imports to enter the U.S. market. This can have serious adverse consequences. For example—

By restricting supplies, it will tend to increase the price of fuel—including both gasoline and ethanol—in the United States.

It will make it harder to import sugar-based ethanol, which can work in today's cars and, like other ethanol emits considerably less lifecycle greenhouse gas than gasoline.

It works against imports from friendly countries that produce ethanol while oil and gasoline imports from OPEC enter the United States tax-free.

It hinders the emergence of a global biofuels marketplace that could permit mutually beneficial trade between producing regions and stabilize both fuel and food prices.

And it tends to increase our dependency on fossil fuels—including petroleum from the Middle East—when we should be working to reduce that dependency.

By restoring the role of the tariff as an offset, not a trade barrier, my bill will prevent those consequences. In this respect, it is a companion to legislation (S. 3080) introduced in the Senate by Senator FEINSTEIN.

In addition, my bill will require the Energy and Commerce Departments to report to Congress regarding the possible effect of further reducing—or even eliminating—the tariff on ethanol on fuel supplies and prices in the United States and on the domestic production of ethanol.

I have included this provision because I think it is worth exploring whether legislation to further reduce or eliminate the tariff could help reduce fuel prices without serious harm to our domestic ethanol industry.

Madam Speaker, this bill alone will not do all that should be done to revise and reform our energy policies. But I think it can help, and I think it deserves the support of all our colleagues.

For the benefit of our colleagues, here is an outline of the bill's provisions:

SECTION-BY-SECTION OUTLINE

Section one provides a short title, "Imported Ethanol Facilitation Act."

Section two sets out findings regarding the reasons for the bill. It also states the bill's purpose, which is "to ensure that the tariff on ethanol does not exceed the tax credit applicable to blenders of ethanol, to avoid erecting a new trade barrier to imports of ethanol while assuring that foreign blenders will not benefit from the tax credit, and to require a study of potential effects of further reduction in or elimination of the duty on ethanol."

Section three directs the president to act to ensure that the ethanol tariff will not exceed any tax credit applicable to ethanol.

Section four requires the Department of Energy and the Commerce Department to report to Congress regarding the effects any further reduction—or elimination—of the ethanol tariff would have on (1) fuel supplies and fuel prices in the U.S.; and (2) the domestic production of ethanol. The deadline for this report would be 90 days after the bill's enactment.

THANKING MR. DANIEL G. DOODY FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on July 6, 2008, we rise today to thank Daniel (Dan) Doody for over 23 years of combined federal government service within the Department of Defense and the U.S. House of Representatives.

Prior to his tenure with the House, Dan spent approximately 15 years of his career in the Department of Defense with responsibilities ranging from program control officer and staff engineer to various management positions supporting complex systems development activities.

In January 2000, Dan came to the U.S. House of Representatives, within the Office of Chief Administrative Office, CAO, as the Deputy Associate Administrator for House Information Resources (HIR). In this role, Dan managed the CAO's technology planning and budgeting activities as well as overseeing systems development projects and operations.

In August 2001, Dan took overall responsibility for HIR, an organization of approximately 270 staff. This role was quickly tested when in September 2001 the nation experienced the tragic events of September 11th followed quickly by the House Office Building anthrax contamination and subsequent closures in October 2001. Immediately thereafter, Dan was assigned the critical role of Program Manager for the House's Business Continuity Disaster Recovery (BCDR) initiatives. The focus of this program was to dramatically improve the House's business continuity planning and recovery capabilities so that House essential support services were easily restored or transitioned to backup systems in the event of an emergency.

Dan continued his duties as HIR Associate Administrator until February 2006 at which time he became the Deputy CAO for Operations. In this role, Dan had responsibility for the operations of HIR, Administrative and Financial Services, Workforce Services, and Business Continuity. Dan's attention to detail, skill in developing working relationships at all levels of the House, Legislative Branch, and industry, as well as his uncanny ability to discern good ideas and implementation approaches from the bad, Dan was a voice of reason whose recommendations and opinions were always sought after and held with the highest regard.

Dan has dedicated his life to making the federal government and, in particular, the CAO and the U.S. House of Representatives a better and more secure place to work. After his retirement from the government, Dan's plan is to return to private industry. On behalf of the entire House community, we extend congratulations to Dan for his dedication and outstanding contributions to the U.S. House of Representatives. We wish him many wonderful years in fulfilling his retirement dreams.

IN TRIBUTE OF REX LAIRD

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Rex Laird, who retired this week after 28 years as Chief Executive Officer of the Ventura County Farm Bureau.

As CEO, Rex was responsible for managing the Farm Bureau's staff, daily operations and finances. He recommended policy to the bureau Board of Directors, implemented board directives, and represented the interests of the membership at legislative and regulatory hearings. He also served as the bureau's liaison with the news media and community organizations.

Rex did it all with a calm, consensus-building demeanor. It's safe to say that Rex and I didn't always agree, but we always parted with a handshake and looked forward to seeing each other again.

Rex commands respect due to his knowledge and passion for Ventura County's agricultural industry. During his tenure, the county's population more than doubled. Restrictions tightened on pesticide use; trade with the Pacific Rim expanded; competition from foreign growers increased; and growers faced floods, freezes, fires, droughts, and agricultural pests.

Rex not only helped steer the industry through it all, he helped it grow and expand. Today, agriculture remains one of Ventura County's top industries, grossing more than $1.5 billion annually. Agriculture is also diverse in Ventura County, with citrus and nut groves, row crops, livestock and poultry, and nursery stock, among others.

Rex's skill as a consensus builder is epitomized by his role as a founding member of the Ag Futures Alliance Committee, which was formed to promote better understanding and dialog within the community on agricultural issues. The group includes representatives from the community, media, business, agriculture, environmental, and advocacy groups.

In 2005, the California Farm Bureau Federation recognized the Ventura County Farm Bureau for its activities in the Ag Futures Alliance and its leadership role working in a collaborative effort with the Association of Water Agencies and other agricultural and water entities. Rex has been awarded numerous personal citations as well.

Madam Speaker, Rex leaves Ventura County's agricultural industry strong. I know my colleagues will join me in thanking him for his many years of dedicated service and in wishing him a long and fruitful retirement with his wife, Susan; and many years of enjoyment with their sons, Sean and Kevin; and their five grandchildren.

IN RECOGNITION OF JOHN PLAYTER'S SERVICE AS A WORLD WAR II VETERAN AND POW

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. BLUNT. Madam Speaker, I rise today to honor and say thank you to a true American hero—and Missouri native. John Playter might not be a household name for many, but his service to our country during World War II certainly earns him a leading role in America's Greatest Generation.

Mr. Playter was called to duty in 1941 and served as an artillery officer before being taken prisoner with thousands of other U.S. servicemen after the fall of Bataan. His story of survival—through death marches and labor camps—in the Philippine jungles as an American soldier and a prisoner of war is extraordinary and nothing short of inspiring.

After more than two years in Japanese captivity, Mr. Playter regained his freedom only after the Japanese prisoner ship Shinyo Maru sank while transporting 730 Americans. Again defying the odds, John was one of only 83 survivors to be rescued by an American submarine.

When returning to Missouri, Mr. Playter met a young woman named Charlene at the O'Reilly General Hospital in Springfield where he recovered from injuries sustained during his captivity. John married Charlene and spent the next 38 years of his life with her at his side.

Staying true to his roots, Mr. Playter worked 25 years as the city engineer for the City of Bolivar. And, along the way, published his memoir, Survivor. His personal telling of this powerful story describes the service, faith and triumph of John and his brave colleagues.

The Bolivar Rotary Club will honor Mr. Playter for his service to his country, community and more than 50 years of service as a Rotarian this 4th of July when they name a three-acre park in his honor during their annual "Celebration of Freedom." John's life is an inspiration to everyone and one that deserves this long overdue honor. I'd like to publicly thank Mr. Playter for his dedicated service to his Nation and community.

CONGRATULATING JORGE URBINA, RECIPIENT OF THE PEACE CORPS FRANKLIN H. WILLIAMS AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Jorge Urbina on being awarded the Peace Corps Franklin H. Williams Award. This award celebrates the ongoing civic contributions of returned volunteers, and is intended to recognize the efforts of those who, like Mr. Urbina, have worked tirelessly to better their communities at home. Mr. Urbina will receive the award tonight, in a ceremony to be held here in Washington, D.C.

Mr. Urbina is currently the President of the Denton Hispanic Chamber of Commerce, a position he has held since 2001. His law practice, Urbina Law and Title, has consistently been committed to diversity in the workplace and involvement in the community. In recognition of his firm's outstanding work, Mr. Urbina was recently named the Small Business Administration's Minority Small Business Champion of the Year. In addition, Mr. Urbina is vice president of the Denton assistance center, a grassroots movement to build a common facility to house a collection of non-profit organizations in the area. He also recently resigned his position on the board of Interfaith Ministries of Denton, after serving for the maximum 12-year term. Mr. Urbina and his wife, Patty, have three children: David, age 21, Thomas, recently graduated from high school, and Susana, age 12.

Established in 1999, the Franklin H. Williams Award pays tribute to returned Peace Corps Volunteers of color who continue the Peace Corps mission through their commitment to community service, and who support the agency's third goal of promoting a better understanding of other peoples on the part of Americans.

I commend Mr. Urbina for the work of his outstanding legal practice, and also for his special involvement in the local community. The award he receives today is well deserved, and I am proud to represent him in the 26th District of Texas.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. KING of Iowa. Madam Speaker, I was detained while attempting to reach the House floor to cast my vote on rollcall No. 415 on June 17, 2008. Had I been able to reach the floor before the vote was closed, I would have voted "yea."

H. CON. RES. 318, SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL YEAR OF SANITATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of H. Con. Res. 318, a resolution to support the goals and ideals of the International Year of Sanitation and to help raise awareness of the importance of sanitation and safe drinking water.

This resolution recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment. In 2000, the United States and other world leaders committed themselves to combat poverty, hunger, and disease through the Millennium Development Goals (MDG). One target is to halve the number of people without access to safe drinking water and basic sanitation by 2015.

Today more than 1 billion people live without safe drinking water and an estimated 2.6 billion people worldwide go without proper sanitation. This lack of access contributes to the deaths of an estimated 1.5 million children each year. Clean water and sanitation are necessary to fight disease and reduce child and maternal mortality. Without it, more children will be sick, more children will forgo schooling, and more will lose their lives to disease.

The absence of basic water and sanitation services is particularly difficult for girls. In communities that lack these services, young girls often bear the burden of water collection leaving them little time or energy for school. Those who do make it to school find that only half all the world's schools have access to clean drinking water and adequate sanitation—estimates show half the girls in Sub-Saharan Africa who drop out of primary school do so because of poor water and sanitation facilities. That is why investments in clean water and sanitation are essential to achieving universal education. A school sanitation program in Bangladesh helped increase the number of girls enrolling by 11 percent.

Expanding access to clean water and basic sanitation is one of our best strategies for improving the health and prosperity of entire communities and it is a necessary step toward achieving all of the MDGs. I urge my colleagues to join me in support of this resolution and to renew their commitment to improving access to safe drinking water and basic sanitation to help people live more productive and healthy lives.

TO SUPPORT THE GOALS OF THE THIRD ANNUAL NATIONAL DUMP THE PUMP DAY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. OBERSTAR. Madam Speaker, I rise today in support of an innovative approach to increasing use on our Nation's public transportation network. Today, June 19, Americans across the country will "dump the pump" and ride public transportation as part of the Third Annual Dump the Pump Day. This important cause is sponsored by the American Public Transportation Association, APTA, and more than 100 public transportation systems will take part in "dump the pump" activities across the United States to encourage increased ridership on our Nation's transit systems.

Activities for Dump the Pump day include having public events with drawings for free transit passes and other prizes, offering free or reduced rides, doing radio promotions, and providing "transit ambassadors" to help new riders.

As the price of gas has now surpassed $4 a gallon, even more commuters are choosing to ride the train or the bus to work rather than drive alone in their cars. In the first quarter of 2008 commuters took more than 2.6 billion trips on trains, subways, light rail, and buses nationwide, an increase of 3.3 percent over the first quarter of 2007. Light rails saw the largest jump in ridership with a 10 percent increase to 110 million trips. Transit systems in metropolitan areas are reporting increases in ridership of 5, 10, and even 15 percent over last year's figures. Some of the biggest increases in ridership are occurring in many areas in the South and West where new bus and light rail lines have been built in the last few years.

Recently, public transportation has experienced a renaissance in American cities and towns. In 2007, Americans took over 10.3 billion trips on public transportation, the highest level in 50 years. Public transportation use is up 32 percent since 1995, a figure that is more than double the growth rate of the population and is substantially over the growth rate for the vehicle miles traveled on our Nation's highways for that same period. All around the country, voters continue to approve State and local ballot initiatives to support public transportation, even when it means local taxes will be raised or continued.

Despite these dramatic increases in usage, only 5 percent of workers nationally commute by public transit. Efforts to increase this statistic, such as Dump the Pump Day, are critical to assisting American commuters in making the switch to public transit in their daily commutes.

Another important goal of Dump the Pump Day is to reduce the United States dependence on foreign oil by encouraging more people to use public transportation. According to a recent study, if Americans used public transit at the same rate as Europeans—for roughly 10 percent of their daily travel needs—the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia each year. When a solo commuter switches from a single occupancy vehicle to a transit commute, this single mode shift can reduce carbon dioxide emissions by 20 pounds per day—more than 4,800 pounds in a year.

Public transportation use in all of its forms—bus, rail, vanpool, ferry, streetcar, and subway ridership to name a few—saves fuel, reduces emissions, and saves money. The direct petroleum savings attributable to current public transportation use in the United States is 1.4 billion gallons per year. When the secondary effects of transit availability on travel are also taken into account, the equivalent of 4.2 billion gallons of gasoline is saved annually—more than 11 million gallons of gasoline per day.

This is why I have introduced H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008." This bill provides much needed support to public transportation agencies and greater incentives for commuters to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil. The Saving Energy Through Public Transportation Act of 2008 authorizes funding for transit agencies nationwide that are temporarily reducing transit fares or expanding transit services to meet the needs of the growing number of transit commuters. H.R. 6052 also extends the Federal transit pass benefits program to require all Federal agencies in the United States to offer transit passes to Federal employees working in urbanized areas with fixed route transit systems nationwide.

Both increased use of public transportation and increased Federal investment in transit are crucial steps we must take to address skyrocketing gas prices, environmental degradation and gridlocked roadways across the Nation.

For these reasons and more, I support the Third Annual Dump the Pump Day to promote public transportation usage in the United States and help America break its addiction to foreign oil, reduce greenhouse gas emissions and free our highways from the crippling effects of congestion. I also urge my colleagues to join me in supporting H.R. 6052, the Saving Energy Through Public Transportation Act of 2008.

ON THE INTRODUCTION OF THE PUBLIC CHARTER SCHOOLS HOME RULE ACT OF 2008

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Ms. NORTON. Madam Speaker, today, I am introducing the Public Charter Schools Home Rule Act of 2008, to give the District of Columbia local government full jurisdiction and complete oversight over the District of Columbia Charter School Board. I had hoped this normally routine local control would be possible when I was in the minority and worked with House Speaker Newt Gingrich and former Representative Steve Gunderson on the bill that created the District's major charter school board. While the charter board bill itself was created on a home rule basis, the structure was not, and reflects a period before the recovery of the DC government from financial and managerial distress.

The DC Charter School Board is composed of members selected by the mayor, but only from a list of individuals presented by the Secretary of the Department of Education. Unlike similar boards in the District, the charter school board members need not be residents of the District of Columbia. Because the mayor is not permitted to select members of the board other than those submitted by the Secretary, the Federal Government inserts itself into critical decisionmaking about an important local education matter. This is an anti-home rule anomaly in a bill which had strong home rule support and is justifiably resented by DC public officials and residents.

Ironically, the charter school bill itself was drawn with an abundance of home rule officials and resident participation. The DC Charter School Board was established by Congress during a time when the District was in the midst of a serious financial crisis. The city's local charter board, working under the DC Board of Education, had largely failed in its mandate to charter schools. Yet, it was clear that the District's children needed an alternative to the local school system. I am grateful that my Republican congressional colleagues, who controlled Congress at the time, agreed that alternatives to DCPS could be created without going to private school vouchers, which DC residents and elected officials strongly opposed. Instead, a task force, created by Speaker Gingrich and led by former Representative Steve Gunderson, worked with officials, residents and me, on a home rule basis, to develop the bill. The task force held many sessions that members of the City Council, the School Board, DC education advocates, and residents who had a special interest in education attended. H.R. 3610 became the first Federal charter school bill. Shortly thereafter, a nationwide charter school bill that includes grant funding was enacted with broad bipartisan support.

I do not believe any of us could have anticipated the phenomenal growth and success of the DC Charter School Board or the level of innovations, diversity and excellence of many of the schools that has made it a model, and my bill is not intended as a criticism of the Charter School Board or its work. DC residents have created huge demand. The exponential growth of charter schools up to the largest number in the U.S. and their long waiting lists are a solid indication of the success of our charter schools in meeting the needs of thousands of students. The city would almost surely have lost many more residents than it has without the large growth of charters schools.

Mayor Adrian Fenty is restructuring and reforming the DC public school system and has dissolved the local charter school board, leaving the federally created charter school board as the only standing authority. However, a federally chartered board structure is at odds with these reforms. Only a structure developed by local, officials is appropriate, particularly for local education matters. This bill, therefore, does not create a structure or indicate the appointing authority. In our country that is a matter for local officials alone. I have insisted that this bill do no more than repeal all existing Federal jurisdiction and transfer that jurisdiction to the District of Columbia to write its own bill.

Only DC officials should appoint members to its local education board. The board cannot be appropriately accountable if its members are chosen from outside the accountable jurisdiction. I urge my colleagues to pass this important measure as soon as possible.

OFFERING GOOD LUCK AND A SAFE RETURN TO GROTON'S 1109TH AVCRAD

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. COURTNEY. Madam Speaker, today, nearly 150 members of the 1109th Aviation Classification Repair Activity Depot of the Connecticut National Guard are preparing for the unit's second deployment abroad to Iraq. Although my duties in Washington prevent me from joining the send-off ceremony today in Groton, I want the members of the 1109th AVCRAD, and their families, to know that all of Connecticut is proud of them and look forward to their safe return.

Connecticut's AVCRAD plays a critical role in supporting our military. The unit provides maintenance and logistics for aircraft and equipment help to 14 across the Northeast states and supports Connecticut's fleet of Black Hawk helicopters. Last year, I had the chance to visit their facility and see their operations up close. I walked away from that experience deeply impressed with the professionalism, skill and dedication they have for their mission.

Overseas deployment is not new to the AVCRAD. Yet, as we know all too well, any military deployment is hard not only on our men and women in uniform, but also on their families and loved ones waiting at home for them to return. In my visit last year, I was briefed by the unit's leadership about the scope and impact that this deployment will have not only on the unit as a whole, but also on the families of those preparing to deploy.

As I did then, today I continue to offer my unconditional support and assistance to them and their families throughout the length of this deployment.

I am proud to represent the 1109th AVCRAD in Congress. I join Connecticut's Adjutant General, Major General Thaddeus Martin, the unit's commanding officer, Colonel Tom Boland, and the people of southeastern Connecticut in wishing the 1109th AVCARD good luck and eagerly awaiting their safe return.

GEORGE HADDAD FOR HIS OUTSTANDING COMMITMENT TO EDUCATION

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. MURPHY of Connecticut. Madam speaker, I rise today in honor of the commitment to public service that a constituent of mine from Waterbury, Connecticut has made throughout his career as a teacher in the Waterbury school system. George Haddad spent his entire 56-year career serving the students of the Waterbury community, working nights as an adult education instructor.

Education is a stepping stone to prosperity and is absolutely essential in today's rapidly-changing economy. Ours is a Nation that simply cannot thrive and flourish without a well-educated citizenry. Unfortunately, there are still many barriers to a good education that confront scores of Americans.

Mr. Haddad had some of the toughest cases a teacher can have. There have been gang members and young people who have been expelled from other schools that are among those he has counted as students. Yet for 56 years George Haddad refused to give up on these students, never backing down from a challenge. He is renowned and beloved among his colleagues and former pupils as an educator who truly has the best interests of his students at heart. Having served his country bravely in World War II, Mr. Haddad carried those same virtues of duty and responsibility throughout his entire life.

We owe a great debt of gratitude to George Haddad and others like him who have spent their lives ensuring that those who may have otherwise slipped through the cracks get the education that they deserve. I congratulate Mr. Haddad on his proud record of service to his community and to our country. He is an excellent role model to all, and his example is one to which we should all aspire.

YOUTH CO-OP'S CELEBRATION OF WORLD REFUGEE DAY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Ms. ROS-LEHTINEN. Madam Speaker, it is a pleasure to extend my sincere greetings to all the attendees of th Youth Co-Op "World Refugee Day, Celebrating Human Rights". As you gather today to celebrate the contributions of refugees throughout the would, I would like to thank the executive director, Maria Rodriguez, and all of Youth Co-Op for their commitment to the betterment of the entire south Florida community and the many refugees who have made new homes here. Since its inception, the Youth Co-Op has been a pioneer institution in assisting refugees in translating their strengths, skills and past experiences into assets in their new communities. I would also like to personally applaud the men and women of the Youth Co-Op for working closely with community members to providing a warm and secure welcome to all refugees.

Unfortunately, in a prison cell not much larger than a portable toilet, without a window to watch the days pass him by, or even another human being to soothe the pangs of loneliness, the prisoner lies helpless as we celebrate. He has lived his entire life in a world, just outside, where liberty has been suffocated and injustice reigns. Dr. Oscar Biscet is one of many prisoners of conscience incarcerated in Cuba and around the world for not cooperating with the government's unjust practices. Like Mohandas Gandhi, Martin Luther King, Jr., and Jose Marti before him, Dr. Oscar Elias Biscet, has become universal symbol of dignified activism, liberty, peace, and resilience. The policies of the totalitarian regime which he dissented from are blatant violations of the human rights which we so cherish. Biscet has demonstrated the courage and resolve that has earned him international recognition as a champion of human dignity, even while denied a voice in his own homeland.

On this day, June 20, World Refugee Day, we must keep in mind what it means to be a refugee, an asylum seeker, and a political prisoner. Uprooted from their homes and livelihoods, escaping in the night with only that which you can carry, or beaten and humiliated into submission, refugees sacrifice everything in hope of a better future. By definition, a refugee is an individual who flees their country because their lives are jeopardized by an inability to feel free and secure in their homeland. A 2007 Presidential Medal of Freedom recipient, Dr. Biscet represents the very principles for which any individual would become a refugee. His plea for justice and freedom for his people are resoundingly similar to those reverberated throughout history and across the world by anyone who has experienced oppression, especially those who are forced to resort to fleeing their country.

Biscet's physical incarceration exemplifies the figurative imprisonment of all Cubans and the worldwide struggle of every refugee. His commitment to his cause is demonstrated by his refusal to denounce his pleas for justice in return for release from prison. Even given the opportunity for freedom in exile, Biscet has chosen not to abandon his people saying "I will continue to resist until realizing freedom for [all] my people." On this day, we unite to recognize and honor the continual struggle for basic human rights by people like Biscet. It is difficult to imagine that in many places around the world, including just 90 miles across our Florida straits, simply reading these words and advocating this cause could would easily result in being confined to a windowless, 3-by-6 foot cell.

Unfortunately, even as prisoners of conscience remain incarcerated and opposition movements like Las Damas de Blanco stage peaceful demonstrations challenging the governments crackdown on 75 dissidents in 2003, our country grows increasingly complacent. We cannot forget the systematic abuses being committed by oppressive regimes in places like China, Burma, Zimbabwe, and Cuba. A movement of low expectations only assumes that other fragments of freedom and democracy will follow. We must remember that small concessions to liberty are not a full and just realization of freedom. As a long time member of the Congressional Human Rights Caucus, I believe that this is simply not enough. We must demand basic, internationally recognized human rights for all.

Today, as the world stand behinds us in solidarity, we must not forget that millions of people are still fighting for the rights which we take for granted in this country. It is unjust that the human conditions be constantly subjected to a tug of war between the tribulations brought about by oppression and the sanctity of human rights. It is paradoxical for human rights to exist on signed declarations alone but for those same signatories to forgo these same principles of life liberty, and security which are innate within every person. Jose Marti once wrote that "We are free, but not to be indifferent to human suffering. Man is not free to watch impassively the enslavement and dishonor of men, nor their struggle for liberty and honor." We do not need to be enduring abuses and imprisonment in order to advocate for human rights. In fact, today on World Refugee Day, our liberty can serve as our best weapon against oppression

IN HONOR OF SENIOR AIRMAN JASON DORIAN NATHAN

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. MARSHALL. Madam Speaker, I rise today in honor of Senior Airman Jason Dorian Nathan on the first anniversary of his death due to hostile fire while stationed in Iraq.

Senior Airman Nathan was a 2004 graduate of Central High School in Macon, Georgia. His strong sense of patriotism, honor, and commitment to excellence led him to proudly enlist in the United States Air Force. He planned to resume his studies at Fort Valley State College and University, where he pursued a degree in Criminal Justice prior to his enlistment in 2005.

Madam Speaker, on June 1, 2008, the 48th Fighter Wing dedicated a Vehicle Entry Gate at RAF Lakenheath in honor of Senior Airman Nathan. The plaque which commemorated the event reads, "This gate is memorialized in the name of Senior Airman Jason D. Nathan who was assigned to the 48th Security Squadron, 48th Fighter Wing, RAF Lakenheath, England. Senior Airman Nathan was mortally wounded by an improvised explosive device on 23 June 2007 while on a combat patrol in Tikrit, Iraq in support of Operation IRAQI FREEDOM. He gave his life providing courageous support to his squad while protecting the people of Iraq in their pursuit of freedom from oppression and terror. Senior Airman Nathan's heroic actions and unselfish dedication upheld the highest traditions of the Security Forces career field and the United States Air Force." Senior Airman Nathan was also honored at ceremonies in Iraq and in Afghanistan.

Senior Airman Nathan's selfless service to his country, his willingness to pay the ultimate sacrifice so that all of us can enjoy the fruits of liberty, his desire to see the Iraqi people live in a free and democratic society, are all attributes of an outstanding young American to whom we all owe a great debt of gratitude and respect.

Madam Speaker, I am confident my colleagues will join me in recognizing the heroism, patriotism and fidelity of Senior Airman Jason Dorian Nathan.

ON THE PASSING OF THEO BAARS, JR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. MILLER of Florida. Madam Speaker, it is with great sadness that I rise today to recognize the passing of Theo Baars, Jr. Over several decades, Theo helped shape the Pensacola community and contributed greatly to making this area a great place for people to live and work.

During the 1960s, 1970s and beyond, Theo played a great role in bringing some important businesses and services to the Pensacola area, located in my district in Northwest Florida. Through his active work in the real estate community, several buildings that are now considered landmarks were built, including Sacred Heart Hospital and Pensacola Junior College. Theo was instrumental in locating these two landmarks and numerous other buildings in areas where they would serve the greatest amount of people.

Theo's projects not only benefitted great numbers of people but also the community as a whole. From health care to higher learning to consumer goods to state parks, he made sure that development was not done for the sake of development, but to directly benefit those living and working in the area. His dedication to the community's well-being extended into his involvement with several civic organizations as well, including the Pensacola Bay Area Chamber of Commerce, the National Naval Aviation Museum and his role as a founding member of Junior Achievement.

Madam Speaker, Northwest Florida will long remember the legacy of Theo Baars, Jr. His influence in the area will not only be seen but also felt on a daily basis as people travel through the area. My thoughts and prayers are with Marge, his wife of 30 years, and all his family. We will miss this man who helped make our world a better place.

RECOGNIZING IAN GIBSON OF VIRGINIA BEACH

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mrs. DRAKE. Madam Speaker, I rise to recognize the outstanding achievements of Ian Gibson of Virginia Beach, and to commend him on becoming a Congressional Award Gold Medalist. This recognition by the United States Congress is the highest honor bestowed upon America's youth. It serves as a testament to Ian's strength of character and commitment to our national values of dedication to public service and the cherished qualities of personal growth, initiative, and achievement, all of which are cornerstones of the Congressional Award.

Ian's volunteer efforts are tremendous, speaking very highly of him and his level of commitment to the community and to public service. Ian completed over 600 hours of Voluntary Public Service and earned the rank of Eagle Scout, working with Strawbridge Elementary School to provide school supplies to orphans in Bolivia and Russia, and 25 local children. In addition, he continues to be active within the Boy Scouts of America (BSA) Tidewater Council, serving as Junior Assistant BSA Tidewater Council Venturing Leadership Award, and participating in the 2007 National OA Leadership and Conservation Summit at Indiana University.

Ian has devoted time and energy to excellence in the sports of baseball and football, honing his speed and endurance, and earning a selection as First Colonial High School's "Male Student Athlete of the Week." By maintaining his own physical well-being, he has balanced the challenges of public service with his own personal welfare and developed a well-rounded persona.

Ian has become a role model, not only for those young cub scouts he assists and teeball players he coaches, but also for the large community around him. Upon receiving the Congressional Medal, he joins a most elite group of our nation's youth who have set and achieved this very commendable goal. I am certain Ian's incredible accomplishments, dedication to service, and evident leadership talents will continue to speak highly of him, as they do now.

HONORING PADMA VELIGATI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Padma Veligati of St. Joseph, Missouri. Padma is active in the community through work and in her spare time and she has been chosen to receive the YWCA Women of Excellence Award for Woman in Volunteerism.

When asked what Padma Veligati gives back to her community through volunteerism, answers vary, but the themes are the same. She is compassionate, committed, and her focus is always on those she serves. Padma has spent one day off each month for the past three years volunteering at the city's Social Service Board whose mission is to serve the health needs of those in poverty, lacking health insurance and not covered by Medicare or Medicaid. She takes on the most difficult gynecological cases, and her colleagues say that she has saved the lives of many women. Having grown up in a third-world country, Padma feels strongly about the lack of availability of medical services to certain segments of the population, especially considering how wealthy our nation is compared to the rest of the world.

Padma was recently admitted into the Masters in Public Health program at the Johns Hopkins School of Public Health. While Padma will have to give up volunteering in the short-term in order to balance her studies and a busy OB/GYN practice, her new degree will help her achieve her goal of working in international public health and impacting even more women in need.

Madam Speaker, I proudly ask you to join me in recognizing Padma Veligati. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

IN ANTICIPATION OF VIETNAMESE PRIME MINISTER NGUYEN'S OFFICIAL VISIT TO THE U.S.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. WOLF. Madam Speaker, next Tuesday, Vietnamese Prime Minister Nguyen will visit the White House. I sincerely hope that the President will seize this opportunity to be bold and make Vietnam's deplorable human rights record a point of focus. Any further cooperation between the U.S. and Vietnam should be contingent upon establishing benchmarks for improved human rights and increased religious freedom in Vietnam.

Vietnam's human rights record remains a disgrace despite its ascension to the World Trade Organization—a move that many believed would help liberalize the political as well as the economic situation. The citizens of Vietnam today remain unable to change their government. Last November, the government arrested and imprisoned two Vietnamese citizens and three foreign citizens for preparing pamphlets which advocated democratic change in Vietnam. One of those five is an American citizen, Dr. Nguyen Quoc Quan, who continues to languish in prison despite numerous appeals by the U.S. government for his release.

According the Human Rights Watch, since mid-2006, 40 peaceful activists have been arrested. They join the over 350 religious and political prisoners sentenced since 2001. Vietnam It not progressing, it is regressing. Government officials continue to harass religious groups.

Religious institutions are required to apply for permits; but many of these applications are ignored or denied leaving congregations without protection of the law and vulnerable to abuse. In the Central Highlands, provincial officials have been trained to deny medical, educational, financial and other government services to religious families. Local police beat a Protestant man in Phu Yen province for refusing to renounce his religion; he later died of internal injuries from the beating. The activities of the United Buddhist Church of Vietnam are actively banned.

I was disappointed when the State Department removed Vietnam from its list of Countries of Particular Concern in regard to religious freedom. I have asked the State Department that Vietnam be added back onto the list.

Trafficking in persons also remains a major problem. Vietnam was listed as a Tier Two country in the State Department's 2008 Trafficking in Persons Report. Poor women and teenage girls in rural areas remain most at risk of being trafficked, primarily for sexual exploitation.

I was very disappointed when I read of an exchange U.S. Ambassador to Vietnam Michael Michalak had with journalists and he only mentioned human rights one time. I have written to Ambassador Michalak several times and urged him to make promoting human rights his top priority.

The U.S. Embassy in Vietnam should be an island of freedom and work to promote human liberty and dignity. Regrettably, it is not. Several of my colleagues have joined me in writing Ambassador Michalak and asking that he invite all Vietnamese dissidents to the U.S. Embassy in Hanoi on July 4—America's Independence Day. I look forward to his response.

I will continue speaking out for the Vietnamese people who want to see their government turn away from violence and repression, and embrace the universal principles of human rights and religious freedom.

RECOGNITION OF THE 145TH BIRTHDAY OF THE STATE OF WEST VIRGINIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. RAHALL. Madam Speaker, I rise today in recognition of the 145th birthday of my home State, West Virginia.

The most violent conflict in the history of our Nation, the Civil War, gave America a new definition of freedom, strengthened the role of the Federal Government, and ultimately reconciled our fractured Union. For West Virginians, the 1861–1865 conflict remains significant for another reason: Virginia was rendered in two, east and west, and a new State, West Virginia, was born.

This June 20th marks the 145th birthday of the State of West Virginia. I ask all West Virginians—the hardest working, most hospitable, and most patriotic people in the United States—to join me in celebrating how far our State has come.

West Virginians have long known their uniqueness and celebrated it. As the only State to be formed by seceding from its parent State, West Virginia blazed a trail of independence of mind and spirit in a country that was tearing itself apart. West Virginia is the only State to achieve Statehood by the proclamation of a President on the provision that West Virginia would support the gradual abolishment of slavery in its newly formed constitution. On June 20, 1863, West Virginia became the 35th State.

On this West Virginia Day, I reflect upon the treasures of our State—truly one of the most beautiful in the Nation. With its majestic mountains, rolling hills, awesome gorges and rivers, picturesque towns, hospitable people, and a "wild and wonderful" atmosphere, I thank God for the opportunity to call it home.

Many historic figures have lived and traveled through the Mountain State on their way to shaping the course of our Nation's history. Daniel Boone settled and lived in present day Kanawha County. Stonewall Jackson, the stalwart Civil War general, was born in Clarksburg and Pearl S. Buck—Pulitzer Prize and Nobel Prize winning author was born in Hillsboro, Pocahontas County.

Many modern-day heroes and stars also hail from the hills of West Virginia. Jennifer Garner, who received a Golden Globe for her performances on ABC's hit television drama "Alias," is a Charleston native. Chuck Yeager, who broke the sound barrier and has used his influence to promote scholarship and development opportunities for the State, was born in Myra. The mining town of Coalwood, in McDowell County is now world-renown as the home of Homer Hickam, best-selling author of Rocket Boys, upon which the award-winning 1999 motion picture "October Sky" was based.

In addition to celebrities, both historical and modern, West Virginia's elected leaders have brought vision and opportunity to our State. Most notable, Senator ROBERT C. BYRD, the "Big Daddy" of West Virginia politics, is the longest serving Senator in history and has secured billions of dollars for the future of our State. He remains a force to be reckoned with in the Senate with his longevity and leadership.

Home to an abundance of natural resources, West Virginia has helped feed and power our Nation. West Virginia's "Coal Keeps the Lights On." Our agricultural industry provides dairy, poultry, and feed crops for our State and beyond. The lumber industry makes use of the bountiful forests that cover 75 percent of our beautiful terrain.

Lastly the greatest gift and most precious resource our State has nurtured are West Virginians themselves—honest, hard-working people who are very the lifeblood of our State. Today West Virginians thank the Lord for our bountiful blessings, bound together in loyalty and love for our State as we remind ourselves that, yes—John Denver was right, West Virginia is truly almost Heaven.

Happy Birthday West Virginia.

HONORING THE CONTRIBUTIONS OF SENATOR JOHNNY ISAKSON

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. LEWIS of Georgia. Madam Speaker, today I rise to congratulate Senator JOHNNY ISAKSON as he honors our elders for their inspiration in our lives by honoring and remembering his own parents, Ed and Julia Isakson, at the 6th Annual Thanks Mom & Dad Celebration on June 20, 2008.

A loving son, Senator ISAKSON credits his parents for instilling in him his strong work ethic, his love of family and his respect for others. A good father in his own right, Senator ISAKSON's children credit him for teaching them through his example, not just words.

Senator ISAKSON has long championed the rights of older adults and supports programs and services that promote healthy living, employment services and other programs vital to both active and homebound older adults.

The Thanks Mom & Dad Fund® honors parents, grandparents and mentors by supporting programs and services for older adults, and each year asks someone in the community each year to honor their parents, grandparents or mentors. Senator ISAKSON was selected to honor his parents and is also being honored because he has inspired the lives of his children and so many others in the community.

I know well the power of his work in Georgia and here on Capitol Hill where he has demonstrated the ability to inspire members and staff alike to respond to the needs of the elderly.

I rise to honor Senator ISAKSON's contributions and to express may gratitude that he continues on in service on behalf of his constitutents.

HONORING IRENE MOORE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Irene Moore of Saint Joseph, Missouri. Irene is a student at Benton High School and she has been chosen to receive the YWCA Women of Excellence Future Leader Award.

Irene is an academic leader who has challenged herself with rigorous classes and ranks in the top 10 percent. She is the editor and a chief writer of the school newspaper and was business manager for two years, as well as Vice President of her junior class and President of the senior class. Irene was one of the founding members of Students Everywhere Encourage Diversity (SEED), a group that promotes respect and tolerance among students. As a 3-year member of the Fellowship for Christian Athletes, she has helped the group grow to as many as 15 students. She is on the FCA Leadership Crew and often prepares the lesson for the meeting. Her school honors include Citizen of the Quarter, National Honor

Society, academic letter and pins, a drama award, and even Rookie of the Year for volleyball. Starting as a freshman, Irene joined activities such as volleyball, PTSA, choir, theater, JROTC, and peer helpers.

Her positive nature is cherished by her pastor: "As I have heard her speak in front of crowds at youth events and on mission trips to the Dominican Republic, I have heard her encourage many people, both her peers and the adults who work around her. She is a shining example of what teachers, leaders, and bosses want to have their students behave like. In many ways, she shows maturity beyond her years."

Madam Speaker, I proudly ask you to join me in recognizing Irene Moore. She is an outstanding member of our community and I wish her the best in her bright future. I am honored to represent her in the United States Congress.

ON THE PASSING OF BRYAN JOHNSTON

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Ms. HOOLEY. Madam Speaker, I rise today to celebrate the life of Bryan Johnston—a man the capital city's daily newspaper, the Statesman Journal, referred to as "Salem's Mr. Fix-it." Bryan Johnston didn't just fill the needs of Salem, but of the entire state of Oregon as well.

He was, as the Statesman Journal so aptly put it, the "go-to guy": "Need someone to fill in as Willamette University president? Call on Bryan. Need someone to give a commencement address? Call on Bryan. Need someone to run a state agency? Call on Bryan. Need someone to lead a school bond-measure campaign? Call on Bryan. And much, much more."

Bryan's reason for getting up in the morning was to serve others: to raise a family; to love and support a wife; to bring his neighbors together; to achieve results; to help resolve issues and disputes.

Bryan had a deep and unabashed belief in public service.

He deeply believed that education was the key to a bright future. He was co-chair of the Salem Keizer School Construction Bond Steering Committee and the Pass the School Bond Committee. He knew that a family provided the backbone to a youngster's life and so worked for the Family Building Blocks Capital Campaign. He also knew that as a family served to nurture growing kids, so a community could serve to nurture local families. He served on the Salem Community Development Corporation and Chamber of Commerce as well as worked with Marion Polk Legal Aid and the Neighbor-to-Neighbor organization. Last, but certainly not least, Bryan Johnston's faith was important to him as was his service for his faith community.

Bryan knew how to work hard, work effectively, work with humor and work with warmth. He was kind at the right times and witty at other right times.

Mostly, I will remember Bryan for always looking forward and moving forward—no obstacle was too great and no odds were too long.

Bryan's passing comes as he was about to start his "dream job" as president of St. Martin's College outside Tacoma. But he did Oregon's "dream job" all along.

A poem by Hafiz that aptly describes Bryan's generosity:

Even after all this time
The sun never says to the earth,
"You owe me."
Look what happens with a love like that.
It lights up the whole world.

And Bryan lit up our world for his brief time in it—without expecting anything in return. We can all learn from Bryan's example and live to pay the debt forward.

He is survived by his wife of over 29 years, Anne, and their four children, and the thousands of Oregonians whose lives he touched through his service.

REGARDING THE INTRODUCTION OF H.R. 6298, TO RESTRICT NUCLEAR COOPERATION WITH THE KINGDOM OF SAUDI ARABIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. SHERMAN. Madam Speaker, I was proud to join as an original cosponsor of H.R. 6298, restricting nuclear cooperation with Saudi Arabia, authored by Congressman ED MARKEY of Massachusetts and Congresswoman ILEANA ROS-LEHTINEN of Florida. However, I do not believe Congress should permanently close the door on nuclear cooperation with any state, even a state that has large petro-carbon and other energy resources, provided that the country make, as part of any agreement providing for nuclear cooperation, permanent commitments that will enhance U.S. nonproliferation goals.

The Memorandum of Understanding between the United States and the Kingdom of Saudi Arabia regarding potential nuclear cooperation could lead to the transfer of nuclear technology from the United States without such commitments on the part of the Saudis, and would otherwise not advance our nonproliferation goals.

The restrictions on nuclear cooperation set forth in H.R 6298 can be modified by future legislation. Even after enactment, Congress should review any proposal by the Kingdom of Saudi Arabia for nuclear cooperation which contains unambiguous, permanent, enforceable and verifiable commitments by the Kingdom to prevent proliferation, including especially a binding commitment by the Kingdom of Saudi Arabia to never develop sensitive aspects of the nuclear fuel cycle.

Nuclear cooperation is an important aspect of commercial relations between countries, and Congress must more effectively exercise its Constitutional authority in this area. The current mechanism for Congressional review of nuclear cooperation agreements laid out in Section 123 of the Atomic Energy Act does not serve us well in that regard. Currently, the Administration may negotiate an agreement and put it into force simply by laying it before the Congress for 90 continuous session days. Congress, if it disapproves of a proposed "123 Agreement" would have to pass a resolution of disapproval, and would have to override a presumptive veto of such a resolution by a ⅔ vote.

There is no reason for us to impose on Congress the requirement to achieve a supermajority in order to prevail in a dispute with the Executive Branch on an issue where Congress clearly has the Constitutional prerogative, namely international commerce (see Article 1, Section 8, Clause 3). I look forward to efforts to overhaul the Atomic Energy Act to require affirmative approval by Congress before a nuclear cooperation agreement can enter into force.

INTRODUCTION OF THE NONNATIVE WILDLIFE INVASION PREVENTION ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Ms. BORDALLO. Madam Speaker, today I have introduced a bill to protect the United States from harm caused by invasive species. The bill, entitled the "Nonnative Wildlife Invasion Prevention Act," constitutes a proactive approach to combating invasive wildlife species by preventing their entry at the border.

Currently there is no federal law prohibiting the importation of invasive species into the United States. Yet, nonnative plants and animals are known by scientists to have been introduced into ecosystems in all 50 States, the District of Columbia, and the territories. Invasive, nonnative species can harm the economy, human health, and the health of other animal species. Such harm ranges, for example, from depreciating farmland property values to the spreading of disease and loss of irrigation water. Additionally, collapse of buildings; competition with native animals; sport, game, and endangered species losses; habitat alteration; and other ecosystem disturbances; have resulted from the introduction of invasive species.

Scientists and economists estimate the cost of damages caused by invasive species in the United States to amount to over $123 billion annually. The risks associated with the introduction and establishment of invasive species, and the costs of mitigation, will continue to rise concomitantly with the expansion of trade and increased speed and frequency of travel. The sheer volume of cargo shipped and exchanged worldwide continues to increase, and many communities across the United States are experiencing growth in tourism and in their visitor industries. These factors are reason alone to develop protocols and a system for assessing the risk of all nonnative wildlife species that could be imported or introduced into the United States.

Preventing the introduction of invasive species is a significant challenge and priority for many communities across the country, including my district, Guam. Invasive species, for example, threaten the biodiversity and the ecology of the Florida Everglades, the Chesapeake Bay Watershed, and the Great Lakes, among other national environmental treasures in our country. On Guam, the brown tree snake has caused the extirpation of many native, endemic forest birds and lizards. The coqui tree frog and the coconut rhinoceros beetle are the latest species to have entered Guam. Although the brown tree snake was accidentally introduced through cargo shipments several decades ago. intentional introduction of invasive species today is something that can and should he controlled. The bill introduced today would protect citizens, the economy, and the environment from imported wildlife species that have the known potential to and that would likely harm our interests in the United States.

Absent a comprehensive federal law addressing the importation of nonnative species, the only is protection provided by the Lacey Act Amendments of 1981. This law authorizes the Secretary of the Interior to designate wildlife species considered "injurious" to humans and prohibit importation of such species into the country. The process, however, to designate a species as injurious can take four years on average, at which point in most cases harm has already been caused and realized.

The Nonnative Wildlife Invasion Prevention Act authorizes the establishment by regulation of a risk assessment process to control the importation of wildlife species. The bill adopts a preventative approach by requiring the Secretary of the Interior to develop with public notice and public input a "green list" of species allowed to be imported and a "black list" preventing invasive species from entering the country. Prior to approving a species to be imported, the Secretary must evaluate its potential risk to humans, other animal species, and environmental health. Any imports of "black list" species will be subject to penalties under the Lacey Act Amendments of 1981. The Secretary, however, may permit importation of an animal of such other prohibited species for educational, scientific research, or accredited zoological or aquarium display purposes. Finally, import fees will be collected to cover the costs of the risk assessment process.

I look forward to working with my colleagues on both sides of the aisle to advance this legislation and to strengthen the abilities of the federal government to more effectively manage and prevent the introduction and establishment of nonnative wildlife species.

HONORING CAROL ROEVER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Carol Roever of St. Joseph, Missouri. Carol is active in the community through work and in her spare time and she has been chosen to receive the YWCA Woman of Excellence Award for Women in the Workplace.

As an Associate Professor at MWSU, Carol Roever sets high expectations for her students and supports them to achieve these goals. Her students have won awards in national contests and have been selected to present their research at international conferences in the U.S., Finland, Denmark, Germany and Italy. Developing a course to introduce students to international business, Carol has taken more than 135 students to seven countries to participate in business seminars, learn from corporate leaders, and experience cultural differences.

Beyond the classroom, Carol has directed the Department of Business internship program for a number of years, placing over 500 students in internships across the U.S. In addition, over the last seven years, Carol has presented 13 papers at regional, national and international conferences. She recently spent a semester as a visiting professor at Yeditepe University in Istanbul, Turkey. In 2006, she was selected as Chairperson for the Department of Business at MWSU. Her dedication to her students and her outstanding teaching have earned her national recognition from professional organizations. She has also received awards from MWSU that acknowledge the quality and significance of her work. Carol is an active volunteer in St. Joseph, having served on Heartland Health boards for more than 12 years, with two years as Medical Center Board President. This year she presented three communication workshops for women in the YWCA shelter.

Madam Speaker, I proudly ask you to join me in recognizing Carol Roever. She has made an amazing impact on countless individuals in the community. I am honored to represent her in the United States Congress.

IRAN AND NUCLEAR WEAPONS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. UDALL of Colorado. Madam Speaker, it's clear that those leading the government of Iran are not friends of the United States or of our friends, including Israel. It would be folly to think otherwise.

So, we are right to be concerned about the possibility that Iran could obtain nuclear weapons, and we should take seriously the report from the International Atomic Energy Agency (IAEA) that the possibility of their developing them is "a matter of serious concern."

But I think a recent editorial in the Colorado Springs Gazette was right to remind us that while Iran's actions "cannot help but arouse suspicion . . . This is hardly a reason to resume rattling sabers, as some Americans seem to desire" and that in fact "it may be a reason to take steps toward more direct talks with the theocratic regime."

Because I think its points deserve consideration, I am attaching the complete editorial for the information of our colleagues:

[From the Gazette, Colorado Springs, June 5, 2008]

AN OPENING FOR IRAN TALKS?

The latest report from the International Atomic Energy Agency indicates that while there is still no solid evidence that Iran is actively developing nuclear weapons, the possibility is still "a matter of serious concern." Iran is still playing cat-and-mouse with the IAEA in ways that cannot help but arouse suspicion.

This is hardly a reason to resume rattling sabers, as some Americans seem to desire. Indeed, it may be a reason to take steps toward more direct talks with the theocratic regime.

The fact that a rival to loose-lipped Iranian President Mahmoud Ahmadinejad was overwhelmingly elected as speaker of the Iranian parliament suggests that it might be a good time to take preliminary steps toward resuming the official contact between Iran and the United States. Ali Larijani, who has been critical of Ahmadinejad because of persistent inflation and other economic problems, won by a vote of 323–31.

It is unthinkable that Larijani rolled up this majority without backing from Iran's supreme religious leader, Ayatollah Khamenei, and the mullahs who really run the country. Most analysts interpret his victory as a signal that the mullahs are rethinking their support of Ahmadinejad.

If the United States is to remain involved in the region, it is wise to recognize that while Iran poses no direct threat to the United States, it is an important regional power. In such situations, as the Godfather understood, it is important to keep your friends close and your enemies closer.

A TRIBUTE TO SAM EVANS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a great Philadelphian and a great American, the late Sam Evans.

He had firsthand experience as a victim of oppression. His mother was born before abolition, and he witnessed five lynchings before he turned 9 years old. But, he refused to live his life as a victim. His childhood under Jim Crow spurred an adulthood spent as a champion of justice. He led protests against American Nazism and discrimination of all kinds. He was jailed for his activities, but he never stopped standing up for his beliefs. He went on to organize and lead the 43,000 Philadelphians who joined Dr. Martin Luther King, Jr. at the 1963 March on Washington for Jobs and Freedom.

Mr. Evans founded and led the American Foundation for Negro Affairs and the multi-ethnic Family of Leaders. He was a visionary and champion of the right to a decent education, decent housing and justice for all.

But, more than anything, Sam Evans was a friend and a mentor to anyone who walked through his door. He never refused anyone who sought the benefit of his wisdom and experience. I spent many hours learning from him myself. I am proud to call myself a follower of Sam Evans.

Sam is resting now. I know that he and his beloved Edna are swapping stories about Retha and the grandkids, great-grandkids and great-great-grandkids. We will miss you, Sam. But, after 105 years of hard work on this Earth, we will never feel that you are gone.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. POE. Madam Speaker, due to other Congressional business, I unfortunately missed recorded votes on the House floor on Wednesday, June 18th.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "yea" on rollcall votes Nos. 419, 420, 421, and 422.

RECOGNIZING THE 2008 CONGRESSIONAL AWARD GOLD MEDAL RECIPIENTS FROM MISSISSIPPI

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. CHILDERS. Madam Speaker, I rise today to recognize the recipients of the 2008 Congressional Award Gold Medal from the state of Mississippi. I had the honor of meeting them at this morning's ceremony and it is with tremendous pride that I announce that so many young Americans from the great state of Mississippi have achieved such a distinction. Countless hours of community service by these dedicated young adults has left a tremendous impact on local communities across the state.

It is my pleasure to recognize Michelle Jade Gourley of Mathiston, Mississippi, Laura Kay Owen of Saltillo, Mississippi, Brittany Simpson of New Albany, Mississippi, Iver O'Neal Vandiver II of Corinth, Mississippi, Nolan Webb of Water Valley, Mississippi, Jonathan Paul Whitlock of Iuka, Mississippi, Bradley Ragan Young of Corinth, Mississippi, Lynice Michelle Higgins of Hazlehurst, Mississippi, Thomas Chadwick Kazery of Jackson, Mississippi, Tiffany Holder of Starkville, Mississippi, Amanda Layton of Magee, Mississippi, Holly Webb of Forrest, Mississippi, and Kaylee Keith of Laurel, Mississippi as recipients of the 2008 Congressional Award Gold Medal.

On behalf of the state of Mississippi, I am honored to offer our deepest appreciation to these young men and women for their selfless acts of service and self-discipline.

HONORING REVEREND JAMES CHILDS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2008

Mr. HINCHEY. Madam Speaker, I rise today to honor the Reverend James Childs for a distinguished career in the ministry that has spanned 50 years. As Reverend Childs transitions from head pastor to his role as Senior Pastor of Pointe of Praise Family Life Center in Kingston New York, I would like to recognize and thank him for his tremendous leadership as one of our region's most respected and passionate men of faith. I also wish to congratulate him on the occasion of his 70th birthday, another significant milestone.

Raised by his grandparents, Jim graduated from Kingston High School and began his professional career with IBM. His drive, determination and unwavering faith helped him to advance from mail clerk to department manager. During the ensuing years, Jim served his country, married his lovely wife Dorothy, became a father, deepened his spirituality and found the strength to enroll in the Nyack Missionary College to pursue his devotion to God.

I have even had the distinct pleasure of watching as Reverend Childs has grown even beyond his eloquent sermons and commitment to ideals to become a man of action. His involvement in our community is extensive. He has worked tirelessly to address disparity in many segments of our society including housing, education, and healthcare. He has served on numerous boards and his ministries have assisted migrant workers, food pantries and the youth of our towns and neighborhoods. Reverend Childs has been a tremendous force, powered by his sense of deep commitment to being a living example of what he preaches.

Madam Speaker, I am delighted to congratulate Reverend Childs and his family on his 50 years in the ministry. I offer my very best wishes to him and his wife Dorothy as they begin this new chapter in their lives, along with my deep appreciation for his inspiration, dedication and hard work for the past 50 years. As the new Senior Pastor of Pointe of Praise Family Life Center, I am confident Reverend Childs will continue to contribute in many ways to the church and community as a whole.

IN MEMORY OF LANCE CORPORAL LAYTON BRADLY CRASS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. PENCE. Madam Speaker, I rise today to mourn the loss of a brave young Hoosier who served his country honorably in Iraq and Afghanistan. I was deeply saddened to learn of the loss of Lance Corporal Layton Bradly Crass of Richmond, Indiana, one of four Marines who perished in the wake of a roadside bombing in southwestern Afghanistan's Farah Province on Saturday, June 14, 2008.

Lance Cpl. Crass served in G Company, 2nd Battalion, 7th Marines, 1st Marine Division, 1st Marine Expeditionary Force, based in Twentynine Palms, California. He was serving in support of Operation Enduring Freedom in Afghanistan, where his unit was helping to train and mentor the Afghan national police.

The three Marine Corps values are honor, courage and commitment. They make up the bedrock of the character of each individual Marine. These values, handed down from generation to generation, have made the U.S. Marine Corps the most respected and revered fighting force on Earth. Lance Cpl. Crass personified these values and continued that proud tradition as a Rifleman who served his country bravely in combat.

In addition to the posthumous awards that he will receive because he died in the line of duty, Lance Cpl. Crass was the recipient of seven awards since he enlisted in the Marine Corps in June 2005. He earned ribbons for combat action and two sea service deployments, as well as campaign medals for Iraq and Afghanistan.

Madam Speaker, I extend my deepest condolences to the family and friends of Lance Cpl. Crass, and I wish to express my profound sadness to the community of Richmond, which is struggling to cope with the loss of a second young man in only a few short months. Just as Lance Cpl. Crass embodied the Marine motto—Semper Fidelis, "Always Faithful"—let us also be faithful to extend a helping hand to his family, friends and community, and remember them in our thoughts and prayers.

HONORING BECKY SNETHEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Becky Snethen of Saint Joseph, Missouri. Becky is active in the community through work and in her spare time and she has been chosen to receive the YWCA Women of Excellence Award for Woman in Support Services.

Becky Snethen may have started out as a part-time scorekeeper for a basketball league at InterServ, but 25 years later she is the Agency Administrative Assistant, in charge of Human Resources, and helps manage the youth programs while the director is on leave. She keeps the Executive Director and Youth Director organized and informed, and organizes trips for youth groups to travel all over the world to participate in Olympic competitions. Becky coordinates large local sporting events including Summer Jam Basketball, two Olympic Trials held in the Civic Arena, and many national and regional weightlifting meets.

Even though her workload is tremendous, she finds time every day to be in the youth center and be available to anyone who wants to talk because helping youth is her passion. Becky's excellence at work earned her the InterServ Warren Metcalf Award as the most valuable agency employee. Also, she has been recognized as one of the "20 People Who Count" by the St. Joseph NewsPress. Becky is dedicated not only to helping her coworkers, but also to making sure the center can be as helpful as possible to the community. She opened the building during a snow storm, shoveled the walks, works late, works evenings, comes in on weekends, and always assists with any event that is going on agency-wide.

Madam Speaker, I proudly ask you to join me in recognizing Becky Snethen. She has made an amazing impact on countless individuals in the St. Joseph Community. I am honored to represent her in the United States Congress.

HONORING THE LIFE AND LEGACY OF ANNE CLARK MARTINDELL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. HOLT. Madam Speaker, I rise today to pay tribute to Anne Clark Martindell, former American Ambassador to New Zealand and New Jersey State Senator, who died last week at the age of 93. Her lifetime of public service is worth honoring here, because she was not only an outstanding public servant, a generous benefactor of good causes, and a talented and gracious woman, but she proved that it's never too late to show your mettle, to be your best self and to use your ability and drive to make the world a better place.

Born into a family of means in 1914, Anne Clark lived a comfortable and sheltered life. She attended private schools and entered Smith College in 1932. She took to higher education immediately and decided that she would go on to law school. When she told this to her father, who by the way was a prominent attorney who later became a Federal Judge, he demanded that she leave school, because "no man would want to marry an educated woman"!

Anne returned to Princeton, married George C. Scott, Jr. shortly thereafter and the couple had a daughter and two sons. This marriage ended in divorce and she later married Jackson Martindell, publisher of Who's Who. This marriage produced another son, Roger Martindell, who carries on the tradition of community service as a member of the Princeton Borough governing body, and is my friend and neighbor.

The dormant seed of her desire to make a difference, to do more, to participate in the betterment of the community, came alive—was fertilized—by her strong opposition to the conditions surrounding our involvement in the Vietnam War. When Anne Martindell's brother, the journalist Blair Clark, become Eugene McCarthy's campaign manager in 1968, she began to raise money for the campaign in New Jersey and was selected as a delegate to the tumultuous 1968 Democratic Convention in Chicago.

Anne Martindell liked to say she never did anything real until she was in her 50's. She was 54 years of age when she began her political career. On her return home from the convention, where she had been recognized as one with the ability to clearly articulate her strong opinions and to fearlessly champion what was, at that convention an unpopular point of view, she was asked to serve as Vice Chair of the New Jersey Democratic State Committee.

The (always) female Vice Chair of the party was considered at that time a mere figurehead, but that was not Anne Martindell's style. She is legendary for having arrived at a meeting of the male power brokers where she was told she wasn't welcome, because they used salty language that she wouldn't like. "I don't give a blank (here insert your favorite 4 letter word) what kind of language you use", she said, "I'm coming in."

Anne Martindell was asked to run for State Senate in 1973, in what had been traditionally a Republican district. She won the election, making her one of the first women to serve in New Jersey's upper house.

It was a very different world when Anne Martindell went to the New Jersey legislature (an example of which was that women were so little thought of in the Legislature, that there still were only men's rooms in both Chambers and caucus rooms—the women legislators used the public facilities). Although fathers did not still think higher education would spoil their daughters' chances at marriage, there was still a lot to be done to support and increase women's participation in community life. She worked on primarily women's issues, education, and the environment. She served as Chair of the Education Committee and a member of the powerful Appropriations Committee. As Chair of the Budget Subcommittee for Higher Education, she sponsored a law to increase loans for higher education. She wanted to make it more available to those who didn't have the means, but had the desire and thirst for more learning. She understood that very well.

She also continued to show her feisty side by introducing a resolution stating that it was the sense of the New Jersey Senate that enough evidence was available to institute impeachment of the President and that Congress ought to get on with it.

She was a Carter delegate to the 1976 Democratic National Convention and campaigned vigorously for him in New Jersey. After his election, she left her Senate seat and became director of the Office of Foreign Disaster Assistance (OFDA), part of the State Department's Agency for International Development. In 1979 she was nominated for the ambassadorship to New Zealand and Western Samoa and served in that capacity until 1981.

She was the first female ambassador to New Zealand and once again ran into some resistance, but her political instincts, coupled with grace and charm, endeared her to the people and she in turn treated them with respect and affection. It was in New Zealand that she met the man she called "the love of my life"—the New Zealand painter Sir Tosswell Wollaston and they remained close until his death in 1998.

Last year, at the age of 92, she returned to Auckland, New Zealand to attend a meeting of the Partnership Forum and was greeted with great warmth. The American Ambassador in New Zealand has hailed her this week as one whose legacy as Ambassador lives on in the hearts of the people.

But then, Anne Martindell was always doing extraordinary things. And she didn't like to leave things undone. So it was no surprise to her friends when a decade ago she re-enrolled at Smith College, attended classes, studied with students who could have been her great-grandchildren, and graduated in 2002 at the age of 87. In honor of her outstanding life and work, she got her undergraduate degree along with an Honorary Doctor of Laws degree. Poetic justice, don't you think?

Annie Martindell is mourned by her family: daughter, Margery Luther of Ann Arbor Michigan, sons, George C. Scott III of Richmond, Virginia; David C. Scott of Princeton, and Roger Martindell, 9 grandchildren, 6 great grandchildren and a brother, J. William Clark of Great Barrington Massachusetts. She is also mourned by her many friends in Princeton, and throughout New Jersey, and across the broad swath of lives she has touched.

Anne Martindell was on a book signing tour for her new book—the appropriate title of which is Never Too Late—when she was stricken with her last illness. It breaks my heart to think she will never get a chance to autograph my copy. I will miss her phone calls with good advice, her strong opinions on current events, and her ease of friendship. Anne Clark Martindell has taught us all a valuable lesson about opportunities and readiness to recognize a call to action whenever it appears in our lives. And it is never too late to take that message to heart.

CONGRATULATIONS TO THE ALVIN LADY JACKETS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. PAUL. Madam Speaker, I am pleased to congratulate the Alvin Lady Jackets softball team on becoming the first fourth seed softball team in Texas history to win the University Interscholastic League Championship.

One factor behind the Lady Jackets success was head coach Carla Newsom's determination to make sure her team found the silver lining in every seemingly dark cloud. For example, when the Lady Jackets lost the first game of a best of three series in the regional semi-final, Coach Newsom told the team to be thankful for the loss for two reasons. First, they could now wear their "dress white" uniforms in the next games: and second, and most importantly, they no longer had to eat spaghetti with meatballs for their pre-game meal.

The team adopted the Journey song "Don't Stop Believing" as their anthem. The girls sang the song before, during, and after the games throughout the playoffs. On the night of the final game for the State Championship, the first game of the evening lasted 15 long innings, delaying the start of the Lady Jackets' game by almost two hours. As they were waiting in their dugout for their time, the Lady Jackets kept their sprits up by singing their anthem, much to the joy of their loyal fans who heard "Don't Stop Believing" resonating from the dugout.

Lady Jacket Amber Anderson was awarded the MVP award of the State tournament; was named the Texas High School Softball Player of the Year and was one of two Lady Jacket players, along with Alexis Joseph, named Texas Girls Coaches Association all State player of the year. Coach Newsom was named Texas Girls Coaches Association Coach of the Year 2008.

All graduating seniors on the Lady Jackets team are planning to continue their involvement in organized softball at the collegiate level. Madam Speaker, I again extend my congratulations to the players and coaches of the Lady Jackets and insert the Lady Jackets championship roster into the CONGRESSIONAL RECORD.

2008 ALVIN LADY JACKETS

Jessica Savage, Amber Anderson, Vanessa Eng, Alexis Joseph, Tiffany Denham, Britni Wells, Kelsey Nichols, Megan Potts, Natalie Farias, Kelsi Kettler.

Megan Knippa, Meghan Gomez, Megan Garza, Amber Brooks, Adela Gomez, Maci Meyer, Nicole Powers, Lauren Denny, Alicia Smith.

Head Coach: Carla Newsom; varsity assistant: Kelly Bembry; assistant coaches: Jennifer Dominguez, Paula Tafelski; trainer: Eric Nuncio; manager: Brady Hudson.

Athletic Director: Mike Bass; Alvin High School Principal: Kevon Wells; Superintendent: Dr. Robby McGowen.

INTRODUCTION OF THE 21ST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. MARKEY. Madam Speaker, I rise today to introduce the 21st Century Communications and Video Accessibility Act, along with my colleague Representative HEATHER WILSON (R–NM). Madam Speaker, telecommunications technologies have a proven ability to empower individuals with the necessary tools of the information age. These technological tools can animate the personal use of communications for work or enjoyment, but also impact health care delivery, educational opportunities, the prospects for employment, and job creation. The goal of the legislation is to establish new safeguards for disability access to ensure that people with disabilities are not left behind as technology changes and the United States migrates to the next generation of Internet-based and digital communication technologies.

As the story in today's Washington Post business section makes clear, the practical effect and use of many innovative services and high tech equipment in the marketplace can be diminished or eliminated for individuals with disabilities if accessibility isn't built-in, or factored into the design, of the product or service. This keeps the promise of the information age as just that—a promise. And it often means that to obtain accessible equipment, individuals with disabilities must pay significantly, and in many cases needlessly, more than if standards and accessibility were built in or adopted earlier in the design process. The provisions of this bill will help to ensure that such accessibility is factored in and manufactured into products and services as a matter of course, which also will have the effect of reducing costs to consumers who rely on such services and products.

In summary, here is what the bill we are introducing today aims to do. First, Section 102 of the bill extends the Federal law that currently requires hearing aid compatibility on newly-manufactured and imported telephones, to comparable equipment used to provide IP-enabled communication service. The purpose of this section is to make sure that people with hearing loss have access to telephone devices used with advanced technologies, including cell phones or any other handsets used for Internet-based voice communications. (This section is not intended to extend to headsets or headphones used with computers.)

Section 103 of the bill, addressing relay services, clarifies that telecommunications relay services (TRS) are intended to ensure that people who have hearing or speech disabilities can use relay services to engage in functionally equivalent telephone communication with all other people, not just people without a hearing or speech disability. It revises Section 225 of the Communications Act of 1934, which has been interpreted at times (by the FCC) to authorize only relay services between people with disabilities and people without disabilities. This section also expands the relay service obligation to contribute to the Telecommunications Relay Services Fund to all providers of IP-enabled communication services that provide voice communication.

Sec. 104 of the legislation, designed to address access to Internet-based services and equipment, builds upon authority contained in Section 255 of the Communications Act of 1934, which generally requires telecommunications service providers, as well as interconnected VoIP providers and manufacturers, to make their services and equipment accessible to and usable by people with disabilities. This section creates new safeguards for Internet-based communications technologies (equipment, services and networks) to be accessible by people with disabilities, unless doing so would result in an undue burden. Where an undue burden would result, manufacturers and providers must make their equipment and services compatible with specialized equipment and services typically used by people with disabilities. (The term "undue burden" has the same meaning given it in the Americans with Disabilities Act.)

In addition, this section also contains measures to improve the accountability and enforcement of disability safeguards under Section 255 and the new Section 255A, including directives for new FCC complaint procedures, reporting obligations for industry and the FCC, the creation of a clearinghouse of information on accessible products and services by the U.S. Access Board and National Telecommunications and Information Administration (NTIA), and directives for enhanced outreach and education by the FCC and NTIA.

Sec. 104 also clarifies that the transmission and receipt of text messages sent by radio to and from mobile wireless devices are telecommunications services, and therefore must comply with the accessibility obligations under Section 255 and the new accountability measures under Section 255B.

The bill also contains a modest section on universal service. This provision makes consumers with disabilities—as a distinct group—eligible to receive universal service support through two specific measures. First, it grants the FCC authority to designate broadband services needed for "phone communication" by people with disabilities as services eligible to receive support under the existing Lifeline and Linkup universal service programs. For example, this would include deaf individuals who are otherwise eligible for Lifeline and Linkup support, but who rely on Internet-based video relay services or point-to-point video for their telephone communications. Second, it grants authority to the FCC to designate programs that distribute specialized equipment used to make telecommunications and Internet-enabled communication services accessible to individuals who are deaf-blind, as eligible for universal service support. Such support, however, is capped at $10 million per year.

Section 106 of the bill contains a specific requirement for real-time text support, to ensure that people with disabilities, especially individuals who are deaf or hard of hearing or who have a speech disability, are able to communicate with others via text in an IP environment with the same reliability and interoperability as they receive via the public telephone network when using TTYs. A primary goal of this section is to ensure that individuals who rely on text to communicate have equal access to emergency services during and after the migration to a national IP-enabled emergency network.

Section 201 of the legislation directs the FCC to conduct three inquiries within 6 months of passage of the Act, and to report to Congress on the results of such inquiries within 1 year: (1) to identify formats and software needed to transmit, receive and display closed captioning and video programming provided via Internet-enabled services and digital wireless services, including ways to transmit televised emergency information that is accessible to people who are blind or visually impaired; and (2) to identify ways to make user interfaces (controls—e.g., turning these devices on and off, controlling volume and select programming) on television and other video programming devices—including the receipt, display, navigation and selection of programming—accessible to people who are blind or visually impaired, and (3) to identify ways to make video programming guides and menus (typically on-screen) accessible in real-time to people who cannot read those guides or menus.

Section 202 expands the scope of devices that must display closed captions under the Television Decoder Circuitry Act of 1990 from the present requirement of television sets with screens that are 13 inches or larger, to all video devices that receive or display video programming transmitted simultaneously with sound, including those that can receive or display programming carried over the Internet. The section also requires these devices to be able to transmit and deliver video descriptions. Video description is the provision of verbal descriptions of the on-screen visual elements of a show provided during natural pauses in dialogue.

The next section of the bill addresses video description and closed captioning. Section 203 reinstates the FCC's modest regulations on video description. Those rules, originally promulgated in 2001, were struck down by a U.S. Court of Appeals for lack of FCC authority. This section also authorizes the FCC to promulgate additional rules to (1) ensure that video description services can be transmitted and provided over digital TV technologies, (2) require non-visual access to on-screen emergency warnings and similar televised information and (3) increase the amount of video description required. Finally, this section adds a definition for video programming to include programming distributed over the Internet to make clear that the existing closed captioning obligations (and future video description obligations) contained in Section 713 apply to video programming that is distributed or re-distributed over the Internet.

This section is also intended to ensure the continued accessibility of video programming to Americans with disabilities, as this programming migrates to the Internet. It further tasks the FCC to create captioning rules for three types of programming: (1) pre-produced programming that was previously captioned for television viewing, (2) live video programming, and (3) programming (first published or exhibited after the effective date of the FCC's regulations) provided by or generally considered to be comparable to programming provided by multichannel programming distributors.

Section 204 requires devices used to receive or display video programming, including devices used to receive and display Internet-based video programming, to be accessible by people with disabilities so that such individuals are able to access all functions of such devices (such as turning these devices on and off, controlling volume and select programming). The section contains requirements for (1) audio output where on-screen text menus are used to control video programming functions, and (2) a conspicuous means of accessing closed captioning and video description, including a button on remote controls and first level access to these accessibility features when made available through on-screen menus. The final section of the legislation requires multichannel video programming distributors to make their navigational programming guides accessible to people who cannot read the visual display, so that these individuals can make program selections.

Madam Speaker, I look forward to working with all of my House colleagues on this important legislative initiative in the coming weeks.

HONORING PAMELA SONNENMOSER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Pamela Sonnenmoser of Northwest Missouri. Pamela is active in the community through work and in her spare time and she has been chosen to receive the YWCA Women of Excellence Award for Emerging Leader.

Pamela Sonnemoser is a multi-talented individual as a floral designer, artist, journalist, and public speaker. She is also reaching out with Christian love and the desire to enrich the lives of others. Whether through daily inspirational radio messages on our St. Joseph Christian radio or by speaking at retreats or seminars, she focuses on spiritual and/or personal and professional development of women. As a Certified Personality Trainer, Pamela helps women improve relationships with family, friends and coworkers and find their niche in the workplace by learning and developing the strengths of their temperament. Pamela is a contributing author to three books in the Christian non-fiction genre.

Her talents to train and guide others have been further recognized by her appointment to the training faculty of the Christian Leaders Authors and Speakers Services (CLASS). Her volunteer efforts include being a staff member at God's Mountain Youth Camp, speaking for church groups at no cost, organizing teen groups to feed the hungry of the inner city, and teaching creative writing workshops on poetry at the Atchison Public Library for home school groups.

Madam Speaker, I proudly ask you to join me in recognizing Pamela Sonnenmoser. She has made an amazing impact on countless individuals in her community. I am honored to represent her in the United States Congress.

STATEMENT CONCERNING THE VOTE ON HOUSE AMENDMENTS TO THE SENATE-PASSED VERSION OF H.R. 2642, THE SUPPLEMENTAL APPROPRIATIONS BILL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. SHERMAN. Mr. Speaker, I voted for a provision that would provide funds for Iraq and Afghanistan when, under the rules governing the legislation, that funding would be tied with a specific mandate for an orderly redeployment of troops from Iraq.

Today, June 19th, I voted against providing funds for the conduct of the war in Iraq and Afghanistan when such funding was not linked to such a mandate.

HONORING THE MEMORY OF NORTH CAROLINA STATE TROOPER DAVID SHAWN BLANTON, JR.

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. SHULER. Madam Speaker, I rise today with a heavy heart to honor the memory of North Carolina State Trooper David Shawn Blanton, Jr. Trooper Blanton was a 2-year veteran of the North Carolina State Patrol and a member of the Eastern Band of Cherokee Indians.

While performing a traffic stop in Canton, NC, on the evening of June 17th, 2008, Trooper Blanton was shot twice and killed in the line of duty. He was 24 years old.

Trooper Blanton gave the ultimate sacrifice to serve and protect our community. He showed true courage through his determination to uphold the law and keep our highways safe. He leaves behind his wife and one child. I offer my sincere condolences to them and the rest of his family and friends. They are in my thoughts and prayers.

I would also like to offer my gratitude to the law enforcement officers of the Haywood County Sheriffs Office and the Canton Police Department who risked their lives to apprehend the man who shot Trooper Blanton and bring him to justice.

Madam Speaker, I ask my colleagues to join me in expressing remorse at to the passing of Trooper David Shawn Blanton, Jr. Trooper Blantons' life was an example of service for all of us to follow. I am grateful to his fellow State Troopers and all of North Carolina's law enforcement community for their dedication to keeping our communities safe every day.

COMMEMORATING JUNETEENTH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to celebrate and recognize Juneteenth as a pivotal moment in our nation's history when the last American slaves learned of their freedom and the legal practice of slavery in the United States officially ended.

On June 19, 1865, Union General Gordon Granger arrived with over 2,000 troops on Galveston Island to deliver the news of freedom and enforce the two-year-old Emancipation Proclamation. The news came in the aftermath of the deadliest war in American history and a nation fractured by loss and resentment. However, in the midst of social and political turmoil, a new opportunity for all people to share the quintessential American experience of freedom emerged. 90 years after gaining independence, our young nation took a crucial step toward finally ensuring that the value of freedom was not simply rhetorical, but a right to be given to all Americans.

Sadly, the legal abolishment of slavery has not guaranteed the legal abolishment of inequality and unequal representation. As we all know, it would be another century before African Americans were given the same rights as white Americans.

In the years after emancipation and Jim Crow, the United States has made serious improvements in drafting and implementing laws and policies that encourage equality. However, serious economic, health and educational disparities persist for many in the black community and other communities of color. These inequities threaten to exacerbate the division between those who have and those who do not.

Today, we are confronted with two contrasting images of black America that are really two sides of the same coin. The countless sacrifices and efforts of previous generations have made it possible for blacks and other minority groups to excel and break boundaries from our nation's classrooms to the space program. And, for the first time in our history, the idea of a black president is not simply a fantastic dream, but a serious hope and possibility.

Yet, in this same land and era of opportunity, black people across the socioeconomic spectrum have a lower life expectancy, higher instances of heart disease, greater rates of infant mortality and hypertension, and receive overall inferior healthcare compared to whites. What's more, blacks are more likely to fall victim to a justice system that prioritizes punitive criminalization over rehabilitation. Our children are victims of inadequate educational systems and African Americans receive lower incomes than others in our country with similar experience. Lastly, HIV/AIDS, a disease that has taken the lives of millions of men, women and children around the world is most rampant in the black community with the majority of new infections occurring in young African American women.

So while America takes time to commemorate this historic day, we must also recognize that there is much more to be done both here and abroad. African Americans in this country know first hand the travesties of slavery. As such, we must lead the way for others to achieve their own freedom.

According to the International Labor Organization, between 12 and 27 million people are the victims of forced labor worldwide. The majority of these men, women and children come from the poor and rural parts of countries that are in the midst of war, unstable economies, and political conflict. Whether forcibly removed or lured by false promises of opportunity, millions of the most desperate and vulnerable populations of the world are forced to work without pay in the agricultural, textile, service and sex industries under the constant threat of violence or death.

Haiti was once hailed as one of the most profitable colonies in the Caribbean and was the first black led republic in modern history. Home to the most successful African slave rebellions in the Western Hemisphere, Haiti is now the poorest country in the Western hemisphere and is plagued by poverty, political unrest, hunger, disease and violence. Now, more than two hundred years after Haiti was declared a free republic, between 90,000 and 300,000 Haitian children alone are trafficked into areas where they are forced into slavery. Even right here in the U.S., despite our system of laws, an estimated 20,000 people are trafficked into our country from all over the world to provide unpaid labor and services.

The fact that our brothers and sisters to the south are enduring such conditions is unconscionable. We must support Haitians in their attempt to achieve sustainable development and restore dignity and socioeconomic stability to their proud nation. As the leader of the free world, we can and must do better to stop this and other injustices.

Historian and Columbia Professor, Manning Marable wrote, "Historical amnesia blocks the construction of potentially successful social movements." As we continue to fight for equality and justice in our communities and in Congress, we have a responsibility to ensure that our nation, particularly our young people, do not fall victim to historical amnesia.

Because so many years have passed, many forget or dismiss the role that slavery and the fight for emancipation and racial equality played in constructing the social fabric of this country. Thankfully, this problem is entirely remediable, and we can engender a new commitment to understanding our past to build a better future.

Madam Speaker, as we celebrate Juneteenth, I urge my colleagues in Congress to join me in reflecting on how our country has evolved into a nation that understands the importance of protecting the rights, liberties and privileges of all people. America has bettered itself by improving the lives of its citizens and people in the rest of the world. It is imperative that we continue our uniquely American tradition of fighting for equality and justice in our country and abroad.

HONORING BARBARA IDE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Barbara Ide of Saint Joseph, Missouri. Barbara has been chosen to receive the St. Joseph YWCA Women of Excellence Lifetime Achievement Award.

In 1969, Barbara Ide became involved in historic preservation to preserve the cityscape of St. Joseph. Among the many buildings she helped preserve were downtown St. Joseph's crown jewel—the Buchanan County Court House, the city founder's Robidoux Row, Patee Hall, Warehouse Row, and the Hall Street Historic District. Barbara first became involved in historic preservation when St. Joseph's Federal urban renewal program proposed demolishing over half of the historic downtown. The National Trust for Historic Preservation took notice of Barbara's efforts and in the early 1970s invited her to address its National Convention to present preservation lessons learned in St. Joseph. Her speech was later reprinted in a National Trust's publication.

After purchasing Robidoux Row, she developed and chaired the highly successful Robidoux Festival which ran for several years. As a founding board member and the first president of the not-for-profit St. Joseph Preservation, Inc., she established a revolving fund through historic property donations and attracted a membership of over 200.

In addition to preserving the historic cityscape of St. Joseph, Barbara has contributed to the city's social fabric. Moving to St. Joseph in 1948, she became an integral part of the community leading by example. Over the years, Barbara has served as an active member (often on the board or as president) of numerous organizations like the Runcie Club, PEO, St. Joseph Historical Society, the First Presbyterian Church, Questors, and the Junior League.

Madam Speaker, I proudly ask you to join me in recognizing Barbara Ide. She has come to be one of the most outstanding members of our community and I am honored to represent her in the United States Congress.

TRIBUTE TO AIR FORCE CHIEF OF STAFF GENERAL MICHAEL T. MOSELEY

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. BISHOP of Utah. Madam Speaker, I rise this evening to express my appreciation to a fine public servant and military officer, former Air Force Chief of Staff General Michael T. Moseley who recently resigned on orders from the Secretary of Defense.

There are a few lingering questions regarding the scope and unfortunate timing of this unprecedented decision to dismiss both top Air Force leaders at the same time only days before the Government Accountability Office (GAO) was scheduled to issue its decision in the hotly contested $40 billion tanker program. The dismissals also come during a time of war and great stresses on Air Force personnel. No one will argue that it is not within Secretary Gates' authority to take that drastic and unprecedented action even if some of us question whether or not it was really the right thing to do given the totality of circumstances. Every military and civilian officer knows that they serve at the pleasure of the President and that they stand to be dismissed for any reason whatsoever. As professional leaders, General Moseley and former Secretary Wynne accepted that fact.

Unfortunately, the entire record of their decades of public service, notable achievements, and personal sacrifices for our country, are at risk of being lost or pushed aside due to media focus of these recent headline-grabbing events. And I regret that a handful of individuals, including Members of Congress, may be tempted to seize upon Secretary Gates' action to somehow legitimize unrelated claims in areas of disagreement with these two Air Force leaders. That would be patently unfair and unjust, and I feel an obligation to remind us all of a few points.

With particular regard to General Michael T. Moseley, it would he hard to find a more competent and experienced Air Force Chief since the service's inception over 60 years ago. Having entered the Air Force in 1971, he rose quickly through the ranks and his competency as a top F–15 pilot led him to command responsibilities at the U.S. Air Force Fighter Weapons School. In addition to other command responsibilities in different parts of the world, General Moseley served as the combat Director of Operations for Joint Task Force-Southwest Asia. Like no other Air Force Chief in a generation, General Moseley demonstrated that he knew how to command air power during combat operations. Between 2001 and 2004, he served in combat, having commanded coalition air forces in Afghanistan and Iraq that employed greater precision and air-ground coordination than ever before. With advanced post graduate degrees as well, he is regarded by many as a military scholar and historian, which has given him a level of rounded perspective that has benefited the Air Force.

He served as both Vice-Chief and Chief of the Air Force during very tumultuous times in the Air Force. He became Vice Chief in 2004, and confronted with extremely challenging budget and personnel cuts posed by the Quadrennial Defense Review (QDR), and still additional cuts mandated by the Administration, General Moseley helped to steer the Air Force through some very tough times. In so doing, and to his great credit, he always put the airmen and their families first. He recognized that our Nation unwisely took a "holiday from history" in the 1990s by delaying and deferring aircraft modernization, and as a result, our pilots are having to fly aircraft that are on average nearly 40 years old. We have F–15's literally flying apart in the air due to age and corrosion. We have F–16s that are nearing the end of their service-life. We have 40-year-old tankers, and 50-year-old bombers.

We have third-world nations that are fielding fighters that are, or soon will be—peers to our fourth-generation fighters. At the same time, our Administration has not been as committed to recapitalizing our fighter fleet with the F–22 and F–35 in the numbers necessary to meet validated military requirements as it should be. The Nation has taken for granted our traditional air superiority. General Moseley was right to have pointed out these vulnerabilities.

We never know in advance where our next adversary will spring from and what the origins of conflict will be. We must be prepared and strong across the full spectrum of air based threats, from both asymmetric threats and resurgent adversarial nations. General Moseley understood this very well.

Even as military operations continue in Iraq and Afghanistan, the Air Force is called upon around-the-clock to undertake combat operations, and targeted air strikes, or to fly troops and cargo in and out of theatre, or provide intelligence platforms, and the list goes on and on.

Our ground forces have come to rely on our United States Air Force mainly because—they're so capable! That's no accident. General Moseley understood this, because he was there, actually commanding airmen in fighting operations!

It's because of visionary leaders like General Moseley that the Air Force is reliable. It takes almost 20 years to develop, test and field a new advanced weapons system like the F–22 and F–35. If we take more "holidays from history," then we leave our Nation and future generations at great risk of falling behind the technology curve.

In 1938, U.S. defense planners considered the venerable P–51 (Mustang) fighter aircraft too insignificant for full funding and production to replace the more vulnerable P–38 Lightning aircraft. Once World War II was underway, it took the U.S. a few years to ramp-up production of the P–51 in sufficient numbers so that it could be useful in Europe to establish air superiority against the Germans. Back then, we were able to recover the shortfall over a few years' time. In these modern times with technology development increasing at exponential rates throughout many third-world and hostile nations, we no longer have that luxury.

Just like we're learning with the sky-rocketing costs of oil and gasoline—even if we were to immediately increase U.S. domestic production of oil resources, you can't just turn the spigot on tomorrow and have the oil flow. It takes years to do that, just as it does in the weapons procurement world. General Moseley understood this and was it forceful and persuasive advocate for modernization. This advocacy is something which, though he was absolutely correct on the facts and merits—earned him criticism when he should have found support.

General Moseley was also forward-thinking in recognizing the seriousness of the military and national security implications posed by the growing cyber security threat. His leadership resulted in the launching of the Air Force's Cyber command initiative. More than any other military department or agency of the federal government, Moseley did more than just wring his hands about the threat. He took concrete actions to demonstrate that he recognized its seriousness. He should be commended for that vision. He oversaw the dramatically-successful and historic deployment of Unmanned Aerial Vehicles (UAVs) in combat, and also instituted training to help instill a "warrior ethos" through training in hand-to-hand combat, survival and evasion skills required by the types of conflicts demonstrated in Iraq and Afghanistan.

I am proud of General Moseley—that his sense of responsibility to the Air Force's overall mission led him to voice legitimate concerns on matters like the serious deficiencies in Aircraft Modernization with Congress, even at risk of his career. To me, that is real integrity. When we have hearings on the Armed Services Committee, what we're after is the real truth—unvarnished and unblinking. We're not looking for the sanitized version of the truth.

The Secretary of Defense cited a failure of leadership within the Air Force with regard to its nuclear mission. Those are, indeed, serious charges and certainly corrections within the Air Force as to procedures must continue to be made. But I want to point out that many of the systemic problems in the nuclear area mentioned in the Admiral's report are not General Moseley or Secretary Wynne's fault. The Department of Defense and the Administration share in the responsibility for the impacts of both Budget cuts and BRAC mandated targets of the past. Those cuts clearly de-funded and de-emphasized nuclear matters. Cuts in the ICBM modernization budgets and programs that were not necessarily the Air Force's preferred choice have also taken a toll in these recent incidents, and those budget cut impacts must also he acknowledged and corrected by this and future Secretaries if we are truly going to address shortfalls in nuclear surety matters. I know first-hand because during my six years in Congress, I have had to request that funding be added to the budget to cover documented shortfalls in Minuteman III modernization programs.

In conclusion, Madam Speaker, I want to conclude by thanking General Michael Moseley and Secretary Mike Wynne for their dedicated public service to our nation and our fighting men and women. From where I sit as a Member of the Armed Services Committee, I believe that both of these Air Force leaders can hold their heads high. I believe they are men of great personal integrity. I wish them both well in their future endeavors.

HONORING CBIZ INSURANCE SERVICES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 19, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize CBIZ Insurance Services, Inc. of St. Joseph, Missouri. This business has been chosen to receive the YWCA Women of Excellence Award for Employer of Excellence.

CBIZ has been giving back to St. Joseph for 100 years by supporting nonprofits such as United Way, UCP, YWCA, YMCA, Sertoma, Boy Scouts, and Girl Scouts through volunteerism and fundraising. CBIZ is also involved in a "Dress for Success" initiative, which will help provide business attire to women trying to enter or advance in the business world. This program will include partnering with nonprofits that currently assist with clothing needs in our community.

On a national level, CBIZ supports achievement by women through the Women's Advantage program, which celebrates women business professionals inside and outside their organization. This program provides training by women for women in the areas of personal and professional communication, organization, and influence skills through focused leadership, mentoring, and networking training. Currently 125 women in nine pilot locations participate in the program. Locally, the current Vice President has worked her way up from a clerical/filing position and has provided support and encouragement to several other women seeking advancement.

Madam Speaker, I proudly ask you to join me in recognizing CBIZ Insurance Services, Inc. They are a tremendous asset to the St. Joseph community and I am honored to represent such a business in the United States Congress.

SENATE—*Friday, June 20, 2008*

(Legislative day of Thursday, June 19, 2008)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord of the storm and the calm, the troubled sea and the quiet brook, give the Members of this body strength for today. Help them as they find common ground and adapt themselves to the surprises each day can bring. Remind them that life is often difficult and that they need You in every season. Save them from being so preoccupied with difficulties that they cannot see all the opportunities about them. Help them not to run ahead of You or to lag behind. Instead, may they walk with You at Your pace, in Your timing, and toward Your goals. Lord, lift them above pettiness so that they will accomplish the tasks that need to be done.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HOUSING CRISIS

Mr. REID. Mr. President, what is the business now?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3221.

Mr. REID. Mr. President, we are in the splendor of this beautiful Senate Chamber. We have all had a good night's rest. But around America today, there are people in the West who are just awakening and people in the East have been awake for a while. But a lot of those people have had bad nights; they are in danger of losing their homes. They don't know what to do. They realize other homes have gone to foreclosure and the neighborhood is going down. They can see it, and it has put a pall over the economic viability of our country. That is what this legislation is all about.

Those people will benefit from what was done in the Senate yesterday, and we will, I believe, sometime early next week, pass this bill. It is going to be a tremendous help to those people around America who are suffering as a result of this housing crisis, and they are suffering.

Sometimes we don't recognize what we need to do and what we have done. I feel it is extremely important to spread on the record—I have tried to do this the last few days—that the work done by the chairman of the committee, Senator DODD, the ranking member, Senator SHELBY, is exemplary work, bipartisan work. Recognizing the slim majority we Democrats have in the Senate, 51 to 49, anything we do is going to be close, people are going to have to give up some of their ideas as to a perfect world and recognize that sometimes we have to compromise. That is what legislation is all about.

I admire and appreciate the work that was done by the entire Senate yesterday.

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the House message to accompany H.R. 3221.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, an act to provide needed housing reform and for other purposes.

Pending:

Reid (for Dodd-Shelby) amendment No. 4983 (to the House amendment striking section 1 through title V and inserting certain language to the Senate amendment to the bill), of a perfecting nature.

Bond amendment No. 4987 (to amendment No. 4983), to enhance mortgage loan disclosure requirements with additional safeguards for adjustable rate mortgages with an initial fixed rate and loans that contain prepayment penalty.

Dole amendment No. 4984 (to amendment No. 4983), to improve the regulation of appraisal standards.

Sununu amendment No. 4999 (to amendment No. 4983), to amend the United States Housing Act of 1937 to exempt qualified public housing agencies from the requirement of preparing an annual public housing agency plan.

Kohl amendment No. 4988 (to amendment No. 4983), to protect the property and security of homeowners who are subject to foreclosure proceedings.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the amendment of the House, striking section 1 and all that follows through the end of title V, and inserting certain language to the amendment of the Senate to H.R. 3221, the Foreclosure Prevention Act, with amendment No. 4983:

Harry Reid, Christopher J. Dodd, Daniel K. Inouye, Jeff Bingaman, Max Baucus, Patty Murray, Mark L. Pryor, Barbara Boxer, Benjamin L. Cardin, Sherrod Brown, Jon Tester, Bill Nelson, Bernard Sanders, Maria Cantwell, Tom Harkin, Frank R. Lautenberg, Charles E. Schumer.

Mr. REID. Mr. President, I ask unanimous consent that the vote occur 1 hour after use of leader time on Tuesday, June 24, the mandatory quorum be waived, and that occur no later than 11 a.m. on that day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I am sorry. I have to revise my request. I thought we were reconvening at 9:30 a.m. We are not coming in until 10. I will restate the request.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I ask unanimous consent that the vote occur 1 hour after the use of any leader time on Tuesday, June 24, with the mandatory quorum being waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

HIGH GASOLINE PRICES

Mr. McCONNELL. Mr. President, there is no doubt that the subprime mortgage crisis is a timely and important issue, and it is a worthy topic for the Senate to have taken up. There is also little doubt that the single most important issue facing Americans at the moment is the high price of gasoline at the pump.

Indeed, it would be difficult to find a single American who has escaped the painful effects of the recent record spike in gas prices and who is not eager for Congress to do something about it. That is why I was so concerned to hear the Democratic nominee for President say last week he was not as concerned about high gas prices as he was about the fact that they rose so quickly. He would have preferred a "gradual adjustment," as he put it, to the sudden shock we all got.

More concerning, not a single Democrat in the Senate has come forward to distance himself or herself publicly from his words.

The message of the junior Senator from Illinois was clear: High gas prices don't concern him as much as they concern most people. By allowing his comments to stand, congressional Democrats are being equally clear they agree with him.

The fact is, on the issue of lowering gas prices, congressional Democrats have had very little to say. There is a commonsense response and that is to increase supply at home in a limited, environmentally responsible way.

America floats on top of an ocean of untapped oil reserves three times the size of Saudi Arabia's. As an immediate response to high gas prices, common sense dictates we should be moving immediately to increase our own massive domestic supplies and add American jobs in the process. In the short term, there is only one answer to high gas prices, and that is more American energy now.

Looking ahead, there is no doubt something needs to be done about demand. But while congressional Republicans have a solution to the problem, our friends on the other side have shown a stubborn unwillingness over the years to do much at all about increasing domestic supply, and the result of yesterday's inaction is the strain American families are feeling today in the form of record-high gas prices.

By failing to address supply, even with gas prices at $4 a gallon, congressional Democrats are telling the American people $4-a-gallon gasoline is acceptable, that they should get used to it. Kentuckians are not interested in getting used to $4-a-gallon gas and neither am I.

Congress has the power to do something about high gas prices, and we should. Americans are looking to Washington for action. What they are getting instead from Democrats in Congress is a lecture on "gradual adjustments." Americans do not need a lecture; they need relief.

While Americans grow increasingly frustrated with gas prices, Democrats in the House of Representatives are showing where their priorities lie. Among other legislative business this week, they scheduled a vote on whether to ban the interstate sale of monkeys. House Democrats also recently took up resolutions commemorating National Plumbing Industry Week and the International Year of Sanitation. These resolutions are important, no doubt, to some. Yet none of them will do anything to lower gas prices.

Americans frustrated about high gas prices are wondering why Democrats in Congress are talking about monkey trade, and I don't blame them. It is time Democrats took the issue of high gas prices as seriously as the American people do. It is time Democrats in Congress join with the Republicans and get serious about lowering $4-a-gallon gas and lessening our reliance on Middle Eastern oil.

UNANIMOUS-CONSENT REQUEST—FEDERAL ELECTION COMMISSION NOMINEES

Mr. President, I have indicated to my good friend, the majority leader, it was my intention to ask consent that we go ahead and confirm the FEC nominees. This agency has been essentially dysfunctional for most of the year because of disputes over the membership. I have given him notice that I would like to do that. I did not wish to surprise him.

Therefore, I ask unanimous consent that today, at a time to be determined by the two leaders, the Senate proceed to executive session under the following order: that the Senate begin consideration, en bloc, of the following Federal Election Commission nominations: Calendar No. 306, Steven T. Walther; Calendar No. 624, Cynthia L. Bauerly; Calendar No. 625, Caroline C. Hunter; Calendar No. 626, Donald F. McGahn; and the nomination of Matthew S. Petersen, PN1765, which is to be discharged from the Rules Committee; provided further, that there be 1 hour of total debate on the nominations, en bloc, with the time divided equally between the chairman and the ranking member of the Rules Committee. I further ask unanimous consent that at the expiration or yielding back of time, the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and, finally, the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we are very close to being able to accept this. I think the consent agreement is appropriate. I think the times laid out are what we need. But I have a Senator who still has one more conversation with one of the nominees. He has been diligent. He has met with almost every one of them. He has one more. That person is in Europe now, and he has agreed to do that by telephone. So, in the next couple days, he will do that.

I have every belief that very early next week we should be able to complete these nominations. A number of these people have been very patient. They have been hanging on, basically living off their savings or their wife's work, whatever the case might be, but they have not been working because, as the Republican leader said, it has been nonfunctional, they have been out of work.

I think we can get this done very quickly. It is very important. It is important for Democrats and Republicans. We need a body there that questions can be submitted to, especially in the midst of this Presidential election and all the other elections going on around the country.

Based on what I have said, Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Republican leader.

Mr. McCONNELL. Mr. President, I am pleased to hear the majority leader shares my concern that we do not have a fully functioning Federal Election Commission. In fact, yesterday, the Democratic nominee for President called the system broken. Today is another example of the broken system.

This battle has been going on for more than 2 years, believe it or not, starting with the recess appointment of very well-qualified and well-respected experts in this field. The three recess appointments expired at the first of this year, and two nominees have ultimately withdrawn, citing the need for gainful employment, both well qualified, but one, having been unfairly and falsely maligned, ended up withdrawing.

So here we are today, after an April 29 commitment by the majority, that a review of new nominees would be simple and a commitment to speedy review. I know that is what the majority leader hoped to accomplish but, in fact, here we are still.

Let me be perfectly clear, we have gone out of our way, willing to confirm nominees who many on our side believe are completely misguided on the matter they would be regulating. But in the interest of obtaining a fully functioning FEC, it has always been my belief that the Democrats pick their nominees and we pick ours. I can't recall ever having made a Democratic nominee for the Federal Election Commission "controversial," but that seems not to be the case when Republicans pick nominees. They are frequently demonized and declared unqualified.

Nevertheless, we are where we are, and hopefully we can get this done as rapidly as possible. There always seems to be a snag, and the snags always seem to be on the other side. I know this is something the majority leader is not happy about. He has just indicated he wants to move forward, and it is my hope we can get this done as rapidly as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD an article citing the Democratic National Committee's intent to file yet another frivolous lawsuit next Tuesday—one that was dismissed once before—against the FEC, citing their failure to act on a matter related to Senator MCCAIN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCONNELL. Mr. President, the only way the DNC can maintain this suit is if there is a nonfunctioning FEC. Thus, in order for the DNC's already failed lawsuit to go forward, this package must be objected to, and they have done just that.

I hope this continued delay of getting a fully constituted FEC is not related to the fact that the DNC is trying to, we think, file a lawsuit on Monday. Those are the kinds of shenanigans which I don't think we ought to export from the campaign to the Senate. In the Senate, it strikes me we have an obligation to get this Federal Election Commission reconstituted and functioning, not to try to give one party's national committee or another some kind of advantage in a pending lawsuit.

So I am encouraged by the majority leader's desire to get these nominations completed. I know we are not having votes Monday, but we are in Monday. It strikes me that Monday would be a very good time to get these nominees confirmed, if, in fact, we can't do it later today if the snag the majority leader indicated could be cleared up. I know, because he has just said, he shares my view that we ought to get this job done, and I think the best time to do it would be today. The second best time to do it would be shortly after we convene on Monday.

EXHIBIT 1

DNC TO AGAIN FILE SUIT ON McCAIN'S MATCHING FUNDS

(By Jonathan Martin)

JUNE 17, 2008.—The DNC will today announce that they intend to file a lawsuit next week in U.S. District Court to spur an FEC inquiry over whether John McCain illegally withdrew from the federal financing system.

The committee first issued a complaint to the FEC in February, but in April a federal judge ruled that, even though the FEC lacked a quorum, they still could convene before the end of the 120 days they're given to examine complaints.

Now, with those 120 days expiring on June 24th, the DNC is acting again in hopes a judge will compel the FEC to act on their complaint, as is allowed by law.

At issue is whether McCain locked himself into spending limits in the primary by putting up anticipated matching funds as collateral for the loan that helped keep his underfunded campaign alive at the end of 2007.

Democrats hope to puncture a hole in McCain's good government image by pressing the issue while Republicans dismiss it as totally groundless.

First, though, the FEC needs to have sufficient members to form a quorum. With one nominee having withdrawn from consideration last month, the Senate appears to be finally ready to confirm additional commissioners in the next few weeks.

HONORING OUR ARMED FORCES

LANCE CORPORAL JUSTIN D. SIMS

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a young man from my home, the Commonwealth of Kentucky, who gave his life in the performance of his duty as a U.S. marine. On April 15, 2006, an improvised explosive device detonated under LCpl Justin Sims's humvee as he patrolled Al Anbar Province in Iraq. The Covington, KY, native was 22 years old.

For his valor in uniform, Lance Corporal Sims received several awards, medals, and decorations, including the Sea Service Deployment Ribbon, the National Defense Service Medal, and the Purple Heart.

At a young age, Lance Corporal Sims had found what many Americans twice his age are still searching for: his life's calling. Justin's family members agree that even as a child, he aspired to serve his country in uniform.

His mother Alma Sims commented that:

> On 9/11, he was a junior in high school. He said, "I'd go now if they would take me." You would think he was bred to be a Marine. From 4 and 5 years old, his favorite movie was Tour of Duty. The Marines was all he talked about.

Perhaps Justin was influenced by his grandfather Coleman Luster, an Army veteran. Justin admired his grandfather's service, if not necessarily how he chose to serve.

Alma remembers:

> Papaw and Justin would joke around. Justin would say, "Army was the best thing back then, but the Marines rule now." Justin looked up to Papaw. They were real close. My dad would always tease me, "You did great raising your boy. Let's see how these girls go."

These girls were Justin's four sisters, all younger than he was. Justin was a kind and caring older brother, and with Alma being a single parent, he made sure to spend a lot of time with his sisters to make things easier for his mother.

Alma said:

> He would take my four girls to school each day whenever I had to go to work early. I told him, "You don't need to do that because I have a sitter." But he insisted on taking care of them. You would think that him being 11 years older, he wouldn't want anything to do with them. It was just the opposite. If there was snow on the ground, he would take all the girls out sledding. There was no hill too large for him.

Justin started ROTC in the eighth grade and participated at Holmes High School. He was a marksman with State honors for his ROTC rifle unit and participated in sharpshooting competitions all over the country. Neighbors recall seeing young Justin practicing how to twirl his rifle in front of his house. Once he tried to teach one of his sisters, then only 8 years old, how to twirl the rifle. She ended up with a big dent on her forehead.

Alma says:

> We still laugh about that today because they told me she had fallen.

Justin graduated from Holmes High School in 2003 and later that year enlisted in the U.S. Marine Corps. He was eventually assigned to the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, based out of Camp Lejeune, NC.

Before he left, however, while still in his senior year at Holmes, Justin worked after school at a restaurant.

There, he met a young woman named Leah, who only worked at the same restaurant for a week but kept hanging around to see her friends.

Alma recalls:

> He started flirting with her, then told her he was going to ask her out.

Justin Sims and Leah Matt-Sims were married on December 26, 2004, after changing the date a few times because of Justin's uncertain deployment schedule. The happy couple found time to honeymoon in Kentucky before Justin returned to Camp Lejeune.

Alma recalls:

> When he came back from his first tour, I said, "How many people do you know can say, 'I have protected the United States'?" He would say, "And I do it with pride." He considered it an honor to be a Marine and to serve his country.

As a marine, Justin would periodically return to Holmes High School and speak to students in the ROTC Program. He deployed for his second tour of duty, this time in support of Operation Iraqi Freedom, in March 2006.

Alma said:

> I told him before he left for his last tour, "I have a bad feeling." He said, "If something would happen to one of my brothers, I would never forgive myself. It would drive me crazy for the rest of my life."

At a memorial service for Justin held at Holmes High School in Covington, the mayor announced that on that July 4th, the city would dedicate the Justin Sims Memorial Park. It is the same park where Alma and her daughters would go every Sunday and write letters to Justin when he was at boot camp.

Our prayers are for the Sims family today after the loss of this dedicated marine. We are thinking of his wife Leah; his mother Alma; his father Beechie; his stepmother, Linda Gregory; his sisters Tia Bryars, Briana Bryars, Tiffani Sims, and Maliesa Jones; his grandmother, Mae Luster; and many other beloved family members and friends. Justin was predeceased by his grandfather, Coleman Luster.

Mr. President, Justin's mother Alma tells us:

> I miss talking to him every day, but I believe God has a bigger job for him in heaven.

Those who knew Justin, whether as an ambitious boy in Covington or a dedicated warrior in Iraq, would surely agree. I want the Sims family to also know that this Senate celebrates the life of LCpl Justin D. Sims, and we honor his sacrifice on behalf of our Nation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I wish to respond to a couple of issues.

First, on the Federal Election Commission, I wish to underscore that we would have a functioning Federal Election Commission today if the Republicans had accepted our offer before Memorial Day. What was that offer? There was one that was held over, but we agreed to confirm the four FEC nominations before Memorial Day. The Republicans objected because they weren't ready with their new nominee. We offered assurance that the new nominee would be taken care of very quickly, and we have followed through on that. They rejected our offer. They wanted to wait until the new nominee came. We waited. Nevertheless, when the new nominee came, we waived a hearing on a markup. And the reason we did that is that it was what we said we would do, even though they turned down a functioning Federal Election Commission—the Republicans. We said: OK, if that is what you want, a full FEC rather than those five, that is fine. We will go along with that. Now we have a Senator, Mr. President—which I think is very appropriate—wanting to talk to those nominees, and he has done that. There is one to go. That person is in Europe, and he will do that just as quickly as he can.

Again, I underscore the fact that we would have a fully functioning Federal Election Commission today if the Republicans had accepted our offer before Memorial Day. But we are where we are. We can do a lot of finger-pointing, but we are where we are.

We believe in the Federal Election Commission. I wish it were more powerful than it is. I wish it could do more than it does. But certainly we should do everything we can to give them the tools they need to function, and one of the things they need to function is members for the Federal Election Commission. Right now, there aren't any.

As I said, we will work very hard. I have talked to the Senator this morning to make sure that is the only problem he had, and he has said that is the only problem he has. With the time difference, it has been somewhat difficult to set up the phone call within the last 24 hours, but that will be done.

So, Mr. President, the Federal Election Commission will be taken care of within a matter of days, but the fact that it is not functioning now is not our fault.

Let me just say a couple of things about the comments regarding Senator OBAMA by my friend, the Republican leader.

It seems there is a lot of effort being made to divert the focus from the issues at hand. The issue at hand is that we offered on this floor a bill that would do something about gas prices. We have focused on the subsidies to big oil. And the subsidies are huge, costing the American people billions of dollars. We have focused on the fact that there is a bipartisan move in this body to do something about OPEC. That focus was brought by Senator KOHL of Wisconsin and Senator SPECTER of Pennsylvania. They believe very strongly that OPEC should be subject to the antitrust laws of this country. That is part of our legislation. We also said there should be a windfall profits tax, and we believe there should be something done with the speculation that is taking place. So we offered legislation to that effect, and the Republicans turned down even being able to debate that legislation.

In addition, we have now pending an issue that is extremely important. I think it is in the top one, two, or three issues facing America today; that is, renewable energy. Renewable energy. We have offered a reasonable piece of legislation to give a 6-year tax credit to solar—and there are other issues in that legislation—that will radically change how we gather our energy. We are told that there are hundreds of thousands—not thousands or tens of thousands but hundreds of thousands—of jobs waiting to be funded. If this bill passed, that would take place forthwith. Would all 100,000 go to work today? No. But thousands of them would go to work within a matter of a month or two, and it would keep building.

We have before this body, as part of the record, about 400 companies that have signed on to our legislation. Virtually all the Fortune 500 companies—Fortune 400, whatever it is—have signed on to this and say this is the way to go.

What is the holdup of our legislation? It is the Republicans. What is the holdup, Mr. President? They have become addicted to red ink. It is as if they are addicted to one of the illegal drugs, but this is red ink. They are addicted to it.

When President Bush took office, the price of gasoline was $1.46 a gallon. Now, in Las Vegas, it is $4.47 a gallon. The average around the country is approaching $4.10 a gallon.

The problem with our legislation, according to the Republicans, is that we want to pay for it. Oh, gee whiz. You mean we don't want to borrow more money to do something? No, we want to pay for it.

When President Bush took office, not only was the price of gasoline at $1.46 a gallon, but there was a surplus over the next 10 years of about $7 trillion. We are now approaching $10 trillion in debt this country owes.

The so-called pay-fors for renewables on these tax extenders are—for example, we all know the abuses, what these companies have done offshore. There is one little island over there where there are 50,000 companies that are cheating the Federal Government, in my opinion. What we have done is said, OK, the hedge fund operators should not be able to use that as a way to hide their money and not pay taxes. Listen to this: The hedge fund operators agree. They say it is unfair: We agree with what the Democrats are trying to do, to pay for these renewables.

We have tried and will continue to try to focus attention on the fact that we have long-term needs and short-term needs because energy is a problem.

Let's talk about offshore. I was fortunate last night—I got home before 9 o'clock. As I was eating my little bowl of soup before going to bed, there was a wonderful program on television about offshore drilling. They had a map. On that map they showed all the places people and companies can drill right now, some 58 million acres. That is a lot of acres, 58 million acres. But they are not drilling there. They have made a decision not to drill. Not because there is no oil there, they have made a business judgment not to drill.

I would say this about the offshore: Our great country is so fortunate to have all the natural resources that we do have, but one of the natural resources we do not have is oil. Counting ANWR and all the offshore potential, we have about 3 percent of the oil reserves in the world; 97 percent of the oil is someplace else. We cannot produce our way out of our problems. Can we do a better job of producing? Yes, I believe we can. We can get more out of that percentage.

Let's talk about offshore a little more. The President of the United States came out 2 days ago saying: I want Congress to do something about offshore drilling. Listen to that. With the sign of a pen he can do something about it himself. President Clinton, with an Executive order, took certain areas offshore so that we couldn't drill there. President Clinton did that. President Bush has the ability himself to change that with a signature. But he didn't do that, did he? No, because he worried about Jeb Bush, his brother, who is totally against offshore drilling. Why wouldn't he do this himself? Why would he pass the buck to us?

I realize Congress controls the ability to take care of a lot of the offshore stuff, as we did last year, allowing drilling on the gulf coast, offshore. We expanded that because we thought it was the right thing to do. President Bush and Republicans need not lecture us on energy. They are the ones who got us into the problem we have now.

I close by saying that JOHN McCAIN is a person who is an expert on offshore drilling. Why? Because he has taken both positions. He said, until 2 days ago, we should not be able to drill offshore, and he switched his position—the ultimate flip-flop. The next thing I am waiting for him to do is—right now, the election in Alaska is tied between McCAIN and OBAMA. One of the big reasons is JOHN McCAIN is opposed to drilling in ANWR. I guess the people of Alaska expect Democrats to be opposed to it, but they don't expect Republicans to be opposed to it, and McCAIN has been for a long time. Is he going to do one of his flip-flops on ANWR? Don't be surprised.

JOHN McCAIN doesn't have the temperament to be President. He is wrong on the war, and he is wrong on the economy.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I would inquire as to what is the current business before the Senate?

The ACTING PRESIDENT pro tempore. The motion to concur in the House amendment is the current business.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so that I may call up amendment No. 5008, which is filed at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DODD. Mr. President, reserving the right to object, and I will object, I want to explain to my colleagues who may come over, who are desirous of bringing up amendments also, Senator SANDERS has expressed a strong desire to have an amendment considered regarding LIHEAP, the Low-Income Home Energy Assistance Program. There is some difficulty with that. Obviously, there is some objection on the other side to that coming up.

Out of respect to Senator SANDERS, who could not be here this morning, I object to any effort to set aside the pending amendments before that matter is resolved.

I say that respectfully to the Senator from Georgia, as well as others who may come here to do exactly that. We will be moving forward on legislation. Today we will entertain debate and discussion on this bill but will be constrained from going forward in the absence of a larger agreement that would allow Senator SANDERS to bring up his amendment. So I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CHAMBLISS. Mr. President, if I might respond quickly, it is unfortunate we are in this situation. I commend the chairman, as well as the ranking member, for coming up with a pretty good piece of legislation to address a critical issue. It is unfortunate because we are not allowed to move ahead with amendments, that we are stuck in this quagmire.

I know it is not the desire of the chairman to do anything other than move forward with amendments, amendments that are germane to the particular bill. Unfortunately, the amendment of the Senator is not germane to the pending business before the Senate. My amendment is. I think there are others who have amendments they want to bring up.

I know it is not the fault of the chairman we are not allowed to move forward, but I certainly hope that by the time we get back next week we can do so and take up amendments that are critically important to the issue at hand and that we can remove those amendments that are not germane because it is a very critical piece of legislation.

It is a good bill, and my amendment is a good amendment. I hope we are able to address it shortly.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, I wish to speak as in morning business. I ask consent to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD REFUGEE DAY

Mr. CASEY. Madam President, I rise today to recognize June 20 as World Refugee Day, a day designated by the United Nations General Assembly to highlight and celebrate the contribution of refugees throughout the world. World Refugee Day has evolved into an annual commemoration marked by a variety of events in over a hundred countries, including in my home State of Pennsylvania.

I am proud to note that, since the mid-1970s, more than 100,000 refugees from more than 30 nations have made Pennsylvania their home, enriching the cultural diversity and strengthening the economy of the Commonwealth. Over time, most have succeeded in adjusting to life in Pennsylvania and the majority have naturalized as U.S. citizens and actively participate in local community life.

This day gives us an important opportunity to pause and appreciate the grave humanitarian situation refugees face worldwide. Forced to flee their homes and having lost everything, these people have immediate needs including shelter, food, safety, and protection. But they also have basic human rights—the right to seek asylum, the right not to be returned to a country where they fear persecution, the right to work, and the right to send their children safely to school.

Between 2001 and 2005, the international community witnessed a decline in the number of refugees worldwide. Unfortunately, this trend has reversed. By the end of 2007, there was a 115 percent increase over just 2 years in the number of refugees under the responsibility of the United Nations High Commission for Refugees—UNHCR. We are now talking about a staggering 11.4 million refugees worldwide. The number of internally displaced people worldwide is also up, from 24.4 million to 26 million.

Among refugees, Afghans and Iraqis account for nearly half of all refugees under UNHCR's care worldwide. Much of the increase in refugees in 2007 was a result of the volatile situation in Iraq. It has been 5 years since the fall of Baghdad, and Iraq and her neighbors are in the midst of a humanitarian crisis that threatens the stability of the Middle East.

Wherever one stands on the future of the U.S. combat presence in Iraq, we have a moral responsibility to those innocent Iraqis who have been driven from their homes and fear for their lives and their children's lives every day. Violence and sectarian conflict are an ever present reality in Iraq, driving away anywhere from one to two thousand Iraqis from their homes every day.

The numbers are sobering. One in five Iraqis have been displaced. The UNHCR estimates more than 4.7 million Iraqis have left their homes, many in dire need of humanitarian care. Of these, more than 2.7 million Iraqis are displaced internally, while more than 2 million have fled to neighboring states, particularly Syria and Jordan. In 2006, Iraqis became the leading nationality seeking asylum in Europe.

I witnessed firsthand the challenges facing Iraqi refugees last August when I spent time in Jordan meeting with United Nations and International Organization for Migration personnel. I can report that Iraqi refugees throughout the region have become increasingly desperate and have nowhere to turn.

Since the beginning of the crisis, the Iraqi government has proven to be unwilling and unable to respond to the needs of vulnerable Iraqis. While the government has access to significant oil revenue, it is divided along sectarian lines and lacks both the institutional capacity and the political will to effectively address the growing crisis. Sectarian militia groups like the Mahdi Army are quickly filling this vacuum to provide services. The largest "humanitarian" organization in Iraq today is the Sadrist movement affiliated with anti-American Shiite cleric Muqtada al Sadr, whose programs provide shelter and food to hundreds of thousands of Shiites in Iraq.

The international community, including the United States, has been largely in denial over the magnitude of the humanitarian crisis. Until recently, the conversation was always dominated by talk of reconstruction and development rather than addressing the basic, urgent needs of ordinary Iraqis. The United Nations only just issued a common humanitarian appeal for Iraq.

Now, we here in the United States have a moral responsibility to do right by the millions of Iraqis who have been driven away from their homes, particularly for those who have risked their lives to assist our country.

In 2007, Congress agreed to provide resettlement benefits for special immigrants from Iraq and Afghanistan who helped the United States, helped us, and to increase from 500 to 5,000 the number of special immigrants from Iraq we will admit into this country. Both measures passed the Senate by unanimous votes.

The American people have responded with their customary generosity and caring spirit in welcoming these Iraqis into our Nation. I am proud to note that my home State of Pennsylvania has been a leader in helping to resettle our Iraqi allies. The city of Erie, PA, alone has resettled about 90 Iraqis during this fiscal year. But the overall progress in resettling our courageous Iraqi allies has been frustratingly slow due to Government bureaucracy and logjams. Along with colleagues from the Senate and the House, I sent a letter to President Bush today questioning the progress the administration is making on processing resettlement claims for Iraqis who have worked for us and whose lives have been placed in great danger as a result of such service for us.

There is also the larger issue of dealing with the millions of Iraqi refugees in the Middle East. Iraqi refugees are overwhelming the basic infrastructure of Iraq's neighbors, especially Jordan, Syria, and Lebanon, raising troubling concerns about the region's stability and shifting sectarian balances. As Refugee International notes, the Iraqi refugee crisis is essentially exporting Iraq's instability to its neighbors.

Beyond the obvious humanitarian and moral dimensions, this crisis has grave implications for our national security interests, our U.S. national security interests, in the Middle East.

It is time for us to acknowledge the humanitarian crisis in Iraq that is spilling over into neighboring countries. We must firmly demonstrate our commitment to resettling Iraqi refugees and working with other governments in the Middle East and in Europe to provide humanitarian assistance and support.

The Iraqi Government must accept responsibility to care for all—all—of its citizens and the international assistance needed to improve its capacity to do so in a just manner.

Let me conclude by saying how impressed I am, as are all Americans, and I continue to be so impressed by our brave men and women who have served in Iraq and Afghanistan and have returned home to advocate that more be done to help Iraqis and those who are in Afghanistan who are at risk, particularly those who have risked their lives in service to the United States of America. Let us in Congress follow their example and keep fighting to help those in the world who are most in need. After all, that is the great legacy of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

EXTENDING RENEWABLE ENERGY TAX CREDITS

Mr. ENSIGN. Madam President, I plan to ask for unanimous consent in a moment, but I would like to say a couple of words about what I am going to ask for.

We had a vote in the Senate on the renewable energy bill the last time we had the housing debate. That vote was 88 to 8 in favor of the Clean Energy Tax Stimulus amendment. This was the amendment that I offered with Senator CANTWELL and others. It included extensions of tax credits for solar, geothermal, fuel cells, wind, and many other forms of renewable energy. At a time when we are looking for more green energy in the United States, it is the right thing to do. This body spoke very strongly with an 88-to-8 vote. We rarely ever have votes like that around this place. I believe it is important for us to move forward with this important piece of legislation.

The Democrat majority has been attempting to deal with renewable energy tax credits on other bills. While I appreciate those efforts, we have to make sure this bill is actually signed into law. It was part of the housing bill last time. I believe the housing bill has the best chance of any major piece of legislation to become law this year.

The bottom line is, do we want the renewable tax credits extended and signed into law? I think this is the best vehicle we can possibly have to ensure that.

Right now, the Democrat majority has been bringing to the floor—as they did a few days ago—extenders legislation that has many objectionable items that the President said he would veto. All of the tax extenders, which both sides support, were coupled up with some very objectionable items, including a $1.3 billion tax earmark. You know, we are talking about earmarks around this place; there is a $1.3 billion tax earmark in that bill. There are also other very objectionable special interest projects and tax increases that are in that bill. For these reasons the President said he would veto it. These reasons are also why the Republican minority has been objecting to what the Democrats have been trying to do.

So I ask our colleagues, let's join together the way we did before in an 88-to-8 vote to extend the renewable tax credits. Let's bring more green energy to the United States. Let's bring more jobs to the United States. This is good economic policy. It is also good energy policy. We have already recognized that in the Senate. So let's join together again on this amendment, and allow this amendment to be voted on so that we can get this amendment signed into law this year.

I ask unanimous consent to temporarily set aside the pending amendment so that I may call up amendment No. 5020 which is filed at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, I will repeat what I said a moment ago. Senator SANDERS of Vermont is unavoidably absent this morning. He has wanted to bring up the low-income energy assistance program. While it is not germane, it is relevant, obviously, to the subject matter of the bill—home heating. But there is objection on the Republican side for that amendment to be considered. As a result, he is objecting to any unanimous consent request to lay aside the pending amendment. So there is a reason that I will momentarily object.

Let me also say for clarity that the very provision the Senator from Nevada has raised here, the renewable energy program, was part of the extender bill last week. Obviously, any bill like that is going to have pieces you like and pieces you don't like. I have rarely seen a piece of legislation around here that had the unanimous support of everyone. Nonetheless, we had an opportunity to deal with that piece of legislation, and because we couldn't get cloture on it, that was rejected by the Republican minority. They did not want that bill to come up, so we did not debate it at all. An opportunity to deal with the very provision that enjoyed such broad-based support could have been part of that and gone down to the President for his signature.

So on this bill here, while I have supported this proposal—it was part of the earlier housing bill—until we resolve the matter dealing with low-income energy assistance, then, at the request of the Senator from Vermont and the leadership here, I will object to any effort to set aside the pending amendments.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENSIGN. I am deeply disappointed. I think this is an important piece of legislation. I hope the Senator from Vermont, who is a cosponsor of the Clean Energy Tax Stimulus Act, will reconsider. There are serious objections to what he is trying to do, obviously, on this side. And I will say he does not have the kind of support that this amendment enjoys. This amendment was supported by a vote of 88 to 8 in the Senate. This is an amendment that should be allowed to go through. It should remain part of this bill. We should put away the partisan squabbling and get this bill done. I hope that while we are negotiating, we can make sure this amendment becomes part of the final bill.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I wish to take a few minutes, if I may, and sort of review the events of yesterday, a historic day here in many ways in that we were able to bring up a rather comprehensive housing proposal, thanks to the work of Senator SHELBY, my colleague from Alabama, the former chairman of the Banking Committee and my ranking member, along with 17 other members of the committee, Republican and Democrats, on a vote of 19 to 2 out of the Banking Committee, that brought forth the final piece of this housing package for the consideration of our colleagues.

I heard repeatedly mentioned yesterday that this was a large bill. It is. It is 660 or 670 pages. And the question was raised about how we had not had a chance to see this bill. I remind my colleagues that you have already voted for two-thirds of that bill because they are previous matters we have considered on two separate occasions, with some very minor, minor but significant changes, but not voluminous in their quantity. So the greater part of this legislation has already been examined and debated extensively on this floor. The remaining piece, the one that came out of the committee 19 to 2, was voted out of the committee about a month ago—a little more than a month ago—and has been the subject of significant reporting as to what it included. It is very similar, I might point out, to what was adopted by the other body. So this is a moment where we have had ample opportunity.

If you do not hear it on the floor, go back home and listen to your constituents talk about foreclosure problems. As I pointed out yesterday, we are now averaging 8,427 filings for foreclosure on a daily basis in the country. So every single day in this country, more than 8,000 people, between 8,000 and 9,000 people are in the process of losing their homes. There are 1.5 million of our fellow citizens who have already lost their homes over the last year or so, and with resets of adjustable rate mortgages coming up in July, the estimates are those numbers will explode even further. In fact, it is been reported by Credit Suisse and the Mortgage Bankers Association that as many as one out of every eight homes in America could be in foreclosure if we do not come up with some means by which we can address this issue.

The economic crisis we face in our country has at its heart the housing crisis, which has at its heart the foreclosure crisis. The problems are exacerbated, are expanded, obviously, by the rising costs of gasoline and health care, higher education, the fact that now more than 300,000 jobs in the last few weeks have been lost in this country, unemployment rates are rising, and inflation is beginning to creep up.

This issue of getting our Nation back on its feet economically, restoring confidence and optimism of the American people, particularly when it comes to the most important asset most Americans will ever have, which is their homes—nothing we can do is more important to the stability of our neighborhoods, our communities, and our families, than making it possible for people to be able to maintain and own their own homes.

That is the heart of what we are trying to do. That has been the effort over the last number of weeks, with the passage of two previous pieces of legislation and the adoption now, I hope, in the coming days, of this comprehensive bill.

Let me review the bidding, if I can, as to what is in this bill. And the efforts that were made yesterday to strip out all of this were soundly defeated by margins that we rarely see in a body such as this that is so equally divided, 51 to 49. But, again, thanks to the leadership of both Democrats and Republicans, the leadership of the majority leader, HARRY REID, as well as the cooperation of the minority leader, we were able to get to this bill, we were able to address these underlying questions and then vote overwhelmingly to reject the efforts that would have stripped this legislation of its heart.

We have a strong regulator in this legislation. This has been an effort which has been sought over the last 6 or 7 years. Yet we have been unable to deal with the problem of the government-sponsored enterprises, principally Fannie Mae and Freddie Mac, which are critical to the liquidity that is needed in our housing markets. Yet we also know that those institutions have been losing billions of dollars as a result of the housing crisis. A strong regulator is necessary and some additional reforms to make sure that these GSEs, these government-sponsored enterprises, particularly Fannie Mae and Freddie Mac, will be on a sound footing. This bill does that, and we were able to achieve that through the cooperation I mentioned a moment ago. That is absolutely essential if we are going to have any hopes at all of stabilizing the housing problems.

We establish in this bill a permanent affordable housing program, not a temporary one, not for 1 or 2, 3 or 5 years, but a permanent affordable housing program.

I cited yesterday the statistics of the millions of Americans who are finding any kind of shelter further and further from their grasp economically. Today when you discover that you have people literally spending more than 50, 60, or 70 percent of their income on rental housing and, in some cases, when you talk about people who are disabled, the SSI payments, in fact, don't even equal the cost of the housing they are in today, we need to have a program that provides affordable shelter.

Decent, affordable shelter has never been a partisan issue. In fact, 60 years ago, the administration of Harry Truman brought together Democrats and Republicans in 1948 and insisted upon the issue of affordable shelter for all Americans. Over the years, Democrats and Republicans, conservatives, liberals, moderates have all worked together on this issue. As I was growing up, the man who was called Mr. Housing was a guy named John Sparkman, a Senator from Alabama, the same State as my ranking member from Alabama, Mr. SHELBY. John Sparkman was Mr. Housing.

Through the 1950s and 1960s, as a Member of this body, he fought year after year to see to it that we would have affordable, decent shelter for all Americans. We began to slip over the last 15 or 20 years, as fewer and fewer dollars are being invested in affordable shelter for Americans.

In this piece of legislation, as a result of the efforts of our colleague from Rhode Island, JACK REED, along with others, we now will have a permanent, affordable housing program in America that will not require any tax increases. The support of that program will come from the resources coming out of Fannie Mae and Freddie Mac, the GSEs. So for the first time in a long time, if ever, we will have a consistent and reliable source of support for decent, affordable shelter for Americans. That is a part of this bill.

The legislation also includes the HOPE for Homeowners Act. It will help at least 450,000 of our hard-working families save their homes. Again, this idea is not new. It was tried years ago, back in the 1920s and 1930s during the Great Depression, the last time, I might point out, that we had a significant housing crisis such as the one we are in today.

Back in those days, the Congress, working with Franklin Roosevelt, crafted a program that had the Federal Government actually purchase highly distressed, troubled mortgages and then put those families back on their feet by a fixed-rate mortgage they could afford. That program actually produced a surplus for the American Government of some $16 million. We don't have a program like that, but it is similar. Instead of actually purchasing distressed mortgages, we are insuring them by insisting that the lender reduce the amount they are asking for and settle on a fixed-rate cost that the borrower can afford. Therefore, the lender does not lose everything. It costs them in order to take this arrangement, but the borrower also gets to stay in their home, and they end up paying that insurance and also contributing back to the cost of the program.

The Congressional Budget Office has examined this idea which is temporary, voluntary; you don't have to be in it if you don't want to. We are trying to create a structure to allow people to end up with a mortgage they can afford and, for lenders who worry about losing everything, an opportunity to get something back out of this rather than losing all their resources. It is estimated by the Congressional Budget Office that this program could actually save American taxpayers $250 million. That is their estimate of what we may actually have coming back as a result of this effort.

This has been a bipartisan proposal—a bicameral one, for that matter. The House has adopted a very similar program in their bill. There was an effort to strip this program out of the bill yesterday. Our colleagues voted 77 to 11 to reject such an effort. We don't get votes like that often, but I commend my colleagues, Democrats and Republicans, for sticking with an idea that was recommended to us by a broad consensus on the political spectrum. So it was very important. We had strong votes yesterday for the regulatory reform for GSEs. The effort to strip out the affordable housing program was soundly defeated as well. The amendment relative to the HOPE for Homeowners Act was also resoundingly defeated.

We are on the brink of adopting the most comprehensive piece of housing legislation in a long time, and it is not coming any too soon either. As I have reported, when you have more than 8,000 people every day slipping into foreclosure, with already a million and a half, and some estimates are those numbers will explode in the coming weeks and months, it is a timely decision for Congress to do everything we can to restore confidence and optimism, to keep people in their homes, and to get our economy back on a sound footing. We will not do that in the absence of dealing with the housing crisis.

Again, I commend my colleague from Alabama. I thank him immensely for his work. I thank the leadership, principally our majority leader, for making it possible for us to get to this moment where we could adopt this legislation. My hope is that the other body, the House of Representatives, will consider what we have done, how difficult it is, and how precariously close we have come to having this matter blow up on us on at least several occasions in the last several days. We need to send this package to the President for his signature. He is threatening a veto. I hope he doesn't do that. It would be a great tragedy to have the President decide to veto this legislation.

I am told the reason he wants to veto it is because we include money for the Community Development Block Grant Program, some $3.9 billion. That is an emergency effort. The reason we have that is because our mayors, county supervisors, and Governors already have foreclosed properties, many of them in their communities. These moneys are exclusively to be used for the rehabilitation of these homes so they can be resold, to make them more attractive and available so we can revitalize neighborhoods that have been affected by foreclosure.

I have pointed out on many occasions in the past while debating these bills, if you end up with one foreclosure on a city block, the value of every other home on that block declines immediately by more than 1 percent. Crime rates go up by at least 2 percent in those neighborhoods. You start losing value in other homes, even if they are not on the market. We know today we have some 15 million homes where the debt exceeds the equity. Despite efforts over the years to increase that equity, to become part of retirement and deal with a family crisis, such as a higher education cost, many families now are living in homes where the debt on the mortgage exceeds the value of the house. That is an unhealthy situation. We need to do everything we can by cleaning up where foreclosed properties exist and getting them back on the market.

Let me commend Senator BAUCUS of Montana and Senator GRASSLEY of Iowa, chair and ranking member of the Finance Committee, the tax-writing committee. Part of this bill includes provisions to deal with mortgage revenue bonds, to deal with a tax incentive approach to take foreclosed properties and encourage homeowners who would move into them to buy them. We need to do everything we can to allow this market to get back on its feet and moving.

That is a quick brief of what this bill includes. Again, it is a very good piece of legislation. It is not perfect. If I were writing it myself, it would look different, as I am sure it would if each Member could write the bill. But we serve in a body of 100 Members. We must work with a body that has 435 Members down the hall. Of course, we must work with the White House. That is how our system works. You don't get to write these things on your own. You have to work with people with whom you may have fundamental disagreements in order to resolve those disagreements, to find common ground, and then craft ideas that can make a difference for the American people who depend upon us.

That is what we have done with this bill. It is a sound, reliable, strong piece of legislation that will make a difference for the American people and, particularly, families fearing they may lose the most important and valuable asset they will ever have, the family home. What a difference it can make to a family to have that house in which to raise their family and feel secure that the home they are living in and raising their children in will be theirs and not be lost through foreclosure.

We are hopeful this legislation will be adopted in the early part of next week, and the President will sign it into law. What a greater gift on Independence Day, as we break for a week to go back to our respective States, than to have the President sign into law a piece of legislation that would allow the American people to enjoy a certain amount of independence as well in living in their homes without fear of foreclosure.

I urge my colleagues to continue to be supportive of this effort, and I thank those who have been responsible for bringing us to this point.

MORNING BUSINESS

Mr. DODD. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OIL MARKET SPECULATORS

Mr. DORGAN. Mr. President, this morning, watching television as I was getting ready to come to work, I heard a news report about how much less Americans were driving. I believe they said 4.5 billion fewer miles driven in our country in April, although it may have been January through April. I am trying to get that. But the New York Times yesterday had the same thing. It says: "Driving Less: Americans Finally React to the Sting of Gas Prices." It described that in April of 2008, compared with the same month 1 year ago, Americans drove 1.8 percent fewer miles on public roads. So round it up. Americans drove 2 percent less in April, and presumably they used 2 percent less gasoline than 1 year ago.

If that is the case, that gas prices are up so Americans are driving less and using less gasoline—then demand is down, isn't it?

Well, demand is down—and we know that; it doesn't have to be confirmed by the New York Times yesterday. Demand is down. When gas goes to $4, people are wondering how on Earth do I pull up to the gas pump and afford to fill the tank? I had a tribal chairman come to the Senate yesterday. He described a mother who was driving her daughter, who had threatened to commit suicide, to see a doctor. But the mother didn't have money or enough gas in the car to get back home, so she came to see the tribal chairman of this particular Indian tribe to try to get some money to put some gas in the tank to be able to drive home after driving her daughter to the doctor.

We know these stories. A lot of people can't afford this, so they are driving less. So if demand is down, then why are gasoline prices staying up?

Four of the first 5 months of this year, we have seen increases in crude oil inventories. Let me say that again: Crude oil inventory supplies in this country have increased 4 of the last 5 months. So if supplies are up, and demand is down, what justifies a continued increase in the price of oil? It is not justified. It is unbelievable speculation in the commodities markets.

I want to talk about that for a moment today. But I want to also note that in the Washington Post this morning, Steven Pearlstein had an article. It says: "On Energy: Same-Old, Same-Old." And he is right about that. Same old thing, isn't it, on energy?

We can't live without energy. The fact is, we get up in the morning and flip a switch and the light goes on. We plug something in and our razor works. We get in the car, turn the key, and we can drive. We take energy completely for granted, and yet we are prodigious users of energy.

But we have a problem: Part of the problem is that divine providence, apparently, ended up putting most of the oil under the sands way on the other side of the planet and most of the demand is here. So we stick straws in this planet of ours and suck oil out every day. Eighty-five million barrels of oil every day we suck out of this Earth, and one-fourth is destined to be used in this little spot called the United States. We use a quarter of the oil every single day that is produced in this world.

That is pretty unbelievable when you think about it. So we have big problems. We use a quarter of the oil, and much of it is produced elsewhere—Saudi Arabia, Kuwait, Iraq, and Venezuela—in troubled parts of the world. We need to be less dependent on finding oil from off our shores, which means we need to be more diligent in finding ways to produce more here.

But it is not just producing oil, however. There are a lot of ways to produce energy. My colleagues on the other side, who have spent the last several days in this Chamber saying we have to drill here and drill there; that the only way you produce is to drill a hole someplace. Well, I know people like this. They are the dig-and-drill type. I call them "yesterday forever." Digging and drilling, that is the only way they think you can produce energy.

What about planting a crop in a farm field and producing ethanol? What about putting up a wind turbine and producing electricity by taking the energy from the air? What about solar? What about biomass? There is so much more we can and should do with respect to the production of energy.

I will talk about that some more, but I want to come back to this issue of speculation. Right now, the price of gas is killing us. We have, I think, 12 airlines that have gone bankrupt in recent weeks and months. We have a whole lot of trucking companies that are now out of business because they cannot afford to continue to operate by paying current diesel prices to fill their trucks. We have farmers who can't figure out how they are going to order a load of fuel for spring's work and summer's work because it costs too much. We have a lot of families driving up to a gas pump and putting in only five gallons because they can't possibly afford to fill the tank.

What is causing all that? Well, we have what is called a commodities market that has now been infested with hedge funds and investment banks. Investment banks, for the first time in history, and in recent years, are in this commodity market speculating. They have actually purchased storage capacity in order to take oil off the market. That is not a particularly good way to bring down prices, is it? But that is not the interest of some of these speculators. They think increasing the price is fine. It is exactly what they want.

Will Rogers described all this years ago. He described people who buy things they will never get from people who never had it, making money on both sides. It wouldn't matter so much if the speculation on a commodity isn't so essential to this country. There is unbelievable speculation on oil and gas prices in this country, particularly oil prices at this point, that is damaging our economy. It is damaging our country, it hurts American truckers, farmers, and others, and we need to do something about it.

Now, the question is, what? I am going to hold a hearing next week. I chair the subcommittee that funds the Department of Energy, among other things, and it funds the Energy Information Administration. That is the agency we pay in the Department of Energy to tell us what they know about energy. This is not a policy group, but we spend a lot of money on the EIA. If somebody is talking about energy and giving you some analysis about energy statistics, it is probably the Energy Information Administration, run by Mr. Caruso. Mr. Caruso is going to testify before my subcommittee this coming week.

But I want to show you this chart. I am not showing this to demonstrate that the EIA is incompetent. That is not my allegation here. However, I wanted to show you what the Energy Information Administration has estimated each month, because they estimate what the price of oil is going to be. Nobody knows, so EIA makes the best estimate they can, because they have the best people and the experts. So here is what they have estimated.

By the way, this red line is the actual price, okay? Go back here in May 2007, and they estimated the price of gasoline was to be about here. In July 2007, they said here is where we think the price will be. In September of 2007, here is where we think the price is going to be. In November 2007, we think the price will go down, actually. In January 2008, the price is going to go down. March 2008, it is going to go down, and in April, it is going to go down.

Here is what actually happened. Oil prices went straight up, like a Roman candle. So the best people we have in the agency instructed to do this analysis say, here is our estimate of oil prices—and the fundamentals of the marketplace should reflect supply and demand. I assume they probably thought people were going to drive a little less as prices went up so that we would have more conservation. But they said, we think we are going to be okay on supply and have a little less demand and prices will moderate. Instead, prices went like this.

How can we be so wrong for so long? That is the question, I guess, for next week. But I have had a chance to ask the head of this agency at a previous hearing whether there is some speculation here. My notion is this is an unbelievable orgy of speculation, and that is what is happening to this market. The market is broken, doesn't work, it is full of speculators, and they are interested in driving up the price. They do not give a rip about the damage to the economy. But the answer from the EIA was, well, a little bit of speculation, but, you know, not very much. It was kind of a two-step shuffle with your hands in your pockets, ruminating. Wearing a gray sweater and smoking a pipe and ruminating: Well, maybe a little speculation.

You know what? I think the truth is—and this chart with these lines demonstrates how wrong we have been for so long—that there is a massive amount of speculation here. There are plenty of experts around who say this market is like a casino, open 24/7.

Now, what does it matter? Well, what matters is this is doing unbelievable damage to our economy and to our country. I would understand it—I wouldn't accept it, but I would understand it, if at least the supply and demand relationship here justified an increase in price, but it does not. Refineries in this country in recent months have actually cut back in their capacity because they have had too much inventory out there. Drivers are driving less, crude stocks in 4 of the first 5 months have been up, yet the price of oil continues to rise.

Now, the large oil companies that are going to the bank depositing our money have a permanent grin. They can't stop smiling. The Saudis and the OPEC countries can't stop smiling either because they are contributing even more of our money to their bank accounts. This is not bad for everybody. This is good for some. It is just bad for most of the American people and bad for the economy of this country.

I believe that speculation is rampant and the regulatory authorities, the people who are supposed to wear the striped shirts and call the fouls, the Commodity Futures Trading Commission are largely doing nothing about it except for the last couple of weeks when someone has, apparently, lit their fuse or when the Chairman had some sort of epiphany overnight and said it looks as if we ought to start investigating this. The Chairman of the regulatory body has said repeatedly now, for many months: It is just the fundamentals, there are no problems here, the market is working fine, just fine. He said it last July, he said it in January, he said it in February, he said it in May, be happy, there is no problem here. The fundamentals of the oil markets are working just fine.

Then, all of a sudden, we had a kind of tipping point. The Chairman of the Commodity Futures Trading Commission said: There might be something wrong. We are going to look at it. And oh, by the way, we have been looking at it for 7 months.

It is a little confusing to me and I expect to the American people. Either the fundamentals were not right, or they were, back when he was assuring the American people everything was fine.

Having said all of that, it is pretty clear to me what is going on here. We have a dramatic amount of speculation, a bunch of big interests running up the price of oil on the commodities market—hedge funds, investment banks, and others—speculating, purely speculating in these oil markets.

I am going to introduce some legislation next week that addresses that subject. It will be the End Oil Speculation Act. It will require the Commodity Futures Trading Commission, which has largely been asleep at the switch, to use the authority it has to do what is necessary to separate legitimate trading for hedging purposes on the commodities market for oil from trading that is purely speculative. It will increase the margin requirement on trading that is purely speculative. It will do a number of other things that respond to the need to say: We believe this market should work. We think this market is necessary. But when a market is broken, the U.S. Congress has a responsibility to address it.

My legislation will have time requirements and will make certain that the Commodity Futures Trading Commission takes the action that is necessary to wring the speculation out of these markets. I will introduce that early next week.

I do want to say with respect to the Stephen Pearlstein article that I think he has it right—"same old, same old." He said: Somebody brings up offshore drilling, and immediately some say "no," others say "yes," some say "there," others say "nowhere." Should we do some offshore drilling? Sure. I supported offshore drilling in the Gulf of Mexico. I was one of four Senators who constructed the legislation that is now law that opens what was called lease 181. Substantial oil and natural gas are there. We ought to open much more of that on the eastern Gulf of Mexico. That is where the highest potential of recoverable oil is, in the Gulf of Mexico. We can do that safely.

The fact is, you need to do much more. We are not going to drill our way out of this problem. We need much more renewable energy and more conservation. By far, the lowest hanging fruit in the energy issue would be to retrofit all buildings in America. The Mackenzie study says that is the quickest and easiest way to achieve substantial savings in energy. There is so much to do and so much available to us in renewable energy, in conservation, efficiency, and also the other elements that come together outside of just drilling and digging.

I support some drilling and I support some digging. But that is not a policy, it is just a chant to say: Let's keep doing what we have been doing. That has driven us into a ditch. We want to get out of the ditch. We don't want to make the ditch deeper.

I am going to be introducing legislation next week to address this problem of speculation. My hope is that all those who believe, as I do, that this market is not working right will support this effort. When you have an increase in supply of oil and you have a decrease in demand, you would expect that prices would begin going down, not continue to go up on a steep path. This market is broken, and I believe Congress has a responsibility to fix it. That is what I hope my colleagues and I will be able to do beginning next week.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOLICITOR GENERAL PAUL CLEMENT

Mr. HATCH. Mr. President, I rise to pay tribute to the service of Paul Clement, who recently stepped down as our Nation's 43rd Solicitor General.

Paul served in that office for more than 7 years, first as Principal Deputy to Solicitor General Ted Olson, then as Acting Solicitor General, and for three years as Solicitor General. He is a good man and an excellent lawyer who was a great Solicitor General.

Before speaking about Paul, let me first say a few words about the office in which he served.

Congress created the Department of Justice and the position of Solicitor General in 1870. Since then, the Solicitor General is the only Federal Government officer actually required by statute to be "learned in the law."

As Paul put it during his confirmation hearing in April 2005, the Solicitor General sits literally at the crossroads of the separation of powers. He is an executive branch official who defends the actions of the executive and legislative branches before the judicial branch.

Today, the Solicitor General represents the United States before the Supreme Court and manages the United States' participation in thousands of lower court cases. That means he must make decisions in individual cases with reference to past positions taken by the United States and vigilance about how current positions may affect the future.

Such a constant, and constantly changing, set of factors makes the Solicitor General's job something like the courtroom version of multi-dimensional chess.

Because of his special relationship with the Supreme Court, the Solicitor General is often referred to as the Tenth Justice. Because of its astounding breadth and depth of experience and expertise, the Solicitor General's office has been called the best law firm in America.

Paul Clement stands in a line of Solicitors General that includes some of the true giants in the law and in the service of our country.

They include many who also served on the federal bench such as Supreme

Court Chief Justices William Howard Taft and Charles Evans Hughes; Associate Justices Stanley Reed, Robert Jackson, and Thurgood Marshall; and Circuit Judges Kenneth Starr, Wade McCree, and Walter Cummings.

They include some of America's most distinguished legal academics such as Walter Dellinger, the Maggs Professor of Law at Duke; the late Erwin Griswold, dean of Harvard Law School for 31 years; and the late Rex Lee, from my own State of Utah, who was the founding dean of the J. Reuben Clark School of Law at Brigham Young University.

Past Solicitors General also include those who would distinguish themselves in both the academic and judicial worlds such as Charles Fried, who has taught at Havard Law School since 1961 and served on the Supreme Judicial Court of Massachusetts; and Robert Bork, who was the Bickel Professor of Public Law at Yale and served on the U.S. Court of Appeals for the D.C. Circuit.

Like Paul Clement, current Chief Justice John Roberts served as Principal Deputy Solicitor General.

Paul deserves to stand among such legends.

A native of Cedarburg, WI, Paul graduated from the Cedarburg public schools and went on to receive a bachelor's degree summa cum laude from the Georgetown University School of Foreign Service and a master's degree with distinction from Cambridge University.

He then gave Harvard Law School a try and, sure enough, graduated from there magna cum laude after serving as Supreme Court editor of the Harvard Law Review to boot.

With that record, it is not surprising that he had the opportunity to clerk for truly great judges such as Judge Laurence Silberman on the U.S. Court of Appeals for the D.C. Circuit, who recently received the Presidential Medal of Freedom, and Supreme Court Justice Antonin Scalia.

After a few years in private practice, Paul joined the United States Senate family as Chief Counsel of the Judiciary Subcommittee on the Constitution, Federalism, and Property Rights, chaired by our former colleague and former Attorney General John Ashcroft.

I chaired the Judiciary Committee at the time and remember Paul not only as a smart and hardworking lawyer but as a thoughtful, humble, and truly decent person.

It is easy to find someone with either professional talents or personal qualities, but a rare gift to have someone like Paul who has both.

After leaving the Senate, Paul returned to private practice and headed the appellate practice group of the distinguished law firm of King & Spalding before joining the Solicitor General's office. A far less impressive record spread over a lifetime would suffice for most, but Paul does not achieve the ripe old age of 42 until next week.

Three members of this body have been serving here since before Paul Clement was born. Why, the Senator from West Virginia, Mr. BYRD, was in his second term when young Paul came into the world.

The Senator from Paul's home State of Wisconsin, Mr. FEINGOLD, my colleague on both the Judiciary and Intelligence Committees, introduced and praised Paul at his confirmation hearing. He noted that Paul would be the youngest Solicitor General in more than 50 years and one of the youngest in American history.

I do not want to belabor the point, but as I become a more seasoned citizen myself, I am impressed with how much some of these young people can accomplish.

Oh, I forgot one item on Paul's jam-packed résumé. Last September, Paul squeezed in a full 24 hours of service as Acting Attorney General. Fittingly, that was on September 17, which is the anniversary of both the Constitution's signing and the confirmation of Paul's former boss Justice Scalia to the Supreme Court.

Paul has argued a total of 49 cases before the Supreme Court. I should perhaps say that he has so far argued 49 cases, as Paul may well return to the Supreme Court podium in the future. It is the tradition and commitment of the Solicitor General to defend acts of Congress if there is a reasonable argument to do so.

No one can turn a merely reasonable argument into a compelling argument better than Paul Clement. Many who have seen him argue remark that though he speaks without notes, he has an astounding command of the facts and the law in each case.

He has vigorously defended the legislation we have enacted on a wide range of issues, from the McCain-Feingold campaign finance law and the ban on partial-birth abortion to the Solomon Amendment and the Americans with Disabilities Act.

I would be surprised if any of my colleagues voted for every piece of legislation Paul has defended before the Supreme Court. I know I have not.

But in every case, Paul upheld the highest standards of his office by diligently defending the work of the legislative branch.

And while each Solicitor General faces unique challenges and special cases, Paul's tenure coincided with the war on terror that we continue to fight.

He has confronted not only novel, complex, and serious legal issues, but he has borne the burden of knowing that his efforts will dramatically affect American lives, and indeed the American way of life itself.

Paul's combination of experience allowed him to do some truly unique things as Solicitor General. When he earlier served on the Judiciary Committee staff, for example, Paul worked hard on the development and passage of the Religious Land Use and Institutionalized Persons Act.

I introduced that legislation after the Supreme Court struck down previous efforts to protect religious liberty. The Senate unanimously passed the bill.

Then in 2005, as Solicitor General, Paul defended the constitutionality of that law and the Supreme Court unanimously upheld it.

And in the case now before the Supreme Court regarding the District of Columbia's ban on firearm possession, Paul argued before the Justice for whom he clerked regarding the opinion of the Circuit Judge for whom he clerked.

Some who have compiled such an amazing resume have taken much longer to do so. Some who have done so quickly are, quite frankly, not nearly so decent and kind as Paul Clement.

He and his wife Alexandra have three wonderful children, Thomas Antonio, Theodore Gerald, otherwise known as Theo, and the youngest, Paul Gregory. The little one, called P.G., made his presence known at the opening of Paul's confirmation hearing. Youngsters are known to do that.

We all remember Chief Justice Roberts' son Jack doing the dance of joy when his father was sworn in at the White House. At his hearing, Paul noted that he and his wife had promised the boys Yugioh cards in what he said would be direct proportion to how well they behaved that morning. I thought the boys did quite well that day and hope they were duly rewarded.

I was also touched at that hearing when Paul talked about his wife and her role in supporting his work. He said: "Every day that she allows me to practice law outside the home while she stays home with our three boys is a personal sacrifice and an indulgence of my interests, for which I am eternally grateful."

I am not the only one to recognize Paul Clement as a very good man and a very good lawyer or to applaud his service to our country.

I ask unanimous consent to place in the RECORD following my remarks letters sent to me by former Solicitors General Ted Olson and Seth Waxman, the current Deputy Attorney General Mark Filip and his predecessor Paul McNulty, former Attorney General Edwin Meese, former Senator John Ashcroft, Judge Laurence Silberman, and Justice Antonin Scalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

I want to highlight a few comments from a few of these letters.

Former Solicitor General Ted Olson, for example, wrote to me that "I have been continuously impressed by his unfailing dedication and talent. I cannot imagine a more productive, honorable and distinguished record of exceptional government service. . . . General Clement has also been an outstanding steward of the office of the Solicitor General throughout his 7 years of government service. . . . He leaves this fine office in superb condition, fully staffed and in the hands of lawyers dedicated to carry on the work of the Solicitor General."

Deputy Attorney General Mark Filip attended Harvard Law School with Paul and together they clerked for Justice Scalia. He writes: "The respect and praise for Mr. Clement is the product of his unique talents and work ethic. He is exceptionally bright, and he is a gifted oral advocate. He is also intellectually honest and open-minded . . . Paul is a fundamentally decent person, and a true patriot, and the Department of Justice and Nation are decidedly better because of his public service."

And Justice Scalia wrote to me this way: "when it was rumored that Paul Clement was under consideration to fill the vacancy in the office of Solicitor General, the Court (and I speak here of a 9-0 judgment) was delighted. It was the consensus, based on Mr. Clement's appearances before us over the preceding few years, that the President could not make a better choice. We have not been disappointed in our expectation. For the past 7 years, General Clement could be relied upon to assure that the Government's case was presented forcefully but fairly, without exaggeration or obfuscation. The Government did not always win, of course, because sometimes its case was a weak one; but the Office of Solicitor General said for it the best that could be said. I take special pride in passing along this praise, since as you know Paul was once a law clerk of mine and has remained a good friend."

This is certainly high praise and I share all of it.

But Paul Clement is no ordinary super-lawyer.

Last year, a profile in the Wall Street Journal noted Paul's credentials and brilliance but also revealed that he is a fan of alternative rock music, with his favorite band the grunge group Nirvana.

The Journal speculated that Paul is the first Solicitor General to frequent the 9:30 Club, described as Washington's alternative rock outpost.

A writer on the Wall Street Journals blog offered this simple yet profound assessment, which I also share:

Paul Clement rocks.

I understand that Paul will be staying in the Washington area, returning to teach law at Georgetown and serving as a fellow at the Supreme Court Institute.

Both institutions and the people they serve are truly blessed to have him.

Already in his young life, Paul Clement has touched many lives and made America better.

I understand that Paul and his family are today doing some well-deserved traveling abroad.

I join so many others in thanking him for his service to America and in offering my prayers for him and his family in their lives ahead.

This is an exceptional human being. He is a great man. At his tender age, he has been a great Solicitor General by all measures. Whether you are a Democrat or Republican, you have to acknowledge that. He has served this country well and faithfully. I value his friendship. I value him as a human being.

On behalf of, I think, every member of the Judiciary Committee and others who knew him, we wish Paul the absolute best. We know he will be giving a great deal of knowledge to those young students and others who will learn from him.

I am grateful to know him. I am grateful I have had the privilege of working with him. I am grateful I have been able to watch his career as he served in the Solicitor General's office. I am grateful this young man has reached the heights he has reached because he deserves it. He is a terrific human being, and we all know that.

I yield the floor.

EXHIBIT 1

GIBSON, DUNN & CRUTCHER LLP,
Washington, DC, June 3, 2008.

Re Solicitor General Paul D. Clement.
Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I understand that you will be offering a Senate tribute to retiring Solicitor General Paul D. Clement. You are very kind to do this, and I wanted to take the opportunity to add my praise to the many plaudits that I am sure you have received from others for the outstanding and dedicated service Solicitor General Clement has rendered to the Government of the U.S. and to the people of this Nation during his 7 years as Deputy Solicitor General and Solicitor General.

As you know, General Clement served as my Principal Deputy in the Solicitor General's office from 2001 until 2004. As a result, I was able to observe, on a daily basis, his extraordinary talents and dedicated service in the Department of Justice. I also stayed in close touch with his work in the years since I left the office in 2004. I have been continuously impressed by his unfailing dedication and talent. I cannot imagine a more productive, honorable and distinguished record of exceptional government service.

General Clement is and has been a superb advocate for the United States before the United States Supreme Court. I personally observed many of his forty-nine arguments before the Court and I am familiar with many of the arguments that I did not witness. His preparation for and delivery of arguments to the Court have invariably been superb. His analysis has been meticulous and insightful, his oral advocacy honest, clear and forthright, and he is eloquent and persuasive in Court. Many of his arguments have involved defending the constitutionality of acts of Congress. Congress could not possibly have had a better advocate. He repeatedly and consistently earned the respect, admiration and appreciation of the Justices.

Another part of General Clement's service was managing the appellate practice of the lawyers of the United States in the federal courts. He has worked diligently and conscientiously to insure that the interests of the United States were well served in determining whether to appeal decisions adverse to the United States and to intervene in cases where the interest of the United States required it. The quality of that advocacy has been clear, fair, and consistently of the highest caliber. In developing the position of the United States, he has thoughtfully and painstakingly listened to and helped articulate the views of the Government agencies that he has represented, never overlooking the fact that the people of this Nation were his ultimate clients.

General Clement has also been an outstanding steward of the Office of the Solicitor General throughout his 7 years of government service. He has encouraged, supported and guided the exceptional career attorneys and staff members of the Office of the Solicitor General. He leaves this fine office in superb condition, fully staffed and in the hands of lawyers dedicated to carry on the work of the Solicitor General.

Solicitor General Clement is a paradigmatical example of unselfish government service. He has earned the respect and gratitude of all citizens.

Thank you for expressing the Nation's appreciation and thanks to General Clement for his outstanding personal and professional service as Solicitor General of the United States.

Very truly yours,
THEODORE B. OLSON.

Washington, DC, June 2, 2008.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I'm delighted to add my voice to the chorus applauding Paul Clement's tenure as Solicitor General of the United States. Throughout, Paul conducted himself before the Court in the very finest traditions of the office. I'm delighted that he plans (for now at least) to remain close by, and I look forward to many happy years of continued professional association with this fine lawyer.

Yours sincerely,
SETH P. WAXMAN.

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, DC, June 2, 2008.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: In June 2008, Paul Clement completed his tenure at the Justice Department as one of the most distinguished Solicitor Generals in United States history. Mr. Clement leaves the Justice Department with the respect and admiration of a vast group of people within the Department, within the ranks of present and former members of the federal judiciary, and among members of the private bar. The breadth of this group of people—from both sides of the political aisle, from across the spectrum of the federal judiciary, and from his former litigation colleagues and adversaries alike—is decidedly uncommon in our present legal culture. The range of respect for Mr. Clement is even more impressive when one realizes that he has litigated the most high profile cases, concerning the most sensitive issues, before the U.S. Supreme Court over the last seven plus years.

The respect and praise for Mr. Clement is the product of his unique talents and work ethic. He is exceptionally bright, and he is a gifted oral advocate. He is also intellectually honest and open-minded. I regard the year I spent clerking with him for Justice Scalia as one of the true good fortunes of my professional career. Paul is a fundamentally decent person, and a true patriot, and the Department of Justice and Nation are decidedly better because of his public service. Thank you very much, Senator Hatch, for appropriately recognizing his contribution.

Very truly yours,

MARK FILIP,
Deputy Attorney General.

BAKER & MCKENZIE, LLP,
Washington, DC, June 5, 2008.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: Thank you for the honor to participate in paying tribute to the outstanding service of Paul Clement, former Solicitor General of the United States. I was privileged to be Paul's colleague at the Department of Justice for six years, and I consider him to be one of our country's finest public servants.

Since the horrific attacks on America on September 11, 2001, our nation has faced the unprecedented challenge of preventing another devastating attack by a largely invisible enemy. This effort has placed an especially heavy burden on our military and law enforcement agencies. It has also presented us with a set of extremely difficult legal issues as we work to protect American lives while remaining faithful to the rule of law. No one in the United States has done more to find the best answers to these complex questions than Paul Clement. At a time when our country needed its best and brightest to step forward and serve, Paul Clement was an answer to the prayers of millions of Americans who earnestly hoped for capable leaders in this historic hour.

When I served as United States Attorney in the Eastern District of Virginia, I witnessed his superb argument before the Fourth Circuit Court of Appeals in the prosecution of convicted terrorist Zaccarias Moussaoui and his excellent judgment and advocacy in the litigation arising from the detention of Yaser Hamdi. Paul's approach was never combative and "win at all costs". Rather, he calmly, respectfully, and brilliantly worked through the issues presented in these cases to find answers that were consistent with the letter and spirit of the U.S. Constitution. Later, when I served as Deputy Attorney General, I again had the benefit of Paul's wise counsel and a better seat from which to observe his integrity in action. When Paul was asked where he thought the Supreme Court would go in a particular case, he offered only clear and honest assessments with the utmost respect for every person and perspective. It is no small irony that at a time so marked by emotion-filled arguments and about constitutional fidelity in the war against terrorism, our nation's top advocate for the government has been a man of unfailing civility and intellectual integrity who cares far more about the Court getting it right than his own scorecard of success.

As Paul now enters a new phase in his extraordinary legal career, I wish this man of faith and devotion to family all the best. I also hope that some day, once again, he will be the answer to America's prayer for a devoted public servant in a time a great need.

Senator Hatch, I greatly appreciate your support for Paul, the Department of Justice, and your many years of leadership in the United States Senate.

Respectfully yours,

PAUL J. MCNULTY,
Former Deputy Attorney General.

THE HERITAGE FOUNDATION,
Washington, DC, June 10, 2008.

Re Paul Clement.
Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: It is a pleasure to join you in recognizing the excellent work of Paul Clement as Solicitor General of the United States.

Having served as Attorney General, I know of the importance of his position as the key official responsible for all the appellate work done on behalf of the people of this Country. The Department of Justice has an enviable record of high quality legal appellate work, thanks to a succession of fine Solicitors General. Paul has continued that tradition and has provided the personal leadership and professional competence which has won the acclaim of the Justices of the Supreme Court as well as the attorneys that make up the Supreme Court Bar.

In summary, Paul Clement has done an outstanding job as Solicitor General of the United States. His commitment to the rule of law and the Constitution, as well as his legal knowledge and expertise, has contributed to a distinguished record of service to the country.

Thank you for your efforts in leading this commendation of an outstanding public official.

Sincerely,

EDWIN MEESE III,
Attorney General of the United States, (1985–1988).

THE ASHCROFT GROUP, LLC,
Washington, DC, June 2, 2008.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC

DEAR SENATOR HATCH: The opportunity to thank Paul Clement for his years of superlative public service is one for which I am grateful.

It is a personal pleasure and profound honor to have had the privilege of working alongside Paul in various settings. We first worked together when he served as Counsel to the Constitution Subcommittee of the Senate Committee on the Judiciary. Following my appointment as U.S. Attorney General, I had the satisfaction of working with Paul in the Office of the Solicitor General.

In all of his service, integrity has been thoroughly sustained; his wisdom as a Counselor has been unsurpassed and the industry with which he has approached every challenge has been unflagging. Even so, Paul never allowed the excellence of his intellect to interfere with his cordial friendships with coworkers.

I know of no record of public service more worthy of praise than that of Paul Clement. The U.S. Senate is to be congratulated for its foresight and wisdom in confirming him as U.S. Solicitor General to defend our nation's interests in the judicial system.

I am truly grateful for Paul's professional and personal friendship. May God bless him and his family in the days ahead.

Sincerely,

JOHN ASHCROFT.

U.S. COURT OF APPEALS,
DISTRICT OF COLUMBIA CIRCUIT,
Washington, DC, May 19, 2008.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR ORRIN: The following tribute to Paul Clement is being sent to you for submission into the Congressional Record:

"Paul Clement is a superb lawyer and was a splendid Solicitor General with almost invariably good judgment."

Sincerely,

LAURENCE H. SILBERMAN,
U.S. Senior Circuit Judge.

SUPREME COURT OF THE UNITED STATES,
Washington, DC, June 6, 2008.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I have sometimes remarked that one does not fully appreciate, unless and until he becomes a judge, how appropriate it is for counsel to be called "officers of the court." Judges make the decisions, to be sure. But they rely upon counsel to bring forward the best of what can be said for each side of the case. And when counsel fail to do that, the outcome may suffer.

Thus, when it was rumored that Paul Clement was under consideration to fill the vacancy in the office of Solicitor General, the Court (and I speak here of a 9-0 judgment) was delighted. It was the consensus, based on Mr. Clement's appearances before us over the preceding few years, that the President could not make a better choice.

We have not been disappointed in our expectation. For the past 7 years, General Clement could be relied upon to assure that the Government's case was presented forcefully but fairly, without exaggeration or obfuscation. The Government did not always win, of course, because sometimes its case was a weak one; but the Office of Solicitor General said for it the best that could be said. I take special pride in passing along this praise, since as you know Paul was once law clerk of mine and has remained a good friend.

For a successful lawyer, a 7-year commitment to government service involves massive financial sacrifice. The sacrifice is all the greater, and is shared, when the lawyer has a wife and three young children. So not only does Paul deserve the Nation's thanks for making a significant contribution to federal justice, but so does Alexandra for letting him do so.

He has our best wishes and confident expectations for continuation of a brilliant career in the law.

Sincerely,

ANTONIN SCALIA.

TRIBUTE TO FRANK WOODRUFF BUCKLES

Mr. BYRD. Mr. President, this week, I was pleased to participate in a celebration of a true American hero, a West Virginia legend, and a friend, Mr. Frank Woodruff Buckles, the last surviving American veteran of World War I.

His has always been a life of excitement and adventure, an example of living life to the fullest. His career in the steamship business in the 1920s and 1930s took him to Nazi Germany, where he saw the German dictator, Adolph Hitler, at the 1936 Olympics, and witnessed the great Jesse Owens win 4 Gold Medals. In the 1940s, his work took him to the Philippines, where he was captured and spent three and one-third years until the end of World II in a Japanese POW camp. Here he led his fellow prisoners in calisthenics, as well as a number of Japanese guards who put down their guns and joined in.

That would have been more than a lifetime of experiences for most mortals, but not Mr. Buckles. His life had just begun because, after the war, he married and became a West Virginian and a farmer.

For the next 50 years, Mr. Buckles has experienced and enjoyed life as a farmer in the eastern panhandle of West Virginia. At 107 years of age, he still operates his 330-acre cattle farm. He remains an avid reader. For example, he recently read my book, "Losing America." Every year, on his birthday, he takes my staffer, Ms. Martha Anne McIntosh, out to dinner at the Bavarian Inn in Shepherdstown.

Now that is impressive. At the age of 107, he is still reading, working, and engaging in an active social life. Mr. Buckles is my role model.

Maybe his long, productive, and happy life is a product of breathing the good, clean West Virginia mountain air. More likely, it is the result of his healthy attitude toward life itself because, as the Bible tells us, "A merry heart doeth good like a medicine." (Proverbs, 17:22).

Mr. Buckles is eternally young, and for that, we appreciate him, as well as honor him for a life that exemplifies the American ideals of bravery, patriotism, and perseverance.

TRIBUTE TO NELDA BARTON-COLLINGS

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a good friend, Nelda Barton-Collings. Mrs. Barton-Collings is a well-respected Kentuckian and businesswoman, recently retired after serving 28 years on the Republican National Committee.

Mrs. Barton-Collings resides in Corbin, KY, where she was married to Dr. Harold Bryan Barton. After the passing of Dr. Barton she took on the ownership and operation of his two nursing homes. At the same time, she took night classes to become a licensed nursing home administrator. She has since grown those two nursing homes into numerous nursing homes and banks throughout eastern Kentucky.

Mrs. Barton-Collings used her vast business skills to serve her community, State, and eventually her Nation by committing to public service. She started out as a precinct chair, and then rose to become Kentucky's national committeewoman for the GOP. In 1982, President Ronald Reagan appointed her to the Federal Council on Aging. In 1990, she was the first woman elected chairman of the Kentucky Chamber of Commerce while serving on the President's Council on Rural America and the National Advisory Council to Small Business Administration, through an appointment by President George H.W. Bush.

She has long been a voice of great leadership on the Republican National Committee, where she was the first woman from Kentucky to address the RNC and call the meeting to order. Her position gave her opportunities to extend democratic ideas and philosophy to the former Soviet Union. She and 40 other political and business professionals volunteered to visit the Soviet Union in 1990 to discuss the foundations of a democratic government. "They want freedom so badly; we hoped that we have helped them in some way," she said of her experience in the Soviet Union.

Nelda has given the good people of Kentucky and this Nation over 28 years of public service, and I would like to ask my colleagues to join me in honoring this committed public servant. The News Journal in Corbin, KY, published an article highlighting her accomplishments and what a champion she is for the Commonwealth of Kentucky, and I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the News Journal, May 28, 2008]

LONGTIME SUPPORTER HONORED WITH PORTRAIT, CLASSROOM

On Sunday, May 18, friends and family of Nelda Barton-Collings gathered at Cumberland Inn on the campus of University of the Cumberlands to recognize this extraordinary woman at a luncheon given in her honor.

As Dr. Jim Taylor, UC president said, "Today we honor a lady who has made, and who continues to make a significant and substantial contribution to our area, to our state, and, indeed, to our nation. Dr. Nelda Barton-Colllings truly is a legend in her own time." After the luncheon, the assembly proceeded to the Hutton School of Business, where a portrait of Mrs. Barton-Collings adorns a special classroom, which bears her name, in recognition of her faithfulness and support of UC.

A native of Providence, Webster County, Kentucky, Barton-Collings attended Western Kentucky University for two years before she entered the Norton Memorial Infirmary in Louisville, where she became a certified medical technologist. In Corbin, as the wife of Dr. Harold Bryan Barton, she became active in local organizations and held leadership positions in church, political, civic, medical, youth, educational and women's groups.

After Dr. Barton's death, she took over his business, which consisted of two nursing homes, and completed the Williamsburg Nursing Home, then under construction. At that time, she enrolled in night classes at University of the Cumberlands and later became a Kentucky Licensed Nursing Home Administrator. She and her business partner continued to build or buy a total of eight long-term healthcare facilities in Eastern Kentucky. A business woman ahead of her time, Barton-Collings has owned banks, pharmacies, rental properties, weekly newspapers, a cinema, and several other businesses. The newspapers, long-term care facilities and banks have won state awards and recognitions.

In 1990, Barton-Collings became the first woman elected chairman of the Kentucky Chamber of Commerce. In 1982, she received a Presidential appointment from President Ronald Reagan to the Federal Council on Aging, where she served until 1987. From 1990–92, she served on the President's Council on Rural America and the National Advisory Council to Small Business Administration, appointed by President George H.W. Bush.

As an active member of the Republican Party for more than 50 years, Barton-Collings moved up the ranks from a precinct chair to Republican National Committee member representing Kentucky, a position she held for 28 years. Elected vice chair for an eight-year term and secretary of the Republican National Committee for another eight years, Barton-Collings earned the honor of calling to order the Republican National Convention in 1996.

But, this was not her first convention appearance, as she was the first woman from Kentucky to present an address at a Republican National Convention, when, in Detroit, Michigan, in 1980, she spoke on "The Business of Caring for the Elderly." During her tenure on the Republican National Committee, she was a charter member and appointed secretary-treasurer of the National Institute on International Affairs, and she served on the Foreign Affairs Committee, which allowed her to travel extensively to foreign countries to promote democracy.

Recently honored by the Kentucky Commission on Women as a "Kentucky Woman Remembered" for her many achievements, Barton-Collings's portrait now hangs in the Kentucky State Capitol.

Through the years, she has received numerous other awards and honors, including an honorary Doctor of Laws degree from University of the Cumberlands, as well as the Kentucky Medical Association's Outstanding Layperson Award, the John Sherman Cooper Distinguished Service Award from Kentucky Young Republicans and the Dwight David Eisenhower Award.

Currently, the chairman of the board of Bretara, LLC and Tri County Cineplex, LLC, Barton-Collings also serves on the Kentucky Economic Development Partnership Board; as secretary of the University of Kentucky Center on Aging; and as chair of University of the Cumberlands Board of Visitors.

Married to Dr. Jack Collings of Owensboro, Kentucky from March of 1992 until his death in 2000, Barton-Collings is the mother of five, grandmother of ten, step-grandmother of twelve, and great-grandmother of two.

Dr. Jim Taylor, University of the Cumberlands president, said, "It is entirely appropriate that Mrs. Barton-Collings's picture hangs in this room where our students will study business principles and practices, for she certainly exemplifies the ideal of a true businesswoman.

Through her remarkable career and her stellar service to her fellow humans, she is a role model for our aspiring business leaders, and we are honored that she is an alumna of University of the Cumberlands, Nelda, as we say here in these beautiful mountains, 'You do us proud.'"

WEST VIRGINIA DAY 2008

Mr. ROCKEFELLER. Mr. President, as a Senator from West Virginia, I wish to pay tribute to our State on the commemoration of our admittance into the Union on this day in 1863—and to honor the nearly 2 million people who are proud to call it home.

When people think of West Virginia their thoughts turn to our mountains, our rolling green hills, and rivers. It is a place of immense natural beauty and scenic wonders. Still others may think of our most abundant natural resource, coal, or even our steel. Every fall, many college sports fans turn their thoughts to our incredible football teams.

West Virginia, without question, is all of these things. But what truly sets us apart from other places is our people. West Virginians are the hardest working, nicest people you all ever have the chance to meet. They are the reason that so many people choose to come back again and again to our State. They are real people who possess an abundant spirit of hope, optimism, and authenticity. More than anything else, they are the heart and soul of our great State.

So it seems only fitting on this West Virginia Day that we pause for a few moments and think about the lasting contributions that our coal miners, steel workers, teachers, public servants, and next door neighbors have made not just on our State, but on our Nation.

West Virginia is rooted in rich culture. Our Appalachian heritage is immortalized in song and prose. It is a place where the pioneering spirit is still alive and well. Our communities are not just bound together by ZIP Codes but in sharing responsibility to care for and look out for each other. We are still a place where neighbor helping neighbor is a way of life, and our children are raised to honor their family and to love our country.

West Virginia is place where values such as compassion, self-reliance, loyalty, love, unselfishness, and faith are both timely and timeless.

This is the West Virginia that embraced me and later my family. These are the people who helped to give me a true sense of purpose and shape me deep into my core.

This Senator is incredibly proud of our coal miners that do the hardwork of mining the coal that provides the Nation with its electricity and of our steel workers who forged the tracks for our Nation's railroads, the girders for our skyscrapers, and the bridges that span the country; I am proud of those West Virginians who are now building planes, trucks, and doing cutting-edge research into disease prevention and biometrics; of those West Virginians who have dedicated themselves to be our communities' guardians as first-responders, or in the National Guard; and of those in our State who have entered into public service—especially our teachers—and of those rural health care professionals who provide essential and life-saving services to some of our most vulnerable.

And of course, our entire State is tremendously proud of those West Virginians who have earned the honored title of veteran.

Emblazoned on our State flag is our motto, "Mountaineers Are Always Free." It is in that spirit that West Virginians have always answered the call of duty in our country's time of need.

Earlier this week, the Senate honored Frank Buckles, the last surviving solider from World War I, who now lives in Charles Town. As a teenager, he went to war to defeat the Kaiser, and he was imprisoned by the Japanese for 3½. He is truly a living legend, a touchstone to our past, and we are so proud to have him in WV.

West Virginia's sons and daughters have fought on the Korean peninsula, in the jungles of Vietnam, the mountains of Afghanistan, and the desert of Iraq—and in conflicts in between.

We always have a special place in our heart for our Gold Star Mothers—and for those who gave their last full measure of devotion and now rest in fields that were once made infamous by war.

I could go on and say many more flattering things about our beloved State, our people, and our future, but as West Virginians we know that we are truly blessed. Perhaps that is why humility is one of our greatest virtues, because we know that no matter what challenges we face, as a State we will stand together, harness our "can-do" spirit, and overcome them. That is what we do. We are fighters, in every sense of the word.

HONORING OUR ARMED FORCES

STAFF SERGEANT TYLER E. PICKETT

Mr. BARRASSO. Mr. President, I rise today to pay tribute and express our Nation's deepest gratitude to a remarkable young soldier and his family. I was saddened to receive word last week that on June 8, 2008, Army SSG Tyler E. Pickett of Saratoga, WY, was killed in the line of duty while serving our country in the war on terrorism. Staff Sergeant Pickett died from injuries he sustained when his unit came under attack by enemy forces using improvised explosive devices in Kirkuk Province, Iraq. He was serving his second tour of duty in Iraq, and had also served a tour in Afghanistan.

Staff Sergeant Pickett served with the 2nd Battalion, 22nd Infantry Regiment, 1st Brigade Combat Team, of the 10th Mountain Division out of Fort Drum, NY. He moved to Wyoming at the age of 14 and joined the Army shortly after his graduation from Saratoga High School in 1999. His mother said that serving his country in the Army was always a part of his plan. He came from a family with a strong history of military service, and he knew what he wanted to do. He made friends everywhere he went, and it didn't matter where he was—he was always touching someone's life. He looked forward to retiring from the service one day and spending his life in the mountains of Wyoming.

It is because of Tyler Pickett that we continue to live safe and free. America's men and women who answer the call to service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. They put everything on the line everyday, and because of them and their families, our Nation remains free and strong in the face of danger.

This past weekend, Americans celebrated Flag Day. Like so many before him, Staff Sergeant Pickett fought under the flag of the United States of America. He fought and died for the Republic for which it stands. Words cannot express the gratitude we owe him.

In the book of John, Jesus said that, "Greater love has no man than this, that he lay his life down for his friend." SSG Tyler Pickett gave his life, that last full measure of devotion, for you, me, and every single American. He gave his life defending his country and its people, and we honor him for this selfless sacrifice.

Staff Sergeant Pickett is survived by a loving family including his wife Kristin and their children, his mother Sheri Peterson and father Ed Pickett. He is also survived by his brothers and sisters in arms of the U.S. Army. We say goodbye to devoted family man and an American soldier. Our Nation pays its deepest respect to SSG Tyler E. Pickett for his courage, his love of country, and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation, is proud of him. May God bless him and his family and welcome him into his home on high.

ETHIOPIA

Mr. FEINGOLD. Mr. President, Ethiopia has increasingly been an active participant in the international community and a leader on the African continent—as a charter member of the United Nations, a cofounder of what are now the African Union and Intergovernmental Authority on Development, and a key partner in combating international terrorism. After decades, and some would say centuries of civil strife, the 1994 Constitution and election of the coalition Ethiopian People's Revolutionary Democratic Front, EPRDF, in 1995 seemed to herald the beginning of an era of peace, democracy, and development. Efforts to reform the economy and political dynamics, while slow, reversed the devastating impact of the Derg and gave the people of Ethiopia some hope that a robust democracy was really taking root. In fact, in the runup to the 2005 elections, there was a deliberate and significant opening of political space—which included broad media coverage of opposition parties, relatively unimpeded access for opposition candidates to their constituents, and live televised debates between opposition candidates and ruling party incumbents. But in the aftermath of that May 2005 election—which ended in a deeply flawed process and aggressive tactics against the opposition—the ruling party has ratcheted up its rhetoric while backtracking significantly on its commitment to democracy. A newly proposed bill, called the Charities and Societies Proclamation, is the most recent indication of this backsliding.

Indeed, for years, the U.S. State Department has reported "widespread human rights abuses" in its annual country report on Ethiopia. Among the most consistent violations listed are the intimidation, beating, abuse, and arbitrary arrest and detention by Government security forces of journalists, opposition supporters, union leaders, and others who dare to challenge the ruling party. Some of the more egregious examples associated with the growing opposition began in 2005 and include the arrest and prosecution for capital offenses of 131 major opposition leaders and the arbitrary detention of 30,000 to 50,000 civilians without charge. The ruling party also forcibly closed opposition political offices that same year and kept them closed through the eve of local elections this past April. Such conduct is a clear violation of regional and international human rights laws, to which Ethiopia is a signatory, and directly contradicts the country's own Constitution, still only 12 years old.

Over the past year, I have become increasingly concerned by reports coming out of the Ogadan region of Ethiopia regarding military attacks on civilians and Government blockades of essential humanitarian and commercial supplies. National and international aid organizations with field missions in the area describe security forces burning villages and Government officials ordering entire village populations to move to specific "resettlement" locations that lack sufficient food, water, medical services, and sanitation facilities. Despite the numerous credible reports coming out of the region, the Ethiopian Government has denied that such violations may be occurring and has refused to even investigate these allegations and/or permit independent assessments of conditions in the region. Such stonewalling only further undermines the rule of law and the Government's obligation to protect its civilian population.

The aid organizations now struggling to keep these Ethiopian civilians alive, as well as national and international human rights defenders, democracy advocates, independent journalists, and humanitarian organizations seeking to consolidate and extend peace, democracy, and development in Ethiopia, are already facing cumbersome bureaucratic rules and sometime succumb to self-censorship to avoid Government reprisals. The Ethiopian Government's new law, if passed in its current format, would make it almost impossible for these groups and individuals to continue their important efforts. Under the Charities and Societies Proclamation, non-Ethiopian organizations would be prohibited from engaging in democracy, human rights, good governance, or conflict resolution activities, and national civil society groups would have to forgo foreign funding and submit to strict Government regulation.

To reaffirm and facilitate Ethiopia's commitment to and progress towards democratic development, eliminating extremism, good governance, combating HIV/AIDS, improving agricultural productivity, and reducing chronic hunger, the U.S. Government has provided billions of dollars worth of assistance in recent years with more than $700 million already in fiscal year 2008. The majority of this support is delivered through U.S.-based nongovernmental organizations that offer essential services and supplies to civilians as well as valuable technical assistance and resources to strengthen Ethiopian institutions and infrastructure. The new restrictions and regulations would severely limit or even prohibit much of this assistance and should cause the United States as well as other international donors to reconsider whether contributions to Ethiopia can further democracy, development and accountability.

The Ethiopian Government claims the new regulations are aimed at improving the accountability and transparency of civil society organizations operating in Ethiopia. But what the provisions would actually do is erode the Government's own accountability and transparency by impeding these organizations' ability to serve their essential watchdog functions. This is not the time or place for tighter controls. Instead, the Ethiopian Government should support improvements in the quality and capacity of these groups, which are vital to the country's continued political, economic, and social development.

The United States needs to work with our partners—both on the continent and off it—and strongly oppose the imposition of this new proclamation to protect the gains Ethiopia has made in recent years and pave the way for further consolidation of growth and democracy. If passed in its current format, this bill would have a devastating impact on our foreign policy objectives and Ethiopia's development as a robust democracy. And, even if revised and amended, passage of this bill would still send a negative message, that of a government desperately seeking to hold on to power and dismantle any groups that might expose its failures or limitations. We must stand with the people of Ethiopia and with the principles that Americans hold dear.

WORLD REFUGEE DAY

Mr. FEINGOLD. Mr. President, today, on World Refugee Day, we recognize the millions of innocent people who are living as refugees due to violence, unrest, and natural disasters. Each day, refugees struggle to survive in an unstable environment where they are often unable to further their education, make a living for themselves, or obtain adequate health care.

The struggles refugees face are unimaginable. Being forced to flee your home, often to encounter precarious, crowded living conditions in a strange place, is particularly treacherous for women, given the pervasive problems of sexual abuse, beatings, and sometimes torture. Displaced people who make it to refugee camps have often already survived extremely difficult situations as they cling to the hope that they will one day be able to return to their homes.

Protracted conflicts and humanitarian crises increase instability and negatively impact the livelihoods of refugees we have seen this in countries such as the Democratic Republic of Congo, Sudan, eastern Chad, Jordan, and Syria. In each of these countries and in many other places around the world, national and international nongovernmental organizations confront challenging circumstances to meet the basic needs of refugees and protect their human rights. The international community and host governments must make it a priority to ensure support and access for these groups so that they can serve vulnerable refugee populations. Every time a refugee dies from an easily preventable disease or from living in unsanitary conditions, we are failing to live up to our collective responsibility.

But we cannot accept disaster response as the only option. We must be working harder to create systems that anticipate and prevent conflicts from arising so we can stop mass displacement before it even begins. We need to use all our resources to prevent such crises from occurring.

As we recognize World Refugee Day, we acknowledge the strength and survival of refugees, and we commit not just today, but every day, to work towards creating a world where governments fulfill their basic responsibility to protect their citizens.

BOY SCOUTS AT THE LITTLE SIOUX SCOUT RANCH

Mr. ENZI. Mr. President, I wish to honor the Boy Scouts who recently lost their lives at the Little Sioux Scout Ranch in Iowa. As the Midwest continues to experience devastating storms that have shocked us all, I would like to take time to remember four young boys from that area who were recently laid to rest. Josh Fennen, Sam Thomsen, Ben Petrzilka, and Aaron Eilerts were all Boy Scouts of America. These young men were remembered as boys who were loved by their families, on their way to becoming young men, and above all Scouts. As an Eagle Scout myself, I share a deep connection with these boys from Iowa and Nebraska, along with all Scouts throughout America. The path to becoming an Eagle is much like the path our future leaders should take, and although the lives of these four young boys were ended abruptly, they were on that path.

As I recall the Scout motto of "Be Prepared," I can't help but to think of the emergency drill these Scouts practiced the day before the tornado or how the Scouts moved swiftly to assist with their first-aid skills the 48 who were injured. The Scouting community has suffered a great loss. My thoughts and prayers go out to the families, friends, and Scouts whose lives were touched by these four boys.

TRIBUTE TO COLONEL GREGG P. OLSON

Mr. LEAHY. Mr. President, today I pay tribute to Col. Gregg Olson, USMC, who will complete his 2 year tour of duty with the United States Marine Corps' Office of Legislative Affairs on June 24, 2008. I have had the pleasure to work with Colonel Olson on many occasions. In his role as the Director of the Marine Corps' Senate Liaison Office, he has provided superb support, acting as the principal conduit for information between the Marine Corps and many members of the Senate. His affable personality and attention to duty contributed to a highly successful relationship between the United States Senate and the United States Marine Corps. Though he will continue his service to the Marine Corps and the country, he will be sorely missed.

A native of Rhode Island, Colonel Olson attended the United States Naval Academy, and received a commission as a Second Lieutenant in the United States Marine Corps in 1985. His career as a Marine officer has been exemplary, serving with distinction in every post he has been assigned. Prior to his assignment to the United States Senate, he served two tours in Iraq, first as an Operations Officer to a Marine Expeditionary Unit in 2003, and then as a Battalion Commander in Fallujah, Iraq in 2004. His battalion was involved in the Battle of Fallujah, which saw some of the most intense house-to-house fighting of the war. Many proud Marines under his command gave their lives in that battle.

Over the past 24 months, his unselfish devotion to duty, exceptional performance, and outstanding professionalism have translated into invaluable service to the Senate. He has advised Members and Senate staff members on matters of great importance to the United States Marine Corps. In the fluid nature of the legislative cycle, he distinguished himself by establishing and developing great working relationships with Senators and their staffs. He responded to thousands of congressional inquiries, ranging from such sensitive issues as notification of combat casualties, to providing timely information on the operations and budget of the Marine Corps.

He also planned and executed approximately 15 international congressional delegations. I had the pleasure of traveling on several of these congressional delegations with Colonel Olson. His acumen for social interaction carried over into Colonel Olson's ability to represent his service at numerous Marine Corps and Joint Service social events on Capitol Hill. Among others, these events included the Marine Corps Birthday Commemoration, the Joint Services Reception, and several Marine Corps fall and spring receptions—all important events that enabled me and my Senate colleagues to maintain close relationships with the Marine Corps senior leadership.

On behalf of the Senate, I thank Colonel Olson for his continued service to the Nation and the United States Marine Corps, and I thank his wife, Dawn, for her steadfast support while he fulfilled this essential duty. As Gregg departs the Senate to assume command of the 11th Marine Expeditionary Unit at Camp Pendleton, CA, we in the U.S. Senate wish him all the best.

HONORING TROOPER DAVID SHAWN BLANTON, JR.

Mr. BURR. Mr. President, today I wish to honor the life of North Carolina State Trooper David Shawn Blanton, Jr., who was tragically killed on June 18 during a routine traffic stop near Canton, NC. David is the 59th North Carolina State Trooper to have been killed in the line of duty.

David was only 24 years old and was a 2-year veteran of the North Carolina Highway Patrol. He was a native of Sylva, NC, and a 2002 graduate of Smoky Mountain High School where he was a football and wrestling star.

We are all grateful for David's dedication to protecting the citizens of North Carolina. He lived in Cherokee with his wife Michaela, who had just given birth to their son Tye 2 weeks ago.

David was a member of the Eastern Band of the Cherokee Indian Tribe and the first member of that tribe to serve with the Highway Patrol. In addition to being a State trooper, David volunteered as the Junior Varsity softball coach at Smoky Mountain High School.

Along with his wife Michaela and son Tye, David is survived by his father, David S. Blanton, Sr., mother, Jennifer Blanton, and younger brother, Jesse Blanton.

David's friends, family, fellow troopers, and the people of North Carolina are mourning this very tragic loss.

I know there are no words I can offer to help comfort Michaela and other members of the Blanton family, but I hope my colleagues in the Senate will join me in keeping them in our thoughts and prayers.

David gave his life in service to our State, and this ultimate sacrifice should never be forgotten.

I send my deepest condolences to all who had the privilege of knowing this young man who gave his life in service to our State.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, now numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have printed in the RECORD today's letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR CRAPO: We are not going to be able to take any time to enjoy our great state of Idaho this summer as with years past. The gas to go and return from our favorite spots like Stanley basin, Warm Lake, McCall's Ponderosa State Park is just too much to make it enjoyable. The cost of food clearly is reflective of the fuel pricing. This just makes it far too expensive to go anywhere this summer. I am absolutely disgusted in the way our government is allowing this to happen to the American people.

I look forward to a movement to begin recommissioning our own drilling rigs that still sit idle in the Gulf of Mexico.

I look forward to a movement to begin drilling on our own land for oil that we all know is right under our own borders.

I look forward to a movement to release and discontinue the excessive storage of emergency fuels.

I also know that I am not alone in monitoring the existing administration who will not lobby for these items I list to be addressed and resolved. It is time we start taking care of our own with our own resources. This includes limiting the impacts on the greater population by the loud concerns of a few groups. With today's technology we can certainly drill and protect our environment and begin to reduce greatly our dependence on foreign oil(s).

Respectfully,

BILL, *Boise.*

DEAR SENATOR CRAPO: As one of those who voted for you I am pleased to provide a bit of input on the costs of fuel and the impact on myself, my family, and my business.

Just like the majority of Idaho families, our family has been directly impacted by the very high prices of gasoline and the way it happened . . . so quickly and without reprieve or real alternatives.

In my business, I must have a good supply of gasoline in order to function. I operate a flight training school for pilots in Nampa. My costs for fuel are always around $10,000 per year and that is normally my one major expense associated with my business outside of the other normal overhead costs any other business has. Even so, it is the Numero Uno cost for my business, and now it is about 50% increased from that already very high price. What compounds this loss is that so many people have become too financially short that my customer base is very low now.

Normally, in the past 7 years, I would be looking at a full student schedule, with at least 3 or 4 on a waiting list. This year, I have a 20% load and no waiting list. It is that sparse due to the economy, then compounded by the very high fuel costs.

Thanks for the opportunity to provide some direct input on the subject to your office.

Sincerely yours,

GARY, *Nampa.*

DEAR SENATOR: The biggest impact that gas prices has had on me affects our family. We have six married children and one single daughter spread throughout the west. One in Colorado Springs, CO; another in Mesa, AZ; two in the Orem, UT, area; another in dental school at Marquette; and two in the Boise area. We plan a family reunion every summer, which is usually our once-a-year gathering. We have cancelled our reunion this year, scheduled for Colorado Springs, CO, because of the cost of fuel for everyone. I just can't tell you how disappointing it is to all of us not to have an opportunity to be together this year. We hope that it will not stop us next year.

I hear all of the reports that America has ample supplies but legislation and environmentalists prevent us from developing the natural resources. We are too late for today, but tomorrow will be here and we need to be prepared to provide for ourselves. All that you can do to make this possible is needed and necessary. Please do your best to make it happen.

DOUG.

PLEASE pass emergency legislation to exploit America's natural resources. Authorize drilling wherever oil companies think there might be oil or natural gas, authorize nuclear energy and wind power. Set up drilling stations off America's shores instead of letting Cuba and China take our oil. Show some resolve and Yankee ingenuity!

Americans will downsize and conserve—the market will take care of that, but you should have had us energy independent years ago. We could be sending money to America instead of supporting people who do not have our country's best interest at heart.

Americans used to take care of problems before this developed into such a serious situation. We used to take care of people who wanted to cause us harm instead of insisting on being "politically correct." Strong countries do not get attacked. Weak countries like what we are becoming do! Congress and the rest of us have all seen this problem coming for many years. Do nothing now and we are on our way to becoming a second-class country.

Please show the leadership that you were elected to use. Make us energy independent. It does not matter if it takes ten years. Ten years ago, if Congress had "taken care of business," we would not be in this dire situation now. Every drop of oil that is produced in this country is one drop that does not have to be imported from another country.

STAN, *Boise.*

Dear Senator CRAPO: Thank you first for this opportunity to voice my concerns, which I'm sure are no different than millions of others. The energy price effect on me is no different than on, I'm sure again, millions of others. It means no vacation, less "extra-curricular" activities and simply prioritizing vehicle use. Unfortunately, the energy prices have a ripple affect on a lot of things, but I suspect what has the largest impact is the price of food, which is also increasing substantially as it costs so much more to transport it.

I think Congress' number one priority right now should be reducing the cost of oil/gasoline; however, it is done. I believe that, by doing so, you will resolve and/or improve the majority of other inflation concerns, i.e., the cost of food, clothing. By reducing energy costs, it would likely free up businesses to expand and provide additional jobs, thus reducing unemployment. I see gasoline prices as the "bane" of our life right now and anything you can do to resolve this problem is much appreciated.

KET, *Emmett.*

You and Congress know what needs to be done. Drill now—drill HERE! Join China and Cuba off our own shores and become self reliant again. Start drilling in Anwar. Start drilling in Montana. Start using the resources in Colorado in shale. And build more refineries—and you—CONGRESS—loosen the hurdles that make it impossible for anyone drilling and/or building those refineries we need so much—as well as provide alternatives (such as nuclear and solar). Stop wasting time telling "stories"—and loosen the restrictions that environmentalists have shackled us with! Do your job.

Just let us become a self reliant nation again!

UNSIGNED.

The rising gas prices have really affected my life. I am a widow who is on a very limited budget—every nickel counts. I am still working and live about 15 miles from my work. There is no public transportation out where I live in Kuna, ID, so I have to bite the bullet and pay these exorbitant prices at the pump, do without going to the movies, out to dinner or buying the new pair of sandals I need for the summer. My elderly mom lives with me and requires lots of travel into town for doctor appointments, which take gas. I usually take her each summer to Wyoming to her home town for a visit. No way can I do it this year what with the gas prices, rising motel costs, food costs, etc. I was in hopes I could look at retiring in a couple of years, but that is definitely on hold now. I can't afford not to work with gas costing me over $50 each week to fill up my car. Sure hope Congress gets going and allows us to start drilling for our own oil!

LOUISE, *Kuna.*

What I would like to see is a two-pronged approach, One is drilling offshore in Alaska, and oil shale in Utah/Colorado/Wyoming, Montana and North Dakota, along with nuclear, solar and wind.

The other is conserving in ways such as: by 2010 all appliances sold are Energy Star-rated; all houses and mobile homes to be built to the Energy Star rating. Instead of the government giving big grants for research, why not do like the X-prize for space travel and put up money for benchmark improvements in things such as 100-mpg cars, solar improvements, wind generator improvements, home energy use improvements, etc. I used to own a hatchback in the late 1980s that I would get 42-44 miles to the gallon on the highway. Why cars of that size can't get 60+ mpg now is beyond me.

Without the Republicans acting more like Teddy Roosevelt and less like George Bush, the Democrats will never go along with the offshore or Alaskan drilling. The other thing that you and other Republicans need to do is to go before the American people and say "The Democrats in Congress are against the middle class jobs and real living middle class wages and benefits that would be provided with the opening of these locations." Norway can drill safely off their shores, and I know the American people can do an even better job of protecting the environment then they can.

Thanks for your time,

UNSIGNED.

For us personally the high costs of fuel and heating oil have caused some huge changes in our lives. We are senior citizens on a fixed income and the rising costs of fuel and food are way greater then our income and projected cost of living raises that we get from Social Security. Recently we had a death in our family—in another state. The cost of driving or flying there made it very hard for us in our decision not to go. Also we are staying home a lot more. We cannot afford pleasure trips so we have to make every trip to town count. We see people who have to drive out of town to work—and the fuel costs can outweigh the benefits of working. I see American aid poured out to other countries who are in crises and yet the crises right here at home are being overlooked.

Please take care of Americans first! Stop this oil from going any higher!

Sincerely,

RAY AND VI MUELLER, *Priest River.*

We are an average family of five—Dad, Mom, 16-year-old boy, 9-year-old girl, and 4-

year-old girl. My husband is in new home construction, and I am an accounts payable clerk for a university. We both work full-time jobs, and both of us work part-time night and weekend jobs to help make ends-meet. My daughter was diagnosed with juvenile rheumatoid arthritis a year ago, so we have some very big medical expenses. We have had to travel to Primary Children's Hospital in Salt Lake City, Utah, from our home in Rexburg, Idaho, every six weeks for the last year. Because of the rise in gas prices and the rising medical costs, I have to work a second job to pay for these expenses. Our vehicle is a 2005 Yukon that gets about 16 miles to the gallon, so this trip is not economical, but I don't have any choice but to make this trip every six weeks. Because of the rise in gas, I can't even trade my SUV in on another car because the car dealers won't trade with me. My employer provides medical insurance with my monthly premium costing $250 for my family. My daughter's medication is almost $200 per month and I pay hospital/doctors/lab bills almost $300 per month. With each increase in our monthly expenses, it becomes more difficult to pay our bills. We need help! I am hoping and praying for something good to happen that will help reduce our monthly expenses.

Thank you,

TAUNYA, *Rexburg*.

DEAR SENATOR CRAPO: As you know the driving distance in our state is unlike most states. My husband and I both travel over 23 miles one way to work every day. Due to the continual increase in cost of the gas we have been carpooling together for over a year now. The biggest problem we have is with every increase in gas so does the increase of everything else you buy, but the wages have not gone up with it.

Every time we fill our tank, it takes away from groceries and other necessities; with every increase, we are to the point there is not much more to give up. The cupboards are bare, and we try to get by on what is the cheapest and bare minimum, if it continues to go up as it has, we will get to the point were we have to choose between the mortgages and utilities or gas in the tank. If it were not so far away, we would consider riding horses to work every day.

I think as long as the environment and nature is preserved and monitored, domestic production is OK along with alternative sources. We need to quit being so reliant on foreign oil and start helping ourselves not only for now but for the future.

ESTHER, *Athol*.

SIR: I am fairly new to Idaho only been here for five years now. I was from Texas. I had some very good friends who [had to cap their family well, which put out 10 to 15 barrels a day]. A lot of people were hurt, not only in Texas, but in other states as well. We should move forward much faster on the part gas/part electric cars for now even the big one to. We should use our own oil and move to anything that we can make for ourselves. I don't like it, but we have to stop being everyone's go-to-guy and start taking care of us for a change.

PHILIP.

I do not wish to share my story but I would like to recommend that we quit sending the Alaskan oil to Japan and use it within the United States.

I also would like to see Congress open up the known oil fields in the United States today (not someday). Many have been shut down and capped for years. Plus we need to explore for new sites as well as start drilling where we already know there is oil. We need to start building refineries and updating the current ones that we have. Why we ever got ourselves in this mess is beyond me.

I would also like to recommend that you talk with John McCain and help him get his head on straight. I am not sure why our party has chosen a Socialist for its candidate. If I didn't feel like I was throwing my vote away and maybe even help elect Obama, I would vote for Barr.

If the Congress continues to do nothing about the energy problem, I think this nation will come down on Congress with a vengeance.

SUZETTE.

The cost of fuel has certainly changed the way I am now living my life. After my retirement, I was planning on visits to my sister (Arizona), my grandkids (Portland) and my cousins in Missouri and New Mexico.

Now I am tending my garden, growing as much of my food as possible to supplement and help offset the high price in the grocery store. I am not using my clothes dryer; I am lucky enough to live in a subdivision that still allows clothes lines. This might seem minor, but I am cringing at the cost of heating my home this winter and am applying extra money to the gas company.

I do not go out to lunch with my friends; we talk on the phone but do not have lunches out. We are planning on one lunch a month at someone's home.

Extra shopping? Not on your life! Since we have no clue have high fuel is going to go, extra spending is not considered. Is this hurting the economy, no doubt about it, but with no reasonable end in sight we have no choice!

IRENE.

I would have much preferred to see the global warming legislation go through. The energy prices right now are short-term pain, but nothing compared to what we're headed for if the current course is maintained on global warming. Please think in the longer term and consider changing your stance on global warming. And please don't send me one of those garbage "thank you for your support" automatic responses. I do not support your vote on this.

ILANA, *Boise*.

ADDITIONAL STATEMENTS

RECOGNIZING DIANE REESE

● Mr. ROCKEFELLER. Mr. President, I would like to take this opportunity to recognize the presentation of the Diane Reese Award to Marilyn J. Smith for her work as the president and cofounder of the Abused Deaf Women's Advocacy Services in Seattle, WA. The presentation took place in the Library of Congress during a major conference on domestic violence.

This award is much more than recognition of an individual who has gone above and beyond to help those who have and still are suffering from the terrible domestic violence abuses happening daily. This award recognizes a way of life that has inspired and helped countless people that are in need. I would like to commend Marilyn J. Smith for her outstanding work continuing Ms. Reese's compassionate legacy.

As some of you know, I got my start serving the public when I came to southern West Virginia as a VISTA volunteer. Although Ms. Reese's social justice work started long before her life moving journey to the coalfields of West Virginia, it was that journey that connected both of our lives together.

I was able to witness firsthand Diane's ability to gracefully build the West Virginia Coalition Against Domestic Violence. Working with Sue Julian, who still is a team coordinator at the Coalition, they provided the leadership to create a strong program that has grown into a network of shelters, outreach centers, and support groups throughout West Virginia. Diane inspired many thanks to her steady, quiet but fully committed life. Sue and the rest of the coalition continue that work.

Visiting the various shelters Diane helped set up in the early 1990s was a very moving opportunity that I feel very fortunate to have experienced. Working closely with Ms. Reese and the coalition, we fought together for the passage of the first Federal Violence Against Women Act and its subsequent reauthorizations. I have continued to work with the coalition and have tried to help with vital Federal grants. Diane, Sue, and the coalition have played a pivotal role in advising me about the Violence Against Women Act over the years.

In West Virginia, Diane Reese touched the lives of so many with her unique ability to heal and serve those in need. Throughout her years of serving the public, Diane became an adjunct faculty at Southern WV Community College and was an active member in the Mountaineer Food Bank, the Appalachian Research and Defense Fund Board, the National Coalition Against Domestic Violence, just to name a few. As you can see, Diane certainly went above and beyond the norm with her generosity and charity.

Just last year the West Virginia Coalition Against Domestic Violence that Diane helped to create provided support to over 15,000 people, including children. As you can tell, the numbers of those touched by her life are enormous. Her community organizing efforts, spirit for social justice, and expert skills as an educator made her a good counselor and dear friend.

I and all the people who knew and worked with her were saddened to lose her, and we mourn her still. But Diane has an extraordinary legacy that lives on in the work of the coalition in West Virginia and the national award that continues to inspire and acknowledge the next generation of advocates. Diane Reese pursued every obstacle she faced with knowledge, kindness, respect, expertise, and conquered each one of them with grace and optimism. Those of us lucky enough to know her personally will also remember her, and the award in her memory continues to inspire all of us. And, I know that with the great challenges that still face the victims and survivors of domestic violence, Diane would be urging us to continue the work she began and reminding us that the goal of securing peace at home for everyone is a goal upon which we must never give up.•

HONORING LIEUTENANT COLONEL CRAIG M. GREENE

• Mr. SHELBY. Mr. President, today I wish to recognize and pay tribute to LTC Craig M. Greene, deputy chief, Army Senate Liaison Division, Office of the Chief of Legislative Liaison, who will retire September 1, 2008. I wish to commend and congratulate Lieutenant Colonel Craig Greene upon his retirement.

Lieutenant Colonel Greene's distinguished career as an infantry officer embodies all of the Army's values of loyalty, duty, respect, honor, integrity, and personal courage and spans 20 years, during which he has distinguished himself as both a soldier and leader.

Upon graduating from the University of Massachusetts, Lieutenant Colonel Greene served as an infantry officer in command and staff positions in a number of infantry units. Prior to Lieutenant Colonel Greene's assignment to the Office of Chief of Legislative Liaison, he was assigned to the 25th Infantry Division, Light, Schofield Barracks, HI, from 2001 to 2003. His experience in the Army's Officer Personnel Management Command led to Lieutenant Colonel Greene being selected to serve as the brigade S–1 for the 2nd Brigade "Warriors" and the secretary to the General Staff for the Commanding General. The consummate professional, Lieutenant Colonel Greene revised internal systems to streamline information flow and the decisionmaking process to include instituting a "Battle Rhythm" for the division staff eliminating redundant meetings and events.

In his more recent position as a congressional liaison, I have come to know and respect Lieutenant Colonel Greene. A natural at building and maintaining relationships with Members of Congress and their staffs, Lieutenant Colonel Greene was invaluable as the Army faced many challenges associated with its budget and real-world combat operations in the global war on terror. Members knew they could count on Lieutenant Colonel Greene for his counsel, professional advice, and unwavering integrity.

While assigned to the Office of Congressional Legislative Liaison, Lieutenant Colonel Greene prepared members of the Army staff for over 20 hearings and orchestrated over 150 congressional engagements to ensure Congress understood the Army programs and budget requirements to grow and transform the Army. Lieutenant Colonel Greene escorted over 50 congressional delegations worldwide.

His expertise concerning congressional affairs, his strategic, operational, and tactical knowledge of the Army, combined with his keen intuition and ability to develop key relationships have been instrumental in enabling the chief of legislative liaison and the Army to meet the Army's legislative objectives. Lieutenant Colonel Greene has escorted 12 delegations to Iraq and Afghanistan, in support of Operation Iraqi Freedom and Operation Enduring Freedom. I was privileged to have Lieutenant Colonel Greene as an escort on several of my own trips.

A tireless worker, he coordinated with all of the relevant agencies and individuals to ensure my overseas travel was always successful. I am extremely grateful for the service he provided me and my staff during those trips.

During his distinguished Army career, Lieutenant Colonel Greene has been awarded numerous accolades, including the Defense Meritorious Medal, four Meritorious Service Medals, five Army Accommodation Medals, two Army Achievement Medals, the Expert Infantry Badge, the Ranger Tab, and Parachutist and Air Assault Badge.

Lieutenant Colonel Greene's faithful service, leadership, loyalty, and dedication to duty uphold the highest traditions of military service, and he has repeatedly stood for the defense of this Nation. His devotion to the defense of liberty epitomizes the words soldier, patriot and American.

I hope my colleagues will join me in thanking Lieutenant Colonel Craig M. Greene for his service to our Nation and the U.S. Army. I thank his wife, Michelle, and his sons, Jackson and Austin, for their support while he fulfilled this essential duty to our country. I personally wish the Greene family all the best as they celebrate Lieutenant Colonel Greene's richly deserved retirement.•

NIKE INC.

• Mr. SMITH. Mr. President, I wish to highlight the importance of acknowledging and celebrating extraordinary efforts by individuals and companies that are leading the way in protecting and preserving America's natural resources. I am honored to congratulate the leadership and employees of Nike Inc., headquartered in my State of Oregon.

According to a new scorecard released by nonprofit group Climate Counts, Nike ranked first among the United States' most climate-friendly companies. The scorecard, first released in June 2007, grades major corporations in well-known consumer sectors from apparel to electronics to fast food—on their commitment to reversing climate change. Nike was judged to have one of the strongest and most transparent programs to reduce climate change among well-known brands across nine industry sectors.

Nike has taken aggressive steps to address climate change, including establishing clear goals for lowering carbon emissions at its facilities around the world, designing sustainable products with environmentally preferable materials, purchasing renewable power, and offsetting the emissions from Nike business travel. More importantly, Nike is exporting not only their world class products, but they are also exporting the values of sustainability throughout the world as they continue their efforts to reduce the company's carbon footprint in its contract manufacturing facilities in Asia.

We can also see Nike's commitment to this effort in another very real way. Nike has been a leader in developing sustainable products and components since its inception. Most recently, Nike unveiled the Air Native N7 shoe designed for Native Americans. The N7 in the name is a reference to the seventh generation theory, used by many Native American tribes to look to the three generations preceding them for wisdom and the three generations ahead for their legacy. By designing this sustainable shoe, Nike is looking ahead to a future that must include greater awareness in protecting our environment and natural resources for the generations to follow.

My home State of Oregon continues to build on a long history of innovation in environmental policy and practice. Nike proves once again that everyone doing their small part can achieve huge successes. Nike's legacy continues to grow as they lead the way as an extremely successful company but not forgetting about how important it is to preserve and protect the natural resources around us. I commend the leadership and employees with the Nike team for their stellar efforts and pledge my full support as they move forward.•

MESSAGE FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to an amendment of the House to the amendment of the Senate to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with an amendment; and has agreed to the Senate engrossed amendment with an amendment.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5511. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes.

H.R. 5710. An act to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes.

H.R. 5781. An act to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

H.R. 6063. An act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

H.R. 6085. An act to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the "Gerald R. Ford Post Office Building".

H.R. 6150. An act to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the "John P. Gallagher Post Office Building".

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 350. Concurrent resolution expressing the sense of the Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling, and seek to strengthen the conservation and management measures to facilitate the conservation of whale species, and for other purposes.

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of June 20, 2008, the Secretary of the Senate, on June 20, 2008, during the adjournment of the Senate, received a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6304. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5511. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5781. An act to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6063. An act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 6085. An act to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the "Gerald R. Ford Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6150. An act to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the "John P. Gallagher Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 350. Concurrent resolution expressing the sense of the Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling, and seek to strengthen the conservation and management measures to facilitate the conservation of whale species, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5710. An act to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes.

MEASURES PLACED ON THE CALENDAR DURING ADJOURNMENT OF SENATE

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6304. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 3173. A bill to amend part E of title IV of the Social Security Act to allow children in foster care to be placed with their parents in residential family treatment centers that provide safe environments for treating addiction and promoting healthy parenting; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER):

S. 3174. A bill to improve port and intermodal supply chain security; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 3175. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program, to make technical corrections to that Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. HAGEL):

S. Res. 597. A resolution designating June 2008, as "'Wait Wait . . . Don't Tell Me!' Recognition Month"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 2099

At the request of Mr. SALAZAR, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3167

At the request of Mr. BURR, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

AMENDMENT NO. 5013

At the request of Mr. TESTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 5013 intended to be proposed to H.R. 3221, a bill to provide needed housing reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 3173. A bill to amend part E of title IV of the Social Security Act to allow children in foster care to be placed with their parents in residential family treatment centers that provide safe environments for treating addiction and promoting healthy parenting; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise before you today to introduce the Keeping Families Safe Act of 2008 which seeks to keep families together when a parent is in a residential substance abuse treatment facility. Numerous studies have shown the benefits of keeping families united as a parent undergoes substance abuse treatment. In fact, one study found that 60 percent of mothers who participated in the Pregnant and Postpartum Women and Their Infants program were completely clean and sober six months after their discharge. This same study found that 88 percent of these children were still with their mothers six months after the mother was discharged. However, only 5 percent of all substances abuse treatment facilities are able to accommodate children.

Congress has shown support for comprehensive family based substance abuse treatment facilities in the past. In 2006, Congress passed the Deficit Reduction Act, which included a $40 million grant program, to promote two key goals, substance abuse services for families in the child welfare system, and regular caseworker visits.

The Keeping Families Safe Act is one way to invest in children and families. This legislation would allow children, who are in foster care, to be with their parent while he or she is receiving treatment at residential comprehensive family-based substance abuse treatment centers. These facilities provide comprehensive services to both parent and child. If this family based approach is not available, these children would often be forced to claim Federal funding in the foster care system. By using these funds instead to go to the residential facility with their parent, the chances for success are much greater.

Family based substance abuse treatment centers have proven to be an effective means of treating substance abuse and reuniting families. Many of the parents in treatment are there in hopes of overcoming their addiction and reuniting with their children. This bill is designed to give them that chance. I urge my colleagues to support this important legislation to help keep families together and provide another funding source for these important facilities.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Keeping Families Safe Act of 2008".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The 2001 report by the Center for Substance Abuse Treatment (CSAT) of the Pregnant and Postpartum Women and Their Infants Program, which provides comprehensive, family-based treatment for substance abusing mothers and their children, found that at 6 months post treatment—

(A) 60 percent of the mothers remained alcohol and drug-free;

(B) drug-related offenses declined from 28 percent to 7 percent; and

(C) 75 percent of the mothers had physical custody of 1 or more children.

(2) The 2003 evaluation of the Center for Substance Abuse Treatment (CSAT) of the Pregnant and Postpartum Women and Their Infants Program of 24 residential family-based treatment programs 6 months after treatment revealed the following successful outcomes for mothers and their children:

(A) 60 percent of the mothers in the programs remained completely clean and sober 6 months after discharge.

(B) 44 percent of the children in the programs were returned to their mothers from foster care.

(C) 88 percent of the children treated in the programs with their mothers remained stabilized and living with their mothers, 6 months after discharge.

(3) The Center for Substance Abuse Treatment (CSAT) of the Pregnant and Postpartum Women and Their Infants Program has found that rates of premature delivery, low birth weight, and infant mortality were improved for women who participated in the program, the costs of treating such women were offset by as much as 3 to 4 times the savings that resulted from reduced costs of crime, foster care, Temporary Assistance to Needy Families (TANF) assistance, and adverse birth outcomes.

SEC. 3. AUTHORITY FOR STATES TO MAKE FOSTER CARE MAINTENANCE PAYMENTS TO RESIDENTIAL FAMILY TREATMENT CENTERS.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 472 of the Social Security Act (42 U.S.C. 672) is amended—

(A) in subsection (b)(2)—

(i) by inserting "or a residential family treatment center" after "child-care institution"; and

(ii) by inserting "or residential family treatment center" after "such institution"; and

(B) in subsection (c)—

(i) by striking "and" before "(2)"; and

(ii) by inserting before the period at the end the following: "; and (3) the term 'residential family treatment center' means a State licensed program that enables parents and their children to live in a safe environment for a period of not less than 6 months and provides, on-site or by referral, substance abuse treatment services, children's early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, prenatal care, sexual abuse therapy, relapse prevention, transportation, and job or vocational training or classes leading to a secondary school diploma or a certificate of general equivalence".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2008, without regard to whether regulations implementing such amendments are promulgated by such date.

(b) EVALUATION AND REPORT.—The Secretary of Health and Human Services shall, by grant, contract, or interagency agreement, evaluate the foster care maintenance payments made under section 472(b)(2) of the Social Security Act on behalf of a child who is in a residential family treatment center (as amended by subsection (a)(1)(A)) and, not later than 3 years after the date of enactment of this Act, shall submit a report to Congress on the results of such evaluation that includes an analysis of the outcomes for the children in foster care on whose behalf such payments are made.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 597—DESIGNATING JUNE 2008, AS "'WAIT WAIT . . . DON'T TELL ME!' RECOGNITION MONTH"

Mr. DURBIN (for himself and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 597

Whereas "Wait Wait . . . Don't Tell Me!", the National Public Radio news quiz show, which uses current news stories for questions and comedy, is celebrating the 10th anniversary of the show's premiere in 1998;

Whereas the programming and content created and distributed by National Public Radio is based on 3 core values, qualities of mind, qualities of heart, and qualities of craft (and despite those core values, National

Public Radio still airs shows like "Wait Wait . . . Don't Tell Me!" with a straight corporate face);

Whereas, in 2008, "Wait Wait . . . Don't Tell Me!" was named a winner of the George Foster Peabody Award, the oldest and most prestigious award in broadcasting (probably due to George Foster Peabody's lifelong commitment to self-aggrandizing entertainers, spectacularly dumb criminals, and overly earnest scientists, who comprise the inspiration for the show);

Whereas "Wait Wait . . . Don't Tell Me!" carries on the tradition of humor that is part of our Second City by taping its show in the Chase Auditorium in downtown Chicago, Illinois (which may be the only place in the United States where people pay for tickets to watch a radio show that is broadcast for free);

Whereas President John F. Kennedy once said, "I look forward to an America which will steadily raise the standards of artistic accomplishment and which will steadily enlarge cultural opportunities for all of our citizens." (making it clear that President Kennedy never could have imagined "Wait Wait . . . Don't Tell Me!");

Whereas notable Americans such as Supreme Court Justice Stephen Breyer, actor Tom Hanks, United States Attorney Patrick Fitzgerald, New York Times columnist William Safire, and White House Press Secretary Dana Perino have appeared on the show (and luckily, few have suffered any significant, long-term damage to their careers);

Whereas "Wait Wait . . . Don't Tell Me!" host Peter Sagal and veteran newsman Carl Kassell have been described as "the perfect team to liven up a Saturday" (rendering them entirely unsuitable for any gainful employment);

Whereas "Wait Wait . . . Don't Tell Me!" finds expression through a recognition that you don't have to be a professional comedian to be humorous (a premise proven each week by a rotating panel of humorists, journalists, and others, including Roy Blount, Jr., Tom Bodett, Amy Dickinson, Adam Felber, Kyrie O'Connor, P.J. O'Rourke, Paula Poundstone, Paul Provenza, Charlie Pierce, Roxanne Roberts, and Mo Rocca); and

Whereas "Wait Wait . . . Don't Tell Me!", produced by National Public Radio and Chicago Public Radio, airs on nearly 450 National Public Radio member stations, and its audience has grown in every ratings period since its premiere in January 1998 (growth that is directly proportional to the boundless egos of the show's creator and Executive Producer Doug Berman, Senior Producer Rod Abid, producers Mike Danforth, Emily Ecton, and Melody Kramer, technical directors Lorna White and Robert Neuhaus, and limericist Philipp Goedicke): Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2008 as "'Wait Wait . . . Don't Tell Me!' Recognition Month"; and

(2) celebrates the show for its contributions to the Nation's enduring creative spirit and for always bringing smiles to America's Saturday mornings.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5020. Mr. ENSIGN (for himself, Mr. Sununu, Mr. Domenici, Mr. Roberts, Ms. Collins, Mr. Hatch, Mr. Enzi, and Mrs. Dole) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. Reid (for Mr. Dodd (for himself and Mr. Shelby)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table.

SA 5021. Ms. STABENOW (for herself and Mr. Levin) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5022. Mr. SANDERS (for himself, Mr. Coleman, Mr. Kerry, Ms. Collins, Mr. Brown, Mr. Kennedy, and Mr. Casey) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. Reid (for Mr. Dodd (for himself and Mr. Shelby)) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 5023. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5020. Mr. ENSIGN (for himself, Mr. Sununu, Mr. Domenici, Mr. Roberts, Ms. Collins, Mr. Hatch, Mr. Enzi, and Mrs. Dole) submitted an amendment intended to be proposed to amendment SA 4983 proposed by Mr. Reid (for Mr. Dodd (for himself and Mr. Shelby)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

TITLE ___—CLEAN ENERGY TAX STIMULUS

SEC. ___01. SHORT TITLE.

This title may be cited as the "Clean Energy Tax Stimulus Act of 2008".

Subtitle A—Extension of Clean Energy Production Incentives

SEC. ___11. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) Extension of Credit.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2010":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) Production Credit for Electricity Produced From Marine Renewables.—

(1) In general.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(2) Marine renewables.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) Marine and hydrokinetic renewable energy.—

"(A) In general.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) Exceptions.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(3) Definition of facility.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) Marine and hydrokinetic renewable energy facilities.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.".

(4) Credit rate.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) Coordination with small irrigation power.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2010" and inserting "the date of the enactment of paragraph (11)".

(c) Sales of Electricity to Regulated Public Utilities Treated as Sales to Unrelated Persons.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).".

(d) Trash Facility Clarification.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(e) Effective Dates.—

(1) Extension.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) Modifications.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) Trash facility clarification.—The amendments made by subsection (d) shall

apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. ___12. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2016".

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2016".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.".

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B) of subsection (c)" and inserting "subsection (c)(2)(B)".

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. ___13. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking ", (2)," in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. ___14. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting ", and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000" after "$1,200,000,000" in paragraph (1),

(2) by striking "$750,000,000 of the" in paragraph (2) and inserting "$750,000,000 of the $1,200,000,000", and

(3) by striking "bodies" in paragraph (2) and inserting "bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)".

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

"(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).", and

(2) by inserting "; PUBLIC POWER PROVIDER" before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. ___15. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking "December 31, 2007" and inserting "the date which is 2 years after the date of such transaction".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

SEC. ___21. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

"(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.".

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking "2006" and inserting "2008".

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

"(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.".

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

"(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. ___22. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2010".

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

"(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

"(ii) used by such eligible contractor as a residence during the taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. ___23. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking "$1.80" and inserting "$2.25".

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking "$.60" and inserting "$0.75", and

(B) by striking "$1.80" and inserting "$2.25".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. ___24. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SA 5021. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies; reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 455, between lines 14 and 15, insert the following:

SEC. 1606. CLARIFICATION OF DISPOSITION OF CERTAIN PROPERTIES.

Notwithstanding any other provision of law, subtitle A of title II of the Deficit Reduction Act of 2005 (12 U.S.C. 1701z–11 note) and the amendments made by such title shall not apply to any transaction regarding a multifamily real property for which—

(1) the Secretary of Housing and Urban Development has received, before the date of the enactment of such Act, written expressions of interest in purchasing the property from both a city government and the housing commission of such city;

(2) after such receipt, the Secretary acquires title to the property at a foreclosure sale; and

(3) such city government and housing commission have resolved a previous disagreement with respect to the disposition of the property.

SA 5022. Mr. SANDERS (for himself and Mr. COLEMAN, Mr. KERRY, Ms. COLLINS, Mr. BROWN, Mr. KENNEDY, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 4983 by Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies; reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of title VI of division A, add the following:

SEC. 1606. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

(a) IN GENERAL.—In addition to any amounts appropriated under any other provision of Federal law, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2008—

(1) $1,265,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $1,265,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) EMERGENCY REQUIREMENT.—The amount provided under this section is designated as an emergency requirement, pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 5023. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VII—FORECLOSURE RESCUE FRAUD PROTECTION

SEC. 2701. SHORT TITLE.

This title may be cited as the "Foreclosure Rescue Fraud Act of 2008".

SEC. 2702. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) FORECLOSURE CONSULTANT.—The term "foreclosure consultant"—

(A) means a person who makes any solicitation, representation, or offer to a homeowner facing foreclosure on residential real property to perform, for gain, or who performs, for gain, any service that such person represents will prevent, postpone, or reverse the effect of such foreclosure; and

(B) does not include—

(i) an attorney licensed to practice law in the State in which the property is located who has established an attorney-client relationship with the homeowner;

(ii) a person licensed as a real estate broker or salesperson in the State where the property is located, and such person engages in acts permitted under the licensure laws of such State;

(iii) a housing counseling agency approved by the Secretary;

(iv) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

(v) a Federal credit union or a State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)); or

(vi) an insurance company organized under the laws of any State.

(3) HOMEOWNER.—The term "homeowner", with respect to residential real property for which an action to foreclose on the mortgage or deed of trust on such real property is filed, means the person holding record title to such property as of the date on which such action is filed.

(4) LOAN SERVICER.—The term "loan servicer" has the same meaning as the term "servicer" in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(5) RESIDENTIAL MORTGAGE LOAN.—The term "residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act (15 U.S.C. 1602)(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(6) RESIDENTIAL REAL PROPERTY.—The term "residential real property" has the meaning given the term "dwelling" in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602).

(7) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 2703. MORTGAGE RESCUE FRAUD PROTECTION.

(a) LIMITS ON FORECLOSURE CONSULTANTS.—A foreclosure consultant may not—

(1) claim, demand, charge, collect, or receive any compensation from a homeowner for services performed by such foreclosure consultant with respect to residential real property until such foreclosure consultant has fully performed each service that such foreclosure consultant contracted to perform or represented would be performed with respect to such residential real property;

(2) hold any power of attorney from any homeowner, except to inspect documents, as provided by applicable law;

(3) receive any consideration from a third party in connection with services rendered to a homeowner by such third party with respect to the foreclosure of residential real property, unless such consideration is fully disclosed, in a clear and conspicuous manner, to such homeowner in writing before such services are rendered;

(4) accept any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation with respect to services provided by such foreclosure consultant in connection with the foreclosure of residential real property; or

(5) acquire any interest, directly or indirectly, in the residence of a homeowner with whom the foreclosure consultant has contracted.

(b) CONTRACT REQUIREMENTS.—

(1) WRITTEN CONTRACT REQUIRED.—Notwithstanding any other provision of law, a foreclosure consultant may not provide to a homeowner a service related to the foreclosure of residential real property—

(A) unless—

(i) a written contract for the purchase of such service has been signed and dated by the homeowner; and

(ii) such contract complies with the requirements described in paragraph (2); and

(B) before the end of the 3-business-day period beginning on the date on which the contract is signed.

(2) TERMS AND CONDITIONS OF CONTRACT.—The requirements described in this paragraph, with respect to a contract, are as follows:

(A) The contract includes, in writing—

(i) a full and detailed description of the exact nature of the contract and the total amount and terms of compensation;

(ii) the name, physical address, phone number, email address, and facsimile number, if any, of the foreclosure consultant to whom a notice of cancellation can be mailed or sent under subsection (d); and

(iii) a conspicuous statement in at least 12 point bold face type in immediate proximity to the space reserved for the homeowner's signature on the contract that reads as follows: "You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you sign the contract. See the attached notice of cancellation form for an explanation of this right.".

(B) The contract is written in the principal language used to solicit or market the services to the homeowner.

(C) The contract is accompanied by the form required by subsection (c)(2).

(c) RIGHT TO CANCEL CONTRACT.—

(1) IN GENERAL.—With respect to a contract between a homeowner and a foreclosure consultant regarding the foreclosure on the residential real property of such homeowner, such homeowner may cancel such contract without penalty or obligation by mailing a notice of cancellation not later than midnight of the 3rd business day after the date on which such contract is executed or would become enforceable against the parties to such contract.

(2) CANCELLATION FORM AND OTHER INFORMATION.—Each contract described in paragraph (1) shall be accompanied by a form, in duplicate, that—

(A) has the heading "Notice of Cancellation" in boldface type; and

(B) contains in boldface type the following statement:

"You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day after the date on which the contract is signed by you.

"To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice or any other equivalent written notice to [insert name of foreclosure consultant] at [insert address of foreclosure consultant] before midnight on [insert date].

"I hereby cancel this transaction on [insert date] [insert homeowner signature].".

(d) WAIVER OF RIGHTS AND PROTECTIONS PROHIBITED.—

(1) IN GENERAL.—A waiver by a homeowner of any protection provided by this section or any right of a homeowner under this section—

(A) shall be treated as void; and

(B) may not be enforced by any Federal or State court or by any person.

(2) ATTEMPT TO OBTAIN A WAIVER.—Any attempt by any person to obtain a waiver from any homeowner of any protection provided by this section or any right of the homeowner under this section shall be treated as a violation of this section.

(3) CONTRACTS NOT IN COMPLIANCE.—Any contract that does not comply with the applicable provisions of this title shall be void and may not be enforceable by any party.

SEC. 2704. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading "Notice Required by Federal Law" in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: "Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [________], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance." (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively).

SEC. 2705. CIVIL LIABILITY.

(a) IN GENERAL.—Any foreclosure consultant who fails to comply with any provision of section 2703 or 2704 with respect to any other person shall be liable to such person in an amount equal to the greater of—

(1) the amount of any actual damage sustained by such person as a result of such failure; or

(2) any amount paid by the person to the foreclosure consultant.

(b) CLASS ACTIONS PROHIBITED.—No Federal court may certify a civil action under subsection (a) as a class action under rule 23 of the Federal Rules of Civil Procedure.

SEC. 2706. ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in section 2703 or a failure to comply with any provision of section 2703 or 2704 shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of sections 2703 and 2704 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this title.

(b) STATE ACTION FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating the provisions of section 2703 or 2704, the State—

(A) may bring an action to enjoin such violation;

(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 2705 as a result of the violation; and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) INTERVENTION.—The Commission shall have the right—

(i) to intervene in any action referred to in subparagraph (A);

(ii) upon so intervening, to be heard on all matters arising in the action; and

(iii) to file petitions for appeal in such actions.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for a violation of section 2703 or 2704, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 2703 or 2704 that is alleged in that complaint.

SEC. 2707. LIMITATION.

No violation of a prohibition described in section 2703 or a failure to comply with any provision of section 2703 or 2704 shall provide grounds for the halt, delay, or modification of a foreclosure process or proceeding.

SEC. 2708. PREEMPTION.

Nothing in this title affects any provision of State or local law respecting any foreclosure consultant, residential mortgage loan, or residential real property that provides equal or greater protection to homeowners than what is provided under this title.

Amend the table of contents accordingly.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

This is to advise you that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be

held on Wednesday, July 2, 2008, at 10 a.m., International Programs Building, Sandia Science & Technology Park, 10600 Research Road SE., Albuquerque, NM 87123.

The purpose of the hearing is to consider the value and examine the progress of electricity generation from concentrating solar power.

For further information, please contact Leon Lowery at (202) 224-2209 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Friday, June 20, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MANAGING AND PRESERVING CONGRESSIONAL PAPERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 705, H. Con. Res. 307.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 307) expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 307) was agreed to.

The preamble was agreed to.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 335 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 335) authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 335) was agreed to.

ORDER FOR MEASURE TO BE PLACED ON THE CALENDAR—H.R. 6304

Mr. REID. Mr. President, I ask unanimous consent that when H.R. 6304 is received from the House, it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 110-181, and in consultation with the chairmen of the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations, appoints the following individuals to be members of the Commission on Wartime Contracting in Iraq and Afghanistan: Linda J. Gustitus of the District of Columbia and Charles Tiefer of Maryland.

ORDERS FOR MONDAY, JUNE 23, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m. this coming Monday, June 23; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message with respect to H.R. 3221, the housing legislation. I ask further that the filing deadline for the amendments to the Dodd-Shelby substitute amendment be 10:30 a.m. on Tuesday, June 24, and that substitute amendment is No. 4983.

I further ask unanimous consent that the RECORD remain open until 2 p.m. today for statements, cosponsors, and bill introductions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JUNE 23, 2008, AT 3 P.M.

Mr. REID. Mr. President, seeing no one else on the floor, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:49 p.m., adjourned until Monday, June 23, 2008, at 3 p.m.

HOUSE OF REPRESENTATIVES—*Friday, June 20, 2008*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"How great is Your goodness, Lord. How good You are to those who fear You. All those in need can place their trust in You because You are faithful and Your promises will be fulfilled.

"You spoke Your Word and we were created. Your Word revealed Your love and we were redeemed. You send forth Your Spirit and renew the face of the earth.

"To You be glory, honor and thanksgiving."

So prays this psalm, the House of Representatives and this Nation, both today and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALZ of Minnesota. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALZ of Minnesota. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Pledge of Allegiance will be led by the gentleman from Texas (Mr. POE).

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

FINDING REAL SOLUTIONS TO MEET ENERGY NEEDS

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Madam Speaker, yesterday I talked to a farmer who told me he just purchased fuel to power his irrigation pumps. The cost for 2 weeks of that fuel, $33,000 worth of diesel. This Nation's people and economy are reeling because of high energy costs, and yet some in this House offer nothing but the same old political games, the exact games that put us in this position.

Let's be very clear: No one is saying we shouldn't be producing and using domestic supplies. But false solution land grabs and politics aren't going to get us to energy independence. Oil companies today are sitting on 68 million acres of Federal land, your land, Madam Speaker, that could produce up to a decade-and-a-half worth of all the fuel this country needs. Yet they are not drilling. Future generations deserve that we provide real solutions that not only include domestic production, but provide innovations and alternative technologies and crack down on speculation.

Yesterday, Madam Speaker, China increased their fuel prices by 17 percent, and the price of oil dropped by $6 a barrel. By anybody's best estimate, that is more than drilling in ANWR would drop the cost.

Madam Speaker, we deserve solutions that extend to the next generation, not the next election.

GUANTANAMO COURT DECISION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, this week's Supreme Court decision regarding enemy terrorist detainees at Guantanamo Bay threatens the separation of powers by undermining the authority of the President as commander-in-chief and thwarting repeated efforts of Congress to address this issue. Taking enemy combatants from before military tribunals and putting them before civilian judges is a mistake.

Justice Scalia, who wrote a dissenting opinion to the 5-4 decision, said, "America is at war with radical Islamists. The game of bait-and-switch that today's opinion plays upon the Nation's commander-in-chief will make the war harder on us. It will almost certainly cause more Americans to be killed."

Chief Justice Roberts said, "Today the Court strikes down as inadequate the most generous set of procedure protections ever afforded aliens detained by this country as enemy combatants."

Madam Speaker, I believe history will judge the five Justices who supported this policy to be mistaken. Unfortunately, this most serious issue was stripped from the jurisdiction of America's elected officials, who are accountable to voters, and given to judges never elected and not accountable to the population at large.

AMERICA CANNOT AFFORD MORE FAILED BUSH-CHENEY ENERGY POLICIES

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, there are two people to blame for the extremely high increase in gas prices, President Bush and Vice President CHENEY, two men who came to the White House from the executive suites of Big Oil.

This week, the President proposed a proposal that was literally written by the oil industry: Give more public resources to the very same oil companies that are raking in record profits and are sitting on 68 million acres of Federal lands they already have leased.

The President called for opening the Outer Continental Shelf to drilling, even though more than 80 percent of that is already under lease at this time. The President reported the same old rhetoric about drilling in ANWR, even though his own Energy Department has concluded that will bring no solution for the next 20 years. This type of rhetoric is what is hurting us and will continue to hurt our country.

Madam Speaker, America cannot afford any more failed Bush-Cheney energy policies.

CONGRESS HELPING MONKEYS AND WHALES WHILE AMERICANS STRUGGLE TO MAKE ENDS MEET

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, with oil and gas prices climbing to record highs and families struggling to make ends meet, what did Congress do to help this week? Well, we voted on monkeys. Yes,

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

we voted to prohibit you from driving a monkey across State lines. We also had a lengthy debate on whaling. But no votes to increase energy supplies to lower gas prices. Good for monkeys, good for whales, but not good for America's families.

Sixty-seven percent of Americans support safe, environmentally sound exploration of our resources. The American people understand that we need more American energy, not Saudi Arabian, not Venezuelan or Russian energy dependence. American energy means we are creating American jobs, not funding plush skyscrapers in Dubai. And lower prices allow us to invest our dollars in alternate energy and conservation.

Earlier this week, I introduced House Resolution 1282 to encourage the removal of the executive ban on drilling along our Outer Continental Shelf. The President has the power to remove this ban today, if he chooses. I invite all my colleagues to cosponsor my resolution. Let's bring relief for America's families.

DRILL NOTHING CONGRESS—PART II

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the Drill Nothing Congress has let another week go into the history books, but no progress has been made on solving rising gasoline prices. Most Americans are for offshore drilling, but the don't-drill-in-America gang says no.

Why does the anti-American drilling crowd think it is wrong for us to drill at home, but it is right for OPEC and the Saudis to drill and sell us crude that costs Americans $425 million a day?

The Drill Nothing Congress says those American oil companies, which they seem to despise more than OPEC and dictator Chavez, have enough leases on Federal land. The problem with that lack of logic is there is no oil on those leases. The land is full of dry holes. It is like trying to lease Death Valley to the farmers to grow corn. It won't work.

The don't-drill group thinks American oil companies make too much money. Little do they know oil companies are owned by millions of middle-class Americans who are called stockholders.

Open up the Outer Continental Shelf. American oil companies will pay millions in lease revenues to taxpayers. Thousands of jobs will be created. America needs to take care of America. Drill offshore.

And that's just the way it is.

CELEBRATING THE LEGACY OF THE HONORABLE ALICE ROBERTSON, MEMBER OF CONGRESS

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Madam Speaker, today I would like to share with the Chamber a very significant moment in our history. Eighty-seven years ago today, on June 20, 1921, Congresswoman Alice Robertson became the first woman to sit in the chair and preside over this body.

She was a pioneer, an educator, a public servant, and only the second woman ever elected to Congress. She is a testament to the power of the 19th amendment and a symbol of the full participation that women have enjoyed in government ever since its passage. Today, women occupy many seats in this Chamber, even the Speaker's Chair.

So we owe much to Alice Robertson, and I ask that you join me in celebrating her legacy and giving thanks to the memory of this wonderful Oklahoma woman.

RECOGNIZING THE HINSDALE CENTRAL HIGH SCHOOL BOYS TENNIS TEAM

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Madam Speaker, it is with great pride that I rise to congratulate the Hinsdale Central Red Devils on winning the Illinois State Boys Tennis Tournament held at Hersey High School in Arlington Heights. This year's State finals mark the second consecutive State championship for Central's boys tennis team.

Team member Augie Bloom placed third in singles and the doubles team of Dan Ballantine and Ian Tesmond placed fifth in the State. Additionally, teammates Krishna Ravella, Paul Cooper and Josh Sink all contributed to brining home the prize. Their outstanding performance on the court won 37 points, a one-point margin of victory. Guiding the team to victory were coach Jay Kramer and assistant coaches John Naisbitt and Bro Ballantine.

Madam Speaker, our community is very proud of these champions, who worked so hard for this victory. Their dedication and fighting spirit is a testament to their school and the State of Illinois.

Again, I congratulate the Hinsdale Central Red Devils on their state title, and wish them the best of luck in future seasons.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 337. Concurrent resolution honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2159. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. Con. Res. 91. Concurrent resolution honoring Army Specialist Monica L. Brown, of Lake Jackson, Texas, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces.

☐ 0915

PROVIDING FOR CONSIDERATION OF H.R. 5876, STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1276 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1276

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a

Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5876 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1276.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

House Resolution 1276 provides for consideration of H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule makes in order two amendments that were submitted for consideration and are printed in the Rules Committee report, including a bipartisan manager's amendment. The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI. Finally, the rule provides one motion to recommit with or without instructions.

The bill before us today, the Stop Child Abuse in Residential Programs for Teens Act, responds to an urgent need to protect our Nation's vulnerable children. An estimated 20 to 30,000 U.S. teenagers attend private residential programs, including therapeutic boarding schools, wilderness camps, boot camps, and behavioral modification facilities. These residential facilities are intended to help treat children with behavioral, emotional or mental health problems.

However, many of these facilities are loosely regulated, if they are even regulated at all. As a result, some of the very facilities that are supposed to be providing a safe environment for our Nation's vulnerable children have, instead, provided us with some of the most shocking accounts of child abuse and neglect we have ever been witness to.

A comprehensive report by the Government Accountability Office recently uncovered thousands of allegations of child abuse and neglect at private residential programs for teens. Tragically, in a number of these cases, this abuse and neglect led to the child's death.

I won't describe the horrifying stories, but I will say that they go far beyond simple maltreatment. The stories are deplorable. They are inexcusable, and they are inhumane.

This bill, H.R. 5876, will keep children safe by imposing new national standards for residential treatment programs. These standards include prohibitions on denying children food, water, clothing, shelter or medical care for any reason, including as a form of punishment.

The bill upholds core moral values by specifically prohibiting programs from engaging in practices that physically, sexually or mentally abuse or torment children in their care.

It requires programs to train staff in understanding what constitutes child abuse and neglect and how to report it, and it requires programs to have emergency medical care plans in place.

The bill also includes several other provisions, such as requiring programs to disclose to parents the qualifications of staff, notifying parents of substantiated reports of abuse, and providing grant money to States if they develop their own standards that are at least as strong as the national ones.

On a personal note, I would like to say that my wife, Kathie, and I are proud parents of three children, two of which we adopted from foster care. I can tell you from my own personal experience that nothing is more important to a child's life than having a secure home.

No child should ever be subject to abuse or neglect, especially when in the care of those who are supposed to be providing treatment.

I commend Chairman MILLER for his tireless efforts on behalf of our Nation's children. I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. At this time I would like to thank my good friend, the gentleman from California (Mr. CARDOZA), for the time and yield myself such time as I may consume.

Madam Speaker, when families send their children to private residential treatment facilities, they expect their children to receive proper treatment for their emotional and behavioral problems. Unfortunately, some of these treatment facilities have not provided the treatment these children need.

Instead, we have heard reports of abuse, neglect and even death. The Government Accountability Office recently looked into these reports of child abuse.

While researching the reports, the GAO found that the current patchwork of Federal legislation and oversight addressing youth well-being have led to a substantial disparity in protecting the well-being and civil rights of some of the Nation's most vulnerable youth. The safety and well-being of these vulnerable children is of great importance, and we must do all we can to stop child abuse and neglect at residential treatment facilities.

For that reason I am pleased that the underlying legislation, the Stop Child Abuse in Residential Programs for Teens Act, seeks to help remedy the issues addressed in the GAO report. The legislation seeks to ensure effective regulation, monitoring and enforcement of residential treatment programs by the States, with the Federal Government playing an oversight role.

I would like to commend Chairman MILLER and Ranking Member MCKEON for working to bridge their differences on this legislation. I think they should be commended for coming up with a compromise acceptable to both sides of the aisle.

Unfortunately, unlike the Education and Labor Committee, compromise and bipartisanship are concepts that do not make it past the door of the majority in the Rules Committee, because the majority there has blocked all Republican amendments. The majority might call this a structured rule, but for members on the minority side of the aisle, this might as well be the 55th closed rule in this Congress.

Not only does this rule completely undermine the spirit of bipartisanship that Chairman MILLER and Ranking Member MCKEON worked so hard to achieve, it also stands in stark contrast to how the new majority promised they would run the House of Representatives.

Before the new majority took over control of the House, they laid out their promises for a more civil, more open, more transparent House in a document they entitled "The New Direction for America."

The document provides clear guidelines for how legislation should move through the House. One of the promises made in the document is, and I quote, "Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternative, including a substitute.

Yet here we are today with a process that completely shuts out the minority from offering any amendments. Obviously the majority left their campaign promises on the campaign trail.

I would ask all of my colleagues to vote against this unfair rule which completely contradicts the majority's rhetoric about running the most open, honest, and transparent Congress in history.

Madam Speaker, at this time I would like to address a separate issue. Last week we received the desperate plea of a father in Cuba. The father's name, Pedro Andres Ferrera, concerns his 21-year-old son, Yuselin Ferrera, who at this time, as we speak, is being tortured in the psychiatric hospital in Sagua la Grande, Cuba, the San Luis psychiatric hospital.

His crime—a bracelet like the one I am wearing, that has the word "change" in it. This young man, 21 years old, supports freedom and democracy. For that crime, at this moment, he is in the San Luis psychiatric hospital in Sagua la Grande, Cuba, being tortured.

His father's plea, which is really extraordinary, describes continuous interrogations that the young man is being subjected to, with the objective of changing his way of thinking so that he will renounce, give up his probative democracy beliefs.

His father, in his desperation, said that he makes responsible for the consequences that may ensue to his son the Cuban dictatorship and, specifically, its state security apparatus.

I, at this time, join with Pedro Andres Ferrera, the father of that young man, 21-year-old Yuselin Ferrera, to also make responsible publicly the jailers, so-called doctors, torturers of the young man, Yuselin Ferrera. Let them not think even for one instant that we will forget this crime. Let them not think even for one moment that this crime against humanity will be subject to any sort of statute of limitations. There will be justice for criminals such as those so-called doctors in the psychiatric hospital torturing that 21-year-old man simply for supporting a peaceful campaign of change within the totalitarian state of Cuba.

□ 0930

I ask my friend, my dear friend, also a strong supporter of freedom wherever there is injustice anywhere in the world, DENNIS CARDOZA, to join me in a bipartisan spirit also denouncing those torturers and putting them on notice that we will not forget their crimes against that young man.

At this time, Madam Speaker, and returning to the subject of the legislation, I see that Chairman MILLER is here, and I thank him again, along with Ranking Member MCKEON, for their important work and especially in making possible this bipartisan legislation that is coming to the floor today, the underlying legislation that we bring to the floor today.

I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would like to acknowledge that my colleague from Florida has been a true champion on behalf of the pro-democracy forces in Cuba; that certainly I join him in denouncing any of the horrible acts that he described today, and I praise the emotion and spirit with which he brings his fight towards democracy in Cuba to the floor. Thank you, Mr. DIAZ-BALART.

But I will tell you, however much I praise his efforts there, with regard to the seven amendments that he talked about, the seven Republican amendments submitted in the Rules Committee, they were disposed of in I believe a very fair and equitable manner.

Two were withdrawn by the authors. One was addressed in the manager's amendment. The amendment of the gentleman from Utah (Mr. BISHOP) was addressed in the manager's amendment. Two amendments amended portions of the bill that were deleted by the manager's amendment and thus are moot; and two dealt with earmarks that are not in the bill. So frankly, all of the amendments were dealt with in a fair and evenhanded manner. I believe this truly is a bipartisan bill.

It is with that spirit, Madam Speaker, that I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY), the chairman of the Healthy Families Subcommittee and a champion for children.

Mrs. MCCARTHY of New York. Madam Speaker, I thank the Rules Committee and I stand in support of the rule. I want to say thank you to Chairman MILLER and the committee staff for working with me on this important legislation, and for Mr. MILLER's personal leadership on this issue over the years.

When we started working on this issue in committee, I became outraged over the testimony that I was hearing. You see, children in this country are dying. In fact, the Government Accountability Office report found thousands of cases of abuse and neglect at residential programs for teens. The abuses include staff members forcing children to remain in so-called "stress" positions for hours at a time and to undergo extreme physical exertion without food, water or rest.

Sadly, in a number of cases this abuse has led to the deaths of children at the hands of the very people entrusted with their care.

These are basic human rights being denied to our children, children who are already struggling to find their way in this world, children who might suffer from mental disorders or other conditions that make daily living in society much more challenging than for other kids their own age, children whose parents love them and want the best for them and need help in addressing the needs of these vulnerable youth.

Parents, often desperate for help, feeling vulnerable as well, are sending their children to facilities that are sold as safe and responsible facilities.

The GAO's investigative work is showing that a number of programs use deceptive marketing practices to appeal to parents. In fact, it uncovered deception, fraud, and conflicts of interest. In one scheme, a husband owns a referral service and the wife owned a residential treatment facility. It was revealed that her location received more referrals from her husband's service than any other providers.

Parents are sold a bill of goods about the facilities and are enticed by advertising schemes portraying these programs as safe, with a professional staff, and high-quality environments for their children.

Yet it is too often not true, and tragically, at times, the end result is the death of a child.

That's why it is absolutely crucial that we make sure that children are kept safe when they are in these facilities by setting minimum safety standards. Minimum; why are we even setting them at minimum?

You know, it seems like every week I am up here on the floor talking about how we need to protect our children. That's why it is absolutely crucial that we establish standards and stop "boot camps" from using the kind of deceptive marketing that has drawn in so many parents.

I am pleased that the bill contains some aspects to address all deceptive marketing tactics employed by some owners or operators of residential treatment facilities.

One section requires that all printed material from the facility include a link to a Web site that has a database about past incidents and violations. We do that with our college students so parents can actually look to see how safe that particular college is. And yet we are having a hard time trying to do this for children who need our help immensely, and the parents. The parents are facing difficult choices to do whatever they can to help their child. And yet they are given false information.

Another section specifies that a new Web site include not just the name and location of each facility, but also the owner and operator of the facility so the parents can watch out for the bad operators.

Furthermore, even though we did not include language requiring all promotional and informational materials distributed by the facilities be subject to appropriate guidelines, such as those specified by the Federal Trade Commission Act due to jurisdictional issues, we will continue to monitor the deceptive marketing practices on these programs.

Madam Speaker, we need minimum safety standards for these public and private residential treatment facilities. It is past time to bring these programs to a level of basic safety which protects children and prevents further abuse from happening.

I promise—and I am positive that Chairman MILLER will, too—we will continue to work on this. But as with a lot of things that come through our committee, we have to work with both sides so we can get a bill through and passed and on its way to the President. But I have to say in cases like this, I wish we could have gone further to protect the children, to protect the parents. I urge passage of this rule.

Mr. LINCOLN DIAZ-BALART of Florida. I would ask my friend if he has any additional speakers on the rule.

Mr. CARDOZA. Madam Speaker, I have one additional speaker at this time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), the chairman of the Education and Labor Committee and a true champion for children in this House.

Mr. GEORGE MILLER of California. I want to thank the gentleman for yielding, and I want to thank the Rules Committee for reporting this rule to the floor and I want to thank Mr. CARDOZA for managing this legislation. He has spent his entire public life being concerned about children at risk. And clearly the children we seek to protect in this bill are at serious risk.

I also want to thank the gentlewoman from New York (Mrs. MCCARTHY) for all of her effort on this legislation. She, too, has spent her entire time in Congress trying to make sure that our children are safe in whatever setting we have responsibility for, whether it is in high schools or colleges or in this case residential programs.

This legislation is designed to address in a reasonable manner a very serious problem that has come to the attention of the Education and Labor Committee this last year when we started looking at the abuse and neglect in teenage residential programs. Tragically, a number of these cases have resulted in the death of a child.

This legislation will help ensure that children are safe no matter what setting they are in. It will also provide parents with the information they need to make safe choices on behalf of their children.

The rule we are considering today is a fair one. It makes in order the Miller-McKeon manager's amendment and one other amendment offered by Ms. SHEA-PORTER, a member of the Education and Labor Committee. Mr. MCKEON and his staff have worked alongside our staff to make sure that we could do this is in bipartisan fashion, and the manager's amendment reflects the changes to be made to improve the legislation since it left the committee.

Of the 10 amendments originally submitted to the Rules Committee, our bipartisan compromise incorporates and makes unnecessary seven of those amendments. It would be disingenuous for anyone to come to the floor and oppose this rule since it takes into consideration those concerns.

I want to thank Mr. MCKEON for working on this legislation so that we would have a bill with few amendments but we would address the concerns of the Members. In the course of crafting the manager's amendment, we worked with several Members on provisions that are now reflected in the compromise. Representatives CUELLAR, ROTHMAN and MATHESON each made valuable improvements to the manager's amendment, and we thank them for their input.

Mr. BISHOP of Utah submitted an amendment to the Rules Committee which we believed raised legitimate concerns, and we made a number of changes in the manager's amendment to, we believe, fully address his concerns. Two other amendments on the other side of the aisle were made moot by the bipartisan agreement, and yet they were not withdrawn.

This should not be a partisan issue. The GAO has found thousands of documented cases and allegations of child abuse and neglected children—stretching back decades—in teen residential programs.

In hearings before our committee, we heard horrific stories about the way children in these programs were treated by uncaring, untrained, and abusive staff members. For example, children were forced to eat food to which they were known to be allergic. They were required to remain in so-called "stress" positions for hours, and to keep hiking even though it became clear they needed immediate medical attention.

Madam Speaker, the time for Congress to act is long past due. The weak patchwork of State laws and regulations governing teen residential programs have permitted these abuses to continue for far too long. We must act to prevent children from being put at risk. This bill will help keep children safe and help parents get information they need to make sound choices about the care of their children. I hope that we can adopt this rule.

Madam Speaker, let me just say this. I have been involved in this issue for almost 30 years. These abusive programs of children in wilderness camps and boot camps and whatever they call themselves, wagon trains to the future, have gone on for many years. There are many, many programs that take care of children in residential settings, very troubled children, and these programs offer specialized care to those children and treatment of those children, and many parents have written to Members of Congress and my friends and others who have sent their children to these programs, have experienced some success with the care of those children to get rid of addictive behavior and abusive behavior on behalf of those children.

But yet within this industry, there is a group of homes that continue to travel from State to State without awareness by the State or not caring by the State, or falling through the regulations, no Federal regulations, no State regulations, and those are the programs that have abused these children.

We have worked with professional associations. We have worked with trade associations. We have worked with individuals who run homes of high reputation to develop a set of regulations that make sure that parents will be aware of the placement of their children, the care they are likely to receive, and the skills and the training of the people who take care of them, because that is not true today.

As we found out in a GAO report, as Mrs. MCCARTHY pointed out, there are deceptive practices of people who have huge financial interest in the outcome of referring a family to those homes.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CARDOZA. I yield the gentleman 2 additional minutes.

Mr. GEORGE MILLER of California. I thank the gentleman.

And that is what this is about. That is where we saw this incredibly abusive behavior, and in a number of instances, simply lethal, to these children. The children died in the care in which their parents had placed them because the parents were not aware of how poorly run these facilities were. In a couple of cases, referrals for criminal proceedings against those individuals have been made.

Why is this bill important, because these children are out-of-home placements. and we have to understand the responsibility of those individuals who represent themselves that they can provide treatment and they can provide care. If that's not true, the parents ought to know it. This is simple awareness by parents of the care their children are going to receive.

It is hard to believe that you could put your child into a program and the child could die of dehydration or die of simple neglect because people refuse to call medical personnel to the care of these children because they said that the children were faking. No, they weren't faking, they were dying. They were dying, and people stood around and said they were faking it, don't touch them, don't go near them, and they died on the trail. They needed water. No, they were faking, and they pushed them on to hike out in the desert in the heat, and they died of dehydration.

Children standing in stress positions that look more like Guantanamo Bay than look like a care facility for American children. Children standing in a stress position with their hands out with a hood around their neck and a hangman's noose for hours while others children watched and participated in the treatment of those children. That's not the care of children. There is no professional organization that recognizes that kind of care for the treatment of children. And yet those homes blemish the reputation of facilities and organizations that are trying to care for very difficult children.

And as CAROLYN McCARTHY said, these parents are at their wit's end. They have tried almost everything. We need to make sure that the next thing they try is safe and well-organized for the care of their children.

□ 0945

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I assume from my friend that he has no further speakers on the rule.

Mr. CARDOZA. I am the final speaker on my side of the aisle.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, back on April 24 of 2006, just over 2 years ago, Speaker NANCY PELOSI issued the following statement, which I quote:

"With skyrocketing gas prices it is clear that the American people can no longer afford the Republican Rubber stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price when President Bush first came into office."

Madam Speaker, most Americans would be happy if they were paying $2.91 today for a gallon of gasoline. When Americans are paying over $4 for gasoline, we should be working on legislation to lower the cost of gasoline, increasing domestic energy exploration, reducing our reliance on unstable foreign sources of oil.

So today, I urge my colleagues to defeat the previous question so that this House can immediately consider solutions to rising energy costs. By defeating the previous question, I will move to amend the rule to allow for consideration of H.R. 2279, Expanding American Refinery Capacity on Closed Military Installations, introduced by Representative PITTS.

This legislation would significantly reduce the cost of gasoline by streamlining the refinery application process. It will also require the President to open at least three closed military installations for the purpose of siting new and reliable American refineries.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. By voting "no" on the previous question, Members can take a stand against high fuel prices and in favor of taking action to confront that problem.

I encourage a "no" vote on the previous question, and I yield back the balance of my time.

Mr. CARDOZA. Madam Speaker, in closing, I'd like to remind my friend and colleague from Florida that it has been the other body, the Republicans in the other body and the White House who have stymied the Democratic efforts to actually reduce gas prices and provide alternative energy for this country. Certainly, it is a problem, and certainly, the American people are very frustrated at paying $4 or more, in my State it's much more for a gallon of gas. But had we at least moved in a new direction, we could be heading in that direction. But we have been totally stymied by the White House and the Senate on these questions.

Madam Speaker, today's bill deals with children, and there is an urgent problem in many residential treatment facilities that have gone unchecked for far too long and must be addressed. H.R. 5876 will go a long way towards ensuring the safety of our Nation's children who depend on these treatment facilities.

Again, I ask my colleagues on both sides of the aisle to support this commonsense legislation to protect our kids in these treatment facilities.

I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1276 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2279) to expedite the construction of new refining capacity on closed military installations in the United States. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to find passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and the chairman and ranking member of the Committee on Armed Services; and (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or Representative Skelton of Missouri, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 1091th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Madam Speaker, I yield back my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 6304, FISA AMENDMENTS ACT OF 2008

Mr. ARCURI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1285 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1285

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 6304, pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1285 provides for consideration of H.R. 6304, the FISA Amendments Act of 2008. The rule provides 1 hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member on the Permanent Select Committee on Intelligence.

Madam Speaker, we have come a long way on the crucial issue of intelligence gathering. First, I must commend our majority leader, Mr. HOYER, for his commitment and dedication to reaching a sensible, bipartisan and bicameral agreement on FISA. Ensuring that we provide our Nation's intelligence community with the necessary tools and resources to prevent a future terrorist attack on our Nation must transcend partisan politics, and doing it in a way that protects the rights guaranteed to law-abiding Americans under this Constitution.

Clearly, thanks to the hard work of Mr. HOYER, Minority Whip BLUNT, Chairman REYES and many others, we will continue to work to protect the American people today.

Bringing this FISA agreement to the floor is the result of months of long and thoughtful deliberation between the House and Senate, Democrats and Republicans, and the White House. What we're doing today is proof that we in the House should not have to just settle on the will of the Senate. It's proof that we can achieve a bipartisan, bicameral agreement on how our Nation gathers its intelligence. This type of bipartisanship is precisely what the American people expect of us.

Today we're not voting on the Senate version of the bill, instead we have the opportunity to vote in favor of a sensible, bipartisan FISA bill that will help protect our Nation from terrorism, while protecting the civil liberties we, as Americans, hold dear.

I also admit that I don't think the FISA agreement is perfect, but seldom should we expect an opportunity to vote in favor of legislation that every Member of this Chamber believes to be perfect.

Effective legislation demands bipartisan consensus. And an example of such bipartisan consensus is the issue of immunity for telecom companies. The civil liberty protection provision in this agreement finally removes the shackles for our telecom companies to tell their side of the story. No longer can the administration step in and assert the "State Secrets Privilege" and deny telecom companies and the plaintiff seeking to protect his or her Constitutional rights the opportunity to make their case in front of a judge.

As a former district attorney, I for one couldn't agree more that if the intelligence community goes to a telecom company with adequate authorization and says, we need communication records for person X because he or she is believed to be a terrorist, the telecom company deserves to be afforded that protection.

Unfortunately, under the old system we would never know if adequate authorization and substantial evidence, for that matter, ever existed. Thanks to this bipartisan agreement, we now will.

Madam Speaker, we have come a long way over the last few months. We can all agree that the world changed on September 11, 2001. Our Nation faces new threats on new fronts. What we are doing here today is proof that we can come together, Republicans and Democrats, to provide our Nation's intelligence community with the necessary tools to face and fight those threats, while protecting the civil liberties of Americans, and ensuring that the rights guaranteed under the Constitution are not mere words but, rather, solemn ideas that our Nation holds dear.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Madam Speaker, I am very pleased to be able to urge my colleagues to support this rule and the underlying bipartisan bill to update our Nation's Foreign Intelligence Surveillance Act.

Since the Protect America Act expired in February, our Nation has been relying on an outdated 1970s law to monitor foreign persons in foreign places who seek to do our Nation's citizens harm. At long last, Madam Speaker, the House will be permitted to vote on a bipartisan bill that our Nation's intelligence leaders are confident will allow them to do their jobs without costly delays and mountains of paperwork.

This bill is not perfect, but it takes vital steps to modernize FISA to reflect 21st century cell phone and Internet technology, and to protect our Nation from today's determined and sophisticated terrorist threats.

In February, 68 Senators voted to pass a bipartisan compromise. Yet, ever since that overwhelming bipartisan Senate vote, the liberal leaders of this House have refused to allow a vote because they knew a majority would pass it. Republicans tried for months to advance the bipartisan Senate compromise to a vote in the House, but we were blocked time after time. Today, this blockade will be broken when Democrats join Republicans in voting to pass the bipartisan FISA modernization bill.

So Madam Speaker, I urge my colleagues to vote for this rule and the underlying bill.

I reserve the balance of my time.

Mr. ARCURI. Madam Speaker, I'd just like to read a quote today from the Washington Post on the FISA legislation that we are considering today. The article is entitled "A Better Surveillance Law." I just want to read one excerpt from it:

> "Congress shows it still knows how to reach a compromise in the national interest. Congressional leaders in both parties should be commended for drafting legislation that brings the country's surveillance laws into the 21st century, while protecting civil liberties and preserving important national security prerogatives."

Madam Speaker, it's this type of bipartisanship that I think the American people expect out of Congress. And I believe that, as my colleague from Washington just said, this bill is not perfect. But it is the kind of compromise that people expect from their congressional leaders in a way that protects us, and, at the very same time, ensures that the civil liberties guaranteed under the Constitution, again, are not just mere words but rather strong ideals that we preserve. So, again, I strongly urge my colleagues to support this rule. With that, I would reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, if I could inquire of my friend from New York, I have no requests for time and I'm prepared to yield back if the gentleman is prepared to close.

Mr. ARCURI. Madam Speaker, we're waiting on several speakers who aren't here yet. But if the gentleman is ready to close, we are prepared to close as well.

Mr. HASTINGS of Washington. With that, Madam Speaker, I yield back my time.

Mr. ARCURI. Madam Speaker, as I said earlier, we have come a long way over the last few months. We can all agree that the world changed on September 11, 2001. Our Nation faces new threats on new fronts. What we're doing here today is proof that we can come together, Republicans and Democrats, to provide our Nation's Intelligence Community with the necessary tools to fight terrorism while protecting civil liberties of Americans.

□ 1000

Again, I commend Majority Leader HOYER, Minority Leader BLUNT, Chairman REYES and CONYERS, and many others who were able to go beyond the partisanship that too often consumes this Chamber and deliver a sensible FISA bill that we can be proud of.

I urge a "yes" vote on the previous question and on the rule.

Mr. MCGOVERN. Madam Speaker, I will oppose the underlying FISA bill.

Yes, this represents a compromise. It is better than what President Bush first proposed. But, that's not good enough. That's not a high enough standard.

I want to remind my colleagues that what we are debating today is something very serious. We are talking about our most basic civil liberties and civil rights. And when it comes to those issues and principles we must be very, very careful.

This compromise still provides immunity for telecom companies that may have participated in President Bush's illegal surveillance program and it fails to adequately protect the privacy rights of law abiding, innocent American citizens. Furthermore, the bill has a four year sunset provision which, in my view, is much too long.

I know that we live in a dangerous world. I am well aware that there are some who want to do us harm. It is for that reason I understand the need to update our laws to better protect our people.

I continue to believe that we can do that—without turning our backs on the values and principles that make America unique and great. This bill goes too far. I urge a "no" vote.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in opposition to the rule on H.R. 6304, the "FISA Amendments Act of 2008." I am disappointed that I did not have the opportunity to restore my language regarding reverse targeting, which was included in the FISA legislation passed by the House. This body has worked diligently with our colleagues in the Senate to ensure that the civil liberties of American citizens are appropriately addressed. Sadly, this compromise bill, falls short of that aim. I will support no bill that fails to protect American civil liberties, both at home and abroad.

The bill contains a general ban on reverse targeting. However, it lacks the strong language that I worked so diligently to include in the original House legislation sent to the Senate. In my view, the RESTORE Act is far superior to this piece of legislation. I wish to take a few moments to discuss the improvement that I offered to the RESTORE Act in the full Judiciary Committee markup, and which was sent over to the Senate for consideration just a few months ago.

My amendment, which was added during the markup, made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

Reverse targeting is the practice where the Government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with this legislation, as they did with its successor, the Protect America Act, is that the temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of certain safeguards in the law to prevent it.

My amendment attempted to produce such safeguards. My amendment reduced even further any such temptation to resort to reverse targeting by requiring the administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

The amendment achieved this objective by requiring the administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States."

It is far from clear how the operative language "reasonably designed to ensure that any acquisition authorized . . . is limited to targeting persons reasonably believed to be located outside the United States; and prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States."

Yes. It is true that H.R. 6304, the compromise legislation, attempts to ensure that American civil liberties are protected, but the operative language in the legislation does not provide a paradigm for consistency. This is so because it does not provide an objective criterion. H.R. 6304 does not go as far as the legislation that the House sent over to the Senate a few months ago. H.R. 6304 does not retain the objective standards contained in my amendment.

The language used in my amendment, "significant purpose," is a term of art that long has been a staple of FISA jurisprudence and thus is well known and readily applied by agencies, legal practitioners, and the FISA Court. Thus, the Jackson Lee amendment provided a clearer, more objective criterion for the Administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

A FISA order should be required in those instances where there is a particular, known person in the United States at the other end of the foreign target's call in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications. This protection has been stripped from H.R. 6304. I fought hard to keep this language in the bill because it is important to me; and it should be very important to members of this body and to all Americans. It is important that we require what should be required in all cases—warrant anytime there is specific, targeted surveillance of a United States citizen.

I am unable to support this bill that will overhaul how the Government monitors foreign terrorist suspects. I will not support any legislation that grants legal immunity to telecommunications companies that provide information to Federal investigators without a warrant.

Madam Speaker, this administration has the law to protect the American people. When Americans are involved, the Bill of Rights, the fourth amendment, civil liberties must be adhered to. This legislation does not go far enough to ensure that American rights are protected.

The original legislation offered by the House Majority gave the Administration everything that it needed, but today, after months of negotiation, if we endorse H.R. 6304, which grants sweeping wiretapping authority to the Government with little court oversight and ensures the cases against the dismissal of all pending telecommunications companies, we are shredding the Constitution.

Let me explain my objections to H.R. 6304. It permits the Government to conduct mass, untargeted surveillance of all communications coming into and out of the United States, without any individualized review, and without any finding of wrongdoing.

H.R. 6304 permits minimal court oversight. The Foreign Intelligence Surveillance Court (FISA Court) only reviews general procedures for targeting and minimizing the use of information that is collected. Under these circumstances, the court may not know, what or where will actually be tapped.

Madam Speaker, I have more objections to H.R. 6304 which I will quickly note. H.R. 6304 contains an "exigent" circumstances loophole that thwarts the judicial review requirement. The bill permits the Government to start a spying program and wait to go to court for up to seven (7) days every time "intelligence important to the national security of the U.S. may be lost or not timely acquired." The problem with H.R. 6034 is that court applications take time and will delay the collection of information. Therefore, it is possible that there will not be resort to prior judicial review.

Under H.R. 6304, the Government is permitted to continue surveillance programs even if the application is denied by the court. The Government has the authority to wiretap through the entire appeals process, and then keep and use whatever it gathers in the meantime.

I am also troubled by H.R. 6304's dismissal of all, cases pending against telecommunication companies that facilitated the warrantless wiretapping program over the last 7 years. The test in the bill is not whether the Government certifications were actually legal—only whether they were issued. Because it is public knowledge that they were, all the cases seeking to find out what these companies and the Government did without communications will be dismissed. Under this bill, we will start as a tabula rasa. Telecommunications companies will be prevented from having their day in court and we, the American people, will never have a chance to know what the companies did and what information is collected. I am deeply troubled by this, and frankly, you should be, too.

Madam Speaker, let me be clear in my opposition. Nothing in the Act or the amendments to the Act should require the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, what should be required, is a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

Thus, the way forward to victory in the war on terror is for the United States country to redouble its commitment to the Bill of Rights and the democratic values which every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave, and the country we love.

Madam Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counterintelligence purposes on a sound legal footing, and I am far from persuaded that it needs to be jettisoned.

However, I know that FISA as outlined in this bill, H.R. 6304, attempts to curtail the Bill of Rights and the civil liberties of the American people. I continue to insist upon individual warrants, based upon probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a "basket warrant" without making individual determinations about foreign surveillance.

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Madam Speaker, I encourage my colleagues to join me in opposing the rule on H.R. 6304. In my view, this is wrong and unacceptable.

Mr. Arcuri. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: approval of the Journal, de novo; ordering the previous question on H. Res. 1276, by the yeas and nays; adoption of H. Res. 1276, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCURI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 168, not voting 36, as follows:

[Roll No. 434]

YEAS—230

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Goodlatte
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kuhl (NY)
Lampson
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Tsongas
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—168

Aderholt
Akin
Alexander
Altmire
Bachus
Barrett (SC)
Biggert
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)

Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Granger
Graves
Hall (TX)
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—36

Bartlett (MD)
Barton (TX)
Bilbray
Blunt
Boustany
Brown-Waite, Ginny
Cannon
Cubin
Culberson
Davis, Lincoln
Fattah
Ferguson
Fortenberry
Gerlach
Gilchrest
Gingrey
Gohmert
Gordon
Jones (NC)
Kennedy
Langevin
Meeks (NY)
Oberstar
Paul
Peterson (PA)
Radanovich
Reynolds
Ruppersberger
Rush
Stark
Tiahrt
Towns
Visclosky
Weller
Wilson (NM)
Young (AK)

☐ 1029

Messrs. EVERETT and SHIMKUS changed their vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Madam Speaker, on rollcall No. 434, I was meeting with constituents in my district office. Had I been present, I would have voted "yea."

Mr. VISCLOSKY. Madam Speaker, had I been present for rollcall No. 434, on approving the Journal, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 5876, STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1276, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 179, not voting 35, as follows:

[Roll No. 435]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—35

Bartlett (MD)
Barton (TX)
Bilbray
Brown-Waite, Ginny
Cannon
Cubin
Davis, Lincoln
Fattah
Ferguson
Fortenberry
Gerlach
Gilchrest
Gohmert
Gordon
Hall (NY)
Herseth Sandlin
Jones (NC)
Kagen
Langevin
Meeks (NY)
Oberstar
Paul
Peterson (PA)
Radanovich
Reynolds
Ruppersberger
Rush
Stark
Tiahrt
Towns
Visclosky
Weller
Whitfield (KY)
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

☐ 1037

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Madam Speaker, on rollcall No. 435, I was meeting with constituents in my district office. Had I been present, I would have voted "yea."

Mr. HALL of New York. Madam Speaker, on rollcall No. 435, I was in a classified briefing on H–405. Had I been present, I would have voted "yea."

Mr. VISCLOSKY. Madam Speaker, Had I been present for rollcall No. 435, H.R. 1276, on ordering the previous question for the consideration of H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARCURI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 185, not voting 26, as follows:

[Roll No. 436]

AYES—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—26

Bartlett (MD)
Bilbray
Brown-Waite, Ginny
Cannon
Davis, Lincoln
Ferguson
Gilchrest
Gohmert
Granger
Jones (NC)
Langevin
Meeks (NY)
Oberstar
Paul
Peterson (PA)
Reynolds
Ruppersberger
Rush
Scott (GA)
Stark
Tiahrt
Towns
Visclosky
Weller
Wilson (NM)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1045

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Madam Speaker, on rollcall No. 436, I was meeting with constituents in my district office. Had I been present, I would have voted "aye."

Mr. VISCLOSKY. Madam Speaker, had I been present for rollcall No. 436, H. Res. 1276, on agreeing to the resolution providing for the consideration of H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act of 2008, I would have voted "aye."

FISA AMENDMENTS ACT OF 2008

Mr. CONYERS. Madam Speaker, pursuant to House Resolution 1285, I call up the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008" or the "FISA Amendments Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Weapons of mass destruction.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

Sec. 201. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 202. Technical amendments.

TITLE III—REVIEW OF PREVIOUS ACTIONS

Sec. 301. Review of previous actions.

TITLE IV—OTHER PROVISIONS

Sec. 401. Severability.
Sec. 402. Effective date.
Sec. 403. Repeals.

Sec. 404. Transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding at the end the following:

“TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

“SEC. 701. DEFINITIONS.

“(a) IN GENERAL.—The terms ‘agent of a foreign power’, ‘Attorney General’, ‘contents’, ‘electronic surveillance’, ‘foreign intelligence information’, ‘foreign power’, ‘person’, ‘United States’, and ‘United States person’ have the meanings given such terms in section 101, except as specifically provided in this title.

“(b) ADDITIONAL DEFINITIONS.—

“(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘congressional intelligence committees’ means—

“(A) the Select Committee on Intelligence of the Senate; and

“(B) the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms ‘Foreign Intelligence Surveillance Court’ and ‘Court’ mean the court established under section 103(a).

“(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms ‘Foreign Intelligence Surveillance Court of Review’ and ‘Court of Review’ mean the court established under section 103(b).

“(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ‘electronic communication service provider’ means—

“(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

“(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

“(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

“(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

“(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

“(5) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“SEC. 702. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

“(a) AUTHORIZATION.—Notwithstanding any other provision of law, upon the issuance of an order in accordance with subsection (i)(3) or a determination under subsection (c)(2), the Attorney General and the Director of National Intelligence may authorize jointly, for a period of up to 1 year from the effective date of the authorization, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

“(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

“(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

“(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States;

“(3) may not intentionally target a United States person reasonably believed to be located outside the United States;

“(4) may not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

“(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

“(c) CONDUCT OF ACQUISITION.—

“(1) IN GENERAL.—An acquisition authorized under subsection (a) shall be conducted only in accordance with—

“(A) the targeting and minimization procedures adopted in accordance with subsections (d) and (e); and

“(B) upon submission of a certification in accordance with subsection (g), such certification.

“(2) DETERMINATION.—A determination under this paragraph and for purposes of subsection (a) is a determination by the Attorney General and the Director of National Intelligence that exigent circumstances exist because, without immediate implementation of an authorization under subsection (a), intelligence important to the national security of the United States may be lost or not timely acquired and time does not permit the issuance of an order pursuant to subsection (i)(3) prior to the implementation of such authorization.

“(3) TIMING OF DETERMINATION.—The Attorney General and the Director of National Intelligence may make the determination under paragraph (2)—

“(A) before the submission of a certification in accordance with subsection (g); or

“(B) by amending a certification pursuant to subsection (i)(1)(C) at any time during which judicial review under subsection (i) of such certification is pending.

“(4) CONSTRUCTION.—Nothing in title I shall be construed to require an application for a court order under such title for an acquisition that is targeted in accordance with this section at a person reasonably believed to be located outside the United States.

“(d) TARGETING PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to—

“(A) ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States; and

“(B) prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

“(2) JUDICIAL REVIEW.—The procedures adopted in accordance with paragraph (1) shall be subject to judicial review pursuant to subsection (i).

“(e) MINIMIZATION PROCEDURES.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate, for acquisitions authorized under subsection (a).

“(2) JUDICIAL REVIEW.—The minimization procedures adopted in accordance with paragraph (1) shall be subject to judicial review pursuant to subsection (i).

“(f) GUIDELINES FOR COMPLIANCE WITH LIMITATIONS.—

“(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt guidelines to ensure—

“(A) compliance with the limitations in subsection (b); and

“(B) that an application for a court order is filed as required by this Act.

“(2) SUBMISSION OF GUIDELINES.—The Attorney General shall provide the guidelines adopted in accordance with paragraph (1) to—

“(A) the congressional intelligence committees;

“(B) the Committees on the Judiciary of the Senate and the House of Representatives; and

“(C) the Foreign Intelligence Surveillance Court.

“(g) CERTIFICATION.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Subject to subparagraph (B), prior to the implementation of an authorization under subsection (a), the Attorney General and the Director of National Intelligence shall provide to the Foreign Intelligence Surveillance Court a written certification and any supporting affidavit, under oath and under seal, in accordance with this subsection.

“(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence make a determination under subsection (c)(2) and time does not permit the submission of a certification under this subsection prior to the implementation of an authorization under subsection (a), the Attorney General and the Director of National Intelligence shall submit to the Court a certification for such authorization as soon as practicable but in no event later than 7 days after such determination is made.

“(2) REQUIREMENTS.—A certification made under this subsection shall—

“(A) attest that—

“(i) there are procedures in place that have been approved, have been submitted for approval, or will be submitted with the certification for approval by the Foreign Intelligence Surveillance Court that are reasonably designed to—

“(I) ensure that an acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States; and

“(II) prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States;

“(ii) the minimization procedures to be used with respect to such acquisition—

“(I) meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate; and

“(II) have been approved, have been submitted for approval, or will be submitted with the certification for approval by the Foreign Intelligence Surveillance Court;

“(iii) guidelines have been adopted in accordance with subsection (f) to ensure compliance with the limitations in subsection (b) and to ensure that an application for a court order is filed as required by this Act;

“(iv) the procedures and guidelines referred to in clauses (i), (ii), and (iii) are consistent with the requirements of the fourth amendment to the Constitution of the United States;

"(v) a significant purpose of the acquisition is to obtain foreign intelligence information;

"(vi) the acquisition involves obtaining foreign intelligence information from or with the assistance of an electronic communication service provider; and

"(vii) the acquisition complies with the limitations in subsection (b);

"(B) include the procedures adopted in accordance with subsections (d) and (e);

"(C) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

"(i) appointed by the President, by and with the advice and consent of the Senate; or

"(ii) the head of an element of the intelligence community;

"(D) include—

"(i) an effective date for the authorization that is at least 30 days after the submission of the written certification to the court; or

"(ii) if the acquisition has begun or the effective date is less than 30 days after the submission of the written certification to the court, the date the acquisition began or the effective date for the acquisition; and

"(E) if the Attorney General and the Director of National Intelligence make a determination under subsection (c)(2), include a statement that such determination has been made.

"(3) CHANGE IN EFFECTIVE DATE.—The Attorney General and the Director of National Intelligence may advance or delay the effective date referred to in paragraph (2)(D) by submitting an amended certification in accordance with subsection (i)(1)(C) to the Foreign Intelligence Surveillance Court for review pursuant to subsection (i).

"(4) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which an acquisition authorized under subsection (a) will be directed or conducted.

"(5) MAINTENANCE OF CERTIFICATION.—The Attorney General or a designee of the Attorney General shall maintain a copy of a certification made under this subsection.

"(6) REVIEW.—A certification submitted in accordance with this subsection shall be subject to judicial review pursuant to subsection (i).

"(h) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

"(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

"(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target of the acquisition; and

"(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

"(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(3) RELEASE FROM LIABILITY.—No cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

"(4) CHALLENGING OF DIRECTIVES.—

"(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition to modify or set aside such directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established under section 103(e)(1) not later than 24 hours after the filing of such petition.

"(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

"(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review of a petition filed under subparagraph (A) not later than 5 days after being assigned such petition. If the judge determines that such petition does not consist of claims, defenses, or other legal contentions that are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny such petition and affirm the directive or any part of the directive that is the subject of such petition and order the recipient to comply with the directive or any part of it. Upon making a determination under this subparagraph or promptly thereafter, the judge shall provide a written statement for the record of the reasons for such determination.

"(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition filed under subparagraph (A) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of such petition not later than 30 days after being assigned such petition. If the judge does not set aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

"(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

"(G) CONTEMPT OF COURT.—Failure to obey an order issued under this paragraph may be punished by the Court as contempt of court.

"(5) ENFORCEMENT OF DIRECTIVES.—

"(A) ORDER TO COMPEL.—If an electronic communication service provider fails to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel the electronic communication service provider to comply with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such petition.

"(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established under section 103(e)(1) not later than 24 hours after the filing of such petition.

"(C) PROCEDURES FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall, not later than 30 days after being assigned such petition, issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

"(D) CONTEMPT OF COURT.—Failure to obey an order issued under this paragraph may be punished by the Court as contempt of court.

"(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

"(6) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of a decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such petition and shall provide a written statement for the record of the reasons for a decision under this subparagraph.

"(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(i) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

"(1) IN GENERAL.—

"(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review a certification submitted in accordance with subsection (g) and the targeting and minimization procedures adopted in accordance with subsections (d) and (e), and amendments to such certification or such procedures.

"(B) TIME PERIOD FOR REVIEW.—The Court shall review a certification submitted in accordance with subsection (g) and the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and shall complete such review and issue an order under paragraph (3) not later than 30 days after the date on which such certification and such procedures are submitted.

"(C) AMENDMENTS.—The Attorney General and the Director of National Intelligence may amend a certification submitted in accordance with subsection (g) or the targeting and minimization procedures adopted in accordance with subsections (d) and (e) as necessary at any time, including if the Court is conducting or has completed review of such certification or such procedures, and shall submit the amended certification or amended procedures to the Court not later than 7 days after amending such certification or such procedures. The Court shall review any amendment under this subparagraph under the procedures set forth in this subsection. The Attorney General and the Director of National Intelligence may authorize the use of an amended certification or amended procedures pending the Court's review of such amended certification or amended procedures.

"(2) REVIEW.—The Court shall review the following:

"(A) CERTIFICATION.—A certification submitted in accordance with subsection (g) to determine whether the certification contains all the required elements.

"(B) TARGETING PROCEDURES.—The targeting procedures adopted in accordance with subsection (d) to assess whether the procedures are reasonably designed to—

"(i) ensure that an acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States; and

"(ii) prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

"(C) MINIMIZATION PROCEDURES.—The minimization procedures adopted in accordance with subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4), as appropriate.

"(3) ORDERS.—

"(A) APPROVAL.—If the Court finds that a certification submitted in accordance with subsection (g) contains all the required elements and that the targeting and minimization procedures adopted in accordance with subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the certification and the use, or continued use in the case of an acquisition authorized pursuant to a determination under subsection (c)(2), of the procedures for the acquisition.

"(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification submitted in accordance with subsection (g) does not contain all the required elements, or that the procedures adopted in accordance with subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

"(i) correct any deficiency identified by the Court's order not later than 30 days after the date on which the Court issues the order; or

"(ii) cease, or not begin, the implementation of the authorization for which such certification was submitted.

"(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of an order under this subsection, the Court shall provide, simultaneously with the order, for the record a written statement of the reasons for the order.

"(4) APPEAL.—

"(A) APPEAL TO THE COURT OF REVIEW.—The Government may file a petition with the Foreign Intelligence Surveillance Court of Review for review of an order under this subsection. The Court of Review shall have jurisdiction to consider such petition. For any decision under this subparagraph affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of the reasons for the decision.

"(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisition affected by an order under paragraph (3)(B) may continue—

"(i) during the pendency of any rehearing of the order by the Court en banc; and

"(ii) if the Government files a petition for review of an order under this section, until the Court of Review enters an order under subparagraph (C).

"(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of a petition for review of an order under paragraph (3)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the review.

"(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"(5) SCHEDULE.—

"(A) REAUTHORIZATION OF AUTHORIZATIONS IN EFFECT.—If the Attorney General and the Director of National Intelligence seek to reauthorize or replace an authorization issued under subsection (a), the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Court the certification prepared in accordance with subsection (g) and the procedures adopted in accordance with subsections (d) and (e) at least 30 days prior to the expiration of such authorization.

"(B) REAUTHORIZATION OF ORDERS, AUTHORIZATIONS, AND DIRECTIVES.—If the Attorney General and the Director of National Intelligence seek to reauthorize or replace an authorization issued under subsection (a) by filing a certification pursuant to subparagraph (A), that authorization, and any directives issued thereunder and any order related thereto, shall remain in effect, notwithstanding the expiration provided for in subsection (a), until the Court issues an order with respect to such certification under paragraph (3) at which time the provisions of that paragraph and paragraph (4) shall apply with respect to such certification.

"(j) JUDICIAL PROCEEDINGS.—

"(1) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

"(2) TIME LIMITS.—A time limit for a judicial decision in this section shall apply unless the Court, the Court of Review, or any judge of either the Court or the Court of Review, by order for reasons stated, extends that time as necessary for good cause in a manner consistent with national security.

"(k) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

"(1) STANDARDS.—The Foreign Intelligence Surveillance Court shall maintain a record of a proceeding under this section, including petitions, appeals, orders, and statements of reasons for a decision, under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

"(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the Court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

"(3) RETENTION OF RECORDS.—The Attorney General and the Director of National Intelligence shall retain a directive or an order issued under this section for a period of not less than 10 years from the date on which such directive or such order is issued.

"(l) ASSESSMENTS AND REVIEWS.—

"(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f) and shall submit each assessment to—

"(A) the Foreign Intelligence Surveillance Court; and

"(B) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

"(i) the congressional intelligence committees; and

"(ii) the Committees on the Judiciary of the House of Representatives and the Senate.

"(2) AGENCY ASSESSMENT.—The Inspector General of the Department of Justice and the Inspector General of each element of the intelligence community authorized to acquire foreign intelligence information under subsection (a), with respect to the department or element of such Inspector General—

"(A) are authorized to review compliance with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f);

"(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States-person identity and the number of United States-person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

"(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether communications of such targets were reviewed; and

"(D) shall provide each such review to—

"(i) the Attorney General;

"(ii) the Director of National Intelligence; and

"(iii) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

"(I) the congressional intelligence committees; and

"(II) the Committees on the Judiciary of the House of Representatives and the Senate.

"(3) ANNUAL REVIEW.—

"(A) REQUIREMENT TO CONDUCT.—The head of each element of the intelligence community conducting an acquisition authorized under subsection (a) shall conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to acquisitions authorized under subsection (a)—

"(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States-person identity;

"(ii) an accounting of the number of United States-person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

"(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether communications of such targets were reviewed; and

"(iv) a description of any procedures developed by the head of such element of the intelligence community and approved by the

Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, and the results of any such assessment.

“(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element and, as appropriate, the application of the minimization procedures to a particular acquisition authorized under subsection (a).

“(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

“(i) the Foreign Intelligence Surveillance Court;

“(ii) the Attorney General;

“(iii) the Director of National Intelligence; and

“(iv) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

“(I) the congressional intelligence committees; and

“(II) the Committees on the Judiciary of the House of Representatives and the Senate.

“SEC. 703. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

“(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

“(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review an application and to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if the acquisition constitutes electronic surveillance or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

“(2) LIMITATION.—If a United States person targeted under this subsection is reasonably believed to be located in the United States during the effective period of an order issued pursuant to subsection (c), an acquisition targeting such United States person under this section shall cease unless the targeted United States person is again reasonably believed to be located outside the United States while an order issued pursuant to subsection (c) is in effect. Nothing in this section shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of this Act.

“(b) APPLICATION.—

“(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

“(A) the identity of the Federal officer making the application;

“(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

“(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

“(i) a person reasonably believed to be located outside the United States; and

“(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(D) a statement of proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate;

“(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

“(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

“(i) the certifying official deems the information sought to be foreign intelligence information;

“(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(iii) such information cannot reasonably be obtained by normal investigative techniques;

“(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

“(v) includes a statement of the basis for the certification that—

“(I) the information sought is the type of foreign intelligence information designated; and

“(II) such information cannot reasonably be obtained by normal investigative techniques;

“(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

“(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

“(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

“(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

“(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

“(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

“(c) ORDER.—

“(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified by the Court approving the acquisition if the Court finds that—

“(A) the application has been made by a Federal officer and approved by the Attorney General;

“(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

“(i) a person reasonably believed to be located outside the United States; and

“(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate; and

“(D) the application that has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

“(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of paragraph (1)(B), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target and facts and circumstances relating to current or future activities of the target. No United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

“(3) REVIEW.—

“(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

“(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause under paragraph (1)(B), the judge shall enter an order so stating and provide a written statement for the record of the reasons for the determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

“(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures referred to in paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate, the judge shall enter an order so stating and provide a written statement for the record of the reasons for the determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

“(D) REVIEW OF CERTIFICATION.—If the judge determines that an application pursuant to subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for the determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

“(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

“(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

“(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

“(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

“(D) a summary of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

“(E) the period of time during which the acquisition is approved.

“(5) DIRECTIVES.—An order approving an acquisition under this subsection shall direct—

“(A) that the minimization procedures referred to in paragraph (1)(C), as approved or modified by the Court, be followed;

“(B) if applicable, an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under such order in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target of the acquisition;

“(C) if applicable, an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

“(D) if applicable, that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

“(6) DURATION.—An order approved under this subsection shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

“(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

“(d) EMERGENCY AUTHORIZATION.—

“(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

“(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

“(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize such acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this section is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

“(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) for the issuance of a judicial order be followed.

“(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving an acquisition under paragraph (1), such acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

“(4) USE OF INFORMATION.—If an application for approval submitted pursuant to paragraph (1) is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(e) RELEASE FROM LIABILITY.—No cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsection (c) or (d), respectively.

“(f) APPEAL.—

“(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file a petition with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

“(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

“(g) CONSTRUCTION.—Except as provided in this section, nothing in this Act shall be construed to require an application for a court order for an acquisition that is targeted in accordance with this section at a United States person reasonably believed to be located outside the United States.

“SEC. 704. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

“(a) JURISDICTION AND SCOPE.—

“(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

“(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order with respect to such targeted United States person or the Attorney General has authorized an emergency acquisition pursuant to subsection (c) or (d), respectively, or any other provision of this Act.

“(3) LIMITATIONS.—

“(A) MOVING OR MISIDENTIFIED TARGETS.—If a United States person targeted under this subsection is reasonably believed to be located in the United States during the effective period of an order issued pursuant to subsection (c), an acquisition targeting such United States person under this section shall cease unless the targeted United States person is again reasonably believed to be located outside the United States during the effective period of such order.

“(B) APPLICABILITY.—If an acquisition for foreign intelligence purposes is to be conducted inside the United States and could be authorized under section 703, the acquisition may only be conducted if authorized under section 703 or in accordance with another provision of this Act other than this section.

“(C) CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of this Act.

“(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

“(1) the identity of the Federal officer making the application;

“(2) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

“(3) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

“(A) a person reasonably believed to be located outside the United States; and

“(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(4) a statement of proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate;

“(5) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

“(A) the certifying official deems the information sought to be foreign intelligence information; and

“(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

“(6) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

“(7) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

“(c) ORDER.—

“(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified by the Court if the Court finds that—

“(A) the application has been made by a Federal officer and approved by the Attorney General;

“(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

“(i) a person reasonably believed to be located outside the United States; and

“(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

“(C) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate; and

“(D) the application that has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(5) is not clearly erroneous on the basis of the information furnished under subsection (b).

“(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of paragraph (1)(B), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target and facts and circumstances relating to current or future activities of the target. No United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

“(3) REVIEW.—

“(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

“(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

“(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or 301(4), as appropriate, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

“(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that an application under subsection (b) does not contain all the required elements, or that the certification provided under subsection (b)(5) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

“(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

“(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

“(d) EMERGENCY AUTHORIZATION.—

“(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this section, if the Attorney General reasonably determines that—

“(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection can, with due diligence, be obtained, and

“(B) the factual basis for the issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this section is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

“(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an emergency acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) be followed.

“(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), an emergency acquisition under paragraph (1) shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

“(4) USE OF INFORMATION.—If an application submitted to the Court pursuant to paragraph (1) is denied, or in any other case where the acquisition is terminated and no order with respect to the target of the acquisition is issued under subsection (c), no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(e) APPEAL.—

“(1) APPEAL TO THE COURT OF REVIEW.—The Government may file a petition with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

“(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.”

“SEC. 705. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

“(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 703 or 704 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 703(a)(1) or 704(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of sections 703(b) and 704(b), orders under sections 703(c) and 704(c), as appropriate.

“(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or 304, the Attorney General may authorize, for the effective period of that order, without an order under section 703 or 704, the targeting of that United States person for the purpose of acquiring foreign intelligence information while such person is reasonably believed to be located outside the United States.

“SEC. 706. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

“(a) INFORMATION ACQUIRED UNDER SECTION 702.—Information acquired from an acquisition conducted under section 702 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

“(b) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

“SEC. 707. CONGRESSIONAL OVERSIGHT.

“(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees and the Committees on the Judiciary of the Senate and the House of Representatives, consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution, concerning the implementation of this title.

“(b) CONTENT.—Each report under subsection (a) shall include—

“(1) with respect to section 702—

“(A) any certifications submitted in accordance with section 702(g) during the reporting period;

“(B) with respect to each determination under section 702(c)(2), the reasons for exercising the authority under such section;

“(C) any directives issued under section 702(h) during the reporting period;

“(D) a description of the judicial review during the reporting period of such certifications and targeting and minimization procedures adopted in accordance with subsections (d) and (e) of section 702 and utilized with respect to an acquisition under such section, including a copy of an order or pleading in connection with such review that contains a significant legal interpretation of the provisions of section 702;

"(E) any actions taken to challenge or enforce a directive under paragraph (4) or (5) of section 702(h);

"(F) any compliance reviews conducted by the Attorney General or the Director of National Intelligence of acquisitions authorized under section 702(a);

"(G) a description of any incidents of noncompliance—

"(i) with a directive issued by the Attorney General and the Director of National Intelligence under section 702(h), including incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under section 702(h); and

"(ii) by an element of the intelligence community with procedures and guidelines adopted in accordance with subsections (d), (e), and (f) of section 702; and

"(H) any procedures implementing section 702;

"(2) with respect to section 703—

"(A) the total number of applications made for orders under section 703(b);

"(B) the total number of such orders—

"(i) granted;

"(ii) modified; and

"(iii) denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under section 703(d) and the total number of subsequent orders approving or denying such acquisitions; and

"(3) with respect to section 704—

"(A) the total number of applications made for orders under section 704(b);

"(B) the total number of such orders—

"(i) granted;

"(ii) modified; and

"(iii) denied; and

"(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such applications.

"SEC. 708. SAVINGS PROVISION.

"Nothing in this title shall be construed to limit the authority of the Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of this Act.".

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"Sec. 701. Definitions.
"Sec. 702. Procedures for targeting certain persons outside the United States other than United States persons.
"Sec. 703. Certain acquisitions inside the United States targeting United States persons outside the United States.
"Sec. 704. Other acquisitions targeting United States persons outside the United States.
"Sec. 705. Joint applications and concurrent authorizations.
"Sec. 706. Use of information acquired under title VII.
"Sec. 707. Congressional oversight.
"Sec. 708. Savings provision.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting "or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978" after "assistance".

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended—

(A) in subparagraph (C), by striking "and"; and

(B) by adding at the end the following new subparagraphs:

"(E) acquisitions under section 703; and

"(F) acquisitions under section 704;".

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

"STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

"SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

"(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).".

(b) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking "authorized by statute" each place it appears and inserting "authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112."; and

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

"(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision and shall certify that the statutory requirements have been met."; and

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 111, the following new item:

"Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.".

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMIANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting ", orders,".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

"(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

"(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of each such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

"(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.".

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

"(e) DEFINITIONS.—In this section:

"(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term 'Foreign Intelligence Surveillance Court' means the court established under section 103(a).

"(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established under section 103(b).".

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—";

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking "statement of" and inserting "summary statement of";

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding "and" at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking "; and" and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

SEC. 105. ISSUANCE OF AN ORDER.

(a) IN GENERAL.—Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking "(a)(3)" and inserting "(a)(2)";

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding "and" at the end;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

"(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

"(B) reasonably determines that the factual basis for the issuance of an order under this title to approve such electronic surveillance exists;

"(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

"(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

"(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5)."; and

(7) by adding at the end the following:

"(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).".

(b) CONFORMING AMENDMENT.—Section 108(a)(2)(C) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(2)(C)) is amended by striking "105(f)" and inserting "105(e)";

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking "radio communication" and inserting "communication".

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking "detailed";

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking "Affairs or" and inserting "Affairs,"; and

(ii) by striking "Senate—" and inserting "Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—"; and

(2) in subsection (d)(1)(A), by striking "or the Director of National Intelligence" and inserting "the Director of National Intelligence, or the Director of the Central Intelligence Agency".

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) in paragraph (2)(B), as redesignated by subparagraph (B) of this paragraph, by inserting "or is about to be" before "owned"; and

(2) by amending subsection (e) to read as follows:

"(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

"(A) reasonably determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

"(B) reasonably determines that the factual basis for issuance of an order under this title to approve such physical search exists;

"(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

"(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

"(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

"(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

"(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

"(5) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

"(6) The Attorney General shall assess compliance with the requirements of paragraph (5).".

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking "303(a)(7)(E)" and inserting "303(a)(6)(E)"; and

(2) in section 305(k)(2), by striking "303(a)(7)" and inserting "303(a)(6)".

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking "48 hours" and inserting "7 days"; and

(2) in subsection (c)(1)(C), by striking "48 hours" and inserting "7 days".

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting "at least" before "seven of the United States judicial circuits".

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 702(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

"(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

"(ii) the proceeding involves a question of exceptional importance.

"(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

"(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.".

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting "(except when sitting en banc under paragraph (2))" after "no judge designated under this subsection"; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting "(except when sitting en banc)" after "except that no judge".

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

"(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.".

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

"(i) Nothing in this Act shall be construed to reduce or contravene the inherent authority of the court established under subsection (a) to determine or enforce compliance with an order or a rule of such court or with a procedure approved by such court.".

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is amended—

(A) in paragraph (5), by striking "persons; or" and inserting "persons;";

(B) in paragraph (6) by striking the period and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(7) an entity not substantially composed of United States persons that is engaged in the international proliferation of weapons of mass destruction.".

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking "or" at the end; and

(C) by adding at the end the following new subparagraphs:

"(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

"(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor for or on behalf of a foreign power; or".

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by adding at the end the following new subsection:

"(p) 'Weapon of mass destruction' means—

"(1) any explosive, incendiary, or poison gas device that is designed, intended, or has the capability to cause a mass casualty incident;

"(2) any weapon that is designed, intended, or has the capability to cause death or serious bodily injury to a significant number of persons through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

"(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code) that is designed, intended, or has the capability to cause death, illness, or serious bodily injury to a significant number of persons; or

"(4) any weapon that is designed, intended, or has the capability to release radiation or radioactivity causing death, illness, or serious bodily injury to a significant number of persons.".

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking "sabotage or international terrorism" and inserting "sabotage, international terrorism, or the international proliferation of weapons of mass destruction".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(1) in paragraph (2) of section 105(d) (50 U.S.C. 1805(d)), as redesignated by section 105(a)(5) of this Act, by striking "section 101(a) (5) or (6)" and inserting "paragraph (5), (6), or (7) of section 101(a)";

(2) in section 301(1) (50 U.S.C. 1821(1)), by inserting "weapon of mass destruction," after "person,"; and

(3) in section 304(d)(2) (50 U.S.C. 1824(d)(2)), by striking "section 101(a) (5) or (6)" and inserting "paragraph (5), (6), or (7) of section 101(a)".

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding at the end the following new title:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"SEC. 801. DEFINITIONS.

"In this title:

"(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

"(2) CIVIL ACTION.—The term 'civil action' includes a covered civil action.

"(3) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

"(A) the Select Committee on Intelligence of the Senate; and

"(B) the Permanent Select Committee on Intelligence of the House of Representatives.

"(4) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

"(5) COVERED CIVIL ACTION.—The term 'covered civil action' means a civil action filed in a Federal or State court that—

"(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

"(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

"(6) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

"(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

"(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

"(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

"(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

"(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

"(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

"(7) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(8) PERSON.—The term 'person' means—

"(A) an electronic communication service provider; or

"(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

"(i) an order of the court established under section 103(a) directing such assistance;

"(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

"(iii) a directive under section 102(a)(4), 105B(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110-55), or 702(h).

"(9) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

"(a) REQUIREMENT FOR CERTIFICATION.—Notwithstanding any other provision of law, a civil action may not lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the district court of the United States in which such action is pending that—

"(1) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

"(2) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

"(3) any assistance by that person was provided pursuant to a directive under section 102(a)(4), 105B(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110-55), or 702(h) directing such assistance;

"(4) in the case of a covered civil action, the assistance alleged to have been provided by the electronic communication service provider was—

"(A) in connection with an intelligence activity involving communications that was—

"(i) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

"(ii) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

"(B) the subject of a written request or directive, or a series of written requests or directives, from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

"(i) authorized by the President; and

"(ii) determined to be lawful; or

"(5) the person did not provide the alleged assistance.

"(b) JUDICIAL REVIEW.—

"(1) REVIEW OF CERTIFICATIONS.—A certification under subsection (a) shall be given effect unless the court finds that such certification is not supported by substantial evidence provided to the court pursuant to this section.

"(2) SUPPLEMENTAL MATERIALS.—In its review of a certification under subsection (a), the court may examine the court order, certification, written request, or directive described in subsection (a) and any relevant court order, certification, written request, or directive submitted pursuant to subsection (d).

"(c) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) or the supplemental materials provided pursuant to subsection (b) or (d) would harm the national security of the United States, the court shall—

"(1) review such certification and the supplemental materials in camera and ex parte; and

"(2) limit any public disclosure concerning such certification and the supplemental materials, including any public order following such in camera and ex parte review, to a statement as to whether the case is dismissed and a description of the legal standards that govern the order, without disclosing the paragraph of subsection (a) that is the basis for the certification.

"(d) ROLE OF THE PARTIES.—Any plaintiff or defendant in a civil action may submit any relevant court order, certification, written request, or directive to the district court referred to in subsection (a) for review and shall be permitted to participate in the briefing or argument of any legal issue in a judicial proceeding conducted pursuant to this section, but only to the extent that such participation does not require the disclosure of classified information to such party. To the extent that classified information is relevant to the proceeding or would be revealed in the determination of an issue, the court shall review such information in camera and ex parte, and shall issue any part of the court's written order that would reveal classified information in camera and ex parte and maintain such part under seal.

"(e) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or the Deputy Attorney General.

"(f) APPEAL.—The courts of appeals shall have jurisdiction of appeals from interlocutory orders of the district courts of the United States granting or denying a motion to dismiss or for summary judgment under this section.

"(g) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

"(h) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

"(i) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of the enactment of the FISA Amendments Act of 2008.

"SEC. 803. PREEMPTION.

"(a) IN GENERAL.—No State shall have authority to—

"(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

"(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

"(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

"(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

"(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or commenced after the date of the enactment of the FISA Amendments Act of 2008.

"SEC. 804. REPORTING.

"(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall, in a manner consistent with national security, the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution, fully inform the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives concerning the implementation of this title.

"(b) CONTENT.—Each report made under subsection (a) shall include—

"(1) any certifications made under section 802;

"(2) a description of the judicial review of the certifications made under section 802; and

"(3) any actions taken to enforce the provisions of section 803.".

SEC. 202. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"Sec. 801. Definitions.
"Sec. 802. Procedures for implementing statutory defenses.
"Sec. 803. Preemption.
"Sec. 804. Reporting.".

TITLE III—REVIEW OF PREVIOUS ACTIONS

SEC. 301. REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Select Committee on intelligence and the Committee on the Judiciary of the Senate, and

(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term "Foreign Intelligence Surveillance Court" means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(3) PRESIDENT'S SURVEILLANCE PROGRAM AND PROGRAM.—The terms "President's Surveillance Program" and "Program" mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17,

2007, including the program referred to by the President in a radio address on December 17, 2005 (commonly known as the Terrorist Surveillance Program).

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, the Department of Defense, and any other element of the intelligence community that participated in the President's Surveillance Program, shall complete a comprehensive review of, with respect to the oversight authority and responsibility of each such Inspector General—

(A) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) access to legal reviews of the Program and access to information about the Program;

(C) communications with, and participation of, individuals and entities in the private sector related to the Program;

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and

(E) any other matters identified by any such Inspector General that would enable that Inspector General to complete a review of the Program, with respect to such Department or element.

(2) COOPERATION AND COORDINATION.—

(A) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall—

(i) work in conjunction, to the extent practicable, with any other Inspector General required to conduct such a review; and

(ii) utilize, to the extent practicable, and not unnecessarily duplicate or delay, such reviews or audits that have been completed or are being undertaken by any such Inspector General or by any other office of the Executive Branch related to the Program.

(B) INTEGRATION OF OTHER REVIEWS.—The Counsel of the Office of Professional Responsibility of the Department of Justice shall provide the report of any investigation conducted by such Office on matters relating to the Program, including any investigation of the process through which legal reviews of the Program were conducted and the substance of such reviews, to the Inspector General of the Department of Justice, who shall integrate the factual findings and conclusions of such investigation into its review.

(C) COORDINATION.—The Inspectors General shall designate one of the Inspectors General required to conduct a review under paragraph (1) that is appointed by the President, by and with the advice and consent of the Senate, to coordinate the conduct of the reviews and the preparation of the reports.

(c) REPORTS.—

(1) PRELIMINARY REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, the Department of Defense, and any other Inspector General required to conduct a review under subsection (b)(1), shall submit to the appropriate committees of Congress an interim report that describes the planned scope of such review.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, the Department of Defense, and any other Inspector General required to conduct a review under subsection (b)(1), shall submit to the appropriate committees of Congress, in a manner consistent with national security, a comprehensive report on such reviews that includes any recommendations of any such Inspectors General within the oversight authority and responsibility of any such Inspector General with respect to the reviews.

(3) FORM.—A report under this subsection shall be submitted in unclassified form, but may include a classified annex. The unclassified report shall not disclose the name or identity of any individual or entity of the private sector that participated in the Program or with whom there was communication about the Program, to the extent that information is classified.

(d) RESOURCES.—

(1) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the review under subsection (b)(1) is carried out as expeditiously as possible.

(2) ADDITIONAL PERSONNEL FOR THE INSPECTORS GENERAL.—An Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) is authorized to hire such additional personnel as may be necessary to carry out such review and prepare such report in a prompt and timely manner. Personnel authorized to be hired under this paragraph—

(A) shall perform such duties relating to such a review as the relevant Inspector General shall direct; and

(B) are in addition to any other personnel authorized by law.

(3) TRANSFER OF PERSONNEL.—The Attorney General, the Secretary of Defense, the Director of National Intelligence, the Director of the National Security Agency, or the head of any other element of the intelligence community may transfer personnel to the relevant Office of the Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) and, in addition to any other personnel authorized by law, are authorized to fill any vacancy caused by such a transfer. Personnel transferred under this paragraph shall perform such duties relating to such review as the relevant Inspector General shall direct.

TITLE IV—OTHER PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, of any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 402. EFFECTIVE DATE.

Except as provided in section 404, the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 403. REPEALS.

(a) REPEAL OF PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) AMENDMENTS TO FISA.—

(A) IN GENERAL.—Except as provided in section 404, sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(ii) CONFORMING AMENDMENTS.—Except as provided in section 404, section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(I) in paragraph (1), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 702(h)(4)"; and

(II) in paragraph (2), by striking "105B(h) or 501(f)(1)" and inserting "501(f)(1) or 702(h)(4)".

(2) REPORTING REQUIREMENTS.—Except as provided in section 404, section 4 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 555) is repealed.

(3) TRANSITION PROCEDURES.—Except as provided in section 404, subsection (b) of section 6 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) is repealed.

(b) FISA AMENDMENTS ACT OF 2008.—

(1) IN GENERAL.—Except as provided in section 404, effective December 31, 2012, title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2012—

(A) the table of contents in the first section of such Act (50 U.S.C. 1801 et seq.) is amended by striking the items related to title VII;

(B) except as provided in section 404, section 601(a)(1) of such Act (50 U.S.C. 1871(a)(1)) is amended to read as such section read on the day before the date of the enactment of this Act; and

(C) except as provided in section 404, section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by striking "or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978".

SEC. 404. TRANSITION PROCEDURES.

(a) TRANSITION PROCEDURES FOR PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) CONTINUED EFFECT OF ORDERS, AUTHORIZATIONS, DIRECTIVES.—Except as provided in paragraph (7), notwithstanding any other provision of law, any order, authorization, or directive issued or made pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 552), shall continue in effect until the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF PROTECT AMERICA ACT OF 2007 TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act, any amendment made by this Act, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) subject to paragraph (3), section 105A of such Act, as added by section 2 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 552), shall continue to apply to any acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1); and

(B) sections 105B and 105C of the Foreign Intelligence Surveillance Act of 1978, as added by sections 2 and 3, respectively, of the Protect America Act of 2007, shall continue to apply with respect to an order, authorization, or directive referred to in paragraph (1) until the later of—

(i) the expiration of such order, authorization, or directive; or

(ii) the date on which final judgment is entered for any petition or other litigation relating to such order, authorization, or directive.

(3) USE OF INFORMATION.—Information acquired from an acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1) shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of such Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(4) PROTECTION FROM LIABILITY.—Subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, shall continue to apply with respect to any directives issued pursuant to such section 105B.

(5) JURISDICTION OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 103(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1803(e)), as amended by section 5(a) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556), shall continue to apply with respect to a directive issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, until the later of—

(A) the expiration of all orders, authorizations, or directives referred to in paragraph (1); or

(B) the date on which final judgment is entered for any petition or other litigation relating to such order, authorization, or directive.

(6) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act, any amendment made by this Act, the Protect America Act of 2007 (Public Law 110–55), or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 4 of the Protect America Act of 2007 shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted as part of a semi-annual report required by section 4 of the Protect America Act of 2007;

(iii) that states that there will be no further acquisitions carried out under section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, after the date of such certification; and

(iv) that states that the information required to be included under such section 4 relating to any acquisition conducted under such section 105B has been included in a semi-annual report required by such section 4.

(7) REPLACEMENT OF ORDERS, AUTHORIZATIONS, AND DIRECTIVES.—

(A) IN GENERAL.—If the Attorney General and the Director of National Intelligence seek to replace an authorization issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110–55), with an authorization under section 702 of the Foreign Intelligence Surveillance Act of 1978 (as added by section 101(a) of this Act), the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Foreign Intelligence Surveillance Court (as such term is defined in section 701(b)(2) of such Act (as so added)) a certification prepared in accordance with subsection (g) of such section 702 and the procedures adopted in accordance with subsections (d) and (e) of such section 702 at least 30 days before the expiration of such authorization.

(B) CONTINUATION OF EXISTING ORDERS.—If the Attorney General and the Director of National Intelligence seek to replace an authorization made pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 522), by filing a certification in accordance with subparagraph (A), that authorization, and any directives issued thereunder and any order related thereto, shall remain in effect, notwithstanding the expiration provided for in subsection (a) of such section 105B, until the Foreign Intelligence Surveillance Court (as such term is defined in section 701(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (as so added)) issues an order with respect to that certification under section 702(i)(3) of such Act (as so added) at which time the provisions of that section and of section 702(i)(4) of such Act (as so added) shall apply.

(8) EFFECTIVE DATE.—Paragraphs (1) through (7) shall take effect as if enacted on August 5, 2007.

(b) TRANSITION PROCEDURES FOR FISA AMENDMENTS ACT OF 2008 PROVISIONS.—

(1) ORDERS IN EFFECT ON DECEMBER 31, 2012.—Notwithstanding any other provision of this Act, any amendment made by this Act, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), any order, authorization, or directive issued or made under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), shall continue in effect until the date of the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF TITLE VII OF FISA TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act, any amendment made by this Act, or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), with respect to any order, authorization, or directive referred to in paragraph (1), title VII of such Act, as amended by section 101(a), shall continue to apply until the later of—

(A) the expiration of such order, authorization, or directive; or

(B) the date on which final judgment is entered for any petition or other litigation relating to such order, authorization, or directive.

(3) CHALLENGE OF DIRECTIVES; PROTECTION FROM LIABILITY; USE OF INFORMATION.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) section 103(e) of such Act, as amended by section 403(a)(1)(B)(ii), shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act, as added by section 101(a);

(B) section 702(h)(3) of such Act (as so added) shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act (as so added);

(C) section 703(e) of such Act (as so added) shall continue to apply with respect to an order or request for emergency assistance under that section;

(D) section 706 of such Act (as so added) shall continue to apply to an acquisition conducted under section 702 or 703 of such Act (as so added); and

(E) section 2511(2)(a)(ii)(A) of title 18, United States Code, as amended by section 101(c)(1), shall continue to apply to an order issued pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978, as added by section 101(a).

(4) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 601(a) of such Act (50 U.S.C. 1871(a)), as amended by section 101(c)(2), and sections 702(l) and 707 of such Act, as added by section 101(a), shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives;

(iii) that states that there will be no further acquisitions carried out under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), after the date of such certification; and

(iv) that states that the information required to be included in a review, assessment, or report under section 601 of such Act, as amended by section 101(c), or section 702(l) or 707 of such Act, as added by section 101(a), relating to any acquisition conducted under title VII of such Act, as amended by section 101(a), has been included in a review, assessment, or report under such section 601, 702(l), or 707.

(5) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall continue in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 1285, debate shall not exceed 1 hour, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. CONYERS), the gentleman from Texas (Mr. SMITH), the gentleman from Texas (Mr. REYES), and the gentleman from Michigan (Mr. HOEKSTRA) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Members of the House, several months ago on October 16, 2007, to be exact, the House passed the Foreign Intelligence Surveillance Act legislation, known as the RESTORE Act. In the view of this Member, the RESTORE Act was a reasonable and balanced one giving the administration the power it needs to combat terrorism while protecting our precious rights and liberties.

The legislation before us today, which I concede includes significant improvements over the Senate legislation, goes beyond what I think was a reasonable bottom line in the form of the RESTORE Act.

Title I of the bill continues the House approach by providing mechanisms to ensure that FISA's longstanding exclusivity is crystal clear. It states only a new statute directly addressing the executive branch's foreign intelligence surveillance authority can modify FISA. Secondly, it provides sunshine by requiring that the government requests to private parties for surveillance assistance must actually cite the statutory authority under which they're issued.

Now in earlier versions of FISA reform, the administration claimed that prior court approval of procedures for overseas surveillance would hurt national security. This matter is now laid to rest with the consensus that upfront court review is indeed appropriate. The requirement for individual warrants and probable cause determinations for Americans overseas is an improvement over even the original FISA legislation. There is a provision in the legislation that permits the Attorney General and Director of National Intelligence to begin surveillance prior to seeking court approval for the necessary procedures in exigent circumstances. This is intended to be used rarely, if at all, and was included upon assurances from the administration that agrees that it shall not be used routinely.

The measure before us further requires extensive oversight by Congress and the independent Inspectors General to prevent abuse. It mandates guidelines for targeting minimization and to prevent reverse targeting and tasks the Inspector General to monitor compliance with those protections.

Now title II of the legislation concerning telecom liability raises the most serious concerns in my view. In the past, I have said I would be open to developing a set of procedures that allow both plaintiffs and defendants to make their case. Unfortunately, this bill goes well beyond that and changes the substantive standard for legal liability by the telecom community, by the telecom companies and does so on a retroactive basis, retroactive immunity. And so I appreciate that the final bill does not send the matter to a new secret court and does grant the court a meaningful role in the determination. Unfortunately, these improvements do not redeem the overall provision.

Title III of the bill will also ask the Inspector General to conduct independent investigations into the President's warrantless wiretapping program. This inquiry will help uncover the truth for the American people, hopefully, about the President's activities. And then there is a part in here about an emergency provision any U.S. citizen can be wiretapped. And I strenuously object to that.

Six years ago, the Administration unilaterally chose to engage in warrantless surveillance of American citizens without court review. We are now restoring the balance through enhanced Congressional oversight, Inspector General investigations, and procedures to ensure that FISA remains the exclusive means for authorizing electronic surveillance.

This bill continues the House approach by providing mechanisms to ensure that FISA's longstanding exclusivity is crystal clear. First, it states that only a new statute directly addressing the executive branch's foreign intelligence surveillance authority can modify FISA. Secondly, it provides sunshine by requiring requests for assistance to cite the statutory authority under which they are issued. A conforming amendment to Title 18 Section 2511(2)(a) is meant to underscore the need to specify the specific statutory language being relied on, and must be read in conjunction with the entirety of Sec. 102 of the legislation. It should not be read to imply that assistance may be sought for electronic surveillance, as defined in the statute, which is not specifically authorized by statute.

In earlier versions of FISA reform, the Administration claimed that prior court approval of procedures for overseas surveillance would hurt national security. This matter is now laid to rest, with a consensus that up-front court review is in fact appropriate. The requirement for individual warrants and probable cause determinations for Americans overseas is an improvement over even the original FISA legislation.

There is a provision in the legislation that permits the Attorney General and Director of National Intelligence to begin a surveillance prior to seeking court approval for the necessary procedures in "exigent circumstances." This is intended to be used rarely, if at all. In the normal course of events the DNI will have ample time to submit such procedures to the FISA court for its approval before initiating a particular surveillance.

The Congress provided this authority at the request of the DNI to meet unforeseen and extraordinary circumstances, and the Administration agrees that it may not be used routinely. The Administration understands that the Congress expects its use to be very rare if it is used at all.

The oversight committees will be informed of any use of the exigent circumstances provision and are committed to effective oversight to insure that it is not used to avoid the requirement to secure court approval of the procedures in advance in all but the most extreme circumstances. The exception must not swallow the rule.

The bill requires extensive oversight by Congress and the independent Inspectors General to prevent abuse. It mandates guidelines for targeting, minimization, and to prevent reverse targeting, and tasks the Inspectors General to monitor compliance with those protections.

"Reverse targeting" is specifically prohibited in Section 702(b)(2). The Intelligence Community agrees that this language prohibits the targeting of one or more persons overseas for the purpose of acquiring the communications of a specific is person reasonably believed to be in the United States. Thus, Section 702(f) requires the government to adopt guidelines to insure that this abuse does not occur and the FISA court must review and approve these guidelines and assure that they are consistent with the Fourth Amendment. The oversight committees of the Congress intend to conduct rigorous oversight to insure that these provisions are faithfully observed. In this connection the Committee attaches particular importance to the required annual review and the reporting in that review of the number of disseminated reports which contain a reference to the identity of a US person.

There is currently ongoing multi-District litigation in which a federal District Court is conducting a review of the telecom carriers' activities and the lawfulness of the President's warrantless wiretapping program. This bill does not strip jurisdiction on that Court and provide blanket immunity, as many wanted.

Instead, in cases where the program was actually designed to detect or prevent a terrorist attack, the Court will assess an Attorney General certification that can assert—among other reasons for dismissal—that the carriers got certain requests and directives from the Administration. The Court will look to see if the Attorney General's certification is backed up with substantial evidence. That means not only the underlying directives and requests, but supplemental materials as well. And in cases where the Government claims that the company did not provide the alleged assistance, a bald assertion is not "substantial evidence"—the Government will have to back up its claims to the Court's satisfaction.

That Title II of this bill provides procedures for assessing lawsuits relating to warrantless surveillance since 9/11 does not imply that such surveillance was lawful or that the Congress as a whole believes that the service providers acted lawfully in providing assistance. Nor can the provision remove the power of the courts hearing the cases to determine if this provision is constitutional.

No company or private citizen asked by the executive branch to provide assistance in securing the private information of Americans without authority of law should read this language as implying that Congress will act in the future to provide such a grounds for dismissing a lawsuit. On the contrary, companies should be on notice that the Congress is very reluctantly providing this defense as a one-time action in an extremely unusual circumstance. It expects private citizens and companies to provide assistance only when specifically authorized by law.

For over 30 years we have mandated that telecommunications carriers not be a merely unquestioning partner to surveillance activities. This bill provides many ways for the companies to question or challenge directives or requests for assistance, and we expect these to be used any time there is something unusual or novel being requested.

Today's compromise will give the District Court direction and procedures for handling the pending lawsuits. However, it is important to note that the question of whether FISA's existing security procedures at 50 U.S.C. 1806(f) preempt the state secrets privilege is still being litigated in the courts in a case against the Government. Nothing in this bill is intended to affect that litigation, or any litigation against the Government or Government employees.

Today's vote is not the end of the matter. The bill provides for a 4-year sunset, but this doesn't mean we cannot or should not revisit these issues in the next congressional session. We will conduct vigorous oversight, and will be monitoring the program through the reports and audits. We will be keeping a close eye on the development and implementation of reverse targeting, minimization, and targeting procedures, in order to not only make sure that they are followed, but to inform us as we consider what improvements need to be made to this legislation.

On that note, I will reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, after nearly a year of delays and months of negotiations, the House today will finally vote on compromise legislation that gives our intelligence community the tools that it needs to protect America. I join my colleague, Mr. HOEKSTRA, ranking member of the Intelligence Committee, and Chairman REYES, as an original cosponsor of this compromise bill.

America's enemies take on many forms, terrorist groups, foreign governments and spies who all pose serious threat to America and its allies. Last August, Congress passed the Protect America Act which provided a temporary solution to the problem. The PAA expired in February. As a result, our intelligence community could not gather two-thirds of the foreign intelligence they needed to protect American lives.

From day one, we insisted that any legislation passed by Congress must not interfere with our fundamental ability to collect foreign intelligence. This legislation accomplishes that goal. H.R. 6304 does not extend constitutional protections to foreign terrorists and other foreign targets overseas. The bill does allow the intelligence community to target a foreign person overseas without a court order if critical intelligence would be lost or not collected in a timely manner.

We insisted that any legislation passed by Congress include strong liability protections for telecommunications carriers that assisted the government following the terrorist attacks of September 11, 2001, as well as protections for their assistance in the future. H.R. 6304 provides these important protections.

We insisted that Congress enact long-term FISA legislation. The bill we have before us today will not sunset until the end of 2012. This compromise legislation also provides strong civil liberties protections for Americans both within the United States and abroad. And it mandates congressional oversight and detailed reports to the House and Senate Judiciary and Intelligence committees and requires a review by the Inspectors General of the Department of Justice and the intelligence agencies. This compromise is long overdue. It is supported by both the Department of Justice and the intelligence community.

Madam Speaker, I urge my colleagues to support this bill.

Madam Speaker, I submit the following letter for the RECORD:

JUNE 19, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This letter presents the views of the Administration on the Foreign Intelligence Surveillance Act of 1978 ("FISA") Amendments Act of 2008 (H.R. 6304). The bill would modernize FISA to reflect changes in communications technology since the Act was first passed 30 years ago. The amendments would provide the Intelligence Community with the tools it needs to collect the foreign intelligence necessary to secure our Nation while protecting the civil liberties of Americans. The bill would also provide the necessary legal protections for those companies sued because they are believed to have helped the Government prevent terrorist attacks in the aftermath of September 11. Because this bill accomplishes these two goals essential to any effort to modernize FISA, we strongly support passage of this bill and will recommend that the President sign it.

Last August, Congress took an important step toward modernizing FISA by enacting the Protect America Act of 2007. That Act allowed us temporarily to close intelligence gaps by enabling our intelligence professionals to collect, without having to first obtain a court order, foreign intelligence information from targets overseas. The Act has enabled us to gather significant intelligence critical to protecting our Nation. It has also been implemented in a responsible way, subject to extensive executive, congressional, and judicial oversight in order to protect the country in a manner consistent with safeguarding Americans' civil liberties. Since passage of the Act, the Administration has worked closely with Congress to address the need for long-term FISA modernization. This joint effort has involved compromises on both sides, but we believe that it has resulted in a strong bill that will place the Nation's foreign intelligence effort in this area on a firm, long-term foundation. Below, we have set forth our views on certain important provisions of H.R. 6304.

I. TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Title I of H.R. 6304 contains key authorities that would ensure that our intelligence agencies have the tools they need to collect vital foreign intelligence information and would provide significant safeguards for the civil liberties of Americans.

Court Approval. With respect to authorizations for foreign intelligence surveillance directed at foreign targets outside the United States, the bill provides that the Foreign Intelligence Surveillance Court (FISC) would review certifications made by the Attorney General and the Director of National Intelligence relating to these acquisitions, the reasonableness of the procedures used by the Intelligence Community to ensure the targets are overseas, and the minimization procedures used to protect the privacy of Americans. The scope of the FISC's review is carefully and rightly crafted to focus on aspects of the acquisition that may affect the privacy rights of Americans so as not to confer quasi-constitutional rights on foreign terrorists and other foreign intelligence targets outside the United States.

We have been clear that any satisfactory bill could not require individual court orders to target non-United States persons outside the United States, nor could a bill establish a court-approval mechanism that would cause the Intelligence Community to lose valuable foreign intelligence while awaiting such approval. H.R. 6304 would do neither and would retain for the Intelligence Community the speed and agility that it needs to protect the Nation. The bill would establish a schedule for court approval of certifications and procedures relating to renewals of existing acquisition authority. A critical feature of the H.R. 6304 would allow existing acquisitions, which were the subject of court review under the Protect America Act or will be the subject of such review under the H.R. 6304, to continue pending court review. With respect to new acquisitions, absent exigent circumstances, Court review of new procedures and certifications would take place before the Government begins the acquisition. The exigent circumstances exception is critical to allowing the Intelligence Community to respond swiftly to changing circumstances when the Attorney General and the Director of National Intelligence determine that intelligence may be lost or not timely acquired. Such exigent circumstances could arise in certain situations where an unexpected gap has opened in our intelligence collection efforts. Taken together, these provisions would enable the Intelligence Community to keep closed the intelligence gaps that existed before the passage of the Protect America Act and ensure that it will have the opportunity to collect critical foreign intelligence information in the future.

Exclusive means. H.R. 6304 contains an exclusive means provision that goes beyond the exclusive means provision that was passed as part of FISA. As we have previously stated, we believe that the provision will complicate the ability of Congress to pass, in an emergency situation, a law to authorize immediate collection of communications in the aftermath of an attack or in response to a grave threat to the national security. Unlike other versions of this provision, however, the one in this bill would not restrict the authority of the Government to conduct necessary surveillance for intelligence and law enforcement purposes in a way that would harm national security.

Oversight and Protections for the Civil Liberties of Americans. H.R. 6304 contains numerous provisions that protect the civil liberties of Americans and allow for extensive executive, congressional, and judicial oversight of the use of the authorities. The bill would require the Attorney General and the Director of National Intelligence to conduct semiannual assessments of compliance with targeting procedures and minimization procedures and to submit those assessments to the FISC and to Congress. The FISC and Congress would also receive annual reviews relating to those acquisitions prepared by the heads of agencies that use the authorities contained in the bill. Congress would receive reviews from the Inspectors General of these agencies and of the Department of Justice regarding compliance with the provisions of the bill. In addition, the bill would require the Attorney General to submit to Congress a report at least semiannually concerning the implementation of the authorities provided by the bill and would expand the categories of FISA-related court documents that the Government must provide to the congressional intelligence and judiciary committees.

Title I also includes provisions that would protect the civil liberties of Americans. For instance, the bill would require for the first time that a court order be obtained to conduct foreign intelligence surveillance outside the United States of an American abroad. Historically, Executive Branch procedures guided the conduct of surveillance of a U.S. person overseas, such as when a U.S. person acts as an agent of a foreign power, e.g., spying on behalf of a foreign government. Given the complexity of extending judicial review to activities outside the United States, these provisions were carefully crafted with Congress to ensure that such review can be accomplished while preserving the necessary flexibility for intelligence operations. Other provisions of the bill address concerns that some voiced about the Protect America Act, such as clarifying that the Government cannot "reverse target" without a court order and requiring that the Attorney General establish guidelines to prevent this from occurring. We believe that, taken together, these provisions will allow for ample oversight of the use of these new authorities and ensure that the privacy and civil liberties of Americans are well protected.

II. TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATIONS SERVICE PROVIDERS

Title II of the bill contains, among other provisions, vital protections for electronic communications service providers who assist the Intelligence Community's efforts to protect the Nation from terrorism and other foreign intelligence threats. Title II would provide liability protection related to future assistance while ensuring the protection of sources and methods. Importantly, the bill would also provide the necessary legal protection for those companies who are sued only because they are believed to have helped the Government with communications intelligence activities in the aftermath of September 11, 2001.

The framework contained in the bill for obtaining retroactive liability protection is narrowly tailored. An action must be dismissed if the Attorney General certifies to the district court in which the action is pending that either: (i) the electronic communications service provider did not provide the assistance; or (ii) the assistance was provided in the wake of the September 11 attack and was the subject of a written request or series of requests from a senior Government official indicating that the activity was authorized by the President and determined to be lawful. The district court would be required to review this certification before dismissing the action, and the provision allows for the participation of the parties to the lawsuit in a manner consistent with the protection of classified information. The liability protection provision does not extend to the Government or to Government officials and it does not immunize any criminal conduct.

Providing this liability protection is critical to the Nation's security. As the Senate Select Committee on Intelligence recognized, "the intelligence community cannot obtain the intelligence it needs without assistance from these companies." That committee also recognized that companies in the future may be less willing to assist the Government if they face the threat of private lawsuits each time they are believed to have provided assistance. Finally, allowing litigation over these matters risks the disclosure of highly classified information regarding intelligence sources and methods. As we have stated on many occasions, it is critical that any long-term FISA modernization legislation contain an effective liability protection provision. H.R. 6304 contains just such a provision and for this reason, as well as those expressed with respect to Title I above, we strongly support its passage.

III. TITLE III—REVIEW OF PREVIOUS ACTIONS

Title III would require the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, and of certain elements of the Intelligence Community to review certain communications surveillance activities, including the Terrorist Surveillance Program described by the President. Although improvements have been made over prior versions of this provision, we believe, as we have written before, that it is unnecessary in light of the Inspector General reviews previously completed, those already underway, and the congressional intelligence and judiciary committee oversight already conducted. Nevertheless, we do not believe that, as currently drafted, the provision would create unacceptable operational concerns. The bill contains important provisions to make clear that such reviews should not duplicate reviews already conducted by Inspectors General.

IV. TITLE IV—OTHER PROVISIONS

Title IV contains important provisions that will ensure that the transition between the current authorities and the authorities provided in this bill will not have a detrimental effect on intelligence operations.

Title IV also states that the authorities in the bill sunset at the end of 2012. We have long favored permanent modernization of FISA. The Intelligence Community operates more effectively when the rules governing our intelligence professionals' ability to track our enemies are firmly established. Stability of law also allows the Intelligence Community to invest resources appropriately. Congress has extensively debated and considered the need to modernize FISA since 2006, a process that has involved numerous hearings, briefings, and floor debates. The process has been valuable and necessary, but it has also involved the discussion in open settings of extraordinary information dealing with sensitive intelligence operations. Every time we repeat this process it risks exposing our intelligence sources and methods to our adversaries. Although we would prefer that H.R. 6304 contain no sunset, a sunset in 2012 is significantly longer than others that were proposed and it is long enough to avoid impairing the effectiveness of intelligence operations.

Thank you for the opportunity to present our views on this crucial bill. We reiterate our sincere appreciation to the Congress for working with us on H.R. 6304, a long-term FISA modernization bill that will strengthen the Nation's intelligence capabilities while respecting and protecting the constitutional rights of Americans. We strongly support its prompt passage.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.
J.M. MCCONNELL,
Director of National Intelligence.

I reserve the balance of my time.

Mr. REYES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today as a sponsor of H.R. 6304, the FISA Amendments Act of 2008. This bill represents the culmination of more than a year's work by the members and staff of the House Intelligence Committee, together with our colleagues on the Judiciary Committee, to bring to the floor a bill that modernizes our surveillance authorities while protecting the constitutional rights of Americans.

I want to thank Chairman CONYERS for his efforts to strengthen this bill. As always, I greatly appreciate my good friend's commitment to protecting our country and the principles that we hold so dear. I also want to thank the respective ranking members and all that worked so hard to bring this bill to the floor today.

This bill, Madam Speaker, enjoys wide support inside the Democratic Caucus. It has been endorsed by our Democratic whip, by our Democratic Caucus chair, by the Blue Dog Coalition, the New Democratic Caucus and by a number of our colleagues. For that, I want to thank in particular our majority leader, Mr. HOYER, for leading the effort towards a bipartisan compromise. This bill is a far better deal than the Protect America Act. And it is far better than the Senate bill that passed earlier this year.

Madam Speaker, intelligence is the first line of defense in our Nation's effort to prevent terrorism and to stop the proliferation of weapons of mass destruction. This legislation strengthens the ability of our intelligence agencies to conduct lawful surveillance of foreign targets. But this legislation also serves another very important and vital function. It strengthens the constitutional rights of Americans, protects them from unlawful surveillance and it stops this President, or any President, for that matter, from invoking executive power to conduct warrantless surveillance of Americans.

☐ 1100

This bill does more than just retain the original FISA requirements for an individual warrant based upon probable cause for surveillance targeting Americans here in the United States. For the first time ever, this bill requires in statute warrants for Americans anywhere in the world. It also requires the government to establish clear guidelines to ensure that no American is the target of any surveillance without a warrant. It clarifies that FISA and Title 18, the Criminal Code, are the exclusive means by which the government may conduct domestic surveillance.

It will prohibit any unlawful, warrantless wiretapping, the kind we saw under this administration. It provides accountability by requiring the inspectors general of various agencies to compile a comprehensive report on the President's surveillance program and that review must be given to Congress. It requires prior court approval of the procedures used to conduct surveillance of foreign targets, except in an emergency, similar to the current FISA law.

This legislation, Madam Speaker, also addresses the issue of lawsuits against telecommunications companies that comply with directives from our government. This bill does not grant immunity to any government official who might have violated the law, and this bill does not grant automatic immunity to telecom companies, as the Senate bill would have.

Under this legislation, a Federal District Court will review the evidence submitted by the Attorney General and then the court will decide whether to grant civil liability and protection to a company that provided post-9/11 assistance to the government. This bill does not grant immunity. Congress isn't deciding the question of immunity; the District Court will.

Finally, Madam Speaker, this bill will sunset in 4½ years, ensuring that the next administration will be in a position to assess and review the effectiveness of this legislation.

This legislation represents a bipartisan compromise, and, as such, both sides got less than they wanted. But it is a product of a good faith effort by both Republicans and Democrats to give our intelligence agencies the tools necessary to keep America safe, while protecting our Constitution and our civil liberties.

I strongly urge my colleagues to vote for this very important piece of legislation.

In addition, Chairman REYES submitted the following views for the RECORD:

EXIGENT CIRCUMSTANCES

Prior court review is an absolutely integral part of this bill, but we have also crafted an "exigent circumstances" circumstances provision that allows the Administration to commence surveillance immediately in an emergency. This provision should be invoked rarely, if at all. In the normal course of events, the Attorney General and the Director of National Intelligence will have ample time to submit applications for surveillance to the FISA Court for its approval before initiating a particular surveillance.

When used, this exception should be for purposes of a true emergency, involving unforeseen or extraordinary circumstances. I consider this to be limited to situations where the intelligence sought would serve a critical function in protecting national security and where the failure to act immediately would result in the loss of what might be the only opportunity to collect the information in question.

The Intelligence Committee intends to engage in regular and vigorous oversight of these new authorities and, in particular, the use of the "exigent circumstances" exception to ensure that the important protections in this bill are not circumvented.

"REVERSE TARGETING"

The FISA Amendments Act of 2008 regularly uses the term "targeting." We intend this term to mean more than simply the process of selecting a telephone number or an e-mail address to surveil. Rather, it is meant to describe the process of purposely acquiring communications of or information about a specific individual.

It is in this context that Section 702(b)(2) prohibits what is generally referred to as "reverse targeting." In our discussions with the intelligence agencies, they have agreed that this language prohibits the targeting of one or more persons overseas where the purpose is to acquire the communications of or information about a U.S. person or any specific person reasonably believed to be inside the United States. Accordingly, Section 702(f) requires that the government adopt guidelines to ensure that this does not occur.

INADVERTENT COLLECTION OF U.S.-PERSON INFORMATION

Because of the nature of the new surveillance authorities granted under this bill, we were particularly concerned about the potential for a significant increase in the inadvertent collection of U.S.-person communications and information. For that reason, we have adopted several oversight provisions that require the Intelligence Community to report to Congress on the number of targets later determined to have been located inside the United States, the number of disseminated intelligence reports that contain U.S.-person information, and the number of disseminated intelligence reports that contain information identifying specific U.S. persons. The Intelligence Committee plans to conduct vigorous oversight of the reports.

EXCLUSIVITY

The exclusivity provision of this bill is extremely important. This language is designed to prevent any future efforts to conduct surveillance that is not authorized by statute. The bill not only establishes that FISA and Title 18 are the exclusive means of conducting surveillance, it requires that any future authorization for surveillance must be explicitly established in statute. The language should in no way be read to imply that there is an inherent power to conduct surveillance beyond what is expressly authorized by statute.

In particular, the language in Section 102(c)(1)(ii) should be read to require citation to specific statutory authority in all certifications for assistance in conducting electronic surveillance issued pursuant to 18 U.S.C. §2511(2)(a)(ii)(B).

SUNSET

This bill is set to expire on December 31, 2012. During the next four years, Congress will continue to assess the surveillance activities of the U.S. Government and assess whether additional changes need to enacted before the sunset date to correct any deficiencies or problems that arise.

CIVIL LIABILITY PROVISIONS

The provisions in title II of this bill establish a meaningful court review to determine whether telecommunications companies should be protected from civil liability for assistance provided to the government. It is important to state that these provisions are not intended to imply in any way that the President's conduct in connection with the President's warrantless surveillance program was lawful or to excuse the conduct of any government official that might have violated the law.

Further, no telecommunications company should interpret these provisions to imply that Congress will act in the future to seek the dismissal of any other lawsuits charging improper conduct in connection with surveillance activities. Rather, Congress considers the tragic events of 9/11 to be a unique set of circumstances that require special consideration. As a general matter, we expect companies and private citizens to respect the rule of law and to require the same of its government.

With respect to the applicable legal standard, we intend "substantial evidence" to apply not only to a finding that assistance was provided in response to a request that meets the standard of this bill. That standard should also apply where the court is asked to determine that the alleged assistance was not provided. A simple declaration from the Government or the defendant that the alleged assistance did not occur should be deemed insufficient where there is sufficient evidence to the contrary.

Similarly, when the Government alleges that a surveillance program was "designed" (as opposed to "intended") to detect and prevent terrorism, the court should examine the evidence to assess the scope of the program and determine, where appropriate, that indiscriminate surveillance that acquires the communications of millions of Americans is not truly "designed" to detect or prevent terrorism.

Finally, these provisions should also not be interpreted to remove the power of the courts to review the constitutionality of the process this bill establishes.

Mr. REYES. Madam Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished minority whip, who played such a critical role in ensuring that this bill made it to the floor today.

Mr. BLUNT. Madam Speaker, I thank Mr. HOEKSTRA for yielding me this initial time that would have the otherwise gone to you.

I thank you, Mr. HOEKSTRA, Mr. REYES and Mr. SMITH, for bringing this important piece of legislation to the floor and for working so hard to see that it came to the floor. I would also like to say that I again appreciated the opportunity to work with my good friend Mr. HOYER, as he spent so many hours and so much time on this. From his staff, Mariah Sixkiller; from my staff, Brian Diffel; Mr. BOEHNER's staff, Jen Stewart worked hard on this; Chris Donesa from Mr. HOEKSTRA's staff was indispensable in his work, as was Caroline Lynch from Mr. SMITH's staff. And I got to know frankly and work with Jeremy Bash from Mr. REYES' staff and

Lou DeBaca from Mr. CONYERS' staff, and appreciated the real positive contributions they bring to this process every day.

I would also like to suggest that two staffers of my colleague from Missouri, Mr. BOND, Louis Tucker, and Jack Livingston, spent lots of time and lots of productive work on this.

Madam Speaker, this represents a compromise, as Mr. REYES just said, as Mr. SMITH just said, that was forged with lots of hard work by lots of people. It accomplishes the goals of the intelligence community. There is no individualized court order for targeting foreign terrorists in foreign countries. There are protections here for communications providers that may have assisted the government. But, as Mr. REYES just said, those protections will be determined by a court, not by this legislation.

We modernized the law to adapt to changes in technology since the 1978 FISA statute. The bill would accomplish all this while adding new protections and strengthening the individual liberties and privacy protections of Americans.

We also worked closely with the majority to reinforce the FISA Court's role in procedural certifications and reviews of administration policies, and we created some new obligations for the Attorney General to establish guidelines.

Madam Speaker, like yesterday's vote, this bill is an example of what we can do when we work together. I thank all those who worked so hard to get it to the floor today. I urge my colleagues to vote for it.

Mr. CONYERS. Madam Speaker, is it true that I have 10 minutes remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 10½ minutes remaining.

Mr. CONYERS. I am going to recognize Mr. NADLER, Ms. LOFGREN, Mr. SCOTT, Ms. JACKSON-LEE, Mr. HOLT, Ms. LEE, Mr. CAPUANO, Mr. KUCINICH and Mr. INSLEE. A couple of them will get 1½ minutes.

The first one to be recognized is the chairman of the Crime Subcommittee, the gentleman from Virginia (Mr. SCOTT), for 1½ minutes.

Mr. SCOTT of Virginia. Madam Speaker, I oppose H.R. 6304. It allows widespread acquisition of private conversations without meaningful court review. The bill actually permits the government to perform mass untargeted surveillance of any and all conversations believed to be coming into and out of the United States without any individualized finding and without a requirement that wrongdoing is believed to be involved at all.

It arguably is not limited just to terrorism. It could be any foreign intelligence, which would include diplomacy and anything else. It is vague on what can be done with the information after it is acquired and who has access to it, and the only court review is a check on whether or not the government certifies that the process has been followed. The court does not review who, what and where the tapping will take place.

Furthermore, the collection of all of this data can be done under emergency provisions before the court acts, but the collection can continue to be done even if the court later rejects the application if the administration appeals.

The bill also provides retroactive immunity to communications companies who may have violated people's rights, and whether or not those rights have been violated should be reviewed by the courts, not decided here in Congress.

Madam Speaker, we can protect Americans' national security and protect civil rights by providing government access to personal conversations with meaningful court review. This bill fails to do that, and therefore should be defeated.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. FORBES), a member of the Judiciary Committee and the Armed Services Committee.

Mr. FORBES. Madam Speaker, today when the sun comes up on America, there are all too many people who spend all too much time criticizing and apologizing for this Nation, trying to verbally tear it down. But what frightens us most is those people who spend way too much energy and way too much time trying to do harm to innocent Americans as they go about their day-to-day lives, carrying their children to piano recitals, to Little League practice, just going to work. It just makes common sense that we would want to know what they were trying to do, because if we know, we have at least a chance to stop it.

This is a bipartisan bill that we should have had a year ago. We certainly should have had 4 months ago. Thank goodness we have it today. The only unfortunate thing is those who will benefit the most will never know it, because they never became victims because we were able to stop those terrorist acts before they took place.

Mr. REYES. Madam Speaker, I yield 1 minute to the distinguished gentleman from Missouri (Mr. SKELTON), the chairman of the Armed Services Committee.

Mr. SKELTON. Madam Speaker, today I rise in strong support of this bill, the FISA Amendments Act of 2008. The bipartisan compromise before us strikes the right balance between providing our intelligence community with the tools they need to fight and find terrorists and protecting our constitutional rights on the other hand.

Let me thank my colleagues SYLVESTER REYES and JOHN CONYERS, our Intelligence and Judiciary Committee chairmen, for their hard work. I am pleased that we have resolved this critical national security issue through bipartisan negotiations between the administration and the Congress. I want to particularly commend STENY HOYER, our majority leader, and our Speaker, NANCY PELOSI, for their leadership in reaching this landmark legislation.

The bill before us is a great improvement over the Senate bill in that it provides for more rigorous review of electronic surveillance activities. It gives the courts a meaningful role in determining if telecommunication firms are entitled to civil liability protection.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REYES. I grant the gentleman an additional 30 seconds.

Mr. SKELTON. From my perspective as chairman of the Armed Services Committee, the bill strongly supports the intelligence needs of those who wear the uniform. Every day, American men and women deployed in harm's way depend on electronic surveillance capabilities to achieve their missions. Because of this bill and the work that has been done in this Congress, especially the Intelligence Committee and the Judiciary Committee, I thank them, and at the end of the day the young men and young women will be the beneficiaries of this strong legislation.

Madam Speaker, I rise today in strong support of H.R. 6304, the FISA Amendments Act of 2008.

The bipartisan compromise before us today strikes the right balance between providing our intelligence community with the tools they need to find and fight terrorists, and protecting our constitutional rights.

I want to thank my colleagues, SILVESTRE REYES and JOHN CONYERS, our Intelligence and Judiciary Committee Chairmen, for their hard work in bringing a strong bill to the floor today.

I am pleased that we have resolved this critical national security issue through bipartisan negotiations between the Administration and the Congress and I want to particularly commend Speaker NANCY PELOSI and STENY HOYER for their leadership in reaching this landmark legislation.

The bill before us today is a great improvement over the Senate bill in that it provides for more rigorous review of electronic surveillance activities, and gives the courts a meaningful role in determining if telecommunications firms are entitled to civil liability protection.

From my perspective, as the Chairman of the Armed Services Committee, this bill strongly supports the intelligence needs of our soldiers, sailors, airmen and marines. Every day, American men and women deployed in harm's way depend on the electronic surveillance capabilities to achieve their missions. This legislation ensures continued delivery of this intelligence to our warfighters.

Again, I want to congratulate Chairman REYES and Chairman CONYERS or bringing this strong bill to the floor, and I urge my colleagues to join me in supporting this vital national security measure.

Mr. HOEKSTRA. Madam Speaker, I yield 2 minutes to the distinguished member of the Intelligence Committee from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Speaker, the compromise bill before us today is not the bill that I would have written. As a matter of fact, the compromise Senate bill we have been trying to get a vote on since February is not the bill I would have written either. But I do believe that the bill before us, imperfect as it is, does do what is needed to protect the country, and therefore I support it.

A number of people deserve credit, including Mr. HOEKSTRA, Mr. BLUNT and Mrs. WILSON on our side. But I also want to commend the majority leader, Mr. HOYER, for the time and energy he put into this issue and for his perseverance in pushing it to a resolution. I know a number of Members on his side don't want to do anything. They prefer operating under an outdated law that makes it impossible to move with the speed and agility we need to have to protect the country in an age of terrorism. There may be some on this side who would prefer to have a political issue for the fall campaign.

But I believe that every day we grow more vulnerable, and that we must act now to give our national security professionals, including our troops in the field, the tools and the information they need to do their job.

Madam Speaker, the House has taken some significant steps this week toward ending the disturbing practice of playing politics with national security. When this House is allowed to vote, we can come together and accomplish things for the country. If we can just extend that now into energy and other issues and just allow a vote on the proposals that are before us, we can do good for the country in other areas as well.

Mr. CONYERS. Madam Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN), the Chair of the Immigration Subcommittee.

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in opposition to this bill. I appreciate that some improvements have made been made to title I of the bill, but even these improvements are undercut by the scheme in title II that means there will be no accountability and perhaps no adherence to the provisions of title I.

I cannot support the legislation's deeply flawed provisions relating to the issue of immunity for telecommunications companies. These provisions turn the judiciary into the administration's rubber stamp. The review provided in this bill is an empty formality that will lead to a preordained conclusion, dismissing all cases with no examination on their merits.

Under this bill, the courts are not allowed to ask whether the conduct of the corporations who assisted was in fact legal. They may only note that the administration says that it was legal. In other words, the decision on the ultimate question of legality, a decision the Constitution dedicates to the judiciary, will instead be made by the executive branch with the judiciary acting as a rubber stamp. It turns the process of judicial review into a joke and denigrates this supposedly independent and coequal branch of government.

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It's all the more aggravating because immunity already exists in the law under 18 U.S.C., section 2511. It provides that telecommunications companies are immune from suit if the company has been provided with a court order or a certification by the Attorney General, in writing, that the order has been obtained or is unnecessary.

I cannot support this.

(Effective: November 25, 2002)

UNITED STATES CODE ANNOTATED CURRENTNESS

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 119. Wire and Electronic Communications Interception and Interception of Oral Communications (Refs & Annos)

§2511. Interception and disclosure of wire, oral, or electronic communications prohibited

(1) Except as otherwise specifically provided in this chapter any person who—

(a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when—

(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

(ii) such device transmits communications by radio, or interferes with the transmission of such communication; or

(iii) such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or

(iv) such use or endeavor to use (A) takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or

(v) such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

(c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection;

(d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or

(e) (i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(a)(ii), 2511(2)(b)-(c), 2511(2)(e), 2516, and 2518 of this chapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, and (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,

shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5).

(2)(a)(i) It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service, except that a provider of wire communication service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

(ii) Notwithstanding any other law, providers of wire or electronic communication service, their officers, employees, and agents, landlords, custodians, or other persons, are authorized to provide information, facilities, or technical assistance to persons authorized by law to intercept wire, oral, or electronic communications or to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, if such provider, its officers, employees, or agents, landlord, custodian, or other specified person, has been provided with—

(A) a court order directing such assistance signed by the authorizing judge, or

(B) a certification in writing by a person specified in section 2518(7) of this title or the Attorney General of the United States that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required, setting forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specifying the information, facilities, or technical assistance required. No provider of wire or electronic communication service, officer, employee, or agent thereof, or landlord, custodian, or other specified person shall disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished a court order or certification under this chapter, except as may otherwise be required by legal process and then only after prior notification to the Attorney General or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate. Any such disclosure, shall render such person liable for the civil damages provided for in section 2520. No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order, statutory authorization, or certification under this chapter.

(b) It shall not be unlawful under this chapter for an officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the Commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a wire or electronic communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire, oral, or electronic communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

(e) Notwithstanding any other provision of this title or section 705 or 706 of the Communications Act of 1934, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of his official duty to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, as authorized by that Act.

(f) Nothing contained in this chapter or chapter 121 or 206 of this title, or section 705 of the Communications Act of 1934, shall be deemed to affect the acquisition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications system, utilizing a means other than electronic surveillance as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, and procedures in this chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the exclusive means by which electronic surveillance, as defined in section 101 of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.

(g) It shall not be unlawful under this chapter or chapter 121 of this title for any person—

(i) to intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the general public;

(ii) to intercept any radio communication which is transmitted—

(I) by any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

(II) by any governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the general public;

(III) by a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or

(IV) by any marine or aeronautical communications system;

(iii) to engage in any conduct which—

(I) is prohibited by section 633 of the Communications Act of 1934; or

(II) is excepted from the application of section 705(a) of the Communications Act of 1934 by section 705(b) of that Act;

(iv) to intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of such interference; or

(v) for other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of such system, if such communication is not scrambled or encrypted.

(h) It shall not be unlawful under this chapter—

(i) to use a pen register or a trap and trace device (as those terms are defined for the purposes of chapter 206 (relating to pen registers and trap and trace devices) of this title); or

(ii) for a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful or abusive use of such service.

(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if—

(I) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

(II) the person acting under color of law is lawfully engaged in an investigation;

(III) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

(IV) such interception does not acquire communications other than those transmitted to or from the computer trespasser.

(3)(a) Except as provided in paragraph (b) of this subsection, a person or entity providing an electronic communication service to the public shall not intentionally divulge the contents of any communication (other than one to such person or entity, or an agent thereof) while in transmission on that service to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient.

(b) A person or entity providing electronic communication service to the public may divulge the contents of any such communication—

(i) as otherwise authorized in section 2511(2)(a) or 2517 of this title;

(ii) with the lawful consent of the originator or an addressee or intended recipient of such communication;

(iii) to a person employed or authorized, or whose facilities are used, to forward such communication to its destination; or

(iv) which were inadvertently obtained by the service provider and which appear to pertain to the commission of a crime, if such divulgence is made to a law enforcement agency.

(4)(a) Except as provided in paragraph (b) of this subsection or in subsection (5), whoever violates subsection (1) of this section shall be fined under this title or imprisoned not more than five years, or both.

(b) Conduct otherwise an offense under this subsection that consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted—

(i) to a broadcasting station for purposes of retransmission to the general public; or

(ii) as an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls,

is not an offense under this subsection unless the conduct is for the purposes of direct or indirect commercial advantage or private financial gain.

[(c) Redesignated (b)]

(5)(a)(i) If the communication is—

(A) a private satellite video communication that is not scrambled or encrypted and the conduct in violation of this chapter is the private viewing of that communication and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain; or

(B) a radio communication that is transmitted on frequencies allocated under subpart D of part 74 of the rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this chapter is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain,

then the person who engages in such conduct shall be subject to suit by the Federal Government in a court of competent jurisdiction.

(ii) In an action under this subsection—

(A) if the violation of this chapter is a first offense for the person under paragraph (a) of subsection (4) and such person has not been found liable in a civil action under section 2520 of this title, the Federal Government shall be entitled to appropriate injunctive relief; and

(B) if the violation of this chapter is a second or subsequent offense under paragraph (a) of subsection (4) or such person has been found liable in any prior civil action under section 2520, the person shall be subject to a mandatory $500 civil fine.

(b) The court may use any means within its authority to enforce an injunction issued under paragraph (ii)(A), and shall impose a civil fine of not less than $500 for each violation of such an injunction.

Mr. SMITH of Texas. Madam Speaker, I will yield 2 minutes to the gentleman from Indiana (Mr. PENCE) who is a member of the Judiciary Committee and the Foreign Affairs Committee as well.

Mr. PENCE. Madam Speaker, I rise in support of the FISA Amendments Act of 2008.

America is at war. We have to do all we can to protect our Nation from those who seek to harm this country, our communities and our families.

After nearly a year of delays, we finally have before us a bill that will institute a long-term fix to our Nation's foreign intelligence surveillance laws and provide the intelligence community with the tools it needs to protect this country.

I rise in particular appreciation of Republican Whip ROY BLUNT, Ranking Member SMITH and Mr. HOEKSTRA. These Republicans stood firm and have succeeded in negotiating a strong 4-year extension to our surveillance laws.

While this bill is tough on terrorists, it includes strong protections for civil liberties and Americans that have also been put in place by extensive measures of oversight and review in the Department of Justice, and it protects those patriotic telecommunications companies who assisted the Federal Government in the wake of 9/11.

While I endorse these reforms and safeguards, let me say, Madam Speaker, Congress and future administrations must be vigilant to ensure that the exigent circumstances exceptions are practiced in a way that preserves Presidential discretion when conducting real-time foreign intelligence. Speaking less as a Congressman and more as a father, and as an American who was here on September 11, I am grateful to my colleagues in both parties for bringing this important compromise to the floor and making sure that our intelligence community, those who work tirelessly every day to protect us, have the tools they need to prevent the horrors of that day from ever being visited on our soil again.

Mr. REYES. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from California, Ms. JANE HARMAN, who is the former ranking member of the Intelligence Committee.

Ms. HARMAN. Madam Speaker, my phones are ringing off the hook, and my e-mail accounts are full. By the hundreds and hundreds, my constituents are saying, "don't cave in," "don't toss due process out the window," "no compromise on our civil liberties" and "all surveillance of Americans should require a warrant." One of the most powerful, "The U.S. Constitution has been 'marked up.' Don't shred it."

I agree, now and always. The hard part is deciding whether the FISA compromise before us meets my constituents' requirements and my own.

After reading every word of it, and after many, many hours working to develop and revise portions of it, I conclude that the compromise replaces bad law, the Protect America Act, with law that actually improves many of the provisions of the underlying FISA law which has served our country well for three decades.

Let me highlight three issues.

First, this bill makes clear that no president can ignore it ever again. FISA is the exclusive means by which our government can conduct surveillance. In short, no more warrantless surveillance.

Second, it expands the circumstances for which individual warrants are required, by including Americans outside the U.S., and it protects Americans from so-called reverse targeting.

Third, it requires Federal court review to determine whether communications firms, which assisted in post-9/11 activities, get civil liability protection. If the evidence is inadequate, courts can deny immunity, and immunity does not cover government officials who may have violated the law.

I have lived with FISA up close and personal for many years. I am angry about the way the Bush administration abused it and disrespected Congress. My constituents are right to demand that Congress show courage and stand up for the Constitution. Security and liberty are reinforcing values, not a zero-sum gain. This bill, though imperfect, protects both.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER) who is the distinguished Republican leader of the House.

Mr. BOEHNER. Let me thank my colleague from Texas for yielding.

Let me just take a moment to congratulate both Mr. SMITH, ranking member on the Judiciary Committee, and Mr. HOEKSTRA, the ranking member on the Intelligence Committee, and all of their staff, who have worked closely with our Democrat colleagues, both in the House and Senate, to craft a bill that will help protect the American people.

Madam Speaker, America cannot afford to have a pre-9/11 mentality when it comes to national security. I think that's why this bill is so critical and why Members and staff have been working so hard to craft it. I recognize the serious threat that we face, and it keeps our Nation on offense when it comes to protecting the American people.

Our intelligence officials must have the ability to monitor terrorists suspected of plotting to kill Americans. This measure ensures that the tools that they need will be there to help keep America safe. They have retroactive liability protections for firms that have aided the government and have worked with our government at our request to help detect and prevent attacks. We should protect those companies.

I think it also protects the civil liberties of all Americans. This is an important piece of legislation. It has taken an awful lot of time to get there.

But just like yesterday, when Members on both sides of the aisle work together, we can come to an agreement. We can come to a compromise that's in the best interest of our country.

Two days in a row we have had two great examples of how we can craft very good bills by working in a bipartisan manner. I want to congratulate all the Members on both sides of the aisle and their staffs who have worked so hard to bring this bill to the floor.

Mr. CONYERS. Madam Speaker, I would like now to yield to the chairman of the subcommittee on the Constitution and the Judiciary, the gentleman from New York, JERRY NADLER, 1½ minutes.

Mr. NADLER. Madam Speaker, in order to uphold the principle of the rule of law and the supremacy of the Constitution, we must reject this bill. This bill limits the courts hearing lawsuits alleging illegal wiretapping, to considering only whether the telecom companies received a "written request or directive indicating that the activity was authorized by the President and determined to be lawful," not whether that request was actually lawful or that telecom companies knew that it was unlawful.

The bill is a fig leaf granting blanket immunity to the telecom companies for possibly illegal acts without allowing the courts to consider the facts or the law. It denies people whose rights are violated their fair day in court, and it denies the American people the right to have the actions of this administration subjected to fair and independent scrutiny.

Even the court's limited review will remain secret. The lawsuits will be dismissed, but the basis for that dismissal that the defendants were innocent of misconduct or that they were guilty, but that Congress commands their immunity, must remain secret.

The constitutionality of the immunity granted by this bill is very questionable. As Judge Walker put it in the AT&T case, "AT&T's alleged actions here violate the constitutional rights clearly established in the Keith decision. Moreover, because the very action in question has previously been held unlawful, AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal."

I would hope that the courts will find that because the constitutional rights of Americans have been violated, Congress' attempt to prevent court review is unconstitutional. I regret we may today abandon the Constitution's protections and insulate lawless behavior from legal scrutiny.

I urge a "no" vote on this legislation.

Mr. HOEKSTRA. Madam Speaker, at this time I would like to yield 3 minutes to a member of the committee, Mrs. WILSON from New Mexico.

Mrs. WILSON of New Mexico. Madam Speaker, in December of 2005, I was walking to work and was at 1st and C Street when the front page of the New York Times revealed the existence of a program that had not been previously briefed to the entire Intelligence Committee and to the subcommittee that I, at that time, chaired that oversaw the activities of the National Security Agency. That launched a period of extensive oversight and draft legislation in 2006.

In January of 2007, because legislation didn't pass, the administration made an attempt to put this entire program under a FISA law that was not designed and was not updated. I described that at the time as trying to put a twin-size sheet on a king-size bed. It didn't work.

By late summer of 2007, we had lost close to two-thirds of our intelligence collection on terrorism. We were unable to respond fast enough when we had problems, particularly in war zones.

Just before Memorial Day in 2007, we had three soldiers who were kidnapped in Iraq. We needed an Army of lawyers in Washington, DC to listen to the communications of the people that we thought had kidnapped them.

That delay is not good enough and led to the insistence that we pass the Protect America Act, which this Congress did, over the objections of the Democratic leadership, in August of 2007. The Protect America Act closed an important intelligence gap, but it expired in February of this year, and the gap is at risk of ever widening.

The bill that we pass today will protect the civil liberties of Americans and continue to require individualized warrants for anyone in the United States or American citizens anywhere in the world. It will also allow our intelligence agencies to very rapidly follow up on tips and listen to foreigners in foreign countries who are trying to kill Americans.

We have restored FISA to its original intent and modernized it for 21st century communications and technology. This is an important step for our intelligence community and will put it on a sound footing for the next several decades.

Intelligence, good intelligence, is the first line of defense against terrorism, and today this body will take the next step in making sure we have the tools to be able to listen to our enemies and prevent other terrorist attacks.

I would urge my colleagues to support the legislation.

Mr. CONYERS. Madam Speaker, I would like to yield now to a senior member of Judiciary, SHEILA JACKSON-LEE of Texas, 1 minute.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman.

Madam Speaker, I rise to say that we did have legislation that would protect the Constitution and provide the security for our troops and those in the intelligence community, and that was the RESTORE Act. Today I rise in enormous opposition to H.R. 6304 because, frankly, Madam Speaker, it's very difficult to put lipstick on a pig.

What we have here is the opportunity for the government to conduct mass, untargeted surveillance of all communications coming into and out of the United States without any individual review and without any finding of wrongdoing.

What Americans don't know is that this government can now surveil you for 7 days without any approval. Then if the court denies the application, while the application is being appealed from the denial, you can be surveilled for 60 days.

This is not constitutional protection. As it relates to the idea of those who are now in court on warrantless searches, now the courts have no authority over that, and your cases will be dismissed.

I ask my colleagues to oppose this because "significant purpose" has been taken out of this legislation.

Madam Speaker, I rise today in opposition to H.R. 6304, the "FISA Amendments Act of 2008". This body has worked diligently with our colleagues in the Senate to ensure that the civil liberties of American citizens are appropriately addressed. Sadly, this compromise bill falls short of that aim. I will support no bill that fails to protect American civil liberties, both at home and abroad.

I am unable to support this bill that will overhaul how the Government monitors foreign terrorist suspects. I will not support any legislation that grants legal immunity to telecommunications companies that provide information to Federal investigators without a warrant.

Madam Speaker, this administration has the law to protect the American people. When Americans are involved, the Bill of Rights, the fourth amendment, and our civil liberties must be adhered to. This legislation does not go far enough to ensure that American rights are protected.

The original legislation offered by the House Majority gave the Administration everything that it needed, but today, after months of negotiation, if we endorse H.R. 6304, which grants sweeping wiretapping authority to the Government with little court oversight and ensures the dismissal of all pending cases against the telecommunications companies, we are eviscerating the Constitution.

Let me explain my objections to H.R. 6304. It permits the Government to conduct mass, untargeted surveillance of all communications coming into and out of the United States, without any individualized review, and without any finding of wrongdoing.

H.R. 6304 permits minimal court oversight. The Foreign Intelligence Surveillance Court (FISA Court) only reviews general procedures for targeting and minimizing the use of information that is collected. Under these circumstances, the court may not know what will be tapped and where it will occur.

Furthermore, the bill contains a general ban on reverse targeting, but not the strong language I worked so diligently to include in the FISA legislation that had passed previously in the House. In my view, the RESTORE Act is far superior to this piece of legislation. I wish to take a few moments to discuss the improvement that I offered to the RESTORE Act in the full Judiciary Committee markup, and which was sent over to the Senate for consideration last year.

My amendment made an essential contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

Reverse targeting is the practice where the Government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons. My language included clear statutory directives regarding whom the government should return to the FISA court and obtain an individualized order if it would like to continue listening to an Americans' communications.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with this legislation, as they did with its successor, the Protect America Act, is that the temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of certain safeguards in the law to prevent it.

My amendment attempted to produce such safeguards. My amendment reduced even further any such temptation to resort to reverse targeting by requiring the administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

The amendment achieved this objective by requiring the administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States."

It is far from clear how the operative language "reasonably designed to ensure that any acquisition authorized . . . is limited to targeting persons reasonably believed to be located outside the United States; and prevent the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States."

Yes. It is true that H.R. 6304, the compromise legislation, attempts to ensure that American civil liberties are protected, but the operative language in the legislation does not provide a paradigm for consistency. This is so because it does not provide an objective criterion. H.R. 6304 does not go as far as the legislation that the House sent over to the Senate a few months ago. H.R. 6304 does not retain the objective standards contained in my amendment.

The language used in my amendment, "significant purpose," is a term of art that long has been a staple of FISA jurisprudence and thus is well known and readily applied by agencies, legal practitioners, and the FISA Court. Thus, the Jackson-Lee amendment provided a clearer, more objective criterion for the administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

A FISA order should be required in those instances where there is a particular, known person in the United States at the other end of the foreign target's call in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications. This protection has been stripped from H.R. 6304. I fought hard to keep this language in the bill because it is important to me; and it should be very important to members of this body and to all Americans. It is important that we require what should be required in all cases—warrant any time there is specific, targeted surveillance of a United States citizen.

Madam Speaker, I have more objections to H.R. 6304 which I will quickly note. H.R. 6304 contains an "exigent" circumstances loophole that thwarts the judicial review requirement. The bill permits the Government to start a spying program and wait to go to court for up to seven (7) days every time "intelligence important to the national security of the U.S. may be lost or not timely acquired." The problem with H.R. 6034 is that court applications take time and will delay the collection of information. Therefore, it is possible that there will not be resort to prior judicial review.

Under H.R. 6304, the Government is permitted to continue surveillance programs even if the application is denied by the court. The Government has the authority to wiretap through the entire appeals process, and then keep and use whatever it gathers in the meantime.

I am also troubled by H.R. 6304's dismissal of all cases pending against telecommunication companies that facilitated the warrantless wiretapping program over the last 7 years. The test in the bill is not whether the Government certifications were actually legal—only whether they were issued. Because it is public knowledge that they were, all the cases seeking to find out what these companies and the Government did without communications will be dismissed. Under this bill, we will start as a tabula rasa. Telecommunications companies will be prevented from having their day in court and we, the American people, will never have a chance to know what the companies did and what information is collected. I am deeply troubled by this, and frankly, you should be, too.

Madam Speaker, it is important to point out that the loudest demands for blanket immunity did not come from the telecommunications companies but from the administration, which raises the interesting question of whether the administration's real motivation is to shield from public disclosure the ways and means by which Government officials may have "persuaded" telecommunications companies to assist in its warrantless surveillance programs.

Madam Speaker, let me be clear in my opposition. Nothing in the Act or the amendments to the Act should require the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, what should be required, is a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

Nearly two centuries ago, Alexis de Tocqueville, who remains the most astute student of American democracy, observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness, and courage.

As I wrote in the Politico, "the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests."

Thus, the way forward to victory in the war on terror is for the United States country to redouble its commitment to the Bill of Rights and the democratic values which every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave, and the country we love.

Madam Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counterintelligence purposes on a sound legal footing, and I am far from persuaded that it needs to be jettisoned.

However, I know that FISA as outlined in this bill, H.R. 6304, attempts to curtail the Bill of Rights and the civil liberties of the American people. I continue to insist upon individual warrants, based upon probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a "basket warrant" without making individual determinations about foreign surveillance.

In all candor, Madam Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still not enough on the public record about the nature and effectiveness of those programs, or the trustworthiness of this administration, to indicate that they require a blank check from Congress.

The Bush administration did not comply with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees "fully and currently informed" of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Madam Speaker, I encourage my colleagues to join me in opposition to H.R. 6304, as it grants sweeping wiretapping authority to the Government with little court oversight and ensures the dismissal of all pending cases against the telecommunications companies. In my view, this is wrong and unacceptable.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FRANKS) who is a member of the Judiciary Committee and a ranking member of the Constitution Subcommittee.

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Mr. FRANKS of Arizona. I thank the gentleman for yielding me this time.

Madam Speaker, the coincidence of jihadist terrorism and nuclear proliferation in our world today I believe represents the greatest security threat to the human family. Osama bin Laden said "our religious duty is to gain nuclear weapons." If that quest should succeed, whether it is 100 yards from this Capitol or in one of our major cities, it will change our concept of freedom in a way that almost none of us can comprehend. And our best hope of preventing that is to have effective intelligence capability.

I believe that the majority has risked the security of this country by delaying a vote on this important bill for so long; but I am gratified today that at least we are taking the next step in making sure that we can see our children and grandchildren walk in the sunlight of freedom.

As we go forward, we should all keep in mind the words of our Founding Fathers and the words especially of Thomas Jefferson when he said, "The price of freedom is eternal vigilance."

Mr. REYES. Madam Speaker, may I inquire as to how much time remains on all sides.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 5 minutes remaining; the gentleman from Texas (Mr. REYES) has 6½ minutes remaining; the gentleman from Texas (Mr. SMITH) has 8 minutes remaining; and the gentleman from Michigan (Mr. HOEKSTRA) has 7½ minutes remaining.

Mr. REYES. Madam Speaker, I now would like to yield 2 minutes to the distinguished gentleman from Maryland (Mr. RUPPERSBERGER) who serves as the chairman of our Subcommittee on Technical and Tactical Intelligence on our Intelligence Committee.

Mr. RUPPERSBERGER. Madam Speaker, I am proud to rise in support of H.R. 6304. I would like to thank Chairman REYES, Chairman CONYERS, Majority Leader HOYER, Minority Leader BLUNT, and Ranking Member HOEKSTRA for coming together with a bill that we need on behalf of our country.

My district includes the National Security Agency, and many of NSA's employees are my constituents. As a member of the House Committee on Intelligence and the chairman of the Subcommittee on Technical and Tactical Intelligence, which oversees NSA, I know that the men and women who work for our Nation's intelligence agencies work hard every day to keep our Nation safe.

The intelligence agencies must do their work within the laws of this country, and they need those laws to be clear. The NSA employees in my district need a clear law with a bright line between legal and illegal surveillance activities, and this bill provides that.

Our Constitution requires checks and balances for the three branches of government. This bill provides that the FISA Court must review surveillance requests to protect the constitutional rights of our citizens.

I urge my colleagues to support this bill because it gives our intelligence community the tools they need to keep our Nation safe while protecting the constitutional rights of Americans.

Mr. HOEKSTRA. I would like to yield 3 minutes to another distinguished gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I want to compliment Mr. REYES. When this happened 124 days ago when it expired, I realized what a challenge you had. They were asking you to win the Kentucky Derby by entering a donkey in the race. And trying to get all of the folks together to get us to the place where we are today was not short feat.

Mr. HOEKSTRA and Mr. REYES, I want to thank you both because what this bill does today is reaffirm what we have been saying for the last several years, that the due process of the Constitution, the fourth amendment, is alive and well and protected in this bill. And any rhetoric to the contrary is simply not true. It is fear mongering.

For any U.S. citizen who believes that their phones are going to be unceremoniously and injudiciously tapped or listened to is simply wrong, and this bill reaffirms the importance of that fourth amendment and due process for every American citizen every day.

But it also says some very important things. We are going to protect the Good Samaritan law that we have known and developed over the last 200-plus years that if you in good faith help your neighbor or help your country, in good faith you will be protected from damages sought by anyone else. If you stand up and protect the liberties and justice of your country and the lives of your neighbors, you will be protected in this law.

And finally, our foreign intelligence service allies have been nervous for 124 days, begging, pleading, cajoling, asking please, step up to the plate and reengage in one of the most important intelligence elements that we have, that the United States shares with our foreign allies to stop suicide bombers, to stop terrorist elements from developing plans and plots to kill their citizens as well as our own.

This bill reaffirms all that we said last year and the year before. It reaffirms what we said in the Protect America Act in August of 2007 that it is absolutely important that we step up to the plate and listen to foreign terrorists in foreign lands plotting to kill citizens of our allies and here at home.

I want to congratulate all those who came together today, and urge those with the rhetoric to please stand for your country today, stand for the soldiers in the field who deserve our protection and the protection of the intelligence services, and for every mother and every father, every child in America who looks for a better day tomorrow knowing that we once again have both our eyes and our ears on the problem with terrorism and radical jihadists.

Mr. CONYERS. Madam Speaker, I am pleased to yield to the gentleman from New Jersey (Mr. HOLT), a distinguished member of the Intelligence Committee, 1 minute.

Mr. HOLT. Madam Speaker, I thank the chairman of the Judiciary Committee for yielding me time to speak about this.

Unfortunately, the negotiators who brought this bill to the floor bought into the flawed assumptions of the Bush administration that because we live in a dangerous world, we must now redefine the fourth amendment and thus the fundamental relationship between the government and its people.

If this bill becomes law, it will perhaps be the only lasting legacy of the Bush-Cheney administration's overhaul of national security policy, a congressionally blessed distortion of congressional checks and balances. It permits massive warrantless surveillance in the absence of any standard for defining how communications of innocent Americans will be protected; a fishing expedition approach to intelligence collection that we know will not make Americans more safe.

Its court review provisions are weak and narrowly defined. I know some of those who negotiated this bill say that some court review is better than no court review. That is only true if the judge's hands aren't tied in the review process. They are in this bill.

There is a fundamental American principle that those who search, seize, intercept and detain should not be the ones who decide who are the bad guys.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA) who is a member of the Judiciary Committee and the Permanent Select Committee on Intelligence as well.

Mr. ISSA. Madam Speaker, I rise in strong support of this hammered-out compromise bill.

You know, Madam Speaker, elections matter. The current balance in the House and the Senate played an important part in the administration, House Republicans, House Democrats, Senate Democrats, and Senate Republicans coming together and figuring out what was needed, what was constitutional, in a very much bipartisan fashion.

Unfortunately, there are those who want to have it both ways, those who will talk about how this is balanced, it meets the needs of the administration, as the administration is assuring us, and it meets all of the constitutional requirements. But there are those who want to also play to the other side. While making sure that we are protected by a good piece of legislation, there are those who will come on the floor and denounce this and then vote against it.

Madam Speaker, I ask the American people to look long and hard at how people vote on this. This is in fact worked out to assure the American people, and properly so, that we will protect all of their constitutional rights while doing everything we can to ensure their safety.

This is good legislation worked out over a long period of time, and a lot of thoughtful work went into it on both sides. But I ask the American people to hold accountable those who would want to know that the American people are protected, and then vote against it in order to play to special interests.

Madam Speaker, that is the bad part of what will happen today. The good part is that America will be safer and the Constitution will be secure because of what we are doing here today. I thank you and urge support.

Mr. CONYERS. Madam Speaker, I am pleased now to yield to the gentlewoman from California (Ms. LEE), cochair of the Progressive Caucus and a leader in the Congressional Black Caucus, 1 minute.

Ms. LEE. Madam Speaker, let me thank the gentleman for yielding and for his leadership.

I rise in strong opposition to this very terrible bill. It does not strike the proper balance between protecting national security and preserving our cherished civil liberties.

Now I know how important those protections are from my personal experience with unwarranted domestic surveillance and wiretapping during the J. Edgar Hoover period. The government's infamous COINTELPRO program ruined the lives of many innocent persons. Others, including myself, had their privacy invaded even though they posed absolutely no threat to national security. We all remember how Dr. King and his family were the victims of the most shameful government-sponsored wiretapping. We must never go down this road again. Yet here we are again.

This bill undermines the ability of Federal courts to review the legality of domestic surveillance programs, it provides de facto retroactive immunity to telecom companies and does not sunset until December 31, 2012. How can we do that? Four years is way too long.

A good bill will protect Americans against terrorism and not erode the fourth amendment. This bill scares me to death, and I urge a "no" vote.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a senior member of the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, as some say on radio, "Now let's hear the rest of the story." After the arguments just made on this floor, this is actually a great day. We and the American people have been waiting for this since 12:01 a.m. on February 6 when the Protect America Act expired. During the intervening time we have actually been unnecessarily vulnerable to those who would do us harm in this era of worldwide terrorism.

In fact, Madam Speaker, I would say that this is the single most important bill we will vote on this year, not that I say supporting our troops is not important, but the intelligence that we gather as the result of the authority granted by this bill may actually create conditions under which we do not have to send troops anywhere in the world and may be more protective of our rights than any other single thing.

Having come before this body on five different occasions since that initial expiration of the Protect America Act, I am greatly relieved that we can finally send the intelligence community and the American people a bill which will enable the intelligence community to continue to protect those American people.

Although the compromise agreement embodied in the proposal before us is not necessarily the one I would have written, it does, in my estimation, meet our responsibilities for protecting the American people. In other words, Madam Speaker, it is not the Mona Lisa but it is not a bad paint job.

First and foremost, the proposal before us ensures that we will continue to have the ability to monitor the conversations of al Qaeda overseas. And although there are requirements that the Attorney General and the Director of National Intelligence adopt procedures which will be submitted to the FISA Court, the bill retains sufficient flexibility for our overseas intelligence mission.

In other words, the intelligence community leadership has assured us that this bill will allow them the operational authority to do what needs to be done within the parameters of the Constitution. Both the safety of the American people as well as their civil liberties are protected in this proposal.

This proposal embodies compromise language which responds to the legitimate concerns of telecommunication providers who themselves responded to the call of their government in the wake of 9/11. The language of the bill not only satisfies the interest of justice, but communicates loudly to all Americans that if they are ever confronted with such requests, lawful requests, their government will not hang them out to dry afterwards.

Specifically, a Good Samaritan safe harbor will exist with respect to any civil action where there is substantial evidence to support the certification provided by the Attorney General. The quantum of evidence required is merely a showing of more than a scintilla but less than a preponderance of evidence.

And although these provisions in the proposal will contribute to securing the safety of our citizens, this is not to suggest that I support every provision in the compromise.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SMITH of Texas. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. For example, the so-called "exclusive means" language in the bill is seen by some as an assertion of maximal congressional authority. Let me just remind my colleagues that the FISA Court of review has said all of the other courts to have decided the issue held the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information. The court stated that "we take for granted that the President does have that authority."

So regardless of whether we have a President McCain or a President Obama, this language will likely be interpreted in the context of facts in individual cases in light of the constitutional jurisprudence which has arisen with regard to the collection of foreign intelligence.

In other words, it does not either trample upon the constitutional prerogatives of the Congress nor those constitutional prerogatives of the President of the United States. This is a good compromise. It protects the American people. We have been waiting for it. It ought to be voted on with dispatch.

Mr. REYES. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN), a valued member of our Intelligence Committee.

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Mr. LANGEVIN. Madam Speaker, I rise in support of the FISA Amendments Act of 2008. Though not a perfect piece of legislation, it is clearly far better than what we have today, and addresses a number of the many concerns that were raised about the administration's conduct of surveillance in this country.

As a member of the Intelligence Committee, I know that we must give our Intelligence Community the proper tools to protect us, while upholding the civil liberties of Americans. Today's compromise illustrates what this House can do when it deliberates with care, holds steady against fear mongering and acts in the best interests of the country and its citizens.

This bill is strong on civil liberties, and includes protections against infringement of our constitutional right to privacy.

First, the bill clarifies that FISA is the exclusive means by which the executive branch may conduct electronic surveillance on U.S. soil. No President will have the power to do an end-run around the legal requirements of FISA. This provision will prevent the types of abuses we've witnessed under this administration.

Second, this act requires a warrant from the FISA court to conduct surveillance of Americans abroad. Americans will no longer leave their constitutional protections at home when working, studying or traveling abroad.

Third, it requires prior approval by the FISA court of procedures the government will use when carrying out foreign electronic surveillance. This will ensure that the government's efforts are not aimed at targeting Americans, the so-called reverse targeting that we're all concerned about; and that if an American's communications is inadvertently intercepted, it is dealt with in a manner that guarantees legal protections.

It also requires and allows for, now, an IG investigation of this warrantless surveillance program that took place prior to Congress being made aware of this legislation.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. REYES. I grant the gentleman another 15 seconds.

Mr. LANGEVIN. Madam Speaker, as I've said before, this legislation will only work if everyone involved follows the rules and remains within the confines of the law. Congress must continue to conduct robust oversight to make sure that the law is implemented as intended to maintain the critical and fragile balance of protecting our Nation and protecting civil liberties.

Mr. HOEKSTRA. At this time I would like to yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Speaker, in just 1 minute it's impossible to assure the American people of everything this bill will do. But I would like too, if you will, react to something that was said on the other side that just simply isn't true.

Yes, during J. Edgar Hoover's day, there was warrantless surveillance, even on political enemies of the people who were President at the time. Those days are behind us.

This act, long since we've taken care of domestic wiretap, but this goes one step further. It insures Americans and particularly, I think, Arab Americans like myself who might go back and forth between here or have relatives in the Middle East, that their conversations will not be the subject of warrantless wiretaps, that, in fact, they can be very confident that America is going to observe the Constitution for them, both when they are here and if they are visiting abroad.

So it's not easy to undo some of the statements that talk about the past, but the truth is, this will protect what has already been established for Americans here.

Mr. CONYERS. Madam Speaker, I am pleased to yield to the gentleman that has more measures in the Judiciary Committee than anybody else in Congress, DENNIS KUCINICH, the distinguished gentleman from Ohio, 1 minute.

Mr. KUCINICH. Under this bill, large corporations and big government can work together to violate the United States Constitution, use massive databases to spy, to wiretap, to invade the privacy of the American people. There's no requirement for the government to seek a warrant for any intercepted communication that includes a U.S. citizen, as long as the program in general is directed towards foreign targets.

This Congress must not allow the names of innocent U.S. citizens to be placed on secret intelligence lists. Under this bill, violations of Fourth Amendment rights and blanket wiretaps will be permissible for the next 4 years. Massive and untargeted collection of communications will continue and with the enactment of this bill.

Furthermore, it allows the type of surveillance to be applied to all communications entering and exiting the United States. These blanket wiretaps make it impossible to know whose calls are being intercepted by the National Security Agency.

Let's stand up for the fourth amendment. Let's remember, when this country was founded Benjamin Franklin said, those who would give up their essential liberties to achieve a measure of security deserve neither. Vote against it.

Mr. SMITH of Texas. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, H.R. 6304 may well be one of the most important pieces of legislation we pass this Congress.

For 4 months America has been more vulnerable to attacks by our enemies, because of the refusal by some to bring a commonsense bill to the floor to help the Intelligence Community protect Americans.

Many of us would have preferred the bill passed by the Senate. Although this bill may not be ideal, it does represent a compromise between House and Senate Republicans and Democrats. This compromise preserves our ability to conduct a strong, effective foreign intelligence program.

I urge my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. REYES. Madam Speaker, it is now my pleasure to yield 1 minute to our esteemed Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for his great leadership as the chairman of the Intelligence Committee. I commend him.

I commend Mr. CONYERS, the distinguished chairman of the Judiciary Committee, for although he is not supporting the legislation before us today, he certainly had a tremendous impact to improve it. Thank you for your relentless championing of civil liberties in our country, Mr. CONYERS.

I want to pay special tribute to our majority leader, Mr. HOYER, for making this compromise possible today. It's a very difficult task, many competing views as to how we should go forward. Mr. HOYER handled it all with great intellect and great respect for all of those views. Thank you, Mr. HOYER.

Also want to acknowledge Mr. SMITH and Mr. HOEKSTRA and minority whip, Mr. BLUNT, for their leadership in giving us this opportunity today.

We've heard it over and over again. Our colleagues say this bill is not perfect, this isn't the bill I would write. I prefer this bill, I prefer that bill.

Well, I prefer the House bill that passed and was sent to the Senate. It isn't an option for us. I do not, I totally reject the Senate bill which is an option, and that is the comparison that we have to make, the contrast that we have to make today.

But in doing so, I think we all understand the important responsibility that we have in this Congress, focused on this debate today. I always take the debate back to our responsibility when we take the oath of office. We take an oath of office to protect and defend the Constitution from all enemies, foreign and domestic. In that preamble to our Constitution, we must provide for the common defense. Essential to honoring that commitment to protect the American people is to have the intelligence, operational intelligence that will help us do that.

When I first went on the Intelligence Committee, our focus was on force protection. Our troops in the field depend on timely and reliable intelligence to make the decisions necessary to keep them safe and to do their job. Force protection, force protection, force protection. It is still a primary responsibility of our intelligence.

In addition to that, we have the fight on the war against terrorism, the fight against terrorism, wherever it may exist. Good intelligence is necessary for us to know the plans of the terrorists and to defeat those plans.

So we can't go without a bill. That's just simply not an option. But to have a bill, we must have a bill that does not violate the Constitution of the United States, and this bill does not.

Some in the press have said that under this legislation, this bill would allow warrantless surveillance of Americans. That is not true. This bill does not allow warrantless surveillance of Americans. I just think we have to stipulate to some set of facts.

We may have our opinions about the bill, but there have been so many versions of the story of different bills that have come up, the PAA last year, which I thought was totally unacceptable. The Senate bill, also unacceptable. Our House bill, which I mentioned before, which I thought was the appropriate way to go, and now this compromise.

As I was talking with Mr. HOYER in the course of his negotiations, there were certain things that I thought had to be in the bill to make it acceptable, certain threshold issues that had to be there, and they are.

In terms of the original FISA bill, it's interesting to note that this bill is an improvement on that in three important ways.

First, we all recognize the changes in technology necessitate a change in the legislation, and this legislation today modernizes our intelligence-gathering system by recognizing and responding to technological developments that have occurred since the original FISA Act in 1978. In doing so, we can make the country safer in a more advanced technological way.

Second, and this is very, very important, and there's some misunderstanding about this. This bill provides that Americans overseas receive the same FISA protection, including an individualized warrant based on probable cause, as Americans living within the country. This is a very important improvement on the original FISA Act.

Third, this bill strengthens congressional oversight. And this is very important, the transparency. Transparency and intelligence don't always go together, but accountability is central to intelligence. This strengthens congressional oversight by requiring that the executive branch provide more extensive information about the conduct of surveillance to both the Intelligence Committee and the Judiciary Committee. This is new, this is better. The more we know, the better, I think, the law will be enforced.

If this bill does not pass, we will most certainly be left with the Senate bill. I think that's clear. And this bill is an improvement over the Senate bill in the following ways, just to name a few.

First of all, it reaffirms that FISA is the exclusive means of collecting foreign intelligence, and makes absolutely clear that the enactment of an authorization for the use of force does not give the President, whoever he may be, any inherent authority to alter the requirements of FISA. Very important.

This is important because President Bush believed, and this was what we were told, that he, as President of the United States, had inherent authority under the Constitution to do almost anything he wanted.

And what this bill reaffirms is that the FISA law is the authority for collecting foreign intelligence. There is no inherent authority of the President to do whatever he wants. This is a democracy. It is not a monarchy.

Secondly, it is an improvement of the Senate bill. And by the way, no offense to President Bush. I wouldn't want any President, Democrat or Republican, a Democratic President or a Republican President to have that authority.

Secondly, the bill provides that, except in rare circumstances there will be pre-surveillance review by the FISA Court.

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And when I say rare circumstance, I mean very, very rare.

Unlike the Senate bill, this legislation retains FISA's broad definition of electronic surveillance and thus guarantees that basic protections of FISA apply to all the new forms of collection authorized by the bill. There had been an attempt, and that's why the Senate bill is inferior in this respect, to just narrow it to certain kinds of collection, and this says it applies to all collection, electronic surveillance.

Fourth, it contains specific protections against reverse targeting. This reverse targeting is very, very important to the civil liberties of the American people, and I am satisfied by the specific provisions against reverse targeting. It provides a full and independent review of the President's surveillance program by the Inspector General of the relevant agencies.

Of course, there are aspects of this compromise bill that I do not like. I don't believe that Congress should be in the business of interfering with ongoing lawsuits and attempting to grant immunity to telecommunication companies that allegedly violated the law. Those companies have not lived up to a standard expected by the American people. I don't think today is any cause for celebration for them. They come out of this with a taint.

I do not believe that the pending lawsuits would have achieved what we would have liked them to do which is what the Inspector General's review would, which is to learn the truth about the President's terrorist surveillance program and give us the information we need to make sure that never happens again.

In addition, this legislation makes sure that in the future, the telephone companies must fully comply with Federal statutes.

Again, it would have been my preference to vote for the RESTORE Act that the House sent over to the Senate. I do not consider it an option to live with the Senate bill. This is the opportunity that we have to protect the American people through the gathering of intelligence which is essential, as I said earlier, to force protection, to protect our men and women in uniform and help them make the decisions they need to do their jobs and keep them safe and to fight terrorists by learning their plans in advance and squelching them.

I want to thank those who have worked so hard to bring this bill to the floor. Again, it's not a happy occasion, but it's the work that we have to do. I think we have to remember getting back to the Constitution. The House, article 1, legislates. We pass the laws. The judiciary interprets the law. The executive branch enforces the law. And what is very important about whatever we pass, especially in relating to subjects relating to our security and our liberty, it's important that the President of the United States enforce this law honoring the Constitution of the United States recognizing the responsibility that we all have to protect the American people and protect the Constitution of the United States at the same time.

So again, a difficult decision for all of us. I respect every opinion that was expressed on this floor today. The knowledge, the sincerity, the passion and the intellect of those who support and oppose this have been very, very valuable in making the bill better, if not good enough for some, but certainly preferable to the alternative that we have which is the Senate bill which must be rejected.

I'm not asking anybody to vote for this bill. I just wanted you to know why I was.

Thank you, Madam Speaker.

Mr. HOEKSTRA. Madam Speaker, I would like to yield myself the balance of my time.

In the immediate aftermath of 9/11, the President, the leaders of Congress, faced a very difficult situation: to learn more and to better understand the threat that America now faced. They recognized that we needed to move from a mentality of being law enforcement to a mentality of prevention, that we needed to confront, contain, and ultimately defeat radical jihadists if America was going to stay safe.

The President, the leaders of Congress, many of whom spoke today, huddled together and talked about the various strategies that they could implement to get a better understanding of this organization called al Qaeda, its leaders, its intentions, and its capabilities.

Overarching in their discussions were making sure that the Constitution and the rule of law would guide their behaviors. As they considered various alternatives and discussed these, they implemented a terrorist surveillance program using the capabilities that in many cases are unique to America that could give us insights into al Qaeda, its leadership, and its intentions.

It's not the President's program. This program was put together by the President in consultation, sure, with members of his cabinet, but also, very importantly, with consultation on a bipartisan basis with the leaders of Congress.

These leaders in Congress were consistently briefed about how the program would work, the kinds of information that was being obtained, and how it was being used to keep America safe, all the while placing a responsibility on yes, the President, but also the leaders of Congress to make sure that the intel community was doing the things it was being asked and was being asked to do things that would be legal.

The intel community has performed very well. They have gotten us information that has enabled us to keep America safe. The intel community, this administration, and Congress asked other parts of our economy to participate, private sector companies. They stood up and they did the job to keep America safe. Congress did the necessary job of doing oversight, and in 2004, we reformed the intelligence community.

So since 9/11, many things have been done properly. The end result, as we've gone through this process, is that we have kept America safe.

I congratulate the Speaker, I congratulate the majority leader, I congratulate my colleagues on the other side of the aisle, Mr. SMITH, for working in a bipartisan basis to recognize what needed to be done in allowing this bill to come to the floor and continue to move forward in a slightly different way than how we've been moving forward over the last 6 years. But the most important thing is in a bipartisan basis, we have come together on a national security issue to give our intelligence community the tools that they need to keep America safe.

Mr. CONYERS. Madam Speaker, I would like now to recognize the distinguished gentleman from Washington, JAY INSLEE, for 1 minute.

Mr. INSLEE. Have we forgotten what our ancestors have done in the cause of liberty? Don't we realize there are some lines we can never cross? Don't we realize we should never legitimize illegal violations of America's privacy rights, which this bill does?

This bill says if the telecommunication companies violated America's privacy willfully, knowingly, knowing it was illegal, we are giving them immunity. Where is the excuse for that? Where is the excuse for turning a Nation of laws into a Nation that will be led by a President who knows how to manipulate our fears?

We have got to know the law is our ultimate guardian of liberty, and those on this side have accused us of having a pre-9/11 mentality. Let me remind them that July 4, 1776, was pre-9/11. And heaven help us the day that those values are shucked aside at the service of fear.

Reject this bill.

Mr. CONYERS. Madam Speaker, I will take this time to use the remaining time that is allotted me.

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. CONYERS. I would like to point out that the grant of retroactive immunity to the telecoms is inconsistent with our basic principles because we are breaking with a very proud tradition of intervening for the first time in a pending court decision in an effort to reach a preordained legal outcome. This is a bad precedent.

And may I point out, too, that we are in a period in which the executive branch has been deemed by many constitutional authorities to be very near the description of an imperial Presidency. We've gone too far.

I hope that we will get a strong vote against this because the struggle for restoring our precious rights and liberties must continue.

I return all time that may be remaining on our side.

Mr. REYES. Madam Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Texas has 2¼ minutes.

Mr. REYES. Madam Speaker, it is my privilege to yield 1 minute to our distinguished majority leader, Mr. HOYER, who in this case deserves MVP status for having the wisdom of Solomon and the patience of Job.

Mr. HOYER. I thank my friend, the chairman of the Intelligence Committee. I thank the Speaker. I thank the Speaker not only for giving me the responsibility for trying to work with some extraordinarily talented people but also for having the courage to lead and the courage to express her convictions.

And I want, at the outset, to share her view that every Member who has spoken on this floor has spoken out of a sense of conviction and out of a sense of responsibility to the Constitution of the United States and to the protection of our great Nation and our great people.

Mr. REYES, Mr. CONYERS, Mr. HOEKSTRA, Mr. SMITH have all worked to come together, realizing that there were significant differences. Those four have been assisted by some extraordinary people, and at the outset, I want to mention them.

First of all, I want to mention my own staff without whom I think we would not be at this day. She sits on the floor. She worked for my colleague and dear friend Senator Paul Sarbanes for a number of years. One of the benefits of Senator Sarbanes retiring was that she came to my staff. Mariah Sixkiller has expended too much time, perhaps, but with great talent and great ability to reach this day. Thank you, Mariah Sixkiller.

I want to thank Chairman CONYERS because Chairman CONYERS, as you've heard on the floor, has been conflicted but he has been focused on the necessity to respond to issues that are real and also to help us move forward so that we did not, in the minds of many of us, have a bill pass that we thought was unacceptable, a bill passed by the Senate with 68 of 100 votes. We would not be here, in my opinion, without Chairman CONYERS' leadership, not because he supports this alternative, but because he saw the ability to work together.

I want to thank his staff, Lou DeBaca, Perry Apelbaum. And Lou DeBaca, in particular, who sat for hours and hours and hours in a room trying to reach agreement as we made compromises. Mr. REYES' staff, Mike Delaney, the staff director. Jeremy Bash. Jeremy Bash did extraordinary work. Jeremy Bash was hired by the former Chair of the Intelligence Committee, Jane Harman.

Jane Harman is probably as knowledgeable as almost anybody on this floor, other than perhaps the Speaker who served on the Intelligence Committee longer than anybody in this House. Jane Harman's leadership, concern, focus on constitutional rights, focus on the security of our country, was outstanding. She played a significant role in trying to get us to this day.

□ 1215

Eric Greenwald of Mr. REYES' staff also played a significant role.

Without Mike Sheehy and Joe Onek of the Speaker's staff, we would not be here today. We would not have reached the good compromises that we reached. Joe Onek and Mike Sheehy, if they were writing this bill, would have written a different bill, much closer to what we passed on our side of the aisle and sent to the Senate, which they rejected. Mike Sheehy has served the House and the Speaker for a very long time in the intelligence field.

I want to thank Senator ROCKEFELLER. We would not be here today on this floor if it were not for Senator ROCKEFELLER. Senator ROCKEFELLER very early on had discussions with me about what could they do to try to move towards the bill that we passed. He made some suggestions. Those suggestions are in this bill today. He facilitated our actions. Andy Johnson, Mike Davidson, Alissa Starzak of his staff were very, very helpful.

Senator BOND, Senator BOND and I did not see necessarily eye-to-eye on these issues as we began, but at the end, we came to an agreement. Louis Tucker and Jack Livinston of his staff were very helpful.

Chairman HOEKSTRA, or former Chairman HOEKSTRA, now Ranking Member HOEKSTRA, I want to thank Chairman HOEKSTRA, but particularly, I want to thank Chris Donessa who was very helpful, gave us great assistance and advice.

LAMAR SMITH and Caroline Lynch of his staff, thank you very much for your efforts as you sat in that room, as we all sat around, every one of the committees sat around the table, as we came to the final agreement.

Then I want to thank, of course, Jen Stewart and the minority leader, without whom we could not have gotten to this day.

Lastly, I want to thank my friend. There's an article going to be written. It's going to speculate whether or not he and I hurt one another by saying the other is his friend. I don't think that's the case. I said that ROY BLUNT and I often disagree on substantive issues, but what we agree on very strongly is that this House needs to sit down and talk to one another and try to reach resolution on difficult issues, not hard-to-reach compromise on easy issues. It's on the difficult issues.

ROY BLUNT is a man of this House, who cares about this House, who cares about this country. And he cares about drafting legislation that can be agreed upon by a broad section of this House and the American people. He has an extraordinary staff of Brian Diffell, who I want to thank for his efforts, but in particular, I want to thank ROY BLUNT for his friendship, for his integrity, and for his willingness to take risks to reach compromise. Thank you, ROY.

Madam Speaker, today we conclude one step in a long, continuing process. Just under a year ago, the House came under great pressure from the administration and the Senate to pass the Protect America Act, a bill I could not support and spoke out against for its lack of civil liberties protections.

Since then, there have been other attempts to modernize the Foreign Intelligence Surveillance Act: first, the RESTORE Act passed by the House last November with my strong support, with Mr. CONYERS' strong support, Mr. REYES' strong support, and the support of this House; that was followed by the Senate bill which passed, as I said earlier, with 68 votes in February; and most recently, the FISA Amendments Act, passed by the House last March. I supported that bill as well. I think it was a better bill. It would be my alternative. It was our alternative on this side of the aisle, but it was not the consensus alternative, and we needed to reach consensus to move forward.

I was proud to support the two House bills, which I believe struck the right balance between giving our intelligence community the tools to go after those who seek to harm and protecting the constitutional rights of American citizens.

Today, I stand in support of a different kind of bill, a compromise. To be clear, this is not the bill that I would have written or that perhaps anybody individually on this floor would have written. However, in our legislative process, no one gets everything he or she wants. Different parties, often with deeply competing interests, come together here to produce a consensus product, where each side gives and takes. I don't believe we've given on the ultimate principles on either side.

Over the past few months, I've been involved in almost daily discussions with the stakeholders on this important issue. Members in both Chambers, in both parties, as well as outside organizations and experts. I want to thank all of the outside organizations, whether they agree with our product or do not. Their contribution has been an important one. I particularly want to thank those who take very unpopular positions to protect the rights of perhaps just one of us among the 300 million, who in the land of the free and the home of the brave deserve to have that one individual right protected, and I appreciate their efforts to ensure that that country remains that kind of country.

Together, we have worked to develop a bill that strikes a sound balance. This measure provides the intelligence community with the strong authority to surveil foreign terrorists who seek to harm this country and our people. As the Speaker said, that is our responsibility, and we intend to meet it.

It provides for enhanced civil liberties protections for Americans and insists on meaningful judicial scrutiny.

It includes critical new oversight and accountability requirements that both address the President's warrantless surveillance program and ensures that any surveillance going forward comports with the fourth amendment and will be closely monitored by the Congress.

Of vital importance, my colleagues, this legislation makes clear that FISA is the exclusive means by which the government may conduct surveillance, the Foreign Intelligence Surveillance Act. Contrary to the administration's previous actions, in which it did not comply with the FISA statute, this statute makes it very clear, this and this alone is the process through which we will intercept communications, an issue of great importance to the Speaker, as she has said.

Notably, this bill does not address or excuse any actions by the government or government officials related to the President's warrantless surveillance program, nor does it include any statement by the Congress or conclusion on the legality of that program.

Indeed, it mandates for the first time ever a robust accounting by the Inspectors General of the warrantless surveillance program, which Congress will receive and act on.

Madam Speaker, in closing, let me say again, this bill is a compromise, but in my opinion, it is a compromise worth supporting. And the conclusions drawn by editorials in the New York Times, Wall Street Journal and Washington Post over the last 2 days reflect this compromise.

Today, for example, the Washington Post recognized that this is a reasonable effort to strike a compromise, stating: "Striking the balance between liberties and security is never easy, and the new FISA bill is not perfect. But it is a vast improvement over the original law and over the earlier, rushed attempts to revise that law."

As I said at the beginning, this bill is one step in a long, continuing process of updating this critical legislation, ensuring that our national security and our civil liberties are both protected.

This legislation sunsets at the end of 2012, and it's imperative that we scrutinize its implementation in the future and make any necessary changes. I believe we have the best bill before us that we could possibly get in the current environment. It is a significant improvement over the Senate-passed bill and, I suggest, existing law.

I look forward to working with my colleagues in the years ahead to ensure that both our national security and our civil liberties are protected. That is our responsibility. That is our pledge to our constituents. I urge passage of this legislation.

Mr. REYES. Madam Speaker, I yield myself the balance of the time.

I just wanted to thank everyone again, as Mr. HOYER indicated. I believe every Member in this body cares about our national security, and I also believe that this is a good bill, a good compromise and is worthy of supporting.

Mr. VAN HOLLEN. Madam Speaker, on March 14th I voted in favor of H.R. 3773 which modernized the Foreign Intelligence Surveillance Act. This bill successfully updated the law to accommodate the current day communications technology while at the same time providing the much-needed protection of the court in sanctioning the surveillance of Americans. Moreover, the bill was also remarkable for what it did not contain; it did not provide retroactive immunity for telephone companies who are defendants in pending lawsuits. These suits have been brought to uncover the full extent of the Administration's program to conduct unauthorized surveillance on Americans.

I am deeply troubled that the Senate does not have the votes to pass the House bill. The Senate instead passed its own bill, S. 2248, which was unacceptable to me from the outset because it reduced the role of the FISA Court to merely review the procedures for targeting surveillance subjects and minimizing the information collected. Moreover, the Senate bill established retroactive immunity for the phone companies that have been used to carry out the Administration's illicit surveillance program.

To be sure, the Senate bill is completely unacceptable. Majority Leader HOYER worked tirelessly to improve upon the Senate bill to forge an acceptable compromise. The bill before us today, however, does not go far enough to include sufficient safeguards of court involvement in the surveillance of Americans. Moreover, it continues to provide retroactive immunity for those companies that carried out the Administration's unauthorized surveillance. Finally, it fails to hold the Administration accountable for its past illicit surveillance activities and its disregard of the Fourth Amendment protections of Americans. As a result, I must vote against this bill.

Ms. SPEIER. Madam Speaker, when are we going to stop pulling the wool over the eyes of the American people? The proposed FISA law protects no one other than the administration and those within it who may use this newfound power to snoop and spy in areas where they have no business looking. We are giving broad new powers to political appointees who have repeatedly disregarded the Constitution and ignored the most basic rights of Americans to live their lives without Big Brother peeking his nose into their private matters.

This FISA bill gives the Federal Government sweeping powers to gather wide swaths of information from foreign sources while providing little or no justification for the national security value of that information.

The FISA Court set up to police the process isn't a court at all. Under this bill, the government can gather as much intelligence as it chooses for seven days prior to going to the court. Then, if the court says "No" to the request, the government can continue to gather intelligence for 60 days while they appeal.

Any first year law student knows that is not how courts work. If this were a real court, the government would be required to abide by the decision of the court and seek the warrant prior to conducting surveillance.

It is fundamentally untrue to say that Americans will not be placed under surveillance after this bill becomes law. The truth is, any American will subject their phone and e-mail conversations to the broad government surveillance web simply by calling a son or daughter studying abroad, sending an e-mail to a foreign relative, even calling an American company whose customer service center is located overseas.

Once again, our government puts a feel-good name on something that doesn't live up to its billing. Calling the FISA rubber stamp panel a court is akin to the President's "Clear Skies Initiative" which relaxed pollution regulations or "No Child Left Behind" which instead of helping schools, punishes them if they have children who are, indeed, lagging behind.

This bill sets out to reassure Americans that, because there are warrants and a "court", due process is taking place. But like the pseudo-court, FISA warrants aren't warrants at all.

A warrant is permission by the court to look for a specific thing from a specific person or group for a specific reason. The FISA warrant is given after the fact and can be as broad as gathering all electronic communication coming into or out of a foreign country.

Madam Speaker, America isn't simply "guided" by our Constitution, it isn't a set of "suggestions" but rather, the law of the land. It is the existence of this great document and our unswerving loyalty to it that makes America the greatest nation in the history of our planet. We can't be sacrificing basic constitutional principles like the fourth amendment simply because it's an election year and we want to make it look like we're fighting terrorism.

I join my colleagues in our unified fight to defeat the global terrorist movement. But we don't do that by sacrificing our hard-earned Constitutional rights and forgiving telephone companies who knowingly violate those rights.

The bottom line is, this FISA bill permits the collection of Americans' emails and phone calls if they are communicating with someone outside of the U.S. This is especially true when it comes to emails, because the World Wide Web has no area codes, so it is impossible to tell where email communications originate from. The Government is under no obligation to seek a warrant in order to monitor an email account unless it knows the account belongs to an American.

And once your email account is swept up in the system, it can be monitored. Regardless of the relevance of your personal information, once it is gathered by the government, it is never destroyed. One only has to recall the recent incident in the State Department where candidates' passport information was breached to know that this information isn't handled by robots, but people. And people can do any number of things with personal informations.

Out of respect to the United States Constitution and the basic rights of Americans to live free of intrusive eavesdropping by their government, I strongly oppose H.R. 6034, the FISA Reauthorization Act.

Ms. ESHOO. Madam Speaker, first I want to commend the Chairman and the Majority leader for the work they've done to bring this legislation to the floor of the House. It has been a challenge for all of us on the Intelligence Committee and in the Congress.

This legislation is a vast improvement over the previous law, and indeed over the Protect America Act passed by the House last August which I opposed.

The bill very importantly establishes a process for electronic surveillance that includes prior approval by the independent courts, and in some respects, this legislation goes even further than the existing FISA statute or the House-passed RESTORE Act in protecting the civil liberties of U.S. persons. Under this bill the Administration would have to seek a court order before conducting surveillance on U.S. persons abroad. Until now and under the Protect America Act, the executive branch could conduct electronic surveillance of U.S. persons without prior judicial approval. This legislation also allows the lawsuits against the telecommunications companies to go forward in a limited fashion, which would not have occurred at all under current law.

Having said this I must oppose this bill.

Under the original structure of FISA, telecommunications carriers served an important gate-keeping function. They were not permitted to provide access to private communications in the United States unless the government made a lawful request to conduct surveillance, pursuant to a FISA order. For decades, the government has sought and obtained thousands of FISA warrants prior to beginning surveillance, or in urgent cases shortly thereafter. We all remember the shocking news when the President had to acknowledge that his Administration created an illegal, warrantless electronic surveillance program outside of the FISA legal framework.

This legislation would essentially grant retroactive immunity to telecommunications carriers who relied on statements made by this Administration that the program was lawful. However, as we've seen in numerous instances, this Administration pushed new and aggressive interpretations of the law, including in this area. We all recall vividly the days following 9/11, and the urgency that prevailed, but suspending our laws and allowing the Attorney General to unilaterally issue a "get out of jail free card" is not appropriate under any circumstances. There should be at least some minimal inquiry into whether the telecommunications carriers reliance on the statements made by this Administration was reasonable. If so, the they would be able to assert their existing statutory immunity defenses.

Throughout our Nation's history, the judiciary has been the most important check on an overzealous executive, and it is often through the judicial process that we uncover and remedy some of the most egregious executive misconduct. This legislation undermines and effectively nullifies the courts' ability to hold the Administration accountable for its actions, which likely violated the Constitution.

Our Nation was founded on the principle of separation of powers. The executive branch should be subject to independent oversight by the judicial branch. This legislation does not go far enough to allow the judicial branch to conduct an independent, reasoned inquiry into this critical issue. Therefore, I must oppose this legislation.

Mr. UDALL of Colorado. Madam Speaker, I will support this bill.

I will do so because, as I have consistently said, I do think the basic law in this area—the Foreign Intelligence Surveillance Act, or FISA—needs to be updated to respond to changes in technology, which was the purpose of the current, temporary law.

That is why, last August, I voted for a bill (H.R. 3356) to provide such an update—a bill that was supported by a majority of the House, but did not pass because it was considered under a procedure that required a two-thirds vote for passage, which did not occur because of the opposition of the Bush Administration. It was supported by all but three of our Republican colleagues.

That is also why I voted for another bill to update FISA—H.R. 3773, the "Responsible Electronic Surveillance That is Overseer, Reviewed, and Effective" (or RESTORE) Act—which the House passed on November 15th of last year. Like those bills I supported earlier, this bill will replace the Protect America Act, enacted in August 2007—which I opposed.

The bill makes it very clear that to conduct surveillance targeting a person in the United States, the government first must obtain an individual warrant from the FISA Court, based upon probable cause.

And, importantly, it explicitly states that FISA and Title III of the U.S. criminal code are the exclusive means by which the government may conduct surveillance on American soil, and adds that any future statute must expressly authorize surveillance if the government is going to rely on it to conduct domestic surveillance.

It also includes new legal protections for Americans abroad, requiring an individual probable cause determination by the FISA Court when the government seeks to conduct surveillance of U.S. persons located outside the United States.

It requires prior review and approval by the FISA Court of the targeting and minimization procedures used to conduct surveillance of any foreign targets (unless in an emergency, in which case the government may authorize the surveillance and then apply to the FISA Court for approval within 7 days), and requires that this surveillance be conducted in accordance with the Fourth Amendment. And it requires the government to establish guidelines to ensure that Americans are not targeted by this surveillance ("reverse targeting guidelines"), and requires the government to provide those reverse targeting guidelines to Congress and the FISA Court.

The legislation also includes important provisions to increase transparency and accountability. For example, it requires there be a comprehensive review of the President's warrantless surveillance program by the Inspectors General of the Justice Department, the Directorate of National Intelligence, the National Security Agency, and the Defense Department—and it provides for them to report the results to the Intelligence and Judiciary Committees.

This report will review "all of the facts necessary to describe the establishment, implementation, product, and use of the Program," as well as "communications with, and participation of, individuals and entities in the private sector related to the Program."

I do not find equally satisfactory another aspect of the bill that involves accountability—the treatment of pending lawsuits against various telecommunication companies that acted to implement President Bush's clandestine surveillance program.

Like the bills I supported earlier, this measure would provide civil liability protection for private sector companies that provide lawful assistance to the government in the future. But it differs significantly in the way it addresses those pending lawsuits, which deal with the previous actions of the defendant companies.

Those lawsuits have been consolidated and are pending in one court, but evidently have made little progress because of the Administration's argument, still awaiting court resolution, that the suits are barred because they involve state secrets. My understanding is that the defendant companies have argued that government's invocation of the state-secrets privilege has had the result of preventing them from defending themselves, although at least one company has stated in regulatory filings that the cases against it are without merit.

President Bush has insisted that Congress throw these cases out of court by giving the companies retroactive immunity for whatever they might have done in connection with the surveillance program, even though the Administration and the companies themselves insist that those actions were lawful and that the plaintiffs' complaints against the companies have no merit.

Regrettably, the Senate decided to comply with the president's demand on this point, and its version of this legislation would provide that retroactive immunity. I do not think that was the right decision because I agree with the Rocky Mountain News, which in a February 15th editorial said "Letting this litigation proceed would not, as Bush [has] said . . . punish companies that want to 'help America.' Businesses that want to help America need to be mindful of the Constitution—and so should the government."

I supported removing that "state secret" barrier and allowing the companies to defend themselves by demonstrating to the court the evidence they say supports their arguments in a way that assures the continued security of that evidence and that avoids the public disclosure the Administration says would be adverse to the national interest. This is a process that has worked well in criminal cases, and while I am certainly not an expert on the matter, I think it can work when applied to these civil cases.

In that respect, this bill is similar to the legislation I supported earlier this year. But it is not identical, and I do not think it is quite as sound.

Under this bill, a district court hearing such a case will decide whether the Attorney General's certification attesting that the liability protection standard has been met and is supported by substantial evidence. In making that determination, the court will have the opportunity to examine the highly classified letters to the providers that indicated the President had authorized the activity and that it had been determined to be lawful.

That is not as strong a requirement for accountability as I would prefer. However, in such cases both plaintiffs and defendants will have the opportunity to file public briefs on legal issues and the court should include in any public order a description of the legal standards that govern the order.

And, importantly, this immunity provision does not apply to any actions against the Government for any alleged injuries caused by government officials.

Madam Speaker, as Benjamin Franklin has warned us, people who value security over liberty will get neither—and the Bush Administration has finally agreed to end its disregard for liberty and agree to effective judicial oversight and involvement in intelligence surveillance.

That agreement that is embodied in this bill, and the choice before us now is whether to reject it or to support the compromise measure now before us.

After careful review, I have concluded that the bill adequately meets the test of protecting civil liberties while giving our country tools needed to effectively combat terrorism.

So, while—like any compromise—the bill is not ideal, I have decided the correct decision—the one that will fulfill my responsibility to protect both our national security and the civil liberties that make our nation worth defending—is to vote for it.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 6304, FISA Amendments Act. This bipartisan bill takes steps to increase our Nation's security while also protecting Americans' civil liberties.

H.R. 6304, FISA Amendments Act, provides the critical tools that our intelligence community needs to ensure the safety of our Nation. With many surveillance warrants set to expire in the coming weeks, the intelligence community needs a strong and dependable set of guidelines to follow while conducting surveillance. H.R. 6304 allows the Government to authorize surveillance in the case of an emergency situation, provided that they return to the FISA court within 7 days to apply for a warrant.

This bill also includes a number of provisions that significantly strengthen the protection of our civil rights. H.R. 6304 clarifies that FISA is the exclusive means for conducting surveillance in the United States, prohibiting any President from using executive power to conduct a warrantless wiretapping program. This bill also requires the Government to obtain an individual warrant from the FISA Court before conducting surveillance on a United States citizen. This warrant must be based on probable cause, and the provision now includes American citizens abroad as well. H.R. 6304 requires prior review and approval of the intelligence community's targeting and minimization procedures that ensure that any inadvertently intercepted communications by American citizens are destroyed. Finally, the FISA Amendments Act adds a strong layer of oversight to this process by directing the Inspectors General from Justice, State, Defense, the DNI, and NSA to review surveillance procedures and submit their findings to Congress.

H.R. 6304 rejects blanket immunity for telecommunications companies that may have participated in the administration's warrantless wiretapping program. Under this bill, lawsuits against these companies would be determined by Federal district courts. These telecommunications companies will have to prove that the Administration provided written assurance that their activities were legal. There is no immunity for any government official who may have violated the law included in this legislation.

This bill is much stronger than the Senate version, and will protect both our security and the civil liberties that we enjoy. I support the passage of H.R. 6304, FISA Amendments Act, and I urge my colleagues to vote in favor of this bipartisan measure as well.

Mr. LANGEVIN. Madam Speaker, I rise in support of the FISA Amendments Act of 2008. As a member of the Intelligence Committee, I know we must give our intelligence community the proper tools to protect us while upholding the civil liberties of Americans. Today's compromise illustrates what this House can do when it deliberates with care, holds steady against fear-mongering, and acts in the best interest of the country and its citizens.

This bill is strong on civil liberties, and includes protections against infringement of our Constitutional right to privacy.

First, the bill clarifies that FISA is the exclusive means by which the executive branch may conduct electronic surveillance on U.S. soil. No President will have the power to do an end-run around the legal requirements of FISA. This provision will prevent the types of abuses we have witnessed under this administration.

Second, this Act requires a warrant from the FISA court to conduct surveillance of Americans abroad. Americans will no longer leave their constitutional protections at home when working, studying, or traveling abroad.

Third, it requires prior approval by the FISA court of procedures the Government will use when carrying out foreign electronic surveillance. This will ensure that the Government's efforts are not aimed at targeting Americans, and that, if an American's communication is inadvertently intercepted, it is dealt with in a manner that guarantees legal protections.

One issue that has been repeatedly addressed is whether telecommunications companies should be granted immunity against pending lawsuits for their involvement in the earlier surveillance program. For a long period of time, the Bush Administration stonewalled and did not provide Congress the documents we demanded to ascertain the role that the telecommunications companies played. Since then, I have reviewed a large number of classified documents on this matter, and I am deeply concerned about the manner in which the Bush administration conducted its surveillance program. Therefore, I am pleased that this legislation preserves a role for the U.S. court system, which will review the documents produced by the White House and other relevant documents to decide independently whether the telecommunications companies acted in good faith when cooperating with the Government. Only after that review would the courts decide whether the telecommunications companies deserve any form of liability protection. Furthermore, the legislation authorizes a joint investigation by the Inspectors General from the U.S. Department of Justice, National Security Agency, Department of Defense, and Office of the Director of National Intelligence to review the past actions of the U.S. Government and report to Congress on their findings so that we may take appropriate action.

Many today have said that the legislation before us is not a perfect bill, and I agree. Nevertheless, it is significantly better than the bill passed by the Senate and an immense improvement over the Bush administration's program, neither of which took sufficient steps to protect Americans' civil liberties. I know that the Democratic leadership negotiated a good compromise, and I will support it. However, as I have said before, this legislation will only work if everyone involved follows the rules and remains within the confines of the law. Congress must continue to conduct robust oversight to make sure the law is implemented as intended to maintain the critical and fragile balance of protecting our Nation and protecting civil liberties.

Mr. LEVIN. Madam Speaker, I rise in opposition to the bill. I appreciate the hard work that Mr. HOYER and others have done on this legislation. The bill before the House is a vast improvement over the administration's Protect America Act, which I strongly opposed last August. The legislation is also a significant improvement over the seriously flawed FISA legislation approved by the Senate earlier this year. In many respects, the bill before the House strikes a reasonable balance between giving the Government the tools it needs to protect U.S. national security and protecting Americans' constitutional rights.

In particular, I am pleased that the bill reaffirms that the Foreign Intelligence Surveillance Act is the exclusive legal means by which the Government may conduct surveillance. This stands in stark contrast to the Bush administration's warrantless surveillance program. I also support the provisions of this bill that protect Americans traveling abroad. They need no longer leave their constitutional protections at home.

At the end of the day, I oppose this bill because of the provisions that would confer retroactive immunity on the telecommunications companies that participated in the Bush administration's warrantless surveillance program. We are a nation of laws, and it sets a dangerous precedent for Congress to approve a law that dismisses ongoing court cases simply on the basis that the companies can show that the administration told them that its warrantless surveillance program was legal. A program is not legal just because the administration claims that it is. The retroactive immunity provisions in this bill shield the administration from accountability for its actions. The goal here is not to harm the telecommunications carriers, but rather to get to the truth of what happened. A much better alternative would be to grant indemnification to the companies and go forward with the trials.

Irrespective of the outcome of today's vote, we need a full accounting of the administration's surveillance program, and the bill before the House provides for an Inspectors General audit describing all Federal programs involving warrantless surveillance conducted since September 11, 2001. The audit is to be completed within 1 year. Congress must get to the bottom of what happened and prevent it from happening again. It is essential that Congress follow up on the audit's findings with robust oversight.

Mr. DINGELL. Madam Speaker, while I cannot support the legislation before us today, I commend Majority Leader HOYER for the work he has done to negotiate a bill that is substantially better than the version that passed in the Senate. This legislation, which will be the exclusive mechanism for the Government to conduct surveillance within the United States, contains provisions that will provide greater protections against unwarranted and unconstitutional searches of American citizens.

Despite the many improvements Mr. HOYER was able to obtain, I unfortunately still cannot support this legislation because it contains a provision that will grant immunity to the telecommunications companies that assisted the President with his illegal and unauthorized warrantless wiretapping program. I have consistently said that it is not appropriate for Congress to grant these companies immunity for their actions without having an understanding of what it is that they did. This is not only because it will hold the telecommunications companies accountable for their actions, but because it is the only way of finding out just how extensive the President's illegal wiretapping program really was. In other words, this provision will enable the Bush administration to continue suppressing facts and information about the Government's own misbehavior and wrongdoing.

The immunity provision contained in this bill purporting to allow for judicial review to determine whether immunity is appropriate is a sham. As drafted, courts will have no real discretion and will be forced to grant immunity so long as the Government claims its actions were legal. However, the court is under no obligation to investigate whether the Government's claims are true. Anyone following the headlines recently, who has read about the recent Supreme Court decision overturning the administration's argument that it has the authority to detain people indefinitely in Guantanamo Bay, or about the hearings held by Senator CARL LEVIN and the Senate Armed Services Committee uncovering evidence that top civilian leadership at the Department of Defense authored memos arguing it was legal for the military to torture detainees, should be extremely wary of trusting President Bush to decide whether or not it is legal to spy on Americans.

Mr. HALL of New York. I have consistently supported modernizing the existing FISA law to give our Government the tools it needs to identify and defeat terrorists in today's high-tech world, while at the same time preserving the freedoms and rights that define America. I have voted three times to pass legislation that would strengthen and modernize FISA and reaffirm the rule of law. Despite some improvements over previous attempts to update FISA, the bill considered by the House today regrettably falls short of achieving that critical balance. The rule of law lies at the core of America's founding principles, and the language in this bill was too weak to ensue that any breach of our laws that may have occurred under the warrantless wiretapping program will be fully addressed. It is not appropriate to deny Americans the right to pursue these matters in court, or to short-circuit the judicial review that lies at the heart of our system of checks and balances, which is the bedrock of our Constitution. Accordingly, I voted against this bill.

Mr. BLUMENAUER. Madam Speaker, I appreciate the hard work put in by my colleagues on both sides of the aisle and in both chambers. For the past year we've participated in substantial and sometimes heated debate on the issue of surveillance and foreign intelligence. I appreciate the good faith efforts of our leadership, particularly Mr. HOYER, as we try to craft legislation that keeps both our liberties and our persons safe.

For the past seven years I have been highly critical of Republican wiretapping legislation. I voted against past efforts to expand this administration's ability to intrude in the lives of unknowing and innocent Americans. I supported the expiration of the disgraceful Protect America Act. And I remain confident that the dedicated members of the intelligence community do not need to violate the rights of Americans in order to protect them.

I have heard some say that the enemies of America take on many forms. To them I say: Let us be sure one of those forms is not our own government.

Ultimately this is a compromise that falls short. Any gains in security that may be achieved are temporary and are more than outweighed by the longer-term loss of civil liberties and oversight. Although this bill is comparatively better than the Senate's version, I am troubled by the lack of robust government oversight, the absence of meaningful court review, and the risk to American liberties.

Of particular concern is the granting of de facto retroactive immunity to the telecommunications companies that cooperated with the administration. A "doctor's note" from the Attorney General cannot be allowed to circumvent the entire judicial process.

I am equally concerned with the timeline of this bill, and strongly oppose authorizing this legislation for four years. This will extend the Bush legacy throughout the next administration and the next two sessions of Congress. Frankly I see no reason to rush into a compromise that comes up this short. The American people would be better served if we continued to debate this issue and took up a bill after we have seen the last of this administration. Americans demand and deserve protection of their basic civil rights and this can be accomplished while providing the means necessary for our intelligence community to do its job.

Mr. NADLER. Madam Speaker, Members of the House must decide today whether to uphold the rule of low and the supremacy of the Constitution or whether to protect and reward the lawless behavior of the administration and of the telecommunications companies that participated in its clearly illegal program of spying on innocent Americans.

This bill limits the courts hearing lawsuits alleging illegal wiretapping to consider only whether the telecom companies received a "written request or directive . . . indicating that the activity was [ ] authorized by the President; and [ ] determined to be lawful"—not whether the request was actually lawful or whether the telecom companies knew that it was unlawful.

The bill is a fig-leaf, granting blanket immunity to the telecom companies for illegal acts without allowing the courts to consider the facts or the law. It denies people whose rights were violated their fair day in court, and it denies the American people their right to have the actions of the administration subjected to fair and independent scrutiny.

Even the courts' limited review will remain secret. The lawsuits will be dismissed, but the basis for the dismissal—that the defendants were innocent of misconduct, or that they were guilty but Congress commands their immunity—must remain secret.

And the constitutionality of the immunity granted by this bill is very questionable. As Judge Walker put it in the AT&T case:

> AT&T's alleged actions here violate the constitutional rights clearly established in [the] Keith decision. Moreover, because "the very action in question has previously been held unlawful," AT&T cannot seriously contend that a reasonable entity in its position could have believed that the alleged domestic dragnet was legal.

I would hope that the courts will find that, because the Constitutional rights of Americans have been violated, Congress' attempt to prevent court review is unconstitutional.

The bill also reiterates than FISA and specified other statutes are the exclusive legal authority for electronic surveillance. The Act has always said that. This bill adds some new mechanisms to ensure that any future legislation may not be read to override this exclusivity by implication, but only by explicitly saying that that is its purpose.

No one and no court should draw the false conclusion that we are thereby implying that the exclusivity provision was, or could have been, overridden either by the President's claim of inherent authority under Article II of the Constitution, or by the Authorization for the Use of Military Force of 2001. This bill does not say or imply that. If there is any doubt of this point, the blanket immunity provisions of this bill reflect Congress' understanding that this domestic spying was not legal. If it were, there would not be any necessity for these provisions.

This bill abandons the Constitution's protections and insulates lawless behavior from legal scrutiny.

I urge a "no" vote.

Mr. BOSWELL. Madam Speaker, I rise in support of H.R. 6304.

This is the kind of work I came to Congress hoping for—bipartisan legislation that protects our security and our liberty. It's a solid compromise that does what it needs to do for the country.

One of my specific concerns in FISA reform over the last year has been finding a way to protect reasonable private companies, who assisted government out of patriotism.

This bill does that. It doesn't give anyone a free pass, but it allows companies to come before the courts and make their case in order to be protected from lawsuits.

That's a good result, and I thank Chairman REYES for his work in reaching this reasonable bipartisan compromise.

I urge my colleagues to vote "yes."

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of H.R. 6304, a bill to reauthorize the Foreign Intelligence Surveillance Act and to protect America from foreign threats.

For the past several months, I have heard from hundreds of constituents on the issue of FISA.

Each one of them expressed their alarm and disbelief that the House Majority would repeatedly refuse to call a vote on bipartisan legislation to extend FISA and address our grave vulnerability to terrorist attacks.

Today I am pleased that the Majority leadership has finally reached across the aisle to put together a compromise bill, and fulfill one of its fundamental tasks—to ensure the security of this great Nation.

This compromise is also a reminder of what I have always believed, that no one side can do it alone; both parties must work together to ensure our safety.

In such uncertain times, when it is essential that our government utilize every available tool to protect American citizens, having the ability to collect intelligence responsibly is essential.

While there is no excuse for the delay in bringing this critical bill to the floor, we must now move forward together to pass H.R. 6304 and restore our Nation's intelligence capabilities.

Ms. BALDWIN. Madam Speaker, I rise in opposition to H.R. 6304, the FISA Amendments Act.

Two hundred and twenty-two years ago our Nation's Founders enshrined in our Constitution the values and principles upon which our Nation was founded, defining what it meant to be an American. Its first words, "We the people . . ." make clear to all that our Government derives its power from the people.

Our Nation's Founders recognized that the full definition of what it meant to be an American required a clear statement of the protection of individual liberties. The protections enshrined in the Bill of Rights cannot be waived by the President and are not statutorily amendable by Congress. Those rights belong to the people—they are, in part, what it means to be an American.

Since our founding, the world has looked to the United States as a beacon of freedom, a Nation leading by example, a Nation governed by the rule of law. As we act on this legislation the world watches to see whether we as a Nation still have a commitment to the very principles we seek to spread around the world.

There are those who see this legislation primarily in the context of granting retroactive immunity to telecommunications companies, merely transactional legislation. But, in fact, this is about something far more important and fundamental.

Today, this House seeks to legislatively amend the fourth amendment. This bill retroactively denies to Americans the protections of the fourth amendment. It retroactively insulates Government from accountability for infringing upon one of the most basic rights of Americans.

This infringement is not theoretical. Today there are more than 40 pending lawsuits alleging that our Government illegally and unconstitutionally violated the privacy rights of citizens by conducting a warrantless spying program. Through this bill, Congress now seeks to deny these individuals a remedy. Moreover, if this legislation becomes law, Americans may never learn the full extent of the Bush administration's illegal wiretapping program.

Further, the bill establishes a permanent framework for the violation of the civil liberties of our citizens. This legislation permits the Government to conduct mass, untargeted surveillance of communications coming into and out of the United States, without any individualized review, and without any finding of wrongdoing. And it permits only minimal court oversight.

Some argue that this legislation is necessary to protect our Nation from terrorists. I reject this argument. The Foreign Intelligence Surveillance Act (which this bill seeks to amend), has, since 1978, provided a legal framework for law enforcement to secure a secret warrant to intercept electronic communications related to national security. In emergencies, the Attorney General may authorize emergency employment of electronic surveillance as long as he or she makes the requisite application for approval from the FISA court as soon as practicable within 72 hours.

By authorizing a program to conduct illegal surveillance on Americans, the President and his Attorneys General have chosen to ignore the law and the Constitution. Today by passing this legislation, Congress chooses to stand with the President.

By voting no, today I will stand with the American people in the defense of their civil liberties and their Constitution.

Mr. BACA. Madam Speaker, I rise today in support of 6304, Foreign Intelligence Surveillance Amendments Act of 2008.

This bill gives the intelligence community the tools it needs to keep America safe from terrorists, and at the same time protects the constitutional rights of all Americans. The FISA Amendments Act is a balanced bill that is tough on terrorists while also protecting the rights of Americans and increasing oversight of U.S. intelligence activities. H.R. 6304 allows the intelligence community to conduct foreign electronic surveillance for the purpose of defending against terrorism and national security without the need for individual court orders.

But in situations where these investigations would involve surveillance of American citizens, the Courts will have the oversight to review and approve the surveillance to ensure constitutional rights are upheld. We must remember that the United States has enemies abroad who wish to do us harm.

Under this bill, Americans will have stronger protections of their constitutional freedoms than the current foreign surveillance policy allows, and at the same time, the intelligence needed to protect our country will not be compromised. The legislation protects American civil liberties and upholds constitutional values by clarifying that FISA and Title III of the criminal code are the exclusive means by which the government may conduct surveillance on U.S. soil. This will prevent any President from using executive power to conduct warrantless domestic surveillance.

The legislation also clarifies that to conduct surveillance of a person in the United States, the government must first obtain an individual warrant from the FISA Court based on probable cause. H.R. 6304 ensures compliance measures, but not automatic immunity, for private-sector companies that allegedly participated in anti-terrorism surveillance programs. Federal district courts will be allowed to determine whether substantial evidence supports civil liability protection for companies which assisted in post-9/11 activities.

The bill also ensures liability protections for companies which provide lawful assistance to the government in the future. This is good legislation that reaches the necessary balance between keeping the American people safe and protecting our civil rights.

We will have greater oversight of our nation's surveillance programs, while at the same time encouraging greater compliance with our private sector partners in the ultimate goal of keeping America and her people secure. Please vote in support of H.R. 6304.

Ms. DEGETTE. Madam Speaker, I rise in opposition to H.R. 6304, the "FISA Amendments Act of 2008."

I first want to thank Majority Leader HOYER and other Members who worked very hard to arrive at a compromise with the Senate. I think this bill is an improvement over S. 1927, the "Protect America Act," and the Senate bill we considered earlier this year. For example. H.R. 6304 makes it crystal clear that the Foreign Intelligence Surveillance Act, FISA, is the exclusive means under which surveillance is conducted and states that any exceptions in the future must be specifically authorized.

However, I cannot support H.R. 6304 because of the issues of reverse targeting and retroactive immunity for telecommunications companies. The strong protections against reverse targeting contained in prior House measures, which I supported, are absent from this bill. Reverse targeting, which refers to spying on Americans by targeting those abroad with whom they are believed to be communicating, opens a loophole for the Federal Government to violate the privacy of American citizens.

Most significantly, the retroactive immunity provisions will block the American public's ability to hold the telecommunications companies accountable for participating in the Federal Government's domestic warrantless surveillance program. Courts will have no real power to review the administration's prior orders for surveillance activities. We may never learn the extent of the violations of Americans' privacy which may have occurred or companies which may have participated.

I ask my colleagues to stand up for our values and vote no on this flawed bill.

Ms. SCHAKOWSKY. Madam Speaker, I rise today to oppose H.R. 6304, the FISA Amendments Act.

Among the casualties of the "war on terror" has been the guarantee of civil liberties and right to privacy of American citizens upon which our nation was founded. Time and again, throughout his Presidency, George Bush has shown absolute indifference to the Constitution and the principles upon which it stands.

This disregard for the Constitution was never clearer than last summer when President Bush signed into law the Protect America Act, which I opposed then and continue to oppose to this day, a law that gave the President unprecedented authority to spy on Americans.

As Congress began to consider new legislation, I had hoped that we could reach a compromise that strikes the right balance between protecting the rights of individual Americans and protecting our nation's security. Like all of my colleagues in Congress, I believe that our nation must aggressively pursue terrorist targets in the United States and abroad. However, I know the United States is capable of doing so within a framework that respects the Constitution of the United States.

Many provisions within this bill are an improvement over the Protect America Act, especially the provision on exclusively, which affirms that the Federal Intelligence Surveillance Act (FISA) is the exclusive means to conduct electronic surveillance of Americans for the purpose of foreign intelligence collection.

However, I believe firmly that the bill before us today does not do enough to protect the privacy rights of individual Americans and therefore I cannot in good conscience vote for its passage. Here are some of the problems with the bill before us today:

H.R. 6304 contains an "exigent circumstances" loophole that permits the Administration to conduct surveillance on Americans without getting a warrant for up to seven days every time "intelligence important to the national security of the US may be lost or not timely acquired." The problem with language this open-ended is that an Administration, like the Bush Administration, can use this language as an invitation to repeatedly spy on Americans without a court order and in each case claim that circumstances demanded it.

Secondly, while H.R. 6304 contains a general prohibition on "reverse" targeting, it lacks clear statuary directives about when the government should return to the FISA court and obtain a warrant. Reverse targeting refers to the possibility that the Government will try to subvert FISA by wiretapping someone overseas, when the real target is an American with whom that foreign person is communicating. As is the case with the exigent circumstances provision, this open-ended language leaves the law vulnerable to misuse by an Administration.

Lastly, the retroactive immunity language in Title II virtually ensures the dismissal of all cases pending against the telecommunications companies that facilitated warrantless wiretapping over the last seven years. This violates the fundamental American principle that people are entitled to their day in court, and that the courts, not Congress, should decide whether people were injured by the illegal acts of others. It is unacceptable for Congress to protect private companies from lawsuits filed by people the may have harmed through illegal actions.

Ultimately, I believe that the President has presented Congress with a false choice. Ever since September 11, the Bush Administration has put forward the idea that Congress must choose between the liberties we cherish and the security we demand. I disagree wholeheartedly with this premise. The Congress can and must take stronger steps to protect the civil liberties of ever American, to do anything less is simply contrary to everything for which this country has stood.

I would like to close by reading a quote from Benjamin Franklin. Though delivered centuries ago, it remains salient to today's debate. He said "Those Who Sacrifice Liberty For Security Deserve Neither."

I urge my colleagues to consider Benjamin Franklin's views as they vote today.

Mr. PAUL. Madam Speaker, I regret that due to the unexpected last-minute appearance of this measure on the legislative calendar this week, a prior commitment has prevented me from voting on the FISA amendments. I have strongly opposed every previous FISA overhaul attempt, and I certainly would have voted against this one as well.

The main reason I oppose this latest version is that it still clearly violates the Fourth Amendment by allowing the Federal Government to engage in the bulk collection of American citizens' communications without a search warrant. That U.S. citizens can have their private communication intercepted by the government without a search warrant is anti-American, deeply disturbing, and completely unacceptable.

In addition to gutting the Fourth Amendment, this measure will deprive Americans who have had their rights violated by telecommunication companies involved in the Administration's illegal wiretapping program the right to seek redress in the courts for the wrongs committed against them. Worse, this measure provides for retroactive immunity, whereby individuals or organizations that broke the law as it existed are granted immunity for prior illegal actions once the law has been changed. Ex post facto laws have long been considered anathema in free societies under rule of law. Our Founding Fathers recognized this, including in Article I section 9 of the Constitution that "No bill of attainder or ex post facto Law shall be passed." How is this FISA bill not a variation of ex post facto? That alone should give pause to supporters of this measure.

Madam Speaker, we should understand that decimating the protections that our Constitution provides us against the government is far more dangerous to the future of this country than whatever external threats may exist. We can protect this country without violating the Constitution and I urge my colleagues to reconsider their support for this measure.

Ms. WOOLSEY. Madam Speaker, today Congress is yet again faced with the choice of approving the Bush administration's unconstitutional expansion of executive branch authority in the Foreign Intelligence Surveillance Act, FISA, or defending the Constitution and protecting the civil liberties of Americans. The choice could not be more clear and consequences more grave.

Passing this legislation today will be the enduring legacy of the Bush administration. It will provide the Congressional seal of approval for years of the White House's stonewalling on Congressional oversight, eroding Congress's authority, and violating the Constitution. A vote in favor of H.R. 6304, the FISA Amendments Act, is a vote for the Bush administration's expansive interpretation of executive power and against the Constitution. That's why I must oppose this legislation.

H.R. 6304 permits mass, untargeted surveillance of all phone and email conversations entering or leaving the U.S. without basic, let alone adequate, protections for Americans' civil liberties. Communications of millions of Americans will be swept up because of reduced reverse targeting protections and minimized court oversight. This bill enables the Government to walk through an enormous loophole by suspending prior court review of intelligence surveillance applications at their discretion. Additionally, there are no safeguards to protect Americans whose information is unintentionally obtained. H.R. 6304 dispenses with real oversight by the court, a requirement fundamental to upholding the Constitution.

Furthermore, this legislation provides nothing less than de facto immunity for telecommunications companies that broke the law. District courts will be forced to dismiss pending cases if they receive a certification from the Attorney General that telecommunication companies were asked to turn over their customers' records. There is no determination if the request was legal. No due process. No penalty. No accountability. Exactly what the Bush administration wanted all along.

We should never sacrifice commitment to the rule of law and our system of checks and balances for broad, unbridled power to suspend Americans' civil liberties at will. Unfortunately, this new FISA bill does just that. Elected officials have a solemn responsibility to defend our country, and, like my colleagues, I support a modernization of our intelligence laws. But being asked to support either our intelligence community or protecting civil liberties is a false and dangerous dichotomy. Benjamin Franklin once wrote that, "those who would trade liberty for some temporary security, deserve neither liberty nor security." With this bill, I believe we have proven him right.

Mrs. MALONEY of New York. Madam Speaker, I risk today in opposition to H.R. 6304, the FISA Amendments Act of 2008. As a representative from New York City, I know how important good intelligence is in ensuring that our Nation does not face another terrorist attack. However, we must ensure that we do not trample on civil liberties in the process. This administration has expanded the powers of the government to monitor the actions of American citizens with, unfortunately, too little oversight from Congress or the courts.

While I appreciate the efforts to reach a compromise on this legislation, H.R. 6304 does not go far enough to protect the rights of the American people. The legislation allows for retroactive immunity for telecommunication companies that participated in the Bush administration's warrantless wiretapping program. I also am concerned that most Members of Congress will not have access to important reports issued by the Attorney General and the Director of National Intelligence.

We should stand up for the Constitution and for the rights of our constituents by ensuring that their privacy is better protected.

Mr. HOEKSTRA. Madam Speaker, I would also like to clarify a number of aspects of this legislation on behalf of myself and the distinguished Ranking Member of the Judiciary Committee, Mr. SMITH.

We have faced substantial challenges in reconciling fundamentally different philosophies on how to modernize the Foreign Intelligence Surveillance Act (FISA). The text of H.R. 6304 was carefully, deliberately crafted on a bipartisan basis to reconcile these differences. Other statements by media reports, or the reports or work product of any of outside groups reflect their own views and should not be construed as determinative guidance with respect to legislative intent. While the text of the bill ultimately controls interpretation of the bill, we would like to note our understanding of H.R. 6304 as the Ranking Members of the Permanent Select Committee on Intelligence and the Committee on the Judiciary respectively on three matters within this legislation.

ROLE OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT

The authority of the Foreign Intelligence Surveillance Court (FISC) or any court in approving foreign intelligence collection generally, and specifically the surveillance of foreigners located in other countries, was an issue of great debate during negotiations and the resulting text was delicately constructed. For the first time ever, this bill will statutorily insert the FISA court in a limited way into the Executive's Constitutional authority to collect foreign intelligence information targeting foreign persons in foreign countries. This unprecedented move was an accommodation to those who believed that the court could provide some sort of additional check to ensure that the IC is properly using its procedures to target a foreigner abroad and to minimize U.S. person information that may be incidentally obtained. There is no mechanism included in the text that would provide for a probable cause or similar type of review that the FISC has done in the past with respect to traditional FISA applications, but rather a method for the FISC to verify that the Intelligence Community is following the law and its own procedures when it targets foreigners abroad for surveillance under this law. The FISC is also required to approve procedures developed and used by the Intelligence Community. It is important for the FISC to adhere to the limited role set forth in the text of this bill, and to recognize that it is a different role from that which it has traditionally held with regard to traditional, individual FISA applications. This should not be construed as an opening to insert the courts further into foreign intelligence matters that properly lie within the Executive's purview.

It is also important to note the flexibility that remains with the Executive Branch to prevent gaps from forming in the future that are similar to those we saw last August before the Protect America Act was passed. This bill permits the Attorney General and Director of National Intelligence to immediately authorize intelligence collection, as provided for under the law, upon a determination that "exigent circumstances" exist. While the text of the bill uses the term "exigent circumstances," the use of this term is not intended to implicate in any way the use of that term in criminal procedure jurisprudence as an exception to the Fourth Amendment warrant requirement. See, e.g., *U.S.* v. *Karo*, 468 U.S. 705 (1984); *Warden* v. *Hayden*, 387 U.S. 294 (1967); *McDonald* v. *U.S.*, 335 U.S. 451 (1948). Rather, section 702 specifically defines its use of the term "exigent circumstances" for purposes of targeting a foreign person reasonably believed to be located outside the United States as those circumstances that will result in the loss or failure to timely acquire intelligence important to the national security of the United States. The compromise text was delicately drafted and reaching compromise on the bill was premised, in part, on maintaining flexibility for the Intelligence Community to immediately initiate surveillance in situations where intelligence may be lost, or not gathered in time to act on in a way that best protects the United States. This section is designed to prevent the type of intelligence gaps that put us in a critical situation during the summer of 2007.

EXCLUSIVE MEANS

Section 102 of the bill provides that the procedures in FISA and in the relevant provisions of the federal criminal code are the exclusive means for electronic surveillance. It is important to note that section 102 of H.R. 6304 denotes the statutory exclusive means for acquiring foreign surveillance. In enacting this section, Congress did not intend legislatively abrogate any inherent Article II powers of the Executive Branch. See In re Sealed Case No. 02–001 (FISCR 2002) (citing the holding in *U.S.* v. *Truong Dinh Hung*, 629 F.2d 908 (4th Cir. 1980) that the President has inherent authority to conduct warrantless searches to obtain foreign intelligence information).

PROTECTIONS FOR ELECTRONIC COMMUNICATIONS SERVICE PROVIDERS

The provisions in Title II set forth a process under which the Federal district courts would have jurisdiction to review both prospective and retroactive claims relating to alleged assistance to the intelligence community. The standard and type of review by the courts with respect to the retroactive liability protections were issues of great and delicate debate while this bill was being drafted. Careful and lengthy discussions took place about which court would review the Attorney General certifications, what the certifications would contain, and what the standard of review would be, and all of these considerations culminated in the text of H.R. 6304 as it passed the House on June 20, 2008.

With respect to retroactive liability protection, the Attorney General must certify to the district court that one of two situations is present. Either the assistance alleged to have been provided by the carrier was authorized by the President, designed to detect or prevent a terrorist attack against the U.S. after the September 11th attacks, and was the subject of a written request or series of requests to the carrier, or the carrier did not provide the alleged assistance. The aforementioned written request or series of requests must have informed the communications provider that the activity requested was authorized by the President, and was determined to be lawful.

The statute expressly requires the Attorney General's certification to be given effect unless the court finds that the Attorney General's certification is not supported by substantial evidence that the statutorily required elements of the certification have been fulfilled. The provision also allows the court to review only certain specified supplemental materials (any relevant court order, certification, written request or directive) when considering the certification, and permits plaintiffs or defendants in civil actions to participate in briefing or argument of legal issues to the extent that such participation does not require the disclosure of classified information to such parties. Careful consideration went into the drafting of this provision, and the final text is very clear about what the federal district court may consider in its review under this section. The bill is intended to require and authorize the district courts to review exactly what the text of H.R. 6304 specifies, which does not include a review of the underlying legal basis for any representations that may have been made in a written request or series of requests for assistance to a company during the life of the Terrorist Surveillance Program. Rather, these provisions were intended to ensure that any companies that may have provided assistance to the government did so based on their good faith reliance on specified representations made to it by the Government.

Mr. HOYER. Madam Speaker, this bill provides mechanisms to ensure that FISA's longstanding exclusivity is crystal clear. It states that only a new statute directly addressing the Executive branch's foreign intelligence surveillance authority can modify FISA. It provides clarity for the public and for telecommunications carriers by requiring requests for assistance to cite the statutory authority uuder which they are issued.

In a January 19, 2006 White Paper on NSA Legal Authorities, the Justice Department made public a legal justification for the President's Terrorist Surveillance Program, TSP. It claimed that the President had an extra-statutory legal basis for foreign intelligence surveillance outside of FISA, both implicitly through an Authorization for the Use of Military Force or through a broad reading of Article II of the Constitution. Those arguments fly in the face of the longstanding doctrine of FISA exclusivity and are contrary to the plain language of the FISA statute. To be clear, the inclusion of these additional exclusivity mechanisms in this measure does not ratify the Administration's arguments with respect to the TSP. Nor does the bill's treatment of liability issues in Title II stand for a Congressional ratification of the Administration's actions under the TSP.

In conclusion, I would like to extend my thanks to a few additional staff who worked tirelessly over the past few months on this FISA compromise, including Margaret Cantrell of the Whip's staff, Ted Kalo and Mark Dubester of the Judiciary Committee, Wyndee Parker of the Intelligence Committee, and Chris Healey of Senator ROCKEFELLER's Intelligence Committee staff.

Mr. REYES. Madam Speaker, I yield back the remainder of our time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1285, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 293, nays 129, not voting 13, as follows:

[Roll No. 437]

YEAS—293

Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kanjorski
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Scalise
Schiff
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—129

Abercrombie
Allen
Andrews
Baldwin
Becerra
Blumenauer
Brady (PA)
Braley (IA)
Capps
Capuano
Carnahan
Carson
Clarke
Clay
Cohen
Conyers
Costello
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Edwards (MD)
Ellison
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Gonzalez
Grijalva
Hall (NY)
Hare
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kilpatrick
Kucinich
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rangel
Rothman
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (VA)
Serrano
Shea-Porter
Slaughter
Solis
Speier
Sutton
Thompson (CA)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu

NOT VOTING—13

Brown-Waite, Ginny
Cannon
Gilchrest
Gohmert
Jones (NC)
Paul
Peterson (PA)
Reynolds
Rush
Stark
Tiahrt
Visclosky
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1248

Mr. FRANK of Massachusetts, Mr. JEFFERSON, Mrs. CAPPS and Ms. KAPTUR changed their vote from "yea" to "nay."

Mr. BERMAN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. VISCLOSKY. Madam Speaker, had I been present for rollcall No. 437, H.R. 6304, on passage of a measure to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, I would have voted "nay."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3192

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3192.

The SPEAKER pro tempore (Mr. ARCURI). Is there objection to the request of the gentlewoman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6041

Mr. BRADY of Texas. Mr. Speaker, I seek unanimous consent to remove my name as a cosponsor of H.R. 6041.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my good friend from Maryland, the majority leader, for information about next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m.

On Tuesday, Mr. Speaker, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business.

Mr. Speaker, we will consider several bills under suspension of the rules, including a bill to address cuts in Medicare physician rates. I will reiterate that. We will have a suspension bill on Medicare physician rates.

The complete list of suspension bills will be announced by the close of business today.

In addition, we will consider H.R. 5876, the Stop Child Abuse in Residential Programs for Teens Act; H.R. 6275, the Alternative Minimum Tax Relief Act of 2008; H.R. 3195, the Americans with Disabilities Restoration Act; two bills dealing with Michigan Indian Land Claim Settlements, H.R. 4415 and H.R. 2176.

And we also anticipate considering important energy-related legislation including H.R. 6052, the Saving Energy Through Public Transportation Act of 2008.

And I yield.

Mr. BLUNT. I thank my friend for that information.

I'm looking here at what we're going to be talking about. I will have some questions about that.

Before I get to that, I would like to congratulate my friend on the great work he did on the legislation we passed both yesterday and today. Particularly the legislation today took a tremendous amount of effort on the majority leader's part to get that legislation to the floor. I'm hopeful that the Senate, before we leave for the Fourth of July, will pass this and get it to the President's desk.

I'm convinced that the country will be significantly safer because of the tools we've given the intelligence community. But I'm also convinced that we have done a lot to structure this process in a way that not only protects individual rights, but also requires the government to be more forthcoming with its rules and regulations. And both the leader and his staff did a great job on this. And I know personally because we've worked together on it, and spent days, hours and weeks trying to get to a bill that would come to the floor that would have a significant vote from the majority side. And virtually every Republican at the end of the day was able to be there, as we have been on these bills generally.

But I am grateful to you, and I will just point out that while we almost got a majority of the majority voting for this, there wasn't a majority of the majority. And that makes it harder for a leader. And that can be easily overlooked. But this is something where you had to work hard to do what you thought was the right thing for the country. And I'm grateful to you for it.

Mr. HOYER. I want to thank you for your very generous remarks. I also want to thank you for not only working on this particular piece of legislation with me and with others, but also for the spirit that you bring to trying to work together if that's possible within the context of reaching a compromise, again, if that is possible. So I thank you very much.

Also I want to say that while you and I worked very hard together, I think both of us would say that Mariah Sixkiller and Brian Diffell probably worked more together and longer and harder than we did. And I want to thank Brian on your staff for the work that he did, and of course, Mariah Sixkiller on my staff for the work they did, as we worked with all of the individuals and committees who are involved in the jurisdictional matters here.

So I thank you for your kind words and I thank you for your efforts. I think that the product that we produced is a product that will be good for the country. And I'm hopeful, as you are, that the Senate will pass it next week and send it to the President for his signature.

□ 1300

Mr. BLUNT. Well, I thank the gentleman, and I certainly share his comments on our two principal staffers who have spent so much time on this.

But one of the things in this process that I was deeply appreciative of, and that you mentioned in your remarks today, was how great the entire staff was in coming together on very technical issues where every single word mattered. The staff on both sides of the aisle were in those rooms you and I were in—and many times we were not in the room—when they were working out the last technicalities of which word was the best word. With all of those involved, it made a big difference here as they do so often, but this is one of those moments where exactly what is done makes a big difference in both how we secure our country and in how we secure our liberties. I'm grateful to the staff for that.

On the Medicare bill that would come to the floor under suspension, as I believe I understood your announcement on Medicare physician rates, when would that bill be available? Will it be available?

Mr. HOYER. If the gentleman will yield.

The committee is working on that now. As the gentleman knows, we discuss this problem all the time. Of course, we had passed a Medicare physicians' reimbursement bill which precluded the 10 percent cut from going into effect, and it provided for a modest increase in the reimbursement rates to physicians. We passed that, of course, as you know, approximately, maybe, a little over a year ago. The Senate did not include it in the SCHIP bill, of which the SCHIP was a part of the CHAMP bill. The only thing they passed was SCHIP, and they indicated to us at that point in time that they would certainly pass the Medicare reimbursement. That has not yet happened.

Unfortunately, the failure of that to happen has now put us in a position where we are facing the June 30 expiration date of the authorization and, therefore, the 10 percent reduction.

Late yesterday, it was apparent that the Senate would not be able to reach a compromise or at least it had not with Chairman RANGEL and Chairman DINGELL after discussions—and I don't know how long those discussions took—yesterday with Chairman BACHUS, and I don't know whether Senator GRASSLEY was involved in those conversations.

In any event, they determined that they needed to come up with legislation for the House to vote on to provide for reimbursement. They're working on that now. I expect it to be filed today, if possible.

Mr. BLUNT. We've known that we were going to face this deadline for about 8 months now or for at least 6 months now.

As to the process there of going through suspension, I would just tell my friend that I think, on a suspension bill, if this has Medicaid cuts that hurt rural communities or that hurt minority seniors, as we believe some of the cuts in the CHAMP bill did, I would be prepared for this bill to fail on suspension. It might pass with a rule. I wouldn't know about that, but I would give some prediction here that a suspension bill that does those things as pay-fors to appropriately see that physicians are reimbursed but then to have a big debate on the House floor as to whether or not seniors—minority seniors and rural seniors—are disproportionately impacted would, in my opinion, lead to at least a veto-sustaining number on our side.

I'd yield.

Mr. HOYER. I thank the gentleman.

Obviously, we realize that there is that possibility. We hope that does not occur, but we are very interested in getting a bill in light of the fact this will not be until probably next Tuesday. I'm sure it will not be until next Tuesday that we vote on this. We need to get that bill to the Senate because we know they've had great difficulty passing a bill. I'm not sure whether they'll be in next Friday as well or on Saturday of next week, but we simply believe that it needs to pass as quickly as possible, but we do realize the risk.

Mr. BLUNT. Well, to make the point, I'm not sure in my statement there that I mentioned a veto-sustaining majority. I'll just point out, if we had that veto-sustaining number, rather, it would also mean that the bill wouldn't pass and that it would fail on suspension.

Mr. HOYER. It would fail on suspension.

Mr. BLUNT. So I'm certainly hoping that we deal with this important issue of physician reimbursement. I wish we could have done it with a bill that would have been developed sometime in the last 6 months, but we have some concern about that and, I think, appropriately so.

We have a number of physicians on our side who understand this process much better than I do, and I think it's very important that we try to involve them in this process. We've actually got a number of proposals on our side, as you very well may have, too, none of which I've seen in any kind of legislative form.

I'd yield.

Mr. HOYER. I thank the gentleman for yielding.

We all agree that this should have been done earlier. At least all of us in this body agree that it should have been done earlier. Frankly, I presume that everybody in the other body agrees that it should have been done earlier.

The problem has been, as you well know, the failure to get agreement and to get 60 votes in the Senate to allow almost any alternative to go forward. Obviously, we passed a bill that had pay-fors in it, which is what you're talking about, some of which were unacceptable to many on your side and to some on our side.

Whatever we offer is going to be paid for. Mr. DINGELL and Mr. RANGEL, in particular, and his committee are working on that as we speak to see what they can fashion, and we hope that the two-thirds majority necessary to pass a suspension bill will be there—we'll see—but we'll be working on this next week.

Mr. BLUNT. My belief is that is largely not going to be dependent on the issue that solves the problem for physicians but on how that problem is solved. Of course, if two-thirds of the Members are not prepared to do it that way, that will not have gained any time. It will actually have lost time. We'll continue to talk, if you want to, on that.

I notice there is also a bill on energy that is potentially to be considered, and I wonder if that bill would be considered under a rule, and I would hope that it would be.

I'd yield.

Mr. HOYER. The answer to your question is we do intend to consider that bill under a rule.

Mr. BLUNT. I thank the gentleman for that.

As for the ADA update on the Americans with Disabilities Act Restoration, I, personally, anticipate I'll be working with you to pass that, and I look forward to seeing that on the House floor.

I'd yield.

Mr. HOYER. I thank the gentleman for mentioning that.

As you know, I was the sponsor and principal manager of the Americans with Disabilities Act when it passed. Some of your Members don't remember him, but he was a great Member of this body: Steve Bartlett, from Texas, who ended up being the Mayor of Dallas and who is a good friend of mine, has been working very hard on this as we attempt to restore it to what we thought it was when we passed it.

The good news is we have worked very hard, and the disability community has worked very hard with the business community, and we have agreement now with employers and with the disability community on a bill that makes sense for both.

I appreciate the distinguished Republican whip for cosponsoring this legislation, and I look forward to working with him to ensure the passage of this bill on Wednesday next.

Mr. BLUNT. I thank the gentleman for that.

Energy will continue to be an important focus of our discussion of what we think should be on the floor. We look forward to seeing an energy bill on the floor with a rule, and I would encourage the majority to bring every energy bill that we're trying to discharge right now to the floor as soon as possible.

ADJOURNMENT TO MONDAY, JUNE 23, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GAS PRICES: AN ENERGY AND ECONOMIC CRISIS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Well, Mr. Speaker, another week has gone by, and the American people are paying over $4 a gallon for gasoline, and it's going up because we're getting into vacation time. And we're going home. We're leaving this body. This Congress, our majority party, hasn't done one thing or hasn't even made an attempt to lower the gas prices in this country.

We have the oil here in America. We have it off the Outer Continental Shelf and in Alaska at the ANWR. We have coal shale. We can develop it. We can get oil to the market within 2 or 3 years if we could lower the price of oil immediately once we address the issue because competition around the world will see we're going to drill for oil, and they will start lowering the price, and gas prices will come down, but we have to act.

Here we go with one more week. We're going home with nothing having been done, and the people of this country continue to pay these exorbitant prices for gasoline at the pump.

So, if I were talking to the American people, I would just say to them today: Contact your Congressman, contact your Senator, and tell them you want something done quickly because this is not only an energy crisis; it's an economic crisis.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

COMMUTER ACT OF 2008

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. As gas prices rise, an effective way to offer relief is to provide incentives for commuter rail. Commuter rail saves America 4 million gallons of gas a day and saves each individual commuter over $1,600 a year.

Next week, the Speaker will bring up legislation that will offer only Federal employees transit benefits. I support expanding the current Federal transit program, and believe that all Americans should have the opportunity to have this relief at the pumps.

A month ago, I introduced bipartisan legislation, the Creating Opportunities to Motivate Mass-transit Utilization To Encourage Ridership, or the COMMUTER Act of 2008.

Our legislation offers employers a 50 percent tax credit if they provide transit benefits to their employees. According to Forbes Magazine, the average gasoline cost in the 10 worst commuter cities is over $6 a day. Should businesses take advantage of this, we would lower our gas bills, but it should be offered to more than people with a Federal job.

THE NEED FOR AMERICAN-MADE ENERGY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I got a letter from a constituent from Centralia, Illinois. He calls it Operation Drill Bit. He says, "Here's the problem. I'm tired of high gas prices. I'm tired of watching you borrow money from the Chinese to buy oil from the Saudis. Here's the solution. It's time to drill for our own supply of oil no matter where it may lie. It is time to mine our own resources no matter where they may lie." He attaches a drill bit to the letter.

So I'm signing Lynn Westmoreland's pledge. I will join in the petition that I will continue to vote for more supply. The solution is more supply from the Outer Continental Shelf, coal-to-liquid technology, wind and solar, and renewable fuels. We need American-made energy. We need all of the above so that we can lower gas prices for the whole country at the pump. The poor, rural Americans are disproportionately harmed by high gas prices.

□ 1315

APPOINTMENT AS MEMBERS TO COMMISSION ON WARTIME CONTRACTING

The SPEAKER pro tempore. Pursuant to section 841(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), and the order of the House of January 4, 2007, the Chair announces a joint appointment by the Speaker and the majority leader of the Senate and an appointment by the Speaker on the part of the House to the Commission on Wartime Contracting:

Joint appointment:

Mr. Michael J. Thibault, Reston, Virginia, Co-Chairman

Speaker's appointment:

Mr. Clark Kent Ervin, Washington, DC.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEARN HOW TO SPEAK DEMOCRAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. Mr. Speaker, in the interest of legislative process whereby we hear many speeches on the floor, many Members talk to their constituents, I am going to try to bring a bit of enlightenment to this process with the use of a technological device known as a ruler and charts.

We are going to learn how to speak Democrat today, speaking local Democrat.

Often we heard the word "progressive," which translates into "regressive." As used in a sentence, "Democrats are progressive." The translation, "Democrats are regressive."

We hear the word "change," which means "the 1970s." "Democrats will bring you change." Translation, "Democrats will bring you the 1970s."

"Government" means "socialism." "Democrats support proactive government." Translation, "Democrats support proactive socialism."

"Enhance revenues" translates into "raise taxes." "Democrats will enhance revenues." Translation, "Democrats will raise taxes."

This is my favorite part. "The rich means you." For example, "Democrats will only tax the rich." Translation, "Democrats will only tax you." Ouch.

"Invest" translates into "waste." Again, used in a sentence, "Democrats will invest your money." Translation, "Democrats will waste your money."

"Energy" means "lethargy." "Democrats have an energy policy." Translation, "Democrats have a lethargy policy."

"Green-collar jobs" translates into "unemployment." "Democrats will replace your blue-collar jobs with green-collar jobs" translates into "Democrats will replace your blue-collar jobs with unemployment."

Speaking global Democrat. "Diplomacy" equals "magic." "Democrats will protect America from Iranian nukes through tough principled diplomacy" translates into "Democrats will protect America from Iranian nukes through tough principled magic."

"Engaged" means "appease." "Democrats will engage America's enemies." Translation, "Democrats will appease America's enemies."

Importantly, "end" means "lose." "Democrats will end the Iraq war." Translation, "Democrats will lose the Iraq war."

Finally, contextually construing electoral Democrat, i.e., walking the party plank. This is a graduate-level course.

"As a progressive party, Democrats will bring you change by using government to enhance revenues from the rich to invest in the production of energy and green-collar jobs and by using diplomacy to engage America's enemies and end the Iraq war."

The translation, "As a regressive party, Democrats will bring you the 1970s by using socialism to raise taxes from you to waste in the production of lethargy and unemployment, and by using magic to appease America's enemies and lose the Iraq war."

I hope this exercise has been instructive.

OBSESSION WITH IRAQ HURTS AMERICAN SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for over 5 years, the administration has had a single-minded obsession with the occupation of Iraq. It has poured our troops and our treasure into a misguided foreign adventure, while ignoring our Nation's real security needs, both at home and abroad.

I want to mention just a few of the ways that Iraq tunnel vision has blinded us to what we really need to be focusing on. First, the occupation of Iraq has weakened our efforts in Afghanistan. Secretary of Defense Gates has acknowledged that many Europeans do not support the NATO mission in Afghanistan because they oppose the American occupation of Iraq.

He has said, and I quote "Many (Europeans) have a problem with our involvement in Iraq and project that to Afghanistan."

Second, the Commission on the National Guard and Reserves have said that the use of the Guard and Reserves in Iraq has seriously weakened their ability to protect us from threats to the homeland. These threats could include terrorist attacks using chemicals, biological and nuclear weapons.

Third, just as our Guard and Reserves have been stretched too thin, our entire military has been stretched to the breaking point. Many of our most senior military leaders have been warning us for quite some time now that the occupation of Iraq has compromised our ability to respond to genuine threats elsewhere in the world.

Fourth, our occupation of Iraq has strengthened the hand of the pro-nuclear regime in Iran. The occupation has destabilized the region, giving Iran the chance to gain influence among its neighbors.

We must stand with our international partners, and we must work with international organizations to put strong diplomatic pressures on Iran to behave responsibly. We must begin direct negotiations with Iran. We cannot allow the occupation of Iraq to spread to a war with Iran. That would be another catastrophic mistake.

Iran would retaliate against our troops in Iraq and against our allies and interests throughout the region. Oil would spike, further threatening our economy right here at home.

Fifth, the occupation of Iraq has seriously undermined America's standing in the world. My colleague on the Foreign Affairs Committee, Chairman DELAHUNT of the Subcommittee on International Organizations, Human Rights and Oversight, issued a report on this subject just last week, a report that I hope every Member of the House will read.

The report describes the alarming decline in how the people of the world view the United States. There has been a 45-percent drop in America's favorability rating in Indonesia, a 41 percent drop in Morocco and a 40 percent drop in Turkey.

The United States is now viewed unfavorably by 82 percent of the people in Arab countries, and there has been a 26-point increase in Europe for the view that U.S. leadership in world affairs is undesirable. The report finds that two of major causes for this unprecedented and widespread decline are the occupation of Iraq and the torture and abuse of prisoners.

In addition, the people of the world believe that America's decisions are made unilaterally without regard to international law or standards, making our rhetoric about democracy quite hypocritical.

The administration has told us that the occupation of Iraq is all about spreading democracy in the Middle East. Yet, here we have clear evidence that their policy is failing, because you cannot bomb and blast your way to democracy.

There can be no doubt that the occupation of Iraq has weakened America's defenses in many, many ways. The only solution is to responsibly redeploy our troops and military contractors out of Iraq. That way we can get back to the business of conducting an effective foreign policy, safeguarding our Nation's security, and working with the international community to bring peace to the world.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is June 20, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,933 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeals itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes, our entire Constitution. It says, "No State shall deprive any person of life, liberty of property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems so sad to me, Mr. Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

So Mr. Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,933 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Mr. Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is June 20, 2008, 12,933 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

TENSIONS IN THE WORLD TODAY

The SPEAKER pro tempore (Mr. CUELLAR). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, it says something about tensions in the world today when the first thing I want to enter into the RECORD is a reminder of my strong and long-standing commitment to the defense of Israel, the safety and security of the Jewish people, and the absolute right of Israel to exist.

I offer this preamble because I also want to say I am deeply troubled by the news reports around the world today that Israel recently conducted a major military exercise in what many military analysts see as training for a possible strike against Iran.

The United States supplies Israel with billions of dollars in military hardware, training and intelligence, and I believe it is both appropriate and urgent for the U.S. to raise questions about their intentions and to aggressively pursue diplomacy in this region.

We have made such a mess of things in Iraq that it's hard to believe that any nation can think war can achieve peace.

News reports say Israel conducted a massive military exercise in plain sight to send signals to the United States, Europe, and Iran that Israel is prepared to launch a massive military strike against targets in Iran if diplomatic efforts to halt or delay its nuclear program fail.

Almost immediately, Iran retaliated in the press saying any attack against its proud nation with a strong military capability would be met with an equally massive counteroffensive. The media reminds us that Iran has just taken delivery of accurate Russian-made surface-to-air missiles. We are edging perilously close to a hair-trigger moment when someone, somewhere, will do something that turns saber rattling into a provocative military confrontation, and we will be at war again on another front. I am deeply worried by that.

There are those who would have us believe that U.S. military superiority ultimately trumps any nation, any force. We are the most powerful military Nation on Earth, but with power comes responsibility, accountability and leadership.

For all the bombs and guns and missiles we have at our disposal, history is replete with failed policies and missions and dubious figureheads we propped up against the will of the people, and any rational approach to U.S. foreign policy. This includes the history of our U.S. secret involvement in Iran in the 1950s when we and the British worked to overthrow and replace the Iran elected leader, Mohammed Mossadegh, and installed the Shah of Iran. We kept him in office because we wanted a direct pipeline to Iran's oil well.

☐ 1330

As the most powerful Nation on Earth, you would think that we could do a lot more to prevent war than simply wringing our hands while we read the newspapers. And I think we can.

First, we have to abandon the notion that all U.S. policy begins and ends behind the butt of a gun. Now some will stand up and say, Well, that is just Jim McDermott, the doctor, who believes we don't have to use guns to fight for peace. Well, I have some company.

I would like to enter into the RECORD a story carried earlier this week in the Asia Times. It reports on the first conference held by the Center for New American Security. Ambassador James Dobbins, who was special envoy to Somalia, Haiti, Bosnia and Kosovo under President Clinton and special envoy to Afghanistan under the current President Bush said that this was about U.S. policy in Iran: "I reject the theory that the implicit threat of force is a necessary prerequisite to successful diplomacy."

Let me read the news story:

"Looking back on 40 years of U.S. diplomacy, Dobbins, now director of the Rand International Security and Defense Policy Center, concluded that the conventional wisdom about the need to back up diplomacy with your adversaries with force is wrong.

"'I can say that most of it was not conducted against a background of threat of force,' said Dobbins, 'and when the threat of force was introduced, diplomacy failed.'

"In a line that got applause from the more than 750 people attending the conference, Dobbins said his solution was to 'deal with Iran.'"

I urge everyone to read this story and I urge the administration and the Congress to start asking tough questions and demanding straight answers while there is still time.

We have seen what strikes in Iraq did back in the 1980s. We saw a strike in Syria a few months ago, and we are going to wake up one morning with another problem on our hands if we don't start asking serious, tough questions of this administration.

[From the Asia Times, Jun. 17, 2008]

DEAL, DEAL, DEAL WITH IRAN

(By Gareth Porter)

WASHINGTON.—The assumption that the United States should exploit its military dominance to exert pressure on adversaries has long dominated the thinking of the US national security and political elite. But this central tenet of conventional security doctrine was sharply rejected last week by a senior practitioner of crisis diplomacy at the debut of a major new centrist foreign policy think-tank.

At the first conference of the Center for a New American Security (CNAS), ambassador James Dobbins, who was former president Bill Clinton's special envoy for Somalia, Haiti, Bosnia and Kosovo and the George W Bush administration's first special envoy to Afghanistan, sharply rejected the well-established concept of coercive diplomacy.

Dobbins declared in a panel on Iran policy, "I reject the theory that the implicit threat of force is a necessary prerequisite to successful diplomacy."

Looking back on 40 years of US diplomacy, Dobbins, now director of the Rand International Security and Defense Policy Center, concluded that the conventional wisdom about the need to back up diplomacy with adversaries with force is wrong. "I can say that most of it was not conducted against a background of threat of force," said Dobbins, and when the threat of force was introduced, "diplomacy failed".

In diplomatic dealings with the Soviet Union, however, Dobbins said, "We never threatened to use force."

Dobbins complained that the debate over diplomacy with regard to Iran has been between those who are ready to use military force now and those who "say we should talk with them first". Advocates of diplomacy, he said, have to "meet a high threshold—they have to offer the reversal of all Iranian positions". In effect, they have to deliver Iranian "capitulation", said Dobbins.

Although very different from the Soviet Union as a threat, Dobbins observed, Iran is similar in that "we can't afford to ignore it and we can't overrun it". Real diplomacy in regard to Iran, he argued, would result in "better information and better options".

In a line that got applause from the more than 750 people attending the conference, Dobbins said his solution was to "deal with Iran".

The Dobbins argument represents the first high-profile challenge by a veteran of the US national security community to a central tenet of national security officials and the US political elite ever since the end of the Cold War.

The recently established CNAS has strong connections with former Clinton administration national security officials and the Clinton wing of the Democratic Party. CNAS president Michele A. Flournoy and chief executive officer Kurt M. Campbell both held positions in the Clinton Defense Department. William J. Perry and Madeleine K. Albright, Clinton's secretaries of defense and state, respectively, gave opening remarks at the conference.

The Clinton wing of the Democratic Party and of the national security elite has long associated itself with the idea that the threat of military force—and even force itself—should be at the center of U.S. policy in the Middle East. Key figures from the Clinton administration, including Perry, Albright, former United Nations ambassador Richard Holbrooke, former assistant secretary of state James P. Rubin and former deputy national security adviser James Steinberg, lined up in support of the Bush administration's invasion of Iraq in 2003.

Flournoy and Campbell have already made it clear that CNAS' orientation will be to hew the common ground uniting the national security professionals who have served administrations of both parties. Flournoy co-authored an op-ed with former Bush administration deputy secretary of state Richard Armitage two days before the NCAS conference, and Armitage also introduced the conference.

A paper by Flournoy and two junior co-authors ostensibly calling for a new U.S. "grand strategy" is notable for its reluctance to go too far in criticizing the Bush administration's policies. It argues that the current U.S. positions in Iraq pose the "real threat of strategic exhaustion" and calls for "rebalancing risk", but offers no real alternative to indefinite continuation of the Bush administration's wars in Iraq and Afghanistan.

Instead, it urged the "rearticulation" of goals in both Iraq and Afghanistan by replacing the "maximalist language used in past years" with "pragmatism".

But the choice of Dobbins to anchor a panel on Iran indicates that the Clinton wing of the Democratic Party and of the national security community now has serious doubts about the coercive diplomacy approach to Iran that has dominated policy thinking since the beginning of the Clinton administration.

A paper on Iran policy co-authored by Campbell and released at the conference reflects a new skepticism toward the threat of an attack on Iran as a way of obtaining Iranian cooperation. It argues that U.S. military threats against Iran "have had the opposite effect" from what was desired, hardening the resolve of Iranian leaders to enrich uranium and giving the Islamic regime greater credibility with the Iran people.

The paper also reflected an unwillingness to dispense entirely with the military option, however, proposing that the United States "de-emphasize, but not forswear, the possibility of military action against Iran".

The paper advised against even taking the military threat off the table in return for Iran's stopping its nuclear program, on the ground that Washington must be able to use that threat to bargain with Iran over "stopping its support for terrorism".

The principal author of the paper, James N. Miller, who is senior vice president and director of studies at CNAS, explained in an interview after the conference that he believes Dobbins' assessment of the problem is "about right". Miller said the threat to use force against Iran to coerce it on its nuclear program "is not useful or credible now".

But Miller said he would not give up that threat, because the next president might enter into serious negotiations with Iran, and Iran might refuse to "play ball" and go ahead with plans to acquire nuclear weapons. If the president had a strong coalition behind him, he said, "The use of force is an option that one should consider."

The idea that diplomatic negotiations with Iran over its nuclear program must be backed by the threat of war is so deeply entrenched in Washington that endorsement of it seems to have become a criteria for any candidate being taken seriously by the national security community.

Thus all three top Democratic hopefuls supported it during their primary fight for the Democratic nomination.

Addressing the American Israel Public Affairs Committee convention in early 2007, Hillary Clinton said that, in dealing with the possibility of an Iranian nuclear capability, "no option can be taken off the table". Barack Obama and John Edwards also explicitly refused to rule out the use of force against Iran if it refused to accept U.S. demands to end its uranium enrichment program.

HISTORIC FISCAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL of California. Mr. Speaker, shh, there's a secret. I have a secret. It's a secret that the leadership in this House doesn't want the people to know; but I'm going to tell you anyway. This Nation, this Federal Government, is in a historic fiscal crisis right now.

It was announced earlier this week that the deficit for this fiscal year which we are in is projected now to reach $470 billion. Now, Mr. Speaker, for most people when you talk like this, these numbers are so huge they sound arcane. What does that mean. Well, it is half a trillion dollars which I think most people know is a lot of money. Let me put it in perspective.

If we reach that level by the end of September, this will be by far the largest single year deficit in American history. Let me repeat that. We are currently in a year in which we will likely reach the largest deficit in 1 year in U.S. history.

But it doesn't seem to stop there because also this week the Appropriations Committee released their spending request for the next fiscal year, for fiscal year 2009. And they requested to spend 7.7 percent more than this year; 7.7 percent more. In fact, Mr. Speaker, the appropriations request is made up of 12 separate bills, 12 separate areas of the government. They propose an increase in spending in all 12. They are not proposing to keep the same or reduce spending anywhere in spite of the largest deficit in American history.

And because of the economic doldrums that we are currently in, revenue right now is basically flat. It is not rising very much. And entitlement spending, Social Security, Medicare, Medicaid, is going up by nearly 6 percent a year all by itself automatically if we don't do anything over the next 5 years.

So you don't have to be a rocket scientist to say okay, if revenues are staying the same and we are increasing some spending by 7.7 percent and the rest by nearly 6, the deficit is going to go up. So with the way things are projected, we could have a deficit of $600 billion, maybe $700 billion next year. And what are we doing about it in this House, well, we are just trying to make it worse.

Yesterday in a very broad, bipartisan vote, there was a vote to spend an additional $261 billion over the next 2 years, much of which is not included in the numbers that I just gave you. So $261 billion more. Deeper debt, bigger deficits.

Now some of the things that were included in that bill yesterday are priorities. One of them was continuing to support the troops in Iraq. I personally support that. But we have to make choices. There have to be priorities. We can't spend on everything. We should support the troops in completing their mission in Iraq, but we should cut something else so we are not making the taxpayer be the loser on all of this.

It seems like every week in this place, in fact I believe every week here we have either added a new program, new spending or a new entitlement. And hardly ever do we reduce the spending on something else to pay for it.

Now we are spending well over $3 trillion a year in the Federal Government. You would think that some of that $3 trillion is not something that we absolutely need. And we need to be reducing those things and setting priorities. If this is more important than this, then we spend on this and don't spend on this because we can't spend on it all.

But unfortunately what is happening around here is all right, I have my spending program, and another Member has their spending program, and so what's the compromise? I know, let's spend both. I get to spend what I want to spend and you get to spend what you want to spend, and those are the compromises we have been reaching in this place recently. Great deal. Politicians win; special interests win; taxpayer loses.

Mr. Speaker, this has got to stop. We have to stop the spending, and when we set priorities on things that we want to spend money on, we have to cut something else.

You know, the last thing I have here is: Are we going to have the highest tax rate in the world? Senator OBAMA recently proposed to lift the cap now on Social Security and Medicare taxes for incomes above $250,000 and repeal all of the tax cuts that were put in place in this century in 2001 and 2003. If both of those things Senator OBAMA has approved become law, the highest tax rate in the United States will be 54.9 percent. It will be the fourth highest tax rate in the industrialized world. We will be exceeded only by France, Sweden and Denmark. Oh, and by the way, all three of those countries are currently moving to reduce their tax rates because they see what that kind of tax burden will do, is doing to their economy and to brain drain from their countries.

Mr. Speaker, I hope that people will not keep this a secret but will tell everybody.

WHAT'S IT ALL ABOUT?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, not so many years ago two famous American artists, Josh Stone and Dionne Warwick, created a song called, "What's it all about, Alfie?" Here is how the song began:

"What's it all about, Alfie?
Is it just for the moment we live?
What's it all about when you sort it out, Alfie?
Are we meant to take more than we give?"

On June 19 this week, 2008, the New York Times lead story said quite a bit about taking. The headline reads, "Deals With Iraq Are Set To Bring the Oil Giants Back." I hope every American reads the lead story in the New York Times this week, June 19, a story written by Andrew Kramer.

Here is some of what it says. It says Exxon Mobil, Shell, Total, and BP, along with some other companies like Chevron, and a number of smaller oil companies, are in talks with Iraq's oil ministry for no-bid contracts, I repeat, no-bid contracts to service Iraq's largest fields. The no-bid contracts are unusual for the industry. Many experts consider these contracts to be their best hope for large-scale increases in production over there. And it talks a lot about the politics of global oil and how other places like Bolivia and Venezuela and Russia and Kazakhstan aren't so friendly to the United States anymore as we become totally dependent on imported fuel. And it says that the biggest prize everybody is waiting for is the development of these new oil fields.

But of course we have to be careful because these mother lodes are threatened by insurgents who don't like the fact that western companies are coveting their resources. And here we live in a country now where gas is over $4 a gallon. It would be so easy just to take it. And as the song says, are we meant to take more than we give?

Technically, these no-bid deals, more no-bid from this administration, are structured as service contracts. As such, they do not require the passage of an oil law setting out terms for competitive bidding. The legislation has been stalled by disputes among Shiites, Sunni and Kurdish parties over revenue sharing and other conditions inside that country where their parliament is in turmoil and cannot pass a hydrocarbon law. And thus, outsiders come in and are covetous of those resources. The whole process is designed to circumvent the legislative stalemate. I might say, how convenient. How convenient.

And so Americans should ponder the connection between our dependence. Now almost 75 percent of what people

pump into their tanks comes from resources from other places, and think about how serious we had best be as a country to become energy independent here at home so we can restore our independence again because every American family that can't afford to drive to work anymore or go on vacation is less free than they were a year ago.

And the year 1998 is very important because that is the year when America began importing over half of what we consume. Every year we become less and less free.

It is really sad what is happening in the world. I mourn for my country as we approach Independence Day that she is not free. And the way we are going to fix this is for Americans to really understand the nature of our predicament.

I would prefer not to send America's finest to wars over oil, but that is exactly what we have done. And it will cost upwards of a trillion dollars already to pay for their deployment. It is important to think about the words to that song: Are we meant to take? I really think we are meant to create. The way this country was born out of people's highest ideals, to create a Nation that could be self-sustaining within its own borders without all these interlocking, foreign entailments that George Washington warned us about over 200 years ago. Maybe some Americans have forgotten, but we shouldn't forget. We should remember what it means to be free.

Again, June 19, lead story, New York Times, "Deals With Iraq Are Set To Bring the Oil Giants Back." It is required reading for every American who has a heart where freedom beats.

[From the New York Times, June 19, 2008]

DEALS WITH IRAQ ARE SET TO BRING OIL GIANTS BACK

(By Andrew E. Kramer)

BAGHDAD.—Four Western oil companies are in the final stages of negotiations this month on contracts that will return them to Iraq, 36 years after losing their oil concession to nationalization as Saddam Hussein rose to power.

Exxon Mobil, Shell, Total and BP—the original partners in the Iraq Petroleum Company—along with Chevron and a number of smaller oil companies, are in talks with Iraq's Oil Ministry for no-bid contracts to service Iraq's largest fields, according to ministry officials, oil company officials and an American diplomat

The deals, expected to be announced on June 30, will lay the foundation for the first commercial work for the major companies in Iraq since the American invasion, and open a new and potentially lucrative country for their operations.

The no-bid contracts are unusual for the industry, and the offers prevailed over others by more than 40 companies, including companies in Russia, China and India. The contracts, which would run for one to two years and are relatively small by industry standards, would nonetheless give the companies an advantage in bidding on future contracts in a country that many experts consider to be the best hope for a large-scale increase in oil production

There was suspicion among many in the Arab world and among parts of the American public that the United States had gone to war in Iraq precisely to secure the oil wealth these contracts seek to extract. The Bush administration has said that the war was necessary to combat terrorism. It is not clear what role the United States played in awarding the contracts; there are still American advisers to Iraq's Oil Ministry.

Sensitive to the appearance that they were profiting from the war and already under pressure because of record high oil prices, senior officials of two of the companies, speaking only on the condition that they not be identified, said they were helping Iraq rebuild its decrepit oil industry.

For an industry being frozen out of new ventures in the world's dominant oil-producing countries, from Russia to Venezuela, Iraq offers a rare and prized opportunity.

While enriched by $140 per barrel oil, the oil majors are also struggling to replace their reserves as ever more of the world's oil patch becomes off limits. Governments in countries like Bolivia and Venezuela are nationalizing their oil industries or seeking a larger share of the record profits for their national budgets. Russia and Kazakhstan have forced the major companies to renegotiate contracts.

The Iraqi government's stated goal in inviting back the major companies is to increase oil production by half a million barrels per day by attracting modern technology and expertise to oil fields now desperately short of both. The revenue would be used for reconstruction, although the Iraqi government has had trouble spending the oil revenues it now has, in part because of bureaucratic inefficiency.

For the American government, increasing output in Iraq, as elsewhere, serves the foreign policy goal of increasing oil production globally to alleviate the exceptionally tight supply that is a cause of soaring prices.

The Iraqi Oil Ministry, through a spokesman, said the no-bid contracts were a stopgap measure to bring modern skills into the fields while the oil law was pending in Parliament.

It said the companies had been chosen because they had been advising the ministry without charge for two years before being awarded the contracts, and because these companies had the needed technology.

A Shell spokeswoman hinted at the kind of work the companies might be engaged in. "We can confirm that we have submitted a conceptual proposal to the Iraqi authorities to minimize current and future gas flaring in the south through gas gathering and utilization," said the spokeswoman, Marnie Funk "The contents of the proposal are confidential."

While small, the deals hold great promise for the companies.

"The bigger prize everybody is waiting for is development of the giant new fields," Leila Benali, an authority on Middle East oil at Cambridge Energy Research Associates, said in a tlephone interview from the firm's Paris office. The current contracts, she said, are a "foothold" in Iraq for companies striving for these longer-term deals.

Any Western oil official who comes to Iraq would require heavy security, exposing the companies to all the same logistical nightmares that have hampered previous attempts, often undertaken at huge cost, to rebuild Iraq's oil infrastructure.

And work in the deserts and swamps that contain much of Iraq's oil reserves would be virtually impossible unless carried out solely by Iraqi subcontractors, who would likely be threatened by insurgents for cooperating with Western companies.

Yet at today's oil prices, there is no shortage of companies coveting a contract in Iraq. It is not only one of the few countries where oil reserves are up for grabs, but also one of the few that is viewed within the industry as having considerable potential to rapidly increase production.

David Fyfe, a Middle East analyst at the International Energy Agency, a Paris-based group that monitors oil production for the developed countries, said he believed that Iraq's output could increase to about 3 million barrels a day from its current 2.5 million, though it would probably take longer than the six months the oil Ministry estimated.

Mr. Fyfe's organization estimated that repair work on existing fields could bring Iraq's output up to roughly four million barrels per day within several years. After new fields are tapped, Iraq is expected to reach a plateau of about six million barrels per day, Mr. Fyfe said, which could suppress current world oil prices.

The contracts, the two oil company officials said, are a continuation of work the companies had been conducting here to assist the Oil Ministry under two-year-old memorandums of understanding. The companies provided free advice and training to the Iraqis. This relationship with the ministry said company officials and an American diplomat, was a reason the contracts were not opened to competitive bidding.

A total of 46 companies, including the leading oil companies of China, India and Russia, had memorandums of understanding with the Oil Ministry, yet were not awarded contracts.

The no-bid deals are structured as service contracts. The companies will be paid for their work, rather than offered a license to the oil deposits. As such, they do not require the passage of an oil law setting out terms for competitive bidding. The legislation has been stalled by disputes among Shiite, Sunni and Kurdish parties over revenue sharing and other conditions.

The first oil contracts for the majors in Iraq are exceptional for the oil industry.

They include a provision that could allow the companies to reap large profits at today's prices: the ministry and companies are negotiating payment in oil rather than cash.

"These are not actually service contracts," Ms. Benali said. "They were designed to circumvent the legislative stalemate" and bring Western companies with experience managing large projects into Iraq before the passage of the oil law.

A clause in the draft contracts would allow the companies to match bids from competing companies to retain the work once it is opened to bidding, according to the Iraq country manager for a major oil company who did not consent to be cited publicly discussing the terms.

Assem Jihad, the Oil Ministry spokesman, said the ministry chose companies it was comfortable working with under the charitable memorandum of understanding agreements, and for their technical prowess. "Because of that, they got the priority," he said.

In all cases but one, the same company that had provided free advice to the ministry for work on a specific field was offered the technical support contract for that field, one of the companies' officials said.

The exception is the West Qurna field in southern Iraq, outside Basra. There, the Russian company Lukoil, which claims a Hussein-era contract for the field, had been providing free training to Iraqi engineers, but a consortium of Chevron and Total, a French company, was offered the contract. A spokesman for Lukoil declined to comment.

Charles Ries, the chief economic official in the American Embassy in Baghdad, described the no-bid contracts as a bridging mechanism to bring modern technology into the fields before the oil law was passed, and as an extension of the earlier work without charge.

To be sure, these are not the first foreign oil contracts in Iraq, and all have proved contentious.

The Kurdistan regional government, which in many respects functions as an independent entity in northern Iraq, has concluded a number of deals. Hunt Oil Company of Dallas, for example, signed a production-sharing agreement with the regional government last fall, though its legality is questioned by the central Iraqi government. The technical support agreements, however, are the first commercial work by the major oil companies in Iraq.

The impact, experts say, could be remarkable increases in Iraqi oil output.

While the current contracts are unrelated to the companies' previous work in Iraq, in a twist of corporate history for some of the world's largest companies, all four oil majors that had lost their concessions in Iraq are now back.

But a spokesman for Exxon said the company's approach to Iraq was no different from its work elsewhere.

"Consistent with our longstanding, global business strategy, ExxonMobil would pursue business opportunities as they arise in Iraq, just as we would in other countries in which we are permitted to operate," the spokesman, Len D'Eramo, said in an e-mailed statement.

But the company is clearly aware of the history. In an interview with Newsweek last fall, the former chief executive of Exxon, Lee Raymond, praised Iraq's potential as an oil-producing country and added that Exxon was in a position to know. "There is an enormous amount of oil in Iraq," Mr. Raymond said. "We were part of the consortium, the four companies that were there when Saddam Hussein threw us out, and we basically had the whole country."

☐ 1345

REAL ENERGY SOLUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Mr. Speaker, I'm glad that I'm able to be here today with my friend, Mr. SHIMKUS, and I think that he has some travel plans, so I'm going to immediately yield to him. And I can't wait to hear what he's got to say.

Mr. SHIMKUS. I'd like to thank my colleague from Georgia. And, you know, we're fortunate still, in today's high energy prices, to be able to use aviation. Aviation fuel is up. Budget airlines are broke, four of them so far. Baggage handlers are out of work. Ticket takers are out of work.

And part of the problem that America's facing is the high price of energy. And this is not a new debate that we've had since I've been here. And it's interesting how the votes have come down since 1994. And I think the public would really find them astonishing that on almost every production bill, production means producing something, almost every production bill, whether it's Outer Continental Shelf, whether it's oil shale, whether it's Arctic National Wildlife Refuge, whether it's coal-to-liquid technologies, Republicans vote 90 percent of the time in support of production, and my friends on the other side, the Democrats vote 90 percent of time in opposition to production.

So since we've had this fight for many, many years, almost decades now, it was Jimmy Carter who set aside the Arctic National Wildlife Refuge for oil and gas exploration. It was President Bill Clinton who vetoed the ability to explore the Arctic National Wildlife Refuge in 1995. Had he not done that, that oil would be here in our country today.

So now we find ourselves in a dilemma. It's Economics 101. It's supply and demand. Limited supply, increased demand, higher prices.

Here's the problem. January 2001, the price of a barrel of crude oil was $23, just 7 years ago. When the new majority came in in January of 2006, the price of a barrel of crude oil was $58.31. This was not acceptable. I didn't like this. That's why we passed, in between this time, the 2005 Energy and Policy Act. And on this floor, that bill had the Arctic National Wildlife Refuge in it. Of course it went to the Senate and it went there to die. And they pulled ANWR out.

Today the problem has grown by exponential amounts. Today the price of a barrel of crude oil is $136.39. So I'd like to keep this debate simple. This is a problem. So what is a solution?

And we're going to hear a lot, we've heard a lot of solutions from the other side. None of their solutions talk about bringing on more supply.

And we've had some great victories this week. FISA, Foreign Intelligence Surveillance Act, funding of the troops, no restrictions, GI bill expansion, great victories that came about through bipartisan compromise on this floor, bills that will get signed by the President. And we're all pretty pleased with the work we did this week.

We can do that with this. There is a congressional majority that would vote for more supply. There's only one hang up. It's the Speaker of the House will not let these bills on the floor.

So you have done a great job, and I used my 1 minute, Congressman WESTMORELAND, to sign your petition. And I want to challenge and encourage all my colleagues, in a bipartisan manner, to come down and sign this petition, this pledge. And I hope the constituents from all over the country ask their congressmen have they signed this pledge.

The pledge is pretty simple. I will vote to increase U.S. oil production and lower gas prices for America. And there I am, right there, just signed it.

Mr. WESTMORELAND. That's about as simple as it gets, isn't it?

Mr. SHIMKUS. It doesn't have to be. This is not a difficult process.

Now, since I signed the pledge, the question is how do we do this?

Well, we know how we do it. These red areas on this map is called the Outer Continental Shelf, OCS. You hear it talked about on this floor a lot. These areas, which is the West Coast, all the West Coast, all of the East Coast, and the eastern half of the Gulf of Mexico, are off limits, off limits. We can't research it, we can't investigate it, we definitely can't find and produce oil and gas. And we know there's billions of barrels of oil and trillions of cubic feet of natural gas, and we don't have access to it because of our policies in this, on this, in this building on an appropriation bill, not even an authorization bill.

And we're going to get a chance to get appropriation bills on the floor, and we're going to raise this issue when this bill comes to the floor, and we're going to challenge our friends on the other side to say, you know what? It's time. This is too much. We need to open up the OCS, the Outer Continental Shelf.

What's another solution?

Well, I live in the State of Illinois, and geologically, the State of Illinois is, if you go down far enough, it's a big, huge field of coal. It's called the Illinois Coal Basin. We have as much energy, BTU, British Thermal Units of energy as Saudi Arabia has of oil.

You hear my friends on the other side, they're worried about Iraq; they're worried about the Middle East; they're worried about our reliance on imported crude oil. You know, if we were in the OCS, if we were using our coal and turning it into liquid fuel, we wouldn't have to worry about the Middle East.

But since we are denied the opportunity to go into the Outer Continental Shelf, we have to have energy. It's their own policy that's forcing us to be involved in these international arenas. You know, I'd like to tell those folks, take a hike; we don't need you. And we have our own energy here.

Mr. WESTMORELAND. If I could just interrupt, claim back my time for just 1 minute in the fact that they want us to use alternative fuels. They want us to go to alternative fuels and we do to. We think that is something that we need to be developing.

But this, what you're talking about the, the Outer Continental Shelf, the U.S. coal, the shale oil, those are things that we know we have. And the funny part about what they want us to do about using alternative fuels, there was section 526, if you'll remember, in a defense bill that said that the U.S. government could not use alternative fuels. So, you know, which is it? Do they want us to or not?

And so, you know, that's where we're caught, and that's what a lot of people, I think, to my friend in America, don't understand that we're getting a lot of conflicting things from the majority side right now.

Mr. SHIMKUS. And part of that alternative fuel debate is coal-to-liquid technologies. And this is not just keeping energy costs down. This is a job. This is a job issue.

Mr. WESTMORELAND. A good-paying job.

Mr. SHIMKUS. And people can follow this. You have a coal mine. Good, high-paying jobs. You build a coal-to-liquid refinery. It's not a crude oil refinery. It's its own coal-to-liquid refinery. It was done in World War II by the Germans. It's known technology. U.S. jobs building the refinery. U.S. jobs operating the refinery.

Then you build a pipeline. U.S. jobs. And you ship it to airports and military installations. You know, for every dollar increase in the price of a barrel of crude oil it costs our United States Air Force $60 million because we are the largest consumer of jet fuel in the world?

And that goes directly to our taxpayers because we have to fund our war machines to protect this country and just to train.

So coal-to-liquid technologies is another way for me to support your call for pledges.

Well, we've got another option here. I love talking about the Arctic National Wildlife Refuge. I already mentioned President Jimmy Carter. I already mentioned President Bill Clinton.

And I've got a little park in my hometown of Collinsville, Illinois called Woodland Park. Maybe it's not even a square mile. And I can understand if the folks in my hometown say, well, we don't want you drilling in that little park. I don't want people drilling in that little park either.

The Arctic National Wildlife Refuge is the size of the State of South Carolina. The drilling platform would be the size of Dulles Airport.

Put it in perspective. Take a football field and put a postage stamp on that football field. That is what we're talking about as far as the Arctic National Wildlife Refuge, and we know we have billions of barrels of oil there. That's not disputed. And it's just a matter of, if I'm going to support your pledge, I'm going to support more supply.

And again, you know, I know I've got a lot of good friends on the other side. I call them "fossil fuel Democrats." They believe in it. They understand the importance of it for job creation and manufacturing and being competitive. And given the opportunity, we would have their vote. I mean, there's 10 percent of them at least I know. I bet there's about 40. Once we get that on the floor, any of these bills, I bet we can get about 40 Democrats' votes.

Mr. WESTMORELAND. And to my friend, reclaiming my time for just a moment. That is the reason that I came up with the petition because there were so many people that were signing petitions on the Internet, drill here, drill now, lower prices, other locations, that I knew we will never get to have a straight up or down vote on the drilling, onshore, offshore and adding refineries. And so that's the reason I wanted to come up with the petition.

And I appreciate the gentleman making the point. This is the only way the American people will ever know how their congressman feels is by his or her signing this petition, because they will have no chance to have that simple of a vote.

And what this petition says, I will vote to increase U.S. oil production to lower gas prices for Americans. And you know, some things may be too simple for some of these legislators to understand. They keep wanting to make it complicated. It's not complicated, because to sign that pledge and they know that they're never going to get to vote on it. I think it would at least let their constituents know that they have some feeling for them when those people ride up to the gas pump and feel that pain at the pump.

Mr. SHIMKUS. And what I like about this debate is what we're talking about is we want American-made energy. And when you have American-made energy, you have American jobs. And when you have American jobs, you have American taxpayers. And when you have American taxpayers, they're funding the local schools, they're funding the local park districts, they're funding the local counties and the States.

When we say no to energy production in the United States, we're saying no to jobs. We're saying no to our tax base. We're saying no to our schools. In fact, when we say no to production, one of the biggest challenges many school districts are going to have is paying for the increase in diesel costs for the bus companies to pick up kids to go to school this fall because diesel prices have doubled. And that's true across the board, in any job, because everything, this building has an energy variable. And as energy prices go up, the costs to keep the lights on go higher. Taxpayers have to pay more.

And the only way that I get frustrated with this is because it doesn't have to be this way. It does not have to be this way. And I would challenge my friends on the environmental left, give us some standards. Give us some, tell us how clean is clean? We will meet those standards.

☐ 1400

But it's a moving target. There's no certainty. No one wants to invest. In fact, there's some people who say we're done with false carbon fuel. We're done with coal. We're done with crude oil. We're going to go all wind, we're going to go all solar, and we're going to be able to meet our electricity demand. And those who follow the market and the electricity demands in this country know that that is impossible because most of these people say no to nuclear.

That's why when we started this debate about 18 months ago, "no" is not an energy policy. You can't say no and say you have an energy policy, and that is unfortunately what we have on the other side.

Mr. WESTMORELAND. And can I read one comment?

This was from Greenpeace. They say, Let's end fossil fuel use. For decades, we have relied on oil, coal, and gas to meet our ever-increasing energy needs. And now we are facing the consequences for our actions in global warming.

You know, 85 percent of our energy consumption today is supplied by fossil fuels. This is the base of the majority party, and this is what is driving our energy policy in Congress today. And I think what the gentleman has gone through, especially with the coal and the shale to oil to liquid, just reiterates the Democrats' position almost precisely what Greenpeace stated on their Web site.

Mr. SHIMKUS. And the lights in this building that we enjoy and the air conditioning in this building that we enjoy is produced from a coal-generating plant. Fifty percent of all electricity in this country is produced by coal. And it's not a dirty word. It is the lowest cost fuel. It provides the highest standard of living. And why do you think India and China are rapidly moving, China building a coal-fired power plant every 2 weeks? Because they want their country and their people to move into the middle class, and they're going to do it through the use of fossil fuels. And that's what has made our country great. And that's their target, and they're not going to be concerned about climate as we know they're not.

I want to thank my colleague for letting me join him in his special order. I have got to now use the great benefits of technology and travel and fossil fuel use and get on my plane and get back to the great State of Illinois.

Mr. WESTMORELAND. Have a safe trip.

Mr. Speaker, thank you for this, and sorry, but he had to go take a little trip.

And I want to go back, first of all, and just talk about the petition for a minute and the fact that I had been contacted by several of my constituents, Mr. Speaker, asking me if I had gone on to some of these web pages and signed the petition that said, one said, drill here, drill now, pay less. There were some others. I don't know the particular names. And then I was in a service station/grocery store that had a petition laying on the counter where you paid. It said, Sign this if you want to lower gas prices.

And so what I found is that the American people were doing everything that they could, Mr. Speaker, to let us know, Members of Congress, the people who are sworn to take action to help our constituents, the people were telling us. But there was no way for them to know how we felt about reducing the price of gas because under the new majority, we will never have an opportunity to vote on these things because they know if they brought it to the floor that it would pass and it would hurt their base, the radical environmentalists.

So I tried to come up with something as simple as possible because I believe in simplicity and people can understand the simplicity.

So I came up with my own petition, Mr. Speaker. And this petition was for the 435 Members that have the ability to vote in this House and then the delegates from some of the other territories. And it says, American energy solutions for lower gas prices. Bring onshore oil on line, bring deep water oil on line, and bring new refineries on line.

A lot of people might not realize with the refinery part of it that we haven't built a refinery in this country since 1978, 30 years since we built a refinery. A lot of people would be amazed to know that we import from Canada, Great Britain, Norway, a number of other OPEC nations, 6.9 billion gallons of refined gasoline into this country every year, about the same amount of diesel fuel because we cannot even refine what crude oil that we've got.

So I have made these boards up. I have had them up now, today is Friday, and we have had them up 4 days this week and 1 day last week. And it is so simple that it is confusing a lot of people on this floor. It says, House of Representatives energy petition. I will vote to increase U.S. oil production to lower gas prices for Americans.

Mr. Speaker, I know that you understand that. I understand that. But some people must not understand it because we've only had 170 people sign it. And so if this bill comes to the floor, which I don't think—and by the way, the Speaker said today that she's bringing four energy bills next week, and I'm going to talk about them in a minute and give you some kind of idea how they're going to help.

But this is real simple, it just says that whoever is representing you will vote to increase our U.S. oil production. Because see, we shouldn't be in a position—because to me, we're the greatest Nation in the world. And Mr. Speaker, we shouldn't put the leader of the free world, the President of this country, in a position to where Mr. SCHUMER from the Senate or Ms. PELOSI, the Speaker of the House, is asking him to go hat-in-hand to countries that are basically our enemies and asking them to increase their oil production to use their natural resources for our benefit.

Now, somebody is not thinking clearly. We don't need to put our President in that position. We don't need to be asking anybody anything when in this country in shale oil in the western States we have 1.5 trillion barrels. That's more than Saudi Arabia has. And so why in the world do we want to be in this position?

So I came up with a petition. Right now we have 170 people that have signed the petition. Mr. Speaker, I wanted to give the American people an opportunity, and I know I can't talk to them, but if I could talk to them, if I could address them, I would tell them for real energy solutions that they would want to go to www.house.gov/westmoreland and see if their Congressman has signed this petition.

And when you call them, you might get some dancing, some shuffling around. There is no dancing, there is no shuffling. It's one sentence. One sentence: I will vote to increase U.S. oil production and lower gas prices for Americans. I will be quiet about the petition for a minute. Here is the address.

I will say one thing about one individual that signed this. And his name is NEIL ABERCROMBIE, and he's from the great State of Hawaii. Neil is the only Democrat that has signed the petition. He's the only Democrat that has signed the petition. And he knows that at some point in time, we have got to start. And he knows that the party line that, you know, there's 68 million acres out there that's been leased, and that's true, but there's 2.5 trillion acres that could be leased, Mr. Speaker. But this Congress has passed bans that says you can't. The President has said he's willing to take off the executive order if Congress would move to take off our order. We're not going to move on that.

So I want to congratulate NEIL and all of the people that he represents for him having the courage. And he's given some of the greatest speeches on the floor of this House that I've heard in my 16 years of legislative experience, not just in here but in the State of Georgia. So NEIL, my hat's off to you and you should be congratulated.

I want to talk about for just a couple of minutes, I know I have got several of my colleagues here to join me, but I wanted to talk for a minute about what the Democrats have done so far in the 110th Congress. Because see, back in April, and if you will remember the gentleman, Mr. SHIMKUS, had a thing up about when the Democrats took over this Congress in 2006, that oil was about $56 a barrel. What happened was when they were running for office, Speaker PELOSI said back in April of 2006, Democrats have a commonsense plan for lowering the skyrocketing price of gasoline.

Now, keep in mind that the skyrocketing price at the time was about $2.26 a gallon. Man. Did you ever think you would long for the days when gas was $2.26 a gallon?

Anyway, we have yet to see that secret plan. They have brought out some plans, but I don't think they've really brought out the secret plan yet.

I want to quote a little bit here from the Democrats. They passed a price gouging prevention, and you can see right here. Here is the Democrats' philosophy on lowering the gas prices: Sue OPEC. That's gone a long ways. Launch the seventh investigation into price gougers. The seventh investigation. Mr. Speaker, I think the American people want us to get out of the committee hearing, the investigation mode, and get into the action mode. We're in the fetal position mode right now.

Launch the fourth investigation into speculators, $20 billion in new taxes on oil producers. Mr. Speaker, that took an economic genius to figure out that raising taxes $20 billion on a producer or a manufacturer is going to lower the price to the consumer.

Halt oil shipments to the Strategic Petroleum Reserve would save a nickel a gallon. So their price, it brings it down from $4.08 to $4.03.

But I want to read you some of the quotes.

This was the Federal Price Gouging Prevention Act, H.R. 1252, that the Democrats in this body passed on May 23, 2007. May 23, 2007, was when this was passed. "This bill has been around for over a year. So let's stop the excuses. American people don't want arguments about that process. They want relief at the pump, and that's what we're doing today. Lookit, today Members of the House have a very simple choice. Vote to stand up with consumers, your constituents, who are paying record gasoline prices, nationwide average, record prices, or vote to protect big oil companies' enormous profits."

☐ 1415

That was Representative BART STUPAK on May 23, 2007.

When this was passed, oil was $65.77. As you saw earlier, it's $136-and-change now. At the time this was passed, the national average was $3.22 a gallon. It is now $4.08 a gallon. So you see the price gouging does not work, Mr. Speaker.

Another comment: "Mr. Speaker, again, the American consumers need us to act, they want us to act, they demand that we do act. Now is the time." Congressman BOBBY RUSH on May 23, 2007. I think that action was just a charade because it has not helped the price of our gas.

And so while we look at these things, we've got to understand that the things that the Democrats are wanting to do does not do it.

Now, let's look over here at what my petition does or at least asks to do on the Republican side. Bring onshore oil online, ANWR, shale, anywhere from 70 cents to $1.60 a gallon; bring deepwater oil online, OCS, 90 cents to $2.50 a gallon; bring new refineries online, 15 cents to 45 cents. That would bring it down probably to about $2.10 a gallon. These are actions. These others are charades.

And so I think the American people, Mr. Speaker, are tired of the charades. But let me just identify one more charade that we've had, and Mr. Speaker, that was when we had H.R. 6022, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008. This was passed on May 13, 2008, and you can see, halt oil shipments to the strategic petroleum, a nickel. So this is the bill.

Here was the quote from Chairman DINGELL: "While there is no guarantee that putting this oil onto the market rather than into the SPR will lower prices, even such a modest step could potentially prick the speculative bubble now characterizing oil markets."

Mr. Chairman, it didn't prick anything because evidently it made them mad because it has gone up. But let me tell you what will prick that speculative market. What will prick it is when we vote to put a drill bit in the ground, and just by us voting to put the drill bit in the ground, the speculation will stop.

Representative PETER WELCH, the lead sponsor, said this: "When we have reduced oil going into the SPR in the past it has proven to actually have a direct and immediate impact on lowering the price of gas at the pump from 5 cents to 25 cents a gallon.

"And basically the question for us is whether or not, even as we have to proceed with long-term debates about our future energy policy, is this Congress going to be willing to take a short-term step that has the potential to bring down energy prices."

Congressman WELCH, there was not a lot of potential there because prices have gone up.

Representative NICK LAMPSON from Texas, somebody that should know about drilling and the benefits that drilling would do to bring down the price of energy: "This bill provides a quick first step, maybe not much, but at least it's an action on the part of our Congress.

"Suspending the SPR will put an additional 70,000 barrels of oil on the market each day. It could help reduce prices at a critical time for us in our country."

It has not reduced the price at all.

Representative JASON ALTMIRE: "This Congress has to act. And we are going to act today. And we are going to save the American people a quarter on the gallon."

So, when you go into the service station to fill up tomorrow or the next day or tonight, ask them if they've heard that we have passed the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008, because I can promise you your gas will not be 25 cents a gallon less than what it was on the day we passed this.

I'd now like to recognize my friend from North Carolina, the battering ram as some people call her in here, but she's one of the most fierce legislators that I've ever met in my career, and the congresswoman from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank my colleague from Georgia (Mr. WESTMORELAND) for the great leadership he's providing on this issue today and other days here in the Congress. I think it's extremely important to explain to the American people what is not happening in the Congress, even though they are asking us to do things.

Now, I am very much a person of action. I believe in getting as much done as we possibly can. The old saying is, as long as the Congress is not in session, the American people are safe. And we often accomplish a lot of negative things here, but on this issue, that is what we have done is accomplish a lot of negative things. We need to be accomplishing positive things.

I think my colleague well-characterized what's been going on as a charade. When I was in the General Assembly in North Carolina, I often gave an award called the Emperor's New Clothes Award because I gave it to bills that didn't do anything but that nobody was willing to say wasn't doing anything. And I think what the Democratically-controlled Congress—and that's what we have to keep saying because many Americans blame both Democrats and Republicans for not doing something—but they have to understand that it is the Democratically-controlled Congress that's creating the problem here. What they've done has been a charade. It deserves the Emperor's New Clothes Award, and I hope most people have read that little book and understand the issue that I'm talking about.

Let me say that these are very recent polls that have been done. Sixty-seven percent of the American people believe drilling should be allowed in offshore wells off the coast of California, Florida and other States. Sixty-two percent believe that the price of gas has gotten so high that we need to begin drilling for oil in an environmentally safe way. And 57 percent support allowing drilling in U.S. coastal and wilderness areas now off limits.

And let me contrast the opinion of the American public with what the Democrats have done over the years.

In the last 12 or 14 years, there have been many bills put in, one on drilling in ANWR, and 91 percent of Republicans supported that; 86 percent of Democrats opposed it.

Turning coal-to-liquid, which is a good way to be using coal, 97 percent of Republicans supported it; 78 percent of House Democrats opposed it.

Oil shale exploration, 90 percent of House Republicans supported it; 86 percent of Democrats opposed it.

The Outer Continental Shelf, 125 miles off the coast of the country, you're not going to see the wells. You're not going to see the effect, and we can do it without polluting the ocean or polluting our environment in any way. Eighty-one percent of House Republicans supported; 83 percent of House Democrats opposed it.

Increasing refinery capacity, my colleague has done a very fine job of explaining why that's important to increasing supply. Ninety-seven percent of House Republicans supported it; 96 percent of House Democrats opposed it.

So over the last 12 or 14 years, on the bills that have come up on these issues, on average 91 percent of House Republicans have voted to increase the production of American-made oil and gas, while 86 percent of House Democrats have historically voted against it.

We need to increase the supply. I believe that part of the problem is because the Democrats are so out of touch with what's happening in America. Many of them have been in Washington 50 years or more. They don't go home on weekends. They don't associate with average Americans. They've never worked in a business. They have no idea how all the businesses in America are being affected.

My family runs a nursery and landscaping business. To put a vehicle out on the road, especially one that uses diesel fuel, is costing two-and-a-half times what it cost a year ago, 18 months ago, when the Democrats took over.

All we've gotten from the Democrats are empty promises, and as I said, they deserve the Emperor's New Clothes Award because it doesn't work.

Their latest Emperor's New Clothes Award claim has to do with use-it-or-lose-it, which is already the law of the land. They're blaming the oil companies. They are so good at blaming everybody else and deflecting attention from themselves when they're the ones to blame. They want to blame the oil companies. They want to say the oil companies are making a huge profit. It's not popular to defend oil companies, but right now, the oil companies' profit is about 7.5 cents on the dollar. The average profit of most businesses in this country, the Standard and Poor's businesses, those listed on the stock exchange, is about 8.5 percent. I heard the other day Microsoft is about 21 percent. But I don't see the Democrats going after them.

Generally, they hate business and industry because they think they're the evil people in this country, but thank goodness we have had the oil companies providing the oil and gasoline that we've needed over the years.

So they want to do something called use-it-or-lose-it. Well, you know, folks, the oil companies already have a clause in their contracts. They either drill for oil within 10 years or they lose the lease. Guess who changed the lease time from 5 years to 10 years. The Democrats, back in 1992. Do you ever hear them admit that? No, they don't admit it, but that's what happened.

We already are regulating the oil business tremendously. They are not the problem. It's the Democrats who are the problem. And we can't say that often enough on this floor because not enough Americans are listening. Half the people in the country think Republicans are still in charge. We're not in charge. We're the good guys. We're the ones wanting to produce more American-made products for you to use. We didn't say we had a plan to bring down the price of gasoline, but we do, and our plan will work.

We're still waiting for Democrats to bring their plan. They haven't brought it. We'd love to see it. But as my colleagues said, it's a charade. I like that term, and I want to say it deserves the Emperor's New Clothes Award because, folks, it ain't there.

So I thank my colleague for sharing some time with me today and for bringing this Special Order to the floor today and helping people understand before the weekend, as you go out there and you are filling up your tanks, you can hold responsible the Democratically-controlled Congress, the do-nothing-to-produce-more-energy Congress for the problems that you're having.

Mr. WESTMORELAND. Ms. FOXX, after these bills come to the floor next week, or if we ever do get a chance to see them, we're going to have to bring back the old truth squad to make sure that the American people, Mr. Speaker, get the truth.

It's now my honor to yield to a friend of mine that came in shortly after I did to Congress, and if I could name anybody in this Congress a taxpayers's friend, I would have to name JOHN CAMPBELL. And so I yield to him.

Mr. CAMPBELL of California. I thank my friend, Mr. WESTMORELAND from Georgia, and you are equally a friend of the taxpayer and a Georgia bulldog in terms of fighting for taxpayers and consumers and for Americans to be more free rather than less free in the future. Thank you for yielding.

I stand here in front of this chart which says that gasoline is $4.09, which is the national average. As my friend indicated, I'm from California. I can tell you that this last weekend when I was home I paid $4.91 for premium unleaded.

□ 1430

In California, where we have even more restrictions on refineries and fuel and gasoline than you do nationally, our price is even higher than it is nationally, so we're headed for $5-a-gallon gasoline in California.

The one thing that's not very well known is it's not going to stop there. Natural gas price has gone up as well. The price of natural gas is now about 50 percent higher than it was just about 6 months ago. Now, in my home State of California, about 95 percent of our heating comes from natural gas and about 50 percent of our electricity comes from natural gas. So my constituents are already being shocked at the gas pump; but come this summer, they're about to be shocked with their electric bill. And come this winter, they will be shocked with their natural gas heating bill.

All these energy prices are going up. They're impacting consumers, and they're impacting businesses. I can't tell you how many business owners I have talked to that are being squeezed by the price of fuel in the costs of their products, whether it's a pizza place that delivers, or whether it is a delivery place that has delivery trucks. It doesn't matter what it is, whatever you get, it got to you because somebody brought it. And when somebody brought it, they used some kind of fuel to do that, and the price of that fuel is up. And those businesses can't pass that price on right now because the economy is so weak. And so if they pass that cost on, consumers won't pay it and their volume will go down and down, so businesses are being squeezed.

I talked to an owner of a company the other day who has a lot of his employees—we have long commutes, often, in California—and the price of their commute has gotten so high that he's probably going to see if—which, again, is often restricted by State law—the company can go to a 4-day work week or maybe even a 3-day work week in order to reduce the huge costs that his employees have commuting 50, 60, 70 miles to and from work every day. So this is impacting everybody. It's the biggest issue I hear about when I go home.

And so what are we doing? What is this Democratic-led Congress leading us to do? I mean, it's affecting homes, it's affecting businesses, jobs, employment, the economy, everything. And what are we doing here? Nothing. This Democratic-led Congress is doing absolutely nothing on the biggest issue that is facing America today.

A week or so ago we did pass a resolution, though, commemorating the end of the Revolutionary War 225 years ago. Now, that's great. I mean, I'm glad we had an American Revolution, I'm glad we won, I'm glad it ended. But I think we could be doing a little more productive things on the floor of this House with energy and with energy prices.

Now, the Democrats on the other side, they will have you saying, oh, well, we can't do this and we can't do that and we can't do the other. Let me tell you what I think and what we Republicans think we should do: Everything. There shouldn't be anything off the table, basically, in this discussion because of the crisis we're in and because of the magnitude of this situation.

Let me try and break it down into three areas of things that we ought to be doing. And the first is more production and supply and delivery of oil and natural gas. Now, you will hear Democrats say, oh, I heard Senator OBAMA the other day say, oh, that won't affect the price for 5 years; you won't get any of that oil out for 5 years. True, you won't get any of that oil out for 5 years, but markets are anticipatory. Part of the reason that gas prices are so high today is because of the markets anticipating increasing demand in India, in China, and in Brazil that will eat up more supply. If we send a strong message from this House of Representatives that we are going to do everything we can to produce more oil and gas from everywhere we can produce, the markets will react to that. Does that mean it will go back to where it was? No. And that's not the only thing we should do. But it is something we should do, and it should be one of the clubs we have in our bag that we use to bring these numbers down.

Second, we should be trying to develop all alternative forms of energy that are out there in order to reduce the demand on the fossil fuels. Now, the first thing we should be looking at is nuclear. Now, you look at France, Japan and Sweden. Sweden, arguably the most environmentally conscious country on Earth, and they get over 80 percent of their power from nuclear. What shocks me, Mr. WESTMORELAND, is that I hear the Democrats say all the time, well, we want to do more nuclear power if it is safe. You always hear the qualification, "if it is safe." Oh, my gosh; you've got three big countries out there have 80 percent. You can go to Italy and a whole bunch of other countries where they're producing a significant amount of their energy from nuclear and no one has had problems.

To say "it is safe," and everyone looks back at Three Mile Island, but that was 40 years ago almost, that would be like looking at a 40-year-old Altar computer and trying to assess whether you could run things with that computer today.

Nuclear technology has progressed every bit as much. And the nuclear technology that exists today is much more efficient and much safer than anything we had a long time ago. And we should be putting up nuclear plants as quick as we can and replacing those natural gas plants, replacing some of those others.

Liquefying coal is another thing we should be doing. We are the Saudi Arabia of coal. We have more coal in the United States than any other country on Earth. And second, by the way, is China. And what are the Chinese doing? Developing their coal and using their coal as quickly as they can. And what are we doing? Nothing. And then we should be looking at other alternative fuels like methanol, ethanol, butanol, all these different possible fuels.

But let's talk about ethanol for a second. You've heard a lot about it. We hear a lot about the subsidies and making it from corn, but the best thing to make ethanol from is sugar. But in this country, we have a huge tariff, I believe it's 75 percent—I could be wrong on that, but I believe it's 75 percent on imported ethanol and imported sugar.

Mr. WESTMORELAND. Fifty-four cents a gallon.

Mr. CAMPBELL of California. Fifty-four cents a gallon. Fifty-four cents a gallon—thank you, Mr. WESTMORELAND—tax on imported ethanol or imported sugar cane to make ethanol. Why? If we think this might be one of our future alternative fuels, why would we tax it more than we tax anything else? It makes no sense. So we should be developing all of those alternative fuels.

Wind and solar, them, too, although they will never be more than 1 or 2 or 3 percent, but we should be developing them as well, and hydrothermal.

And then the third leg of this stool is efficiency. Yes, we need to have more efficient cars. Yes, we need to have more efficient homes. Yes, we should have more efficient production capacities in business. And yes, we should do all that, too. But we can't do it only on efficiency, we can't do it only on oil production, we can't do it only on alternatives, we need to do all three.

And what so disappoints me about the majority Democrats in this House is some of them want to do one of those, occasionally they want to do two, nobody wants to do all three on the Democratic side. But that's what we need to do.

This is a crisis; it's not going to go away soon. And the American people have the right to have us in this House react and give them the tools they need to get the price of energy down to help them lift this economy.

I thank you for the time, Mr. WESTMORELAND. I yield back to my friend from Georgia.

Mr. WESTMORELAND. Thank you, Mr. CAMPBELL. And I'm going to go back down front and play a little musical chairs here.

Mr. CAMPBELL of California. Okay. Then I will stand here until you get here so we don't have a blank blue screen. Thank you very much.

Mr. WESTMORELAND. Thank you, sir.

You know, I want to just show the American people: We're not going to immediately drill ourselves out of the spot, Mr. Speaker. But in 1995, the Congress passed drilling in ANWR. President Clinton vetoed it. Had he not vetoed it in 1995 we would be getting one million barrels of oil today out of ANWR.

So is this an immediate relief? No. It's immediate relief from, I think, the speculation and the amount of escrowing. But this is an all-of-the-above issue. We've got to start drilling. We've got to start doing alternative fuels. We've got to build refineries. We've got to be doing onshore and offshore drilling. We've got to do coal-to-liquid. There are a lot of things we have to do and not just lay here in a fetal position.

But this is what really burns me up when I think about being dependent on foreign oil. This is a picture of Mr. Chavez from Venezuela and Mr. Castro from Cuba. In a recent interview on al Jazeera, Chavez called for developing nations to unite against U.S. political and economic policies. "What We Can Do Regarding the Imperialistic Power of the United States." "We have no choice but to unite," he said. "Venezuela's energy alliances with nations such as Cuba, which receives cheap oil and are an example of how we use oil in our war against neo liberalism," he said. If you saw it on TV this morning, you saw where he threatened the European nations with no more Venezuelan oil because they passed an immigration law that he didn't like. This guy is not our friend. The bottom, on March 15, 2005, Washington Post; or as he put it on another occasion, "We have invaded the United States with our oil."

Now, I'm fixing to show you something, Mr. Speaker, and I don't know if you can see it or not, but maybe you'll get a look at it. But Mr. Speaker, I'm going to show you something that's really going to burn you up. This is a copy of the check that American families and businesses write to Mr. Chavez. Every day, 365 days a year, we write him a check for $170,250,000. Mr. Speaker, that's a crime. We could be writing those checks to American men and women with the jobs that we would create if we would use our own natural resources for our own benefit.

So Mr. Speaker, I've got 5 minutes to close. And I want to put up this address, because this address, Mr. Speaker, is for real energy solutions. It's a simple address, www.house.gov/westmoreland. And you can go to that address, Mr. Speaker—and I hope you will go tonight, Mr. Speaker—and see the names on there that have signed the petition, the commonsense petition, a petition that just says "I will vote to increase oil production to lower the price of gas for Americans." That's as simple as you can get, Mr. Speaker. We had 32,000 hits on this Web site either last night or the night before last. Americans want to know where their Congressman represent.

And Mr. Speaker, let me close by saying this: So many politicians today that the American people hear on TV are talking about change. And I don't know if it's the kind of change that we're thinking about because, as an American citizen, the change that I hope that Congress or that elected officials would have, Mr. Speaker, is a change that they would be honest, that they would be honest with what they tell the American people and not come to Washington and write a bunch of legislation that's very confusing about what it really means.

And I read your excerpts today, Mr. Speaker, that read what some of your colleagues had said about the legislation that they passed and what it was going to do for fuel prices. And some of that legislation was over a year ago, and it has just continued, gas is at $4.08 a gallon. But Mr. Speaker, if I could talk to the American people, I would tell them this: that there will never really be any change in this country, Mr. Speaker, until the people that get up every morning that are citizens of this land, that look in the mirror, and if that person, Mr. Speaker, that they see in the mirror will not change, then we're not going to change.

And so sometimes it takes effort, Mr. Speaker, from the men and women out there that watch us and listen to us and abide by the laws that we make to take things into their own hands and to let us know how they feel. Over a million people have signed a petition, "Drill Here, Drill Now, Pay Less." We're hearing from them. We need to hear from you.

Mr. Speaker, if I could talk to the American people, I would tell them, your Congressman and your Senator need to hear from you. You need to know if they're willing to vote to increase the production of oil in this country from our own natural resources, be less dependent on foreign oil and foreign resources, and lower the price of American gas. And you can find out if your Congressman is on that petition or not by going to house.gov/westmoreland.

You're going to hear all kind of arguments of why they didn't sign it or haven't signed it, but Mr. Speaker, those arguments are so simple that the argument doesn't even hold up.

So Mr. Speaker, with that, I'm going to yield the well and yield my time here, and just thank you for your patience in listening to the truth that's been brought to you. And thank my friends that have come down tonight, my colleagues that have come down to help me, Mr. Speaker, try to explain to the American people that we're serious about bringing them some relief at the pump.

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PEAK OIL

The SPEAKER pro tempore (Mr. LOEBSACK). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I am pleased that my colleagues for the last hour helped to make the point that oil is high and gasoline is high because there is an imbalance between supply and demand. There are a lot of differences of opinion as to how we got here, why we're here and what we ought to do to reduce the price of gas.

The next chart is really an historical one. This whole saga begins in 1956 when a geologist of the Shell Oil Company gave a talk to a group of physicians on the 8th day of March in San Antonio, Texas. And he made a prediction which was an audacious prediction then. At that time, the United States was the king of oil. We were producing more oil, using more oil and exporting more oil than any other country in the world. Here we were in 1956. He predicted that just 14 years later, in 1970, the United States would reach its maximum oil production. That was sheer heresy then. Nobody believed him. He was ridiculed. But right on schedule, 14 years later, in 1970, the United States peaked in oil production.

Now he was predicting this for only the lower 48 States, which is shown here, Texas plus the rest of the United States. Then we found a lot of oil in Alaska. We found some oil in the Gulf of Mexico. And we learned more and more how to get oil from natural gas liquids. By 1980, looking back, you can see, gee, M. King Hubbert was really right, wasn't he? We did reach maximum oil production in 1970. I'm going to keep coming back to that.

The next chart shows this same curve. If you will look at the red lines, that is up to 1970 and after 1970. The yellow triangles represent the prediction of M. King Hubbert for the lower 48. The red diamonds are what we actually produced because we found additional oil in Alaska and the Gulf of Mexico that he did not include in his prediction. But notice that that just produced a blip in the slide down the other side of Hubbert's peak. And there was a lot of oil. Alaska alone for several years was one-fourth of our total production of oil.

This chart is presented by Cambridge Energy Research Associates to convince you that M. King Hubbert didn't know what he was talking about. Now if you were a statistician, you might be convinced. But for the average American, they don't see this yellow triangle curve being meaningfully different from the green squares. And the intent of this presentation by CERA was to convince you that you really shouldn't believe M. King Hubbert when he predicted that the world was going to be peaking in oil about now because he was wrong about his prediction of peaking in 1970. I would think just about everybody would say, gee, he got it pretty right, didn't he? He predicted this, and this is what it was, and that seems to follow pretty closely.

Now what do we mean by "peaking?" By "peaking" we mean that the oil field, the country, the world, whatever universe you're looking at, has reached its maximum production for producing oil. And this happens in each individual oil field. And that is how M. King Hubbert was able to so accurately makes his predictions because he noticed in an individual oil field that the production of oil increased and increased until you reached a high point at about which half the oil was pumped, and the last half logically is going to be harder to get than the first half, and so it's going to be less and less oil as you went down the other side. He predicted that the United States would peak in 1970. We did right on schedule.

And then in 1979, he predicted that the world would be peaking about now. And here we have the data from the two entities, the IEA and the EIA, that track the use, production and consumption of oil. And as you can see, they are in reasonable agreement. And for roughly the past 3 years, oil production in the world has been flat. By the way, if they were drawing this chart today, it would be a much taller one. They would have to change the scale for the price of oil because they had it here about $95 a barrel. Now it's way off the top of the chart, off 130 something dollars a barrel. But these two curves are still plateaued.

The next chart is a quote from what I think will shortly be recognized as perhaps the most insightful speech given in the last century. That speech was just found a few years ago and was put on the Web. And you can get it by doing a Google search for Hyman Rickover, the Father of our Nuclear Submarine and energy speech, or you can go to our Website, and there is a link there.

It really was a very prophetic speech. Remember, that was 51 years ago, the 14th day of this past May, to a group of physicians in St. Paul, Minnesota. And these are some of the things he said in that speech. And I hope you will pull it up and read the whole speech because it's really very insightful and very prophetic. There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy 500 million years ago, he says, and took eons to grow to their present volume. The world as a whole and our country included has appeared to behave as if these fossil fuels were inexhaustible. The plea now to reduce prices is simply to drill more.

What we will see shortly is that, as everyone will know, if you stop and think about it, that oil is finite. It is not infinite. There is a limited supply. The only thing that can be argued is how limited is that supply? He says, in the face of the basic fact that fossil fuels are finite, now our behavior has been a denial of this reality. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one regard: The longer they last, the more time do we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Have you noticed anybody anywhere doing what he suggested here? I really love this next paragraph because I think it really describes us, I'm sorry to say. Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare. I have 10 children, 16 grandchildren and 2 great grandchildren. When I am asked to vote to drill in the Arctic National Refuge and our public lands and offshore, I remind them of the fact that I have these children, grandchildren and great grandchildren. And I ask them, wouldn't it be nice if I left a little oil for my kids, my grandkids and my great grandkids? When they appeal to me to vote to drill in these places, I ask them, if you can pump ANWR tomorrow, what would you do the day after tomorrow? And there will be a day after tomorrow.

The next chart is another quote from Hyman Rickover. I suggest that this is a good time to think soberly. This is 51 years ago. I think this is a good time to think soberly about our responsibilities to our descendants, those who will ring out the Fossil Fuel Age. He may be the first person that I can find who recognizes that there would be a Fossil Fuel Age. In the 8,000 years of recorded history, Hyman Rickover noticed that the Age of Oil would be but a blip in the history of man. Wow. What a time it has been. We might give a break to these youngsters by cutting fuel and metal consumption so as to provide a safe margin for the necessary adjustments which eventually must be made in a world without fossil fuels.

And one day, friends, there will be a world without fossil fuels. Now that is not tomorrow. And we are not running out of oil. Half of all the oil that will ever be recovered is yet to be recovered. What we're running out of is our ability to pump this oil as fast as we would like to use it. We now are, I believe, at the top of Hubbert's peak. We will have a lot of oil pumped in the future, as much as all the oil we have pumped in the past. But it will be ever harder and harder to get. Less and less of it will flow. And it will come at higher and higher costs.

The next chart really helps us to put this in a perspective. I haven't gone back the 8,000 years that Hyman Rickover mentioned. I have gone back only 400 years in history because it wouldn't matter because if I went back the rest of the 8,000 years, the use of energy would not be as wide as the baseline here, and so it would still look like this chart.

This shows the beginning of the Industrial Revolution. It shows that it started with wood, then, coal, and then gas and oil. And wow, did it take off with gas and oil. Now we're going to see this curve in several other charts. In most of those charts we will have expanded the abscissa, so that this curve will look a little different.

What we have here is the incredible increase in the rate of the use of oil up through the Carter years. Every decade up through the Carter years we used as much oil as we had used in all of previous history. Now that is an incredible statistic. What that means is that when you use half of the oil, that only 10 years remain. Now that is not going to be 10 years of increasing rate and then you're going to be fall off a cliff, because that is not the way we can pump the oil.

The next chart introduces us to another reality that we really need to be cognizant of. Not only is there a limited amount of oil in the world, but how it's distributed in the world is important. The world according to oil. This is what your planet would look like if the size of the Nation was relative to how much oil it had in reserves. Saudi Arabia dominates the landscape. It should. It has about 22 percent, a bit more than one-fifth of all the reserves in the world. Iraq, Kuwait, Iran, second, third and fourth, have huge amounts of oil. Russia and Venezuela have large amounts of oil. Russia now I think is the number one exporter in the world. They don't have the most oil in the world. But they are very aggressively pumping it. We're very aggressively pumping oil by the way. Here we are, the United States, with 2 percent of the oil in the world, and we are producing 8 percent of the oil in the world.

It is an interesting depiction here. It shows some really interesting things. The first and third largest suppliers of oil to our country are Canada and Mexico. Mexico just slipped to number 3. They used to be number 2. Now that has been taken up by Saudi Arabia. But notice that Canada and Mexico together have about as much oil as we. Canada doesn't have much oil. They can export oil because Canada doesn't have very many people. And Mexico's people are too poor to use it. So they can export oil. I read one account that said within 8 years, Mexico, our third largest supplier, will be an importer of oil. Notice that Venezuela dwarfs everything else in our hemisphere.

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Another really interesting thing here is the size of China and India. Here they are, China and India, and together, they don't have as much oil as the United States, with more than 2.3 billion people and with rapidly growing economies.

The next chart looks at this distribution of oil, where it is in the world another way, and you could have seen most of this from that chart. Here we look at the 10 largest reserves of oil in the world. Who owns them? Ninety-eight percent of those big 10 are owned by countries, not companies. Luke Oil, in Russia, is kind of independent, and they have only 2 percent.

Now, who produces the oil?

In this country, we focus on the big 4, and some people think they're gouging us. We have legislation now to look at whether they're gouging us or not. But 78 percent of all of the oil in the world is produced by those in the top 10—this is 78 percent of the top 10—by the 98 percent of the top 10 who have the oil. The big oil companies produce only 22 percent of the oil, and the amount of oil that they own isn't even large enough to show up in the top 10. Notice they don't even show here.

The next chart is another way of looking at these realities. These numbers, by the way, inspired 30 of our leading citizens—Boyden Gray and Jim Woolsey and McFarland and 27 others, who are some retired four-star admirals and generals—to write a letter to the President, saying, "Mr. President, the fact that we have only 2 percent of the world's oil reserves and use 25 percent of the world's oil and import two-thirds of what we use is an entirely unacceptable national security risk. You really have to do something about that."

Subsequent to that, in a State of the Union message, the President noted very correctly that we're hooked on oil. That's a good analogy. We are as hooked on oil as the drug addict is hooked on his drug. The President made that very clear. We are less than 5 percent of the world's population—1 person in 22—and we use 25 percent of the world's oil.

As I mentioned before, we pump 8 percent of the world's oil, which means we're pumping our oil fields four times faster than the average in the world.

The next chart is one where, if you only had one chart to look at, this chart has more information on it than any other chart that I have seen relative to oil and relative to where we are and where we'll probably be.

Here is the curve that you saw before. It was a very steep curve, do you remember? I said that you would see it in subsequent charts, and here it is again. We have really spread it out here. Before, it went 400 years. Now it goes 100 years, 1930 to 2030. You will see here the recession that occurred in the 1970s.

There is an old saying: It is an ill wind that blows no good.

The good thing that came out of those oil price spike hikes in the 1970s was the reality that, gee, we could use this oil more efficiently. Boy, we've really done that. There was a recession that resulted in an actual drop in the demand for oil. Then we came out of that recession, and we were focused on efficiency. Your air conditioner is probably three times as efficient now as it was then, and so is your freezer.

So now we are growing our economies at the same rate we were growing them before, actually faster, because China and India were not really involved then in using huge amounts of energy. Now the growth is much slower. So let's be thankful for those oil price spike hikes in the 1970s, because it alerted us that we really could do better, and we really are doing better.

These bars here show when we found the oil, and we found most of it a long time ago. There were some huge finds back in the 1950s and some really, really big finds in the 1960s to 1970s. Notice that, from about this point on down, from 1980 particularly on down, it's down, down, down, down. This is with ever better techniques for discovering oil—3-D seismic and computer modeling. On the average, every year, we have found less oil than we've found the year before.

Now what will the future look like?

It's obvious on this chart that, ever since about 1980, we have not found as much oil as we're using, so now we've been dipping into the reserves. This area here, which is volume of oil, has been made up with using some of the reserves we found back here. So what will the future look like? There are two things that will determine what the future looks like:

One is how much oil we find and the rate at which we use the reserves we already have.

Now, you can make a judgment as to how much oil we will find in the future. I, personally, wouldn't have drawn this line. It won't be smooth like that; it will be up and down, but I wouldn't have drawn that line quite that high. I think it comes in a little lower if you're looking at that, but let's assume that that's what it is.

The difference between what you find and what you're using is going to have to be made up by dipping into the reserves back here. So you make your own judgment as to what the future would look like, and that will depend upon the rate at which we use these reserves and the amount of new reserves that we find.

The next chart shows a projection of discoveries, which is totally inconsistent with the chart we just saw. This is a projection of discoveries by the Energy Information Agency. This is a very interesting and kind of bizarre thing that has happened. The USGS does some computer modeling, looking at: Gee, where will we be in the future? How much oil will we find? They do some computer modeling, and they put a lot of inputs, different ones, into the computer, and then they get results out.

They took the mean frequency of that, and they compiled some data which said that the mean of what we're going to find—the F, they said—looks like this number. Well, somehow, when that got to the Energy Information Administration, that F became a P for probability. They make use of that, which, from a statistician's perspective, is just bizarre.

They make the statement that the 50 percent probability is the mean—of course it is not—and that the 50 percent probability is more probable than the 95 percent probability. This is fairly old. This is several years old now, as you can see, but they made a prediction way back here that the 50 percent probability green line is the amount of oil we were going to find in the future. We've been finding it at this rate. This is the discovery rate. They said, somehow, it's going to turn around, and it's going to go back up following that green line.

The 95 percent probability is the yellow line there. Well, obviously, 95 percent probable is more probable than 50 percent probable, and it's no surprise that the actual data points have been following the 95 percent probability.

The next chart is from one of four reports that your government has paid for and has pretty much ignored. Two of these reports came out in 2005. This is a quote from the first of those done by SAIC, a very large, prestigious, international organization. This was paid for by our government. It's called the Hirsch Report, after Robert Hirsch, who was a principal investigator on the report. Another one came out a little later in 2005 from the Corps of Engineers, and it says essentially the same thing that this report says. Then in 2007, two additional reports came out—one from the Government Accountability Office and, later in the year, another from the National Petroleum Council.

All four of these say essentially the same thing in different words, that the peaking of oil is a certainty; it is either present or imminent with potentially devastating consequences. Now, that's the message of all four of these reports.

This is a quote from the first of those reports: "World oil peaking is going to happen. World production of conventional oil will reach a maximum and decline thereafter."

That happened in our country in 1970. It is inevitable. It will happen in the world. Oil is finite. The amount of oil in the world is not infinite. There will be a time when we reach the maximum production of oil, after which, it is going to be harder and harder to get, and less and less will be available at ever-increasing costs. That maximum is called the peak. A number of competent forecasters project peaking within a decade. Others are less certain when peaking will occur. There are a lot of things, a lot of complexities, that determine that: Geopolitical things, the economies of the world. A lot of things affected it. Technology affected it.

Oil peaking presents a unique challenge. Then they make a statement, a stunning statement. The world has never faced a problem like this. You cannot go back in history and find any precedent for this problem. The world has never faced a problem like this. Without massive mitigation more than a decade before the fact—and apparently from the data we just showed you, the fact is upon us. Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary.

Previous energy transitions—wood to coal and coal to oil—were gradual and evolutionary. Oil peaking will be abrupt and revolutionary. The things that have been happening in the last few months are quite revolutionary. I was surprised at how quickly food shortages developed around the world.

The next chart is another quote from the first of these four reports that your government has paid for: "The peaking of world oil production presents the world with an unprecedented risk management problem. As peaking has approached, liquid fuel prices and price volatility will increase dramatically."

Wow, that's exactly what has happened, isn't it? It will increase dramatically.

This, I believe, is the 46th time that I have come to the floor. I began, I think, on the eighth day of March in 2005. When I first came here, oil was 50-couple dollars a barrel. Now it's about $135 a barrel. Gasoline, I think, was less than $2 a gallon. Now it's over $4 a gallon. So it is true that these prices have increased dramatically. The economic, social and political costs will be unprecedented, they say.

The next chart—and I show this chart because it really depicts this very clearly. I have two charts to address this problem. I just want to make the point that drilling for oil is not the ultimate solution. This chart assumes that we are going to find as much more oil as all the reserves that now can be pumped. That's incredible. You will remember that chart of the oil that we found going down, down, down. What is going to turn that around? This chart assumes that we're going to find as much more oil as all of the oil that is yet to be recovered. This is that curve. I told you you'd see it again in several charts. Here it is again, the dip in the 1970s, and here we are a little after 2000.

This chart was made a few years ago. This red line here is the mean of 2 percent growth and 2 percent decline with what they say is the mean, the expected value, of 3 trillion barrels of oil. You will see data that varies a little bit, but it is the amount of oil that most experts believe will ever be pumped. Now, discovered oil that will ever be pumped is about 2 trillion barrels. This has it at 2.28 trillion barrels. This predicts we're going to find, roughly, 800,000 more barrels. Almost half of all of the oil that we have ever found they predict is going to be found in the future. Even if we do that, that pushes the peaking of oil out, they say, on this chart to only 2016. Wow, that's not very far out.

Now, they have another line here which says, if you extend this growth further and assure that you're going to have a very rapid decline, then you can push the point out to 2037.

The next chart looks at these same data. Here, they have, roughly, the 2 trillion again. I told you the numbers would vary a little bit. Here is the 2 trillion again. This is 1.92 trillion. We would have peaking about now if that had occurred. This is from CERA again. CERA believes that we will find as much oil as all the oil that is yet to be pumped, and they don't show me further on. I have no idea what that curve will do and how abruptly it will fall after that, but even with their predictions, they are pushing the peak out only—well, you can see it here—to about 2030, which was the peak on the other chart.

Unconventional oil. This may be a good time to spend just a moment talking about unconventional oil. We, actually, have some huge reserves of unconventional oil.

□ 1515

The most exploitable of these reserves is in Canada, it's the tar sands of Canada, and they are huge, 1.5 trillion barrels of oil. That's more oil potential there than yet all the oil yet to be recovered in all the fields of the world. And they are producing about 1 million barrels a day.

So why aren't we sanguine and the future going to be rosy? Because what they are doing there, they know they cannot continue to do it, it's not sustainable. They are using natural gas, which will run out, and then they may have to build a nuclear power plant.

They are using water, which is a limited water supply. I understand they are now using a shovel which lifts 100 tons. They dump it into a truck which hold 400 tons, and they hook that with natural gas, maybe using more energy than they get out of the oil, but, never mind, the natural gas is stranded. By that we mean that there is not many people to use it.

Natural gas is very hard to move from one place to another. It's stranded and so it's cheap. Economically they are producing this, I understand $18 to $25 a barrel and it's bringing $135 a barrel. That's a really good profit margin.

But the profit margin you really need to be looking at here is the energy profit margin. How much energy do you put in, and how much energy do you get out?

Well, soon, when they have exploited this above ground, my understanding is it ducks under an overlay and then they are going to have to decide how to develop it in situ. They don't know yet how to do that.

We have in our country huge potential reserves. It's not quite oil, but with some manipulation it can be made into oil. These are the so-called oil shales of our west. We have there at least probably 1.5 trillion barrels of oil again. But, so far, no one has found any economically feasible way to develop these potentially enormous reserves.

Now, we use, in the world, about 84, 85 or so million barrels of oil a day. In our country we use 21 million barrels of oil a day. Each barrel of that oil—and when I first saw this number, I couldn't believe it—each barrel of that oil has the energy equivalent of 12 people working all year.

I thought, wow, that can't be true, just a barrel of oil, 42 gallons. Then I thought how far that gallon of gasoline at $4 a gasoline, by the way, still about the same price as water in the grocery store, how far that gallon of gasoline took my Prius. It takes me 48 miles.

Now I can pull my Prius 48 miles, but that would take a long time with come-alongs and cables and guardrails and trees and so forth to pull it along that 28 miles.

What that means is that until very recently, when oil prices spiked up, I can remember when oil was $10, $12 a barrel. When oil was $12 a barrel you could buy the life-style improvement of one person working for you all year for $1.

At $12 a barrel, one barrel is the work equivalent of 25,000 man-hours of 12 people. No wonder Hyman Rickover in his speech said that the poorest of people live better than ancient kings. This has enabled us to establish an incredible quality of life.

When I look back at this, you know, I keep asking myself the question, why didn't somebody, when we found this incredible wealth under the ground, stop and ask, what can we do with this to provide the most good for the most people for the longest time?

That is not what we did. What we did was no more responsibility than the kids who found the cookie jar or the hog who found the feed-room door open. We have just been pigging out. A lot of my colleagues would like to continue doing that.

What they want to do is drill. I have 10 kids, 16 grandkids, two great grandkids. I want to drill, but I want to use what we get from drilling to invest in alternatives. My wife has a great—and I see I am joined by a great friend, and I am going to yield to him in just a moment—my wife has a great observation on all of this. She uses that old country and western—it's too late now to do the right thing.

We have blown 28 years. I say that because by 1980 we knew really well of a certainty that M. King Hubbert was right about the United States peaking in 1970. By 1980 we knew that, no question about it. He predicted in 1979 that the world would be peaking about now. I keep asking myself the question, why haven't we done something about it?

I thank you, friend, for joining us. I am happy to yield to you.

Mr. YOUNG of Alaska. I thank the gentleman for yielding. I want to congratulate the gentleman for bringing this to the floor of the House many times and trying to explain to the public what peak oil mean. I have to say I was a doubter, and over the period of time that you have explained this to me I became a believer.

It looks, as you have said before, as the population growth, the consumption factor and what we have available. It's sad that we haven't addressed this issue.

Now I am one of the ones that believes in drilling as you mentioned but I also agree with you that now we should step forward and solve the problem for the future today.

We can do this with all the efforts—because if we don't, like you say, your grandchildren and your great grandchildren and possibly your greater grandchildren are going to face a great dilemma.

I am confident, as this Congress goes forth, or the people demanded that we will find solutions to this. But right now it has been too easy to buy oil from overseas, not realizing we were running out. We got accustomed to it, like you say, going to the cookie jar and not looking down the road.

Again, I want to thank the gentleman.

I mean, you are doing a great favor for this Nation to try to awaken the people that, yes, we can drill and we can solve the problem, and we may lower the prices temporarily.

But what we ought to be doing is utilizing some of our oil now and taking the revenues that are generated and put it into that—and I reluctantly say this—from Alaska, but into the bridge to the future, so that we will have those alternative forms of energy.

We can move products with other than fossil fuels. We can manufacture with other than natural gas.

There are a lot of things that we just must do. Again, I want to thank the gentleman for doing this, and I am pleased to be part of your effort and hopefully, as time goes by, this Congress will wake up. Right now, they are not. But you keep doing it and maybe the public will wake them up.

Mr. BARTLETT of Maryland. Thank you, sir. I am really honored you came to join me.

You mention doing things. The thing that you mentioned is right on our chart here. I was very pleased. I think I may be the only original cosponsor on your bill to drill in ANWR and use all of the revenues to invest in alternatives.

Because I have said for all the years now that I have voted "no" for drilling in ANWR, that because of my kids, my grandkids, and great grandkids and their future that I would vote to drill in ANWR when we used all the revenues we get from ANWR to invest in alternatives.

Your bill does that, and so I was proud to sign on. By the way, I will note that there will be some environmental impact in ANWR. There is always an environmental impact. When I go out the door and step on my grass there is an environmental impact. But I think that my walking on the grass is justified.

It's obviously a trade-off. If you have a dollar and you spend it for a Coca-Cola you can't spend it for a candy bar. So everything we do in life is a trade-off. I think that the environmental damages that will be done in ANWR will be minimal compared to the advantages of our country and our civilization resulting from the monies that we are going to spend on the developing alternatives.

Mr. YOUNG of Alaska. If the gentleman will yield just one more time, you are absolutely right. There is nothing that we do that doesn't have an environmental impact. The only thing we can do to stop having an environmental impact is stop living.

We can face up to that, what can be done, and we have done that, is to do it as safe as possible, and that can be done. But the trade-offs, if we don't drill, and take those dollars and put them in renewable sources of energy, the trade-off is a disaster environmentally.

I have said this, if you want to see a disaster where they haven't been able to develop, as they should, their fossil fuels, et cetera, go to the countries that cut every tree down, because it's the only source of power they have.

You go to Ethiopia, you go to other countries of Africa. There is no living thing that can be burning because there is no other forms of energy. That's what I don't want to see this Nation—let's look for, as you mention, let's recognize it as an invite. Material oil will run out, let's use the revenues now and plan for the future and have availability of energy.

If we do it now, then we are going to be in good shape in the future. Not you and I, but you and your grandkids.

Mr. BARTLETT of Maryland. Thank you, sir. I am honored you came to the floor to join me.

Here is a list of the things I have been personally involved in, the Senate 2821, Senators CANTWELL and ENSIGN, passed it 88-8. It's a bill that extends renewable energy tax credits.

Our companion bill to that, H.R. 5981, simply picks up the Senate bill. If we pass that bill in the House, then it goes directly to the President.

This is a bill I was just talking about with my good friend, DON YOUNG, renewable domestic resources, ANWR, I am happy to be I think the only original cosigner of that bill. I am honored that he gave me that opportunity.

Peak Oil Caucus and resolution, I started the Peak Oil Caucus with my good friend, TOM UDALL.

H. Res. 12 is a resolution that says that the Congress recognizes that there is such a thing as peak oil. I mean, how can you not recognize that the sun comes up and the sun comes down. Of course, there is such a good thing as peak oil.

I proudly supported a new law not yet fully supported by our administration, ARPA-E. This is patterned after the enormously successful DARPA that has brought a lot of things to fruition. We wouldn't have an Internet if it weren't for DARPA. We wouldn't have pilotless airplanes if it weren't for DARPA.

I want an ARPA-E. We are going to have very limited resources, very limited time. What are we going to invest it in? There are some things that businesses with its short sight and the next quarterly report just can't invest money in. That's what DARPA has been doing for years with such enormous success, just investing in these things that are really risky but have enormous payoff. That's what DARPA has done very successfully. That's what I hope ARPA-E will do too.

I voted to increase CAFE standards. I was driving to work the other day and one lane in front of me was an SUV with one person in it. In the lane next to it was a Prius. By the way, I bought the first one in Congress and the first one in Maryland, now driving a second one. There were two people in the Prius, and I noted to myself, the people in that Prius are getting six times the miles per gallon, per person, as compared to the people in that SUV.

We have enormous opportunities for conservation, and there is only one thing that will reduce the price of oil tomorrow. Drilling will not do it, because no oil will flow for years after we start drilling.

As a matter of fact, it will make the problem a bit worse tomorrow, because it takes energy to drill, and that will simply compete for additional energy. Only one thing will reduce the price of oil tomorrow, and that's use less of it. There are only two ways we will get there.

One of those the market will provide, and that is if we wait until oil gets so high that it destroys the world's economies, and then those economies will collapse and the demand for oil will collapse, demand destruction, they call it, and then the price will drop. That's a very painful way to get the price down.

The only other way to get I down, by reducing demand, is to simply voluntarily reduce demand. We have a lot of opportunities to do that.

Let me run through this chart. I have a self-powered farm. If a farm can't produce all its own energy and a little bit left over for somebody else, we are in trouble for the future, aren't we, as we run down this other side of this fossil fuel curve.

Tax credits for hybrids, I would like to expand that so that more people would be encouraged to buy them, to give more tax credits for those.

Then the DRIVE Act, the DRIVE Act would require that all of our cars, for about $100 extra—maybe less than that with our max production—would be flex-fuel cars and they could use any fuel. By the way, every car produced in Brazil today is a flex-fuel car. They look just like ours. They cost just a trifling more to do. Who knows what the fuel in the next 16 years will be. A fleet turns over every 16 years, roughly. So we ought to be prepared for that. We really do need flex fuel cars.

The next chart, and this one points out another reality of the world in which we live, and this is who owns the oil? Now, we have looked at that another way previously, but this looks at the countries that are buying oil.

You can see a dollar sign there in a few places, not very—I have to look to find them, by the way, but I really don't have to look to find the symbols for China. They are everywhere. They are everywhere.

They are Russia, they were going to buy Unocal in our country. They are heavily invested in south—not only are they buying oil, they are buying goodwill. Do you need a soccer field? Hospital, how about roads? So China is out there very aggressively buying oil all over the world.

□ 1530

The next chart, and I would like to put where we are in context and look at all of the power we are using. We have been looking just at transportation. That is where the real challenge comes in the future.

This looks at U.S. energy consumption by sector. Electric power, transportation, and we have been talking primarily about liquid fuels. So 2 or 3 percent of this is produced by diesel, but we are using gas. And gas is not thought of as a liquid fuel, but you will see the city buses running on gas, and so it is appropriate to look at that.

Here is transportation, industry, residential and commercial.

The next chart looks at the reality of the future. It is very obvious that oil is finite, that it will not be here forever. Hyman Rickover was the first that I know of who in a very dramatic way called our attention to that.

We will eventually transition. Geology will ensure it. We will transition from fossil fuels to renewables. We have some finite resources to help us do that. We have already talked about the tar sands and the oil shales. I have no idea how much we will get from those. I don't know how much money I might win in the lottery, but I don't plot my future on future winnings in the lottery. And I am going to win no money in the lottery because I don't play the lottery.

So we need to have a plan B. Coal. In a few minutes I will have a chart that looks at coal. We have a lot of coal compared to the rest of the world. Our fabled 250 years of coal is not really 250 years. The National Academy of Sciences recently looked at it. They say we haven't looked at coal since 1970, and we have been using a lot of coal since 1970. They said we now probably have 100 years of coal at current use rates. But be very careful when someone says "current use rates."

We have great difficulty in understanding the exponential function. When Albert Einstein was asked after nuclear energy, what is going to be the next great force in the world?

He said the most powerful force in the world is the power of compound interest. Just 2 percent growth, so anemic that our stock market doesn't like it and it tends to shudder when you only have 2 percent growth, 2 percent growth doubles in 35 years. It is four times bigger in 70 years, eight times bigger in 105 years, and 16 times bigger in 140 years. That is just 2 percent growth. And so this 100 years at current use rates could easily shrink to 25-30 years with increased use rates.

Then we have nuclear. I am a fan of nuclear. It has been very safe. We produce roughly 20 percent of our electricity with it. And France produces 75-80 percent with it. We use a light water reactor using fissile uranium, and that will run out. Then we can go to breeder reactors and as the name implies, breed fuel, and we won't run out of that. But we do buy some problems with that of transporting weapons grade material for further use.

But those I think are solvable problems. The only one that gets us home free is nuclear fusion. That's harnessing the power of the hydrogen bomb. By the way, we have a great nuclear fusion plant, it's called the sun. That is how it produces its energy.

I happily vote for the $250 million a year that we spend on fusion, but I think the odds of commercializing that are relatively small. I would be delighted if we are able to do that, but I would not count on that. You have to have a plan B.

Now we look at the renewable sources. And by and by, all of our energy will come from sources like these and maybe a couple more that we might add to it. Solar and wind and true geothermal. A lot of people talk about geothermal where you are hooking your air conditioner to ground temperature. Gee, do that please because what you are trying to do in the summer when you air condition your house is heat the air outside when it is already 100 degrees outside. It is easier to warm up the ground which is 56 degrees; and in the wintertime, 56 degrees looks pretty warm compared to the 10 degrees it might be outside.

But the geothermal I am talking about is tying into the molten core of the earth. They do that in Iceland. I don't see a single chimney in Iceland.

Ocean energy, an incredible amount of potential energy in the oceans, but hard to harness. We are working at it.

Agricultural resources, soybean and biodiesel. Just a word about those. I am a big fan of agriculture. I come from a farming background. I hope that agriculture will play a meaningful role, but it will not be a huge role.

The National Academy of Sciences has said that if we used all of our corn for ethanol and discounted for fossil fuel input, it would displace 2.4 percent of our gasoline. They said if we used all of our soybeans for diesel and discounted for fossil fuel input, it would displace 2.9 percent of our diesel. These are trifling numbers.

They noted that as far as corn ethanol is concerned, using all of our corn, we use only a part and now we are driving up the price of corn, wheat and soybeans because we diverted land, and droughts drove up the price of rice and so now there is hunger around the world and we are partly to blame for that. They said that if you tuned up your car and put air in your tires, you could save as much gas as using all of our corn for ethanol.

Methanol that you might get from wood, biomass, and the huge interest now that I think is a bit overly optimistic is on cellulosic ethanol. I am an old dirt farmer. Let me just note something that I think is intuitive. I can't imagine that we would get a whole lot more energy from our wasteland that wasn't good enough to plant anything on than we could get from all of our corn and all of our soybeans which would produce, for corn, replace 2.4 percent of our gasoline, and for soybeans, 2.9 percent of our diesel. I can't imagine we are going to get a whole lot more than that from our wastelands that aren't good enough to grow anything on. If you want to mine those and rape them of their organic materials for the next couple of years, you might get a meaningful amount. But sustainably, at least to some measure, this year's weeds grow because last year's weeds died and are fertilizing them. Now we will get something from cellulosic ethanol.

There are two bubbles that have broken already. The first big bubble that was going to be our savior was hydrogen. Remember that one? I think people figured out that hydrogen is not an energy source; it is an energy carrier. You will always use more energy producing hydrogen than you get out of it.

Why hydrogen. Because if we have a fuel cell where we can burn it and use it at least twice as efficiently, and when you use hydrogen you get water and that is pretty clean. So it is a great candidate for a fuel cell. We are at least two decades away from a fuel cell.

The second bubble that broke is the corn ethanol bubble. I am predicting that the cellulosic ethanol bubble will break. We will get something from cellulosic ethanol, but it will not be the huge amounts people are predicting we might get.

Waste to energy, great idea. And there is a good plant here in Montgomery County, but what you are burning there is largely a waste stream, the result of profligate use of fossil fuels. For the moment it is a good idea; but long term in an energy-deficient world, you are not going to waste so much. Remember, I grew up during the Depression; Waste not, want not. That is certainly not our motto today when you look at our landfills.

Gas hydrates. I want to mention that because there is more potential energy there than all the other energy sources I have talked about. These are little, frozen modules on the bottom of the ocean. There are huge potential amounts of energy there. But let me note that there are huge potential amounts of energy in the tides. The moon lifts the whole ocean two or three feet. When I carry two 5-gallon buckets of water, they are heavy. The problem with that energy and the tides and the problem with the energy in the gas hydrates is that it is very scattered and diffuse. Energy to be useful must be concentrated. And we will get something out of all of those, but it will not be enormous amounts.

This chart looks at a very interesting reality, and that is we are very much like the young couple that had their grandparents die and left them a big inheritance and now they have established a lavish lifestyle where 85 percent of all of the money they spend comes from their inheritance and only 15 percent from their salary. And they look at the inheritance, and it is going to run out before they retire, and so obviously they have to do something. They have to spend less or make more. That is precisely where we are because 85 percent of all of the energy that we use comes from fossil fuels, coal, petroleum and natural gas; only 15 percent from renewables, a bit more than half of that from nuclear. Here are the renewables we saw on the other chart. This is 7 percent. So solar was 1 percent of 7 percent; so 0.07 percent. Big deal.

And I am a big fan of solar and it is growing at 30 percent a year, but when you use 21 million barrels of oil a day, that is an incredible amount of energy. It is a huge challenge to find alternatives that will produce that amount of energy.

The next chart shows us the U.S. electricity generated by fuel source, and notice some of this we can use in cars. In fact, we can use a lot of the coal. Natural gas, buses run on natural gas. If you had electric cars, you could do it with nuclear. And the others are much smaller. Hydro is 6 percent a year or so depending on how much rain we have.

The next chart shows electricity generation by renewables, and this blows up the renewables part of it. The wood, wind, waste, geothermal and the solar. This is 1 percent up here. The total amount we use is 100 times higher. So you see solar down there, it is just trifling. I think it will be huge in the future. The most aggressive country in the world for solar is Germany, and they have poor sunlight compared to the United States. But they recognize that they have to do something to transition.

The next chart, and I want to spend just a moment on this chart because the reality is this should have led people to understand we weren't going to get all we could want from corn. This bottom part, this is the amount of energy that goes into producing corn. Almost half is natural gas that is used to make nitrogen fertilizer. Before we learned how to do that, the only nitrogen fertilizer came from barnyard manure and guano. Guano is the droppings of birds and bats, and if we wait another 10–20,000 years, we will have some more. But that is gone now. It was a big industry doing that.

The amount of energy that goes into producing ethanol from fossil fuels is incredible. This just looks at the energy that goes into producing. Indeed, there are some who believe that we use more energy producing ethanol than we get out of ethanol. Our Department of Energy believes it is probably 80 percent, and the National Academy of Sciences use that number, too. Probably 80 percent of the energy that you get out of ethanol was put in there with fossil fuels.

I would like to put up the chart that we began our discussion of things that could be done, and I would like to say in my closing moments that I feel very exhilarated by this. There is no exhilaration like the exhilaration of meeting and overcoming a big challenge. This is a huge challenge. The American people are the most creative, innovative people in the world. If they really understood what we needed to do, they would do what the people of my generation did, and I am 82 years old. I was born in 1926. I lived through World War II. Everybody had a victory garden. We had Daylight Savings Time so you could work another hour in the victory garden. We didn't do that because somebody told us we had to, we did it because we knew we needed to do that.

I think the American people, properly challenged, if they really understood the challenge, I think the American people would rally, and I think we could once again become a major exporting country, not just exporting ideas to other people who then do the manufacturing. I want to do the manufacturing here and be a manufacturing and exporting country. We are the most creative, innovative society in the world.

Mr. Speaker, what we need is a program that has the total commitment of World War II. Everybody in America needs to be involved. We need to have the technology focus of putting a man on the moon, and we need to have the urgency of the Manhattan Project. We are capable of that. The American people are waiting for that.

The solutions that are now suggested to us are only partial solutions. I am kind of glad with my 10 kids and 16 grandkids and 2 great-grandkids that we didn't drill every place that we might have drilled. Now there is a little oil for them, and they will be involved in this transition.

So I hope, Mr. Speaker, with more knowledge of where we are, that the American people will rally to the challenge and the United States will be what it has been in the past, a leader in technology, and a major manufacturing and exporting country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for today on account of business in the district.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of official business.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of attending family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. CAMPBELL of California) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, today.

Mr. POE, for 5 minutes, June 27.

Mr. JONES of North Carolina, for 5 minutes, June 27.

Mr. CAMPBELL of California, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, June 27.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2607. An act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

S. Con. Res. 91. Concurrent resolution honoring Army Specialist Monica L. Brown, of Lake Jackson, Texas, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces, to the Committee on Armed Services.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 634. An act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 814. An act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 5778. An act to preserve the independence of the District of Columbia Water and Sewer Authority.

SENATE ENROLLED BILLS SIGNED

The Speaker announced here signature to enrolled bills of the Senate of the following titles:

S. 188. An act to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

S. 254. To award posthumously a Congressional gold medal to Constantino Brumidi.

S. 682. To award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 1692. An act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. To authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, June 23, 2008, at 12:30 p.m., for morning-hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Donald J. Cazayoux, Jr., Steve Chabot, Ben Chandler, Travis W. Childers, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur

Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Ruben Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. "Randy" Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Jackie Speier, Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Niki Tsongas, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C. W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7235. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Dairy Product Mandatory Reporting [Doc. #AMS-DA-07-0047; DA-06-07] (RIN: 0581-AC66) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7236. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Fenoxaprop-ethyl; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2007-1107; FRL-8366-6] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7237. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Flutolanil; Pesticide Tolerances [EPA-HQ-OPP-2007-1021; FRL-8365-6] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7238. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0392; FRL-8581-9] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7239. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0342; FRL-8581-7] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7240. A letter from the Director, Regulatory and Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Alabama; Prevention of Significant Deterioration and Nonattainment New Source Review; Correction [R04-OAR-2007-0532-200810(c); FRL-8579-6] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7241. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Utah: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2006-0127; FRL-8569-9] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7242. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Update of Continuous Instrumental Test Methods: Technical Amendments [EPA-HQ-OAR-2002-0071; FRL-8568-7] (RIN: 2060-AP13) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Energy and Commerce.

7243. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks VOC in Petroleum Refineries [EPA-HQ-OAR-2006-0699; FRL-8568-8] (RIN: 2060-AO90) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7244. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries [EPA-HQ-OAR-2006-0699; FRL-8569-1] (RIN: 2060-AO90) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7245. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; California; Ventura Ozone Nonattainment Area; Reclassification to Serious [EPA-R09-OAR-2008-0435; FRL-8568-3] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7246. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules and Alternative Monitoring Plan for Mandan Refinery; Delegation of Authority for New Source Performance Standards [EPA-R08-OAR-2007-0617; FRL-8570-2] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7247. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Environmental Protection Agency, entitled "Control of Emissions of Air Pollution From Locomotive Engines and Marine Compression-Ignition Engines Less Than 30 Liters per Cylinder," pursuant to 5 U.S.C. 801(a)(2)(A); to the Committee on Energy and Commerce.

7248. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Department of Health and Human Services, Food and Drug Administration, entitled "Substances Prohibited From Use in Animal Food or Feed," pursuant to 5 U.S.C. 801(a)(2)(A); to the Committee on Energy and Commerce.

7249. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of a draft bill that would amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974; to the Committee on Energy and Commerce.

7250. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on orders that designate new types of information to be protected as "Safeguards Information"; to the Committee on Energy and Commerce.

7251. A letter from the General Counsel, National Oceanic and Atmospheric Administration, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Civil Procedures [Docket No. 040902252-6040-02; I.D. 092804C] (RIN: 0648-AS54) received June 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7252. A letter from the Secretary, Department of Health and Human Services, transmitting the report entitled "Third Report to Congress on the Evaluation of the Medicare Coordinated Care Demonstration" in response to the requirements Section 4016(c) of Public Law 105-33, the Balanced Budget Act of 1997; jointly to the Committees on Energy and Commerce and Ways and Means.

7253. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Department of Health and Human Services, Centers for Medicare and Medicaid Services, entitled "Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Update for Rate Year Beginning July 1, 2008 (RY 2009)," pursuant to 5 U.S.C. 801(a)(2)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

7254. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's "June 2008 Report to the Congress: Reforming the Delivery System"; jointly to the Committees on Energy and Commerce and Ways and Means.

7255. A letter from the Secretary, Department of Transportation, transmitting a copy of a draft bill, "To authorize certain maritime programs of the Department of Transportation, and for other purposes"; jointly to the Committees on Transportation and Infrastructure, Armed Services, Ways and Means, and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 4044. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; with an amendment (Rept. 110-726). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6052. A bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes (Rept. 110-727 Pt. 1); ordered to be printed.

Mr. RANGEL: Committee on Ways and Means. H.R. 6275. A bill to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes; with an amendment (Rept. 110-728). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 6052 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 554. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; with an amendment; referred to the Committee on Judiciary for a period ending not later than July 18, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 554. Referral to the Committee on Agriculture extended for a period ending not later than July 18, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. COSTELLO, Mr. MICA, Mr. PETRI, and Mr. BLUMENAUER):

H.R. 6327. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. ACKERMAN, Mr. DELAHUNT, Mr. SHAYS, and Ms. ZOE LOFGREN of California):

H.R. 6328. A bill to develop a policy to address the critical needs of Iraqi refugees; to the Committee on Foreign Affairs.

By Mrs. CUBIN:

H.R. 6329. A bill to expedite the construction of new refining capacity on brownfield sites in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Mr. LARSON of Connecticut, Mr. MCHUGH, Mr. ALLEN, Mr. UDALL of Colorado, Mr. CARNEY, Mr. KILDEE, Ms. SUTTON, Mr. HINCHEY, Mr. COURTNEY, Mr. DONNELLY, Mr. ALTMIRE, Mr. FATTAH, Ms. SCHWARTZ, Mr. DEFAZIO, Mr. VISCLOSKY, Mr. WELCH of Vermont, Mrs. DAVIS of California, Mr. BISHOP of New York, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. INSLEE, Mrs. CAPPS, Mr. BAIRD, Mr. THOMPSON of California, Ms. HIRONO, Mr. WILSON of Ohio, Mr. MCGOVERN, Mr. CHANDLER, Mrs. MCCARTHY of New York, Mr. MICHAUD, Mr. HILL, Mr. PATRICK MURPHY of Pennsylvania, Ms. RICHARDSON, Mr. HODES, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. PASCRELL, Mr. ROSS, Ms. SOLIS, Mr. DOYLE, Ms. BALDWIN, Mr. CONYERS, Mr. DELAHUNT, Mr. PASTOR, and Mr. CAPUANO):

H.R. 6330. A bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself and Mr. DINGELL):

H.R. 6331. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN (for himself, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. BECERRA, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. LEE, Ms. MATSUI, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. BACA, Mr. BERMAN, Ms. BORDALLO, Mr. BUTTERFIELD, Mr. CARSON, Ms. CLARKE, Mr. CLEAVER, Mr. COSTA, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. ORTIZ, Mr. PAYNE, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. SERRANO, Ms. SOLIS, Ms. VELÁZQUEZ, Ms. WATSON, Mr. WU, Mr. PASTOR, Mr. RANGEL, Mr. RODRIGUEZ, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SIRES, Mr. THOMPSON of Mississippi, Ms. WATERS, and Mr. WATT):

H.R. 6332. A bill to authorize additional appropriations for summer youth employment activities under the Workforce Invesment Act of 1998 for fiscal years 2008 and 2009; to the Committee on Education and Labor.

By Mr. FRANK of Massachusetts (for himself, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. KANJORSKI, and Mr. CLEAVER):

H.R. 6333. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 6334. A bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Ms. CORRINE BROWN of Florida:

H.R. 6335. A bill to provide for the transfer to the Government of Haiti of the real property of the former United States Embassy in Port-au-Prince, Haiti; to the Committee on Foreign Affairs.

By Mr. DELAHUNT:

H.R. 6336. A bill to extend the authority for the Cape Cod National Seashore Advisory Commission; to the Committee on Natural Resources.

By Ms. KILPATRICK (for herself, Mr. COHEN, and Mr. BACA):

H.R. 6337. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Energy and Commerce.

By Mr. KLEIN of Florida (for himself, Mr. MILLER of Florida, Mr. HASTINGS of Florida, Mr. BOYD of Florida, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Mr. STEARNS, Mr. BILIRAKIS, Ms. CASTOR, Mr. BUCHANAN, Mr. KELLER, Mr. MAHONEY of Florida, Mr. WELDON of Florida, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FEENEY, and Mr. MICA):

H.R. 6338. A bill to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the "Army SPC Daniel Agami Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California (for herself, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. TOM DAVIS of Virginia, Ms. NORTON, and Mr. HOYER):

H.R. 6339. A bill to amend title 5, United States Code, to provide additional leave for Federal employees to serve as poll workers, and to direct the Election Assistance Commission to make grants to States for poll worker recruitment and training; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. KING of New York, Mr. FOSSELLA, Mr. MCNULTY, Mr. REYNOLDS, Mr. TOWNS, Mr. MCHUGH, Mr. KUHL of New York, Mr. ENGEL, Mr. WALSH of New York, Ms. CLARKE, Mr. BISHOP of New York, Mr. ACKERMAN, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. ISRAEL, Mr. WEINER, Mrs. MALONEY of New York, Mrs. GILLIBRAND, Mr. CROWLEY, Mr. ARCURI, Mr. HINCHEY, Mr. RANGEL, Mr. HALL of New York, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Ms. SLAUGHTER, Mr. NADLER, and Mr. HIGGINS):

H.R. 6340. A bill to designate the Federal building and United States Courthouse located at 300 Quarropas Street in White Plains, New York, as the "Charles L. Brieant, Jr. Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. VAN HOLLEN (for himself, Ms. DELAURO, Ms. SUTTON, Mr. WEXLER, Mr. SCHIFF, Mr. BECERRA, Mr. WELCH of Vermont, Mr. HIGGINS, Mr. DELAHUNT, and Mr. GRIJALVA):

H.R. 6341. A bill to amend the Commodity Exchange Act to provide for regulation of energy derivatives, and for other purposes; to the Committee on Agriculture.

By Mr. WILSON of Ohio (for himself, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. HOBSON, Mrs. SCHMIDT, Mr. REGULA, Ms. SUTTON, Mr. SPACE, Ms. PRYCE of Ohio, Ms. KAPTUR, Mr. LATOURETTE, Mr. LATTA, Mr. TURNER, and Mrs. JONES of Ohio):

H.R. 6342. A bill to designate the facility of the United States Postal Service located at 440 2nd Avenue in Gallipolis, Ohio, as the "Bob Evans Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. GIFFORDS:

H. Con. Res. 375. Concurrent resolution to honor the goal of the International Year of Astronomy, and for other purposes; to the Committee on Science and Technology.

By Mr. BERMAN (for himself, Ms. LEE, Mr. ACKERMAN, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. ROS-LEHTINEN, Mr. CHABOT, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. WOLF, Ms. ZOE LOFGREN of California, Mr. BURTON of Indiana, and Ms. GIFFORDS):

H. Res. 1290. A resolution joining the Office of the United Nations High Commissioner for Refugees in observance of World Refugee Day and calling on the United States Government, international organizations, and aid groups to take immediate steps to secure urgently needed humanitarian relief for the more than 2,000,000 people displaced by genocide in the Darfur region of Sudan; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ (for himself and Mr. ORTIZ):

H. Res. 1291. A resolution expressing gratitude for the contributions of the American GI Forum on its 60th anniversary; to the Committee on Veterans' Affairs.

By Ms. ESHOO (for herself, Mr. MARKEY, and Mr. DOYLE):

H. Res. 1292. A resolution establishing a national goal for the universal deployment of next-generation broadband networks to access the internet and for other uses by 2015, and calling upon Congress and the President to develop a strategy, enact legislation, and adopt policies to accomplish this objective; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. NADLER, Mr. COHEN, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, Mr. SCOTT of Virginia, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, and Ms. SUTTON):

H. Res. 1293. A resolution commemorating the 44th anniversary of the deaths of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has became known as "Freedom Summer"; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

324. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 108 expressing gratitude for the sacrifices made by our veterans; to the Committee on Veterans' Affairs.

325. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 146 expressing opposition to H.R. 5509 and S. 2674 relative to Veterans Disability Benefits; jointly to the Committees on Veterans' Affairs and Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. EDDIE BERNICE JOHNSON of Texas introduced a bill (H.R. 6343) for the relief of Jose de Jesus Ibarra, Monica Ibarra Rodriguez, and Cristina Gamez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. KLINE of Minnesota.

H.R. 96: Ms. MCCOLLUM of Minnesota.

H.R. 278: Mr. CANNON.

H.R. 550: Mr. GOODE and Mr. JONES of North Carolina.

H.R. 552: Mrs. DAVIS of California.

H.R. 579: Ms. HIRONO.

H.R. 643: Mr. SALI.

H.R. 789: Mrs. DAVIS of California.

H.R. 1070: Mr. CAPUANO and Mr. MICHAUD.

H.R. 1134: Mr. HONDA.

H.R. 1193: Mr. JOHNSON of Illinois.

H.R. 1474: Mr. OLVER.

H.R. 1514: Mr. COLE of Oklahoma.

H.R. 1655: Ms. DELAURO.

H.R. 1738: Mr. CARDOZA and Ms. HOOLEY.

H.R. 2045: Ms. DEGETTE.

H.R. 2054: Mr. CANNON.

H.R. 2164: Ms. KAPTUR.

H.R. 2205: Mr. BLUNT.

H.R. 2208: Mrs. MYRICK, Mr. BOEHNER, Mr. SMITH of Nebraska, Mr. BONNER, Mr. KLINE of Minnesota, Mr. MCHENRY, Mr. BOUSTANY, Mr. CAMP of Michigan, Mr. KUHL of New York, Mr. LAMBORN, Mr BLUNT, Mr. MCHUGH, Ms. GINNY BROWN-WAITE of Florida, Mrs. CUBIN, Mr. ADERHOLT, Mr. GOODLATTE, Mr. THORNBERRY, Mr. HALL of Texas, Mr. CALVERT, Mr. REHBERG, Mr. STEARNS, Mr. TIBERI, Mr. ROSKAM, Mr. MCKEON, Mr. TERRY, Mr. SESSIONS, and Mr. GINGREY.

H.R. 2329: Mr. PICKERING.

H.R. 2370: Mr. LYNCH and Ms. JACKSON-LEE of Texas.

H.R. 2588: Mr. KLINE of Minnesota.

H.R. 2721: Mr. MELANCON and Mr. ELLISON.

H.R. 2880: Mr. POE.

H.R. 3098: Mr. KANJORSKI.

H.R. 3187: Mr. PRICE of North Carolina.

H.R. 3195: Mr. SHERMAN, Mr. SESSIONS, and Mr. LAMPSON.

H.R. 3267: Mr. TERRY.

H.R. 3273: Mr. MCDERMOTT and Mr. LAMPSON.

H.R. 3282: Mr. BLUMENAUER.

H.R. 3289: Mr. OBERSTAR and Mr. MICHAUD.

H.R. 3457: Mr. BOREN.

H.R. 3769: Mr. TIM MURPHY of Pennsylvania.

H.R. 3820: Mr. PAUL.

H.R. 3874: Mr. PETRI and Mr. DAVIS of Illinois.

H.R. 4189: Mr. SHIMKUS.

H.R. 4296: Mr. PLATTS.

H.R. 4464: Mr. GALLEGLY.

H.R. 5435: Mr. PASTOR.

H.R. 5575: Mr. HODES.

H.R. 5698: Mr. MORAN of Virginia.

H.R. 5709: Mr. SOUDER.

H.R. 5737: Mr. LAHOOD.

H.R. 5772: Ms. WATERS.

H.R. 5793: Mr. BILBRAY.

H.R. 5874: Mr. TOWNS.

H.R. 5901: Mr. CONYERS and Ms. SOLIS.

H.R. 5935: Mr. COSTELLO.

H.R. 5951: Mr. CLEAVER.

H.R. 5971: Mr. JORDAN and Mr. SCALISE.

H.R. 5979: Mr. GONZALEZ.

H.R. 5984: Mr. BILIRAKIS.

H.R. 6025: Mr. BURTON of Indiana.

H.R. 6045: Mr. PORTER, Mr. HARE, Mr. AL GREEN of Texas, Mr. TIM MURPHY of Pennsylvania, Mrs. MILLER of Michigan, Mr. KELLER, Mr. GALLEGLY, and Ms. KILPATRICK.

H.R. 6076: Ms. GIFFORDS.

H.R. 6078: Mr. CARNAHAN, Mr. GUTIERREZ, and Mr. SHAYS.

H.R. 6091: Mr. ALLEN.

H.R. 6106: Mr. SHIMKUS and Ms. GRANGER.

H.R. 6108: Mrs. BIGGERT.

H.R. 6127: Mr. SKELTON, Mr. BERMAN, Mr. MCNULTY, Ms. CLARKE, Mr. HINOJOSA, Mr. HINCHEY, Mr. WEINER, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr FARR, Mr. MORAN of Virginia, and Mr. WOLF.

H.R. 6130: Mr. THORNBERRY and Mr. LA TOURETTE.

H.R. 6134: Ms. GRANGER.

H.R. 6140: Mr. LINDER.

H.R. 6163: Mr. WELCH of Vermont.

H.R. 6171: Mr. CAPUANO and Mr. COSTA.

H.R. 6180: Mr. CARNEY.

H.R. 6207: Mr. WAMP, Mr. LATTA, Mr. FEENEY, and Mr. DUNCAN.

H.R. 6209: Ms. MATSUI and Mr. LARSON of Connecticut.

H.R. 6210: Mr. COSTELLO and Ms. GIFFORDS.

H.R. 6239: Mrs. BOYDA of Kansas.

H.R. 6258: Mr. TOWNS.

H.R. 6261: Mr. SOUDER.

H.R. 6264: Mr. WALZ of Minnesota, Mr. RAHALL, Mr. AL GREEN of Texas, Mr. LANGEVIN, Mr. MEEK of Florida, Mrs. BOYDA of Kansas, Mr. HOLT, Mr. CARNEY, Mr. BLUMENAUER, Mr. DEFAZIO. Mr. DONNELLY, Ms. MATSUI, Mr. DOYLE, Mr. BRADY of Pennsylvania, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCCARTHY of New York, Mr. FARR, Mr. HODES, Mr. PASCRELL, Mr. OLVER, Mr. LINCOLN DAVIS of Tennessee, Mr. PAYNE, Mr. COSTELLO, Ms. HOOLEY, Mr. BOSWELL, Ms. WOOLSEY, Mrs. MALONEY of New York, Mr. BISHOP of New York, Mr. SERRANO, Ms. SHEA-PORTER, Mr. PERLMUTTER, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. JACKSON of Illinois, Mr. RYAN of Ohio, Ms. RICHARDSON, Ms. ESHOO, Ms. BERKLEY, Mr. GUTIERREZ, Mr. BECERRA, Mr. REYES, Mr. TAYLOR, Mr. BERRY, Mr. DAVIS of Illinois, Ms. HIRONO, Mr. ABERCROMBIE, Mr. DICKS, Mr. PASTOR, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mr. DELAHUNT, Mr. KENNEDY, Mr. STUPAK, Mr. CARNAHAN, Mr. CLEAVER, Mr. CLAY, Mr. SPACE, Mr. MURPHY of Connecticut, Mr. YARMUTH, Mr. HALL of New York, Mr. SPRATT, Mr. HIGGINS, Ms. SLAUGHTER, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. LEWIS of Georgia, Mr. CAPUANO, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. MOORE of Wisconsin, Mr. HARE, Mr. NADLER, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. DOGGETT, Ms. CLARKE, Mr. MCDERMOTT, Ms. KAPTUR, Ms. WATSON, Mr. MCNERNEY, Mr. CHANDLER, Mr. LYNCH, Mr. MOLLOHAN, Mr. SIRES, Mr. WILSON of Ohio, Mr. PALLONE, Mr. ALTMIRE, Ms. CASTOR, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. KANJORSKI, Mr. ROTHMAN, Mr. FATTAH, Mr. BRALEY of Iowa, Ms. SUTTON, Mr. COHEN, Mr. LOEBSACK, Mr. ISRAEL, Mr. MICHAUD, Mr. KUCINICH, and Mr. MCHUGH.

H. R. 6272: Mr. KING of New York.

H.R. 6274: Mr. POE and Mr. KING of New York.

H.R. 6282: Mrs. MALONEY of New York.

H.R. 6299: Mr. KING of New York and Mr. MARCHANT.

H.J. Res. 89: Ms. GRANGER.

H.J. Res. 93: Mr. CAPUANO, Mr. MCGOVERN, and Mr. BLUMENAUER.

H. Con. Res. 137: Mr. EHLERS and Mr. TOM DAVIS of Virginia.

H. Con. Res. 214: Mr. TOWNS and Mr. RUSH.

H. Con. Res. 244: Mr. ANDREWS.

H. Con. Res. 296: Mr. SHUSTER, Mr. REHBERG, Mr. SCALISE, Mr. SHULER, and Mr. LINCOLN DAVIS of Tennessee.

H. Con. Res. 321: Ms. SCHAKOWSKY.

H. Con. Res. 333: Mr. CANTOR and Mr. ROSKAM.

H. Con. Res. 342: Mr. BOREN.

H. Con. Res. 369: Mr. MILLER of North Carolina.

H. Res. 672: Mr. DOOLITTLE and Mr. ENGLISH of Pennsylvania.

H. Res. 883: Mr. HOLT.

H. Res. 970: Mr. COSTELLO, Mr. SHADEGG, Mr. LAHOOD, and Mr. WHITFIELD of Kentucky.

H. Res. 1006: Mr. ENGLISH of Pennsylvania.

H. Res. 1069: Mr. WEINER, Mr. KUHL of New York, and Mr. HASTINGS of Florida.

H. Res. 1093: Ms. WOOLSEY.

H. Res. 1191: Mr. GENE GREEN of Texas.

H. Res. 1229: Mr. LYNCH, Ms. HIRONO, and Mr. HONDA.

H. Res. 1231: Mr. BUYER, Mr. HIGGINS, Ms. MOORE of Wisconsin, Mr. PETERSON of Minnesota, Mr. MITCHELL, Mr. LAMBORN, Mr. SOUDER, and Mr. CARDOZA.

H. Res. 1232: Mr. GRIJALVA, Ms. LEE, Mr. CUMMINGS, and Mr. BAIRD.

H. Res. 1245: Mr. BISHOP of New York, Mr. HIGGINS, Mr. PASTOR, and Mr. WEXLER.

H. Res. 1278: Mr. DONNELLY.

H. Res. 1282: Mr. DEAL of Georgia, Mr. SESSIONS, Mr. SHUSTER, Mr. HENSARLING, Mr. UPTON, Mr. ROGERS of Kentucky, Mr. CARTER, Mr. WELLER, Mr. GERLACH, Mr. MCCOTTER, Mr. BURGESS, Mr. NEUGEBAUER, Mr. TERRY, Mr. SULLIVAN, Mr. ROGERS of Alabama, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. GRAVES, Mr. TIBERI, Mr. KELLER, Mr. GOHMERT, Mr. THORNBERRY, Mr. SHIMKUS, Mr. BROWN of South Carolina, Mr. WESTMORELAND, Mr. PORTER, Mrs. EMERSON, Mr. HASTINGS of Washington, Mr. CONAWAY, and Mr. FLAKE.

H. Res. 1283: Mr. HARE, Mr. BACHUS, and Mr. BRALEY of Iowa.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3192: Ms. ZOE LOFGREN of California.

H.R. 6041: Mr. BRADY of Texas.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

281. The SPEAKER presented a petition of the North Carolina State Council of the Junior Order United American Mechanics, relative to a Resolution requesting that the Congress of the United States provide the necessary services, both physical and psychological as required by all veterans; to the Committee on Veterans' Affairs.

282. Also, a petition of the Council of the City and County of Honolulu, Hawaii, relative to Resolution No. 08-113 urging the President of the United States and the Congress of the United States to pass S. 1315, the Veterans' Benefits Enhancement Act of 2007; jointly to the Committees on Veterans' Affairs and Armed Services.

EXTENSIONS OF REMARKS

RECOGNITION OF MARY GREEN AS RETINITIS PIGMENTOSA INTERNATIONAL SOCIETY'S WOMAN OF VISION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Ms. PELOSI. Madam Speaker, the recent Retinitis Pigmentosa International Society's presentation of its Woman of Vision Leadership Award to San Francisco-based activist and fashion designer Mary Green is an excellent occasion for this body to take note of the unique and innovative manner in which Mary has employed her burgeoning business success to improve the lives and work conditions of women in developing countries around the world.

Mary Green is a visionary of ethical and sustainable entrepreneurship, a creative and compassionate strategy that other American business leaders might find rewarding, encompassing both good humanism and good business. The Vision Award saluted, along with her design skills, her commitment to creating better lives for people living in the shadow of poverty and deprivation throughout the third world. Mary Green's signature is adapting and uniting the unique artistic skills of workers in various countries with their innate entrepreneurship. By doing so she has created stable business communities that have emerged to produce her exceptional fashion designs. It is her creative humanism that truly makes her a woman of vision.

A committed activist in many areas of social improvement through activities in the business world, nonprofit entities and humane governmental activities, from solar power cooperatives to stem cell advancement, Mary Green's most notable achievements have been in the area of developing business solutions that address society's most pressing problems. It is the human dimension of sustainable business, including the empowerment of women, which operates as a key factor in all of her work. Mary Green personifies what is great about sustainable entrepreneurship: the blend of human and natural capital creating a community of trust and happiness with the creation of a valuable product that transcends the focus on immediate monetary reward. We are all the beneficiaries of the vision of Mary Green.

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IN RECOGNITION OF ST. PAUL LUTHERAN CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of St. Paul Lutheran Church in Westlake, Ohio, as they celebrate their one hundred and fiftieth anniversary, and in recognition of the Church's contributions to the community of Westlake, Ohio.

St. Paul Lutheran Church, a congregation of the Lutheran Church—Missouri Synod, was founded on June 13, 1858 by twenty families living in Westlake, Ohio and has a rich history of public service to the community. The congregation grew from ninety-three members to over 2,500 parishioners and 250 students. The original infrastructure of the Church was replaced on December 14, 1974 with a new brick building, which continues to stand to this day. Expansions to the Church included school facilities and a sanctuary expansion.

St. Paul Lutheran Church offers preschool through eighth grade education and offers art, vocal and instrumental music, technology, and sports activities. The Church also has a variety of ministries, including youth and educational ministries. The Church has never shied from its responsibility to educate, serve, and walk in concert with their congregation as well as the community as a whole.

Madam Speaker and colleagues, please join me in honor of St. Paul Lutheran Church in Westlake, Ohio as they celebrate their one hundred and fiftieth anniversary, and in recognition of the Church's contributions to the community. May St. Paul's devotion to service and faith continue to touch their congregation.

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DON'T MESS WITH TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. POE. Madam Speaker, people ask me all the time, "Do you miss being a judge?" Usually my answer is, "No, I enjoy representing the good folks of southeast Texas in Congress," but sometimes a case comes along that makes me wish I was back on the bench. Sunday, June 8th was one of those days. As I turned on the news and learned that some outlaw set fire to the Texas Governor's Mansion, my first thought was I hope they send him to my court. My close friend Alton said "Get a Rope".

Of course we all know that everything is bigger and better in Texas, but as the news made headlines across the country so did a little Texas history. Our governor's mansion is registered as a National Historic Landmark and is the oldest governor's mansion west of the Mississippi and the fourth oldest in the country. Because Texas has the unique distinction of being an independent country and a state, the history of our governor's residence really started with the first home of the President of the Republic, however that home was short lived.

Nine years after annexation in 1845, the Texas Legislature appropriated $14,500 to build a governor's mansion. The mansion was completed June 14, 1856 and Texas's fifth Governor, Elisha Marshall Pease and his family were the first residents. The historic Austin home beneath the oaks at the corner of 11th and Colorado has housed 43 Texas Governors, and two future Presidents, in its 151 years.

One of the unique aspects of the Texas Governor's Mansion is that its structure has remained virtually unchanged. Under Governor Oscar Colquitt, an addition to the rear of the home was completed in 1914 and renovations over the years have left that floor plan intact for nearly a century. The Greek Revival architecture of the home, with its vast porches and floor-to-ceiling windows are all original to the home's initial construction, making it the oldest executive residence in the United States to function in its original configuration. I told you everything is better in Texas.

After getting over the fact that I wasn't going to get to try this case and charge this villain with everything from arson to treason, I started thinking about my first visit to the mansion when I was 10 years old. One of my heroes, as you all know, was General, President, and Governor Sam Houston—and I couldn't wait to walk through the halls that he walked and imagine that I was him. I remember standing at the foot of his bed thinking it was huge, thinking that General Sam really was larger than life.

I was relieved to learn that Sam Houston's custom mahogany bed and most of the historical furnishings were previously removed for the renovations and spared from the fire. I support the efforts of Governor Perry, the Friends of the Governor's Mansion and all Texans that want to see the Governor's Mansion rebuilt and restored to its former glory. And, I envy the judge that tries the outlaw that recklessly destroyed part of our great state's history.

The last scoundrel to desecrate a Texas landmark got nine years in the penitentiary. Back in 1989, a man by the name of Paul Cullen poisoned the great "Treaty Oak." Of course, I promptly volunteered to try that case as well. The Treaty Oak is the famed site in Austin where Stephen F. Austin signed a treaty with the Lipan Apaches and is thought to be more than 500 years old.

In a deliberate effort to destroy the tree in some kooky scheme, Cullen poisoned it with enough pesticides to kill a hundred trees. And as most criminals do, he bragged about his crime which resulted in his swift arrest and incarceration. The nation was stunned that we sent him to prison for trying to kill a tree, but the Tree was a symbol of Texas.

Fortunately the Treaty Oak survived the attack and while she may not stand as mighty as before, she continues to hang in there as a symbol of strength and perseverance. We rebuilt the Capitol after it was destroyed by fire in 1991 and the Mansion will live to see another day as well. As for the traitorous

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

arsonists, well that is yet to be seen. There's a reason for the saying—"Don't mess with Texas!"

And that's just the way it is.

HONORING HOUSTON WHITE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. HENSARLING. Madam Speaker, I rise today to honor Mr. Houston White on the 60th anniversary of his participation in the establishment of the Rotary Club of Rusk, Texas.

If you've ever wondered what made individuals from the "Greatest Generation" so exceptional, one must look no further than to Mr. White. Ninety-five years old, Mr. White recalls surviving the Great Depression by spending his days picking cotton in West Texas. During World War II, Mr. White volunteered for the Navy, but that was just the beginning of his volunteerism.

Mr. White, a graduate of Jacksonville High School and Jacksonville Baptist College, helped establish the Rotary Club in Rusk, Texas in 1948. Since then, Mr. White has been an active member and was selected to serve as District Governor for Rotary District 5910, one of the highest offices a Rotarian can achieve.

Mr. White's public service includes countless civic projects, volunteer efforts, and participation in Rusk city government. In addition, Mr. White has served as a deacon and Sunday school teacher at First Baptist Church.

Mr. White is a husband to Freddye Banks Dear, a father to George White, and grandfather to Christopher White.

Abraham Lincoln once said, "In the end, it's not the years in your life that count. It's the life in your years." Well, Mr. White has certainly made the past ninety-five years count.

Madam Speaker, I am honored to recognize Mr. Houston White as a resident in the fifth district of Texas and would like to thank him for his tireless service to Cherokee County, Texas, and this great nation.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. VISCLOSKY. Madam Speaker, I was absent from the House due to the funeral of a close friend and therefore missed rollcall votes 430 through 433.

Had I been present for rollcall 430, H.Res. 1230, on a motion to suspend the rules and agree to a measure condemning the post-election violence in Zimbabwe and calling for a peaceful resolution to the current political crisis, and for other purposes, I would have voted "aye."

Had I been present for rollcall 431, H.R. 2262, agreeing to Senate Amendment to House Amendment No. 1 on the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, I would have voted "aye."

Had I been present for rollcall 432, H.R. 2262, agreeing to Senate Amendment to House Amendment No. 2 on the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, I would have voted "aye."

Had I been present for rollcall 433, H.Res. 1029, on a motion to suspend the rules and agree to a measure congratulating and recognizing Mr. Juan Antonio Chi-Chi Rodriguez for his continued success on and off the golf course, I would have voted "aye."

HONORING DOUGLAS A. FRASER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Ms. KAPTUR. Madam Speaker. I rise today to recognize Douglas A. Fraser of Southfield, Michigan.

Douglas A. Fraser departed from this life Saturday, February 23, 2008 at a fulfilling 91 years old. Douglas will forever be remembered for his dedication to labor rights, as he constantly sought after fairness and justice in employment practices. Douglas led the United Auto Workers (UAW), though a period of transition in the 1970s and 1980s. As the chief of the United Auto Workers, he played an instrumental role in saving the former Chrysler Corporation from bankruptcy.

Mr. Fraser commenced his career with the auto industry by taking a job at a DeSoto plant owned by Chrysler that had been organized by the UAW. He rose rapidly in the ranks of the union, eventually being elected of Local 227, in 1944, at the age of 27. After three terms as president, in 1947 he was hired as a member of the union's international staff. In 1951, Mr. Fraser joined then UAW President Walter Reuther's staff. Because of skills at negotiation, he quickly became known for his shrewd bargaining ability.

Respected for being both an artful politician and an impassioned activist, Mr. Fraser was one of the first labor leaders to take on many of the thorny issues facing the auto industry today, from global competition to soaring health costs.

Without Mr. Fraser's aggressive lobbying on Capitol Hill and among UAW rank and file, Chrysler would not have been able to secure $1.5 billion in federal loan guarantees in 1979, which saved the automaker from bankruptcy, according to labor historians and top UAW officials. Also, in the 1979, as president of the UAW, Mr. Fraser and his team achieved other breakthroughs: Incremental increases in pension benefits for current and future retirees, a substantial increase in reduced work time, improvements in the cost-of-living allowance formula, and Chrysler agreement to union representation on its board of directors.

In 1980, Mr. Fraser became the first American union official to sit on the board of a large corporation. He even donated his board salary to Wayne State University in Detroit.

Current UAW President Ron Gettelfinger, who has led the union through a period of labor challenges in the face of the financial downturn of the automotive "Big Three", said he often turned to Mr. Fraser for guidance and support.

Once Mr. Fraser retired as UAW president in 1983, he became a professor of labor studies at Wayne State and launched another career that spanned 25 years. In that capacity, he served as a guest faculty member at other campuses, including the University of Michigan, Harvard University and Columbia Business School, where he was labor leader in residence for 3 years.

It is with the deepest appreciation that I pay tribute to the long life of a hard-working, just and passionate man, Douglas Fraser. He lived his years in service to his family, friends and fellow United Auto Workers. May this ardent labor leader be showered with blessings into eternity and receive a loving peace.

CENTENNIAL OF THE INTERNATIONAL BOUNDARY COMMISSION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. YOUNG. Madam Speaker, I have the pleasure of informing my colleagues that the International Boundary Commission (IBC), the entity responsible for making, maintaining and mapping the Canada-U.S. border, is celebrating its centennial this month.

Through the IBC, Canada and the United States have collaborated for over 100 years to peacefully maintain the longest shared border in the world, 5525 miles long, from the Atlantic to the Pacific to the Arctic Ocean. My state of Alaska shares more boundary with Canada than any other State, 1540 miles (Water and Land). Of those 1540 miles, 710 miles of land is defined by 90 mountain peaks and 97 intermediate monuments from the Portland Canal to Mt. St. Elias. This summer, the field parties for both the U.S. and Canadian sections of the IBC will be surveying the land boundary in Southeast Alaska (710 miles). The main goal of this project is to update the boundary positions to the currently used coordinate reference system, as well as identify and mark the boundary points the original surveys were unable to physically occupy.

The work of the IBC is fundamentally important to our national interest; to law enforcement—land administration, customs and immigration; and to the management of the transboundary resources. The last 100 years of work of the IBC exemplifies the close and enduring Canada-U.S. relationship.

Madam Speaker, and my fellow members, join me in celebrating the centennial of the International Boundary Commission.

RECOGNIZING THE COMMITMENT OF THE ALI FAMILY TO THE COMMUNITY THROUGH THEIR BUSINESS, BEN'S CHILI BOWL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. RANGEL. Madam Speaker, I rise today to pay special tribute to the Ali Family for 50 years of contributing to the economic vitality and culture of Washington, DC's historic U Street corridor, the "Black Broadway."

In each decade in which the Chili Bowl has been in operation, Ben and Virginia have faced challenges that for others contributed to the closing of their business. The violent unrest following the assassination of Martin Luther King, Jr. in 1968, disinvestment in Washington commercial districts throughout the 1970s and 80s, the complete upturning of the 1200 block of U Street to make way for Metro's green line extension during the late 1990s. Many entrepreneurs have come and gone, but the Ali's and that familiar long white counter with red-vinyl stools have remained stalwart and true.

As we enter into a moment in time when the possibility for change is right at our finger tips, it is comforting to know that for which we hope to attain is possible, and can be seen in our not too distant past. Ben and Virginia opened a business to be part of a community, to contribute. Through hard work and commitment, they have been able to raise a family, guide young employees in the lessons of good business, and make and keep appreciative patrons. The neighborhood has changed around them, but their devotion to creating a place where everyone feels welcome, where what is expected is what is served, and where you can listen to the rhythms of what makes U Street so special. They created a place of character. It is in these things that for 50 years we have seen the best part of ourselves when looking through the plate glass window of Ben's Chili Bowl. It is with the next generation of Ali capable hands that the business moves forward.

TO HONOR A GREAT TEXAN—RUTH KEMPNER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. LAMPSON. Madam Speaker, I rise in honor of a great friend and Texan that passed away June 16, 2008. Ruth was an honorable woman who dedicated her life to charity and helping others.

Ruth Levy Kempner was born at John Sealy Hospital in Galveston, Texas, on November 26, 1917, to Marion J. and Alma L. Levy. She died on June 16, 2008, at her home in Galveston.

Mrs. Kempner graduated from Ball High School in 1933, and earned a BA degree from the University of Texas at Austin, graduating cum laude in 1937. She was a Galveston school teacher prior to her marriage to Harris L. Kempner on April 24, 1939. They had two sons, Harris L. "Shrub" Kempner, Jr., and Marion Lee "Sandy" Kempner. Sandy, a lieutenant in the United States Marine Corps, was killed in Vietnam in November 1966.

She is preceded in death by her parents, husband, son, and brother, Marion Levy of Princeton, New Jersey. She is survived by her son, Harris L. Kempner, Jr., and his wife Hetta T. Kempner of Galveston, her grandchildren, Harris L. Kempner III and wife Kim of Knoxville, Tennessee, and Randall T. Kempner of Washington, DC, sister-in-law Joy Levy of Princeton, New Jersey, niece, Dore Levy-Trilling and husband Jim Trilling of Providence, Rhode Island, nephews Noah Levy of New Jersey and Amos Levy and wife Carla of New York, and cousins, Adrian Levy of Galveston and Gloria Herman of Houston.

Her life was devoted to various charitable and civic endeavors. She was president of the Family Service Bureau and served on the boards of Galveston Public Health Nursing Service, Galveston Community Council, and the League of Women Voters among many others.

She was chairman of the Red Cross Disaster Relief Committee during the Texas City disaster in 1947, and worked tirelessly on the scene searching the wreckage for the dead and injured, bringing home temporarily orphaned children at night. It was her nature to see a need and immediately accept the challenge to meet it.

She was president of Friends of Rosenberg Library and volunteered in the library's cataloging department for 20 years. She also served on its board of trustees.

From 1959 to 1960 Mrs. Kempner served on the Galveston City Charter Commission and was instrumental in changing Galveston's form of government from a city commission to a council-city manager operation. When the new charter was adopted, Mrs. Kempner was elected to serve on the first Galveston City Council from 1961 to 1963. She thereby became the first woman in Galveston's history to serve on any governing body of the city of Galveston. In this, as in many things, she pioneered the way for women in the city.

Ruth Kempner was one of two lay persons appointed to the Texas Civil Judicial Council and served for 8 years, from 1965 to 1973. In later years, she was active on the development board of the University of Texas Medical Branch in Galveston and was chairman of the Breast Imaging Committee. She was a generous benefactor to the UTMB mammography and osteoporosis screening van, "the Oleander", and enthusiastically participated in its dedication in 1999. In 2003, her grandsons established the Ruth Levy Kempner Professorship in Radiation Oncology at UTMB in honor of their grandmother's dedication to the medical branch and the Galveston community.

She was the recipient of many community awards over the years including the Galveston Historical Foundation Steel Oleander Award and the 1894 Grand Opera House Community Enrichment Award.

She was delighted to list her profession on her passport as "Housewife and Civic Busybody", but she will be remembered for her intelligence, her candor, and her dedication to every cause she believed in. Equality for all people, regardless of sex, race or religion was one of those causes, and she fought for it staunchly at a time when it took much courage. She was particularly a role model for many women who responded to her gracious toughness, and her willingness to express herself very directly.

Mrs. Kempner was a courtly hostess, a steadfast friend, and a formidable enemy to injustice of any kind. She took great pride in her family, and was passionate about Galveston and its citizens. Vice versa.

She occasionally admitted that she had poor math skills. We believe that she thought one and one equals three because she always knew that the whole was greater than the sum of its parts. We will miss her greatly.

INACTION AND OVERREACTION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. WILSON of South Carolina. Madam Speaker, depending on what day it is, the House Democrat energy policy can be described one of two ways—either inaction or overreaction. On the one hand, with gas prices over 4 dollars per gallon and a growing global demand for oil, House Democrats refuse to lift the moratoriums against exploring for new oil and natural gas reserves here in the United States. On the other hand, having now failed to lower gas prices by doing nothing, we hear Members of the majority saying we should nationalize the American oil industry. Since when did the United States start following the example of socialist regimes like that of unstable Venezuelan President Hugo Chavez?

House Republicans have a plan that will not surrender our freedom and innovative spirit to the limits of big government. We want to lift the unnecessary restrictions on energy exploration. We want to invest in alternative energy sources and use the power of the free market to drive innovation forward and energy prices down.

In conclusion, God bless our troops, and we will never forget September 11th. I am grateful that World War II veteran, Sergeant William E. Durkes, Sr., is visiting Washington today continuing to celebrate his 92nd birthday.

TRIBUTE TO MRS. LINDA DAVIS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to one of the outstanding residents of the community where I live and enjoy the friendship and fellowship of my neighbors and friends. Madam, I cannot pinpoint exactly when or where I first met Ms. Linda Davis; however, I do recall that we immediately connected and soon were communicating and working together on various issues and projects.

Linda Davis had an outstanding personality which was infectious. She could be warm and disarming but at the same time tough and intimidating. She was energetic and in addition to looking after her home and family, she was a regular attendee at community meetings and events. Mrs. Davis was involved with her block and immediate neighborhood; I was privileged to attend meetings and coffees in her home. She worked with the Community Bank of Lawndale, the Austin Bank of Chicago, the Chicago Board of Education and Loretto Hospital as well with the Austin Chamber of Commerce and many other entities.

Madam Speaker, I am pleased to take note of some of the contributions of this noteworthy citizen, a great wife, wonderful mother and superb human being.

HONORING MARGARET "MAGGIE" TRUPP FOR HER 41 YEARS OF MERITORIOUS SERVICE

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. AL GREEN of Texas. Madam Speaker, it is my pleasure to honor Margaret "Maggie" Trupp upon the occasion of her retirement following 41 years of meritorious service for Continental Airlines.

Ms. Trupp's life experience truly represents the American Dream. After immigrating to the United States from Holland in 1961 at the age of 16, she attended Dan McCarty High School and Indian River Junior College before moving to my hometown of Houston, Texas, in 1967. Almost immediately, Texas International Airlines, an airline in its infancy, recognized her talents, work ethic and enthusiasm and hired her to help move the company forward. Ms. Trupp has participated in Texas International's growth into Continental Airlines, a major international carrier.

Ms. Trupp achieved great success during her tenure, once receiving the airline's annual customer service award and spearheading its unaccompanied minor system, which has facilitated successful travel for young people. On a personal note, she has helped me numerous times over the years in my travel experiences and has always shown me tremendous generosity and kindness.

Ms. Trupp will officially retire effective July 1, 2008, bringing her impressive and successful career to a close. I would like to congratulate her for her decades of excellent work and to wish her a happy and fulfilling retirement.

COMMENDING REEVE FIDLER OF GROTON

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Ms. TSONGAS. Madam Speaker, I rise to honor Reeve Fidler of Groton, Massachusetts, who will receive the Congressional Award bronze, silver and gold medals. It is my privilege to honor Reeve who has worked to better himself and his community.

The Congressional Award recognizes initiative, achievement, and service in young people. Reeve exemplifies all of these qualities. The award's recipients represent the best of America—they are committed to self-improvement, hard work, and community service.

Reeve performed over 400 hours of community service, managing the snack shack at his town's athletic fields. The profits he earned selling concessions went to fund the town's youth soccer program. Reeve also volunteered as a teacher's aide at the Groton Children's Center.

In addition to helping his community, Reeve set personal development goals. He received certification to become a soccer referee and subsequently worked as an official for youth games in his town. To complete the physical fitness goal, Reeve played for his high school's varsity tennis team, and for his expedition requirement, Reeve explored the coast of southern Maine.

It is also important to acknowledge that Reeve and the other extraordinary young people receiving the Congressional Award were not alone in their work to achieve their goals. Along the way, they were guided by the helping hands of parents, teachers, and mentors, who provided constant encouragement and support.

Today, I honor Reeve's hard work and dedication. His dedication to community service and personal development should be admired and emulated.

HONORING SAINT JAMES PARISH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. KILDEE. Madam Speaker, I rise today to recognize Saint James Parish in Bay City as they dedicate the new parish center, Langley Hall. Bishop Robert J. Carlson will preside over the dedication ceremony on Sunday, June 22, in Bay City, Michigan.

Reverend Henry Schutjes founded Saint James Parish in 1868 in response to the needs of a growing Irish community. The parish quickly became the center of life for the Irish settlers in the Bay City area. In 1873 the new pastor, Reverend Thomas Rafter, welcomed four Sisters of Charity to teach in the parish school. On August 25th of that year, Saint James Parish opened the first 12-grade, coeducational parochial school in the United States. The Sisters of Charity had to send additional teachers as the enrollment grew to 400 students within a month.

Education has always been very important to the parishioners of Saint James. In preparing the next generation for the challenges of life the school has gone through several transformations. The high school is now part of All Saints Central High School and the middle school is part of Holy Family Middle School. Since 1873, the Sisters of Charity have continued to serve Saint James Parish, preparing students for an abundant temporal and spiritual life.

The first wooden church was destroyed by fire in 1884. The second church was struck by lightning and burned in 1978. After each tragedy the parishioners came together and continued a vibrant parish life. They found other places to celebrate Mass and worked to rebuild the sanctuary. The current church was completed in 1980 and the first Mass was celebrated on Christmas Eve. This sacred tradition continues under the leadership of the pastor, Reverend Robert J. DeLand, and associate pastor, Reverend Andrew D. Booms.

On June 22nd the parish will come together again to celebrate the dedication of the new parish center, Langley Hall. The parish center is made possible by the bequest of the late Norbert Langley and Elizabeth Langley. The Langley family exemplifies the best of Saint James Parish life. Their parents, John and Anna Langley, were married at Saint James Catholic Church in 1911. They had five children, all baptized at Saint James, and four children graduated from the parish high school. Elizabeth and Norbert stayed on the family farm and continued to attend Mass at Saint James. Elizabeth passed away in 1998 and Norbert died in 2004. The estate was bequeathed to Saint James, enabling the parish to build a parish center to provide a gathering place for the parishioners to come together in fellowship.

Madam Speaker, I ask the House of Representatives to rise with me today and applaud the clergy, staff, and parishioners of Saint James Parish. For over 100 years Saint James Parish has been a center of worship and praise for the Bay City area and may it continue to bring the joy of Our Lord, Jesus Christ, to the community for many, many years to come.

TRIBUTE TO RUTGERS UNIVERSITY-NEWARK ON ITS 100TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. PAYNE. Madam Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to recognize and honor a great institution of higher learning, Rutgers University-Newark as it celebrates its 100th anniversary. A gala being held on June 19, 2008 at the Paul Robeson Campus Center in honor of this important milestone will feature a variety of distinguished alumni, supporters, faculty, staff and students. The theme of the centennial, "A Century of Reaching Higher," celebrates the transformation of two law schools, a business college and two colleges of arts and science into one of the Nation's leading urban research universities.

Rutgers University-Newark has a rich and illustrious history. Founded in 1908 as a law school by New York attorney Richard Currier, the university has a rich tradition of diversity. The law school, the Seth Boyden School of Business and the Dana College merged in 1936 and became the University of Newark. In the 1940s, the University of Newark and Rutgers University joined together to form a geographically diverse public State university with programs in a broad variety of undergraduate and graduate disciplines. In the 1960s the university acquired a large parcel of land in what is now known as the University Heights District and construction began on the modern campus. Today, Rutgers University-Newark is a modern urban research university of 38 acres where 10,500 students pursue degrees in business, law, the arts and sciences, nursing, criminal justice, public administration, and global affairs. During its 100 years of existence, Rutgers University-Newark has been inclusive in its recruitment which has in turn created a mosaic of student diversity.

The gala will celebrate the university's legacy in the State's largest city, particularly in the areas of educational opportunity, urban engagement, diversity and research. Proceeds from the gala will support scholarship funds, including scholarships for students in the State's first undergraduate major in public service, to be offered by the Rutgers School of Public Affairs and Administration beginning in the fall of 2008.

Madam Speaker, I am sure my colleagues agree that Rutgers University-Newark deserves to be feted at the gala in honor of its 100th anniversary. I am proud to have this fine university in my Congressional district and wish everyone associated with Rutgers University-Newark continued success in the future.

GREAT CARIBBEAN AMERICAN CONTRIBUTIONS TO AMERICAN CULTURE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize Caribbean-American Heritage Month and the many contributions of persons of Caribbean descent into the American fabric.

Despite the lack of wealth and resources available to many in the Caribbean, the region continues to produce exceptional talent and is endowed with a capacity to overcome incredible odds. Our Nation has thrived as a country of immigrants, and we are more vibrant and hopeful because of the talent, faith, and resilience of Caribbean Americans. For centuries, Caribbean Americans have added to the strength of our country. They have been leaders, innovators, athletes, artists, entertainers, doctors, and lawyers.

The world has had the privilege of reading the words of internationally recognized Caribbean writers and poets like Jamaica Kincaid, Derek Walcott (who won the 1992 Nobel Prize in Literature), and Edwidge Danticat (a finalist for the National Book Award). We have listened to the creative sounds of Kompa that has its origins in Haiti, Zouk from Guadeloupe, Soca from Trinidad and Tobago, and Reggae from Jamaica. Steel Pans, the only musical instrument invented in the 21st century originated from Trinidad and Tobago. Jamaica's First Lady of Theatre and Film, Leoni Forbes, won the Gemini Award for best actress in a comedy.

During Caribbean-American Heritage Month, we celebrate the great contributions of Caribbean Americans to our Nation. We recognize that without them, our country would not be what it is today and we pay tribute to the common bonds that unite the United States and the Caribbean.

TRIBUTE TO PAT JOHNSON

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. McCARTHY of California. Madam Speaker, I rise today to honor a community leader, Mrs. Patricia "Pat" Johnson, on her retirement after 27 years of service on the Paso Robles Joint Unified School District Board of Trustees.

Pat's service to the Paso Robles public schools officially started when she was elected to the Paso Robles elementary school board, now the Paso Robles Joint Unified School District Board of Trustees, but her contribution to the community of Paso Robles began long before that. With her daughter, Danielle, coming up through the Paso Robles school system, Pat served as both a classroom and library volunteer, often spending her entire day at Marie Bauer Elementary School and George H. Flamson Middle School. She served as president of the local Parent Teacher Association and the School Site Council prior to her election to the Board of Trustees.

During her time on the Paso Robles Joint Unified School District Board of Trustees, the district experienced significant growth. Seven new schools and three administrative buildings were built during her tenure of service, a local middle school was modernized and property was purchased that would later make room for the teacher's center. Of the new schools built, she knew and worked with several of the teachers the buildings were named after.

In addition to playing a vital role in Paso Robles school district's growth, Pat also presided over several areas of conceptual transformation of the school district, including unification in 1996, of the Paso Robles elementary school board and the current board she serves on, as well as implementation the Middle School' Concept, an independent study program, and accreditation of the district high schools and high school graduation diplomas. Throughout her tenure with the Paso Robles public schools, she was also an active participant in various California School Boards Association events.

Over the past 27 years, the students and community served by the Paso Robles Joint Unified School District have benefited from Pat's dedication and energetic service. She worked tirelessly to ensure the students of Paso Robles had a school system that provided them a world-class education to ensure they were prepared for the future and successful throughout their lives.

Her many contributions to Paso Robles are a shining example of the dedicated public service to which we should each aspire. I know Pat looks forward to spending time happily in her retirement with her husband Fred, daughter Danielle, and grandchildren Nicolas, Isabella, and Jose. I commend Pat for her service to the Paso Robles Joint Unified School District and the local community, and I wish her all the best as she enters this next stage of her life.

IN RECOGNITION OF MR. KEVIN WILLIAMS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. ROTHMAN. Madam Speaker, I rise in recognition of Mr. Kevin Williams of Secaucus, New Jersey, for his extraordinary public service and congratulate him for being honored with the Congressional Award Gold Medal.

The Congressional Award is an esteemed recognition bestowed on exemplary young people who complete a minimum of 400 hours of voluntary public service, 200 hours of personal development activities, 200 hours of physical fitness, and four consecutive days and nights of an exploration or expedition. Kevin epitomizes everything that this award is seeking to extol; particularly his dedication to his community and commitment to public service.

At the young age of 18, Kevin Williams has already founded two nonprofit organizations, People to People International's Go International For Tomorrow Student Chapter and Wrap4ASmile Foundation, Inc. The first of these organizations, Go International For Tomorrow, focuses on developing youth leadership through educational, cultural and humanitarian activities. The second, Wrap4ASmile, raises funds, collects products, packs care packages, and distributes personal care items that cannot be purchased with food stamps. These two groups successfully encourage young adults to get involved in various public service activities.

Kevin has spent over one thousand hours performing valuable community service, both in my home State of New Jersey and abroad. He has earned numerous awards documenting and celebrating his achievements. Most recently, Kevin received the 2008 Comcast Leaders and Achievers Award, the People to People International Golden Award, and, for the past 4 years, the Presidential Volunteer Service Gold Award.

Kevin is a truly exceptional young leader in our community. In addition to founding two nonprofits, Kevin has participated in the International Student Leadership Conference of Operation Smile, the American Legion New Jersey Boys State Conference, and the National Youth Leadership Council Conference in Healthcare Medicine. He is an ambassador of public service, and his efforts help make the world a better place for all of us.

Today, I would like to congratulate Mr. Kevin Williams for receiving the Congressional Award Gold Medal in recognition of his exemplary contributions to New Jersey and beyond. I extend to him my very best wishes.

HONORING THE BOY SCOUTS OF IOWA

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. BISHOP of Georgia. Madam Speaker, our thoughts and prayers go out to the families and friends, fellow Scouts of the four young men—Josh Fennen, 13, Sam Thomsen, 13, and Ben Petrzilka, 14, from Omaha, Nebraska, and Aaron Eilerts, 13, from Eagle Grove, Iowa—who were killed on June 11, 2008, when a tornado hit their campsite in western Iowa.

As an Eagle Scout myself, I am saddened, but also very proud of the young men in Iowa, and their poise and strength in the face of one of Mother Nature's most ferocious storms. These young men lived up to our pledge which says:

> On my honor I will do my best
> To do my duty to God and my country
> and to obey the Scout Law;
> To help other people at all times;
> To keep myself physically strong,
> mentally awake, and morally straight.

The tornado destroyed the four cabins of the 1,800-acre camp and ripped up tents. However, in the critical moments caused by the disaster and through the rubble, these brave men exemplified our motto of being prepared when they immediately set up triage operations to assist and, most likely, save the lives of other young men who were in grave danger.

As a Member who represents an area of the country which, unfortunately, experiences more than its share of hurricanes and tornados, I know all too well the devastation severe weather causes. And, as a Scout, having participated in camping experiences similar to the Iowa Scouts' experience, I know and appreciate the challenges those young men faced.

So today, I ask that you join me in taking this opportunity to recognize the four heroes lost that day.

MEMORIAL TRIBUTE FOR CAPTAIN JENNIFER HARRIS, USMC

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Ms. GRANGER. Madam Speaker, I rise today to honor Marine Captain Jennifer Harris, who was killed in a CH–46 crash outside of Baghdad on February 7, 2007.

Captain Harris embodied many of the great traits our men and women are displaying both at home and abroad in three theaters of war. Captain Harris was dedicated to her Nation, her Corps, and to the Iraqi people.

Captain Harris was a member of the United States Naval Academy's class of 2000 and graduated with an honors degree in political science and a minor in Spanish. She was a graduate of the Marine Aviation Weapons and Tactics Instructor course in Yuma, Arizona. Accordingly, she served as a primary tactics instructor for her squadron, HMM–364. As the pilot training officer and lead instructor pilot, she was responsible for training new copilots and evaluating seasoned pilots for advanced designations.

Captain Harris was one of only four Marine officers selected by the Office of the Secretary of Defense to represent the U.S. Marine Corps in the 2007 Senate Youth Program. She was to participate in the program after her return from her last deployment to Iraq.

At the time of her death, Captain Harris was serving with HMM–364 as a CH–46 helicopter pilot in the Al Anbar province of Iraq, performing assault support, casualty evacuation, and combat raid missions. She gave her life so that the Iraqi people might have an opportunity for a better life. This was her third combat deployment in support of Operation Iraqi Freedom, including the initial invasion operation from February to October 2003.

I want to extend my heartfelt condolences to Captain Jennifer Harris's family and hope that they are able to find comfort in the knowledge that Captain Harris's countless selfless acts, including her ultimate selfless act, helped to provide opportunity for the people of Iraq.

HONORING THE WEST GENESEE HIGH SCHOOL BOYS LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to congratulate the West Genesee High School boys lacrosse team, 2008 Class A New York State Champions. With their 11–7 victory over Syosset High School on June 14, 2008 the West Genesee Wildcats won their 15th New York state title.

The road to the title was not an easy one for the West Genesee Wildcats. With an injury riddled line up the team had a bumpy start that included 3 losses and a drop to 17th in the state rankings. Many were skeptical that the Wildcats could reach the level of success that previous school teams had achieved, but the players and coaches set out to prove the skeptics wrong and ended the season on a 12 game win streak. West Genesee finished an outstanding season with an impressive record of 21–3 and their 15th state championship is the most titles won by a New York state high school team in anyone sport.

On behalf of the people of the 25th District of New York, I congratulate Athletic Director Anthony Pascale, Head Coach Mike Messere, Assistant Coach Bob Deegan, and the players of the West Genesee High School boys lacrosse team: 2—Shane Martin, 3—Mike Fetterly, 4—Dylan Sabene, 5—Ryan McConnell, 6—Kevin Grome, 7—Jim Marks, 8—Tim Besio, 9—Matt McCabe, 10—Henry Luke Cometti, 11—Owen Alberts, 12—Mike Simiele, 13—Eric Mazzoni, 14—Garrett Ryan, 15—Joe Fazio, 16—Dylan Parker, 17—Jordan Rogers, 18—Eric Miccio, 19—Jaron Davie, 20—Ryan Barber, 21—John Glesener, 22—Ike Hopper, 23—Conor Regin, 24—PJ Hart, 25—Jack Conboy, 26—Ben Waldron, 27—Jack Kennedy, 28—Joe Fletcher, 29—Dan Stapleton, 30—Evan Mazzoni, 31—Steve Mahle, 32—Chris Burns, 33—Matt Lebduska, 34—Andrew Luczka, 35—Alex Iannicello, and 36—Chris Schneider.

PERSONAL EXPLANATION

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. PERLMUTTER. Madam Speaker, due to external circumstances, I was unable to promptly return to House Chambers and I missed the following vote on Thursday, June 19, 2008. I would have voted as follows: H.R. 2764, Consolidated Appropriations Act, 2008, rollcall vote 431, Agreeing to Senate Amendment to House Amendment No.1: "no."

I would have voted "no" on this amendment which provides $165.4 billion in funding for the wars in Iraq and Afghanistan because this amendment contained no benchmarks or timelines for redeploying our troops out of Iraq responsibly, safe, and soon.

MELANIE ROACH: INSPIRATIONAL OLYMPIAN

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. REICHERT. Madam Speaker, I rise today in order to congratulate my constituent, Melanie Roach, for her resiliency while earning a place on the United States weightlifting team for the 2008 Summer Olympic Games in Beijing. Her story is a wonderful example of the power of the human spirit and she will no doubt represent her family, community and country well throughout the entire 17-day competition.

Before qualifying for the games this summer, Melanie was on the verge of making her way to Sydney, Australia for the 2000 Olympic Games when an injury shattered her Olympic aspirations. Instead of wallowing in self-pity, Melanie threw herself into the role of mother to her three children, supportive spouse to her husband, a State legislator in Washington, and started a business. However, she could not shake the desire to compete athletically and worked tirelessly to get back to an Olympic level and compete with the best lifters in the world.

She is one of only four women to qualify for the team and at 33 years old, she is the oldest member of the U.S. weightlifting team, and yet the youngest at heart. She will travel to Beijing prior to the August 8, 2008, opening ceremonies and will bring the pride of her family and friends, her community and the State of Washington, and all the people of the United States of America. Melanie is an inspiration to all and I wish her the best in Beijing and safety in her travels.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. BACHUS. Madam Speaker, on June 19, 2008, I was unavoidably delayed and missed the vote on House amendment No. 1 to H.R. 2642, the Supplemental Appropriations Act. Had I been present, I would have voted "yea" on rollcall 431.

CONGRATULATING DONNA SHALALA—RECIPIENT OF THE PRESIDENTIAL MEDAL OF FREEDOM

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, it is with great pride that I rise today in honor of a great public servant, Dr. Donna Shalala. On June 19, 2008, Dr. Shalala received the Presidential Medal of Honor, the Nation's highest award given to civilians for exemplary accomplishments that have benefitted the American public.

Dr. Shalala currently serves as the president of the University of Miami, where she works tirelessly making UM a leading, world-class institution. South Florida and the Nation truly benefit from the cutting-edge research now being conducted at the University of Miami.

Prior to taking that position, she served as Secretary of the Department of Health and Human Services, where she was considered one of the most successful Government administrators of modern times. She managed programs, including Social Security, Medicare, the National Institute of Health, and the Food and Drug Administration.

In 2007, President George W. Bush appointed her along with Senator Bob Dole as a co-chair of the Commission on Care for the Returning Wounded Warriors. They evaluated and made recommendations on how wounded service members can transition from active duty to civilian society while receiving the healthcare they deserve.

In addition to her various roles in education and Government, Dr. Shalala was also one of the first Peace Corps volunteers, where she served in Iran from 1962 to 1964.

Her résumé of accolades and accomplishments is commendable. I wish her continued success and thank her for her many contributions to our great Nation. It is a great honor to call her my friend.

IN RECOGNITION OF DR. ANGELA MARTIN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to recognize to the work of Dr. Angela Martin.

On August 9, the Martin Foundation will help open the doors to a new medical facility in Anniston, Alabama. The center will provide much-needed acute and chronic medical services for children of all ages and backgrounds, as well as new treatment opportunities for more citizens of Calhoun County.

I am pleased to recognize Dr. Martin today for achieving this noteworthy accomplishment, and for helping bring this important new healthcare facility to our community.

IN HONOR OF DAVE MORA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. FARR. Madam Speaker, I rise today to pay tribute to Dave Mora, who is retiring after 35 years of exemplary public service to his community and his country. Dave's public life began with the Boy Scouts and culminates with 17 years as city manager of Salinas, California. Dave began his career in California local government in 1973 with the city of Santa Barbara as Director of Community Relations. He also served as the city manager of the city of Oxnard and Town Manager of Los Gatos, but Mora said the years in Salinas were some of the best in his life. This is where he and his wife Judy raised their two daughters, Gabi and Teresa.

In 1990, Dave Mora came to Salinas to serve as the city manager. Salinas is the largest city in my congressional district and the seat of Monterey County government, so I have had the pleasure of working closely with Dave Mora since I was elected to Congress in 1993. During his tenure as city manager, Dave has faced continuing challenges resulting from State budget crises, yet he was able to restore Salinas' budget from red ink to black ink by making tough decisions while ensuring that the most critical public safety and social services remained in place. Dave's financial acumen enabled city leadership to assure city residents that their shared sacrifice, however painful in the short-run, would result in a financially stronger Salinas.

Dave's city manager skills have been honed by his participation in the International City/County Management Association (ICMA) where he served as president and was involved in a number of international initiatives, including work in Mexico, Brazil, Argentina, and Chile. He currently serves on the ICMA Retirement Corporation Board of Directors. Mora is also a member of the National Academy of Public Administration and has worked on such issues as citizen engagement, social equity, environmental management, and economic development.

Mora's interest in these issues and his career in public service may have been shaped by his experience in the Peace Corps whose motto is, "The toughest job you'll ever love." Dave served in the Philippines from 1967 to 1970, after he graduated from California State University Los Angeles. Following his Peace Corps service, Dave earned a master's degree in public and international affairs at University of Pittsburgh.

Madam Speaker, I know my colleagues in the House of Representatives join me in wishing Dave Mora happiness in his well-earned retirement from "the toughest jobs he ever loved." His commitment to public service is a life well lived.

RECOGNIZING THE SERVICE OF COLONEL RAYMOND G. MIDKIFF

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. YARMUTH. Madam Speaker, I rise today to recognize the outstanding service of COL Raymond G. Midkiff, who has served as commander of the Louisville District, Corps of Engineers since July 2005. Colonel Midkiff will retire from active duty with the U.S. Army on September 1 of this year, with over 26 years of dedicated service to our Nation.

Born in Dayton, Ohio, and raised in Texas, Colonel Midkiff was commissioned in the Corps of Engineers upon graduation from Texas A&M University where he earned a degree in agricultural engineering. Colonel Midkiff completed his graduate studies at Murray State University receiving a masters of science degree in environmental management. During his military career, Colonel Midkiff's leadership, vision, and dedication to duty have contributed significantly to the national defense, economic prosperity, and quality of life for our citizens.

As commander of the Corps of Engineers' Louisville District, Colonel Midkiff oversaw Army, Air Force, and DOD military construction projects valued in excess of $1.2 billion annually. Major military installations supported include, Fort Campbell and Fort Knox in Kentucky, Scott Air Force Base near St. Louis, Wright-Patterson Air Force Base in Dayton as well as Army and Air Force Reserve facilities nationwide. Additionally, Colonel Midkiff has been responsible for comprehensive water resources and project operations in 76,000 square miles of the Ohio River watershed, providing flood damage reduction, ecosystem restoration, and commercial navigation.

Colonel Midkiff extended his leadership well beyond the assigned missions of the Corps of Engineers by personally participating in regional events and promoting a strong partnership between Army and civilian engineers. As current president of the Society of American Military Engineers Kentuckiana Post, Colonel Midkiff hosted the 2007 Louisville District Open House, attended by over 400 people, and the 2007 Kentuckiana Post Small Business Workshop attended by over 200 small businesses. Upon his arrival in the Louisville District Colonel Midkiff initiated the district's annual small business workshop which was instrumental in awarding $344 million under the Small Business Program in FY07.

Prior assignments also reflect Colonel Midkiff's commitment to military readiness and willingness to share his considerable talents for the good of others. Colonel Midkiff has served in a variety of troop and facility assignments that had a tremendous impact on the support of the Army during peace and war. He began his military career overseas as an engineer platoon leader in an atomic demolitions munitions company. He also served as an assistant operations officer during his tour in Germany. He served as an engineer battalion logistics officer, company commander, and facility engineer with the 326th Engineer Battalion. During his time with the 326th Engineer Battalion he deployed with the battalion to Saudi Arabia and was instrumental in preparing base camps necessary to support the heavy inflow of soldiers and equipment into the region prior to the commencement of Desert Storm. He was a project officer and the deputy commander for the Ft. Worth District, U.S. Army Corps of Engineers. He was assigned to the 1st Infantry Division, Fort Riley, Kansas, where he was the engineer group logistics officer, 1st Engineer Battalion operations officer, and executive officer. He also served as secretary to the general staff for the 1st Infantry Division commander as well as the installation's director of public works. Colonel Midkiff commanded the Albuquerque District, where he was instrumental in working with State and local sponsors in the management of critical water resources and endangered habitat along the Rio Grande River from Colorado through New Mexico and into Texas. He also provided outstanding support to our Air Force customers with design and construction services at the three Air Force bases located in New Mexico. He again served our Nation overseas as the chief of plans and operations for engineer activities in support of 8th Army in Korea.

His leadership has truly been visionary. His accomplishments will have lasting impacts on our Nation's water resources and construction support for military customers for years to come.

A good neighbor and valued steward of our defense assets and natural resources, I am proud to honor Colonel Midkiff for his spirit of service, patriotism, and dedication to our Nation. On the occasion of his retirement, I know my colleagues will want to join me in extending wishes of continued success and happiness to Colonel Midkiff, his wife Tammy, and their daughter Rae.

THE ENERGY MARKETS ANTI-MANIPULATION AND INTEGRITY RESTORATION ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. VAN HOLLEN. Madam Speaker, it is with a sense of urgency and purpose that I am introducing the Energy Markets Anti-Manipulation and Integrity Restoration Act today.

With high fuel prices squeezing our constituents and burdening our economy, we in Congress have a responsibility to act. While individual Members of Congress clearly disagree over whether we will ever really be able to drill our way out of this challenge—or whether next generation alternatives and improved energy efficiency offer the most promising way forward, there is one principle on which we should all agree: Our energy markets should serve the legitimate needs of energy consumers and producers—not enrich a narrow group of "hot money" speculators at the public's expense. With hedge fund and institutional interest in commodities exploding nearly twenty-fold over the past 5 years, and the price of oil recently spiking over $11 in a single day, it is clear that today's energy prices reflect something more than the fundamental laws of supply and demand.

The Energy Markets Anti-Manipulation and Integrity Restoration Act would once and for all close the so-called Enron loophole by adding energy to the list of commodities that cannot be traded on deregulated, exempt commercial markets. Additionally, this focused legislation would close the Foreign Board of Trade (FBOT) loophole currently enabling unregulated energy futures trading on American soil by forbidding an exchange from being deemed an unregulated foreign entity if its trading affiliate or trading infrastructure is in the U.S., and it trades a U.S.-delivered energy contract that significantly affects price discovery in the markets. If enacted into law, these two common-sense steps would go a long way towards eliminating market manipulation and excessive speculation currently distorting today's energy marketplace.

I am especially pleased to be offering this timely legislation today with my colleagues Representatives ROSA DELAURO, BETTY SUTTON, ROBERT WEXLER, ADAM SCHIFF, XAVIER BECERRA, PETER WELCH, BRIAN HIGGINS, BILL DELAHUNT and RAUL GRIJALVA—and I look forward to working with them and the rest of the House to address this important issue on behalf our constituents in very short order.

TRIBUTE TO REGINA CORRELL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. ROGERS of Kentucky. Madam Speaker, it is with great sadness that I rise to inform the House of the passing of Regina Correll, a truly great lady, in my hometown of Somerset.

Regina and her husband of 56 years, Ward Correll, started their marriage with meager belongings, but through hard work during their life together, were able to become the largest philanthropic givers to the good and the needy in their home county's history.

Caring for others has been the hallmark of the Corrells. Regina's greatest love though, was for her seven children, 13 grandchildren and two great-grandchildren, and she saw them continue the culture of helping others.

Her and Ward's other great love was for their church, the First Baptist Church of Somerset. They rarely missed attending Sunday services in their 50-plus years of membership. It is astonishing to note that during the last year of her life, in spite of a seriously disabling illness, she missed only two Sunday school classes of the group she taught. The church has been a major receiver of their sacrifice. The Corrells subscribe to what Mark Twain once wrote: "To get the full value of joy, you must have people to divide it with."

No one will ever know just how many underprivileged people, young and old, have seen that joy with the Corrells and been helped over a rough patch, and mostly without publicity. And in addition to their church, there are the good institutions that promote hard work and caring for others they have helped in major ways—such as the Somerset Christian School and Victory Christian School, to which they gave millions of dollars. The Clear Creek Baptist Institute, a ministers school, the University of the Cumberlands, Somerset Community College, Bluegrass Council of Boy Scouts, Little League Baseball, and others too numerous to mention. They agreed with actor Leonard Nimoy who said: "the miracle is this—the more we share, the more we have."

Regina's loving and devoted husband, Ward, continues the extremely successful business empire they built together. His heart is heavy with her loss but his spirit remains light and optimistic. His work is not over.

Madam Speaker, I have known the Corrells for all my adult life. I have witnessed innumerable acts of kindness and generosity by these humble, caring and loving people. Never, though, have I heard them complain about their difficult course, the hard work, the huge risks taken or their deep personal, family losses. Always forward looking, always faithful, always cheerful.

Regina Correll was a graceful, quiet, deeply faithful woman. She was a devoted wife, and mother; a God-fearing, God-loving Christian, who, no doubt, now basks in the glory of her Savior.

If ever anyone could be compared to the Bible's Timothy as he described his life at its conclusion, it is Regina Correll. He said: "I have fought the good fight. I have completed the race. I have kept the faith." 2 Timothy 4:7

And Regina Correll did.

PAYING TRIBUTE TO JAMES BARRETT, PRESIDENT AND CEO OF THE MICHIGAN CHAMBER OF COMMERCE

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor the accomplishments of James Barrett, who is retiring after more than thirty years of service as the President and CEO of the Michigan Chamber of Commerce, an organization which has had an influential role in many important social, economic and political issues in the state of Michigan.

Jim Barrett is well known and highly regarded in Michigan where he has been a leader in advancing Michigan business in a distinguished career that spanned four decades.

In addition to his work with the Michigan Chamber of Commerce, Jim is also the President of Michigan Chamber Services, Inc. During his time there, Jim has worked diligently for the benefit of the Michigan business community by providing educational seminars, publications and many other services to help businesses grow and thrive.

Jim also has done extensive work for Michigan's youth as President of the Michigan

Chamber Foundation, which is involved in improving the level of education our children receive as well as the leadership training so important to their future.

Jim's hard work and dedication was recognized many times over by his colleagues. Most notably in, 2002 he became an initial inductee into the Michigan Society of Association Executives Hall of Fame. Additionally, in 2003 the Michigan Political History Society selected Jim as the top Association Leader in Michigan over the last 50 years.

Madam Speaker, I ask my colleagues to join me in honoring James Barrett for being a model for all citizens, and for his dedication and commitment as a leader in his state. He is truly deserving of our respect and admiration.

TRIBUTE TO COLONEL BRIAN W. LAURITZEN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to recognize COL Brian W. Lauritzen, the Installation Commander at Fort Belvoir, Virginia. As a Member of Congress who represents Fort Belvoir, I know firsthand that Colonel Lauritzen has served with great competence, tireless determination and constant communication with the community during a time of great transition for his installation.

Colonel Lauritzen took command of Fort Belvoir, one of our Nation's largest and most diverse military installations, in July 2005 with major challenges awaiting him and even more on the horizon. Fort Belvoir was already engaged in master planning for redevelopment to expand the number of Department of Defense tenants and stretch the functions of the already busy installation. Then, just a few months into his tenure, the 2005 Base Realignment and Closure (BRAC) Commission's final recommendations doubled the size of Fort Belvoir's incoming workforce by 2011.

The BRAC changes at Fort Belvoir, among the most substantial of BRAC 2005's mandates, will transform the installation into. the major support center for the Nation's most senior military leadership. Ensuring a successful transition has brought with it the great challenges of working with both the Department of Defense and the local community. These challenges include timely and transparent planning, assessing the environmental and societal impacts of absorbing more than 19,000 new employees, managing the transportation infrastructure in an area already burdened by traffic, and ensuring that all of Fort Belvoir's defense tenants can still perform their vital national security missions.

Colonel Lauritzen has ably met these daunting challenges with the superb attitude that, in order to be successful, Fort Belvoir must continue to be receptive and responsive to the concerns of all of the surrounding communities. His early promise to the community that there would be "no daylight between us" has held true. Colonel Lauritzen established the BRAC Board of Advisors, a first-in-the-nation group bringing together members of the Army, incoming agencies, and the region's elected officials and local civic activists to identify development issues and keep open the lines of communication.

I have always found Colonel Lauritzen to be the consummate consensus builder. He personally has made more than 150 appearances and presentations before community groups to keep them apprised of the BRAC expansion, Fort Belvoir's other missions, and their impact on the community. Similarly, he built strong communication coalitions with and between the major commands headquartered at Fort Belvoir in support of their people and their global missions through the Installation Senior Leadership Council.

More than just communication, Colonel Lauritzen continues to facilitate progress, even when progress is difficult. He worked directly with Fairfax and Prince William Counties, the Virginia Department of Transportation, and the Army Corps of Engineers to address some of the many transportation challenges facing the region. Especially noteworthy is his personal involvement to secure an agreement to complete the extension of the Fairfax County Parkway, a vital connection across the Fort's Engineer Proving Ground, something that had festered unresolved for more than 10 years.

Inside the perimeter of his base, Colonel Lauritzen has steadfastly insisted that our Nation's Soldiers and their families deserve the highest quality of life. Fort Belvoir has one of the Army's most successful Residential Community Initiative programs that has revitalized the approach to military housing and neighborhood centers, creating first-class communities for those who serve our Nation in uniform.

On a more personal note, Colonel Lauritzen and his staff have eagerly addressed questions or constituent concerns that my office has brought to their attention. Regardless of how complicated or involved these requests may have been, I have always found his door to be open to discuss the issues and, more often than not, find compromise to difficult situations.

Madam Speaker, at Fort Belvoir's Change of Command Ceremony on Tuesday, July 2, Colonel Lauritzen—West Point graduate, Soldier, and extraordinary officer—will retire from the Army and enter a new chapter in his life. I have truly enjoyed working with him, and wish him all the best as he pursues new endeavors. He has truly served Fort Belvoir, Virginia, and our Nation with the highest standards of leadership expected from the very best of our military commanders.

RECOGNIZING THE HONORABLE ANDREW L. JEFFERSON, JR.

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. AL GREEN of Texas. Madam Speaker, it is my privilege to recognize a distinguished academic, activist, and advocate, my friend, the Honorable Andrew L. Jefferson, Jr. The passage of H. Res. 31, which recognizes the Honorable Andrew L. Jefferson on the occasion of the establishment of The Andrew L. Jefferson Endowment for Trial Advocacy at Texas Southern University's Thurgood Marshall School of Law, is a fitting tribute to a man whose life exemplifies excellence and integrity.

The Honorable Andrew L. Jefferson, a native of Dallas, Texas, graduated from the University of Texas School of Law in 1959 after earning his Bachelor's degree from Texas Southern University, was president of Alpha Phi Alpha fraternity, and became a partner with the law firm of Washington and Jefferson in Houston, Texas.

He served as an assistant criminal district attorney for Bexar Country, a chief assistant United States Attorney for the Western District of Texas, and a trial counsel and labor relations counsel for Humble Oil and Refining Company. In 1970, Judge Jefferson was appointed to preside over the Court of Domestic Relations number 2 for Harris County. In 1974, he was elected to Judge of the 208th District Court.

In 1975, he decided to re-enter the active practice of law and was admitted to the United States Court of Appeals for Fifth, Sixth and Eleventh Circuits, and the Supreme Court of the United States of America. A long time active committee member of the State bar, Judge Andrew L. Jefferson is a fellow of the Texas Bar Foundation, a member of American Bar Foundation, the Texas Trial Lawyer's Association, Texas Constitutional Revision Commission.

A former chairman of the board of the Houston Branch of the Federal Reserve Bank and of the Texas Southern University Foundation, he is a life member of the Houston Area Urban League and the National Association for the Advancement of Colored People. A learned legal scholar and committed public servant, Andrew L. Jefferson has devoted a life-time working to strengthen and uphold the laws of this great country.

I commend my colleague Congresswoman SHEILA JACKSON-LEE for introducing this resolution which honors an outstanding Texan and American.

MEMORIAL TRIBUTE FOR MAJOR MEGAN McCLUNG, USMC

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Ms. GRANGER. Madam Speaker, I rise today to honor Marine MAJ Megan McClung who was killed in Ramadi, Iraq on December 6, 2006.

Major Megan Malia McClung graduated from the United States Naval Academy and was commissioned a second lieutenant in May 1995. She later completed her masters in Criminal Justice through Boston University. Throughout her career, she was stationed at various posts. While at Camp Pendleton, she served as the Public Affairs and Media Officer. She later served at Marine Corps Recruit Depot Parris Island as the Academics and Scheduling Officer, Marine Corps Air Station

Cherry Point as the Public Affairs Officer, and finally at Camp Lejeune, where she served as the East Coast Regional Representative for the Marine For Life program.

Always dedicated to the mission in Iraq, Major McClung took a civilian position in public relations in Baghdad, Iraq in 2004. While there, she handled public relations preparation for Congressional hearings and escorted media throughout the theater. In 2006, she deployed with I Marine Expeditionary Force for one year in Al Anbar Province. While there, she worked as the Public Affairs Plans Officer at Camp Fallujah and later volunteered for duty with the Army's 1st Brigade, 1st Armored Division, operating in Ramadi.

Major McClung, the first female Marine officer killed in the war, was a polished professional who received numerous accolades for her ability to communicate complex thoughts and issues to various and diverse audiences across the globe. She volunteered to serve and sought to be where she could make a difference. Of her service in Iraq, she told her friends, "Before we leave here we will make Al Anbar a safer place." She accomplished her mission.

In her passing, Major McClung has done what she did in life—bring people together to create a better understanding.

I wish to extend my condolences to Major Megan McClung's family and hope that they continue to find solace in Major McClung's lasting impact on both her country and her Corps.

HONORING THE WEST GENESEE GIRLS LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to congratulate the West Genesee High School Girls Lacrosse Team on their Class A New York State Championship victory. West Genesee defeated Farmingdale by a score of 13–12.

The Wildcats played an impressive game returning from a 10–12 deficit to take home another state title. This talented team has claimed victory in their last 48 straight games and was the only lacrosse team in all of New York State to post a perfect undefeated season.

On behalf of the people of New York's 25th Congressional District, I congratulate these young ladies on their outstanding athletic achievement and praise Athletic Director Anthony Pascale, Head Coach Bob Elmer and Assistant Coach Dan Hallinan on their team's success. I look forward to another exciting season of lacrosse and congratulate the Lady Wildcats: Davey Gallagher, Laura Lucchesi, Jeri Burke, Kellyn Savage, Lauren Corso, Kiersten Tupper, Maddie Farchione, Lindsay Vona, Amanda Cizenski, Bre Hudgins, Nicole Perkins, Amanda Corso, Maria DiFato, Emily Rozwood, Steph Dattellas, Ariel Kramer, Carley Motondo, Lauren Welch, Lauren Bianchi, Morgan Corso, Sarah Brown, Karlyn Tupper, Carly Graham, Nikki Greco, Jenny Perkins, and Kelly Fucillo.

HONORING HABORVIEW MEDICAL CENTER

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Mr. REICHERT. Madam Speaker, I am proud to recognize Harborview Medical Center, a premiere hospital in the Pacific Northwest, for receiving the 2007 Foster G. McGaw Prize for Excellence in Community Service from the American Hospital Association (AHA). Every year, the AHA presents this prestigious award to a U.S. health care organization that displays a strong commitment to the health and well-being of its community.

Harborview was chosen as the recipient of this year's award because of its outstanding record of providing services to the surrounding community. The medical center has made great strides in handling major public health concerns including mental illness, homelessness, cultural and linguistic barriers to health care, childhood safety, and chronic illness. Harborview is our region's Level I trauma center, and continues to provide exceptional emergency care for people across the Northwest.

Harborview is a deserving recipient of recognition for its outstanding commitment to public health and quality care. I offer my sincere congratulations to Harborview Medical Center for receiving this honor and their continued dedication to Washington State.

HONORING ELIZABETH A. ZEPF

HON. MARCY KAPTUR

OF OHIO–

IN THE HOUSE OF REPRESENTATIVES

Friday, June 20, 2008

Ms. KAPTUR. Madam Speaker, Elizabeth A. Zepf, a Toledo treasure to her family, friends and community, departed this life on Friday June 6, 2008. Elizabeth was born July 6, 1903, in Cincinnati, Ohio, to Matthew and Elizabeth McCarty. Elizabeth, a consummate and indefatigable social activist throughout her life, was engaged in community and religious affairs. Her broad range of interests spanned the horizon—higher education, leadership development, the advancement of women, the advancement of religious efforts, music, and health care. In fact, she championed the cause of mental health. With her husband, Arthur, she led the effort to create the Zepf Community Mental Health Center in Toledo to more effectively serve this population. She positively influenced the lives of all who met her. A committed Roman Catholic, she was devoted to her husband, Art, and her family but made the time to advance the broader human family through her many church-related organizations, locally and nationally. She held the office of president in the Blessed Sacrament Altar Society, the Toledo Diocesan Council Catholic Women, and then was elected nationally to serve as its president of the National Council Catholic Women 1960–1962. Her community involvement included: Serving 13 years on the board of trustees for the University of Toledo with 7 of those as Vice-Chairman of the Board. She remained a member of St. Vincent Medical Center Advisory Board for 11 years, established the Women's Cancer Education Council and was a past president of the board of trustees of Toledo Mental Hygiene Clinic. Elizabeth was one of the founding members of the Toledo Opera Guild and chairman of the Sapphire Ball in 1965.

President John F. Kennedy recognized her gifts when he named her to the board of directors of the American Freedom from Hunger Foundation, serving as its vice president. More so, she served as vice chairman of the board of the Lucas County Mental Health from 1963 and is now an Honorary Life member. She has served on the board of the March of Dimes.

For her dedication improving the quality of life of her community, in 1960 she received the Distinguished Citizenship Award from the Toledo Blade "for outstanding service to her community". Additionally, a clinic, in San Salvador, for homeless mothers and children, was named the Elizabeth Zepf Madonna Shelter. In 1974, the Elizabeth Zepf Community Mental Health Center was opened by the Lucas County Mental Health Board. In September 1988, the Satellites of the Medical College of Ohio honored her as one of the "Treasures of Toledo." She was an honorary member for 5 years of Family Child Abuse Prevention Center. She was a life long member of Our Lady of Perpetual Help Church as well as the Maumee River Yacht Club and the Toledo Club. She is the widow of Arthur L. Zepf and is survived by her son, Arthur Zepf Jr. and grandsons, Kurt, Reilly and Arthur. Our entire community celebrates her life, her ever present smile and all her good deeds that flowed from her productive and generous spirit.